



GOVERNMENT OF BOMBAY





Government of Bombay
Legal Department

The Bombay Code

Volume I

Containing

The Bombay Regulations in force in Bombay from 1827 to 1831; the Local Acts of the Governor General in Council in force in Bombay from 1835 to 1894; the Unrepealed Acts of the Governor of Bombay in Council in force in Bombay from 1862 to 1920; and a Chronological Table of Acts with an Index

SIXTH EDITION

[Price—Rs. 25 for the set of two volumes]

BOMBAY
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PREFACE

The present sixth edition of the Bombay Code is based on the last edition issued in the year 1938, with the addition of enactments made thereafter till the 1st July 1949. It contains, with some exceptions, the unrepealed Bombay Regulations, the local Acts of the Governor General in Council in force in the Province*

2 □ character —

Act X of 1915 (Sir Jamsetjee Jeejeebhoy Baronetcy).

Bom Act XXVII of 1939 (Sir Chinubhai Madhavlal
Act XXV of 1917 (Sir Currimbhoy Ebrahim Baronetcy
Amendment).

Act XVIII of 1848 (Nawab of Surat).

Act VI of 1893 (Sir Dinshaw 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)

Bom. Act VIII of 1924 (Sir Chinubhai Madhavlal Δ |

2 † narrow limits and which were excluded from the last edition of the Code;

(b) the following Acts, which are of a purely personal □ |

2 * of Bombay, the Acts passed by the Governor of Bombay in Council, the Bombay Legislative Council and the Bombay Legislature and the Regulations made by the Governor of Bombay under sub-○ |

2 Δ Ranchhodlal Baronetcy).

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

2 ○ section (2) of section 92 of the Government of India Act, 1935

2 The exceptions referred to above are:—

(a) certain enactments which are now only in force within † |
~~Ranchhodlal Baronetcy Amendment).~~

2 ∞ Bom Act X of 1943 (Arnold Marriage Validating).

3. This edition of the Code consists of two volumes and, like the earlier editions, 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, Part II, which consists of unrepealed local Acts of the Governor General in Council now in force in the Province of Bombay; and Part III, which consists of the Acts passed by the

Governor of Bombay in Council. Volume II contains Part IV, which consists of the Acts passed by the Bombay Legislative Council; and Part V, which consists of the Acts passed by the Bombay Legislature. The Regulations made by the Governor of Bombay under sub-section (2) of section 92 of the Government of India-Act, 1935, have been printed immediately after the Acts passed by the Bombay Legislature in that year.

4. All Acts are printed as modified up to the 1st July 1949. All Acts purely of an amending nature modifying the main Bombay Acts have been omitted except those which have modified the Central Acts. All changes necessitated by the India (Adaptation of Existing Indian Laws) Order, 1947, and the Indian Independence (Adaptation of Central Acts and Ordinances) Order, 1948, have been carried out.

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 numbers and years of all amending and repealing Acts and also the dates of publication in the Bombay Government Gazette of the assent to such Acts. A chronological table of the enactments contained in each volume is given in the beginning of the volume and an alphabetical index of the enactments is appended at the end. In addition, a general index of the subjects in the titles of the enactments has been appended at the end of the second volume.

6. A new feature of this edition is that it is issued in the style of the loose leaf binder. The reason for this innovation is that in practice it has been found difficult to maintain a corrected up-to-date copy of the Code for ready reference. The paging in both the volumes and of the volumes which will follow is continuous, and hereafter whenever any changes are made by reason of any repealing or amending enactment, it is proposed to issue replacement pages embodying such changes which should be inserted at the appropriate place. A separate loose leaf binder will also be issued for the third volume along with the first new enactment to be included in that volume. Subsequent new enactments should thereafter be included in that volume.

P. M. LAD, J.C.S.,
Secretary to the Government of Bombay,
Legal Department.

Bombay,
15th August 1949.

CHRONOLOGICAL TABLE.

PART I — BOMBAY REGULATIONS IN FORCE IN BOMBAY.

(1827-1831).

Year	No.	Short title or subject	How repealed or otherwise affected by legislation	Date of publication of the Act in the Official Gazette.	Page.
1	2	3	4	5	6
1827	II	Caste- questions, Pleaders	Rep in part by Act 1 of 1846 Rep in part by Act 10 of 1861 Rep in part by Act 10 of 1873 Rep in part by Act 12 of 1873 Rep in part by Act 12 of 1876 Rep in part by Act 18 of 1879 (as amended by Act 1 of 1903) Rep in part by Bom Act 6 of 1866, (locally), by Act 14 of 1869, and amended by Act 16 of 1895 Rep excepting part of section 21 by Bom Act 17 of 1920 Adapted and modified by the Adaptation of Indian Laws Order in Council	7th January 1846 29th April 1861 8th April 1873 7th August 1873 11th April 1876 29th October 1879 31st May 1866 19th March 1869 10th October 1895 13th December 1920	1
"	IV	Civil Courts (Law to be observed)	Rep in part by Act 10 of 1861 Rep in part by Act 17 of 1862 Rep in part by Act 6 of 1874 Rep in part (locally) by 14 of 1869 Rep in part (locally) by Bom Act 5 of 1879. Adapted and modified by the Adaptation of Indian Laws Order in Council.	29th April 1861 1st May 1862 24th March 1874 19th March 1869 17th July 1879	6
422	V	Acknowledgment of debts, Interest, Mortgages	Rep in part by Act 28 of 1855 Rep in part by Act 9 of 1871 Rep in part by Act 12 of 1873 Rep in part by Act 12 of 1876 Rep in part by Act 4 of 1894 Rep in part (locally) by Act 17 of 1879, s 12. Rep in part (locally) by Act 4 of 1882	19th September 1855 24th March 1871 7th August 1873 11th April 1876 23rd February 1894 29th October 1879 17th February 1882	7

Chronological Tables

Year	No	Short title or subject	How repealed or otherwise affected by legislation	Date of publication of the Act in the Official Gazette	Page.
1	2	3	4	5	6
1827	VIII	Administration of Estates	Rep in part by Act 12 of 1873 Application of section 10 restricted (locally) by Bom. 4 of 1890, section 58 (3). Adapted and modified by the Adaptation of Indian Laws Order in Council	7th August 1873 4th September 1890	9
	XII	Police (Duties and Powers of Magistrates)	Rep in part by Act 3 of 1857 Rep in part by Act 17 of 1862 Rep in part by Act 10 of 1872 Rep in part by Act 10 of 1873. Rep in part by Act 12 of 1873. Rep in part by Act 12 of 1876. Rep in part by Act 4 of 1894. Rep in part by Bom. 6 of 1866. Rep in part by Bom 7 of 1867. Rep in part by Bom 8 of 1867. Rep in part Bom 2 of 1870 Rep in part (locally) by Bom 4 of 1890 Rep in part and amended by Bom 3 of 1886 Supplemented by Act 2 of 1889. Rep in part by Bom 15 of 1932.	31st January 1857 1st May 1862 25th April 1872 8th April 1873 7th August 1873 11th April 1876 23rd February 1894 31st May 1866 28th December 1867 21st December 1867 5th December 1870 4th September 1890 25th September 1886 15th February 1889. 1st December 1932	14
	XIII	Criminal Courts (Substitution of letter for summons)	Rep in part by Act 17 of 1862 Rep in part by Act 10 of 1872 Rep in part by Act 24 of 1872 Rep in part by Act 10 of 1873. Rep in part by Act 12 of 1873 Rep in part by Act 12 of 1876. Rep in part by Act 4 of 1894 Rep in part by Bom 4 of 1865. Rep in part by Bom. 6 of 1866	1st May 1862 25th April 1872 25th September 1872 8th April 1873 7th August 1873 11th April 1876 23rd February 1894. 7th September 1865 31st May 1866	17

Chronological Table

Year.	No.	Short title or subject.	How repealed or otherwise affected by legislation.	Date of publication of the Act in the Official Gazette.	Page.
1	2	3	4	5	6
1827	XXII	Military Authority (Assistance to Marching Troops)	Rep. (except sections 40 to 43) by Act 13 of 1889. Rep in part by Act 12 of 1873. Amended by Bom 3 of 1886 Adapted and modified by the Adaptation of Indian Laws Order in Council	11th October 1889 .. 7th August 1873 . 25th September 1886	18
	XXV	State Prisoners	Rep in part by Act 3 of 1858 Rep in part by Act 12 of 1873. Rep in part by Act 12 of 1876. Amended by Bom. 3 of 1886. Supplemented by Act 34 of 1850. Supplemented by Act 3 of 1858 Adapted and modified by the Adaptation of Indian Laws Order in Council.	23rd January 1858 7th August 1873 .. 11th April 1876 .. 25th September 1886 23rd August 1850 . 23rd January 1858 ..	20
	XXIX	Dekkhan and Khandesh (Puna, Ahmednagar and Khandesh Districts)	Rep in part by Bom Reg 4 of 1828 Rep in part by Act 6 of 1842. Rep in part by Act 11 of 1846. Rep in part by Act 4 of 1868. Rep in part by Act 14 of 1869 Rep in part by Act 10 of 1876. Rep in part by Act 12 of 1876. Rep in part by Act 4 of 1894 Supplemented by Bom Reg I of 1831 as amended by Bom. Reg 16 of 1831, s (2) Supplemented by Bom 19 of 1835. Adapted and modified by the Adaptation of Indian Laws Order in Council.	21st May 1828 .. 5th August 1842 . 12th December 1846 28th January 1869 . 19th March 1869 . 28th March 1876 . 11th April 1876 . 23rd February 1894 5th January 1831 and 14th September 1831 9th November 1835	24

Chronological Table

Year.	No.	Short title or subject.	How repealed or otherwise affected by legislation	Date of publication of the Act in the Official Gazette	Page
1	2	3	4	5	6
1830	VII	Southern Maratha Country (Dharwar District).	Rep. in part by Act 6 of 1842 Rep. in part by Act 12 of 1873. Rep. in part by Act 10 of 1876, Rep. in part by Act 12 of 1876. Amended by Act 16 of 1895 Supplemented by Bom. Reg. 16 of 1831 Adapted and modified by the Adaptation of Indian Laws Order in Council.	5th August 1842 7th August 1873 28th March 1876 11th April 1876 10th October 1895 14th September 1831	31
..	XIII	Jurisdiction of Jagirdars, etc.	Rep. in part by Act 12 of 1873. Rep. in part by Act 12 of 1876 Amended by Act 4 of 1894. Adapted and modified by the Adaptation of Indian Laws Order in Council	7th August 1873 11th April 1876 23rd February 1834	39
X 1831	I	Land-suits	Rep. in part by Act 12 of 1873. Amended by Bom. Reg. 16 of 1831. Amended by Act 13 of 1842. Adapted and modified by the Adaptation of Indian Laws Order in Council.	7th August 1873 14th September 1831 28th October 1842	42
X	XVI	Land-suits	Rep. in part by Act 12 of 1873. Adapted and modified by the Adaptation of Indian Laws Order in Council	7th August 1873	43

Chronological Table

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PART II.—LOCAL ACTS OF THE GOVERNOR GENERAL IN COUNCIL
IN FORCE IN BOMBAY.
(1835—1894)

Year	No.	Short title or subject	How repealed or otherwise affected in Bombay	Date of publication of the Act in the Official Gazette.	Page
1	2	3	4	5	6
1835	XIX	The Dekkhan Assistant Agent's Appointment Act, 1835	Rep in part and amended by Act 12 of 1891 Adapted and modified by the Adaptation of Indian Laws Order in Council	21st March 1891 ..	45
1838	XVI	The Bombay Courts of Adalat Act, 1838	Rep in part by Act 14 of 1870 Rep in part by Act 16 of 1874. Rep in part by Act 10 of 1876 Rep in part by Bom 2 of 1866 Rep. in part by Bom 3 of 1876. Adapted and modified by the Indian Independence (Adaptation of Central Acts and Ordinances) Order, 1948	5th April 1870 .. 16th December 1874 23th March 1876 26th February 1866 16th February 1877.	47
	XIX	The Bombay Coastin. Vessels Act, 1838.	Rep in part by Act 14 of 1870 Rep in part by Act 16 of 1874. Rep in part by Act 12 of 1876 Adapted and modified by the Adaptation of Indian Laws Order in Council Adapted and modified by the Indian Independence (Adaptation of Central Acts and Ordinances) Order, 1948.	5th April 1870 .. 16th December 1874. 11th April 1876.	51
X see reformed	1839	XX The Bombay Haqqa Prohibition Act, 1839.	Rep in part by Act 16 of 1874 Amended by Act 4 of 1894 Adapted and modified by the Adaptation of Indian Laws Order in Council.	16th December 1874 23rd February 1894.	57
✓	1840	XV The Bombay Regulation XIII of 1830 (Application) Act, 1840.	Rep in part by Act 16 of 1874 Adapted and modified by the Adaptation of Indian Laws Order in Council Adapted and modified by the Indian Independence (Adaptation of Central Acts and Ordinances) Order, 1948.	16th December 1874.	61

Chronological Table

Year.	No.	Short title or subject.	How repealed or otherwise affected in Bombay	Date of publication of the Act in the Official Gazette	Page.
1	2	3	4	5	6
1844	XIX	The Bombay Town-Duties Abolition Act, 1844.	....	....	63
1852	XI	The Bombay Rent-free Estates Act, 1852.	Rep in part by Act 16 of 1875 Rep in part by Act 10 of 1876 Rep in part by Act 4 of 1894 Adapted and modified by the Adaptation of Indian Laws Order in Council	5th August 1875 28th March 1876 23rd February 1894	65
1853	XI	The Shore-nuisances (Bombay and Kolaba) Act, 1853	Rep in part by Act 22 of 1855 Rep in part by Act 14 of 1870 Adapted and modified by the Adaptation of Indian Laws Order in Council	1st September 1855 5th April 1870	75
1857	IV	The Tobacco Duty (Town of Bombay) Act, 1857	Rep in part by Act 14 of 1870 Rep in part by Act 16 of 1874 Rep in part by Act 12 of 1876. Rep in part by Act 12 of 1891 Amended by Bom 1 of 1932 Amended by Bom 14 of 1933 Adapted and modified by the Adaptation of Indian Laws Order in Council. Amended by Bom 6 of 1938 Amended by Bom 17 of 1945	5th April 1870 16th December 1874 11th April 1876 21st March 1891. 30th March 1932 23th September 1933 24th March 1938 15th August 1945.	79
1866	XXIII	The Bombay High Court (Letters Patent) Act, 1866.	....	..	87
1869	XIV	The Bombay Civil Courts Act, 1869 .	Rep in part by Act 14 of 1870 Rep in part by Act 12 of 1876. Rep in part by Act 7 of 1889 Rep in part by Act 3 of 1890 Rep in part by Act 12 of 1891 Rep. in part by Bom 1 of 1910.	5th April 1870 11th April 1876. 8th March 1889 21st March 1890. 21st March 1891. 23rd February 1910.	89

Chronological Table

Year.	No.	Short title or subject	How repealed or otherwise affected in Bombay	Date of publication of the Act in the Official Gazette.	Page.
1	2	3	4	5	6
1869	XIV	The Bombay Civil Courts Act, 1869— (contd)	Amended by Act 10 of 1876 Amended by Act 9 of 1880 Amended by Act 15 of 1880 Amended by Act 28 of 1930 Amended by Bom. 3 of 1895 Amended by Bom 1 of 1900. Amended by Bom 5 of 1912 Amended by Bom 5 of 1914 Amended by Bom 6 of 1926 Amended by Bom 9 of 1927. Amended by Bom 7 of 1930. Adapted and modified by the Adaptation of Indian Laws Order in Council Amended by Bom. 11 of 1942. Amended by Bom. 20 of 1942 Amended by Bom 10 of 1945 Adapted and modified by the Indian Independence (Adaptation of Central Acts and Ordinances) Order, 1948 Amended by Bom 22 of 1949.	28th March 1876. 30th April 1880. 3rd November 1880. 25th July 1930 24th January 1896. 1st June 1900. 28th June 1912 15th September 1914 19th May 1926. 1st November 1927. 14th May 1930. 5th May 1942. 11th November 1942 28th April 1945. 12th May 1949.	
1871	IV	The Coroners Act 1871.	Rep in part by Act 9 of 1871. Rep in part by Act 10 of 1873 Rep in part by Act 12 of 1873. Rep in part by Act 16 of 1874 Rep in part by Act 12 of 1891. Rep in part and amended by Act 10 of 1881 Rep in part and amended by Act 4 of 1908 Amended by Act 5 of 1889.	24th March 1871 8th April 1873. 7th August 1873 16th December 1874. 21st March 1891. 25th February 1881. 14th February 1908. 1st March 1889.	105

Year.	No.	Short title or subject	How repealed or otherwise affected in Bombay	Date of publication of the Act in the Official Gazette	P.
1	2	3	4	5	
1871	IV	The Coroners Act, 1871—(contd)	Amended by Act 38 of 1920 Amended, by Bom 13 of 1930 Adapted and modified by the Adaptation of Indian Laws Order in Council Amended by Bom 6 of 1947. Amended by Bom 16 of 1948. Adapted and modified by the Indian Independence (Adaptation of Central Acts and Ordinances) Order, 1948	14th September 1920 3rd September 1930 23rd March 1947 24th March 1948	
1876	X	The Bombay Revenue Jurisdiction Act, 1876.	Rep in part by Act 4 of 1894 Rep in part by Act 16 of 1895 Rep in part and amended by Act 15 of 1880 Rep in part and amended by Act 12 of 1891 Amended by Act 16 of 1877 Amended by Bom Act 21 of 1929. Adapted and modified by the Adaptation of Indian Laws Order in Council Rep in part by Act 1 of 1938. Amended by Bom 17 of 1945 Adapted and modified by the Indian Independence (Adaptation of Central Acts and Ordinances) Order, 1948	23rd February 1894 10th October 1895 3rd November 1880 21st March 1891 19th August 1877 27th December 1929 28th January 1938 15th August 1945	
	XV	The Bombay Municipal Debentures Act, 1876	Rep. in part by Act 1 of 1879	29th March 1879	
	XX	The Bhaunagar Act, 1876.	Rep in part by Act 16 of 1895 Adapted and modified by the Indian Independence (Adaptation of Central Acts and Ordinances) Order, 1948	10th October 1895	
1877	XIV	The Broach and Kaira Incumbered Estates Act, 1877.	Rep in part by Act 4 of 1894 Rep in part and amended by Act 21 of 1881 Adapted and modified by the Adaptation of Indian Laws Order in Council.	23rd February 1894 7th September 1881	

Chronological Tables

Year	No	Short title or subject	How repealed or otherwise affected in Bombay.	Date of publication of the Act in the Official Gazette.	Page.
1	2	3	4	5	6
1879	XVI	The Transport of Salt Act, 1879.	Rep in part by Act 11 of 1901 Amended by Act 12 of 1891 Amended by Act 4 of 1914 Amended by Act 22 of 1925 Adapted and modified by the Adaptation of Indian Laws Order in Council. Adapted and modified by the Indian Independence (Adaptation of Central Acts and Ordinances) Order, 1948	25th October 1901 21st March 1891 15th September 1914 11th September 1925	141
1879	XVII	The Dekkhan Agriculturists' Relief Act, 1879	Rep in part by Act 12 of 1891 Rep in part by Act 16 of 1895 Rep in part and amended by Act 23 of 1881. Rep in part and amended by Act 22 of 1882 Rep in part and amended by Act 23 of 1886 Rep in part and amended by Act 6 of 1895 Rep in part and amended by Act 38 of 1920 Rep in part and amended by Bom 1 of 1912. Amended by Bom 1 of 1902 Amended by Bom 2 of 1907. Amended by Bom. 1 of 1910 Amended by Bom. 7 of 1927. Amended by Bom. 14 of 1932	21st March 1891 10th October 1895 26th October 1881. 22nd December 1882 22nd October 1886 15th February 1895 14th September 1920 29th January 1912 1st March 1902 27th August 1907. 23rd February 1910 29th September 1927 1st December 1932	145

Chronological Table.

Year	No.	Short title or subject	How repealed or otherwise affected in Bombay	Date of publication of the Act in the Official Gazette	Page.
1	2	3	4	5	6
1879	XVII	The Dekkhan Agriculturists' Relief Act, 1879—(contd)	Amended by Bom. 5 of 1935 Adapted and modified by the Adaption of Indian Laws Order in Council Adapted and modified by the Indian Independence (Adaptation of Central Acts and Ordinances) Order, 1948	16th April 1935	
1881	XXI	The Broach and Kaira Incumbered Estates Act, 1881.	Amended by Bom 2 of 1919. Rep in part by Act 38 of 1920 Declared not to be in force in the Panch Mahals by Act 7 of 1885 Adapted and modified by the Adaptation of Indian Laws Order in Council Rep in part by Act 1 of 1938 Adapted and modified by the Indian Independence (Adaptation of Central Acts and Ordinances) Order, 1948	14th May 1919 14th September 1920. 20th February 1885. 28th January 1938	173
1885	VII	The Panch Mahals Laws Act, 1885	Repealed in part by Act 12 of 1891 Amended by Bom 1 of 1910 Adapted and modified by the Adaptation of Indian Laws Order in Council.	21st March 1891 .. 23rd February 1910	185
1888	XII	The City of Bombay Municipal (Supplementary) Act, 1888	Adapted and modified by the Adaptation of Indian Laws Order in Council Rep in part. by Bom 76 of 1948.	31st December 1948	189
1891	VIII	Easements (Extending Act 5 of 1882)			193
1894	XV	The Engineers' Certificates Vahdamon Act, 1894.	Rep in part by Act 10 of 1914.	17th March 1914 ..	195

PART III—THE UNREPEALED ACTS OF THE GOVERNOR OF BOMBAY IN COUNCIL.
(1862 to 1920)

Year	No.	Short title or subject	How repealed or otherwise affected by legislation	Date of publication of the Act in the Official Gazette.	Page
1	2	3	4	5	6
1862	IV	The Markets and Fairs Act, 1862.	Rep in part by Act 12 of 1873. Rep in part by Act 12 of 1876 Rep in part and amended by Bom 3 of 1886. Adapted and modified by the Adaptation of Indian Laws Order in Council. Amended by Bom. 17 of 1945.	7th August 1873 .. 11th April 1876. 25th September 1886. 15th August 1945.	197
✓ 1862	VI	The Ahmedabad Taluqdars Act, 1862.	Rep in part by Act 12 of 1876 and by Bom. 3 of 1886. Adapted and modified by the Adaptation of Indian Laws Order in Council.	11th April 1876 25th September 1886.	201
✓ 1863	II	The Exemptions from Land-revenue (No 1) Act, 1863.	Rep in part by Act 10 of 1876. Rep in part by Act 12 of 1876 Rep. in part and amended by Act 16 of 1895 Rep in part and amended by Bom. 3 of 1886. Adapted and modified by the Adaptation of Indian Laws Order in Council.	23th March 1876 11th April 1876. 10th October 1895. 25th September 1886	209
✓ 1863	LII	The Satara, Sholapur and Southern Maratha Country Laws Act, 1863.	Rep. in part by Act 4 of 1868. Rep in part by Act 15 of 1874. Rep. in part by Act 10 of 1876. Rep in part by Act 16 of 1895. Rep in part by Bom. 3 of 1886.	14th February 1868.. 8th December 1874. 23th March 1876 10th October 1895. 25th September 1886	221
1863	V	The Gas Companies Act, 1863.	Rep in part by Bom. 3 of 1886. Amended by Act 16 of 1895. Adapted and modified by the Adaptation of Indian Laws Order in Council. Amended by Bom. 17 of 1945.	25th September 1886. 10th October 1895. 15th August 1945.	235

Year	No	Short title or subject	How repealed or otherwise affected by legislation	Date of the Office
1	2	3	4	
1863	VII	The Exemptions from Land revenue (No 2) Act, 1863	Rep in part by Act 12 of 1873 Rep in part by Act 10 of 1876 Rep in part by Act 12 of 1876 Rep in part (locally) by Bom 5 of 1879 Rep in part and amended by Bom 3 of 1886 Amended by Act 16 of 1895 Adapted and modified by the Adaptation of Indian Laws Order in Council	7th Au, 28th M 11th A) 17th J 25th S 10th O
1864	II	The Bombay Steam vessels Act, 1864	Rep (except section) by Act 6 of 1884	29th F
1865	I	The Khots Leases Act, 1865	Rep in part by Act 12 of 1873 Rep in part by Act 10 of 1876 Rep in part by Bom 4 of 1868 Amended by Bom 1 of 1875 Rep locally (except sections 37 and 38) by Bom 5 of 1879 Sections 37 and 38 rep (locally) by Bom 1 of 1880 Adapted and modified by the Adaptation of Indian Laws Order in Council	7th Au 28th M 28th J. 28th M 17th J 6th M.
1865	III	Act for Avoiding Wagers (Amendment) Act, 1865	Rep in part by Act 16 of 1895 Rep in part by Bom 3 of 1886	10th C 25th S
1865	VII	The Religious Endowments (Extension to Kanara) Act, 1865		
1866	VII	The Bombay Hindu Heirs' Relief Act, 1866	Rep in part by Act 12 of 1873 Rep in part, by Bom 3 of 1886	7th Au 25th S
1866	XIV	The Daulabad and Warangaon Parganas Laws Act, 1866	Rep in part by Act 10 of 1876 Rep in part by Act 12 of 1876 Rep in part by Act 16 of 1895	28th M 11th J 10th C

Chronological Table

XIII

No 2	Short title or subject 3	How repealed or otherwise affected by legislation 4	Date of publication of the Act in the <i>Official Gazette</i> 5	Page 6
VI	The Bombay City Sanitary Regula- tion Act, 1867	Rep in part by Bom 3 of 1886 Rep in part by Act 38 of 1920 Amended by Act 16 of 1895 Adapted and modified by the Adaptation of Indian Laws Order in Council Rep in part by Act 32 of 1940	25th September 1886 14th September 1920 10th October 1895 27th November 1940	281
VII	The Bombay District Police Act, 1867	Rep in part and amen- ded by Bom 3 of 1886 Rep (save sections 33 and 34) by Bom 4 of 1890 Sections 33 and 34 rep locally and temporarily by Bom 1 of 1889 Sections 33 and 34 rep locally and temporarily by Bom 6 of 1933	25th September 1886 4th September 1890 23rd May 1890 12th June 1933	289
VIII	The Bombay Village Police Act, 1867	Rep in part by Act 12 of 1873 Rep in part by Act 12 of 1876 Rep in part by Bom 3 of 1886 Rep in part by Bom 28 of 1919 Rep in part (locally and temporarily) by Bom 1 of 1889 Amended by Bom 1 of 1876 Amended by Bom 3 of 1886 (as amended by Bom 1 of 1891) Amended by Bom 4 of 1905. Amended by Bom 3 of 1915 Amended by Bom 9 of 1925 Supplemented by Bom 4 of 1890 Adapted and modified by the Adaptation of Indian Laws Order in Council Amended by Bom 17 of 1945 Amended by Bom 18 of 1947	7th August 1873 11th April 1876 25th September 1886 3rd June 1949 23rd May 1890 9th March 1876 25th September 1886 19th November 1891. 6th October 1905 15th June 1915 27th January 1926 4th September 1890 15th August 1945 25th April 1947	293

Chronological Table

Year.	No.	Short title or subject.	How repealed or otherwise affected by legislation	Date of publication of the Act in the <i>Official Gazette</i> .	Page.
1	2	3	4	5	6
1868	II	The Bombay Ferries Act, 1868	Rep in part by Act 12 of 1873 Rep in part by Act 2 of 1901. Rep in part by Act 38 of 1920 Rep in part by Bom. 3 of 1886. Rep in part (except in the City of Bombay) by Bom 1 of 1884 Amended by Bom 2 of 1878 Amended by Bom 8 of 1923 Amended by Bom 4 of 1933. Adapted and modified by the Adaptation of Indian Laws Order in Council Amended by Bom 21 of 1942. Amended by Bom. 17 of 1945.	7th August 1873. 22nd February 1901. 14th September 1920 25th September 1886 21st March 1884 23rd February 1878. 30th April 1923 8th April 1933 2nd December 1942. 15th August 1945.	301
1874	II	The Civil Jails Act, 1874.	Rep in part by Act 9 of 1894. Rep in part by Bom. 3 of 1886. Amended by Bom. 2 of 1882. Adapted and modified by the Adaptation of Indian Laws Order in Council.	20th March 1894. 25th September 1886. 29th March 1882.	311
	III	The Bombay Hereditary Offices Act, 1874.	Rep in part by Act 12 of 1876 Rep in part by Bom. 3 of 1886 Rep in part and amended by Act 16 of 1895 Rep in part and amended, by Bom. 5 of 1886. Rep in part and amended, by Bom. 3 of 1910 Rep in part amended and supplemented (locally), by Bom 6 of 1887. Amended by Bom. 3 of 1915 Amended by Bom. 11 of 1925. Amended by Bom. 11 of 1930.	11th April 1876 25th September 1886. 10th October 1895 28th January 1887. 1st October 1910. 30th January 1888 15th June 1915. 27th January 1926. 29th May 1930.	317

Chronological Table

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Year.	No	Short title or subject	How repealed or otherwise affected by legislation.	Date of publication of the Act in the Official Gazette.	Page.
1	2	3	4	5	6
1874	III	The Bombay Hereditary officers Act, 1874— <i>contd.</i>	Amended by Bom 15 of 1931 Amended by Bom 12 of 1932 Adapted and modified by the Adaptation of Indian Laws Order in Council	19th October 1931. 16th November 1932	317
1875	III	The Tolls on Roads and Bridges Act, 1875	Rep in part by Act 16 of 1895 Rep in part by Act 2 of 1901 Rep in part by Bom 3 of 1886. Rep in part (except in the City of Bombay) by Bom 1 of 1884. Amended by Bom 5 of 1881 Amended (except in the City of Bombay) by Bom 1 of 1884 Adapted and modified by the Adaptation of Indian Laws Order in Council.	10th October 1895 29th March 1901. 25th September 1886 21st March 1884 14th November 1881 21st March 1884.	34
1876	II	The Bombay City Land-Revenue Act, 1876.	Rep in part by Bom. 3 of 1886 Rep in part by Act 38 of 1920 Amended by Act 16 of 1895 Amended by Bom 3 of 1900 Amended by Bom 1 of 1910 Amended by Bom 4 of 1915. Amended by Bom 2 of 1919 Adapted and modified by the Adaptation of Indian Laws Order in Council Amended by Bom 49 of 1947 Amended by Bom 9 of 1949.	25th September 1886. 14th September 1920. 10th October 1895. 25th October 1900 23rd February 1910 7th October 1915 14th May 1919. 24th December 1917. 14th April 1949.	351
1877	I	The Bombay Vaccination Act, 1877	Rep in part by Bom. 3 of 1886 Rep in part and amended by Act 16 of 1895 Amended by Bom 3 of 1882 Amended by Bom. 3 of 1907. Adapted and modified by the Adaptation of Indian Laws Order in council	25th September 1886 10th October 1895. 29th March 1882. 16th January 1907.	371

Chronological Table

Year.	No	Short title or subject	How repealed or otherwise affected by legislation	Date of publication of the Act in the Official Gazette.	Page
1	2	3	4	5	6
1878	V	The Bombay Abkari Act, 1878	Repealed except s 29A by Bom 25 of 1949.	20th May 1949	383
1879	V	The Bombay Land Revenue Code, 1879	Rep in part by Bom 3 of 1886 Rep in part by Bom 32 of 1949 Rep in part and amended by Act 16 of 1895 Rep in part and amended by Bom 6 of 1901 Rep. in part and amended by Bom 4 of 1905 Rep in part and amended by Bom 20 of 1939 Rep in part and amended by Bom 20 of 1939 Rep in part and amended (locally) by Bom 1 of 1880 Rep in part and amended (locally) by Bom 6 of 1888 as amended by Bom 2 of 1905 Rep in part and amended (locally) by Bom 11 of 1912 Rep. in part and amended (locally) by Bom 4 of 1913 Rep in part and amended (locally) by Bom 2 of 1919 Amended by Bom. 7 of 1879 Amended by Bom. 4 of 1886 Amended by Bom 1 of 1910. Amended by Bom. 7 of 1914. Amended by Bom. 1 of 1920. Amended by Bom. 3 of 1921 Amended by Bom 15 of 1929 Amended by Bom. 3 of 1932 Amended by Bom. 31 of 1935. Amended by Bom. 5 of 1936.	25th September 1886 23rd June 1949 10th October 1895 5th October 1901 6th October 1905 19th October 1939. 2nd April 1940 6th May 1880 25th March 1889 28th June 1905 30th August 1912 28th May 1913 14th May 1919 2nd October 1879. 10th November 1886. 23rd February 1910 24th October 1914. 31st May 1920. 2nd December 1921. 17th October 1929. 11th May 1932. 30th January 1936 23rd March 1936.	385

Chronological Table

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Year	No	Short title or subject.	How repealed or otherwise affected by legislation	Date of publication of the Act in the Official Gazette.	Page
1	2	3	4	5	6
1879	V	The Bombay Land Revenue Code, 1879— <i>contd</i>	Adapted and modified by the Adaptation of Indian Laws Order of Council. Amended by Bom 45 of 1947 Amended by Bom 62 of 1947. Amended by Bom 35 of 1948.	16th December 1947 29th January 1948. 16th April 1948.	335
1879	VI	The Bombay Port Trust Act, 1879.	Rep in part by Act 2 of 1901. Rep in part by Bom. 3 of 1886 (as amended by Bom I of 1891) Rep in part and amended by Bom 1 of 1899 Rep. in part, and amended by Bom 3 of 1913. Amended by Bom 1 of 1881. Amended by Bom 3 of 1881. Amended by Bom. 3 of 1883. Amended by Bom 6 of 1883. Amended by Bom. 3 of 1888 Amended by Bom. 2 of 1901 Amended by Bom. 1 of 1910 Amended by Bom 4 of 1910 Amended by Bom 6 of 1914. Amended by Bom 4 of 1917 Amended by Bom 4 of 1919 Amended by Bom. 21 of 1920 Amended by Bom 5 of 1923 Amended by Bom 5 of 1924 Amended by Bom. 17 of 1925 Amended by Bom. 8 of 1926.	22nd February 1901. 25th September 1886 25th May 1899. 19th November 1891 22nd May 1913 9th April 1881 18th August 1881. 8th May 1883. 26th September 1883 14th September 1888 29th March 1901. 23rd February 1910. 8th October 1910. 24th September 1914 17th May 1917. 14th August 1919. 13th December 1920. 9th March 1923. 5th November 1924. 9th April 1926. 25th September 1926	467

Chronological Table

Year.	No	Short title or subject.	How repealed or otherwise affected by legislation	Date of publication of the Act, in the Official Gazette	Page
1	2	3	4	5	6
1879	VI	The Bombay Port Trust Act, 1879— <i>contd</i>	Amended by Bom 14 of 1927 Amended by Bom 16 of 1929 Amended by Bom 5 of 1930 Amended by Bom 12 of 1933 Amended by Bom 9 of 1936 Adapted and modified by the Adaptation of Indian Laws Order in Council Amended by Act 34 of 1939 Amended by Act 36 of 1948 Amended by Act 27 of 1949 Amended by Act 40 of 1949	23rd December 1927 17th October 1929. 9th May 1930. 27th September 1933 21st May 1936 28th September 1939 16th April 1948 22nd April 1949 1st May 1949	467
1879	VII	The Bombay Irrigation Act, 1879	Rep in part by Act 16 of 1895. Rep in part by Bom. 3 of 1880 Rep in part by Bom 3 of 1886 Amended by Bcm 1 of 1910 Amended by Bom 2 of 1914 Amended by Bom, 14 of 1931 Amended by Bom 15 of 1933 Adapted and modified by the Adaptation of Indian Laws Order in Council Amended by Bom 13 of 1947 Amended by Bom 64 of 1948.	10th October 1895 6th May 1880 25th September 1886 23rd February 1910 23rd July 1914 7th October 1931 4th October 1933 21st April 1947 6th December 1948.	513
1880	I	The Khoti Settlement Act, 1880	Rep in part by Bom 3 of 1886 Rep in part and amended by Bom 3 of 1904 Rep. in part and amended by Bom 4 of 1913. Rep in part and amended by Bom 29 of 1946. Amended by Bom. 8 of 1912 Adapted and modified by the Adaptation of Indian Laws Order in Council Amended by Bom. 29 of 1939.	25th September 1886 21st June 1904 28th May 1913. 22nd November 1946 29th June 1912. 2nd April 1940	541

Chronological Table

Year	No	Short title or subject	How repealed or otherwise affected by legislation	Date of publication of the Act in the Official Gazette.	Page
1	2	3	4	5	6
1822	VII	The Bombay Landing and Wharfage Fee Act, 1822	Rep in part and amended by Act 16 of 1895 Amended by Bom. 5 of 1916 Amended by Bom 2 of 1919 Adapted and modified by the Adaptation of Indian Law Order in Council	10th October 1895 10 h June 1916. 14th May 1919.	563
1863	I	The Bombay Highway Act, 1863	Rep in part by Bom 3 of 1886 (as amended by Bom 1 of 1891) Amended by Act 16 of 1895 Adapted and modified by the Adaptation of Indian Laws Order in Council	25th September 1886 19th November 1891 10th October 1895	569
1883	V	The Bombay Public Authorities Seals Act, 1883	Rep in part by Act 16 of 1895 Adapted and modified by the Adaptation of Indian Laws Order in Council	10th October 1895	575
1886	V	The Bombay Hereditary Offices (Amendment) Act, 1886	Rep in part by Act 16 of 1895 Rep in part and amended locally by Bom 6 of 1887 Sections 10 and 11 virtually rep by Bom. 3 of 1910, s 2 Amended by Bom 10 of 1923	10th October 1895 30th January 1888 1st October 1910 4th October 1923.	579 579
1887	II	The Protection of Pilgrims Act, 1887	Rep in part by Act 14 of 1927 Rep in part by Act 20 of 1932 Amended by Bom 5 of 1915. Adapted and modified by the Adaptation of Indian Laws Order in Council	23rd December 1927 8th October 1932 12th October 1915	581
1887	IV	The Bombay Prevention of Gambling Act, 1887	Rep in part by Act 16 of 1895 Amended by Bom 1 of 1890 Amended by Bom. 1 of 1910	10th October 1895 . 27th May 1890 23rd February 1910	587

Chronological Table

Year.	No.	Short title or subject	How repealed or otherwise affected by legislation	Date of publication of the Act in the Official Gazette	Page
1	2	3	4	5	6
1887	IV	The Bombay prevention of Gambling Act, 1887— <i>contd</i>	Amended by Bom 6 of 1919 Amended by Bom 5 of 1922 Amended by Bom 5 of 1926 Amended by Bom 14 of 1929 Amended by Bom 3 of 1931. Amended by Bom 12 of 1934 Amended by Bom 1 of 1936 Adapted and modified by the Adaptation of Indian Laws Order in Council. Amended by Bom 2 of 1941 Amended by Bom 17 of 1945 Amended by Bom. 37 of 1947	20th January 1920 5th June 1922 13th May 1926 27th September 1929 16th May 1931, 24th October 1934 12th January 1936 27th February 1941 15th August 1945 28th November 1947	537
1887	VI	The Matadars Act, 1837	Amended by Bom 3 of 1890 Amended by Bom 3 of 1910 Amended by Bom 3 of 1915 Amended by Bom 8 of 1922. Amended by Bom. 24 of 1936 Adapted and modified by the Adaptation of Indian Laws Order in Council.	21st August 1890 1st October 1910 15th June 1915 13th October 1922 22nd January 1937.	597
1887	VII	The Toda Giras Allowances Act, 1887.	Adapted and modified by the Adaptation of Indian Laws Order in Council		611
1888	III	The City of Bombay Municipal Act, 1888.	Rep in part by Act 2 of 1901 Rep in part by Bom 1 of 1897. Rep in part by Bom 5 of 1925. Rep in part by Bom 8 of 1928 Rep in part by Bom 15 of 1932 Rep. in part and amended by Act 16 of 1895. Rep in part and amended by Bom 4 of 1888.	29th March 1901 18th March 1897. 2nd November 1925 4th October 1928 1st December 1932. 10th October 1895 20th December 1888.	615

Chronological Table

Year.	No	Short title or subject	How repealed or otherwise affected by legislation	Date of publication of the Act in the <i>Official Gazette</i> .	Page
1	2	3	4	5	6
1888	III	The City of Bombay Municipal Act, 1888—contd	Rep in part and amended, by Bom 5 of 1905. Rep in part and amended, by Bom 3 of 1907 Rep in part and amended, by Bom 2 of 1911 Rep in part and amended, by Bom 6 of 1922 Amended by Bom 1 of 1894 Amended by Bom 2 of 1899. Amended by Bom. 2 of 1900. Amended by Bom 2 of 1901 Amended by Bom 5 of 1903. Amended by Bom 1 of 1910 Amended by Bom 6 of 1913. Amended by Bom 1 of 1916 Amended by Bom 6 of 1916 Amended by Bom. 6 of 1919 Amended by Bom. 8 of 1918. Amended by Bom. 5 of 1920 Amended by Bom 15 of 1920 Amended by Bom 19 of 1920 Amended by Bom 20 of 1920 Amended by Bom 4 of 1921. Amended by Bom 7 of 1921. Amended by Bom 1 of 1925 Amended by Bom 12 of 1925. Amended by Bom. 9 of 1928 Amended by Bom 10 of 1928 Amended by Bom 10 of 1930 Amended by Bom 18 of 1930 Amended by Bom. 19 of 1930. Amended by Bom. 23 of 1930	12th December 1905 16th January 1908 7th June 1911 27th September 1922. 30th January 1894 7th June 1899 25th September 1900 29th March 1901. 11th March 1903. 23rd February 1910 2nd October 1913. 12th February 1916 27th September 1916 17th September 1918. 11th November 1918 31st May 1920 13th December 1920. 13th December 1920 13th December 1920 2nd December 1921 18th January 1922. 3rd October 1925 27th January 1926. 10th November 1928 6th December 1928. 22nd May 1930. 15th September 1930 15th September 1930 19th September 1930	615

Year.	No.	Short title or subject.	How repealed or otherwise affected by legislation.	Date of publication of the Act, in the Official Gazette.	Page
	2	3	4	5	6
1888	III	The City of Bombay Municipal Act, 1888— <i>contd.</i>	Amended by Bom. 6 of 1931 Amended by Bom. 17 of 1931. Amended by Bom 21 of 1931. Amended by Bom. 8 of 1932. Amended by Bom 11 of 1932. Amended by Bom 13 of 1932. Amended by Bom. 13 of 1933 Amended by Bom 2 of 1934 Amended by Bom. 4 of 1934 Amended by Bom. 10 of 1935 Amended by Bom. 12 of 1935 Amended by Bom 28 of 1935 Amended by Bom 32 of 1935 Amended by Bom 10 of 1936. Amended by Bom 12 of 1936. Amended by Bom 13 of 1936 Amended by Bom 24 of 1936 Supplemented by Act 12 of 1888. Supplemented by Act 2 of 1889. Supplemented by Act 5 of 1890. Supplemented by Act 1 of 1898. Supplemented by Act 2 of 1899. Supplemented by Bom Act 15 of 1920 Amended by Act 38 of 1920. Adapted and modified by the Adaptation of Indian Laws Order in Council. Amended by Bom. 2 of 1938. Amended by Bom. 5 of 1938.	23rd May 1931 19th November 1931 25th November 1931 10th November 1932 10th November 1932 18th November 1932 28th September 1933 31st March 1934 9th May 1934 24th August 1935 5th September 1935 30th November 1935 3rd February 1936 12th November 1936 20th November 1936 21st November 1936 22nd January 1937 12th October 1888 15th February 1889 15th January 1891 3rd June 1898. 7th June 1899. 13th December 1920 14th September 1920	615

Chronological Table

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Year.	No	Short title or subject	How repealed or otherwise affected by legislation.	Date of publication of the Act in the Official Gazette	Page.
1	2	3	4	5	6
1888	III	The City of Bombay Municipal Act, 1888 (contd)	Amended by Bom 13 of 1938. Amended by Bom 17 of 1938 Amended by Bom 7 of 1939 Amended by Bom 19 of 1939 Amended by Bom 21 of 1939 Amended by Bom 1 of 1942 Amended by Bom. 8 of 1942 Amended by Bom 2 of 1943 Amended by Bom 9 of 1945 Amended by Bom 12 of 1945 Amended by Bom. 1 of 1946 Amended by Bom 4 of 1947 Amended by Bom 12 of 1947 Amended by Bom 20 of 1947 Amended by Bom 21 of 1947 Adapted by the India (Adaptation of Existing Indian Laws) Order, 1947 Amended by Bom 3 of 1948 Amended by Bom 8 of 1948 Amended by Bom 48 of 1948 Amended by Bom 69 of 1948 Amended by Bom 76 of 1948	30th May 1938. 27th October 1938 13th May 1939. 22nd September 1939 1st November 1939. 2nd February 1942 2nd April 1942 5th March 1943 26th April 1945 8th May 1945 22nd January 1946 22nd March 1947 19th April 1947 1st May 1947. 3rd May 1947. 11th March 1948. 19th March 1948. 30th September 1948 30th December 1948 31st December 1948	615
1888	VI	The Gujarat Taluquars' Act, 1888	Repealed in part by Act 16 of 1895. Repealed in part and amended by Bom 4 of 1913 Amended by Bom. 2 of 1905 Amended by Bom 1 of 1910 Adapted and modified by the Adaptation of Indian Laws Order in Council	10th October 1895. 28th May 1913. 28th June 1905. 23rd February 1910	949

Chronological Table

Year.	No.	Short title or subject.	How repealed or otherwise affected by legislation	Date of publication of the Act in the <i>Official Gazette</i>	Page.
1	2	3	4	5	6
1889	I	The Bombay Village Sanitation Act, 1889.	Amended by Bom 3 of 1915 Amended and repealed in part by Bom 25 of 1931 Adapted and modified by the Adaptation of Indian Laws Order in Council	15th June 1915 11th December 1931	969
1890	IV	The Bombay District Police Act, 1890	Rep in part by Act 16 of 1895 Rep in part and amended by Act 38 of 1920 Do do. Bom 1 of 1910. " " Bom 4 of 1912. " " Bom 5 of 1913 " " Bom 2 of 1919 Amended by Bom 3 of 1898 Amended by Bom. 3 of 1915 Amended by Bom 9 of 1918 Amended by Bom, 12 of 1920 Amended by Bom 19 of 1925 Amended by Bom 11 of 1927 Amended by Bom 24 of 1930. Amended by Bom 9 of 1931. Amended by Bom 16 of 1931 Amended by Bom. 7 of 1933 Amended by Bom. 21 of 1933 Amended by Bom. 13 of 1934. Amended by Bom. 20 of 1935. Amended by Bom. 24 of 1935. Amended by Bom 6 of 1936. Amended by Bom. 21 of 1936. Adapted and modified by the Adaptation of Indian Laws Order in Council.	10th October 1895 14th September 1920 23rd February 1910. 13th June 1912. 31st May 1913 14th May 1919. 3rd August 1898 15th June 1915. 11th November 1918 9th December 1920. 25th January 1927. 13th December 1927 17th September 1930 2nd September 1931 17th November 1931 18th September 1933. 27th October 1933. 31st October 1934. 1st October 1935. 11th October 1935. 26th March 1936. 12th December 1936	987

Chronological Table

Year	No.	Short title or subject.	How repealed or otherwise affected by legislation.	Date of publication of the Act in the <i>Official Gazette</i>	Page.
1	2	3	4	5	6
1890	IV	The Bombay District Police Act, 1890—(contd).	Amended by Bom 3 of 1939. Amended by Bom 13 of 1941 Amended by Bom 2 of 1944 Amended by Bom. 17 of 1945. Amended by Bom. 23 of 1945. Amended by Bom. 16 of 1946. Amended by Bom. 28 of 1946 Amended by Bom. 6 of 1947 Amended by Bom 59 of 1947 Amended by Bom 34 of 1948 Amended by Bom 63 of 1948. Amended by Bom 25 of 1949	23rd March 1939 2nd September 1941. 18th March 1944. 15th August 1945. 20th February 1946. 30th September 1946 20th November 1946 23rd March 1947. 20th January 1948. 16th April 1948. 6th December 1948. 20th May 1949.	987
1890	V	The Bombay Municipal Servants Act, 1890.	Adapted and modified by the Adaptation of Indian Laws Order in Council.		1035
1892	I	The Bombay District Vaccination Act, 1892.	Rep in part by Act 16 of 1895 Adapted and modified by the Adaptation of Indian Laws Order in Council.	10th October 1895.	1041
1894	II	The Pent Laws Act, 1894.	Adapted and modified by the Adaptation of Indian Laws Order in Council.		1065
1897	III	The Female Infanticide Prevention (Amendment) Act, 1897.	Adapted and modified by the Adaptation of Indian Laws Order in Council.		1059

Chronological Table

Year.	No.	Short title or subject.	How repealed or otherwise affected by legislation.	Date of publication of the Act in the <i>Official Gazette</i>	Page
1	2	3	4	5	6
1898	I	The City of Bombay Municipal Investments Act, 1898.			1061
1901	III	The Bombay District Municipal Act, 1901	Rep in part by Bom 1 of 1910. Rep in part by Bom 11 of 1923 Rep in part by Bom 5 of 1925 Rep in part by Bom 15 of 1932 Rep. in part by Bom 17 of 1933 Rep in part and amended by Bom 3 of 1903 Rep in part and amended by Bom 4 of 1904 Amended by Act 38 of 1920 Amended by Bom 3 of 1902 Amended by Bom. 10 of 1912. Amended by Bom. 8 of 1914 Amended by Bom 3 of 1915 Amended by Bom 6 of 1917 Amended by Bom. 6 of 1918 Amended by Bom 2 of 1919 Amended by Bom 3 of 1920 Amended by Bom 4 of 1924 Amended by Bom 15 of 1925 Amended by Bom 20 of 1929 Amended by Bom 4 of 1930 Amended by Bom 25 and 26 of 1930 Amended by Bom 12 of 1931. Amended by Bom. 23 of 1931.	23rd February 1910 27th October 1923 2nd November 1925 1st December 1932 14th October 1933 11th June 1903 4th November 1904 14th September 1920 6th June 1902 30th August 1912 28th October 1914 15th June 1915 19th September 1917. 17th September 1918 14th May 1919 31st May 1920 6th October 1924. 27th January 1926 20th December 1929 28th April 1930 17th September 1930 23rd September 1930 26th September 1931 3rd December 1931	1065

Chronological Table

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Year	No	Short title or subject	How repealed or otherwise affected by legislation.	Date of publication of the Act in the Official Gazette	Page
1	2	3	4	5	6
1901	III	The Bombay District Municipal Act, 1901 <i>—contd.</i>	Amended by Bom 14 of 1934. Amended by Bom. 9 of 1935 Amended by Bom 34 of 1935 Amended by Bom 11 of 1936 Amended by Bom 14 of 1936 Amended by Bom. 15 of 1936. Amended by Bom 24 of 1936. Adapted and modified by the Adaptation of Indian Laws Order in Council Amended by Bom 9 of 1938 Amended by Bom. 8 of 1939 Amended by Bom 17 of 1945 Amended by Bom 22 of 1945 Amended by Bom 7 of 1946 Amended by Bom 1 of 1947 Amended by Bom 2 of 1947.	10th November 1934 20th May 1935. 6th February 1936 12th November 1936 26th November 1936 27th November 1936 22nd January 1937. 12th May 1938 15th May 1939 15th August 1945 17th January 1946 28th March 1946 18th March 1947 18th March 1947	
1901	VI	The Bombay Land Revenue Code Amendment Act, 1901			1195
1902	IV	The City of Bombay Police Act, 1902.	Rep in part by Bom I of 1910. Rep. in part and amended by Bom. 2 of 1917. Rep. in part and amended by Bom 11 of 1923 Amended by Act 38 of 1920 Amended by Bom 4 of 1905 Amended by Bom. 5 of 1913. Amended by Bom. 3 of 1915 Amended by Bom 6 of 1920 Amended by Bom. 18 of 1920 Amended by Bom 5 of 1921 Amended by Bom 12 of 1926.	23rd February 1910 7th February 1917 27th October 1923 14th September 1920 6th October 1905. 31st May 1913 15th June 1915. 10th June 1920. 13th December 1920. 8th December 1921. 20th October 1926.	1197

Chronological Table

Year.	No.	Short title or subject.	How repealed or otherwise affected by legislation	Date of publication of the Act in the <i>Official Gazette</i>	Page
1	2	3	4	5	6
902	IV	The City of Bombay Police Act, 1902— <i>contd</i>	Amended by Bom. 11 of 1928 Amended by Bom. 21 of 1930 Amended by Bom. 21 of 1933. Amended by Bom 20 of 1935 Amended by Bom. 1 of 1936 Amended by Bom. 21 of 1936 Adapted and modified by the Adaptation of Indian Laws Order in Council. Amended by Bom. 14 of 1938. Amended by Bom. 13 of 1941. Amended by Bom. 3 of 1942 Amended by Bom. 17 of 1945. Amended by Bom. 23 of 1945. Amended by Bom. 15 of 1946 Amended by Bom. 28 of 1946 Amended by Bom 6 of 1947. Amended by Bom. 59 of 1947 Amended by Bom. 34 of 1948 Amended by Bom. 63 of 1948 Amended by Bom. 25 of 1949.	11th January 1929 15th September 1930 27th October 1933. 20th January 1936. 12th March 1936 12th December 1936. 10th June 1938 2nd September 1941. 6th March 1942. 15th August 1945. 20th February 1946. 30th September 1946. 20th November 1946 23rd March 1947. 20th January 1948. 16th April 1948. 6th December 1948. 20th May 1949.	1197
1904	I	The Bombay General Clauses Act, 1904.	Amended by Bom 4 of 1905. Adapted and modified by the Adaptation of Indian Laws Order in Council. Amended by Bom. 17 of 1945. Amended by Bom. 5 of 1948.	6th October 1905 .. 15th August 1945. 13th March 1948.	1263
1905	I	The Bombay Court of Wards Act, 1905.	Amended by Bom. 1 of 1910 Amended by Bom. 2 of 1913.	23rd February 1910. 22nd May 1913.	1279

Year	No	Short title or subject	Whether repealed or otherwise affected by legislation.	Date of publication of the Act in the <i>Official Gazette</i> .	Page.
1	2	3	4	5	6
1905	I	The Bombay Court of Wards Act, 1905— <i>Contd.</i>	Amended by Bom 7 of 1934. Adapted and modified by the Adaptation of Indian Laws Order in Council. Amended by Bom 17 of 1945 Amended by Bom 21 of 1949	1st October 1934 15th August 1945 12th May 1949.	
1906	II	The Mamlatdais' Courts Act, 1906	Amended by Bom. 7 of 1926 (when notified), Amended by Bom. 11 of 1928 Adapted and modified by the Adaptation of Indian Laws Order in Council Amended by Bom 24 of 1942.	21st August 1926 14th January 1929 31st December 1942	1297
1909	III	The Prince of Wales Museum Act, 1909	Amended by Bom 7 of 1913 Amended by Bom 6 of 1921. Amended by Bom. 12 of 1922. Amended by Bom 7 of 1924 Amended by Bom. 19 of 1933 Adapted and modified by the Adaptation of Indian Laws Order in Council	4th October 1913 28th December 1921 28th December 1922 25th November 1924 27th October 1933	1309
1912	II	The Societies' Registration (Amendment) Act, 1912	Short title given by Bom 2 of 1921	21st June 1921	1319
1912	III	The Bombay Race-courses Licensing Act, 1912	Amended by Bom. 4 of 1931. Adapted and modified by the Adaptation of Indian Laws Order in Council Amended by Bom 10 of 1938	23rd May 1931 16th May 1938.	1321
1912	VI	The Bombay Medical Act, 1913	Amended by Bom 9 of 1913 Amended by Bom. 4 of 1918 Amended by Bom 12 of 1929 Rep in part and amended by Bom. 3 of 1916. Rep in part and amended by Bom 4 of 1916 Adapted and modified by the Adaptation of Indian Laws Order in Council.	14th August 1912 10th September 1918 26th September 1929 11th March 1916. 10th June 1916.	1325

Chronological Table

Year.	No.	Short title or subject.	Whether repealed or otherwise affected by legislation.	Date of publication of the Act in the <i>Official Gazette</i>	Page.
1	2	3	4	5	6
1912	VII	The Bombay Smoke-nuisances Act, 1912	Rep. in part by Act 8 of 1920 Amended by Bom of 1924 Amended by Bom of 1929 Amended by Bom of 1935 Adapted and modified by the Adaptation of Indian Laws Order in Council Amended by Bom of 1945	4th March 1920 6th January 1925 24th September 1929 11th May 1935 15th August 1945	1335
1912	XII	The Bombay Abkari (Amendment) Act, 1912.	Short title given by Bom 2 of 1921	21st June 1921	1343
1912	XIII	The Indian Limitation (Amendment) Act, 1912.	..	..	1345
1913	IV	The Bombay Land Revenue (Amendment) Act, 1913.	..	..	1349
1913	VII	The Prince of Wales Museum (Amending) Act, 1913	...	..	1351
1915	I	The Bombay Town-Planning Act, 1915	Rep. in part and amended by Bom 2 of 1919 Amended by Bom of 1920 Amended by Bom of 1920. Adapted and modified by the Adaptation of Indian Laws Order in Council Amended by Bom of 1938 Amended by Bom of 1942 Amended by Bom of 1946 Amended by Bom of 1948 Amended by Bom. of 1948 Amended by Bom. of 1949	14th May 1919 9th December 1920 13th December 1920 29th November 1938 10th March 1942 13th July 1946 19th November 1948 30th December 1948 2nd May 1949	1353
1915	III	The Bombay Decentralization Act, 1915	Rep. in part by Bom 7 of 1920 Rep. in part by Act 3 of 1937.	17th June 1920 4th March 1937.	1379

Chronological Table

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Year	Nc.	Short title or subject.	Whether repealed or otherwise affected by legislation.	Date of publication of the Act in the Official Gazette.	Page
1	2	3	4	5	6
1915	IV	The Bombay City Survey Act, 1915	Adapted and modified by the Adaptation of Indian Laws Orders in Council Amended by Bom 17 of 1945	15th August 1945.	1331
1918	VI	The Bombay Disqualification of Aliens Act, 1918	Rep in part by Act 38 of 1920 Amended by Bom 4 of 1920 Adapted and modified by the Adaptation of Indian Laws Order in Council	14th September 1920 31st May 1920	1337
1920	VII	The Bombay Public Conveyances Act, 1920.	Amended by Bom 2 of 1924 Amended by Bom. 11 of 1924. Amended by Bom. 7 of 1923 Adapted and modified by the Adaptation of Indian Laws Order in Council Amended by Bom 18 of 1943 Amended by Bom 17 of 1945. Amended by Bom 18 of 1948	11th January 1924 6th January 1925 4th October 1923 21st January 1944. 15th August 1945 24th March 1948	1391
1920	XV	The City of Bombay Primary Education Act, 1920	Adapted and modified by the Adaptation of Indian Laws Order in Council.		1403
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. 11 of 1928 Amended by Bom 6 of 1929. Amended by Bom. 18 of 1931 Adapted and modified by the Adaptation of Indian Laws Order in Council. Amended by Bom. 17 of 1945	25th March 1926. 25th March 1926 11th January 1929 22nd May 1929 19th November 1931 15th August 1945	1409

PART I
Bombay Regulations

BOMBAY REGULATION II OF 1827.¹

[1st January 1827].

Repealed in part by Act 1 of 1846 ;

“ “ “ “ “ 10 of 1861 ;

“ “ “ “ “ 10 of 1873 ;

“ “ “ “ “ 12 of 1873 ;

“ “ “ “ “ 12 of 1876 ;

“ “ “ “ “ 18 of 1879 ;

(as amended by Act 1 of 1903),

“ “ “ “ Bom. 6 of 1866, (locally) by Act 14 of 1869 ; and amended by Act 16 of 1895.

Repealed excepting part of section 21 by Bom 17 of 1920.

Adapted and modified by the Adaptation of Indian Laws Order in Council.

Adapted and modified by the Adaptation of Laws Order, 1950.

A Regulation for defining the constitution of Courts of Civil Justice, and the powers and duties of the Judges and offices thereof.

PREAMBLE. *Rep Act XIV of 1869*

CHAPTER I.

[*Supreme Court of Sadr Adalat*]

1 to 15. *Rep. Act XII of 1873.*

CHAPTER II

OF ZILA COURTS INCLUSIVE OF THE SUBSIDIARY COURTS OF THE ASSISTANT JUDGES.

16 to 20. [*Appointment of Judge, his Court ; his seal, his oath, acting Judge*] *Rep Act XIV of 1869.*

21. *First*—*The jurisdiction of the Civil Court shall extend to the cognizance of all original suits and complaints between Natives and others not British-born subjects, respecting the right to moveable or immovable property, rents, Government-revenues, Caste-debts, contracts, marriage, succession, damages for injuries and generally of all suits and complaints of a civil nature*² ; it being understood that no interference on the part of the Court in caste-questions is hereby warranted, beyond the admission and trial of any suit instituted for the recovery of damages on account of an alleged injury to the caste and character of the plaintiff, arising from some illegal act or unjustifiable conduct of the other party

Second to Seventh—[*Provisoes as to admission of suits ; jurisdiction over British born subjects*] *Rep Acts X of 1861 and XIV of 1869.*

¹ Sections 21, 47 to 54 and 56 of Bom Reg 2 of 1827 were declared by the Laws Local Extent Act, 1874 (15 of 1874), s 5, in force throughout the State of Bombay, except as regards the Scheduled Districts, i e., the villages belonging to the following Mehwasai Chiefs—

(1) The Parvi of Kathi.

(4) The Walvi of Gaohalli.

(2) The Parvi of Nal

(5) The Wassawa of Chikhli.

(3) The Parvi of Singpur

(6) The Parvi of Nawalpur

So much of Bom Reg 2 of 1827 as had not already been repealed (excepting the part of section 21 which prohibits interference of the Civil Courts in caste questions) was repealed in the whole of the Province of Bombay by Bom. 17 of 1920, s 34 and Sch. I.

² S 21, clause first (except so much as prohibits interference of the Civil Courts in caste-questions), was repealed by Act 10 of 1861 and Act 14 of 1869.

22 to 33. [Jurisdiction ; superintendence of inferior Courts ; complaints against public officers ; control of civil jail ; subordination to higher Courts , appointment of Judges , oaths , duties , law officers , nazir ; sherishtadar ; record-keeper , administration of oaths] Rep. Act XIV of 1869.

CHAPTERS III AND IV.

[Appointment, Removal and Punishment of Officers of Courts , Courts of Commissioners for deciding civil suits]

34 to 44. Rep Act XIV of 1869.

CHAPTER V.

[Courts for Recovery of Debts due by British Subjects]

45, 46. Rep Act X of 1861.

CHAPTER VI.

OF PLEADERS ¹

Authorized pleaders to hold sanads.

47. *First*.—²[Persons] may be authorized to practise in each Court as pleaders (vakils)³ in behalf of parties in any judicial proceeding, being qualified by sanad according to the rules in the succeeding section.

Persons allowed to act.

Second—No persons shall be allowed to act in any such proceeding except such pleaders, or the parties themselves or their recognized agents * * *⁴

Third.—[Exception as to Court of Commissioner] Rep Act I of 1846

Government pleader may hold general vakalatnama

Fourth—In matters to which ⁵[Government] is a party, it shall be lawful for a pleader to act on a general vakalatnama, to be issued by the officer under whose control the said matters are conducted, provided a duplicate be deposited in the Zila Court of the district in which he practises.

Number of pleaders unlimited.

48. *First*—The number of pleaders shall not be limited, but any person duly qualified and of unexceptionable character shall be entitled to a sanad of appointment ³

Second—[Qualifications ; appointment how made.] Rep Act I of 1846

Sanads to be furnished.

Third—Each pleader, on being found qualified, shall be furnished with a sanad, under the seal of the Court of Sadr Diwan Adalat, in the form of Appendix J³

Practice of pleaders how regulated

49 The pleaders in the Zila Courts shall practise each in such particular Court or Courts as may be assigned to them by the Zila Judge, or indiscriminately in all the Courts of the respective Zila, if it be not found necessary to appropriate the pleaders to particular Courts .

Pleader to file vakalatnama.

50. *First*—A pleader shall not be allowed to act in any suit or proceeding until he has obtained from the party, and filed in Court, a power-of-attorney (vakalatnama) according to the form contained in Appendix K, appointing him pleader in the cause

¹ See also ss 13 [except clauses (a), (b), (c), (d) and (f)], 34, 36 and 40 of the Legal Practitioners Act, 1879 (18 of 1879) which have been extended to the State of Bombay

² This word was substituted for the words "Natives or others" by the Adaptation of Laws Order, 1950

³ Cf. Act 1 of 1846, ss. 4 and 5.

⁴ Portion repealed by Act 12 of 1873 is omitted

⁵ This word was substituted for the words "the Crown or the Federal Railway Authority" by the Adaptation of Laws Order, 1950.

Second.—If a party engages a pleader to act in his behalf, he shall present him with eight annas as a retaining fee, for which the pleader shall grant him a written acknowledgment, specifying the date of payment; and, if the said retaining fee be not offered, the pleader shall demand it, and abstain from all proceeding until it be delivered¹.

Retaining fee to be paid to pleader.

Third—If, after receiving the retaining fee, a pleader shall engage with, or act for, the other party, or refuse or omit to act on behalf of his client, he may be punished by a fine not exceeding rupees five hundred; or, if the matter in litigation be less than rupees two hundred and fifty, then not exceeding twice the amount of the sum in dispute between the parties; or, if the circumstances are of an aggravated nature, may be suspended or dismissed * * *.

Penalty for failure to perform engagement.

Fourth.—The fine may be inflicted by the Court in which the suit relative to which the failure of duty occurred may be pending * * * * *

Court empowered to fine.

51. First—[Representative character of pleader.] *Rep. Act X of 1861.*

Second—It shall be incumbent on a pleader, at the time of receiving any accounts, writings or documents from his client, to give a written receipt for them, and to restore them when required, under penalty of a fine not exceeding rupees one hundred, to be levied under the 4* * * last clause of the preceding section; or, if the circumstances be of an aggravated nature, of suspension or⁵ [dismissal] * * *.

Pleader to give receipts to client for papers and to return them when required. Penalty for misconduct.

52. First.—Each pleader employed in prosecuting or defending an original suit shall be entitled to a percentage on the amount sued for, according to the rates specified in Appendix L, as a remuneration for his trouble in acting in behalf of his client, until the decree in the suit is passed, and thereafter until such decree is fulfilled.

Fees in original suits.

Second.—The remuneration to a pleader employed in prosecuting or defending an appeal, regular or special, shall be the same as is above prescribed in the case of an original suit.

In Appeals.

Third.—The above rules shall not prevent an express agreement being entered into between pleader and client, for either a larger or smaller sum than the established fee

Private agreement not barred.

Fourth—But, if a larger sum than was agreed for between a pleader and client is awarded in costs against the other party, the pleader, notwithstanding his agreement with his own client, shall be entitled to the excess when recovered.

Pleader to have excess when costs awarded against other party exceed amount agreed upon.

Fifth.—[Recovery of fees] *Rep. Act XII of 1873.*

53. First—[Half-fees] *Rep. Act XII of 1873.*

Second—Either party may engage two or more pleaders to conduct his suit or defence, but the party found liable in costs will not be answerable for more than the established fee of one pleader on behalf of the other party.

Several pleaders may be engaged, but without prejudice to opposite party.

¹ Cf Act I of 1846, ss 7 and 8
² The words and figures "under the rules contained in section 56 of this Regulation" were repealed by the Amending Act, 1895 (16 of 1895)
³ Words repealed by Act 12 of 1873 are omitted. Cf Act I of 1846, ss. 10 and 12.
⁴ The words "rules contained in the" were repealed by the Amending Act, 1895 (16 of 1895).
⁵ The word "dismissal" was substituted for the word "dismission", *ibid.*
⁶ The words and figures "according to section 56 of this Regulation" were repealed, *ibid.*
⁷ § 52 is modified by ss. 6 and 7 of Act I of 1846.

Client may withdraw his vakalatnama, but pleader not to withdraw without his consent or order of Court.

Third.—It shall be competent to a party at any time to withdraw the authority vested in a pleader to act in his behalf, on giving the Court notice in writing to that effect; but it shall not be competent to a pleader to withdraw from acting in behalf of his client without his consent or the special permission of the Court.

Fourth—[Fees in certain cases] *Rep Act XII of 1873.*

Pleader's absence to be reported. Penalty for absence without notice.

54. First.—If a pleader is unable to attend the Court in consequence of indisposition or other necessary cause, he shall notify the same to the Court in writing, in which case proceeding in the suit shall be stayed for such time as the Court deems reasonable, to enable the party to transfer by endorsement or otherwise his power-of-attorney (either temporarily or until the suit is determined) to another pleader, and any pleader absenting himself without written notice as above prescribed may be punished by fine not exceeding rupees one hundred, to be adjudged by the Court in which the failure of duty occurred, and levied as the amount of a decree by the same 1* * * *.

Stay of proceedings on resignation or death.

Second.—In case of the resignation, dismissal or death of a pleader, proceedings in the suit shall in like manner be stayed 1* * * *.

55. [Fees in certain cases] Rep. Act I of 1846.

Pleaders liable to suspension or dismissal without prejudice to private action for damages.

56. A pleader accused of a criminal offence, or guilty of misbehaviour or neglect of duty, shall be liable to be suspended or dismissed 2* * *, but nothing herein contained shall prevent a party from instituting an action for damages against his pleader, when he may consider himself injured by his acts or omissions.

APPENDICES A TO I.

[*Rep. Acts XII of 1876, X of 1873, XII of 1873 and VI of 1866*]

APPENDIX J,

(*See section 48, clause third.*)

FORM OF SANAD GRANTED TO A PLEADER,



To A. B., inhabitant of—.

In conformity with the provisions of Regulation II, A. D. 1827, you, A B., are hereby appointed to the office of Pleader in the Court of—, you will not be liable to be removed from your situation during your good behaviour, while you discharge your duty with zeal and integrity, under the rules contained in the Regulations which now are or hereafter may be in force.

By order of the Sadr Diwani Adalat.

(*Signed by the Registrar*)

¹ Words repealed by Act 12 of 1873 are omitted.

² The words and figures "under the rules regarding Commissioners, contained in the third clause of section 38 of this Regulation" were repealed by the Amending Act, 1895 (16 of 1895)

APPENDIX K.

(See section 50, clause first)

FORM OF POWER-OF-ATTORNEY TO ENABLE A PLEADER TO ACT IN A SUIT.

IN THE COURT OF _____

Suit for Rs. _____

_____ Plaintiff.

against

_____ Defendant.

I _____ plaintiff (or defendant, as the case may be) do hereby authorise _____ to appear and act as Pleader for me in the above suit

Witness my hand, this _____ day of _____, 19_____.

(Signed or the mark of) { The Plaintiff
or,
Defendant.

APPENDIX L.

(See section 52, clause first.)

STATEMENT SHOWING THE FEES TO WHICH PLEADERS ARE ENTITLED FOR ACTING THROUGHOUT ORDINARY SUITS WHEN THERE IS NO SPECIFIC AGREEMENT.

The pleader's fee is	{	in suits for not more than Rs. 2,000	..	three per cent.
		in suits for from Rs. 2,000 to 10,000 inclusive—		
		on Rs 2,000 as above, and on the remainder	.	two per cent.
		in suits for from Rs 10,000 to 20,000 inclusive—		
		on Rs. 10,000 as above, and on the remainder	.	one per cent.
		in suits for more than Rs 20,000—		
		on that sum as above, and on the remainder	.	half per cent.

BOMBAY REGULATION IV OF 1827.¹

[1st January 1827]

Repealed in part, by Act 10 of 1861 ;
" " " " " 17 of 1862 ;
" " " " " 6 of 1874 ;
" " " " (locally), by Act 14 of 1869 ;
" " " " (locally), by Bom 5 of 1879

Adapted and modified by the Adaptation of Indian Laws Order in Council

Adapted and modified by the Adaptation of Laws Order, 1950.

A Regulation prescribing the forms of proceeding of the Courts of Law in civil suits and appeals, and rules for the trial of the same.

PREAMBLE. *Rep. Act X of 1861, and again by Act XIV of 1869.*

1 to 25. *Rep. Act X of 1861 and XIV of 1869*

Law to be
observed by
Courts.

26. The law to be observed in the trial of suits shall be Acts of Parliament ²[of the United Kingdom] and ³[Indian laws] applicable to the case, in the absence of such Acts and ⁴[laws], the usage of the country in which the suit arose ; if none such appears, the law of the defendant ; and, in the absence of specific law and usage, justice, equity, and good conscience alone.

27 to 100. *Rep Acts X of 1861 ; XVII of 1862 , XIV of 1869 , VI of 1874 , and 2nd and 3rd clauses of s. 69 (locally), Bom 5 of 1879.*

APPENDICES A TO S

^{*} [Rep Act X of 1861.]

¹ S. 26 and s 69, cls second and third, of Bom Reg 4 of 1827 were declared by the Laws Local Extent Act, 1874 (15 of 1874), s 5, to be in force in the whole of the State of Bombay, except as regards the Scheduled Districts

² These words were inserted by the Adaptation of Laws Order, 1950

³ The words " Indian Laws " were substituted for the words " Regulations of Government " by the Adaptation of Indian Laws Order in Council

⁴ This word was substituted for the word " Regulations " by the Adaptation of Laws Order, 1950.

BOMBAY REGULATION V OF 1827.¹

[1st January 1827]

Repealed in part, by Act 28 of 1855,

“ “ “ “ “ 9 of 1871 ;

“ “ “ “ “ 12 of 1873 ;

“ “ “ “ “ 12 of 1876,

“ “ “ “ “ 4 of 1894 ;

“ “ “ (locally), by Act 17 of 1879, s. 12 ;

“ “ “ (locally), by Act 4 of 1882.

Adapted and modified by the Adaptation of Laws Order, 1950.

A Regulation * * * * * containing rules of judication respecting written acknowledgments of debts executed without receipt of a full consideration, also regarding * * * the tendering payment of debts, and the disposal of property mortgaged or pledged.

* * * * * WHEREAS justice, the interests of trade, and the easy and secure Preamble. transaction of money-dealings require that the effect of written acknowledgments of debts, when the receipt of a full consideration is contested, should be defined and made known, and that certain provisions should be framed * * * * * for determining the effects of tenders of payment, and the rights of parties concerned in property mortgaged or pledged ;

the following rules have therefore been enacted * * * * *

CHAPTER I.

[Limitation]

1 to 8. *Rep. Act IX of 1871.*

CHAPTER II.

OF ACKNOWLEDGMENTS OF DEBTS EXECUTED WITHOUT RECEIPT OF A FULL CONSIDERATION IN VALUE

9. *First*—Written acknowledgments of debt in any shape shall not be held Proof of conclusive in a Court of Law as to the amount, if the defendant show that a full amount of consideration has not been received debt

¹ The Preamble and ss 9, 14 and 15 of Bom Reg 5 of 1827 were declared, by the Laws Local Extent Act, 1874 (15 of 1874), s. 5, to be in force in the whole of the State of Bombay, except as regards the Scheduled Districts, i.e., the villages belonging to the following Mehwasai Chiefs—

- | | |
|--------------------------|-----------------------------|
| (1) The Parvi of Kathi. | (4) The Walvi of Gaohali. |
| (2) The Parvi of Nal. | (5) The Wassawa of Chikhli. |
| (3) The Parvi of Singpur | (6) The Parvi of Nawalpur. |

² The words “defining the limitations, as to time, within which civil actions may be prosecuted and” and the word “interest” were repealed by the Repealing Act, 1876 (12 of 1876).

³ The words “Whereas it is conducive to the public security and the quieting of disputes, that limitations should be prescribed to the period within which civil suits may be instituted and”, the words “for the calculation of the interest of money, and for limiting the amount thereof and”, and the words “to have effect from such date as shall be prescribed in a Regulation to be hereafter passed for that purpose” were repealed by the Repealing Act, 1873 (12 of 1873)

⁴ S. 9, *clause first*, is repealed locally, so far as regards any suit to which section 12 of the Dekkhan Agriculturists' Relief Act, 1879 (17 of 1879), applies—see Act 17 of 1879, s. 12 (to be read with s. 1).

Proof in case of cultivator sued on writing executed (at a place not subject to this Act).

Second.—And in the case of a cultivator of the soil, sued upon a written acknowledgment executed at a place which was not at the time of such execution ¹[subject to this Act], if the circumstances are such as to convince the Court that the creditor might reasonably be expected to possess other proof of the amount besides such written acknowledgment (the consideration received for the same being contested) then the said writing shall not be held conclusive as to the amount, whether the defendant prove a deficiency in the consideration or not; but the Court shall pass a decree for only such amount as the claimant may otherwise prove to be due.

CHAPTER III.

[Rate and continuance of Interest.]

10 to 12. *Rep. Act XXVIII of 1855.*

13. *Rep. Act XII of 1873.*

CHAPTER IV.

HOW A CLAIM TO INTEREST IS AFFECTED BY TENDER OF PAYMENT.

Interest ends upon tender made.

14. If a debtor can prove that he has tendered to a creditor the whole or any portion of the amount due, all further interest shall cease on the amount tendered.

CHAPTER V.

OF THE DISPOSAL OF PROPERTY MORTGAGED OR PLEDGED.

¹15. *First.*—When a creditor is placed in possession of property by mortgage or otherwise, a security for a debt, his claim over such property shall, in the absence of other special agreement, constitute his sole security for payment of the debt, or such part of it as the said property may have been given in security for, and interest thereon is to be considered as included in the said security.

Second.—If the property yield profit, and no stipulation has been made respecting the disposal of the said profit, or payment of interest on the debt, the profit shall be considered as equivalent for the interest.

Third.—In the absence of any special agreement, or recognised law or usage to the contrary, either party may at any time, by the institution of a civil suit, cause the property to be applied to the liquidation of the debt, the surplus, if any, being restored to the owner.

APPENDICES A AND B.

[*Rep. Acts XII of 1873 and IV of 1894, respectively*]

¹ These words were substituted for the words "under British jurisdiction" by the Adaptation of Laws Order, 1950.

² These words were substituted for the words "out of British jurisdiction" by Bom. 18 of 1953, s. 3 and Second Schedule.

³ S. 15 is repealed by the Transfer of Property Act, 1882 (4 of 1882), in the whole of the State of Bombay other than the Scheduled Districts, i.e. the villages belonging to the following Mehwassa Chiefs :—

(1) The Parvi of Kathi.

(2) The Parvi of Nal.

(3) The Parvi of Singpur.

(4) The Walvi of Gaoballi.

(5) The Wassawa of Chikhli.

(6) The Parvi of Nawalpur.

See Notification No. 5947, dated the 27th October 1892, *Bombay Government Gazette*, 1892, Pt. I, p. 107L.

BOMBAY REGULATION VIII OF 1827.¹

[1st January 1827]

Repealed in part, by Act 12 of 1873

Application of s 10 restricted (locally), by Bom. 4 of 1890, sec. 58 (3)

Adapted and modified by the Adaptation of Indian Laws Order in Council.

Adapted and modified by the Adaptation of Laws Order, 1950

A Regulation to provide for the formal recognition of heirs, executors and administrators, and for the appointment of administrators and managers of property by the Courts

WHEREAS, at the same time that it is in general desirable that the heirs, executors or legal administrators of persons deceased should, unless their right is disputed, be allowed to assume the management or sue for the recovery for property belonging to the estate, without the interference of Courts of justice, it is yet in some cases necessary or convenient that such heirs, executors or administrators, in order to give confidence to persons in possession of, or indebted to, the estate to acknowledge and deal with them, should obtain a certificate of heirship, executorship, or administratorship, from the Zila Court ;

Preamble.

And whereas, whenever there is no person on the spot entitled or willing to take charge of the property of a person deceased, or when the right of succession is disputed between two or more claimants, none of whom has taken possession or where the heirs are incompetent to the management of their affairs and have no near relations entitled and willing to take charge on their behalf, or where a person possessed of property dies intestate and without known heirs, it is essential that the Zila Court should appoint an administrator for the management of the estate ; the following rules are therefore enacted ** * * * *

CHAPTER I.

**RULES FOR THE RECOGNITION OF HEIRS, EXECUTORS AND ADMINISTRATORS
WHEN THERE IS A COMPETENT CLAIMANT.**

1. Whenever a person dies leaving property, whether moveable or immovable, the heir or executor, or legal administrator, may assume the management, or sue for the recovery, of the property, in conformity with the law or usage applicable to the disposal of the said property, without making any previous application to the Court to be formally recognized

Legal heir, etc., of person deceased competent to represent him without recognition from Court

¹ Bom Reg 8 of 1827 was declared by the Laws Local Extent Act, 1874 (15 of 1874), s 5, to be in force in the whole of the State of Bombay except as regards the Scheduled Districts, i.e., the villages belonging to the following Mehwasli Chiefs —

- | | |
|--------------------------|----------------------------|
| (1) The Parvi of Kathi | (4) The Walvi of Gaohalli |
| (2) The Parvi of Nal | (5) The Wasawa of Chikhli. |
| (3) The Parvi of Singpur | (6) The Parvi of Nawalpur |

As to Court fees on certificates granted under this Regulation, see clause (viii) of s 19, and article 12A of Sch I of the Court fees Act, 1870 (7 of 1870)

As to the application of certain provisions of the Indian Succession Act, 1925 (39 of 1925), to certificates granted under this Regulation, to applications made for such certificates and to the exhibition of inventories and accounts by holders of such certificates, see s 390 of Act 39 of 1925

The grant of probate or letters of administration under the Indian Succession Act, 1925 (39 of 1925), in respect of an estate supersedes any certificate previously granted under Part X of the said Act or under the Succession Certificate Act, 1889 or Bombay Regulation No VIII of 1827, in respect of any debts or securities included in the estate, see sec 215 of Act 39 of 1925

As to grant of certificate under the Indian Succession Act, 1925 (39 of 1925), on production of a certificate granted under this Regulation, see s 214 of that Act

² The words "to take effect from such date as shall be prescribed in a Regulation to be hereafter passed for that purpose" were repealed by the Repealing Act, 1873 (12 of 1873).

But if such recognition requested,

proclamation will be issued

2. *First*—But if an heir, executor or administrator is desirous of having his right formally recognized by the Court, for the purpose of rendering it more safe for persons in possession of, or indebted to, the estate to acknowledge and deal with him, the Judge, on application, shall issue a proclamation, in the form contained in Appendix A, inviting all persons who dispute the right of the applicant to appear in the Court within one month from the date of the proclamation and enter their objections, and declaring that, if no sufficient objection is offered, the Judge will proceed to receive proof of the right of the applicant, and, if satisfied, grant him a certificate of heirship, executorship or administratorship

Second—[Publication of proclamation] *Rep Act XII of 1873*

If no objection appears, recognition to be granted.

3. If, at the expiration of the time mentioned in the proclamation, no sufficient objection has been made, the Court shall forthwith receive such proof as may be offered of the right of the person making the claim, and, if satisfied, shall grant a certificate in the form contained in Appendix B, declaring him the recognized heir, executor or administrator of the deceased

Objection appearing, to be examined,

and recognition given or refused accordingly.

4. *First*.—If, before the expiration of the time, any objection is made to the right of the person claiming as heir, executor or administrator, the Judge, on a day to be fixed (of which at least eight days' previous notice shall be given to the parties), shall summarily investigate the grounds of the objections on the one hand, and of the right claimed on the other, examining such witnesses or other evidence as may be adduced by the parties, and either grant or refuse a certificate, as the circumstances of the case may require

If question is complicated or difficult, matter to be left for adjudication.

Second.—But if from the evidence adduced, it appears that the question at issue between the parties is of a complicated or difficult nature, the Judge may suspend proceedings in the application for a certificate until the question has been tried by a regular suit instituted by one of the parties

Authenticity of wills and recognitions how certified

5. Whenever an executor is formally recognised, under the rule contained in section 4, the authenticity of the will, if any, by which he is appointed, shall be proved, and the certificate of executorship shall be endorsed thereon

6. [Wills and recognitions to be registered] *Rep Act XII of 1873*

Recognized heirs, etc., competent to manage property.

But recognition gives no title to property.

7. *First*—An heir, executor or administrator, holding the proper certificate, may do all acts and grant all deeds competent to a legal heir, executor or administrator, and may sue and obtain judgment in any Court in that capacity

Second—But, as the certificate confers no right to the property, but only indicates the person who, for the time being, is in the legal management thereof, the granting of such certificate shall not finally determine nor injure the rights of any person, and the certificate shall be annulled by the Zila Court, upon proof that another person has a preferable right

nor relief from responsibility to claimants.

Third.—An heir, executor or administrator, holding a certificate, shall be accountable for his acts done in that capacity to all persons having an interest in the property, in the same manner as if no certificate had been granted.

Refusal of a recognition no judgment against claim of applicant.

8. The refusal of a certificate by the Judge shall not finally determine the rights of the person whose application is refused, but it shall still be competent to him to institute a suit for the purpose of establishing his claim.

CHAPTER II

OF THE APPOINTMENT OF AN ADMINISTRATOR BY THE ZILA COURT, WHEN
THERE IS NO HEIR OR EXECUTOR COMPETENT AND WILLING TO BE
PLACED IN POSSESSION.

9. Whenever there is no person on the spot entitled and willing to take charge of the property of a person deceased, where the right of succession is disputed between two or more claimants, none of whom has taken possession, or where the heirs are incompetent to the management of their affairs from infancy, insanity or other disqualification, and have no near relations entitled and willing to take charge on their behalf, the Judge, within whose jurisdiction such property is, may appoint an administrator for the management thereof, until the lawful heir, executor or administrator appears, or the right of succession is determined, or the disqualification of the heir is removed, as the case may be, when the Judge, on being satisfied of the facts, shall direct the administrator in charge to deliver over the property to such person, with a full account of all receipts and disbursements during the period of his administration

When heir, etc., is present but undetermined
or incompetent,
Judge may appoint administrator,
to be duly accountable when emergency at end

10. *First*.—Whenever any person dies intestate, and without known heirs, leaving property, the Judge, within whose jurisdiction the property is, shall appoint an administrator for the management thereof, and shall issue a proclamation in the form contained in Appendix C, calling upon the heir of the deceased or any person entitled to receive charge of the property, to attend and prefer his claim

If heir, etc. unknown, administrator to be appointed, and proclamation issued, and published.

Second—The proclamation shall be published, * * * * and if the deceased was a ³[resident] of any district or country without the limits of the Court's jurisdiction, and the property is of the value of rupees one thousand (1,000) * * * * * or upwards, the proclamation shall also be published in the * * * * * [Official Gazette]

Third—If any person appears and satisfies the Judge of his right to the possession of the property or any part of it as heir, executor, administrator or otherwise, it shall be delivered up to him, after deducting the necessary expenses of management.

Heirs, etc., appearing to be put in possession,

Fourth—But, if no person appears and establishes his right, the Judge, on the 31st December next after the completion of twelve months from the appointment of the administrator, shall make a report of the circumstances of the case to the Sadr Diwani Adalat, accompanied by an inventory and valuation of the property, and it shall be lawful for the Sadr Diwani Adalat either to direct the property to continue for a further period under the management of the administrator, or to be sold by him under the authority of the Court, and the proceeds to be deposited in the public treasury for the eventual benefit of all concerned

and if no heir appears, reference to Sadr Diwani Adalat, who will, grant time, or order sale and proceeds to be deposited.

11. Whenever an administrator is appointed by the Judge under sections 9 and 10 of this Regulation, he shall, previously to entering upon the execution of his office, give security in a sum to be fixed by the Judge for the faithful discharge of his trust, and he shall be entitled to such remuneration as the Judge may fix for his trouble, but subject to modification by the Sadr Diwani Adalat, on the complaint of any person interested

Administrators appointed by Court to give security and to be remunerated at discretion of Judge

¹ S. 10 does not apply to intestate property which is dealt with by a Magistrate under the Bombay District Police Act, 1890 (Bom. 4 of 1890), s. 58 (3)

² The words "in the manner prescribed in Reg. IV, A. D. 1827, section VIII clause tenth", the words "local currency" and the words "Bombay Courier or other" were respectively repealed by the Repealing Act, 1873 (12 of 1873)

³ This word was substituted for the word "Native" by the Adaptation of Laws Order, 1950

⁴ The words "Official Gazette" were substituted for the words "Government news paper" by the Adaptation of Indian Laws Order in Council.

APPENDIX A

Form of Proclamation to be issued when a person applies to be recognised as heir, executor or administrator of one deceased

PROCLAMATION.

IN THE COURT OF THE ZILA OF

WHEREAS *A B*, inhabitant of _____, died at _____ on or about the day of _____, and whereas *C D*, inhabitant of _____, has presented an application to the Judge of the said zila for the purpose of being formally recognized as heir [executor or administrator, *as the case may be*] of the said *A B*, this is to give notice to all persons who may dispute the right of the said *C D* as heir [executor or administrator, *as the case may be*] of the said *A B*, to appear in the Court of the said zila within one month from the date of this proclamation, there to enter their objections, and it is hereby declared that if no sufficient objection is offered before the expiration of that period, the said Judge will forthwith proceed to receive proof of the said *C D*'s right, and to grant him, provided he shall appear entitled thereto, a certificate of heirship [executorship or administratorship, *as the case may be*] of the said *A B*, deceased

Dated at _____ this _____ day of _____

(Signed) { *By the Judge,*
Senior Assistant Judge,
or
Junior Assistant Judge

APPENDIX B

Form of Certificate to be granted to the recognised heir, executor or administrator of one deceased.

IN THE COURT OF THE ZILA OF

WHEREAS *A. B*, inhabitant of _____, died at _____ on or about the day of _____, and application was made by *C D*, inhabitant of _____, to the Judge of the said Court, to be formally recognized as heir [executor or administrator, *as the case may be*] of the said *A B*, and, whereas the usual proclamation having been issued, no sufficient objection was offered to the right of the said *C D*, and whereas the said *C. D*, thereupon gave proof to the satisfaction of the Court of his right to be recognized as heir [executor or administrator *as the case may be*] of the said *A B*

This, therefore, is to certify that the said *C D* is the recognized heir [executor or administrator] of the said *A B*. deceased

Dated at _____ this _____ day of _____

(Signed) { *By the Judge,*
Senior Assistant Judge,
or
Junior Assistant Judge.

APPENDIX C.

Form of Proclamation to be issued when a person dies intestate, and without known heirs, leaving property.

PROCLAMATION

IN THE COURT OF THE ZILA OF

WHEREAS *A.B.*, inhabitant of _____, died at _____ on or about the _____ day of _____, leaving the following property at _____, within the said zila, namely, [*here specify the property*]; and whereas no will of the said *A. B.* has been found, nor is it known if he has any heirs : This is to give notice to all persons claiming to be heirs, or to be entitled to receive charge of the said property, to attend and prefer their claim in the said Court, in order that, on such claim being proved, the said property may be delivered up to them.

Dated at _____ this _____ day of _____

(Signed) { *By the Judge,*
Senior Assistant Judge
or
Junior Assistant Judge.

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 (Bom. Reg. XII of 1827) at pages 14-16 has been repealed by the Bombay Repealing and Amending Act, 1959 (Bom. 63 of 1959) section 2 First Schedule

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A Regulation for defining the constitution of Courts of Criminal Justice and the functions and proceedings thereof (Bom. Reg. XIII of 1827) at page 17 has been repealed by the Bombay Repealing and Amending Act, 1959 (Bom. 63 of 1959), section 2, First Schedule.

BOMBAY REGULATION XXII OF 1827.¹

[1st January 1827]

Repealed (except ss. 40 to 43), by Act 13 of 1889.

Repealed in part, by Act 12 of 1873.

Amended, by Bom. 3 of 1886.

Adapted and modified by the Adaptation of Indian Laws Order in Council.

Adapted and modified by the Adaptation of Laws Order, 1950.

A Regulation to declare and define military authority, in its relations to the civil power and to the community at large.

PREAMBLE. *Rep. Act XIII of 1889.*

CHAPTERS I TO VI

[*Courts-martial ; Military Courts having civil and criminal jurisdiction ; Police ; Aid by Civil Authorities to Military Tribunals , Military Courts of Request ; Offences cognizable in Civil Court ; Limits of Cantonments ; Superintendent of Bazars ; Process by Civil Authority ; Camp-followers]*

1 to 39. *Rep. Act XIII of 1889.*

CHAPTER VII.

OF THE AID WHICH MAY BE FURNISHED BY CIVIL AUTHORITIES TO EXPEDITE THE MARCH OF MILITARY FORCES, AND OF COMPENSATION TO INDIVIDUALS FOR DAMAGE CAUSED BY THE TROOPS ON SUCH OCCASIONS.

40. When military bodies, exceeding in number two hundred (200) of infantry, or one hundred (100) of cavalry, shall have occasion to march through a ²territory, and also, if the number be smaller, provided they will require aid from the local authority, the commanding officer shall give timely notice to each ³[District Magistrate] through whose jurisdiction he will pass, specifying the probable time of his arrival, the extent of the corps, and the nature of the aid (if any) which will be required. Notice to District Magistrates through whose jurisdiction troops pass.

41. *First*—If it be required, the ⁴[District] Magistrate shall direct his establishment to be in readiness to procure guides, and such supplies of provisions as the country may furnish, and such conveyance for passing rivers or ghats, or any peculiarly difficult places, as is professionally provided by the inhabitants for such purposes. Aid to be furnished by District Magistrate.

Second—Provisions and conveyance supplied as above mentioned to individuals shall be paid for by them at the time and at the current rate of the place, the guides and conveyance for public property shall be paid for at the same rate by the Collector of the district, according to a certificate which the commanding officer is to grant, denoting the services performed ; and the Collector is to insert the amount so disbursed at the foot of his treasury-account, in explanation of his treasury-balance as prescribed for similar cases. How paid for

¹ Ss 40 to 43 of Bom Reg 22 of 1827 were declared, by the Laws Local Extent Act, 1874 (15 of 1874), s 5, and Sch 3 as amended by Act 13 of 1889, to be in force in the whole of the State of Bombay, except as regards the Scheduled Districts, i e , the villages belonging to the following Mehwassa Chiefs :— (1) The Parvi of Kathi, (2) the Parvi of Nal, (3) The Parvi of Singpur, (4) The Walvi of Gaohall, (5) The Waasawa of Chikhli, and (6) The Parvi of Nawalpur

² The word " British " was deleted by the Adaptation of Laws Order, 1950.

³ " District Magistrate " was substituted for " Magistrate " by the Bombay General Clauses Act, 1886 (Bom 3 of 1886), Schedule B. This Schedule is printed as an Appendix to the Bombay General Clauses Act, 1904 (Bom I of 1904).

⁴ " District " was substituted for " local ", *ibid.*

42. *First*—When emergent occasions require the immediate march of troops and more extensive aid towards it than is allowed by the preceding section, necessary, the ¹[District] Magistrate may resort to impressment under the following rules, being careful to define the nature of the employment for which the impressment is made and the period it is to continue. On emergent occasions aid may be procured by impressment.

Second—The ¹[District] Magistrate's authority for acting as in the preceding clause shall be either an order from the ²[Central Government] or a letter from the commanding officer declaring his inability to proceed without the ¹[District Magistrate's] aid, and fully explaining the circumstances which render the movement of paramount importance to the general inconvenience occasioned by impressment, on receipt of which the ³[District Magistrate] will act at discretion. What considered as constituting emergency.

Third—Remuneration for services or supplies procured by impressment is to be fixed by the ³[District Magistrate] on a liberal scale, and paid according to the principles of clause second, section 41, of this Regulation, namely, individuals are to pay for that which is personal accommodation, and the Collector is to defray the charges incurred for the public service under the above-quoted rules. Remuneration how made.

Fourth—Whenever impressment shall take place by virtue of this section, the ³[District Magistrate] shall, within ten (10) days, report the fact, with the cause and extent of impressment, and the rates of remuneration allowed ⁴to the ²[Central Government] ⁴* * * * *. Report as to impressment.

43. *First*—When damage is occasioned to individuals by the march or encampment of troops, the commanding officer shall, on application by the sufferer, furnish him with a certificate of the nature, extent and cause thereof. Certificate to be furnished to person sustaining injury.

Second—The certificate mentioned in the preceding clause shall, if presented to the Collector or any of his officers holding charge of a district within ten (10) days from its date, entitle the sufferer to compensation for loss occasioned by such movements or positions of the troops as are *bona fide* of a military nature. Effect of certificate.

Third—On a demand being made by virtue of this section to the Collector, he shall inquire into its merits, and, if satisfied that it is just, shall apply to ⁵[the Central Government] for permission to pay it; if the Collector thinks the demand is not just, or if ⁵[the Central Government] withhold permission to pay it, the complainant may bring the case to decision according to the process of civil law by instituting a suit against ⁶[the Central Government]. Suit against Central Government when to be instituted.

CHAPTERS VIII AND IX.

[*Requisitions for Military aid by Civil Authorities ; Spirituous Liquors.*]

44 to 55. *Rep. Act XIII of 1889.*

¹ "District Magistrate" was substituted for "Local" by Bombay General Clauses Act, 1886 (Bom 3 of 1886), Schedule B. This Schedule is printed as an Appendix to the Bombay General Clauses Act, 1904 (Bom 1 of 1904).

² The words "Central Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

³ These words were substituted for "Magistrate" by Bom 3 of 1886, Sch. B. This Schedule is printed as an appendix to Bom 1 of 1904.

⁴ The word "both" and the words "and the Court of Sudder Foujdary Adawlut" were repealed by the Repealing Act, 1873 (12 of 1873)

⁵ The words "the Central Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

⁶ The words "the Central Government" were substituted for the words "the Collector", *ibid.*

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The Bombay State Prisoners Regulation, 1827 (Bom. Reg. XXV of 1827), at pages 20-23 has been repealed by the Repealing and Amending Act, 1952 (XLVIII of 1952), section 2, First Schedule.

BOMBAY REGULATION XXIX OF 1827.¹

1st August 1827]

Repealed in part, by Bom Reg 4 of 1828 ;

 " " " " Act 6 of 1842 ;
 " " " " " 11 of 1846 ;
 " " " " " 4 of 1868 ;
 " " " " " 14 of 1869 ;
 " " " " " 10 of 1876 ;
 " " " " " 12 of 1876 ;
 " " " " " 4 of 1894 ;

Supplemented, by Bom Reg I of 1831, as amended by Bom. Reg. 16 of 1831, s 2 ;

Supplemented, by Act 19 of 1835.

Adapted and modified by the Adaptation of Indian Laws Order in Council.

Adapted and modified by the Adaptation of Laws Order, 1950.

Adapted and modified by the Maharashtra Adaptation of Laws (State and Concurrent Subjects) Order, 1960.

A Regulation for bringing under the operation of the Regulations the Bombay territories in the Dekkhan and Khandesh.

WHEREAS, subsequently to the conquest by the Company of the territories of ^{Preamble.} the late Peshwa, in the Dekkhan and Khandesh, and the acquisition from other States by treaties and agreements of other territories within the said countries, the governments of all the said territories have, with the view of avoiding the abrupt introduction of extensive change, been conducted under the orders of the Governor in Council constituting a system which was calculated gradually to prepare the way for the introduction of the general rules of the ^{**} * administration ;

and whereas the Regulations for the administration of the Bombay territories have in the meantime been revised, and it has now been judged expedient to bring the territories in the Dekkhan and Khandesh under the revised Regulations, being the first ²twenty-six (26) Regulations of 1827, with certain modifications ;

the following rules have been enacted ⁴* * * *

¹ As to the application of Bom Reg 29 of 1827 to the Southern Maratha Country (Dharwar District), see Bom Reg 7 of 1830 as amended by Act, 16 of 1895. As to its application to certain other territory, see Bom 3 of 1863, s 4, and Bom 14 of 1866, s. 3 Cf s 4 of the Code of Civil Procedure, 1908 (5 of 1908)

² The word " British " was omitted by the Adaptation of Laws Order, 1950.

³ Most of these Regulations have been repealed.—see Chronological Tables of the Indian Statutes. The unrepealed portions of the others are printed on the preceding pages

⁴ The words and figures "to have effect from the 1st September 1827" were repealed by the Repealing Act, 1876 (12 of 1876).

2. *First*—The first twenty-six (26) Regulations of 1827 shall, from the 1st September, 1827, be of force and effect, except as specifically enacted to the contrary, throughout the Bombay territories in the Dekkhan and Khandesh, consisting of the zilas of Puna and Ahmadnagar, as described in Appendix A to this Regulation.

Second—[Fees] *Rep. Act XII of 1876.*

3. *First*—With reference to the said zilas, suits against certain persons of rank, as hereinafter specified shall not come under the jurisdiction of the Civil Courts.

Second—A list of the said persons of rank will be furnished by [the [State] Government] to the Judge, who will, on application, communicate the same to any person who, as plaintiff or defendant, may show that his interest requires his being supplied with that information.

4. *First*—An Agent of [the [State] Government] shall be specially appointed for the purpose of receiving and trying and deciding all complaints of a Civil nature which would, under the ordinary rules, be cognizable by either of the Judges of Puna and Ahmadnagar against any of the persons contemplated in the preceding section he shall be furnished with a list of the said persons of rank, and with instructions descriptive of the respective rules of procedure to be followed in the case of each such person, and he shall communicate to any individual making application so much of the above-mentioned information as such individual may show to be important to his own interest.

Second—The list above-mentioned shall comprise three (3) classes of persons of rank, and the instructions above-mentioned shall provide three (3) several modes of procedure, applicable respectively to each class of the said persons of rank.

5. *First*—Suits against the persons belonging to the first of the classes comprised in the Agent's list, being individuals of the very first distinction and influence under the Peshwa's Government on account of their birth, their political importance, or the religious estimation in which they were held, shall be conducted and decided by the

¹ Most of these Regulations have been repealed—see Chronological Tables of the Indian Statutes. The unrepealed portions of the others are printed on the preceding pages

² The words "with the exception of Regulation XVIII and of any enactments relating to stamps" were repealed by the Repealing and Amending Act, 1894 (4 of 1894)

³ The words and figures "and the said territories are hereby further brought under the operation of the Regulations accordingly as they may apply, to be passed from and after the first September, 1827, for the government of the territories subordinate to the Presidency of Bombay" were repealed by the Repealing Act, 1876 (12 of 1876)

⁴ The words and figures "it is hereby enacted that, in modification of the rules contained in Reg II A D 1827, Sections XXI and XXXVII, clause first" were repealed by Act 12 of 1876

⁵ As to appeals from decisions passed by jagirdars included in this list, see Bom Reg 13 of 1830, s. 3. As to Courts having power to take cognizance of land-suits in which persons included in this list are concerned as defendants, see Bom Reg 1 of 1831, and Bom Reg 16 of 1831

⁶ The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council

⁷ This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950

⁸ As to transfer of suits to the Assistant Agent, see Act 19 of 1835.

⁹ As to land suits in which such persons are concerned as defendants, see Bom Reg 1 of 1831, and Bom Reg 16 of 1831, s. 2

¹⁰ Cf Section 4 of the Code of Civil Procedure, 1908 (Act 5 of 1908).

Agent, reference being had in the most ample degree to the privileges of the defendant by former usage and custom enjoyed, and to other peculiar characteristics of the case conformable to like usage and custom ;

Decrees not to be executed without reference to ¹[State] Government. Appeal.

and no decree against any such defendant shall be enforced until the suit and all proceedings thereon shall have been referred to the ¹[²[State] Government] [to ³[which] also the plaintiff may appeal], ³which, as a special superior Court for the adjustment of such suits, will pass such order thereon as ⁴[it] may deem just and equitable, an appeal to the ⁵[Supreme Court] being open to either party.

Conduct of suit against second class persons.

Second.—Suits against the persons belonging to the second of the classes comprised in the Agent's list, being individuals not equal in consideration to those above adverted to, but of high rank and importance under the Peshwa's Government, shall be conducted and tried by the Agents, reference being had in a great degree and in conformity to former usage and custom, to the rank of the defendant, his situation and privileges, under the Peshwa's Government, as affecting his creditor's means of compelling payment during that period, his present means of discharging the debt, and other points material to the real equity of the plaintiff's claim and the defendant's liability

Appeal to ¹[State] Government

An appeal against the Agent's decision to the superior Court of the ¹[²[State] Government], as above constituted, shall be open to either party;

Limitation.

the petition of appeal shall be presented either to the Agent or ⁴[to the ²[State] Government] within ninety (90) days (which period may be extended for good reasons) after the Agent's decision was passed the rules for trial and decision of such appeal shall be the same as those prescribed for the original trial of the suit and a final appeal to the ⁵[Supreme Court] shall be open to either party.

Conduct of suits against third class persons

Third—Suits against the persons belonging to the third of the classes comprised in the Agent's list, being individuals inferior in rank to those of the classes previously described, but still equitably entitled, on account of the privileges hitherto enjoyed by them, to a certain special degree of consideration shall be conducted and tried by the Agent, in like conformity to usage and custom, with some relaxation of the rules of the general Regulations and some portion of attention to the points above specified for regulating his decisions in suits against individuals of the two superior classes.

¹ The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council

² This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950

³ The word "which" was substituted for the words "whom" and "who", by the Adaptation of Indian Laws Order in Council.

⁴ The word "it" was substituted for the word "he"; *ibid.*

⁵ These words were substituted for the words "King in Council" by the Adaptation of Laws Order, 1950.

⁶ The words "to the Provincial Government" were substituted for the words "to Government", by the Adaptation of Indian Laws Order in Council

An appeal to the Sadr Diwani Adalat against the Agent's decision shall be open Appeal to Sadr Adalat. to either party ;

The petition of appeal shall be presented, either to the Agent or to the Sadar Diwani Adalat, within ninety (90) days (which period may be extended for good reasons) after the Agent's decision was passed : the rules for trial and decision of such appeal shall be the same as those prescribed for the original trial of the suit; with which view the instructions of the Agent, with regard to the defendant, shall be communicated ¹[by the ²[State] Government] to the Sadr Diwani Adalat, and, a final appeal to the ³[Supreme Court] shall be open to either party ⁴* * * *

⁵[6. Nothing in this Regulation shall as from the 1st day of May 1960 apply in relation to territories described in Appendix A which are by section 3 of the Bombay Re-organisation Act, 1960, comprised in the State of Gujarat] Exclusion of application to certain territories now in Gujarat.

7. [*Pleaders; jurisdiction; appeals; execution of decrees*] *Reg Act XIV of 1859.*

¹ The words " by the Provincial Government " were substituted for the words " by Government " by the Adaptation of Indian Laws Order in Council.

² This word was substituted for the word " Provincial " by the Adaptation of Laws Order, 1950.

³ These words were substituted for the words " King in Council " by the Adaptation of Laws Order, 1950.

⁴ The words " under the rules contained in the General Regulations with reference to such appeals from the decrees of the Sadr Diwani Adalat " were repealed by the Repealing Act, 1876 (12 of 1876)

⁵ Section 6 was inserted by the Maharashtra Adaptation of Laws (State and Concurrent Subjects) Order, 1960.

APPENDIX A¹.

(See section 2, clause 1st.)

Territorial description of the Zilas in the Dekkhan and Khandesh, established under the Presidency of Bombay; formed of conquests from the Peshwa (proclamation of occupation, 11th February, 1818), and cessions from Holkar (treaty 6th January, 1818), Sindia (treaty 6th February, 1820) and the Nizam (treaty 12th December, 1822).

ZILA OF PUNA

The two (2) tarafs Haveli-Puna and Karyat-Maval

The fifteen (15) following villages of the taraf Keru Bára, namely :—

1 Sivra,	9 Khetkavla,
2 Kondhanpur,	10 Kumbosi,
3 Kalyan,	11 Gávardari,
4 Rahtavda,	12 Gogalvad,
5 Ombra,	13 Kaumthadi,
6 Arvi,	14 Khed Sivapur,
7 Divra,	15 Kelvad.
8 Kamsa,	

The three (3) following villages of the taraf Musa Khora, namely :—

1 Jaml,	3 Sangrun.
2 Sonapur,	

The three (3) following villages of the taraf Muta Khora, namely :—

1 Ambegaon,	3 Ambi.
2 Bhavli,	

The two (2) following villages of the taraf Kánad Khora, namely :—

1 Vinjer,	2 Antroli.
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¹The village of Apti, taraf Hardus-Maval.

The eighteen (18) tarafs Sandus, Patas, Panbal, Mahlunga, Ausiri, Khed, Chakan, Ghoda, Vada, Ambegaon, Junna, Votur, Ala, Bela, Markhoda, Kokatner Minner and Narayangaon.

The ten (10) following villages of the taraf Kurda, namely .—

1 Ambi,	6 Bhangri,
2 Khambori,	7 Aldara,
3 Baradi,	8 Lingdi,
4 Lavki,	9 Ghasgaon,
5 Nandur Kandumal,	10 Pimpalgaon Jog.

The three (3) tarafs Andar Maval, Nani Maval and Paud Khora.

¹ So much of Bom Reg 29 of 1827 as related to the villages of Jálhal, Tingni Bidri, Hongalhalli, Kárjol, Upadinni, Allasunde and Boblad was repealed by Act 6 of 1842

So much of this Appendix as declared the villages contained in the schedule to Act 11 of 1846 and the lands attached thereto (being parts of the parganas of Nandurbar, Sultanpur and Kukarmunda, in the province of Khandesh), subject to the Regulations established for the administration of civil and criminal justice in the Province of Bombay, was repealed by that Act

So much of this Regulation as related to the following villages in the Puna District, viz. —

1 The Punt Suchoo's village of Apti, Taraf Hardus-Maval,
2, 3, 4 The Punt Suchoo's villages of Watar, Bhambourdy and Gunund in that part of the Tarafa Nur Thadi and Surval which lie north of the Nira river, was repealed by Act 4 of 1868.

The thirty-two (32) following villages of the taraf Paun Maval, namely —

1 Karunj,	17 Shivner,
2 Ambegaon,	18 Bauver,
3 Pusani,	19 Thugaon,
4 Chandkhed,	20 Pardavdi,
5 Kila,	21 Mahagaon,
6 Shevti,	22 Kusgaon,
7 Sindgaon,	23 Yelsi,
8 Pavla,	24 Bebarvohol,
9 Kurda,	25 Riha,
10 Siravli,	26 Pauchana,
11 Ghivandi Alvan,	27 Bersi,
12 Apti,	28 Badavli,
13 Kauter Khadak,	29 Arra,
14 Malavli,	30 Ursi,
15 Shivli,	31 Gotavra,
16 Aridiv,	32 Adala Khurd.

The three (3) tarafs Kari Pathar, Sasvad and Supa.

So much of the two (2) tarafs Nir Thadi and Sirval as lies north of the Nira river¹

The six (6) tarafs Indapur Baramati Mohol, Under tappa to the west of the Sina river Bhusa and Temburni.

The four (4) following villages of the taraf Karkam, namely .—

1 Gursali,	3 Karola,
2 Badalkot,	4 Ujni.

The two (2) following villages of the taraf Kathi, namely —

1 Sorsti,	2 Shankargaon.
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The three (3) tarafs Sholapur, Ahirvadi and Mandrup.

The five (5) following villages denominated the Sammot Phutgaon, namely :—

1 Andal,	4 Darphal,
2 Muranchi,	5 Mangrul
3 Nerkhed,	

The seven (7) tarafs Indi, Tamba, Hippargi, Julvad-Kokatnur, Almel, Bardul and Ukli.

The three (3) following villages of the taraf Haveh Bijapur, namely .—

1 Ukmanhal,	3 Ahleabad.
2 Kaulga,	

The four (4) following villages of the taraf Horti, namely .—

1 Ranjanhal,	3 Tihhal,
2 Minchanhal,	4 Kyatulkar.

The qasba of Sindgi.

¹ As to three of the villages in these tarafs, see the first footnote on p 27, *supra*

The six (6) following villages of the taraf Honvad, namely :—

1 Jahhal, ¹	4 Arahalli,
2 Ramtirat,	5 Kaltavteghi,
3 Yetnhal,	6 Ghonasghi.

The seven (7) following villages of the taraf Anti, namely .—

1 Aralhatti,	5 Balgheri,
2 Abihal,	6 Sambarga,
3 Tangarri,	7 Bemanhl.
4 Mangsula,	

The two (2) following villages of taraf Halsanghi, namely .

1 Bhatgunk,	2 Gotihal.
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The six (6) following villages, namely :—

1 Avakor,	4 Tingni Bidri, ¹
2 Hina Parsalghi,	5 Hongalkalle, ¹
3 Surpal,	6 Karjol ¹

The two (2) tarafs Talhoti and Nalatvad.

The qasba of Bagevadi and the two (2) villages of Masghal and Yerval.

The four (4) following villages in the taraf Muhammadpur, namely :—

1 Jaynapur,	3 Upaldanni, ¹
2 Budeni,	4 Gurodhal.

The village of Bhaganagar, taraf Sednak.

The seven (7) following villages of the taraf Chimalghi, namely .—

1 Disalkop,	4 Golsinghi,
2 Mijarkop,	5 Gharri,
3 Murkatihal,	6 Liklevadi,

7 Maundghi.

ZILA OF AHMEDNAGAR.

(Ahmednagar Collectorship)

Barsi Panch Mahals.

The Peshwa's share of the pargana Doka

The village of Vaghola in the Dharur pargana

So much of the pargana Haveli-Parinda as lies west of the Sina river and the village of Sanori to the east of the said river.

The two (2) parganas of Jamkhed and Vanghi.

The Peshwa's share of Prant Karrevarit and that part of the Nizam's share which lies west of the Sina river.

The Peshwa's share of the Ashti pargana and the taraf Manur.

The two (2) tarafs Naga Haveli and Ranjangaon

The Pargana Parner.

The nine (9) following villages in taraf Belha, namely :—

1 Davalgaon,	4 Babra,	8 Ukargaon,
2 Orngaon,	5 Kolgaon,	8 Isapur,
3 Karnjavan,	6 Sidori,	9 Andalgaon.

The two (2) parganas of Kharda and Nevasa, except the village of Jalka.

The two (2) tarafs Ganji-Bhoyra and Vavrad.

The pargana Bargaon Nandur.

* See the first footnote on p 27, supra.

The Peshwa's share of the two (2) parganas Bijapur and Gandapur, together with the village of Takli.

The pargana Sangamner, together with the three (3) qasbas of Rahata, Puntambo and Whava.

The thirteen (13) parganas Dhandarphal, Kotul, Akola, Sinnar, Kumbhari, Patoda, Nasik, Trimbak, Vaghera, Vanu, Dindori, Shevgaon and Chandor.

(Khandesh Collectorship)

The thirteen (13) parganas Laling, Songir, Ner, Amalner, Betavad, Dhangri, Garondol, Jalod, Chandshahar, Bhadgaon, Bhal, Utran and Masva.

The pargana Pachora which belongs to Sindia, but is governed by the British.

The taraf Lohara-Haveli which belongs to Sindia, but is governed by the British.

The taraf Sangvi, in the Lohara pargana.

The five (5) parganas Shendurnit, Chalisgaon, Rajdesh, Mahombarai and Mamkपुरi.

The eighteen (18) following villages of the Kana Pargana, namely :—

- | | |
|---------------|-------------------|
| 1. Rolter, | 10. Kanedi, |
| 2. Rohilla, | 11. Jalgaon. |
| 3. Porkri, | 12. Jamdi, |
| 4. Malligaon, | 13. Tunvana, |
| 5. Champaner, | 14. Palasgaon, |
| 6. Hingna, | 15. Malpur, |
| 7. Naydongri, | 16. Vetapur. |
| 8. Sahkegaon, | 17. Makrandarpur, |
| 9. Kadra, | 18. Narsinhpur. |

The two (2) qasbas of Ranjangaon and Jategaon.

The twenty-four (24) parganas Galna, Chikhalvohol, Tokra, Jhodga, Lohoner, Vakhari, Sandas, Jayteypur, Pissol, Tilvad, Korali, Otur, Pala, Hatgad, Kanasi, Pimpala, Pimpalner, Dhaiva, Varsa, Bhamen, Navapur, ¹Nandurbar, Sultanpur and Kukarmunda.

The three (3) qasbas of Pankera, Umarpatta and Chaupala.

The principality of Akrani.

The pargana of Chopda which belongs to Sindia, but is governed by the British.

The two (2) parganas of Thalner and Amba.

The qasba of Sindva.

The pargana of Yaval which belongs to Sindia, but is governed by the British.

The two (2) parganas of Adavad and Savda.

The village of Changdev.

The pargana of Raver, including the taraf of Pal.

The four (4) parganas of Nasrabad, Jámner, Bodvad and Bornár.

¹ See the first footnote on p. 27, *supra*.

BOMBAY REGULATION VII OF 1830.¹

[17th March 1830]

Repealed in part, by Act 6 of 1842 ;
 " " " " 12 of 1873 ;
 " " " " 10 of 1876 ;
 " " " " 12 of 1876.

Amended by Act 16 of 1895.

Supplemented by Bom. Reg 16 of 1831.

Adapted and modified by the Adaptation of Indian Laws Order in Council.

Amended by Bom. 53 of 1949

A Regulation for bringing under the operation of the Regulations the territories comprised in the Southern Maratha Country, belonging to the Honourable Company, and forming the said territories into a zila.

WHEREAS the administration of the territories of the Southern Maratha Country, ^{Preamble,} acquired by conquest by the Honourable Company from the Peshwa and by treaty and agreement from other States, has been hitherto conducted under the orders of the Honourable the Governor in Council, the Regulations being in force in the said territories as instructions to be acted upon, as far as circumstances, under the recent acquisition, might dictate, and as preparatory to the formal introduction of the Regulations as established laws ;

and whereas the said country and territories having now, by order of the Honourable the Court of Directors, been finally annexed to the Presidency of Bombay the Honourable the Governor in Council has judged it expedient to form the said territories into a zila, to be denominated the zila of Dharwar, and to introduce and establish therein the Regulations now in force under the Presidency of Bombay, in the same manner, and upon the same principles, as in the territories of the Dekkhan and Khandesh under the provisions of ²[³Regulation XXIX] of 1827, the following rules have therefore been enacted ⁴* * *

1. The territories of the Southern Maratha Country, as described in Appendix ^{Territories} A to this Regulation, are hereby formed into a zila, to be denominated the zila ^{formed into} of Dharwar. ^{zila.}

2. * * * * The said zila is brought under the operation of the general ^{Brought} Regulations now in force under the Bombay Presidency, with the exceptions and ^{under} according to the rules provided in ⁷[⁶Regulation XXIX of 1827] for the territories ^{operation of} of the Dekkhan and Khandesh, as the same may not have been modified by any ^{Regulations} subsequent enactment, and with the exception of ⁹[section 5].

3. 4. [*Combination of certain offices in one person.*] *Rep. Act XII of 1873.* ^{Exception.}

5. [*Creation of Political Agent to try suits against persons of rank, under modification of s 3, Bom Reg XXIX, 1827.*] *Repealed by Bom. 53 of 1949, s. 2, First Schedule.*

¹ Cf s 4 of the Code of Civil Procedure, 1908 (5 of 1908)

² Substituted for "Regulations XXIX and XXX" by the Repealing Act, 1895 (16 of 1895).

³ *Supra*

⁴ The words and figures "to have effect from the 1st of June 1830" were repealed by the Repealing Act, 1876 (12 of 1876)

⁵ So much of s 2 as makes s 6 of Bom Reg 29 of 1827 applicable to the territories comprised in the Southern Maratha Country is repealed by the Bombay Revenue Jurisdiction Act, 1876 (10 of 1876)

⁶ The words "And it is hereby enacted that" were repealed by the Repealing Act, 1876 (12 of 1876).

⁷ Substituted for the words and figures "Regulations XXIX of 1827 and XXX of 1827" by the Repealing Act, 1895 (16 of 1895) For Regulation 29 of 1827, *see supra*

⁸ *Supra*

⁹ Substituted for the words "the following sections" by the Repealing Act, 1895 (16 of 1895)

APPENDIX A.

Territorial description of the zila of the Karnatak or Southern Maratha Country, under the Presidency of Bombay, formed by conquests from the Peshwa (Proclamation of occupation, 11th February, 1818), cession by the Raja of Kolhapur (Definitive treaty, 15th March, 1829), reversion of jagirs on failure of direct heirs, resumption of a part of the Sangli jagir in lieu of service, and the transfer of two talukas from the Puna zila (Order of Government dated 19th November, 1829).

The thirty-two (32) parganas Dharwar, Navalgund, Gadag, Bankapur, Shiggaon, Hangal, Adur Mishrikot, Old Hubli, New Hubli, Eyarni, Guttul, Kagenellee, Kod, Hirekerur, Chukkerur, Kuppelrur, Tilvali, Khanapur, Murgod, Bagalkot, Rolli, Bilgi, Badami, Kerur, Mudkavi, Hungund, Nandvargi, Indi, Tamba, Hippargi and Jalvadvokatnur.

Pargana Kardga (with the exception of the villages of Savalgaon, Balhalh, Jogeshvar, Kondur, Voginkeri, Indur, Arshenageri and Hungund, included in the Sonda Province, under the Madras Presidency; Yambudihal, belonging to Chintaman, Rao Saheb Sanglikar, Yellapur belonging to Madhav Rao Saheb Mirajkar; and Savanur, Hollanhull, Chullur, Tobada-Hulikatti Gabbur, Mankatti Jekinkatti, Torur, Siddapur, Yekkikhop, Kobbanur, Vaddinakop, Naikerur, Tendur Manur, Niralkatti, Dommar-Mattur, Mulkerru, Madapur, Basavankop, Chandapur, Kalihal, Nandinalli, Honnikop and Surapakatti, belonging to the Nawab of Savanur).

Pargana Nirsangi (with the exception of the villages of Varalci and Vonkerri, included in the Sonda Province, under the Madras Presidency).

Pargana Teras (with the exception of the villages of Ballinhalli and Kalkeri, included in the Sonda Province, under the Madras Presidency).

Pargana Pachhapur (with the exception of the villages of Bassapur, Haggedahal Arlekatti, Serur, Shahbandar, Islampur and Ghutguddi, belonging to the Raja of Kolhapur; Tummarguddi and Harankolla, belonging to Chintaman Rao Saheb Sanglikar; and Budihal and Malbemardi belonging to Raghunath Rao Saheb Kurundvadkar)

Pargana Rane Bennur (with the exception of the village of Man-milar, included in the Bellari District, under the Madras Presidency).

Pargana Rattchali (with the exception of the village of Ukadgat belonging to the Raja of Mysore).

Pargana Mausur (with the exception of the villages of Khavaspur and Guladhalli, belonging to the Raja of Mysore).

Pargana Almella (with the exception of the villages of Hankoanhalli and Murganur, belonging to the Surpur Raja, Nizam's territories).

Pargana Bardel (with the exception of the village of Umraz, belonging to Govind Rao Saheb Patvardhan).

† So much of the Regulation as related to the villages of Jalihal, Tingal, Bidri, Hongalhalli, Burjol, Upaldian, Allasandeh and Boliad was repealed by Act 6 of 1843

Pargana Tálkott (with the exception of the villages of Bhattnur, Taggartaggi, Allápur, Nagavi-Allápur, Nárayánpur, Holikeri and Vadgerri, belonging to the Surpur Rájá, Nizám's territories).

Pargana Nálátvád (with the exception of the villages of Madlingadhali, Kol-guda and Bassápur, belonging to the Surpur Rájá, Nizám's territories).

The six (6) tarafs Kárkop, Máraadági, Ugargol, Morab, Medlari and Vatnál.

The twenty-two (22) Karyáts, Ámumbhávi, Nárender, Devar-Hubli, Tadkod Ekkundi, Betigera, Ambadgatti, Sampgaon, Bágevadi, Kádarvalli, Golehalli, Nandgad, Halsangi, Kakkeri, Kárlagi, Lokoli, Manoli, Mazti, Yelli-Manoli, Sadalg, Sindogi and Sattigerri.

Karyát Nesargi (with the exception of the village of Madanbhávi belonging to Siddoji Ráo Náik Numbálkar, Sár-Lashkar *alias* Nipánkar)

Karyát Belvádi (with the exception of the village of Doddvá belonging to Chuntáman Ráo Sáheb Sánghkar)

Karyát Kabbur (with the exception of the vilage of Belákod, belonging to Siddoji Ráo Náik Numbálkar, Sár-Lashkar *alias* Nipánkar)

The five (5) Sammats Tegur, Kalkeri, Kalghatgi, Bommiketti and Tumbs.

The twelve (12) villages under the Fort of Kalámdhigad.

Fort of Hire Gandharvagad and its dependencies.

Fort of Gajendragad and its dependencies.

The five (5) following villages of the pargana Nargund, namely :—

- | | |
|----------------|---------------|
| 1. Tadáhál, | 4. Gulugundi, |
| 2. Karkikatti, | 5. Revadekop, |
| 3. Auchmatti, | |

The thirteen (13) following villages of the pargana Govinkop, namely :—

- | | |
|----------------|--------------------|
| 1. Benkankop, | 8. Gobbargumpi, |
| 2. Arshungod, | 9. Bettad Kusogal, |
| 3. Hanchunáli, | 10. Harlápur, |
| 4. Hadgali, | 11. Govankopp, |
| 5. Kuralgeri, | 12. Mallápur, |
| 6. Khánaapur, | 13. Jávur. |
| 7. Madgunki, | |

The four (4) following villages of the pargana Ajamnagar, namely :—

- | | |
|-------------------|-------------|
| 1. Qasba Belgaum, | 3. Sindoli, |
| 2. Hindalghi, | 4. Mannur. |

The eight (8) following villages of the pargana Shábápur, namely :—

- | | |
|------------------|--------------|
| 1. Kudchi, | 5. Muchandi, |
| 2. Kánabergi, | 6. Yuldaal, |
| 3. Chandanhosur, | 7. Modga, |
| 4. Dhamni, | 8. Chandgad. |

The village Chukkavadáváli of the pargana Shirhatti.

The seven (7) following villages of the pargana Lakshmeshvar, namely —

- | | |
|---------------|--------------------|
| 1. Sankalpur, | 5. Gummágol, |
| 2. Badni, | 6. Mallikárjunpur, |
| 3. Vithalpur, | 7. Chákinkeri |
| 4. Hamigi, | |

The village of Budihál of the pargana Kundgol.

The village of Algundi of the pargana Máchaknur.

The seven (7) following villages of the pargana Ukli, namely :—

- | | |
|----------------|----------------|
| 1. Qasba Ukli, | 5 Nandihál, |
| 2. Mangoli, | 6 Yembatnahál, |
| 3. Kumatgi, | 7 Hattarkihál |
| 4. Bissalhál, | |

The four (4) villages of the pargana Horti, namely :—

- | | |
|----------------|----------------|
| 1. Rájanhál, | 3. Tihál, |
| 2. Minchanhál, | 4. Kyátankeri. |

The six (6) following villages of the pargana Honvád, namely —

- | | |
|---------------------------------|-----------------|
| 1. <i>Jálhál</i> , ¹ | 4 Aráhalli, |
| 2. Rámtarh, | 5. Kalkavteghi, |
| 3. Yetinhál, | 6. Ghonasghi. |

The three (3) following villages of the pargana Bágevádi, namely :—

- | | |
|--------------------|------------|
| 1. Qasba Bagevádi, | 3. Yernál, |
| 2. Masbinahál, | |

The nine (9) following villages of the pargana Alni, namely :—

- | | |
|---------------|-----------------|
| 1. Aralhatti, | 6. Sambárga, |
| 2. Abhál, | 7. Bomanhál, |
| 3. Tangarri, | 8. Madbhávi, |
| 4. Mangsuh, | 9. Pártanhalli. |
| 5. Balgheri, | |

The village of Bhahtgunki, of the pargana Halsangi.

The vilage of Avarkod, of the pargana Garrikokatnur.

The village of Paísalghi, of the pargana Bidari.

The two (2) following villages of the pargana Ghot, namely :—

- | | |
|-----------|---------------------------------------|
| 1. Surpa, | 2. <i>Tingni Bidri</i> . ¹ |
|-----------|---------------------------------------|

The two (2) following villages of the pargana Mulvád, namely :—

- | | |
|--------------------------------------|---------------------------------|
| 1. <i>Honganhalli</i> , ¹ | 2. <i>Karjol</i> . ¹ |
|--------------------------------------|---------------------------------|

¹ See the fourth footnote on p 32, *supra*.

The seven (7) following villages of the pargana Chimalghr, namely :—

- | | | |
|----------------|--|---------------|
| 1. Bisalkop, | \| | 5. Ghani, |
| 2. Majrekop, | \| | 6. Siklevádi, |
| 3. Mukartihál, | \| | 7. Márađghí. |
| 4. Golsinghi, | \| |  |

The village of Bhágánagar, of the pargana Sidhánáth.

The three (3) following villages of the pargana Muhammadápur, namely :—

- | | | |
|--------------|--|------------------------------------|
| 1. Jaynápur, | \| | 3. <i>Upaldinni</i> . ¹ |
| 2. Budeni, | \| |  |

The two (2) following villages of the pargana Terdál, namely :—

- | | | |
|-----------------|--|---------------|
| 1. Saptá Sagar, | \| | 2. Khemlápur. |
|-----------------|--|---------------|

The three (3) following villages of the pargana Mangalvedha, namely :—

- | | | |
|--------------|--|----------|
| 1. Kavtholi, | \| | 3. Amba, |
| 2. Donaj. | \| |  |

The village Konnur, in the pargana Jamkhandi.

The four (4) following villages of the pargana Vithal Vishráam, namely :—

- | | | |
|--------------|--|---------------|
| 1. Rájgoti, | \| | 3. Supa, |
| 2. Kūṇḍanur, | \| | 4. Turkevádi. |

The six (6) following villages of the pargana Mulgund, namely :—

- | | | |
|-------------|--|-----------------|
| 1. Bandvád, | \| | 4. Bassápur, |
| 2. Kanávi, | \| | 5. Sittaulhari, |
| 3. Hossur, | \| | 6. Seruj. |

The four (4) following villages of the taraf Konnur, namely :—

- | | | |
|--------------|--|-------------|
| 1. Horekop, | \| | 3. Hágaur, |
| 2. Hampholi, | \| | 4. Belleri. |

The four (4) following villages of the taraf Sáukli, namely :—

- | | | |
|-------------|--|-------------|
| 1. Kehla, | \| | 3. Hollada, |
| 2. Mendila, | \| | 4. Tánáli. |

The three (3) following villages of the taraf Maneri, namely :—

- | | | |
|-------------|--|----------|
| 1. Mirvala, | \| | 3. Vádi. |
| 2. Morula, | \| |  |

The two (2) following villages of the taraf Harlápur, namely :—

- | | | |
|--------------|--|---------------|
| 1. Narsápur, | \| | 2. Vobalápur. |
|--------------|--|---------------|

The village Rokadkatti of the taraf Bannur.

¹ See the fourth footnote on p. 32, *supra*.

The three (3) following villages of the Karyát Asundi, namely :—

- | | | |
|---------------|--|---------------|
| 1. Asundi, | \| | 3. Kurvankop. |
| 2. Karekatti, | \| |  |

The fourteen (14) following villages of the Karyát Huli, namely :—

- | | | |
|----------------|--|---------------------|
| 1. Qasba Huli, | \| | 8. Dáderikop, |
| 2. Kapli, | \| | 9. Bingadákatti, |
| 3. Manikatti, | \| | 10. Konkankujhatti, |
| 4. Belvanki, | \| | 11. Tuppadákuratti, |
| 5. Kaujgeri, | \| | 12. Yámgal, |
| 6. Rottigávád, | \| | 13. Hulkatti, |
| 7. Adnur, | \| | 14. Sortur. |

The three (3) following villages of the Karyát Ingálhalli, namely :—

- | | | |
|---------------|--|--------------|
| 1. Nalvadi, | \| | 3. Sirguppi. |
| 2. Mulláhalli | \| |  |

The two (2) following villages of Karyát Hebli, namely :—

- | | | |
|-----------------|--|------------|
| 1. Qasba Hebli, | \| | 2. Sevali, |
|-----------------|--|------------|

The three (3) following villages of the Karyát Adgal, namely :—

- | | | |
|---------------|--|--------------|
| 1. Nappanhál, | \| | 3. Biranhál, |
| 2. Aluknur, | \| |  |

The twenty (20) following villages of the Karyát Sholápur, namely :

- | | | |
|----------------------------|--|------------------|
| 1. Qasba Sholápur, | \| | 11. Hitni, |
| 2. Náganur, | \| | 12. Rásingkhurd, |
| 3. Gudikuppi, | \| | 13. Hadalga, |
| 4. Hargápur, | \| | 14. Bahrápur, |
| 5. Karajgi, | \| | 15. Sankeshvar, |
| 6. Shendur Orásing Bazurg, | \| | 16. Tavdi, |
| 7. Shenkinhosur, | \| | 17. Buktialur, |
| 8. Honnoli, | \| | 18. Ankla, |
| 9. Konankeri Pimpalgaon, | \| | 19. Bákunhál, |
| 10. Kanagalla, | \| | 20. Baur. |

The nine (9) following villages of the Karyát Sávgaoon, namely :—

- | | | |
|--------------|--|----------------|
| 1. Benodi, | \| | 6. Bhátnagnur, |
| 2. Haddanál, | \| | 7. Audi, |
| 3. Mattivád, | \| | 8. Savdalga, |
| 4. Rongnoli, | \| | 9. Hanchunhal. |
| 5. Sulgaon, | \| |  |

The eighteen (18) following villages of the Karyát Laut, namely :—

- | | |
|----------------|-------------------|
| 1. Chunchni, | 10. Budihal, |
| 2. Jettrat, | 11. Kodani, |
| 3. Nahinglej, | 12. Kurh, |
| 4. Hunargi, | 13. Akkol, |
| 5. Siddandal, | 14. Muhammadapur, |
| 6. Yernal, | 15. Buddalmukh, |
| 7. Padlehal, | 16. Rumtoh, |
| 8. Lakhanapur, | 17. Pangra, |
| 9. Gawhan, | 18. Gargaon. |

The seven (7) following villages of the Karyat Naiz, namely .—

- | | |
|-------------------|-------------|
| 1. Mauza Chikodi, | 5. Ammangi, |
| 2. Peth Chikodi, | 6. Naiz, |
| 3. Galatga, | 7. Kunnur. |
| 4. Kotheli, | |

The thirteen (13) following villages of the Karyat Nesri, namely :—

- | | |
|----------------|-----------------|
| 1. Peth Daddi, | 8. Khavnevadi, |
| 2. Auladhal, | 9. Shettihalli, |
| 3. Attehal, | 10. Biki, |
| 4. Ramevadi, | 11. Salamvadi, |
| 5. Bedravadi, | 12. Kot |
| 6. Modga, | 13. Dhonggatti. |
| 7. Naganur, | |

The village Bagani of the Karyat Dudgaon.

The three (3) following villages of the taraf Haveli Bijapur, namely :—

- | | | |
|--------------|------------|--------------|
| 1. Ukmanhal, | 2. Kaulga, | 3. Ahleabad. |
|--------------|------------|--------------|

The twenty-six (26) following villages of the Tappa Chandgad, namely :—

- | | |
|------------------------|---------------|
| 1. Qasba Chandgad, | 14. Hambera, |
| 2. Kodoli, | 15. Khamdal, |
| 3. Bagalga Dukkarvadi, | 16. Pauria, |
| 4. Sipur, | 17. Kokara, |
| 5. Savarda, | 18. Isapur, |
| 6. Gulvada, | 19. Konevadi. |
| 7. Vagothar, | 20. Umgaon, |
| 8. Mangaon, | 21. Navga, |
| 9. Kolindra, | 22. Phulni, |
| 10. Adur, | 23. Jambera, |
| 11. Naundarida, | 24. Nahareli, |
| 12. Asgaon, | 25. Bhogoli, |
| 13. Sula, | 26. Kolindra. |

The four (4) following villages of the Prant Raybag, namely :—

- | | |
|-------------|-----------|
| 1. Akkevat, | 3. Ingh, |
| 2. Naugaz | 4. Ankali |

The twenty-eight (28) following villages of the Prant Miraj, namely :—

- | | | |
|-------------|-----|-----------------|
| 1. Hattanur | .. | Karyat Tasgaon. |
| 2. Kudchi | ... | } Do. Maisal. |
| 3. Chandur | ... | |

4. Qasba Isápur	}	..	Karyát Isápur
5. Chikkalgotthan			
6. Nanbalka			
7. Bedaga	}	...	Do. Bedaga
8. Gundevádi			
9. Gaurvad			
10. Aurvád	}	..	Do Shirhatti
11. Tákl			
12. Brahmanál			
13. Padamál	}	...	Do. Sángh.
14. Tung			
15. Hingangaon			
16. Dhámni	}	..	Do. Degraz
17. Vásamba			
18. Zarandi			
19. Kaulaga	}	..	Do. Kavta Máhankál.
20. Karob			
21. Shipur			
22. Bekiri	}	...	Do. Kavta.
23. Rájápur			
24. Nandikurli			
25. Kerúr	}	...	Do. Anjani
26. Yedúr			
27. Kalhola			
28. Sháhápur	}	...	Do. Sávarda.
	}	...	Do. Design
	}	...	Do. Anápur
	}	..	Do Jugal.

The two (2) following villages of the Pránt Kágál, namely :—

- | | |
|-------------|----------------------------|
| 1. Mauzari, | 2. Allásandéh ¹ |
|-------------|----------------------------|

The thirty-eight (38) following villages, not belonging to any particular parg other territorial division, namely :—

- | | |
|----------------------|----------------------|
| 1. Saundatti, | 20. Alagankop, |
| 2. Kotevada, | 21. Bogúr, |
| 3. Hálkusugál, | 22. Daustikop, |
| 4. Kalkeri, | 23. Hutikottal, |
| 5. Malligvad, | 24. Badas, |
| 6. Mugutkhán Hubli, | 25. Kukkadolli, |
| 7. Amrápur, | 26. Jiknúr, |
| 8. Virápur, | 27. Devar Sígehalli, |
| 9. Handur, | 28. Etagi, |
| 10. Talvarkop, | 29. Gandhigvád, |
| 11. Mágankop, | 30. Tohgi, |
| 12. Kasmalgi, | 31. Qasba Hukeri, |
| 13. Ambegápur, | 32. Peth Hukeri, |
| 14. Bilámarri, | 33. Chuláki, |
| 15. Hulginhál, | 34. Goravbál, |
| 16. Keárkop, | 35. Kaggadhál, |
| 17. Gázpatti, | 36. Gorvankollá, |
| 18. Gádikop, | 37. Bassedon, |
| 19. Hattiholi Khurd, | 38. Sindgi. |

¹ See the 10th note on p. 32, *supra*.

The Bombay Regulation No. XIII of 1830 at pages 39-41 has been repealed by the Bombay Repealing and Amending Act, 1953 (Bom. XVIII of 1953), section 2, First Schedule.

BOMBAY REGULATION I OF 1831.¹

[5th - January 1831]

Repealed, in part, by Act 12 of 1873 ;
Amended by Bom. Reg. 16 of 1831 ;
Amended by Act 13 of 1842 ;
Adapted and modified by the Adaptation of Indian Laws Order in Council.
Adapted and modified by the Adaptation of Laws Order, 1950.

A Regulation for extending the jurisdiction of the Agent of ²[the Provincial Government], acting under the provisions of section 4, ³Regulation XXIX of 1827, over suits in which persons of rank of the privileged classes are concerned, and which are now cognizable by the Collectors of land-revenue.

WHEREAS it has been deemed expedient to extend the jurisdiction of the Agent Preamble. of ²[the Provincial Government] acting under the provisions of section 4, ³Regulation XXIX of 1827, to suits connected with land, its rent and produce, wherein persons of rank of the privileged classes established by that Regulation are concerned ; the following rules have accordingly been enacted * * * * *

1. * * * * * Suits connected with land, its rent and produce wherein Suits connected with persons of rank of the privileged classes established by ³Regulation XXIX of 1827 land, rent and produce, are ⁵concerned * * * * * shall hereafter be cognizable only ⁶by the Agent and produce, of ²[the ⁷[State] Government] acting under the powers vested in him by section 4, which are ³Regulation XXIX of 1827, and under the same rules as are prescribed for his cognizable by Agent. guidance in other cases.

Second.—[Pending suits.] Rep. Act XII of 1873.

¹ As to the application of this Regulation in certain territory, see Bom. 3 of 1863, section 4 and Bom. 14 of 1866, section 3.

² The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

³ *Supra.*

⁴ The words "to have effect from the date of promulgation" in the preamble, the words "*First*, it is hereby declared that" and the words and figures "and which under the provisions of section XXXI of Regulation XVII of 1827 are within the jurisdiction of Collectors of land-revenue" in section 1, *cl. first*, were respectively repealed by the Repealing Act, 1873 (12 of 1873).

⁵ As to defendants—see Bom. Reg. 16 of 1831, section 2.

⁶ Also by the Political Agent in the Southern Maratha Country—see Bom. Reg. 16 of 1831, section 1. Also by the Collector and his Assistants—see Act 13 of 1842, section 6, which, however, is repealed by the Bombay Land Revenue Code, 1879 (Bom. 5 of 1879), wherever that Code is in force.

⁷ This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

BOMBAY REGULATION XVI OF 1831.¹

[14th September 1831.]

Repealed in part by Act 12 of 1873 ;

Adapted and modified by the Adaptation of Indian Laws Order in Council.

A Regulation for extending the jurisdiction vested in the Political Agent in the Southern Maratha Country, under the provisions of section 5, ²Regulation VII, A. D. 1830, to the cognizance of civil suits of the nature specified in ²Regulation I, A. D. 1831, and also for the better defining the extent of jurisdiction therein conferred with respect to persons of the privileged classes.

WHEREAS it has been deemed expedient to extend to the Political Agent in the Southern Maratha Country, as Agent of ³[the Provincial Government], the cognizance of suits of the nature specified in ²Regulation I, A. D. 1831, and to define more expressly the extent to which such suits shall be cognizable before the Agent of ³[the Provincial Government], the following rules have therefore been enacted ⁴* * * *

1 * * * * Suits of the nature specified in clause first, section 1, ²Regulation I, A. D. 1831, shall also be cognizable before the Political Agent in the Southern Maratha Country, as Agent of ³[the Provincial Government] and shall be tried by him in the same manner, and under the same rules, as are prescribed for his guidance in section 5, ²Regulation VII, A. D. 1830

Suits cognizable before Political Agent of Southern Maratha Country -

2 And it is further explained with reference to clause first, section 1, ²Regulation I, A. D. 1831, that such suits shall be cognizable before the Agents of ³[the Provincial Government] only when the persons of the rank of the privileged classes shall in the original suit stand in the relation of defendants.

Bom Reg 1, 1831, section 1, clause I, explained

¹ As to the application of this Regulation in certain territory, see Bom. 3 of 1863, section 4, and Bom 14 of 1866, section 3.

Cf s 4 of the Code of Civil Procedure, 1908 (Act 5 of 1908).

² *Supra*

³ The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

⁴ The words "to have effect from the date of promulgation" in the preamble and the words "It is hereby enacted that" in section 1, were repealed by the Repealing Act, 1873 (12 of 1873)

The Bombay Regulation XVI of 1831 at pages 43-44 has been repealed by the Bombay Repealing and Amending Act, 1949 (Bom. 53 of 1949), section 2, First Schedule.

PART II
Local Acts of the Governor General in Council
in force in Bombay

Replacement Series No. VIII—p. 179

45-46

The Dekkhan Assistant Agent's Appointment Act, 1835 (Act XIX of 1835), at pages 45-46 has been repealed by the Bombay Repealing and Amending Act, 1953 (Bom. XVIII of 1953), section 2, First Schedule.

Replacement Series No. VIII—p. 180

47-50

The Bombay Courts of Adalat Act, 1838 (Act XVI of 1838), at pages 47-50 has been repealed by the Bombay Repealing and Amending Act, 1953 (Bom. XVIII of 1953), section 2, First Schedule.

Replacement Series No. VII—p. 175

51-56

The Bombay Coasting Vessels Act, 1838 (XIX of 1838), at pages 51-56 has been omitted from the Code as it falls entirely within the sphere of the Central Government.

Replacement Series No. VIII—p. 181

57-60

The Bombay Haqqa Prohibition Act, 1839 (XX of 1839), at pages 57-60 has been repealed by (1) the Repealing and Amending Act, 1952 (XLVIII of 1952), section 2, First Schedule and (2) the Bombay Repealing and Amending Act, 1953 (Bom. XVIII of 1953), section 2, First Schedule.

Replacement Series No. VIII—p. 182

61-62

The Bombay Regulation XIII of 1830 (Application) Act, 1840 (Act XV of 1840), at pages 61-62 has been repealed by the Bombay Repealing and Amending Act, 1953 (Bom. XVIII of 1953), section 2, First Schedule.

Replacement Series No. VIII—p. 183

63-64

The Bombay Town-Duties Abolition Act, 1844 (Act XIX of 1844), at pages 63-64 has been repealed by the Bombay Repealing and Amending Act, 1953 (Bom. XVIII of 1953), section 2, First Schedule.

THE BOMBAY RENT-FREE ESTATES ACT, 1852.

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SCHEDULE A.

Rules for defining the Duties of each Inam Commissioner and his Assistants.

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ACT No. XI OF 1852.¹

[THE BOMBAY RENT-FREE ESTATES ACT, 1852]

[13th February 1852]

Repealed in part by Act 16 of 1875 ;

" " " " " 10 of 1876 ,

" " " " " 4 of 1894.

Adapted and modified by the Adaptation of Indian Laws Order in Council.

An Act for the Adjudication of Titles to Certain Estates claimed to be wholly or partially Rent-free in the Presidency of Bombay.

WHEREAS in the territories of the Dekkhan, Khandesh and Southern Marátha Country, and in other districts more recently annexed to the Bómboy Presidency, claims against Government on account of ináms and other estates wholly or partially exempt from payment of land-revenue are excepted from the cognizance of the ordinary Civil Courts ^{Preamble.} 2* * * ,

and whereas it is desirable that the said claims should be tried and determined without further delay ,

It is declared and enacted as follows —

1. [Rules not applicable to certain districts] *Rep Act IV of 1894.*

2. The ³[Provincial Government] may appoint in any zila or other division of the territories subject to the Presidency of Bombay, which were not brought under the general Regulations of Government by ⁴* * * Regulation ⁵XXVIII of 1827, an Inám Commissioner with so many Assistants, and such subordinate establishment, as may be necessary for the purposes hereinafter mentioned. ^{Power to appoint Inám Commissioner with Assistants and establishment.}

3. The duties of each Inám Commissioner and his Assistants shall be discharged according to the rules in Schedule A annexed to this Act. ^{Duties how discharged.}

4. In the adjudication of claims to exempt lands or interests therein, the titles of claimants shall be determined by the rules in Schedule B annexed to this Act. ^{Determination of titles of claimants to exemption.}

5. Each Inám Commissioner and his Assistants shall have the same authority to procure the attendance of witnesses, and to take evidence, as now is, or from time to time may be, by law vested in the ordinary Civil Courts , and so far as concerns the penalties for not giving evidence, for false testimony, for resistance of process, contempts and other like matters connected with cases under cognizance by any ^{Powers to enforce attendance of witnesses, to take evidence, etc.}

¹ As to the application of this Act, see the Bombay Land-revenue Code, 1879 (Bom 5 of 1879), section 127.

The short title was given by Bom 2 of 1921

² The words and figures " and incapable of being justly disposed of under the rules for the determination of titles and the rules of procedure contained in Chapters IX and X of Regulation XVII of 1827 of the Bombay Code and their supplements " were repealed by the Repealing and Amending Act, 1894 (4 of 1894)

³ The words " Provincial Government " were substituted for the words " Governor of Bombay in Council " by the Adaptation of Indian Laws Order in Council.

⁴ The words " the said " were repealed by the Repealing and Amending Act, 1894 (4 of 1894).

⁵ Bom Reg. 23 of 1827 was repealed by the Repealing Act, 1873 (12 of 1873).

one of the said officers, his office shall be held to be a Court of civil jurisdiction of the same authority as the superior Civil Court of the zila or district in which his office from time to time shall be established

Complaints against, or appeals from proceedings of Commissioner and Assistants.

Provided that all complaints against, or appeals from, the proceedings of the Inám Commissioner or any of his Assistants in exercise of the authority conferred on them respectively by this section, shall be made under the second rule of Schedule A annexed to this Act and shall not be cognizable by any other authority or in any other manner than as therein specified.

Punishment of misconduct of officers on Commission.

6. Bribery, extortion, and generally all acts of abuse or misapplication of authority, or other misconduct, committed by any officer belonging to the establishment of the Inám Commission, or temporarily employed therein under the provisions of this enactment, shall be punishable as criminal offences with fine and ordinary imprisonment without labour for a period not exceeding five years, and the receipt of a present, directly or indirectly, by any such officer from any person against whom or in whose behalf he may be officially employed, shall be considered extortion.

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And no penalty or punishment adjudicated under this clause shall preclude any other civil prosecution to which the offender may be liable.

7. [*Jurisdiction of Courts barred*] *Rep Act X of 1876.*

SCHEDULE A.

RULES FOR DEFINING THE DUTIES OF EACH INAM COMMISSIONER AND HIS ASSISTANTS.

Duty defined 1. The duty of the Inám Commissioner and his Assistants shall be to investigate, in the manner prescribed by this enactment, the titles of persons holding or claiming against Government the possession or enjoyment of ináms or jágirs, or any interest therein, or claiming exemption from the payment of land-revenue, and generally to act according to the instructions ¹[of the Provincial Government] in all matters not specifically provided for in this enactment

Appeal from orders of Assistant Commissioners and Commissioner.

2. All orders of the Assistant Commissioners shall be appealable to the Inám Commissioner, who shall also have the authority of revising and of modifying, reversing or annulling, if necessary, their orders and proceedings, and the orders and proceedings of the Inám Commissioner shall be in like manner appealable to, and subject to modification, reversal or annulment by, ²[the tribunal constituted under section 296 (2) of the Government of India Act, 1935], ³[orders of which] shall in every case be final.

Duty to receive statements of title.

3. The Inam Commissioner or his Assistants shall receive from the persons, holding or claiming to hold lands or any interest therein exempt from the payment

¹ The words "of the Provincial Government" were substituted for the words "of Government" by the Adaptation of Indian Laws Order in Council.

² The words, figures and brackets "the tribunal constituted under section 296 (2) of the Government of India Act, 1935" were substituted for the words "the Governor of Bombay in Council", *ibid.*

³ The words "orders of which" were substituted for the words "whose orders", *ibid.*

of revenue, statements explaining the nature of the title by which the lands and interests are so held, and shall take and record the evidence offered in support of such statements. and record evidence in support.

4. These statements may be received either directly by the officers of the Inám Commission, or through the medium of the revenue-authority of the táluqa in which the land or interest so held or claimed as exempt is situated, or in which the alleged proprietor resides, without any previous procedure, except a general invitation to such landholders of a district who shall hold or claim to hold lands exempt as aforesaid to state the nature of their titles Statements how received.

5. But, when such general invitation is not sufficiently attended to, a notice may be issued to any party holding or claiming to hold any lands or any interest therein wholly or partially exempt as aforesaid, requiring him, personally or by his agent, to show his title Notice when to issue.

The notice issued in such cases shall state the nature of the investigation which is intended, and shall call upon the alleged proprietor of the exempt lands or interest, held or claimed to be held exempt as aforesaid, to attend either personally or by an authorized agent, at a specified place, and within a specified period (which shall never be less than two months from the date of the notice being served), to explain the nature of his title to hold such lands or interest exempt as aforesaid, and to produce all the evidence forthcoming to prove it. Contents of notice.

The notice shall further explain that a failure to comply with its terms will render the land, or interest to which it relates, liable to attachment

6. The notice shall be served upon the party holding or claiming to hold the land or interest exempt as aforesaid, or, if his place of residence be not known, upon the person acting for him, or, in default of such, upon the person in charge of the land or interest. Service of notice.

7. If such persons cannot be found, a notice shall be posted in the office of the Native Revenue-officer of the district, and in the chauri, or most public place of the village where the land or interest under inquiry is situated, calling on any person who may claim as proprietor to appear, either personally, or by his agent, to prove his title within six months from the date of the notice, under penalty of the attachment of the land or interest, and, on failure of the appearance of a claimant, the land or interest shall be liable to attachment. Posting notice when landholder not found.

8. The attachment provided for by rules 5 and 7 shall be enforced by the Collector or chief revenue authority of the district in which the land to which it relates is situated, at the written requisition of the Inám Commissioner or his Assistant, which shall be a sufficient warrant to the Collector for the attachment of the land, and for the collection of the rents accruing therefrom on account of Government during its attachment. Attachment by whom enforced.

9. As soon as possible after the receipt of the statements in each district and of the evidence by which they are supported, they shall be tested by the entries in the Government accounts and State records, and by any other evidence procurable, whether in favour of Government or of the claimants, and decisions shall then be passed on them as to the continuance, resumption or full or partial assessment of the lands. Procedure on receipt of statements and evidence of title.

- Procedure on failure of notice to procure attendance.** 10 In cases where the notices provided for in sections 5 and 7 fail to procure the attendance of the persons to whom they are addressed, and no claimant appears to prosecute his claim, the Commissioner or Assistant Commissioner shall proceed to ascertain the facts of the case from such evidence as may be forthcoming or procurable, and shall pronounce such decision thereupon as to him shall seem just regarding the lands or interests to which the notices referred.
- Removal of attachment.** 11. An attachment enforced under rule 8 shall be removed by the Collector or chief revenue-authority by whom it was made, on receipt of a communication from the Inám Commissioner or his Assistant, certifying that he considers the attachment to be no longer necessary, but the rents collected from the land during its attachment shall in no case be restored to the alleged proprietor, except under the general or special instructions ¹[of the Provincial Government]
- Restoration of proprietors of rents collected.**
- Copies of decisions to be delivered to claimants. Copies of decisions made in their absence how dealt with.** 12 Certified copies of decisions, made according to the provisions of rule 9, shall be delivered, as soon as possible after each decision is passed, to the persons on whose claims the decision shall have been pronounced, or their agents, and copies of all decisions made in the absence of any claimant according to the provisions of rule 10 shall be sent to the mámlatdár, or other revenue-manager of the táluq in which the lands to which they relate are situated, who shall deliver them to the parties affected by them, should they be discoverable, or otherwise cause them to be publicly posted in the village to which the lands in question belong
- Execution of decision.** 13. Decisions affecting any lands or any interests therein passed under this enactment shall be carried into execution by the Collector or chief revenue-authority of the district in which the lands to which they relate are situated at the requisition of the Inám Commissioner or his Assistant, in any manner which may, from time to time, be prescribed by ²[the Provincial Government].
- Procedure in appeal.** 14. In all cases where a person may be desirous of appealing against any decision of the Inám Commissioner or his Assistants, he shall apply by a petition, addressed to the authority by whom, according to rule 2, his appeal is cognizable, which petition shall be presented to such authority within one hundred days from the date of the decree appealed against, a copy of which must accompany the petition of appeal, and no appeal which is not so made shall be admitted, without proof of the existence of a just and necessary cause for its not having been preferred in due time, and it is hereby provided that no decree passed by the Inám Commissioner or any of his Assistants shall be liable to be set aside for want of form in the proceedings, but only for matters affecting the justice of the decision.
- Setting aside decrees.**

SCHEDULE B.

RULES FOR THE ADJUDICATION OF TITLES TO ESTATES CLAIMED AS INAM OR EXEMPT FROM PAYMENT OF LAND-REVENUE.

- Continuance of inams already declared permanent.** 1. All lands held under a specific and absolute declaration by the British Government, or any competent officer acting under it, that they were to be continued hereditarily or in perpetuity exempt, wholly or partially, from the payment of revenue, are to be so continued according to the purport of such declaration.

¹ The words "of the Provincial Government" were substituted for the words "of Government" by the Adaptation of Indian Laws Order in Council.

² The words "the Provincial Government" were substituted for the words "the Governor of Bombay in Council", *ibid*

Provision 1st.—If any question shall arise as to the competency of the officer Disposal of to make or give such declaration as aforesaid, the Commissioner or Assistant question as to Commissioner is to suspend his judgment, and report the circumstances of the competency to make de- case to ¹[the Provincial Government], to ²[which] a power is hereby reserved of clarator. determining finally whether such officer was competent to make or give such declara- tion, and the Commissioner or Assistant Commissioner, upon receiving the determina- tion of ¹[the Provincial Government], shall decide accordingly.

2 Any land held under a sanad declaring it to be hereditary shall be so continued according to the terms of the sanad. Continuance of holding under sanad declaring it hereditary, where granted by competent authority.

Provision 1st.—Provided that the grant was either made, or specifically recognised, by authority competent to alienate Government revenue in perpetuity, the question of which recognition and competency is to be referred to and determined ³[by the Provincial Government] in the manner prescribed by provision 1st, authority. rule 1.

Provision 2nd —And provided that there be nothing in the conditions of the tenure and condi- which cannot be observed without a breach of the laws of the land, or the rules of tions of public decency. tenure legally observable.

Provision 3rd —And provided that the grant was not afterwards revoked or disallowed, or an alteration of its terms ordered or recognized by a competent authority. and grant not revoked, disallowed or altered.

3. All lands uninterruptedly held as wholly or partially exempt from assess- Continuan- ment for a period of sixty years before the introduction of the British Government, of holdings exempt or partially exempt for sixty years before British rule. and then in the authorized possession of a grandson in male descent or male heir of the body of such grandson, of the original grantee, shall continue to be so held so long as there shall be in existence any male heir of the body of the person who was incumbent at the introduction of the British Government, tracing his lineage from such incumbent through male heirs only.

4 All lands uninterruptedly held as wholly or partially exempt from assess- Continuan- ment for a period of forty years before the introduction of the British Govern- of holdings so exempt for forty years. ment, and then in the authorized possession of a son, or male heir of the body of a son, of the original grantee, are to be continued for one succession further than that of the person who was incumbent at the introduction of the British Government, that is, until the death of his last surviving son.

Provision 1st —The authorized possession contemplated by rules 3 and 4 does not involve the necessity of proving any specific authority from, or recognition by, the Government or paramount Power. The mere entry of the holding, as continued in the genuine accounts of the district-officers (even in those not audited and passed by the Government of the time being), will be sufficient to bring it under the heads of "uninterrupted" and "authorized" so far as regards the purposes of this rule: Provided only that there are no entries in the Collectorate-accounts which show that the holding of such lands exempt as aforesaid must have been unauthorized by the Government or paramount Power. Authorised possession how proved.

¹ The words "the Provincial Government" were substituted for the words "the Governor of Bombay in Council" and "the said Governor in Council" by the Adaptation of Indian Laws Order in Council

² The word "whic¹" was substituted for the word "whom", *ibid*

³ The words "by the Provincial Government" were substituted for the words "by Government", *ibid*.

Prescriptive right of claimant when admissible. *Provision 2nd*—If there be no evidence forthcoming to disprove a claimant's assertion that his holding has been undisputedly enjoyed for the number of years and descents requisite to fulfil the conditions of rules 3 and 4 respectively, his prescriptive right shall be admitted.

Introduction of British Government when to date—in territories late of Peshwa. *Provision 3rd.*—The introduction of the British Government is to be reckoned from the time the East India Company became the Government or paramount authority over each district as regards its inams. In the territories ceded by or conquered from the Peshwa, therefore, whether khalsat mahals or sārānjams, etc., held exclusive of inams, etc., the introduction of the British Government will date from the close of that of the Peshwa.

in independent principality or jagir more ancient than Peshwa's government But in case of the lapse of an independent principality, or of a jagir more ancient than the Peshwa's government, and over the inams of which he did not claim any authority, the introduction of the British Government should be reckoned only from the date at which the general management of the districts may have come into the hands of the Company ;

Disposal of question as to date of East India Company acquiring Government. and in case any question shall arise as to the precise date when the East India Company became the Government over any district, or when the general management of any district came into their hands, such question shall be referred to and determined ¹[by the Provincial Government] in the manner prescribed by provision 1st, rule 1.

Land resumable on demise of incumbent. ²6. Land held as wholly exempt from payment of revenue, or on partial assessment, the possession of which is not continuable under the preceding rules, is to be resumed on the demise of the incumbent.

Extension of life tenure of holding of which incumbent died before British rule. *Provision 1st.*—In case the incumbent at the time of the introduction of the British Government may have died, the permission to hold for life is to be extended to the person in whose name the land may be continued, when the investigation is commenced, if there be no fraud apparent, nor other reason for withholding this indulgence.

Resumption of land held by fraud. *Provision 2nd*—When land is evidently held by fraud recently committed (as when an inam which was resumed under the late Government has been re-occupied under the present Government without authority, or as when a pretended inam is found to have originated since the introduction of this Government with the connivance of district or village-officers), it shall be at once resumed, not being continuable under this or any of the preceding rules

Continuance of holdings for support of mosques, temples, etc 7. All lands held for the support of mosques, temples or similar institutions, of the permanent character of which there can be no doubt, are to be continued permanently, even though their permanent continuance may not have been expressly provided for when they were granted.

Corresponding provisions of rule 2 applied. *Provisions 1st, 2nd and 3rd.*—The same as the corresponding provisions of rule 2 of this Schedule in those cases in which title-deeds or other records proving the circumstances of the original grant, or its specific recognition by competent authority, are forthcoming.

¹ The words "by the Provincial Government" were substituted for the words "by Government" by the Adaptation of Indian Laws Order in Council.

² There is no rule numbered 5.

Provision 4th—When there is no proof forthcoming to show whether or not an inam, coming under the provisions of this rule, was granted, or even specifically recognized, by a competent authority, still, if it has been undisputedly enjoyed for a period of forty years before the introduction of the present Government, it shall be permanently continued, and enjoyment proved by the mere entry of the inam, as continued in genuine accounts of the district-officers (even in those not passed by the Government of the time being), is to be considered sufficiently “uninterrupted” to give an inam the benefit of this provision, if there be no entries in the Government accounts which show that it must have been unauthorized by them

Provision 5th.—If the forthcoming records do not go far enough back to test the existence of enjoyment of the duration contemplated in provision 4th as establishing full prescriptive title in such inams, still, if so far as they do go, they are not opposed to the claimant’s assertion that enjoyment has taken place, the prescriptive title of the inam shall be admitted according to his assertions, unless there be other evidence forthcoming to disprove them

Provision 6th—The peculiar advantages of this rule shall not apply to the holdings of individuals in their own names for the performance of ceremonial worship, claims to which must be decided under the rules for personal claims.

Provision 7th—When claims of the denomination coming under this rule are found to be unsupported by proof of original valid title and are proved void of sufficient prescriptive enjoyment, they are to be adjudicated according to rule 6.

8 All lands authorizedly held by an official tenure which it is evident from local usage was meant to be hereditary, and has been so considered heretofore even though there be no sanads declaring it to be so,—for instance, inams which form the authorized emoluments of any hereditary office, as of kazis, village joshis, etc., and are not merely personal,—are to be continued permanently

Provisions 1st, 2nd and 3rd—The same as the corresponding provisions of rule 2 of this Schedule in those cases in which title-deeds or other records, proving the circumstances of the original grant, or its specific recognition by competent authority, are forthcoming

Provision 4th—When there is no proof forthcoming to show whether or not an inam, coming under the provisions of this rule, was granted or even specifically recognised by competent authority, still, if it has been undisputedly enjoyed as an official, and not merely personal, holding from the earliest period to which the forthcoming evidence does relate, it shall be continued permanently as official emolument, unless the claimant’s own statement renders this course improper.

Provision 5th—The provisions of this rule are not in any way to apply to emoluments continued for service performed to the State, as the service watans of desais, sardesais, nadgaudas, deshpandes, patels, kulkarnis, mahars, talavaras, whose claims are to be disposed of according to the rules which are or may be established for the regulation of such holdings.

Length of enjoyment by itself does not entitle to benefit of rule. *Provision 6th*—It is to be understood that mere length of enjoyment of land as inam by an official person is not of itself sufficient to entitle a claim to be brought under this rule.

Benefit of preceding rules when allowable. *Provision 7th*—If a holding claimed under this rule be found incapable of permanent continuance under it, the claimant shall be allowed the advantages of any of the preceding rules of this Schedule which may be applicable to his case.

Provision for widows of last incumbents of resumed holdings. 9. On the resumption of any lands under the rules of this Schedule, a moiety or other portion may be continued to the widows of the last incumbents during their lives, in cases of proved poverty and destitution.

Continuance to widow and sole heir of holder of hereditary personal inam. *Provision 1st*—In the case of a holding which is recognizable as an hereditary personal inam, the widow of a proprietor who dies without surviving male issue, or other heirs to whom his inam will of necessity descend, is by right his sole heir, and during her life the inam cannot be regarded as having lapsed to ¹[the Crown] it should, therefore, in such a case, be continued undiminished during the widow's life.

Exception of certain tenures from application of rules. 10. These rules shall not be necessarily applicable to jagirs, saranjams or other tenures for service to ¹[the Crown], or tenures of a political nature, the titles and continuance of which shall be determined as heretofore under such rules as ²[the Provincial Government] may find it necessary to issue from time to time.

Modification in favour of claimants and interpretation of rules. 11. Any of these rules may be relaxed in favour of claimants under instructions from ³[the Provincial Government], in ⁴[which] shall also be vested the power of interpreting the precise meaning of any of the rules respecting which a question may arise.

¹ The words "the Crown" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council

² The words "the Provincial Government" were substituted for the word "Government", *ibid.*

³ The words "the Provincial Government" were substituted for the words "the Governor of Bombay in Council", *ibid.*

⁴ The word "which" was substituted for the word "whom", *ibid.*

THE SHORE NUISANCES (BOMBAY AND KOLABA) ACT, 1853.

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SCHEDULE.

ACT No. XI OF 1853.¹

[THE SHORE NUISANCES (BOMBAY AND KOLABA) ACT, 1853]

[15th July 1853]

Repealed in part, by Act 22 of 1855 ;

„ „ „ „ „ 14 of 1870

Adapted and modified by the Adaptation of Indian Laws Order in Council

An Act to facilitate the removal of nuisances and encroachments below high-water mark in the Islands of Bombay and Kolaba

WHEREAS there is a large sea-shore in the islands of Bombay and Kolaba, and it is expedient, with a view to the safe navigation of the harbour of Bombay, and to the public interests generally, to facilitate the removal of nuisances, obstructions and encroachments below high-water mark in the said harbour, or upon or about the shores of the said islands, It is enacted as follows :—

1. It shall be lawful for the Collector of Land-revenue at Bombay to give notice requiring the removal of any nuisance, obstruction or encroachment anywhere below high-water mark in the said harbour of Bombay, or upon or about the shores of the said islands, such notice shall be given by affixing the same in some conspicuous place on or near to the encroachment, obstruction or nuisance complained of, and by publication thereof in the ²[Official Gazette], and shall state that, unless the nuisance, obstruction or encroachment be removed or abated within one month, the same will be removed or abated by the said Collector, such notice may be in the Form No 1, in the Schedule to this Act annexed, or to the like effect.

2. If any person shall deny the right of the said Collector to effect such abatement or removal, he shall, within one month after such notice shall have been given as aforesaid, apply to the Supreme Court of Judicature at Bombay by petition, setting forth the grounds of his alleged right and praying that the said Collector may be restrained from causing such abatement or removal; and the said Court may thereupon (on the petitioner's giving sufficient security for costs), fix a time for hearing and adjudicating upon such petition, and give such directions and make such orders as the said Court may think just, and the said Court may also make an order for restraining the alleged nuisance, obstruction or encroachment from being extended, or from being abated or removed by the said Collector, until after adjudication upon the said petition, or the dismissal thereof for want of prosecution.

3. Upon the hearing of every such petition, the onus of proving the alleged right shall be on the petitioner.

4. No person shall be allowed, after the expiration of such period of one month, to present any such petition as aforesaid, unless on satisfactorily accounting to the said Court for the delay.

¹ This Act, so far as it relates to the removal of any obstruction, impediment or public nuisance affecting, or likely to affect the navigation of the port of Bombay, was repealed by Act 22 of 1855.

The short title was given by Bom 2 of 1921

² The words "Official Gazette" were substituted for the words "*Bombay Government Gazette*" by the Adaptation of Indian Laws Order in Council.

When Collector may cause removal of nuisance.

Form of warrant.

Indemnity.

5. If no such petition shall be presented within the said period of one month, or if the same be presented and determined against the right of the petitioner, or be dismissed for want of prosecution, it shall be lawful for the Collector to cause such abatement or removal as aforesaid by any person or persons to be authorized by warrant under his hand, and such warrant may be in the form No 2 in the Schedule to this Act annexed, or to the like effect, and the said Collector, and any person acting under his warrant, shall not be answerable for any damage unavoidably occasioned in the removal of any such nuisance, obstruction or encroachment.

Power to sell materials of any encroachment.

6. The said Collector may sell the materials of any encroachment or obstruction removed under this Act, and may apply the proceeds of sale in or towards payment of the expenses of the removal, and, if any surplus shall remain, the same shall be forfeited, and be paid and applied in such manner as the [Central Government] shall direct

Saving of rights of Crown.

7. Nothing in this Act shall prejudice or affect the rights of * * * the Crown in any part of the said harbour, or of the sea-shore of the said islands, or preclude or interfere with any such proceedings, civil or criminal, for abating such nuisances and encroachments as aforesaid, as might have been had if this Act had not been passed.

"High-water mark" defined.

8. The words "high-water mark" in this Act shall mean the ordinary line of high-water at monsoon tides

SCHEDULE.

FORM No. 1.

NOTICE is hereby given by the Collector of Land-revenue in Bombay, under Act No. XI of 1853, that (*describe the encroachment*) is to be removed or abated within one month from the date hereof, otherwise the same will be removed or abated by the said Collector under the authority of the said Act

Dated the _____
our Lord

day of _____

in the year of _____

(*Signature of Collector.*)

FORM No. 2.

THIS warrant, granted by the Collector of Land-revenue in Bombay, under Act No. XI of 1853, is to authorise _____ of _____ to remove (*describe encroachment*)

(*Signature of Collector.*)

Dated _____

¹ The words "Central Government" were substituted for the words "Governor of Bombay in Council" by the Adaptation of Indian Laws Order in Council

² The words "the East India Company as trustees for" were repealed by the Repealing Act, 1870 (14 of 1870).

The Tobacco Duty (Town of Bombay) Act, 1857 (IV of 1857) at pages 79-86 has been repealed by the Bombay Tobacco Laws (Repeal) Act, 1959 (Bom. LXXIII of 1959), section 2, Schedule.

BOMBAY ACT No. XXIII OF 1866.¹

[THE BOMBAY HIGH COURT (LETTERS PATENT) ACT, 1866]

[17th May 1866]

An Act to correct two clerical errors in the ²Letters Patent for the High Court of Judicature for the Presidency of Bombay.

WHEREAS the twenty-second section of the ²Letters Patent for the High Court of Judicature for the Presidency of Bombay, dated the 28th December, 1865, is as follows —“ And we do further ordain that the said High Court of Judicature at Bombay shall have ordinary original criminal jurisdiction within the local limits of its ordinary original civil jurisdiction, and also in respect of all *such persons beyond such limits over whom the said High Court of Judicature at Fort William in Bengal shall have criminal jurisdiction at the date of the publication of these presents,*”

And whereas it is expedient to correct the two clerical errors in such section which are hereinbefore indicated by italics,

It is hereby enacted as follows .—

1. In lieu of the said recited section, the following shall be substituted .—

“ and we do further ordain that the said High Court of Judicature at Bombay shall have ordinary original criminal jurisdiction within the local limits of its ordinary original civil jurisdiction, and also in respect of all persons beyond such limits over whom the said High Court of Judicature at Bombay shall have criminal jurisdiction at the date of the publication of these presents.”

Clause substituted for section 22 of revised Letters Patent of Bombay High Court.

¹ For Proceedings in Council relating to this Act, which was introduced and passed at one sitting see *Gazette of India*, 1866, Supplement, p 255 The short title was given by Bom. 2 of 1921.

² General Statutory Rules and Orders

THE BOMBAY CIVIL COURTS ACT, 1869.

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ACT No. XIV OF 1869.¹

[THE BOMBAY CIVIL COURTS ACT, 1869]†

[19th March 1869]

Repealed in part, by Act 14 of 1870

” ” ” ” 12 of 1876,
” ” ” ” 7 of 1889,
” ” ” ” 8 of 1890;
” ” ” ” 12 of 1891;
” By Bom. 1 of 1910;

Amended by Act 10 of 1876;

” ” ” 9 of 1880;
” ” ” 15 of 1880;
” ” ” 28 of 1930;
” ” Bom. 3 of 1895;
” ” ” 1 of 1900;
” ” ” 5 of 1912,
” ” ” 5 of 1914;
” ” ” 6 of 1926;
” ” ” 9 of 1927,
” ” ” 7 of 1930;

Adapted and modified by the Adaptation of Indian Laws Order in Council ;

*Amended by Bom. 11 of 1942;

* ” ” ” 20 of 1942;

* ” ” ” 10 of 1945,

Adapted and modified by the Indian Independence (Adaptation of Central Acts and Ordinance) Order, 1948.

Amended by Bom. 22 of 1949

¹For Statement of Objects and Reasons, see *Gazette of India*, 1869, p. 100; and for Proceedings in Council see *ibid*, 1869, Supplement, pp. 59, 180, 185, 336, 421 and 464.

†This Act was extended to, and shall in virtue of such extension be in force in that part of the State of Bombay to which immediately before the commencement of Bom. 94 of 1958 it did not extend (*vide* Bom. 94 of 1958 s. 2.)

*These Acts were re-enacted by Bom. 48 of 1947.

Amended by Bom 54 of 1949 †

Adapted and modified by the Adaptation of Laws Order, 1950

Amended by Bom 36 of 1950.

Adapted and modified by the Adaptation of Laws (State and Concurrent Subjects) Order, 1956

Amended by Bom 94 of 1958 *

„ „ Mah 46 of 1977 (1-1-1978)†§§

An Act to consolidate and amend the law relating to the District and Subordinate Civil Courts in the Presidency of Bombay.

Preamble. WHEREAS it is expedient to consolidate and amend the law relating to the district and other subordinate Civil Courts in the Presidency of Bombay, It is hereby enacted as follows —

PART I

PRELIMINARY

Short title and extent 1[1. (1) This Act may be called the Bombay Civil Courts Act, 1869
(2) It extends to the whole of the State of Bombay]
2. [Repeal of enactments] Rep Act XIV of 1870.

Savings. † Section 6 of this Act reads as under —
“ 6 The amendments made in the said Act by the provisions of sections 2 to 5 (both inclusive) of this Act shall not have any effect in respect of and apply to—
(a) any suit or proceeding of a civil nature, whereon the subject matter exceeds in amount or value five thousand rupees but not ten thousand rupees, pending in any Court on the date on which this Act comes into force Any such suit or proceeding shall be continued and disposed of as if this Act had not been passed, and
(b) (i) any appeal which is filed from an original or an appellate decree or order passed in any suit or proceeding wherein the subject matter is of the amount or value specified in clause (a) and which is pending in any Court on the date on which this Act comes into force,
(ii) any appeal which may hereafter be filed from such decree or order passed before the date on which this Act comes into force
Any such appeal shall be continued or filed and disposed of as if this Act had not been passed ”

* Section 8 of Bom 94 of 1958 reads as under —
Repeal and saving. “ 8 On the extension of the principal Act to that part of the State to which it did not extend before the commencement of this Act,—
(i) the Central Provinces and Berar Courts Act, 1917,
(ii) the Hyderabad Civil Courts Act, 1954,
(iii) the Saurashtra District and Civil Courts Ordinance, 1948, and
(iv) the Kutch (Courts) Order, 1948,
shall stand repealed ”

Provided that such repeal shall not affect the previous operation of the Acts, Ordinance or Order so repealed and anything done or any action taken (including the districts formed, limits defined, courts established or constituted, appointments, rules or orders made, functions assigned, powers granted, seals or forms prescribed, jurisdiction defined or vested, notifications or notices issued, and proceedings instituted) by or under the provisions thereof shall in so far as it is not inconsistent with the provisions of the principal Act, be deemed to have been done or taken under the corresponding provisions of the principal Act and shall continue in force unless and until superseded by anything done or any action taken under the principal Act

Provided further that all proceedings pending before any court or authority shall stand transferred to the corresponding court or authority under the principal Act, and if no corresponding court or authority exists or if there be a doubt as to the corresponding court or authority, to such court or authority as the High Court may designate, and shall be continued before and disposed of by such court of authority ”

† This section was substituted for the original by Bom 94 of 1958, s. 3

‡ This indicates the date of commencement of the Act

§§ Section 19 of Mah 46 of 1977 reads as follows —

Savings. 19 The amendments made by this Act in any of the Acts aforesaid shall not have any effect in respect of and apply to any suits, appeals or other proceedings of a civil nature filed and pending before any Court on the date of commencement of this Act and such proceedings shall be continued and disposed of by that Court, as if this Act had not been passed, and any appeal, revision application or other proceedings of a civil nature in respect of any decree or order passed by any Court before the date of commencement of this Act shall be filed before and heard and disposed of by the Court competent to entertain such proceedings before such commencement, as if this Act had not been passed.”

C P &
Berar
Act
I of
1917
Hyd
Act
XXX-
VI of
1954
Sau
Ord
XI of
1948

PART II,

DISTRICTS AND SADR STATIONS.

3 The ¹[²[State] Government] may from time to time, by a notification in the ³[Official Gazette], alter ⁴the limits of existing zillas (which shall hereafter be called districts) and create new districts for the purposes of this Act. Alteration and creation of districts

4 The ¹[²[State] Government] may also from time to time, by notification in the ³[Official Gazette], alter the position of the sadr station in any district, and fix the position of the sadr station in any new district. Position of sadr station

PART III

DISTRICT COURTS

5 There shall be in each district a District Court presided over by a Judge to be called the District Judge ^{5*} * * * * * ^{6*} * * * * * District Judges.

6. The District Judge shall ordinarily hold the District Court at the sadr station in his district, but may, with the previous sanction of the High Court, hold it elsewhere within the district. Situation of District Court

7. The District Court shall be the principal Court of original civil jurisdiction in the district, within the meaning of the Code of Civil Procedure. Original jurisdiction of District Court.

8 Except as provided in sections 16, 17 and 26, the District Court shall be the Court of Appeal from all decrees and orders passed by the subordinate Courts from which an appeal lies under any law for the time being in force. Appellate jurisdiction of District Court

9 The District Judge shall have general control over all the Civil Courts and their establishments within the district, and it shall be his duty to inspect, or to cause one of his assistants to inspect, the proceedings of all the Courts subordinate to him, and to give such directions with respect to matters not provided for by law as he may think necessary. Control and inspection of Courts

The District Judge shall also refer to the High Court all such matters as appear to him to require that a rule of that Court should be made thereon.

10. The District Judge shall obey all writs, orders or processes issued to him by the High Court, and shall make such returns or reports thereto under his signature and the seal of the Court as the exigencies of the case require. Writs and orders.

He shall further furnish such reports and returns and copies of proceedings as may be called for by the High Court or the ⁷[⁸[State] Government]. Reports and returns

11 The District Judge shall use a circular seal, two inches in diameter, which shall bear thereon ⁹[the Asoka Capital Motif], with the following inscription in English and the principal language of the district :— Seal of District Judge

“ District Court of ”

¹ The words “ Provincial Government ” were substituted for the words “ Governor of Bombay in Council ” by the Adaptation of Indian Laws Order in Council.

² This word was substituted for the word “ Provincial ” by the Adaptation of Laws Order, 1950

³ The words “ Official Gazette ” were substituted for the words “ Government Gazette ” by the Adaptation of Indian Laws Order in Council

⁴ In this connection, see section 22A, *infra*

⁵ The words “ He shall be appointed by the Governor of Bombay in Council, by whose authority only he shall be liable to be suspended or removed from his appointment ” were omitted by the Adaptation of Indian Laws Order in Council

⁶ The words “ The present Zilla Judges shall be the first District Judges under this Act ” were repealed by the Repealing Act, 1876 (12 of 1876)

⁷ The words “ Provincial Government ” were substituted for the words “ Governor of Bombay in Council ” by the Adaptation of Indian Laws Order in Council

⁸ This word was substituted for the word “ Provincial ” by the Adaptation of Laws Order, 1950.

⁹ These words were substituted for the words “ the Royal Arms ” by Bom. 22 of 1949, s. 3.

PART IV
JOINT JUDGES

Power to appoint Joint Judges. 12. The ¹[State] Government] may ^{3*} * * * appoint in any District a Joint Judge who shall be invested with co-extensive powers and a concurrent jurisdiction with the District Judge, except that he shall not keep a file of civil suits and shall transact such civil business only as he may receive from the District Judge, or as may have been referred to the Joint Judge by order of the High Court

Power to appoint District Judge or Assistant Judge in one district to be Joint Judge in another district. ⁵[12A. The ²[State] Government may appoint the District Judge or the Assistant Judge in any district to be also a Joint Judge in another district. Such Joint Judge may hold his court and transact civil business at such place or places in either district as he may deem fit.

Enactments applied to Joint Judge, Joint Judge's seal. 13 All Regulations and Acts now or hereafter in force and applying to a District Judge shall be deemed to apply also to the Joint Judge, and the seal of the Joint Judge shall be the same as is used by the District Judge

PART V
ASSISTANT JUDGES

Power to appoint Assistant Judges. 14 The ¹[State] [Government] ^{6*} * * * * * may appoint one or more Assistants to the District Judge, ^{6*} * * *

Situation of Assistant Judge's Court. 15. An Assistant Judge shall ordinarily hold his Court at the same place as the District Judge, but he may hold his Court elsewhere within the district, whenever the District Judge shall, with the previous sanction of the High Court, direct him so to do.

Original jurisdiction of Assistant Judge. 16. The District Judge may refer to any Assistant Judge subordinate to him original suits of which the subject-matter does not amount to ⁸[forty thousand rupees] in amount or value, ⁹[applications or references under special Acts,] and miscellaneous applications ¹⁰ * * *

The Assistant Judge shall have jurisdiction to try such suits and to dispose of such applications ⁹[or references]

¹ The words "Provincial Government" were substituted for the words "Governor of Bombay in Council" by the Adaptation of Indian Laws Order in Council

² This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950

³ The words "with the previous sanction of the Governor-General of India in Council" were repealed by section 3 and the 2nd Schedule of the Bombay Repealing and Amending Act, 1910 (Bom 1 of 1910)

⁴ The second clause of section 12 was repealed, *ibid*

⁵ S 1 A was inserted by s 2 of the Bombay Civil Courts (Amendment) Act, 1942, (Bom 11 of 1942), read with s 3 of Bom 48 of 1947

⁶ The words "under the general control of the Governor General of India in Council" and "and may suspend or remove from his appointment any Assistant so appointed" were omitted by the Adaptation of Indian Laws Order in Council

⁷ The words "The present Assistant Judges shall be the first Assistant Judges under this Act" were repealed by the Repealing Act, 1876 (12 of 1876)

⁸ These words were substituted for the words "fifteen thousand rupees" by Mah 46 of 1977, s 12(a)

⁹ These words were inserted by section 2 of the Bombay Civil Courts (Amendment) Act, 1900 (Bom 1 of 1900)

¹⁰ The words "not being of the nature of appeals" were deleted by Bom 94 of 1958, s 4

Where the Assistant Judge's decrees and orders in such cases are appealable, the appeal shall lie to the District Judge or to the High Court according as the amount or value of the subject-matter does not exceed or exceeds ¹[twenty-five thousand rupees]

2* * * * *

³[17 An Assistant Judge shall have jurisdiction to try such appeals from the decrees and orders of the subordinate courts as would lie to the District Judge and as may be referred by him to the Assistant Judge. Appellate jurisdiction of Assistant Judge.

Decrees and orders passed under this section by an Assistant Judge shall have the same force and shall be subject to the same rules as regards procedure and appeals as decrees and orders passed by the District Judge]

18. [Continuance of Assistant Judge's appellate jurisdiction]. Deleted by Bom. XCIV of 1958, s 6

19. The ⁴[⁵[State] Government] may, by notification in the ⁶[Official Gazette] invest an Assistant Judge with all or any of the powers of a District Judge within a particular part of a district, and may, by like notification, from time to time determine and alter the limits of such part. Power to invest Assistant Judge with powers of District Judge

The jurisdiction of an Assistant Judge so invested shall *pro tanto* exclude the jurisdiction of the District Judge from within the said limits.

Every Assistant Judge so invested shall ordinarily hold his Court at such place within the local limits of his jurisdiction as may be determined by the ⁴[⁵[State] Government], and may, with the previous sanction of the High Court, hold it at any other place within such limits

20. Every Assistant Judge shall use the seal of the District Judge to whom he is Assistant Assistant Judge to use seal of District Judge.

PART VI.

⁷[CIVIL JUDGES]

21 There shall be in each district so many Civil Courts subordinate to the District Court as the ⁴[⁵[State] Government], ^{8*} * * * ^{*} Number of subordinate Civil Courts shall from time to time direct :

¹ These words were substituted for the words " ten thousand rupees " by Mah. 46 of 1977, s 12(b).
² The words and figures " The Assistant Judge shall, when directed by the District Judge so to do also take evidence on applications for certificates under Bombay Regulation 8 of 1827 (to provide for the formal recognition of heirs, executors and administrators and for the appointment of administrators and managers of property by the Courts), Act No XXVII of 1860 (for facilitating the collection of debts on successions and for the security of parties paying debts to the representatives of deceased persons)" were repealed by the Succession Certificate Act, 1889 (7 of 1889), and the words and figures " and Act No XX of 1864 (for making better provisions for the care of the persons and property of minors in the Presidency of Bombay) and shall forward it with his opinion thereon for the final orders of the District Judge, " were repealed by the Guardians and Wards Act, 1890 (8 of 1890)
³ This section was substituted for the original by Bom 94 of 1958, s. 5.
⁴ The words " Provincial Government " were substituted for the words " Governor of Bombay in Council " by the Adaptation of Indian Laws Order in Council
⁵ This word was substituted for the word " Provincial " by the Adaptation of Laws Order, 1950.
⁶ The words " Official Gazette " were substituted for the words " Government Gazette " by the Adaptation of Indian Laws Order in Council
⁷ The heading " Civil Judges " was substituted for the heading " Subordinate Judges " by s 2 of the Bombay Civil Courts (Amendment) Act, 1945 (Bom 10 of 1945), read with Bom. 48 of 1947,s.3.
⁸ The words " acting under the general control of the Governor General of India in Council " were omitted by the Adaptation of Indian Laws Order in Council.

¹[Provided that for special reasons it shall be lawful for the ²[State] Government] at any time to close temporarily any such Subordinate Court]

22 The Judges of such Subordinate Courts shall be appointed by the ²[State] Government], and shall be called ⁴[Civil Judges]

6[22A. The ²[State] Government] may, by notification in the Official Gazette, fix, and, by a like notification, from time to time, alter the local limits of the ordinary jurisdiction of the ⁴[Civil Judges]

23 The ⁴[Civil Judges] shall hold their Courts at such place or places as the ²[State] Government] may from time to time appoint within the local limits of their respective jurisdictions .

⁷[Provided that for special reasons it shall be lawful for the ²[State] Government] to order that a ⁸[Civil Judge] shall hold his Court at a place outside the local limits of his jurisdiction]

Wherever more than one such place is appointed, the District Judge shall, subject to the control of the High Court, fix the days on which the ⁸[Civil Judge] shall hold his Court at each of such places, and the ⁸[Civil Judge] shall cause such days to be duly notified throughout the local limits of his jurisdiction

The same person may be the Judge of more than one subordinate Court ⁹[and may dispose of the civil business of any one of his Courts at the headquarters of any other of his Courts] ; and in such cases the District Judge shall, subject to the control of the High Court, prescribe rules for regulating the time during which the ⁸[Civil Judge] shall sit in each Court

10[For the purpose of assisting the Judge of any subordinate Court in the disposal of the civil business on his file, ¹¹[the High Court may appoint to such Court from the members of the Subordinate Civil Judicial Service of the ¹²[State]] one or more Joint ⁴[Civil Judges], or the District Judge may, with the previous sanction of the

¹ This proviso was inserted by section 3 of the Bombay Civil Courts (Amendment) Act, 1900 (Bom 1 of 1900)

² The words " Provincial Government " were substituted for the words " Governor of Bombay in Council " by the Adaptation of Indian Laws Order in Council

³ This word was substituted for the word " Provincial " by the Adaptation of Laws Order, 1950

⁴ The words " Civil Judges " were substituted for the words " Subordinate Judges " by s 3 of the Bombay Civil Courts (Amendment) Act, 1945 (Bom 10 of 1945), read with Bom 48 of 1947, s 3.

⁵ The words " No person shall be appointed a Subordinate Judge unless he be a subject of Her Majesty or a subject of a Native Prince or State in India under the suzerainty of Her Majesty, and is also a person who has practised three years as an advocate of a High Court in India or as a vakil in the High Court of Judicature in Bombay, or who has qualified for the duties of a subordinate Judge according to such tests as may for the time being be prescribed by such High Court, or who has taken the degree of Bachelor of Laws in the University of Bombay

The tests so prescribed by the High Court shall be notified in the " Government Gazette " were omitted by the Adaptation of Indian Laws Order in Council

⁶ Section 22A was inserted by section 2 of the Bombay Civil Courts Act, 1880 (9 of 1880)

⁷ This proviso was inserted by section 4 of the Bombay Civil Courts (Amendment) Act, 1900 (Bom 1 of 1900)

⁸ The words " Civil Judge " were substituted for the words " Subordinate Judge " by s 4 of the Bombay Civil Courts (Amendment) Act, 1945 (Bom. 10 of 1945), read with Bom 48 of 1947, s 3.

⁹ The words " and may dispose of the civil business of any one of his Courts at the headquarters of any other of his Courts " were inserted by section 2 (1) of Bom 7 of 1930

¹⁰ These two paragraphs were substituted for the original last paragraph of section 23 by Bom 1 of 1900, s. 4.

The original paragraph was as follows —

" The Judge of any subordinate Court may, with the previous sanction of the High Court, be deputed by the District Judge to the Court of another Subordinate Judge for the purpose of assisting him in the disposal of the suits on his file "

¹¹ The words " the High Court may appoint to such Court from the members or the Subordinate Civil Judicial Service of the Province " were substituted for the words " the Governor of Bombay in Council may appoint to such Court " by the Adaptation of Indian Laws Order in Council

¹² This word was substituted for the word " Province " by the Adaptation of Laws Order, 1950

High Court, depute to such Court the Judge of another subordinate Court within the district A ¹[Civil Judge] thus appointed or deputed to assist in the Court of another ¹[Civil Judge] shall dispose of such civil business within the limits of his pecuniary jurisdiction as may, subject to the control of the District Judge, be referred to him by Judge of such Court ²[He may also dispose of the Civil business of his Court at the place of his deputation subject to the general or special orders of the High Court in this behalf]

For the purposes of this section the provisions of the Act applicable to ³[Civil Judges] shall be, and shall be deemed always to have been applicable to Joint ³[Civil Judges] ⁴Provided that no such Joint ¹[Civil Judge] shall hear and determine any suit instituted under section 4 of the Dekkhan Agriculturists' Relief Act, [1879] of 1879, unless the value of the said suit falls within the limits of the pecuniary jurisdiction conferred on him by that Act]

24. The ³[Civil Judges] shall be of two classes.

Classes of ³[Civil Judges]

The jurisdiction of a ⁴[Civil Judge (Senior Division)] extends to all original suits and proceedings of a civil nature

Jurisdiction of ⁴[Civil Judge (Senior Division)].

The jurisdiction of a ⁵[Civil Judge (Junior Division)] extends to all original suits and proceedings of a civil nature wherem the subject matter does not exceed amount or value ⁶[twenty-five thousand rupees]

Jurisdiction of ⁵[Civil Judge (Junior Division)]

⁷[Provided that the ⁸[State] Government] may increase the limit of ¹⁰[twenty-five thousand rupees to forty thousand rupees] in the case of any ⁵[Civil Judge (Junior Division)], of not less than ten years' standing and specially recommended in this behalf by the High Court. A ¹[Civil Judge] so empowered shall continue to exercise this power so long and as often as he may fill the office of a ⁵[Civil Judge (Junior Division)] without reference to the District in which he may be employed, unless the powers are withdrawn by ¹¹[the ⁹[State] Government]

¹ The words " Civil Judge " were substituted for the words " Subordinate Judge " by s 4 of the Bombay Civil Courts (Amendment) Act, 1945 (Bom. 10 of 1945), read with Bom. 48 of 1947, s. 3

² This sentence was added by section 2(2) of Bom 7 of 1930

³ The words " Civil Judges " were, substituted for the words "Subordinate Judges" by s 3 of the Bombay Civil Courts (Amendment) Act, 1945 (Bom. 10 of 1945), read with Bom. 48 of 1947, s. 3.

⁴ The words " Civil Judge (Senior Division)" were substituted for the words " Subordinate Judge of the first class " by s 5 of the Bombay Civil Courts (Amendment) Act, 1945 (Bom. 10 of 1945), read with Bom. 48 of 1947, s 3

⁵ The words " Civil Judge (Junior Division) " were substituted for the words " Subordinate Judge of the Second Class " by s 6 of the Bombay Civil Courts (Amendment) Act, 1945 (Bom 10 of 1945), read with Bom. 48 of 1947, s. 3

⁶ These words were substituted for the words " ten thousand rupees " by Mah. 46 of 1977, s 13(a).

⁷ The proviso was added by section 3 of Bom. 7 of 1930.

⁸ The words " Provincial Government " were substituted for the words " Governor in Council " by the Adaptation of Indian Laws Order in Council

⁹ This word was substituted for the word " Provincial " by the Adaptation of Laws Order, 1950.

¹⁰ These words were substituted for the words " ten thousand rupees to fifteen thousand rupees " by Mah 46 of 1977, s. 13(b)

¹¹ The words " Provincial Government " were substituted for the words " Government ", by the Adaptation of Indian Laws Order in Council.

Special jurisdiction of ¹[Civil Judge (Senior Division)] shall exercise a special jurisdiction in respect of such suits and proceedings of a civil nature, ^{2*} * * * as may arise within the local jurisdiction of the Courts in the district presided over by ³[Civil Judges (Junior Division)] ⁴[and wherein the subject matter exceeds the pecuniary jurisdiction of the ⁵[Civil Judge (Junior Division)] as defined by section 24]

In districts to which more than one ¹[Civil Judge (Senior Division)] have been appointed, the District Judge to the orders of the High Court, shall assign to each the local limits within which his said special jurisdiction is to be exercised

Appeals from his decision. 26. In all suits decided by a ⁶[Civil Judge] ^{7*} * * * of which the amount or value of the subject-matter exceeds ⁸[twenty-five thousand rupees] the appeal from his decision shall be direct to the High Court

Appellate jurisdiction of ¹[Civil Judge (Senior Division)] or Judge of Court of Small Causes ¹⁰[or any Judge of the Court of Small Causes established under the Provincial Small Cause Courts Act, 1887, in any place to which this section extends] with power to hear appeals from such decrees and orders of Subordinate Courts as may be referred to him by the Judge of the district IX of 1887

Decrees and orders so passed in appeal by a ¹[Civil Judge (Senior Division)] ¹⁰[or a Judge of a Court of Small Causes] shall have the same force as if passed by a District Judge

¹¹[A ¹[Civil Judge (Senior Division)] or a Judge of a Court of Small Causes, on whom the power of hearing appeals has once been conferred under this section, shall continue to have this power so long and so often as he may fill the office of ¹[Civil Judge (Senior Division)] or Judge of a Court of Small Causes respectively, without reference to the district in which he may be employed : Provided that the ⁹[Provincial Government] may, by notification in the ¹²[Official Gazette], at any time withdraw such power]

¹ The words " Civil Judge (Senior Division) " were substituted for the words " Subordinate Judge of the first Class " by s 5 of the Bombay Civil Courts (Amendment) Act, 1945 (Bom 10 of 1945), read with Bom. 48 of 1947, s 3

² The words " wherein the subject-matter exceeds five thousand rupees in amount or value " were omitted by section 4(I) of Bom 7 of 1930

³ The words " Civil Judges (Junior Division) " were substituted for the words " Subordinate Judges of the Second Class " by s 7 of the Bombay Civil Courts (Amendment) Act, 1945 (Bom 10 of 1945), read with Bom. 48 of 1947, s 3

⁴ These words and figures were added by section 4(2) of Bom 7 of 1930

⁵ The words " Civil Judge (Junior Division) " were substituted for the words " Subordinate Judge of the Second Class " by s 6 of the Bombay Civil Courts (Amendment) Act, 1945 (Bom 10 of 1945), read with Bom. 48 of 1947, s 3.

⁶ The words " Civil Judge " were substituted for the words " Subordinate Judge " by s 4 of the Bombay Civil Courts (Amendment) Act, 1945 (Bom 10 of 1945), read with Bom 48 of 1947

⁷ The words " of the first class in the exercise of his ordinary and special original jurisdiction " were repealed by section 2 of Act 28 of 1930

⁸ These words were substituted for the words " ten thousand rupees " by Mah 46 of 1977, s 14

⁹ The words " Provincial Government " were substituted for the words " Governor of Bombay in Council " by the Adaptation of Indian Laws Order in Council

¹⁰ These words were inserted by section 5 of the Bombay Civil Courts (Amendment) Act, 1900 (Bom. I of 1900)

¹¹ This paragraph was substituted for the original paragraph by Bom 1 of 1900, section 5. The original paragraph was as follows —

" The Governor of Bombay in Council may, whenever he thinks fit, withdraw such jurisdiction from any Subordinate Judge so invested "

¹² The words " Official Gazette " were substituted for the words " Government Gazette " by the Adaptation of Indian Laws Order in Council.

¹[28. (1) The High Court may invest any Civil Judge with the jurisdiction of a Court of Small Causes for the trial of suits cognizable by such courts upto such amount as it may deem proper, not exceeding in the case of a Civil Judge (Senior Division) ²[three thousand rupees] and in the case of a Civil Judge (Junior Division) ³[one thousand and five hundred rupees]

Power to invest Civil Judges with small cause powers

(2) A Civil Judge (Senior Division) or a Civil Judge (Junior Division), who is invested with the jurisdiction of a Court of Small Causes under sub-section (1), shall continue to have such jurisdiction within the local limits of his ordinary jurisdiction so long and as often as he may fill the office of Civil Judge (Senior Division) or Civil Judge (Junior Division), as the case may be, without reference to the District in which he may be employed

(3) The High Court may, whenever it thinks fit, withdraw such jurisdiction from any Civil Judge so invested]

⁴[28A. (1) The High Court may by general or special order invest any ⁵[(Civil Judge], within such local limits and subject to such pecuniary limitation as may be prescribed in such order, with all or any of the powers of a District Judge or a District Court as the case may be under the Indian Succession Act, 1865, ⁶[The Probate and Administration Act, 1881, ⁶[or paragraph 5 of Schedule III to the Code of Civil Procedure, 1908

Power to invest Civil Judges with jurisdiction under certain Acts

X of 1865
V of 1881
V of 1908

(2) Every order made by a ⁵[Civil Judge] by virtue of the powers conferred upon him under sub-section (1) shall be subject to appeal to the High Court or the District Court according as the amount or value of the subject-matter exceeds or does not exceed ⁷[twenty-five thousand rupees].

(3) Every order of the District Judge passed an appeal under sub-section (2) from the order of a ⁵[Civil Judge] shall be subject to an appeal to the High Court under the rules contained in the Code of Civil Procedure applicable to appeals from appellate decrees]

29. Each ⁵[Civil Judge] shall use a seal one inch and-a-half in diameter, bearing ⁸[the Asoka Capital Motif] with the following inscription in English and the principal language of the district.— “ ⁵[Civil Judge] of ”

Seal of Civil Judge]

¹ This section was substituted for the original by Bom. 94 of 1958, s 7.

² These words were substituted for the words “ one thousand and five hundred rupees ” by Mah. 46 of 1977, s 15(a)

³ These words were substituted for the words “ five hundred rupees ”, *ibid*, s 15(b)

⁴ Section 28A was inserted by section 2 of the Bombay Civil Courts (Amendment) Act, 1912 (Bom, 5 of 1912)

⁵ The words “ Civil Judge ” were substituted for the words “ Subordinate Judge ” by s 4 of the Bombay Civil Courts (Amendment) Act, 1945 (Bom. 10 of 1945), read with Bom 48 of 1947, s 3

⁶ See now the Indian Succession Act, 1925.

⁷ These words were substituted for the words “ ten thousand rupees ” by Mah 46 of 1977, s 16

⁸ These words were substituted for the words “ the Royal Crown ” by Bom 22 of 1949, s 4

30, 31. [First Subordinate Judges, pending proceedings] Rep Act XII of 1876.

Government suits

¹[32. (1) No subordinate court other than the court of a ²[Civil Judge (Senior Division)] and no court of small causes shall receive or register any suit in which ³[the Crown] or any officer of the ⁴[Government] in his official capacity is a party.

(2) In every such case the plaintiff shall be referred to the court of the ²[Civil Judge (Senior Division)] and such suit shall be instituted only in the court of the ²[Civil Judge (Senior Division)] and shall be heard by such ⁵[Civil judge], subject ^{V of 1908} to the provisions of section 24 of the Code of Civil Procedure, 1908

(3) Nothing in this section shall be deemed to apply to a suit against the administration of a Government railway ; or to apply to any suit merely because an officer of the ⁴[Government] is a party thereto, in his capacity of—

(a) member of a local authority,

(b) curator, guardian, manager or representative of a private person or estate in virtue of an appointment, delegation, declaration or exercise of powers under :—

(i) Order 32, rule 4(4), of the code of Civil Procedure, 1908 ;

(ii) section 69 or 71 of the Indian Lunacy Act, 1912 ;

(iii) section 7, 18 or 42 of the Guardians and Wards Act, 1890 ;

(iv) section 1 or 17 of the Ahmedabad Talukdars' Act, 1862 ;

(v) section 3, 19 (1), 19 (2), 20 22 (1) or 41 (1) of the Bombay Court of Wards Act, 1905]

V of
1908
IV of
1912
VII of
1890
Bom
VI of
1862
Bom
I of
1905

REMOVAL OR SUSPENSION

33. [Commission of inquiry into alleged misconduct] Omitted by the Adaptation of Indian Laws Order in Council

34. [Suspension of Subordinate Judges by High Court ; by District Judge Saving power of Government to suspend or dismiss] Omitted, *ibid*

PART VII.

TEMPORARY VACANCIES.

⁶[35. In the event of the death of the District Judge or of his absence from his district on leave or of his becoming incapable of acting, the first in rank of the Joint Judges in the district, or in the absence of any Joint Judge the first in rank of the Assistant Judges in the district, or in the absence of any Joint Judge and Assistant Judge the first in rank of the Civil Judges in the district, shall assume charge of the District Court without interruption to his ordinary jurisdiction, and while so in charge, shall perform the duties of a District Judge with respect to the filing of suits and appeals, receiving pleadings, execution processes, return of writs and the like and shall also dispose of any urgent suits, appeals and other proceedings (including any applications or references under any special Acts) which are or may be filed or pending before the District Judge. The Judge performing such duties

Temporary vacancy in office of District Judge.

¹ This section was substituted for the original section 32 by section 2 of the Bombay Civil Courts (Amendment) Act, 1926 (Bom. VI of 1926)

² The words " Civil Judge (Junior Division) " were substituted for the words " Subordinate Judge of the First Class " by s 5 of the Bombay Civil Courts (Amendment) Act, 1945 (Bom. 10 of 1945), read with Bom 48 of 1947, s 3.

³ The words " the Crown " were substituted for the words " the Secretary of State for India in Council " by the Adaptation of Indian Laws Order in Council

⁴ This word was substituted for the word " Crown " by the Adaptation of Laws Order, 1950

⁵ The words " Civil Judge " were substituted for the words " Subordinate Judge " by s 4 of the Bombay Civil Courts (Amendment) Act 1945 (Bom 10 of 1945), read with Bom. 48 of 1947, s. 3

⁶ Section 35 was substituted for the original by Mah. 46 of 1977, s. 17.

and exercising such powers shall be designated Joint Judge, Assistant Judge or Civil Judge, as the case may be, in charge of the district, and shall continue in such charge until the office of the District Judge may be resumed or assumed by an officer duly appointed thereto]

Delegation of powers of District Judge 36. Any District Judge leaving the said station and proceeding on duty to any place within his district may [where no Joint Judge is available] delegate to an Assistant Judge, or in the absence of an Assistant Judge to ²[Civil Judge] at the said station, the power of performing such of the duties enumerated in section 35 as may be emergent ; and such officer shall be designated Assistant or [Civil Judge], as the case may be, in charge of the said station

Temporary vacancy of office of Subordinate Judge. 37. In the event of the death, suspension or temporary absence of any ²[Civil Judge], the District Judge may empower the Judge of any subordinate Court of the same district to perform the duties of the Judge of the vacated subordinate Court, either at the place of such Court or his own Court ; but in every such case the registers and records of the two Courts shall be kept distinct

PART VIII

MINISTERIAL OFFICERS.

38. [*Appointment etc, of ministerial officers*] Omitted by the Adaptation of Indian Laws Order in Council.

Duties of ministerial officers 39. The duties of ³(the ministerial officers of the Civil Courts) shall be regulated by such rules as the High Court may from time to time prescribe

Power to appoint clerks of the Courts 40. ⁴[There may be appointed to any Civil Court under this Act] a clerk of the Court, who, in addition to such duties as may from time to time be prescribed by the High Court, may receive and register plaints, and shall refer such as he may consider should be refused for the orders of the Judge of the Court, and may sign all processes, and authenticate copies of papers

40A. [*Power to transfer clerks of the Court or ministerial officer*] Omitted by the Adaptation of Indian Laws Order in Council.

PART IX.

MISCELLANEOUS.

Rules for keeping proceedings. 41. The proceedings of each Civil Court shall be kept and recorded according to such rules as the High Court may from time to time prescribe. The High Court shall also lay down rules under which copies of papers may be granted

¹ These words were inserted by Mah 46 of 1977, s. 18.

² The words " Civil Judge " were substituted for the words " Subordinate Judge " by s 4 of the Bombay Civil Courts (Amendment) Act, 1945 (Bom 10 of 1945), read with Bom. 48 of 1947, s. 3

³ The words the ministerial officers of the Civil Courts " were substituted for the words " the said ministerial officers " by the Adaptation of Indian Laws Order in Council

⁴ The words " There may be appointed to any Civil Court under this Act " were substituted for the words " The District Judge may, under the general control of the Governor of Bombay in Council appoint to any Civil Court under this Act within the local limits of his jurisdiction ", *ibid*,

1[41A. (1) The High Court may, from time to time, make rules consistent with this Act and any other enactment for the time being in force—

Licensed
petition
writers

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

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

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

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

42 The High Court shall from time to time, with the sanction of the 2[3[State] Fees for Government], prescribe and regulate the fees to be taken for any process issued by any Court the constitution of which is declared by this Act, or by any officer of such Court

process

Tables of the fees so prescribed shall be published in the 4[Official Gazette]

43 The District and Subordinate Courts shall sit from day to day except on Sundays, New Year's Day, Good Friday, 5[and Christmas Day] and such other days as may be sanctioned for each or every district by the High Court

Sittings of
Courts

The High Court may also permit the Civil Courts under its control to adjourn for a period or periods not exceeding in the whole six weeks in each year

Vacation

THE SCHEDULE

ENACTMENTS REPEALED

[Rep Act XIV of 1870]

¹ Section 41A was inserted by section 9 of the Bombay Civil Courts (Amendment) Act, 1900 (Bom 1 of 1900)

² The words "Provincial Government" were substituted for the words "Governor of Bombay in Council" by the Adaptation of Indian Laws Order in Council

³ This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950

⁴ The words "Official Gazette" were substituted for the words "Government Gazette" by the Adaptation of Indian Laws Order in Council

⁵ These words were substituted for the words "Christians Day and Her Majesty's Birthday" by the Adaptation of Laws Order, 1950

THE CORONERS ACT, 1871.

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ACT No. IV OF 1871.¹

[THE CORONERS ACT, 1871.]

[27th January 1871]

Repealed in part, by Act 9 of 1871 ;

" " " " " 10 of 1873 ;

" " " " " 12 of 1873 ;

" " " " " 18 of 1873 ;

" " " " " 16 of 1874 ;

" " " " " 12 of 1891.

Repealed in part and amended, by Act 10 of 1881 ;

" " " " " " " 4 of 1908.

Amended by Act 5 of 1889 ;

" " " " 38 of 1920 ;

" " Bom 13 of 1930.

Adapted and modified by the Adaptation of Indian Laws Order in Council.

Amended by Bom 25 of 1942.

" " " 6 of 1947.

" " " 16 of 1948.

Adapted and modified by the Indian Independence (Adaptation of Central Acts and Ordinances) Order, 1948.

Adapted and modified by the Adaptation of Laws Order, 1950.

Amended by Bom. 39 of 1953.

" " " 69 of 1954.

Adapted and modified by the Adaptation of Laws (No. 2) Order, 1956.

An Act to consolidate and amend the laws relating to Coroners.

WHEREAS it is expedient to consolidate and amend the laws relating to Coroners Preamble, in the Presidency-towns ; It is hereby enacted as follows :—

CHAPTER I.

PRELIMINARY.

1. This Act may be called the Coroners Act, 1871.

Short title.

2* * * * *

2. [Repeal of enactments.] *Rep. Act XII of 1873.*

CHAPTER II.

APPOINTMENT OF CORONERS.

³[3. ⁴(1) Within the local limits of the ordinary original civil jurisdiction of each of the High Courts of Judicature at Fort William and Bombay there shall be a Coroner. Such Coroners shall be called respectively the Coroner of Calcutta and the Coroner of Bombay.] Coroners of Calcutta and Bombay.

¹ For Statement of Objects and Reasons, see *Gazette of India*, 1870, Pt. V, p 295, for Preliminary Report of the Select Committee, see *ibid*, p 351 and for Proceedings in Council, see *ibid*, Supplement, pp 1077, 1195, 1298 and *ibid*, 1871, pp 198 and 207.

² The local extent and commencement clauses of this section were repealed, respectively, by section 2 of the Coroners Act, 1881 (10 of 1881), and by the Repealing Act, 1874 (16 of 1874).

³ This section was constituted by Act 5 of 1889, s. 2.

⁴ Section 3 was renumbered as sub-section (1) of that section by section 2 of the Coroners (Bombay Amendment) Act, 1948 (Bom. 16 of 1948).

¹[(2) The ²[State] Government may, from time to time direct that there shall be one or more Additional Coroners within the local limits of the ordinary original civil jurisdiction of the High Court of Judicature at Bombay. Every such Additional Coroner shall be competent to exercise and perform all the powers and duties conferred upon or assigned to the Coroner of Bombay by or under this Act or any other law for the time being in force.]

Their appointment, suspension and removal.

4. Every such officer shall be appointed and may be suspended or removed by the ³[²[State] Government]. ^{**} * * *

Power of Coroner of Bombay to distribute work between himself and Additional Coroners.

⁵4A. When one or more Additional Coroners are appointed, the Coroner of Bombay shall make such arrangements as he thinks fit for distribution of the work of the Coroner under the Act between himself and the Additional Coroners.]

Coroners to be public servants.

5. Every Coroner shall be deemed a public servant within the meaning of the ^{XLV} Indian Penal Code. of 1860.

Power to hold other offices.

6. Any Coroner may hold simultaneously any other office under Government.

7. [Oath to be taken by Coroner] *Rep. Act X of 1873.*

CHAPTER III.

DUTIES AND POWERS OF CORONERS.

Jurisdiction to inquire into death.

⁶8. (1) When the Coroner is informed that the dead body of a person is lying within his jurisdiction and there is reasonable cause to suspect that such person has died under any of the circumstances mentioned in section 9 or has died a sudden death of which the cause is unknown, the Coroner may proceed to hold a preliminary inquiry on the body, without a jury.

(2) For the purpose of an inquiry under sub-section (1), ⁷[the Coroner may], as soon as practicable, after receipt of the information proceed to view and examine the body. Such view and examination shall be held in the presence of the police officer to whose section the case belongs and, if possible, in the presence of the relations or friends, if any, of the deceased and the Coroner may reduce to writing such observations as the appearance of the body requires. When the inquiry is concluded if the Coroner is satisfied as to the cause of death and if a *post mortem* examination is in his opinion not necessary, the Coroner may authorise the body to be disposed of.

¹ Sub-section (2) was inserted by section 2 of the Coroners (Bombay Amendment) Act, 1948 (Bom. 16 of 1948).

² This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

³ The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation of Indian Laws Order in Council.

⁴ The words "Every person now holding such office shall be deemed to have been appointed under the Act" were repealed by the Repealing and Amending Act, 1891 (12 of 1891)

⁵ Section 4A was inserted by section 3 of the Coroners (Bombay Amendment) Act, 1948 (Bom. 16 of 1948).

⁶ Sections 8 to 20 were substituted for the original section 8 to 20 by sections 2 of Bom. 13 of 1930.

⁷ These words were substituted for the words "the Coroner shall" by Bom. 69 of 1954, s. 2.

¹[8A. Where the coroner has reason to believe that death has occurred within his jurisdiction in any of the circumstances mentioned in section 8 or 9 and that owing to the destruction of the body, or disposal thereof in contravention of any law for the time being in force, or to the fact that the body is lying in a place from which it cannot be recovered, an inquest cannot be held except by virtue of the provisions of this section, he may report the facts to the State Government and the State Government may, if it considers it desirable so to do, direct an inquest to be held touching the death. When such direction is given, an inquest shall be held accordingly by the Coroner and the provisions of this Act shall apply with such modifications as may be necessary in consequence of the inquest being held otherwise than on or after view of the body.] Inquest where body destroyed or irrecoverable.

²9. (1) If it appears to the Coroner either before or in the course of an inquiry under section 8 that there is reason to suspect— Inquest by jury.

(a) that the deceased came by his death by homicide, suicide or infanticide ; or

(b) that the death was caused by an accident, or poison or machinery ; or

(c) that the death was caused by an occurrence arising out of the use of a vehicle in a street, public road or in a private place ; or

(d) that the death occurred in a prison in which the deceased was a prisoner or that it occurred whilst the deceased was in the custody of the police ; or

¹ Section 8A was inserted by Bom. 69 of 1954, s. 3.

² Sections 8 to 20 were substituted for the original sections 8 to 20 by section 2 of Bom. 13 of 1930.

¹(*dd*) that the death occurred—

III of
1898

(*i*) in a leper asylum appointed under the Lepers Act, 1898 ;

IV of
1912.

(*ii*) in an asylum or mental hospital established or licensed under the Indian Lunacy Act, 1912 ,

Bom
XVIII
of

(*iii*) in a Borstal school established under the Bombay Borstal Schools Act, 1929 ;

1929
Bom
XXIII
of
1945.

(*iv*) in a Receiving Centre or Certified Institution provided and maintained under the Bombay Beggars Act, 1945 ;

Bom
LXXI
of
1948.

(*v*) in any certified school, Remand Home or fit person institution or approved place, established, maintained, declared or recognised, as the case may be, under the Bombay Children Act, 1948 ;

in which the deceased was received, detained, committed to, confined or kept, as the case may be, under the orders of any authority competent to pass such orders under the said Acts ; or]

(*e*) that the death occurred in circumstances the continuance or possible recurrence of which is prejudicial to the health or safety of the public or any section of the public ;

and in any other case, if it appears to the Coroner either before or in the course of the preliminary inquiry that there is reason for holding an inquest by jury, he shall proceed to hold such inquest, whether or not the cause of death arose within his jurisdiction :

Bom,
VI of
1947.

²[Provided that such inquest shall not be held in the case of death arising out of an offence triable under the Bombay Public Security Measures Act, 1947]

(2) Such inquest shall ordinarily be held in the Coroner's Court-house.

(3) The Coroner may hold one inquest on the bodies of several persons provided that they all are believed to have come by their deaths, in or in consequence of one and the same incident.

XLV
of
1860
V of
1898.

(4) Every such inquest shall be deemed to be a judicial proceeding within the meaning of section 193 of the Indian Penal Code and for the purpose of any such inquest the Coroner shall have and may exercise all the powers of a criminal court under section 476 and section 480 of the Code of Criminal Procedure, 1898.

(5) The Coroner may hold an inquest by jury simultaneously with the preliminary inquiry.

³[10. (1) When a person dies—

(*a*) in a prison situate within the local limits of the Coroner's jurisdiction, the Superintendent of the prison,

Report of
death to
Coroner.

(*b*) whilst in the custody of the police, the police officer in charge of the section concerned,

¹ Clause (*dd*) was inserted by Bom 39 of 1953, s 2.

² This proviso was substituted by s 26 of Bom 6 of 1947 for the proviso added by Bom. 25 of 1942.

³ Section 10 was substituted for the original by Bom 39 of 1953, s 3.

(c) in any of the places referred to in clause (dd) of sub-section (1) of section 9, the Superintendent where there is a Superintendent appointed for such place and elsewhere, the person in charge of the place,

shall report the death to the Coroner and await his orders before the body is disposed of.

(2) Any Superintendent of prison, or any such police officer or any Superintendent or person in charge of the place referred to in clause (dd) of sub-section (1) of section 9, who fails to comply with the requirements in sub-section (1) shall, on conviction before a Magistrate, be punished with fine which may extend to five hundred rupees]

Penalty for disposal of body to prevent an inquest.

^{111.} (1) Any person who, with the intention of preventing the holding of an inquest on a dead body which the Coroner is bound to hold under section 9, buries, cremates or otherwise disposes of it, and any person who with such intention abets such burial, cremation or disposal of a dead body shall, on conviction before a Magistrate, be punished with fine which may extend to five hundred rupees.

(2) Such punishment shall be in addition to the punishment to which such person may be liable for any offence of which he may be found guilty in respect of the death of the deceased or under section 201 of the Indian Penal Code. ^{XLV} of 1860.

Power to order body to be disinterred.

^{112.} A Coroner may order a body to be disinterred within a reasonable time after the death of the deceased person, either for the purpose of taking an original inquisition where none has been taken, or a further inquisition where further inquisition is, in the opinion of the Coroner, necessary or desirable in the interests of justice.

Summoning jury.

^{113.} In order to the impanelling of a jury for an inquest under section 9 the Coroner shall summon not less than five nor more than eleven respectable persons to appear before him at a time and place to be specified in the summons for the purpose of inquiring where, when and by what means the deceased came by his death.

Opening Court Jurors to be sworn.

^{114.} (1) On the day and at the hour fixed for the inquest the Coroner shall proceed to open his court by proclamation and shall call over the names of the jurors on whom summonses under section 13 have been duly served. If not less than five jurors are in attendance the Coroner shall administer an oath to each juror to give a true verdict according to the evidence.

(2) If the number of jurors in attendance is less than five, or, if in the course of an inquest at any time before the return of the verdict a juror is absent and it is not practicable to enforce his immediate attendance, the Coroner may appoint such number of persons as may be necessary to serve as jurors in the inquest

Inquest may be on Sunday or public holiday.

^{114A.} An inquest under this Act or its adjourned hearing under section 21 may be held on a Sunday or a public holiday.

¹ Sections 8 to 20 were substituted for original sections 8 to 20 by section 2 of Bom 13 of 1930.

115. At or before the first sitting of an inquest on a body the Coroner shall view ^{View of body.} the body and if before the body has been disposed of, a majority of the jurors so deare, it shall be viewed by the jurors also :

Provided that when a preliminary inquiry on the body has been held under section 8, or if from the medical evidence or from a medical certificate, the Coroner is satisfied that no advantage will result from such viewing, the Coroner may dispense with a view of the body at the inquest.

116. The Coroner shall then make proclamation for the attendance of witnesses, ^{Proclamation for witnesses.} or, where the inquiry is conducted in secret, shall call in separately such as know anything concerning the death.

117. (1) It shall be the duty of all persons acquainted with the circumstances ^{Summoning witnesses.} attending the death to appear before the inquest as witnesses. The Coroner shall inquire of such circumstances and the cause of death, and if before or during the inquiry he is informed that any person, whether within or without the local limits of his jurisdiction, can give evidence or produce any document material thereto, may issue a summons requiring him to attend and give evidence or produce such document on the inquest.

(2) When any person so summoned fails to appear and the summons has been proved to be duly served on him in time to admit of his appearing in accordance therewith and no reasonable excuse is offered for such failure, the Coroner may, after recording his reasons in writing, issue a warrant for his arrest. Such warrant shall be executed as if it were issued under section 90 of the Code of Criminal Procedure, ^{V of 1898.} 1898.

(3) Any person disobeying a summons issued under sub-section (1) shall be deemed to have committed an offence under section 174, section 175 or section 176 ^{XLV of 1860.} of the Indian Penal Code, as the case may be.

(4) For the purpose of causing prisoners to be brought up to give evidence the Coroner shall be deemed a criminal court within the meaning of Part IX of the ^{III of 1900.} Prisoners' Act, 1900.

118. (1) If before proceeding to view a body under section 8 or at the view or at ^{Post-mortem examinations.} any stage of an inquest by jury, it appears to the Coroner that a *post-mortem* examination of the body is necessary to ascertain the cause of death, he may direct ^{Fees to medical witnesses.} such examination to be held by his Surgeon or by a duly qualified registered medical practitioner invited to attend as a witness. The Coroner may also direct an analysis ^{Report of Chemical Examiner.} of any of the organs or parts of the body or of their contents. Every medical witness other than the Chemical Examiner to Government and the Coroner's Surgeon shall be entitled to such reasonable remuneration as the Coroner thinks fit. For the purpose of such *post-mortem* examination the Coroner may order the removal of the body to any place within his jurisdiction which may be provided for that purpose.

(2) Any document purporting to be a report under the hand of any Chemical Examiner or Assistant Chemical Examiner to Government upon any matter or thing duly submitted to him for examination, or analysis and report in the course of any

¹ Sections 8 to 20 were substituted for original sections 8 to 20 by section 2 of Bom. 13 of 1930.

proceeding under this Act, may be used as evidence in any inquest under this Act and in any subsequent inquiry, trial or other proceeding under the Code of Criminal Procedure, 1898.

V of 1898.

¹[18A. Notwithstanding anything contained in this Act, the Coroner, may at any stage of the proceedings under this Act for the purposes of preservation or safe custody, order the removal of the body to any place within his jurisdiction which may have been provided for that purpose]

Power to order removal of body for preservation or safe custody.

²19 (1) All evidence given under this Act shall, except in the case provided in sub-section (2), be on oath and the Coroner shall be bound to receive the evidence on behalf of the person who is alleged to have caused or to be concerned in causing the death of the deceased person

Evidence to be on oath, Evidence on behalf of accused & Interpreter.

(2) If such person himself wishes to make a statement it shall be the duty of the Coroner to warn him that he is not bound to make any statement ; but if such person persists, the Coroner shall, without administering him any oath, record his statement in full after duly warning him that any incriminating statement which he may make may be used in evidence in any subsequent inquiry, trial or other proceeding under the Code of Criminal Procedure, 1898.

V of 1898.

I of 1872.

(3) For the purpose of section 26 of Indian Evidence Act, 1872, a Coroner shall be deemed to be a Magistrate

(4) Witnesses unacquainted with the English language shall be examined through the medium of an interpreter, who shall be sworn to interpret truly as well the oath as the question put to, and the answer given by each witness

(5) After each witness has been examined, the Coroner shall enquire whether the jury wish any further questions to be put to the witness, and if the jury wish that any such questions shall be put the Coroner shall put them accordingly.

V of 1898.

²20 (1) The evidence given to the jury shall be recorded in the manner prescribed in section 356 of the Code of Criminal Procedure, 1898.

Mode of recording evidence.

(2) For the purpose of this section the Coroner shall be deemed to be a Magistrate

21. The Coroner may adjourn the inquest from time to time, and from place to place.

Adjournment of inquest. Jurors' recognizances.

Whenever the inquest is adjourned the Coroner shall take the recognizances of the jurors to attend at the time and place appointed, and notify to the witnesses when and where the inquest will be proceeded with

The amount of such recognizances shall in each case be fixed by the Coroner ³[and the whole, or such part thereof as to the Coroner seems fit, shall, in default of attendance by the jurors, be recoverable in the same manner as a fine imposed under section 31]

⁴[21A. (1) If on an inquest touching a death, the Coroner is informed, before the jury have given their verdict, that criminal proceedings, have been instituted against some person before a Magistrate in respect of an offence touching the death of the deceased, he may adjourn the inquest until after the conclusion of the criminal proceedings and may, if he thinks fit, discharge the jury.

Inquest to be adjourned if criminal proceedings have been instituted before a Magistrate.

(2) After the conclusion of the criminal proceedings which it shall be the duty of the police to communicate to the Coroner, the Coroner may, subject as hereinafter provided, if he thinks fit, resume the adjourned inquest :

Provided that at such resumed inquest no inquisition shall be held against any person in respect of any offence with which he was charged or of which he could have been convicted in the proceedings referred to in sub-section (1), and no finding

¹ Section 18A was inserted by Bom. 69 of 1954, s. 4.

² Sections 8 to 20 were substituted for the original sections 8 to 20 by s. 2 of Bom 13 of 1930.

³ These words were added by s. 7 of the Coroners (Amendment) Act, 1908 (4 of 1908).

⁴ Section 21-A was inserted by s. 3 of Bom. 13 of 1930.

shall be recorded which is inconsistent with the determination of any matter by the result of those proceedings.

(3) Where the Coroner resumes an inquest which has been adjourned and the jury has been discharged, he shall proceed in all respects as if the inquest had not previously been begun and the provisions of this Act shall apply accordingly as if the resumed inquest were a fresh inquest, except that it shall not be obligatory on the Coroner to view the body.

(4) If, having regard to the result of the criminal proceedings, the Coroner decides not to resume the inquest, he shall furnish the Commissioner of Police with a certificate stating the result of the criminal proceedings, and any Particulars necessary for the registration of the death which may have been ascertained

(5) For the purposes of this section, the expression "the criminal proceedings" means the proceedings before a Magistrate and before any court to which the accused person is committed for trial or before which an appeal from the conviction of that person is heard, and criminal proceedings shall not be deemed to be concluded until no further appeal can be made in the course thereof.]

Coroner to sum up to jury.

Coroner to draw up inquisition.

Contents of inquisition.

22. When all the witnesses have been examined, the Coroner shall sum up the evidence to the jury, and the jury shall then consider of their verdict.

23. When the verdict is delivered the Coroner shall draw up the inquisition according to the finding of the jury, or, when the jury is not unanimous, according to the opinion of the majority.

24. Every inquisition under this Act shall be signed by the Coroner with his name and style of office and by the jurors, and shall set forth—

(1) where, when and before whom the inquisition is holden.

(2) who the deceased is,

(3) where his body lies,

(4) the names of the jurors, and that they present the inquisition upon oath,

(5) where, when and by what means the deceased came by his death, and

(6) if his death was occasioned by the criminal act of another, who is guilty thereof.

If the name of the deceased be unknown, he may be described as a certain person to the jurors unknown.

Every such inquisition shall be in the form set forth in the second Schedule hereto annexed, with such variation as the circumstances of each case require

Procedure where death is found due to an act amounting to an offence.

Power to arrest and commit for trial.

¹[25. When the jury or a majority of the jury find that the death of the deceased person was occasioned by an act which amounts to an offence under any law in force in ²[India] the Coroner shall immediately after the inquest forward a copy of the inquisition, together with the names and addresses of the witnesses, to the commissioner of Police]

³[26. The Coroner may also, where the verdict justifies him in so doing, issue his warrant for the apprehension of the person who is found to have caused the death of the deceased person, and send him forthwith to a Magistrate empowered to commit him for trial]

27. [Power to accept bail] *Rep. Act IV of 1908, s. 10.*

Warrant for burial.

28. When the proceedings are closed, or before, if it be necessary to adjourn the inquest, the Coroner shall give his warrant for the ⁴[disposal] of the body on which the inquest has been taken.

¹ Section 25 was substituted by s. 8 of the Coroners (Amendment) Act, 1908 (4 of 1908)

² This word was substituted for the words and letters "a Part A State or a Part C State" by the Adaptation of Laws (No. 2) Order, 1956.

³ Section 26 was substituted by s. 9 of Act, 4 of 1908.

⁴ This word was substituted for the word "burial" by s. 11, *ibid.*

29. No inquisition found upon or by any inquest shall be quashed for any technical defect Inquisitions not to be quashed for want of form

In any case of technical defect, a Judge of the High Court may, if he thinks fit, order the inquisition to be amended, and the same shall forthwith be amended accordingly. Amendment of inquisition.

30. It shall no longer be the duty of the Coroner to inquire whether any person dying by his own act was or was not *felo de se*, to inquire of treasure trove or wrecks, to seize any fugitive's goods, to execute process or to exercise as Coroner any jurisdiction not expressly conferred by this Act. Cessation of jurisdiction as to treasure trove, wrecks, &c

A *felo de se* shall not forfeit his goods. Felo de se

Deodands are hereby abolished. Deodands.

CHAPTER IV.

CORONERS' JURIES

31. (1) The Coroner shall prepare and from time to time revise a list of sufficient number of persons of good character and adequate education, liable to serve as jurors in his Court List of Jurors. Fine on juror neglecting to attend

V of 1898

(2) All male persons between the ages of twenty-one and sixty whose names are not in the Common Jury list of the High Court, shall, subject to the exemption mentioned in section 320 of the Code of Criminal Procedure, 1898, be liable to serve as jurors in the Coroner's Court.

(3) Whenever any person has been duly summoned to appear as a juror by a Coroner, and fails or neglects to attend at the time and place specified in the summons, the Coroner may cause him to be openly called in his Court three times to appear and serve as a juror, and upon the non-appearance of such person, and proof that such summons has been served upon him or left at his usual place of abode, may impose such fine upon the defaulter, not exceeding fifty rupees, as to the Coroner seems fit.

Provided that the Coroner may, in his discretion, remit any fine so imposed

32 The Coroner shall make out and sign a certificate, containing the name and surname, the residence and trade or calling of every person so making default, together with the amount of the fine so imposed, and the cause of such fine, Certificate as to defaulting juror

and shall send such certificate to one of the Magistrates of the place of which he is the Coroner,

and shall cause a copy of such certificate to be served upon the person so fined by having it left at his usual place of residence, or by sending the same through the Post Office, addressed as aforesaid and registered Service of copy of certificate

33 Thereupon such Magistrate shall cause the fine to be levied in the same manner as if it had been imposed by himself Levy of fine

34. Unless in case of necessity, no person who has appeared, or has been summoned to appear, as a juror on an inquest, and has not made default shall within one year after such appearance or summons, be summoned to appear as a juror under this Act. Jurors not to be summoned twice within the year.

35. When an inquest is held on the body of a prisoner dying within a prison, no officer of the prison and no prisoner confined therein shall be a juror on such inquest Jurors on inquest on prisoner

¹ Section 31 was substituted by section 4 of Bom 13 of 1930

CHAPTER V.

RIGHTS AND LIABILITIES OF CORONERS

- Coroner's salary** **36.** Every Coroner shall be entitled to such salary for the performance of the duty of his office as is prescribed in that behalf by the ¹[Provincial Government].
- Disbursements to be repaid** **37.** All disbursements duly made by a Coroner for fees to medical witnesses hire of rooms for the jury, and the like, shall be repaid to him by the ¹[Provincial Government]
- Power to appoint deputy.** **38.** Every Coroner may from time to time, with the previous sanction of the ¹[Provincial Government], appoint, by writing under his hand, a proper person to act for him as his deputy in the holding of inquests * * * * *
- All inquests taken and other acts done by any such deputy, under or by virtue of any such appointment, shall be deemed to be the acts of the Coroner appointing him :
- Provided that no such deputy shall act for any such Coroner except during the illness of the said Coroner, or during his absence for any lawful and reasonable cause
- Revocation of appointment** Every such appointment may at any time be cancelled and revoked by the Coroner by whom it was made
- Exemption from serving on juries.** **39.** No Coroner or Deputy Coroner shall be liable to serve as a juror
- Privilege from arrest.** **40.** Coroners and Deputy Coroners shall be privileged from arrest while engaged in the discharge of their official duty.
- Penalty for failure to comply with Act.** **41.** Any Coroner or Deputy Coroner failing to comply with the provisions of this Act, or otherwise misconducting himself in the execution of his office, shall be liable to such fine as the Chief Justice of the High Court, upon summary examination and proof of the failure or misconduct, thinks fit to impose
- Limitation of suits.** **42.** No proceeding for anything done under this Act, or for any failure to comply with its provisions, shall be commenced or prosecuted * * * * * after tender of sufficient amends.

FIRST SCHEDULE.

[ENACTMENTS REPEALED]

Rep. Act XII of 1873

SECOND SCHEDULE.

*Form of Inquisition.**(See section 24)*

An inquisition taken at _____ on the _____ day of _____
 19 _____ before E F, Coroner of _____ (in the case of A B, deceased) upon the
 oath of G H, I J, K L and M N, then and there duly sworn and charged to enquire
 when, how and by what means the said A B came to his death.

¹ The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation of Indian Laws Order in Council

* The words "and such deputy shall take and subscribe, before one of the Judges of the High Court, an oath that he will faithfully discharge the duties of office" were repealed by the Indian Oaths Act, 1873 (18 of 1873).

* The words "after the expiration of three months from such fact or failure nor" were repealed by the Indian Limitation Act, 1871 (9 of 1871)

* The Second Schedule was substituted for the original by section 5 of Bom 13 of 1930

THE BOMBAY REVENUE JURISDICTION ACT, 1876.

C

PREAMBLE.**SECTIONS.**

1. Short title.
Commencement.
Extent.
2. [*Repealed.*]
3. Interpretation-clause.
4. Bar of certain suits.
PROVISO.
5. Saving of certain suits.
6. Bar of certain suits against Revenue-Officers.
7. Punishment or prosecution of Revenue-officers no bar to civil remedies.
- 8-10. [*Repealed.*]
11. Suits not to be entertained unless plaintiff has exhausted right of appeal.
12. Power of Provincial Government to refer questions for decision of High Court.
13. Power of Civil Judge to refer questions of jurisdiction to High Court.
14. Composition of Bench.
15. [*Repealed.*]
16. Privileges of the Crown in suits defended by it.
17. [*Repealed*]

THE FIRST SCHEDULE. [*Repealed.*]**THE SECOND SCHEDULE.**

ACT No. X OF 1876¹

[THE BOMBAY REVENUE JURISDICTION ACT, 1876]*

[28th March 1876]

Repealed in part by Act 4 of 1894 ;
 " " " " 16 of 1895 ;
 " " and amended by Act 15 of 1880 ;
 " " " " 12 of 1891 ;
 Amended by Act 16 of 1877 ;
 " Bom 21 of 1929.
 Adapted and modified by the Adaptation of Indian Laws Order in Council.
 Repealed in part by Act 1 of 1938.
 Amended by Bom 17 of 1945 †
 Adapted and modified by the Indian Independence (Adaptation of Central Acts and Ordinances) Order, 1948.
 Adapted and modified by the Adaptation of Laws Order, 1950.
 Adapted and modified by the Bombay Adaptation of Laws (State and Concurrent Subjects) Order, 1956.
 Adapted and modified by the Adaptation of Laws (No 2) Order, 1956
 Amended by Bom. 48 of 1959.
 Amended by Mah. 41 of 1966.

An Act to limit the jurisdiction of the Civil Courts throughout the Bombay Presidency in matters relating to the land revenue, and for other purposes.

WHEREAS in certain parts of the Presidency of Bombay the jurisdiction of the Civil Courts in matters connected with the land-revenue is more extensive than it is in the rest of said Presidency ;

and whereas it is expedient that the jurisdiction of all the Civil Courts in the said Presidency should be limited in manner hereinafter appearing ;

XIV and whereas it is also expedient to amend the ²Bombay Civil Courts Act, section 32 of 1869 and to revive certain provisions of the ³thirteenth section of Regulation XVII of 1827 of the Bombay Code, which was repealed by the Land Improvement Act, 1871 * * * *
 XXVI of 1871. It is hereby enacted as follows :—

1. This Act may be called the Bombay Revenue Jurisdiction Act, 1876.

Short title.

¹ For Statement of Objects and Reasons, see *Gazette of India*, 1873, Pt V, p 534, for Preliminary Report of the Select Committee, see *ib id*, 1874, Pt V, p 70, for further Report of the Select Committee, see *ib id*, 1875, Pt V, p 210, and for Proceedings in Council, see *ib id*, 1875, Supplement p 4 and *ib id*, 1876, Supplement pp 344 and 405

* This Act was extended, and by such extension shall be in force, throughout the State of Bombay (vide Bom 48 of 1959, s 2)

† The amendment made by this Act was saved by Bom 52 of 1947, s 2, proviso.

² *Supra*

³ S 17 of this Act which revised s 13 of Bom Reg 17 of 1827 was repealed by Act 15 of 1880, except in scheduled districts, *i e*, the villages belonging to the following Mehwasai Chiefs : (1) The Parvi of Kathi, (2) The Parvi of Nal, (3) The Parvi of Singpur, (4) The Walvi of Gaohalli ; (5) The Wassawa of Chikhli, (6) The Parvi of Nawalpur to which the Bombay Land Revenue Code, 1879 (Bom 5 of 1879), has not been extended, see s 2 of Act 15 of 1880

* The words "and to provide for the recovery by the Local Government of advances made for purposes other than those specified in section three of the Land Improvement Act, 1871," were repealed by the Repealing and Amending Act, 1894 (4 of 1894).

Commencement. So much of section 4 as relates to claims to set aside, on the ground of irregularity, mistake or any other ground except fraud, sales for arrears of land revenue, ¹[shall come into force in the Presidency of Bombay on such² day] as the Governor-General in Council directs in that behalf by notification in the *Gazette of India*. The rest of this Act shall ³[come into force therein on the passing thereof] ;

Extent. and it shall extend to ⁴[the ⁵[State of Bombay]], but not so as to affect—

(a) any suit regarding the assessment of revenue on land situate in ⁶[the City of Bombay], or the collection of such revenue ;

(b) any of the provisions of Bombay Acts V of 1862 and VI of 1862, or, of ⁷[Act ⁸[XXI of 1881] or of ⁹[Act XXIII of 1871] ;

10* * * * *

2. [Repeal of enactments] *Rep. Act XII of 1891.*

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

“ land ” includes the sites of villages, towns and cities ; it also includes trees, growing crops and grass, fruit upon, and juice in, trees, rights-of-way, ferries, fisheries and all other benefits to arise out of land, and things attached to the earth or permanently fastened to things attached to the earth ;

“ land-revenue ” means all sums and payments in money or in kind, received or claimable by or on behalf ¹¹[of the ¹²[Government]] from any person on account of any land held by or vested in him, and any cess or rate authorized ¹³[by the ¹⁴[State] Government] under the provisions of any law for the time being in force ;

“ Revenue officer ” means any officer employed in or about the business of the land-revenue, or of the surveys, assessment, accounts or records connected therewith

¹ These words were substituted for the words “ shall come into force on such day ” by Bom 48 of 1959, s 3(a)

² The 19th September 1881—see notification No 197, dated 18th March 1881, in *Gazette of India*, 1881, Pt I, p 92.

³ These words were substituted for the words “ come into force on the passing thereof ” by Bom 48 of 1959, s 3(b)

⁴ These words were substituted for the words “ all the territories under the Government of the Governor of Bombay in Council ” by the Adaptation of Laws Order, 1950

⁵ These words were substituted for the words “ pre-Reorganisation State of Bombay, excluding the transferred territories ” by Bom 48 of 1959 s 3(c)

⁶ The words “ the City of Bombay ” were substituted for the words “ the Collectorate of Bombay ” by s. 9 of the Greater Bombay Laws and the Bombay High Court (Declaration of Limits) Act, 1945 (Bom 17 of 1945), Sch E read with Bom 52 of 1947, s 2 proviso

⁷ This reference was substituted for the words and figures “ Act XV of 1871 ” by the Repealing and Amending Act, 1891 (12 of 1891)

⁸ The Broach and Kaira Incumbered Estates Act, 1881

⁹ The Pensions Act, 1871.

¹⁰ Cl (c) was repealed by the Repealing and Amending Act, 1895 (16 of 1895) It was as follows —

“ (c) any suit instituted before the passing of this Act ”

¹¹ The words “ of the Crown ” were substituted for the words “ of Government ” by the Adaptation of Indian Laws Order in Council

¹² This word was substituted for the word “ Crown ” by the Adaptation of Laws Order, 1950

¹³ The words “ by the Provincial Government ” were substituted for the words “ by Government ”, by the Adaptation of Indian Laws Order in Council

¹⁴ This word was substituted for the word “ Provincial ” by the Adaptation of Laws Order, 1950

4 Subject to the exceptions hereinafter appearing, no Civil Court shall exercise jurisdiction as to any of the following matters : Bar of certain suits.

(a) ¹[claims against the ²[Government]] relating to any property appertaining to the office of any hereditary officer appointed or recognised under ³Bombay Act No. III of 1874 or any other law for the time being in force, or of any other village-officer or servant, or

claims to perform the duties of any such officer or servant, or in respect of any injury caused by exclusion from such office or service, or

suits to set aside or avoid any order under the same Act or any other law relating to the same subject for the time being in force passed ⁴[by the ⁵[State] Government] or any officer duly authorized in that behalf, or

* * * * *

(b) objections—

to the amount or incidence of any assessment of land revenue authorized ⁷[by the ⁵[State] Government], or

to the mode of assessment, or to the principle on which such assessment, is fixed, or

to the validity or effect of the notification of survey or settlement, or of any notification determining the period of settlement ;

(c) claims connected with or arising out of any proceedings for the realization of land-revenue or the rendering of assistance ⁷[by the ⁵[State] Government] or any officer duly authorized in that behalf to superior holders or occupants for the recovery of their dues from inferior holders or tenants ;

claims to set aside, on account of irregularity, mistake or any other ground except fraud, sales for arrears of land revenue ;

(d) ¹[claims against the ²[Government]]—

(1) to be entered in the revenue-survey or settlement-records or village-papers as liable for the land-revenue, or as superior holder, inferior holder, occupant or tenant, or

(2) to have any entry made in any record of a revenue-survey or settlement or

(3) to have any such entry either omitted or amended ;

¹ The words " claims against the Crown " were substituted for the words " claims against Government " by the Adaptation of Indian Laws Order in Council.

² This word was substituted for the word " Crown " by the Adaptation of Laws Order, 1950

³ The Bombay Hereditary Officers Act, 1874

⁴ The words " by the Provincial Government " were substituted for the words " by Government ", by the adaptation of Indian Laws Order in Council.

⁵ This word was substituted for the word " Provincial " by the Adaptation of Laws Order, 1950

⁶ The para beginning with the words " claims against the Government relating to lands held under treaty " and ending with the words " to be held for service " was deleted by Bom 48 of 1959, s 4 (1)

⁷ The words " by the Provincial Government " were substituted for the word " by Government " by the Adaptation of Indian Laws Order in Council.

(e) the distribution of land or allotment of land-revenue on partition of any estate under ¹Bombay Act IV of 1868 or any other law for the time being in force ;

(f) ²[claims against the ³[Government]]—
to hold land wholly or partially free from payment of land-revenue or to receive payments charged on or payable out of the land-revenue, or to set aside ⁴[any cess, rate, premium or penalty imposed, assessed or authorized] ⁵[by the⁶[State] Government] under the provisions of any law for the time being in force, or

respecting the occupation of waste or vacant land belonging ⁷[to the ³[Government]] ;

⁸[(fa) claims against the Government or any Revenue Officer for remission or suspension of land revenue, or for a declaration that crops have failed in any year ;

(fb) suit to set aside or modify decision determining village site or *abadi* made by the Collector or a survey officer under the Bombay Land Revenue Code, 1879 or by any Revenue Officer under any other law for the time being in force ;

(fc) suit to compel the performance of any duty imposed on any Revenue Officer by or under any law relating to land revenue ;

(fd) suit for or in respect of the declaration of a *Bhumadhari* as having the rights of a *Bhumisuami* under section 150 of the Madhya Pradesh Land Revenue Code, 1954 ;

M. P.
Act
No. II
of
1955.

(fe) application for purchase of right in trees under sub-section (3) of section 162 of the Madhya Pradesh Land Revenue Code, 1954 ;

M. P.
Act
No. II
of
1955.

(ff) suit to modify any entry in the *Nistar Patrak* prepared under section 219 of the Madhya Pradesh Land Revenue Code, 1954 ;]

M. P.
Act
No. II
of
1955.

(g) claims regarding boundaries fixed under ¹Bombay Act No. I of 1865, or any other law for the time being in force, or to set aside any order passed by a competent officer under any such law with regard to boundary-marks :

¹ Bom. 4 of 1868, Bom. 1 of 1865 (except ss 37 and 38) and Bom. Reg. 17 of 1827 are repealed by the Bombay Land Revenue Code, 1879 (Bom. V of 1879), in areas in which the latter Act is in force. Ss. 37 and 38 of Bom. 1 of 1865 are repealed so far as they apply to any village in the Ratnagiri or the Kolaba District to which the Khoti Settlement Act, 1880 (Bom. 1 of 1880), extends or is extended.

² The words "claims against the Crown" were substituted for the words "claims against Government" by the Adaptation of Indian Laws Order in Council.

³ This word was substituted for the word "Crown" by the Adaptation of Laws Order, 1950.

⁴ These words were substituted for the words "any cess or rate authorized" by Bom. 48 of 1959, s. 4 (ii).

⁵ The words "by the Provincial Government" were substituted for the words "by Government" by the Adaptation of Indian Laws Order in Council.

⁶ This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

⁷ The words "to the Crown" were substituted for the words "to Government" by the Adaptation of Indian Laws Order in Council.

⁸ Clauses (fa) to (ff) were inserted by Bom. 48 of 1959, s. 4 (iii).

Provided that, if any person claim to hold wholly or partially exempt from Pr. o. payment of land-revenue under—

(h) any enactment for the time being in force expressly creating an exemption not before existing in favour of an individual or of any class of persons, or expressly confirming such an exemption on the ground of its being shown in a public record or of its having existed for a specified term of years, or

(i) an instrument or sanad given by or by order of the ¹[State] Government] under Bombay Act No. II of 1863, section 1, clause first, or Bombay Act No. VII of 1863, section 2, clause first, or

³[(ii) any instrument, sanad or other written grant duly given or made by any of the Governments of the territories, which immediately before the commencement of the States Reorganisation Act, 1956 were comprised in the States of Saurashtra, Hyderabad, Madhya Pradesh or Kutch, and which now form the State of Bombay, or]

(j) any other written grant by the British Government expressly creating or confirming such exemption, or

(k) a judgment by a Court of law, or an adjudication duly passed by a competent officer under ⁴Bombay Regulation XVII of 1827, Chapter X, or under ⁵Act No. XI of 1852 ⁶[or any other law for the time being in force], which declares the particular property in dispute to be exempt, such claim shall be cognizable in the Civil Courts.

Illustrations to (h).

(1) It is enacted that, in the event of the proprietary right in lands, the property of Government being transferred to individuals, they shall be permitted to hold the lands for ever at the assessment at which they are transferred. The proprietary right in certain lands is transferred to A at an assessment of Rs. 100. An exemption from higher assessment not before existing is expressly created in favour of A by enactment, and he may seek relief in the Civil Court against over-assessment.

(2) It is enacted that, when a specific limit to assessment has been established and preserved, the assessment shall not exceed such specific limit. A is the owner of land worth Rs. 100 for assessment. He claims to be assessed at Rs. 50 only on the strength of a course of dealing with him and his predecessors under which his land has not been more highly assessed. There is no exemption not before existing created by enactment, and A's claim is not cognizable in a Civil Court.

¹ The words " Provincial Government " were substituted for the words " Governor of Bombay in Council " by the Adaptation of Indian Laws Order in Council.

² This word was substituted for the word " Provincial " by the Adaptation of Laws Order, 1950.

³ Clause (ii) was inserted by Bom. 48 of 1959, s. 4 (iv).

⁴ Bom. 4 of 1868, Bom. 1 of 1865 (except ss. 37 and 38), and Bom. Reg. 17 of 1827 are repealed by the Bombay Land Revenue Code, 1879 (Bom. V of 1879), in areas in which the latter Act is in force. Ss. 37 and 38 of Bom. 1 of 1865 are repealed so far as they apply to any village in the Ratnagiri or the Kolaba District to which the Khoti Settlement Act, 1880 (Bom. 1 of 1880), extends or is extended.

⁵ Bombay Rent free Estates Act, 1852.

⁶ These words were inserted by Bom. 48 of 1959, s. 4 (iv).

(3) It is enacted that land-revenue shall not be leviable from any land held and entered in the land-registers as exempt. A claims to hold certain land as exempt on the ground that it has been so held by him, and is so entered in the land-register. This is an exemption expressly confirmed by enactment on the ground of its being shown in a public record, and A's claim is cognizable in a Civil Court.

(4) It is enacted that the Collector shall confirm existing exemptions of all lands shown in certain maps to be exempt. A claims exemption, alleging that his land is shown in the maps to be exempt. A's claim is cognizable in a Civil Court.

(5) It is enacted that assessment shall be fixed with reference to certain considerations and not with reference to others. This is not an enactment creating an exemption in favour of any individual or class, and no objection to an assessment under such an enactment is cognizable in a Civil Court.

Saving of
certain suits.

5. Nothing in section 4 shall be held to prevent the Civil Courts from entertaining the following suits .

(a) suits ¹[against the ²[Government]] to contest the amount claimed, or paid under protest, or recovered, as land-revenue, on the ground that such amount is in

¹ The words " against the Crown " were substituted for the words " against Government " by the Adaptation of Indian Laws Order in Council

² This word was substituted for the word " Crown " by the Adaptation of Laws Order 1950 ²

excess of the amount authorized in that behalf ¹[by the ²[State] Government] or that such amount had, previous to such claim, payment or recovery, been satisfied, in whole or in part or that the plaintiff, or the person whom he represents is not the person liable for such amount ;

(b) suits between private parties for the purpose of establishing any private right, although it may be affected by any entry in any record of revenue-survey or settlement or in any village-papers ;

(c) suits between superior holders or occupants and inferior holders or tenants, regarding the dues claimed or recovered from the latter ;

and nothing in section 4, clause (g), shall be held to prevent the Civil Courts from entertaining suits, other than suits ³[against the ⁴[Government]] for possession of any land being a whole survey-number or a recognized share of a survey-number ;

⁵[and nothing in section 4 shall be held to prevent the Civil Courts in the districts mentioned in the Second Schedule hereto annexed from exercising such jurisdiction as, according to the terms of any law in force on the twenty-eighth day of March, 1876, they could have exercised over claims ³[against the ⁴[Government]]—

(a) relating to any property appertaining to the office of any hereditary officer appointed or recognized under ⁶Bombay Act No III of 1874 or any other law for the time being in force, or of any other village-officer or servant ;

(b) to hold land wholly or partially free from payment of land-revenue ;

(c) to receive payments charged on, or payable out of, the land-revenue]

6. Revenue-officers shall not be liable to be sued for damages in any Civil Court for any act *bona fide* done or ordered to be done by them as such in pursuance of the provisions of any law for the time being in force

Bar of certain suits against Revenue-officers

If any Revenue-officer absconds or does not attend when called on by his official superior, and if the Collector of the district proceeds against him or his sureties for public money, papers or property according to the provisions of any law for the time being in force, such Collector shall not be liable to pay damages or costs in any suit brought against him by such officer or sureties although it appears that a part only, or no part whatever, of the sum demanded was due from the officer so absconding or failing to attend, or that he was not in possession of the papers or property demanded of him

7. Nothing in any law for the time being in force which authorizes the punishment departmentally of any Revenue-officer for any offence or breach of duty, or which sanctions his prosecution criminally for such offence or breach, shall be held to bar any remedy which may be had in the Civil Court against such officer.

Punishment or prosecution of Revenue-officers no bar to civil remedies

8 to 10. [Suits against Revenue-officers ; appeals from their proceedings ; power for Local Government to call for record] Rep Act XV of 1880

11. ⁷[Except as otherwise expressly provided in the Maharashtra Land Revenue Code, 1966, no Civil Court shall entertain] any suit ³[against the ⁴[Government]] on account of any act or omission of any Revenue-officer unless the plaintiff first proves that previously to bringing his suit, he has presented all such appeals allowed by the law for the time being in force as, within the period of limitation allowed for bringing such suit, it was possible to present

Suits not to be entertained unless plaintiff has exhausted right of appeal

¹ The words " by the Provincial Government " were substituted for the words " by Government " by the Adaptation of Indian Laws Order in Council

² This word was substituted for the word " Provincial " by the Adaptation of Laws Order, 1950

³ The words " against the Crown " were substituted for the words " against Government " by the Adaptation of Indian Laws Order in Council

⁴ This word was substituted for the word " Crown " by the Adaptation of Laws Order, 1950

⁵ This paragraph was added by the Bombay Revenue Jurisdiction (Amendment) Act, 1877 (16 of 1877)

⁶ The Bombay Hereditary Offices Act

⁷ These words were substituted for the words " No Civil Court shall entertain " by Mah 41 of 1966, s 334 (Schedule K)

Power of
[State]
Government
to refer
questions for
decision of
High Court

12. If, in the trial or investigation of any suit, claim or objection which, but for the passing of this Act, might have been tried or investigated by a Civil Court, there arises any question on which ^{1*} * * * the ² [State] Government desires to have the decision of the High Court, ^{1*} * * * the ² [State] Government ^{4*} * * * may cause a statement of the question to be prepared, and may refer such question for the decision of the High Court ^{5*} * * *.

The said High Court shall fix an early day for the hearing of the question referred, and cause notice of such day to be placed in the court-house

The parties to the case may appear and be heard in the High Court in person or by their advocates or pleaders

The High Court when it has heard and considered the case, shall send a copy of its decision, with the reasons therefor, under the seal of the Court, to the Government by which the reference was made, and, subject to any appeal which may be presented to ⁶[the Supreme Court], the case shall be disposed of conformably to such decision.

If the High Court considers that any such statement is imperfectly framed, the High Court may return it for amendment.

The costs (if any) consequent on any such reference shall be dealt with as the High Court in each case directs.

Power of
Civil Judge
to refer
questions of
jurisdiction to
High
Court

13. If in any suit instituted, or in any appeal presented, in a Civil Court, the Judge doubts whether he is precluded by this Act from taking cognizance of the suit or appeal, he may refer the matter to the High Court.

The High Court may order the Judge making the reference either to proceed with the case or to return the plaint

The order of the High Court on any such reference shall be subject to appeal to ⁶[the Supreme Court], and, save as aforesaid, shall be final

Composition
of Bench

14. Every reference under section 12 or section 13 shall be heard by a Bench consisting of such number of Judges, not less than three, as the Chief Justice from time to time directs.

15. [Amendment of Section 32 of Act XIV of 1869] Rep. Act I of 1938.

Privileges of
the
[Govern-
ment]
^{10*} * * *
in suits
defended
by it

16. Whenever any suit is brought in any Court of a subordinate judge of the first class ⁸[against the ⁹[Government]] ^{10*} * * * or against any Revenue Officer, ¹¹[and the ⁹[Government]] ^{10*} * * * undertakes] the defence thereof, it shall be lawful ¹²[for the ³[State] Government], by certificate signed by a Secretary thereto, to require that the trial of any such suit shall have precedence over the trial of any other suit or other civil proceeding then pending in the Court of the first class subordinate judge, or, if the suit is transferred, in the Court of the District Judge ; and the Court shall give effect to every such requirement.

¹ The words " the Governor General in Council or " were omitted by the Adaptation of Indian Laws Order in Council

² The words " Provincial Government " were substituted for the words " Local Government ", *ibid*

³ This word was substituted for the word " Provincial " by the Adaptation of Laws Order, 1950

⁴ The words " as the case may be " were omitted by the Adaptation of Indian Laws Order in Council.

⁵ The words " of Judicature at Bombay " were omitted by the Adaptation of Laws (No. 2) Order, 1956

⁶ These words were substituted for the words " Her Majesty in Council " by the Adaptation of Laws Order, 1950

⁷ S 16 was substituted for the original by section 2 of Bom 21 of 1929

⁸ The words " against the Crown or the Federal Railway Authority " were substituted for the words " against Government " by the Adaptation of Indian Laws Order in Council

⁹ This word was substituted for the word " Crown " by the Adaptation of Laws Order, 1950

¹⁰ The words " or the Federal Railway Authority " were omitted by the Indian Independence (Adaptation of Central Acts and Ordinances) Order, 1948

¹¹ The words " and the Crown or the Federal Railway Authority undertakes " were substituted for the words " and the Government undertakes " by the Adaptation of Indian Laws Order in Council.

¹² The words " for the Provincial Government " were substituted for the words " for the Government ", *ibid*.

The privilege conferred [on the Provincial Government] by this section shall, *mutatis mutandis*, apply to any appeal or special appeal against any decree in any such suit as is described in this section

17. [First clause. Revival of section 13 of Bom. Reg. XVII of 1827] Repealed by Act XV of 1880; but the repeal does not operate in any scheduled district unless and until the Bombay Land-revenue Code (Bom. V of 1879) has been extended to such district

[Second clause. Operation of Bom Reg XVII of 1827 in sites of villages and towns] Rep Act. XV of 1880

[Third clause Recovery of certain advances made by Local Government.] Rep. Act XV of 1880.

SCHEDULE.

[ENACTMENTS REPEALED.]

Repealed by Act XII of 1891.

²[THE SECOND SCHEDULE.

The district of Ahmedabad

The district of Kaira, exclusive of the Panch Mahals

The district of Broach.

The district of Surat, exclusive of the lapsed State of Mandvi, as described in the Schedule annexed to ³Act X of 1848.

The district of Thana

The district of Kolaba, exclusive of the lapsed State of Kolaba mentioned in ³Act VIII of 1853.

The district of Ratnagiri.

The district of Kanara.]

¹ The words "on the Provincial Government" were substituted for the words "on Government", by the Adaptation of Indian Laws Order in Council

² This Schedule was added by the Bombay Revenue Jurisdiction (Amendment) Act, 1877 (16 of 1877) It is referred to in s 5, *supra*.

³ Acts 10 of 1848 and 8 of 1853 were repealed by the Repealing and Amending Act, 1891 (12 of 1891).

THE BOMBAY MUNICIPAL DEBENTURES ACT, 1876.

CONTENTS.

PREAMBLE.

SECTIONS.

1. Short title.
2. Transfers of debentures to be by endorsement.
3. Validation of former transfers by endorsement.
4. Power to consolidate debentures.
5. Power to renew and sub-divide.

THE SCHEDULE.

ACT No. XV OF 1876.¹

[THE BOMBAY MUNICIPAL DEBENTURES ACT, 1876]

[14th September 1876.]

Repealed in part, by Act 1 of 1879.

An Act to amend the law relating to the transfer of Bombay Municipal Debentures, and to provide for their consolidation.

Bom II of 1865 WHEREAS, under the ²Bombay Municipal Act of 1865, the Justices of the Peace Preamble for the City of Bombay were empowered to mortgage for the purposes therein mentioned the rates and taxes imposed and levied under that Act,

and whereas, by section 255 of the same Act, it was enacted that any person entitled to any such mortgage might transfer his right and interest therein to any other person, and that every such transfer should be by deed duly stamped, wherein the consideration should be truly stated, and that every such transfer might be according to the form in Schedule K to the said Act annexed or to the like effect,

and whereas, in exercise of the said power, diverse mortgages of the said rates and taxes have been made, and the mortgagees have purported to transfer their mortgages to other persons, but such transfers have been by simple endorsement and not by deed duly stamped,

and whereas it is expedient to provide that such transfers may hereafter be made by endorsement, and to confirm the said transfers heretofore made, and to exempt the parties thereto from the penalties which they have incurred by reason of their failure to comply with the provisions of the said section and of the law relating to stamp-duties for the time being in force,

and whereas it is also expedient to provide for consolidating such mortgages in manner hereinafter mentioned and for renewing and sub-dividing mortgages so consolidated;

It is hereby enacted as follows.—

1. This Act may be called the Bombay Municipal Debentures Act, 1876.

Short title

Bom II of 1865 ²Bombay Municipal Act of 1865, or any subsequent Act, shall be transferable by endorsement on the instrument of mortgage * * * *

Transfers of debentures to be by endorsement

3. Every transfer of any such mortgage heretofore made by endorsement shall be, and be deemed to have been, as valid as if this Act had been in force at the date of such transfer; and no stamp-duty shall be, or be deemed to have been chargeable in respect of any such transfer, and no penalty shall be deemed to have been incurred by reason of any failure to comply with the provisions of the said section 255 or of the law relating to stamp-duties for the time being in force

Validation of former transfers by endorsement

¹ For Statement of Objects and Reasons, see *Gazette of India*, 1876, Pt V, p 552, and for Proceedings in Council, see *ibid*, Supplement, pp 714, 753 and 1933

² See now the City of Bombay Municipal Act 1883 (Bom 3 of 1883)

³ The words "and no such endorsement shall be chargeable with any stamp duty" were repealed by the Indian Stamp Act, 1879 (I of 1879).

Power to
consolidate
debentures

4. Any holder of two or more such instruments of mortgage may surrender them to the Municipal Corporation of the City of Bombay, and such Corporation shall accept the same, and shall (on receipt for each such instrument of such fee as the said Corporation may from time to time prescribe) grant to such holder, under the seal of the said Corporation, an instrument of mortgage in which the consideration stated shall be the aggregate amount of the considerations respectively stated in the instrument so surrendered.

Every instrument so granted may be in the form in the Schedule hereto annexed or to the like effect.

Power to
renew and
sub-divide.

5. The said Corporation shall, on the application of the holder of any instrument granted under the said ¹Bombay Municipal Act of 1865 or under this Act, and, ^{Bom} on receipt of such fees as the said Corporation may from time to time prescribe ^{II of} 1865 in this behalf, renew or sub-divide the same.

THE SCHEDULE ABOVE REFERRED TO.

WHEREAS *A B* of _____ has surrendered to us, the Municipal Corporation of the City of Bombay, _____ mortgages issued under the Bombay Municipal ^{Bom} Act of 1865, bearing respectively the following numbers and dates (namely) ^{II of} 1865, [*set them out*], and securing sums amounting in the whole to Rs _____ .
In consideration of the premises, we, the said Corporation, do hereby grant and assign unto the said *A B*, his representatives and assigns, such proportion of the rates and taxes comprised in the said mortgages as the said sum of Rs _____ bears to the whole sum for the time being borrowed upon the credit of the said rates and taxes. To HOLD to the said *A B*, his representatives and assigns, from this day, until the said sum of Rs _____ with interest at the rate of _____ per cent per annum, shall be fully paid and satisfied.

Given under our corporate seal this _____ day of _____ 187 .

¹ See now the City of Bombay Municipal Act, 1888 (Bom. 3 of 1888).

The Bhavnagar Act, 1876 (Act XX of 1876), at pages 131-136 has been repealed by Repealing and Amending Act, 1953 (XLII of 1953), section 2, First Schedule.

1877 : Act XIV]

137

THE BROACH AN

PREAMBLE. [*Repealed.*]

SECTIONS.

1 to 38. [*Repealed*]

39. Amendment of Bombay Act VI of 1862.

40. Talukdar Settlement-officer to be—
deemed officer under Bombay Act VI of 1862, section 1 ;
assistant to certain Collectors

41. Acts of Talukdar Settlement-officer valid.

ACT No. XIV OF 1877.¹

[THE BROACH AND KAIRA INCUMBERED ESTATES ACT, 1877]

[28th June 1877.]

Repealed in part, by Act 4 of 1894.

Repealed in part and amended, by Act 21 of 1881.

Adapted and modified by the Adaptation of Indian Laws Order in Council

An Act to relieve from incumbrances the estates of Thakurs in Broach and Kaira.*Preamble. Rep. Act XXI of 1881.*

1. to 38. [Application and preliminary inquiry, Order of management, Proof of debts; Scheme for liquidation; Proceedings subsequent to sanction of liquidation scheme, Appeal and revision; Miscellaneous] Rep. Act XXI of 1881.

39. ²*Whereas doubts have been raised as to the validity of Bombay Amendment Act No VI of 1862 (for the amelioration of the condition of talukdars in the Ahmedabad Collectorate, and for their relief from debt) so far as it purports to affect the High Court of Judicature at Bombay,

for the purpose of precluding such doubts, it is hereby ²* enacted that the said Act, so far as it purports to affect the said High Court, shall be deemed to be and to have been valid

XXI of 1881. 40. ³[The Talukdari Settlement-officer mentioned in the Broach and Kaira Incumbered Estates Act, 1881, section 7,] for the time being shall, unless the Talukdari Settlement-officer to be [Provincial Government] in any case otherwise directs, be—

(a) deemed to be an officer appointed under section 1 of the said Bombay Act No. VI of 1862 to manage all estates with respect to which a declaration is or has been made and published under the said section, deemed officer under Bombay Act VI of 1862, section 1;

(b) an assistant to the respective Collectors of Ahmedabad, Kaira and Broach. assistant to certain Collectors.

41. Nothing heretofore done by any Talukdari Settlement-officer shall be deemed to be or to have been invalid by reason only of his not having been duly appointed,— Acts of Talukdari Settlement-officer valid.

(a) under section 1 of the said Bombay Act No. VI of 1862 to manage any estates with respect to which a declaration has been made under the said section, or

(b) to be a manager under ⁵*, * ⁶Act No. XV of 1871, or

(c) to be an assistant to the respective Collectors of Ahmedabad, Kaira and Broach.

¹ For Statement of Objects and Reasons see Gazette of India, 1877, Pt V, p 16, and for Proceedings in Council, see Supplement, pp 87, 126 and 1863

The short title was given by Bom 2 of 1921

² The words "and" in paragraph 1 and "further" in the second paragraph were repealed by the Repealing and Amending Act, 1894 (4 of 1894).

³ These words and figures were substituted for the words "The said Talukdari Settlement-officer" by s 2 of the Broach and Kaira Incumbered Estates Act, 1881 (21 of 1881)

⁴ The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation of Indian Laws Order in Council

⁵ The words "the said" were repealed by the Repealing and Amending Act, 1894 (4 of 1894)

⁶ Act 15 of 1871 was repealed by s. 2 of this Act.

Replacement Series No. I—p. 209

141-144

The Transport of Salt Act, 1879 (XVI of 1879), at pages 141-144 has been repealed by the Central Excises and Salt Act, 1944 (I of 1944), section 39, Third Schedule.

THE TRANSPORT OF SALT ACT, 1879.

CONTENTS.

PREAMBLE.

SECTIONS.

1. Short title.
Local extent.
- 1A. Definition.
2. Penalties for carrying salt in certain vessels.
3. Exceptions.
4. Power of stoppage, search and arrest
5. Penalties for resisting officer.
6. Confiscation of vessel and cargo.
7. Jurisdiction.
8. Power to exempt from operation of Act.

ACT No. XVI OF 1879.¹

[THE TRANSPORT OF SALT ACT, 1879]

[30th September 1879.]

Repealed in part, by Act 11 of 1901 ,

Amended by Act 12 of 1891 ;

" " " 4 of 1914 ,

" " " 22 of 1925 ;

Adapted and modified by the Adaptation of Indian Laws Order in Council.

Adapted and modified by the Indian Independence (Adaptation of Central Acts and Ordinances) Order, 1948.

An Act to restrict the transport of Salt by Sea.

WHEREAS it is expedient to restrict the transport of salt by sea in manner here- Preamble
inafter appearing, It is hereby enacted as follows —

1. This Act may be called the Transport of Salt Act, 1879 .

Short title.

It extends to the western coast of ²[the Provinces] north of Cochin, and to Local extent
the sea within a distance of a marine league from such coast ;

³* * * * *

⁴1A. The "Central Board of Revenue" means the Central Board of Revenue Definition
constituted under the Central Board of Revenue Act, 1924.

2. When any salt is carried by sea in any vessel other than a vessel of the burden Penalties for
of three hundred tons and upwards, the owner and master of such vessel shall each carrying salt
be punished with fine which may extend to one thousand rupees, or with imprison- in certain
ment for a term which may extend to six months, or with both vessels

3. Nothing in section 2 applies to—

Exceptions

(a) salt covered by a permit granted under ⁵[Chapter V of the Madras Salt
Act, 1889, or Chapter V of the Bombay Salt Act, 1890, or the corresponding
law for the time being in force ⁶* * *],

(b) salt covered by a pass granted by any officer whom the ⁷[Central Board
of Revenue] may appoint in this behalf ;

(c) such amount of salt carried on board any vessel for consumption by her
crew or by the passengers or animals (if any) on board as the ⁷[Central Board
of Revenue] may, from time to time, exempt from the operation of section 2.

4. When any officer empowered by the ⁸[Chief Customs authority] whether Power of
by name or office, to act under this section has reason to believe, from personal stoppage,
knowledge or from information taken down in writing, that any salt is being carried, search and
or has within the twenty-four hours next before the requirement first hereinafter arrest

¹ For Statement of Objects and Reasons, see *Gazette of India*, 1877, Pt. V, p. 16 ; for First Report of the Select Committee, see *ibid*, p. 94a, and for Proceedings in Council, see *ibid*, Supplement, pp. 88, 126, 493, and *ibid*, 1879, p. 1223

² The words "the Provinces" were substituted for the words "British India" by the Indian Independence (Adaptation of Central Acts and Ordinances) Order, 1948.

³ The words "and it shall come into force at once" were repealed by the Repealing and Amending Act, 1901 (11 of 1901), s. 3, and Third Schedule

⁴ Section 1A was inserted by clause 1 of Part I of the Schedule to Act 22 of 1925

⁵ These words were substituted for the words "section twenty eight or section thirty-one of the Act of the Governor of Bombay in Council, No. 7 of 1873, or by a rawana granted under Madras Regulation 1 of 1805, section 11, clause third", by the Repealing and Amending Act, 1891 (12 of 1891)

⁶ The words "in the territories administered by the Governor of Fort St. George in Council or the Governor of Bombay in Council, as the case may be" were omitted by the Adaptation of Indian Laws Order in Council

⁷ The words "Central Board of Revenue" were substituted for the words "Governor of Bombay in Council" by clause 2 of Part I of the Schedule to Act 22 of 1925.

⁸ These words were substituted for the words "Governor of Bombay in Council" by Schedule, Pt. I of the Decentralization Act, 1914 (4 of 1914).

mentioned been carried, in any vessel so as to render the owner or master of such vessel liable to the penalties prescribed by section 2, he may require such vessel to be brought to, and thereupon may—

(a) enter and search the same ;

(b) require the master of such vessel to produce any documents in his possession relating to such vessel or the cargo thereof ,

(c) seize such vessel if the said officer has reason to believe it liable to confiscation under this Act, and cause it to be brought with its crew and cargo into any port in ¹ [the Provinces] ; and

(d) where salt is found on board such vessel, search and arrest without a warrant any person on board the same who such officer has reason to believe is punishable under section 2

Penalties for
resisting
officer

5. Any master of a vessel refusing or neglecting to bring to or to produce his papers when required to do so by an officer acting under section 4,

and any person obstructing any such officer in the performance of his duty, may be arrested by such officer without a warrant, and shall be punished with fine which may extend to one thousand rupees, or with imprisonment for a term which may extend to six months, or with both

Confiscation
of vessel and
cargo

6. Every vessel in which salt is carried so as to render the owner or master of such vessel liable to the penalties prescribed by section 2, the cargo on board such vessel and all salt in respect of which an offence under this Act has been committed shall be liable to confiscation

The confiscation of any vessel under this section shall include her tackle, apparel and furniture

Confiscations under this section may be adjudged by the Chief Customs authority, or by such other officer as the ² [Central Government] may, from time to time, appoint in this behalf

Whenever any Customs-officer is satisfied that any article is liable to confiscation under this section, he may seize such article, and shall at once report the seizure to his superior officer for the information of the Chief Customs authority or such other officer as aforesaid, and such authority or officer may, if satisfied on such report, or after making such enquiry as it or he thinks fit, that the article so seized is liable to confiscation, either declare it to be confiscated, or impose a fine in lieu thereof not exceeding the value of the article.

Jurisdiction

7. For the purpose of the adjudication of penalties under section 2 or section 5, every offence thereunder may be deemed to have been committed within the limits of the jurisdiction of the Magistrate of any place where the offender is found, or to which, if arrested under section 4 or section 5, he may be brought.

Powers to
exempt from
operation of
Act

8. The ² [Central Government] may from time to time, by notification in the ³ [Official Gazette] exempt the carriage of salt within any local limits or in any class of vessels from the operation of this Act, and by like notification, again subject such carriage to the operation of this Act.

¹ The words "the Provinces" were substituted for the words "British India" by the Indian Independence (Adaptation of Central Acts and Ordinances) Order, 1948

² The words "Central Government" were substituted for the words "Governor General in Council" by the Adaptation of Indian Laws Order in Council.

³ The words "Official Gazette" were substituted for the words "Gazette of India", *ibid.*

The Dekkhan Agriculturists' Relief Act, 1879 (XVII of 1879), which was repealed by the Bombay Agricultural Debtors Relief Act, 1939 (Bom. XXVIII of 1939), was re-enacted with effect from the date of the coming into operation of the Bombay Agricultural Debtors Relief Act, 1947 (Bom. XXVIII of 1947) and was continued in force for a period of three years. The Act of 1879 has ceased to have force with effect from 27th May 1950. [see Bom '28 of 1947, section 56(1)].

Replacement Series No. L-p. 207

173-184

The Broach and Kaira Incumbered Estates Act, 1881 (XXI of 1881), at pages 173-184 has been repealed by the Bombay Taluqdari Tenure Abolition Act, 1949 (Bom. 62 of 1949), section 17, Schedule II.

Replacement Series No. X—p. 2

185-188

The Panch Mahals Laws Act, 1885 (Act VII of 1885), at pages 185-188 has been repealed by Repealing and Amending Act, 1953 (XLIII of 1953), section 2, First Schedule.

THE CITY OF BOMBAY MUNICIPAL (SUPPLEMENTARY) ACT, 1888.

CONTENTS.

PREAMBLE.

SECTIONS.

1. Confirmation of the City of Bombay Municipal Act, 1888, so far as regards Benches, Magistrates and Courts of Small Causes.
2. [*Repealed.*]
3. Appeal to the Bombay High Court from certain orders of the Chief Judge of the Bombay Small Cause Court.
4. Appeal to the Bombay High Court from orders of Presidency Magistrates in Bombay.
5. Period of limitation for appeals to the Bombay High Court under the two last foregoing sections.

ACT No. XII OF 1888.¹

[THE CITY OF BOMBAY MUNICIPAL (SUPPLEMENTARY) ACT, 1888.]

[12th October 1888.]

Repealed in part by Bom. 76 of 1948.

An Act to supplement certain provisions of the City of Bombay Municipal Act, 1888. * * * * *

WHEREAS it is expedient to supplement by legislation in the Council of the Governor General for making Laws and Regulations certain provisions of the City of Bombay Municipal Act, 1888 * * * * *; It is hereby enacted as follows :—

- Bom. III of 1888. 1. The City of Bombay Municipal Act, 1888 * * * * * shall, so far as regards—
- (a) the jurisdiction thereby conferred upon Appellate Benches of Municipal Authorities and upon Presidency and other Magistrates and Courts of Small Causes or any Judge of such a Court, and
- (b) the decisions, orders and other proceedings of those Benches, Magistrates and Courts or of any such Judge, be as valid as if they had been passed by the [Central Government] at a meeting for the purpose of making Laws and Regulations.
2. [Reference of questions by the Chief Judge of the Bombay Small Cause Court to the Bombay High Court] *Rep. Bom. LXXVI of 1948.*
- Bom. III of 1888. 3. (1) An appeal shall lie to the High Court of Judicature at Bombay from a decision passed by the Chief Judge of the Court of Small Causes of Bombay under section 503 or section 504 of the City of Bombay Municipal Act, 1888, when the amount of the claim in respect of which the decision is passed exceeds two thousand rupees.
- (2) The provisions of the "Code of Civil Procedure with respect to appeals from original decrees shall, so far as they can be made applicable, apply to appeals under sub-section (1), and orders passed therein by the High Court may, on application to the Chief Judge of the Court of Small Causes, be executed by him as if they were decrees made by himself.
- (3) A decision passed by the Chief Judge of the Court of Small Causes of Bombay under section 503 or section 504 of the City of Bombay Municipal Act, 1888, shall, if an appeal does not lie therefrom under sub-section (1), be final.
- Bom. III of 1888. 4. (1) An appeal shall lie to the High Court of Judicature at Bombay from an order passed by a Presidency Magistrate under section 515 of the City of Bombay Municipal Act, 1888.
- (2) The High Court may, from time to time, make rules for regulating the admission of appeals under sub-section (1) and the procedure to be followed in the adjudication thereof.

¹ For Statement of Objects and Reasons, see *Gazette of India*, 1888, Pt. V, p. 70, and for Proceedings in Council, see *ibid.*, Pt. VI, pp 99 and 107. The short title was given by Bom. 2 of 1921.

² The words relating to the Calcutta Municipal Consolidation Act, in the title and preamble, and in section 1, were repealed by the Calcutta Municipal Act, 1899 (Pen. Act 3 of 1899), Bengal Code.

³ The words "Central Government" were substituted for the words "Governor General of India in Council" by the Adaptation of Indian Laws Order in Council.

⁴ See now Act 5 of 1908.

(3) When an appeal has been preferred to the High Court under this section, the Municipal Commissioner for the City of Bombay shall defer action upon the order of the Presidency Magistrate until the appeal has been disposed of.

(4) But, when the appeal has been disposed of, he shall forthwith give effect to the order passed therein by the High Court, or if the order of the Presidency Magistrate has not been disturbed by the High Court, then to his order.

(5) When disposing of an appeal under this section, the High Court may direct by whom the costs of the appeal are to be paid, and whether in the whole or in what part or proportion.

(6) Costs so directed to be paid may, on application to a Presidency Magistrate, be recovered by him, in accordance with the direction of the High Court, as if they were a fine imposed by himself.

5. An appeal to the High Court of Judicature at Bombay under either of the two last foregoing sections shall, for the purposes of No. 156 of the Second Schedule to the ¹Indian Limitation Act, 1877 be deemed to be an appeal under the Code of Civil Procedure in a case not provided for by No. 151 and No. 153 of that Schedule. XV of 1877.*

Period of
limitation
for appeals
to the
Bombay
High Court
under the
two last
foregoing
sections.

* See now entry No. 156 of Schedule I to the Indian Limitation Act, 1908 (9 of 1908)

ACT No. VIII OF 1891.¹

[6th March 1891.]

An Act to extend the Indian Easements Act, 1882, to certain areas in which that Act is not in force.

V of 1882 WHEREAS it is expedient to extend the Indian Easements Act, 1882, to certain areas in which that Act is not in force, It is hereby enacted as follows —

V of 1882 1. The Indian Easements Act, 1882, is hereby extended to the territories respectively administered by the Governor of Bombay in Council and the Lieutenant Governor of the North-Western Provinces and Chief Commissioner of Oudh

Extension of Act V, 1882, to Bombay and the North-Western Provinces and Oudh.

¹ For Statement of Objects and Reasons, see *Gazette of India*, 1891, Pt. V, p 1, for Report of the Select Committee, see *ibid*, Pt. V, p. 18; and for Proceedings in Council, see *ibid*, Pt VI, pp 2 and 35.

Replacement Series No. XLII—p. 1

195-196

The Engineers' Certificate Validation Act, 1894 (XV of 1894) at pages 195-196 has been repealed by the Repealing and Amending Act, 1957 (36 of 1957).

PART III

Acts Passed by the Governor of Bombay in Council.

PREAMBLE.

SECTIONS.

1. No new market or fair to be established without permission.
Penalty for attempt to establish without license.
2. Person desiring to establish to apply to Magistrate.
Contents of application.
3. Procedure on application.
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BOMBAY ACT No. IV OF 1862.¹

[THE MARKETS AND FAIRS ACT, 1862.]†

[24th April 1862]

Repealed in part, by Act 12 of 1873
 Repealed in part, by Act 12 of 1876
 Repealed in part and amended by Bom. 3 of 1886.
 Adapted and modified by the Adaptation of Indian Laws Order in Council.
 Amended by Bom. 17 of 1945 *
 Adapted and modified by the Adaptation of Laws Order, 1950.
 Amended by Bom. 21 of 1954.
 Amended by Bom. 6 of 1956
 Adapted and modified by the Bombay Adaptation of Laws (State and Concurrent Subjects) Order, 1956.
 Amended by Bom. 84 of 1958.

An Act for regulating the establishment ²[and the closure] of markets and fairs.

WHEREAS the establishment of new markets or fairs in the neighbourhood of places where markets or fairs have been previously established leads to disputes between the owners of the lands on which such new and previously established markets or fairs are held, and such disputes not unfrequently occasion breaches of peace and serious inconvenience to the frequenters of ³[such markets or fairs ; .

Preamble.

AND WHEREAS it is expedient to provide also for the closure of existing markets or fairs in the interests of the general public ;] It is enacted as follows :—

1. * * * * No person shall establish a new market or fair without permission, in writing, from the Magistrate of the district.

No new market or fair to be established without permission.

If any person shall attempt to establish a new market or fair without such license he shall, on conviction by ⁴[a Magistrate of the first class], be subject to a fine not exceeding two hundred rupees, or, in default of payment, to simple imprisonment for any period not exceeding two ⁵*months.

Penalty for attempt to establish without license.

2. When any person desires to establish a new market or fair, he shall make application, in writing, to the Magistrate of the district.

Person desiring to establish to apply to Magistrate.

¹ No Statement of Objects and Reasons was published. For the Bill, as introduced, see *Bombay Government Gazette*, 1862, Supplement, p 49, for Report of the Select Committee, see *ibid*, p. 77, and for Proceedings in Council, see *ibid*, pp 49, 76 and 95.

The short title was given by the Bombay Short Titles Act, 1921 (Bom. 2 of 1921).

² These words were inserted by Bom. 84 of 1958, s. 3.

³ These words were substituted for the words "such markets or fairs", *ibid*, s. 4

⁴ The words "After the passing of this Act" were repealed by the Repealing Act, 1873 (12 of 1873)

⁵ These words were substituted for the words "the Magistrate" by the Bombay General Clauses Act, 1886 (Bom 3 of 1886), Schedule B This Schedule is printed as an Appendix to the Bombay General Clauses Act, 1904 (Bom 1 of 1904)

⁶ The word "calendar" was repealed by the Bombay General Clauses Act, 1886 (Bom. 3 of 1886).

† This Act was extended to and shall be in force in that part of the State of Bombay to which immediately before the commencement of Bom. 84 of 1958 it did not extend, but excluding Greater Bombay (*vide* Bom 84 of 1958, s 2).

* This Act has been re-enacted and the amendments made by section 9 and Schedule E of the said Act have been continued in force by Bom. 52 of 1947, s. 2.

Contents of application.

The application shall specify—

- the name of the place at which it is proposed to establish such new market or fair ;
- the days on which it is to be held ;
- the name of the place where the nearest existing market or fair is held ; and
- the days on which it is held ;
- the distance, in English miles, between the two places ; and
- the reasons of the applicant for desiring to establish a new market or fair.

Procedure on application.

3. [On receipt of the application the Magistrate, subject to the provisions of this section and of section 5A, may] issue a proclamation stating the desire of the applicant to establish a market or fair at the place named by him and the days on which it is proposed to be held and calling upon any person who may have any objection to the establishment of the market or fair to state his objection, in writing, within six weeks from the date of the proclamation

²[Provided that the Magistrate instead of issuing a proclamation may, for reasons to be recorded in writing, dismiss the application summarily]

Publication of proclamation.

³[If a proclamation is issued, it shall be fixed] in a conspicuous place in the village or town in or near to which it is proposed that the new market or fair shall be held, and a copy of the same shall be affixed at the police station within the jurisdiction of which the village or town is situated, and in the Court of the Magistrate.

Notice to land-owner of neighbouring market.

If it shall appear that any existing market or fair is held within a distance of ⁴[six miles] from the place where it is proposed that the new market or fair shall be established, the Magistrate shall cause a notice, to the effect of the proclamation to be served upon the owner of the land where such existing market or fair is held.

The proclamation and notice (if any) shall be issued and served ⁵[at the expense of Government].

Order permitting establishment.

4. If, within the time specified in the proclamation and notice (if any), no objection is preferred to the establishment of the proposed market or fair, the Magistrate of the district shall pass an order permitting it to be established.

Inquiry into objection.

If within the time specified any objection is preferred, the Magistrate of the district shall inquire into the objection, and pass such order as may appear proper under the circumstances of the case.

Alteration of days on which market to be held.

⁶5. The Magistrate may, upon application or otherwise and after such enquiry (if any) as he thinks necessary, change or add to or reduce the days on which a market or fair is permitted under section 4 to be held

Magistrate to consult Director of Agricultural Marketing and Rural Finance or authorised officer before passing orders.

5A. No order under section 3, 4, ⁷[5, 5C or 5D] shall be made by the Magistrate of the District except in consultation with the Director of Agricultural Marketing and Rural Finance * * * * referred to in the Bombay Agricultural Produce Markets Act, 1939, or any officer authorised by the Director in this behalf [or in consultation with any other officer specified by the State Government]

¹ These words, figure and letter were substituted for the words "On receipt of the application, the Magistrate shall" by Bom. 6 of 1956, s. 2 (1)

² This proviso was inserted *ibid.*, s. 2 (2)

³ These words were substituted for the words "The proclamation shall be fixed" *ibid.*, s. 2 (3).

⁴ These words were substituted for the words "four miles" *ibid.*, s. 2 (4)

⁵ These words were substituted for the words "at the expense of the applicant", *ibid.*, s. 2 (5).

⁶ These sections were inserted, *ibid.*, s. 3.

⁷ These figures, letters and word were substituted for the word and figure "or 5" by Bom. 84 of 1958, s. 5 (1).

⁸ The words "for the State of Bombay" were omitted by the Bombay Adaptation of Laws (State and Concurrent Subjects) Order, 1956.

⁹ These words were added by Bom. 84 of 1958, s. 5 (2).

5B. If there be a market or fair within a distance of five miles from the place where it is proposed that the new market or fair shall be established, the Magistrate shall refuse permission to establish such new market or fair.]

Refusal of permission if within 5 miles a market or fair is already established.

5C. The District Magistrate, on an application made to him under this Act for the closure of an existing market or fair, if he is satisfied that it is necessary so to do—

Power to close existing market or fair in public interest.

(a) for the prevention of breaches of the peace or serious inconvenience to the frequenters of such market or fair, or

(b) because of the vicinity of any place of public religious worship, educational institution, hostel, hospital, nursing home, or other public place to the market or fair and the consequent nuisance caused to such public place by the holding of the market or fair, or

(c) on grounds of public health, public convenience or safety, or the proper regulation of traffic,

may, by order in writing, direct that, from such date as is stated therein, either permanently or for a period specified in the order, such market or fair shall be closed and shall not be held at such place.

Provided that no order shall be made by the Magistrate, unless he has followed the procedure set out in section 5D.

5D. (1) An application for the closure of an existing market or fair under the last preceding section shall specify—

Procedure for closure of existing market or fair.

the name of the place at which the existing market or fair is held ;

the days on which it is held ;

the name of the place in the vicinity where any other market or fair is held or proposed to be held ;

the days on which that market or fair is held or is proposed to be held ;

the distance in miles between the two places ; and

the reasons for the closure of the existing market or fair.

(2) On receipt of such application, the District Magistrate shall issue a proclamation, stating therein that an application has been made to him for the closure of an existing market or fair and the reasons urged therefor, and calling upon all persons who may be interested in the holding of the market or fair, or who may have any objection to such closure, to submit their objections in writing to the Magistrate, within six weeks from the date of the proclamation. The District Magistrate shall also cause a notice, setting out the matter contained in the proclamation, to be served upon the owner of the land upon which the market or fair to be closed is held, and also upon the owner of such market or fair, calling upon them to show cause, within six weeks from the date of the notice, why such market or fair should not be closed :

Provided that the District Magistrate, instead of issuing a proclamation and notice as aforesaid, may for reasons to be recorded in writing, dismiss the application summarily.

(3) If a proclamation is issued, it shall be fixed in a conspicuous place in the village or town in or near to which the market or fair to be closed is held, and a copy of the same shall be affixed at the police station within the jurisdiction of which the village or town is situated.

(4) The proclamation and notice (if any) shall be issued and served at the expense of Government.

(5) If, within the time specified in the proclamation and notice, no objection is preferred to the closure of the market or fair, the District Magistrate may forthwith, and if within such time any objection is preferred, the District Magistrate shall enquire into the objection, and, pass such order as may appear proper under the circumstances of the case.]

Appeal. 4[6. Every order passed by a District Magistrate under section 3, 4, 5, 5C or 5D shall, within six weeks, be open to appeal to such officer as the State Government may specify in this behalf (hereinafter in this section referred to as 'the appellate authority'). The order made by the District Magistrate, subject to an appeal to the appellate authority, and the decision of the appellate authority on appeal, shall be final.]

Penalty for contravening disobeying or opposing order. 7. Every person who shall contravene, disobey, or oppose any order duly made under this Act, shall be liable to a fine not exceeding two hundred rupees, or, in default of payment, to imprisonment * * * for any period not exceeding two * * * months.

Delegation. 7A. The District Magistrate may delegate his powers under this Act to any officer not below the rank of a Mahalkari in respect of the whole or any part of the area within the jurisdiction of such officer.]

Extent. 8. This Act shall extend to the whole of the State of Bombay, except Greater Bombay.]

Interpretation and saving. 9. [In this Act, unless the context otherwise requires,—
(1) "market" includes a bazaar, but does not include—
(a) a market belonging to, maintained, established or regulated by, a local authority under any law relating to local authorities and for the time being in force;
(b) an assemblage of people collected at, or concerned in, the inauguration of sacred edifices, or collected at or concerned in, any other religious festival or ceremonies not forming a part of a fair or market,]
2[(2) "a District Magistrate" or "Magistrate of the District" includes any other Magistrate, whom the State Government may, in respect of any area, specify in this behalf.]

10. [Saving of general powers of State Government] Repealed by Bom. XXI of 1954, First Schedule.

11. [Meaning of "Magistrate".] Repealed by Bom III of 1886.

¹ This section was substituted for the original by Bom 84 of 1958, s 7

² The words "of either kind" and the word "calendar" were repealed by the Bombay General Clauses Act, 1886 (Bom. 3 of 1886).

³ This section was inserted by Bom 6 of 1956, s 5.

⁴ This section was substituted for the original by Bom. 84 of 1958, s. 8

⁵ This section was inserted by Bom. 6 of 1956, s. 6

⁶ These words were substituted for the words "For the purposes of this Act, 'market'" by Bom: 84 of 1958, s. 9 (1).

⁷ This sub-section was added, *ibid.*, s. 9 (2).

THE AHMEDABAD TALUQDARS ACT, 1862.

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201-208

The Ahmedabad Taluqdars Act, 1862 (Bom. 6 of 1862), at pages 201-208 has been repealed by the Bombay Taluqdars Tenure Abolition Act, 1949 (Bom. 62 of 1949), section 17, Schedule II.

BOMBAY ACT No. VI OF 1862.¹[THE AHMEDABAD TALUQDARS ACT, 1862]¹[14*t*]

Repealed in part, by Act 12 of 1876 and by Bom. 3 of 1886.

Adapted and modified by the Adaptation of Indian Laws Order in Council.

**An Act for the amelioration of the condition of taluqdars in the Ahmedabad
Collectorate, and for their relief from debt.**

WHEREAS the lands held in the zila of Ahmedabad in the Province of Gujarat under Preamble. the title of taluqdari estates are now only held on lease hold tenure determinable at the pleasure of Government, and whereas it has been brought to the notice of Government that many of the taluqdars are in embarrassed circumstances and have borrowed money on the security of their landed estates; and whereas such of the said landed estates as are of the taluqdari tenure aforesaid could not and cannot be lawfully charged, encumbered or alienated; and whereas it is expedient to enable the said taluqdars to effect a settlement of their debts and liabilities; It is hereby enacted as follows :—

1. Whenever it shall appear to the ²[Provincial Government] that any taluqdar in the zila aforesaid is subject either personally or in respect of his landed estates of any description of tenure to debts or liabilities equal to or exceeding five times the average rents, profits and other annual income derived by the taluqdar from his estates aforesaid during the previous five years after deducting thereout the land-tax and other dues of Government, it shall be lawful for the ²[Provincial Government] to make a ³declaration vesting the management of the said estates in an officer⁴ or officers who shall then be appointed by the ²[Provincial Government] in that behalf, and the said declaration shall be published in the ⁵[Official Gazette].

2. From and after the publication of said declaration as aforesaid, all suits or judicial proceedings for or in respect of debts or liabilities in the first section above-mentioned, other than debts due or liabilities incurred to the Crown or Government, pending before or under appeal from any of the Civil Courts in the said Presidency, shall be, and are hereby declared to be permanently stayed, and no further prosecution thereof shall be permitted and all writs, processes, executions or attachments for or in respect of such debts and liabilities shall forthwith cease and be raised.

¹ No Statement of Objects and Reasons was published For the Bill as introduced, see *Bombay Government Gazette*, 1862, Supplement, p 82, for Report of the Select Committee, see *ibid*, p 107, and for Proceedings in Council, see *ibid*, pp 82, 107 and 115.

As to the validity of Bom 6 of 1862, so far as it purports to affect the High Court of Judicature at Bombay, see the Broach and Kaira Incumbered Estates Act, 1877 (14 of 1877), s 39.

The short title was given by the Bombay Short Titles Act, 1921 (Bom 2 of 1921)

² The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council

³ It is enacted in the Gujarat Taluqdars Act, 1888 (Bom 6 of 1888), s 34, that no new declaration shall be made under s 1 of Bom 6 of 1862 at any time after six months from the date on which the former Act came into force (i.e., the 25th March, 1889)

⁴ As to the investment of the Taluqdari Settlement-officer mentioned in the Broach and Kaira Incumbered Estates Act, 1881 (21 of 1881), s 7, with powers under this section, see Act 14 of 1877, s 40, as amended by that Act

⁵ The words "Official Gazette" were substituted for the words "*Bombay Government Gazette*" by the Adaptation of Indian Laws Order in Council.

Power to remove mortgagee or encumbrancer from possession of estates of taluqdar

3. From and after the publication of such declaration, the said officer or officers shall have power, without resorting to any Civil Court, to remove from possession of the landed estates of the taluqdar of any description of tenure, or any part thereof, any mortgagee or other encumbrancer who may be in possession of the same, without prejudice to such mortgagee or encumbrancer bringing his claim under sections 8 and 9 before the officer or officers appointed for the management of the said estates.

After declaration, taluqdar not liable to arrest in respect of debts other than debts due to Government

4. From and after the publication of such declaration as aforesaid, the taluqdar, the subject of such declaration, shall not be liable to arrest, nor shall his personal estates of any description whatsoever be liable to seizure, attachment or sale under any process, decree, judgment or execution of the Civil Court of the Presidency of Bombay for or in respect of any debts or liabilities existing at the time of such declaration, other than debts due or liabilities incurred to the Crown or Government.

During management, estates exempt from civil process in respect of debts and liabilities aforesaid.

5. From and after the publication of such declaration as aforesaid, the landed estates of such taluqdar of any description of tenure and the rents, profits and income thereof shall, during the period of the management thereof by the said officer or officers, be wholly exempt from seizure, attachment or sale under or by virtue of any process, decree, judgment or execution of any Civil Court of the Presidency of Bombay for or in respect of the debts and liabilities aforesaid, other than debts due or liabilities incurred to the Crown or Government

Power to make and alter rules.

6. It shall be lawful for the ¹[Provincial Government] to make rules for the purpose of carrying this Act into effect, and from time to time to alter, vary or amend such rules as necessity may arise

Managing officer to receive rents, profits and income,

and pay for support of taluqdar and family, expenses of management and settlement of debts and liabilities in accordance with rules.

7. The said officer or officers shall, during the continuance of his or their management of the said estates, receive the whole of the rents, profits and income thereof, and shall defray thereout land-tax and other debts due or liabilities incurred, or hereafter respectively to grow due or to be incurred, to the Crown or Government, and pay to the taluqdar such annual sum only as shall appear to the ¹[Provincial Government] requisite for the decent support of the taluqdar and his family, and any balance remaining after such payment as aforesaid shall be applied in discharge of the expenses of such management as aforesaid and in liquidation or settlement of the debts and liabilities to which at the time of the publication of the said declaration the taluqdar is subject either personally or in respect of his landed estates of any description of tenure, in accordance with the rules alluded to in the last preceding section

Managing officer to publish notice to claimants against taluqdar to notify claims

Publication of copies of notice.

8. The said officer or officers shall publish in the ²[Official Gazette] a notice in English and Gujarathi, calling upon all persons having claims against the said taluqdars or their said landed estates in respect of any of the debts or liabilities aforesaid, to notify the same in writing to such officer or officers within three ^{3*} months' time from the time of such notice in the Gazette, and the said officer or officers shall, before or contemporaneously with such publications in the Gazette, cause copies of such notice to be exhibited at the mamlatdars' kachahris in the said zila and in such place or places as to such officer or officers shall seem fit and as may be directed by the said rules

¹ The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council

² The words "Official Gazette" were substituted for the words "*Bombay Government Gazette*", *ibid*

³ The word "calendar" was repealed by the Bombay General Clauses Act, 1886 (Bom 3 of 1886), Schedule B. This Schedule is printed as an Appendix to the Bombay General Clauses Act, 1904 (Bom. 1 of 1904).

9. Any debt or liability of the taluqdar other than as aforesaid, to which he is subject, either personally or in respect of the said landed estates, existing at the time of the said declaration by the ¹[Provincial Government] not duly notified to the said officer or officers within the time and in the manner in the last preceding sections specified, shall and is hereby declared to be forever barred :

Debt or liability not notified to be barred.

Provided always that, upon proof being given to the satisfaction of such officer or officers of the inability of the claimant to have complied with the provisions of this and the last preceding sections, it shall be lawful for the said officer or officers to entertain and admit such claim within the further period of nine ^{2*} months from the expiration of the above-mentioned period of three months.

Upon proof of inability of claimant to comply, claim may be admitted within further period of nine months

10. The said officer or officers shall as early as possible prepare and submit to the ¹[Provincial Government] a scheme for the settlement of the taluqdar's debts and liabilities, and such scheme, when approved by the ¹[Provincial Government], shall be carried into effect

Scheme for settlement of taluqdar's debts and liabilities

The amount of any debt or liability as fixed in such approved scheme shall not be liable to increase

Amount of debt fixed in scheme not to be increased

Any debt or liability disallowed by such officer or officers shall, if such disallowance be approved by Government, be and it is hereby declared to be forever barred

Bar of debts disallowed

11. It shall be lawful for the ¹[Provincial Government] to empower the officer or officers aforesaid to raise a fund to be applied to the settlement of the debts and liabilities of the taluqdar by assigning the whole or a portion of his landed estates of any description of tenure to be held and enjoyed, for a period or periods not exceeding twenty years from the publication of the declaration aforesaid, by any fit person or persons who may advance money on the security thereof, or by the sale of such outlying portion or portions of the said estates as may appear expedient, but in case of such sale the consent of the taluqdar and of his next heir, if the latter be of age, shall first be obtained

Power to authorise raising of fund for settlement of debts and liabilities

12. Any debt or liability, except as hereinbefore excepted, which may be incurred by the taluqdar, either personally or in respect to his said landed estates or any part thereof, during the period of such management as aforesaid, shall not be enforceable in any manner whatever, either during or subsequently to such period of management, against his said landed estates or any part thereof, and it shall not be competent for the taluqdar during the said period of management to charge, encumber, sell or alienate his said landed estates or any part thereof, and such charge, encumbrance, sale or alienation shall be null and void

Debt or liability incurred by taluqdar during management not enforceable against estates
Incompetency of taluqdar to charge or alienate

13. It shall be lawful for every officer or officers appointed under this Act to demand and require the production of any writs, decrees, judgments, records, deeds, documents exhibits, pleadings, books, accounts, letters, petitions, papers or writings filed in any of the suits mentioned in the second section of this Act, or relating to the debts or liabilities of any taluqdar whose landed estates are brought under such management as aforesaid, in the custody or control of any Civil Court,

Civil Courts to give up writs, decrees, papers, etc., when required

¹ The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council

² The word "calendar" was replaced by the Bombay General Clauses Act, 1886 (Bom 3 of 1886), Schedule B This Schedule is printed as an Appendix to the Bombay General Clauses Act, 1904 (Bom 1 of 1904)

or in the custody or control of any Judges, Judge, Assistant Judge, officer or person connected with such Court, and upon notice being given in writing by such officer or officers to such Civil Court or to any Judges, Judge, Assistant Judge, officer or person connected therewith, such writs, decrees, judgments, records, deeds, documents, exhibits, pleadings, books, accounts, letters, petitions, papers or writings in the said notice mentioned shall be immediately given up to the said officer or officers appointed under this Act, in the manner directed by the said notice, any act, usage or custom to the contrary in any wise notwithstanding

Power to officer to take evidence, and compel production of books, etc

14. It shall be lawful for any officer or officers appointed under this Act to summon witnesses and to take evidence, ¹* * * * *, and it shall also be lawful for the said officer or officers to compel the production of books, accounts, papers, deeds or other documents, and to inflict a fine not exceeding rupees one hundred for disobedience to any sanad or order made under this section.

Powers of managing officer for realizing rents and profits

15. The officer or officers appointed for the management of the landed estates of any taluqdar under this Act shall have, for the purpose of the realization and recovery of the rents, profits and income of such landed estates, the same powers as a Collector possesses under the Regulations or Acts now or hereafter in force for the realization and recovery of land-revenue due to Government.

Management limited to twenty years and, at its expiration, claims, etc, to be considered settled

16. The management of the landed estates of any taluqdar by such officer or officers as aforesaid shall not extend beyond the period of twenty years, to be calculated from the first publication of such declaration as aforesaid in the ²[Official Gazette], and at the expiration of such management whether before or at the end of such period of twenty years, all debts and liabilities (except as hereinbefore excepted) existing at the time of such declaration, and comprised in such approved scheme as aforesaid, shall be deemed to be for all intents and purposes whatsoever fully discharged and satisfied, and neither the taluqdar nor his heirs nor representatives, nor his, her nor their estates, whether moveable or immovable, or any part thereof shall be subject in any manner whatsoever to such debts or liabilities (except as hereinbefore excepted) or any part thereof.

Power to appoint new officers

17. It shall be lawful for the ³[Provincial Government] from time to time to appoint new officers to carry this Act into effect, and all such officers shall have the same powers as the officer or officers first appointed.

Powers for enforcing payment of fines.

18. Officers appointed under this Act shall have the same powers for enforcing the payment of fines imposed under this Act as are given to Courts by ⁴section 61, Act XXV of 1861.

Suits cognizable by Civil Courts.

19. Notwithstanding anything to the contrary in this Act, it shall be lawful for the Civil Courts to entertain and dispose of suits relating to the succession to, or rights of co-parcenary in, or rights of persons claiming maintenance out of, any landed estate or estates brought under the operation of this Act :

¹ The words " upon oath or solemn affirmation and to administer oaths or solemn affirmations to persons whom he or they may admit to give evidence and any such witness wilfully giving false evidence shall be subject to be proceeded against in like manner and to suffer if convicted the same punishment as if he or she had committed wilful and corrupt perjury " were repealed by the Repealing Act, 1876 (12 of 1876)

² The words " Official Gazette " were substituted for the words " Bombay Government Gazette " by the Adaptation of Indian Laws Order in Council

³ The words " Provincial Government " were substituted for the words " Governor in Council " *ibid.*

⁴ See now s. 386 of the Code of Criminal Procedure, 1898 (5 of 1898)

Provided always that neither the Crown nor Government, nor any officer or officers appointed under this Act, shall be liable to any suit for or in respect of any act or acts done in good faith by such officer or officers.

Indemnity
to Crown,
Government
or managing
officer.

20. From and after the expiration of the period of management of the estate of any taluqdar, whether such period extend to, or be less than, twenty years, the taluqdar shall be the absolute proprietor of his said landed estates as regards succession to, and possession, management and transfer of, the same, subject to such land-tax as the ¹[Provincial Government] may be pleased to reserve and all usual remedies for the recovery thereof.

Proprietor-
ship of
taluqdar
after termina-
tion of
management.

21. * * * * In this Act, * * * * unless there be something in the subject or context repugnant to such construction, * * * * .

Interpreta-
tion-clause.

(1) the term "Civil Court" shall mean and include every Court of Civil Jurisdiction in the Presidency of Bombay whether established by Royal Charter or not.

(2) and (3) [*Rep. Bom. III of 1886.*]

¹ The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

² The words "the following words and expressions" before the word "In", the words "shall have the meaning hereby assigned to them," after the word "Act", and the words "(that is to say)" after the word "construction" were repealed by the Bombay General Clauses Act, 1886 (Bom 3 of 1886), Schedule B. This Schedule is printed as an Appendix to the Bombay General Clauses Act, 1904 (Bom. 1 of 1904).

THE EXEMPTIONS FROM LAND-REVENUE (No. 1) ACT, 1863.

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1. Power to authorize and guarantee continuance in perpetuity of land to revenue-free holders on terms and conditions agreed to

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2. Such lands (subject to enactments in section 3) to be heritable and transferable property of holders and continued in perpetuity, subject to payment to Provincial Government of nazrana and quit-rent

Rules for ascertaining amount of assessment.

3. Adjustment, so far as right of Provincial Government to levy nazrana and quit-rent, binding on holder and rightful owner and assigns

Savings of rights and remedies of rightful owner, his heirs and assigns.

4. Such lands, so far as rights of Provincial Government are concerned, to be recognized as heritable and transferable property of actual and legal successors by inheritance and heirs by adoption

Lands adjudicated to be heritable to be held subject to payment of additional nazrana.

Proviso.

5. Provisions in respect of amount of nazrana when it exceeds ten rupees.

Occasional nazrana

Proviso

- Proviso

Occasional nazrana from whom to be levied

Person obtaining possession to give notice to Collector, etc.

Holder of land paying occasional nazrana to give notice to Collector, etc., of transfer.

6. Holders asserting right to exemption may claim trial of, and adjudication upon, their title according to Act XI of 1852.

Effect of exemption being established.

Effect of exemption not being established.

7. When holders demand trial and adjudication, security to be furnished.

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Sections

8. Lands held on behalf of religious or charitable institutions.
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 - Language and form of notice.
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 - Inquiry when sufficiency of service of notice disputed.
 - Holder making no answer for two months, deemed to have dispensed with inquiry.
 - If no holder or owner discovered, land to be fully assessed.
 - Inquiry when sufficiency of answer to notice disputed.
 - After answer demanding inquiry, security to be taken.
 - Claim to be referred to officer.
 - Time to be fixed.
 - Claimant allowed benefit of evidence to be found in Government records in custody of such public officer.
12. [*Repealed.*]
13. Appeal from proceedings of officers making adjustment to be made to Provincial Government.
14. [*Repealed.*]
15. Quit-rents, nazranas, etc., how levied.
16. Interpretation-clause.

BOMBAY ACT No. II OF 1863.¹[THE EXEMPTIONS FROM LAND-REVENUE (No. 1) ACT, 1863]¹

[9th April, 1863]

Repealed in part, by Act 10 of 1876.

" " " " " 12 of 1876.

" " " and amended by Act 16 of 1895.

" " " " " „ Bom. 3 of 1886.

Adapted and modified by the Adaptation of Indian Laws Order in Council

An Act to facilitate the adjustment of unsettled claims to exemption from the payment of Government land-revenue, and to regulate the succession to, and transfer of, lands wholly or partially exempt from the payment of such revenue in those parts of the Bombay Presidency which are subject to the operation of Act XI of 1852 of the Legislative Council of India.

WHEREAS it has been deemed expedient to provide for the final adjustment, Preamble summarily, of unsettled claims to exemption from the payment of land-revenue, and to fix the conditions which shall secure, in certain cases, the recognition of titles to such exemption with respect to succession and transfer in those districts of the Bombay Presidency to which the operation of Act XI of 1852 of the Legislative Council of India extends; It is hereby enacted as follows:—

1. *Clause 1st*—When the holders of lands in any of the said districts (except as is excepted in clause second of this section) held either wholly or partially exempt from the payment of Government land-revenue, whose title to exemption has not yet been formally adjudicated, shall have consented to submit to the terms and conditions hereinafter described, in preference to being obliged to prove their title to the exemption enjoyed by them, it shall be lawful for the ²[Provincial Government] to finally authorize and guarantee the continuance, in perpetuity, of the said land to the said holders, their heirs and assigns, upon the said terms and subject to the said conditions. Power to authorize and guarantee continuance in perpetuity of land to revenue-free holders on terms and conditions agreed to.

Clause 2nd—The excepted cases to which the authority of adjustment and guarantee, vested in the ²[Provincial Government] by this provision, shall not extend, are the cases of lands held as follows:—

1st, lands held under treaty :

2nd, lands granted or held as jagirs or saranjams, or on similar political tenure.

3rd, lands held for service.

4th, lands already formally adjudicated to be not continuable hereditary.

¹ For Statement of Objects and Reasons, see *Bombay Government Gazette*, 1862, Supplement, p. 360; for Report of the Select Committee, see *ibid.*, p. 719, and for Proceedings in Council, see *ibid.*, p. 444 *ibid.*, 1863, pp. 66, 182 and 201.

As to the application of this Act, see the Bombay Land-revenue Code, 1879 (Bom. 5 of 1879) s. 127, The short title was given by the Bombay Short Titles Act, 1921 (Bom. 2 of 1921).

² The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

Such lands (subject to enactments in section 3) to be heritable and transferable property of holders and continued in perpetuity, subject to payment to Provincial Government of nazrana and quit-rent

2 When the ¹[Provincial Government] shall have finally authorized and guaranteed the continuance, in perpetuity, to the holders, their heirs and assigns, of lands wholly or partially exempt from the ordinary payment of annual land-revenue; whose title to exemption has not already been formally adjudicated and who have dispensed with an inquiry into such title; the said lands shall (subject to the enactments contained in section 3 ²* * *) be the heritable and transferable property of the said holders, their heirs and assigns, without restriction, as to adoption, collateral succession or transfer, and such lands shall thenceforth be continued, in perpetuity, subject to an annual ³[payment to the⁴ Provincial Government] Such payment shall consist of—

1st, a fixed annual payment as nazrana, in commutation of all claims ⁴[of the Crown] in respect of succession and transfer, and shall be calculated at the rate of one anna for each rupee of assessment,

2nd, of a quit-rent equal to one-fourth of the assessment

The said assessment shall be ascertainable under the following rules.—

Rules for ascertaining amount of assessment

Rule 1—The assessment of lands other than those specified in Rule 2 shall, with respect to lands which have already been assessed by the revenue-survey, now in progress, be the assessment already imposed upon those lands by that revenue-survey, and with respect to lands which have not yet been assessed by that revenue-survey shall be such assessment as shall be agreed on by the Collector or settling officer and the owner or holder of the lands which shall be final;

and, in failure of their agreement, it shall be the existing rental of the lands until the revenue-survey now in progress shall have placed a new assessment thereon, after which the assessment so placed by the said revenue-survey shall be understood to be the assessment

And it shall be lawful for the duly authorized officers ⁴[of the Crown] employed in the said revenue-survey to enter upon all lands not heretofore assessed by such revenue-survey for the purpose of fixing and making an assessment thereof, provided no arrangement can be otherwise arrived at by the Collector and the owner or holder, as above provided, to ascertain the fair rental of the lands

Rule 2—The assessment of lands of such an exceptional character as not to be assessable under the revenue-survey rules shall be in the discretion of the revenue-officers ⁴[of the Crown], which discretion shall be guided, so far as may be, by the rate at which similar land in the same district ⁵[belonging to the Crown] is let, due regard being had by the said revenue-officers to all equitable considerations affecting such lands.

¹ The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council

² The words "of this Act" were repealed by the Bombay General Clauses Act, 1886 (Bom 3 of 1886), Schedule B This Schedule is printed as an Appendix to the Bombay General Clauses Act, 1904 (Bom. 1 of 1904)

³ The words "payment to the Provincial Government" were substituted for the words "payment to Government" by the Adaptation of Indian Laws Order in Council.

⁴ The words "of the Crown" were substituted for the words "of Government", *ibid*

⁵ The words "belonging to the Crown" were substituted for the words "belonging to Government", *ibid*.

Shares of the revenues of villages (such as amals) shall be assessed for the purposes of this Act at the value thereof, calculated at the average shown by such accounts of actual realizations by the holders as are forthcoming for the ten years immediately preceding the promulgation of these rules.

Rule 3.—Lands for which a judi, salami or other quit-rent or land-tax under whatever denomination, is already ¹[paid to the Provincial Government], instead of being liable to only one-fourth of the assessment, shall in addition to the annual amount of such judi, salami, quit-rent or other tax aforesaid, be liable to a further annual quit-rent, equal to one-fourth of the sum by which the annual or average annual amount of such judi, salami or other quit-rent or tax aforesaid may fall short of the assessment.

Rule 4—Quit-rent and annual nâzrana imposed under this section (section 2) and the rules thereunto annexed shall be fixed in perpetuity, and shall not be liable to increase or decrease on any new assessment, save so far as is above in rule 1 of this section (section 2) provided to the contrary, in the case of lands which have not been already assessed by the revenue-survey now in progress

Rule 5.—The whole of the exempt lands found in the possession of each holder shall be continued according to the provisions of this section (section 2) and the rules thereunto annexed, and subject to the enactments contained in section 3.

3. Any adjustment made by the ²[Provincial Government] with the holder of land held wholly or partially exempt from the payment of land-revenue, in accordance with section 2 ³* * * and the rules annexed to the said section, shall, so far as the right of ⁴[the Provincial Government] to levy the nazrana and the annual quit-rent mentioned in the said section is concerned, not only be binding upon such holder, his heirs and assigns, but also in the rightful owner, his heirs and assigns, whosoever such rightful owner may be :

Adjustment, so far as right of Provincial Government to levy nazrana and quit-rent, binding on holder and rightful owner and assigns.

Provided always that the said rightful owner, his heirs and assigns; shall not, by this Act or anything therein contained, be deprived of any rights or remedies ⁵* * * * * to which he or they would be entitled against the said holder, his heirs or assigns for the recovery of the said lands or any part thereof if this Act had not been passed ;

Savings of rights and remedies of rightful owner, his heirs and assigns.

and in the event of rightful owner, his heirs or assigns recovering the said lands or any part thereof, from the said holder, his heirs or assigns, any declaration, guarantee or adjustment made by the ²[Provincial Government] under, or in accordance with, sections 1 and 2 ³* * * and the rules annexed to the said section 2 with respect to the said lands while the same were in the possession of the said holder, shall accrue to the benefit of the said rightful owner, his heirs and assigns

¹ The words "paid to the Provincial Government" were substituted for the words "paid to Government" by the Adaptation of Indian Laws Order in Council.

² The words "Provincial Government" were substituted for the words "Governor in Council", *ibid*

³ The words "of this Act" were repealed by the Bombay General Clauses Act, 1886 (Bom 3 of 1886), Schedule B. This Schedule has been printed as an Appendix to the Bombay General Clauses Act, 1904 (Bom 1 of 1904)

⁴ The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

⁵ The words "either at law or in equity" were repealed by the Repealing Act, 1876 (12 of 1876).

Such lands, so far as rights of Provincial Government are concerned, to be recognized as heritable and transferable property of actual and legal successors by inheritance and heirs by adoption.

4. Lands held partially or wholly exempt from the payment of land-revenue, and already formally adjudicated to be so continuable hereditarily in perpetuity, may, at the option of the holder, be henceforth recognized, so far as the rights of [the Provincial Government] are concerned, as the heritable and also the transferable property, not only of the actual descendants of the person to whose descendants inheritance may have been limited by the terms of the said adjudication, but also of all his legal successors by inheritance, including heirs by collateral successions and heirs by adoption, and their assigns,

and thereafter the right of [the Provincial Government] or its officers to question the title to possession, or to exemption from the payment of land-revenue, of any holder of the said land already so adjudicated to be heritable in perpetuity on the ground that he does not belong to the family to which title is restricted by the adjudication, is hereby abrogated;

Lands adjudicated to be heritable to be held subject to payment of additional nazrana.

and, in any case of recognition as in this section aforesaid, lands already adjudicated to be heritable, and to which such recognition applies, are henceforth to be held subject to the payment to [the Provincial Government] of an annual nazrana calculated at the rate of one anna for each rupee of the assessment of the land, ascertainable as provided in the rules of section 2 * * *, which nazrana is to be in addition to the partial assessment (if any) ordered by the terms of the formal adjudication under which the land has already been declared to be continuable.

Proviso.

Provided, however, that the assent of the holder of all lands adjudicated as aforesaid to the acceptance of such recognition and the payment of such nazrana as in this section as aforesaid shall be assumed, unless such holders shall, within three (3) * * * months from the date on which this Act comes into operation, decline to accept such recognition as aforesaid by a notice given in writing to the Collector of the district

Provisions in respect of amount of nazrana when it exceeds ten rupees

5. *Clause 1st*—When the amount of the annual nazrana payable for any holding in accordance with section 2 or section 4 * * * respectively exceeds the sum of ten rupees, it shall be at the option of the holder of the land on account of which the said nazrana is declared payable, if he be not merely a mortgagee, to elect within two * * * months after service of a notice explaining the purport and effect of the rules contained in this section (section 5), which service shall be made in the same manner as is hereinafter provided for the service of the notice described in section 11 * * * that in lieu of the land being made subject to the payment of such annual nazrana an occasional nazrana shall be payable at each change of possession thereof, or of any part thereof, by inheritance or transfer, the amount of which nazrana shall be—

Occasional nazrana

(a) on every succession by inheritance, a nazrana equal to one year's assessment of the wholly or partially exempt lands which are the subject of such succession :

¹ The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council

² The words "of this Act" were repealed by the Bombay General Clauses Act, 1886 (Bom 3 of 1886), Schedule B. This Schedule has been printed as an Appendix to the Bombay General Clauses Act, 1904 (Bom 1 of 1904).

³ The word "calendar" was repealed, *ibid.*

(b) on every transfer of lands wholly or partially exempt from the payment of land-revenue, a nazrana equal to two years' assessment of the land transferred

The assessment shall be, in each case, ascertainable under the rules annexed to section 2 ^{1* * *} :

Provided that, in the event of more than one succession or transfer occurring ^{Proviso.} within twelve months, such occasional nazrana ^{2[on]} succession or transfer shall not be leviable more than once :

Provided also that it shall be at the option of the holder of the land to pay such ^{Proviso.} occasional nazrana in one sum or by annual instalments not exceeding one-fourth of the whole nazrana per annum.

Clause 2nd—When, at the election of the holder, lands wholly or partially exempt from the payment of land-revenue shall have been made liable to occasional nazrana leviable under this section (section 5), instead of to an annual nazrana of one anna in each rupee of the assessment as provided by sections 2 and 4 ^{1* * *} the occasional nazrana shall be levied from each person obtaining possession of the land to which it is subject, whether by inheritance or transfer ;

and it shall be the duty of that person, within the period of one ^{3*} month after obtaining possession as aforesaid, to give notice in writing thereof to the Collector or other chief revenue-officer of the ^{4* * *} district in which the said lands are situate, and, in default of such notice, the person so obtaining possession, shall forfeit, in addition to the nazrana leviable on the occasion, a sum equal to the amount thereof.

Clause 3rd—It shall also be the duty of the holder of any land made subject under this section to the payment of occasional nazrana instead of to an annual nazrana of one anna in each rupee of the assessment, who shall transfer the same or any part thereof, to give to the Collector or chief revenue-officer of the ^{4* * *} district in which the lands so transferred are situate, notice in writing of such transfer, and of the nature and extent thereof, and of the person or persons to whom the same is made, within one ^{3*} month after such transfer has been made ; and, in default of such notice, the person or persons so transferring as aforesaid shall forfeit a sum equal to the amount of the nazrana leviable on the occasion from the person to whom the transfer shall have been made.

6. *Clause 1st*—When lands are held wholly or partially exempt from the payment of land-revenue, upon the title to which exemption there has not been any formal adjudication, the holders asserting a right to such exemption shall be at liberty, on the conditions hereinafter described, to claim a trial of, and adjudication upon, their title, according to Act XI of 1852, so far as the same is not altered, modified or superseded by, or inconsistent with, the provisions of this Act.

¹ The words " of this Act " were repealed by the Bombay General Clauses Act, 1886 (Bom 3 of 1886), Schedule B This Schedule has been printed as an Appendix to the Bombay General Clauses Act, 1904 (Bom. 1 of 1904)

² This word was substituted for the word " or " by the Amending Act, 1895 (16 of 1895).

³ The word " calendar " was repealed by Bom 3 of 18. 6, Sect. B

⁴ The words " Collectorate or " were repealed, *ibid.*

Effect of exemption being established.

Clause 2nd —In the event of the title to such exemption being upon such inquiry demanded as last aforesaid duly established, the land shall not be heritable in any other manner, or to any further extent than the same may, on such inquiry as last aforesaid, be adjudged to be heritable. nor shall any adoption be recognised in any Civil Court ^{1*} * * * or by any officer of ²[the Crown], as creative of, or continuing, a title to claim, from ²[the Crown] any exemption from assessment or any other privilege on account of the said lands, and no nazrana shall be received on account of ³[the Provincial Government] from the holders of such lands.

And whensoever the same lands or any part thereof, either by operation of law, or by devolution, assignment, gift, sale (whether such sale be judicial, public or private), devise, transfer-deed or other instrument, or otherwise howsoever, pass to any person, not an heir by actual descent from the person to whose heirs the lands shall be declared heritable, or in default of such declaration, from the person who may establish his title to exemption as last aforesaid, then the said lands, or such part thereof as may have so-passed to any person other than the said actual descendants, shall forthwith become and be liable to payment of annual land-revenue at the full assessment

Effect of exemption not being established.

Clause 3rd —In the event, upon such inquiry as aforesaid, of there being a failure by the holders to establish title to exemption from payment of land-revenue, the lands to which he has failed to establish such title shall forthwith become and be liable to payment of annual revenue at the full assessment.

When holders demand trial and adjudication, security to be furnished.

7. *Clause 1st* —When the holders of land, held wholly or partially exempt from the payment of land-revenue, demand a trial and adjudication of their title under the provisions of section 6 ^{4*} *, they shall be required to furnish satisfactory security for the payment of the assessment of the land, in case of their failure to prove the title to exemption asserted by them, and, in default of their furnishing such satisfactory security, the full assessment of the land which is to be the subject of inquiry shall be levied pending the adjudication.

Refund of assessment with interest, if holder prove title

Clause 2nd —If the inquiry result in the establishment of the asserted title, the holder, or, in the event of his decease, his heir who succeeds to possession of the said lands, shall be entitled to a refund of any assessment levied under the provisions of this section, pending such inquiry as aforesaid and to interest thereon at the rate of five per cent per annum.

Full amount of land-revenue to be paid, if holder as to prove title.

Clause 3rd —If the result of the inquiry be that the holder fail to prove his title, the full amount of land-revenue assessable on the lands from the date of the holder's demand for trial shall be levied from the said holder and his security, or either, any sums levied pending adjudication as aforesaid being taken in account of the same.

Lands held on behalf of religious or charitable institutions.

8. *Clause 1st* —Lands held wholly or partially exempt from the payment of land-revenue on behalf of religious or charitable institutions shall, if already formally adjudicated to be permanently so continuable, be so continued wholly or partially exempt from such payment of land-revenue as aforesaid, according to the terms of the adjudication.

¹ The words "or Court of Law or Equity" were repealed by the Repealing Act, 1876 (12 of 1876).

² The words "the Crown" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council

³ The words "the Provincial Government" were substituted for the word "Government" by *ibid*

⁴ The words "of this Act" were repealed by the Bombay General Clauses Act, 1886 (Bom 3 of 1886), Schedule B This Schedule has been printed as an Appendix to the Bombay General Clauses Act, 1904 (Bom. 1 of 1904).

Clause 2nd—Lands held on behalf of religious or charitable institutions, either wholly or partially exempt from the payment of land-revenue, shall, if not already formally adjudicated to be permanently so continuable, be declared to be so wholly or partially exempt from such payment of land-revenue as aforesaid; subject, however, to the payment of annual quit-rent equal to one-fourth of the assessment, which shall be ascertainable under the rules annexed to section 2 1* * *

Clause 3rd—It is, however, hereby declared that lands held on behalf of religious or charitable institutions wholly or partially exempt from the payment of land-revenue, shall not be transferable from such institutions either by assignment, sale (whether such sale be judicial, public or private), gift, devise or otherwise howsoever, and no nazrana shall be leviable on account of such lands

Clause 4th—If the holders, managers or trustees of such lands shall refuse to accept the terms provided by clause 2 of this section, and shall demand a trial and adjudication of the title by which the land is held wholly or partially exempt from land-revenue, they shall be entitled to the same, on the conditions described in section 7 and subject to the liabilities provided in section 6 1* *

9 It shall be lawful for the ²[Provincial Government] to appoint officers to carry out the inquiries provided for in this Act in the districts in which Act XI of 1852 has the force of law, and to invest any officer so appointed with the authority conferred by the above Act on Inam Commissioners and Assistant Inam Commissioners.

Power to invest officers with authority of Inam Commissioners and their assistants.

10. Whensoever any person, or persons, holding lands wholly or partially exempt from the payment of land-revenue, upon the title to which exemption there has not been any formal adjudication, shall (whether such alleged title be founded on grant or prescription or on any other ground whatsoever) demand an inquiry under section 6 ¹* * into such title, the burden of proof of such title shall, in every instance, lie and be cast exclusively upon the person or persons holding, or claiming to hold, such lands so wholly or partially exempt from the payment of land-revenue as aforesaid, notwithstanding any existing usage, law, Regulation, Act or Statute in anywise to the contrary ;

Burden of proof in cases of inquiries under section 6.

and it shall not be lawful for any Civil Court ³* * * to place the burden of proof upon ⁴[the Crown], or upon the officer or officers representing ⁴[the Crown], of a right to levy the ordinary land-revenue upon the lands the subject of any such inquiry as aforesaid, and it shall in every instance be presumed, until the contrary is distinctly proved, that ⁴[the Crown] has the right to levy such ordinary land-revenue upon the lands the subject of any such inquiry as aforesaid.

It is, however, hereby further provided that nothing in this section contained shall disentitle ⁴[the Crown], or its duly authorized officers, to produce and give evidence in rebuttal or disproof of the alleged title to exemption aforesaid, if it seem to ⁴[the Crown], or its duly authorized officers, desirable or necessary to produce and give such evidence

¹ The words "of this Act" were repealed by the Bombay General Clauses Act, 1886 (Bom 3 of 1886), Schedule B This Schedule has been printed as an Appendix to the Bombay General Clauses Act, 1904 (Bom 1 of 1904)

² The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council

³ The words "or Court of Law or Equity" were repealed by the Repealing Act, 1876 (XII of 1876)

⁴ The words "the Crown" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council

Collector or other officer may serve notice on holder of lands, asking whether or not he demands inquiry under section 6.

11. *Clause 1st.*—It shall be lawful for the Collector of each ¹* * district, or for any other officer of ²[the Crown] duly authorized in that behalf, whensoever such Collector or such other officer shall have reason to believe that lands are held wholly or partially exempt from payment of land-revenue, and that there has not been any formal adjudication upon the title to such exemption, to serve, or to cause to be served, a notice in writing, upon the holder of such lands, calling upon him to state whether or not he demands an inquiry under section 6 ³* * * into such alleged title to exemption as aforesaid, instead of accepting and abiding by the terms described in section 2 ⁴* * *.

Language and form of notice

Clause 2nd—The notice shall be in the prevailing language of the ¹* * district in which the lands are situate, and shall explain the nature of the alternatives offered on the part of ⁵[the Provincial Government]

On whom to be served

Clause 3rd—It shall be served upon the person holding, or registered in the Government land-registers as holding, the lands wholly or partially exempt from the land-revenue as aforesaid, if he be resident within the limits of the ⁶[district]

Service on non resident persons

Clause 4th.—If such persons as last aforesaid be not resident within the ⁷[district], the notice shall be served upon any person acting for the aforesaid in respect of the lands

Service when several persons hold lands jointly.

Clause 5th—When more persons than one hold jointly lands wholly or partially exempt from land-revenue, service of notice upon any one of them shall in every case be sufficient.

Service when holder known to reside in another district.

Clause 6th—If the holder be known to reside in another ⁷[district] of the Bombay Presidency, and if there be no person acting for him in the ⁷[district] in which the lands are situate, the notice shall be sent to the Collector of such other ⁷[district] and served or caused to be served by him

When no person acts for holder and holder cannot be found

Clause 7th—If there be not any person acting for the holder, and if he cannot be found, the notice shall be served upon some one of the actual occupants of the land (if any), and a copy of such notice shall be posted in the office of the chief native revenue-officer of the district, and in the chauri or most public place in the village where the lands are situate.

Inquiry when sufficiency of service of notice disputed.

Clause 8th—In the event of any dispute arising as to the sufficiency of the service of any notice or notices under this section, the matter so in dispute shall be inquired into by the Collector of the district or other officer appointed for the purpose by the ⁸[Provincial Government], and the decision of the Collector or such other officer as aforesaid shall be final, and not open to appeal or question in any Civil Court ⁹* * * or elsewhere.

¹ The words "Collectorate or" were repealed by the Bombay General Clauses Act, 1886 (Bom 3 of 1886)

² The words "the Crown" were substituted for the words "Government" by the Adaptation of Indian Laws order in Council.

³ The words "of this Act" were repealed by Bom 3 of 1886

⁴ The words "of the same" were repealed, *ib id*

⁵ The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council

⁶ This word was substituted for the word "Collectorate" by the Amending Act, 1895 (16 of 1895)

⁷ This word was substituted for the word "Collectorate" by the Bombay General Clauses Act, 1886 (Bom 3 of 1886), Schedule B. This Schedule has been printed as an Appendix to the Bombay General Clauses Act, 1904 (Bom 1 of 1904)

⁸ The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council

⁹ The words "or Court of Law or Equity" were repealed by the Repealing Act, 1876 (12 of 1876).

Clause 9th—If within two ^{1*} months after the service of such notice in manner aforesaid, the person holding the lands wholly or partially exempt from revenue as aforesaid, or his legally constituted agent, shall not give an answer in writing to such notice, stating clearly in such answer that he demands an inquiry into the title to such exemption as aforesaid, he shall be deemed to have finally dispensed with such inquiry, and the lands, if held as aforesaid by an individual or individuals, shall be dealt with under sections 1 and 2 ^{2* *} and the rules annexed to said section 2, and, if held on behalf of religious or charitable institutions, shall be dealt with under clause 2 of section 8 ^{2* *}.

But, if no holder or owner can be discovered, the land shall be fully assessed to the public revenue, and shall continue to be so assessed unless some person shall, within the law of limitations, appear and prove his title to it.

Clause 10th—In the event of any dispute arising as to the sufficiency of any such answer as last aforesaid, or as to its meaning, or as to its having been given within the time required by this Act, the matter so in dispute shall be inquired into by the Collector or other officer appointed for the purpose by the ³[Provincial Government] and the decision of the Collector or such other officer as aforesaid shall be final, and not open to appeal or question in any Civil Court ^{4* * *} or elsewhere.

Clause 11th—Whensoever an answer in writing is given by any holder or his agent demanding an inquiry under section 6 or clause 4 of section 8 ⁵ * * the Collector or other officer to whom such answer has been given shall take the security required in such cases by section 7 ^{5* * *}, or, in default of the same being furnished, shall take such steps as shall be necessary for levying the full assessment of the land as required by the said section, and shall refer the holder's claim to the officer appointed by Government for the trial of such matters, who shall, with reasonable regard to the public convenience, and to the convenience of all persons interested or to be engaged in conducting such inquiry, fix a time at which it shall be proceeded with.

Clause 12th.—Any claimant demanding an inquiry into his title shall be allowed the benefit or any evidence to be found in the records of the present or any former Government, in custody of such public officer as is authorized by the ⁶[Provincial Government] to have charge or custody of the same, and such public officer shall be bound to search for and to produce the same on application made to him.

12. [Valuation of prior notices, orders and settlements] Rep. Act XVI of 1895.

¹ The word "calendar" was repealed by the Bombay General Clauses Act, 1886 (Bom 3 of 1886).

² The words "of this Act" were repealed, *ibid*.

³ The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

⁴ The words "or Court of Law or Equity" were repealed by the Repealing Act, 1876 (12 of 1876).

⁵ The words "of this Act" were repealed by the Bombay General Clauses Act, 1886 (Bom 3 of 1886), Schedule B. This Schedule has been printed as an Appendix to the Bombay General Clauses Act, 1904 (Bom 1 of 1904).

⁶ The words "Provincial Government" were substituted for the words "British Government" by the Adaptation of Indian Laws Order in Council.

Appeal from proceedings of officers making adjustment to be made to Provincial Government.

13. When any adjustment of a claim or claims to total or partial exemption from land-revenue has been made by the ¹[Provincial Government], or any duly authorized officer ²[of the Crown], under the second, fifth and eighth sections ³* * * * *, any appeal from or against the proceedings, orders or acts of the officers ²[of the Crown] engaged in making any such adjustment shall be made to the ¹[Provincial Government], or to such officer or officers as may be appointed by the ¹[Provincial Government] to take cognizance of such appeals, and shall not be recognizable by any other authority

14. [*Bar of suits against Government officers*] *Rep Act X of 1876*

Quit-rents, nazranas, etc., how levied

15. All quit-rents, nazranas, succession duties, transfer duties and forfeitures, payable under this Act, shall be levied in the manner in which ordinary land-revenue is now recoverable, and the claim of ⁵[the Provincial Government] to such quit-rents and nazranas, and to all forfeitures provided by this Act, shall have precedence over any other debt, demand or claim whatsoever, whether in respect of mortgage, judgment, decree, execution or attachment or otherwise howsoever, against the lands, or the holder or holders thereof

16. (A) [*Number and gender*] *Rep Bom III of 1886*

Interpretation-clause.

(B) the word "lands" shall, for the purposes of this Act, be understood to include villages, portions of villages, shares of the revenues thereof, and landed estate of every description :

(C) "political tenure" is tenure created from, or dependent upon, political considerations, the existence of which shall be determined by the Government .

(D) the phrase "lands held for service" shall include lands specially granted, or held or continued, nominally for the performance of service, whether that service be actually performed or not, and lands granted, held or continued, partly in consideration of past service, and partly for the performance of prospective service, but shall not include lands granted in consideration of past service only ; and it is to be understood ⁶[that the Provincial Government] shall be competent to determine any question that may arise in giving effect to this Act, as to whether or not any lands are lands held for service

(E) formal adjudication shall be held to mean final adjudication under any Regulation of the Bombay Government, or under Act XI of 1852, in cases to which the same were applicable, and in other cases final adjudication after inquiry by ⁷[the Provincial Government] or some authorized officer thereof

(F) for the purposes of this Act, the word "holder" shall be taken to signify the person who, by himself, his tenants, sub-tenants or agents, is in possession of the land held wholly or partially exempt from land-revenue assessment, and shall include a mortgagee in possession as aforesaid :

(G) the word "transfer" shall, for the purposes of this Act, be taken to mean the permanent alienation of land by assignment, gift, sale, deed or other instrument, or otherwise howsoever, and also mortgage of the same under which possession shall have passed or is to pass to the mortgagee.

¹ The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council

² The words "of the Crown" were substituted for the words "of Government", *ibid*

³ The words "of this Act" were repealed by the Bombay General Clauses Act, 1866 (Bom 3 of 1886), Schedule B This Schedule has been printed as an Appendix to the Bombay General Clauses Act, 1904 (Bom 1 of 1904)

⁴ The words "it shall not be competent for any Civil Court or Court of Law or Equity to question such adjustment; so far as the right of Government to levy from the holder or holders of the lands for the time being, the nazrana and the annual quit-rents mentioned in the said second, fifth and eighth sections, or any of them, is concerned" were repealed by the Bombay Revenue Jurisdiction Act, 1876 (10 of 1876)

⁵ The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council

⁶ The words "that the Provincial Government" were substituted for the words "that Government", *ibid*

⁷ The words "the Provincial Government" were substituted for the words "the British Government", *ibid*.

**SOUTHERN MARATHA COUNTRY
ACT, 1863.**

TENTS.

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SCHEDULE A. List of the Parganas, Tarafs and other known Divisions of the
Collectorate of Satara to be brought under the Regulations and
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SCHEDULE B. List of Villages in the Collectorate of Sholapur to be brought under
the Regulations and Acts.

BOMBAY ACT No. III OF 1863.¹

[THE SATARA, SHOLAPUR AND SOUTHERN MARATHA COUNTRY LAWS ACT, 1863]¹

[15th April, 1863].

Repealed in part, by Act 4 of 1868 ;
" " " " " 15 of 1874 ,
" " " " " 10 of 1876 ,
" " " " " 16 of 1895 ,
" " " " " Bom 3 of 1886.

An Act for bringing under the Regulations and Acts of the Presidency of Bombay the territories of Satara, certain villages and lapsed States in the Collectorate of Sholapur and in the Southern Maratha Country, * * * * * and for excluding the village of Muchandi, Pargana Jath, from the operation of the Regulations and Acts of the Presidency of Bombay.

WHEREAS it is expedient for the better administration of justice in the territory of Satara that the Collectorate should be brought under the Regulations and Acts of the Presidency of Bombay ,

and whereas certain villages which now belong to Government in Sholapur and the Southern Maratha Country have not yet been made subject to the operation of the general Regulations and Acts affecting the Bombay Presidency ;

* * * * *

¹ For Statement of Objects and Reasons, see *Bombay Government Gazette*, 1862, Supplement, p. 543, for Report of the Select Committee, see *ibid*, p. 608, and for Proceedings in Council, see *ibid*, pp. 713 and 799

So much of Bom 3 of 1863 as related to the following villages, namely .—

- the Sanghkar's village of Dorli in Karyat Savarda ;
- the Sanghkar's village of Borgaon in Karyat Digrj ,
- the Mirajkar's village of Dupat Borgaon in Karyat Dudgaon ,
- the village of Sangam Mahuli, Taraf Vandan, belonging to the Pant Pratinidhi ;
- the village of Kinhi, Sammat Koreygaon, belonging to the Pant Pratinidhi, was repealed by Act 4 of 1868.

The short title was given by the Bombay Short Titles Act, 1921 (Bom 2 of 1921).

² The words " certain lands ceded to the Government of Bombay for Railway purposes, and the District of North Canara, with the exception of the talooka Cundapoor " were repealed by the Amending Act, 1895 (16 of 1895)

³ The following portion of the preamble was repealed, *ibid* —

" And whereas lands in certain villages have been ceded by His Highness the Gucoowar and His Excellency the Nawab of Suheen to the Government of Bombay for Railway purposes, and it is expedient that such lands should be made subject to the Regulations and Acts of the said Presidency ; and whereas the District of North Canara which formed a part of the Presidency of Fort Saint George has, with the exception of the Talooka of Cundapur, been detached from that Presidency and annexed to the Presidency of Bombay, from the sixteenth day of April 1862, and now forms part of the latter, and it is expedient that the District so transferred should be brought under the Regulations and Acts of the Presidency of Bombay "

and whereas the village of Muchandi, pargana Jath, in the territory of Satara, was inadvertently included in ¹Act VI of 1842, by which certain villages in the Southern Maratha Country were brought under the operation of the Regulations and Acts of the Presidency of Bombay;

It is hereby enacted as follows.—

Villages in Satara rendered subject to Bombay laws. 1. The villages in the Collectorate of Satara as described in Schedule A * * * shall, from and after the first day of January, 1863, be subject to the Regulations and Acts which are or shall at any time hereafter be in force within the territories subject to the Presidency of Bombay

Villages in Sholapur and in Southern Maratha Country rendered subject to Bombay laws. 2. The villages in the Collectorate of Sholapur and in the Southern Maratha Country described in Schedule B * * * shall, from and after the passing of this Act, be subject to the Regulations and Acts which are or shall at any time hereafter be in force within the territories subject to the Presidency of Bombay

3. [*Bar of jurisdiction of Civil Courts in certain cases*] *Rep. Act X of 1876*

Privileges and exemptions of certain persons of rank 4. *Clause 1st*—It is also further enacted that the privileges and exemptions provided in sections 3, 4 and 5, Regulation XXIX, A D 1827 and section 5 of Regulation VII, A D 1830, and Regulations I and XVI, A D 1831, as amended by section 6, ²Act XIII of 1842, are equally applicable in the districts now brought under the Regulations and Acts to the persons of rank therein referred to, as they are in the Dekkhan, Khandesh and Southern Maratha Country

Clause 2nd—[*Process against Shrimant Sagunabar At Saheb Maharaj*] *Rep. Act XVI of 1895.*

5, 6, 7. [*Railway lands; North Kanara; saving of prior proceedings*] *Rep. Act XV of 1874.*

Village of Muchandi excluded from operation of Regulations and Acts. 8. The village of Muchandi, pargana Jath, in the territory of Satara, included in ¹Act VI of 1842, by which certain villages in the Southern Maratha Country were brought under the Regulations and Acts of the Presidency of Bombay, shall, from and after the passing of this Act, be excluded from the operation of the Regulations and Acts of the Presidency of Bombay, anything in the said ¹Act VI of 1842 to the contrary in anywise notwithstanding

¹ Act 6 of 1842, relating to the Nepani Jagir, was repealed by the Laws Local Extent Act, 1874 (15 of 1874)

² The words "to this Act" were repealed by the Bombay General Clauses Act, 1886 (Bom 3 of 1886), Schedule B. This Schedule has been printed as an Appendix to the Bombay General Clauses Act, 1904 (Bom. 1 of 1904).

³ Act 13 of 1842 is not republished, having been repealed locally by the Bombay Land revenue Code, 1879 (Bom. 5 of 1879).

SCHEDULE A

LIST OF THE PARGANAS, TARAFS, AND OTHER KNOWN DIVISIONS OF THE COLLECTORATE OF SATARA TO BE BROUGHT UNDER THE REGULATIONS AND ACTS.

Consecutive numbers	Names of the division.
1	Taraf Satara.
2	Taraf Parli.
3	<i>Taraf Vandan</i> ¹
4	Taraf Targaon, with the exception of the village Vatar entered in the accounts as belonging to the Chief of Jamkhandi.
5	Taraf Umraj, with the exception of the following two villages.— (1) Korti, entered in the accounts as belonging to the Pant Pratmidhi. (2) Sirvada, entered in the accounts as belonging to the Chief of Jamkhandi
6	Sammatt Nimb.
7	Taraf Medha.
8	Taraf Kedamb.
9	Taraf Baramura.
10	Taraf Kudal.
11	Taraf Ategaon.
12	Taraf Bamnoli.
13	Taraf Solsa
14	Taraf Tamb.
15	Karyat Naneghola.
16	Taraf Tarla.
17	Karyat Talbid.
18	Taraf Haveli Karad, with the exception of the following twelve villages.— (1) Saidapur. (2) Kapil. (3) Padli. (4) Belavda Varghat. (5) Dushera. (6) Gondi (7) Ghonshi. (8) Kodoli. (9) Virvada. (10) Bichud. (11) Manu. (12) Retra Khurd
	} Entered in the accounts as belonging to the Pant Pratmidhi.
	... Ditto to Sanglikar Patvardhan.
19	Taraf Marli.
20	Taraf Patan.
21	Taraf Helvak.
22	Karyat Kashigaon.
23	Taraf Kola.
24	Fort ² Sadashivgad, Vasantgad and Manchindragad.

¹ As to the village of Sangam Mahuli, Taraf Vandan, see first footnote on p 23 *supra*.

² Sic.

Consecutive numbers	Names of the division
25	Karyat Ashta.
26	Taraf Khatav.
27	Taraf Malavdi.
28	Taraf Dahigaon
29	Taraf Mhasvad
30	Taraf Lalgaon.
31	Forts of Machimgad, Varugad and Vardhangad
32	Taraf Dharpuri.
33	Karyat Khanapur
34	Karyat Mayni.
35	Karyat Vangi.
36	Karyat Vita.
37	Karyat Bhalavni.
38	Karyat Nimsod
39	Fort of Bhushangad.
40	Pargana Kasegaon, Taluka Pandharpur
41	Pargana Brahmपुर, Taluka Pandharpur
42	Pargana Sangola.
43	Pargana Gherdi.
44	Pargana Nazra
45	Pargana Akluj.
46	Pargana Velapur.
47	Pargana Bhalavni, with the exception of the following five villages, entered in the accounts as belonging to the Chief of Akalkot :— (1) Pihv (2) Shenda Chinch (3) Shingorni. (4) Dhanora. (5) Kusmada.
48	Taraf Haveli Wai.
49	Taraf Jor Khora.
50	<i>Sammatt Koreygaon</i> ¹
51	Sammatt Vaghohi.
52	Pargana Molvad. The parts of the following parganas, situated in the Collectorate of Satara :—
53	Pargana Bejapur.
54	Pargana Gota.
55	Pargana Baloti
56	Pargana Sidhnath.
57	Pargana Mamdapur.
58	Pargana Chimalgi.
59	Pargana Kolhar.

¹ As to the village of Kunbi, Sammat Koreygaon, see first footnote on p. 23 *supra*.

Consecutive numbers	Names of the division.
60	Pargana Honvad.
61	Pargana Bardoli.
62	Pargana Shirala, with the exception of the village of Vategaon entered in the accounts as belonging to the Chief of Kurundvad.
63	Pargana Atpadi, with the exception of the village Vitlapur, entered in the accounts as belonging to the Pant Pratinidhi.
64	Pargana Mangalvedha.
65	Pargana Shirval, with the exception of the following villages, entered in the accounts as belonging to the Pant Sachiv :— (1) Shirval. (2) Bavda. (3) Kesurdi. (4) Pargaon. (5) Tondla. (6) Sangvi. (7) Bhada. (8) Rui. (9) Yelka (10) Kavtha. (11) Bhadavda.
	The parts of the following tarafs, situated in the Collectorate of Satara :—
66	Taraf Savarda.
67	Taraf Chiplam.
68	Taraf Valva, situated within the Satara territory, with the exception of the village Kundal, entered in the accounts as belonging to the Pant Pratinidhi.
69	Taraf Varun.
70	Taraf Phaltan, excepting the villages of Dalvadi and Vakri, entered in the accounts as belonging to the Chief of Phaltan.
71	Taraf Velvand Khora
72	Taraf Rohidkhora, with the exception of the village Hatnoshi, entered in the accounts as belonging to the Pant Sachiv
73	Taraf Nirthadi, with the exception of the village Mirja, entered in the accounts as belonging to the Pant Sachiv.
	The parts of the following Karyats, situated within the Collectorate of Satara :—
74	Karyat Bajı
75	Do Vadgaon.
76	Do. Haveli Kolhapur
77	Do. Kodoli.
78	Karyat Satva.
79	Karyat Bhulvadi, with the exception of the following four villages :— (1) Nagrala, (2) Babvada, (3) Ghogaon, and (4) Tupari, entered in the accounts as belonging to the Chief of Sangli.

Consecutive numbers	Names of the division
80	Karyat Sangli.
81	Karyat Dudhgaon, with the exception of Bhad Kınba, entered in the accounts as belonging to Sanglikar Patvardhan
82	Karyat Aundh, with the exception of the following eight villages — <div style="display: flex; align-items: center;"> <div style="margin-right: 10px;"> <ul style="list-style-type: none"> (1) Ramapur (2) Vyahapur (3) Saukira (4) Pargaon (5) Sirasgaon (6) Chikhalvohol (7) Aundh (8) Karla </div> <div style="font-size: 3em; margin-right: 10px;">}</div> <div> <p>Entered in the accounts as belonging to the Pant Pratimdhī</p> <p>Ditto as belonging to the Chief of Akalkot.</p> </div> </div>
83	Karyat Tasgaon
84	Karyat Visapur, with the exception of the following four villages, entered in the accounts as belonging to the Chief of Sangli :— <ul style="list-style-type: none"> (1) Alta. (2) Sirgaon. (3) Nimb (4) Audhali
85	Karyat Anjni.
86	Karyat Raybag
87	That part of Prant Pranhala situated within the Collectorate of Satara.

SCHEDULE B.

LIST OF VILLAGES IN THE COLLECTORATE OF SHOLAPUR TO BE BROUGHT UNDER THE REGULATIONS AND ACTS.

1. All the villages of pargana Karkamb, taluqa Madha, situated in the Collectorate of Sholapur, and not brought under the Regulations by Regulation XXIX of 1827, namely :—

- (1) Mauje Pehnur ,
- (2) Mauje Bhend ;
- (3) Mauje Bhatumbra ;
- (4) Mauje Yevti ;
- (5) Mauje Akumba ;
- (6) Mauje Bembla ;
- (7) Mauje Tambva ; and
- (8) Kasba Karkamb .

2. All the villages of the Naldurg pargana, taluqa Sholapur, situated in the Collectorate of Sholapur, remaining to be brought under the Regulations and not entered in ¹Act VI of 1842, namely :—

Mauje Tadvala

3. All the villages of the Chand Kavtha pargana, taluka Hippargi, situated in the Collectorate of Sholapur, not brought under the Regulations by ¹Act VI of 1842, namely :—
Mouje Ankalgi.

¹ Act 6 of 1842 relating to the Nepani Jagir, was repealed by the Laws Local Extent Act, 1874 (15 of 1874), General Acts.

4 The whole of pargana Chimalgi, taluka Mangoli, not brought under the Regulations by Regulations XXIX of 1827, namely .—

- (1) Kasba Chimalgi ;
- (2) Mauje Almati ;
- (3) Mauje Vandal ;
- (4) Mauje Biraldu ;
- (5) Mauje Budni ,
- (6) Mauje Hunshal ;
- (7) Mauje Nagvad ;
- (8) Mauje Akalvadi ;
- (9) Mauje Arsangi ;
- (10) Mauje Benal ;
- (11) Mauje Angadgiri ;
- (12) Mauje Hangargi ;
- (13) Mauje Uni Bhavi ; and
- (14) Mauje Gudhini.

All the villages of the Nidgundi pargana not brought under the Regulations by Regulation VII of 1830 and ¹Act VI of 1842 :—

- (1) Areshankar,
- (2) Vadvadgi.

LIST OF VILLAGES IN THE SOUTHERN MARATHA COUNTRY TO BE BROUGHT UNDER THE REGULATIONS AND ACTS.

1. The following villages in taraf Mugal Khod :—

- Mauje Gundevadi.
- Mauje Dharur.
- Mauje Siddapur.
- Mauje Koliud.
- Mauje Yebarhatti.
- Mauje Harogeri.
- Mauje Hidkal.
- Mauje Mugal Khod.
- Mauje Palbhavi.
- Mauje Kappalgudi.
- Mauje Hallur.
- Mauje Sivapur
- Mauje Khan Naikinhatti.
- Mauje Mudalgi.
- Mauje Munal.

¹ Act 6 of 1842, relating to the Nepani Jagir, was repealed by the Laws Local Extent Act, 1874 (15 of 1874), General Acts.

2. The following villages in Prant Miraj :—
- | | | |
|---|---|-------------------------|
| (1) Mauje Soni | } | Karyat Mane.
Rajuri. |
| (2) Mauje Bhos | | |
| (3) Mauje Bisur | } | Karyat Sangli. |
| (4) Mauje Kupvada | | |
| (5) Mauje Haroh, Karyat Dessing. | | |
| (6) Mauje Yerandoli | } | Karyat Bedag. |
| (7) Mauje Belavki | | |
| (8) Mauje Arvande, Karyat Savarde. | | |
| (9) Mauje Vadgaon, Karyat Anjni. | | |
| (10) Mauje Kalombi, Karyat Haveli. | | |
| (11) Mauje Shedshal, Karyat Shirhatti. | | |
| (12) Mauje Pandegaon, Karyat Kavtha Mahankal. | | |
| (13) Mauje Kasba Tasgaon | } | Karyat Tasgaon. |
| (14) Mauje Mauje Turchi | | |
| (15) Mauje Padli | | |
| (16) Mauje Bhilavdi | | |
| (17) Mauje Vagada, Karyat Kavtha. | | |
| (18) Mauje Nimni. | | |
3. The following villages in Prant Kagal :—
- | | |
|---------------------------------|--|
| (1) Mauje Ankh, Karyat Manjri. | |
| (2) Mauje Burli, Karyat Digraj. | |
4. The following villages in Prant Raybag :—
- | | |
|------------------------------------|--|
| (1) Kasba Anapur, Karyat Anapur. | |
| (2) Mauje Hatnoli, Karyat Nandura. | |
5. The following village in Prant Hukeri :—
- | | |
|-------------------------------------|--|
| (1) Mauje Mangavatti, Karyat Jugal. | |
|-------------------------------------|--|
6. The following villages in Prant Bijapur :—
- | | | |
|---------------------|---|------------------|
| (1) Mauje Shirhatti | } | Karyat Kokatnur. |
| (2) Mauje Nagnur | | |
| (3) Mauje Ratnapur | | |
| (4) Mauje Shivdi | | |
| (5) Mauje Halyal | | |

The following village in pargana Kokatnur :—

- | | |
|-----------------------|--|
| (1) Mauje Mhaisvadgi. | |
|-----------------------|--|
7. Pargana Yadvad, with the exception of the three following villages :—
- | | |
|-------------------|--|
| (1) Aurvad, | |
| (2) Kalligudi, | |
| (3) Chippalkatti, | |

entered in the accounts as belonging to the Chief of Jamkhandi.

8. Karyat Kinnu.
9. The following village in taraf Kannur :—
 - (1) Mauje Chikk Tarsi, Karyat Kannur.
10. The following village in pargana Shahapur :—
 - (1) Ashta.
11. The following villages in Karyat Savarda :—
 - (1) Kasba Savarda.
 - (2) Mauje Londa.
 - (3) *Mauje Dorli*.¹
12. The following villages in taraf Phutgaon :—
 - (1) Kasba Savlaj.
 - (2) Mauje Dongarsani.
 - (3) Mauje Karavli.
13. The following village in taraf Tasgaon :—
 - (1) Mauje Punada.
14. *The following village in Karyat Dudhgaon :—*
 - (1) *Mauje Dupat Borgaon*.¹
15. *The following village in Karyat Digrāj :—*
 - (1) *Mauje Borgaon*.¹
16. The following village in Prant Karad :—
 - (1) Mauje Yelavi.
17. The following village in Karyat Uchgaon .—
 - (1) Mauje Belgundi
18. The following village in Karyat Kagti :—
 - (1) Mauje Kangrali Khurd.
19. The following village in taraf Sambra :—
 - (1) Mauje Nilji.
20. The following village in pargana Azamnagar :—
 - (1) Khasbag.
21. The following isolated villages :—
 - (1) Kasba Shedbal.
 - (2) Kasba Jugal
 - (3) Mauje Kagvad.
 - (4) Mauje Ugar Budruk.
 - (5) Mauje Murgundi.
 - (6) Mauje Tavsi.
 - (7) Mauje Nandgaon.

¹ As to the village of Dorli, the village of Dupat Borgaon in Karyat Dudhgaon and the village of Borgaon in Karyat Digrāj, see first footnote on p. 23, *supra*,

22. The following villages in pargana Lakshmeshvar —

- (1) Mauje Kalas
- (2) Mauje Surngi
- (3) Mauje Konhigeri.
- (4) Mauje Vadvi
- (5) Mauje Bijur
- (6) Mauje Kankapur
- (7) Mauje Kondikop.
- (8) Mauje Konerikop.

23. The following villages in pargana Mulgund —

- (1) Mauje Mulgund
- (2) Mauje Sherul
- (3) Mauje Kabulayat Katti.
- (4) Mauje Harthi
- (5) Mauje Chunchli
- (6) Mauje Kallur.
- (7) Mauje Chaklabbi
- (8) Mauje Hirenarti
- (9) Mauje Yergupi
- (10) Mauje Narayanpur.
- (11) Mauje Nagarhalli.
- (12) Mauje Mantur.
- (13) Mauje Keresur.
- (14) Mauje Hebsur.
- (15) Mauje Karlvad.
- (16) Mauje Kuratti.
- (17) Mauje Chikk Narti.

24. The following village in Karyat Ingalhalli :-

Mauje Ingalhalli.

25. The following villages in pargana Nargund :—

- (1) Mauje Nargund.
- (2) Mauje Bairanhatti.
- (3) Mauje Dandapur.
- (4) Mauje Karvinkop.
- (5) Mauje Jagapur.
- (6) Mauje Maujepeth.
- (7) Mauje Arbaun.
- (8) Mauje Somapur.
- (9) Mauje Burlkatti.
- (10) Mauje Siddapur.
- (11) Mauje Chikk Nargund.
- (12) Mauje Kankikop
- (13) Mauje Halgop.

26. The following villages in pargana Navalgund :—

- (1) Mauje Kuregovankop.
- (2) Mauje Hunrikatti.

27. The following villages in Karyat Shirol :—

- (1) Mauje Shirol.
- (2) Mauje Vadvatti.
- (3) Mauje Ingalgundi.
- (4) Mauje Kalas.
- (5) Mauje Lingadhal.
- (6) Mauje Budihal.

28. The following villages in taraf Konnur :

- (1) Mauje Konnur.
- (2) Mauje Arlikatti.
- (3) Mauje Lakmapur.
- (4) Mauje Gunakop.
- (5) Mauje Chikk Molangi.
- (6) Mauje Hira Tadi.
- (7) Mauje Vasina.
- (8) Mauje Idgal.
- (9) Mauje Madhadi.
- (10) Mauje Bennur.
- (11) Mauje Ajgundi.
- (12) Mauje Bennur.
- (13) Mauje Talakvad.
- (14) Mauje Hotiholi.
- (15) Mauje Lingadhal.

29. The following villages in pargana Badami :-

- (1) Mauje Megur.
- (2) Mauje Karamudi.

30. The following village in Mahal Hoskerri :—

- (1) Kharlkop.

31. The isolated villages of Behatti and Sangdal.

SCHEDULE C.

[*Lands ceded for Railway purposes.*]

Repealed by Act XV of 1874.

THE GAS COMPANIES ACT, 1863

CONTENTS

PREAMBLE

SECTIONS

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2. Not to enter on private land without consent.
3. Notice to be served on persons having control, etc. before breaking up streets or opening drains
4. Streets or drains not to be broken up except under superintendence of persons having control of same
If persons having control, etc. fail to superintend, Company may proceed.
5. Streets broken up to be reinstated without delay.
6. Penalty for opening or breaking up street without notice, etc., delay in reinstating streets etc.
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7. In case of delay persons concerned may reinstate and recover expenses. Expenses how ascertained and recovered.
8. Power to enter buildings for ascertaining quantity of gas consumed.
Penalty for hindering
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10. [*Repealed*]
11. Meters, etc not liable to distraint for rent.
12. Penalty for fraudulently using gas
13. Penalty for wilfully damaging pipe.
14. Satisfaction for accidentally damaging pipe.
15. Penalty for causing water to be corrupted.
Daily penalty during continuance of offence.
16. Daily penalty during escape of gas after notice.
17. Penalty if water be fouled by gas.
18. Power to examine gas pipes to ascertain cause of water being fouled.
19. Expenses by whom to be borne.
20. Expenses how ascertained.
21. Liability to indictment for nuisance.
22. Copies of memorandum and articles of association and of regulations, etc.
to be kept for inspection—
at office of Company in Bombay,
in Secretariat, and office of Registrar of Joint Stock Companies.
Copy to be evidence.
23. Service of process on Company
24. Recovery of penalties, etc.
25. Levy by distress.
26. No distress unlawful for want of form, etc.
27. Power to extend Act to other places and Companies.
28. Interpretation.

[Price—Re. 0 12 or 2d]

BOMBAY ACT No. V OF 1863.¹
[THE GAS COMPANIES ACT, 1863]†

[12th May 1863]

Repealed in part by Bom. 3 of 1886.

“ “ “ “ “ 13 of 1950.

Amended by Act 16 of 1895.

Adapted and modified by the Adaptation of Indian Laws Order in Council.

Amended by Bom 17 of 1945 *

Adapted and modified by the Adaptation of Laws Order, 1950.

Adapted and modified by the Bombay Adaptation of Laws (State and Concurrent Subjects) Order, 1956.

Amended by Bom 51 of 1958.

Adapted and modified by the Maharashtra Adaptation of Laws (State and Concurrent Subjects) Order, 1960.

An Act to confer certain powers on the Bombay Gas Company Limited; and to enable Government to confer similar powers on other Companies registered and incorporated for the purpose of manufacturing and supplying gas.

WHEREAS a Joint Stock Company has been lately formed for the purpose of introducing gas-works into the Presidency of Bombay, which Company has been completely registered in England under the Joint Stock Companies Acts, 1856 and 1857, with limited liability, and has duly obtained a certificate of incorporation under the name of “ The Bombay Gas Company Limited ”; Preamble.

19 & 20
 Vict. c.
 47
 20 & 21
 Vict. c.
 14.

and whereas the said Company is about to erect gas-works in the ²[Greater Bombay], and is engaged in the preparation of apparatus and materials for the manufacture and supply of gas, and also in the business of gas fitters in the Presidency of Bombay ;

and whereas it is expedient that powers and facilities should be given to the said Company to enable them to carry out their undertaking of lighting with gas the ³[Greater Bombay], which powers and facilities may hereafter be extended to the operations of the said Company in other towns and places within or subject to the Presidency of Bombay, and to other Companies which are or may hereafter be registered and incorporated for the purpose of manufacturing and supplying gas ;

It is enacted as follows —

1. In the ²[Greater Bombay] and in any other town or place ³[in the ⁴[State of Maharashtra] to which the provisions of this Act may hereafter be extended, by and order or orders or permission of the ⁵[⁶[State] Government], the Bombay Gas Company Limited, under such superintendence as is hereinafter specified, may open and break up the soil and pavement of the several streets and bridges, and may open ^{break up streets, etc., under superintendence, and to open drains.}

¹ For Statement of Objects and Reasons, see *Bombay Government Gazette*, 1863, Supplement, p. 199 for Report of the Select Committee, see *ibid*, p 255, and for proceedings in Council, *ibid*, pp 193 and 291

† The short title was given by the Bombay Short Titles Act, 1921 (Bom 2 of 1921).

* This Act was re-enacted and the amendments made by section 9 and Schedule E of the said act have been continued in force by Bom. 52 of 1947, s 2

* These words were substituted for the original words by Bom 17 of 1945, s 9, Sch E read with Bom. 52 of 1947, s. 2 proviso.

* These words were substituted for the words “ in the pre-Reorganisation State of Bombay, excluding the transferred territories, ” by Bom. 51 of 1958, s 2

* These words were substituted for the words “ State of Bombay ” by the Maharashtra Adaptation of Laws (State and Concurrent Subjects) Order, 1960.

* The words “ Provincial Government ” were substituted for the words “ Governor in Council ” by the Adaptation of Indian Laws Order in Council.

* This word was substituted for the word “ Provincial ” by the Adaptation of Laws Order, 1950.

and break up any sewers, drains or tunnels within or under such streets and bridges, and lay down and place within the same limits, pipes, conduits, service-pipes and other works, and from time to time repair, alter or remove the same, and also make any sewers that may be necessary for carrying off the washings and waste-liquids which may arise in the making of the gas, and, for the purposes aforesaid, may remove and use all earth and materials in and under such streets and bridges;

and the Company may in and on such streets and bridges erect any pillars, lamps and other works, and do all other acts which the said Company shall from time to time deem necessary for supplying gas to the inhabitants of the said ¹[Greater Bombay], or other town or place as aforesaid, doing as little damage as may be in the execution of the powers hereby granted, and making compensation for any damage which may be done in the execution of such powers.

Not to enter on private land without consent

2 Provided always that nothing herein shall authorize or empower the said Company to lay down or place any pipe or other works into, through or against any building or in any land not dedicated to public use, without the consent of the owners and occupiers thereof, except that the said Company may at any time enter upon and lay or place any new pipe in the place of any existing pipe in any land wherein any pipe hath been already lawfully laid down or placed in pursuance of this Act, and may repair or alter any pipe so laid down

Notice to be served on persons having control, etc., before breaking up streets or opening drains

3 Before the said Company proceed to open or break up any street, bridge, sewer, drain or tunnel, they shall give to the municipal commissioners for the ¹[City of Bombay, the local authority concerned] or other persons under whose control or management the same may be, or to their clerk, surveyor or other officer, notice in writing of their intention to open or break up the same, not less than three clear days before beginning such work, except in cases of emergency arising from defects in any of the pipes or other works, and then so soon as is possible after the beginning of the works, or the necessity for the same shall have arisen.

Streets or drains not to be broken up except under superintendence of persons having control of same.

4. No such street, bridge, sewer, drain or tunnel shall, except in the cases of emergency aforesaid, be opened or broken up, except under the superintendence of the persons having the control or management thereof, or of their officers, and according to such plan as shall be approved of by such persons, or their officers, or in case of any difference respecting such plan, then according to such plan as shall be determined by a Magistrate, and a Magistrate may, on the application of the persons having the control or management of any such sewer or drain, or their officer, require the said Company to make such temporary or other works as they may think necessary for guarding against any interruption of the drainage during the execution of any works which interfere with any such sewer or drain:

If persons having control, etc., fail to superintend, Company may proceed.

Provided always that, if the persons having such control or management as aforesaid, and their officer, fail to attend at the time fixed for the opening of any such street, bridge, sewer, drain or tunnel, after having had such notice of the said Company's intention as aforesaid, or shall not propose any plan for breaking up or opening the same, or shall refuse or neglect to superintend the operation, the said Company may perform the work specified in such notice without the superintendence of such persons or their officer.

¹ These words were substituted for the original words by Bom. 17 of 1945, s. 9, Sch. E, read with Bom. 53 of 1947, s. 2, proviso.

5. When the said Company open or break up the road or pavement of any street or bridge, or any sewer, drain or tunnel, they shall with all convenient speed complete the work for which the same shall be broken up, and fill in the ground, and reinstate and make good the road or pavement, or the sewer, drain or tunnel so opened or broken up, and carry away the rubbish occasioned thereby; and shall at all times, whilst any such road or pavement shall be so opened or broken up, cause the same to be fenced and guarded, and shall cause a light, sufficient for the warning of passengers, to be set up and maintained against or near such road or pavement where the same shall be open or broken up, every night during which the same shall be continued open or broken up; and shall keep the road or pavement which has been so broken up in good repair for three months after replacing and making good the same.

Streets broken up to be reinstated without delay.

6. If the said Company open or break up any street or bridge, or any sewer, drain or tunnel, without giving such notice as aforesaid, or in a manner different from that which shall have been approved of or determined as aforesaid, or without making such temporary or other works as aforesaid, when so required, except in the cases in which the said Company are hereby authorized to perform such works without any superintendence or notice; or

Penalty for opening or breaking up street without notice, etc.,

if the said Company make any delay in completing any such work, or in filling in the ground, or reinstating and making good the road or pavement, or the sewer, drain or tunnel, so opened or broken up, or in carrying away the rubbish occasioned thereby; or

delay in reinstating streets, etc.,

if they neglect to cause the place where such road or pavement has been broken up to be fenced, guarded and lighted, or neglect to keep the road or pavement in repair for the space of three months next after the same shall have been made good,

neglect to fence and light, etc.

they shall forfeit to the persons having the control or management of the street, bridge, sewer, drain or tunnel in respect of which such default is made, a sum not exceeding fifty rupees for every such offence, and they shall forfeit an additional sum not exceeding fifty rupees for each day during which any such delay as aforesaid shall continue after they shall have received notice thereof.

7. If any such delay or omission as aforesaid take place, the persons having the control or management of the street, bridge, sewer, drain or tunnel in respect of which such delay or omission shall take place may cause the work so delayed or omitted to be executed, and the expense of executing the same shall be repaid to such persons by the said Company; and the amount of such expense shall in case of any dispute about the same be ascertained and recovered ¹[in the Greater Bombay] and in any other town or place subject to the jurisdiction of ²[the High Court of Judicature at Bombay] in the manner in which expenses are ascertained and recovered ³[in municipalities under the law for the time being in force] and, in any town or place not within the jurisdiction of ²[The High Court of Judicature at Bombay] in the same manner as damages are recoverable under this Act.

In case of delay, persons concerned may reinstate and recover expenses.

Expenses how ascertained and recovered.

¹ These words were substituted for the original words by Bom. 17 of 1945, s. 9, Sch. E, read with Bom. 52 of 1947, s. 2 proviso

² These words were substituted for the words "any of Her Majesty's High Courts of Judicature." by the Adaptation of Laws Order, 1950.

³ These words were substituted for the words and figures "under Act 14 of 1856" by the Amending Act, 1895 (16 of 1895).

Power to enter buildings for ascertaining quantity of gas consumed. 8. The clerk, engineer or other officer duly appointed for the purpose by the said Company may at all reasonable times enter any buildings, or place, lighted with gas supplied by the said Company, in order to inspect the meters, fittings and works for regulating the supply of gas, and for the purpose of ascertaining the quantity of gas consumed or supplied ;

Penalty for hundering. and if any person hinder such officer as aforesaid from entering and making such inspection as aforesaid, at any reasonable time, he shall, for every such offence, forfeit to the said Company a sum not exceeding fifty rupees.

9. [*Recovery of rents due for gas*] *Rep. by Bom. 13 of 1950, s. 8.*

10. [*Power to remove pipes when supply of gas discontinued.*] *Rep. by Bom. 13 of 1950, s. 8.*

Meters, etc, not liable to distraint for rent 11. Any pipe, meter, fitting or other work let for hire by the said Company shall not be subject to distress for rent or revenue, or any rate or tax due upon the premises where the same may be used, nor be taken in execution under any process of any Court whatsoever, or in or under any proceeding in bankruptcy or insolvency, against the person in whose possession or power the same may be

Penalty for fraudulently using gas. 12. Every person who shall lay, or cause to be laid, any pipe to communicate with, or who shall derive gas directly or indirectly from, any pipe belonging to the said Company, without their consent, or

who shall fraudulently injure or tamper with any such pipe, meter, fitting or other work as aforesaid, or

who, in case the gas supplied by the said Company is not ascertained by meter shall use any burner other than such as has been provided or approved of by the said Company, or of larger dimensions than he has contracted to pay for, or shall keep the lights burning for a longer time than he has contracted to pay for, or shall otherwise improperly use or burn the gas, or shall supply any other person with any part of the gas supplied to him by the said Company,

shall, in addition to the amount firstly due to the Company for gas supplied, forfeit to the said Company the sum of fifty rupees for every such offence and also the sum of twenty rupees for every day every such offence shall have been continued or repeated, and the said Company may take off the gas from the house and premises of the person so offending, notwithstanding any contract which may have been previously entered into, and shall not be liable to any action or suit for so doing.

Penalty for wilfully damaging pipe. 13. Every person who shall wilfully remove, destroy or damage any pipe, pillar, post, plug, lamp, or other work of the said Company for supplying gas, or who shall wilfully extinguish any of the public lamps or lights, or waste or improperly use any of the gas supplied by the said Company, shall for each such offence forfeit to the said Company any sum not exceeding fifty rupees in addition to the amount of the damage done.

14. Every person who shall carelessly or accidentally break, throw down or damage any pipe, pillar or lamp belonging to the said Company or under their control shall pay to the Company such sum of money by way of satisfaction, not exceeding the amount of the damage done, as any Magistrate shall think reasonable.

Satisfaction for accidentally damaged pipe.

15. If the said Company shall at any time cause or suffer to be brought or to flow into any stream, reservoir, aqueduct, pond or place for water, or into any drain communicating therewith, any washing or other substance produced in making or supplying gas, or shall wilfully do any act connected with the making or supplying of gas, where by the water in any such stream, reservoir, aqueduct, pond or place for water shall be fouled, the said Company shall forfeit for every such offence a sum not exceeding one thousand rupees.

Penalty for causing water to be corrupted.

and they shall forfeit an additional sum not exceeding five hundred rupees for each day during which such washing or other substance shall be brought or shall flow, or the act by which such water shall be fouled shall continue after the expiration of twenty-four hours from the time when notice of the offence shall have been served on the said Company by the person into whose water such washing or other substance shall be brought or shall flow, or whose water shall be fouled thereby.

Daily penalty during continuance of offence.

16. Whenever any gas shall escape from any pipe laid down or set up by or belonging to the said Company, they shall immediately after receiving notice thereof writing prevent such gas from escaping, and in case the said Company shall not within twenty-four hours next after service of such notice effectually prevent the gas from escaping, and wholly remove the cause of complaint, they shall, for every such offence, forfeit the sum of fifty rupees for each day during which the gas shall be suffered to escape after the expiration of twenty-four hours from the service of such notice.

Daily penalty during escape of gas after notice.

17. Whenever any water shall be fouled by the gas of the said Company, they shall forfeit to the person whose water shall be so fouled for every such offence a sum not exceeding five hundred rupees, and a further sum not exceeding one hundred rupees for each day during which the offence shall continue after the expiration of twenty-four hours from the service of notice of such offence.

Penalty if water be fouled by gas.

18. For the purpose of ascertaining whether such water be fouled by the gas of the said Company, the person to whom the water supposed to be fouled shall belong may dig up the ground and examine the pipes, conduits and works of the said Company provided that such person before proceeding so to dig and examine shall give twenty-four hours' notice in writing to the said Company of the time at which such digging and examination is intended to take place, and shall give the like notice to the persons having the control or management of the road, pavement or place where such digging is to take place, and they shall be subject to the like obligation of reinstating the said road and pavement, and the same penalties for delay, or any nonfeasance or misfeasance therein, as are hereinbefore provided with respect to roads and pavements broken up by the said Company for the purpose of laying their pipes and provided further that the officers or other persons acting on behalf of the Company may be present at such digging and examination as aforesaid.

Power to examine gas pipes to ascertain cause of water being fouled.

Expenses by whom to be borne. 19. If, upon any such examination, it appears that such water has been fouled by any gas belonging to the said Company, the expenses of the digging, examination and repair of the street or place disturbed in any such examination shall be paid by the said Company, but, if upon such examination, it appears that the water has not been fouled by the gas of the said Company, the person causing such examination to be made shall pay all such expenses, and shall also make good to the said Company any injury which may be occasioned to their works by such examination.

Expenses how ascertained. 20. The amount of the expenses of every such examination and repair and of any injury done to the said Company shall, in case of any dispute about the same together with the costs of ascertaining and recovering the same, be ascertained and recovered in the manner prescribed for the ascertainment and recovery of expenses in section 7 * * * 1

Liability in indictment for nuisance. 21. Nothing in this Act contained shall prevent the said Company from being liable to an indictment for nuisance, or to any other legal proceedings to which they may be liable, in consequence of making or supplying gas.

Copies of memorandum and articles of association and of regulations, etc., to be kept for inspection— 22. Copies of the memorandum and articles of association of the said Company and of every other instrument registered under the said "Joint Stock Companies Acts, 1856 and 1857", as constituting the regulations of the said Company, and a copy of every special resolution of a general meeting whereby any change shall have been, or at any time shall be, made in the regulations of the said Company, shall be kept at the office of the said Company ^{19 &} [in the Greater Bombay], and shall there ²⁰ be open to the inspection of all persons during the usual hours of business of the said ^{Vict,} office ; ^{c. 47,} ^{20 &} ²¹ ^{Vict,} ^{c. 14.}

at office of Company in Bombay, and copies of such memorandum and articles of association and of every other such instrument, and of every special resolution as aforesaid, shall also be deposited by the said Company as soon as it can be done after the passing of this Act, or after the making of any such special resolution hereafter to be made, in the Bombay Secretariat and also in the office of the Registrar of Joint Stock Companies, or, if there be no such officer, in the office of the person having the custody of the records of the High Court of Judicature at Bombay, and shall there be filed ;

Copy to be evidence. and an examined copy of any such filed copy as aforesaid, certified by and under the hand of the Registrar of Joint Stock Companies, or of the person having the custody of the records of the said High Court, shall be good and sufficient evidence of such memorandum or articles of association, instrument or special resolution, in all actions, suits and proceedings whatsoever, whether civil or criminal, to be had in any court of justice, ^{3*} * * * or before any Magistrate or revenue or other officer, and whether acting judicially, or in any proceeding preliminary to a judicial inquiry throughout the territories within or subject to the Presidency of Bombay.

¹ The words " of this Act " were repealed by the Bombay General Clauses Act, 1886 (Bom 3 of 1886), Schedule B. This Schedule has been printed as an Appendix to the Bombay General Clauses Act, 1904 (Bom. 1 of 1904).
² These words were substituted for the original words by Bom 17 of 1945, s 9, Sch. E, read with Bom 53 of 1947, s. 2, proviso.
³ The words " whether established by Royal Charter or not " were omitted by the Adaptation of Laws Order, 1950.

23. All services of mesne or other process, and all notices whatsoever, which by law or by the practice of any Court wherein the said Company shall sue or be sued, are required to be made, served or given for any purpose whatsoever to the said Company, shall and may be made, served and given, in addition to all ways and means by which the same may otherwise be legally made, served and given, by leaving the same addressed to the managing agent of the said Company at the office in Bombay of the said Company. Service of process on Company

24. Any penalties and forfeitures imposed by this Act and any damages and expenses the recovery of which is not hereinbefore specially provided for, may respectively be recovered to the amount of fifty rupees by summary proceeding before a Magistrate. Recovery of penalties, etc.

25. All penalties, forfeitures, damages and expenses adjudged due under this Act, if the amount be not otherwise paid, may be levied by distress and sale of the goods and chattels of the party liable to pay the same, and the surplus arising from such goods and chattels, after satisfying such amount and the expenses of the distress and sale, shall be returned on demand to the party whose goods shall have been distrained, or instead of proceeding by distress and sale, or in case of failure to realise by distress the whole or any part of any penalties, forfeitures, damages or expenses imposed or incurred under the provisions of this Act, the person claiming such penalty, forfeiture, damage or expenses may sue the person liable to pay the same in any court of competent jurisdiction. Levy by distress.

26. No distress levied by virtue of this Act shall be deemed unlawful, nor shall any party making the same be deemed a trespasser, on account of any defect or want of form in the summons, conviction, warrant of distress or other proceeding relating thereto, for shall any such party be deemed a trespasser *ab initio* or account of any irregularity afterwards committed by him, but all persons aggrieved by such irregularity may recover full satisfaction for the special damage in any Court of competent jurisdiction. No distress unlawful for want of form, etc.

27. It shall be lawful for the ¹[State] Government], by an order to be published in the ²[Official Gazette], to extend the provisions of this Act to any other town or place ⁴[in the ⁵[State of Maharashtra]], and also to any other Joint Stock Company which may hereafter be formed for the purpose of manufacturing and supplying gas and which may have been completely registered according to law. Power to extend Act to other places and Companies.

¹ The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

² This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

³ The words "Official Gazette" were substituted for the words "Bombay Government Gazette", by the Adaptation of Indian Laws Order in Council.

⁴ These words were substituted for the words "in the pre-Reorganisation State of Bombay, excluding the transferred territories" by Bom. 51 of 1958, s. 2

⁵ These words were substituted for the words "State of Bombay" by the Maharashtra Adaptation of Laws (State and Concurrent Subjects) Order, 1960.

Interpreta-
tion.

28. The following words and expressions used in this Act shall have meaning hereby assigned to them, unless there be something in the subject or context repugnant to such construction (that is to say)—

The words "street" shall include any public passage or place, and any road, square, court, alley, highway, lane, gully or passage, whether a thoroughfare or not, over which the public have a right of way, and also the roadway over any public or railway-bridge or causeway, and over the approaches thereto.

¹ The words "Words importing the singular number only shall include the plural numbers and words importing the plural number only shall include also the singular number" Words importing the masculine gender shall include females and the words "The word 'person' shall include a corporation whether aggregate or sole" were repealed by the Bombay General Clauses Act, 1886 (Bcm 3 of 1886), Schedule B. This Schedule has been printed as an Appendix to the Bombay General Clauses Act, 1904 (Bom. 1 of 1904).

² The words "The word 'Magistrate' shall include any Magistrate of Police and any Joint Magistrate or other person lawfully exercising the power of Magistrate acting at or for the place or district where the matter requiring the cognizance of any such Magistrate arises" were repealed, *ibid.*

³ The portion beginning with the words "The expression" and ending with the words "or harbour" was deleted by Bom. 17 of 1945, s. 9 Sch. E, read with Bom. 52 of 1947, s. 2, proviso.

THE EXEMPTIONS FROM LAND-REVENUE (No. 2) ACT, 1863.

CONTENTS

PREAMBLE.

Sections.

1. [*Repealed*]
- 2 Power to authorize and guarantee continuance, in perpetuity, of land in certain districts to holders on terms and conditions agreed to.
Exceptions
Future tenure of lands included in exceptions
- 3 Lands to which Act does not apply.
- 4, 5 [*Repealed*]
- 6 Lands continued under section 2, clause 1, to be heritable and transferable property of holders, subject to fixed annual payment to Provincial Government
Rules for ascertaining amount of assessment.
- 7 Settlement under section 6, as regards right to levy annual quit-rent, binding on rightful owner as well as land-holder.
Saving of rights and remedies of rightful owner, his heirs and assigns, against holder, his heirs or assigns
- 8 On proof of adjudication of title, holder exempt from quit-rent and from further inquiry into title
Proviso.
- 9 Collector may serve notice on holder calling on him to state whether he is willing to accept settlement or demands formal inquiry into title.
Language and form of notice
On whom to be served
Service when persons not resident within district.
Service when several persons hold lands jointly
Service when holder known to reside in other district.
Service when no person acts for holder who cannot be found.
Holder making no answer for six months, deemed to have dispensed with inquiry
If no holder or owner discovered, land to be fully assessed. When sufficiency of service of notice or of reply thereto disputed.
- 10 Conduct of inquiry, when claimed
Land held in excess of that to which title is established to be fully assessed.
Effect of exemption not being established
- 11 When holders demand trial and adjudication, deposits to be made and security given
Refund of deposits and assessment, with interest, if holder prove title.
Full amount of land revenue levied if holder fail to prove title.
- 12 Inquiry by whom to be held
- 13 Steps to be taken by claimant demanding inquiry.
On failure to comply with requirements of clause 1, claim to be disallowed.
Collector to file papers for trial by himself, or forward them to other officer.
Time of trial to be fixed
Notice thereof to claimant,

Sections.

14. Burden of proof of title on claimant demanding inquiry
15. Claimant allowed benefit of evidence in Government records in custody of public officer
16. Trying authority not bound to admit in evidence certain sanads.
17. Code of Civil Procedure applied to service of summons on, and attendance and examination of, witnesses.
Office of Collector a Civil Court
18. Language of record of proceedings
Translation of decision to be given to claimant
Court fees Act applied.
19. Decision in favour of continuance of exemption to be final
Appeal by claimant from adverse decision.
Refund if appeal succeed
Forfeiture by claimant producing in appeal new evidence not produced at original trial.
Court fees Act applied
Bar to setting aside Collector's decision
20. When exemption claimed under sanad, etc, may be admitted in terms of grant.
Officers recognized as authorized to grant or revoke sanads, etc
21. Admission of claims to exemption in virtue of prescription
22. Conditions on which admitted prescriptive title to continue to be recognized.
23. Prescriptive title when not admitted
24. Sanad, etc., of prescriptive enjoyment not sufficient title in so far as exemption annulled by order issued by present or former Government, etc.
Deed or enjoyment under recognized tenure when not sufficient title
Title when affected only to extent of assessment made and realized
25. Adoptions when not admitted
26. Application of sections 20 to 25
27. [*Repealed*]
28. Appeal from proceedings of officers making settlement.
29. [*Repealed*]
30. Quit-rents how levied.
31. Power to enter lands to measure or assess same.
32. Interpretation clause.

SCHEDULE.

BOMBAY ACT No. VII OF 1863.¹

[THE EXEMPTIONS FROM LAND-REVENUE (No. 2) ACT, 1863.]¹

[2nd July, 1863.]

- Repealed in part, by Act 12 of 1873 ;
- " " " " " 10 of 1876 ;
- " " " " " 12 of 1876 ;
- Repealed in part (locally), by Bom. 5 of 1879.
- Repealed in part and amended, by Bom. 3 of 1886.
- Amended, by Act 16 of 1895.
- Adapted and modified by the Adaptation of Indian Laws Order in Council.
- " " " by the Adaptation of Laws Order, 1950.

An Act for the summary settlement of claims to exemption from the payment of Government land-revenue, and for regulating the terms upon which such exemption shall be recognized in future, in those parts of the Bombay Presidency which are not subject to the operation of Act XI of 1852 of the Council of India.

WHEREAS in districts which are not subject to the operation of Act XI of 1852 Preamble.
it is expedient to provide, with certain exceptions, for the summary settlement of all claims to hold land, wholly or partially exempt from payment of land revenue, and for regulating the terms on which such exemption shall be recognized in future so as to preclude all doubt in regard to the relative rights of Government and the holders of such lands, and further to make provision for the exceptions aforesaid ; It is hereby enacted :—

1. [Repeal] *Rep. Act XII of 1873.*

2. *Clause 1st.*—When the holders of lands in any of the said districts (except as is excepted in clause 2 of this section), held either wholly or partially exempt from the payment of Government land-revenue, shall consent to the terms and conditions hereinafter described, in preference to being obliged to prove their title to the exemption enjoyed by them, it shall be lawful for the ²[³State Government] to finally authorize and guarantee by sanad the continuance, in perpetuity, of the said land to the said holders, their heirs and assigns, upon the said terms, and subject to the said conditions.

Clause 2nd.—The excepted cases to which the authority of adjustment and guarantee vested in the ²[³State Government] by this provision shall not extend are as follows :—

1st—lands held under treaty :

2nd—lands granted or held as saranjam, or on a similar political tenure :

¹ For Statement of Objects and Reasons, see *Bombay Government Gazette*, 1862, Supplement, p. 635, for Report of the Select Committee, see *ibid*, p. 742 ; and for Proceedings in Council see *ibid*, p. 715, and *ibid*, 1863, pp 209 and 234.

The short title was given by the Bombay Short Titles Act, 1921 (Bom. 2 of 1921).

As to the application of Bom. 7 of 1863, see the Bombay Land-revenue Code, 1879 (Bom. 5 of 1879), s. 127.

² The words " Provincial Government " were substituted for the words " Governor in Council " by the Adaptation of Indian Laws Order in Council.

³ This word was substituted for the word " Provincial " by the Adaptation of Laws Order, 1950.

3rd—lands held for service :

4th—lands already formally adjudicated to be not continuable hereditarily.

Future
tenure of
lands includ-
ed in
exceptions

Clause 3rd.—1st—Lands held under treaty shall continue to be held according to the terms of such treaty.

2nd—Lands granted or held as saranjam, or on similar political tenure, shall be resumable or continuable in such manner, and on such terms, ¹[as the ²[State] Government], on political considerations, may, from time to time, see fit to ³determine.

3rd—Lands held for service shall be resumable or continuable under such general rules ¹[as the ²[State] Government] may think proper, from time to time, to lay down.

4th—Lands already formally adjudicated to be not continuable hereditarily shall continue to be held according to the decision passed in each case.

Clause 4th.—[Rep. Act X of 1876.]

Lands to
which Act
does not
apply.

3. This Act shall not apply to lands which, in villages held on taluqdari, bhagdari, narwadari, khoti or other similar tenure, may have been partially or wholly alienated by the present or former holders of the said villages or by any one of them, and, in the event of the management of such villages being at any time resumed by ⁴[the ²[State] Government], all land so alienated shall revert to ⁵[the State Government] unaffected by the acts of the holders or any of them, so far as the public revenue is concerned, but without prejudice in other respects to the rights of individuals.

4. 5. [Commutation of cesses, etc, and of occasional assessments] Rep. (locally) Bom. V of 1879.

Lands conti-
nued under
section 2,
clause 1,
to be
heritable and
transferable
property of
holders,
subject to
fixed annual
payment to
²[State]
Government.

6. When the ⁶[²[State] Government] shall, under clause 1 of section 2, finally authorize and guarantee the continuance, in perpetuity, to the holders, their heirs and assigns, of land wholly or partially, exempt from the ordinary payment of annual land-revenue, the said lands shall (subject to the enactments contained in section 7 * * *) be the heritable and transferable property of the said holders, their heirs and assigns, without restriction as to adoption, collateral succession or transfer and such lands shall thenceforth be continued, in perpetuity, subject to a fixed annual ⁸[payment to the ²[State] Government], calculated at the rate of two annas for each rupee of the assessment, which assessment shall be ascertainable under the following rules :

¹ The words "as the Provincial Government" were substituted for the words "as Government" by the Adaptation of Indian Laws Order in Council.

² This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950

³ See in this connection rule 10 of Schedule B of Act 11 of 1852 (Titles to rent-free estates)

⁴ The words "the Provincial Government" were substituted for the words "Government" by the Adaptation of Indian Laws Order in Council.

⁵ These words were substituted for the words "the Crown for the purposes of the Province" by the Adaptation of Laws Order, 1950

⁶ The words "Provincial Government" were substituted for the words "Governor in Council", by the Adaptation of Indian Laws Order in Council.

⁷ The words "of this Act" were repealed by the Bombay General Clauses Act, 1886 (Bom 3 of 1886), Schedule B. This Schedule has been printed as an Appendix to the Bombay General Clauses Act, 1904 (Bom I of 1904)

⁸ The words "payment to the Provincial Government" were substituted for the words "payment to Government" by the Adaptation of Indian Laws Order in Council.

Rule 1—The assessment of lands other than those specified in rule 2 shall, with respect to lands which have already been assessed by the revenue-survey now in progress, be the assessment already imposed upon those lands by that revenue-survey, and, with respect to lands which have not yet been assessed by that revenue-survey, shall be such assessment as shall be agreed on by the Collector or settling officer and the owner or holder of the lands, which shall be final, and, in failure of their agreement, it shall be the existing rental of the lands until the revenue-survey now in progress shall have placed a new assessment thereon, after which the assessment so placed by the said revenue-survey shall be understood to be the assessment

Rules for
ascertaining
amount of
assessment

And it shall be lawful for the duly authorized officers ¹[of the Crown] employed in the said revenue-survey to enter upon all lands not heretofore assessed by such revenue-survey, for the purpose of fixing and making such assessment thereof.

Rule 2—The assessment of lands of such an exceptional character as not to be assessable under the revenue survey rules shall be in the discretion of the Revenue officers ¹[of the Crown], which discretion shall be guided, so far as may be, by the rate at which similar land in the same district ²[belonging to the Crown] is let, due regard being had by the said Revenue officers to all equitable considerations affecting such lands

Shares of the revenues of villages (such as *anals*) shall be assessed for the purposes of this Act at the value thereof, calculated at the average shown by such accounts of actual realizations by the holders as are forthcoming for the ten years immediately preceding the promulgation of these rules

Rule 3—Lands for which a *Judi*, *salam* or other-quit rent or land tax, under whatever denomination, is already ³[paid to the Provincial Government] or may be ⁴[payable to the Provincial Government] under the sections last preceding, instead of being liable to only one-eighth of the assessment, shall, in addition to the annual amount of such *judi salam*, quit-rent or other tax aforesaid, be liable to a further annual quit-rent equal to one eighth of the sum by which the annual or average annual amount of such *judi*, *salam* or other quit-rent or tax aforesaid may fall short of the assessment

Rule 4—Quit-rent imposed under this section (section 6) shall be fixed in perpetuity, and shall not be liable to increase or decrease on any new assessment, save in so far as is above in rule 1 of this section (section 6) provided to the contrary, in the case of lands which have not been already assessed by the revenue survey now in progress

Rule 5—The whole of the exempt lands found in the possession of each holder, even if in excess of the original alienation, shall be continued according to the provisions of this section (section 6) and the rules thereunto annexed, and subject to the enactments contained in section 7.

¹ The words ' of the Crown ' were substituted for the words " of Government " by the Adaptation of Indian Laws Order in Council

² The words " belonging to the Crown " were substituted for the words " belonging to Government ", *ibid*

³ The words ' paid to the Provincial Government ' were substituted for the words " paid to Government ", *ibid*

The words " payable to the Provincial Government " were substituted for the words " payable to Government ", *ibid*.

Settlement under section 6, as regards right to levy annual quit-rent, binding on rightful owner as well as landholder

7 Any settlement made by the ¹[Provincial Government] with the holder of land held wholly or partially exempt from the payment of land revenue in accordance with section 6 ²* * * and the rules annexed to the said section, shall, so far as the right of ³[the Provincial Government] to levy the annual quit-rent mentioned in the said section is concerned, not only be binding upon such holder, his heirs and assigns, but also on the rightful owner, his heirs and assigns, whosoever such rightful owner may be :

Saving of rights and remedies of rightful owner, his heirs and assigns, against holder, his heirs or assigns.

Provided always that the said rightful owner, his heirs and assigns, shall not by this Act, or anything therein contained, be deprived of any rights or remedies ⁴* * * to which he or they would be entitled against the said holder, his heirs or assigns, for the recovery of the said lands or any part thereof, if this Act had not been passed, and in the event of the rightful owner, his heirs or assigns, recovering the said lands or any part thereof, from the said holder, his heirs or assigns, any declaration, guarantee or settlement made by the ¹[Provincial Government] under or in accordance with sections 2 and 6 ²* * *, and the rules annexed to the said section 6, with respect to the said lands, while the same were in the possession of the said holder, shall accrue to the benefit of the said rightful owner, his heirs and assigns.

On proof of adjudication of title, holder exempt from quit-rent and from further inquiry into title

8. Whenever a holder of alienated lands, on being called upon, under the rule to be hereinafter enacted, to declare if he consents to the quit-rent described in section 6, shall plead that his title has already been formally adjudicated, then on proof of such adjudication, and provided the case do not fall under case 4 of clause 2, section 2, the said holder shall be exempt both from liability to the said quit-rent and from any further inquiry into title :

Proviso

Provided, however, that, if the said holder, for the purpose of enlarging the scope of the former adjudication, or for other reason, shall apply to have his holding brought under the settlement described in the second and following sections ²* * * he shall be permitted to do so. and the lands shall thenceforth be held with all the privileges conferred by the said settlement and subject to all its conditions as if no previous adjudication had been made

Collector may serve notice on holder calling on him to state whether he is willing to accept settlement or demands formal inquiry into title

9. *Clause 1st*—In order to ascertain whether a holder of lands, wholly or partially exempt from payment of land-revenue, desires to accept the settlement described in sections 6 and 7 ²* * *, it shall be lawful for the Collector of each ⁵* * * district, or for any other officer duly authorized by him, to serve or to cause to be served a notice in writing upon the holder of such lands, calling upon him to state whether he is willing to accept and abide by the settlement aforesaid, or whether he demands formal inquiry into his title.

¹ The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council

² The words "of this Act" were repealed by the Bombay General Clauses Act, 1886 (Bom. 3 of 1886), Schedule B. This Schedule has been printed as an Appendix to the Bombay General Clauses Act, 1904 (Bom. 1 of 1904)

³ The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council

⁴ The words "either at law or in equity" were repealed by the Repealing Act, 1876 (12 of 1876)

⁵ The words "collectorate or" were repealed by Bom. 3 of 1886, Sch. B.

Clause 2nd.—The notice shall be in the prevailing language of the ¹* * * district Language and form of notice in which the lands are situate, and shall explain the nature of the alternatives offered ²[on the part of the Provincial Government].

Clause 3rd.—It shall be served upon the person holding, or registered in the Government land-registers as holding, the lands wholly or partially exempt from the land-revenue as aforesaid, if he be resident within the limits of the ³[district]. On whom to be served

Clause 4th.—If such persons as last aforesaid be not resident within the ³[district], the notice shall be served upon any person acting for the aforesaid in respect of the lands Service when persons not resident within district

Clause 5th.—When more persons than one hold jointly lands wholly or partially exempt from land-revenue, service of notice upon any one of them shall in every case be sufficient Service when several persons hold lands jointly

Clause 6th.—If the holder be known to reside in another ³[district] of the Bombay Presidency, and if there be no person acting for him in the ³[district] in which the lands are situate, the notice shall be sent to the Collector of such other ³[district] and served or caused to be served by him Service when holder known to reside in other district.

Clause 7th.—If there be not any person acting for the holder, and if he cannot be found, the notice shall be served upon some one of the actual occupants of the land (if any), and a copy of such notice shall be posted in the office of the Collector and of the chief revenue-officer of the taluka or other sub-division of the ³[district], and in the chauri or most public place in the village where the lands are situate. Service when no person acts for holder who cannot be found

Clause 8th.—If within six ⁴* months after the service of such notice in manner aforesaid the person holding the lands wholly or partially exempt from revenue as aforesaid, or his legally constituted agent, shall not give an answer in writing to such notice, stating clearly in such answer that he declines the settlement, and demands an inquiry into the title to such exemption as aforesaid, he shall be deemed to have finally dispensed with such inquiry, and the lands shall be dealt with under sections 2 and 6 ⁵* * * and the rules annexed to said section 6. Holder making no answer for six months, deemed to have dispensed with inquiry.

If no holder or owner can be discovered, the land shall be fully assessed to the public revenue, and shall continue to be so assessed unless some person shall, within the period allowed by the law of limitations, appear and prove his title to it. If no holder or owner discovered, land to be fully assessed

Clause 9th.—In the event of any dispute arising as to the sufficiency of the service of any notice or notices under this section, or of any such reply as last aforesaid, or as to its meaning, or as to its having been given within the time required by this Act, the matter so in dispute shall be inquired into by the officer appointed under section 12, and the decision of such officer as aforesaid shall be final, and not open to appeal or question in any Civil Court ⁶* * * or elsewhere. When sufficiency of service of notice or of reply thereto disputed.

Except that in any case in which the notice has been served by the officer making an inquiry under this section, an appeal against his decision as to the

¹ The words "Collectorate or" were repealed by Bom. 3 of 1886, Sch. B

² The words "on the part of the Provincial Government" were substituted for the words "on the part of Government" by the Adaptation of Indian Laws Order in Council

³ This word was substituted for the word "collectorate" by the Bombay General Clauses Act, 1886 (Bom. 3 of 1886)

⁴ The word "calendar" was repealed, *ibid*

⁵ The words "of this Act" were repealed, *ibid*

⁶ The words "or Court of Law or Equity" were repealed by the Repealing Act, 1876 (12 of 1876).

sufficiency of such notice shall lie within thirty days to the ^{1*} Commissioner
1* * * whose decision shall be final.

Conduct of inquiry, when claimed 10. *Clause 1st*—In the event of the holder upon whom notice has been served as last aforesaid claiming inquiry, such inquiry shall be conducted under the rules and according to the principles hereinafter enacted

Land held in excess of that to which title is established to be fully assessed. *Clause 2nd*—The establishment of a title to exemption shall not preclude the levy of full assessment on all land ascertained to be held in excess of that to which a title is established, and such excess shall forthwith be fully assessed

Effect of exemption not being established. *Clause 3rd*—In the event, upon such inquiry as aforesaid, of there being a failure by the holder to establish a title to exemption from payment of land-revenue, the lands to which he has failed to establish such title shall forthwith become and be liable to payment of annual revenue at the full assessment

When holders demand trial and adjudication, deposits to be made and security given 11. *Clause 1st*—When the holders of lands, held wholly or partially exempt from the payment of land-revenue, demand a trial and adjudication of their title under the provisions of section 10 ^{2* * *}, they shall be required to deposit forthwith in the Collector's treasury, or the treasury of the taluka in which the lands are situated, a sum equal to one-eighth part of the annual assessment of the land, ascertainable according to rules 1 and 2 of section 6 ^{2* * *} and thereafter to continue to pay annually an eighth of the said assessment as it becomes due from the date of such demand for trial until the date of such adjudication, and to furnish satisfactory security for the payment of the remaining seven-eighths thereof, in case of their failure to prove the title to exemption asserted by them, and, in default of their making such deposits and furnishing such satisfactory security, the full assessment of the land, which is to be the subject of inquiry, shall be levied, pending the adjudication

Refund of deposits and assessment, with interest, if holder prove title *Clause 2nd*—If the inquiry result in the establishment of the asserted title, the holder, or, in the event of his decease, his heir who succeeds to possession of the said land, shall be entitled to a refund of all deposits made and assessment levied under the provisions of this section pending such inquiry as aforesaid, and to interest thereon at the rate of five per cent per annum

Full amount of land revenue levied if holder fail to prove title. *Clause 3rd.*—If the result of the inquiry be that the holder fail to prove his title, the full amount of land-revenue assessable on the lands from the date of the holder's demand for trial shall be levied from the said holder and his security, or from either of them, any sums deposited or levied pending adjudication as aforesaid being taken in account of the same.

Inquiry by whom to be held. 12. When an inquiry is claimed under the provisions of section 10 ^{3* * *}, such inquiry shall be held before the Collector ^{3* * *} or, when specially authorized by ⁴[the Provincial Government] on that behalf, by any Assistant or Deputy Collector.

¹ The word "Revenue" before "Commissioner" and the words "of the Division" after "Commissioner" were repealed by the Bombay General Clauses Act, 1886 (Bom 3 of 1886)

² The words "of this Act" were repealed, *ibid*

³ The words "or Sub-Collector" were repealed by *ibid*

⁴ The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council

13. When any claimant shall demand an inquiry as aforesaid, he shall, within two months of notifying his intention to that effect, furnish the deposit and security required in such cases by section 11 * * *, and forward to the office of the Collector of the district a written statement, setting forth in detail the grounds on which the claim to exemption is founded, accompanied by copies of the original documents (if any) which he wishes to produce in support of the claim, and a list of such other evidence, whether written or oral, as he may desire to have exhibited, and no further evidence beyond such documents and witnesses as may be specifically named in the said statement or its accompaniments shall be admitted in support of such claim without reason assigned to the satisfaction of the trying authority

Clause 2nd—If any claimant shall fail, within the time specified, to comply with the requirements of clause I of this section, except from unavoidable causes, to be proved to the satisfaction of the Collector of the district, his claim shall be finally disallowed, and his land shall be fully assessed forthwith

Clause 3rd—On receipt of the said statement and accompaniments, the Collector shall file the papers for trial before himself or forward them for trial to any officer duly authorized under the section last preceding to hold such inquiry, and the trying officer shall, with reasonable regard to the public convenience and that of all persons interested, fix a time at which the trial shall be proceeded with.

Due notice of the date fixed shall be given to the claimant, who shall be invited to appear in person or by duly constituted agent, with all original documents, on the day appointed for hearing

14. Whensoever any claimant demands inquiry as aforesaid, the burden of proof of title shall, in every instance, lie and be cast exclusively upon the claimant, and it shall not be lawful for any Civil Court * * * * to place the burden of proof upon ³[the Crown], or upon the officer or officers representing ³[the Crown] of a right to levy the ordinary land-revenue upon the lands the subject of any such inquiry as aforesaid,

and it shall in every instance be presumed, until the contrary is distinctly proved that ³[the Crown] has the right to levy such ordinary land-revenue upon the lands the subject of any such inquiry as aforesaid

It is, however, hereby further provided that nothing in this section contained shall disentitle ³[the Crown] or its duly authorized officers to produce and give evidence in rebuttal or disproof of the alleged title to exemption aforesaid, if it seem to ³[the Crown] or its duly authorized officers desirable or necessary to produce and give such evidence

¹ The words "of this Act" were repealed by the Bombay General Clauses Act, 1886 (Bom. 3 of 1886), Sch. B. This Schedule has been printed as an Appendix to the Bombay General Clauses Act, 1904 (Bom. 1 of 1904)

² The words "or Court of Law or Equity" were repealed, *ibid.*

³ The words "the Crown" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

- Claimant allowed benefit of evidence in Government records in custody of public officer** **15.** Any claimant demanding an inquiry into his title shall be allowed the benefit of any evidence to be found in the records of the present or any former Government, in custody of such public officer as is authorized by the ¹[Provincial Government] to have charge of the same, and such public officer shall be bound to search for and to produce the same on application made to him
- Trying authority not bound to admit in evidence certain sanads** **16.** The trying authority shall not be bound to admit any sanad as evidence in support of a claim to exemption, which shall not bear an endorsement as having been registered by a Collector before the expiration of one year from the date on which ²section 42 of Regulation XVII of the Bombay Code of 1827 came into force, *i e*, the first September of that year
- Code of Civil Procedure applied to service of summons on, and attendance and examination of, witnesses** **17. Clause 1st**—For the conduct of the inquiry, the rules of the ³Code of Civil Procedure in regard to the service of summons on, and the attendance and examination of, witnesses, whether called by the claimant or on the part of ⁴[the Crown], shall be followed, except in so far as may otherwise be specified in this Act ;
- Office of Collector a Civil Court** and the office of the Collector or other trying authority shall, for the purpose of this inquiry, be constituted a Court of civil judicature as contemplated by the said Code.
- Language of record of proceedings** **18.** The Collector or other trying authority shall keep a record of his proceedings in the language generally spoken in the zila.
- Translation of decision to be given to claimant** He shall also record in English his decision, with a full statement of the grounds on which it is passed ; and a translation of such decision and statement shall, at the close of the inquiry, be given to the claimant or party attending on his behalf.
- Court-fees Act applied** **Clause 2nd**—Except in regard to the translation last aforesaid, and to the statement with accompaniments described in section 13, clause 1, the provisions of ⁵[the Court-fees Act, 1870⁶,] shall be held applicable to all petitions or other papers presented by or on behalf of the claimant, and the cost of all stamps so required shall be borne wholly by the said claimant
- Decision in favour of continuance of exemption to be final.** **19. Clause 1st**—If the decision of the Collector or trying authority be in favour of the continuance of the exemption or any portion thereof, such exemption shall be admitted in terms of the decision, which shall be final
- Appeal by claimant from adverse decision** **Clause 2nd.**—If the decision be against the right of the claimant to the total or partial exemption claimed, the claimant shall be at liberty to appeal to the Zila Court within ninety days from the date of that decision : provided that the annual value of the exemption decided against be rupees fifty or upwards and that proceedings under section 10, clause 3, shall not in any case be stayed pending the result of such appeal.

¹ The words "Provincial Government" were substituted for the words "British Government" by the Adaptation of Indian Laws Order in Council.

² S. 42 of Bom. Reg. 17 of 1827 was repealed by s. 1 of this Act

³ See now the Code of Civil Procedure, 1908 (5 of 1908).

⁴ The words "the Crown" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council

⁵ These words were substituted for the words "the Stamp Act" by the Amending Act, 1895 (16 of 1895).

⁶ Central Acts.

Clause 3rd—If the result of the appeal be in favour of the claim, the amount which may have been levied under section 10, clause 3, shall be refunded. Refund if appeal succeed

Clause 4th—If any evidence, oral or documentary, not produced before the Collector or trying authority, be admitted in appeal without the claimant showing sufficient cause why such evidence was not previously produced, and proving that such cause was assigned to the Collector, or adducing good reason for its not having been so assigned, the said claimant shall forfeit, even if the appeal be successful, all sums which may have been levied from him under section 10 Forfeiture by claimant producing in appeal new evidence not produced at original trial

VII of 1870 *Clause 5th*.—The provisions of [the Court-fees Act, 1870²,] shall be applicable to all proceedings under appeal Court-fees Act applied

Clause 6th—The decision of the Collector or trying authority shall not be liable to be set aside on appeal, on account of want of form or on any other technical ground Bar to setting aside Collector's decision

20. *Clause 1st*—When exemption is claimed under a sanad or other writing granted by the present or any former Government, or by any of their officers possessing authority to grant the same, exemption shall be admitted in terms of the grant, unless evidence be forthcoming to show that the terms of such grant did not take effect or were subsequently modified, cancelled or revoked by competent authority. When exemption claimed under sanad, etc, may be admitted in terms of grant

Clause 2nd—The public officers specified in the ^{3*} Schedule are recognized to have possessed authority under former Governments to grant or revoke sanads or other writings, exempting land either wholly or partially from the payment of land-revenue. Officers recognized as authorized to grant or revoke sanads, etc

21. Claims to exemption from payment of land-revenue, in virtue of prescription, shall be admitted under the following circumstances.— Admission of claims to exemption in virtue of prescription

Clause 1st—When land situated in districts ceded by or conquered from the Peshwa after 1803 is proved to have been held by any person, his heirs or others deriving right from him, wholly or partially exempt from payment of land-revenue, under a tenure recognized by the custom of the country, for sixty years in succession next preceding the date of this Act, or when land situated in any other district is proved to have been held in like manner for thirty years as aforesaid.

Clause 2nd.—Provided, however, that, whenever exemption has been enjoyed under a sanad or other writing, no title by prescription shall be admitted unless the full period required under the last preceding clause shall have lapsed subsequent to the expiry of the title under the sanad or writing aforesaid

Clause 3rd—And that in no case shall a title to prescription be admitted in respect to Government lands alienated since the British Government obtained possession of the country, and without its permission

Clause 4th—And further, that the exemption during the periods of sixty and thirty years, respectively, as detailed in clause 1 of this section, be proved to have been enjoyed in strict conformity with the conditions of the recognized tenure under which it is claimed.

¹ These words were substituted from the words "the Stamp Act" by Amending Act, 1895 (16 of 1895)

² Central Acts

³ The word "annexed" was repealed by the Bombay General Clauses Act, 1886 (Bom 3 of 1886), Schedule B. This Schedule has been printed as an Appendix to the Bombay General Clauses Act 1904 (Bom. 1 of 1904)

Conditions on which admitted prescriptive title to continue to be recognized

22. A prescriptive title admitted under the preceding section shall continue to be recognized only in conformity with the conditions of the tenure under which the exemption has been hitherto enjoyed

Prescriptive title when not admitted

23. A prescriptive title under section 21 shall not be admitted in respect to any land held for service, or on a tenure implying an obligation of service, whether such service be performed or not.

Sanad, etc., of prescriptive enjoyment not sufficient title in so far as exemption annulled by order issued by present or former Government, etc

24. *Clause 1st*—A sanad or other writing under section 20, of prescriptive enjoyment under a recognized tenure as described in section 21, shall not be considered a sufficient title, in so far as the exemption has been wholly or partially annulled by an order issued by the present or any former Government, or by any public officer possessed under a former Government of full and sufficient authority to grant deeds exempting lands from the payment of public revenue, or so far as the land has been assessed under an order, not subsequently recalled, issued by any of the said public officers and such assessment has been realized

Deed or enjoyment under recognized tenure when not sufficient title

Clause 2nd—Nor shall such a deed or writing, or such enjoyment under a recognized tenure, be considered as a sufficient title, if the land has been subsequently assessed for the period of twelve (12) years like other land of the same description enjoying no exemption, and the assessment has been realized but without prejudice to any suit filed in support of the title to exemption before the completion of the said period

Title when affected only to extent of assessment made and realized

Clause 3rd—And, where the assessment so levied for twelve (12) years has not been to the extent of that imposed on land of the same description enjoying no exemption, such assessment shall affect the title only to the extent of the assessment so made and realized

Adoptions when not admitted

25. Adoptions unrecognized by the present or former Government or by one of their public officers possessed of competent authority shall not be admitted in any cases in which a claim to exemption is founded on a grant limiting succession to lineal descent

Application of sections 20 to 25

26. The provisions of sections 20 to 25 shall be of general application in all cases in which inquiry may have to be made, and shall not be confined to cases in which inquiry may have been demanded under section 10 * * *¹.

27. [Pending proceedings] *Rep Act XII of 1873*

Appeal from proceedings of officers making settlement.

28. When any settlement of a claim or claims to total or partial exemption from land-revenue has been made by the ²[Provincial Government] or any duly authorized officer of ³[the Crown] under this Act, ⁴* * * * * any appeal

¹ The words "of this Act" were repealed by the Bombay General Clauses Act, 1886 (Bom 3 of 1886), Schedule B. This Schedule has been printed as an Appendix to the Bombay General Clauses Act, 1904 (Bom. 1 of 1904)

² The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

³ The words "the Crown" were substituted for the word "Government", *ibid*

⁴ The words "it shall not be competent for any Civil Court or Court of Law or Equity, to question such settlement, so far as regards the right of Government to levy from the holder or holders of the lands for the time being the annual quit-rents mentioned in the second and sixth sections of the said Act" were repealed by the Bombay Revenue Jurisdiction Act, 1876 (10 of 1876).

from or against the proceedings, orders or acts of the officers of ¹[the Crown] engaged in making any such settlement shall be made to the ²[Provincial Government] or to such officer or officers as may be appointed by the ²[Provincial Government] to take cognizance of such appeals, and shall not be cognizable by any other authority.

29. [*Bar of suits against Government officers*] *Rep. Act X of 1876.*

30. All quit-rents payable under this Act shall be levied in the manner in which ordinary land-revenue is recoverable, and the claim of ³[the Provincial Government] to such quit-rents shall have precedence over any other debt, demand or claim whatsoever, whether in respect of mortgage, judgment, decree, execution or attachment, or otherwise, howsoever against the lands or the holder or holders thereof. Quit-rents how levied

31. Whenever it shall be necessary either to measure or to assess any lands in order to give effect to any of the provisions of this Act, it shall be lawful for the Collector or officer duly authorized by him to enter upon the same at any time and from time to time for the purpose of making an assessment or assessments thereof. Power to enter lands to measure or assess same

32. (A) [*Number and gender*] *Rep. Bom. III of 1886.*

(B) the word "lands" shall, for the purposes of this Act, be understood to include villages, portions of villages, shares of the revenues thereof, and landed estate of every description. Interpretation clause

(C) "political tenure" is tenure created from, or dependent upon, political considerations, the existence of which shall be determined by ⁴[the Provincial Government].

(D) the phrase "lands held for service" shall include lands specially granted, or held or continued, nominally for the performance of service, whether that service be actually performed or not, and lands granted, held or continued, partly in consideration of past service and partly for the performance of prospective service, but shall not include lands granted in consideration of past service only, and it is to be understood ⁵[that the Provincial Government] shall be competent to determine any question that may arise in giving effect to this Act as to whether or not any lands are lands held for service.

(E) "formal adjudication" shall be held to mean final adjudication under any regulation of the Bombay Government, or final decision by ⁶[the Provincial Government] or some authorized officer thereof

(F) for the purposes of this Act, the word "holder" shall be taken to signify the person who, by himself, his tenants, sub-tenants or agents, is in possession of the land held wholly or partially exempt from land-revenue assessment,

¹ The words "the Crown" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council

² The words "Provincial Government" were substituted for the words "Governor in Council", *ibid*

³ The words "the Provincial Government" were substituted for the word "Government", *ibid*

⁴ The words "the Provincial Government" were substituted for the words "the Government", *ibid*

⁵ The words "that the Provincial Government" were substituted for the words "that Government", *ibid*

⁶ The words "the Provincial Government" were substituted for the words "the British Government", *ibid*.

and shall include a mortgagee in possession as aforesaid. The committee, manager or trustee of any temple, who may be in possession of such lands, shall be considered the holder thereof.

(G) the word "transfer" shall, for the purposes of this Act, be taken to mean the permanent alienation of land by assignment, gift, sale, deed or other instrument, or otherwise howsoever, and also mortgage of the same under which possession shall have passed or is to pass to the mortgagee

SCHEDULE.

(See Section 20, Clause 2nd)

LIST OF OFFICERS WHO, UNDER FORMER GOVERNMENTS, HAD POWER TO CONFER GRANTS EXEMPTING LANDS WHOLLY OR PARTIALLY FROM THE PAYMENT OF PUBLIC REVENUE.

UNDER THE EMPERORS OF DELHI.

Subadárs of Provinces.

IN THE TERRITORIES THAT WERE SUBJECT TO THE PESHWA.

The Peshwa.

All officers holding the mutálaki seal

All sarsubahdárs in their districts

All superior local functionaries acting directly under the Peshwa, without the intervention of any superior authority, if the deeds bear date prior to 1803.

The Gáikwár considered as a sarsubahdár in the Peshwa's territories to the north of the Maihi, during the period that he held them in farm.

IN THE TERRITORIES THAT WERE SUBJECT TO THE GAIKWAR.

The Gáikwár.

All officers holding the mutálaki seal.

IN THE TERRITORIES THAT WERE SUBJECT TO SCINDIA.

Scindia.

His officers holding the mutálaki seal.

IN THE TERRITORIES THAT WERE SUBJECT TO HOLKAR.

Holkar.

His officers holding the mutálaki seal.

IN THE TERRITORIES THAT WERE SUBJECT TO THE NIZAM.

The Nizam.

IN THE DISTRICTS THAT WERE SUBJECT TO THEM.

The Nawáb of Surat.

The Nawáb of Broach.

BOMBAY ACT No. II OF 1864.¹ ✓ A[THE BOMBAY STEAM-VESSELS ACT, 1864.]¹

[22nd September, 1864.]

Repealed (except section 15), by Act 6 of 1884.

An Act to provide for the periodical survey of steam-vessels in the ports, harbours, rivers or waters of the Presidency of Bombay.

PREAMBLE. [*Rep. Act VI of 1884*]1 to 14. [*Survey of Steam-vessels*] *Rep. Act VI of 1884.*

15. It is hereby declared that sections 292, 293, and 294 of the Merchant Shipping Sections of Act (17 & 18 Vict, cap. 104)², and Schedule S of that Act are and shall be applicable to all steam-vessels proceeding to sea from any port or place in the Presidency of Bombay or its Dependencies, and that, in calculating the penalties mentioned in the said section 293, ten rupees be taken as the equivalent for one pound sterling

Merchant Shipping Act, 1854, applied to steam-vessels proceeding to sea from ports in Bombay

16, 17. [*Trial of offenders ; Recovery of penalties and fees ; Interpretation.*] *Rep. Act VI of 1884.*

SCHEDULES A AND B.

(*Form of Certificate ; Fees.*)[*Rep. Act VI of 1884.*]

¹ For Statement of Objects and Reasons, see *Bombay Government Gazette*, 1863, Supplement, p 383, for Report of the Select Committee, see *ibid*, p 396, and for Proceedings in Council, see *ibid*, pp 406, 422, 483, and *ibid*, 1864, p 226

The short title was given by the Bombay Short Titles Act, 1921 (Bom 2 of 1921)

² See now the Merchant Shipping Act, 1894 (57 & 58 Vict, cap 60), Collection of Statutes relating to India, Vol II.

The Khotas Leases Act, 1865 (Bom. 1 of 1865), at pages 261-264 has been repealed by the Bombay Khotas Abolition Act, 1949 (Bom. 6 of 1950), section 17, Schedule.

THE KHOTS LEASES ACT, 1865.

CONTENTS.

PREAMBLE. [*Repealed*]

Sections.

1 to 36. [*Repealed*]

37 Leases for period for which settlement guaranteed may be granted to
Khots in Ratnagiri and in certain talukas of the Thana Collectorate.

38 Power to fix demands of Khot on tenant at time of survey.
Proviso

39 to 51. [*Repealed*]

BOMBAY ACT No. I OF 1865.¹[THE KHOTS LEASES ACT, 1865]¹

[21st January, 1865]

Repealed in part, by Act 12 of 1873 ,

" " " " " 10 of 1876 ,

" " " " Bom 4 of 1868

Amended, by Bom 1 of 1875

Repealed locally (except sections 37 and 38), by Bom 5 of 1879 ,

Sections 37 and 38 repealed (locally), by Bom 1 of 1880

Adapted and modified by the Adaptation of Indian Laws Order in Council

An Act to provide for the survey, demarcation, assessment and administration of lands held under Government, in the Districts belonging to the Bombay Presidency, and for the registration of the rights and interests of the occupants of the same.

PREAMBLE [*Rep locally, Bom V of 1879*]**1 to 36.** [*Rep locally, Bom V of 1879*]

237. Whenever, in the Rātnagiri Collectorate and in the Raigarh, Rajpurī and Sānksī talukās of the Thana Collectorate, the Survey Settlement is introduced into villages or estates held by Khots, it shall be competent for the Superintendent of Survey or Settlement Officer, with the sanction of the ³[Provincial Government], to grant the Khot a lease for the full period for which the settlement may be guaranteed, in place of the annual agreements under which such villages have hitherto been held, and, further, the provisions of section 36⁴ in respect to the right of permanent occupancy at the expiration of a settlement lease shall hold good in regard to those villages or estates

Leases for period for which settlement guaranteed may be granted to Khots in Ratnagiri and in certain talukās of the Thana Collectorate

538. It shall also be competent to such officer, with the sanction of the ³[Provincial Government], to fix the demands of the Khot on the tenant at the time of the general survey of a District, and the terms thus fixed shall hold good for the period for which the settlement may be sanctioned

Power to fix demands of Khot on tenant at time of survey

But this limitation of demand on the tenant shall not confer on him any right of transfer by sale, mortgage or otherwise, where such did not exist before, and shall not affect the right of the Khot to the reversion of all lands resigned by his tenant during the currency of the general lease

Proviso

39 to 51. [*Rep locally, Bom V of 1879*]

¹ For Statement of Objects and Reasons, see *Bombay Government Gazette*, 1864, Supplement, p 285, for Report of the Select Committee, see *ibid*, p 364, and for Proceedings in Council, see *ibid*, pp 263, 554, 563 and 624.

The short title was given by the Bombay Short Titles Act, 1921 (Bom 2 of 1921)

Bom I of 1865 was declared applicable to towns and cities by Bom 4 of 1863, which, however, has been repealed by the Bombay Land Revenue Code, 1879 (Bom 5 of 1879), in areas in which that Code is in force

² Sections 37 and 38 of Bom 1 of 1865 are repealed so far as they apply to any village in the Ratnagiri or the Kolaba District to which the Khoti Settlement Act, 1880 (Bom 1 of 1880), extends or is extended

³ The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council

⁴ Section 36 was repealed (locally) by the Bombay Land Revenue Code, 1879 (Bom 5 of 1879)

⁵ Sections 37 and 38 of Bom 1 of 1865 are repealed so far as they apply to any village in the Ratnagiri or the Kolaba District to which the Khoti Settlement Act, 1880 (Bom 1 of 1880), extends or is extended.

THE ACT FOR AVOIDING WAGERS (AMENDMENT) ACT, 1865.

CONTENTS.

PREAMBLE.

SECTIONS.

1. Contracts declared null and void.
No suit allowed on such contracts.
2. Nor for commission or brokerage, etc., in respect of agreements by way of gaming or wagering.
3. Payments for which guardian and personal representative not to be allowed credit.
4. Repeal and savings.
5. [*Repealed.*]

BOMBAY ACT No. III OF 1865.¹

*[THE ACT FOR AVOIDING WAGERS (AMENDMENT) ACT, 1865.]†

[31st July 1865.]

Repealed in part, by Act 16 of 1895 ;

“ ” ” ” Bom. 3 of 1886 ;

Amended by Bom. 21 of 1959.

²[An Act to amend the law for avoiding wagers.

Whereas it is expedient, so far as regards the State of Bombay, to amend Preamble. the law for avoiding wagers ; It is enacted as follows :—]

1. All contracts, whether by speaking, writing or otherwise, knowingly made Contracts to further or assist the entering into, effecting or carrying out agreements by way of declared null and void. gaming or wagering and all contracts by way of security or guarantee for the performance of such agreements or contracts shall be null and void ; and no suit shall be No suit allowed in any Court of Justice for recovering any sum of money paid or payable in allowed on such respect of any such contract or contracts, or any such agreement or agreements as contracts, aforesaid.

2. No suit shall be allowed in any Court of Justice for recovering any commission, Nor for com- brokerage, fee or reward in respect of the knowingly effecting or carrying out, mission or brokerage, of the knowingly aiding in effecting or in carrying out, or etc., in claimable in respect of, any such agreement by way of gaming or wagering or any respect of such contract as aforesaid, whether the plaintiff in such suit be or be not a party agreements by to such last mentioned agreement or contract, or for recovering any sum of money way of knowingly paid or payable on account of any persons by way of commission, gaming or brokerage, fee or reward in respect of any such agreement by way of gaming or wagering. wagering or contract as aforesaid.

3. No guardian, executor, administrator, heir or personal representative of any Payments for deceased person shall be entitled to or allowed credit in his accounts for or in respect which guardian of any payment by him on behalf of such deceased person (or in the case of a sonal repre- guardian, on behalf of any minor), in respect of any such agreement or agreements sentative not as are mentioned in ³[section 30 of the Indian Contract Act, 1872] or in respect of to be allowed credit. any such contract or contracts, commission, brokerage, fee or reward or money paid or payable in respect thereof as are respectively mentioned in the first and second sections of this Act.

IX of 1872.

¹ For Statement of Objects and Reasons, see *Bombay Government Gazette*, 1863, Supplement, p. 420 ; for Report of the Select Committee, see *ibid*, p. 485, and for Proceedings in Council, see *ibid*, pp. 407, 452, 505, and *ibid*, 1864, pp 407 and 507.

² This portion was substituted for the original by Bom 21 of 1959, s. 4 (a).

³ This portion was substituted for the words and figures “section 1 of Act XXI of 1848”, *ibid*, s. 4(b).

⁴ The short title was given by the Bombay Short Titles Act, 1921 (Bom 2 of 1921).

† This Act was extended to and by virtue of such extension shall be in force in the rest of the State of Bombay (*vide* Bom 21 of 1959, s. 2).

Repeal and
savings.

[4. The Act for Avoiding Wagers (Amendment) Act, 1865, as applied to the Bom Kutch area of the State of Bombay by the Kutch (Application of Laws) Order, 1949, III of 1865.]
is hereby repealed :

Provided that such repeal shall not affect—

(a) the previous operation of the Act so repealed or anything duly done or suffered thereunder ;

(b) any right, privilege, obligation or liability acquired, accrued or incurred under the Act so repealed ; or

(c) any legal proceeding or remedy in respect of any such right, privilege, obligation or liability as aforesaid,

and any such legal proceeding or remedy may be instituted, continued or enforced Bom. as if the Bombay Act for Avoiding Wagers (Extension and Amendment) Act, 1959, XXI of 1959 had not been passed]

5. [*Number and gender.*] *Rep. Bom. III of 1886.*

¹ Section 4 was inserted by Bom. 21 of 1959, s. 4(o).

THE RELIGIOUS ENDOWMENTS (EXTENSION TO KANARA) ACT, 1865

CONTENTS.

PREAMBLE.

Sections.

1. Act XX of 1863 extended to Kanara.
2. Notice of appointment of committee.
3. Interpretation.

BOMBAY ACT No. VII OF 1865.¹

[THE RELIGIOUS ENDOWMENTS (EXTENSION TO KANARA) ACT, 1865]¹

[5th December, 1865.]

An Act to extend the provisions of Act of the Governor General of India in Council No. XX of 1863,² to the district of Kanara in the Bombay Presidency.

WHEREAS it is expedient to extend the provisions of Act No. XX of 1863² (*An Act to enable the Government to divest itself of the management of religious endowments*) to the district of Kanara in the Bombay Presidency; It is enacted as follows:—

Preamble

1. The provisions of Act No. XX of 1863² are hereby extended to the district of Kanara in the Bombay Presidency

Act XX of 1863 extended to Kanara.

2. A notice of the appointment of the committee referred to in section VII of Act XX of 1863² shall, if posted at the mamltdar's office, be equivalent to a notification of such appointment in the Official Gazette.

Notice of appointment of committee

3. The words "Board" and "Board of Revenue", as used throughout Act XX of 1863² shall, for the purposes of this Act, be held to mean the Revenue Commissioner of the Division.

Interpretation

¹ For Statement of Objects and Reasons, see *Bombay Government Gazette*, 1865, Supplement, p 239, and for Proceedings in Council, see *ibid*, pp 278 and 313

The short title was given by the Bombay Short Titles Act, 1921 (Bom. 2 of 1921)

² The Religious Endowments Act, 1863 (20 of 1863), Central Acts.

THE BOMBAY HINDU HEIRS' RELIEF ACT, 1866.

CONTENTS.

PREAMBLE.

Sections.

1. Hindu son or grandson not liable as such for debt of ancestor.
2. Heir to be liable as representative of deceased ancestor only to extent of assets received.
Liability in respect of assets received and not applied.
3. [*Repealed.*]
4. Husband of Hindu widow not liable for debt of deceased former husband.
5. Liability of member of undivided Hindu family for family debts contracted during his minority.
6. Saving of liability of surviving member of undivided Hindu family.
7. Interpretation.
8. [*Repealed.*]
9. Short title.

BOMBAY ACT No. VII OF 1866.¹

[THE BOMBAY HINDU HEIRS' RELIEF ACT, 1866]

[31st May, 1866]

Repealed in part, by Act 12 of 1873 ;

" " " " Bom. 3 of 1886

An Act to limit the liability of a son, grandson or heir of a deceased Hindu for the debts of his ancestor, and the liability of the second husband of a Hindu widow for the debts of her deceased husband, and otherwise to amend the law of debtor and creditor.

WHEREAS, according to the law in force, as applied to Hindus by the High Court of Judicature at Bombay in the exercise of its ordinary original civil jurisdiction, no son or grandson of a deceased Hindu is liable for the debts of his ancestor merely by reason of his being such son or grandson, and no son, grandson or other heir of a deceased Hindu, who has received assets of the deceased, is merely from that circumstance liable for the debts of his ancestor beyond the amount of the assets received, and no person marrying a Hindu widow is liable in consequence of such marriage for the debts of her former or any prior deceased husband,

and whereas a different law is applied to Hindus by the Civil Courts which exercise jurisdiction in places beyond the local limits of the ordinary original civil jurisdiction of the said High Court, and it is expedient to amend the law as applied by such other Courts, and to make the law in that respect uniform throughout the Presidency of Bombay ;

and whereas it is also expedient to limit the liability of a Hindu for a family-debt contracted when he was unborn or under twenty-one years of age ;

It is hereby enacted and declared as follows —

1. No son or grandson of a deceased Hindu shall, merely by reason of his being such son or grandson, be liable to be sued for any of the debts of such deceased Hindu. Hindu son or grandson not liable as such for debt of ancestor.

2. No son, grandson or heir of a deceased Hindu, who has by himself or his agent received or taken possession of any property belonging to the deceased, shall be liable personally for any of the debts of the deceased, merely by reason of his having so received or taken possession of any such property, but the liability of such son, grandson or heir, in respect of such debts, shall be as the representative of such deceased Hindu and shall be limited to paying the sum out of and to the extent of the property of the deceased which such son, grandson or heir or any other person, by his order or to his use, has received or taken possession of as aforesaid, and which remains unapplied :

Provided that, if any part of such property so received or taken possession of as aforesaid shall not have been duly applied by such son, grandson or heir, he shall be liable personally for such debts to the extent of the property not duly applied by him. Liability in respect of assets received and not applied.

3. [Pending suits] *Rep. Act XII of 1873.*

¹ For Statement of Objects and Reasons, see *Bombay Government Gazette*, 1866, Supplement, p 320, for Report of the Select Committee, see *ibid*, p 357, and for Proceedings in Council, see *ibid*, pp. 330, 352, 372 and 373.

- Husband of Hindu widow not liable for debt of deceased former husband.
4. No person who has married a Hindu widow shall, merely by reason of such marriage, be liable for any of the debts of any prior deceased husband of such widow * * * ¹.
- Liability of member of undivided Hindu family for family debts contracted during his minority.
5. Where a debt is contracted after this Act shall come into operation by one or more members of an undivided Hindu family, under such circumstances as that the same forms the debt of the undivided family, no member of such undivided family, who is unborn or under the age of twenty-one years at the time of the contracting of such debt, shall be liable personally to pay the same, but such member shall only be liable to pay the same out of and to the extent of the property of the undivided Hindu family and of the separate property, if any, belonging to any deceased members of the undivided family who were above the age of twenty-one years at the time of the contracting the same, received or taken possession of by such member or any other person by his order or to his use and remaining unapplied, unless any part of such property so received or taken possession of as aforesaid shall not have been duly applied by such member, in which case he shall be further liable personally for such debt to the extent of the property not duly applied by him
- Saving of liability of surviving member of undivided Hindu family
6. Except as provided in section 5 ^{2*} * *, nothing in this Act contained shall be construed as limiting or affecting the liability of any person as surviving member or one of the surviving members of an undivided Hindu family for any debt contracted under such circumstances as that the surviving member or surviving members of such undivided family is or are by the law now in force liable to pay the same.
- Interpretation.
7. The term "debts," as used in this Act, shall be construed to include all liabilities arising out of any claims which could or might be enforced against a deceased Hindu himself if living, and for which a suit would lie against his representative. ^{3*} * *
8. [*Commencement of Act*] *Rep Act XII of 1873*
- Short title
9. This Act may be cited for all purposes as the *Bombay Hindu Heirs' Relief Act, 1866.*

¹ The rest of section 4 which was as follows — "and the provisions of this section may be used as a defence by any such person who shall be defendant in a suit which may be pending at the time when this Act comes into operation, and in which it is sought to make such person liable for any such debts merely by reason of his having married such Hindu widow and in which suit judgment shall not have been pronounced before this Act comes into operation, and with regard to the costs of any suit to which the provisions of this section shall apply, the same shall be dealt with by the Court which makes the decree in the suit, in the same way as such costs would have been dealt with had a decree been made in such suit before this Act had come into operation" was repealed by the Repealing Act, 1873 (12 of 1873).

² The words "of this Act" were repealed by the Bombay General Clauses Act, 1886 (Bom 3 of 1886), Schedule B. This Schedule has been reprinted as an Appendix to the Bombay General Clauses Act, 1904 (Bom. 1 of 1904).

³ The rest of section 7 which was as follows — "and unless there be something in the context or subject repugnant to such construction, words importing the singular number shall include the plural number, and words importing the plural number shall include the singular number and words importing the masculine gender shall include females" was repealed by the Bombay General Clauses Act, 1886 (Bom. 3 of 1886).

THE EDULABAD AND WARANGAON PARGANAS LAWS ACT, 1866.

CONTENTS.

PREAMBLE. [*Repealed.*]

Sections.

1. [*Repealed.*]
2. [*Repealed.*]
3. Privileges and exemptions of certain persons of rank,
4. [*Repealed.*]

BOMBAY ACT No. XIV OF 1866.¹

[THE EDULABAD AND WARANGAON PARGANAS LAWS ACT, 1866]

[7th December, 1866.]

Repealed in part, by Act 10 of 1876 ,
 " " " " ; 12 of 1876 ;
 " " " " " 16 of 1895.

An Act to bring the parganas of Edulabad and Warangaon under the general Regulations and Acts of the Presidency of Bombay.

PREAMBLE. [*Rep Act XII of 1876*]

1. [*Subjection of Parganas Edulabad and Warangaon to Regulations and Acts of Bombay Presidency*] *Rep. Act XII of 1876.*

2. [*Bar of jurisdiction of Civil Courts in certain cases*] *Rep. Act X of 1876.*

3. The privileges and exemptions provided in

sections 3, 4 and 5, Regulation XXIX, A.D. 1827 (*A Regulation for bringing under the operation of the Regulations the Bombay territories in the Dekkhan and Khandesh*), and

Privileges
and exemp-
tions of
certain per-
sons of rank,

section 5 of Regulation VII, A.D. 1830 (*A Regulation for bringing under the operation of the Regulations the territories comprised in the Southern Maratha Country, belonging to the Honourable Company, and forming the said territories into a zila*), and

Regulation I, A.D. 1831 (*A Regulation for extending the jurisdiction of the Agent of Government, acting under the provisions of section 4, Regulation XXIX of 1827, over suits in which persons of rank of the privileged classes are concerned, and which are now cognizable by the Collectors of land revenue*), and

Regulation XVI, A.D. 1831 (*A Regulation for extending the jurisdiction vested in the Political Agent in the Southern Maratha Country, under the provisions of section 5, Regulation VII, A.D. 1830, to the cognizance of civil suits of the nature specified in Regulation I, A.D. 1831, and also for the better defining the extent of jurisdiction therein conferred with respect to persons of the privileged classes*) ** * * *

are applicable in districts now brought under the Regulations and Acts to the persons of rank therein referred to, in the same manner as they are in the rest of Khandesh and the Dekkhan.

4. [*Validation and indemnification*] *Rep. Act XII of 1866.*

¹ For Statement of Objects and Reasons, see *Bombay Government Gazette*, 1886, Supplement, p. 44 and for Proceedings in Council, see *ibid.*, pp. 430 and 443

The short title was given by the Bombay Short Titles Act, 1921 (Bom. 2 of 1921).

² The words and figures "as amended by s. 6, Act XIII of 1842 (an Act to enable the holders of revenue which has been alienated to them by the State to collect that revenue within the Presidency of Bombay)" were repealed by the Bombay General Clauses Act, 1886 (Bom. 3 of 1886), Schedule B. This Schedule has been printed as an Appendix to the Bombay General Clauses Act, 1904 (Bom. 1 of 1904).

THE BOMBAY CITY SANITARY REGULATION ACT, 1867.

CONTENTS.

PREAMBLE.

Sections.

- 1 Establishment of sanitarium.
Appointment of establishment.
2. Appointment of Health Officer of Port.
- 3 Removal of persons suffering from infectious disease to sanitarium.
Penalty.
- 4 Removal by written order of person refusing to proceed to sanitarium.
5. Magistrate, on certificate of medical officer, to make requisition as
in section 3
Penalty
- 6 Master of vessel to give notice of person suffering on board from infectious
disease.
Penalty
7. Power to Health Officer to enter vessel and question master or commander
Penalty.
8. Master or commander may be required to remove person suffering from
infectious disease
Penalty.
9. Disinfection of vessels,
and recovery of expenses and penalties.
- 10 Detention by Superintendent of person brought into sanitarium
until discharged
11. Power to Government to make and publish rules.
Penalty.
12. Power to determine what diseases are infectious.
13. Power to authorize any person to exercise powers of Health Officer.
14. Power to make special orders in special cases.
Penalty
15. [*Repealed.*]

SCHEDULE A.

SCHEDULE B.

Replacement Series No. I—p. 204

281-288

The Bombay City Sanitary Regulation Act, 1867 (Bom. 6 of 1867), at pages 281-288 has been repealed by the Bombay Repealing and Amending Act, 1949 (Bom. 53 of 1949), section 2, First Schedule.

*BOMBAY ACT No. VI OF 1867.¹[THE BOMBAY CITY SANITARY REGULATION ACT, 1867]¹

[23th December, 1867.]

Repealed in part, by Bom. 3 of 1886.

" " " " Act 38 of 1920

Amended by Act 16 of 1895.

Adapted and modified by the Adaptation of Indian Laws Order in Council.

Repealed in part, by Act 32 of 1940.

An Act for the better sanitary regulation of the City of Bombay.

WHEREAS it is expedient to take measures to check the spread of infectious diseases dangerous to life in the City of Bombay, and especially with reference to vessels arriving at, or being within the limits of, the port of Bombay, It is enacted as follows :—

1. It shall be lawful for ²[the Provincial Government], with a view of providing for the segregation of persons suffering from any infectious disease dangerous to life from time to time to establish, by notification for the purposes hereinafter specified, one or more places to serve as sanitarium for the City of Bombay, and to notify the local limits of such sanitarium

And it shall be lawful for ²[the Provincial Government] to appoint a superintendent of each sanitarium, with such establishment as may be necessary.

2. It shall be lawful for ⁴[the Central Government] to appoint a Health Officer of the port for the purposes of this Act, and the Health Officer of the port shall be an assistant to, and subject to the general control of, the consulting officer of health.

3. When it shall appear to the consulting officer of health, or in his absence to the Health Officer of the port, that any person in the City of Bombay, being in the public streets or thoroughfares, or in a place of public resort, such as dharmshalas, temple-enclosures and the like, and without proper lodging or accommodation, or being on board any vessel and without proper lodging or accommodation on shore, is suffering from an infectious disease dangerous to life, and that it is necessary for the safety of the public that he should be removed to a sanitarium,

* So much of this Act as relates to any matter included in the Federal Legislative List has been repealed by Act 32 of 1940, s. 2, Sch. I.

¹ For Statement of Objects and Reasons, see *Bombay Government Gazette*, 1866, Supplement, p. 386, for first Report of the Select Committee, see *ibid*, 1867, Pt. V, p. 31, for second Report of the Select Committee, see *ibid*, 1867, Pt. V, p. 74, and for Proceedings in Council, see *ibid*, 1866, Supplement, p. 392, and *ibid* 1867, Pt. V, pp. 11, 40 and 96

The short title was given by the Bombay Short Titles Act, 1921 (Bom. 2 of 1921)

² The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

³ The words "acting under the general control of the Government of India" were repealed by s. 2 and Sch. I of the Devolution Act, 1920 (38 of 1920).

⁴ The words "the Central Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

either of the said officers of health may require such person to proceed to a sanitarium, and the person so required shall be bound to proceed or allow himself to be conveyed to that sanitarium, and shall be bound to remain there till one of the said officers of health certifies that he may go at large without danger to the public

Penalty

Any such person refusing or voluntarily neglecting to obey such requisition shall be liable to the penalties provided in section 269 of the ¹Indian Penal Code

XLV
of
1860

Removal by written order of person refusing to proceed to sanitarium.

4. If any such person shall refuse or voluntarily neglect to proceed to the sanitarium when duly required in the manner described in the last preceding section, the consulting officer of health, or in his absence the Health Officer of the port, may, by a written order in the form given in ²[Schedule A], direct that such person be conveyed to a sanitarium, and such written order, signed by one of the said officers of health, shall be sufficient warrant for the conveyance of such person to the sanitarium.

Magistrate, on certificate of medical officer, to make requisition as in section 3

5. It shall be lawful for any Magistrate of Police, on the certificate of ³[a medical officer who is a convenanted servant of the Crown], or of any member or licentiate of any college of physicians or surgeons of the United Kingdom or of India, as to the nature of the disease, and on such evidence as may be thought by him sufficient in regard to the other conditions recited in section 3 * * * to make requisition as in the said section, and any person refusing or voluntarily neglecting to obey such requisition shall be liable to the penalties provided in section 269 of the ¹Indian Penal Code

XLV
of
1860

Penalty

Master of vessel to give notice of person suffering on board from infectious disease.

6. When the master or commander of any vessel, being within the limits of the port of Bombay, shall become aware that any person on board his vessel is suffering from any infectious disease dangerous to life, he shall immediately give notice to the Health Officer of the port, and, pending the orders of the Health Officer of the port, he shall either remove such person to a sanitarium, or take other suitable precautions to prevent the spread of the disease

Penalty.

If the master or commander shall wilfully neglect to act as directed in this section, he shall be liable to the penalties provided in section 269 of the ¹Indian Penal Code

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of
1860

Power to Health Officer to enter vessel and question master or commander

7. It shall be lawful for the consulting officer of health or for the Health Officer of the port at any time to enter into and inspect any vessel being within the limits of the port of Bombay, and to question the master or commander regarding the sanitary condition of the vessel and of the persons on board, and the master or commander shall be bound truthfully to answer such questions.

Penalty

And, if the master or commander shall wilfully give false information to either of the said officers, he shall be liable to the penalties provided in section 177 of the Indian Penal Code; and, if he shall refuse to answer questions put to him, he shall be liable to the penalties provided in section 179 of the ¹Indian Penal Code.

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¹ Central Act.

² This word and letter were substituted for the words " appended Schedule " by the Amending Act, 1895 (16 of 1895).

³ The words " a medical officer who is a convenanted servant of the Crown " were substituted for the words " a convenanted medical officer of Government " by the Adaptation of Indian Laws Order in Council.

⁴ The words " of this Act " were repealed by the Bombay General Clauses Act, 1886 (Bom 3 of 1886), Schedule B. This Schedule has been printed as an Appendix to the Bombay General Clauses Act, 1904 (Bom 1 of 1904.)

8. If it shall appear to the consulting officer of health or the Health Officer Master or commander of the port that any person on board a vessel within the limits of the port of Bombay is suhering from any infectious disease dangerous to life, he may, ^{may be re- quired to remove person suffering from infectious disease} [by an order in writing in the form given in Schedule B], require the master or commander of the vessel to remove such person, or any other person who shows premonitory symptoms of such disease, to a sanitarium or other place on shore where, in the opinion of the Health Officer, proper lodging and accommodation are available, and the master or commander shall be bound to obey such requisition and is hereby authorized and empowered to enforce such removal

And, if the master or commander shall refuse or wilfully neglect to obey Penalty. such requisition, he shall be liable to the penalties provided in section 269 of the ²Indian Penal Code.

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9. When it shall appear to the Health Officer of the port that, owing to a person suffering from an infectious disease dangerous to life being on board ^{Disinfection of vessels} or having recently been on board any vessel within the limits of the port of Bombay, it is expedient that measures should be taken for the disinfection of such vessel, the said Health Officer may, by an order in writing to the master or commander of such vessel, direct all or any part of the vessel to be forthwith fumigated or otherwise cleansed for sanitary purposes, in accordance with rules published on that behalf by ³[the Central Government] under section 11 * * *

and if the master or commander neglect to do so within the period fixed in the said order, provided such period be not less than twenty-four hours from the time when such order shall have been served upon him, the said Health Officer may cause the same to be done, and the expenses incurred shall be paid by the owner or the master on demand, and, if not so paid, shall be recovered in the manner provided in section 55 of ⁵Act XXII of 1855 (*An Act for the regulation of Ports and Port Dues*) for the recovery of penalties imposed under that Act. ^{and recovery of expenses and penalties.}

10. It shall be lawful for the Superintendent of the sanitarium, and it shall be his duty, to detain in the sanitarium under his charge all persons who shall come or be brought to such sanitarium under section 3, 4, 6, or 8, until they shall be discharged under a certificate to be granted under rules made by ⁶[the Provincial Government] under section 11 * * * ^{Detention by Superintendent of person brought into sanitarium until dis- charged}

11. It shall be lawful for ⁶[the Provincial Government] from time to time to make and publish general rules for the proper management and discipline of sanitarium established under this Act, and for the disinfection or destruction of the personal property of persons suffering or who have recently suffered ^{Power to Government to make and publish rules}

¹ These words and letter were inserted by the Amending Act, 1895 (16 of 1895)

² Central Acts

³ The words "the Central Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council

⁴ The words "of this Act" were repealed by the Bombay General Clauses Act, 1886 (Bom 3 of 1886), Schedule B. This Schedule has been printed as an Appendix to the Bombay General Clauses Act, 1904 (Bom. 1 of 1904)

⁵ See now the Indian Ports Act, 1908 (15 of 1908)

⁶ The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council

from any infectious disease dangerous to life, ¹* * * * *, and from time to time to alter or repeal such rules ²[It shall be lawful for the Central Government from time to time to make and publish general rules for the disinfection and cleansing of vessels on board of which there are, or recently have been, persons suffering, or who have recently suffered, from any infectious disease dangerous to life, and from time to time to alter or repeal such rules].

Penalty

Any person who shall disobey ³[any rules made under this section] shall be liable to the penalties provided in section 271 of the ⁴Indian Penal Code: XLV
of
1860

Power to determine what diseases are infectious

12. It shall be lawful for ⁵[the Provincial Government] from time to time to determine by notification what diseases shall, for the purposes of this Act, be held to be infectious diseases dangerous to life .

⁶[Provided that the Central Government may, if it thinks fit, by notification make separate provision determining what diseases shall for the purposes of the provisions of this Act relating to vessels within the limits of the port of Bombay be held to be infectious diseases dangerous to life].

Powers to authorize any person to exercise powers of Health Officer.

13. It shall be lawful for ⁷[the appropriate Government], when necessary, to authorize any one or more persons to exercise all or any of the powers conferred by this Act on the consulting officer of health or on the Health Officer of the port :

Provided that every such person shall be ⁸[a medical officer who is a covenanted servant of the Crown, or be] a member or licentiate of any college of physicians or surgeons of the United Kingdom or of India, and shall exercise these powers subject to the general control of the consulting officer of health.

⁹[In this section " the appropriate Government " means, in relation to the consulting officer of health; the Provincial Government and, in relation to the Health Officer of the Port, the Central Government]

Power to make special orders in special cases

14. Whenever it shall appear to ⁵[the Provincial Government] that, owing to the expected introduction of any infectious disease dangerous to life, or owing to other exceptional circumstances, the ordinary precautions authorized by this Act are insufficient to prevent the spread of such disease, it shall be lawful for ⁵[the Provincial Government], by notification, to make such orders, and from time to time to vary the same, as it shall deem expedient, for the enforcement of sanitary measures with respect to any vessel arriving at, or being within the limits of, the port of Bombay, or in regard to any persons on board any such vessel, or their personal property

Penalty

And any person disobeying such orders or any of them shall be liable to the penalties provided in section 271 of the ⁴Indian Penal Code. XLV
of
1860

15. - [Interpretation] *Rep Bom III of 1886.*

¹The words " and for the disinfection and cleansing of vessels on board of which such persons are or recently have been ", were omitted by the Adaptation of Indian Laws Order in Council

²These words were inserted, *ibid*

³The words " any rules made under this section " were substituted for the words " such rules or any of them ", *ibid*

⁴Central Acts.

⁵The words " the Provincial Government " were substituted for the word " Government " by the Adaptation of Indian Laws Order in Council

⁶This proviso was inserted, *ibid*

⁷The words " the appropriate Government " were substituted for the word " Government ", *ibid*

⁸The words " a medical officer who is a covenanted servant of the Crown, or be " were substituted for the words " a covenanted medical officer of Government, or ", *ibid*.

SCHEDULE A.

To

WHEREAS *A, B*, being a person without proper lodging or accommodation in the City of Bombay, is suffering from an infectious disease dangerous to life, and it is necessary for the safety of the public that he should be removed to a sanitarium ; and whereas, having been required to proceed to such sanitarium, he has neglected to do so , you are hereby authorized, with such assistance as you may require, to convey him, under section 4 of Act VI of 1867, to _____ , and this shall be your warrant for so conveying him. -

Consulting Officer of Health, or Health Officer of the Port.

SCHEDULE B.

To

The Master or Commander of Vessel

(Name.)

WHEREAS *A, B* , at present on board the vessel within the limits of the Port of Bombay, is suffering from an infectious disease dangerous to life [or shows premonitory symptoms of a disease dangerous to life (as the case may be)], these are to require you to remove the said *A, B*. to [here designate the sanitarium or other place on shore where, in the opinion of the consulting officer of health or Health Officer of the port, proper lodging and accommodation are available] and for enforcing the said removal, this shall be your sufficient warrant.

Consulting Officer of Health, or Health Officer of the Port.

THE BOMBAY

PREAMBLE.

Sections.

1—32. [*Repealed*]

33. Common nuisances.

34. Removal of prickly-pear or other nuisance from waste-land of town or village.

35—47. [*Repealed.*]

BOMBAY ACT No. VII OF 1867.¹[THE BOMBAY DISTRICT POLICE ACT 1867]²

[28th December 1867]

Repealed in part and amended by Bom. 3 of 1886.

Repealed (save sections 33 and 34) by Bom. 4 of 1890.

Sections 33 and 34 repealed locally and temporarily, by Bom. 1 of 1889.

Amended by Bom. 23 of 1951.

Sections 33 and 34 repealed locally and temporarily, by Bom. 3 of 1959.

An Act for the regulation of the District Police in the Presidency of Bombay.

WHEREAS it is expedient to establish regulations for the administration of the Police of the Presidency of Bombay; It is enacted as follows:—

1. [Rep. Bom. IV of 1890.]
2. [Rep Act 12 of 1873]
- 3 to 32. [Rep. Bom IV of 1890]

³ 33. Any person

Common
nuisances.

who on any public thoroughfare, without the permission of a Magistrate or Municipal Commissioner, constructs any booth, shed, stable or the like, or lays down any stones or building material; or

who within the limits or site of any town or village, without sufficient cause, wilfully allows to accumulate any offensive matter in cesspools, dung-heaps or the like, so as to cause annoyance to the neighbouring residents or to passengers; or

who, without sufficient cause, wilfully allows any offensive matter to issue on to any public thoroughfare from any house, factory, stable, privy or the like; or

who deposits the bodies of dead animals, or refuse or filth of any description either in channels which in the rainy season feed any tank or reservoir set apart for drinking, or in other places where to deposit such is offensive to the community, or

who, in disregard of established rules or the order of a Magistrate, stacks or stores grass or other inflammable material within fifty yards of a dwelling-house, out-house or other buildings; or fails to remove the same when so stacked or stored; or

who disobeys the order of a Magistrate given in respect to land in or near towns, villages or dwelling-places, or in or near public roads and thoroughfares, for the pruning of hedges, or for the pruning or removal of overgrown prickly-pear or other vegetation the unchecked growth of which is likely to be injurious to health;

¹ For Statement of Objects and Reasons, see *Bombay Government Gazette*, 1867, Pt V. p 61; for Report of the Select Committee, see *ibid*, p. 78, and for Proceedings in Council, see *ibid*, pp 92, 343 and 358.

² The short title was given by the Bombay Short Titles Act, 1921 (Bom 2 of 1921)

³ During such time as Pt II of the Bombay Village Sanitation Act, 1889 (Bom I of 1889), and the rules made thereunder, are in force in any village, as 33 and 34 of Bom 7 of 1867 cease to have any operation therein—see Bom 1 of 1889, s 3. Except in such villages and the City of Bombay these sections are in force in the rest of the State of Bombay

During such time as the Bombay Village Panchayats Act, 1958 (Bom III of 1959), and the rules and by laws made thereunder are in operation in any village, as 33 and 34 shall be repealed in the village—see Bom. III of 1959, s. 188, Schedule II.

shall be punishable for every such offence, on conviction before a Magistrate, to the extent of fifty rupees fine, or, in default of payment, to imprisonment not exceeding eight days :

Provided that no person shall be required to prune a hedge below three feet in height and three feet in width.

Removal of prickly-pear or other nuisance from waste-land of town or village.

¹ 34. Whenever the removal of prickly-pear or other vegetation or of any nuisance, from the common or waste-land of any town or village shall, in the opinion of ²[the District Magistrate or any magistrate specially empowered in this behalf by the State Government], be necessary, it shall be lawful for the said Magistrate to order such removal by a general notice addressed to all persons having an interest in the said common land, and to the inhabitants of the town or village at large which notice shall be affixed to the chowree or other principal place of public resort ; and if within a reasonable time, being not less than seven days, to be specified in the said notice, the order be not carried out, the Magistrate may cause the vegetation or nuisance to be removed, and on the requisition of the said Magistrate the cost of the removal shall be assessed and levied from the inhabitants in the manner provided in sections 16 and 17 * * *

35 to 47. [*Rep Bom. IV of 1890*]

* During such time as Pt II of the Bombay Village Sanitation Act, 1889 (Bom 1 of 1889), and the rules made thereunder, are in force in any village, ss 33 and 34 of Bom 7 of 1867 cease to have any operation therein—see Bom 1 of 1889, s 3. Except in such villages and the City of Bombay these sections are in force in the rest of the State of Bombay.

During such time as the Bombay Village Panchayat Act, 1958 (Bom III of 1959), and the rules and by laws made thereunder are in operation in any village, ss 33 and 34 shall be repealed in the said village—see Bom. III of 1959, s. 188, Schedule II.

* These words were substituted for the words " a Magistrate of the first class " by Bom. 23 of 1951, s. 2, Schedule—Pt. III.

* The words " of this Act " were repealed, *ibid.*

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293-300A

The Bombay Village Police Act, 1867 (Bom. VIII of 1867) at pages 293—300A has been repealed by the Maharashtra Village Police Act, 1967 (Mah. 46 of 1967), section 18.

THE BOMBAY FERRIES AND INLAND VESSELS ACT, 1868.

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(Price—Re. 0·15)

(As modified upto the 1st January 1969)

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SCHEDULE.

BOMBAY ACT No. II OF 1868¹.

[THE BOMBAY FERRIES AND INLAND VESSELS ACT, 1868]*

[17h December 1868]

Repealed in part, by Act 12 of 1873 ,
 " " " " 2 of 1901 ,
 " " " " 38 of 1920 ,
 " " " " Bom 3 of 1886

Repealed in part (except in the City of Bombay), by Bom 1 of 1884

Amended by Bom 2 of 1878 ;

" " " 8 of 1923 ;

" " " 4 of 1933

Adapted and modified by the Adaptation of Indian Laws Order in Council

Amended by Bom 21 of 1942†

" " " 17 of 1945‡

Adapted and modified by the Adaptation of Laws Order, 1950

Adapted and modified by the Bombay Adaptation of Laws (State and Concurrent Subjects) Order, 1956.

Amended by Bom 8 of 1958

Amended by Bom. 60 of 1959

Adapted and modified by the Maharashtra Adaptation of Laws (State and Concurrent Subjects) Order, 1960.

An Act to amend the law relating to public ferries ²[and inland vessels] in the ³[State of Bombay].

WHEREAS it is expedient to amend the law relating to public ferries ²[and inland Preamble vessels] in the ³[State of Bombay] , It is enacted as follows —

⁴1. In this Act, unless the context requires otherwise,—

Definitions

(a) " Commissioner " in relation to ferries controlled by the Public Works Department, includes a Superintending Engineer ;

(b) " ferry, " includes a temporary bridge used as a ferry and the approaches to, and the landing places of, a ferry]

2. It shall be lawful for the ⁵[Commissioner] to declare by notification what ⁶[Commissioner ferries within the ⁶[State of Maharashtra] shall be deemed public ferries, and also by notification from time to time, to establish any new public ferry or discontinue any existing public ferry

⁶[Commissioner] may constitute public ferries, establish new and discontinue existing ferries.

¹ For Statement of Objects and Reasons, see *Bombay Government Gazette*, 1868, Pt. V, p 425 for Report of the Select Committee, see *ibid*, p 448, and for Proceedings in Council, see *ibid*, pp 457, 476 and 582

The net proceeds of public ferries established under Bom 2 of 1868, and all penalties inflicted and levied under the Act are to be credited to the Local Fund constituted by the Bombay Local Boards Act, 1923 (Bom 6 of 1923), see 75 of that Act

* This Act was extended to, and shall be in force in, the rest of the State of Bombay (*vide* Bom 60 of 1959, s 2)

† Sections 2 to 8 of this Act were re-enacted by Bom 55 of 1947, s 2.

‡ This Act has been re-enacted and the amendments made by section 9 and Schedule 'E' of the said Act have been continued in force by Bom 52 of 1947, s 2

² These words were inserted by Bom 21 of 1942, s 2, read with Bom 55 of 1947, s 2

³ These words were substituted for the words " Presidency of Bombay " by Bom 60 of 1959 s 4 (a)

⁴ Section 1 was inserted *ibid*, s 4 (b)

⁵ This word was substituted for the words " State Government " by Bom. 8 of 1958, s 3 Sch

⁶ These words were substituted for the words " State of Bombay " by the Maharashtra Adaptation of Laws (State and Concurrent Subjects) Order, 1960

Vesting of
Public ferries
in local
bodies,
Powers of
local bodies
in respect
thereto.

¹2A. It shall be lawful for the ²[Commissioner] to declare by notification in the ³[*Official Gazette*] that any local public ferry notified under section 2 shall vest in the local body or jointly in the local bodies, exercising authority over the area or areas, as the case may be, in which such ferry is situate and thereafter such local body or bodies shall exercise in respect of such ferry all the powers specified in the Schedule to this Act:

Provided by that the power of exemption under clause (d) of section 3 shall also be exercisable the ²[Commissioner]

Explanation—For the purpose of this section “local body” means a district local board or a municipality.

Rates of toll

3. Tolls according to such rates as shall from time to time be approved by ⁴[the ⁵[State] Government] shall be levied upon all passengers, carts, carriages, cattle and other animals, and on all goods and merchandise, carried over any public ferry :

Exemption
from toll.

Provided always that no tolls shall be levied from—

⁶(a) * * * * *

(b) any Police-officer in uniform on duty ;

(c) any person in the custody of the Police ,

⁷[(d) any person whom the ⁴[the ⁵[State] Government] shall, by notification in the ³[*Official Gazette*], deem fit specially to exempt from payment of such tolls

Appointment
and salaries
of toll-
keepers, etc.

4 It shall be lawful for the ²[Commissioner] to provide for the appointment of toll-keeper, ferrymen and other servants for the management and a conduct of any public ferry, and the salaries of such persons shall be defrayed from funds raised under this Act, or from other sources of local revenue, but not from the general ^{8*} * * * * revenues ^{8*} * * *

¹[Commis-
sioner]
may lease
public ferries
by public
auction or
private
contract.

5. It shall be, lawful for the ²[Commissioner] to lease any public ferry by public auction or private contract, from year to year, or for any longer period not exceeding seven years, on such conditions as the ²[Commissioner] deems advisable, in which case a contract setting forth the conditions on which the ferry is to be held shall be executed by the contractor or farmer, and security shall be given by him for its due fulfilment, and any pecuniary forfeiture for breach of contract, inserted in the deed of contract or conditions of sale by public auction, as the case may be, may be enforced in the same manner as a demand for the land revenue under the law for the time being in force, so far as applicable

¹ Section 2A was inserted by Bom 8 of 1923, s 2

² This word was substituted for the words “ State Government ” by Bom 8 of 1958, s 3, Sch

³ The words “ *Official Gazette*,” were substituted for the words “ *Bombay Government Gazette*,” by the Adaptation of Indian Laws Order in Council

⁴ The words “ the Provincial Government ” were substituted for the word “ Government ” by the Adaptation of Indian Laws Order, in Council

⁵ This word was substituted for the word “ Provincial ” by the Adaptation of Laws Order, 1950

⁶ Clause (a) as to soldiers in uniform on duty was repealed by s 3 of the Indian Tolls (Army) Act 1901 (2 of 1901), Central Acts

⁷ Clause (d) was added by the Ferries (Amendment) Act 1878 (Bom 2 of 1878)

⁸ The words “ or Imperial ” and “ except with the sanction of the Governor-General in Council ” were omitted by s. 2 and Schedule 1 of the Devolution Act, 1920 (38 of 1920),

5A. (1) The Commissioner may cancel the lease of the tolls of any public ferry on the expiration of six months' notice in writing to the lessee of his intention to cancel such lease **Power to cancel lease**

(2) When any lease is cancelled under this section, the Executive Engineer of the division or, as the case may be, the Collector of the district, within whose jurisdiction such ferry is situate shall pay to the lessee such compensation as he may, with the previous sanction of the Commissioner, award.

5B. The lessee of the tolls of a public ferry may surrender his lease on the expiration of one month's notice in writing to the Commissioner of his intention to surrender such lease, and on payment to the Executive Engineer of the division, or, as the case may be, the Collector of the district within whose jurisdiction such ferry is situated of such compensation as the said Executive Engineer or Collector, subject to the approval of the Commissioner, may in each case direct **Surrender of lease**

5C. When the lease of the tolls of any ferry is surrendered under section 5B, the Executive Engineer of the division, or, as the case may be, the Collector of the district, within whose jurisdiction such ferry is situate, may take possession of all boats and their equipment and, all other material and appliances, used by the lessee for the purposes of such ferry, and use the same (paying such compensation for the use thereof as the Commissioner may in each case direct) until the said Executive Engineer or Collector can conveniently procure proper substitutes therefor **Power to take possession of boats etc. on surrender of lease**

6. When a public ferry has been duly leased or formed out,

Acts of servant of contractor.

every servant of the lessee, contractor or farmer shall be deemed to be legally bound to do every thing necessary for or conducive to the safety of the public which he shall be required to do by any regulation made by the lessee, contractor or farmer, and approved by the ²[Commissioner] and of which regulation such servant shall have had notice, and

every such servant shall be deemed to be legally prohibited from doing every act which shall be likely to cause danger, and which by any such regulation he shall be prohibited from doing, and

every person employed by or on behalf of such lessee, contractor or farmer to do any act upon the ferries shall be deemed to be a servant of the lessee, contractor or farmer.

¹ Sections 5A, 5B and 5C were inserted by Bom 60 of 1959, s 4 (d)

² This word was substituted for the words " State Government " by Bom 8 of 1958, s. 3, Sch.

7. It shall be the duty of every toll-keeper, toll-contractor or farmer to hang up in some conspicuous place at his ferry-station a table of tolls, written or printed in English and in the language of the district ¹[and he shall be bound to produce, on demand, a list of tolls signed by the Executive Engineer of the division, or, as the case may be, the Collector of the district or such other officer as he appoints in this behalf] Table of tolls to be hung up.

8. Any toll-keeper or toll-contractor or farmer, Penalty in respect to table of tolls.
 who shall neglect to hang up and keep in good order and repair a table of tolls as aforesaid, or
 who shall wilfully remove, alter or deface the same, or allow it to become illegible,
²[or who fails to produce on demand, the list of tolls mentioned in section 7, shall be liable on each conviction to a penalty not exceeding fifty rupees]

9. Any toll-keeper or other person appointed as in section 4, who shall neglect to take the due toll, or shall ask or take any toll other than is allowed by the table of tolls, and Penalty for taking unlawful toll
 any toll-contractor or farmer, or any person in the service of a toll-contractor or farmer, who shall ask or take any toll in excess of that allowed by the table of tolls,
 shall be liable to a penalty not exceeding ³[one hundred rupees]

10. Any toll-keeper or other person appointed as in section 4, or toll-contractor or farmer or person in the service of a toll-contractor or farmer, who without good reason, shall delay any passenger, cart, carriage, animal or goods, shall be liable to a penalty not exceeding ³[one hundred rupees] Penalty for wilful delay.

11. Any person— Penalty for refusal or evasion of toll and for obstruction or damage
 who shall refuse to pay the lawful toll, or
 who, with intent of avoiding payment thereof, shall pass through any ferry-station without paying the toll, or
 who shall obstruct in the execution of his duty any toll-keeper or other person lawfully engaged in the management or conduct of a public ferry,
 and also any person
 who shall maliciously damage any toll-bar, boat or other thing belonging to a public ferry, or
 who shall maliciously remove, alter, destroy or damage any table of tolls hung up as hereinbefore directed,

¹ These words were inserted by Bcm 60 of 1959, s 4(e)

² These words were substituted for the words "shall be liable on each conviction to a penalty not exceeding ten rupees", *ibid*, s 4(f)

³ These words were substituted for the words "fifty rupees", *ibid*, s 4(g).

[or who, at a public ferry, after being warned by any such toll-keeper or other person lawfully engaged in the management or conduct of a public ferry not to do so, goes, or takes any animals, vehicles or other things on to any ferry boat or upon any bridge appertaining to the ferry, and thereby causes it to be in such a state or so loaded as to endanger human life or property, or

who, at a public ferry, on being requested by such toll-keeper or other person lawfully engaged in the management or conduct of a public ferry to do so, refuses or neglects to leave, or remove any animals, vehicles or goods from any such ferry boat or bridge,]

shall be liable to a penalty not exceeding fifty rupees, over and above the value of the damage done

Penalty
for rash
navigation
and stacking
of timber

²[11A. Whoever navigates, anchors, moors or fastens any vessel or raft, or stacks any timber in a manner so rash or negligent as to damage a public ferry, shall be punished with imprisonment for a term which may extend to three months, or with fine which may extend to five hundred rupees, or with both, and the toll keeper or other person lawfully engaged in the management or conduct of such ferry may seize and detain such vessel, raft or timber pending the inquiry and assessment hereinafter mentioned

Power to
arrest
without
warrant.

11B. A Police Officer may arrest without warrant any person committing an offence against section 11 or section 11A.

Magistrate
may
assess
damage.

11C. Any Magistrate trying any offence under this Act may inquire into and assess the value of the damage, if any, done or caused by the offender to the ferry concerned and shall order the amount of such value to be paid by him in addition to any fine imposed upon him under this Act, and the amount so ordered to be paid shall be leviable as if it were a fine, or, when the offence is one under section 11A, by the sale of the vessel, raft or timber causing the damage]

Officers who
may make
rules for
regulation of
public ferries.

12. ³[Except in the case provided in sub-section (2) of section 14B, 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],

may, subject to such general directions as ⁴[the ⁵[State] Government] from time to time may issue, make rules to determine the number of passengers, carts, carriages and animals, and the quantity of goods, that may be carried in any public ferry-boat at one trip, and for the safe, speedy and convenient carriage and landing

¹ These words were inserted by Bom 60 of 1959, s 4(h)

² Sections 11A, 11B and 11C were inserted, *ibid*, s 4 (i)

³ These words were substituted for the words "The Senior Magistrate of Police in the city of Bombay and the Collector of the district elsewhere", by Bom 4 of 1933, s 2

⁴ The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council

⁵ This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950

of passengers and property, and for keeping the ferry-boats in good order and otherwise for the due discharge of their duty by toll-contractors or farmers, toll-keepers, ferrymen and other persons employed at a public ferry ,

and any toll-contractor or farmer, toll-keeper, ferryman or other person infringing or disobeying any such rule shall be liable to make good any loss or damage caused thereby, which loss or damage may be summarily ascertained by any magistrate within whose jurisdiction the offence was committed and the amount thereof may be recovered as any penalty under this Act may be recovered

13. Any person who, without the special licence of ¹[the ²[State Govern- Penalty for ment], shall convey for hire any passenger, animal, cart, carriage or goods from conveying any part of ³[the Greater Bombay] across the harbour of Bombay to the mainland, passengers or or any of the adjacent islands or from the mainland or any of the adjacent islands goods with- out licence to any part of ³[the Greater Bombay] shall be liable to a penalty not exceeding at Bombay five hundred rupees ,

but this penalty shall not apply to the conveyance by boat for hire of passengers, animals, carts, carriages and goods from one part of ³[the Greater Bombay] to any other part thereof, nor to any person specially hiring a boat for the conveyance of himself or his family or friends, or servants or goods, nor to the person letting such boat for hire for the said purpose. Proviso.

14. [*Penalty for carrying passengers, etc., without licence*] Rep. ⁴Bom 12 of 1942.

14A. [*Penalty for conveying passenger, etc., along river, etc., near toll bridge*] Deleted by Bom 60 of 1959, s 4(j).

⁵14B. (1) Any person who shall convey ⁶[whether for hire or not, on any river, stream, creek, tank, lake or other collection of water affording passage for a vessel any passenger, animal, goods or other thing in any vessel,] 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 Penalty for conveying passengers, etc., in a ferry boat with a submerged load-line or without prescribed free-board.

(2) ¹[The ²[State] Government] may make rules prescribing the manner in which the load-line or free-boards shall be marked upon any ⁷[vessel] to which the provisions of sub-section (1) apply The rules so made shall be punished in the ⁸[*Official Gazette*] load-line or without prescribed free-board.

¹ The words " the Provincial Government " were substituted for the word " Government " by the Adaptation of Indian Laws Order in Council.

² This word was substituted for the word " Provincial " by the Adaptation of Laws Order 1950

³ These words were substituted for the original words by Bom 17 of 1945, s 9, read with Bom 52 of 1947, s 2, proviso

⁴ This Act, was re-enacted by Bom 55 of 1947, s. 2.

⁵ Section 14-B was inserted by Bom 4 of 1933, s 4

⁶ This portion was substituted for the original portion by Bom 21 of 1942, s. 5, read with Bom 55 of 1947, s 2

⁷ This word was substituted for the word " boat ", *ibid*

⁸ The words " *Official Gazette* " were substituted for the words " *Bombay Government Gazette* " by the Adaptation of Indian Laws Order in Council.

Licence required to ply any vessel on any river, etc

¶14C. No person shall ply any vessel on any river, stream, creek, tank, lake or other collection of water affording passage for a vessel, whether for hire or not, except under a licence granted by an officer empowered by the ²[State] Government in this behalf and except in accordance with the provisions of this Act, the rules, regulations and orders made thereunder and the conditions of such licence

Provided that the ²[State] Government may, by notification in the *Official Gazette*, exempt from the operation of this section such vessels or class of vessels as may be specified in such notification]

Inspection of vessels and suspension of the licence if vessels are not seaworthy, etc

¶14D. Any Magistrate or Police Officer, not below the rank of a Sub-Inspector, or any officer specially empowered by the ²[State] Government in this behalf may board and inspect any vessel for the purpose of satisfying himself that the provisions of this Act, the rules, regulations and orders made thereunder and the conditions of the licence issued in respect of such vessel are duly observed. If such officer is of the opinion that the vessel is not seaworthy or is insufficiently equipped or is in such a condition that its plying may cause danger to human life or safety, he may suspend the licence issued in respect of such vessel and such vessel shall not thereafter be plied until the order suspending the licence has been cancelled or a fresh licence has been issued in respect of such vessel]

Power to prohibit plying of vessel to avert any accident, and to requisition vessels, etc

¶14E. (1) If any Magistrate, or any Police Officer, not below the rank of a Sub-Inspector, or any officer of the Public Works Department, not below the rank of any Assistant or Deputy Engineer or any officer specially empowered by the ²[State] Government in this behalf, is at any time of the opinion that in order to avert any accident or danger to human life or safety it is necessary to take action under this sub-section, such Magistrate or officer may by order prohibit the plying of any vessel, or of any class of vessels or of vessels generally on any river, stream, creek, tank, lake or other collection of water affording passage for a vessel, within the limits of his jurisdiction, during such period as may be specified in the order

(2) Any such Magistrate or officer may by order, within the limits of his jurisdiction, for the purpose of saving any human life or property, requisition the use of any vessel or other property likely to be useful in effecting rescue for such period as may be specified in the order. When any Magistrate or officer requisitions the use of any vessel or other property for any period, there shall be paid to the person deprived of it for the period such amount of compensation as may be determined by the Magistrate or officer. The decision of the Magistrate or the officer regarding the amount of compensation and the person to whom such compensation is payable shall be final]

Penalty for breach of the provisions of the Act, rules, regulations and orders made thereunder and the conditions of the licence granted under section 14C.

¶14F. Any person who contravenes any of the provisions of this Act or of the rules, regulations and orders made thereunder or of the conditions of any licence granted under section 14C, shall, on conviction if no other penalty is provided in the Act for such contravention be punishable with imprisonment which may extend to six months or with fine which may extend to one thousand rupees or with both]

Both the owner and the person in charge to be liable for any breach.

¶14G. If any of the provisions of this Act or of the rules, regulations or orders made thereunder or of the conditions of the licence granted under section 14C are contravened in respect of any vessel both the owner and the person in charge of such vessel shall be deemed to have contravened such provisions and shall be personally liable for the same]

¹ Sections 14C, 14D, 14E, 14F and 14G were inserted by Bom 21 of 1942, s 6, read with Bom 55 of 1947, s. 2.

² This word was substituted for the word " Provincial " by the Adaptation of Laws Order, 1950

15. In the [Greater Bombay] offences against this Act shall be summarily heard and determined by any Magistrate or Police, and all fines imposed may, in default of payment, be levied under the warrant of such Magistrate by distress and sale of the goods of the offender Trial of offences in Bombay

In place not within the limits of the [Greater Bombay] offences against the Act shall be inquired into and determined by any Magistrate exercising jurisdiction in the district in which the offence has been committed, and all fines imposed may be levied in the manner provided [sections 386, 387 and 398 of the Code of Criminal Procedure, 1898] In places out of City

16. [Application of proceeds of tolls, farms and penalties] *Rep Bom 1 of 1884* Recovery of fines

17. [The [State] Government] may delegate under such restrictions as may seem fit, any of the powers conferred on it by this Act, *ex-officio* to any Commissioner, Collector, Magistrate or other person [State] Government may delegate powers

[17A. (1) The [State] Government may after previous publication make rules for the purpose of carrying out the provisions of this Act Rules and Regulations

(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) licensing and regulating vessels, plying, whether for hire or not, on any river, stream, creek, tank, lake or other collection of water affording passage for a vessel, and prescribing the officers by whom and the conditions on which licences for plying such vessels may be granted, suspended or revoked and the fees payable in respect of such licences ,

(b) determining the number of passengers, carts, carriages or animals or the quantity of goods or other things that may be carried in such vessels ,

(c) regulating the carriage and exhibition of lights by such vessels ,

(d) prescribing the fares which may be charged for the carriage of passengers, animals, goods or other things in such vessels ,

(e) regulating the conduct of passengers on such vessels ,

(f) prescribing the equipment and the number of the crew which must be on board any such vessels when it is plying , and

(g) generally for securing the safe, speedy and convenient carriage and landing of passengers and cargo in such vessels

¹ These words were substituted for the original words by Bom 17 of 1945, s 9, Schedule E, read with Bom 52 of 1947, s 2, proviso

² This portion was substituted for the words and figures " section 61 of the Criminal Procedure Code," by Bom 60 of 1959, s 4(k)

³ Section 16 which is repealed, except in the City of Bombay, by the Bombay Local Boards Act, 1884 (Bom 1 of 1884), s 2, and Schedule, is as follows —

Clause 1—In each district the proceeds from tolls and farms of public ferries, and from penalties levied under this Act, shall form the ferry fund of such district, and shall be appropriated in the first instance to the maintenance of the public ferries of the district, and the improvement of the roads leading to the said ferries, the surplus, if any, being expended on local works in the district in such manner as Government may from time to time direct.

Clause 2—The limits of each district for the purposes of this section shall be such as Government may from time to time determine

Clause 3—When a public ferry is partly in one district and partly in another, it shall be lawful for Government to assign to each district such proportion of the proceeds as they shall deem fit. The Bombay Local Boards Act, 1884, has now been repealed by Bom 6 of 1923

⁴ The words " the Provincial Government " were substituted for the word " Government " by the Adaptation of Indian Laws Order in Council

⁵ This word was substituted for the word " Provincial " by the Adaptation of Laws Order, 1950

⁶ The words " Revenue or Police " were repealed by the Bombay General Clauses Act, 1886 (Bom. 3 of 1886), Schedule B This Schedule has been printed as an Appendix to the Bombay General Clauses Act, 1904 (Bom 1 of 1904)

⁷ Sections 17A, 17B and 17C were inserted by Bom 21 of 1942, s 7, read with Bom. 55 of 1947, s 2.

(3) The District Magistrate may, from time to time, make regulations, not inconsistent with the provisions of this Act and the rules thereunder—

(a) regulating the plying of vessels on any river, stream, creek, tank, lake or other collection of water affording passage for a vessel, within the limits of his jurisdiction, and

(b) for securing the safe, speedy and convenient carriage and landing of passengers in such vessels]

Definition of "vessel". ¹[17B. In this Act, "vessel" shall include anything made for the conveyance by water of human beings, animals or property]

Provisions of sections 14A to 14G and 17A and 17B not applicable in certain cases ¹[17C. Nothing in sections 14A to 14G and 17A and 17B shall apply in respect of any vessel plying on sea or on tidal waters or in any major port, or in respect of any inland steam-vessel as defined in sub-section (1) of section 2 of the Inland Steam-Vessels Act, 1917, or in respect of any vessel plying under a licence issued in exercise of the powers conferred by section 6 of the Indian Ports Act, 1908] I of 1917
XV of 1908

Short title. 18. This Act may be cited as the Bombay Ferries ²[and Inland Vessels] Act, 1868

Repeal and savings ³[19. The Hyderabad Ferries Act in its application to the Hyderabad area of the State of Bombay, the Northern India Ferries Act, 1878, in its application to the Vidarbha region of the State of Bombay and the Bombay Ferries and Inland Vessels Act, 1868, as applied to the Kutch area of the State of Bombay are hereby repealed. Hyd II of 1314F
XVII of 1878
Bom II of 1868

Provided that the repeal shall not affect—

(a) the previous operation of any Act so repealed or anything duly done or suffered thereunder, or

(b) any right, privilege, obligation or liability acquired, accrued or incurred under any Act so repealed, or

(c) any penalty, forfeiture or punishment incurred in respect of any offence committed against any Act so repealed, or

(d) any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid,

and any such investigation, legal proceeding or remedy may be instituted, continued or enforced, and any such penalty, forfeiture or punishment may be imposed, as if the Bombay Ferries and Inland Vessels (Unification and Amendment) Act, 1959, had not been passed. Bom LX of 1959.

¹ Sections 17A, 17B and 17C were inserted by Bom 21 of 1942, s 7, read with Bom 55 of 1947, s 2

² These words were inserted, *ibid*, s 8

³ Section 19 was inserted by Bom 60 of 1959, s 4 (1)

Provided further that anything done or any action taken (including notifications and directions issued, rules, appointments, authorizations, entrustment and leases made, sanctions, approval or exemption given, powers delegated and orders passed, in so far as they are not inconsistent with the provisions of this Act, and the rates of tolls fixed) under the Acts so repealed shall continue in force until altered, amended or superseded by anything done or any action taken under this Act]

¹SCHEDULE.

²[(See section 2A)].

Under section	Powers
3	Powers exercisable by ³ [the ⁴ [State] Government] including the power to exempt from payment of toll under clause (d)
4	Powers exercisable by ³ [the ⁴ [State] Government]
5	Powers exercisable by ³ [the ⁴ [State] Government]
12	Powers exercisable by the Collector of the district
5*	* * * * *

¹ This Schedule was added by Bom 8 of 1923, s 3
² This portion was inserted by Bom 60 of 1959, s 4(m)
³ The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council
⁴ This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950
⁵ The entry relating to section 14 was deleted by Bom. 60 of 1959, s 4(m)

THE CIVIL JAILS ACT, 1874.

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PREAMBLE. [*Repealed.*]

PARTS I AND II.

SECTIONS.

1 to 7. [*Repealed*]

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16. Disposal of subsistence-money in hand on prisoner's death or release.
Cost of disposing of corpses and other expenses connected with civil jail to be provided by State Government.

PARTS IV to XIV

17 to 52. [*Repealed.*]

BOMBAY ACT No. II OF 1874.¹

[THE CIVIL JAILS ACT, 1874]†

[15th January 1875]

Repealed in part, by Act 9 of 1894.

” ” ” ” Bom. 3 of 1886.

Amended by Bom. 2 of 1882.

Adapted and modified by the Adaptation of Indian Laws Order in Council.

” ” ” by the Adaptation of Laws Order, 1950.

Amended by Bom. 23 of 1959.

An Act for the regulation of jails in the ²[State of Bombay excluding Greater Bombay] and the enforcement of discipline therein.

PREAMBLE. [Rep. ³Act IX of 1894.]

PARTS I AND II.

PRELIMINARY ; CLASSES OF JAILS.

1 to 7. [Rep. ³Act IX of 1894.]

PART III.

CIVIL JAILS.

⁴[3. This Act shall apply to Civil Jails in the ⁵State of Bombay outside Greater Bombay] Application

9. There shall be a civil jail at the seat of the District Court for each district created under section 3 of ⁶Act XIV of 1869 ⁶[or any corresponding law for the time being in force in any part of the State] : Provided that it shall be in the power of the ⁷[⁸State] Government] to establish civil jails at other convenient places. Civil jail to be at seat of each District Court, and may be at other places.

10. The nazir of the District Court ⁶[(or the corresponding officer by whatever name called, hereinafter referred to as “the nazir”)] or of the chief Civil Court at the place where the civil jail is located shall be *ex-officio* keeper of the civil jail, and shall be responsible for the safe custody of the prisoners and for the preservation of cleanliness and good order in the jail and among the prisoners, and shall have such establishment under him as the District Judge, with the sanction of the ⁷[⁸State] Government], may direct. Nazir of District Court to be keeper of civil jail and to have establishment under him.

¹ For Statement of Objects and Reasons, see *Bombay Government Gazette*, 1873, Pt V, p 290 ; for first Report of the Select Committee, see *ibid* , 1874, p. 82 ; for second Report of the Select Committee, see *ibid* , p 121, and for Proceedings in Council, see *ibid.*, 1873, p 483, and *ibid.*, 1874, pp. 111, 152 and 154.

The short title was given by the Bombay Short Titles Act, 1921 (Bom 2 of 1921).

Civil jails in the Presidency of Bombay outside the city of Bombay are administered under ss 9 to 16 of this Act as amended by subsequent enactments, see the Prisons Act, 1894 (9 of 1894), s. 1 (3), Central Acts.

² These words were substituted for the words “ City and Presidency of Bombay ” by Bom. 23 of 1959, s 4 (2).

³ Central Acts.

⁴ Section 8 was inserted by Bom. 23 of 1959, s. 4 (2).

⁵ The Bombay Civil Courts Act, 1869.

⁶ These words were inserted by Bom. 23 of 1959, s. 4 (2).

⁷ The words “ Provincial Government ” were substituted for the words “ Governor in Council ” by the Adaptation of Indian Laws Order in Council.

⁸ This word was substituted for the word “ Provincial ” by the Adaptation of Laws Order, 1950.

† This Act is extended and shall be in force, throughout the State (*vide* Bom 23 of 1959, s. 4).

- Judge to visit civil jail.** 11. The Judge or the Assistant Judge of the district in which a civil jail is situated shall visit such civil jail at least once in each month, and shall issue in writing such orders connected with the economy of the jail, the good management, health and accommodation of the prisoners, as he may think fit.
He shall record the date of his visit, and any remarks he may have to make, in a book to be kept for the purpose
- Medical officer to attend jail.** 12. A medical officer to be appointed by the ¹[State] Government shall attend the civil jail, and shall be bound to offer such advice to the District Judge, or other officer in charge of the civil jail, as may seem expedient to him with regard to the sanitary state of the jail and of the prisoners.
He shall also administer remedies at the expense of the ²[State] Government to the sick : Provided that nothing contained in this section shall prevent a prisoner in a civil jail from employing at his own expense any medical man he may think fit to consult.
- Remedies administered at expense of [State] Government.**
- Strangers may be admitted to civil jail.** 13. The civil jail shall be opened daily for the admission of those wishing to visit prisoners from 9 a m till 3 p m , and no stranger shall be allowed to remain in the civil jail beyond the abovementioned hours except by permission of the Judge, the Assistant Judge of the district, or on the recommendation of the medical officer by the permission of the nazir in charge of the jail.
- Subsistence of prisoners in civil jails.** 14. (1) Prisoners, in the civil jail may either make their own arrangements for their subsistence, or may, within the amount of subsistence-money or batta furnished by the party at whose suit they are detained, require the nazir to furnish their food and other necessaries out of the subsistence-money fixed for them by the Court by which they are committed . Provided that excess in the use of intoxicating liquors or drugs be strictly prohibited . A tariff of prices approved by the District Judge on the first day of each month shall be kept in each civil jail and shall be accessible to all the prisoners
(2) Every civil prisoner unable to provide himself with sufficient clothing and bedding shall be supplied by the nazir with such clothing and bedding as may be ordered by the Judge or Assistant Judge under the provisions of section 11 of this Act.
When any such prisoner has been committed to prison in execution of a decree in favour of a private person, such person, or his representative, shall be hable to pay to the nazir on demand in writing the cost of the clothing and bedding so supplied to the prisoner ; and in default of such payment the prisoner shall be released.
- Disposal of corpse of prisoner dying in civil jail.** 15. When a prisoner shall die in the civil jail, the nazir shall immediately report such death to the nearest Magistrate, who shall thereupon inquire into the cause of such death, and make a written report thereon to the Inspector-General of Prisons, and the corpse of such prisoner shall, after the medical officer appointed under section 12 * ⁴ has certified to his death, be made over to his relatives or friends ⁵[if any be present and willing to take charge of it]

¹ The words " Provincial Government " were substituted for the words " Governor in Council " by the Adaptation of Indian Laws Order in Council.

² This word was substituted for the word " Provincial " by the Adaptation of Laws Order, 1950.

³ The words " Provincial Government " were substituted for the word " Government " by the Adaptation of Indian Laws Order in Council.

⁴ The words " of this Act " were repealed by the Bombay General Clauses Act, 1886 (Bom. 3 of 1886), Schedule B. This Schedule has been printed as an Appendix to the Bombay General Clauses Act, 1904 (Bom. 1 of 1904).

⁵ These words were substituted for the words " or in failure of their taking the corpse, it shall be buried, burnt or otherwise disposed of at the expense of the Civil Jail Fund, as hereinafter provided " by s. 1, Bombay Jails Amendment Act, 1882 (Bom. 2 of 1882).

¶[If no relatives or friend of a prisoner who has died in prison is present and willing to receive and dispose of his corpse, it shall be buried, burnt or otherwise disposed of.]

¶16. If, at the time of a prisoner's death or release, any of the subsistence-money furnished by the party at whose suit such prisoner was detained remains unexpended, notice shall be forthwith given to the party paying the same, and the balance so remaining unexpended shall be returned to such party or his representatives : Provided that he or they claim payment thereof within three months from the date of such notice ; failing which such balance shall become the property of ²[the State Government].

Disposal of subsistence money in hand on prisoner's death or release.

The cost of disposing of the corpses of deceased prisoners under clause 2 of the last preceding section, and of procuring comforts for sick prisoners, and generally for the maintenance of the civil jail, shall be provided by ⁴[the ⁵[State] Government] subject to such rules as ⁴[the ⁵[State] Government] may from time to time prescribe in this behalf.]

Cost of disposing of corpses and other expenses connected with civil jail to be provided by ⁴[State] Government.

PARTS IV TO XIV.

[CRIMINAL JAILS ; SUPERINTENDENTS OF CRIMINAL JAILS, AND THEIR DUTIES ; JAILORS AND THEIR DUTIES ; MEDICAL OFFICER : PRISON OFFENCES ; OFFENCES IN RELATION TO JAILS ; VISITS TO, AND CORRESPONDENCE OF, PRISONERS ; DISCHARGE OF PRISONERS ; VISITORS OF JAILS ; EXTRAMURAL GANGS ; MISCELLANEOUS.]

17 to 52. [Rep. ⁶Act IX of 1894]

¹ This clause was added by s. 1, Bombay Jails Amendment Act, 1882 (Bom. 2 of 1882).

² Section 16 was substituted by s. 2, *ibid.*

³ These words were substituted for the words "the Crown for the purposes of the Province" by the Adaptation of Laws Order, 1950

⁴ The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council

⁵ This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

⁶ See Central Acts.

THE BOMBAY HEREDITARY OFFICES ACT, 1874.

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 79. State Government may call for proceedings.
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 81. Recoveries how to be made
 82. State Government to frame rules.
 83. State Government to determine duties of hereditary officers.
 84. Grant of powers to Special Officer.
 85. Act not to affect Bombay Act VIII of 1867.

SCHEDULE. [*Repealed.*]

SECOND SCHEDULE.—Offences referred to in section 60.

BOMBAY ACT No. III OF 1874.¹

[THE BOMBAY HEREDITARY OFFICES ACT, 1874.]

[5th February 1875]

Repealed in part, by Act 12 of 1876 ;
 " " " by Bom. 3 of 1886.
 " " " and amended by—
 Act 16 of 1895 ;
 Bom 5 of 1886 ;
 " 3 of 1910.

Repealed in part, amended and supplemented (locally), by—
 Bom. 6 of 1887.

Amended by Bom. 3 of 1915 ;
 " " " 11 of 1925 ;
 " " " 11 of 1930 ;
 " " " 15 of 1931 ;
 " " " 12 of 1932.

Adapted and modified by the Adaptation of Indian Laws Order in Council.

" " " by the Adaptation of Laws Order, 1950.

Amended by Bom. 28 of 1950.

An Act to amend the Law relating to Hereditary Offices.

WHEREAS it is expedient to declare and amend the law relating to Hereditary Preamble.
 Offices ; It is hereby enacted as follows :—

PART I.

PRELIMINARY.

1. This Act may be called the Bombay Hereditary Offices Act.

It extends to the Regulation Districts and to all villages therein, whether alienated Short title.
 or otherwise, so far as its provisions shall not conflict with the terms, on which any
 such alienated village may have been secured to the holder thereof.

Nothing in this Act shall affect the powers of ²[the ³[State] Government] to
 deal with any watan or parts of watans, or with the profits thereof respectively under
 Act No. XI of 1852, or Bombay Acts Nos. II and VII of 1863, or any other law
 at present in force with respect thereto.

¹ For Statement of Object and Reasons, see *Bombay Government Gazette*, 1873, Pt V, and pp 207 and 309, for Proceedings in Council, see *ibid*, pp 439, 443 and 462, *ibid*, 1874, pp 135, 148, 156 and 162.

As to the application of Bom 3 of 1874 as amended by Bom 5 of 1886, to Matadars in the districts of Ahmedabad, Kara, Broach and Surat, and in villages in the Panch Mahals District to which Bom 6 of 1887, *infra*, is extended—see the Matadars Act, 1887 (Bom. 6 of 1887), ss. 1 and 2, *infra*.

Subject to modifications and repeals, Bom. 6 of 1887 is to be read as one with this Act—see Bom. 6 of 1887, s 4 For further modifications, see ss. 5 *et seq* of the latter Act.

² The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

³ This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950

⁴ The Bombay Rent-free Estates Act, 1852.

2. [Repeal of enactments] Rep. Act XII of 1876.

Applica-
tion of
parts VI
VII, VIII
and IX.
Interpre-
tation
clause,

3. Parts VI, VII, VIII and IX ¹* * * shall not apply to hereditary offices of lower degree than Patel or Kulkarni, nor to watans appertaining to such offices.

4. In this Act, unless there be something repugnant in the subject or context—

“Watan property” means the moveable or immovable property held, acquired, or assigned for providing remuneration for the performance of the duty appertaining to an hereditary office. It includes a right to levy customary fees or perquisites, in money or in kind, whether at fixed times or otherwise.

It includes cash payments in addition to the original watan property made voluntarily by ²[the ³[State] Government] and subject periodically to modification or withdrawal.

“Hereditary Office” means every office held hereditarily for the performance of duties connected with the administration or collection of the public revenue or with the village police, or with the settlement of boundaries, or other matters of civil administration. The expression includes such office even where the services originally appertaining to it have ceased to be demanded.

The watan property, if any, and the hereditary office and the rights and privileges attached to them together constitute the watan.

“Watandar” means a person having an hereditary interest in a watan. It includes a person holding watan property acquired by him before the introduction of the British Government into the locality of the watan, or legally acquired subsequent to such introduction, and a person holding such property from him by inheritance. It includes a person adopted by an owner of a watan or part of a watan, subject to the conditions specified in sections 33 to 35 ¹* * *

“Family” includes each of the branches of the family descended from an original watandar. Provided that no sub-division shall be recognised except as hereinafter provided in section 26.

“Head of a family” includes the chief representative of each branch of a family.

“Representative watandar” means a watandar registered by the Collector under section 25 ¹* * * as having a right to perform the duties of an hereditary office.

“Officiator” means the person actually performing the duties of an hereditary office for the time being, whether he be a representative watandar or a deputy or a substitute appointed under any of the provisions ⁴[of this Act].

“Guardian” means a relation or other person to whom the care, nurture, or custody of any child falls by natural right or recognized usage, or who has accepted or assumed directly the care, nurture, or custody of any child, or in case of dispute the holder of a certificate of guardianship from a competent court.

¹ The words “of this Act” were repealed by the Bombay General Clauses Act, 1886 (Bom. 3 of 1886), Schedule B. This Schedule has been printed as an Appendix to the Bombay General Clauses Act, 1904 (Bom. I of 1904).

² The words “the Provincial Government” were substituted for the word “Government” by the Adaptation of Indian Laws Order in Council.

³ This word was substituted for the word “Provincial” by the Adaptation of Laws Order 1950.

⁴ These words were repealed by the Bombay General Clauses Act, 1886 (Bom. 3 of 1886), and re-inserted by the Amending Act, 1895 (16 of 1895).

PART II.

WATAN PROPERTY AND PROFITS THEREOF.

1[5. (1) Without the sanction of 2[the 3[State] Government], 4* * * it shall not be competent—

(a) to a watandar to mortgage, charge, alienate or lease, for a period beyond the term of his natural life, any watan, or any part thereof, or any interest therein, to or for the benefit of any person who is not a watandar of the same watan ;

(b) to a representative watandar to mortgage, charge, lease or alienate any right with which he is invested, as such, under this Act.

(2) In the case of any watan in respect of which a service commutation settlement has been effected, either under section 15 or before that section came into force, clause (a) of this section shall apply to such watan, unless the right of alienating the watan without the sanction of 2[the 3[State] Government] is conferred upon the watandars by the terms of such settlement or has been acquired by them under the said terms]

6. (1) In any case in which it shall appear to the Collector that the institution of legal proceedings is requisite or desirable with respect to any watan, or the estate, property, funds or affairs thereof, the Collector shall certify such case in writing under his hand to the 5* * * 6[State Government], together with such statements and particulars as in his opinion may be requisite or proper for the explanation of such case, and thereupon the 6[State Government], if upon consideration of the circumstances 7[it] thinks fit, shall authorize the Collector to institute and prosecute in the name of the Collector such legal proceedings as may appear requisite or proper for the protection of the watan, its estates, property, funds or affairs, by suit or petition in any Civil Court having jurisdiction in the matter. The cost of such proceedings, unless recovered from the opposite party, shall be paid out of the funds of the watan.

(2) The Collector may, if he thinks fit, proceed as provided in sections 8, 9, 10, 11 or 13 8* * * in lieu of instituting or prosecuting legal proceedings under this section.

7. Watan property assigned under section 23 5* * * as remuneration of an officiator, and the profits of watan property so assigned, shall not be alienated or assigned to any person whatever without the sanction of 2[the 3[State] Government]

¹ Section 5 was substituted by s 1, Bom 5 of 1886 As to postponement of female members, and as to interest of widow see *ibid*, s 2

² The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council

³ This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950

⁴ The words "or in the case of a mortgage, charge, alienation, or lease of not more than thirty years of the Commissioner" were deleted by Bom 23 of 1950, Sch

⁵ The word "Revenue" was repealed by the Bombay General Clauses Act, 1886 (Bom 3 of 1886), Schedule B This Schedule has been printed as an Appendix to the Bombay General Clauses Act, 1904 (Bom 1 of 1904)

⁶ These words were substituted for the words "Commissioner" and "said Commissioner" by Bom 23 of 1950, Sch.

⁷ This word was substituted for the word "he", *ibid*.

⁸ The words "of this Act" were repealed by the Bombay General Clauses Act, 1886 (Bom, 2 of 1886).

Watan property passed into possession of person other than officiator hable to contribution for remuneration of officiator.

8. Whenever any watan, or any part thereof, or any of the profits thereof, whether assigned as remuneration of an officiator or not, has or have before the date of this Act coming into force passed by virtue of, or in execution of, a decree or order of any ¹[Court] into the ownership or beneficial possession of any person other than the officiator for the time being, or has or have before such date passed otherwise than by virtue of, or in execution of, a decree or order of any ¹[Court] into the ownership or beneficial possession of a watandar other than such officiator ; or

when any watan, or part or profits thereof, not being assigned as remuneration of an officiator has, after the date of this Act coming into force, passed by virtue of, or in execution of, a decree or order of any ¹[Court] or otherwise, into the ownership or beneficial possession of a watandar other than such officiator ;

such watan, or any part thereof, or any of the profits thereof, shall be hable under the orders of the Collector to contribution for the remuneration of such officiator in like manner and to the like extent as if no such decree had been passed or no such transfer had taken place

Collector may declare alienation of watan property to be under certain circumstances null and void.

9. (1) Whenever any watan or any part thereof, or any of the profits thereof, whether assigned as remuneration of an officiator or not, has or have, before the date of this Act coming into force, passed otherwise than by virtue of, or in execution of, a decree or order of any British Court and without the consent of the Collector and transfer of ownership in the Revenue records, into the ownership or beneficial possession of any person not a watandar of the same watan, the Collector may, after recording his reasons in writing, declare such alienation to be null and void, and order that such watan, or any part thereof, or any of the profits thereof, shall from the date of such order belong to the watandar previously entitled thereto, and may recover and pay to such watandar any profits thereof accordingly.

Collector may in the case of land recover full rent.

(2) If such part of a watan be land, it shall be lawful for the Collector, instead of transferring the possession of the land, to demand and recover the full rent ordinarily paid by tenants of land of similar description in the same locality, and the amount so recovered shall be considered as the profits. The decision of the Collector as to what is the full rent shall be final

Civil Court on receipt of Collector's certificate, to remove attachment on watan property assigned as remuneration of officiator.

10. When it shall appear to the Collector that by virtue of, or in execution of, a decree or order of any ¹[Court] any watan or any part thereof, or any of the profits thereof, recorded as such in the Revenue records or registered under this Act, and assigned under section 23 ²* * * as remuneration of an officiator, has or have, after the date ³[of this Act] coming into force, passed or may pass without the sanction of ⁴[the ⁵[State] Government] into the ownership or beneficial possession of any person other than the officiator for the time being ; or that any such watan, or any part thereof or any of the profits thereof, not so assigned has or have so passed ⁶[or may pass] into the ownership or beneficial possession of any person not a watandar of the same watan, the Court

¹ This word was substituted for the words " British Court " by the Adaptation of Laws Order, 1950

² The words " of this Act " were repealed by the General Clauses Act, 1886 (Bom 3 1886), Schedule B. This Schedule has been printed as an Appendix to the Bombay General Clauses Act, 1904 (Bom 1 of 1904).

³ These words were repealed by the Bombay General Clauses Act, 1886 (Bom 3 of 1886), and re-inserted by the Amending Act, 1895 (16 of 1895)

⁴ The words " the Provincial Government " were substituted for the word " Government " by the Adaptation of Indian Laws Order in Council.

⁵ This word was substituted for the word " Provincial " by the Adaptation of Laws Order, 1950

⁶ These words were inserted by the Bombay Hereditary Offices (Amendment) Act, 1886 (Bom. 5 of 1886).

shall, on receipt of a certificate under the hand and seal of the Collector, stating that the property to which the decree or order relates is a watan or part of a watan, or that such property constitutes the profits or part of the profits of a watan, or is assigned as the remuneration of an officiator, and is therefore inalienable, remove any attachment or other process then pending against the said watan, or any part thereof, or any of the profits thereof, and set aside any sale or order of sale or transfer thereof, and shall cancel the decree or order complained of so far as it concerns the said watan, or any part thereof or any of the profits thereof.

11. When any alienation of the nature described in section 10 shall take place otherwise than by virtue of, or in execution of a decree or order of any [Court], the Collector shall, after recording his reasons in writing, declare such alienation to be null and void, * * * * *

Collector shall declare null and void alienation of watan property made after passing of Act.

[11A. The Collector shall either summarily resume possession of all property to which an order of a Court passed on receipt of his certificate under section 10, or his own declaration under section 11, relates. or assess it at the rate prescribed in clause 2 of section 9, as he may think fit, and the said property shall thenceforward revert to the watan]

Resumption of property to which an order made under section 10 or section 11 applies.

12. It shall be lawful for the Collector whenever it may be necessary, in carrying out the provisions of sections 8, 9 and 11 * * *

Powers of Collector to carry out provisions of sections 8, 9 and 11.

(a) to summarily evict any person wrongfully in possession of any land, or

(b) to levy any rent due by any person in the manner that may be prescribed in any law for the time being in force for the levy of a revenue demand.

13. Watan property assigned as remuneration of an officiator under section 23 * * * and the profits of such watan property are not liable to process of any Civil Court.

Watan assigned as remuneration not liable to process of Court.

On receipt of a certificate under the hand and seal of a Collector to the effect that certain property designated therein is watan property so assigned, the Court shall remove any attachment or other process placed on, or set aside any sale of, or affecting, such property or the profits thereof.

14. (1) It shall be lawful for a Collector for reasons to be stated in writing, to combine two or more watans held for the performance of similar services in the same village or parts of the same village.

Combination of hereditary offices.

(2) [Validation of prior combinations] Rep Act XVI of 1895.

¹ The words "of this Act" were repealed by the General Clauses Act, 1886 (Bom 3 of 1886), Schedule B. This Schedule has been printed as an Appendix to the Bombay General Clauses Act, 1904 (Bom 1 of 1904)

² This word was substituted for the words "British Court" by the Adaptation of Laws Order, 1950.

³ The words "and shall either summarily resume possession of such property or assess it at the rate prescribed in section 9, clause 2, of this Act, as he may think fit, and it shall thenceforward revert to the watan" were repealed by s. 4, Bom. 5 of 1886.

⁴ S. 11A was inserted by Bom. 5 of 1886.

PART III.

COMMUTATION OF WATANS.

Commuta-
tion of
service.

15. (1) The Collector may, with the consent of the holder of a watan, given in writing, relieve him and his heirs and successors in perpetuity of their liability to perform service upon such conditions, whether consistent with the provisions of this Act or not, as may be agreed upon by the Collector and such holder.

(2) [*Validation of prior settlements*] *Rep. Act XVI of 1895.*

Settlement
on whom
to be
binding.

(3) Every settlement made or confirmed under this section shall be binding upon both ¹[the ²[State] Government] and the holder of the watan and his heirs and successors.

Who is a
"holder".

(4) The word "holder" for the purposes of this section includes any sole owner or the whole number of joint owners or any person dealt with as representative of the persons beneficially interested or entered as such in the Government records at the time of the settlement

Rights of
individuals
to exact
customary
service
from village
servants
not affected.

16. Nothing in the last preceding section shall be held to affect any rights of individuals or village communities to exact such service as may be customary from village servants whose watans were originally granted or are now held for the performance of such service, but who have been relieved by ¹[the ²[State] Government] of liability to perform such service to the State.

Assess-
ment of
amount
of pay-
ments in
alienated
villages.

17. When all or any of the property of a watan consist of payments of whatever description, whether in money or kind, made by Jaghirdars, Inamdars, Mehwassai Chiefs, or others owning or occupying immovable property wholly or partially free from assessment, the Collector may from time to time determine the amount of such payments recoverable, provided that no larger demand shall be made than one equivalent to the amount that would be payable under the scale in force for the time being in the case of Government villages

Appoint-
ment of
Panchayat
to define
rights
and duties
of certain
classes of
watandars.

18. When all or any of the property of a village watan of lower degree than that of Patel or Kulkarni consists of a right to levy in money or kind directly from individuals, it shall be lawful for the Collector, on the application of any person interested, to cause the nature and extent of such right and of the duties to be performed, and the persons, families, or classes liable to make payment and to perform the duties, to be defined in writing by a panchayat of five persons, whereof two shall be appointed by the villagers, two by the watandars, and one, who shall be sar-panch by the Collector. The decision shall be in accordance with the opinion of the majority of the panchayat, provided that in case the villagers or the watandars fail to nominate members within seven days, the Collector shall appoint such members as may be required to constitute a panchayat of five :

Provided also that, in case the panchayat do not come to a decision within seven days from the appointment of the sar-panch, the Collector may himself pass a decision.

The decision of the panchayat or of the Collector, as above provided, shall be final and binding on all persons or classes whose rights, duties or liabilities have been submitted to such decision.

¹ The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

² This word was substituted for the word "Provincial" by the Adaptation of Laws Order 1950.

19. Whenever, on failure of the panchayat to come to a decision, the Collector, acting under the last preceding section, passes a decision, and it appears that the profits of the watan or part thereof are of fluctuating amount, or are payable in kind, it shall be lawful for the Collector to determine the amount payable and to decide whether the payment shall be made in kind or money.

Mode of fixing amount payable when profits of a watan fluctuate.

20. Any settlement of the nature described in section 17, 18 or 19^{1*} * * * made before the date of this Act coming into force, by a Collector or other officer duly authorised by ²[the ³[State] Government], shall have the same force as if made under this Act.

Validity of settlements made prior to passing of Act.

21. Settlements of the nature described in sections 17, 18 and 19^{1*} * * * made after this Act comes into force, shall be made for such periods as the ⁴[³[State] Government] may from time to time direct.

Settlements for such period as ³[State] Government may direct.

PART IV.

CREATION AND LAPSE OF WATANS.

22. When no watan exists, it shall be lawful for ²[the ³[State] Government] to create one, and in so doing to assign, subject to such sanction as may be required by any law, ^{5*} * * * * for the time being in force, such ⁶[property vested in ⁷[the State Government]] as to ²[the ³[State] Government] may seem fit.

Creation of new watans.

Such watan shall be subject to all the provisions of this Act, and the watan-dars shall exercise the powers and perform the duties conferred and imposed by this Act or any other law for the time being in force.

When a watan, or part of a watan, has lapsed or has been confiscated or otherwise lawfully resumed by ²[the ³[State] Government], or when the right of any particular family to hold a watan does not exist or is not established, it shall be lawful for ²[the ³[State] Government], subject to the sanction mentioned in the first clause of this section, to assign such watan, or part of a watan, to such person or persons as to ²[the ³[State] Government] may seem fit.

¹ The words "of this Act" were repealed by the Bombay General Clauses Act, 1886 (Bom. 3 of 1886, Schedule B. This Schedule is printed as an Appendix to the Bombay General Clauses Act, 1904 (Bom. 1 of 1904).

² The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

³ This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

⁴ The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

⁵ The words "or order of the Governor General of India in Council" were omitted, *ibid.*

⁶ The words "property vested in the Crown for the purposes of the Province" were substituted for the words "property of Government", *ibid.*

⁷ These words were substituted for the words "thrown for the purposes of the Province" by the Adaptation of Laws Order, 1950.

PART V

REMUNERATION OF OFFICIATORS.

Collector to fix emoluments of officers

23. Subject to the provisions of this Act and of any other law for the time being in force regarding Service Inams, Cash allowances and Pensions, it shall be the duty of the Collector to fix the annual emoluments of officers appointed under the provisions of this Act, and to direct the payment thereof to the officers for the time being.

Collector may assign watan property for the purpose

It shall be lawful for the Collector for this purpose to assign watan property, or the profits thereof, towards the emoluments of officers. The existing assignments shall, until altered by competent authority, be taken to have been made under this section. With the sanction of ¹[the ²[State] Government] the Collector may, as occasion arises, alter the assignment and may increase or diminish it in value, such increase or diminution being made rateably among the holders in proportion to the profit derived by such holders respectively from the watan.

PART VI.

REPRESENTATIVE WATANDARS.

Duties of office to be performed by representative watandars.

24. The duties appertaining to any hereditary office shall be performed by the representative watandars or by deputies or substitutes as hereinafter provided, and by no other persons.

Determination and registration of representative watandars.

25. It shall be the duty of the Collector to determine, as hereinafter provided, the custom of the watan as to service and what persons shall be recognized as representative watandars for the purpose of this Act, and to register their names.

Previous practice to be considered in determining who are representative watandars.

26. In determining what heads of families shall be recognized as representative watandars and what is the custom of the watan as to service, the Collector shall inquire into and take into consideration the practice heretofore observed from the earliest period for which there are records or other evidence available provided that he shall not be bound to recognize appointments or sub-divisions which have been made subsequently to the introduction of ⁴Act No. XI of 1843, and which he considers to be contrary to the custom of the watan.

Registration of head of family as sole representative watandar.

27. If it shall appear to the Collector that the custom has been for a member of one family only to serve, the Collector shall register the name of the head of such family only as the representative watandar and no other person.

Registration of heads of families as representative watandars.

28. If it shall appear to the Collector that the custom has been for a member of each of several families to perform the duties either contemporaneously or for successive periods, the Collector shall register the name of the head of each of such families as representative watandars and no other persons, and where the practice of service and successive periods is proved to exist, he shall decide the order in which the representative watandars shall officiate.

¹The words "the Provincial Government" were substituted for the words "Government" by the Adaptation of Indian Laws Order in Council.

²This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950

³As to the local repeal of ss. 24 to 29 see the Matadars Act, 1887 (Bom. 6 of 1887), ss 1 and 3.

⁴Act 11 of 1843 was repealed by s 2 of this Act.

¹29. (1) Where the practice of service in successive periods appears to have existed but is not proved to the satisfaction of the Collector to have existed at the date of the introduction of ²Act No XI of 1843, or when the practice of selection by the Collector from several families prevails, he shall determine who is the head of the eldest family descended from the original watandar and shall register his name as sole representative watandar.

(2) In cases where such several families are not descended from a common ancestor, the Collector shall register as representative watandars the heads of such families, and establish the practice of service in successive periods

³30. When the practice of service in successive periods has been introduced under the British rule, in consequence of the reduction in the number of ⁴[officiators] or the amalgamation of watans by ⁵[the Provincial Government], the head of each family that formerly officiated shall be separately entered as a representative watandar

⁶* * * ³¹31. But if in any case described in section 29 the heads of families at any time before the completion of the register prescribed by this Act agree unanimously in writing, or have in writing agreed during the inquiry made in the preparation of the existing registers, as to who are the representative watandars, and as to the order of service, then the register prescribed in this Act shall be prepared in accordance with such agreement

³²32. When watan property or profits have been voluntarily relinquished without abandonment of right of service, such right of service shall be dealt with as if the watandars were still in receipt of such emoluments

³³33. In any case in which, before the coming of this Act into force, any registered representative watandar or his widow shall have adopted an heir, notice of the same shall, within twelve months from the coming into force of this Act, be given by or on behalf of such adopted heir to the Collector, who shall register the name of such heir accordingly. But if such adoption shall be shown to have been or shall subsequently be set aside by decree of a competent Court, the Collector shall remove such name from the register.

³⁴34. In any case in which, after the coming of this Act into force, any registered representative watandar or his widow shall adopt an heir, report of such adoption shall within three months be made to the Collector by such watandar or by his widow, or in case of their death then by such adopted heir, or by the guardian of the latter, and the Collector shall register the name of such heir accordingly. But if such adoption shall subsequently be set aside by decree of a competent Court, the Collector shall remove such name from the register.

¹ As to the local repeal of ss 24 to 29, see the Matadars Act, 1887 (Bom 6 of 1887), ss. 1 and 3.

² Act 11 of 1843 was repealed by s. 2 of this Act

³ As to the local modification or repeal of ss 30 and 31, see Bom 6 of 1887

⁴ This word was substituted for the word "sharers" by s. 6 of the Bombay Hereditary Offices (Amendment) Act, 1886 (Bom 5 of 1886)

⁵ The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

⁶ The words "of this Act" were repealed by the Bombay General Clauses Act, 1886 (Bom. 3 of 1886)

Procedure if notice of adoption is not duly given

35. In any case in which ¹[notice or] report of such adoption shall not be made as herein directed, the Collector shall not recognize the same without the production of a certificate of heirship, or of a final decree of a competent Court establishing the validity of such adoption.

Death of representative watandar to be reported; name of heir to be registered.

²36. When any representative watandar dies it shall be the duty of the patel and village accountant to report the fact to the Collector, and the Collector shall, if satisfied of the truth of the report, and subject to the provisions of section 2 of Bombay Act V of 1886, register the name of the person appearing to be the nearest heir of such watandar as representative watandar in place of the watandar so deceased

Provided that—

(1) in determining who is the nearest heir for the purposes of this section the rule of lineal primogeniture shall be presumed to prevail in the watan family,

(2) in any case where the deceased watandar was not a sole representative watandar, if his nearest heir is not a member of the branch of the family to which the deceased watandar belonged but is another representative watandar of the same watan or is a member of the branch of another representative watandar of the same watan, the share entered in the register against the name of the deceased watandar shall—

(a) if there is only one remaining representative watandar of the same watan who is descended from the same original watandar as the deceased, pass to that remaining representative watandar,

(b) if there are more than one such remaining representative watandars, be divided among such remaining representative watandars in proportion to their shares

and the register shall be corrected accordingly.

(3) ⁴[if any person shall by production of a decree] of a competent Court, satisfy the Collector that he is entitled to have his name registered as the nearest heir of such deceased watandar in preference to the person whose name the Collector has ordered to be registered, ⁵[at any time within six years of such order, the Collector shall] subject to the foregoing provisoes, cause the entry in the register to be amended accordingly]

Guardian of minor watandar to perform duties of minor.

⁶37. When any head of a family or representative watandar is under the age of eighteen years his guardian may subject to the provisions of section 51 * * * exercise all powers and perform all duties conferred and imposed by this Act.

¹ These words were inserted by s 7 of the Bombay Hereditary Offices (Amendment) Act, 1886 (Bom. 5 of 1886)

² Section 36 was substituted by s 2 (1) of the Bombay Hereditary Offices Act, 1910 (Bom 3 of 1910).

³ As to the local modification or repeal of ss 33, 34 and 36, see Bom 6 of 1887.

⁴ The words "if any person shall by production of a decree" were substituted for the words "if at any time any person shall by production of a certificate of hardship, or of a decree or order" by Bom. 11 of 1930, s. 2

⁵ The words "at any time within six years of such order, the Collector shall" were substituted for the words "the Collector may", *ibid*

⁶ As to the local repeal of s. 37, see Bom 6 of 1887

⁷ The words "of this Act" were repealed by the Bombay General Clauses Act, 1886 (Bom 3 of 1886).

PART VII.

PERIODS OF SERVICE.

¹33. Subject to the provisions of sections 45 and 46, representative watandars shall be entitled to office for the following periods, respectively (namely) —

Representative watandars to serve for life or for fixed periods of five or ten years

(a) in cases falling under section 28 or section 29, clause (2), or section 30 or section 31, in which the representative watandars are entitled to office contemporaneously, and in cases falling under section 27 or section 29, clause (1), } for life,

(b) in cases falling under section 28 or section 29, clause (2), or section 30 or section 31, in which the representative watandars are entitled to office in successive periods. } for such period as the Collector shall in each case determine, the same being not less than five nor more than ten years.]

²39. In the event of the officiating watandar dying before the expiration of his fixed period of service, his heir shall, subject to the provisions of Part VIII * * * be entitled to officiate for the remainder of that period

Procedure on death of officiator.

³40. (1) In the case of a watan in which the representative watandars are entitled to perform the duties in successive periods, the Collector shall, on the occurrence of the turn of any such representative watandar to perform the duties, issue a notice to the whole body of registered representative watandars calling upon them to appear before him at a certain time and place to elect an officiator, or such number of officiators as may be required by the Collector under the provisions of section 43 * * *

Election officiator in rotation watan

(2) If not less than three fourths, including the watandar whose turn it is to officiate, of the representative watandars appear at the appointed time and place and unanimously nominate a fit and proper person or persons, being a watandar or watandars of the same watan, the person or persons, so nominated shall be entitled to officiate in the place and for the period of service of the representative watandar whose turn it is to perform the duties.

(3) If the person or persons so nominated be other than the representative watandar whose turn it is to perform the duties, he or they shall for all the purposes of this Act be deemed to be the duly appointed deputy or deputies of the said representative watandar.

⁴41. If in the case of a watan in which the representative watandars are entitled to perform the duties in successive periods, the representative watandars shall not appear at the time and place appointed under the provisions of the last preceding section, or shall fail to nominate an officiator, or the requisite number of officiators, unanimously, then the provisions of this Act as to service by the representative watandar entitled to officiate and as to appointment of deputies shall apply.

Mode of appointment if representative watandars fail to nominate officiator

¹ Section 38 was substituted by s. 8 of the Bombay Hereditary Offices (Amendment) Act, 1886 (Bom 5 of 1886). As to the local repeal of s 38, see Bom. 6 of 1887

² As to the local repeal of ss 39, 40, 41, 42 and 43, see Bom 6 of 1887.

³ The words "of this Act" were repealed by the Bombay General Clauses Act, 1886 (Bom. 3 of 1886).

PART VIII.

OFFICIATING WATANDARS AND DEPUTIES.

Representative watandar to perform duties of office.

142. Every representative watandar whose duty it is to officiate shall, if a fit and proper person perform the duties of the hereditary office himself on being so required by the Collector, but may be permitted by the Collector to appoint a deputy.

Collector to determine number of officers required.

143. The Collector shall determine the number of officers required for the proper performance of the duties of any office from time to time, and for this requirement may call upon the representative watandar aforesaid to appoint a sufficient number of fit and proper persons as deputies, or may direct service in successive periods by representative watandars who have hitherto served or are serving contemporaneously.

44. [Collector to appoint deputy if watandar fails] *Rep. Bom. III of 1910.*

Collector when to, refuse service of representative watandar or of deputy nominated by him.

145. The Collector shall refuse to accept the service of any representative watandar or of any person nominated by a representative watandar to be his deputy, if such representative watandar or person—

(a) is under eighteen years of age,

(b) has not passed such educational test, if any, as [the State Government] think fit from time to time to prescribe in this behalf,

(c) has attained sixty years of age, except when such person's appointment or continuance in office is specially permitted by the Collector,

(d) is in the opinion of the Collector disabled by lunacy or imbecility of mind, or by deafness, blindness, or other permanent infirmity of body,

(e) has been adjudged by the Collector after a summary inquiry held in accordance with the provisions relating to summary inquiries contained in the Bombay Land-Revenue Code, 1879, to be of general bad character,

[(ee) is considered by the Collector to be unfit for office on the ground that he is a wilful defaulter in respect of land revenue or any sum expressly declared by any law for the time being in force to be recoverable as an arrear of land revenue,]

(f) 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, and whose disqualification on account of such sentence has not been removed by an order which the [State Government] is hereby empowered to make, if [it] shall think fit, in this behalf;

(g) declines to forsake, whilst officiating, some other employment which is in the opinion of the Collector incompatible with the due discharge of the duties of the office;

¹ As to the repeal of ss. 39, 40, 41, 42 and 43, see Bom. 6 of 1887

² Section 45 was substituted by s. 9 of the Bombay Hereditary Offices (Amendment) Act, 1886 (Bom. 5 of 1886).

³ As to local repeal of s. 45 see Bom. 6 of 1887

⁴ The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

⁵ This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950

⁶ *Infra.*

⁷ Clause (ee) was inserted by s. 2 of the Bombay Hereditary Offices Act, 1910 (Bom. 3 of 1910).

⁸ These words were substituted for the word "Commissioner" by Bom. 28 of 1950, Sch.

⁹ This word was substituted for the word "he", *ibid.*

¹[(h) has been removed from office or declared to be ineligible for re-employment under section 58 unless his re-employment is expressly sanctioned by ²[the ³[State Government]]

⁴[546. If an officiator at any time becomes unfit to officiate for any of the reasons specified in section 45, the Collector shall remove him from office and, subject to the other provisions of this Part, appoint another officiator,

Power to remove officiator or deputy of representative watandar who becomes unfit to officiate.

A deputy appointed by a representative watandar may at any time be removed from office by the Collector at the request of the representative watandar, if, in the opinion of the Collector, there are good grounds for such requests]

⁴[547. If a representative watandar whose duty it is to officiate is rejected or removed under section 45 or 46, he may, subject to the provisions of section 49, appoint a deputy :

Procedure when representative watandar is rejected or removed.

Provided that, whenever such representative watandar ceases to be disqualified under section 45, he shall become entitled, if otherwise fit, to serve in person in supersession of any such deputy, or to serve in person or (subject to the provisions of section 42) to appoint a deputy in supersession of any deputy appointed by the Collector.]

or removed.

⁴[548. If a deputy dies or resigns, or is rejected or removed by the Collector under section 45 or 46, the representative watandar whose duty it is to officiate may himself if otherwise fit, perform the duties in place of such deputy or, subject to the provisions of sections 42 and 49, appoint another deputy]

Procedure when a deputy is rejected or ceases to officiate.

⁴[549. The Collector, instead of the representative watandar whose duty it is to officiate, shall himself appoint a deputy in any of the following cases :—

Cases where Collector, instead of the representative watandar, shall appoint a deputy.

(a) where the representative watandar is disabled by lunacy or imbecility of mind from appointing a deputy ;

(b) where the representative watandar is disqualified under clause (e), (f) or (h) of section 45, whether or not he was a representative watandar at the time of his incurring such disqualification ,

(c) where the representative watandar fails to comply with any requisition of the Collector to serve in person or to appoint a deputy under section 42, 43, 47 or 48, within two months from the date thereof ;

(d) where the first person nominated by the representative watandar is rejected under section 45, and the second person nominated is also rejected under that section ,

(e) where the representative watandar declines to appoint a person as his deputy in accordance with section 53 ;

(f) where a deputy appointed by the Collector under any of the above clauses dies or resigns]

¹ Clause (h) was inserted by s 2 of the Bombay Hereditary Offices Act, 1910 (Bom 3 of 1910)

² These words were substituted for the word " Government " by s 2 and Sch I of the Bombay Decentralization Act, 1915 (Bom 3 of 1915)

³ These words were substituted for the word " Commissioner " by Bom 28 of 1950, Sch

⁴ Sections 46, 47, 48 and 49 were substituted by s 2 of the Bombay Hereditary Offices Act, 1910 (Bom 3 of 1910).

⁵ A to local repeal of ss 46 to 49, see Bom 6 of 1887.

50. [Collector may nominate deputy if representative watandar is rejected or removed] Rep. Bom. III of 1910. z

Female cannot officiate but may nominate deputy.

151. No female shall perform in person the duties of any hereditary office; but if a representative watandar or the guardian of a representative watandar, she may appoint a deputy.

Mamlatdar or Mahalkari to appoint deputy when officiator suspended

152. During the suspension of an officiating representative watandar or deputy and during any vacancy, the duties shall temporarily be performed by a substitute, whether a watandar or not, appointed by the ²[Mamlatdar or the Mahalkari, as the case may be].

Deputy must ordinarily be a member of the same family as the representative watandar whose duty it is to officiate.

³[153. Except as is otherwise provided in the last preceding section and in section 56, and, except as the ⁴[State] Government] shall by a general or special order⁵ from time to time otherwise direct, every deputy appointed under this Act shall be a member of the same family to which the representative watandar whose duty it is to officiate belongs, if there be a member of such family fit and willing to officiate ⁶[or, in default of such member, a watandar of the same watan who is fit and willing to officiate and who is descended from the same original watandar as the representative watandar whose duty it is to officiate]

7* * * * *

Term of appointment of deputy

154. When the Collector appoints a deputy, it shall be for a term not exceeding five years.

When a watandar entitled to officiate appoints a deputy, it shall be for a term not less than five years or for life. The term of appointment of a deputy shall cease and determine on the right of his principal ceasing, or on the death of his principal, and any appointment of a deputy on behalf of a representative watandar under the age of eighteen years shall terminate on the attainment by such representative watandar of that age

Officiator if absent or ill may appoint a temporary substitute.

[155. In the event of temporary absence or illness, an officiator may arrange with any fit person for the temporary conduct of the duties, but shall be liable in the penalties prescribed in sections 57 to 61 * * *

Head of family when to be treated as watandar.

156. When the hereditary right to perform the duties of an hereditary office as deputies of the original watandar is vested in a family distinct from that of the original watandar, the custom shall be recognized, and the heads of the family entitled to perform the duties shall be registered and treated as representative watandars.

¹ As to local repeal of ss. 51 to 55, see Bom 6 of 1887

² These words were substituted for the word "Collector" by s 2 and Sch I of the [Bombay Decentralization Act, 1915 (Bom 3 of 1915).

³ Section 53 was substituted by s 12 of the Bombay Hereditary Offices (Amendment) Act 1886 (Bom 5 of 1886).

⁴ The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

⁵ This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950

⁶ These words were added by s. 2 of the Bombay Hereditary Offices Act, 1910 (Bom 3 of 1910).

⁷ The following paragraph was repealed by Bom 3 of 1910, s. 3.—

"If a representative watandar declines to appoint as his deputy any such person as aforesaid, the appointments shall be made by the Collector."

⁸ The words "of this Act" were repealed by the Bombay General Clauses Act, 1886 (Bom. 3 of 1886).

⁹ As to the local repeal of ss. 56 to 58 see Bom. 6 of 1887

PART IX.

PENALTIES

157. It shall be lawful for the Collector to suspend any officiator from office during inquiry into alleged misconduct, and to punish any such officiator for misconduct or neglect of duty by suspension from office for a period not exceeding six months, or by fine not exceeding the fourth part of the annual emolument provided for the officiator. The order of the Collector shall be final in such cases, except when the penalty is inflicted on an hereditary district officer.

158. It shall be lawful for the Collector, with the previous sanction of ²[the Provincial Government], in case of fraud, the wilful framing of incorrect records, habitual neglect of duty, or other grave misconduct on the part of an officiator, to remove him from office ³[or, if he has ceased to officiate, to declare that he is ineligible for re-employment in any hereditary office except with the sanction of ⁴[the Provincial Government]] ⁵[the Collector may remove officiator with the sanction of Provincial Government]

59. [Officiator removed from office ineligible for re-employment] *Rep Bom III of 1910*

160. When any representative watandar or any deputy or substitute appointed by him is convicted by a criminal Court not inferior to a Court of Session of any offence in the discharge of his official duties, or of any of the offences specified in the second schedule or of the abetment of any such offence, and such conviction is not subsequently reversed or quashed, the ⁵[Provincial Government] may, ⁶* * * ⁷Provincial Government may direct the forfeiture of a watan.

⁶[(a) if the offence be committed in the discharge of his official duties or be any of those enumerated in Schedule II (2) to (6), direct the forfeiture of the life interest of the person convicted or if he be not the representative watandar also of the representative watandar ;

(b) if the offence is as is described in Chapter VI of the Indian Penal Code, direct the forfeiture of the whole or of any part of any watan in which he has an interest. Such forfeiture may be either absolute or for such period as the ⁶[Provincial Government] thinks fit]

161. All deputies appointed under this Act shall be subject to the same rules in the performance of the duties of their offices, and to the same penalties, except as otherwise provided, as the representative watandars themselves are subject to when officiating, and in the case specified in section 58 of this Act, it shall be lawful for ²[the Provincial Government] to direct the forfeiture of the life interest in the watan of the representative watandar entitled to officiate, whether the officiator guilty of misconduct be such representative watandar himself or a deputy appointed by him : ⁷Forfeiture of life interest of officiator and deputy for misconduct of deputy.

¹ As to the local repeal of ss 56 to 58 see Bom 6 of 1887

² The words " the Provincial Government " were substituted for the word " Government " by the Adaptation of Indian Laws Order in Council.

³ These words were added by s 2 of the Bombay Hereditary Offices Act, 1910 (Bom 3 of 1910)

⁴ Section 60 was substituted by s. 13 of the Bombay Hereditary Offices (Amendment) Act, 1886 (Bom 5 of 1886) As to the local modification of s 60, see Bom 6 of 1887

⁵ The words " Provincial Government " were substituted for the words " Governor in Council " by the Adaptation of Indian Laws Order in Council

⁶ The words " direct the forfeiture of the whole or of any part of any watan in which he has an interest. Such forfeiture may be either absolute or for such period as the Governor in Council thinks fit " were deleted and Clauses (a) and (b) were inserted by Bom 11 of 1925, s 2

⁷ As to the local repeal of ss 61 and 62 see Bom. 6 of 1887

¹[Provided that the ²[Provincial Government] shall not direct under this or the preceding section the forfeiture of any watan or part thereof belonging to a person other than the one so convicted or found guilty, unless it is proved to ³[its] satisfaction that that person had previous knowledge of or connived at the offence or misconduct]

Order to
be passed
after
investiga-
tion

62. No order shall be passed under this part except upon perusal of the judgment of a Court ⁵[if any and after investigation recorded in writing in which an opportunity of being heard either in person or through pleader shall be given to the party against whom any such order is proposed to be passed]

PART X

INFERIOR VILLAGE HEREDITARY OFFICES.

Applica-
tion of
Part X.

63. This part applies only to hereditary village offices of lower degree than that of Patel or Kulkarni

Powers
granted to
Collector

64. ⁶[(1)] The Collector is empowered, subject to the general control of ⁷[the Provincial Government]—

(a) to register the names of individual watandars as holders of the office, or to register it as held by the whole body of watandars ;

(b) to determine, when individual names are so registered, the rights, duties and responsibilities among themselves of the persons so registered, and the mode in which they shall be selected to perform the duties, whether by selection by the Collector or by defined rotation, or by election by the watandars or otherwise, as may be expedient ;

(c) to require, in cases where the registration is made in the name of the whole body of watandars, that they appoint so many fit persons as may be necessary to perform the duties which the Collector may assign to them severally and jointly ; such appointment to be made within a reasonable time to be previously fixed and notified to them by the Collector In default of such appointment being made, the Collector may himself appoint ;

(d) to provide for and enforce the joint responsibility of the whole body for the neglect of duty or misconduct of any of their number or their representatives and in cases where the crime of cattle poisoning is prevalent, with the sanction of ⁷[the Provincial Government] to attach, during the pleasure of ⁷[the Provincial Government], the watan of the persons whom he may have reason to believe to have been guilty of, or to have connived at, the commission of the crime ,

⁸[(e) to pass orders in regard to the dismissal of persons officiating ,]

¹ The proviso to section 61 was inserted by Bom 11 of 1925, s 3

² The words " Provincial Government " were substituted for the words " Governor in Council " by the Adaptation of Indian Laws Order in Council

³ The word " its " was substituted for the word " his ", *ibid.*

⁴ As to local repeal of ss 61 and 62 see Bom 6 of 1887

⁵ These words were substituted for the words " or after investigation recorded in writing " by Bom. 11 of 1925, s. 4.

⁶ Section 64 was renumbered as s. 64 (1) by s 2 and Sch. I of the Bombay Decentralization Act, 1915 (Bom 3 of 1915)

⁷ The words " the Provincial Government " were substituted for the word " Government " by the, Adaptation of Indian Laws Order in Council

⁸ Clause (e) was substituted by s. 2 and Sch. I of the Bombay Decentralization Act, 1915 (Bom. 3 of 1915)

¹[(f) to permit the watandar whose duty it is to officiate, to appoint a deputy for performing the duties of his office]

²[(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

²(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

³[(4) The Mamlatdar and the Mahalkari are empowered to pass orders in regard to the appointment, remuneration, period of service, suspension and fining of persons officiating, the grant of leave of absence and other matters of discipline not expressly provided for by this or any other law for the time being in force.]

Powers granted to Mamlatdar and Mahalkari

PART XI. THE REGISTER

65. The Collector shall prepare and keep all Registers necessary for the purposes of this Act in the form which ⁴[the ⁵[State] Government] may from time to time prescribe There shall be one Register of lands and allowances in consideration whereof liability to perform service exists and another of lands and allowances in respect of which no such liability exists

Collector to prepare and keep Register

66. In the Register of lands and allowances the holders whereof are exempt from service, the Collector shall specify—

Non-Service Register what to contain.

(a) the area of the lands, the survey number and assessment, the quit-rent leviable, and the net revenue alienated by ⁶[the ⁷[Government]];

(b) the amount and nature of the cash or other allowances, and the source from which they are payable ;

(c) the terms of the settlement under which the exemption is enjoyed ;

(d) the names of the parties to such settlement with ⁶[the ⁷[Government]] as indicated in the Sanads issued to them ,

(e) such other particulars as ⁴[the ⁵[State] Government] may from time to time order to be recorded.

⁸ 67. In the Register of lands and allowances in consideration whereof liability to serve still exists, the Collector shall specify—

Service Register what to contain

(a) the area of the lands, the names of the occupants, the survey number and assessment, the quit-rent, if any, leviable, and the net revenue alienated by the ⁷[Government], the amount and nature of the cash or other allowances, the

¹ Clause (f) was inserted by Bom 15 of 1931, s. 2

² Sub sections (2) and (3) were inserted by Bom 12 of 1932, s. 2

³ Sub-section (2) which was added by s 2 and Sch I of Bom. 3 of 1915 was renumbered as sub-section (4), *ibid*

⁴ The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council

⁵ This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

⁶ The words "the Crown" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

⁷ This word was substituted for the word "Crown" by the Adaptation of Laws Order, 1950

⁸ As to the local repeal of s. 67, see Bom 6 of 1887.

source from which they are payable, and the land and allowances assigned for the remuneration of officiators ;

(b) the names of the heads of families and of the representative watandars ;

(c) whether the service is performed by one representative watandar or otherwise if by several in successive periods, the order in which they are to succeed each other ;

(d) the proportional share of the watan possessed by each head of family which may be expressed in annas or fractions of a rupee ;

(e) the number of officiators required to perform the duties ,

(f) the nature of the settlement of inferior village watans referred to in Part X
1* * * ;

(g) such other particulars as ²[the ³[State] Government] may (from time to time) order to be recorded.

Register to be corrected.

68. The Register kept under this Act shall be corrected or added to on the occasion of any change being made in accordance with the provisions of this Act in the particulars above specified.

PART XII.

MISCELLANEOUS.

Service to be performed by watandars.

69. All watandars of whatever denomination whose liability to serve has not been commuted are legally bound, subject to the provisions of this Act, to render such service as has been customary or as is required by law

Watan records the property of the ⁴[Government].

70. All records which have been or may be prepared by any watandar or by any officiator in an hereditary office in pursuance of the duties of the office, or by order of a superior officer or of the present or former Government, are hereby declared to be the ⁶[property of the ⁷[State Government]], and the ⁸[Mamlatdar or the Mahalkari] may enforce their production or the production of any State records in the possession of a watandar or of an officiator, in accordance with the provisions of sections 25 and 26 of the Bombay Land Revenue Code, 1879]

Bom V
of 1879

Watandars may sign village records.

71. With regard to hereditary offices not inferior to that of Patel or Kulkarni it is hereby declared that every head of family shall have the privilege of signing the abstract of village land and revenues or other village papers which it may be customary for him to sign.

PART XIII.

PROCEDURE AND APPEALS.

Evidence to be taken.

72. (1) It shall be lawful for the Collector or other officer conducting an investigation under this Act to take evidence, and in sections 193 and 228 of the ¹⁰Indian Penal Code the words "judicial proceeding" shall be taken to include any proceeding under this Act. XLV of 1860.

¹ The words "of this Act" were repealed by the Bombay General Clauses Act, 1886 (Bom 3 of 1886), Sch. B. This Schedule has been printed as an Appendix to the Bombay General Clauses Act, 1904 (Bom 1 of 1904).

² The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council

³ This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950

⁴ As to the local repeal of ss. 69 and 71, see Bom 6 of 1887

⁵ Section 70 was substituted by s. 14 of the Bombay Hereditary Offices (Amendment) Act, 1886 (Bom 5 of 1886).

⁶ The words "property of the Crown for the purposes of the Province" were substituted for the words "property of Government" by the Adaptation of Indian Laws Order in Council

⁷ These words were substituted for the words "the Crown for the purposes of the Province" by the Adaptation of Laws Order, 1950.

⁸ These words were substituted for the word "Collector" by s. 2 and Sch. I of the Bombay Decentralization Act, 1915 (Bom. 3 of 1915).

⁹ This word was substituted for the word "Crown" by the Adaptation of Laws Order, 1950.

¹⁰ Central Act.

(2) Every person who shall have been summoned to give evidence or to produce any document in his possession, by the Collector or other officer conducting an investigation under this Act, shall be legally bound to attend, or to produce such document.

173. (1) Except as hereinafter provided in clause 2 of this section, no order under Part III * * * directing commutation of a watan, or under Part V * * * assigning the remuneration of officiators, or under Part VI * * * determining the custom of the watan as to service and what persons should be registered as heads of families or representative watan-dars, or under Part VII * * * determining the periods of service, shall be passed, unless after an investigation recorded in writing and a proper opportunity afforded for the hearing of claims and the production of evidence.

In each such investigation, and in removals from office under section 58 * * * the Collector or other officer shall record his decision with the reasons therefor in his own handwriting.

(2) Unless the ³[State] Government shall otherwise direct, decisions passed subsequently to the year 1866 after an investigation recorded in writing, and after a proper opportunity had been afforded for the hearing of claims and the production of evidence, and which are recorded, with the reasons therefor, in the handwriting of a Collector or his Assistant or Deputy, shall be accepted, in so far as they may not be inconsistent with the provisions ⁵[of this Act] in lieu of fresh investigation and decision under this Act for the purpose of framing the register required in section 67 * * *. If any detail's necessary for the said register have not been recorded in any decision of the nature described above, but are forthcoming from the evidence taken in connection with such decision, they may be supplied from such evidence in lieu of fresh investigation for the completion of the register. Such details as may not be forthcoming shall be obtained by such further investigation as the Collector may deem necessary.

74. The proceedings of the Collector shall be under the general control of * * * ⁸[the ⁴[State] Government].

75. The Collector may ⁹[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], require any investigation under Part X * * * to be made by a Mamlatdar or Mahalkari, but the decision thereon shall be made by the Collector.

76. No appeal shall lie from any order made under section 64, clause (e) * * * before final order, nor from any order registering any fact specified under section 67, clauses (b), (c), (d) and (e) * * * where the effect of such order is merely to register the same facts as are already recorded in the existing registers kept according to law or under the orders of ⁸[the ⁴[State] Government].

¹ As to local repeal of part of s. 73, see Bom. 6 of 1887.

² The words "of this Act" were repealed by the Bombay General Clauses Act, 1886 (Bom. 3 of 1886), Sch. B. This Schedule has been printed as an Appendix to the Bombay General Clauses Act, 1904 (Bom. 1 of 1904).

³ The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

⁴ This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

⁵ These words were repealed by the Bombay General Clauses Act, 1886 (Bom. 3 of 1886), and re-inserted by the Amending Act, 1895 (16 of 1895).

⁶ The word "thereof" was repealed by the Bombay General Clauses Act, 1886 (Bom. 3 of 1886), Schedule B. This Schedule has been printed as an Appendix to the Bombay General Clauses Act, 1904 (Bom. 1 of 1904).

⁷ The words "the Commissioner and of" were deleted by Bom. 28 of 1950, Sch.

⁸ The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

⁹ These words were inserted by Bom. 12 of 1932, s. 3.

Appeals.

77. Except as hereinbefore provided, one appeal only shall lie from every decision passed after investigation recorded in writing by a Collector, or by an Assistant Collector, or Deputy Collector ¹[or from every decision passed by a Mamlatdar or Mahalkari exercising the powers delegated to him under subsection (2) of section 64] ²* * *.

Such appeal, if from the decision of an Assistant Collector, or Deputy Collector ¹[or Mamlatdar, or Mahalkari] ²* * * shall lie to the Collector and shall be made within sixty days from the date of the order appealed against.

Such appeal, if from the decision of the Collector, shall lie to the ³* * * ⁴[State Government], and shall be made within ninety days from the date of the order appealed against.

In computing the above periods the time required to prepare a copy of the order or decision appealed against shall be excluded.

Copy of order to accompany petition of appeal. Appeal may be summarily rejected.

78. Every petition of appeal shall be accompanied by a copy of the order or decision appealed against: and it shall be competent for the officer before whom the appeal is presented to reject the appeal if on perusal of the petition it appears to him that there is no sufficient ground for questioning the correctness of the decision, or for interfering with the order appealed against.

⁵ State Government may call for proceedings.

79. ⁵[The ⁶[State] Government] may call for and examine the record of the proceedings of any officer for the purpose of satisfying itself as to the legality or propriety of any order passed, and may reverse or modify the order as shall seem fit, or, if it seem necessary, may order a new inquiry.

7[* * * * *]

Notice how to be served.

80. Service of any notice given under this Act shall be deemed to have been made by the notice being affixed in writing to the wall of the village chavdi or other public place in the village not less than seven days before action is required to be taken by any person thereon.

Recoveries how to be made.

81. All recoveries of profits from land, assessments, emoluments or penalties under this Act, may be made as provided by any law for the time being in force relating to the recovery of the land-revenue.

¹ These words were inserted by Bom. 12 of 1932, s. 4.

² The words and figures "empowered under the provisions of Bombay Act I of 1868" and the words "so empowered" were repealed by the Bombay General Clauses Act, 1886 (Bom. 3 of 1886), Sch. B. This Schedule has been printed as an Appendix to the Bombay General Clauses Act, 1904 (Bom. 1 of 1904).

³ The word "Revenue" was repealed by the Amending Act, 1895 (16 of 1895).

⁴ These words were substituted for the word "Commissioner" by Bom. 28 of 1950, Sch.

⁵ The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

⁶ This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

⁷ The paragraph beginning with the words "The Provincial Government may delegate" and ending with the words "to impose" was deleted by Bom. 28 of 1950, Sch.

82. ¹[The ²[State] Government] may frame rules not inconsistent with ³[State] this Act for the guidance of its officers in cases not expressly provided for, and ⁴Government to frame may from time to time modify or revoke any such rules. ⁵rules.

83. Except as is otherwise provided in section 18 ⁶* * * ¹[the ²[State] ³[State] Government] shall have power, in cases where doubt exists, to determine what ⁴to determine duties appertain to any hereditary office. ⁵duties of hereditary officers.

84. The ¹[²[State] Government] may from time to time confer on any officer ³Grant of specially selected for the purpose ⁴[or, so far as concerns any alienated village, ⁵powers to Special Officer. on the holder or on any of the holders of such village or on any agent of the holder of such village] all or any of the powers and duties which under this Act are required to be performed by ⁶* * * a Collector, and may authorize the delegation to any Mamlatdar or Mahalkari of the power to fine hereditary village officers in sums not exceeding two rupees.

¹[Powers and duties conferred under this section shall be exercised or performed subject to such conditions, if any, in addition to those specified in this Act, as the ²[³[State] Government] shall from time to time think fit to prescribe, and any order conferring powers and duties under this section may at any time be cancelled by the ⁴[⁵[State] Government]]

85. Nothing in this Act contained shall be deemed to affect ¹Bombay Act ²Act not VIII of 1867 or any other law for the time being in force, defining the duties, ³to affect Bombay and powers of village officers or imposing penalties for misconduct and all references ⁴Act VIII of 1867. in such laws to ⁵Act XI of 1843 shall be taken as made to this Act.

¹ The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

² This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

³ The words "of this Act" were repealed by the Bombay General Clauses Act, 1886 (Bom 3 of 1886), Schedule B. This Schedule has been printed as an Appendix to the Bombay General Clauses Act, 1904 (Bom. 1 of 1904).

⁴ The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

⁵ These words were inserted by s. 15(1) of the Bombay Hereditary Offices (Amendment) Act, 1886 (Bom. 5 of 1886)

⁶ The words "a Commissioner or" were deleted by Bom. 28 of 1950, Sch.

⁷ This paragraph was added by s. 15(2) of the Bombay Hereditary Offices (Amendment) Act, 1886 (Bom. 5 of 1886)

⁸ The Bombay Village Police Act, 1867.

⁹ Act 11 of 1843 was repealed by s. 2 of this Act.

SCHEDULE.

[Enactments repealed] Rep. Act XII of 1876.

SECOND SCHEDULE.¹

Offences referred to in section 60

Description of offence.	Sections of the Penal Code under which punishable
(1) Every offence described in Chapter VI of the ² Indian Penal Code.	121, 121A, 122—124, 124A, ^{XLV} 125—130. of 1860.
(2) Causing disappearance of evidence of any offence committed, or giving false information touching it to screen the offender, when the offence committed is a capital offence, or punishable with transportation for life or imprisonment for ten years.	201
(3) Harboursing an offender, if such offender's offence be capital, or punishable with transportation or imprisonment for ten years.	212
(4) Taking gift, etc., to screen an offender from punishment, if such offender's offence be capital, or punishable with transportation for life or with imprisonment for ten years.	213
(5) Harboursing an offender who has escaped from custody, or whose apprehension has been ordered, if such offender's offence be capital or punishable with transportation for life or with imprisonment for ten years.	216
³ (6) Harboursing robbers and dacoits ..	216A

¹ This schedule was added by s. 16 of the Bombay Hereditary Offices (Amendment) Act, 1860 (Bom. 5 of 1860).² Central Acts.³ This entry was added by s. 2 (II) of the Bombay Hereditary Offices Act, 1910 (Bom. 3 of 1910).

THE TOLLS ON ROADS AND BRIDGES ACT, 1875.

CONTENTS

PREAMBLE.

Sections.

1. Repeal of Act VIII of 1851.
2. [*Repealed.*]
3. Rates of tolls to be levied. "Persons" defined.
4. Procedure in case of non-payment of tolls.
5. Exemptions from toll.
Provincial Government may grant other exemptions
6. Police-officers bound to assist toll-collectors.
7. Penalty on unauthorised person demanding tolls, and for illegal demand.
8. Table of tolls to be put up at gate or station.
9. Collectors of tolls may compound for tolls.
10. Power of Provincial Government to lease the levy of tolls.
11. Acts of lessee or his agent.
12. [*Repealed*]

SCHEDULE.

BOMBAY ACT No. III OF 1875.¹[THE TOLLS ON ROADS AND BRIDGES ACT, 1875.]¹

Repealed in part, by Act 16 of 1895 ;

„ „ „ „ „ 2 of 1901 ;

„ „ „ „ „ Bom. 3 of 1886.

Repealed in part (except in the City of Bombay), by Bom. 1 of 1884.

Amended by Bom 5 of 1881.

Amended (except in the City of Bombay), by Bom. 1 of 1884.

Adapted and modified by the Adaptation of Indian Laws Order in Council.

**An Act for enabling Government to levy tolls on public roads and bridges
in the Presidency of Bombay.**

WHEREAS tolls have been levied in the Presidency of Bombay in accordance with ^{Preamble.} Act XV of 1864 since the thirtieth day of July, 1864, but doubts have arisen whether the said Act has been formally extended to the said Presidency, and whereas it is expedient to remove the said doubts and to consolidate in one Act the provisions for the levy of tolls upon public roads and bridges in the said Presidency, It is enacted as follows :—

1. ^{Repeal of Act VIII of 1851.} Act VIII of 1851 is hereby repealed in so far as it affects the Presidency of Bombay.

2. [Act XV of 1864 deemed to have been extended to Bombay Presidency from 30th July, 1864] Rep. Act XVI of 1895.

3. The ^{Rates of tolls to be levied.} [Provincial Government] may cause such rates of tolls, not exceeding the rates mentioned in the Schedule annexed to this Act, to be levied upon any road or bridge which has been or shall hereafter be made or repaired at the expense of ^{to be levied.} [the Crown] or from funds collected under the provisions of ^{to be levied.} Bombay Act III of 1869 or other funds levied under the authority and subject to the general control

¹ For Statement of Objects and Reasons, see *Bombay Government Gazette*, 1875, Pt. V, p 92, and for Proceedings in Council, see *ibid*, pp 104 and 108.

The short title was given by the Bombay Short Titles Act, 1921 (Bom. 2 of 1921)

No tolls leviable under this Act are to be levied within any local area notified under the Bombay Highway Act, 1883 (Bom. 1 of 1883), s. 7

The net proceeds of certain tolls levied under this Act are to be credited to the Local Fund constituted by the Bombay Local Boards Act, 1923 (Bom. 6 of 1923), s. 74.

² The Indian Tolls Act, 1864, Central Acts.

³ The Indian Tolls Act, 1851, Central Acts.

⁴ The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

⁵ The words "the Crown" were substituted for the words "the Government", *ibid*.

⁶ See row Bom. 6 of 1923.

¹[of the Provincial Government], and may place the collection of such tolls under the management of such persons as may appear to ²[it] proper, and all persons employed in the management and collection of such tolls shall be liable to the same responsibilities as would belong to them if employed in the collection of the land revenue 3* * * * *

“Persons”
defined.

⁴[Clause 2—The word “persons” in this section shall be deemed to include local boards established under the ⁵Bombay Local Boards Act, 1884]

Bom.
I of
1884.

Procedure in
case of non-
payment of
tolls

4. In case of non-payment of any such toll on demand, the officers appointed to collect the same may in the first place seize any part of the burden or load of the carriage or animal on which the toll is chargeable, of sufficient value to defray the toll, or, in the event of the burden or load being insufficient, such carriage or animal,

and, if any toll remains undischarged for twenty-four hours, with the cost arising from such seizure, the case shall be brought before the officer appointed to superintend the collection of the said toll, who may sell the property seized for discharge of the toll and all expenses occasioned by such non-payment, seizure and sale, and cause any balance that may remain to be returned on demand to the owner of the property, and the said officer on receipt of the property shall forthwith issue a notice, that at noon of the next day, exclusive of Sunday or any close holiday, he will sell the property by auction

Provided that if, at any time before the sale has actually begun, the person whose property has been seized shall tender the amount of all the expenses incurred, and of double the toll payable by him, the said officer shall forthwith release the property seized.

Exemptions
from toll.

Provincial
Government
may grant
other exemp-
tions.

5. No tolls shall be paid for the passage ⁶* * * * * of Police-officers on duty, or of any person or property in their custody And it shall further be lawful for ⁷[the Provincial Government], by notification in the ⁸[Official Gazette], to grant and define other exemptions from payment of the tolls levied under this Act

¹ The words “of the Provincial Government” were substituted for the words “of Government” by the Adaptation of Indian Laws Order in Council

² The word “it” was substituted for the word “him”, *ibid*

³ The words “until such rates of tolls shall be fixed by the Governor in Council, the tolls now levied shall continue to be levied by persons under whose management the same are now collected, who shall be held to have been appointed under the provisions of this Act,” were repealed by the Amending Act, 1895 (16 of 1895)

⁴ Clause 2 was substituted by s 77 of the Bombay Local Boards Act, 1884 (Bom 1 of 1884), which is repealed by Bom. 6 of 1923.

⁵ See now Bombay Local Boards Act, 1923 (Bom 6 of 1923).

⁶ The words “of troops and military stores and equipages on their march or” were repealed by s. 3 of the Indian Tolls (Army) Act, 1901 (2 of 1901)

⁷ The words “the Provincial Government” were substituted for the words “His Excellency the Governor in Council” by the Adaptation of Indian Laws Order in Council.

⁸ The words “Official Gazette” were substituted for the words “Government Gazette”, *ibid*

6. All Police-officers shall be bound to assist the toll-collectors, when required, in the execution of this Act, and for that purpose shall have the same power which they have in the exercise of their ordinary police duties

Police-officers bound to assist toll-collectors

7. Every person, other than the persons appointed to collect the tolls under this Act, who shall levy or demand any toll on any public road or bridge, or for passing through any bazar situated thereon, and also every person who shall unlawfully and extortionately demand or take any other or higher toll than the lawful toll, or under colour of this Act seize or sell any property, knowing such seizure or sale to be unlawful, or in any manner unlawfully extort money or any valuable thing from any person under colour of this Act, shall be liable, on conviction before a Magistrate, to imprisonment ^{1* * *} for any term not exceeding six ^{1* * *} months, or to fine not exceeding rupees two hundred, any part of which fine may be awarded by the Magistrate to the person aggrieved, but this remedy shall not be deemed to bar or affect his right to have redress by suit in the Civil Court of the district

Penalty on unauthorized person demanding tolls, and for illegal demand

8. A table of the tolls authorised to be taken at any toll-gate or station, legibly written or printed in English words and figures, and also in those of the vernacular language of the district, to which shall be annexed, written or printed in like manner, a statement of the penalties for refusing to pay the tolls and for taking any unlawful toll, shall be furnished by Government to the collector of tolls, and the same shall by him be kept in a conspicuous place near such gate or station

Table of tolls to be put up at gate or station

9. Any person entrusted with the management of the collection of tolls under this Act may in his discretion compound for any period, not exceeding one year, with any person for a certain sum to be paid by such person for himself or for any vehicle or animal kept by him, in lieu of the rates of tolls specified in the Schedule to this Act

Collectors of tolls may compound for tolls

²[10. It shall be lawful for the ³[Provincial Government] to lease the levy of tolls at such rates not exceeding the rates mentioned in the Schedule annexed to this Act upon any public road or bridge by public auction or private contract from year to year or for a longer period not exceeding seven years on such terms and conditions as the ³[Provincial Government] may deem desirable.

Power of Provincial Government to lease the levy of tolls.

Provided that the lessee shall give security for the due fulfilment of such conditions, and that all sums payable under the terms and conditions of the lease shall be recoverable as a demand for the land-revenue under the law for the time being in force so far as applicable]

²[11. When the tolls on any public road have been duly leased, the lessee, and every person employed by the lessee as his agent for collecting the tolls, shall be

Acts of lessee or his agent.

¹ The words "of either description" and the word "calendar" were repealed by the Bombay General Clauses Act, 1886 (Bom 3 of 1886), Schedule B This Schedule has been printed as an Appendix to the Bombay General Clauses Act, 1904 (Bom 1 of 1904)

² Sec 10 and 11 were inserted by s 2 of the Tolls on Roads and Bridges Act (Amendment) Act, 1881 (Bom 5 of 1881)

³ The words "Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

deemed to be persons appointed to collect tolls under this Act, and shall exercise all the powers and be subject to all the responsibilities attaching to persons appointed to collect tolls under this Act]

¹12. [Application of tolls] Rep. Bom I of 1884.

SCHEDULE.

	Rs a. p
On every four-wheeled carriage on springs	1 0 0
On every two-wheeled carriage on springs	0 8 0
On every ekka or hackery on springs	0 2 0
On every cart and hackery not on springs drawn by 8 bullocks, buffaloes, horses, ponies, asses or mules, if laden	1 0 0
Ditto, if not laden	0 8 0
On every cart and hackery not on springs drawn by 6 bullocks, buffaloes, horses, ponies, asses or mules, if laden	0 12 0
Ditto, if not laden	0 6 0
On every cart and hackery not on springs drawn by 4 bullocks, buffaloes, horses, ponies, asses or mules, if laden	0 8 0
Ditto, if not laden	0 4 0
On every cart and hackery not on springs drawn by 2 bullocks, buffaloes, horses, ponies, asses or mules, if laden	0 4 0
Ditto, if not laden	0 2 0
Buffaloes, or bullocks, per head, if laden	0 1 0
Ditto ditto if not laden	0 0 6
On every elephant	1 8 0
On every camel, if laden	0 4 0
Ditto, if not laden	0 2 0
On every horse, if laden or ridden	0 1 6
Ditto, unladen or led	0 0 9
On every pony or mule, if laden or ridden	0 0 9

¹S. 12 which is repealed by s. 2 and schedule to the Bombay Local Boards Act, 1884 (Bom 1 of 1884), except in the City of Bombay, is as follows —

“The nett proceeds of the tolls and leases of tolls under this Act shall be applied wholly to the construction, repair and maintenance of roads and bridges within the Presidency of Bombay: —

Provided that the nett proceeds of tolls and leases of tolls on roads or bridges constructed by or belonging to any local fund committee shall be applied to the construction and maintenance of roads or bridges in the district under the superintendence of such local fund committee.”

SCHEDULE—*contd.*

	Rs	a.	p.
On every pony or mule, unladen or led	0	0	6
On every ass, if laden or ridden	0	0	6
Ditto, - unladen or led	0	0	3
On every sheep or goat or pig	0	0	1
On every palankin, duli, palna or tenjen, with 8 bearers	1	0	0
Ditto ditto ditto with 6 bearers	0	12	0
Ditto ditto ditto with 4 bearers	0	8	0
On every foot-passenger with the special sanction of Government on bridges or hill roads	0	0	3

Explanation I—Animals drawing any vehicle for which toll can be demanded are not to be also charged with toll.

Explanation II.—No second toll shall be levied on the same carriage or animal returning on the same day.

Replacement Series No. XXXIX—p. 3

351-370

The Bombay City Land Revenue Act, 1876 (Bom II of 1876) dt pages 351-370 has been repealed by the Maharashtra Land Revenue Code, 1966 (Mah. XLI of 1966), section 336.

Replacement Series No. XXXVIII—p. 2

371-382

The Bombay Vaccination Act, 1877 (Bcm I of 1877) at pages 371-382 has been repealed by the Maharashtra Vaccination Act, 1964 (Mah. XXXVII of 1964), s. 35.

BOMBAY ACT No. V OF 1878.¹

[THE BOMBAY ABKARI ACT, 1878.]

[19th September 1878.]

11-29.

²29A. (1) Until provision to the contrary is made by the ³[Parliament by law], Saving for duties being levied at commencement of ⁴[the Constitution], the ⁵[State] Government may continue to levy any duty to which this section applies which it was lawfully levying immediately before the commencement of ⁶[the Constitution] under this Chapter as then in force.

(2) The duties to which this section applies are—

(a) any duty on intoxicants which are not excisable articles within the meaning of this Act, and

(b) any duty on an excisable article produced outside India and imported into the ⁶[State] whether across a customs frontier as defined by the Central Government or not.

(3) Nothing in this section shall authorise the levy by the ⁴[State] Government of any duty which, as between goods manufactured or produced in the ⁶[State] and similar goods not so manufactured or produced, discriminates in favour of the former, ⁷*

130-67. * * * * *

¹SCHEDULE.

¹ All the provisions of this Act except section 29A have been repealed by section 148 and Schedule I of the Bombay Prohibition Act, 1949 (Bom 25 of 1949), but such repeal shall not be deemed to affect the provisions of the Bombay Abkari Act, 1878, in so far as they relate to the levy of any duties under section 29A of the said Abkari Act and the recovery of any duties or fees levied under any other provisions of the said Abkari Act [Vide section 148 (2) (iii) of Bom 25 of 1949]

² Section 29A was inserted by the Adaptation of Indian Laws Order in Council

³ These words were substituted for the words "Central Legislature" by the Adaptation of Laws Order, 1950.

⁴ This word was substituted for the word "Provincial", *ibid*

⁵ These words were substituted for the words and figures "Part III of the Government of India Act, 1935," *ibid*.

⁶ This word was substituted for the word "Province", *ibid*

⁷ The words beginning with the words "or which" and ending with the words "another locality" were omitted, *ibid*.

Replacement Series No. XXXIX—p. 4

385-466

The Bombay Land Revenue Code, 1879 (Borr. V of 1879) at pages 385-466 has been repealed by the Maharashtra Land Revenue Code, 1966 (Mah. XLI of 1966), section 336.

Replacement Series No. V—p. 163

467-512

The Bombay Port Trust Act, 1879 (Bom. VI of 1879), at pages 467-512 has been removed as it falls entirely within the sphere of the Central Government.

Replacement Series No. LXVI—p. 1

513-588

THE BOMBAY IRRIGATION ACT, 1879

(Bombay Act VII of 1879)

*[Repealed by the Maharashtra Irrigation Act, 1976 (Mah. XXXVIII of 1976), s. 131
with effect from the 1st January 1977].*

THE BOMBAY PREVENTION OF GAMBLING ACT, 1887.

CONTENTS

PREAMBLE.

SECTIONS.

- 1 Short title.
Extent
- 2 [*Repealed*]
- 3 "Gaming" defined
"Instruments of gaming" defined
"Common gaming-house" defined
4. Keeping common gaming-house
5. Gaming in common gaming-houses
- 6 Entry, search, etc., by Police officers in gaming-houses
- 6A Punishment for giving false names and addresses
7. Presumptive proof of keeping or gaming in common gaming-house
8. On conviction for keeping or gaming in common gaming-house, instruments of gaming may be destroyed
- 9 Proof of playing for money not required for conviction
- 10 Indemnification of certain witnesses
- 11 [*Deleted*]
- 12 Power to arrest without warrant for gaming, and setting birds, and animals to fight in public streets.
Seizure and destruction of instruments found
- 12A Power to arrest without warrant for printing, publishing or distributing any news or information
- 12B Presumptive proof of printing, publishing, distributing, etc any news or information
13. Saving of games of mere skill
14. Repeal and savings

SCHEDULE [*Repealed*],
H 4179—1

BOMBAY ACT No. IV OF 1887.¹

[THE BOMBAY PREVENTION OF GAMBLING ACT, 1887]*

[5th January 1888]

Repealed in part, by Act 16 of 1895.

Amended by Bom	1 of 1890
” ” ”	1 of 1910
” ” ”	6 of 1919
” ” ”	5 of 1922.
” ” ”	5 of 1926
” ” ”	14 of 1929
” ” ”	3 of 1931
” ” ”	12 of 1934.
” ” ”	1 of 1936

Adapted and modified by the Adaptation of Indian Laws Order in Council

Amended by Bom	2 of 1941 †
” ” ”	17 of 1945 ‡
” ” ”	37 of 1947
” ” ”	60 of 1954

Adapted and modified by the Bombay Adaptation of Laws (State and Concurrent Subjects) Order, 1956

Amended by Bom	14 of 1959
” ” ”	56 of 1959

Adapted and modified by the Maharashtra Adaptation of Laws (State and Concurrent Subjects) Order, 1960

Amended by Mah	46 of 1962
” ” ”	1 of 1963
” ” ”	12 of 1965
” ” ”	28 of 1967.
” ” ”	20 of 1975 (1-9-1975)§
” ” ”	33 of 1976. (1-11-1976)§

An Act to consolidate and amend the law for the prevention of gambling in the ²[State] of Bombay.WHEREAS it is expedient to consolidate and amend the law for the prevention of gambling in the ²[State] of Bombay, It is enacted as follows:—

1. This Act may be cited as the Bombay Prevention of Gambling Act, 1887 Short title
Extent.
³[It extends to the whole of the ⁴[State of Maharashtra]]

¹ For Statement of Objects and Reasons, see *Bombay Government Gazette*, 1887, Pt IV, p 12, for Report of the Select Committee, see *ibid*, p 239; and for Proceedings in Council, see *ibid*, pp 215 and 244

² This word was substituted for the word “ Presidency ” by Bom 14 of 1959, s 3(a)

³ This portion was substituted for the last two paras, *ibid*, s. 3(b)

⁴ These words were substituted for the words “ State of Bombay ” by the Maharashtra Adaptation of Laws (State and Concurrent Subjects) Order, 1960

* This Act was extended to and by such extension shall be in force in that part of the State of Bombay to which immediately before the commencement of Bom. 14 of 1959, it did not extend (*vide* s 2 of Bom 14 of 1959)

† This Act was re-enacted by Bom 37 of 1947, s 2

‡ This Act has been re-enacted and the amendments made by section 9 and Schedule E of the said Act has been continued in force by Bom 52 of 1947, s 2

§ This indicates the date of commencement of Act.

2. [Repeal of enactments] Rep Act XVI of 1895

"Gaming" defined. 3. ¹[In this Act "gaming" includes wagering or betting except wagering or betting upon ²[a horse-race or dog race] when such wagering or betting take place—

(a) on the day on which such race is to be run, and

(b) in an enclosure which the licensee of the race-course, on which such race is to be run, has set apart for the purpose under the terms of the licence issued under section 4 of the Bombay Race-Courses Licensing Act, 1912³, ⁴[or as the case may be, of the Maharashtra Dog Race-Courses Licensing Act, 1976] in respect of such race-course, ⁵[or in any other place approved by the State Government in this behalf,] and

Bom.
III of
1912.
Mah
XXXII
of 1976.

⁶[(c) between any individual in person, being present in the enclosure ⁷[or approved place] on the one hand, and such licensee or other person licensed by such licensee in terms of the aforesaid licence on the other hand [or between any number of individuals in person in such manner and by such contrivance as may be permitted by such licence ;

but does not include a lottery

Any transaction by which a person in any capacity whatever employs another in any capacity whatever or engages for another in any capacity whatever to wager or bet whether with such licensee or with any other person shall be deemed to be "gaming" Provided, nevertheless, that such licensee may employ servants, and persons may accept service with such licensee, or wagering or betting in such manner or by such contrivance as may be permitted in such licence] ⁹[The collection or soliciting of bets, receipt or distribution of winnings or prizes in money or otherwise in respect of wagering or betting or any act which is intended to aid or facilitate wagering or betting or such collection, soliciting, receipt or distribution shall be deemed to be "gaming".]

"Instruments of gaming" defined. ¹⁰[In this Act the expression "instruments of gaming" includes any article used ¹¹[or intended to be used as a subject or means of gaming, ¹²[¹³* any document used ¹⁴[or intended to be used] as a register or record or evidence of any gaming] ¹⁴[the proceeds of any gaming, and any winnings or prizes in money or otherwise distributed or intended to be distributed in respect of any gaming]

"Common gaming-house" defined. ¹⁵[In this Act, "common gaming-house" means—

(i) in the case of gaming—

(a) on the market price of cotton, opium or other commodity or on the digits of the number used in stating such price, or

(b) on the amount of variation in the market price of any such commodity or on the digits of the number used in stating the amount of such variation, or

(c) on the market price of any stock or share or on the digits of the number used in stating such price, or

(d) on the occurrence or non-occurrence of rain or other natural event, or

¹ This definition was substituted by s 2 of the Bombay Prevention of Gambling (Amendment) Act, 1922 (Bom 5 of 1922).

² These words were substituted for the words "a horse-race" by Mah 33 of 1976, s 11, sch

³ *Infra*.

⁴ These words were inserted by Mah 33 of 1976, s 11, sch

⁵ These words were inserted by Mah 12 of 1965, s. 2(a)

⁶ Clause (c) was substituted for the original clause by Bom 3 of 1931, s. 2.

⁷ These words were inserted by Mah 12 of 1965, s 2(b)

⁸ These words were inserted by Bom 12 of 1934, s 2

⁹ These words were inserted by Bom 1 of 1936, s. 2(i)

¹⁰ This definition was inserted by s 1 of the Act to amend the Bombay Prevention of Gambling Act, 1890 (Bom. 1 of 1890).

¹¹ The words "or intended to be used" were inserted by Bom 1 of 1936, s 2(i)

¹² These words were added by s 2 of the Bombay Prevention of Gambling (Amendment) Act, 1919 (Bom. 6 of 1919).

¹³ The word "and" was omitted by Bom 1 of 1936, s. 2(i)

¹⁴ These words were added, *ibid*, s 2(2)(iii)

¹⁵ This portion was substituted for the original by Bom. 14 of 1959, s. 3(c).

(e) on the quantity of rainfall or on the digits of the number used in stating such quantity, ¹[or]

²[(f) on the pictures, digits or figures of one or more playing cards or other documents or objects bearing numbers, or on the total of such digits or figures, or on the basis of the occurrence or non-occurrence of any uncertain future event, or on the result of any draw, or on the basis of the sequence or any permutation or combination of such pictures, digits, figures, numbers, events or draws.]

any house, room or place whatsoever in which such gaming takes place or in which instruments of gaming are kept or used for such gaming :

(i) in the case of any other form of gaming, any house, room or place whatsoever in which any instruments of gaming are kept or used for the profit or gain of the person owning, occupying, using or keeping such house, room or place by way of charge for the use of such house, room or place or instrument or otherwise howsoever.

In this Act, " place " includes a tent, enclosure, space, vehicle and vessel]

" Place " defined. Keeping common gaming-house.

4 ³[I] Whoever—

(a) [opens, keeps or uses any house, room or place], for the purpose, of a common gaming house,

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

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

(d) advances or furnishes money for the purposes of gaming with persons frequenting any such house, room or place,

⁴ [shall, on conviction, be punished] with imprisonment ⁵[which may extend to two years] ⁶[and may also be punished with fine] :

Provided that—

(a) for a first offence such imprisonment shall not be less than ⁹[three months and fine shall not be less than five hundred rupees ,]

(b) for a second offence such imprisonment shall not be less than ¹⁰[six months and fine shall not be less than one thousand rupees , and]

(c) for a third or subsequent offence such imprisonment shall not be less than ¹¹[one year and fine shall not be less than two thousand rupees]]

XX of 1958 2 of 1974 ¹²[(2) Nothing contained in the provisions of the Probation of Offenders Act, 1958, or in sub-sections (1), (4), (5) and (6) of section 360 of the Code of Criminal Procedure, 1973, shall apply to any person convicted under this section]

¹ This word was added by Mah 20 of 1975, s 2(i)

² Sub-clause (f) was inserted, *ibid*, s 2(ii)

³ Section 4 was renumbered as sub-section (1), *ibid*, s. 3

⁴ These words were substituted by Bom 2 of 1941, s 3, read with Bom 37 of 1947, s 2

⁵ This portion was substituted by Bom 37 of 1947, s 3

⁶ These words were substituted for the words " shall, on conviction, be punishable " by Mah. 28 of 1967, s 2.

⁷ These words were substituted for the words " which may extend to six months " by Mah. 20 of 1975, s. 3 (i)

⁸ These words were substituted for the words " and with fine " by Mah 28 of 1967, s 2

⁹ This portion was substituted for the portion beginning with the words " one month " and ending with the words " two hundred rupees " by Mah 20 of 1975, s 3(i)(a)

¹⁰ This portion was substituted for the portion beginning with the words " three months " and ending with the words " two hundred rupees and ", *ibid*, s 3(b)

¹¹ This portion was substituted for the portion beginning with the words " six months " and ending with the words " two hundred rupees " *ibid*, s 3(c)

¹² Sub-section (2) was inserted, *ibid*, s 3(ii).

Gaming in common gaming-houses 5. 'Whoever is found in any common gaming-house gaming or present for the purpose of gaming, '3[shall on conviction be punished] with imprisonment which may extend to six months 4[and may also be punished with fine]

Provided that—

(a) for a first offence such imprisonment shall not be less than one month and fine shall not be less than two hundred rupees ,

(b) for a second offence such imprisonment shall not be less than three months and fine shall not be less than two hundred rupees , and

(c) for a third or subsequent offence such imprisonment shall not be less than six months and fine shall not be less than two hundred rupees]

Any person found in any common gaming-house during any gaming 5* * therein shall be presumed, until the contrary 6[is proved], to have been there for the purpose of gaming

Entry, search, etc., by police officers in gaming-houses 7[6. 8[(I)] It shall be lawful for a Police officer—

(i) 9[in any area for which a Commissioner of Police has been appointed] not below the rank of a 10* * Sub-Inspector and either empowered by general order in writing or authorised in each case by special warrant issued by the Commissioner of Police, and

(ii) elsewhere not below the rank of a Sub-Inspector of Police authorised by special warrant issued in each case 11[by a District Magistrate or Sub-Divisional Magistrate or by a Taluka Magistrate specially empowered by the State Government in this behalf or by] a 12[Superintendent of Police] or by an Assistant or Deputy Superintendent of Police especially empowered by 13[the 14[State] Government] in this behalf, 15[and]

16[(iii) without prejudice to the provision in clause (i) above, in such other area as the State Government may, by notification in the *Official Gazette*, specify in this behalf, not below the rank of a Sub-Inspector and empowered by general order in writing issued by the District Magistrate]

(a) to enter, with the assistance of such persons as may be found necessary, by night or by day, and by force, if necessary, any house, room or place which he has reason to suspect is used as a common gaming-house

¹ This paragraph was substituted by s 3 of the Bombay Prevention of Gambling (Amendment Act, 1919 (Bom 6 of 1919)

² This portion was substituted by Bom 37 of 1947, s 4

³ These words were substituted for the words "shall on conviction, be punishable" by Mah 28 of 1967, s 3

⁴ These words were substituted for the words "and with fine", *ibid*

⁵ The words "or playing" were repealed by s 3 of the Bombay Prevention of Gambling (Amendment) Act, 1919 (Bom 6 of 1919)

⁶ The words "is proved" were substituted for the words "be made to appear" by Bom 1 of 1936, s 4(3)

⁷ Section 6 was substituted for the original section, *ibid*, s 5

⁸ Section 6 was re-numbered as sub-section (I) by Mah 1 of 1963, s 2

⁹ These words were substituted for the words, "in the Greater Bombay" by Bom 56 of 1959, s 3, Sch.

¹⁰ The words "Sergeant or" were deleted by Bom 14 of 1959, s 3(d)

¹¹ These words were substituted for the words "by a Magistrate of the First Class or" by Bom 60 of 1954, s 2

¹² These words were substituted for the words "District Superintendent of Police" by Mah 46 of 1962, s 3, Sch

¹³ The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council

¹⁴ This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950

¹⁵ This word was inserted by Bom 14 of 1959, s 3(d)

¹⁶ This clause was inserted, *ibid*

(b) to search all parts of the house, room, or place which he shall have so entered, when he shall have reason to suspect that any instruments of gaming are concealed therein, and also the persons whom he shall find therein whether such persons are then actually gaming or not,

(c) to take into custody and bring before a Magistrate all such persons,

(d) to seize all things which are reasonably suspected to have been used or intended to be used for the purpose of gaming, and which are found therein

Provided that no officer shall be authorised by special warrant unless the Commissioner of Police, the Magistrate, ¹[the Superintendent of Police] or Assistant or Deputy Superintendent of Police concerned is satisfied, ^{2*} * * * upon making such inquiry as he may think necessary, that there are good grounds to suspect the said house, room, or place to be used as a common gaming-house]

³[(2) Notwithstanding anything in any law for the time being in force, no search made under this section shall be deemed illegal by reason only of the fact that the witnesses (if any) of the search were not inhabitants of the locality in which the house, room or place searched is situate]

⁴[6A. If any person found in any common gaming-house, entered by any Magistrate or officer of Police under the provisions of this Act, upon being arrested by any such officer or upon being brought before any Magistrate, and on being required by such officer or Magistrate to give his name and address refuses or neglects to give the same or gives any false name or address, he shall, on conviction, be punished with a fine not exceeding one thousand rupees and on the non-payment of such fine, or in the first instance if to the Court passing the sentence it shall seem fit, with imprisonment for a period not exceeding four months]

Punishment for giving false names and addresses

⁵[7. When any instrument of gaming has been seized in any house, room or place entered under section 6 or about the person of any one found therein, and in the case of any other thing so seized if the court is satisfied that the Police officer who entered such house, room or place had reasonable grounds for suspecting that the thing so seized was an instrument of gaming, the seizure of such instrument or thing shall be evidence, until the contrary is proved, that such house, room or place is used as a common gaming-house and the persons found therein were then present for the purpose of gaming, although no gaming was actually seen by the Magistrate or the Police officer or by any person acting under the authority of either of them .]

Presumptive proof of keeping or gaming in common gaming-house

⁶[Provided that the aforesaid presumption shall be made, notwithstanding any defect in the warrant or order in pursuance of which the house, room or place was entered under section 6, if the Court considers the defect not to be a material one]

¹ These words were substituted for the words "the District" by Mah 46 of 1962, s 3 Sch

² The words "upon any complaint made before him on oath and" were deleted by Bom 14 of 1959, s 3(d)

³ Sub-section (2) was added by Mah 1 of 1963, s 2

⁴ Section 6A was inserted by Bom 14 of 1959, s 3(e)

⁵ Section 7 was substituted for the original section by Bom 1 of 1936, s 6

⁶ This proviso was added by Bom 14 of 1959, s. 3(f)

On conviction for house, ¹* * or gaming therein, or being present therein for the purpose of gaming, the convicting Magistrate may order all the instruments of gaming found therein or on the persons of those who were found therein, to be forthwith destroyed ²[or forfeited],
 and may also order all or any of the securities for money and other articles seized, not being instruments of gaming, to be sold and the proceeds thereof, with all moneys seized therein, to be forfeited, or, in his discretion, may order any part of such proceeds and other moneys to be paid to any person appearing to be entitled thereto.

Proof of Playing for money not required for conviction **9.** It shall not be necessary, in order to convict a person of any offence against any of the provisions of sections 4 and 5, to prove that any person found ³[gaming] was playing for any money, wager or stake

Indemnification of certain witnesses **10.** Any person who has been concerned in gaming contrary to this Act, and who is examined as a witness before a Magistrate in the trial of any person for a breach of any of the provisions of this Act relating to gaming, and who, upon such examination, makes in the opinion of the Magistrate true and faithful discovery to the best of his knowledge of all things as to which he is so examined, shall thereupon receive from the said Magistrate a certificate in writing to that effect and shall be freed from all prosecutions under this Act for any thing done before that time in respect of such gaming]

11. [*Payment of portion of fine to informer*] Deleted by Mah 1 of 1963, s 3

Power to arrest without warrant for gaming, and setting birds and animals to fight in public streets **12.** A Police officer may apprehend ⁴[and search] without warrant—
 (a) any person found ⁴[gaming] ⁷[or reasonably suspected to be gaming] in any public street, ⁸[or thoroughfare, or in any place to which the public have or are permitted to have access] ⁹[or in any race-course],
 (b) any person setting any birds or animals to fight in any public street, ⁸[or thoroughfare, or in any place to which the public have or are permitted to have access];
 (c) any person there present aiding and abetting such public fighting of birds and animals.

Any such person shall, on conviction, ¹⁰[be punished both with fine which may extend to three hundred rupees and with imprisonment] which may extend to

¹ The words "or playing" were repealed by s. 5 of the Bombay Prevention of Gambling (Amendment) Act, 1919 (Bom 6 of 1919)

² The words "or forfeited" were added by Bom 1 of 1936, s 7

³ This word was substituted for the words "playing at any game" by s 6 of the Bombay Prevention of Gambling (Amendment) Act, 1919 (Bom 6 of 1919)

⁴ This section was substituted for the original by Bom 14 of 1959, s 3(g)

⁵ The words "and search" were inserted by Bom 1 of 1936, s 9(I)

⁶ This word was substituted for the words "playing for money or other valuable thing with cards, dice, counters or other instruments of gaming used in playing any game, not being a game of mere skill" by s 7 of the Bombay Prevention of Gambling (Amendment) Act, 1919 (Bom 6 of 1919)

⁷ The words "or reasonably suspected to be gaming" were inserted by Bom 1 of 1936, s 9(2)

⁸ These words were substituted for the words "place or thoroughfare" by Schedule I, Part II, Serial No 14 of the Bombay Repealing and Amending Act, 1910 (Bom 1 of 1910)

⁹ These words were added by s 4 of the Bombay Prevention of Gambling (Amendment) Act, 1922 (Bom 5 of 1922).

¹⁰ This portion was substituted for the portion beginning with the words "be punishable with fine" and ending with the words "or with imprisonment" by Mah. 20 of 1975, s 4

¹[three months] ²[and where such gaming consists of wagering or betting or of any such transaction as is referred to in the definition of gaming given in section 3, any such person so found gaming shall, on conviction, be ³[punishable] in the manner and to the extent referred to in section 4, and all moneys found with such person shall be forfeited]

And such Police-officer may seize all birds and animals and ⁴[things reasonably suspected to be instruments of gaming] found in such public street, ⁵[thoroughfare, ⁶[place or race-course]] or on ⁷[or about] the person of those whom he shall so arrest, and the Magistrate may, on conviction of the offender, order such instruments to be forthwith destroyed, and such birds and animals to be sold and the proceeds forfeited ⁸[When any thing has been found on or about any person and a court is satisfied that the Police-officer had reasonable grounds for suspecting that such thing was an instrument of gaming, such circumstance shall, until the contrary is proved, be evidence that such thing was an instrument of gaming and that the person on or about whom the thing was found was present for the purpose of gaming]

Seizure and destruction of instruments found

⁹[12A. A Police-officer may apprehend without warrant any person who prints, publishes, sells, distributes or in any manner circulates any newspaper, news-sheet or other document or any news or information with the intention of aiding or facilitating gaming

Power to arrest without warrant for printing, publishing or distributing any news or information

Any such person shall, on conviction, be punishable in the manner and to the extent referred to in section 4

And any police officer may enter and search any place for the purpose of seizing, and may seize all thing reasonably suspected to be used or to be intended to be used, for the purpose of committing an offence under this section]

¹⁰[12B. Where anything is seized under section 12A, if the court is satisfied that the Police officer who seized the thing had reasonable ground for suspecting that the thing so seized had been used or was likely to be used for the purpose of committing an offence under that section, the seizure of such thing shall be evidence, until the contrary is proved, that the thing so seized was printed, published, sold, distributed or in any manner circulated, as the case may be, with the intention of aiding or facilitating gaming]

Presumptive proof of printing, publishing, distributing etc., any news or information

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

Saving of games of mere skill

¹ The words " three months " were substituted for the words " one month " by Bom 1 of 1936, s 9(5)

² These words were added by s 4 of the Bombay Prevention of Gambling (Amendment) Act, 1922 (Bom. 5 of 1922)

³ The word " punishable " was substituted for the word " punished " by Bom 1 of 1936, s 9(3)

⁴ These words were substituted for the words " instruments of gaming ", *ibid*, 9(6)

⁵ These words were substituted for the words " place or thoroughfare " by Schedule I, Part II, Serial No 14 of the Bombay Repealing and Amending Act, 1910 (Bom 1 of 1910)

⁶ These words were substituted for the words " or place " by s. 4 of the Bombay Prevention of Gambling (Amendment) Act, 1922 (Bom 5 of 1922)

⁷ The words " or about " were inserted by Bom 1 of 1936, s 9(6)

⁸ This paragraph was added, *ibid*, s 9(7).

⁹ Section 12A was inserted, *ibid*, s 10.

¹⁰ Section 12B was inserted by Mah 20 of 1975, s. 5

Repeal and savings [14. The Gambling Act, 1305F, the Public Gambling Act, 1867 in its extension to the Vidarbha region of the State of Bombay, the Bombay Prevention of Gambling Act, 1887 as applied to the Saurashtra area by the State of Saurashtra (Application of Central and Bombay Acts) Ordinance, 1948 and the Bombay Prevention of Gambling Act, 1887 as applied to the Kutch area by the Kutch (Application of Laws) Order, 1949 are hereby repealed

Hyd
II of
1305F
III of
1867
Bom
IV of
1887
Sau
Ord
XXV
of
1948
Bom
IV of
1887

Provided that such repeal shall not affect—

- (a) the previous operation of the Acts so repealed, or
- (b) any right, privilege, obligation or liability acquired, accrued or incurred under any Act so repealed, or
- (c) any penalty, forfeiture or punishment incurred in respect of any offence committed against any of the provisions of the Acts so repealed, or
- (d) any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid,

and any such investigation, legal proceeding or remedy may be instituted, continued or enforced and any such penalty, forfeiture or punishment may be imposed as if the Bombay Prevention of Gambling (Extension and Amendment) Act, 1959 has not been passed :

Bom.
XIV
of
1959

Provided further that, subject to the preceding proviso, anything done or any action taken (including authorizations made, powers conferred, orders given and indemnity granted) by or under the provisions of the Acts so repealed shall, in so far as it is not in consistent with any provision of this Act, be deemed to be done or taken under the corresponding provisions of this Act and shall, until altered, repealed or amended by anything done or any action taken under this Act, continue in force accordingly]

SCHEDULE

(ENACTMENTS REPEALED)

Repealed by Act XVI of 1895

¹ Section 14 was added by Bom 14 of 1959, s 3(h)

Replacement Series No. XLVIII—p. 122

597-610

The Matadars Act, 1887 (Bom. VI of 1887) at pages 597-610 has been repealed by the Maharashtra Adaptation of Laws (State and Concurrent Subjects) Order, 1960.

Replacement Series No. VIII—p. 184

611-614

The Toda Giras Allowances Act, 1887 (Bom. VII of 1887), at pages 611-614 has been repealed by the Bombay Personal Inams Abolition Act, 1952 (Bom. XLII of 1952), section 20, Schedule I.

The title of the City of Bombay Municipal Act, 1888, has been changed to "The Bombay Municipal Corporation Act", by section 4 (a) of Bom. VII of 1950. The said title has accordingly been inserted at the top of each page of replacement series No. II and it will be substituted on other pages as and when they are next replaced.

Replacement Series No. LV—p. 1
1888 : Bom. III]

THE BOMBAY MUNICIPAL CORPORATION ACT.

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- 354K. Corporation to consider the improvement scheme and to approve or disapprove.
- 354L. Commissioner to apply to State Government for sanction to the scheme.
- 354M. 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
- 354N. If the corporation fail to acquire the land owner may call upon Committee to acquire it or to withdraw from the proposals

Police Accommodation Schemes.

- 354O. The Corporation to have power to make a police accommodation scheme.
- 354P. Procedure on completion of a scheme.
- 354Q. Vesting of land in corporation.

Clearance areas

- 354R. Power to declare an area to be a clearance area
- 354RA. Clearance orders.
- 354RB. Acquisition of land surrounded by or adjoining a clearance area.
- 354RC. Provisions with respect of property belonging to the corporation within, surrounded by or adjoining a clearance area
- 354RD. Acquisition of land in a clearance area
- 354RE. Treatment of a clearance area.
- 354RF. Arrangements where acquisition of land in a clearance area found to be unnecessary.
- 354RG. Power to acquire cleared land which owners have failed to redevelop.
- 354RH. Power of Court to determine lease where premises demolished.

Re-development areas

- 354RI. Power to declare an area to be a re-development area.
- 354RJ. Re-development plan.
- 354RK. Acquisition of land for purposes of re-development

General provisions as to land purchased for clearance or re-development.

- 354RL. Extinguishment of ways, easements, etc, over land acquired under sections 354RD, 354RG, and 354R K.

Provision of housing accommodation for the poorer classes

SECTIONS

- 354RM. Mode of provision of accommodation
- 354RN. Power of Commissioner to acquire land for housing accommodation
- 354RO. Mode of acquisition of land for housing accommodation
- 354RP. Power of dealing with land acquired or appropriated for provision of housing accommodation
- 354RQ. Supplementary powers in connection with provision of accommodation

Land Acquisition

- 354S. Extent to which land Acquisition Act shall apply to acquisition of land otherwise than by agreement.
- 354SA. Determination by a special Tribunal in certain cases.
- 354T. Special provisions as to compensation
- 354U. Collector to take possession after making an award and transfer land to corporation

Levy of betterment charges

- 354UA. Condition for levying betterment charge in clearance and re-development areas.
- 354UB. Method of calculating charge
- 354UC. Procedure for determining charge
- 354V. Compensation to corporation on resumption of certain land.

Building Loans

- 354W. Power to grant loans for building purposes.
- 354WA. Power of Commissioner to make advances for the purposes of increasing housing accommodation.
- 354WB. Power of Commissioner to promote and assist housing associations.

Provisions relating to lands comprised in Schedules W, Y and Z.

- 354WC. Compensation to corporation on resumption of certain land.
- 354X. Payment to be made by State Government.

CHAPTER XIII.

LICENSING OF SURVEYORS AND PLUMBERS.

- 355. Grant of licences to surveyors and plumbers
- 356. Regulations may be prescribed for guidance of licensed surveyors and plumbers.
- 357. Fees and charges of licensed plumbers to be prescribed by the standing committee.
- 358. Licensed plumbers to be bound to execute work properly.

SECTIONS

CHAPTER XIV.

MUNICIPAL FIRE-BRIGADE

- 359 Maintenance of firemen and of necessary fire-engines, etc.
 360. Power to make regulations for fire-brigade.
 361 Powers of chief officer of fire-brigade at a fire
 362. Police and municipal officers and servants to aid the fire-brigade
 363 Damages done by fire-brigade to be deemed damage by fire
 364 Reports of fires to be submitted

CHAPTER XV.

SANITARY PROVISIONS

Scavenging and Cleansing

- 365 Commissioner to provide for cleansing of streets and removal of refuse
 366 Refuse, etc, to be the property of the Corporation
 367 Provision and appointment of receptacles, depots and places for
 refuse, etc
 368 Duty of owners and occupiers to collect and deposit dust, etc.
 369 Provision may be made by Commissioner for collection etc, of excre-
 mentitious and polluted matter
 370 Collection and removal of excrementitious and polluted matter when to
 be provided for by occupiers.
 371 Halalkhor's duties in certain cases may not be discharged by private
 individuals without the Commissioner's permission
 372 Prohibition of—
 failure to remove refuse, etc, when bound to do so ;
 removal of refuse, etc, contrary to orders, or without proper
 precautions,
 failure to clear away any refuse, etc, which drops during removal,
 leaving filth cart, etc, unnecessarily in the streets,
 throwing or placing refuse, etc, in any place not assigned for the
 purpose,
 allowing filthy matter to flow or soak from any premises, and keep-
 ing anything thereupon so as to create a nuisance
 373 Presumption as to offender under clause (e) section 372
Inspection and Sanitary Regulation of Premises
 374 Power to inspect premises for sanitary purposes.
 375 Cleansing and lime washing of any building may be required.
 375A Removal of building materials from any premises may be required
 376 Abandoned or unoccupied premises
 377 Neglected premises.
 Neglected private streets
 377A Nuisance arising from defective roof.
 378 Buildings or rooms in buildings unfit for human habitation.
 378A. Power to require repair of insanitary buildings.
 378B. Power to order demolition of insanitary buildings.

SECTIONS.

- 378C Procedure where demolition order made.
 378D Regulations to determine the fitness of a building.
 378E Power to order demolition of obstructive building.
 378F Effect of order for demolition of obstructive building
 378G Compensation for acquiring obstructive building recoverable in certain cases as improvement expenses
 378H Appeal against demolition orders
 378I Prohibition of back to back buildings.
 379 Power of Commissioner to call for statement of accommodation.
 379A Overcrowded dwellings.
 380 Insanitary huts and sheds.
 381. Filling in of pools, etc., which are a nuisance
 381A. Permission for new well etc
 381B Prohibition of mosquito breeding in collection of water on any land.
 382 Dangerous quarrying may be stopped.
 383 Removal and trimming of trees, shrubs and hedges.

Keeping and Destruction of Animals and Disposal of Carcasses

- 384 Prohibitions as to keeping animals.
 384A Stabling animals or storing grain in dwellings may be prohibited
 385 Removal of carcasses of dead animals

Regulation of Public Bathing, Washing, etc

- 386 Places for public bathing, etc., to be fixed by the Commissioner.
 387 Regulation of use of public bathing-places, etc
 388 Prohibition of bathing, etc., contrary to order or regulation.
 389. Prohibition of corruption of water by steeping therein animal or other matter, etc

Regulation of Factories, Trades, etc

390. Factory etc., not to be newly established without permission of the Commissioner.
 391. Furnaces used in trade or manufacture to consume their own smoke
 392. Sanitary regulation of factories, etc
 393 Prohibition of use of steam whistle or steam trumpet without permission of the Commissioner
 394. Certain articles not to be kept, and certain trades processes and operations not to be carried on, without a licence; and things liable to be seized, destroyed, etc., to prevent danger or nuisance
 394A. Power to prohibit the keeping of certain articles of dangerous character in certain premises or areas
 395. Prohibition of corruption of water by chemicals, etc
 396. Powers of inspection etc., of premises where licensable articles are kept or trade, process or operation carried on or where prohibited articles are kept
 397. Regulation of washing of clothes by washermen;
 Washing places to be provided by the Commissioner for washermen

SECTIONS.

Maintenance and Regulation of Markets and Slaughter-houses.

- 398. What to be deemed municipal markets and slaughter-houses,
- 399. Provision of new municipal markets and slaughter-houses
- 400. Municipal markets and slaughter-houses may be closed.
- 401. Prohibition of sale in a municipal market without licence of Commissioner.
- 402. Opening of new private markets.
- 403. Private markets not to be kept or permitted to be kept open and no place to be used or permitted to be used as slaughter-house, without licence.
- 404. Prohibition of sale in unauthorised private markets.
- 405. Provision for requiring private market buildings and slaughter-houses to be properly paved and drained.
- 406. Regulations to be framed for markets and slaughter-houses.
- 407. Levy of stallages, rents and fees in municipal markets and slaughter houses
- 407A. Removal of live cattle, sheep, goats or swine, from any municipal slaughter-house, market or premises.
- 408. Regulations and table of stallage-rents to be posted up in markets and slaughter houses
- 409. Power to expel persons contravening by—laws or regulations.

Sale or Supply of Articles of Food outside of Markets.

- 410. Prohibition of sale or supply of animals, etc., except in market.

Licensing of Butchers, etc.

- 411. Butchers and persons who sell or supply the flesh of animals to be licensed.
- 412. Prohibition of import of cattle, etc into the City without permission.
- 412A. Licence required for dealing in milk, etc.

Inspection of Places of Sale, etc.

- 413. Commissioner may enter any place where slaughter of animals or sale of flesh contrary to the provisions of this Act is suspected
- 414. Commissioner to provide for inspection of articles exposed for sale for human food
- 415. Unwholesome articles, etc , to be seized.
- 416. Disposal of perishable articles-seized under section 415.
- 417. Disposal of animals and articles of a non-perishable nature seized under section 415.
- 417A. [*Repealed*]
- 417B. Penalty for possessing food which appears to be diseased, unsound or unwholesome or unfit for human food
- 417C. Application for summons to be refused if not applied for within reasonable time.

SECTIONS.

Weights and Measures

- 418 [Repealed]
 419. [Repealed]
 420 [Repealed]

Prevention of Spread of Dangerous Diseases.

- 421 Information to be given of existence of dangerous disease or continuous pyrexia of unknown origin.
 422 Any place may at any time be inspected for purpose of preventing spread of dangerous disease
 423. Prohibition of use for drinking of water likely to cause dangerous disease.
 424 Commissioner may order removal of patients to hospitals.
 425 Disinfection of building, etc
 426. Destruction of huts and sheds, when necessary
 426A Second-hand clothing and bedding not to be brought into city without informing Commissioner and getting them inspected.
 427. Place for disinfection may be provided ,
 also for washing infected articles.
 Infected articles may be destroyed
 428 Person suffering from dangerous disease not to enter a public conveyance without notifying the same
 429 Provision of carriages for conveyance of patients
 430. Provisions as to carriage of persons suffering from dangerous disease in public conveyances.
 431 Public conveyance which has carried person suffering from dangerous disease to be disinfected.
 432. Infected articles not to be transmitted, etc., without previous disinfection
 433. Infected building not to be left without being first disinfected.

Special Sanitary Measures

434. Commissioner may take special measures on outbreak of any dangerous disease.

Disposal of the Dead

435. Places for disposal of the dead to be registered.
 436. Provision of new places for disposal of the dead.
 437 New places for disposal of the dead not to be opened without permission of Commissioner.

SECTIONS

- 438. Provincial Government may direct the closing of any place for the disposal of the dead.
- 439. Provincial Government may sanction the re-opening of places which have been closed for the disposal of the dead.
- 440. Burials within places of worship and exhumations not to be made without the permission of the Commissioner.
- 441. Acts prohibited in connection with the disposal of the dead

CHAPTER XVI.

VITAL STATISTICS.

Registration of Births and Deaths.

- 442. Appointment of registrars.
- 443. Registrars to reside in their respective districts
- 444. Register-books to be supplied.
- 445. Registrars to inform themselves of all births and deaths
- 446. Information of birth to be given within seven days.
Saving for father of illegitimate child
- 447. Information respecting finding of new-born child to be given
- 448. Officers to be appointed to receive information of deaths at places for disposal of the dead
- 449. Information of death to be given at the time when the corpse of the deceased is disposed of.
- 450. Medical practitioner who attended a deceased person to certify the cause of his death.
- 451. Preparation of register-books of deaths and of mortality returns, etc.
- 452. Correction of errors in registers of births or deaths.
- 453. Registration of name of child or of alteration of name

Taking of Census.

- 454. Enumeration of inhabitants.
- 455. Commissioner to superintend the enumeration
- 456. Delivery of blank schedules and returns
- 457. Obligation to fill up blank schedules and returns
- 458. Occupier to amend returns, if found defective.
- 459. Military, naval and police officers and certain others, if required, to act as enumerators.
- 460. Returns of houseless persons

CHAPTER XVI-A

THE BOMBAY ELECTRIC SUPPLY AND TRANSPORT UNDERTAKING.

The operation of the undertaking and the construction and maintenance of works.

- 460A. Management of Undertaking by General Manager.
- 460B. Power of access to works.
- 460C. Power of carrying, renewing and repairing works
- 460D. Maintenance and repair of portion of street where tramway is laid.
- 460E. Conditions to be observed before new tramway is laid
- 460F. Reservation of power over streets of Bombay Gas Co. Ltd.
- 460G. Restriction on building and other acts interfering with works of the undertaking

SECTIONS

Weights and Measures

- 418 [Repealed]
 419. [Repealed]
 420. [Repealed]

Prevention of Spread of Dangerous Diseases.

- 421 Information to be given of existence of dangerous disease or continuous pyrexia of unknown origin
 422 Any place may at any time be inspected for purpose of preventing spread of dangerous disease.
 423 Prohibition of use for drinking of water likely to cause dangerous disease.
 424 Commissioner may order removal of patients to hospitals.
 425. Disinfection of building, etc
 426. Destruction of huts and sheds, when necessary
 426A. Second-hand clothing and bedding not to be brought into city without informing Commissioner and getting them inspected.
 427. Place for disinfection may be provided ,
 also for washing infected articles.
 Infected articles may be destroyed
 428 Person suffering from dangerous disease not to enter a public conveyance without notifying the same
 429. Provision of carriages for conveyance of patients.
 430. Provisions as to carriage of persons suffering from dangerous disease in public conveyances.
 431 Public conveyance which has carried person suffering from dangerous disease to be disinfected.
 432. Infected articles not to be transmitted, etc., without previous disinfection
 433. Infected building not to be left without being first disinfected

Special Sanitary Measures

434. Commissioner may take special measures on outbreak of any dangerous disease.

Disposal of the Dead

435. Places for disposal of the dead to be registered.
 436. Provision of new places for disposal of the dead.
 437 New places for disposal of the dead not to be opened without permission of Commissioner.

SECTIONS.

Special Funds.

- 460HH. Institution of Bombay Electric Supply and Transport staff Benefit Fund
 460II. Other special funds

Disposal of Balances.

- 460JJ Investment of surplus moneys
Payment out of surplus Balance
 460KK. Fixed annual payment to municipal fund
 460LL. Disposal of surplus balance of revenue.

Accounts

- 460MM Accounts of the Bombay Electric Supply and Transport Undertaking
 460NN Preparation of annual administration report and statement of accounts.

Miscellaneous.

- 460OO Power of Police to regulate traffic on streets.
 460PP. Right of public to use streets on which tramways is laid

CHAPTER XVII

BY-LAWS.

461. By-laws for purposes other than the Bombay Electric supply and Transport Undertaking
 461A By-laws for purposes of Bombay Electric supply and Transport Undertaking
 462. Punishment may be imposed for breach of by-laws.
 463 By-laws to be confirmed by Central or State Government, as the case may be.
 464 Commissioner to lay draft by-laws before the corporation for their consideration
 465 Hearing by corporation of objections to proposed by-laws.
 466 Proposed by-laws to be open to public inspection.
 467 By-laws confirmed by Central or State Government to be published in the *Bombay Government Gazette*
 468. Printed copies of by-laws to be kept on sale
 469 Boards for exhibiting by-laws to be open to inspection and not to be injured
 469A Application of sections 466, 463 and 469 to by-laws under section 641A.
 470 Central or State Government, as the case may be, may repeal by-laws

CHAPTER XVIII

PENALTIES

471. Certain offences punishable with fine.
 472. Continuing offences
 473. Offences punishable under the Penal Code
 473A. Punishment for offences of preparing false election rolls or making false entries in ward lists
 474. Punishment for acquiring share or interest in contract, etc., with the corporation
 474A. Penalty for obstructing lawful exercise of powers under Chapter V-A.

SECTIONS

- 475 Punishment of offences against section 267
- 476 Punishment of offences against section 391
- 476AA Punishment for keeping or suffering or allowing the keeping of any article specified in Part I of Schedule M without a licence or in or upon prohibited premises or areas
- 476AB Punishment of forfeiture of articles for contravention of section 394(I) (a) or 394A
- 476A Punishment for using or permitting to be used without licence any place in or without Greater Bombay as slaughter house.
- 476B Punishment for importing cattle, etc , in Greater Bombay
- 477 Extent of penal responsibility of agents and trustees of owners
- 478 Punishment of offences relating to Octroi
- 478-1A. Penalty for evasion of octroi
- 478-1B Penalty for breach of octroi rules
- 478A Penalty for obstructing General Manager in exercise of powers
- 478B Penalty for interfering with tramways

CHAPTER XIX

PROCEDURE

Licences

- 479 Licences and written permission to specify conditions, etc , on which they are granted
 - Fees to be chargeable
 - Licences and written permissions may be revoked, etc
 - When licence or written permission is revoked, etc , grantee to be deemed to be without a licence or written permission
 - Grantees to be bound to produce licence or written permission

Public Notices and Advertisements

- 480 Public notices how to be made known
- 481. Advertisements how to be made
- 482 Consent, etc , of Commissioner, General Manager, etc , may be proved by written document under his signature

Service of Notices, etc

- 483 Notices, etc , by whom to be served or presented
- 484 Service how to be effected on owners of premises and other persons
- 485 Service on "owner or occupier" or premises how to be effected
- 485A Power of Commissioner to call for information as to ownership of premises
- 486 The three last sections inapplicable to Magistrate's summonses
- 486A Service of bills for taxes by post
- 487. Signature on notices, etc , may be stamped

Power of Entry

- 488. Commissioner, etc , may enter any premises for purposes of inspection, survey or execution of necessary work

SECTIONS

Power of Eviction

488A Commissioner may evict persons summarily in certain cases.

Enforcement of Orders to execute works, etc

489 Works etc. which any person is required to execute may in certain cases be executed by the Commissioner at such person's cost

490 Recovery of expenses of removals by the Commissioner under sections 314, 315, 354, and 380

Recovery of expenses by the Commissioner and the General Manager

491 Expenses recoverable under this Act to be payable on demand ; and if not paid on demand, may be recovered as an arrear of property-tax

492. If the defaulter is the owner of premises in respect of which expenses are payable, the occupier to be also liable for payment thereof

493 Commissioner or General Manager may agree to receive payment of expenses in instalments

494 What expenses may be declared to be improvement expenses.

495 Improvement expenses by whom payable.

496 Proportion of improvement expenses may be deducted from rent

497 Redemption of charge for improvement expenses

498 Recovery of instalments due under sections 493 and 495.

499 In default of owner the occupier of any premises may execute required work and recover expenses from the owner

500 Limitation of liability of agent or trustee of owner

Payment of Compensation

501. Compensation for damages may be paid by the Commissioner or General Manager

502. Compensation to be paid by offenders against this Act for any damage caused by them.

Recovery of expenses or compensation in case of Dispute.

503. In cases falling under section 491, disputes to be determined by the Chief Judge of the Small Cause Court

504. Amount of expenses or compensation to be determined in all cases of dispute by the Chief Judge of the Small Cause Court.

505. Expenses or compensation awarded by Chief Judge of the Small Cause Court to be recovered if necessary, as if they were due under a decree of the court

506. Persons liable for expenses or compensation may be sued for recovery thereof.

SECTIONS.

Proceedings before the Chief Judge of the Small Cause Court.

507. Remedy of owner of buildings or land against occupier who prevents his complying with any provision of this Act
508. Power to summon witnesses and compel production of documents
509. Fees in proceedings before the Chief Judge of the Small Cause Court
510. Exemption of poor persons from fees
511. Repayment of half fees on settlement before hearing
512. Authority the Chief Judge of the Small Cause Court to delegate certain powers and to make rules.

Proceedings before Magistrate.

513. Cognizance of offences.
- 513A. Appointment of Presidency Magistrates.
514. Limitation of time within which complaints of offences punishable under this Act shall be entertained
515. Complaints concerning nuisances
- 515A. Special provisions regarding fines and other punishments under this Act.

Arrest of Offenders.

516. Offenders against this Act may in certain cases be arrested by Police Officers
- 516AAA. Offences under sections 313, 313A and 313B to be cognizable and bailable
- 516AA. Offences under sections 394 and 394A to be cognizable and under clause (a) (i) of sub-section (1) of section 394 and section 394A to be non-bailable
- 516A. Offence under section 403 (1) (b) or (c) to be cognizable.

Legal Proceedings

517. Provisions respecting institution, etc, of civil and criminal actions and obtaining legal advice.

CHAPTER XX.

CONTROL.

518. Power to State Government to provide for performance of duties in default of any municipal authority.
519. Power to State Government to enforce repair, etc, of Vihar water-works
520. Expenses of measures enforced under sections 518 and 519 how to be recovered

Emergency Provisions for Water

- 520A. Power of State Government to issue directions to Corporation in emergency arising out of scarcity of water
- 520B. Power of State Government to suspend or rescind any resolution or order etc, of Corporation or other authority in certain cases

CHAPTER XXI.

SUPPLEMENTAL PROVISIONS.

521. Councillors, etc, to be deemed to be public servants.
522. Co-operation of Police.
- 522A. Assistance for the recovery of rent on land in the suburbs.

SECTIONS.

- 523. Computation of time
- 524. Measurement of distances.
- 525. Informalities and errors in assessments, etc , not to be deemed to invalidate such assessment, etc
- 526. Power to State Government to call for extracts from proceedings, etc
- 527. Protection of persons acting under this Act against suits
- 527A Savings in respect of certain provisions of Bombay Land Revenue Code, 1879
- 528. Effect of the transitory provisions in Schedule R.

SCHEDULE A —ENACTMENTS REPEALED

SCHEDULE B —[*Deleted*]

SCHEDULE C —FORM OF DEBENTURE

SCHEDULE D —[*Repealed*]

SCHEDULE E —FORM OF NOTICE OF TRANSFER TO BE GIVEN WHEN THE TRANSFER HAS BEEN EFFECTED BY INSTRUMENT

SCHEDULE F —FORM OF NOTICE OF TRANSFER TO BE GIVEN WHEN THE TRANSFER HAS TAKEN PLACE OTHERWISE THAN BY INSTRUMENT

SCHEDULE G —TAX ON VEHICLES AND ANIMALS.

SCHEDULE H —ARTICLES LIABLE TO PAYMENT OF OCTROI.

SCHEDULE I —FORM OF NOTICE OF DEMAND

SCHEDULE J —FORM OF WARRANT OF DISTRESS OR ATTACHMENT

SCHEDULE K —FORM OF INVENTORY AND NOTICE

SCHEDULE L —TABLE OF FEES PAYABLE FOR DISTRAINTS OR ATTACHMENTS

SCHEDULE M —ARTICLES WHICH SHALL NOT BE KEPT WITHOUT A LICENCE IN OR UPON ANY PREMISES

SCHEDULE N —PARTICULARS TO BE SPECIFIED IN THE REGISTER OF BIRTHS

SCHEDULE O —PARTICULARS TO BE SPECIFIED IN THE REGISTER OF DEATHS

SCHEDULE P —CERTIFICATE OF CAUSE OF DEATH

SCHEDULE Q —FORM CERTIFYING NAME GIVEN IN BAPTISM

Do do NOT IN BAPTISM.

SCHEDULE R —TRANSITORY PROVISIONS

SCHEDULE S —DRAINAGE COMPLETION CERTIFICATE.

SCHEDULE T —BUILDINGS do do

SCHEDULE U —MEDICAL INSTITUTIONS IN BOMBAY

SCHEDULE V.—LANDS AND BUILDINGS IN THE USE AND OCCUPATION OF THE
BOMBAY CITY POLICE

SCHEDULE W.—

SCHEDULE X —

SCHEDULE Y.—

SCHEDULE Z —

SCHEDULE ZZ —

DESCRIPTION OF THE PROPERTY HELD BY THE IMPROVEMENT
TRUST AND TRANSFERRED TO THE CORPORATION.

SCHEDULE AA —FORM OF DEBENTURE.

SCHEDULE BB —RULES REGULATING THE FORM OF ACCOUNTS RELATING TO
IMPROVEMENT SCHEMES, ETC , AND THE MANNER IN WHICH
THEY SHALL BE KEPT

SCHEDULE BBA —ACCOUNTS TO BE MAINTAINED UNDER SECTION 123C

SCHEDULE CC —PORTIONS OF THE LAND ACQUISITION ACT, 1894, REGULATING
THE ACQUISITION OF LAND FOR IMPROVEMENT PURPOSES

SCHEDULE DD —SCALE OF ADDITIONAL COMPENSATION FOR COMPULSORY
ACQUISITION FOR IMPROVEMENT PURPOSES

SCHEDULE EE —DUTIES AND POWERS OF THE MUNICIPAL CHIEF AUDITOR

SCHEDULE FF —SPECIAL AND TRANSITORY PROVISIONS

SCHEDULE FFA —SPECIAL A D TRANSITORY PROVISIONS

SCHEDULE GG —VALIDITY AND DATE OF OPERATION OF CERTAIN ORDERS

SCHEDULE HH —COMPULSORY ACQUISITION ORDERS

SCHEDULE II —CONSTITUTION AND POWERS OF COMPENSATION TRIBUNAL.

SCHEDULE JJ.

BOMBAY ACT No. III OF 1888¹.

[THE CITY OF BOMBAY MUNICIPAL ACT, 1888].

[14th September 1888.]

Repealed in part by Act 2 of 1901 ;
 " " by Bom. 1 of 1897 ;
 " " " 5 of 1925 ;
 " " " 8 of 1928 ,
 " " " 15 of 1932.

Repealed in part and amended—
 by Act 16 of 1895 ;
 by Bom. 4 of 1888 ;
 " 5 of 1905 ;
 " 3 of 1907 ;
 " 2 of 1911 ;
 " 6 of 1922.

Amended by Bom. 1 of 1894 ;
 " " 2 of 1899 ;
 " " 2 of 1900 ;
 " " 2 of 1901 ,
 " " 5 of 1903 ;
 " " 1 of 1910 ;
 " " 6 of 1913 ;
 " " 1 of 1916 ,
 " " 6 of 1916 ;
 " " 6 of 1918 ;
 " " 8 of 1918 ;
 " " 5 of 1920 ;
 " " 15 of 1920 ;
 " " 19 of 1920 ;
 " " 20 of 1920 ;
 " " 4 of 1921 ;
 " " 7 of 1921 ;
 " " 1 of 1925 ;
 " " 12 of 1925 ,
 " " 9 of 1928 ,
 " " 10 of 1928 ;

¹ For Statement of Objects and Reasons, see *Bombay Government Gazette*, 1887, Pt V, p 188, for Report of the Select Committee, see *ibid.*, 1888, p. 1, and for Proceedings in Council, see *ibid.*, 1887, p 222 and *ibid.*, 1888, pp 177, 203, 228, 259, 286, 311 and 321.

Bom 3 of 1888 has, so far as regards the jurisdiction, decisions, orders and other proceedings of Appellate Benches of Municipal Authorities, Presidency and other Magistrates, Courts of Small Causes and Judges of such Courts, been declared to be as valid as if it had been passed by the Governor General of India in Council—see Act 12 of 1888, s. 1.

The Bombay Municipal Servants Act is to be read with Bom. 3 of 1888—see Bom. 5 of 1890, s 2 (2).

The City of Bombay Police Charges Act, 1907 (Bom. 3 of 1907), is to be read with Bom. 3 of 1888 Only those amendments which it makes in the latter and which have been declared to come into force on 1st April 1907, have been here incorporated, for the other amendments which have been declared (see ss 39, 40 and 62) to come into force when notified by the Governor in Council, see Bom. 3 of 1907.

Amended by Bom. 10 of 1930 ;
 " " 18 of 1930 ;
 " " 19 of 1930 ;
 " " 23 of 1930 ;
 " " 6 of 1931 ,
 " " 17 of 1931 ;
 " " 21 of 1931 ;
 " " 8 of 1932 ,
 " " 11 of 1932 ;
 " " 13 of 1932 ;
 " " 13 of 1933 ;
 " " 2 of 1934 ;
 " " 4 of 1934 ;
 " " 10 of 1935 ;
 " " 12 of 1935 ;
 " " 28 of 1935 ;
 " " 32 of 1935 ;
 " " 10 of 1936 ;
 " " 12 of 1936 ;
 " " 13 of 1936 ;
 " " 24 of 1936 .

Supplemented by Act 12 of 1888 ,
 " " 2 of 1889 ;
 " " 5 of 1890 ;
 " " 1 of 1898 ;
 " " 2 of 1899 ;
 " " 15 of 1920 .

Amended by Act 38 of 1920 .

Adapted and modified by the Adaptation of Indian Laws Order in Council .

Amended by Bom 2 of 1938 ,
 " " 5 of 1938 ,
 " " 13 of 1938*
 " " 17 of 1938 ,
 " " 7 of 1939 ,
 " " 19 of 1939 ;
 " " 21 of 1939 ;

* Sections 32 and 33 of this Act containing saving provisions are reproduced below, Sections 26, 28 and 29 referred to in section 32 below have amended sections 37, 74 and 80B of Bom 3 of 1888

Saving in
 case of
 present in-
 incumbents.
 Savings.

32. Nothing contained in section 26, 28 or 29 of this Act shall apply to persons appointed to hold posts referred to in the said sections during the period for which they may have been appointed before the commencement of this Act.

33. (1) Nothing in this Act shall affect the constitution of the Corporation, the Standing Committee, the Schools Committee, or the Improvements Committee as constituted immediately before the first day of April 1939 and no appointment, notification, notice, tax, order, scheme, licence, provision, rule, bye-law or form, made, issued or imposed in respect of or by the Corporation or Committee so constituted shall be deemed to be invalid by reason only of the fact that the provisions of this Act have come into force.

(2) Notwithstanding anything contained in this Act, any casual vacancy in the office of a councillor, or a member of any of the said Committees occurring before the 1st day of April 1939 shall, subject to the provisions of the said Act, be filled as if this Act had not come into force.

Amended by Bom 1 of 1942 ;
 " " " 8 of 1942 ;
 " " " 2 of 1943 ; *
 " " " 9 of 1945 ; *
 " " " 12 of 1945 ; *
 " " " 1 of 1946 ; †
 " " " 4 of 1947
 " " " 12 of 1947 .
 " " " 20 of 1947 .
 " " " 21 of 1947 .

Adapted by the Indian (Adaptation of Existing Indian Laws) Order, 1947 :

Amended by Bom 3 of 1948 ,
 " " " 8 of 1948 ,
 " " " 48 of 1948 ,
 " " " 69 of 1948 ,
 " " " 76 of 1948 ,
 " " " 7 of 1950 ;

Adapted and modified by the Adaptation of Laws Order, 1950 ,

Amended by Bom 48 of 1950 ,
 " " " 9 of 1951 ,
 " " " 30 of 1951 ,
 " " " 20 of 1952 ,
 " " " 64 of 1953 ,
 " " " 6 of 1954 ;
 " " " 8 of 1954 ;
 " " " 21 of 1954 ,
 " " " 34 of 1954 ,
 " " " 62 of 1954 ,
 " " " 5 of 1955 ,
 " " " 54 of 1955 ; †
 " " " 22 of 1956 ,
 " " " 26 of 1956 ;

Adapted and modified by the Bombay Adaptation of Laws (State and Concurrent Subjects) Order, 1956 ;

Amended by Bom. § 51 of 1956 ;
 " " " 58 of 1956 ;
 " " " 28 of 1957 ;
 " " " 13 of 1958 ;
 " " " 65 of 1958 ;
 " " " 6 of 1959 ;

* This Act was repealed and re-enacted by Bom 8 of 1948

† This Act was repealed and re-enacted with modifications, *ibid*

‡ Section 13 of Bom 54 of 1955 reads as follows —

“ 13 The amendments made in the said Act by sections 2 to 4 (both inclusive), section 5 except section 28-H inserted thereby, clause (2) of section 6 and sections 7 and 8 of this Act shall apply to the general elections to be held after the 31st day of December 1955, and to all subsequent elections ”.

Certain amendments made by this Act to apply to election held after the 31st day of December 1955

§ The amendments made by this Act shall be deemed to have been made with effect from the first day of April 1956 (*see s 2 of Bom 51 of 1956*).

Adapted and modified by the Maharashtra Adaptation of Laws (State and Concurrent Subjects) Order, 1960 ;

Amended by Mah	14 of 1961 ;
” ” ”	39 of 1961 ;
” ” ”	32 of 1962 ;
” ” ”	40 of 1962 ;
” ” ”	13 of 1963 ;
” ” ”	1 of 1964 ;*
” ” ”	11 of 1964 ;
” ” ”	17 of 1964 read with Mah 8 of 1963 ;
” ” ”	32 of 1964 ;†
” ” ”	8 of 1965 ;‡
” ” ”	27 of 1966 ;
” ” ”	32 of 1966 ;§
” ” ”	33 of 1966 ;
” ” ”	35 of 1967 ;
” ” ”	5 of 1968 ;
” ” ”	22 of 1968 ;
” ” ”	3 of 1969 ;
” ” ”	10 of 1969 ;
” ” ”	18 of 1969 ;
” ” ”	5 of 1970 ;
” ” ”	6 of 1970 ;

* Section 11 of Mah 1 of 1964 reads as under .—

Savings. “ 11. Notwithstanding the amalgamation of budget estimates D and F with budget estimate A and the amendments in the principal Act made therefor by sections 4 to 10 (both inclusive) of this Act, budget estimates A, D and F finally adopted by the Corporation for the official year 1963-64 and all provisions of the principal Act applicable thereto immediately before the 28th day of October 1963 shall remain in operation and continue to apply to the said estimate till the end of the year ”

† Section 23 of Mah 32 of 1964 reads as under .—

Savings. “ 23. Notwithstanding the abolition of town duties and the repeal of the provisions of the principal Act relating thereto, and the substitution therefor of the provisions relating to octroi made by this Act, all the provisions relating to town duties shall continue to have effect for the purposes of the levy, assessment, collection or refund of the duty, or for the purpose of imposing any penalty, or for the confiscation of any articles, or for any other purpose whatsoever connected with or incidental to any of the purposes aforesaid, and any reference to any officer, authority, tribunal or court for the purpose of carrying into effect the provisions aforesaid shall be construed as a reference to the corresponding officer, authority, tribunal or court relating to octroi and if any question arises as to who or which such corresponding officer, authority, tribunal or court is, the decision of the State Government thereon, shall be final ”

‡ Sections 22 and 23 of Mah 8 of 1965 read as under —

Savings. “ 22. Nothing contained in this Act shall affect the constitution of the Corporation, the Standing Committee, the Improvements Committee or any other Committee or Sub-Committee as constituted or appointed under the principal Act immediately before the commencement of this Act, and any casual vacancy in the office of a councillor or a member of any of the said committees or sub-committees before the 1st April 1965 (or if the State Government extends the period under section 7, before the 1st April 1966) shall, subject to the provisions of the principal Act, be filled as if this Act had not been passed

Removal of difficulty 23. If any difficulty arises in giving effect to the provisions of the principal Act as amended by this Act, the State Government may, as occasion arises, by order do anything which appears to it necessary for the purposes of removing the difficulty

Provided that, no order shall be made under this section after the expiry of two years from the commencement of this Act ”

§ Section 8 of Mah 32 of 1966 reads as under —

Retrospective operation of sections 2 and 5. “ 8. The amendments made in the principal Act by sections 2 and 5 of this Act shall be deemed to have been made on and to have effect from the 1st day of April 1966 ”

Amended by Mah.	7 of 1971,
” ” ”	13 of 1971;
” ” ”	35 of 1971;*
” ” ”	37 of 1971;
” ” ”	22 of 1972;
” ” ”	4 of 1973;
” ” ”	19 of 1973;
” ” ”	34 of 1973; † (30-4-1973) ‡
” ” ”	53 of 1973; (27-12-1973) ‡
” ” ”	18 of 1974; (1-5-1975) †
” ” ”	37 of 1974; (7-9-1974) †
” ” ”	51 of 1975; (1-11-1975) †
” ” ”	63 of 1975, § (22-9-1975) †
” ” ”	70 of 1975, ¶
” ” ”	42 of 1976; (1-10-1976) †
” ” ”	42 of 1977;
” ” ”	62 of 1977;
” ” ”	17 of 1978; (31-5-1978) †
” ” ”	25 of 1978; (2-10-1978) †
” ” ”	23 of 1979; ** (5-5-1979) †
” ” ”	27 of 1979; (31-3-1979) †

**An Act to consolidate and amend the law relating to the Municipal Government
of ¹[Greater Bombay].**

WHEREAS it is expedient to consolidate and amend the law relating to the Municipal Government of ¹[Greater Bombay]; It is enacted as follows :—

CHAPTER I

PRELIMINARY.

1. This Act may be cited as ²[the Bombay Municipal Corporation Act]. Short title
Except as is herein otherwise expressly provided, it extends only to ³[Greater Bombay]. Extent.
2. The enactments mentioned in Schedule A are repealed to the extent specified Repeal of
in the third column of the said Schedule : enactments.

Provided that—

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

¹These words were substituted for the words “ the City of Bombay ” by Bom 7 of 1950, s 3.

²These words were substituted for the words and figures “ the City of Bombay Municipal Act, 1888 ”, *ibid.*, s 4(a)

³These words were substituted for the words “ the City of Bombay ”, *ibid.*, s 4(d).

*Maharashtra Ordinance No V of 1971 was repealed by Mah 35 of 1971, s 3.

†Maharashtra Ordinance No III of 1973 was repealed by Mah 34 of 1973, s 23

‡This indicates the date of commencement of Act

§Maharashtra Ordinance No XI of 1975 was repealed by Mah 63 of 1975, s 11

¶Maharashtra Ordinance No XVII of 1975 was repealed by Mah 70 of 1975, s 22 The whole Act (Mah 70 of 1975), except clause (a) of section 2, section 4 and sections 16 to 20 (both inclusive) was deemed to have come into force on the 8th day of November 1975. Clause (a) of section 2 and section 4 came into force on the 24th day of December 1975 Sections 16 to 20 (both inclusive) came into force on the 1st day of April 1976 [see s 1(2) of Mah 70 of 1975]

**Maharashtra Ordinance No IV of 1979 was repealed by Mah 23 of 1979, s 3.

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

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

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

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

Definitions
of terms

3. In this Act, unless there be something repugnant in the subject or context,—
- ¹[(a) “the city” means the area specified in Part I of Schedule A to the Greater Bombay Laws and the Bombay High Court (Declaration of Limits) Act, 1945;]
- ²[(a1) “extended suburbs” means the area specified in Part IV of Schedule A to the Greater Bombay Laws and the Bombay High Court (Declaration of Limits) Act, 1945;]
- (a1) “Greater Bombay” means the areas specified in Parts I, II and III of Schedule A to the Greater Bombay Laws and the Bombay High Court (Declaration of Limits) Act, 1945 ³[and on and from the date of commencement of the Bombay Municipal [Further Extension of Limits and Schedule BBA (Amendment)] Act, 1956, includes the extended suburbs i.e., the area specified in Part IV of this Schedule];
- (a2) “the suburbs” means the area specified in Parts II and III of Schedule A to the Greater Bombay Laws and the Bombay High Court (Declaration of Limits) Act, 1945;]
- (b) “the corporation” means the Municipal Corporation of ⁴[Greater Bombay];
- ^{†5}[(c) “Councillor” means a person who is duly elected as a member of the Corporation under this Act];
- ⁶[(cc) “Commission” means the Public Service Commission constituted for the State of Bombay under the Constitution of India.];
- (d) “the Commissioner” means the Municipal Commissioner for ⁴[Greater Bombay] appointed under section 54, and includes an acting Commissioner appointed under sub-section (3) of section 59,
- (e) “Deputy Commissioner” means a Deputy Municipal Commissioner appointed under section 55, ⁷[and the Deputy Municipal Commissioner (Improvements) appointed under section 56A] and includes an acting Deputy

¹These clauses were substituted for clause (a) by Bom 7 of 1950, s 5(i)

²This clause was inserted by Bom 58 of 1956, s 3(1)

³This portion was inserted, *ibid*, s 3(2)

⁴These words were substituted for the words “the City of Bombay”, by Bom 7 of 1950, s 5(ii)

⁵This clause was substituted for the original by Bom 48 of 1950, s 2(1)

⁶Clause (cc) was inserted, *ibid*, s. 2(2)

⁷These words, figures, brackets and letter were inserted by Bom 13 of 1933, s 3(a)

*“Governor of Bombay” shall stand unmodified *vide* the Maharashtra Adaptation of Laws (State and Concurrent Subjects) Order, 1960

[†]Section 79 of Bom 48 of 1950 reads as follows —

“79 Nothing in sections 2(1), (4) and (5) and 4 to 16 shall affect the constitution of the Corporation, the Standing Committee, the Improvements Committee or any other Committee or sub-committee as constituted or appointed under the said Act—immediately before the coming into operation of this Act and any casual vacancy in the office of a councillor or a member of any of the said committee or sub-committee before the 1st day of April 1952 shall, subject to the provisions of the said Act, be filled as if this Act had not been passed”

Commissioner appointed under sub-section (3) of section 59 ¹[and an additional Deputy Municipal Commissioner appointed under sub-section (1A) of section 55] ;

(f) “the Police Commissioner” means the Commissioner of Police ²[for Greater Bombay] ;

³[(g) “Education Officer” means the Municipal Education Officer appointed under section 76A and includes an acting Municipal Education Officer appointed under section 85] ,

⁴[(h) “election” means an election to fill a seat or seats of a councillor or councillors under this Act] ,

⁵[(i) “Assembly constituency” means a constituency provided by law for the purpose of elections to the Maharashtra Legislative Assembly, or any part thereof, which is for the time being comprised in Greater Bombay ,

(j) “Assembly roll” means the electoral roll prepared for any Assembly Constituency in accordance with the provisions of the Representation of the People Act, 1950] ;

(k) “licensed plumber” and “licensed surveyor” means respectively, a person licensed by the Commissioner for the purposes of this Act as a plumber or surveyor under section 355 ;

(l) “Small Cause Court” means the Court of Small Causes of Bombay ;

¹ These words, figures, letter and brackets were added by Bom 7 of 1950, s 5(iii)

² These words were substituted for the words “of Bombay”, *ibid*, s 5(iv)

³ Clause (g) was inserted by Bom 48 of 1950, s 2(3)

⁴ Clause (h) was inserted by Bom 54 of 1955, s 2

⁵ Clauses (i) and (j) were inserted by Mah 8 of 1965, s 2

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

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

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

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

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

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

(o) the term "public securities" means securities of the ¹[Central Government] and any securities guaranteed by ²[the Central or any ³[State] Government], securities of the Bombay Port Trust, securities issued under this Act and any Bombay Municipal debentures or other securities heretofore issued ⁴[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];

(p) "tax" includes any impost leviable under this Act,

⁵[(pa) "article" in relation to octroi means any goods,]

(q) "vehicle" includes a carriage, cart, van, dray, truck, handcart and wheeled conveyance of any description capable of being used on the streets of the city;

(r) "land" includes land which is ⁶[being built upon or is built] upon or covered with water, ⁷[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],

(s) "building" includes a house, out-house, stable, shed, hut and every other such structure, whether of masonry, bricks, wood, mud, metal or any other material whatever,

⁸[(sa) "tenement" means a building or a part of a building, other than a temporary building or a part thereof, let or intended to be let or occupied separately;

(sb) "temporary building" means any building which is constructed principally of mud, leaves, grass, cloth, thatch, wood, corrugated iron or asbestos cement sheets or such other material and includes a building of whatever size constructed of whatever material which the Commissioner has allowed to be built as a temporary measure,]

¹ The words "Central Government" were substituted for the words "Government of India", by the Adaptation of Indian Laws Order in Council

² The words "the Central or any Provincial Government" were substituted for the word "Government", *ibid*

³ The word "State" was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950

⁴ These words were inserted by Bom 13 of 1933 s 3(b)

⁵ This clause was inserted by Mah 32 of 1964, s. 2

⁶ These words were substituted for the word "built" by Bom 8 of 1918, s 2.

⁷ These words were inserted by Bom 13 of 1933, s 3 (c)

⁸ These clauses were inserted by Bom. 28 of 1957, s 2

(t) "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 ;

¹[(u) "drain" includes a sewer, pipe ditch, channel and any other device for carrying off sewage, offensive matter, polluted water, sullage, waste water, rain water or sub-soil water, and any ejectors, compressed air mains, sealed sewage mains and special machinery or apparatus for raising, collecting, expelling or removing sewage or offensive matter to the sewage outfall] ,

(v) "house-gully" means a passage or strip of land constructed, set apart or utilized for the purpose of serving as a drain or of affording access to a privy, urinal, cesspool or other receptacle for filthy or polluted matter, to municipal servants or to persons employed in the cleaning thereof or in the removal of such matter therefrom ;

(w) "street" includes any highway and any causeway, bridge, viaduct, arch road, lane, footway, square, court, alley or passage, whether a thoroughfare or not, over which the public have a right of passage or access or have passed and had access uninterruptedly for a period of twenty years ; and, when there is a footway as well as carriageway in any street, the said term includes, both ;

(x) "public street" means any street heretofore levelled, paved, metalled, channelled, sewered or repaired by the corporation and any street which becomes a public street under any of the provisions of this Act , ²[or which vests in the corporation as a public street] ,

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

³[(yy) "trade refuse" means and includes the refuse of any trade, manufacture or business] ;

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

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

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

(cc) "public holiday" means a day or other period of time on or during which, by an order of ⁴[the ⁵[State] Government] published in the ⁶[*Official Gazette*], Government offices in the city are closed ,

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

⁷[(ee) "bakehouse" means any place in which are baked bread, biscuits or confectionery, from the baking or selling of which a profit is derived ,

¹ Clause (u) was substituted for the original clause by Bom 5 of 1905, s 2

² These words were added by Bom. 7 of 1950, s 5(v).

³ This new clause (yy) was added by Bom 1 of 1925, s 2(b)

⁴ The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council

⁵ This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950

⁶ The words "*Official Gazette*" were substituted for the words "*Bombay Government Gazette*" by the Adaptation of Indian Laws Order in Council

⁷ Clauses (ee), (ff) and (gg) were inserted by Bom. 1 of 1916, s 2

(ff) “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 ,

(gg) “premises” includes messuages, buildings and lands of any tenure, whether open or enclosed, whether built on or not and whether public or private] ;

¹[(hh) “a sweetmeat shop” means any premises or part of any premises used for the manufacture, treatment or storing for sale, or for the sale, wholesale or retail, of any icecream, confections or sweetmeats whatsoever, for whomsoever intended, and by whatsoever name the same may be known, and whether the same be for consumption on or outside the premises] ;

2* * * *

³[(ll) “market” includes any place where persons assemble for the sale of, or for the purpose of exposing for sale, meat, fish, fruit, vegetables, animals intended for human food or any other articles of human food whatsoever, with or without the consent of the owner of such place, notwithstanding that there may be no common regulation of the concourse of buyers and sellers and whether or not any control is exercised over the business of or the persons frequenting the market by the owner of the place or any other person ,]

⁴[(mm) “the Bombay Electric Supply and Transport Undertaking” means all undertakings acquired, organised, constructed, maintained, extended, managed or conducted by the corporation for the purpose of providing tramways, trackless trams or mechanically propelled transport facilities for the conveyance of the public or for the purpose of supplying electrical energy to the public and includes all moveable and immovable property and rights vested or vesting in the corporation for the purposes of every such undertaking ,

(nn) “the General Manager” means the General Manager of the Bombay Electric Supply and Transport Undertaking appointed under section 60A and includes an acting General Manager appointed under section 60B)]

CHAPTER II

THE MUNICIPAL CONSTITUTION

Municipal Authorities

⁵[4. The municipal authorities charged with carrying out the provisions of this Act are—

- (a) a Corporation ,
- (b) a Standing Committee ,
- (c) an Improvements Committee ,
- (d) a Bombay Electric Supply and Transport Committee ;
- (e) an Education Committee ,
- (f) a Municipal Commissioner ,
- (g) a General Manager of the Bombay Electric Supply and Transport Undertaking]

Municipal
authorities
charged with
execution of
this Act

¹ Clause (hh) was inserted by Bom 5 of 1920, s 2

² Clauses (ii), (jj) and (kk) were deleted by Bom 48 of 1950, s 2 (5)

³ This clause was added by Bom 5 of 1938, s 2

⁴ These clauses were added by Bom 48 of 1948, s 2

⁵ Section 4 was substituted for the original by Bom 48 of 1950, s 3

(A) The Municipal Corporation

5. ¹[(1) The Corporation shall consist of one hundred and thirty-one councillors elected at the ward elections] ²[But when the wards in Greater Bombay are reconstituted according to section 19 as amended by the Bombay Municipal Corporation (Adoption of Assembly Rolls and Single-member Constituencies) Act, 1964.] ³[and the Bombay Municipal Corporation (Third Amendment) Act, 1966, the Corporation shall consist of not more than one hundred and forty councillors] as notified in the *Official Gazette*, and all councillors shall be elected at the ward elections]

⁴[(1A) Notwithstanding anything contained in sub-section (1) of this section or in section 19, for the purpose of any general election held after the commencement of the Maharashtra Municipal Corporations (Amendment) Act, 1976, but before the expiration of the period for the time being specified in article 334 of the Constitution of India and for by-elections (if any) before the next general election after the expiration of such period, so held, the State Government shall, in any notification issued under sub-section (1) of section 19, having regard to the population of members of Scheduled Castes in Greater Bombay, provide for reservation for such members such number of seats out of the total number of seats available as the State Government may deem fit and specify the wards in which the seats shall be so reserved

Explanation I—In this sub-section, “Scheduled Castes” means such castes, races or tribes or parts of, or groups within, such castes, races or tribes as are deemed to be Scheduled Castes in relation to the State of Maharashtra under article 341 of the Constitution of India

Explanation II—The fact that the reservation of seats has ceased to have effect shall not render any person elected and in office immediately before the ceaser ineligible from continuing as a Councillor during the rest of the term to which he was duly elected.]

(2) The corporation shall, by the name of “The Municipal Corporation of [Greater Bombay],” be a body corporate and have perpetual succession and a common seal and by such name may sue and be sued

Terms of Office of Councillors ; Casual Vacancies, etc

6.

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Day on which councillors are to come into office.

(2) Councillors ⁷[elected] to succeed retiring councillors shall come into office on the day for the retirement of the councillors whom they are to succeed

¹ This sub-section was substituted for the original by Bom 58 of 1956, s 4

² This portion was added by Mah 8 of 1965, s 3

³ These words were substituted for the words “ the Corporation shall consist of not more than one hundred and twenty councillors ” by Mah 33 of 1966, s 2

⁴ Sub-section (1A) was inserted by Mah 42 of 1976, s 2

⁵ These words were substituted for the words “ the City of Bombay ” by Bom 7 of 1950, s 6(1)

⁶ Sub-section (1) repealed by Act 16 of 1895, is omitted

⁷ This word was substituted for the original by Bom. 13 of 1938, s 4

Day for retirement of councillors 7. ¹[(1)] ²[All ^{†3}Councillors] shall retire from office at noon on the first day of April ⁴[five years (but if the State Government thinks fit for reasons to be recorded to extend the period by one year then six years which shall be notified in the *Official Gazette*)] after they take office, which day is in this Act referred to as the day for retirement :

⁵[Provided that, before such notification is published in the *Official Gazette*, the State Government shall invite and consider objections, if any, from persons entitled to vote at ward elections under this Act]

†* * * * *

Re-eligibility of persons ceasing to be councillors. 8. Any person who ceases to be a councillor shall, unless disqualified, be re-eligible

Casual vacancies how to be filled up 9. In the event of non-acceptance of office by a person elected ⁷* * to be a councillor, or of the death, resignation or disqualification of a councillor, or of his becoming incapable of acting previous to the day for retirement, there shall be deemed to be a casual vacancy in the office, and such vacancy shall be filled up, as soon as it conveniently may be, by the election ⁷* * * of a person thereto, who shall hold office so long only as the councillor in whose place he is elected ⁷* * would have been entitled to hold it if the vacancy had not occurred

⁸[The casual vacancy in the office of an elected councillor shall be filled up in the manner provided in section 34:]

⁹[Provided that no election shall be held to fill up such vacancy occurring within four months prior to the day for retirement]

Publication of names of councillors in the Official Gazette. 10. The names of all persons elected ⁷* * to be councillors shall be published by the Commissioner in the ¹⁰[*Official Gazette*]

Qualifications and Disqualifications of Voters, and Councillors

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

11* * * * *

¹ This sub-section was numbered as sub-section (1) by Bom 13 of 1938 s 5(1)
² These words were substituted for the original, *ibid*, s 5(1) (a)
³ The word " elected " was deleted by Bom 48 of 1950, s 5(1)
⁴ These words were substituted for the words " four years " by Mah 8 of 1965, s 4(a)
⁵ This proviso was substituted for the original by Mah 3 of 1969, s 2
⁶ Sub-section (2) was deleted by Bom 48 of 1950, s 5(2)
⁷ The words " or appointed " and " or appointment, as the case may be " were deleted by Bom 13 of 1938, ss 6 and 7
⁸ These words were added by Bom 28 of 1935, s 2
⁹ This proviso was added by Bom 12 of 1936, s 2
¹⁰ The words "*Official Gazette*" were substituted for the words "*Bombay Government Gazette*" by the Adaptation of Indian Laws Order in Council
¹¹ Sub-sections (2), (3), (4), (5) and (6) were deleted by Mah 8 of 1965, s 5(a)
¹² This marginal note was substituted, *ibid*, s 5(b)

† Section 79 of Bom 48 of 1950 reads as follows —

Savings. " 79 Nothing in sections 2(1), (4) and (5) and 4 to 16 shall affect the constitution of the Corporation, the Standing Committee, the Improvements Committee or any other committee or sub-committee as constituted or appointed under the said Act immediately before the coming into operation of this Act and any casual vacancy in the office of a councillor or a member of any of the said committee or sub-committee before the 1st day of April 1952 shall, subject to the provisions of the said Act, be filled as if this Act had not been passed "

11A [Qualifications of voters at election of delegates] Repealed by Bom. 48 of 1950, s 6

12 and 13 [Repealed by Bom. VI of 1922]

14. (1) A person shall not be qualified to be elected at a ward election to be a councillor unless he is enrolled in the municipal election roll as a voter of some ward 1 * * *

Qualification for election as a councillor at a ward election.

2* * * * *

14A [Qualifications for elections as a councillor by delegates] Repealed by Bom. 48 of 1950

15 [Qualification for election by Chamber, etc] Repealed by Bom 48 of 1950

15A [Qualification for co-option] Repealed by s. 3 of Bom 17 of 1931) ‡

16 (1) A person shall be disqualified for being elected s * * 4 * * * and for being a councillor if such person—

Mah XIII of 1971
XLV of 1860
III of 1909
V of 1920

⁵ [(a) has, at any time after the commencement of section 2 of the Maharashtra Municipal Corporations (Amendment) Act, 1970, been convicted of an offence punishable under section 153 A, or sub-section (2) or (3) of section 505, of the Indian Penal Code :

Disqualifications for being a councillor

Provided that, such disqualification shall be for a period of six years from the date of such conviction ; or]

(b) has been sentenced by any court to imprisonment or whipping for an offence ⁶[involving moral turpitude and] punishable with imprisonment for a term exceeding six months, or to transportation, such sentence not having been subsequently reversed or quashed, and if and so long as ⁷[such sentence has not expired or] such person's disqualification on account of such sentence has not been removed by an order which the ⁸[State] Government] is hereby empowered to make, if ¹⁰[it] shall think fit , in this behalf; or if and while such person—

¹¹[(c) having been adjudged or re-adjudged an insolvent, is under any disqualification imposed by section 103A of the Presidency-towns Insolvency Act, 1909 ; or section 73 of the Provincial Insolvency Act , 1920 , or]

(d) is the Commissioner or a Deputy Commissioner or a municipal officer or servant, or a licensed surveyor or plumber ¹²[or a member of a firm of which a licensed surveyor or plumber is a member] ; or

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

¹³[(ee) 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 Words repealed by Bom 6 of 1922, s 6, are omitted

² Sub-section (2) was deleted by Bom 13 of 1938, s 9(1)

³ The words " or appointed " were deleted by Bom 13 of 1938, s 10

⁴ The words " or co-opted " which were added by Bom 6 of 1922, s 8 and which were deleted by Bom 17 of 1931, s 4, are omitted

⁵ Clause (a) was inserted by Mah 13 of 1971, s 2

⁶ These words were inserted by Bom 7 of 1939, s 2

⁷ These words were inserted by Bom 12 of 1925, s 2.

⁸ The words " Provincial Government " were substituted for the words " Governor in Council " by the Adaptation of Indian Laws Order in Council

⁹ This word was substituted for the word " Provincial " by the Adaptation of Laws Order, 1950.

¹⁰ The word " it " was substituted for the word " he " by the Adaptation of Indian Laws Order in Council.

¹¹ Clause (c) was substituted for the original clause by Bom 1 of 1948, s 3(a) read with Bom 8 of 1948, s 4

¹² These words were inserted by Bom 1 of 1946, s 3(a) read with Bom 8 of 1948, s. 3(b).

¹³ Clause (ee) was inserted by Bom. 11 of 1932, s 2.

(f) has directly or indirectly, by himself or his partner, any share or interest in any contract or employment with, by or on behalf of, the corporation ; ¹[or]

²[(fa) having been elected a Councillor, during his term of office as a Councillor, has directly or indirectly, by himself or his partner, any share or interest in any lease including any leave or licence (but excluding any official residence provided by the Corporation), sale or purchase of land or any agreement for the same, by or on behalf of the Corporation ; or]

³[(ff) having been elected a councillor is retained or employed in any professional capacity either personally or in the name of a firm in which he is a partner or with whom he is engaged in a professional capacity in connection with any cause or proceeding in which the corporation or the Commissioner is interested or concerned :

Provided that this disqualification shall not apply to a councillor who renders free service for securing the enforcement of civic rights or removal of legitimate public grievances]

⁴[Explanation ⁵I]—For the purpose of clause (f) —

(i) a municipal pensioner shall not be deemed to have any share or interest in any employment with, by or on behalf of the corporation, by reason only of his pension ;

(ii) a person shall not be deemed to have any share or interest in any employment with, by or on behalf of the corporation by reason only of any relation of his being employed with, by or on behalf of the corporation, as an officer or servant, thereof]

⁶[Explanation II]—For the purpose of clause (fa)—

(i) a Councillor shall not be deemed to have any share or interest in any lease including any leave or licence, sale or purchase of land or any agreement for the same, by or on behalf of, the Corporation, if such share or interest is not acquired by him directly or indirectly by use of, his position or office as a Councillor ,

(ii) the expression “ leave ” or “ licence ” means a licence as defined in section 52 of the Indian Easement Act, 1882]

(2) But a person shall not be so disqualified or be deemed to have any share or ¹⁸ interest in such a contract or employment by reason only of ⁶[his receiving fee for attendance at meetings of the Bombay Electric Supply and Transport Committee or of] his having any share or interest in—

⁷* (h) any agreement for the loan of money or any security for the payment of money only ; or.

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

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

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

¹ The word “ or ” was inserted by Bom. 1 of 1946, s. 3(c) read with Bom. 8 of 1948, s. 4

² Clause (fa) was deemed to have been inserted with effect from 1st April 1968 by Mah. 4 of 1973 s. 2(a)

³ Clause (ff) was inserted by Bom. 1 of 1946, s. 3(d)

⁴ This Explanation was substituted by Mah. 35 of 1967, s. 2.

⁵ The existing Explanation was renumbered as Explanation I and Explanation II was added by Mah. 51 of 1975, s. 2.

⁶ These words were inserted by Bom. 48 of 1948, s. 4

⁷ Clause (g) was deemed to have been deleted with effect from 1st April 1968 by Mah. 4 of 1973, s. 2(b)

⁸ Sub-section (3) was deleted by Bom. 48 of 1950, s. 9.

17. Any councillor who—

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

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

†1* * * * * ‡[or

(d) absents himself from or is unable to attend the meetings of the corporation during twelve successive months from any cause whatever, whether approved by the corporation or not, †3*

†4 * * * * *

A person becoming disqualified to cease to be a councillor

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

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

Questions as to dis-qualifications to be determined by Chief Judge of the Small Cause Court.

Municipal Election Roll

19. (1) For the purposes of elections to the Corporation,—

(a) the area of Greater Bombay shall be divided by the State Government into wards, so however, that there shall be not less than one councillor for every 6[50,000] of the population, and not more than one councillor for every 7[35,000] of the population. The ratio between the number of persons in each ward and the number of seats allotted to it, shall, so far as practicable, be the same throughout the area of Greater Bombay

Division of Greater Bombay into single member wards and 8[preparation of] municipal election roll therefor.

The number of wards and the boundaries thereof so constituted for Greater Bombay and the names of the wards (if any) shall be notified by the State Government in the *Official Gazette*

Provided that, before such notification is published, a draft thereof shall be published in the *Official Gazette* and in such other manner as in the opinion of the State Government is best calculated to bring the information to the notice of all

¹ Clause (c) was deleted by Bom 48 of 1950, s 10(1)
² The word "or" and clause (d) were inserted by Bom 5 of 1938, s 4
³ The word "or" was deleted by Bom 48 of 1950, s 10(2)
⁴ Clause (e) was deleted, *ibid*, s 10(3)
⁵ Section 19 was substituted by Mah 8 of 1965, s 6
⁶ These figures were substituted for the figures "35,000" by Mah 22 of 1972, s 2(a)
⁷ These figures were substituted for the figures "25,000", *ibid*, s 2(b)
⁸ These words were substituted for the words "adoption of relevant Assembly roll as" by Mah 53 of 1973, s 2(c)

†Section 79 of Bom. 48 of 1950 reads as follows —

"79 Nothing in sections 2(1), (4) and (5), and 4 to 16 shall affect the constitution of the Corporation, the Standing Committee, the Improvements Committee or any other committee or sub-committee as constituted or appointed under the said Act immediately before the coming into operation of this Act and any casual vacancy in the office of a councillor or a member of any of the said committees or sub-committees before the 1st day of April 1952 shall, subject to the provisions of the said Act, be filled as if this Act had not been passed."

Savings

persons likely to be affected thereby, together with a notice specifying the date on or before which any objections or suggestions will be received, and the date after which the draft will be taken into consideration

Explanation—In this clause, the expression “population” means the population as ascertained at the last preceding census ¹[of which the relevant figures whether provisional or final have been published] ,

²[(b)(i) the Assembly roll for the time being in force, on such date as the State Government may, by notification in the *Official Gazette*, specify ³[(being any date before such notification, but any such date shall not be earlier than four months immediately preceding the date of such notification),] shall be divided by the Commissioner or such officer of the Corporation as may be authorised by him in this behalf, into different sections corresponding to the different wards in Greater Bombay, and a printed copy of each section of the roll so divided and authenticated by the Commissioner or the authorised officer, as the case may be, shall be the draft ward roll for each ward. The draft ward roll shall be published in such manner as may, in the opinion of the Commissioner, be best calculated to bring the roll to the notice of all persons likely to be affected thereby, together with a notice specifying a date on or before which applications for the inclusion of names or for correction of entries therein shall be lodged with an officer of the State Government as may be designated by the State Government in this behalf

(ii) If the designated officer, on application made to him or on his own motion, is satisfied, after such inquiry as he thinks fit, that the names of any, persons qualified to be registered in the ward roll have been omitted or that any entry in any draft ward roll—

(A) is erroneous or defective in any particular,

(B) should be transposed to any other place in that roll on the ground that the person concerned has changed his place of ordinary residence within the ward, or

(C) should be deleted on the ground that the person concerned is dead, or has ceased to be ordinarily resident in the ward, or is otherwise not entitled to be registered in that ward roll,

such officer shall, subject to such general or special directions, if any, as may be given by the State Government in this behalf, and to, amend, transpose or delete the entries in the draft ward roll

Provided that, before taking any action as aforesaid on the ground that the person concerned has ceased to be ordinarily resident in the ward or that he is otherwise not entitled to be registered in the ward roll, such officer shall give the person concerned a reasonable opportunity of being heard in respect of the action proposed to be taken in relation to him

(iii) Any person, who is not less than twenty-one years of age on the date notified under paragraph (i) and is ordinarily resident in a ward but whose name is not included in the draft ward roll for that ward, may apply to the designated officer for inclusion of his name in the roll for that ward. Such officer shall, if satisfied that the applicant is not less than twenty-one years of age on the date notified under paragraph (i) and is otherwise entitled to be registered in the relevant Assembly roll, direct his name to be registered in the roll of voters for that ward :

Provided that, if the applicant is registered in the roll of any other ward, such officer shall strike off the applicant's name from the roll of that ward

¹ These words were substituted for “ of which the relevant figures have been published ” by Mah 22 of 1972, s 2(c)

² Clause (b) was substituted for the original by Mah 53 of 1973, s 2(a)

³ This portion was substituted for the brackets and words “ (being a date not earlier than four months before such notification), ” by Mah 37 of 1974, s 4

(iv) No addition, amendment, transposition or deletion of any entry in any ward roll shall be made under paragraph (ii) and no direction for the inclusion of a name in any ward roll shall be given under paragraph (iii), after the expiry of forty-five days from the date of publication of the ward roll under paragraph (i).

(v) An appeal shall lie to an officer appointed by the State Government in this behalf, from any order made by the designated officer under paragraph (ii) or paragraph (iii). Such appeal shall be presented to the appellate officer within a period of fifteen days from the date of the order appealed from or sent by registered post so as to reach him within that period. The presentation of an appeal under this paragraph shall not have the effect of staying or postponing any action to be taken for final publication of the ward roll. Every decision of the appellate officer shall be final, but in so far as it reverses or modifies a decision of the designated officer shall take effect only from the date of the decision in appeal. The designated officer shall cause such amendments to be made in the ward roll as may be necessary to give effect to the decisions of the appellate officer.

(vi) After the expiry of forty-five days from the date of publication of the draft ward roll under paragraph (i), the designated officer shall, after carrying out all additions, amendments and other changes in the draft ward roll in accordance with his orders made under paragraph (ii) and paragraph (iii) and the orders of the appellate officer (if any) under paragraph (v) and after correcting any clerical or printing errors or other inaccuracies discovered in the roll, make available a copy of the roll as so corrected and brought up-to-date and after authenticating it, to the Commissioner or the officer authorised by him, who shall publish it as the ward roll in such manner as the Commissioner may determine, and also make it available for inspection at the municipal office. The roll so published shall be the final ward roll for that ward from the date of its publication. The final ward rolls so published shall collectively be deemed to be the municipal election roll.

(vii) The final ward roll for each ward once prepared shall ordinarily be in operation for all elections to be held within a period of one year from the date of its publication. If any bye-election to the office of a Councillor is to be held after the said period of one year, the Commissioner may order preparation of fresh ward roll for that ward in accordance with the provisions of this section. In the absence of any such direction, the final ward roll last prepared shall continue to be in operation, and be the ward roll for the purposes of that bye-election. Before each election to a Corporation, fresh municipal election roll shall be prepared in accordance with the provisions of this section, if such a roll already in operation has been published earlier than one year before such election.

(viii) The Commissioner shall maintain the ward rolls prepared under this section and the rolls so maintained shall be deemed to be the authentic rolls for all elections under this Act. The Commissioner shall prepare copies of the roll for each ward in such language or languages and keep them for sale to the public on payment of such charges as the State Government may direct.

(ix) Where for any bye-election the Commissioner orders preparation of a fresh ward roll and the qualifying date, in relation to the Assembly roll in force at the time the election is to be held, is earlier than the date notified under paragraph (i) for the purposes of the existing ward roll of that ward, then, notwithstanding anything contained in the foregoing provisions for preparing a fresh ward roll, the existing ward roll for that ward shall be the draft ward roll to be published under paragraph (i)]

(2) Only one councillor shall be elected at each ward election.

(3) The cost of preparing the ward rolls shall be determined by the State Government, and the sum so determined shall be paid out of the municipal fund.

1* * * * *

Penalty for
making
false
declarations.

²[20. If any person makes in connection with—

(a) the preparation or correction or amendment of a ward roll for any ward,
or

(b) the inclusion or exclusion of any entry in or from any such ward roll, a statement or declaration in writing which is false and which he either knows or believes to be false or does not believe to be true, he shall, on conviction, be punished with imprisonment for a term which may extend to one year, or with fine, or with both]

¹ Sub-section (4) was deleted by Mah. 53 of 1973, s 2 (b).

² Section 20 was inserted, *ibid*, s 3.

{21 Subject to the provisions of this Act, every person whose name is in the municipal election roll shall be deemed to be entitled to vote at a ward election, and every person whose name is not in the said roll be deemed to be not entitled so to vote] Right to vote

*21A. [*Procedure regarding election of delegates and councillors.*] Repealed by Bom. 48 of 1950. s. 11.

21B. [*Preparation and revision of list for supplementary election rolls.*] Deleted by Mah. 8 of 1965, s. 9.

21C. [*Completion of supplementary election rolls.*] Deleted by Mah. 8 of 1965, s. 9.

21D. [*Consolidation of supplementary election rolls*] Deleted by Mah. 8 of 1965, s. 9

Elections of Councillors.

*22. ²[(1) General ward elections of councillors shall be fixed by the Commissioner to take place every five years, or when the State Government extends the period under section 7 at the end of six years, on such days in the months of January to March as he shall think fit. Dates of elections

Provided that, the first general ward elections after the passing of the Bombay Municipal Corporation (Adoption of Assembly Rolls and Single-Member Constituencies) Act, 1964, shall be fixed by the Commissioner on such days as he thinks fit, in the months of [January to March 1968:]

Provided further that, the result of all general elections may, as far as practicable be declared before the end of March]

(2) Repealed by Act XVI of 1895.

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

*23. [*Order in which general elections are to be held.*] Repealed by Bom. 48 of 1950, s. 13.

¹ Section 21 was substituted by Mah. 53 of 1973, s. 4

² This sub-section was substituted by Mah. 8 of 1965, s. 10.

³ These words and figures were substituted for the portion beginning with the words and figures "January to March 1965" and ending with the words "as the case may be" by Mah. 33 of 1966, s. 5

⁴ Section 79 of Bom. 48 of 1950 reads as follows —

"79 Nothing in sections 2 (1), (4) and (5), and 4 to 16 shall affect the constitution of the Corporation, the Standing Committee, the Improvements Committee or any other Committee or sub-committee as constituted or appointed under the said Act immediately before the coming into operation of this Act and any casual vacancy in the office of a councillor or a member of any of the said committees or sub-committee before the 1st day of April 1952 shall, subject to the provisions of the said Act, be filled as if this Act had not been passed "

24. [Division of the city into wards for purposes of elections] Deleted by Mah. 8 of 1965, s. 11.

Notice to be given of day fixed for ward elections 25. Fifteen days at least before the day fixed for a ward election ¹* * * notice of such election shall be given by the Commissioner. Such notice shall be given by advertisement in the ²[*Official Gazette*] and in the local newspapers, and ¹* * * * by posting placards in conspicuous places in the ward for which such election is to take place.

Candidates at ward elections must be nominated. Provisions regarding nominations. 26. (1) Candidates for election at a ward election ³* * * * must be duly nominated in writing in accordance with the provisions hereinafter contained. (2) With respect to such nominations, the following provisions shall have effect, namely.—

(a) The Commissioner shall provide printed forms of nomination-papers and any person entitled to vote at the election shall be supplied, at any time, within seven days previous to the day fixed for the election ⁴[and up to 4 p.m. on the date of election,] with as many such forms as may be required, free of charge;

(b) each nomination-paper must state the name, abode and description of the candidate in full, and be subscribed by two persons entitled to vote at the election as proposer and seconder, ⁵[and must bear the signature of the person nominated in token of his willingness to be so nominated;]

(c) every nomination-paper subscribed ⁶[and signed] as aforesaid must be delivered at the Commissioner's office before five o'clock in the afternoon of the day fixed for the election;

⁷[(d) each candidate must be nominated by a separate nomination-paper, and a candidate may be nominated by more than one nomination-paper, but any person entitled to vote shall not subscribe, whether as proposer or seconder, more than one nomination-paper;]

¹ The words repealed by Bom 6 of 1922, s. 13, are omitted

² The words "*Official Gazette*" were substituted for the words "*Bombay Government Gazette*" by the Adaptation of Indian Laws Order in Council.

³ The words repealed by Bom 6 of 1922, s. 14 (a), are omitted

⁴ These words were inserted by Bom 1 of 1925, s. 7(a)

⁵ These words were inserted by Bom. 1 of 1946, s. 9 (a), read with Bom. 8 of 1948, s. 4

⁶ The words "and signed" were inserted, *ibid.*, s. 9 (b).

⁷ This clause was substituted by Mah. 8 of 1965, s. 12 (a).

¹[(*dd*) if any person subscribes more than one nomination paper, the nomination paper or papers received after receipt of the first nomination paper shall be invalid,]

(*e*) if any person nominated—

(*i*) is not enrolled in the municipal election roll as voter of a ward^{2*} * * * or^{2*} * * *

³[(*ii*) has not made or caused to be made the deposit referred to in sub-section (*I*) of section 26A, or]

(*iii*) is disqualified for being a councillor for any of the reasons set forth in section 16,

the Commissioner shall declare such persons' nomination invalid,

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

^{4*} * * * *

⁵[(*h*) if there is only one valid nomination, the person nominated shall be deemed to be elected,]

⁶[(*j*) if the number of valid nominations exceeds one, the election of councillor shall be made from among the persons nominated, and such election shall be termed "a contested election"]

Provided that, if any candidate validly nominated dies or signifies in writing to the Commissioner not later than seven days after the date of election his intention not to contest the election, then, if there remains only one valid nomination, the remaining candidate validly nominated shall be deemed to be elected

Provided further that, a candidate who has withdrawn his candidature shall not be allowed to cancel the withdrawal or to be renominated as a candidate for the same election]

(*k*) if, when two or more ward elections are held simultaneously for different wards, any person is deemed, under ^{7*} * clause (*h*), to be elected a councillor for more than one ward, he shall, within twenty-four hours after receipt of written notice thereof from the Commissioner, choose, by writing signed by him and delivered to the Commissioner, or, in his default, the Commissioner shall, when the time for choice has expired, declare for which one of those wards he shall serve. The choice or declaration so made shall be conclusive, and such person's nomination for the ward or wards for which he is not to serve shall be deemed to be null and void

(*l*) if, when ward elections are held as aforesaid, any person who is deemed under ^{7*} * clause (*h*), to be elected a councillor for any one or more wards, has also been duly nominated for any one or more wards for which the number of nominations exceeds that of the vacancies, he shall within twenty-four hours after receipt of written notice thereof from the Commissioner choose, by writing signed by him and delivered to the Commissioner, whether he shall

¹ Clause (*dd*) was substituted by Mah 8 of 1965, s 12 (*b*)

² The portions repealed by Bom 6 of 1922, s 14 (*b*), are omitted

³ New clause (*ii*) was inserted by Bom 19 of 1930, s 3

⁴ Clause (*g*) was deleted by Mah 8 of 1965, s 12 (*c*)

⁵ Clause (*h*) was substituted, *ibid*, s 12 (*d*)

⁶ Clause (*j*) was substituted, *ibid*, s 12 (*e*)

⁷ The words " clause (*g*) or " were deleted, *ibid*, s 12 (*f*) and (*g*)

serve for the ward, or for any one of the wards for which he is elected, or will stand as a candidate at the contested election or elections for the other ward or wards. In his default, the Commissioner shall, when the time for choice has expired, declare that he shall serve for the ward or for some one of the wards for which he is elected, and his nomination for any other ward shall be deemed to be null and void. If such person chooses, by writing as aforesaid, to stand as a candidate at the contested election or elections, his nomination for the ward or wards for which he is elected shall be deemed to be null and void. Any choice or declaration made under this clause shall be conclusive.

Deposit by candidates.

¹[26A. (1) On or before the date appointed for the nomination of candidates for a ward election ²* * * each candidate ²* * * shall deposit or cause to be deposited with the Commissioner the sum of two hundred rupees in cash or in Government Promissory Notes of equal value at the market rate of the day, and no candidate shall be deemed to be duly nominated unless such deposit has been made

(2) The deposit shall be returned if—

(a) the candidate is declared or is deemed to be duly elected, or

³[(b) the candidate signifies in writing to the Commissioner not later than seven days after the day of election his intention not to contest the election, or]

(c) the nomination of the candidate is declared invalid, or

(d) the candidate dies, ⁴* * * after the scrutiny of nomination-papers and before the commencement of the poll, ⁵* * * , or

(e) the candidate fails to be elected but secures ⁷* * * valid votes in excess of the number specified in sub-section (4)

(3) The deposit shall be returned to the person by whom it was made. If a candidate dies ⁸* * * , before the day fixed for the poll, ⁸* * * , the deposit, if made by him, shall be returned to his legal representative or, if not made by the candidate, shall be returned to the person by whom it was made.

(4) If a candidate is not elected and ⁹* * * , if the number of valid votes polled by him does not exceed one-eighth of the total number of valid votes polled ¹⁰* * * * * , the deposit shall be forfeited to the corporation.

(5) The deposit shall, if it is not forfeited, be returned as soon as may be after the declaration of the result of the election under section 32.

Provided that if a candidate is duly nominated at a general election in more than one ward, not more than one of the deposits made by him or on his behalf shall be returned and the remainder shall be forfeited to the corporation.]

¹ New section 26A was inserted by Bom 19 of 1930, s 4

² The words "or for election by co-option" and the words "for election or co option, as the case may be," were omitted by Bom 32 of 1935, s 3(a)

³ Clause (b) was substituted by Bom 1 of 1946, s 10, read with Bom 8 of 1948, s 4

⁴ The words "in the case of a ward election" were omitted by Bom 32 of 1935, s 3(b)(i)

⁵ The word "and" was deleted by Bom 24 of 1936, s 2, Sch

⁶ The words "in the case of an election by co-option, before the day fixed for the election by co-option" were omitted by Bom. 32 of 1935, s 3(b)(i)

⁷ The words "a first vote in the case of an election by co-option, and, in the case of a ward election" were omitted *ibid.*, s 3(b)(ii)

⁸ The words "in the case of a ward election" and "or, in the case of an election by co option, before the day fixed for the election", respectively, were omitted, *ibid.*, s 3 (c)

⁹ The words "if, in the case of an election by co-option, he fails to secure any first vote, or in the case of a ward election" were omitted, *ibid.*, s 3(d)

¹⁰ The words "divided by the number of councillors, to be elected in the ward for which the candidate is nominated" were deleted by Mah 8 of 1965, s 13

27. (1) When a ward election¹ * * * is contested, a poll shall be taken² [twenty-one] 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 election, 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 least³ [three] days before the day of the poll, the Commissioner shall cause the names of all the persons validly nominated, with their respective abodes and descriptions, * * * to be published in the⁴ [Official Gazette] and in the local newspapers. Names of candidates validly nominated to be published

⁵[27A. (1) No person shall, on the date or dates on which a poll is taken at any polling station, commit any of the following acts within the polling station or in any public or private place within a distance of one hundred yards of the polling station, namely — Prohibition of canvassing in or near polling stations.

(a) canvassing for votes, or

(b) soliciting the vote of any voter, or

(c) persuading any voter not to vote for any particular candidate, or

(d) persuading any voter not to vote at the election, or

(e) exhibiting any notice or sign (other than an official notice) relating to the election.

(2) Any person who contravenes the provisions of sub-section (1) shall, on conviction, be punished with fine which may extend to two hundred and fifty rupees.

(3) Any offence punishable under this section shall be cognizable

27B. (1) No person shall, on the date or dates on which a poll is taken at any polling station— Penalty for disorderly conduct in or near polling stations.

(a) use or operate within or at the entrance of the polling station, or in any public or private place in the neighbourhood thereof, any apparatus for amplifying or reproducing the human voice, such as, a megaphone or a loudspeaker, or

(b) shout, or otherwise act in a disorderly manner, within or at the entrance of the polling station or in any public or private place in the neighbourhood thereof,

so as to cause annoyance to any person visiting the polling station for the poll, or so as to interfere with the work of the officers and other persons on duty at the polling station

(2) Any person who contravenes, or wilfully aids or abets the contravention of, the provisions of sub-section (1) shall, on conviction, be punished with fine which may extend to two hundred and fifty rupees

(3) If the presiding officer of a polling station has reason to believe that any person is committing or has committed an offence punishable under this section, he may direct any police officer to arrest such person, and thereupon the police officer shall arrest him

¹ The words repealed by Bom 6 of 1922, s 15, are omitted

² The words "twenty-one" were substituted for the word "seven" by Bom 1 of 1946, s 11 read with Bom 8 of 1948, s 4

³ The word "three" was substituted for the word "four" by Bom 10 of 1928, s 3 (a)

⁴ Words repealed, *ibid*, s 3 (b), are omitted

⁵ The words "Official Gazette" were substituted for the words "Bombay Government Gazette" by the Adaptation of Indian Laws Order in Council

⁶ Sections 27A to 27C were inserted by Bom. 54 of 1955, s 3.

(4) Any police officer may take such steps and use such force as may be reasonably necessary for preventing any contravention of the provisions of sub-section (1) and may seize any apparatus used for such contravention]

Penalty for misconduct at polling stations.

¹[27C. (1) Any person who during the hours fixed for the poll at any polling station misconducts himself or fails to obey the lawful directions of the presiding officer may be removed from the polling station by the presiding officer or by any police officer on duty or by any person authorised in this behalf by such presiding officer

(2) The powers conferred by sub-section (1) shall not be exercised so as to prevent any voter who is otherwise entitled to vote at a polling station from having an opportunity of voting at that station

(3) If any person who has been so removed from a polling station re enters the polling station without the permission of the presiding officer, he shall, on conviction, be punished with fine which may extend to two hundred and fifty rupees

(4) An offence punishable under sub-section (3) shall be cognizable]

Provisions respecting contested ward elections

²28. With respect to the contested ward elections the following provisions shall have effect, namely —

(a) votes shall be given by ballot and in person No votes shall be received by proxy ,

(b) no votes shall be received for any candidate whose name has not been published by the Commissioner under sub-section (2) of section 27 as having been validly nominated ,

³[(c) no person shall vote at a general election in more than one ward and if a person votes in more than one ward his votes in all such wards shall be void ,

(ca) no person shall at any election vote in the same ward more than once notwithstanding that his name may appear in the municipal election roll for that ward more than once ⁴* * * * * , and if a person votes in the same ward more than once all his votes in that ward shall be void ,]

⁵* * * * * ⁶[(g) the person who has the greatest number of valid votes shall be deemed to be elected ,]

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

(i) if a candidate is elected councillor for more than one ward, he shall, within three days after receipt of written notice thereof from the Commissioner, choose, by writing signed by him and delivered to the Commissioner, or in his default the Commissioner shall, when the time for choice has expired, declare for which of

¹ Sections 27A to 27C were inserted by Bom 54 of 1955, s 3

² Section 28 was substituted for the original section by Bom 1 of 1925, s 8

³ These clauses were substituted for clause (c) by Bom 54 of 1955, s 4

⁴ The portion beginning with the words "on the ground" and ending with the words "section 11" was deleted by Mah 8 of 1965, s 14 (a).

⁵ Clauses (d) and (f) were deleted *ibid*, s 14 (b)

⁶ Clause (g) was substituted *ibid*, s 14 (c)

the wards he shall serve and the choice or declaration shall be conclusive,

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

(k) the Commissioner shall, as soon as may be, declare the result of the poll, specifying the total number of valid votes given for each candidate, * * * and shall cause lists to be prepared for each ward, specifying the name of all candidates, and the number of valid * * * votes given to each candidate. In accordance with such rules as the Commissioner may frame for the purpose and on payment of such fee as may be prescribed by him a copy of such list shall be supplied to any candidate of the ward and shall be available for inspection to any voter of the ward.

28A. (1) Every officer, clerk, agent or other person who performs any duty in connection with the recording or counting of votes at an election shall maintain and aid in maintaining the secrecy of the voting and shall not (except for some purpose authorised by or under any law) communicate to any person any information calculated to violate such secrecy Maintenance of secrecy of voting

(2) Any person who contravenes the provisions of sub-section (1) shall, on conviction, be punished with imprisonment for a term which may extend to three months or with fine or with both

28B. (1) No person who is the Commissioner or a presiding or polling officer at an election or an officer or clerk appointed by the Commissioner or the presiding officer to perform any duty in connection with an election shall, in the conduct or the management of the election, do any act (other than the giving of vote) for the furtherance of the prospects of the election of a candidate Officers, etc., at elections not to act for candidates or to influence voting

(2) No such person as aforesaid and no member of a police force shall endeavour—

(a) to persuade any person to give his vote at an election; or

(b) to dissuade any person from giving his vote at an election; or

(c) to influence the voting of any person at an election in any manner.

(3) Any person who contravenes the provisions of sub-section (1) or sub-section (2) shall, on conviction, be punished with imprisonment for a term which may extend to six months or with fine or with both.

28C. (1) If any person to whom this section applies is without reasonable cause guilty of any act or omission in breach of his official duty, he shall, on conviction, be punished with fine which may extend to five hundred rupees. Breaches of official duty in connection with elections.

(2) No suit or other legal proceedings shall lie against any such person for damages in respect of any such act or omission as aforesaid

(3) The persons to whom this section applies are the Commissioner, presiding officers, polling officers and any other person appointed to perform any duty in connection with the preparation of a municipal election roll, the receipt of nominations or withdrawal of candidatures or the recording or counting of

¹ The words and figure "and he shall, as soon as may be, hear and decide all objections, if any, to or regarding the poll, made to him in writing not later than 5 o'clock of the afternoon of the day after the poll" were deleted by Bom 1 of 1946, s 12, read with Bom 8 of 1948, s. 4.

² The words "and the number of rejected" were deleted, *ibid*

³ Sections 28A to 28I were inserted by Bom. 54 of 1955, s. 5.

votes at an election; and the expression "official duty" shall for the purposes of this section be construed accordingly, but shall not include duties imposed otherwise than by or under this Act.

Removal of
ballot
papers from
polling
stations
to be an
offence

28D. (1) Any person, who at any election fraudulently takes, or attempts to take, a ballot paper out of a polling station, or wilfully aids or abets the doing of any such act, shall, on conviction, be punished with imprisonment for a term which may extend to one year or with fine which may extend to five hundred rupees or with both.

(2) If the presiding officer of a polling station has reason to believe that any person is committing or has committed an offence punishable under sub-section (1), such officer may, before such person leaves the polling station, arrest or direct a police officer to arrest such person and may search such person or cause him to be searched by a police officer.

Provided that when it is necessary to cause a woman to be searched, the search shall be made by another woman with strict regard to decency.

(3) Any ballot paper found upon the person arrested on search shall be made over for safe custody to a police officer by the presiding officer, or when the search is made by a police officer, shall be kept by such officer in safe custody.

(4) An offence punishable under sub-section (1) shall be cognizable.

Other
offences and
penalties
therefor.

28E. (1) A person shall be guilty of an offence if at any election he—

(a) fraudulently defaces or fraudulently destroys any nomination paper; or

(b) fraudulently defaces, destroys or removes any list, notice or other document affixed by or under the authority of the Commissioner; or

(c) fraudulently defaces or fraudulently destroys any ballot paper or the official mark on any ballot paper; or

(d) without due authority supplies any ballot paper to any person; or

(e) fraudulently puts into any ballot box anything other than the ballot paper which he is authorised by law to put in; or

(f) without due authority destroys, takes, opens or otherwise interferes with any ballot box or ballot papers then in use for the purposes of the election; or

(g) fraudulently or without due authority, as the case may be, attempts to do any of the foregoing acts or wilfully aids or abets the doing of any such acts.

(2) Any person guilty of an offence under this section shall—

(a) if he is the Commissioner or a presiding officer at a polling station or any other officer or clerk employed on official duty in connection with the election, on conviction, be punished with imprisonment for a term which may extend to two years or with fine or with both,

(b) if he is any other person, on conviction, be punished with imprisonment for a term which may extend to six months or with fine or with both.

(3) For the purposes of this section, a person shall be deemed to be on official duty if his duty is to take part in the conduct of an election or part of such election including the counting of votes or to be responsible after such election for the used ballot papers and other documents in connection with such election; but the expression "official duty" shall not include any duty imposed otherwise than by or under this Act.

(4) An offence punishable under clause (b) of sub-section (2) shall be cognizable.

28F. A person shall be deemed to have committed a corrupt practice within the meaning of section 33,—

What is a corrupt practice.

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

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

(iii) who hires or procures, whether on payment or otherwise, any vehicle or vessel for the conveyance of any voter to, or from, any polling station :

Provided that—

(a) the hiring of a vehicle or vessel by a candidate for himself or his family or an election agent shall not be deemed to be a corrupt practice under this section,

(b) the hiring of a vehicle by a voter or by several voters at their joint cost for the purpose of conveying him or them, to, or from, any such polling station shall not be deemed to be corrupt practice under this section, if the vehicle or vessel so hired is a vehicle or vessel not propelled by mechanical power,

(c) the use of any public transport vehicle or vessel or any tram-car or railway carriage by any voter at his own cost for the purpose of going to, or coming from, any such polling station shall not be deemed to be a corrupt practice under this section

And a corrupt practice shall be deemed to have been committed by a candidate, if it has been committed with his knowledge and consent with reference to the election.

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

(i) does not include a promise to vote for or against any particular measure which may come before the corporation for consideration, but (ii) subject thereto, includes a promise for the benefit of the person himself or any person in whom he is interested.

28G. (1) (a) Whoever in any election directly or indirectly, by himself or by any other person on his behalf, shall, with a view to inducing any voter to give or to refrain from giving a vote in favour of any candidate, offer or give any money or valuable consideration or hold out any promise of individual profit or hold out any threat of injury to any person, or

Corrupt practices, criminal offences and procedure.

(b) whoever shall give, procure or abet the giving of a vote in the name of a voter, who is not the person giving such vote, or

(c) whoever hires or procures any vehicle or vessel for the conveyance of any voter, to, or from, a polling station in the circumstances described in clause (ii) of section 28F,

shall be liable to a fine not exceeding two hundred rupees for every such offence.

(2) Whoever, being qualified to vote at any election claiming to be so qualified accepts or obtains or agrees to accept or attempts to obtain for himself or for any other person any money or valuable consideration or any individual profit as a motive or reward for giving or forbearing to give his vote in any such election shall be liable to a fine not exceeding one hundred rupees for every such offence.

Explanation.—In sub-sections (1) and (2) 'individual profit' includes a benefit accruing to the person himself or to any one in whom he is interested. It does not include a promise to vote for or against any measure which may come before the corporation for consideration

(3) Every person convicted under sub-section (1) or sub-section (2) shall, for such period not exceeding seven years from the date of the conviction as the Court may direct, be disqualified from voting at any election.

(4) No court shall take cognizance of any offence under this section except on the complaint of the Judge who has held an enquiry under section 33 or before whom such enquiry is pending

(5) No prosecution for an offence under this section shall be instituted except within six months next after the date of the declaration of the result of the election.

(6) An appeal shall lie to the High Court against any sentence or order passed by a Magistrate under sub-section (1), sub-section (2) or sub-section (3).

Adjournment
of poll in
emergencies.

28H. (1) If at an election the proceedings at any polling station are interrupted or obstructed by any riot or open violence, or if at an election it is not possible to take the poll at any polling station on account of any natural calamity, or any other sufficient cause, the presiding officer for such polling station or the Commissioner, as the case may be, shall announce an adjournment of the poll to a date to be notified later, and where the poll is so adjourned by a presiding officer, he shall forthwith inform the Commissioner

(2) Whenever a poll is adjourned under sub-section (1), the Commissioner shall, as soon as may be, appoint the day on which the poll shall recommence and fix the polling station, at which, and the hours during which, the poll will be taken, and shall not count the votes cast at such election until such adjourned poll shall have been completed. •

(3) The notice of the polling station and the date and hours fixed under sub-section (2) shall be published by the Commissioner in the *Official Gazette* and in the local newspapers at least three days before the date of the fresh poll.

Fresh ballot
in the case of
destruction,
etc., of ballot
boxes.

28I. (1) If at any election any ballot box or boxes is or are unlawfully taken out of the custody of the Commissioner or any presiding officer, or is or are in any way tampered with, or is or are either accidentally or intentionally destroyed or lost, the election to which such ballot box or boxes relate shall be void, but only in respect of the polling at the polling station or stations at which such ballot box or boxes was or were used and no further

(2) Whenever the polling at any polling station or stations shall become void under sub-section (1), the Commissioner shall, as soon as practicable after the act or event causing such voidance has come to his knowledge, appoint a day for the taking of a fresh poll in such or every such polling station and fix the hours during which the poll will be taken and shall not count the votes cast at such election until such fresh poll shall have been completed.

(3) The notice of the polling station and the date and hours fixed under sub-section (2) shall be published by the Commissioner in the *Official Gazette* and in all local newspapers at least three days before the date of the fresh poll.]

129. ²Subject to the provisions of this Act the corporation shall, with the sanction of the ³[State] ⁴[Government], make rules for the conduct of elections, and in particular providing—

Corporation may make rules for the conduct of elections.

(a) for the appointment of polling stations for each ward ;

(b) for the appointment of ⁵[presiding officers and polling officers] and other persons to assist at the poll and for the remuneration of such ⁵[presiding officers and polling officers] and other persons for their services ;

(c) for the hours during which polling stations shall be open for the recording of votes ;

(d) for the printing and for the issue of voting papers ;

(e) for the checking of voters by reference to the ⁶[municipal election] roll ,

⁷[(ee) with a view to preventing personation, for the marking with indelible ink of the left fore-finger or any other finger of every voter applying for a ballot paper including the provision for the withdrawal of the issue of a ballot paper to any voter who refuses to allow indelible ink mark to be put on his left fore-finger or any other finger or who has been found to have such indelible ink mark on his left fore-finger or any other finger ;]

(f) for the manner in which votes are to be given and in particular for the case of illiterate voters or of voters under physical or other disability ;

(g) for the procedure to be followed in respect of challenged votes, or tender of votes by persons representing themselves to be electors, after other persons have voted as such electors ;

(h) for the scrutiny of votes ,

(i) for the safe custody of ballot papers and other election papers, for the period for which such papers shall be preserved and for the inspection and production of such papers ;

and may make such other rules regarding the conduct of the elections as it thinks fit.

*30. [Proceedings at Fellows' elections] Repealed by Bom. 48 of 1950, s. 14.

30A. [Proceedings at elections of co-opted councillors.] Repealed by Bom. I of 1925.

¹ This new section 29 was inserted by Bom 1 of 1925, s 9. The original section 29 was repealed by Bom 6 of 1922

² Section 29 (1) was renumbered as section 29 by Bom 24 of 1936, s 2, Sch

³ The words " Provincial Government " were substituted for the words " Local Government " by the Adaptation of Indian Laws Order in Council

⁴ This word was substituted for the word " Provincial " by the Adaptation of Laws Order, 1950

⁵ These words were substituted for the words " Polling Officers ", by Bom 54 of 1955, s 6 (1).

⁶ The words " municipal election " were substituted for the word " electoral " by Bom. I of 1946, s 13, read with Bom 8 of 1948, s 4

⁷ This clause was inserted by Bom 54 of 1955, s 6 (2)

*Section 79 of Bom 48 of 1950, reads as follows —

79. Nothing in sections 2 (1), (4) and (5), and 4 to 16 shall affect the constitution of the Savings Corporation, the Standing Committee, the Improvements Committee or any other Committee or sub-committee as constituted or appointed under the said Act immediately before the coming into operation of this Act and any casual vacancy in the office of a councillor or a member of any of the said committees or sub-committee before the 1st day of April 1952 shall, subject to the provisions of the said Act, be filled as if this Act had not been passed.

†31. [Proceedings at elections by the Chamber or Association] Repealed by Bom 48 of 1950, s 15

31A. [Repealed by Bom 17 of 1931, s 3]

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

† 2 * * * * *
 33. (1) If the qualification of any person declared to be elected for being a councillor is disputed, or if the validity of any election is questioned, whether by a reason of the improper rejection by the Commissioner of a nomination or of the improper reception or refusal of a vote, or for any other cause³ [or if the validity of the election of a person is questioned on the ground that he has committed a corrupt practice within the meaning of section 28F], any person enrolled in the municipal election roll may, at any time, within⁴ [fifteen] days⁵ [from the date on which the list prescribed under clause (A) of section 28 was available for sale or inspection in the Commissioner's office] apply to the Chief Judge of the Small Cause Court⁶ [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, have, according to the results declared by the Commissioner under section 32, a greater number of votes than the said candidate, and proceed against them in the same manner as against the said candidate]

⁷(1A) The applicant shall, whenever so required by the Chief Judge, deposit in the Court a sum of Rs 500 in cash or Government securities of equivalent value at the market rate of the day as security for any costs which the applicant, may be ordered to pay to other parties to the said application]

(2) If the said Chief Judge, after making such inquiry as he deems necessary, finds that the election was a valid election and that the person whose election is objected to is not disqualified, he shall confirm the declared result of the election⁸ [If he finds that the person whose election is objected to is disqualified for being a councillor he shall declare such person's election null and void. If he finds that the election is not a valid election he shall set it aside. In either case he shall direct that the candidate, if any, in whose favour the next highest number of valid votes is recorded after the said person⁹ * * * * *, and against whose election no cause of objection is found, shall be deemed to have been elected]

¹ These words were inserted by Bom 48 of 1950, s 16(1)

² Sub-section (2) was deleted, *ibid*, s 16(2)

³ This portion was inserted by Bom 54 of 1955, s 7 (1)

⁴ "Fifteen" was substituted for "eight" by Bom 5 of 1905, s 5 (1) (a).

⁵ These words were substituted for the original words by Bom 1 of 1925, s 12

⁶ These words were added by Bom 5 of 1905, s 5 (1) (b)

⁷ Sub section (1A) was inserted by Bom 1 of 1946, s 14, read with Bom 8 of 1948, s 4

⁸ These words were substituted for the original words by Bom 5 of 1905, s 5 (2)

⁹ The words "or after all the persons who were returned as elected at the said election" were deleted by Mah 8 of 1965, s 15

†Section 79 of Bom 48 of 1950 reads as follows —

79 Nothing in sections 2(1), (4) and (5), and 4 to 16 shall affect the constitution of the Savings Corporation, the Standing Committee, the Improvements Committee or any other Committee or sub-committee as constituted or appointed under the said Act immediately before the coming into operation of this Act and any casual vacancy in the office of a councillor or a member of any of the said committees or sub-committees before the 1st day of April 1952 shall, subject to the provisions of the said Act, be filled as if this Act had not been passed

¹(2A) When an election of a person is questioned on the ground that he has committed a corrupt ²practice within the meaning of section 28F, the Chief Judge shall if he is satisfied that a candidate has committed such corrupt practice, declare a candidate disqualified both for the purposes of that election and of such fresh election as may be held during the current term of office of the councillors elected at the general election and shall set aside the election of such candidate if he has been elected]

(3) The said Chief Judge's order shall be conclusive

* * * * *

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

Procedure if election fails or is set aside

³[34. ⁴(1) If at any general election or on election held to fill a casual vacancy, no councillor is elected, or the election of any councillor is set aside under sub-section (2) of section 33 and there is no other candidate who can be deemed to be elected in his place under the said sub-section, the Commissioner shall appoint another day for holding a fresh election and a fresh election shall be held accordingly]

(2) A councillor elected under this section shall be deemed to have been elected to fill a casual vacancy under section 9]

Appointment of Councillors by ⁵[State] Government

35. [Appointments by ⁵[State] Government of councillors when to be made]
Repealed by Bom 13 of 1958, s 14

Proceedings of the Corporation

Provisions regulating the corporation's proceedings.

36. The corporation shall meet for the despatch of business and shall from time to time make such regulations with respect to the summoning, notice, place management and adjournment of such meetings, and generally with respect to the mode of transacting and managing the business of the corporation ⁶[including the submission, asking and answering of questions under section 66A] as they think fit, subject to the following conditions —

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

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

(c) the day, time and place of meeting shall in every other case be fixed by the ⁷[Mayor], or in the event of the office of ⁷[Mayor] being vacant, or of the death or resignation, of the ⁷[Mayor] or on his ceasing to be a councillor, or of his being incapable of acting, by the chairman of the standing committee ,

(d) the ⁷[Mayor] or in any such event as aforesaid, the chairman of the standing committee may, whenever he thinks fit and shall, upon a written requisition signed by not less than ⁸[one-sixth of the whole number of] councillor or by not less than four members of the standing committee, call a special meeting ,

¹ This sub-section was inserted by Bom 54 of 1955, s 7 (2)

² Sub-section (4) was omitted by Bom 28 of 1935, s 3

³ Section 34 was substituted for the original section, *ibid* , s 4

⁴ This sub-section was substituted by Mah 8 of 1965, s 16

⁵ This word was substituted for the word " Provincial " by the Adaptation of Laws Orders, 1960

⁶ These words, figures and letter were inserted by Bom 23 of 1930, s 2 (i)

⁷ The word " Mayor " was substituted for original words by Bom 21 of 1931, s 2

⁸ These words were substituted for the word " sixteen " by Bom 7 of 1950, s 8 (i)

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

(f) if at any time during a meeting it shall be brought to the notice of the presiding authority that the number of councillors present ¹[inclusive of the presiding authority, falls short of one-fifth of the whole number of councillors] 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, ²[whether there is a quorum present] thereat or not ,

(g) every meeting shall be presided over by the ³[Mayor] if he is present at the time appointed for holding the same, and if the office of ³[Mayor] is vacant, or if the ³[Mayor] is absent, by such one of the councillors present as may be chosen by the meeting to be chairman for the occasion,

(h) at least seven clear days' notice shall ordinarily be given of every meeting, other than an adjourned meeting, but in cases of urgency any such meeting may be called, except for the purpose of considering an annual budget-estimate, in pursuance of a written requisition signed by not less than four members of the standing committee, upon a notice of not less than three clear days of adjourned meetings such previous notice shall be given as shall be practicable having regard to the period of the adjournment,

(j) every notice of a meeting shall specify the time and place at which such meeting is to be held and the business to be transacted thereat ⁴[other than, questions under section 66A] and shall be given by the municipal secretary by advertisement in the local newspapers ⁵* * * *

(k) any councillor who desires at any meeting to bring forward any business ⁶[other than any questions under section 66A] or to make any substantive proposition, which is not already specified in the notice of such meeting, shall give written notice of the same to the municipal secretary at least three clear days before the day fixed for the meeting, and a supplementary announcement of the business or propositions, of which notice has been so given, shall be given by the said secretary in not less than one local daily newspaper not later than the day previous to the meeting,

¹ These words were substituted for the words " falls short of twenty-five inclusive of the Presiding Authority " by Bom 7 of 1950, s 8(ii)

² These words were substituted for the words " whether there be a quorum of twenty-five members present ", *ibid*

³ The word " Mayor " was substituted for original words by Bom 21 of 1931, s 2(i)

⁴ These words, figures and letter were inserted by Bom 23 of 1930, s 2(ii)

⁵ The words " and, except in the case of adjourned meetings or of meetings called upon a requisition of urgency, in the *Official Gazette* " were deleted by Mah 51 of 1975, s 3

⁶ These words, figures and letter were inserted by Bom 23 of 1930, s 2(ii)

(l) except at a meeting called on a requisition of urgency or at the discussion at any meeting of a budget-estimate, no business shall be transacted at any meeting other than the business specified in the notice published under clause (j) ¹[and any questions asked under section 66A] or urgent business not specified in the said notice which the ²[standing committee, the improvements committee ³[the Bombay Electric Supply and Transport Committee,] the ⁴[Education Committee] or the Commissioner deem] it expedient to bring before the meeting, and no substantive proposition shall be made or discussed which is not specified in the said notice or in the supplementary announcement, if any, published under clause (k), or which is not in support of the recommendation of the standing committee, ⁵[the improvements committee, ³[the Bombay Electric Supply and Transport Committee,] the ⁴[Education Committee] or the Commissioner, as the case may be, with reference to any urgent business brought by any] of those authorities, respectively before the meeting. Provided that no such urgent business as aforesaid shall be brought before any meeting unless at least three-fourths of the councillors present at such meeting, such three-fourths being not less than ⁶[one-sixth of the whole number of councillors] assent to its being brought forward thereat,

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

⁷[(ma) notwithstanding anything contained in clauses (l) and (m), the Commissioner may, at any time, either on his own behalf or on behalf of any Committee hereinbefore mentioned, intimate, at least one day in advance, to the Mayor, or in the circumstances stated in clause (c), to the Chairman of the Standing Committee, that he or the Committee concerned would bring urgent business to a matter specified in such intimation, which requires immediate consideration by the Corporation at a meeting to be held on a specified date. When such intimation is given, at the said meeting, the said business shall have priority over any other business in the order of priority specified by the Commissioner in his intimation, and no subsequent business shall be taken for consideration, unless the said business is transacted and decision thereon is taken at that meeting.]

(n) any meeting may, with the consent of a majority of the councillors present, be adjourned from time to time, but no business shall be transacted and, except as is hereinafter provided, no proposition shall be discussed at any adjourned meeting other than the business and propositions remaining undisposed of at the meeting from which the adjournment took place provided that at any adjourned meeting at which a budget-estimate is under consideration a proposition

¹ These words, figures and letter were inserted by Bom 23 of 1930, s 2(iv)

² These words were substituted for the original by Bom 76 of 1948, s 2

³ These words were inserted by Mah 11 of 1964, s 2

⁴ These words were substituted for the words "Schools Committee" by Bom 48 of 1950, s 17

⁵ These words were substituted for the original by Bom 76 of 1948, s 2

⁶ These words were substituted for the words "fifteen in number" by Bom 7 of 1950, s 8(iii)

⁷ Clause (ma) was inserted by Mah 70 of 1975, s 2(a)

involving any change such as is described in clause (m), may be made and discussed, notwithstanding that such proposition is not one remaining undisposed of at the meeting from which the adjournment took place, if each of the following conditions has been fulfilled, namely .—

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

(ii) that the adjournment has been for not less than ¹[two] clear days, and

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

(o) a minute of the names of the councillors present and of the proceedings at every meeting shall, on the day following the meeting, or as soon thereafter as may be, ²[be kept] by the municipal secretary in a book to be provided for this purpose and shall be signed at, and by the presiding authority of, the next ensuing meeting, ³[or any meeting held soon thereafter, after confirmation by the Corporation at such meeting], and the said minute book shall at all reasonable times be open at the chief municipal office to inspection by any councillor free of charge, and by any other person on payment of ⁴[a fee of fifty naye paise or such other amount as may be fixed by the Corporation but not exceeding two rupees],

(p) a councillor shall not vote or take part in the discussion of any matters before a meeting ⁵[or ask any question under section 66A concerning 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,

(q) every question other than the question whether the standing committee, ⁶[the improvements committee,] ⁷[the Bombay Electric Supply and Transport Committee,] the ⁸[Education Committee] or the Commissioner shall be permitted to bring urgent business before a meeting without notice, shall be decided by a majority of votes of the councillors present and voting on that question, the presiding authority having a second or casting vote when there is an equality of votes,

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

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

¹ This word was substituted for the word "three" by Bom 76 of 1948, s 2

² These words were substituted for the words "be drawn up and fairly entered" by Mah 1 of 1964, s 2(a)

³ These words were inserted, *ibid*, s 2(b)

⁴ These words were substituted for the words "a fee of eight annas", *ibid*, s. 2(c).

⁵ These words, figures and letter were inserted by Bom 23 of 1930, s 2(v)

⁶ These words were inserted by Bom 76 of 1948, s 2

⁷ These words were inserted by Mah 11 of 1964, s 2

⁸ These words were substituted for the words "Schools Committee" by Bom. 48 of 1950, s 17.

(t) the Commissioner ¹[or where the Commissioner is unable to attend owing to absence or illness or for any other reasonable cause whatsoever, a Deputy Commissioner,] shall have the same right of being present at a meeting of the corporation and of taking part in the discussions thereat as a councillor, and with the consent of a majority of the councillors present, ascertained by a show of hands, without discussion, may at any time make a statement or explanation of facts, but he shall not be at liberty to vote upon or to make any proposition at such meeting ²[where the Commissioner or a Deputy Commissioner desires to make a statement or explanation of facts at a meeting and the consent as aforesaid is not given, the Commissioner or the Deputy Commissioner shall be entitled to lay a copy thereof on the Table of the House] ³[But when required by the Corporation or the Mayor, the Commissioner shall himself attend the meeting of the Corporation, unless he is prevented from doing so on account of absence, illness or any other reasonable cause,]

⁴(u) the corporation may require any of its officers to attend any meeting or meetings of the corporation at which any matter dealt with by such officer in the course of his duties is being discussed. When any officer is thus required to attend any such meeting, he may be called upon to make a statement or explanation of facts or supply such information in his possession relating to any matter dealt with by him as the corporation may require.]

Power to
order
withdrawal
of member

⁵36A. (1) The ⁶[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 ⁶[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 ⁶[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.

(2) The ⁶[presiding authority] may, in the case of grave disorder arising in the meeting, suspend the meeting for a period not exceeding three days]

⁷[Mayor]

Appointment
of Mayor

37. (1) The corporation shall at their first meeting in each official year appoint one of their own number to be ⁷[Mayor] until the first meeting of the corporation in the next following official year, unless the councillors in the meantime retire from office, and then until the day for retirement.

(2) Any councillor who ceases to be ⁷[Mayor] shall be re-eligible.

(3) If any casual vacancy occurs in the office of ⁷[Mayor] the corporation shall as soon as they conveniently can after the occurrence of such vacancy, choose one of their number to fill such vacancy and every ⁷[Mayor] 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.

¹ These words were inserted by Mah 4 of 1973, s 3

² These words were inserted by Mah 70 of 1975, s 2(b)

³ This portion was added by Mah 4 of 1973, s 3

⁴ Clause (u) was added by Bom 4 of 1947, s 2

⁵ New section 36A was inserted by Bom 10 of 1928, s 6

⁶ The words "presiding authority" were substituted for the word "president" by Bom 21 of 1931, s 2(u)

⁷ The word "Mayor" was substituted for the original words, *ibid*, s 2(i)

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1888 : Bom. III]

Bombay Municipal Corporation Act

664A

¹[*Honoraria, fees and allowances*

37A. (1) With the previous sanction of the State Government, the Corporation Honoraria, may pay each councillor such honoraria, fees or other allowances as may be pres- fees or allowances cribed by rules made by the Corporation under this section.

(2) The Corporation shall place at the disposal of the Mayor annually such sum not exceeding ²[Rs. 10,000] by way of sumptuary allowance as it may determine.

(3) Notwithstanding anything contained in section 16, the receipt by a councillor of any honorarium, fee or allowance as aforesaid shall not disqualify any person for being elected or being a councillor]

¹ This heading and section 37A were inserted by Bom 13 of 1958, s 2

² These letters and figures were substituted for the letters and figures " Rs 5,000 " by Mah 13 of 1971, s 3

Committees.

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

Appoint-
ment of
consultative
committees
for special
purposes

138A. (1) The corporation may from time to time appoint, out of their own body, special committees and may by specific resolution carried by a vote of at least two-thirds of the members of the corporation present at the meeting delegate any of their powers and duties to such committees, and may also by a like resolution define the sphere of business of each special committee so appointed, and direct that all matters and questions included in any such sphere shall, in the first instance, be placed before the appropriate committee and shall be submitted to the corporation with such committee's recommendation.

Special
committees
of the cor-
poration.

(2) Every special committee shall conform to any instructions that may from time to time be given to them by the corporation

(3) The corporation may, at any time, dissolve or subject to any rules made by them in this behalf alter the constitution of any special committee.

(4) Every special committee shall appoint two of their number to be their Chairman and Deputy Chairman.

Provided that no member shall, at the same time, be the Chairman of more than one special committee.

(5) In the absence of the Chairman or Deputy Chairman, the members of the special committee present shall choose one of their number to preside over their meeting

(6) All the proceedings of every special committee shall be subject to confirmation by the corporation :

Provided that any special committee may by a resolution supported by at least one-half of the whole number of members of the committee direct that action be taken in accordance with the decision of such committee without waiting for confirmation of their proceedings by the corporation, if the committee consider that serious inconvenience would result from delay in taking such action ; but if the corporation do not confirm the proceedings of the special committee, such steps shall be taken to carry out any orders passed by the corporation as may still be practicable

Provided also that, if, in delegating any of their powers or duties to a special committee under sub-section (1), the corporation direct that the decision of the special committee shall be final, then so much of the proceedings of the special committee as relate to such powers or duties shall not be subject to confirmation by the corporation, if such decision is supported by at least one-half of the whole number of members of the committee

(7) The corporation may make rules for regulating the constitution of special committees and the conduct of business at meetings of such committees, and for the keeping of minutes and the submission of reports

¹ This section was inserted by Bom 1 of 1925, s. 13,

Special committees of the standing committee¹ [the Improvements Committee or the Education Committee.]

¹[**38B.** The standing committee³ [the Improvements Committee or the Education Committee] may, from time to time, by a resolution, carried by a vote of at least two-thirds of their members present at the meeting, delegate to any special committee appointed under section 38A any of their powers and duties in respect of any matter with which such special committee are competent to deal, or refer to any such committee any such matter for disposal or report, and every such special committee shall conform to any instructions that may from time to time be given to them by the standing committee⁴ [the Improvements Committee or the Education Committee] as the case may be], in this behalf .

Provided that every such resolution shall be reported by the standing committee³ [the Improvements Committee or the Education Committee], as the case may be,] to the corporation as soon as possible, and the corporation may at any time cancel such resolution

Appointment of sub-committees by the Improvements Committee

⁵[**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 Primary Education Consultative Committee

⁶[**39.** (1) The Corporation may appoint a Primary Education Consultative Committee

(2) Such Committee may be appointed by the Corporation either by itself or in consultation with the State Government

(3) The constitution of such Committee shall be as provided by by-laws made under section 461

(4) The Corporation may by any agreement with the State Government in this behalf refer to such Committee for inquiry and report or for opinion any question relating to the purposes of clause (g) of section 61]

¹ This section was inserted by Bom 1 of 1925, s 13

² "Section 38B (1)" was renumbered "38B" by Bom 13 of 1933, s 4 (1)

³ These words were substituted for the words "or the Improvements Committee" by Bom of 1950, s 18

⁴ These words were substituted for the words "or Improvements Committee" *ibid.*

⁵ New section "38C" was inserted, by Bom 13 of 1933, s 5

⁶ Section 39 was substituted for the original by Bom 48 of 1950, s. 19.

40. The corporation may, for the purpose of giving effect to measures and arrangements in furtherance of secondary education or any branch of technical or other instruction, appoint or join in appointing a committee ¹* * * as may be determined by any by-law made under section 461, and such committee shall have in relation to the branch of education and the institutions for which it is appointed the like powers and duties as are herein assigned to the ¹* * * ²[Education Committee], save as the same may be varied by any by-law made under the said section.

Committee may be appointed for other educational purposes.

41. The corporation, either singly or in concurrence with ³[the ⁴[State] Government], may appoint a Hospital Committee with such constitution, powers and duties with respect to hospitals and institutions for the benefit of the aged, sick and infirm, vesting wholly or partly in the corporation and supported or aided out of its funds, as may be defined and provided by by-laws made under section 461 or by any agreement made with ³[the ⁴[State] Government] in this behalf.

Appointment of Hospital Committee.

(B) The Standing Committee.

42. The standing committee shall consist of ⁵[sixteen] councillors

6* * *

Constitution of standing Committee.

43. (1) The corporation shall at their first meeting in the month of April, after general elections, appoint ⁷[sixteen] persons out of their own body to be members of the standing committee

Members of the standing committee when to be appointed.

⁸[(2) The Chairman of the Education Committee shall also be a member of the Standing Committee]

9* * *

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

Appointment of chairman of standing committee.

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

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

¹⁰[45 (a) One half of the members of the standing committee shall retire at noon on the first day of April every year

Members of standing committee to retire by rotation

(b) The members who shall retire one year after the standing committee is constituted under section 43 shall be selected by lot at such time previous to the first day of March immediately preceding and in such manner as the Chairman may determine

(c) During the succeeding years, the members who shall retire under this section shall be the members who were longest in office

¹ Portion repealed by Bom 3 of 1907, s 8 (8), is omitted
² These words were substituted for the words " Schools Committee " by Bom 48 of 1950, s 20
³ The words " the Provincial Government " were substituted for the word " Government " by the Adaptation of Indian Laws Order in Council
⁴ This word was substituted for the word " Provincial " by the Adaptation of Laws Order, 1950.
⁵ The word " sixteen " was substituted for the word " twelve " by Bom 6, of 1922, s 20
⁶ The words deleted by Bom 13 of 1938, s 16, are omitted
⁷ This word was substituted for the word " twelve " *ibid*, s 17 (1).
⁸ This sub section was added by Bom 48 of 1950, s 21
⁹ Original sub section (2) was deleted by Bom 13 of 1938, s 17 (2).
¹⁰ This section was substituted for the original, *ibid*, s 18.

Provided that in the case of a member who has been re-elected the term of his office for the purposes of this clause shall be computed from the date of his re-election]

¹[(d) The term of office of the Chairman of the Education Committee as a member of the Standing Committee shall continue so long as he continues as such Chairman]

Appoint-
ment of
members of
standing
committee
to replace
those who
retire

46. (1) The corporation shall at their ordinary meeting in the month of March appoint fresh members of the standing committee to fill the offices of those previously appointed by them who retire from time to time as aforesaid, * * * * *

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

Member of
standing
committee
absenting
himself for
three months
from meet-
ings to
vacate seat.

³[46A. Any member of the standing 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, or absents himself from or is unable to attend the meetings of the committee during eight successive months, from any cause whatever, whether approved by the committee or not, shall cease to be a member of the standing committee and his seat shall thereupon be vacant]

Casual
vacancies
in the
standing
committee
how to be
filled up

47. In the event of non-acceptance of office by a councillor appointed 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 ⁴[or of his seat becoming vacant under section 46A] the vacancy shall be filled up as soon as it conveniently may be, by the appoint-ment ⁵* * * * * of a person thereto, who shall hold office so long only as the member in whose place he is appointed would have been entitled to hold it, if the vacancy had not occurred

Each stand-
ing com-
mittee to
continue
in office till
a new com-
mittee is
appointed.

48. 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 appointed under section 43, notwithstanding that the members of the said committee or some of them may no longer be councillors.

Provisions
regulating
the proceed-
ings of the
standing
committee.

49. The standing committee shall meet for the despatch of business in the chief municipal office and may, from time to time, make such regulations with respect to such meetings and with respect to the scrutiny of the municipal accounts as they think fit, subject to the following conditions —

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

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

¹ This clause was added by Bom 48 of 1950, s 22

² The words beginning with "and, within one week" and ending with "as aforesaid" were deleted by Bom 13 of 1938, s 19

³ This section was inserted, by Bom 5 of 1938, s 8.

⁴ This was inserted, *ibid*, s 9.

⁵ The words "by the corporation or by Government, as the case may be" were deleted by Bom. 13 of 1938, s 20

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

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

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

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

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

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

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

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

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

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

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

¹[(C) *The Improvements Committee*]

Improvements Committee to be constituted for the purpose of carrying out the improvement of the city.

²[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]

Constitution of the Improvements Committee

²[49B. The Improvements Committee shall consist of sixteen councillors, * * * * *]

Members of Improvements Committee when to be appointed.

⁴[49C. The corporation shall, at their first meeting in the month of April after each general election, appoint sixteen persons out of their own body to be members of the Improvements Committee]

Appointment of chairman of Improvements Committee.

²49D. (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.

(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 Improvements Committee to retire by rotation

⁵[49E. (a) One half of the members of the Improvements Committee shall retire at noon on the first day of April every year.

(b) The members who shall retire one year after the Improvements Committee is constituted under section 49C shall be selected by lot at such time previous to the first day of March immediately preceding and in such manner as the Chairman may determine.

(c) During the succeeding years, the members who shall retire under this section shall be the members who were longest in office :

Provided that in the case of a member who has been re-elected the term of his office for the purposes of this clause shall be computed from the date of his re-election]

¹ This heading was substituted for the heading "(B1) Improvements Committee" by Bom 48 of 1950, s 23

² New sections 49A, 49B, 49C, 49D, 49E, 49F, 49G, 49H, 49I, and 49J, were inserted by Bom 13 of 1933, s 6

³ Words deleted by Bom 13 of 1938, s 21, are omitted.

⁴ This section was substituted for the original, *ibid*, s 22

⁵ This section was substituted for the original, *ibid*, s 23.

¹[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, ^{2*} * * * * .

Appoint-
ment of
members
of Improve-
ments
Committee
to replace
those who
retire.

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

¹[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 dis-qualification of a member of the said committee or of his becoming incapable of acting previous to the expiry of his term of office ³[or of his office becoming vacant under clause (j) of section 49I], the vacancy shall be filled up, as soon as conveniently may be, by the appointment ^{4*} * * * * 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]

Casual
vacancies in
the Improve-
ments
Committee
how to be
filled up.

¹[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.]

Improve-
ments
Committee
to continue
in office
till a new
committee is
appointed.

¹[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 .—

Provisions to
regulate the
proceedings
of the
Improve-
ments
Committee.

(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 ;

¹ New sections 49A, 49B, 49C, 49D, 49E, 49F, 49G, 49H, 49I and 49J were inserted by Bom. 13 of 1933, s 6

² The words deleted by Bom 13 of 1938, s 24, are omitted

³ This was inserted by Bom 5 of 1938, s 10

⁴ The words " by the corporation or by Government, as the case may be," were deleted by Bom. 13 of 1938, s 25.

(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 authorised 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 [or absents himself from or is unable to attend the meetings of the committee during eight successive months from any cause whatever, whether approved by the committee or not] shall cease to be a member and his office shall thereupon be vacant]

Existing committee to continue pending formation of new Improvements Committee.

²[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 XIII of 1933
Bom XIII of 1933
Bom XVI of 1925,
Bom XIII of 1933.

³[(D) *The Bombay Electric Supply and Transport Committee*]

Constitution of Bombay Electric Supply and Transport Committee.

50. (1) The corporation shall appoint a committee to be called the Bombay Electric Supply and Transport Committee for the purpose of conducting the Bombay Electric Supply and Transport Undertaking in accordance with the provisions of this Act and subject to the conditions and limitations as are in this Act contained.

(2) The committee shall consist of nine members

(3) The Chairman of the standing committee shall be an ex-officio member of the committee and the other members shall be appointed by the corporation from among persons who, in the opinion of the corporation, have had experience

¹ These words were inserted by Bom 5 of 1938, s 11

² New sections 49A, 49B, 49C, 49D, 49E, 49F, 49G, 49H, 49I and 49J were inserted by Bom 13 of 1933, s 6

³ This heading was substituted for the heading "(B2) the Bombay Electric Supply and Transport Committee" by Bom 48 of 1950, s 24

of, and have shown capacity in, administration, transport, or electric supply, or in engineering, industrial, commercial, financial or labour matters and ¹[of whom one at least shall be a councillor and remaining may or may not be councillors].

(4) A person shall be disqualified for being appointed as, and for being, a member of the committee if, under the provisions of section 16, he is disqualified for being elected as, and for being, a councillor.

50A. (1) The persons appointed as members of the Bombay Electric Supply and Transport Committee under the provisions of section 3 of the City of Bombay Municipal (Electric Supply and Transport) Act, 1947, shall be deemed to have been appointed as such members under section 50 and shall continue in office accordingly

Term of office of members of Bombay Electric Supply and Transport Committee.

(2) One half of the members of the committee appointed by the corporation shall retire on the first day of April 1950 and thereafter, one half of the members shall retire on the first day of April in every second year :

²[Provided that, in the case of a Councillor appointed a member of the committee, if at any time before the date of his retirement he ceases to be a Councillor, he shall cease to be such member, and his office shall thereupon become vacant. The vacancy shall be filled, in accordance with the provisions of section 50C, as if it had occurred under section 50B.]

(3) The members who shall retire on the first day of April 1950 shall be selected by lot at such time previous to the first day of March immediately preceding and in such manner as the Chairman of the committee may determine. Thereafter the members who shall retire shall be the members who were longest in office :

Provided that in the case of a member who has been re-appointed, the term of his office for the purpose of this sub-section shall be computed from the date of his re-appointment.

(4) Vacancies caused by the retirement of members under sub-section (2) shall be filled by the appointment by the corporation of duly qualified persons thereto at their ordinary meeting in the month of March immediately preceding the occurrence of the vacancies.

Provided that in any year in which general elections of councillors are held, such vacancies shall be filled by the corporation at their first meeting in the month of April after such elections and the members who would under sub-section (2) have retired on the first day of April shall continue to be in office until new members have been appointed under this sub-section.

(5) A retiring member shall be eligible for re-appointment.

50B. (1) Any person who, having been appointed a member of the Bombay Electric Supply and Transport Committee,—

Disqualification of members of Bombay Electric Supply and Transport Committee

(a) becomes disqualified for being a member of the committee under the provisions of sub-section (4) of section 50, or

(b) absents himself during six successive meetings of the committee except from temporary illness or other causes to be approved by the committee, or

(c) absents himself from or is unable to attend the meetings of the committee during six successive months from any cause whatsoever, shall cease to be a member of the committee and his office shall thereupon become vacant

(2) If any question or dispute arises whether a vacancy has occurred under sub-section (1), the Commissioner shall, at the request of the corporation, apply to the Chief Judge of the Small Cause Court, and the said Chief Judge, after making such inquiry as he deems necessary, shall determine whether a vacancy has occurred, and his decision shall be final.

¹These words were substituted for the words " who may or may not be councillors " by Mah. 11 of 1964, s. 3

²This proviso was added by Mah. 13 of 1971, s. 4.

Casual vacancies how to be filled up

50C. In the event of non-acceptance of office by any person appointed to be a member of the Bombay Electric Supply and Transport Committee or of the death, resignation or disqualification of a member of the committee, or of his becoming incapable of acting, or of his office becoming vacant under the provisions of section 50B, the vacancy shall be filled up, as soon as conveniently may be, by the appointment by the corporation of a duly qualified person thereto, and such person shall hold office so long only as the person in whose place he is appointed would have held it if the vacancy had not occurred.

Chairman of Bombay Electric Supply and Transport Committee

50D. (1) The Bombay Electric Supply and Transport Committee shall, after their appointment, at their first meeting in each official year appoint one of their members ¹[,who is a councillor,] to be the Chairman until the first meeting of the committee in the next official year :

Provided that the Chairman of the Bombay Electric Supply and Transport Committee appointed under section 8 of the City of Bombay Municipal (Electric Supply and Transport) Act, 1947, shall continue to act as the Chairman until a new Chairman is appointed under the provisions of sub-section (2)

(2) The committee shall thereafter at their first meeting in each official year appoint one of their members ¹[,being a councillor,] as Chairman until the first meeting of the committee in the next following year

(3) The retiring Chairman shall be eligible for re-appointment as Chairman.

(4) Notwithstanding the provisions of sub-sections (1) and (2) the Chairman shall vacate office as soon as he ceases to be a member of the committee

(5) In the event of the office of Chairman falling vacant previous to the expiry of his term the committee shall, as soon as conveniently may be after the occurrence of the vacancy, appoint one of their number ¹[,being a councillor,] to fill such vacancy and the Chairman so appointed shall hold office so long only as the person in whose place he is appointed would have held it if such vacancy had not occurred.

Meetings of Bombay Electric Supply and Transport Committee

50E. (1) The Bombay Electric Supply and Transport Committee shall meet for the despatch of business at such place as the committee may from time to time decide and until a decision has been taken to meet elsewhere, shall meet in the chief municipal office

(2) The committee may, from time to time, make such regulations with regard to the meetings of the committee and sub-committees as the committee think fit subject to the following conditions :—

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

(b) the first meeting of the 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 committee shall be held on such day and at such time as the committee may from time to time determine ;

(c) the Chairman of the committee may, whenever he thinks fit, and shall, upon a written requisition signed by the Commissioner or the General Manager, or by not less than three members of the committee, within forty-eight hours of the receipt by him of the requisition, call a special meeting of the committee for the transaction of any business ;

¹These words were inserted by Mah 11 of 1964, s 4

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

(e) every meeting of the committee shall be presided over by the Chairman, if the Chairman is present at the time for holding the meeting, and, if the Chairman is absent, by such one of the members 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 committee present and voting on that question, the presiding authority having a second or casting vote when there is an equality of votes ,

(g) the committee shall cause to be kept a minute of the names of the members present and of the proceedings at each meeting of the committee in a book to be provided for this purpose, which shall be signed at, and by the presiding authority of, the next ensuing meeting after confirmation by the committee at such meeting ,

(h) a member of the committee shall not vote upon, or take part in, the discussion before the committee or before any sub-committee of any matter in which he has directly or indirectly, by himself or by his partner, any share or interest such as is described in clauses (g) to (l), both inclusive, of sub-section (2) of section 16, or in which he is professionally interested on behalf of a client, principal or other person.

(3) The Commissioner and in his absence the Deputy Commissioner authorised by the Commissioner in this behalf and the General Manager and in his absence any officer authorised by the General Manager in this behalf shall have the same right of being present at a meeting of the committee and of taking part in the discussion thereat as a member of the committee, but shall not be at liberty to vote upon or make any proposition at such meeting.

50F. The Chairman and members of the Bombay Electric Supply and Transport Committee shall be paid such fees for attending meetings of the committee as may be prescribed by rules framed by the corporation under this section with the sanction of the [State] Government.

Fees for attendance at meetings of Bombay Electric Supply and Transport Committee.

50G. (1) The Bombay Electric Supply and Transport Committee may from time to time appoint out of their own body sub-committees consisting of such number of persons as the committee may think fit.

Sub-committees of the Bombay Electric Supply and Transport Committee.

(2) The committee may by specific resolution carried by the vote of at least two-thirds of their number present at the meeting delegate any of their powers and duties to a sub-committee and may also by a like resolution define the sphere of business of such sub-committee

(3) The committee may refer to a sub-committee appointed under sub-section (1) for inquiry and report or for opinion any matter with which the committee is competent to deal

(4) Special committees and sub-committees, if any, appointed or deemed to be appointed under section 4 or section 5, as the case may be, of the City of Bombay Municipal (Electric Supply and Transport) Act, 1947, shall be deemed to have been appointed as sub-committees under sub-section (1) and shall continue to act accordingly]

Bom
XXXIII
of
1947.

¹This word was substituted for the word " Provincial " by the Adaptation of Laws Order, 1950

4(E) *The Education Committee.*

Constitution
of Education
Committee

50H. (1) The Corporation shall appoint a Committee to be called the Education Committee for the purpose of giving effect to the provisions as to primary education in this Act or in other law for the time being in force.

(2) The Education Committee shall consist of sixteen members, of whom twelve shall be councillors and four shall be persons who are not councillors.

(3) The non-councillors to be so appointed shall be persons—

(a) whose names are enrolled on the municipal election roll as voters,

(b) who are graduates of Universities recognised by the Corporation in this behalf,

(c) who have five years' teaching or administrative experience in educational institutions, and

(d) who possess such other qualifications as the Corporation may determine in this behalf.

Members of
Education
Committee
when to be
appointed.

50I. (1) The Corporation shall as soon as may be after the commencement of Bom the Bombay Municipal Corporation and City of Bombay Primary Education^{XLVIII} of (Amendment) Act, 1950, hereinafter in this section called the said Act, and thereafter 1950, at their first meeting in the month of April, after every general election, appoint sixteen duly qualified persons to be members of the Education Committee.

(2) Until the members of the Education Committee have been appointed under sub-section (1), the members of the schools committee in office immediately before the commencement of the said Act shall constitute the Education Committee.

Disqualifica-
tions of mem-
bers of Educa-
tion Com-
mittee.

50J. (1) A person shall not be eligible for appointment as a member of the Education Committee,—

(a) if he is directly or indirectly interested in any immovable property on or in which any municipal school or office is located or in any institution or school which receives donation or grant-in-aid from the Corporation; or

(b) if, not being a councillor he would have been disqualified for being elected a councillor under section 16.

Explanation—A person shall be deemed to be interested within the meaning of clause (a) of this sub-section, if he derives or has been promised directly or indirectly, any pecuniary gain from or in respect of such property, institution or school, whether by way of a price or rent or premium or other thing of value, whether of the like nature or not

(2) If any person having been appointed a member of the Education Committee—

(a) becomes subject to any of the disqualifications mentioned in sub-section (1);

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

(c) absents himself from or is unable to attend the meetings of the Committee during eight successive months from any cause whatsoever, he shall cease to be a member of the Committee and his office shall thereupon become vacant.

Appointment
of Chairman
of Education
Committee.

50K. (1) The Education Committee shall, at their first meeting in each official year, appoint one of their own member, being a councillor, to be their Chairman, until the first meeting of the Committee in the next official year.

¹ This heading and sections 50H to 50S were inserted by Bom 48 of 1950, s 25.

(2) The retiring Chairman shall be eligible for re-election

(3) If any casual vacancy occurs in the office of the Chairman, the Education Committee shall, as soon as they conveniently can, after the occurrence of such vacancy, appoint one of their members being a councillor to fill such vacancy and every Chairman so appointed shall continue in office only so long as the person in whose place he is appointed would have been entitled to continue if such vacancy had not occurred.

50L. (1) One half of the councillor members and one-half of the other members of the Education Committee shall retire at noon on the first day of April every year. Members of Education Committee to retire by rotation

(2) The members who shall retire on the first day of April next after the Education Committee is constituted under section 50I shall be selected by lot at such time previous to the first day of March immediately preceding and in such manner as the Chairman shall determine.

(3) During succeeding years the members who shall retire under sub-section (1) shall be the members who have been longest in office :

Provided that in the case of a member who has been reappointed, the term of office for the purposes of this sub-section shall be computed from the date of his reappointment

50M. (1) The Corporation shall, subject to the provisions of section 50I, at their ordinary meeting in the month of March, appoint fresh members of the Education Committee to fill the offices of those who retire from time to time as aforesaid Appointment of members of Education Committee to replace those who retire

(2) Any retiring member of the Education Committee shall be eligible for re-election

50N. (1) In the event of non-acceptance of office by a person appointed to be a member of the Education Committee or of the death, resignation or disqualification of a member of the Committee or of his becoming incapable of acting previous to the expiry of his term of office or of his seat becoming vacant under sub-section (2) of section 50J, the vacancy shall be filled up as soon as it conveniently may be by the appointment by the Corporation of a person thereto, who shall hold office so long only as the person in whose place he is appointed would have been entitled to hold it, if the vacancy had not occurred Casual vacancies in Education Committee how to be filled up

(2) If any question or dispute arises whether a vacancy has occurred under this section it shall be referred to the Corporation whose decision shall be final

50O. The Education Committee in existence on the day for the retirement of councillors shall continue to hold office until such time as a new Education Committee is appointed under section 50I notwithstanding that the members of the said Committee or some of them may no longer be councillors. Each Education committee to continue in office till new committee is appointed.

50P. The members duly appointed may perform all the functions legally pertaining to the Education Committee, notwithstanding any default, delay or defect in the appointment of any member. Education Committee to act notwithstanding default etc. in appointment of member.

Meetings of Education Committee. 50Q. The Education Committee shall meet for the despatch of business in the Chief Municipal Office and may from time to time make regulations with respect to their meetings and to the management of schools under their control subject to the following conditions :—

(a) there shall be a meeting of the Education Committee once a month and at such other time as shall be found necessary ,

(b) the first meeting of each Education 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 Education 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 Education Committee may, whenever he thinks fit, and shall upon the written request of not less than four members, call a special meeting :

(d) no business shall be transacted at a meeting of the Education Committee unless at least eight members are present ,

(e) every meeting of the Education Committee shall be presided over by the Chairman if the Chairman is present at the time appointed for holding the meeting, and, if the Chairman is absent, by such one of the councillor members present as may be chosen by the meeting to be Chairman for the occasion .

(f) every question shall be decided by a majority of votes of the members of the Education 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 Education Committee in a book to be provided for this purpose, which shall be signed at, and by the presiding authority of the next ensuing meeting after confirmation by the Committee at such meeting ;

(h) a member of the Education Committee shall not vote or take part in the discussion before the said Committee or before any sub-committee of any matter in which he has directly or indirectly, by himself or by his partner, any share or interest such as is described in clauses (g) to (l), both inclusive, of sub-section (2) of section 16, or in which he is professionally interested on behalf of a client, principal or other person.

Right of Municipal Commissioner and Education Officer to be present. 50R. The Commissioner and the Education Officer and, in the absence of the Commissioner, any other Officer authorised by the Commissioner in this behalf shall have the same right of being present at a meeting of the Education Committee and of taking part in the discussions thereat as a member of the said Committee, but none of them shall vote upon, or move any proposition at such meeting

Appointment of sub-committees by Education Committee. 50S. The Education Committee may from time to time appoint out of their own body sub-committees, consisting of such number of persons as the Education Committee may think fit, and may refer to such sub-committee for inquiry and report of for opinion any matter with which the Education Committee is empowered by or under this Act to deal.]

Mode of appointment of Councillors to certain Committees

50T. Notwithstanding anything contained in this Act or the bye-laws made thereunder, in the case of the following Committees, except where it is provided by this Act that the appointment of a Councillor to any Committee shall be by virtue of his holding any office, the appointment of Councillors to these Committees, whether in regular or casual vacancies, shall be made by the Corporation by holding elections in accordance with the system of proportional representation by means of a single transferable vote, at which voting shall be by secret ballot. The Corporation may make rules to regulate all matters for holding such elections :—

- (1) Any consultative Committee appointed under section 38.
- (2) Any special Committee appointed under section 38A.
- (3) The Standing Committee.
- (4) The Improvements Committee.
- (5) The Bombay Electric Supply and Transport Committee.
- (6) The Education Committee.]

Provisions regarding validity of proceedings.

51. No act or proceeding of the corporation or of the standing committee or of any committee or sub-committee appointed under this Act be questioned on account of any vacancy in their body.

Vacancy in corporation etc. not to invalidate their proceedings.

¹ This heading and section were inserted by Mah. 42 of 1976, s. 3.

52. No disqualification of, or defect in, the election or appointment ^{1*} * of Proceedings 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 the standing committee or of any committee or sub-committee appointed under this Act shall be deemed to vitiate any act or proceeding of the corporation or standing committee or of any such committee or sub-committee, as the case may be, in which such person has taken part, whenever the majority of persons, parties to such act or proceeding, were entitled to act. of corporation, etc., not vitiated by disqualification, etc., of members thereof.

53. Until the contrary is proved, every meeting of the corporation or standing committee or of a committee or sub-committee in respect of the proceedings whereof a minute has been made and signed in accordance with this Act shall be deemed to have been duly convened and held, and all the members of the meeting shall be deemed to have been duly qualified; and where the proceedings are proceedings of a committee or sub-committee, such committee or sub-committee shall be deemed to have been duly constituted and to have had power to deal with the matters referred to in the minute. Proceedings of meetings to be deemed to be good and valid until the contrary is proved.

[(F) The Municipal Commissioner]

54. (1) The Municipal Commissioner for [Greater Bombay] shall be from Appointment to time appointed by the [State Government]. He may hold office for such period not exceeding three years as the State Government may fix, and his appointment may be renewed by the State Government for a further period not exceeding three years. of the Commissioner.

Provided that, when the Commissioner holds a lien on the service of the State Government, he may be recalled to such service at any time by the State Government, after consultation with the Corporation]

(2) [Notwithstanding the provisions of sub-section (1), the Commissioner shall be forthwith removed by the [State Government] from office, if at a meeting of the corporation not less than ¹⁴[five-eighth of the whole number of councillors] shall vote in favour of a proposition in this behalf; and he may be removed by the [State Government] at any time, if it shall appear to the [State 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 expedient:

¹⁴[Provided that when the Commissioner holds a lien on the service of the [State] Government], he shall not during the period of his appointment as Commissioner, be removed from office without the approval of the corporation]

Deputy Municipal Commissioner.

55. (1) Subject to confirmation by the [State] Government], the corporation may at any time, and from time to time, appoint a person to be a Deputy Municipal Commissioner, if it shall appear to it expedient so to do. Appointment of a Deputy Municipal Commissioner.

¹⁴(1A) With the previous approval of the State Government, the corporation may at any time, and from time to time, create one or more posts of additional Deputy Municipal Commissioners which it considers necessary and may, subject to confirmation by the State Government, appoint a fit person or persons to hold such post or posts.]

¹ The words " or co-option " which were added by Bom. 6 of 1922, s. 21-A, and which were deleted by Bom. 17 of 1931, s. 7, are omitted

² The word " Mayor " was substituted for the original word by Bom. 21 of 1931, s. 2 (1).

³ This heading was substituted for the heading " (C) The Municipal Commissioner " by Bom. 48 of 1950, s. 26.

⁴ These words were substituted for the words " the City of Bombay " by Bom. 7 of 1950, s. 6(1).

⁵ The words " Provincial Government " were substituted for the words " Governor in Council " by the Adaptation of Indian Laws Order in Council

⁶ This word was substituted for the word " Provincial " by the Adaptation of Laws Order, 1950

⁷ This portion was substituted for the words " for a renewable period of three years " by Mah. 22 of 1968, s. 2(a).

⁸ These words were substituted for the words " But he shall ", *ibid.*, s. 2(b)

⁹ The words " the Provincial Government " were substituted for the word " Government " by the Adaptation of Indian Laws Order in Council.

¹⁰ These words were substituted for the words " sixty-four councillors " by Bom. 7 of 1950, s. 9.

¹¹ This proviso was added by Bom. 1 of 1925, s. 14.

¹² Sub-section (1A) was inserted by Bom. 7 of 1950, s. 10.

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

Functions of
a Deputy
Commis-
sioner.

56. (1) A Deputy Commissioner ¹[or an additional Deputy Commissioner] so appointed shall be subordinate to the Commissioner and, subject to his orders, shall exercise such of the powers and perform such of the duties of the Commissioner as the Commissioner shall from time to time depute to him :

(2) Provided that—

(b) The Commissioner shall inform the corporation of the powers and duties which he from time to time deposes to a Deputy Commissioner

²(2A) Provided further that when an additional Deputy Commissioner or more than one additional Deputy Commissioner have been appointed, the Commissioner shall prescribe the respective spheres of duties of each of such additional Deputy Commissioners, and in so doing may allot to the Deputy Commissioner or the additional Deputy Commissioner designated by him responsibility, subject to the control of the Commissioner, for the municipal government of the suburbs in so far as such responsibility is consistent with the powers and duties deputed to him under sub-section (1)]

(3) All acts and things performed and done by a Deputy Commissioner ⁴[and an additional Deputy Commissioner], during his tenure of the said office and in virtue thereof, shall for all purposes be deemed to have been performed and done by the Commissioner

Appoint-
ment of
Deputy
Municipal
Commis-
sioner (Im-
provements)

⁵56A. (1) Subject to the previous approval of ⁶[the ⁷[State] 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.

⁸[Provided that if such person is a municipal officer and due to retire under regulations made and applicable to him under section 81 on a date earlier than the expiry of the period of five years from the date of appointment or reappointment, he may be appointed or reappointed for a period of five years or a 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]

¹ These words were inserted by Bom 7 of 1950, s 11(a)

² Clause (a) was deleted by Bom 1 of 1897

³ Sub-section (2A) was inserted by Bom 7 of 1950, s 11(b)

⁴ These words were inserted, *ibid.*, s 11(c)

⁵ These sections were inserted by Bom 13 of 1933, s 7

⁶ The words " the Provincial Government " were substituted for the word " Government " by the Adaptation of Indian Laws Order in Council

⁷ This word was substituted for the word " Provincial " by the Adaptation of Laws Order, 1950

⁸ This proviso was added by Bom 76 of 1948, s 3.

¹[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 :

Functions of the Deputy Municipal Commissioner (Improvements).

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]

Remuneration of Commissioner and Deputy Commissioner.

57. (1) The Commissioner shall receive ²[such monthly salary not exceeding three thousand rupees and not less than two thousand rupees as the ³[State] Government may 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 :

Salary of the Commissioner.

(2) Provided that he may at any time—

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

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

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

58. A Deputy Municipal Commissioner shall receive such monthly salary ⁴[as the Corporation shall, from time to time, with the approval of the State Government, determine :

Remuneration of a Deputy Municipal Commissioner.

Provided that, the salary of a Deputy Municipal Commissioner shall not be altered to his disadvantage during his period of office]

⁵[58A. The Deputy Municipal Commissioner (Improvements) shall receive such monthly salary ⁷[as the Corporation shall, from time to time, with the approval of the State Government, determine] :

Remuneration of the Deputy Municipal Commissioner (Improvements).

Bom. XVI of 1925.

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 :

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 :

⁸[Provided also that, the salary of the Deputy Municipal Commissioner (Improvements) shall not be altered to his disadvantage during his period of office.]

¹ These sections were inserted by Bom. 13 of 1933, s. 7.

² These words were substituted for the original words by Bom. 13 of 1938, s. 26(1).

³ This word was substituted for the word " Provincial " by the Adaptation of Laws Order, 1950.

⁴ Sub-section (3) was deleted, by Bom. 13 of 1938 s. 26(2).

⁵ This portion was substituted for the portion beginning with the words " not exceeding " and ending with the words " time to time, determine " by Mah. 5 of 1970, s. 2, with effect from 1st April 1966

⁶ New section 58A was inserted by Bom. 13 of 1933, s. 8.

⁷ This was substituted for the portion, beginning with the words " not exceeding " and ending with the words " time to time, determine " by Mah. 5 of 1970, s. 3(a), with effect from 1st April 1966.

⁸ This proviso was added, *ibid.*, s. 3(b), with effect from 1st April 1966.

Provisions for absence of Commissioner or Deputy Commissioner on leave

Grant of leave of absence to the Commissioner or Deputy Commissioner.

59. (1) Leave of absence may be granted, from time to time—

(a) to the Commissioner, by the ¹[State] Government], with the assent of the standing committee,

(b) to a Deputy Commissioner, by the corporation

Allowance whilst absent on leave.

(2) The allowance to be paid to the Commissioner or to a Deputy Commissioner whilst so absent on leave shall be of such amount, not exceeding respectively the amount of the salary of the Commissioner or Deputy Commissioner, as shall be fixed by the ¹[State] Government] or the corporation, respectively. Provided that if the Commissioner or Deputy Commissioner is a ²[Government officer], the amount of such allowance shall be regulated by the rules at the time in force relating to the leave allowances of officers of his class

Appointment and remuneration of acting Commissioner or Deputy Commissioner.

(3) During any absence of the Commissioner or of a Deputy Commissioner the ¹[State] Government] or the corporation may appoint a person to act as Commissioner or as Deputy Commissioner, as the case may be. Every person so appointed shall exercise the powers and perform the duties conferred and imposed by this Act or by any other enactment at the time in force on the person for whom he is appointed to act, and shall be subject to the same liabilities, restrictions and conditions to which the said person is liable, and shall receive such monthly salary, within the limits prescribed in sections 57, ⁴[58 and 58A] for a Commissioner and a Deputy Commissioner, as ⁵[the ²[State] Government] or the corporation, respectively, shall determine

Disqualifications of the Commissioner and Deputy Commissioner

Commissioner and Deputy Commissioner not to be interested in any [contract] with the corporation

60. (1) No person shall be qualified to be appointed or to be Commissioner or a Deputy Commissioner who has, directly or indirectly, by himself or his partner, any share or interest in any contract with, by or on behalf of the corporation ⁶* * *

(2) Any Commissioner or Deputy Commissioner who shall acquire directly or indirectly, by himself or his partner, any share or interest in any such contract ⁷* * * as aforesaid shall cease to be Commissioner, or a Deputy Commissioner, as the case may be, and his office shall become vacant

(3) Nothing in this section shall apply to any such share or interest in any contract ⁸* * * with, by or on behalf of the corporation as, under clauses (h) and (k) of section 16, it is permissible for a councillor to have without his being thereby disqualified for being a councillor

¹ The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council

² This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950

³ The words "Government Officer" were substituted for the words "Servant of the Crown" by the Adaptation of Laws Order, 1950

⁴ The word, figures and letter "58 and 58A" were inserted by Bom 13 of 1933, s 9

⁵ The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

⁶ The words "or in any employment with, by or on behalf of the corporation other than as Commissioner or Deputy Commissioner, as the case may be" were deleted by Mah. 42 of 1977, s. 2(a).

⁷ The words "or employment" were deleted, *ibid*, s 2(b)

⁸ The words "or employment" were deleted, *ibid*, s 2(c).

^{*} This word was substituted for the words "contract, etc.", *ibid*, s. 2(d).

¹(G) *The General Manager*]

²[60A. (1) The corporation shall, subject to the approval of the ³[State] Government, appoint a fit person to be the General Manager of the Bombay Electric Supply and Transport Undertaking who shall—

Appointment
of General
Manager.

(a) devote his whole time and attention to the duties of his office :

Provided that the General Manager may be permitted by the corporation to accept any appointment, whether honorary or otherwise, which in the opinion of the corporation would not interfere with his duties as General Manager ;

(b) receive such monthly salary as the corporation shall from time to time, with the approval of the ³[State] Government determine⁴ [, but the salary of the General Manager shall not be altered to his disadvantage during his period of office] ;

(c) be removable at any time from office for misconduct or for neglect of, or incapacity for, the duties of his office on the votes of not less than one-half of the total number of councillors.

Bom. XXX-III of 1947. (2) The General Manager shall be appointed for a period not exceeding five years in the first instance and his appointment may be renewed from time to time with the approval of the ³[State] Government for a period not exceeding five years at a time.

Bom. Ordinance 11 of 1947. XXX-III of 1947. (3) The General Manager appointed by the corporation with the approval of the ³[State] Government under section 11 of the City of Bombay Municipal (Electric Supply and Transport) Act, 1947, shall be deemed to have been appointed under subsection (1) and the period of his appointment shall be deemed to have commenced from the date on which he took up the duties of his office under the City of Bombay Municipal (Electric Supply and Transport) Ordinance, 1947, or the City of Bombay Municipal (Electric Supply and Transport) Act, 1947, as the case may be.

60B. (1) Leave of absence may be granted from time to time to the General Manager by the Bombay Electric Supply and Transport Committee with the assent of the corporation.

Leave of
absence to
General
Manager.

(2) The allowance to be paid to the General Manager whilst so absent on leave shall be of such amount, not exceeding the amount of his salary, as shall be fixed by the corporation.

(3) During the absence of the General Manager on leave the committee with the assent of the corporation may appoint a person to act as General Manager. Every person so appointed shall exercise the powers and perform the duties conferred and imposed on the General Manager and shall be subject to the same liabilities, restrictions and conditions to which the General Manager is liable and shall receive such monthly salary, not exceeding the salary of the General Manager, as the corporation shall determine.

60C. (1) No person shall be qualified to be appointed or to be General Manager who has, directly or indirectly, by himself or his partner, any share or interest in any contract with, by or on behalf of, the corporation ** * * *

Disqualifi-
cations of
General
Manager.

(2) Any General Manager who shall acquire, directly or indirectly, by himself or by his partner, any share or interest in any such contract ** * as aforesaid shall cease to be General Manager.

¹ This heading was substituted for the original heading "(D) The General Manager" by Bom. 48 of 1950, s. 29.

² Sections 60A to 60C were inserted by Bom. 48 of 1948, s. 7.

³ This word was substituted for the word " Provincial " by the Adaptation of Laws Order, 1950.

⁴ These words were inserted by Mah. 5 of 1970, s. 4.

⁵ The words " or in any employment with, by or on behalf of, the corporation other than as General Manager " were deleted by Mah. 42 of 1977, s. 3(a).

⁶ The words " or employment " were deleted, *ibid.*, s. 3(b).

(3) Nothing in this section shall apply to any such share or interest in any contract with, by or on behalf of the corporation as under clauses (h) and (k) of sub-section (2) of section 16, it is permissible for a councillor to have without his being thereby disqualified for being a councillor, or to any share or other interest in the Bombay Electric Supply and Tramways Company, Limited]

Appointment of Chief Accounts Officer. ²[60D. (1) The Bombay Electric Supply and Transport Committee shall appoint a fit person to be the Chief Accounts Officer of the Bombay Electric Supply and Transport Undertaking. He shall—

(a) keep the accounts of the Bombay Electric Supply and Transport Undertaking and perform such duties with regard to the Undertaking's accounts as shall be required of him by the Bombay Electric Supply and Transport Committee or by the General Manager ;

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

(c) receive such monthly salary as the Bombay Electric Supply and Transport Committee shall, from time to time, with the approval of the Corporation, determine ; but the salary of such officer shall not be altered to his disadvantage during his period of office ;

(d) be removable at any time from office for misconduct, or for neglect of or incapacity for the duties of his office, by the Bombay Electric Supply and Transport Committee

(2) The person who is a permanent holder of the office of the Chief Accounts Officer on the date immediately preceeding the date of commencement of the Maharashtra Municipal Corporations (Amendment) Act, 1976, shall be deemed to have been appointed on the date of such commencement as the Chief Accounts Officer under sub-section (1)] Mah. XLII of 1976.

CHAPTER III

DUTIES AND POWERS OF THE MUNICIPAL AUTHORITIES

Obligatory and Discretionary Duties of the Corporation

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

(a) the construction, maintenance and cleansing of drains and drainage works, and of public latrines, urinals and similar conveniences ;

(b) the construction and maintenance of works and means for providing a supply of water for public and private purposes ,

(c) scavenging and the removal and disposal of excrementitious and other filthy matters, and of all ashes, refuse and rubbish ;

(d) the reclamation of unhealthy localities, the removal of noxious vegetation and generally the abatement of all nuisances ;

(e) the regulation of places for the disposal of the dead and the provision of new places for the said purpose ;

(f) the registration of births and deaths ;

²[(ff) public vaccination in accordance with the provisions of the 'Bombay Vaccination Act, 1877.]

(g) measures for preventing and checking the spread of dangerous diseases ;

³[(gg) establishing and maintaining public hospitals and dispensaries and carrying out other measures necessary for public medical relief ,]

¹ The words " or employment " were deleted of Mah. 42 by 1977, s. 3(c).

² This section was inserted by Mah. 42 of 1976, s. 4.

³ Clauses (ff) and (gg) were inserted by Bom. 3 of 1907, s. 9(f).

⁴ See now the Maharashtra Vaccination Act, 1964 (Mah. 37 of 1964)

(h) the construction and maintenance of public markets and slaughter-houses and the regulation of all markets and slaughter-houses ;

(j) the regulation of offensive and dangerous trades ;

(k) the entertainment of a fire-brigade and the protection of life and property in the case of fire ;

(l) the securing or removal of dangerous building and places ;

(m) the construction, maintenance, alteration and improvement of public streets, bridges, culverts, causeways and the like ;

(n) the lighting, watering and cleansing of public streets ;

(o) the removal of obstructions and projections in or upon streets, bridges and other public places ;

(p) the naming of streets and the numbering of premises ;

(q) maintaining, aiding and suitably accommodating schools for primary education ¹[subject always to the grant of building grants by ²[the ³[State] Government] in accordance with the Government Grant-in-aid Code for the time being in force] ;

(r) the maintenance of a municipal office and of all public monuments and other Property vesting in the corporation-;

Bom. XIII of 1933
Bom. XVI of 1925.

⁴[(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 ;]

⁴[(t) the improvement of ⁵[Greater Bombay].]

¹ These words were added, by Bom. 3 of 1907 s. 9(2).

² The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

³ This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

⁴ New clauses (s) and (t) were inserted by Bom. 13 of 1933, s. 10.

⁵ These words were substituted for the words "the City" by Bom. 7 of 1950, s. 6(1).

¶62. (1) The corporation shall also provide and pay to ¶[the ¶[State] Govern- Corporation to provide a monthly sum to ¶[State] ment] on the first day of every month a sum of thirty-four thousand five hundred and forty-one rupees ten annas and eight pies, and in consideration of such monthly payments ¶[the ¶[State] Government] shall continue to control and maintain the institutions specified in Schedule U. Government for maintaining certain medical institutions in Bombay.]

(2) Notwithstanding anything contained in clause (gg) of section 61, the corporation shall by such monthly payments be deemed to have made adequate provision for the maintenance of the said institutions and shall not be liable for any further expenditure in connection therewith.]

¶¶62A. In public hospitals and dispensaries established and maintained, and in connection with other measures carried out, under clause (gg) of section 61 such fees, if any, may be charged as may be prescribed by the corporation.] Fees to be charged by the corporation in public hospitals and dispensaries.

¶62B. If there should be at any time a change in the general policy of ¶[the ¶[State] Government] in regard to their liability in respect of primary education, the corporation shall be entitled to benefit by such change in policy to the same extent as a city municipality.] Extent of benefit to corporation by change in policy of ¶[State] Government in regard to their liability in respect of primary education.

¶62BB. The State Government shall have power to give to the corporation all such directions as it considers necessary in respect of subjects, curricula, text books and standards of teaching in primary schools vesting wholly or partly in the corporation and in schools wholly or partly maintained by grants payable from municipal fund and the corporation shall comply with such directions.] Directions by State Government regarding subjects etc. in schools.

¶¶62C. (1) All primary schools vesting wholly or partly in the corporation and all schools wholly or partly maintained by grants payable from the municipal fund shall at all times be open to all officers appointed by ¶[the ¶[State] Government] for the inspection of schools, and all reasonable facilities shall be given to any such officer for visiting any such school for the purpose of inspection or examination. Primary schools and schools maintained by grants to be open to officers appointed by ¶[State] Government for inspection.

(2) Every recommendation made regarding any such school by any such officer shall be duly considered by the ¶[corporation] and the ¶[corporation] may thereupon take such action as may in their opinion be required and shall, if so requested by the ¶[Director of Education], in any particular case, inform him of their decision and the action, if any, taken.

(3) In all matters connected with grants for the aid of primary schools other than municipal schools the ¶[corporation] shall administer aid to schools complying with the necessary conditions in accordance with the provisions of the Government

¹ Sections 62 to 62D were substituted for a. 62 by Bom. 3 of 1907, a. 10.

² The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

³ This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

⁴ Sections 62A and 62C came into force on the 1st March 1909, see *B. G. G.*, 1909, Pt. I, p. 229.

⁵ This section was substituted for the original section 62B by Bom. 15 of 1920, a. 20.

⁶ Section 62BB was inserted by Bom. 48 of 1950, a. 30.

⁷ This word was substituted for the words "schools committee", *ibid*, a. 31.

⁸ These words were substituted for the words "Director of Public Instruction for the Presidency of Bombay" by the Bombay Adaptation of Laws (State and Concurrent Subjects) Order, 1956.

Grant-in-aid Code, subject to such modifications, if any, as may from time to time be made in the said Code by the corporation with the previous sanction of [the [State] Government].

Corporation to provide annual sum for the Prince of Wales Museum of Western India.

§62D. The Corporation shall provide and pay to the Trustees of the Prince of Wales Museum of Western India at the commencement of each official year a sum of fifty thousand rupees, for the purposes of the said Museum]

Corporation to provide for maintenance of lunatics.

§62E. §(1) The corporation shall make payments at such rates per head as [the [State] Government] from time to time by general or special order, prescribe, for the maintenance and treatment either in the city or at any asylum, hospital or house, whether within or without the city which [the [State] Government] declares by notification to be suitable for such purpose, of pauper lunatics not being persons for whose confinement an order under Chapter XXXIV of the Code of Criminal Procedure, 1898, is in force, resident within, or under any enactment for the time being in force removed from, the city :

V of 1898.

Provided that the corporation shall not be liable under this section for the maintenance and treatment of any lunatic in any such asylum, hospital or house as aforesaid, unless such lunatic, previous to his admission thereto, has been resident in the city for at least one year :

¶[Provided also that where an application is made to the High Court under the provisions of section 88 of the Indian Lunacy Act, 1912, no order for the payment of the cost of maintenance of the lunatic by the corporation shall be made without an opportunity being given to the corporation to show that the lunatic is not pauper and has an estate applicable to his maintenance or that there is a person legally bound, and having the means, to maintain him] :

Provided further that the rates prescribed by [the [State] Government] under this section shall not exceed half the total cost of maintenance and treatment incurred per head on account of the lunatics for whose maintenance and treatment the corporation shall be liable under this section.

¶(2) The officer-in-charge of an asylum, hospital or house to which lunatics for whose maintenance and treatment the corporation are liable under this section are admitted shall maintain a clear account of the cost of maintenance and treatment incurred on account of such persons detained in the asylum, hospital or house and shall furnish a copy thereof to the corporation.]

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

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

• • • •

§(b) the furtherance of educational objects other than those mentioned in clause (g) of section 61 ;

¹ The words " the Provincial Government " were substituted for the word " Government " by the Adaptation of Indian Laws Order in Council.

² This word was substituted for the word " Provincial " by the Adaptation of Laws Order, 1950.

³ This section was substituted for the original by Bom. 48 of 1950, s. 32.

⁴ The new section 62E was inserted by Bom. 1 of 1905, s. 16.

⁵ This section was renumbered as sub-section (1) of that section by Bom. 76 of 1948, s. 4 (1).

⁶ This proviso was inserted, *ibid.*

⁷ This sub-section was inserted, *ibid.*, s. 4 (2).

⁸ Clause (a) of this section was repealed by Bom. 3 of 1907, s. 11.

⁹ Clauses (b) to (e) were substituted for the original clauses by Bom. 12 of 1947, s. 2 (i).

(c) the establishment, aiding or maintaining libraries, museums, art galleries, botanical or zoological collections;

(d) the laying out or the maintenance of public parks, gardens or recreation grounds;

(e) the planting and care of trees on roadsides and elsewhere;

(f) Surveys of buildings or lands;

(g) registration of marriages,

¹[(h) the taking of a census of the population];

(j) preparation and presentation of addresses to persons of distinction;

²[(j)] providing music in public places or places of public resort;

(jja) the construction, purchase, organisation, maintenance, extension and management of tramways, trackless trams, or mechanically propelled transport facilities for the conveyance of the public;

(jjb) the purchase, maintenance, management and conduct of any undertaking for the supply of electric energy or gas to the public or the subsidising of any such undertaking;

(jjc) the acquisition of immoveable or moveable property for any of the purposes beforementioned, including payment of the cost of investigations, surveys or examinations in relation thereto, or the construction or adaptation of buildings necessary for such purposes];

³[(j)] with the previous sanction of the State Government and subject to such terms and conditions as the State Government may impose, subscribing to the share capital of any company or co-operative society, with a limited liability, established or to be established for providing any services in Greater Bombay, which are directly or indirectly, useful to the Corporation in carrying out any of the duties imposed upon it by or under this Act or any other law for the time being in force,]

(k) any measure not hereinbefore specifically named, likely to promote public safety, health, convenience or instruction;

⁴[(l) making any contribution towards any public reception, ceremony or entertainment:

Provided that, the total expenditure on account of such contributions during any official year shall not exceed one lakh of rupees or such higher amount as the State Government may, from time to time, by notification published in the *Official Gazette*, specify in this behalf]

Respective Functions of the several Municipal Authorities.

64. (1) The respective functions of the several municipal authorities and of any committee appointed under sections 39, 40, ⁵41, ⁶49A or 50 shall be such as are specifically prescribed in or under this Act. Functions of the several municipal authorities.

(2) Except as in this Act otherwise expressly provided, the municipal government of ⁷[Greater Bombay] vests in the corporation. Municipal government of the city vests in the corporation.

(3) Subject, whenever it is in this Act expressly so directed, to the approval or sanction of the corporation or the standing committee ⁸[or the Improvements Committee] ⁹[or the Education Committee] and subject also to all other restrictions, Special functions of the Commissioner.

¹ Clause (h) was substituted for the original clause by Bom 12 of 1947, s. 2(i).

² Clauses (j), (jja), (jjb), (jjc) were substituted for clause (j), *ibid.*, s. 2(ii).

³ Clause (j)] was inserted by Mah. 42 of 1976, s. 5.

⁴ This was substituted for the portion beginning with the words "And with the previous sanction" and ending with the words "Greater Bombay" by Mah. 42 of 1977, s. 4.

⁵ The word, figures and letter "41 or 49A" were substituted for the word and figures "or 41" by Bom 13 of 1933, s. 11(a).

⁶ The figures, letter and word "49A or 50" were substituted for "or 49A" by Bom. 48 of 1948, s. 8.

⁷ These words were substituted for the words "the City" by Bom 7 of 1950, s. 6(J).

⁸ These words were inserted by Bom. 13 of 1933, s. 11(b).

⁹ These words were inserted by Bom. 48 of 1950, s. 33.

limitations and conditions imposed by this Act, the entire executive power for the purpose of carrying out the provisions of this Act vests in the Commissioner, who shall also—

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

(b) prescribe the duties of, and exercise supervision and control over, the acts and proceedings of all municipal officers and servants, other than the municipal secretary and the municipal officers and servants immediately subordinate to him, and subject to the regulations at the time being in force under section 81 dispose of all questions relating to the service of the said officers and servants and their pay, privileges and allowances ;

(c) on the occurrence or the threatened occurrence of any sudden accident or unforeseen event, involving or likely to involve extensive damage to any property of the corporation, or danger to human life, take such immediate action as the emergency shall appear to him to justify or to require, reporting forthwith to the standing committee and to the corporation, when he has done so, the action he has taken and his reasons for taking the same and the amount of cost, if any, incurred or likely to be incurred in consequence of such action, which is not covered by a current budget grant, within the meaning of that expression as defined in section 130 ;

¹[(d) perform the duties and exercise the powers imposed or conferred upon the General Manager by this Act in his absence or on failure by him to perform or exercise the same];

²[(e) give such directives to the General Manager, in the performance of his duties and exercise of his powers, as the Commissioner may, from time to time, consider necessary. Where any such directives are given, the General Manager shall be bound to carry them out within the period specified in such directives or within such extended period as the Commissioner may, *suo motu* at the request of the General Manager, permit, so, however, that the extended period shall not exceed three months in the aggregate. Where the General Manager fails to carry out the directives even within the extended period, the Commissioner shall be entitled to act under clause (d) above, as if there has been a failure by the General Manager to perform his duties or exercise his powers :

Provided that, the Bombay Electric Supply and Transport Committee may, by a resolution passed by a majority of not less than three fourths of the total number of its members, restrain the General Manager from carrying out any such directive or directives received by him from the Commissioner ; and in the case of such a restraint, the General Manager shall not be deemed to have failed in carrying out any such directive]

³[(4) Subject whenever expressly so directed in this Act to the approval of the corporation or the Bombay Electric Supply and Transport 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 Chapter XVIIA of this Act vests in the General Manager who shall also—

(a) perform all the duties and exercise all the powers specifically imposed or conferred upon him by this Act and perform such other duties in connection with the Bombay Electric Supply and Transport Undertaking as may be required of him by the Bombay Electric Supply and Transport Committee ;

(b) prescribe the duties of, and exercise supervision and control over the acts and proceedings of, all municipal officers and servants appointed under Chapter XVIIA and, subject to the regulations for the time being in force under section 460V, dispose of all questions relating to the service of the said officers and servants and their pay, privileges and allowances ;

¹ This clause was added by Bom. 48 of 1948, s. 8

² Clause (e) was inserted by Mah. 70 of 1948, s. 3

³ This sub-section was added by Bom. 48 of 1948, s. 8.

(c) on the occurrence or threatened occurrence of any sudden accident for unforeseen event involving or likely to involve extensive damage to any property of the corporation pertaining to the Bombay Electric Supply and Transport Undertaking or danger to human life arising from or in connection with any part of that undertaking, take such immediate action as the emergency shall appear to him to justify or require, reporting forthwith to the Bombay Electric Supply and Transport Committee, when he has done so, the action he has taken and his reason for taking the same and the amount of cost, if any, incurred or likely to be incurred in consequence of such action, which is not covered by a budget grant within the meaning of that expression as defined in section 130]

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

Corporation may call for extracts from proceedings etc, from the standing committee, etc

66. (1) The corporation may at any time require the Commissioner—

Corporations may require the Commissioner to produce documents and furnish returns, reports, etc

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

(b) to furnish any return, plan, estimate, statement, account or statistics concerning or connected with any matter appertaining to the administration of this Act or the municipal government of ¹[Greater Bombay] ²[except in regard to the Bombay Electric Supply and Transport Undertaking]

(c) to furnish a report by himself or to obtain from any head of a department subordinate to him and furnish, with his own remarks thereon, a report, upon any subject concerning or connected with the administration of this Act or the municipal government of ¹[Greater Bombay] ²[except in regard to the Bombay Electric Supply and Transport Undertaking]

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

(3) Provided that if, on such requisition as aforesaid being made, the Commissioner shall declare that immediate compliance therewith would be prejudicial to the interests of the corporation or of the public, it shall be lawful for him to defer such compliance until a time not later than the second ordinary meeting of the corporation after he shall have declared as aforesaid. If at such meeting or any meeting subsequent thereto, the corporation shall repeat the requisition, and it shall then still appear to the Commissioner in expedient to comply therewith, he shall make a declaration to that effect, whereon it shall be lawful for the corporation to elect one councillor who with the ³[Mayor] and the chairman of the standing committee (or, if the ³[Mayor] is also chairman of the standing committee, with the ³[Mayor] and one member of their own body elected by the standing committee) shall form a committee who shall engage to keep secret, save as thereinafter provided, the

¹ These words were substituted for the words " the City " by Bom 7 of 1950, s 6 (1)

² These words were added by Bom. 48 of 1948, s. 9

³ The word " Mayor " was substituted for the original words by Bom 21 of 1931, s. 2(1).

existence and purport of such documents and matter as may be disclosed to them ; and to the said committee the Commissioner shall be bound to make known and to disclose all writings and matters within his knowledge, under his control, or available to him, and embraced within the requisition; and the said committee having taken cognizance of the information, writings and matters so laid before them shall determine, by a majority in case of difference, whether or not the whole or any part, and which part, if any of such matters ought to be disclosed to the corporation or kept secret for a defined time, which decision shall be conclusive and shall be reported to the corporation at the next ordinary meeting thereof, where also the Commissioner shall be prepared to produce documents and to make any report or statement requisite to give effect to the decision of the Committee when called on to do so by the corporation.

¹[(4) The heads of departments subordinate to the Commissioner are the City Engineer, the Hydraulic Engineer, the Executive Health Officer, the Assessor and Collector, the Chief Accountant and the Education Officer]

¹ This sub-section was substituted for the original by Bom 48 of 1950, s 34

¹[(5) In their application to matters relating to the Bombay Electric Supply and Transport Undertaking, the provisions of sub-sections (1), (2) and (3) shall have effect as if for the word "Commissioner" the words "General Manager" and for the words "standing committee," the words "Bombay Electric Supply and Transport Committee" had been substituted]

²[66A. (1) Subject to any regulations made in this behalf under section 36, a councillor may question the Commissioner who shall answer any question concerning or connected with the administration of this Act or the municipal government of ^{Right to ask questions.} ³[Greater Bombay] :

Provided that—

(a) not less than seven clear days' notice in writing specifying the questions has been given to the Municipal Secretary ,

(b) no question shall be asked—

(i) which calls for an expression of opinion or for the solution of an abstract legal question or of a hypothetical proposition ; or

(ii) which concerns or is connected with, either directly or indirectly, any pending suit or proceedings, in any court of law or before any tribunal in any part of ⁴[the territory of India] , or

(iii) which relates to the character or conduct of any Municipal officer or servant except in his official or public capacity ; or

(iv) which is or by implication may be, defamatory of or which makes or implies a charge of a personal character against any person or section of any community ; or

(v) which contravenes any regulation made by the corporation in this behalf under section 36.

(2) The ⁵[Mayor] shall disallow any question which is, in his opinion, in contravention of the provisions of sub-section (1).

(3) If any doubt arises whether any question is or is not within the restrictions imposed by sub-section (1), the ⁵[Mayor] shall decide the point and his decision shall be final.

(4) The Commissioner shall not be bound to answer a question if, in his opinion, it cannot be answered without detriment to the interests of the corporation or if, it asks for information which has been communicated to him in confidence]

⁶[(5) The General Manager shall without unreasonable delay furnish the Commissioner with such information relating to the Bombay Electric Supply and Transport Undertaking as he may require for the purpose of answering any question under this section]

67. -The exercise by any municipal authority of any power conferred or the performance of any duty imposed by or under this Act, which will involve expenditure, shall, except in any case specified in sub-section (2) of section 115 ^{Exercise of powers to be subject to sanction by corporation of the necessary expenditure.} ⁷[or of section 460DD] be subject to the following provisos, namely :—

(a) that such expenditure, so far as it is to be incurred in the official year in which such power is exercised or duty performed, shall be provided for under

¹ This sub-section was added by Bom. 48 of 1948, s. 9

² New section 66A was inserted by Bom. 23 of 1930, s. 3

³ These words were substituted for the words " the City " by Bom. 7 of 1950, s. 6(1)

⁴ These words were substituted for the words " His Majesty's possession " by the Adaptation of Laws Order, 1950

⁵ The word " Mayor " was substituted for the original words by Bom. 21 of 1931, s. 2(1).

⁶ This sub-section was added by Bom 48 of 1948, s 10

⁷ The words, figures and letter " or of section 460DD " were inserted, *ibid*, s. 11.

a current budget grant, within the meaning of that expression as defined in section 130 ; 1*

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

²[(c) that, where the sanction of the Corporation is sought by the General Manager for any contract for the purposes of Chapter XVI A, the Corporation shall consider and dispose of such proposal within thirty days from the date on which the item is first included in the agenda of any meeting of the Corporation, failing which the sanction shall be deemed to have been given by the Corporation for such contract on the last day of the period of thirty days aforesaid. A report to that effect shall be made by the General Manager to the Corporation]

68. (1) Any of the powers, duties or functions conferred or imposed upon or vested in the Commissioner by any of the sections, sub-sections or clauses mentioned in sub-section (2) may be exercised, performed or discharged, under the Commissioner's control and subject to his revision and to such conditions and limitations, if any, as he shall think fit to prescribe, by any municipal officer whom the Commissioner generally or specially ³[either by name or by virtue of office,] empowers in writing in this behalf ; and in each of the said sections, sub-sections and clauses the word " Commissioner " shall, to the extent to which any municipal officer is so empowered, be deemed to include such officer.

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

- ⁵[Section 19]
- ⁶[" 80A.]
- " 83.
- " 84.
- " 85, sub-section (1).
- ⁷[" 92.]
- ⁸[" 105B.
- " 105C.
- " 105D.
- " 105E.]
- " 112.
- " 113, sub-section (3).
- " 142, sub-section (2)
- " 149.
- " 152, sub-section (1)
- " 153, sub-section (1)
- " 155, sub-sections (1) and (3).
- ⁹[Section 158]
- " ¹⁰ 160.
- " ¹¹ 162.
- " ¹² 163, sub-section (1).
- " 164.

* The word " and " was deleted by Mah. 42 of 1976, s. 6(a)

² Clause (c) was added, *ibid.*, s. 6(b)

³ These words were inserted by Mah. 39 of 1961, s. 42

⁴ Sub-section (2) was substituted for the original sub-section by Bom. 5 of 1905, s. 6.

⁵ This entry was inserted by Bom. 13 of 1938, s. 27

⁶ The entry " section 80A " was substituted for the original entry " section_82 " by Bom. 10 of 1928, s. 7(i).

⁷ New entry " section 92 " was inserted, *ibid.*, s. 7(ii)

⁸ These entries were inserted by Mah. 14 of 1961, s. 2.

⁹ This entry was inserted by Bom. 28 of 1957, s. 3(1).

Section 165, sub-sections (1) and (2).

- ¹[Section 167]
 " 174.
 " 175.
 " 176.
 " 177.
 " 187.
 " 188.
 " 189.
²[" 191, sub-sections (1) and (2)]
³[" 191A, sub-sections (3) and (5).
 " 191B, sub-sections (1), (3), (4) and (5).]
⁴[" 191I.
 " 191J, sub-sections (1) and (3)]
⁵[" 198, sub-section (3)]
 " 200.
 " 201, sub-section (2).
 " 202, sub-section (1).
⁶[" 206, sub-sections (1) and (2)]
⁷[" 208A]
 " 209, sub-section (1).
⁸[" 209A, sub-section (1)]
 " 210, sub-section (1).
⁹[" 217.]

¹ This entry was inserted by Bom. 28 of 1957, s. 3(2).

² This entry was inserted by Bom. 20 of 1952, s. 2.

³ These entries were inserted by Bom. 2 of 1943, s. 2, read with Bom. 8 of 1948, s. 2.

⁴ These entries were inserted by Bom. 30 of 1951, s. 12.

⁵ This entry was inserted by Bom. 64 of 1953, s. 2(1).

⁶ This entry was inserted by Mah. 63 of 1975, s. 2(a).

⁷ This entry was inserted, *ibid*, s. 2(b).

* Section 1*	*	*
.. 222, sub-sections (1) and (2).		
.. 228.		
.. 229.		
.. 232-A.		
.. 234.		
.. 240.		
.. 243, sub-section (2).		
.. 244.		
.. 246-A.		
.. 247.		
.. 248.		
.. 249.		
.. 249A.		
.. 250, sub-section (2).		
.. 251.		
.. 251B.		
.. 252.		
.. 253.		
.. 254.		
.. 255.		
.. 257.		
.. 258, clauses (a), (b) and (c).		
.. 259.		
.. 259A.		
.. 263, sub-section (1).		
.. 265.		
.. 266.		
.. 270A.]		
.. 272.		
.. 273.		
.. 273A.		
.. 276.		
.. 278.		
.. 279, sub-section (1).		
.. 287.		
.. 298, sub-sections (1) and (2).		
.. 300, sub-section (1).		
.. 311.		
.. 313.		
.. 313A.]		
.. 314.		
.. 317.		
.. 319.		
.. 321, sub-section (2).		
.. 322.		
.. 324.		
.. 325.		

¹ The entry "section 314, sub-sections (2) and (3)" deleted by Bom. 7 of 1921, s. 2 (b) is omitted. The repeal had effect from 1st April 1920.

² This entry was inserted by Bom. 64 of 1953, s. 2 (2).

³ The entries "Section 313, section 313A" were inserted by Bom. 19 of 1930, s. 5 (d).

	Section 326, sub-sections (2) and (3).
¹[	328.
	328-A.]
	329.
	333, sub-section (4).
	334, sub-section (1).
	337, sub-section (1).
	338.
	339.
	340.
	342.
	343.
	344-A.
	345.
	346, sub-section (1).
	347, clause (a).
²]	347B.
	347C.]
	348, clauses (a), (b) and (c).
	349.
	349-A.
	350.
	353.
	353-A.
	354.
	354-A.
	355.
	368.
	374.
	375.
³[	375-A.]
⁴[	376.]
	377.
⁵[	377-A.]
	379.
	379-A.
	380.
⁶[	381.]
⁶[	381-A, sub-sections (1) and (2).]
	383.
	384, clause (a).
⁷[	384-A.]
⁷[	390.]
	394.
	396, sub-section (1).

¹ The entries "Section 328, section 328-A" were inserted by Bom. 7 of 1921, s. 2 (b).

² These entries were inserted by Bom. 76 of 1948, s. 5.

³ This entry was inserted by Bom. 1 of 1916, s. 3.

⁴ This entry was inserted by Bom. 19 of 1930, s. 5(b).

⁵ This entry was inserted, *ibid.*, s. 5 (c).

⁶ This entry was inserted by Bom. 6 of 1913, s. 1.

⁷ This entry was inserted by Bom. 19 of 1930, s. 5 (d).

Section 403, clause (e)

- 1[" 407A]
- " 409.
- " 410, sub-section (1).
- " 412, sub-sections (1) and (2)
- *[" 412]
- " 413, sub-section (1)
- " 415.
- " 416.
- " 422.
- " 424, sub-section (1)
- " 425, sub-section (1)
- *[" 426A.]
- " 427, sub-section (4)
- 4[" 441B.
- " 441C.
- " 441E, sub-section (1)
- " 441F, sub-section (2)]
- " 455.
- " 479, sub-section (5).
- " 488.
- " 489.
- " 492, clause (a)
- " 517, clause (a).

"[(3) Any of the powers, duties or functions in regard to primary education conferred or imposed upon or vested in the Commissioner under any provision of this Act may be exercised, performed or discharged under the Commissioner's control and subject to such conditions and limitations, if any, as he shall think fit to prescribe, by the Education Officer, or any other Municipal Officer whom the Commissioner generally or specifically empowers in writing in this behalf and in this Act, the word "Commissioner" shall to the extent to which the Education Officer, or any other municipal officer, is so empowered be deemed to include such officer]

"[68A. Any of the powers, duties and functions conferred or imposed upon or vested in the Commissioner by the Bombay Vaccination Act, 1877, may be exercised, performed or discharged, under the Commissioner's control and subject to his revision and to such conditions and limitations, if any, as he shall think fit to prescribe, by any municipal officer whom the Commissioner generally or specially [either by name or by virtue of office.] empowers in writing in this behalf ; and in the said Act the word "Commissioner" shall to the extent to which any municipal officer is so empowered, be deemed to include such officer]

Powers, etc , conferred on the Commissioner by the Bombay Vaccination Act, may be exercised by any municipal officer empowered in writing by the Commissioner

¹ This entry was inserted by Bom 19 of 1930, s 5(b).

² This entry was inserted by Bom. 6 of 1922, s. 23

³ This entry was inserted by Bom 76 of 1948, s 5

⁴ These entries were inserted by Mah 18 of 1974, s 2

⁵ Sub-section (3) was added by Bom 48 of 1950, s 35

⁶ Section 68A was inserted by Bom 3 of 1907, s 12.

⁷ These words were inserted by Mah 39 of 1961, s 3.

Delegation
of powers,
etc. of
General
Manager.

¹[68B. (1) Any of the powers, duties or functions conferred or imposed upon or vested in the General Manager by any of the sections, sub-sections, or clauses mentioned in sub-section (2) and with the previous sanction, of the Bombay Electric Supply and Transport Committee any other powers, duties or functions conferred or imposed upon or vested in the General Manager by any other section, sub-section or clause of this Act may be exercised, performed or discharged under the General Manager's control and subject to his revision and to such conditions and limitations, if any, as he shall think fit to prescribe, by any municipal officer whom the General Manager generally or specially ²[either by name or by virtue of office,] empowers in writing in this behalf, and in each of the said sections, sub-sections and clauses the words 'General Manager' shall, to the extent to which any municipal officer is so empowered, be deemed to include such officer.

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

³[Section 105B
Section 105C.
Section 105D.
Section 105E]
Section 460A, sub-section (2), clauses (c), (d), (e) and (f)
Section 460B.
Section 460C.
Section 460D.
Section 460G
Section 460Q
Section 460U.
Section 460W.
Section 460X.
Section 460Y.
Section 460AA
Section 460BB, sub-section (3)
Section 488.
Section 492
Section 517, sub-section (1), clause (a) read with sub-section (3)]

Contracts

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

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

(a) every such contract shall be made on behalf of the corporation by the Commissioner :

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

¹ This section was inserted by Bom 48 of 1948, s 12.

² These words inserted by Mah 39 of 1961, s 1

³ These entries were inserted by Mah 14 of 1961, s. 4

(c) no contract, other than ¹[a contract relating to the acquisition of immovable property or any interest therein or any right thereto], which will involve an expenditure exceeding ²[fifteen thousand rupees], shall be made by the Commissioner unless the same is previously approved by the standing committee ³[or in case the expenditure is to be incurred for the purposes of clause (g) of section 61 by the Education Committee] :

⁴[Provided that, where the previous approval of the Standing Committee is sought by the Commissioner for any contract for the purposes of Chapter IX or X, the Standing Committee shall consider and dispose of the proposal made by the Commissioner in that behalf, within fifteen days from date on which the item is first included in the agenda of any meeting of that Committee, failing which, the previous approval to such contract shall be deemed to have been given by the Committee, and a report to that effect shall be made by the Commissioner to the Corporation.]

(d) every contract ⁵[other than a contract for the acquisition of immovable property, or any interest therein or any right thereto] made by the Commissioner involving an expenditure exceeding ⁶[two thousand] and not exceeding ⁷[fifteen thousand rupees] shall be reported by him within fifteen days after the same has been made, to the standing committee ⁸[or to the Education Committee, as the case may be] ;

(e) the foregoing provisions of this section ⁹[shall, as far as may be, apply] to every contract which the Commissioner shall have occasion to make in the

¹ These words were substituted by Bom. 13 of 1933, s. 12 (a), for the original words " an agreement for the acquisition of immovable property ".

² These words were substituted for the words " five thousand rupees " by Mah. 39 of 1961, s. 5.

³ This portion was inserted by Bom. 48 of 1950, s. 36(1).

⁴ This proviso was added by Mah. 34 of 1973, s. 2.

⁵ These words were inserted by Bom. 13 of 1933, s. 12(b).

⁶ These words were substituted for the words " five hundred " by Mah. 39 of 1961, s. 5(2).

⁷ This portion was inserted by Bom. 48 of 1950, s. 36(2).

⁸ These words were substituted for the original words by Bom. 13 of 1933, s. 12(b).

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

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

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

(b) every contract for the execution of any work or the supply of any materials or goods which will involve an expenditure exceeding five hundred rupees shall be in writing and shall be sealed with the common seal of the corporation ¹[in the manner prescribed in sub-section (2)] and shall specify the work to be done or the materials or goods to be supplied, as the case may be, the price to be paid for such work, materials or goods, and, in the case of a contract for work, the time or times within which the same or specified portions thereof shall be completed.

²[(1A) Notwithstanding anything contained in proviso (b) to sub-section (1) it shall be lawful for the Commissioner in the case of contracts relating to the execution of any work or the supply of any materials or goods to dispense, by an order in writing, with the execution of a written instrument, if such work has already been performed or the materials or goods have already been supplied to his satisfaction.]

³[(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 ⁴[(other than contract relating to the acquisition of immovable property or interest therein or a right there to), require to be under seal] 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.]

⁵[Provided that in the case of any contract entered into for the purposes of clause (g) of section 61, the seal shall be so affixed in the presence of, and the contract shall be signed by, two members of the Education Committee in lieu of two members of the standing committee.]

71. No contract ⁶[of the nature specified in sub-section (2) of the last preceding section] not executed as in the ⁷[said] section provided shall be binding on the corporation.

Contract not binding on the corporation unless executed as prescribed in section 70.

¹ These words, figures and brackets were inserted by Bom. 10 of 1935, s. 2 (1).

² Sub-section (1A) was inserted by Bom. 12 of 1936, s. 4.

³ Sub-section (2) was substituted for the original sub-section by Bom. 13 of 1933, s. 13.

⁴ These words and brackets were substituted for the words "other than a contract relating to the acquisition of immovable property or interest therein, or a right thereto" by Bom. 10 of 1935, s. 2 (2).

⁵ This proviso was added by Bom. 48 of 1950, s. 37.

⁶ These words were inserted by Bom. 13 of 1933, s. 14 (1).

⁷ The word "said" was substituted for the words "last preceding", *ibid*, s. 14 (1).

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

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

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

(3) Provided that the standing committee ¹[or in the case of a contract to be entered into for the purposes of clause (g) of section 61 the Education Committee] may authorize the Commissioner, for reasons which shall be recorded in their proceedings, to enter into a contract without inviting tenders as herem provided or without accepting any tender which he may receive after having invited them.

Security when to be taken for performance of contract.

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

Saving of contracts under Chapter XVIIA.

²[73(1A). Nothing in sections 69 to 73, both inclusive, shall apply to contracts made under Chapter XVIIA of this Act]

CHAPTER IV.

MUNICIPAL OFFICERS AND SERVANTS.

³[*Special Engineer, City Engineer, Hydraulic Engineer, Executive Health Officer, Education Officer, Municipal Secretary, Municipal Chief Auditor and other Officers.*]

Appointment of Special Engineer.

⁴[73A. (1) The corporation may as soon as conveniently may be after the coming into operation of the City of Bombay Municipal (Amendment) Act, 1947, ^{Bom IV of 1947} appoint a Special Engineer to execute powers and perform duties in connection with all schemes for post-war reconstruction and general development of the City including schemes for water supply and slum clearance. A person appointed as Special Engineer shall hold the post for ⁵[such period not exceeding seven years as the Corporation may determine]. The Special Engineer shall also exercise and perform such powers, duties and functions under this Act as the Commissioner may from time to time direct.

(2) The Special Engineer shall receive such monthly salary and allowances as the corporation shall from time to time determine.

(3) The Special Engineer shall devote his whole time and attention to the duties of his office.

(4) The provisions of section 80B shall not apply to the appointment of the Special Engineer.

¹ This portion was inserted by Bom. 48 of 1950, s. 38.

² This section was inserted by Bom. 48 of 1948, s. 13.

³ This heading was substituted for the heading "Special Engineer, City Engineer, Executive Health Officer and Hydraulic Engineer" by Bom. 48 of 1950, s. 39.

⁴ Section 73A was inserted by Bom. 4 of 1947, s. 3.

⁵ These words were substituted for the words "a period of five years" by Bom. 20 of 1952, s. 3. This amendment shall be deemed to have been made on and to have effect from the 21st day of March 1953 [vide s. 21 (1) of Bom. 20 of 1952].

(5) The appointment of the Special Engineer shall be subject to confirmation by the [State] Government.

(6) During the continuance of the appointment of the Special Engineer—

(i) the operation of provisions of sections 74 and 75 in so far as they relate to the appointment of the City Engineer shall remain suspended; and

(ii) any reference in this Act (other than this section and sections 74 and 75) to the “City Engineer” shall be deemed to be a reference to the “Special Engineer”.]

74. (1) The corporation shall appoint fit persons to be municipal [city Appoint-
engineer], [city engineer], [city
engineer], [city
engineer,] executive health officer and hydrau-
lic engineer.]

(2) Each of the said officers shall—

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

[Provided that if any of such officers is a municipal officer and due to retire under the regulations made and applicable to him under section 81 on a date earlier than the expiry of the period of five years from the date of his appointment or re-appointment, he may be appointed or re-appointed for a period of five years or a lesser period]

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

[c) receive such monthly salary as the corporation [shall, from time to time, with the approval of the State Government, determine; but the salary of any such officer shall not be altered to his disadvantage during his period of office ;]

* *

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*

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

(3) Provided that—

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

[ee) the executive health officer may accept for such period as may be sanctioned by the corporation any appointment, whether honorary or otherwise,

¹ This word was substituted for the word “ Provincial ” by the Adaptation of Laws Order, 1950.

² The words “ city engineer ” were substituted for the original words “ Executive Engineer ” by Bom. 19 of 1930, s. 6.

³ The word “ and ” was omitted by Bom. 2 of 1911, s. 2(a).

⁴ These words were added, *ibid.*, s. 2(a).

⁵ This proviso was added by Bom. 76 of 1948, s. 6.

⁶ This clause was substituted for the original by Bom. 13 of 1938, s. 28, *vide* footnote with asterick on p. 365 *supra*.

⁷ This was substituted for the portion beginning with the words “ shall, subject to the following ” and ending with the words, letters and figures “ less than Rs. 1,200 ” by Mah. 5 of 1970, s. 5, with effect from 1st April 1966.

⁸ Bom. 6 of 1943 by which the proviso was added to clause (c) of sub-section (2) of section 74 lapsed. The proviso, therefore, ceased to be in force with effect from 3rd April 1948 and has been deleted.

⁹ This clause was inserted by Bom. 6 of 1916, s. 3 (j).

which has for its object the promotion of public health, whether by means of education or otherwise, and which in the opinion of the corporation would not interfere with his duties as executive health officer.]

(f) the corporation may, in their discretion, appoint a person probationally, for a limited period only, to ¹[any] of the said offices, previous to appointing him for the full term of five years,

(g) every appointment made under this section shall be subject to confirmation by ²[the ³[State] Government].

Time within which vacancy in office of ⁴city engineer or executive health officer or hydraulic engineer must be filled up

75. (1) On the occurrence of a vacancy in the office of ⁴[city engineer] or of executive health officer ⁵[or of hydraulic engineer] an appointment shall be made thereto by the corporation within four months from the date on which the vacancy occurred, or in the event of any appointment so made by them not being confirmed by ⁶[the ³[State] Government] within thirty days from the date of the receipt by the corporation of the order of ⁶[the ³[State] Government]

(2) In default of an appointment being made by the corporation as aforesaid, ²[the ³[State] Government] may appoint a person to fill the vacancy, and such appointment shall for all purposes be deemed to have been made by the corporation.

(3) Pending the settlement of an appointment under sub-section (1) or (2) the corporation may appoint a person to fill the vacancy temporarily and may direct that the person so appointed shall receive such monthly salary not exceeding ⁷[the maximum permissible under clause (c) of sub-section (2) of section 74, in respect of the officer in whose place such person is appointed] as it shall think fit. A person so appointed to be temporary executive health officer need not be a legally qualified medical practitioner.

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

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

⁸[Education officer.

Appointment of Education Officer.

76A. The corporation shall from time to time appoint a fit person to be the Municipal Education Officer, who shall—

(a) be subordinate to the Commissioner and subject to his orders shall exercise such of the Commissioner's powers and perform such of the Commissioner's duties in regard to primary education, as the Commissioner may from time to time assign to him ;

¹ The word "any" was substituted for the word "either" by Bom. 2 of 1911, s. 2 (c).

² The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council

³ This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950

⁴ The words "city engineer" were substituted for the words "executive engineer" by Bom. 19 of 1930, s. 6.

⁵ These words were inserted by Bom. 2 of 1911, s. 3

⁶ The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

⁷ These words were substituted for the original words by Bom. 2 of 1900, s. 1.

⁸ This heading and section 76A were substituted for the original by Bom. 48 of 1950, s. 41.

(b) receive such monthly salary ¹[as the Corporation shall, from time to time, with the approval of the State Government, determine ; but the salary of such officer shall not be altered to his disadvantage during his period of office ;

(c) be removable at any time from office² by the Corporation for misconduct, or for neglect of or incapacity for duties of the office.]

²[Appointment of medical officers in connection with measures of public medical relief]

²[76B. The corporation shall from time to time appoint such legally qualified medical practitioners as may be necessary to the charge of any hospital maintained by the corporation in connection with measures of public medical relief carried out under clause (gg) of section 61 and determine their salaries]

Corporation to appoint qualified medical practitioners to the charge of hospitals maintained by the corporation

Municipal Secretary

77. (1) The ³[corporation] shall from time to time appoint a fit person to be municipal secretary

Appointment of municipal secretary

(2) The municipal secretary shall be secretary of the corporation and also of the standing committee ⁴[and the improvements committee], and shall—

(a) perform such duties as he is directed by this Act to perform and such other duties in and with regard to the corporation and the standing committee ⁴[and the improvements committee] as shall be required by him by those bodies respectively ,

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

(i) the corporation and any committee appointed by the corporation ⁵[under section 38 or 38A ,]

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

⁶[(iii) the improvements committee and any sub-committee thereof ,]

⁷[(iv) the Education Committee and any sub-committee thereof ,]

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

⁸[(d) receive such monthly salary ⁹[as the Corporation shall, from time to time, with the approval of the State Government determine ; but the salary of such officer shall not be altered to his disadvantage during his period of office] ;]

(e) be removable at any time from office for misconduct or for neglect of, or incapacity for, the duties of the office by the ¹⁰ * * * corporation

¹ This was substituted for the portion beginning with the words " not exceeding " and ending with the words " time to time determine " by Mah 5 of 1970, s 6, with effect from 1st April 1966.

² This heading and section 76B were inserted by Bom 3 of 1907, s 13(1)

³ The word " corporation " was substituted for the original words " standing committee " by Bom. 6 of 1922, s. 24(a).

⁴ The words " and the improvements committee " was inserted by Bom 13 of 1933, s. 15(i).

⁵ These words, figures and letter were added by Bom 48 of 1948, s 14

⁶ New sub-clause (iii) was inserted by Bom 13 of 1933, s 15(ii)

⁷ Sub-clause (ii) was inserted by Bom 48 of 1950, s. 42(1).

⁸ Clause (d) was substituted, *ibid.*, s 42(2)

⁹ This was substituted for the portion beginning with the words " not exceeding " and ending with the words " time to time determine ; " by Mah 5 of 1970, s 7, with effect from 1st April 1966

¹⁰ The words repealed by Bom 6 of 1922, s 24 (b), are omitted.

78. (1) The standing committee ¹[in consultation with the Mayor and Commissioner,] may from time to time—
- (a) appoint such clerks and servants to be immediately subordinate to the municipal secretary as they think fit ,
- (b) determine the nature and amount of the salaries, fees and allowances to be paid to the said servants and clerks respectively ,
- (c) prescribe or delegate to the municipal secretary the power of prescribing the duties of the said clerks and servants
- (2) The municipal secretary, subject to the orders of the standing committee, shall exercise supervision and control over the acts and proceedings of the said clerks and servants, and the standing committee, subject to the regulations at the time being in force under section 81, shall dispose of all questions relating to the service of the said clerks and servants and their pay, privileges and allowances

²[Municipal Chief Auditor.

- 78A. (1) The corporation shall from time to time appoint a fit person to be municipal chief auditor, who shall—

³[(a) perform such duties as he is directed by this Act to perform and such other duties with regard to the audit of the accounts of the municipal funds ⁴[the Water and Sewage Fund and the Consolidated Water Supply and Sewage Disposal Loan Fund] as shall be required of him by the corporation or by the standing committee and with regard to the audit of the accounts of the Bombay Electric Supply and Transport Fund as shall be required of him by the corporation or by the Bombay Electric Supply and Transport Committee ;]

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

(c) receive such monthly salary ⁵[as the Corporation shall, from time to time with the approval of the State Government, determine , but the salary of such officer shall not be altered to his disadvantage during his period of office ;]

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

(2) The municipal chief auditor shall not be eligible for further office under the corporation after he has ceased to hold his office

- 78B. (1) The standing committee may from time to time—
- (a) appoint such assistant auditors, clerks and servants to be immediately subordinate to the municipal chief auditor as they think fit ,
- (b) determine the nature and amount of the salaries, fees and allowances to be paid to the said assistant auditors, clerks and servants respectively ,
- (c) prescribe or delegate to the municipal chief auditor the powers of prescribing the duties of the said assistant auditors, clerks and servants
- (2) Subject to the orders of the standing committee, the municipal chief auditor shall exercise supervision and control over the acts and proceedings of the said assistant auditors, clerks and servants, and the standing committee, subject to the regulations at the time being in force under section 81, shall dispose of all questions relating to the service of the said assistant auditors, clerks and servants and their pay, privileges and allowances]

¹ These words were inserted by Mah. 70 of 1975, s 4

² The heading and these sections were inserted by Bom 2 of 1938, s 3.

³ This clause was substituted for the original by Bom. 48 of 1948, s 15

⁴ These words were inserted by Mah. 34 of 1973, s. 3

⁵ This was substituted for the portion beginning with the words "not exceeding" and ending with the words "time to time determine;" by Mah. 5 of 1970, s. 8, with effect from 1st April 1966.

¹[Municipal Chief Accountant

78C. (1) The corporation shall from time to time appoint a fit person to be the Municipal Chief Accountant. He shall—

Appoint-
ment of
Municipal
Chief
Accountant.

²[(a) be the Principal Municipal Finance Officer to advise the Commissioner on financial matters and perform such duties with regard to the municipal finance as shall be required of him by the Corporation, the Standing Committee or the Commissioner ;]

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

(c) receive such monthly salary ³[as the Corporation shall, from time to time, with the approval of the State Government, determine ; but the salary of such officer shall not be altered to his disadvantage during his period of office ;]

(d) be removable at any time from office for misconduct, or for neglect of or incapacity for the duties of his office, by the corporation.

* * * * *

⁴78D. The Corporation shall, from time to time, appoint a fit person to be the additional Municipal Chief Accountant. He shall—

Appoint-
ment of
additional
Municipal
Chief
Accountant.

(a) keep the accounts of the Water and Sewage Fund and the Consolidated Water supply and Sewage Disposal Loan Fund and perform such duties with regard to the said accounts as shall be required of him by the Corporation or the Standing Committee or the Commissioner ;

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

(c) receive such monthly salary as the Corporation shall, from time to time, with the approval of the State Government, determine ; but the salary of such officer shall not be altered to his disadvantage during his period of office ;

(d) be removable at any time from office for misconduct, or for neglect of or incapacity for, the duties of his office, by the Corporation]

⁵78E. The Corporation shall, from time to time, appoint a fit person to be the Joint Municipal Chief Accountant. He shall—

Appoint-
ment of
joint
Municipal
Chief
Accountant.

(a) be the Principal Municipal Treasury Officer and keep such municipal accounts and perform such duties with regard to the municipal accounts as shall be required of him by the Corporation, the Standing Committee or the Commissioner ;

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

(c) receive such monthly salary as the Corporation shall, from time to time, with the approval of the State Government, determine ; but the salary of such officer shall not be altered to his disadvantage during his period of office ;

(d) be removable at any time from office for misconduct or for neglect or incapacity for the duties of his office, by the Corporation]

¹ This heading and section 78C were inserted by Bom. 48 of 1950, s. 44.

² Clause (a) was substituted for the original by Mah. 70 of 1975, s. 5(a)

³ This was substituted for the portion beginning with the words " not exceeding " and ending with the words " time to time determine ; " by Mah. 5 of 1970, s. 9, with effect from 1st April 1966.

⁴ Sub-section (2) was deleted by Mah. 70 of 1975, s. 5(b).

⁵ Section 78D was inserted by Mah. 34 of 1973, s. 4.

⁶ Section 78E was inserted by Mah. 70 of 1975, s. 6.

Other Officers and Servants

79 (1) The Commissioner shall, ^{1*} * from time to time, prepare and bring before the standing committee a schedule setting forth the designations and grades of the other officers and servants ² [other than the officers and servants to be appointed for the purposes of clause (q) of section 61], who should, in his opinion, be maintained, and the amount and nature of the salaries, fees and allowances which, he proposes, should be paid to each

³ [(1A) The Commissioner shall from time to time, prepare and bring before the Education Committee a schedule setting forth the designations and grade of the Officers and servants to be appointed for the purposes of clause (q) of section 61, who should in his opinion be maintained, and the amount and nature of the salaries, fees and allowances which, he proposes, should be paid to each.]

(2) The standing committee ⁴ [or the Education Committee as the case may be] shall sanction such schedule either as it stands or subject to such modifications as they deem expedient .-

Provided t at no new office of which the aggregate emoluments exceed ⁶ [rupees five hundred] per month shall be cre ted without the sanction of the corporation :

⁷ [Provided further that the Education Committee shall before sanctioning the schedule obtain thereto the previous approval of the State Government and make such modifications therein as the State Government may direct :]

⁸ [Provided also that, any sanction accorded under this sub-section shall take effect from the date of such sanction, or such other date (which may be retrospective) as may be specified therein , but no such sanction shall take effect from a retrospective as date without the previous approval of the State Government, or so as to vary the conditions of service of any officer or servant to his disadvantage with retrospective effect]

⁹ [(3) Nothing in this section shall be construed as affecting the right of the corporation or of the Commissioner to make any temporary appointment which they or he are empowered to make under section 80A]

80. No permanent officer or servant shall be entertained in any department of the municipal administration unless he has been appointed under sections ^{10*} * ¹¹ [60A], ¹² [73A], 74, ¹³ [76A, and 76B], 77, ¹⁴ [78, 78-A] ¹⁵ [78B or 78C] or his office and emoluments are included in the schedule at the time in force prepared and sanctioned under the last preceding section :

¹⁶ [Provided that all officers and servants employed for the purposes of clause (q) of section 61 immediately prior to the commencement of the Bombay Municipal Corporation and City of Bombay Primary Education (Amendment) Act, 1950, ^{Bom XLV-} may be entertained until such time as the schedule mentioned in sub-section (1A) ^{III of 1950} of section 79 has been sanctioned by the Education Committee]

¹ Words repealed by Act 16 of 1895 are omitted

² This portion was inserted by Bom 48 of 1950, s. 45(1)

³ Sub-section (1A) was inserted *ibid*, s. 45(2)

⁴ These words were inserted, *ibid*, s. 45(3)

⁵ These words were inserted, *ibid*, s. 45(4)

⁶ These words were substituted for the words " rupees two hundred " by Mah. 39 of 1961, s. 6

⁷ This proviso was added by Bom 48 of 1950, s. 45(3).

⁸ This proviso was added by Mah 7 of 1971, s. 2.

⁹ This sub-section was added by Bom 76 of 1948, s. 7

¹⁰ The figures 39 were deleted by Bom 48 of 1950, s. 46(1).

¹¹ The figures and letter " 60A " were inserted by Bom 48 of 1948, s. 16.

¹² The figures and letter " 73A " were inserted by Bom. 4 of 1947, s. 5

¹³ These figures, word and letters were inserted by Bom 3 of 1907, s. 13(1)

¹⁴ These figures, word and letters were substituted for " or 78 " by Bom 2 of 1938, s. 4

¹⁵ The word, figures and letters were substituted for the word, figures and letters " or 78B " by Bom. 48 of 1950, s. 46(2)

¹⁶ This proviso was added *ibid*, s. 46(3).

†¹[80A. (1) The power of appointing municipal officers, whether temporary or permanent, whose minimum monthly salary exclusive of allowances is or exceeds ²[Rs. 600], shall vest in the corporation :

Power of appointment in whom to vest.

†³[Provided that temporary appointments for loan works carrying a monthly salary of ⁴[rupees six hundred] or more exclusive of allowances may be made for a period of not more than six months by the Commissioner with the previous sanction of the standing Committee ; ⁵[or in the case of works undertaken for the purpose, of clause (q) of section 61. of the Education Committee] ; the Commissioner shall

¹ Section 80A was added by Bom. 6 of 1922, s. 20

² These letters and figures were substituted for the letters and figures " Rs. 500 " by Mah. 51 of 1975, s. 4(a).

³ This proviso was substituted for the original one by Bom. 19 of 1940, s. 8.

⁴ These words were substituted for the words " rupees five hundred ", by Mah. 51 of 1975, s. 4(b).

⁵ This portion was inserted by Bom. 48 of 1950, s. 47(1).

†Section 6 of Bom. 4 of 1947, runs as follows :—

" 6. All the powers, duties and functions of the City Engineer exercised and performed by the Validation of Special Engineer appointed under section 80A of the said Act during the period from 26th Acts of September, 1946 to the date on which the City of Bombay Municipal (Amendment) Special Act, 1947 comes into operation shall be deemed to be and always be deemed to have been Engineer validly exercised and performed, and no acts done by the said Special Engineer shall after the appointed coming into operation of this Act be deemed to be invalid or called in question on the ground under section 80 A, only that the said powers and duties in the purported exercise of which the said acts were done were not at the time when, the said acts were done lawfully vested in him, and the said Special Engineer, is now hereby indemnified and discharged from liability in respect of such acts".

forthwith report every such appointment when made to the corporation. No such appointment shall be renewed on the expiry of the said period of six months without the previous sanction of the corporation.]

(2) Save as otherwise provided in this Act. the power of appointing municipal officers and servants [whether temporary or permanent, shall] vest in the Commissioner.]

²[Provided that such power in respect of permanent appointments shall be subject to the schedule for the time being in force prepared and sanctioned under section 79 :

Provided further that no temporary appointment shall be made by the Commissioner for any period exceeding six months and no such appointment carrying a monthly salary of more than two hundred rupees exclusive of allowances shall be renewed by the Commissioner on the expiry of the said period of six months without the previous sanction of the standing committee] ³[or of the Education Committee, as the case may be]

⁴[80B. ⁵[(1) No person shall be appointed to a post—

(a) the power of appointment to which vests in the Corporation, the Standing Committee or the Municipal Commissioner and the minimum monthly salary, exclusive of allowances, for which is ⁶[Rs. 400] *per mensem* or more, or

(b) the power of appointment to which vests in the Bombay Electric Supply and Transport Committee and the minimum monthly salary, exclusive of allowances, for which is Rs. 500 *per mensem* or more,

except after consultation with the Commission in accordance with the rules made under this section :]

⁷[Provided that, it shall not be necessary for the Commission to be consulted in the case of posts in the Water Supply and Sewerage Department falling under clause (a) and connected with the Water Supply and Sewerage Projects financed partly with assistance from the International Development Association, being posts specified by the Commissioner in this behalf and the minimum monthly salary (exclusive of allowances) for which is less than Rs. 1,000 *per mensem*.]

(2) Nothing in sub-section (1) shall apply to any acting or temporary appointment for a period not exceeding six months ⁸[or to appointments to such ministerial posts as may, from time to time, be specified by the State Government in consultation with the Commission when such posts are to be filled by promotion].

⁹[(2A) The provisions of sub-section (1) shall not apply also to appointment of any officer,—

(a) who having been appointed by the Secretary of State or Secretary of State in Council to a civil service of the Crown in India continues on and after the 15th August 1947 to serve under the Government of India or of a State ; or

(b) who is a member of the Indian Administrative Service, ¹⁰[the Indian Police Service or the Indian Audit and Accounts Service,]
to any such post on foreign service conditions]

¹ These words were substituted for the original by Bom. 76 of 1948, s. 8.

² These provisos were added, *ibid*

³ These words were added by Bom 48 of 1950, s. 47(2).

⁴ This section was substituted, *ibid*, s. 48.

⁵ Sub-section (1) was substituted by Mah 11 of 1964, s. 5 (a).

⁶ These letters and figures were substituted for the letters and figures " Rs. 300 " by Mah. 51 of 1975, s. 5.

⁷ This proviso was added by Mah. 34 of 1973, s. 5.

⁸ These words were inserted by Bom. 64 of 1953, s. 3

⁹ This sub-section was inserted by Bom. 62 of 1954, s. 2 (1). This amendment shall be deemed to have been made on and to have effect from the 14th day of May 1954 [see s. 2(2) of Bom. 62 of 1954]

¹⁰ These words were substituted for the words " or Indian Police Service " by Mah. 1 of 1964, s. 3

Manner
of making
appointment.

(3) The State Government shall after consultation with the Corporation and Commission make rules for prescribing—

(a) the procedure to be followed by the Commission in advertising the posts, calling for applications, scrutinising the same and selecting the candidates for interview ;

(b) the procedure to be followed by the Commission for selecting candidates and by the Corporation ¹[or the Bombay Electric Supply and Transport Committee, as the case may be,] for consultation with the Commission ;

(c) the procedure for enabling the Municipal ¹[or Bombay Electric Supply and Transport Undertaking] Officer or Officers to attend the interview to advise the Commission ;

(d) the procedure to be followed in case there is a difference of opinion between the Commission and the appointing authority ;

(e) the fees and other costs to be paid to the Commission by the Corporation ¹[or the Bombay Electric Supply and Transport Undertaking, as the case may be,] for consultation and other incidental matters ;

(f) any other matter which is necessary or incidental for the purpose of consultation with the Commission

²[(4)(a) In the case of posts referred to in clause (a) of sub-section (1)—the Corporation, and

(b) in the case of posts referred to in clause (b) of that sub-section—the Bombay Electric Supply and Transport Committee,

shall, with the previous sanction of the State Government, make rules prescribing the qualifications to be possessed by candidates eligible for appointment to such posts :

Provided that, any such rules to be made by the Bombay Electric Supply and Transport Committee, before submission to the State Government, shall be confirmed by the Corporation]

(5) The rules made under this section shall be published in the *Official Gazette*

(6) ³[(a) Any rules made prescribing qualifications for appointment to any such post which were in force immediately before the Bombay Municipal Corporation and City of Bombay Primary Education (Amendment) Act, 1950, comes into force, shall continue in force and be deemed to have been made under this section unless and until they are superseded or amended by rules made under this section

Bom
XLV-
III of
1950

⁴[(b) Any rules made prescribing qualifications for appointment to posts referred to in clause (b) of sub-section (1) which were in force immediately before the Bombay Municipal Corporation (Amendment) Act, 1964, comes into force, shall continue in force and be deemed to have been made under this section, unless and until they are superseded or amended by rules made under this section]

Mah
XI of
1964

(7) All fees paid to the Commission under this section shall be credited to the State Government.

(8) All communications made by the Commission in regard to any matter relating to the appointment to any post for which it was consulted shall be deemed to be confidential and no discussion shall be permitted thereon in the Corporation, in the Standing Committee, ⁴[or in the Bombay Electric Supply and Transport Committee,] or any Committee of the Corporation or no disclosure relating thereto shall be made in the public.]

¹ These words were inserted by Mah 11 of 1964, s. 5(b).

² Sub-section (4) was substituted, *ibid.*, s. 5(c).

³ Sub-section (6) was renumbered as clause (1) and clause (b) was inserted, *ibid.*, s. 5(d).

⁴ These words were inserted, *ibid.*, s. 5(e).

Leave of Absence, Acting Appointments, etc

81. (1) The Standing Committee shall from time to time frame regulations in consonance with any resolution that may be passed by the corporation—

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

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

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

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

¹[(dd) authorizing the payment of travelling or conveyance allowance to the said officers and servants ;]

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

(f) determining the conditions under which the said officers and servants, or any of them, shall on retirement or discharge receive pensions, gratuities or compassionate allowances and under which ²[the surviving spouse or children and in the absence of the surviving spouse or children the parents, brothers and sisters, if any,] dependent on any of the said officers and servants, shall, after their death, receive compassionate allowances and the amounts of such pensions, gratuities or compassionate allowances ;

(g) authorizing the payment of contributions, at certain prescribed rates and subject to certain prescribed conditions, to any pension or provident fund which may, with the approval of the standing committee, be established by the said officers and servants ³[or to such provident fund, if any, as may be established by the corporation for the benefit of the said officers and servants] ;

⁴[(h) in general, prescribing any other conditions of service of the said officers and servants]

(2) No regulation made by the standing committee under this section shall have force or validity, unless and until it has been confirmed by the corporation, nor, if it is made under clause (f), unless and until it has been confirmed by ⁵[the ⁶[State] Government].

Such regulations to be subject to confirmation by the corporation, and, if made under clause (f), by ⁶[State] Government.

82. ⁷[Power of appointment in whom to vest.] Repealed by Bom. VI of 1922.

¹ This clause was inserted by Bom 12 of 1936, s 5 (f)

² These words were substituted for the original by Bom 76 of 1948, s 9

³ These words were added by Bom. 6 of 1922, s. 27(I), and the addition shall be deemed to have been made and to have had effect from such date as may be fixed by the corporation.

⁴ This clause was inserted by Bom 12 of 1936, s. 5(2).

⁵ The words " the Provincial Government " were substituted for the word " Government " by the Adaptation of Indian Laws Order in Council.

⁶ This word was substituted for the word " Provincial " by the Adaptation of Laws Order, 1950.

⁷ Section 82 repealed by Bom VI of 1922, s 28, is omitted and the repeal shall be deemed to have been made and to have had effect from such date as may be fixed by the corporation.

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

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

(2) Provided that—

(a) no officer whose monthly emoluments exceed ¹[rupees four hundred] shall be dismissed by the Commissioner, without the ²[previous] approval of the standing committee ³[or in the case of an officer appointed for the purposes of clause (g) of section 61, of the Education Committee];

⁴[(b) any officer appointed by the corporation under section 55, 56A, 74, 75, 76B, 77, 78A or 78C may be suspended by the standing committee and any officer appointed by the corporation under section 76A may be suspended by the Education Committee, pending in each case an order of the corporation and every such suspension and the reasons therefor shall be forthwith reported to the corporation],

⁵[(c) any officer appointed by the corporation otherwise than under section 55, 56A, 74, 75, 76A, 76B, 77, 78A or 78C may, for any breach of departmental rules or discipline, or for carelessness, unfitness, neglect of duty or other misconduct be fined, reduced or suspended by the Commissioner, or may, with the previous approval of the standing committee or in the case of an officer appointed for the purposes of clause (g) of section 61, of the Education Committee, be dismissed by the Commissioner]

⁶[(d) any officer or servant immediately subordinate to the municipal chief auditor and drawing a salary not exceeding rupees two hundred and fifty per month exclusive of allowances may, subject to such conditions and limitations, if any, as the standing committee may deem fit to prescribe, and subject to a right of appeal to the standing committee, be fined, reduced or suspended for any breach of departmental rules or discipline or for carelessness, unfitness, neglect of duty or other misconduct by the municipal chief auditor.]

Leave of absence by whom to be granted.

84. (1) Leave of absence may be granted by the Commissioner, subject to the regulations at the time being in force under section 81, to any municipal officer or servant, the power of appointing whom is vested in him, and for a period not exceeding one month, to any other municipal officer, other than an officer immediately subordinate to the municipal secretary ⁷[or the municipal chief auditor] * * * * *

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

(a) to any clerk or servant appointed under section 78, ⁹[or to any assistant auditor, clerk or servant appointed under section 78B :]

¹ These words were substituted for the words " rupees three hundred " by Mah 39 of 1961, s. 7.

² The word " previous " was inserted by Bom. 19 of 1930, s. 9

³ This portion was inserted by Bom. 48 of 1950, s. 49(1)

⁴ This clause was substituted for the original, *ibid.*, s. 49(2).

⁵ This clause was substituted for the original, *ibid.*, s. 49(3)

⁶ This clause was added by Bom. 76 of 1948, s. 10.

⁷ These words were inserted by Bom 2 of 1938, s. 6(1)

⁸ The words " and other than an officer or servant the power of appointing whom is vested in the schools' committee " were deleted by Bom 48 of 1950, s. 50

⁹ These words, figures and letter were inserted by Bom 2 of 1938, s. 6(2)

²[Provided that leave of absence for a period not exceeding three months may be granted to a clerk or servant whose salary, exclusive of allowances, does not exceed rupees two hundred per month—

(i) by the municipal secretary where such clerk or servant has been appointed under section 78; or

(ii) by the municipal chief auditor where such clerk or servant has been appointed under section 78B]

(b) for a period exceeding one month, to any other municipal officer, the power of appointing whom is not vested in the Commissioner ²[or who is not employed for the purposes of clause (q) of section 61.]

³[(3) Leave of absence may be granted, subject as aforesaid, by the Education Committee for a period exceeding one month to any municipal officer employed for the purposes of clause (q) of section 61 the power of appointing whom is not vested in the Commissioner]

⁴[84A. Nothing in section 79, 80, 80A, ⁵* 81, 83 and 84 shall apply to officers and servants appointed under the provisions of Chapter XVIA of this Act]

Saving in respect of officers and servants appointed under chapter XVIA.

85. (1) The appointment of a person to act in the place of an officer absent on leave may be made, when necessary, and subject to the regulations aforesaid, by the same authority who grants the leave of absence :

Acting appointments.

(2) Provided that—

(a) when the ⁶[city engineer] or the executive health officer ⁷[or the hydraulic engineer] is granted leave of absence for a period exceeding one month, the appointment of a person to act for him shall be made by the corporation;

(b) any appointment of a person to act as ⁸[city engineer] or as executive health officer- ⁹[or as hydraulic engineer] may be disallowed by the ¹⁰[State Government], and from the time of being so disallowed shall be null and void;

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

¹ This proviso was added by Bom 76 of 1948, s. 11.

² This portion was substituted for the words "or in the schools' committee" by Bom. 48 of 1950, s. 50

³ Sub-section (3) was substituted for the original by Bom. 48 of 1950, s. 50(3).

⁴ This section was inserted by Bcm. 48 of 1948, s. 17.

⁵ The figures and letter "80 B," were deleted by Mah. 11 of 1964, s. 6.

⁶ The words "city engineer" were substituted for the words "executive engineer" by Bom. 19 of 1930, s. 6

⁷ These words were inserted by Bom. 2 of 1911, s. 4(a).

⁸ These words were inserted, *ibid*, s. 4(b)

⁹ The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

¹⁰ This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

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

Temporary appointment. ¹[85A. Notwithstanding anything contained in the foregoing provisions, when a vacancy occurs in any of the posts referred to in sub-section (1) of section 80B the corporation ²[or the Bombay Electric Supply and Transport Committee, as the case may be,] may, pending the appointment of a person in accordance with the provisions ³* * * ⁴] of the said section, appoint any person to fill such vacancy on a monthly salary not exceeding the maximum salary of the post

Provided that no appointment under this section shall extend beyond, or be made after a lapse of, six months from the date on which the vacancy occurs]

Disqualifications of Municipal Officers and Servants

Municipal officer or servant not to be interested in any [contract] with the corporation. 86. (1) Any person who has, directly or indirectly, by himself or his partner, any share or interest in any contract with, by, or on behalf of the corporation, ⁴[* * * ⁵] [shall be disqualified for being a municipal officer or servant]

(2) Any municipal officer or servant who shall acquire, directly or indirectly, by himself or his partner, any share or interest in any such contract as ⁶* * * 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 ⁷* * * with, by or on behalf of the corporation as under clauses (h) and (k) of section 16, it is permissible for a councillor to have, without his being thereby disqualified for being a councillor.

¹ This section was inserted by Bom. 19 of 1939, s 3

² These words were inserted by Mah 11 of 1964, s 7

³ The words, brackets and figure " of sub-section (2) " were deleted by Bom 48 of 1950, s 51

⁴ The words " or any employment with, by, or on behalf of the corporation, other than as a municipal officer or servant," were deleted by Mah 42 of 1977, s 5(a)

⁵ The words " or employment " were deleted, *ibid* s 5(b)

⁶ The words " or employment " were deleted, *ibid* , s 5(c)

⁷ This word was substituted for the words " contract, etc ;" *ibid* , s 5(d)

CHAPTER V.

MUNICIPAL PROPERTY AND LIABILITIES.

Acquisition of Property.

87. The corporation shall, for the purpose of this Act, have power to acquire and hold movable and immovable property, whether within or without the limits of ¹[Greater Bombay].

Powers of corporation as to acquisition of property.

88. All such immovable and other property as is held by, or in trust for, or has been granted by ²[the ³[Government]] to the corporation under, or in pursuance or for the purposes of any Act hereby repealed, shall, upon and after the date when this Act comes into force, vest in the corporation in trust for the purposes of this Act, but subject to all charges and liabilities affecting the same.

Transfer to the corporation of the property of the municipal corporation.

Bom. III of 1872 Bom. IV of 1878. 89. (1) On the expiry of the term of ninety-nine years, commencing on the first day of July 1863, for which in accordance with section 64 of the Bombay Municipal Acts of ⁴1872 and 1878 the Vehar Lake and the property appurtenant thereto, hereinafter referred to as "the Vehar waterworks," were vested in the corporation, the ⁵[⁶[State] Government] may direct that the said Vehar waterworks shall vest and the same shall in such case vest, in the corporation, on the conditions hereinafter provided and for the purposes of this Act, for such further period not exceeding ninety-nine years as shall seem expedient :

Conditions affecting the vesting of the Vehar water works in the corporation.

(2) Provided that on the expiry of the said first term of ninety-nine years or of any further term for which the ⁵[⁶[State] Government] may have directed that the said Vehar waterworks shall vest in the corporation, all rights and every power conveyed to the corporation shall forthwith cease and determine and the said Vehar waterworks shall revert to and become vested in ⁷[the State Government].

⁶[(3) Notwithstanding anything contained in sub-sections (1) and (2), the State Government may at any time, by notification in the *Official Gazette*, direct that the Vehar waterworks shall, with effect from the date specified therein, vest in the Corporation permanently, subject to the conditions that the Corporation shall supply and continue to supply water to the Aarey Milk Colony from the Powai lake and to the National Park at Borivli from such source as the State Government may from time to time specify. In both cases, the supply of water shall be in such quantities and at such rates and subject to such other conditions as the Corporation may, from time to time, with the approval of the State Government, determine.

¹ These words were substituted for the words "the City" by Bom. 7 of 1950, s. 6(1).

² The words "the Crown" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

³ This word was substituted for the word "Crown" by the Adaptation of Laws Order, 1950.

⁴ Bom. 3 of 1872 and Bom. 4 of 1878 are repealed by s. 2 read with Schedule A of this Act.

⁵ The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

⁶ This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

⁷ The words "the State Government" were substituted for the words "His Majesty for the purposes of the Province" by the Adaptation of Laws Order, 1950.

⁸ Sub-section (3) was inserted by Mah. 51 of 1975, s. 6.

With effect from the date aforesaid, all rights and liabilities enforceable by or against the State Government in relation to the Vehar water-works under any law for the time being in force or under any contract shall be enforceable by or against the Corporation]

Lands and buildings specified in Schedule V to vest in [Government]]
 89A. On and from the commencement of the City of Bombay Police Charges Act, 1907, all the estate, right, title and interest of the corporation in and to the lands and buildings specified in Schedule V free from all liabilities and charges affecting the same and created by the corporation shall vest in [Government] :
 Provided that nothing in this section shall affect any of the lands specified in the items in the said Schedule numbered 28 to 139 (both inclusive) on which any wooden chowki is situated at the commencement of the said Act.

89B. [The Statue of Her Majesty Queen Victoria and the site thereof in the Esplanade road to vest in the Corporation subject to certain conditions] Deleted by Mah. 5 of 1968, s. 2(1).

The Victoria and Albert Museum *renamed as Dr Bhau Daji Lad Museum] and the site thereof to vest in the corporation.
 89C. [(1)] On and from the commencement of the City of Bombay Police Charges Act, 1907, all the estate, right, title and interest of [Government] in and to the Victoria and Albert Museum and the site thereof shall vest in the corporation free from all liabilities and charges affecting the same and [created by the [Government]] and corporation may apply the said museum and the said site to any public purpose on and from such date as the Prince of Wales Museum of Western India may be declared open by [State] Government]
 [(2) On and from the commencement of the Bombay Municipal Corporation and Bombay Rents, Hotel and Lodging House Rates Control (Amendment) Act, 1975, the Victoria and Albert Museum aforesaid shall be deemed to have been renamed as " Dr. Bhau Daji Lad Museum ", and any reference to the Victoria and Albert Museum in any law for the time being in force or in any contract, instrument or other document shall be construed as, and shall be deemed to be, a reference to Dr. Bhau Daji Lad Museum]

Central Vaccine Depot at Parel to vest in the Corporation.
 89D. On and from the commencement of the City of Bombay Police Charges Act, 1907, all the estate, right, title and interest of [Government] in and to the Central Vaccine Depot at Parel shall vest in the corporation free from all liabilities and charges affecting the same and [created by the [Government]].

All buildings used for primary education and the sites thereof to vest in the corporation.
 89E. On and from the commencement of the City of Bombay Police Charges Act, 1907, all the buildings used for primary education and the sites thereof within the city theretofore vesting in [Government] shall vest in the corporation free from all liabilities and charges affecting the same and [created by the [Government]].

¹ Sections 89A to 89F were inserted by Bom 3 of 1907, s 14

² This word was substituted for the words " His Majesty " by the Adaptation of Laws Order, 1950

³ Section 89C was renumbered as sub-section (1) of that section and sub-section (2) was inserted by Mah. 51 of 1975, s 7(1).

⁴ The words " created by the Crown " were substituted for the words " created by Government " by the Adaptation of Indian Laws Order in Council

⁵ This word was substituted for the word " Crown " by the Adaptation of Laws Order, 1950

⁶ The words " the Provincial Government " were substituted for the word " Government " by the Adaptation of Indian Laws Order in Council

⁷ This word was substituted for the word " Provincial " by the Adaptation of Laws Order, 1950

⁸ These words and letters were inserted by Mah. 51 of 1975, s. 7(2).

Bom. 89F. Notwithstanding anything contained in section 89E, if any buildings or Corporation
III of sites in respect of which, before or after the commencement of the City of Bombay to repay to
.1907 Police Charges Act, 1907, any grant has been made by the ¹[the ²[State] Govern- ³[State]
ment] for the purposes of primary education shall without the sanction of ¹[the Government
²[State] Government] be used for any other purpose, the Corporation shall there- the amount
upon repay to ¹[the ²[State] Government] the amount of such grant] of grant
made for
purposes of
primary
education
in respect
of certain
buildings or
sites if used
for other
purposes.

90. (1) Wherever it is provided by this Act that the Commissioner may acquire Acquisition
or whenever it is necessary or expedient for any purpose of this Act that the Commis- of immov-
sioner shall acquire, any immovable property, such property may be acquired by able property
by agree-
ment

¹ The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

² This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

the Commissioner on behalf of the corporation by agreement ¹[subject to the provisions of sub-section (3)].

(2) And whenever, under any provision of this Act, the Commissioner is authorised to agree to pay the whole or any portion of the expenses of acquiring any immovable property, he shall do so on such terms and at such rates or prices or at rates or prices not exceeding such maximum as shall be approved by the ²[Improvements Committee] as aforesaid.

³[(2A) Subject to the provisions of this Act, it shall be lawful for the Commissioner^f 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.]

⁴[(3) No contract for the acquisition of any immovable 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:

⁵[Provided that, in the case of any such contract for the purposes of Chapter IX or X, this sub-section shall have effect as if for the words 'five thousand' the words 'fifty thousand' and for the words 'ten thousand' the words 'five lakhs' had been substituted.]

⁶[(4) Every contract or other instrument relating to the acquisition of immovable 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 immovable 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 immovable property, or any interest therein, or any right thereto, shall be deemed to apply also to any variation or discharge of such contract.]

91. (1) Whenever the Commissioner is unable to acquire any immovable property under the last preceding section by agreement ⁷[the ⁸[State] Government] may, in their discretion, upon the application of the Commissioner, made with the approval of the ⁹[Improvements Committee] ¹⁰[and subject to the other provisions of this Act] order proceedings to be taken for acquiring the same on behalf of the corporation, as if such property were a land needed for a public purpose within the meaning of the Land Acquisition Act, 1870.¹¹

Procedure when immovable property cannot be acquired by agreement

¹ These words were substituted for the portion beginning with "on such terms" and ending with "any particular case" by Mah. 34 of 1933, s. 6(a).

² The words "Improvements Committee" were substituted for the original words by Bom. 13th of 1933, s. 17(b).

³ New sub-section (2A) was inserted by Bom. 13 of 1933, s. 17(c).

⁴ Sub-section (3) was substituted for the original sub-section, *ibid.*, s. 17(d).

⁵ This proviso was added by Mah. 34 of 1933, s. 6(b).

⁶ New sub-sections (4), (5) and (6) were inserted by Bom. 13 of 1933, s. 17(e).

⁷ The words "the Provincial Government" were substituted for the words "Government" by the Adaptation of Indian Laws Order in Council.

⁸ This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

⁹ These words were substituted for the original words by Bom. 13 of 1933, s. 18(a).

¹⁰ These words were inserted, *ibid.*, s. 18(b).

¹¹ See now the Land Acquisition Act, 1894 (I of 1894).

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

Transfer of
property
to the
corporation.

¹91A. (1) From the date on which the City of Bombay Municipal (Amendment) Bom Act, 1933, comes into operation there shall vest or re-vest in the corporation, as the ^{XIII} case may be, subject to all the charges and liabilities affecting the same, to be held ^{of} 1933. 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, ^{Bom.} all the immovable and other property and all other interests and rights of the ^{XIII} Board of Trustees for the Improvement of the City of Bombay constituted under ^{of} 1933 the City of Bombay Improvement Trust Transfer Act, 1925, including all the estate, ^{Bom.} right, title and interest of the said Board in and to the lands specified in Schedule W ^{XVI} and Schedule X and in the reclaimed lands specified in Schedule Y and shown on ^{of} 1925 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 (8) 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 ²[the ³[State] Government] and on such conditions as may be approved by ²[the ³[State] 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(g) 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) Cadastral Survey No. 3/383 the Body Guard Lines Plot, Plot No. 3 the Cooperage Plot and Plot No. 4(b) the Marine Lines Maidan shall vest absolutely in ⁴[Government, 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 ²[the ³[State] 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.

¹ New sections 91A to 91C were inserted by Bom. 13 of 1933, s 19.

² The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

³ This word was substituted for the word "Provincial" by the Adaptation of Laws Order 1950.

⁴ This word was substituted for the words "His Majesty" by the Adaptation of Laws Order, 1950.

(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 ¹[the ²[State] 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 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 ³[Central or ²[State] Government], to the intent that such land, shall vest in the corporation in the same manner and subject to same conditions as if such lands, if taken over from the ³[Central or ²[State] Government], 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 ⁴[the Central or the ²[State] Government] for a public purpose, may at any time, after giving six months' notice to the corporation, be resumed by ⁶[that Government]

(9) ⁶[The ²[State] Government] may, by notification in the ⁷[Official 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.

⁸[91AA. ⁹[(1)]. Notwithstanding anything contained in sub-section (3) of section 91A, it shall be lawful and shall be deemed to have been lawful for the State Government to lease Plot No. 3, the Cooperage Plot, or any part thereof for a term not exceeding sixty years commencing from the 1st day of March nineteen hundred and forty-three for the construction of a club-house for ratings of the Indian Navy or for any other similar purpose and the provisions of the first proviso in sub-section (3) of the said section 91A shall not apply to the said plot or any part thereof, as the case may be, so long as such lease remains in force and has not determined or has not been surrendered or otherwise terminated in accordance with law]

Power to grant lease of plot No 3, the Cooperage Plot, or part thereof.

¹The words " the Provincial Government " were substituted for the word " Government " by the Adaptation of Indian Laws Order in Council

²This word was substituted for the word " Provincial " by the Adaptation of Laws Order, 1950.

³The words " Central or Provincial Government " were substituted for the words " Secretary of State for India in Council " by the Adaptation of Indian Laws Order in Council

⁴The words " the Central or the Provincial Government " were substituted for the word " Government ", *ibid*

⁵The words " that Government " were substituted for the word " Government ", *ibid*.

⁶The words " The Provincial Government " were substituted for the word " Government ", *ibid*.

⁷The words " Official Gazette " were substituted for the words " Bombay Government Gazette ", *ibid*

⁸Section 91AA was inserted by Bom. 20 of 1952, s. 5

⁹Section 91AA was renumbered as sub-section (1), by Mah. 62 of 1977, s. 2.

¹(2) Notwithstanding anything contained in sub-section (3) of section 91-A or sub-section (1) of this section or in the Maharashtra Regional and Town Planning Act, 1966, or the provisions of any Development Plan thereunder, it shall also be lawful and shall be deemed to have been lawful for the State Government to lease a part of the Cooperage Plot, for a term ending on and inclusive of the 31st December 2003 or such later date as the State Government may specify for the construction of a foot-ball stadium, with ancillary structures for gymnasium, indoor games, residential quarters, club-house, dormitory, canteen, library, conference rooms, show-rooms and similar purposes and the provisions of the first proviso in sub-section (3) of the said section 91-A shall not apply to the part of said Plot leased for the above purposes, so long as such lease remains in force and has not determined or has not been surrendered or otherwise terminated in accordance with law]

Mah-
XXXe
VII of
1966.

²Power to lease part of Plot No. 4(b) the Marine Lines Mada, for certain purposes. ²91AAA. Notwithstanding anything contained in sub-section (3) of section 91A, it shall be lawful for the State Government to lease a part of Plot No. 4 (b) the Marine Lines Mada, not exceeding 7,200 square metres in area, and for a term not exceeding 99 years, for the construction of a hospital or for any similar purpose, and the provisions of the first proviso in that sub-section shall not apply to the said part of the plot, so long as such lease remains in force and has not been determined or has not been surrendered or otherwise terminated in accordance with law]

³Power to apply certain lands vested in the corporation to the purpose of any scheme under this Act. ³91B. 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 land 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 [the State Government].

⁴Power to apply certain lands vested in the corporation to the purpose of any scheme under this Act. ⁴91C. 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 [any of the purposes for which land acquired under Chapter-XII-A may be applied including the purposes of] any of the schemes referred to in sub-section (2) of section 354B]

⁵Property of abolished municipalities and local authorities vesting in corporation. ⁵91D. All immovable and other property, which on the date immediately preceding the appointed date was held by or vested in—

- (a) any municipality or other local authority which has been abolished by or under the Bombay Municipal (Extension of Limits) Act, 1950, in consequence of the inclusion in Greater Bombay of the area for which it was constituted ; or
(b) the State Government by reason of the supersession or dissolution of such municipality or local authority under any law relating to such municipality or local authority ;

shall vest in the corporation in trust for the purposes of this Act, but subject to all charges and liabilities affecting the same .

¹Sub-section (2) was added by Mah. 62 of 1977 s. 2

²Section 91AAA was inserted by Mah. 10 of 1969 s. 2

³New sections 91A to 91C were inserted by Bom. 13 of 1933, s. 19

⁴These words were substituted for the original words by the Adaptation of Laws Order, 1950

⁵This word was substituted for the words " His Majesty ", *ibid*

⁶These words were substituted for the original words by Bom. 34 of 1954, s. 2

⁷Section 91D and 91E were inserted by Bom. 7 of 1950, s. 12.

Bom.
III of
1950

Provided that the immovable property held by or vested in the District Local Board of the Bombay Suburban District and the District School Board of the Bombay Suburban District shall vest in the corporation to the extent it is situated in the area included in Greater Bombay and that any other property so held by or vested in the said Boards shall vest in the corporation to such extent as may be determined by the State Government.

Explanation—For the purposes of this section, the immovable property and other property shall include primary schools with their lands, buildings, roads and equipment belonging to or vesting in any municipality or local authority under the provisions of any law for the time being in force.

Bom LVIII of 1956. §91DA. All immovable and other property, which on the day immediately preceding the date of the commencement of the Bombay Municipal [Further Extension of Limits and Schedule BBA (Amendment)] Act, 1956, was held by or vested in—

Property of abolished municipalities and local authorities in extended suburbs vesting in corporation.

(a) any municipality or other local authority which has been abolished by or under that Act in consequence of the inclusion in Greater Bombay of the area for which it was constituted, or

(b) the State Government by reason of the supersession or dissolution of such municipality or local authority under any law relating to such municipality or local authority

shall vest in the Corporation in trust for the purposes of this Act, but subject to all charges and liabilities affecting the same :

Provided that the immovable property held by or vested in any District Local Board or District School Board in that area shall vest in the Corporation to the extent it is situated in the area included in Greater Bombay and that any other property so held by or vested in the said Boards shall vest in the Corporation to such extent as may be determined by the State Government.

Explanation—For the purposes of this section, the immovable property and other property shall include primary schools with their lands, buildings, roads and equipment belonging to or vesting in any municipality or local authority under the provisions of any law for the time being in force]

91E. (1) Where any immovable property situated in the suburbs, ²[or the extended suburbs] or any right in or over 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, Bombay Suburban District, after formal enquiry, of which due notice has been given, to pass an order deciding the claim

Decision of claims to pr. party by or against the corporation in the suburbs ²[and the extended suburbs]

(2) The corporation or any person aggrieved by an order passed by the Collector under sub-section (1) may, notwithstanding anything contained in any 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.

If any 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.

¹Section 91DA was inserted by Bom 58 of 1956, s. 5

²Those words were inserted, by Bom 58 of 1956, s. 6(1).

³Those words were inserted, *ibid*, s. 6(2).

191H The requisitioning authority may, with a view to requisitioning any property under section 91F or determining the compensation payable under section 91G by order, require any person to furnish to such authority as may be specified in the order such information in his possession relating to such property as may be so specified Power to obtain information.

191I (1) Any person remaining in possession of any requisitioned premises in contravention of any order made under section 91F may be summarily evicted from the premises by any officer empowered by the requisitioning authority in this behalf. Eviction from requisitioned premises.

(2) Any officer so empowered may, after giving to any woman not appearing in public reasonable warning and facility to withdraw, remove or open any lock or bolt or break open any door of any building or do any other act necessary for effecting such eviction

191J. (1) When any premises requisitioned under section 91F are to be released from requisition, the possession thereof shall be delivered to the person from whom possession was taken at the time when the premises were requisitioned, or if there were no such persons, to the person deemed by the requisitioning authority to be the owner of such premises and such delivery of possession shall be a full discharge of the requisitioning authority from all liabilities in respect of such delivery, but shall not prejudice any rights in respect of the premises which any other person may be entitled by due process of law to enforce against the person to whom possession of the premises is so delivered Release of premises from requisition.

(2) Where the person to whom possession of any premises requisitioned under section 91F is to be given under sub-section (1) cannot be found or is not readily ascertainable or has no agent or any other person empowered to accept delivery on his behalf, the requisitioning authority shall cause a notice declaring that such premises are released from requisition to be affixed on some conspicuous part of such premises and publish the notice in the *Official Gazette*

(3) When a notice referred to in sub-section (2) is published in the *Official Gazette*, the premises specified in such notice shall cease to be subject to requisition on and from the date of such publication and be deemed to have been delivered to the person entitled to possession thereof and the requisitioning authority or the corporation shall not be liable for any compensation or other claim in respect of such premises for any period after the said date.

191K The State Government shall make rules for prescribing—

(1) the manner in which an order of requisition shall be served under sub-section (2) of section 91F, and Power to make rules.

(2) the time within which an application for determining the amount of compensation by an Arbitrator shall be made under section 91G.

191L. If any person contravenes any order made under section 91F he shall, on conviction, be punished with imprisonment for a term which may extend to one year or with fine or with both.] Penalty for contravention of any order, regarding requisitioning.

Disposal of Property

Provisions governing the disposal of municipal property.

92 With respect to the disposal of property belonging to the corporation ¹[other than property vesting in the corporation for the purposes of the Bombay Electric Supply and Transport Undertaking], the following provisions shall have effect, namely .—

(a) the Commissioner may, in his discretion, dispose of, by sale or otherwise, any moveable property belonging to the corporation not exceeding in value, in each instance, ²[two thousand rupees], or grant a lease of any immovable property belonging to the corporation, including any right of fishing or of gathering and taking fruit and the like, for any period not exceeding twelve months at a time :

³[Provided that every lease of immovable 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] ,

⁴[(b) the Commissioner may—

(i) with the sanction of the Education Committee dispose of, by sale or otherwise, any moveable property held by the Corporation for the purpose of clause (q) of section 61 ⁵[the value of which exceeds two thousand rupees] ,

(ii) with the sanction of the standing committee dispose of, by sale or otherwise, any moveable property held by the Corporation for any other purpose ⁶[the value of which exceed two thousand rupees] ;

(iii) with the sanction of the Improvements Committee, grant a lease (other than a lease in perpetuity) of any immovable property belonging to the Corporation, including any such right as aforesaid, or sell, or grant a lease in perpetuity of any immovable property belonging to the Corporation the value of which does not exceed fifty thousand rupees or the annual rent of which does not exceed three thousand rupees .]

(c) with the sanction of the corporation, the Commissioner may lease, sell or otherwise convey ⁷[any immovable property] belonging to the corporation ;

⁸(cc) the consideration for which any immovable 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) the sanction of ⁹[the Education Committee or of] the Standing Committee or ¹⁰[of the Improvements Committee or] of the corporation under clause (b) or clause (c) may be given either generally for any class of cases or specially in any particular case .

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

¹ These words were inserted by Bom 48 of 1948, s 18

² These words were substituted for the words " five hundred rupees " by Mah 39 of 1961, s. 8 (1).

³ This proviso was substituted for the original by Bom 13 of 1933, s 20 (a).

⁴ Sub-clause (b) was substituted by Bom. 48 of 1950, s 52 (1).

⁵ These words were substituted for the words " of which the value does not exceed Rs 5,000 " by Mah 39 of 1961, s. 8 (2).

⁶ These words were substituted for the words " the value of which does not exceed Rs 5,000 ", *ibid*

⁷ These words were substituted for the words " any property, movable or immovable ", *ibid*, s 8 (3).

⁸ New sub-clause (cc) was inserted by Bom 13 of 1933, s. 20 (c)

⁹ These words were inserted by Bom. 48 of 1950, s. 52 (2)

¹⁰ These words were inserted by Bom. 13 of 1933, s. 20 (d).

¹[Provided that nothing in this section shall apply ^{2*} * * *
* * * to ³[Dr Bhau Daji Lad Museum] ⁴[or to the site thereof referred
to in section 89C] except with the previous sanction of ⁵[the ⁶[State] Government].

⁷92A. Where—

Obligation
annexed to
property
binding on
transferee

(1) the Commissioner has transferred by way of sale or exchange any immovable property belonging to the Corporation and the terms of such transfer direct that the property shall be applied or enjoyed in a particular manner or the use or enjoyment thereof shall be restricted in a particular manner, or

(2) the owner of any immovable property has entered into an agreement with the Corporation concerning the application, enjoyment or use of the property in a particular manner;

such term, condition or obligation shall be held to be annexed to the property which is the subject-matter of the transfer or agreement and shall be enforced against the transferee or owner and all persons deriving title or interest under or through him,

notwithstanding—

(a) any law for the time being in force, and

(b) that the Corporation are not in possession of or interested in any immovable property for the benefit of which, the term, condition or obligation was agreed to, entered into or imposed]

Liabilities

93. So much of the following moneys as are still repayable on the day when this Act comes into force shall be repaid, together with the interest due thereupon, by the Corporation, namely—

(a) to the ⁸[Government]—

(i) the balance of the debt due on account of the Vehar water-works ⁹[referred to] in section 140 of the Bombay Municipal Acts of 1872 and 1878 ¹⁰, with simple interest thereon at the rate of four per centum per annum ;

(ii) the balance of the consolidated loan, at the same was defined in section 3, clause (3) of the Bombay Municipality's Consolidated Loan Act, 1880, ¹⁰ due on various accounts, with interest thereon at the rate of four-and-a-half per centum per annum.

Bom.
III of
1872.
Bom.
IV of
1878
Bom.
II of
1880

¹ This proviso was added to section 92 by Bom 3 of 1907, s 15

² The words "to the Statue of Her Majesty Queen Victoria or" were deleted by Mah 5 of 1968, s 2(I)

³ These words and letters were substituted for the words "the Victoria and Albert Museum" by Mah 51 of 1975, s 8

⁴ These words were substituted for the words "or to the sites thereof referred to in sections 89B and 89C" by Mah 5 of 1968, s 2 (I)

⁵ The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council

⁶ This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950

⁷ Section 92A was inserted by Bom. 34 of 1954, s 3

⁸ This word was substituted for the word "Crown" by the Adaptation of Laws Order, 1950

⁹ The words "referred to" were substituted with effect from the 31st December 1892 for the original word by Bom 2 of 1894, s 2.

¹⁰ Bom. 3 of 1872, 4 of 1878 and 2 of 1880 are repealed by s 2 of this Act

(b) to municipal security-holders—

- Bom. II of 1865.** (iii) the house rate loan and the two market loans raised in 1867 and 1868 under the provisions of the Bombay Municipal Act, 1865¹ with interest thereon at the rate of six per centum per annum; House rate and market loans of 1867-68.
- XXIV of 1871.** (iv) the drainage loan of 1878 raised under the provisions of the Public Works' Loan Act, 1871,² with interest thereon at the rate of five per centum per annum; New drainage loan of 1878.
- XI of 1879.** (v) the sanitary works' loans of 1885, 1886 and 1888 contracted under the provisions of the Local Authorities Loans Act, 1879,³ with interest thereon at the rate of five per centum per annum; sanitary works loans of 1885, 1886 and 1888.
- (vi) the portion of the Tansa water-works' loan contracted under the Act last aforesaid previous to the coming into force of this Act; Tansa water-works' loan.
- (vii) the portion of the drainage and water-works' loan of 1888 contracted under the said Act previous to the coming into force of this Act. Drainage and water-works' loan of 1888.

Repayment of Moneys due to the Government.

94. In order to secure the repayment of the Vehar water-works' debt, the Commissioner shall, on the first day of every month, until the whole of the said debt, together with the interest due thereon, shall be liquidated, pay to ⁵[the Government] a sum of rupees ⁶[nine thousand four hundred and ninety-eight.] Vehar water-works' debt repayable in monthly instalments.

95. (1) The whole of the consolidated loan, together with the interest due thereon, shall be repaid within thirty years from the first day of January 1881. Period of repayment of consolidated loan.

(2) For better securing the repayment of the said loan, the Commissioner shall pay half-yearly to ⁷[the Government], on every first day of January and every first day of July, until the whole of the said loan, together with the interest due thereon, shall be liquidated, a sum of one lakh seventy-eight thousand three hundred and twenty-six rupees, two annas and five pies. Mode of repayment.

96. (1) Every payment to be made by the Commissioner under either of the two last preceding sections shall be made ⁹[to the officer for the time being appointed to receive ¹⁰[the State] Government] dues or into the Bank of ¹¹[the State] Government] Payments to whom to be made.

¹ Bom. 2 of 1865 was repealed by Bom. 3 of 1872.

² Act 24 of 1871 was repealed by Act 11 of 1879, which in its turn was repealed by Act 9 of 1914.

³ See now the Local Authorities Loans Act, 1914 (9 of 1914).

⁴ The word "Crown" was substituted for the words "Secretary of State in Council" by the Adaptation of Indian Laws Order in Council.

⁵ The words "the Crown" were substituted for the word "Government", *ibid.*

⁶ These words were substituted with effect from 31st December 1892 for the original words by Bom. I of 1894, s. 3.

⁷ The words "the Crown" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

⁸ This word was substituted for the word "Crown" by the Adaptation of Laws Order, 1950.

⁹ These words were substituted for the original words, by Bom. 1 of 1894 s. 4 (1). The reference to the Bank of Bombay should be read as referring to the Reserve Bank of India, Bombay.

¹⁰ The words "The Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

¹¹ This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

Notice of payments to be published. (2) Notice of every such payment having been made shall be forthwith, published by the Commissioner in the ¹[Official Gazette].

In case of non-payment report to be made to the Chief Secretary to ²[State] Government. 97. If the Commissioner fails to make any of the said payments at the prescribed time the Accountant General shall, within seven days after the day on which such payment ought to have been made, report the fact to the Chief Secretary to ²[the ³[State] Government] or other officer acting in that capacity.

Arrears may be recovered by detention of moneys due to the corporation. 98. (1) It shall be lawful for the said Chief Secretary, or other officer acting in that capacity, when any of the said payments is in arrear, to direct any ⁴[Government Officer], not being a municipal authority or officer, to detain, to the extent of any payment or payments then in arrear, any moneys due or that may become due to the corporation, which he may then or thereafter have in his custody or control.

(2) Such officer shall detain the moneys which he is so directed to detain and pay the same, as they become due to the corporation, ⁵[to the officer for the time being appointed to receive ²[the ³[State] Government] dues, or into the Bank of Bombay].

(3) The moneys so paid shall be applied in or towards satisfaction of the amount for the time being due in respect of the Vehar water-works' debt or of the consolidated loan, in preference to and with priority over all other incumbrances on and claims to such moneys.

Or by attachment of the municipal fund, etc. 99. (1) If the amount in arrear cannot be recovered in the manner provided in the last preceding section, the ⁶[³[State] Government] may attach the municipal fund, or any tax leviable by the corporation.

¹ The words "Official Gazette" were substituted for the words "Bombay Government Gazette" by the Adaptation of Indian Laws Order in Council.

² The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

³ This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

⁴ These words were substituted for the words "servant of the Crown", *ibid.*

⁵ These words were substituted for the original word by Bom. 1 of 1894, s 4 (1) the reference to the Bank of Bombay should be read as referring to the Reserve Bank of India, Bombay

⁶ The words "Provincial Government" were substituted for the words "Governor in Council", by the Adaptation of Indian Laws Order in Council.

(2) After such attachment no person, except an officer appointed by the ¹[State] Government], shall in any way deal with the attached fund or tax ; but such officer may do all acts in respect thereof which the corporation or any municipal authority might have done, if such attachment had not taken place and may apply the proceeds in satisfaction of the amount in arrear and of all expenses involved by the attachment and subsequent proceedings

(3) Provided that no such attachment shall defeat or prejudice any debt for which the fund or tax attached was previously pledged in accordance with law ; but all such prior charges shall be paid out of the proceeds of the fund or tax attached before any part of the proceeds is applied to the satisfaction of a liability for the Vihar water-works' debt or the consolidated loan.

100 If the Commissioner fails to make any monthly payment, in accordance with section 94, on account of the Vihar water-works' debt and after notice in writing, signed by one of the Secretaries to ²[the ³[State] Government] requiring payment of the same has been served upon him and forwarded to the president of the corporation and published for a period of not less than two months in the ⁴[Official Gazette] shall still fail to make such payment, the said Vihar water-works shall, notwithstanding anything contained in section 88, cease to vest in the corporation and shall forthwith become vested in ⁵[Government] in trust for the purposes for which the same were previously vested in the corporation.

101. Nothing in the four last preceding sections shall affect the rights or remedies which the ⁶[Government] has or shall have independently of this Act for the recovery of the moneys aforesaid.

102. The annual sum of the monthly instalments paid by the Commissioner under section 94 and all recoveries made under any of the foregoing sections on account of the Vihar water-works' debt shall be appropriated as follows, namely :—

firstly to the payment of the interest accrued on account of the principal sum of rupees thirty-seven lakhs thirty thousand and fifty-three due on account of the said debt on the first day of July 1863 ;

secondly, to the payment of interest on all sums advanced by ⁷[the ⁸[Government] in connection with the said works since the first day of July 1863 ;

thirdly, to the payment of all sums subsequently advanced as aforesaid ; and

lastly, to the liquidation of the said principal sum of rupees thirty-seven lakh thirty thousand and fifty-three

103. Every payment made by the Commissioner under section 95 and all recoveries made under any of the foregoing sections on account of the consolidated loan shall be appropriated first to the payment of the interest due at the time of such payment or recovery and secondly to the reduction of the principal

¹ The words " Provincial Government " were substituted for the words " Governor in Council ", by the Adaptation of Indian Laws Order in Council

² This word was substituted for the word " Provincial " by the Adaptation of Laws Order, 1950

³ The words " the Provincial Government " were substituted for the word " Government " by the Adaptation of Indian Laws Order in Council

⁴ The words " Official Gazette " were substituted for the word " Bombay Government Gazette ", *ibid*

⁵ This word was substituted for the words " Her Majesty " by the Adaptation of Laws Order, 1950

⁶ This word was substituted for the word " Crown ", *ibid*.

⁷ The words " the Crown " were substituted for the word " Government " by the Adaptation of Indian Laws Order in Council.

Repayment of House-rate and Market Loans of 1867-68

Sinking fund for house-rate and market loans to be maintained. - 104. (1) Until such times as the corporation repay the house-rate loan and the two market loans raised in 1867 and 1868 under the provisions of sections 253 to 258 of the ¹Bombay Municipal Act, 1865, it shall be incumbent on the corporation to maintain out of the taxes, on the security of which the said loans were raised, the sinking-fund prescribed by section 257 of the said Act : Bom. II of 1865.

(2) Provided that in the event of the corporation's discharging any portion of the said loans at any time previous to the time at which they are repayable in full, it shall be competent to the corporation to reduce *pro tanto* the amount of the said sinking fund.

Publication of Annual Account of Balances due on Loans

Account of balances due on loans to be published by the Commissioner yearly. 105. (1) The Commissioner shall, in the month of ²[April] in each year, publish in the ³[*Official Gazette*] an account showing the balances due by the corporation on the last preceding thirty-first day of ⁴[March] to the ⁵[Government] and to municipal security holders, ⁶[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] respectively, on account of each debt or loan, if any, at the time still repayable by the corporation. Bom. IV of 1898. Bom. XVI of 1925

(2) The Commissioner shall also cause the said account to be printed and a printed copy thereof to be forwarded to the usual or last known local place of abode of each councillor.

§[CHAPTER V-A.

POWER TO EVICT PERSONS FROM CORPORATION PREMISES.

Definitions. 105A. In this Chapter—

(a) "Commissioner" in relation to premises of the corporation which vest in it for the purposes of the Bombay Electric Supply and Transport Undertaking, means the General Manager,

(b) "corporation premises" means any premises belonging to, or vesting in, or taken on lease by, the corporation;

(c) "regulations" means regulations made by the Commissioner under section 105H;

(d) "unauthorised occupation in relation to any corporation premises" means the occupation by any person of corporation premises without authority for such occupation; and includes the continuance in occupation by any person of the premises after the authority under which he was allowed to occupy the premises has expired, or has been duly determined

¹ Bom. 2 of 1865 was repealed by Bom. 3 of 1872.

² The words "April" and "March" were respectively substituted for the original words "January" and "December" by Bom 10 of 1928.

³ The words "*Official Gazette*" were substituted for the words "*Bombay Government Gazette*" by the Adaptation of Indian Laws Order in Council.

⁴ This word was substituted for the word "Crown" by the Adaptation of Laws Order, 1950.

⁵ These words and figures were inserted by Bom 13 of 1933, s. 21.

⁶ Chapter V-A was inserted by Mah. 14 of 1961, s. 4.

Mah.
XIV
of
1961.

105B. (1) Where the Commissioner is satisfied—

(a) that the person authorised to occupy any corporation premises has, whether before or after the commencement of the Bombay Municipal Corporation (Amendment) Act, 1960,—

Power to
evict person
from corpora-
tion
premises

(i) not paid for a period of more than two months, the rent or taxes lawfully due from him in respect of such premises, or

(ii) sub-let, contrary to the terms or conditions of his occupation, the whole or any part of such premises; or

(iii) committed, or is committing, such acts of waste as are likely to diminish materially the value, or impair substantially the utility, of the premises;

or

(iv) otherwise acted in contravention of any of the terms, express or implied, under which he is authorised to occupy such premises;

(b) that any person is in unauthorised occupation of any corporation premises;

(c) that any corporation premises in the occupation of any person are required by the corporation in the public interest,

the Commissioner may notwithstanding anything contained in any law for the time being in force, by notice (served by post, or by affixing a copy of it on the outer door or some other conspicuous part of such premises, or in such other manner as may be provided for by regulations), order that that person, as well as any other person who may be in occupation of the whole or any part of the premises, shall vacate them within one month of the date of the service of the notice.

(2) Before an order under sub-section (1) is made against any person, the Commissioner shall issue, in the manner hereinafter provided, a notice in writing calling upon all persons concerned to show cause why an order of eviction should not be made.

The notice shall,—

(a) specify the grounds on which the order of eviction is proposed to be made, and

(b) require all persons concerned, that is to say, all persons who are or may be in occupation of, or claim interest in, the corporation premises, to show cause against the proposed order, on or before such date as is specified in the notice.

If such person makes an application to the Commissioner for the extension of the period specified in the notice, the Commissioner may grant the same on such terms as to payment and recovery of the amount claimed in the notice, as he deems fit.

Any written statement put in by any person and documents produced, in pursuance of the notice, shall be filed with the record of the case, and such person shall be entitled to appear before the Commissioner by advocate, attorney or pleader.

The notice to be served under this sub-section shall be served in the manner provided for the service of a notice under sub-section (1); and thereupon, the notice shall be deemed to have been duly given to all persons concerned.

(3) If any person refuses or fails to comply with an order made under sub-section (1), the Commissioner may evict that person and any other person who obstructs him and take possession of the premises; and may for that purpose use such force as may be necessary.

(4) The Commissioner may, after giving fourteen clear days' notice to the person from whom possession of the corporation premises has been taken under sub-section (3) and after publishing such notice in the *Official Gazette* and in at least one newspaper circulating in the locality, remove or cause to be removed, or dispose of by public auction any property remaining on such premises. Such notice shall be served in the manner provided for the service of a notice under sub-section (1).

(5) Where the property is sold under sub-section (4), the sale-proceeds shall, after deducting the expenses of sale, be paid to such person or persons as may appear to the Commissioner to be entitled to the same:

Provided that, where the Commissioner is unable to decide as to the person or persons to whom the balance of the amount is payable or as to the apportionment of the same, he shall refer such dispute to a civil court of competent jurisdiction, and the decision of the court thereon shall be final.

(6) If a person, who has been ordered to vacate any premises under sub-clause (i) or (iv) of clause (a) of sub-section (1), within one month of the date of service of the notice, or such longer time as the Commissioner may allow, pays to the Commissioner the rent and taxes in arrears, or as the case may be, carries out or otherwise complies with the terms contravened by him to the satisfaction of the Commissioner, the Commissioner shall on such terms, if any (including the payment of any sum by way of damages or compensation for the contravention aforesaid), in lieu of evicting such person under sub-section (2), cancel his order made under sub-section (1); and thereupon such person shall continue to hold the premises on the same terms on which he held them immediately before such notice was served on him.

Power to
recover rent
or damages
as arrears of
property
taxes.

105C. (1) Subject to any regulations made by the Commissioner in this behalf, but without prejudice to the provisions of section 105B, where any person is in arrears of rent payable in respect of any corporation premises, the Commissioner may, by notice served in the manner provided for service of notice under sub-section (1) of section 105B, order that person to pay the same within such time not less than ten days as may be specified in the notice.

(2) Where any person is in unauthorised occupation of any corporation premises the Commissioner may, in the manner and having regard to the principles of assessment of damages, provided for by regulations, assess such damages on account of the use and occupation of the premises as he may deem fit, and may, by notice served in the manner referred to in sub-section (1), order that person to pay the damages within such time as may be specified in the notice.

(3) If any person refuses or fails to pay within the time specified in the notice, the arrears of rent under sub-section (1), or damages under sub-section (2), the Commissioner may recover the amount of rent, or as the case may be, of damages in the same manner as the general or property tax due from such person.

(4) No order shall be made under sub-section (2) until after the issue of a notice in writing to the person calling upon him to show cause, within a reasonable period to be specified in such notice, why such order should not be made, and until his objections, if any, and any evidence he may produce in support of the same, have been considered by the Commissioner.

105D. Without prejudice to the provisions of section 105B, in the case of any person who is an employee of the corporation and who has been allotted any corporation premises, the amount of rent due by him in respect of such premises shall, on a requisition in writing made in this behalf by the Commissioner to the Head of the Corporation Department or Officer under whom such person is employed, be liable to be deducted from the salary or wages payable to such person. On receipt of such requisition, the Head of such Department or Officer, as the case may be, shall deduct from the salary or wages payable to such person the amount specified in the requisition and pay the amount so deducted to the Commissioner in satisfaction of the rent due by him.

Rent to be recovered by deduction from salary or wages in case of corporation employees.

105E. The Commissioner shall, for the purpose of holding any inquiry under this Act, have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908, when trying a suit, in respect of the following matters, namely:—

Commissioner to have powers of Civil Court

- (a) summoning and enforcing the attendance of any person and examining him on oath;
- (b) requiring the discovery and production of documents;
- (c) any other matter which may be prescribed by regulations made under section 105H.

105F. (1) An appeal shall lie from every order of the Commissioner, made in respect of any corporation premises, under section 105B or section 105C, to an appellate officer who shall be the principal Judge of the City Civil Court of Bombay or such other judicial officer in Greater Bombay of not less than ten year's standing, as the principal Judge may designate in this behalf.

(2) An appeal under sub-section (1) shall be preferred,—

- (a) in the case of an appeal from an order under section 105B, within thirty days from the date of the service of the notice relating to the order under sub-section (1) of that section, and
- (b) in the case of an appeal from an order under section 105C, within thirty days from the date of the service of the notice relating to the order under sub-section (1) or (2) of that section, as the case may be:

Provided that, the appellate officer may entertain the appeal after the expiry of the said period of thirty days, if he is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

(3) Where an appeal is preferred from an order of the Commissioner, the appellate officer may stay the enforcement of that order for such period, and on such conditions as he deems fit.

(4) Every appeal under this section shall be disposed of by the appellate officer as expeditiously as possible.

Finality
of orders.

105G Save as otherwise expressly provided in this Chapter, every order made by the Commissioner or the appellate officer under this Chapter shall be final, and shall not be called in question in any original suit, application or execution proceeding.

Power to
make
regulations.

105H The Commissioner, with the approval of the Standing Committee, and the General Manager, with the approval of the Bombay Electric Supply and Transport Committee, may make regulations for all or any of the following matters, namely :—

- (a) the forms of notices under sections 105B and 105C and for prescribing the other manner in which they may be served under those sections ;
- (b) the holding of inquiries under this Chapter ;
- (c) the procedure to be followed in taking possession of any corporation premises under section 105B ;
- (d) the manner in which the damages under section 105C may be assessed and the principles which may be taken into account in assessing such damages ;
- (e) the manner in which appeals may be preferred under section 105F and the procedure to be followed in such appeals ;
- (f) any other matter which has to be, or may be, prescribed under this Chapter by regulations.]

CHAPTER VI.

BORROWING POWERS.

Power to
borrow from
Central or
[State]
Government
or other
persons.

1106. The corporation may from time to time borrow or re-borrow and take up at interest from ²[the Central or the ³[State] Government] or with the sanction of the ⁴[³[State] Government], 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,

¹New section 106 was substituted by Bom. 13 of 1933, s. 22, for the original as amended by Act 38 of 1920, s. 2, and Sch. I, Part IV, and Bom. I of 1925, s. 17

²The words " the Central or the Provincial Government " were substituted for the words " the Secretary of State for India in Council " by the Adaptation of Indian Laws Order in Council

³This word was substituted for the word " Provincial " by the Adaptation of Laws Order, 1950-

⁴The words " Provincial Government " were substituted for the words " Governor in Council " by the Adaptation of Indian Laws Order in Council.

- (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.

107. If any new loan shall be contracted by the corporation under this Act with ^{1*}the Central or the ^{2*}[State] Government], the same shall be subject, as regards repayment and security and in every other respect, to the same provisions as are hereinbefore contained in respect of the consolidated loan save only that the rate of interest, the period of repayment and the number and amount of the instalments shall, in the case of any such new loan, be fixed, ^{4*}by the Central Government, or, as the case may be, the ^{3*}[State] Government].

Provisions applicable to any new loan contracted with Central or [State] Government.

108. (1) The corporation may borrow or re-borrow any such sum as aforesaid from any person other than ^{2*}the Central or the ^{3*}[State] Government], on the security of any immovable property belonging to them or proposed to be acquired by them under this Act or of all the taxes or of any tax which they are authorised to levy for the purposes of this Act ^{5*}[or of the Bombay Electric Supply and Transport Undertaking] or of all or any of those securities.

Mortgage of taxes or immovable property.

(2) And for the purpose of securing the repayment of any sum so borrowed, with interest thereon, they may mortgage to the person by or on behalf of whom such sum is advanced any such immovable property or tax ^{6*}[or the said undertaking].

109. The exercise of the powers of borrowing conferred by this Act shall be subject to the following provisions, namely:—

Provisions as to exercise of borrowing powers

(a) money shall not be borrowed for the execution of any work other than a permanent work including under this expression any work, of which the cost ought, in the opinion of ^{7*}the ^{3*}[State] Government], to be spread over a term of years ;

^{8*}(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, ^{9*}[or other than for discharging any obligation arising out of the acquisition, extension, administration, operation or maintenance of the Bombay Electric Supply and Transport Undertaking.] ^{10*}[or other than for discharging any obligations arising out of any of the provisions contained in Chapters IX and X,] 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 ^{11*}[Greater Bombay] assessable, as hereinafter provided, to property taxes ; and

^{8*}(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,

Bom XVI of 1925.

Bom XVI of 1925.

¹ The proviso was omitted by the Adaptation of Indian Laws Order in Council
² The words " the Central or the Provincial Government " were substituted for the words " the Secretary of State for India in Council ", *ibid*
³ This word was substituted for the word " Provincial " by the Adaptation of Laws Order, 1950
⁴ The words " by the Central Government or, as the case may be, the Provincial Government " were substituted for the words " under the orders of the Governor-General in Council, by the Governor in Council " by the Adaptation of Indian Laws Order in Council.
⁵ These words were inserted by Bom. 48 of 1948, s. 19
⁶ These words were added, *ibid*, s. 19
⁷ The words " the Provincial Government " were substituted for the words " Government " by the Adaptation of Indian Laws Order in Council.
⁸ Clauses (b), (c) and (d) were substituted for the original clause (b) by Bom. 13 of 1933, s. 23(a).
⁹ These words were inserted by Bom 48 of 1948, s 20.
¹⁰ These words and figures were inserted by Mah. 34 of 1973, s 7(a)
¹¹ These words were substituted for the words " the City " by Bom. 7 of 1950, s. 6(I).

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 ¹[Greater Bombay] assessable, as hereinafter provided, to property taxes ; and

²(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 ; ³and

(dd) the sum borrowed for the purpose of discharging any obligation arising out of the acquisition, extension, administration, operation, or maintenance of the Bombay Electric Supply and Transport Undertaking including the balances of all the outstanding loans and debts borrowed for the said purpose, shall not at any time exceed in the whole double the rateable value of the premises in ¹[Greater Bombay] assessable, as hereinafter provided, to property taxes ; and]

⁴(ddd) the sums borrowed for the purposes of discharging any obligations arising out of any of the provisions of Chapters IX and X, including the balances of all the outstanding loans and debts borrowed for any of the said purposes, shall not at any time exceed in the whole double the rateable value of the premises in Greater Bombay assessable, as hereinafter provided, to property taxes ; and]

⁵(e) the money may be borrowed for such time, not exceeding sixty years, as the corporation, with the sanction of the ⁶[⁷[State] Government], determine in each case ;

⁸(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 ⁹[the ⁷[State] 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 sum as will, with accumulations in the way of compound interest, be sufficient, after payment of all expenses, to pay off the moneys so borrowed within the period sanctioned or within such other period as may be approved by ⁹[the ⁷[State] Government] ;

⁵(g) the corporation may at any time apply the whole or any part of a sinking fund set apart under this section in or towards the discharge of the moneys for the repayment of which the fund has been established : Provided that they pay into the fund each time that interest would have been received by the corporation in respect of the sinking fund or the part of the sinking fund so applied, and accumulate, until the whole of the moneys borrowed are discharged, a sum equivalent to the interest which would have been so received ;

⁵(h) the investment every year of any sum set apart as portion of the principal of a sinking fund shall be made within fifteen days after the day on which the second half-yearly payment of interest is due by the corporation in respect of the loan for repayment of which such sinking fund is established ; and the re-investment of any sum received by the corporation on account of interest on moneys appertaining to a sinking fund already invested, and the investment

¹ These words were substituted for the words " the City " by Bom. 7 of 1950, s 6(I)

² Clauses (b), (c) and (d) were substituted for the original clause (b) by Bom. 13 of 1933, s 23(a).

³ This portion was inserted by Bom. 48 of 1948, s 20

⁴ Clause (ddd) was inserted by Mah. 34 of 1973, s. 7(b)

⁵ Original clauses (c) to (g) of section 109 were re-lettered (e) to (i) by Bom. 13 of 1933, s 23(b)

⁶ The words " Provincial Government " were substituted for the words " Governor in Council " by the Adaptation of Indian Laws Order in Council

⁷ This word was substituted for the word " Provincial " by the Adaptation of Laws Order, 1950.

⁸ New clause (f) was substituted for the original by Bom. 13 of 1933, s. 23(c).

⁹ The words " the Provincial Government " were substituted for the word " Government " by the Adaptation of Indian Laws Order in Council.

of any sum payable into the fund under clause ⁴(g) as the equivalent of interest which the corporation would have received, if the sinking fund or a part thereof had not been applied in any manner authorized by the said clause, shall be made within one month from the day on which such interest is received or from the day on which such interest would have been received, as the case may be :

²[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 ;]

³(i) where money is borrowed for the purpose of discharging a previous loan, the time for repayment of the money so borrowed shall not, unless with the sanction of ⁴[the ⁵[State] Government] extend beyond the unexpired portion of the period for which the original loan was sanctioned and shall in no case be extended beyond the period of sixty years from the date of the original loan :

⁶[Provided that, nothing contained in this clause shall apply to any sum borrowed for the purposes of any capital works in relation to Chapters IX and X.]

⁷[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 ⁸[State] Government] * * * shall have been duly obtained under section 106

Investment of sinking fund and surplus moneys in debentures issued by the corporation.

Bom
IV of
1898
Bom
XVI
of
1925

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.

(2) The issue of any such debentures direct to and in the name of "The Municipal Commissioner for ¹⁰[Greater 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.

¹¹[109AA. (1) All sinking funds established under this Act shall be subject to annual examination by ¹²[the Chief Auditor, Local Fund Accounts,] who shall ascertain whether the cash and the value of the securities belonging thereto are actually

Annual examinations of sinking funds.

¹ The brackets and letter "(g)" were substituted for the brackets and letter "(c)" by Bom. 76 of 1948, s. 12.

² This proviso was inserted by Bom. 13 of 1933, s. 23(d)

³ Original clauses (c) to (g) of section 109 were relettered (e) to (i), *ibid.*, s. 23(b).

⁴ The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council

⁵ This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

⁶ This proviso was added by Mah. 34 of 1973, s. 7(c).

⁷ New sections 109A, 109B and 109C were inserted by Bom. 13 of 1933, s. 24.

⁸ The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation of Indian Laws Order in Council

⁹ The words "or of the Governor-General in Council" were omitted, *ibid.*

¹⁰ These words were substituted for the words "the City of Bombay" by Bom. 7 of 1950, s. 6(1).

¹¹ This section was inserted by Bom. 76 of 1948, s. 13

¹² These words were substituted for the words "the Accountant General, Bombay," by Mah. 42 of 1976, s. 7.

equal to the amount which should be at the credit of such funds had investments been regularly made and had the rate of interest as originally estimated been obtained therefrom

(2) The amount which should be at the credit of a sinking fund shall be calculated on the basis of the present value of all future payments required to be made to such fund under the provisions of this Act, on the assumption that all investments are regularly made and the rate of interest as originally estimated is obtained therefrom

(3) The securities belonging to a sinking fund shall be valued for the purposes of this section at their current market value, except in the case of debentures issued under this Act or under any previous Act relating to the municipal government of the city or under the City of Bombay Improvement Act, 1898, or under the City of Bombay Improvement Trust Transfer Act, 1925, which shall always be valued at par, provided that the corporation shall make good immediately any loss which may accrue on the actual sale of such debentures at the time of the repayment of the loan Bom
IV of
1898
Bom
XVI of
1925

(4) The corporation shall forthwith pay into any sinking fund any amount which ¹[the Chief Auditor, Local Fund Accounts,] may certify to be deficient, unless the ²[State] Government specially sanctions a gradual readjustment

(5) If the cash and the value of the securities at the credit of any sinking fund are in excess of the amount which should be at its credit ¹[the Chief Auditor, Local Fund Accounts,] shall certify the amount of such excess sum and the corporation may thereupon transfer the excess sum to the municipal fund.

(6) If any dispute arises as to the accuracy of any certificate made by ¹[the Chief Auditor, Local Fund Accounts,] under sub-section (4) or (5) the corporation may, after making the payment or transfer, as the case may be, refer the matter to the ²[State] Government whose decision shall be final]

⁴109B. (1) Notwithstanding anything contained in sections 106, 108 and 109 the corporation may, with the previous sanction of the ² [³State] 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 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 Bom
XVI
of
1925

(2) The corporation may also, with the previous sanction of ²[the ³State] Government] and subject to the provisions of this Act, mortgage any lands of property vesting or re-vesting or belonging to the corporation in security or 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] Bom
XVI
of
1925

¹ These words were substituted for the words " the Accountant General, Bombay, " by Mah. 42 of 1976, s. 7.

² The words " Provincial Government " were substituted for the words " Local Government " by the Adaptation of Indian Laws Order in Council.

³ This word was substituted for the word " Provincial " by the Adaptation of Laws Order, 1950.

⁴ Now sections 109 A, 109 B and 109 C were inserted by Bom. 13 of 1933, s. 24

110. (1) Every mortgage authorized to be made under this Chapter ⁴[other Form of security. than a mortgage made under section 109B] shall be by debenture in the form contained in Schedule C or in such other form as the corporation, with the consent of ⁵[the Provincial Government] shall from time to time determine.

(2) Every debenture issued under this Act ⁶[other than a debenture issued under section 110D] shall be transferable by endorsement * * *

(3) The right to payment of the moneys secured by any of such debentures and to sue in respect thereof shall vest in the holder thereof for the time being, without any preference by reason of some of such debentures being prior in date to others:

Bom. IV of 1898. Bom. XVI of 1925. ⁷110A. (1) When a debenture issued under this Act or any previous Act relating to the municipal government of the city ⁸[or under the City of Bombay Improvement Act, 1893, or the City of Bombay Improvement Trust Transfer Act, 1925], is alleged to have been ⁹[lost, stolen or destroyed either wholly or in part] and a person claims to be the person to whom but for the loss, ¹⁰[theft] or destruction it would be payable, he may, on application to the Municipal Commissioner, and on producing proof to his satisfaction of the loss, ¹¹[theft] or destruction and of the justice of the claim, obtain from him an order for—

¹²[(a) if the debenture alleged to have been lost, stolen or destroyed is payable more than six years after the date of publication of the notification referred to in sub-section (2),

(i) for the payment of interest in respect of the debenture pending the issue of a duplicate debenture, and

(ii) for the issue of a duplicate debenture payable to the applicant, or

(b) if the debenture alleged to have been lost, stolen or destroyed is payable not more than six years after the date of publication of the notification referred to in sub-section (2),

(i) for the payment of interest in respect of the debenture without the issue of a duplicate debenture, and

(ii) for the payment to the applicant of the principal sum due in respect of the debenture on or after the date on which the payment becomes due.]

(2) An order shall not be passed under sub-section (1) until after the issue of such notification of the loss ¹³[theft] or destruction of the debenture as may be prescribed by the corporation, and after the expiration of such period as may be prescribed by the corporation, nor until the applicant has given such indemnity as may be required by the corporation against the claims of all persons deriving title under the debenture lost, ¹⁴[stolen] or destroyed.

¹ These words and figures were inserted, by Bom. 13 of 1933, s. 25 (a)

² The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

³ These words were inserted by Bom. 13 of 1933, s. 25 (b).

⁴ The words and letter "and such transfers may be in the form of Schedule D, or to the like effect" were deleted and have been deemed always to have been deleted, by Bom. 76 of 1948, s. 14.

⁵ Sections 110A to 110C were inserted by Bom. 1 of 1910, s. 2, Serial No. 16.

⁶ These words and figures were inserted by Bom. 13 of 1933, s. 26.

⁷ These words were substituted for the words "wholly or partly lost or destroyed" by Bom. 5 of 1938, s. 12 (a) (i).

⁸ This word was inserted, *ibid.*, s. 12 (a) (ii).

⁹ These clauses were substituted for the original, *ibid.*, s. 12 (a) (iii).

¹⁰ This word was inserted, *ibid.*, s. 12 (b) (i).

¹¹ This word was inserted, *ibid.*, s. 12 (b) (ii).

¹(3) A list of the debentures in respect of which an order is passed under sub-section (1) shall be published in the Official Gazette]

²(4) If at any time before the corporation becomes discharged under the provisions of section 110AD from liability in respect of any debenture the whole of which is alleged to have been lost, stolen or destroyed, such debenture is found, any order passed in respect thereof under this section shall be cancelled]

Renewal of debentures.

³[110AA. Subject to the provisions of section 110AB, a person claiming to be entitled to a debenture issued under 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, may on applying to the Commissioner and on satisfying him of the justice of his claim and delivering the debenture receipted in such manner and paying such fee as may be prescribed by the Commissioner obtain a renewed debenture payable to the person applying. Bom IV of 1898. Bom XVI of 1925

Renewal of debentures in case of dispute as to title.

110AB. (1) Where there is a dispute as to the title to a debenture issued under 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, in respect of which an application for renewal has been made, the Commissioner may— Bom IV of 1898 Bom XVI of 1925

(a) where any party to the dispute has obtained a final decision from a Court of competent jurisdiction declaring him to be entitled to such debenture, issue a renewed debenture in favour of such party, or

(b) refuse to renew the debenture until such a decision has been obtained, or

(c) after such inquiry as is hereinafter provided and on consideration of the result thereof, declare by order in writing which of the parties is in his opinion entitled to such debenture and may, after the expiration of three months from the date of such declaration, issue a renewed debenture in favour of such party in accordance with the provisions of section 110AA, unless within that period he has received notice that proceedings have been instituted by any person in a court of competent jurisdiction for the purpose of establishing a title to such debenture.

Explanation.—For the purposes of this sub-section the expression “final decision” means a decision which is not appealable or a decision which is appealable but against which no appeal has been filed within the period of limitation allowed by law.

(2) For the purposes of the inquiry referred to in sub-section (1) the Commissioner may himself record, or may request the District Magistrate to record or to have recorded, the whole or any part of such evidence as the parties may produce. The District Magistrate to whom such request has been made may himself record the evidence or may direct any Magistrate subordinate to him to record the evidence and shall forward the record of such evidence to the Commissioner.

(3) The Commissioner or any Magistrate acting under this section may, if he thinks fit, record evidence on oath.

Liability in respect of debenture renewed.

110AC. (1) When a renewed debenture has been issued under section 110AA in favour of any person, the debenture so issued shall be deemed to constitute a new contract between the corporation and such person and all persons deriving title thereafter through him.

(2) No such renewal shall affect the rights as against the corporation of any other person to the debenture so renewed.

¹ This Sub-section was substituted for the original by Bom. 5 of 1938, s. 12 (c)

² This sub-section was added, *ibid*, s. 12. (d)

³ Sections 110AA to 110AE were inserted, *ibid*, s. 13.

110AD. When a duplicate debenture has been issued under section 110A, or when a renewed debenture has been issued under section 110AA or section 110AB, or when the principal sum due on a debenture in respect of which an order has been made under section 110A for the payment of the principal sum without the issue of a duplicate debenture has been paid on or after the date on which such payment became due, the corporation shall be discharged from all liability in respect of the debenture in place of which a duplicate or renewed debenture has been so issued, or in respect of which such payment has been made, as the case may be—

Discharge
in certain
cases.

(a) in the case of a duplicate debenture, after the lapse of six years from the date of the publication of the notification referred to in sub-section (3) of section 110A or from the date of the last payment of interest on the original debenture, whichever date is later,

(b) in the case of a renewed debenture after the lapse of six years from the date of the issue thereof, and

(c) in the case of payment of the principal sum without the issue of a duplicate debenture, after the lapse of six years from the date of the publication of the notification referred to in sub-section (3) of section 110A.

110AE. Notwithstanding anything in section 110AA or 110AB, the Commissioner may in any case arising under either of those sections—

(1) issue a renewed debenture upon receiving such indemnity in favour of the corporation and the Commissioner as he shall think fit against the claims of all persons claiming under the original debenture, or

(2) refuse to issue a renewed debenture unless such indemnity is given]

IX of 1872 Bom. IV of 1898 Bom. XVI of 1925. **1110B.** (1) Notwithstanding anything in section 45 of the Indian Contract Act, 1872, when any debenture issued under this Act or any previous Act relating to the municipal government of the city ²[or under the City of Bombay Improvement Act, 1898, or the City of Bombay Improvement Trust Transfer Act, 1925], is payable to two or more persons jointly and either or any of them dies, the debenture shall be payable to the survivor or survivors of those persons.

Right of
survivors of
joint payees
of securities

(2) Nothing herein contained shall affect any claim which the representative of the deceased person may have against the survivor or survivors in respect of the debenture jointly payable to him or them and the deceased.

(3) This section shall apply whether the death of the person to whom the debenture or security was jointly payable occurred or occurs before or after this section comes into force.

IX of 1872 Bom. IV of 1898 Bom. XVI of 1925. **1110C.** Notwithstanding anything in section 45 of the Indian Contract Act, 1872, when two or more persons are joint holders of any debenture issued under this Act, or any previous Act relating to the municipal government of the city, ³[or under the City of Bombay Improvement Act, 1898, or the City of Bombay Improvement Trust Transfer Act, 1925] any one of those persons may give an effectual receipt for any interest or dividend payable in respect of such debenture unless notice to the contrary has been given to the Commissioner by any other of the holders.

Power of one
or two or
more joint
holders to
grant
receipts.

¹ Sections 110A to 110C were inserted by Bom. I of 1910, s. 2, Serial No. 16.

² These words and figures were inserted by Bom. 13 of 1933, s. 26.

³ These words and figures were inserted, *ibid.*

Debentures issued under Bombay Acts IV of 1898 and 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 ^{Bom. IV of 1898} [the Provincial Government], prescribe. ^{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— ^{Bom. IV of 1898}

(a) if it is in the form of Schedule AA by endorsement, and ^{Bom. XVI of 1925}

(b) if it is in any other form, in such manner as is therein expressed ^{Bom. XVI of 1925}

(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 ^{Bom. IV of 1898} [the Provincial 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. XVI of 1925}

³(1A) The repayment of the principal sum mentioned in a stock certificate issued under sub-section (1) in lieu of a debenture or any other security, not being a debenture issued under the City of Bombay Improvement Act, 1898, or the City of Bombay Improvement Trust Transfer Act, 1925, or a debenture issued under this Act in renewal of such a debenture, and the interest payable thereon shall be deemed to be secured by a mortgage of a proportion of all the taxes which may be levied under this Act in the same manner and to the same extent as if a debenture for the same sum has been issued in the form contained in Schedule C to this Act]

(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.

⁴(3) The corporation may from time to time make, alter or rescind rules prescribing—

(a) the amounts for which stock certificates may be issued ;

(b) the fees to be levied in respect of the issue of stock certificates ;

(c) the form of keeping a register of the holders of stock ;

¹ Sections 110D to 110H were inserted, by Bom. 13 of 1933, s. 27

² The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

³ Sub-section (1A) was inserted by Bom. 32 of 1935, s. 6

⁴ These sub-sections were added by Bom. 5 of 1938, s. 14.

(d) the mode in which payment of interest to holders of stock is to be made, recorded and acknowledged,

(e) the form of transfer to be used, the formalities to be observed and the fees to be levied on a transfer of stock;

(f) the circumstances and manner in which duplicate stock certificates may be issued and the fees to be levied or the indemnity to be required on any such issue;

(g) generally the measures to be adopted for carrying out the objects of this section.

(4) No rule, or alteration or rescission of a rule, shall have effect until the same shall have been approved by Government, and such approval shall have been published in the *Official Gazette*, and no rule, or alteration or rescission of a rule, shall be approved by Government until the same shall have been published for three weeks successively in the said *Gazette*]

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.

Provisions
for loans, etc
raised by the
Board of
Trustees
under
Bombay Act
IV of 1898^a
and Bombay
Act 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 [the Provincial 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 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;

Bom
IV of
1898
Bom
XVI
of
1925

(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

Bom
IV of
1898

^a Sections 110D to 110H were inserted by Bom. 13 of 1933, s 27

^b The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

Debentures issued under Bombay Acts IV of 1898 and 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 ²[the Provincial Government], prescribe. 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— Bom. IV of 1898
Bom. XVI of 1925

(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 ²[the Provincial 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

³[(1A) The repayment of the principal sum mentioned in a stock certificate issued under sub-section (1) in lieu of a debenture or any other security, not being a debenture issued under the City of Bombay Improvement Act, 1898, or the City of Bombay Improvement Trust Transfer Act, 1925, or a debenture issued under this Act in renewal of such a debenture, and the interest payable thereon shall be deemed to be secured by a mortgage of a proportion of all the taxes which may be levied under this Act in the same manner and to the same extent as if a debenture for the same sum has been issued in the form contained in Schedule C to this Act]

(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.

⁴[(3) The corporation may from time to time make, alter or rescind rules prescribing—

(a) the amounts for which stock certificates may be issued ;

(b) the fees to be levied in respect of the issue of stock certificates ;

(c) the form of keeping a register of the holders of stock ;

¹ Sections 110D to 110H were inserted, by Bom 13 of 1933, s 27

² The words " the Provincial Government " were substituted for the word " Government " by the Adaptation of Indian Laws Order in Council

³ Sub-section (1A) was inserted by Bom 32 of 1935, s 6.

⁴ These sub-sections were added by Bom. 5 of 1938, s 14.

(d) the mode in which payment of interest to holders of stock is to be made, recorded and acknowledged ;

(e) the form of transfer to be used, the formalities to be observed and the fees to be levied on a transfer of stock ;

(f) the circumstances and manner in which duplicate stock certificates may be issued and the fees to be levied or the indemnity to be required on any such issue ;

(g) generally the measures to be adopted for carrying out the objects of this section.

(4) No rule, or alteration or rescission of a rule, shall have effect until the same shall have been approved by Government, and such approval shall have been published in the *Official Gazette* ; and no rule, or alteration or rescission of a rule, shall be approved by Government until the same shall have been published for three weeks successively in the said *Gazette*]

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.

Provisions
for loans, etc
raised by the
Board of
Trustees
under
Bombay Act
IV of 1898
and Bombay
Act 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 [the Provincial 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 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 ;

Bom
IV of
1898
Bom
XVI
of
1925.

(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

Bom
IV of
1898.

¹ Sections 110D to 110H were inserted by Bom. 13 of 1933, s. 27

² The words " the Provincial Government " were substituted for the word " Government " by the Adaptation of Indian Laws Order in Council.

Improvement Act, 1898, or the City of Bombay Improvement Trust Transfer Act, 1925," were substituted; Bom. XVI of 1925.

(x) 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);

(y) 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

(z). 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 ²[the Provincial Government] may attach the rents and other income of the corporation sufficient to pay the said sum and thereupon

¹ Sections 110D to 110H were inserted by Bom. 13 of 1933, s 27

² The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

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 ¹[the ²[State] 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 :

³[Provided that nothing in this sub-section shall authorize the levying of any tax which could not be imposed in the ²[State] by the ²[State] Legislature under the ⁴[Constitution]

⁵110G. If the Commissioner fails to make the payment as required by section 110F ^{Procedure} ^{in case of} ^{default by} ^{Commis-} ^{sioner} ¹[the ²[State] 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 ¹[the ²[State] Government] attaches a special tax leviable under sub-section (2) of section 110F, ¹[the ²[State] Government] may require the corporation to levy the said tax.

⁵110H. All moneys payable under sub-section (7) of section 110F and levied under section 110G shall constitute a charge upon the property of the corporation] ^{Certain sums} ^{to be a charge} ^{upon the} ^{property} ^{of the} ^{corporation.}

CHAPTER VII.

REVENUE AND EXPENDITURE.

The Municipal Fund.

111: ⁶[Subject to the provisions of sections 120, 120A and 460Z] all moneys ^{Constitution} ^{of the muni-} ^{cipal fund} received by or on behalf of the corporation under the provisions of this Act or of any other enactment at the time in force, or under any contract,

all proceeds of the disposal of property by, or on behalf of, the corporation,

all rents accruing from any property of the corporation,

all moneys raised by any tax, levied for the purposes of this Act,

all fees and fines payable and levied under this Act or under any rule, regulation or by-law in force thereunder ⁷[other than fines imposed by a court],

⁸[the balance, after all necessary contingent expenses have been defrayed, of all fees] ^{Bom.} ^{VII of} ^{1920.} for licences for public conveyances granted by the Police Commissioner under ⁹[the Bombay Public Conveyances Act, 1920,]

¹⁰[the balance, after all necessary contingent expenses have been defrayed, of all fees for licences for the playing of music in streets and public places granted under paragraph (u) of clause (f) of section 22 of the City of Bombay Police Act, 1902,]

^{Bom.} ^{IV of} ^{1902.}

¹ The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council

² This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

³ This proviso was substituted for the original proviso, by the Adaptation of Indian Laws Order in Council

⁴ This word was substituted for the words and figures "Government of India Act, 1935," by the Adaptation of Laws Order, 1950.

⁵ Sections 110D to 110H were inserted by Bom. 13 of 1933, s. 27.

⁶ This portion was inserted by Bom. 48 of 1948, s. 21.

⁷ These words were inserted by the Adaptation of Indian Laws Order in Council

⁸ These words were substituted for the words "all fees" by Bom. 3 of 1907, s. 16(a).

⁹ These words and figures were substituted for the original by Bom. 76 of 1948, s. 15.

¹⁰ This clause was inserted by Bom. 3 of 1907, s. 16 (b).

* * * * *

all moneys received by or on behalf of the corporation ²[from any Government] or private individuals by way of grant or gift or deposit, and

all interest and profits arising from any investment of, or from any transaction in connection with, any money belonging to the corporation, ³[including loans advanced under section 354W, ⁴[354WA or 354WB]], shall be credited to a fund, which shall be called "the municipal fund", and which shall be held by the corporation in trust for the purposes of this Act, subject to the provisions herein contained :

Commissioner to receive payments on account of the municipal fund and to lodge them in a bank.

* * * * *

112. All moneys payable to the credit of the municipal fund shall be received by the Commissioner and shall be forthwith paid ⁶[into the] ⁷[Bank of Bombay] to the credit of an account, which shall be styled "the account of the municipal fund of ⁸[Greater Bombay]":

How the fund shall be drawn against.

⁹[113. (1) Subject to the provisions of section 520, no payment shall be made by the Bank aforesaid out of the municipal fund except on a cheque signed by two persons in the manner specified below, namely:—

(a) by either the Commissioner or Deputy Commissioner, or in the absence of both, by a municipal officer who is authorised by the Standing Committee to sign the cheques, and

(b) by either the Chief Accountant or Deputy Accountant :

Provided that, any cheque for an amount not exceeding two thousand rupees, if signed by the Chief Accountant or Deputy Accountant shall be sufficient authority for the payment of the amount thereof out of the fund by the said Bank.

(2) Payment of any sum due by the Corporation in excess of one hundred rupees (or such higher amount as the Standing Committee from time to time may fix generally or for any specified class of payments) shall be made by means of a cheque signed as aforesaid and not in any other way.

(3) Payments not covered by sub-section (2) may be made by the Commissioner in cash or cheques for a sum not exceeding five thousand rupees each (or such higher amount as the Standing Committee may from time to time fix) signed as aforesaid, being drawn from time to time to cover such payments]

Deposit of portion of the municipal fund may be made with bank or agency out of Bombay when convenient.

114. Notwithstanding anything contained in the two last preceding sections, the Commissioner may, with the ¹⁰[previous] approval of the standing committee, from time to time, remit any portion of the municipal fund to a bank or other agency at any place beyond the city at which it may be desirable for the corporation to have funds in deposit, and any money payable to the credit of the municipal

¹ The words, figures, letter and brackets "the balance, after all expenses referred to in sub-section (3) of section 513A have been defrayed, of all fines levied by any magistrate in respect of any offence against the provisions of this Act, or of any regulation or by-law made under this Act," were omitted by the Adaptation of Indian Laws Order in Council.

² The words "from any Government" were substituted for the words "from Government," *ibid*

³ These words, figures and letter were inserted by Bom. 13 of 1933, s. 28.

⁴ These figures, letters and word were inserted by Bom. 34 of 1954, s. 4.

⁵ The proviso was deleted by Bom. 48 of 1948, s. 21.

⁶ These words were substituted for the original words by Bom. 1 of 1894, s. 4(2).

⁷ The reference to the Bank of Bombay should be read as referring to the Reserve Bank of India, Bombay.

⁸ These words were substituted for the words "the City of Bombay" by Bom. 7 of 1950, s. 6 (1).

⁹ Section 113 was substituted by Mah. 39 of 1961, s. 9.

¹⁰ The word "previous" was inserted by Bom. 19 of 1930, s. 9.

received by him into any corresponding new bank within the meaning of clause (d) of section 2 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970, for such period or periods as he deems fit, and the provisions of this Act shall apply thereto as they apply in relation to the moneys of the municipal fund which are paid into the State Bank of India, constituted under the State Bank of India, Act, 1955]

¹[113. (1) Subject to the provisions of section 520, no payment shall be made by the Bank aforesaid out of the municipal fund except on a cheque signed by two persons in the manner specified below, namely :—

How the fund shall be drawn against

(a) by either the Commissioner or Deputy Commissioner, or in the absence of both, by a municipal officer who is authorized by the Standing Committee to sign the cheques, and

(b) by either the Chief Accountant or Deputy Accountant .

Provided that, any cheque for an amount not exceeding two thousand rupees, if signed by the Chief Accountant or Deputy Accountant shall be sufficient authority for the payment of the amount thereof out of the fund by the said Bank.

(2) Payment of any sum due by the corporation in excess of one hundred rupees (or such higher amount as the Standing Committee from time to time may fix generally or for any specified class of payments) shall be made by means of a cheque signed as aforesaid and not in any other way

(3) Payments not covered by sub-section (2) may be made by the Commissioner in cash or cheques for a sum not exceeding five thousand rupees each (or such higher amount as the Standing Committee may from time to time fix) signed as aforesaid, being drawn from time to time to cover such payments]

114. Notwithstanding anything contained in the two last preceding sections, the Commissioner may, with the ²[previous] approval of the Standing Committee, from time to time, remit any portion of the municipal fund to a bank or other agency at any place beyond the city at which it may be desirable for the corporation to have funds in deposit, and any money payable to the credit of the municipal

Deposit of portion of the municipal fund may be made with bank or agency out of Bombay when convenient,

¹ Section 113 was substituted by Mah 39 of 1961, s 9

² The word " previous " was inserted by Bom 19 of 1930, s 9

fund or chargeable thereagainst, which can, in the opinion of the Commissioner be most conveniently paid into or out of the account of the Corporation at any such bank or agency, may be so paid.

115. (1) Except as hereinafter provided, no payment of any sum shall be made by the Commissioner out of the municipal fund, unless the expenditure of the same is covered by a current budget-grant, and sufficient balance of such budget-grant is still available, notwithstanding any reduction or transfer thereof which may have been made under section 133 or section 134

Only sums covered by budget-grant to be expended from the municipal fund.

(2) Provided that the following items shall be excepted from this prohibition, namely —

Exceptions

(a) sums of which the expenditure has been sanctioned by the standing committee under section 132;

(b) temporary payments under section 119 for works urgently required in the public service,

(c) refunds of taxes and other moneys which the Commissioner is by or under this Act authorised to make;

(d) repayments of moneys belonging to contractors or other persons held in deposit and of moneys collected or credited to the municipal fund by mistake,

(e) sums which the Commissioner is by section 222, sub-section (3), 309, sub-section (2), 315, sub-section (2), 334, sub-section (2), 395, sub-section (2), 426, sub-section (2), 427, sub-section (4), 501 and 515, clause (b) required or empowered to pay by way of compensation,

(f) sums payable in any of the circumstances mentioned in clause (f) of section 118;

(g) expenses incurred by the Commissioner in the exercise of the power conferred upon him by section 434;

(h) costs incurred by the Commissioner under clause (c) or (d) of sub-section (3) of section 64:

¶Provided further that, in the case of an emergent necessity for funds, and upon a representation by the Bombay Electric Supply and Transport Committee to the Corporation, the Corporation may, with the previous sanction of the State Government (which sanction may be given subject to such terms and conditions as to repayment and other matters as that Government thinks fit), authorise the Commissioner to pay from the municipal fund into the Bombay Electric Supply and Transport Fund such sums as may be specified, as a temporary advance for meeting such emergency }-

(3) In sub-section (1), " budget-grant " means a budget-grant within the meaning of that term as defined in section 130 and includes any sum by which such budget-grant may at any time be increased by a transfer under sub-section (1) of section 133

¹This portion was substituted for the original by Bom 48 of 1948, s 22.

²This proviso was added by Mah 32 of 1966, s. 2

³This was substituted for " clause (b) " by Bom, 5 of 1938, s. 15,

116. The members of the standing committee ^{1*} * * shall not sign any cheque under section 113 without first satisfying themselves that the sum for which such cheque is drawn is either covered by a budget-grant as aforesaid or is an item of one of the excepted descriptions specified in sub-section (2) of the last preceding section.

117. Whenever any sum is expended by the Commissioner under clause (e), (f), (g) or (h) of ²[sub-section (2) of] section 115, he shall forthwith communicate the circumstances to the standing committee, who shall take such action under ³[sub-section (2) of] section 133 or recommend the corporation to take, under section 131 ⁴[or under sub-section (1) of section 133] such actions as shall, in the circumstances, appear possible and expedient for covering the amount of the additional expenditure.

118. The moneys from time to time credited to the municipal fund shall be applied in payment of all sums, charges and costs necessary for the purposes specified in sections 61, 62, ⁵[62D], ⁶[62E] and 63, or for otherwise carrying this Act into effect, or of which the payment shall be duly directed or sanctioned under any of the provisions of this Act, inclusive of—

(a) the expenses of every ward-election ^{6*} * * held under this Act;

⁷[(b) sums payable to the Bombay Electric Supply and Transport Fund in repayment of amounts disbursed therefrom for any of the purposes of this Act other than for the purpose of the Bombay Electric Supply and Transport Undertaking and including the expenses of, or reasonable charges for, all supplies provided and services rendered for any such purpose by the General Manager at the charge of the Bombay Electric Supply and Transport Fund,]

(c) the salaries, ⁷[joining time allowances] and other allowances of the Commissioner and of any Deputy Commissioner appointed under this Act ⁸[and of any officer whose services may, at the request of the corporation, be placed by ⁹[the ¹⁰[State] Government] at their disposal],]

(d) the salaries and other allowances of all municipal officers and servants and all ¹¹[contributions to provident funds,] pensions, gratuities and compassionate allowances payable under the provisions of this Act or of any schedule or regulations framed under this Act and at the time in force ¹²[and the interest on the accumulations of Municipal officers and servants in the provident funds aforesaid, at such rate as is sanctioned by the State Government, from time to time, in the case of such accumulations of its own employees];

¹³[(dd) the fees and costs payable to the Commission in connection with consultation relating to any appointment to any post in any department of the Municipal administration;]

^{1*}The words "and the municipal secretary" were omitted by Bom. 32 of 1935, s. 8.

²This portion was inserted by Bom. 5 of 1938, s. 16.

³The figures and letter "62D" were inserted by Bom. 3 of 1907, s. 17.

⁴The figures and letter "62E" were inserted by Bom. 12 of 1925, s. 3.

⁵The words "and of every justices election" were omitted by Bom. 32 of 1935, s. 9.

⁶Clause (b) was inserted by Bom. 48 of 1948, s. 23.

⁷These words were inserted by Bom. 5 of 1905, s. 8(a).

⁸These words were added, *ibid.*, s. 8(b).

⁹The words "the Provincial Government" were [substituted for the word "Government" by the Adaptation of Indian Laws Order in Council

¹⁰This was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

¹¹These words were added by Bom. 6 of 1922, s. 30.

¹²These words were added by Mah. 27 of 1979, s. 2.

¹³Clause (dd) was inserted by Bom. 48 of 1950, s. 53.

(e) all expenses and costs incurred by the Commissioner in the exercise of any power or the discharge of any duty conferred or imposed upon him by this Act, including moneys which he is required or empowered to pay by way of compensation ;

¹[(*ee*) the loans advanced in accordance with the provisions of section 354W
²[, 354WA or 354 WB],

(f) every sum payable—

(i) under ³[sub-section (I) of section 110F], ⁴[section 513A, and] sub-section (I) of section 520 to ⁵[the ⁶[State] Government];

(ii) under a decree or order of a civil or criminal court passed against the corporation or against the Commissioner or a Deputy Commissioner *ex officio* ;

(iii) under a compromise of any suit or other legal proceeding or claim effected under section 517.

⁷[118A. Expenditure by the corporation out of the municipal fund shall, ⁸Municipal fund where save as otherwise provided by this Act, be made within ⁹[Greater Bombay] only, ¹⁰but may by a resolution of the corporation supported by at least ¹¹[half to be expended the total number of] councillors, be made outside the city for any of the purposes of this Act]

¹ The new clause (*ee*) was inserted by Bom 13 of 1933, s 29(i)

² These figures, letters and word were inserted by Bom 34 of 1954, s 5

³ These words, figures, letter and brackets were inserted by Bom 13 of 1933, s 20(ii)

⁴ These words, figures and letter were inserted by Bom. 10 of 1930, s 3

⁵ The words ' the Provincial Government ' were substituted for the word " Government " by the Adaptation of Indian Laws Order in Council

⁶ This word was substituted for the word " Provincial by the Adaptation of Laws Order, 1950.

⁷ New section 118A was inserted by Bom. 10 of 1928, s 11

⁸ These words were substituted for the words " the city " by Bom 7 of 1950, s 6(i)

⁹ These words were substituted for the words " fifty-four ", *ibid*, s 13

119. (1) On the written requisition of a Secretary to ¹[the ²[State] Govern- Temporary
ment], the Commissioner may at any time undertake the execution of any work payments
certified by such Secretary to be urgently required in the public service, and for from the
this purpose may temporarily make payments from the municipal fund, so far as the municipal
same can be made without unduly interfering with the regular working of the fund for
municipal administration. The cost of all work so executed and of the establish- works
ment engaged in executing the same shall be paid by the ¹[the ²[State] Government] urgently
and credited to the municipal fund. required
for public
service.

(2) On receipt of any requisition under sub-section (1), the Commissioner shall forthwith forward a copy thereof to the corporation, together with a report of the steps taken by him in pursuance of the same.

3* * * * *
4* * * * *

Special Funds.

³ [119A. (1) The Corporation shall establish and set apart for the purposes of Constitution
' G ' budget a separate fund to be called ' the Consolidated Water Supply and of the
Sewage Disposal Loan Fund ' for the purposes of carrying into effect the provisions Consolidated
of Chapters IX and X. Water Supply and
Sewage
Disposal
Loan Fund.

(2) The following moneys shall be credited to the said Loan Fund, namely :—

(a) any sums borrowed in exercise of the powers conferred by or under this Act for the purposes of Chapters IX and X ;

(b) such portion of the Sinking Fund referred to in clause (f) of section 109 as the Corporation may, from time to time, determine.

(3) The Fund so established shall be applied for, —

(a) the expenditure on capital works for the purposes of Chapters IX and X ;

(b) the repayment of the previous loans raised for such capital works.

(4) Any moneys of the said Fund, not used or not immediately to be used in accordance with the last preceding sub-section, shall be invested by the Commissioner, on behalf of the Corporation, with the sanction of the Standing Committee, in such manner as he deems fit and proper.

119B. (1) The Corporation shall establish and set apart a separate fund to be called ' the Water and Sewage Fund ' . Constitution
of the Water
and Sewage
Fund

(2) All moneys received by or on behalf of the Corporation under clause (a) or (b) of section 140 or under sections 169 to 172 (both inclusive) or any other moneys received for the purposes of Chapters IX and X shall be credited to the Water and Sewage Fund.

(3) All moneys payable to the credit of the said Fund shall be received by the Commissioner and forthwith paid by him into the Bank or Banks approved by the Standing Committee from time to time in this behalf to the credit of account, which shall be styled ' the Account of the Water and Sewage Fund ' :

Provided that, the Commissioner may, subject to any general or special directions issued by the Standing Committee, retain such balance in cash as may be necessary for the purposes of Chapters IX and X.

¹ The words " the Provincial Government " were substituted for the word " Government " by the Adaptation of Indian Laws Order in Council.

² This word was substituted for the word " Provincial " by the Adaptation of Laws Order, 1950.

³ The heading " School fund and section 120 " were repealed by Bom. 3 of 1907, s. 18.

⁴ Portions repealed by Bom. 3 of 1907, s. 19, are omitted.

⁵ Sections 119A and 119B were inserted by Mah. 34 of 1973, s. 9

(4) The moneys from time to time credited to the said Fund shall be applied only in payment of all sums, charges and costs necessary for the purposes of carrying into effect the provisions of Chapters IX and X.

(5) Surplus moneys at the credit of the said Fund, which cannot immediately or at an early date be applied as provided in the last preceding sub-section may, from time to time, be deposited by the Commissioner at interest in the Bank or Banks approved by the Standing Committee or be invested in public securities

(6) All such deposits and investments shall be made by the Commissioner on behalf of the Corporation, with the sanction of the Standing Committee, and with the like sanction, the Commissioner may at any time withdraw any deposits so made or dispose of any securities and redeposit or reinvest the moneys so withdrawn or the proceeds of the disposal of the securities ; but no order for making any such deposit or investment or withdrawal or disposal shall have any validity, unless the same be in writing signed by two persons in the manner specified in sub-section (1) of section 113 for signing cheques

(7) The loss, if any, arising from any such deposit or investment shall be debited to ' the Water and Sewage Fund '.]

Constitution
of Fines
Fund.

¹[120. Fines collected under section 82 shall be credited to a separate fund to be called " the Fines Fund " the proceeds of which shall be expended in promoting the well-being of municipal officers and servants other than those appointed under the provisions of Chapter XVI-A of this Act, and for the payment of compassionate allowances to the widows of such officers and servants who die while in municipal service and to such other relations of the officers and servants as the corporation may from time to time determine]

Constitution
of Welfare
Fund.

¹[120A. Amounts transferred to the municipal fund under the provisions of clause (c) of sub-section (1) of section 460 LL shall be credited to a special fund to be called " the Welfare Fund " and shall be expended in providing such benefits and amenities to municipal officers and servants, including those appointed under the provisions of Chapter XVI-A of this Act and to such members of their families and their dependants as the corporation may from time to time determine.

Special funds
may be
created with
the approval
of the
corporation

²[121. With the previous] approval of the corporation, any ^{3*} * * * portion of the municipal fund may, ^{3*} * * * from time to time, be credited to a separate heading in the municipal accounts, provided that there shall be credited and debited to such special heading such sums only as shall expressly relate to the objects for which a special fund is so created.

Disposal of Balances.

Investment
of surplus
money

⁴[122. (1) Surplus moneys at 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 be, from time to time, deposited at interest in the ⁵Bank of Bombay or be invested in public securities.

(2) All such surplus moneys which it is necessary to keep readily available for application to such purposes, and all such surplus moneys which cannot in the opinion of the Municipal Commissioner, concurred in by the standing committee, be favourably deposited or invested as aforesaid, may be deposited at interest at any bank or banks in the City of Bombay which the standing committee may, subject to the control of the corporation, from time to time, select for the purpose.

¹ Sections 120 and 120A were added by Bom. 48 of 1948, s. 24

² The word " previous " was inserted by Bom. 19 of 1936, s. 9.

³ Portions repealed by Bom. 3 of 1907, s. 19, are omitted

⁴ This section was substituted for the original section 122 by Bom. I of 1894, s. 5

⁵ The reference to the Bank of Bombay should be read as referring to the Reserve Bank of India, Bombay.

(3) All such deposits and investments shall be made by the Commissioner on behalf of the corporation, with the sanction of the standing committee, and, with the like sanction, the Commissioner may at any time withdraw any deposit so made or dispose of any securities and re-deposit or re-invest the money so withdrawn, or the proceeds of the disposal of such securities ; but no order for making any deposit or investment, withdrawal or disposal under this section shall have any validity unless the same be in writing, signed by¹[three persons in the manner specified in sub-section (1) of section 113, for signing of cheques].

(4) The loss, if any, arising from any such deposit or investment shall be debited to the municipal fund]

Accounts.

123. ²[Subject to the provisions of Chapter XVI-A of this Act] accounts of the receipts and expenditure of the corporation shall be kept in such manner and in such forms as the standing committee shall from time to time prescribe :

Accounts to be kept in forms prescribed by standing committee.

³[Provided that, the accounts of the Water and Sewage Fund and the Consolidated Water Supply and Sewage Disposal Loan Fund shall be maintained on the accrual basis, unless otherwise prescribed by the Standing Committee]

⁴[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, ⁵and of all property acquired by, and of all receipts and expenditure of, the Corporation for any of the purposes of Chapter XII-A]

Separate pro forma accounts to be kept by the Commissioner

(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 ⁶[*Official Gazette*] every ⁷* year]

123B. [*Separate pro forma accounts in respect of the suburbs to be kept*] Deleted by Mah. 1 of 1964, s. 4.

123BB. [*Provisions of section 231B to apply mutatis mutandis in respect of extended suburbs*] Deleted by Mah. 1 of 1964, s. 4.

⁸[123C. (1) There shall be kept by the Commissioner under a separate heading in the municipal accounts, accounts of all receipts and expenditure of the corporation for, or in connection with, the purposes of clause (g) of section 61.

Accounts in respect of primary education

(2) Such accounts shall be maintained so far as may be, in such manner and in such forms as the Education Committee shall from time to time prescribe in accordance with the rules contained in Schedule BBA.]

¹ These words were substituted for the words "the Commissioner and one member of the standing committee and municipal secretary" by Bom. 32 of 1935, s. 10

² This portion was inserted by Bom. 48 of 1948, s. 25

³ This proviso was added by Mah. 34 of 1973, s. 10.

⁴ New section 123A was inserted by Bom. 13 of 1933, s. 30

⁵ These words were added by Bom. 34 of 1954, s. 6

⁶ The words "*Official Gazette*" were substituted for the words "*Bombay Government Gazette*" by the Adaptation of Indian Laws Order in Council

⁷ The word "half" was omitted by Bom. 5 of 1938, s. 17.

⁸ Section 123C was inserted by Bom. 48 of 1950, s. 54.

124. (1) The Commissioner shall, as soon as may be after each first day of April, have prepared a detailed report of the municipal administration of ¹[Greater Bombay] ²[other than the administration of the Bombay Electric Supply and Transport Undertaking] during the previous official year, together with a statement showing the amounts of the receipts and disbursement respectively credited and debited to the municipal fund during the said year and the balance at the credit of the fund at the close of the said year.

Preparation of annual administration report and statement of accounts

(2) The Commissioner shall incorporate with his said report and statement—

(a) a report for the same period from each head of a department subordinate to him ;

(b) the account of balance due on loans then last published under section 105 ; and shall cause the same to be printed

(3) After examination and review of the said printed report and statement by the standing committee, there shall be added to the compilation printed copies of such of the appendices attached to the reports of the several heads of departments, if any, as the standing committee direct and a printed copy of the standing committee's review ; and a copy of the complete compilation shall be forwarded to the usual or last known local place of abode of each councillor at least eight days previous to the ordinary meeting of the corporation in the next following month of October and copies thereof shall be delivered to any person requiring the same, on payment of such reasonable fee for each copy as the Commissioner, with ³[the previous] approval of the standing committee, shall determine.

Annual Budget Estimate

⁴[125. The Commissioner shall, on or before each ⁵[first day of March,] have prepared and lay before the standing committee, in such form as the said committee shall from time to time approve—

Estimates of expenditure and income to be prepared annually by the Commission er.

(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—

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(ii) expenditure to be incurred by reason of the obligations imposed on 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 ⁷[or for any of the purposes of Chapter XII-A]; and

(iii) expenditure to be incurred on account of the Bombay Electric Supply and Transport Undertaking ;

⁸[(iv) expenditure to be incurred for the purposes of clause (q) of section 61 ,]

⁹[(v) expenditure to be incurred for the purposes of Chapters IX and X ;]

Bom XVI of 1925

¹ These words were substituted for the words " the city " by Bom 7 of 1950, s 6(1)
² These words were inserted by Bom 48 of 1948, s 26
³ The word " previous " was inserted by Bom 19 of 1930, s 9
⁴ Section 125 was substituted for the original section by Bom 13 of 1933, s 31
⁵ These words were substituted for the words " tenth day of November, " by Mah. 70 of 1975, s 7(a)
⁶ Paragraph (i) was deleted by Mah 1 of 1964, s. 5(a)(i)
⁷ These words were inserted by Bom 34 of 1954, s 7(1)
⁸ Sub-clause (iv) was inserted by Bom 48 of 1950, s 55(1).
⁹ Paragraph (v) was inserted by Mah. 34 of 1973, s. 11(a)

(b) an estimate of all balances, if any (other than balances shown in the ¹[accounts maintained under sections ²[123A ^{3*} * and 123C]] which will be available for re-appropriation 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 taxation ⁴[and from the Bombay Electric Supply and Transport Undertaking] and other than that referred to ^{5*} * in clause (c) of sub-section (2) ⁶[and in clause (d) of section 126C] ⁷[and in section 126E] ;

⁸[(cc) an estimate of the amounts due to be transferred during the next ensuing official year to the municipal fund under the provisions of sections 460KK and 460LL ,]

(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 Bom the Improvement of the City of Bombay constituted under the City of Bombay XVI Improvement Trust Transfer Act, 1925 ¹⁰[or for any of the purposes of Chapter ^{of} 1925 XII-A] ;

(b) an estimate of all balances, if any, in the account maintained under section 122A, 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 immovable property vesting in the corporation by reason of the enactment of the City of Bombay ^{Bom} Municipal (Amendment) Act, 1933 ^{XIII}¹¹[or acquired by the Corporation for any ^{of} 1933 of the purposes of Chapter XII-A], 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 immovable 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 ;

¹ This portion was substituted for the portion "account maintained under section 123A" by Bom. 7 of 1950, s. 15(i)(b).

² The figures, word and letters were substituted for the figures, word and letters "123A and 123B" by Bom. 48 of 1950, s. 55(2).

³ The figures and letters "123-B, 123BB" were deleted by Mah. 1 of 1964, s. 5(a)(ii).

⁴ These words were inserted by Bom. 48 of 1948, s. 27.

⁵ The portion "in clause (c) of sub-section (1A) and" was deleted by Mah. 1 of 1964, s. 5(a)(iii).

⁶ This portion was inserted by Bom. 48 of 1950, s. 55(3).

⁷ This portion was inserted by Mah. 34 of 1973, s. 11(b).

⁸ This clause was inserted by Bom. 48 of 1948, s. 27.

⁹ Clause (1A) was deleted by Mah. 1 of 1964, s. 5(b).

¹⁰ These words were inserted by Bom. 34 of 1954, s. 7(2)(a).

¹¹ These words were inserted, *ibid.*, s. 7(2)(b).

¹[Provided that as respects the estimates for the ²[twenty-eight] financial years commencing from the financial year 1942-43, this sub-clause shall have effect as if for the words " three times " the word " twice " were substituted]

³[Provided further that, with effect from the financial year 1974-75, this sub-clause shall have effect as if for the words " three-times " the word " twice " were substituted]

⁴[(e) an estimate of the Corporation's receipt and income, other than receipts and income referred to in other clauses of this sub-section arising from or relating to, transaction connected with the obligations imposed upon the Corporation by the transfer to the Corporation of the powers, duties, assets and liabilities of the said Board of Trustees or with the exercise of the powers and duties conferred or imposed upon the Corporation by Chapter XII-A including grants from the State Government]]

⁵[125-A. The expenditure side of a budget estimate shall be classified under major heads, minor heads, subordinate heads and primary units— Classification of budget heads

(a) " Major head " means the principal head of accounts corresponding to the different services under which expenditure is classified in the budget estimate, and may be divided into two or more minor heads,

(b) " Minor head " means the head of accounts immediately subordinate to a major head under which each major head is classified, and may be further sub-divided into two or more subordinate heads,

(c) " Subordinate head " means the head of accounts immediately subordinate to a minor head under which each minor head is classified and may be further sub-divided into two or more primary units

(d) " Primary unit " means the ultimate group or groups into which individual items of expenditure in the budget estimates are arranged]

⁶[126. (1) The standing committee shall, on or as soon as may be after each ⁷[first day of March] 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, ⁸[two budget estimates] as follows :— Budget estimates to be prepared by the standing committee.

⁹[(a) Budget Estimate " A " —of the income and expenditure other than—

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(ii) 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, 1925¹¹, or for any of the other purposes of Chapter XX-A] ; ¹²*

(iii) income and expenditure in respect of the Bombay Electric Supply and Transport Undertaking] ;

¹ This proviso was added by Bom 3 of 1948, s 3

² This word was substituted for the word " twenty-seven " by Mah. 18 of 1969, s 2, with effect from 24th February 1969

³ This proviso was deemed always to have been added with effect from 1st day of April 1974 by Mah 70 of 1975, s 7(b)

⁴ Sub-clause (e) was substituted for the original by Bom 34 of 1953, s 7(2)(c)

⁵ This section was inserted by Bom 5 of 1938, s 18

⁶ Section 126 was substituted for the original section by Bom 13 of 1933, s 32.

⁷ These words were substituted for the words " tenth day of November," by Mah. 70 of 1975, s 8(a)

⁸ These words were substituted for the words " four budget estimates " by Mah 1 of 1964, s 6(a) (i)

⁹ Clause (a) was substituted for the original by Bom 7 of 1950, s 16(1) (b).

¹⁰ Sub-clause (i) was deleted by Mah. 1 of 1964, s 6(a) (ii)

¹¹ These words were inserted by Bom. 34 of 1954, s 8(1)

¹² The word " and " was deleted by Bom 48 of 1950, s 56(1)

¹[(iv) income and expenditure for, or in connection with, the purposes of clause (g) of section 61.]

²[(v) income and expenditure for, or in connection with, the purposes of Chapters IX and X;]

(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 ³[, or for any of the other purposes of Chapter XII-A],

* * * * *

(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 ⁴[octroi] 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, ^{Bom XIII}would not have been liable and (u) for which the corporation may be liable, ^{of 1933}in carrying out the duties imposed upon them by clause (r) of section 61, ⁶[and (u) for which the corporation may be liable by reason of the acquisition, extension, administration, operation and maintenance of the Bombay Electric Supply and Transport Undertaking .] ⁷* * * * *

⁸[(v) for which the corporation may be liable by reason of the construction of school buildings ;]

(c) allow for an appropriation to budget estimate " B " of the sum estimated⁹ revised as they shall think proper, under clause (d) of sub-section (2) of section 125 ,

* * * * *

¹⁰[(c2) allow for appropriation to budget estimate " E " of the sum estimated, revised as they shall think proper, under clause (c) of section 126C ¹¹[and such additional sum estimated under clause (c) of that section and revised, as they shall think proper].]

(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.

¹²* * * * *

¹ Paragraph (iv) was inserted by Bom 48 of 1950, s 56(1)

² Paragraph (v) was inserted by Mah 34 of 1973, s 12

³ These words were inserted by Bom 34 of 1954, s 8(2)

⁴ Clauses (b1) and (b2) were deleted by Mah 1 of 1964, s 6(a) (iii)

⁵ This word was substituted for the words " town duties " by Mah 32 of 1964, s 3

⁶ This portion was added by Bom 48 of 1948, s 28

⁷ Sub-clause (iv) was deleted by Mah. 1 of 1964, s 6(b) (i).

⁸ This portion was added by Bom 48 of 1950, s 56(2)

⁹ Clause (c1) was deleted by Mah. 1 of 1964, s 6(b) (ii)

¹⁰ Clause (c2) was inserted by Bom. 48 of 1950, s 56(2)

¹¹ This portion was added by Bom. 13 of 1958, s 3

¹² Sub-sections (3A) and (3B) were deleted by Mah 1 of 1964, s 6(c)

(4) The Commissioner shall cause the budget estimates, as finally approved by the standing committee, ¹[to be printed or corrected, and shall not later than the fifteenth day of March, forward a printed or corrected copy] thereof to the usual or last known local place of abode of each councillor.

²[126A The General Manager shall, on or before each tenth day of October have prepared and lay before the Bombay Electric Supply and Transport Committee, in such form as the Committee shall from time to time approve—

(a) an estimate, classified in accordance with section 125A, of the expenditure which must or should, in his opinion, be incurred by the corporation in the next ensuing official year on account of the Bombay Electric Supply and Transport Undertaking ,

(b) an estimate of all balances, if any, which will be available for reappropriation or expenditure at the commencement of the next ensuing official year, and an estimate of the amounts to be transferred to the municipal fund during the next ensuing financial year under sections 460KK and 460LL, and

(c) an estimate of the corporation's receipts and income from the Bombay Electric Supply and Transport Undertaking for the next ensuing official Year]

²[126B. (1) The Bombay Electric Supply and Transport Committee shall, on or as soon as may be after each tenth day of October, consider the estimates of the General Manager and, after having obtained from the General Manager 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 and additions therein or thereto as it shall think fit, a budget estimate, to be called " budget estimate ' C ' ", of the income and expenditure for the next official year to be received and incurred in respect of the Bombay Electric Supply and Transport Undertaking

(2) In budget estimate " C ", the committee shall—

IV of
1939
LIV of
1948

³[(1-a) propose, subject to the provisions of the Motor Vehicles Act, 1939, the Electricity (Supply) Act, 1948, and any other enactment for the time being in force and of any licence granted to the Corporation thereunder the levy of fares and charges for the conveyance of passengers and for the carriage of goods by any means of transport provided, and for charges for the supply of electrical energy, by the Bombay Electric Supply and Transport Undertaking at such rates as would in the opinion of the Committee bring in adequate revenue for meeting the proposed expenditure and for complying with the provisions of the next succeeding clauses of this sub-section.]

(a) 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 by reason of the acquisition, extension, administration, operation and maintenance of the Bombay Electric Supply and Transport Undertaking ,

(b) allow for the amounts to be transferred during the next ensuing official year to the municipal fund as provided in sections 460KK and 460LL , and

(c) allow for a cash balance at the end of the said year of not less than one lakh of rupees.

(3) The General Manager shall lay budget estimate " C " as framed by the Bombay Electric Supply and Transport Committee before the standing committee on or before each first day of December and the standing committee shall prepare a report to the Corporation thereon, incorporating the remarks and recommendations, if any, of the standing committee

¹ This portion was substituted for the portion beginning with " to be printed " and ending with " a printed copy " Mah 70 of 1975, s 8(b)

² Sections 126A and 126B were inserted by Bom 48 of 1948, s 29.

³ Clause (1-a) was inserted by Mah 32 of 1966, s 3

(4) The Municipal Secretary shall cause budget estimate "C" and the report of the standing committee thereon to be printed and shall, not later than the 31st day of December, forward a printed copy thereof to the usual or last known local place of abode of each councillor]

Estimates of expenditure and receipts of primary education ¹126C. The Commissioner shall on or before each ²[first day of March] have prepared and lay before the Education Committee in such form as the committee shall from time to time approve—

(a) an estimate, classified in accordance with section 125A of the expenditure which must or should, in his opinion, be incurred by the Corporation in the next official year for the purposes of clause (q) of section 61 ;

(b) an estimate of all balances, if any, which will be available for re-appropriation of expenditure for the purposes of clause (q) of section 61 at the commencement of the next official year ,

(c) an estimate of five 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 ;

³[(c-1) an estimate of the amount, if any, which should, in his opinion, be utilised by the Corporation, for the purposes of clause (q) of section 61, out of its receipts and income referred to in clause (1) of section 125, in addition to the amount referred to in clause (c) ,]

(d) an estimate of the receipts of the Corporation for or in connection with the purposes of clause (q) of section 61 other than those referred to in ⁴[clauses (c) and (c-1)]

Budget estimate "C" to be prepared by Education Committee. ⁵126D. (1) The Education Committee shall on or as soon as may be after each ⁶[first day of March] consider the estimates of the Commissioner and after having obtained from the Commissioner such further 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 think fit, a budget estimate to be called budget estimate "E" of the income and expenditure to be received and incurred for purposes of clause (q) of section 61.

(2) In budget estimate "E", the Education Committee shall—

(a) provide for 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 by reason of the construction of school buildings, and

(b) allow for a cash balance at the end of the said year of not less than twenty thousand rupees.

(3) The Education Committee shall forward the budget estimate "E" as framed by them to the standing committee on or before each ⁶[fifteenth day of March,] and the standing committee shall prepare a report to the Corporation thereon incorporating the remarks and recommendations, if any, of the the standing committee.

¹ Sections 126C and 126D were inserted by Bom 48 of 1950, s 57

² These words were substituted for the figures, letters and words " 10th day of November " by Mah 70 of 1975, s. 9.

³ This clause was inserted by Bom 13 of 1958, s 4(1)

⁴ These words, brackets, letters and figure were substituted for the words " the preceding clause " *ibid* , s. 4(2).

⁵ These words were substituted for the figures, letters and words " 10th day of November, " by Mah. 70 of 1975, s. 10(a).

⁶ These words were substituted for the words " fifteenth day of December, " *ibid* , s 10(b)

(4) The Municipal Secretary shall forward ¹[a printed or corrected copy] of budget estimate "E" together with the report of the standing committee thereon to the usual or last known local place of abode of each Councillor in time for the meeting of the Corporation mentioned in section 127]

²[126E. The Commissioner shall on or before each ³[first day of March] Estimate of expenditure and receipts for the purposes of Chapters IX and X. mitee shall from time to time approve,—

(a) an estimate, classified in accordance with section 125A, of the expenditure for the which must or should, in his opinion, be incurred by the Corporation in the next official year for the purposes of Chapters IX and X ,

(b) an estimate of all balances, if any, which will be available for re-appropriation or expenditure for the said purposes at the commencement of the next official year ;

(c) an estimate of the Corporation's receipts and expenditure for the next official year from the services under Chapters IX and X

126F. (1) The Standing Committee shall, on or as soon as may be after the ⁴[first day of March,] Budget Estimate "G" to be prepared by the Standing Committee. consider the said estimates of the Commissioner After having obtained from the Commissioner such further information, if any, as it shall think fit to seek, and having regard to all the requirements of this Act, the Standing Committee shall frame therefrom, subject to such modifications and additions therein or thereto as it thinks fit, a budget estimate to be called budget estimate "G" of the income and expenditure for the next year to be received and incurred for the purposes of Chapters IX and X

(2) In budget estimate "G", the Committee shall propose the levy of water tax, water benefit tax, sewerage tax and sewerage benefit tax (in place of former water and *halalkhor* taxes) at such rates, as would in the opinion of the Committee bring in adequate revenue for meeting the expenditure and all other obligations for which the Corporation may be liable for the purposes of Chapters IX and X.

(3) The Municipal Secretary shall cause the budget estimate "G" as finally approved by the Standing Committee, ⁵[to be printed or corrected and shall, not later than the fifteenth day of March, forward a printed or corrected copy] thereof to the usual or last known local place of abode of each Councillor]

127. ⁶[(1)] At a meeting of the Corporation which shall be called for some day ⁷[in March, not later than the twentieth,] the ⁸[budget estimates 'A', 'B' and 'C' prepared] by the standing committee * * * ¹⁰[as also the budget estimate "E" prepared by the Education Committee with the report of the Standing Committee thereon] shall be laid before the Corporation and they shall proceed to consider the same

⁶[(2) At a meeting of the Corporation which shall be called for some day in January, not later than the tenth, the budget estimate 'C' prepared by the Bombay Electric Supply and Transport Committee with the report of the Standing Committee thereon shall be laid before the Corporation and they shall proceed to consider the same.]

¹ These words were substituted for the words "a printed copy" by Mah 70 of 1975, s 10(c)

² Sections 126E and 126F were inserted by Mah 34 of 1973, s 13

³ These words were substituted for the words "tenth day of November" by Mah 70 of 1975, s 11

⁴ These words were substituted for the words "tenth day of November," *ibid*, s 12(a)

⁵ This portion was substituted for the portion beginning with "to be printed" and ending with "a printed copy", *ibid*, s 12(b)

⁶ Section 127 renumbered as sub-section (1) and sub-section (2) was inserted, *ibid*, s 13(1).

⁷ These words were substituted for the words "in January, not later than the tenth," *ibid*, s 13(2) (a)

⁸ These words and letters were substituted for the words and letters "budget estimates A and B prepared" by Mah 34 of 1973, s 14

⁹ The words "and budget estimate 'c' prepared by the Bombay Electric Supply and Transport Committee with report of the Standing Committee thereon" were deleted by Mah. 70 of 1975, s 13 (2) (b)

¹⁰ This portion was inserted by Bom 48 of 1950, s 58.

¹[128 (1) The Corporation shall, on or before the ²twenty-first day of March] after considering the Standing Committee's proposals in this behalf,—

Fixing rates of municipal taxes and of fares and charges of Bombay Electric Supply and Transport Undertaking.

(a) determine, subject to the limitations and conditions prescribed in Chapter VIII, the rates at which municipal taxes shall be levied, and the articles on which octroi shall be levied, in the next ensuing official year, and

(b) approve, subject to the limitations and conditions which may have been prescribed by or under any of the enactments or any licence referred to in clause (i-a) of sub-section (2) of section 126B, the rates at which the fares and charges in respect of the Bombay Electric Supply and Transport Undertaking shall be levied

(2) Except under sections 134, 196, 460H and 460I, the rates so fixed and the articles so appointed shall not be subsequently altered for the year for which they have been fixed]

³[129. Subject to the requirements of sub-section (1) of section 128, the Corporation may refer ⁴[budget estimate 'A' or budget estimate 'B' ⁵[or budget estimate 'G' or all or any of those estimates] back to the standing committee and budget estimate 'C' back to the Bombay Electric Supply and Transport Committee ⁶[and the budget estimate 'E' back to Education Committee] for further consideration, or adopt the budget estimates or any revised budget estimates submitted to them as they stand or subject to such alteration as they deem expedient :

Final adoption of budget estimates,

Provided that the budget estimates finally adopted by the Corporation shall fully provide for each of the matters specified in clauses (b), (c) and (d) of sub-section (2) ⁷[of section 126] and for each of the matters specified in sub-section (3) of section 126B ⁸[and clauses (a) and (b) of sub-section (2) of section 126D] ⁹[and sub-section (2) of section 126F], as the case may be]

¹⁰[130. The total sum entered under a major head on the expenditure side, which has been adopted by the Corporation, shall be termed a "budget grant"]

Budget grant defined

131. ¹¹[(1) On the recommendation of the standing committee in the case of expenditure from the municipal fund ¹²[for purposes other than clause (g) of section 61 and of the Education Committee in the case of expenditure for purposes of clause (g) of section 61] ; and of the Bombay Electric Supply and Transport Committee in the case of expenditure from the Bombay Electric Supply and Transport Fund, the Corporation may from time to time during an official year increase the amount of any budget grant, or make an additional budget grant for the purpose of meeting any special or unforeseen requirement arising during the said year, but not so that the estimated cash balance at the close of the year shall be reduced below one lakh of rupees in the case of either the municipal fund or the Bombay Electric Supply and Transport Fund .]

Corporation may increase amount of budget grants and make additional grants

13* * * * *

¹ Section 128 was substituted for the original by Mah 32 of 1966, s 4

² These words were substituted for the words " thirty-first day of January " by Mah 70 of 1975, s 14

³ This section was substituted for the original by Bom. 48 of 1948, s 31

⁴ These words and letters were substituted for the words and letters " budget estimate 'A' or budget 'B' or budget 'D' or budget estimate 'F' or any or all of the said estimates " by Mah 1 of 1964, s 8(a)

⁵ These words were substituted for the words " or both estimates " by Mah 34 of 1973, s 15(a)

⁶ This portion was inserted by Bom 48 of 1950, s 59 (1)

⁷ These words and figures were substituted for the portion beginning with " and clauses (a) and (b) of sub-section (3A) " and ending with " said section 126 " by Mah 1 of 1964, s 8(b)

⁸ This portion was inserted by Bom 48 of 1950, s 59(2)

⁹ This portion was inserted by Mah 34 of 1973, s 15(b)

¹⁰ This section was substituted for the original by Bom 5 of 1938, s 19

¹¹ This sub-section was substituted for the original by Bom 48 of 1948, s 32

¹² This portion was inserted by Bom 48 of 1950, s 60(1)

¹³ The first proviso was deleted by Mah 1 of 1964, s 9(a).

¹[²Provided that], in the case of expenditure from municipal fund for purposes of clause (g) of section 61 the estimated cash balance at the close of the year in the budget estimate ' E ' shall not be reduced below twenty thousand rupees]

(2) Such increased or additional budget grants shall be deemed to be included in the ³[budget estimates] adopted by the Corporation for the year in which they are made.

Rules as to unexpended budget grants 132. ⁴[If the whole budget grant or any portion thereof] remains unexpended at the close of the year in the ³[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 ⁵[or the Bombay Electric Supply and Transport Fund, as the case may be], entered in the ³[budget estimates] of ⁶[any of the next two following years], the standing committee ⁷[or the Education Committee] ⁸[or the Bombay Electric Supply and Transport Committee, as the case may be], may sanction the ⁷[expenditure of such budget grant or such unexpended portion thereof, as the case may be, during the next two following years] 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

Reductions or transfer. ⁸[133. Reductions in, and transfers from, a budget grant shall be made as under :—

(a) Subject to the provisions of sub-section (j) of section 131, on the recommendations of the Standing Committee, the Corporation may, from time to time during an official year, sanction the transfer of any amount exceeding fifteen thousand rupees from one budget grant to another budget grant

(b) The Standing Committee may at any time during an official year—

(i) reduce the amount of a budget grant ,

(ii) sanction the transfer of any amount, not exceeding fifteen thousand rupees, from one budget grant to another budget grant ,

(iii) sanction the transfer of any amount exceeding five thousand rupees within a budget grant.

(c) The Commissioner may at any time during an official year sanction the transfer of any amount not exceeding five thousand rupees within a budget grant if such transfer does not involve a recurring liability

Provided that, every transfer of an amount exceeding one thousand rupees made under this clause shall be reported forthwith by the Commissioner to the Standing Committee ; and the Committee may pass with regard thereto such order as they may think fit, and it shall be incumbent on the Commissioner to give effect to such order.

(d) When making any transfer under clause (a), (b) or (c), due regard shall be had to all the requirements of this Act.

¹ This proviso was added by Bom 48 of 1950, s 60(2)

² These words were substituted for the words " Provided further that " by Mah 1 of 1964, s 9(b)

³ The words " budget estimates " were substituted for the original by Bom 13 of 1933, s 33

⁴ These words were substituted for the original by Bom 76 of 1948, s 17

⁵ These words were inserted by Bom 48 of 1948, s 33

⁶ These words were substituted for the original by Bom 76 of 1948, s 17

⁷ These words were inserted by Bom 48 of 1950, s 61.

⁸ Section 133 was substituted by Mah. 39 of 1961, s 10.

(e) If any such reduction as is referred to in sub-clause (i) of clause (b) is of an amount exceeding five hundred rupees, the Corporation may pass with regard thereto such order as they may think fit ; and it shall be incumbent on the Standing Committee and the Commissioner to give effect to such order

(f) In the case of expenditure for the purposes of clause (g) of section 61, the provisions of this section shall apply as if for the words " Standing Committee " the words " Education Committee " had been substituted

(g) For the purposes of expenditure from the Bombay Electric Supply and Transport Fund, the provisions of this section shall apply as if for the words " Standing Committee " and, " Commissioner " the words " Bombay Electric Supply and Transport Committee " and " General Manager ", respectively, had been substituted]

¹[134. (1) If it shall at any time during any official year appear to the Corporation, Re-adjustment of income and expenditure to be made by the corporation during course of official year whenever necessary upon the representation of the standing committee or the Bombay Electric Supply and Transport Committee that, notwithstanding any reduction of budget grants that may have been made by the appropriate committee under section 133, the income of the municipal fund or the Bombay Electric Supply and Transport Fund, as the case may be, during the said year will not suffice to meet the expenditure sanctioned in the budget estimates of the said year as so reduced and to leave at the close of the year a cash balance of not less than one lakh of rupees in the case of either the municipal fund or the Bombay Electric Supply and Transport Fund, it shall be incumbent on the Corporation to sanction forthwith any measure which shall be necessary for proportioning the year's income to the expenditure :

2* * * * *

(2) For this purpose the Corporation may diminish the sanctioned expenditure of the year, so far as it may be possible so to do with due regard to the provision of this Act or to the obligation pertaining to the Bombay Electric Supply and Transport Undertaking, or have recourse to supplementary taxation or a revision of fares and charges levied in respect of the Bombay Electric Supply and Transport Undertaking, as the case may be] ³[or, with the previous sanction of the State Government and subject to such terms and conditions (if any) as the Corporation may deem fit to impose, transfer the whole or any portion of surplus cash balance from any budget-estimate to any other budget-estimate as an additional grant to make good any deficit which has arisen or is likely to arise in the latter budget-estimate, whether covered by a budget grant or not]

Scrutiny and Audit of Accounts

⁴[135. (1) The municipal chief auditor shall conduct a ⁵[monthly] examination ⁶[Monthly] and audit of the municipal accounts and shall report thereon to the standing committee who shall publish ⁵[monthly] an abstract of the receipts and expenditure of the ⁶[month] last preceding, signed by not less than two members of the said committee and by the municipal chief auditor The standing committee may also from time to time and for such period as they think fit conduct independently an examination and audit of the municipal accounts ⁷[scrutiny of accounts by municipal chief auditor and scrutiny of account by the standing committee.

¹ This section was substituted for the original by Bom 48 of 1948, s 35

² The proviso was deleted by Mah 1 of 1964, s 10

³ These words were added by Mah. 32 of 1966, s 5

⁴ Section 135 was substituted for the original by Bom 2 of 1938, s 7.

⁵ This word was substituted for the word " weekly " by Mah. 32 of 1964, s. 5

⁶ This word was substituted for the word " week ", *ibid*

(2) For these purposes the standing committee and the municipal chief auditor shall have access to all the municipal accounts and to all records and correspondence relating thereto, and the Commissioner shall forthwith furnish to the standing committee or the municipal chief auditor any explanation concerning receipts and disbursements which they may call for]

Duties and powers of the municipal chief auditor ¹[136. The municipal chief auditor in addition to any other duties or powers imposed or conferred upon him under this Act shall perform the duties and may exercise the powers specified in Schedule EE

Report by the municipal chief auditor 137. (1) The municipal chief auditor shall—

(a) report to the standing committee any material impropriety or irregularity which he may at any time observe in the expenditure or in the the recovery of moneys due to the corporation or in the municipal accounts ,

(b) furnish to the standing committee such information as the said committee shall from time to time require concerning the progress of the audit

(2) The standing committee shall cause to be laid before the corporation every report made by the municipal chief auditor to the standing committee and every statement of the views of the municipal chief auditor on any matter affecting the pursuance and exercise of the duties and powers assigned to him under this Act which the municipal chief auditor may require the standing committee to place before the corporation, together with a report stating what orders have been passed by the standing committee upon such report or statement, and the corporation may take such action in regard to the matters aforesaid as the corporation may deem necessary

(3) As soon as may be after the commencement of each official year the municipal chief auditor shall deliver to the standing committee a report upon the whole of the municipal accounts for the previous official year

(4) The Commissioner shall cause the said report to be printed and forward a printed copy thereof along with the printed copy of the Administration Report and Statement of Accounts which he is required by sub-section (3) of section 124 to forward to each councillor]

Application of sections 135, 136 and 137 to accounts of the Bombay Electric Supply and Transport Fund ²[137A. Sections 135, 136 and 137 shall apply to the accounts of the Bombay Electric Supply and Transport Fund as if—

(i) for the words “ standing committee ” wherever they occur, the words “ Bombay Electric Supply and Transport Committee ” and for the word “ Commissioner ” wherever it occurs, the words “ General Manager ” had been substituted ; and

(ii) for the words, brackets and figures “ sub-section (3) of section 124 ” in sub-section (4) of section 137, the words, brackets, figures and letters “sub-section (2) of section 460 NN ” had been substituted]

¹ Sections 136 and 137 were substituted for the original by Bom 2 of 1938, s 7

² This section was inserted by Bom. 48 of 1948, s 36

138. ¹[(1) The ²[State] Government may at any time appoint an auditor for the purpose of making a special audit of the municipal accounts, including the accounts of the Bombay Electric Supply and Transport Undertaking, and of reporting thereon to the ²[State] Government and the costs of any such audit as determined by the ²[State] Government shall be chargeable to the municipal fund or to the Bombay Electric Supply and Transport Fund, as the case may be] A special audit may be directed by ²[State] Government

(2) An auditor so appointed may exercise any power which ³[the municipal chief auditor] may exercise

CHAPTER VIII.

MUNICIPAL TAXATION

Municipal Taxes defined

139. For the purpose of this Act, taxations shall be imposed as follows, namely .— Taxes to be imposed under this Act

- (1) property taxes ,
- (2) a tax on vehicles and animals ,
- ⁴[(3) a theatre tax ,]
- ⁵* * * , and
- ⁶[(4) octroi]

⁷[Provided that no tax shall be levied on motor vehicles save as provided in section 20 of the Bombay Motor Vehicles Tax Act, 1958]

Bom LXV of 1958

PROPERTY TAXES

Property taxes leviable

140. ⁸[(1)] The following taxes shall be levied on buildings and lands in ⁹[Greater Bombay] and shall be called "property taxes", namely .— Property taxes of what to consist and at what rate leviable

⁸[(a) (i) the water tax of so many per centum of their rateable value, as the Standing Committee may consider necessary for providing water-supply ,

(ii) an additional water tax which shall be called 'the water benefit tax' of so many per centum of their rateable value, as the Standing Committee may consider necessary for meeting the whole or part of the expenditure incurred or to be incurred on capital works for making an improving the facilities of water-supply and for maintaining and operating such works ,

(b) (i) the sewerage tax of so many per centum of their rateable value, as the Standing Committee may consider necessary for collection, removal and disposal of human waste and other wastes ,

(ii) an additional sewerage tax which shall be called the "sewerage benefit tax" of so many per centum of their rateable value, as the Standing Committee may consider necessary for meeting the whole or a part of the expenditure incurred or to be incurred on capital works for making and improving facilities for the collection, removal and disposal of human waste and other wastes and for maintaining and operating such works .]

¹ This sub-section was substituted for the original by Bom. 48 of 1948, s 37

² This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

³ These words were substituted for the words "an auditor appointed by the Corporation" by Bom 2 of 1938, s 8

⁴ This entry was inserted by Bom 44 of 1950, s 63.

⁵ The figures and words repealed by Bom 7 of 1921, s 4 are omitted and the repeal shall have effect from 1st April 1920

⁶ This entry was substituted by Mah 32 of 1964, s 6

⁷ This proviso was added by Bom 65 of 1958, s 25, Third Schedule

⁸ Section 140 was re-numbered as sub-section (1) and clauses (a) and (b) were substituted by Mah. 34 of 1973, s 16(1)

⁹ These words were substituted for the words "the City" by Bom 7 of 1950, s 6(1).

- General tax** (c) a general tax of not less than eight and not more than ¹[twenty-six] per centum of their rateable value, together with not less than one-eighth and ²[not more than two per centum] of their rateable value added thereto in order to provide for the expense necessary for fulfilling the duties of the corporation arising under clause (k) of section 61 and Chapter XIV ;
- Education cess** ³[(ca) the education cess leviable under section 195E ,]
- ⁴[(d) betterment charges leviable under Chapter XII-A]

⁵[(2) Any reference in this Act or in any instrument to a water tax or a halalkhor tax shall after the commencement of the Bombay Municipal Corporation (Amendment) Ordinance, 1973, be construed as a reference to the water tax or the water benefit tax or both, or the sewerage tax or the sewerage benefit tax, or both as the context may require] Mah Ord III of 1973.

- ⁶[Water taxes on what premises to be levied] **141.** ⁶[(1)] Subject to the provisions of section 169, the water tax shall be levied only in respect of premises—
- (a) to which a private water-supply is furnished from or which are connected by means of communication-pipes with, any municipal water-works , or
- (b) which are situated in a portion of ⁷[Greater Bombay] in which the Commissioner has given public notice that sufficient water is available from municipal water-works for furnishing a reasonable supply to all the premises in the said portion
- ⁶[(2) Subject to the provisions of section 169, the water benefit tax shall be levied in respect of all premises situated in Greater Bombay]

- ⁸[Sewerage taxes on what premises to be levied.] **142.** (1) ⁹[Subject to the provisions of section 170, the sewerage tax] shall be levied only in respect of premises—
- (a) situated in any portion of ⁷[Greater Bombay] in which public notice has been given by the Commissioner that the collection, removal and disposal of all excrementitious and polluted matter from privies, urinals and cesspools, will be undertaken by municipal agency ; or
- (b) in which wherever situate, there is a privy, water-closet, cesspool, urinal, bathing place or cooking place connected by a drain with a municipal drain
- (2) Provided that the said tax shall not be levied in respect of any premises situated in any portion of ⁷[Greater Bombay] specified in clause (a), in or upon which, in the opinion of the Commissioner, no such matter as aforesaid accumulates or is deposited.
- (3) If the Commissioner directs, under sub-section (2) ¹⁰[or (3)] of section 248, that a separate water-closet, privy or urinal need not be required for any premises ¹¹[the sewerage tax] shall nevertheless be levied in respect of the said premises, if but for such directions, the same should be leviable in respect thereof.

¹²[(4) Subject to the provisions of section 170, the sewerage benefit tax shall be levied in respect of all premises situated in Greater Bombay]

¹ This word was substituted for the word " twenty-one " by Mah 40 of 1962, s 3
² These words were substituted for the words " not more than three-quarters per centum " by Mah 70 of 1975, s. 15.

³ This clause was inserted by Bom. 13 of 1958, s 5

⁴ This was added by Bom 34 of 1954, s 9

⁵ Sub-section (2) was added by Mah 34 of 1973, s 16(2)

⁶ Section 141 was renumbered as sub-section (1) and sub-section (2) was added *ibid*, s 17(1)

⁷ These words were substituted for the words " the City " by Bom 7 of 1950, s 61 (1)

⁸ This word was substituted for the words " water tax " by Mah 34 of 1973, s 17 (2)

⁹ These words were substituted for the words " The halalkhor tax ", *ibid*, s 18(a)

¹⁰ The word, brackets and figure " or (3) " were inserted by Bom 2 of 1911, s 5

¹¹ These words were substituted for the words " the Halalkhor tax " by Mah 34 of 1973, s 18(b)

¹² Sub-section (4) was added., *ibid*, s 18 (c)

¹³ These words were substituted for the words " Halalkhor tax ", *ibid*, s 18(d)

143. (1) The general tax shall be levied in respect of all buildings and lands in ¹[Greater Bombay] except—

General tax on what premises to be levied

²[(a) buildings and lands or portions thereof exclusively occupied for public worship or for charitable purposes,]

(b) buildings and lands vesting in ³[Government] ⁴[used solely for public purposes and not used or intended to be used for purposes of profit] or in the corporation, in respect of which the said tax, if levied, would under the provisions hereinafter contained be primarily leviable from the ⁵[Government] or, the corporation, respectively ;

⁶[(c) such buildings and lands belonging to any Diplomatic or Consular Mission of a foreign State as Government may by general or special order specify in this behalf]

(2) The following buildings ⁷[and lands or portions thereof] shall not be deemed to be ⁸* * * * exclusively occupied for public worship or for charitable purposes within the meaning of clause (a), namely.—

(c) ⁹[those] in which any trade or business is carried on, and

(d) ⁹[those] in respect of which rent is derived whether such rent is or is not applied exclusively to religious or charitable purposes

¹⁰(3) Where any portion of any building or land is exempt from the general tax by reason of its being exclusively occupied for public worship or for charitable purposes, such portion shall be deemed to be a separate property for the purpose of municipal taxation]

144. (1) The ¹¹[Central Government ¹²* * * * or the ¹³[State] Government, as the case may be,] shall pay to the corporation annually, in lieu of the general tax from which buildings and lands vesting ³[Government] are exempted by clause (b) of section 143, a sum ascertained in the manner provided in sub-sections (2) and (3)

Payment to be made to the corporation in lieu of the general tax by the Central Government; or ¹⁰* * * the ¹²[State] Government, as the case may be

(2) The rateable value of the buildings and lands in ¹[Greater Bombay] vesting in ³[Government] and beneficially occupied, in respect of which but for the said exemption, general tax would be leviable from the ¹¹[Central Government ¹²* * * or the ¹³[State] Government, as the case may be,] shall be fixed by a person from time to time appointed in this behalf by the ¹³[State] ¹⁴[Government] with the concurrence of the corporation. The said value shall be fixed by the said person, with a general regard to the provisions hereinafter contained concerning the valuation of property assessable to property-taxes, at such amount as he shall deem to be fair and reasonable. The decision of the person so appointed shall hold good for a term of five years, subject only to proportionate variation, if in the meantime the number or extent of the buildings and lands vesting in ³[Government] in ¹[Greater Bombay] materially increases or decreases

¹ These words were substituted for the words " the City " by Bom 7 of 1950, s 6(i)

² This clause was substituted for the original by Bom 2 of 1911, s 6(1)

³ The word " Government " was substituted for the original words by the Adaptation of Laws Order, 1950

⁴ These words were inserted by Bom 10 of 1928, s 12.

⁵ The words " Government " was substituted for the word " Crown " by the Adaptation of Laws Order, 1950

⁶ Clause (c) was deemed always to have been inserted by Mah 6 of 1970, s 2, with effect from 1st day of April 1967

⁷ These words were inserted by Bom 2 of 1911, s 6(2)(a)

⁸ Portion repealed, *ibid*, s 6(2)(b) is omitted

⁹ The word " those " was substituted for the word " buildings ", *ibid*, s 6(2) (c)

¹⁰ This sub-section was added, *ibid*, s 6(3)

¹¹ The words " Central Government, or the Crown Representative, or the Provincial Government, as the case may be " , were substituted for the words " Secretary of State for India in Council " by the Adaptation of Indian Laws Order in Council

¹² The words " or the Crown Representative " were deleted by the India (Adaptation of Existing Indian Laws) Order, 1947

¹³ This word was substituted for the original by the Adaptation of Laws Order, 1950

¹⁴ The words " Provincial Government " were substituted for the words " Governor in Council " by the Adaptation of Indian Laws Order in Council

(3) The sum to be paid annually to the corporation by the ¹[Central Government * * * or the ²[State] Government, as the case may be,] shall be eight-tenths of the amount which would be payable by an ordinary owner of buildings or lands in ⁴[Greater Bombay], on account of the general tax, on a rateable value of the same amount as that fixed under sub-section (2).

Concession in general tax on newly constructed small tenements.

⁴144A. (1) Notwithstanding anything contained in section 140, the general tax leviable in respect of any building used for residential purposes—

(a) completed, or first let out or occupied on or after the 1st day of April 1956 ; and

(b) consisting exclusively of tenements the annual rent of each of which tenements determined as provided in sub-section (1) of section 154, does not exceed rupees twelve hundred or such lower sum as may be generally determined by the Corporation,

shall, where an application is made to the Commissioner in that behalf and for the period specified in sub-section (2), be—

(i) if such building is owned by or belongs to a co-operative society registered or deemed to be registered under the Bombay Co-operative Societies Act, 1925, seven-tenths of the amount leviable under section 140 in respect of any other building excepting those referred to in section 143 , Bom VII of 1925

(ii) if such building is owned by or belongs to any other person, eight-tenths of such amount.

(2) (a) If any such building was completed, or first let out or occupied on or before the date of commencement of the Bombay Municipal Corporation (Amendment) Act, 1957, concession in general tax under this section shall be available for the period counted from the said date of commencement up to the 1st day of April 1956. Bom XXV-III of 1957.

(b) In all other cases, concession in general tax under this section shall be available for the period of ten years counted from the date on which any such building shall be completed, first let out or occupied, whichever shall be the earliest.

Explanation—For the purposes of this section, a building shall be deemed to be completed on the date on which the permission for its occupation or use is given or is deemed to be given under section 353-A]

¹ The words " Central Government, or the Crown Representative, or the Provincial Government, as the case may be " were substituted for the words " Secretary of State for India in Council " by the Adaptation of Indian Laws Order in Council.

² The words " or the Crown Representative " were deleted by the India (Adaptation of Existing Indian Laws) Order, 1947.

³ This word was substituted for the original by the Adaptation of Laws Order, 1950.

⁴ These words were substituted for the words " the City " by Bom. 7 of 1950, s. 6(i).

⁵ This section was inserted by Bom. 28 of 1957, s. 4.

Bom.
VI of
1879.

145. For section 36 of the Bombay Port Trust Act, 1879, the following shall be substituted, namely :—

section Amendment
of section 36,
Bombay Act
VI of 1879

See *Supra*.

Liability for Property-taxes.

146. (1) Property-taxes shall be leviable primarily from the actual occupier of the premises upon which the said taxes are assessed, if such occupier holds the said premises immediately from ¹[the ²[Government]] or from the corporation or from a fazendar Primary responsibility for property-taxes on whom to rest

³[Provided that the property-taxes due in respect of any premises owned by or vested in the Government and occupied by a Government servant or any other person on behalf of the Government for residential purposes shall be leviable primarily from the Government and not the occupier thereof.]

(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.

⁴[(3) But if any land has been let for any term exceeding one year to a tenant and such tenant or any person deriving title howsoever from such tenant has built upon the land, the property-taxes assessed upon the said land and upon the building erected thereon shall be leviable primarily from the said tenant or such person, whether or not the premises be in the occupation of the said tenant or such person]

147. (1) If any premises assessed to any property-tax are let, and their rateable value exceeds the amount of rent payable in respect thereof to the person from whom, under the provisions of the last preceding section, the said tax is leviable, the said person shall be entitled to receive from his tenant the difference between the amount of the property-tax levied from him, and the amount which would be leviable from him if the said tax were calculated on the amount of rent payable to him. Apportionment of responsibility for property-tax when the premises assessed are let or sub-let.

(2) If the premises are sub-let and their rateable value exceeds the amount of rent payable in respect thereof to the tenant by his sub-tenant, or the amount of rent payable in respect thereof to a sub-tenant by the person holding under him, the said tenant shall be entitled to receive from his sub-tenant or the said sub-tenant shall be entitled to receive from the person holding under him, as the case may be, the difference between any sum recovered under this section from such tenant or sub-tenant and the amount of property-tax which would be leviable in respect of the said premises if the rateable value thereof were equal to the difference between the amount of rent which such tenant or sub-tenant receives and the amount of rent which he pays.

(3) Any person entitled to receive any sum under this section shall have, for the recovery thereof, the same rights and remedies as if such sum were rent payable to him by the person from whom he is entitled to receive the same.

148. If any person who is primarily liable for the payment of any property-tax himself pays rent to another person other than ¹[the ²[Government]] or the corporation in respect of the premises upon which such tax is assessed, he shall be entitled to credit in account with such other person for such sum as would be leviable on account of the said tax if the amount of the rent payable by him were the rateable value of the said premises. Person primarily liable for property-tax entitled to credit, if he is a rent payer.

¹ The words "the Crown" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council

² This word was substituted for the original by the Adaptation of Laws Order, 1950.

³ This proviso was added by Bom 28 of 1957, s. 5 (1)

⁴ This sub-section was substituted for the original, *ibid*, s. 5 (2).

Notice of transfer, etc., of premises assessable to Property-taxes.

Notice to be given to the Commissioner of all transfers of title of persons primarily liable to payment of property tax.

149. (1) Whenever the title of any person primarily liable for the payment of property-taxes on any premises to or over such premises is transferred, the person whose title is so transferred and the person to whom the same shall be transferred shall, within three months after execution of the instrument of transfers, or after its registration, if it be registered, or after the transfer is effected, if no instrument be executed, give notice of such transfer, in writing, to the Commissioner.

(2) In the event of the death of any person primarily liable as aforesaid, the person to whom the title of the deceased shall be transferred, as heir or otherwise, shall give notice of such transfer to Commissioner within one year from the death of the deceased.

Form of notice

150. (1) The notice to be given under the last preceding section shall be in the form either of Schedule E or Schedule F, as the case may be, and shall state clearly and correctly all the particulars required by the said form.

(2) On receipt of any such notice, the Commissioner may, if he thinks it necessary require the production of the instrument of transfer, if any, or of a copy thereof obtained under section 57 of the Indian Registration Act, 1877.¹

III of 1877,

Liability for payment of property-taxes to continue in the absence of any notice of transfer.

151. (1) Every person primarily liable for the payment of a property-tax on any premises who transfers his title to or over such premises without giving notice of such transfer to the Commissioner as aforesaid, shall, in addition to any other liability which he incurs through such neglect, continue liable for the payment of all property-taxes from time to time payable in respect of the said premises until he gives such notice, or until the transfer shall have been recorded in the Commissioner's-books.

(2) But nothing in this section shall be held to diminish the liability of the transferee for the said property-taxes, or to affect the prior claim of the Commissioner on the premises conferred by section 212, for the recovery of the property-taxes due thereupon.

Notice to be given to the Commissioner of the erection of a new building etc.

152. (1) When any new building is erected, or when any building is rebuilt or enlarged,

or when any building which has been vacant is reoccupied, the person primarily liable for the property-taxes assessed on the building shall within fifteen days give notice thereof, in writing, to the Commissioner.

(2) The said period of fifteen days shall be counted from the date of the completion or of the occupation whichever first occurs, of the building which has been newly erected or rebuilt, or of the enlargement, as the case may be, and in the case of a building which has been vacant, from the date of the reoccupation thereof.

Notice to be given to the Commissioner of demolition or removal of a building.

153. (1) When any building or any portion of a building, which is liable to the payment of a property-tax, is demolished or removed, otherwise than by order of the Commissioner, the person primarily liable for the payment of the said tax shall give notice thereof, in writing, to the Commissioner.

(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 :

[(3) Provided that nothing in this section shall apply in respect of a building or portion of a building which has fallen down or been burnt down]

¹ See now the Indian Registration Act, 1908 (16 of 1908).

² This sub-section was added by Bom. 8 of 1918, s. 3.

Valuation of property assessable to property-taxes.

154. (1) In order to fix the rateable value of any building or land assessable to a property-tax, there shall be deducted from the amount of the annual rent for which such land or building might reasonably be expected to let from year to year a sum equal to ten per centum of the said annual rent and the said deduction shall be in lieu of all allowances for repairs or on any other account whatever. Rateable value how to be determined.

(2) The value of any machinery contained or situate in or upon any building or land shall not be included in the rateable value of such building or land.

(3) Notwithstanding anything contained in this section, the rateable value in the case of a building—

Bom.
LXIX
of
1948.

(a) owned by or belonging to the Government or the Bombay Housing Board constituted under the Bombay Housing Board Act, 1943, or other similar body constituted by any law for the time being in force for the purpose of providing housing accommodation ;

(b) constructed, purchased or occupied on or after the 1st day of April 1947 as part of a recognised scheme of subsidised housing for industrial workers or persons belonging to lower income groups or poorer classes ; and

(c) comprising in part or in whole of tenements let out to such workers or persons on a monthly rent, inclusive of all service and other charges not exceeding rupees thirty-two and fifty naye paise for each such tenement shall be fixed—

(i) with respect to such tenements comprised therein, with retrospective effect from the date of their construction, purchase or occupation as stated in clause (b), on the actual rent charged for such tenements and not on the rent, for which such tenements might reasonably be expected to let from year to year less a deduction of ten per centum of the said annual actual rent in lieu of all allowances for repairs or on any other account whatsoever ; and

(ii) with respect to the remaining portions, if any, of such building, on the basis of the provisions of sub-sections (1) and (2)

Explanation.—For the purpose of this sub-section, “ recognised scheme of subsidised housing for industrial workers or persons belonging to lower income groups or poorer classes ” shall mean such scheme as may be recognised by the State Government from time to time in this behalf, after consultation with the Corporation]

155. (1) To enable him to determine the rateable value of any building or land and the person primarily liable for the payment of any property tax leviable in respect thereof the Commissioner may require the owner or occupier of such building or land, or of any portion thereof, to furnish him, within such reasonable period as the Commissioner prescribes in this behalf, with information or with a written return signed by such owner or occupier— Commissioner may call for information or returns from owner or occupier or enter and inspect assessable premises.

(a) as to the name and place of abode of the owner or occupier, or of both the owner and occupier of such building or land ; and

(b) as to the dimensions of such building or land, or of any portion thereof and the rent, if any, obtained for such building, or land, or any portion thereof.

¹ This portion was inserted by Bom. 28 of 1957, s. 6.

(2) Every owner or occupier on whom any such requisition is made shall be bound to comply with the same and to give true information or to make a true return to the best of his knowledge or belief

(3) The Commissioner may also for the purpose aforesaid make an inspection of any such building or land.

Assessment-book.

Assessment-book what to contain. 156. The Commissioner shall keep a book, to be called " the assessment book " in which shall be entered every official year—

(a) a list of all buildings and lands in ¹[Greater Bombay] distinguishing each either by name or number, as he shall think fit ;

(b) the rateable value of each such building and land determined in accordance with the foregoing provisions of this Act ;

(c) the name of the person primarily liable for the payment of the property-taxes, if any, leviable on each such building or land ,

(d) if any such building or land is not liable to be assessed to the general tax, the reason of such non-liability ;

(e) when the rates of the property-taxes to be levied for the year have been duly fixed by the corporation and the period fixed by public notice, as hereinafter provided, for the receipt of complaints against the amount of rateable value entered in any portion of the assessment-book, has expired, and in the case of any such entry which is complained against, when such complaint has been disposed of in accordance with the provisions hereinafter contained, the amount at which each building or land entered in such portion of the assessment-book is assessed to each of the property-taxes, if any, leviable thereon ;

²[(f) if under section 169, a charge is made for water supplied to any building or land by measurement or the water taxes or charges for water by measurement are compounded for, or if, under section 170, the sewerage taxes or sewerage charges for any building or land are fixed at a special rate, the particulars and amount of such charges composition or rates,]

¹ These words were substituted for the words " the city " by Bom 7 of 1950, s 6(I)

² Clause (f) was substituted by Mah. 34 of 1973, s 19

(g) such other details, if any, as the Commissioner from time to time thinks fit to direct.

157. (1) The assessment-book shall be made in separate books, called "ward assessment-books", one for each of the wards into which [Greater Bombay] is for the time being divided under the provisions of section 24; and each ward assessment-book may, if the Commissioner thinks fit, be divided into two or more parts for such purposes and with such several designations as the Commissioner shall determine.

The assessment book to be made separately for each ward and in parts, if necessary.

(2) The ward assessment-books and their respective parts, if any, shall collectively constitute the assessment-book.

158. (1) When any building or land is let to two or more persons holding in severalty, the Commissioner may, for the purpose of assessing such building or land to the property-taxes, either treat the whole thereof as one property, or, with the written consent of the owner of such building or land, treat each several holding therein or any two or more of such several holdings together, or each floor or flat, as a separate property.

Treatment of property which is let to two or more persons in separate occupancies.

(2) When the Commissioner has determined to treat all the several holdings comprised within any one building or land under this section as one property, he may, subject to any general conditions which may from time to time be prescribed by the standing committee in this behalf, at any time not later than seven days before the first day of any half-year for which an instalment of general-tax will be leviable in respect of the said property, sanction a drawback of one-fifth part of the general-tax so leviable

Allowance of drawback in such cases.

(3) Every person who applies for a drawback under sub-section (2) shall furnish to the Commissioner full and correct information regarding the property in respect of which the claim for drawback is made and the several holdings comprised therein in such form and with such particulars as may be required by the Commissioner in accordance with the general conditions prescribed in this behalf by the standing committee]

159. (1) When the name of the person primarily liable for the payment of property-taxes in respect of any premises cannot be ascertained, it shall be sufficient to designate him in the assessment-book and in any notice which it may be necessary to serve upon the said person under this Act, "the holder" of such premises, without further description.

Person primarily liable for property-taxes how to be designated, if his name cannot be ascertained.

(2) If, in any such case, any person in occupation of the premises shall refuse to give such information as may be requisite for determining who is primarily liable as aforesaid, such person shall himself be liable, until such information is obtained, for all property-taxes leviable on the premises of which he is in occupation.

Occupier liable for property-taxes until he gives information.

160. (1) When the entries required by clauses (a), (b), (c) and (d) of section 156 have been completed, as far as practicable, in any ward assessment-book, the Commissioner shall give public notice thereof and of the place where the ward assessment-book, or a copy of it, may be inspected.

Public notice to be given when valuation of property in any ward has been completed.

¹ These words were substituted for the words "the city" by Bom. 7 of 1950, s. 6 (1).

² This sub-section was inserted by Bom. 76 of 1948, s. 19.

(2) Such public notice shall be given by advertisement in the [Official Gazette] and in the local newspapers, and also by posting placards in conspicuous places throughout the ward.

Assessment-
book to be
open to
inspection.

161. (1) Every person who reasonably claims to be the owner or occupier of some premises entered in the assessment-book or the agent of any such owner or occupier shall be permitted, free of charge, to inspect; and to take extracts from any portion of the said book which relates to the said premises.

(2) Any person not entitled under sub-section (1) to inspect and take extracts from any portion of the assessment-book free of charge shall be permitted to do so on payment of such fee as shall from time to time be prescribed in this behalf by the Commissioner, with the approval of the standing committee.

Time for
filing com-
plaints
against
valuations
to be publicly
announced.

162. (1) The Commissioner shall, at the time and in the manner prescribed in section 160, give public notice of a day, not being less than fifteen days from the publication of such notice, on or before which complaints against the amount of any rateable value entered in the ward as assessment-book will be received in his office.

Special
notices to be
issued in
certain cases.

(2) In every case in which any premises have for the first time been entered in the assessment-book as liable to the payment of property rates, or in which the rateable value of any premises liable to such payment has been increased, the Commissioner shall, as soon as conveniently may be after the issue of the public notice under sub-section (1), give a special written notice to the owner or occupier of the said premises specifying the nature of such entry and informing him that any complaint against the same will be received in his office at any time within fifteen days from the service of the special notice.

Time and
manner
of filing
complaints
against
valuation.

163. (1) Every complaint against the amount of any rateable value entered in the assessment-book must be made by written application to the Commissioner, which shall be left at his office on or before the day or the latest day fixed in this behalf in the public or special notice aforesaid.

(2) Every such application shall set forth briefly but fully the grounds on which the valuation is complained against.

Notice to
complain-
ants of day
fixed for
investigating
their com-
plaints.

164. The Commissioner shall cause all complaints so received to be registered in a book to be kept for this purpose and shall give notice, in writing, to each complainant, of the day, time and place when and whereat his complaint will be investigated.

Hearing of
it.

165. (1) At the time and place so fixed, the Commissioner shall investigate and dispose of the complaint in the presence of the complainant, if he shall appear, and, if not, in his absence.

(2) For reasonable cause, the Commissioner may from time to time adjourn the investigation.

(3) When the complaint is disposed of, the result thereof shall be noted in the book of complaints kept under section 164, and any necessary amendment shall be made in accordance with such result, in the assessment-book.

¹ The words "Official Gazette" were substituted for the words "Bombay Government Gazette" by the Adaptation of Indian Laws Order in Council.

166. (1) When all such complaints, if any, have been disposed of and the entries required by clause (e) of section 156 have been completed in the ward assessment-book, the said book shall be authenticated by the Commissioner, who shall certify, under his signature, that except in the cases, if any, in which amendments have been made as shown therein, no valid objection has been made to the rateable values entered in the said book.

Authentification of ward assessment-books when all complaints have been disposed of.

(2) Thereupon the said ward assessment-book subject to such alterations as may thereafter be made therein under the provisions of the next following section, shall be accepted as conclusive evidence of the amount of each property-tax leviable on each building and land in the ward in the official year to which the book relates.

167. (1) The Commissioner may, upon the representation of any person concerned, or upon any other information, at any time during the official year to which an assessment-book relates amend the same by inserting therein the name of any person whose name ought to be so inserted or any premises previously omitted or by striking out the name of any person not liable for the payment of any property-tax or by increasing or reducing the amount of any rateable value and of the assessment based thereupon, or by making or cancelling an entry exempting any premises from liability to any property-tax.

Assessment-book may be amended by the Commissioner during the official year.

(2) Every such amendment shall be deemed to have been made, for the purpose of determining the liability or exemption of the person concerned in accordance with the altered entry, from the earliest day in the current official year when the circumstances justifying the amendment existed.

168. (1) It shall not be necessary to prepare a new assessment-book every official year. Subject to the provisions of sub-section (3), the Commissioner may adopt the entries in the last preceding year's book with such alterations as he thinks fit as the entries for each new year.

New assessment-book need not be prepared every official year.

(2) But public notice shall be given in accordance with sections 160 and 162 every year and the provisions of the said sections and of sections 163 to 167, both inclusive, shall be applicable each year.

(3) A new assessment-book shall be prepared at the least once in every four years.

{ *Special provisions concerning the Water and Sewerage taxes and charges.*

169. (1) Notwithstanding anything contained in section 128, the Standing Committee shall, from time to time, make such rules as shall be necessary for supply of water and for charging for the supply of water and for any fittings, fixtures or services rendered by the Corporation under Chapter X and shall by such rules determine—

Rules for water taxes and charges.

(i) the charges for the supply of water by a water-tax and a water benefit tax levied under section 140 of a percentage of the rateable value of any property provided with a supply of water ; or

(ii) a water charge in lieu of a water tax, based on a measurement or estimated measurement of the quantity of water supplied ; or

(iii) combined charges under clauses (i) and (ii) ; or

(iv) a compounded charge in lieu of charges under clauses (i) and (ii).

¹ This heading and sections 169 to 172 were substituted by Mah. 34 of 1973, s. 20.

(2) A person who is charged for supply of water under clause (ii) or (iv) of sub-section (1) shall not be liable for payment of the water-tax, but any sum payable by him and not paid when it becomes due shall be recoverable by the Commissioner as if it were an arrear of property-tax due.

Rules for sewerage taxes and charges. 170. (1) Notwithstanding anything contained in section 128, the Standing Committee shall from time to time make such rules as shall be necessary for removing human wastes, excrementitious, and polluted matters, liquid wastes and effluents and any other materials as shall from time to time be specified by the Committee in such rules and for charging any fittings, fixtures or services rendered by the Corporation under Chapter IX and shall by such rules determine—

(i) the charges for the supply of such services by a sewerage tax and a sewerage benefit tax levied under section 140 of a percentage of the rateable value of any property in respect of which such services are provided ; or

(ii) a sewerage charge in lieu of a sewerage tax, based on a measurement or estimated measurement of the quantity of water supplied for the premises or of the quantity of wastes discharged from the premises ; or

(iii) combined charges under clauses (i) and (ii) ; or

(iv) a compounded charge in lieu of charges under clauses (i) and (ii)

(2) A person who is charged for sewerage services under clause (ii) or (iv) of sub-section (1) shall not be liable for payment of the sewerage tax, but any sum payable by him and not paid when it becomes due, shall be recoverable by the Commissioner as if it were an arrear of property tax due.

Rules to be made within a certain period. 171. The first Water Charges Rules and the Sewerage and Waste Removal Rules under sections 169 and 170 shall be made by the Standing Committee within sixty days from the date of commencement of the Bombay Municipal Corporation Mah. (Amendment) Ordinance, 1973, and shall be brought into force on such date as that Committee may appoint : Ord III of 1973.

Provided that, where the Committee fails to make both the sets of rules or either of them within the period aforesaid, the State Government shall have power to make the necessary rules by notification in the *Official Gazette* and any such rules made by the State Government shall be deemed to have been made by the Standing Committee.

Power to amend rules. 172. The Standing Committee may, from time to time, add to, amend or rescind any rules made or deemed to be made by it under sections 169 to 171 (all inclusive), but any such revision of the rules shall come into force on the date appointed by the Committee for this purpose, so however that such date shall not be less than 30 days, nor more than 90 days from the date on which the decision is taken by the Committee to make such revision.

173. (1) Any person who has paid to the Commissioner any ¹[water-tax, or a sum on account of water charges or] ²[any sewerage tax or a sum on account of sewerage charges] in respect of any premises shall if he was not himself in occupation of the said premises during the period for which he had made such payment, be entitled to receive the amount of the said payment from the person, if any, in actual occupation of the said premises for the said period.

(2) For the recovery of the said amount from the person aforesaid, the person who has paid the same shall have the same rights and remedies as if such amount were rent payable to him by the person from whom he is entitled to receive the same.

³173A. (1) If the premises to which water is supplied by measurement consists of more than one tenement and water is supplied thereto through a common meter and if water charges in respect of the water supplied are paid to the Commissioner by the owner of the said premises or and person acting on his behalf, such owner shall be entitled to recover the sum of such water charges *pro-rata* from the occupiers of the tenements during the period for which water is supplied to the said tenements through the common meter, in proportion to the amount of the rent for which each of such tenements is let :

Provided that if—

(a) any of the tenements is in the occupation of the owner or any person acting on his behalf, or

(b) by the terms of the tenancy, the owner has agreed to pay the water charges for an occupier of a tenement,

the amount payable *pro-rata* in respect of such tenements shall not be recovered from the occupiers of other tenements.

(2) If, under the terms of the tenancy, the rent charges for any such tenement is inclusive of water-tax and subsequently water is supplied thereto through a common meter and if water charges are paid by the owner or any person acting on his behalf, such owner shall be entitled to recover under this section from the occupier of such tenement only the difference between the water-tax previously payable by him and the water charges payable in respect of such tenement on *pro-rata* basis under sub-section (1)

173B. If the owner of any premises has paid to the Commissioner the sum of water charges in respect of water supplied to the premises and though entitled to recover from the person in actual occupation of the said premises a sum as determined under section 173A, omits or fails to recover the same wholly or in part for whatever reason the fact of the omission or failure to recover such sum shall not operate to diminish the amount of the annual rent of the said premises calculated for the purposes of section 154].

⁴173BB. If the premises in respect of which the sewerage charges in lieu of a sewerage tax are recovered from the owner of the premises or any person acting on his behalf, such owner shall be entitled to recover the sum of such charges *pro-rata* from the occupiers of the tenements, in proportion to the amount of the rent for which each of such tenements is let :

¹ These words were substituted for the words "Water Tax or" by Bom. 62 of 1954, s. 4(1)

² These words were substituted for the words "any halalkhor-tax" by Mah. 51 of 1975, s. 9 (a).

³ These words were inserted by Bom. 62 of 1954 s. 4(2)

⁴ These words were substituted for the words "or halalkhor tax" by Mah. 51 of 1975, s. 9 (b).

⁵ Sections 173A and 173B were inserted by Bom. 62 of 1954, s. 5.

⁶ Section 173BB was inserted by Mah. 34 of 1973, s. 21.

Water-tax
[water
charges]
[sewerage
tax or
sewerage
charges]
paid by
any person
may be re-
covered by
him from the
occupier of
the premises
for which it
is paid.

Owner of
premises
entitled to
recover
water
charges from
occupiers of
tenements.

Water
charges paid
by owners
but not
recovered
from occu-
piers not to
operate to
diminish an-
nual rent for
purposes of
section 154.

Owner
of premises
entitled to
recover
sewerage
charges from
occupiers of
tenements.

Provided that if—

(a) any of the tenements is in occupation of the owner or any person acting on his behalf, or

(b) by the terms of the tenancy, the owner has agreed to pay the sewerage charges for an occupier of a tenement,

the amount payable *pro-rata* in respect of such tenements shall not be recovered from the occupiers of other tenements]

¹[173C If, under the terms of the tenancy, the rent for any premises is inclusive of water taxes or water charges for supply of water by measurement and the person in actual occupation of the premises has, on behalf of the owner thereof, paid to the Commissioner any water taxes or water charges in respect of the premises, such person shall be entitled to recover from the owner the amount so paid and may deduct the amount from the rent which from time to time becomes due to the owner]

Occupier of premises entitled to recover water taxes and charges from owner, when he is not bound to pay but pays them to Commissioner.

Refund of property taxes for vacancies

174 When any building or land or any portion of any premises which the Commissioner has treated under section 158 as a separate property, has been vacant for not less than thirty consecutive days, the Commissioner shall, subject to the provisions hereinafter contained, refund the amount of the water tax ¹[and the sewerage tax], if any, paid for the number of days that such vacancy lasted.

Refund of [the water tax and sewerage tax] when and to what extent obtainable.

175. When any building or land, or any portion of any premises which the Commissioner has treated under section 168 as a separate property, has been vacant for not less than sixty consecutive days, the Commissioner shall, subject to the provisions hereinafter contained refund two-thirds of the amount of the general tax, if any, paid for the number of days that such vacancy lasted.

Refund of general tax when and to what extent obtainable

176 (1) No refund of any property tax shall be claimable from the Commissioner, as aforesaid, unless notice in writing of the vacancy shall have been given by the person liable for the tax, or his agent, to the Commissioner.

Refund not claimable unless notice of vacancy is given to the Commissioner.

(2) No refund shall be paid by the Commissioner for any period previous to the day of the delivery of such notice

(3) When a vacancy continues from one-half year in respect of which property taxes are, under section 197 recoverable, into the next following half year, no refund of any property tax shall be claimable from the Commissioner as aforesaid on account of such continued vacancy unless notice thereof shall be given to the Commissioner as aforesaid within thirty days from the commencement of the said next following half year.

¹ Section 173C was inserted by Mah 51 of 1975, s 10

² These words were substituted for the words " and halalkhore tax " by Mah. 34 of 1973, s 22(a).

³ These words were substituted for the words " water and halalkhore taxes " *ibid* , s. 22(b).

Refund of water tax inadmissible unless application for stopping water supply has been made **177.** No refund of water tax shall be claimable except from such time as a written application shall have been made to the Commissioner to stop the water supply to the vacant premises

Refund of general tax inadmissible when drawback has been sanctioned **178.** No refund of general tax shall be claimable in any case in which the Commissioner has sanctioned a drawback under sub-section (2) of section 158

Applications for refund when and how to be made **179.** It shall be in the discretion of the Commissioner to disallow any claim for refund of any property tax unless application therefor is made to him in writing within thirty days after the expiry of the half year to which the claim relates accompanied by the bill presented to the applicant under section 200 for the amount of the tax from which the refund is claimed

Tax on Vehicles and Animals

Tax on what vehicles and animals to be levied **180.** Except as hereinafter provided, a tax at rates not exceeding those specified in Schedule G shall be levied on all vehicles and on all animals of the description specified in the said schedule which are kept within ¹[Greater Bombay] ,

²[Provided that no tax shall be levied on motor vehicles save as provided in section 20 of the Bombay Motor Vehicles Tax Act, 1958]

Bom
LXV
of
1958

Exemptions from the tax

181. ³[(1)] The said tax shall not be levied in respect of—

(a) any vehicle or animal certified by the Commissioner or the Police Commissioner, as the case may be, to be employed by the owner thereof for Municipal or Police purposes ,

(b) gun-carriages, ordnance-carts or wagons, and artillery and cavalry horses ,

(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 ,

⁴[(d) any vehicle or animal exempted from municipal taxation under section 16 of the Indian Territorial Force Act, 1920, or section 34 of the Auxiliary Force Act, 1920 ,]

⁵[(e) vehicles and animals vesting in * * * * the Central Government ;]

(e-1) vehicles and animals, other than those specified in clause (e), vesting in ⁷[Government] and used solely for public purposes and not used or intended to be used for purpose of profit ,

(e-2) vehicles and animals belonging to the Corporation ,]

¹ These words were substituted for the words " the city " by Bom 7 of 1950, s 6(1)
² This proviso was added by Bom. 65 of 1958, s. 25, Third Schedule
³ Section 181 was re-numbered as sub-section (1) by Bom 8 of 1942, s 2(1), read with Bom 8 of 1948, s 3.
⁴ This clause was substituted for the original by Bom 8 of 1942, s 2(1)(i), read with Bom 8 of 1948, s. 3
⁵ Clauses (e), (e-1) and (e-2) were substituted for clause (e), *ibid* , s 2(1)(ii)
⁶ The words " His Majesty for purposes of " were omitted by the Adaptation of Laws Order, 1950
⁷ This word was substituted for the original words, *ibid*

XI of
1881
XLV
III of
1920
XLIX
of
1920

Bom.
LXV
of
1958

¹[(e-3) any motor vehicle belonging to a Foreign Consular Officer de Carrier
²[or a Trade Commissioner] stationed at Bombay provided such Officer ²[or a Trade
Commissioner] proves to the satisfaction of the Commissioner that such motor
vehicle has been exempted under ³[section 13 of the Bombay Motor Vehicles
Tax Act, 1958 .]

⁴[*Explanation* —For the purposes of this clause, the expression “ Trade Com-
missioner ” includes a Deputy Trade Commissioner, an Assistant Trade Com-
missioner and a Trade Agent .]

6* * * * *

(g) vehicles kept by *bonafide* dealers in vehicles for sale merely, and not used ;

¹ Clause (e-3) was inserted by Bom 48 of 1950, s 64

² These words were inserted by Bom 6 of 1959, s 3

³ These words and figures were substituted for the words and figures “section 18 of the Bombay Motor Vehicles Tax Act, 1935”, *ibid*

⁴ This *Explanation* was added, *ibid*

⁵ Clause (f) was deleted by Bom 48 of 1948, s 38

† Section 80 of Bom 48 of 50 reads as follows —

“ 80 (1) The amendments made by sections 64, 65 and 67 shall be deemed to have been made on Amendments and to have effect from the 15th day of August 1947 made by sections 64, 65,

(2) The amendments made by sections 68 and 76 shall be deemed to have been made on and to have effect from the 14th day of March 1944 and any order made or action taken under the 67, 68 and 76 said Act before the commencement of this Act shall be deemed to have been made or taken under to have the said Act as amended by this Act and no prosecution, suit or other proceeding shall lie against retrospective any person for anything in good faith done or intended to be done in pursuance of any such order effect or action, as the case may be ”

¹[Provided that ²a tax at the rate of rupees one hundred and twenty shall be levied yearly] in advance from every dealer in motor vehicles for every seven motor vehicles in respect of which a Trade Certificate is issued to him under rules made under the Motor Vehicles Act, 1939.] IV of 1939.

(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, ³[bicycles, tricycles, other than motor bicycles and tricycles] and children's perambulators ;

⁴[(2) If any question arises under clause (e-1) of sub-section (1) whether any vehicle or animal belonging to ⁵[government] is or is not used solely for public purposes or is or is not used or intended to be used for purposes of profit, such question shall be determined by the ⁶[State] Government, whose decision shall be final]

Persons responsible for the payment of the tax. ⁷[182. (1) The said tax shall be leviable from the owner of or person having possession or control of any vehicle or animal in respect of which the said tax is leviable :

⁸[Provided that in the case of an animal generally used or employed in drawing any vehicle the tax in respect of such animal shall be leviable from the owner of or person having possession or control of, such vehicle, whether or not such animal is owned by such owner or person]

(2) For the purpose of this section, the person in whose name a motor vehicle is for the time being registered under the Motor Vehicles Act, 1939, shall, until ^{IV} of the contrary is proved, be presumed to be the owner or person in possession or ¹⁹³⁹ control of such motor vehicle]

183. [Vehicles under repair, or standing at carriage-maker's exempt] Repealed by Bom. 8 of 1942, s 4, read with Bom 8 of 1948, s 3.

¹ This proviso was added by Bom 8 of 1942, s 2 (1)(iii), read with Bom 8 of 1948, s 3

² These words were substituted for the words " a tax at the rate of rupees thirty shall be levied quarterly " by Mah 70 of 1975, s 16

³ These words were inserted by Bom 2 of 1911, s 7

⁴ This sub-section was inserted by Bom. 8 of 1942, s 2(2), read with Bom 8 of 1948, s 3

⁵ This word was substituted for the original words, *ibid*

⁶ This word was substituted for the word " Provincial " by the Adaptation of Laws Order, 1950

⁷ This section was substituted for the original by Bom 8 of 1942, s 2(2), read with Bom 8 of 1948, s. 3.

⁸ This proviso was added by Bom. 76 of 1948, s 20

184. [Animals unfit for use, and not used, exempt] Repealed by Bom. 8 of 1942, s. 4, read with Bom. 8 of 1948, s. 3.

185. The Commissioner may, with the approval of the standing committee, Livery-compound with any livery-stable-keeper or other person keeping vehicles or horses stable- or bullocks for hire, or with any dealer having stables in which horses are kept keepers and for sale on commission or otherwise, for the payment of a lump sum for any period others may not exceeding one year at a time, in lieu of the taxes ¹[leviable under section 180 compounded which such livery-stable-keeper or other person or dealer would otherwise be liable with. to pay]

186. (1) The Commissioner shall keep a book, in which shall be entered from Vehicle and animal tax-book to be kept time to time—

(a) a list of the persons liable to pay any tax under section 180 ;

(b) a specification of the vehicles and animals in respect of which the said persons are, respectively, liable to the said tax ;

(c) the amount of tax payable by each such person and the period for which it is payable ,

(d) the particulars of every composition made under section 185

(2) Any person whose name is entered in the said book, or the agent of any such person, shall be permitted, free of charge, to inspect and take extracts from any portion of the said book which relates to such person

(3) Any person not entitled under sub-section (2) to inspect and take extracts from any portion of the said book free of charge, shall be permitted to do so on payment of such fee as shall from time to time be prescribed in this behalf by the Commissioner, with the approval of the standing committee

187. (1) In order that the said list may be prepared, the Commissioner may require— Returns may be called for from owners of premises and persons supposed to be liable to the tax

(a) the owner of any premises let to or occupied by more than one person, owning or having ²[possession or control] of vehicles and animals to furnish him with a written return, signed by such owner, of the name and address of each of the said persons, and of the animals and vehicles owned by or in ²[the possession or under the control] of each of the said persons kept upon such owner's premises ;

(b) any person supposed to be liable to the payment of any tax on a vehicle or animal to furnish him with a written return, signed by such person and containing such information concerning the vehicles and animals, if any, owned by or in ²[the possession or under the control] of such person as the Commissioner shall deem necessary

(2) Every person on whom any such requisition is made shall be bound to comply with the same, within such reasonable period as the Commissioner prescribes in this behalf, whether such person be liable to the payment of any such tax or not, and to make a true return to the best of his knowledge or belief.

¹ This was substituted for the original by Bom. 8 of 1942, s. 5, read with Bom 8 of 1948, s. 3.

² These words were substituted for the words " the charge ", *ibid* , s. 6.

Notice to be given to Commissioner by a person who becomes owner or possessed of a vehicle or animal in respect of which liability arises, etc.

¹[188. (1) Every person who becomes the owner or obtains possession or control of any vehicle or animal in respect of which the said tax is leviable shall give notice in writing to the Commissioner within fifteen days after he has become the owner or has obtained possession or control of such vehicle or animal, of the fact that he has become the owner or has obtained possession or control of such vehicle or animal, as the case may be.

(2) Every person who ceases to own or have possession or control of any vehicle or animal in respect of which the said tax is leviable shall give notice in writing to the Commissioner of the fact that he has ceased to own or have possession or control of such vehicle or animal. Such person shall, in addition to any other penalty to which he may be liable, continue to be liable for the payment of the said tax leviable from time to time in respect of such vehicle or animal until he gives such notice

Provided that nothing herein contained shall be held to diminish the liability to pay the said tax of the person who becomes the owner or obtains possession or control of such vehicle or animal or affect the prior claim of the Commissioner on such vehicle or animal for the recovery of any tax due in respect thereof]

Power to inspect stables and summon persons liable to the tax.

189. (1) The Commissioner may make an inspection of any stable, ²[garage] or coach house or any place wherein he may have reason to believe that there is any vehicle or animal liable to a tax under this Act

(2) The Commissioner may, by written summons, require the attendance before him of any person whom he has reason to believe to be liable to the payment of a tax in respect of a vehicle or animal, or of any servant of any such person, and may examine such person or servant as to the number and description of vehicles and animals owned by or in ³[the possession or under the control] of such person, and every person so summoned shall be bound to attend before the Commissioner and to give true information, to the best of his knowledge or belief, as to the said matters

* * * * *

Refund of tax on vehicles and animals when and to what extent obtainable

⁵[190. If the tax leviable on any vehicle or animal in respect of any year has been paid and if during such year such vehicle or animal ceases to be kept within Greater Bombay or is destroyed or is otherwise rendered unfit for use or if such vehicle has been under repairs or if such animal has been kept in any institution for the reception of infirm or disused animals or is certified by a Veterinary Surgeon to have become unfit for use and has not been used, the person who paid the tax leviable on such vehicle or animal shall, subject to the provisions hereinafter contained, and on the Commissioner (or any officer authorised by him) being satisfied in this behalf, be entitled to receive from the Commissioner if the period in such year for which such vehicle or animal has not been kept in Greater Bombay or has not been used, on account of such vehicle or animal being destroyed or rendered unfit for use or on account of such vehicle being under repairs or such animal being kept in any institution for the reception of infirm or disused animals or such animal having been certified by a Veterinary Surgeon to have become unfit for use, is,—

(a) not less than three hundred and forty days, the full amount of the tax paid,

(b) not less than three hundred days, three-fourth of the tax paid,

(c) not less than two hundred and forty days, two-third of the tax paid,

(d) not less than one hundred and eighty days one-half of the tax paid,

¹ This section was substituted for the original by Bom 8 of 1942, s 7, read with Bom 8 of 1948, s. 3.

² This word was inserted, *ibid*, s 8(1)

³ These words were substituted for the words " the charge ", *ibid*, s 8(2)

⁴ The heading and sections 190 and 191 repealed by Bom 7 of 1921, s 5, is omitted and the repeal shall have effect from 1st April 1920

⁵ Section 190 was substituted for the original by Mah. 70 of 1975, s 17

- (e) not less than one hundred and twenty days, one-third of the tax paid,
- (f) not less than ninety days, one-fourth of the tax paid,
- (g) not less than sixty days, one-sixth of the tax paid

No refund of the tax shall be granted if such period is less than sixty days]

¹[191. (1) No refund of the tax shall be claimable from the Commissioner under section 190 unless notice in writing of the occurrence of the circumstances giving rise to such claim or of the commencement of circumstances which may give rise to such claim has been given to the Commissioner by the person who paid the tax or his agent

Refund not claimable unless notice is given to the Commissioner

(2) If such notice is not received by the Commissioner within three days of the occurrence or commencement of the circumstances as aforesaid, the period previous to the date of the receipt of the notice shall be excluded in computing the period of ²[three hundred and forty, three hundred, two hundred and forty, one hundred and eighty, one hundred and twenty, ninety and sixty days] referred to in section 190, for the purposes of granting any refund

(3) It shall be in the discretion of the Commissioner to disallow any claim for refund of the tax, unless application claiming such refund is made to him in writing before the expiry of 15 days after the end of the ³[year] to which the claim relates and is accompanied by the bill presented to the applicant under section 200 for the amount of the tax from which the refund is claimed]

⁴[Dogs

⁵[191A. (1) A tax not exceeding seven rupees per annum shall be levied on every dog kept within Greater Bombay. Such tax, however, shall not be levied on any dog under the age of six months, if the owner or person in charge thereof declares in writing to the Commissioner on or before the eighth day of April that the dog owned by him or in his charge is under the age of six months.

(2) Every person who owns or is in charge of a dog on which the tax is leviable under sub-section (1) shall be liable for such tax.

(3) Every person who owns or is in charge of a dog on which the tax is leviable shall forward to the Commissioner a return signed by him during the month of April in each official year in such form as the Commissioner may specify.

(4) Every person who owns or is in charge of such dog shall pay the tax during the month of April in each official year :

Provided that, when a person becomes owner or takes charge of such dog on or after the first day of May, he shall forward a like return to the Commissioner and pay the tax due, within one week from the date on which he becomes the owner or takes charge of the dog.

(5) The amount of the tax for the full year shall be payable in lump sum and shall not be in proportion to the period for which any dog is kept. But the tax shall not be payable more than once for any official year in respect of the same dog.

(6) The Commissioner shall maintain a register showing the names and addresses of the persons liable to pay the tax under this section]

¹ Section 191 was inserted by Bom 8 of 1942, s. 9, read with Bom 8 of 1948, s. 3.

² These words were substituted for the words " eighty, sixty and thirty days " by Mah. 70 of 1975, s. 18(a)

³ This word was substituted for the word " quarter ", *ibid*, s. 18(b)

⁴ This heading and section 191A were inserted by Bom 2 of 1943, s. 3, read with Bom. 8 of 1948, s. 2

⁵ Section 191A was substituted for the original by Mah. 51 of 1975, s. 11.

Licence and number ticket for dogs ¹[²191B. (1) When the owner or person in charge of a dog has paid the tax leviable on such dog, the Commissioner shall—

(a) grant him a licence to keep the dog during the official year for which the tax has been paid, subject, however, to such conditions as may be specified in the licence by the Commissioner ;

(b) provide him with a number ticket, the number of which shall be specified in the licence

(2) The owner or person in charge of any dog so licensed, shall at all times cause the said number ticket to be kept attached to the collar or otherwise suspended from the neck of the dog

(3) Any dog which has no number ticket so attached or suspended or is kept in contravention of any of the conditions specified in the licence—

(a) shall be presumed to be a dog in respect of which no licence has been granted, and

(b) may be seized by the police or by any officer duly authorised by the Commissioner, and detained until the tax due, if any, has been paid or the conditions subject to which the licence is granted are or are agreed to be complied with]

Control and other provisions as to dogs ³[191-BA. (1) If any dogs are found or reported to be a source of nuisance to the residents of any building or locality, the Commissioner or any person duly authorised by him may enter any premises for the purposes of seizing such dogs

(2) Any dog so seized shall be kept in the municipal kennel and if any person, within three days from the date of such seizure, satisfies the Commissioner that he is the owner or person in charge of such dog, the Commissioner may order it to be delivered to such person on payment of the tax, if any due and the costs incurred by the Commissioner by reason of its detention and on such person giving an undertaking that the dog will thereafter be kept in accordance with the conditions of the licence and will not be a source of nuisance to the residents of the building or locality.

Provided that, if, within the said three days, no person satisfies the Commissioner that he is the owner or person in charge of the dog and pays the tax and the costs or gives the undertaking aforesaid, the Commissioner may cause the dog to be destroyed.

(3) If a stray dog has bitten any person the Commissioner may order it to be detained in the municipal kennel for its incubation period, if it is so desired by the person who has been bitten by that dog, and no charge shall be recovered from any person for such detention. If a licenced dog, which has bitten any person, is brought to the municipal kennel, the Commissioner may order it to be detained therein for its incubation period, if so desired by the owner or person in charge of such dog or the person who has been bitten by that dog, on payment of detention charges not exceeding Rs 2 per day as may be determined by the Commissioner

(4) If any dog detained under sub-section (2) or (3) is after examination found to be suffering from rabies, the Commissioner shall order it to be destroyed forthwith

(5) No damage shall be payable in respect of any dog destroyed under this section]

¹ Sections 191B and 191BA were inserted by Bom. 2 of 1943, s 3, read with Bom 8 of 1948, s 2

² Section 191B was substituted for the original by Mah 51 of 1975, s 12.

³ Section 191BA was inserted, *ibid.*, s. 13.

¹[191BB. Nothing contained in sections 191A and 191B shall apply to any dog kept by or in charge of such diplomatic and consular Officers as the State Government may by general or special order specify in this behalf.] Exemption of dogs kept by certain Consular Officers

²191C. No suit, prosecution or other legal proceeding shall be instituted against any person in respect of any act done in good faith in pursuance of the provisions of ³[section 191B or section 191A] Protection of persons acting in good faith.

²191D. Nothing contained in sections 180 to 182, 185 to 188, 190, 191, 198 and the second sentence of sub-section (2) of section 200 shall apply in respect of the tax leviable under section 191A] Certain sections not to apply.

⁴[THEATRE TAX

Tax on cinemas, theatres, circuses, carnivals and other performances or shows.

191E. (1) Except as hereinafter provided, there shall, from such date as the State Government may by notification in the *Official Gazette* specify in this behalf, be levied and paid to the Corporation a tax referred to in this Act as theatre tax on cinemas, theatres, circuses, carnivals and other performances or shows. Theatre tax.

¹ Section 191BB was inserted by Bom. 48 of 1950, s 65.

* Section 80 of Bom 48 of 1950 reads as follows —

“80 (1) The amendments made by sections 64, 65 and 67 shall be deemed to have been made on and to have effect from the 15th day of August 1947. Amendments made by

(2) The amendments made by sections 68 and 76 shall be deemed to have been made on and to have effect from the 14th day of March 1944 and any order made or action taken under the said Act before the commencement of this Act shall be deemed to have been made or taken under the said Act as amended by this Act and no prosecution, suit or other proceeding shall lie against any person from anything in good faith done or intended to be done in pursuance of any such order or action, as the case may be ” retrospective effect

² Sections 191C and 191D were inserted by Bom 2 of 1943, s 3, read with Bom 8 of 1948, s 2.

* This portion was substituted for the words and brackets “ sub-sections (2), (3) and (5) of section 191B ” by Mah 51 of 1975, s 14

⁴ This heading and sections 191E to 191K were inserted *ibid*, s 66.

(2) The theatre tax shall be levied in respect of a theatre, cinema, circus, carnival and other place of entertainment for every performance or show held or conducted thereat or therein and to which persons are admitted on payment, at the rate prescribed by or under the provisions of this Act

(3) The theatre tax shall be levied at the rates not exceeding those specified in Schedule G-1 as the Corporation shall from year to year, in accordance with section 128, determine

191F. Every proprietor, manager or person in charge of the entertainment shall be liable to pay the theatre tax and shall pay the same in advance before the commencement of each show or if there are no separate shows before any person is admitted to the entertainment on any day

Liability to pay theatre tax.

Provided that the Commissioner may, subject to such terms and conditions as he may impose, allow a lump payment of the tax to be made in respect of a series of such shows or a period of one week or one month.

191G. The Commissioner shall maintain a register, in which shall be entered from time to time,—

Register of persons liable to pay theatre tax.

(a) a list of the persons liable to pay the theatre tax ,

(b) the particulars of the cinemas, theatres and other places of entertainment belonging to or in charge of such persons ,

(c) the approximate amount of tax payable by each such person and the period in respect of which it is payable

191H. It shall be the duty of every proprietor, manager or person in charge of the entertainment to submit to the Commissioner such returns signed by him, at such intervals, in such form and containing such information for the purpose of levy of the theatre tax as shall be prescribed by rules made under section 191K.

Returns by persons liable to pay theatre tax.

191I. The Commissioner may enter upon and inspect any premises or place which he has reason to believe are being used or are about to be used for performance or show, in respect of which the theatre tax is payable or would be payable

Power of inspection.

191J. (1) If any person has failed to pay the theatre tax, the Commissioner shall with the least practicable delay cause to be served on the defaulter a notice of demand in such form as may be prescribed by rules made in this behalf under section 191K. No fee shall be payable in respect of the service of such notice.

Notice of demand.

(2) If the person on whom a notice is served under sub-section (1) does not within fifteen days from the service of the notice on him pay the amount due or show sufficient cause for non-payment of the same to the satisfaction of the Commissioner, the Commissioner may recover the amount by distress and sale of the movable property or attachment and sale of the immovable property of the defaulter as if the amount were a property-tax due by him

191K. The Commissioner may, with the previous approval of the Standing Rules Committee, make rules for securing the payment of the theatre tax and generally

governing theatre tax.

(2) The theatre tax shall be levied in respect of a theatre, cinema, circus, carnival and other place of entertainment for every performance or show held or conducted thereat or therein and to which persons are admitted on payment, at the rate prescribed by or under the provisions of this Act

(3) The theatre tax shall be levied at the rates not exceeding those specified in Schedule G-1 as the Corporation shall from year to year, in accordance with section 128, determine

191F. Every proprietor, manager or person in charge of the entertainment shall be liable to pay the theatre tax and shall pay the same in advance before the commencement of each show or if there are no separate shows before any person is admitted to the entertainment on any day Liability to pay theatre tax.

Provided that the Commissioner may, subject to such terms and conditions as he may impose, allow a lump payment of the tax to be made in respect of a series of such shows or a period of one week or one month.

191G. The Commissioner shall maintain a register, in which shall be entered from time to time,— Register of persons liable to pay theatre tax.

(a) a list of the persons liable to pay the theatre tax ,

(b) the particulars of the cinemas, theatres and other places of entertainment belonging to or in charge of such persons ,

(c) the approximate amount of tax payable by each such person and the period in respect of which it is payable

191H. It shall be the duty of every proprietor, manager or person in charge of the entertainment to submit to the Commissioner such returns signed by him, at such intervals, in such form and containing such information for the purpose of levy of the theatre tax as shall be prescribed by rules made under section 191K. Returns by persons liable to pay theatre tax.

191I. The Commissioner may enter upon and inspect any premises or place which he has reason to believe are being used or are about to be used for any performance or show, in respect of which the theatre tax is payable or would be payable. Power of inspection.

191J. (1) If any person has failed to pay the theatre tax, the Commissioner shall with the least practicable delay cause to be served on the defaulter a notice of demand in such form as may be prescribed by rules made in this behalf under section 191K. No fee shall be payable in respect of the service of such notice. Notice of demand.

(2) If the person on whom a notice is served under sub-section (1) does not within fifteen days from the service of the notice on him pay the amount due or show sufficient cause for non-payment of the same to the satisfaction of the Commissioner, the Commissioner may recover the amount by distress and sale of the movable property or attachment and sale of the immovable property of the defaulter as if the amount were a property-tax due by him

191K. The Commissioner may, with the previous approval of the Standing Committee, make rules for securing the payment of the theatre tax and generally Rules governing theatre tax.

for carrying into effect the provisions of this Act relating to the said tax and in particular for the following matters, namely.—

- (a) the publication of the rates of the theatre tax determined by the Corporation ;
- (b) the entertainments or classes of entertainments exempted from the payment of the tax and the extent to which they are so exempted ;
- (c) when and to what extent the amount of the tax paid may be refunded ;
- (d) the form in which and the intervals at which the return shall be submitted to the Commissioner under section 191H ;
- (e) the form of notice of demand under section 191J]

¹[Octroi.

Octroi
on what
articles and
at what rates
leviable.

192. (1) Except as hereinafter provided, a tax, at rates not exceeding those respectively specified in Schedule H, shall be levied in respect of the several articles mentioned in the said Schedule, or so many of them or such of them as the Corporation shall from year to year in accordance with section 128 determine, on the entry of the said articles into Greater Bombay for consumption, use or sale therein. The said tax shall be called an "octroi".

(2) On the first levy of the tax, if the tax cannot by following the provisions of section 128 and the other relevant provisions of this Act be brought into force on the 1st day of April of any year, then in that case, notwithstanding anything in section 128 the Corporation may in a special meeting called for the purpose [at any time after the passing of the Bombay Municipal Corporation (Second Amendment) Act, 1964, and even although that Act has not been brought into force] decide upon the articles to be so taxed, and upon the rates at which they are to be taxed, and the date from which the tax is to be levied (which shall be a date not earlier than the date on which that Act is brought into force), and thereupon, the tax shall be levied on the articles, at the rates, from the date so determined, and all the relevant provisions of this Act shall as far as may be apply to the tax as if the procedure prescribed by section 128 and the other provisions of this Act had been followed

(3) In determining the articles to be taxed, the Corporation may select all or any one or more, of the articles specified in any entry in the said Schedule, and in determining the rates at which articles are to be taxed, the Corporation may fix different rates for different articles comprised in the same entry

(4) On a request being made by the Corporation, the State Government may, by notification in the *Official Gazette*, from time to time vary the rates specified in Schedule H ; and where the rates are increased, the increased rates shall not be more than twice the rates specified in that Schedule on the commencement of the Bombay Municipal Corporation (Second Amendment) Act, 1964, or 7 per cent *ad valorem*, whichever is less ; and thereupon, the Schedule shall be deemed to have been amended accordingly]

Table of rates
of [octroi]
to be affixed
on certain
places.

193. The Commissioner shall cause tables of ²[octroi] for the time being leviable, specifying the rates at which and the articles on which the same ³[is leviable] to be printed in the English, Gujarati, Marathi and Urdu languages and to be affixed in a conspicuous position at every place at which ⁴[the octroi is levied]

¹ This heading and section 192 were substituted by Mah 32 of 1964, s 7

² This word was substituted for the words "the town duties" *ibid*, s 8

³ These words were substituted for the words "are leviable" *ibid*, s 8(b)

⁴ These words were substituted for the words "the same duties are levied" *ibid*, s 8(c)

194. (1) No ¹[octroi] shall be leviable on any article which at the time of its importation, is certified by an officer empowered ²[by the Government concerned] in this behalf to be the property ³[of the ⁴[Government]]

Exemption of articles belonging to the ⁴[Government] from ¹[octroi].

(2) If any article on which ¹[octroi] is paid is imported under a written declaration signed by the importer that such article is being imported for the purpose of fulfilling a specified contract with ⁵[the ⁶[State] Government] or otherwise for the use of ⁷[the ⁴[Government]], the full amount of ⁸[the tax paid] thereon shall be refunded on production, at any time within six months after importation, of a certificate signed by an officer empowered by ⁹[the Government concerned] in this behalf certifying that the article so imported has become the property of ⁷[the ⁴[Government]]

Refund of ¹[octroi] on articles which become the property of the ⁴[Government] after importation.

¹⁰[194-1A. Any articles imported by or on behalf of such diplomatic or consular officers stationed at Bombay as may be specified in this behalf by the State Government by any special or general order shall be exempted from the levy of ¹¹[octroi] to such extent and subject to such conditions as may be specified in the said order]

Exemption of articles belonging to certain Consular Officer from ¹¹[octroi].

¹²[194A. Subject to such rules, not inconsistent with this Act, as the Commissioner, with the approval of the standing committee, shall from time to time frame in this behalf, any article imported into ¹³[Greater Bombay] ¹⁴[for the purpose of immediate exportation shall] be exempted from the levy of ¹¹[octroi], if such article is conveyed direct from the place of import to the place of export under such supervision and on payment of such fees therefor as shall be determined in the said rules provided that no rule framed as aforesaid shall have effect unless and until it is confirmed by ⁵[the ⁶[State] Government]]

Exemption of articles imported for immediate exportation.

¹ This word was substituted for the words "town duty" by Mah. 32 of 1964, s 9(a)

² The words "by the Government concerned" were substituted for the words "by Government" by the Adaptation of Indian Laws Order in Council

³ The words "of the Crown" were substituted for the words "of Government" *ibid*

⁴ This word was substituted for the word "Crown" by the Adaptation of Laws Order, 1950

⁵ The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council

⁶ This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950

⁷ The words "the Crown" were substituted for the word "Government", by the Adaptation of Indian Laws Order in Council.

⁸ These words were substituted for the words "the duty paid" by Mah. 32 of 1964, s 9(b).

⁹ The words "the Government concerned" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

¹⁰ Section 194-1A was inserted by Bom. 48 of 1950, s. 67

¹¹ This word was substituted for the words "town-duty" by Mah. 32 of 1964, ss 10 and 11

¹² This section was inserted by Bom. 2 of 1911, s 8

¹³ These words were substituted for the words "the City" by Bom. 7 of 1950, s 6(1)

¹⁴ This portion was substituted for the portion beginning with "for the purpose" and ending with "the importer" by Mah. 32 of 1964, s 11(a) and (b)

*Section 80 of Bom. 48 of 1950 reads as follows —

"80 (1) The amendments made by sections 64, 65 and 67 shall be deemed to have been made on Amendments made by and to have effect from the 15th day of August 1947

(2) The amendments made by sections 68 and 76 shall be deemed to have been made on and sections 64, to have effect from the 14th day of March 1944 and any order made or action taken under the said 65, 67, 68 and Act before the commencement of this Act shall be deemed to have been made or taken under the 76 to have said Act as amended by this Act, and no prosecution, suit or other proceeding shall lie against any retrospective person or anything in good faith done or intended to be done in pursuance of any such order or action, effect. as the case may be "

Refund of
[octroi]
on export.

195. (1) When any article upon which [octroi] has been paid shall be exported from [Greater Bombay] [such amount of [tax] levied as is specified in sub-section (1A) shall, subject to the provisions contained in sub-sections (2) and (3), be refunded]

[1A] The amount of [tax] to be refunded under sub-section (1) shall be 93 3/4 per centum of [octroi] levied upon the articles. The balance of 6 1/4 per centum shall be credited to the municipal fund as a fee for collection and refund]

(2) Such refunds shall be paid under such rules as the Commissioner, with the approval of the Standing Committee, shall from time to time frame in this behalf :

(3) Provided that—

(a) any article imported into Greater Bombay and not exported within six months of such entry of the article shall, unless the contrary is proved, be deemed to have been imported for consumption, use or sale in Greater Bombay ,]

(b) a refund shall be claimable on all flour exported from [Greater Bombay], without proof of the importation of the same into [Greater Bombay], equal to [70 5/16] per centum of the amount of [tax] at the time being leviable on the grain from which such flour has been prepared ,

(c) no refund shall be paid unless the same is applied for within one month from the date of exportation [or within such longer period as the Commissioner may in any special case or class of cases allow] ;

(d) no refund shall be made of any less amount than [ten rupees] ,

(e) no rule framed by the Commissioner under this section shall have effect unless and until it is confirmed by [the [State] Government]

Exemption
of gifts, etc.,
from octroi.

[195-1A. Subject to such rules as the Commissioner, with the approval of the Standing Committee, may from time to time frame in this behalf, the Commissioner may by general or special order exempt any articles—

(i) which are received as a free gift to relieve distress ,

(ii) which are imported by any charitable institution for a charitable purpose ,

(iii) which are brought as personal luggage by any passenger and the value of which does not exceed one hundred and fifty rupees, or the quantity of which does not exceed such limits as may be fixed by the Commissioner with the sanction of the Standing Committee ;

(iv) which are imported in such other circumstances, and subject to such conditions and restrictions, as the Corporation may specify.

¹ This word was substituted for the word " town duty " by Mah 32 of 1964, s 12(a), (b) and (d)

² These words were substituted for the words " the City " by Bom 64 of 1953, s 4(1)

³ This portion was substituted for the words " the full amount of the duty so paid shall, subject to the provisions thereafter contained, be refunded " *ibid*

⁴ This word was substituted for the word " duty " by Mah 32 of 1964, s 12 (a), (b) and (c)

⁵ This sub-section was inserted, by Bom 64 of 1953, s 4(2)

⁶ This clause was substituted by Mah. 32 of 1964, s. 12(c)(i)

⁷ These words were substituted for the words " the city " *ibid*, s 12(c)(ii)

⁸ These figures were substituted for the words " seventy-five " , *ibid*, s 4(3)

⁹ This portion was inserted by Bom 48 of 1950, s. 68

¹⁰ These words were substituted for the words " five rupees " by Bom 64 of 1953, s 4(3)

¹¹ The words " the Provincial Government " were substituted for the word " Government " , by the Adaptation of Indian Laws Order in Council.

¹² This word was substituted for the word " Provincial " by the Adaptation of Laws Order, 1950.

¹³ Sections 195-1A and 195-1B were inserted by Mah. 32 of 1964. s 13

195-1B. The Commissioner shall, with the approval of the Standing Committee, ^{General rules regarding octroi.} frame rules as respects the levy, assessment and collection of octroi under this Act, and may by such rules provide for the following among other matters, that is to say.—

- (a) the examination of articles liable to payment of octroi ;
- (b) the inspection, weighing or examining the contents of any conveyance or package for the purpose of ascertaining whether it contains any articles in respect of which octroi is payable ,
- (c) the seizure and confiscation of articles liable to octroi in case of refusal to pay such tax ;
- (d) measures to prevent evasion of tax ;
- (e) any other matter which is to be or may be prescribed for the levy, assessment or collection of octroi.

No rule framed by the Commissioner under this section shall have effect, unless and until it is confirmed by the State Government]

195A. [*Levy of town-duty on raw cotton*] Repealed by Bom. II of 1934, s. 2.

195B. [*Payment of 4/7ths of gross revenue to Government : Allocation of duty*] Repealed by Bom. II of 1934, s. 2.

¹[195C. (1) ²[The ³[State] Government] shall keep a separate account of ⁴Accounts to be kept ;
all moneys ⁴[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] of all loans raised and utilised for the provision of such tenements and of any sinking funds formed for the repayment of such loans and shall supply the corporation with a copy of the account for each year. ⁵exercise by corporation of option to take over arbitration.

(2) The corporation shall have the right, after giving six months' previous notice in writing, to acquire from ⁵[the ⁶[Government]] on the 1st day of April 1936, or on the 1st day of April of any subsequent year the right, title and interest of ⁵[the ⁶[Government]] in all lands and buildings acquired and all buildings constructed in the City of Bombay constituted as aforesaid, with the aid of such moneys and loans, on indemnifying ⁵[the ⁶[Government]] against all then existing and all future liabilities of ⁵[the ⁶[Government]] in respect of such lands and buildings and in respect of such loans.

¹ Section 195C was inserted by Bom 20 of 1920, s 2

² The words " the Provincial Government " were substituted for the word " Government " by the Adaptation of Indian Laws Order in Council

³ This word was substituted for the word " Provincial " by the Adaptation of Laws Order, 1950.

⁴ These words, figures and letter were substituted for the original words, letter, figures and brackets by Bom 2 of 1934, s 3

⁵ The words " the Crown " were substituted for the word " Government " by the Adaptation of Indian Laws Order in Council

⁶ This word was substituted for the word " Crown " by the Adaptation of Laws Order, 1950.

(3) For the purpose of determining the amount of any indemnity in respect of any such loan regard shall be had to any then existing sinking fund formed for the repayment of such loan ; the intention being that the corporation shall pay to ¹[the ²[State] Government] from time to time sufficient moneys—

(a) to satisfy all interest on such loan as the same may become payable by ¹[the ²[State] Government] ; and

(b) to make up, after taking into account any such sinking fund, the amount which ¹[the ²[State] Government] may be liable to repay at the maturity of such loan.

(4) For the purpose of enabling the corporation to determine whether such right shall be exercised ¹[the ²[State] Government] shall at all reasonable times after the 1st day of April 1935 cause inspection of such separate account to be given to the corporation.

(5) On the giving of such notice as is referred to in sub-section (2) the question as to the amount and form of such indemnity shall stand referred to the sole arbitration of some person to be nominated by the ³[Chief Justice of Maharashtra] who shall be assisted by two assessors, one to be nominated by ¹[the ²[State] Government] and one by the corporation and his decision shall be final

(c) Upon the corporation giving such indemnity the right, title and interest of ⁴[the ⁵[Government]] in such lands and buildings shall vest in the corporation

6* * * * *

Definition
of loan

⁷[195D. Loans raised and utilised for the purpose of repaying (whether directly or indirectly) loans raised and utilised ⁸* * * for the provision of such tenements as are referred to in sub-section ⁹[(1) of section 195C] shall be deemed to be loans raised and utilised ⁸* * * for the provision of such tenements ⁸* * *]

¹⁰[Education Cess.

Levy of
education
cess.

195E. ¹¹[(1) For the purposes of clause (g) of section 61, the Corporation may, with the previous sanction of the State Government, levy within its area an additional tax on buildings and lands (hereinafter referred to as "the education cess"), of so many per centum, not exceeding five, or their rateable value, as the Corporation may determine. Such tax may be levied, if the Corporation so determines, on a graduated scale

Provided that—

(a) all buildings and lands vesting in the Central Government,

¹ The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

² This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

³ These words were substituted for the words "Chief Justice of Bombay" by the Maharashtra Adaptation of Laws (State and Concurrent Subjects) Order, 1960

⁴ The words "the Crown" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

⁵ This word was substituted for the word "Crown" by the Adaptation of Laws Order, 1950.

⁶ Sub-sections (7) and (8) were repealed by Bom 2 of 1934, s 2

⁷ Section 195D was inserted by Bom 20 of 1920, s 2

⁸ The words "for such schemes of improvement or", "for such schemes or" and "as the case may be" were omitted by Bom 2 of 1934, s 4(1)

⁹ These words, figures, letter and brackets were substituted for the original, *ibid*, s 4(2)

¹⁰ This heading and sections 195E and 195F were inserted by Bom 43 of 1950, s 69

¹¹ This sub-section was substituted for the original by Bom 13 of 1958, s 6(1)

(b) all other buildings and lands exempted from the general tax under section 143,

(c) all buildings and lands of a rateable value below such sum as the Corporation may determine,

shall be exempted from the education cess]

(2) [The Corporation may require the Municipal Commissioner to recover the amount of the education cess determined under sub-section (1) by an addition to the general tax levied under this Act] Every addition to the general tax imposed under this sub-section shall be recovered by the Municipal Commissioner from each person liable therefor in the same manner as the general tax due from him. The provisions of sections 147 and 148 shall apply to the education cess as if it were part of the general tax levied under this Act

(3) The amount so recovered shall be credited to the municipal fund constituted under section 111.

²[195F. (1) With effect from the first day of April 1958 and in respect of the period during which the education cess is levied under section 195E, the State Government shall pay to the corporation annually, in lieu of the education cess from which buildings and lands vesting in the State Government are exempted by virtue of clause (b) of the proviso to sub-section (1) of section 195E (hereinafter in this section referred to as 'the exempted buildings and lands'), a sum ascertained in the manner provided in sub-section (2). Payment to be made to Corporation in lieu of education cess by State Government.

(2) The sum to be paid annually to the Corporation by the State Government shall be eight-tenths of the amount which would be, or would have been, payable by an ordinary owner of buildings or lands in Greater Bombay, on account of the education cess, on a rateable value of the same amount as that fixed under sub-section (2) of section 144 in respect of the exempted buildings and lands]

¹ This portion was substituted for the original, by Bom 13 of 1958, s 6(2)

² Section 195F was inserted by Bom 6 of 1959, s 4

Supplementary Taxation

196. Whenever the corporation determine, under section 134, to have recourse to supplementary taxation in any official year, they shall do so by increasing the unexpired portion of the said year, the rates at which any tax is being levied or by adding to the number of articles on which [octroi is being levied] but every such increase or addition shall be made subject to the limitations and conditions on which any such tax is imposable

Any tax imposable under this Act may be increased by way of imposing supplementary taxation.

Collection of Taxes

197. Each of the property-taxes shall be payable in advance in half-yearly instalments on each first day of April and each first day of October.

Property-taxes payable half-yearly in advance.

198. ²[(1) Except as hereinafter otherwise provided, the tax on vehicles and animals (including the tax payable under the proviso to clause (g) of sub-section (1) of section 181) shall be paid yearly in advance on the first day of April]

³[Tax on vehicles, animals and public conveyances payable in advance]

⁴[(1-A) If in any year a vehicle or animal becomes liable to such tax, such tax shall be leviable thereon from the earliest day in the year on which such vehicle or animal so becomes liable and the amount of tax leviable for such year shall be, if such earliest day occurs—

- (a) in the first quarter of such year, the whole tax for such year,
- (b) in the second quarter of such year, three-fourth of the tax for such year,
- (c) in the third quarter of such year, one-half of the tax for such year,
- (d) in the last quarter of such year, one-fourth of the tax for such year :

Provided that no tax shall be leviable for such quarter if such earliest day occurs within the last 30 days of such quarter.]

(2) Provided that in the case of any public conveyance licensed by the Police Commissioner under ⁵[the Bombay Public Conveyances Act, 1920] the person who keeps or lets such public conveyance for hire shall be required by the said Commissioner, before any licence is issued to him under the said Act, to pay into the municipal office the tax leviable on the said public conveyance and the animal or animals used for the same, for the whole period for which such licence is to be granted, together with the fee payable for such licence

⁶[(3) In the case of any vehicle falling under item 7, 8 or 9 in Schedule 'G' other than a public conveyance referred to in sub-section (2), the Commissioner shall issue a number plate in token of the payment of the tax and the owner of, or the person having possession or control of, such vehicle shall affix such number plate to the vehicle]

¹ These words were substituted for the words " town-duties are being levied " by Mah. 32 of 1964, s 14

² Sub-section (1) was substituted for the original by Mah 70 of 1975, s 19(a)

³ This marginal note was substituted for the original by Bom 76 of 1948, s 22

⁴ Sub-section (1-A) was substituted for the original, by Mah 70 of 1975, s 19(b)

⁵ These words and figures were substituted for the original by Bom. 76 of 1948, s 22.

⁶ Sub-sections (3) and (4) were added by Bom 20 of 1952, s 6

⁷ Sub-section (3) was substituted for the original by Mah 70 of 1975, s 19(c)

(4) The municipal commissioner shall, on or before the fifteenth day of March in every year, by advertisement in the local newspapers invite the attention of all persons concerned to their liability to pay the tax in respect of vehicles or animals referred to in sub-section (3)]

¹[Octroi] payable on demand 199. 1* * * ²[Octroi] shall be payable on demand.

³[Service] of bills for certain taxes 200. (1) When any property tax or tax on vehicles and animals, other than ³[vehicles and animals referred to in sub-sections (2) and (3) of section 198], or any instalment of any such tax, shall have become due, the Commissioner shall, with the least practicable delay, cause to be ⁴[served upon] the person liable for the payment thereof a bill for the sum due

(2) Every such bill shall specify the period for which, and the premises, vehicle or animal in respect of which, the tax is charged, and shall also give notice of the time within which an appeal may be preferred, as hereinafter provided, against such tax. ⁵[Every such bill for the payment of tax on vehicles and animals shall have printed on the reverse side of the bill the provisions of sections 188 to 191]

When one bill may be ⁷[served for several claims] 201. (1) All the sums due for each half-year for all or any of the three-property taxes by any one person on account of one and the same property shall be charged to such person in one bill and shall be recoverable from him in the lump. Provided that nothing herein contained shall affect the liability of such person to pay increased tax to which he may be assessed on account of the said property under section 167.

(2) If any one person is liable for all or any of the said taxes on account of more properties than one, it shall be competent to the Commissioner to charge to such person in one or several bills, as he shall think fit the several sums payable by him on account of such properties :

Provided that if such person, by written notice to the Commissioner, requests to be furnished with several bills, the Commissioner shall comply with such request in respect of all the said taxes for which such person becomes liable after receipt by the Commissioner of his said notice :

⁸[Provided however that notwithstanding anything in the foregoing proviso no person shall be entitled to be furnished with more than one bill in respect of any building or land which has been treated as comprising more than one separate property under section 158]

Notice of demand 202. (1) If the amount of tax for which any bill has been ⁹[served] as aforesaid is not paid into the municipal office ¹⁰[or deposited with the Commissioner within fifteen days from the service] thereof, the Commissioner may cause to be served upon the person liable for the payment of the same a notice of demand in the form of Schedule I, or to the like effect.

¹ Words repealed by Bom 7 of 1921, s 6 are omitted, and the repeal shall have effect from 1st April 1920

² This word was substituted for the words "Town-duties" by Mah 32 of 1964, s 15

³ This portion was substituted for the words "public conveyances and the animals used therefor" by Bom. 20 of 1952, s. 7(1)(a)

⁴ These words were substituted for the words "presented to", *ibid*, s 7(1)(b)

⁵ This word was substituted for the word "Presentation", *ibid*, s 7(2)

⁶ This portion was added by Bom 8 of 1942, s 11, read with Bom 8 of 1948, s 3

⁷ This word was substituted for the word "presented" by Bom. 20 of 1952, s 8

⁸ This proviso was added by Bom. 2 of 1911, s 9

⁹ This word was substituted for the word "presented" by Bom 20 of 1952, s 9(1)

¹⁰ These words were substituted for the words "within fifteen days from the presentation", *ibid*, s. 9(2).

(2) For every notice of demand which the Commissioner causes to be served on any person under this section, a fee of such amount not exceeding ¹[rupees five] as shall in each case be fixed by the Commissioner shall be payable by the said person and shall be included in the costs of recovery

203. ²[(1)] If the person liable for the payment of the said tax do not within fifteen days from the service of the notice of demand pay the sum due, or show sufficient cause for non-payment of the same to the satisfaction of the Commissioner, and if no appeal is preferred against the said tax, as hereinafter provided, such sum, with all costs of the recovery, may be levied under a warrant in the form of Schedule J, or to the like effect, to be issued by the Commissioner, by distress and sale of the goods and chattels of the defaulter ⁴[or the attachment and sale of the immovable property of the defaulter], or, if the defaulter be the occupier of any premises in respect of which a property-tax is due, by distress and sale of any goods and chattels found on the said premises ⁵[or, if the tax be due in respect of any vehicle or animal, by distress and sale of such vehicle or animal in whomsoever's ownership, possession or control, the same may be] ³[Distress and attachment]

⁶[(2) If after the service of the notice of demand the amount of the said tax is paid but the fee for the notice is not paid, the sum due on account of the said fee may be levied under a warrant in the form of Schedule J (*mutatis mutandis*) to be issued by the Commissioner in the same manner as if such sum were due on account of the tax]

⁷[(3) When a warrant is issued for the attachment and sale of immovable property, 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, and declaring that such property will be sold unless the amount of tax due with all costs of recovery is paid into the municipal office within 15 days.

(4) Such 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 in some conspicuous part of the property and upon a conspicuous part of the municipal office and also, when the property is land paying revenue to the State Government, in the office of the Collector

(5) Any transfer of or charge on the property attached or any interest therein made without the written permission of the Commissioner shall be void as against all claims of the Corporation enforceable under the attachment]

204. The goods and chattels of any person liable for the payment of any tax, ⁸[or the vehicles or animals in respect of which the tax is due] for levy of which a warrant has been issued as aforesaid, may be distrained wherever the same may be found. Goods of defaulter may be distrained wherever found.

205. The officer charged with the execution of a warrant of distress issued under section 203 shall forthwith make an inventory of the goods and chattels ⁹[and vehicles or animals] which he seizes under such warrant, and shall at the same time give a written notice, in the form of Schedule K ⁹[or in a similar form] to the person in possession thereof at the time of seizure, that the said goods and chattels ⁹[and vehicles or animals] will be sold as therein mentioned. Inventory and notice of distress and sale.

¹ These words were substituted for the words "One rupee" by Bom. 64 of 1953, s. 5.

² Section 203 was numbered sub-section (1) of s. 203 by Bom. 8 of 1918, s. 4.

³ These words were substituted for the word "Distress" by Bom. 64 of 1953 s. 6(3)

⁴ These words were inserted by Bom. 64 of 1953, s. 6(1)

⁵ These words were added by Bom. 8 of 1942, s. 12, read with Bom. 8 of 1948, s. 3.

⁶ This sub-section was added by Bom. 8 of 1918, s. 4.

⁷ Sub-sections (3) to (5) were inserted by Bom. 64 of 1953, s. 6(2)

⁸ These words were inserted by Bom. 8 of 1942, s. 13, read with Bom. 8 of 1948, s. 3.

⁹ These words were inserted, *ibid*, s. 14.

Sale. ¹[206. (1) Where the property seized is subject to speedy and natural decay or when the expenses of keeping it in custody together with the amount to be levied is likely to exceed its value, the Commissioner 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 sum due and all costs of recovery are paid forthwith.

(2) If not sold at once under sub-section (1), the property distrained or attached or, in the case of immovable property, sufficient portion thereof, if the same can be conveniently severed may, after the expiry of the period stated in sub-section (3) of section 203, or named in the notice served under section 205, as the case may be, be sold by public auction by order of the Commissioner, unless the warrant is suspended by him or the sum due and all costs of recovery are paid by the defaulter, and the Commissioner shall apply the proceeds or such part thereof as shall be requisite in discharge of the sum due and the costs of recovery

(3) The surplus, if any, shall be forthwith credited to the municipal fund, but if the same be claimed by a written application to the Commissioner within one year from the date of the sale, a refund thereof shall be made to the person in possession of the property at the time of seizure or attachment and any surplus not claimed within one year as aforesaid shall be the property of the Corporation

(4) Where the sum due and all costs of recovery are paid by the defaulter before a sale is effected, the property seized shall be returned to him and the attachment, if any, of immovable property, shall be deemed to have been removed

(5) Sales of immovable property under this section shall be held in the manner laid down in the regulations made by the Commissioner in this behalf with the approval of the Standing Committee

(6) After the sale of the immovable property as aforesaid, the Commissioner shall put the person declared to be the purchaser in possession of the same and shall grant him a certificate to the effect that he has purchased the property to which the certificate refers

(7) It shall be lawful for the Commissioner on behalf of the Corporation to bid in the case of any immovable property put up for sale, provided the previous approval of the Improvements Committee is obtained whether generally or for any particular property.

(8) Subject to sub-section (7), no officer or servant in the service of the Corporation shall directly or indirectly purchase any property at any such sale.

(9) The Commissioner may direct the removal from the immovable property by any police officer of any person who obstructs him in any action taken in pursuance of sub-section (6) and may also use such force as is reasonably necessary to effect entry on the said property]

Fees for warrants, distraints and attachment and maintenance of animals seized. ²[207. (1) For every warrant issued and distraint or attachment made under this Act, a fee shall be charged at such rates, as the Standing Committee may, from time to time, specify.

(2) For the maintenance of any animal seized under this Act, a fee shall be charged at such rate as the Standing Committee may, from time to time, specify.

(3) In addition to the fees chargeable under sub-section (1) or (2), when peons are kept in-charge of the distrainted property, a fee of rupees ten per day, for each peon employed shall be charged.

(4) All fees charged under this section shall be included in the costs of recovery]

Penalty. ³[207-A. (1) If the person liable for the payment of any tax in respect of which a notice of demand has been served under section 202 does not pay the sum due within three months of the service of such notice and if no appeal is preferred against the said tax under section 217, he shall be liable to pay such amount by way of penalty, as may be determined by the Commissioner, not exceeding twenty per centum of the amount of the tax.

¹ This section was substituted for the original by Bom. 64 of 1953, s. 7

² Section 207 was substituted for the original by Mah. 42 of 1976, s. 8

³ Section 207A was inserted by Bom. 64 of 1953 s. 9.

(2) The order of the Commissioner determining the amount of penalty shall be served on such person in the manner provided for the service of a notice of demand.

(3) If the amount of the penalty referred to in sub-section (2) is not paid within fifteen days of the service of the order of the Commissioner it shall be recoverable by distress and sale of the goods and chattels or attachment and sale of the immovable property of the defaulter as if the amount were a property tax due by him and may be levied under a warrant in the form of Schedule J (*mutatis mutandis*)]

208. The Commissioner may, in his discretion, remit the whole or any part of Fees for cost any fee chargeable under the last - preceding section or under sub-section (2) of of recovery section 202 ¹[and the penalty payable under section 207-A]. ²[and penalty may be remitted]

³[208A. (1) If the tax on any vehicle or animal governed by the provisions of Seizure of sub-section (3) of section 198, is not paid and a number plate is not obtained and vehicles and animals if affixed to the vehicle within thirty days from the date on which the tax became tax on due, the Commissioner may at any time thereafter seize and detain the vehicle and animals and animals not the animal or animals, if any, used or employed in drawing the vehicle and, if the owner or other person entitled thereto does not within seven days from the date paid and of such seizure and detention claim the same and pay the tax due together with the number-plate not obtained. charges incurred in connection with the seizure and detention, the Commissioner may cause the same to be sold and apply the proceeds of the sale or such part thereof as shall be requisite in discharge of sum due and the charges incurred as aforesaid :

Provided that if any person becomes the owner or obtains possession or control of any vehicle or animal on which the tax is due after the expiry of the said period of thirty days and the tax thereon has remained unpaid, he shall pay the same in the manner prescribed immediately after he becomes the owner or obtains possession or control of such vehicle or animal and on failure to do so the vehicle or animal shall, if it is not already seized and detained be liable to be seized and detained and sold as aforesaid.

Provided further that no vehicle or animal used therefor shall be seized and detained under this section when actually employed in the conveyance of goods.

(2) The surplus, if any, remaining after the application of the proceeds of a sale under sub-section (1) in the manner provided therein shall be disposed of in the manner prescribed in sub-section (2) of section 206.]

209. (1) If the sum due on account of any property-tax remains unpaid after a bill for the same has been duly ⁴[served on] the person primarily liable for the When occu- payment thereof and the said person be not the occupier for the time being of piers may be held liable for the premises in respect of which the tax is due, the Commissioner may ⁵[serve a payment of bill for the amount on] the occupier of the said premises, or, if there are two or more property taxes. occupiers thereof, may ⁶[serve a bill on] each of them for such portion of the sum due as bears to the whole amount due the same ratio which the rent paid by such occupier bears to the aggregate amount of rent paid by them both or all in respect of the said premises

(2) If the occupier or any of the occupiers fails within fifteen days from the ⁷[service] of any such bill to pay the amount therein claimed, the said amount may be recovered from him in accordance with the foregoing provisions.

¹ These words, figures and letter were inserted by Bom 64 of 1953, s 10 (1)

² These words were inserted *ibid*, s 10 (2)

³ Section 208A was inserted by Bom 20 of 1952, s 10

⁴ These words were substituted for the words "presented to", *ibid*, s 11 (1)

⁵ These words were substituted for the words "present a bill for the amount to", *ibid*.

⁶ These words were substituted for the words "present a bill to", *ibid*

⁷ This word was substituted for the word "presentation", *ibid*, s. 11 (2).

(3) No arrear of a property tax shall be recovered from any occupier under this section, which has remained due for more than one year, or which is due on account of any period for which the occupier was not in occupation of the premises on which the tax is assessed

(4) If any sum is paid by, or recovered from an occupier under this section, he shall be entitled to credit therefor in account with the person primarily liable for the payment of the same.

Mah XXIV of 1961
 1[209A. (1) Notwithstanding anything contained in the Maharashtra Co-operative Societies Act, 1960 or any other law for the time being in force, if any sum due on account of any property tax, in respect of any property owned by a co-operative housing society registered under that Act, remains unpaid, after a bill for the same has been duly served on the society primarily liable for the payment thereof, the Commissioner may serve a bill on each of the tenant-members of the society for such portion of the sum due as bears to the whole amount due the same ratio which the rent estimated under section 154 in respect of his tenement bears to the aggregate amount of estimated rent for the whole property

When tenant-members may be held liable for payment of property taxes due from co-operative housing societies

(2) If the tenant-member fails within fifteen days from the service of any such bill to pay the amount therein claimed, the same amount may be recovered from him, as if the amount were a property tax due by him

(3) If any sum is paid by, or recovered from, a tenant-member under this section, he shall be entitled to credit thereof in account with the society primarily liable for the payment of the same

Explanation —For the purposes of this section, the expression “tenant-member” in the case of a tenant co-partnership co-operative housing society, means a member of such society to whom a tenement has been allotted by the society in the building owned by it]

210 (1) If the Commissioner shall at any time have reason to believe that any person from whom any sum is due on account of any property tax or tax on vehicles and animals, ²[or theatre tax] ³* * * * * is about forthwith to remove from ⁴[Greater Bombay] the Commissioner may direct the immediate payment by such person of the sum so due ⁵* * * by him and cause a bill for the same to be ⁵[served on] him.

Summary proceedings may be taken against persons about to leave ⁴[Greater Bombay]

(2) If, on ⁶[service] of such bill, the said person do not forthwith pay the sum due ³* * * * * by him, the amount shall be leviable by distress and sale in the manner hereinbefore prescribed, except that it shall not be necessary to serve upon the defaulter any notice of demand, and the Commissioner’s warrant for distress and sale may be issued and executed without any delay.

211. Instead of proceeding against a defaulter by distress and sale as hereinbefore provided, or after a defaulter shall have been so proceeded against unsuccessfully or with only partial success, any sum due or the balance of any sum due, as the case may be, by such defaulter, on account of a property-tax or of the tax on vehicles and animals, may be recovered from him by a suit in any court of competent jurisdiction

Defaulters may be sued for arrears, if necessary

¹ Section 209A was inserted by Mah 63 of 1975, s 4

² These words were inserted by Bom 30 of 1951, s 4

³ Words deleted by s 16 of Bom 8 of 1942, read with Bom 8 of 1948, s. 3 are omitted

⁴ These words were substituted for the words “the City” by Bom. 7 of 1950, s 6(1)

⁵ These words were substituted for the words “presented to” by Bom 20 of 1952, s. 12(1).

⁶ This word was substituted for the word “presentation”, *ibid*, s 12(2).

Property-taxes to be a first charge on premises on which they are assessed

212. Property-taxes due under this Act in respect of any building or land shall, subject to the prior payment of the land-revenue, if any, due to ¹[the ²[State] Government] thereupon be a first charge ³[in the case of any building or land held] immediately from the ⁴[Government] upon the interest in such building or land of the person liable for such taxes and upon the goods and chattels, if any, found within or upon such building or land and belonging to such person ; and, in the case of any other building or land, upon the said building or land and upon the goods and chattels, if any, found within or upon such building or land and belonging to the person liable for such taxes.

Collection of ⁵[octroi] how to be effected

213. (1) * * * * * ⁶[Octroi]—

(a) may be collected, under the orders of the Commissioner, by Municipal officers and servants appointed in this behalf , or

(b) if the Commissioner thinks fit, may, with the approval of the standing committee, be framed by him for any period not exceeding one year at a time or be collected by or under the orders of any person whom the Commissioner, with the approval of the standing committee, appoints to be his agent for this purpose

(2) * * * * * ⁸[Octroi] shall be collected, and refunds ⁹[thereof] shall be made, at such places and be managed and controlled in such manner, as the Commissioner, with the approval of the standing committee, shall from time to time direct

214. [Repealed by Bom VII of 1921]

215. [Powers of persons authorised to collect and refund town duties] Deleted by Mah 32 of 1964, s 17

Writing off of irrecoverable taxes

216. The Commissioner may, with the approval of the standing committee, from time to time write off any sum due on account of any tax or of the costs of recovering any tax, which shall, in his opinion, be irrecoverable

Appeals against Valuations and Taxes

Appeals when and to whom to lie

¹⁰[**217.** (1) Subject to the provisions hereinafter contained, appeals against any rateable value or tax fixed or charged under this Act shall be heard and determined by the Chief Judge of the Small Cause Court.

(2) But no such appeal ¹¹[shall be entertained] by the said Chief Judge, unless—

(a) it is brought within fifteen days after the accrual of the cause of complaint ;

(b) in the case of an appeal against a rateable value a complaint has previously been made to the Commissioner under section 163, and such complaint has been disposed of ;

(c) in the case of an appeal against any amendment made in the assessment book under section 167 during the official year, a complaint has been made by the person aggrieved within fifteen days after he first received notice of such amendment, and his complaint has been disposed of ;

¹ The words " the Provincial Government " were substituted for the word " Government " by the Adaptation of Indian Laws Order in Council

² This word was substituted for the word " Provincial " by the Adaptation of Laws Order, 1950

³ These words were inserted by Bom 1 of 1942, s 2, read with Bom 8 of 1948, s 2

⁴ This word was substituted for the word " Crown " by the Adaptation of Laws Order, 1950

⁵ Words repealed by Bom. 7 of 1921, s 7(a), are omitted and the repeal shall have effect from 1st April 1920

⁶ This word was substituted for the words " Town-duties " by Mah 32 of 1964, s 16

⁷ Words repealed by Bom. 7 of 1921, s. 7(b), are omitted, and the repeal shall have effect from 1st April 1920

⁸ This word was substituted for the words " Town-duties " by Mah 32 of 1964, s 16(b)

⁹ This word was substituted for the words " of town-duties ", *ibid*, s 16(b)

¹⁰ As to references by the Chief Judge of the Court of Small Causes to the High Court, before or on the hearing of an appeal under section 217 (see Act 12 of 1888, s 2)

¹¹ These words were substituted for the words " shall be heard " by Mah. 63 of 1975, s. 5(a)(i)

(d) in the case of an appeal against a tax, or in the case of an appeal made against a rateable value ¹[the amount of the disputed tax claimed from the appellant, or the amount of the tax chargeable on the basis of the disputed rateable value, up to the date of filing of the appeal, has been deposited by the appellant with the Commissioner]

²[(3) In the case of any appeal entertained by the Chief Judge, but not heard by him, before the date of commencement of the Maharashtra Municipal Corporations (Amendment) Act, 1975, the Chief Judge shall not hear and decide such appeal, unless the amount of the dispute tax claimed from the appellant, or the amount of the tax chargeable on the basis of the disputed rateable value, as the case may be, up to the date of filing the appeal, has been deposited by the appellant with the Commissioner within thirty days from the date of publication of a general notice by the Commissioner in this behalf in the local newspapers. The Commissioner shall simultaneously serve on each such appellant a notice under sections 484 and 485 and other relevant provisions of this Act, for intimating the amount to be deposited by the appellant with him

(4) As far as possible, within fifteen days from the expiry of the period of thirty days prescribed under sub-section (3), the Commissioner shall intimate to the Chief Judge the names and other particulars of the appellants who have deposited with him the required amount within the prescribed period and the names and other particulars of the appellants who have not deposited with him such amount within such period. On receipt of such intimation, the Chief Judge shall summarily dismiss the appeal of any appellant who has not deposited the required amount with the Commissioner within the prescribed period

(5) In the case of any appeal, which may have been entertained by the Chief Judge before the date of commencement of the Act aforesaid or which may be entertained by him and after the said date, the Chief Judge shall not hear and decide such appeal, unless the amount of the tax claimed by each of the bills, which may have been issued since the entertainment of the appeal, is also deposited, from time to time, with the Commissioner in the first month of the half year to which the respective bill relates. In case of default by the appellant at any time before the appeal is decided, on getting an intimation to that effect from the Commissioner, the Chief Judge shall summarily dismiss the appeal]

218. For the purposes of the last preceding section, cause of complaint shall be deemed to have accrued as follows, namely :—

(a) in the case of an appeal against a rateable value, on the day when the complaint made to the Commissioner under section 163 against such value is disposed of ,

(b) in the case of an appeal against any amendment made in the assessment-book, under section 167, during the official year, on the day when the complaint made to the Commissioner by the person aggrieved against such amendment is disposed of ,

(c) in the case of an appeal against a tax, on the day when payment thereof is demanded or when a bill therefor is ³[served]

Cause of complaint when to be deemed to have accrued.

¹ This portion was substituted for the portion beginning with the words " after a bill " and ending with the words " with the Commissioner ", by Mah 63 of 1975, s 5(a)(ii)

² Sub-sections (3), (4) and (5) were inserted, *ibid*, s 5(f)

³ This word was substituted for word " presented " by Bom 20 of 1952, s 14

Arbitration ¹[218A. Where in any appeal under section 217 all the parties interested agree that any matter in difference between them shall be referred to arbitration, they may, at any time before a decision is given in such appeal, apply in writing to the Chief Judge of the Small Cause Court for an order of reference on such matter and on such application being made, the provisions of the Arbitration Act, 1940, X of 1940 relating to arbitration in suits shall, so far as they can be made applicable, apply to such application and the proceedings to follow thereon, as if the said Chief Judge were a Court within the meaning of that Act and the application were an application made in a suit]

Appointment of expert valuer. ¹[218B. (1) If any party to an appeal against a rateable value under section 217 makes an application to the Chief Judge of the Small Cause Court either before the hearing of the appeal or at any time during the hearing of the appeal, but before evidence as to value has been adduced, to direct a valuation of any premises in relation to which the appeal is made, the Chief Judge may, in his discretion, appoint a competent person to make the valuation and any person so appointed shall, have power to enter on, survey and value the premises in respect of which the direction is given .

Provided that, except when the application is made by the Commissioner no such direction shall be made by the Chief Judge unless the applicant gives such security as the Chief Judge thinks proper for the payment of the costs of valuation under this sub-section

(2) The costs incurred for valuation under sub-section (1) shall be costs of the appeal, but shall be payable in the first instance by the applicant

(3) The Chief Judge may, and on the application of any party to the appeal shall, call as a witness the person appointed under sub-section (1) for making the valuation and, when he is so called, any party to the appeal shall be entitled to cross-examine him]

Reference to High Court. ¹[218C. (1) If, before or on the hearing of an appeal under section 217, any question of law or usage having the force of law, or the construction of a document arises, the Chief Judge of the Small Cause Court may, and on the application of any party to the appeal shall, draw up a statement of the facts of the case and the question so arising, and refer the statement with his own opinion on the point for the decision of the High Court

(2) Where a reference is made to the High Court under sub-section (1), the provisions of Rules 2 to 5, both inclusive, of Order XLVI in the First Schedule to the Code of Civil Procedure, 1908, shall, so far as they can be made applicable, apply to the said Chief Judge and to the High Court, respectively] ^{V of 1908.}

Appeals. ¹[218D. (1) An appeal shall lie to the High Court—

(a) from any decision of the Chief Judge of the Small Cause Court in an appeal under section 217 by which a rateable value in excess of two thousand rupees is fixed, and

¹ Sections 218A, 218B, 218C, 218D and 218E were inserted by Bom 76 of 1948, s 23

(b) from any other decision of the said Chief Judge in an appeal under the said section, upon a question of law or usage having the force of law or the construction of a document.

v of 1908. (2) The provisions of the Code of Civil Procedure, 1908, with respect to appeals from original decrees shall, so far as they can be made applicable, apply to appeals under sub-section (1) and orders passed therein by the High Court may on application to the said Chief Judge be executed by him as if they were decrees made by himself :

Provided that no such appeal shall be heard by the High Court unless it is filed within one month from the date of the decision of the Chief Judge]

[218E. The costs of all proceedings in appeal under section 217 before the Chief Judge of the Small Cause Court including those of arbitration under section 218A and of valuation under section 218B shall be payable by such parties in such proportion as the Chief Judge of the Small Cause Court shall direct and the amount thereof shall, if necessary, be recoverable as if the same were due under a decree of the Small Cause Court]

Costs of proceedings in appeal.

219. (1) Every rateable value fixed under this Act against which no complaint is made as hereinbefore provided, and the amount of every sum claimed from any person under this Act on account of any tax, if no appeal therefrom is made as hereinbefore provided, and the decision of the Chief Judge aforesaid upon any appeal against any such value or tax, ²[if no appeal is made therefrom under section 218D], shall be final.

Unappealed values and taxes and decisions on appeal to be final

(2) Effect shall be given by the Commissioner to every decision of the said Chief Judge on any appeal against any such value or tax.

CHAPTER IX.

DRAINS AND DRAINAGE WORKS.

Municipal Drains.

220. All drains ³[vesting in or] belonging to the corporation—which in this Act are referred to as “municipal drains”—shall be under the control of the Commissioner.

Municipal drains to be under the control of the Commissioner.

⁴220A. (1) Any natural water-course heretofore belonging to ⁵[Government] by which rain-water or drainage of any kind is carried, may, on application to ⁶[the ⁷[State] Government] made by the Commissioner with the previous approval of the standing committee, be vested in the corporation : Provided that—

Vesting of water-courses.

(a) it shall be in the discretion of ⁸[the ⁷[State] Government] in each case to determine whether a particular water-course so applied for shall be so vested, and

(b) a resolution of ⁶[the ⁷[State] Government] declaring that a water-course so applied for may be made over to the corporation shall, from the date thereof, operate to vest such water-course in the corporation.]

¹ Sections 218A, 218B, 218C, 218D and 218E were inserted by Bom. 76 of 1948, s. 23.

² This portion was inserted, *ibid.*, s. 24.

³ These words were inserted by Bom. 5 of 1905, s. 10.

⁴ Section 220A, was added, *ibid.*, s. 11.

⁵ This word was substituted for the words “His Majesty” by the Adaptation of Laws Order, 1950.

⁶ The words “the Provincial Government” were substituted for the word “Government” by the Adaptation of Indian Laws Order in Council.

⁷ This word was substituted for the word “Provincial” by the Adaptation of Laws Order, 1950.

Dra.ms to be constructed and kept in repair by the Commissioner.

221. ¹[(1) The Commissioner shall maintain and keep in repair all municipal drains and, when authorised by the corporation in this behalf, shall construct such new drains as shall from time to time be necessary for effectually draining ²[Greater Bombay].

³[(2) The Commissioner shall also, in the case of any street in which there is a municipal drain, construct at the charge of the municipal fund such portion of the drain of any premises to be connected with such municipal drain as it shall be necessary to lay under any part of such street and the portion of any connecting drain so laid under the street shall vest in the corporation and be maintained and kept in repair by the Commissioner as a municipal drain]

Powers for making drains.

222. (1) The Commissioner may carry any municipal drain through, across or under any street, or any place laid out as or intended for a street, or under any cellar or vault which may be under any street, and, after giving reasonable notice in writing to the owner or occupier, into, through or under any land whatsoever within ²[Greater Bombay], or, for the purpose of outfall or distribution of sewage, without ²[Greater Bombay.]

(2) The Commissioner may enter upon, and construct any new drain in the place of an existing drain in, any land wherein any municipal drain has been already lawfully constructed or repair or alter any municipal drain so constructed.

(3) In the exercise of any power under this section, as little damage as can be shall be done, and compensation shall be paid by the Commissioner to any person who sustains damage by the exercise of such power

Buildings, etc., not to be erected without permission over drains.

223. (1) Without the written permission of the Commissioner, no building, wall or other structure shall be newly erected, and no street or railway shall be constructed over any municipal drain

(2) If any building, wall or other structure be so erected, or any street or railway be so constructed, the Commissioner may, with the approval of the standing committee, remove or otherwise deal with the same as he shall think fit, and the expenses thereby incurred shall be paid by the person offending

Alteration and discontinuance of drains.

224. (1) The Commissioner may enlarge, arch over or otherwise improve any municipal drain, and may discontinue, close up or destroy any such drain which has, in his opinion become useless or unnecessary :

(2) Provided that the discontinuance, closing up or destruction of any drain shall be so done as to create the least practicable nuisance or inconvenience to any person, and, if by reason of anything done under this section any person is deprived of the lawful use of any drain, the Commissioner shall, as soon as may be, provide for his use some other drain as effectual as the one which has been discontinued, closed up or destroyed.

Cleansing drains.

225. (1) The municipal drains shall be so constructed, maintained and kept as to create the least practicable nuisance and shall be from time to time properly flushed, cleansed and emptied.

(2) For the purpose of flushing, cleansing and emptying the said drains, the Commissioner may, when authorized by the corporation in this behalf, construct or set up such reservoirs, sluices, engines and other works, as he shall from time to time deem necessary.

¹ Section 221 was renumbered 221, sub-section (1), by Bom. 5 of 1905, s. 12(1)

² These words were substituted for the words "the city" by Bom. 7 of 1950, s. 6(1)

³ Sub-section (2) was inserted by Bom. 5 of 1905, s. 12(2).

226. [Repealed by Bom. V of 1905]

Drains of Private Streets and Drainage of Premises.

227. 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—

Power 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 Commissioner a plan of the street, bearing the signature of a licensed surveyor in token of its having been made by him or under his supervision, and drawn, to such a convenient scale as the Commissioner shall require, and there shall be shown on such plan the position, course and dimensions of the proposed drain, with a section or sections thereof, and such other particulars in relation thereto as the Commissioner shall deem necessary and require, and no such drain shall be proceeded with without the approval in writing or contrary to the directions of the Commissioner;

(b) the drain of such private street shall, at the expense of the owner of the street, be constructed of such size, material and description, and be branched into the municipal drain in such manner and form of communication, in all respects, as the Commissioner, with the approval of the standing committee, shall direct,

(c) the Commissioner may, if he thinks fit, construct such part of such drain and such part of the work necessary for branching the same into the municipal drain as shall be in or under any public street or place vesting in the corporation, and, in such case, the expenses incurred by the Commissioner shall be paid by the owner of the private street

228. The owner or occupier of any premises shall be entitled to cause his drain to empty into a municipal drain [or other place legally set apart for the discharge of drainage,] provided that he first obtains the written permission of the Commissioner and that he complies with such conditions as the Commissioner prescribes as to the mode in which and the superintendence under which [connections with municipal drains or other places aforesaid] are to be made.

Power of owners and occupiers of premises to drain into municipal drains.

229. No person shall, without complying with the provisions of section 227 or 228, as the case may be, make or cause to be made any connection of a drain belonging to himself or to some other person with any municipal drain [or other place legally set apart for the discharge of drainage]; and the Commissioner may, with the approval of the standing committee, close, demolish, alter or re-make any such connection made in contravention of this section, and the expenses incurred by the Commissioner in so doing shall be paid by the owner of the street, or the owner or occupier of the premises, for the benefit of which the connection was made, or by the person offending.

Connections with municipal drains not to be made except in conformity with section 227 or 228

³[229A. (1) Without the written permission of the Commissioner no building, wall or other structure shall be newly erected over any drain.

Buildings, etc., not to be erected without permission over any drains.

(2) If any building, wall or other structure be so erected, the Commissioner, after giving the offending person ten days' notice of his intention, may apply for the approval of the standing committee and may with their approval remove or otherwise deal with the same as he shall think fit, and the expenses thereby incurred shall be paid by the person offending]

¹ These words were inserted by Bom 5 of 1905, s 14 (1)

² These words were substituted for the original words, *ibid*, s 15.

³ This section was inserted by Bom 8 of 1918, s 5.

Right of owners and occupiers of premises to carry drains through land belonging to other persons.

230. (1) If it shall appear to the Commissioner that the only means or the most convenient means, by which the owner or occupier of any premises can cause his drain to empty into a municipal drain [or other place legally set apart for the discharge of drainage,] is by carrying the same into, through or under any land belonging to some person other than the said owner or occupier, the Commissioner, after giving to the owner of the land a reasonable opportunity of stating any objection, may, with the approval of the standing committee, if no objection is raised, or if any objection which is raised appears to him invalid or insufficient, by an order in writing, 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) Every such order, bearing the signature of the Commissioner, shall be a complete authority to the person in whose favour it is made, or to any agent or person employed by him for this purpose, after giving to the owner of the land reasonable written notice of his intention so to do, to enter upon the said land with assistants and workmen, at any time between sunrise and sunset, and to execute the necessary work.

(3) Subject to all other provisions of this Act, the owner or occupier of any premises, or any agent or person employed by him for this purpose, may after giving to the owner of any land, wherein a drain has been already lawfully constructed for the drainage of his said premises reasonable written notice of his intention so to do, enter upon the said land with assistants and workmen, at any time between sunrise and sunset, and construct a new drain in the place of the existing drain or repair or alter any drain so constructed

(4) In executing any work under this section, as little damage as can be shall be done, and the owner or occupier of premises [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,
- (c) pay compensation to any person who sustains damage by the execution of the said work

(5) If the owner of any land, into, through or under which a drain has been carried under this section whilst such land was unbuilt upon, shall, at any time afterwards, desire to erect a building on such land, the Commissioner shall, with the approval of the standing committee, by written notice, require the owner or occupier of the premises for the benefit of which such drain was constructed to close, remove or divert the same in such manner as shall be approved by the said committee, and to fill in, reinstate and make good the land as if the drain had not been carried into, through or under the same. Provided that no such requisition shall be made, unless, in the opinion of the standing committee, it is necessary or expedient, in order to admit of the construction of the proposed building or the safe enjoyment thereof, that the drain be closed, removed or diverted.

¹ These words were inserted by Bom 5 of 1905, s. 14 (1).

² These words were substituted for the original words, *ibid*, s. 16.

¹[230A. Every owner of land shall be bound to allow any person, in whose favour an order has been made under section 230, sub-section (1); to carry a drain into, through or under the land of such owner on such terms as may be prescribed in such order]

Owner of land to allow others to carry drains through the land.

231. Where any premises are, in the opinion of the Commissioner, without sufficient means of effectual drainage and a municipal drain or some place legally set apart for the discharge of drainage is situated at a distance not exceeding one hundred feet from some part of the said premises, the Commissioner may, by written notice, require the owner or occupier of the said premises—

Commissioner may enforce drainage of undrained premises situate within a hundred feet of a municipal drain.

(a) to make a drain of such material, size and description and laid at such level ²[and according to such alignment] and with such fall and outlet as may appear to the Commissioner necessary, emptying into such municipal drain or place aforesaid.

³[Provided that, where any premises have already been drained under municipal rules and have to be re-drained, no such requisition shall be made without the previous sanction of the standing committee,]

(b) to provide and set up all such appliances and fittings as may appear to the Commissioner necessary for the purposes of gathering and receiving the drainage from, and conveying the same off, the said premises and of effectually flushing such drain and every fixture connected therewith ;

(c) to remove any existing drain, or other appliance or thing used or intended to be used for drainage, which is injurious to health.

232. (1) Where any premises are, in the opinion of the Commissioner, without sufficient means of effectual drainage, but no municipal drain or such place as aforesaid is situated at a distance not exceeding one hundred feet from some part of the said premises, the Commissioner may, by written notice, require the owner or occupier of the said premises—

Commissioner may enforce drainage of undrained premises not situate within a hundred feet of a municipal drain.

⁴[(a) to construct a drain up to a point to be prescribed in such notice, but not distant more than one hundred feet from some part of the said premises, or

(b) to construct a closed cesspool of such material, size and description in such position, at such level, and with allowance for such fall as the Commissioner thinks necessary, and drain or drains emptying into such cesspool].

⁵[(2) Any requisition for the construction of any drain under sub-section (1) may comprise any detail specified in clause (a), (b) or (c) of section 231]

⁶[232A. (1) Where the Commissioner is of opinion that any group or block of premises, any part of which is situate within one hundred feet of a municipal drain, or other place legally set apart for the discharge of drainage, already existing or about to be constructed, may be drained more economically or advantageously in combination than separately, the Commissioner may, with the approval of the standing committee, cause such group or block of premises to be drained by such method as appears to the Commissioner to be best suited therefor, and the expenses incurred by the Commissioner in so doing shall be paid by the owners of such premises in such proportions as the standing committee may think fit

Power of Commissioner to drain premises in combination.

¹ This section was inserted by Bom 8 of 1918, s. 6

² These words were inserted by Bom 5 of 1905, s 17 (a)

³ This proviso was added, *ibid*, s 17 (b)

⁴ These words were substituted for the original words by Bom 5 of 1905, s 18 (a).

⁵ Sub-section (2) was substituted for the original sub-section, *ibid*, s. 18 (b)

⁶ Section 232A was inserted, *ibid*, s. 19.

-(2) Not less than fifteen days before any work under this section is commenced, the Commissioner shall give written notice to the owners of all the premises to be drained, of—

- (a) the nature of the intended work,
- (b) the estimated expenses thereof, and
- (c) the proportion of such expenses payable by each owner.

(3) The owners for the time being of the several premises constituting a group or block drained under sub-section (1) shall be the joint owners of every drain, constructed, erected or fixed, or continued, for the special use and benefit only of such premises, and shall, in the proportions in which it is determined that the owners of such premises, are to contribute to the expenses incurred by the Commissioner under sub-section (1), be responsible for the expense of maintaining every such drain in good repair and efficient condition, but every such drain shall from time to time be flushed, cleansed and emptied by the Commissioner at the charge of the municipal fund]

Commissioner may close or limit the use of existing private drains.

233. (1) Where a drain connecting any premises with a municipal drain ¹[or other place legally set apart for the discharge of drainage] is sufficient for the effectual drainage of the said premises and is otherwise unobjectionable, but is not, in the opinion of the Commissioner, adapted to the general drainage system of ²[Greater Bombay], ³[or of the part of ²[Greater Bombay] in which such drain is situated], the Commissioner, with the approval of the standing committee may—

(a) subject to the provision of sub-section (2), close, discontinue or destroy the said drain and cause any work necessary for that purpose to be done ;

⁴[(b) direct that such drain shall, from such date as he prescribes in this behalf, be used for sullage and sewage only, or for rain-water only, or for unpolluted sub-soil water only, or for both 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 both rain-water and unpolluted sub-soil water, or for sullage and sewage]

(2) No drain may be closed, discontinued or destroyed by the Commissioner under clause (a), except on condition of his providing another drain as effectual for the drainage of the premises and communicating with any municipal drain ⁵[or other place aforesaid] which the Commissioner thinks fit, and the expenses of the construction of any drain so provided by the Commissioner and of any work done under clause (a) shall be paid by the Commissioner.

(3) Any requisition made by the Commissioner under clause (b) may embrace any detail specified in clause (a) or clause (b) of section 231

Vesting and maintenance of drains for sole use of properties.

⁶[233A. Subject to the provisions of sub-section (2) of section 221, every drain which has been constructed, ⁷[laid], erected or set up, whether at the expense of the corporation or not, or which is continued, for the sole use and benefit of any premises ⁸[or group of premises] shall—

(a) notwithstanding anything contained in section 242, vest in the owner of such premises ⁹[or group of premises] on and from the thirtieth day of September 1905 ; and

¹ These words were inserted by Bom. 5 of 1905, s. 14 (1).

² These words were substituted for the words "the city" by Bom. 7 of 1950, s. 6 (1).

³ These words were inserted by Bom 5 of 1905, s. 20(a).

⁴ This clause was substituted for the original clause (b), *ibid.*, s. 20(b).

⁵ These words were inserted, *ibid.*, s. 14.

⁶ Section 233A was inserted, *ibid.*, s. 21.

⁷ The word "laid" was inserted by Bom. 8 of 1918, s. 7(a).

⁸ These words were inserted, *ibid.*, s. 7(b).

⁹ These words were inserted, *ibid.*, s. 7(c).

1[(b) be provided with all such further appliances and fittings as may appear to the Commissioner necessary for the more effectual working of the same, and also be maintained in good repair and efficient condition by the owner of such premises or group of premises, and be from time to time flushed, cleansed and emptied by the Commissioner at the charge of the municipal fund].]

234. (1) It shall not be lawful newly to erect any building, or to rebuild any building, or to occupy any building newly erected or rebuilt, unless and until—

New building not to be erected without drains

(a) a drain be constructed of such size, materials and description, at such level and with such fall, as shall appear to the Commissioner to be necessary for the effectual drainage of such building;

(b) there have been provided for and set up in such building and in the premises appurtenant thereto, all such appliances and fittings as may appear to the Commissioner to be necessary for the purposes of gathering and receiving the drainage from, and conveying the same off, the said building and the said premises, and of effectually flushing the drain of the said building and every fixture connected therewith.

(2) The drain to be constructed as aforesaid shall empty into a municipal drain or into some place legally set apart for the discharge of drainage situated at a distance not exceeding one hundred feet from ²[the premises in which such building is situated]; but if no such drain or place is within that distance, then such drain shall empty into such cesspool as the Commissioner directs.

235. No person shall, except with the permission of the Commissioner pass or cause or permit to be passed any excrementitious matter into any cesspool made or used under section 232 or section 234, or into any drain communicating with any such cesspool

* Excrementitious matter not to be passed into cesspool.

236. Every owner of a drain connected with a municipal drain ³[or other place legally set apart for the discharge of drainage] shall be bound to allow the use of it to others, or to admit other persons as joint owners thereof, on such terms as may be prescribed under section 228.

Obligation of owners of drains to allow use thereof or joint ownership therein to others

237. Any person desiring to drain his premises into a municipal drain, through a drain of which he is not an owner, may make a private arrangement with the owner for permitting his use of the drain, or may apply to the Commissioner for authority to use such drain or to be declared joint owner thereof

How right of use or joint ownership of a drain may be obtained by a person other than the owner.

238. (1) ⁴[Where the Commissioner is of opinion, whether on receipt of such application or otherwise, that the only, or the most convenient, means by which the owner or occupier of any premises can cause the drain of such premises to empty into a municipal drain or other place legally set apart for the discharge of drainage is through a drain communicating with such municipal drain or place aforesaid, but belonging to some person other than the said owner or occupier] the Commissioner, after giving the owner of the drain a reasonable opportunity of stating any objection thereto, may, with the approval of the standing committee, if no objection is raised or if any objection which is raised appears to him invalid or

Commissioner may authorise person other than the owner of a drain to use the same or declare him to be a joint owner thereof.

¹ This clause was substituted for the original clause (b) by Bom 8 of 1918, s. 7 (d).

² These words were substituted for the original words by Bom 5 of 1905, s. 22.

³ These words were inserted, *ibid*, s. 14 (1).

⁴ These words were substituted for the original words, *ibid*, s. 23 (a)

insufficient, by an order in writing, either authorize the ¹[said owner or occupier] to use the drain or declare him to be a joint owner thereof, on such conditions as to the payment of rent or compensation and as to connecting the drain of the ¹[said premises] with the ²[communicating drain] and as to the respective responsibilities of the parties for maintaining, repairing, flushing, cleaning and emptying the joint drain, or otherwise, as may appear to him equitable

(2) Every such order bearing the signature of the Commissioner shall be a complete authority to the person in whose favour it is made, or to any agent or person employed by him for this purpose, after giving or tendering to the owner of the drain the compensation or rent specified in the said order and otherwise fulfilling, as far as possible, the conditions of the said order, and after giving to the owner of the drain reasonable written notice of his intention so to do, to enter upon the land in which the said drain is situate, with assistants and workmen, at any time between sunrise and sunset, and, subject to all provisions of this Act, to do all such things as may be necessary for—

(a) connecting the two drains, or

(b) renewing, repairing or altering the connection, or

(c) discharging any responsibility attaching to the person in whose favour the Commissioner's order is made for maintaining, repairing, flushing, cleaning or emptying the joint drain or any part thereof

(3) In respect of the execution of any work under sub-section (2), the person in whose favour the Commissioner's order is made shall be subject to the same restrictions and liabilities which are specified in sub-section (4) of section 230

Sewage and
rain-water
drains to be
distinct.

239. Whenever it is provided in this Chapter that steps shall or may be taken for the effectual drainage of any premises, it shall be competent to the Commissioner to require that there shall be one drain for sullage, excrementitious matter and polluted water and another and an entirely distinct drain for rain-water and unpolluted sub-soil water or for both rain-water and unpolluted sub-soil water, each emptying into separate municipal drains ³[or other places legally set apart for the discharge of drainage] or other suitable places.

Drains not
to pass
beneath
buildings

240. Except with the written permission of the Commissioner, and in conformity with such conditions as shall be prescribed by the standing committee, either generally or specially, in this behalf, no drain shall be so constructed as to pass beneath any part of a building

Position of
cesspools.

⁴[241. No person shall construct a cesspool—

(a) beneath any part of any building, or within twenty 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 Commissioner.]

¹ These words were substituted for the original words by Bom. 5 of 1905, s. 23 (b) (v)

² These words were substituted for the original words, *ibid.*, s. 23 (b) (vi)

³ These words were inserted, *ibid.*, s. 14 (J).

⁴ Section 241 was substituted for the original section, *ibid.*, s. 24

242. All drains, ventilation-shafts and pipes and all appliances and fittings connected with drainage-works constructed, erected or set up at the charge of the municipal fund upon premises not belonging to the corporation, whether before or after the passing of this Act, and ¹[otherwise than for the sole use and benefit of the said premises], shall, unless the corporation has otherwise determined or shall at any time otherwise determine, vest, and be deemed to have always vested, in the corporation

Right of corporation to drains, etc., constructed, etc., at charge of municipal fund on premises not belonging to the corporation.

243. (1) Every drain and cesspool, whether belonging to the corporation or to any other person, shall be provided with proper traps and coverings and with proper means of ventilation.

All drains and cesspools to be properly covered and ventilated.

(2) The Commissioner may, by written notice, require the owner of any drain or cesspool not belonging to the corporation to provide and apply to the said drain or cesspool such trap and covering and such means of ventilation as would be provided and applied if such drain or cesspool belonged to the corporation.

244. (1) For the purpose of ventilating any drain or cesspool, whether belonging to the corporation or to any other person, the Commissioner may erect upon any premises or affix to the outside of any building or to any tree any such shaft or pipe as shall appear to the Commissioner necessary ²[and 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 lay in, through, or under any land, such appliances as may in the opinion of the Commissioner be necessary for connecting such ventilating shaft or pipe with the drain or cesspool intended to be ventilated]:

Affixing of pipes for ventilation of drains, etc.

(2) Provided that any shaft or pipe so erected or affixed shall—

(a) be carried at least ³[fifteen] feet higher than any sky-light or window situated within a distance of ⁴[forty] feet therefrom,

(b) if the same be affixed to a wall supporting the eave of a roof, be carried at least five feet higher than such eave;

(c) be erected or affixed so as to create the least practicable nuisance or inconvenience to the inhabitants of the neighbourhood;

(d) be removed by the Commissioner to some other place, if at any time the owner of the premises, building or tree upon or to which the same has been erected or affixed is desirous of effecting any change in his property which either cannot be carried out, or cannot without unreasonable inconvenience be carried out, unless the shaft or pipe is removed.

(3) If the Commissioner declines to remove a shaft or pipe under clause (d), the owner of the premises, building or tree, upon or to which the same has been erected or affixed, may apply to the Chief Judge of the Small Cause Court; and the said Chief Judge may, after such inquiry as he thinks fit to make, direct the Commissioner to remove the shaft or pipe and it shall be incumbent on the Commissioner to obey such order

¹ These words were substituted for the original words, by Bom. 5 of 1905, s. 25.

² These words were added, *ibid.*, s. 26 (a).

³ The word "fifteen" was substituted for the word "ten", *ibid.*, s. 26(b).

⁴ The word "forty" was substituted for the word "twenty", *ibid.*, s. 26(b).

¶ (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 or cesspool intended to be ventilated, the Commissioner shall, so far as is practicable, reinstate and make good such building, and fill in and make good such land, at the charge of the municipal fund]

Disposal of Sewage.

Appoint-
ment of
places for
emptying of
drains and
disposal of
sewage.

245. The Commissioner may cause all or any municipal drains to empty into the sea or other place, whether within or without ²[Greater Bombay], and dispose of the sewage at any place, whether within or without ²[Greater Bombay], and in any manner, which he shall deem suitable for such purpose. Provided that—

(a) the Commissioner shall not cause any municipal drain to empty into any place into which a municipal drain has not heretofore emptied, or dispose of sewage at any place or in any manner at or in which sewage has not heretofore been disposed of, without the sanction of the corporation,

(b) any power conferred by this section shall be exercised in such manner as to create the least practicable nuisance,

(c) no municipal drain shall be made to empty into any place, and no sewage shall be disposed of at any place or in any manner which ³[the ⁴[State] Govern-ment] shall think fit to disallow.

Provision of
means for
disposal of
sewage.

246. (1) For the purpose of receiving, storing, disinfecting, distributing or otherwise disposing of sewage, the Commissioner may, when authorized by the corporation in this behalf—

(a) construct any work within or without ²[Greater Bombay];

(b) purchase or take on lease any land, building, engine, material or apparatus either within or without ²[Greater Bombay];

(c) enter into an arrangement with any person for any period not exceeding twenty years, for the removal or disposal of sewage ⁵[within or without ²[Greater Bombay]]

(2) Provided that any power conferred by this section shall be exercised in such manner as to cause the least practicable nuisance.

Water-closets, Privies, Urinals, etc.

Construction
of water
closets and
privies.

¶246A. (1) It shall not be lawful to construct any water-closet or privy for any premises except with the written permission of the Commissioner and in accordance with such terms not being inconsistent with any by-laws for the time being in force as he may prescribe

¹ Sub-section (4) of section 244 was added by Bom 5 of 1905, s 26 (c)

² These words were substituted for the words "the city" by Bom. 7 of 1950, s 6(1).

³ The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

⁴ This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950

⁵ These words were added by Bom. 5 of 1905, s. 27.

⁶ Sections 246A, 247 and 248 were substituted for sections 247 and 248, s. 28.

(2) In prescribing any such terms the Commissioner may determine in each case—

(a) whether the premises shall be served by the water-closet or by the privy system, or partly by one and partly by the other, and

(b) what shall be the site or position of each water-closet or privy.

(3) If any water-closet or privy is constructed on any premises in contravention of sub-section (1), the Commissioner may, after giving not less than ten days' notice to the owner or occupier of such premises, close such water-closet or privy, and, with the previous approval of the standing committee, alter or demolish the same, and the expenses incurred by the Commissioner in so doing shall be paid by such owner or occupier or by the person offending]

1[247. (1) It shall not be lawful newly to erect or to re-erect any building for or intended for human habitation, or at or in which labourers or workmen are to be employed, without such water-closet or privy accommodation, and such urinal accommodation, and accommodation for bathing or for the washing of clothes and domestic utensils, as the Commissioner may prescribe.

Water-closets and other accommodation in buildings newly erected or re-erected.

(2) In prescribing any such accommodation the Commissioner may determine in each case—

(a) whether such building shall be served by the water-closet or by the privy system, or partly by one and partly by the other,

(b) what shall be the site or position of each water-closet, privy, urinal, or bathing or washing place, and their number]

1[248. (1) Where any premises are without a water-closet, or privy, or urinal, or bathing or washing place, or if the Commissioner is of opinion that the existing water-closet, or privy, or urinal, or bathing or washing place accommodation available for the persons occupying or employed in any premises is insufficient, inefficient, or on any sanitary grounds objectionable, the Commissioner may, with the previous approval of the standing committee, by written notice, require the owner of such premises—

Where there is no such accommodation or the accommodation is insufficient or objectionable.

(a) to provide such, or such additional, water-closet, privy, urinal, or bathing or washing place accommodation as he prescribes,

(b) to make such structural or other alterations in the existing water-closet, privy, urinal, or bathing or washing place accommodation as he prescribes; or

(c) to substitute water-closet accommodation for any privy accommodation.

(2) Provided that where the water-closet, privy, urinal, or bathing or washing place accommodation of any premises—

(a) has been, and is being, used in common by the persons occupying or employed in such premises and any one or more other premises, or

(b) is in the opinion of the Commissioner likely to be so used,

the Commissioner may, if he is of opinion that such accommodation is sufficient to admit of the same being used by all the persons occupying or employed in all such

* Sections 246A, 247 and 248 were substituted for sections 247 and 248 by Bom. 5 of 1905, s. 28.

premises, direct in writing that separate water-closet, privy, urinal or bathing washing place accommodation need not be provided on or for each of such other premises.

(3) Provided also that the Commissioner may, if he is of opinion that there is sufficient municipal latrine accommodation available for all the persons occupying or employed in any premises, direct that separate water-closet, privy or urinal accommodation need not be provided for such premises.

(4) Any requisition under sub-section (1) may comprise any detail specified in sub-section (2) of section 247.]

Power to require privy accommodation to be provided for factories, etc.

249. Where it appears to the Commissioner that any premises are, or are intended to be, used as a market, railway station, dock, wharf or other place of public resort, or as a place in which persons exceeding twenty in number are employed in any manufacture, trade or business or as workmen or labourers, the Commissioner may, by written notice, require the owner or occupier of the said premises to construct a sufficient number of water-closets or latrines or privies and urinals for the separate use of each sex.

Power of Commissioner as to unhealthy privies.

[249A. Where the Commissioner is of opinion that any privy 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 Commissioner, 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 privy is situate either—

(a) to so close up such privy as to prevent any person using the same, and to provide in lieu thereof such water-closet or privy accommodation or such urinal accommodation as the Commissioner may prescribe, or

(b) to provide between the said privy and any portion of the said building such air-space, not exceeding three feet in width, open to the sky, and situate entirely within the limits of the said premises as the Commissioner may prescribe]

Provisions as to privies.

250. (1) The owner or occupier of any premises on which there is a privy shall—

(a) have between such privy and any building or place used or intended to be used for human habitation, or in which any person may be or may be intended to be employed in any manufacture, trade or business, an air space of at least three feet in width and open to the sky;

(b) have such privy shut off by a sufficient roof and wall, or fence, from the view of persons dwelling in the neighbourhood or passing by;

(c) unless and except for such period as he shall be permitted by the Commissioner, under the power next hereinafter conferred, to continue any existing door or trap-door, close up and not keep any door or trap-door in such privy opening on to a street.

(2) Provided that the Commissioner may permit the continuance for such period as he may think fit of any existing door or trap-door in a privy opening on to a street, if a nuisance is not thereby created.

(3) Provided also that clause (a) shall not be deemed to apply to any privy in existence when this Act comes into force, unless—

(d) there is space available on the premises of the owner or occupier for the erection of a new privy conformably to the said clause ; and

(e) the existing privy can be removed and a new one erected as aforesaid without destroying any portion of a permanent building other than the existing privy.

251. The owner or occupier of any premises on which there is a water-closet shall— Provisions as to water-closets.

(a) have such water-closet divided off from any part of a building or place used or intended to be used for human habitation, or in which any person may be or may be intended to be employed in any manufacture, trade or business, by such means as the Commissioner shall deem sufficient ;

(b) have such water-closet in such a position that one of its sides at the least shall be an external wall ,

(c) have the seat of such water-closet placed against an external wall ;

(d) cause such water-closet to be provided with such means of constant ventilation as the Commissioner shall deem adequate, by a window or other aperture in one of the walls of such water-closet opening directly into the external air, or by an air-shaft or by some other suitable method or appliance ;

(e) have such water-closet supplied by a supply-cistern and flushing apparatus and fitted with a soil-pan or receiver and such other appliances of such materials, size and description as the Commissioner shall deem necessary ; provided always that a cistern from which a water-closet is supplied shall not be used, or be connected with another cistern which is used, for supplying water for any other purpose.

¹[251A. No person shall build a privy or water-closet in such a position or manner as— Position of privies and water closets.

(a) to be directly over or directly under any room or part of a building other than another privy or water-closet or a bathing place, bath room or terrace ;

(b) to be within a distance of twenty feet from any well or from any spring, tank or stream the water whereof is, or is likely to be, used (whether in natural or manufactured state) for human consumption or domestic purposes, or otherwise render the water of any well, spring, tank or stream liable to pollution]

²[251B 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 Commissioner, be necessary for collecting the drainage thereof and conveying the same therefrom] Use of places for bathing or washing clothes or domestic utensils.

¹ Section 251A was inserted by Bom. 5 of 1905, s. 30.

² Section 251B was inserted, *ibid.*, s. 31.

Public
necessaries.

252 The Commissioner shall provide and maintain in proper and convenient situations and on sites vesting in the corporation, water-closets, latrines, privies and urinals and other similar conveniences for public accommodation

Inspection

Drains, etc.,
not belonging
to the corpora-
tion to be
subject to
inspection
and examina-
tion

253 All drains, ventilation-shafts and pipes, cess-pools, house-gullies, water-closets, privies, latrines and urinals ¹[and bathing and washing places] which do not belong to the corporation, or which have been constructed, erected or set up at the charge of the municipal fund on premises not belonging to the corporation, for the use or benefit of the owner or occupier of the said premises, shall be open to inspection and examination by the Commissioner.

Power to open
ground etc.,
for purposes of
such inspec-
tion and
examination

254. For the purpose of such inspection and examination, the Commissioner may cause the ground or any portion of any drain or other work exterior to a building or, with the approval of the standing committee, any portion of a building, which he shall think fit, to be opened, broken up or removed: Provided that in the prosecution of any such inspection and examination as little damage as can be shall be done

When the
expenses of
inspection
and exami-
nation are to
be paid by
the Commis-
sioner.

255. If upon any such inspection and examination as aforesaid it shall be found that the drain, ventilation-shaft or pipe, cess-pool, house-gully, water-closet, privy, latrine or urinal ²[or bathing or washing place] examined is in proper order and condition, and that none of the provisions of this Chapter has been contravened in respect of the construction or maintenance thereof, and that no encroachment has been made thereupon, the ground or portion of any building, drain or other work, if any opened, broken up or removed for the purpose of such inspection and examination shall be filled in, reinstated and made good by the Commissioner.

When the
expenses of
inspection
and examina-
tion are to
be paid by
the owner

256. But if it shall be found that any drain, ventilation-shaft or pipe, cess-pool, house-gully, water-closet, privy, latrine or urinal ²[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 Commissioner, if it has been constructed in contravention of any of the provisions of this Chapter or of any enactment at the time in force,

the expenses of the inspection and examination shall be paid by the owner of the premises, and the said owner shall fill in, reinstate and make good the ground, or portion of any building, drain or other work opened, broken up or removed for the purpose of such inspection and examination, at his own cost.

Commissioner
may require
repairs, etc.,
to be made.

³[257. (1) When the result of such inspection and examination as aforesaid is as described in section 256, the Commissioner may—

(a) by written notice require the owner of the premises or the several owners of the respective premises in which the drain, ventilation-shift or pipe, cess-pool house-gully, water-closet, privy, latrine, urinal or bathing or washing place is situate, or for the benefit of which the same has been constructed, erected or set up,

¹ These words were inserted by Bom 5 of 1905, s. 32 (1)

² These words were inserted, *ibid*, s. 32 (2).

³ Section 257 was substituted for the original section, *ibid*, s. 33.

(i) to close or remove the same or any encroachment thereupon or ¹[subject to the proviso to clause (c) of section 258, to remove any projection over the same, 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 sullage or sewage is carried through, from, into or upon any premises in contravention of any of the provisions of this Chapter, and the expenses incurred by the Commissioner in so doing shall be paid by such owner or owners.

(2) Any requisition under clause (a) of sub-section (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 and 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]

²[257A. In the case of any drain which has been constructed, erected or fixed, or which is continued, for the exclusive use and benefit of two or more premises and which is not—

Cost of inspection and execution of works in certain cases

(a) a drain constructed under section 232A, sub-section (1), or

(b) a drain in respect of which conditions as to the respective responsibilities of the parties have been declared under section 238, sub-section (1),

the expenses of any inspection and examination made by the Commissioner under section 253 and of the execution of any work required under section 257, whether executed under section 260 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 Commissioner if the aggregate amount of such expenses does not exceed one hundred rupees]

General Provisions.

258. No person shall—

(a) in contravention of any of the provisions of this Chapter or of any notice issued or direction given under this Chapter, or without the written permission of the Commissioner, in any way alter the fixing, disposition or position of, or construct, erect, set up, renew, rebuild, remove, obstruct, stop up, destroy or change, any drain, ventilation-shaft or pipe, cess-pool, water-closet, privy, latrine

Prohibition of acts contravening the provisions of this Chapter or done without sanction.

¹ These words were added by Bom. 8 of 1918, s. 8.

² Section 257A was inserted by Bom. 5 of 1905, s. 34.

or urinal ¹[or bathing or washing place] or any trap, covering or other fitting or appliance connected therewith ;

(b) without the written permission of the Commissioner, renew, rebuild or unstop any drain, ventilation-shaft or pipe, cess-pool, water-closet, privy, latrine or urinal ¹[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 Chapter ;

(c) without the written permission of the Commissioner, make any ²[projection over or] encroachment upon, or in any way injure or cause or permit to be injured, any drain, cess-pool, house-gully, water-closet, privy, latrine or urinal ¹[or bathing or washing place] :

³[Provided that nothing in this clause shall apply to any weather-shade in width not exceeding two feet over any window which does not front a wall or window of an adjoining house ;]

(d) drop, pass or place, or cause or permit to be dropped, passed or placed, into or in any drain, any brick, stone, earth, ashes or any substance or matter by which or by reason of the amount of which such drain is likely to be obstructed ;

(e) pass, or permit or cause to be passed, into any drain provided for a particular purpose, any matter or liquid for the conveyance of which such drain has not been provided ;

(f) cause or suffer to be discharged into any drain from any factory, bake-house, distillery, workshop or workplace or from any building or place in which steam, water or mechanical power is employed, any hot water, steam, fumes or any liquid which would prejudicially affect the drain or the disposal by sale or otherwise of the sewage conveyed along the drain, or which would, from its temperature or otherwise, be likely to create a nuisance.

When materials and work may be supplied and done under this Chapter for any person by the Commissioner.

259. (1) On the written request of any person who is required under any of the provisions of this Chapter to supply any materials or fittings or to do any work, the Commissioner may, in such person's behalf, supply the necessary materials or fittings, or cause the necessary work to be done ; but he shall not do so in any case to which the provisions of section 493 or 495 will not apply, unless a deposit is first of all made by the said person of a sum which will, in the opinion of the Commissioner, suffice to cover the cost of the said materials, fittings and work.

(2) ⁴[* * * *]

¹These words were inserted by Bom 5 of 1905, s. 32(2)

²These words were inserted by Bom. 8 of 1918, s. 9(a).

³This proviso was added, *ibid.*, s. 9 (b).

⁴Sub-section (2) was repealed by Bom 5 of 1905

1259A. (1) No person shall permit any work described in this Chapter to be executed except by a licensed plumber ;

²[Provided that if, in the opinion of the Commissioner, the work is of a trivial nature, he may grant permission in writing for the execution of such work by a person other than a licensed plumber]

Work to be done by licensed plumber ; permission to use as drain.

(2) Every person who employs a licensed plumber to execute any such work shall, when so required, furnish to the Commissioner the name of such plumber.

(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 Commissioner at his office notice in writing of the completion of such work, accompanied by a certificate in the form of Schedule S 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 Commissioner all necessary facilities for the inspection of such works :

Provided that—

(a) such inspection shall be made within seven days from the date of receipt of the notice of completion, and

(b) the Commissioner 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—

(i) give permission for the filling in or covering over of such work, or

(ii) require that before such work is filled in or covered over, it shall be amended to the satisfaction of the Commissioner in any particular in respect of which it is not in accord with a requisition previously made by the Commissioner or contravenes some provisions of this Act or of the by-laws under this Act.

(4) No person shall permit any such work to be used as a drain or part of a drain until—

(a) the permission referred to in proviso (b) to sub-section (3) has been received, or

(b) the Commissioner has failed for fourteen days after receipt of the notice of completion to intimate as aforesaid his refusal of permission for the filling in or covering over of such work.]

260. (1) The Commissioner may, if he thinks fit, cause any work described in ³[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.

Commissioner may execute certain works under this Chapter without allowing option to persons concerned of executing the same.

¹ Section 259A was inserted by Bom. 5 of 1905, s. 36.

² This proviso was added by Bom. 32 of 1935, s. 11.

³ The words " this Chapter " were substituted for the original words by Bom. 5 of 1905, s. 37.

Expenses in such cases by whom to be paid.

(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 X

WATER SUPPLY.

Construction and Maintenance of Municipal Water-works

Definitions.

1260A. In this chapter, unless there is anything repugnant in the subject or context—

(a) 'communication pipe' means a pipe extending from a municipal water main up to and including the municipal stop-cock.

(b) 'consumer' means any person who uses or is supplied with water from a municipal water work or on whose application such water is supplied and includes any person hable to the corporation under the provisions of this Act for the payment of water tax or any sum for the water supplied from a municipal water work.

(c) 'consumer's pipe' means a pipe used in connection with the supply of water from any municipal water work and which is not the property of the corporation.

(d) 'distributing pipe' means any pipe not subject to water pressure from a municipal water main.

(e) 'fitting' includes a pipe, coupling, flange, branch, bend, stop, ferrule, stop tap, bib tap, spring tap, pillar tap, globe tap, ball cock, boiler, pump, meter, hydrant and any other apparatus or article used for the purpose of conveying or storing water supplied by the corporation.

(f) 'municipal stop cock' means the stop cock which controls the supply of water from a municipal water main.

(g) 'supply pipe' means the pipe extending from a municipal stop cock up to the ball cock of the storage tank, if any, and any pipe subject to pressure from a municipal water main]

General powers for supplying the city with water.

261. For the purpose of providing ²[Greater Bombay] with a supply of water proper and sufficient for public and private purposes, the Commissioner, when authorized by the corporation in this behalf, may—

(a) construct and maintain water-works, either within or without ²[Greater Bombay] and do any other necessary acts;

(b) purchase or take on lease any water-work or any water or right to store or to take and convey water, either within or without ²[Greater Bombay];

(c) enter into an arrangement with any person for a supply of water.

¹ This section was inserted by Bom. 5 of 1938, s. 21.

² These words were substituted for the words "the city" by Bom. 7 of 1950, s. 6 (I).

262. The Commissioner shall manage all water-works belonging to the Corporation—all which water-works are in this Act referred to as “municipal water-work”—and maintain the same in good repair and efficient condition, and shall cause all such alterations and extensions to be from time to time made in the said water-works as shall be necessary or expedient for improving the said works.

Municipal water-works to be managed and kept in repair by the Commissioner.

263. (1) The Commissioner, and any persons appointed by ¹[the ²[State] Government] under section 264 in this behalf, may, for the purpose of inspecting or repairing or executing any work in, upon or in connection with any municipal water-work, at all reasonable times—

Power of access to municipal water-works.

(a) enter upon and pass through any land within or without the city, adjacent to or in the vicinity of such water-work, in whomsoever such land may vest ;

(b) convey into and through any such land all necessary materials, tools and implements.

(2) In the exercise of any power conferred by this section, as little damage as can be shall be done, and compensation for any damage which may be done in the exercise of any of the said powers shall be paid by the Commissioner, or, if any person appointed under section 264 by ¹[the ²[State] Government] has caused the damage, by ¹[the ²[State] Government]

264. Any person appointed by ¹[the ²[State] Government] in this behalf shall at all reasonable times have liberty to enter upon and inspect any municipal water-work.

Inspection of municipal water works by persons appointed by ²[State] Government.

265. The Commissioner shall have the same powers and be subject to the same restrictions for carrying, renewing and repairing water-mains, pipes and ducts within or without ³[Greater Bombay], as he has and is subject to under the provisions hereinbefore contained for carrying, renewing and repairing drains within ³[Greater Bombay].

Power of carrying water-mains, etc.

266. The Commissioner shall cause fire-hydrants and all necessary works, machinery and assistance for supplying water in case of fire to be provided and maintained ; and shall have painted or marked on the buildings and walls or in some other conspicuous manner, within the streets, words or marks near to such hydrants to denote the situation thereof, and shall cause a hydrant-key to be deposited at each place within ³[Greater Bombay] where a municipal fire-engine is kept, and do such other things for the purpose aforesaid as he shall deem expedient.

Fire-hydrants to be provided.

267. (1) Except with the sanction of the corporation and, in the case of the Vehar water-works, of ¹[the ²[State] Government], or, for the purposes of section 262, under the authority of the Commissioner, no person shall—

Prohibition of building and other acts which would injure sources of water-supply.

(a) erect any building for any purpose whatever within the limits of the water-shed of any lake or reservoir from which a supply of water is derived for any municipal water-work ;

(b) extend, alter or apply to any purpose different to that to which the same has been heretofore applied, any building already existing within the said limits ;

(c) carry on, within the said limits, any operation of manufacture, trade or agriculture in any manner, or do any act whatsoever, whereby injury may arise

¹ The words “the Provincial Government” were substituted for the word “Government” by the Adaptation of Indian Laws Order in Council

² This word was substituted for the word “Provincial” by the Adaptation of Laws Order, 1950.

³ These words were substituted for the words “the city” by Bom. 7 of 1950, s. 6 (1).

to any such lake or reservoir or to any portion thereof, or whereby the water of any such lake, tank or reservoir may be fouled or rendered less wholesome.

(2) The limits of the water-bed of the Vehar lake shall, for the purposes of this section, be deemed to be the limits defined in a plan marked "B", authenticated by the signatures of the Governor and Members of Council, and deposited in the office of the Secretary to the Government of Bombay.

Buildings,
etc., not to be
erected over
municipal
water-main
without
permission.

268. (1) Without the written permission of the Commissioner no building, wall or other structure shall be newly erected, and no street or railway shall be constructed, over any municipal water-main.

(2) If any building, wall or other structure be so erected, or any street or railway be so constructed, the Commissioner may, with the approval of the standing committee, cause the same to be removed or otherwise dealt with as to him shall appear fit, and the expenses thereby incurred shall be paid by the person offending.

Public Gratuitous Water-Supply

Vesting of
public drink-
ing fountains,
etc., in the
corporation.

269. (1) All existing public drinking fountains, tanks, reservoirs, cisterns, pumps, wells, ducts and works for the supply of water for the gratuitous use of the inhabitants of the city shall vest in the corporation and be under the control of the Commissioner.

(2) The Commissioner may maintain the said works and provide them with water, and, when authorised by the corporation in this behalf, may construct any other such works for supplying water for the gratuitous use of the inhabitants of the city.

(3) Provided that water carried away by any of the inhabitants from any such work shall be taken only for his ¹[personal or domestic use and not for the purpose of business or sale], and shall not, except with the written permission of the Commissioner, be carried away in a cask, cart, pakhal or masak.

(4) The Commissioner may temporarily, and with the approval of the corporation permanently, close any of the said works, either entirely or partially.

(5) In case any such work is permanently closed, either entirely or partially, by the Commissioner, the site thereof, or of the portion thereof which is so closed, and the materials of the same may be disposed of as the property of the corporation: Provided that if any such work, which is permanently closed, either entirely or partially, was a gift to the public by some private person, the said site and materials or the proceeds of the sale thereof shall, unless by reason of their value being insignificant or for other sufficient reason the corporation think fit to otherwise direct, be applied to or towards some local work of public utility bearing the name of such person, or to or towards any such local work which shall be approved by the corporation and [by the heirs or other representatives, if any, of the said person.

Public
drinking
fountains,
etc., may be
set apart for
particular
purposes.

270. (1) The Commissioner may assign and set apart each of the said works and the water therein for use by the public for such purpose only as he shall think fit, and shall cause to be indicated, by a notice affixed on a conspicuous spot on or near each such work, the purpose for which the same is so assigned and set apart.

(2) No person shall make use of any such work or of any water thereon for any purpose other than the purpose for which the same has been so assigned or set apart

¹ These words were substituted for the words "private use and not for sale" by Bom. 5 of 1938, s. 22

Private Water-supply

¹[270A. No person shall occupy or permit to be occupied, or use or permit to be used, any premises or part thereof constructed or reconstructed after the date of the coming into force of the Bombay Municipal Corporation (Amendment) Act, 1953, until he has obtained a certificate from the Commissioner to the effect that there is provided within, or within a reasonable distance of, the premises a supply of pure water to the persons intending to occupy or use such premises or, where the premises are situated within any portion of Greater Bombay in which a public notice has been given by the Commissioner under section 141, until he has obtained a certificate from the Commissioner to the effect that a supply of pure water has been provided for the premises from a municipal water work]

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LXIV
of
1953

Premises not to be occupied without Commissioner's certificate in respect of adequate water supply

271. (1) ²[Supply pipes] for conveying to any premises a private supply of water from ²[a municipal water work] shall not ²[be connected with such water work] except on the written application or with the written assent of the owner of the premises, or of the person primarily liable for the payment of property-taxes on the said premises

Application for private water-supply from whom to be received

³[Provided that, in respect of any premises, where the owner or person primarily liable for the payment of property-taxes, fails or refuses to make such application, or to give his assent, within a reasonable period, the supply pipes for conveying to such premises such water supply may be connected with such water work on the written application of the occupier of such premises made to the Commissioner, after holding necessary inquiry and on payment of the cost of connecting the supply pipes and subject to such other conditions (including those for payment of water taxes and water charges) as the Commissioner may deem fit to impose]

⁴[(2) But if it shall appear to the Commissioner that any premises situate within any portion of ⁵[Greater Bombay] in which a public notice has been given by the Commissioner under clause (b) of section 141, are without a supply of pure water, adequate to the requirements of the persons usually occupying or employed upon to the said premises, the Commissioner shall, by written notice, require the owner of the said premises or the person primarily liable for the payment of property-taxes thereon, to obtain a supply adequate as aforesaid from a municipal water work and to provide supply and distributing pipes, cisterns and fittings and do all such works as may in the opinion of the Commissioner be necessary for that purpose

Commissioner may in certain cases require owners to obtain private water supply

⁶[272. (1) No connection with any municipal water work shall be made or renewed—

Making and renewing connection with municipal water works.

(a) except by a municipal officer or servant empowered in that behalf by the Commissioner ; and

(b) until the certificate specified, in sub-section (4) has been given

⁷[(2) In every case where a new connection with a municipal water work is made or an existing connection requires renewal, all necessary communication-pipes and fittings ⁸[thereon], shall be supplied by the Commissioner, and the work of laying and applying such communication-pipes and fittings shall be executed by municipal agency under the Commissioner's orders ; and the cost of all such materials and work shall be charged to the municipal fund]

¹Section 270A was inserted by Bom. 64 of 1953, s 11

²These words were substituted by Bom 5 of 1938, s 23 (a)

³This proviso was added by Mah 51 of 1975, s. 15

⁴This sub-section was substituted for the original by Bom. 5 of 1938, s 23 (b)

⁵These words were substituted for the words "the City" by Bom 64 of 1953, s 12

⁶Sections 272, 273 and 273A were substituted for sections 272 and 273 by Bom. 5 of 1905, s 38

⁷This sub-section was substituted for the original sub-section (2) by Bom 8 of 1918, s 10

⁸This word was substituted for the original by Bom 5 of 1938, s 24 (a)

(3) ¹[Every such communication-pipe and fittings thereon shall vest] in the Corporation and be maintained at the charge of the municipal fund as a municipal water work.

²[(4) All supply and distributing pipes and cisterns and fittings not being the property of the Corporation shall be laid and applied under the supervision and to the satisfaction of a Municipal Officer appointed by the Commissioner in that behalf, who shall give and sign a certificate, free of charge, when such supply and distributing pipes, cisterns and all necessary fittings have been laid, applied and executed in a satisfactory manner and when proper and sufficient arrangements have been made for draining off waste water]

³[(5) Where any supply or distributing pipe, cistern or such fitting is laid, applied, added to or altered, or any connection is made in contravention of this section the Commissioner may, with the previous approval of the standing committee, remove such supply or distributing pipe, cistern, fitting or connection, or additions or alterations thereto, and make good such pipe, cistern, fitting or connection ; and the owner and occupier of the premises in which or for supply to which such supply or distributing pipe, cistern or fitting has been laid, applied, added to or altered or such connection has been made, shall be jointly and severally liable to pay the expenses incurred by the Commissioner in so doing]

Commissioner may take charge of private connections ³[273. The Commissioner may, by agreement with a consumer, take charge on behalf of the corporation of all or any of the consumer's pipes and fittings :
Provided that if any such pipes or fittings are communication-pipes or fittings only not vesting in the Corporation, the Commissioner may, if he thinks fit, take charge of the same without such agreement.

Any consumer's pipes and fittings, of which the Commissioner takes charge under this section, shall thereafter vest in, and be maintained at the expense of, the Corporation as a municipal water work]

Power of Commissioner to alter position of connections. ⁴[273A. The Commissioner may, if at any time he deems it expedient to alter the position of an existing connection with any municipal water work, or of any consumer's pipe or fitting thereof, and after giving to the owner of such connection, pipe or fitting not less than four days previous notice of his intention so to do, cause the said connection, pipe or fitting to be moved to such other position as he thinks fit and 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 all such work shall be carried out at the expense of the municipal fund and such new connection, pipe and fitting shall thereafter vest in the Corporation and be maintained at the charge of the municipal fund as a municipal water work]]

Provisions as to cisterns and other fittings, etc. to be used for connections with water works. 274. ⁵[(1) The Commissioner may, whenever it shall appear to him to be necessary, by written notice require the owner of any premises furnished with a private water supply from any municipal water work to provide such premises within a reasonable period which shall be prescribed in the said notice, with cisterns and fittings of such size, material, quality and description and placed in such position and with such safe and easy means of access as he thinks fit]

¹These words were substituted for the original by Bom 5 of 1938, s 24 (b)

²These sub-sections were substituted for the original, *ibid*, s 24 (c) and (d)

³This section was substituted for the original, *ibid*, s. 25

⁴This section was substituted for the original, *ibid*, s 26

⁵This section was substituted for the original *ibid* s 27 (a)

¹[(1A) The Commissioner may also in the like manner require the owner of any premises to provide such safe and easy means of access as he thinks fit to any existing cistern which on an examination under section 278 is found to be not easily accessible]

(2) The Commissioner shall also from time to time prescribe the size, material quality, description and position of the ²[pipes and fittings] to be employed for the ³[purpose] 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[(3) The Commissioner shall likewise prescribe the size, material, quality and description of the ⁵[pipes, cisterns and fittings] to be employed for the purpose of replacing any ⁶[pipes, cisterns and fittings] found on an examination under section 278 to be so defective that they cannot be effectively repaired.]

⁶[274A. (1) The Commissioner may, by written notice, require the owner of any premises furnished with a cistern or in respect of which the Commissioner has required a cistern to be furnished, to provide such cistern with a lock and key of such pattern, material and quality as the Commissioner shall in such notice

Provision
for keeping
cisterns
locked.

¹This sub-section was inserted, by Bom 5 of 1938 s. 27 (b)

²These words were substituted for the original, *ibid*, s 27 (c) (1)

³This word was substituted for the word " purposes", *ibid.*, s. 27 (c) (11)

⁴This sub-section was added by Bom. 8 of 1918, s 11 (b)

⁵These words were substituted for the original by Bom. 5 of 1938, s. 27 (d)

⁶This section was inserted, *ibid*, s. 28.

prescribe, and may in like manner require any lock or key found to be defective on an inspection under section 273 to be replaced.

(2) Every cistern so provided with a lock shall be kept permanently locked and the key shall then be delivered to the Commissioner.]

275. ¹[(1)] 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, ²[to keep in a thoroughly clean condition and to maintain and keep in efficient repair every supply and distributing pipe] conveying water from the said water-work to such premises and every meter for measuring water, not being a municipal meter and ³[every cistern and fitting] in or connected with any such pipe, so as effectually to prevent the water from running to waste. Communication-pipes, etc., to be kept in efficient repair by owner or occupier of premises

⁴[(2) When an occupier of any premises is served with a notice under sub-section (2) of section 273, he may, after giving to the person to whom he is responsible for the payment of his rent ⁵[three] days' notice in writing, himself have the repairs executed and in such event he shall be entitled to deduct from any rent due ⁶[or to become due] by him to such person the actual expenses incurred by him in complying with the notice served under sub-section (2) of section 273 : provided that nothing in this section shall effect the liabilities of parties under leases executed before the 1st day of April 1918]

276. (1) Where water is supplied by measurement, the Commissioner may either provide a meter and charge the consumer for the same such rent as shall from time to time be prescribed in this behalf by the standing committee, or may permit the consumer to provide a meter of his own of such size, material and description as the Commissioner shall approve for this purpose. Provision of meters when water is supplied by measurement.

⁷[Provided that if such consumer is an occupier of any premises, he shall not be provided with a meter or permitted to provide himself with a meter of his own, unless he complies with such conditions as may be prescribed by the Commissioner.]

(2) The Commissioner shall at all times keep all meters and other instruments for measuring water, let by him for hire to any person, in proper order for correctly registering the supply of water, and in default of his so doing such person shall not be liable to pay rent for the same during such time as such default continues.

277. Where water is supplied by measurement, the register of the meter or other instrument for measuring water shall be *prima facie* evidence of the quantity consumed. Register of meter to be evidence.

Inspection.

278. (1) The Commissioner may make an inspection of any premises to which a private water-supply is furnished by the corporation in order— Commissioner, etc., may inspect premises in order to examine meter, communication-pipes, etc.

(a) to remove, test, examine and replace any meter for measuring water : or

⁸[(b) to examine any supply or distributing pipe, cistern, lock or fitting ; or]

(c) to see if there be any waste or misuse of water.

⁹[(2) The Commissioner may, by written notice, require the owner or occupier of the premises to remedy any defect which shall be found to exist in or to clean, any such meter, not being a municipal meter let to him for hire, or any such supply or distributing pipe, cistern, lock or fitting.

¹ Section 275 was numbered sub-section (1) of section 275 by Bom. 8 of 1918, s. 12.

² These words were substituted for the original by Bom. 5 of 1938, s. 29 (a).

³ This sub-section was added by Bom. 8 of 1918.

⁴ These words were substituted for the original by Bom. 5 of 1938, s. 29 (b).

⁵ This proviso was inserted by Bom. 62 of 1954, s. 6.

⁶ This clause was substituted for the original by Bom. 5 of 1938, s. 30 (a).

⁷ This sub-section was substituted for the original, *ibid.*, s. 30 (b).

Cutting off private water-supply.

Power to cut off private water-supply or to turn off water.

279. (1) The Commissioner 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 ²[or hire of meter] ³[or expenses of any work done under or by virtue of the provisions of section 272, 276 or 287A] within fifteen days after a ⁴[notice of demand] for such tax or sum has been duly ⁵[served],

⁶[(b) if the owner of the premises neglects, within the period prescribed in this behalf in any notice given under sub-section (1) or (1A) of section 274 or under section 274A, to comply with any requisition made to him by the Commissioner regarding the provision of any cistern, fitting, lock or key or any means of access to such cistern ;

(c) if the owner or occupier of the premises fails, within the period prescribed in this behalf in any notice given under sub-section (2) of section 278, to comply with the terms of such notice or fails to use articles of the kind prescribed under sub-section (3) of section 274 ,]

(d) if after receipt of a written notice from the Commissioner requiring him to refrain from so doing, the owner or occupier of the premises continues —

(i) to use the water, or to permit the same to be used, in contravention of any by-law made under this Act or of any condition prescribed under sub-section (2) of section 169 ;

(ii) when payment for the water is made not by measurement to permit any person not residing on premises in respect of which water-tax is paid to carry away from such owner's or occupier's premises water derived from the municipal water-work ;

⁷[(e) if the owner or occupier of the premises wilfully or negligently injures or damages any meter, pipe, cistern or fitting or lock thereof in such premises ,]

⁸[(f) if the owner or occupier of the premises fails to comply with any requisition made on him by the Commissioner under sub-section (2) of section 287B, to furnish the name of the licensed plumber] :

⁹[Provided that—

¹⁰[(i) in any case under sub-clause (a) the Commissioner shall not take action unless not less than fifteen days previously a copy of the notice of demand in respect of the tax or sum has been affixed to a conspicuous part of the premises,]

¹¹[(ii) in cases under sub-clauses (a), (b), ¹²[(d) and (f)] the Commissioner shall not take action without the sanction of the standing committee,

¹³[(iii) in cases under sub-clauses (c) and (e) the Commissioner shall not take action unless written notice of not less than twenty-four hours has been given to the owner or occupier of the premises,]

¹ The words " with the sanction of the standing committee " were repealed by Bom 6 of 1913, s 2.

² These words were inserted by Bom. 5 of 1938, s. 31 (1).

³ These words and figures were inserted by Bom 10 of 1928, s 13 (a) (1).

⁴ The words " notice of demand " were substituted for the original word " bill ", *ibid*, s.13(a) (1).

⁵ This word was substituted for the word " presented " by Bom 20 of 1952, s.15

⁶ These clauses were substituted for the original by Bom 5 of 1938, s 31 (1) (b).

⁷ This clause was substituted for the original, *ibid*, s. 31 (c)

⁸ This clause was inserted by Bom. 8 of 1918, s 13 (d).

⁹ This proviso was added by Bom 6 of 1913, s 2.

¹⁰ New proviso (i) was inserted by Bom. 10 of 1928, s.13 (b) (1).

¹¹ Original provisos (i) and (ii) were renumbered as provisos (ii) and (iii) respectively, *ibid*, s. 13 (c).

¹² These letters, word and brackets were substituted for the original word, letter and brackets " and (d) " by Bom 8 of 1918, s 13 e).

¹[(w) in any case falling under sub-clause (b), the Commissioner shall not take action unless not less than fifteen days previously a copy of the notice under sub-section (1) or sub-section (1A) of section 274 or under section 274A, as the case may be, has been affixed to a conspicuous part of the premises,]

(2) The expense of cutting off the connection or of turning off the water in any such case as aforesaid shall be paid by the owner or occupier of the premises.

280. No person to whom water is supplied by measurement or on payment of a fixed periodical sum shall contravene any condition prescribed under sub-section (2) of section 169 for the use of such water, or permit any such condition to be contravened.

Conditions as to use of water not to be contravened.

²[280A. The Commissioner shall have the same powers and be subject to the same restrictions for carrying, renewing and repairing private water mains, pipes and ducts as he has and is subject to under the provisions hereinbefore contained for carrying, renewing and repairing private drains]

Powers of Commissioner to carry private mains through land belonging to other persons

281. No water-pipes shall be laid in a drain or on the surface of an open channel or house-gully or within twenty feet of a cesspool, or in any position where the pipe is likely to be injured or the water therein polluted, and no well or tank, and except with the consent of the Commissioner, no cistern shall be constructed within twenty feet of a ³[privy, water-closet or] cesspool.

Water-pipes, etc., not to be placed where water will be polluted.

282. (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.

283. (1) No person shall fraudulently—

(a) alter the index to any meter or prevent any meter from duly registering the quantity of water supplied;

(b) abstract or use water before it has been registered by a meter set up for the purpose of measuring the same.

Prohibition of fraud in respect of meters

(2) The existence of artificial means under the control of the consumer for causing any such alteration, prevention, abstraction or use shall be evidence that the consumer has fraudulently effected the same.

General Provisions.

284. No person shall wilfully or negligently—

(a) injure or suffer to be injured any meter belonging to the corporation or any of the fittings of any such meter;

Prohibition of wilful or neglectful acts relating to water works.

¹ This paragraph was added by Bom. 5 of 1938, s. 31 (d).

² This section was inserted by Bom. 8 of 1918, s. 14.

³ These words were inserted by Bom. 5 of 1905, s. 39.

(b) break, injure or open any lock, cock, valve, pipe, work, ¹[engine, cistern or fitting] 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 ²[or suffer any act to be done] 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,

³[(f) except with the permission of the Commissioner, open, break, injure or tamper with any lock furnished under section 274A]

Compensation to be payable by offenders against section 283 or 284.

285. Compensation shall be paid by the offender for any damage which the corporation sustains by reason of any contravention of section 233 or section 284.

What persons to be liable for offences under certain provisions of this Chapter

⁴[286. If it shall be shown that an offence against some provision of this Chapter or against some bye-law made under this Act at the time in force relating to water supply has occurred on any premises to which a private supply of water is furnished by the corporation, the owner, the person primarily liable for the payment of water tax and the occupier of the said premises shall be jointly and severally liable for the same]

When materials and works may be supplied and done under this Chapter for any person by the Commissioner

⁵[287. On the written request of any person who is required under any of the provisions of this Chapter to supply any materials, fittings, cistern or lock and key or to do any work, the Commissioner may, on such person's behalf, supply the necessary materials, fittings, cistern or lock and key, as the case may be, or cause the necessary work to be done, but he shall not do so in any case to which the provisions of section 493 or 495 will not apply, unless a deposit is first of all made by the said person of a sum which will, in the opinion of the Commissioner, suffice to cover the cost of the said material, fitting, cistern, lock and key or work]

Commissioner may execute works under this Chapter without allowing option to persons concerned of executing the same.

⁶[287A. (1) The Commissioner may, if he thinks fit, cause any work described in this Chapter to be executed ⁷[or any cistern to be supplied with a lock and key] 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 ⁷[or supplied] the option of doing ⁷[or supplying] the same]

(2) The expenses of any work so done ⁸[or of supplying such lock and key] 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 ⁸[or the supply of such lock and key] at the charge of the municipal fund.]

Work under Chapter X to be done by licensed plumber

⁹[287B. (1) No person other than a licensed plumber shall execute any work described in this Chapter, ¹⁰[(other than the provision of a lock and key)] and no person shall permit any such work to be executed except by a licensed plumber

¹ These words were substituted for " or engine " by Bom 5 of 1938, s 32 (a)

² These words were inserted by Bom 8 of 1918, s. 15

³ This clause was inserted by Bom 5 of 1938, s 32 (b).

⁴ This section was substituted for the original, *ibid*, s. 33

⁵ This section was substituted for the original, *ibid*, s 34

⁶ Section 287A was inserted by Bom. 5 of 1905, s 41

⁷ These words were inserted by Bom. 5 of 1938, s. 35

⁸ These words were inserted, *ibid*, s. 35

⁹ This section was inserted by Bom. 5 of 1938, s 17.

¹⁰ These words and brackets were inserted by Bom. 5 of 1938, s. 36 (J).

(2) Every person who employs a licensed plumber to execute any such work shall, when so required, furnish to the Commissioner the name of such plumber

¹[(3) Where any person causes or permits any pipe, cistern or fitting or other work necessary for conveying a private supply of water from a municipal water-work into any premises to be laid, applied or executed in contravention of sub-section (1), he shall, in addition to being liable to the penalty prescribed for such contravention, not be entitled to an independent or branch connection, until the defects, if any, in such pipe, cistern, fitting or work are removed to the satisfaction of the Commissioner]

288. The Commissioner may supply water from a municipal water-work to any local authority or person without ²[Greater Bombay] 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

Power to supply water without ²[Greater Bombay]

CHAPTER XI.

REGULATION OF STREETS.

Construction, Maintenance and Improvement of Public Streets

289. (1) All streets within ³[Greater Bombay] being or which at any time become public streets, and the pavements, stones and other materials thereof shall, vest in the corporation and be under the control of the Commissioner

Vesting of public streets in the corporation

Bom. VII of 1950

⁴[Provided that no public street which on the day immediately preceding the date of the coming into force of the Bombay Municipal (Extension of Limits) Act, 1950, ⁵[or the day immediately preceding the date of the coming into force of the Bombay Municipal [Further Extension of Limits and Schedule BBA (Amendment)] Act, 1956], vested in Government shall, unless the State Government so directs, vest in the corporation by virtue of this sub-section]

Bom. VIII of 1956

(2) The Commissioner shall from time to time cause all such streets to be levelled, metalled or paved, channelled, altered and repaired, as occasion shall require; he may also from time to time widen, extend or otherwise improve any such street or cause the soil thereof to be raised, lowered or altered and may place and keep in repair fences and posts for the safety of foot-passengers.

Powers of Commissioner in respect of public streets

Provided that no widening, extension or other improvement of a public street, the aggregate cost of which will exceed five thousand rupees, shall be undertaken by the Commissioner unless or until such undertaking has been authorised by the corporation.

(3) With the sanction of the corporation the Commissioner may permanently close the whole or any part of a public street: Provided that such sanction of the corporation shall not be given unless, one month at least before the meeting at which the matter is decided, a notice signed by the Commissioner has been put up in the street or part of a street which it is proposed to close, informing the residents of the said proposal, nor until the objections to the said proposal, if any, made in writing at any time before the day of the said meeting, have been received and considered by the corporation

290. Whenever any public street, or part of a public street, is permanently closed under section 289, the site of such street, or of the portion thereof which has been closed, may be disposed of as land vesting in the corporation

Disposal of land forming site of closed streets.

¹ This sub section was substituted for the original by Bom 5 of 1938, s 36 (2)

² These words were substituted for the words " the City " by Bom 64 of 1953, s 13

³ These words were substituted for the words " the City " by Bom. 7 of 1950, s. 6 (1)

⁴ This proviso was added, *ibid*, s 21

⁵ This portion was inserted by Bom 58 of 1956, s. 14.

Power to
make new
public
streets.

291. The Commissioner, when authorised by the corporation in this behalf may at any time—

(a) lay out and make a new public street,

(b) agree with any person for the making of a street for public use through the land of such person, either entirely at the expense of such person or partly at the expense of such person and partly at the expense of the corporation, and that such street shall become, on completion, a public street,

[(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.

Saving of
provisions of
sections 37
and 38, Bom.
Act VI of
1879

292. Nothing in sub-sections (1) and (3) of section 289, or in the two last preceding sections shall be deemed to affect the provisions of sections 37 and 38 of the Bombay Port Trust Act, 1879

Bom.
VI of
1879.

293. [*Permission to lay tramways or railways on public streets to need the sanction of the corporation and confirmation by Provincial Government*] Repealed by Bom. XLVIII of 1948, s 39

Minimum
width of new
public
streets

294. No new public street made under section 291 shall be less than forty feet in width if such street be made for carriage traffic, or twenty feet if such street be made for foot traffic only, and no steps and, except with the written permission of the Commissioner under section 310, no other projection shall extend on to any such street

Power to
construct or
adopt public
bridges, etc
over or under
railways, etc.

295. The Commissioner, 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 parts of public streets, or as property vesting in the corporation, or

(b) for the construction or alteration of any such bridge, viaduct or arch or for the purchase or acquisition of any adjoining land required for the foundation and support thereof or for the approaches thereto, either entirely at the expense of such person or partly at the expense of such person and partly at the expense of the corporation.

Power to
acquire
premises for
improvement
of public
streets

296. (1) The Commissioner may, subject to the provisions of sections 90, 91 and 92—

(a) acquire any land required for the purpose of opening, widening, extending or otherwise improving any public street or of making any new public street, and the buildings, if any, standing upon such land;

(b) acquire in addition to the said land and the buildings, if any, standing thereupon, all such land with the buildings, if any, standing thereupon, as it shall seem expedient for the corporation to acquire outside of the regular line, or of the intended regular line, of such street;

(c) lease, sell or otherwise dispose of any land or building purchased under clause (b).

(2) Any conveyance of land or of a building under clause (c) may comprise such conditions as the Commissioner thinks fit, as to the removal of the existing building, the description of new building to be erected, the period within which such new building shall be completed and other such matters.

¹ Clause (c) was inserted by Bom. 13 of 1933, s. 34.

Preservation of Regular Line in Public Streets.

¹[297. (1) The Commissioner may—

(a) prescribe a line on each side of any public street :

Prescribing
the regular
line of
a street.

²[Provided that in the case of any public street in the suburbs the regular line of a public street operative under any law in force in any part of the suburbs on the day immediately preceding the date of coming into force of the Bombay Municipal (Extension of Limits) Act, 1950, ³[and in the case of any public street in the extended suburbs the regular line of a public street operative under any law in force in any part of the extended suburbs on the day immediately preceding the date of the coming into force of the Bombay Municipal [Further Extension of Limits and Schedule BBA (Amendment)] Act, 1956] shall be deemed to be a line prescribed by the Commissioner under this clause]

Bom
VII of
1950.

Bom
LVIII
of
1956.

(b) from time to time, but subject in each case to his receiving the authority of the corporation in that behalf, prescribe a fresh line in substitution for any line so prescribed, or for any part thereof provided that such authority shall not be accorded—

(i) unless, at least one month before the meeting of the corporation at which the matter is decided, public notice of the proposal has been given by the Commissioner by advertisement in local newspapers as well as in the ⁴[*Official Gazette*], and special notice thereof, signed by the Commissioner, has also been put up in the street or part of the street for which such fresh line is proposed to be prescribed, and

(ii) until the corporation have considered all objections to the said proposal made in writing and delivered at the office of the municipal secretary not less than three clear days before the day of such meeting

(2) The line for the time being prescribed shall be called “the regular line of the street”

(3) No person shall construct any portion of any building within the regular line of the street except with the written permission of the Commissioner, who shall, in every case in which he gives such permission, at the same time report his reasons in writing to the standing committee]

298. (1) If any part of a building abutting on a public street is within the regular line of such street, the Commissioner may, whenever it is proposed—

Setting back
buildings to
regular line
of the street.

(a) to rebuild such building or to take down such building to an extent exceeding one-half thereof above the ground level, such half to be measured in cubic feet ; or

(b) to remove, re-construct or make any addition to any portion of such building which is within the regular line of the street,

in any order which he issues, under section 345 or 346, concerning the re-building alteration or repair of such building require such building to be set back to the regular line of the street

¹ Section 297 was substituted for the original section by Bom 5 of 1905, s. 42.

² This proviso was added by Bom 7 of 1950, s. 22.

³ These words, brackets and figures were inserted by Bom 58 of 1956, s. 15

⁴ The words “*Official Gazette*” were substituted for the words “*Bombay Government Gazette*” by the Adaptation of Indian Laws Order in Council.

(2) When any building, or any part thereof within the regular line of a public street, falls down, or is burnt down, or is taken down whether under the provisions of section 351 or 354 or otherwise, the Commissioner may at once take possession on behalf of the corporation of the portion of land within the regular line of the street theretofore occupied by the said building, and, if necessary, clear the same.

(3) Land acquired under this section shall thenceforward be deemed a part of the public street and shall vest, as such, in the corporation.

Acquisition of open land or of land occupied by platforms, etc., within the regular line of a street.

299. (1) If any land not vesting in the corporation, whether open or enclosed, lies within the regular line of a public street, and is not occupied by a building, or if a platform, verandah, step or some other structure external to a building abutting on a public street, or a portion of a platform, verandah, step or other such structure, is within the regular line of such street,

the Commissioner may, after giving to the owner of the land or building not less than seven clear days' written notice of his intention so to do, take possession on behalf of the corporation of the said land with its enclosing wall, hedge or fence, if any, or of the said platform, verandah, step or other such structure as aforesaid, or of the portion of the said platform, verandah, step or other such structure aforesaid which is within the regular line of the street, and, if necessary, clear the same and the land so acquired shall thenceforward be deemed a part of the public street.

(2) Provided that when the land or building is vested in ¹[the ²[Government] possession shall not be taken as aforesaid without the previous sanction of the Government concerned and, when the land or building is vested] in any corporation constituted by Royal Charter or by an Act of Parliament, ³[of the United Kingdom] or ⁴[by an Indian law,] possession shall not be taken as aforesaid without the previous sanction of ⁵[the ⁶[State] Government]

Setting forward of buildings to regular line of the street.

300. (1) If any building which abuts on a public street is in rear of the regular line of such street the Commissioner may, whenever it is proposed—

(a) to rebuild such building, or

(b) to alter or repair such building in any manner that will involve the removal or re-erection of such building, or of the portion thereof which abuts on the said street, to an extent exceeding one-half of such building or portion thereof above the ground-level, such half to be measured in cubic feet,

in any order which he issues, under section 345 or 346, concerning the re-building, alteration or repair of such building, permit or, with the approval of the standing committee, require such building to be set forward to the regular line of the street.

¹ These words were substituted for the words "Her Majesty or" by the Adaptation of Indian Laws Order in Council

² This word was substituted for the word "Crown" by the Adaptation of Laws Order, 1950

³ These words were inserted, *ibid*

⁴ The words "by an Indian law" were substituted for the words "of the Governor General of India in Council or of the Governor in Council" by the Adaptation of Indian Laws Order in Council

⁵ The words "the Provincial Government" were substituted for the word "Government", *ibid*.

⁶ This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950

(2) For the purposes of this section, a wall separating any premises from a public street shall be deemed to be a building; and it shall be deemed to be a sufficient compliance with a permission or requisition to set forward a building to the regular line of a street if a wall of such materials and dimensions as are approved by the Commissioner is erected along the said line.

301. ¹[(1) Compensation shall be paid by the Commissioner to the owner of any building or land acquired for a public street under section 298 or 299, for any loss which such owner may sustain in consequence of his building or land being so acquired and for any expense incurred by such owner in consequence of the order made by the Commissioner under either of the said sections; provided that any increase or decrease in the value of the remainder of the property of which the building or land so acquired formed part likely to accrue from the set-back to the regular line of the street shall be taken into consideration and allowed for in determining the amount of such compensation.]

(2) If, in consequence of any order to set forward a building made by the Commissioner under the last preceding section, the owner of such building sustains any loss or damage, compensation shall be paid to him by the Commissioner for such loss or damage.

¹ This sub section was substituted for the original one by Bom. 1 of 1925, s. 19.

(3) If the additional land which will be included in the premises of any person required or permitted under the last preceding section to set forward a building belongs to the corporation, the order or permission of the Commissioner to set forward the building shall be a sufficient conveyance to the said owner of the said land ; and the ¹[price to be paid to the corporation by the said owner for such additional land and the other] terms and conditions of the conveyance shall be set forth in the said order or permission.

(4) If, when the Commissioner requires a building to be set forward, the owner of the building is dissatisfied with ²[the price fixed to be paid to the corporation or any of the other] terms or conditions of the conveyance, the Commissioner shall, upon the application of the said owner at any time within fifteen days after the said terms and conditions are communicated to him, refer the case for the determination of the Chief Judge of the Small Cause Court, whose decision thereupon shall be conclusive

Provisions concerning private streets.

³302. (1) Every person who intends—

(a) to sell or let on lease any land subject to a covenant or agreement on the part of a purchaser or lessee to erect buildings thereon, or

(b) to divide land into building plots, or

(c) to use any land or permit the same to be used for building purposes, or

(d) to make or lay out a private street, whether it is intended to allow the public a right of passage or access over such street or not, shall give written notice of his intention to the Commissioner, and shall, along with such notice, submit plans and sections, showing the situation and boundaries of such building land and the site of the private street (if any) and also the situation and boundaries of all other land of such person of which such building land or site forms a part, and the intended development, laying out and plotting of such building land, and also the intended level, direction, and width and means of drainage of such private street and the height and means of drainage and ventilation of the building or buildings proposed to be erected on the land, and, if any building when erected will not abut on a street then already existing or then intended to be made as aforesaid, the means of access from and to such building.

(2) Nothing in this section or in section 302A, 302B, 303 or 304 shall be deemed to affect or to dispense with any of the requirements of Chapter XII]

³302A. If any notice given under section 302 does not supply all the information which the Commissioner deems necessary to enable him to deal satisfactorily with the case, he may, at any time within thirty days after receipt of the said notice, by written notice require the person who gave the said notice to furnish the required information together with all or any of the following documents, namely—

(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 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 ;

Notice to be given to Commissioner of intention to lay out lands for building and for private streets.

Commissioner may call for further particulars.

¹ These words were added by Bom. 7 of 1921, s 9(a).

² These words were substituted for the original words, *ibid.*, s 9 (b)

³ Sections 302, 302A, 302B, 303 and 304 were substituted for sections 302, 03 and 304 by Bom. 5 of 1920, s 3

(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 section for the laying out into streets, plots and open spaces of the other land of such person or of so much of such other land as the Commissioner shall consider necessary before applying to the standing committee for their approval of the determination of the Commissioner]

Commissioner may require plans to be prepared by licensed surveyor

¹[302B. The Commissioner may decline to accept any plan, section or description as sufficient for the purposes of section 302 or section 302A; which does not bear the signature of a licensed surveyor in token of its having been prepared by such surveyor or under his supervision.]

Laying out of land, private streets and buildings to be determined by Commissioner.

¹[303. (1) The laying out of land for building, the level, direction, width and means of drainage of every private street, and the height and means of drainage and ventilation of and access to all buildings to be erected on such land or in either side of such street shall be fixed and determined by the Commissioner with the approval of the standing committee with the general object of securing sanitary conditions, amenity, and convenience in connection with the laying out and use of the land and of any neighbouring lands.

(2) But if, within thirty days after the receipt by the Commissioner of any notice under section 302 or of the plans, sections, description, scheme or further information, if any, called for under section 302A, the disapproval by the Commissioner with regard to any of the matters aforesaid specified in such notice shall not be communicated to the person who gave the same, the proposals of the said person shall be deemed to have been approved by the Commissioner.]

Land not to be appropriated for building and private streets not to be laid out until expiration of notice nor otherwise than in accordance with Commissioner's directions.

¹[304. (1) No person shall sell, let or use or permit the use of, any land for building, or divide any land into building plots, or make or lay out or commence to make or lay out any private street, unless such person has given previous written notice of his intention as provided in section 302, nor until the expiration of sixty days from delivery of such notice, nor otherwise than in accordance with such directions (if any) as may have been fixed and determined under sub-section (1) of section 303.

(2) If any act be done or permitted in contravention of this section, the Commissioner may by written notice require any person doing or permitting such act on or before such day as shall be specified in such notice by a statement in writing subscribed by him in that behalf and addressed to the Commissioner, to show cause why the laying out, plotting, street or building contravening this section should not be altered to the satisfaction of the Commissioner, or, if that be in his opinion impracticable, why such street or building should not be demolished or removed or why the land should not be restored to the condition in which it was prior to the execution of the unauthorised work, or shall require the said person on

¹ Sections 302, 302A, 302B, 303 and 304 were substituted for sections 302, 303 and 304 by Bom. 5 of 1920, s. 3.

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 cause as aforesaid.

(3) If such person shall fail to show cause to the satisfaction of the Commissioner why such street or building should not be so altered, demolished or removed or why such land should not be so restored, the Commissioner may cause the work of alteration, demolition, removal or restoration to be carried out and the expenses thereof shall be paid by the said person.]

305. If any private street be not levelled, metalled or paved, sewered, drained, channelled and lighted to the satisfaction of the Commissioner, he may, with the sanction of the standing committee, by written notice require the owners of the several premises fronting or adjoining the said street or abutting thereon to level, metal or pave, drain and light the same in such manner as he shall direct.

306. (1) When any private street has been levelled, metalled or paved, drained, channelled and made good to the satisfaction of the Commissioner, he may and, upon the request of the owner or of any of the owners of such street, shall, lamps, lamp-posts and other apparatus necessary for lighting such street have been provided to his satisfaction ¹[and if all land-revenue payable to ²[the ³[State] Government] in respect of the land comprised in such street has been paid] by notice in writing put up in any part of such street, declare the same to be a public street, and thereupon the same shall become a public street :

(2) Provided that no such street shall become a public street if, within one month after such notice has been put up, the owner of such street or of the greater part thereof shall, by notice in writing to the Commissioner, object thereto.

(3) Nothing in this section shall be deemed to affect the provisions of sections 37 and 38 of the Bombay Port Trust Act, 1879.

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307. If a portion only of any street is a public street, within the meaning of that term as defined in clause (x) of section 3, the other portion of such street may for all purposes of sections 305 and 306 be deemed to be a private street.

Applicability
of sections
305 and 306
when a street
is in part
public and in
part private.

Projections and Obstructions.

308. (1) No person shall erect, set up or place against or in front of any premises any structure or fixture, which will—

(a) overhang, jut or project into, or in any way encroach upon, or obstruct the safe or convenient passage of the public along, any street, or

(b) jut or project into or encroach upon any drain or open channel in any street, so as in any way to interfere with the use or proper working of such drain or channel or to impede the inspection of cleansing thereof.

¹ These words were inserted by Bom. 19 of 1930, s 12

² The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

³ This word was substituted for the word "Provincial" by the Adaptation of Laws Order 1950.

Power to require removal of the same

(2) The Commissioner may, by written notice, require the owner or occupier of any premises to remove any structure or fixture which has been erected, set up or placed against, or in front of, the said premises in contravention of this section¹[or of section 196 of the² Bombay Municipal Act, 1872, ³or, of any provision of law in force on the day immediately preceding the date of the coming into force of the Bombay Municipal (Extension of Limits) Act, 1950]]⁴[or any provision of any law in force on the day immediately preceding the date of the coming into force of the Bombay Municipal (Further Extension of Limits and Schedule BBA (Amendment)] Act, 1956] or to alter the same in such manner as the Commissioner thinks fit to direct

(3) If the occupier of the said premises removes or alters any structure or fixture in accordance with such notice, he shall be entitled, unless the structure or fixture was erected, set up or placed by himself, to credit in account with the owner of the premises for all reasonable expenses incurred by him in complying with the said notice

Power to require removal or alteration of structures, etc., in suburbs [and extended suburbs]

309. ⁵[(1) If any such structure or fixture as is described in section 308 has been erected, set up or placed against, or in front of, any premises at any time—

(a) before the first day of April 1901, in the case of premises situated in an area in the suburbs which immediately before the date of the coming into force of the Bombay Municipal (Extension of Limits) Act, 1950⁶[or in the case of premises situated in an area in the extended suburbs which immediately before the date of the coming into force of the Bombay Municipal (Further Extension of Limits and Schedule BBA (Amendment)] Act, 1956] constituted a municipal district or municipal borough,

(b) before the date of the coming into operation of the ⁷[said Acts] in the case of premises situated in any area of the suburbs⁸[or, as the case may be, the extended suburbs] other than the area referred to in clause (a), and

(c) before the Bombay Municipal Act, 1872, came into force, in the case of premises situated in the city

the Commissioner may give notice as aforesaid to the owner or occupier of the said premises]

(2) But, if in any such case the structure or fixture shall have been lawfully erected, set up or placed, compensation shall be paid by the Commissioner to every person who sustains loss or damage by the removal or alteration thereof

Projections over streets may be permitted in certain cases.

310. (1) The Commissioner may give a written permission, on such terms as he shall in each case think fit, to the owner or occupier of any building abutting on any street—

(a) to erect an arcade over such street or any portion thereof, or

(b) to put up a verandah, balcony, sunshade, weather-frame or other such structure or thing projecting from any upper storey over any street or portion thereof :

¹ These words and figures were inserted by Bom 4 of 1888, s 6

² Bom 3 of 1872 was repealed by s 2 of this Act

³ These words, brackets and figures were inserted by Bom 7 of 1950, s 23

⁴ These words, brackets and figures were inserted by Bom 58 of 1956, s 16

⁵ Sub-section (1) was substituted for the original by Bom 7 of 1950, s 24

⁶ These words, brackets and figures were inserted by Bom 58 of 1956, s 17 (1) (i)

⁷ These words were substituted for the words " said Act ", *ibid*, s 17 (1) (ii).

⁸ These words were inserted, *ibid*

⁹ These words were added, *ibid*, s. 17 (2).

(2) Provided that no permission shall be given by the Commissioner for the erection of an arcade in any public street in which the construction of arcades has not been previously sanctioned by the corporation.

(3) The provisions of section 308 shall not be deemed to apply to any arcade, verandah, balcony, sunshade, weather-frame or other structure or thing erected or put under and in accordance with the terms of a permission granted under this section

311. The Commissioner may at any time, by written notice, require the owner of any premises on the ground-floor of which any door, gate, bar or window opens outwards upon a street, or upon any land required for the improvement of a street, in such manner as, in the opinion of the Commissioner, to obstruct the convenient passage of the public along such street to have the said door, gate, bar or window altered so as not to open outwards

312. (1) No person shall, except with the permission of the Commissioner under section 310 or 317, erect or set up any wall, fence, rail, post, step, booth or other structure or fixture in or upon any street or upon or over any open channel, well or tank in any street so as to form an obstruction to, or an encroachment upon, or a projection over, or to occupy, any portion of such street, channel, well or tank.

(2) Nothing in this section shall be deemed to apply to any erection or thing to which clause (c) of section 322 applies.

313. (1) No person shall, except with the written permission of the Commissioner,—
(a) place or deposit upon any street or upon any open channel, drain or well in any streets ¹[or in any public place] any stall, chair, bench, box, ladder, bale or other thing so as to form an obstruction thereto or encroachment thereon ;

¹ These words were inserted by Bom 19 of 1930, s 13.

(b) project, at a height of less than twelve feet from the surface of the street, any board, or shelf, beyond the line of the plinth of any building, over any street, or over any open channel, drain, well or tank in any street ;

(c) attach to, or suspend from, any wall or portion of a building abutting on a street, at a less height than aforesaid, anything whatever

(2) Nothing in clause (a) applies to building materials.

¹[313A. Except under and in conformity with the terms and provisions of Licence for a licence granted by the Commissioner in this behalf, no person shall hawk or expose for sale in any public place or in any public street any article whatsoever, whether it be for human consumption or not]

²[313B. Except under and in conformity with the terms and provisions of Licences for a licence granted by the Commissioner in this behalf, no person shall, for purposes of gain, use his skill in any handicraft or in rendering services to and for the convenience of the public in any public place or public street]

314. The Commissioner may, without notice, cause to be removed :—

(a) any wall, fence, rail, post, step, booth or other structure or fixture which shall be erected or set up in or upon any street, or upon or over any open channel drain, well or tank contrary to the provisions of sub-section (1) of section 312, after the same comes into force ³[in the city or, in the suburbs, after the date of the coming into force of the Bombay Municipal (Extension of Limits) Act, 1950 ⁴[or in the extended suburbs after the date of the coming into force of the Bombay Municipal [Further Extension of Limits and Schedule BBA (Amendment)] Act, 1956];]

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(b) any stall, chair, bench, box, ladder, bale, board or shelf, or any other thing whatever placed, deposited, projected, attached, or suspended in, upon, from or to any place in contravention of sub-section (1) of section 313 ;

⁵[(c) any article whatsoever hawked or exposed for sale in any public place or in any public street in contravention of the provisions of section 313A and any vehicle, package, box, board, shelf or any other thing in or on which such article is placed or kept for the purpose of sale]

315. (1) The Commissioner may, by written notice, require the owner or occupier of any premises contiguous to, or in front of, or in connection with which any wall, fence, rail, post, step, booth or other structure or fixture, which it would be unlawful to erect or set up after section 312 comes into force, has been erected or set up before the said section comes into force ⁶[in the city or, in the suburbs, before the date of the coming into force of the Bombay Municipal (Extension of Limits) Act, 1950 ⁸[or, as the case may be, in the extended suburbs

Bom
VII of
1950.

¹ Section 313A was added by Bom 1 of 1925, s. 19A.

² This section was inserted by Bom 5 of 1938, s. 37.

³ These words, brackets and figures were inserted by Bom 7 of 1950, s 25.

⁴ These words, brackets and figures were inserted by Bom 58 of 1956, s 18

⁵ Clause (c) was inserted by Bom 26 of 1956, s 2 (1)

⁶ This marginal note was substituted for the original, *ibid.*, s 2 (2).

⁷ These words, brackets and figures were inserted by Bom. 7 of 1950, s 26.

⁸ These words, brackets and figures were inserted by Bom. 58 of 1956, s 19.

before the date of the coming into force of the Bombay Municipal [Further Extension Bom. of Limits and Schedule BBA (Amendment)] Act, 1956,] to remove the said wall, fence, rail, post, step, stall or other structure or thing

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(2) But, if in any such case the structure or fixture shall have been lawfully erected or set up, compensation shall be paid by the Commissioner to every person who sustains loss or damage by the removal or alteration thereof

Prohibition
of the tether-
ing of animals
in the public
streets

316. (1) No person shall tether any animal or cause or permit the same to be tethered by any member of his family or household, in any public street

(2) Any animal tethered as aforesaid, may be removed by the Commissioner or by any municipal officer or servant, and made over to a police officer, or may be removed by a police officer, who shall deal therewith as with an animal found straying

Temporary Erections on Streets during Festivals

Commissioner
may permit
booths, etc.
to be erected
on streets on
festivals

317. With the concurrence of the Police Commissioner, the Commissioner may grant a written permission for the temporary erection of a booth and any other such structure on any street on occasions of ceremonies and festivals

Provisions concerning execution of works in or near to streets

Street when
broken up
for any muni-
cipal purpose
to be restored
without
delay.

318. Whenever the soil or pavement of any street is opened or broken up by or under the order of the Commissioner, or of any municipal officer or servant for the execution of any work on behalf of the corporation, the work on account of which the same shall have been opened or broken up shall be completed and the soil or pavement filled in, reinstated and made good with all convenient speed, and on completion of the work, the surplus of earth and materials, if any, excavated and all rubbish occasioned thereby shall be removed without delay.

Commissioner
may close
street in
which work
is in progress.

319. (1) The Commissioner may, whilst any such work as aforesaid or any work which may lawfully be executed in any street is in progress, direct that the said street shall be wholly or partially closed for traffic or for traffic of such description as he shall think fit; and shall set up in a conspicuous position an order prohibiting traffic to the extent so directed, and fix such bars, chains or posts across or in the street as he shall think proper for preventing or restricting traffic therein.

(2) No person shall, without the permission of the Commissioner or without the lawful authority, remove any bar, chain or post so fixed or infringe any order prohibiting traffic so set up.

Commissioner
to provide
for traffic,
etc., pending
execution
of municipal
work in any
street.

320. Whilst the execution of any work on behalf of the corporation is in progress in any street, the Commissioner shall, so far as may be reasonably practicable, make adequate provision for the passage or diversion of traffic for securing access to all premises approached from such street, and for any drainage, water-supply, or means of lighting which may be interrupted by reason of the execution of the said work and shall pay compensation to any person who sustains special damage by reason of the execution thereof.

321. (1) Whilst the execution of any work on behalf of the corporation is in progress in any street, the Commissioner shall—

Precautions to be taken for the public safety whilst municipal works are in progress in any street.

(a) take proper precaution for guarding against accident by shoring up and protecting the adjoining buildings;

(b) have any place where the soil or pavement has been opened or broken up, fenced and guarded;

(c) have a light sufficient for the warning of passengers set up and kept every night against any such place and against any bars, chains or posts set up under section 319, for so long as such place shall be continued open or broken up, or such bars, chains or posts shall remain set up

(2) No person shall, without the written permission of the Commissioner or without other lawful authority, remove any shoring-timber or fence, or extinguish any light, employed or set up for any of the purposes of this section

322. (1) No person other than the Commissioner or a municipal officer or servant shall, without the written permission of Commissioner or without other lawful authority,—

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 ;

(c) set up in any street any scaffold or any temporary erection for the purpose of any work whatever, or any posts, bars, rails, boards or other things by way of enclosure, for the purpose of making mortar or depositing bricks, lime, rubbish or other materials.

(2) Any permission granted under clause (b) or clause (c) shall be terminable at the discretion of the Commissioner, on his giving not less than twenty-four hours written notice of the termination thereof to the person to whom such permission was granted.

(3) Except in cases in which permission has been applied for under clause (b) of sub-section (1) for the deposit of building-materials in any street and no reply has been sent to the applicant within seven days from the date of the application the Commissioner 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-section (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-section (2).

323. Every person to whom any permission is granted under section 322 shall, at his own expense, cause the place where the soil or pavement has been opened or broken up or where he has deposited building-materials or set up any scaffold, erection or other thing, to be properly fenced and guarded, and in all cases in which the same is necessary to prevent accidents, shall cause such place to be well lighted during the night

Precautions for public safety to be taken by persons to whom permission is granted under sect on 322.

324. (1) Every person to whom permission is granted under section 322 to open or break up the soil or pavement of any street, or who, under other lawful authority, opens or breaks up the soil or pavement of any street, shall with all convenient speed complete the work for which the same shall be opened or broken up, and fill in the ground and reinstate and make good the street or pavement so opened or broken up without delay, to the satisfaction of the Commissioner.

Persons to whom permission is granted under sect. on 322 must reinstate streets, etc.

(2) If the said person shall fail to reinstate and make good the street or pavement as aforesaid, the Commissioner may restore such street or pavement, and the expenses incurred by the Commissioner in so doing shall be paid by the said person

325. The Commissioner may, by written notice, require any person to whom permission is granted under section 322 to open or break up the soil or pavement of any street, or who, under any other lawful authority, opens or breaks up the soil or pavement of any street, for the purpose of executing any work, to make provision to his satisfaction for the passage or diversion of traffic, for securing access to the premises approached from such street and for any drainage, water-supply or means of lighting which may be interrupted by reason of the execution of the said work.

Provisions to be made by persons to whom permission is granted under sect on 322 for traffic etc., when the r works interrupt streets.

326. (1) No person who proposes to build, take down or re-build any building or wall, or to alter or repair any part of any building or wall, shall, in any case in which the footway in any adjacent street will be thereby obstructed or rendered less convenient, commence doing so, without first having caused to be put up adjacent to a street.

Hoards to be set up during work on any building adjacent to a street.

¹ Sub-section (3) was inserted by Bom. 6 of 1913, s. 3.

a proper and sufficient hoard or fence, with a convenient platform and hand-rail, if there be room enough for the same and the Commissioner shall think the same desirable, to serve as a footway for passengers outside of such hoard or fence.

(2) No hoard or fence shall be so put up without the previous written permission of the Commissioner, and every such hoard or fence put up with such permission, with such platform and hand-rail as aforesaid, shall be continued standing and maintained in good condition to the satisfaction of the Commissioner, by the person who carries on the work, during such time as may be necessary for the public safety and convenience and in all cases in which the same is necessary to prevent accidents, the said person shall cause such hoard or fence to be well lighted during the night

(3) The Commissioner may, by written notice, require the person aforesaid to remove any hoard or fence so put up.

Naming of streets, etc.

Naming
streets, and
numbering
of premises]

327. (1) The Commissioner may, from time to time —

(a) with the sanction of the corporation, determine the name by which any street shall be known ;

(b) cause to be put up or painted on a conspicuous part of any house at or near each end corner or entrance to every street the name of such street as so determined ;

¹[(c) with the sanction of the corporation ²[determine the number or sub-number by which any premises or part thereof] shall be known,]

³[(d) by written notice require an owner of any premises or part thereof either to put up by means of a metal plate a number or sub-number on such premises or part thereof in such position and manner as may be specified in such notice or to signify in writing his desire that such work shall be executed under the orders of the Commissioner.].

(2) No person shall without the written permission of the Commissioner or without other lawful authority destroy, remove, deface or “[in any way injure or alter any such name, number or sub-number or allow or cause any metal plate bearing such number or sub-number to fall into disrepair or otherwise become illegible or put up or paint any name or put up any number or sub-number different from that put up or painted by order of the Commissioner] ;

⁴[(3) ⁵[Where a number or sub-number is put up on any premises or part thereof under the orders of the Commissioner in accordance with clause (d) of sub-section (1), the expenses of such work shall be payable by the owner of the premises or part thereof, as the case may be].

¹ Clauses (c) and (d) were substituted for the original clause (c) by Bom 2 of 1911, s 10 (1)

² These words were substituted for the words “ determine the number by which any premises ” by Bom 22 of 1956, s 2 (1) (a) (i)

³ This clause was substituted for the original, *ibid*, s 2 (1) (a) (ii)

⁴ This portion was substituted for the words beginning with the words “ in any way injure ” and ending with the words “ by order of the Commissioner ” *ibid*, s 2 (1) (b)

⁵ This subsection was added, by Bom 2 of 1911, s 10 (2)

⁶ This portion was substituted for the words beginning with the words “ were a number is put up ” and ending with words “ owner of the premises ” by Bom 22 of 1956, s. 2 (1) (c).

⁷ This word was substituted for the word “ houses ” *ibid*, s. 2 (1) (e)

Provided that the maximum rate of charge for such work shall be fixed by the Commissioner with the previous sanction of the corporation.

¹[*Explanation*—In this section ‘premises’ does not include land which is not built upon]

²[*Sky-signs and Advertisements*]

³328. (1) No person shall, without the written permission of the Commissioner Regulations erect, fix or retain any sky-sign, whether now existing or not ³[Where a sky-sign is a poster depicting any scene from a cinematographic film, stage play or other stage performance, such permission shall not be granted, unless prior scrutiny of such poster is made by the Commissioner and he is satisfied that the erection or fixing of such poster is not likely to offend against decency or morality No permission under this section] shall be granted, or renewed, for any period exceeding two years from the date of each such permission or renewal : ^{as to sky-signs.}

Provided that in any of the following cases a written permission or renewal by the Commissioner 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 ⁴[city engineer] ;

(b) if any change be made in the sky-sign, or any part thereof ;

¹ This explanation was added by Bom. 22 of 1956, s 2 (1)(b).

² This heading and new sections 328 and 328A were substituted for the original heading and section 328 by Bom 7 of 1921, s 10

³ These words were substituted for the words “no such written permission” by Mah 42 of 1976, s 9

⁴ The words “city engineer” were substituted for the words “executive engineer” by Bom 19 of 1930, s 6

(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 building or structure upon or over which the sky-sign is erected, fixed or retained become unoccupied or be demolished or destroyed

(2) Where any sky-sign shall be erected, fixed or retained after the ¹[coming into force of this section in the city or in the suburbs after the coming into force of Bom the Bombay Municipal (Extension of Limits) Act, 1950,] ²[or in the extended VII of 1950 suburbs after the coming into force of the Bombay Municipal [Further Extension of Limits and Schedule BBA (Amendment)] Act, 1956], upon or over any land, Bom building or structure, save and except as permitted as hereinbefore provided, the LVIII of 1956 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 section, 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 section, or after permission for the erection, fixing or retention thereof for any period shall have expired or become void, the Commissioner 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

The expression " sky-sign " shall in this section mean 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 ;

¹ These words, brackets and figures were substituted for the words " enactment of this section " by Bom. 7 of 1950, s 27.

² These words, brackets and figures were inserted by Bom. 58 of 1956, s 20.

(c) any word, letter, model, sign, device or representation as aforesaid, relating exclusively to the business of a railway company, and place 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

¹[328A. (1) No person shall, without the written permission of the Commissioner, erect, exhibit, fix or retain any advertisement whether now existing or not, upon any land, building, wall, hoarding or structure ²[Where an advertisement depicts any scene from a cinematographic film, stage play or other stage performance, such permission shall not be granted, unless prior scrutiny of such advertisement is made by the Commissioner and he is satisfied that the erection or exhibition of such advertisement is not likely to offend against decency or morality .]

Provided always that ³[any permission under this section] 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 , ⁴[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 :

⁵[Provided also that such permission shall not be necessary for a period of three years—

(i) after the coming into force of the Bombay Municipal (Extension of Bom. Limits) Act, 1950, in respect of advertisements upon a site in the suburbs VII of which was occupied by advertisements on the first day of January 1950

(ii) after the coming into force of the Bombay Municipal [Further Extension Bom. of Limits and Schedule BBA (Amendment)] Act, 1956, in respect of advertise- LVIII of ments upon a site in the extended suburbs which was occupied by advertisement 1956. on the first day of January 1956]

(2) Where any advertisement shall be erected, exhibited, fixed or retained after three months from the enactment of this section ⁶[or, as the case may be, the coming into force of the Bombay Municipal (Extension of Limits) Act, 1950] ⁷[or the coming into force of the Bombay Municipal [Further Extension of Limits and Schedule BBA (Amendment)] Act, 1956] upon any land, building, wall, hoarding or structure save and except as permitted or exempted from permission as herein- Bom. before provided, the owner or person in occupation of such land, building, wall, LVIII of 1956

¹ The heading and new sections 328 and 328A were substituted for the original heading and section 328 by Bom 7 of 1921, s 10

² These words were substituted by Mah 42 of 1976, s 10(a)

³ These words were substituted for the words "such permission", *ibid*, s 10(b)

⁴ These words were inserted by Bom. 19 of 1930, s 15(a)

⁵ This proviso was substituted by Bom. 58 of 1956, s 21(1)

⁶ These words, brackets and figures were inserted by Bom. 7 of 1950, s 28(b).

⁷ These words, brackets and figures were inserted by Bom 58 of 1956, s 2(2)

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 section, 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 section after the written permission for the erection, exhibition, fixing or retention thereof for any period shall have expired or become void, the Commissioner 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) ¹[(a)] The word "structure" in this section shall include ²[a tram-car, omnibus and any other vehicle and any moveable board] used primarily as an advertisement or an advertising medium ; ³[and

(b) the expression "illuminated advertisement" in this section shall not include an illuminated display of goods, if such display

(i) is of goods merely bearing labels showing the name of the article or of its manufacturer or of both, and

(ii) is made by lighting which is not, in the opinion of the Commissioner, more than is necessary to make the goods and labels visible at night.]

¹ The brackets and letter "(a)" were inserted by Bom 12 of 1935, s. 2 (1).

² These words were substituted for the words "any moveable board on wheels" by Bom. 19 of 1930, s 15 (b)

³ These words, brackets, figures and letter were added by Bom. 12 of 1935, s. 2 (2).

Dangerous places.

329. (1) If any place is, in the opinion of the Commissioner, from want of sufficient repair, protection or enclosure, or owing to some work being carried on thereupon, dangerous to passengers along a street, or to persons, other than the owner or occupier of the said place, who have legal access thereto or to the neighbourhood thereof, he may, by notice in writing, require the owner or occupier thereof to repair, protect or enclose the said place or take such other step as shall appear to the Commissioner necessary, in order to prevent danger therefrom.

(2) The Commissioner may, before giving any such notice or before the period of any such notice has expired, take such temporary measures as he thinks fit to prevent danger from the said place. Any expense incurred by the Commissioner in taking such temporary measures shall be paid by the owner or occupier of the place to which the said notice refers.

Lighting of streets.

330. The Commissioner shall—

(a) take measures for lighting in a suitable manner the public streets and municipal markets and all buildings vesting in the corporation; and

(b) procure, erect and maintain such a number of lamps, lamp-posts and other appurtenances as may be necessary for the said purpose, and

(c) cause such lamps to be lighted by means of oil, gas, electricity or such other light as the corporation shall from time to time determine; and may—

(d) place and maintain electric wires for the purpose of lighting such lamps under, over, along or across, and posts, poles, standards, stays, struts, brackets, and other contrivances for carrying, suspending or supporting lamps or electric wires in or upon, any immovable property without being liable to any claim for compensation thereanent:

Provided that such wires, posts, poles, standards, stays, struts, brackets and other contrivances shall be so placed as to occasion the least practicable inconvenience or nuisance to any person.

331. No person shall, without lawful authority, take away or wilfully break, throw down or damage—

(a) any lamp, lamp-post or lamp-iron set up in any public street or any municipal market or building vesting in the corporation;

(b) any electric wire for lighting any such lamp;

(c) any post, pole, standard, stay, strut, bracket or other contrivance for carrying, suspending or supporting any such electric wire or lamp;

and no person shall wilfully extinguish the light or damage any appurtenance of any such lamp.

332. If any person shall, through negligence or accident, break any lamp set up in any public street or municipal market or building vesting in the corporation, he shall pay the expenses of repairing the damage so done by him,

Public streets
to be lighted.

Prohibition
of removal,
etc., of lamps.

Persons
accidentally
breaking
lamp to
repair the
damage.

Manner of laying gas-pipes.

333. (1) No gas-pipe shall be laid in a drain or on the surface of an open channel or house-gully.

(2) Gas-pipes shall be laid at the greatest practicable distance from water-pipes, having regard to the width of the street. Where the width of the street will allow of it, the said distance shall not be less than four feet.

(3) When it is necessary for a gas-pipe to cross a water-pipe, a gas-pipe shall, if practicable, be laid above the water-pipe. A gas-pipe so laid shall be at least nine feet in length and, as nearly as the situation will admit of, shall be so placed as to form with the water-pipe a right angle and so that no joint in the gas-pipe will be nearer to any water-pipe than four feet. The greatest practicable distance shall be kept between a water-pipe and a gas-pipe which crosses it, and the gas-pipe shall, throughout its entire length, be sufficiently bedded in with good sound clay or other fit material of a proper consistence, which shall be well worked and rammed into a trench all round the gas-pipe.

(4) If any gas-pipe be laid in any way contrary to the provisions of this section the Commissioner may make such alteration with respect to such pipe as he shall think necessary and the expenses thereof shall be paid by the person under whose order or management the pipe has been laid.

Situation of gas-pipes, etc., may be altered by Commissioner

334. (1) The Commissioner may, whenever for any of the purposes of this Act it shall appear to him necessary, by written notice, require the owner of any gas-pipe or of any other gas-work laid in any street to raise, sink or otherwise, alter the situation of such pipe or work.

(2) Every alteration required to be made under sub-section (1) shall be made at the charge of the municipal fund, and compensation shall be paid to the owner by the Commissioner for the damage, if any, which he sustains by reason of such alteration.

(3) Provided that no such alteration shall be made which will prevent gas passing through any pipe or work as freely and conveniently as, having regard to all the requirements of this Act, is practicable.

Buildings, etc., not to be erected without permission over municipal gas-pipes.

335. (1) Without the written permission of the Commissioner, no building, wall or other structure shall be newly erected, and no street or railway shall be constructed over any gas-pipe belonging to the corporation.

(2) If any building, wall or other structure be so erected, or any street or railway be so constructed, the Commissioner may, with the approval of the standing committee, cause the same to be removed or otherwise dealt with as to the Commissioner shall appear fit, and the expenses thereby incurred shall be paid by the person offending.

Watering of Streets.

Measures for watering.

336. The Commissioner may—

(a) take measures for having the public streets watered at such time and seasons and in such manner as he shall think fit;

(b) procure and maintain such water-carts, animals and apparatus as he shall think fit for the said purpose.

CHAPTER XII.

BUILDING REGULATIONS.

Notices regarding Erection of Buildings.

337. (1) Every person who shall intend to erect a building shall give to the Commissioner notice of his said intention in a form, obtained for this purpose under section 344, specifying the position of the building intended to be erected, the description of building, the purpose for which it is intended, ^{1*} its dimensions ²[and the name of the person whom he intends to employ to supervise its erection] Notice to be given to Commissioner of intention to erect a building.

³[(2) In this Chapter "to erect a building" means—

(a) newly to erect a building, or

(b) to re-erect—

(i) any building of which more than three-quarters of the cubical contents of the building above the level of the plinth have been pulled down, or

(ii) any masonry walled building of which more than three-quarters of the superficial area of the external walls above the level of the plinth has been pulled down, or

(iii) any frame-building of which more than three-quarters of the number of posts have been pulled down, or

(c) to convert into a dwelling-house any building not originally constructed for human habitation, or

(d) to convert into more than one dwelling-house a building originally constructed as one dwelling-house only ;

and a dwelling so erected, re-erected or converted is called in this Chapter "a new building."

⁴338. (1) At any time within thirty days after receipt of any notice under section 337, the Commissioner may, by written notice, require the person who has given the notice first herein before in this section mentioned, to furnish to the Commissioner all or any of the following documents, namely :— Commissioner may require plans and other documents to be furnished

⁵[(a) correct plans and sections of every floor of the building intended to be erected, which shall be drawn to a scale of not less than one inch to every eight feet and shall show the position, form, dimensions and means of ventilation of and of access to the several parts of such building and its appurtenances, ⁶[and the particular part or parts thereof which are, and those which are not, intended to be used for human habitation] and in the case of a building intended to be used as a dwelling-house for two or more families or for carrying on any trade or business in which a number of people exceeding twenty may be employed or as a place of public resort, the means of ingress and egress. Such plans and sections shall also show the depth and nature of the foundations and the proposed dimensions of all the walls, posts, columns, beams, joists and all girders and scantlings to be used in the walls, staircases, floors, and roofs of such building.]

⁷[(b) a specification of each description of work proposed to be executed and of the materials to be employed. Such specification shall include a description of the proposed method of drainage of the building intended to be erected and of

¹ The word "and" repealed by Bom. 5 of 1905, s 44, is omitted

² These words were added, *ibid.*

³ This sub-section was substituted for the original sub-section (2) by Bom. 1 of 1916 s 4

⁴ Section 338 was re-numbered section 338 (1) by Bom. 5 of 1905, s 45 (1)

⁵ Clause (a) was substituted for the original clause (a) by Bom 5 of 1905, s 45 (2).

⁶ These words were inserted by Bom. 1 of 1916, s 5 (1).

⁷ Clause (b) was substituted for the original clause (b) by Bom. 5 of 1905, s 45 (2)

the sanitary fittings to be used and also of the means of water-supply and shall if required by the Commissioner, be supplemented by detailed calculations showing the sufficiency of the strength of any part of such building.]

(c) a block plan of such building which shall be drawn to ¹[the scale of the largest revenue survey map at the time being in existence for the locality in which the building is, or is to be situated] and shall show the position and appurtenances of the properties, if any, immediately adjoining, the width and level of the street, if any, in front and of the street, if any, at the rear of such building, the levels of the foundations and lowest floor of such building and of any yard or ground belonging thereto ²[and the means of access to such building.]

(d) a plan showing the intended line of drainage of such building, and the intended size, depth and inclination of each drain, and the details of the arrangement proposed for the ventilation of the drains'

³(2) At any time within the said period the Commissioner may also by written notice require the said person to open for inspection any portion or portions of the intended foundations or any portion or portions of the foundations or walls of the existing building]

Commissioner may require plans etc., submitted under last preceding section, to be prepared by a licensed surveyor

339. The Commissioner may decline to accept any plan, section or description as sufficient for the purposes of the last preceding section, which does not bear the signature of a licensed surveyor in token of its having been prepared by such surveyor or under his supervision

Additional information and the attendance of the person who gave the notice may be required

340. If the notice given under section 337 and the documents, if any, furnished under section 338 do not supply all the information which the Commissioner deems necessary to enable him to deal satisfactorily with the case, the Commissioner may, at any time within thirty days after receipt of the said documents, by written notice, require the production of such further particulars and details as he deems necessary.

Effect of non-compliance with requisition under section 338 or 340.

341. If any requisition made under section 338 or 340 is not complied with, the notice given under section 337 shall be deemed not to have been given

Notices regarding Execution of Works not amounting to the Erection of a building.

Notice to be given to the Commissioner of intention to make additions, etc. to a building

342. Every person who shall intend—

(a) to make any addition to a building, or

(b) to make any alteration or repairs to a building, not being a frame-building, involving the removal or re-erection of any external or party-wall thereof or of any wall which supports the roof thereof, to an extent exceeding one-half of such wall above the ⁴[plinth level], such half to be measured in superficial feet, or

(c) to make any alteration or repairs to a frame-building, involving the removal or re-erection of more than one-half of the posts in any such wall thereof as aforesaid, ⁵[or involving the removal or re-erection of any such wall thereof as aforesaid to an extent exceeding one-half of such wall above plinth level], such half to be measured in superficial feet, or

¹ These words were substituted for the words "a scale of not less than one inch to every forty feet" by Bom. 1 of 1916, s 5 (2).

² These words were added by Bom. 5 of 1905, s 45 (3).

³ Sub-section (2) was inserted, *ibid*, s. 45 (4)

⁴ These words were substituted for the words "ground level" by Bom 1 of 1916, s 6 (1)

⁵ These words were inserted by *ibid*, s 6 (2)

¹[(x) to make any alteration in a building involving—

(i) the sub-division of any room in such building so as to convert the same into two or more separate rooms,

(ii) the conversion of any passage or space in such building into a room or rooms, or]

(d) to remove or reconstruct any portion of a building abutting on a street which stands within the regular line of such street, shall give to the Commissioner, in a form obtained for this purpose under section 344, notice of his said intention, specifying the position of the building in which such work is to be executed, ^{2*} the nature and extent of the intended work, ³[the particular part or parts, if any, of such work which is or are intended to be used for human habitation] ⁴[and the name of the person whom he intends to employ to supervise its execution]

343. (1) If any notice given under the last preceding section does not supply all the information which the Commissioner deems necessary to enable him to deal satisfactorily with the case, he may, at any time within thirty days after receipt of the said notice, by written notice, require the person who gave the notice first hereinbefore in this section mentioned to furnish plans and sections ⁵[of the building and] of the intended new work or of any specified portion of the intended new work, ⁶[and the provisions of sections 338, 339, 340 and 341 shall apply to the intended new work so far as the Commissioner may consider them to be applicable].

⁷(2) The Commissioner may also, at any time within the said period by written notice require the said person to open for inspection any portion or portions of the foundations or walls of the existing building]

Forms of notices

344. (1) The Commissioner shall cause printed forms of notices for the purposes of section 337 or 342 to be delivered to any person requiring the same, on payment of such fee not exceeding eight annas for each form as shall from time to time be prescribed in this behalf by the Commissioner, with the approval of the standing committee

(2) There shall be printed on the reverse of every such notice, or on a separate paper supplied without extra charge therewith, a copy of sections 337, 338, 339, 340, 341, 342, 343, ⁸[344A], 345, 346, 347, 348, ⁹[349, 349A, 349B], ¹⁰[349C and 349D] and of all by-laws made under clauses (c), (d) and (e) of section 461 at the time in force

Commencement of work.

¹¹[344A. (1) Every person who intends to erect a building, or execute any such work as is described in section 342, shall employ a person, who shall be competent to the satisfaction of the Commissioner, to supervise the erection of such building or the execution of such work.

¹ This clause was inserted by Bom. 6 of 1916, s. 5

² The word "and" repealed by Bom. 5 of 1905, s. 46, is omitted.

³ These words were inserted by Bom. 1 of 1916, s. 6 (3).

⁴ These words were added by Bom. 5 of 1905, s. 46.

⁵ These words were inserted, *ibid* s. 47 (1)

⁶ These words were substituted for the original words, *ibid*

⁷ Sub-section (2) was substituted for the original sub-section, *ibid*, s. 47. (2)

⁸ These figures and letter were inserted, *ibid*, s. 43 (a)

⁹ These figures and letters were substituted for the original word and figures *ibid*, s. 43 (b).

¹⁰ These figures and letters were substituted for the original word, figures and letter by Bom. 2 of 1911, s. 11

¹¹ Section 344A was inserted by Bom. 5 of 1905, s. 49.

(2) The Commissioner may in each case require that the person to be so employed shall be a licensed surveyor; and the Commissioner shall, within seven days from the receipt of the notice of intention under section 337 or 342, as the case may be—

(a) approve the person named therein to supervise the building or work, or

(b) return the said notice for amendment if the person so named—

(i) is not a licensed surveyor, and

(ii) is not, in the opinion of the Commissioner, a fit and proper person to supervise such building or work.

(3) A notice of intention returned for amendment under sub-section (2) shall be deemed not to have been given until it has been re-submitted duly amended.

(4) Where the person so employed dies or ceases to be so employed before such building or work is completed, the further erection of such building, or the further execution of such work, shall forthwith be suspended until—

(a) a licensed surveyor whose name shall be forthwith reported to the Commissioner, or

(b) another person approved by the Commissioner has been so employed]

When building or work may be proceeded with.

345. If within thirty days after receipt of any notice under section 337 or 342, or of the plan, section, description or further information, if any, called for under section 338, 340 or 343, as the case may be, the Commissioner fails to intimate in writing, to the person who has given the said notice, his disapproval of the building which the said person proposes to erect, or of the work which he proposes to execute;

or if, within the said period, the Commissioner signifies in writing to the said person his approval of the said building or work;

the said person may, at any time within one year from the date of the delivery of the notice to the Commissioner, proceed with the said building or work in accordance with his intention as described in the notice or in any of the documents aforesaid, but not so as to contravene any of the provisions of this Act or any by-law made under this Act at the time in force.

Building or work which is disapproved by the Commissioner may be proceeded with, subject to terms

346. (1) If the Commissioner disapproves of any building or work of which notice has been given as aforesaid or of any portion or detail thereof, by reason that the same will contravene some provision of this Act or some by-law made hereunder at the time in force or will be unsafe, he may, at any time within thirty days of the receipt of the notice or of the plan, section, description or further information if any, called for under section 338, 340, or 343, as the case may be, by a written notice intimate to the person who gave the notice first hereinbefore in this section mentioned his said disapproval and the reason for the same, and prescribed terms subject to which the building or work may be deemed to be approved by him.

(2) The person who gave the notice concerning any such building or work may proceed with the same, subject to the terms prescribed as aforesaid but not otherwise, at any time within one year from the date of receipt by him under sub-section (1) of the written notice in this behalf, but not so as to contravene any of the provisions of this Act or any by-law made hereunder at the time in force.

When work may be commenced.

347. (1) No person shall commence to erect any building or to execute any such work as is described in section 342—

(a) until he has given notice of his intention as hereinbefore required to erect such building or execute such work and the Commissioner has either intimated his approval of such building or work or failed to intimate his disapproval thereof within the period prescribed in this behalf in section 345 or 346;

1[(aa) until he has given notice to the municipal 2[city engineer] of the proposed date of commencement. Where the commencement does not take place within seven clear days of the date so notified, the notice shall be deemed not to have been given :]

(b) after the expiry of the period of one year prescribed in sections 345 and 346, respectively, for proceeding with the same.

(2) If a person, who is entitled under section 345 or 346 to proceed with any building or work, fails so to do within the period of one year prescribed in the said sections, respectively for proceeding with the same, he may at any subsequent time give a fresh notice of his intention to erect such building or execute such work, and thereupon the provisions hereinbefore contained shall apply as if such fresh notice were a first notice of such person's intention.

3[347A. No person shall, without the written permission of the Commissioner,—

(a) use or permit to be used for human habitation any part of a building not originally constructed or authorised to be used for that purpose, or

(b) convert into, or use, or permit to be used, as a chawl or building intended to form a range or separate rooms for lodgers, a building not originally designed or authorised to be so used.

Building not to be converted to other purposes without the permission of the Commissioner.

4[347B. No person shall without the written permission of the Commissioner or otherwise than in conformity with the terms of such permission use or permit to be used any building or any part of a building originally constructed or authorised to be used for human habitation as a godown, warehouse, workshop, workplace, factory, stable or a motor garage.]

Building for human habitation not to be used as godown, etc.

5[347C. No person shall without the written permission of the Commissioner or otherwise than in conformity with the terms of such permission make any alteration or cause any alteration to be made in an existing building originally constructed or authorised to be used for human habitation for the purpose of using it or causing it to be used as a godown, warehouse, workshop, workplace, factory, stable or mortgage]

No alterations to be made in buildings for human habitation without written permission of Commissioner.

Provisions as to structure, materials, etc.

348. (1) With respect to buildings which are to be newly erected 5* * * the following provisions shall have effect, namely :—

Provisions as to buildings which are to be newly erected

(a) The erection of any such building on either side of a new street may be disapproved by the Commissioner, unless and until such new street has been levelled, metalled or paved, sewered and drained to the satisfaction of the Commissioner.

(b) The erection of any such building in any part of 6[Greater Bombay] in which the position and direction of the streets likely to be required in the future have not yet been laid down or determined shall, with the assent of the standing committee disapproved by the Commissioner, unless the site proposed for such building is, in the opinion of the Commissioner, such as, with reference to the positions occupied by the buildings, if any, already existing in the neighbourhood, will admit of the construction in the future of one or more new streets convenient for

¹ Clause (aa) was inserted by Bom. 5 of 1905, s. 50.

² The words " city engineer " were substituted for the words " executive engineer " by Bom. 19 of 1930, s. 6

³ Section 347A was inserted by Bom. 1 of 1916, s. 7.

⁴ Sections 347B and 347C were inserted by Bom. 76 of 1948, s. 25.

⁵ Words, repealed by Act 5 of 1905, are omitted.

⁶ These words were substituted for the words " the city " by Bom. 7 of 1950, s. 6 (2).

the occupiers of all the buildings in the neighbourhood and for the purposes of drainage, water-supply and ventilation : Provided that any person whose building is so disapproved may, by written notice to the Commissioner, require that the position and direction of the future streets in the vicinity of his intended building be forthwith laid down and determined, and if such requisition be not complied within six months from the date thereof, may, subject to all other provisions of this Act applicable thereto, proceed with the erection of his building

(c) The foundation of any such building shall not be constructed on any site which has been filled up with, or has been used as a place for depositing, excrementitious matter or the carcasses of dead animals or other filthy or offensive matter, until such matter shall have been properly removed to the satisfaction of the Commissioner.

(d) Every such building intended to be used as a dwelling shall be built with a plinth at least two feet above the centre of the nearest street and not below such standard level as may be fixed by the Commissioner in this behalf.

* * (e) In addition to any means of ventilation required by any by-law made under this Act at the time in force, every such building intended to be used as a dwelling shall be so constructed that the whole of at least one side of every room thereof shall either be an external wall or abut on an interior open space. Such external wall, except where it faces a street of not less than fifteen feet in width, shall have between it and the boundary line of the owner's premises an open space, extending throughout the entire length of such wall, at least two feet wide or, in the case of a chawl or building intended to form a range of separate rooms for lodgers, at least five feet wide. Such interior open space shall have an area equal to not less than one-tenth of the aggregate floor-area of all the rooms abutting thereon and shall not be in any direction less than six feet across. And every open space, whether exterior or interior, required by this clause, shall be and be kept free from any erection thereon and open to the sky, and shall be and be kept open to access from each end thereof.

(f) Every room intended to be inhabited in any such building, except a room in the roof thereof, shall be in every part at least ²[ten] feet in height from the floor to the ceiling.

(g) Every such room in the roof of any such building shall have an average height of at least ³[eight] feet from the floor to the ceiling ⁴[and a minimum height of not less than four feet].

(h) Every such room shall have a clear superficial area of not less than ⁵[one hundred] square feet.

(j) In addition to any means of ventilation required by any by-law made under this Act at the time in force, every such room shall be ventilated by means of doors or windows which open directly into the external air and have an aggregate opening equal to not less than one-fourth of the superficial area of the side of the room which faces an open space.

¹ The original clause (c) was a deleted by Bom. 5 of 1905, s. 51(b) and the subsequent clauses were numbered accordingly.

² The word "ten" was substituted for the word "eight" by Bom. 5 of 1905, s. 51(c).

³ The word "eight" was substituted for the word "seven", *ibid.*, s. 51(d) (1).

⁴ These words were inserted, *ibid.*, s. 51 (d) (11)

⁵ The words "one hundred" were substituted for the word "eighty", *ibid.*, s. 51(e).

(k) Huts or sheds, or ranges or blocks of huts or sheds, whether the same are to be used as dwellings or stables or for any other purpose, shall be built, if the Commissioner thinks fit so to require,—

(i) so that they may stand in regular lines, with a free passage or way in front of and between every two lines of such width as the Commissioner thinks proper for ventilation and for facilitating scavenging ; and

(ii) with such and so many privies, latrines or urinals and such means of drainage as the Commissioner deems necessary, and

(iii) at such a level as will suffice for the means of drainage required by the Commissioner.

(2) Nothing in clause (a) shall be deemed to affect the power of [the Central Government] to determine, under section 38 of the Bombay Port Trust Act, 1879, any dispute which arises between the Trustees of the Port of Bombay and the Commissioner as to whether any road within the limits of the property of the said trustees has been duly levelled, metalled or paved, sewered and drained.

349. (1) No external wall and no covering of a roof built or renewed since the Bombay Municipal Act, 1872¹, came into force shall, except with the written permission of the Commissioner, consist of wood, cloth, canvas, grass, leaves, mats or any other inflammable material. Roofs and external walls of buildings not to be of inflammable materials.

(2) If any external wall or covering of a roof is or has been, since the said Act came into force, constructed of any such material, the Commissioner may, by written notice, require the owner or occupier of the building to which such wall or roof appertains to remove such wall or covering

³[(3) In relation to buildings in the suburbs ⁴[or, as the case may be, the extended suburbs] the provisions of this section shall apply as if for the reference in sub-sections (1) and (2) to the Bombay Municipal Act, 1872, reference had been made to the Bombay Municipal (Extension of Limits) Act, 1950 ⁵[or, as the case may be, the Bombay Municipal [Further Extension of Limits and Schedule BBA (Amendment)] Act, 1956]

Provided that nothing in sub-section (2) shall prevent the Commissioner from requiring the removal of any external wall or covering if it was built or renewed or retained in contravention of any law in force in the suburbs immediately before the coming into force of the Bombay Municipal (Extension of Limits) Act, 1950 ⁶[or, as the case may be, in force in the extended suburbs immediately before the coming into force of the Bombay Municipal [Further Extension of Limits and Schedule BBA (Amendment)] Act, 1956]

⁷[349A. (1) Except with the written permission of the Commissioner, no building shall be erected or raised to a greater height than seventy-feet as measured from the level of the centre of the street in front— Maximum height of buildings.

(a) in the case of a pitched roof, up to the tie-beam of the roof, and

(b) in the case of a flat roof up to the surface of the roof

¹ The words " the Central Government " were substituted for the word " Government " by the Adaptation of Indian Laws Order in Council.

² Bom 3 of 1872 was repealed by s 2 of this Act

³ Sub section (3) and proviso were added by Bom 7 of 1950, s 29

⁴ These words were inserted by Bom. 58 of 1956, s 22 (i).

⁵ These words, brackets and figures were inserted, *ibid*, s 22 (ii)

⁶ These words, brackets and figures were inserted, *ibid*, s 22 (iii).

⁷ Sections 349A and 349B were inserted by Bom. 5 of 1905, s 52.

(2) In the case of a pitched roof, the roof above that height shall rise at an angle of not more than forty-five degrees

(3) In the case of a flat roof, a parapet of not more than three feet in height may be constructed above the maximum height specified in sub-section (1)]

Height of buildings with reference to width of streets.

¹[349B. Subject to the maximum prescribed by section 349A, the height to which a building may be erected or raised shall be regulated by the width of the street on which it abuts, in accordance with the following rules, namely :—

(1) if the width of the street does not exceed twenty-six feet, the building shall not be erected or raised to a height greater than one and one-half times the width of the street ,

(2) if the width of the street exceeds twenty-six feet but does not exceed forty feet, the building shall not be erected or raised to a height greater than forty feet ; and

(3) if the width of the street exceeds forty feet, the building shall not be erected or raised to a height greater than the width of such street ,

(4) where the building abuts upon more than one street, its height shall be regulated by the wider of such streets so far as it abuts upon such wider street and also, to a distance of eighty feet from such wider street, so far as it abuts upon the narrower of such streets

Proviso in case of set-back.

Provided that, if the face of the building is set-back from the street at any height not exceeding the height specified in sub-section (1), sub-section (2), or sub-section (3), as the case may be, such building may be erected or raised to a height greater than that so specified but not so that any portion of the building shall intersect any of a series of imaginary straight lines drawn from the line of set-back, in the direction of the portion set-back, at an angle of forty-five degrees with the horizontal]

Frame buildings.

²[349C. After the commencement of this Act no building the external walls of which are of timber-framed construction shall be erected or re-erected so as to consist of more than one ground floor and one upper storey .

Provided that the Commissioner may by special order grant permission for the erection of such a building of more than two storeys or for the construction of one or more additional storeys if satisfied that such building will be or is of thoroughly sound material and construction and can safely support the same]

Provision of sufficient means of egress.

³[349D. Where the Commissioner is of opinion that the means of egress from any building are insufficient to allow of safe exit in the event of fire, he may, with the approval of the standing committee, by written notice require the owner or occupier of the building to alter or reconstruct any existing staircase in such manner or to provide such additional or emergency staircases, as he may prescribe]

¹ Sections 349A and 349B were inserted by Bom. 5 of 1905, s. 52

² Section 349C was inserted *ibid.*

³ Section 349D was inserted by Bom. 2 of 1911, s. 12.

1[349E. (1) Notwithstanding anything contained in sections 348 to 349D Special conditions with respect to erection or re-erection of buildings, the maximum heights of buildings, roofs and external walls of buildings, set-backs of buildings, and other matters relating to buildings in the suburbs ²[or in the extended suburbs] or in any part thereof.

(2) Until such bye-laws are made or until the expiration of two years from the date of the coming into force of the Bombay Municipal (Extension of Limits) Act, 1950, ³[or, as the case may be, from the date of the coming into force of the Bombay Municipal (Further Extension of Limits and Schedule BBA (Amendment)) Act, 1956, whichever respectively is earlier] the conditions provided by or under the Bombay Land Revenue Code, 1879,* or rules made thereunder or by bye-laws or rules made by any local authority abolished by the provisions of the Bombay Municipal (Extension of Limits) Act, 1950, ⁴[or by the provisions of the Bombay Municipal (Further Extension of Limits and Schedule BBA (Amendment)) Act, 1956] shall continue to be applicable to the erection or re-erection of buildings, the maximum heights of buildings, roofs and external walls of buildings, set-back of buildings and other matters relating to buildings in the suburbs ⁵[or in the extended suburbs] or in any part thereof, as the case may be:

Provided that, in the case of any land in the suburbs ⁵[or in the extended suburbs] there are no provisions in force of the Bombay Land Revenue Code, 1879,* or rules made thereunder or of the bye-laws or rules of any local authority, the Commissioner or any officer authorised by him in this behalf may impose such conditions as he thinks fit until the bye-laws aforesaid are made]

Inspection.

350. The Commissioner may at any time, during the erection of a building or the execution of any such work as is described in section 342 make an inspection thereof, without giving previous notice of his intention so to do.

351. (1) If the erection of any building or the execution of any such work as is described in section 342, is commenced contrary to the provisions of section 347, the Commissioner, unless he deems it necessary to take proceedings in respect of such building or work under section 354, shall—

(a) by written notice, require the person who is erecting such building or executing such work, or has erected such building or executed such work, ⁷[or who is the owner for the time being of such building or work], on or before such day as shall be specified in such notice, by a statement in writing subscribed by him or by an agent duly authorized by him in that behalf and addressed to the Commissioner, to show sufficient cause why such building or work shall not be removed, altered or pulled down; or

*Section 349E was inserted by Bom. 7 of 1950, s. 30

¹These words were inserted by Bom. 58 of 1956, s. 23(1).

²These words, brackets and figures were inserted, *ibid.*, s. 23(2)(i)

³These words, brackets and figures were inserted, *ibid.*, s. 23(2)(ii)

⁴These words were inserted, *ibid.*, s. 23(2)(iii).

⁵These words were added, *ibid.*, s. 23(3).

⁷These words were inserted by Bom. 64 of 1953, s. 14

* See now the Maharashtra Land Revenue Code, 1966 (Mah.XLI of 1966)

(b) shall require the said person on such day and at such time and place as shall be specified in such notice to attend personally, or by an agent duly authorized by him in that behalf, and show sufficient cause why such building or work shall not be removed, altered or pulled down

(2) If such person shall fail to show sufficient cause, to the satisfaction of the Commissioner, why such building or work shall not be removed, altered or pulled down, the Commissioner ^{1*} * * * may remove, alter or pull down the building or work and the expenses thereof shall be paid by the said person.

Buildings or works commenced contrary to section 347 may be cut into and laid open for purposes of inspection 352. (1) If there shall be reasonable ground for suspecting that in the erection of any such building or in the execution of any such work as is referred to in the last preceding section anything has been done contrary to any provision of this Act or of any bye-law made under this Act at the time in force, or that anything required by any such provision or bye-law to be done has been omitted to be done, and if, on inspecting such building or work, it is found that the same has been completed or is too far advanced to permit of any such fact being ascertained,

the Commissioner may, with the approval of the standing committee, by written notice, require the person who has erected such building or executed such work or is erecting such building or executing such work to cause so much of the building or work as prevents any such fact being ascertained to be cut into, laid open or pulled down to a sufficient extent to permit of the same being ascertained

(2) If it shall thereupon be found that in the erection of such building or the execution of such work nothing has been done contrary to any provision of this Act or any bye-law made under this Act at the time in force, and that nothing required by any such provision or bye-law to be done has been omitted to be done, compensation shall be paid by the Commissioner to the person aforesaid for the damage and loss incurred by cutting into, laying open or pulling down the building or work

Conferment temporarily of summary powers for demolition on the Commissioner. ²352A. (1) If the erection of any building, or the execution of any such work as is described in section 342, is commenced contrary to the provisions of section 347, and the Commissioner is of the opinion that immediate action should be taken, then the provisions of section 351 and section 352 shall apply with the modification that in sub-section (1) of section 352, the words "with the approval of the standing committee," shall be deleted

(2) Notwithstanding anything contained in this Act, any notice to be given by the Commissioner under section 351 or section 352 shall not be of less duration than 24 hours, and shall be deemed to be duly served if it is affixed in some conspicuous part of the building to which the notice relates and published by proclamation on or near such building accompanied with beat of drum and upon such affixation and publication all persons concerned shall be deemed to have been duly informed of the matters stated therein.

(3) Where the Commissioner has resorted to the provisions hereinbefore mentioned, the State Government, or a Secretary to Government authorised by the State Government in this behalf, may, *suo motu*, or on application made, within a period of fifteen days, call for and examine the record of any case in which the Commissioner has taken such action, for the purpose of satisfying itself or himself as to the legality or propriety of such action and may, after giving to the persons

¹The words "with the approval of the standing committee," were deleted by Mah 37 of 1971, s 2

²Section 352A was inserted by Mah 23 of 1979, s 2, which shall remain in force for a period of two years with effect from 5th May 1979 and shall then expire.

concerned a reasonable opportunity of being heard, pass such orders thereon as it or he, as the case may be, deems just, including any order for compensation, which shall be paid by the Corporation to any person for any wrongful damage or loss incurred by such action

(4) In this section, 'Commissioner' includes a Deputy Commissioner, and also an Assistant Commissioner or a Ward Officer authorised in this behalf in writing by the Commissioner]

353. The Commissioner may, at any time during the erection of a building or the execution of any such work as aforesaid, or at any time within three months after the completion thereof, by written notice, specify any matter in respect of which the erection of such building or the execution of such work may be in contravention of any provision of this Act or of any bye-law made under this Act at the time in force, and require the person erecting or executing or who has erected or executed such building or work, or, if the person who has erected or executed such building or work is not at the time of the notice the owner thereof, then the owner of such building or work, to cause anything done contrary to any such provision or bye-law to be amended or to do anything which by any such provision or bye-law may be required to be done but which has been omitted to be done.

Enforcement
of provisions
concerning
buildings
and works

§353A. (1) Every person who employs a licensed surveyor or person approved by the Commissioner to erect a building or execute any such work as is described in section 342 shall, within one month after the completion of the erection of such building or the execution of such work, deliver or send or cause to be delivered or sent to the Commissioner at his office, notice in writing of such completion, accompanied by a certificate in the form of Schedule T signed by the person employed under section 344A, 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 Commissioner all necessary facilities for the inspection of such building or of such work.

Completion
certificates
permission
to occupy
or use

Provided that—

(a) such inspection shall be commenced within seven days from the date of receipt of the notice of completion, and

(b) the Commissioner may, within seven days from the date of commencement of 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 building to which such notice relates—

(i) give permission for the occupation of such building or for the use of the building or part thereof affected by such work, or

(ii) refuse such permission in case such building has been erected or such work executed so as to contravene any provision of this Act or of the bye-laws

(2) No person shall occupy or permit to be occupied any such building, or use or permit to be used the building or part thereof affected by any such work, until—

(a) the permission [referred to in proviso (b) to sub-section (1) has been received, or

(b) the Commissioner has failed for twenty-one days after receipt of the notice of completion to intimate as aforesaid his refusal of the said permission.]

[*Dangerous Structures.*

Removal of structures, etc., which are in ruins or likely to fall. 354. (1) If it shall at any time appear to the Commissioner that any structure (including under this expression any building, wall or other structure and anything affixed to or projecting from, any building, wall or other structure) is in a ruinous condition, or likely to fall, or in any way dangerous to any person occupying, resorting to or passing by such structure or any other structure or place in the neighbourhood thereof, the Commissioner may, by written notice, require the owner or occupier of such structure to pull down, secure or repair such structure, and to prevent all cause of danger therefrom.

(2) The Commissioner may also if he thinks fit, require the said owner or occupier, by the said notice, either forthwith or before proceeding to pull down, secure or repair the said structure, to set up a proper and sufficient hoard or fence for the protection of passers by and other persons, with a convenient platform and hand-rail, if there be room enough for the same and the Commissioner shall think the same desirable, to serve as a footway for passengers outside of such hoard or fence.

¹ [*Works unlawfully carried on.*]

Power of Commissioner to stop erection of building or work commenced or carried on unlawfully. 354A. (1) If the Commissioner is satisfied that the erection of any building or the execution of any such work as is described in section 342 has been unlawfully commenced or is being unlawfully carried on upon any premises, the Commissioner may, by written notice, require the person erecting such building or executing such work to stop such erection or work within the period specified in the notice.

(2) If the erection of the building or execution of the work is not stopped within the period specified in the notice given under sub-section (1), the Commissioner may direct that any person directing or carrying on such erection or work shall be removed by any police officer from the place where the building is being erected or the work is being executed.]

² [*Regulation of certain classes of buildings in particular localities*]

Power to regulate future construction of certain classes of buildings in particular streets or localities. 354AA. (1) The Commissioner may give public notice of his intention to declare, subject to any valid objection that may be preferred within a period of three months,—

(a) that in any streets or portions of streets specified in such notice the elevation and construction of the frontage of all buildings or any classes of buildings thereafter erected or re-erected shall in respect of their architectural features be such as the Corporation may consider suitable to the locality;

(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 such building shall be of an area not less than that specified in such notice;

¹This heading was inserted by Bom. 5 of 1905, s. 54.

²This section was substituted for the original by Bom. 64 of 1953, s. 15.

³This heading and section 354AA were inserted by Bom. 48 of 1950, s. 70.

(c) that the minimum of building plots in particular localities shall be of a specified area ;

(d) that in any localities specified in the notice the construction of more than a specified number of buildings on each acre of land shall not be allowed ; or

(e) that in any streets, portions of streets or localities specified in such notice the construction of shops, warehouses, factories, huts or buildings designed for particular uses shall not be allowed without the special permission of the Commissioner granted in accordance with general regulation framed by the Standing Committee in this behalf and subject to the terms of such permission only.

(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 a statement of its opinion thereon to the State Government.

(5) The State Government may pass such orders with respect to such declaration as it 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 State Government shall be published in the *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.

(8) Notwithstanding anything contained in this Act, after a public notice has been given under sub-section (1), in regard to any street or a part of a street or a locality, no person shall erect or re-erect a building abutting on such street or such part of the street or within the limits of such locality without the previous permission of the Commissioner.]

CHAPTER XIII.

CITY IMPROVEMENT.

Bom. XIII of 1933. Bom. XVI of 1925. Bom. IV of 1898. Bom. XVI of 1925. 354-B. (1) From the date on which the City of Bombay Municipal (Amendment) Act, 1933, comes into operation, all the property, interests, rights and liabilities ^{Transfer of right, etc., of the Board 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, 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 corporation.

¹ New Chapter XIII A was inserted by Bom. 13 of 1933, s. 35.

Bom
IV of
1898
Bom.
XVI
of
1925.
Bom.
XIII
of
1933.

(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.

Improvement Schemes.

354C. (1) ¹[If it shall appear to the Commissioner—

(A) that within certain limits in any part of ²[Greater Bombay]]—

(a) and 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 ^{3*} * classes, ⁴[or,

(B) that for the purpose of providing building sites for the expansion of ²[Greater Bombay], or of remedying the defective ventilation of any part of ²[Greater Bombay], or of creating new or increasing the existing means of communication and facilities for traffic between various parts of ²[Greater Bombay] it is expedient to form new or to alter existing streets in any part of ²[Greater Bombay,]] 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 ⁵[Official Gazette] and in some one or more English and in some two or more vernacular newspapers circulating within ²[Greater Bombay] 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.

¹ These words, brackets and letter were substituted for the words " If it shall appear to the Commissioner: that within certain limits in any part of the city—" by Bom. 12 of 1936, s 6 (1).

² These words were substituted for the words " the city " by Bom. 7 of 1950, s 6 (1).

³ The words " and working " were deleted by Bom. 34 of 1954, s 10.

⁴ These words, brackets and letter were inserted by Bom. 12 of 1936, s 6 (2).

⁵ The words " Official Gazette " were substituted for the words " Bombay Government Gazette " by the Adaptation of Indian Laws Order in Council.

Commis-
sioner to
make a draft
improvement
scheme.

No improvement schemes for areas for which housing schemes sanctioned under Bom. LXIX of 1948.

354CC. Notwithstanding anything contained in this chapter, no improvement scheme shall be made for any area for which a housing scheme has been sanctioned under the provisions of the Bombay Housing Board Act, 1948]

LXIX
of
1948.

Improvements Committee to consider and approve draft scheme submitted by Commissioner.

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.

Particulars to be provided for in an improvement scheme.

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.—

(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^{2*} 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 provide further that previous notice of such inclusion shall have been given in the manner prescribed in section 354C (1) (ii).

¹ This section was inserted by Bom. 69 of 1948, s. 75, Schedule.

² The words "and working" were deleted by Bom. 34 of 1954, s. 11 (1).

¹[(3) If in the opinion of the Commissioner any land, within the limits of the area comprised in the improvement scheme, which is not required for the execution of the scheme, will, as the result of such execution, be increased in value, the scheme may, in lieu of providing for the acquisition of such land, provide for the levy of a betterment charge in respect of the increase in value thereof, which shall be of such amount and shall be levied at such time and in such manner as is hereinafter provided]

354F. In making an improvement scheme for any area, regard shall be had to the conditions and nature of neighbouring parts of ²[Greater Bombay] and of ³[Greater Bombay] as a whole, and to the likelihood of improvement schemes being required for the neighbouring and other parts of ⁴[Greater Bombay].

Considerations which shall prevail in making 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 statement of the ⁵[land which it is proposed to acquire or in respect of which it is proposed to levy a betterment charge] may be seen at all reasonable hours, and shall—

Procedure on completion of the scheme.

(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.

⁶[(2) During the thirty days next following the first day on which such notification is published the Commissioner shall serve a notice upon 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 or part of a building which it is proposed to acquire or in respect of which it is proposed to levy a betterment charge.

(3) Such notice shall—

(a) state that the Commissioner on behalf of the Corporation proposes to acquire such land or building or part of a building or to levy a betterment charge in respect thereof for the purpose of or in connection with, an improvement scheme, and

(b) require the person so served if he objects to such acquisition or levy of a betterment charge, as the case may be, to state his reasons in writing 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 354F, 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.

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

¹ Sub-section (3) was inserted by Bom 34 of 1954, s. 11 (2).

² These words were substituted for the words "The City" by Bom. 7 of 1950, s. 6 (1).

³ These words were substituted for the words "land proposed to be acquired" by Bom. 34 of 1954, s. 12 (1).

⁴ This was substituted for sub-section (2), *ibid.*, s. 12 (2).

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.

¹[(5) Notwithstanding anything contained in this section if the Corporation withdraw from the proposal to acquire any land under sub-section (2) such land shall be deemed to have been included in any statement of land in respect of which it is proposed to levy a betterment charge made in accordance with any notification drawn up under section 354-G

Provided that the provisions of sub-sections (2) and (3) of section 354-G shall apply in respect of such land with the modification that the period of thirty days referred to in the said sub-section (2) will be counted from the date on which notice was given to the owner that the proposal to acquire has been withdrawn]

Right of
owner to
demand
acquisition or
withdrawal
by the
corporation
after the
lapse of two
years from
the date of
notification.

354 I. (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.

(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 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.

¹ Sub-section (5) was inserted, Bom 34 of 1954, s. 13

¹[(5) Notwithstanding anything contained in this section if the Corporation withdraw from the proposal to acquire any land under sub-section (2) such land shall be deemed to have been included in any statement of land in respect of which it is proposed to levy a betterment charge, made in accordance with any notification drawn up under section 354-G :

Provided that the provisions of sub-sections (2) and (3) of section 354-G shall apply in respect of such land with the modification that the period of thirty-days referred to in the said sub-section (2) will be counted from the date on which notice was given to the owner that the proposal to acquire has been withdrawn]

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 ²[objection or representation] 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 ³[objection or representation] 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.

354K. The corporation shall on receipt of a scheme from the Improvements Committee proceed to take such scheme into consideration together with any ⁴[objection, representation] 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.

354L. (1) As soon as the corporation have approved the scheme the Commissioner shall apply to ⁵[the ⁶[State] 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 section 354C and 354G shall be deemed cancelled.

(3) The application to ⁵[the ⁶[State] 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 [which it is proposed to acquire or in respect of which it is proposed to levy a betterment charge ;]

¹ Sub-section (5) was added by Bom. 34 of 1954, s. 14.

² These words were substituted for the words " representation or answer ", *ibid*, s. 15 (1).

³ These words were substituted for the words " representation, answer ", *ibid*, s. 15 (2).

⁴ These words were substituted for the words " representation, answer ", *ibid*, s. 16.

⁵ The words " the Provincial Government " were substituted for the word " Government " by the Adaptation of Indian Laws Order in Council

⁶ This word was substituted for the word " Provincial " by the Adaptation of Laws Order, 1950.

⁷ These words were substituted for the words " proposed to be acquired " by Bom. 34 of 1954, s. 17 (1).

(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 ¹[objected, with the reasons (if any) stated by such persons for objection, in respect of the acquisition of their land or of the levy of a betterment charge,]

(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.

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.

354M. (1) (a) On receipt of the sanction of ²[the ³[State] Government], the Commissioner shall forward to ²[the ³[State] Government] a declaration for notification under the signature of a Secretary to ²[the ³[State] 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 ⁴[Official 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 needed for a public purpose, and the Commissioner shall upon the publication of the said declaration, proceed 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 after 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 ²[the ³[State] 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 section 354G and 354L 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.

¹ These words were substituted for the original, by B. m. 31 of 1954, s. 17 (2)

² The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council

³ This word was substituted for the word "Provincial" by the Adaptation of Laws Orders, 1950

⁴ The words "Official Gazette" were substituted for the words "Bombay Government Gazette", by the Adaptation of Indian Laws Order in Council.

Police Accommodation Schemes.

3540. (1) When a representation is made by ¹[the ²[State] Government] to the corporation that within any part of ³[Greater Bombay] accommodation is required for housing any part of the Police of ³[Greater Bombay], 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.

The corporation to have power 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.

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.

Procedure on completion of a scheme.

354Q. (1) When such scheme is sanctioned by ¹[the ²[State] Government], in the case of land specified in Schedule W ¹[the ²[State] Government] shall resume the land, and the said land shall thereupon vest in the corporation.

Vesting of land in 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 ¹[the ²[State] Government] for police purposes for a term of sixty years from the date of the completion of the building, and ¹[the ²[State] 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.

¹ The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

² This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

³ These words were substituted for the words "the city" Bom. 7 of 1950, s. 6 (1).

(5) ¹[The ²[State] 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 ³[Government]

(7) This section shall apply to all police accommodation schemes sanctioned, Bom. heretofore by ¹[the ²[State] Government] in accordance with the provisions of ^{IV} of 1898 the ⁴City of Bombay Improvement Act, 1898, or the City of Bombay Improvement Bom. Trust Transfer Act, 1925, as if such schemes had been sanctioned under the ^{XVI} of 1925. provisions of this Act

⁵[Clearance areas.

Power to declare an area to be a clearance area.

354R. (1) If it shall appear to the Commissioner in respect of any area in any part of Greater Bombay—

(a) that the residential buildings in that area are, by reason of disrepair or sanitary defects unfit for human habitation or are, by reason of their bad arrangement or the narrowness or bad arrangement of the streets dangerous or injurious to the health of the inhabitants of the area and that the other buildings, if any in the area are for a like reason dangerous or injurious to the health of the said inhabitants ; and

(b) that the conditions in the area can be effectually remedied by the demolition of all the buildings in the area without making an improvement scheme ;

the Commissioner may cause that area to be defined on a plan in such manner as to exclude from the area any building which is not unfit for human habitation or dangerous or injurious to health, and submit a draft clearance scheme for the approval of the Corporation. On the submission by the Commissioner of draft clearance scheme, the Corporation shall take such scheme into consideration and approve the same with or without such alteration as they think fit. The Corporation shall then pass a resolution declaring the area so defined and approved by them to be a clearance area, that is to say, an area to be cleared of all buildings in accordance with the subsequent provisions of this Act. The area shall hereinafter be referred to as the clearance area and the scheme as the clearance scheme.

(2) Before any area is declared to be a clearance area, it shall be the duty of Corporation to satisfy themselves as to the sufficiency of their resources and to ascertain the number of persons who are likely to be dishoused in such area and thereafter to take such measures as are practicable whether by the arrangement of their programme or otherwise so as to ensure that as little hardship as possible is inflicted on those dishoused

(3) The Commissioner on behalf of the Corporation shall forthwith transmit to the State Government a copy of the resolution passed by them under this section

(4) As soon as may be after the Corporation have declared any area to be a clearance area, the Commissioner shall, in accordance with the appropriate provisions hereafter contained in this Act, proceed to secure the clearance of the area in one or other of the following ways, or partly in one of those ways, and partly in the other of them, that is to say—

(a) by ordering the demolition of the buildings in the area ; or

(b) by acquiring on behalf of the Corporation land comprised in the area and undertaking or otherwise securing, the demolition of the buildings thereon.

¹ The word "The Provincial Government" was substituted for the word "Government" by the Adaptation of Indian Laws Order in Council

² This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950

³ This word was substituted for the words "His Majesty", *ibid.*

⁴ The City of Bombay Improvement Act, 1898, was repealed by the City of Bombay Improvement Trust Transfer Act, 1925, which has been repealed by Bom. 13 of 1933

⁵ These headings sections were substituted for sections 354R and 354S by Bom. 34 of 1954, s. 18

354RA. (1) Where in respect of any clearance area the Commissioner determines to order any buildings in the clearance area to be demolished, he shall, with the approval of the Corporation make and submit to the State Government for confirmation by them an order (in this Act referred to as "clearance order") ordering the demolition of each of those buildings. Clearance
orders

(2) A clearance order shall describe by reference to a plan the area to which it applies, and shall fix by reference to the date on which it becomes operative the period, not being less than twenty-eight days from that date, within which the Commissioner requires the buildings in the area to be vacated for the purposes of demolition, and for that purpose may fix different periods as respects different buildings.

(3) There shall be excluded from the clearance order any houses or other buildings properly included in the clearance area only on the ground that by reason of their bad arrangement in relation to other buildings, or the narrowness or bad arrangement on the streets, they are dangerous or injurious to the health of the inhabitants of the area.

Provided that this sub-section shall not apply to a building constructed or adapted as, or for the purposes of, a dwelling or partly for those purposes and partly for other purposes, if any part (not being a part used for other purposes) is by reason of disrepair or sanitary defects unfit for human habitation.

(4) Before submitting the order to the State Government, the Commissioner shall—

(a) publish simultaneously in the *Official Gazette* and in three or more newspapers circulating within Greater Bombay, a notice stating the fact of such a clearance order having been made and describing the area comprised therein and naming a place where a copy of the order and of the plan referred to therein may be seen at all reasonable hours; and

(b) serve on every person whose name appears in the Commissioner's assessment book as primarily liable for payment of property tax leviable under this Act, on any building included in the area to which the clearance order relates and, so far as it is reasonably practicable to ascertain such persons, on every mortgagee thereof, a notice stating the effect of the clearance order and that it is about to be submitted to the State Government for confirmation, and specifying the time within and the manner in which objections thereto can be made to the Commissioner.

(5) Upon compliance with the foregoing provisions with respect to the publication and service of notices of the clearance order, the Commissioner shall submit to the Improvements Committee any objections received under sub-section (4) and any suggestions he may wish to make in that respect.

(6) The Improvements Committee may, after consideration of any such objections and suggestions, make such modifications in respect of the order as they think fit, and the Commissioner shall thereafter submit the order as approved, either with or without modifications by the Improvements Committee first to the Corporation and then to the State Government for confirmation.

(7) The provisions of Schedule GG to this Act shall have effect with respect to the validity and date of operation of a clearance order.

(8) When a clearance order has become operative, the owner or owners of any building to which the order applies shall demolish that building before the expiration of six weeks from the date on which the building is required by the order to be vacated or, if it is not vacated until after that date, before the expiration of six weeks from the date on which it is vacated or, in either case, before the expiration of such longer period as in the circumstances the Commissioner may deem reasonable, and if the building is not demolished before the expiration of that period the Commissioner shall take measures to demolish the building and sell materials thereof.

(9) Any expenses incurred by the Commissioner under the foregoing sub-section, after giving credit for the amount realised by sale of the materials, shall be payable by the owner or owners of the building, and any surplus in the hands of the Commissioner, after payment of such expenses, shall be paid by the Commissioner to the owner of the building, or if there is more than one owner, shall be paid as those owners may agree. In default of agreement between such owners, the Commissioner shall deposit the surplus amount in the Small Causes Court and the Chief Judge of the said Court shall decide in what proportion such amount should be paid to such owners. The decision of the Chief Judge shall be final.

(10) When a clearance order has become operative, no land to which the order applies shall be used for building purposes, or otherwise developed, except subject to such restrictions and conditions, as may be imposed by the Commissioner and approved by the Corporation generally or specially.

(11) In the provisions of this Act relating to buildings included in an area to which a clearance order applies references to a building shall include references to a hut, tent or other temporary or movable form of shelter which is used for human habitation and has been in the same enclosure for a period of two years next before action is taken under those provisions, and the reference to development in sub-section (10) shall include a reference to the erection or placing on land of a hut, tent or other temporary or movable form of shelter.

Acquisition of land surrounded by or adjoining a clearance area. **354RB.** Where, as respects any area declared by the Corporation to be a clearance area, the Commissioner determines to acquire any land comprised in the area, he may acquire also any land which is surrounded by the clearance area and the acquisition of which is reasonably necessary for the purpose of securing a cleared area of convenient shape and dimensions, and any adjoining land the acquisition of which is reasonably necessary for the satisfactory development or use of the cleared area.

Provisions with respect to property belonging to the corporation within surrounded by or adjoining a clearance area. **354RC.** Subject to the provisions of this section, the Commissioner may include in a clearance area any land belonging to the Corporation which he might have included in such area if it had not belonged to them, and where any land of the Corporation is included in a clearance area or, being land surrounded by or adjoining a clearance area, might have been acquired by the Commissioner under the last foregoing section had it not previously belonged to the Corporation, the provisions of this Act, shall apply in relation to that land as if it has been acquired by the Commissioner as being land comprised in the clearance area or, as the case may be, as being land surrounded by or adjoining a clearance area.

354RD. (1) Where the Commissioner has determined to acquire land comprised in or surrounded by, or adjoining a clearance area, he may acquire that land by agreement upon obtaining the requisite sanction under section 90 or by the sanction of the Improvements Committee, be authorised to acquire that land by a compulsory acquisition order made and submitted to the State Government and confirmed by them in accordance with the provisions of Schedule HH to this act. Acquisition of land in a clearance

(2) An order authorising the compulsory acquisition of land comprised in a clearance area shall be submitted by the Commissioner, with the approval of the Corporation, to the State Government within six months, and an order authorising the compulsory acquisition of land surrounded by or adjoining a clearance area shall be submitted by the Commissioner with the approval of the Corporation to the State Government within twelve months after the date of the resolution of the Corporation declaring the area to be a clearance area or within such longer period as the State Government may, in the circumstances of the particular case, allow.

(3) The provisions of Schedule GG to this Act shall have effect with respect to the validity and date of operation of a compulsory acquisition order made under this section.

(4) Nothing in this section shall authorise the compulsory acquisition of any land or building vested in the Central Government or in the Trustees of the Port of Bombay without the previous sanction of the Central Government, or any land or building vested in the State Government or belonging to any corporation authorised by law to construct, work and carry on any tramway, gas, electricity, water or other public undertaking without the previous sanction of the State Government.

354RE. The Commissioner having acquired any land comprised in, or surrounded by or adjoining a clearance area shall, as soon as may be, cause every building thereon to be vacated if necessary in the manner provided by section 488A, and shall deal with that land in one or other of the following ways, or partly in one of these ways and partly in the other of them, that is to say— Treatment of a clearance area.

(a) he shall demolish every building thereon before the expiration of six weeks from the date on which it is vacated, or before the expiration of such longer period as in the circumstances he deems reasonable, and thereafter may, with the sanction of the requisite authority under section 92, sell or lease the land subject to such restrictions and conditions, if any, as he thinks fit or may, subject to the sanction of the Corporation, appropriate the land for any purpose for which the Corporation are authorised to acquire land, or

(b) he shall, as soon as may be, with the sanction of the requisite authority under section 92, sell or lease the land subject to a condition that the buildings thereon shall be demolished forthwith and subject to such restrictions and other conditions, if any, as he thinks fit :

Provided that, in lieu of selling any land other than land abutting on a public street, the Commissioner may, where the owner of other land (being land which the Corporation has power to acquire) is willing to take such land in exchange for that other land, with the sanction of the Improvements Committee, exchange it for that other land either with or without paying or receiving money for equality of exchange, and in relation to any such exchange the like provisions shall have effect as respects the land to be given in exchange by the Corporation as have

effect by virtue of the foregoing provisions of this section as respects land sold thereunder. Any land acquired by the Commissioner by such exchange if it is situated in the clearance area shall be subject to the same restrictions as are applicable to other lands in such area

• Arrange-
ments where
acquisition of
land in a
clearance
area found
to be unneces-
sary.

354RF. Where the Commissioner has submitted to the State Government an order for the compulsory acquisition of land in a clearance area, and the State Government, on an application for an authorisation under this section being made to them by the owner or owners of the land and the Commissioner is satisfied that the owner or owners of the land, with the concurrence of any mortgagee thereof, agree to the demolition of the buildings thereon and that the Commissioner can secure the proper clearance of the area without acquiring the land, the State Government may—

(a) in a case where the order has not been confirmed authorise the Commissioner to submit forthwith and without any previous publication or service, a clearance order with respect to the buildings, and upon his so doing, may modify the compulsory acquisition order by excluding the land therefrom and confirm the clearance order; or

(b) in a case where the compulsory acquisition order has been confirmed but the land has not become vested in the Corporation, authorise the Commissioner to discontinue proceedings for the acquisition of the land on their being satisfied that such agreements have been or will be entered into by all necessary parties as may be requisite for securing that the buildings shall be demolished in like manner, and the land become subject to the like restrictions and conditions, as if the Commissioner had dealt with the land in accordance with the provisions of the last foregoing section.

Power to
acquire
cleared land
which
owners have
failed to
re-develop

354RG. (1) Where land has been cleared of buildings in accordance with a clearance order, the Corporation may, at any time after the expiration of eighteen months from the date on which the order became operative, by resolution determine to acquire any part of that land which at the date of the passing of the resolution has not been, or is not in process of being, used for building purposes or otherwise developed by the owner thereof in accordance with plans approved by the Commissioner and any restrictions or conditions imposed under sub-section (10) of section 354RA.

(2) Where the Corporation have determined to acquire land under this section the Commissioner may acquire that land by agreement upon obtaining the requisite sanction under section 90, or he may, with the sanction of the Improvements Committee, be authorised to acquire that land by a compulsory acquisition order made and submitted to the State Government and confirmed by them in accordance with the provisions of Schedule HH to this Act.

(3) An order authorising the compulsory acquisition of land for the purposes of this section shall be submitted by the Commissioner to the State Government within three months after the date of the passing of the resolution to acquire the land.

(4) The provisions of Schedule GG to this Act shall have effect with respect to the validity and date of operation of a compulsory acquisition order made under this section.

(5) The Commissioner shall, with the approval of the Improvements Committee, deal with any land acquired under this section by sale, lease, or appropriation, in accordance with the provisions of section 354RE.

354RH. (1) Where any premises in respect of which a clearance order has become operative form the subject matter of a lease, either the lessor or the lessee may apply to the Chief Judge of the Small Causes Court for an order under this section. Power of Court to determine lease where premises demolished.

(2) Upon any such application, as aforesaid, the Chief Judge, after giving to any sub-lessee an opportunity of being heard, may, if he thinks fit, make an order for the determination of the lease, or for the variation thereof, and in either case, either unconditionally or subject to such terms and conditions (including conditions with respect to the payment of money by any party to the proceedings to any other party thereto by way of compensation, damages, or otherwise) as he may think just and equitable to impose, regard being had to the respective rights, obligations, and liabilities of the parties under the lease and all the other circumstances of the case.

(3) In this section, the expression 'lease' includes an under-lease and any tenancy or agreement for a lease, under-lease, or tenancy, and the expression 'lessor,' 'lessee' and 'sub-lessee' shall be construed accordingly, and as including also a person deriving title under a lessor, lessee or sub-lessee.

Re-development areas

354RI. (1) If it shall appear to the Commissioner in respect of any area in any part of Greater Bombay, that the following conditions exist, that is to say— Power to declare an area to be a re-development area.

(a) that the area contains fifty or more dwellings for the poorer classes,

(b) that at least one-third of the poorer class dwellings in the area are overcrowded, or unfit for human habitation and not capable at a reasonable expense of being rendered so fit, or so arranged as to be congested,

(c) that it is expedient in connection with the provision of housing accommodation for the poorer classes that the area should be re-developed as a whole,

the Commissioner shall cause that area to be defined on a plan and shall submit a draft re-development scheme for the approval of the Corporation. On the submission of such a draft re-development scheme, the Corporation shall take into consideration such scheme and approve the same with or without alteration as they think fit. The Corporation shall then pass a resolution declaring the area so defined and approved by them to be a 're-development area'.

(2) As soon as may be after the Corporation have passed a resolution under the foregoing sub-section, the Commissioner on behalf of the Corporation shall transmit to the State Government a copy of the resolution and of the plan, and shall publish simultaneously in the *Official Gazette* and in three or more newspapers circulating within Greater Bombay a notice stating that the resolution has been passed and naming a place where a copy of the resolution and of the plan may be inspected at all reasonable hours.

(3) Before any area is declared to be a re-development area, it shall be the duty of the Corporation to satisfy themselves as to the sufficiency of their resources and to ascertain the number of persons who are likely to be dishoused in such area and thereafter to take such measures as are practicable whether in the arrangement of their programme or otherwise so as to ensure that as little hardship as possible is inflicted on those dishoused.

Re-develop-
ment plan.

534RJ. (1) Within six months after the Corporation have passed a resolution under the last foregoing section or within such extended period as the State Government may allow, the Commissioner shall, with the approval of the Corporation, prepare and submit to the State Government a re-development plan indicating the manner in which it is intended that the defined area should be laid out and the land therein used, whether for existing purposes or for purposes requiring the carrying out of re-development thereon, and in particular the land intended to be used for the provisions of housing accommodation for the poorer classes, for streets and for open spaces.

(2) In the preparation of the plan regard shall be had to the provisions of any improvement scheme or proposed improvement scheme under this Act or any scheme under the Bombay Town Planning Act, 1915, relating to the defined area or land in of the neighbourhood thereof. Bom. I
1915.

(3) Before submitting the plan to the State Government, the Commissioner shall—

(a) publish simultaneously in the *Official Gazette*, and in three or more newspapers circulating within Greater Bombay a notice stating that the plan has been prepared and is about to be submitted to the State Government, naming a place where the plan may be inspected at all reasonable hours, and specifying the time within which, and the manner in which, objections can be made, and

(b) serve a notice to the like effect on every owner, lessee and occupier (except tenants for a month or any period less than a month) of land in the defined area, and on every railway administration operating a railway within the defined area and on any Corporation authorised by law to construct, work and carry on any tramway, gas, electricity, water or other public undertaking within the defined area.

(4) Upon compliance with the foregoing provisions with respect to the publication and service of notices regarding the proposed re-development plan, the Commissioner shall submit to the Improvements Committee any objections received under sub-section (3) and any suggestions he may wish to make in that respect

(5) The Improvements Committee may after consideration of any such objections and suggestions make such modification in respect of the re-development plan as they think fit, and the Commissioner shall thereafter submit the plan as modified by the Improvements Committee first to the Corporation and then to the State Government for approval.

(6) On receipt of notice of the State Government's approval, the Commissioner shall publish simultaneously in the *Official Gazette* and in three or more newspapers circulating within Greater Bombay a notice stating that the re-development plan has been approved and naming a place where a copy thereof may be inspected at all reasonable hours, and shall serve, a like notice on every person on whom a notice was served by him of his intention to submit the re-development plan to the State Government for their approval

(7) Where, after a re-development plan has been approved, the Corporation are satisfied that any land in the re-development area (that is to say the defined area or so much thereof as is comprised in the plan as approved) ought to be re-developed or used otherwise than as indicated in the plan, the Commissioner shall prepare and submit to the State Government on behalf of the Corporation a new plan in respect of that land and the provisions of this section in respect of publication, service of notices and approval by the State Government shall have effect in relation to the new plan, with the substitution of references to the new plan and to the land comprised therein, for references to the re-development plan and to the defined area.

(8) The provisions of Schedule GG to this Act shall have effect with respect to the validity and date of operation of the State Government's approval of a re-development plan or of a new plan.

(9) In the subsequent provisions of this Act references to re-development or use in accordance with a re-development plan shall be construed as references to re-development or use in accordance with a re-development plan approved under this section or, in the case of land comprised in a new plan approved under this section, in accordance with the new plan.

354RK. (1) When the State Government's approval of a re-development plan has become operative, the Commissioner may acquire by agreement, upon obtaining the requisite sanction under section 90, or he may, with the sanction of the Improvements Committee, be authorised by means of an order made and submitted to the State Government and confirmed by them in accordance with Schedule HH to this Act, to acquire compulsorily—

(a) land in the re-development area ; and

(b) any land outside that area which may be required for the purpose of providing accommodation for persons occupying premises within that area which have been or are intended to be acquired by agreement, or in respect of which compulsory acquisition orders have been submitted.

(2) Where the Commissioner submits to the State Government an order for the compulsory acquisition under this section of land which comprises or consists of a building which in his opinion is unfit for human habitation and not capable at reasonable expense of being rendered so fit, the order as submitted shall be in a form prescribed for the purpose of indicating that the building is in that condition, and, if in the opinion of the State Government the building is properly so indicated, the order as confirmed may authorise the Commissioner to acquire the building as being in that condition.

(3) The provisions of Schedule GG to this Act shall have effect with respect to the validity and date of operation of a compulsory acquisition order made under this section.

(4) Nothing in this section shall authorise the compulsory acquisition of any land or building vested in the Central Government or in the Trustees of the Port of Bombay without the previous sanction of the Central Government, or any land or building vested in the State Government or belonging to any Corporation authorised by law to construct, work and carry on any tramway, gas, electricity, water or other public undertaking without the previous sanction of the State Government.

(5) Land acquired by the Commissioner under this section for the provision of houses for the poorer classes shall be deemed to have been acquired by him under section 354RN.

(6) Land acquired by the Commissioner under this section otherwise than for the provision of houses for the poorer classes may, with the sanction of the requisite authority under section 92, be sold or leased to any person or if such land is not abutting on any public street may with like sanction be exchanged for other land which the Commissioner has power to acquire either with or without paying or receiving money for equality of exchange, subject, in the case of land in the re-development area, to conditions for securing that it shall be re-developed or used in accordance with the re-development plan.

(7) When the State Government's approval of a re-development plan has become operative and the plan comprises any land of the Corporation, the provisions of this Act shall apply in relation to that land as if it had been land in the re-development area acquired by the Commissioner under this section.

(8) When the State Government's approval of a re-development plan has become operative, no person shall construct or reconstruct any building or any portion of a building within the re-development area to which the plan relates except with the written permission of the Commissioner, who in granting such permission may impose such conditions approved by the Corporation generally or specially, as will, in his opinion, ensure that the construction or reconstruction shall only proceed in accordance with the re-development plan.

General provisions as to land purchased for clearance or re-development.

354RL. (1) The Commissioner may, with the approval of the State Government, by order extinguish any public right of way over land acquired by agreement under section 354RD, 354RG or 354RK, provided that an order intended to be made by the Commissioner under this sub-section shall be published along with a notice inviting objections simultaneously in the *Official Gazette* and in three or more newspapers circulating within Greater Bombay and, if any objection thereto is made to the State Government before the expiration of six weeks from the publication thereof, the State Government shall not approve the order until they have considered all such objections.

Extinguish-
ment of ways,
easements,
etc, over land
acquired
under sections
354 RD,
354 RG and
354 RK.

(2) Where the Commissioner proposes to acquire under the sections referred to in sub-section (1) land over which a public right of way exists, it shall be lawful under this section for the Commissioner to make and the State Government to approve, in advance of the acquisition an order extinguishing that right as from the date on which the buildings on the land are vacated or at the expiration of such period after that date as may be specified in the order, or as the State Government in approving the order may direct.

(3) Upon the completion of the purchase of the land which the Commissioner on behalf of the Corporation has acquired by agreement under the sections referred to in sub-section (1), all private rights of way in, and all private rights under or over that land and all other rights or easements in or relating to that land shall be extinguished, and any person who suffers loss by the extinguishment of any such rights or easement shall be entitled to be paid by the Corporation compensation of such amount as might have been awarded to a person interested in such rights or easements as if the land to which the same relate has been acquired under a compulsory acquisition order, for which the notice required under clause 2(a) of Schedule HH to this Act had been published on the date of completion of the purchase :

Provided that this sub-section shall not apply to any rights vested in Government or in the Trustees of the Port of Bombay or to any rights belonging to any Corporation authorised by law to construct, work and carry on any tramway, gas, electricity, water or other public undertaking, and shall have effect as respects other matters subject to any agreement which may be made between the Commissioner and the person in or to whom the right in question is vested or belongs.

Provision of housing accommodation for the poorer classes.

354RM. (1) If the Corporation, upon consideration of a representation from the Commissioner or other information in their possession, are satisfied that within any area in any part of Greater Bombay it is expedient to provide housing accommodation for the poorer classes and that such accommodation can be conveniently provided without making an improvement scheme, they shall cause that area to be defined on a plan and pass a resolution authorising the Commissioner and the Commissioner shall thereupon be empowered to provide such accommodation—

(a) by the erection of buildings or in any other manner, on any land belonging to the Corporation or any land acquired by the Corporation for the purpose,

(b) by the conversion of any buildings belonging to the Corporation into dwellings for the poorer classes,

(c) by altering, enlarging, repairing or improving any buildings which have, or an estate or interest in which has, been acquired by the Corporation.

(2) The Commissioner may alter, enlarge, repair or improve any house so erected, converted or acquired.

354RN. The Commissioner may for the purposes of the foregoing section on behalf of the Corporation—

(a) acquire any land including any buildings thereon as a site for the erection of buildings for the poorer classes;

(b) acquire land for the purpose of—

(i) the lease or sale of land with a view to the erection thereon of buildings for the poorer classes by persons other than the Corporation;

(ii) lease or sale of any part of the land acquired with a view to the use thereof for purposes which in the opinion of the Commissioner are necessary or desirable for, or incidental to, the development of the land as a building estate, including, the provision, maintenance and improvement of buildings, gardens, factories, workshops, places of worship, places of recreation and other works or buildings for, or for the convenience of, persons belonging to the poorer classes

354RO. (1) Land for the purposes of the foregoing section may be acquired by the Commissioner by agreement upon obtaining the requisite sanction under section 90, or he may, with the sanction of the Improvements Committee, be authorised to acquire land for those purposes by means of a compulsory acquisition order made and submitted to the State Government and confirmed by them in accordance with the provisions of Schedule HH to this Act.

(2) The Commissioner may, with the consent of and subject to any conditions imposed by, the State Government acquire land for the purposes of the foregoing section, notwithstanding that the land is not immediately required for those purposes:

Provided that the Commissioner shall not be authorised to acquire any land compulsorily for those purposes unless it appears to the State Government that it is likely to be required for those purposes within ten years from the date on which they confirm the compulsory acquisition order.

(3) The provisions of Schedule GG to this Act shall have effect with respect to the validity and date of operation of a compulsory acquisition order made under this section.

(4) Nothing in this Act shall authorise the compulsory acquisition for the purposes of section 354RM of any land which is the property of Government or of the Trustees of the Port of Bombay or any local authority, or which is the property of any Corporation authorised by law to construct, work and carry on any tramway, gas, electricity, water or other public undertaking and was acquired for the purposes of such Corporation, or which, at the date of the compulsory acquisition order forms part of any park, garden or recreation ground.

Power of dealing with land acquired or appropriated for provision of housing accommodation. 354RP. (1) Where the Commissioner has acquired or appropriated any land for the purposes of section 354RN then, without prejudice to any of his other powers under this Act, he may—

(a) lay out and construct public streets or roads and open spaces on the land ;

(b) with the approval of the Improvements Committee, sell or lease the land or part thereof to any person for the purpose and under the condition that that person will erect and maintain thereon such number of buildings suitable for the poorer classes as may be fixed by the Commissioner in accordance with plans approved by him and, when necessary, will lay out and construct public streets or roads and open spaces on the land, or will use the land for purposes which in the opinion of the Commissioner are necessary or desirable, for, or incidental to, the development of the land in accordance with plans approved by the Commissioner including the provision, maintenance and improvement of houses and gardens, places of recreation and other works or buildings for, or for the convenience of, persons belonging to poorer classes ,

(c) with the approval of the Improvements Committee, sell the land or part thereof or if such land is not abutting on any public street, exchange the land or part thereof for land better adapted for those purposes, either with or without paying or receiving any money for equality of exchange ,

(d) with the approval of the Improvements Committee, sell or lease any buildings on the land or erected by him on the land, subject to such covenants and conditions as he may think fit to impose either in regard to the maintenance of the buildings as dwellings for the poorer classes or otherwise in regard to the use of the buildings, and upon any such sale he may, if he thinks fit, agree to the price being paid by instalments together with interest on the outstanding balance at such rate as may from time to time be prescribed by the Improvements Committee in this behalf, or to a payment of part thereof being secured by a mortgage of the premises.

(2) Where the Commissioner acquires any building which can be made suitable as a building for the poorer classes or an estate or interest in such a building, he shall forthwith proceed to secure the alterations, enlargement, repair or improvement of the building, either by himself executing any necessary works, or by leasing or selling it to some person subject to conditions for securing that he will alter, enlarge, repair or improve it.

Supplementary powers in connection with provision of accommodation. 354RQ. The powers of the Commissioner to provide housing accommodation for the poorer classes, shall include a power to provide and maintain and if desired, jointly with any other person, in connection with any such housing accommodation, any building adapted for use as a shop, any recreation grounds, or other buildings or land which in the opinion of the Commissioner will serve a beneficial purpose in connection with the requirements of the persons for whom the housing accommodation is provided.

Land Acquisition.

I of 1894. 354S. The Land Acquisition Act, 1894 (in this and the next succeeding sections referred to as 'the Land Acquisition Act') shall to the extent set forth in Schedule CC, regulate and apply to the acquisition of land under this Chapter, 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 :—

Extent to which Land Acquisition Act shall apply to acquisition of land otherwise than by agreement.

(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 parenthesis (including Government) 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 354-C, 354-O, 354-R, 354-RJ, or 354-RM, as the case may be, and the expression 'State 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 354-G or 354-P or the publication of notice of a compulsory acquisition order having been made under clause (2)(a) of Schedule HH to this Act 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 354-M or 354-P or of publication of notice of a compulsory acquisition order having been confirmed under clause (1) of Schedule GG 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 354-H or sub-section (3) of section 354-I the date of publication of the notification under sub-section (1) of section 354-G 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 of the Land Acquisition Act shall apply when land, other than land forming part of any improvement scheme approved under section 354-D, is acquired specifically under this Act for the purpose of a police accommodation scheme; and that in all other cases, in which land is notified for acquisition after the 1st October 1933 [being the date on which the City of Bombay Municipal (Amendment) Act, 1933, came 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) the provisions of sub-section (1) of section 17 of the Land Acquisition Act to take possession of land shall apply to any land which the Commissioner is authorised under this Chapter as if it were waste or arable land needed urgently for a public purpose subject to the condition that the Corporation shall pay additional compensation in the form of interest not exceeding 6 per cent on the compensation awarded from the date on which possession of land is taken by the Collector,

(5) 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";

(6) notwithstanding anything contained in sub-section (1) of section 49 of the Land Acquisition Act, it shall not be competent for the owner of any building, of which it is proposed to acquire only a part, to insist on the acquisition of his entire holding where the part proposed to be acquired can, in the opinion of the Collector, be severed from the remainder without material detriment thereto

Provided that the Collector shall, if required by the owner of such building, refer the question whether such part can be severed from the remainder without material detriment for the determination of the Court and the Court shall decide upon such a reference, as if it were a reference to the Court under the said sub-section :

Provided also that, if, in the opinion of the Collector, or in the event of a reference of the Court, the part proposed to be acquired cannot be severed from the remainder without material detriment thereto, the State Government may, at the instance of the Commissioner, order the acquisition of the remainder, and in such case no fresh declaration shall be necessary, but the Collector shall without delay furnish a copy of the order of the State Government to the person or persons interested and shall thereafter take order for the acquisition of the remainder in like manner and with like powers in all respects as if the acquisition had originally been provided for in the improvement scheme or under a compulsory acquisition order, as the case may be ;

(7) section 54 of the Land Acquisition Act shall not apply to any case of acquisition of land to which section 354SA applies

Determina-
tion by special
Tribunal in
certain cases.

354SA. (1) For the purposes of the acquisition of land under a compulsory acquisition order made and confirmed under the provisions of this Chapter, the functions of the Court under the Land Acquisition Act shall be performed by a Tribunal having the constitution and powers set forth in Schedule II and in the construction of the said Act and the provisions of this Chapter the Tribunal shall be deemed to be the Court, and the President of the Tribunal shall be deemed to be the Judge.

(2) The award of the Tribunal shall be deemed to be the award of the Court under the Land Acquisition Act, and shall be final.

Provided that in any case in which the President may grant a certificate that the case is a fit one for appeal, there shall be an appeal to the High Court from the award of any part of the award of the Tribunal

(3) Every award of the Tribunal, and every order made by the Tribunal for the payment of money, shall be enforced by the Bombay City Civil Court as if it were a decree of that Court]

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 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.

(7) the Court may award compensation in respect of the severance of any part of a building proposed to be acquired in addition to the value of that part,

(8) the compensation to be paid for land, including any buildings thereon, acquired as being land comprised in a clearance area shall be the value at the time the valuation is made of the land as a site cleared of buildings and available for development in accordance with the requirements of the building bye-laws for the time being in force

Provided that this sub-section shall not have effect in the case of the site of a building properly included in a clearance area only on the ground that by reason of its bad arrangement in relation to other buildings or the narrowness or bad arrangement of the streets, it is dangerous or injurious to the health of the

¹ Clauses (7), (8) and (9) were inserted by Bom. 31 of 1954, s. 19.

inhabitants of the area, unless it is a building constructed or adapted as, or for the purposes of, a dwelling, or partly for those purposes and partly for other purposes, and part thereof (not being a part used for other purposes) is by reason of disrepair or sanitary defect's unfit for human habitation,

(9) the compensation to be paid for a building which the Commissioner is authorised to acquire under sub-section (2) of section 354RK as being unfit for human habitation and not capable at reasonable expenses of being rendered so fit shall be assessed in like manner as if it had been land acquired as being comprised in a clearance area].

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 ¹[Government] 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.

²[Levy of betterment charges.

Condition for levying betterment charge in clearance and re-development areas

354UA. (1) When by the clearance or re-development of an area as provided for under sections 354RE or 354RJ and 354RK respectively any land will, in the opinion of the Commissioner, be increased in value, the Commissioner may declare that a betterment charge shall be leviable in respect of the increase in value of the land resulting from such clearance or re-development.

(2) Before declaring that a betterment charge shall be leviable under sub-section (1), the Commissioner, shall serve on every person whose name appears in the Commissioner's assessment book as primarily liable for the payment of property taxes leviable under this Act on any land or building or part of a building affected by the proposed levy of betterment charge a notice of his intention to declare a betterment charge in respect of the land, and specifying the time within which, and the manner in which objections thereto, can be made to the Commissioner.

(3) The Commissioner shall submit to the Improvements Committee any objections received under sub-section (2) and any suggestion he may wish to make in that respect.

(4) The Improvements Committee shall, after consideration of any of such objections and suggestions, make such modifications in respect of the proposed betterment charge as they think fit, and the Commissioner shall thereafter declare that the betterment charge, either with or without modifications, shall be leviable.

Method of calculating charge.

354UB. Where an improvement scheme has provided for the levy of a betterment charge pursuant to sub-section (3) of section 354E, or where the Commissioner has declared a betterment charge to be leviable under sub-section (4) of section 354UA, such betterment charge shall be an amount equal to one-half of the increase in value of the land and shall be calculated, in the case of an improvement scheme upon the amount by which the value of the land on completion of the execution of the scheme exceeds the value of the land at the time of the publication of the notification made under section 354G and in the case of a clearance or re-development area, upon the amount by which the value of the land on completion of the clearance or re-development of the area exceeds the value of the land at the date of the resolution of the Corporation under section 354R or section 354RI declaring that area to be a clearance area or a re-development area, as the case may be.

¹ This word was substituted for the words " His Majesty " by the Adaptation of Laws Order, 1950.

² This heading and sections 354UA, 354UB and 354UC were inserted by Bom 34 of 1954, s. 20.

354UC. (1) When it appears to the Commissioner that an improvement or a clearance scheme or a re-development scheme is sufficiently advanced to enable the amount of the betterment charge to be determined, the Commissioner shall make a report to the Improvements Committee to that effect and the Improvements Committee after considering the report may by resolution declare the date on which for the purpose of determining the amount of the betterment charge the execution of the scheme shall be deemed to have been completed. Procedure for determining charge

(2) The betterment charge leviable in each case shall be determined in accordance with section 354UB after following the procedure prescribed in sub-section (3) by such officer as the State Government may, by notification in the *Official Gazette*, appoint in this behalf at the request of the Corporation.

(3) On a date being fixed under sub-section (1) and an officer being appointed under sub-section (2), the Commissioner shall, in consultation with such officer, serve upon every person on whom a notice in respect of the property affected has been served under sub-section (2) of section 354G or under sub-section (2) of section 354UA, a notice, which shall state—

(a) the date declared by the Improvements Committee under sub-section (1) as aforesaid ;

(b) the time (being some time not less than twenty-one days after the service of the notice) and place at which the assessment of the betterment charge will be considered by such officer,

and every person upon whom such notice is served shall be entitled to be heard either in person or by a duly authorised agent when the matter is taken into consideration by such officer.

(4) When such officer has determined the amount of betterment charge leviable in respect of any property, the Commissioner shall serve upon the person concerned a notice stating the amount so determined.

(5) With effect from the date of service of the notice under sub-section (4) and subject to the decision upon any reference made to the Tribunal as hereinafter provided in sub-section (6), the amount of the betterment charges determined as aforesaid and interest thereon, if any, shall be a charge upon the property in respect of which it is levied and shall be recoverable in the same manner as expenses declared to be improvement expenses under section 494.

(6) If any person or the Commissioner is dissatisfied with the betterment charge determined by the said officer, he may, at any time within two months from the date of service of notice under sub-section (4), refer the case for the determination of the Tribunal constituted under section 354SA, whose decision shall be final.

(7) If no reference is made to the Tribunal for the determination of the betterment charge within the period specified in sub-section (6), the determination of a betterment charge by the officer appointed by the State Government in this behalf shall be final]

354V. [*Compensation to corporation on resumption of certain land*] Deleted by Bom 34 of 1954, s 21.

[Building Loans]

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.

Power of
Commissioner
to make
advances for
the purposes
of increasing
housing
accommoda-
tion.

354WA. (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—

(a) constructing or altering or undertaking to construct or alter buildings intended for poorer classes

(b) carrying out or undertaking to carry out repairs to such buildings

Provided that the Commissioner considers that having regard to the cost of those repairs, or the financial position of the applicant, it is reasonable to give such assistance.

(2) Persons referred to in sub-section (1) desiring assistance by way of loan 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 constructed, altered or repaired, and the Commissioner may, after making such inquiry as he thinks necessary and subject to the conditions mentioned in sub-section (3) and the bye-laws made under section 461, advance such loans.

¹ This heading was inserted by Bom 34 of 1954 s. 22.

² Sections 354 WA, 354 WB, and 354 WC were inserted *ibid.* s. 23.

(3) Every such loan shall be subject to the following among other conditions :—

(a) that the building in respect of which the loan is to be advanced will, when the construction, alteration or repair has been completed be in all respects fit for human habitation and shall be used wholly or mainly for residential purposes ;

(b) that the amount of the loan with interest thereon shall be secured by 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 ;

(c) that the period within which the loan shall be repayable shall not exceed thirty years from the date on which the construction, alteration or repair has been completed ;

(d) that the amount of the loan shall not exceed sixty per cent. of the cost of building irrespective of the period of repayment, and in no case shall exceed Rs. 30,000 ;

(e) that, where the property intended to be mortgaged consists of a lease-hold interest, no loan shall be made unless the unexpired period of the lease is not less than forty years from the date of the granting of the lease.

354WB. (1) The Commissioner, for the purpose of section 354RM may, with the previous approval of the Improvements Committee, promote the formation or extension of, or, subject to the provisions of this Act assist a housing association, as hereafter defined.

Power of Commissioner to promote and assist housing associations.

(2) Where a housing association is desirous of erecting dwellings for the poorer classes, the Commissioner may, for this purpose with the previous approval of the Improvements Committee acquire land with a view to selling or leasing it to the association and the provisions of section 354RO as to the acquisition of land by the Commissioner shall apply accordingly.

(3) The Commissioner may, for the assistance of a housing association, with the previous approval of the Improvements Committee, make grants or loans to the association on such terms and subject to such conditions as to rate of interest and repayment or otherwise and on such security as the Improvements Committee may think fit.

(4) For the purposes of this section, " housing association " means a society, including a Co-operative Housing Society, body of trustees or company established for the purpose of, or amongst whose objects or powers are included those of, constructing, improving or managing or facilitating or encouraging the construction or improvement of, houses for the poorer classes, being a society, body of trustees or company who do not trade for profit.

Provisions relating to lands comprised in Schedules W, Y and Z.

354WC. Whenever any land specified in Schedule W is resumed by the State Government or any land specified in Schedule Y and vested in the Corporation is taken possession of by the State Government under the provisions of this Act, the market value of the land at the date of resumption as determined by the Collector, or in appeal by the High Court, shall be paid to the Corporation by the State Government.]

Compensation to Corporation on resumption of certain land.

Payment to be made by [State] Government.

354X. ¹[The ²[State] 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 ^{Bom. XIII} ^{of} the ^{1933.} ¹[the ²[State] Government] from the lands specified or referred to in Schedule Z.

CHAPTER XIII.

LICENSING OF SURVEYORS AND PLUMBERS.

Grant of licences to surveyors and plumbers.

355. (1) The Commissioner may grant to any person he thinks fit a licence to act as a surveyor or as a 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 licentiate of civil engineering or a person who has passed some test of professional qualification equivalent to that for a licentiate of civil engineering, his application shall not be refused by the Commissioner, except with the approval of the standing committee and upon the ground that the applicant is unfit, through incompetency, misconduct or other grave reason, to hold such licence.

(3) If the Commissioner refuses any application for a licence under this section he shall, at the request of the applicant, furnish such applicant with his reasons, for such refusal in writing under his signature, without charge.

Regulations may be prescribed for guidance of licensed surveyors and plumbers.

356. The Commissioner may, with the approval of the standing committee from time to time prescribe regulations for the guidance of licensed surveyors and plumbers, respectively, and a copy of all regulations so prescribed at the time in force shall be written on the back of every licence granted to a surveyor or plumber respectively.

Fees and charges of licensed plumbers to be prescribed by the standing committee.

357. The standing committee may from time to time prescribe the fees or charges to be paid to licensed plumbers for any work done by them under or for any purpose of this Act, and no licensed plumber shall demand or receive more than the fee or charge so prescribed for any such work

Licensed plumber to be bound to execute work properly.

358. No licensed plumber shall execute any work under this Act carelessly or negligently or make use of any bad material, appliance or fitting for the purpose of such work.

¹ The words "The Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council

² This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

CHAPTER XIV.

MUNICIPAL FIRE-BRIGADE.

359. (1) With a view to the discharge by the corporation of the duty of extinguishing fire and protecting life and property in case of fire, the Commissioner shall provide, in the schedule of municipal officers and servants from time to time prepared by him under section 79, for a force of firemen, with a proper number of officers over them to be called "the municipal fire-brigade", and shall furnish the said brigade with all such fire-engines, fire-escapes, horses, accoutrements, tools, implements and means of inter-communication, as may be necessary for the efficient discharge of their duties

Maintenance of firemen and of necessary fire engines, etc.

(2) A person may be appointed to be a member of the fire-brigade in addition to any other office or employment of such person.

360. The Commissioner shall from time to time make regulations for—

- (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.

Power to make regulations for fire-brigade.

361. [(1)] On the occasion of a fire the chief or other officer in charge of the fire-brigade may, subject to such orders as the Commissioner may from time to time issue in this behalf, take the command of all municipal officers and servants present and of any other persons who voluntarily place their services at his disposal, and may—

Powers of chief officer of fire-brigade at a fire.

(a) remove, or order any fireman or other officer or person under his command to remove any persons who interfere by their presence with the operations of the fire-brigade,

(b) take generally any measures that appear expedient for the protection of life and property, with power, by himself or by the persons under his command, to break into or through or take possession of, or pull down any premises for the purpose of putting an end to such fire, doing as little damage as possible ;

(c) cause the water to be shut off from the mains and pipes of any district in order to give a greater supply and pressure of water in the district in which the fire has occurred and utilize the water of any well or tank available for the purpose of extinguishing such fire.

[(2) The power conferred by clause (b) of sub-section (1) shall include a power to enter on any vessel within the dock area of the port of Bombay]

362. It shall be the duty of all police officers and of all municipal officers and servants to aid the fire-brigade in the execution of their duties. They may close any street in or near which a fire is burning and remove any persons who interfere by their presence with the operations of the fire-brigade.

Police and municipal officers and servants to aid the fire-brigade.

¹ Section 361 was renumbered as sub-section (1) of that section and sub-section (2) was added to that section by Bom. 9 of 1945, s. 2, read with Bom. 8 of 1943, s. 2.

Damages done by fire-brigade to be deemed damage by fire.

363. Any damage occasioned by the fire-brigade in the due execution of their duties, or by any police or municipal officer or servant who aid the fire-brigade, shall be deemed to be damage by fire within the meaning of any policy of insurance against fire.

Reports of fires to be submitted.

364. A report of every fire which occurs in the city shall be submitted by the chief or other officer in charge of the fire-brigade, not later than the day, following the fire, to the Commissioner, who shall make such further inquiry, if any, as he may deem necessary and shall furnish a weekly return of all fires which occur in the city to the standing committee.

CHAPTER XV.

SANITARY PROVISIONS

Scavenging and Cleansing

Commissioner to provide for clearing of streets and removal of refuse.

365. For the purpose of securing the efficient scavenging and cleansing of all streets and premises, the Commissioner shall take measures for securing—

(a) the daily surface-cleansing of all streets in ¹[Greater Bombay] and the removal of the sweeping therefrom;

(b) the removal of the contents of all receptacles and depots and of the accumulations at all places provided or appointed by him under section 367 or 368 for the temporary deposit of any of the matters specified in the said sections.

Refuse, etc. to be the property of the corporation.

366. All matters collected by municipal servants or contractors in pursuance of the last preceding section and of section 369 ²[and in cases of dead animals deposited in any public receptacle, depot or place under section 367] shall be the property of the corporation.

Provision and appointment of receptacles, depots and places for refuse, etc.

367. ³* * The Commissioner shall provide or appoint in proper and convenient situations public receptacles depots and places for the temporary deposit or final disposal of—

(a) dust, ashes, refuse and rubbish;

⁴[(b) trade refuse,]

⁵[(c) carcases of dead animals and excrementitious and polluted matter:

⁶* * Provided that—

⁶(i) the said matters shall not be finally disposed of in any place or manner in which the same have not heretofore been so disposed of, without the sanction of the corporation or in any place or manner which ⁷[the ⁸[State] Government] think fit to disallow;

⁶(ii) any power conferred by this section shall be exercised in such manner as to create the least practicable nuisance.

¹ These words were substituted for the words "the City" by Bom 7 of 1950, s. 6 (1).

² These words and figures were inserted by Mah 14 of 1961, s. 5.

³ The figures (1) and (.) were omitted by Bom 1 of 1925, s. 20 (1).

⁴ This new clause (b) was inserted, *ibid.*, s. 20 (2).

⁵ Old clause (b) was re-lettered (c), *ibid.*, s. 20 (3).

⁶ The old clauses (c) and (d) were re-lettered (i) and (ii), *ibid.*, s. 20 (4).

⁷ The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

⁸ This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

¹[368. (1) It shall be incumbent on the owners and occupiers of all premises to cause all dust, ashes, refuse, rubbish and trade refuse to be collected from their respective premises and to be deposited at such times as the Commissioner, by public notice, from time to time prescribes in the public receptacle, depot or place provided or appointed under the last preceding section or the temporary deposit or final disposal thereof

(2) Provided that the Commissioner may, if he thinks fit, by written notice require the occupier and owner or either of them of any premises, to cause all dust, ashes, refuse and rubbish, but not trade refuse to be collected daily, or otherwise periodically, from the said premises and deposited temporarily upon any place forming the part of the said premises which the Commissioner appoints in this behalf, and it shall be incumbent on the said occupier and owner or either of them to cause the said matters to be collected and deposited accordingly

(3) It shall be incumbent on the owners of all premises to provide receptacles of a size to be prescribed by the Commissioner for the collection therein of all dust, ashes, refuse, rubbish and trade refuse to be collected from such premises. Such receptacles shall at all times be kept in good repair and condition and shall be provided in such number and place and retained in such positions as the Commissioner may, from time to time, by written notice direct

(4) It shall also be incumbent on the owners and occupiers or either of them of all premises when required by the Commissioner by written notice so to do, to employ servants for the purpose of carrying out and complying with the requirements of sub-sections (1) and (2) of this section]

²[(5) Notwithstanding anything contained in this section, if the owner or occupier of any trade premises desires permission to deposit trade refuse, collected daily or periodically from the premises, temporarily upon any place appointed by the Commissioner in this behalf, the Commissioner may, on the application, and on payment of such charges as the Commissioner may, from time to time, fix allow the applicant to deposit the trade refuse accordingly]

369. When the Commissioner has given public notice, under clause (a) of section 142, of his intention to provide, in a certain portion of ³[Greater Bombay], for the collection, removal and disposal, by municipal agency, of all excrementitious and polluted matter from privies, urinals and cesspools, it shall be lawful for the Commissioner to take measures for the daily collection, removal and disposal of such matter from all premises situated in the said portion of ³[Greater Bombay]

Provision may be made by Commissioner for collection, etc., of excrementitious and polluted matter

370. It shall be incumbent on the occupier of any premises situate in any portion of the city for which the Commissioner has not given a public notice under clause (a) of section 142 and in which there is not a water-closet or privy connected with a municipal drain, to cause all excrementitious and polluted matter accumulating upon his premises to be collected and to be conveyed to the nearest receptacle or depot provided for this purpose under clause (b) of section 367, at such times, in such vehicle or vessel, by such route and with such precautions, as the Commissioner by public notice from time to time prescribes.

Collection and removal of excrementitious and polluted matter when to be provided for by occupiers.

371. In any portion of ³[Greater Bombay] in which the Commissioner has given a public notice under clause (a) of section 142, and in any premises, wherever situate in which there is a water-closet or privy connected with a municipal drain, it shall not be lawful, except with the written permission of the Commissioner, for any person who is not employed by or on behalf of the Commissioner, to discharge any of the duties of halalkhors.

Halalkhor's duties in certain cases may not be discharged by private individuals without the Commissioner's permission.

¹ Section 368 was substituted for the original section by Bom. I of 1925, s. 21

² Sub-section (5) was added by Mah. 63 of 1975, s. 6.

³ These words were substituted for the words "the city" by Bom. 7 of 1950, s. 6(1)

Damages done by fire-brigade to be deemed damage by fire.

363. Any damage occasioned by the fire-brigade in the due execution of their duties, or by any police or municipal officer or servant who aid the fire-brigade, shall be deemed to be damage by fire within the meaning of any policy of insurance against fire.

Reports of fires to be submitted.

364. A report of every fire which occurs in the city shall be submitted by the chief or other officer in charge of the fire-brigade, not later than the day, following the fire, to the Commissioner, who shall make such further inquiry, if any, as he may deem necessary and shall furnish a weekly return of all fires which occur in the city to the standing committee.

CHAPTER XV.

SANITARY PROVISIONS

Scavenging and Cleansing

Commissioner to provide for clearing of streets and removal of refuse.

365. For the purpose of securing the efficient scavenging and cleansing of all streets and premises, the Commissioner shall take measures for securing—

(a) the daily surface-cleansing of all streets in ¹[Greater Bombay] and the removal of the sweeping therefrom;

(b) the removal of the contents of all receptacles and depots and of the accumulations at all places provided or appointed by him under section 367 or 368 for the temporary deposit of any of the matters specified in the said sections.

Refuse, etc. to be the property of the corporation.

366. All matters collected by municipal servants or contractors in pursuance of the last preceding section and of section 369 ²[and carcasses of dead animals deposited in any public receptacle, depot or place under section 367] shall be the property of the corporation.

Provision and appointment of receptacles, depots and places for refuse, etc.

367. ³* * The Commissioner shall provide or appoint in proper and convenient situations public receptacles depots and places for the temporary deposit or final disposal of—

(a) dust, ashes, refuse and rubbish;

⁴[(b) trade refuse,]

⁵[(c) carcasses of dead animals and excrementitious and polluted matter:

⁶* * Provided that—

⁷(a) the said matters shall not be finally disposed of in any place or manner in which the same have not heretofore been so disposed of, without the sanction of the corporation or in any place or manner which ⁸[the ⁹[State] Government] think fit to disallow;

¹⁰(ii) any power conferred by this section shall be exercised in such manner as to create the least practicable nuisance.

¹ These words were substituted for the words "the City" by Bom 7 of 1950, s. 6 (1).

² These words and figures were inserted by Mah 14 of 1961, s. 5.

³ The figures (1) and (...) were omitted by Bom 1 of 1925, s. 20 (1).

⁴ This new clause (b) was inserted, *ibid.*, s. 20 (2).

⁵ Old clause (b) was re-lettered (c), *ibid.*, s. 20 (3).

⁶ The old clauses (c) and (d) were re-lettered (i) and (ii), *ibid.*, s. 20 (4).

⁷ The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council

⁸ This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

¹[368. (1) It shall be incumbent on the owners and occupiers of all premises to cause all dust, ashes, refuse, rubbish and trade refuse to be collected from their respective premises and to be deposited at such times as the Commissioner, by public notice, from time to time prescribes in the public receptacle, depot or place provided or appointed under the last preceding section or the temporary deposit or final disposal thereof

Duty of owners and occupiers to collect and deposit dust, etc

(2) Provided that the Commissioner may, if he thinks fit, by written notice require the occupier and owner or either of them of any premises, to cause all dust, ashes, refuse and rubbish, but not trade refuse to be collected daily, or otherwise periodically, from the said premises and deposited temporarily upon any place forming the part of the said premises which the Commissioner appoints in this behalf, and it shall be incumbent on the said occupier and owner or either of them to cause the said matters to be collected and deposited accordingly

(3) It shall be incumbent on the owners of all premises to provide receptacles of a size to be prescribed by the Commissioner for the collection therein of all dust, ashes, refuse, rubbish and trade refuse to be collected from such premises. Such receptacles shall at all times be kept in good repair and condition and shall be provided in such number and place and retained in such positions as the Commissioner may, from time to time, by written notice direct

(4) It shall also be incumbent on the owners and occupiers or either of them of all premises when required by the Commissioner by written notice so to do, to employ servants for the purpose of carrying out and complying with the requirements of sub-sections (1) and (2) of this section]

²[(5) Notwithstanding anything contained in this section, if the owner or occupier of any trade premises desires permission to deposit trade refuse, collected daily or periodically from the premises, temporarily upon any place appointed by the Commissioner in this behalf, the Commissioner may, on the application, and on payment of such charges as the Commissioner may, from time to time, fix allow the applicant to deposit the trade refuse accordingly]

369. When the Commissioner has given public notice, under clause (a) of section 142, of his intention to provide, in a certain portion of ³[Greater Bombay], for the collection, removal and disposal, by municipal agency, of all excrementitious and polluted matter from privies, urinals and cesspools, it shall be lawful for the Commissioner to take measures for the daily collection, removal and disposal of such matter from all premises situated in the said portion of ³[Greater Bombay]

Provision may be made by Commissioner for collection, etc., of excrementitious and polluted matter

370. It shall be incumbent on the occupier of any premises situate in any portion of the city for which the Commissioner has not given a public notice under clause (a) of section 142 and in which there is not a water-closet or privy connected with a municipal drain, to cause all excrementitious and polluted matter accumulating upon his premises to be collected and to be conveyed to the nearest receptacle or depot provided for this purpose under clause (b) of section 367, at such times, in such vehicle or vessel, by such route and with such precautions, as the Commissioner by public notice from time to time prescribes.

Collection and removal of excrementitious and polluted matter when to be provided for by occupiers.

371. In any portion of ³[Greater Bombay] in which the Commissioner has given a public notice under clause (a) of section 142, and in any premises, wherever situate in which there is a water-closet or privy connected with a municipal drain, it shall not be lawful, except with the written permission of the Commissioner, for any person who is not employed by or on behalf of the Commissioner, to discharge any of the duties of halalkhors.

Halalkhor's duties in certain cases may not be discharged by private individuals without the Commissioner's permission.

¹ Section 368 was substituted for the original section by Bom. I of 1925, s 21.

² Sub-section (5) was added by Mah 63 of 1975, s 6

³ These words were substituted for the words " the city " by Bom. 7 of 1950, s. 6(1)

Prohibition of failure to remove refuse, etc, when bound to do so,

372. No person—

(a) who is bound, under section 368 or section 370, to cause the removal of dust, ashes, refuse, ¹[rubbish and trade refuse] or of excrementitious or polluted matter, shall allow the same to accumulate on his premises for more than twenty-four hours or neglect to cause the same to be removed to the depot, receptacle or place provided or appointed for the purpose ;

removal of refuse, etc, contrary to orders or without proper precautions,

(b) shall remove any dust, ashes, refuse ²[rubbish or trade refuse] or any excrementitious or polluted matter, otherwise than in conformity with the requirements of any public or written notice at the time being in force under section 368, or use for the removal of any excrementitious or polluted matters any vehicles or vessel not having a covering proper for preventing the escape of any portion of the contents thereof or of the stench therefrom ,

Failure to clear away any refuse, etc, which drops during removal ,

(c) shall, whilst engaged, in the removal of any dust, ashes, refuse ²[rubbish or trade refuse] or of any excrementitious or polluted matter, fail forthwith thoroughly to sweep and cleanse the spot in any street upon which, during removal, any portion thereof may fall and entirely to remove these sweepings ;

leaving filth carts etc, unnecessarily in the streets,

(d) shall place or set down in any street any vehicle or vessel for the removal of excrementitious or polluted matter, or suffer the same to remain in any street for any greater length of time than is reasonably necessary ,

throwing or placing refuse, etc, in any place not assigned for the purpose, allowing filthy matter to flow or soak from any premises and keeping anything thereupon so as to create a nuisance

(e) shall throw or place any dust, ashes, refuse, ²[rubbish or trade refuse] or any excrementitious or polluted matter, on any street, or in any place not provided or appointed for this purpose under section 367 or 368 ,

(f) who is the owner or occupier of any building or land, shall allow any filthy matter to flow, soak or be thrown therefrom, or keep or suffer to be kept therein or thereupon, anything so as to be a nuisance to any person, or negligently suffer any privy-receptacle or other receptacle or place for the deposit of filthy matter or rubbish on his premises to be in such a state as to be offensive or injurious to health ;

³[(g) shall deposit the skin or otherwise dispose of the carcass of any dead animal at a place not provided or appointed for this purpose under section 367]

Presumption as to offender under clause (e) of section 372

373. If it shall in any case be shown that dust, ashes, refuse, ⁴[rubbish or trade refuse] or any excrementitious or polluted matter, has or have been thrown or placed on any street or place, in contravention of clause (e) of the last preceding section, from some building or land, it shall be presumed, until the contrary proved, that the said offence has been committed by the occupier of the said building or land

Inspection and sanitary regulation of premises

Power to inspect premises for sanitary purposes.

374. The Commissioner may inspect any building or other premises for the purpose of ascertaining the sanitary condition thereof.

Cleansing and lime-washing of any building may be required.

375. If it shall appear to the Commissioner necessary for sanitary reasons so to do, he may, by written notice, require the owner or occupier of any building so inspected, to cause the same or some portion thereof to be lime-washed or otherwise cleansed, either externally or internally, or both externally and internally

¹ These words were substituted for the original words " and rubbish " by Bom 1 of 1925, s 22

² These words were substituted for the original words " or rubbish ", *ibid* ,

³ Clause (g) was added by Mah 14 of 1961, s 6

⁴ These words were substituted for the original words " or rubbish " by Bom 1 of 1925, s 23

§375A. If it shall appear to the Commissioner that any tiles, stones, rafters, Removal of building materials or debris of building materials are stored or collected in or upon any premises without the written permission of the Commissioner in such quantity materials or bulk or in such way as to constitute a harbourage or breeding place for rats or from any other vermin or otherwise a source of danger or nuisance to the occupiers of the premises may be said premises or to persons residing in the neighbourhood thereof, the Commissioner 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 Commissioner be necessary or expedient to abate the nuisance or prevent a recurrence thereof]

376. If any premises, by reason of their being abandoned or unoccupied, Abandoned become a resort of disorderly persons or, in the opinion of the Commissioner, a nuisance, the Commissioner, after such inquiry as he deems necessary, may give written notice to the owner of such premises, if he be known and resident within Greater Bombay] or to any person who is known or believed to claim to be the owner, if such person is resident within Greater Bombay] and shall also affix a copy of the said notice on some conspicuous part of the said premises, requiring all persons having any right of property or interest therein to take such order with the said premises as shall in the opinion of the Commissioner be necessary to prevent the same from being resorted to as aforesaid or from continuing to be a nuisance. ed premises.

377. (1) If it shall appear to the Commissioner that any premises are overgrown with rank and noisome vegetation or are otherwise in an unwholesome or filthy condition or, by reason of their not being properly enclosed, are resorted to by the public for purposes of nature, or are otherwise a nuisance to the neighbouring inhabitants, the Commissioner may, by written notice, require the owner or occupier of such premises to cleanse, clear or enclose the same, or with the approval of the standing committee, may require him to take such other order with the same as the Commissioner thinks necessary. Neglected premises.

§(1-A) If it shall appear to the Commissioner that any private street is overgrown with rank and noisome vegetation or is otherwise in an unwholesome or filthy condition, the Commissioner may by written notice require the owners of the several premises fronting or adjoining the said street or abutting thereon to cleanse or clear the same, or with the approval of the standing committee require them to take such other order with the same as the Commissioner may think necessary : provided that nothing herein contained shall affect the provision of section 365 : private streets.

(2) Provided that in so far as the unwholesome or filthy condition of such premises [or such street] or such nuisance as abovementioned is caused by the discharge from or by any defect in the municipal drains or appliances connected therewith, it shall be incumbent on the Commissioner to cleanse such premises [or such street].

§377A. (1) If it shall appear to the Commissioner that any building or any part of a building is in such a state as to constitute a nuisance or to be likely to give rise to one, by reason of rain-water leaking from its roof or any part of its roof the Commissioner may give a notice in writing to the owner of such building requiring him to abate the nuisance or to prevent its recurrence within the time and by taking the measures and doing the act to be specified in the notice. Nuisance arising from defective roof.

¹ Section 375A was inserted by Bom. 1 of 1916, s. 8

² These words were substituted for the words "the city" by Bom. 7 of 1950, s. 6(1).

³ Sub-section (1-A) was added by Bom. 1 of 1916, s. 9(a).

⁴ These words were inserted, *ibid.*, s. 9(b)

⁵ This new section 377A was added by Bom. 1 of 1925, s. 24.

(2) If at any time thereafter the Commissioner is of opinion that such a nuisance may recur he may, notwithstanding that the original nuisance may have been abated by the owner of the building under sub-section (1) give a further notice in writing to the said owner requiring him to abate the probable recurrence of the nuisance within the time and in the manner specified in the notice.

(3) If the owner of the building by whose act, default or sufferance such nuisance has arisen or continues is unknown or cannot be found, the Commissioner may take such measures or cause such work to be executed or such things to be done as shall in his opinion be necessary to abate such nuisance and to prevent its recurrence.]

[(4) Where the owner of a building fails to comply with any notice requiring him to abate the nuisance or prevent its recurrence or probable recurrence under sub-section (1) or sub-section (2), the occupier or occupiers interested may instead of resorting to section 499, seek the approval of the Commissioner under this section, to execute the required work. For this purpose, the occupiers shall submit an application to the Commissioner together with the plans and estimates of the work and pay to the Corporation a sum equal to five per cent of the estimated cost, as fees for scrutiny and supervision of the work, which shall not be refundable, unless the approval is not granted. On receipt of such application and payment of such fees, the Commissioner may after making such inquiry as he deems fit grant the approval on such conditions as he thinks fit. The occupiers shall then be entitled to execute the work. After completion of the work, the occupiers shall submit to the Commissioner the accounts together with the vouchers maintained by them, for certifying reasonable expenses incurred by them for executing the work. After examining the work executed and the accounts submitted, the Commissioner shall issue a certificate to the occupiers specifying the amount of reasonable expenses incurred by the occupiers in executing the work, and the apportionment of the same. Such amount shall include the fees paid to the Corporation for scrutiny and supervision of the work. The Commissioner shall send a copy of his certificate to the owner. The occupiers shall then be entitled to recover the amount so certified from the owner and may deduct the same from the rent which from time to time becomes due by them to the owner :

Provided that, where such work is jointly executed by the occupiers the amount to be recovered or deducted by each occupier shall bear the same proportion as the rent payable by him in respect of his premises bears to the amount so certified.

(5) Where the amount specified in any certificate issued by the Commissioner under sub-section (4) does not exceed the amount of the rent payable by all the occupiers in the building for a period of three months, the amount so certified and the apportionment of the same shall for all purposes be final and binding on the owner and the occupiers. In any other case, in case of dispute, the amount or the apportionment of the same, shall be determined in accordance with the provisions of section 504]

§378. (1) If for any reason it shall appear to the Commissioner that any building or any room in a building intended for or used as a dwelling is unfit for human habitation, he shall give to the owner or occupier of such building notice in writing stating such reason and signifying his intention to prohibit the further use of the building or room, as the case may be, as a dwelling and shall by such notice call upon the owner or occupier aforesaid to state in writing any objection thereto within thirty days after the receipt of such notice, and if no objection is raised by such owner or occupier within such period as aforesaid, or if any objection which is raised by such owner or occupier within

¹ Sub-sections (4) and (5) were added by Mah 35 of 1971, s. 2.

² Section 378 was substituted by Bom. 6 of 1916, s. 6.

such period appears to the Commissioner invalid or insufficient, he may, with the previous approval of the standing committee, by an order in writing, prohibit the further use of such building or room as a dwelling :

Provided that, before such approval is given the owner or occupier aforesaid shall have the right of appearing before the standing committee in person or by agent and of showing cause why such approval should not be given.

(2) When any such prohibition as aforesaid has been made, the Commissioner shall cause notice of such prohibition to be affixed to, and the letters " U.H.H. " to be painted on the door or some conspicuous part of such building or room, as the case may be, and no owner or occupier of such building or room shall use or suffer the same to be used for human habitation until the Commissioner certifies in writing that the building or room, as the case may be, has been rendered fit for human habitation]

[(3) Where the Commissioner has prohibited the further use of a building or room as a dwelling, the owner or owners of such building or room shall, so far as may be necessary to prevent nuisance, keep the building or the room or rooms clean and wholesome]

Power to
require
repair of
insanitary
buildings.

¶ 378A. (1) If it shall appear to the Commissioner that any building intended for, or used as, a dwelling is in any respect unfit for human habitation and does not conform with the regulations framed under section 378D the Commissioner may, by written notice, require the owner of the building within such reasonable time (not being less than twenty-one days) as may be specified in the notice, to execute such works or carry out such alterations as would render the building fit for human habitation.

(2) In addition to serving a notice under this section on the owner of the building the Commissioner may serve a copy of the notice on any other person having an interest in the building, whether as owner of the land, mortgagee, lessee, or otherwise

¹ Sub-section (3) was inserted by Bom 34 of 1954, s. 24.

² Sections 378A to 378I were inserted, *ibid*, s. 25.

378B. (1) If it shall appear to the Commissioner that any building intended for, or used as, a dwelling is unfit for human habitation and is not capable at a reasonable expense of being rendered so fit, he shall serve upon the occupier of the building and the owner or owners thereof, and, so far as it is reasonably practicable to ascertain such persons, upon every mortgagee thereof, notice of the time (being some time not less than twenty-one days after the service of the notice) and place at which the condition of the building and any offer with respect to the carrying out of works, or the future use of the building, which he may wish to submit, will be considered by the Standing Committee, and every person upon whom such a notice is served shall be entitled to be heard either in person or by agent when the matter is so taken into consideration.

Power to order demolition of insanitary buildings.

(2) A person upon whom notice is served under the foregoing sub-section shall, if he intends to submit an offer with respect to the carrying out of works, within twenty-one days from the date of the service of the notice upon him, serve upon the Commissioner notice in writing of his intention to make such an offer and shall, within such reasonable period as the Commissioner may allow, submit to him a list of the works which he offers to carry out.

(3) The Commissioner may, with the previous approval of the Standing Committee, accept from any owner or mortgagee, an undertaking in writing either that he will within a specified period carry out such works as will in the opinion of the Commissioner render the building fit for human habitation, or that it shall not be used for human habitation until the Commissioner, on being satisfied that it has been rendered fit for that purpose and with the previous approval of the Standing Committee, cancels the undertaking.

(4) If no such undertaking as is mentioned in the last foregoing sub-section is accepted by the Commissioner, or if, in a case where the Commissioner has accepted such an undertaking any work to which the undertaking relates is not carried out within the specified period, or the building, is at any time used in contravention of the terms of the undertaking, the Commissioner shall, with the previous approval of the Standing Committee, forthwith make a demolition order requiring that the building shall be vacant within a period to be specified in the order, not being less than twenty-eight days from the date on which the order becomes operative and, that it shall be demolished within six weeks after the expiration of that period, or if the building is not vacated before the expiration of that period, within six weeks after the date on which it is vacated or, in either case within such longer period as in the circumstances the Commissioner deems it reasonable to specify, and shall serve a copy of the order upon every person upon whom the Commissioner would be required by sub-section (1) of this section to serve a notice issued by him under that sub-section.

(5) In determining for the purpose of this section whether a building can be rendered fit for human habitation at a reasonable expense, regard shall be had to the estimated cost of the work necessary to render it so fit and the value which it is estimated that the building will have when the works are completed.

378C. (1) When a demolition order under section 378B has become operative, the owner or owners of the building to which it applies shall demolish the building within the time limited in that behalf by the order, and, if the building is not demolished within that time, the Commissioner shall cause the building to be vacated if necessary in the manner provided in section 488A, and shall take measures to demolish the building and sell the materials thereof.

Procedure where demolition order made.

(2) Any expenses incurred by the Commissioner under the foregoing sub-section, after giving credit for the amount realised by sale of the materials, shall be payable by the owner or owners of the building, and any surplus in the hands of the Commissioner after payment of such expenses shall be paid by the Commissioner to the owner of the building, or if there is more than one owner, shall be paid in accordance with the agreement between them. In default of agreement between such owners the Commissioner shall deposit the surplus amount in the Small Causes Court and the Chief Judge of the said Court shall decide in what proportion such amount should be paid to such owners. The decision of the Chief Judge shall be final.

Regulations to determine the fitness of a building

378D. For the purposes of this Act, the Corporation may, from time to time, frame regulations not inconsistent with this Act for determining the standards of fitness of buildings for human habitation, provided that, where in pursuance of a notice under sub-section (1) of section 378-A any building has been rendered fit for human habitation by the execution of works and alterations to the satisfaction of the Commissioner, such building during a period of ten years from the date of completion of such works and alterations shall not be deemed to be unfit for human habitation by reason only of not conforming with any regulations made subsequently to such date affecting the structure of such building.

Power to order demolition of obstructive building.

378E. (1) The Commissioner may serve upon the owner or owners of a building which appears to him to be an obstructive building notice of the time (being some time not less than twenty-one days after the service of the notice) and place at which the question of ordering the building to be demolished will be considered by the Standing Committee, and the owner or owners shall be entitled to be heard either in person or by agent when the matter is so taken into consideration.

(2) If, after so taking the matter into consideration, the Standing Committee resolve that the building is an obstructive building and that the building or any part thereof ought to be demolished, the Commissioner may make a demolition order requiring that the building or that part thereof shall be demolished, and that the building, or such part thereof as is required to be vacated for the purposes of the demolition, shall be vacated within two months from the date on which the order becomes operative, and if he does so, shall serve a copy of the order upon the owner or owners of the building.

(3) In this section the expression "obstructive building" means a building which, although not in itself unfit for human habitation, is so situate that by reason of its proximity to or contact with any other buildings it—

(a) stops or impedes ventilation or otherwise makes or conduces to make such other buildings to be in a condition unfit for human habitation or dangerous or injurious to health, or

(b) prevents proper measures from being carried into effect for remedying any nuisance injurious to health or other evils complained of in respect of such other buildings.

Effect of order for demolition of obstructive building

378F. (1) If, before the expiration of the period within which a building in respect of which an order is made under section 378E is thereby required to be vacated, any owner or owners or other person or persons, whose estate or interest, or whose combined estates or interests in the building and the site thereof is or are such that the acquisition thereof by the Corporation would enable the Commissioner to carry out the demolition provided for by the order, make to the

Commissioner an offer for the sale of that interest, or of those interests, to the Corporation at a price equal to the compensation to be assessed as provided in sub-section (6) the Commissioner shall, upon obtaining the requisite sanction under section 90, accept the offer and shall, as soon as possible after obtaining possession, carry out the demolition.

(2) Upon payment of the price mentioned in sub-section (1) the said building and the site thereof to the extent of the interests acquired shall vest in the Corporation.

(3) If no such offer as is mentioned in sub-section (1) is made before the expiration of the said period, the owner or owners of the building shall carry out the demolition provided for by the order before the expiration of six weeks from the last day of that period, or, if the building or such part thereof as is required to be vacated, is not vacated until after that day, before the expiration of six weeks from the day on which it is vacated or, in either case, before the expiration of such longer period as in the circumstances the Commissioner deems reasonable, and if the demolition is not so carried out the Commissioner shall cause the building or part thereof to be vacated, if necessary, in the manner provided in section 488A and take measures to carry out the demolition and sell the materials rendered available thereby.

(4) When any obstructive building or any part thereof is demolished either by the owner or owners or by the Commissioner as provided for in sub-section (3), the Commissioner may at once take possession on behalf of the Corporation of the land occupied by, and appurtenant to, the said buildings or part thereof, and shall pay compensation as provided for in sub-section (6).

(5) The provisions of sub-section (2) of section 378-C shall apply in relation to any expenses incurred by the Commissioner under sub-section (3) and to any surplus remaining in the hands of the Commissioner as they apply in relation to any expenses or surplus in a case where a building is demolished in pursuance of a demolition order made under section 378-B.

(6) The compensation payable by the Commissioner for the building and the site thereof upon any sale effected under sub-section (1) and the compensation payable by the Commissioner under sub-section (4) shall be the market value of the land and building demolished, at the date of the demolition order made under sub-section (2) of section 378-E.

378G. (1) When a demolition order in respect of an obstructive building or any part thereof has been made under section 378-E, the Commissioner may specify and declare to the Standing Committee the properties of which the building or part of a building intended to be demolished is in his opinion obstructive, and shall serve a notice to that effect upon the owner or owners of each of such specified properties.

(2) For the purpose of enquiry under this section the Commissioner shall have the like powers as are conferred on him by section 155, and every person required to make or deliver a statement under this sub-section shall be deemed to be legally bound to do so within the meaning of sections 175 and 176 of the Indian Penal Code.

(3) The Commissioner may declare the sum apportioned to each property under this section in respect of its increase in value to be improvement expenses incurred for the benefit of such property and the same shall thereupon be a charge upon such property and shall be recoverable in the same manner as expenses declared to be improvement expenses under section 494.

Appeal
against
demolition
orders.

378H. (1) Any person aggrieved by a demolition order made under section 378-B or section 378-E may, within twenty-one days after the date of the service of the order, appeal to the Chief Judge of the Small Causes Court (hereinafter in this section referred to as the Chief Judge), and no proceedings shall be taken by the Commissioner to enforce any order in relation to which an appeal is brought before the appeal is finally determined:

Provided that no appeal shall lie at the instance of a person who is in occupation of the premises to which the order relates under a lease or agreement of which the unexpired term does not exceed three years.

(2) On such an appeal under this section the Chief Judge may make such order either confirming or quashing or varying the demolition order as he thinks fit, and he may, if he thinks fit, accept from an appellant any such undertaking as might have been accepted by the Commissioner, and any undertaking so accepted by the Chief Judge shall have the like effect as if it had been given to and accepted by the Commissioner under section 378-B:

Provided that the Chief Judge shall not accept from an appellant upon whom such a notice as is mentioned in sub-section (1) of section 378-B was served an undertaking to carry out any works unless the appellant complied with the requirements of sub-section (2) of that section.

(3) An appeal shall lie to the High Court from a decision of the Chief Judge under this section when the rateable value, entered in the Commissioner's assessment book in accordance with the provisions of this Act, of the premises to which the demolition order appealed against wholly or partially relates, exceeds Rs. 3,000.

(4) The provisions of the Code of Civil Procedure, 1908, with respect to original ∇ of decrees shall, so far as they can be made applicable, apply to appeals under sub-section (3), and orders passed therein by the High Court may, on application to the Chief Judge, be executed as if they were decrees passed by himself.

(5) A decision passed by the Chief Judge under this section shall, if an appeal does not lie therefrom under sub-section (3), be final.

(6) An appeal to the High Court under sub-section (3), shall for the purposes of the second division of the first Schedule to the Indian Limitation Act, 1908, ^{IX of} be deemed to be an appeal under the Code of Civil Procedure, 1908, to the Court ¹⁹⁰⁸ ∇ of ^{1908.} of a District Judge.

(7) Any order against which an appeal might be brought under this section shall, if no such appeal is brought, become operative on the expiration of the period of twenty-one days mentioned in sub-section (1) and shall be final and conclusive

as to any matter which could have been raised on such an appeal, and any such order against which an appeal is brought shall, if and so far as it is confirmed by the Chief Judge, or the High Court, become operative as from the date of the final determination of the appeal.

(8) For the purposes of this section, the withdrawal of an appeal shall be deemed to be final determination thereof, having the like effect as a decision confirming the order appealed against and, subject as aforesaid, an appeal shall be deemed to be finally determined on the date when the decision of the High Court is given, or in a case where no appeal is brought to the High Court, upon the expiration of the period within which such an appeal might have been brought, or in a case where no appeal lies to the High Court, on the date when the decision of the Chief Judge is given.

3781. Notwithstanding anything contained in this Act, it shall not be lawful to erect any back-to-back buildings intended to be used as dwellings for the poorer classes, and any such building shall, for the purposes of this Act, be deemed to be unfit for human habitation:

Prohibition
of back-to-
back
buildings.

Provided that nothing in this section shall prevent the erection or use of a building containing several tenements in which tenements are placed back-to-back if in the opinion of the Commissioner the several tenements are so constructed and arranged as to secure effective ventilation of all habitable rooms in every tenement]

¹379. (1) The owner of a building shall, within a period of seven days after receipt of a written notice from the Commissioner, sign and give a certificate of the following particulars with respect to such building or any part thereof:

Power
of Commis-
sioner to call
for state-
ment of
accommo-
dation.

(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]

¹ Section 379 was substituted for the original section by Bom. 5 of 1905, s. 55.

¶379A. (1) Where it appears to the Commissioner, whether from any certificate furnished under section 379 or otherwise, that any building or any room or rooms therein used for human habitation is overcrowded, he may apply to a ^{Overcrowded dwellings.} ²[Presidency Magistrate specially empowered by the State Government] to prevent such overcrowding, and the said Magistrate, after such inquiry as he thinks fit to make, may prescribe the maximum number of persons to be accommodated in each room and may, by written order, require the owner of the building, within a reasonable time not exceeding ten days to be prescribed in the said order, to abate the overcrowding thereof, by reducing the number of lodgers, tenants, or other inmates of the said building or room or rooms, in accordance with the maximum so prescribed and to the satisfaction of the Commissioner, or may pass such other order as he may deem just and proper.

(2) Where the owner of the said building has sub-let the same, the landlord of the lodgers, tenants or other actual inmates of the same shall, for the purposes of this section, be deemed to be the owner of the said building.

(3) Every tenant, lodger, or other inmate of the said building shall vacate on being required by the owner so to do in pursuance of any order under sub-section (1).

(4) A room used exclusively as a dwelling shall be deemed to be overcrowded within the meaning of this section when the number of adult inmates is such that the amount of floor space available for each adult inmate is less than twenty-five superficial feet and for each person under the age of ten years less than twelve and one-half superficial feet, or when the air space for each adult inmate is less than two hundred and fifty cubic feet, two children under ten years of age counting as one adult.

(5) A room not exclusively used as a dwelling shall be deemed to be overcrowded within the meaning of this section when the number of adult inmates is such that the amount of floor space available for each adult inmate is less than thirty superficial feet, and for each person under the age of ten years less than fifteen superficial feet, or when the air space for each adult inmate is less than three hundred cubic feet, two children under ten years of age counting as one adult]

380. If the Commissioner is of opinion that any hut or shed, used either as a ^{Insanitary} dwelling or as a stable or for any other purpose, is likely, by reason of its being built ^{huts and sheds} without a plinth or upon a plinth of insufficient height or without proper means of drainage, or on account of the impracticability of scavenging or owing to the manner in which it and other huts or sheds are crowded together, to cause risk of disease to the inmates thereof or to the inhabitants of the neighbourhood, or is for any reason likely to endanger the public health or safety;

He may, by written notice, which shall be affixed to some conspicuous part of such hut or shed, require the owner or occupier thereof, or the owner of the land on which such hut or shed stands, to remove or alter such hut or shed or to take such order for the improvement thereof as the Commissioner shall deem necessary.

¶381. ¶(1) (i) For the purposes of this section, a nuisance shall include—

(a) any pool, ditch, tank, well, pond, quarry-hole, drain, water-course or any collection of water; or

Filling in of
pools, etc.,
which are
a nuisance.

¹ Section 379A was inserted by Bom. 5 of 1905, s. 55.

² These words were substituted for the words "Presidency Magistrate" by Bom. 8 of 1954, s. 2, Schedule—Part III

³ This section was substituted for the original section by Bom. 6 of 1913, s. 4

⁴ New sub-section (1) was substituted for the original sub-section (1) by Bom. 10 of 1928, s. 14 (a).

(b) any cistern or other receptacle for water or any article or thing capable of collecting rain water during the monsoon season whether within or outside a building ; or

(c) any land on which water accumulates or is likely to accumulate ; or

(d) any premises or any part of any premises occupied, or unoccupied, or under construction, reconstruction or demolition, which in the opinion of the Commissioner is, or is likely to become a breeding place of mosquitoes or which is, in any other respect, a nuisance as defined in clause (z) of section 3.

(ii) The Commissioner may, by notice in writing, require the person by whose act, default or sufferance, a nuisance arises, exists or continues, or is likely to arise, and the owner, lessee and occupier of the land, building or premises on which the nuisance arises, exists or continues or is likely to arise or any one or more of such person, owner, lessee and occupier, to remove, discontinue or abate the nuisance by taking such measures and by executing such work in such manner and within such period of time as the Commissioner shall prescribe in such notice

(iii) The Commissioner may also by any notice under clause (ii) or by another notice, served on such person, owner, lessee and occupier, or on any one or more of them, require them, or any one or more of them, to take all steps requisite or necessary to prevent a recurrence of the nuisance and may, if he thinks it desirable, specify any work to be executed or measures to be carried out for that purpose, and may serve any such further notice notwithstanding that the nuisance may have been abated or removed if he considers that it is likely to recur :

Provided that if at any time within four months from the date of the service of any such notice, the nuisance recurs through the failure of the person or persons upon whom such notice has been served to comply with the requirements contained in such notice, such person or persons shall be liable without any further notice to the penalties provided in this Act for offences under this section.

(iv) Where the nuisance arises or exists or is likely to arise or recur in connection with the construction, reconstruction or demolition of any premises, or any part of any premises, the Commissioner may in addition to serving any notice on any one or more of the persons mentioned in clause (ii) serve any such notice on any architect, contractor or other person employed to carry out such work of construction, reconstruction, or demolition and also on any sub-contractor employed by such contractor or other person, or any one or more of such contractor, person and sub-contractor]

(2) If [any person who, by a requisition made under sub-section (1), is required] to fill up, cover over or drain off a well, delivers to the Commissioner, within the time prescribed for compliance therewith, written objections to such requisition, the Commissioner shall report such objections to the standing committee and shall make further inquiry into the case, and he shall not institute any prosecution under section 517 for failure to comply with such requisition except with the approval of the standing committee, but the Commissioner may nevertheless, if he deems the execution of the work called for by such requisition to be of urgent importance, proceed in accordance with section 489 and, pending the standing committee's disposal of the question whether the said well shall be permanently filled up, covered over or otherwise dealt with, may cause such well to be securely

¹ These words, figure and brackets were substituted for the original words by Bom. 10 of 1928, s. 14 (b) (i).

covered over, so as to prevent the ingress of mosquitoes, and in every such case the Commissioner shall determine, with the approval of the standing committee, whether the expenses of any work already done as aforesaid shall be paid by such ¹[person], or by the Commissioner out of the municipal fund or shall be shared, and, if so, in what proportions]

²[381A. (1) No new well, tank, pond, cistern or fountain shall be dug or constructed without the previous permission in writing of the Commissioner. Permission for new well, etc.

(2) If any such work is begun or completed without such permission the Commissioner 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 Commissioner 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-section (1)]

³[381B. No person shall, on any land owned by him or in his possession,—

(a) have, keep or maintain any collection of standing or flowing water in which mosquitoes breed or are likely to breed, or

(b) cause, permit or suffer any water on such land to form a collection in which mosquitoes breed or are likely to breed,

unless such collection has been so treated as effectively to prevent such breeding.

Explanation I.—Troughs used for cattle and in frequent use shall not, until the contrary is proved, be deemed to be collection of water in which mosquitoes breed or are likely to breed.

Explanation II.—The natural presence of mosquito larvae in any standing or flowing water shall be evidence that mosquitoes are breeding in such water.]

382. If, in the opinion of the Commissioner, the working of any quarry, or the removal of stone, earth or other material from any place, is dangerous to persons residing in or having legal access to the neighbourhood thereof or creates or is likely to create a nuisance, the Commissioner may, with the approval of the standing committee, by written notice, require the owner of the said quarry or place to discontinue working the same or to discontinue removing stone, earth or other material from such place, or to take such order with such quarry or place, as he shall deem necessary for the purpose of preventing danger or of abating the nuisance arising or likely to arise therefrom. Dangerous quarrying may be stopped.

383. (1) If, in the opinion of the Commissioner,—

(a) any hedge is at any time insufficiently cut or trimmed, or over-grown, with prickly-pear or other rank vegetation; or

Removal and trimming of trees, shrubs and hedges.

¹ The word "person" was substituted for the original word "owner" by Bom. 10 of 1928, s. 14 (b) (u)

² Section 381A was inserted by Bom. 6 of 1913, s. 5.

³ Section 381B was inserted by Mah. 51 of 1975, s. 16.

(b) any tree or shrub has fallen or is likely to fall, to the danger of public safety, or over-hangs or obstructs any street to the inconvenience or danger of passengers therein,

the Commissioner may, by written notice, require the owner or occupier of the land on which such hedge, tree or shrub is or has been growing—

(c) to cut down such hedge to a height not exceeding four feet and to a width not exceeding three feet, and to remove any such prickly-pear or other rank vegetation therefrom; or

(d) to remove, cut, lop or trim such tree or shrub, as the case may be

(2) In any case falling under clause (b), the Commissioner may, if for the public safety it shall appear to him necessary so to do, cause any tree or shrub to be removed, cut, lopped or trimmed, without previously giving the said owner or occupier notice as aforesaid, and the expenses thereof shall, nevertheless, be paid by the owner or occupier

Keeping and Destruction of Animals and Disposal of Carcasses

Prohibition
as to keeping
animals

384. (1) No person shall—

(a) without the written permission of the Commissioner, or otherwise than in conformity with the terms of such permission, keep any swine in any part of ¹[Greater Bombay],

(b) keep any animal on his premises so as to be a nuisance or dangerous to any person;

(c) feed any animal, or suffer or permit any animal, to be fed or to feed, with or upon excrementitious matter, dung, stable refuse or other filthy matter

(2) Any swine found straying may be forthwith destroyed and the carcass thereof disposed of as the Commissioner shall direct. No claim shall lie for compensation for any swine so destroyed

Stabling
animals or
storing grain
in dwelling
houses may
be prohibited.

²[384A. Where a building or any portion thereof is used or intended to be used for human habitation and any portion of such building is used for any of the following purposes, namely,—

(a) for keeping any horse, cow, buffalo, bullock, goat or donkey, or

(b) as a godown or place for the storage, in connection with wholesale trade of grain, seed or groceries,

the Commissioner may, if it shall appear to him necessary for sanitary reasons to do so, by written notice require the owner or occupier of such building to discontinue the use of such building for any such purpose; provided that the Commissioner may permit such use subject to such conditions as he may think fit to prescribe]

Removal of
carcasses of
dead
animals.

³[385. (1) It shall be the duty of the Commissioner to provide for the removal of the carcasses of all animals dying within ⁴[Greater Bombay],

(2) The occupier of any premises in or upon which any animals shall die or in or upon which the carcass of any animal shall be found, and the person having the charge of any animal which dies in the street or in any open place, shall within three hours after the death of such animal or, if the death occurs at night, within

¹ These words were substituted for the words "the city" by Bom. 7 of 1950, s. 6 (1)

² Section 384A was inserted by Bom. 1 of 1916, s. 10

³ This section was substituted for the original section by Bom. 5 of 1920, s. 4

⁴ These words were substituted for the words "the city" by Bom. 7 of 1950 s. 6 (1)

three hours after sunrise, report the death of such animal at the municipal health department office of the division of the ¹[Greater Bombay] in which the death occurred or in which the carcass is found ²[and shall not unless authorised by the Commissioner in this behalf, remove or permit to be removed the carcass of any animal dying in or upon any place within Greater Bombay]

(3) For every carcass so removed by municipal agency, a fee for the removal of such amount as shall be fixed by the Commissioner, shall be paid by the owner of the animal or, if the owner is not known, by the occupier of the premises in or upon which, or by the person in whose charge, the said animal died]

Regulation of public bathing, washing, etc

386. The Commissioner may from time to time set apart portions of the seashore or other suitable places vesting in the Corporation for use by the public for bathing, for the washing of animals or for drying clothes, and may from time to time, by public notice, prohibit the use by the public of any portion of the seashore or place not vesting in the Corporation for any of the said purposes

Place for public bathing, etc, to be fixed by the Commissioner

387. (1) The Commissioner may, by public notice, regulate the use by the public—

Regulation of use of public bathing places etc

(a) of any portion of the seashore or other place vesting in the Corporation set apart by him for any purpose under the last preceding section;

(b) of any portion of the seashore or other place not vesting in the Corporation used, with his acquiescence, for any purpose mentioned in the last preceding section;

¹ These words were substituted for the word "city" by Bom 9 of 1951, s 3, Second Schedule
² This portion was added by Mah 14 of 1961, s 7

(c) of any work and of the water in any work assigned and set apart under section 270 for any particular purpose.

(2) In the case of any portion of the seashore or of any place or work set apart, assigned or used as aforesaid for bathing, the Commissioner may, in such notice, prescribe the times and places of bathing for persons of each sex.

388. Except as permitted by any order or regulation made under section 270, 386 or 387, no person shall—

Prohibition of bathing, etc., contrary to order or regulation.

(a) bathe in or near any lake, tank, reservoir, fountain, cistern, duct, standpipe, stream or well or on any part of the seashore or other place vesting in the corporation;

(b) wash or cause to be washed in or near any such place or work, any animal, clothes or other article;

(c) throw, put or cause to enter into the water in any such place or work, any animal or other thing;

(d) cause or suffer to drain into or upon any such place or work, or to be brought thereunto or thereupon, anything, or do anything, whereby the water shall be in any degree fouled or corrupted;

(e) dry clothes in or upon any such place. And no person shall—

(f) in contravention of any prohibition made by the Commissioner under section 386, use any portion of the seashore or any place not vesting in the corporation for any purpose mentioned in the said section;

(g) contravene any regulation made by the Commissioner under section 387 for the use of any such portion of the seashore or place for any such purpose.

389. No person shall—

(a) steep in any tank, reservoir, stream, well or ditch any animal, vegetable or mineral matter likely to render the water thereof offensive or dangerous to health;

Prohibition of corruption of water by steeping therein animal or other matter, etc.

(b) whilst suffering from any contagious or loathsome disease, bathe in or near any lake, tank, reservoir, fountain, cistern, duct, standpipe, stream or well or on any part of the seashore.

Regulation of Factories, Trades, etc.

390. (1) No person shall newly establish in any premises any factory, workshop or workplace in which it is intended that steam, water or other mechanical power shall be employed, without the previous written permission of the Commissioner, nor shall any person work, or allow to be worked, any such factory, workshop or workplace without such permission.]

Factory, et. not to be newly established without permission of the Commissioner.

(2) The Commissioner may refuse to give such permission if he shall be of opinion that the establishment of such factory, workshop or workplace in the proposed position is objectionable by reason of the density of the population in the neighbourhood thereof, or will be a nuisance to the inhabitants of the neighbourhood.

[(3) If any written permission for the establishment of a factory, workshop or workplace granted under sub-section (1) be revoked by the Commissioner in the exercise of his powers under sub-section (3) of section 479, no person shall continue or resume the working or use of such factory, workshop or workplace until such written permission is renewed or a fresh written permission is granted by the Commissioner.]

¹ These words were inserted by Bom. I of 1916, s. 11 (a).

² Sub-section (3) was added, *ibid*, s. 11 (b).

Furnaces used in trade or manufacture to consume their own smoke.

391. (1) No person shall—

(a) use or permit to be used any furnace employed for the purpose of any trade or manufacture, which does not, so far as practicable, consume its own smoke; or

(b) so negligently use or permit to be used any such furnace as that it shall not, as far as practicable, consume its own smoke

(2) Nothing in this section shall be deemed to apply to a locomotive engine used for the purpose of traffic upon any railway or for the repair of streets.

Sanitary regulation of factories, etc.

392. (1) Whenever it shall appear to the Commissioner 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, dust or other impurity generated in the course of the work carried on therein, which is a nuisance,

or is so overcrowded while work is carried on as to be dangerous or injurious to the health of the persons employed therein,

or that any engine, mill-gearing, hoist or other machinery therein is so fixed or so insecurely fenced as to be dangerous to life or limb;

the Commissioner may, by written notice, require the owner of such factory, workshop, workplace or other building or place to take such order for putting and maintaining the same, in a cleanly state, or for ventilating the same, or for preventing the same from being overcrowded or for preventing danger to life or limb from any engine, mill-gearing, hoist or other machinery therein, as he shall think fit.

(2) Nothing in this section shall be deemed to affect any provision of the ^{Bom} Bombay Boiler Inspection Act, 1887, and nothing in this section which relates to the ^{III of} fixing or fencing of any engine, mill-gearing, hoist or other machinery shall apply ¹⁸⁸⁷ on any factory to which the provisions of the ^{XV of} Indian Factories Act, 1881, are ^{1881.} applicable.

Prohibition of use of steam-whistle or steam-trumpet without permission of the Commissioner.

393. (1) No person shall, without the written permission of the Commissioner, use or employ in any factory or any other place, any steam-whistle or steam-trumpet for the purpose of summoning or dismissing workmen or persons employed.

(2) The Commissioner may at any time revoke any permission which he has given for the use of any such instrument as aforesaid, on giving one month's notice to the person using the same.

(3) Provided that nothing in sub-section (2) shall be deemed to require one month's notice to be given by the Commissioner, if he suspends or revokes any such permission for any reason specified in sub-section (3) of section 479.

¹ The word "bakehouse" was repealed by Bom 2 of 1911, s 14

² Bom. 3 of 1887 was repealed by Bom 2 of 1891 which was repealed by Bom 5 of 1917, which was again repealed by Act 5 of 1923, Central Acts.

³ Act 15 of 1881 is repealed by Act 12 of 1911 (the Indian Factories Act, 1911) which is again repealed by Act 25 of 1934, Central Acts.

394. (1) Except under and in accordance with the terms and conditions of the licence granted by the Commissioner, no person shall—

(a) keep, or suffer or allow to be kept, in or upon any premises,

(i) any article specified in Part I of Schedule M, or,

(ii) any article specified in Part II of Schedule M, in excess of the quantity therein specified as the maximum quantity (or where such article is kept along with any other article or articles specified in that Schedule, such other maximum quantity as may be notified by the Commissioner) of such article which may at any one time be kept in or upon the same premises without a licence ;

(b) keep, or suffer or allow to be kept, in or upon any premises, for sale or for other than domestic use, any article specified in Part III of Schedule M ;

(c) keep, or suffer or allow to be kept, in or upon any premises, horses, cattle or other four-footed animals for sale, for letting out on hire or for any purpose for which any charge is made or any remuneration is received, or for the sale of any produce thereof ;

(d) keep or use, or suffer or allow to be kept or used, in or upon any premises, any article ²[or animal] which, in the opinion of the Commissioner, 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 is, or is proposed to be, kept or used or suffered or allowed to be kept or used ;

(e) carry on, or allow or suffer to be carried on, in or upon any premises,—

(i) any of the trades specified in Part IV of Schedule M, or any process or operation connected with any such trade ,

(ii) any trade, process or operation, which, in the opinion of the Commissioner, 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 is, or is proposed to be, carried on ;

(f) carry on within Greater Bombay or use or allow to be used any premises for, the trade or operation of a farrier.

(2) The State Government may, by notification in the *Official Gazette*, add to, amend or delete any item in Schedule M and thereupon, the said Schedule shall be deemed to be amended accordingly but without prejudice to anything done or omitted to be done before such amendment

(3) A person shall be deemed—

(a) to have known that keeping any article ³[or animal] or carrying on a trade, process or operation is, in the opinion of the Commissioner, dangerous or likely to create a nuisance within the meaning of clause (d) or, as the case may be, paragraph (ii) of clause (e), of sub-section (1), after written notice to that effect, signed by the Commissioner, has been served on such person or affixed to the premises to which it relates ;

¹ Sections 394 and 394A were substituted for the original section 394 by Mah 32 of 1962, s. 2.

² These words were inserted by Mah 42 of 1976, s. 11(a)

³ These words were inserted, *ibid.*, s. 11 (b)

⁴ These words were inserted, *ibid.*, s. 11(e)

Certain articles ⁴[or animals] not to be kept, and certain trades, processes and operations not to be carried on, without a licence, and things liable to be seized, destroyed, etc., to prevent danger or nuisance

(b) to keep or to suffer or allow the keeping of an article ¹[or animal] or to carry on or to allow to be carried on a trade, process or operation within the meaning of clause (d) or, as the case may be, paragraph (ii) of clause (e) of sub-section (1), if he does any act in furtherance of keeping of such article ¹[or animal] or carrying on of such trade, process or operation or is in any way engaged or concerned therein whether as principal, agent, clerk, master, servant, workman, handicraftsman, watchman or otherwise.

(4) If it appears to the Commissioner that the keeping of any article ²[or animal] or the carrying on of any trade, process or operation, in or upon any premises, is dangerous or likely to create a nuisance within the meaning of clause (d), or paragraph (ii) of clause (e), of sub-section (1), the Commissioner may, by written notice, require the person keeping the article ²[or animal] or suffering or allowing it to be kept or the person carrying on the trade, process or operation or allowing it to be carried on, as the case may be, to take such measures (including discontinuance of the use of the premises for any such purpose) as may be specified by him in such notice in order to prevent such danger or nuisance; and if such measures are not taken within the specified time, the Commissioner may seize and carry away or seal such article ²[or animal] or any machinery or device used in connection with such trade, process or operations. Any article ²[or animal] or machinery or device so seized and carried away or sealed may be redeemed, within a period of one month from the date of seizure, on payment of such sum and subject to such conditions as to future use or disposition of such article ²[or animal], machinery or device as may be fixed by the Commissioner in that behalf :

Provided that, if any article ²[or animal] so seized and carried away or sealed is of an explosive or dangerous nature, the Commissioner may by order in writing cause the same to be forthwith destroyed or otherwise disposed of, as he thinks fit :

Provided further that, if any article ²[or animal] or machinery or device so seized and carried away or sealed is not claimed and redeemed by the owner or person found in possession thereof, the Commissioner may by order in writing cause the same to be sold by auction or otherwise disposed of as he thinks fit, forthwith if the article ²[or animal] is of a perishable nature, and in any other case after the expiry of the aforesaid period of one month.

The proceeds of the sale or other disposal (if any) shall, after defraying therefrom the cost of the sale or such disposal, be paid to the owner or person found in possession of the article ²[or animal] or machinery or device sold or disposed of.

(5) It shall be in the discretion of the Commissioner—

(a) to grant any licence referred to in sub-section (1), subject to such restrictions or conditions (if any), as he shall think fit to specify, or

(b) for the purposes of ensuring public safety, to withhold any such licence :

Provided that, the Commissioner when withholding any such licence shall record his reasons in writing for such withholding and furnish the person concerned a copy of his order containing the reasons for such withholding :

Provided further that, any person aggrieved by an order of the Commissioner under this sub-section may, within sixty days of the date of such order, appeal to the Chief Judge of the Small Cause Court, whose decision shall be final.

¹ These words were inserted by Mah. 42 of 1976, s 11(b)

² These words were inserted *ibid*, s. 11(c).

(6) Every person to whom a licence is granted by the Commissioner under sub-section (5) shall—

(a) keep such licence in or upon the premises, if any, to which it relates ;

(b) put up a board outside such premises on a conspicuous part, indicating thereon the nature of the article ¹[or animal] kept or the trade, process or operation carried on, in or upon the premises, the municipal licence number, if any, in respect thereof and the name and local address of the owner or occupier or person in charge of the premises ;

(c) put proper label on the packing or container of every licensable article to indicate its name, contents and hazardous nature.

(7) The Commissioner may from time to time with the approval of the standing committee specially exempt from the operation of this section any mills for spinning or weaving cotton, wool, silk or jute or any other large mill or factory.

334A. Notwithstanding anything contained in the last foregoing section, the State Government may from time to time by notification in the *Official Gazette* prohibit absolutely or subject to conditions, the keeping or suffering or allowing the keeping (either permanently or during a specified period) in any premises or class of premises or in any area or areas, which may be specified in the notification, of any article mentioned in Part I of Schedule M, being an article which in the opinion of the State Government is of so dangerous a character that it is expedient in the interest of public safety, having regard to the density of population and other relevant factors, to issue such notification.]

Power to prohibit the keeping of certain articles of dangerous character in certain premises or areas.

395. (1) No person engaged in any trade or manufacture specified in Schedule M shall—

(a) wilfully cause or suffer to be brought or to flow into any lake, tank, reservoir, cistern, well, duct or other place for water belonging to the corporation or into any drain or pipe communicating therewith, any washing or other substance produced in the course of any such trade or manufacture as aforesaid ;

Prohibition of corruption of water by chemicals etc.

(b) wilfully do any act connected with any such trade or manufacture as aforesaid, whereby the water in any such lake, tank, reservoir, cistern, well, duct or other place for water is fouled or corrupted.

(2) The Commissioner may, after giving not less than twenty-four hours' previous notice in writing to the owner or to the person who has the management or control of any works, pipes or conduits connected with any such manufacture or trade as aforesaid, lay open and examine the said works, pipes or conduits ;

and if, upon such examination, it appears that sub-section. (1) has been contravened by reason of anything contained in or proceeding from the said works, pipes or conduits, the expenses of such laying open and examination and of any measure which the Commissioner shall, in his discretion, require to be adopted for the discontinuance of the cause of such contravention, shall be paid by the owner of the said works, pipes or conduits, or by the person who has the management or control thereof, or through whose neglect or fault the said sub-section has been contravened ;

but if it appears that there has been no contravention of the said sub-section, that said expenses and compensation for any damage occasioned by the said laying open and examination shall be paid by the Commissioner.

¹ These words were inserted by Mah. 42 of 1976, s. 11(a).

1[396. (1) The Commissioner may at any time, by day or by night, without notice, enter into or upon, and inspect or examine, any premises used or likely to be used for the purposes mentioned in section 394 or 394-A, and upon any premises in which a furnace is employed for the purpose of any trade, process or operation, and into any bakehouse, and take samples if need be by breaking open the container or call upon any person who may be keeping or suffering or allowing the keeping of any article or carrying on or allowing to carry on any trade, process or operation to give samples of the article kept or products of the trade, process or operation, in order to satisfy himself as to whether any provision of this Act or any regulation or by-law or notification made or issued thereunder or any condition of a licence granted under this Act has been or is being contravened, and as to whether any nuisance is created, or is likely to be created upon such premises.

(2) Every person in charge, whether as principal, agent, clerk, master, servant, workman, handicraftsman, watchman or otherwise of any premises where any article requiring a licence under section 394 or any article prohibited under section 394-A is kept or likely to be kept, or where any trade, process or operation requiring a licence under section 394 is carried on or likely to be carried on, shall, whenever required by the Commissioner, either verbally or in writing, keep the premises open for his inspection and exercise of the other powers conferred on him by sub-section (1)

(3) No claim shall lie against any person for compensation for any damage in good faith and necessarily caused by the exercise of any of the powers conferred by sub-section (1) or by the use of any force reasonably necessary for the effective exercise of such powers :

Provided that, force shall not be used for the purpose aforesaid unless when there is reason to believe that an offence is being committed against some provision of this Act or some regulation or by-law or notification made or issued thereunder.]

Regulation of washing clothes by washermen. 397. (1) The Commissioner may, by public notice, prohibit the washing of clothes by washermen in the exercise of their calling, except at such places as he shall appoint for this purpose ;

and, when any such prohibition has been made no person who is by calling, a washerman shall wash clothes at any place not appointed for this purpose by the Commissioner, except for such person himself or for the owner or occupier of such place.

Washing places to be provided by the Commissioner for washermen. (2) The Commissioner shall provide suitable places for the exercise by washermen of their calling, and may require payment of such fees for the use of any such place as shall from time to time be determined by the Commissioner, with the approval of the standing committee.

Maintenance and Regulation of Markets and Slaughter-houses.

398. (1) All markets and slaughter-houses which belong to or are maintained by the corporation shall be called "municipal markets" or "municipal slaughter-houses". All other markets and slaughter-houses shall be deemed to be private.

(2) The corporation may also establish markets for the purchase and sale of or trading in agricultural produce specified in Schedule JJ. The corporation may, with the previous sanction of the State Government, add to, amend or cancel, by notification in the *Official Gazette*, any of the items of agricultural produce specified in Schedule JJ.]

399. (1) The Commissioner, when authorised by the corporation in this behalf, may construct, purchase or take on lease any building or land for the purpose of establishing a new municipal market or a new municipal slaughter-house or of extending or improving any existing municipal market or slaughter-house, and may from time to time build and maintain such municipal markets and slaughter-houses and such stalls, shops, sheds, pens and other buildings or conveniences for the use of the persons carrying on trade or business in, or frequenting, such municipal markets or slaughter-houses, and provide and maintain in such municipal markets such buildings, places, machines, weights, scales and measures for weighing and measuring goods sold therein as he shall think fit.

(2) Municipal slaughter-houses may be situate within or, with the sanction of [the [State] Government], without [Greater Bombay].

400. The Commissioner may, with the sanction of the corporation and of [the [State] Government], at any time, close any municipal market or slaughter-house; and the premises occupied for any market or slaughter-house so closed may be disposed of as the property of the corporation.

401. (1) No person shall, without a licence from the Commissioner, sell or expose for sale any animal or article in any municipal market.

(2) Any person contravening this section may be summarily removed by the Commissioner or by any municipal officer or servant.

402. (1) The corporation shall from time to time determine whether the establishment of new private markets shall be permitted in [Greater Bombay] or in any specified portion of the [Greater Bombay].

(2) No person shall establish a new private market for the sale of, or for the purpose of exposing for sale, animals intended for human food, or any other article of human food, except, with the sanction of the Commissioner, who shall be guided in giving such sanction by the decisions of the corporation at the time in force under sub-section (1). [The owner or occupier of a place in which a private market is established shall, for the purposes of this sub-section, be deemed to have established such market.]

(3) When the establishment of a new private market has been so sanctioned, the Commissioner shall cause a notice of such sanction to be affixed in the English,

¹ Section 398 was renumbered as sub-section (1) of that section, by Bom. 54 of 1955, s. 9.

² This sub-section was added *ibid.*

³ The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

⁴ This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

⁵ These words were substituted for the words "the city" by Bom. 7 of 1950, s. 6(1).

⁶ These words were added by Bom. 5 of 1938, s. 39.

Marathi, Gujarati and Urdu languages on some conspicuous spot on or near the building or place where such market is to be held.

{Private markets not to be kept or permitted to be kept open and no place to be used or permitted to be used as slaughter-house, without licence.}

403. (1) No person shall without, or otherwise than in conformity with the terms of, a licence granted by the Commissioner in this behalf—

(a) keep open ¹[or permit to be kept open] a private market ;

(b) use ²[or permit to be used] any place in ³[Greater Bombay] as a slaughter-house or for the slaughtering of any animal intended for human food ;

(c) use ⁴[or permit to be used] any place without ⁵[Greater Bombay] whether as a slaughter-house or otherwise, for the slaughtering of any animal intended for human food to be consumed in ⁶[Greater Bombay].

(2) Provided that—

(d) the Commissioner 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 with some regulation framed under section 406 or with some by-law made under this Act, at the time in force and shall not cancel or suspend any such licence without the approval of the standing committee ;

⁷[(dd) the Commissioner may with the previous approval of the standing committee cancel or suspend, any licence for failure of the owner of a private market to give in accordance with the conditions of his licence a written receipt for any stallage, rent, fee or other payment received by him or his agent from any person for the occupation or use of any stall, shop, standing, shed, pen or other place therein ;]

(e) nothing in this section shall be deemed to prevent the Commissioner from granting written permission for the slaughter of an animal in any place that he thinks fit, on the occasion of any festival or ceremony or under special circumstances ;

⁸[(2A) Any animal or flesh intended for human food found in the possession of any person contravening the provisions of clause (b) or (c) of sub-section (1) may be seized by the Commissioner or any municipal officer or servant or by any police officer and any such animal or flesh may be sold or otherwise disposed of as the Commissioner shall direct. The proceeds, if any, arising from such sale shall belong to the Corporation.

(2B) For the purposes of this section, the owner or occupier of any place which is habitually used for the slaughter of animals intended for human food shall be deemed to have used or permitted to be used such place for the slaughter of animals unless he proves that the place was so used without his knowledge ;]

(3) when the Commissioner has refused, cancelled or suspended any licence to keep open a private market, he shall cause a notice of his having so done to be affixed in the English, Marathi, Gujarati and Urdu languages on some conspicuous spot on or near the building or place where such market has been held.

¹ These words were inserted by Bom. 5 of 1938, s. 40.

² These words were substituted for the words "the city" by Bom. 20 of 1952, s. 16(1).

³ These words were substituted for the words "the city" by Bom. 7 of 1950, s. 6(1).

⁴ Clause (dd) was inserted by Bom. 32 of 1935, s. 12.

⁵ Sub-sections (2A) and (2B) were inserted by Bom. 64 of 1953, s. 16.

⁶ This marginal note was substituted for the original by Bom. 20 of 1952, s. 16(2).

434. No person who knows that any private market has been established without the sanction of the Commissioner, or is kept open after a licence for keeping the same open has been refused, cancelled or suspended by the Commissioner, shall sell or expose for sale therein any animal or articles of food

Prohibition of sale in unauthorized private markets.

405. The Commissioner may, by written notice, require the owner, farmer or occupier of any private market or slaughter-house, to cause—

Provision for requiring private market-building and slaughter-houses to be properly paved and drained.

(a) the whole or any portion of the floor of the market-building, place or slaughter-house to be paved with dressed stone or other suitable material ;

(b) such drains to be made in or from the market-building, market place or slaughter-house, of such material, size and description, at such level and with such outfall, as to the Commissioner may appear necessary.

406. The Commissioner may, with the approval of the standing committee, from time to time make regulations, not inconsistent with any provision of this Act or of any by-law made under this Act at the time in force—

Regulations to be framed for markets and slaughter-houses.

(a) for preventing nuisances or obstruction in any market-building, market place or slaughter-house or in the approaches thereto ;

(b) fixing the days and the hours on and during which any market or slaughter-house may be held or kept open for use ;

(c) for keeping every market-building, market-place and slaughter-house in a cleanly and proper state, and for removing filth and refuse therefrom ;

(d) requiring that any market-building, market-place or slaughter-house be properly ventilated and be provided with a sufficient supply of water ;

(e) requiring that in market-buildings and market-places, passages be provided between the stalls of sufficient width for the convenient use of the public.

[(f) for regulating the purchase and sale of and conditions of trading in agricultural produce specified in Schedule JJ in any market building or market place.]

407. The Commissioner may—

(a) charge for the occupation or use of any stall, shop, standing, shed or pen in a municipal market or slaughter-house, and for the right to expose goods for sale in a municipal market, and for weighing and measuring goods sold in such market and for the right to slaughter animals in any municipal slaughter-house such stallages, rents and fees as shall from time to time be fixed by him, with the approval of the standing committee, in this behalf, or

Levy of stallages, rents and fees in municipal markets and slaughter-houses.

(b) with the approval of the standing committee, farm the stallages, rents and fees leviable as aforesaid or any portion thereof, for any period not exceeding one year at a time ; or

(c) put up to public auction, or, with the approval of the standing committee, dispose of, by private sale, the privilege of occupying or using any stall, shop, standing, shed or pen, in a municipal market or slaughter-house for such term and on such conditions as he shall think fit.

407A. (1) No person shall, without the written permission of the Commissioner and without the payment of such fees as may be prescribed by him, remove any live cattle, sheep, goats or swine from any municipal slaughter-house or from any municipal market or premises used or intended to be used for or in connection with such slaughter-house ;

Removal of live cattle, sheep, goats or swine from any municipal slaughter-house, market or premises.

¹ This clause was added by Bom. 54 of 1955, s. 10.

² New section 407A was inserted by Bom. 12 of 1936, s. 7.

Notwithstanding anything contained in the City of Bombay Municipal (Amendment) Act, 1936 (Bom. 12 of 1936) it shall be deemed always to have been lawful for the Commissioner prior to the commencement of the said Act, to require his written permission, for the removal of any cattle, sheep, goats or swine from any municipal slaughter-house or from any municipal market or premises used or intended to be used for or in connection with such slaughter-house and to fix and charge fees for the grant of such permission. (Vide Bom. 12 of 1936, s. 10).

Provided that such permission shall not be required for the removal of any animal which has not been sold within such slaughter-house, market or premises and which has not been within such slaughter-house, market or premises for a period longer than that prescribed under regulations made by the Commissioner in this behalf, or which has in accordance with any by-law made under this Act, been rejected as unfit for slaughter at such slaughter-house, market or premises.

(2) Any fee paid for permission under sub-section (1) in respect of any animal removed to a Panjrapole shall, subject to the regulations made by the Commissioner in this behalf, be refunded on the production of a certificate from the Panjrapole authorities that such animal has been received in their charge.]

Regulations and table of stallage rents to be posted up in markets and slaughter-houses.

408. (1) A printed copy of the regulations and of the table of stallages, rents and fees, if any in force in any market or slaughter house under the [sections 406, 407 and 407A], in the English, Marathi, Gujarati and Urdu languages, shall be affixed in some conspicuous spot in the market-building, market-place or slaughter-house.

(2) No person shall, without authority, destroy, pull down, injure or deface any copy of any regulation or table so affixed.

Power to expel persons contravening by-laws or regulations.

409. The Commissioner may expel from any municipal market or slaughter-house any person, who or whose servant has been convicted of contravening any by-law made under this Act, or any regulation made under section 406, at the time in force in such market or slaughter-house and may prevent such person, by himself or his servants, further carrying on any trade or business in such market or slaughter-house or occupying any stall shop, standing, shed, pen or other place therein, and may determine any lease or tenure which such person may have in any such stall, shop, standing, shed, pen or place.

Sale [or Supply] of Articles of food outside of markets.

Prohibition of sale [or supply] of animals, etc. except in a market.

410. (1) Except as hereinafter provided, no person shall, without a licence from the Commissioner, [sell or supply or expose for sale or supply] any four-footed animal or any meat or fish intended for human food, in any place other than a municipal or private market :

(2) Provided that nothing in sub-section (1) shall apply to fresh fish sold from, or exposed for sale in, a vessel in which it has been brought direct to the seashore after being caught at sea.

Licensing of butchers, etc.

Butchers and persons who [sell or supply] the flesh of animals to be licensed.

411. No person shall without, or otherwise than in conformity with the terms of, a licence granted by the Commissioner in this behalf—

(a) carry on within [Greater Bombay], or at any municipal slaughter-house the trade of a butcher ;

(b) use any place in [Greater Bombay] [for the sale or supply] of the flesh of any animal intended for human food, or any place without [Greater Bombay] [for the sale or supply] of such flesh for consumption in [Greater Bombay] ;

¹ The words, figures and letter "sections 406, 407 and 407A" were substituted for the words "two last preceding sections" by Bom 12 of 1936, s. 8.

² These words were inserted by Bom 64 of 1953, s. 17(2).

³ These words were substituted for the words "sell or expose for sale," *ibid.*, s. 17(1).

⁴ These words were inserted, *ibid.*, s. 17(3).

⁵ These words were substituted for the words "the city" by Bom. 7 of 1950, s. 6(1).

⁶ These words were substituted for the words "for the sale" by Bom 64 of 1953, s. 18(1).

⁷ These were substituted for the word "sell". *ibid.*, s. 18(2).

¹[412. (1) No person shall without the written permission of the Commissioner bring into ²[Greater Bombay] any cattle, sheep, goats or swine intended for human food, or the flesh of any such animal which has been slaughtered at any slaughter-house or place not maintained or licensed under this Act.

Prohibition of import of cattle, etc. into ²[Greater Bombay] without permission.

(1-A) Any Police Officer may arrest without warrant any person bringing into ²[Greater Bombay] any animal or flesh in contravention of sub-section (1).

(2) Any animal brought into ²[Greater Bombay] in contravention of this section may be seized by the Commissioner or by any municipal officer or servant and any flesh brought into ²[Greater Bombay] in contravention of this section may be seized by the Commissioner or by municipal officer or servant or by any Police Officer or in or upon Railway premises by any Railway servant and any animal or flesh so seized may be sold or otherwise disposed of as the Commissioner shall direct. The proceeds, if any, shall belong to the corporation.

(3) Nothing in this section shall be deemed to apply to cured or preserved meat.]

¹ This section was substituted for the original section by Bom. 2 of 1911, s. 16.

² These words were substituted for the words "the city" by Bom. 7 of 1950, s. 6 (1).

³ These words were substituted for the words "the city" by Bom. 21 of 1954, second Schedule.

¹412A. No person shall without or otherwise than in conformity with the terms of a licence granted by the Commissioner in this behalf—

Licence required for dealing in milk, etc.

(a) carry on within ²[Greater Bombay] the trade or business of a dealer in or importer or seller or hawker of milk, ³[butter ⁴[ghee] or other milk products];

(b) use any place in ²[Greater Bombay] for the sale of milk, ³[butter ⁴[ghee] or other milk products].

Inspection of places of sales, etc.

413. (1) If the Commissioner shall have reason to believe that any animal intended for human food is being slaughtered, or that the flesh of any such animal is being sold or exposed for sale, in any place or manner not duly authorised under the provision of this Act, the Commissioner, may at any time, by day or by night, without notice, enter such place for the purpose of satisfying himself as to whether any provision of this Act or of any by-law made under this Act at the time in force is being contravened thereat.

Commissioner may enter any place where slaughter of animals or sale of flesh contrary to the provisions of this Act is suspected

(2) No claim shall lie against any person for compensation for any damage necessarily caused by any such entry or by the use of any force necessary for effecting such entry.

414. It shall be the duty of the Commissioner to make provision for the constant and vigilant inspection of animals, carcasses, meat, poultry, game, flesh, fish, fruit, vegetables, corn, bread, flour, milk, ghee, butter and any other article exposed or hawked about for sale or deposited in or brought to any place for the purpose of sale or of preparation for sale and intended for human food or for medicine, the proof that the same was not exposed or hawked about or deposited or brought for any such purpose or was not intended for human food or for medicine resting with the party charged.

Commissioner to provide for inspection of articles exposed for sale for human food.

415. (1) The Commissioner may at all reasonable times inspect and examine any such animal or article as aforesaid and any utensil or vessel used for preparing, manufacturing or containing the same.

Unwholesome articles, etc., to be seized

(2) If any such animal or article appears to the Commissioner to be diseased or unsound or unwholesome or unfit for human food or for medicine, as the case may be, or is not what it is represented to be, or if any such utensil or vessel is of such kind or in such state as to render any article prepared, manufactured or contained therein unwholesome or unfit for human food or for medicine, as the case may be, he may seize and carry away such animal, article, utensil or vessel, in order that the same may be dealt with as hereinafter provided ⁵[and he may arrest and take to the nearest Police Station any person in charge of any such animal or article].

* * * * *

416. If any meat, fish, vegetable or other article of a perishable nature be seized under the last preceding section and the same is, in the opinion of the Commissioner, diseased, unsound, unwholesome or unfit for human food or for medicine as the case may be, the Commissioner shall cause the same to be forthwith

Disposal of perishable articles seized under section 415.

¹ Section 412A was inserted by Bom. 6 of 1923, s. 7.

² These words were substituted for the words "the city" by Bom. 7 of 1950, s. 6 (1).

³ These words were inserted by Bom. 6 of 1916, s. 8.

⁴ The word "ghee" was inserted by Bom. 32 of 1935, s. 13.

⁵ These words were inserted by Bom. 6 of 1913, s. 8.

⁶ The explanation added to s. 415 by Bom. 2 of 1899, s. 5 (1) (a) was repealed by Bom. 10 of 1928 s. 15.

destroyed in such manner as to prevent its being again exposed for sale or used for human food or for medicine, and the expenses thereof shall be paid by the person in whose possession such article was at the time of its seizure.

Disposal of animals and articles of a non-perishable nature seized under section 415.

417. (1) Any animal and any article not of a perishable nature and any utensil or vessel seized under section 415 shall be forthwith taken before a Presidency Magistrate.

(2) If it shall appear to such Magistrate that any such animal or article is diseased, unsound or unwholesome or unfit for human food, or for medicine, as the case may be, or is not what it was represented to be or that such utensil or vessel is of such kind or in such state as aforesaid,

[he may, and if it is diseased, unsound, unwholesome or unfit for human food and unfit for medicine he shall cause] the same to be destroyed, at the charge of the person in whose possession it was at the time of its seizure, in such manner as to prevent the same being again exposed or hawked about for sale or used for human food, or for medicine, or for the preparation or manufacture of, or food containing, any such article as aforesaid.

417A. [Penalty for representing any article to be what it is not.] Repealed by Bom. 10 of 1928, s. 15.

Penalty for possessing food which appears to be diseased, unsound or unwholesome or unfit for human food.

²[417B. In every case in which food, on being dealt with under section 417, appears to the Magistrate to be diseased, unsound or unwholesome or unfit for human food, the owner thereof or the person in whose possession it was found, not being merely bailee or carrier thereof, shall, if any such case the provisions of section 273 of the Indian Penal Code do not apply, be punished with fine which may extend to ³[five] hundred rupees].

XLV
of
1860.

Application for summons to be refused if not applied for within reasonable time.

⁴[417C. In all prosecutions under section ⁵* * 417-B the Magistrate shall refuse to issue a summons for the attendance of any person accused of an offence against such section, unless the summons is applied for within a reasonable time for the alleged date of the offence of which such person is accused.]

⁶418. [Provision of local standards of weights and measures.] Repealed by Bom. 15 of 1932.

⁷419. [Verification and stamping of weights and measures] Repealed by Bom. 15 of 1932.

⁸420. [Weights and measures of which standards are provided are to be adopted : penalties] Repealed by Bom. 15 of 1932.

Prevention of spread of dangerous diseases.

Information to be given of existence of dangerous disease (or continuous pyrexia of unknown origin).

421. Every medical practitioner who treats or becomes cognizant of the existence of any dangerous disease ⁹[or any case of continuous pyrexia of unknown origin of more than four days' duration] in any private or public dwelling, other than a public hospital, shall give information of the same with the least practicable delay to the

¹ These words were substituted for the original words by Bom. 2 of 1899, s. 6 (1) (a).

² Sections 417B and 417C were inserted, *ibid.*, s. 6 (1) (b).

³ This word was substituted for the word "one" by Bom. 76 of 1948, s. 26.

⁴ The figures, letter and word "417A or" were repealed by Bom. 5 of 1925, s. 20, Schedule B.

⁵ Sections 418, 419 and 420 were repealed by Bombay Weights and Measures Act, 1932 (Bom. 15 of 1932), Second Schedule, Part II, which came into effect in Bombay City on 1st August 1945, *vide* G. N., G. D., No. 9518, dated 30th April 1935.

⁶ These words were inserted by Bom. 20 of 1952, s. 17 (1).

⁷ These words were inserted, *ibid.*, s. 17 (2).

executive health officer The said information shall be communicated in such form and with such details as the executive health officer, with the consent of the Commissioner, may from time to time require.

422. The Commissioner may at any time, by day or by night, without notice, or after giving such notice of his intention as shall, in the circumstances, appear to him to be reasonable, inspect any place in which any dangerous disease is reputed or suspected to exist, and take such measures as he shall think fit to prevent the spread of the said disease beyond such place

Any place may at any time be inspected for purpose of preventing spread of dangerous disease

423. (1) If it shall appear to the Commissioner that the water in any well, tank or other place is likely, if used for drinking, to engender or cause the spread of any dangerous disease, he may, by public notice, prohibit the removal or use of the said water for the purpose of drinking.

Prohibition of use for drinking of water likely to cause dangerous disease.

(2) No person shall remove or use for the purpose of drinking any water in respect of which any such public notice has been issued

424. (1) The Commissioner or any police officer empowered by him in this behalf may, on a certificate signed by the executive health officer or by any duly qualified medical practitioner, direct or cause the removal of any person who is, in the opinion of such executive health officer or other medical practitioner, without proper lodging or accommodation or who is lodged in a building occupied by more than one family, and who is suffering from a dangerous disease, to any hospital or place at which patients suffering from the said disease are received for medical treatment

Commissioner may order removal of patients to hospital.

(2) The person, if any, who has charge of a person in respect of whom an order is made under sub-section (1) shall obey such order

425. (1) If the Commissioner is of opinion that the cleansing or disinfecting of a building, or of a part of a building, or of any article therein likely to retain infection, would tend to prevent or check the spread of any dangerous disease he may, by written notice, require the owner or occupier of such building to cleanse or disinfect such building or part thereof or article therein, and, if it shall appear to the Commissioner necessary, to vacate the said building for such time as shall be prescribed in the said notice .

Disinfection of buildings, etc.

(2) Provided that, if, in the opinion of the Commissioner, the owner or occupier is from poverty or other cause unable effectually to comply with such requisition, the Commissioner may cause the building or part of the building or article likely to retain infection to be cleansed or disinfected and defray the cost of so doing.

426. (1) If the Commissioner is of opinion that the destruction of any hut or shed is necessary to prevent the spread of any dangerous disease, he may, after giving to the owner or occupier of such hut or shed such previous notice of his intention as may in the circumstances of the case appear to him reasonable, take measures for having such hut or shed and all the materials thereof destroyed.

Destruction of huts and sheds, when necessary.

(2) Compensation may be paid by the Commissioner, in any case which he thinks fit, to any person who sustains substantial loss by the destruction of any such hut or shed ; but, except as so allowed by the Commissioner, no claim for compensation shall be for any loss or damage caused by any exercise of the power conferred by this section

Second-hand clothing and bedding not to be brought into ¹[Greater Bombay] without informing Commissioner and getting them inspected

¹[426A. (1) Every person who brings or causes to be brought by sea into ²[Greater Bombay] any article of used or second-hand clothing or bedding which does not form part of a passenger's baggage shall, within twenty-four hours of the bringing of such article into ²[Greater Bombay] give to the Commissioner notice in writing, containing full particulars as to the nature and condition of the said article and the place from which it is brought, and take it for inspection to the place, prescribed under sub-section (5) for the inspection of such articles. If no such place has been prescribed, the notice shall also state the place where the said article may be inspected.

(2) The Commissioner shall examine the said article and, if he is of opinion that it is not free from infection, he may direct that it shall be adequately disinfected within such period, in such manner and by such agency, as he may determine

(3) If the Commissioner is satisfied that the said article is free from infection or that it has been adequately disinfected, he shall give a certificate to that effect.

(4) No person shall deal with or remove or dispose of the said article otherwise than in accordance with a direction of the Commissioner or an officer of the Customs until a certificate under sub-section (3) has been given in respect thereof

(5) The Commissioner may, in consultation with the Collector of Customs and the Trustees of the Port of Bombay, prescribe or appoint from time to time a place or places at which any article of the nature described in sub-section (1) may be inspected.

(6) The Commissioner may from time to time, with the approval of the standing committee, prescribe a fee to be paid for the inspection of any article of the nature described in sub-section (1) and for the giving of a certificate under sub-section (3) and, where any article is disinfected by municipal agency, for the disinfection thereof

(7) Where a person contravening any provision of this section is a company or other body corporate or an association of persons (whether incorporated or not), every person who at the time of the commission of the offence was a director, manager, secretary, agent or other officer or person concerned with the management thereof shall, unless he proves that the offence was committed without his knowledge or consent, be liable to the punishment provided for the offence

(8) Nothing contained in this section shall apply to any articles of used or second-hand clothing or bedding contained in a bale which is taken direct from the docks to a railway station in ²[Greater Bombay] for export to and disposal at a place outside and beyond the limits of ²[Greater Bombay]

Explanation —For the purposes of this section, a passenger's baggage shall mean such goods as are determined to be his baggage in actual use under section 24 of the Sea Customs Act, 1878]

VIII
of
1878.

Place for disinfection may be provided ;

427. (1) The Commissioner may provide a place, with all necessary apparatus and attendance, for the disinfection of clothing, bedding or other articles which have become infected, and in his discretion may have articles brought to such place for disinfection, disinfected on payment of such fees as he shall from time to time fix, with the approval of the standing committee, in this behalf, or, in any case in which he thinks fit, free of charge.

also for washing infected articles.

(2) The Commissioner may, from time to time, by public notice, appoint a place at which clothing, bedding or other articles which have been exposed to infection from any dangerous disease may be washed ; and no person shall wash any such article at any place not so appointed without having previously disinfected the same.

¹ This section was inserted by Bom. 76 of 1948, s. 27

² These words were substituted for the words "the city" by Bom. 7 of 1950, s. 6 (1)

³ These words were substituted for the word "city" by Bom. 9 of 1951, s. 3, Second Schedule

(3) The Commissioner may direct the disinfection or destruction of bedding, clothing or other articles likely to retain infection Infected articles may be destroyed.

(4) The Commissioner may, in his discretion, give compensation for any article destroyed under sub-section (3).

428. (1) No person who is suffering from a dangerous disease shall enter a public conveyance without previously notifying to the owner, driver or person in charge of such conveyance that he is so suffering Person suffering from dangerous disease not to enter a public conveyance without notifying the same.

(2) Notwithstanding anything contained in any Act relating to public conveyances for the time being in force, no owner or driver or person in charge of 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

429. The Commissioner with the sanction of the corporation, may provide and maintain suitable conveyances for the free carriage of persons suffering from any dangerous disease ; and when such conveyances have been provided, it shall not be lawful to convey any such person by any other public conveyance. Provision of carriages for conveyance of patients

430 (1) No person who is suffering from a dangerous disease shall—

(a) without proper precautions against spreading such disease, cause or suffer himself to be carried in a public conveyance, Provisions as to carriage of persons suffering from dangerous disease in public conveyances.

(b) cause or suffer himself to be carried in a public conveyance contrary to the provision of the last preceding section.

(2) No person shall go in company with, or take charge of, any person suffering as aforesaid, who causes or permits himself to be carried in a public conveyance in contravention of sub-section (1).

(3) No owner or driver or person in charge of a public conveyance shall knowingly carry or permit to be carried in such conveyance any person suffering as aforesaid, in contravention of the said sub-section.

431. The owner, driver or person in charge of a public conveyance in which any person suffering as aforesaid has been carried shall immediately provide for the disinfection of the same. Public conveyance which has carried a person suffering from dangerous disease to be disinfected.

432. (1) No person shall, without previous disinfection of the same, give, lend, sell, transmit or otherwise dispose of any article which he knows or has reason to know has been exposed to infection from any dangerous disease. Infected articles not to be transmitted, etc., without previous disinfection.

(2) Nothing in this section shall be deemed to apply to a person who transmits with proper precautions, any such article for the purpose of having the same disinfected.

433. (1) No person shall let a building or any part of a building, in which he knows or has reason to know that a person has been suffering from a dangerous disease, without first having such building or part thereof and every article therein likely to retain infection disinfected, to the satisfaction of the executive health officer or of some duly qualified medical practitioner, as testified by such officer's or medical practitioner's certificate. Infected building not to be let without being first disinfected.

(2) For the purpose of this section the keeper of a hotel or inn shall be deemed to let part of his building to any person accommodated in such hotel or inn.

Special sanitary measures.

Commissioner may take special measures on outbreak of any dangerous disease.

434. (1) In the event of ¹[Greater Bombay] being at any time visited or threatened with an outbreak of any dangerous disease, or in the event of any infectious disease breaking out or being likely to be introduced into ¹[Greater Bombay] amongst cattle—including under this expression sheep and goats,—the Commissioner, if he thinks the ordinary provisions of this Act or of any other law at the time in force are insufficient for the purpose, may, with the sanction of ²[the ³[State] Government],—

(a) take such special measures, and

(b) by public notice prescribe such temporary regulations to be observed by the public or by any person or class of persons, as he shall deem necessary to prevent the outbreak of such disease or the spread thereof.

(2) The Commissioner shall forthwith report to the corporation any measures taken and any regulations prescribed by him under sub-section (1).

Disposal of the dead.

Places for disposal of the dead to be registered

435. Every owner or person having the control of a place used for burying, burning or otherwise disposing of the dead shall cause the same to be registered in a register which shall be kept by some municipal officer charged by the Commissioner with this duty, and shall deposit in the municipal office at the time of registration a plan of the said place, showing the extent and boundaries thereof, bearing the signature of a licensed surveyor in token of its having been prepared by or under the supervision of such surveyor.

Provision of new places for disposal of the dead.

436. If the existing places for the disposal of the dead shall at any time appear to be insufficient, or if any such place is closed under the provisions of section 438, the Commissioner shall, with the sanction of the corporation, provide other fit and convenient places for the said purpose, either within or without ¹[Greater Bombay], and shall cause the same to be registered in the register kept under section 435, and shall deposit in the municipal office, at the time of registration of each place so provided, a plan thereof showing the extent and boundaries of the same and bearing the signature of the municipal ⁴[city engineer].

New places for disposal of the dead not to be opened without permission of Commissioner.

437. No place, which has never previously been lawfully used as a place for the disposal of the dead and registered as such, shall be opened by any person for the said purpose without the written permission of the Commissioner, who, with the approval of the corporation, may grant or withhold such permission.

¹[State] Government may direct the closing of any place for the disposal of the dead.

438. (1) If, from information furnished by competent persons and after personal inspection, the Commissioner shall at any time be of opinion—

(a) that any place of public worship is or is likely to become injurious to health by reason of the state of the vaults or graves within the walls of or underneath the same, or in any church-yard or burial-ground adjacent thereto, or

¹ The ~~so~~ words were substituted for the words "the city" by Bom 7 of 1950, s 6 (1).

² The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

³ This word was substituted for the word "Provincial" by the adaptation of Laws Order, 1950.

⁴ The words "city engineer" were substituted for the words "executive engineer" by Bom. 19 of 1920. s 6

(b) that any other place used for the disposal of the dead is in such a state as to be or to be likely to become injurious to health, he may submit his said opinion, which the reasons therefor, to the corporation, who shall forward the same, with their opinion, for the consideration of the ¹[²State] Government]

(2) Upon receipt of such opinions, the ¹[²State] Government], after such further inquiry, if any, as ³[it] shall deem fit to cause to be made, may, by notification published in the ⁴[Official Gazette] and in the local newspapers, direct that such place of public worship or other place for the disposal of the dead be no longer used for the disposal of the dead Every order so made shall be noted in the register kept under section 435

(3) On the expiration of two months from the date of any such order of the ¹[²State] Government], the place to which the same relates shall be closed for the disposal of the dead

(4) A copy of the said notification, with a translation thereof, in the Marathi, Gujarati and Urdu languages, shall be affixed on a conspicuous spot on or near the place to which the same relates, unless such place be a place of public worship.

439. (1) If, after personal inspection, the Commissioner shall at any time be of opinion that any place formerly used for the disposal of the dead, which has been closed under the provisions of the last preceding section or under any other law or authority, has by lapse of time become no longer injurious to health, and may without risk of danger be again used for the said purpose, he may submit his said opinion, with the reasons therefor, to the corporation, he shall forward the same, with their opinion, for the consideration of the ¹[²State] Government]

(2) Upon receipt of such opinion, the ¹[²State] Government] after such further inquiry, if any, as ³[it] shall deem fit to cause to be made, may by notification published as aforesaid that such place be reopened for the disposal of the dead Every order so made shall be noted in the register kept under section 435

440. (1) No person shall, without the written permission of the Commissioner under sub-section (2)—

(a) make any vault or grave or interment within any wall, or underneath any passage, porch, portico, plinth or verandah of any place of worship

(b) make any interment or otherwise dispose of any corpse in any place which is closed for the disposal of the dead under section 438 ;

(c) build, dig, or cause to be built or dug, any grave, or vault, or in any way dispose of, or suffer or permit to be disposed of, any corpse at any place which is not registered in the register kept under section 435 ,

(d) exhume any body except under the provisions of section 176 of the ⁵Code of Criminal Procedure, 1882, or of any other law for the time being in force, from any place for the disposal of the dead

X of
1882.

(2) The Commissioner may in special cases grant permission for any of the purposes aforesaid, subject to such general or special order as the ¹[²State] Government] may from time to time make in this behalf

X of
1882.

(3) An offence against this section shall be deemed to be a cognizable offence within the meaning of sections 149, 150 and 151 of the ⁵Code of Criminal Procedure, 1882.

¹ The words " Provincial Government " were substituted for the words " Governor in Council by the Adaptation of Indian Laws Order in Council

² The word " State " was substituted for the word " Provincial " by the Adaptation of Law Order 1950

³ The word " it " was substituted for the word " he " by the Adaptation of Indian Laws Ord in Council

⁴ The words " Official Gazette " were substituted for the words " Bombay Government Gazette " ibi

⁵ See now the Code of Criminal Procedure, 1973 (2 of 1974)

¹[²State] Government may sanction the re-opening of places which have been closed for the disposal of the dead

Burials within places of worship and exhumation not be made without the permission of the Commissioner

Acts prohibited in connection with the disposal of the dead

441. No person shall—

(a) retain a corpse on any premises, without burning, burying or otherwise lawfully disposing of the same, for so long a time after death as to create a nuisance;

(b) carry a corpse or part of a corpse along any street without having and keeping the same decently covered or without taking such precautions to prevent risk of infection or injury to the public health as the Commissioner may, by public notice, from time to time, think fit to require.

(c) except, when no other route is available, carry a corpse or part of a corpse along any street along which the carrying of corpses is prohibited by a public notice issued by the Commissioner in this behalf;

(d) remove a corpse or part of a corpse, which has been kept or used for purposes of dissection, otherwise than in a closed receptacle or vehicle;

(e) whilst conveying a corpse or part of a corpse, place or leave the same on or near any street without urgent necessity;

(f) bury or cause to be buried any corpse or part of a corpse in a grave or vault or otherwise in such manner as that the surface of the coffin, or, when no coffin is used, of the corpse or part of a corpse, shall be at a less depth than six feet from the surface of the ground;

(g) build, or dig, or cause to be built or dug, any grave or vault in any burial-ground at a less distance than two feet from the margin of any other grave or vault;

(h) build or dig, or cause to be built or dug, grave or vault in any burial-ground in any line not marked out for this purpose by or under the order of the Commissioner;

(i) without the written permission of the Commissioner, re-open, for the interment of a corpse or of any part of a corpse, a grave or vault already occupied.

(k) after bringing or causing to be brought to a burning-ground any corpse or part of a corpse, fail to burn or cause the same to be burnt within six hours from the time of the arrival thereof at such ground.

(l) when burning or causing to be burnt any corpse, or part of a corpse, permit the same or any portion thereof to remain without being completely reduced to ashes, or permit any cloth or other article used for the conveyance or burning of such corpse or part of a corpse to be removed or to remain on or near the place of burning without its being completely reduced to ashes

¹[CHAPTER XVA

POUNDS AND PREVENTION OF CATTLE TRESPASS

Sections 90 to 94 of Bombay Police Act to cease to apply to Greater Bombay

441A. On the date of commencement of the Bombay Municipal Corporation and Bombay Police (Amendment) Act, 1974, the provisions of sections 90 to 94 (both inclusive) of the Bombay Police Act, 1951 (hereinafter in this section referred to as "the said Act"), shall cease to apply to Greater Bombay.

Mah
XVIII
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1974.
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of
1951

Provided that—

(a) nothing in this section shall affect the liability of any person to any penalty or punishment, or the liability of person for the payment of pound fees or expenses, incurred under the said Act;

(b) any appointment, notification or order made or issued in respect of any cattle pound or the pound fees and expenses to be charged shall, so far as it is not inconsistent with the provisions of this Act, be deemed to have been made or issued under this Act, and continue in force until duly altered, repealed or amended under this Act;

¹ Chapter XVA was inserted by Mah. 18 of 1974, s. 3.

(c) any cattle pound established under the said Act shall vest in the Corporation, subject to such conditions as the State Government may think fit to impose, and shall be maintained and managed by the Corporation in accordance with the provisions of this Act.

441B. (1) The Commissioner may, from time to time, appoint such places as he thinks fit to be public pounds, and may appoint suitable persons to be keepers of such pounds

Power to establish cattle pounds and appoint pound keepers.

(2) Every pound keeper so appointed shall, in the performance of his duties, be subject to the direction and control of the Commissioner

441C. It shall be the duty of every Police Officer, and of any municipal officer authorised by the Commissioner in this behalf, and it shall be lawful for any other person, to seize and take to any public pound for confinement therein any cattle found straying in any street or trespassing upon any private or public property

Impounding of cattle.

441D. Subject to the provisions of section 441-G, if the owner of the cattle impounded under the last preceding section or his agent appears and claims the cattle, the pound keeper shall deliver them to him on payment of the pound fees and expenses chargeable in respect of such cattle under section 441-F.

Delivery of cattle claimed

441E. (1) If within ten days after an animal has been impounded, no person appearing to be the owner thereof offers to pay the pound fees and expenses chargeable under the next succeeding section, such animal shall be forthwith sold by auction and the surplus remaining after deducting the fees and expenses aforesaid from the proceeds of the sale shall be paid to any person who, within fifteen days after the sale, proves to the satisfaction of such officer as the Commissioner authorises in this behalf that he was the owner of such animal, and shall, in any other case, form part of the municipal fund.

Sale of cattle not claimed.

(2) No Police Officer or pound keeper or other municipal officer shall, directly or indirectly, purchase any cattle at a sale under sub-section (1)

441F. (1) The pound fee chargeable shall be such as the Corporation may from time to time, prescribe for each kind of animal

Rates of pound fees and expenses to be fixed.

(2) The expenses chargeable shall be at such rates for each day during any part of which an animal is impounded, as shall, from time to time, be fixed by the Commissioner in respect of such animal

441G. (1) Whoever in any part of Greater Bombay allows any cattle, which are his property or in his charge, to stray in any street or to trespass upon any private or public property shall, on conviction, be punished—

Penalty for allowing cattle to stray in street or to trespass upon private or public property

(a) for the first offence with imprisonment for a term which may extend to one month, or with fine which may extend to three hundred rupees, or with both :

Provided that, in the absence of special and adequate reasons to the contrary to be mentioned in the judgement of the Court, the imprisonment shall not be less than fifteen days and fine shall not be less than one hundred and fifty rupees, and

(b) for the second or subsequent offences, with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both :

Provided that, in the absence of special and adequate reasons to the contrary to be mentioned in the judgement of the Court, the imprisonment shall not be less than three months and fine shall not be less than two hundred and fifty rupees

(2) The Magistrate trying an offence under sub-section (1)—

(a) may also, order that the accused shall pay such compensation, not exceeding two hundred and fifty rupees, as the Magistrate considers reasonable, to any person, for any damage proved to have been caused to his property or any produce of land by the cattle under the control of the accused trespassing on his land ;

(b) shall also, order that the cattle in respect of which the offence has been committed shall be branded with such distinguishing mark and in such manner, as may be prescribed by the Commissioner .

(c) shall also, order that the cattle, in respect of which the offence has been committed, if already branded with a distinguishing mark as provided above (whether the owner thereof is the same person or not), shall be forfeited to the State Government.

(3) Any compensation awarded under sub-section (2) may be recovered as if it were a fine imposed by the Magistrate under this section

(4) An offence under this section shall be cognizable]

CHAPTER XVI

VITAL STATISTICS

Registration of Births and Deaths

Appoint-ment of registrars 442. For the purpose of registering births and deaths, the Commissioner shall divide ¹[Greater Bombay] into such and so many districts and sub-districts as he shall from time to time think fit, and a municipal officer shall be registrar of births and deaths of each such districts

Registrars to reside in their respective districts. 443. (1) Every registrar shall reside within the district of which he is registrar and shall cause his name, together with the words "Registrar of Births and Deaths for the district of _____" to be affixed in some conspicuous place at _____ or near the outer door of his place of abode

(2) A list showing the name and place of abode of every registrar in ¹[Greater Bombay] shall be kept at the municipal office and shall be open at all reasonable times to public inspection free of charge

¹ These words were substituted for the words "the city" by Bom. 7 of 1950, s 61(1).

444. The Commissioner shall provide and supply to the registrars a sufficient number of register-books of births and of register-books of deaths for the registration of the particulars specified in Schedules N and O, respectively; and the pages of each of the said books shall be numbered progressively from the beginning to the end thereof.

445 (1) Each registrar shall inform himself carefully of every birth and death which shall happen in his district and of the particulars concerning the same require to be registered according to the forms in the said schedules, and shall, as soon after each such birth or death as conveniently may be, register the same in the book supplied for this purpose by the Commissioner, without making any charge or demanding or receiving any fee or reward for so doing other than his remuneration as a municipal officer.

(2) Other municipal officers, besides the registrars, may be appointed, with the duty of informing themselves of every birth or of every death or of every birth and every death in the district to which they are respectively appointed and of the particulars concerning the same required to be registered, and of submitting such information to the registrar to the said district or to such other person as the Commissioner directs

446. (1) It shall be the duty of the father and mother of every child born in [Greater Bombay] and, in default of the father and mother, of the occupier of the premises in which to his knowledge the child is born, and of each person present at the birth and of the person having charge of the child, to give, to the best of his knowledge and belief to the registrar or other municipal officer appointed under section 445, within seven days after such birth information of the particulars required to be registered concerning such birth:

(2) Provided that, in the case of an illegitimate child, no person shall, as father of such child, be required to give information under this Act concerning the birth of such child, and the registrar shall not enter in the register the name of any person, as father of such child, unless at the joint request of the mother and of the person acknowledging himself to be the father of such child, and such person shall in such case sign the register together with the mother.

447. In case any new-born child is found exposed, it shall be the duty of any person finding such child and of any person in whose charge such child may be placed to give, to the best of his knowledge and belief, to the registrar or other municipal officer aforesaid, within seven days after the finding of such child, such information of the particulars required to be registered concerning the birth of such child as the informant possesses.

448. (1) For every place for the disposal of the dead registered in the register kept under section 435 a municipal officer shall be appointed, whose duty it shall be to receive information of the particulars required to be registered concerning the death of every person whose corpse is disposed of at such place.

(2) If the Commissioner shall not think fit to require the municipal officer so appointed to be in constant attendance at any place for the disposal of the dead for which he is so appointed, there shall be affixed to a conspicuous part of the entrance to such place a notice specifying the name of the officer so appointed for the said place and the place where he may be found.

¹ These words were substituted for the words "the city" by Bom. 7 of 1950, s. 6 (1).

Information of death to be given at the time when the corpse of the deceased is disposed of.

449. (1) It shall be the duty of the nearest relatives of any person dying in the city present at the death, or in attendance during the last illness of the deceased and, in default of such relatives, of each person present at the death, and of the occupier of the premises in which, to his knowledge, the death took place, and, in default of the persons hereinbefore in this section mentioned, of each inmate of such premises, and of the undertaker or other person causing the corpse of the deceased person to be disposed of, to give, to the best of his knowledge and belief, to the officer appointed under the last preceding section, information of the particulars required to be registered concerning such death.

(2) The said information shall be given at or about the time that the corpse of the deceased person is disposed of, and it shall be given in writing if the informant can write, and otherwise orally, and the informant shall make known to the officer aforesaid his name, designation and place of abode, and shall attest the correctness of the information which he gives, to the best of his knowledge and belief, by his signature or mark.

Medical practitioner who attended a deceased person to certify the cause of his death.

450. (1) In the case of a person who has been attended in his last illness by a duly qualified medical practitioner, that practitioner shall sign and forward to the Commissioner a certificate of the cause of such person's death, in the form of Schedule P, or in such other form as shall from time to time be prescribed by the Commissioner in this behalf, and the cause of death as stated in such certificate shall be entered in the register, together with the name of the certifying medical practitioner.

(2) The Commissioner shall provide printed forms of the said certificates, and any duly qualified medical practitioner resident in ¹[Greater Bombay] shall be supplied, on application, with such forms, free of charge.

Preparation of register-books of deaths and of mortality returns, etc.

451. (1) The information concerning deaths received by every officer appointed under section 448 shall be entered by him in a register-sheet, which shall contain the particulars specified in Schedule O, and shall be forwarded, at such intervals as shall be prescribed by the Commissioner, through the registrar of the district, to the municipal office.

(2) From the said register-sheets and from the certificates furnished to him under section 450, the Commissioner shall cause the register-books of deaths to be prepared and shall have prepared and published such tabular returns and statements as shall appear to him to be useful for sanitary or other purposes.

Correction of errors in registers of births or deaths.

452. (1) Any clerical error which may at any time be discovered in a register of births or in a register of deaths may be corrected by any person authorized in that behalf by the Commissioner.

(2) An error of fact or substance in any such register may be corrected by any person authorised as aforesaid by entry in the margin, without any alteration of the original entry, upon production to the Commissioner, by the person requiring such error to be corrected, of a declaration on oath setting forth the nature of the error and the true facts of the case, made before a Magistrate by two persons required by this Act to give information concerning the birth or death with reference to which the error has been made or, in default of such persons, by two credible persons having knowledge of the case, and certified by such Magistrate to have been made in his presence.

(3) Except as aforesaid no alteration shall be made in any such register.

¹ These words were substituted for the words "the city" by Bom. 7 of 1950, s. 6 (1).

453. (1) When the birth of any child has been registered and the name, if any, by which it was registered, is altered or, if it was registered without a name, when a name is given to it, the parent or guardian of such child or other person procuring such name to be altered or given may, within twelve months next after the registration of the birth, deliver to the registrar, such certificate as hereinafter mentioned, and the registrar, upon the receipt of that certificate shall without any erasure of the original entry, forthwith enter in the register-book the name mentioned in the certificate as having been given to the child.

Registration of name of child or of alteration of name.

(2) The certificate shall be in the form of Schedule Q, or as near thereto as circumstances admit, and, in the case of a Christian, shall be signed by the minister or person who performed the rite of baptism upon which the name was given or altered, or, if the child is not baptised or is not a Christian, shall be signed by the father, mother or guardian of the child or other person procuring the name of the child to be given or altered.

(3) Every minister or person who performs the rite of baptism shall deliver the certificate required by this section on demand, on payment of a fee not exceeding one rupee.

Taking of a census.

454. At such time and in such manner as shall be directed from time to time by the Commissioner, with the sanction of the corporation and of ¹[the Central Government], an enumeration shall be made of the persons who at the time of making such enumeration shall be within ²[Greater Bombay]. Provided always that, one clear month previous to such enumeration being commenced, notice of the intention to make the same, with the date or dates upon or within which it is intended to be made, and all other necessary particulars, shall be given by advertisement in the ³[*Official Gazette*] and in the local newspapers.

Enumeration of inhabitants.

455. The Commissioner shall superintend the taking of such enumeration, and shall appoint such enumerators or other subordinate officers and make such arrangements generally as may seem to him necessary for the purpose of such enumeration.

Commissioner to superintend the enumeration.

456. Each enumerator or other subordinate officer appointed under the last preceding section shall, agreeably to his instructions leave at each building or place of residence within his district, four days at least before the time appointed for the collection of the completed returns or census, a blank schedule or return, of such form and containing such particulars as ¹[the Central Government] may approve, to be duly filled up and signed by the owner, tenant or principal occupant of the said building or place of residence.

Delivery of blank schedules and returns.

457. (1) Every person at whose building or place of residence any such blank schedule or return is left shall correctly fill up the same, and affix his signature thereto, and return it, when called upon so to do, to the enumerator or other subordinate officer aforesaid ;

Obligation to fill up blank schedules and returns.

or, if such person is unable to write, he shall furnish to an enumerator when called upon so to do, the information required for correctly filling up such schedule or return.

¹ The words "the Central Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council

² These words were substituted for the words "the city" by Bom 7 of 1950, s 6 (1).

³ The words "*Official Gazette*" were substituted for the words "*Bombay Government Gazette*" by the Adaptation of Indian Laws, Order in Council.

(2) Any person who fails to comply with any provision of sub-section (1) may be detained in custody until he complies therewith or the requisite information is otherwise obtained.

(3) It shall be the duty of an enumerator, if so required by any person who is unable to write, to fill up any such schedule or return as aforesaid from information supplied by such person.

Occupier to amend returns, if found defective.

458. If any, enumerator or other subordinate officer employed in the collection of such schedules or returns shall find any of the same defective or in any respect improperly filled in, he may return the same to the occupant of the building or residence to which the same relates, together with a written notice requiring that the same be duly filled in or amended within a period of forty-eight hours.

Military, naval and police officers and certain others, if required, to act as enumerators

459. (1) Any military or naval officer, or any officer of the Bombay City Police, or any master or person in charge of a merchant vessel, or nacoda or tindal of a vessel or boat, or any person in charge of a lunatic asylum, hospital or prison or of any public or private charitable or scholastic institution, or any keeper of a hotel or lodging-house, shall, if required, act as an enumerator for the purpose of taking account of persons under his command or charge or abiding in any building in his possession, charge or control, on the night immediately preceding the day to be appointed for the making of such enumeration.

(2) Every person so required to act as an enumerator shall receive and conform to all instructions in writing which may be issued to him by the Commissioner in that behalf.

Returns houseless persons.

460. The Commissioner shall obtain, by such means as shall appear to him best adapted for the purpose and as shall be sanctioned by ¹[the Central Government], returns of the particulars required for the purpose of the census with respect to all houseless persons, and all persons who during the said night preceding the day to be appointed for the making of such enumeration were on out-door night duty, or for any other reasons were not abiding in any building of which account is to be taken by the enumerators.

CHAPTER XVI-A.

THE BOMBAY ELECTRIC SUPPLY AND TRANSPORT UNDERTAKING.

The operation of the undertaking and the construction and maintenance of works.

Management of Undertaking by General Manager.

460A. (1) Subject to the superintendence of the Bombay Electric Supply and Transport Committee and of the corporation, the General Manager shall manage the Bombay Electric Supply and Transport Undertaking and perform all acts necessary for the economical and efficient maintenance, operation, administration and development of the undertaking.

(2) Without prejudice to the generality of the foregoing provision, the General Manager may, with the sanction of the Bombay Electric Supply and Transport Committee and subject to the restrictions or conditions imposed by this Act, either within or without the city—

(a) construct or acquire, transport undertakings, including tramways, trackless trams and mechanically propelled transport facilities for the conveyance of the

¹ The words "the Central Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

² The Chapter containing sections 460A to 460PP was inserted by Bom. 48 of 1948, s. 40.

IV of 1939. public subject to the provisions of the Motor Vehicles Act, 1939, or of any other enactment for the time being in force and the conditions of any licence, permit or sanction in favour of the corporation granted thereunder,

IX of 1910. (b) construct or acquire, subject to the provisions of the Indian Electricity Act, 1910, or of any other enactment for the time being in force and the conditions of any licence or sanction in favour of the corporation granted thereunder, undertakings for the generation or supply of electrical energy and for electric traction, and enter into any agreement with any person for the supply of electrical energy to or by the corporation;

(c) construct buildings and works of every description necessary or desirable for the operation or development of the Bombay Electric Supply and Transport Undertaking;

(d) purchase or take on lease or hire or otherwise acquire any moveable or immovable property or rights;

IX of 1910. (e) exercise any of the powers of a licensee under the Indian Electricity Act, 1910, or any other enactment for the time being in force relating to the generation or supply of electrical energy which the corporation is for the time being authorised to exercise and any other powers exercisable by the corporation under such enactment or under any licence thereunder granted in favour of the corporation; and

IV of 1939. (f) exercise any of the powers of a licensee holding a stage carriage permit under the Motor Vehicles Act, 1939, which the corporation is for the time being authorised to exercise and any other powers exercisable by the corporation under the said Act in relation to the provision of mechanically propelled transport facilities for the conveyance of the public.

460B. (1) Without prejudice to any other powers exercisable by him, the General Manager may for the purpose of inspecting or repairing or executing any work upon or in connection with the Bombay Electric Supply and Transport Undertaking— Power of access to works.

(a) enter upon and pass through any land within or without the city in whomsoever such land vests;

(b) convey into and through any such land all necessary materials, tools and implements.

(2) In the exercise of the powers conferred by sub-section (1) as little damage as the circumstances permit shall be done and compensation for any damage so done shall be paid by the General Manager.

IX of 1910. 460C. (1) For the purpose of carrying out, renewing and repairing works in connection with the Bombay Electric Supply and Transport Undertaking (other than works to which the provisions of the Indian Electricity Act, 1910, apply) the General Manager may, either within or without the city, exercise the same powers as under the provisions of this Act the Commissioner may exercise for carrying, renewing and repairing drains within the city, subject to the same restrictions as are by this Act imposed on the exercise of such powers: Power of carrying, renewing and repairing works.

Provided that in the construction of tramways the General Manager shall not, without the consent of the owner, lay rails over or upon land which is not vested in the corporation, other than land forming part of a street.

(2) When a work undertaken by the General Manager involves the opening or breaking up of any street, such work shall be commenced and carried out in

consultation with the Commissioner or with such officer as the Commissioner may designate in this behalf.

Maintenance and repair of portion of street where tramway is laid.

460D. (1) The General Manager shall cause to be maintained and kept in good condition and repair so much of any street whereon any tramway of the Bombay Electric Supply and Transport Undertaking is laid as lies between the rails of the tramway and, where two tramways are laid in any street at a distance of not more than six feet from each other, the portion of the street between the tramways and in any case as much of the street as extends eighteen inches beyond the rails of and on each side of any such tramway.

(2) The expenses incurred for maintenance and repairs under sub-section (1) shall be defrayed from the Bombay Electric Supply and Transport Fund.

Conditions to be observed before new tramway is laid

460E. (1) No single line of tramway shall be converted into a double line and no new tramway shall be laid on any public street except with the permission of the corporation and no such permission shall have validity unless and until it is confirmed by the Provincial Government

(2) The General Manager shall, before the determination of the form, manner, gradient and gauge of a new tramway or of the width of carriages intended for use on such new tramway, consult the Commissioner.

Reservation of power over streets of Bombay Gas Co Ltd.

460F. Nothing in this Chapter shall affect the powers of the Bombay Gas Company, Ltd, under the provisions of the Gas Companies Act, 1863, to take up any of the streets traversed by the tramway of the Bombay Electric Supply and Transport Undertaking for the purposes for which they may lawfully take up the same : Bom. V of 863.

Provided that—

(i) as little detriment or inconvenience to the under-taking shall be caused as the circumstances permit ;

(ii) before any work whereby traffic on the tramway will be interrupted is commenced, previous notice of not less than eighteen hour shall be given to the General Manager, except in cases of urgency, specifying the time at which the work will be commenced , and

(iii) the Bombay Gas Company, Ltd , shall not be liable to pay any compensation for injury done to the tramway by the execution of such work, or for loss of traffic occasioned thereby, or for the reasonable exercise of the powers vested in them as aforesaid.

Restriction on building and other acts interfering with works of the undertaking.

460G. (1) No building, wall or other structure shall be newly erected, and no street or minor railway shall be constructed over, or in such a manner as to interfere with, any work constructed or maintained for the purposes of the Bombay Electric Supply and Transport Undertaking except with the written permission of the General Manager.

(2) The General Manager may, with the approval of the Bombay Electric Supply and Transport Committee, cause any building, wall or other structure erected, or any street or railway constructed, in contravention of sub-section (1) to be removed or otherwise dealt with as he deems fit, and the expenses incurred therefor shall be paid by the person responsible.

Fixing Fares and Charges

460H. (1) Fares and charges shall be leviable for the conveyance of passengers or for the carriage of goods by any means of transport provided by the Bombay Electric Supply and Transport Undertaking at such rates as may from time to time be fixed subject to the provisions of any enactment for the time being in force and any licence granted to the corporation thereunder, by the Bombay Electric Supply and Transport Committee with the approval of the corporation.

Levy of fares and charges for transport services and penalty for failure to pay proper fares and excess charges.]

(2) A printed list in English, Marathi, Hindustani and Gujarati of all the fares and charges levied for the time being under this section shall be exhibited in a conspicuous place inside each vehicle used by the Bombay Electric Supply and Transport Undertaking for the conveyance of the public

(3) The fares and charges levied under this section shall be paid to such persons, at such places upon or near the prescribed route of the transport service, and in such manner and under such regulations, as the Bombay Electric Supply and Transport Committee shall, by notice to be annexed to the list of fares, appoint.

¹[(4)(a) If a passenger travelling or having travelled in any vehicle of the Bombay Electric Supply and Transport Undertaking avoids or attempts to avoid payment of the fare for his journey, at the rates fixed by the Undertaking, or

(b) if a passenger having paid the fare for a certain distance proceeds in such vehicle beyond that distance and does not pay the additional fare for the additional distance or avoids or attempts to avoid such payment,

he shall be liable to pay, on demand, by any officer or servant of the Undertaking authorised by the General Manager, an excess charge of ten rupees or such lower sum as the General Manager, with the approval of the Bombay Electric Supply and Transport Committee, may determine in this behalf. The liability to pay this excess charge shall be in addition to his liability to pay the ordinary single fare for the distance he has travelled. Where there is any doubt as to the stop from which he started, such fare shall be calculated from the stop from which the vehicle originally started. Where any passenger has travelled additional distance, the liability to pay the excess charge shall be in addition to his liability to pay the difference between any fare paid and the fare payable for the additional distance travelled.

(5) If a passenger liable to pay the excess charge with the fare or the additional fare, as the case may be, as provided in sub-section (4) is willing to pay the amount due but is unable to pay the same on the spot, he may give his true name and address to the officer or servant of the Undertaking authorised under sub-section (4) and an undertaking in the form settled by the Undertaking to pay the amount due within fifteen days by money order or in cash to the officer of the Undertaking specified in such form. If the passenger fails to pay the amount or any portion thereof accordingly within fifteen days from the date on which he was called upon to pay the amount, he shall, on conviction, be punished with imprisonment for a term which may extend to one month, or with fine which may extend to two hundred rupees, or with both.

(6) If a passenger liable to pay the excess charge with the fare or the additional fare, as the case may be, as provided in sub-section (4) refuses to pay the amount due or any portion thereof on demand being made therefor by any officer or servant of the Undertaking authorised under sub-section (4), he shall, on conviction be punished with imprisonment for a term which may extend to one month, or with fine which may extend to two hundred rupees, or with both.

(7) It shall be lawful for any authorised officer or servant of the Undertaking and all persons called in by any of them for his assistance, to arrest and hand over to the officer in-charge of the nearest police station any passenger, who commits or attempts to commit contravention of sub-section (4), and who on demand refuses to give his true name and address or where there is reason to believe that the name or address given by him is not correct. Such police officer shall adopt such legal measures as may be necessary to cause that person to be taken before a Metropolitan Magistrate with the least possible delay.]

¹ Sub-sections (4), (5), (6) and (7) were substituted by Mah. 42 of 1976, s. *ibid.*, s. 12(a)

² These words were added *ibid* 12(b)

Levy of charges for electricity. 460I. Charges shall be leviable for the supply of electrical energy by the Bombay Electric Supply and Transport Undertaking at such rates as may from time to time be fixed, subject to the provisions of any enactment for the time being in force and of any licence granted to the corporation thereunder, by the Bombay Electric Supply and Transport Committee with the approval of the corporation

Continuation of existing fares and charges 460J. All fares and charges (whether for the conveyance of passengers or for the carriage of goods by any means of transport or for the supply of electrical energy) in force immediately before the coming into operation of the City of Bombay Municipal (Second Amendment) Act, 1948, shall continue in force until other fares or charges are fixed by the Bombay Electric Supply and Transport Committee under section 460H or 460I, as the case may be

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Contracts entered into for the purposes of the undertaking

Making of contracts 460K. With respect to the making of contracts for the purposes of the Bombay Electric Supply and Transport Undertaking (including contracts relating to the acquisition and disposal of immovable property or any interest therein, or any right thereto) the following provisions shall have effect, namely,—

(a) every such contracts shall be made on behalf of the corporation by the General Manager ;

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

(c) no contract which will involve an expenditure exceeding ¹[fifteen thousand rupees] shall be made by the General Manager unless the same is previously approved by the Bombay Electric Supply and Transport Committee .

²[Provided that, where the previous approval of the Committee is sought for any such contract by the General Manager, the Committee shall consider and dispose of such proposal within thirty days from the date on which the item is first included in the agenda of any meeting of the Committee, failing which, the previous approval shall be deemed to have been given by the Committee for such contract on the last day of the period of thirty days aforesaid A report to that effect shall be made by the General Manager to the Committee ;]

(d) every contract made by the General Manager involving an expenditure exceeding ³[two thousand] and not exceeding ¹[fifteen thousand rupees] shall be reported by him within fifteen days after the same has been made to the Bombay Electric Supply and Transport Committee ;

(e) the foregoing provisions of this section shall, as far as may be, apply to every contract which the General Manager shall have occasion to make in the execution of this Act ; and the same provisions of this section which apply to an original contract shall be deemed to apply also to any variation or discharge of such contract

Mode of executing contracts 460L. (1) Every contract entered into by the General Manager on behalf of the corporation for the purposes of the Bombay Electric Supply and Transport Undertaking shall be entered into in such manner and form as would bind the General Manager if such contract were on his own behalf, and may in the like manner and form be varied or discharged :

Provided that every contract for the execution of any work or the supply of any materials or goods which will involve an expenditure exceeding five thousand rupees or for the disposal of property of the corporation exceeding two thousand rupees in value shall be in writing and shall be signed by the General Manager and countersigned by two members of the Bombay Electric Supply and Transport Committee.

¹ These words were substituted for the words " five thousand rupees " by Mah. 39 of 1961, s. 11.

² The proviso was added by Mah. 42 of 1976, s. 13

³ These words were substituted for the words " five hundred " by Mah. 39 of 1961, s. 11.

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(2) No contract which is not executed in accordance with the provisions of subsection (1) shall be binding upon the corporation.

460M. (1) Except as is hereinafter otherwise provided, the General Manager shall, at least seven days before entering into any contract for the execution of any work or the supply of any materials or goods which will involve an expenditure exceeding three thousand rupees, give notice by advertisement in the local newspapers inviting tenders for such contract

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

(2) The General Manager shall not be bound to accept any tender which may be made in pursuance of such notice, but may accept, subject to the provisions of clause (c) of section 460K, any of the tenders so made which appears to him, upon a view of all the circumstances, to be the most advantageous :

Provided that the Bombay Electric Supply and Transport Committee may authorise the General Manager for reasons which shall be recorded in their proceedings to enter into a contract without inviting tenders as herein provided or without accepting any tender which he may receive after having invited them.

460N. The General Manager shall require sufficient security for the due performance of every contract into which he enters under section 460M and may, in his discretion, require security for the due performance of any other contract into which he enters under this Act.

Security to be taken for performance of contracts.

Acquisition and disposal of property.

4600. (1) Whenever it is necessary or expedient for the purposes of the Bombay Electric Supply and Transport Undertaking that the General Manager shall acquire any immovable property, such property may be acquired by the, ^{Acquisition of immovable property by agreement} General Manager 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 Bombay Electric Supply and Transport Committee either generally for any class of cases or specially in any particular case.

(2) No contract for the acquisition of any immovable property shall be valid, if the price to be paid for such property exceeds five thousand rupees unless and until such contract has been approved by the Bombay Electric Supply and Transport Committee and, if the price exceeds ten thousand rupees, by the corporation.

460P. (1) Whenever the General Manager is unable to acquire any immovable property under section 460 O by agreement, the [State] Government may, in ^{when immovable property cannot be acquired by agreement} its discretion, upon the application of the General Manager made with the approval of the Bombay Electric Supply and Transport Committee and, subject to the other provisions of this Act, order proceedings to be taken for acquiring the same on behalf of the corporation as if such property were land needed for a public purpose within the meaning of the Land Acquisition Act, 1894.

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(2) The amount of compensation awarded and all other charges incurred in the acquisition of any such property shall, subject to the other provisions of this Act, be forthwith paid by the General Manager and thereupon the said property shall vest in the corporation for the purposes of the Bombay Electric Supply and Transport Undertaking

460Q. With respect to the disposal of property vesting in the corporation for the purposes of the Bombay Electric Supply and Transport Undertaking the following provision shall have effect, namely— ^{Provisions governing disposal of municipal property.}

(a) the General Manager may dispose of by sale, hire, hire-purchase or otherwise, any moveable property belonging to the corporation not exceeding in value, in each instance, two thousand rupees ;

(b) the General Manager may grant a lease of any immovable property belonging to the corporation for any period not exceeding twelve months at a time :

Provided that every lease granted by the General Manager (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 Bombay Electric Supply and Transport Committee ;

(c) with the sanction of the Bombay Electric Supply and Transport Committee, the General Manager may dispose of, by sale or otherwise, any moveable property belonging to the corporation of which the value does not exceed ten thousand rupees, and may grant a lease of any immovable property belonging to the corporation for any period exceeding one year, or sell or grant a lease in perpetuity of any immovable property belonging to the corporation the value whereof does not exceed fifty thousand rupees or the annual rental whereof does not exceed three thousand rupees ;

¹ This word was substituted for the word " Provincial " by the Adaptation of Laws Order, 1950.

(d) with the sanction of the corporation, the General Manager may lease, sell or otherwise convey any property, moveable or immovable, belonging to the corporation.

Officers and Servants.

Schedule of permanent officers and servants to be prepared by General Manager and sanctioned by Bombay Electric Supply and Transport Committee.

460R. (1) The General Manager shall, from time to time, prepare and bring before the Bombay Electric Supply and Transport Committee a schedule setting forth the designations and grades of the officers and servants, who should, in his opinion, be permanently maintained for the purposes of the Bombay Electric Supply and Transport Undertaking, and the amount and nature of the salaries, fees and allowances which he proposes should be paid to each.

(2) The Bombay Electric Supply and Transport Committee shall sanction such schedule either as it stands or subject to such modifications as they deem expedient :

Provided that—

(a) no new permanent post of which the aggregate emoluments exceed four hundred rupees per mensem shall be created without the sanction of the corporation ; and

(b) the corporation may by resolution direct that the scales of pay of any specified classes or grades of officers or servants shall not be varied without the approval of the corporation and, so long as such resolution is in force, the Bombay Electric Supply and Transport Committee shall not authorise any variation in such scales without such approval.

Restriction on appointment of permanent officers and servants.

460S. No permanent officer or servant shall be entertained in any department of the Bombay Electric Supply and Transport Undertaking unless this office and emoluments are included in the schedule at the time being in force prepared and sanctioned under section 460R.

Creation of temporary posts.

460T. (1) The General Manager may create temporary posts carrying a monthly salary exclusive of allowances not exceeding four hundred rupees per mensem for a period of not more than six months and no such posts shall be continued beyond such period without the previous sanction of the Bombay Electric Supply and Transport Committee.

(2) The Bombay Electric Supply and Transport Committee may create temporary posts carrying a monthly salary exclusive of allowances exceeding four hundred rupees per mensem for a period of not more than six months. The committee shall forthwith report to the corporation the creation of every such post and no such post shall be continued beyond a period of six months without the previous sanction of the corporation.

Power of appointment in whom to vest.

460U. Subject to the provisions of sections ¹[80B,] 460R and 460T, the power of appointing municipal officers and servants for the purposes of the Bombay Electric Supply and Transport Undertaking shall vest in the General Manager if the minimum monthly salary, exclusive of allowances, is less than five hundred rupees per mensem and in the Bombay Electric Supply and Transport Committee in all other cases.

Bombay Electric Supply and Transport Committee to frame service regulations.

460V. (1) The Bombay Electric Supply and Transport Committee shall, from time to time, frame regulations applicable to municipal officers and servants, appointed under this Chapter in regard to the following matters :—

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

¹ These figures and letter were inserted by Mah. 11 of 1964, s 9

- (b) regulating the grant of leave to municipal officers and servants ;
- (c) authorizing the payment of allowances to the said officers and servants, or to certain of them, whilst absent on leave ;
- (d) determining the remuneration to be paid to the persons appointed to act for any of the said officers or servants during their absence on leave ;
- (e) authorizing the payment of travelling or conveyance allowances to the said officers and servants ,
- (f) regulating the period of service of all the said officers and servants ;
- (g) determining the conditions under which the said officers and servants or any of them, shall on retirement or discharge receive pensions, gratuities or compassionate allowances, and under which the widows, or such other relations as may be prescribed, dependent on any of the said officers and servants shall, after their death, receive compassionate allowances and the amounts of such pensions, gratuities or compassionate allowances ;
- (h) authorizing the payment of contributions, at certain prescribed rates and subject to certain prescribed conditions, to any pension or provident fund which may, with the approval of the committee, be established by the said officers and servants or to such provident fund, if any, as may be established by the committee for the benefit of the said officers and servants ;
- (i) in general, prescribing any other conditions of service of the said officers and servants.

(2) No regulation made by the Bombay Electric Supply and Transport Committee under this section shall have any force or validity unless and until it has been confirmed by the Corporation.

(3) For the purposes of clause (h) of sub-section (1) any fund established prior to the acquisition of any undertaking by the corporation shall upon the undertaking becoming part of the Bombay Electric Supply and Transport Undertaking be deemed to be established in the manner mentioned in the said clause, if upon the acquisition of such undertaking arrangements are made by the Bombay Electric Supply and Transport Committee for the continuance of the fund

460W. Every municipal officer and servant appointed under the provisions of this Chapter may be fined, reduced, suspended or dismissed for any breach of departmental rules or discipline or for carelessness, unfitness, neglect of duty or other misconduct, by the authority by whom such officer or servant is appointed.

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

460X. (1) Subject to the provisions of any regulations made under section 460V, the General Manager may grant leave of absence to any officer or servant to appoint whom vests in him and for a period not exceeding three months to any other officer or servant appointed under the provisions of this Chapter.

Leave of absence.

(2) The Bombay Electric Supply and Transport Committee may grant leave of absence for a period exceeding three months to any officer or servant appointed by the committee.

Acting
appointments.

460Y. The appointment of a person to act in the place of an officer or servant appointed under the provisions of this Chapter when absent on leave may be made when necessary, and subject to the regulations aforesaid, by the same authority who grants leave of absence.

REVENUE AND EXPENDITURE

The Bombay Electric Supply and Transport Fund.

Constitution
of Bombay
Electric
Supply and
Transport
Fund.

460Z. Except as provided in section 460HH all moneys received by or on behalf of the corporation in respect of the operations of the Bombay Electric Supply and Transport Undertaking shall be credited to a fund, which shall be called 'the City of Bombay Electric Supply and Transport Fund', and which shall, subject to the provisions herein contained, be held by the corporation in trust for the purposes of the said undertaking

General
Manager to
receive
payments on
account of
Bombay
Electric
Supply and
Transport
Fund and to
lodge them
in bank.

460AA. All moneys payable to the credit of the Bombay Electric Supply and Transport Fund shall be received by the General Manager and shall be forthwith paid into the Imperial Bank of India or such other banks in the city as may be approved by the corporation from time to time in this behalf to the credit of an account which shall be styled 'the account of the Bombay Electric Supply and Transport Fund':

Provided that the General Manager may, subject to any general or special directions issued by the Bombay Electric Supply and Transport Committee, retain such balances in cash as may be necessary for the operations of the Bombay Electric Supply and Transport Undertaking.

How Bombay
Electric
Supply and
Transport
fund be
drawn
against.

460BB. (1) Subject as hereinafter provided, no payment shall be made by the Bank aforesaid out of the Bombay Electric Supply and Transport Fund, except on a cheque signed by two persons in the manner specified below, namely:—

(a) by the Commissioner, or by the General Manager, or by the Deputy General Manager or in their absence by a municipal officer whose name appears in a list of officers (approved by the Bombay Electric Supply and Transport Committee) authorised to sign cheques; and

(b) by a municipal officer whose name appears in the said list.

Provided that, any cheque for an amount not exceeding two thousand rupees if signed by the Commissioner or by the General Manager or by the Deputy General Manager or by any two officers whose names appear in the said list shall be sufficient authority for the payment of the amount thereof out of the fund by the said Bank.

(2) Payment of any sum due by the Corporation out of the Bombay Electric Supply and Transport Fund in excess of one hundred rupees (or such higher amount as the Bombay Electric Supply and Transport Committee from time to time may fix generally or for any specified class of payments) shall be made by means of a cheque signed as aforesaid, and not in any other way.

(3) Payments not covered by sub-section (2) may be made by the General Manager in cash or cheques for a sum not exceeding five thousand rupees each (or such higher amount as the Bombay Electric Supply and Transport Committee may from time to time fix) signed as aforesaid, being drawn from time to time to cover such payments.]

460CC. Notwithstanding anything contained in sections 460AA and 460BB, the General Manager may, with the previous approval of the Bombay Electric Supply and Transport Committee, from time to time, remit to and deposit with a bank or other agency at any place beyond the city any portion of the Bombay Electric Supply and Transport Fund, and any moneys payable to the credit of the Bombay Electric Supply and Transport Fund or chargeable there-against, which can, in the opinion of the General Manager, be most conveniently paid into or out of the account of the fund at any such bank or agency may be so paid.

Deposit of portion of Bombay Electric Supply and Transport Fund may be made with bank or agency out of Bombay when convenient.

460DD. (1) Except as hereinafter provided, no payment of any sum shall be made by the General Manager out of the Bombay Electric Supply and Transport Fund, unless the expenditure of the same is covered by a current budget-grant, and sufficient balance of such budget-grant is still available, notwithstanding any reduction or transfer thereof which may have been made under section 133 or 134

Only sums covered by budget-grant to be expended from Bombay Electric Supply and Transport Fund

Provided that the following items shall be excepted from this prohibition, namely.—

(a) sums of which the expenditure has been sanctioned by the Bombay Electric Supply and Transport Committee under section 132 ;

(b) repayments of moneys belonging to contractors, consumers or other persons, held in deposit and of moneys collected or credited to the Bombay Electric Supply and Transport Fund by mistake ;

(c) sums which the General Manager is under the provisions of this Act or any other enactment required or empowered to pay by way of compensation ;

(d) sums payable in any of the circumstances mentioned in clause (f) of section 460GG ;

(e) costs incurred by the General Manager under section 64 ;

(f) any sum required to make good to the municipal fund any payment made by the Commissioner out of the municipal fund under the provisions of section 115 for the purpose of the Bombay Electric Supply and Transport Undertaking ;

[Provided further that, in the case of an emergent necessity for funds, and upon a representation by the Standing Committee to the Corporation, the Corporation may, with the previous sanction of the State Government (which sanction may be given subject to such terms and conditions as to repayment and other matters as that Government thinks fit), authorise the General Manager to pay from the Bombay Electric Supply and Transport Fund into the municipal fund such sum as may be specified, as a temporary advance for meeting such emergency.]

(2) In sub-section (1) 'budget-grant' means a budget grant within the meaning of that term as defined in section 130 and includes any sum by which such budget grant may at any time be increased by a transfer under sub-section (1) of section 133.

¹ This proviso was added by Mah 33 of 1966, s. 6.

Drafts on Bombay Electric Supply and Transport Fund to be checked by members of Bombay Electric Supply and Transport Committee

460EE. The members of the Bombay Electric Supply and Transport Committee shall not sign any cheque under section 460BB without first satisfying themselves that the sum for which such cheque is drawn is either covered by a budget-grant as aforesaid or is an item of one of the excepted descriptions specified in the proviso to sub-section (1) of section 460DD.

Procedure when money not covered by budget-grant is expended under clause (c) or (d) of the proviso to sub-section (1) of 460DD

460FF. Whenever any sum is expended by the General Manager under clause (c) or (d) of the proviso to sub-section (1) of section 460DD he shall forthwith communicate the circumstances to the Bombay Electric Supply and Transport Committee who shall take such action under sub-section (2) of section 133 or recommend to the corporation to take such action as shall, in the circumstances, appear possible and expedient for covering the amount of the additional expenditure

Purposes for which the Bombay Electric Supply and Transport Fund is to be applied

460GG. The moneys from time to time credited to the Bombay Electric Supply and Transport Fund shall be applied in payment of all sums, charges and costs necessary for the purposes of acquiring, maintaining, operating and improving the Bombay Electric Supply and Transport Undertaking and of carrying into effect the provisions of this Chapter, or of which the payment shall be duly directed or sanctioned by or under any of the provisions of this Act, inclusive of—

(a) the repayment of the municipal fund of any amount disbursed therefrom for the purposes of the Bombay Electric Supply and Transport Undertaking, including the cost of, or reasonable charges for, all supplies provided and services rendered for any such purpose by the Commissioner at the charge of the municipal fund ;

(b) the payment to the municipal fund of a sum of money equivalent to the sum which would have been payable under this Act on account of rates, taxes, fees or other imposts in respect of lands and buildings and other properties movable and immovable, of the Bombay Electric Supply and Transport Undertaking if the said lands, buildings and other properties had not vested in the corporation ;

(c) the payment of fees to the Chairman and members of the Bombay Electric Supply and Transport Committee, and the salary and other allowances of the General Manager ;

(d) the payment of salaries and other allowances of all municipal officers and servants appointed under the provisions of this Chapter and all contributions to provident funds, pensions, gratuities and compassionate allowances payable under the provisions of this Chapter or of any schedule or regulations framed under this Chapter and at the time in force ;

(e) the payment of all expenses and costs incurred by the General Manager in the exercise of any power or the discharge of any duty conferred or imposed upon him for the purposes of, or in connection with, the Bombay Electric Supply and

Transport Undertaking under the provisions of this Act or of any other enactment including moneys which he is required or empowered to pay by way of compensation ;

(f) the payment for the purchase of goods and equipment intended for re-sale or for letting out on hire or hire purchase under the provisions of this Chapter ;

(g) the payment of every sum payable under a decree or order of a civil or criminal court passed against the corporation or against the Commissioner or the General Manager ex-officio in any proceeding arising out of the acquisition maintenance or operation of the Bombay Electric Supply and Transport Undertaking, or under a compromise effected under section 517 of any suit or other legal proceeding or claim arising out of such acquisition, maintenance or operation ;

(h) every sum required by the provisions of section 460KK or 460LL to be transferred to the municipal fund.

Special Funds.

460HH. Fines collected under section 460W, donations from passengers, and the proceeds of the sale of unclaimed lost property recovered from vehicles of the Bombay Electric Supply and Transport Undertaking shall be credited to a separate fund to be called 'the Bombay Electric Supply and Transport Staff Benefit Fund' the proceeds of which shall be expended in promoting the well-being of municipal officers and servants appointed under this Chapter and for the payment of compassionate allowances to the widows of such officers and servants who die while in municipal service and to such other relations of the officers and servants as the Bombay Electric Supply and Transport Committee may from time to time determine.

460II. With the previous approval of the corporation the Bombay Electric Supply and Transport Committee may direct that any portion of the Bombay Electric Supply and Transport Fund may from time to time be credited to a separate heading in the accounts maintained under section 460MM, provided that there shall be credited and debited to such special heading such sums only as shall expressly relate to the object for which a special fund is so created

Disposal of Balances

460JJ. (1) Surplus moneys at the credit of the Bombay Electric Supply and Transport Fund which cannot immediately or at an early date be applied to the purposes of this Act or of any loan raised for the purposes of the Bombay Electric Supply and Transport Undertaking may be, from time to time, deposited at interest in the Imperial Bank of India or such other bank as may have been approved by the corporation under section 460AA or be invested in public securities.

(2) All surplus moneys which it is necessary to keep readily available for application to such purposes, and all surplus moneys which cannot in the opinion of the General Manager, concurred in by the Bombay Electric Supply and Transport

Committee, be favourably deposited or invested as aforesaid, may be deposited at interest at any bank or banks in the city which the Bombay Electric Supply and Transport Committee may, subject to the control of the corporation, from time to time select for the purpose.

(3) All such deposits and investments shall be made by the General Manager on behalf of the corporation, with the sanction of the Bombay Electric Supply and Transport Committee and, with the like sanction, the General Manager may at any time withdraw any deposit so made or dispose of any securities and re-deposit or re-invest the money so withdrawn, or the proceeds of the disposal of such securities, but no order for making any deposit or investment, withdrawal or disposal under this section shall have any validity unless the same be in writing, signed by three persons in the manner specified in sub-section (1) of section 460BB for signing of cheques

(4) The loss, if any, arising from any such deposit or investment shall be debited to the Bombay Electric Supply and Transport Fund.

Payment out of surplus balance.

Fixed annual
payment to
municipal
fund.

460KK. (1) Out of the balance of income over expenditure remaining at credit of the Revenue Account of the Bombay Electric Supply and Transport Fund at the close of each official year, after defraying or making allowance for all charges, costs and expenses payable out of the revenue of the said fund and allowing for the retention of a cash balance of one lakh of rupees at the least to the credit of the said fund, there shall be transferred to the credit of the municipal fund the amount provided in sub-section (2)

Provided that if the balance at credit of the said Revenue Account, after allowing for the matters aforesaid, is less than the amount provided in sub-section (2), the whole of such balance shall be transferred to the municipal fund and any deficit shall be made good to the municipal fund out of the Revenue Reserve Fund maintained under section 460LL and if the deficit still remains it shall be made good to the municipal fund out of the balance available at credit of the Revenue Account of the next or any subsequent year after allowing for all the matters aforesaid and for the amount provided in sub-section (2) in respect of that year.

(2) The amount to be transferred to the municipal fund under sub-section (1) shall be :—

(a) in the case of the official year ended on the 31st March 1948 the sum of five lakhs of rupees ;

¹[(b) in the case of the official years ended on the 31st March 1949 and the 31st March 1950, in respect of each year, the sum of ten lakhs of rupees ;

(c) in the case of the official year ending on the 31st March 1951, the sum of twenty-five lakhs of rupees ;

(d) in the case of each subsequent year until the year ending on the 31st March 1955, at progressively increasing scale, the sum of three lakhs of rupees in addition to the sum paid in respect of the previous official year ,

(e) in the case of the official year ending on the 31st March 1956 and each subsequent official year, the sum of forty lakhs of rupees].

(3) The sum to be transferred under sub-section (1) shall be paid into the Imperial Bank of India to the credit of the municipal fund by means of a cheque drawn upon the Bombay Electric Supply and Transport Fund not later than the thirtieth day

¹ Clauses (b) to (e) were substituted for clauses (b) and (c) by Bom. 48 of 1950, s. 71.

of June immediately following the close of the year in which the balance out of which the transfer is due to be made accrues.

460LL. (1) If after making allowance for the matters mentioned in section 460KK, there remains any further surplus balance of income over expenditure at credit of the Revenue Account of the Bombay Electric Supply and Transport Fund, such surplus shall be disposed of as follows —

Disposal of surplus balance of revenue.

(a) 30 per cent of the surplus shall be credited under a separate heading in the accounts maintained under section 460MM to a special fund to be called 'the Revenue Reserve Fund', unless the balance in the said Revenue Reserve Fund, with such credit, would exceed fifty lakhs of rupees, in which case only such sum, if any, as is required to bring the balance to fifty lakhs of rupees shall be so credited and the remainder of the surplus, up to 30 per cent thereof, shall be added in equal shares to the amounts credited or transferred under clauses (b), (c) and (d),

(b) 30 per cent of the surplus and such additional amount as may be available under clause (a) shall be credited under a separate heading in the accounts maintained under section 460MM to a special fund called 'the Bombay Electric Supply and Transport Betterment Fund',

(c) 25 per cent of the surplus and such additional amount as may be available under clause (a) shall be transferred to the municipal fund for credit to the Welfare Fund mentioned in section 120A, and

(d) 15 per cent. of the surplus and such additional amount as may be available under clause (a) shall be transferred to the municipal fund.

(2) The Revenue Reserve Fund shall be applied to the following purposes :—

(i) in making good or in reduction of any deficit in the amount to be transferred in any year to the municipal fund under section 460KK ; and

(ii) in meeting any charges to be defrayed out of the Bombay Electric Supply and Transport Fund to the extent to which the balance available in the fund is insufficient for the purpose

(3) The Bombay Electric Supply and Transport Betterment Fund shall be applied to improvements in the services, amenities and facilities provided for the public by the Bombay Electric Supply and Transport Undertaking.

(4) The amounts to be transferred to the municipal fund under clauses (c) and (d) of sub-section (1) shall be paid into the Imperial Bank of India to the credit of the municipal fund by means of cheques drawn upon the Bombay Electric Supply and Transport Fund not later than the thirtieth day of June immediately following the close of the official year in which the transfers are due to be made.

Accounts.

460MM. (1) Accounts of the receipts and expenditure of the corporation on account of the Bombay Electric Supply and Transport Undertaking and of the properties vested or vesting in the corporation for the purposes of the said

Accounts of the Bombay Electric Supply and Transport Undertaking.

undertaking shall be kept in such manner and in such forms as the Bombay Electric Supply and Transport Committee shall from time to time prescribe.

(2) The General Manager shall publish such accounts in the *Official Gazette* every year.

Preparation of annual administration report and statement of accounts.

460NN. (1) The General Manager shall, as soon as may be after each first day of April, have prepared a detailed report of the administration of the Bombay Electric Supply and Transport Undertaking during the previous official year, together with a statement showing the amount of the receipts and disbursements respectively credited and debited to the Bombay Electric Supply and Transport Fund during the said year and the balance at the credit of the fund at the close of the said year as also an account of the balance due on loans and shall submit the same to the Bombay Electric Supply and Transport Committee

(2) After an examination and review of the report and statement by the Bombay Electric Supply and Transport Committee, a copy of the report together with a copy of the committee's review shall be forwarded to the usual or last known address of each councillor at least eight days previous to the ordinary meeting of the corporation in the next following month of October and copies thereof shall be delivered to any person requiring the same on payment of such reasonable fee for each copy as the General Manager, with the previous approval of the Bombay Electric Supply and Transport Committee, shall determine.

Miscellaneous

Power of Police to regulate traffic on streets.

46000. Nothing in this Chapter shall limit the powers of any police officer to regulate the passage of any traffic along or across any street along or across which any tramways are laid down and the police officer may exercise his authority as well on as off the tramway, and with respect as well to the traffic of the Bombay Electric Supply and Transport Undertaking as to the traffic of other persons.

Right of public to use streets on which tramway is laid.

460PP. No carriages with flange-wheels or wheels suitable only to run on a grooved rail, except those belonging to the Bombay Electric Supply and Transport Undertaking, shall be entitled to pass along a tramway, but, subject to this provision, nothing in this Act shall take away or abridge the right of the public to pass along or across every or any part of any street along or across which any tramway is laid whether on or off the tramway, with carriages not having flange-wheels or wheels suitable only to run on a grooved rail

CHAPTER XVII

BY-LAWS.

{By-laws for purposes other than the Bombay Electric Supply and Transport Undertaking

461. The corporation may from time to time make by-laws, not inconsistent with this Act, with respect to the following matters, namely:—

(a) regulating, in any particular not specifically provided for in this Act, the construction, maintenance and control of drains, ventilation-shafts or pipes, cesspools, water-closets, privies, latrines, urinals, drainage-works of every description, whether belonging to the Corporation or to other persons, municipal water-works, private communication-pipes and other public streets;

(b) regulating all matters and things connected with the supply and use of water;

¹ This marginal note was substituted for the original, by Bom 48 of 1948, s 41.

(c) the structure of walls, foundations, roofs and chimneys, ⁴[the number, width and position of staircases corridors and passages,] ⁵[the materials, dimensions and strength of floors and staircase and of all scantlings, girders, posts, and columns] of * * * buildings, for securing stability and the prevention of fires ⁶[and the safety of the inmates in the event of fire] and for purposes of health ;

⁷[(cc) the construction of scaffolding for building operations to secure the safety of the operatives and of the general public ;]

(d) the provision and maintenance of sufficient open space, either external or internal, about buildings to secure a free circulation of air, and of other means for the adequate ventilation of buildings ;

⁸[(dd) the provision and maintenance of suitable means of access to buildings] ;

(e) the provision and maintenance of house-gullies ;

(f) the control and supervision of all premises, used for any of the purposes mentioned in section 394, and of all trades and manufactures carried on therein ⁹[and the prescribing and regulating of the construction, dimensions, ventilation lighting, cleansing, drainage and water supply of any such premises,]

(g) the inspection of milch-cattle, and prescribing and regulating the construction, dimensions ventilation, lighting, cleansing, drainage and water supply of dairies and cattle-sheds in the occupation of persons following the trade of dairy men or milk sellers ;

(h) securing the cleanliness of milk-stores, milk-shops and milk-vessels used by such persons for containing milk ;

(j) requiring notice to be given whenever any milch animal is affected with any contagious disease and prescribing precautions to be taken for protecting milch-cattle and milk against infection or contamination ;

(k) securing the efficient inspection of markets and slaughter-houses and of shops in which articles intended for human food are kept are sold ;

(l) the control and supervision of butchers carrying on business within the city or at a municipal slaughter-house without the city ;

(m) regulating the use of any municipal market-building, market place or slaughter-house or any part thereof ;

¹⁰[(ma) regulating the purchase and sale of, and conditions of trading in, agricultural produce specified in Schedule JJ in municipal and private markets and establishment of markets for such produce,]

¹ These words were substituted for the original by Bom. 76 of 1948, s. 28.

² These words were inserted by Bom. 5 of 1905, s. 56 (1)(b)

³ The word "new" was repealed *ibid.*, s. 56(1)(a).

⁴ These words were inserted by Bom. 2 of 1911, s. 17(1)(b).

⁵ Clause (cc) was inserted by Bom. 5 of 1905, s. 56(2).

⁶ Clause (dd) was inserted *ibid.*, s. 56 (3).

⁷ These words were added by Bom. 1 of 1916, s. 12.

⁸ This clause was inserted by Bom. 54 of 1955, s. 11.

(n) controlling and regulating the sanitary condition of markets and slaughter-houses and preventing the exercise of cruelty therein ;

¹[(m) controlling and regulating the carriage or removal of fish through public streets by fish vendors ;]

²[(o) * * * *]

(u) publishing a price current ;]

⁴[(oo) the licensing of hand-carts, other than those exempted from taxation under section 181 or those plying for hire in respect of which licences have been issued under Bombay Act VI of 1863 ⁵and the seizure and detention of any such hand-carts that have not been duly licensed] ;

(r) regulating the disposal of the dead and the maintenance of all places for the disposal of the dead in good order and in a safe sanitary condition, due regard being had to the religious usages of the several classes of the community ;

(q) facilitating and securing complete and accurate registration of births and deaths ;

(r) the registration of marriages ;

(s) facilitating, when requisite, the taking of a census and securing accurate returns ;

(t) regulating the delegation of the powers and duties of the standing committee ⁶[the Improvements Committee and the Education Committee] to sub-committees ;

⁷[(u) the constitution of the Primary Education Consultative Committee appointed under section 39 ,]

(v) determining the constitution, powers and duties of any committee which the corporation may appoint under section 40 or 41 ;

⁸[(vv) securing the protection of public parks, gardens and open spaces vested in or under the control of the corporation from injury or misuse, regulating their management and the manner in which they may be used by the public and providing for the proper behaviour of persons in them ;]

⁹[(w) the administration and management of the municipal primary schools and the recognising and aiding of schools for primary education ,]

¹⁰[(x) the management, use and regulation of dwellings constructed for the poorer or working classes under any scheme duly sanctioned under the ¹¹[City of Bombay Improvement Act, 1898, or the City of Bombay Improvement Trust Transfer Act, 1925 ;]

¹²[(y) the conditions on which loan shall be advanced and the form of application ¹³[for loans under section 354W or 354WA] ; and]

¹ This clause was inserted by Bom 76 of 1948, s 28

² This clause was substituted for the original clause by Bom 4 of 1921, s 3.

³ Sub clause (s) was repealed by the Bombay Weights and Measures Act, 1932 (Bom 15 of 1932) which came into effect in Bombay City on 1st August 1935, vide Government Notification, General Department, No. 9518, dated 30th April 1935.

⁴ This clause was inserted by Bom 2 of 1911, s. 17(2).

⁵ See now Bom. 7 of 1920.

⁶ These words were substituted for the words " and of the Improvements Committee " by Bom. 48 of 1950, s. 72(1).

⁷ This clause was substituted for the original *ibid*, s 72(2).

⁸ This clause was inserted by Bom. 6 of 1922, s 32.

⁹ Clause (w) was substituted for the original by Bom 48 of 1950, s. 72(3).

¹⁰ These clauses were inserted by Bom. 13 of 1933, s 36(b)

¹¹ The City of Bombay Improvement Act, 1898, was repealed by the City of Bombay Improvement Trust Transfer Act, 1925, which has been repealed by Bom. 13 of 1933.

¹² These words were substituted for the words " for the advance of a loan under section 354 W " by Bom. 34 of 1954, s. 26.

¹[(z)] carrying out generally the provisions and intentions of this Act ;

²[Provided that in the suburbs ³[or extended suburbs] or in any part thereof, the corporation shall have the power to impose under bye-laws such special conditions as it may deem fit to impose in respect of matters falling under clauses (a), (b), (c) and (e) of this section and under section 349E]

⁴461A. (1) The corporation may from time to time make bye-laws for regulating matters affecting the conduct of the Bombay Electric Supply and Transport Undertaking not inconsistent with the provisions of this Act or of any other enactment applicable to the undertaking or with the provisions of any rules, bye-laws, regulations, permit or licence issued thereunder

Bye-laws for purposes of Bombay Electric Supply and Transport Undertaking.

(2) In particular, and without prejudice to the generality of the foregoing power such bye-laws may provide for the following matters, namely :—

(a) the rate of speed to be observed in travelling upon the tramways of the Bombay Electric Supply and Transport Undertaking ;

(b) the distances at which carriages using the said tramways shall be allowed to follow one after the other ;

(c) the stopping of carriages using the said tramways ;

¹ Clause (w) was relettered (z), by Bom. 13 of 1933, s. 36 (c).

² This proviso was added by Bom. 7 of 1950, s. 6(1)

³ These words were inserted by Bom. 58 of 1956, s. 24.

⁴ This section was inserted by Bom. 48 of 1948, s. 42

(d) the hours at which such carriages carrying goods shall run on the tramways ;

(e) the prevention of the commission of any nuisance in or upon any vehicle of the Bombay Electric Supply and Transport Undertaking used for the conveyance of the public or in or against any premises of the undertaking ;

(f) generally for regulating the travelling in or upon vehicles of the Bombay Electric Supply and Transport Undertaking used for the conveyance of passengers ; and

(g) the observance by municipal officers and servants appointed in connection with the Bombay Electric Supply and Transport Undertaking of sobriety, courtesy and special vigilance to prevent danger to persons or vehicles using the streets

(3) In respect of any transport undertaking acquired by the corporation, all by-laws and regulations relating to such undertaking in force immediately before such acquisition shall be deemed to have been made under sub-section (1) and shall continue in force until altered, repealed or amended by the corporation]

462. In making a by-law under ¹[section 461 or 461A], the corporation may provide that a breach of it shall be punishable with fine which may extend to twenty rupees and, in the case of a continuing breach with fine which may extend to ten rupees for every day, after conviction for the first breach or after receipt of written notice from the Commissioner to discontinue the breach, during which the breach continues

Punishment may be imposed for breach of by-laws.

463. No by-law, ^{2*} * * * shall have any validity unless and until it is confirmed ³[in the case of a by-law made under clause (s) of section 461 by the Central Government, and in the case of any other by-law, by the ⁴[State] Government]

By-laws to be confirmed by Central or [State] Government, as the case may be.

464. It shall be the duty of the Commissioner from time to time to lay before the corporation for their consideration a draft of any by-law which he shall think necessary or desirable for the furtherance of any purpose of this Act.

Commissioner to lay draft by-laws before the corporation for their consideration.

465. (1) No by-law shall be finally approved by the corporation, unless notice of the intention of the corporation to take the same into their consideration has been given by advertisement in the ⁵[*Official Gazette*] and in the local newspapers six weeks at least before the day of the meeting at which the corporation finally consider such by-law.

Hearing by corporation of objections to proposed by-laws

(2) The corporation shall, before approving the by-law, receive and consider any objection or suggestion which may be made in writing by any person with respect thereto before the day of the said meeting ; and any person desiring to object to a by-law, on giving written notice to the president of the corporation, not less than ten days before the day of the said meeting, of the nature of his said objection may, by himself or his counsel, attorney or agent, be heard by the corporation thereon at the said meeting, but not so as that more than one person be heard on the same matter of objection

¹ This was substituted for the original words by Bom. 48 of 1948, s 43

² The words "made under either of the two last preceding sections", were omitted by the Adaptation of Indian Laws Order in Council.

³ The words, figures, letter and brackets "in the case of a by-law made under clause(s) of section 461, by the Central Government, and in the case of any other by-law, the Provincial Government" were substituted for the words "by Government", *ibid.*

⁴ This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

⁵ The words "*Official Gazette*" were substituted for the words "*Bombay Government Gazette*", by the Adaptation of Indian Law Order in Council.

Proposed by-laws to be open to public inspection. 466. (1) For one month at least before the day of the meeting at which the corporation finally consider a by-law, a printed copy of such by-law shall be kept at the chief municipal office for public inspection and every person shall be permitted at any reasonable time to peruse the same, free of charge

(2) Printed copies of the proposed by-law shall also be delivered to any person requiring the same on payment of such fee, not exceeding one rupee for each copy, as shall be prescribed by the Commissioner.

By-laws confirmed by Central or State Government to be published in the Official Gazette] 467. When any by-law has been confirmed ¹[by the Central or the ²[State] Government, as the case may be], it shall be published in the ³[Official Gazette] and thereupon shall have the force of law.

Printed copies of by-laws to be kept on sale 468. (1) The Commissioner shall cause all by-laws from time to time in force to be printed, and shall cause printed copies thereof to be delivered to any person requiring the same, on payment of ⁴[such fee per copy as the Commissioner may from time to time, fix]

(2) Notice of the fact of copies of the by-laws being obtainable at the said price, and of the place where and the person from whom the same are obtainable, shall be given by the Commissioner from time to time by advertisement in the local newspapers

(3) Boards, with the by-laws printed thereon or with printed copies of the by-laws affixed thereto, shall be hung or affixed in some conspicuous part of the municipal office and in such places of public resort, markets, slaughter-houses and other works or places affected thereby, as the Commissioner thinks fit, and the said boards shall from time to time be renewed by the Commissioner.

Boards for exhibiting by-laws to be open to inspection and not to be injured. 469. (1) No municipal officer or servant shall at any reasonable time prevent the inspection of any board provided by the Commissioner, under the last preceding section by any person desiring to inspect the same

(2) No person shall, without lawful authority, destroy, pull down, injure or deface any such boards.

Application of sections 466, 468 and 469 to by-laws under section 461A. ⁵[469nA. In regard to by-laws made or required or proposed to be made under section 461A, the provisions of sections 466, 468 and 469 shall apply as if for the word ' Commissioner ' the words ' General Manager ' had been substituted, and as if section 468 had provided for the display of the relevant by-laws in every vehicle of the Bombay Electric Supply and Transport Undertaking used for the conveyance of the public]

Central or State Government, as the case may be, may repeal by-laws 470. (1) If it shall at any time appear to the ⁶[State] Government] that any by-laws should be ⁷[modified or] repealed either wholly or in part, ⁸[it] shall cause ⁸[its] reasons for such opinion to be communicated to the corporation and prescribe a reasonable period within which the corporation may make any presentation with regard thereto which they shall think fit.

(2) After receipt and consideration of any such representation or, if in the meantime no such representation is received, after the expiry of the prescribed period, the ⁶[State] Government] may at any time, by notification in the

¹ The words " by the Central or the Provincial Government, as the case may be " were substituted for the words " by Government " by the Adaptation of Indian Laws Order in Council

² This word was substituted for the word " Provincial " by the Adaptation of Laws Order, 1950

³ The word " Official Gazette " were substituted for the words " Bombay Government Gazette " by the Adaptation of Indian Laws Order in Council

⁴ These words were substituted for the words " a fee of two annas per each copy " by Mah 42 of 1976, s. 14.

⁵ This section was inserted by Bom. 48 of 1948, s. 44.

⁶ The words " Provincial Government " were substituted for the words " Governor in Council " by the Adaptation of Indian Laws Order in Council.

⁷ These words were inserted by Bom 5 of 1905, s. 57(a)

⁸ The words " it " and " its " were substituted for the words " he " and " his " respectively by the Adaptation of Indian Laws Order in Council.

¹[Official Gazette] ²[modify or] repeal such by-law either wholly or in part. ³[Provided that no by-law shall be modified or repealed in part only by the ⁴[⁵[State] Government] if, within the period aforesaid, the corporation have objected to a modification or partial repeal thereof]

(3) The ⁶[modification or] repeal of a by-law under sub-section (2) shall take effect from such date as the ⁴[⁵[State] Government] shall in the said notification direct or, if no such date is specified, from the date of the publication of the said notification in the ¹[Official Gazette], except as to anything done or suffered or omitted to be done before such date

(4) The said notification shall also be published in the local newspapers

⁷[(5) The powers conferred by this section on the ⁵[State] Government, shall, in relation to any by-law made under clause (s) of section 461, be powers of the Central Government]

CHAPTER XVIII

PENALTIES.

⁸[471. Whoever—

(a) contravenes any provision of any of the sections, sub-sections or clauses mentioned in the first column of the following table, or of any regulation made thereunder, or

(b) fails to comply with any requisition lawfully made upon him under any of the said sections, sub-sections or clauses,

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 sections, sub-sections and clauses mentioned in the first column, or even as abstracts of those sections, sub-sections and clauses, but are inserted merely as references to the subjects of the sections, sub-sections and clauses, the numbers of which are given in the first column

Section, sub-section or clause 1	Subject 2	Fine which may be imposed 3
Section 138	Requisition by auditor appointed for special audit	One hundred rupees.
Section 149	Notice to be given of transfer of title	Fifty rupees
Section 150	Requisition to produce instrument of transfer	Fifty rupees
Section 152	Notice to be given of the erection of new building, etc	Fifty rupees

¹ The words "Official Gazette" were substituted for the words "Bombay Government Gazette" by the Adaptation of Indian Laws Order in Council

² These words were inserted by Bom 5 of 1905, s 57(b)

³ This proviso was substituted for the original proviso, *ibid.*

⁴ The words "Provincial Government" were substituted for the words "Governor in Council"

⁵ This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950, by the Adaptation of Indian Laws Order in Council

⁶ These words were inserted by Bom 5 of 1905, s 57(b)

⁷ This sub-section was inserted by the Adaptation of Indian Laws Order in Council

⁸ Section 471 was substituted for the original section by Bom 5 of 1905, s. 58

⁹ Entry relating to section 19, sub-sections (5A) and (5B) were deleted by Mah 8 of 1965, s. 17

¹⁰ Entry relating to section 136, sub-section (2) was deleted by Bom. 17 of 1938, s 2, First Schedule

Certain offences punishable with fine

Section, Sub-section or clause.	Subject	Fine which may be imposed.
1	2	3
Section 188	Notice to be given by person becoming possessed of a vehicle or animal liable to tax	Fifty rupees
¶[Section 191A, sub-section (3)	Return to be forwarded by an owner or person in charge of a dog	Fifty rupees]
¶[Section 191H	Return to be submitted by person liable to theatre tax	Fifty rupees]
Section 223, sub-section (1)	Buildings, etc, not to be erected without permission over drains	One hundred rupees
Section 229	Connections, with municipal drains, etc not to be made except in conformity with section 227 or 228	One hundred rupees
¶[Section 229A, sub-section (1)	Buildings, etc, not to be erected without permission over any drains	One hundred rupees]
¶[Section 230A	Owner of land to allow others to carry drains through the land	Fifty rupees]
Section 231	Requisition to enforce drainage of undrained premises situate within a hundred feet of a municipal drain.	Fifty rupees
Section 232	Requisition to enforce drainage of undrained premises not situate within hundred feet of a municipal drain	Fifty rupees.
Section 233, sub-section (1), clause (b)	Direction limiting use of drain or notice requiring the construction of a distinct drain	Fifty rupees,
Section 233A, clause (b)	Drains for sole use of properties to be maintained in good repair, etc, by owner or occupier	Fifty rupees
Section 234	New buildings not to be erected without drains	Five hundred rupees.
Section 235	Excrementitious matter not to be passed into cesspool	One hundred rupees,
Section 236	Owners of drains to allow use thereof, or joint ownership therein, to others	Fifty rupees
Section 240	Drains not to pass beneath buildings	Two hundred rupees.
Section 241	Provisions as to position of cesspools	Two hundred rupees
Section 243, sub-section (2)	Requisition to cover or ventilate drain or cesspool.	Fifty rupees
Section 246A, sub-section (1)	Water-closets and privies not to be constructed without permission or in contravention of terms prescribed	Two hundred rupees
Section 247	Buildings newly erected or re-erected to be provided with water-closet and other accommodation	Two hundred rupees
Section 248, sub-section (1)	Requisition to enforce provision of privy accommodation, etc.	Fifty rupees
Section 249	Requisition to provide privy accommodation for factories, etc	Two hundred rupees.
Section 249A	Requisition respecting unhealthy privies	Two hundred rupees.
Section 250, sub-section (1).	Provisions as to privies	Fifty rupees
Section 251	Provisions as to water-closets	Fifty rupees
Section 251A	Provisions as to privies and water-closets	Two hundred rupees.
Section 251 B	Provisions as to use of places for bathing or washing clothes or domestic utensils	Fifty rupees
Section 257	Requisition to effect sanitary repairs, etc	Fifty rupees
Section 258	Prohibition of acts contravening the provisions of Chapter IX or done without sanction.	One hundred rupees
Section 259A, sub-sections (1) and (4).	Provisions as to employment of licensed plumber and use of work.	Two hundred rupees.

¹ This entry was inserted by Bom. 2 of 1943, s. 4, read with Bom. 8 of 1948, s. 2

² This entry was inserted by Bom. 30 of 1951, s. 5.

³ This entry was inserted by Bom. 8 of 1918, s. 18(a).

Sect on. sub-sect on or clause. 1	Subject. 2	Fine which may be imposed. 3
Sect on 259A, sub-sections (2) and (3)	Licensed plumber to give and sign certificate	... Fifty rupees.
Sect on 268, sub-section (1).	Buildings, etc., not to be erected over water-main without permission	One hundred rupees.
Sect on 269, sub-section (3).	Water not to be carried away from public water-supply for sale, and not to be carried in cask, etc., without permission.	Fifty rupees.
Sect on 270, sub-section (2)	Public water-supply, set apart for particular purpose, not to be used for other purpose.	Twenty rupees.
¹ [Sect on 270A.	Premises not to be occupied without Commissioner's certificate in respect of adequate water supply.	Three hundred rupees.]
² [Sect on 271, sub-section (2).	Requirement to obtain private water supply and to provide supply and distributing pipes, etc	Two hundred rupees.]
Section 272, sub-section (1)	Provisions as to the making and renewing of connections with municipal water-works.	Two hundred rupees.
³ [Sect on 272, sub-section (5).	Provision as to unauthorised connections with municipal water works, etc.	Fifty rupees]
Section 274	Requirement to provide ⁴ [cistern and fittings or means of access to any cistern]	Fifty rupees.
Section 275	⁵ [Supply or distributing pipes] etc., to be kept in efficient repair by owner or occupier of premises.	One hundred rupees.
Sect on 278, sub-section (2)	Requirement to remedy defect in meter, ⁶ [supply or distributing pipes], etc	Fifty rupees.
Sect on 280	Conditions as to use of water not to be contravened.	⁷ [One hundred rupees.]
Section 281	Water pipes, etc., not to be placed where water will be polluted	One hundred rupees.
Section 282	Prohibition of fraudulent and unauthorised use of water	One hundred rupees.
Sect on 283, sub-section (1)	Prohibition of fraud in respect of meters	... One hundred rupees.
Sect on 284	Prohibition of wilful or neglectful acts relating to water works.	One hundred rupees.
⁸ [Sect on 287B, sub-section (1)	Work under Chapter X to be done by licensed plumber.	Two hundred rupees]
⁹ [Sect on 287B, sub-section (2)	Name of licensed plumber to be furnished	... Fifty rupees]
Sect on 297, sub-section (3)	Construction of building, within the regular line of street without permission	One thousand rupees.
Sect on 304, sub-section (1).	¹⁰ [Land not to be appropriated for building and private street not to be laid out until expiration of notice nor otherwise than in accordance with Commissioner's direction]	Five hundred rupees.
Section 305	Requirement as to leveling and draining of private streets	One hundred rupees.
Sect on 308, sub-section (1)	Prohibition of projections upon streets, etc.	Two hundred rupees.
Sect on 308, sub-section (2)	Requirement to remove the same	... Two hundred rupees.
Sect on 309, sub-section (1).	Requirement to remove or alter projections, etc., made before Bombay Act III of 1872 came into force	Two hundred rupees.
Sect on 311	Ground floor doors, etc., not to open outwards on streets	Twenty rupees.
Sect on 312, sub-section (1).	Prohibition of structures or fixtures causing obstruction in streets.	One hundred rupees.

¹ This entry was inserted by Bom 64 of 1953, s. 19 (1).

² This entry was inserted by Bom 5 of 1938, s. 41 (u).

³ This entry was inserted by Bom 10 of 1928, s. 16 (1)

⁴ These words were substituted for the original by Bom. 5 of 1938, s. 41 (c), (d) and (e).

⁵ The entry relating to sect on 2b7, sub-section (2), repealed by Bom. 8 of 1918, s. 18 (b) has been omitted.

⁶ These entries were inserted, *ibid*, s. 18 (c)

⁷ These words were substituted for the original words by Bom 5 of 1920, s. 5.

Section, sub-section or clause. 1	Subject. 2	Fine which may be imposed 3
Section 313, sub-section (1).	Prohibition of deposits, etc., of things in streets	One hundred rupees.
[Section 313A ...	Prohibition of hawk ng articles for sale in a public place or street without a licence.	Fifty rupees]
*[Section 313B ...	Prohibition in a public place or street, of use of skill in hand craft or in rendering services without licence.	Fifty rupees]
Section 315 ...	Requisition to remove structures or fixtures erected or set up before sect on 312 came into force.	One hundred rupees
Section 316, sub-section (1).	Prohibition of the tethering of animals in public streets.	Twenty rupees
Section 319, sub-section (2).	Direction to close street in which work is in progress.	Fifty rupees
Section 321, sub-section (2).	Shoring-timber fence, etc., employed to secure public safety while municipal works are in progress, not to be removed.	Fifty rupees.
Section 322, sub-section (1).	Streets not to be opened or broken up and building materials not to be deposited thereon without permission.	*[One hundred] rupees.
Section 323 ...	Precautions for public safety to be taken by persons to whom permission is granted under section 322	Fifty rupees.
Section 324, sub-section (1).	Persons to whom permissions granted under section 322 must re-instate streets.	Fifty rupees.
Section 325 ...	Provision to be made by persons to whom permission is granted under section 322 for traffic, etc., when their works interrupt streets.	Two hundred rupees.
Section 326 ...	Hoards to be set up during work on any building adjacent to a street.	Fifty rupees.
Section 327, sub-section (2).	Name of street and *[number or sub-number of premises or part thereof] not to be destroyed or defaced	Twenty rupees.
*[Section 328, sub-section (1).	Sky-signs not to be erected or retained without permission.	One hundred rupees]
*[Section 328A, sub-section (1).	Advertisements on certain *[sites, vehicles, etc] not to be exhibited without permission.	One hundred rupees]
Section 329, sub-section (1).	Requisition to repair, protect or enclose dangerous place.	Fifty rupees
Section 331 ...	Prohibition of removal, etc., of lamps	... One hundred rupees
Section 333, sub-sections (1), (2) and (3).	Provisions as to manner of laying gas-pipes	... One thousand rupees
Section 334, sub-section (1).	Requisition to alter situation of gas-pipes, etc.	... Fifty rupees.
Section 335, sub-section (1).	Buildings, etc., not to be erected without permission over municipal gas-pipes.	One hundred rupees.
Section 344A ...	Provision for supervision of buildings and works	.. Five hundred rupees.
Section 347, sub-section (1).	Work not to be commenced without notice	.. One thousand rupees.
*[Section 347A ...	Building not to be converted to other purposes without the permission of the Commissioner.	Five hundred rupees]
*[Section 347B ..	Building or any part of a building originally constructed or authorised to be used for human habitation not to be used as a godown, etc., without permission.	Five hundred rupees]

1 This entry was inserted by Bom. 1 of 1925, s. 26 (1).

2 This entry was inserted by Bom. 5 of 1938, s. 41 (f).

3 The words "One hundred" were substituted for the word "Fifty" by Bom. 6 of 1913, s. 9 (1).

4 These words were substituted for the words "number of houses" by Bom. 22 of 1956, s. 2 (2).

5 These entries were substituted for the original entry by Bom. 7 of 1921, s. 11.

6 The words "sites, vehicles, etc." were substituted for the word "sites" by Bom. 19 of 1930.

s. 17.

7 This entry was inserted by Bom. 1 of 1916, s. 13 (a).

8 Entries relating to sections 347B and 347C were inserted by Bom. 76 of 1948, s. 29.

Section, sub-section or clause 1	Subject 2	Fine which may be imposed 3
Section 347C ..	Building originally constructed or authorised to be used for human habitation not to be altered without permission for the purpose of using it as a godown, etc	Five hundred rupees
Section 349 .	Roofs and external walls of buildings not to be made of inflammable materials	Ten rupees
Sections 349A and 349B. ..	Provisions as to height of buildings	One thousand rupees.
Section 349C ..	Provision as to height of frame buildings	One thousand rupees.
*[Section 349D ..	Alteration and provision of staircase to allow of safe exit in event of fire	One hundred rupees]
Section 353 ..	Provisions for enforcement of provisions concerning buildings and works	One thousand rupees
Section 353A ..	Provisions as to completion certificates : permission to occupy or use.	Five hundred rupees.
Section 354 ..	Requisition to remove structures which are in ruins or likely to fall	Five hundred rupees.
*[Section 354AA, sub-section (7). ..	Erection or re-erection of any building in contravention of the declaration.	One thousand rupees]
*[Section 354RK, sub-section (8). ..	Construction or reconstruction of building within any re-development area without permission.	One thousand rupees.]
Section 356 ..	Regulations prescribed for licensed surveyors and plumbers.	Twenty rupees.
Section 357 ..	Licensed plumber not to demand or receive more than the prescribed fee	Twenty rupees
Section 358 ..	Licensed plumber to be bound to execute work properly.	Twenty rupees
*[Section 368, sub-sections (1), (2), (3) and (4). ..	Collection, removal and deposit of refuse and provision of receptacles.	Twenty rupees]
Section 370 ..	Collection and removal of excrementitious and polluted matter to be provided for by occupiers in certain cases	Twenty rupees.
Section 371 .	Halalkhor's duties in certain cases not to be discharged by private individuals without permission	Ten rupees
*[Section 372, clauses (a), (b), (c), (d), (e) and (f). ..	Provision as to removal of refuse.	Fifty rupees.
Section 372, clause (g). ..	Provision as to removal and skinning of carcasses	One hundred rupees.]
Section 375 ..	Requisition to cleanse and lime-wash building	Fifty rupees.
*[Section 375A ..	Requisition to remove building materials, etc. from any premises	Fifty rupees]
Section 377 .	Requisition to cleanse, etc., neglected premises	Fifty rupees
[Section 377A, sub-sections (1) and (2) ..	Requisition to abate or to prevent recurrence of a leakage in the roofs of buildings	Fifty rupees]
Section 378, sub-section (2) ..	Provisions as to buildings unfit for human habitation.	Five hundred rupees.
Section 379 ..	Owner or occupier of a house, within seven days of receipt of notice, to give statement of accommodation.	Two hundred rupees.
Section 379A, sub-section (1) ..	Requisition by Presidency Magistrate to abate overcrowding.	Two hundred rupees.

¹ This entry was inserted by Bom. 2 of 1911, s. 18(a).

² This entry was inserted by Bom. 48 of 1950, s. 73

³ This entry was inserted by Bom. 34 of 1954, s. 27(1).

⁴ This entry was substituted for the original by Bom. 1 of 1925, s. 26(2).

⁵ This entry was substituted for the original by Mah. 14 of 1961, s. 9(a).

⁶ This entry was inserted by Bom. 1 of 1916, s. 13(b).

⁷ This entry was inserted by Bom. 1 of 1925, s. 26(3).

Section, sub-section or clause 1	Subject 2	Fine which may be imposed 3
Section 379A, sub-section (3).	Requisition by owner pursuant to order under sub-section (1)	Two hundred rupees.
Section 380 ..	Requisition to remove or alter insanitary huts	Fifty rupees.
Section 381	Requisition to fill in pools, etc , which are a nuisance	¹ [One hundred and fifty] rupees
² [Section 381A, sub-section (1)	Digging or constructing well, etc , without permission	³ [Two hundred and fifty] rupees]
⁴ [Section 381A, sub-section (2).	Requisition to fill in or demolish well, etc	⁵ [Two hundred and fifty] rupees]
⁶ [Section 381 B	Prohibition of mosquito breeding in collection of water on any land.	One thousand rupees subject, however, to a minimum fine which shall not be less than fifty rupees]
Section 382	Requisition to discontinue dangerous quarrying	Five hundred rupees.
Section 383, sub-section (1)	Requisition to remove or trim trees, shrubs or hedges	Fifty rupees.
Section 384, sub-section (1).	Prohibitions as to the keeping of animals	Fifty rupees.
⁷ [Section 384A ..	Requisition to discontinue, etc stabling animals or storing grain in dwelling house.	Fifty rupees]
⁸ [Section 385, sub-section (1)	Prompt notice to be given to health department for removal of carcasses of dead animals	Ten rupees]
⁹ [Section 385, sub-section (4)	Removal of carcasses without authorisation of the Commissioner	Fifty rupees]
Section 388, clauses (e), (f) and (g)	Prohibition of bathing, etc , contrary to order or regulation.	Ten rupees.
Section 390, sub-section (1)	Factory, etc , not to be newly established ¹⁰ [or worked] without permission.	One thousand rupees
¹¹ [Section 390, sub-section (3).	Prohibition of continuous or resumption of working of factory, etc., after revocation of written permission for its establishment.	One thousand rupees]
Section 392, sub-section (1)	Requisition for sanitary regulation of factories, ¹² etc.	Two hundred rupees.
Section 393, sub-section (1)	Prohibition of use of steam whistle, etc without permission	Fifty rupees
¹³ [Section 394, sub-section (1), clauses (a) (ii) and (b) to (j).	Certain articles ¹⁴ [or animals] not to be kept, and certain trades, processes and operations not to be carried on, without a licence	One thousand rupees, subject, however, to a minimum fine which shall not be less than two hundred rupees.
Section 394, sub-section (6).	Licence to be kept on the premises, board to be displayed indicating nature of articles ¹⁵ [or animals] kept or trade carried on and proper labels to be put on licensable articles.	One hundred rupees, subject, however, to a minimum fine which shall not be less than fifty rupees]

¹ The words " One hundred and fifty " were substituted for the word " fifty " by Bom. 10 of 1928, s. 16(2).

² These entries were inserted by Bom 6 of 1913, s. 9(2).

³ The words " Two hundred and fifty " were substituted for the word " fifty " by Bom. 10 of 1928, s. 16(3).

⁴ This entry was inserted by Mah. 51 of 1975, s 17

⁵ This entry was inserted by Bom. 1 of 1916, s. 13(c)

⁶ This entry was substituted for the original entry by Bom 5 of 1920, s 5.

⁷ This entry was inserted by Mah 14 of 1961, s 9(b)

⁸ These words were inserted by Bom 1 of 1916, s. 13(d).

⁹ This entry was inserted, *ibid* , s. 13(e).

¹⁰ The word " bakehouses " was repealed by Bom 2 of 1911, s 18(b)

¹¹ These entries were substituted for the original entries by Mah. 32 of 1962, s 4

¹² These words were inserted by Mah. 42 of 1976, s. 15(a)

¹³ These words were inserted, *ibid.*, s. 15 (d)

Section, sub-section or clause,	Subject.	Fine which may be imposed
1	2	3
Section 395, sub-section (1).	Prohibition of corruption of water by chemicals, etc. ..	One thousand rupees.
Section 397, sub-section (1).	Regulation of washing of clothes by washerman ..	Twenty rupees.
Section 401, sub-section (1)	Prohibition of sale in municipal market without licence ..	Fifty rupees.
Section 402, sub-section (1)	New private market not to be opened without sanction.	One thousand rupees.
Section 403, sub-section (1) clause (a)	Private market not to be kept [or permitted to be kept] open without licence.	[Five hundred rupees.]
* * * * *		
Section 404 ..	Prohibition of sale in unauthorised private markets ..	Fifty rupees.
Section 405 ..	Requirement to pave and drain private market, buildings and slaughter-houses.	Two hundred rupees.
Section 406 ..	Regulations framed for markets and slaughter-houses ..	Fifty rupees.

¹ These words were inserted by Bom. 20 of 1952, s 18(1).

² These words were substituted for the words " fifty rupees " by Bom 64 of 1953, s. 19(2)

³ The entry relating to section 403, sub-section (1), clauses (b) and (c) was deleted, *ibid*, s. 19(3)

Section, sub-section or clause. 1	Subject. 2	Fine which may be imposed. 3
[Section 407A ..	Removal of cattle, sheep, goats or swine from any municipal slaughter-house, market or premises.	Fifty rupees]
Section 408, sub-section (2).	Regulations and table of stallage-rents posted up in markets and slaughter-houses not to be destroyed or defaced	Ten rupees.
Section 410, sub-section (1).	Prohibition of sale of animals, etc., except in a market ..	Fifty rupees.
*[Section 411 ..	Butchers and persons who sell or supply flesh of animal to be licensed.	Five hundred rupees]
..
*[Section 412A ..	*[Milk, butter, etc., not to be sold without a licence]	.. One hundred rupees
..
Section 421 ..	Information to be given of existence of dangerous disease [or continuous pyrexia of unknown origin] by medical practitioners.	One hundred rupees.
Section 423, sub-section (2).	Prohibition of use for drinking of water likely to cause dangerous disease.	Two hundred rupees.
Section 424, sub-section (2).	Direction to remove patients to hospitals ..	.. One hundred rupees.
Section 425, sub-section (1)	Requisition to disinfect buildings ..	.. One hundred rupees.
*[Section 426A, sub-section (1).	Second-hand clothing and bedding not to be brought into city without informing the Commissioner and getting them inspected	Five hundred rupees.
Section 426A, sub-section (4).	Second-hand clothing and bedding brought into city not to be dealt with or disposed of until a certificate by the Commissioner has been given.	Five hundred rupees.
Section 427, sub-section (2).	Where a place for washing of infected articles has been appointed, such articles not to be washed at places not so appointed.	One hundred rupees.
Section 427, sub-section (3)	Direction to disinfect or destroy infected articles ..	.. One hundred rupees.
Section 428, sub-section (1)	Persons suffering from dangerous disease not to enter a public conveyance without notifying the same.	Fifty rupees.
Section 430 ..	Provisions as to carriage of persons suffering from dangerous disease in public conveyances.	Five hundred rupees.
Section 431 ..	Public conveyance which has carried a person suffering from dangerous disease to be disinfected.	Five hundred rupees.
Section 432, sub-section (1)	Infected articles not to be transmitted, etc., without previous disinfection.	Five hundred rupees
Section 433, sub-section (1)	Infected building not to be let without being first disinfected	Five hundred rupees
Section 435 ..	Places for the disposal of the dead to be registered ..	.. One hundred rupees.
Section 437 ..	New places for disposal of the dead not to be opened without permission.	Five hundred rupees.
Section 440, sub-section (1)	Prohibition of burials within places of worship and exhumations without permission.	Five hundred rupees.
Section 441 ..	Acts prohibited in connection with the disposal of the dead.	One hundred rupees.

¹ This entry was inserted by Bom. 12 of 1936, s. 5.

² This entry was substituted for the original, by Bom. 64 of 1953, s. 19 (4)

³ The entry relating to section 412, sub-section (1), was deleted, *ibid.*, s. 19 (5).

⁴ This entry was inserted by Bom. 6 of 1913, s. 9 (3).

⁵ These words were substituted for the original words "dealers in and sellers of milk to be licensed" by Bom. 6 of 1916, s. 9.

⁶ Entries relating to section 420 which were inserted by Bom. 4 of 1921, s. 4, were repealed by the Bombay Weights and Measures Act, 1932 (Bom. 15 of 1932), which came into effect in Bombay City on 1st August 1935, *vide* Government Notification, General Department, No. 9518, dated 30th April 1935.

⁷ These words were inserted by Bom. 20 of 1952, s. 18 (3).

⁸ These entries were inserted by Bom. 76 of 1948, s. 29.

Section, sub-section or clause. 1	Subject 2	Fine which may be imposed. 3
Section 446, sub-section (1).	Information of birth to be given within seven days	One hundred rupees.
Section 447 ..	Information respecting finding of new born child to be given	One hundred rupees.
Section 449 .	Information of death to be given at the time when the corpse of the deceased is disposed of	One hundred rupees.
Section 450, sub-section (1).	Medical practitioner who attended a deceased person to certify the cause of his death	One hundred rupees.
Section 457, sub-sections (1) and (3).	Obligation to fill up blank schedules and returns	Fifty rupees.
Section 458 .	Occupier to amend returns, if found defective	Two hundred rupees.
Section 459 .	Military, naval and police officers and certain others, if required, to act as enumerators	One hundred rupees.
Section 469, sub-section (1).	Boards for exhibiting by-laws to be opened to inspection	Fifty rupees.
Section 469, sub-section (2).	The same not to be injured	Ten rupees.
Section 479, sub-section (5)	Grantee to be bound to produce licence or written permission.	Fifty rupees.
¹ [Section 485A, sub-section (2)	Requisition to furnish information as to nature of interest in any premises	Fifty rupees]
Section 507, sub-section (3).	Occupier of building or land to afford owner facilities for complying with provisions of this Act, etc., after eight days from issue of order by Chief Judge of Small Cause Court	Two hundred rupees.

Continuing offences.

²[472. Whoever, after having been convicted of—

(a) contravening any provision of any of the sections, sub-sections or clauses mentioned in the first column of the following table, or of any regulation made thereunder, or

(b) failing to comply with any requisition lawfully made upon him under any of the said sections, sub-sections or clauses,

continues to contravene the said provision or to neglect to comply with the said 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 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 sections, sub-sections and clauses mentioned in the first column, or even as abstracts of those sections, sub-sections and clauses, but are inserted merely as references to the subject of the sections, sub-sections and clauses, the numbers of which are given in the first column.

Section, sub-section or clause. 1	Subject 2	Daily fine which may be imposed. 3
Section 223, sub-section (1)	Buildings, etc., not to be erected without permission over drains	Ten rupees.
Section 229	Connections with municipal drains, etc., not to be made except in conformity with section 227 or 228	Ten rupees.
² [Section 229A, sub-section (1).	Buildings, etc., not to be erected without permission over any drains.	Ten rupees]
³ [Section 230A. .	Owner of land to allow others to carry drains through the land.	Five rupees]

¹ This entry was inserted by Bom. 34 of 1934, s. 27 (2)

² Section 472 was substituted for the original section by Bom. 5 of 1905, s. 58

³ These entries were inserted by Bom. 8 of 1918, s. 19 (a).

Section, sub-section or clause. 1	Subject. 2	Daily fine which may be imposed. 3
Section 231 ..	Requisition to enforce drainage of undrained premises situate within a hundred feet of a municipal drain.	Five rupees.
Section 232 ..	Requisition to enforce drainage of undrained premises not situate within a hundred feet of a municipal drain.	Five rupees.
Section 233, sub-section (1), clause (b)	Direction limiting use of drain or notice requiring the construction of a distinct drain.	Five rupees.
Section 233A, clause (b)	Drain for sole use of property to be maintained in good repair, etc., by owner or occupier of property.	Five rupees.
Section 236 ..	Owners of drains to allow use thereof or joint ownership therein to others	Five rupees.
¹ Section 240 ..	Drains not to pass beneath buildings	.. Ten rupees]
Section 243, sub-section (2).	Requisition to cover or ventilate drain or cesspool	.. Five rupees.
Section 248, sub-section (1).	Requisition to enforce provision of privy accommodation, etc.	Five rupees.
Section 249 ..	Requisition to provide privy accommodation for factories, etc.	Twenty rupees.
Section 249A ..	Requisition respecting unhealthy privies	.. Twenty rupees.
Section 250, sub-section (1).	Provisions as to privies	.. Five rupees.
Section 251 ..	Provisions as to water-closets	.. Five rupees.
Section 257 .	Requisition to effect sanitary repairs, etc.	.. Five rupees.
² Section 258 ..	Prohibition of acts contravening the provisions of Chapter IX or done without sanction.	Ten rupees.]
Section 259A, sub-sections (1) and (4).	Provisions as to employment of licensed plumber and use of work	Fifty rupees.
Section 259A, sub-sections (2) and (3).	Licensed plumber to give and sign certificate	.. Ten rupees.
Section 268, sub-section (1)	Buildings, etc., not to be erected over water main without permission	Ten rupees.
³ Section 270A .	Premises not to be occupied without Commissioner's certificate in respect of adequate water supply.	Fifty rupees.
Section 271, sub-section (2).	Requisition to obtain private water supply and to provide supply and distributing pipes, etc.	Ten rupees.
Section 274 .	Requisition to provide cisterns and fittings or means of access to any cistern.	Ten rupees.]
Section 297, sub-section (3).	Buildings not to be constructed within the regular line of street without permission.	One hundred rupees.
Section 305.	Requisition as to levelling and draining of private streets.	Ten rupees.
Section 312, sub-section (1).	Prohibition of structures or fixtures causing obstruction in streets.	Ten rupees.
Section 313, sub-section (1).	Prohibition of deposit, etc., of things in streets	.. Ten rupees.
⁴ Section 313A .	Prohibition of hawking or exposing for sale any article in a public place or street without a licence.	Five rupees]
⁵ Section 313B .	Prohibition in a public place or street, of use of skill in handicraft or in rendering services without licence	Five rupees.
Section 315 .	Requisition to remove structures or fixtures erected or set up before section 312 came into force.	Ten rupees.
Section 322, sub-section (1).	Streets not to be opened or broken up and building materials not to be deposited thereon without permission.	Fifty rupees.

¹ This entry was inserted by Bom. 8 of 1918, s. 19 (b).

² This entry was inserted, *ibid.*, s. 19 (c)

³ These entries were inserted by Bom. 64 of 1953, s. 20 (1).

⁴ This entry was inserted by Bom. 19 of 1930, s. 18 (a)

⁵ This entry was inserted by Bom. 5 of 1938, s. 42.

Section, sub-section or clause. 1	Subject 2	Daily fine which may be imposed 3
Section 323	Precautions for public safety to be taken by persons to whom permission is granted under section 322	Fifty rupees
Section 324, sub-section (1)	Persons to whom permission is granted under section 322, must reinstate streets	Ten rupees
Section 326	Hoards to be set up during work on any building adjacent to a street	Twenty rupees
¹ [Section 328, sub-section (1)	Sky-signs not to be erected or retained without permission	Ten rupees]
¹ [Section 328A, sub-section (1)	Advertisements on certain ² [sites, vehicles, etc] not to be exhibited without permission	Ten rupees]
Section 329, sub-section (1)	Requisition to repair, protect or enclose dangerous place	Five rupees
Section 334, sub-section (1).	Requisition to alter situation of gas-pipes, etc	Ten rupees
Section 335, sub-section (1)	Buildings etc, not to be erected without permission over municipal gas-pipe	Ten rupees
Section 344A	Provision for supervision of buildings and works	One hundred rupees
Section 347, sub-section (1)	Work not to be commenced without notice	One hundred rupees
³ [Section 347A	Building not to be converted to other purposes without the permission of the Commissioner	One hundred rupees]
⁴ [Section 347B	Building or any part of a building originally constructed or authorised to be used for human habitation not to be used as a godown, etc, without permission	One hundred rupees.
Section 347C	Building originally constructed or authorised to be used for human habitation not to be altered without permission for the purpose of using it as a godown, etc	One hundred rupees]
Section 349	Roof and external walls of buildings not to be of inflammable material	Five rupees
Sections 349A and 349B	Provisions as to height of buildings	One hundred rupees
Section 349C	Provisions as to height of frame-buildings	One hundred rupees
⁵ [Section 349D	Alteration and provision of staircases to allow of safe exit in event of fire	Ten rupees
Section 353A	Provisions as to completion certificates permission to occupy or use	One hundred rupees.
Section 354	Requisition to remove structures which are in ruins or likely to fall	One hundred rupees
⁶ [Section 354AA, sub-section (7).	Erection or re-erection of any building in contravention of the declaration	One hundred rupees]
⁷ [Section 354RK, sub-section (3)	Construction or reconstruction of building within any re-development area without permission	One hundred rupees]
⁸ [Section 358	Licensed plumber to be bound to execute work properly	Five rupees]
⁹ [Section 368, sub-sections (1), (2) (3) and (4).	Collection, removal and deposit of refuse and provision of receptacles	Ten rupees]
Section 372	Provisions as to removal of refuse	Ten rupees
Section 375	Requisition to cleanse and lime-wash building	Five rupees
¹⁰ [Section 375A	Requisition to remove building materials, etc, from any premises	Five rupees]
Section 377	Requisition to cleanse, etc, neglected premises	Five rupees

¹ These entries were inserted by Bom 7 of 1921, s 12

² The words "sites, vehicles, etc" were substituted for the word "sites" by Bom 19 of 1930, s. 18 (b)

³ This entry was inserted by Bom 1 of 1916, s 14 (a)

⁴ These entries were inserted by Bom 76 of 1948, s 30

⁵ This entry was inserted by Bom. 2 of 1911, s 19 (a).

⁶ This entry was inserted by Bom 48 of 1950, s. 74.

⁷ This entry was inserted by Bom 34 of 1954, s 28 (1).

⁸ This entry was inserted by Bom 8 of 1918, s 19 (d).

⁹ This entry was added by Bom 1 of 1923, s 27 (1)

¹⁰ This entry was inserted by Bom 1 of 1916, s 14 (b)

Section, sub-section or clause 1	Subject 2	Daily fine which may be imposed 3
¹ [Section 377A, sub-sections (1) and (2)]	Requisition to abate or to prevent recurrences of leakage in the roofs of buildings	Fifteen rupees]
Section 379	Owner or occupier of a house, within seven days of receipt of notice to give statement of accommodation	Twenty rupees.
Section 379-A, sub-section (1)	Requisition by Presidency Magistrate to abate overcrowding	Twenty rupees.
Section 379-A, sub-section (3)	Requisition by owner pursuant to order under sub-section (1)	Twenty rupees
Section 380	Requisition to remove or alter in sanitary hut	Five rupees
Section 381	Requisition to fill in Pools, etc., which are a nuisance	² [Fifteen] rupees
³ [Section 381A, sub-section (2)]	Requisition to fill in or demolish well, etc	⁴ [Twenty] rupees]
⁵ [Section 381B	Prohibition of mosquito breeding in collection of water on any land.	Two hundred rupees, subject, however, to a minimum daily fine which shall not be less than twenty-five rupees]
Section 382	Requisition to discontinue dangerous quarrying	One hundred rupees.
Section 383, sub-section (1)	Requisition to remove or trim trees, shrubs or hedges	Five rupees
Section 384, sub-section (1)	Prohibition as to the keeping of animals	Five rupees.
⁶ [Section 384A	Requisition to discontinue etc., stabling animals in dwelling house.	Twenty rupees]
⁷ [Section 390, sub-section (1)]	Prohibition of working of factory, etc., established without written permission	Five hundred rupees]
⁸ [Section 390, sub-section (3)]	Prohibition of continuance or resumption of working of factory etc., after revocation of written permission for its establishment	Five hundred rupees]
Section 392, sub-section (1)	Requisition for sanitary regulation of factories, ⁹ etc	One hundred rupees
¹⁰ [Section 394, sub-section (1), clauses (a)(ii) and (b) to (j)]	Certain articles ¹¹ [or animals] not to be kept, and certain trades, processes and operations not to be carried on, without a licence	Two hundred rupees, subject, however, to a minimum daily fine which shall not be less than fifty rupees]
Section 394, sub-section (6)	Licence to be kept on the premises, board to be displayed indicating nature of articles ¹² [or animals], kept or trade carried on and proper labels to be put on licensable articles.	Fifty rupees, subject, however, to a minimum daily fine which shall not be less than twenty-five rupees
Section 395, sub-section (1)	Prohibition of corruption of water by chemicals, etc.	Five hundred rupees.
Section 397, sub-section (1)	Regulation of washing of clothes by washerman	Five rupees.
Section 403, sub-section (1)	¹³ [Private markets not to be kept or permitted to be kept open and no place to be used or permitted to be used as slaughter-house, without licence]	Fifty rupees.
Section 405	Requisition to pave and drain private market-buildings, and slaughter-houses	Fifty rupees

¹ This entry was inserted by Bom I of 1925, s. 27(2).

² The word "fifteen" was substituted for the word "Five" by Bom. 10 of 1928, s 17(1)."

³ This entry was inserted by Bom 6 of 1913, s 10(a)

⁴ The word "Twenty" was substituted for the word "Five" by Bom. 10 of 1928, s 17(2).

⁵ This entry was inserted by Mah 51 of 1975, s 13

⁶ These entries were inserted by Bom. 1 of 1916, s 14(c)

⁷ The word "backhouse" was repealed by Bom 2 of 1911, s. 19(b)

⁸ These entries were substituted for the original entries by Mah. 32 of 1962, s 5.

⁹ These words were inserted by Mah 42 of 1976, s 16(a)

¹⁰ These words were inserted, *ibid*, s 16(b)

¹¹ These words were substituted for the words "Private markets not to be kept open without licence" by Bom. 20 of 1952, s. 19.

Section, sub-section or clause 1	Subject 2	Daily fine which may be imposed 3
Section 411	Butchers and persons who sell ¹ [or supply] the flesh of animals to be licensed	Ten rupees
² [Section 412A Section 425, sub-section (1)	³ [Milk, butter, etc., not to be sold without a licence] Requisition to disinfect buildings	Five rupees] Ten rupees
⁴ [Section 426A, sub-section (1)	Second-hand clothing and bedding not to be brought into city without informing the Commissioner and getting them inspected	One hundred rupees]
⁵ [Section 426AA, sub-section (4).	Second-hand clothing and bedding brought into city not to be dealt with or disposed of until a certificate by the Commissioner has been given	One hundred rupees]
Section 479, sub-section (5).	Grantee to be bound to produce licence or written permission.	Ten rupees
⁶ [Section 485A, sub-section (2)	Requisition to furnish information as to nature of interest in any premises	Ten rupees]
Section 507, sub-section (3).	Occupier of building or land to afford owner facilities for complying with provisions of this Act, etc., after eight days from issue of order by Chief Judge of Small Cause Court.	Fifty rupees.

Offences punishable under the Penal Code.

473. Whoever contravenes any provision of any of the sections, sub-sections or clauses of this Act herebelow in this section mentioned or of any regulation made thereunder, and whoever fails to comply with any requisition lawfully made upon him under any of the said sections, sub-sections or clauses, shall be deemed to have committed an offence punishable under the section of the Indian Penal Code XLV herebelow in this section respectively specified as the section of the said Code of 1860 under which such person shall be punishable, namely —

Sections of this Act	Sections of the Indian Penal Code under which offenders are punishable
28, clause (j)	177
155, sub-sections (1) and (2), 187	176 or 177, as the case may be
⁷ [158, sub-section (3)	177]
388, clauses (a), (b), (c) and (d), 389	277
434, sub-section (1)	188.

Punishment for offences of preparing false election rolls or making false entries in ward lists.

⁸[473A. Any officer or servant of the Corporation who knowingly prepares or makes an entry in the list of persons qualified to be enrolled which is incorrect or false shall, on conviction, be punishable with imprisonment of either description which may extend to six months or with fine which may extend to Rs 500]

¹ These words were inserted by Bom 64 of 1953, s 20 (2)

² This entry was inserted by Bom 6 of 1913, s 10(2)

³ These words were substituted for the words " Dealers in and sellers of milk to be licensed " by Bom 6 of 1916, s. 9

⁴ These entries were inserted by Bom 76 of 1948, s 30

⁵ This entry was inserted by Bom 34 of 1954, s 28(2)

⁶ Entry relating to section 19 (5) and (5A) was deleted by Mah 8 of 1965, s 18

⁷ This entry was inserted by Bom 76 of 1948, s 31

⁸ This section was inserted by Bom 13 of 1938, s 30(3)

474. Any councillor 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 section 16, it is permissible for a councillor to have, without being thereby disqualified for being a councillor, and any Commissioner, Deputy Commissioner, 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 clauses (h) and (k) of section 16, it is permissible for a councillor to have, without being thereby disqualified for being a councillor, shall be deemed to have committed the offence made punishable by section 168 of the Indian Penal Code.

Punishment for acquiring share or interest in contract etc, with the corporation.

XLV
of
1860.

[474A. Any person who obstructs the lawful exercise of any power conferred by or under Chapter V-A, shall, on conviction, be punished with fine which may extend to one thousand rupees]

Penalty for obstructing lawful exercise of powers under Chapter V-A.

475. (1) Whoever, contravenes any provision of sub-section (1) of section 267 shall be punished with imprisonment which may extend to one month, or with fine which may extend to one hundred rupees or with both.

Punishment of offences against section 267.

(2) When any person is convicted under sub-section (1), the Magistrate who convicts him may order the immediate removal of any building or the immediate discontinuance of the operation or use of land, in respect of which such conviction has been held.

(3) If any order made under sub-section (2) is disobeyed or the execution thereof resisted, the offender shall be punished with imprisonment which may extend to one month, or with fine which may extend to one hundred rupees, or with both.

476. Whoever contravenes any provision of section 391, whether the person so offending be the owner or occupier of the premises in which a furnace is situated or the agent or some person employed by the owner or occupier for managing the same, shall be punished with fine which may extend, on a first conviction, to one hundred rupees and, on a second or subsequent conviction, to a sum equal to double the amount to which it might have extended on the last preceding conviction.

Punishment of offences against section 391.

[476AA. Whoever contravenes clause (a) (i) of sub-section (1) of section 394 or section 394A shall, on conviction, be punished,—

(a) for a first offence, with imprisonment for a term which may extend to one year and with fine which may extend to one thousand rupees :

Provided that, in the absence of special and adequate reasons to the contrary to be mentioned in the judgment of the Court, such imprisonment shall not be less than three months and such fine shall not be less than five hundred rupees ; and

(b) for a second and subsequent offence, with imprisonment for a term which may extend to two years and with fine which may extend to two thousand rupees :

Provided that, in the absence of special and adequate reasons to the contrary to be mentioned in the judgment of the Court, such imprisonment shall not be less than six months and such fine shall not be less than one thousand rupees.

Punishment for keeping or suffering or allowing the keeping of any article specified in Part I of Schedule M without a licence or in or upon prohibited premises or areas.

¹ Section 474A was inserted by Mah. 14 of 1961, s. 10.

² Section 476AA and 476AB were inserted by Mah. 32 of 1962, s. 6.

Punishment for forfeiture of articles for contravention of section 394 (1) (a) or 394A. **476AB.** When a person is convicted of an offence of contravention of any provisions of clause (a) of sub-section (1) of section 394 or of section 394A, the Court may, in addition to any other punishment it may impose, direct that the articles in respect of which the offence has been committed shall, with the receptacles containing the same, be forfeited.]

Punishment for using or permitting to be used without licence any place in or without Greater Bombay as slaughter-house. **476A.** Whoever contravenes any provisions of clause (b) or (c) of sub-section (1) of section 403 shall, on conviction, be punished,—

(a) for a first offence, with fine which may extend to one thousand rupees ;

(b) for a second and subsequent offence, with imprisonment for a term which may extend to six months and with fine which may extend to one thousand rupees :

Provided that in the absence of special and adequate reasons to the contrary to be mentioned in the judgment of the Court, such imprisonment shall not be less than one month and such fine shall not be less than two hundred rupees]

Punishment for importing cattle, etc., in Greater Bombay. **476B.** Whoever contravenes any provisions of sub-section (1) of section 412 shall, on conviction, be punished,—

(a) for a first offence, with fine which may extend to rupees one hundred ;

(b) for a second and subsequent offence, with imprisonment for a term which may extend to six months and with fine which may extend to one thousand rupees :

Provided that in the absence of special and adequate reasons to the contrary to be mentioned in the judgment of the Court, such imprisonment shall not be less than one month and such fine shall not be less than two hundred rupees]

Extent of penal responsibility of agents and trustees of owners. **477.** No person, who receives the rent of any premises in any capacity described in sub-clauses (i), (ii) and (iii) of clause (m) of section 3, shall be liable to any penalty under this Act for omitting to do and act as the owner of such premises if he shall prove that his default was caused by his not having funds of, or due to the owner sufficient to defray the cost of doing the act required.

Punishment for offence relating to octroi. **478.** Whoever brings within the limits of Greater Bombay any articles liable to octroi without the payment of such tax shall, on conviction, be punished with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both, and the Court trying an offence under this section may, on such conviction, also confiscate the articles in respect of which the offence has been committed.

¹ Sections 476A and 476B were inserted by Bom 64 of 1953, s 21

² Sections 478, 478-1A and 478-1B were substituted for section 478 by Mah 32 of 1964, s 18.

478-1A. Where any articles imported into Greater Bombay are liable to the payment of octroi, any person who, with the intention of evading payment of the tax introduces or attempts to introduce or causes or abets the introduction of any such articles within the limits of Greater Bombay, upon which payment of octroi due on such introduction, has neither been made nor tendered, shall, on conviction, be punished with fine which may extend to ten times the amount of the tax payable. Penalty for evasion of octroi.

478-1B. Whoever contravenes any provisions of the rules made under section 195-1B or fails to comply with any requisition lawfully made under any such provision shall, on conviction, be punished, for each such offence, with fine which may extend to two hundred and fifty rupees] Penalty for breach of octroi rules.

1[478A. Any person who wilfully obstructs any person acting under the authority of the General Manager in the lawful exercise of his powers in setting out, making, laying down, repairing or renewing a tramway belonging to the Bombay Electric Supply and Transport Undertaking or injures or destroys any mark made for the purpose of setting out the line of the tramway shall for each such offence be punished with fine which may extend to fifty rupees] Penalty for obstructing General Manager in exercise of powers.

2[478B. Any person who without lawful excuse, the proof whereof shall lie on him, wilfully does any of the following things, namely — Penalty for interfering with tramways

(i) interferes with, removes or alters any part of a tramway belonging to the Bombay Electric Supply and Transport Undertaking or of any work connected therewith ; or

(ii) does or causes to be done anything in such a manner as to obstruct any carriage using the tramway , or

(iii) knowingly aids or assists in the doing of any such thing, shall for each such offence be punished with fine which may extend to one hundred rupees in addition to any liability to which he may be subject by way of proceedings on a criminal charge or otherwise]

CHAPTER XIX.

PROCEDURE.

Licences.

479. (1) Whenever it is provided in this Act that a licence or a written permission may be given for any purpose, such licence or written permission shall specify the period for which, and the restrictions and conditions subject to which, the same is granted, and shall be given under the signature of the Commissioner or of a municipal officer empowered under section 68 to grant the same. Licences and written permission to specify condition etc , on which they are granted.

(2) For every such licence or written permission a fee may be charged at such rate as shall from time to time be fixed by the Commissioner, with the sanction of the corporation. Fees to be chargeable.

(3) Subject to the provisions of 3[clauses (d) and (dd)] of section 403, any licence or written permission granted under this Act may at any time be suspended or revoked by the Commissioner, if any of its restrictions or conditions is infringed or evaded by the person to whom the same has been granted, or if the said person is convicted of an infringement of any of the provisions of this Act or of any regulation or by-law made hereunder in any matter to which such licence or permission relates. Licences and written permissions may be revoked, etc.

¹ Section 478A was inserted by Bom. 48 of 1948, s. 45.

² Section 478B was inserted *ibid*

³ The words, letters and brackets " clauses (d) and (dd) " were substituted for the word, letter and brackets " clause (d) " by Bom. 32 of 1935, s. 14.

(4) When any such licence or written permission is suspended or revoked or when the period for which the same was granted has expired the person to whom the same was granted shall for all purposes of this Act, be deemed to be without a licence or written permission until the Commissioner's order for suspending or revoking the licence or written permission is cancelled by him or until the licence or written permission is renewed, as the case may be.

(5) Every person to whom any such licence or written permission has been granted shall at all reasonable times while such written permission or licence remains in force, if so required by the Commissioner produce such licence or written permission.

Public Notice and Advertisements.

480. Whenever it is provided by this Act that public notice shall or may be given of anything, such public notice shall be in writing under the signature of the Commissioner¹[or the General Manager] or of a municipal officer empowered under section²[68 or 68B] to give the same 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 publishing the same by beat of *bataki* or by advertisement in the local newspapers, or by any two or more of these means and by any other means that he shall think fit.

481. Whenever it is provided by this Act that notice shall be given by advertisement in the local newspapers or that a notification or any information shall be published in the local newspapers such notice, notification or information shall be inserted if practicable, in at least two English newspapers, one Marathi newspaper and one Gujarati newspaper published in³[Greater Bombay].

482. Whenever under this Act the doing or the omitting to do anything or the validity of anything depends upon the consent, approval, declaration, opinion or satisfaction of⁴[the Commissioner or the General Manager] or of a Deputy Commissioner or any municipal officer, a written document signed by⁵[the Commissioner or the General Manager] or by such Deputy Commissioner or 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.

Service of notices, etc.

483. Notices, bills, schedules, summonses and other such documents required by this Act or by any regulation or by-law made under this Act to be served upon or issued, or presented or given to any person, shall be served, issued or presented or given by municipal officers or servants or by other person authorized by⁶[the Commissioner or the General Manager] in this behalf.

484. When any notice, bill, schedule, summons or other such document is required by this Act, or by any regulation or by-law made under this Act, 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 section 485, be effected—

(a) by giving or tendering to such person the said notice, bill, schedule, summons or other 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 the⁷[Greater Bombay] or by giving or tendering the same to some adult male member or servant of his family ; or

¹ These words were inserted by Bom. 43 of 1948, s. 46.

² These figures, word and letter were substituted for the figures " 68 ", *ibid.*

³ These words were substituted for the words " the city " by Bom. 7 of 1950, s. 6 (1).

⁴ These words were substituted for the original by Bom. 48 of 1948, s. 47.

⁵ These words were substituted for the words " City " by Bom. 9 of 1951, s. 2, Second Schedule.

(c) if such person does not reside in ¹[Greater Bombay] and his address elsewhere is known to ²[the Commissioner or the General Manager], 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.

Service on
"owner or
occupier"
of premises
how to be
effected.

485. When any notice, bill, schedule, summons or other such document is required by this Act, or by any regulation or by-law made under this Act, to be served upon or 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 the last preceding section but as follows, namely :—

(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 male 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 in some conspicuous part of the building or land to which the same relates.

Power of
Commissioner
to call for
information
as to owner-
ship of pre-
mises.

³[485A. (1) To enable him to serve any notice (including any copy of any notice) which he is authorised or required to serve, the Commissioner may require the owner or occupier of any premises, or of any portion thereof to state in writing, within such reasonable period as the Commissioner may prescribe in this behalf, the nature of his interest therein and the name and address of any other person known to him as having an interest therein, whether as freeholder, mortgagee, lessee or otherwise.

(2) Any person required by the Commissioner in pursuance of sub-section (1) to give the Commissioner any information shall be bound to comply with the same, and to give true information to the best of his knowledge and belief.]

The [four] la-
st sections in-
applicable to
Magistrate's
summonses.

486. Nothing in the ⁴[four] last preceding sections applies to any summons issued under this Act by a Magistrate.

¹ These words were substituted for the words "the city" by Bom. 7 of 1950, s. 6 (1).

² These words were substituted for the original by Bom. 48 of 1948, s. 47.

³ Section 485A was inserted by Bom. 34 of 1954, s. 29.

⁴ This word was substituted for the word "three" *ibid*, s. 30

486A. Notwithstanding anything contained in sections 483, 484 and 485, ^{Service of bills for taxes by post.} [(a)] a bill for any municipal tax may be served upon the person liable therefor by sending it by ordinary post with a pre-paid letter under a certificate of posting, addressed to such person at his last known abode or place of business in Greater Bombay, and every bill so sent shall be deemed to have been served on the day following the day upon which such letter was posted and, in proving such service, it shall be sufficient to prove that the letter was properly addressed and posted under a certificate of posting],

[(b)] a notice of demand may be served by registered post].

487. (1) Every licence, written permission, notice, bill, schedule, summons or other document required by this Act or by any regulation or by-law framed under this Act to bear the signature of the Commissioner ^{Signature on notices, etc may be stamped} [or the General Manager] or of any municipal officer shall be deemed to be properly signed if it bears a facsimile of the signature of the Commissioner [or the General Manager] or of such municipal officer, as the case may be, stamped thereon.

(2) Nothing in this section shall be deemed to apply to a cheque drawn upon the municipal fund under section 113 ^{or upon the Bombay Electric Supply and Transport Fund under section 460BB, or sub-section (3) of section 460KK, or sub-section (4) of section 460LL.}

Power of entry.

488. The Commissioner ^{Commissioner, etc may enter any premises for purposes of inspection, survey or execution of necessary work.} [or General Manager] may enter into or upon any building or land, with or without assistants or workmen, in order to make any inspection or survey or to execute any work which is authorised by this Act or by any regulation or by-law framed under this Act to be made or executed, or which it is necessary for any of the purposes, or in pursuance of any of the provisions of this Act or of any such regulation or by-law, to make or execute :

Provided that—

(a) except when it is in this Act otherwise expressly provided, no such entry shall be made between sunset and sunrise ;

(b) except when it is in this Act otherwise [expressly] provided, no building which is used as a human dwelling shall be so entered unless with the consent of the occupier thereof, without giving the said occupier not less than twenty-four hours' previous written notice of the intention to make such entry, and unless for any sufficient reason it shall be deemed inexpedient to furnish such information, of the purpose thereof ;

(c) sufficient notice shall in every instance be given, even when any premises may otherwise be entered without notice, to enable the inmates of any apartment appropriated to females to remove to some part of the premises where their privacy need not be disturbed;

(d) due regard shall always be had, so far as may be compatible with the exigencies of the purpose for which the entry is made, to the social and religious usages of the occupants of the premises entered.

¹ Section 486A was inserted by Bom. 20 of 1952, s. 20.

² These brackets and letter were inserted by Bom. 64 of 1953, s. 22.

³ This clause was inserted, *ibid*

⁴ These words were inserted by Bom. 48 of 1948, s. 48.

⁵ This portion was added, *ibid*, s. 48.

⁶ These words were inserted, *ibid*, s. 49.

¹[Power of eviction

Commissioner may evict persons summarily in certain cases 488A. (1) Where the Commissioner is required by section 354RE, 378C or 378F to cause any building or part thereof to be vacated, he may take or cause to be taken such steps and use or cause to be used such force as may in the opinion of the Commissioner be reasonably necessary therefor.

(2) The Commissioner may, after giving 15 clear days' notice to the persons evicted under sub-section (1), remove or cause to be removed or dispose of by public auction any property remaining in such building

(3) Where property is sold under sub-section (2) the sale proceeds shall, after deducting the expenses of sale, be paid to such person or persons as may appear to the Commissioner to be entitled to the same]

Enforcement of orders to execute works, etc.

Works, etc which any person is required to execute may in certain cases be executed by the Commissioner at such person's cost 489. (1) When any requisition or order is made, by written notice by the Commissioner or by any municipal officer empowered under section 68 in this behalf, under any section, sub-section or clauses of this Act mentioned in sub-section (2), a reasonable period shall be prescribed in such notice for carrying such requisition or order into effect, and if, within the period so prescribed, such requisition or order or any portion of such requisition or order is not complied with the Commissioner may take such measures or cause such work to be executed or such thing to be done as shall, in his opinion be necessary for giving due effect to the requisition or order so made ; and, unless it is in this Act otherwise expressly provided, the expenses thereof shall be paid by the person or by any one of the persons to whom such requisition or order was addressed

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

Section 230, sub-section (5)	Section 329, sub-section (1)
" 231	" 334, " (1)
" 232	" 338, " (2)
" 233, clause (b)	" 349, " (2)
" 223A, " (b)	" 352
" 243, sub-section (2)	" 353
" 248, " (1)	" 354
" 249A	³ [,, 363, sub-sections (1), (2), (3) and (4)]
" 257.	" 375
" 271, sub-section (2)	⁴ [,, 375A]
⁵ [,, 272, " (5)	" 376
" 274, sub-sections (1) and (1A)	" 377
" 274A, sub-sections (1) and (2)]	⁶ [,, 377A]
" 278	" 380
" 305	" 381
" 308, sub-section (2).	⁷ [,, 381A, sub-section (2)]
" 309, " (1)	" 382
" 311	" 383, sub-section (1)
" 315	" 392, " (1)
" 325.	" 405
" 326, sub-section (3)	⁸ [,, 425, sub-section (1)]
⁹ [,, 327, " (1), clause (d)]	
¹⁰ [,, 328, " (3)]	
¹¹ [,, 328A, " (3)]	

¹ This heading and section 488A were inserted by Bom 34 of 1954, s 31

² Sub-section (2) of section 489 was substituted for the original sub-section by Bom 5 of 1905, s 59

³ These entries were inserted by Bom 5 of 1938 s 43

⁴ This entry was inserted by Bom 2 of 1911, s 20

⁵ This entry was inserted by Bom 7 of 1921, s 13

⁶ This entry was substituted for the original by Bom. 1 of 1925, s 28(1)

⁷ These entries were added, *ibid*, s. 28(2)

⁸ This entry was inserted by Bom. 6 of 1930, s 11.

(3) The Commissioner may take any measure, execute any work or cause anything to be done under this section, whether or not the person who has failed to comply with the requisition or order is liable to punishment or has been prosecuted or sentenced to any punishment for such failure

490. (1) The expenses incurred by the Commissioner in effecting any removal under section 314 ¹[or sub-section (3) of section 322] or, in the event of a written notice issued under sub-section (1) of section 315 of section 354 or 380 not being complied with, under section 489, shall be recoverable by sale of the materials, removed, and if the proceeds of such sale do not suffice, the balance shall be paid by the owner of the said materials

Recovery of expenses of removals by the Commissioner under sections 314, 315, 354 and 380

(2) But, if the expenses of removal are in any case paid before the materials are sold, the Commissioner shall restore the materials to the owner thereof, on his claiming the same at any time before they are sold or otherwise disposed of, and on his paying all other expenses, if any, incurred by the Commissioner in respect thereof or in respect of the intended sale or disposal thereof

(3) If the materials are not claimed by the owner thereof, they shall be sold by auction or otherwise disposed of as the Commissioner thinks fit ²[if perishable forthwith, and if other than perishable,] as soon as conveniently may be after one month from the date of their removal, whether the expenses of the removal have in the meantime been paid or not and the proceeds, if any, of the sale or other disposal, shall, after defraying therefrom the costs of the sale or other disposal, and, if necessary, of the removal, be paid to the credit of the municipal fund, and shall be the property of the corporation

³[(4) Notwithstanding anything contained in this Act, when the removal of anything is effected under section 314, the Commissioner may direct that the owner thereof shall, in addition to the expenses incurred in effecting the removal of the thing, pay by way of penalty such sum not exceeding one thousand rupees as the Commissioner may specify, and such sum, if not paid, shall be recoverable in the same manner in which the expenses incurred in effecting the removal of the thing are recoverable]

Recovery of expenses by the Commissioner ⁴[and the General Manager.]

491. (1) Whenever under this Act, or any regulation or by-law made under this Act, the expenses of any work executed or of any measure taken or thing done by or under the order of the Commissioner ⁵[or the General Manager] or of any municipal officer empowered under section ⁶[68 or 68B] in this behalf are payable by any person, the same shall be payable on demand

Expenses recoverable under this Act to be payable on demand, and if not paid on demand may be recovered as an arrear of property-tax

(2) If not paid on demand the said expenses shall be recoverable by the Commissioner ⁵[or the General Manager] subject to the provisions of sub-section (2) of section 503, by distress and sale of the goods and chattles of the defaulter, as if the amount thereof were a property-tax due by the said defaulter

492. (1) If the said expenses are due in respect of some work executed or thing done to, upon or in connection with, some building or land or of some measure taken with respect to some building or land ⁷[or in respect of some work executed or thing done or measure taken for giving effect to any requisition or order made under sub-section (1-A) of section 377] and the defaulter is the owner of such building or land ⁸[or of the premises referred to in sub-section (1-A) of section 377, as the case may be,] the amount thereof may be demanded from any person who at any time, before

If the defaulter is the owner of premises in respect of which expenses are payable, the occupier to be also liable for payment thereof.

¹ These figures, brackets and words were inserted by Bom 6 of 1913, s 12.

² These words were inserted by Bom 19 of 1930, s 19.

³ Sub-section (4) was added by Mah 51 of 1975, s. 19

⁴ These words were added by Bom 48 of 1948, s. 50

⁵ These words were inserted, *ibid*

⁶ This was substituted for the figures " 68 ", *ibid*.

⁷ This portion was inserted by Bom. 5 of 1938, s 44 (1) (a)

⁸ This portion was substituted, *ibid*, s. 44 (1) (b).

the said expenses have been paid, occupies the said ¹[building, land or premises] under the said owner, and in the event of the said person failing to pay the same, they 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 :

(2) Provided as follows, namely.—

(a) unless the said person neglects or refuses, at the request of the Commissioner ²[or the General Manager], truly to disclose the amount of the rent payable by him in respect of the said ¹[building, land or premises] and the name and address of the person to whom the same is payable, the said person shall not be liable to pay on account of the said expenses any large sum then, up to the time of demand, is payable by him to the owner on account of rent of the said ¹[building, land or premises], but it shall rest upon the said person to prove that the amount of the expenses demanded of him is in excess of the sum payable by him to the owner,

(b) the said person shall be entitled to credit in account with the owner for any sum paid by or recovered from him on account of the said expenses ;

(c) nothing in this section shall affect any agreement made between the said person and the owner of the ³[building, land or premises] in his occupation respecting the payment of the expenses of any such work, thing or measure as aforesaid

Commissioner ⁴ 493. Instead of recovering any such expenses as aforesaid in any manner hereinafore provided, the Commissioner ⁵[or the General Manager] may, if he thinks fit and with the approval of the standing committee or the Bombay Electric Supply and Transport Committee, as the case may be] take an agreement from the person liable for the payment thereof, to pay the same in instalments of such amounts and at such intervals as will secure the payment of the whole amount due, with interest thereon ⁶[at such rate not exceeding nine per centum per annum as the standing committee may fix from time to time] within a period of not more than five years

What expenses may be declared to be improvement expenses 494. If the expenses to be recovered have been incurred in respect of any work mentioned in any of the sections 227, clause (c), 230, 231, 233, clause (b), 248, sub-section (1), 257, 272, 274 sub-section (1), 305, 352, sub-section (1), 376, 381 and 405, the Commissioner may, if he thinks fit and with the approval of the Corporation, declare such expenses to be improvement expenses ⁷[and on such declaration being made, such expenses, together with interest thereon payable under section 495, shall be a charge on the premises in respect of which or for the benefit of which the expenses have been incurred]

Improvement expenses by whom payable 495. (1) Improvement expenses * * * * * shall be recoverable in instalment of such amount not being less for any premises than twelve rupees per annum, and at such intervals as will suffice to discharge such expenses together with interest thereon at the rate of six per centum per annum within such period not exceeding thirty years as the Commissioner, with the approval of the corporation, may in each case determine.

¹ These words were substituted by Bom 5 of 1938, s 44 (1) (c) and (2)

² These words were inserted by Bom 48 of 1948, s. 51

³ These words were substituted by Bom 5 of 1938, s. 44 (2)

⁴ These words were inserted by Bom 48 of 1948, s 52.

⁵ These words were substituted for the original, *ibid*

⁶ These words were substituted for the original by Bom. 76 of 1948, s. 32.

⁷ This portion was added, *ibid.*, s. 33

* The words were deleted, *ibid.*, s. 34.

(2) The said instalments shall be payable by the occupier of the premises ¹[on which the expenses and interest thereon] are so charged or, in the event of the said premises becoming unoccupied at any time before the expiration of the period fixed for the payment of such expenses or before the same, with interest as aforesaid, are fully paid off, by the owner for the time being of the said premises, so long as the same continue to be unoccupied.

496. (1) Where the occupier by whom any improvement expenses ²[together with interest thereon] are paid holds the premises on which the expenses ²[together with interest thereon] are charged, at a rent not less than the rack-rent, he shall be entitled to deduct three-fourths of the amount paid by him on account of such expenses ²[and interest thereon as aforesaid] from the rent payable by him to his landlord, and, if he holds at a rent less than the rack-rent, he shall be entitled to deduct from the rent so payable by him such proportion of three-fourths of the amount paid by him on account of such expenses ²[and interest thereon as aforesaid] as his rent bears to the rack-rent. Proportion of improvement expenses may be deducted from rent.

(2) And if the landlord from whose rent any deduction is so made is himself liable to the payment of rent for the premises in respect of which the deduction is made and holds the same for a term of which less than twenty years is unexpired (but not otherwise), he may deduct from the rent so payable by him such proportion of the sum deducted from the rent payable to him as the rent payable by him bears to the rent payable to him, and so in succession with respect to every landlord (holding for a term of which less than twenty years is unexpired) of the same premises both receiving and liable to pay rent in respect thereof :

(3) Provided that nothing in this section shall be construed to entitle any person to deduct from the rent payable by him more than the whole sum deducted from the rent payable to him.

497. At any time before the expiration of the period for the payment of any improvement expenses ³[together with interest thereon] the owner or occupier of the premises on which they are charged may redeem such charge by paying to the Commissioner such part of the said expenses ⁴[and such interest due, if any, as may not have been already paid or recovered] Redemption of charge for improvement expenses.

498. Any instalment payable under section 493 or section 495, which is not paid when the same becomes due, may be recovered by the Commissioner ⁵[or the General Manager] by distress and sale of the goods and chattels of the person by whom it is due as if it were a property-tax due by the said person. Recovery of instalments due under sections 493 and 495.

499. Whenever the owner of any building or land fails to execute any work which he is required to execute under this Act or under any regulation or by-law made under this Act, the occupier, if any, of such building or land may, with the approval of the Commissioner, execute the said work, and he shall be entitled to recover the reasonable expenses incurred by him in so doing from the owner and may 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.

500. No person who receives the rent of any premises in any capacity described in sub-clauses (i), (ii) and (iii) of clause (m) of section 3 shall be liable to do anything which is by this Act required to be done by the owner, unless he have sufficient funds of or due to the owner to pay for the same. Limitation of liability of agent or trustee of owner.

¹ These words were substituted for the original by Bom. 76 of 1948, s. 34.

² These words were inserted, *ibid.*, s. 35.

³ These words were inserted, *ibid.*, s. 36.

⁴ These words were substituted for the original, *ibid.*

⁵ These words were inserted by Bom. 48 of 1948, s. 53.

Payment of compensation

(Compensation for damages may be paid by the Commissioner¹ [or General Manager])

501. In any case not otherwise expressly provided for in this Act, the Commissioner² [or the General Manager may, with the previous approval of the standing committee or the Bombay Electric Supply and Transport Committee, as the case may be,] pay compensation to any person who sustains damage by reason of the exercise of any of the powers vested by this Act in the Commissioner³ [or the General Manager] or in any municipal officer or servant

Compensation to be paid by offenders against this Act for any damage caused by them

502. (1) If, on account of any act or omission any person has been convicted of an offence against this Act or against any regulation or by-law made 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, compensation shall be paid by the said person for the said damage notwithstanding any punishment to which he may have been sentenced for the said offence

(2) In the event of dispute, the amount of compensation payable by the said person shall be determined by the Magistrate before whom he was convicted of the said offence, and on non-payment of the amount of compensation so determined, the same shall be recovered under a warrant from the said Magistrate as if it were a fine inflicted by him on the person liable therefor

Recovery of expenses or compensation in case of dispute

In case a falling under section 491, disputes to be determined by the Chief Judge of the Small Cause Court

503. (1) If, when the Commissioner⁵ [or the General Manager] demands payment of any expenses under section 491, his right to demand the same or the amount of the demand is disputed, or if, in the case of expenses incurred by the Commissioner in taking temporary measures under sub-section (2) of section 329, the necessity for such temporary measures is disputed, the Commissioner⁵ [or the General Manager, as the case may be,] shall refer the case for the determination of the Chief Judge of the Small Cause Court

(2) Pending the Chief Judge's decision the Commissioner⁵ [or the General Manager, as the case may be,] shall defer further proceedings for the recovery of the sum claimed by him and, after the decision, shall proceed to recover only such amount, if any, as shall be thereby ascertained to be due

Amount of expenses or compensation to be determined in all cases of dispute by the Chief Judge of the Small Cause Court.

504. If, in any case not falling under section 491, any person is required by this Act, or by any regulation or by-law framed under this Act, to pay any expenses or any compensation, the amount to be so paid and, if necessary, the apportionment of the same, shall, in case of dispute, be determined, except as is otherwise provided in sections 502 and 515, by the Chief Judge of the Small Cause Court on application being made to him for this purpose at any time within one year from the date when such expenses or compensation first became claimable

Expenses or compensation awarded by Chief Judge of the Small Cause Court to be recovered, if necessary, as if they were due under a decree of the Court.

505. If the amount of any expenses or compensation ascertained in accordance with the last preceding section is not paid by the person liable to pay the same on demand, it shall be recoverable as if the same were due under a decree of the Small Cause Court

¹ These words were added Bom 48 of 1948, s 54

² These words were substituted for the original, *ibid*

³ These words were inserted, *ibid*.

⁴ As to appeal to High Court from decision under s 503 or s 504, see Act 12 of 1888, s 3

As to period of limitation for such appeals, see *ibid*, s. 5

⁵ These words were inserted by Bom. 48 of 1948, s 55

506. Instead of proceeding in any manner aforesaid for the recovery of any expenses or compensation of which the amount due has been ascertained as herebefore provided, or after such proceedings have been taken unsuccessfully or with only partial success, the sum due, or the balance of the sum due, as the case may be, may be recovered by a suit brought against the person liable for the same in any Court of competent jurisdiction

Persons liable for expenses or compensation may be sued for recovery thereof

Proceedings before the Chief Judge of the Small Cause Court.

507. (1) If the owner of any building or land is prevented, by the occupier thereof from complying with any provision of this Act or of any regulation or by-law made under this Act or with any requisition made under this Act or under any such regulation or by-law in respect of such building or land, the owner may apply to the Chief Judge of the Small Cause Court.

Remedy of owner of building or land against occupier who prevents his complying with any provisions of this Act.

(2) The said Chief Judge, on receipt of any such application, may make a written order requiring the occupier of the building or land to afford all reasonable facilities to the owner for complying with the said provision or requisition and may also, if he thinks fit, direct that the cost of such application and order be paid by the occupier

(3) After eight days from the date of any such order, it shall be incumbent on the said occupier to afford all such reasonable facilities to the owner for the purpose aforesaid as shall be prescribed in the said order, and in the event of his continued refusal so to do, the owner shall be discharged, during the continuance of such refusal, from any liability which he would otherwise incur by reason of his failure to comply with the said provision or requisition.

508. (1) For the purposes of any inquiry or proceeding under this Act, the Chief Judge of the Small Cause Court may summon and enforce the attendance of witnesses and compel them to give evidence and compel the production of documents, by the same means and, as far as is possible, in the same manner as is provided in the case of the Small Cause Court by the Presidency Small Cause Courts Act, 1882, and in all matters relating to any such inquiry or proceeding the said Chief Judge shall be guided generally by the provisions of the said Act so far as the same are applicable.

Power to summon witnesses and compel production of documents

(2) If, in any such inquiry or proceeding, the person against whom the complaint or application has been made fails to appear, notwithstanding that he has been duly summoned for this purpose, the said Chief Judge may hear and determine the case in his absence.

(3) The costs of every such inquiry or proceeding as determined by the said Chief Judge, shall be payable by such parties and in such proportions as the said Chief Judge shall direct and the amount thereof shall, if necessary, be recoverable as if the same were due under a decree of the Small Cause Court.

¹Provided that if such inquiry or proceeding relates to a dispute regarding expenses declared to be improvement expenses under section 494, the amount of the costs directed by the said Chief Judge to be paid by the owner or occupier of the premises in respect of which or for the benefit of which the improvement expenses were incurred shall be a charge on such premises and may also be recovered in the manner prescribed in section 495.]

¹This proviso was added by Bom. 32 of 1935, s. 15.

Fees in proceedings before the Chief Judge of the Small Cause Court.

509. (1) The ¹[Provincial Government] may, from time to time by notification in the ²[Official Gazette], prescribe what fee, if any, shall be paid—

(a) on any application, appeal or reference made under this Act to the Chief Judge of the Small Cause Court; and

(b) previous to the issue, in any inquiry or proceeding of the said Chief Judge under this Act, of any summons or other process :

Provided that the fees, if any, 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 fees at the time being levied, under the provisions of the Presidency Small Cause Courts Act, 1882, in cases in which the value of the claim or subject-matter is of like amount. ^{XV of 1882.}

(2) The ¹[Provincial Government] may from time to time by a like notification determine by what person any fee prescribed under clause (a) shall be payable.

(3) No application, appeal or reference shall be received by the said Chief Judge, until the fee, if any, prescribed therefor under clause (a) has been paid.

Exemption of poor persons from fees.

510. The Chief Judge of the Small Cause Court may, whenever he thinks fit, receive an application, appeal or reference made under this Act, by or on behalf of a poor person, and may issue process on behalf of any such person without payment or on a part payment of the fees prescribed under section 509.

Repayment of half fees on settlement before hearing

511. Whenever any application, appeal or reference made to the Chief Judge of the Small Cause Court under this Act is settled by agreement of the parties before the hearing, half the amount of all fees paid up to that time shall be repaid by the said Chief Judge to the parties by whom the same have been respectively paid.

Authority to the Chief Judge of the Small Cause Court to delegate certain powers and to make rules.

512. The Chief Judge of the Small Cause Court may—

(a) delegate, either generally or specially to any other Judge of the said Court, power to receive applications, appeals and references under this Act, and to discharge any other duty in connection with such applications, appeals and references, except the hearing and adjudication thereof;

(b) if for any reason, it shall be necessary so to do in order to secure the disposal of any application made to him under section 20 within the limited period prescribed in the said section, delegate to any other Judge of the said Court the hearing and adjudication of the said application;

(c) from time to time, with the approval of ²[the Provincial Government], make rules, not inconsistent with this Act, providing for any matter connected with the exercise of the jurisdiction conferred upon him by this Act which is not herein specifically provided for.

Proceedings before Magistrates.

Cognizance of offences.

513. All offences against this Act, or against any regulation or by-law made under this Act, whether committed within or without the city, shall be cognizable by a Presidency Magistrate; and no such Magistrate shall be deemed to be incapable of taking cognizance of any such offence or of any offence against any enactment hereby repealed, by reason only of his being liable to pay any municipal tax or of his being benefited by the municipal fund. * * * *

¹ The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

² The words "Official Gazette" were substituted for the words "Bombay Government Gazette", *ibid.*

³ The words "the Provincial Government" were substituted for the word "Government", *ibid.*

⁴ The words "to credit of which any fine inflicted by him will be payable" were omitted, *ibid.*

¹[513A. (1) ²[The ³[State] Government] may with the consent of the corporation create one or more posts of Presidency Magistrates for the trial of offences against this Act, or against any regulation or bye-law made thereunder, and may appoint any person to such post and may also appoint such ministerial officers for the Court of any such Magistrate as they may think necessary. Appoint-
ment of
Presidency
Magi

Provided that notwithstanding the appointment of one or more Presidency Magistrates under this section, it shall be open to the Chief Presidency Magistrate, subject to the rules for the time being in force under section 21 of the Code of Criminal Procedure, 1898, regulating the distribution of business in the Courts of the Presidency Magistrates, to make such distribution of the work of trial of such offences and of all other work before the Courts of the Presidency Magistrate (including any appointed under this section) as may appear to him most conducive to efficiency

(2) Such Magistrate or Magistrates and their establishments shall be paid such salary, pension, leave allowances and other allowances as may, from time to time, be fixed by ²[the ³[State] Government]

(3) The amounts of the salary, pension, leave allowances and other allowances as fixed under sub-section (2), together with all other incidental charges shall be reimbursed to ²[the ³[State] Government] by the Corporation: * * * *

Provided that ²[the ³[State] Government] may, with the concurrence of the corporation, direct that in lieu of the amounts payable under this section, the corporation shall pay to ²[the ³[State] Government] annually, on such date as may be fixed by ²[the ³[State] Government] in this behalf, such sum based on the average of the total amounts recovered by ²[the ³[State] Government] from the corporation under this section during the three years immediately preceding the date of such, direction as may be determined by ²[the ³[State] Government] in this behalf]

⁵[514. No person shall be liable to punishment for any offence made punishable by this Act, unless complaint of such offence is made before a Presidency Magistrate within the time hereinafter prescribed in that behalf, namely.— Limitation of
time within
which com-
plaints of
offences
punishable
under this
Act shall be
entertained.

(a) if the offence be against the provisions of section 155, within six months next after the commission of such offence;

(b) if the offence be against the provisions of sections ⁶[223, 229A, 240, 258,] ⁷[272(1), ⁷[272(5), 274(1), 274(1A)], 281, 284, ⁷[287B(1), 287B(2),] * * * or 390, ⁷[or any bye-laws framed under section 461(b),] within three months next after the commission or discovery of such offence;

(c) if the offence be against any other provision of this Act, within three months next after the commission of such offence]

¹ New section 513A was inserted by Bom 10 of 1930, s. 4.
² The words " the Provincial Government " were substituted for the word " Government " by the Adaptation of Indian Laws Order in Council
³ The word " State " was substituted for the word " Provincial " by the Adaptation of Laws Order, 1950.
⁴ The words, figure and brackets "and shall be a first charge on and be primarily payable from the fines levied and recovered in respect of the offences referred to in sub-section (1), and the balance of the fines, if any, shall be credited to the municipal fund " were omitted by the Adaptation of Indian Laws Order in Council
⁵ This section was substituted for the original section by Bom. 2 of 1911, s. 21.
⁶ These figures and letter were inserted by Bom 8 of 1918, s. 20
⁷ These figures, letters and brackets were inserted by Bom. 5 of 1938, s. 45
⁸ The figures and brackets repealed by Bom. 5 of 1920, s. 6 are omitted.

Complaint concerning nuisances

¹[515. (1) Any person who resides in ²[Greater Bombay] may complain to a Presidency Magistrate of the existence of any nuisance, or that in the exercise of any power conferred by sections 224, 244, 245, 246 or 367, more than the least practicable nuisance has been created

(2) Upon receipt of any such complaint, the Magistrate, after making such inquiry as he thinks necessary, may if he sees fit, direct the Commissioner—

(a) to put in force any of the provisions of this Act or to take such measures, as to such Magistrate shall seem practicable and reasonable for preventing, abating, diminishing or remedying such nuisance,

(b) to pay to the complainant such reasonable costs of and relating to the said complaint and order as the said Magistrate shall determine, inclusive of compensation for the complainant's loss of time in prosecuting such complaint

(3) It shall be incumbent on the Commissioner to obey every such order

(4) Nothing in this Act contained shall interfere with the right of any person who may suffer injury or whose property may be injuriously affected by any act done in the exercise of any power conferred by sections 224, 244, 245, 246 or 367 to recover damages for the same

Special provision regarding fines and other punishments under this Act.

³[515A. Notwithstanding anything contained in section 32 of the Code of Criminal Procedure, 1898, it shall be lawful for any Presidency Magistrate trying offences under this Act to pass sentences of fine or to award any punishment under this Act in excess of his powers specified in that section] ^{V of 1898}

Arrest of offenders

Offenders against this Act may in certain cases be arrested by police officers.

516. (1) Any police officer may arrest any person who commits in his view any offence against this Act or against any regulation or bye-law made 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

⁴[(2) No person so arrested shall be detained in custody after his true name and address are ascertained or without the order of the nearest Magistrate, for a longer period than twenty-four hours from the time of arrest exclusive of the time necessary for the journey from the place of arrest to the Court of such Magistrate]

Offences under sections 313, 313A and 313B to be cognizable and bailable.

⁵[516AAA. The offence under sections 313, 313A, or 313B shall be cognizable and bailable]

Offences under sections 394 and 394A be cognizable and under clause (a) (i) of sub-section (1) of section 394 and section 394A to be non-bailable.

⁶[516AA. (1) The offence of contravention of any provisions of section 394 or 394A shall be cognizable

(2) The offence of contravention of clause (a) (i) of sub-section (1) of section 394 or section 394A shall be non-bailable]

¹ As to appeal to High Court from orders under s 515, see Act 12 of 1888, s 4 As to period of limitation for such appeals, *ibid*, s 5

² These words were substituted for the words " the city " by Bom 7 of 1950, s 6 (1)

³ This section was inserted by Mah 32 of 1964, s 19

⁴ This sub-section was substituted for the original by the Adaptation of Laws Order, 1950

⁵ Section 516AAA was inserted by Mah 51 of 1975, s 20.

⁶ Section 516AA was inserted by Mah. 32 of 1962, s. 7.

¹[516A. The offence under clause (b) or (c) of sub-section (1) of section 403 shall be cognizable]

Offence under section 403 (1) (b) or (c) to be cognizable.

Legal proceedings

517. (1) The Commissioner may—

(a) take, or withdraw from, proceedings against any person who is charged with—

(i) any offence against this Act,

(ii) any offence which affects or is likely to affect any property or interest of the corporation or the due administration of this Act;

(iii) committing any nuisance whatsoever,

(b) compound any offence against this Act, which under the law at the time in force may legally be compounded,

(c) defend any election petition brought under section 33;

(d) defend, admit or compromise any appeal against a rateable value or tax brought under section 217;

(e) take, withdraw from, or compromise, proceedings under section 502, sub-section (2), 503, 504 and 505, for the recovery of expenses or compensation claimed to be due to the Corporation;

(f) withdraw or compromise any claim for a sum not exceeding five hundred rupees against any person in respect of a penalty payable under a contract entered into with such person by the Commissioner, or, with the approval of the standing committee, any such claim for any sum exceeding five hundred rupees,

(g) defend any suit or other legal proceeding brought against the Corporation or against the Commissioner or a Deputy Commissioner or a municipal officer or servant in respect of anything done or omitted to be done by them, respectively, in their official capacity;

(h) with the approval of the standing committee, admit or compromise any claim, suit or legal proceeding brought against the Corporation or against the Commissioner or a Deputy Commissioner or a municipal officer or servant, in respect of any thing done or omitted to be done as aforesaid;

(j) with the like approval, institute and prosecute any suit or withdraw from or compromise any suit or any claim, other than a claim of the description specified in clause (f), which has been instituted or made in the name of the Corporation or of the Commissioner;

(k) obtain such legal advice and assistance as he may from time to time think it necessary or expedient to obtain or as he may be desired by the corporation or the standing committee to obtain, for any of the purposes mentioned in the foregoing clauses of this section or for securing the lawful exercise or discharge of any power or duty vesting in or imposed upon any municipal authority or any municipal officer or servant;

(2) Provided that the Commissioner shall not defend any suit or legal proceeding under clause (g) without first of all taking legal advice with regard thereto, and shall institute and prosecute any suit which the corporation shall determine to have instituted and prosecuted.

Provisions respecting institution, etc., of civil and criminal actions and obtaining legal advice

¹ Section 516A was inserted by Bom. 64 of 1953, s. 28

¹[(3) In relation to legal proceedings arising out of the acquisition, extension, administration, operation and maintenance of the Bombay Electric Supply and Transport Undertaking (excepting proceedings, if any, arising out of the acquisition made with effect from the 7th August 1947 of the said undertaking from the Bombay Electric Supply and Transways Company Limited), the provisions of sub-sections (1) and (2) shall apply as if for the words "the Commissioner" the words "the General Manager" and for the words "standing committee" the words "Bombay Electric Supply and Transport Committee" had respectively been substituted]

²[(4) In regard to legal proceedings arising out of the Corporation's powers and duties under clause (g) of section 61, the provisions of sub-section (1) shall apply as if for the words 'standing committee' the words 'Education Committee' had been substituted].

CHAPTER XX

CONTROL

518. (1) If, upon complaint being made to ³[it] and after such inquiry as ³[it] thinks fit to make, it shall at any time appear to the ⁴[⁵[State] Government] that any of the provisions of sections 61, 62, ⁶[62C, 62D, ⁷[62E], 89F,] 134, 225, ⁸[381, 381A,] 434, ⁹[438 and 513A] have not been or are not being duly carried out or enforced, the ⁴[⁵[State] Government] may make an order prescribing a period within which such provision shall be carried out or enforced.

(2) Provided that, except in any case which appears to the ⁴[⁵[State] Government] to be one of emergency, no such order shall be made until after the expiry of one month from the date of service of a written notice on the Corporation, and if the ⁴[⁵[State] Government] shall think fit, on the Commissioner, requiring cause to be shown why such order should not be made, nor until the cause, if any so shown has been considered by the ⁴[⁵[State] Government]

(3) If, within the period prescribed in an order made under sub-section (1) the provision is not carried out or enforced, the ⁴[⁵[State] Government] may appoint some person to carry out or enforce the same and may direct that the expense of carrying out or enforcing such provision together with such reasonable remuneration to the person carrying out or enforcing the same as the ⁴[⁵[State] Government] shall determine and the cost of the proceedings under this section shall be paid out of the municipal fund

¹ This sub-section was added by Bom. 48 of 1948, s 56

² Sub-section (4) was added by Bom. 48 of 1950, s 75

³ The word "it" was substituted for the words "him" and "he" by the Adaptation of Indian Laws Order in Council.

⁴ The words "Provincial Government" were substituted for the words "Governor in Council", *ibid.*

⁵ This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950

⁶ These figures and letters were inserted by Bom. 3 of 1907, s 21

⁷ The figures and letter "62E" were inserted by Bom 12 of 1925, s 4

⁸ These figures and letter were inserted by Bom. 5 of 1938, s 46

⁹ These figures, word and letter were substituted for the original word and figures "and 438" by Bom. 10 of 1930, s. 5.

519. (1) If, from the report of any person appointed by ¹[the ²[State] Govern- Power to
ment] under section 264 to inspect the Vehar water-works, it shall appear to ³[the ²[State] Government
²[State] Government] that any portion of the said water-works is not in a sound to enforce
and effective condition, ⁴[the ²[State] Government] may, by notice under the repair, etc.,
signature of a Secretary to ⁴[the ²[State] Government], require that the said of Vehar
portion of the said works be repaired, improved or otherwise rendered sound and water-works.
effective, within a reasonable time to be prescribed in the notice.

(2) The said notice shall be addressed to the corporation and to the Commissioner and it shall be incumbent on the corporation and on the Commissioner, within the limits of their respective powers, to give effect thereto. If effect be not given thereto ⁴[the ²[State] Government] may cause the required work to be done and may direct that the expenses thereof shall be paid by the Commissioner.

520. (1) When any such order as is mentioned in sub-section (3) of section 518 Expenses of
or in sub-section (2) of section 519 shall have been made, the corporation shall measures
cause to be paid to ⁴[the ²[State] Government] the sum or sums of money of enforced
which payment shall from time to time be required, in pursuance of the said order, tions 518
in any requisition signed by a Secretary to ⁴[the ²[State] Government] and 519

(2) And if, within fourteen days from the delivery of any such requisition, the how to be
same is not complied with, ⁵[the ⁴[State] Government] may, by a written order recovered.
signed by one of their Secretaries, authorise and direct some person to receive from the bank in which the municipal fund is lodged the sum or sums mentioned in the said order.

(3) The said bank shall, upon production of the said written order, forthwith pay the said sum or sums to the person therein authorized to receive the same and the said written order shall be a sufficient discharge to the said bank from all liability to the corporation in respect of any sum or sums so paid by it out of the municipal fund.

³[Emergency Provisions for Water.

520A. (1) Notwithstanding anything contained in this Act or in any other Power of
law for the time being in force, if the State Government is of opinion that because State
of acute scarcity of water, it is necessary or expedient so to do, for securing the Government
maintenance or equitable distribution of water supply available from any municipal to issue
water works or any other water works, for drinking and other domestic use of the directions
inhabitants receiving such water supply it may, by order published in the to Corpora-
Gazette, and in such other manner as the State Government thinks fit, direct the tion in
Corporation or any other person in charge of the water works to regulate or prohibit emergency
the supply of water, from any such municipal water works or any other water works arising out
to such undertakings or class of undertakings receiving such water supply, on such of scarcity
day or days, or during such times in any day or days, and during such period or of water.
periods, as may be specified in the order.

(2) Without prejudice to the generality of the powers conferred by sub-section (1), an order made thereunder may provide—

(a) that any undertaking, or any section thereof, shall not take water on any day or days, or during the time or times in any day or days, or during the period or periods, specified in the order ;

¹ The words " the Provincial Government " were substituted for the word " Government ", *ibid*

² This word was substituted for the word " Provincial " by the Adaptation of Laws Order, 1950.

³ The Heading and section 520A were inserted by Mah 32 of 1966, s. 7.

(b) for the exemption of any undertakings or any sections thereof, from the provisions of the order, regard being had to the nature of the undertakings, such as, undertakings engaged for the purposes of the defence of the country or undertakings engaged in work which for technical reasons must be carried out continuously or cannot be interrupted,

(c) for any incidental, consequential or supplementary matters (including provision for entry upon, and the inspection of, any premises) which the State Government thinks necessary or expedient to give effect to the purposes aforesaid.

Explanation—In this section, “undertaking” means any undertaking by way of any industry, trade or business, or building construction

(3) (a) If any person fails to comply with, or contravenes, any of the provisions of any order made under this section, he shall be guilty of an offence and, without prejudice to any other penalties to which he may be liable under this Act or any other law for the time being in force, he shall, on conviction, be punished with imprisonment for a term which may extend to six months, or with fine not exceeding rupees one thousand, or with both.

(b) Where an offence under this section has been committed by a company, every person who, at the time the offence was committed, was in charge of, and was responsible, to the company for the conduct of the business of the company as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly :

Provided that, nothing contained in this sub-section shall render any such person liable to any punishment if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent such offence

(c) Notwithstanding anything contained in this sub-section, where an offence under this section has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.—For the purposes of this sub-section,—

(i) “company” means any body corporate, and includes a firm or other association of individuals; and

(ii) “director” in relation to a firm means a partner in the firm.

(4) No suit or prosecution or other legal proceedings, shall lie against any person for anything in good faith done in pursuance of the provisions of this section, and no suit or other legal proceedings shall lie against the Government or any local authority, for any damage caused or likely to be caused by anything in good faith done in pursuance of the provisions of this section

CHAPTER XXI.

SUPPLEMENTAL PROVISIONS.

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of
1860.

521. The Commissioner and Deputy Commissioner, ¹[General Manager] and every councillor and every municipal officer or servant appointed under this Act ^{etc., to be deemed to be public servants} ²[and every person appointed to make a valuation under sub-section (1) of section 218B], and every contractor or agent for the collection of any municipal tax and every servant or other person employed by any such contractor or agent, shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

522. (1) The Police Commissioner shall, as far as may be, co-operate, by himself and through his subordinates, with the Commissioner ³[and the General Manager] for carrying into effect and enforcing the provisions of this Act and for the maintenance of good order in ⁴[Greater Bombay]. ^{Co-operation of Police}

(2) It shall be the duty of every police officer in ⁴[Greater Bombay] 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 or against any regulation or by-law made under this Act, and to assist the ⁵[Commissioner, the General Manager] or any municipal officer or servant, reasonably demanding his aid for the lawful exercise of any power vesting in the ⁶[Commissioner, the General Manager], or in such municipal officer or servant under this Act.

v of
1879.

⁶[522A. For the purpose of the recovery of any amount due on account of Assistance rent from any person to the corporation in respect of any land in the suburbs ^{for the recovery of rent on land} ⁷[or extended suburbs] vested in or otherwise held by the corporation, the corporation shall be deemed to be a superior holder and every such person an inferior holder of ^{in the suburbs [or extended suburbs]} such land, within the meaning of sections 86 and 87 of the Bombay Land Revenue Code, 1879; and the corporation as superior holder shall be entitled, for the recovery of such amount, to all the assistance to which under the said sections a superior holder is entitled for the recovery of rent of land revenue payable to him by an inferior holder.]

523. (1) In computing any limited time before or from or after any date or event which is appointed or allowed by or under this Act for the doing of any act or the taking of any proceeding, such time shall be taken as exclusive of the day of that date or of the happening of that event and as ending or commencing, as the case may be, at the end of the last preceding day, or the beginning of the next following day. ^{Computation of time}

(2) Where the limited time is to be computed from or after any date or event, the act or proceeding shall be done or taken at the latest on the last day of the limited time computed as aforesaid, unless the last day is a Sunday, or a public holiday or unless, in the case of a proceeding to be taken before the Chief Judge of the Small Cause Court, the said Court is closed on such last day, in which events any

¹ These words were inserted by Bom. 48 of 1948, s. 57.

² These words and figures were inserted by Bom. 76 of 1948, s. 37.

³ These words were inserted by Bom. 48 of 1948, s. 58.

⁴ These words were substituted for the words "the city" by Bom. 7 of 1950, s. 6 (1).

⁵ These words were substituted for the original by Bom. 48 of 1948, s. 53.

⁶ Section 522A was inserted by Bom. 7 of 1950, s. 22.

⁷ These words were inserted by Bom. 58 of 1956, s. 25.

act or proceeding shall be deemed to be done or taken in due time if it is done or taken on the next day after such Sunday, or after the close of such public holiday or on the first day when such Court re-opens, as the case may be.

(3) Where by this Act any act or proceeding is directed or allowed to be done or taken on a certain day and such day happens to be a Sunday or a public holiday, the act or proceeding shall be considered as done or taken in due time if it is done or taken on the next day after such Sunday or after the close of such public holiday.

Measurement of distances.

524. The distances mentioned in this Act shall be measured in a straight line of a horizontal plane.

Informalities and errors in assessments, etc., not to be deemed to invalidate such assessment, etc

525. (1) Any informality, clerical error, omission or other defect in any assessment made or in any distress levied or in any notice, bill, schedule, summons or other document issued under this Act, or under any regulation or by-law *¹[or rule] made 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, distress, notice, bill, schedule, summons or other document invalid or illegal, if the provisions of this Act and of the regulations *²[by-laws and rules] made hereunder 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 for the same by suit in a Court of competent jurisdiction

Power to *³[State] Government to call for extracts from proceedings, etc

526. The *⁴[State] Government] may at any time call upon the corporation to furnish *⁵[it] with any extract from any proceedings of the corporation, of standing committee or of any committee constituted under this Act or from any record under the control of the corporation and with any statistics concerning or connected with the administration of this Act; and the corporation shall furnish the same without unreasonable delay

Protection of persons acting under this Act against suits.

527. (1) No suit shall be instituted against the corporation or against *⁶[the Commissioner, the General Manager] or a Deputy Commissioner, or against any 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—

(a) until the expiration of one month next after notice in writing has been, in the case of the corporation, left at the chief municipal office and, in the case of *⁶[the Commissioner, the General Manager] or of a Deputy Municipal Commissioner or of a municipal officer or servant delivered to him or left at

¹ These words were inserted by Bom. 48 of 1950, s 76(1).

² These words were substituted for the words "and by laws", *ibid*, s 76(2)

³ The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

⁴ This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950

⁵ The word "it" was substituted for the word "him" by the Adaptation of Indian Laws Order in Council.

⁶ These words were substituted for the original by Bom 48 of 1948, s 59

*Section 80 of Bom 48 of 1950 reads as follows:—

Amendments made by sections 64, 65, 67, 68 and 76 to have retrospective effect.

80. (1) The amendments made by sections 64, 65 and 67 shall be deemed to have been made on and to have effect from the 15th day of August 1947.

(2) The amendments made by sections 68 and 76 shall be deemed to have been made on and to have effect from the 14th day of March 1944 and any order made or action taken under the said Act before the commencement of this Act shall be deemed to have been made or taken under the said Act as amended by this Act, and no prosecution, suit or other proceeding shall lie against any person for anything in good faith done or intended to be done in pursuance of any such order or action, as the case may be

his office or place of abode, stating with reasonable particularity the cause of action and the name and place of abode of the intending plaintiff and of his attorney or agent, if any, for the purpose of such suit ; nor *

(b) unless it is commenced within six months next after the accrual of the cause of action

(2) At the trial of any such suit—

(c) the plaintiff shall not be permitted to go into evidence of any cause of action except such as is set forth in the notice delivered or left by him as aforesaid ;

(d) the claim, if it be for damages, shall be dismissed if tender of sufficient amends shall have been made before the suit was instituted or if, after the institution of the suit, a sufficient sum of money is paid into Court with costs

(3) Where the defendant in any such suit is a municipal officer or servant, payment of the sum or of any part of any sum payable by him in or in consequence of the suit, whether in respect of costs, charges, expenses, compensation for damages or otherwise, may be made, with the ¹[previous] sanction of the standing committee ²[for the Bombay Electric Supply and Transport Committee, from the municipal fund or the Bombay Electric Supply and Transport Fund, as the case may be]

³[527A. Notwithstanding the provisions of sections 48, 65, 66 and 67 of the Bombay Land Revenue Code, 1879—

Bom.
V of
1879.

(1) the use of any land in the suburbs ⁴[or extended suburbs] for any purpose to which it may lawfully be put under the provisions this Act shall not be prohibited in exercise of the powers conferred by or under the said Code ;

Savings in respect of certain provisions of Bombay Land Revenue Code, 1879

(2) it shall be sufficient for any occupant of land in the suburbs ⁴[or extended suburbs] assessed or held for the purpose of agriculture to show to the satisfaction of the Collector that he has complied with all the requirements of this Act and the bye-laws made thereunder to entitle such occupant to permission under section 65 of the said Code subject to the condition of the payment of altered assessment and fine, if any, for the use of the holding or part thereof for any purpose unconnected with agriculture]

528. The provisions contained in Schedule R for regulating the constitution of the corporation and other 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 R.

¹ The word " previous " was inserted by Bom. 19 of 1930, s. 20.

² These words were substituted for the original by Bom. 48 of 1948, s. 59

³ Section 527A was inserted by Bom. 7 of 1950, s. 33.

⁴ These words were inserted by Bom. 53 of 1956, s. 20.

* This word was substituted for the word " or " as the latter was a misprint

SCHEDULE A.

(See section 2)

ENACTMENTS REPEALED.

No and year of Act.	Title or Subject.	Extent of Repeal.
<i>Act of the Governor General in Council.</i>		
XLVIII of 1860	An Act to amend Act XIII of 1856	Section 17, as amended by Bombay Act IV of 1882 and clause (16) of section 19.
<i>Acts of the Governor of Bombay.</i>		
VI of 1863	An Act for the regulation of public conveyances in the town, suburbs and harbour of Bombay	In section 7, the words "by the Commissioner of Police to the credit of the Municipal Commissioners of Bombay and".
III of 1870	An Act to secure the payment to Government of certain sums of money by the corporation of the Justices of the Peace for the City of Bombay	The whole.
III of 1872	The Bombay Municipal Act of 1872	The whole
IV of 1878	The Bombay Municipal Act Amendment and Continuance Act, 1878.	The whole.
VI of 1878	An Act to remove doubts as to the time when certain portions of the Bombay Municipal Act Amendment and Continuance Act, 1878, were intended to come into force	The whole.
II of 1880	The Bombay Municipality's Consolidated Loan Act, 1880.	The whole.
II of 1881	An Act to confirm the jurisdiction of Presidency Magistrates in municipal cases.	The whole.
VI of 1882	An Act to amend the Bombay Municipal Acts of 1872 and 1878.	The whole.
II of 1885	An Act to empower the Municipal Corporation of the City of Bombay to subscribe to the Guarantee Funds of the Bombay International Exhibition, and for other purposes.	So much as has not already been repealed.
III of 1885	An Act to provide for the occasional appointment of a Deputy Municipal Commissioner for the City of Bombay.	The whole.
I of 1886	An Act to remove certain doubts in the construction of section 9B of the Bombay Municipal Acts of 1872 and 1878.	The whole.
II of 1886	An Act to enable the Municipal Corporation of the City of Bombay to raise increased revenue from town-duties.	The whole.

SCHEDULE B.

(See section 24.)

[Division of the city into wards] Deleted by Mah 8 of 1965, s. 19.

SCHEDULE C.

(See section 110)

FORM OF DEBENTURE.

No. _____ for Rs _____

By virtue of the ¹[Bombay Municipal Corporation Act], we, the Municipal Corporation of ²[Greater Bombay], in consideration of the sum of _____ paid to us by *A. B.* of _____ for the purposes of the said Acts, promise to pay to the said *A. B.*, his heirs, executors, administrators and assigns, the said sum of _____ together with interest at the rate of per centum per annum payable half-yearly on the _____ day of _____ and the _____ day of _____

And, by way of security for the said payment, we do hereby grant and assign unto the said *A. B.*, his heirs, executors, administrators and assigns such proportion of the moneys arising or accruing by virtue of the said Act from (the taxes mortgaged) as the sum aforesaid doth or shall bear to the whole sum which is or shall be borrowed on the credit of the said (taxes), to hold to the said *A. B.*, his heirs, executors, administrators and assigns from the day of the date hereof until the sum aforesaid with interest for the same at the rate aforesaid shall be fully paid and satisfied ;

And it is hereby declared that the said principal sum shall be repaid on the _____ day of _____ 18 _____ at (place of payment).

Dated this _____ day of _____ 18 _____ .

(To be sealed with the common seal of the corporation)

(Signed)

Municipal Commissioner on behalf of the Corporation.

This debenture has been sealed with the common seal of the Municipal Corporation of ²[Greater Bombay] in our presence —

(Signed) _____

1. } Members of the Standing Committee.
 2. }

SCHEDULE D— [Deleted by Bom. 76 of 1948, s 38]

¹ These words were substituted for the words and figures " City of Bombay Municipal Act, 1888 " by Bom. 7 of 1950, s. 6 (2) (b).

² These words were substituted for the words " the City of Bombay ", *ibid* , s 6 (2)(a).

SCHEDULE E

(See section 150)

FORM OF NOTICE OF TRANSFERS TO BE GIVEN WHEN THE TRANSFER HAS BEEN EFFECTED BY INSTRUMENT

To the Municipal Commissioner for ¹[Greater Bombay].

I, *A. B.*, hereby give notice, as required by section 149 of the ²[Bombay Municipal Corporation Act], of the following transfer of property :—

Date of Notice	Date of Instrument	Name of Vendor or Assignor	Name of Purchaser or Assignee	Amount of consideration	Description of the property					If instrument has been registered, to date of Registration	Remarks
					Of what it consists	Situation	No in Assessment Book	Collector's No.	Dimensions of Land			Boundaries

(Signed) *A B*

SCHEDULE F

(See section 150)

FORM OF NOTICE OF TRANSFER TO BE GIVEN WHEN THE TRANSFER HAS TAKEN PLACE OTHERWISE THAN BY INSTRUMENT

To the Municipal Commissioner for ¹[Greater Bombay].

I, *A. B.*, hereby give notice, as required by section 149 of the ²[Bombay Municipal Corporation Act], of the following transfer of property :—

Date of Notice	Name in which the property is at present entered in the Commissioner's Records	To whose name it is to be transferred	Description of the property					Remarks
			Of what it consists	Situation	No in Assessment Book	Collector's No	Dimensions of Land		Boundaries

(Signed) *A B.*

¹ These words were substituted for the words " the City of Bombay " by Bom 7 of 1950, s 6 (3)(a) and (4)(a)

² These words were substituted for the words and figures " City of Bombay Municipal Act of 1888 ", *ibid.*, s 6(3)(b) and (4)(b)

SCHEDULE 'G'

(See section 180)

TAX ON VEHICLES AND ANIMALS

Serial No	Description of vehicle or animal	Maximum amount of tax per annum	
		For vehicles with pneumatic tyres	For vehicles without pneumatic tyres
1	2	3	4
		Rs	Rs
1	Vehicles impelled by machinery and used for commercial purposes other than the carriage of passengers—		
	Weighing up to 2,030 kg empty	180 00	260 00
	Weighing up to 4,065 kg empty	220 00	320 00
	Weighing up to 8,130 kg empty	260 00	380 00
	Weighing up to 12,190 kg empty	300 00	440 00
	Over 12,190 kg empty	340 00	500 00
2	Each vehicle drawn or intended to be drawn by any vehicles falling under Serial No 1 and used for commercial purposes (i.e. Trailors)—		
	Weighing up to 2,030 kg empty	120 00	180 00
	Weighing up to 4,065 kg empty	160 00	240 00
	Weighing up to 8,130 kg empty	200 00	300 00
	Weighing up to 12,190 kg empty	240 00	360 00
	Over 12,190 kg empty	280 00	400 00
3	Each vehicle impelled by machinery and used solely for carrying passengers—		
	Weighing up to 760 kg empty	100 00	160 00
	Weighing up to 1,525 kg empty	140 00	200 00
	Weighing up to 2,285 kg empty	200 00	300 00
	Over 2,285 kg empty	260 00	360 00
4	Vehicle drawn or intended to be drawn by any vehicle falling under Serial No. 3 (i.e. Tractor).	48 00	80 00
5	Each three-wheeled vehicle impelled by machinery and used solely for carrying passengers.	60 00	100 00
6	Each two-wheeled vehicle impelled by machinery	48 00	80 00
7	Each four-wheeled vehicle drawn by horses, ponies, mules, donkeys or bullocks—		
	(a) Labour Carts	8 00	32 00
	(b) Other vehicles in this class	32 00	48 00
8	Each two-wheeled vehicle drawn by horses, ponies, mules, donkeys or bullocks—		
	(a) Labour Carts	8 00	24 00
	(b) Other vehicles in this class	16 00	24 00
9	Each vehicle drawn or impelled otherwise than by horses, ponies, mules, donkeys, bullocks or machinery.	4 00	8 00
10	Each horse, pony or mule of a height of 1.2 metres or upwards		32 00
11	Each horse, pony or mule of a height less than 1.2 metres		16 00
12	Each bullock or buffalo kept for draught or pack purposes		8 00
13	Each donkey kept for draught or pack purposes or for riding		8 00

¹ Schedule 'G' was substituted for the original by Mah. 70 of 1975, s. 20

¹[SCHEDULE G-1.

(See section 191-E)

THEATRE TAX

Type of entertainment	Maximum amount of tax
(1) Class I Cinema theatre	... Rs 20 per show.
(2) Class II Cinema theatre	. Rs 15 per show
(3) Class III Cinema theatre	... Rs 12 50 per show.
(4) Drama, concert, variety entertainment or <i>tamasha</i> .	Rs 12 50 per show.
(5) Circus, carnival or fete	... Rs. 25 per day.
(6) Any other entertainment	Rs 15 per show or if there are no separate shows Rs. 15 per day

Explanation 1—For the purposes of this Schedule,—

(a) Class I Cinema theatre means a cinema theatre, the premises of which are assessed at a rateable value exceeding Rs 15,000 per year.

(b) Class II Cinema theatre means a cinema theatre, the premises of which are assessed at a rateable value exceeding Rs 10,000 but not exceeding Rs 15,000 per year.

(c) Class III Cinema theatre means a cinema theatre, the premises of which are assessed at a rateable value not exceeding Rs 10,000 per year

Explanation 2—For the purposes of this Schedule, rateable value of any premises means the rateable value thereof as entered in the assessment book kept by the Commissioner under section 156, and where the premises of any cinema theatre include any other tenements, such portion of the rateable value so entered as the Commissioner may determine, having regard to the rent or the expected rent of such other tenements

II If any question arises whether any cinema theatre belongs to Class I, Class II or Class III, it shall be referred to the Commissioner, who, after making such inquiry as he thinks fit, shall decide the question, and his decision shall be final]

²[SCHEDULE H

(See section 192)

ARTICLES LIABLE TO PAYMENT OF OCTROI

Articles	Maximum rates of octroi leviable.
1	2
<i>Class I—Articles of food and drink</i>	
1. Grain, flour, pulses and cereals of all sorts, including <i>gavar</i> , soyabean, parched grain and paddy	¹ [15-paise per 50 kg]
2 (a) Sugar	75 Paise per 50 kg.
(b) Gur of all sorts	¹ [20 Paise per 50 kg]

¹ Schedule G-1 was substituted by Mah 18 of 1974, s 4(f) For saving see s 4(2) of Mah. 18 of 1974.

² Schedule H was substituted by Mah 32 of 1964, s 20

³ Substituted by G N, U D, P H and H D, No. BMC 1070/105529-C, dated 17th March 1970.

Articles		Maximum rates of octroi leviable
1		2
3	Wines and spirits and beer ..	7 per cent <i>ad valorem</i> .
4	<i>Ghee</i> ..	Rs 4 per 50 kg.
5	<i>Vanaspati</i> and hydrogenated oils	Rs 4 per 50 kg
6	Tea, coffee and coffee seeds ..	2 Paise per kg
7.	Saffron	7 per cent <i>ad valorem</i> .
8	Edibles—bacon and hams, table butter, butter other than table butter, margarine, dried or preserved fruits and nuts excluding fresh fruits and betel nuts, canned fish, cheese, confectionery, jams and jellies, milk condensed and preserved, all sorts of farinaceous foods, pickles, cocoa, cocoa beans and chocolates, biscuits and cakes, lard or edible animals fat, <i>mawa</i> , milk cream, <i>chakka</i> and curds, fruit juices and all beverages, Glucose, Dextrose or any fruit sugar, oilman stores (except edible oils), preserved provisions, baking or curry powder, saccharin, all kinds of food colours and essences, glucose of all other kinds, malt extract, honey, <i>papad</i> , meat fresh or preserved for whatever use, and all kinds of food or drink not specifically provided for excepting whole milk, toned milk and skim milk powder	6 per cent <i>ad valorem</i> .
9	Dates, dry	75 Paise per 50 kg
10	Dates, wet	50 Paise per 50 kg
<i>Class II—Animals</i>		
11.	Sheep, goats, lambs and kids ..	25 Paise per head
12.	Oxen, cows, buffaloes, calves and horses	Rs 2 per head
13	Pigs ..	50 Paise per head
<i>Class III—Articles used for fuel, lighting, washing and industrial use</i>		
14	Charcoal, coal and coke ..	¹ [Re 1 per metric ton]
15.	Crakers, fire works and their components, calcium carbide and safety fuses	5 per cent <i>ad valorem</i> .
16	Chandeliers, globes, chimneys, electric bulbs and articles for electric or gas lighting	3 per cent <i>ad valorem</i>
17	Soap of all kinds, boot and metal polish	¹ [2 per cent <i>ad valorem</i>]
18.	Pōtash, <i>ritha</i> , soda, alum, saline substances, <i>shikekai</i> , washing soda, caustic soda, refined salt-petre, phenyl and other substances used in washing clothes, floor and utensils.	25 Paise per 50 kg
19.	Oil seeds of inedible oils ..	... 50 Paise per 50 kg
20.	Inedible vegetable oils ..	... Rs 2 per 50 kg.

¹ Substituted by G N of 17-3-1970.

Articles 1	Maximum rates of octroi leviable 2
21. Methylated and denatured spirits and industrial alcohols.	3 per cent. <i>ad valorem</i> .
22. (a) ¹ [Mineral oils of all sorts,] diesel oil, petrol, aviation spirit, all kinds of lubricating oils, white oil, spindle oil, furnace oil, Petroleum products, <i>mava</i> oil, sevasol, solvent oil, other fuel oils, oils used as insecticides, natural gasoline, paints, solutions and compositions, Turkey Red oil and by-products of mineral oils ² ; but nothing hereinbefore contained shall include kerosene and crude oil],	⁴ [2 Paise per litre]
³ [(aa) Crude oil	1 Paise per four litres].
(b) Grease and petroleum jelly	2 per cent. <i>ad valorem</i> .
<i>Class IV—Articles used in the construction of buildings, roads and other structures and articles made of wood or cane.</i>	
23. Cement of all sorts	⁴ [Rs. 2 per metric ton]
24. Coal tar, asphalt, bitumen, flooring stone, manganese, emery stone or powder, chalk powder, stonechips, Agra stone, stone for building, clinker and coal ash.	7 Paise per 50 kg.
25. Glazed bricks, tiles, marble pieces, fire bricks, bricks, all kinds of roofing tiles, flooring tiles, China mosaic chips, mosaic marble, mosaic or Terrazo tiles, earthen pipes, China pipes, cement pipes and asbestos cement sheets.	2 per cent <i>ad valorem</i> .
26. Paints, distemper and colour washes used for painting buildings, varnish, boiled linseed oil, turpentine, zinc oxide and red oxide	2 per cent. <i>ad valorem</i> .
27. Yellow earth and earth of any other kind except red earth.	7 Paise per 50 kg.
28. Glass, glassware, chinaware, enamelware, all kinds of crockery used for construction or decoration of buildings and sanitary fittings, metal valves, brass cocks and their fittings	2 per cent <i>ad valorem</i> .
29. Roofing felt	1 per cent. <i>ad valorem</i> .
30. Timber, ballies, cane, and articles made of any of them, doors, windows, frames, furniture, pets, staircases, sandal wood and articles made of such wood.	⁴ [5 per cent. <i>ad valorem</i>]
31. Plywood, soft boards, hard boards, masonite or any other kind of wood of whatever composition prepared by artificial process and articles made thereof.	⁴ [4 per cent. <i>ad valorem</i>]

¹ These words were substituted for the words " Mineral oils of all sorts except kerosene, crude oil " by Mah 27 of 1966, s 2(a)

² These words were inserted, *ibid*, 2(b)

³ Sub-entry (aa) was inserted, *ibid*, s 2(c)

⁴ Substituted by G. N. of 17-3-1970

Articles	Maximum rates of octroi leviable
	2

Class V—Perfumes, toilet requisites, colours and household goods.

32. (a) Hair oil, perfumed oils, perfumery of all kinds, scents, *attars*, scented material, incense sticks, aromatic chemicals, toilet requisites of all kinds, shaving cream, shaving sticks, tooth powder, tooth paste, pomade, combs, brushes, looking glasses, hairpins, breeches, garters and suspenders. 2 per cent. *ad valorem*.
- (b) Scissors, razors, safety razors, blades, knives, penknives; spoons, forks, cutlery of all kinds, needles of all sorts, locks and keys, stockes and petromax and their parts and accessories and hardware articles. 2 per cent. *ad valorem*.
- (c) Laces, tapes, rings of wood and metal, embroidery articles, celluloid and celluloid articles, beads of all sorts, imitation pearls, articles of imitation jewellery, plastic and plastic goods, plastic powder, bakelite and bakelite goods. 2 per cent. *ad valorem*.
33. (a) Imitation ornaments } per cent. *ad valorem*
 (b) Toys of all kinds } [2 per cent. *ad valorem*]
34. Crockery of all sorts 1 per cent. *ad valorem*.
35. Glass and glassware including bangles, bottles, articles of china and porcelainware and earthenware (excluding articles used for construction of decoration of buildings) 1 per cent. *ad valorem*.

Class VI—Tobacco requisites.

36. Cigar and cigarette holders, smoking pipes, cigarette paper, tobacco cases, pouches, cigar and cigarette cases, *hukka* and smoking requisites and cigarette lighter. 3 per cent. *ad valorem*.

Class VII—Piece goods, cotton, yarn and threads of all sorts and starching and sizing materials, leather and articles of leather and rubber goods.

37. Piece-goods of wool, silk, linen, hemp, artificial and synthetic materials and articles made up purely or partly of any of the above materials not otherwise specified. 1 per cent. *ad valorem*.
38. Cotton ginned or unginned Rs. 2 per bale.

Articles 1	Maximum rates of octroi leviable 2
39 Cotton waste, yarn waste and hard waste ..	25 Paise per 50 kg.
40. Raw or unspun wool, hemp, jute, coconut and other fibres, and rope and articles made thereof	1 per cent <i>ad valorem</i> .
41. Yarn and threads of all sorts ..	¹ [1 per cent. <i>ad valorem</i>]
42. Starches of all sorts, sago rice and flour, arrowroot, tapioca and its flour, tamarind powder, farina starches and sizing materials, tallow, sizing oils and such substitutes	50 Paise per 50 kg.
43 Hides and skins ..	1 per cent <i>ad valorem</i> .
44 Leather including harness, saddles, bags, boxes, shoes, <i>chapples</i> , slippers, sandals, straps and all articles made of leather.	1 per cent <i>ad valorem</i> .
45. Rubber tyres and tubes ..	2 per cent <i>ad valorem</i> .
46 ² [(a)] Rubber, rubber goods gatta purcha and articles made thereof, wholly or partly, rubber solution, ^{3*} * and latex.	¹ [1 per cent. <i>ad valorem</i> .]
² [(b)] Raw rubber	¹ ½ per cent. <i>ad valorem</i> .]
<i>Class VIII—Metals and articles made of metals.</i>	
47. Iron and steel—	
(a) pig iron, (b) blooms, billets and slabs, (c) structural—(i) joints, (ii) channels, (iii) angles, equal or unequal, (iv) bulbs or toes, (v) light rails, (vi) fish plate for light rails, (vii) shell, steel ingots, blooms, billets and bars, (viii) black or galvanised sheets, plain or corrugated, (ix) plates, ordinary mild steel including boiler and high tensile ship building or bullet proof, (x) bars and rods, (xi) bolts, nuts, washers, rivets and such other articles, (xii) wire barbed, telegraph or other kinds of black galvanised, (xiii) wire nails, (xiv) spring steel, vehicular or flat bars, (xv) hoops and strips, and (xvi) pipes.	¹ [Rs 6 per metric ton]
48 Iron and steel—scrap	¹ [Rs. 6 per metric ton]
49. Iron and steel—any other articles manufactured from iron or steel other than cutlery, hardware and machines or machine parts not specifically provided for.	¹ [Rs 6 per metric ton.]

¹ Substituted by G N of 17-3-1970² Added, *ibid*³ Deleted, *ibid*

Articles	Maximum rates of octroi leviable
1	2
50. Machinery and their components and spares—	
(a) (i) electric machinery for generation, transmission and distribution and motors and generators and their components and spares, (ii) electric goods including cells, batteries and copper strips, horn electric, (iii) electrical fittings and materials, (iv) electrical domestic appliances, (v) electrical machinery of all kinds, control switch gear, generators, alternators and dynamos, motors, transformers and turbo generating sets, (b) agricultural machinery and parts, (c) oil engines, diesel engines, steam engines, petrol and gas engines and machines worked by hydraulic pressure, and their parts, (d) tools of all kinds, (e) printing press machines and spares, (f) any other machinery, its components and spares not specifically provided for.	1 per cent. <i>ad valorem</i> .
51. Vehicles—	
(a) motor cars, motor cycles, chassis and lorries.	¹ [3 per cent. <i>ad valorem</i>]
(b) bicycles, perambulators, carriages, all kinds of vehicles and their components and spares.	1 per cent <i>ad valorem</i>
52. Instruments, apparatus and appliances and parts thereof :—	2 per cent. <i>ad valorem</i>
(a) sewing machines, clocks and watches and typewriters, and their spares, (b) radio, radio-grams, television set or apparatus, loud-speakers, gramophones, amplifiers, wireless goods, their components and spares, (c) photographic machinery, photo goods and materials including photographic chemicals, films and mounts, and their components and spares, (d) cine projection machinery, their components, spares, and materials used therein, (e) surveying apparatus, (f) scientific appliances, (g) optical goods, their spares and accessories, surgical instruments and hospital requirements, including their spares and accessories, (h) mill and gin stores including crucibles, cotton ropes, and (i) all kinds of apparatus, appliances and spares.	
53. Non-ferrous metals, that is to say, brass, copper, tin, aluminium, lead, zinc, German silver, stainless steel, their alloys, wires, wares and sheets, ingots and circles.	¹ [Re. 1 per 50 kg]

¹ Substituted by G N of 17-3-1970.

Articles	Maximum rates of octroi leviable
1	2
<i>Class IX—Miscellaneous</i>	
54. Dyes, tans, indigo and all colouring matter including printing paste and inks.	1 per cent. <i>ad valorem</i> .
55. Paper— (a) newsprint, (b) cardboards, straw-boards, gray boards and mill-boards, (c) all kinds of paper of whatever composition and thickness.	50 Paise per 50 kg.
56. Lac and cork and articles made thereof	1 per cent. <i>ad valorem</i> .
57. Sculptured articles of wood, stone, clay or metal, other articles and earthenware.	2 per cent. <i>ad valorem</i> .
58. Chinaware, porcelainware and electric insulators not otherwise specified.	1 per cent. <i>ad valorem</i> .
59. (a) Cinema films, all films raw, (b) {cinema film processed and reels (other than those processed in Greater Bombay)}.	{Rs. 4 per 300 metres.]
60. Molasses	75 Paise per metric ton.

SCHEDULE I.

(See section 202.)

FORM OF NOTICE OF DEMAND

To

A. B.

residing at

Take notice that the Municipal Commissioner for {Greater Bombay} demands from (you) the sum of _____ due from (you) on account of (here describe the premises, vehicle or animal on account of which the tax is leviable) for the half year (or quarter) commencing (or ending on) the _____ day of _____ 19 ____; and that if the said sum is not paid into the municipal office at _____, or if sufficient cause for non-payment of the sum is not shown to the satisfaction of the Commissioner within fifteen days from the service of the notice, a warrant of distress {or attachment} will be issued for the recovery of the same, with costs.

Dated this day of

19 ____

(Signed)

Municipal Commissioner for {Greater Bombay}.

¹ Substituted by G N of 17-3-1970² These words were substituted for the words "the City of Bombay" by Bom. 7 of 1950, s. 6 (I)³ These words were inserted by Bom. 64 of 1953, s. 24

¹[SCHEDULE J.

[See section 203 and sub-section (3) of section 207A]

FORM OF WARRANT OF DISTRESS OR ATTACHMENT

To (here insert the name of the officer charged with the execution of the warrant).
 WHEREAS A B, of _____, has not paid or shown sufficient cause to
 *Here my satisfaction for the non-payment of the sum of _____ due for the
 des- tax* mentioned in the margin for the half-year (or quarter)
 cribe commencing (or terminating) on the _____ day of _____ 19 _____, although
 the the said sum has been duly demanded in writing from the said A B. and fifteen
 tax days have elapsed since the service of the notice of the demand/order ;

This is to command you to distrain the goods and chattels of the said A. B. (or, as
 attach any property
 the case may be, any goods and chattels on the premises in respect of which the
 said tax is due) to the amount of the said sum of _____ and such further
 sum as may be sufficient to defray the cost of recovering the said amount ; and
 forthwith to certify to me together with this warrant all particulars of the
good and chattels distrained
property attached by you thereunder.

Dated, this _____ day of _____ 19 _____

(Signed),
 Municipal Commissioner for Greater Bombay.]

SCHEDULE K.

(See section 205)

FORM OF INVENTORY AND NOTICE.

To

A.B.,

residing at

Take notice that I have this day seized the goods and chattels specified in the
 inventory beneath this, for the sum of _____ due
 Here for the tax mentioned in the margin for the half-year (or quarter) commencing
 des- (or terminating) on the _____ day of _____
 cribe 19 _____ ; and that unless you pay into the munic-
 the pal office at _____ the amount due, together with the costs
 tax. of recovery, within five days from the day of the date of this notice, the goods and
 chattels will be sold.

Dated this _____ day of _____, 19 _____

(Signature of the officer executing the warrant.)

INVENTORY

(Here state particulars of the goods and chattels seized).

¹ This Schedule was substituted for the original by Bom. 64 of 1953, s. 25.

1* * * * *

²[SCHEDULE M.

(See section 394).

PART I

Articles which shall not be kept without a licence in or upon any premises :
^{3*} * * * * * Calcium Cynamide, ³[Calcium Phospide];
 Calcium Silicide ; Carbide of Aluminium, ³[Carbide Calcium], Metals like
 Sodium, Potassium and Calcium ; Blasting Powders, Cordite, Detonators ;
 Di-Nitro Phenol ; Dopes ; Dynamite, Fulminates ; Gunpowder ; Gelnite ;
 Nitrocompounds including Nitroglycerine ; Picric Acid and Picrates.

Any other substances of explosive nature.

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 specified against such articles :

Provided that, it shall be in the discretion of the Commissioner to vary the maximum quantity specified against any such article when the same is kept in combination with any other article or articles specified in this Schedule

A—Combustible Liquids

(a) 20 litres :

Absolute Alcohol ; Acetal ; Acetaldehyde ; Acetone ; Actone Oils ; Acrylonitrile ; Allyl Alcohol ; Amyl Acetate ; Amyl Alcohol ; Amylamine ; Amyl Butyrate ; Amyl Chloride ; Amylene, Amyl Ether ; Amyl Formate ; Amyl Nitrate ; Amyl Nitrite ; Amyl Oxide ; Amyl Preponate ; Aniline ; Anthracene Oil ; Benzene ; Benzine (Petroleum) ; Butyl Alcohol ; Butyl

¹ Schedule L was deleted by Mah 42 of 1976, s 17

² Schedule M was substituted by Mah 32 of 1962, s 8

³ See G N I D & P H D. No BMC. 1062/26276-C dated 30th April 1965

Acetate, Butyl Aldehyde ; Butyl Amine ; Butyl Butyrate ; Butyl Cello-solve ; Butyl Chloride, Butyl Lactate ; Butyl Nitrate ; Carbon Disulphide ; Carbon Tetrachloride ; Carbonyl Chloride ; Cellosolve and its compounds ; Celluloid solutions ; Chlorobenzene ; Chloro Sulphonic Acid ; Cleaning and Polishing Liquids ; Coal Tar ; ^{1*} * Creosote Oils ; Cresols ; Crotonaldehyde ; Decalin ; Diacetone Alcohol ; Diamylene ; Diamyl Phthalate ; Dibromoacetylene ; Dibutyl Oxalate ; Dichloro Ethylene ; Dichloro Methylene ; Dichloro Pentane ; Diethylamine ; Diethyl Carbinol ; Diethyl Carbonate, Dimethyl Ketone ; ^{1*} * Dioxane ; Dipentane ; Ethers ; Ethyl Acetate ; Ethyl Acetoacetate ; Ethyl Alcohol ; Ethyl Benzene ; Ethyl Bromide, Ethyl Butyrate ; Ethyl Formate ; Ethyl Lactate ; Ethyl Nitrate ; Ethyl Nitrite, Industrial Alcohol ; Industrial Spirit ; Insecticide solutions ; Isobutyl Carbinol ; Isopropyl Alcohol ; Isopropylamine ; Lacquers ; Methyl Acetate, Methyl Alcohol ; Methylated (Denatured) spirit, Methyl Cellosolve ; Methyl Formate, Pharmaceutical preparations containing liquids which are inflammable ; Propyl Alcohol ; Propyl Acetate, Pyridine ; Rectified Spirit, Rubber Solution ; Solvents of all kinds ; Tar of all kinds ; Toluene ; Tricresyl Phosphate ; Turpentine ; Xylene ; Xylonite Solution.

(b) 50 litres :

Animal Oils ; Crude Petroleum ; Essential oils of all kinds, Fuel Oils ; ^{1*} * Mineral oils of all kinds (Flash point above 76° F) ; Oils of all kinds excluding essential and mineral oils ; Paints of all kinds (Flash point above 76° F), Tar Oil ; ^{1*} * Varnish (Flash point above 76° F).

(c) 10 litres :

Mineral oils of all kinds (Flash point below 76° F) ; Paints of all kinds (Flash point below 76° F) ; Varnish (Flash point below 76° F) ; and other combustible liquids giving off combustible vapours.

B—Combustible Solids and Semi Solids

(a) Aluminium Dust	..	..	..	..	5 Kilograms
^{1*} *					
Aluminium Powder	.	..	..	..	5 "
Asphalt	..	..	..	..	25 "
Asphalted Felt and Paper	.	..	..	..	25 "
^{1*} *					
Bagasse	..	..	..	..	50 "
Bitumen and Bituminous Felt	.	..	..	..	25 "
Cakes, Oils and Oil seeds	.	..	..	..	100 "
Camphor—Natural and Synthetic	.	..	..	..	5 "
Camphene	.	..	..	..	5 "
Candles	.	..	..	..	30 "
^{1*} *					
Cellophane papers, sheets and rolls	..	..	..	..	15 "
Celluloid articles and preparations and waste	..	..	..	..	2 "
Celluloid cased articles	..	..	..	..	2 "
Celluloid Cement	..	..	..	..	2 "
Cellulose based articles or waste	..	..	..	..	2 "
¹ [Coal Tar Dyes	..	..	..	..	100 Kilograms]
(Rapid Fast Dyes, Sulphur Black and Diasofast salts, but not others)					
¹ [Coir ropes or matting	..	..	..	..	500 Kilograms]
Coir Yarn and Fibre	..	..	..	..	15 "

¹ See G.N., U.D. & P. H. D., No. BMJ 1032/23276-C, dated 23rd April 1935

Copra including cake and meal	100	Kilograms.
Cork and Cork Dust	50	"
Cotton whether in fully pressed bales or otherwise and including Kapok.	100	"
Cotton waste including art silk (Rayon) waste	100	"
Dammer	25	"
Dried Grass	50	"
Fats of all kinds including Ghee	50	"
Fibres of all kinds except coccoanut fibre	15	"
Ginnings	15	"
1*		
Hay	50	"
Herbs—dried of all kinds	500	"
1*		
Insecticide	15	"
1*		
1/2 Jute Articles	200	Kilograms.]
(when not in fully pressed bales)		
Kapok Seeds	100	"
Leaves dried of all kinds including tobacco shreds	100	"
Magnesium Dust and Powder	5	"
Oilseeds of all kinds	200	"
1*		
1*		
1/4 [Paper (printing)	100	Kilograms.]
(when kept loose and not in reams or rolls)		
1*		
1*		
1/4 [Plastics—		
(i) Cellulose Nitrate	15	Kilograms.
(ii) Other plastics	500	Kilograms.
1*		
Phosphorus White or Yellow	0 5	"
Phosphorus Red	15	"
1*		
Resins including Rosin and Resinates Natural and Synthetic. .. .	5	"
1/4 [Rubber and rubber goods, including waste and reclaimed rubber, but excluding non-inflammable rubber material used in the electric industry and canvas ply-rubber transmissions belting.	100	Kilograms.]
1*		
1*		
Shavings—wood	50	"
1*		
Sulphur in all forms	10	"
Sulphides of all kinds	10	"
1*		
Tarred Paper, Rope, Cloth and Felt	50	"
Waxes of all kinds	30	"
Zinc Dust	15	"

¹ See G.N., U. D. & P. H. N., No. BMC.1062/26276-C, dated 30th April 1935.

(b) Bags and Sacks empty	..	..	..	$\frac{1}{2}$ [500 Bags.]
Bamboo Mats	..	..	..	25 Nos.
1* * *				
Matches for lighting	..	..	..	1 Gross.
Tarpauline	..	..	..	$\frac{1}{2}$ [500 Kilograms]
Other combustible solids and semi-solids	..	..	..	15 Pieces.

Oxidising Substances

Bichromates of all kinds	..	..	..	2 Kilograms.
Chlorates of all kinds	.	..	..	Do.
Chromates of all kinds	..	..	..	Do.
Chromic Acid	..	..	..	Do.
Chromic Anhydride	..	..	..	Do.
Manganese Dioxide	..	..	..	Do.
Nitrates of all kinds	..	..	..	Do.
Nitrites of all kinds	.	..	..	Do.
Perchlorates of all kinds	.	.	.	Do.
Peroxides of all kinds	..	..	..	Do.
Permanganates of all kinds	..	..	..	Do.
Persulphates of all kinds	..	..	..	Do.
Other oxidising substances which can initiate or stimulate the combustion of substances.				Do.

D—Corrosive or Poisonous Substances

Acids organic and inorganic including their solutions.				10 Kilograms.
1* * *				
Bleaching Powder	..	..	..	10 Kilograms.
1* * *				
Disinfectant liquids	..	..	..	10 Kilograms.
1* * *				
1* * *				
1* * *				
$\frac{1}{2}$ [Lime (unslaked)]	—	..	..	10 Kilograms].
Radio active substances	..	..	..	Do.
Bromine	..	..	..	5 Kilograms.
Cyanides of Alkali metals	..	..	..	$\frac{1}{2}$ Kilogram.
Carbolic Acid	..	.	.	Do.
Mercury salts	..	..	..	Do.

Such other substances, solids, liquids or gases which are corrosive or poisonous to human beings and which in contact with living tissues cause damage to them— $\frac{1}{2}$ Kilogram.

PART III

Articles which shall not be kept without a licence in or upon any premises, for sale or for other than domestic use :—

Ashes ; Bamboos ; Blood ; Bones 1* * ; Charcoal ; Coconut Fibre ; Coal and coal dust ; Coke ; Compressed gases (permanent, liquifiable or dissolved under pressure) ; Firewood ; Fireworks including flares and fire crackers of all kinds ; Fish dried ; Fins ; Hair ; Hemp ; $\frac{1}{2}$ [Hessians] ; Hides (dried or raw) ; Hoofs and Horns ; Flash Powders (for Photographic use) ; $\frac{1}{2}$ [*Khokas*, Boxes, Barrels or Wooden Drums (excluding 50 units used for packing purposes)] ; Offal ; $\frac{1}{2}$ [Oiled cloth ; Oiled paper ; Paper old or waste ; Paper shavings ,] Plywood ; Rags ; Sandalwood ; $\frac{1}{2}$ [Sawdust ;] Skins (dried or raw) ; $\frac{1}{2}$ [Straw and straw goods ;] Timber including hard board and processed wood ; Wool (raw).

¹ See G N, U. D & P. H D, No. BMC-1062/26276-C, dated 30th April 1965.

PART IV

Trades or processes or operations connected with trades which shall not be carried on or allowed to be carried on in or upon any premises without a licence :—

Baking.

Bhelpuri, preparation or sale of.

Bleaching cloth or yarn.

Casting Metal

¹[Dyeing of cloth, yarn or leather where more than four persons are employed]

Grinding of chillies or *masala* or corn or seeds [¹otherwise than by hand grinding]]

Keeping a laundry shop [¹where more than two persons are employed]

Keeping of an eating house or a catering establishment

Using or allowing to be used a premises for the preparation of eatables for the purpose of trade and for the profit or gain of any person owning or having an interest in or managing such premises

Keeping of a hair dressing saloon or a barber's shop

Keeping of a lodging house.

1* * *

Keeping litho press.

Keeping a printing press

Keeping sweetmeat shop except in premises already licensed as an eating house.

Keeping a tailoring shop or a shop doing embroidery work or other like work [¹where more than three machines are used]

¹[Manufacturing leathersgoods, but excluding carrying on the trade of a cobbler.]

Parching grain.

Parching groundnuts seeds, tamarind seeds or any other seeds.

Printing cloth, yarn or leather, plastic or metal sheets [¹where more than four persons are employed]

Refining of precious metals or recovering of them from embroideries [¹where more than four persons are employed]

Shooting or processing of cinematograph films in a studio or a laboratory.

Tanning, pressing or packing hides or skins, whether raw or dried

²[Keeping a retail grain, grocery and provision shop.

Chemist and druggist.

Keeping a paint shop

Keeping a charcoal, coal and coke shop]

Carrying on the trade of or any process or operation connected with the trade of —

(a) Blacksmithy [¹where more than three persons are employed]

1* * *

1* * *

¹ See G N, U D, & P H D. No, BMC 1062/26276-C, dated 30th April 1965

² These items were added by G N, U D, P. H & H D No BMC 5167/13944-C, dated 20th April 1967.

- (g) Coppersmithy ¹[where more than three persons are employed.]
- (h) Autocars servicing or repairing.
- (i) Welding of metal by electric, gas or any process whatsoever.
- (j) Electro-plating.
- (k) Transporting of goods.
- (l) Timber or wood sawing or cutting by mechanical or electric power.
- 1* * *
- 1* * *
- (o) Marble cutting, grinding, dressing or polishing.
- (p) Tinsmithy ¹[where more than three persons are employed.]
- 1* * *
- 1* * *
- (s) Spinning or weaving cotton, silk, art silk, or jute or wool by any process whatever.
- (t) Stones grinding, cutting, dressing or polishing.
- (u) Metal (ferrous or non-ferrous or antimony but excluding precious metal) cutting or treating metal by hammering, drilling, pressing, filling, polishing heating or by any other process whatever or assembling parts of metal.
- (v) Washerman's trade ¹[where more than six persons are employed]

Manufacturing, parching, packing, pressing, cleaning, cleansing, boiling, melting, grinding or preparing by any process or operation whatever any of the following articles :—

Aerated waters.

1* * *

Bides (indigenous cigarettes), snuff, cigars or cigarettes,

Bitumen.

Bones.

Bricks or tiles by hand power.

Bricks or tiles by mechanical power.

Brushes.

1* * *

Candles.

1* * *

1* * *

Celluloid or celluloid goods.

Charcoal (including *Badamicoal*)

Chemicals.

Condiment ¹[where more than four persons are employed].

Cosmetics or toilet goods ¹[where more than four persons are employed.]

Cotton, cotton refuse, cotton waste, cotton yarn, silk, silk yarn, art silk, art silk waste, art silk yarn, wool or woollen refuse or waste.

1* * *

1* * *

Dammar.

Fat.

Fire works.

Flax.

Ink for printing, writing or stamping.

Gas.

Ghee.

¹ See G N, U. D. & P. H. D., No. BMC.1062/26276-C, dated 30th April 1965.

Glass or glass articles ¹[(excluding mere packing of glass or glass articles)]
 Gunpowder.
 Hemp.
 Insecticide or disinfectants ¹[where more than four persons are employed.]
 Ice (including dry ice).
 Leather cloth, rexine cloth, water proof cloth or plastic cloth.
 Lime.
 Linseed oil.
 Matches for lighting (including Bengal Matches).
 1* * *
 Offal.
 Oil-cloth.
 Pharmaceutical or medical products ¹[where more than four persons are employed.]
 Rubber or rubber goods.
 Paints.
 Paper or cardboard.
 Pickers from hides.
 Pitch.
 Plastic goods.
 1* * *
 Sanitary-ware or china-ware.
 Soap.
 Sugar.
 Sugarcane juice.
 Sweetmeat and confectionery goods and other eatables whether sweet or savory.
 Tar.
 Varnishes.
 Oil other than Petroleum (either by mechanical power or by hand power or *ghani* driven by bullock or any other animal).
 Wooden furniture, boxes, barrels, *khokas* or other articles of wood or of plywood or of sandalwood ¹[where more than four persons are employed.]

SCHEDULE N.

(See section 444.)

PARTICULARS TO BE SPECIFIED IN THE REGISTER OF BIRTHS.

Serial Number.

Date of Birth.

Place of birth { District,
 Sub-District.
 Ward No. of house [i.e., its distinguishing number
 under clause (a) of s. 156.]
 Street or wadi.
 No. of house in street or wadi.

¹ See G.N., U. D. & P. H. D., No. BMC.1062/26276-C, dated 30th April 1965.

[SCHEDULE P.

[See section 450]

MEDICAL CERTIFICATE OF CAUSE OF DEATH.

To

THE MUNICIPAL COMMISSIONER, BOMBAY.

I do hereby certify that I attended the deceased. during his/her last illness, and that to the best of my belief the cause of his/her death was as stated below* —

Cause of death.	Approximate interval between onset and death		
	Yrs.	Mths	Dys
I.			
Diseases or condition directly leading to death†	(a) ..		
Antecedent causes	(b) ..		
Morbid conditions, if any, giving rise to the above cause, stating the underlying condition last.	(c) ..		
II.			
Other significant conditions contributing to the death but not related to the disease or condition causing it.			
Signature			
Medical Designation or Diploma			
Address			

* Vide note below :
N B—(i) The protection of the confidential nature of the medical information contained herein is ensured as far as possible
 † This does not mean the mode of dying, e. g , heart failure, Asthema, etc. It means the diseases or complication which caused death.
 (ii) The Medical Practitioners are requested to study carefully the note printed on inside of the cover
 (iii) Earnest co-operation of Registered Medical Practitioners in this matter will be highly appreciated by all concerned.
 (iv) The certificate, on being filled in carefully and signed should be forwarded without delay to the Executive Health Officer, Bombay Municipality
 (v) Additional forms of certificates will be supplied free of charge to Registered Medical Practitioners on request to the Executive Health Officer

(To be printed on the inside of the covers of the Books of Forms of Medical Certificate of Death.)

DEATH CERTIFICATION.

The regulations of the World Health Organisation of the United Nations are adopted from 1st April 1960. These regulations include the recommendations of the 6th Decennial International Revision Conference with regard to certification of cause of death, which are designed to secure universal uniformity as to stating the "UNDERLYING CAUSE OF DEATH".

The relevant extracts from these recommendations are given below :—
 (1) A cause of death is the morbid condition or disease process, abnormality * * * leading directly or indirectly to death. Symptoms or modes of dying

* Schedule P was substituted for the original by Mah. 39 of 1961, s. 14.

such as heart failure, asthenia, etc., are not considered to be causes of death for statistical purposes—

(2) The underlying cause of death may be defined as—

(a) the disease * * which initiated the train of morbid events leading directly to death, or

(b) * * * * *

(3) The (recommended) medical certificate of death is designed to elicit the information which will facilitate the selection of the UNDERLYING CAUSE OF DEATH when two or more causes are jointly recorded.

(4) No entry is necessary in lines (b) and (c) of the certificate if the diseases or conditions directly leading to death stated in line (a) described completely the train of events.

(5) In Part II are to be entered any other significant conditions which unfavourably influenced the course of the morbid process, and thus contributed to the fatal outcome but which were not related to the diseases or conditions directly causing death.

Public Health Department,
Registration Branch.

Executive Health Officer]

SCHEDULE Q.

(See section 453)

FORM CERTIFYING NAME GIVEN IN BAPTISM.

I, _____ of _____, do hereby certify that
on the _____ 18 _____, I baptized by the name of _____
a male child produced to me by _____ as the
of _____, and declared by the said _____ to have been
born at _____, on the _____ 18 _____.

Date _____ (Signed by Officiating Minister).

FORM CERTIFYING NAME GIVEN NOT IN BAPTISM.

I, _____, do hereby certify that the _____ male child, born
on the _____ 18 _____, at _____, to _____ and
his wife, and registered in _____
the district of _____ on the _____ 18 _____, has received the
name of _____

(Signed by father or mother, etc.)

SCHEDULE R.

(See section 528)

TRANSITORY PROVISIONS.

[1, 2, 3, 4, 5 and 6] *Repealed by Act XVI of 1895.*

7. The standing committee may, with the approval of the corporation, grant to the Municipal Secretary, in addition to his maximum monthly salary of one thousand rupees, a personal allowance not exceeding two hundred rupees monthly in consideration of such secretary's long and approved service, so long as the office is held by the same person who on the day when the Bombay Municipal Acts Amendment Act, 1882,² came into force was secretary of the town council and clerk of the Municipal Corporation.

Personal allowance to present Municipal Secretary.

Bom. VI of 1882.

[8, 9, 10, 11, 12 and 13.] *Repealed by Act XVI of 1895.*²SCHEDULE S.

[See section 259A, sub-section (3)]

DRAINAGE COMPLETION CERTIFICATE.

I do hereby certify that the following work (*insert full particulars of the work*) has been completed to my satisfaction; that the workmanship and the whole of the materials used are good, and that no provision of the Act or the by-laws, and no requisition made, condition prescribed or order issued thereunder, has been transgressed in the course of the work.

(Signed)

(Dated)

³SCHEDULE T.

[See section 353A, sub-section (1)]

BUILDING COMPLETION CERTIFICATE.

I do hereby certify that the following building work (*insert full particulars of the work*) has been supervised by me and has been completed to my satisfaction, that the workmanship and the whole of the materials used are good; and that no provision of the Act or the by-laws and no requisitions made, condition prescribed or order issued thereunder, has been transgressed in the course of the work.

(Signed)

(Dated)

¹ Bom. 6 of 1882 is repealed by section 2 of this Act.

² Schedule S was inserted by Bom. 5 of 1905, s. 60

³ Schedule T was inserted by Bom. 5 of 1905, s. 60.

¹SCHEDULE U.

[See section 62, sub-section (I)]

MEDICAL INSTITUTIONS IN BOMBAY.

1. The Jamsetjee Jeejeebhoy Hospital
2. The Bai Motibai (Obstetric) Hospital
3. The Sir Dinshaw Manockji Petit Hospital for Women and Children.
4. The Dwarkadas Lallubhai Dispensary for Women and Children
5. The St George's Hospital.
6. The Gocaldas Tejpal Native General Hospital.
7. The Pestonji Hormusji Cama Hospital for Women and Children
8. The Allbless Obstetric Hospital
9. The Jaffer Sullman Dispensary for Women and Children
10. The Jehangir Nassarvanji Wadia Dispensary, Mahim

²SCHEDULE V.

(See section 89A)

LANDS AND BUILDINGS IN THE USE AND OCCUPATION OF THE BOMBAY CITY POLICE.

Consecutive number.	Name and situation of the lands and buildings	City Survey number	Municipal Ward number	Approximate area in square feet of land covered with buildings	Approximate area in square feet of open ground
1	Quarters for Police Officers formerly used as the Police Magistrate's Court, Maharabadi, Girgaon Back Road	416	D 416	7,482	9,189
2	Police Station in Picquet Road	18	C 916	1,915	377
3	New Police Chowki near Null Bazar, Erskine Road	3421A	C 6,806	362	603
4	Police Station at the junction of Hornby Vellard and Warden Roads, Mahaluxmi	Nil	G 1	356	760
5	New Police Chowki at Jacob's Circle, Byculla	7733	E 4572(3)	819	2,181
6	New Chowki in Undria Street, Nagpada	4079 & 4080	E 8 & E 306	638	28
7	Bungalow No 7, Hansraj Lane, Byculla Bridge	3672(2)	E 4727 to 4729	9,639	47,039
8	Police Head-quarters and Lanes in E-planade, Carnac and Hornby Roads	8473	A 3325 to 3329 A 8715 (1 & 2) A 5716 (1 & 3)	11,422	154,555
9	Police Magistrate's Court in Esplanade and Cruickshank Roads (portion used for residential purposes only)	8472	A 3344 to 3440	1,328	Nil.
10	"Claremount" premises, Nesbit Lane, Mazgaon (portion used for residential purposes only)	3687	E 6151	4422	"
11	"Grant House", Pultad Road	8476	A 3333 (2) & (3) & 3334 (1)	9,350	28,884
12	New Police Chowki at Girgaon, near the Tramway Terminus, Girgaon Road.	408	D 287	598	521
13	Pound keepers quarters at Girgaon near Kennedy Bridge.	7957	D 247	4,548	2,320

¹ Schedule U was added by Bom. 3 of 1907, s 22² Schedule V was added by Bom. 3 of 1907, s 22³ This item was substituted for the original item by Bom. 2 of 1911, s 24

Con- secu- tive num- ber	Name and situation of the lands and buildings	City Survey number	Municipal Ward number	Approx- imate area in square feet of land covered with build- ings.	Approx- imate area in square feet of open ground
14	Chowki at Middle Colaba near the Post Office, Middle Colaba Road	9699	A 26 (2)	390	3,464
15	Police Station, Bazar Gate Road and Fort Street	8484 & 8485	A 2163 (1)	2,194	589
16	Chowki near the Queen's Statue, Esplanade Road	8452	A 3505	444	Nil
17	Sowars' stable and Superintendent's quarters in the lane leading to Mahim Fort	55	G 5312	4,523	15,446
18	Old Police Head Office and Chowki in Byculla, Parel and Shepherd Roads	3672	E4727 to E4729	7,321	51,029
19	Police Lines and Stables in Shepherd Road, Byculla	3672	E4727 to 4729	30,264	80,436
20	Chowki in Masjid Bunder Road, Masjid Bunder Bridge	265	B 1171	450	Nil
21	Police Chowki and Quarters behind the old Gurgaum Police Court Buildings, Gurgaum Back Road	7495	D 980 to 982	4,988	2,496
22	Police Chowki at Walkeshwar Reversing Station, Walkeshwar Road, Malabar Hill.	7,238	D 2984	481	942
23	Police Station at Pydhonie, Parel Road	1267	B 2179 (1)	2,820	51
24	Police Quarters and Lines on Wodehouse Road Estate, Colaba Causeway Road	9561	A 885 (1 & 5)	25,794	33,408
25	Police Quarters and Lines in the 1st Nagpada Scheme, near the Parsee Statue, New Nagpada Street	3692	A 3689 (1 & 2) and A 3690	23,013	12,600
26	Police Quarters in Shepherd Road	3689	E 3429 to 3448	4,248	7,569
27	Police Hospital in New Nagpada Street, Nagpada, Byculla	3692, 3696 & 3697	E3536 to 3542	7,656	43,023
28	Chowki in Bhandarwada Lane, Koliwada, Mandvi	2375	B 1960	212 5	Nil
29	Chowki at the Junction of Kazi and Masjid Streets	861	C6166	180	"
30	Chowki at the junction of the Mount, Mazgaon and Dockyard Roads, Matharpacady	Nil	E 4817	514 53	"
31	Chowki at the junction of Church and Dholkar Streets, Mazgaon	3363	E 6806	367	"
32	Chowki in Parel Road, Chunchpokh	3621	E 7483	343	"
33	Chowki in Upper Duncan Road	5683	E537 (2)	377	182
34	Chowki in Sion Road, Coorla Causeway	$\frac{1}{518}$	F 8903 (2)	81	Nil
35	Chowki and Lock up in Mahim Bazar Road	39	G 5215	1,152	"
36	Chowki in 1st Pasta Lane, Lower Colaba	9564	A 520	90	"
37	Chowki in Colaba Road	9599	A26 (2)	37 98	"
38	Chowki on Beach Road, near the Royal Artillery Mess, Colaba	9699	A 6 (3)	45 54	"
39	Chowki in Pilot Street, near the Afghan Memorial Church, Colaba	9696	A 174 (2)	39 06	"
40	Chowki in 8th Bungalow Street, near the Bombay Infantry Mess, Colaba.	9699	A 66 (2)	45 84	"
41	Chowki near Colaba Railway Station, Wodehouse Rd.	9666	A 235 (9)	37 98	"
42	Chowki near the Gun Carriage premises, Colaba Road	9567	A 423 (2)	45 54	"
43	Chowki near the Town Hall, Custom House Road	9313	A 1057 (1)	100 00	868
44	Chowki in the compound belonging to the Improvement Trust, Wodehouse Road Buildings, Colaba Causeway.	9561	A 885 (5A)	108 00	Nil
45	Chowki in Jannagar Street, Frere Road	8480	A 2399 (2)	108 00	"
46	Chowki in Fort Street, Mint Road	$\frac{1}{8482}$	A 2811 (2)	144 00	"

Con- secu- tive num- ber	Name and situation of the lands and buildings.	City Survey number	Municipal Ward number	Approx- imate area in square feet of land covered with build- ings	Approx- imate area in square feet of open ground
47	Chowki near the Wellington Fountain at the junction of Mayo and Esplanade Roads.	9562	A 1301 (2)	108 00	NJ
48	Chowki in Tabut Galli, Marine Lines	9561	A 3596	247 95	"
49	Chowki at the entrance to the Admirals Bungalow, Marine Lines	9666	A 3586 (2)	63 00	"
50	Chowki near Churchgate Railway Station, Queen's Road	8426	A 3668 (2)	84 96	"
51	Chowki to the rear of the premises known as Major Mein's Bungalow Queen's Road	8426	A 3668 (4)	39 96	"
52	Chowki at the junction of Waudby and Cruickshank Roads	8472	A 3454 (2)	63 00	"
53	Chowki at the junction of Pultan and Hornby Roads, Dhobi Ghat	$\frac{1}{8478}$	A 3219 (1)	108 00	"
54	Chowki at the junction of Frere and Carnac Roads	3186	B 4373 (3)	60 03	"
55	Chowki at the junction of Frere Road and Ahmedabad Street.	3186	B 4353 (3)	166 32	"
56	Chowki near the Native Infantry Line, Carnac Road	8475	A 3720 (2)	108 00	"
57	Chowki at the junction of Chinch Bandar Road, and Elphinstone Overbridge.	3184	B 4117	60 03	"
58	Chowki at the junction of Frere and Malet Bandar Roads.	3186	B 4487	60 03	"
59	Chowki at the junction of Frere, Raichur and Elphinstone Bridge Roads	3136	B 4471 (1)	60 03	"
60	Chowki at the junction of Frere Road and Thana Street	3186	B 4377 (2)	63 03	"
61	Chowki at the junction of Queen's Road and 1st Marine Street, south of the Marine Lines Railway Station.	8099	C2322 (6)	63 00	"
62	Chowki at the junction of 2nd Pathan Street and Durgadevi Road, south of Northbrook Gardens	5136	C 7889	46 98	"
63	Chowki near French Bridge, Mathew Road	7352	D 1686(2)	45 54	"
64	Chowki at Chowpati Crossing, Queen's Road	$\frac{D}{7298}$	D 2447 (3)	45 54	"
65	Chowki near Chowpati well, Queen's Road	8005	D 2442 (3)	45 54	"
66	Chowki at the Upper Gate of Government House, Walkeshwar Road.	7262	D 2538 (3)	45 54	"
67	Chowki near the Ladies' Gymkhana, Ridge Road	7295	D 3365 (2)	45 54	"
68	Chowki at the junction of Nepean Sea and Nepean Roads	7215	D 3316	139 97	"
69	Chowki at Nana-ka-chowka, Gawaha Tank Road	7343	D 2872(4)	45 54	"
70	Chowki near Davar Hall, Warden Road	$\frac{1 \& 2}{7139}$	D 3327 (3)	45 54	"
71	Chowki opposite Messrs. Kemp and Company's premises, Peddar Road	7128	D 3402 (3)	45 54	"
72	Chowki midway between Mahaluxmi Chowki and the Chowki opposite Messrs Kemp and Company's premises, Peddar Road.	8037	D 3465 (5)	45 54	"
73	Chowki at the junction of Tardeo Road and Forjett Street.	7064	D 3427 (2)	45 54	"
74	Chowki at the junction of Chikalwadi and Sleater Road.	7044	D 3706 (2)	45 54	"
75	Chowki at the junction of Bellasis and Arthur Road Tardeo.	$\frac{1}{3396}$	D 3882 (2)	169 29	"
76	Chowki near the main night-soil drain, Arthur Road...	3308	D 3901 (2)	45 54	"

Con- secu- tive num- ber	Name and situation of the lands and buildings.	City Survey number	Municipal Ward number.	Approxi- mate area in square feet of land covered with build- ings	Approxi- mate area in square feet of open ground.
77	Chowki near the Byramji Dispensary, Tardeo Road	3386	D 3823 (2)	45 54	Nul.
78	Chowki near the Cowasji Patel Tank, Girgaum Back Road	623	C 5697 (2)	46 98	"
79	Chowki at the junction of Grant Road and Trimbak Parsharam Street	Nul	D 2368 (2)	45 54	"
80	Chowki at the junction of Grant Road and Balaram Street	6967	E 2305 (2)	45 54	"
81	Chowki at the junction of Grant Road and Gilder Street.	6992	E 2694 (2)	45 54	"
82	Chowki at the junction of Girgaum Back Road and Charni Road	7097	D 1640 (2)	45 54	"
83	Chowki at the junction of Gun powder and Mathar-pacady Roads	3772	E 6413 (2)	61 38	"
84	Chowki at the junction of Ghorapdeo, Mount and Tank Bunder Roads.	3712	E 7722 (2)	61 38	"
85	Chowki near Hancock Bridge, Wadi Bunder Road	3604	E 4791 (2)	61 38	"
86	Chowki near the Municipal Water Tanks at the junction of De'Lima Street and Wadi Bunder Road	3298	E 5092 (2)	61 38	"
87	Chowki opposite the P and O Docks, Dockyard Road, off the Main Road, Mazgaon	8452	A 3506 (2)	45 54	"
88	Chowki at the junction of Connaught and Ghorupdeo Roads	3643	E 8111 (2)	61 38	"
89	Chowki at the junction of Kalachowki, Ghorupdeo and Sewree Roads	3627 (1)	E 8181	170 01	"
90	Chowki at the junction of Chunchpokli and Albert Roads	3824	E 8261 (2)	61 38	"
91	Chowki in the compound of the Jamshedji Jeejeebhoy Hospital	3621	E 4574 (3)	45 54	"
92	Chowki at Two Tanks at the junction of Duncan and Grant Roads	4121	E 22	64 26	"
93	Chowki at the junction of Bellasis Road and Gilder Street.	3524	E 3406 (2)	61 83	"
94	Chowki near Messrs Anderson's stables, Bellasis Road	6906	E 3112 (2)	60 48	"
95	Chowki near the Parsee Statute, Bellasis Road	6486	E 589 (3)	61 29	"
96	Chowki at the junction of Haines and De'Lisle Roads	3461	E 7042 (2)	60 03	"
97	Chowki at the junction of De'Lisle and Clarke Roads	3417	E 7397 (2)	61 29	"
98	Chowki at the junction of Haines, Clare and Sanki Roads	Nul	E 4272	159 93	"
99	Chowki at the junction of Sanki and Ripon Roads	3540	E 4023 (2)	46 62	"
100	Chowki at the junction of Ripon and Moreland Roads	3483	E 4545 (2)	46 62	"
101	Chowki at the junction of Moreland and Byculla Club Roads	3526	E 4109 (2)	159 93	"
102	Chowki at the junction of the five roads in the Agrpada Estate belonging to the Bombay Improvement Trust.	3505	E 4093(3)	46 62	"
103	Chowki at the junction of Sion, Dharavi and Sion Fort Roads.	Nul	F 6404 (2)	159 93	"
104	Chowki near the Hindu Temple Matunga-Agar Road	$\frac{2}{927}$	F 7799 (1)	159 93	"
105	Chowki at the junction of Wadala and Antop Hill Roads.	$\frac{18}{1101}$	F 4559	159 93	"
106	Chowki near Sewree Village, Sewree Road	2269	F 2401 (2)	159 93	"
107	Chowki at the junction of Naigaum and Naigaum	1190	F 6481 (2)	159 93	"

Con- Secu- tive num- ber	Name and situation of the lands and buildings	City Survey number	Municipal Ward number	Approximate area in square feet of land covered with build- ings	Approximate area in square feet of open ground
108	Chowki opposite the Fire Brigade Station at the junction of Naigaum Cross and Vincent Roads	<u>1</u> 2089	F 829 (3)	159 93	Nil
109	Chowki near the G I P Railway Level Crossing at the junction of Dadar and Naigaum Cross Roads	<u>4</u> 1263	F 6435 (3)	159 93	"
110	Chowki near Matunga Station on the G I P Railway	2036	F 667 (2)	159 93	"
111	Chowki at the junction of Suparibaug and Elphinstone Roads	1968	F 388 (2)	159 93	"
112	Chowki north of Parel Tank Road, Parel	<u>37</u> 2488	F 2759 (3)	159 93	"
113	Chowki at the junction of Parel Tank and Golanjee Hill Roads	<u>5</u> 2488	F 2732 (2)	159 93	"
114	Chowki at Jackeria Bandar, Sewree Road	3725	F 2761 (2)	45 56	"
115	Chowki at the junction of Kalachowki and Parel Roads	2599	F 36 (2)	159 93	"
116	Chowki at the junction of Parel and Suparibaug Roads	<u>1 & 2</u> 2539	F 112 (1)	150 39	"
117	Chowki at the junction of Suparibaug and Currey Roads	2566	F 124 (2)	159 93	"
118	Chowki opposite the G I P Railway Workshops, Suparibaug Road,	2582	F 564 (2)	45 56	"
119	Chowki at the junction of Custom and Lady Jamsetji Roads	54	G 5149 (2)	184 95	"
120	Chowki near Mahim Bazar Cross Road, Lady Jamsetji Road	137	G 5695 (2)	45 56	"
121	Chowki near the Gopi Tank, Lady Jamsetji Road	<u>2</u> 1394	G 4063 (2)	45 56	"
122	Chowki near Shivba's Door Post, Hasali, Lady Jamsetji Road.	Nil	G 4221	45 56	"
123	Chowki near the path leading to Manmalla Tank, Lady Jamsetji Road.	130	G 5721 (2)	45 56	"
124	Chowki at the junction of Lady Jamsetji, Dadar and Portuguese Church Streets.	1446	G 4307 (2)	137 97	"
125	Chowki in Dharavi Road	<u>5</u> 296	G 6149 (2)	137 97	"
126	Chowki near the Sion Railway Station, Dharavi Road	<u>3</u> 423	G 7607 (2)	49 95	"
127	Chowki at the Cross Post, Mahim Bazar Road	1506	G 4842 (2)	45 56	"
128	Chowki at the junction of De'Lisle and Arthur Roads	<u>3</u> 2718	G 2223 (2)	45 56	"
129	Chowki at the junction of De'Lisle and Fergusson Roads.	<u>3</u> 3205	G 1025 (2)	45 56	"
130	Chowki at the junction of De Lisle and Carrol Roads	<u>5</u> 2236	F 2340 (2)	137 97	"
131	Chowki near the B B. & C. I. Railway Crossing, Elphinstone Road.	<u>1</u> 2635	G 2495 (2)	45 56	"
132	Chowki at Saitan Gate, Kumbharwada, Dadar	1834	G 3388 (3)	45 56	"
133	Chowki at the junction of Cleveland and Worli Roads	3035	G 2538	171 00	"

Con- secu- tive num- ber.	Name and situation of the lands and buildings	City Survey number	Municipal Ward number	Approx- imate area in square feet of land covered with build- ings	Approx- imate area in square feet of open ground.
134	Chowki in Pakadi Road, Worli	$\frac{3}{3205}$	G 1383 (2)	45 56	Nil
135	Chowki at the junction of Hornby Vellard and Worli Roads.	3346	G 6 (3)	45 56	..
136	Chowki at the junction of Haines and Fergusson Roads	$\frac{13}{3299}$	G 184 (2)	45 56	..
137	Chowki near the B B & C I Railway Crossing, Haines Road	2725	G 1000 (2)	138 96	..
138	Chowki in Jamnagar Street, Modi Bunder	8484	A 2904 (7)	147 96	..
139	Chowki at the junction of Falkland and Foras Roads	6934	E 155	474 48	..
140	A plot of land near the present Water Police Station, situated between Karwar and Goa Streets	6480	A 2730 & A 2744 (5)	Nil	.. 29,665
141	A plot of land near Prince's Docks situated between Raichur Street and Elphinstone Bridge Road	3186	B 4468, B4469 & B4470	..	27,200

1 SCHEDULE W.

(See section 91A)

Plot No.	Ward No	Cadastral Survey No	Description	Area Cadas- tral Survey	Total area	Value	
						Amount.	Total amount.
THE FLATS							
(Deposited Plan "A")							
1 (a)	...	66 (part), 69 (part), Lower Parcel 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 66, 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	..	Rs	Rs.
(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 Clarke Road, on the South by private properties bearing Cadastral survey Nos 1/407, 372, 373, 374, 375, 369, 7/366, 8/366, 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, 408, 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 Line	347,950	..	Rs	Rs.

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.							
<i>(Deported Plan " C ")</i>							
(e)	412 (part), Tardeo, Division	Bounded on the North by Clarke Road, on the South by the properties bearing Cadastral Survey Nos 413 and 56, on the East by properties bearing Cadastral Survey Nos 414 and 56, 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	..	..
<i>(Deported Plan " D ")</i>							
1(e)	1/1030, 2/1030, Lower Parel Division	Bounded on the North by the newly constructed 100 feet Worli 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	..	7,666	
<i>(Deported Plan " E ")</i>							
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, 2/289 and 289, 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, 435, 1/472 and 2/472, and on the West by the Worli Low Level Drainage Channel bearing Cadastral Survey No 286	25,265	..	18,949	..
<i>(Deported Plan " F ")</i>							
1(g)	71 (part), 144 (part), Lower Parel Division	Bounded on the North by the land belonging to the Corporation bearing Cadastral Survey No 284, on the South by Plot 1 (s) (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 1/45 and on the West by Plot No 1(s) (East) of the Flats	4,237	..	2,679	..
(h)	3/71, 71 (part), Lower Parel 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 Tuisi Pipe Line Road bearing Cadastral Survey No 70 and on the West by the land belonging to the Corporation bearing Cadastral Survey No 7? (part)	4,104	..	13,338	
<i>(Eastern portion)</i>							
1(s) East	..	71 (part), Lower Parel 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	..

Plot No.	Ward No.	Cadastral Survey No.	Description	Area Cadastral Survey	Total area	Value			
						Amount	Total amount.		
THE FLATS—contd.						Sq. yds	Sq yds	Rs	Rs
<i>(Deported Plan " F " —contd)</i>									
<i>(Western portion)</i>									
1(j) West	100 (part), Lower Parcel Division	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	..					
<i>(Deported Plan " G ")</i>									
1(j)	.	46 (part), Lower Parcel Division	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	718,948					
<i>(Deported Plan " A ")</i>									
1 (k)	..	60 (part), Lower Parcel Division	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	..	20,497	..		
Total					1,252,834		1,14,191		
THE KENNEDY SEA FACE									
<i>(Deported Plan " H ")</i>									
....		7 Fort Division	Bounded on the North, South and West by the Foreshore of Backbay and on the East by a public footpath	4,447		..	..
Total					4,447				
THE MARINE LINES ESTATES									
<i>(Deported Plan " J ")</i>									
4(e)	718 to 725, 1416 to 1421, 1429 to 1433 and 1435, Fort Divi- sion.	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 1881 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	32,825	..	3,28,250	..		

Plot No	Ward No	Cadastral Survey No.	Description	Area Cadastral Survey		Value	
				Sq yds	Sq yds	Amount.	Total amount.
THE WELLINGTON LINES PLOT				Sq yds	Sq yds	Rs	Rs.
<i>(Deposited Plan " K ")</i>							
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	..
THE WODEHOUSE ROAD PLOT							
<i>(Deposited Plan " L ")</i>							
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	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— (1) The Elphinstone College Students' Quarters bearing Cadastral Survey No 445 (part) (2) The Telang Memorial Quarters bearing Cadastral Survey No 445 (part) (3) The Wesleyan Church and School under a lease dated 4th March 1925 bearing Cadastral Survey No 433 (part) (4) The Wodehouse Road Police Accommodation Buildings bearing Cadastral Survey No 435, and (5) The Temple bearing Cadastral Survey No 434	13,355	..	..	..
6(c)		425 to 429, Colaba Division	Bounded on the North-West by Wodehouse Road, on the North-East by Ormiston 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	18,731	.	..	..
Total, Wodehouse Road Plot				..	..	41,580	.. 4,15,800
THE HORNBY ROAD PLOT							
<i>(Deposited Plan " M ")</i>							
7(a)	699 Fort Division.	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	116	..	..	..
7(b)	700 and 701, Fort Division.	Bounded on the North-East by premises known as the J N Petus Institute bearing Cadastral Survey No 102 on the South-East by Hornby Road, on the South-West by the 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	..	..	..

Plot No.	Ward No.	Cadastral Survey No	Description	Area Cadastral Survey.	Total area	Value	
						Amount.	Total amount.
				Sq yds	Sq yds.	Rs.	Rs.
THE HORNBY ROAD PLOT—contd							
<i>(Deposited Plan "M")—contd</i>							
7 (c)	.	740, 741, Fort Division	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	1,378	.	..	..
7 (d)	.	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 (e)	.	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 (f)	.	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 Wandby Road	2,971	.	..	..
7 (g)	.	1402 and 1404, Fort Division	Bounded on the North-West by Murzban Road on the South-West by the site 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	762	..	..	..
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 Cruikshank 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 Wandby Road	2,521	..	..	..
Total, The Hornby Road Plot				..	41,616	..	8,32,324
TRIANGULAR PLOT SOUTH OF CRAWFORD MARKET							
<i>(Deposited Plan "A")</i>							
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

Plot No	Ward No	Cadastral Survey No.	Description.	Area Cadastral Survey.	Value		
					Total areas	Total Amount,	
				Sq yds.	Sq yds.	Rs.	P.
PLOT NORTH OF MUNICIPAL OFFICES.							
<i>(Deponed Plan " O ")</i>							
....	1451,	Fort Division	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)	6,911		2,04,380	..
Total						6,911	2,04,380
THE CHAUPATI WEST ESTATE							
<i>(Deponed Plan " P ")</i>							
10 (a) and 10 (b).	.. .	380, 1/380, 2/380, 2A/380, 3/380, 3A/380, 4/380, 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.	(a) and (b) Bounded on the North partly by a public passage leading to Gibbs' 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 No 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 Gibbs' Road meets the Gibbs' Road to 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.—a				
			(a) Land forming the Hill Slope	47,544			
			(b) Building land	35,653			
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)	....	40' (part) 417 to 420 Malabar Hill Division.	Bounded on the North partly by a 15feet 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

Plot No.	Ward No.	Cadastral survey No.	Description	Area Cadastral Survey	Total area	Value	
						Amount	Total amount
				Sq yds	Sq yds.	Rs.	Rs
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 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	4,789		47,890	.
Total					4,789		47,890
THE PARLE ESTATE							
(Deposited Plan " R ")							
112(A)	..	74 (part) Parle-Sewri Division	Bounded on the North by Hospital Avenue Road, on the East by the Haffkin Institute bearing Cadastral Survey No 330, and on the South and West by the Nowroji Wadia Maternity Hospital	30,987	80 ¹		.
12(B)	.	74 (part) Parle-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 Survey No. 74 (part of)	300			..
12(C1)	...	74 (part) Parle-Sewri Division	Bounded on the North-East by the Haffkine Institute Compound bearing Cadastral Survey No 330, 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, Parle-Sewri Division	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 play-ground for the King Edward Memorial Hospital.	373			..
12(D)	..	394, Parle-Sewri Division	Bounded on the North by private property bearing Cadastral Survey No 332, on the South by private properties bearing Cadastral Survey Nos 335, 336 and 337, on the East by a public passage, and on the West private properties bearing Cadastral Survey Nos 329, 336 and 335	463			..
1200		394, Parle-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			..

¹ Entry 12(A) was substituted by G N, U D & P H D No. BMC-3659-20315-C, dated 30th December 1960.

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							
<i>(Deposited Plan " S "</i>)							
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 No 241, 242 and 244 and on the West by private property bearing Cadastral Survey No 246.	2,130	.	.	.
<i>(Deposited Plan " Q "</i>)							
12(H)	.	681, Parel-Sewri Division.	Bounded on the North West by a passage bearing Cadastral Survey No 658 , on the South by Parel Tank Road , and on the North East by private properties bearing Cadastral Survey Nos. 680, 677, 676 and 775.	1,144	.	.	.
Total, The Parel Estate				.	46,179 80	.	1,40,088

SCHEDULE X.

(See section 91A.)

Plot No.	Ward No.	Cadastral Survey No	Description.	Area		Value.	
				Cadastral Survey,	Total area.	Amount.	Total amount
				Sq yds.	Sq yds.	Rs.	Rs.
THE CONNAUGHT ROAD ESTATE.							
(Departed Plan "A")							
Ward K.							
1A	7463 (1 to 4) 7464 (1 & 2) 7465 (1 to 3) 7466 (1 to 3) Nil 7462 (5) 7462 (1) Nil	700 to 705 706, 695, 696, 699, Byculla Division.	Plot bounded on the North by property belonging to the New Great Eastern Spinning and Weaving Company bearing Cadastral Survey No 797 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 Parei Road and partly by the aforesaid Police Accommodation Scheme, but omitting the site of Ulster Road	9,495	9,495	51,155	51,155
1B	Nil 7448 (4) 7446 (2 to 4) ..	689 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
WEST AGRIPADA ESTATE							
(Departed Plan "B")							
2A	4134 (1 to 5) 4104 (1 to 7) 4103 (1 to 6) 4101 (1 to 5) and (9 to 12) 4099 (1 to 15). 4107 (1 to 8) 4105 (1 to 7) 4106 (1 to 7) 4108 (1 to 7) 4146 (1 to 6) 4190, 4102, 4094 (1 to 6) 4539 (1 and 2), 4540 (1) 4553 4553, ..	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. 1A/1862, 1B/ 1862, 1863, 1/1863, 1864, 1865 1/1865, 2/1865, 2A/ 1865, 3/1865, 4/1865, 5/1865, 6/1865, 7/1865, 1866 to 1871. 1/1871, 2/1871, 3/1871, 3A/1871, 4/1871, 5/1871, 5A/1871 6/1871, 7/1871, 6/1871.	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 Rebbah Street, Souther Street, Club Back Road, Club Cross Road, Cirrus-Avenue, Motilal Street, Reynolds Road, Wylie Road, Agripada Chawl Street and Gell Street (part of).	216,636	216,636	..	6,49,908

Plot No.	Ward No.	Cadastral Survey No.	Description.	Area Cadastral Survey.	Total area	Value		
						Amount	Total amount	
				Sq yds	Sq yds.	Rs	Rs	
WEST AGRIPADA ESTATE—contd								
<i>(Deponed Plan " B "</i> —contd.								
<i>Ward E—contd</i>								
4554 (1)	4098	1872 to 1875,						
(3)	4091 (1 to 6).	1/1876, 2/1876, 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, 1880						
4187 (1 to 5)		1/1880, 2/1880,						
4145 (1)		1881, 1882,						
4186 (1 to 4)		1883, 1902,						
4135, 4145,		1/1902, 1903,						
4134 (3 to 6)		1906, 1911,						
4092 (1 to 12)		1912						
4141 (1 & 2)		Byculla Division						
4142 (1 & 2)								
4139 (1 to 3)								
4138, 4098 (1R) & 4098 (1A & 1B)								
4093 (1AA)								
4090 (B)								
4084 (4, 4A).								
28	4184, 4185 (6 to 8).	1599, 1600, 2/1600, 1601	Bounded on the North by private property bearing Cadastral Survey No 1884, on the South by property of the B B 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	..	
20	4466(2)	1896 (part) 1897, 1899	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 Lamington 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	
29	....	NIL.	Land reserved for widening of Lamington Road on its East and West sides.		5,366	5,366	.. ..
Total					228,721	..	6,66,784
<i>Deduct area resumed by the Corporation on 20th June 1906 out of Cadastral Survey No. 1877</i>					..	750	..	2,250
Total, West Agripada Estate ..						227,971	..	6,64,534

Plot No.	Ward No.	Cadastral Survey No.	Description.	Area Cadastral survey.	Total area.	Value.	
						Amount.	Total amount.
				Sq. yds.	Sq. yds.	Rs	Rs.
THE CENTRAL AGRIPADA ESTATES.							
<i>(Deposited Plan "C")</i>							
<i>Ward E</i>							
8A	NW	2,1694 Byculla Division.	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	..
8B	4067(part) NW.	1664 and parts of 1663, 1689, 1691 and 1692, Byculla Division.	Bounded on the North partly by Sankil 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 Ghellabhoy 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	10,523
Total, Central Agripada Estate				..	2,911	.	10,523
THE EAST AGRIPADA ESTATE							
<i>(Deposited Plan "D")</i>							
<i>Ward E.</i>							
4A	7416 (1 to 6) 7413 (1 & 2) 7414 (1 & 2) 7411 (1 & 2) 7415 (1 to 3) 7412 (1 & 2)	1943 1961 to 1985, 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 Killeddar Street, and on the East by Pais Street	35,478	..	..	4,27,509
4B	NW 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 e 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

Plot No.	Ward No.	Cadastral Survey No.	Description.	Area Cadastral Survey	Total area.	Value	
						Amount.	Total amount
				Sq yds.	Sq yds	Rs	R.
THE EAST AGRIPADA ESTATE—contd.							
(Deposited Plan "D") —contd							
Ward E—contd							
40	4563 (1, 2, 2A, 2B & 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	6,78,424	

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.		
						Sq yds.	Sq yds.	Rs.	Rs.
<i>Matunga Division</i>									
1	6643 p 6642 p	81/10 part 20/10 part	Lands at Matunga	1,006	..	755	..		
2	6658 (1) p	25/10 part	Do.	86	..	33	..		
3	6600 p 6067 p	16/10 part 34/10 part.	Do	866	..	812	..		
4	6643 (1) p 8791 (1) p 8789 p 8778 p 8767 p.	134/10 part 134/10D part.	Do.	7,984	..	5,988	..		
5	6675 p 6680 p	50/10 part	Do	268	..	201	..		
6	6675 p 6630 p	50/10 part	Do.	1,226	..	916	..		
7	6675 p 6680 p	50/10 part	Do	2,780	..	2,047	..		
8	6826 p	137/10 part	Do	104	..	78	..		
9	6890 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 7236 p. 7237 p 7250 p 7240 p.	112/10 part 113/10 part. 114/10 part 116/10 part 117/10 part.	Do	2,340	..	1,762	..		
13	7234 p 7230 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.	480	..	360	..		
16	7188 p 7121 (4) p.	150/10 part 155/10 part.	Do.	4,196	..	6,293	..		
17	7121 (4) p 7123, 7124 p.	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 7120 p.	813/10 part	Do.	4,535	..	3,401	..		
20	7113 p.	162/10 part	Do.	565	..	424	..		
21	6835 (4) p.	180/10 part	Do.	92	..	69	..		

Plot No	Ward No	Cadastral Survey No.	Description	Area Cadastral Survey	Total area	Value	
						Amount.	Total amount
				Sq yds.	Sq yds	Rs	Rs
<i>Matunga Division—contd.</i>							
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	Lands at Matunga	11,154		16,731	
23	7061 p.	199/10 part	Do.	409		614	
24	7063 p 7061 (6) p 7061 (5) p 7067 p	189/10 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 200/10 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. 7386 (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		40	
34	7631 p. 7633 p 7634 p 7635 p.	379/10 part 378/10 part 377/10 part.	Do.	565		177	
35	7924 p 7792 p 7823 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. 7849 p 7831 p.	389/10 part 390/10 part. 392/10 part. 391/10 part.	Do.	440		165	
39	7798 p. 7779 p.	784/10 part 433/10 part.	Do	485		723	
40	6953 p. 7416 p 7417 p. 7422 p. 7423 p. 7424 p.	756/10 part 757/10 part.	Do.	425		319	

Plot No.	Ward No.	Cadastral Survey No.	Description.	Area Cadastral Survey.	Total area.	Value.	
						Amount.	Total amount.
				Sq. yds.	Sq yds.	Rs.	Rs.
<i>Matunga Division—contd</i>							
41	7410 p 7411 p 7016 p 7026 p 7011 p	.. 755/10 part 754/10 part.	Lands at Matunga	2,291	..	1,718	..
42	7027 p. 7028 p	.. 754/10 part	Do.	369	..	277	..
43	7034 (1) p 7035 p 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	7132 p. 7128 p. 7129 p 7141 (1) p.	.. 615/10 part 614/10 part. 613/10 part.	Do	2,093	..	1,570	..
47	7163 p.	.. 515/10 part	Do	260	..	195	..
48	6564 p. 6823 p	.. 511/10	Do.	924	..	1,385	..
49	6816 p 6819 (2) p. 6595 p 6579 p. 6580 p 6800 p. 6801 p. 6804 p. 6808 p. 6794 p. 6589 p 6623 (1) p. 6815 p. 6818 p. 6862	.. 800/10 part 814/10 part. 792/10 part. 792/10 part 794/10 part of Matunga Division.	Do	6,125	..	4,594	..
Total, Lands at Matunga				..	..	86,187	90,984

SCHEDULE Y.

(see section 91A.)

Plot No.	Ward No.	Cadastral Survey No.	Description	Area Cadastral Survey	Value		
					Total area	Total amount.	
				Sq yds	Sq yds	Rs.	Rs.
THE NEPEAN SEA ROAD PLOT							
<i>(Deposited Plan "A")</i>							
1		2/583 (part of), Malabar Hill Division.	Bounded on the north east by private property bearing Cadastral Survey No 581, 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 Fore shore	2,014	.	.	..
Total, the Nepean Sea Road Plot				.	..	2,014	..
THE COLABA RECLAMATION							
<i>(Deposited Plan "B")</i>							
2	.. .	82 to 86 parts of 87, 88, 188, 89 and 90, 91 to 97, parts of 98, 99, 100, 101 and 102, 103 to 105, 106 (part of), 107 to 111, 520, 321.	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 Warehouse 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, 188 and 87, and partly by Warehouse Road, but excluding the sites of Khatam and Central Roads and of portions of Fasil 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
				Sq yds	
<i>(Deposited Plan "A")</i>					
1	707 Fort Division.	The Hornby Road Plot.	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 Murrban Road, and on the West by Esplanade Road.	3,250	Ninety nine years at 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.	Value.		
					Total area.	Total Amount.	
				Sq yds	Sq yds	Rs	Rs.
DEPOSITED PLAN "B".							
<i>Body Guard Lanes</i>							
1(b) Part 1(d-1) Part	---	3/883, Tarden Division	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	--	--	--
THE COOPERAGE PLOT							
<i>(Deposited Plan "I")</i>							
8	---	4, Fort Division	Bounded on the North by the Band Stand Circle, on the South by Wedehouse Road on the East by Cooperage Road and on the West by Queen's Parade Road but excluding 38 square yards bearing Cadastral Survey No 13 on which stands the statue of the late Mr. Justice Ranade.	58,044	--	--	--
THE MARINE LINES MAIDAN							
<i>(Deposited Plan "J")</i>							
(b)	---	709, Fort Division.	Bounded on the North partly by the South Boundary of "Government Plot" bearing Cadastral Survey No. 723-C, reserved for Military purposes by Government Resolution No. 2-C W, dated 3rd January 1881, 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 Lanes Road (Marine Street), and partly by Plot, No. 4-A (Marine Lines Estate), but excluding the sites of the Gakhale and Montague Statues.	91,196	--	9,11,960	--

¹SCHEDULE AA.

(See section 110D)

²FORM 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
Committee and the Chief Officer)

¹SCHEDULE 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—

(a) all moneys received on account of loans taken by the corporation for the the improvement of the city or by the Board of Trustees under the ^{Bom.} ^{IV of} ^{1898.} ²City of Bombay Improvement Act, 1898, or the City of Bombay Improvement Trust Transfer Act, 1925, other than moneys temporarily borrowed in accordance with ^{Bom.} ^{XVI of} ^{1925.} section 109C;

(b) the proceeds of the sale or exchange of, or the compensation awarded under the Land Acquisition Act, 1894, for the acquisition by ³[the ⁴[State] 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 ^{Bom.} ^{XVI of} ^{1925.} ⁵[, or acquired by the Corporation for any of the purposes of Chapter XII-A;];

⁶[(bb) the proceeds of any improvement or betterment charges levied under Chapter XII-A.]

¹ This Schedule was inserted by Bom. 13 of 1933, s. 37.

² The City of Bombay Improvement Act, 1898, was repealed by the City of Bombay Improvement Trust Transfer Act, 1925, which in its turn has been repealed by Bom 13 of 1933

³ The words "the Provincial Government" were substituted for the words "Government" by the Adaptation of Indian Laws Order in Council.

⁴ This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950

⁵ These words were inserted by Bom. 34 of 1954, s. 32 (1) (a).

⁶ Sub-clause (bb) was inserted *ibid.*, s. 32 (1) (b).

(c) the proceeds of the sale or exchange of any moveable 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 Accounts shall disclose at the end of each financial year ;

(f) any other sum granted by ¹[the ²[State] 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 money credited to the Capital Account shall be held by the corporation in trust and shall be applied to—

(1) meeting the costs of ³[carrying out any of the objects of Chapter XII-A], including the costs of acquiring lands and the costs of constructing buildings required for carrying out any of the ⁴[purposes of the said Chapter] ;

(2) the repayment of all loans credited to the Capital Account ;

(3) expenses connected with or arising from the floatation 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 ⁶[carrying out any of the objects of Chapter XII-A] ;

(6) advancing loans in accordance with the provisions of section 354W ⁶[, 354WA or 354WB].

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.

¹ The words " the Provincial Government " were substituted for the word " Government " by the Adaptation of Indian Laws Order in Council

² This word was substituted for the word " Provincial " by the Adaptation of Laws Order, 1950.

³ These words were substituted for the words " framing and executing schemes in accordance with this Act " by Bom. 34 of 1954, s. 32(2)(a)(i).

⁴ These words were substituted for the words " purposes of this Act " *ibid.*, s. 32(2)(a)(ii).

⁵ These words were substituted for the words " the execution of any scheme under this Act, " *ibid.*, s. 32(2)(b)

⁶ These figures, letters and word were inserted, *ibid.*, s. 32(2)(c).

5. There shall be credited to the General Account—

(1) all interest on the corporation's investments including loans advanced under section 354W, ¹[354WA or 354WB] 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 of 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

²[Provided that as respects the ³[twenty-eight] financial years commencing from the financial year 1942-43, this clause shall have effect as if for the word "three times" the word "twice" were substituted]

⁴[Provided further that with effect from the financial year 1974-75 this clause shall have effect as if the words "three times" the word "twice" were substituted]

* * * * *

(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 for 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 ⁵City 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
Bom
XIII
of
1933

¹ These figures, letters and word were inserted by Bom 34 of 1954, s 32(3)

² This proviso was added by Bom 3 of 1948, s 3.

³ This word was substituted for the word "twenty-seven" by Mah 18 of 1969, s 3, with effect from 24th February 1969

⁴ This proviso was always deemed to have been inserted with effect from 1st day of April 1974 by Mah. 70 of 1975, s. 2.

⁵ Clause (5) was deleted by Bom 21 of 1939, s 2

⁶ The City of Bombay Improvement Trust Act, 1925, has been repealed by Bom. 13 of 1933,

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 situated 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, ¹[or undertaken for any of the purposes of Chapter XII-A] 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 ;

Bom.
XIII
1933.

(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 BBA.

Accounts to be maintained under section 123C.

1. The accounts to be kept under section 123C shall be maintained in the form of an Education Fund Account.

2. There shall be credited to the Education Fund Account all moneys received by, or on behalf of, and all sums contributable by the Corporation for the purposes of clause (g) of section 61, including :—

(a) all proceeds of the disposal of any property held by the Corporation for the purposes of the said clause ;

(b) all rents received from the lease of any immovable property held for the purposes of the said clause ;

¹ These words were inserted by Bom 34 of 1954 s 32(4)

² Schedule BBA was inserted by Bom 48 of 1950, s 78.

(c) all fees and fines received in municipal schools (other than fines to which the provisions of section 120 apply) ;

(d) all interest or profit arising from any transaction effected with moneys held by the Corporation for the purposes of the said clause ;

(e) all moneys received from the State Government or from any other source by way of contribution, gift or grant for the purposes of primary education , ^{1*}

²[(f) five times the actual net realizations of the Corporation in the preceding year under the head of General Tax or payment 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 ,]

³[(g) the amount estimated under clause (c-1) of section 126-C, as finally adopted by the Corporation under section 129]

3. There shall be debited to the Education Fund Account all the expenses incurred by the Corporation for the purpose of clause (g) of section 61 including —

(a) the salary and allowances of the Education Officer ;

(b) the salaries and allowances of all municipal officers and servants serving under the Education Officer in his office ;

(c) the salaries and allowances of all masters, teachers and other persons employed in the primary schools maintained by the Corporation ,

(d) the contribution, to provident fund, pensions, gratuities and compassionate allowances payable by the Corporation to or in respect of, officers and servants employed, or formerly employed, in any of the capacities mentioned in sub-clause (a), (b) or (c) ;

(e) all costs and expenses incurred by the Commissioner in the exercise of any power or the discharge of any duty conferred or imposed upon him for the purposes of clause (g) of section 61, including moneys which he is required or empowered to pay by way of compensation ;

(f) every sum payable under a decree or order of a civil or criminal court passed against the Corporation or against the Commissioner or the Education Officer *ex-officio* in any proceeding arising out of the activities of the Corporation

¹ This word: " and " was deleted by Bom 13 of 1958, s 8 (1)

² This clause was substituted for the original by Bom 58 of 1956, s 27. This amendment shall be deemed to have been made with effect from the 1st day of January 1951

³ This clause was added by Bom 13 of 1958, s 8 (2).

undertaken for the purposes of clause (g) of section 61, or under a compromise effected under section 517 of any suit or other legal proceeding or claim in like circumstances ;

(g) all interest and debt charges in respect of loans raised for the construction of school buildings or otherwise for the purposes of clause (g) of section 61 ; and

(h) all costs and expenses incurred on account of the maintenance of school clinics and of the medical inspection of school children.]

¹ SCHEDULE CC.

(See Section 354S.)

Portions of the Land Acquisition Act, 1894, regulating the acquisition of land
² [under Chapter XII-A].

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.

¹ 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 exceeds 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.

¹ SCHEDULE EE.

(See Section 136).

Duties and Powers of the Municipal Chief Auditor.

1. (1) The municipal chief auditor shall audit the accounts of the corporation as hereinafter provided, with the assistance of the assistant auditors, clerks and servants appointed under section 78-B of this Act.

(2) In the discharge of his functions under this article the municipal chief auditor shall—

(i) audit the accounts of ⁴ expenditure from the revenue of the corporation expenditure on account of loan works and ⁴ expenditure incurred out of

¹ This Schedule was inserted by Bom. 13 of 1933, s. 37.

² These words were inserted for the words "for improvement purposes" by Bom. 34 of 1954, s. 33.

³ This Schedule was inserted by Bom. 2 of 1938, s. 9.

⁴ The word "all" was deleted by Bom. 76 of 1948, s. 42.

special funds and shall ascertain whether moneys shown therein as having been disbursed were legally available for, and applicable to, the service or purpose to which they have been applied or charged, and whether the expenditure conforms to the authority which governs it ;

(u) audit the accounts of ¹ *debt, deposit, sinking funds, advances, suspense and remittance transactions of the corporation and report upon those accounts and upon the results of verification of the balances relating thereto

(3) The municipal chief auditor shall examine and audit the statements of accounts relating to the commercial services conducted in any department of the corporation, including the trading, manufacturing and profit and loss accounts, and the balance sheets where such accounts are maintained under the orders of the ² [corporation, the standing committee or the Bombay Electric Supply and Transport Committee,] and shall certify and report upon these accounts.

(4) The municipal chief auditor shall, in consultation with the standing committee, and subject to any directions given by the corporation, determine the form and manner in which his reports on the accounts of the corporation shall be prepared and shall have authority to call upon any officer of the corporation to provide any information necessary for the preparation of these reports

2. (1) The municipal chief auditor may make such queries and observations in relation to any of the accounts of the corporation which he is required to audit and call for such vouchers, statements, returns and explanations in relation to such accounts as he may think fit

(2) Every such query or observation as aforesaid shall be promptly taken into consideration by the officer or authority to whom it may be addressed and returned without delay with the necessary vouchers, documents or explanations to the chief auditor.

(3) The powers of the municipal chief auditor with regard to disapproval of, and the procedure with regard to settlement of objections to expenditure from the revenues of the corporation shall be such as may be prescribed by rules or orders made by the standing committee in consultation with the chief auditor and sanctioned by the corporation ³[in the case of expenditure debited to the municipal fund and by the Bombay Electric Supply and Transport Committee in the case of expenditure debited to the Bombay Electric Supply and Transport Fund]

3. If the municipal chief auditor considers it desirable that the whole or any part of the audit applied to any accounts which he is required to audit shall be conducted in the offices in which these accounts originate, he may require that these accounts, together with all books and documents having relation thereto, shall at all convenient times be made available in the said offices for inspection

4. The municipal chief auditor shall have power to require that any books or other documents relating to the accounts he is required to audit shall be sent for inspection by him :

Provided that if the documents are confidential he shall be responsible for preventing disclosure of their contents.

5 The municipal chief auditor shall have authority to frame rules and to give directions on all matters relating to audit, particularly in respect of the method and the extent of audit to be applied and the raising and pursuing of objections

6. Sanctions to expenditure accorded by the municipal chief auditor shall be audited by an officer to be nominated by the corporation.

¹ The word " all " was deleted by Bom. 76 of 1948, s. 42.

² These words were substituted for the original by Bom. 48 of 1948, s. 60.

³ These words were added, *ibid.*

[SCHEDULE. FF.†

[Section 34 of the Bombay Municipal (Extension of Limits) Act, 1950.]

Special and Transitory Provisions.

1. All proceedings pending at the appointed date before a local authority in the suburbs or before any authority of such local authority which under the provisions of the Bombay Municipal Corporation Act, are required to be instituted before or undertaken by the Commissioner shall be deemed to be transferred to and continued by him and all other such proceedings shall, so far as may be, be deemed to be transferred to and continued by such authority before or by whom they have to be instituted or undertaken under the provisions of the said Act.

2. All appeals pending before any authority of a local authority in the suburbs at the appointed date shall, so far as may be practicable, be disposed of as if the suburbs had been included in Greater Bombay when they were filed.

3. All prosecutions instituted by or on behalf of a local authority in the suburbs and all suits or other legal proceedings instituted by or against such a local authority or any officer of such a local authority pending at the appointed date shall be continued by or against the Commissioner or the corporation, as the case may be, as if the suburbs had been included in Greater Bombay when such prosecution, suit or proceeding was instituted.

4. (1) All rights of every local authority in the suburbs shall, on the appointed date, vest in the corporation.

(2) All sums due to any local authority in the suburbs whether on account of any tax or any other account shall be recoverable by the Commissioner and, for the purpose of such recovery, he shall be competent to take any measure or institute any proceeding which it would have been open to the authority or officer of such local authority to take or institute if the Bombay Municipal Corporation Act had not come into force and the suburbs had not been included in Greater Bombay

(3) All debts and obligations incurred and all contracts made by or on behalf of any local authority in the suburbs immediately before the appointed date and subsisting on the said date shall be deemed to have been incurred and made by the Commissioner in exercise of the powers conferred on him by the Bombay Municipal Corporation Act.

(4) In respect of the rights, dues, debts and obligations of the District School Board of the Bombay Suburban District and the District Local Board of the Bombay Suburban District pertaining exclusively to the area subject to their respective authority which is not included in Greater Bombay, this paragraph shall apply as if for the word "corporation" and the word "Commissioner" the words "District School Board of the Thana District or, as the case may be, the District Local Board of the Thana District" were substituted and as if the reference made to the Bombay Municipal Corporation Act, had been a reference to the Bombay Primary Education Act, 1947, or as the case may be, the Bombay Local Boards

Bom.
LXI of Act, 1923.
1947.
Bom.
VI of
1923

† Sch. FF was added by Bom 7 of 1950, s 34

† The provisions contained in this Schedule for regulating the matters relating to or arising in consequence of the extension of the limits subject to the authority of the municipal authorities constituted under the said Act and other matters relevant thereto shall be in operation as if enacted in the body of the Bombay Municipal Corporation Act.

(1) Save as provided in section 349E of the Bombay Municipal Corporation Act, any notification, notice, order, scheme, permit, licence, permission, rule, by-law or form made, issued, or granted under the Bombay District Municipal Act, 1901, the Bombay Municipal Boroughs Act, 1925, the Bombay Local Boards Act, 1923, the Bombay Village Panchayats Act, 1933, and the Bombay Primary Education Act, 1947, before the appointed date shall, in so far as it is not inconsistent with the provisions of the Bombay Municipal Corporation Act, or the City of Bombay Primary Education Act, 1920, as the case may be, shall continue in force until it is superseded by any notification, notice, order, scheme, permit, licence, permission, rule, by-law or form made, issued, or granted under the Bombay Municipal Corporation Act or the City of Bombay Primary Education Act, 1920, as the case may be.

Bom.
III of
1901.
Bom.
XVIII
of
1925.
Bom.
VI of
1923.
Bom.
VI of
1933
Bom.
LXI
of
1947.
Bom.
XV of
1920
Bom.
XV of
1920

(2) All assessments, valuations, measurements and divisions made under the Bombay District Municipal Act, 1901, the Bombay Municipal Boroughs Act, 1925, the Bombay Local Boards Act, 1923, the Bombay Village Sanitation Act, 1889, or the Bombay Village Panchayats Act, 1933, shall, in so far as they are consistent with the provisions of the Bombay Municipal Corporation Act, be deemed to have been made under that Act.

Bom.
III of
1901
Bom.
XII of
1925
Bom.
VI of
1923.
Bom.
I of
1889
Bom.
VI of
1933

(3) Subject to the provisions of sub-paragraphs (4) to (9) (both inclusive) all officers and servants in the employ of any local authority in the suburbs other than the District Local Board of the Bombay Suburban District and the District School Board of the Bombay Suburban District immediately before the appointed date, shall be officers and servants employed by the Corporation under the Bombay Municipal Corporation Act, and shall be entitled to terms of service not less favourable than those which they had immediately before the appointed date in the services of the respective local authorities.

(4) It shall be competent for the corporation or the Commissioner to employ the said officer or servant in any capacity which, in the opinion of the Corporation or the Commissioner, is suitable, having regard to the qualifications, experience and previous emoluments of the said officer or servant, irrespective of the nature of the post held by the said officer or servant before the appointed date ;

(5) The service rendered by such officers and servants before the appointed date shall be deemed to be service rendered in the service of the corporation ;

(6) It shall be competent to the Commissioner in the case of officers and servants whose monthly salary, exclusive of allowances, immediately before the appointed date was not more than five hundred rupees, or to the corporation in the case of other officers and servants, to discontinue the services of any officer or servant who in his or their opinion is not necessary or suitable to the requirements of the municipal service, after giving such officer or servant such notice as is required to be given by the terms of his employment and every officer or servant whose services are so discontinued shall be entitled to such leave, pension or gratuity as he would have been entitled to take or receive on being invalidated out of service if the limits of the area subject to the authority of the corporation and other municipal authorities had not been extended over the suburbs.

(7) It shall be competent to the corporation to appoint the Chief Officers of the District Local Board of the Bombay Suburban District, the Bandra Borough Municipality, the Kurla Borough Municipality, the Parle-Andheri Borough Municipality and the Ghatkopar-Karol Borough Municipality, or any one or more of such Chief Officers, with effect from the appointed date, to any appointments under the corporation for which they are in the opinion of the corporation qualified :

Provided that, unless a Chief Officer is so appointed he shall be given such leave, pension or gratuity as he would have received had he been invalidated out of the service of the local authority concerned if the limits of the area subject to the authority of the corporation and other municipal authorities had not been extended over the suburbs

(8) The State Government may by order specify which officer or servant or class of officers or servants in the employ of the District Local Board of the Bombay Suburban District or the District School Board of the Bombay Suburban District immediately before the appointed date shall be taken over in the employ of the corporation, the District Local Board of the Thana District and the District School Board of the Thana District. On the issue of such order, the corporation, the District Local Board of the Thana District and the District School Board of the Thana District shall comply with such order and the provisions of sub-paragraphs (3) to (6) shall apply *mutatis mutandis* to such officers and servants.

(9) If any such officer or servant is aggrieved by any order passed by the corporation, the District Local Board of the Thana District or the District School Board of the Thana District, to the service of which such officer or servant is transferred under this paragraph, such officer or servant may appeal to the State Government.

Bom. LXI of 1947. Bom. XV of 1920. 6. Every scheme of compulsion sanctioned or deemed to be sanctioned under the Bombay Primary Education Act, 1947, and which is in force in any area of the suburbs immediately before the appointed date shall have effect as if a declaration had been made by the corporation in respect of such area under section 3 of the City of Bombay Primary Education Act, 1920.

Bom. I of 1915. 7. Notwithstanding anything contained in the Bombay Town Planning Act, 1915, any scheme made or sanctioned or any proceedings undertaken in respect of any area in the suburbs under the said Act shall be deemed to have been made or undertaken by or in respect of the corporation as a local authority under the said Act.

Bom. IV of 1902. 8. Any direction given by the Chief Presidency Magistrate under section 45 of the City of Bombay Police Act, 1902, to a municipality in the suburbs before the appointed date shall be deemed to be a direction given to the Commissioner under the said section for the purpose of making recoveries under the said section.

Bom. XXV of 1930. 9. The provisions of the Bombay Local Fund Audit Act, 1930, shall continue to apply in respect of the audit of the accounts of the local authorities in the suburbs for the period up to the date immediately preceding the appointed date and of all other matters connected with, or arising out of, such audit as if the limits of the area subject to the authority of the corporation and other municipal authorities under the Bombay Municipal Corporation Act had not been extended over the suburbs :

Provided that all references in the said Act to the Chairman of the local authority or to the local authority shall be deemed to be references to the Commissioner.

10. (1) The corporation shall, within a period of six months from the appointed date, divide the suburbs into such number of wards with such boundaries as it may consider suitable and shall apportion eighteen councillors among the said wards.

(2) The wards so delimited, together with the wards into which the city had been divided under section 24 of the Bombay Municipal Corporation Act, immediately before the appointed date shall, subject to the provisions of sub-section (2) of the said section, constitute the wards into which Greater Bombay is divided on and from the appointed date for all purposes.

(3) In the event of failure by the corporation to take action as required by sub-paragraph (1) within the period prescribed therein, the State Government may appoint some person for the purpose of taking such action, and on such appointment, the provisions of sub-section (3) of section 518 and of section 520 of the said Act shall apply, as far as may be.

¹[(4) When the wards are reconstituted under section 19 as amended by the Bombay Municipal Corporation (Adoption of Assembly Rolls and Single-Member Constituencies) Act, 1964, ²[and the Bombay Municipal Corporation (Third Amendment) Act, 1966,] the foregoing provisions of this paragraph shall cease to have effect.]

11. The following special provisions shall apply for filling the eighteen seats of councillors apportioned among the wards constituted or to be constituted under paragraph 10 for the suburbs until the holding of the first general ward elections of councillors next after the appointed date, namely :—

(a) The persons holding the office of councillor or member, as the case may be, of the local authority specified in the following table on the date immediately preceding the appointed date shall elect from amongst the councillors or members, as the case may be, of the respective local authority, the number of councillors shown against it in the said table in the manner prescribed in paragraph 12 :—

Name of the Local Authority	Number of councillors to be elected by the councillors or members of the local authority.
1. Bandra Borough Municipality	6
2. Parle-Andheri Borough Municipality	3
3. Ghatkopar-Kurla Borough Municipality	2
4. Juhu Municipality	1
5. District Local Board, Bombay Suburban District	3

(b) The corporation shall, as soon as conveniently may be after the councillors elected under sub-paragraph (a) have taken office, appoint in such manner as it may determine three persons from amongst the persons who are enrolled in the municipal election roll of the Kurla Municipal Borough in operation on the date immediately before the appointed date to be councillors, subject to the provisions of section 16 of the Bombay Municipal Corporation Act.

12. With respect to the election of councillors for the purposes of sub-paragraph (a) of paragraph 11 the following provisions shall have effect, namely :—

(a) the Commissioner shall, in respect of the election of councillors by the councillors or members of each local authority specified in the said sub-paragraph (a) within fifteen days of the appointed date, by advertisement in the local newspapers fix a date for the nomination of candidates, a date, time and place for the recording of votes in the event of contested elections, and a date, time and place for the counting of votes :

Provided that the date fixed for the nomination of candidates shall not be earlier than ten days after the date of the notice :

¹ This sub-paragraph was added by Mah. 8 of 1965, s. 20

² These words, brackets and figures were inserted by Mah. 33 of 1966, s. 6.

Provided further that a copy of the notice shall be sent by registered post to the last known address of each person referred to in sub-paragraph (a) of paragraph 11 concerned with the election,

(b) the nomination paper shall be in form A appended hereto and shall be signed and subscribed by two persons entitled to vote at the election as proposer and seconder and shall bear the signature of the person nominated in token of his willingness to be so nominated;

(c) every nomination paper signed and subscribed as aforesaid shall be delivered in the Commissioner's office before five o'clock in the afternoon of the day fixed for the nomination of candidates;

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

(e) if any person subscribes more nomination papers than there are vacancies to be filled, the nomination papers received after the receipt of the maximum permissible number and subscribed by such person shall be deemed to be invalid,

(f) if any person nominated is not eligible for election under paragraph 11, the Commissioner shall declare such person's nomination invalid;

(g) if there is no valid nomination, it shall be deemed that there has been a failure to elect in respect of the vacancy or vacancies in question;

(h) if the number of valid nominations is less than that of the vacancies, the persons validly nominated shall be deemed to be elected and for the remaining vacancy or vacancies, it shall be deemed that there has been a failure to elect;

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

(j) if the number of valid nominations exceeds that of the vacancies, the Commissioner shall by advertisement in the local newspapers publish the names and descriptions of the persons validly nominated and votes shall be taken, for the election of councillors on the date fixed for the purpose;

(k) votes shall be recorded by ballot in form B appended hereto and in person and no votes shall be received by proxy;

(l) no votes shall be recorded for any person whose name has not been published under sub-paragraph (j) as being validly nominated,

(m) every voter shall have as many votes as there are councillors to be elected at the election and may give all such votes to one candidate, or may distribute them among the candidates as he thinks fit;

(n) the candidate, or where there is more than one councillor to be elected, the candidates 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 where an equality of votes is found to exist between any candidates and the addition of a vote would entitle any of those candidates to be declared elected, the determination of the candidate or candidates to whom such additional vote shall be deemed to have been given shall be made by lot to be drawn in the presence of the Commissioner in such manner as he shall determine;

(o) every candidate and not more than one representative of every candidate authorised by him in this behalf shall be allowed to be present at the counting of votes and shall be given reasonable opportunity, after the ballot papers have been distributed for counting, to inspect without handling the ballot papers and to question the correctness of the rejection of any ballot paper;

(p) in any matter not specifically provided for in this paragraph, the procedure to be followed in respect of the election shall, as far as may be, be in accordance with the procedure followed in ward elections under the provisions of the Bombay Municipal Corporation Act, and the rules made under section 29 thereof;

(q) the result of every election shall be declared by fixing, as soon as may be, in some conspicuous place on the chief municipal office, a notice signed by the Commissioner certifying the names of the candidates, if any, elected and in the case of a contested election, the number of votes recorded for each candidate,

(r) the names of all candidates elected to be councillors under this paragraph shall be published by the Commissioner in the *Official Gazette* and, on such publication such candidates shall be deemed to come into office

13 In the event of a failure to elect or in the event of the election of any councillor being set aside and there being no other candidate who can be deemed to be elected in his place, the corporation shall, in such manner as it may determine, appoint a person who would have been eligible to be elected as a councillor in the vacancy under sub-paragraph (a) of paragraph 11 to be a councillor and such person shall be deemed for all purposes to have been elected to be a councillor

14. Councillors elected or appointed under the provisions of paragraph 11, 12 or 13 shall, subject to the provisions of the Bombay Municipal Corporation Act, hold office for the same period as the councillors who came into office on the first day of April 1948.

15 In the event of the office of any councillor elected or appointed under the provisions of paragraph 11, 12 or 13 becoming vacant for any reason before the expiry of the term specified in paragraph 14 the vacancy shall be filled, as soon as may be, by the election or appointment, as the case may be, of a duly qualified person thereto and the provisions of paragraph 11, 12 or 13 shall apply, as far as may be, to such election or appointment

Provided that if the office of any councillor becomes vacant within four months of the date on which the term of office prescribed in paragraph 14 is due to expire, it shall not be necessary to fill such vacancy

16. (1) If any dispute arises regarding the validity of any election or appointment held or made under the provisions of this Schedule the provisions of section 33 of the Bombay Municipal Corporation Act, shall apply as far as may be, for the purpose of the determination of the dispute as if the election or appointment were an election under the provisions of that Act

(2) Every election or appointment not called in question in accordance with the provisions of the said section shall be deemed to have been to all intents a good and valid election or appointment

17. (1) For [the period beginning with the appointed date and ending with the 31st day of March 1951,] but subject to the provisions of sub-paragraphs (3), (4) and (5), all taxes imposed by any local authority in the suburbs and levied immediately before [the appointed date] within the limits of the area subject to

¹ These words and figures were substituted for the words "a period of one year from the appointed date" by Bom. 30 of 1951, s 7(1) (a).

² These words were substituted for the words "the said date", *ibid*

the local authority shall, unless the corporation otherwise determines, continue to be levied and collected within such limits by the corporation in lieu of the taxes leviable under the Bombay Municipal Corporation Act, and notwithstanding the absence of provision in the said Act for the levy of any of the taxes leviable under this sub-paragraph, and for the purpose of the assessment and collection of the taxes so leviable, the Commissioner shall have all the powers which would be exercisable by a local authority, or any authority or officer of a local authority, but for the coming into force of the Bombay Municipal (Extension of Limits) Act, 1950 .

Bom
VII of
1950

Provided that the State Government may, at the request of the corporation, from time to time, by notification in the *Official Gazette*, extend the period for which the taxes leviable under this sub-paragraph may continue to be levied but not so as to extend the period for such continued levy after the expiry of two years from the appointed date.

(2) Nothing in sub-paragraph (1) shall authorise the levy of any tax which the State Legislature would not be competent to impose in the State.

(3) Town duties shall be levied in accordance with the provisions of the Bombay Municipal Corporation Act, for the whole area of Greater Bombay and no octroi or terminal tax shall be levied in any area in the suburbs on and after the appointed date ¹[until octroi is first levied under section 192 as substituted by the Bombay Municipal Corporation (Second Amendment) Act, 1964]

Bom
III of
1888
Mah
XXX-
II of
1934

(4) The corporation may, with the sanction of the State Government, increase the rate of any tax levied under sub-paragraph (1) if at any time during the period therein referred to it deems fit to do so for the purpose of complying with the provisions of section 134 of the Bombay Municipal Corporation Act.

Bom
III of
1888

(5) The Corporation may, at any time ²[during the period referred to in sub-paragraph (1)] after public notice of not less than one month, levy taxes in the suburbs in accordance with the provisions of the Bombay Municipal Corporation Act, and on and from the date of the commencement of such levy the provisions of sub-paragraph (1) shall cease to operate in the suburbs or area or areas in the suburbs, as the case may be, except for the purpose of collecting or assessing any amount which became due prior to such date.

Bom
III of
1888

³[17A (1) Subject to the provisions of this paragraph, with effect from the 1st day of April 1951 property taxes shall be levied on buildings and lands in the suburbs in accordance with the provisions of the Bombay Municipal Corporation Act

Bom
III of
1888

(2) On all buildings and lands in the areas specified in List I hereto appended ⁴[the rateable value of which exceeds rupees seventy-five in a year] and on the buildings and lands occupied for industrial purposes in the areas specified in List II hereto appended, the general tax shall be levied for the following periods and at the following rates, namely —

(i) For the period from the 1st day of April 1951 to the 31st day of March 1954, at the rate of ten per centum of their rateable value in each year ;

¹ This portion was added by Mah 32 of 1964, s 21.

² These words were inserted by Bom 30 of 1951, s 7 (1)(b).

³ This paragraph was inserted, *ibid*, s 7(2)

⁴ These words were inserted by Bom 51 of 1956, s 2(1)(a).

(p) in any matter not specifically provided for in this paragraph, the procedure to be followed in respect of the election shall, as far as may be, be in accordance with the procedure followed in ward elections under the provisions of the Bombay Municipal Corporation Act, and the rules made under section 29 thereof;

(q) the result of every election shall be declared by fixing, as soon as may be, in some conspicuous place on the chief municipal office, a notice signed by the Commissioner certifying the names of the candidates, if any, elected and in the case of a contested election, the number of votes recorded for each candidate,

(r) the names of all candidates elected to be councillors under this paragraph shall be published by the Commissioner in the *Official Gazette* and, on such publication such candidates shall be deemed to come into office

13. In the event of a failure to elect or in the event of the election of any councillor being set aside and there being no other candidate who can be deemed to be elected in his place, the corporation shall, in such manner as it may determine, appoint a person who would have been eligible to be elected as a councillor in the vacancy under sub-paragraph (a) of paragraph 11 to be a councillor and such person shall be deemed for all purposes to have been elected to be a councillor

14. Councillors elected or appointed under the provisions of paragraph 11, 12 or 13 shall, subject to the provisions of the Bombay Municipal Corporation Act, hold office for the same period as the councillors who came into office on the first day of April 1948.

15 In the event of the office of any councillor elected or appointed under the provisions of paragraph 11, 12 or 13 becoming vacant for any reason before the expiry of the term specified in paragraph 14 the vacancy shall be filled, as soon as may be, by the election or appointment, as the case may be, of a duly qualified person thereto and the provisions of paragraph 11, 12 or 13 shall apply, as far as may be, to such election or appointment

Provided that if the office of any councillor becomes vacant within four months of the date on which the term of office prescribed in paragraph 14 is due to expire, it shall not be necessary to fill such vacancy

16. (1) If any dispute arises regarding the validity of any election or appointment held or made under the provisions of this Schedule the provisions of section 33 of the Bombay Municipal Corporation Act, shall apply as far as may be, for the purpose of the determination of the dispute as if the election or appointment were an election under the provisions of that Act

(2) Every election or appointment not called in question in accordance with the provisions of the said section shall be deemed to have been to all intents a good and valid election or appointment

17. (1) For [the period beginning with the appointed date and ending with the 31st day of March 1951,] but subject to the provisions of sub-paragraphs (3), (4) and (5), all taxes imposed by any local authority in the suburbs and levied immediately before [the appointed date] within the limits of the area subject to

¹ These words and figures were substituted for the words "a period of one year from the appointed date" by Bom. 30 of 1951, s. 7(1) (a)

² These words were substituted for the words "the said date", *ibid.*

the local authority shall, unless the corporation otherwise determines, continue to be levied and collected within such limits by the corporation in lieu of the taxes leviable under the Bombay Municipal Corporation Act, and notwithstanding the absence of provision in the said Act for the levy of any of the taxes leviable under this sub-paragraph, and for the purpose of the assessment and collection of the taxes so leviable, the Commissioner shall have all the powers which would be exercisable by a local authority, or any authority or officer of a local authority, but for the coming into force of the Bombay Municipal (Extension of Limits) Act, 1950 .

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Provided that the State Government may, at the request of the corporation, from time to time, by notification in the *Official Gazette*, extend the period for which the taxes leviable under this sub-paragraph may continue to be levied but not so as to extend the period for such continued levy after the expiry of two years from the appointed date.

(2) Nothing in sub-paragraph (1) shall authorise the levy of any tax which the State Legislature would not be competent to impose in the State.

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(3) Town duties shall be levied in accordance with the provisions of the Bombay Municipal Corporation Act, for the whole area of Greater Bombay and no octroi or terminal tax shall be levied in any area in the suburbs on and after the appointed date ¹[until octroi is first levied under section 192 as substituted by the Bombay Municipal Corporation (Second Amendment) Act, 1964]

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(4) The corporation may, with the sanction of the State Government, increase the rate of any tax levied under sub-paragraph (1) if at any time during the period therein referred to it deems fit to do so for the purpose of complying with the provisions of section 134 of the Bombay Municipal Corporation Act.

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(5) The Corporation may, at any time ²[during the period referred to in sub-paragraph (1)] after public notice of not less than one month, levy taxes in the suburbs in accordance with the provisions of the Bombay Municipal Corporation Act, and on and from the date of the commencement of such levy the provisions of sub-paragraph (1) shall cease to operate in the suburbs or area or areas in the suburbs, as the case may be, except for the purpose of collecting or assessing any amount which became due prior to such date.

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³[17A (1) Subject to the provisions of this paragraph, with effect from the 1st day of April 1951 property taxes shall be levied on buildings and lands in the suburbs in accordance with the provisions of the Bombay Municipal Corporation Act

(2) On all buildings and lands in the areas specified in List I hereto appended ⁴[the rateable value of which exceeds rupees seventy-five in a year] and on the buildings and lands occupied for industrial purposes in the areas specified in List II hereto appended, the general tax shall be levied for the following periods and at the following rates, namely —

(i) For the period from the 1st day of April 1951 to the 31st day of March 1954, at the rate of ten per centum of their rateable value in each year ;

¹ This portion was added by Mah 32 of 1964, s 21.

² These words were inserted by Bom 30 of 1951, s 7 (1)(b)

³ This paragraph was inserted, *ibid*, s 7(2)

⁴ These words were inserted by Bom 51 of 1956, s 2(1)(a).

(ii) For the period from the 1st day of April 1954 to the 31st day of March 1956, at the rate of twelve per centum of their rateable value in each year ;

¹[(iii) For the period from the 1st day of April 1956 to the 31st day of March 1958, at the rate of fourteen per centum of their rateable value in each year ;

(iv) For the period from the 1st day of April 1958 to the 31st day of March 1960, at the rate of sixteen per centum of their rateable value in each year ,

(v) From the 1st day of April 1960, at such rate as may be determined by the Corporation under section 128 of the said Act]

²[(2A) On all buildings and lands in the areas specified in List I, the rateable value of which does not exceed rupees seventy-five in a year, the general tax shall be levied for the following period and at the following rates, namely :—

(i) For the period from the 1st day of April 1956 to the 31st day of March 1958, at the rate of ten per centum of their rateable value in each year ,

(ii) For the period from the 1st day of April 1958 to the 31st day of March 1960, at the rate of fourteen per centum of their rateable value in each year ,

(iii) From the 1st day of April 1960, at such rate as may be determined by the Corporation under section 128 of the said Act]

(3) On all buildings and lands in the areas specified in the said List II (other than the buildings and lands occupied for industrial purposes), the general tax shall be levied for the following periods and at the following rates, namely :—

(i) For the period from the 1st day of April 1954 to the 31st day of March 1956, at the rate of eight per centum of their rateable value in each year ;

(ii) For the period from the 1st day of April 1956 to the 31st day of March 1958, at the rate of ten per centum of their rateable value in each year ;

(iii) For the period from the 1st day of April 1958 to the 31st day of March 1960, at the rate of twelve per centum of their rateable value in each year ,

(iv) From the 1st day of April 1960, at such rate as may be determined by the Corporation under section 128 of the said Act

(4) Without prejudice to any exemption admissible under sub-section (1) of section 143 of the said Act, the following buildings and lands shall, notwithstanding anything contained in the foregoing sub-paragraphs, be exempted from the levy of the general tax during the period respectively specified in each case, namely :—

(i) All buildings and lands in the areas specified in the said List II (other than the buildings and lands occupied for industrial purposes) during the period from the 1st day of April 1951 to the 31st day of March 1954 ;

* * * * *

¹ These clauses were substituted for the original clause (iii) by Bom 51 of 1956, s 2(1)(b)

² This paragraph was inserted *ibid*, s. 2(2).

³ Clause (ii) was deleted, *ibid*, s. 2(3).

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(iii) All buildings and lands in the areas specified in the said List II, the rateable value of which does not exceed Rs. 75 in a year—during the period from the 1st day of April 1954 to the 31st day of March 1960.

(5) For the purposes of this paragraph—

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(a) the expression “ building or land occupied for industrial purpose ” shall include every premises occupied or used as a factory as defined in the Factories Act, 1948, but shall not include any premises exclusively used for a cottage industry ; and

(b) the expression “ cottage industry ” means any industry carried on by a worker in his own home.

LIST I.

The areas within the limits of the following villages :—

- (1) Borle.
- (2) Chakala.
- (3) Deonar.
- (4) Hariali—portion lying west of the G. I. P. Railway line.
- (5) Kondivate (Bamanpuri).
- (6) Majas.
- (7) Marol.

- (8) Mohili.
 (9) Oshivra.
 (10) Versova village (Vesava).
 (11) Vikroli—portion lying west of the G. I. P. Railway line.
 (12) In the villages of Chembur and Vadawli, the area occupied by the camp for displaced persons as specified below :—

Village.	Survey No.	Hissa No.	Area.
			A. g. a.
Vadawli	.. S. S. III part	...	3 11 3
Do.	.. 98 A2	...	0 20 15
Do.	.. 89	...	0 8 0
Do.	.. 97A	...	0 1 4
Do.	.. 98A	... 4	1 11 14½
Do.	.. 98A	... 1 Part	0 24 3
Do.	.. 85	... 1	1 4 8
Do.	.. 86	... 1	0 12 8
Do.	.. 86	... 4	0 8 12
Do.	.. 86	... 6	0 0 4
Do.	.. 87	... 2	0 13 0
Do.	.. 87	... 4	0 34 0
Do.	.. 98A	... 2	0 4 5
Do.	.. 98A	... 1 Part	0 18 8½
Do.	.. N.A. 100/B	..	0 11 0
Do.	.. N.A. 98 B	... 2 part	0 2 0
Do.	.. 83	... ..	0 31 4
Do.	.. 85	... 2	0 4 0
Do.	.. 85	... 3 part	0 3 0
Do.	.. 86	.. 2	0 10 0
Do.	.. 86	.. 5	0 7 8
Do.	.. 87	.. 1	1 3 0
Do.	.. 87	.. 3	0 15 4
Do.	.. 87	... 5	0 2 4
Do.	.. 98A	.. 3 part	0 37 4
Do.	.. 86	... 3	0 10 4
Do.	.. 50	.. 1	0 9 12
Do.	.. 51	... 2	0 27 12
Do.	.. 52	... 2	0 36 12
Do.	.. 96	... 1	0 35 0
Do.	.. 97B	... 2	0 8 8
Do.	.. 50	... 2	0 22 8
Do.	.. 52	... 3	0 37 12
Do.	.. 51	... 1 part	0 26 0
Do.	.. 51	... 3	0 12 4
Do.	.. 51	... 1 part	0 2 8
Do.	.. 97B	... 1	0 10 0

Village	Survey No.	Hissa No	Area		
			A.	g	a
Chembur	N. A 34 part	...	0	22	0
Do.	N A 34 part	.	1	11	0
Do.	.. 180 part	.	0	8	4
Vadawli	90A	}	6	2	8
	90B				
	S S III				
Chembur	467 (part)				
	177 (part)				
Vadawli	S S III				
	part (120)	..	1	8	0
	part (121)	..	0	10	0
	part (122)	..	6	32	0
	part (123)	..	1	20	0
Vadawli	.. 90 part		0	4	0
Do.	177A	}	25	25	0
	177 B 1 part				
	177B 2 part				
	S. S No III				
	Chembur.				
<i>Government Lands.</i>					
Vadawli	.. P. W. D. Bungalow	..	0	16	12
	S. S. III part	..	0	30	0
	S. S. III Part	....	0	16	0
	C S. Rly Part	..	2	32	0

LIST II.

The areas within the limits of the following villages.—

- (1) Ambivali (excluding the portion included in the former Parle-Andheri Borough Municipality).
- (2) Anik.
- (3) Asalpe (Asap).
- (4) Bandivali (excluding the portion included in the former Parle-Andheri Borough Municipality).
- (5) Bapnala.
- (6) Bandup—Portica lying east of the G. I. P. Railway line.

- (7) Brahmanwada
- (8) Chendavali
- (9) Hariali—Portion lying east of the G. I. P. Railway line
- (10) Kanjur—Portion lying east of G. I. P. Railway line
- (11) Kiroli—Khalai
- (12) Kole-Kalyan (excluding the portion included in the former Bandra Borough Municipality and the Aerodrome Area)
- (13) Kopri
- (14) Madh
- (15) Mahul
- (16) Manbudruk.
- (17) Mandala
- (18) Mankhurd
- (19) Maravi
- (20) Mogre (excluding the portion included in the former Parle-Andheri Borough Municipality)
- (21) Mulgaon
- (22) Nanala
- (23) Parajpur
- (24) Paspoli
- (25) Pawai
- (26) Saki
- (27) Shahar.
- (28) Tirandaz
- (29) Trombay
- (30) Tungve
- (31) Vadawli (excluding the area included in List I).
- (32) Vikroli—Portion lying east of the G. I. P. Railway line
- (33) Vyaroh].

18. (1) Budget estimate "D" for the official year commencing on the first day of April 1950 shall be prepared and placed before the corporation as soon as may be and shall be adopted by the corporation before the expiry of four months from the appointed date

(2) It shall be competent for the Commissioner for a period not exceeding four months from the appointed date to incur such expenditure in connection with the municipal government of the suburbs as, having regard to all the provisions of the Bombay Municipal Corporation Act, he considers necessary and proper, subject to a schedule of authorised expenditure under major heads of account which shall be prescribed by the standing committee :

Provided that such schedule shall cease to operate as soon as the corporation finally adopts budget estimate "D" for the official year commencing on the first day of April 1950.

19. If any difficulty arises in giving effect to the provisions of the Bombay Municipal Corporation Act, the State Government may, as occasion arises, by order do anything which appears to it necessary for the purpose of removing the difficulty.

Provided that no order shall be made under this paragraph after the expiry of two years from the appointed date.

FORM A.

[See paragraph 12 (b)]

= *Nomination paper.*

Name of local authority of which candidate,
proposer and seconder were councillors
or members.

Name of candidate.

Father's
Husband's name.

Name of the proposer.

Name of the seconder.

Signature of the seconder.

Declaration by candidate.

I hereby declare that I agree to this nomination.

Date

(Signature of candidate.)

(To be filled in by the Commissioner.)

Certificate of Delivery.

Serial No.

This nomination paper was delivered to me at my office at (date and hour)

(Signature of the Commissioner)

FORM B.

[See paragraph 12 (k)]

FORM OF BALLOT PAPER.

Form of front of ballot paper.

COUNTERFOIL.

OUTERFOIL.

Serial No.

Local authority
(enter the name of
authority from which
election is being made).

Name of voter.

Signature or thumb
impression of voter.

Name of candidate.

Cross.

Note.—It is considered important that the whole of
the outerfoil of the ballot paper should be
taken up by the cage containing the names
of the candidates and spaces for recording
votes.

BACK OF OUTERFOIL.

- 1 You have Vote(s).
- 2 The vote is shown by a cross mark (×).
Each mark means one vote.
- 3 Do not put more than . . . cross(es)
in all on the paper
- 4 You may give all your votes to one
candidate or distribute them among
the candidates as you think fit

Serial No.]

SCHEDULE FFA.

[Section 28 of the Bombay Municipal (Further Extension of Limits and Schedule BBA (Amendment)) Act, 1956].

Special and Transitory Provisions in relation to areas in the extended suburbs

(1) All proceedings pending on the date of the commencement of the Bombay Municipal [Further Extension of Limits and Schedule BBA (Amendment)] Act, 1956 (hereinafter in this Schedule referred to as "the appointed day ") before a local authority in the extended suburbs or before any authority of such local authority which under the provisions of the Bombay Municipal Corporation Act, are required to be instituted before or undertaken by the Commissioner shall be deemed to be transferred to and continued by him and all other such proceedings shall, so far as may be, be deemed to be transferred to and continued by such authority before or by whom they have to be instituted or undertaken under the provisions of the said Act.

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(2) All appeals pending before any authority of a local authority in the extended suburbs at the appointed day shall, so far as may be practicable, be disposed of as if the extended suburbs had been included in Greater Bombay when they were filed.

(3) All prosecutions instituted by or on behalf of a local authority in the extended suburbs and all suits or other legal proceedings instituted by or against such a local authority or any officer of such a local authority pending at the appointed day shall be continued by or against the Commissioner or the Corporation, as the case may be, as if the extended suburbs had been included in Greater Bombay when such prosecution, suit or proceeding was instituted.

(4) (i) All rights of every local authority in the extended suburbs shall, on the appointed day, vest in the corporation.

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(ii) All sums due to any local authority in the extended suburbs whether on account of any tax or any other account shall be recoverable by the Commissioner and, for the purpose of such recovery he shall be competent to take any measure or institute any proceeding which it would have been open to the authority or officer of such local authority to take or institute if the Bombay Municipal Corporation Act had not come into force and the extended suburbs had not been included in Greater Bombay.

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(iii) All debts and obligations incurred and all contracts made by or on behalf of any local authority in the extended suburbs immediately before the appointed day and subsisting on the said day shall be deemed to have been incurred and made by the Commissioner in exercise of the powers conferred on him by the Bombay Municipal Corporation Act.

¹ Schedule FFA was added by Bom 58 of 1956 s. 28

(iv) In respect of the rights, dues, debts and obligations of the District School Board of the Thana District and the District Local Board of Thana District pertaining exclusively to the area subject to their respective authority which is not included in Greater Bombay, this paragraph shall apply as if for the word "Corporation" and the word "Commissioner" the words "District School Board of the Thana District or, as the case may be, the District Local Board of the Thana District" were substituted and as if the reference made to the Bombay Municipal Corporation Act, had been a reference to the Bombay Primary Education Act, 1947, or, as the case may be, the Bombay Local Boards Act, 1923.

(5) (a) Save as provided in section 349-E of the Bombay Municipal Corporation Act, any notification, notice, order, scheme, permit, licence, permission, rule, bye-law or form made, issued, or granted under the Bombay District Municipal Act, 1901, the Bombay Local Boards Act, 1923, the Bombay Village Panchayats Act, 1933, and the Bombay Primary Education Act, 1947, before the appointed day shall, in so far as it is not inconsistent with the provisions of the Bombay Municipal Corporation Act, or the City of Bombay Primary Education Act, 1920, as the case may be, shall continue in force until it is superseded by any notification, notice, order, scheme, permit, licence, permission, rule, by-law, or form made, issued, or granted under the Bombay Municipal Corporation Act or the City of Bombay Primary Education Act, 1920, as the case may be.

(ii) All assessments, valuations, measurements and divisions made under the Bombay District Municipal Act, 1901, the Bombay Local Boards Act, 1923, the Bombay Village Sanitation Act, 1889, or the Bombay Village Panchayats Act, 1933, shall, in so far as they are consistent with the provisions of the Bombay Municipal Corporation Act, be deemed to have been made under that Act.

(iii) Subject to the provisions of sub-paragraphs (iv) to (v) (both inclusive) all officers and servants in the employ of any local authority in the extended suburbs other than the District Local Board of the Thana District and the District School Board of the Thana District immediately before the appointed day, shall be officers and servants employed by the Corporation under the Bombay Municipal Corporation Act, and shall be entitled to terms and conditions of service not less favourable than those which they enjoyed immediately before the appointed day in the service of the respective local authorities.

(iv) It shall be competent for the Corporation or the Commissioner to employ the said officer or servant in any capacity which, in the opinion of the Corporation or the Commissioner, is suitable, having regard to the qualifications, experience and previous emoluments of the said officer or servant, irrespective of the nature of the post held by the said officer or servant before the appointed day.

(v) The service rendered by such officers and servants before the appointed day shall be deemed to be service rendered in the service of the Corporation.

(vi) It shall be competent to the Commissioner in the case of officers and servants whose monthly salary, exclusive of allowances, immediately before the appointed day was not more than five hundred rupees, or to the corporation in the case of other officers and servants, to discontinue the services of any officer or servant who in his or their opinion is not necessary or suitable to the requirements of the municipal service, after giving such officer or servant such notice as is required to be given by the terms and conditions of his employment and every officer or servant whose services are so discontinued shall be entitled to such leave, pension or gratuity as he would have been entitled to take or receive on being invalided out of service if the limits of the area subject to the authority of the corporation and other municipal authorities had not been extended over the extended suburbs

(vii) It shall be competent to the corporation to appoint the Chief Officers of the Municipalities in the extended suburbs with effect from the appointed day to any appointments under the corporation for which they are in the opinion of the corporation qualified :

Provided that, unless a Chief Officer is so appointed he shall be given such leave, pension or gratuity as he would have received had he been invalided out of the service of the local authority concerned if the limits of the area subject to the authority of the corporation and other municipal authorities had not been extended over the extended suburbs.

(viii) The State Government may by order specify which officer or servant or class of officers or servants in the employ of the District Local Board of the Thana District or the District School Board of the Thana District immediately before the appointed day shall be taken over in the employ of the corporation, the District Local Board of the Thana District and the District School Board of the Thana District. On the issue of such order, the corporation, the District Local Board of the Thana District and the District School Board of the Thana District shall comply with such order and the provisions of sub-paragraphs (iii) to (vi) shall apply *mutatis mutandis* to such officers and servants.

(ix) If any such officer or servant is aggrieved by any order passed by the corporation, the District Local Board of the Thana District or the District School Board of the Thana District, to the service of which such officer or servant is transferred under this paragraph, such officer or servant may appeal to the State Government.

(6) Every scheme of compulsion sanctioned or deemed to be sanctioned under the Bombay Primary Education Act, 1947, and which is in force in any area of the extended suburbs immediately before the appointed day shall have effect as if a declaration has been made by the corporation in respect of such area under section 3 of the City of Bombay Primary Education Act, 1920.

(7) Notwithstanding anything contained in the Bombay Town Planning Act, 1915 or the Bombay Town Planning Act, 1954, any scheme made or sanctioned or any proceedings undertaken in respect of any area in the extended suburbs under any of the said Acts shall be deemed to have been made or undertaken by or in respect of the corporation as a local authority under such Act.

(8) The provisions of the Bombay Local Fund Audit Act, 1930, shall continue to apply in respect of the audit of the accounts of the local authorities in the extended suburbs for the period up to the date immediately preceding the appointed day and of all other matters connected with, or arising out of, such audit as if the limits of the area subject to the authority of the corporation and other municipal authorities under the Bombay Municipal Corporation Act had not been extended over the extended suburbs :

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Provided that all references in the said Act to the Chairman of the local authority or to the local authority shall be deemed to be references to the Commissioner.

(9) (i) The corporation shall, within a period of six months from the appointed day, divide the extended suburbs into such number of wards with such boundaries as it may consider suitable and shall apportion seven councillors among the said wards.

(ii) The wards so delimited, together with the wards into which the municipal area had been divided under section 24 of the Bombay Municipal Corporation Act read with paragraph 10 of Schedule FF to the Act immediately before the appointed day shall subject to the provisions of sub-section (2) of the said section, constitute the wards into which Greater Bombay is divided on and from the appointed day for all purposes.

(iii) In the event of failure by the corporation to take action as required by sub-paragraph (i) within the period prescribed therein, the State Government may appoint some person for the purpose of taking such action and, on such appointment, the provisions of sub-section (3) of section 518 and of section 520 of the said Act shall apply, as far as may be.

(iv) When the wards are reconstituted under section 19 as amended by the Bombay Municipal Corporation (Adoption of Assembly Rolls and Single-Member Constituencies) Act, 1964, [and the Bombay Municipal Corporation (Third Amendment Act, 1966,) the foregoing provisions of this paragraph shall cease to have effect]

(10) (a) The electoral roll of the Bombay Legislative Assembly prepared under the provisions of the Representation of People Act, 1950, and for the time being in force for such part of the constituency of the Assembly as is included in a ward delimited under sub-paragraph (i) of paragraph (9) shall be deemed to be the list of voters of such ward.

(b) The officer designated by the Commissioner in this behalf shall prepare a list of voters for each such ward.

(c) After the list of voters is prepared under sub-paragraph (b), such list—

(i) shall be deemed to be the ward roll of each such ward, and shall form part of the municipal election roll, within the meaning of section 21 of this Act,

(ii) shall be liable to be revised in accordance with the provisions of this Act, and

(iii) shall remain in operation till the 19th day of December 1960.

(11) The following special provisions shall apply for filling the seven seats of councillors apportioned among the wards constituted or to be constituted under paragraph (9) for the extended suburbs until the holding of the first general ward elections of councillors next after the appointed day, namely —

(a) The persons holding the office of councillor or member, as the case may be, of the local authority specified in the following table on the date immediately preceding the appointed day shall elect from amongst the councillors or members, as the case may be, of the respective local authority, the number of councillors shown against it in the said table in the manner prescribed in paragraph (12) :—

Name of the local authority	Number of councillors to be elected by the councillors or members of the local authority.
1. Malad Municipality	2
2. Kandivli Municipality	1
3. Mulund Municipality	1
4. Dahisar Village Panchayat	1

¹ This sub-paragraph was added by Mah. 8 of 1965, s. 21.

² These words, brackets and figures were inserted by Mah. 33 of 1966, s. 7.

(b) The corporation shall, as soon as conveniently may be, after the councillors elected under sub-paragraph (a) have taken office, appoint in such manner as it may determine two persons, one each from amongst the persons who are enrolled in—

(i) the municipal election roll of the Borivali Municipality,

(ii) the list of voters of the Goregaon Village Panchayat,

in operation on the date immediately before the appointed day, to be councillors, subject to the provisions of section 16 of the Bombay Municipal Corporation Act .

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Provided that if any of the other municipalities or other local authorities happen to be superseded before the commencement of the Bombay Municipal [Further Extension of Limits and Schedule BBA (Amendment)] Act, 1956, the Corporation shall from amongst persons who are enrolled on the municipal electoral roll or list of voters of such municipality or local authority in operation immediately before the appointed day appoint such number of persons to be councillors as are specified in respect of such municipality or local authority in sub-paragraph (a) of this paragraph.

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(12) With respect to the election of councillors for the purposes of sub-paragraph (a) of paragraph (11) the following provisions shall have effect, namely :—

(a) the Commissioner shall in respect of the election of councillors by the councillors or members of each local authority specified in the said sub-paragraph (a) within fifteen days of the appointed day, by advertisement in the local newspapers fix a date for the nomination of candidates, a date, time and place for the recording of votes in the event of contested elections, and a date, time and place for the counting of votes .

Provided that the date fixed for the nomination of candidates shall not be earlier than ten days after the date of the notice

Provided further that a copy of the notice shall be sent by registered post to the last known address of each person referred to in sub-paragraph (a) of paragraph (11) concerned with the election ;

(b) the nomination paper shall be in Form AA appended hereto and shall be signed and subscribed by two persons entitled to vote at the election as proposer and seconder and shall bear the signature of the person nominated in token of his willingness to be so nominated ;

(c) every nomination paper signed and subscribed as aforesaid shall be delivered in the Commissioner's office before five o'clock in the afternoon of the day fixed for the nomination of candidates ,

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

(e) if any person subscribes more nomination papers than there are vacancies to be filled, the nomination papers received after the receipt of the maximum permissible number and subscribed by such person shall be deemed to be invalid ;

(f) if any person nominated is not eligible for election under paragraph (1), the Commissioner shall declare such person's nomination invalid ;

(g) if there is no valid nomination, it shall be deemed that there has been a failure to elect in respect of the vacancy or vacancies in question ;

(h) if the number of valid nominations is less than that of the vacancies, the persons validly nominated shall be deemed to be elected and for the remaining vacancy or vacancies, it shall be deemed that there has been a failure to elect ;

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

(j) if the number of valid nominations exceeds that of the vacancies, the Commissioner shall by advertisement in the local newspapers publish the names and descriptions of the persons validly nominated and votes shall be taken for the election of councillors on the date fixed for the purpose ;

(k) votes shall be recorded by ballot in Form BB appended hereto and in person and no votes shall be received by proxy ;

(l) no votes shall be recorded for any person whose name has not been published under sub-paragraph (j) as being validly nominated ;

(m) every voter shall have as many votes as there are councillors to be elected at the election and may give all such votes to one candidate, or may distribute them among the candidates as he thinks fit ,

(n) the candidate, or where there is more than one councillor to be elected the candidates 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 where an equality of votes is found to exist between any candidates and the addition of vote would entitle any of those candidates to be declared elected, the determination of the candidate or candidates to whom such additional vote shall be deemed to have been given shall be made by lot to be drawn in the presence of the Commissioner in such manner as he shall determine ;

(o) every candidate and not more than one representative of every candidate authorised by him in this behalf shall be allowed to be present at the counting of votes and shall be given reasonable opportunity, after the ballot papers have been distributed for counting, to inspect without handling the ballot papers and to question the correctness of the rejection of any ballot paper ;

(p) in any matter not specifically provided for in this paragraph, the procedure to be followed in respect of the election shall, as far as may be, in accordance with the procedure followed in ward elections under the provisions of the Bombay Municipal Corporation Act, and the rules made under section 29 thereof ;

Bom
III of
1888.

(q) the result of every election shall be declared by fixing, as soon as may be, in some conspicuous place on the chief municipal office a notice signed by the Commissioner certifying the names of the candidates, if any, elected and in the case of a contested election, the number of votes recorded for each candidate ;

(r) the names of all candidates elected to be councillors under this paragraph shall be published by the Commissioner in the *Official Gazette* and, on such publication such candidate shall be deemed to come into office.

(13) In the event of a failure to elect or in the event of the election of any councillor being set aside and there being no other candidate who can be deemed to be elected in his place, the corporation shall, in such manner as it may determine, appoint a person who would have been eligible to be elected as a councillor in the vacancy under sub-paragraph (a) of paragraph (11) to be a councillor and such person shall be deemed for all purposes to have been elected to be a councillor.

Bom
III of
1888. (14) Councillors elected or appointed under the provisions of paragraph (11), (12) or (13) shall, subject to the provisions of the Bombay Municipal Corporation Act, hold office for the same period as the councillors who came into office on the first day of April 1952 hold office

(15) In the event of the office of any councillor elected or appointed under the provisions of paragraph (11), (12) or (13) becoming vacant for any reason before the expiry of the term specified in paragraph (14) the vacancy shall be filled, as soon as may be, by the election or appointment, as the case may be, of a duly qualified person thereto and the provisions of paragraph (11), (12) or (13) shall apply, as far as may be, to such election or appointment

Provided that if the office of any councillor becomes vacant within four months of the date on which the term of office prescribed in paragraph (14) is due to expire it shall not be necessary to fill such vacancy

Bom
III of
1888. (16) (i) if any dispute arises regarding the validity of any election or appointment held or made under the provisions of this Schedule, the provisions of section 33 of the Bombay Municipal Corporation Act, shall apply, as far as may be, for the purpose of the determination of the dispute as if the election or appointment were an election under the provisions of that Act

(ii) Every election or appointment not called in question in accordance with the provisions of the said section shall be deemed to have been to all intents a good and valid election or appointment.

Bom
III of
1888. (17) (i) For the period commencing on the appointed day and ending on the 31st day of March 1958, but subject to the provisions of sub-paragraphs (ii), (iv) and (v) all taxes imposed by any local authority in the extended suburbs and levied immediately before the said day within the limits of the area subject to the local authority shall, unless the corporation otherwise determines continue to be levied and collected within such limits by the corporation in lieu of the taxes leviable under the Bombay Municipal Corporation Act, and notwithstanding the absence of provision in the said Act for the levy of any of the taxes leviable under this sub-paragraph, and for the purpose of the assessment and collection of the taxes so leviable, the Commissioner shall have all the powers which would be exercisable by a local authority or any authority or officer of a local authority, but for the coming into force of the Bombay Municipal [Further Extension of Limits and Schedule BBA (Amendment)] Act, 1956,

Bom
LVIII
of
1956 (ii) Nothing in sub-paragraph (i) shall authorise the levy of any tax which the State Legislature would not be competent to impose in the State.

Bom
III of
1888. (iii) Town duties shall be levied in accordance with the provisions of the Bombay Municipal Corporation Act, for the whole area of Greater Bombay and no octroi or terminal tax shall be levied in any area in the extended suburbs on and after the appointed day [until octroi is first levied under section 192 as substituted by the Bombay Municipal Corporation (Second Amendment) Act, 1964]

Mah
XXX
II
of
1964

¹ This portion was added by Mah. 32 of 1964, s. 22.

(iv) The Corporation may, with the sanction of the State Government, increase the rate of any tax levied under sub-paragraph (i) if at any time during the period therein referred to it deems fit to do so for the purpose of complying with the provisions of section 134 of the Bombay Municipal Corporation Act

Bom
III of
1888.

(v) The Corporation may, at any time after public notice of not less than one month levy taxes in the extended suburbs in accordance with the provisions of the Bombay Municipal Corporation Act, and on and from the date of the commencement of such levy, the provisions of sub-paragraph (i) shall cease to operate in the extended suburbs or area or areas in the extended suburbs, as the case may be, except for the purpose of collecting or assessing any amount which became due prior to such date.

Bom
III of
1888

(18) (i) It shall be competent for the Commissioner for the period ending on the 31st day of March 1957 to incur such expenditure in connection with the municipal government of the extended suburbs as, having regard to all the provisions of the Bombay Municipal Corporation Act, he considers necessary and proper, subject to a Schedule of authorised expenditure under major heads of accounts sanctioned by the Standing Committee within a period of not more than two months from the appointed day

Bom
III of
1888

(ii) Notwithstanding anything contained in the Bombay Municipal Corporation Act, budget estimate "F" for the official year commencing on the 1st day of April 1957 shall be prepared and placed before the Corporation as soon as may be after the appointed day and shall be adopted by the Corporation on or before the 31st day of March 1957.

Bom
III of
1888

(19) (i) Subject to the provisions of this paragraph, with effect from the 1st day of April 1958, the property taxes shall be levied on buildings and lands in the extended suburbs in accordance with the provisions of the Bombay Municipal Corporation Act

Bom
III of
1888.

(ii) On all buildings and lands in the areas forming part of the municipal districts of Borivli, Kandivli, Malad and Mulund and the Village Panchayats of Dahisar and Goregaon abolished by this Act the general property taxes shall be levied for the official year 1958-59 at the rates at which the consolidated property tax was levied by the respective local authorities immediately prior to their abolition.

(iii) In the case of any area mentioned in sub-paragraph (ii) if the rate so levied is lower than the rate of general property tax in the city determined under section 128 of the Bombay Municipal Corporation Act, the same shall be raised in each case by 2 per centum each alternate year until the same rate as is determined under section 128 is reached.

Bom
III of
1888.

(iv) On all buildings and lands in the areas in the extended suburbs other than those specified in sub-paragraph (ii) occupied for industrial purposes, the general tax shall be levied at the rate of 14 per centum of their rateable value ; and the same shall be increased at the rate of 2 per centum of rateable value every alternate year until the same rate as is determined under section 128 is reached.

(v) On all buildings and lands in the areas in the extended suburbs other than those specified in sub-paragraph (ii) ¹[which are not occupied for industrial purposes the general tax shall be levied at the rate of 6 per centum of their rateable value and the same shall be increased every alternate year at the rate not less than 1 per centum and

¹ These words were substituted and shall be deemed to have been substituted on the date on which Bom. LVIII of 1956 came into force for the words "and occupied for residential purposes" by Bom. 6 of 1959, s. 6.

not more than 2 per centum of rateable value as may be determined by the Corporation from time to time until the same rate as is determined under section 128 is reached.

Mah. XL of 1962. ¹[(*va*) In any area in the extended suburbs in which the urban immovable property tax was being levied immediately before the commencement of the Urban Immovable Property Tax (Abolition) and General Tax (Increase of Maximum Rate) Act, 1962, it shall be lawful after such commencement for the Corporation to increase the rate of the general tax on buildings and lands in such area by an amount not exceeding five per cent. of the rateable value of such buildings and lands. Such increase shall not affect the increases made or to be made under the foregoing provisions of this paragraph]

Bom. III of 1888. (*vi*) Without prejudice to any exemption admissible under sub-section (1) of section 143 of the Bombay Municipal Corporation Act, the buildings and lands, the rateable value of which does not exceed rupees 75 in a year, shall be exempted up to the 31st day of March 1965.

Bom. LVIII of 1956. (20) If any difficulty arises in giving effect to the provisions of the Bombay Municipal Corporation [Further Extension of Limits and Schedule BBA (Amendment)] Act, 1956, the State Government may, as occasion arises, by order do anything which appears to it necessary for the purpose of removing the difficulty :

Provided that no order shall be made under this paragraph after the expiry of two years from the appointed day.

FORM AA.

[See paragraph 12(b)]

Nomination Paper

Name of local authority of which candidate, proposer and seconder were councillors or members.

Name of candidate	..	..
Father's name	..	..
Husband's	..	..
Name of the proposer	..	..
Signature of the proposer	..	..
Name of the seconder	..	..
Signature of the seconder	..	..

Declaration by candidate.

I hereby declare that I agree to this nomination.

Date

(Signature of candidate.)

(To be filled in by the Commissioner)

Certificate of delivery.

Serial No.

This nomination paper was delivered to me at my office at (date and hour).....
.....

(Signature of the Commissioner.)

¹ Sub-paragraph (*va*) was inserted by Mah. 13 of 1963, s. 2.

FORM BB.

[See paragraph 12(k)]

Form of Ballot Paper
(Form of front of Ballot Paper)

COUNTERFOIL

OUTERFOIL

Serial No. _____

Name of candidate. _____

Cross. _____

Local authority _____

(enter the name of authority
from which election is being made).

Name of voter _____

Signature or thumb impression of
voter. _____

Note —It is considered important that the whole of the outerfoil of the ballot paper should be taken up by the cage containing the names of the candidates and spaces for recording votes.

BACK OF OUTERFOIL.

1. You have _____ vote(s)
2. The vote is shown by a cross mark (×).
Each mark means one vote.
3. Do not put more than cross(es)
in all on the paper.
4. You may give all your votes to one
candidate or distribute them among
the candidates as you think fit.

Serial No. _____

]

[SCHEDULE GG.

Validity and date of operation of certain orders.

1. So soon as may be after a compulsory acquisition order or a clearance order has been confirmed by the State Government, the Commissioner shall publish simultaneously in the *Official Gazette* and in three or more newspapers circulating within Greater Bombay a notice stating that the order has been confirmed, and naming a place where a copy of the order as confirmed and of the plan referred to therein may be seen at all reasonable hours.

2. Any person aggrieved by such an order as aforesaid, or by the State Government's approval of a redevelopment plan or of a new plan may, within six weeks after the publication of notice of confirmation of the order, or of the approval of the plan, prefer an appeal to a Judge of the City Civil Court, Bombay, whose decision shall be final.

3. Where any such appeal is duly made, the Court—

(1) may by interim order suspend the operation of the order or the approval of the plan, either generally or in so far as it affects any property of the appellant until the final determination of the appeal ; and

(1) if satisfied upon hearing of the appeal that the order or the approval of the plan, is not within the powers of this Act or that the interests of the appellant have been substantially prejudiced by any requirement of this Act not having been complied with, may quash the order, or the approval of the plan, either generally or in so far as it affects any property of the appellant.

4. Subject to the provisions of the last preceding clause the order, or the approval of the plan, shall become operative at the expiration of six weeks from the date on which notice of confirmation of the order or of the approval of the plan is published in accordance with the provisions of this Act.

5. So soon as may be after a compulsory acquisition order or a clearance order has become operative the Commissioner shall serve a copy thereof on every person on whom a notice was served by him of his intention to submit the order to the State Government for confirmation.

SCHEDULE HH.

Compulsory acquisition orders.

1. A compulsory acquisition order shall describe by reference to a plan the land to which it applies.

2. Before submitting the order to the State Government, the Commissioner shall—

(a) publish simultaneously in the *Official Gazette* and in three or more newspapers circulating within Greater Bombay, a notice stating the fact of such an order having been made and describing the area comprised therein and naming a place where a copy of the order and of the plan referred to therein may be seen at all reasonable hours ; and

¹ Schedules GG, HH and II were inserted by Bom 34 of 1954, s. 34.

(b) serve 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 to which the order relates a notice stating the effect of the order and that it is about to be submitted to the State Government for confirmation and specifying the time (being not less than twenty-one days) within which objections thereto can be made to the Commissioner

3. Upon compliance with the foregoing provisions with respect to the publication and service of notices of the compulsory acquisition order, the Commissioner shall submit to the Improvements Committee any objections received under clause 2 of this Schedule and any suggestions he may wish to make in that respect.

4. The Improvements Committee shall after consideration of any such objections and suggestions make such modifications in respect of the order as they think fit and the Commissioner shall thereafter submit the order as modified by the Improvements Committee to the State Government for confirmation

SCHEDULE I I

(See section 354 SA)

Constitution and powers of compensation Tribunal.

Constitution
of Tribunal.

1. (1) The Tribunal shall consist of a President and two assessors

(2) The President of the Tribunal shall be such Judge of the Bombay City Civil Court as may, after consultation with the High Court, be selected by the State Government.

(3) The assessors shall be appointed by the State Government

(4) Each assessor of the Tribunal shall receive such remuneration as the State Government may determine. The remuneration shall be paid by the Corporation to the President of the Tribunal for distribution

Rules of pro-
cedure to be
made by State
Government.

2. (1) The State Government may, by notification in the *Official Gazette*, make rules, not inconsistent with the Code of Civil Procedure, 1908, for the conduct of v o
business by Tribunals established under this Act 190

(2) All such rules shall be subject to the condition of previous publication.

Award of Tri-
bunal how to
be determin-
ed.

3. (1) For the purpose of determining the award to be made by the Tribunal under the Land Acquisition Act—

(a) if there is any disagreement as to the measurement of land or the amount of compensation or costs to be allowed or the determination of betterment charges, the opinion of the majority of the members of the Tribunal shall prevail ;

(b) questions relating to the determination of the persons to, whom the compensation is payable, or the apportionment of compensation, may be tried and decided in the absence of the assessors, if the President of the Tribunal considers their presence unnecessary; and, when so tried and decided, the decision of the President shall be deemed to be the decision of the Tribunal;

(c) notwithstanding anything contained in the foregoing clauses (a) and (b), the decision on all questions of law and procedure shall rest solely with the President of the Tribunal.

(2) The President of the Tribunal may obtain proof of facts by affidavits, summon witnesses and enforce their attendance, may compel the production of documents, issue commissions for the examination of witnesses by the same means and (so far as may be) in the same manner as is provided in the case of a Civil Court under the Code of Civil Procedure, 1908

(3) The proceedings before the Tribunal shall be deemed to the judicial proceedings within the meaning of sections 193 and 228 of the Indian Penal Code]

V of
1908

XLV
of
1860.

1 [SCHEDULE JJ.

(See sections 398, 406 and 461).

- | | |
|---|---|
| <p>I. Fibres—</p> <p>(1) Cotton (ginned and unginned)</p> <p>(2) Sanhemp.</p> | <p>III Pulses—<i>contd</i></p> <p>(10) Kulthi</p> <p>(11) Splits (Dal) of pulses.</p> <p>(12) Masur</p> |
| <p>II. Cereals—</p> <p>(1) Wheat</p> <p>(2) Paddy (husked and unhusked)</p> <p>(3) Jowar.</p> <p>(4) Bajri.</p> <p>(5) Nagh</p> <p>(6) Vari</p> <p>(7) Kodra</p> <p>(8) Maize.</p> <p>(9) Sarsav</p> <p>(10) Bavto.</p> <p>(11) Barley</p> <p>(12) Banti.</p> <p>(13) Chuno</p> | <p>IV. Oilseeds—</p> <p>(1) Groundnut (shelled and unshelled)</p> <p>(2) Linseed</p> <p>(3) Sesamum</p> <p>(4) Saflower.</p> <p>(5) Ambadi</p> <p>(6) Cocoanut</p> <p>(7) Cotton seed.</p> <p>(8) Castor seed</p> <p>(9) Khursani.</p> <p>(10) Niger seed</p> |
| <p>III Pulses—</p> <p>(1) Tur</p> <p>(2) Gram</p> <p>(3) Udid</p> <p>(4) Mung</p> <p>(5) Val.</p> <p>(6) Chola</p> <p>(7) Lang</p> <p>(8) Math.</p> <p>(9) Peas.</p> | <p>V. Narcotics—</p> <p>Tobacco.</p> <p>VI. Gul, sugar and sugarcane.</p> <p>VII. Fruits—</p> <p>(1) Mango.</p> <p>(2) Mosambi.</p> <p>(3) Santra.</p> <p>(4) Lemon.</p> <p>(5) Banana.</p> |

VII. Fruit—*contd.*

- (6) Grapes.
- (7) Pomegranate.
- (8) Fig
- (9) Chickoo.
- (10) Strawberry.
- (11) Melons.
- (12) Water Melon
- (13) Papaya
- (14) Guava.
- (15) Bor.
- (16) Falsa.

VIII. Vegetables—

- (1) Potato.
- (2) Onion.
- (3) Tomato.
- (4) Suran.
- (5) Leafy and fresh vegetables
- (6) Yam.
- (7) Sweet potatoes.
- (8) Kechara

IX. Animal Husbandry Products—

- (1) Eggs.
- (2) Poultry.
- (3) Cattle.
- (4) Sheep.
- (5) Goat.
- (6) Wool.

IX. Animal Husbandry Products

—*contd.*

- (7) Butter
- (8) Ghee.
- (9) Milk.

X. Condiments, spices and others—

- (1) Turmeric
- (2) Ginger.
- (3) Garlic.
- (4) Corriander.
- (5) Chulhes.
- (6) Cardamom and pepper.
- (7) Vaniah.
- (8) Betelnuts
- (9) Betel leaves
- (10) Cashewnuts
- (11) Cumin (Jiru)
- (12) Rai.
- (13) Methi
- (14) Isabgul.

XI. Grass and fodder.

XII. Cattle Feed—

- (1) Guwar.
- (2) Punvad]

Replacement Series No. I—p. 206

949-968

The Gujarat Taluqdars' Act, 1888 (Bom. 6 of 1888), at pages 949-968 has been repealed by the Bombay Taluqdari Tenure Abolition Act, 1949 (Bom. 62 of 1949), section 17, Schedule II.

THE BOMBAY VILLAGE SANITATION ACT, 1889.

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SCHEDULE.

BOMBAY ACT No I OF 1889.¹

[THE BOMBAY VILLAGE SANITATION ACT, 1889]

[23rd May 1890.]

Amended by Bom. 3 of 1915.
 Amended and repealed in part by Bom 25 of 1931
 Adapted and modified by the Adaptation of Indian Laws Order in Council.
 Amended by Bom 53 of 1949.
 " " " 8 of 1950
 Adapted and modified by the Adaptation of Laws Order, 1950
 Amended by Bom. 23 of 1951.
 " " " 22 of 1956.

WHEREAS, for the purpose of improving the sanitary condition of villages in the Presidency of Bombay, it is expedient to provide for the constitution of Sanitary Committees and Boards having authority over such villages; It is enacted as follows :—

PART I.

(PRELIMINARY.

1. This Act may be cited as the Bombay Village Sanitation Act, 1889. Short title.

2. It is applicable to the whole of the Presidency of Bombay, except ²[Greater Extent. Bombay], ³* * * * and ⁴the ⁵scheduled district of the Mehwassi Chiefs' villages, as defined in the ⁶Scheduled Districts Act, 1874

3. During such time as Part II or Part III and the rules made thereunder shall be in force 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 Repeal of enactments

4. In this Act, unless there be something repugnant in the subject or context— Definitions.

(a) "village" means the site of a village or town, determined for the time being as under section 126 of the Bombay Land Revenue Code, 1879, together with the area included within a distance of a quarter of a mile from any part of such site, in so far as such site or area is not included within a permanent municipal district or a military cantonment;

¹ For Statement of Objects and Reasons, see *Bombay Government Gazette*, 1889, Part V, p 9; for Report of the Select Committee, see *ibid*, 1889, p 34, and for Proceedings in Council, see *ibid.*, 1889, pp 12 and 46

² These words were substituted for the original by Bom 8 of 1950, ss 5 and 11

³ The words "Aden and its dependencies, Perim" were omitted by the Adaptation of Indian Laws Order in Council

⁴ The Act has been applied to the Mehwassi Chiefs Villages by Bombay Regulation No 1 of 1949

⁵ That is the villages belonging to the following Mehwassi Chiefs —

- (1) The Parvi of Kathi.
- (2) The Parvi of Nal
- (3) The Parvi of S ngpur
- (4) The Walvi of Gachhli
- (5) The Wassawa of Chkhli.
- (6) The Parvi of Nawalpur

⁶ Central Acts.

XIV
of
1874.

Bom.
Vol
1879

(b) "prescribed" means prescribed by a rule made under this Act;

(c) "chavdi" means, in any village in which there is no chavdi, such place as the Collector directs shall be deemed to be the chavdi for the purposes of this Act.

Operation of
Parts II, III
and IV.

5. (1) Part II shall come into force in any village to which the Collector extends the same, under the power hereinafter conferred upon him in this behalf, from such date as the Collector shall direct, and shall continue in force, when so extended, until the ¹[Commissioner] directs by notification in the ²[Official Gazette] that it shall cease to have operation in such village, or extends Part III to such village.

(2) Part III shall come into force in any village to which the ¹[Commissioner] extends the same, under the power hereinafter conferred upon him in this behalf, from such date as is directed in this behalf by the ¹[Commissioner], and shall continue in force, when so extended, until the ¹[Commissioner] directs by notification in the ²[Official Gazette] that it shall cease to have operation in such village.

(3) Part IV shall have operation, as far as its provisions apply, in and in respect of every village in which either Part II or Part III is in force.

Part II how
to be ex-
tended to
a village.

6. (1) Subject to the control of the Commissioner and of ³[the ⁴[State] Government], the Collector may at any time extend Part II to any village in his district in which Part III is not in force.

(2) For the purpose of extending Part II to any such village, the Collector shall cause to be published by posting up copies thereof in conspicuous places in his own office and in the office of the Mamlatdar and of the Mahalkari within whose taluka or mahal the said village is situate and in the chavdi or some other public buildings in the said village, a proclamation in the language of the district directing that, unless a proclamation be thereafter issued by him to the contrary, Part II shall extend to the said village on and from a date to be specified in the proclamation which shall not be less than two months after that on which the proclamation is posted up in the village, and stating that any objection which any inhabitant of the village may desire to make to the said extension will, if submitted to the Collector not later than one month before the said specified date, be received and considered.

(3) If, after considering any objections which may have been made as aforesaid, the Collector shall be of opinion that good cause exists for not extending Part II to the village or for not extending it thereto immediately he may, by proclamation published as aforesaid—

(a) cancel his previous proclamation; or

(b) suspend the extension of Part II to the said village for a specified period.

(4) If the Collector suspends the extension of Part II to the village for a specified period, he may thereafter, by proclamation published as aforesaid—

(c) at any time abandon the proposed extension; or

(d) from time to time defer the extension for a further specified period.

¹ This word was substituted for the words "Governor in Council" by the Bombay Decentralization Act 1915 (Bom. 3 of 1915)

² The words "Official Gazette" were substituted for the words "Bombay Government Gazette" by the Adaptation of Indian Laws Order in Council.

³ The words "the Provincial Government" were substituted for the word "Government" *ibid*

⁴ The word "State" was substituted for the word "Provincial" by the Adaptation of Laws Order 1950.

7. (1) The ¹[Commissioner] may at any time extend Part III to any village ^{Part III how to be extended to a village.} in any part of the Presidency to which this Act is applicable, whether Part II is at the time in force in such village or not. Such extension to a village where Part II is in force shall cause Part II to cease to operate therein.

(2) For the purpose of extending Part III to any such village, the ¹[Commissioner] shall, by ²notification in the ³[*Official Gazette*] direct that, unless a notification be thereafter issued by him to the contrary, Part III shall extend to the said village on and from a date to be specified in the notification, which shall not be less than three months from the date of the notification, and stating that any objection which any inhabitant of the village may desire to make to the said extension will, if submitted to ⁴[the Commissioner] or to the Collector, not later than one month before the said specified date, be received and considered.

(3) If, after considering any objections which may have been made as aforesaid, ⁵[the Commissioner] shall be of opinion that good cause exists for not extending Part III to the village or for not extending it thereto immediately, ⁶[he may,] by notification in the ³[*Official Gazette*], exercise the like powers with respect to the extension of the said Part as the Collector is authorised to exercise, with respect to Part II by sub-sections (3) and (4) of section 6.

(4) Translations in the language of the district of every notification issued by ⁵[the Commissioner] under this section shall be published by the Collector, without delay in the manner prescribed in sub-section (2) of section 6 for the publication of a proclamation issued by himself.

PART II.

SANITARY COMMITTEES.

8. (1) There shall be a Sanitary Committee in every village to which this Part is extended. The said Committee shall consist of three or more adult house-holders, residents of the village, chosen, with their own consent, by the Collector, of whom the police patel shall be one, unless the Collector for reasons recorded in writing in any particular case determines otherwise. For the purpose of aiding him in his choice, the Collector may, in his discretion, procure the nomination or election, by the house-holders of the village, of qualified persons, in such mode as he shall deem expedient. ^{Each village to have a Sanitary Committee.}

(2) The chairman of the said Committee shall be nominated by the Collector.

(3) The chairman and other members of the Committee shall hold office for the prescribed period.

¹ The word was substituted for the words "Governor-in-Council" by the Bombay Decentralization Act, 1915 (Bom 3 of 1915)

² For notification extending Part III of the Act to certain villages and talukas, see Bombay Local Rules and Orders

³ The words "*Official Gazette*" were substituted for the words "*Bombay Government Gazette*" by the Adaptation of Indian Laws Order-in-Council

⁴ These words were substituted for the words "a Secretary to Government" by the Bombay Decentralization Act, 1915 (Bom 3 of 1915)

⁵ These words were substituted for the word "Government". *ibid*

⁶ These words were substituted for the words "it may". *ibid*.

Record of
Committee's
proceedings

9. The proceedings of the Sanitary Committee shall be recorded in the prescribed manner (or, until rules are made under section 11, in such manner as the Collector by written order directs), by the village-accountant or such other person as the Collector appoints in this behalf, and, in the absence of the village-accountant or person so appointed, by such other person as the Committee may employ for this purpose; and the said record shall be verified by the signature of the chairman or of some other member of the Committee authorized by the Committee in that behalf, below each day's proceedings

Magistrates
having
jurisdiction
in the village
may take
part in
Committee's
proceedings.

10. Every Magistrate having jurisdiction in the village may take part in the proceedings of the Committee at any meeting thereof at which he is present, and such Magistrate or, if there be more than one, the highest in magisterial rank of such Magistrates shall for this purpose be deemed to be a member and president of the Committee for the occasion.

Sanitary
Committee
to make
village
rules

11. The Sanitary Committee may from time to time make rules, and repeal or vary the same, with the approval of the Collector—

(a) for regulating the terms of office of its members and its proceedings;

(b) for determining the manner in which its proceedings shall be recorded;

(c) for procuring and preserving for the use of the village an adequate supply of pure potable water,

(d) for the cleansing of the streets and open spaces of the village,

(e) for preventing accumulations of offensive and noxious matter in the village;

¹[(ca) for the numbering or sub-numbering of premises in the village by means of metal plates, for the proper maintenance thereof, and the recovery of expenses in respect of such numbering or re-numbering from owners of premises;
Explanation—For the purposes of this clause "premises" means a house, outhouse, stable, shed, hut or other structure, whether of masonry, bricks, wood, mud, metal or any other material whatsoever whether used as a human dwelling or otherwise];

(f) for preventing nuisances and indecent or insanitary acts or omissions in the village; and

(g) generally for giving effect in the village to the purposes of this Act

Provisions
concerning
the making
of rules

12. (1) For not less than three months before any rule which it is proposed to make under section 11 is to come into force, the Committee shall exhibit a copy thereof at the chavdi or some other public building in the village, and there shall be affixed to such copy a notice that objections thereto made in writing to the Collector not later than one month before the date fixed for their coming into force—which date shall be specified—will be received and considered

(2) Any objections so made shall be considered by the Collector, in ²[consultation] with the Committee. If, on such consideration, it shall seem desirable to alter or withdraw the proposed rule, such alteration or withdrawal shall be effected by a notice exhibited as aforesaid. If the Collector deems it expedient to suspend the operation of a rule, it may be suspended for a specified period by a notice exhibited as aforesaid, which shall state that objections thereto, made as aforesaid not later than one month before the expiry of the said period, will be received and considered. Any objection so made shall be considered as aforesaid, and, if it then seems desirable to alter or withdraw the rule, the same shall be notified as aforesaid.

¹ Sub-clause (ca) was inserted by Bom 22 of 1956, s 3 (1)

² The word "consultation" was substituted for the word "conference" by Bom 25 of 1931.

(3) Subject to the provisions of sub-section (2), every rule made by the Committee with the approval of the Collector and notified as aforesaid, shall come into force on the day notified in this behalf.

13. Whenever it shall come to the notice or knowledge of the Sanitary Committee that any person in the village has apparently committed or is accused of having committed a breach of any rule made by the Committee under section 11, such Committee may, by notice in writing, require such person's attendance before the Committee

Prosecution of offenders against the rules.

14. (1) All offences against the rules made by the Committee under section 11 shall be cognizable by the Committee.

Cognizance by the Committee of offences against the rules

(2) For the purpose of exercising this jurisdiction, the Committee shall assemble as often as shall be necessary or as the Magistrate of the district shall direct at the chavdi or some other convenient place within the village or near thereto.

(3) The Committee shall, in the presence of the accused person, or if notwithstanding the service of a notice upon the said person as aforesaid he fails to appear, then in his absence, take evidence as to the alleged offence and any evidence produced by the said person in his defence, and shall thereupon either acquit or convict the accused person and, if he is convicted, may sentence him to such punishment authorised by this Act or by the rules as it thinks reasonable.

15. (1) A person convicted by the Committee may, at any time within ten days after sentence is passed against him, appeal to the Magistrate of the district [or any Magistrate of the first class specially empowered in this behalf by the State Government in consultation with the High Court]

Appeals against the Committee's decisions

(2) If such person gives notice of his intention to appeal and deposits with an officer appointed by the Magistrate of the district in this behalf the amount of the fine inflicted upon him, execution of the sentence shall be suspended until the lapse of 10 days from the date of the sentence, or, if an appeal is made, until it is disposed of. If within ten days no appeal is made, the sum deposited shall be appropriated to payment of the fine inflicted.

(3) The Magistrate who hears the appeal may confirm, reverse or modify the decision of the Sanitary Committee and may pass any order as to punishment which it was competent to the Committee to pass. His order shall be enforced in like manner as one made by the Sanitary Committee.

(4) The said Magistrate may suspend execution of the sentence pending disposal of the appeal when such suspension shall appear to him necessary or expedient, on such terms as shall seem reasonable

16. For the purpose of providing for the village an adequate supply of pure potable water, of cleansing the streets and open spaces thereof, of removing offensive and noxious matter therefrom and for other purposes conducive to the health and comfort of the inhabitants of the village [or for the purpose of numbering or sub-numbering of premises therein], the Sanitary Committee may utilize, as far as available, the voluntary labour of inhabitants of the village and the services of village servants placed at its command under section 42 ;

Sanitary Committee may authorize expenditure for necessary works or measures

¹ These words were substituted for the words beginning with the words "or other" and ending with the words "in this behalf" by Bom 23 of 1951, s 2 Schedule—Pt III

² These words were inserted by Bom 22 of 1956, s 3 (2)

and, when these means are insufficient, may from time to time, ¹employ such servants and authorize such expenditure as may be necessary for the purpose aforesaid.]

Sanitary Committee may levy a rate on open air stalls.

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

Necessary moneys for expenditure may be raised by voluntary subscription or by a rate on the inhabitants.

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

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 ,

(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]

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

⁴[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.]

PART III.

SANITARY BOARDS

Constitution of Sanitary Boards.

⁵[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.

¹ These words were substituted for the words " with the approval of the Collector, employ such servants, enter into such contracts, make such deductions and allowances from any rate leviable under its authority, and may authorise the expenditure by the Collector or under his control, of such sums of money as shall be necessary and reasonable, for the purpose aforesaid " by Bom 25 of 1931, s. 3.

² Section 17 was substituted for the original section, *ibid*, s 4.

³ Section 18 was substituted for the original section, *ibid*, s 5.

⁴ Section 18A was inserted, *ibid*, s 5A.

⁵ Section 19 was substituted for the original section, *ibid*, s 6.

(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 made in this behalf and his orders shall be subject to an appeal to the Collector, whose decision shall be final.

(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.]

20. The Sanitary Board may from time to time make rules, with the approval of the Collector, and, save as hereinafter provided, shall discharge functions and exercise authority for the area subject to its authority in respect of the same matters, in the same manner, and subject to like provisions, restrictions and conditions as are hereinbefore enacted in the case of a Sanitary Committee

21. [(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]

(2) Such Sanitary Inspector may be a person employed by the Taluka or District Local Board having authority at the place. He may be employed by or on behalf of two or more Sanitary Boards.

[(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]

¹ Sub-section (1) was substituted for the original sub section by Bom 25 of 1931, s. 7 (1).

² Sub section (3) was added, *ibid*, s. 7 (2).

Duties of
the Sanitary
Inspector

22. (1) The Sanitary Inspector shall take measures for preventing breaches of the rules in force in the area for which he is appointed, by, from time to time—

(a) posting up and otherwise publishing a general admonition respecting the observance of the said rules ; or

(b) admonishing any person whom he finds offending against any of the said rules ; or

(c) summoning to appear before the Sanitary Board any person who, from his own observation or from reports made to him by his subordinates, he has reason to think, should be prosecuted for offending against any of the said rules.

(2) The Sanitary Inspector shall make such reports and be in such relation to the Sanitary Commissioner, consistent with the duties and obligations imposed on him by this Act or arising out of his position as a servant of a Local or Sanitary Board, as [the Provincial Government] may prescribe.

Prosecutions
at instance
of the Board
for breaches
of rules

23. The Board may also by notice in writing require the attendance before the Board of any person who is accused of having committed, or who, to the knowledge of the Board, has apparently committed, a breach of any rule made by the Board under section 20.

Cognizance
by the Board
of offences
against the
rules

24. (1) All offences against the rules made by the Board under section 20 shall be cognizable by the Board, who, for the purpose of exercising this jurisdiction, shall assemble, as often as shall be necessary or as the Magistrate of the district shall direct, at some convenient place within or near to the area subject to its authority

(2) The provisions of sub-section (3) of section 14 and of section 15 shall apply as nearly as may be, to the hearing and decision of cases under this section by a Sanitary Board and to appeals by persons convicted by such Board.

Sanitary
Board's
orders by
whom to be
carried out.

25. (1) The orders of every Sanitary Board shall be carried out and its orders and proceedings shall be recorded in the prescribed manner and preserved by such member of the Board or by such officer of the Board or by such other officer as the Collector may from time to time nominate in this behalf.

(2) The person authorised in this behalf shall be bound to keep a true record of the Board's proceedings and orders, under his signature, and truly to prepare all summonses, notices and orders issuing by direction of the Board or of any member thereof in accordance with this Act or with rules made under section 20.

Works and
buildings
which may
be provided
by a Sanitary
Board

26. [*Sanitary Board may enter into certain contracts*] Repealed by Bom. 25 of 1931, s 8.

27. Every Sanitary Board may, * * * * * cause to be constructed such works and buildings as shall be necessary for providing for the area subject to its authority or any part thereof—

(a) an adequate supply of water ;

(b) proper and convenient places for the temporary deposit or final disposal of sweepings, dust, ashes, refuse, rubbish, carcasses of dead animals and other offensive or noxious matter,

(c) means for conveying away or removing the several matters and things specified in clause (b).

¹ The words "the Provincial Government" were substituted for the word "Government" by the adaptation of Indian Laws Order in Council.

² The words "with the approval of the Collector" were repealed by Bom 25 of 1931, s. 9.

[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]

29. Every Sanitary Board shall be bound to provide for, or authorize the expenditure necessary for—

- (a) paying the salaries of the Sanitary Inspector and other officers, if any, appointed under section 21 ; and
- (b) providing stationery and other requisites for the use of the Board and the said Sanitary Inspector and other officers, if any , and
- (c) fulfilling any contract entered into by it under section 2[30C] , and
- (d) constructing necessary works and buildings under section 27.

[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]

PART IV.

GENERAL PROVISIONS.

[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]

¹ Section 28 was substituted for the original section by Bom. 25 of 1931, s. 10.

² The figures and letter " 30C " were substituted for figures " 26 ", *ibid*, s 11.

³ Section 30 was substituted for the original section *ibid*, s 12.

⁴ Section 30A, 30B, 30C, 30D, 30E, 30F and 30G were inserted, *ibid*, s. 13.

Power to acquire, hold and transfer property.

Property vested in Sanitary Committee or Sanitary Board.

¹[30B. (1) A Sanitary Committee or a Sanitary Board may acquire and hold property, both moveable and immovable, 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 ²[the Provincial Government] or by an officer appointed by ³[the Provincial 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 ³[or] the Board by gift, purchase or otherwise for local public purposes]

Mode of executing contracts.

¹[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 immovable property which may, for the purposes of this Act, have become vested in or been acquired by it; and, so far as is not inconsistent with the provisions and purposes of this Act, to enter into and perform all such contracts and do all such other things as it may consider necessary for the purposes of this Act:

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

Provided further that in the case of every lease of immovable 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.

¹ Sections 30A, 30B, 30C, 30D, 30E, 30F and 30G were inserted by Bom 25 of 1931, s 13.

² The words "the Provincial Government" were substituted for the words "the Government" by the Adaptation of Indian Laws Order in Council

³ The word 'or' was substituted for the word 'of' by Bom 53 of 1949, s 3, Second Schedule.

(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]

1[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 [any 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]

Sanitary Committee or Sanitary Board fund

1[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

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

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 repairs 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 Bombay Local Boards Act, 1923]

Bom VI of 1923

1[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 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.

Power to deposit and invest surplus funds

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]

1[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 .

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

1 Sections 30A, 30B, 30C, 30D, 30E, 30F and 30G were inserted by Bom 25 of 1931, s. 13 .
* The words ' any Government ' were substituted for the words ' the Government ' by the .
Adaptation of Indian Laws Order in Council.

Provided that such property as may have been transferred to or vested in such Committee or Board either by ¹[the ²[State] Government] or by the district local board shall, on such cessation, revert to the ³[⁴[the State Government]] or the district local board, as the case may be]

Certain Government officers to advise Sanitary Committees and Boards 31. The Executive Engineer of the district and any subordinate of the Executive Engineer, of the Sanitary Commissioner or of a Local Board, having authority at the place whom the Collector may appoint generally or specially in this behalf shall have, in relation to a Sanitary Committee or Board, such rights and duties as are assigned to certain officers in relation to Local Boards by ⁵[sub-section (I) of section 40 of the Bombay Local Boards Act, 1923] Bom VI o 1923

Removal from office of members, etc., of Sanitary Committees and Boards 32. The Collector ⁶[after giving the person concerned an opportunity of being heard and after recording his reasons may], remove from office any member or chairman of a Sanitary Committee and with the sanction of ⁷[the Commissioner], any member, or president of a Sanitary Board, who appears to be incompetent or who has been guilty of any misconduct or neglect of duty which appears to render his removal expedient.

Filling up of vacancies 33. (1) Whenever for any reason a vacancy occurs or is about to occur in the office of a member or chairman of a Sanitary Committee, or of a member or president of a Sanitary Board, the Collector shall without delay appoint a person to fill such vacancy.

(2) During any such vacancy the continuing members of a Sanitary Committee or Board may act as if no vacancy had occurred

Questions to be decided by majorities 34. Every question which comes before a Sanitary Committee or Board for decision shall be decided by a majority of votes of the members present and voting at a prescribed meeting of such committee or board or at a meeting thereof assembled by direction of the Collector or otherwise after notice duly issued to all the members, the member who presides having a second or casting vote when there is an equality of votes.

Signing of summonses, etc 35. Summonses, notices and orders issued by a Sanitary Committee or Board or with its authority may be signed on behalf of the committee or board by the member presiding at any meeting of such committee or board.

Punishment for breach of rules made under this Act. 36. A breach of any rule made by a Sanitary Committee or Board under this Act in respect of any matter other than the matters specified in clauses (a) and (b) of section 11 shall be punishable, unless in any case a smaller maximum punishment is prescribed by the said rules, with fine which may extend to ten rupees, and in

The words "the Provincial Government" were substituted for the words "the Government" by the Adaptation of Indian Laws Order in Council

¹This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950

²The words "Crown for the purposes of the Province" were substituted for the word "Government", by the Adaptation of Indian Laws Order in Council

³These words were substituted for the words "Crown for the purposes of the Province", by the Adaptation of Laws Order, 1950

⁴The words, figures and brackets "sub-section (I) of section 40 of the Bombay Local Boards Act 1923" were substituted for the words and figures "the first paragraph of section 33 of Bombay Act of 1884" by Bom. 25 of 1931, s 14

⁵These words were substituted for the words "may, after recording his reasons for the same" by Bom. 14A.

⁶These words were substituted for the word "Government" by the Bombay Decentralization Act 915 (Bom. 3 of 1915)

default with confinement in the chavdi for a period which may extend to forty-eight hours, and, in the case of a continuing breach, with fine which may extend to two rupees for every day after conviction for the first breach or after receipt of notice from the committee or board or from the Sanitary Inspector, to discontinue the breach, during which the breach continues and, in default, with confinement as aforesaid.

37. (1) A Sanitary Committee or Board may allow to a person sentenced to pay a fine such time not exceeding four days as it may think proper for payment of the fine on such terms as to security as it shall seem to the committee or board necessary to impose

Order for
levy of
fines.

(2) Whenever default is made in the payment of a fine, the Sanitary Committee or Board which passed the sentence, or on appeal from whose decision the sentence was passed, may in its discretion by written order direct the levy of the amount, although the sentence directs that, in default of payment of the fine, the offender shall be confined and the offender is or has been confined

38. All fines for the levy of which an order has been issued as aforesaid, all sums assessed on account of any rate under this Act, which are not paid after reasonable notice, shall be leviable by the patel or by such other person as the Collector or the Sanitary Committee or Board, with the Collector's sanction, appoints in that behalf, by distress and sale of any moveable property of the person liable therefor, subject to such exceptions as are enacted in the Code of Civil Procedure in respect of the sale of moveable property in execution of decrees.

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of
1882.

Levy of
fines and
rates

39. [Net proceeds of fines to be credited to account of Committee or Board having authority over the villages in which offences are committed.] Repealed by Bom. 25 of 1931, s 15.

40. (1) Any District or Taluka Local Board may from time to time assign, by way of donation or loan, to the Sanitary Committee or Board of any village or group of villages in the area subject to its authority, for expenditure on any purpose contemplated by this Act, such sum out of the portion of the local fund at its disposal as it shall think proper.

Contribu-
tions and
loans from
local boards.

* * * * *

(2) But no sum shall be so assigned by way of loan, without the sanction of the Collector, and every sum assigned by way of loan with such sanction shall be recoverable by the Collector in such instalments of interest and of principal as shall be agreed upon between the parties, by a rate charged and assessed [with the approval of the Collector by] the Sanitary Committee or Board, upon the inhabitants of the area subject to the authority of such Committee or Board.

41. (1) Works for the supply of water or for the drainage of two or more villages subject to the authority of different Sanitary Committees or Boards and any other work or measure conducive to the common health or comfort of two or more such villages may, upon request made, with the approval of the Collector, by all such

Execution
of works in
which two
or more
Sanitary
Committees
or Boards
are jointly
interested.

¹ See now Act 5 of 1908.

² Sub-section (2) was repealed by Bom 25 of 1931, s. 16 (1)

³ Sub-section (3) was re-numbered as sub-section (2), *ibid.*, s. 16 (2).

⁴ These words were substituted for the words "by the Collector, in conference with", *ibid.*

Committees and Boards or by a majority of them, be executed by or under the direction of the Collector or of such other officer as ¹[the Commissioner may appoint] in this behalf.

Recovery of cost of such work:-

(2) The cost of any such work or measure shall be divided between the several Committees and Boards in such proportions as shall be agreed upon by them, or, in default of such agreement, as the Collector shall determine, and shall be recoverable in the said proportions by a rate charged and assessed ²[with the approval of the Collector by] each Committee and Board, upon the inhabitants of the areas subject respectively to the said Committee's and Board's authority: subject to the same limit as is provided by section 18, clause (2), in respect of rates charged under section 18, clause (1).

Abandonment of a work proposed to be undertaken by a Sanitary Committee or Board in favour of a work to be undertaken by a Local Board

(3) Where any work undertaken or proposed by a Committee or Board constituted under this Act shall be such as to interfere with or materially affect any work undertaken or proposed by a District or Taluka Local Board, such latter Board may require the Sanitary Committee or Board to desist from such work as aforesaid and it shall thereupon be the duty of the District or Taluka Local Board to make reasonable provision, within reasonable time, for supplying to the area under the authority of the Sanitary Committee or Board such means of health, cleanliness and decency, or means equivalent thereto, as would have been furnished by the work abandoned in consequence of such requisition as aforesaid

Local Boards may call for information in such cases

(4) For the purpose of obtaining information as to any work intended or in course of construction, to which the provisions of the preceding clause may apply, it shall be lawful for the Taluka or District Local Board to call for such report from the Sanitary Committee or Board, through the Collector, as shall be necessary and reasonable, and to cause such inspection and report to be made by any person in its employment, as it shall deem necessary in this behalf, and it shall be the duty of the Sanitary Committee or Board concerned to comply with such requisition and to give reasonable aid and furtherance to any inspection ordered as aforesaid.

Certain village servants to be placed under command of Sanitary Committee or Board

42. Village-servants who hold land, profits of land or other emoluments by way of remuneration, wholly or partly, for services consisting in or connected with cleansing or conservancy may, as to such services, be placed by the Collector, subject to the control of ³[the Commissioner], under the command and superintendence of the Sanitary Committee or Board having authority in the place in respect of which the said services are due, and shall be bound to fulfil all reasonable orders of the said Committee or Board under such reasonable penalties as may be provided in any rule made under this Act

Determination and recovery of duties of village-servants placed under command of Sanitary Committee or Board

43. (1) The Collector shall—
(a) determine all questions as to the amount of any payment at any time by custom or under any settlement mentioned in section 18, 19 or 20 of the Bombay Bom. Hereditary Offices Act due to a village servant placed under the command of ^{III of 1874.} a Sanitary Committee or Board under the last preceding section; and

¹ These words were substituted for the words "Government appoints" by the Bombay Decentralization Act, 1915 (Bom 3 of 1915)

² These words were substituted for the words "by the Collector, in conference with" by Bom 25 of 1931, s. 17.

³ These words were substituted for the word "Government" by the Bombay Decentralization Act, 1915 (Bom. 3 of 1915)

(b) if necessary, cause the amount which he determines to be due or the money value thereof at the market rate of the time being, if the due is payable in kind to be recovered on behalf of the village servant entitled thereto, free of charge, as if the same were an arrear of land revenue

(2) Provided that the Collector may decline to cause such recovery to be made on behalf of any servant, if, in his opinion, the duty in respect of which the payment is due has not been duly performed by such servant

44. Any power conferred or duty imposed by this Act upon the Collector may, * * * * be ²delegated by him to an Assistant or Deputy Collector.

Collector's functions under this Act may be delegated

45. In the discharge of the duties and the exercise of authority assigned to them by this Act, Collectors, Magistrates and other public servants shall be subject to the like control as in the discharge of their ordinary functions.

Collectors, Magistrates and other public servants subject to usual control in the exercise of their authority

46. (1) No Magistrate, Collector, president or member of a Sanitary Committee or Board, or Sanitary Inspector shall be liable to any penalty or to payment of damages for any act by him done in good faith in pursuance or intended pursuance of any authority or duty conferred or imposed upon him by this Act

Indemnity of persons acting in good faith under this Act.

(2) And no public servant or person duly authorised or appointed shall be liable as aforesaid for giving effect in good faith to any order or direction issued with apparent authority by a person empowered in that behalf under this Act or under any rule made hereunder.

SCHEDULE.

(See section 3.)

Number and year of enactment.	Subject or title.	Extent of repeal.
Bom Act VII of 1867	The Bombay District Police Act, 1867	Sections 33 and 34
Bom Act VIII of 1867	The Bombay Village Police Act, 1867	Clauses 2, 3 and 4 (except the first two and the last thirteen words) and 5 of section 16.

¹ The words "with the sanction of Government," were omitted by the Bombay Decentralization Act, 1915 (Bom. 3 of 1915)

² For notification sanctioning the delegation of powers by Collectors, see Bombay Local Rules and Orders, and for notification delegating powers to Assistant and Deputy Collector under certain sections of the Act, see *Bombay Government Gazette*, 1902, Pt. I, p. 1153.

Replacement Series No. IV—p. 144

987-1034

The Bombay District Police Act, 1890 (Bom. IV of 1890), at pages 987-1034 has been repealed by the Bombay Police Act, 1951 (Bom. XXII of 1951), section 167, Schedule I.

THE BOMBAY DISTRICT POLICE ACT, 1890.

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BOMBAY ACT No. IV OF 1890.¹

[THE BOMBAY DISTRICT POLICE ACT, 1890.]

[4th September 1890]

Repealed in part, by Act 16 of 1895.

Repealed in part and amended by—

Act 38 of 1920;

Bom. 1 of 1910.

Repealed by Bom. 4 of 1912;

" " " 5 of 1913;

" " " 2 of 1919.

Amended by Bom. 3 of 1898;

" " " 3 of 1915;

" " " 9 of 1918;

" " " 12 of 1920;

" " " 19 of 1925;

" " " 11 of 1927;

" " " 24 of 1930;

" " " 9 of 1931;

" " " 16 of 1931;

" " " 7 of 1933;

" " " 21 of 1933;

" " " 13 of 1934;

" " " 20 of 1935;

" " " 24 of 1935;

" " " 6 of 1936;

" " " 21 of 1936

Adapted and modified by the Adaptation of Indian Laws Order in Council.

Amended by Bom. 3 of 1939,

" " " 13* of 1941;

" " " 2* of 1944;

" " " 17† of 1945;

" " " 23§ of 1945,

" " " 16 of 1946;

" " " 28 of 1946;

" " " 6‡ of 1947;

" " " 59 of 1947;

" " " 34 of 1948;

" " " 63 of 1948

" " " 25 of 1949;

" " " 53 of 1949.

Adapted and modified by the Adaptation of Laws Order, 1950.

Amended by Bom. 34 of 1950.

For Statement of Objects and Reasons, see *Bombay Government Gazette*, 1889, Part V, pp 82 and 84, for Report of Select Committee, see *ibid.*, 1890, p. 35; and for Proceedings in Council, see *ibid.*, 1890, pp 29, 66, 80 and 95

*This Act was repealed and re-enacted by Bom 59 of 1947, s 2.

†This Act has been re-enacted and the amendments made by section 9 and Schedule E of the said Act have been continued in force by Bom 52 of 1947, s 2.

‡This Act was re-enacted by Bom. 53 of 1947

§This Act shall remain in force for a period of three years [*vide* sub section (3) of section 1 of Bom 6 of 1947 as amended by section 30 of 1948].

**An Act to amend the law for the regulation of the District Police in
the Presidency of Bombay**

WHEREAS it is expedient to amend the law for the regulation of the District Police of the Presidency of Bombay; It is enacted as follows:—

CHAPTER I.

PRELIMINARY.

Short title.	¹ [1 (1) This Act may be cited as the Bombay District Police Act, 1890.
Extent	(2) It extends to the whole of the Presidency of Bombay, except ² [the Greater Bombay], ³ * * *
Repeal of enactments.	2. Subject to the provisions in section 1, ⁴ [sub-section (2)], the enactments mentioned in Schedule A are repealed to the extent specified in the third column thereof ⁵ * * * *.
	All references made in any enactment of the Governor of Bombay in Council to any enactment hereby repealed shall be read as if made to the corresponding portion of this Act.
	All rules prescribed, appointments made, powers conferred, and orders and certificates issued under any such enactment shall, so far as they are consistent with this Act, be deemed to have been respectively prescribed, made, conferred and issued hereunder
Definitions.	3. In this Act, unless there be something repugnant in the subject or context,— (a) “Inspector-General”, “Deputy Inspector-General”, “District Superintendent” ⁶ [“Additional Superintendent”,] ⁷ [“Assistant Superintendent” and “Deputy Superintendent”] mean, respectively the Inspector-General of Police, a Deputy Inspector-General of Police, a District Superintendent of Police, ⁸ [an Additional Superintendent of Police], ⁸ [an Assistant Superintendent of Police and a Deputy Superintendent of Police] ⁹ [entertained under section 4];

¹ This section was substituted by Bom. 3 of 1898, s. 1.

² The words “the Greater Bombay” were substituted for the words “the City of Bombay” by Bom. 17 of 1945, section 9 and Schedule E read with the proviso to section 2 of Bom. 52 of 1947.

³ The words beginning with the words “and Sind” and ending with the words “to any portion of Sind” were omitted by the Adaptation of Laws Order 1950

⁴ This word, brackets and figure were substituted for the word, brackets and figure “sub-section (1)” by Bom. 3 of 1898, s. 2.

⁵ The words “but not so as to render invalid anything done in accordance with any of them” were repealed by the Amending Act, 1895 (16 of 1895)

⁶ These words were inserted by Bom. 12 of 1920, s. 2.

⁷ These words were substituted for the words “and Assistant Superintendent” by Bom. 1 of 1910, s. 2 and Sch. I.

⁸ These words were substituted for the words “and an Assistant Superintendent of Police”, *ibid.*

⁹ These words and figure were substituted for the words “appointed under this Act” by Bom. 53 of 1949, s. 3, Second Schedule.

(b) "police-officer" means any member of a police-force [entertained under section 4] ²[and shall include, subject to the provisions of sub-section (2) of section 22-A, an additional police-officer];

(c) "constable" means a police-officer of the lowest grade;

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(d) "district" means a territorial division constituting a district for the purposes of the ³Code of Criminal Procedure, 1882;

(e) "street" includes any highway and the way over any causeway, bridge, viaduct, arch, quay or wharf, and any road, lane, footway, square, court, alley or passage accessible to the public whether a throughfare or not;

(f) "cattle" includes elephants, camels, horses, asses, mules, sheep goats and swine;

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(g) words and expressions which are defined in the ³Code of Criminal Procedure, 1882, have the same meaning as in that Code.

⁴[(h) the expressions "appointment" and "removal", with their respective grammatical variations, used in relation to an office shall, when also used with reference to any member of the Indian Police, be construed to mean, respectively, appointment to, and transfer from, the said office.]

⁵[(i) the expression "subordinate ranks" means members of the police force below the rank of Deputy Superintendent.]

CHAPTER II.

ORGANISATION OF THE POLICE.

General

4. In each district of the Presidency of Bombay to which this Act extends, ⁶[the Provincial Government] may * * * * * establish and entertain a police-force of such number in the several ranks and having such an organization and such duties, rights and authority as are hereinafter prescribed and provided for ⁸* * * * *

Police force to be entertained in each district.

⁹[Subject to the provisions of this Act, the pay and all other conditions of service of members of the subordinate ranks of any police-force shall be such as may be determined by the Provincial Government]

5. (1) For the direction and supervision of the police-force of every portion of the presidency to which this Act extends, ⁶[the Provincial Government] shall appoint an Inspector-General of Police who shall have such functions, authority and responsibility as are hereinafter provided, subject to the provisions of this Act, and to such rules and orders as may be made by ⁶[the Provincial Government] in this behalf.

Appointment and authority of Inspector-General of Police.

¹ These words and figure were substituted for the words "appointed under this Act" by Bom 53 of 1949, s 3, Second Schedule

² These words, brackets, figures and letter were inserted by Bom 11 of 1927, s 2

³ See now Act 5 of 1898

⁴ Clause (h) was added by Bom 20 of 1935, s 2

⁵ Clause (i) was inserted by the Adaptation of Indian Laws Order in Council

⁶ The words "the Provincial Government" were substituted for the word "Government", *ibid*

⁷ The words "subject in the case of officers of the Indian Police of and above the rank of Assistant Superintendent to the control of the Governor General in Council" were omitted, *ibid*.

⁸ The words "and receiving such salaries and allowances as shall from time to time be directed and approved by Government" were omitted, *ibid*,

⁹ These words were inserted, *ibid*.

and of
Deputy
Inspector-
General

(2) 1* * * 2[The Provincial Government] may appoint one or more Deputy Inspectors-General of Police, to whom 2[the Provincial Government] may assign such duties being amongst the lawful duties of the Inspector-General of Police, or in aid and furtherance thereof, as shall to 2[the Provincial Government] seem expedient.

3) 3* * *

Appointment
of District,
Additional,
Assistant
and Deputy
Superintendents.

4[6. (1) 2[The Provincial Government] may appoint for each district a Superintendent 2[and one or more Additional Superintendents] and such Assistant 6[and Deputy] Superintendents of Police as it may think expedient, 7* * *

8[An additional Superintendent of Police may, by a general or special order of 2[the Provincial Government], be empowered to exercise and perform in the district for which he is appointed or in any part thereof, all or any of the powers and duties under this Act 9[or under any other law for the time being in force] of a Superintendent of Police]

10[The District Superintendent of Police may, with the previous permission of the Provincial Government, delegate any of the powers conferred upon him by or under this Act 9[or under any other law for the time being in force] to an Assistant Superintendent or Deputy Superintendent of Police]

11 [(2) 2[The Provincial Government] may also appoint any police officer not below the rank of District Superintendent to be the Principal of the Central Police Training School, Nasik, and may assign to him such duties as it may think fit. 13* * *

Commissioners and
Inspector-General
to have magisterial
powers to exercise
them subject to such
limitations as are
imposed by
Provincial
Government.

7. Each Commissioner throughout the districts under his control, and the Inspector-General of Police throughout the presidency, shall have the powers of a Magistrate of the first class, but shall exercise such powers subject to such limitation as may from time to time be imposed by 2[the Provincial Government]

8. [Appointment of inspectors, sub-inspectors and sergeants.] Omitted by the Adaptation of Indian Laws Order in Council

9. [Appointment of police-officers of the grades of head constable and constable]. Omitted by the Adaptation of Indian Laws Order in Council.

¹ The words "Subject to the previous approval of the Governor General in Council" were omitted by Devolution Act, 1920 (38 of 1920), s 2 and Sch I

² The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

³ Sub-section (3) was omitted, *ibid.*

⁴ Section 6 was re-numbered as sub-section (1) of the said section by Bom 24 of 1930, s 2.

⁵ These words were substituted for the words "an Additional Superintendent" by Bom 59 of 1947, s. 3 (1) (c)

⁶ These words were inserted by Bom 1 of 1910, s 2 and Sch I

⁷ The words "and may suspend, reduce, or transfer any of such officers as it may think fit and Government may also dismiss or remove from service any Deputy Superintendent of Police" were omitted by the Adaptation of Indian Laws Order in Council

⁸ This paragraph was added by Bom 12 of 1920, s 3 (b)

⁹ These words were inserted by Bom 59 of 1947, s 3 (1) (ii)

¹⁰ This portion was inserted by Bom 3 of 1939, s 2.

¹¹ Sub-section (2) was inserted by Bom 24 of 1930, s 2

¹² The words "He may be transferred, suspended or removed from office by Government" were omitted, by the Adaptation of Indian Laws Order in Council.

10. An inspector, ¹[a sub-inspector or a sergeant] shall, on appointment, receive from the Inspector-General ²[or Deputy Inspector-General, as the case may be,] a certificate of appointment containing particulars of his ³* * name, age, ⁴* * * religion and of his previous service, if any.

Certificates of appointment to be given to inspectors, sub-inspectors or sergeants.

11. ⁵[(1) Every police-officer of the grade of head constable and constable shall on enrolment receive a certificate in the form of Schedule B, which shall be issued under the seal of the District Superintendent, or, in the case of police-officers in the Criminal Investigation Department, under the seal of the Deputy Inspector-General, Criminal Investigation Department]

Certificates of office to be given to police-officers of the grade of head-constable and constable

(2) Every person appointed as aforesaid shall, in virtue of such appointment, be vested with the powers, functions, privileges and responsibilities of a police officer.

Powers, etc. of persons appointed as aforesaid.

(3) (a) Every certificate of appointment shall become null and void when- ever the person named therein for any reason ceases to belong to the police.

Such certificates when to become null and void.

(b) The powers, functions and privileges vested in a police-officer shall be temporarily suspended whilst such police-officer is suspended from office

Temporary suspension of powers, etc., of police-officers.

Such police-officer shall not by reason of such suspension cease to be a police-officer, but shall continue subject to the same responsibilities and subject to the same authorities as if no such suspension had taken place

12. The District Superintendent shall, subject to the orders of the Inspector-General and of the Magistrate of the district, within their several spheres of authority, direct and regulate all matters of arms, drill, exercise, observation of persons and events, mutual relations, distribution of duties, study of laws, orders and modes of proceeding and all matters of executive detail in the fulfilment of their duties by the police-force of his district.

General Powers of District Superintendent.

13. (1) The District Superintendent and the police force of a district shall be under the command and control of the Magistrate of the district.

Control by Magistrate of the district, subject to rules and orders of Provincial Government and lawful orders of the Commissioner

(2) In exercising authority under the preceding sub-section, the Magistrate of the district shall be governed by such rules and orders as ⁶[the Provincial Government] may from time to time make in this behalf, and shall be subject to the lawful orders of the Commissioner

(3) The Inspector-General shall be bound, in the rules and orders issued by him under this Act, to give furtherance to the purposes of sub-section (1)

Inspector-General to issuing rules and orders, to give furtherance to purposes of sub-section (1).

¹ These words were inserted by Bom 2 of 1919, s. 2 and Sch. I.

² These words were inserted by Bom 20 of 1935 s. 5.

³ The word " race " was deleted by Bom 34 of 1948, s. 2 (1)

⁴ The words " caste or " were deleted, *ibid*

⁵ This sub-section was substituted by Bom 2 of 1919, s. 2 and Sch. I.

⁶ The words " the Provincial Government " were substituted for the word " Government " by the Adaptation of Indian Laws Order in Council

Additional police-force to be furnished to any district by the Inspector-General on requisition of District Magistrate

14. If the Magistrate of the district considers that there is, or on any particular occasion will be, pressing need for a police-force that cannot be furnished by his own district, he shall communicate with the Inspector General, who shall, as far as possible, and subject to the orders of ¹[the Provincial Government], comply with the requisitions of the Magistrate of the district.

District Superintendent may be required by District Magistrate to furnish reports.

15. The Magistrate of the district may require from the District Superintendent reports, either particular or general, on any matter connected with crimes, the condition of the criminal classes, the prevention of disorder, the regulation of assemblies and amusements, the distribution of the police-force ²[the conduct and character of any police-officer subordinate to the District Superintendent,] the utilization of auxiliary means and all other matters in furtherance of his control of the police-force and the maintenance of order

District Magistrate's general powers of supervising the police-force of his district

16. If the Magistrate of the district observes marked incompetence, or unfitness for the locality or for his particular duties, in any officer subordinate to the District Superintendent, he may call on the Superintendent to substitute another officer for any officer whom he has power to remove and the Superintendent shall be bound to comply with such requisition. In the case of an Inspector or officer of higher grade, the Magistrate of the district may communicate with the Inspector-General, who shall thereon determine the measures to be taken with careful attention to the views of the Magistrate of the district and shall inform him of the orders he may issue.

Power of Commissioner to issue directions in respect of police-force

17. (1) A Commissioner may make any order with respect to the police-force in any district within the division subject to his authority, which the Magistrate of the district might make, and any order which he may be authorized to make by any rule lawfully made by ¹[the Provincial Government] under the provisions of this Act or other law in force, and may also in case of emergency direct any portion of such force appointed for one district to be employed in any other district in such division.

Such direction ordinarily to be to the District Magistrate and to be communicated to the Inspector-General

(2) An order under sub-section (1) shall ordinarily be directed to the Magistrate of the district concerned, but may when necessary be addressed directly to the District Superintendent, in which case it shall be communicated to the Magistrate of the district. The order shall in each case be communicated by the Commissioner to the Inspector-General

Commissioner may call Inspector-General's attention to defects in the police of his division which shall be remedied

18. In such matters falling under his observation as lie within the sphere of authority of the Inspector-General, a Commissioner may call the Inspector-General's attention to defects of system or of personal competence in the police of any portion of the division subject to his authority. It shall be incumbent on the Inspector-General in every such case to remedy defects, and to remove causes of complaint and to conform to the requests of the Commissioner where the same shall be lawful and consistent with the orders of ¹[the Provincial Government] and other lawful commands, requests and instructions. He shall communicate the steps taken by him to the Commissioner.

¹ The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

² These words were inserted by Bom. 4 of 1912, s. 3.

19. A Commissioner may call on the Magistrate of a district for such reports and information connected with the state of crime in his district and with the distribution of the police therein and on the arrangements for repressing offences and disorder as he may think necessary, as a means towards the good administration of the division subject to his authority, and may thereon issue such orders as shall be conformable to law. Every such order shall be directed to the Magistrate of the district and shall be communicated to the Inspector-General.

Commissioner may call on District Magistrate for reports on state of crime, etc., and issue orders thereon.

20. ¹[The Inspector-General] shall, subject to the orders of ²[the Provincial Government] have authority to investigate and regulate all matters of account connected with the police ³* * * * * subject to his authority, and all persons concerned shall be bound to give him reasonable aid and facilities in conducting such investigations, and to conform to his lawful orders consequent thereon.

the Inspector-General may investigate and regulate all matters of police accounts.

Special

21. (1) Whenever it shall appear to a Magistrate of the second class or of higher rank having jurisdiction at a town or place, that any unlawful assembly, riot or other disturbance of the peace has taken place or is reasonably apprehended and that the available police-force is not sufficient for the preservation of the peace and for the protection of the inhabitants and the security of property in the local area in which such unlawful assembly, riot or other disturbance has taken place or is apprehended, such Magistrate may, on the application of any police-officer not lower in rank than ⁴[sub-inspector] by a written order signed by himself and sealed with his official seal appoint to be special police-officers for such time and within such limits as he shall think necessary so many persons fit and willing to act as such officers as he shall think proper.

Appointment of special police-officer

(2) Every special police-officer so appointed shall have the same powers, functions, privileges and immunities and be liable to the same duties and responsibilities and be subject to the same authorities as an ordinary police-officer, but it shall not be necessary for him to receive a certificate of office under section 11.

Powers and responsibilities of special police-officers

Additional.

22. (1) Any District Superintendent, on the application of any person showing the necessity therefor, may depute any additional number of police to keep the peace or to perform other police duties at any place within the district.

Employment of additional police at request of persons showing the necessity therefor

(2) Such additional police shall be employed at the charge of the person making the application, but shall be subject to the orders of the police authorities and shall be employed for such period as the District Superintendent thinks fit

Cost thereof.

¹ These words were substituted for the words "A Commissioner" by Bom. 4 of 1912, s. 4

² The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council

³ The words "within the division" were repealed, *ibid.*

⁴ This word was substituted for the words "chief constable" by Bom. 4 of 1912, s. 5.

Proviso
regarding
relief from
cost.

(3). Provided that, if the person upon whose application such additional police are employed shall at any time make a written requisition to the District Superintendent for the withdrawal of the said police, he shall be relieved from the charge therefor on the expiration of such period, not exceeding one month from the date of delivery of such requisition, as the District Superintendent shall determine

(4) In acting under this section the District Superintendent shall be subject to the provisions of section 13 (1).

Power to
appoint
additional
police-
officers.

¹[22A. (1) ²[The Provincial Government] may* * * * * appoint for such time and on such pay, and of such rank or grade, as it shall think fit, additional police-officers to enforce any of the provisions of this or any other Act in respect of any particular class or classes of offences,—

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

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

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

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

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

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

Notice to be
given for
discontinu-
ance.

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

Payments
to be
accounted
for.

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

Dispute as to
payment
of cost

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

Employment
of additional
police near
large works.

23. (1) Whenever it shall appear to any Magistrate of a district that the behaviour, or a reasonable apprehension of the behaviour, of the persons employed on any railway, canal or other public work, or in or upon any manufactory or other commercial concern under construction or in operation at any place within his district, necessitates the employment of additional police at such place, such Magistrate may, with the sanction of [the Commissioner], depute such additional police to the said place as he shall think fit, and keep the said police employed at such place for so long as such necessity shall appear to him to continue.

¹ Section 22A was inserted by Bom. 11 of 1927, s 3

² The words "The Provincial Government" were substituted for the words "Any District Superintendents" by the Adaptation of Indian Laws Order in Council

³ The words "in his discretion" were omitted, *ibid*

⁴ These words were substituted for the word "Government" by Bom 3 of 1915, s 2 and Sch I

(2) Such additional police shall be employed at the charge of the person by whom the work, manufactory or concern is being constructed or carried on, and the said person shall pay the charges therefor at such rates and at such times as the Magistrate of the district, with the sanction of ¹[the Commissioner], shall from time to time require. Cost thereof.

24. In case of any dispute in any case under section 22 or section 23, the decision of the Magistrate of the district shall be conclusive as to the amount to be paid and as to the person by whom it is to be paid, and the sum so ascertained may, on the requisition of the Magistrate of the district, be levied by the Collector as if it were an arrear of land-revenue due by the person found to be answerable therefor. Disputes as to payment of cost.

25. (1) ²[The Provincial Government] may, from time to time, by notification, direct the employment of additional police for such period as it shall think fit in any local area which shall appear to it to be in a disturbed or dangerous state, or in which the conduct of the inhabitants or of any particular section of the inhabitants shall, in its opinion, render it expedient temporarily to increase the strength of the police. Employment of additional police in cases of special danger to the public peace

³(2) The cost of such additional police shall, if ⁴[the Provincial Government] so direct be either in whole or in part defrayed by a tax imposed on the persons hereinbelow mentioned, or by a rate assessed on the property of such persons, or both by a tax and by a rate so imposed and assessed, and charged— Cost thereof

(a) either generally on all persons who are inhabitants of the local area to which such notification applies, or

(b) specially on any particular section or sections or class or classes of such persons, and ⁵[the Provincial Government] may direct the proportions in which such tax or rate shall be charged :

⁴[Provided that a copy of every direction given by ⁶[the Provincial Government] under this sub-section shall be sent forthwith to each member of the ⁵[Legislative Assembly of the Province], and shall be laid on the table of the ⁶[Legislative Assembly of the Province] at the commencement of the session next following the date of such direction, and the question whether the said cost or any part thereof shall be defrayed in the manner specified in this sub-section or whether it shall be defrayed out of the general revenues of ²[the Provincial Government] shall, if so required by due notice given at the session by any member, be decided by a resolution duly passed in this behalf by the ⁶[said Assembly], and recoveries shall be suspended pending the consideration of such resolution if any at such or the next succeeding session

Explanation.—For the purposes of this section and of section 25A "inhabitants" shall include persons who themselves or by their agents or servants occupy or hold land or other immovable property within such area, and landlords who themselves or by their agents or servants collect rents or revenue direct from rayats or occupiers in such area, notwithstanding that they do not actually reside therein]

¹ These words were substituted for the word "Government" by Bom 3 of 1915, s. 2 and Sch 1.

² The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

³ This sub-section was substituted by Bom. 3 of 1898.

⁴ This proviso was inserted by Bom 19 of 1925, s. 2.

⁵ The words "Legislative Assembly of the Province" were substituted for the words "Bombay Legislative Council" by the Adaptation of Indian Laws Order in Council.

⁶ The words "said Assembly" were substituted for the words "said Council", *ibid.*

Extension of
period for
payment of
cost.

¹[(3) It shall be lawful for ²[the Provincial Government] to extend, for a term not exceeding in any case five years, the period for the payment of such tax or rate beyond [the period for which such additional police are actually employed.]

Assessment
of cost.

³[(4) The said tax shall be imposed, or the said rate shall be assessed, except in a municipal district, by the Collector at his discretion. If the local area in which any such tax is to be imposed or any such rate is to be assessed, is a municipal district, * * * * the rate shall be assessed by the municipality conformably to the direction given by ²[the Provincial Government] under sub-section (2) ⁵[or where the Commissioner so directs the tax shall be imposed or the rate shall be assessed by the Collector at his discretion].]

Exemption
from liability
to bear cost

⁴ ¹[(5) It shall be] lawful for ²[the Provincial Government], by order, to exempt any persons from liability to bear any portion of such cost]

Compensa-
tion for in-
jury caused
by an unlaw-
ful assembly
how recover-
able.

⁶[25A. (1) With the previous sanction of ⁷[the Commissioner], the Magistrate of the district may—

(a) after such enquiry as he deems necessary,

(i) determine the amount of the compensation which, in his opinion, should be paid to any person or persons, in respect of any loss or damage caused to any property, or in respect of death or grievous hurt caused to any person or persons, by anything done in the prosecution of the common object of an unlawful assembly, and

(ii) declare the local area, the inhabitants of which have, in his opinion, by their conduct caused or contributed to the holding of such assembly,

(b) require the Collector to recover the amount so determined in such proportions as the Magistrate of the district may with the like sanction direct from all inhabitants of the local area so declared as aforesaid, or from any section or sections, or class or classes of such persons,

(c) if such area is a municipal district, at his discretion require the municipality to assess and recover such amount ⁸[and a sum not exceeding three percent. of such amount] by a tax or by a rate which the municipality shall impose and levy from such persons and in such proportions in accordance with such directions; and

(d) require the Collector or the municipality, as the case may be, to award or apportion all or any moneys so recovered to any person or among all or any persons whom the Magistrate of the district considers entitled to compensation in respect of the loss or damage or death or grievous hurt aforesaid.

Exemption
from liability
to pay com-
pensation.

(2) It shall be lawful for ⁷[the Commissioner] by order to exempt any persons from liability to pay any portion of such compensation.

¹ This sub-section was inserted by Bom 3 of 1898, s 6

² The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

³ This sub-section was substituted, by Bom 3 of 1898.

⁴ The words "the amount of the charge shall be paid by the municipality from the municipal fund or" were omitted by Bom. 19 of 1925, s. 2(2).

⁵ These words were inserted by Bom. 24 of 1930, s. 3.

⁶ This section was inserted by Bom. 3 of 1893, s. 7.

⁷ These words were substituted for the word "Government" by Bom. 3 of 1915, s. 2 and Sch. I.

⁸ These words were inserted by Bom. 59 of 1947, s. 3 (2)(a).

(3) No recovery shall be made and no compensation shall be granted under this section except upon a claim made within ¹[45 days] from the date of the death, grievous hurt, loss or damage, as aforesaid, in respect of which such claim is made and unless the District Magistrate is satisfied that the person claiming compensation is himself free from blame in respect of the occurrences which led to the death, grievous hurt, loss or damage as aforesaid. Conditions under which compensation recoverable

(4) Every declaration, assessment, direction and order made by the Magistrate of the district under sub-section (1) shall be subject to revision by ²[the Commissioner] . . . * * * but save as aforesaid shall be final. Orders of District Magistrate subject to revision.

⁴[(4A) The Commissioner and the Magistrate of the district shall discharge their functions under this section subject to any general or special orders of the Provincial Government in this behalf] Commissioner and District Magistrate to act under orders of Provincial Government

(5) No civil suit shall be maintainable in respect of any loss or injury for which compensation has been granted under this section] Bar to maintaining civil suit.

26. (1) Every ⁵[tax imposed or] rate assessed under ⁶[the last two preceding sections] or other provision of this Act by a municipality shall be recovered by such municipality from each person answerable therefor in the same manner as a municipal tax due by him Recovery of rates and charges under sections 25 and 25A by a municipality

⁷[Provided that where a municipality makes default in imposing any such tax or in assessing any such rate or in making any such recovery, ⁸[the Provincial Government] may direct the Collector to impose such tax or assess such rate or to make such recovery]

⁹[(1A) The municipality or the Collector, as the case may be, shall every three months pay the amount recovered by it or him to the Magistrate of the district] Municipality or Collector to pay amount recovered every three months.

⁹(1B) Out of the total amount recovered by the municipality a sum equivalent to the amount of the compensation determined under clause (a) (1) of sub-section (1) of section 25A shall be paid to the Magistrate of the district and the balance, if any, shall be credited to the municipal fund constituted under section 51 of the Bombay District Municipal Act, 1901 or section 65 of the Bombay Municipal Boroughs Act, 1925, as the case may be] Amount of compensation to be paid to District Magistrate, balance to be credited to municipal fund.

¹ These figures and words were substituted for the words " one month " by Bom 34 of 1948, s 2 (2).

² These words were substituted for the word " Government " by Bom 3 of 1915, s 2 and Sch. L

³ The words " or by such officer as they from time to time empower in this behalf " were repealed, *ibid*

⁴ Sub-section (4A) was inserted by Bom 59 of 1947, s 3 (2) (b).

⁵ These words were inserted by Bom. 3 of 1898, s 8 (1) (a)

⁶ These words were substituted for the words " the last preceding section ", *ibid*, s (1) (b)

⁷ This proviso was substituted for the original proviso by Bom 24 of 1930, s 4 (a)

⁸ The words " the Provincial Government " were substituted for the words " the Government " by the Adaptation of Indian Laws Order in Council.

⁹ Sub-sections (1A) and (1B) were inserted by Bom. 59 of 1947, s 3 (3).

By the
Collector.

(2) Every [tax imposed or] rate assessed ¹[or amount recoverable] by the Collector ²[under any provision of this Act] shall be recoverable by the Collector as if it were an arrear of land-revenue due by the person answerable therefor.

Compensa-
tion in
respect of
death or
grievous
hurt not to
be assigned,
attached or
charged.

³[26A The compensation payable to any person under section 25 An respect of death or grievous hurt shall not in any way be capable of being assigned or charged or be liable to attachment or to pass to any person other than the person entitled to it by operation of law, nor shall any claim be set off against the same.]

CHAPTER III.

REGULATION, CONTROL AND DISCIPLINE OF THE POLICE FORCE

Framing
of rules for
admit-
s-
tration of
the police.

27. Subject to the orders of ⁴[the Provincial Government], the Inspector-General may from time to time make rules or orders not inconsistent with this Act or with any other enactment at the time in force—

(a) relating to the recruitment, organization, classification and discipline of the police,

(b) regulating the inspection of the police by his subordinates;

(c) determining the description and quantity of arms, accoutrements, clothing and other necessaries to be furnished to the police,

(d) for the institution, management and regulation of any police fund for any purpose connected with police administration,

(e) regulating, subject to the provisions of section 13, clause (I), and section 17, the distribution, movements and location of the police,

(f) regulating the duties of police-officers of different grades,

(g) regulating the collection and communication by the police of intelligence and information,

(h) generally, for the purpose of rendering the police efficient and preventing abuse or neglect of their duties

Inspector-
General
may call
for
returns,
etc.

28. The Inspector-General of Police may, subject to the rules and orders of ⁴[the Provincial Government], call for such returns, reports and statements on subjects connected with the suppression of crime, the maintenance of order and the performance of their duties as his subordinates may be able to furnish to him. He will communicate to the Magistrate of the district and the Commissioner any general orders issued by him for the purposes aforesaid or in consequence of the information furnished to him, and also any orders which ⁴[the Provincial Government] may direct

¹ These words were inserted by Bom 3 of 1898, s 8 (2).

² These words were substituted for the words "as aforesaid" by Bom 24 of 1930, s 4 (b)

³ Section 26A was substituted for the original by Bom 59 of 1947, s 3 (4)

⁴ The words the "Provincial Government" were substituted for the word "the Government" by the Adaptation of Indian Laws Order in Council.

29. (1) The ¹[²[State] Government], ³[or subject to the provisions of Punishment of sub-section (4) any officer] authorised by sub-section (3) in that behalf, may ⁴[the member suspend, reduce or dismiss any ⁴[member of the subordinate ranks of the police force] of the whom he shall think cruel, perverse, remiss or negligent in the discharge of his duty subordinate ranks of the or unfit for the same, and may fine, to an amount not exceeding one month's pay police force any ⁴[member of the subordinate ranks of the police force] ⁵* * * * * departmentally any ⁴[member of the subordinate ranks of the police force] ⁵* * * * * for neglect who is guilty of any breach of discipline or misconduct which does not require his suspension or dismissal or who, by any act of his own, renders himself unfit for the of duty, etc. discharge of his duty.

(2) Any punishment inflicted on a ⁴[member of the subordinate ranks of Punishment the police force] under this section shall be in addition to the penalty to which ⁶[the member of the subordinate ranks of the police force] is liable under sections 36, 63 or 64 of this Act or any other law in force.

(3) The Inspector-General ⁶[and Deputy Inspector-General] shall have Punitive authority to punish ⁷[any ⁴[member of the subordinate ranks of the police force] of, and below the grade of inspector] under sub-section (1). ⁸[A District Inspector-General, Superintendent shall have] the like authority in respect of any police-officer Deputy Inspector-General subordinate to him below the grade of Inspector and may suspend an Inspector-General and Superintendent Inspector who is subordinate to him, pending inquiry into a grave complaint against such Inspector and until an order of the Inspector-General ⁹[or Deputy Inspector-General] can be obtained. ¹⁰[The Principal of the Central Police Training School, Nasik, shall also have the like authority in respect of any ⁴[member of the subordinate ranks of the police force] below the grade of Inspector serving under him, and in respect of head constables and constables belonging to the police force of the Nasik District or of any other district attached to the said School for duty under him. He may also suspend an Inspector who is subordinate to him, pending inquiry into a grave complaint against such Inspector and until an order of the Inspector-General ⁹[or Deputy Inspector-General] can be obtained] But the exercise of any power conferred by this sub-section shall be subject always to such rules and orders as may be made by ¹¹[the ²[State] Government] in that behalf.

¹²[(4) No member of the subordinate ranks of the police force shall be dismissed by an authority subordinate to that by which he was appointed]

¹ The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council

² This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950

³ These words were substituted for the words "or any officer", *ibid.*

⁴ The word "member of the subordinate ranks of the police force" were substituted for the words "police-officer", by the Adaptation of Indian Laws Order in Council.

⁵ The words "below the grade of Assistant or Deputy Superintendent" were omitted, *ibid.*

⁶ The words "and Deputy Inspector-General" were inserted by Bom 20 of 1935, s 6 (i)

⁷ These words were substituted for the words "an inspector" by Bom 13 of 1934, s 2

⁸ The words "A District Superintendent shall have" were substituted for the words "the Deputy Inspector-General of Police, Criminal Investigation Department, and a District Superintendent shall each have" by Bom 20 of 1935, s 6 (ii)

⁹ The words "or Deputy Inspector-General" were inserted, *ibid.*, s 6 (iii).

¹⁰ These words were inserted by Bom 24 of 1930, s. 5 (b).

¹¹ The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council

¹² This sub section was inserted by the Adaptation of Laws Order, 1950

Procedure to be observed in awarding punishment

30. When any officer passes an order for fining, suspending, reducing or dismissing a police-officer, he shall record such order or cause the same to be recorded, together with the reasons therefor and a note of the inquiry made, in writing, under his signature in the language of the district or in English

Departmental punishment for insubordination.

31. (1) The Inspector-General and any District Superintendent and any Assistant ¹[or Deputy] Superintendent in charge of a portion of a district may punish by confinement for a period not exceeding three days, any police-officer below the rank of head constable who is in his presence, grossly insubordinate or who is insolent to him

Procedure to be observed in awarding such punishment

(2) Every order for punishing a police-officer as aforesaid shall be recorded in the manner prescribed in section 30, and a copy of every such order made by a District Superintendent or an Assistant ¹[or Deputy] Superintendent shall be forwarded by him to his immediate superior.

31A. [*Conditions of service*] *Repealed by the Adaptation of Indian Laws Order in Council.*

Police-officers to be deemed to be always on duty and to be liable to employment in any part of the presidency

32. (1) Every police-officer shall, for all purposes of this Act, be deemed to be always on duty in the area for which he is appointed or to which he is lawfully transferred, and any police-officer and any number or body for police-officers appointed for one part of the presidency may, if ²[the ³[State] Government] or the Inspector-General so direct, at any time be employed on police duty in any other part of the presidency for so long as the services of the same may be there required

Intimation of proposed transfers to be given by the Inspector-General to the Commissioner and District Magistrate

(2) Timely intimation shall, except in cases of extreme urgency, be given to the Commissioner and Magistrate of the district by the Inspector-General of any proposed transfer under this section, and, except where secrecy is necessary, the reasons for the transfer shall be explained; whereupon the officers aforesaid and their subordinates shall give all reasonable furtherance to such transfer

33. [*Police-officers not to engage in trade, etc*

Police-officers under the rank of Assistant Superintendent to be employed on other than police duties

These prohibitions to apply also when a police-officer is on leave or under suspension] *Repealed by Bom. 24 of 1930, s. 6.*

Under what conditions police-officer may resign.

34. (1) Unless with the written permission ⁴[of the Deputy Inspector-General of Police, Criminal Investigation Department, or of the Principal of the Central Police Training School, Nasik, or] of the District Superintendent or of some other police-officer empowered by the Inspector-General to grant such permission, no police-officer under the rank of Assistant ¹[or Deputy]

¹ These words were inserted by Bom 1 of 1910, s. 2 and Sch I.

² The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council

³ This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

⁴ These words were inserted by Bom. 24 of 1930, s. 7 (1) (a)

Superintendent shall resign his office or withdraw himself from the duties thereof, ¹until—

¹(a) the expiration of two months after written notice of his intention so to do has been given by him to the ²[Deputy Inspector-General of Police, Criminal Investigation Department, or to the Principal of the Central Police Training School, Nasik, or to the District Superintendent, as the case may be;] and until

¹(b) he has fully discharged any debt due by him, as such police-officer, to [the Crown] or to any Police fund :

(2) Provided that if any such police-officer produces a certificate signed Proviso. by the Civil Surgeon declaring him to be unfit by reason of disease or mental or physical incapacity for further service in the police, the necessary written permission to resign shall forthwith be granted to him on his discharging or giving satisfactory security for the payment of any debt due by him ¹as aforesaid

(3) If any such police-officer as aforesaid resigns or withdraws himself from the duties of his office in contravention of this section, he shall be liable, on the order of the ²[Deputy Inspector-General of Police, Criminal Investigation Department, or of the Principal of the Central Police Training School, Nasik, or of the District Superintendent, as the case may be] to forfeit all arrears of pay then due to him. This forfeiture shall be in addition to the penalty to which the said officer is liable under section 35 of this Act or other law in force Arrear pay of a police-officer contravening this section may be forfeited.

35. (1) Every person who for any reason ceases to be a police-officer shall forthwith deliver up to some officer empowered by the ⁴[Deputy Inspector-General of Police, Criminal Investigation Department, or the Principal of the Central Police Training School, Nasik, or the District Superintendent to whom such police-officer is subordinate] to receive the same, his certificate of appointment or of office and the arms, accoutrements, clothing and other necessaries which have been furnished to him for the execution of his office. Certificate, arms, etc., to be delivered up by person ceasing to be a police-officer, and

(2) Any Magistrate and, for special reasons which shall be recorded in writing at the time, ⁵[the Deputy Inspector-General of Police, Criminal Investigation Department, or the Principal of the Central Police Training School, Nasik, or] any District Superintendent, ⁶[Assistant Superintendent or Deputy Superintendent] may issue a warrant to search for and seize, wherever they may be found, any certificate, arms, accoutrements, clothing or other necessaries not so delivered up. Every warrant so issued shall be executed in accordance with the provisions of the ⁷Code of Criminal Procedure, 1882, by a police-officer or, if the Magistrate, ⁸[the Deputy Inspector-General of Police, Criminal Investigation Department, the Principal of the if not delivered up may be seized under a search-warrant.

X of
1882.

¹ The Police (Resignation of Office) Ordinance, 1942 (Ordinance No 11 of 1942), which provided that in section 34 of the Bombay District Police Act, 1890, in sub-section (1), the word "until" and clauses (a) and (b) shall be omitted and in sub-section (2), for the words "as aforesaid" the words "as such police-officer to the Crown or to any police fund" shall be substituted, ceased to be in force with effect from the 1st day of October 1946 by operation of the provisions of section 102 (4) read with section 311 (6) of the Government of India Act, 1935. The word "until" and clauses (a) and (b) in sub-section (1) and the words "as aforesaid" in sub-section (2) have therefore, been restored.

² These words were substituted for the words "District Superintendent" by Bom 24 of 1930, s. 7

³ These words were substituted for "Government" by the Adaptation of Indian Laws Ordinance in Council.

⁴ These words were substituted for the words "District Superintendent" by Bom 24 of 1930, s. 8 (a)

⁵ These words were inserted *ibid.*, s. 8 (b) (i).

⁶ These words were inserted by Bom. 3 of 1915, s. 2 and Sch. I.

⁷ See now Act 5 of 1893, Central Acts.

⁸ These words were inserted by Bom. 24 of 1930, s. 8 (b) (ii).

Central Police Training School, Nasik,] ¹[District Superintendent, Assistant Superintendent or Deputy Superintendent] issuing the warrant so directs, by any other person

Saving of certain articles.

(3) Nothing in this section shall be deemed to apply to any article which, under the orders of the Inspector-General, has become the property of the person to whom the same was furnished

Penalty for making false statement, etc., and

36. (1) Any person who makes a false statement or uses a false document for the purpose of obtaining employment or release from employment as a police-officer, or

for misconduct of police-officers.

(2) any police-officer who—

* * * * *

(a) is guilty of cowardice, or

²(b) resigns his office or withdraws himself from the duties thereof in contravention of section 34, or

³(c) is guilty of any wilful breach or neglect of any provision of law or of any rule or order which, as such police-officer, it is his duty to observe or obey, or

⁴(d) is guilty of any violation of duty for which no punishment is expressly provided by any other law in force, shall be punished with imprisonment for a term which may extend to three months, or with fine which may extend to one hundred rupees, or with both

Consequence of failure to return to duty after leave.

(3) A police-officer who, being absent on leave, fails, without reasonable cause, to report himself for duty on the expiration of such leave shall, for the purposes of clause (c), be deemed to withdraw himself from the duties of his office within the meaning of section 34.

Penalty for failure to deliver up certificate of appointment or of office or other article.

37. Any police-officer who wilfully neglects or refuses to deliver up his certificate of appointment or of office or any other article, in accordance with the provision of sub-section (1) of section 35, shall be punished with imprisonment for a term which may extend to one month, or with fine which may extend to two hundred rupees, or with both

Provincial Government may make order under section 144, Code of Criminal Procedure.

38. ¹[The Provincial Government], whenever it shall seem necessary, may by notification make an order to such effect as any order which if made by a Magistrate under section 144 of the 'Code of Criminal Procedure could ² be continued in force by ³[the Provincial Government] under the enactment ⁴1882. aforesaid.

CHAPTER IV.

POLICE REGULATIONS.

Rules may be made by District Magistrate regarding use of streets, etc.

39. (1) In any town or other place in which he thinks fit, the Magistrate of the district may, from time to time and subject to such orders as may have been made by a municipal or other authority empowered in that respect, make rules or orders—

(a) closing certain streets or places temporarily, in cases of danger from ruinous buildings or other cause, with such exceptions as shall appear reasonable;

¹ These words were substituted for the words "or District Superintendent" by Bom 3 of 1915, s. 2 and Sch. I.

² Clause (a) of sub-section (2) was repealed; and clauses (b) to (e) of the said sub-section were re-lettered as clauses (a) to (d) respectively by Bom 24 of 1930, s. 9.

³ The words "The Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

⁴ See now Act 5 of 1898.

(b) for guarding against injury to persons and property in the construction, repair and demolition of buildings, platforms and other structures from which danger may arise to passengers, neighbours or the public ;

(c) regulating the leading, driving, conducting or conveying of any elephant or wild or dangerous animal through or in any street ,

(d) prohibiting the hanging or placing of any cord or pole across a street or part thereof, or the making of a projection or structure so as to obstruct traffic or the free access of light and air ,

(e) prescribing certain hours of the day during which odour and offensive matter or objects shall not be taken from or into houses or buildings in certain streets or conveyed through such streets, and during which cattle shall not be driven along the streets, or along certain specified streets, except subject to such reasonable regulations as he may prescribe in that behalf ,

(f) prohibiting the setting fire to or burning any straw or other matter, or lighting a bonfire, or wantonly discharging a fire-arm or air-gun, or letting off or throwing a fire-work, or sending up a fire balloon in or upon or within fifty feet of a street or building or the putting up of any post or other thing on the side of or across a street for the purpose of affixing thereto lamps or other contrivances for illumination, except subject to such reasonable regulations as he may prescribe in that behalf ;

(g) prohibiting, except under such reasonable regulations as the Magistrate of the district may impose, the making of any excavation, the placing of building materials or other articles or the fastening or detention of any horse or other animals in any street ;

(h) prohibiting, save under such regulations as aforesaid, the exposure or movement in any street of persons or animals suffering from contagious or infectious diseases and the carcasses of animals or part thereof and the corpses of persons deceased ,

(i) setting apart places for the slaughtering of animals, the cleaning of carcasses or hides, the deposit of noxious or offensive matters, and for obeying calls of nature ,

(j) in cases of existing or apprehended epidemic or infectious disease of men or animals, with respect to cleanliness and disinfection of premises by the occupier thereof and residents therein and as to the segregation and management of the persons or animals diseased or supposed to be diseased, as may have been directed or approved by¹[the Provincial Government] with a view to prevent the disease or to check the spreading thereof ,

(k) directing the closing or disuse, wholly or for certain purposes, or limiting to certain purposes only the use, of any source, supply, or receptacle of water, and providing against pollution of the same or of the water therein ;

¹ The words " the Provincial Government " were substituted for the word " Government " by the Adaptation of Indian Laws Order in Council .

(l) regulating the hours during which and the manner in which any place for the disposal of the dead, any dharmasala, village-gate or other place of public resort may be used, so as to secure the equal and appropriate application of its advantages and accommodation and to maintain orderly conduct amongst those who resort thereto,

(m) regulating * * * the movement of persons, animals and vehicles at such times and such places at which, in the opinion of the Magistrate, special regulations may be necessary for the public safety and convenience,

²[(n) prescribing the number and position of lights to be used on vehicles in streets and the hours between which such lights shall be used]

Manner of publication of such rules

(2) Every regulation made under clause (h) or made under clause (l) with respect to the use of a place for the disposal of the dead shall be framed with due regard to ordinary and established usages and to the necessities of prompt disposal of the dead in certain cases, and every rule or order made by the Magistrate of the district under clause (c), (e), (f), (g), ³[(h), (i) or (n)] shall be published by affixing a copy thereof, in the language of the district, in the chavdi, or in some other public building in the town or place in which the same is to have operation, and a copy, in the language of the district, of every rule or order made under clause (a), (b), (j), (k) or (l) shall be kept affixed in a conspicuous spot near to the building, structure, work or place to which the same specially relates

Rules under clause (l) (j) to be reported to the Commissioner.

(3) Every rule promulgated under the authority of article (j) of clause (I) of this section shall be forthwith reported to ⁴[the Commissioner] and shall be in force for not more than fifteen days unless extended by ⁴[the Commissioner] for a longer period and, in such case, for so long as ⁴[the Commissioner] directs

(4) It shall be the duty of all persons concerned to conform to any order duly made as aforesaid so long as the same shall be in operation.

Rules for licensing and controlling theatres and other places of public amusement.

⁵[39A. With the previous sanction of the ⁶[Provincial Government] the Magistrate of the district may from time to time make rules for licensing and controlling theatres and other places of public amusement, entertainment or assembly, including the entrance and exit of persons thereat and the decent and orderly conduct of proceedings therein, and in order to prevent the obstruction, inconvenience, annoyance, risk, danger or damage of the residents or passengers in the vicinity, prohibiting the keeping of places of public amusement, entertainment or assembly, ⁷[or the using of loudspeakers in any public places or places of public entertainment]

Power of Magistrate of the district to levy fees under rules made under section 39A

⁸[39AA. Notwithstanding anything contained in this Act, it shall be deemed to be lawful and always to have been lawful, for the Magistrate of the district under the rules made under section 39A, to prescribe and levy fees for licensing theatres and other places of public amusement, entertainment or assembly]

¹ The words "the entrance and exit of persons at theatres and other places of public amusement or assembly, the decent and orderly conduct of proceedings therein and" were repealed by Bom 4 of 1912, s 6 (2)

² Clause (n) was added by Bom 34 of 1930, s 10 (a)

³ These brackets, letters and word were substituted for the brackets, letters and word, "(h) or (i)", *ibid.*, s. 10 (b)

⁴ These words were substituted for the word "Government" by Bom 3 of 1915, s 2 and Sch I.

⁵ This section was inserted by Bom 4 of 1912, s 6 (2)

⁶ The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council

⁷ These words were added by Bom. 34 of 1948, s. 2 (3)

⁸ This section was inserted by Bom 2 of 1944, s 2, read with Bom. 59 of 1947, s 2 (2)

¹[39AB. With the previous sanction of the Provincial Government, the Magistrate of the district may from time to time make rules regulating or prohibiting the sale of any ticket or pass for admission, by whatever name called, to a place of public amusement.]

Rules for regulating or prohibiting sale of tickets or passes for admission to places of public amusement.

²[39B. The Magistrate of the district may, whenever in his opinion such action is necessary, authorise the Police to erect barriers on any street for the purpose of stopping temporarily vehicles driven on such street and satisfying themselves that the provisions of any law for the time being in force have not been contravened in respect of any such vehicle or by the driver of or the person in charge of such vehicle. The Magistrate of the district may also make such orders as he deems fit for regulating the use of such barriers.]

District Magistrate may authorise erection of barriers on streets

³[39C. (1) In any town or other place in which he thinks fit, the Magistrate of the district may, from time to time, with the previous approval of the Commissioner, make rules prohibiting the disposal of the dead, whether by cremation, burial or otherwise at places other than those set apart for such purpose

Power to make rules prohibiting disposal of the dead except at places set apart

Provided that no such rules shall be made in respect of any such town or place in which places have not been so set apart

Provided further that the Magistrate of the district or any officer authorised by him in this behalf may in his discretion on an application made to him by any person grant to such person permission to dispose of the corpse of any deceased person at any place other than a place so set apart, if in his opinion such disposal is not likely to cause obstruction to traffic or disturbance of the public peace or is not objectionable for any other reason

(2) Any rules made under sub-section (1) shall specify the places set apart for the disposal of the dead of different communities or sections of communities

(3) All such rules shall be subject to the condition of previous publication and the date to be specified under clause (c) of section 24 of the Bombay General Clauses Act, 1904, shall not be earlier than two months from the date on which the draft of the proposed rules is published

Bom
I of
1904.

Explanation—For the purposes of this section, a place set apart for the disposal of the dead means a place set apart for such purpose under any custom, usage or law for the time being in force.]

40. Every Magistrate of a district may from time to time make rules for the blasting of rocks or for making excavations in or near any street in any town or village in his district and may provide in such rules for the grant of licences for such operations.

District Magistrates may make rules for blasting and excavation. Discontinuance of brothels

41. On complaint being made to a Magistrate of a district or of a sub-division that any house in a town or village in his district or sub-division to which [the Provincial Government] has by notification extended this section is used as a common brothel or lodging house or place of resort for prostitutes or disorderly persons of any description, to the annoyance of the respectable inhabitants of the vicinity, the said Magistrate may summon the owner or tenant of the house to answer the complaint, and on being

¹ Section 39AB was inserted by Bom 59 of 1947, s. 3 (5)

² This section was inserted by Bom 13 of 1941, s. 2 read with Bom. 59 of 1947, s. 2 (2).

³ This section was inserted by Bom 16 of 1946, s. 2.

⁴ The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

satisfied that the house is so used may order the owner or tenant, within a reasonable period, which shall be set forth in the order to discontinue such use of it.

Issue of orders by Magistrates for prevention of disorder.

42. (1) The Magistrate of the district * * * * * may, whenever and for such time as it shall appear necessary, by a notification publicly promulgated or addressed to individuals, prohibit in ²[any] town or village or the vicinity thereof the carrying of arms, cudgels or other weapons ³[or of corrosive substances or of explosives], the carrying, collection and preparation of stones or other missiles or instruments or means of casting or impelling missiles, the exhibition of persons or of corpses or figures thereof, the public utterance of cries, singing of songs, ⁴[playing of music], delivery of harangues and use of gestures or mimetic representations and the preparation, exhibition or dissemination of pictures, symbols, placards or of any other object or thing, which may be of a nature to outrage morality or decency or, in the opinion of such Magistrate, may probably inflame religious animosity or hostility between different classes or incite to the commission of an offence, to a disturbance of the public peace or to resistance to or contempt of the law or of a lawful authority. ⁵[If any person goes armed with any such weapon or carries any corrosive substance or explosive or missile in contravention of such prohibition, he shall be liable to be disarmed or the corrosive substance or explosive or missile shall be liable to be seized from him by any police-officer and the weapon, corrosive substance, explosive or missile so seized shall be forfeited to the Provincial Government]

⁶[(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]

Any one of several Magistrates having jurisdiction may issue order.

(2) If in any town or village or the vicinity thereof there are two or more Magistrates of the First Class having jurisdiction therein, a prohibition as aforesaid may be made by any one of them

Orders by subordinate Magistrate to be communicated to the District Magistrate

(3) An order made under this section by a subordinate Magistrate shall be forthwith communicated to the Magistrate of the district, who shall thereupon confirm, cancel or modify the same as shall seem expedient.

Issue of orders by Magistrate of the district for prevention of riot or grave disturbance of the peace

43. In order to prevent an impending or apprehended riot or grave disturbance of the peace the Magistrate of the district may temporarily close or take possession of any building or place and may exclude all or any persons therefrom or may allow access thereto to such persons only and on such terms as he shall deem expedient. All persons concerned shall be bound to conduct themselves in accordance with such order as the Magistrate may make and notify in the exercise of the authority hereby vested in him

¹The 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", were omitted by Bom. 9 of 1931, s. 2 (1) (a)

²The word "any" was substituted for the word "such", *ibid.*, s. 2 (1) (b)

³These words were inserted by Bom. 6 of 1947, s. 28 (1)

⁴These words were inserted by Bom. 3 of 1893, s. 10

⁵These words were added by Bom. 59 of 1947, s. 3 (6)

⁶Sub-section (1A) was inserted by Bom. 9 of 1931, s. 2 (2)

44 (1) In any case of an actual or intended religious or ceremonial or corporate display or exhibition or organised assemblage in any street as to which or the conduct of or participation in which it shall appear to the Magistrate of the district that a dispute or contention exists which is likely to lead to grave disturbance of the peace, such Magistrate may give such orders as to the conduct of the persons concerned towards each other and towards the public as he shall deem necessary and reasonable under the circumstances, regard being had to the apparent legal rights and to any established practice of the parties and of the persons interested. Every such order shall be published in the town or place wherein it is to operate, and all persons concerned shall be bound to conform to the same.

Issue of orders by Magistrate of the district for maintenance of order at religious ceremonies, etc.

(2) Any order made under the foregoing sub-section shall be subject to a decree, injunction or order made by a Court having jurisdiction and shall be recalled or altered on its being made to appear to the Magistrate of the district that such order is inconsistent with a judgment, decree, injunction or order of such Court, on the complaint, suit or an application of any person interested as to the rights and duties of any person affected by the order aforesaid.

Orders to be subject to decrees, etc., of Courts

45. (1) Whenever it shall appear to the Magistrate of a district that any place in the district, at which, on account of a fair, pilgrimage or other such occurrence, large bodies of persons have assembled, or are likely to assemble, is visited or will probably be visited with an outbreak of any epidemic disease, he may take such special measures and may by public notice prescribe such regulations to be observed by the residents of the said place and by persons present thereat or repairing thereto or returning therefrom as he shall deem necessary to prevent the outbreak of such disease or the spread thereof

District Magistrate may take special measures to prevent outbreak of epidemic disease at fair, etc

(2) It shall be lawful for the Magistrate of the district or for the Collector on the requisition of the Magistrate of the district, subject to the orders of [the Commissioner], to assess and levy such reasonable fees on persons falling under the provisions of sub-section (1) as will provide for the expenses of the arrangements for sanitation and the preservation of order at and about the place of assemblage

Levy of fees in such cases.

(3) When the place of assemblage is within the limits of a municipality such sums as shall be necessary for the purposes aforesaid may be recovered from the municipality.

Recovery of expenses from municipalities.

*46. [(1)] Whenever it shall appear to the Magistrate of a district or to any Sub-Divisional Magistrate that the movement or encampment of any gang or body of persons in the district is causing or is calculated to cause danger or alarm or reasonable suspicion that unlawful designs are entertained by such gang or body or by members thereof, such Magistrate may, by notification addressed to the persons appearing to be the leaders or chief men of such gang or body and published by beat of drum or otherwise as such Magistrate thinks fit, direct the members of such gang or body so to conduct themselves

Dispersal of gangs and bodies of persons

¹ These words were substituted for the word 'Government' by s 2 and Sch I of the Bombay Decentralization Act, 1915 (Bom 3 of 1915)

² Section 46 was renumbered as sub-section (1) of that section by Bom 21 of 1933, s. 4 (2)

* Section 9 of Bom XVI of 1946 runs as follows —

Saving of directions made under section 46 (2) of Bom IV of 1890—Nothing contained in this Act shall affect the validity of any direction made before the commencement of this Act under sub-section (2) of section 46 of the Bombay District Police Act, 1890 (Bom IV of 1890) prohibiting the entry of any person into Greater Bombay, and a contravention of such direction shall be deemed to be a contravention of a direction made by the Commissioner of Police under sub-section (2A) of section 27 of the City of Bombay Police Act, 1902 (Bom IV of 1902).

as shall seem necessary in order to prevent violence and alarm; or to dispel and each of them to remove himself ¹[outside the Province or to such place within the Province and] by such route ²[and within such time] as such Magistrate shall prescribe ³[and not to enter the Province or, as the case may be, the district]

Special provisions respecting local areas.

⁴[(2) Nothing in sub-sections (3) to (5) shall apply to any local area except the Thana District unless the Provincial Government, if in its opinion it is necessary or expedient so to do, by notification in the *Official Gazette* directs that the provisions of the said sub-sections shall apply to it

Removal of persons about to commit offences.

(3) Where it appears to the Magistrate of a district or to any Sub-Divisional Magistrate that the movements or acts of any person in the district are causing or calculated to cause alarm, danger or harm to person or property, or that there are reasonable grounds for believing that such person is engaged or is about to be engaged in the commission of an offence involving force or violence or an offence punishable under Chapter XII, XVI ^{XLV} of XVII of the Indian Penal Code, or in the abetment of any such offence, ^{of 1860.} and when in the opinion of the Magistrate witnesses are not willing to come forward to give evidence in public against such person by reason of apprehension on their part as regards the safety of their person or property, the Magistrate may by an order in writing duly served on him or by beat of drum or otherwise as he thinks fit direct such person to remove himself outside the Province or to such place within the Province and by such route and within such time, as the Magistrate may prescribe ⁵[and not to enter the Province or, as the case may be, the district]

Removal of persons convicted of certain offences.

(4) The Magistrate of a district or a sub-divisional Magistrate may also by order direct any person who, not having been born in the district, has been convicted of any offence punishable ⁶[under—

(i) Chapter XII, XVI or XVII of the Indian Penal Code.

⁷[(ii) section 65 or 68 of the Bombay Prohibition Act, 1949.]

(iv) Chapter III of the Dangerous Drugs Act, 1930 or

(v) section 4 or 12A of the Bombay Prevention of Gambling Act, 1887.]

to remove himself in like manner from the district and not to enter the same

(5) For the purposes of sub-section (4) the decision of the Magistrate of the district or the sub-divisional Magistrate that a person has or has not been born in the district shall be final]

Decision of Magistrate regarding the place of birth

Removal of habitual offenders.

⁸[(6) The Magistrate of a district or a sub-divisional Magistrate may also by an order in writing duly signed in the manner prescribed in sub-section (3) direct any person who ⁹[has been twice convicted of an offence under

¹ These words were substituted for the words "to such place" by Bom. 16 of 1946, s. 3 (a)

² These words were inserted by Bom. 21 of 1933, s. 4 (ii)

³ These words were added by Bom. 24 of 1948, s. 2 (4) (a)

⁴ Sub-sections (2) to (5) were substituted for the original sub-sections (2) to (6) by Bom. 16 of 1946, s. 3 (b)

⁵ These words were added by Bom. 34 of 1943, s. 2 (4) (b)

⁶ This portion was substituted for the original by Bom. 63 of 1948 s. 2 (1) (e).

⁷ This clause was substituted for the original clauses (ii) and (iii) by Bom. 25 of 1949, s. 143 and schedule II.

⁸ Sub-section (6) was inserted by Bom. 59 of 1947, s. 3 (7) (ii).

⁹ These words and figures were inserted by Bom. 63 of 1948, s. 2 (1) (b) (i).

XLV
of
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section 6, 9 or 23 of the Bombay Beggars Act, 1945, or under the Bombay Prevention of Prostitution Act, 1923, or who has been thrice convicted within a period of three years of any offence punishable¹[under the Bombay Prohibition Act, 1949,] or the Dangerous Drugs Act, 1930, or section 4 or 12A of the Bombay Prevention of Gambling Act, 1887, to remove himself in like manner from the district and not to enter the same]

²[46A. (1) Before an order under sub-section (1), (3) or (4) of section 46 is passed against any person, the Magistrate of the district or the sub-divisional Magistrate, as the case may be, or any officer authorised by him, not being below the rank of an Assistant or Deputy Superintendent, shall inform the person in writing of the general nature of the material allegations against him and give him a reasonable opportunity of tendering an explanation regarding them. If such person makes an application for the examination of any witness produced by him, the Magistrate of the district or the sub-divisional Magistrate or such officer shall grant such application and examine such witness, unless for reasons to be recorded in writing, he is of opinion that such application is made for the purpose of vexation or delay. Any written statement put in by such person shall be filed with the record of the case. Such person shall be entitled to appear before the Magistrate of the district, the sub-divisional Magistrate or the said officer by an advocate or attorney for the purpose of tendering his explanation and examining the witnesses produced by him.

(2) The Magistrate of the district, the sub-divisional Magistrate or the officer authorised under sub-section (1) may, for the purpose of securing the attendance of any person against whom any order is proposed to be made under sub-section (1), (3) or (4) of section 46 exercise all or any of the powers of a Court under sections 75 to 77 of the Code of Criminal Procedure, 1898. After such person is brought before the Magistrate, the Magistrate may release him on bail with or without sureties or may from time to time authorize his detention in such custody as he thinks fit for a period not exceeding fifteen days at a time.

(3) Any person aggrieved by an order made by the Magistrate under sub-section (1), (3) or (4) of section 46 may appeal to the ³[State] Government within thirty days from the date of such order.

(4) An order passed by the Magistrate under sub-section (1), (3) or (4) of section 46 or by the ³[State] Government under sub-section (3) of this section shall not be called in question in any Court except on the ground that the Magistrate or the officer authorised by him under sub-section (1) had not followed the procedure laid down in the said sub-section or that there was no material before the Magistrate upon which he could have based his order or on the ground that the Magistrate was not of opinion that witnesses were unwilling to come forward to give evidence in public against the person in respect of whom an order was made under sub-section (3) of section 46.

¹ These words and figures were substituted for the words and figures " under the Bombay Abkari Act, 1878, or the Opium Act, 1878 " by Bom. 25 of 1949, s. 148, Schedule II.

² Sections 46A to 46D were inserted by Bom. 16 of 1946, s. 4.

³ This word was substituted for the word " Provincial " by the Adaptation of Laws Order, 1950

Proclama-
tion of
emergency.

¹[46B. (1) The ²[State] Government may, if satisfied that the public peace or tranquillity in a district or in any part thereof is disturbed or is likely to be disturbed in consequence of a conflict between different communities or sections thereof or gangs or factions, declare, by a proclamation (hereinafter referred to as "proclamation of emergency") in the *Official Gazette* that an emergency exists.

(2) A proclamation of emergency—

(i) may at any time be revoked by a subsequent proclamation,

and

(ii) shall cease to operate at the expiry of one month, unless before the expiry of that period it has been renewed.

(3) After the ²[State] Government has under sub-section (1) issued a proclamation of emergency, the Magistrate of the district, whenever it appears to him that the presence, movements or acts of any person in the district is or are causing or calculated to cause danger or alarm, or that a reasonable suspicion exists that designs calculated to disturb public peace or tranquillity are entertained by such person, may—

(i) by an order in writing duly served on him or beat of drum or otherwise, as he thinks fit, direct such person

(a) so to conduct himself as the Magistrate shall deem necessary in order to prevent the disturbance of the peace

or

(b) to remove himself outside the ²[State] or to such place within the ²[State] and by such route, and within such time, as the Magistrate shall prescribe; ⁴[and not to enter the ²[State] or, as the case may be, the district]

5*

6*

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*

(ii) Provided further that any order made under this section shall cease to have effect on the proclamation of emergency ceasing to operate.

¹[46C. Nothing contained in section 46A or 46B shall require the Magistrate or any officer to disclose—

(a) to the person against whom an order is made under sub-section (1), (3) or (4) of section 46 or sub-section (3) of section 46B,

e°

• or

(b) to the Court,

the sources of his information or any fact the communication of which might, in the opinion of the Magistrate or officer, lead to the disclosure of the identity of any person or property.

¹ Sections 46A to 46D were inserted by Bom. 16 of 1946, s 4.

² This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950

³ This word was substituted for the word "Province", *ibid*

⁴ These words were added by Bom 34 of 1948, s 2 (5)

⁵ The word "or" was omitted by the Adaptation of Laws Order, 1950

• Clause (ii) of sub-section (3), sub-sections (4) and (5) were omitted, *ibid*.

Non-disclo-
sure of source
of informa-
tion.

146D (1) If a person to whom direction has been issued under section 46 or 46B to remove himself from a district—

(i) fails to remove himself as directed,

or

(ii) having so removed himself, except with the permission in writing of the Magistrate of the district or the sub-divisional Magistrate, as the case may be, enters the district—

(a) if the direction was issued under sub-section (1) of section 46, within two years from the date of his removal,

(b) if the direction was issued under sub-section (3) or (4) of section 46, at any time,

(c) if the direction was issued under sub-section (3) of section 46B, during the continuance of the proclamation of emergency, the Magistrate may cause him to be arrested and removed in police custody to such place outside the district as the Magistrate may in each case prescribe

(2) Notwithstanding anything contained in sub-section (1) any person ²[(i) who enters] a district in the circumstances specified in clause (ii) thereof, or after having been removed therefrom under the provision of the said clause, ³[or (ii) who in contravention of a direction issued under section 46 or 46B, enters any place in the Province] shall be punished with imprisonment for a term which may extend to two years, but shall not, except for reasons to be recorded in writing, be less than six months, and shall also be liable to fine]

47 (1) For the purpose of preventing serious disorder or breach of the law or manifest and imminent danger to the persons assembled at any public place of amusement or at any assembly or meeting to which the public are invited or which is open to the public, the senior police-officer of highest rank superior to that of constable, present ⁴[at] such place of amusement ⁵* * * or such assembly or meeting ⁵* * * may, subject to such rules and orders as may have been lawfully made, give such reasonable directions as to the mode of admission of the public to, and for securing the peaceful and lawful conduct of the proceedings ⁶[and the maintenance of the public safety] at, such place of amusement or such assembly or meeting, as he thinks necessary; and all persons shall be bound to conform to every such reasonable direction

(2) The police shall have free access to every such place of amusement, assembly or meeting, for the purpose of giving effect to the provisions of sub-section (1) and to any direction made thereunder.

48. (1) The District Superintendent or an Assistant ⁷[or Deputy] Superintendent may, subject to any rule or order which may at any time be legally made by any Magistrate, or other authority duly empowered in this behalf—

(a) make rules for and direct the conduct of ⁸[and behaviour or action of persons constituting] assemblies and processions and moving

¹ Sections 46A to 46D were inserted by Bom 16 of 1946, s. 4

² These brackets, figure and words were substituted for the word "entering" by Bom 34 of 1949, s. 2 (6) (i)

³ These words, brackets and figures were inserted, *ibid*, s. 2(6) (ii)

⁴ The word "at" was substituted for the words "in the town or village where" by Bom. 5 of 1913, s. 1.

⁵ The words "is situated" and the words "is to be held" were repealed, *ibid*.

⁶ These words were inserted, *ibid*.

⁷ These words were inserted by Bom 1 of 1910, s. 2 and Sch. I.

⁸ These words were inserted by Bom. 3 of 1907, s. 11

Procedure on failure of person to leave district and his entry therein after removal

Police to provide against disorder, etc. at public places of amusement and public meetings

Police to have free access thereto.

Police to regulate assemblies, etc in public streets.

crowds or assemblages on or along the streets, and prescribe in the case of processions, the routes by which, the order in which and the times at which the same may pass,

(b) regulate and control, by the grant of licences or otherwise, the playing of music, the beating of drums, tom-toms or other instruments and the blowing or sounding of horns or other noisy instruments in or near a street;

(c) make reasonable orders subordinate to and in furtherance of any order made by a Magistrate under sections 39-46 of this Act

Manner of publication of such rules and orders.

(2) Every rule and order made under this section shall be published at or near the place where it is to operate, or shall be notified to the person affected thereby, and all persons concerned shall be bound to act conformably thereto.

Provisions as to dogs

49. (1) The Magistrate of the district may, by public notice, extending to such place or places within the district as shall therein be named require every dog, while in the streets and not led by some person, to be muzzled in such a manner as will admit of the animal breathing and drinking without obstruction and effectually prevent it from biting, and the police may, except as is hereinafter in sub-section (2) provided, destroy any dog found loose in any place beyond the premises of the owner thereof during the currency of such order, or may take possession of any such dog and detain the same until the owner has claimed it, has provided a proper muzzle, and has paid all expenses connected with such detention.

When dogs may be destroyed or sold by the police.

(2) The police shall not destroy any dog which wears a collar bearing a known owner's name, unless such dog is rabid, until the same has remained in their possession for three clear days without the owner claiming it and paying all expenses incurred by its detention, but may sell or destroy any dog which has remained in their possession for the said period without the owner claiming it and paying the said expenses

How expenses may be recovered.

(3) For the expenses incurred under the preceding sub-sections the owner of the dog shall be answerable as for an arrear of land-revenue

Provisions in case of dog wearing a collar with owner's address.

(4) When any dog taken possession of by the police wears a collar with apparently genuine address of any person inscribed thereon, a letter stating the fact of such dog having been taken possession of shall be forthwith sent by post to the said address

Powers under this Chapter to be exercised by District Superintendent subject to control of District Magistrates and by District Magistrates subject to control of Provincial Government.

50. Every power conferred by this Chapter on a District Superintendent or officer subordinate to him shall be exercised by him subject to the orders of the Magistrate of the district, and all rules, regulations and orders made by the Magistrate of the district under this Chapter shall be subject to the provisions of section 13 (2).

CHAPTER V.

EXECUTIVE POWERS AND DUTIES OF THE POLICE.

51. (1) Every police-officer shall—

Duties of
police-officer.

(a) promptly obey and execute every warrant or other order lawfully issued to him by competent authority, and shall by all lawful means endeavour to give effect to the commands of his superior,

(b) to the best of his ability, obtain intelligence concerning the commission of cognizable offences or designs to commit such offences, and lay such information and take such other steps, consistent with law and with the orders of his superiors, as shall be best calculated to bring offenders to justice or to prevent the commission of offences;

(c) to the best of his ability, prevent the commission of public nuisances,

(d) apprehend all persons whom he is legally authorized to apprehend and for whose apprehension there is sufficient reason;

(e) aid another police-officer when called on by him or in case of need in the discharge of his duty in such ways as would be lawful and reasonable on the part of the officer aided;

(f) discharge such duties as are imposed upon him by any law relating to revenue or other law at the time in force

(2) Every police-officer may, subject to the rules and orders made by ¹[the Provincial Government] or by a person lawfully authorized, enter for any of the said purposes, without a warrant, and inspect any place of public resort and any place which he has reason to believe is used as a drinking-shop, or a shop for the sale of intoxicating drugs or a place of resort of loose and disorderly characters

Power to
enter places
of public
resort.

(3) When in a street or place of public resort a person has possession or apparent possession of any article which a police-officer in good faith suspects to be stolen property, such police-officer may search for and examine the same and may require an account thereof, and, should the account given by the possessor be manifestly false or suspicious, may detain such article and report the facts to a Magistrate, who shall thereon proceed according to sections 523 and 525 of the ²Code of Criminal Procedure or other law in force

Power to
search
suspected
persons in
a street.

X of
1892.

³[51AA A police officer may arrest without warrant any person who—

(a) contravenes an order made under section 42 or 46, or

(b) commits an offence punishable under section 61D or 65A]

Power to
arrest with-
out warrant.

⁴[51A. Any police-officer may, without an order from a Magistrate and without a warrant, arrest any person committing in his presence any offence punishable under section 3, ⁵[3A], 4, 5, ⁶[6 or 6C] of the Prevention of Cruelty to Animals Act, 1890.]

XI of
1890.

When police
may arrest
without a
warrant.

¹ The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of the Indian Laws Order in Council.

² See now Act 5 of 1898.

³ Section 51AA was inserted by Bom. 59 of 1947, s. 3 (3)

⁴ Section 51A was inserted by Bom. 11 of 1927, s. 4.

⁵ The figure and letter were inserted by Bom. 28 of 1946, s. 5.

⁶ The figures and letter were substituted for the original, *ibid*

Powers with regard to offences under Act XI of 1890

¹[51B. (1) When in respect of an animal an offence under section 3 or section 5 ²[or sub-section (1) of section 6] of the Prevention of Cruelty to Animals Act, 1890, hereinafter in this section referred to as the said Act has been committed, or, when there is a reasonable ground for suspecting that such offence has been committed, any police-officer may—

XI,³
1890

(a) take the animal to a Magistrate, or

(b) if the accused person so requires, take the animal to a veterinary officer, if any, empowered by the ⁴[Provincial Government] in this behalf, or

(c) take the animal to an infirmary appointed under sub-section (2) of section 6 of the said Act for treatment and detention therein, pending direction of a Magistrate under sub-section (3) of the said section, or

(d) when the animal is in such a physical condition that it cannot be taken to a veterinary officer or a Magistrate, draw up a report of the condition of the animal in the presence of two or more respectable persons describing such wounds, sores, fractures, bruises, or other marks of injury as may be found on the body of the animal

⁴[Provided that in cases falling under clause (b) or (d), the police-officer may direct that the animal shall be sent for detention in a dispensary or any suitable place approved by ⁵[the Provincial Government] by general or special order and be there detained until its production before a Magistrate

Provided further that an animal so detained shall be produced before a Magistrate with the least possible delay and within a period not exceeding three days from the date on which it was sent for detention and shall be handed over to its owner unless the Magistrate passes an order for its further detention in an infirmary]

(2) When an animal is brought before a Magistrate under clause (a) of sub-section (1), the Magistrate may direct the animal to be returned to the person from whose possession it was taken on such person giving security to the satisfaction of the Magistrate, binding himself to produce the animal when required, or, may direct that the animal shall be sent for treatment and care to an infirmary and be there detained as provided in sub-section (3) of section 6 of the said Act, or may make such order as he thinks fit regarding the disposal or custody and production of the animal.

(3) The veterinary officer before whom an animal is brought under clause (b) of sub-section (1) shall with all convenient speed, examine the same and draw up a report of such examination. A copy of the report shall be delivered ⁶[free of charge] to the accused person if he applies for it * * *

¹ Section 51B was inserted by Bom 24 of 1930, s. 11.

² These words, brackets and figures were inserted by Bom. 21 of 1936, s. 2 (1) (a)

³ The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

⁴ These provisos were added by Bom. 21 of 1936, s. 2 (1) (b)

⁵ The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

⁶ The words "free of charge" were inserted by Bom 21 of 1936, s. 2 (2) (c).

⁷ The words "on payment of such fee as Government prescribe" were omitted, *ibid*, s. 2 (2) (ii)

(4) When ¹[under sub-section (1) a police-officer directs that an animal shall be sent for detention in a dispensary or any suitable place before its production before a Magistrate or] under sub-section (2) a Magistrate directs that an animal shall be sent for treatment and care to an infirmary and be detained there n, the provisions of sub-sections (5), (6), (7) and (8) of section 6 of the said Act shall, so far as may be, apply

(5) When a police-officer in good faith suspects that any animal being employed in any work or labour is, by reason of any sore, unfit to be so employed he may require the person in charge of such animal to unsaddle or unload it for the purpose of ascertaining whether any sore exists and, if such person refuses to do so, may himself unsaddle or unload the animal or may cause the same to be unsaddled or unloaded]

52. It shall be the duty of every police-officer—

(a) to afford every assistance within his power to disabled or helpless persons in the streets, and to take charge of intoxicated persons and of lunatics at large who appear dangerous or incapable of taking care of themselves, Duties of police-officers towards the public.

(b) to take prompt measures to procure necessary help for any person under arrest or in custody, who is wounded or sick, and, whilst guarding or conducting any such person, to have due regard to his condition ;

(c) to arrange for the proper sustenance and shelter of every person who is under arrest or in custody ,

(d) in conducting searches, to refrain from needless rudeness and the causing of unnecessary annoyance ;

(e) in dealing with women and children, to act with strict regard to decency and with reasonable gentleness ;

(f) to use his best endeavours to prevent any loss or damage by fire ;

(g) to use his best endeavours to avert any accident or danger to the public.

53. (1) It shall be the duty of a police-officer—

(a) to regulate and control the traffic in the streets, to prevent obstructions therein and, to the best of his ability, to prevent the infraction of any rule or order made under this Act or any other law in force for observance by the public in or near the streets ; Police to regulate traffic, etc. in streets.

(b) to keep order in the streets and at and within public bathing, washing and landing places, fairs, temples and all other places of public resort and in the neighbourhood of places of public worship during the time of public worship ; to keep order in the streets and other public places, and to regulate resort to public places.

(c) to regulate resort to public bathing, washing and landing places, to prevent overcrowding thereat and in public ferry-boats and, to the best of his ability, to prevent the infraction of any rule or order lawfully made for observance by the public at any such place or on any such boat

(2)*All persons shall be bound to conform to the reasonable directions of a police-officer given in fulfilment of any of the said duties. Persons bound to conform to reasonable order of police.

¹ These words, brackets and figure were inserted, by Bom 21 of 1936, s. 4 (3).

Police-officer may restrain or remove contumacious person.

(3) A police-officer may restrain or remove any person resisting or refusing or omitting to conform to any such direction as aforesaid, and may either take such person before a Magistrate or, in trivial cases, may release him when the occasion is past.

Enforcement of orders issued under section 42, 43 or 44

54. Whenever a notification has been duly issued under section 42, or an order has been made under section 43 or 44, it shall be lawful for any Magistrate or police-officer to require any person acting or about to act contrary thereto to desist or to abstain from so doing, and, in case of refusal or disobedience, to arrest the person offending. Such Magistrate or police-officer may also seize any object or thing used or about to be used in contravention of such notification, or order as aforesaid, and the thing seized shall be disposed of according to the order of any Magistrate having jurisdiction at the place.

Duty of the police to see orders issued under section 45 or 46 carried out.

55. It shall be the duty of the police to see that every regulation and notification made by the Magistrate of the district under section 45, or by the Magistrate of the district or a sub-divisional Magistrate under section 46, is duly obeyed to warn persons who from ignorance fail to obey the same and to arrest any person who wilfully disobeys the same.

Police-officer may take charge of stray cattle

56. A police-officer may take charge of any animal falling under the provisions of the ¹Cattle Trespass Act which may be found straying in a street, and may take or send the same to the nearest pound, and the owner and other persons concerned shall thereon become subject to the provisions of the said Act I of 1871.

Duty of police with regard to unclaimed property

57. The police shall take temporary charge of all unclaimed property found by or made over to them, and shall deliver all such property to the police-patel, if any, of the town or village in which the same was found, and take a receipt therefor from the patel, who shall forward such property to the Magistrate to whom such police-patel is subordinate. If in any such case there be no police-patel of such town or village, the police shall forthwith report to such Magistrate as the Magistrate of the district shall, from time to time, appoint in this behalf, and act thereafter as the said first-mentioned Magistrate shall direct.

Procedure by Magistrate when property exceeds ten rupees in value.

58. (1) If the property regarding which a report is made to a Magistrate under the last preceding section or under section 19 of the Bombay Village Police Act, 1867, appears to such Magistrate to have been left by a person who has died intestate and without known heirs and to be likely, if sold in public auction, to realize more than ten rupees net proceeds, he shall communicate with the District Judge with a view to its being dealt with under the provisions of section 10 of Regulation ²VIII of 1827 (*a Regulation to provide for the formal recognition of heirs, etc*) or other law in force Bom VIII of 1867.

Procedure in other cases.

(2) In any other case the Magistrate shall issue a proclamation specifying the articles of which such property consists and requiring any person who may have a claim thereto to appear before himself or some other officer whom he appoints in this behalf and establish his claim within six months from the date of such proclamation. If no person within such period establishes his claim to such property, it shall be at the disposal of ³[the Provincial Government], and may be sold in public auction under the orders of the Magistrate. Bom. Reg VIII of 1827.

¹ Central Acts.

² *Supra*.

³ The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Law Order in Council.

(3) The provisions of section 10 of the Regulation aforesaid shall be deemed not to apply to intestate property which is dealt with by a Magistrate under sub-section (2).

59. If the property regarding which a report is made as aforesaid is subject to speedy and natural decay or consists of live-stock or appears to be of less value than five rupees, the Magistrate may at once direct it to be sold in public auction, and the provisions of the last preceding section shall, as nearly as may be practicable, apply to the net proceeds of such sale.

Power to sell perishable property at once.

60. A police-officer of rank superior to that of constable may perform any duty assigned by law or by a lawful order to any officer subordinate to him; and in case of any duty imposed on such subordinate, a superior, where it shall appear to him necessary, may aid, supplement, supersede or prevent any action of such subordinate by his own action or that of any person lawfully acting under his command or authority, whenever the same shall appear necessary or expedient for giving more complete or convenient effect to the law or for avoiding an infringement thereof.

A superior police-officer may himself perform duties imposed on his inferior, etc.

CHAPTER VI.

OFFENCES AND PUNISHMENTS

161. ¹[In any local area to which the ²[Magistrate of the district] by notification from time to time, ³[and subject to the orders of the Commissioner] extends this section or any part thereof,—

Punishment of certain street offences and nuisances,

(1) whoever contrary thereto—

⁵(a) * * * * *

⁶[(b) drives a vehicle of any description along a street and except in cases of actual necessity or of some sufficient reason, for deviation, does not keep on the left side of such street and when passing any other vehicle proceeding in the same direction does not keep on the right side of such vehicle];

disregarding the rule of the road;

(c) leaves in any street insufficiently tended or secured any animal or vehicle;

leaving cattle, etc., insufficiently tended;

(d) causes obstruction, injury, danger, or alarm in any street, or mischief by any misbehaviour, negligence or ill-usage in the driving, management or care of any animal or vehicle, or by driving any vehicle or animal laden with timber, poles, or other unwieldy articles through a street, contrary to any regulation made in that behalf and published by the Magistrate of the district;

causing obstruction or mischief by animal;

¹ For extension of s. 61 to certain local areas in certain Districts see Bombay Local Rules and Orders. For extension of certain clauses of s. 61 to certain local areas and villages in certain Districts,— see *ibid.*

² These words, figure and brackets were substituted for the words "In any local area to which the Commissioner by notification from time to time extends this section or any part thereof, whoever contrary thereto—" by Bom. 24 of 1930, s. 12 (a).

³ The words "Magistrate of the district" were substituted for the word "Commissioner" by Bom. 7 of 1932, s. 2 (1).

⁴ These words were inserted, *ibid.*, s. 2 (2).

⁵ Sub-clause (a) of clause (1) was omitted, *ibid.*, s. 2 (3).

⁶ This clause was substituted for the original clause (b) by Bom. 4 of 1912, s. 7.

exposing
animal for
hire or sale,
etc ;

(e) exposes for hire or sale any animal or vehicle, cleans any furniture or vehicle, or cleans, grooms, trains or breaks in any horse or other animal or makes or repairs any vehicle or any part of a vehicle in any street (unless when in the case of an accident repairing on the spot is necessary) or carries on therein any manufacture or operation so as to be a serious impediment to traffic or a serious annoyance to residents or to the public,

causing any
obstruction
in a street,

(f) causes obstruction in any street by allowing any animal or vehicle which has to be loaded or unloaded, or to take up or set down passengers, to remain or stand therein longer than may be necessary for such purpose, or by leaving any vehicle standing or fastening any cattle therein, or using any part of a street as a halting place for vehicles or cattle, or by leaving any box, bale, package or other thing whatsoever in or upon a street for an unreasonable length of time or contrary to any regulation made and published by the Magistrate of the district, by exposing anything for sale or setting out any thing for sale in or upon any stall, booth, board, cask, basket or in any other way whatsoever causes obstruction;

obstructing
a footway,

¹ [(g) drives, rides or leaves on any footway any animal or drives or draws any vehicle thereupon or fastens any animal so that the same can stand across or upon such footway],

exhibiting
mimetic,
musical or
other per-
formances,
etc .

(h) exhibits, contrary to any regulation made and notified by the Magistrate of the district, any mimetic, musical or other performances of a nature to attract crowds, or carries or places bulky advertisements, pictures, figures or emblems in any street whereby an obstruction to passengers or annoyance to the inhabitants may be occasioned;

² [(i) * * * * *

doing
offensive
acts on or
near public
streets,

(j) slaughters any animal, cleans a carcass or hide, obeys a call of nature or causes a child to do so, or bathes or washes his person in or near to and within sight of a street (except in some place set apart for the purpose by order of the District Magistrate or some other person having lawful authority in that behalf) so as to cause annoyance to the neighbouring residents or to passersby;

letting loose
horses, etc.,
and suffer-
ing ferocious
dogs to be
at large,
bathing or
washing in
places not
set apart
for those
purposes,

(k) negligently lets loose any horse or other animal, so as to cause danger injury, alarm or annoyance, or suffers a ferocious dog to be at large without a muzzle, or sets on or urges a dog or other animal to attack, worry or put in fear any person or horse or other animal;

(l) bathes or washes in or by the side of a public well, tank, or reservoir, not set apart for such purpose by order of the Magistrate of the district or of some other person having lawful authority in that behalf, or in or by the side of any pond, pool, aqueduct, part of a river, stream, nala or other source or means of water-supply in which such bathing or washing is forbidden by order of the Magistrate of the district or other person having lawful authority in that behalf;

defiling
water in
public wells,
etc .

(m) defiles, or causes to be defiled, the water in any public well, tank, reservoir, pond, pool, aqueduct or part of a river, stream, nala or other source or means of water-supply, so as to render the same less fit for any purpose for which it is set apart as aforesaid;

¹ Clause (g) was substituted for the original clause by Bom 24 of 1930; s 12 (c)

² Sub-clause (i) was deleted by Bom. 34 of 1948, s. 2 (7) (a)

(n) obstructs or incommodes a person, bathing at a place set apart for that purpose as aforesaid, by wilful intrusion or by using such place for any purpose for which it is not so set apart ; Obstructing bathers.

(o) wilfully and indecently exposes his person, uses indecent language or behaves indecently or riotously or in a disorderly manner in a street or place of public resort, or in any public office, station or station-house ; Behaving indecently in public.

¹(p)* * * * *

(q) wilfully pushes, presses, hustles, or obstructs any passenger in a street or by violent movements, menacing gestures, wanton personal annoyance, screaming, shouting, wilfully frightening horses, or cattle or otherwise disturbs the public peace or order , Obstructing or annoying passengers in the street ;

(r) uses in any street any threatening, abusive or insulting words or behaviour with intent to provoke a breach of the peace or whereby a breach of the peace may be occasioned. Misbehaviour with intent to provoke a breach of the peace.

²(s)* * * * *

shall be punished with fine which may extend to fifty rupees ³[or may be released after due admonition] ;

* ⁴(2) whoever contrary thereto begs importunately for alms or directs or permits children under his control to beg for alms, or exposes or exhibits, with the object of exciting charity, any deformity or disease or any offensive sore or wound, in or near to and within sight of any street shall be punished with imprisonment for a term which may extend to one month or with fine which may extend to fifty rupees or with both] ; Begging and exposing offensive ailments.

⁵(3) whoever contrary thereto assembles with others or joins any assembly in a street assembled for the purpose of gaming or wagering shall be punished— Gambling in streets.

(i) for a first offence, with imprisonment for a term which may extend to one month and shall also be liable to fine, and

(ii) for a subsequent offence, with imprisonment for a term which may extend to six months and shall also be liable to fine]

61AA. [Punishment for being drunk and for disorderly behaviour.]
Repealed by Bom. XXV of 1949, s. 148 and Schedule II.

⁶61A. (1) Where it appears to ⁷[the ⁸[State] Government,] from the report of the Magistrate of a district or on the representation of a local authority, that in any local area subject to the jurisdiction or control of such Magistrate or authority cattle are habitually allowed to stray and that such cattle trespass on land and damage crops or other produce thereon ⁹[the ⁸[State] Government] may by notification direct that the provisions of this section shall have operation in such local area. In such notification ⁷[the ⁸[State] Government] may direct that this section shall apply to cattle generally or to Special provisions respecting cattle habitually allowed to stray.

¹ Sub-clause (p) was deleted by Bom 59 of 1947, s. 3 (9)

² Sub-clause (s) was omitted by Bom 24 of 1930, s. 12 (d).

³ These words were added by Bom 16 of 1931, s. 2

⁴ Clause (2) was inserted by Bom. 24 of 1930, s. 12 (e).

⁵ On the date on which the Bombay Beggars Act, 1945 read with section 2 of Bom 53 of 1947, comes into force in any area outside Greater Bombay, this clause shall be repealed in its application to the said area [vide Bom 23 of 1945, s. 34 (2)].

⁶ Clause (3) was inserted by Bom 34 of 1948, s. 2 (7) (b)

⁷ This section was inserted by Bom 9 of 1918, s. 2

⁸ The words " the Provincial Government " were substituted for the word " Government " by the Adaptation of Indian Laws Order in Council.

⁹ This word was substituted for the word " Provincial " by the Adaptation of Laws Order, 1950.

such kind or kinds of cattle as may be specified in the notification, and the provisions of this section shall in such local area be read and construed accordingly

(2) In any local area in which this section is in operation, any person who, through neglect or otherwise, fails to keep in confinement or under restraint between one hour after sunset and sunrise any cattle which are his property or in his charge shall be punished with fine which may extend to one hundred rupees or, on a second or any subsequent conviction, with fine which may extend to five hundred rupees or with imprisonment which may extend to six months or with both

Explanation—Cattle shall not be deemed to be kept in confinement within the meaning of this sub-section unless they are effectively confined within a fence, wall or other enclosure and shall not be deemed to be kept under restraint within the meaning of this sub-section unless they are effectively restrained by means of a rope or other attachment

¹[(2A) The Magistrate trying the offence under sub-section (2) may order,—

(a) that the accused shall pay such compensation, not exceeding two hundred and fifty rupees, as the Magistrate considers reasonable, to any person for any damage proved to have been caused to his crop or other produce of land by the accused committing the offence,

(b) that the cattle in respect of which the offence has been committed shall be forfeited to the State Government],

(3) Any person may seize any cattle not being kept in confinement or under restraint as required by this section and may take or send the same to the nearest cattle-pound, and the owner and other persons concerned shall thereon become subject to the provisions of the ²Cattle-Trespass Act, 1871. All officers ^{I of} of police and all police-patels and all members of the village police shall, when required, aid in preventing resistance to such seizures and rescues from persons making such seizures 1871.

(4) Any fine imposed under this section may, without prejudice to any other means of recovery provided by law, be recovered by sale of all or any of the the cattle in respect of which the offence was committed, whether they are the property of the person convicted of the offence or were only in his charge when the offence was committed]

³[(5) Any compensation awarded under sub-section (2A) may be recovered as if it was a fine imposed under this section];

Wilful
trespass.

⁴[61B. Whoever without satisfactory excuse wilfully enters or remains in or upon any dwelling house or premises or any land or ground attached thereto, or on any ground, building, monument or structure belonging to ⁵[the ⁶[Government]] or appropriated to public purposes or on any boat or vessel, shall, whether he causes any actual damage or not, be punished with fine which may extend to twenty rupees

False alarm
of fire or
damage to
fire-alarm.

61C. Whoever knowingly gives or causes to be given a false alarm of fire to the fire brigade of a municipality or to any officer or fireman thereof whether by means of a street fire-alarm, statement, message or otherwise, or with intent to give such false alarm, wilfully breaks the glass of, or otherwise

¹ This sub-section was inserted by Bom 34 of 1950, s 3

² Central Acts.

³ Sub-section (5) was added by Bom. 34 of 1950, s 3 (I)

⁴ Sections 61B, 61C, 61D and 61E were inserted by Bom 24 of 1930, s 13

⁵ The words "the Crown" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

⁶ This word was substituted for the word "Crown" by the Adaptation of Laws Order, 1950

damages, a street fire-alarm, shall be punished with imprisonment of either description for a term which may extend to three months or with fine which may extend to one hundred rupees or with both

61D. Whoever is found between sunset and sunrise—

(a) armed with any dangerous instrument with intent to commit an offence, or

(b) having his face covered, or otherwise, disguised, with intent to commit an offence, or

(c) in any dwelling-house or other building, or on board any vessel or boat without being able satisfactorily to account for his presence there, or

(d) lying or loitering in any street, yard or other place, being a reputed thief and without being able to give a satisfactory account of himself, or

(e) having in his possession without lawful excuse (the burden of proving which excuse shall be on such person) any implement of house-breaking shall be punished with imprisonment for a term which may extend to three months.

Being found under suspicious circumstances between sunset and sunrise

¹[61DD. Whoever not being a member of ²[the Armed Forces of the Union] and acting as such or a police officer, goes armed with any sword, spear, bludgeon, gun or other offensive weapon, in any street or public place, unless by lawful authority, shall be liable to be disarmed by any police officer, and the weapon or weapons so seized shall be forfeited to the ³[State] Government, unless redeemed within two months by payment of such fine not exceeding five hundred rupees as the Magistrate of the district imposes]

Carrying weapon without authority.

61E. Whoever has in his possession or conveys in any manner, or offers for sale or pawn, anything which there is reason to believe is stolen property or property fraudulently obtained, shall, if he fails to account for such property or act to the satisfaction of the Magistrate, be punished with imprisonment for a term which may extend to three months or with fine which may extend to one hundred rupees]

Possession of property of which no satisfactory account can be given.

62. (1) Whoever cruelly beats, goads overworks, ill-treats or tortures or causes or procures to be cruelly beaten, goaded, overworked, ill-treated or tortured any animal, shall be punished with imprisonment which may extend to one month or with fine which may extend to one hundred rupees, or with both.

Punishment for cruelty to animals

(2) Jurisdiction in cases arising under this section shall not be exercised by a Magistrate of lower rank than the ⁴[second] class unless such Magistrate be specially invested with jurisdiction for that purpose by ⁵[the ³[State] Government].

63. Any police-officer who,—

(a) without lawful authority or reasonable cause enters or searches or causes to be entered or searched any building, vessel, tent or place ; or

(b) vexatiously and unnecessarily seizes the property of any person ; or

Penalty for vexatious search, arrest, etc., by the police.

¹ Section 61DD was inserted by Bom 59 of 1947, s 3 (11)

² These words were substituted for the words " His Majesty's forces," by the Adaptation of Laws Order, 1950

³ This word was substituted for the word " Provincial ", *ibid.*

⁴ This word was substituted for the word " first," by Bom 3 of 1915 s 2 and Sch. I.

⁵ The words " the Provincial Government " were substituted for the word " Government " by the Adaptation of Indian Laws Order in Council.

(c) vexatiously and unnecessarily detains, searches, or arrests any person; or

(d) offers any unwarrantable personal violence to any person in his custody;

(e) holds out any threat or promise not warranted by law to a person accused;

shall for every such offence be punished with imprisonment for a term not exceeding two months or with fine which may extend to five hundred rupees, or both

Penalty for vexatious delay in forwarding a person arrested.

64. Any police-officer who vexatiously and unnecessarily delays forwarding any person arrested to a Magistrate or to any other authority to whom he is legally bound to forward such person shall be punished with fine which may extend to two hundred rupees.

Penalty for contravention of rules under section 39 or section 39A or of directions under section 53

65 Whoever—

(a) contravenes any rule ¹[or order] made under section 39 ²[or ³[any rule made under] section 39A] ; or

(b) opposes or fails to conform to any direction given by the police under section 53 ;

(c) abets the commission of any offence under clause (a) or (b) ;

shall be punished with fine which may extend to fifty rupees

Penalty for contravening rules under section 39AB.

⁴[65AA Whoever contravenes any rule made under section 39AB shall, on conviction, be punishable with imprisonment for a term which may extend to three months or with fine which may extend to five hundred rupees or with both].

Penalty for contravening rules made under section 39C.

⁵[65A. Whoever contravenes the provisions of any rule made under section 39C shall be punished with imprisonment for a term which may extend to three months, or with fine which may extend to Rs 200 or with both]

Penalty for contravening rules, etc., under section 40.

66. Whoever contravenes any rule made under section 40 or any condition of any licence granted under the said rules shall be punished with fine which may extend to one hundred rupees.

Penalty for failure to comply with order under section 41.

67. Whoever fails to comply with an order made under section 41 shall be punished with fine which may extend to twenty-five rupees for every day that such order continues to be disobeyed by him

Penalty for contravention of rules or directions under sections 42, 43, 44, 47 and 48.

⁶[68. (1) Whoever disobeys an order lawfully made under section 42, 43, or 44 or abets the disobedience thereof shall be punished with imprisonment for a term which may extend to one year but shall not, except for reasons to be recorded in writing, be less than four months and shall also be liable to fine.

¹ These words were inserted by Bom. 16 of 1946, s 5

² These words, figures and letter were inserted by Bom 4 of 1912, s 8.

³ These words were inserted by Bom 16 of 1946, s 5

⁴ This section was inserted by Bom. 59 of 1947, s 3 (12), read with Bom 53 of 1949, s 3, Second Schedule

⁵ Section 65A was inserted by Bom 46 of 1946, s 6.

⁶ This section was substituted for the original, *ibid*, s. 7.

(2) Whoever—

(a) opposes or fails to conform to any direction given by the police under section 47 ;

or

(b) opposes or disobeys any rule made or direction given by the police under section 48 ;

or

(c) contravenes any condition of a licence granted under clause (b) of the said section 48 ;

or

(d) abets the commission of any offence under clause (a), (b) or (c) of this sub-section :

shall be punished with fine which may extend to two hundred rupees.]

69. Whoever contravenes or abets the contravention of any regulation made under section 45 shall be punished with imprisonment which may extend to three months, or with fine which may extend to two hundred rupees, or with both

Penalty for contravention of a regulation made under section 45.

70. Whoever opposes or disobeys any direction given by a Magistrate of a district or a Sub-Divisional Magistrate under section 46 or abets opposition to, or disobedience of, any such direction, shall be punished with imprisonment which may extend to [one year but shall not, except for reasons to be recorded in writing, be less than four months, and shall also be liable to fine]

Penalty for contravention of direction given under section 46.

71. Whoever opposes or fails forthwith to comply with any reasonable direction given by a Magistrate or a police officer under section 54, or abets opposition thereto or failure to comply therewith, shall be punished with imprisonment which may extend to three months, or with fine which may extend to five hundred rupees, or with both.

Penalty for opposing or not complying with direction given under section 54.

72. Offences against this Act when the accused person or any one of the accused persons is a police-officer above the rank of a constable shall not be cognizable by a Magistrate below the second class.

Jurisdiction when offender is a police-officer above the rank of constable.

73. It shall not, except in obedience to a rule or order made by [the State] Government] or by the Magistrate of the district, be incumbent on the police to prosecute for an offence punishable under sections 61, 62, 65, 67, 68, 69 or 70, when such offence has not occasioned serious mischief and has been promptly desisted from on warning given.

Prosecution for certain offences against the Act to be in the discretion of the police.

[73A. The offence under section 61A shall be cognizable]

Offence under section 61A to be cognizable.

74. Nothing in this Act shall be construed to prevent any person from being prosecuted and punished under any other enactment for any offence made punishable by this Act or from being prosecuted and punished under this Act for an offence punishable under any other enactment :

Prosecution for offence under other enactments, not affected by the Act.

X of Provided that all such cases shall be subject to the provisions of section 403 of the Code of Criminal Procedure.

¹ These words were substituted for the words " one month, or with fine which may extend to one hundred rupees, or with both " by Bom 16 of 1946, s 8.

² The words " the Provincial Government " were substituted for the word " Government " by the Adaptation of Indian Laws Order in Council.

³ This word was substituted for the word " Provincial " by the Adaptation of Laws Order, 1950.

⁴ Section 73A was inserted by Bom. 34 of 1950. s. 3 (2).

⁵ See now Act 5 of 1893.

CHAPTER VII.

MISCELLANEOUS.

Disposal of rewards, etc. payable to police-officers. 75. All sums paid for the service of process by police-officers and all rewards, forfeitures and penalties or shares thereof which are by law payable to police-officers as informers, shall, except as hereinafter in this section provided, be credited to ¹[the ²[State] Government

Provided that with the sanction of ¹[the ²[State] Government, or under any rule made by ¹[the ²[State] Government] in that behalf the whole or any portion of any such reward, forfeiture, or penalty may, for special services, be paid to a police-officer or be divided amongst two or more police-officers

District Magistrate's authority over village police-officers may be delegated to District Superintendent and may be withdrawn 76. Any Magistrate of a district may delegate to the District Superintendent any authority which such Magistrate himself possess for police purposes over any village police-officer, and may withdraw such authority.

No municipal or other rates to be payable by ¹[State] Government on police-buildings 77. (1) No municipal or other local rate shall be payable by ¹[the ²[State] Government] on account of the occupation or use of any house or place by members of the police force for the convenient performance of their duties.

* * * * *

Method of proving orders and notifications issued under this Act. 78. Any order or notification published or issued by ¹[the ²[State Government] or by a Magistrate or officer under any provision of this Act and the due publication and issue thereof, may be proved by the production of a copy thereof in the ⁴[Official Gazette] or of a copy thereof signed by such Magistrate or officer and by him certified to be a true copy of an original published and issued according to the provisions of the section of this Act applicable thereto.

Rules and orders not to be deemed in valid on account of defect of form or irregularity in procedure. 79. No rule, order, direction, adjudication, inquiry or notification made or published, and no act done under any provision herein contained or in substantial conformity to the same, shall be deemed, illegal, void, invalid, or insufficient for any defect of form or publication or any irregularity of procedure.

Suspension and revocation of licences. ⁵[79A. Any licence granted under the provisions of this Act may at any time be suspended or revoked by the District Magistrate, if any of its conditions or restrictions is infringed or evaded by the person to whom it has been granted, or if such person is convicted of any offence in any matter to which such licence relates.

¹ The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

² This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

³ Sub sections (2) and (3) were repealed by Bom 1 of 1910, s 3 and Sch II.

⁴ The words "Official Gazette" were substituted for the words "Bombay Government Gazette" by the Adaptation of Indian Laws Order in Council

⁵ This section was inserted by Bom 63 of 1948, s. 2 (2).

Explanation.—For the purpose of this section any such infringement or evasion by, or conviction of, a servant or other agent acting on behalf of a person to whom the licence has been granted shall be deemed to be infringement or evasion by, or as the case may be, conviction of, the person to whom the licence has been granted.]

80. (1) No Commissioner, Magistrate or police-officer shall be liable to any penalty or to payment of damages on account of any act done in good faith in pursuance or intended pursuance of any duty imposed or any authority conferred on him by any provision of this Act or of any rule, order or direction lawfully made or given thereunder.

No Commissioner, Magistrate or police officer to be liable to penalty or damages for act done in good faith in pursuance of duty.

(2) No public servant or person duly appointed or authorised shall be liable as aforesaid for giving effect in good faith to any such order or direction issued with apparent authority by [the Provincial Government] or by a person empowered in that behalf under this Act or any rule made under any provision thereof.

No public servant liable as aforesaid for giving effect in good faith to any rule, order or direction issued with apparent authority.

(3) In any case of an alleged offence by a Magistrate, police officer or other person, or of a wrong alleged to have been done by such Magistrate, police-officer or other person, by any act done under colour or in excess of any such duty or authority as aforesaid, or wherein it shall appear to the Court that the offence or wrong if committed or done was of the character aforesaid, the prosecution or suit shall not be entertained, or shall be dismissed, if instituted more than six months after the date of the act complained of.

Suits or prosecutions in respect of act done under colour of duty as aforesaid not to be entertained, or to be dismissed, if not instituted within six months

(4) In the case of an intended suit on account of such a wrong as aforesaid, the person intending to sue shall be bound to give to the alleged wrong-doer one month's notice at least of the intended suit with a sufficient description of the wrong complained of, failing which such suit shall be dismissed.

In suits as aforesaid one month's notice of suit to be given with sufficient description of wrong complained of.

(5) The plaint shall set forth that a notice as aforesaid has been served on the defendant and the date of such service, and shall state whether any, and if any, tender of amends has been made by the defendant. A copy of the said notice shall be annexed to the plaint endorsed or accompanied with a declaration by the plaintiff of the time and manner of service thereof.

Plaint to set forth service of notice and tender of amends.

¹ The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

Persons interested may apply to Provincial Government to annul, reverse, or alter any rule or order

81. (1) In the case of any rule or order made by ¹[the Provincial Government] under an authority conferred by this Act and requiring the public or a particular class of persons to perform some duty or act, or to conduct or order themselves or those under their control in a manner therein described, it shall be competent to any person interested to apply to ¹[the Provincial Government] by a memorial given to a Secretary to ¹[the Provincial Government] to annul, reverse, or alter the rule or order aforesaid on the ground of its being unlawful, oppressive or unreasonable

When a suit shall lie to the District Court to declare a rule or order unlawful.

(2) After such an application as aforesaid and the rejection thereof wholly or in part or after the lapse of four months without an answer to such application or a decision thereon published by ¹[the Provincial Government], it shall be competent to the person interested and deeming the rule or order contrary to law to institute a ²[suit against the Crown] in the District Court of the district wherein the rule or order operates, for a declaration that the rule or order is unlawful either wholly or in part. The decision in such suit shall be subject to appeal; and a rule or order finally adjudged to be unlawful shall by ¹[the Provincial Government] be annulled or reversed or so altered as to make it conformable to law. .

82. [Saving of certain Acts] Repealed by Act XVI of 1895.

SCHEDULE A.

- (See section 2)

ENACTMENTS REPEALED.

Number and year of enactment.	Title or subject	Extent of repeal
Bombay Regulation No XII of 1827 ³	For the establishment of a system of police throughout the Bombay Presidency	So much of clauses 1, 6, 7 and 8 of section 19 as has not already been repealed
<i>Acts of the Governor of Bombay in Council</i>		
VII of 1867	The Bombay District Police Act.	The whole Act, except sections 33 and 34
III of 1886 ⁴	The Bombay General Clauses Act	So much of Schedule B as relates to clauses 1, 6, 7 and 8 of section 19 of Regulation XII of 1827 and to any section of Bombay Act VII of 1867 except section 34

¹ The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

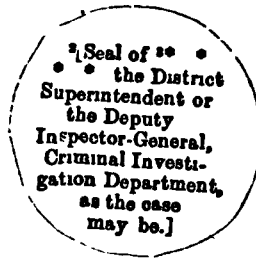
² The words "suit against the Crown" were substituted for the words "suit against Government", *ibid.*

³ *Supra.*

⁴ This Act has since been repealed by the Bombay-General Clauses Act, 1904 (Bom I of 1904), save as to portions of Schedule B which relate to unrevoked enactments and is reproduced as an appendix to that Act.

SCHEDULE B.

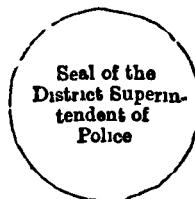
(See section 11.)

FORM OF CERTIFICATE FOR POLICE-OFFICER ¹[OF THE GRADE
OF HEAD CONSTABLE OR CONSTABLE]

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

[SCHEDULE C.

(See section 22A)

FORM OF CERTIFICATE FOR ADDITIONAL POLICE-OFFICER
APPOINTED UNDER SECTION 22A.

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

¹ These words were substituted for the words "below the grade of Inspector" by Bom. 3 of 1919, s. 2 and Schedule I.

² These words were substituted for the words "Seal of the Magistrate of the district" by Bom. 3 of 1915, s. 2 and Schedule I.

³ The words "the Inspector-General" were repealed by Bom. 2 of 1919, s. 2 and Schedule II.

⁴ Schedule C was inserted by Bom. 11 of 1927, s. 5.

THE BOMBAY MUNICIPAL SERVANTS ACT, 1890.

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SCHEDULE.

BOMBAY ACT No. V OF 1890.¹

[THE BOMBAY MUNICIPAL SERVANTS ACT, 1890.]

[15th January 1891.]

Adapted and modified by the Adaptation of Indian Laws Order in Council.

Amended by Bom. 8 of 1950.

Adapted and modified by the Adaptation of Laws Order, 1950.

WHEREAS it is expedient to make better provision in ²[Greater Bombay] and elsewhere for the enforcement of regulations regarding certain classes of municipal servants whose functions intimately concern the public health or safety, and regarding the duties, withdrawal from duty, and leave of such servants; It is enacted as follows :—

1. (1) This Act may be cited as the Bombay Municipal Servants Act.

Short title.

(2) It shall come into force in ³[Greater Bombay] at once.

Commencement and extent.

(3) The ⁴[State] Government may, by ⁵notification, extend all or any of its provisions, on and after a day not less than two months after the date of such notification, to any municipal district in the Bombay Presidency.

⁶[It] may also cancel or vary such notification consistently with the provisions of this Act.

2. (1) Unless there be something repugnant in the subject or context, all words used in this Act shall have respectively the meanings assigned to them in the ⁷City of Bombay Municipal Act, 1888.

Interpretation.

Bom. III of 1888.

(2) This Act shall, in so far as it ⁸[affects Greater Bombay], be read with the ⁷City of Bombay Municipal Act, 1888, and in so far as it affects any other part of the Presidency of Bombay, shall be read with the ⁹Bombay District Municipal Acts, 1873 and 1884.

Bom. III of 1883

Act to be read with Municipal Acts in force.

3. (1) Any municipal officer, servant or other person employed by, or on behalf of, the Corporation or a Municipality to perform any of the duties specified in the Schedule, who—

Conditions as to resignation, withdrawal and absence from specified duties.

(a) without the written permission, in ²[Greater Bombay] of the Commissioner or a person by him deputed in that behalf, and elsewhere of the officer authorized by the Municipality to give such permission, resigns his office without at least two months' notice given in writing to the Commissioner or person by him deputed, or to such officer, or withdraws or absents himself from the duties thereof, except in case of illness or accident disqualifying him for the discharge of such duties or other reason accepted as sufficient by such Commissioner or person by him deputed, or such officer; or

(b) is guilty of any wilful breach or neglect of any provision of law or of any rule or order which as such municipal officer, servant or other person employed by, or on behalf of, the Corporation or a Municipality, it is his duty to observe or obey; or

Neglect or breach of duty.

¹ For Statement of Objects and Reasons, see *Bombay Government Gazette*, 1890, Part V, p 60, for Report of Select Committee, see *ibid.*, 1890, p. 103, and for Proceedings in Council, see *ibid.*, 1890, pp 77, 109 and 127

² These words were substituted for the words "the City of Bombay" by Bom. 17 of 1945, s. 9, read with Bom 8 of 1950

³ The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council

⁴ This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

⁵ For notification extending the provisions of the Act to certain municipal districts, see Bombay Rules and Orders.

⁶ The word "It" was substituted for the word "He" by the Adaptation of Indian Laws Order in Council.

⁷ *Supra.*

⁸ These words were substituted for the words "affects the City of Bombay" by Bom. 17 of 1945, s 9, read with Bom 8 of 1950

⁹ See now the Bombay District Municipal Act, 1901, which repealed these Acts.

(c) who abets an offence under clause (a) or clause (b), shall be liable to forfeit his pay accruing due under a current term of service, and arrears of pay due for a term of not more than one month, and in addition to such forfeiture and any other penalty which may be imposed on him under any enactment or rule for the time being in force, shall be liable, on conviction, by a Magistrate, to imprisonment which may extend to three months or to fine, or to both imprisonment and fine :

Provisos.

Provided that if any such officer, servant or other person produces a certificate signed by the medical officer appointed in the City of Bombay by the Commissioner, and elsewhere by the Municipality in this behalf, of a present incapacity to perform his duties which will probably endure for a month or more, the necessary permission to resign shall forthwith be granted :

Provided further that no fee shall be taken from a person on account of such certificate as aforesaid or of examination in connection therewith.

(2) The provisions of clauses (a) and (b) of sub-section (1) shall not apply to persons at the date of the passing of this Act in the employment of the Corporation or of a Municipality until the lapse of two months from such date.

Power to dispense with two months' notice or with services after tender of resignation.

4. (1) The Commissioner or officer authorized by the Municipality under section 3 (a), may,—

(a) at his discretion, accept any resignation to take effect at a time less than two months from the date thereof, or

(b) at any time after any municipal officer, servant or other person employed as aforesaid, has tendered his resignation, dispense with the services of such officer, servant or person.

(2) Any such officer, servant or other person whose services are dispensed with under sub-section (1), clause (b), shall, subject to any agreement in writing previously made between him and the Corporation or Municipality or its representative, be entitled, in addition to any wages which he may have earned at the date of tendering his resignation, to fifteen days' wages or to wages for such period longer than fifteen days, as his services may, after such tender of resignation, have been retained by the officer authorized in that behalf

Power of [State] Government to add to schedule.

5. (1) It shall be lawful for the ¹[²State] Government] on the request of the Corporation or of a Municipality from time to time, by notification, to declare that from a date to be fixed therein, which shall not be less than two months from the date thereof, any specified class of duties which concern the public health or safety, shall be deemed to be included in the Schedule to this Act, and from the date fixed on that behalf in such notification the provisions of section 3 shall apply to all persons employed by, or on behalf of, the Corporation or a Municipality to perform any duty of the class so specified in such notification.

(2) The ¹[²State] Government] may withdraw such notification and may from time to time cancel or vary the same consistently with the preceding clause and with the other provisions of this Act, and may also limit the operation of any notification to any Municipality or place wherein this Act is in operation.

¹ The words " Provincial Government " were substituted for the words " Governor in Council " by the Adaptation of Indian Laws Order in Council.

² The word " State " was substituted for the word " Provincial " by the Adaptation of Laws Order, 1930

6. Every person employed by, or on behalf of, the Corporation or a Municipality to perform any of the duties set forth in the Schedule, shall, on entering the service, and every person now so employed shall forthwith, receive gratis, and shall at any time thereafter, on payment of one anna, ^{Copies of Act to be supplied at nominal price to employees.} [be entitled to receive in Greater Bombay] from the Municipal Commissioner for the City of Bombay and elsewhere from the President of a municipality, a copy of this Act and of the notifications issued thereunder, applicable to such person or to the class to which he belongs, in the English, Marathi, Gujarathi, Canarese or Sindhi language.

SCHEDULE.

(*Vide section 3*)

Duties which render the provisions of section 3 applicable to the persons employed by, or on behalf of, the Corporation or a Municipality to perform them.

Class I.—Duties connected with the public health :

- (a) scavenging or cleansing streets or premises,
- (b) cleansing or flushing drains,
- (c) removing or disposing of excrementitious or polluted matter from houses, latrines, privies, urinals, or cesspools,
- (d) removing carcasses,
- (e) preventing nuisances generally.

Class II.—Duties connected with the public safety :

Duties of—

- (a) members of a fire-brigade,
- (b) persons, however designated, employed on, or in connection with, the maintenance or service of any municipal water-works, drain, pumping station or fire hydrant, including—
 - (1) inspectors,
 - (2) sub-inspectors,
 - (3) foremen,
 - (4) mechanics,
 - (5) drivers,
 - (6) watchmen,
 - (7) labourers,
 - (8) workmen,
- (c) lamp-lighters.

¹ These words were substituted for the words "be entitled to receive in the City of Bombay" by Bom. 17 of 1943, s. 9, read with Bom. 8 of 1950.

Replacement Series No. XXXVIII p. 36

1041-1054

The Bombay District Vaccination Act, 1892 (Bom. I of 1892) at pages 1041-1054 has been repealed by the Maharashtra Vaccination Act, 1964 (Mah. XXXVII of 1964)-s. 35.

THE PEINT LAWS ACT, 1894.

CONTI

Sections.

1. Title and commencement.
2. Amendment of Act XIV of 1874 as to territory of Peint.
3. Application of laws of Nasik to territory of Peint.
4. Repeal of other laws.
5. Pending proceedings.

BOMBAY ACT No. II OF 1894.¹

[THE PEINT LAWS ACT, 1894.]

[20th December 1894.]

Adapted and modified by the Adaptation of Indian Laws Order in Council.

An Act to amend the law in force in the Peint Territory in the Bombay Presidency.

XIV
of
1874

WHEREAS it is expedient that the law in force in the territory of Peint to which the Secretary of State for India, by a Resolution in Council bearing date the 14th day of July, 1885, declared the provisions of the ²Statute 33 Victoria, chapter 3, section I, to be applicable, should be the same as the law in force in the district of Nasik, and that the said territory should cease to be a Scheduled District under the ³Scheduled Districts Act, 1874,

And whereas the previous sanction of His Excellency the Governor General required by section 5 of the ²Indian Councils Act, 1892, has been obtained for the passing of this Act;

It is hereby enacted as follows:—

1. This Act be called the Peint Laws Act, 1894, and it shall come into force on the first day of January, 1895 Title and commencement
2. Notwithstanding anything in the definition of "Scheduled Districts" in section 1 of the ³Scheduled Districts Act, 1874, the territory of Peint shall not be deemed to be a Scheduled District within the meaning of that Act. Amendment of Act XIV of 1874 as to territory of Peint
3. All enactments which are in force in the district of Nasik and not in the territory of Peint shall come into force in the said territory. Application of laws of Nasik to territory of Peint
4. All enactments which are in force in the said territory of Peint and not in the district of Nasik shall be repealed in the said territory. Repeal of other laws
5. All proceedings commenced before any authority in the said territory before the day on which this Act comes into force and still pending on that day shall be disposed of by such authority as the ⁴[Provincial Government] may direct, and save as aforesaid shall be carried on as if this Act had not been passed. Pending proceedings.

¹ For Statement of Objects and Reasons, see *Bombay Government Gazette*, 1894, Pt V, p 2; for Report of Select Committee, see *ibid*, p 3, and for Proceedings in Council, see *ibid*, pp 17, 19 and 81.

² See now the Government of India Act, 1935.

³ The Scheduled Districts Act, 1874, ceases to have effect under the Adaptation of Indian Laws Order in Council.

⁴ The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

BOMBAY ACT N^o. III OF 1897.¹

[11th January 1898.]

Adapted and modified by the Adaptation of Indian Laws Order in Council.

An Act to amend ²Act VIII of 1870 (an Act for the prevention of the murder of Female Infants) as to the Presidency of Bombay.

WHEREAS it is expedient to amend as to the Presidency of Bombay, in manner hereinafter appearing, ²Act VIII of 1870 of the Governor General of India in Council, And whereas the previous sanction of the Governor General required by section 5 of the ³Indian Councils Act, 1892, has been obtained for the passing of this Act; It is hereby enacted as follows.

1. [*Application of accumulated Funds collected under Act VIII of 1870*] Ceased to have effect under the Adaptation of Indian Laws Order in Council.

2. Notwithstanding anything contained in section 7 of ²Act VIII of 1870, the said Act shall be deemed to extend, and from the 21st December 1870 to have extended, to the Presidency of Bombay.

Comm-
ment of Act
VIII of 1870-
in Bombay
Presidency.

¹ For Statement of Objects and Reasons, see *Bombay Government Gazette*, 1896, p 48, for Report of Select Committee, see *ibid*, 1897, p 159, and for Proceedings in Council, see *ibid*, 1897, pp 111, 191 and 249

Short title — "The Female Infanticide Prevention (Amendment) Act, 1897"; see the Bombay Short Titles Act, 1921 (Bom 2 of 1921)

² Unrepealed Central Acts

³ See now the Government of India Act, 1935.

BOMBAY ACT] No. I OF 1898.¹

[CITY OF BOMBAY MUNICIPAL INVESTMENTS ACT, 1898]

[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 ²City of Bombay Municipal Act, 1888, with respect to the investment in public 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;

Bom.
III of
1888.

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 *Supra*.

SCHEDULE A.

Particulars of Loans and Numbers of Debentures.				Number.	Amount.	Total.	Grand Total.
5 per cent Bombay Municipal Loan (Rs. 10,08,500) for Drainage and Water Works, Markets and Roads					Rs.	Rs	Rs.
Nos.	445 to 729	...	..	285	500	1,42,500	
"	730 to 741	...	..	12	500	6,000	
							1,48,500
5 per cent. Agripada House Sullage Water Connections Loan (Rs 2,48,000).							
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	
							1,00,000
The (5 per cent) 35 Lakhs various Sanitary Works Loan.							
Nos.	6801 to 6825	..	..	25	500	12,500	
"	6826 to 6876	.	..	51	500	25,500	
"	6877 to 6888	..	..	12	500	6,000	
"	6889 to 6994	..	..	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	
							1,00,000
5 per cent. Tansa Water Works Loan (Rs 147 lakhs).							
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	
							25,00,000
The (5 per cent.) Municipal Building Loan (Rs 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	
							8,00,000
Total 5 per cent. Loan Debentures				.....	.....	.....	38,48,500

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 Five 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 (Bom. III of 1901) at pages 1065-1194D has been repealed by the Maharashtra Municipalities Act, 1965 (Mah. XL of 1965), section 343.

BOMBAY ACT No. VI OF 1901.¹

[THE BOMBAY LAND REVENUE CODE AMENDMENT ACT, 1901.]

[5th October 1901.]

An Act to amend the Bombay Land Revenue Code, 1879.

Bom. V of 1879. WHEREAS it is expedient to amend the Bombay Land Revenue Code, 1879, in manner hereinafter appearing, It is enacted as follows :—

1. (1) This Act may be called the Bombay Land Revenue Code Amendment Act, 1901. Short title.

(2) It shall come into force at once.

2-4 . * * * * *

5. Any assessment of land revenue heretofore fixed by the Collector, which expressly purports, or may be reasonably held to have been intended, to have been fixed under section 52 shall be valid and deemed to have been fixed under that section as amended by the foregoing section of this Act, and the amounts due according to such assessment shall, until duly revised or altered, continue to be levied. Saving validity of past assessments purporting to have been fixed under section 52.

26-17. * * * * *

¹ For Statement of Objects and Reasons, see "Bombay Government Gazette", 1901, Pt. V, p. 246, for Report of Select Committee, see *ibid.*, p. 251, and for Proceedings in Council, see *ibid.*, pp. 264, 332 and 364.

² Amendments made by sections 2 to 4 and 6 to 17 have been incorporated in Bom. 5 of 1879.

Replacement Series No. IV—p. 145

1191-1202

The City of Bombay Police Act, 1902 (Bom. IV of 1902), at pages 1197-1262 has been repealed by the Bombay Police Act, 1951 (Bom. XXII of 1951), section 167, Schedule I.

THE BOMBAY GENERAL CLAUSES ACT, 1904.

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Provisions as to orders, rules, etc. made under Enactments.

20. Construction of orders, etc., issued under Bombay Acts or Maharashtra Acts.
21. Power to make to include power to add to, amend, vary or rescind, orders, etc.
22. Making of rules or by-laws and issuing of orders between publication and commencement of Bombay Act or Maharashtra Act.
23. Publication of orders and notifications in the *Official Gazette* to be deemed to be due publication.
24. Provisions applicable to making of rules or by-laws after previous publication.
25. Continuation of orders, etc., issued under enactments repealed and re-enacted.

1264

Bombay General Clauses Act, 1904

[1904 : Bom. I

SECTIONS.

Miscellaneous.

26. Recovery of fines.
27. Provision as to offences punishable under two or more enactments.
28. Meaning of service by post.
29. Citation of enactments.
30. Saving for previous Acts, rules and by-laws.
31. Application of Act to Ordinances and Regulations.

SCHEDULE.

BOMBAY ACT No. I OF 1904¹

[THE BOMBAY GENERAL CLAUSES ACT, 1904.]

[30th May 1904]

Amended by Bom. 4 of 1905.
 Adapted and modified by the Adaptation of Indian Laws Order in Council.
 Amended by Bom. 17 of 1945.†
 Amended by Bom. 5 of 1948.
 Adapted and modified by the Adaptation of Laws Order, 1950.
 Amended by Bom. 28 of 1950.
 Adapted and modified by the Bombay Adaptation of Laws (State and Concurrent Subjects) Order, 1956.
 Amended by Bom. 24 of 1957.
 Amended by Bom. 8 of 1958.
 Adapted and modified by the Maharashtra Adaptation of Laws (State and Concurrent Subjects) Order, 1960.

An Act for further shortening the language used in Bombay Acts, and for other purposes.

WHEREAS it is expedient further to shorten the language used in Bombay Acts, and to make certain other provisions relating to those Acts; It is hereby enacted as follows:—

Preliminary

1. This Act may be called the Bombay General Clauses Act, 1904.

Short title.

*[1-A. The provisions of this Act which relate to Bombay Acts, Regulations and Ordinances shall apply also in relation to Acts, Regulations and Ordinances of the *State of Bombay passed, made or promulgated on or after the 1st day of November 1956 and such provisions of this Act as relate to any notification, order, scheme, rule, by-law, or form shall apply also in relation to any notification, order, scheme, rule, by-law, or form issued or made under any Act, Regulation or Ordinance passed, made or promulgated on or after that date :

provided that where any such Act, Regulation, Ordinance, notification, order, scheme, rule, by-law or form passed, made or promulgated on or after the 1st day of November 1956 amends any Act, Regulation, Ordinance, notification, order, scheme, rule, by-law or form passed, made or promulgated before that date in relation to the territories transferred to the new State of Bombay under clauses (b) to (e) of sub-section (1) of section 8 of the States Reorganisation Act, 1956, the law in force of these territories in respect of the interpretation of the law so amended shall apply to the amending law, and not the provisions hereinafter of this Act]

XXX-
VII of
1956.

¹ For Statement of Objects and Reasons, see *Bombay Government Gazette*, 1903, Pt. VII, pp. 5, 6; for Report of Select Committee, see *ibid.*, 1904, Pt. VII, p. 1, and for Proceedings in Council, see *ibid.*, 1903, Pt. VII, p. 130, *ibid.*, 1904, Pt. VII, p. 42.

² This section was inserted by Bom. 24 of 1957, s. 2.

³ The words "State of Bombay" shall stand unmodified (*vide* the Maharashtra Adaptation of Laws, (State and Concurrent Subjects) Order, 1960.

[†] This Act has been re-enacted and the amendments made by section 9 and Sch. E of the said Act have been continued in force by Bom. 52 of 1947, s. 2.

Extension of application of Act to Acts, rules, etc of State of Maharashtra.

1[15. The provisions of this Act which relate to Bombay Acts, Regulations and Ordinances shall apply also in relation to Acts, Regulations and Ordinances of the State of Maharashtra passed, made or promulgated on or after the 1st day of May 1960 and such provisions of this Act as relate to any notification, order, scheme, rule, by-law or form shall apply also in relation to any notification, order, scheme, rule, by-law, or form issued or made under any Act, Regulation or Ordinance passed, made or promulgated on or after that date :

Provided that where any such Act, Regulation, Ordinance notification, order, scheme, rule, by-law or form passed, made or promulgated on or after that date amends any Act, Regulation, Ordinance, notification, order, scheme, rule, by-law or form passed, made or promulgated in relation to any territory of the State of Maharashtra, not being the Bombay area of that State, the law in force in those territories in respect of the interpretation of the law so amended shall apply to the amending law, and not the provisions hereinafter of this Act]

Repeal

2. The Bombay Acts mentioned in the Schedule are repealed to the extent specified in the fourth column thereof.

General Definitions.

Definitions

3. In this Act, and in all Bombay Acts ²[or Maharashtra Acts] made after the commencement of this Act, unless there is anything repugnant in the subject or context,—

"Abet. "

(1) "abet", with its grammatical variations and cognate expressions, shall ^{XLV} have the same meaning as in the Indian Penal Code , ^{of 1860.}

"Act "

(2) "act", used with reference to an offence or a civil wrong, shall include a series of acts ; and words which refer to acts done shall extend also to illegal omissions ;

"Affidavit. "

(3) "affidavit" shall include affirmation and declaration in the case of persons by law allowed to affirm or declare instead of swearing ;

"Barrister. "

(4) "barrister" shall mean a barrister of England or Ireland, or a member of the Faculty of Advocates in Scotland ;

"Bombay Act "

(5) "Bombay Act" shall mean an Act made by the ⁵[Governor of Bombay] in Council under the ³[Indian Councils Act, 1861] or the Indian Councils Acts, 1861 and 1892 ⁴[or the Indian Councils Acts, 1861 to 1909 or the Government of India Act, 1915, or made by the local Legislature, or the Governor of the Presidency of Bombay under the Government of India Act, or by the Provincial Legislature, or the ⁵[Governor of Bombay], under the Government of India Act, 1935], ⁶[or made by the Legislature of the ⁷[pre-Reorganisation or reorganised ⁵[State of Bombay] under the Constitution] ,

¹ This section was inserted by the Maharashtra (Adaptation of Laws (State and Concurrent Subjects) Order, 1960.

² These words were inserted, *ibid*

³ See now the Government of India Act, 1935

⁴ These words and figures were inserted by the Adaptation of Indian Laws Order in Council.

⁵ These words stand unmodified *vide* Maharashtra Adaptation of Laws (State and Concurrent Subjects) Order, 1960.

⁶ This portion was inserted by the Adaptation of Laws Order, 1950

⁷ These words were substituted for the words "State of Bombay" by the Bombay Adaptation of Laws (State and Concurrent Subjects) Order, 1956.

1[(6) "Bombay area of the State of Maharashtra" shall mean the area of the State of Maharashtra excluding the Vidarbha region, and the Hyderabad area, of that State ;]

2* * * * *

(9) "Chapter" shall mean a Chapter of the Act in which the word "Chapter" occurs ;

3[(10) "City of Bombay" shall mean the area within the local limits of "City of the ordinary original civil jurisdiction of the Bombay High Court of Judicature Bombay." immediately before the date on which the Greater Bombay Laws and the Bombay Higher Court (Declaration of Limits) Act, 1945, came into force ;]

Bom. XVII of 1945.

(11) "Collector" shall mean, in the City of Bombay, the Collector of "Collector." Bombay, and elsewhere the chief officer in charge of the revenue administration of a district ;

(12) "commencement", used with reference to an Act, shall mean the "Commencement." day on which the Act comes into force ;

Bom. V of 1879.

4[(13) "Commissioner" shall mean the Commissioner of a division appointed under the Bombay Land Revenue Code, 1879 ;]

(14) "Consular Officer" shall include consul-general, consul, vice-consul, "Consular consular agent, pro-consul and any person for the time being authorised to perform the duties of consul-general, consul, vice-consul or consular agent ; Officer."

(15) "District Judge" shall mean the Judge of a principal Civil Court of "District original jurisdiction, but shall not include a High Court in the exercise of its ordinary or extraordinary original civil jurisdiction ; Judge."

(16) "document" shall include any matter written, expressed or described upon any substance by means of letters, figures or marks, or by more than one of those means, which is intended to be used, or which may be used, for the purpose of recording that matter ; "Document."

(17) "enactment" shall include "any Regulation of the Bombay Code, and shall also include any provision contained in any Act or in any such Regulation as aforesaid : "Enactment."

(18) "father", in the case of any one whose personal law permits adoption, shall include an adoptive father ; "Father."

(19) "financial year" shall mean the year commencing on the first day of April ; "Financial year."

¹ This clause was inserted by the Maharashtra Adaptation of Laws (State and Concurrent Subjects) Order, 1960.

² Clauses (7) and (8) were omitted by the Adaptation of Indian Laws Order in Council.

³ This clause was substituted for the original by Bom. 17 of 1945, s. 9 Sch. E, read with Bom. 52 of 1947, s. 2, proviso.

⁴ This clause was inserted by Bom. 8 of 1958, s. 2, Schedule.

⁵ The words deleted by Bom. 5 of 1948, s. 2, have been omitted.

“ Good
faith.”

(20) a thing shall be deemed to be done in “ good faith ” where it is in fact done honestly, whether it is done negligently or not ;

¹[(21) “ Greater Bombay ” shall mean the areas specified in Schedule A to the; ^{Bom} Greater Bombay Laws and the Bombay High Court (Declaration of Limits) ^{XVII} of Act, 1945.] ^{of} 1945

“ High
Court.”

(22) “ High Court ”, used with reference to civil proceedings shall mean the highest Civil Court of appeal in the part of the Bombay Presidency ²[and after the 1st day of May 1960 in the part of the State of the Maharashtra] in which the Act containing the expression operates,

³[(23) “ Hyderabad area of the “ [State of Bombay] ” shall mean the territories transferred to the new State of Bombay under clause (b) of sub-section (1) of section 8 of the States Reorganisation Act, 1956 ⁴[and after the 1st day of May 1960 the said territories which form part of the State of Maharashtra shall be known as the Hyderabad area of the State of Maharashtra.], ^{XXX-} ^{VII} of 1956.

“ Immovable
property.”

(24) “ immovable property ” shall include land, benefits to arise out of land, and things attached to the earth, or permanently fastened to anything attached to the earth ;

“ Imprison-
ment.”

(25) “ imprisonment ” shall mean imprisonment of either description as defined in the ⁵[Indian Penal Code] , ^{XLV} of 1860

* * * * *

“ Local
authority.”

(26) “ local authority ” shall mean a municipal corporation, municipality, local board, body of port trustees or commissioners or other authority legally entitled to, or entrusted by the Government with, the control or management of a municipal or local fund ;

⁶[(27) “ Maharashtra Act ” shall mean an Act made on or after the 1st day of May 1960 by the Legislature of the State of Maharashtra under the Constitution.]

“ Magis-
trate.”

(28) “ Magistrate ” shall include every person exercising all or any of the ^v powers of a Magistrate under the Code of Criminal Procedure for the time being in force ; ^{of} 1898.

“ Master ”
(of a ship).

(29) “ master ” used with reference to a ship, shall mean any person (except a pilot or harbour-master) having for the time being control or charge of the ship ;

¹ This clause was inserted by Bom 17 of 1945, s. 9, Sch E read with Bom 52 of 1947, s 2, proviso
² These words were inserted by the Maharashtra Adaptation of Laws (State and Concurrent Subjects) Order, 1960
³ Original clause (23) was omitted by the Adaptation of Laws Order, 1950 and a new clause (23) was inserted by the Bombay Adaptation of Laws (State and Concurrent Subjects) Order, 1956, as amended by the Bombay Adaptation of Laws (State and Concurrent Subjects) (Second Amendment) Order, 1957.
⁴ These words stand unmodified (see the Maharashtra Adaptation of Laws (State and Concurrent Subjects), Order, 1960.
⁵ These words were inserted, *ibid.*
⁶ Central Act.
⁷ Clause (25A) was omitted by the Maharashtra Adaptation of Laws (State and Concurrent Subjects) Order, 1960.
⁸ This clause was inserted, *ibid.*

(30) "month" shall mean a month reckoned according to the British "Month" calendar ;

(31) "moveable property" shall mean property of every description, except "Moveable immovable property" ;

(32) "oath" shall include affirmation and declaration in the case of persons "Oath." by law allowed to affirm or declare instead of swearing ;

(33) "offence" shall mean any act or omission made punishable by any law "Offence." for the time being in force ;

(34) "part" shall mean a part of the Act in which the word occurs ; "Part."

(35) "person" shall include any company or association or body of individuals, whether incorporated or not ; "Person"

[(35A) "pre-Reorganisation" [State of Bombay] shall mean—

(a) as respects any period before the commencement of the Constitution, the area comprised in the Province of Bombay ;

(b) as respects any period after the commencement of the Constitution, the territories of the State of Bombay as specified in the First Schedule to the Constitution before the commencement of the States Reorganisation Act, 1956.]

(36) "public nuisance" shall mean a public nuisance as defined in the Indian "Public Penal Code ; nuisance."

[(37) "registered", used with reference to a document, shall mean registered "Registered in a Part A State or a Part C State under the law for the time being in force red." for the registration of documents.]

* * * * *

(39) "rule" shall mean a rule made in exercise of a power conferred by any "Rule" enactment, and shall include a regulation made as a rule under any enactment ,

* * * * *

(40) "schedule" shall mean a schedule to the Act in which the word occurs ; "Schedule."

(41) "Scheduled District" shall mean a "Scheduled District" as defined "Scheduled District" in the Scheduled Districts Act, 1874 ;

¹ This clause was inserted by the Bombay Adaptation of Laws (State and Concurrent Subjects) Order, 1956

² These words stand unmodified vide the Maharashtra Adaptation of Laws (State and Concurrent Subjects) Order, 1960

³ Clause (37) was substituted for the original by the Adaptation of Laws Order, 1950.

⁴ Clause (38) was deleted by Bom. 5 of 1948 a. 2.

⁵ Clause (39A) was omitted by the Maharashtra Adaptation of Laws (State and Concurrent Subjects) Order, 1960

⁶ That is the villages belonging to the following Mehwasai Chiefs :—

- (1) The Parvi of Kathi.
- (2) The Parvi of Nal.
- (3) The Parvi of Singpur.
- (4) The Walvi of Gachali.
- (5) The Wassawa of Chikhi.
- (6) The Parvi of Nawalpur

⁷ The Scheduled Districts Act ceases to have effect under the Adaptation of Indian Laws Order, in Council.

XXX-
VII of
1956.

XLV
of
1860.

XII
of
1874.

- "Section." (42) "section" shall mean a section of the Act in which the word occurs ;
- "Ship." (43) "ship" shall include every description of vessel used in navigation not exclusively propelled by oars ;
- "Sign." (44) "sign", with its grammatical variations and cognate expressions, shall with reference to a person who is unable to write his name, include "mark", with its grammatical variations and cognate expressions ;
- "Son." (45) "son", in the case of any one whose personal law permits adoption, shall include an adopted son ;
- "Sub-section." (46) "sub-section" shall mean a sub-section of the Section in which the word occurs ;

¹(46A) "[State of Bombay]" shall mean—

(a) as respects any period before the 1st day of November 1956 the pre-Reorganisation State of Bombay ;

(b) as respects any period on and after that day the territories comprised in the new State of Bombay under section 8 of the States Reorganisation Act, 1956 ;] XXX-
VII of
1956

² A) "State of Maharashtra" shall mean the territories which on the 1st day of May 1960 are known as the State of Maharashtra under section 3 of the Bombay Reorganisation Act, 1960 .]

¹[(46B) "transferred territories" shall mean the territories transferred from the pre-Reorganisation [State of Bombay] to the new States of Mysore and Rajasthan under sections 7 and 10 of the States Reorganisation Act, 1956 ,] XXX-
VII of
1956

"Swear." (47) "swear", with its grammatical variations and cognate expressions, shall include affirming and declaring in the case of persons by law allowed to affirm or declare instead of swearing ;

"Vessel." (48) "vessel" shall include any ship or boat or any other description of vessel used in navigation ;

⁴[(48A) "Vidarbha region, or Madhya Pradesh area, or Vidarbha area, of the [State of Bombay]" shall mean the territories transferred to the new State of Bombay under clause (c) of sub-section (1) of section 8 of the States Reorganisation Act, 1956 ⁵[and after the 1st day of May 1960 the said territories which form part of the State of Maharashtra shall be known as the Vidarbha region, or Madhya Pradesh area, or Vidarbha area, of the State of Maharashtra] ;] XXX-
VII of
1956

¹ This clause was inserted by the Bombay Adaptation of Laws (State and Concurrent Subjects) Order, 1956.

² These words stand unmodified *vide* the Maharashtra Adaptation of Laws (State and Concurrent Subjects) Order, 1960.

³ This clause was inserted, *ibid*.

⁴ This clause was inserted by the Bombay Adaptation of Laws (State and Concurrent Subjects) Order, 1956, as amended by the Bombay Adaptation of Laws (State and Concurrent Subjects) (Second Amendment) Order, 1957.

⁵ These words were inserted by the Maharashtra Adaptation of Laws (State and Concurrent Subjects) Order, 1960.

(49) "will" shall include a codicil and every writing making a voluntary "Will" posthumous disposition of property ;

(50) expressions referring to "writing" shall be construed as including "Writing." references to printing, lithography, photography and other modes of representing or reproducing words or figures in a visible form on any substance ; and

(51) "year" shall mean a year reckoned according to the British calendar. "Year"

4. The definitions in section 3 of the following words—that is to say, "abet", Application of certain of the foregoing "affidavit", 1* * * 2[Bombay area of the State of Maharashtra] "Chapter", the foregoing "City of Bombay", "Collector", "Commissioner", "good faith", 3[Greater definitions to Bombay], 1* * * 4[Hyderabad area of the 5[State of Bombay]], 6* * * previous Bombay Acts. "immoveable property", "imprisonment", "Magistrate", "month", "moveable property", "oath", "part", "person", 7[re-organisation 5[State of Bombay]], 8* * * 1* * * "Schedule", "section" 5[State of Bombay], 2[State of Maharashtra], "swear", 7[transferred territories], "vessel". 4[Vidarbha region, or Madhya Pradesh area, or Vidarbha area, of the 5[State of Bombay]], "writing", and "year", apply also, unless there is anything repugnant in the subject or context, to all Bombay Acts made before the commencement of this Act.

General Rules of Construction.

5. 8[(1) Where any Bombay Act 2[or Maharashtra Act] is not expressed to come into operation on a particular day, then, Coming into operation of Bombay Acts 2[or Maharashtra Acts]

(i) in the case of a Bombay Act made before the commencement of the Constitution, it shall come into operation, if it is an Act of the Legislature, on the day on which the assent thereto of the Governor, the Governor General or His Majesty, as the case may require, is first published in the *Official Gazette* and, if it is an Act of the Governor, on the day on which it is first published as an Act in the *Official Gazette* ;

(ii) in the case of a Bombay Act 2[or Maharashtra Act] made after the commencement of the Constitution, it shall come into operation on the day on which the assent thereto of the Governor or the President, as the case may require, is first published in the *Official Gazette*.]

(2) Unless the contrary is expressed, a Bombay Act 2[or Maharashtra Act] be construed as coming into operation immediately on the expiration of the day preceding its commencement.

¹ The words "British India", "Government of India" and "Presidency of Bombay" were omitted by the Adaptation of Indian Laws Order in Council.

² These words were inserted by the Maharashtra Adaptation of Laws (State and Concurrent Subjects) Order, 1960.

³ These words were inserted by Bom. 17 of 1945 read with Bom. 52 of 1947, s. 2, proviso.

⁴ These words were inserted by the Bombay Adaptation of Laws (State and Concurrent Subjects) Order, 1956 as amended by the Bombay Adaptation of Laws (State and Concurrent Subjects) (Second Amendment) Order, 1957.

⁵ These words stand unmodified vide the Maharashtra Adaptation of Laws (State and Concurrent Subjects) Order, 1960.

⁶ The words "Kutch area the State of Bombay", and "Saurashtra area of the State of Bombay" were omitted by the Maharashtra Adaptation of Laws (State and Concurrent Subjects) Order, 1960.

⁷ These words were inserted by the Bombay Adaptation of Laws (State and Concurrent Subjects) Order, 1956.

⁸ This sub-section was substituted for the original sub-section by the Adaptation of Laws Order, 1950.

6. In this Act, and in every Bombay Act ¹[or Maharashtra Act], made after the commencement of this Act, the date of such publication as is mentioned in section 5, sub-section (1), shall be printed above the title of the Act, and shall form part of the Act.

Printing of date on which Act is published after having received the assent of the Governor, Governor-General, or His Majesty, as the case may require.

7. Where this Act, or any Bombay Act ¹[or Maharashtra Act], made after the commencement of this Act, repeals any enactment hitherto made or hereafter to be made, then, unless a different intention appears, the repeal shall not—

Effect of repeal

(a) revive anything not in force or existing at the time at which the repeal takes effect, or

(b) affect the previous operation of any enactment so repealed or anything duly done or suffered thereunder; or

(c) affect any right, privilege, obligation or liability acquired, accrued or incurred under any enactment so repealed; or

(d) affect any penalty, forfeiture or punishment incurred in respect of any offence committed against any enactment so repealed; or

(e) affect any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid, and any such investigation, legal proceeding or remedy may be instituted, continued or enforced, and any such penalty, forfeiture or punishment may be imposed, as if the repealing Act had not been passed.

²7A. Where any Bombay Act ¹[or Maharashtra Act] made after the commencement of this Act repeals any enactment by which the text of any previous enactment was amended by the express omission, insertion or substitution of any matter, then, unless, a different intention appears, the repeal shall not affect the continuance of any such amendment made by the enactment so repealed and in operation at the time of such repeal]

Repeal of enactment making textual amendment in any Act

8. (1) In any Bombay Act ¹[or Maharashtra Act] made after the commencement of this Act it shall be necessary, for the purpose of reviving, either wholly or partially, any enactment wholly or partially repealed, expressly to state that purpose.

Revival of repealed enactments.

(2) This section applies also to all Bombay Acts made before the commencement of this Act.

9. Where this Act, or any Bombay Act ¹[or Maharashtra Act] made after the commencement of this Act, repeals and re-enacts, with or without modification, any provision of a former enactment, then references in any other enactment or in any instrument to the provision so repealed shall, unless a different intention appears, be construed as reference to the provision so re-enacted

Construction of references to repealed enactments

¹ These words were inserted by the Maharashtra Adaptation of Laws (Stat^e and Concurrent Subjects) Order, 1960.

² This section was inserted by Bom. 5 of 1948, s. 3.

Commencement and termination of time

10. (1) In any Bombay Act ¹[or Maharashtra Act] made after the commencement of this Act it shall be sufficient, for the purpose of excluding the first in a series of days or any other period of time, to use the word "from" and, for the purpose of including the last in a series of days or any other period of time, to use the word, "to".

(2) This section applies also to all Bombay Acts made before the commencement of this Act

Computation of time.

11. Where, by any Bombay Act ¹[or Maharashtra Act] made after the commencement of this Act, any act or proceeding is directed or allowed to be done or taken in any Court or office on a certain day or within a prescribed period, then, if the Court or office is closed on that day or the last day of the prescribed period, the act or proceeding shall be considered as done or taken in due time if it is done or taken on the next day afterwards on which the Court or office is open.

Provided that nothing in this section shall apply to any act or proceeding to which the ²Indian Limitation Act, 1877, applies

Measurement of distances

12. In the measurement of any distance for the purpose of any Bombay Act ¹[or Maharashtra Act] made after the commencement of this Act, that distance shall, unless a different intention appears, be measured in a straight line on a horizontal plane.

Gender and number

13. In all Bombay Acts ¹[or Maharashtra Acts], unless there is anything repugnant in the subject or context—

- (a) words importing the masculine gender shall be taken to include females, and
- (b) words in the singular shall include the plural, and *vice-versa*

Powers and Functionaries

Powers conferred on any Government to be exercisable from time to time.

14. Where, by any Bombay Act ¹[or Maharashtra Act] made after the commencement of this Act any power is conferred on ²[any Government], then that power may be exercised from time to time as occasion requires.

Power to appoint to include power to appoint *ex officio*.

15. Where, by any Bombay Act ¹[or Maharashtra Act] a power to appoint any person to fill any office or execute any function is conferred, then, unless it is otherwise expressly provided, any such appointment, if it is made after the commencement of this Act, may be made either by name or by virtue of office.

Power to appoint to include power to suspend or dismiss.

16. Where, by any Bombay Act ¹[or Maharashtra Act] a power to make any appointment is conferred, then, unless a different intention appears, the authority having power to make the appointment shall also have power to suspend or dismiss any person appointed by it in exercise of that power.

Substitution of functionaries.

17. (1) In any Bombay Act ¹[or Maharashtra Act] made after the commencement of this Act it shall be sufficient for the purpose of indicating the application of a law to every person or number of persons for the time being executing the

¹ These words were inserted by the Maharashtra Adaptation of Laws (State and Concurrent Subjects) Order, 1960.

² See now the Indian Limitation Act, 1908 (9 of 1908), Central Act.

³ The words " any Government " were substituted for the words " the Government " by the Adaptation of Indian Laws Order in Council.

functions of an office, to mention the official title of the officer at present executing the functions, or that of the officer by whom the functions are commonly executed.

(2) This section applies also to all Bombay Acts made before the commencement of this Act.

18. (1) In any Bombay Act ¹[or Maharashtra Act] made after the commencement of this Act it shall be sufficient, for the purpose of indicating the relation of a law to the successors of any functionaries or of corporations having perpetual succession, to express its relation to the functionaries or corporations. Successors.

(2) This section applies also to all Bombay Acts made before the commencement of this Act.

19. (1) In any Bombay Act ¹[or Maharashtra Act] made after the commencement of this Act it shall be sufficient for the purpose of expressing that a law relative to the chief or superior of an office shall apply to the deputies or subordinates lawfully performing the duties of that office in the place of their superior, to prescribe the duty of the superior. Official chiefs and subordinates.

(2) This section applies also to all Bombay Acts made before the commencement of this Act.

Provisions as to Orders, Rules, etc., made under Enactments.

20. Where, by any Bombay Act ¹[or Maharashtra Act], a power to issue any notification, order, scheme, rule, by-law or form is conferred, then expressions used in the notification, order, scheme, rule, by-law or form, if it is made after the commencement of this Act, shall, unless there is anything repugnant in the subject or context, have the same respective meanings as in the Act conferring the power. Construction of orders, etc., issued under Bombay Acts ¹[or Maharashtra Acts].

21. Where, by any Bombay Act ¹[or Maharashtra Act], a power to issue notifications, orders, rules or by-laws is conferred, then that power includes a power, exercisable in the like manner and subject to the like sanction and conditions (if any), to add to, amend, vary or rescind any notifications, orders, rules or by-laws, so issued. Power to make to include power to add to, amend, vary or rescind, orders, etc.

22. Where, by any Bombay Act ¹[or Maharashtra Act], which is not to come into operation on ²[the passing thereof], a power is conferred to make rules or by-laws, or to issue orders with respect to the application of the Act, or with respect to the establishment of any Court or office, or the appointment of any Judge or officer thereunder, or with respect to the person by whom, or the time when, or the place where, or the manner in which, or the fees for which anything is to be done under the Act, then that power may be exercised at any time after ²[the passing thereof], but rules, by-laws or orders so made or issued shall not take effect till the commencement of the Act. Making of rules or by-laws and issuing of orders between publication and commencement of Bombay Act ¹[or Maharashtra Act].

¹These words were inserted by the Maharashtra Adaptation of Laws (State and Concurrent Subjects) Order, 1960.

²The words "the passing thereof" were substituted for the words "the day on which it is first published in the *Bombay Government Gazette* after having received the assent of the Governor-General and "the Act has been published as aforesaid" respectively by the Adaptation of Indian Laws Order in Council.

Publication of orders and notifications in the *Official Gazette* to be deemed to be due publication.

23. Where, in any Bombay Act ¹[or Maharashtra Act], or in any rule passed under any such Act, it is directed that any order, notification or other matter shall be notified or published, then such notification or publication shall, unless the enactment or rule otherwise provides, be deemed to be duly made if it is published in the ²[*Official Gazette*]

Provisions applicable to making of rules or by-laws after previous publications

24. Where, by any Bombay Act ¹[or Maharashtra Act], a power to make rules or by-laws is expressed to be given subject to the condition of the rules or by-laws being made after previous publication, then the following provisions shall apply, namely—

(a) the authority having power to make the rules or by-laws shall, before making them, publish a draft of the proposed rules or by-laws for the information of persons likely to be affected thereby ;

(b) the publication shall be made in such manner as that authority deems to be sufficient or, if the condition with respect to previous publication so requires, in such manner as the ³[Central Government, or as the case may be, the ⁴[State] Government] prescribes ;

(c) there shall be published with the draft a notice specifying a date on or after which the draft will be taken into consideration ,

(d) the authority having power to make the rules or by-laws, and, where the rules or by-laws are to be made with the sanction, approval or concurrence of another authority, that authority also, shall consider any objection or suggestion which may be received by the authority having power to make the rules or by-laws from any person with respect to the draft before the date so specified ,

(e) the publication in the ⁵[*Official Gazette*] of a rule or by-law purporting to have been made in exercise of a power to make rules or by-laws after previous publication shall be conclusive proof that the rule or by-law has been duly made.

Continuation of orders, etc issued under enactments repealed and re-enacted

25. Where any enactment is, after the commencement of this Act, repealed and re-enacted by a Bombay Act ¹[or Maharashtra Act] with or without modification, then, unless it is otherwise expressly provided, any appointment, notification, order, scheme, rule, by-law or form made or issued under the repealed enactment shall, so far as it is not inconsistent with the provisions re-enacted, continue in force, and be deemed to have been made or issued under the provisions so re-enacted, unless and until it is superseded by any appointment, notification, order, scheme, rule, by-law or form made or issued under the provisions so re enacted.

Miscellaneous.

Recovery of fines.

26. Sections 63 to 70 of the ⁶Indian Penal Code, and the provisions of the Code ^{XLV} of Criminal Procedure for the time being in force in relation to the issue and the execution of warrants for the levy of fines, shall apply to all fines imposed under any ^{1860.} Bombay Act ¹[or Maharashtra Act] or any rule or by-law made under any ^{V of 1893.} Bombay Act ¹[or Maharashtra Act] unless the Act, rule or by-law contains an express provision to the contrary.

¹ These words were inserted by Maharashtra Adaptation of Laws (State and Concurrent Subjects) Order, 1960

² The words "*Official Gazette*" were substituted for the words "*Bombay Government Gazette*", *ibid*

³ The words "Central Government, or as the case may be, the Provincial Government" were substituted for the words "Local Government", *ibid*

⁴ This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950

⁵ The words "*Official Gazette*" were substituted for the words "*Bombay Government Gazette*" by the Adaptation of Indian Laws Order in Council

⁶ Central Acts

27. Where an act or omission constitutes an offence under two or more enactments, then the offender shall be liable to be prosecuted and punished under either or any of those enactments, but shall not be liable to be punished twice for the same offence.

Provision as to offences punishable under two or more enactments.

28. Where any Bombay Act ¹[or Maharashtra Act] made after the commencement of this Act authorizes or requires any document to be served by post, whether the expression “serve” or either of the expressions “give” or “send” or any other expression is used, then, unless a different intention appears, the service shall be deemed to be effected by properly addressing, prepaying and posting by registered post, a letter containing the document, and, unless the contrary is proved, to have been effected at the time at which the letter would be delivered in the ordinary course of post.

Meaning of service by post

29. (1) In any Bombay Act ¹[or Maharashtra Act], and in any rule, by-law, instrument or document made under, or with reference to, any Bombay Act ¹[or Maharashtra Act] any enactment may be cited by reference to the title or short title (if any) conferred thereon or by reference to the number and year thereof, and any provision in an enactment may be cited by reference to the section or sub-section of the enactment in which the provision is contained.

Citation of enactments.

(2) In this Act, and in any Bombay Act ¹[or Maharashtra Act] made after the commencement of this Act, a description or citation of a portion of another enactment shall, unless a different intention appears, be construed as including the word, section or other part mentioned or referred to as forming the beginning and as forming the end of the portion comprised in the description or citation.

30. Where any Act, rule or by-law made after the commencement of this Act continues or amends any Acts, rules or by-laws made before the commencement of this Act, the foregoing sections of this Act shall not by reason merely of such continuance or amendment affect the construction of such Acts, rules or by-laws

Saving for previous Acts, rules and by-laws

²[31. The provisions of this Act shall apply—

(a) in relation to any Ordinance promulgated by the ³[Governor of Bombay] under section 88 of the Government of India Act, 1935, as they apply in relation to Bombay Acts made under the said Act by the Governor and in relation to any Regulation made by the Governor under section 92 of the said Act as they apply in relation to Bombay Acts made by the Provincial Legislature ; and

Application Ordinances and Regulations.

(b) in relation to any Ordinance promulgated by the Governor under article 213 of the Constitution or any Regulation made by the Governor under paragraph 5 of the Fifth Schedule to the Constitution, as they apply in relation to Bombay Acts ¹[or Maharashtra Acts] made by the State Legislature :

Provided that clause (a) of sub-section (1) of section 5 of this Act shall apply to any Ordinance referred to in clause (b) as if for the reference in the said clause (a) to the day of the first publication of the assent to an Act in the *Official Gazette* there were substituted a reference to the day of the first publication of the Ordinance in that *Gazette*]

¹These words were inserted by Maharashtra Adaptation of Laws (State and Concurrent Subjects) Order, 1960

²Section 31 was substituted by the Adaptation of Laws Order, 1950.

³These words stand unmodified vide the Maharashtra Adaptation of Laws (State and concurrent Subjects) Order, 1960.

⁴These words were inserted, *ibid.*

Publication of orders and notifications in the *Official Gazette* to be deemed to be due publication.

23. Where, in any Bombay Act ¹[or Maharashtra Act], or in any rule passed under any such Act, it is directed that any order, notification or other matter shall be notified or published, then such notification or publication shall, unless the enactment or rule otherwise provides, be deemed to be duly made if it is published in the ²[*Official Gazette*].

Provisions applicable to making of rules or by-laws after previous publications

24. Where, by any Bombay Act ¹[or Maharashtra Act], a power to make rules or by-laws is expressed to be given subject to the condition of the rules or by-laws being made after previous publication, then the following provisions shall apply, namely—

(a) the authority having power to make the rules or by-laws shall, before making them, publish a draft of the proposed rules or by-laws for the information of persons likely to be affected thereby ;

(b) the publication shall be made in such manner as that authority deems to be sufficient or, if the condition with respect to previous publication so requires, in such manner as the ³[Central Government, or as the case may be, the ⁴[State] Government] prescribes ;

(c) there shall be published with the draft a notice specifying a date on or after which the draft will be taken into consideration ,

(d) the authority having power to make the rules or by-laws, and, where the rules or by-laws are to be made with the sanction, approval or concurrence of another authority, that authority also, shall consider any objection or suggestion which may be received by the authority having power to make the rules or by-laws from any person with respect to the draft before the date so specified ,

(e) the publication in the ⁵[*Official Gazette*] of a rule or by-law purporting to have been made in exercise of a power to make rules or by-laws after previous publication shall be conclusive proof that the rule or by-law has been duly made.

Continuation of orders, etc issued under enactments repealed and re-enacted

25. Where any enactment is, after the commencement of this Act, repealed and re-enacted by a Bombay Act ¹[or Maharashtra Act] with or without modification, then, unless it is otherwise expressly provided, any appointment, notification, order, scheme, rule, by-law or form made or issued under the repealed enactment shall, so far as it is not inconsistent with the provisions re-enacted, continue in force, and be deemed to have been made or issued under the provisions so re-enacted, unless and until it is superseded by any appointment, notification, order, scheme, rule, by-law or form made or issued under the provisions so re enacted.

Miscellaneous.

Recovery of fines.

26. Sections 63 to 70 of the ⁶Indian Penal Code, and the provisions of the Code ^{XLV} of Criminal Procedure for the time being in force in relation to the issue and the execution of warrants for the levy of fines, shall apply to all fines imposed under any ^{1860.} Bombay Act ¹[or Maharashtra Act] or any rule or by-law made under any Bombay ^{V of 1898.} Act ¹[or Maharashtra Act] unless the Act, rule or by-law contains an express provision to the contrary.

¹ These words were inserted by Maharashtra Adaptation of Laws (State and Concurrent Subjects) Order, 1960

² The words "*Official Gazette*" were substituted for the words "*Bombay Government Gazette*", *ibid*

³ The words "Central Government, or as the case may be, the Provincial Government" were substituted for the words "Local Government", *ibid*

⁴ This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950

⁵ The words "*Official Gazette*" were substituted for the words "*Bombay Government Gazette*" by the Adaptation of Indian Laws Order in Council

⁶ Central Acts

27. Where an act or omission constitutes an offence under two or more enactments, then the offender shall be liable to be prosecuted and punished under either or any of those enactments, but shall not be liable to be punished twice for the same offence.

Provision as to offences punishable under two or more enactments.

28. Where any Bombay Act ¹[or Maharashtra Act] made after the commencement of this Act authorizes or requires any document to be served by post, whether the expression "serve" or either of the expressions "give" or "send" or any other expression is used, then, unless a different intention appears, the service shall be deemed to be effected by properly addressing, prepaying and posting by registered post, a letter containing the document, and, unless the contrary is proved, to have been effected at the time at which the letter would be delivered in the ordinary course of post.

Meaning of service by post.

29. (1) In any Bombay Act ¹[or Maharashtra Act], and in any rule, by-law, instrument or document made under, or with reference to, any Bombay Act ¹[or Maharashtra Act] any enactment may be cited by reference to the title or short title (if any) conferred thereon or by reference to the number and year thereof, and any provision in an enactment may be cited by reference to the section or sub-section of the enactment in which the provision is contained.

Citation of enactments.

(2) In this Act, and in any Bombay Act ¹[or Maharashtra Act] made after the commencement of this Act, a description or citation of a portion of another enactment shall, unless a different intention appears, be construed as including the word, section or other part mentioned or referred to as forming the beginning and as forming the end of the portion comprised in the description or citation.

30. Where any Act, rule or by-law made after the commencement of this Act continues or amends any Acts, rules or by-laws made before the commencement of this Act, the foregoing sections of this Act shall not by reason merely of such continuance or amendment affect the construction of such Acts, rules or by-laws.

Saving for previous Acts, rules and by-laws.

²[31. The provisions of this Act shall apply—

(a) in relation to any Ordinance promulgated by the ³[Governor of Bombay] under section 88 of the Government of India Act, 1935, as they apply in relation to Bombay Acts made under the said Act by the Governor and in relation to any Regulation made by the Governor under section 92 of the said Act as they apply in relation to Bombay Acts made by the Provincial Legislature; and

Application Ordinances and Regulations.

(b) in relation to any Ordinance promulgated by the Governor under article 213 of the Constitution or any Regulation made by the Governor under paragraph 5 of the Fifth Schedule to the Constitution, as they apply in relation to Bombay Acts ¹[or Maharashtra Acts] made by the State Legislature :

Provided that clause (i) of sub-section (1) of section 5 of this Act shall apply to any Ordinance referred to in clause (b) as if for the reference in the said clause (i) to the day of the first publication of the assent to an Act in the *Official Gazette* there were substituted a reference to the day of the first publication of the Ordinance in that *Gazette*]

¹These words were inserted by Maharashtra Adaptation of Laws (State and Concurrent Subjects) Order, 1960.

²Section 31 was substituted by the Adaptation of Laws Order, 1950.

³These words stand unmodified *vide* the Maharashtra Adaptation of Laws (State and concurrent Subjects) Order, 1960.

⁴These words were inserted, *ibid.*

THE SCHEDULE.

ENACTMENTS REPEALED.

(See section 2.)

Year	No.	Title or Subject.	Extent of repeal.
1886	III	The Bombay General Clauses Act, 1886	The whole [except so much of [Schedule B as relates to unrepealed enactments]
1891	I	An Act to amend the Bombay General clauses Act, 1886.	So much as is unrepealed
1896	I	Do. do.	The whole.

APPENDIX.

SCHEDULE B to the Bombay General Clauses Act, 1886
(Bom. Act III of 1886.)

VERBAL AMENDMENTS MADE IN THE REGULATIONS AND ACTS OF THE
GOVERNOR OF BOMBAY IN COUNCIL.

ENACTMENT			Words repealed.	Words, if any, substituted for the words repealed	
No and year.	Section.	Clause.			
<i>Regulations—</i>					
XII of 1827	..	19	1	"Magistrate"	"District Magistrate".
		19	6	"The Magistrate" (the first time the words occur)	"the District Magistrate."
		19	6	"the Magistrate" (the second time the words occur).	"any Magistrate"
		19	6	"ordinary"	"Simple"
		19	6	"without labour"	
		19	7	"Magistrate" (the first time the word occurs)	"District Magistrate".
		19	7	"Magistrate" (the second time the word occurs).	"Magistrate before whom proceedings against such individual are being held"
		19	8	"the Magistrate shall also"	"any Magistrate may"
		[20	..	"Magistrate"	"District Magistrate."

¹ These words were inserted by s. 2 of the Bombay Repealing and Amending Act, 1905 (Bom 4 of 1905).

² Printed as an Appendix to this Act.

³ This schedule so far as it affects unrepealed enactments has been reproduced here as an Appendix as the insertion of certain words in the schedule to Bom. I of 1904 by Bom 4 of 1905, has revived it as regards such enactments. Entries relating to sections which have been repealed or substituted after the passing of Bom. 4 of 1905, have also been omitted, a footnote explanation being given in each case.

⁴ Bom. Reg XII of 1827, s. 19 cls. 1, 6, 7 and 8 are repealed by the Bombay District Police Act, 1890 (Bom. 4 of 1890), wherever that Act extends. The Regn. was repealed by Bom. 63 of 1959

*SCHEDULE B to the Bombay General Clauses Act, 1886
(Bom. Act III of 1886)—contd.*

ENACTMENT			Words repealed.	Words, if any, substituted for the words repealed.	
No and year	Section.	Clause.			
<i>Regulations—</i>					
<i>contd.</i>					
XII of 1827 — <i>contd.</i>	27	2	“Magistrate” (each time the word occurs).	“District Magistrate.”	
	27	2	“ordinary”	“simple”.	
	27	2	“without hard labour”	“.....”	
	37	1	“Magistrate”	“District or Sub-Divisional Magistrate.”	
XXII of 1827	..	40	..	“Magistrate”	“District Magistrate.”
		41	1	“local”	“District”
		42	1	“local”	“District”
		42	2, 3, 4	“Magistrate” (each time the word occurs).	District Magistrate
XXV of 1827	4	2	“Magistrate” (both times the word occurs).	“District Magistrate.”	
	7	..	“Magistrate”	“District Magistrate.”	
<i>Acts.</i>					
II of 1862	1	..	“Amendment to this Act	“.....”	
IV of 1862	..	1	..	“the Magistrate” (the second time the words occur).	“a Magistrate of the first class”.
		1	..	“calendar”	“.....”
		6	..	“Magistrate”	“District Magistrate.”
		6	..	“this Act”	“section 4”.
		6	..	“of Police”	“.....”
		7	..	“of either kind”	“.....”
		7	..	“calendar”	“.....”
		10	..	“Magistrate”	“District Magistrate.”
		10	..	“of Police”	“.....”
	V of 1862	..	3	..	“Calendar”
VI of 1862	..	8 and 9	..	“Calendar” (each time the word occurs).	“.....”
		21	..	“The following words and expressions,”	“.....”
		21	..	“shall have the meanings hereby assigned to them.”	“.....”
		21	..	“(that is say)”	“.....”
I of 1863	..	6	..	“Justice of the Peace or person exercising the powers of a Magistrate within the province of Sind	“of the first class”.
		12	..	Ditto	“Ditto.”
		11	..	“of this Act”	“.....”

¹ See *supra*.

² Bom. I of 1862 has been repealed by Bom. II of 1928, s. 3, Second Schedule.

SCHE.

to the
Bom. Ad
II, 1904

1904 -
Clauses Act, 1886
-contd.

ENACTMENT.			Words repealed.	Words, if any, substituted for the words repealed.
No. and year.	Section.	Clause.		
<i>Acts—contd.</i>				
II of 1863	.. 2	..	"of this Act" (the first time the words occur).	
	3, 4, 5, 7, 8, 10, 11 and 13	..	"of this Act" (each time the words occur).	
	4, 5 and 11	..	"calendar" (each time the word occurs).	
	5 and 11	..	"collectorate or" (each time the words occur).	
	11	4	"collectorate"	"district"
	11	6	"collectorate" (each time the word occurs).	"district"
III of 1863	.. 1 and 2	..	"to this Act" (each time the words occur).	
V of 1863	.. 20	..	"of this Act"	
* * * *	* * *	* *	* * * *	* * * *
VII of 1863	.. 6	..	"of this Act" (the first time the words occur).	
	7, 8, 9, 11, 12, 13 and 26	..	"of this Act" (each time the words occur).	
	9	1 and 2	"collectorate or" (each time the words occur)	
	9	3, 4, 6 and 7	"collectorate" (each time the word occurs)	"district"
	9	8	"calendar"	
	9	9	"Revenue"	
	9	9	"of the division"	
	12		"or Sub-Collector"	
	20	2	"annexed"	
VII of 1866	.. 6	..	"of this Act"	
XII of 1866	.. 15	..	"annexed to this Act"	
** * *	* * *	* *	* * * *	* * * *
VI of 1867	.. 5, 9 and 10.	..	"of this Act" (each time the words occur).	
*VII of 1867	.. 34	..	"Of this Act" (each time the word occurs).	
	"	..	"full-power Magistrate"	"Magistrate of the first class"

¹ The entry relating to Bom. 6 of 1863 is omitted as the Act has been repealed by Bom. 7 of 1920.
² The entry relating to Bom. 13 of 1866 is omitted as that Act ceases to have effect under the Adaptation of Indian Laws Order in Council.
³ During such time as Bom. 6 of 1933 and the rules and by-laws shall be in operation in any village, sections 33 and 34 of Bom. 7 of 1867 cease to have any operation in the said village. See section 115 of Bom. 6 of 1933.

SCHEDULE B to the Bombay General Clauses Act, 1886
(Bom. Act III of 1886)—contd

ENACTMENT.			Words repealed.	Words, if any, substituted for the words repealed.	
No and year.	Section.	Clause			
VIII of 1867	1 ¹	..	"Commissioner of Police" Act, 1861	"Acts, 1867 and 1890"]	
		3, 4, 5,	..	"of Police" (wherever in the said sections those words follow the word "Commissioner")	..
		15 and 18	..	"Police" (in each place in which the word precedes the word "Commissioner")	..
		5	..	"of this Act"	..
II of 1868	..	17	..	"Revenue or Police"	..
I of 1874	..	In the preamble	..	"to this Act"	..
		4	..	The last three words	..
		13	..	"of this Act" (the first time the words occur)	..
		14	..	"of this Act"	..
		29	..	"calendar"	..
II of 1874	..	15	..	"of this Act" (each time the words occur)	..
² III of 1874	..	3, 4, 6, 7,	..	"of this Act" (each time the words occur)	..
		10, 11,	..		
		12, 13,	..		
		21, 31,	..		
		37, 39,	..		
		55, 67,	..		
		73, 75,	..		
		76 and 83	..		
		6	1	"Revenue" (each time the word occurs)	....
		20	..	"of this Act" (the first time the words occur)	..
		40	1	The last three words	....
		73	2	"thereof"	..
		74	..	"revenue"	..
"	..	"appointed under Regulation V of 1830, or other law in force for the time being"	....	
77	..	"empowered under the provisions of Bombay Act I of 1868"	....	
"	..	"so empowered"	..		
84	..	"Revenue"	....	
III of 1875	..	7	..	"of either description"	..
		"	..	"calendar"	..

¹ Inserted by the Bombay General Clauses Amendment Act, 1891 (Bom. I of 1891)

² The entry relating to Bom. 3 of 1869 is omitted as that Act has been repealed by Bom. 6 of 1933

³ The entries relating to ss. 44, 47, 50 and 59 of this Act are omitted as they have been repealed or substituted by Bom. 3 of 1910.

SCHEDULE B to the Bombay General Clauses Act, 1886
(Bom. Act III of 1886)—contd.

ENACTMENT.			Words repealed.	Words, if any, substituted for the words repealed.
No. and year.	Section.	Clause.		
II of 1876	14, 16, 18 and 33	..	"of this Act" (each time the words occur)	
	16	..	"hereunto annexed"	
	31	..	"annexed to this Act"	
* * * * *				
I of 1877	3, 9, 16, 17 and 25.	2.	"of this Act" (each time the words occur)	
	9, 10, 11, 14, 15, 17 and 18	.	"hereto annexed" (each time the words occur).	
	12	(b)	"of this Act"	
	19		"of this Act" (the first time the words occur)	
	23	(b)	"of this Act"	
	20 and 24	..	"of either description within the meaning of the Indian Penal Code" (in each place in which these words occur).	
	28	..	"The provisions of sections 64 to 70, both inclusive, of the Indian Penal Code shall apply to"	
	28	..	"and all such fines"	...
V of 1878	3	3	"means, in Sind, the [Provincial Government] and elsewhere a Commissioner of land-revenue, or, if Government appoint any other officer to be a Commissioner for the purposes of this Act, such other officer."	"includes an officer appointed by Government to be a Commissioner for the purposes of this Act".
	3	4	"means a Collector of land-revenue or"	"includes".
	45	..	"of this Act" (each time the words occur).	
IV of 1879	3	..	The last three words	
	9, 10, 11, 14, 15, 17 and 18	..	"hereto annexed" (each time the words occur).	
	9, 16, 17 and 25	..	"of this Act" (each time the words occur).	

¹ The entry relating to Bom. 3 of 1876 is omitted as the Act has been repealed by Bom. 2 of 1906.

² The entry relating to section 50 of this Act is omitted as the section has been subsequently substituted by Bom. 12 of 1912.

³ The words "Provincial Government" were substituted for the words "Commissioner in Sind" by the Adaptation of Indian Laws Order in Council.

SCHEDULE B to the Bombay General Clauses Act, 1886
(Bom. Act III of 1886)—concl'd.

ENACTMENT			Words repealed	Words, if any, substituted for the words repealed
No and year.	Section.	Clause.		
IV of 1879— <i>cont'd.</i>	12	(b)	"of this Act"	.. .. .
	19		"of this Act" (the first time the words occur)	...
	20 and 24		"of either description within the meaning of the Indian Penal Code" (in each place in which the words occur)	.
	23	(b)	"of this Act"	.
V of 1879	3	2	"of this Act"	.
	10, 13, 18, 38, 86, 87, 161 and 216		"of this Act" (each time the words occur)	.. .
	23		"to this Act"	.. .
VI of 1879	21 and 34		"of this Act"	.. .
VII of 1879	3	5	"means the head revenue officer of a district and"	.. . .
	57		"of this Act"	.. .
	61 and 62		"of either description within the meaning of the said Code" (in each place in which these words occur)	.
	67		"of the division"	.. .. .
I of 1880	3	7	"hereto annexed"	....
	33	(b)	"hereto annexed"	....
I of 1883	3, 5 and 8		"of this Act" (each time the words occur).	.
	3		"annexed to this Act"	.. .. .
II of 1883	In the preamble		"to this Act"	.. .. .
	4		"to this Act"	.. .. .
	17		"of this Act" (the first time the words occur).	....
.

* The entries relating to sections 2, 214 and 215 of this Act are omitted as these sections have been repealed or substituted by Bom. 4 of 1913.

* The entry relating to Bom. I of 1884 is omitted as that Act has been repealed by Bom. 6 of 1933

THE BOMBAY COURT OF WARDS ACT, 1905.

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BOMBAY ACT No. I OF 1905.¹

[THE BOMBAY COURT OF WARDS ACT, 1905.]

[3rd June 1905]

Amended by Bom. 1 of 1910.

" " " 2 of 1913.

" " " 7 of 1934.

Adapted and modified by the Adaptation of Indian Laws Order in Council.

Amended by Bom. 17 of 1945.†

" " " 21 of 1949.

Adapted and modified by the Adaptation of Laws Order, 1950.

Amended by Bom. 23 of 1950.

Adapted and modified by the Bombay Adaptation of Laws (State and Concurrent Subjects) Order, 1956.

Amended by Bom. 8 of 1958.

Adapted and modified by the Maharashtra Adaptation of Laws (State and Concurrent Subjects) Order, 1960.

An Act to establish a Court of Wards in the Bombay Presidency.

WHEREAS it is expedient to establish a Court of Wards in the Bombay Presidency; Preamble.

AND WHEREAS the previous sanction of the Governor General required by section 5 of the ²Indian Councils Act, 1892, has been obtained for the passing of this Act;

It is hereby enacted as follows :—

1. (1) This Act may be called the Bombay Court of Wards Act, 1905. Short title.

(2) It shall extend to the ³[Bombay area of the State of Maharashtra, except] Extent. Greater Bombay] * * *.

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

(a) "Government ward" shall mean any person of whose property, or of whose person and property, the Court of Wards may, for the time being, have the superintendence under this Act;

(b) "land-holder" shall mean,

(i) in the case of minors and persons adjudged by a competent Civil Court to be of unsound mind and incapable of managing their affairs, a holder as defined in the Bombay Land Revenue Code, 1879; and

⁶[(ii) in all other cases, a zamindar, jagirdar, saranjamdar, inamdar, talukdar, malek and a khot, and any person not herebefore specified who is interested in land and whom the ⁷[⁸State] Government] has declared on account of theBom.
V of
1879.¹ For Statement of Objects and Reasons, see *Bombay Government Gazette*, 1904, Pt. VII, p. 83; for Report of Select Committee, see *ibid.*, 1905, Pt. VII, p. 14, and for Proceedings in Council, see *ibid.*, 1904, Pt. VII, pp. 144, 208, *ibid.*, 1905, Pt. VII, p. 42.² See now the Government of India Act, 1935.³ These words were substituted for the words "whole of the Bombay Presidency, except the Greater Bombay" by the Bombay Adaptation of Laws (State and Concurrent Subjects) Order, 1956.⁴ These words were substituted for the words "pre-Reorganisation State of Bombay, excluding the transferred territories and" by the Maharashtra Adaptation of Laws (State and Concurrent Subjects) Order, 1960.⁵ The words "and Aden" were omitted by the Adaptation of Indian Laws Order in Council.⁶ The paragraph was substituted by s. 2 (a) of the Bombay Court of Wards (Amendment) Act, 1913 (Bom. 2 of 1913).⁷ The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.⁸ This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

† This Act has been re-enacted and the amendments made by section 9 and Sch. E of the said Act have been continued in force by Bom. 53 of 1947, s. 2.

extent and value of his interest to be a land-holder for the purposes of this Act] :

Provided that no person who permanently resides, or carries on business, or personally works for gain in ¹[the Greater Bombay] shall be deemed or declared to be a land-holder for the purposes of this Act ;

²[(*bb*) "pension-holder" shall mean a person lawfully entitled to the whole or a part of a pension or cash-allowance granted or continued by Government on political considerations or of a hereditary pension or cash-allowance ;]

(c) "District Court" shall include the Court of an Assistant Judge invested ^{XIV} under section 19 of the ³Bombay Civil Courts Act, 1869, with all the powers of ^{1869.} of a District Judge ; and

(*d*) "minor" shall mean a person who, under the provisions of the ⁴Indian Majority Act, 1875, is to be deemed not to have attained his majority. ^{IX of: 1875.}

Commissioner to be Court of Wards.

3. Subject to the provisions of section 12 ⁵[the Collector shall be the Court of Wards for the limits of his district] :

Provided that the ⁶[State] Government] may, if ⁸[it] thinks fit, by notification in the ⁹[Official Gazette] ;

(*a*) appoint a special officer to be the Court of Wards for a division ;
10 * * * * *

(*b*) constitute a Board consisting of ¹¹[two or more] officers to be the Court of Wards for a division ; or

(*c*) appoint any other officer or officers to be a Court of Wards for any part of the ¹²[area to which this Act extends] and direct that such part shall thereupon be excluded from the jurisdiction of the Court of Wards of any division in which it lies wholly or partly.

¹ These words were substituted for the words " the City of Bombay " by Bom. 17 of 1945, s. 9, Sch. E, read with Bom. 52 of 1947, s. 2, proviso.

² This clause was inserted by s. 2 (*b*) of the Bombay Court of Wards (Amendment) Act, 1913 (Bom. 2 of 1913).

³ See *Supra*.

⁴ Central Acts.

⁵ This portion was substituted for the words " the Commissioner shall be the Court of Wards for the limits of his division " by Bom. 28 of 1950, Sch.

⁶ The words " Provincial Government " were substituted for the words " Governor in Council " by the Adaptation of Indian Laws Order in Council.

⁷ This word was substituted for the word " Provincial " by the Adaptation of Laws Order, 1950.

⁸ The word " it " was substituted for the word " he " by the Adaptation of Indian Laws Order in Council.

⁹ The words " Official Gazette " were substituted for the words " Bombay Government Gazette " *ibid.*

¹⁰ The words " in lieu of the Commissioner " were deleted by Bom. 28 of 1950, Sch.

¹¹ These words were substituted for the words " the Commissioner and any other officer or ", *ibid.*

¹² These words were substituted for the words " Bombay Presidency " by the Bombay Adaptation of Laws (State and Concurrent Subjects) Order, 1950.

4. (1) The Court of Wards may, with the previous sanction of the ¹[²State] Government], assume the superintendence of the property of any land-holder, holding land ³[or of any pension-holder receiving a pension] within the local limits of its jurisdiction who is disqualified to manage his own property ;

Assumption of superintendence by Court of Wards of property of disqualified land-holder or pension-holder.

Provided that in the case of a land-holder ⁴[or pension-holder] disqualified under clause (b) or (c) of sub-section (1) of section 5 such assumption shall be sanctioned only where the ¹[²State] Government] is of opinion that it is expedient in the public interests to preserve the property of such land-holder ⁴[or pension-holder] for the benefit of his family, and that the said property is of such value that economical management by the Court of Wards is practicable.

(2) No sanction given under sub-section (1) shall be called in question in any Court, except in the case of a land-holder ⁴[or pension-holder] disqualified under section 5, sub-section (1), clause (a), where proceedings are instituted within three months of the giving of the sanction.

5. (1) The following land-holders ⁵[or pension-holders] shall, for the purposes of section 4, be deemed to be disqualified to manage their own property, namely :—

Land-holders or pension-holders to be deemed disqualified in certain cases.

(a) minors ;

¹ The words " Provincial Government " were substituted for the words " Governor in Council " by the Adaptation of Indian Laws Order in Council.

² This word was substituted for the word " Provincial " by the Adaptation of Laws Order, 1950.

³ These words were inserted by s. 3 of the Bombay Court of Wards (Amendment) Act, 1913 (Bom 2 of 1913).

⁴ These words were inserted, *ibid*, s. 4 (1).

⁵ These words were inserted, *ibid*, s. 4 (2).

(b) females declared by the District Court, on the application of the Collector and after such judicial inquiry as it thinks necessary, to be unfitted to manage their own property ;

(c) persons declared by the District Court, on the like application and after the like inquiry, to be incapable of managing, or unfitted to manage, their own property owing to—

(i) any physical or mental defect or infirmity, or

(ii) such habits as cause, or are likely to cause, injury to their property or to the well-being of their inferior holders ; and

(d) persons adjudged by a competent Civil Court to be of unsound mind and incapable of managing their affairs.

(2) No appeal shall lie from any declaration under clause (b) or (c) of sub-section (1).

VIII
of
1890.

6. Where any [Government officer] is appointed or declared to be guardian of the property, or of the person and property, of a minor under section 7, sub-section (1), of the ²Guardians and Wards Act, 1890, he shall intimate the fact to the Court of Wards, and the Court of Wards may thereupon, with the previous sanction of the ³[State] Government, assume the superintendence of the property, or of the person and property of such minor.

Assumption of superintendence where appointed guardian.

7. The Court of Wards shall not assume the superintendence of the property, or of the person and property, of any minor of whose property, or of whose person and property,

Superintendence not to be assumed where guardian appointed except with consent of District Court.

(a) a guardian has been appointed by will or other instrument, or

(b) a guardian other than ⁵[a [Government officer]] has been appointed declared under section 7, sub-section (1), of the ²Guardians and Wards Act, 1890,

VIII
of
1890.

except with the previous consent of the District Court.

8. (1) The Court of Wards shall not assume under section 4, sub-section (1), the superintendence of the property of any family which is undivided according to Hindu law, except where all the co-sharers are disqualified under sub-section (1) of section 5 ⁶[or where all the co-sharers other than those who are disqualified under sub-section (1) of section 5 agree to the Court of Wards assuming such superintendence]

Superintendence not to be assumed under section 4 in case of undivided Hindu family unless all co-sharers disqualified, but may be assumed in other cases.

(2) Where two or more land-holders ⁷[or pension-holders] are co-sharers otherwise than as co-sharers in a family which is undivided according to Hindu law and one of such co-sharers is disqualified under sub-section (1) of section 5, the Court of Wards ⁸[may assume the superintendence of the undivided share of such

¹ These words were substituted for the words "servant of the Crown" by the Adaptation of Laws Order, 1950.

² Central Acts.

³ The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

⁴ This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

⁵ The words "a servant of the Crown" were substituted for the words "an Officer of Government" by the Adaptation of Indian Laws Order in Council.

⁶ These words were added by s. 5 of the Bombay Court of Wards (Amendment) Act, 1913 (Bom. Act. 1913).

⁷ These words were inserted, *ibid.*, s. 4 (2).

⁸ These words were inserted by s. 2 and Sch. I, Part II, of the Bombay Repealing and Amending Act, 1910 (Bom. I of 1910).

disqualified land-holder ¹[or pension-holder] or] may obtain partition on behalf of the disqualified land-holder ¹[or pension-holder] by suit or otherwise, and assume the superintendence of the property allotted to such land-holder ¹[or pension-holder] in the partition.

Assumption of superintendence by Court of Wards on application of land-holder or pension-holder.

9. (1) Any land-holder ¹[or pension-holder] may apply in writing to the ²[³[State] Government] to have his property placed under the superintendence of the Court of Wards, and the ²[³[State] Government] may on such application, where ⁴[it] is of opinion that it is expedient in the public interests to preserve the property of such land-holder ¹[or pension-holder] for the benefit of his family and that the said property is of such value that economical management by the Court of Wards is practicable, order the Court of Wards to assume the superintendence of the property.

⁵[(1A) Any co-sharer of property, other than a co-sharer in a family undivided according to Hindu law, may make an application under sub-section (1) in respect of his own share in such property.]

(2) ⁶[In every case where property is held by co-sharers, whether as co-sharers in a family undivided according to Hindu law or otherwise] an application signed by co-sharers holding an aggregate interest of not less than three-fourths of the whole property shall for the purposes of sub-section (1), be deemed to be an application by a land-holder ¹[or pension-holder] in respect of ⁷[the whole property]:

Provided, *firstly*, that no order shall be made ⁸[on any such application] under sub-section (1) where it appears to the ²[³[State] Government] doubtful whether the aggregate interest of the co-sharers signing ⁹[the] application amounts to not less than three-fourths of the whole property and

Provided, *secondly*, that nothing in this Act shall be deemed to prevent any co-sharer other than those signing any such application from obtaining partition of his share, whether by suit or otherwise.

(3) An order made under sub-section (1) shall be sufficient to authorize the Court of Wards to assume the superintendence of the property referred to therein, and no such order shall be called in question in any Court.

Provisions for temporary custody of heirs and protection of property in certain cases.

10. (1) Whenever the Collector receives information that any land-holder ¹[or pension-holder] is, or should be, disqualified under sub-section (1) of section 5, or that any land-holder ¹[or pension-holder] has died and that his heir is, or should be so disqualified, he may apply to District Court and the District Court may authorize the Court of Wards to—

(a) take such steps and make such order for the temporary custody and protection of the property as the Court of Wards thinks fit; and

¹ These words were inserted by s. 4 (1) of the Bombay Court of Wards (Amendment) Act, 1913 (Bom. 2 of 1913).

² The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

³ This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950, ⁴ The word "it" was substituted for the word "he" by the Adaptation of Indian Laws Order in Council.

⁵ This sub-section was inserted by s. 2 and Sch. I, Part II, of the Bombay Repealing and Amending Act, 1916 (Bom. 1 of 1916).

⁶ These words were substituted for the words "Where property is held by co-sharers in undivided shares", *ibid.*

⁷ These words were substituted for the words "such property", *ibid.*

⁸ These words were inserted, *ibid.*

⁹ This word was substituted for the words "any such", *ibid.*

(b) where the land-holder ¹[or pension-holder] or heir is a minor, direct that the person (if any) having the custody of the minor shall produce him or cause him to be produced at such place and time and before such person as the Court of Wards may appoint, and make such order for the temporary custody and protection of the minor as the Court of Wards thinks fit :

Provided that, where the minor is a female and belongs to a class the females of which do not usually appear in public, her production shall be required only in accordance with the manners and customs of the country.

(2) Whenever the Court of Wards is authorised to proceed under sub-section (1) it shall forthwith report its action for the information of the ²[³[State] Government].

(3) No appeal shall lie from any order of authorization under sub-section (1), except in the case of a land-holder ¹[or pension-holder] disqualified under section 5, sub-section (1), clause (a).

11. Where the Court of Wards assumes the superintendence of the property of any land-holder ¹[or pension-holder] disqualified under clause (a) or (d) of section 5, sub-section (1), it may, with the previous sanction of the ²[³[State] Government], assume the superintendence of his person also :

Assumption of superintendence by Court of Wards of person of disqualified land-holder or pension-holder in certain cases.

Provided that nothing in this section shall authorize the Court of Wards to assume the superintendence of the person of a female who is married and is in the custody of her husband.

12. Where a disqualified land-holder ¹[or pension-holder] or a land-holder ¹[or pension-holder] who has been made a Government ward in pursuance of an order under section 9, sub-section (1), holds land ⁴[or receives a pension] within the territorial jurisdiction of two or more Courts of Wards such one only of the Courts of Wards ⁵[as the Commissioner, where such Courts of Wards exercise jurisdiction within his division, and the State Government in any other case] may determine in this behalf shall assume the superintendence of the property, or of the person and property, of the land-holder ¹[or pension-holder].

Assumption of superintendence by Court of Wards where land-holder or pension-holder holds land in more than one jurisdiction.

13. (1) Whenever the Court of Wards assumes the superintendence of the property of any land-holder ¹[or pension-holder] under this Act, the fact of such assumption, and the date on which it was sanctioned by the ²[³[State] Government], shall be notified in the ⁶[Official Gazette] and in such other manner as the ²[³[State] Government] may, by general or special order, direct.

Assumption of superintendence to be notified and to extend to whole of Government

(2) On and with effect from the date of such sanction, the whole of the property, moveable and immovable, of such land-holder ¹[or pension-holder], whether the existence of any such property is known to the Court of Wards or not, shall be deemed to be under the superintendence of the Court of Wards.

ward's property.

¹ These words were inserted by s. 4 (1) of the Bombay Court of Wards (Amendment) Act, 1913 (Bom. 2 of 1913)

² The words " Provincial Government " were substituted for the words " Governor in Council " by the Adaptation of Indian Laws Order in Council.

³ This word was substituted for the word " Provincial " by the Adaptation of Laws Order, 1950.

⁴ These words were inserted by s. 4 (3) of the Bombay Court of Wards (Amendment) Act, 1913 (Bom. 2 of 1913).

⁵ These words were substituted for the words " as the State Government " by Bom. 8 of 1958 Schedule.

⁶ The words " Official Gazette " were substituted for the words " Bombay Government Gazette " by the Adaptation of Indian Laws Order in Council.

(3) Any property which the Government ward may inherit or acquire by succession subsequently to the date of such sanction shall also be deemed to be under the superintendence of the Court of Wards.

(4) The Court of Wards may, in its discretion, assume, or refrain from assuming, the superintendence of any property which the Government ward may acquire otherwise than by inheritance or succession subsequently to the date of such notification.

Publication of notice to claimants against Government ward.

14. (1) On the issue of a notification under section 13, sub-section (1), the Court of Wards shall publish in the ¹*Official Gazette*, and in such other manner as the ²[³State] Government may, by general or special order, direct, a notice, in English and also in the vernacular, calling upon all persons having claims against the Government ward or his property to submit the same in writing to it within six months from the date of publication of the notice.

(2) Where the Court of Wards is satisfied that any claimant was unable to comply with the notice published under sub-section (1), it may allow his claim to be submitted at any time after the date of the expiry of the period fixed therein; but any such claim shall, notwithstanding any law, contract, decree or award to the contrary, cease to carry interest from the date of the expiry of such period until submission.

(3) Every claim against the Government ward or his property (other than a claim ⁴[on the part of the ⁵[Government]]) not submitted to the Court of Wards in compliance with the notice published under sub-section (1), or allowed to be submitted under sub-section (2), shall save in the cases provided for by section 18, sub-section (2), clause (c), and by sections 7 and 13 of the ⁶Indian Limitation Act, 1877, be deemed for all purposes and on all occasions, whether during the continuance of the superintendence or afterwards, to have been duly discharged, unless, in any suit or proceeding instituted by the claimant, or by any person claiming under him, in respect of any such claim, it is proved to the satisfaction of the Court that he was unable to comply with the notice published under sub-section (1).

Power to require claimants to furnish full particulars and documents.

15. (1) The Court of Wards may by written order require that any claimant submitting his claim shall, within such reasonable time as it may prescribe in such order, furnish full particulars thereof, and produce all documents (including entries in books of account) on which he relies to support his claim, together with a true copy of every such document.

Provided that, where the claim relates to an amount secured by a decree or award, it shall be sufficient for the claimant to produce before the Court of Wards, a certified copy of the decree and a certificate from the Court which passed or is executing the same declaring the amount recoverable thereunder, or a true copy of the award and statement of the sum recoverable thereunder, as the case may be; and where the claim is pending adjudication in any Court or has been referred to arbitration, it shall be sufficient for the claimant to produce a certified copy of the plaint, or a true copy of the reference to arbitration, as the case may be.

(2) The Court of Wards shall, after marking, for the purpose of identification, every original document so produced and verifying the correctness of the copy, retain the copy and return the original to the claimant.

¹ The words " *Official Gazette* " were substituted for the words " *Bombay Government Gazette* " by the Adaptation of Indian Laws Order in Council.

² The words " Provincial Government " were substituted for the words " Governor in Council ", *ibid.*

³ This word was substituted for the word " Provincial " by the Adaptation of Laws Order, 1950.

⁴ The words " on the part of the Crown " were substituted for the words " on the part of Government ", by the Adaptation of Indian Laws Order in Council.

⁵ This word was substituted for the word " Crown " by the Adaptation of Laws Order, 1950

⁶ See now the Indian Limitation Act, 1908 (9 of 1908), Central Acts.

(3) Where any document, which is in the possession or under the control of a claimant, is not produced by him in accordance with an order under sub-section (1), the document shall not be admissible in evidence against the Government ward, whether during the continuance of the superintendence or afterwards, in any suit brought by such claimant, or by any person claiming under him, in respect of any claim to which such document relates, unless it is proved to the satisfaction of the Court that he was unable to produce such document as required by such order.

16. (1) On receipt of all claims submitted in compliance with the provisions of sections 14 and 15, the Court of Wards shall proceed to investigate such claims and shall decide, subject to the provisions of sub-section (3), which of them are to be wholly or partly admitted or wholly or partly rejected, as the case may be, and shall communicate its decision in writing to each claimant concerned. Investigation and decision of claims.

(2) Where the Court of Wards has admitted any claim under sub-section (1), it may make to the claimant a proposal in writing for the reduction of the claim, or of the rate of interest to be paid in future, or of both, and if such proposal or any modification of it, is accepted by the claimant, and his acceptance is finally recorded and attested by the Court of Wards or by any Revenue-Officer not below the rank of an Assistant or Deputy Collector whom the [Commissioner] may, by general or special order, appoint in this behalf, it shall be conclusively binding upon the claimant :

Provided that if, when the superintendence of the property by the Court of Wards is withdrawn, any portion of the claim reduced as aforesaid is still unsatisfied, the claimant shall be entitled to recover a sum bearing the same proportion to the original claim admitted under sub-section (1) as the unsatisfied portion bears to the reduced claim.

(3) Subject to the provisions of sub-section (2), nothing in this section shall be construed to bar the institution of a suit in a Civil Court for the recovery of a claim against a Government ward or his property which has been duly submitted to the Court of Wards :

Provided that no decision of the Court of Wards under this section shall be proved in any such suit as against the defendant.

17. (1) On the publication of a notice under section 14, sub-section (1), no proceeding in execution of any decree against the Government ward or his property shall be instituted or continued until the decree-holder files a certificate from the Court of Wards that the decree-claim has been duly submitted or until the expiration of one month from the date of receipt by the Court of Wards of a written application for such certificate, accompanied by a certified copy of a decree. Execution of decrees to be stayed till certificate filed.

(2) Any person holding a decree against the Government ward or his property shall be entitled to receive from the Court of Ward, free of cost, the certificate required by sub-section (1).

(3) In computing the period of limitation prescribed by the ²Indian Limitation Act, 1877, or by section 230 of the ³Code of Civil Procedure, for any application for the execution of a decree, proceedings in which have been stayed or temporarily barred by reason of the claim not having been duly submitted, the time from the date of the notice published under section 14, sub-section (1) or of the decree if it was passed subsequently to the publication of the notice, to the date of due submission shall be excluded.

¹ This word was substituted for the words "State Government" by Bom. 8 of 1958, s. 3, Schedule.

² See now the Indian Limitation Act, 1908 (9 of 1908), Central Acts.

³ See now the Code of Civil Procedure, 1908 (5 of 1908), Central Acts.

Report to
[Commissioner].

18. (1) When all claims have been investigated under section 16, the Court of Wards shall submit to the ¹[Commissioner], a schedule of the debts and liabilities of the Government ward, and the ¹[Commissioner] may, where the property appears to be involved beyond all hope of extrication, or for any other sufficient reason, by order published in the ²[Official Gazette], direct that, on a date to be fixed by the order, the superintendence of the property, or of the person and property, of the Government ward by the Court of Wards shall be withdrawn.

(2) On the date so fixed—

(a) the superintendence shall terminate ;

(b) the owner of the property under superintendence shall be restored to the possession thereof, subject to any contracts entered into by the Court of Wards for the preservation or benefit of such property ; and

(c) the claims referred to in section 14, sub-section (3), shall revive.

(3) in calculating the periods of limitation applicable to suits to recover and enforce claims revived under sub-section (2), clause (c), the time during which such superintendence has continued shall be excluded.

Delegation
of powers
by Court of
Wards.

19. (1) ³[Where the Collector is not the Court of Wards] with the general or special sanction of the ¹[Commissioner], the Court of Wards may, from time to time, delegate all or any of its powers to the Collector of any district in which any part of the property of a Government ward is situated, or to any other officer not below the rank of an Assistant or Deputy Collector whom it may, appoint in this behalf, and may, at any time, with the like sanction, revoke such delegation

(2) ³[Where the Collector is not the Court of Wards] subject to any general or special orders of the ¹[Commissioner], the Court of Wards may exercise all or any of the powers conferred on it by this Act through the Collector of any district in which any part of the property of a Government ward is situated, or through any other officer not below the rank of an Assistant or Deputy Collector whom it may appoint in this behalf, and, subject to the like orders, any such Collector or Assistant or Deputy Collector may exercise all or any of the powers delegated to him under this Act through any Revenue Officer subordinate to him not below the rank of a Mahalkari.

⁴[(3) Where the Collector is the Court of Wards, subject to any general or special orders of the ¹[Commissioner], the Court of Wards may exercise all or any of the powers under this Act through an Assistant or Deputy Collector whom it may appoint in this behalf and subject to the like orders, any such Assistant or Deputy Collector may exercise all or any of the powers delegated to him under this Act through any Revenue Officer subordinate to him not below the rank of a Mahalkari.]

Appointment
of manager
by Court of
Wards.

20. The Court of Wards may appoint a manager of the property of any Government Ward under its superintendence.

Liabilities,
etc., of
managers
appointed
by Court
of Wards.

21. (1) Every manager appointed by the Court of Wards shall—

(a) give such security, with such sureties (if any), as the Court of Wards thinks fit for the due discharge of the trusts of his office, and for the due account of all property and moneys which come into his control or possession by reason of his office ;

(b) entitled to such allowance as the Court of Wards thinks fit for his care and pains in the execution of his duties ; and

¹ This word was substituted for the word " State Government " by Bom. 8 of 1958, s. 3, Sch.

² The words " Official Gazette " were substituted for the words " Bombay Government Gazette " by the Adaptation of Indian Laws Order in Council.

³ This portion was inserted by Bom. 23 of 1950, Sch.

⁴ Sub-section (3) was added, *ibid.*

(c) be responsible for any loss occasioned to the property under his management by his wilful default or gross negligence; and every such loss shall be recoverable from him and from his sureties (if any) as an arrear of land revenue.

XLV
of
1860. (2) Every manager or other servant of the Court of Wards shall be deemed to be a "public servant" within the meaning of Chapter IX of the ¹Indian Penal Code; and, in the definition of "legal remuneration" contained in section 161 of the said Code, the word "Government" shall, for the purposes of this sub-section, be deemed to include the Court of Wards. Managers and other servants to be deemed public servants.

22. (1) The Court of Wards may appoint guardians for the care of the persons of Government wards whose persons are, for the time being, under its superintendence. Power of Court of Wards to appoint guardians of certain Government wards.

VIII
of
1890. (2) In appointing a guardian under this section, the Court of Wards shall be guided by the provisions of the ¹Guardians and Wards Act, 1890. General powers of Court of Wards.

23. Subject to the provisions of this Act and of any rules thereunder, the Court of Wards— General powers of Court of Wards.

(a) may, of itself or through the manager (if any) appointed by it under this Act, do all such things requisite for the proper care and management of any property of which it assumes the superintendence under this Act, as the owner of the property, if it was not under the superintendence of the Court of Wards, might do for its proper care and management; and

(b) may, of itself or through the guardian (if any) appointed by it under this Act, do, in respect of the person of any Government ward whose person is, for the time being, under its superintendence, all such things as may lawfully be done by a guardian.

24. The Court of Wards may pass such orders as it thinks fit in respect of the custody and residence of any Government ward whose person is, for the time being, under its superintendence, and, where he is a minor, in respect of his education. Custody, residence and education of certain Government wards.

25. The Court of Wards may, from time to time, determine what sums shall be allowed in respect of the expenses of any Government ward and of his family and dependants. Allowance for Government ward, his family and dependants.

26. The Court of Wards, or the manager (if any) appointed by it under this Act, shall manage the property of every Government ward under its superintendence or under his management diligently and faithfully for the benefit of the Government ward, and shall in every respect act to the best of its or his judgment for the Government ward's interest as if the property were its or his own. Duties of Court of Wards or manager.

27. The Court of Wards may sell, exchange, mortgage, charge or let the property of a Government ward, and may do all such things as it may judge to Power of Court of Wards as to property of Government wards.

¹ Central Act.

² This section was substituted by a 6 of the Bombay Court of Wards (Amendment) Act, 1913 (Bom. 2 of 1913).

Report to
[Commissioner].

18. (1) When all claims have been investigated under section 16, the Court of Wards shall submit to the ¹[Commissioner], a schedule of the debts and liabilities of the Government ward, and the ¹[Commissioner] may, where the property appears to be involved beyond all hope of extrication, or for any other sufficient reason, by order published in the ²[Official Gazette], direct that, on a date to be fixed by the order, the superintendence of the property, or of the person and property, of the Government ward by the Court of Wards shall be withdrawn.

(2) On the date so fixed—

(a) the superintendence shall terminate ;

(b) the owner of the property under superintendence shall be restored to the possession thereof, subject to any contracts entered into by the Court of Wards for the preservation or benefit of such property ; and

(c) the claims referred to in section 14, sub-section (3), shall revive.

(3) in calculating the periods of limitation applicable to suits to recover and enforce claims revived under sub-section (2), clause (c), the time during which such superintendence has continued shall be excluded.

Delegation
of powers
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Wards.

19. (1) ³[Where the Collector is not the Court of Wards] with the general or special sanction of the ¹[Commissioner], the Court of Wards may, from time to time, delegate all or any of its powers to the Collector of any district in which any part of the property of a Government ward is situated, or to any other officer not below the rank of an Assistant or Deputy Collector whom it may, appoint in this behalf, and may, at any time, with the like sanction, revoke such delegation.

(2) ³[Where the Collector is not the Court of Wards] subject to any general or special orders of the ¹[Commissioner], the Court of Wards may exercise all or any of the powers conferred on it by this Act through the Collector of any district in which any part of the property of a Government ward is situated, or through any other officer not below the rank of an Assistant or Deputy Collector whom it may appoint in this behalf, and, subject to the like orders, any such Collector or Assistant or Deputy Collector may exercise all or any of the powers delegated to him under this Act through any Revenue Officer subordinate to him not below the rank of a Mahalkari.

⁴[(3) Where the Collector is the Court of Wards, subject to any general or special orders of the ¹[Commissioner], the Court of Wards may exercise all or any of the powers under this Act through an Assistant or Deputy Collector whom it may appoint in this behalf and subject to the like orders, any such Assistant or Deputy Collector may exercise all or any of the powers delegated to him under this Act through any Revenue Officer subordinate to him not below the rank of a Mahalkari.]

Appointment
of manager
by Court of
Wards.

20. The Court of Wards may appoint a manager of the property of any Government Ward under its superintendence.

Liabilities,
etc., of
managers
appointed
by Court
of Wards.

21. (1) Every manager appointed by the Court of Wards shall—

(a) give such security, with such sureties (if any), as the Court of Wards thinks fit for the due discharge of the trusts of his office, and for the due account of all property and moneys which come into his control or possession by reason of his office ;

(b) entitled to such allowance as the Court of Wards thinks fit for his care and pains in the execution of his duties ; and

¹ This word was substituted for the word " State Government " by Bom. 8 of 1958, s. 3, Sch.

² The words " Official Gazette " were substituted for the words " Bombay Government Gazette " by the Adaptation of Indian Laws Order in Council.

³ This portion was inserted by Bom. 23 of 1950, Sch.

⁴ Sub-section (3) was added, *ibid.*

(c) be responsible for any loss occasioned to the property under his management by his wilful default or gross negligence; and every such loss shall be recoverable from him and from his sureties (if any) as an arrear of land revenue.

XLV of 1860. (2) Every manager or other servant of the Court of Wards shall be deemed to be a "public servant" within the meaning of Chapter IX of the Indian Penal Code; and, in the definition of "legal remuneration" contained in section 161 of the said Code, the word "Government" shall, for the purposes of this sub-section, be deemed to include the Court of Wards.

Managers and other servants to be deemed public servants.

22. (1) The Court of Wards may appoint guardians for the care of the persons of Government wards whose persons are, for the time being, under its superintendence.

Power of Court of Wards to appoint guardians of certain Government wards.

VIII of 1890. (2) In appointing a guardian under this section, the Court of Wards shall be guided by the provisions of the Guardians and Wards Act, 1890.

23. Subject to the provisions of this Act and of any rules thereunder, the Court of Wards—

General powers of Court of Wards.

(a) may, of itself or through the manager (if any) appointed by it under this Act, do all such things requisite for the proper care and management of any property of which it assumes the superintendence under this Act, as the owner of the property, if it was not under the superintendence of the Court of Wards, might do for its proper care and management; and

(b) may, of itself or through the guardian (if any) appointed by it under this Act, do, in respect of the person of any Government ward whose person is, for the time being, under its superintendence, all such things as may lawfully be done by a guardian.

24. The Court of Wards may pass such orders as it thinks fit in respect of the custody and residence of any Government ward whose person is, for the time being, under its superintendence, and, where he is a minor, in respect of his education.

Custody, residence and education of certain Government wards.

25. The Court of Wards may, from time to time, determine what sums shall be allowed in respect of the expenses of any Government ward and of his family and dependants.

Allowance for Government ward, his family and dependants.

26. The Court of Wards, or the manager (if any) appointed by it under this Act, shall manage the property of every Government ward under its superintendence or under his management diligently and faithfully for the benefit of the Government ward, and shall in every respect act to the best of its or his judgment for the Government ward's interest as if the property were its or his own:

Duties of Court of Wards or manager.

27. The Court of Wards may sell, exchange, mortgage, charge or let the property of a Government ward, and may do all such things as it may judge to

Power of Court of Wards as to property of Government wards.

¹ Central Act.

² This section was substituted by s. 6 of the Bombay Court of Wards (Amendment) Act, 1913 (Bom. 2 of 1913).

be best for the benefit of the property and the advantage of the Government ward :
Provided that—

(a) the previous sanction of the ¹[Commissioner] shall be required to any sale, exchange or mortgage of, or charge on, immovable property and to any lease of such property for a term exceeding ten years, and

(b) where ²[one-third] of the immovable property of a Government ward has been sold or exchanged no further sale or exchange shall be made]

Power of
Court of
Wards to
evict.

28. The Court of Wards may summarily evict in the manner specified in section 202 of the Bombay Land Revenue Code, 1879, any person occupying, or in possession of any immovable property under its superintendence, to the use and occupation of which he has ceased to be entitled under any of the provisions of that Code, or which he uses or occupies in contravention of any of the provisions of this Act. Bom.
V of
1879.

Recovery of
arrears of
rent as
arrears of
land-revenue

³[29. For the purpose of the recovery of rents, profits and other sums due in respect of property under the superintendence of the Court of Wards (whether such arrears become due before or after the assumption of such superintendence) the Court of Wards shall have all the powers possessed by a Collector under the law for the time being in force for the recovery of land-revenue due to Government, including the power conferred by section 176 of the Bombay Land Revenue Code, 1879] Bom.
V of
1879.

Property
under
superinten-
dence not
liable to sale
for arrears.

30. No immovable property under the superintendence of the Court of Wards shall be liable to sale on account of arrears of land-revenue .

Provided that all such arrears of land-revenue shall be the first charge upon the sale-proceeds of any such property which may be sold for any other cause than for arrears of land-revenue.

Power of
Court of
Wards to
direct any
property of
Government
ward to be
exempt from
process of
Civil Court.

⁴[30A. (1) Whenever it shall appear to the Court of Wards that 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 by

¹ This word was substituted for the word "State Government" by Bom. 8 of 1958, s. 3, Sch.

² This word was substituted for the word "one-fourth" by Bom. 21 of 1949, s. 2

³ This section was substituted by s. 7 of the Bombay Court of Wards (Amendment) Act, 1913 (Bom. 2 of 1913).

⁴ Section 30A was inserted by Bom. 7 of 1934, s. 2.

IX of
1908.

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 of the Indian Limitation Act, 1908, be deemed to have been stayed :

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.]

31. No suit relating to the person or property of any Government ward shall be brought in any Civil Court until the expiration of two months after notice in writing stating the name and place of abode of the intending plaintiff, the cause of action and the relief claimed, has been delivered to, or left at the office of, the Court of Wards ; and the plaint shall contain a statement that such notice has been so delivered or left .

Provided that notice under this section shall not be required in the case of any suit the period of limitation for which will expire within three months from the date of a notification issued under section 13, sub-section (1).

32. Subject to the provisions of the second paragraph of section 440 of the Code of Civil Procedure, in every suit brought by or against a Government ward, the manager of the Government ward's property, or, where there is no manager, the Court of Wards having the superintendence of the Government wards's property, shall be named as the next friend or guardian for the suit, as the case may be.

Manager
or Court of
Wards to be
next friend
or guardian
in suit by
or against
Government
wards.

33. Where, in any suit brought by or against a Government ward, any Civil Court decrees any costs against the Government ward's next friend or guardian for the suit, the Court of Wards shall cause the costs to be paid out of any property of the Government ward which may, for the time being, be in its hands.

Payment
of costs.

34. Every process which may be issued out of any Civil or Revenue Court against any Government ward shall be served on the Government wards' next friend or guardian for the suit.

Processes
against
Government
ward to be
served on
next friend
or guardian.

35. No suit shall be brought, and no appeal in any suit shall be preferred, by any guardian or manager appointed by the Court of Wards on behalf of any Government ward unless it is authorised by an order in writing of the Court of Wards :

Authority of
Court of
Wards
required in
case of suits
brought on
behalf of
Government
wards.

Provided that a manager may authorise a plaint or a memorandum of appeal to be filed in order to prevent a suit or appeal from being barred by the law of limitation, but the suit or appeal shall not afterwards be proceeded with except with the sanction of the Court of Wards.

36. (1) Where any question arises as between two or more Government wards of such a nature that an adjudication upon it by a Civil Court is expedient, it shall be lawful for the Court of Wards, acting through the Collector of the district in which a case might have been stated for the opinion of the Civil Court with regard

Adjudication
of civil
disputes
between
two or more
Government
wards.

¹ See now the Code of Civil Procedure, 1908 (Act 5 of 1908).

to such matter under section 527 of the ¹Code of Civil Procedure, to file in the Civil Court having jurisdiction a statement containing the point or points for determination.

(2) when such statement has been filed, the Court shall appoint a guardian for the suit for each ward having a separate interest, and such guardians shall thereupon conduct the case subject to the general control of the Court of Wards.

(3) The Court may, if it thinks fit, amend the case so stated and shall then proceed to hear and dispose of the case in the manner provided in Chapter XXXVIII of the ¹Code of Civil Procedure for the hearing and disposal of cases stated for opinion under that Chapter.

Disabilities of a Government ward.

37. (1) Except with the approval of the Court of Wards, a Government ward shall be incompetent to transfer or create any charge on, or interest in, his property or any part thereof (except such interest as may be created by a will made in accordance with section 38), or to enter into any contract which may involve him in pecuniary liability; and no suit shall be brought in any Civil Court whereby to charge any person upon any promise made after he has ceased to be a Government ward to pay any debt contracted during the period when he was a Government ward, or upon any ratification made after he has ceased to be a Government ward of any promise or contract made during the period aforesaid, whether there is or is not any new consideration for such promise or ratification.

(2) Nothing in this section shall be deemed to affect the capacity of a Government ward to enter into a contract of marriage :

Provided that a Government ward shall not incur, in connection with such a contract, any pecuniary liability, except such as, having regard to the personal law to which he is subject and to his rank and circumstances, the Court of Wards may, in writing, declare to be reasonable.

Consent of ²[State] Government necessary to wills made by Government wards.

38. No will made by a Government ward shall be valid without the consent of the ²[³State] Government] obtained, either previously or subsequently to the making of the will, on application made to ⁴[it] through the Court of Wards :

Provided that consent shall not be withheld unless it appears to the ²[³State] Government] that the will is contrary to the personal or special law applicable to the ward, or that it is likely to cause considerable pecuniary embarrassment to the property, or to lower considerably the influence or respectability of the family in public estimation.

Procedure when succession to Government ward's property is disputed.

39. Where on the death of any Government ward, the succession to his property or any part thereof is disputed the Court of Wards may, with the sanction of the ²[Provincial Government], either retain the superintendence of the property until one of the claimants has established his claim to the same in a competent Civil Court, or institute a suit of interpleader against all the claimants.

Withdrawal of superintendence of Court of Wards.

40. (1) Where superintendence has been assumed in pursuance of an order under section 9, sub-section (1), the Court of Wards shall withdraw such superintendence as soon as, in the opinion of the ²[³State] Government], the property is free from embarrassment.

¹ See now the Code of Civil Procedure, 1908 (Act 5 of 1908).

² The words " Provincial Government " were substituted for the words " Governor in Council " by the Adaptation of Indian Laws Order in Council.

³ The word was substituted for the word " Provincial " by the adaptation of Laws Order, 1930.

⁴ The word " it " was substituted for the word " him ", by the adaptation of Indian Laws Order in Council.

(2) The Court of Wards may, with the sanction of the ¹[²State] Government], at any time withdraw its superintendence from the person or property, or both, of a Government ward, and shall withdraw its superintendence as soon as, in the opinion of the District Court, certified to the Court of Wards,

(a) in the case of a person disqualified under clause (a) of sub-section (1) of section 5, he attains or has attained his majority ;

(b) in the case of a female disqualified under clause (b) of the same sub-section, she is fit to manage her own property ;

(c) in the case of a person disqualified under clause (c) of the same sub-section, he is fit to manage his own property ;

(d) in the case of a person disqualified under clause (d) of the same sub-section, he ceases to be of unsound mind and incapable of managing his affairs ; and

(e) where it was assumed under section 4, sub-section (1), in the case of a family which was undivided according to Hindu law, any co-sharer ceases to be disqualified under sub-section (1) of section 5.

Provided, *firstly*, that

(i) where a Government ward dies or ceases to be disqualified and his property is still encumbered with debts and liabilities, the Court of Wards may, with the sanction of the ¹[²State] Government] retain the said property under its superintendence until such debts and liabilities have been discharged, and

(ii) in the case of land-holders ³[or pension-holders], ⁴[who are co-sharers in a family which is undivided according to Hindu law] where one or more of the proprietors of a property remain disqualified although another or others have ceased to be disqualified, the Court of Wards may, with the sanction of the ¹[²State] Government], retain the whole of the property under its superintendence, paying any proprietor who has ceased to be disqualified ⁵[from surplus income such portion as shall be proportionate to his interest in the estate]

Provided, *secondly*, that, where the Court of Wards withdraws its superintendence such withdrawal shall not affect any contract entered into by the Court of Wards in the lawful exercise of its powers : and

Provided, *thirdly*, that

(a) no person who has once been declared disqualified under clause (b) or (c) of sub-section (1) of section 5, and

(b) except in the case of any co-sharer other than those signing an application described in section 9, sub-section (2), no landholders ⁶[or pension-holder] who has been made a Government ward in pursuance of an order under section 9, sub-section (1),

shall be competent, on the withdrawal of such superintendence, to transfer or create any charge on or interest in his property or any part thereof for a period beyond the term of his natural life, except with the previous sanction of the Collector.

(3) No appeal shall lie from any opinion certified under sub-section (2).

¹ The words " Provincial Government " were substituted for the words " Governor in Council " by the Adaptation of Indian Laws Order in Council.

² This word was substituted for the word " Provincial " by the Adaptation of Laws Order, 1957.

³ These words were inserted by s. 4 (2) of the Bombay Court of Wards (Amendment) Act, 1913 (Bom 2 of 1913).

⁴ These words were substituted for the words, figures and brackets " referred to in section 8, sub-section (2) " by s. 2 and Sch. I, Part II, of the Bombay Repealing and Amending Act, 1910 (Bom. I of 1910).

⁵ These words were substituted for the words " the surplus income accruing from his share of the estate ", *ibid.*

⁶ These words were inserted by s. 4 (1) of the Bombay Court of Wards (Amendment) Act, 1913 (Bom 2 of 1913).

Appoint-
ment of
guardian
in certain
cases.

41. (1) Where, in exercise of the powers conferred by section 40, the Court of Wards decides to withdraw its superintendence from the person or property, or both, of any minor, it shall, before such withdrawal, by an order in writing, appoint some person to be guardian of the person or property, or both, of the minor, and such appointment shall take effect from the date of such withdrawal.

(2) In appointing a guardian under this section, the Court of Wards shall be guided by the provisions of the ¹Guardians and Wards Act, 1890, and every guardian so appointed shall have, and be subject to, the same rights, duties and liabilities as if he had been appointed under that Act. VIII
of
1890.

Withdrawal
to be notified
in Official
Gazette.

42. Where the Court of Wards withdraws its superintendence from any person or property under this Act, the fact of such withdrawal shall be notified in the ²[Official Gazette] and in such other manner as the ³[⁴[State] Government] may, by general or special order, direct.

Appeals.

43. (1) An appeal shall lie from every order, other than an order of the District Court, passed under this Act, whether original or on appeal,

(a) where the order is that of a ⁵[Commissioner] or of any special or other officer appointed or Board constituted, under the proviso to section 3, to the ⁶[⁴[State] Government];

⁷[(b) where the order is that of a Collector, to the Commissioner, or where any such officer or Board has jurisdiction, to such officer or Board; and]

(c) in all other cases, to the Collector :

⁸[Provided that where any such officer or Board has been appointed to be Court of Wards and the order has been passed by any officer subordinate to such Court of Wards for the purposes of this Act, the ⁹[⁴[State] Government] may direct that appeals shall lie to such officer or Board]

(2) The provisions of sections 205 to 210, both inclusive, of the Bombay Land Revenue Code, 1879, shall apply to all such appeals. Bom.
V of
1879.

¹⁰[Control of
Commissioner
and State
Government.]

44. All orders or proceedings under this Act, other than orders or proceedings of the District Court, shall be subject to the supervision and control of the ¹¹[Commissioner and the State Government]; and the ¹²[Commissioner and the State Government] may, if ¹³[he or it] thinks fit, revise, modify, or reverse any such order or proceeding, whether an appeal is presented against any such order or proceeding or not.

Power to
compel
attendance of
witnesses.

¹⁴[44A. For the purposes of this Act, the Court of Wards may summon and enforce the attendance of witnesses and compel them to give evidence, and compel the production of documents, by the same means and, as far as possible, in the same manner, as is provided in the case of a Civil Court by the Code of Civil Procedure ¹⁵[1908]. V of
1908.

¹Central Act.

²The words "Official Gazette" were substituted for the words "Bombay Government Gazette" by the Adaptation of Indian Laws Order in Council.

³The words "Provincial Government" were substituted for the words "Governor in Council", *ibid.*

⁴This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1930.

⁵This word was substituted for the word "Collector" by Bom. 8 of 1958, s. 3 Sch.

⁶This clause was inserted, *ibid.*

⁷This proviso was added by a. 8 of the Bombay Court of Wards (Amendment) Act, 1918 (Bom. 2 of 1913).

⁸These words were substituted for the words "State Government" by Bom 6 of 1958, s. 3, Schedule.

⁹These words were substituted for the word "it" by Bom. 8 of 1958, s. 3, Schedule.

¹⁰These words were substituted for the words "Control of Provincial Government" *ibid.*

¹¹This section was inserted by a. 9 of the Bombay Court of Wards (Amendment) Act, 1913 (Bom. 2 of 1913).

45. No suit shall be brought in any Civil Court in respect of the exercise of any discretion conferred by this Act, or against the Court of Wards or any public servant or person duly appointed or authorized under this Act in respect of anything in good faith done or purporting to be done under the provisions thereof or the rules made thereunder :

Provided, *firstly*, that any person evicted under section 28 may sue for restitution, and

Provided, *secondly*, that any tenant from whom an arrear of rent has been recovered under section 29 may sue for recovery of the amount, or any part thereof, so recovered

46. (1) The ¹[State] Government may, by notification published in the ²[Official Gazette], make rules to carry out the purposes and objects of this Act.

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

(a) prescribe the matters to which regard should be had in appointing or removing guardians and managers, and in fixing their remuneration ;

(b) regulate the form, conditions and amount of security, and the number of sureties (if any), to be given by managers ,

(c) prescribe the cases in which proposals or arrangements connected with the administration of the properties of Government wards shall be reported for the sanction of the ¹[State] Government] ,

(d) prescribe the accounts and other returns, and the form and other particulars thereof, which shall be rendered to the Court of Wards and by the Court of Wards to the ¹[State] Government] ,

(e) regulate the custody of securities and title-deeds belonging to the estate or property of a Government ward ;

(f) regulate the procedure in inquiries by, and in appeals from orders of the Court of Wards ;

(g) prescribe the mode in which powers delegated to managers are to be notified for the information of persons concerned ,

(h) prescribe the mode in which any expenses incurred by the Court of Wards or the Collector under any power conferred by this Act may be recovered , and

(i) generally prescribe the manner in which the powers and duties of the Court of Wards under this Act shall be exercised and performed

47. The powers and functions conferred on the State Government by or under this Act shall, in relation to the estate of Rulers of Indian States, be powers and functions of the Central Government]

¹ The words " Provincial Government " were substituted for the words " Governor in Council " by the Adaptation of Indian Laws Order in Council.

² This word was substituted for the word " Provincial " by the Adaptation of Laws Order, 1950.

³ The words " Official Gazette " were substituted for the words " Bombay Government Gazette " by the Adaptation of Indian Laws Order in Council.

⁴ Section 47 was inserted by the Adaptation of Laws Order, 1950.

Appointment of guardian in certain cases.

41. (1) Where, in exercise of the powers conferred by section 40, the Court of Wards decides to withdraw its superintendence from the person or property, or both, of any minor, it shall, before such withdrawal, by an order in writing, appoint some person to be guardian of the person or property, or both, of the minor, and such appointment shall take effect from the date of such withdrawal.

(2) In appointing a guardian under this section, the Court of Wards shall be guided by the provisions of the ¹Guardians and Wards Act, 1890, and every guardian so appointed shall have, and be subject to, the same rights, duties and liabilities as if he had been appointed under that Act VIII of 1890.

Withdrawal to be notified in Official Gazette.

42. Where the Court of Wards withdraws its superintendence from any person or property under this Act, the fact of such withdrawal shall be notified in the ²[Official Gazette] and in such other manner as the ³[State] Government may, by general or special order, direct

Appeals.

43. (1) An appeal shall lie from every order, other than an order of the District Court, passed under this Act, whether original or on appeal,

(a) where the order is that of a ⁴[Commissioner] or of any special or other officer appointed or Board constituted, under the proviso to section 3, to the ⁵[State] Government],

⁶[(b) where the order is that of a Collector, to the Commissioner, or where any such officer or Board has jurisdiction, to such officer or Board; and]

(c) in all other cases, to the Collector

⁷[Provided that where any such officer or Board has been appointed to be Court of Wards and the order has been passed by any officer subordinate to such Court of Wards for the purposes of this Act, the ⁸[State] Government] may direct that appeals shall lie to such officer or Board]

(2) The provisions of sections 205 to 210, both inclusive, of the Bombay Land Revenue Code, 1879, shall apply to all such appeals. Bom. V of 1879.

⁹[Control of Commissioner and State Government]

44. All orders or proceedings under this Act, other than orders or proceedings of the District Court, shall be subject to the supervision and control of the ¹⁰[Commissioner and the State Government]; and the ¹¹[Commissioner and the State Government] may, if ¹²[he or it] thinks fit, revise, modify, or reverse any such order or proceeding, whether an appeal is presented against any such order or proceeding or not.

Power to compel attendance of witnesses.

¹³[44A. For the purposes of this Act, the Court of Wards may summon and enforce the attendance of witnesses and compel them to give evidence, and compel the production of documents, by the same means and, as far as possible, in the same manner, as is provided in the case of a Civil Court by the Code of Civil Procedure ¹⁴V of 1908.]

¹Central Act.

²The words "Official Gazette" were substituted for the words "Bombay Government Gazette" by the Adaptation of Indian Laws Order in Council.

³The words "Provincial Government" were substituted for the words "Governor in Council", *ibid.*

⁴This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1930.

⁵This word was substituted for the word "Collector" by Bom. 8 of 1958, s. 3 Sch.

⁶This clause was inserted, *ibid.*

⁷This proviso was added by a 8 of the Bombay Court of Wards (Amendment) Act, 1913 (Bom. 2 of 1913).

⁸These words were substituted for the words "State Government" by Bom. 8 of 1958, s. 3, Schedule.

⁹These words were substituted for the word "it" by Bom. 8 of 1958, s. 3, Schedule.

¹⁰These words were substituted for the words "Control of Provincial Government" *ibid.*

¹¹This section was inserted by a 9 of the Bombay Court of Wards (Amendment) Act, 1913 (Bom. 2 of 1913).

45. No suit shall be brought in any Civil Court in respect of the exercise of any discretion conferred by this Act, or against the Court of Wards or any public servant or person duly appointed or authorized under this Act in respect of anything in good faith done or purporting to be done under the provisions thereof or the rules made thereunder ;

Provided, *firstly*, that any person evicted under section 28 may sue for restitution ; and

Provided, *secondly*, that any tenant from whom an arrear of rent has been recovered under section 29 may sue for recovery of the amount, or any part thereof, so recovered.

46. (1) The ¹[²State] Government may, by notification published in the ³[Official Gazette], make rules to carry out the purposes and objects of this Act.

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

(a) prescribe the matters to which regard should be had in appointing or removing guardians and managers, and in fixing their remuneration ;

(b) regulate the form, conditions and amount of security, and the number of sureties (if any), to be given by managers ,

(c) prescribe the cases in which proposals or arrangements connected with the administration of the properties of Government wards shall be reported for the sanction of the ⁴[State] Government] ,

(d) prescribe the accounts and other returns, and the form and other particulars thereof, which shall be rendered to the Court of Wards and by the Court of Wards to the ⁵[State] Government ;

(e) regulate the custody of securities and title-deeds belonging to the estate or property of a Government ward ;

(f) regulate the procedure in inquiries by, and in appeals from orders of the Court of Wards ;

(g) prescribe the mode in which powers delegated to managers are to be notified for the information of persons concerned ,

(h) prescribe the mode in which any expenses incurred by the Court of Wards or the Collector under any power conferred by this Act may be recovered ; and

(i) generally prescribe the manner in which the powers and duties of the Court of Wards under this Act shall be exercised and performed.

47. The powers and functions conferred on the State Government by or under this Act shall, in relation to the estate of Rulers of Indian States, be powers and functions of the Central Government]

¹ The words " Provincial Government " were substituted for the words " Governor in Council " by the Adaptation of Indian Laws Order in Council.

² This word was substituted for the word " Provincial " by the Adaptation of Laws Order, 1950.

³ The words " *Official Gazette* " were substituted for the words " *Bombay Government Gazette* " by the Adaptation of Indian Laws Order in Council.

⁴ Section 47 was inserted by the Adaptation of Laws Order, 1950.

THE MAMLATDARS' COURTS ACT, 1906.

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BOMBAY ACT No. II OF 1906¹.

[THE MAMLATDARS' COURTS ACT, 1906.]

[29th October 1906]

Amended by Bom. 7 of 1926 (when notified).

" " " 11 of 1928.

Adapted and modified by the Adaptation of Indian Laws Order in Council.

*Amended by Bom. 24 of 1942.

Adapted and modified by the Adaptation of Laws Order, 1950.

Amended by Bom. 66 of 1954.

Adapted and modified by the Bombay Adaptation of Laws (State and Concurrent Subjects) Order, 1956.

Amended by Bom. 4 of 1958.

Adapted and modified by the Maharashtra Adaptation of Laws (State and Concurrent Subjects) Order, 1960.

An Act to consolidate and amend the law relating to the powers and procedure of Mamlatdars' Courts.

WHEREAS it is expedient to consolidate and amend the law relating to the powers and procedure of Mamlatdars' Courts; it is hereby enacted as follows:—

1. (1) This Act may be called the Mamlatdars' Courts Act, 1906.

Preamble. Short title.

²(2) It shall extend to the whole of the ³[State of Maharashtra], except the City of Bombay.

⁴(3) In that part of the State of Bombay to which it is extended by the Mamlatdars' Courts (Extension) Act, 1957, it shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.]

Commencement in rest of State.

2. The Mamlatdars' Courts Act, 1876, is hereby repealed.

Repeal of Bom. Act III of 1876. Interpretation.

3. In this Act, unless there is anything repugnant in the subject or context,—
⁵[(aa) "Collector" includes a Deputy Commissioner;]

(a) the word "Mamlatdar" shall include any Revenue-Officer exercising for the time being the powers ⁶[of a Mamlatdar, of a Mahalkari, or of a Tahsildar or Naib Tahsildar,] and any other person who may be specially authorised by ⁶[the ⁷[State] Government] to exercise the powers of a Mamlatdar under this Act; and

(b) the words "plaintiff" and "defendant" shall include

(i) a pleader duly appointed to act on behalf of such plaintiff or defendant and

(ii) the recognized agent of a plaintiff or defendant as defined in section 37 of the ⁸Code of Civil Procedure.

* This Act was repealed and section 2 thereof was re-enacted by Bom. 42 of 1947, s. 2.

¹ For Statement of Objects and Reasons, see *Bombay Government Gazette*, 1905, Pt. VII, p. 520; for Report of Select Committee, see *ibid.*, p. 1906, Pt. VII, p. 5; and for Proceedings in Council, see *ibid.* 1905, Pt. VII, p. 578, *ibid.*, 1906; Part VII, pp. 31 and 189.

² These sub-sections were substituted for the original sub-section (2) by Bom. 4 of 1958, s. 3(1).

³ These words were substituted for the words "State of Bombay" by the Maharashtra Adaptation of Laws (State and Concurrent Subjects) Order, 1960.

⁴ This clause was inserted by Bom. 4 of 1958, s. 3(2)(i).

⁵ These words were substituted for the words "of a Mamlatdar, of a Mukhtyarkar, or of a Mahalkari", *ibid.* s. 3(2)(ii).

⁶ The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

⁷ This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

⁸ See now the Code of Civil Procedure, 1908 (Act 5 of 1908).

† Sub-section (3) stands unmodified by the Maharashtra Adaptation of Laws (State and Concurrent Subjects) Order, 1960.

Power to
appoint
Joint Mam-
latdar.

4 (1) The ¹[State] Government] may, by notification in the ³[Official Gazette], appoint in any taluka a Joint Mamlatdar under this Act who shall be invested with co-extensive powers and a concurrent jurisdiction with the Mamlatdar, except that he shall dispose of such suits only as he may receive from the Mamlatdar.

Power of
Mamlatdar
to transfer
suits to the
Joint Mam-
latdar.

(2) The Mamlatdar is hereby empowered to transfer to the Joint Mamlatdar for disposal any suit under this Act the plaint in which has been presented to the Mamlatdar under section 7, and to re-transfer to his own file any such suit, of which the Joint Mamlatdar is, owing to death, sickness or any other cause unable to dispose

Delegation
of powers to
Commis-
sioner.

(3) The ¹[State] Government] may delegate ⁴[its] powers under sub-section (1) to ⁵[any Officer not below the rank of Collector.]

Powers of
Mamlatdars'
Courts

5. (1) Every Mamlatdar shall preside over a Court, which shall be called a Mamlatdar's Court, and which shall, subject to the provisions of sections 6 and 26, have power, within such territorial limits as may from time to time be ⁶[fixed] by the State Government,—

(a) to remove or cause to be removed any impediment, erected otherwise than under due authority of law, to the natural flow in a defined channel or otherwise of any surface water naturally rising in or falling on any land used for agriculture, grazing, trees or crops, on to any adjacent land, where such impediment causes or is likely to cause damage to the land used for such purpose or to any such grazing, trees or crops thereon,

(b) to give immediate possession] of any lands or premises used for agriculture or grazing, or trees, or crops, or fisheries, or to restore the use of water from any well, tank, canal or water-course, whether natural or artificial used for agricultural purposes to any person who has been dispossessed or deprived thereof otherwise than by due course of law, or who has become entitled to the possession or restoration thereof by reason of the determination of any tenancy or other right of any other person, not being a person who has been a former owner or part-owner, within a period of twelve years before the institution of the suit of the property or use claimed, or who is the legal representative of such former owner or part-owner :

Provided that, if in any case the Mamlatdar considers it inequitable or unduly harsh ⁷[to remove or cause to be removed any such impediment or], to give possession of any such property or to restore any such use to a person who has become entitled thereto merely by reason of the determination of any such tenancy or other right, or if it appears to him that such case can be more suitably dealt with by a Civil Court, he may in his discretion refuse to exercise the power aforesaid, but shall record in writing his reasons for such refusal.

¹ The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Laws Order in Council

² This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950

³ The words "Official Gazette" were substituted for the words "Bombay Government Gazette" by the Adaptation of Indian Laws Order in Council

⁴ The word "its" was substituted for the word "his", *ibid*

⁵ These words were substituted for the words "the Commissioner" by Bom 4 of 1958, s 3 (3)

⁶ These words, brackets and letters were substituted for the words "fixed by the State Government to give immediate possession" by Bom 66 of 1954, s. 2(I)(i)

⁷ These words were inserted, *ibid.*, s. 2(I)(i).

(2) The said Court shall also, subject to the same provisions, have power within the said limits, ^{Power to issue injunction.} [where any impediment referred to in sub-section (1) is erected, or an attempt has been made to erect it, or], when any person is otherwise than by due course of law disturbed or obstructed, or when an attempt has been made so to disturb or obstruct any person, in the possession of any lands or premises used for agriculture or grazing, or trees, or crops, or fisheries, or in the use of water from any well, tank, canal or water-course, whether natural or artificial, used for agricultural purposes, or in the use of roads or customary ways thereto, to issue an injunction to the person ² [erecting or who has attempted to erect such impediment, or] causing, or who has attempted to cause, such disturbance or obstruction, requiring him to refrain ³ [from erecting or attempting to erect any such impediment or], from causing or attempting to cause any further such disturbance or obstruction.

(3) No suit shall be entertained by a Mamlatdar's Court unless it is brought within six months from the date on which the cause of action arose. ^{Suits to be filed within six months.}

(4) The cause of action shall be deemed to have arisen on the date on which the ^{Cause of action.} [impediment to the natural flow of surface water or the] dispossession, deprivation or determination, of tenancy or other right occurred, or on which the [impediment,] disturbance or obstruction, or the attempted ⁶ [impediment or] disturbance or obstruction, first commenced.

Explanation.—The exercise by a joint owner of any right which he has over the joint property is not a dispossession, or disturbance of possession of the other joint owner or owners within the meaning of this section.

Illustration I.

A lets *B* his field to cultivate for a specific period of one or more years. *B* refuses to resign possession after the expiration of that period. *A* can sue for possession in the Mamlatdar's Court at any time within 6 months from the date of the expiration of the said period, unless *B* is a person who has been a former owner or part-owner within a period of twelve years before the institution of the suit of the property, or who is the legal representative of such former owner or part-owner.

Illustration II.

B is a yearly tenant of *A*, who gives him a notice to vacate, as he is bound to do ⁷ [in accordance with the law relating to the termination of an annual tenancy] before the end of the then current year of tenancy. At the commencement of the next year *B* refuses to vacate. *A* can sue *B* in the Mamlatdar's Court at any time within six months from the commencement of that year, unless *B* is a person who has been a former owner or part-owner within a period of twelve years before the institution of the suit of the property, or who is the legal representative of such former owner or part-owner.

¹ These words, brackets and figures were inserted by Bom. 66 of 1954, s. 2(2)(a).

² These words were inserted, *ibid* s. 2(2)(b).

³ These words were inserted, *ibid*, s. 2(2)(c).

⁴ These words were inserted, *ibid*, s. 2(3)(a).

⁵ This word was inserted *ibid*, s. 2(3)(b).

⁶ These words were inserted, *ibid*, s. 2(3)(c).

⁷ These words were substituted for the words and figures beginning with the words and figures "under section 84" and ending with the words "three months" by Bom. 4 of 1952, s. 2(4).

Illustration III.

A allows *B* the use of water from his well, or from his water-course, for a specific period, at the expiration of which *B* continues to take water from the well or water-course without *A*'s consent. *A* may sue *B* in the Mamlatdar's Court at any time within six months from the expiration of the said period to obtain an injunction to stop *B* from taking the water, unless *B* is a person who has been a former owner or part-owner within a period of twelve years before the institution of the suit of the use of the water, or who is the legal representative of such former owner or part-owner.

Illustration IV.

A and *B* hold lands adjacent to a पाट, or फांस, or similar artificial water-course which has hitherto been exclusively used by *B*. *A* draws water therefrom. *B* may sue in the Mamlatdar's Court, at any time within six months from the date on which *A* commences to take the water, for an injunction to prevent *A* from so doing.

Power of
Collector to
transfer
suits.

6 The Collector may, after due notice to the parties, by order in writing transfer any suit from any Mamlatdar's Court in his district to any other Mamlatdar's Court in his district, and the Mamlatdar's Court to which the suit is so transferred shall thereupon exercise jurisdiction in such suit, but any order issued to village-officers under section 21 shall be issued by the Mamlatdar to whom such village-officers are subordinate.

Suits com-
menced by
plaint.
Contents of
plaint.

7. All suits under this Act shall be commenced by a plaint, which shall be presented to the Mamlatdar in open Court by the plaintiff, and which shall contain the following particulars—

- (a) the name, age, religion, caste, profession and place of abode of the plaintiff,
- (b) the name, age, religion, caste, profession and place of abode of the defendant,
- 1[(bb) the nature and situation of the impediment erected and the situation of the lands which are adjacent to each other, and the nature of the relief sought,]
- (c) the nature and situation of the property of which possession for use is sought or the nature of the injunction to be granted, as the case may be,
- (d) the date on which the cause of action arose;
- (e) the circumstances out of which the cause of action arose; and
- (f) a list of the plaintiff's documents, if any, and of his witness, if any, showing what evidence is required from each witness, and whether such witnesses are to be summoned to attend or whether the plaintiff will produce them on the day and at the place to be fixed under section 14.

Informal
petitions to
be treated
as plaints.

8. Where a petitioner not in the form of a plaint is presented to the Mamlatdar and the subject matter thereof appears to fall within the scope of section 5, the Mamlatdar shall explain to the person presenting the petition the nature of the reliefs afforded by this Act and shall inquire whether the petitioner desires to obtain relief thereby. If the petitioner expresses a desire so to obtain relief, the Mamlatdar shall endorse the desire on the petition which shall thereupon be deemed to be a plaint presented under section 7.

¹This clause was inserted by Bom 66 of 1954, s 3

9. Where the plaint does not contain the particulars specified in section 7 or is unnecessarily prolix, the Mamlatdar shall forthwith examine the plaintiff upon oath and ascertain from him such of the particulars specified in section 7 as are not clearly and correctly stated in the plaint and shall reduce the examination to writing in the form of an endorsement on or annexure to the plaint which shall thereupon be deemed to be part of the plaint. Where the plaintiff requires time to obtain any of the particulars specified in section 7, the Mamlatdar shall grant him such time as may under all the circumstances appear reasonable.

10. When the plaint is presented, and has, if necessary, been treated in the manner specified in section 9, the Mamlatdar shall require the plaintiff to subscribe and verify the plaint in his presence, in open Court, in the manner following, or to the like effect :—

“ I, A. B., the plaintiff, do declare that what is stated in this plaint is true to the best of my information and belief.”

11. (1) The Mamlatdar shall endorse the plaint to the effect that it was duly subscribed and verified

Endorsement
by Mamlat-
dar.

(2) Where the plaintiff cannot write, the verification may be written for him in open Court and he shall affix his mark to his name in token of the authenticity of the verification, and the Mamlatdar shall, in such case, record that the verification was made in his presence at the request of the plaintiff, and that his mark was so affixed.

Procedure
where
plaintiff can-
not write.

12. The Mamlatdar shall reject the plaint—

Rejection of
plaint.

(a) where the plaintiff declines to make a statement on oath under section 9 ; or

(b) where the plaintiff is willing to make or has made a statement on oath under section 9, but fails to furnish the particulars specified in section 7 within the time fixed under section 9 or altogether; or

(c) where it appears upon the face of the plaint,

(i) that the property or use claimed is not one of the kind specified in section 5, or

(ii) that the cause of action arose more than six months before the plaint was presented; or

(d) where the plaintiff declines to subscribe or verify the plaint as required by sections 10 and 11.

13. Where it appears to the Mamlatdar that the subject of the plaint is Return of not within his jurisdiction, he shall return the plaint to be presented in the proper Court. plaint.

14. (1) Where a plaint is admissible, the Mamlatdar shall receive and file it. Procedure He shall then fix a convenient day and place for the trial of the case, and shall issue, at the expense of the plaintiff, notice in the form of Schedule A to the defendant. He shall then require the plaintiff to appear with his documents, if any, and witnesses, if any, on the day and at the place fixed. where plaint admissible

(2) The date to be fixed for the trial of the case shall not be earlier than ten days, nor later than fifteen days, from the day on which the notice is issued, except for sufficient reason to be recorded in writing by the Mamlatdar with his own hand.

(3) The place to be fixed for the trial of the case may be in the Mamlatdar's office, or at or near the scene of dispute, or at any other spot that the Mamlatdar considers convenient to the parties.

15. (1) Where either party requires any witness to be summoned to appear Attendance on the day and at the place fixed, the Mamlatdar shall issue a summons for of witnesses. that purpose.

(2) The Mamlatdar may issue, after recording his reasons in writing, a warrant for the arrest of any such witness if at such time he fails to appear and the summons is proved to have been duly served in time to admit of his appearing in accordance therewith and no reasonable excuse is offered for such failure.

(3) The payment of the cost incurred in thus procuring the attendance of witnesses shall be regulated in accordance with the rules that may from time to time be in force in regard to the attendance of witnesses in Subordinate Civil Courts.

16. (1) Where the plaintiff fails to attend, or to produce his documents, if any, or to adopt measures to procure the attendance of his witnesses, if any, on the day and at the place fixed, the Mamlatdar shall reject the plaint with costs, whether the defendant appears or not, unless the defendant admits the claim. Where plaintiff makes default, plaint to be rejected with costs.

(2) Where the plaintiff attends as required by section 14, sub-section (1), but the defendant fails to attend, and the Mamlatdar is satisfied from the evidence before him that the notice has been duly served on the defendant and in sufficient time to enable the defendant to appear and answer on the day fixed in the notice, he shall proceed to hear and decide the plaint *ex-parte*: Where defendant does not appear, case to be heard *ex-parte*.

Provided, *firstly*, that, if either party satisfies the Mamlatdar at any time within thirty days from the date of the rejection of a plaint under sub-section (1), or of an *ex-parte* decision under sub-section (2), that he was prevented by some unavoidable circumstance from attending, or from producing his documents or from But case may be re-heard on sufficient cause being shown.

adopting measures to procure the attendance of his witnesses, as the case may be, it shall be lawful for the Mamlatdar to issue a notice in the form of Schedule B at the expense of the applicant to the opposite party and, if still satisfied after hearing the opposite party that the applicant was prevented as alleged, to re-hear the case at such time and place as he may then fix.

or plaintiff
may with-
draw his suit

Provided, *secondly*, that nothing in the foregoing provisions shall prevent the plaintiff from withdrawing his suit on payment of the defendant's costs

When pro-
ceedings
may be
adjourned.

17. (1) Where, in the case mentioned in sub-section (2) of section 16, the Mamlatdar is not satisfied from the evidence before him that the notice has been duly served on the defendant, and in sufficient time to enable the defendant to appear and answer on the day fixed in the notice, he shall adjourn the trial of the case and issue a fresh notice under section 14, sub-section (1), to the defendant.

(2) Where any witness who has been duly summoned, or for whose arrest a warrant has been issued under sub-section (2) of section 15, fails to attend on the day and at the place fixed, the Mamlatdar may, if he considers there is sufficient reason, after taking the evidence of those present, adjourn the hearing of the suit from time to time till the attendance of such witness can be enforced

(3) The Mamlatdar may, for any other sufficient reason to be recorded in writing, adjourn the trial of the case for such time as he thinks fit, but not ordinarily exceeding ten days.

(4) The provisions of sections 15 and 16 shall apply in respect of any day to which the trial of the case may be adjourned under this section, as if such day were the day originally fixed for the trial.

Minor may
be a party

18. (1) A minor may sue or be sued, if he is represented by a natural or duly appointed guardian.

Power to
add parties.

(2) The Mamlatdar may, at any stage of the proceedings, order that the name of any person to whom possession or enjoyment of the property or use claimed, or of any part thereof, may have been transferred, or the addition of whom as a party appears necessary in order to enable the Court effectually and completely to adjudicate upon the issues, be added as a plaintiff or defendant, as the circumstances of the case may require

Provided that no person shall be added as a plaintiff without his consent :

Provided also that in respect of any person so added, not being a transferee pending the suit, the suit shall for the purposes of section 5, sub-section (3), be deemed to have been instituted on the day when his name was so added.

Procedure in
case of
death of
party.

(3) In case of the death of any party while the suit is pending,

(i) if application is made within one month of such death, the Mamlatdar shall determine summarily who is the legal representative of the deceased party and shall enter on the record the name of such representative ;

(ii) if no such application is made, the suit shall abate

(4) Where the Mamlatdar orders the name of any person to be added as a defendant or enters on the record the name of any person as the legal representative of a deceased defendant, the Mamlatdar shall issue to such person a notice as provided in section 14 ; and the trial shall proceed on the date fixed in such notice.

19. (1) On the day fixed, or on any day to which the Proceedings may have been adjourned the Mamlatdar shall, subject to the provisions of section 16, proceed to hear all the evidence that is then and there before him, and to try the following issues, namely—

(aa) If the plaintiff avers that the natural flow of surface water from his land has been impeded by any erection raised by the defendant causing damage or likelihood of damage to the plaintiff's land or to any grazing, trees or crops thereon—

(1) whether surface water flowed, in a defined channel or otherwise, naturally from plaintiff's land on to defendant's land ;

(2) whether the defendant erected any impediment to such flow, otherwise than under due authority of law ;

(3) whether such erection impeded such natural flow of water within six months before the suit was filed ;

(4) whether such impediment has caused or is likely to cause damage to plaintiff's land or to any grazing, trees or crops thereon ;]

(a) If the plaintiff avers that he has been unlawfully dispossessed of any property or deprived of any use—

(1) whether the plaintiff or any person on his behalf or through whom he claims was in possession or enjoyment of the property or use claimed up to any time within six months before the suit was filed ;

(2) whether the defendant is in possession at the time of the suit, and, if so, whether he obtained possession otherwise than by due course of law ;

(b) if the plaintiff avers that he is entitled to possession of any property or restoration of any use by reason of the determination of any tenure or other right of the defendant in respect thereof—

(1) whether the defendant is in possession of the property or in the enjoyment of the use by a right derived from the plaintiff or from any person through whom he claims ;

(2) whether such right has determined at any time within six months before the suit was filed ;

(3) whether the defendant is other than a person who has been a former owner or part-owner within a period of twelve years before the institution of the suit of the property or use claimed, and other than the legal representative of such former owner or part-owner ;

(c) if the plaintiff avers that he is still in possession of the property or in the enjoyment of the use, but that the defendant disturbs or obstructs, or has attempted to disturb or obstruct him in his possession or use—

(1) whether the plaintiff or any person in his behalf is actually in possession or enjoyment of the property or use claimed ;

(2) whether the defendant is disturbing or obstructing, or has attempted to disturb or obstruct him, in such possession or enjoyment ;

(3) whether such disturbance or obstruction, or such attempted disturbance or obstruction, first commenced within six months before the suit was filed.

(2) The Mamlatdar may, after due notice to, and in the presence of, the parties summon and examine as a witness any person who has not been summoned or produced, and may call for and cause to be proved any document which has not been produced, or produced, by either of the parties, where he considers it expedient in the interest of justice so to do, and may, if he thinks fit, make a personal inspection of the property in dispute in the presence of, or after due notice to, the parties,

Power of Mamlatdar to examine other witnesses and inspect property in dispute.

¹ These words, brackets, letters, figures and punctuation marks were substituted for the original by Bom. 66 of 1954, s. 4.

¹[He shall without unnecessary delay record a memorandum after hearing the parties on the spot, if present, of any relevant facts observed at such inspection. The memorandum shall form part of the record of the case]

Record of proceedings by Mamlatdar.

(3) The Mamlatdar shall with his own hand make or sign a memorandum of the substance of the evidence of each witness as the examination of the witness proceeds, and briefly record his reasons for his finding

Orders to be passed by Mamlatdar upon decisions in favour of plaintiff and defendant.

(4) Where the Mamlatdar's finding upon the issues is in favour of the plaintiff, he shall make such order, not being in excess of the powers vested in him by section 5, as the circumstances of the case appear to him to require ; and where his finding is in favour of the defendant, he shall dismiss the suit. In either case the costs of the suit, including the costs of execution, shall follow the decision.

Mamlatdar's order to be endorsed on plaint and read out in open Court

20. Every order of the Mamlatdar, whether for rejecting or returning a plaint or whether for allowing or disallowing a claim, shall be endorsed by the Mamlatdar on the plaint and shall be read out by him in open Court, either at once or on some future day of which due notice shall be given to the parties or their pleaders, and brief reasons for the order shall be placed by him on record.

Mamlatdar's decision how executed.

21. (1) Where the Mamlatdar's decision is for ²[removal of an impediment or for] awarding possession or restoring a use, he shall give effect thereto by issuing such orders to the village-officers, or to any subordinate under his control or otherwise, as he thinks fit :

Proviso as to growing crops.

Provided that notwithstanding anything contained in this Act where at the time when a decision is recorded by the Mamlatdar for ³[removal of the impediment erected on any land or for] awarding possession of any land, there is a crop on such land which has been sown by, or at the expense of, the defendant, and the Mamlatdar is satisfied that it has been so sown in good faith, the Mamlatdar may, and if the defendant makes an application for the purpose and furnishes sufficient security, or deposits in Court a sufficient sum, for the payment of the costs of the suit, shall pass an order staying delivery of possession of such land to the plaintiff seeking possession thereof, either—

(a) until the plaintiff agrees to take the crop at a valuation, to be made under the orders of the Mamlatdar according to the value of the crop at such time, including any instalments of the Government assessment which the defendant may have paid for the current year ; or

(b) where the plaintiff is unwilling to take the crop at such valuation until after the expiration of sufficient time for the crop to be gathered by the defendant.

The amount of any valuation made under clause (a) of the proviso to this subsection shall be paid to the defendant through the Mamlatdar, and shall be recoverable from the plaintiff as an arrear of land-revenue

Mode of serving injunction.

(2) Where the Mamlatdar's decision is for granting an injunction, he shall cause the same to be ⁴[prepared in the form of Schedule BB or C, as the case may be,] and shall deliver or tender the same then and there to the defendant, if present, or if the defendant is not present, shall send it to the village-officers, or to any subordinate under his control, to be served upon the defendant.

Recovery of costs awarded.

(3) Where the Mamlatdar awards costs, such costs, together with the costs of execution, shall be recoverable from the party ordered to pay them as an arrear of land-revenue.

¹ These words were added by Bom. 11 of 1928, s. 2, First Schedule

² These words were inserted by Bom. 66 of 1954, s. 5(1)(a)

³ These words were inserted, *ibid*, s. 5(1)(b).

⁴ These words and letters were substituted for the original, *ibid*, s. 5(2)

XLV
of
1860.

(4) Any person disobeying an injunction granted under sub-section (2) shall be punishable under section 188 of the ¹Indian Penal Code. Disobedience to an injunction how punishable

22. ²[Subject to the provisions of section 23, sub-section (2), the party in favour of whom the Mamlatdar issues an order for removal of an impediment or the party to whom the Mamlatdar gives possession or restores a use, or in whose favour an injunction is granted, shall continue to have the surface water upon his land flow unimpeded on to adjacent land or continue in possession or use, as the case may be, until otherwise decreed or ordered, or until ousted, by a competent Civil Court] : Possession to be given without prejudice to rights of parties

Provided, *firstly*, that nothing in this section shall prevent the party against whom the Mamlatdar's decision is passed from recovering by a suit in a competent Civil Court mesne profits for the time he has been kept out of possession of any property or out of enjoyment of any use :

Provided, *secondly*, that in any subsequent suit or other proceeding in any Civil Court between the same parties, or other persons claiming under them the Mamlatdar's decision respecting the possession of any property or the enjoyment of any use or respecting the title to or valuation of any crop dealt with under the proviso to sub-section (1) of section 21, shall not be held to be conclusive.

23. (1) There shall be no appeal from any order passed by a Mamlatdar under this Act. Bar of appeal

(2) But the Collector may call for and examine the record of any suit under this Act, and if he considers that any proceeding, finding or order in such suit is illegal or improper, may, after due notice to the parties, pass such order thereon, not inconsistent with this Act, as he thinks fit. Collector's power to revise Mamlatdar's proceedings.

³[(2A) The Collector may delegate the powers conferred on him by this section to any ⁴[Assistant Collector, Deputy Collector or Assistant Commissioner] subordinate to him], Delegation to Collector's powers

(3) Where the Collector, ⁴[Assistant Collector, Deputy Collector or Assistant Commissioner] takes any proceedings under this Act he shall be deemed to be a Court, under this Act. Collector deemed to be a Court

24. [Powers of the Court of the Judicial Commissioner of Sind] Omitted by the Adaptation of Laws Order, 1950.

25. Any plaintiff subscribing and verifying any plaint under this Act which he either knows or believes to be false, or does not believe to be true, in any material point, shall be deemed to have committed an offence punishable under section 193 of the ¹Indian Penal Code. Punishment for verification of false plaint.

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of
1860

26. No suit shall lie under this Act—

(a) ⁵[against Government or against any Government officer] in respect of any act done or purporting to be done by any such officer in his official capacity, except where acting as a manager or guardian duly constituted under any law for the time being in force ; or Bar of certain suits.

¹ Central Acts.

² This portion was substituted for the original by Bom. 66 of 1954, s. 6

³ This sub-section was inserted by Bom. 24 of 1942, s. 2(a) read with Bom. 42 of 1947, s. 2

⁴ These words were substituted for the words " Assistant Collector or Deputy Collector " by Bom. 4 of 1958, s. 3(5)

⁵ These words were substituted for the words " against the Crown or against any servant of the Crown " by the Adaptation of Laws Order, 1950.

(b) in respect of [any removal of any impediment or of] any dispossession, recovery of possession or disturbance of possession, that has been the subject of previous proceedings, to which the plaintiff or his predecessor in interest was a party, under this Act, or in a Civil Court, or under Chapter XII of the Code of Criminal Procedure, 1898.

Repeals and savings

²[27.* On the commencement of this Act in that part of the State of Bombay to which it is extended by the Mamlatdars' Courts (Extension) Act, 1957, the Saurashtra Mamlatdars' Courts Ordinance, 1948, and the Mamlatdars' Courts Act, 1906, as modified and extended to the Kutch area of the State of Bombay, shall, from such commencement in that part, stand repealed .

V of
1898.

Bom. IV
of 1958
Saur Ord.
LII of
1948
Bom II
of 1906

Provided that notwithstanding any such repeal, anything done or action taken (including any appointments made, any Mamlatdars' Courts constituted, territorial limits thereof fixed, orders made by such Courts, proceedings pending before such Courts or before the Collector or other authority, and delegations made by the Government or the Collector) by or under the provisions of the laws so repealed shall, in so far as such thing done or action taken is not inconsistent with the provisions of this Act, be deemed to be done, taken, appointed, constituted, fixed, pending, or made under the provisions of this Act as if this Act had then been in force ; and accordingly, all such proceedings pending before any such Court or Collector or other authority shall be continued and disposed of in accordance with the provisions of this Act]

SCHEDULE A.

FORM OF NOTICE TO BE ISSUED TO THE DEFENDANT UNDER SECTION 14.



No. OF SUIT.

In the Court of the Mamlatdar of

*Plaintiff ;
Defendant.*

TO DEFENDANT—(name, age, religion, caste, profession and place of abode)

WHEREAS (here enter the name, age, religion, caste, profession and place of abode of the plaintiff) has instituted a suit in this Court against you (here state the particulars of the plaint) ;

You are hereby summoned to appear in this Court at the village of _____ in person or by duly authorised agent on the _____ day of _____ at _____ o'clock _____ m., to answer the above-named plaintiff ; and, as the plant will be finally disposed of on that day, you must adopt measures to produce your documents and procure the attendance of your witnesses at the hour and place above fixed ; and you are hereby required to take notice that, in default of such appearance at the before mentioned time and place, the suit will be heard and determined in the absence of yourself and your agent.

Dated this _____

day of _____

19 _____

(Signed)

Mamlatdar.

Note.—If you require your witnesses to be summoned by the Court, you should make an application to that effect to the Court without delay, so as to allow of the service of the summonses a reasonable time before the within mentioned date.

¹ These words were inserted by Bom. 66 of 1954, s. 7.

² This section was inserted by Bom. 4 of 1958, s. 3(6)

³ This section stands unmodified by the Maharashtra Adaptation of Laws (State and Concurrent Subjects) Order, 1960.

SCHEDULE B.

FORM OF NOTICE TO BE ISSUED UNDER SECTION 16.



No. of Suit.

In the Court of the Mamlatdar of

Plaintiff ;
Defendant.

To PLAINTIFF (or DEFENDANT, as the case may be).

WHEREAS, in the suit above specified, instituted in this Court by the Court ordered on the _____ day of _____ last that _____, and the said plaintiff (or defendant, as the case may be), has, under date the _____ day of _____, applied to this Court to re-hear the case on the grounds that (here state the grounds) :

This is to give you notice that the said application will be heard and determined on the _____ day of _____ at _____ o'clock _____ m, at the village of _____, and you are hereby required to take notice that in default of your appearance personally or by agent at the said time and place, the application will be heard and determined in your absence and, if granted, a time and place for re-hearing the suit will then be fixed.

Dated this _____ day of _____ 19 .

(Signed)
Mamlatdar.

SCHEDULE BB.

FORM OF INJUNCTION TO BE ISSUED UNDER SECTION 21, SUB-SECTION (2).



No. of Suit.

In the court of the Mamlatdar of

... Plaintiff ;
... Defendant. }

To DEFENDANT

Whereas in the suit above specified, the Court has this day found that you have impeded (or that you have attempted to impede) the natural flow of surface water naturally rising in or falling on the plaintiff's undermentioned property by (here describe the property and the impediment erected, or attempted to be erected, found proved) ;

*Schedule BB was inserted by Bom. 66 of 1954, s. 8.

You are hereby prohibited from erecting or attempting to erect any impediment (if necessary set forth the particular kind of impediment which the defendant is enjoined not to erect) to the natural flow of surface water from the said plaintiff's said property on to your property otherwise than under authority of a competent Civil Court.

Dated this day of

(Signed)

Mamlatdar.]

SCHEDULE C.

FORM OF INJUNCTION TO BE ISSUED UNDER SECTION 21, SUB-SECTION (2)



No. of SUIT.

In the Court of the Mamlatdar of

Plaintiff ;

Defendant.

To DEFENDANT

WHEREAS in the suit above specified the Court has this day found that you have disturbed or obstructed (or that you have attempted to disturb or obstruct) the said plaintiff in his possession of the under-mentioned property (or enjoyment of the under-mentioned use of water or use of roads or otherwise as the case may be) by (here describe the disturbance or obstruction or attempted disturbance or obstruction found proved) :

You are hereby prohibited from making any further attempt to disturb or obstruct (if necessary set forth the particular kind of disturbance or obstruction which the defendant is enjoined not to repeat) the said plaintiff in his possession of the said property (or otherwise as the case may be) otherwise than in Execution of the decree of a competent Civil Court.

Dated this

day of

19 .

{Signed)

Mamlatdar..

THE PRINCE OF WALES MUSEUM ACT, 1909.

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SCHEDULE.

BOMBAY ACT No. III OF 1909¹

[THE PRINCE OF WALES MUSEUM ACT, 1909]

[19th August 1909]

Amended by Bom 7 of 1913 ;
 " " " 6 of 1921 ;
 " " " 12 of 1922 ;
 " " " 7 of 1924 ;
 " " " 19 of 1933.

Adapted and modified by the Adaptation of Indian Laws Order in Council
 Adapted and modified by the Adaptation of Laws Order, 1950.

Amended by Bcm 24 of 1954.
 " " " 44 of 1954.

Adapted and modified by the Bombay Adaptation of Laws (State and Concurrent
 Subjects) Order, 1956.

Adapted and modified by the Maharashtra Adaptation of Laws (State and
 Concurrent Subjects) Order, 1960

Amended by Mah. 18 of 1962.
 " " " 19 of 1967†

**An Act to provide for the erection and management of the Prince of Wales
 Museum of Western India.**

WHEREAS it is intended to erect and maintain at Bombay a Museum as a memorial of the visit in the year 1905 of His Royal Highness the Prince of Wales to Bombay ;

AND whereas certain land has been set apart and large sums of money have been and are being subscribed for these purposes ;

AND whereas three Trustees have been provisionally appointed to take the custody of the said moneys ;

AND whereas it is expedient to make provision for the erection, maintenance and management of the Museum and for the vesting and management of the said land and moneys and for the appointment of a permanent Board of Trustees ;

It is hereby enacted as follows :—

1. (1) This Act may be called the Prince of Wales Museum Act, 1909, and Short title and commencement
- (2) It shall come into force at once

2. All the estate, right, title and interest of [Government] together with all other Property vested in the Board
 estates, rights, titles and interests in and to the land specified in the Schedule to this Act and all moneys now in the custody of the three Trustees provisionally

¹ For Statement of Objects and Reasons, see *Bombay Government Gazette*, 1908, Part VII, page 171, for Report of Select Committee, see *ibid*, 1909, Part VII, page 91, and for Proceedings in Council see *ibid*, 1909, Part VII, pages 36 and 168

² This word was substituted for the words " His Majesty " by the Adaptation of Laws Order, 1950²
³ Section 3 of Mah. 19 of 1967 reads as follows :—

" 3 The change in designation of the ' Principal of Sir Jamsetjee Jeejeebhoy School of Art ' Change in who is a member of the Board of Trustees called ' the Trustees of the Prince of Wales Museum of designation Western India', a body corporate constituted under section 3 of the principal Act, shall not affect not to affect and shall be deemed never to have affected the constitution or powers of the Board ; and all acts and acts and powers of the Board as constituted immediately before the commencement of this Act shall be powers of the Board as constituted on the commencement of this Act " the Board constituted under section 3.

appointed to take the custody of the moneys subscribed for the purposes of erecting or maintaining at Bombay a Museum as a memorial of the visit in the year 1905 of His Royal Highness the Prince of Wales to Bombay and all the other property whether immovable or moveable, which has been or may hereafter be given, devised, bequeathed, transferred or otherwise acquired for the said purposes shall vest in the permanent Board of Trustees constituted by this Act on trust for the erection on the land specified in the said Schedule of a Museum to be called "The Prince of Wales Museum of Western India," and for the maintenance and management of the said land and Museum

Constitution
and powers
of the
Board

3. (1) There shall be constituted for the purposes of this Act a permanent Board of Trustees to be called "The Trustees of the Prince of Wales Museum of Western India" and such Board (hereinafter called "the Board") shall be a body corporate with perpetual succession and a common seal, and in the name of "The Trustees of the Prince of Wales Museum of Western India" shall sue and be sued, and shall have power to ¹[acquire and hold immovable or moveable property, to let on hire, lease or mortgage any immovable property vesting in them] to enter into contracts, and to do all acts necessary for and consistent with the purposes of this Act :

²[Provided that the Board shall not have power to mortgage any land specified in the Schedule which is included within lines drawn parallel, to and at a distance of twenty feet from, above the plinths of the front corner towers of the present Museum building and extending from the Rampart Row boundary to the Esplanade Road boundary which area contains by admeasurement 14,606 square yards, be the same a little more or less, and is for greater clearness delineated on the plan referred to in section 2 of the Prince of Wales Museum (Amending) Act, 1913, or any building thereon]

Bom
VII of
1913

(2) The Board shall consist of the following members, namely. —

(b) the Collector of Bombay,

⁴[(b-1) the Director of Art, Maharashtra State,]

⁵[(c) the Dean, Sir Jamsetjee Jeejeebhoy School of Art,]

⁶[(c-1) the Director of Archives and Archaeology, Maharashtra State,]

⁷[(d) the Superintendent, Department of Archaeology, Western Circle;

⁸[(d) the Superintendent, Department of Archaeology, South Western Circle,]

(e) such two members of the Municipal Corporation of the City of Bombay as shall from time to time be elected by the said Corporation in accordance with such regulations as may from time to time be made in this behalf by the said Corporation : provided that the election shall be by ⁹[ballot,]

⁹[(f) three other persons be nominated by the ¹⁰[State] Government ;]

¹ These words were substituted for the words "hold and acquire property" by s 2(a) of the Prince of Wales Museum (Amendment) Act, 1921 (Bom 6 of 1921)

² This proviso was added by s 2(b), *ibid*

³ Clause (a) was deleted by Mah 13 of 1962, s 2 Section 3 of the said Act reads as follows —

"3 The omission of the Director of Industries from the Board of Trustees called "The Trustees of the Prince of Wales Museum of Western India, a body corporate constituted under section 3 of the principal Act, shall not affect the constitution or powers of the Board, and all acts and powers of the Board as constituted immediately before the commencement of this Act, shall be deemed to be the acts and powers of the Board as constituted on the commencement of this Act"

⁴ clause (b-1) was inserted by Mah. 19 of 1967, s 2(a)

⁵ Clause (c) was deemed to have been substituted, *ibid*, s 2(b), with effect from 24th October 1950.

⁶ Clause (c-1) was inserted, *ibid*, s 2(e).

⁷ These clauses were substituted for clause (d) by Bom 44 of 1954, s 2

⁸ This word was substituted for the words "open vote, and" by (Bom. 12 of 1922), s 2

⁹ This clause was substituted, *ibid*, s 2

¹⁰ The words "Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

¹¹ This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950

¹(g) so long as the collection installed in the Museum by the Bombay Natural History Society remain in the Museum, two other persons to be nominated by the Managing Committee of the Bombay Natural History Society;

(h) so long as the loan collection of the Bombay branch of the Royal Asiatic Society remains in the museum, one other person to be nominated by the Bombay branch of that Society;]

²[(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;]

(i) one other person to be nominated by the Syndicate of the University of Bombay; and

¹ These clauses were inserted by s. 2 of the Prince of Wales Museum (Amendment) Act, 1922, (Bom. 12 of 1922).

² Clause (hh) was inserted by Bom. 19 of 1933, s. 2.

(j) four other persons to be nominated by the Board, if the Board so desire, for such period as the Board may consider desirable]

(3) In the case of *ex-officio* members the person for the time being performing the duties of any of the offices mentioned in sub-section (2) shall act as a member.

(4) All acts done by a majority of the members present and voting at a meeting of the Board shall be deemed to be acts of the Board.

(5) No act of the Board shall be deemed to be invalid merely by reason of any vacancy in, or defect in the constitution of, the Board.

(6) The Board may appoint a person to act as their Secretary.

(7) Orders for the payment of money on behalf of the Board shall be deemed to be sufficiently authenticated if signed by two members and countersigned by the Secretary.

¹[3A. (1) Members of the Board other than *ex-officio* members shall, save as herein otherwise provided, hold office for a period of three years.

(2) If a member, other than an *ex-officio* member—

(a) dies, or

(b) is absent from the meetings of the Board for more than six consecutive months, or

(c) leaves the Presidency of Bombay with the intention of being absent therefrom for more than six consecutive months, or

(d) desires to be discharged, or

(e) refuses to act or becomes incapable of acting,

a new member may be elected or nominated, as the case may be, in the same manner as was the member in whose place he is to be elected or nominated and he shall hold office for so long only as such member would have held it if the vacancy had not occurred

Term of office election and appointment of new members if a vacancy.

¹[3B. Subject to the provisions of any rules made by the ²[Provincial Government] in this behalf the Board may, from time to time—

(a) deliver by way of loan to any person the whole or any portion of, or any article contained in, any collection vested in them under this Act,

(b) exchange or sell articles contained in any such collection and take or purchase, in the place of such articles, such articles as may in their opinion be worthy of preservation in the Museum ;

(c) present articles contained in any such collection to other Museums in India or elsewhere ; and

(d) remove and destroy any article contained in any such collection :

Provided that nothing herein contained shall authorise the Trustees to lend, exchange, sell, present, remove or destroy any article when such lending, exchange, sale, presentation, removal or destruction, as the case may be, is precluded by the terms on which the Trustees may have received any such article]

Power of Board to lend, exchange, sell or destroy articles in collections.

¹[3C. Notwithstanding anything hereinbefore contained, the Board may, if they think fit, assume the custody and administration of collections which are not the property of the Board for the purposes of their trust under this Act and keep and preserve such collections either in the Museum or elsewhere.]

Power of Board to keep collections not belonging to them.

¹ Sections 3A, 3B and 3C were inserted by s. 3 of the Prince of Wales Museum (Amendment) Act, 1922 (Bom. 12 of 1922).

² The words "Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

Officers and servants to be public servants.

4. All officers and servants employed by the Board shall be deemed to be public servants within the meaning of the Indian Penal Code

Provided that this section shall not apply to persons in the service of any contractor employed by the Board.

Rules.

5. (1) The ¹[Provincial Government] may make rules to carry out the purposes of this Act

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

(a) for the manner in which meetings of the Board shall be convened, the quorum necessary for the transaction of business, and the procedure at such meetings,

(b) for the appointment of committees of the Board, and the powers of expenditure and control which may be delegated to such committees,

(c) for the erection of the Museum on the land specified in the Schedule to this Act and for the maintenance and management of the said land and Museum, the care and custody of the objects deposited in the Museum, and the conditions under which the public shall have access to the land or Museum;

(d) for the maintenance, management and disposal of any other immovable property vested in the Board and for the investment and re-investment in public securities or otherwise and for the safe custody of the funds of the Board;

(e) for the form of accounts to be kept by the Board, and for the audit and publication of such accounts, and

(f) for the application to the officers and servants employed by the Board of the rules which apply to the civil servants of the Crown, or to any class of such civil servants,

²[(g) for the payment of contributions at such rates and subject to such conditions as may from time to time be prescribed by the Board to any provident fund which may be established by the Board for the benefit of the officers and servants employed by it]

Power to borrow from Central or Provincial Government or person

³[6. The Board may from time to time borrow or re-borrow and take up at interest from ⁴[the Central or the Provincial Government] or with the previous sanction of the ¹[Provincial Government] from any person any sum necessary for the purpose of defraying any costs, charges or expenses incurred or to be incurred by them to carry out the purposes of this Act, or for the purpose of repaying either in whole or part any sums hereafter borrowed or owing by the Board

¹ The words "Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

² Clause (g) was inserted by Bom. 7 of 1924, s. 2 (1). This clause shall be deemed to have had effect from such date as may be fixed by the Board in this behalf. See section 2 (2) *ibid*.

³ Sections 6 to 17 were added by s. 3 of the Prince of Wales Museum (Amendment) Act, 1921 (Bom. 6 of 1921).

⁴ The words "the Central or the Provincial Government" were substituted for the words "the Government" by the Adaptation of Indian Laws Order in Council.

⁵ The proviso to s. 6 was omitted, *ibid*.

¹[7. (1) The Board may borrow or re-borrow any such sum as aforesaid from Mortgage of any person on the security of any immovable property vesting in them other than immovable the property mentioned in the proviso to section 3 or of their revenues or of both of property, or these securities. revenues.]

(2) For the purpose of securing the repayment of any sum so borrowed with interest thereon they may mortgage to the person by or on behalf of whom such sum is advanced any such immovable property or revenues of both of these securities]

¹[8. (1) In respect of every loan raised by the Board for a term exceeding Provisions one year, the Board shall either pay off the money borrowed by equal yearly or as to half-yearly instalments of principal or of principal and interest, or they shall in sinking every year set apart as a sinking fund and accumulate in the way of compound funds. interest by investing the same in the purchase of public securities or in such other securities as the ²[Provincial Government] may approve in this behalf such sum or sums as will, with accumulations in the way of compound interest, be sufficient after payment of all expenses to pay off the moneys so borrowed ³[within such period not exceeding sixty years from the date of the raising of the loan as the ²[Provincial Government] may in each case direct.]

(2) The Board may at any time apply the whole or any part of a sinking fund set apart under this section in or towards the discharge of the moneys for the repayment of which the fund has been established: Provided that they pay into the fund each time that interest would have been received by the Board in respect of the sinking fund or the part of the sinking fund so applied, and accumulate, until the whole of the moneys borrowed are discharged, a sum equivalent to the interest which would have been so received.]

¹[9. The sinking fund established for the liquidation of any loan shall be subject Annual to annual examination by the Accountant General, Bombay, who shall ascertain examination of sinking whether the cash and the value of the securities at the credit of the fund are actually fund. equal to the amount which would have been accumulated, had investments been regularly made, and had the rate of interest as originally estimated been obtained thereon The Board shall pay forthwith into the sinking fund any amount which the Accountant General may certify to be deficient, unless the ²[Provincial Government] specially sanction a gradual re-adjustment]

¹[10. (1) In respect of any sinking fund which by this Act the Board are Issue of directed or empowered to invest in public securities or in such other securities debentures. as the ²[Provincial Government] may approve in this behalf, it shall be lawful for the Board to reserve and set apart for the purposes of any such investment any debentures to be issued on account of any loan for which the sanction of the ²[Provincial Government] shall have been duly obtained, 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.

¹ Sections 6 to 17 were added by s. 3 of the Prince of Wales Museum (Amendment) Act, 1921 (Bom. 6 of 1921)

² The words "Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

³ These words were substituted for the words "within the period sanctioned" by s. 5 of the Prince of Wales Museum (Amendment) Act, 1922 (Bom. 12 of 1922).

⁴ Sections 6 to 17 were added by s. 3 of the Prince of Wales Museum (Amendment) Act, 1921 (Bom. 6 of 1921)

⁵ The words "Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

(2) The issue of any such debentures direct to and in the name of "the Trustees of the Prince of Wales Museum of Western India" 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 Board of any debenture issued by the Board 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]

Form of
debentures

¹[11. (1) When money is raised by the Board on debentures the debentures shall be in such form as the Board, with the previous sanction of the ²[Provincial Government], shall from time to time determine

(2) The holder of any debenture in any form duly authorised under this section may obtain in exchange therefor, upon such terms as the Board shall from time to time determine, a debenture in any other form authorised by the Board

(3) Every debenture issued by the Board shall be transferable by endorsement

(4) The right to payment of the moneys secured by any such debentures and to sue in respect thereof 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]

Prohibition
of endorse-
ments on
allonges.

¹[12. (1) Notwithstanding anything contained in section 15 of the ³Negotiable Instruments Act, 1881, the holder of any debenture issued under the provisions of this Act and transferable by endorsement shall not be said to endorse the debenture, or be called the endorser thereof, if when he signs the same for the purpose of negotiation he subscribes his signature for that purpose elsewhere than on the back of the debenture itself]

Issue of
stock
certificates

¹[13. (1) The Board may at their discretion at the time of issue or at any time during the currency of any debentures issued under the provisions of this Act, upon the application of the subscriber for, or holder of, any such debentures, issue to him, in lieu of the debentures deliverable to or held by him, a certificate in the nature of a stock certificate in respect of each loan to which such debentures relate, which shall be in such form as the Board, with the previous consent of the ²[Provincial Government], shall from time to time determine

(2) The Board shall upon the application of the holder of a stock certificate convert the same into debentures of the loan to which it relates]

Payment to
survivors of
joint payees.

¹[14. (1) Notwithstanding anything contained in section 45 of the ³Indian Contract Act, 1872, when money in respect of any debenture or stock certificate issued under the provisions of this Act is payable to two or more persons jointly and either or any of them dies, the money shall be payable to the survivor or survivors of those persons

¹ Sections 6 to 17 were added by s. 3 of the Prince of Wales Museum (Amendment) Act, 1921 (Bom. 6 of 1921).

² The words "Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

³ Central Acts.

(2) Nothing herein contained shall affect any claim which the representative of the deceased person may have against the survivor or survivors in respect of the money payable jointly to him or them and the deceased]

¹[15. Notwithstanding anything contained in section 45 of the ²Indian Contract Act, 1872, where two or more persons are joint holders of any debenture or stock certificate issued under the provisions of this Act, any one of those persons may give an effectual receipt for any interest or dividend payable in respect of such debenture or stock certificate, unless notice to the contrary has been given to the Board by any other of those persons]

Power of one or more joint holders to grant receipt.

¹[16. No notice of any trust in respect of any debenture, or stock certificate issued by the Board shall, be receivable by the Board]

Notice of trust not receivable.

¹[17. (1) The Board may from time to time make rules prescribing :—

Board empowered to make rules.

(a) the amounts for which debentures and stock certificates may be issued ,

(b) the mode in which payment of interest in respect of all debentures and stock certificates issued under the provisions of this Act is to be made, recorded and acknowledged ;

(c) the circumstances in which such debentures and stock certificates must be renewed before further payment of interest thereon can be claimed ;

(d) the fees to be levied in respect of the issue of renewed debentures and stock certificates ;

(e) the form of transfer to be used, the formalities to be observed and the fees to be levied on a transfer of stock ;

(f) the form in which debentures and stock certificates delivered for renewal are to be receipted ,

(g) the proof to be produced by persons applying for duplicate debentures and stock certificates ;

(h) the circumstances and manner in which duplicate debentures and stock certificates may be issued in case of debentures and stock certificates alleged to have been wholly or partly lost or destroyed and the period after which interest may be paid or a duplicate be issued in case of such debentures and stock certificates and the fees to be levied in respect of the issue of duplicate debentures and stock certificates ;

(i) the nature and amount of indemnity to be given by a person applying for the payment of interest on debentures alleged to have been wholly or partly lost or destroyed, or the issue of duplicate debentures ;

(j) generally the measures to be adopted for carrying out the purposes of this Act.

¹ Sections 6 to 17 were added by s. 3 of the Prince of Wales Museum (Amendment) Act, 1921 (Bom. 6 of 1921).

² Central Act.

(2) (a) No rule, or alteration or revocation of a rule, shall have effect until the same shall have been approved by the ¹[Provincial Government], and such approval shall have been published in the ²[*Official Gazette*], and no rule, or alteration or revocation of a rule, shall be approved by the ¹[Provincial Government] until the same shall have been published for three weeks successively in the said Gazette

(b) It shall be lawful for the ¹[Provincial Government] at any time by notification in the said Gazette to cancel any rule published under the provisions of this section.]

SCHEDULE.

The semi-circular plot of land opposite the Sailors' Home and Elphinstone College, bounded on the north by Rampart Row, measuring 31,957 square yards or thereabouts and bearing Survey No. 8433 of the City of Bombay.

¹ The words "Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

² The words "*Official Gazette*" were substituted for the words "*Bombay Government Gazette*", *ibid.*

³ This Schedule has been amended by s 2 of the Prince of Wales Museum (Amending) Act, 1913 (Bom. 7 of 1913).

*Some area was excluded from the area comprised in this Schedule, *ibid.*

BOMBAY ACT No. II OF 1912.¹

[THE SOCIETIES REGISTRATION (AMENDMENT) ACT, 1912]

[29th May 1912.]

An Act to amend the Societies Registration Act, 1860.

XXI WHEREAS it is expedient to amend the Societies Registration Act, 1860, in manner of 1860 hereinafter appearing ;

AND WHEREAS the previous sanction of the Governor-General required by section 5 of the Indian Councils Act, 1892, has been obtained for the passing of this Act ; It is hereby enacted as follows :—

XXI 1. Notwithstanding anything contained in section 14 of the Societies Registra- Amendment of section 14. tion Act, 1860, hereinafter called " the said Act, " it shall be lawful for the members of any society dissolved under section 13 of the said Act to determine by a majority of the votes of the members present personally or by proxy at the time of dissolution of such society that any property whatsoever remaining after the satisfaction of all its debts and liabilities shall be given to Government to be utilised for any of the purposes referred to in section 1 of the said Act.

¹ For Statement of Objects and Reasons, see *Bombay Government Gazette*, 1912, Part VII, page 101, and for Proceedings in Council, see *ibid*, 1912, Part VII, pages 187, 255. The short title was given by Bom. II of 1921

² See now the Government of India Act, 1935.

THE BOMBAY RACE-COURSES LICENSING ACT, 1912.

CONTENTS.

PREAMBLE.

Sections.

1. Short title and extent.
2. Definitions.
3. Prohibition against horse-racing on unlicensed race-courses.
4. Application for licence for horse-racing.
Grant of licence for horse-racing.
Cancellation of licence.
5. Penalty for taking part in horse-race on unlicensed race-course.
6. Penalty for owner, etc., allowing racing in unlicensed place.
7. Penalty for contravening conditions of licence.
8. Cognizance of offences under this Act.
9. Exemptions.

BOMBAY ACT No. III OF 1912.†

[THE BOMBAY RACE-COURSES LICENSING ACT, 1912.]*

[6th June 1912]

Amended by Bom 4 of 1931.

Adapted and modified by the Adaptation of Indian Laws Order in Council.

Amended by Bom 10 of 1938

Adapted and modified by the Bombay Adaptation of Laws (State and Concurrent Subjects) Order, 1956

Amended by Bom. 48 of 1958.

Amended by Mah 44 of 1974 (24-10-1974)†

An Act to provide for the licensing of race-courses in the
State of Bombay].

WHEREAS it is expedient to make provision for the regulation, control and management of horse racing and all matters directly or indirectly connected therewith in the State of Bombay; It is hereby enacted as follows :—

1. (1) This Act may be called the Bombay Race-courses Licensing Act, 1912 Short title and extent

(2) This section extends to the whole of the State of Bombay] The rest of the Act extends only to such areas as the State Government may by notification in the Official Gazette direct :

Bom XLVIII of 1958 Hyd Reg XLIX of 1358F. ⁸[Provided that on the commencement of the Bombay Race-courses Licensing and the Bombay Betting Tax Acts (Extension and Amendment) Act, 1958, the rest of the Act shall extend to those areas in which the Hyderabad Horse Racing and Betting Tax Regulation, 1358F., was in force immediately before such commencement]

2. In this Act—

Definitions.

(a) "horse-race" means any race in which any horse, mare or gelding runs or is made to run in connection with any other horse, mare or gelding for any prize of what nature or kind soever, or for any bet or wager made or to be made in respect of any such horse, mare or gelding or the riders thereof, and at which more than twenty persons shall be present ;

(b) "race-course" means any ground on which a horse-race can be held.

3. (1) No horse-race shall be held save on a race-course for which a licence for horse-racing granted in accordance with the provisions of this Act is in force. Prohibition against horse-racing on unlicensed race-courses.

(2) The terms of such licence shall be published in the Official Gazette]

¹ For Statement of Objects and Reasons, see *Bombay Government Gazette*, 1912, Part VII, page 131 for Report of Select Committee, see *ibid*, 1912, Part VI, page 132, ; and for Proceedings in Council, see *ibid*, 1912, Part VII, pages 221 and 471.

² These words were substituted for the words "Bombay Presidency" by Bom. 48 of 1958, s. 3(a).

³ These words were substituted for the original by Bom. 10 of 1938, s. 2.

⁴ This sentence was substituted for the original by Bom. 48 of 1958, s. 3(b).

⁵ The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

⁶ This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950

⁷ The words "Official Gazette" were substituted for the words "Bombay Government Gazette" by the Adaptation of Indian Laws Order in Council

⁸ This proviso was added by Bom. 48 of 1958, s. 3(b)

⁹ This Act was extended to that part of the State of Bombay to which immediately before the commencement of Bom. 48 of 1958, it did not extend (*Vide* Bom. 48 of 1958, s. 2).

† This indicates the date of commencement of Act.

Application for licence for horse-racing. 4. (1) The owner, lessee or occupier of any race-course may apply to the ¹[²State] Government for a licence for horse-racing on such race-course

Grant of licence for horse-racing (2) The ¹[²State] Government may withhold such licence or grant it subject to such conditions and for such period as ³[it] may think fit ⁴[Such conditions may provide for—

(a) the payment of a licence fee ;

(b) the amount of stakes which may be allotted for different kinds of horses ;

(c) the measures to be taken for the training of persons to become jockeys ; and

(d) such other matters, whether directly or indirectly connected with horse-racing, for which, in the opinion of the ²[State] Government, it is necessary or expedient to make provision in the licence]

⁵(3) The ¹[²State] Government may by such licence authorize the licensee to grant, subject to such conditions as shall be specified by the ¹[²State] Government in such licence, a licence or permit ⁶[to any book-maker to carry on his business or vocation or to act as a book-maker or turf commission agent in respect of horse-races held on a race-course, being a race-course which is situated in this State or outside it. The licence may be granted for such period] not exceeding the period of the licence granted to the licensee as the licensee may think fit ,]

Cancellation of licence ⁷(4) The ¹[²State] Government may at any time cancel any licence granted under this section in the event of any breach of the conditions subject to which it was granted.

Penalty for taking part in horse-race on unlicensed race-course. 5. Whoever takes part in any horse-race on any race-course for which a licence granted in accordance with the provisions of section 4 is not in force shall be punishable with fine which may amount to two hundred rupees

Penalty for owner, etc. allowing racing in unlicensed place 6. If any horse-race is held on any race-course for which a licence granted in accordance with the provisions of section 4 is not in force, any person being the owner, lessee or occupier of such race-course shall be punishable with fine which may amount to one thousand rupees.

Penalty for contravening conditions of licence 7. ⁸(1) If any person to whom a licence has been granted in accordance with the provisions of section 4 contravenes any of the conditions subject to which such licence was granted, such person shall be punishable with fine which may amount to one thousand rupees

¹ The words " Provincial Government " were substituted for the words " Governor in Council " by the Adaptation of Indian Laws Order in Council

² This word was substituted for the word " Provincial " by the Adaptation of Laws Order, 1950

³ The word " it " was substituted for the word " he " by the Adaptation of Indian Laws Order in Council.

⁴ This portion was inserted by Bom. 10 of 1938, s 3

⁵ This sub-section and the word " and " were inserted by Bom 4 of 1931, s 9(a)(i)

⁶ These words were deemed always to have been substituted with effect from the 1st day of May 1973 for the words " to any book-maker for such period " by Mah 44 of 1974, s 2.

⁷ Sub-section (3) was renumbered as sub-section (4), *ibid.*, s 9(a)(ii)

⁸ Section 7 was renumbered as 7(1), *ibid.*, s. 9(b).

Replacement Series No. XXXIX—p. 8

1325-1334A

The Bombay Medical Act, 1912 (Bom. VI of 1912) at pages 1325-1334A has been repealed by the Maharashtra Medical Council Act, 1965 (Mah. XLVI of 1965), s. 32(1)(a).

1

THE BOMBAY SMOKE-NUISANCES ACT, 1912.

CONTENTS.

PREAMBLE

SECTIONS.

1. Short title and extent.
2. Power further to extend Act.
3. Definitions.
4. Constitution of Commission.
5. Appointment of Inspectors.
6. Inspectors to be public servants.
7. Power to prohibit the erection of kilns or furnaces, or the manufacture of coke, in specified areas ; and to inflict penalties.
8. Power to order demolition of kilns or furnaces unlawfully erected.
9. Penalty for excessive emission of smoke.
- 9A. No furnace, etc., to be erected, etc., or used except with approval or permission of Commission.
- 9B. Power to order demolition of furnace, flue or chimney unlawfully erected.
10. Powers of Inspectors.
11. Rules.
12. Cognizance of offences.
- 12A. Exercise of the powers of the Commission by the President or any member authorized by the President.
13. [Omitted.]

BOMBAY ACT No. VII OF 1912.¹

[THE BOMBAY SMOKE-NUISANCES ACT, 1912.]

[27th June 1912]

Repealed in part by Act 8 of 1920.

Amended by Bom.10² of 1924.

“ “ “ 10 of 1929.

“ “ “ 8³ of 1935.

Adapted and modified by the Adaptation of Indian Laws Order in Council.

*Amended by Bom. 17 of 1945.

“ “ “ 39 of 1951.

“ “ “ 55 of 1953.

“ “ “ 29 of 1956.

Adapted and modified by the Bombay Adaptation of Laws (State and Concurrent Subjects) Order, 1956.

Adapted and modified by the Maharashtra Adaptation of Laws (State and Concurrent Subjects) Order, 1960.

Amended by Mah. 22 of 1961.

An Act for the abatement of nuisances arising from the smoke of furnaces in the [Greater Bombay] and to provide for the extension thereof to other areas in the [State of Maharashtra].

WHEREAS it is expedient to enact a law for the abatement of nuisances arising from the smoke of furnaces in the [Greater Bombay] and to provide for the extension thereof to other areas in the [State of Maharashtra]; It is hereby enacted as follows :—

1. (1) This Act may be called the Bombay Smoke-nuisances Act, 1912.

(2) It extends in the first instance to [the Greater Bombay].

Short title
and extent.

¹ For Statement of Objects and Reasons, see *Bombay Government Gazette*, 1911, Part VII, page 383; for Report of Select Committee, see *ibid.* 1912, Part VII, page 94, and for Proceedings in Council, see *ibid.* 1912, Part VII, pages 43 and 231.

² These words were substituted for the words “Town and Island of Bombay” by Bom. 39 of 1951, s. 3, Second Schedule.

³ These words were substituted for the words “Bombay Presidency” by Mah. 22 of 1961, s. 2.

⁴ These words were substituted for the original by Bom. 17 of 1945, s. 2, Schedule E, read with Bom. 52 of 1947, s. 2, proviso.

⁵ This Act has been repealed and re-enacted and the amendments made by section 9 and Schedule E of the said Act have been continued in force by Bom. 52 of 1947, s. 2.

Power
further
to extend
Act.

2. (1) ¹[The ²[State] Government] may, by notification published in the ³[*Official Gazette*] and in such other manner as ¹[the ²[State] Government] may determine, declare its intention to extend this Act to any specified area in ⁴[⁵any part of the State of Maharashtra] other than] the ⁶[Greater Bombay] :

Provided that if a military Cantonment is situated within any area to which it is proposed to extend this Act, no notification shall be published under this sub-section in respect of such area without the previous sanction of the ⁷[Central Government]

(2) Any inhabitant of an area to which it is proposed to extend this Act may, if he objects to such extension, submit his objection in writing to ¹[the ²[State] Government] within a period of three months from the publication of the said notification in the ³[*Official Gazette*]

(3) At any time after the expiration of the said period, and after considering the objections, if any, submitted under sub-section (2), ¹[the ²[State] Government] may, by notification in the ³[*Official Gazette*], extend this Act to the said area.

Definitions.

3. In this Act—

(1) "furnace" means any furnace or fire-place used—

- (a) for working engines by steam, or
- (b) for any other purpose whatsoever :

Provided that no furnace or fire-place—

- (i) used for the burning of the dead ;
- (ii) used in a private house for domestic purposes other than the purpose specified in clause (a) ;

* * * * *

shall be deemed to be a furnace or fire-place within the meaning of this Act ;

⁹[(1A) "flue" or "chimney" means any "flue" or "chimney" joined to, connected with or forming part of a furnace,]

(2) "Inspector" means a Chief Inspector of Smoke-nuisances, or an Assistant Inspector of Smoke-nuisances, appointed under this Act ;

(3) "the Commission" means the ¹⁰[Maharashtra Smoke-nuisances Commission] constituted under this Act ;

¹ The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council

² This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

³ The words "*Official Gazette*" were substituted for the words "*Bombay Government Gazette*" by the Adaptation of Indian Laws Order in Council.

⁴ These words were substituted for the words "pre-Reorganisation State of Bombay, excluding the transferred territories and" by the Maharashtra Adaptation of Laws (State and Concurrent Subjects) Order, 1960.

⁵ These words were substituted for the words "the Bombay area of the State of Maharashtra" by Mah. 23 of 1961, s. 3.

⁶ These words were substituted for the words "Town and Island of Bombay" by Bom 39 of 1951, s. 3, Second Schedule.

⁷ The words "Central Government" were substituted for the words "Governor-General in Council" by the Adaptation of Indian Laws Order in Council

⁸ Clause (ii) was repealed by s. 2 of the Bombay Smoke-nuisance (Amendment) Act, 1920 (Bom. 8 of 1920).

⁹ Clause (1A) was inserted by Bom. 10 of 1929, s. 2 (i).

¹⁰ These words were substituted for the words "Maharashtra (Bombay Area) Smoke-nuisances Commission" by Mah. 23 of 1961, s. 4.

(4) "occupier" means any person for the time being paying, or liable to pay, to the owner the rent or any portion of the rent of the land or building in respect of which the word is used ;

(5) "owner"—

(a) when used in reference to a furnace, ¹[flue or chimney], includes any agent or lessee using the furnace, ¹[flue or chimney], and any foreman or other person superintending the working of the furnace, ¹[flue or chimney] ,

(b) when used in reference to any premises, has the meaning assigned to it in section 3 of the City of Bombay Municipal Act, 1888 ; and

(6) "Magistrate" means a Presidency Magistrate, a Magistrate of the first class, or a Bench of Magistrates exercising first class powers under the Code of Criminal Procedure, 1898

Bom.
III of
1888.

V of
1898.

4. ²(1) The State Government shall, by notification in the *Official Gazette*, constitute a Commission to be called the ³[Maharashtra Smoke-nuisances of Commission] to supervise and control the working of this Act]

(2) The said Commission shall consist of a President nominated by ⁴[the ⁵[State] Government] and so many other members as ⁴[the ⁵[State] Government] may determine.

(3) One-half of the members (exclusive of the President) shall be nominated by ⁴[the ⁵[State] Government] ; and the remainder shall be elected, in such manner and for such period as ⁴[the ⁵[State] Government] may direct, by bodies or associations whose interests are likely to be affected by this Act ; and the appointment of all members, whether nominated or elected, shall be notified in the ⁶[*Official Gazette*].

(4) Where a casual vacancy occurs in the case of a nominated member ⁴[the ⁵[State] Government] shall make a fresh nomination, and where a casual vacancy occurs in the case of an elected member the election shall be made by the same body or association as that which elected the member whose place is to be filled, and a member so nominated or elected shall hold office so long as the member whose place he fills would have been entitled to hold office had the vacancy not occurred.

¹ The words "flue or chimney" were inserted, by Bom 10 of 1913, s 2(2)

² Sub-section (1) was substituted by the Maharashtra Adaptation of Laws (State and Concurrent Subjects) Order, 1960

³ These words were substituted for the words "Maharashtra (Bombay Area) Smoke-nuisances Commission" by Mah. 22 of 1961, s. 5.

The amendment of section 4 shall not affect anything done or any action taken (including any permission, approval, authority or previous sanction, given) by the Commission, called the Maharashtra (Bombay Area) Smoke-nuisances Commission ; and all such things duly done and action duly taken by that Commission, shall be deemed to have been done or taken by the Maharashtra Smoke-nuisances Commission (vide Mah. 22 of 1961, s. 8).

⁴ The words "the Provincial Government" were substituted for the words "Government" by the Adaptation of Indian Laws Order in Council.

⁵ This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

⁶ The words "*Official Gazette*" were substituted for the words "*Bombay Government Gazette*" by the Adaptation of Indian Laws Order in Council.

(5) No act done by the Commission shall be questioned on the ground merely of the existence of any vacancy in or any defect in the constitution of the Commission.

5. (1) ¹[The ²[State] Government] may, by notification in the ³[Official Gazette], appoint a Chief Inspector of Smoke-nuisances and so many Assistant Inspectors of Smoke-nuisances as they may think fit.

(2) Every Assistant Inspector appointed under sub-section (1) shall be subordinate to the Chief Inspector, and all Inspectors shall be subordinate to, and subject to the control of, the Commission.

6. Every Inspector appointed under this Act shall, for the purposes of this Act, be deemed to be a public servant within the meaning of the ⁴[Indian Penal Code.]

XLV
of
1860.

7. (1) ¹[The ²[State] Government] may, by notification in the ³[Official Gazette], prohibit ⁵[either absolutely or subject to such conditions and within such-area as may be specified in the notification,]—

(a) the erection of brick, tile or lime kilns,

(b) ⁶[the erection or re-erection of, or addition to, or alteration in,] furnaces to be used for the calcining or smelting of ores or minerals, or for the casting, puddling or rolling of iron or other metals or for the conversion of pig-iron into wrought iron, or

(c) the manufacture of coke in ovens or with special appliances, or

(d) the making of coke without ovens or special appliances :

Provided that where, prior to the issue of such notification, a licence has been granted by the Municipal Commissioner under the provisions of section 394 of the City of Bombay Municipal Act, 1883, for the erection of a furnace to be used for any of the purposes mentioned in clauses (a) and (b), such notification shall not affect ⁷[such furnace so long as it is not re-erected, or any alteration or addition is not made thereto]

Bom
III of
1883.

(2) ⁸[If any furnace be erected, re-erected, altered or added to or any kiln be erected] in contravention of any notification issued under sub-section (1), clause (a) or (b), the owner thereof shall be liable to fine which may extend to two hundred and fifty rupees.

(3) If any person manufactures coke in contravention of any notification issued under sub-section (1), clause (c), he shall be liable to fine which may extend on first conviction to two hundred and fifty rupees; and on any subsequent conviction to five hundred rupees.

¹ The words " the Provincial Government " were substituted for the word " Government " by the Adaptation of Indian Laws Order in Council

² This word was substituted for the word " Provincial " by the Adaptation of Laws Order, 1950

³ The words " Official Gazette " were substituted for the words " Bombay Government Gazette " by the Adaptation of Indian Laws Order in Council.

⁴ Central Acts

⁵ These words were substituted for the words " within any specified area " by Bom 55 of 1953, 2(1)

⁶ These words were substituted for the words " the erection of ", *ibid.*

⁷ These words were substituted for the words " such furnace or kiln ", *ibid.*

⁸ These words were substituted for the words " If any furnace or kiln be erected ", *ibid.*, s. 2(2).

(4) If any person makes coke in contravention of any notification issued under sub-section (1), clause (d), he shall be liable to fine which may extend on first conviction to twenty-five rupees, and on any subsequent conviction to fifty rupees.

(5) If any coke is made in any building or place in contravention of a notification issued under sub-section (1), clause (d), the owner or occupier of such building or place shall be liable to fine which may extend on first conviction to twenty-five rupees, and on any subsequent conviction to fifty rupees.

(6) Where any coal is in process of being made or has been made into coke in contravention of a notification issued under sub-section (1), clause (d), an Inspector may seize such coal or coke, and report the seizure to a Magistrate who may, after such enquiry as he thinks necessary, order such coke or coal to be confiscated, and to be sold in accordance with rules to be made by ¹[the ²[State] Government] in this behalf under section 11

Power to order demolition of kilns or furnaces unlawfully erected

8. (1) A Magistrate imposing a fine on any person under sub-section (2) of section 7 may by order direct such person to demolish the kiln or furnace within a period to be specified in the order.

(2) Any such person failing to demolish any kiln or furnace within the period prescribed in any such order, or within such longer period as the Magistrate may, for reasons to be stated, allow, shall be liable to fine which may extend to twenty rupees for every day thereafter during which such failure continues

Penalty or excessive emission of smoke

9. (1) If smoke be emitted from any furnace in greater density, or at a lower altitude, or for a longer time, than is permitted by rules made under this Act, the owner of the furnace shall be liable to fine which may extend ³[on first conviction to two hundred and fifty rupees and on any subsequent conviction to five hundred rupees.]

(2) Sub-section (1) shall not apply to any furnace which is used—

(a) in connection with a brick, tile or lime kiln, or

(b) for the purpose mentioned in clause (d) of sub-section (1) of section 7

No furnace, etc to be erected, etc, or used except with approval or permission of Commission

⁴9A. (1) (a) No furnace, flue or chimney shall be erected, altered, added to or re-erected except in accordance with plans and for the purpose approved by the Commission.

(b) No furnace, flue or chimney erected, altered, added to or re-erected otherwise than in accordance with the plans approved by the Commission shall be used for any purpose except with the permission of the Commission and in accordance with the terms and conditions subject to which such permission may be granted

(c) No furnace, flue or chimney erected, altered, added to or re-erected in accordance with the plans and for the purpose approved by the Commission shall be used for any other purpose except with the fresh approval of the Commission.

¹ The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council

² This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950

³ These words were substituted for the words "on first conviction to fifty rupees, on second conviction to one hundred rupees, and on any subsequent conviction to two hundred rupees" by B. A. 29 of 1956, s. 2.

⁴ This section was substituted for the original by Bom. 55 of 1953, s. 3

(2) If any furnace, flue or chimney is erected, altered, added to or re-erected in contravention of the provisions of clause (a), or is used in contravention of the provision of clause (b) or clause (c) of sub-section (1), as the case may be, the owner of such furnace, flue or chimney shall, on conviction, be punished with fine which may extend to one hundred rupees and in the case of a continuing contravention of the said clause (b) or clause (c) with an additional fine which may extend to twenty rupees for every day during which such contravention continues after conviction for the first such contravention.]

¹[9B. (1) A Magistrate imposing a fine on any person under sub-section (2) of section 9A may, by order, direct such person to demolish the furnace, flue or chimney within a period to be specified in the order. Power to order demolition of furnace, flue or chimney unlawfully erected.

(2) Any such person failing to demolish any furnace, flue or chimney within the period specified in the order, or within such longer period as the Magistrate may, for reasons to be stated, allow, shall be liable to fine which may extend to twenty rupees for every day thereafter during which such failure continues]

10. (1) Any Inspector may, after giving reasonable notice in writing to the owner, manager, engineer or person in charge— Powers of Inspectors.

(a) enter and inspect, during working hours, any building or place which contains a furnace, ²[flue or chimney], and inspect such furnace, ²[flue or chimney];

(b) under the written authority of the Commission, use and test any appliance used for preventing the emission of smoke from such furnace, ²[flue or chimney] and

(c) under the written authority of the Commission, direct that any such furnace ²[flue or chimney] be worked ^{3**} experimentally, during his visit to such building or place in any manner which he may consider suitable for preventing or reducing the emission of smoke, but not so as to interfere with the business carried on in such building or place further than is necessary for the purposes of the experiment.

(2) If any owner of a furnace, ²[flue or chimney] in respect of which a direction is given under clause (c) of sub-section (1) fails to secure compliance with such direction, he shall be liable to fine which may extend to one hundred rupees :

Provided that where any Inspector has reason to believe that any offence under sub-section (2), (3) or (4) of section 7 has been or is being committed on any premises it shall be lawful for him to enter on such premises without previous notice and without written authority from the Commission.

11. (1) ⁴[The ⁵[State] Government] may, * * * * after previous Rules. publication, make rules to carry out the objects of this Act.

(2) In particular, and without prejudice to the generality of sub-section (1), such rules may—

(a) regulate the transaction of business by the Commission ;

(b) prescribe the powers and duties to be exercised and performed by the Commission and by Inspectors, respectively, and regulate the exercise and performance of those powers and duties ;

¹ Section 9B was inserted by Bom. 10 of 1929, s. 3

² The words " flue or chimney " were inserted, *ibid.*, s. 4 (a).

³ The words " or stoked " were omitted, *ibid.*, s. 4(b).

⁴ The words " the Provincial Government " were substituted for the word " Government " by the Adaptation of Indian Laws Order in Council.

⁵ This word was substituted for the word " Provincial " by the Adaptation of Laws Order, 1950.

⁶ The words " with the previous sanction of the Governor-General in Council and " were repealed by s. 3 of the Bombay Smoke-nuisances (Amendment) Act, 1920 (Bom. 8 of 1920).

- (c) prescribe a scale for the purpose of determining the density of smoke ;
 (d) prescribe the degree of density of smoke that may be emitted from a furnace ;
 (e) prescribe the time during which smoke of such density may be emitted from a furnace ;
 (f) prescribe the altitude below which smoke may not be emitted from a furnace ;

1* * * * *

(h) prescribe a procedure for the giving of warning to offenders before instituting a prosecution under this Act, and declare the minimum period which should be allowed to elapse in different classes of cases between the giving of such warning and the institution of a prosecution ;

²[(hh) prescribe the procedure regarding the submission and approval of plan under sub-section (1) of section 9A.]

(i) fix the amount of fee payable to each or any member of the Commission attending a meeting of the Commission ; and

(j) prescribe a procedure for the sale and disposal of the receipts of the sale of coke or coal confiscated under sub-section (6) of section 7 .

(3) The date to be specified in accordance with clause (c) of section 24 of the Bom. Bombay General Clauses Act, 1904, as that after which a draft of rules proposed to be made under this section will be taken into consideration, shall not be less than three months from the date on which the draft of the proposed rules was published for general information. ^{I of 1904.}

(4) Any rule to be made under this Act shall, before it is published for criticism under sub-section (1), be referred to the Commission constituted under section 4, and the rule shall not be so published until the said Commission has reported as to the expediency of making the proposed rule and as to the suitability of its provisions.

³[(5) All rules made under this section shall be laid for not less than thirty days before each House of the State Legislature as soon as may be after they are made, and shall be subject to such modifications as the State Legislature may make, during the session in which they are so laid or the session immediately following, and publish in the *Official Gazette*] .

Cognizance
of offences.

12. A Magistrate may take cognizance of an offence against this Act only—

(a) upon a complaint ⁴[made by an Officer specially empowered by the State Government in this behalf, or by an Inspector, with in each case the previous sanction] ⁵[**of the Commission or of a sub-committee appointed by the Commission], and

⁶[(b) within a period of three months from the date on which the alleged commission of the offence came to the knowledge of the Inspector]

¹ Clause (j) was repealed by s. 3 of the Bombay Smoke-nuisances (Amendment) Act, 1920 (Bom. 8 of 1920).

² Clause (hh) was inserted by Bom. 10 of 1929, s. 5.

³ Sub-section () was added by Mah. 22 of 1961, s. 6.

⁴ These words were substituted for the words "made by an Inspector with the previous sanction," by Bom. 10 of 1924, s. 2.

⁵ These words were substituted for the words "or with the written authority of the Chief Inspector," by Bom. 10 of 1924, s. 2.

⁶ This clause was substituted for the original by Bom. 55 of 1953, s. 4.

Replacement Series No. XXVII—p. 8

1912 : Bom. VII]

Bombay Smoke-nuisances Act, 1912

1342A

¹[12A. (1) The President of the Commission or in the event of the illness or absence of the President from Bombay any member of the Commission] authorized in writing by the President in this behalf may exercise the powers of the Commission under sections 9A, 10 and 12.

(2) The President or member authorized under sub-section (1) shall report to the Commission before its next ordinary meeting any action taken by him in the exercise of the powers under section 9A, 10 or 12]

13. [*Disposal of fines.*] Omitted by the Adaptation of Indian Laws Order in Council.

¹ Section 12A was inserted by Bom. 8 of 1935, s. 2.

BOMBAY ACT No. XII OF 1912.¹

[THE BOMBAY ABKARI (AMENDMENT) ACT, 1912.]

[7th September 1912.]

An Act further to amend the Bombay Abkari Act, 1878.²

Bom. V of 1878 WHEREAS it is expedient further to amend the Bombay Abkari Act, 1878, in manner hereinafter appearing ;

And whereas the previous sanction of the Governor General required by section 5 of the Indian Councils Act, 1892, has been obtained for the passing of this Act ; It is hereby enacted, as follows :—

1-41. [*Amendments made by sections 1 to 41 have been incorporated in the principal Act.*]

XVI of 1863. 42. "The Excise (Spirits) Act, 1863," shall be repealed as to the Presidency of Bombay. Local repeal of Act XVI of 1863.

¹ For Statement of Objects and Reasons, see *Bombay Government Gazette*, 1912, Part VII, page 127 ; for Report of Select Committee, see *ibid.*, 1912, Part VII, page 405 ; and for Proceedings in Council see *ibid.*, 1912, Part VII, pages 259, 500 and 664. The short title was given by Bom. 2 of 1921.

² This Act except section 29A has been repealed by Bom. 25 of 1949.

Replacement Series No. XXXIII—p. 122

1345-1348

The Indian Limitation (Amendment) Act, 1912 (Bom. XIII of 1912) at pages 1345-1348 has been removed as the principal Act has been repealed by the Limitation Act, 1963 (XXXVI of 1963), section 32.

BOMBAY ACT No. IV OF 1913.¹

[THE BOMBAY LAND REVENUE (AMENDMENT) ACT, 1913]

[28th May 1913]

An Act to amend the Bombay Land Revenue Code, 1879, the Khoti Settlement Act, 1880, and the Gujarat Talukdars Act, 1888, and to repeal the Bombay Land Record-of-rights Act, 1903.

Bom
V of
1879
Bom
I of
1880
Bom
VI of
1888
Bom
IV of
1903

WHEREAS it is expedient to amend the Bombay Land Revenue Code, 1879, the Khoti Settlement Act, 1880, and the Gujarat Talukdars Act, 1888, in manner hereinafter appearing, and to repeal the Bombay Land Record-of-rights Act, 1903 ;

And whereas the previous sanction of the Governor General required by section 5 of the ²Indian Councils Act, 1892, has been obtained for the passing of section 41 of this Act ; It is hereby enacted as follows :—

PART I.

GENERAL.

1. This Act may be called the Bombay Land Revenue (Amendment) Act, 1913. Short title
2. The Bombay Land Record-of-rights Act, 1903, shall be repealed. Repeal
3. Wherever this Act amends an enactment which has previously been amended by an Act passed before the commencement of this Act, then any of the provisions of such previous amending Act which may be inconsistent with any of the provisions of this Act shall be repealed to the extent to which they are inconsistent therewith. ^{PREVIOUS amending Acts}

4-94. [Amendments made by sections 4 to 94 both inclusive have been incorporated in the Bombay Land Revenue Code, 1879, the Khoti Settlement Act, 1880, and the Gujarat Talukdars Act, 1888]

¹ For Statement of Objects and Reasons, see *Bombay Government Gazette*, 1912, Part VII, page 905, for Report of Select Committee, see *ibid*, 1913, Part VII, page 28, and for Proceedings in Council, see *ibid*, 1913, Part VII, pages 56 and 134.

² See now the Government of India Act, 1935

BOMBAY ACT No. VII OF 1913.¹

[THE PRINCE OF WALES MUSEUM (AMENDING) ACT, 1913]

[4th October 1913]

An Act to amend the Prince of Wales Museum Act, 1909.

Bom
III of
1909. WHEREAS it is expedient to amend the ²Prince of Wales Museum Act, 1909, in the manner hereinafter appearing; It is hereby enacted as follows :—

1. This Act may be called the Prince of Wales Museum (Amending) Act, 1913. Short title.
2. From the area comprised in the schedule to the Prince of Wales Museum Act, 1909 (hereinafter referred to as "the said Act"), the following area shall be excluded, Amendment
of schedule.
namely :—

All that piece or parcel of land containing by admeasurement 359·52 square yards, be the same a little more or less, of which 275 57 square yards are contained between the outer side of the curve at the North-East angle of the boundary of the site of the Prince of Wales Museum of Western India and lines tangential to the extremities of the said curve, and the remaining area amounting to 83 95 square yards is contained in an irregular figure projecting outwards from the tangential line of the said curve which runs more or less parallel to Apollo Street, the whole of the said piece or parcel of land with the boundaries thereof being delineated for greater clearness on a plan signed by the Executive Engineer, Presidency District, and a majority of the Trustees of the Prince of Wales Museum of Western India and deposited with the Secretary to Government in the General Department.

3. All the estate, right, title and interest of the Trustees of the Prince of Wales Museum of Western India in and to the area excluded from the schedule to the said Act by the last preceding section shall vest in His Majesty. Property
excluded
from
schedule to
revest in
His Majesty.

¹ For Statement of Objects and Reasons, see *Bombay Government Gazette*, 1913, Part VII, page 107, and for Proceedings in Council, see *ibid*, 1913, Part VII, page 533

² *Supra*

Replacement Series No. XVII—p. 1

, 1353-1378

The Bombay Town Planning Act, 1915 (Bom. I of 1915), at pages 1353-1378 has been repealed by the Bombay Town Planning Act, 1954 (Bom. XXVII of 1955), section 90.

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Price—Rs. 1-18 or 2s. 6d.]

BOMBAY ACT No. III OF 1915.¹

[THE BOMBAY DECENTRALIZATION ACT, 1915.]

[15th June 1915.]

Repealed in part by Bom. 7 of 1920 ;
 " " " " " 3 of 1937.

An Act to decentralize, and otherwise to facilitate the administration of certain enactments in force in the Presidency of Bombay.

WHEREAS it is expedient to decentralize and otherwise to facilitate the administration of certain enactments in force in the Presidency of Bombay ;

AND WHEREAS the previous sanction of the Governor General required by section 5 of the ²Indian Councils Act, 1892, has been obtained for the passing of this Act, It is hereby enacted as follows—

1. This Act may be called the Bombay Decentralization Act, 1915. Short title.
2. The enactments specified in the third columns of the Schedules I and II are hereby amended to the extent and in the manner specified in the fourth columns thereof. Amendments of certain enactments.
3. Any appointment, notification, order, scheme, rule, form or bye law made or issued by an authority for the making or issuing of which a new authority is substituted by or under this Act shall, unless inconsistent with this Act, be deemed to have been made or issued by such new authority unless and until superseded by appointment, notification, scheme, rule, form or bye-law made or issued by such new authority. Saving of orders, etc., issued by previous authorities.

SCHEDULE I.

[The amendments made by Schedule I have been incorporated in the principal Acts]

SCHEDULE II.

[Rep. by Act 3 of 1937, schedule]

¹ For Statement of Objects and Reasons, see *Bombay Government Gazette*, 1914, Part VII, page 1066, for Report of Select Committee, see *ibid*, 1915, Part VII, page 97; and for Proceedings in Council, see *ibid*, 1915, Part VII, pages 84 and 245.

² See now the Government of India Act, 1935

The Bombay City Survey Act, 1915 (Bom. IV of 1915) at pages 1381-1386 has been repealed by the Maharashtra Land Revenue Code, 1966 (Mah. XLI of 1966), section 336.

THE BOMBAY DISQUALIFICATION OF ALIENS ACT, 1918.

CONTENTS.

PREAMBLE.

Sections.

1. Short title.
2. Definitions.
3. Disqualification of aliens.
4. Effect of subsequent disqualification.
5. Exemption.
6. Modification of Schedule.

THE SCHEDULE.

BOMBAY ACT No. VI OF 1918.¹

[THE BOMBAY DISQUALIFICATION OF ALIENS ACT, 1918]

[17th September 1918]

Repealed in part by Act 38 of 1920.

Amended by Bom 4 of 1920

Adapted and modified by the Adaptation of Indian Laws Order in Council.

Adapted and modified by the Adaptation of Laws Order, 1950.

Adapted and modified by the Bombay Adaptation of Laws (State and Concurrent Subjects) Order, 1956

Adapted and modified by the Maharashtra Adaptation of Laws (State and Concurrent Subjects) Order, 1960.

An Act to disqualify certain aliens from being members, and from voting at elections of members, of certain local authorities in the presidency of Bombay.

WHEREAS it is expedient that certain aliens should be disqualified from being members, and from voting at elections of members, of certain local authorities in the presidency of Bombay ; It is hereby enacted as follows :—

1. This Act may be called the Bombay Disqualification of Aliens Act, 1918. Short title.

2. This Act extends to the [Bombay area of the State of Maharashtra] Extent.

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

“(a) “ alien ” means—

(i) a person who is [not a citizen of India], or

(ii) a person who, whether he is himself within the foregoing definition or not, represents an alien firm as defined in clause (aa) for the purpose of voting at an election of a member of any of the local authorities specified in the schedule or for the purpose of membership of any of the said authorities ;

(aa) “ alien firm ” means any firm, company, association or body of individuals (whether incorporated or not), a majority of the members of which are aliens as defined in sub-clause (i) of clause (a), or the business of which is carried on under the control or mainly for the benefit of aliens as so defined ;

* * * * *

(c) “ member ” includes a municipal councillor and a member of a body of trustees

4. Save as hereinafter otherwise provided, no alien shall be qualified to be a member of any of the local authorities specified in the schedule or to vote at any election of a member of any of the said authorities Disqualification of aliens.

5. (I) If any person having become a member of any of the local authorities specified in the schedule, subsequently becomes an alien, his seat shall thereupon become vacant Effect of subsequent disqualification.

¹ For Statement of Objects and Reasons, see *Bombay Government Gazette*, 1918, Part V, page 266 ; and for Proceedings in Council, see *ibid*, 1918, Part V, pages 837 to 889.

² This section was inserted by the Bombay Adaptation of Laws (State and Concurrent Subjects) Order, 1956.

³ These words were substituted for the words “ pre-Reorganisation State of Bombay, excluding the transferred territories ” by the Maharashtra Adaptation of Laws (State and Concurrent Subjects) Order, 1960

⁴ These clauses were substituted for original clause (a) by s. 2 of the Bombay Disqualification to Aliens (Amendment) Act, 1920 (Bom 4 of 1920)

⁵ These words were substituted for the words “ neither a British subject nor a subject of the Indian State ” by the Adaptation of Laws Order, 1950

⁶ Clause (b) was omitted by Bom. 4 of 1920, s. 2.

(2) Section 18 of the ¹City of Bombay Municipal Act, 1888, shall be read and Bom. construed as if, after the word "aforesaid", the words "or under the Bombay III of Disqualification of Aliens Act, 1918", were inserted. 1888.

(3) Section 15, sub-section (3) of the ¹Bombay District Municipal Act, 1901, shall Bom. be read and construed as if, after the word "section" the words "or under the Bombay Disqualification of Aliens Act, 1918", were inserted. 1901.

Exemption. 5. The ²[State] Government] ⁴* * * may, by notification in the ⁵[Official Gazette], exempt any person or class of persons from the operation of this Act.

Modification of Schedule. 6. The ²[State] Government] may, by notification in the ⁵[Official Gazette], direct that the name of any of the local authorities specified in the Schedule shall be omitted therefrom, or that the name of any other local authority shall be entered therein, and such direction shall have effect accordingly

THE SCHEDULE.

Local Authority	Enactment under which the local authority is constituted.
The trustees of the port of Bombay .. * *	The Bombay Port Trust Act, 1879 (Bom VI of 1879) * * *
The Municipal Corporation of the City of Bombay .. * *	The City of Bombay Municipal Act, 1888 (Bom III of 1888) * * *
The trustees for the improvement of the City of Bombay. 10 * *	⁹ The City of Bombay Improvement Act, 1898 (Bom IV of 1898) * * *

¹ *Supra.*

² The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council

³ This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950

⁴ The words "with the approval of the Governor-General in Council" were repealed by s 2, and Schedule I of the Devolution Act, 1920 (38 of 1920)

⁵ The words "Official Gazette" were substituted for the words "Bombay Government Gazette" by the Adaptation of Indian Laws Order in Council

⁶ The entry relating to all local boards was omitted by G.N., G.D., No 3738, dated 14th June 1926.

⁷ The entry relating to the trustees of the port of Karachi was omitted by the Adaptation of Laws Order, 1950.

⁸ The entry relating to the trustees of the port of Aden was omitted by the Adaptation of Indian Laws Order in Council.

⁹ The City of Bombay Improvement Act, 1898 (Bom 4 of 1898), has been repealed by Bom 16 of 1925 which in turn is repealed by Bom 13 of 1933.

¹⁰ The entry relating to a municipalities in municipal districts outside the City of Bombay was omitted by G. N., G. D., No. 3738, dated, 14th June 1926.

(As modified up to the 15th March 1961.)

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THE BOMBAY PUBLIC CONVEYANCES ACT, 1920.

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BOMBAY ACT No. VII OF 1920.¹

[THE BOMBAY PUBLIC CONVEYANCES ACT, 1920.]*

[17th June 1920.]

Amended by Bom. 2 of 1924 ;
 " " " 11 of 1924 ;
 " " " 7 of 1928.
 Adapted and modified by the Adaptation of Indian Laws Order in Council.
 Amended by Bom. 18 of 1943 ; †
 " " " 17 of 1945 ; §
 " " " 18 of 1948 ;
 " " " 37 of 1949.
 Adapted and modified by the Adaptation of Laws Order, 1950
 Amended by Bom. 28 of 1950 ;
 " " " 9 of 1951.
 Adapted and modified by the Bombay Adaptation of Laws (State and Concurrent
 Subjects) Order, 1956.
 Amended by Bom. 8 of 1958 ;
 " " " 86 of 1958 ;
 " " " 56 of 1959.
 Adapted and modified by the Maharashtra Adaptation of Laws (State and Concurrent
 Subjects) Order, 1960.

An Act to amend the Law relating to the regulation of Public Conveyances.

²[WHEREAS it is expedient to amend the law relating to the regulation of public conveyances ; AND WHEREAS it is expedient to provide for prohibiting the plying of certain classes of vehicles as public conveyances ; It is hereby enacted as follows —]

1. (1) This Act may be called the Bombay Public Conveyances Act, 1920.

Short title
and extent.

(2) This section and sections 36, 38 and 39 extend to the ³[whole of the ⁴[State] of Maharashtra] The rest of the Act extends, subject to the provisions of section 36, only to the ⁵[Greater Bombay],

¹ For Statement of Objects and Reasons, see *Bombay Government Gazette*, 1919, Part V, page 945, for Report of Select Committee, see *ibid*, 1920 Part V, page 51 and for Proceedings in Council see *ibid*, 1919, Part V, page 1092, *ibid*, 1920, page 265.

² This preamble was substituted for the original by Bom. 18 of 1948, s. 3

³ These words were substituted for the words "pre-Reorganisation State of Bombay, excluding the transferred territories" by Bom. 86 of 1958, s. 3 (i) (a).

⁴ These words were substituted for the words "State of Bombay" by the Maharashtra Adaptation of Laws (State and Concurrent Subjects) Order, 1960.

⁵ These words were substituted for the words "City of Bombay" by Bom. 17 of 1945, s. 9 and Sch. E, read with Bom. 52 of 1947, s. 2, proviso.

* Sections 1, 36, 38 and 39 of this Act were extended to that part of the State of Bombay to which immediately before the commencement of this Act they did not extend (*vide* Bom. 86 of 1958, s. 2)

† This Act was repealed and section 2 thereof was re-enacted by Bom. 18 of 1948, s. 2.

§ This Act has been re-enacted and the amendments made by section 9 and Sch. E of the said Act have been continued in force by Bom. 52 of 1947, s. 2.

*[Provided that on the commencement of the Bombay Public Conveyances (Unification and Amendment) Act, 1958, the rest of the Act shall come into force at once in those parts of the State of Bombay in which the Hackney-carriage Act, 1879, or the Hyderabad Public Conveyances Act, 1956, or the Bombay Public Conveyances Act, 1920, as adapted and applied to the Saurashtra area or the Bombay Public Conveyances Act, 1920, as extended to the Kutch area was in force immediately before such commencement]

Bom
LXX-
XVI
1958
XIV
of
1879
Hyd.
Act
XXX
IX
of
1956
Bom
VII of
1920
Bom
VII of

Definitions.

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

²[(a) “ Commissioner of Police ” means—

(i) the Commissioner of Police for Greater Bombay, and

(ii) where the rest of the Act or any portion thereof has been extended to any other area and a Commissioner of Police has been appointed for that area, the Commissioner of Police for that area ,

and includes any person authorised by the Commissioner of Police concerned to exercise or perform any power or duty imposed or conferred on him by this Act ,]

³[(b) “ Public conveyance ” means any wheeled vehicle, drawn or propelled on roads and used for the purposes of plying for hire for the conveyance of persons or goods but does not include a motor vehicle as defined in the Motor Vehicles Act, 1939, or a vehicle running upon fixed rails ;]

IV of
1939.

⁴[(c) “ licensing year ” means the year commencing on such date as the Commissioner of Police shall, subject to the conditions of previous publication, fix for the purpose of licences granted under this Act ,]

(d) “ driver ” includes a conductor, attendant or other person in charge of a public conveyance ,

(e) “ licensee ” means the holder of a licence granted under this Act for a public conveyance or a horse or a driver of a public Conveyance

Licensing of Public Conveyances

Public
conveyances
to be licensed.

3. (1) No person shall keep or let for hire any public conveyance without a licence granted by the Commissioner of Police in this behalf

(2) On every public conveyance—

(a) the number of the conveyance as entered in the licence granted for the same, and

(b) where the conveyance is licensed to carry passengers, the number of passengers which it is licensed to carry, shall be clearly inscribed in such manner as the Commissioner of Police may direct

¹This proviso was added by Bom. 86 of 1958, s. 3 (i) (b)

²Clause (a) was substituted for the original by Bom 56 of 1959, s. 3, Sch

³This clause was substituted for the original by Bom 18 of 1943, s. 2, read with Bom 18 of 1948, s. 2.

⁴Clause (c) was substituted for the original by Bom 7 of 1928, s. 2

⁵This proviso shall stand unmodified (vide the Maharashtra Adaptation of Laws (State and Concurrent Subjects) Order, 1960.

4. (1) Such licences shall remain in force for the licensing year, unless sooner determined under the provisions of this Act, and shall be renewable. Licences for public conveyances

(2) Such licences shall contain the following and such other particulars and conditions as the Commissioner of Police may prescribe :—

- (a) the full name and address of the licensee ;
- (b) the date on which the licence was granted and the date on which it will expire by efflux of time ;
- (c) the local area for which the licence is granted ;
- (d) the number and class of the conveyance ;
- (e) the number of horses or other animals (if any) by which it is to be drawn ;
- (f) the number of passengers (if any) which it may carry.

(3) Such licences shall not be transferred by the licensee to any other person without the sanction of the Commissioner of Police and if transferred without such sanction, shall thereupon become void. Such sanction when granted shall be endorsed on the licence.

¹[(4) No such licences shall be granted or renewed unless it is shown to the satisfaction of the Commissioner of Police that the applicant has paid the vehicle tax due in respect of the public conveyance to a local authority constituted under any law for the time being in force]

5. ²[(1A) The Commissioner of Police may refuse to grant licences for any class of vehicles if, in his opinion, it is undesirable that such vehicles should be used as public conveyances. The Commissioner of Police may, on the same ground, refuse to renew, and may, at any time, cancel the licences already granted for such vehicles. On such cancellation the licensee shall be granted out of the fees paid by him for the licence a refund of a sum equal to the amount of fees payable for the unexpired portion of the licence calculated in proportion to the amount paid for the full period of the licence.] Grounds on which licence may be refused or cancelled.

(1) The Commissioner of Police may refuse to grant a licence for a public conveyance if in his opinion the conveyance is insufficiently found or is otherwise unfit for the purpose for which it is intended.

(2) The Commissioner of Police may refuse to renew, and may at any time suspend or cancel, a licence for a public conveyance on either of the foregoing grounds or if in his opinion—

(i) the licensee has committed a breach of any provision of this Act or of a rule made under this Act or of a condition of the licence, or

(ii) a conveyance licensed for carrying goods has been used for carrying passengers.

(3) When refusing to renew, or suspending or cancelling, a licence for a public conveyance, the Commissioner of Police may erase the inscription made thereon in accordance with this Act.

¹ This sub-section was added by Bom. 86 of 1958, s. 3(1).

² This sub-section was inserted by Bom. 18 of 1948, s. 4.

6. (1) When granting or renewing a licence for a public conveyance, and at other times when necessary, the Commissioner of Police shall cause the particulars required by clauses (a) and (b) of sub-section (2) of section 3 to be painted or otherwise clearly inscribed upon the conveyance. Number etc., to be inscribed on conveyance.

(2) No fee shall be charged for any inscription made under the foregoing sub-section when it is made at the time when the licence is granted or at the annual renewal of the licence, but when such inscription is made at any other time ¹[the licensee shall pay such sum towards the cost of such inscription as the Commissioner of Police shall by rules direct]

7. (1) For the grant of a licence for a public conveyance a fee shall be charged at such rate as the Commissioner of Police shall prescribe. Fees for public conveyance licences.

(2) For the renewal of such licence a fee at one-half of the rate chargeable under the foregoing sub-section shall be charged

• Licensing of horses.

8. (1) No horse shall be used for drawing a public conveyance except under a licence granted by the Commissioner of Police in respect of such horse. Licensing of horses.

(2) Such licences shall remain in force for the licensing year unless sooner determined under this Act, and shall be renewable

(3) Such licences shall contain the following and such other particulars and conditions as the Commissioner of Police may prescribe

(a) the full name and address of the licensee ;

(b) the date on which the licence was granted and the date on which it will expire by efflux of time ;

(c) the local area for which the licence is granted ;

(d) a description of the horse for which the licence is granted and the marks of identification of the same ;

(e) the class of conveyance to draw which the horse may be used.

(4) Such licences may not be transferred by the licensee to any person without the sanction of the Commissioner of Police and if transferred without such sanction shall thereupon become void. Such sanction shall be endorsed on the licence.

²(5) Such licences shall if so directed by the Commissioner of Police be carried in the public conveyance for drawing which the horse is being used and shall be produced for inspection whenever required by any police officer]

9. When granting a licence for a horse the Commissioner of Police ³[may, if he thinks it necessary] brand such horse on the hoof in such manner that it may be easily identified. Branding of horses.

10. (1) The Commissioner of Police may refuse to grant to renew, and may at any time suspend, a licence for a horse if in his opinion such horse is in any way unfit for use in a public conveyance. Grounds on which licence for horse may be refused and examination by a veterinary practitioner.

(2) In case of such refusal or suspension the owner of the horse or licensee, as the case may be, may require that such horse be examined by a veterinary practitioner of the Government or of a local authority, and, if in the opinion of such practitioner the horse is fit for use in a public conveyance, the Commissioner of Police shall grant or renew the licence or cancel the order of suspension.

¹ These words were substituted for the words "a fee at one-half of the rate chargeable for the grant of a licence for a public conveyance under section 7, sub-section (1), shall be charged" by Bom. 7 of 1928, s. 3.

² This sub-section (5) was added, *ibid.*, s. 4.

³ These words were substituted for the word "shall", *ibid.*, s. 5.

Licensing of Drivers.

Drivers to be licensed.

11. (1) No person shall act as driver of a public conveyance without a licence granted by the Commissioner of Police in this behalf.

(2) Such licences shall remain in force for the licensing year unless sooner determined under this Act, and shall be renewable.

(3) Such licences shall contain the following and such other particulars and conditions as the Commissioner of Police may prescribe :

(a) the full name and address of the licensee ;

(b) the date on which the licence was granted and the date on which it will expire by efflux of time ,

(c) the local area for which the licence is granted ,

(d) the class of public conveyance which the licensee is licensed to drive.

Grounds on which driver's licence may be refused or cancelled.

12. (1) The Commissioner of Police may refuse to grant a licence to a driver if in his opinion such driver [is not competent and careful or] is unfit on account of youth, infirmity, bad character or any other reason to pursue the occupation of driver of a public conveyance.

(2) The Commissioner of Police may refuse to renew, and may at any time suspend or cancel, a driver's licence on the foregoing grounds or if the holder has committed a breach of any provision of this Act or of a rule made under this Act or of a condition of the licence.

Driver's badges.

13. (1) When granting a licence to a driver the Commissioner of Police shall provide him with a metal badge bearing the number of the licence.

(2) Every driver who has received such badge shall wear the same on a conspicuous part of his dress at all times when pursuing his occupation as driver

(3) No driver who has received such badge shall permit any other person to wear the same provided that any person, other than the driver to whom a badge has been given by the Commissioner of Police, who shall wear such badge shall be presumed, until the contrary is proved, to wear it with such driver's permission

Fees for drivers' licences.

14. (1) For the grant of a licence to a driver a fee shall be charged at such rate as the Commissioner of Police shall prescribe.

(2) For the renewal of such licence a fee at one-half of the rate chargeable under the foregoing sub-section shall be charged

Provisions relating to licences.

Licences when suspended or cancelled to be returned.

15. Every licence which has been suspended or cancelled shall be returned by the licensee to the Commissioner of Police within twenty-four hours after the suspension or cancellation thereof.

Change of address of licensee to be reported.

16. Whenever a licensee shall change his residence he shall within one week thereafter give notice thereof in writing signed by himself to the Commissioner of Police.

^a These words were inserted by Bom. 2 of 1924, s. 2

¹[16A. Wherever the licensee of a public conveyance shall be absent from the ²[Greater Bombay] for a period exceeding fifteen days he shall, if the public conveyance is used for the purpose of plying for hire, give, previous to his departure, notice thereof in writing signed by himself to the Commissioner of Police. Such notice shall state the name of the person left in charge of the public conveyance. Such person shall, until the return of the licensee, perform all the duties of a licensee of a public conveyance and be liable to all the penalties to which such licensee is liable under this Act].

Licensee to report name of person left in charge of conveyance during his absence.

17. Every licensee of a public conveyance or horse shall produce such conveyance or horse for inspection whenever the Commissioner of Police shall require him to do so.

Public conveyance or horse to be produced for inspection when required.

Fares and Stands.

18. The Commissioner of Police shall, subject to the conditions of previous publication and the previous sanction of the ³[State] Government], fix the legal rates of fares for public conveyances.

Rates of fares.

19. The Commissioner of Police shall appoint stands or places at which alone public conveyances may stand to ply for hire ⁴[and may, at any time, abolish any such stand or place]

Stands.

20. (1) Every driver of a public conveyance shall have with him when pursuing his occupation as driver the licence granted to him under section 11 of this Act and a clean and legible list, in English and such vernacular language or languages as the Commissioner of Police may direct, bearing the name in full of the licensee of the conveyance and showing the rates of fares fixed for the time being for the hire of the conveyance, with an abstract of the law relating to public conveyances.

Driver to have his licence as driver and list of fares.

(2) Every such driver shall on demand by a police officer produce for inspection such licence and list.

(3) Every such driver shall on demand produce such list for the information of any hirer of, or passenger travelling in, the conveyance.

21. Lists of the fares fixed for public conveyance, as for the time being in force, together with the abstract referred to in the preceding section, shall be prepared by the Commissioner of Police and sold to the public at a reasonable price.

Book of fares to be issued.

Offences and Punishments.

22. ⁵[(1) Any person who shall—

(a) keep or left for hire any public conveyance without a licence granted by the Commissioner of Police in this behalf and for the time being in force, or

Keeping public conveyance without licence.

(b) * * * keep or left for hire any public conveyance on which the number and other particulars required by section 3 are not clearly inscribed in such manner as the Commissioner of Police directs.

shall be punishable with fine which may extend to one hundred rupees.

⁶[(2) If any person commits an offence under clause (a) of sub-section (1) any Court trying such offence may direct that the conveyance in respect of which the

¹ Section 16A was inserted by Bom 7 of 1928, s. 6.

² These words were substituted for the original by Bom. 17 of 1945, s. 9, and Sch. E, read with Bom 52 of 1947, s. 2, proviso.

³ The words "Provincial Government" were substituted for the words "Governors in Council" by the Adaptation of Indian Laws Order in Council.

⁴ This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

⁵ These words were added by Bom 7 of 1928, s. 7.

⁶ Section 22 was renumbered as sub-section (1) by Bom 37 of 1949, s. 2.

⁷ The words "who shall" were deleted by Bom. 9 of 1951, s. 2, First Schedule.

⁸ This sub-section was inserted by Bom. 37 of 1949, s. 2.

Court is satisfied that the offence has been committed shall be forfeited to ¹[Government]].

Failure to cause public conveyance to ply when so required by the police.

23. Any licensee of a public conveyance who shall without sufficient reason fail to cause such conveyance to ply for hire when required to do so by a police officer and any driver of a public conveyance who shall without sufficient reason fail duly to pursue his occupation when required to do so by a police officer, shall be punishable with fine which may extend to fifty rupees

Licensee of public conveyance permitting unlicensed driver to use the same or permitting the same to be drawn by unlicensed horse.

24. Any licensee of a public conveyance who shall, when the same is used for the purpose of a public conveyance permit any person to act as driver thereof other than a driver duly licensed under this Act, or who shall, when such conveyance is used for the purpose aforesaid, permit the same to be drawn by a horse other than a horse for which a licence is in force under this Act, shall be punishable with fine which may extend to fifty rupees

Failure to produce public conveyance or horse for inspection.

25. Whoever, being the licensee of a public conveyance or horse, shall fail to produce such conveyance or horse for inspection when required to do so by the Commissioner of Police shall be punishable with fine which may extend to twenty rupees.

Offences by drivers of public conveyances

26. (1) Whoever shall act as driver of a public conveyance without a driver's licence granted by the Commissioner of Police in this behalf and for the time being in force, or ²[without a badge, if he has received a badge from the Commissioner of Police, or, when acting as such driver, shall fail to wear a badge so received] on a conspicuous part of his dress, and

(2) Whoever, being the driver of a public conveyance, shall—

(a) permit any other person to use his licence or badge;

(b) permit more passengers to be carried in a public conveyance than it is licensed to carry,

(c) conceal or permit to be concealed from public view the inscription made on a public conveyance in accordance with this Act, or prevent or attempt to prevent any person taking note of such inscription;

(d) permit any person to be carried, without the express consent of the hirer, in a public conveyance the whole of which has been hired by any person,

(e) fail to produce, on demand by a police officer, the licence, ³[if any], granted to him under ⁴[section 8 or section 11] or a list of the legal rates of fares as required by this Act;

(f) fail to produce, on demand by a hirer of, or passenger travelling in, a public conveyance a list of the legal rates of fares for such conveyance as required by this Act;

(g) refuse or neglect to give way, if he conveniently can, to any private conveyance, or obstruct or hinder the driver of any other public conveyance in taking up or setting down any person into or from such other public conveyance,

(h) be intoxicated at any time while pursuing his occupation as driver,

(i) make use of insulting or abusive language or gesture,

(j) refuse to obey the reasonable orders of any person hiring a public conveyance of which he is in charge;

¹ This word was substituted for the words "His Majesty" by the Adaptation of Laws Order, 1950

² These words were substituted for the words "without a badge granted to him by the Commissioner of Police or when acting as such driver, shall fail to wear such badge" by Bom. 7 of 1928 s 8 (a).

³ The words "if any" were inserted, *ibid.*, s. 8 (5).

⁴ The words and figures "section 8 or section 11" were substituted for the word and figures "section 11" *ibid.*

(k) when acting as driver, permit the inside of a public conveyance of which he is in charge to be dirty, or

(l) when in charge of a public conveyance other than a cart used for conveyance of goods,—

(i) demand prepayment of his fare, or

(ii) refuse without reasonable cause to carry any person desiring to hire the conveyance, or

(iii) refuse or delay to proceed with reasonable expedition, or

(iv) demand for the hire of the conveyance more than the legal fare, or

(v) stand to ply for hire at any place other than a stand or place appointed under this Act, or loiter for the purpose of being hired in or upon any public street, road or place,

shall be punishable with fine which may extend to fifty rupees

27. Any licensee—

(a) who shall fail to return a licence which has been suspended or cancelled to the Commissioner of Police, within twenty-four hours after the suspension or cancellation thereof, or

Failure to return licence or to notify address.

(b) who, after changing his residence, shall fail to give notice thereof in writing signed by himself to the Commissioner of Police within one week after such change has taken place, or

¹[(bb) who, before leaving the ²[Greater Bombay] for a period exceeding fifteen days shall fail to give notice thereof in writing signed by himself to the Commissioner of Police, or]

(c) who shall contravene any condition of his licence, shall be punishable with fine which may extend to twenty rupees.

28. Any person using a public conveyance who shall wilfully or negligently injure the same shall be punishable with fine which may extend to twenty rupees, and shall also pay the owner of such conveyance such compensation as the Magistrate may direct, and such compensation shall be leviable as a fine.

Injury to public conveyance.

29. The driver of any public conveyance who shall by negligence or misconduct, cause any hurt or damage shall, in addition to any punishment to which he may be liable by law, pay the complainant such reasonable compensation as the Magistrate may direct, and such compensation shall be leviable as a fine.

Compensation payable by driver causing damage.

Procedure.

30. Any police officer may arrest without warrant any person who has committed any offence under this Act, and may seize and detain any conveyance or horse in relation to which such offence has been committed.

Arrest by police.

31. (1) In case of any dispute between the hirer and driver of a public conveyance, either party may require the other to proceed forthwith to the nearest Magistrate's Court, where the dispute shall be determined in a summary manner by the Magistrate then sitting

Procedure in case of dispute.

(2) If no Magistrate is then sitting either party may require the other to proceed to the ³[officer in charge of the nearest police station] who shall, if necessary, arrange for the hearing of the case at the next sitting of the Court.

¹ Clause (bb) was inserted by Bom. 7 of 1928, s. 9

² These words were substituted for the original by Bom. 17 of 1945, s. 9 and Schedule E, read with Bom. 52 of 1947, s. 2, proviso.

³ These words were substituted for the words "nearest police officer of rank not below that of inspector" by Bom. 7 of 1928, s. 10

(3) On failure of either party to appear before the Magistrate in pursuance of a requisition under sub-section (1) or sub-section (2), or to attend the Court at any subsequent sitting to which the case may be adjourned, the Magistrate may decide the case *ex parte* and his decision shall be binding on both parties

(4) Provided that, if the hirer is about to leave the ¹[Greater Bombay] a police officer to whom reference has been made under sub-section (2) may, after hearing both parties, require the hirer to deposit such sum, if any, as appears to be due by him, and, if any compensation appears to be due under section 28, an additional sum of ten rupees, and the hirer shall not be required to attend the Magistrate's Court. The police officer shall report the dispute to the Magistrate and the Magistrate may award the driver such sum, if any, not being in excess of the amount deposited by the hirer, as he considers just, and if any offence appears to have been committed, shall inquire into the same according to law. In either case where any surplus remains of the deposit made by the hirer, the Magistrate shall give notice hereof to the hirer and return it to him on demand

(5) Where the Magistrate is satisfied that one party had no reasonable ground, for requiring the other party to proceed to his Court or to the nearest police officer, he may direct the former party to pay to the latter such compensation not exceeding fifty rupees as he thinks fit, and such compensation shall be leviable as a fine.

Licensee may be required to produce driver ;

Penalty.

32. (1) When a complaint is made before a Magistrate against a driver of a public conveyance under this Act, the Magistrate may, if the driver fails to appear, summon the licensee of such conveyance to appear and produce the driver

(2) If the licensee after being duly summoned fails without reasonable excuse to appear or to produce the driver he shall be punishable with fine not exceeding fifty rupees

Refusal to pay fare.

33. If any person who has hired a public conveyance refuses to pay the legal fare thereof, the Magistrate may order payment of such fare and also of reasonable compensation for loss of time, such fare and compensation shall be leviable as a fine.

Miscellaneous

Disposal of property ; penalty.

34. (1) All property left in any public conveyance shall be forthwith deposited by the licensee or driver of such conveyance at the nearest police station.

(2) The Commissioner of Police shall cause such property to be returned to such person as shall prove to his satisfaction that he is entitled to the same, on payment by such person of all expenses reasonably incurred and of such compensation to the driver of the public conveyance as the Commissioner of Police may consider just.

(3) Any licensee or driver failing to deposit any property as required by sub-section (1) shall be punishable with fine which may extend to fifty rupees.

Rules.

35. ²(1) The Commissioner of Police subject to the condition of previous publication, may make rules not inconsistent with this Act,—

(a) fixing the sum to be paid towards the cost of advertisement under sub-section (2) of section 6 ;

(c) generally for the regulation of public conveyances.

¹ These words were substituted for the original by Bom 17 of 1945, s. 9 and Schedule E, read with Bom. 53 of 1947, s. 5, proviso.

² Sub-section (1) was substituted for the original by Bom. 7 of 1928, s. 11(a).

(2) Such rules shall be published in the ¹[Official Gazette].

²[(3) Such rules may provide that a contravention thereof shall be punishable with fine which may extend to thirty rupees]

36. (1) The ³[Commissioner] ⁴* * * * * may be notification ⁵Extendion of Act. in the ¹[Official Gazette] extend this Act or any specified provisions thereof to any area within ⁵[his] ⁶* * * jurisdiction from a date to be stated in such notification.

(2) Where this Act or any portion thereof is extended to any such area, the ³[Commissioner] ⁷* * * * *

(a) shall ⁸[where no Commissioner of Police has been appointed] by notification appoint some person to perform the functions assigned by this Act to the Commissioner of Police, and

(b) may by notification direct that any particular Magistrates or classes of Magistrates shall exercise jurisdiction under this Act, and

⁹[(c) may by notification direct that any class of vehicles shall be exempt from all or any of the provisions of this Act]

(3) A notification under this section extending this Act or any portion thereof to any area shall be published at least thirty days before the date fixed for its coming into effect

¹⁰[(3A) When this Act or any specified provisions thereof are extended to any area by a notification under this section the expression ¹¹[Greater Bombay] occurring in the foregoing provisions of this Act shall be construed as meaning the area to which this Act or any specified provisions thereof are extended by such notification.]

(4) When this Act or any portion thereof is extended to any area the powers of fixing fees and of appointing ¹²[and abolishing] stands and of making rules shall be exercised subject to the approval of the ³[Commissioner] ⁷* * *

13* * * * *

¹⁴[37. The ¹⁵[State] Government], or any area to which this Act or any specified provisions thereof have been extended under section 36 the ³[Commis- sioner] ⁷* * * * * may, by notification in the ¹[Official Gazette], apply or adapt all or any of the provisions of this Act, except those which relate to plying for hire, or any part of any such provision, to vehicles or to any class of vehicles which are kept, or ordinarily let for hire, but which are not used for the purpose of plying for hire. ¹⁶Power to apply or adapt certain provisions to vehicles not used for the purpose of plying for hire.

Explanation.—A vehicle shall not be deemed to be kept for hire if it is let for hire only occasionally by private agreement.

¹The words " Official Gazette " were substituted for the words " Bombay Government Gazette " by the Adaptation of Indian Laws Order, in Council

²Sub-section (3) was inserted by Bom 7 of 1928, s 11(b).

³This word was substituted for the words " State Government " by Bom 8 of 1958, s 3, Schedule.

⁴The words " or the Commissioner of a division " were deleted by Bom 28 of 1950, Sch

⁵This word was substituted for the word " its " by Bom 8 of 1958, s 3, Schedule

⁶The words " or his " were deleted by Bom 28 of 1950, Sch

⁷The words " or the Commissioner of the division, as the case may be " were deleted by Bom. 28 of 1950, Sch

⁸These words were inserted by Bom 56 of 1959, s 3, E.h.

⁹Clause (c) was substituted for the original clause by Bom 7 of 1928, s 12(a)

¹⁰Sub-section (3A) was inserted, *ibid.*, s 12(b)

¹¹These words were substituted for the original by Bom 17 of 1945, s. 9 and Sch. E, read with Bom. 52 of 1947, s 2, proviso

¹²These words were inserted by Bom 7 of 1928, s. 12(c)

¹³Sub-section (5), which was substituted for the original sub-section (5) by s. 2 of Bom. 11 of 1924, was omitted, *ibid.*

¹⁴Section 37 was substituted for the original section by Bom. 7 of 1928, s. 13.

¹⁵The words " Provincial Government " were substituted for the words " Governor in Council " by the Adaptation of Indian Laws Order in Council

¹⁶This word was substituted for the word " Provincial " by the Adaptation of Laws Order, 1950.

Powers may be exercised from time to time.

38. All powers conferred by this Act may be exercised from time to time as occasion requires.

Repeal and saving.

[39. On the commencement of the Bombay Public Conveyances (Unification and Amendment) Act, 1958, the following Acts, that is to say,—

Bom.
LXX-
XVI
of
1958.

(i) the Bombay Public Conveyances Act, 1920 as adapted and applied to the Saurashtra area of the *State of Bombay,

Bom.
VII
of
1920.

(ii) the Hackney-carriage Act, 1879, as in force in the Vidarbha region of the *State of Bombay,

XIV
of
1879.

(iii) the Hyderabad Public Conveyances Act, 1956, and

Hyd.
Act
XXX
IX of
1956.

(iv) the Bombay Public Conveyances Act, 1920, as extended to the Kutch area of the *State of Bombay, shall be repealed.

Bom.
VII of
1920.

Provided that notwithstanding such repeal—

(a) any notification issued, licence granted or rule made under the provisions of the laws so repealed shall continue in force until it is superseded or modified by any notification, licence or rule issued, granted or made by a competent authority under this Act and if no such authority exists or if there be a doubt as to the competent authority by such authority as the State Government may designate ;

(b) Anything done or action taken (including any notice given, prosecutions launched, right acquired, obligation and liability accrued or incurred, penalty imposed, proceedings pending, badges provided, rates of fares fixed, stands or places appointed, or sanctions granted shall be deemed to be done, or taken under the corresponding provisions of this Act as if this Act had then been in force]

¹This section was substituted for the original by Bom 86 of 1958, s 3(iii)
*“State of Bombay” shall stand unmodified [vide the Maharashtra Adaptation of Laws (State and Concurrent Subjects) (Fr]er, 1960]

THE CITY OF BOMBAY PRIMARY EDUCATION ACT, 1920.

CONTENTS.

PREAMBLE.

SECTIONS.

1. Short title, extent and construction.
2. Definitions.
3. Issue of notification making primary education compulsory.
4. Corporation to make provision for primary education.
5. Resolution to be passed before issue of notification.
6. Duty of Education Committee.
7. Duty of parents to cause children to attend school.
8. Meaning of reasonable excuse.
9. Issue of attendance order.
10. Penalty for failure to cause child to attend school.
11. Penalty for employing child liable for compulsory education.
12. Schools' Committee may authorize person to appear.
13. [*Repealed.*]
14. Remission of fees.
15. Power to exempt particular classes or communities.
16. Withdrawal of notification on default.
17. [*Omitted.*]
18. Rules.
19. Amendment of section 39 (1) of the principal Act—(*Not printed*).
20. New section 62B of the principal Act—(*Not printed*).

BOMBAY ACT No. XV OF 1920.¹

[THE CITY OF BOMBAY PRIMARY EDUCATION ACT, 1920]

[13th December 1920]

Adapted and modified by the Adaptation of Indian Laws Order in Council.

Amended by Bom. 8 of 1950

Adapted and modified by the Adaptation of Laws Order, 1950

Amended by Bom 48 of 1950

An Act to provide for the extension of primary education in ²[Greater Bombay].WHEREAS it is expedient to provide for the extension of primary education in ²[Greater Bombay], It is hereby enacted as follows :

1. (1) This Act may be called the City of Bombay Primary Education Act, 1920.

(2) It extends only to ²[Greater Bombay]

(3) It shall be construed as part of and supplementary to the City of Bombay Municipal Act, 1888, hereinafter called "the principal Act".

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

(1) to "attend" a recognized primary school means to be present for instruction at such school on such days and at such time or times on each day as may be required by the ³[Education Committee] with the approval of the prescribed educational authority,

(2) "child" means a child whose age is not less than six and not more than eleven years,

(3) "parent" includes a guardian and any person who has the actual custody of a child;

(4) "prescribed" means prescribed by rules made by the ⁴[⁵[State] Government under this Act];(5) "primary education" means such education as is for the time being recognized as such by the ⁴[⁵[State] Government]

(6) "recognized primary school" means a school (or a department of a school) in which instruction in primary education is given and which is for the time being recognized by the prescribed educational authority;

⁶[(7) "Education Committee" means a committee appointed under section 50H of the principal Act]3. (1) The Corporation may with the previous sanction of the ⁴[⁵[State] Government] declare by notification that the primary education of boys or of girls or of children of both sexes shall be compulsory in ²[Greater Bombay] or in any ward or part of a ward thereof from a date to be mentioned in the notification : provided that, where a notification has been issued under this section with reference to children of one sex only, the Corporation may with the like sanction issue a subsequent notification with reference to children of the other sex.(2) A notification under this section shall be published in the ⁷[Official Gazette] and shall be posted at the municipal office and at such other places, if any, as the Corporation shall deem necessary.¹ For Statement of Objects and Reasons, see *Bombay Government Gazette*, 1920, Part V, page 391, for Report of Select Committee, see *ibid.*, 1920, Part V, page 754 (a), and for Proceedings in Council, see *ibid.*, 1920, Part V, pages 645 and 968.² These words were substituted for the original by Bom 17 of 1945, s. 9, read with Bom 8 of 1950.³ These words were substituted for the words "School's Committee" by Bom 48 of 1950, s. 81.⁴ The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.⁵ The word "State" was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.⁶ Clause (7) was substituted for the original by Bom. 48 of 1950, s. 81.⁷ The words "Official Gazette" were substituted for the words "*Bombay Government Gazette*" by the Adaptation of Indian Laws Order in Council.Short title,
extent and
construction.Bom.
III of
1888.

Definitions.

Issue of
notification
making
primary
education
compulsory.

Corporation to make provision for primary education

4. A notification shall not be issued under section 3 unless the Corporation satisfy the ¹[State] Government] that they are in a position to make and will make adequate provision in municipal or other recognized schools for free and compulsory primary education.

Resolution to be passed before issue of notification.

5. A notification shall not be issued under section 3 unless the Corporation have so determined by resolution passed at a general meeting specially called in this behalf, and unless such resolution has been supported by at least two-thirds of the councillors present at the meeting and by at least one-half of the whole number of councillors.

Duty of ²[Education Committee]

6. Where a notification has been issued under section 3 for any ward or part of a ward, it shall be the duty of the ²[Education Committee], subject to the provisions of this Act and the principal Act, to enforce the provisions of this Act respecting the attendance of children at school and the employment of children.

Duty of parent to cause children to attend school

7. Where a notification under section 3 is in force in any ward or part of a ward, the parent of every child to which such notification applies shall, in the absence of a reasonable excuse as hereinafter provided, and if such parent and child ordinarily reside in such ward or part of a ward, cause such child to attend a recognized primary school therein.

Meaning of reasonable excuse

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

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

(b) where the child is receiving, otherwise than in a recognized primary school, instruction which in the opinion of the ³[Education Committee] is efficient, or has already completed his primary education ;

(c) where there is no recognized primary school within one mile, measured according to the nearest road, from the residence of the child

Issue of attendance order.

9. Where the ³[Education Committee] is satisfied that the parent of any child who is bound under the provisions of section 7 to cause such child to attend a recognized primary school, has failed to do so, the ³[Education Committee] after giving the parent an opportunity of being heard and after such enquiry as it considers necessary, may pass an order directing the parent to cause such child to attend a recognized primary school on and from a date which shall be specified in the order.

Penalty for failure to cause child to attend school.

10. (1) Any parent against whom an order with reference to a child has been passed under section 9 and who fails to comply with the provisions of section 7 with respect to such child on and after the date specified in such order, shall, on conviction before a magistrate, be liable to a fine not exceeding five rupees.

(2) No court shall take cognizance of an offence under this section except on the complaint of the ³[Education Committee].

Penalty for employing child liable for compulsory education.

11. (1) Whoever knowingly takes into his employment, either on his own behalf or on behalf of any other person, any child in respect of whom the provisions of section 7 apply, so as to interfere with the efficient instruction of such child, shall, on conviction before a magistrate, be liable to a fine not exceeding twenty-five rupees.

¹ The words " Provincial Government " were substituted for the words " Governor in Council " by the Adaptation of Indian Laws Order in Council.

² The word " State " was substituted for the word " Provincial " by the Adaptation of Laws Order, 1950.

³ These words were substituted for the words " Schools' Committee " by Dom. 48 of 1950, s. 82

(2) No court shall take cognizance of an offence under this section except on the complaint of the ¹[Education Committee], and before making any complaint under this section against any person, the ¹[Education Committee] shall, unless such person has previously been convicted under this section in respect of the same child, cause a warning to be given to such person.

12. A complaint to a magistrate under section 10 or section 11 may be made on behalf of the ¹[Education Committee] by such person as may be authorized by the committee in this behalf.

¹[Education Committee] may authorize person to appear.

13. [Taxation for the purposes of this Act] Repealed by Bom. 48 of 1950, s. 83.

14. Where a notification under section 3 is in force in any ward or part of a ward, no fee shall be charged in any municipal school in respect of the primary education of any child of the sex specified in such notification whose age does not exceed eleven years.

Remission of fees

15. The ²[³[State] Government] may by notification in the ⁴[Official Gazette] exempt any particular class or community from the operation of this Act.

Power to exempt particular classes or communities.

16. If in the opinion of the ²[³[State] Government], the Corporation have made default in any of the requirements of this Act, after giving the Corporation an opportunity of furnishing an explanation the ²[³[State] Government] may by notification in the ⁴[Official Gazette] cancel any notification which has been issued under section 3

Withdrawal of notification on default.

17. [Fines to be credited to Corporation.] Omitted by the Adaptation of Indian Laws Order in Council

18. (1) The ²[³[State] Government] may by notification in the ⁴[Official Gazette] make rules for the purposes of this Act

Rules

(2) In particular and without prejudice to the generality of the foregoing provision, such rules may be made—

(a) prescribing the educational authority by whom the duties imposed by section 2, sub-sections (1) and (6), shall be performed ;

(b) prescribing the manner in which application may be made for sanction to issue a notification under section 3 ;

(c) determining generally what shall be considered to be adequate provision for free and compulsory primary education under section 4 ;

(d) requiring the Corporation to prepare and publish a register of children liable for compulsory primary education in the municipal district ; and

(e) when the ⁵[³[State] Government] determine to share the cost of providing free and compulsory primary education, specifying the extent to which the cost thereof shall be borne by the ⁵[³[State] Government].

19-20. [Amendments made by sections 19 and 20 have been incorporated in Bom. III of 1888]

¹ These words were substituted for the words " Schools' Committee " by Bom 48 of 1950, s 82.

² The words " Provincial Government " were substituted for the words " Governor in Council " by the Adaptation of Indian Laws Order in Council.

³ This word was substituted for the word " Provincial " by the Adaptation of Laws Order, 1950.

⁴ The words " Official Gazette " were substituted for the words " Bombay Government Gazette ", by the Adaptation of Indian Laws Order in Council.

⁵ The words " Provincial Government " were substituted for the words " local Government ",

ibid.

Corporation to make provision for primary education.

4. A notification shall not be issued under section 3 unless the Corporation satisfy the ¹[State] Government] that they are in a position to make and will make adequate provision in municipal or other recognized schools for free and compulsory primary education.

Resolution to be passed before issue of notification.

5. A notification shall not be issued under section 3 unless the Corporation have so determined by resolution passed at a general meeting specially called in this behalf, and unless such resolution has been supported by at least two-thirds of the councillors present at the meeting and by at least one-half of the whole number of councillors.

Duty of ²[Education Committee]

6. Where a notification has been issued under section 3 for any ward or part of a ward, it shall be the duty of the ²[Education Committee], subject to the provisions of this Act and the principal Act, to enforce the provisions of this Act respecting the attendance of children at school and the employment of children.

Duty of parent to cause children to attend school

7. Where a notification under section 3 is in force in any ward or part of a ward, the parent of every child to which such notification applies shall, in the absence of a reasonable excuse as hereinafter provided, and if such parent and child ordinarily reside in such ward or part of a ward, cause such child to attend a recognized primary school therein.

Meaning of reasonable excuse.

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

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

(b) where the child is receiving, otherwise than in a recognized primary school, instruction which in the opinion of the ³[Education Committee] is efficient, or has already completed his primary education ;

(c) where there is no recognized primary school within one mile, measured according to the nearest road, from the residence of the child.

Issue of attendance order.

9. Where the ³[Education Committee] is satisfied that the parent of any child who is bound under the provisions of section 7 to cause such child to attend a recognized primary school, has failed to do so, the ³[Education Committee] after giving the parent an opportunity of being heard and after such enquiry as it considers necessary, may pass an order directing the parent to cause such child to attend a recognized primary school on and from a date which shall be specified in the order.

Penalty for failure to cause child to attend school.

10. (1) Any parent against whom an order with reference to a child has been passed under section 9 and who fails to comply with the provisions of section 7 with respect to such child on and after the date specified in such order, shall, on conviction before a magistrate, be liable to a fine not exceeding five rupees.

(2) No court shall take cognizance of an offence under this section except on the complaint of the ³[Education Committee].

Penalty for employing child liable for compulsory education.

11. (1) Whoever knowingly takes into his employment, either on his own behalf or on behalf of any other person, any child in respect of whom the provisions of section 7 apply, so as to interfere with the efficient instruction of such child, shall, on conviction before a magistrate, be liable to a fine not exceeding twenty-five rupees.

¹ The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

² The word "State" was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

³ These words were substituted for the words "Schools' Committee" by Dom. 48 of 1950, s. 82.

(2) No court shall take cognizance of an offence under this section except on the complaint of the ¹[Education Committee], and before making any complaint under this section against any person, the ¹[Education Committee] shall, unless such person has previously been convicted under this section in respect of the same child, cause a warning to be given to such person.

12. A complaint to a magistrate under section 10 or section 11 may be made on behalf of the ¹[Education Committee] by such person as may be authorized by the committee in this behalf

¹[Education Committee] may authorize person to appear.

13. [Taxation for the purposes of this Act.] Repealed by Bom. 48 of 1950, s. 83.

14. Where a notification under section 3 is in force in any ward or part of a ward, no fee shall be charged in any municipal school in respect of the primary education of any child of the sex specified in such notification whose age does not exceed eleven years.

Remission of fees

15. The ²[³[State] Government] may by notification in the ⁴[Official Gazette] exempt any particular class or community from the operation of this Act.

Power to exempt particular classes or communities.

16. If in the opinion of the ²[³[State] Government], the Corporation have made default in any of the requirements of this Act, after giving the Corporation an opportunity of furnishing an explanation the ²[³[State] Government] may by notification in the ⁴[Official Gazette] cancel any notification which has been issued under section 3.

Withdrawal of notification on default.

17. [Fines to be credited to Corporation.] Omitted by the Adaptation of Indian Laws Order in Council.

18. (1) The ²[³[State] Government] may by notification in the ⁴[Official Gazette] make rules for the purposes of this Act.

Rules.

(2) In particular and without prejudice to the generality of the foregoing provision, such rules may be made—

(a) prescribing the educational authority by whom the duties imposed by section 2, sub-sections (1) and (6), shall be performed ;

(b) prescribing the manner in which application may be made for sanction to issue a notification under section 3 ;

(c) determining generally what shall be considered to be adequate provision for free and compulsory primary education under section 4 ;

(d) requiring the Corporation to prepare and publish a register of children liable for compulsory primary education in the municipal district ; and

(e) when the ⁵[³[State] Government] determine to share the cost of providing free and compulsory primary education, specifying the extent to which the cost thereof shall be borne by the ⁵[³[State] Government].

19-20. [Amendments made by sections 19 and 20 have been incorporated in Bom. III of 1888]

¹ These words were substituted for the words " Schools' Committee " by Bom 48 of 1950, s 82.

² The words " Provincial Government " were substituted for the words " Governor in Council " by the Adaptation of Indian Laws Order in Council.

³ This word was substituted for the word " Provincial " by the Adaptation of Laws Order, 1950.

⁴ The words " Official Gazette " were substituted for the words " Bombay Government Gazette ", by the Adaptation of Indian Laws Order in Council.

⁵ The words " Provincial Government " were substituted for the words " local Government ",

THE BOMBAY PLEADERS ACT, 1920.

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PREAMBLE.

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1. Short title and extent.
2. Definitions.
3. [*Repealed.*]
4. [*Repealed.*]
5. Extent and transfer of sanads.
6. [*Repealed.*]
7. Where vakils of High Court are entitled to practise.
8. Where district pleaders are entitled to practise.
- 8A. Right to issue restricted Sanads to non-qualified pleaders practising in Indian States.
9. Appearance in civil court by unauthorized person forbidden.
10. [*Repealed.*]
11. Retaining fee.
12. Pleader not to act for party adverse to his client, and not to refuse to act for his client without the permission of the Court.
13. Receipt to be given for documents.
14. Pleaders bound to attend on day fixed for proceedings except in certain cases.
15. Pleaders not to give or take commission.
16. Pleaders not to take instructions except from client or authorized agent, or accept employment through a tout.
17. [*Repealed.*]
18. Computation of taxed fee.
19. [*Repealed.*]

SECTIONS.

20. When fees of two pleaders may be taxed.
21. Cases where there are several parties having the same interest or putting forward the same defence.
22. Taxation of costs in appeals to High Court.
23. Taxation of costs in mofussil courts.
24. [*Repealed.*]
25. [*Repealed.*]
26. [*Repealed.*]
27. [*Repealed.*]
28. [*Repealed.*]
29. Recovery of taxed fees.
30. Lien for taxed fees.
31. Rules.
32. Savings.
33. Pending cases.
34. Repeal.

SCHEDULE I

SCHEDULE II.

SCHEDULE III.

BOMBAY ACT No. XVII OF 1920.¹

[THE BOMBAY PLEADERS ACT, 1920]†

[13th December 1920]

Repealed in part by Act 21 of 1926 ;

" " " " " 22 of 1926.

Amended by Bom. 11 of 1928 ;

" " " " " of 1929 ;

" " " " " 18 of 1931.

Adapted and modified by the Adaptation of Indian Laws Order in Council.

Amended by Bom. 17 of 1945*

" " " " " 53 of 1949.

Adapted and modified by the Adaptation of Laws Order, 1950.

Amended by Bom. 33 of 1954.

Adapted and modified by the Bombay Adaptation of Laws (State and Concurrent Subjects) Order, 1956.

Amended by Bom 55 of 1958.

Adapted and modified by the Maharashtra Adaptation of Laws (State and Concurrent Subjects) Order, 1960.

Repealed in part by Act 25 of 1961.

An Act to consolidate and amend the Law relating to pleaders in the Presidency of Bombay.

WHEREAS it is expedient to consolidate and amend the law relating to pleaders in the presidency of Bombay ; and whereas the previous sanction of the Governor General required by section 79, sub-section (2), of the Government of India Act, 1915, has been obtained for the passing of this Act ; It is hereby enacted as follows .—

1. (1) This Act may be called the Bombay Pleadors Act, 1920.

‡(2) It extends to the whole of the †[State of Maharashtra].

Short title
and extent.

†(3) In that part of the State of Bombay to which it is extended by the Bombay Pleadors (Extension and Amendment) Act, 1958, it shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.]

Bom.
LV of
1958.

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

(1) " the High Court " means the High Court of Judicature at Bombay ;

(2) " court subordinate to the High Court " means any court, tribunal, or person whose decree, order, decision or award is, or may hereafter be, subject to the appellate or revisional jurisdiction of the High Court ;

Definitions.

¹ For Statement of Objects and Reasons, see *Bombay Government Gazette*, 1920 Part V, page 420 ; for Report of Select Committee, see *ibid*, 1920, Part V, page 794 (a) ; and for Proceedings in Council, see *ibid*, 1920, Part V, pages 671 and 971.

* This portion was substituted for sub-section (2) by Bom. 55 of 1958, s. 4.

† These words were substituted for the words " State of Bombay " by the Maharashtra Adaptation of Laws (State and Concurrent Subjects) Order, 1960.

‡ This Act was extended to that part of the State of Bombay to which, immediately before the commencement of Bom. 55 of 1958, it did not extend (*vide* Bom. 55 of 1958, s. 3).

* This Act has been repealed and re-enacted and the amendments made by section 9, Sch. E of the said Act have been continued in force by Bom. 52 of 1957, s. 2.

† Sub-section (3) Stands unmodified by the Maharashtra Adaptation of Laws (State and Concurrent Subjects) Order, 1960.

(3) "Pleader" means a pleader admitted under this or any previous Act, and includes an attorney of the High Court appearing, pleading or acting for a client, elsewhere than in [the Greater Bombay], but nothing in sections 3, 4, 5, 6, 11, 12, 13, 24, 25, 27 or 30, shall apply to an attorney of the High Court ;

(4) "district" means the local limits of the jurisdiction of a principal civil court of original jurisdiction other than the High Court ;

(5) "the Letters Patent" means the Amended Letters Patent of the High Court of Judicature for the Presidency of Bombay, dated the 28th December 1865 subject to any amendments thereto and alterations therein made or hereinafter to be made pursuant to clause 44 thereof or section 106(1A) of the Government of India Act ;

(6) "prescribed" means prescribed by rules made under this Act.

3. [Classes of pleaders.] Repealed by Act 25 of 1961, section 50(2)(b).

4. [Sanads.] Repealed by Act 25 of 1961, section 50(2)(b).

Extent and
transfer of
sanads.

5. (1) No district pleader shall hold a sanad in respect of more than one district at the same time :

¹[Provided that when a district for which a sanad is to be issued comprises any area which for the purposes of administration of revenue or criminal justice or both is also included in any other district the sanad may be held in respect of both such districts.]

(2) On the application of a district pleader holding a sanad which is available for any ²district the High Court may from time to time, by endorsement on such sanad, render the same available for any other district.

(3) A pleader holding a sanad in respect of any district may appear, plead and act for a client in any particular civil proceeding in a Court of any other district with the previous written authority of the District Judge in such other district.

6. [Conditions of admission.] Repealed by Act 25 of 1961, section 50(2)(b).

Where
Vakils of
High Court
are entitled
to practise.

7. (1) Subject to the provisions of any law for the time being in force and, with respect to the right of vakils of the High Court to practise in the High Court, subject to any rules for the time being in force under clause 10 of the Letters Patent, a vakil of the High Court shall be entitled to practise—

(a) in the High Court ;

(b) in any court subordinate to the High Court ;

¹ These words were substituted for the original by Bom. 17 of 1945, s. 9, Sch. E, read with Bom. 52 of 1947, s. 2 proviso.

² This proviso was inserted, *Ibid.*, s. 3 (1).

³ The words "one" was deleted, *ibid.*, s. 3 (2).

Bom.
IV of
1898.

(c) before the tribunal of appeal constituted under the City of Bombay Improvement Act, 1898 ;

(d) in or before any other court, tribunal or person in or before which or whom vakils of the High Court are or may hereafter be entitled by law to practise ; and

(e) before any public officers in any of the following proceedings—

Bom.
III of
1874

an investigation held in accordance with the first paragraph of section 73 and on appeal under section 77 of the Bombay Hereditary Offices Act,

Bom.
V of
1879.

proceedings under section 87 of the Bombay Land Revenue Code, 1879,

Bom.
I of
1915.

proceedings before a Tribunal of Arbitration under the Bombay Town Planning Act, 1915 ;

such proceedings under any enactment in force in the Bombay Presidency as the ²[Provincial Government], by notification in the ³[Official Gazette] may specify.

(2) The provisions of sub-section (1) shall apply, *mutatis mutandis*, to attorneys of the High Court.

8. Subject to the provisions of any law for the time being in force, district pleader shall, within the district ⁴[or districts] in respect of which he holds a sanad, be entitled to practise—

Where
district
pleaders are
entitled to
practise.

(a) in such civil court or courts as the District Judge may from time to time assign to him,

(b) in any criminal Court,

(c) in or before any other court, tribunal or person in or before which or whom district pleaders are or may hereafter be entitled by law to practise ; and

(d) before any public officer in any of the following proceedings :—

Bom.
III of
1874.

an investigation held in accordance with the first paragraph of section 73 and an appeal under section 77 of the Bombay Hereditary Offices Act,

Bom.
V of
1879.

proceedings under section 87 of the Bombay Land Revenue Code, 1879 ;

Bom.
I of
1915.

proceedings before a Tribunal of Arbitration under the Bombay Town Planning Act, 1915,

¹ This Act has been repealed by Bom. 16 of 1925 which also has been repealed by Bom 13 of 1933.

² The words "Provincial Government" were substituted for the words "local Government" by the Adaptation of Indian Laws Order in Council.

³ The words "Official Gazette" were substituted for the words "Bombay Government Gazette," *ibid.*

⁴ The words "or districts" were inserted by Bom. 6 of 1929, s. 4.

such proceedings under any enactment in force in the Bombay Presidency as the ¹[Provincial Government] by notification in the ²[Official Gazette], may specify.

Appearance in civil court by unauthorized person forbidden.

9. No person shall appear, plead or act for any party in any civil proceeding in any court unless he is a pleader as defined in this Act and is entitled and duly empowered to appear, plead and act for such party in such proceeding :

Provided that nothing in this section shall apply—

(a) to any party appearing, pleading or acting on his own behalf, or appearing or acting by his recognized agent as defined in rule 2, Order III of the Code of Civil Procedure, 1908, or

(b) to any advocate of the High Court.

10. [Cases in which vakalatnama is required] *Repealed by Act 22 of 1926, s. 3.*

Retaining fee.

11. (1) A party engaging a pleader shall pay him a retaining fee of an amount not less than one rupee.

(2) Where a party fails so to do, the pleader shall demand such fee and shall not perform any services for such party until the fee has been paid.

(3) Every pleader receiving such fee ³[shall, at the time when such fee is received by him, give] a receipt in writing for the same, specifying the date of receipt.

Pleader not to act for party adverse to his client, and not to refuse to act for his client without the permission of the Court.

12. No pleader after accepting a retaining fee shall without the permission of the Court—

(a) appear, plead or act, or agree so to do, on behalf of any other party whose interest in the case is adverse to that of his client, or

(b) refuse or omit to appear, plead or act for his client.

Receipt to be given for documents.

13. Every pleader receiving a document of any kind from his client shall—

(a) on demand give a receipt in writing for such document at the time when he receives it, and

(b) subject to the provisions of section 30 return such document if his client requires the same and gives a receipt in writing therefor.

Pleaders bound to attend on days fixed for proceeding except in special cases.

14. (1) A pleader shall be bound to attend in court on any day which, by notice duly given or in accordance with the practice of the court, is fixed for the hearing of a proceeding in which he is employed.

¹ The words "Provincial Government" were substituted for the words "local Government" by the Adaptation of Indian Law. Order in Council.

² The words "Official Gazette" were substituted for the words "Bombay Government Gazette", *ibid.*

³ These words were substituted for the words "shall give" by Bom. 53 of 1949, s. 3, Second Schedule.

(2) Where a pleader employed in any such proceeding is, from indisposition or any other reasonable cause, unable to attend on such day or at the time when the proceeding is called on, he shall notify the same to the court and thereupon the proceeding shall be stayed for such time as the court may deem reasonable :

Provided that in proceedings in which a party is represented by more than one pleader and one of such pleaders is present, the court may proceed therewith.

(3) In any proceeding in which a pleader ceases, temporarily or permanently, to act for his client, because he has accepted Government service, or has been permitted to withdraw from the proceeding, or has been suspended or dismissed, or has died, or for any other reason, the proceeding shall be stayed for such time as the court may deem reasonable.

15. No pleader shall tender, give, retain or consent to retain any gratification for procuring or having procured the employment of himself or of any other pleader in any legal business. Pleaders not to give or take commission.

16. No pleader shall—

(a) take instructions in any proceeding except from the party on whose behalf he is retained or from some person who is within the meaning of the Code of Civil Procedure, 1908, the recognized agent of such party, or from some person authorised by such party to give such instruction, or Pleaders not to take instructions except from client or authorized agent, or accept employment through a tout.

(b) accept any employment in any legal business through a person who has been proclaimed as a tout.

V of 1908.

17. [Fee may be settled by private agreement.] Repealed by Act 21 of 1926, s. 6.

18. (1) Where costs are awarded to a party in any proceeding, the amount of the pleaders' fee to be taxed in the bill of costs as recoverable by such party, if represented by a pleader, from his adversary, shall be computed in accordance with the rules in Schedule III unless such fee has been settled under the provisions of section 13 of the Legal Practitioners (Fees) Act, 1926] for a lesser amount in which case no more than such lesser amount shall be recoverable. Computation of taxed fee.

(2) Nothing contained in sub-section (1) of this section or in section 20 shall apply to fees payable to pleaders in the Court of Small Causes of Bombay.

19. [Amount payable by client to pleader.] Repealed by Act 21 of 1926, s. 6.

20. (1) Where a party has, before the first hearing of a proceeding, engaged more than one pleader, the fees of two pleaders may be taxed in the bill of costs in the following cases :— When fees of two pleaders may be taxed.

(a) in any original suit, of which the amount or value of the subject-matter exceeds Rs. 10,000, in any court subordinate to the High Court;

(b) in any contested proceeding under the Indian Succession Act, 1865, the Probate and Administration Act, 1881, or the Land Acquisition Act, 1894, of which the amount or value of the subject-matter exceeds Rs. 10,000, in any court subordinate to the High Court;

X of 1865. V of 1881. I of 1894.

¹ These words and figures were substituted for the figures "17" by Bom. 11 of 1928, s. 2, First Schedule.

² These figures were substituted for the figures "5,000" by Bom. 33 of 1954, s. 2 (1).

³ See now the Indian Succession Act, 1925.

⁴ Central Act.

(c) in any appeal to the High Court, from a decree deciding on the merits any suit or any contested proceeding of the kind referred to in clause (a) or clause (b);

(d) in any suit of which the amount or value of the subject-matter ¹[is Rs. 10,000 or less] where the court certifies by order in writing that the fees of two pleaders may be taxed:

Provided that nothing in this section shall affect suits or appeals by paupers, or suits or appeals governed by the Dekkhan Agriculturists Relief Act, 1879.

(2) Except in the cases specified in this section, a party employing more than one pleader shall not be entitled to recover from his adversary more than one set of pleader's fees.

Bom.
XVII
of
1879.

Cases where there are several parties having the same interest or putting forward the same defence.

21. Where in any proceeding there are several parties having the same interests or putting forward the same defence they shall not, if awarded costs, be allowed more than one set of pleaders' fees on party and party, taxation unless the Court otherwise directs.

Taxation of cost in appeals to High Court.

22. In any civil appeal or application to the High Court from the decree or order of a court, subordinate to the High Court, if costs between party and party are awarded by the High Court, such costs shall be taxed by an officer of the High Court and included in the bill of costs attached to the decree or order of that Court in the prescribed manner.

Taxation of costs in mofussil courts.

23. In any court subordinate to the High Court situate elsewhere than in ²[the Greater Bombay], the amount of the pleader's fee to be taxed in the bill of costs attached to the decree or order of that Court shall not be in excess of the amount computed in accordance with the rules in Schedule III.

Provided that nothing in this section shall apply to bills of costs framed under ^{VII of 1913.} the provisions of the ³Indian Companies Act, 1913.

Suspension or removal of pleader by High Court on conviction of criminal offence.

24. The High Court may suspend or remove from practice a pleader who has been convicted by any criminal court in ⁴India of a criminal offence implying a defect in his character which in the opinion of the High Court renders him unfit to be pleader.

Punishment of pleader by High Court for improper conduct.

25. On the application of the Government Pleader in the High Court, or on a report from a District Court or Court of Session, or from the Chief Judge of the Court of Small Causes of Bombay, or from the Chief Presidency Magistrate for Bombay, or otherwise, the High Court may suspend or remove from practice, or may fine or reprimand, a pleader on reasonable cause.

Powers of District Court or Court of Session in respect of improper conduct of pleader.

26. Where it appears to a District Court or Court of Session or to the Chief Judge of the Court of Small Causes of Bombay, or to the Chief Presidency Magistrate for Bombay, that a pleader has been guilty of neglect of duty or of a violation of any of the provisions of this Act or of any other improper conduct, such court may hold an inquiry regarding such conduct and report the result of such inquiry to the High Court.

¹ These words were substituted for the original by Bom. 33 of 1954, s. 2 (.).

² These words were substituted for the original by Bom. 17 of 1945, s. 9, Sch. E, read with Bom. 52 of 1947, s. 2, proviso.

³ Central Acts.

⁴ The word "British" was omitted by the Adaptation of Laws Order, 1950.

22. In any civil appeal or application to the High Court from the decree or order of a court, subordinate to the High Court, if costs between party and party are awarded by the High Court, such costs shall be taxed by an officer of the High Court and included in the bill of costs attached to the decree or order of that Court in the prescribed manner. Taxation of costs in appeals to High Court.

23. In any court subordinate to the High Court situate elsewhere than in [the Greater Bombay], the amount of the pleader's fee to be taxed on the bill of costs attached to the decree or order of that Court shall not be in excess of the amount computed in accordance with the rules in Schedule III : Taxation of costs in mofussil courts.

Provided that nothing in this section shall apply to bills of costs framed under VII of the provisions of the ²Indian Companies Act, 1913. 1913

24. [*Suspension or removal of pleader by High Court on conviction of criminal offence*] Repealed by Act 25 of 1961, section 50(4)(b).

25. [*Punishment of pleader by High Court for improper conduct.*] Repealed by Act 25 of 1961, section 50(4)(b)

26. [*Powers of District Court or Court of Session in respect of improper conduct of pleader*] Repealed by Act 25 of 1961, section 50(4)(b).

¹ These words were substituted for the original by Bom. 17 of 1945, s. 9, Sch. E, read with Bom. 52 of 1947, s. 2 proviso.

² Central Acts.

27. *Conduct of case in High Court against pleader.] Repealed by Act 25 of 1961; section 50(4)(b).*

28. *[Legal proceedings against pleaders not affected.] Repealed by Act 21 of 1926, s. 6.*

29. A pleader whose bill of cost has been taxed may apply to the Court by which or by whose officer the same has been taxed, for an order against his client for the sum allowed on taxation or such sum as may remain due. The Court may make such order or may refer the pleader to a suit. Recovery of taxed fees.

Any such order may be executed under order 21 of the Code of Civil Procedure, 1908, as a decree for money. V of 1908.

30. In every matter in which costs are due to a pleader by his client which have been or are capable of being taxed the pleader shall as against his client be entitled to a lien for the amount of such costs, as taxed, upon— Lien for taxed fees.

(a) all documents come into his possession in the course of his engagement in connection with such matter, and for which he has given a receipt in accordance with the provisions of section 13 (a) and

(b) all movable property recovered or preserved by his exertions in such matter.

31. (1) The High Court may make rules consistent with the provisions of this Act— Rules.

(a) prescribing the qualifications and mode of admission of pleaders and the fees payable for admission ;

(b) prescribing the fees payable in respect of examinations (if any) held for the office of pleader ;

(c) regulating, and providing for the recognition of, bar associations and for granting sanction to the rules of such associations ;

(d) requiring that a pleader shall be a member of, and submit to the rules of, a bar association ;

(e) requiring that a pleader shall be a member of, and subscribe to, the law library attached to the principal Court in which he practises ;

(f) providing for the taxation of costs between party and party ;

(g) providing for the allowance and taxation of costs between pleader and client whether in litigious or non-litigious business ;

(h) prescribing, in lieu of the forms in Schedule II, the form of sanad to be given to pleaders and the form of vakalatnamas ;

(i) prescribing, in lieu of or in addition to the rules in Schedule III, the manner in which the pleader's fee shall be computed, and the amount of the pleader's fee, and determining the amount or value of the subject-matter in particular classes of cases or in cases generally, for the purpose of calculating the pleader's fee ;

(j) prescribing the manner in which costs in appeals or applications to the High Court from decrees or orders of courts subordinate to the High Court shall be taxed, in cases where costs between party and party are awarded by the High Court ;

(k) fixing the scale of costs which may be awarded in cases under sub-section (2) of section 27 :

(l) generally, to give effect to such provisions of this Act as may require to be provided for by rules.

(2) Where the High Court prescribes any new forms in lieu of the forms in Schedule II, or makes any new rules in lieu of or in addition to the rules in Schedule III, such new forms or rules respectively shall on publication be deemed to be enacted in such Schedule in lieu of or in addition to the forms or rules now therein enacted.

(3) All rules made under this Act shall be published in the ¹[Official Gazette] and shall thereupon have effect as if enacted in this Act.

Savings.

32. Nothing in this Act shall be deemed to limit or otherwise affect the powers ^{5 & 6,} conferred upon the High Court by sections 106 and 107 of the Government of ^{Geo. 5,} India Act, 1915, or by clauses 9 and 10 of the Letters Patent or by any law for the ^{a. 61.} time being in force.

Pending cases.

33. Nothing in this Act regarding the appointment, appearance or remuneration of pleaders or the taxation of costs shall apply in respect of any proceedings pending in any court at the commencement of this Act, and all such proceedings, until their final disposal by the court in which they are pending, shall be governed, in respect of such matters, by the laws and rules in force immediately before the commencement of this Act.

Repeal.

34. The enactments mentioned in Schedule I are hereby repealed to the extent specified in the third column thereof.

SCHEDULE I

(See section 34.)

No. and date of enactment.	Title.	Extent of repeal.
Bombay Regulation II of 1827.	A Regulation for defining the constitution of the Courts of Civil Justice and the Powers and Duties of the Judges and Officers thereof.	So much as has not already been repealed, excepting the part of section 21 which prohibits interference of the civil courts in caste questions.
Act I of 1846	An Act for amending the law regarding the appointment and remuneration of Pleaders in the Courts of the East India Company.	The whole, excepting section 5.
Act XX of 1853	An Act to amend the law relating to Pleaders in the Courts of the East India Company.	Section 2.

¹ The words "Official Gazette" were substituted for the words "Bombay Government Gazette" by the Adaptation of Indian Laws Order in Council.

SCHEDULE II.

FORM A.

Sanad for a Vakil of the High Court.

(Clause 10 of the Amended Letters Patent and section 4 of the Bombay Pleaders Act, 1920)

In ¹[the High Court] of Judicature, Appellate Side, Bombay.

Bombay,

19 .

To

In conformity with the Rules made under the provisions of clause 10 of the Amended Letters Patent constituting the High Court of Judicature at Bombay and published under the date _____ and in conformity with the provisions of the Bombay Pleaders Act, 1920, you _____ are hereby approved, admitted and enrolled as a Vakil of the said High Court and you will not be liable to be removed or suspended from practice, except for reasonable cause. •

By order of ¹[the High Court] of Judicature at Bombay,



Deputy Registrar.

Sealer.

The _____ day of _____ 19

FORM B.

Sanad for a District Pleader.

(Section 4 of the Bombay Pleaders Act, 1920.)

In ¹[the High Court] of Judicature, Appellate Side, Bombay.

Bombay,

19

To

In conformity with the provisions of the Bombay Pleaders Act, 1920, you are hereby appointed ¹to the office of District Pleader in the district of _____

¹ These words were substituted for the words "His Majesty's High Court" by the Adaptation of Laws Order, 1950.

You will not be able to be removed or suspended from practice except for reasonable cause.



By order of [the High Court]
of Judicature at Bombay,

Deputy Registrar.

Sealer.

The

day of

19 .

[Form C " Vakalatnama ".] Repealed by Act 22 of 1926, s. 3

SCHEDULE III.

(See section 18.)

Rules for computing the pleader's fee

I.—²[Subject to the provisions of rule VI]—

- (a) in suits which decide on the merits the real dispute between the parties.
(b) in appeals from decrees (including preliminary decrees) other than appeals from execution proceedings, which decide on the merits the real dispute between the parties,

(c) in applications or proceedings under the

³(i) Indian Succession Act, 1925, excepting application or appeals falling under sub-clauses (ii) and (iii) of clause (e) of rule V.

⁴(ii) Land Acquisition Act, 1894.

the amount of the pleader's fee shall be computed on the amount or value of the subject-matter in dispute in the suit, appeal, application or proceedings at the rates specified below.—

⁵[If the amount or value of the subject-matter in dispute does not exceed Rs 2,000 at 5 per cent.

If the amount or value exceeds Rs 2,000 but does not exceed Rs. 5,000, on Rs 2,000 as above and on the remainder at 3 per cent]

If such amount or value exceeds Rs 5,000 but does not exceed Rs. 10,000, on Rs. 5,000 as above and on the remainder at 2 per cent.

If such amount or value exceeds Rs 10,000 but does not exceed Rs 20,000, on Rs 10,000 as above and on the remainder at 1 per cent

If such amount or value exceeds Rs. 20,000, on Rs. 20,000 as above and on the remainder at $\frac{1}{2}$ per cent

⁶[Exception.—⁷[Subject as aforesaid] the amount of pleaders' fees in a suit, appeal, application, or proceeding between landlord and tenant shall be calculated on the amount or value of the claim for the purposes of Court fees and not on the amount or value of the claim for the purposes of jurisdiction .

¹ These words were substituted for the words " His Majesty's High Court " by the Adaptation of Laws Order, 1950.

² These words and figures were inserted by H Ct (A S) Notification No 2036, dated 30th August 1935.

³ Sub-clause (i) was substituted for the original sub clauses (i) and (ii) by Bombay H Ct (A S) Notification No 2539, dated 23rd December 1932

⁴ Sub-clause (iii) was renumbered as sub-clause (ii), *ibid*

⁵ This portion was substituted for the original by H. Ct (A S.) Notification No X 0126/42, dated 22nd June 1944

⁶ The Exception with its proviso was inserted by Bombay H Ct (A S) No 2025, dated 28th March 1928

⁷ The words " Subject as aforesaid " were inserted by Bombay H Ct (A S) Notification No 2036, dated 30th August 1935.

Provided that the amount may at the discretion of the Court be calculated on the amount or value of the claim for the purposes of jurisdiction when the Court is of opinion, having regard to the labour involved in the preparation of the case or to the complexity of the issues arising therein, that the higher rate of valuation is appropriate.]

II.—¹[Subject to the provisions of rule VI]—

(a) in appeals from orders,
 (b) in civil applications or proceedings other than applications and proceedings necessary for the progress of a suit or appeal and other than applications proceedings or appeals falling under rules I, IV and V, and
 (c) in all other cases not otherwise provided for,
 the amount of the pleader's fee to be allowed shall be one fourth of that payable according to the rates specified in rule I.

III.—¹[Subject to the provisions of rule VI] the fee prescribed in rules I and II shall be taken to be the remuneration for the pleader's services until the final decree or order in the suit, appeal, application, reference or proceeding, is passed.

IV.—²[Subject to the provisions of rule VI, the pleader's fees to be allowed in execution proceedings] be one-fourth of the fee calculated at the rates specified in rule I of the amount or value of the relief or money claimed in the application to execute the decree. ³[Such fee shall be chargeable on the first application and on every subsequent contested application]

V.—⁴[Subject to the provisions of rule VI]—

V of
1908.

• (a) in any reference made to the High Court under section 113 of the Code of Civil Procedure, 1908,
 (b) in any application to the High Court under section 115 of the said Code,
 (c) in any application to the High Court under section 25 of the Provincial Small Causes Courts Act, 1887,
 (d) in any application for the exercise of the High Court's Extraordinary jurisdiction in civil matters,
 (e) in all applications or appeals under
 (i) the Guardians and Wards Act, 1890,
 (ii) Part X of the Indian Succession Act, 1925,
 (iii) Part VII of the Indian Succession Act, 1925,
 (iv) the Indian Trusts Act, 1882,
 (v) the Provincial Insolvency Act, ⁵[1920],
 (vi) any other special or local Act,

a sum of Rs 30 shall be allowed as the pleader's fee.

⁶[VI—⁷In all suits, appeals, applications or proceedings in which a commission is issued under the provisions of section 75 of the Civil Procedure Code the pleader's fee shall consist of—

(a) an amount computed in accordance with whichever of rules I to V would be applicable to the suit, appeal, application or proceeding but for the issue of the commission.

¹ The words "Subject to the provisions of rule VI" were inserted by Bombay H. Ct. (A.S.) Notification No 2036, dated 30th August 1935.

² These words were substituted for the words "In execution proceedings the pleader's fee to be allowed shall", *ibid*

³ These words were inserted by Bombay H Ct (A. S) Notification No 2124, dated 28th April 1925.

⁴ Sub-clauses (ii) and (iii) were substituted for the original sub-clauses by H Ct. (A S) Notification No 2539, dated 23rd December 1932.

⁵ The figures "1920" were substituted for the figures "1907", *ibid*.

⁶ Rule VI was inserted by H, Ct (A.S) Notification No 2036, dated 30th August 1935.

(b) and such fees not exceeding Rs. 20 per day for appearing before the Commissioner as the Court may in its discretion allow :

Provided

(i) that no fees shall be allowed for appearing before a Commissioner if the Court when issuing the commission certifies that the presence of a pleader before the Commissioner is not necessary.

(ii) and provided further that no fees shall be allowed for appearing before a Commissioner in the town or village which is the headquarters of the Court issuing the Commission]

¹VII.—In no case, whether specially provided for in this Schedule or otherwise, shall the pleader's fee payable in any civil suit, appeal, application or proceeding other than execution proceedings be less than—

(a) Rs. 30 in the High Court,

(b) Rs. 15 in a District Court,

(c) Rs. 15 in the Court of a Subordinate Judge subject to the provisions of clause (d) and the proviso below,

(d) Rs. 5 in the Court of a Subordinate Judge, in suits of the nature cognizable by a Court of Small Causes, or in the Court of a Jagirdar or Inamdar exercising jurisdiction under Bombay Regulation XIII of 1830 and Act XV of 1840, or in the Court of a Mamlatdar under the Mamlatdar's Courts Act, 1906 .

Provided that suits by a superior holder for the recovery of his dues in the Court of a Subordinate Judge shall be governed by clause (d) and not by clause (c), unless in the opinion of the Court the suit involves questions of a complicated nature affecting title to land :

²[Provided further that if a Commission is issued under the provisions of section 75, Civil Procedure Code, in the suit, appeal, application or proceeding, in calculating for the purposes of this rule the pleader's fee payable in such suit, appeal, application or proceeding, the fees payable under the provisions of rule VI, clause (b), shall be excluded.]

³[VIII.—A surcharge of 25 per cent. shall be allowed on the fees prescribed hereinabove :

Provided that in suits and proceedings referred to in clauses (a) and (b) of subsection (1) of section 20 of the Act no such surcharge shall be allowed except when only one pleader is engaged]

¹ Rule VI which was substituted for the original by H. Ct. (A.S.) Notification No. 311, dated 26th January 1929, was renumbered as rule VII by H. Ct. (A.S.) Notification No. 2036, dated 30th August 1935.

² This proviso to rule VII was inserted by H. Ct. (A.S.) Notification No. 2036, dated 30th August 1935.

³ Rule VIII was added by H. Ct. (A.S.) Notification No. P. 412/51 (II), dated 24th April 1953, with effect from 1st June 1953.

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- CORRIGENDA TO BOMBAY CODE, VOLUME I

- Page 15, in line 6, for " applied to " read " if applied to " .
- Page 19, in clause *Third* of section 43, in line 6, for " instituting " read " by instituting "
- Page 49, in footnote 2, in line 1, for " Chapter VII " read " Chapter VIII " .
- Page 56, in line 5 at the beginning, insert the figures " 14 " .
- Page 177, in section 4 *thirdly*, in line 1, for " he " read " the " .
- Page 279, in section 4, for " 1866 " read " 1876 " .
- Page 308, in section 16, in line 2, for " 1888 " read " 1884 " .
- Page 424, in section 87 (3), in line 1, for " issue at " read " at issue " .
- Page 435, in section 120, in line 7, for " confined " read " confirmed " .
- Page 445, in section 149, in line 3, for " of the arrear " read " of the existence of the arrear " .
- Page 499, in section 60, in the last line, for " same purpose " read " said purpose " .
- Page 579, in section 2, in line 7, for " parternal " read " paternal " .
- Page 668, in section 39 (9), in line 4, for " instructions " read " instruction " .
- Page 707, in section 90 (2), in line 2, for " hole " read " whole " .
- Page 786, in footnote 9, for " Bom. 5 of 1938 " read " Bom. 8 of 1918 " .
- Page 809, in section 348 (2), in the margin, for " Bom. IV of 1879 " read " Bom. VI of 1879 " .
- Page 823, in section 361 (1) (a), in line 1, for " firemen " read " fireman " .
- Page 831, in section 381 (2), in line 4, for " municipal funds " read " municipal fund " .
- Page 831, in footnote 1, for " 1228 " read " 1928 " .
- Page 839, in section 407 (b), in line 1, for " from the stallages " read " from the stallages " .
- Page 840, in section 409, in line 4, for " slaughter house " read " slaughter-house " .
- Page 867, in footnote 12, for " Bom 6 of 1920 " read " Bom. 7 of 1920 " .
- Page 868, in footnote 7, for " 1989 " read " 1898 " .
- Page 868, in footnote 8, for " Bom 13 of 1903 " read " Bom. 13 of 1933 " .
- Page 868, in footnote 9, for " (2) " read " (z) " .
- Page 932, against entry plot No. 10 (a) and 10 (b), in column 3 in line 4, for " 41 " read " 4/ " .
- Page 1004, in section 26 (2), in line 3, for " perison " read " person " .
- Page 1004, in section 26 (A), in line 1, for " section 25 An " read " section 25A in " .
- Page 1006, in section 33, in line 2, for " to be employed " read " not to be employed " .
- Page 1007, in section 34 (1) (a), in line 1, for " writter " read " written " .
- Page 1009, in section 39 (e), in line 1, for " odour " read " ordure " .
- Page 1037, in section 3 (1) (a), in line 4, for " months' notice " read " two months' notice " .
- Page 1050, in section 25 (b), in line 2, for " may " read " any " .
- Page 1159, in section 135, in line 1, for " whole " read " hole " .
- Page 1162, in line 21, for " carriage for consumption " read " carriage or consumption " .
- Page 1180, in footnote 7, in line 2, for " 4 (a) " read " (c) (a) " .
- Page 1243, in section 66 (4), in line 1, for " drvisions " read " provisions " .
- Page 1367, in section 24 (2), in line 6, for " contempated " read " contemplated " .
- Page 1421, in Schedule III, in rule (VI) (a), in line 1, for " rule " read " rules " .