The Bombay Code Supplementary Volume



Government of Bombay Tegal Department

The Bombay Code

Supplementary Volume

containing

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

FIRST EDITION
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BOMBAY
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BOMBAY
PRINTED AT THE GOVERNMENT CENTRAL PRESS
1921

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

PREFACE

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

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

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

Council Hall, Bombay, 12th January 1931.

J. R. D.

CHRONOLOGICAL TABLE OF ACTS OF THE BOMBAY LEGISLATIVE COUNCIL.

Year	No.	Short title or subject	How repealed or otherwise affected in Bombay	Page
1	. 2	3	4	5
				-
1923	I	The Bombay Entertainments Duty Act, 1923.	Am. Bom. Act 6 of 1925.	1
	II	The Opium (Amendment) Act, 1923.		
	III		Spent.	
	IA	1923. The Bombay Primary Educa-		7
	v	tion Act, 1923. The Bombay Port Trust (Amendment) Act, 1923.	of 1927.	21
.,	ΔI	The Bombay Local Boards Act, 1923.	Am. Bom. Act 2 of 1925.	23
			Am. Bom. Act 13 of 1925.	
Ī	•		Am. Bom. Act 7 of 1926.	•
	***		Am. Bom. Act 10 of 1927.	
•		· ·	Am. Bom. Act 5 of 1928.	
`			Am. Bom. Act 4 of 1930. Am. Bom. Act 25 of	
"	VII	The Bombay Boiler Inspection (Amendment) Act, 1923.	1927, sec. 3 and	
	VIII	The Bombay Public Ferries	second schedule.	81
	IX.	(Amendment) Act, 1923. The Prevention of Cruelty to Animals (Bombay Amendment)	••••	83
.	X	Act, 1923. The Bombay Hereditary Offices (Amendment) Act, 1923.		85
,,	XI	The Bombay Prevention of Prostitution Act, 1923.	And Bom. Act 9 of 1926.	87
]			Am. Bom. Act 9 of 1927.	
	•		Rep. in pt. and am. Bom. Act 12 of 1930	
1924-	Í	The Bombay Village Panchayats (Amendment) Act, 1924.	, .•••-	95
••	. II	The Bombay Public Conveyances (Amendment) Act, 1924.	••••	97
	ш	The Bombay Rent (War Restric- tions) Amendment Act, 1924.	Spent.	•
	IV	The Bombay District Municipal (Amendment) Act, 1924.	••••	99

Year	No.	Short title or subject	How repealed or otherwise affected in Bombay	Pag
	2		4	5
1			***	
				
1924	v	The Bombay Port Trust		101
	•	(Amendment) Act, 1924.		·
- 73	VI	Tae Karachi Port Trust	••••	103
	V	(Amendment) Act, 1924.		10-
. , ,,	VII	The Prince of Wales Museum	***	108
1	VIII	(Amendment) Act, 1924. The Sir Chinubhai Madhavlal		107
"	ATT	Ranchhodlal Baronetcy Act,		
<u> </u>		1924.	*	_
? ⊹≟⊹	IX	The Cattle-trespass (Amend-		117
		ment) Act, 1924.		
	X	The Bombay Smoke-nuisances		118
F 1		(Amendment) Act, 1924.		ž0.
,,	XI	The Bombay Public Convey-	****	121
		ances (Amendment) Act,		
1.4 . 1	VII	1924.	Am Dom Ant 9 of	123
•	XII	The President's Salary Act,	Am. Bom. Act 8 of 1927.	124
- 1	XIII	The Bombay Children Act, 1924.		125
3,	wiii	and Donibay Carrett arety and a	1925.	~ ` .
			Am. Bom. Act 13 of	
			1927.	
1			Am. Bom. Act 19 of	
- 1			1929.	:
99	XIV	The City of Bombay Improve-	Virt. rep., Bom. Act	
	-1	meni (Amendmeni) Act, 1924.	No. 16 of 1925.	
1925	1	The City of Bombay Municipal		¢ 147
102.5	•	(Amendment) Act, 1925.		
	II	The Bombay Local Boards		157
		(Amendment) Act, 1925.	· · · · · · · · · · · · · · · · · · ·	
pp (III	The Rombay Rent (Wur	Spent.	
	•	Restrictions) Amendment Act,	te a	
		1925.		1 20
	17	T. ie Bombay Abkari (Amend-		159
-	77	ment) Act, 1925.		161
**	▼	Tae Bombay Prevention of Adulteration Act, 1925.	• • • • •	
	VI	The Bombay Totalisator Betting		169
,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,		Tax Act, 1925.		٠.
imes . ert	VII	The Bombay Co-operative		171
1		Societies Act, 1925.		101
98	VIII	The Bombay Securities Con-	Am. Bom. Act 9 of	. 191
1.		. Maces Control Act, 1320.	1927.	195
29	IX.	The Bombay Village Police	****	
	X	(Amendment) Act, 1925. The Bombay Children (Amend-		197
"		ment) Act, 1925.		,,
X = 1	XI	The Bombay Hereditary Offices		199
* \ "		(Amendment) Act; 1925.		• 1
. ,,	XII	The City of Bombay Municipal		201
, <u> </u>	·	(Amendment) Act, 1925.		. '^^
,,,	XIII	The Bombay Local Boards (Amendment) Act, 1925.	••••	203
\mathcal{X} \perp	WITT	(Amendment) Act, 1925.		205
~ / 20	XIV.	Tue Bombay Village Panchayats		200
		(Amendment) Act, 1925.	i. i	
	XV	The Bombay District Municipal		207

Year	No.	Short title and subject	How repealed or otherwise affected in Bombay	Page
1	2	3	4	5
`				
1925	xvi	The City of Bombay Improve- ment Trust Transfer Act, 1925.	1927.	209
.•			Rep. in pt. and am. Bom. Act 5 of 1927.	
	1		Am. Bom. Act 6 of 1928.	
	xvii	The Bombay Port Trust		277
* 94	xvIII	(Amendment) Act, 1925. The Bombay Municipal	Am. Bom. Act 10 of 1926.	279
	, .	Boroughs Act, 1925.*	Am. Bom. Act 1 of	
•			1927. Am. Bom. Act 12 of	-
			1927. Am. Bom. Act 3 of	
•			1930. Am. Bom. Act 4 of	•
•	-		1930. Am. Bom. Act 9 of	
· - · -			1930. Am. Bom. Act 25 of	
	XIX	The Bombay District Police (Amendment) Act, 1925.	1930.	395
1926	, I	The Indian Stamp (Bombay	Spent.	•
•	II	Amendment) Act, 1926. The Indian Stamp (Bombay)		397
	ш	Amendment) Act, 1926. The Court-fees (Bombay)	Am. Bom. Act 9 of	399
<i>1</i> ,		Amendment) Act, 1926.	1927. Am. Bom. Act 2 of	
			1928.† Am. Bom. Act 2 of	- 1
_			1929,†	
•			Am. Bom. Act 2 of 1930.	
**	IV	The Cattle-trespass (Bombay Amendment) Act, 1926.	****	409
***	V	The Bombay Prevention of Gambling (Amendment) Act, 1926.	••••	411
99	. vi	The Bombay Uivil Courts (Amendment) Act, 1926.	••••	413
"	VII	The Sind Courts Act, 1926	Rep. in pt. and am. Bom. Act 7 of 1930.	415
. 41	- VIII	The Bombay Port Trust (Amendment) Act, 1926.		429
5 m	IX.	The Bombay Prevention of Prostitution (Amendment) Act,	Am. Bom. Act 9 of 1927.	431
**	x	1926. The Bombay City Municipali-	••••	433
96 , T	XI	ties (Amendment) Act, 1926. The Invalidation of Hindu Cere-		435
** _ **	XII	monial Emoluments Act, 1926. The City of Bombay Police (Amendment) Act, 1926,	****	437
	!		 	

[•] The original title of this Act was "The Bombay City Municipalities Act, 1925."

Year	No.	Short title or subject	How repealed or otherwise affected in Bombay	Page
	. 20		- L. Domboy	
1	2	3	4	5
1.5		1		•
1927	1	The Bombay City Munici-		439
	7	palities (Amendment) Act,		200
		1927.		
, ya) II	The Indian Stamp (Bombay	S. 3 Spent.	441
-	ш	Amendment) Act, 1927:	C	•
, ,,	111	The Bombay Rent (War Restric- tions) (Amendment) Act,	Spent.	>
		1927.		
	ÍV	The City of Bombay Improve-	****	443
		ment Trust Transfer (Amend-	` '	•
, ·	1 1	ment) Act, 1927.	•	
27	· , v	The City of Bombay Improve-		445
, ,		ment Trust Transfer (Amendment No. 2) Act, 1927.		** .
ī	VI	The Aden Civil and Criminal		447
	1	Justice (Amendment) Act.		
		1927.		
()	VII	The Dekkhan Agriculturists'	****	453
		Relief (Amendment) Act, 1927.		4
38 J.	VIII	The President's Salary (Amendment) Act, 1927.	••••	455
	IX.	The Bombay Repealing and	-	457
		Amending Act, 1927.		, -0.
44	×	The Bombay Local Boards	4.4.4	459
- 3 - 7		(Amendment) Act, 1927.		
·· • • •	XI	The Bombay District Police	****	461
•	xII	(Amendment) Act, 1927. The Bombay City Munici-		463
, and	1	palities (Second Amendment)		
		Act, 1927.		
	XIII	The Bombay Children (Amend-		465
		ment) Act, 1927.	. `	405
"	XIV	The Bombsy Port Trust	**** '	467
	xv	(Amendment) Act, 1927. The Bombay Primary Edu-		469
		cation (Amendment) Act,		-
		1927.	 	
33	XVI	The Mahul Creek [Extinguish-		471
		ment of Rights] (Amendment)		
_	VVII	Act, 1927.		473
` "	XVII	The Bombay Cotton Markets Act, 1927.		2.0
	1	1100, 1021.	-	
1928	I	The Indian Stamp (Bombay	Spent.	
· •	· • · <u>· · · · · · · · · · · · · · · · ·</u>	Amendment) Act, 1928.		•
93	, п	The Court-fees (Bombay	Spent.	,
	m	Amendment) Act, 1928. The Bombay Non-Agriculturists	Rep. in pt., Bom.	479
**	1	Loans Act, 1928.	Act 11 of 1928.	2.0
n	IV	The Bombay University Act,	Rep, in pt, and am.	· 481
, ",		1928.	Bom. Act 12 of	
			1928.	*
			Am. Bom. Act 13 of	
		∤	1929. Am. Bom. Act 15 of	
· .	F 15		1930.	
	1:		Am. Bom. Act 20 of	
	1		1930.	- •

Year	No.	Short title or subject	How repealed or otherwise affected in Bombay	Page
1	2	3′	4	5
1928	▼	The Bombay Local Boards	_	503
		(Amendment) Act, 1928.		
P1	vi	The City of Bombay Improve- ment Trust Transfer (Amend- ment) Act, 1928.	••••	505
**	VII	The Bombay Public Convey- ances (Amendment) Act,	****	507
**	VIII	1928. The City of Bombay Municipal (Amendment) Act, 1928.	••••	511
••	IX	The City of Bombay Municipal (Amendment) Act, 1928.	••••	513
**	X	The City of Bombay Municipal (Amendment) Act, 1928.	****	517
X .,	XI	The Bombay Repealing and Amending Act, 1928.	••••	523
	XII	The Bombay University (Amendment) Act. 1928.	****	525
1929	Ţ	The Indian Stamp (Bombay Amendment) Act, 1929.	Spent.	
••	11	The Court-fees (Bombay Amend- ment) Act, 1929.	Spent.	
10	Ш	The Karachi Rent Restrictions Act, 1929.	*****	527
"	IV	The Karachi Small Causes Court Act, 1929.	••••	- 535
,, •	- VI	The Indian Registration (Bombay Amendment) Act, 1929.	ere e e filipi	547
** .	-	The Bombay Pleaders (Amend- ment) Act, 1929.	****	549
* 99 -	VII	The Bombay Maternity Benefit Act, 1929.	••••	551
99 \ '"	VIII	The Bombay Prevention of Intimidation Act, 1929. The Bombay Abkari (Amend-	••••	555 557
••	x	ment) Act, 1929.	••••	
,	XI	The Bombay Smoke Nuisances (Amendment) Act, 1929. The Sind Incumbered Estates	e e e e e e e e e e e e e e e e e e e	559 561
*/ *	ХU	(Amendment) Act, 1929. The Bombay Medical (Amend-	••••	563
**	XIII	ment) Act, 1929. The Bombay University (Amend-	****	565
**	XIV	ment) Act, 1929. The Bombay Prevention of Gambling (Amendment) Act,	••••	567
X	XV	1929. The Bombay Land Revenue	••••	569
· · ·	xvi	Code (Amendment) Act, 1929. The Bombay Port Trust		571
* "	XVII	(Amendment) Act, 1929. The Presidency Area (Emergency) Security Act, 1929.	••••	573
,	XVIII	The Bombay Borstal Schools Act, 1929.		577
. **	XIX	The Bombay Children (Amend- ment) Act, 1929.	••••	583

				l .
Year	No.	Short title or subject	How repealed or otherwise affected	Page
			in Bombay	,
1 4				}
1,	2	3	4	5
·	, 			
1929	XX	The Bombay District Municipal	2	585
		(Amendment) Act, 1929.		1 000
X 🐝	XXI	The Bombay Revenue Jurisdic-	*** * *	587
`		tion (Amendment) Act, 1929.	1 7	
1930	1	The Indian Stamp (Bombay		589
		Amendment) Act, 1930.		000
"	11	The Court-fees (Bombay	••••	591
_	*******	Amendment) Act, 1930.		
39	III	The Bombay City Munici-	•••	593
+		palities (Amendment) Act, 1930.		l .
	IV	The Bombay District Municipal,		595
		Local Boards and City Munici-	77.7	
	•	palities (Amendment) Act, 1930.	•	
Y	₩			201
35"	,	The Bombay Port Trust (Amendment) Act, 1930.	****	601
12.	VI	The Provincial Small Cause	***	603
		Courts (Bombay Amendment)		
		Act, 1930.		
99	VII	The Bombay Civil Courts and	****	605
		the Sind Courts (Amendment) Act, 1930.		
	AIII	Tae Sind Courts Divorce (Tom-		607
,,,	,	porary) Jurisdiction Act,		
	\ <u>`</u>] 1930.		
,,,	IX.	Tae Bombay City Municipali-	*****	609
-	X.	ties (Amendment) Act, 1930. The City of Bombay Municipal		611
**	بحص	(Amendment) Act, 1930.	••••	. 011
K	XI	The Bombay Hereditary Offices		613
· `		(Amendment) Act, 1930.		,
33	XII	The Bombay Prevention of	****	615
		Prostitution (Amendment) Act, 1930.	_	
12-	XIII	The Coroners' (Bombay		617
***	1 7 7	Amendment) Act. 1930.	••••	
39	XIV	The Opium (Bombay Amend- ment) Act, 1930.		625
	9 17	ment) Act, 1930.		627
39	XV	The Bombay University (Amendment) Act, 1930.	4 . 7 1	021
••	XVI	The Indian Stamp (Bombay		629
		Second Amendment) Act, 1930.		
	XVII	The Indian Registration		631
		(Bombay Amendment) Act,		
	XVIII	1930. The City of Bombay Municipal		.635
	;	(Amendment) Act, 1930.		
**	XIX	The City of Bombay Municipal		639
		(Third Amendment) Act, 1930.		0.10
97	XX	The Bombay University (Terri-	** **	643
	-	torial Limits Amendment) Act, 1930.		
	XXI	The City of Bombay Police	-	645
37		(Amendment) Act, 1930.		
59	XXII	The Aden Civil and Criminal,		647
		Justice (Amendment) Act,		
	l	1930.		

	otherwise affected
	in Bombay
	III Dombay
5	4
649	1. Marrie 187
,651	
657	
663	****
•	

BOMBAY ACT No. I OF 1923[1]

[THE BOMBAY ENTERTAINMENTS DUTY ACT, 1923]

[13th January 1923]

Number of Act. Bom, Act No. VI Year. 1925

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

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

- 1. (1) This Act may be called the Bombay Entertainments Duty Short title, Act, 1923. extent and operation.
 - (2) It extends to the whole of the Bombay Presidency.
- (3) It shall come into operation in the first instance only in the city of Bombay, the Ahmedabad municipal district and cantonment, the Surat municipal district, the Poona city and suburban municipal districts, the Poona cantonment, the Sholapur municipal district and the Karachi municipal district and cantonment; but the Governor in Council may by notification[2] in the Bombay Government Gazette direct that it shall come into operation in any other local area on such date as may be specified in such notification.
- 2. In this Act, unless there is anything repugnant in the subject or Definicontext-
 - (a) "entertainment" includes any exhibition, performance, amusement, game or sport to which persons are admitted for payment;
 - (b) "payment for admission" includes any payment made by a person who, having been admitted to one part of a place of entertainment, is subsequently admitted to another part thereof for admission to which a payment involving duty or more duty is required and any payment for seats or other accommodation in a place of entertainment:

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

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

Duty on

payments

for admission to

entertain-

ments.

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

(d) "admission to an entertainment" includes admission to any

place in which the entertainment is held.

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

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

Where the payment, excluding the amount of the duty-

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

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

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

Method of levy.

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

^[1] Vol. V of Bom. Code.

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

payable under section 3, allow the proprietor on such conditions as the Governor in Council may prescribe to pay the amount of the duty due—

(a) by a consolidated payment of a percentage, to be fixed by the Governor in Council, of the gross sum received by the proprietor on account of payments for admission to the entertainment and on account of the duty;

(b) in accordance with returns of the payments for admission to the.

entertainment and on account of the duty;

- (c) in accordance with the results recorded by any mechanical contrivance which automatically registers the number of persons admitted.
- (3) The provisions of sub-section (1) of this section and of section 5 shall not apply to any entertainment in respect of which the duty due is payable in accordance with the provisions of sub-section (2).
- 5. If any person is admitted for payment to any place of entertain-Punishment ment and the provisions of section 4 are not complied with, the proprietor for of the entertainment to which such person is admitted shall, on conviction pliance before a Magistrate, be liable in respect of each offence to a fine which with secmay extend to rupees five hundred and shall be liable to pay any duty tion 4. which should have been paid.
- 6. (1) Entertainments duty shall not be levied on payments for Enter-admission to any entertainment where, in the case of the City of Bombay, for charithe Commissioner of Police, or elsewhere, the District Magistrate, is table or satisfied that—

 educations
 - (a) the whole of the takings thereof are devoted to philanthropic or exempted: charitable purposes without any charge on the takings for any expenses exemption of the entertainment; or by Government.

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

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

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

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

ments duty.

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

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

^[1] For Rules under this section, see Government Notification in the Revenue Department No. 4345E-III, dated 25th January 1923, published in the Bombay Government Gazette, 1923, Part I, pp. 187-192; and also No. 4345E-III, dated 19th February 1923, published in the Bombay Government Gazette, 1923, Part I, p. 378,

- (b) for the use of tickets covering the admission of more than one person and the calculation of the duty thereon; and for the payment of the duty on the transfer from one part of a place of entertainment to another and on payments for seats or other accommodation;
- (c) for controlling the use of mechanical contrivances (including the prevention of the use of the same mechanical contrivance for payments of a different amount), and for securing proper records of admission by means of mechanical contrivances;
- (d) for the checking of admissions, the keeping of accounts and the furnishing of returns by the proprietors of entertainments in respect of which the duty due is payable in accordance with the provisions of section 4, sub-section (2);
- (e) for the renewal of damaged or spoiled stamps and for the procedure to be followed on applications for refund;
 - (f) for the keeping of accounts of all stamps used under this Act;
- (g) for the presentation and disposal of applications for exemption from payment of the entertainments duty or for the refund thereof; and
- (h) for the exemption from entertainments duty of British and Indian soldiers and sailors in uniform.
- (2) If any person acts in contravention of, or fails to comply with, any such rules, he shall, on conviction before a Magistrate, be liable in respect of each offence to a fine not exceeding five hundred rupees.
 - (3) Such rules shall be made after previous publication.
- 8. The Commissioner of Police in the City of Bombay, or the District Magistrate elsewhere, or any officer other than a Police officer below the rank of Head Constable duly authorised by them in this behalf, may enter any place of entertainment while the entertainment is proceeding, and any place ordinarily used as a place of entertainment, at any reasonable time, with a view to seeing whether the provisions of this Act or the rules made thereunder are being complied with.

Recoveries.

Power to enter

place of

entertain-

ment for purposes

of the Act.

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

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

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

BOMBAY ACT No. II OF 1923.[1]

[THE OPIUM (AMENDMENT) ACT, 1923]

[3rd February 1923]

An Act further to amend the Opium Act, 1878.

- of WHEREAS it is expedient further to amend the [2]Opium Act, 1878, 878. in its application to the Presidency of Bombay, in manner hereinafter appearing; and WHEREAS the previous sanction of the Governor General required by clause (e) of sub-section (3) of section 80A of the & 6. Government of India Act has been obtained for the passing of this Act: 180.V. It is hereby enacted as follows:—
 - 1. This Act may be called the Opium (Amendment) Act, 1923. Short title.
- 2. In section 3 of the [2]Opium Act, 1878, hereinafter called the Interpreta1878. said Act, after the definition of "Magistrate" the following definition tion clause.
 shall be inserted, namely:—

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

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

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

- [1] For Statement of Objects and Reasons, see Bombay Government Gazette, 1922, Pt. V, pp. 183-184; and for Proceedings in Council, see Bombay Legislative Council Debates, 1922, Vol. VII.
 - [2] General Acts, Vol. II.
 - [*] Vol. IV of Bom. Code.

V of 1898.

Bom.

IV of

1902.

Disposal of person arrested by officer of Department mentioned in .

section 20.

- . 20B. When any person has been arrested under section 14, 15 or 19 by an officer of the department of Salt and Excise or the Customs department authorised under section 20 or been forwarded to him
- under section 20A, the said officer may detain such person and shall proceed to enquire into the charge against him, and
 - (a) if he is of opinion that there is sufficient evidence or reasonable ground of suspicion against him, he shall forward him to the nearest Magistrate having power to take cognizance of the offence, or admit him to bail if sufficient bail be tendered for his appearance before the Magistrate; or
 - (b) if he is of opinion that there is not sufficient evidence or reasonable ground as aforesaid, or that the person arrested may be discharged with a warning, he shall release him on his executing a bond with or without sureties, to appear, if and when so required, before a Magistrate having power as aforesaid, and make a full report of all the particulars of the case to his official superior and be guided by the order which he shall receive upon such report.

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

- (a) if it appears that such thing is required as evidence in the case of any person arrested, forward it to the Magistrate to whom such person is forwarded or for his appearance before whom bail has been taken,
- (b) if it appears that it is liable to confiscation but is not required as evidence as aforesaid, send it with a full report of the particulars of the seizure to the Collector.
- (c) if no offence appears to have been committed, return it to the person from whose possession it was seized."

Article seized by such officer.

BOMBAY ACT No. IV OF 1923. [1]

[THE BOMBAY PRIMARY EDUCATION ACT, 1923]

[22nd February 1923]

Amended by

Number of Act. Bom. Act No. XV

Year.

1927

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

WHEREAS it is the declared policy of the Government that universal, free and compulsory elementary education for boys and girls should be reached by a definite programme of progressive expansion and WHEREAS it is expedient to provide for a progressive development and expansion of primary education so as to reach that goal on lines recommended by the Compulsory Education Committee of 1921 appointed by the Government, and WHEREAS it is expedient for this purpose to provide for compulsory elementary education and to make better provision for the management and control of primary education in the Presidency of Bombay and WHEREAS the previous sanction of the Governor General required by clause (e) of sub-section (3) of section 80A of the Governor for the ment of India Act has been obtained for the passing of this Act; it is Geo.V. hereby enacted as follows:—

- 1. (1) This Act may be called the Bombay Primary Education Act, Short title and extent.
 - (2) It extends to the whole of the Bombay Presidency except the City of Bombay.
 - 2. In this Act unless there is anything repugnant in the subject or Definitions. context-

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

"area of compulsion" means the area in which elementary education

is compulsory:

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

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

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

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

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

"parent" includes a guardian and any person who has the actual custody of a child:

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

Constitution of school boards.

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

Explanation.—Backward and depressed classes shall mean classes so declared by the Government.

- (2) The Government may appoint not more than three additional members if the local authority is a municipality and not more than four if the local authority is a district local board.
- (3) The term of the school board shall be co-extensive with the term of the local authority; and at the end of such term the members of the school board shall vacate office, provided that they shall continue in office till a new school board is appointed.
- (4) Casual vacancies during the terms of the school board shall be filled by election or nomination as the case may be for the remaining period.

duties of school boards. Commencement.

- 4.[1] (1) From such date as the Government may direct in this behalf in respect of each school board, and subject to the general control of the local authority, the school board shall exercise and perform such powers and duties as may be enacted in or prescribed under this Act.
- (2) The school board shall exercise the powers and perform the duties of the local authority for which it is constituted in respect of primary education and if the local authority is a district local board, it shall also exercise the like powers and perform the like duties of the municipalities in the district which are not local authorities. The school board shall also enforce the provisions of this Act.

^[1] For Notifications regarding the dates of transfer of control of primary education to several local authorities, see p. 16 infra.

- (3) The school board shall submit its annual budget and all alterations therein for the sanction of the local authority.
- (4) The school board shall further exercise such powers and perform such duties in respect of any educational purpose as may be delegated to it by the local authority or any such municipality as aforesaid.
- (5) The school board shall elect its chairman from amongst the members of the board.
- The school board may from time to time delegate any of its powers Delegatio and duties to any sub-committee or member or honorary or stipendiary of duties. officer of the board; such committee, member or officer shall conform to any instructions that may from time to time be given by the school board; the board may at any time discontinue or alter the constitution of any sub-committee so formed or withdraw any of the powers or duties so delegated.
- 6.[1] (1) Every municipality which is not a local authority shall on Transfer of a date to be notified by the Government in this behalf transfer to the schools by municipality district local board of the district in which it is situate all primary schools, to district with their lands, buildings, records and equipment, which vest in it and local board; shall pay over annually to the said district local board for educational retransfer. purposes such amount as may from time to time be fixed by the Government on the basis of the number of children of the municipal district receiving primary education from the district local board, and the income accruing from any funds (including trust funds) held and all monies received by it for purposes of primary education.
- (2) If any such municipality is at any time authorized by the Government to manage its own schools, the district local board of the district shall on a date to be notified by the Government in this behalf transfer to such municipality all primary schools, with their lands, buildings, records and equipment, situated in the area subject to such municipality; and such municipality shall from the aforesaid date no longer be liable to make the payments required by sub-section (1).
- 7. Where in any municipality a school committee has been appointed Control of Bom. under section 28 of the [2] Bombay District Municipal Act, 1901, the primary III of control by that committee of primary education shall from a date to be by school notified by the Government in this behalf cease. to cease.
 - 8. (1) A local authority shall take over and employ such primary Absorption school teachers employed under the Educational Department of the of existing Government as the Government may direct, on the same terms and staff by local conditions on which such persons were employed under the said depart-authorities; ment.

services of such officers shared by local autho-

^[1] See footnote to section 4 (1) on p. 8 supra.

^[*] Vol. IV of Bom. Code.

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

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

- (b) that the scales of pay and allowances applicable to such teachers at the time at which they are taken over and employed by the local authority shall not be altered without the previous sanction of the Government.
- (3) A local authority shall make such payments to such other local authority as the Government may direct in respect of services rendered to such authority by any teacher taken over by such other authority under the provisions of sub-section (1).
- (4) The provisions of this section shall apply to all primary school teachers employed under the Educational Department of the Government on or before the first July 1923 or on or before the date prescribed under section 4, sub-section (1), whichever shall be later.

School Board Administrative Officer.

- 9. (1) The local authority shall, [1]after inviting and considering the suggestions, if any [1] of the school board and with the approval of the Government, appoint an officer who shall be called the School Board Administrative Officer. He shall be the chief executive officer of the school board and his pay, powers and duties shall be determined by rules made in this behalf by the local authority and sanctioned by the Government.
- (2) No such officer shall, save with the previous sanction of the Government, be removable from office, reduced or suspended unless by the votes of at least two-thirds of the whole number of councillors.

Declaration by local authority of intention to provide compulsory elementary education.

- 10. (I) A local authority may by resolution declare its intention to provide compulsory elementary education in the whole or any part of the area subject to its jurisdiction in the case of children of either sex or both sexes and, if the local authority is a district local board, in any area subject to the jurisdiction of a municipality situate in the district which is not a local authority and shall submit its proposals to the Government in the form of a scheme.
- (2) A local authority, if called upon by the Government so to do, shall within a time to be specified by the Government submit a scheme to provide compulsory elementary education in such area as above as the Government may direct and in the case of children of either sex or both sexes as the Government may specify.
- (3) Every local authority shall, within the prescribed period, prepare as complete a programme as possible for the universal introduction of compulsory education within the area subject to its jurisdiction within a definite period.

^{[1]-[1]} These words were substituted for the original words by Bom. XV of 1927, s. 2.

- 11. The scheme shall contain the following particulars:-
 - (a) the area of compulsion;

Particulars to be contained in scheme.

- (b) a census of children of either sex or both sexes residing within such area and classified by communities and vernaculars;
- (c) a list of existing and proposed schools indicating the private schools which will be approved schools;
- (d) a schedule of existing and proposed teaching, inspecting and supervising staff;
- (e) the manner in which provision will be made for the compulsory elementary education in their vernaculars of the children of all communities in the area of compulsion;
- (f) the recurring and non-recurring cost of the scheme and how the local authority proposes to meet its share of it; and
- (g) if there is a municipality which is not a local authority within the area of compulsion, the annual contribution which the municipality in the opinion of the local authority should make.
- 12. The Government may after such enquiry as shall seem necessary Sanction of sanction such scheme with or without modification.

 Government to scheme.
- 13. (1) If the scheme is sanctioned the Government shall bear half Government of the additional recurring and non-recurring annual cost of the scheme to make if the local authority is a municipality and two-thirds of the said cost provision for if the local authority is a district local board; but the liability of the scheme. Government shall not exceed half or two-thirds, as the case may be, as it was estimated by the local authority.
- (2) Nothing in this section shall affect the claim of any local authority to any annual grant which at the time this Act comes into operation is being paid to it by the Government for purposes of primary education, provided that if the Government consider that the educational fund of any local authority has been or is about to be misused or misapplied, they may call upon such local authority for an explanation of such misuse or misapplication; and if not satisfied with the explanation given may make such reduction in the grants payable to such local authority as they deem proper.
- 14. When a scheme has been sanctioned the local authority shall Duty of local make adequate provision for compulsory elementary education within authority. the area of compulsion and no fee shall be charged in any school within such area managed by the school board in respect of the elementary education of any child.
- 15. A sanctioned scheme may with the sanction of the Government Modification, be withdrawn or from time to time modified by a local authority or may etc. of by an order published with the reasons for making it in the Bombay sanction. Government Gazette be modified, cancelled or temporarily suspended by the Government.

Inspection of schools. Returns.

- 16. (1) Every approved school and every primary school maintained or aided by a local authority shall be open during school hours to inspection by the inspecting officers of the Government and of the local authority, for the purpose, in particular, of ascertaining—
 - (a) whether instruction is given as prescribed or sanctioned under section 17:
 - (b) whether any instruction of a pernicious nature is given;
 - (c) whether the provisions of the Act for the compulsory attendance of children are being carried out; and
 - (d) whether the prescribed registers and records are being maintained.
- (2) The school board in respect of any such school maintained by a local authority, and the manager of any other such school shall furnish such returns and supply such information as the Government or the local authority may from time to time require.

Subjects, curricula, etc., of approved schools.

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

Duty of parents to cause children to attend school.

to attend school. Meaning of reasonable

excuse.

- 18. In every area of compulsion the parent of every child to whom a scheme applies shall in the absence of a reasonable excuse as hereinafter provided and if such parent and child ordinarily reside in such area cause such child to attend an approved school in such area.
- 19. A parent shall be deemed to have a reasonable excuse for failure to cause a child to attend an approved school in any of the following cases:—
 - (a) where the child is prevented from attending school by sickness, infirmity or other unavoidable cause;
- (b) where the child is receiving, otherwise than in an approved school, instruction which in the opinion of the school board is efficient, or has received from the school board a certificate of having already completed his elementary education;
 - (c) where there is no approved school within a distance to be fixed by the Government in consultation with the school board and measured according to the nearest road, from the residence of the child;
 - (d) where after due application, entrance to an approved school has been refused to the child and there is no other approved school to which he can be admitted within the distance fixed under clause (c) until such time as the parent is notified that the child can be admitted;
 - (e) where there is no approved school in the locality in which instruction is given in the vernacular of the child;
 - (f) where there is no approved school in the locality to which the parent can send the child without exposing it to religious instruction to which the parent objects.

- 20. (1) Where the school board is satisfied that the parent of any Issue of child who is bound under the provisions of section 18 to cause such attendance order. child to attend an approved school, has failed to do so, the school board, after giving the parent an opportunity of being heard and after such enquiry as it considers necessary, may pass an order directing the parent to cause such child to attend an approved school on and from a date which shall be specified in the order.
- (2) This power may be delegated by the school board to a person or committee appointed by it.
- 21. (1) Any parent against whom an order with reference to a child Penalty for has been passed under section 20 and who fails to comply with the provicause child sions of section 18 with respect to such child on and after the date specitor attend fied in such order shall, if he resides in a town or village where there is a school magistrate, on conviction by such magistrate, and, if he resides elsewhere, on conviction by a revenue or police patel or other person empowered in this behalf by the District Magistrate, be liable to a fine not exceeding two rupees and, if such failure continues after such conviction, he shall also on conviction by such magistrate, patel or person be liable to a fine of eight annas for every day that the failure continues or is repeated.
- (2) No magistrate, patel or person shall take cognizance of an offence under sub-section (1) except on the complaint of the authority or person who passed the order under section 20, or by any person authorised by the said board in this behalf.
- 22. (1) Whoever knowingly takes into his employment, either on Penalty for his own behalf or on behalf of any other person, any child in respect of employing whom the provisions of section 18 apply, so as to interfere with the for comefficient instruction of such child, shall, on conviction before a magistrate, pulsory be liable to a fine not exceeding twenty-five rupees.
- (2) No court shall take cognizance of an offence under this section except on the complaint of the school board or the School Board Administrative Officer or any person authorized by the said board or officer in this behalf; and before making any complaint under this section against any person, the school board or the School Board Administrative Officer or such person shall, unless such person has previously been convicted under this section in respect of the same child, cause a warning to be given to such person.
- 23. (1) If a fine imposed under section 21 or 22 by a magistrate, Fines how patel or person is paid, it shall be credited to the local authority and dealt with applied by the said authority for educational purposes.
- (2) If such fine be not paid the amount thereof shall be recoverable by the local authority in the same manner as an amount claimed on account of a tax.
- 24. An appeal from a conviction under section 21 by a patel or person Appeal, shall lie to the nearest magistrate having jurisdiction in the town or village where the appellant resides.

Power toexempt particular classes.

Default by local authority.

Rules

- 25. The Government may by notification in the Bombay Government Gazette exempt children of either sex of any particular class or community in any area of compulsion or part thereof from the operation of this Act.
- 26. (1) If a local authority when called upon makes default in preparing a scheme or after a scheme has been sanctioned omits to make adequate provision for compulsory elementary education in accordance with a scheme as sanctioned and to bring into operation or continue to keep in operation such scheme, the Government may after due enquiry appoint a person to prepare the scheme or to bring it into operation or to continue to keep it in operation as the case may be, and the expense thereof shall be paid by the local authority to the Government.
- (2) If the expense is not so paid the Government may make an order directing any person who has for the time being custody of any moneys on behalf of the local authority either as banker or in any relation to pay such expense from such moneys as he may have in his hands or may from time to time receive and such person shall be bound to obey such order.

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

- (a) the exercise and performance of the powers and duties of local authorities, municipalities which are not local authorities, school boards and School Board Administrative Officers and their relations with the Government Educational Department and with each other in educational matters;
- (b) the maximum and minimum pay, the grant of pension or provision of provident funds, the grant of leave and other conditions of service of, to or for the teaching, inspecting and supervising staff employed by a local authority;

(c) matters to be prescribed under the Act.

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

publication.

- (3) The local authority may from time to time with the sanction of the Government make regulations not inconsistent with the provisions of this Act and the rules thereunder for carrying out the purposes of this Act; in particular and without prejudice to the generality of the foregoing provisions, the local authority may make regulations—
 - (a) including in the curriculum of primary education courses of practical instruction suitable to local needs;
 - (b) for the instruction in experimental science, modelling, nature study, manual training, and prevocational work including household science of children of any age receiving primary education;
 - (c) for the physical and moral training of children of any age receiving primary education;
 - (d) determining the pay and terms of employment of the teaching, inspecting and supervising staff and regulating the administration and management of primary schools;

^[1] For Notifications publishing Rules under this section, see p. 19 infra.

- (e) for the supply of books, slates and educational requisites to indigent children of any age receiving primary education;
- (f) prescribing prevocational courses as a part of upper primary education.

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

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

[See footnote to section 4 (1)]

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

- G.N. No. 2272, dated 10th January 1925, published in the B. G. G., Part I, 1925, page 249.
- G.N. No. 2272, dated 27th January 1925, published in the B. G. G., Part I, 1925, page 330.
- G.N. No. 2272, dated 29th January 1925, published in the B. G. G., Part I, 1925, page 492.
- G.N. No. 2272, dated 10th March 1925, published in the B. G. G., Part I, 1925, page 752.
- G.N. No. 2515, dated 12th March 1925, published in the B. G. G., Part I, 1925, page 783.
- G.N. No. 2515-A, dated 12th March 1925, published in the B. G. G., Part I, 1925, page 783.
- G.N. No. 2272, dated 19th March 1925, published in the B. G. G., Part I, 1925, page 994.
- G.N. No. 2272, dated 24th March 1925, published in the B. G. G., Part I, 1925, page 994.
- G.N. No. 2272, dated 25th March 1925, published in the B. G. G., Part I, 1925, page 1041.
- G.N. No. 2272, dated 26th March 1925, published in the B. G. G., Part I, 1925, page 1042.
- G.N. No. 2272, dated 4th April 1925, published in the B. G. G., Part I, 1925, page 1042.
- G.N. No. 2272, dated 15th April 1925, published in the B. G. G., Part I, 1925, page 1192.
- G.N. No. 2272, dated 7th May 1925, published in the B. G. G., Part I, 1925, page 1344.
- G.N. No. 2272, dated 9th May 1925, published in the B. G. G., Part J. 1925, page 1423.
- G.N. No. 2272, dated 25th May 1925, published in the B. G. G., Part I, 1925, page 1476.
- G.N. No. 2272, dated 29th May 1925, published in the B. G. G., Part I, 1925, page 1477.
- G.N. No. 2272, dated 29th May 1925, published in the B. G. G., Part I, 1925, page 1522.
- G.N. No. 2272, dated 10th June 1925, published in the B. G. G., Part I, 1925, page 1573.
- G.N. No. 3608, dated 11th June 1925, published in the B. G. G., Part I, 1925, page 1604.
- G.N. No. 2515, dated 15th June 1925, published in the B. G. G., Part I, 1925, page 1605.
- G.N. No. 2515, dated 17th June 1925, published in the B. G. G., Part I, 1925, page 1674.
- G.N. No. 2515, dated 17th June 1925, published in the B. G. G., Part I, 1925, page 1675.
- G.N. No. 2515, dated 16th July 1925, published in the B. G. G., Part I, 1925, page 1999.
- G.N. No. 3608, dated 18th July 1925, published in the B. G. G., Part I, 1925, page 1999.
- G.N. No. 2272, dated 31st July 1925, published in the B. G. G., Part I, 1925, page 2109.
- G.N. No. 2515, dated 8th August 1925, published in the B. G. G., Part I, 1925, page 2146.
- G.N. No. 2515, dated 11th August 1925, published in the B. G. G., Part I, 1925, page 2170.

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

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

[See footnote to section 27]

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

See also the following Government Notifications:-

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

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

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

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

No. S. 96, dated the 31st May 1930, published in the B. G. G., Part I, 1930, page 1369.

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

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

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

No. S. 96, dated the 11th September 1930, published in the B. G. G., Part 1, 1930, pages 2359-60.

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

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

BOMBAY ACT No. V OF 1923.[1]

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

[9th March 1923]

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

- m. WHEREAS it is expedient further to amend the [2]Bombay Port of Trust Act, 1879, in manner hereinafter appearing; AND WHEREAS the previous sanction of the Governor General required by clause (e) of subsection (3) of section 80-A of the Government of India Act has been over obtained for the passing of this Act; It is hereby enacted as follows:—
 - 1. (1) This Act may be called the Bombay Port Trust (Amendment) Short title and commencement.
- (2) The nominee and elective trustees holding office, at the time that m. this Act comes into operation, under the provisions of the [2] of Bombay Port Trust Act, 1879, shall continue in office until the 31st day of March 1923; and notwithstanding anything contained in section 9 of the said Act, the term of office of the said trustees shall expire on the said date.
 - (3) The term of office of the first nominee and elective trustees nominated and elected under the said Act as amended by this Act shall commence on the 1st day of April 1923.
 - (4) For the purposes of the first election held under the said Act as amended by this Act the word "twenty-fifth" in section 10 of the said Act shall be deemed to have been substituted for the word "fifteenth".
- 2. In section 5 of the [2] Bombay Port Trust Act, 1879, hereinafter Amendment of called the said Act,
 879.

 Section 5 of Bom. VI
 - (a) in sub-section (1) for the words "seventeen", "seven" and of 1879. "nine" the words "twenty-one", "thirteen" and "seven" shall respectively be substituted, and
 - (b) in sub-section (2).
 - (i) for the word "nine" the word "seven" shall be substituted; and
 - (ii) the last sixteen words shall be omitted.

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

^[*] Vol. II of Bom. Code.

Amendment of

1) of Bom.

₹Í of 1879.

Amend-

ment of

section 19 of Bom. VI

of 1879.

Amendment of

section 23

of Bom. VI of 1879.

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

"(1) The elective-trustees shall be elected as follows:five by the Bombay Chamber of Commerce, five by the Indian Merchants' Chamber and Bureau, two by the Municipal Corporation of the City of Bombay, and

one by the Bombay Millowners' Association". From sub-section (2) of section 19 of the said Act, the following words shall be omitted, namely:— "and subject to the regulations at the time being in force framed

by the Board under section 22, dispose of all questions relating to the service of the said officers and servants, and their pay, privileges and allowances." (1) In paragraph 1 of section 23 of the said Act for the

word "three" the word "five" shall be substituted. (2) To paragraph 1 of section 23 the following shall be added, namely:--

"and, subject to the regulations at the time being in force under section 22, the power of disposing of all other questions relating to the services of the officers and servants of the Board and their pay, privileges and allowances shall be exercised by the Chairman: Provided that the Chairman may upon such terms as he shall think

Chairman's powers of revision and control delegate to the head of any department for the time being all or any of his powers under this section in respect of officers and servants of the department whose monthly salary does not exceed three hundred rupees.

fit and subject to the aforesaid provisions and regulations and to the

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

BOMBAY ACT No. VI OF 1923.[1]

[THE BOMBAY LOCAL BOARDS ACT, 1923]

[17th March 1923]

1930

Amended bu Year. Number of Act. 1925Bom. Act. No. II 1925 No. XIII 1926No. VII No. X 1927 1928 No. V 1930

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

No. IV

Geo. V, o.

Bom.

1869.

Bom. III of

1869. Bom.

[of

1884.

No. XXV

WHEREAS it is expedient to consolidate and amend the law relating to local boards and local funds and whereas the previous sanction of the Governor General required by clauses (a), (e) and (h) of sub-section (3) of section 80A of the Government of India Act, has been obtained for the passing of this Act; It is hereby enacted as follows:—

CHAPTER I.—PRELIMINARY.

1. (1) This Act may be called the Bombay Local Boards Act, 1923. Short title and extent. (2) It extends to the whole of the Presidency of Bombay except the City of Bombay and Aden.

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

- 3. In this Act, unless there is anything repugnant in the subject or Interpretation section. context.
- (a) The words "salaried servant of the Government" do not include a retired servant of the Government in receipt of a pension or a person in receipt of a salary or fees from the Government who is not a full-time servant of the Government;
- (b) the word "taluka" means any local area for which a taluka board is established, inclusive of the portion of such area if any, for the time being within a municipal district or a Military cantonment;

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

- (c) the word "Mamlatdar" means in Sind a Mukhtyarkar; and
- (d) any word or expression which is defined in the Bombay Land Bom. Revenue Code, 1879, and is not hereinbefore defined, shall be deemed to V of have the meaning given to it by that Code.

CHAPTER II.—Constitution of Local Boards.

Establishment of district and taluka local boards.

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

 V of 1879.
- (2) Local funds shall be administered by local boards established under the provisions of this Act.
- (3) A district local board and subject to the authority of the district local board, a taluka local board shall have authority for the purposes of this Act over the area for which it has been established, except such portion thereof as is for the time being within the limits of a municipal district or cantonment.
- (4) Any local board established under the [1] Bombay Local Boards
 Act, 1884, and existing immediately prior to the coming into force of this Bom.
 Act, shall be deemed to have been established under this Act;

 I of
 1884.

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

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

Constitution of local boards.

- 5. (1) Every district and taluka local board shall consist of—
 - (a) elective members, and
- (b) such persons, if any, as the Government or any officer whom it authorizes in this behalf from time to time appoints, who shall be called "nominated members".
- (2) Any officer of the Government may be appointed by the said authority by his official designation only to be ex-officio a member of the board. The holder of the office for the time being and all persons succeeding thereto shall then be members of the board in succession, provided that the combined term of office of such persons as members

of the board shall be limited in the manner provided in this Act for the term of office of a person appointed to be a member otherwise than exofficio.

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

shall be salaried servants of the Government.

- (4) Where in the opinion of the Government in the area subject to a local board the number of any class which in the opinion of the Government is a depressed class is sufficient to require representation on the local board and no member of such class has been elected and a member of such class is qualified and willing to be nominated a member of the board, the Government shall nominate one such member to be a member of the local board.
- (5) Any vacancy due to failure to elect at any election or by-election the full number of elected members may be filled by appointment by the Government.
- 6. [1] The elective members of local boards shall be elected by general Elective and Mahomedan constituencies and the number and the extent of such local boards constituencies and the number of members to be elected by each constituency shall be as prescribed by orders made by the Government under be elected. clause (a) of section 133.
- 7. (1) The Government may at any time by notification in the Constitution Bombay Government Gazette direct that the provisions of sections 5 and of local 6, and the subsequent provisions of this Act which refer to those sections, exceptional or any one or more of the said provisions, shall not apply to any local cases. board to which for exceptional reasons, which shall be set forth in the said notification, the Government shall deem such provisions to be unsuitable.
- (2) In the said notification or any subsequent notification published as aforesaid the Government may substitute such provision or provisions as it deems fit for the provision or provisions declared inapplicable to any local board and the provision or provisions so substituted shall have effect, so far as concerns such board, as if they were inserted in this Act.
- (3) In the event of any notification under sub-section (1) being rescinded the local board affected thereby shall, from a date to be fixed in this behalf by the Government, be constituted in accordance with sections 5 and 6 and the subsequent provisions of this Act having reference thereto.
- [2] 8. Subject to the provisions of this Act and of any other law Qualifications for the time being in force,—
 - (a) every person whose name is entered in the list prepared under for election section 11 for a constituency of a taluka local board may be a candidate to local boards. at any election for such taluka local board; and

^[1] See footnote to Section 133.

^[1] This section was substituted for the original section by Bom. II of 1925, s. 2.

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

General disqualifications of members.

- 9. (1) No person may be a member of a local board who—
- (a) is less than 21 years of age, or
- (b) is a Judge of a civil court, or
- [1] (c) (i) has been sentenced by a criminal court to imprisonment or whipping for an offence punishable with imprisonment for a term exceeding six months, or to transportation, such sentence not having been subsequently reversed or quashed, if and so long as such sentence has not expired, or
- (ii) is a person against whom an order has been passed under section 118 of the Code of Criminal Procedure, 1898, in proceedings instituted V of under section 110 of that Code, such order not having been subsequently reversed or quashed, if and so long as such order is in force, or
- (iii) has been removed from office under section 31 and five years have not elapsed from the date of the expiry of such removal,

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

- [2] (d) is a stipendiary officer or servant of a local board, or
- [2] (e) has directly or indirectly, by himself or his partner, any share or interest in any work done by order of a local board, or in any contract or employment with, or under, or by, on behalf of a local board.
- (2) No person shall be disqualified under clause [3] (e) or sub-section
- (1) for membership of a local board by reason only of such person—
 - (a) having share in any joint stock company or a share or interest in any society registered or deemed to be registered under the [4] Co-II of operative Societies Act, 1912, which shall contract with or be employed 1912. by or on behalf of the local board; or
 - (b) having a share or interest in any newspaper in which any advertisement relating to the affairs of the local board may be inserted; or
 - (c) holding a debenture or being otherwise concerned in any loan raised by or on behalf of the local board; or
 - (d) being professionally engaged on behalf of the local board as a legal practitioner.
- (3) If any person is elected or appointed to a local board and is subject to any of the disqualifications specified in this section, his seat shall be

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

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

^[3] The letter and brackets "(e)" were substituted for the original letter and brackets "(f)" by Bom. XIII of 1925, s. 2 (2).

^[4] General Acts Vol. V.

deemed to be vacant and the vacancy shall be filled up, as soon as conveniently may be, by the election or appointment, as the case may be, of a person thereto, who shall hold office so long only as the person in whose place he is elected or appointed would have held it if he had been eligible to be a member of the board.

- (4) If any question, dispute or doubt arises whether a vacancy has occurred under this section, the orders of the Commissioner shall be final for the purpose of deciding such question, dispute or doubt.
- 10. A person who has already been elected or appointed a member Re-eligibility of a board on one or more occasions shall, if otherwise duly qualified, of members, be eligible at any time for re-election or re-appointment.
- 11. (1) The Collector shall keep a list for each constituency of each Preparation local board within his district of the persons qualified to vote in such of list of constituency at elections of members of the local board.
- (2) Such list shall be prepared by the Collector whenever a date has been fixed for any election of persons to fill the places of persons whose term of office has expired or whenever the Commissioner so directs, and shall be based upon such information as shall be available in the records of the Collector and of the officers subordinate to him, and also upon the past decision of the Collector under section 22 of the [1] Bombay Local Boards Act, 1884, or under section 13.
- 12. (1) A list prepared under section 11 shall be published by affixing, Publication in some conspicuous place in or near the office of the local board and of of the lists. each Mamlatdar and Mahalkari, and in the chavdi or some other public building of each town or village in the district, a copy of the list or of so much of the list as relates to the taluka, town or village.
- (2) The publication aforesaid shall be made in the vernacular language of the district and where a date has been fixed for any election of persons to fill the places of members whose terms of office have expired, at least three months before such date.
- 13. The Collector may, on application being made to him at any time Revision within one month after the publication of the list aforesaid by any person of lists. claiming to be qualified to vote at any election of members of the local board, correct any erroneous entry in the list, or insert therein the name of any person whose right to be entered in the list is proved to the satisfaction of the Collector. The Collector's decision shall be final and conclusive.
- 14. (1) The Collector, after revising the list as provided in section 13, Final shall republish the same within two months from the date of publication of list. under section 12 in the manner provided in that section.
- (2) No person whose name is not in the revised list last published Lists before the date of any election shall be qualified [2] to vote at the conclusive election of a member for the constituency for which such list has been right to be prepared.

 Vote.

^[1] Vol. II of Bom. Code.

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

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

What persons at elections.

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

> every person who on the first day of January next preceding the date on which the list is published under section 12 had a place of residence within the [2][constituency] and who-

- (a) (i) on the first day of January aforesaid held in his own right or occupied as a permanent tenant or as a lessee from the Government alienated or unalienated land in Sind on which in any one of the five revenue years preceding the date of publication of the list under section 12 an assessment of not less than Rs. 8 has been paid or would have been paid if the land had not been alienated, or
 - (ii) on the first day of January aforesaid held in his own right or occupied as a tenant in any place in the Bombay Presidency, other than Sind, alienated or unalienated land assessed at or of the assessable value of not less than Rs. 8 land revenue; or
 - (b) on the first day of January aforesaid was the alience of the right of the Government to the payment of rent or land revenue amounting to not less than Rs. 8, leviable in respect of land so alienated and situate within the Bombay Presidency, or was a khot or a sharer in a khoti village or a sharer in a bhagdari or narvadari village or a talukdar or sharer in a talukdari estate in the said Presidency, responsible for the payment of not less than Rs. 8 land revenue; or
 - (c) was assessed to any tax imposed by a local board (other than a toll or octroi) in the financial year preceding that in which the list is published under section 12.
- (2) Unless so disqualified the following persons shall be entitled to have their names entered in the list for a constituency prescribed under section 6 qualifying them to vote at elections of members of district local boards in such constituency, namely :-

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

(a) (i) in the case of any constituency in Sind on the first day of January aforesaid held in his own right or occupied as a permanent tenant or as a lessee from the Government alienated or unalienated land in Sind on which, in any one of the five revenue years preceding the date of publication of the list under section 12, an assessment

^[1] Sub-section (3) was inserted by Bom. II of 1925, s. 3 (2).

^[2] This word was substituted for the word "taluka" by Bom. II of 1925, s. 4 (1).

^[8] This word was substituted for the word "district" by Bom. II of 1925, s. 4 (1).

of not less than Rs. 16 land revenue in the Upper Sind Frontier district and of not less than Rs. 32 land revenue elsewhere has been paid or would have been paid if the land had not been alienated, or

- (ii) in the case of any other constituency of the Bombay Presidency on the first day of January aforesaid held in his own right or occupied as a tenant in any place in the Bombay Presidency, other than Sind, alienated or unalienated land assessed at or of the assessable value of not less than Rs. 16 land revenue in the Panch Mahals or Ratnagiri districts and not less than Rs. 32 land revenue elsewhere; or
- (b) on the first day of January aforesaid was the alienee of the right of the Government to the payment of rent or land revenue, amounting to not less than Rs. 16 in the Panch Mahals or Ratnagiri or Upper Sind Frontier districts and to not less than Rs. 32 elsewhere, leviable in respect of land so alienated and situated within the Bombay Presidency, or was a khot or a sharer in a khoti village or a sharer in a bhagdari or narvadari village or a talukdar or a sharer in a talukdari estate in the said Presidency, responsible for the payment of not less than Rs. 16 land revenue in the Panch Mahals or Ratnagiri or Upper Sind Frontier districts and not less than Rs. 32 land revenue elsewhere; or
- (c) was assessed to any tax imposed by a local board (other than a toll or octroi) in the financial year preceding that in which the list is published under section 12.

(3) Provided that-

- (a) no person who is not a Mahomedan shall be entered in a list for a Mahomedan constituency; and
- (b) no person who is a Mahomedan shall be entered in a list for a general constituency.
- [1] [Provided further that no person shall be entitled to have his name registered on the electoral roll of more than one constituency of the same taluka local board or of more than one constituency of the same district local board.]
 - (4) For the purposes of this section-
 - (a) a "holder" means a person lawfully in possession of land whether such possession is actual or not;
 - (b) a "tenant" means a lessee, whether holding under an instrument or under an oral agreement and includes a mortgagee of a tenant's rights with possession;
 - (c) where any property is held or occupied or payment is made or received jointly by the members of a joint family, the family shall be adopted as the unit for deciding whether the requisite qualification exists; and if it does exist, the manager of the family only shall be qualified as an elector in respect of such property or payment;

- (d) no person holding or occupying any property or making or receiving any payment in a fiduciary capacity shall be qualified as an elector for any constituency in respect of such property or payment;
- (e) the average rate of assessment on assessed land in a village or, if there is no such land in the village, the average rate of assessment on assessed land in the nearest village containing such land shall be taken as the rate for calculating the assessable value of unassessed land in such village;
- (f) for the purpose of deciding any claim to be entered in any list in respect of any assessment or payment of land revenue or tax, an entry in any revenue or local board record, stating the amount of such assessment or payment, shall be conclusive proof of the amount of such assessment or payment.

General disqualification of voters.

Elections

held.

when to be

- 16. No person who is less than twenty-one years of age shall be entitled to have his name entered in a list prepared under section 11.
- 17. Every election requisite for the purposes of this Act shall be held on such date as the Collector shall fix in this behalf:

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

Provisions for election or nomination in particular cases.

- 18. (1) If at any election of a member of a local board under this Act there is an equal number of votes in favour of each of two or more persons who are willing to take office, and the addition of one vote will entitle any of the persons to be elected, the determination of the person or persons to whom such one additional vote shall be deemed to have been given shall be made by the Collector, or by such officer as he may empower in this behalf, by lot in such manner as he shall deem fit.
- (2) If any person duly elected at any such election declines to take office, the person, if any, amongst the unsuccessful candidates in whose favour the highest number of votes has been recorded and who is willing to take office shall be deemed to be the member elected.
- (3) If at any contested election no votes are recorded, or if for any reason an election does not result in the return of the required number of qualified persons willing to take office, the Collector, in the case of a taluka local board, and the Commissioner, in the case of a district local board, shall appoint the required number of persons, being persons who would have been qualified to be elected, and the persons so appointed shall be deemed to be members of the local board as if they had been duly elected.

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

district within which the election has been or should have been held for the determination of such question.

- (2) An enquiry shall thereupon be held by a Judge, not below the grade of an Assistant Judge, appointed by the Government either specially for the case or for such cases generally; and such Judge may, after such enquiry as he deems necessary, pass an order confirming or amending the declared result of the election or the order of the Collector under section 18, or setting the election aside. For the purposes of the said enquiry the said Judge may exercise any of the powers of a civil court, and his decision shall be conclusive. If he sets aside an election, a date shall forthwith be fixed and the necessary steps taken, for holding a fresh one.
- (3) (a) If on holding such enquiry the Judge finds that a candidate has for the purpose of the election committed a corrupt practice within the meaning of sub-section (4), he shall declare the candidate disqualified both for the purpose of that election and of such fresh election as may be held under sub-section (2), and shall set aside the election of such candidate if he has been elected.
- (b) If, in any case to which clause (a) does not apply, the validity of an election is in dispute between two or more candidates, the Judge shall, after a scrutiny and computation of the votes recorded in favour of each such candidate, declare the candidate who is found to have the greatest number of valid votes in his favour to have been duly elected:

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

- (4) A person shall be deemed to have committed a corrupt practice—
- (a) who with a view to inducing any voter to give or to refrain from giving a vote in favour of any candidate, offers or gives any money or valuable consideration, or holds out any promise of individual profit, or holds out any threat of injury, to any person, or
- (b) who gives, procures, or abets the giving of a vote in the name of a voter who is not the person giving such vote;

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

Explanation.—The expression "a promise of individual profit"—

- (i) does not include a promise to vote for or against any particular measure which may come before a local board for consideration, but
- (ii) subject thereto, includes a promise for the benefit of the person himself or any person in whom he is interested.
- (5) If the validity of the election is brought in question only on the ground of an error made by the officer charged with carrying out the rules made in this behalf under clause (b) of section 133, or of an

irregularity or informality not corruptly caused, the Judge shall not set aside the election.

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

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

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

Voter disqualified for corrupt practice.

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

Publication of names of members in the Bombay Government Guzette.

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

Election of presidents.

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

presidents.

(2) The board shall also elect one of its members to be vicepresident.

servants of the Govern-

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

Functions of presidenta.

ment.

- 23. (1) The president of a local board shall—
 - (a) preside at the meetings of the board;
- (b) watch over the financial and executive administration of the board and submit to the board all questions connected therewith which shall appear to him to require its orders;
- (c) exercise supervision and control over the acts and proceedings of all officers and servants of the board in matters of executive administration, and in matters concerning the accounts and records of the board; and, subject to the regulations at the time being in force framed by the board under section 123, dispose of all questions relating to the service of the said officers and servants, and their pay, privileges and allowances; and

- (d) furnish to the Collector or to such other officer as the Collector shall from time to time nominate in this behalf, a copy of every resolution passed at every meeting of the board and any extract from the minutes of the proceedings of the board, or other document or thing which the Commissioner, Collector or other duly authorized officer of the Government may from time to time call for under section 124.
- (2) The president of a local board may in cases of emergency direct Emergency the execution or stoppage of any work or the doing of any act which powers of requires the sention of the local beard and the investment of the local beard and the local beard and the requires the sanction of the local board, and the immediate execution or doing of which is, in his opinion, necessary for the service or safety of the public, and may direct that the expense of executing such work or doing such act shall be paid from the local fund:

Provided that-

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

Functions of vice-

- (a) in the absence of the president preside at the meetings of the presidents. board;
- (b) exercise such of the powers and perform such of the duties of the president as the president from time to time deputes to him; and
- (c) pending the election of a president, or during the absence of the president on leave, exercise the powers and perform the duties of the president.
- 25. (1) Every president of a local board who for a period exceeding Consequence three months, and every vice-president who for a period exceeding one of absence of month, shall absent himself from the district or taluka for which the vice-president local board is established in such manner as to be unable to perform without his duties as such president or vice-president, shall cease to be president or vice-president, as the case may be, unless leave so to absent himself has been granted by the board or in the case of a vice-president by the president.

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

removed.

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

Casual

-vacancies in
their office
how to be
filled up.

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

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

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

- 27. On the expiry of the term of office of a local board the president and vice-president shall continue to carry out the current administrative duties of their offices until such time as a new president and vice-president shall have been elected and shall have taken over charge of their duties: Provided that in the case of the new board constituted under this Act, a meeting for the election of a new president shall be called by the president of the retiring board.
- [1] [The president or vice-president of the retiring board and, in their absence, the chief officer, if any, shall preside at such meeting, and the new board shall then elect its own chairman for that meeting; provided that (a) if the president or vice-president so presiding is a member of the new board, he shall be entitled to vote only as such member, and (b) the chief officer, when so presiding, shall have no right to vote. In case of an equality of votes the result of the election of the chairman shall be decided by lot to be drawn in the presence of the person presiding in such manner as he may determine. The chairman so elected shall then preside at such meeting, and the meeting shall then proceed to elect the new president.]
- [2] Provided further that, where no meeting for the purpose of such election has been held within fifteen days from the expiry of the term of office, the Collector may exercise the powers of the president for the purpose of calling such meeting.

Term of office.

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

Resignation of office as member of board.

[3] 29. (1) The vice-president or any member of a local board other than the president may resign his office as a member of the board by giving notice in writing to the president. The president may resign his office as a member of the board by giving notice in writing to the Commissioner.

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

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

^[*] Section 29 was renumbered section 29 (1) by Born, X of 1927, s. 3

- [1] (2) The vice-president may resign his office as vice-president by Resignation giving notice in writing to the president. The president may resign and vicehis office as president by giving notice in writing to the Commissioner. president.
- 30. (1) Any member of a local board who, during the term for which Disqualificahe has been elected or appointed member after
 - (a) becomes disqualified under sub-section (1) of section 9, or
 - (b) having any share or interest such as is described in clause (a) or (b) of sub-section (2) of section 9, acts as a member of the local board in any matter relating to a contract or agreement between the local board and the company or society or the manager or publisher of the newspaper described in the said clauses, or
 - (c) is absent for more than four consecutive months from the district or taluka for which the board is established, unless leave so to absent himself, which shall not exceed six months, has been granted by the board, or in the case of a vice-president by the president, or absents himself for six consecutive months from meetings of the board without the leave of the board.

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

- (2) If any question, dispute or doubt arises whether a vacancy has occurred under this section, the orders of the Commissioner shall be final for the purpose of deciding such question, dispute or doubt.
- 31. The Government in the case of a district local board, and the Removal of Commissioner in the case of a taluka local board, may, if it or he thinks member for misconduct, fit, on the recommendation of the local board, remove any member etc. of such local board, elected or appointed under this Act, after giving him an opportunity of being heard and after such inquiry as the Government or the Commissioner, as the case may be, deems necessary if such member has been guilty of misconduct in the discharge of his duties, or of any disgrazeful conduct, or has become incapable of performing his duties as a member of the local board.

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

cated

- (2) If the member of such board whose seat has become vacant was a nominated member, and the Collector is not authorised under section 5 to appoint members of such boards, the Collector shall on receipt of such communication forward it to the officer, if any, authorized, as aforesaid, or, if no officer is so authorized, to the Government through the Commissioner.
- 33. In the event of a vacancy occurring on account of the death, Casual resignation, disqualification, or removal of a member of a local board vacancies or through a member becoming incapable of acting, previous to the filled up. expiry of his term of office, the vacancy shall be filled up, as soon as

^[1] Sub-section (2) was added by Bom. X of 1927, a. 3.

conveniently may be, by the election or appointment, as the case may be, of a person thereto, who shall hold office so long only as the member in whose place he is elected or appointed would have held it if the vacancy had not occurred.

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

CHAPTER III.—CONDUCT OF BUSINESS OF LOCAL BOARDS.

Meetings of local boards.

- 35. (1) A local board shall meet together not less than once in every 3 months and shall from time to time make regulations, consistent with this Act and with any rules or orders made by the Government in this behalf under clause (c) of section 133 with respect to the place, day, hour, notice, management, and adjournment of such meetings, and generally with respect to the transaction of business, as it thinks fit, subject to the provisions of the following sub-sections.
- (2) (a) The president shall fix the dates for the quarterly meetings hereinbefore prescribed and may whenever he thinks fit, and shall, upon the written request of not less than one-fourth of the members and for a date within twenty-one days from the receipt of such request, call a special meeting.
- (b) Twenty-one clear days' notice of a quarterly meeting and fourteen clear days' notice of a special meeting, specifying the time and place at which such meeting is to be held and the business to be transacted thereat, shall be circulated to the members and posted up at the local board office. Such notice shall include in the case of a special meeting any motion or proposition mentioned in any written request made for such meeting.
- (c) If less than one-third of the whole number of members be present at a meeting at any time from the beginning to the end thereof, the presiding authority shall adjourn the meeting to such hour on the following or some other future day as he may reasonably fix; a notice of such adjournment shall be fixed up in the local board office, and the business which would have been brought before the original meeting, had there been a quorum thereat, shall be brought before the adjourned meeting and may be disposed of at such meeting or at any subsequent adjournment thereof, whether there be a quorum present or not.
- (d) Every meeting shall be open to the public unless the presiding authority deems any inquiry or deliberation pending before the board

such as should be held in private, and provided that the said authority may at any time cause any person to be removed who interrupts the proceedings.

- (e) Every meeting shall be presided over by the president, or, if he be absent, by the vice-president, and if both the president and vice-president are absent, by such one of the members present as may be chosen by the meeting to be chairman for the occasion.
- (f) All questions shall be decided by a majority of votes of the members present, the president, vice-president or chairman, as the case may be, having a second or casting vote in all cases of equality of votes.
- (g) Except with the permission of the presiding authority, which permission shall not be given in the case of a motion or proposition to modify or cancel any resolution within three months after the passing thereof, no business shall be transacted and no proposition shall be discussed at any quarterly meeting unless it has been entered in the notice convening such meeting or, in the case of a special meeting, in the written request for such meeting. The order in which any business or proposition shall be brought forward at such meeting shall be determined by the presiding authority, who in case it is proposed by any member to give priority to any particular item of such business or to any particular proposition, shall put the proposal to the meeting and be guided by the majority of votes given for or against the proposal.
- (h) Any quarterly meeting may, with the consent of a majority of the members present, be adjourned from time to time; but no business shall be transacted at any adjourned meeting other than that left undisposed of at the meeting from which the adjournment took place.
- (i) No resolution of a local board shall be modified or cancelled within three months after the passing thereof, except by a resolution supported by not less than one-half of the whole number of members and passed at a quarterly meeting, whereof notice shall have been given fulfilling the requirements of clause (b) and setting forth fully the resolution which it is proposed to modify or cancel at such meeting and the motion or proposition for the modification or cancellation of such resolution.
- (j) Except for reasons which the presiding authority deems emergent, no business relating to any work which is being executed, or which under section 45 may only be executed for the board by the Government Executive Engineer of the district, or to any educational matter, shall be transacted, at any meeting of a local board, unless at least fifteen days previous to such meeting a letter has been addressed to an officer of the Government Public Works and Educational Departments, respectively, who is not a member of the board, but is entitled under section 40 to be present at such meeting informing him of the intention to transact such business thereat and of the motions or propositions to be brought forward concerning such business.
- (k) Minutes shall be kept of the names of the members and of the Government officers, if any, present under the provisions of section 40 and of the proceedings at each meeting of the board, and if any member

present at the meeting so desire, of the names of the members voting, respectively, for or against any resolution, in a book to be provided for this purpose, which shall be signed, as soon as practicable, by the president, vice-president or chairman of such meeting and shall at all reasonable times be open to inspection by any member of the board or by any inhabitant of the district.

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

Vacancy not to affect proceedings of board or committee. (3) During any vacancy in a local board the continuing members may act as if no vacancy had occurred.

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

Standing Committee.

- 36. (1) Every local board shall appoint a standing committee consisting of such number of members not being more than seven and not less than five as the board may determine.
- (2) The standing committee shall perform the functions allotted to it under this Act, and subject to any limitations or other provisions contained in rules made under section 133, clause (c) or regulations made under section 35, sub-section (1), shall exercise all the powers and perform all the duties of the local board which have not been delegated to any other committee.
- (3) The president shall be ex-officio a member and chairman of the standing committee in addition to the members appointed under subsection (1).

Public Health Committee.

- 37. (1) Every district local board may appoint a public health committee, consisting of such members of the board as the board may elect. The said members may co-opt the Civil Surgeon of the district or any medical or sanitary officer of the Government or a legally qualified medical practitioner to be a member of the committee for a period not exceeding the term of their own office.
- (2) Such committee shall, subject to any limitations or other provisions contained in rules made under clause (c) of section 133 or regulations made under sub-section (I) of section 35, perform the duties and exercise the powers of the district local board in regard to matters of public health and sanitation, and shall give effect to the provisions of this Act and to any by-laws framed under this Act regarding such matters and may delegate any of its duties or powers to any member or honorary or stipendiary officer of the board. Such member or officer shall conform

to any instructions that may from time to time be given by the board. The Committee may at any time withdraw any of the duties or powers so delegated.

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

- (2) Where a Committee is appointed to manage a dispensary, the local board may appoint any local residents to be members of such committee.
- (3) Any such committee, member or officer shall comply with any instruction that may from time to time be given by the board.
- (4) The board may at any time discontinue or alter the constitution of any such committee or withdraw any of the powers or duties which any such committee, person or officer has been appointed to exercise or perform.
- 39. (1) The term of office of the members of a committee shall expire Committees. on the termination of one year from the date of appointment of the Term of Office. members or on such earlier date as the local board may direct. Vacancies.
- (2) A vacancy occurring in any committee shall as soon as possible Chairman. be filled up by the appointment or co-option as the case may be of a Meetings. member thereto. A member appointed under this sub-section shall Adjournhold office so long only as the person in whose place he is appointed Quorum. would have held it if the vacancy had not occurred.
- (3) (a) The president or vice-president, if appointed a member of any committee, shall be ex-officio chairman thereof.
- (b) A local board may appoint a chairman for a committee of which there is no ex-officio chairman.
- (c) A committee of which there is an ex-officio chairman or a chairman appointed by the local board, shall, at each meeting which such chairman does not attend, appoint from its members a chairman for such meeting.
- (d) A committee, of which there is no ex-officio chairman or chairman appointed by the local board, shall appoint from time to time a chairman from the members of such committee.
- (4) The provisions of section 35, sub-section (2), clauses (f), (j) and (k) and sub-sections (3) and (4), shall apply to committees as if the word "committee" had been substituted for the words "board" or "local board ".
- (5) A committee may meet and adjourn as it thinks proper; but the chairman of a committee may whenever he thinks fit, and shall upon the written request of the president of the local board or of not less than two members of the committee and for a date not more than two days after the presentation of such request, call a special meeting of such committee.

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

Certain Government officers may attend meetings of district local boards.

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

Certain Government. officers may attend meetings of taluka local boards.

(2) Any officer of the Government Public Works Department not lower in rank than an overseer employed in a taluka, and any officer of the Government Educational Department not lower in rank than the Assistant Deputy Educational Inspector of a taluka may, in the like circumstances and subject to the same proviso, take part in the discussion or consideration of any such question as aforesaid at any meeting of the taluka local board of such taluka or of any committee of the said board.

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

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

President

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

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

^[*] These words were inserted by Bom. X of 1927, s. 4 (ii).

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

- (2) Previous to circulating any such proposition for the votes of members the president or chairman may, if he thinks fit, and if the business to which it relates is of the nature described in clause (j) of sub-section (2) of section 35 shall obtain thereupon the remarks, if any, which any Government officer, not a member of the board, who is entitled under the provisions of section 40 to be present at any meeting at which such proposition might be considered, desires to record.
- (3) The decision on any proposition so circulated shall be in accordance with the majority of votes of the members who vote upon it, unless a special meeting is convened to consider the proposition under clause (a) of sub-section (2) of section 35 or sub-section (5) of section 39.
- (4) Every decision arrived at by the board under this section shall be recorded in the minute-book kept under clause (k) of sub-section (2) of section 35 or sub-section (4) of section 39.
- 42. (1) The president of a local board may, on behalf of the board, Mode of executing conenter into any contract or agreement in such manner and form as, tracts. according to the law for the time being in force, would bind him if such contract or agreement were on his own behalf: provided that the amount or value of such contract or agreement shall not exceed five hundred rupees in the case of a district local board, or two hundred rupees in the case of a taluka local board.

- (2) Every other contract or agreement on behalf of a local board shall be in writing, and shall be signed by the president and by two other members of the board, and sealed with the common seal of the board.
- (3) No contract or agreement not executed as in this section provided shall be binding on a local board.
- 43. (a) Except as is hereinafter otherwise provided, no member of a Local funds local board shall be personally liable in respect of any contract or agree-liable for all ment made, or for any expense incurred by, or on behalf of such board; costs and the local fund at the disposal of each local board shall be liable for and expenses in. be charged with all costs in respect of any such contract or agreement boards. and all such expenses:
- (b) Provided that every member of a local board shall be personally But members liable for the misapplication of any money or other property of the local to be held resboard, to which he has been a party or which has been caused or misapplied or facilitated by his misconduct or gross neglect of his duty as a member and wasted funds may be sued by the local board concerned, with the sanction of the and property. Government or by the Government for recovery of or compensation for the misapplication of such money or property; and any money or property so recovered by the Government shall after satisfaction therefrom of the necessary expenses of such recovery, be delivered to the local board.
- 44. (1) A local board may compromise in respect of any suit instituted Power to by or against it, or in respect of any claim or demand arising out of any compromise.

contract entered into by it under this Act, for such sum of money or other compensation as it shall deem sufficient:

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

- (2) A local board may make compensation out of the local fund to any person sustaining any damage by reason of the exercise of any of the powers vested in it and its officers and servants under this Act.
- Works to be executed by the Government Executive Engineer.
- 45. (1) Such of the works for which plans and estimates prepared or approved by the Government Executive Engineer of the district are required by clause (b) of sub-section (1) of section 89 as the Government shall from time to time by a general or special order direct, shall be executed by the said Executive Engineer, who for this purpose shall exercise the same powers as if he were executing a work for the Government, and shall have control over all officers and servants of the local board, if any, assisting in the execution of any of the said works.

Works which may be executed by other agency.

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

Payment of Government establishment employed by Government Executive Engineer.

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

Repairs not to be commenced without plans and estimates.

[1] 45-A. No work of repairs shall be commenced unless a detailed estimate of the cost of such work has been approved by the local board and in the case of a work of which the total cost is to exceed three thousand rupees, plans and estimates have either been prepared or approved by the Government Executive Engineer of the district, or by an Engineer employed by the board and approved by the Government.

Joint committees of two or more local bodies.

- 46. (1) A district local board may, from time to time, concur with any other district local board or with any municipality or cantonment committee, or with more than one such local board, municipality or committee
 - (a) in appointing out of their respective bodies a joint committee for any purpose in which they are jointly interested and in appointing a chairman of such committee; and
 - (b) in delegating to any such committee power to frame terms binding on each such body as to the construction and future maintenance of any joint work and any power which might be exercised by either or any of such bodies; and

- (c) in framing and modifying rules for regulating the proceedings of any such committee and the conduct of correspondence, relating to the purpose for which the committee is appointed.
- (2) Where any local authority has requested the concurrence of any other local authority under the provisions of sub-section (1) in respect of any matter and such other local authority has refused to concur, the Commissioner may pass such orders as he may deem fit, requiring the concurrence of such other local authority, not being a cantonment committee, in the matter aforesaid and such other local authority shall comply with such orders.
- (3) If any difference of opinion arises between local bodies, having concurred in any action under sub-section (1) or (2), in respect of any matter arising out of such action, the decision thereupon of the Commissioner, if the local bodies are in one division, and of the Government, if they are in different divisions, shall be final.

CHAPTER IV.—Incorporation of Local Boards. Property, Powers and Duties.

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

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

- 48. Every road, building or other work constructed by a local board Vesting of future local shall vest in such local board.
- 49. When any doubt arises whether any property vests in the local Power to board established for any taluka or in the district local board having decide wheauthority over such taluka, the Government may decide in which of the property vests in the two boards it vests, and any such decision shall be final.
- 50. It shall be the duty of local boards, so far as the local fund at Obligatory their disposal will allow, to make adequate provision for the areas respectively subject to their authority in regard to the following matters, namely:—
 - (a) the construction of roads and other means of communication and the maintenance and repair of all roads and other means of communication vesting in them;

- (b) the construction and repair of hospitals, dispensaries, markets, dharmashalas and other public buildings, and the visiting, management and maintenance of these institutions:
- (c) the construction and repair of public tanks, wells and waterworks, the supply of water from them and from other sources, and the construction and maintenance of works for the preservation of water for drinking and cooking purposes from pollution;
- (d) the provision of suitable accommodation for, and the visiting and maintenance of primary schools, and the payment if necessary, of stipends to persons qualifying as teachers for primary schools during the period of their training for such qualification, and the general development and extension of primary education;
- (e) public vaccination, and sanitary works and measures necessary for the public health;
- (f) the planting and preservation of trees by the side or in the vicinity of roads vesting in such boards;
 - (g) the maintenance of any property vesting in them; and
- (h) the payment at such rates and subject to such conditions as the Government from time to time by general or special order may direct of the expense of maintenance and treatment in any institution which the Government declares by notification to be suitable for such purpose, either within or without the district, and other necessary expenses, of persons undergoing anti-rabic treatment as indigent persons according to the rules applicable to such institutions, and proceeding to and returning from such institutions; and local boards may at their discretion provide out of the said fund for the following matters, namely.

Discretionary powers of expenditure.

- (i) the payment to members of the board of expenses incurred in travelling for the purpose of the business of the board, in accordance with rules made in this behalf under clause (d) of section 133, provided that no such payment shall be made to a salaried servant of the Government [1] who is in receipt of travelling allowance as such Government servant [1]:
- (j) the establishment and maintenance of model farms, the acclimatization of exotics, the importation and distribution of superior kinds of seed, the improvement of the breed of cattle and horses, the introduction and preservation of fish and the advancement and improvement of agriculture and local industries;
- (k) the establishment and maintenance of relief and local relief works in time of famine or scarcity;
- (1) educational objects other than those set forth in clause (d) of this section;
- (m) the construction, management and maintenance of light-railways and tramways;

- [1] (mm) the construction, maintenance, management, organisation or purchase of telephone lines, or the guaranteeing of payment of interest on money expended for the construction of a telephone line, provided however, that, when the line extends beyond the limits of the area subject to the authority of the local board, the previous sanction of the Commissioner is necessary.
- (n) any other local works or measures likely to promote the health, safety, comfort or convenience of the public; and
- (o) with the previous concurrence of the Collector, any public reception, ceremony, entertainment or exhibition.
- 51. (1) Subject to the control of the district local board and, as Relative regards educational matters, to the provisions of proviso (b) to section 80, duties of each taluka local board shall, within the area subject to its authority, district local have the control and administration of all purely local roads, works boards. and buildings maintained at its cost and also of all local services and institutions except such as the district local board thinks fit to take under its own direct control and administration.
- (2) In respect of roads, works, buildings, services and institutions in the control and administration of the district local board, each taluka local board shall, if the district local board so desires, be the agent of the district local board and, as such agent, shall exercise such authority and perform such duties as the district local board may from time to time in writing delegate to it.

· CHAPTER V.—Sanitary and other Powers.

- 52. The president of the district local board, or any person authorized Power to by the said board in this behalf, may at any time between sunrise and enter and sunset, on giving notice in the manner hereinafter provided, enter into buildings, and inspect all buildings and lands, and by written notice direct that all or any part thereof shall be cleansed, cleared or otherwise put in a proper state for sanitary reasons.
- 53. Whoever, being the owner or occupier of any building or land, Filthy build whether tenantable or otherwise, suffers the same to be in a filthy or ings, etc. unwholesome state, or, in the opinion of the district local board, a nuisance to persons residing in the neighbourhood, or overgrown with prickly pear or rank and noisome vegetation, and who shall not, within a reasonable time after notice in writing from any person authorised by the district local board in this behalf to cleanse, clear or otherwise put the same in a proper state, have complied with the requisition contained in such notice, shall on conviction before a Magistrate be liable to a fine not exceeding rupees twenty-five and if the offence be a continuing one to a further fine not exceeding rupees five or every day during which the said offence is continued after conviction.

Powers and duties with regard to sources of

- 54. The president of the district local board or any person authorised by the said board in this behalf may at any time by written notice require that the owner of, or any person who has control over, any well, stream, water-supply channel, tank, or other source of water-supply, shall, whether it is private property or not,
 - (a) if the water is used for drinking,
 - (i) keep and maintain any such source of water-supply, other than a stream, in good repair, or
 - (ii) within a reasonable time to be specified in the notice, cleanse any such source of water-supply from silt, refuse and decaying vegetation, or
 - (iii) in such manner as the board directs, protect any such source of water-supply from pollution by surface drainage, or
 - (iv) desist from using and from permitting others to use for drinking purposes any such source of water-supply, which not being a stream in its natural flow, is in the opinion of the board unfit for drinking, or
 - (v) if notwithstanding any such notice under sub-clause (iv) such use continues and cannot in the opinion of the board be otherwise prevented, close, either temporarily or permanently, or fill up or enclose or fence in such manner as the board considers sufficient to prevent such use, such source of water-supply, or,
 - (vi) drain off or otherwise remove from any such source of watersupply, or from any land or premises or receptacle or reservoir attached or adjacent thereto, any stagnant water which the board considers is injurious to health or offensive to the neighbourhood;
 - (b) within twenty-four hours of such notice, repair, protect or enclose in such manner as the board may direct or approve, any such source of water-supply, whether used for drinking purposes or not, other than a stream in its natural flow, if for want of sufficient repair, protection or enclosure, such source of water-supply is in the opinion of the board dangerous to the health or safety of the public or of any persons having occasion to use or to pass or approach the same.

Remedy on non-compliance with directions isaued.

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

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

- 56. (1) The district local board may by public notice, which shall Power to set be put up at the spring, tank, well or other place concerned and otherwise apart public springs, etc., as required by this Act, set apart public springs, tanks, wells and other for certain places and parts of public water courses for drinking purposes or for purposes. bathing or for washing clothes or animals or for any other purpose calculated to promote the health, cleanliness, comfort or convenience of the inhabitants; and with the consent of the owners, may also set aside any private springs, tanks, wells or other places for any of the aforesaid purposes.
- (2) The district local board may, during epidemics, on receipt of Power to proa certificate from any medical officer in the employ of the board or of the hibit use of Government stating that such action is desirable, summarily by notice certain prohibit the use of water from any source to which the public have access. sources. Such notice shall be served by putting up a copy thereof near the source of water-supply or by beat of drum, stating the number of days during which such prohibition shall last. The district local board may extend or modify the notice from time to time without the production of a further certificate.

57. Whoever-

Penalty for purposes.

- (a) bathes in or defiles the water in any place set apart for drinking set apart for purposes by the board, or in the case of private property by the owner other thereof, or
- (b) deposits any offensive or deleterious matter in the dry bed of any place set apart as aforesaid for drinking purposes, or
- (c) washes clothing in any place set apart as aforesaid for drinking or bathing, or
- (d) washes any animal or any cooking utensils or wool, skins or other foul or offensive substance, or deposits any offensive or deleterious matter in any place set apart as aforesaid for drinking purposes or bathing or washing clothes, or
- (e) allows the water from a sink, sewer, drain, engine or boiler, or any other offensive matter belonging to him or flowing from any building or land belonging to or occupied by him, to pass into any place set apart as aforesaid for drinking purposes or for bathing or for washing

shall, on conviction before a Magistrate be liable to a fine not exceeding rupees fifty, and if the offence be a continuing one, to a further fine not exceeding rupees ten for every day during which the said offence is continued after conviction.

When any pool, ditch, tank, pond, well, hole or any waste or Abatement of stagnant water, or any channel or receptacle of foul water or other offenfrom foul sive or injurious matter, whether the same be within any private enclosure water. or otherwise, shall appear to the district local board to be likely to

neighbourhood, the district local board may by written notice require the owner of the same to cleanse, fill up, drain off or remove the same, or to take such measures as shall in its opinion, be necessary to abate or remove the nuisance.

Closing of places for the disposal of the dead.

- 59. (1) If the district local board is of opinion that any place in the district which is used for the disposal of the dead is in such a state as to be, or to be likely to become injurious to health, it may submit its opinion, with the reasons therefor, to the Commissioner. The Commissioner may thereupon, after such further inquiry, if any, as he shall deem fit to cause < to be made, by notification direct that such place shall cease to be so used from such date as may be specified in that behalf in the notification.
- (2) A copy of the said notification with a translation thereof in the vernacular of the district, shall be published in the local newspapers, if any, and shall be posted up at the district local board office and in one or more conspicuous spots on or near the place to which it relates.
- (3) Any person who buries or otherwise disposes of any corpse in any such place after the date specified in the said notification for closure thereof or buries any corpse in any unoccupied Government land not set aside for the burial of the dead under the provisions of any law for the time being in force or by established usage, shall on conviction before a Magistrate be liable to a fine not exceeding rupees one hundred.

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

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

be made between

sunrise and sunset.

Disinfection of buildings, etc.

- Inspection to (2) No such inspection shall be made except between sunrise and sunset.
 - (3) If the district local board is of opinion that the cleansing or disinfecting of a building or premises or of a part thereof, or of any articles therein likely to retain infection, would tend to prevent or check the spread of any dangerous infectious disease, it may by notice require the owner or occupier to cleanse or disinfect the same within a time to be specified in such notice: provided that if the board considers that immediate action is necessary or that the owner or occupier is, by reason of poverty or otherwise, unable effectually to comply with its requisition, the board may itself cause such building or premises or articles to be cleansed or disinfected, and for this purpose may cause such articles to be removed from such building or premises; and the expenses incurred by the board under this sub-section shall be recoverable from the said owner or occupier unless he was, by reason of poverty, unable effectually to comply with its requisition.

- 61. (1) The district local board shall, from time to time, notify places District local at which articles of clothing or bedding or other articles which have been board to exposed to infection from any dangerous infectious disease may be for washing washed or disinfected.
- and disinfecting articles exposed to infection.
- (2) The district local board may direct the destruction of clothing, Infected bedding or other articles likely to retain such infection, and shall on articles may be destroyed. demand give compensation for the articles destroyed.
- (3) Whoever washes such clothing or bedding or other articles at any Penalty. place other than these set apart for such purposes under sub-section (1), shall on conviction before a Magistrate be liable to a fine not exceeding rupees fifty.
- [1] 61A. (1) Whoever on any part of a public road, land or building, Obstructions after it has vested in, or has become the property of, a local board, shall and encroached build, or set up, any wall or any fence, rail, post, stall, verandah, plat-ments upon form, plinth, step or any projecting structure or thing, or other encroach-public roads, ment or obstruction, or shall deposit, or cause to be placed or deposited, building. any box, bale, package or merchandise or any other thing on any part of any such road, land or building, or in, or over, or upon, any open drain, gutter, sewer or aqueduct in such road, land or building, shall be punished with fine which may extend to twenty-five rupees.
- (2) The local board shall have power to remove any such obstruction or encroachment, and the expense of such removal shall be paid by the person who has caused the said obstruction or encroachment, and shall be recoverable in the same manner as an amount claimed on account.of any tax recoverable under Chapter VIII.

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

- (3) Nothing contained in this section shall prevent a local board from allowing any temporary occuration of or erections on any public road, which vests in it or is its property, on occasions of festivals and ceremonies, or for the piling of fuel on any part of such road for not more than a week and in such manner as not to inconvenience the public or any individual.
- 62. (1) The district local board may, from time to time, with the District local sanction of the Commissioner, make by-laws and cancel or alter the board empowered to same :-

make bylaws.

(a) for the general or special regulation, control or prohibition of the use of markets, dairies, creameries, granaries, grainshops, slaughter-houses, cart-stands, burial and burning grounds, offensive trades. and all matters connected with conservancy;

^[1] Section 61A was inserted by Bom. X of 1927, s. 7.

- (b) for regulating the use of public roads and the traffic thereon; and for securing cleanliness, safety and order in respect of the same; and ____
- (c) for carrying out all the purposes of this Act, and may impose fines and penalties for the infringement of such by-laws.

Infringement of by-laws.

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

Confirmation of by-laws.

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

By-laws to have the force of laws.

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

Service of notices, etc., addressed to individuals.

- 63. The service of every notice, and the presentation of every bill under this Act, on any person or to any person to whom it is by name addressed shall, in all cases not otherwise specially provided for in this Act, be effected by a district local board officer or servant or other person authorized by the district local board in this behalf, or on such terms as may be agreed upon, by any officer or servant of the Government—
 - (a) by giving or tendering the notice or bill to the person to whom it is addressed; or
 - (b) if such person is not found by leaving the notice or bill at his last known place of abode, if within the district, or by giving or tendering the notice or bill to some adult male member or servant of his family; or
 - (c) if such person does not reside within the district, and his address elsewhere is known to the president or other person directing the issue of the notice or bill, then by forwarding the notice or bill to such person by registered post under cover bearing the said address; or
 - . (d) if none of the means aforesaid be available then by causing the bill or notice to be affixed on some conspicuous part of the building or land, if any, to which the bill or notice relates.

Service of notices on owners or occupiers of landa.

- 64. When any notice under this Act is required or permitted by or under this Act to be served upon an owner or occupier of any building or land, it shall not be necessary to name the owner or occupier therein, buildings and and the service thereof, in cases not otherwise specially provided for in this Act, shall be effected either,
 - (a) by giving or tendering the notice to the owner or occupier, or if there be more owners or occupiers than one, to any one of them; or
 - (b) if no such owner or occupier be found, then by giving or tendering the notice to some adult male member or servant of the family of any such owner or occupier as aforesaid; or

- (c) if none of the means aforesaid be available, then by causing the notice to be fixed on some conspicuous part of the building or land to which the same relates.
- 65. Every notice which this Act requires or empowers a district local Public and board to give or to serve either as a public notice, or generally, or by provi-notices how to sions which do not expressly require notice to be given to individuals be published. therein specified, shall be deemed to have been sufficiently given or served if a copy thereof is put up in such conspicuous part of the district local board office during such period and in such other public buildings and places, or is published in such local papers or in such other manner as the district local board in by-laws in this behalf directs.

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

Defective form not to invalidate notice.

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

any notice.

- (3) In the event of non-compliance with the terms of the notice the district local board may take such action or such steps as may be necessary for the doing of the act thereby required to be done, and all the expenses thereby incurred by the district local board shall be paid by the person or persons upon whom the notice was served, and shall be recoverable in the manner provided in section 69.
- 67. Whoever disobeys or fails to comply with any lawful direction Punishment given by any written notice issued by or on behalf of a district local board for disunder any power conferred by this chapter, or fails to comply with the obedience of conditions subject to which any permission was given to him by the district notices not local board under any power so conferred, shall, on conviction before a punishable under any Magistrate if the disobedience or failure is not an offence punishable under other section. any other section, be liable to a fine not exceeding rupees fifty and to a further fine not exceeding rupees five for every day during which the said disobedience or failure continues after conviction:

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

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

charges on may deduct his rent.

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

Occupiers not to be liable the amount of rent due.

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

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

Expenses or costs how determined and recovered. .

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

District local board may prosecute.

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

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

Jarisdiction. of Magistrate.

(2) Any prosecution under this Act or under any by-law thereunder may, save as therein otherwise provided, be instituted before any Magistrate, and every fine or penalty imposed under or by virtue of this Act or any by-law thereunder, and also all claims to compensation or other expenses for the recovery of which no special provision is otherwise made in this Act, may be recovered on application to such Magistrate, by the distress and sale of any moveable property within the limits of his jurisdiction belonging to the person from whom the money is claimed.

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

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

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

Provided that no person arrested shall be detained without the order of a Magistrate longer than shall be necessary for bringing him before

a Magistrate, or than twenty-four hours at the utmost.

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

CHAPTER VI.—REVENUE AND EXPENDITURE.

74. (1) There shall be in each district a fund which shall be called Local fund, its custody the local fund. and

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

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

Income of local fund.

- 75. The following shall form part of, or be paid into, the local fund:—
 - (a) the balance of the local fund of the district at the commencement of this Act:
 - (b) the net proceeds (after deducting the expenses of assessment Bom. and collection) of any residue of the cesses payable in the district VIII of under the [1] Sind Local Funds Act, 1865, and the [1] Bombay Local Bom. Funds Act, 1869;
 - (c) the net proceeds (after deducting the expenses of assessment and collection) of the cesses in the district authorized by sections 93 and 95;
 - (d) the net proceeds (after deducting the expenses of collection and of the maintenance of the ferries) of all public ferries established in the district under the [1] Bombay Ferries Act, 1868, not being H of ferries vested under the Act in the district local board, and all penalties 1868, inflicted and levied under the said Act in the district;
 - (e) all rents and profits accruing from property (including ferries) placed by the Government under the management of a local board or vested in a local board;
 - (f) the net proceeds (after deducting the expenses of collection) of all tolls and leases of tolls on roads and bridges vested in the local Bom. board which are levied in the district under the [1] Tolls on Roads III of and Bridges Act, 1875;
 - (g) such portion of the net proceeds of fees, fines and penalties XII o levied in the district under the [2] Poisons Act, 1919, as the Govern-1919. ment from time to time directs;
 - (h) all sums ordered by the Government under section 31 of the 1 of [3] Cattle-trespass Act, 1871, or otherwise, to be credited to the fund; 1871.
 - (i) all fees levied in the district under the [1] Bombay Land Revenue Bom. Code, 1879, for permission to remove sand or to quarry;

 V of 1879.
 - (j) all sums received by a local board in the execution of, or from taxation under, this Act and the interest on and the sale proceeds of any securities held by such board;
 - (k) all sums contributed by private persons;

- [1] Vol. II of Bom. Code.

[2] General Acts, Vol. VI.

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

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

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

- [1] Provided also that a local board may, subject to the condition that reasonable provision shall be made for the performance of all obligations imposed or that may be imposed on it by or under this Act or any other law for the time being in force, credit to a separate heading in the local board accounts any portion of the local fund set apart by it for any special purpose and shall credit to a separate heading any grant or donation received by it for any special purpose. Any grant or donation so credited by it shall be applied exclusively to the special purpose for which the same was received.
- 76. (1) The local fund of a district shall be available for expenditure Local fund by or under the direction of each taluka local board for the purposes by what boards to be of this Act as follows:—

 expended.
 - (a) the balance available for expenditure by or under the direction of such board at the commencement of this Act; and
 - (b) the balance of the revenue described in clauses (b), (c), (e), (g), (h), (i), (j) and (k) of section 75 accruing in the areas subject to the authority of such taluka local board, after the district local board shall have made provision therefrom for the portion to be devoted to educational purposes under section 80 and for such share of the charges payable by the district local board under sections 78 and 81 as the said board shall deem equitable.
- (2) The remaining portion of the fund shall be available for expenditure by or under the direction of the district local board for the purposes of this Act.
- 77. Expenditure by the local boards out of the local fund shall, save Local fund as otherwise provided by this Act, be made within the areas respectively where to be subject to their authority only, but may, with the sanction of the Commissioner, be made outside that area for any of the purposes of this Act.

^[1] This proviso was added by Bom. IV of 1930, s. 3.

General defrayed by district local boards.

- 78. Every district local board shall, from the portion of the local charges to be fund at its disposal, defray-
 - (a) the salaries and other emoluments of all officers and servants maintained under section 119, and the pensions or other retiring allowances, if any, of such officers and servants, and the gratuities or compassionate allowances payable to the surviving relatives of such -officers and servants; and such charges as may be agreed upon for the performance of any services for the board by any officer or servant of the Government;
 - (b) such sum as shall from time to time be fixed by the Government for the payment of the salaries, allowances and contributions for pension, according to the rules from time to time made by the Government, of any officers or servants of the Government employed by the board.

Assignment of certain portions of revenue to municipalities or cantonment committees.

- 79. (1) Every district local board shall assign and cause to be paid out of the district local fund to every municipality and cantonment committee within the district for which such board has been established a sum equal to two-thirds of the amount of the revenue described in clauses (b) and (c) of section 75 levied from lands within the municipal district or cantonment subject to such municipality or committee, and may, in its discretion, assign and pay to every such municipality or committee, the whole of the said amount and such amount shall, at the request of the district local board, be ascertained and certified by the Collector.
- (2) The sum assigned and paid shall be expended by the municipality or cantonment committee only for such purposes as are described in section 50, or for the remuneration of officers and servants whom it entertains for any of the said purposes; and a portion thereof equal to not less than one-third of the revenue described in sub-section (1) shall be expended by it for educational purposes only, as defined in clause (d) of section 50.

Expenditure for educational purposes to be made by .. district local boards only.

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

Provided that-

- (a) no portion of the revenue so set apart which is levied in the area subject to the authority of any taluka local board shall, except with the consent of such board, be expended out of the said area, and
- (b) the charges to be necessarily defrayed by each district local board or by such authority as aforesaid on account of primary education, the

extent of the independent authority of district and taluka local boards in education and their relations generally with the Government Educational Department and with each other in educational matters shall be from time to time prescribed by rules made by the Government in this behalf under clause (e) of section 133.

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

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

diture should be incurred

- (a) each local board shall be responsible for the maintenance of for other any building or other property which vests in it, and of any work which purposes has been executed at its cost;
- (b) district local boards shall be responsible for the construction, maintenance and repair of the main roads and other means of through communication in the district vesting in them, for the - maintenance of public vaccination and dispensaries and other similar local services and institutions of general benefit to the district, and for all matters in which two or more talukas are, or may be, interested;
 - (c) taluka local boards shall be responsible for the construction and maintenance of all other roads and works which are purely local, and for all local services and institutions not maintained by the district local board; and
 - (d) large works of the nature described in clause (c) of this section which are beyond the means at the disposal of a taluka local board may be undertaken by the district local board at its own cost, or the district local board may assist the taluka local board in undertaking the same by a grant-in-aid conditional upon a certain portion of the cost being contributed by the taluka local board or by private persons, or by both.
- (2) If a difference of opinion arises between a district and a taluka local board as to which board is responsible for any charge, work, institution or service, the question shall be referred for the decision of the Commissioner, which shall be final.
- 82. (1) Subject to the provisions of sections 126 to 131 inclusive no How the local payment shall be made from the Government treasury or by a bank or fund shall be drawn a co-operative society out of a local fund except upon a cheque or letter against. of credit signed by the president of the local board which requires such payment.
- (2) Payment of any sum in excess of one hundred rupees shall be made by a local board by means of a cheque or letter of credit signed as aforesaid and not in any other way.

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

Accounts to be kept in form pres-Government.

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

Publication of abstract of accounts annually.

- 84. An abstract of the accounts of every local board showing the amounts drawn from the local fund, the charges for establishment, and for all other expenses, the works undertaken, and the sums expended on each work, and the balance, if any, in hand, shall be forwarded by the president of the board every year, as soon as may be after the end of the year, in such form as the Government may from time to time by rule made in this behalf under clause (f) of section 133 prescribe, to the Collector or such other officer as the Collector nominates in this behalf and shall be published in the Bombay Government Gazette.
- 85. (1) To enable local boards to prepare annual budget estimates, as hereinafter provided the Collector shall annually render to each taluka local boards of actual and local board in his district, on or before such date and in such form as the Government from time to time directs, a return setting forth, for the estimated income of taluka for which such board is established, local funds.
 - (a) the actual receipts in the last complete official year,
 - (b) a revised estimate of the receipt in the current [official year, and

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

(c) a first estimate of the probable receipts in the next following official year,

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

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

Proparation of annual budget estimates of income and expenditure.

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

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

estimates by the board.

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

to be submit-

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

district local

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

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

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

subject to approval or sanction like budget estimate.

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

- (a) provision is therein made for such board having at its credittions when to at the end of the official year a balance of not less than five thousand be approved rupees in the case of a district local board, and two hundred rupees in the case of a taluka local board;
- (b) for every work, [1]of first construction,[1] there is attached to the budget estimate in which provision is made therefor a detailed estimate of the cost of such work, which has been approved by the board, and in the case of a road of which the cost is to exceed on an average three hundred rupees per mile or of any other work of which the total cost is to exceed three thousand rupees, plans and estimates have [2] either been prepared or approved by the Government Executive Engineer of the district or by an engineer employed by the board and approved by the Government:
- [3] Provided that the Government may, in any case, for special reasons direct that the provisions of this clause shall not apply.
- (2) A copy of every budget estimate and a statement of every re-Copies of appropriation as finally approved or sanctioned under the foregoing budget esti-

^[1]-{1] Words repealed by Boin. X of 1927, s. 9 (a) are omitted.

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

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

tion statements to Collector.

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

Except on a pressing emergency no vided for in a budget estimate to be expended.

- 90. (1) Save in case of pressing emergency, no sum shall be expended. by, or on behalf of, any local board, unless such sum is included in some sum not pro. budget estimate at the time in force which has been approved or sanctioned as aforesaid.
 - (2) If any sum is so expended on a pressing emergency, the circumstances shall be forthwith communicated in writing by the president to the Collector (through the district local board, if the sum has been expended by a taluka local board) with an explanation of the way in which it is proposed by the local board to cover such extra expenditure.

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

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

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

92. [2] (1) Independently of the audit provided for under the provi- \mathbf{B}_i sions of the Bombay Local Fund Audit Act, 1930, the accounts of local X boards may be examined and audited at such intervals, in such manner, 19 and by such agency as Government, on the application of the local board or local boards concerned, directs.

Auditor to have power to see all accounts, etc.

- (2) Every auditor appointed under this section shall have access to the accounts and to all books, deeds, contracts, vouchers and all other documents and records in the possession, or under the control of the local board.
- [3] (3) The report of the auditor on each local board shall be sent to each board concerned and to the Collector and shall be published in the Bombay Government Gazette. Every local board shall publish the report and audit notes with the replies thereto in its administrative report and in a local newspaper selected by the board. A copy of the report on every taluka local board shall also be sent to the district local board of the district.

CHAPTER VII.—TAXATION.

Levy of one anna cess on every rupee of landrevenue.

(1) The Government shall levy, on the conditions and in the manner hereinafter described, a cess [4] at the rate [4] of one anna or, on an application of the district local board to which the cess is payable made in pursuance of a resolution of the board passed at a special meeting

[4]-[4] These words were inserted by Bom. X of 1927, s. 11 (i) (1).

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

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

called for the purpose, an increased cess [1]at the rate[1] not exceeding two annas, on every rupee of

(a) every sum payable to the Government as ordinary land-revenue except sums payable on account of any of the charges mentioned in Schedule A, and except sums payable on account of any charge which may be notified [2] by the Government in this behalf,[3]

(b) every sum which would have been assessable on any land as land-revenue had there been no alienation of land-revenue[4], and

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

Provided that [6]the rate of [6] any increased cess leviable as afore-

said shall be a multiple of 3 pies.

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

(2)[8] The Government may, on the application of the local board to which the cess is payable, suspend the collection of the cess or any portion thereof in any year in any area [9] subject to the authority of such local board[9]

94. [10] (1) In the assessment of the said cess on villages alienated Rules for B88e68men as defined in the [9] Bombay Land Revenue Code, 1879;

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

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

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

]--[·] These words were inserted by Bem. X of 1927, s. 11 (i) (1). [2] For Notification under this clause, see Government Notification in the General Department No. 4453A, dated the 19th August 1924, published in the Bemlay Government

Gazette, Part I, of 1924, p. 1862. [2] This comma was substituted for the word "and" by Bom. X of 1927, s. 11 (i) (2) (a).

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

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

14] Original section 94 was renumbered section 94 (1) by Ecm. V of 1928, a. 3 (a). [11] Vol. II of Bom. Code.

^{[*]—[*]} These words were inserted by Bom. X of 1927, a. 11 (i) (3).
[*] This proviso was inserted by Bom. X of 1927, a. 11 (i) (4).
[*] For Notification under this sub-section, see Government Notification in the Revenue Department No. 6457-24, dated the 6th September 1926, published in the Bombay Government Gazette, Part I, of 1926, p. 2044.

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

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

2 The provisions of sub-section (1) shall apply, so far as may be, talkideri land.

to talukdari land.

Levy of cess on waterrate.

Manner of levying cess described in section 93.

Manner of levying cess described in section 95. Assistance to superior holders. 95.[3] The Government may levy a cess not exceeding two annas on every rupee of water-rate leviable under the provisions of the [3]Bombay VII of Irrigation Act, 1879.

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

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

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

Taxes which may be imposed by district local board.

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

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

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

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

Provided that no tax imposed as aforesaid other than a special sani- 5 & 6. tary cess or a water-rate, shall, without the express consent of the Govern- Geo.V. ment be leviable in respect of any building or part of any building, or

^{[1]—[1]} These words were inserted by Bom. V of 1928, s. 3 (b).

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

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

^[4] Vol. II of Bom. Code.~

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

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

board preliminary to imposing tax.

- (a) select a tax which may under section 99 be imposed; and
- (b) approve rules describing the tax selected; and shall in such resolution and in such rules specify;
- (c) the class or classes of persons or of property, or of both, which the district local board desires to make liable, and any exemptions which it desires to make;
- (d) the amount for which, or the rate at which it is desired to make such classes liable; and
- (e) all other matters which the Government may require to be so specified_
- (2) When such resolution has been passed, the district local board shall publish the rules with a notice in the form of Schedule B prefixed thereto.
- (3) Any inhabitant of the district objecting to the imposition of the said tax, or to the amount or rate proposed, or to the class of persons or property to be made liable thereto, or to any exemptions proposed, may within one month from the publication of the said notice send his objection in writing to the district local board, and the board shall take all such objections into consideration, or shall authorize a committee of its members to consider and report on them, and, unless it decides to abandon or modify the proposed tax in accordance with the said objections, shall submit them with its opinion thereon, together with the notice and rules as aforesaid, to the Commissioner.
- 101. The Commissioner may either refuse to sanction the rules Power to submitted, or may return them to the district local board for further sanction, medify and consideration, or, if no objection, or no objection which is in his opinion impose consufficient, was made to the proposed tax within one month from the ditions. publication of the said notice, may sanction the said rules either-
 - (a) without modification, or
 - (b) subject, as he deems fit,
 - (i) to such modifications not involving an increase of the amount to be imposed, or
 - (ii) to such conditions as to the application within the district to any purpose or purposes of this Act specified in such conditions of the whole or any part of the proceeds of such tax;

Publication of sanctioned rules with notice.

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

Provided that-

- (a) a tax leviable by the year—
- (i) shall not come into force except on one of the following dates, viz., the first day of April, the first day of July, the first day of October, or the first day of January, in any year, and
- (ii) if it comes into force on any day other than the first day of April, it shall be leviable by the quarter till the first day of April then next ensuing;
- (b) on or before the day on which a notice is issued under this section the district local board shall publish such further detailed rules as may be required, and as may have been approved by the Commissioner, prescribing the mode of levying and recovering the tax therein specified, and the dates on which it or the instalments, if any, thereof shall be payable; and
- (c) if the levy of a tax, or of a special portion of a tax, has been sanctioned, for a fixed period only, the levy shall cease at the conclusion of that period, except so far as regards any unpaid arrears which have become due during the period.

Power of Government to suspend levy of objectionable taxes.

103. If it shall at any time appear to the Government, on complaint made or otherwise, that any tax leviable by a district local board is unfair in its incidence, or that the levy thereof, or of any part thereof, is obnoxious to the interest of the general public or violates any promises made or undertakings incurred by Government, the Government may require the said district local board, within such period as it shall fix in this behalf, to take measures for removing any objection which appears to it to exist to the said tax, and if within the period so fixed, such requirement shall not be carried into effect to the satisfaction of the Government, the Government may, by notification in the Bombay Government Gazette, suspend the levy of such tax or of such part thereof, until such time as the objection thereto shall be removed.

CHAPTER VIII.—Collection of Taxes.

Presentation of bill for amount of tax.

104. (1) When any amount which

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

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

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

(2) Every such bill shall specify

Contents of bill.

- (a) the period for which, and
- (b) the property, occupation or thing in respect of which, the sum is claimed, and shall also give notice of-
 - (i) the liability incurred in default of payment, and
 - (ii) the time within which an appeal may be preferred, as hereinafter provided, against such claim.
- (3) If the sum for which any bill has been presented as aforesaid is If bill not (3) If the sum for which any bill has been presented as any rule paid within not paid into the local board office, or to a person authorized by any rule paid within fitteen days, in that behalf to receive such payments, within fifteen days from the notice of presentation thereof, the district local board may cause to be served demand to upon the person liable for the payment of the said sum a notice of demand issue. in the form of Schedule C, or to the like effect.
- 105. If the person liable for the payment of the said sum does not, In what within fifteen days from the service of such notice of demand, either - may issue,

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

- (b) show cause to the satisfaction of the district local board, or of such officer as the board by rule may appoint in this behalf, why he should not pay the same, or
- (c) prefer an appeal in accordance with the provisions of section 113 against the demand,

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

- 106. Every warrant issued under section 105 shall be signed by the Warrant by president of the district local board causing the same to be issued, or by whom to be an officer authorized by the district local board for this purpose or with the sanction of the Government, by an officer of the Government,
- 107. When the property is in the district, the warrant shall be addres- To whom sed to an officer of a local board established in the district or with the warrant sanction of the Government, to an officer of the Government.

addressed.

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

Power of entry under special order.

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

Warrant how to be executed.

- 109. Such officer may distrain, wherever it may be found, any moveable property of the person named in the warrant as defaulter subject to the following conditions, exceptions and exemptions, namely:—
 - (a) the following property shall not be distrained—
 - (i) the necessary wearing apparel and bedding of the defaulter, his wife and children,
 - (ii) the tools of artizans, and
 - (iii) when the defaulter is an agriculturist, his implements of husbandry, seed-grain, and such cattle as may be necessary to enable him to earn his livelihood;
 - (b) the distress shall not be excessive, that is to say, the property distrained shall be as nearly as possible equal in value to the amount recoverable under the warrant, and if any articles have been distrained which, in the opinion of a person authorized by or under section 106 to sign a warrant should not have been so distrained they shall forthwith be returned; and
 - (c) the officer shall on seizing the property forthwith make an inventory thereof, and shall before removing the same give to the person in possession thereof at the time of seizure a written notice in the form of Schedule E that the said property will be sold as shall be specified in such notice:

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

Sale of goods distrained.

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

Application of proceeds of sale.

(2) If not sold at once under sub-section (1), the property seized or a sufficient portion thereof may, unless the warrant is suspended by the person who signed it, or the sum due by the defaulter together with all

costs incidental to the notice, warrant, and distress and detention of the property is paid, be, on the expiry of the time specified in the notice served by the officer executing the warrant, sold by public auction under the orders of the district local board and the proceeds, or such part thereof as shall be requisite, shall be applied in discharge of the sum due and of all such incidental costs as aforesaid.

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

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

112. Fees for-

Fees and cost chargeable.

- (a) every notice issued under sub-section (3) of section 104,
 - (b) every distress made under section 109, and.
- (c) the costs of maintaining any live stock seized under the saidsection,

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

- 113. Appeals against any notice of demand issued under sub-section Appeals to (3) of section 104 may be made to any Magistrate or Bench of Magistrates Magistrates. by whom under the directions of the Government, or of the District Magistrate, such class of cases is to be tried. But no such appeal shall be heard and determined unless-
 - (a) the appeal is brought within fifteen days next after service of the notice of demand complained of;
 - (b) an application in writing, stating the ground on which the claim of the district local board is disputed, has been made to the district local board as follows: that is to say:
 - (i) in the case of a rate on buildings or lands, within a time to be notified in the notice given of the assessment or alteration thereof, according to which the bill is prepared, and
 - (ii) in the case of any other claim for which a bill has been presented under sub-section (1) of section 104, within fifteen days next after the presentation of such bill; and

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

Liability of lands, buildrates.

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

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

Suspension of power to recover by distress and sale.

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

Power on of tolt.

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

Power to sell property seized at once.

(2) When any article seized is subject to speedy and natural decay, or when the expense of keeping it together with the amount of the toll chargeable is likely to exceed its value, the person seizing such article may inform the person in whose possession it was that it will be sold at once, and shall sell it or cause it to be sold accordingly unless the amount of toll demanded be forthwith paid.

Release of property on payment.

(3) If at any time before the sale has begun, the person whose property has been so seized tenders at the local board office the amount of all expenses incurred, and of toll payable, the property seized shall forthwith be released.

Sale.

(4) If no such tender is made, the property may be sold, and the proceeds of such sale shall be applied in payment of such toll and of the expenses incidental to the seizure, detention and sale.

Surplus how dealt with.

(5) The surplus, if any, of the sale proceeds shall be credited to the local fund and may, on application made to the district local board in writing within six months next after the sale, be paid to the person in whose possession the property was when seized, and, if no such application is made, shall be the property of the district local board.

Farming of tolls.

117. (1) The district local board may lease the levy of any toll that may be imposed under this Act by public auction or private contract:

Provided that the lessee shall give security for the due fulfilment of the conditions of the lease.

(2) When any toll has been leased under this section, any person Person ememployed by the lessee to collect such toll shall, subject to the conditions ployed by the of the lease, have the powers referred to in sub-sections (1) and (2) of to have power of seizure. section 116:

Provided that no article seized may be sold except under the orders of the district local board.

- (3) Any sum due from a lessee to a local board in respect of any toll leased under this section may be recovered as an arrear of landrevenue.
- 118. For all sums paid on account of any tax under this Act, a receipt Receipts to be stating the amount and the tax on account of which it has been paid shall given for all be tendered by the person receiving the same.

CHAPTER IX.—OFFICERS AND SERVANTS OF LOCAL BOARDS.

- 119. (1) Every district local board may appoint and pay such officers Schedule of and servants as it shall deem necessary and proper to maintain for the establishment efficient execution of its duties and the duties of the taluka local boards and sanctionin the district under this Act, and shall from time to time prepare and ed by district sanction a schedule of the staff to be so maintained, setting forth the local boards: designations and grades of the different officers and servants, the boards Health under which they are to be respectively employed, their respective duties Officer: and the amount and nature of the salaries, fees and allowances to be paid Engineer. to each, and determining which of the said officers and servants are to be maintained permanently and which temporarily only.
- (2) Where any district local board appoints a Chief Officer or an Engineer and such appointment is approved by the Government, the Government shall pay two-thirds of the salary of such Chief Officer or Engineer; and where any district local board appoints a Health Officer and such appointment is approved by the Government, the Government shall pay two-thirds of the salary of such officer.
- 120. The district local board may, subject to any rule or order made Delegation by the Government in this behalf under clause (g) of section 133, delegate of power to to its president or to the president of any taluka local board subordinate officers and to it the power of appointing any officer or servant on a salary not exceed-servants. ing such limit as may be prescribed by the Government by rule in this behalf.
- 121. If in the opinion of the Commissioner the number of persons Power of maintained by a district local board as officers or servants, or whom Commisa district local board proposes to maintain, or the remuneration assigned prevent by the board to those persons or to any particular person, is excessive, extravagance the said board shall, on the requirement of the Commissioner, reduce in establishthe number or remuneration of the said persons:

Provided that the district local board may appeal against any such requirement to the Government whose decision shall be conclusive.

Punishment and dismissal of officers

122. The power of punishing or dismissing any officer or servant maintained by a district local board shall, subject to any regulation and servants. framed under section 123, and to any rule or order made by the Government in this behalf under clause (g) of section 133, vest in the said board:

Provided that, subject as aforesaid, the power of punishing or dismissing any such officer or servant not receiving salary beyond such limit as may be prescribed by the Government by rule made in this behalf under clause (g) of section 133 may be delegated by a district local board to its president [1]or to its Chief Officer[1] or to the president of any taluka local board subordinate to it.

District local boards to frame regulations: fixing the amount of the security to be

123. Every district local board may from time to time frame regulations,

furnished; regulating leave;

(a) fixing the amount and nature of the security to be furnished by any officer or servant maintained by the board from whom it may be deemed expedient to require security;

settling absentee allowances; fixing acting allowances;

- (b) regulating the grant of leave to the permanent officers and servants maintained by the board:
- (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 such officers or servants during their absence on leave:

regulating length of service; fixing pensions, etc.;

- (e) regulating the period of service of all such officers and servants:
- (f) determining the conditions under which such officers and servants, or any of them, shall, on retirement, receive pensions, gratuities, or compassionate allowances; the conditions under which gratuities or compassionate allowances may be paid to the surviving relatives of such officers and servants; and the amount of such pensions, gratuities or compassionate allowances; and

fixing contributions to provident funds;

(g) authorizing the payment of contributions at certain specified rates and subject to certain specified conditions to any pension or provident fund which may, with the approval of the said board, be established by the said officers and servants: Provided that

Proviso as to officers lent by Government;

(i) if an officer is lent to any local board by the Government or if an officer is employed partly in the service of the Government and partly in the service of a local board, such board shall contribute to his pension and leave allowances to such extent as may be required by rules made by the Government in this behalf under clause (g) of section 133 and shall not except with the assent of the Government, dispense with his further services at any time without giving the Government six months' previous notice; and

and as to approval of regulations by the Government.

(ii) no regulation made by any district local board under this section shall have effect unless and until it has been approved by the Government.

CHAPTER X.—CONTROL.

- 124. (1) The Commissioner, Collector or any officer of the Govern-Powers of ment authorised by general or special order of the Government may inspection and supervision,
 - (a) enter on and inspect any immoveable property occupied by any local board or any institution under its control and management, or any work in progress under it or under its direction, or cause such immoveable property, institution or work to be entered upon and inspected by any other person authorized by him in this behalf in writing; and
 - (b) call for any extract from the proceedings of any local board or any committee appointed by such board, and call for or inspect any book or document in the possession of or under the control of a local board.
 - (2) The Collector may—
 - (a) call for any return, statement, account or report which he may think fit to require a local board to furnish; and
 - (b) require a local board to take into its consideration any objection which appears to him to exist to the doing of anything which is about to be done by such board, or any information furnished by him which appears to him to necessitate the doing of a certain thing by such board and to make a written reply to him within a reasonable time, stating its reasons for not desisting from doing, or for not doing, such thing.
- 125. (1) If, in the opinion of the Collector, the execution of any order Collector's or resolution of a local board, or the doing of anything which is about to power of be done, or is being done by or on behalf of a local board, is causing, or is suspending be done, or is being done by or on behalf of a local board, is causing, or is suspending bikely to cause, injury or annoyance to the public, or to lead to a breach orders, etc., of the peace or is unlawful, he may, by order in writing, under his signational boards.
- (2) When a Collector makes any order under sub-section (1), he shall Collector's forthwith forward to the Commissioner and to the local board affected order to be reported to thereby a copy of the order, with a statement of the reasons for making the Commisti; and it shall be in the discretion of the Commissioner to rescind the sioner, who order, or to direct that it continue in force with or without modification or modify it. permanently or for such period as he thinks fit.
- (3) The Commissioner shall forthwith submit to the Government Every case a report of every case occurring under this section, and the Government under this may revise or modify any order made therein, and make in respect theresection to be reported to the Government order which the Commissioner could have made, the Government for its
- 126. (1) In cases of emergency the Collector may provide for the Extraordiexecution of any work, or the doing of any act, which a local board nary powers
 is empowered to execute or do, and the immediate execution or doing of of Collector
 which is, in his opinion, necessary for the health or safety of the emergency.
 public, and may direct that the expense of executing the work or doing the
 act, with a reasonable remuneration to the person appointed to execute
 or do it, shall be forthwith paid by the local board.

- (2) If the expense and remuneration are not so paid, the Collector may direct the officer in charge of the treasury or bank or society in which the local fund is kept or the whole or portion thereof is deposited or lent on interest, to pay the expense and remuneration, or as much thereof as is possible, from the balance of such fund in his hand.
- (3) The Collector shall forthwith report to the Commissioner every case in which he uses the powers given to him by this section.

Power of the Government performance of duties in default of local board.

127. (1) When the Government is informed, on complaint made or to provide for otherwise, that a local board has made default in performing any duty imposed on it by or under this Act, the Government, if satisfied after due enquiry that the local board has been guilty of the alleged default, may fix a period for the performance of that duty:

> Provided that no such period shall be fixed unless the local board has been given an opportunity to show cause why such order shall not be made.

- (2) If that duty is not performed within the period so fixed, the Government may appoint some person to perform it, and may direct that the expense of performing it, with a reasonable remuneration to the person appointed to perform it, shall be forthwith paid by the local board.
- (3) If the expense and remuneration are not so paid, the Government -may direct the officer in charge of the treasury or bank or society in which the local fund is kept, or the whole or portion thereof is deposited or lent on interest, to pay the expense and remuneration, or as much thereof as is possible, from the balance of such fund in his hands.

Inquiry into affairs of local board.

- (1) The Government may from time to time cause inquiry to be made by any of its officers in regard to any local board, or matters concerning it, or any matters with respect to which the sanction, approval, consent or order of the Government is required by this Act.
- (2) The officer holding such inquiry shall have the powers of a court under the Code of Civil Procedure, 1908, to take evidence and to compel v of the attendance of witnesses and the production of documents for the 1908. purposes of the inquiry.
- (3) The Government may make orders as to the costs of inquiries made under sub-section (1) and as to the parties by whom and the funds out of which they shall be paid, and such order may, on the application of the Government or of any person named therein, be executed as if it were a decree of a civil court.

Government to dissolve or supersede local boards in case of incompetence. default, or abuse of powers.

- 129. (1) If in the opinion of the Government a local board is not competent to perform, or persistently makes default in the performance of the duties imposed on it by or under this Act, or otherwise by law, or exceeds or abuses its powers, the Government may by an order published, with the reasons for making it, in the Bombay Government Gazette, declare the local board to be incompetent or in default, or to have exceeded or abused its powers, as the case may be, and either-
 - (a) dissolve the board, or
 - (b) supersede it for a period to be specified in the order.

- (2) When a local board is dissolved or superseded, all members of the board shall, as from the date of the order, vacate their offices as such members.
- . 130. When a local board is dissolved, it shall be reconstituted by Reconstisuch nominations and elections as may be necessary, as if the term of tution of local office of its members had expired; and a president and vice-president dissolution. of the board shall be elected in the manner provided in this Act.

131. When a local board is superseded

of superses-

- (a) all powers and duties of the board may, during the period of sion of local supersession, be exercised and performed by such person or persons as board. the Government from time to time appoints in that behalf; such person or persons may appoint a person or a committee or committees and delegate to them all the powers which the local board could have delegated to a person or committee under this Act, and empower such person or committee or committees to perform the duties which a board could have delegated; and
- (b) all property vested in the board shall, during the period of supersession, vest in the Government;
- (c) when more persons than one are appointed to exercise the powers. and perform the duties of the board, such persons may authorise one or more of their number to sue or be sued on their behalf.
- 132. In all matters connected with this Act, the Government and the Powers of the Commissioners and Collectors shall have and exercise the same authority and of Comand control over the Commissioners, the Collectors and their subordinates, missioners respectively, as they have and exercise over them in the general and over revenue administration.

Collectors. etc.

CHAPTER XI.—Rules.

The Government may by notification in the Bombay Govern-Purposes for ment Gazette from time to time make rules or orders, consistent with which rules, and orders

may be made.

- (a) prescribing the number of members of each local board, the proportion of the elective and nominated members for each local board and the number of members to be elected by each constituency:
- (b) determining the mode in which and the places at which, and the authorities, if any, under whose supervision elections of members of local boards shall be held, and the manner in which votes thereat shall be recorded, and how and by whom the results of such elections shall be declared:
- (c) prescribing such general conditions as shall seem fit as to the manner in which the business of local boards shall be conducted;
- (d) prescribing, for the purposes of clause (i) of section 50, the conditions under which, and the rates at which, payment of travelling expenses shall be made:

^[1] For Notifications publishing the Rules under various sub-sections of this section. see p. 79 infra.

(e) prescribing for the purposes of proviso (b) to section 80, the charges to be defrayed by each district local board on account of primary education, the extent of the independent authority of district and taluka local boards in respect of education and their relations generally with the Government, Educational Department and with each other in educational matters;

(f) prescribing, for the purposes of sections 83, 84 and sub-section (1) of section 86 the form in which the accounts of local boards shall be kept and the forms in which their abstracts of accounts and budget estimates shall be prepared and regulating the audit of local board

accounts;

(g) regulating, for the purposes of sections 120, 122 and proviso (i) to section 123 the appointment, control, punishment and dismissal of the officers and servants of local boards and the extent of contributions to the pensions and leave allowances of Government officers employed by local boards; and

(h) generally, for the guidance of local boards and Government officers in all matters connected with the administration of this Act

and not therein specially provided for:

Provided that rules made under this section shall be made after previous publication.

CHAPTER XII.—MISCELLANEOUS.

Penalty of for member, officer or servant of a local board having an interest in any contract, etc., with that board.

134. If any member of a local board or any officer or servant maintained by or employed under a local board, has directly or indirectly any share or interest in any work done by order of the board of which he is a member or by which he is maintained or under which he is employed or in any contract with or under such board, he shall be liable on conviction before a Magistrate to a fine not exceeding rupees five hundred:

Provided that no person shall be convicted under this section by reason only of such person—

- (a) having a share in any joint stock company or a share or interest in any society registered or deemed to be registered under the [1] Co-II of operative Societies Act, 1912, which shall contract with or be employed 1912. by or on behalf of the local board, or
- (b) having a share or interest in any newspaper in which any advertisement relating to the affairs of the local board may be inserted,
- (c) holding a debenture or being otherwise concerned in any loan raised by or on behalf of the local board, or
- (d) being professionally engaged on behalf of the local board as a legal practitioner.

Members, etc., of boards to be public servants.

135. Every member of a local board and every officer and servant maintained by or employed under a district local board shall be deemed to be a public servant within the meaning of section 21 of the Indian XLVof Penal Code.

- 136. (1) No suit shall be commenced against any local board, or Limitation of against any officer or servant of a local board, or any person acting under the orders of a local board, for anything done, or purporting to have been done, in pursuance of this Act, without giving to such local board, officer, servant, or person one month's previous notice in writing of the intended action and of the cause thereof, nor after three months from the date of the act complained of.
- (2) In the case of any such suit for damages, if tender of sufficient amends shall have been made before the action was brought, the plaintiff shall not recover more than the amount so tendered, and shall pay all costs incurred by the defendant after such tender.
- 137. [1]When any land is required for the purposes of this Act, Acquisition the Government may, on the request of the local board requiring it, of land. proceed to acquire it under the provisions of the [2]Land Acquisition Act, 1894, or other law for the time being in force, and, on payment by the local board of the compensation awarded under that Act and of all other charges incurred by the Government on account of the acquisition, the land shall vest in the local board.

SCHEDULE A.

[See clause (a) of section 93]

- 1. Penalties and fines, including any charge imposed under section 148 of the [3]Bombay Land Revenue Code, 1879, as penalty or interest in case of default, but not including any fine levied under section 65 of the same on grant of permission to use land for a purpose unconnected with agriculture.
- 2. Occasional fixed payments, in commutation of all claims of the Government, in respect of succession to or transfer of inams, payable on each succession or transfer.
- 3. Land revenue on service inam land, recovered from inferior village servants for periods of unauthorised absence from service; and all other such charges of assessment on inams and watans for broken periods and past years.
 - 4. Fees for grazing, when charged per head of cattle.

SCHEDULE B.

[See sub-section (2) of section 100]

FORM OF NOTICE OF PROPOSED TAX.

Notice is hereby given to the inhabitants of the district of that the district local board desires to impose the tax, rate, toll, octroi or cess (as the case may be) defined in the rules appended [in

^[1] This section was substituted for the original by Bom. X of 1927, s. 13.

^[1] General Acts, Vol. III.

^[*] Vol. II of Bom. Code.

is to be

ing tax.

substituted

lieu of the tax known as thel

, which is published at

To beinsert- page of the sanctioned rules]. ed if the tax

Any inhabitant of the district objecting to the proposed tax may, within one month from the date of this notice, send his objection in writfor any exist-ing to the district local board.

RULES:

[The rules prepared by the district local board under sub-section (1) of section 100 are to be appended here.]

SCHEDULE C.

[See sub-section (3) of section 104]

FORM OF NOTICE OF DEMAND.

residing at

Take notice that the district local board of demands from

the sum of

due from

on account of

(Here describe the property or other subject in respect of which the tax is leviable.)

leviable under rule No.

for the period of

commencing on the day of

and ending 19 ; and that if,

on the day of within fifteen days from the service of this notice, the said sum is not paid into the local board office at , and sufficient cause

for non-payment is not shown to the satisfaction of the district local board, a warrant of distress will be issued for the recovery of the same with cost.

Dated this day of

By order of the district local board of

Boards Act, 1923

SCHEDULE D.

(See section 105)

FORM OF WARRANT.

(Here insert the name of the officer charged with the execution of the warrant.)

Whereas A. B. of has not paid, and has not shown satisfactory

cause for the non-payment of, the sum of due for the

tax* mentioned in the margin for the period commencing *Here
describe
on the day of 19 , and ending with the the tax.

day of 19 , and leviable under

rule No.

And whereas fifteen days have elapsed since the service on him of notice of demand for the same;

This is to command you to distrain, subject to the provisions of sections 108 and 109 of the Bombay Local Boards Act, 1923, the goods and chattels of the said A. B. to the amount of amount due from him, as follows:—

On account of the said tax

For service of notice and forthwith to certify to me together with this warrant all particulars of the goods seized by you thereunder.

Dated this day of

19 (Signed)

President

(or as the case may be, see section 106.)

The Bombay Local

BOM. VI

-SCHEDULE E.

[See clause (c) of section 109 and sub-section (1) of section 116]

FORM OF INVENTORY AND NOTICE.

To

Rs.

A. B.

residing at

in the inventory beneath this, for the value of due for the mentioned in the margin for the period commencing with the

Take notice that I have this day seized the goods and chattels specified

day of 19 and ending with day of the . 19. together with

due as for service of notice of demand and that unless within

five days from the day of the date of this notice you pay into the local the said amount together with the cost board office at of recovery, the said goods and chattels will be sold.

Dated this day, of

(Signature of officer executing the warrant.)

INVENTORY.

(Here state particulars of goods and chattels seized).

 Here describe. the tax.

Boards Act, 1923

(See footnote to section 133)

For Rules under section 133(a) in connection with the— Northern Division.

See-

- G. N. No. 4454, dated the 18th August 1924, published in the B. G. G., Part I-A of 1924, pages 237-260.
- G. N. No. 4454, dated the 19th August 1927, published in the B. G. G., Part I-A of 1927, page 122.

 Central Division.
- G. N. No. 4454, dated the 30th September 1924, published in the B. G. G., Part I-A of 1924, pages 278-338.
 - G. N. No. 4454, dated the 24th November 1924, published in the B. G. G., Part I-A of 1924, page 470.
 - G. N. No. 4454, dated the 9th January 1928, published in the B. G. G., Part I of 1928, page 72.
 - G. N. No. 4454, dated the 28th May 1928, published in the B. G. G., Part I-A of 1928, page 120.
 - G. N. No. 4454, dated the 20th August 1930, published in the B. G. G., Part I-A of 1930, page 265.

 Bombay Suburban Division.
 - G. N. No. 4454, dated the 17th February 1925, published in the B. G. G., Part 1-A of 1925, pages 97-98.
 - G. N. No. 4454, dated the 7th March 1925, published in the B. G. G., Part I-A of 1925, page 120.

 Southern Division.
 - G. N. No. 4454, dated the 3rd January 1925, published in the B. G. G., Part I-A of 1925, pages 5-53.

Sind

- G. N. No. 4454, dated the 20th March 1925, published in the B. G. G., Part I-A of 1925, pages 139-248.
- G. N. No. 4454, dated the 15th May 1930, published in the B. G. G., Part I A of 1930, page 163.

For Rules under section 133 (b), see-

- G. N. No. 4455, dated the 10th July 1924, published in the B. G. G., Part I-A of 1924, pages 172-178.
- G. N. No. 4455, dated the 25th April 1928, published in the B. G. G., Part I of 1928, pages 805-806.
- G. N. No. 4455, dated the 13th December 1928, published in the B. G. G., Part I of 1928, page 2648.

For Rules under section 133 (c). see-

- G. N. No. 4456, dated the 24th January 1924, published in the B. G. G., Part I of 1924, page 174.
- G. N. No. 4456, dated the 15th November 1927, published in the B. G. G., Part I of 1927, page 2630.
- G. N. No. 4456, dated the 1st November 1928, published in the B. G. G., Part I of 1928, pages 2372-73.
- G. N. No. 4456/B, dated the 1st November 1928, published in the B. G. G., Part I of 1928, pages 2372-73.

For Rules under section 133 (d), see-

- G. N. No. 4457, dated the 16th January 1924, published in the B. G. G., Part I of 1924, pages 127-128.
- G. N. No. 4457, dated the 18th July 1927, published in the B. G. G., Part I of 1927, page 1773.
- G. N. No. 4457, dated the 27th April 1929, published in the B. G. G., Part I of 1929, page 855.
- G. N. No. 4457, dated the 17th June 1929, published in the B. G. G., Part I of 1929, page 1360.

For Rules under section 133(e) and (f), see-G. N., E. D., No. 2534, dated the 10th October 1924, published in the B. G. G., Part I of 1924, pages 2583-2620.

G. N. No. 3666, dated the 27th September 1928, published in the B. G. G., Part I-A of 1928, pages 188-279. G. N. No. 3666, dated the 19th June 1930, published in the B. G. G., Part I-A of 1930.

pages 196-197. G. N. No. 3666, dated the 17th October 1928, published in the B. G. G., Part I-A of 1928, page 286.

For Rules under section 133(g), see G. N. No. 4460, dated the 23rd January 1924, published in the B. G. G., Part I of 1924, page 170.

G. N. No. 4460, dated the 18th August 1924, published in the B. G. G., Part I of 1924, page 1862.

G. N. No. 4460, dated the 24th January 1928, published in the B. G. G., Part I of 1928, pages 148-149. G. N. No. 4456-A, dated the 1st November 1928, published in the B. G. G., Part I of

1928, pages 2372-73. G. N. No. 4460, dated the 29th September 1930, published in the B. G. G., Part I-A of 1930, pages 316-317.

G. N. No. 5001, dated the 6th May 1925, published in the B. G. G., Part I of 1925. pages 1295-1298. G. N. No. 5001, dated the 19th August 1926, published in the B. G. G., Part I of 1926,

For Rules under section 133(h), see-

page 218.

pages 1604-1605.

page 1932.

G. N. No. 5001, dated the 31st January 1928, published in the B. G. G., Part I of 1928. G. N. No. 5001, dated the 27th July 1928, published in the B. G. G., Part I of 1928,

G. N. No. 5001, dated the 9th May 1929, published in the B. G. G., Part I of 1929, pages 1077-78.

G. N. No. 5001, dated the 28th November 1929, published in the B. G. G., Part I-A of 1929, page 210. . . G. N. No. 117, dated the 27th December 1928, published in the B. G. G., Part I-A of

1929, page I. G. N. No. 5001, dated the 24th February 1930, published in the B. C. G., Part I-A of 1930, page 98.

BOMBAY ACT No. VIII OF 1923.[1]

[THE BOMBAY PUBLIC FEBRIES (AMENDMENT) ACT, 1923]

[30th April 1923]

An Act further to amend the law relating to public ferries in the Presidency of Bombay.

WHEREAS it is expedient further to amend the [2] law relating to public ferries in the Presidency of Bombay in manner hereinafter appearing; It is hereby enacted as follows:—

- 1. This Act may be called the Bombay Public Ferries (Amendment) Short title. Act. 1923.
- 2. After section 2 of the [2]Bombay Public Ferries Act, 1868, herein-New section after called the said Act, the following section shall be inserted, 2-A. namely:—
 - "2-A. It shall be lawful for Government to declare by notification vesting of in the Bombay Government Gazette that any public ferry notified under public ferries section 2 shall vest in the local body or jointly in the local bodies; bodies: exercising authority over the area or areas as the case may be, in which Powers of such ferry is situate and thereafter such local body or bodies in respect shall exercise in respect of such ferry all the powers specified in the thereto. Schedule to this Act:

Provided that the power of exemption under clause (d) of section 3 shall also be exercisable by Government.

Explanation.—For the purpose of this section 'local body' means a district local board or a municipality."

3. The following schedule shall be added to the said Act, namely :- Addition of Schedule.

" SCHEDULE.

Under section

Powers

- Powers exercisable by Government including the power to exempt from payment of toll under clause (d).
- 4. Powers exercisable by Government.
- 5. Powers exercisable by Government.
- 12. Powers exercisable by the Collector of the district.
- 14. Powers exercisable by the Collector of the district."

^[1] For Statement of Objects and Reasons, see Bombay Government Gazette, 1922, Pt. V, p. 90; for Report of Select Committee, see ibid, 1922, Pt. V, pp. 151-153; and for Proceedings in Council, see Bombay Legislative Council Debates, 1922 and 1923, Vols. VI and VIII.

^[7] Vol. II of Bom. Code.

BOMBAY ACT.No. IX OF 1923.[1]

[The Prevention of Cruelty to Animals (Bombay Amendment) Act, 1923]

- [4th October 1923]

an Act further to amend the Prevention of Cruelty to Animals Act, 1890.

WHEREAS it is expedient further to amend the [2]Prevention of Cruelty to Animals Act, 1890, in its application to the Presidency of Bombay in manner hereinafter appearing; It is hereby enacted as follows:—

- 1. This Act may be called the Prevention of Cruelty to Animals Short title. (Bombay Amendment) Act, 1923.
- 2. In section 11 of the [2]Prevention of Cruelty to Animals Act, Amendment 1890, after the words "offence to" the words "abandon, turn loose or of XI of shall be inserted.

^[1] For Statement of Objects and Reasons, see Bombay Government Gazette, 1923, Part V, pp. 7-8; and for Proceedings in Council, see Bombay Legislative Council Debates, 1923, Vol. X.

^[*] General Acts, Vol. II.

BOMBAY ACT No. X OF 1923.[1]

[THE BOMBAY HEREDITARY OFFICES (AMENDMENT) ACT, 1923]

[4th October 1923]

An Act further to amend the Bombay Hereditary Offices (Amendment) Act, 1886.

WHEREAS it is expedient further to amend the [2]Bombay Hereditary Offices (Amendment) Act, 1886, in manner hereinafter appearing; It is hereby enacted as follows:—

- 1. This Act may be called the Bombay Hereditary Offices Short title. (Amendment) Act, 1923.
- 2. In section 2 of the [2]Bombay Hereditary Offices (Amendment) Amendment Act, 1886, after the word "widow" wherever it occurs the words of section 2 of Bom. Act—"mother or paternal grandmother" shall be inserted.

 Vof 1886.

^[1] For Statement of Objects and Reasons, see Bombay Government Guzette, 1922, Part V, pp. 179-180; for Report of Select Committee, see ibid, 1923, Part V, pp. 15-16; and for Proceedings in Council, see Bombay Legislative Council Debates, 1923, Vols. VIII and X.

^{[&#}x27;] Vol. II of Bom. Code.

BOMBAY ACT No. XI OF 1923.[1]

[THE BOMBAY PREVENTION OF PROSTITUTION ACT, 1923]

[27th October 1923]

Amended by

Number of Act.	•	-			Year
Bom. Act No. IX		 	•		1926,
Bom. Act No. IX	• •			***	1927
Bom. Act No. XII	••	•		٠.	1930.

An Act to consolidate and amend the Law relating to Prostitution in the City of Bombay.

WHEREAS it is expedient to consolidate and amend the law relating to prostitution in the City of Bombay and to provide for the extension thereof to other local areas in the Presidency of Bombay, and Whereas the previous sanction of the Governor General required by sub-section (3) of section 80-A of the Government of India Act has been obtained for passage of this Act; It is hereby enacted as follows:—

- 1. (1) The Act may be called the Bombay Prevention of Prostitution Short title. Act, 1923,
- (2) This section 6, [2] section 8 (3)[2] section 9, [3] section 12 and Extent: section 13, sub-section (I)[3] extend to the whole of the Bombay Extension. Presidency. The rest of this Act shall extend in the first instance to the City of Bombay, but the Government may by notification extend to any other local area all or any of its provisions, with such verbal modifications as having regard to the principles of this Act may be necessary, for the purposes of such extension.
- 2. In this Act, unless there is anything repugnant in the subject Definition, or context,—
- [4] "' brothel' means any house, room or place, or any part thereof, occupied or let or intended to be occupied or let as a single tenement, which is habitually used by more than one person for the purposes of prostitution." [4]

^[1] For Statement of Objects and Reasons, see Bombay Government Gazette, 1923, Part V, pp. 22-23; for Report of Select Committee, see ibid, pp. 28-29; and for Proceedings in Council, see Bombay Legislative Council Debates, 1923, Vol. X.

^{[*]—[*]} The word, brackets and figures, "section 8 (3)" were substituted for the original words, brackets and figures "sub-section 8 (3)" by Bom. IX of 1926, s. 2.

^{[2]—[4]} The words, brackets and figures "section 12 and section 13, sub-section (1)" were substituted for the original words and figures "and section 12", by Bom. IX of 1926, a. 2.

^{[4]—[4]} This definition was substituted for the original definition by Bom. Act No. VII of 1930, s. 2.

"place of public amusement" shall mean any place, enclosure, building, tent, booth or other erection, whether permanent or temporary, where music, singing, dancing, or any diversion or game, or the means of carrying on the same, is provided, and to which the public are admitted either on payment of money, or with the intention that money may be collected from those admitted; and shall include a race-course, circus, theatre, music hall, billiard-room, bagatelle-room, gymnasium or fencing school;

"place of public entertainment" shall mean any place whether enclosed or open, to which the public are admitted, and where any kind of food or drink is supplied for consumption on the premises for the profit or gain of any person owning or having an interest in or managing such place; and shall include a refreshment-room, eating-house, coffee-house, liquor-house, boarding-house, lodging-house, hotel, tavern or wine, beer, spirit, arrack, toddy, ganja, bhang, or opium shop.

Soliciting.

- 3. Whoever in any street or public place or place of public resort or within sight of and in such manner as to be seen or heard from any street or public place, whether from within any house or building or not.—
 - (a) by words, gestures, wilful and indecent exposure of his person or otherwise attracts or endeavours to attract attention for the purpose of prostitution, [1]or carnal intercourse[1] or
 - (b) solicits or molests any person or loiters for the purpose of prostitution, [1]or carnal intercourse[1]

shall be punished with imprisonment for a term which may extend to [2]three months[2] or with fine which may extend to [3]one hundred[3] rupees.

Prostitutes in places of public amusement. 4. Whoever being the keeper of any place of public amusement or entertainment, knowingly permits prostitutes, or persons of notoriously bad character, for the purposes of their trade to meet or remain in such place, shall be punished with fine which may extend to one hundred rupees.

Living on the earnings of prostitution.

5. (1) Any [4] person not below the age of 16 years [4] who knowingly lives, wholly or in part, on the earnings of prostitution [5] of another person [5] shall be punished with imprisonment which may extend to

^{[1]-[1]} These words were inserted by Bom. Act XII of 1930, s. 3.

^{[*]—[*].} The words "three months" were substituted for the original words "eight days" by Bom. IX of 1926, s. 3 (a).

^{[*]—[*]} The words "one hundred" were substituted for the original word "fifty" by Bom. IX of 1926, s. 3 (b).

^{[4]—[4]} These words were substituted for the words "male person" by Bom. Act XII of 1930, s. 4 (a) (i).

^{[5]—[5]} These words were inserted by Bom. Act XII of 1930, s. 4 (a) (ii).

[1]three years, or with fine which may extend to one thousand rupees, or with whipping, or with any two of those punishments.

- (2) Where [2] any person is proved to be living with or to be habitually Presumption in the company of a prostitute or is proved to have exercised control, thereof. direction or influence over the movements of a prostitute in such a manner as to show that he is aiding, abetting or compelling her prostitution with any other person or generally, [3]or to be keeping or managing or assisting in the management of a brothel[3] it shall be presumed, until the contrary is proved, that he is knowingly living on the earnings of prostitution.
- 6. Any person who procures or attempts to procure any woman or Procuration. girl, whether with or without her consent, to become a prostitute, or who, with intent that she may for the purposes of prostitution become the inmate of or frequent a brothel, persuades a woman or girl to leave her usual place of abode, shall be punished with imprisonment which may extend to three years or with fine which may extend to one thousand rupees, or with whipping, or with any two of those punishments.
- 7. Any person who brings or attempts to bring into the City Importing of Bombay any woman or girl with a view to her becoming a prostitute, woman or shall be punished with imprisonment which may extend to three years prostitution. or with fine which may extend to one thousand rupees, or with whipping, or with any two of those punishments.
 - 8. (1) Whoever detains any woman or girl against her will,—

(a) in any house, room or place in which the business of a common detention prostitute is carried on, or

Unlawfui for prostitu-

(b) in or upon any premises with intent that she may have sexual intercourse with any man, other than her husband, whether any particular man or generally,

shall be punished with imprisonment which may extend to two years, or with fine which may extend to one thousand rupees, or with whipping, or with any two of those punishments.

(2) Where a woman or girl is in any house, room or place in which the Presumption business of a common prostitute is carried on or is in or upon any premises thereof: for the purpose of having sexual intercourse referred to in sub-clause 1 (b). a person shall be deemed to detain such woman or girl in such house, room; place or in or upon such premises if, with intent to compel or induce her to remain there, such person withholds from her any wearing apparel. personal ornaments or other property belonging to her; or, where wearing apparel, personal ornaments, other personal property, or money has been lent or otherwise supplied to such woman or girl by or by the direction of such person, if such person threatens such woman or girl

^[1] The word "three" was substituted for the word "two" by Bom. Act XII of 1930, s. 4 (a) (iii).

^{[&}quot;] The word "any" was substituted for the words "a male" by Bom. Act XII of 1930, a. 4 (b) (i).

^{[*]--[*]} These words were inserted by Bom. Act XII of 1930, s. 4 (b) (ii).

with legal proceedings if she takes away with her the wearing apparel or personal ornaments or other personal property so lent or supplied, or for the recovery of such money.

Bar of certain ings.

(3) No civil suit shall lie, and no proceedings whether civil or criminal legal proceed- shall be taken, against any such woman or girl or against any person on her behalf, by or on behalf of any person occupying or managing or acting or assisting in the management of any such house, room, place or premises, for the recovery of any wearing apparel, personal ornaments or other property alleged to have been lent or supplied to or for such woman or • girl or to have been pledged by or for her or for the recovery of any money alleged to be payable by or on behalf of such woman or girl.

No punishment of whipping under 'sections .5 to 8 for females. - Punishment for letting, or permitting use of premises as a brothel.

- [1]" 8A. Nothing in sections 5, 6, 7 and 8 shall render a female liable to be punished with whipping.
 - "8B. Any person who—
 - (a) being the owner, tenant, lessee, occupier or person in charge of any premises, knowingly permits such premises or any part thereof to be used as a brothel; or
 - (b) being the lessor or landlord of any premises, or the agent of such lessor or landlord, lets the same or any part thereof, with the knowledge that the same or any part thereof may be used as a brothel, or is wilfully a party to the continued use of such premises or any part thereof, as a brothel; shall be punished with imprisonment, which may extend to three months, or with fine which may extend to five hundred rupees, or with both.

Punishment subsequent offence.

Any person who, having been convicted of an offence punishable under section 8B, is convicted of a subsequent offence punishable under the said section, shall be punished with imprisonment, which may extend to one year, or with fine which may extend to one thousand rupees, or with both, and may, in addition to such punishment, be required by the Court to execute a bond, with sureties, for his good behaviour for such period, not exceeding three years, as the Court may direct, and, in default of executing such bond, may be imprisoned for a period not exceeding six months in addition to any punishment awarded in respect of his offence.

Determination of tenancy of . premises on conviction for permitting use as a brothel or for purposes of habitual prostitution.

"8D. (1) On conviction of the tenant, lessee or occupier of any offence under section 8B, clause (a), the convicting court shall give notice thereof in writing to the landlord or lessor, who shall then be entitled to require the person so convicted to assign the lease or other contract, under which the said premises are held by him to some person approved by the landlord or lessor, which approval shall not be unreasonably withheld, and, in the event of the person so convicted failing within three months to assign the lease or contract as aforesaid, the landlord or lessor shall be entitled to determine the lease or other contract, but without prejudice to the rights or remedies of any party to such lease or contract accruing before the date of such determination.

^[1] Sections 8A, 8B, 8C and 8D were inserted by Bom. Act XII of 1930, s. 5.

- (2) If the landlord or lessor determines a lease or contract of tenancy under the provisions of sub-section (1), the Court which has convicted the tenant, lessee or occupier may make an order for delivery of possession to the landlord or lessor within such time not being less than seven days as the Court may direct. The order shall be served on the person against whomit is made in the manner provided in the Code of Criminal Procedure, 1898, for the service of a summons, and if such person fails to comply with it, he shall be punished with imprisonment which may extend to one month or with fine which may extend to two hundred rupees or with both.
 - (3) If the landlord or lessor, after he has received notice in writing of such conviction, fails to exercise his rights under sub-section (1) and subsequently during the subsistence of the lease or contract, any such offence is again committed in respect of the premises, the landlord or lessor shall be deemed to have abetted that offence, unless he proves that he had taken all reasonable steps to prevent the recurrence of the offence.
 - (4) Where a landlord or lessor determines a lease or other contract under this section, and subsequently grants another lease or enters into another contract of tenancy to, with, or for the benefit of the same person, without causing to be inserted in such lease or contract all reasonable provisions for the prevention of a recurrence of any such offence, he shall be deemed to have failed to exercise his rights under the provisions of this section, and any such offence committed during the subsistence of the subsequent lease or contract shall be deemed, for the purposes of this section, to have been committed during the subsistence of the previous lease or contract."
 - 9. (1) The Commissioner of Police may at any time cause a notice to Segregation be served upon any person who occupies or manages or acts or assists in of brothels: the management of, or upon any woman who resides in, uses or frequents, any house, room, or place in the City of Bombay in which the business of a common prostitute is carried on, requiring such person or woman after a date to be mentioned in the notice, which shall not be less than seven days from the date of the notice, not to reside in, use or frequent any street or place specified in the notice; or directing such person or woman after a date to be mentioned and fixed as aforesaid to remove himself or herself to such place, whether within or without the City of Bombay, by such route or routes and within such time as the Commissioner of Police shall prescribe.
 - (2) If any person or woman so directed under sub-section (1) fails or refuses to remove himself or herself as directed within the time specified the Commissioner of Police may cause such person or woman to be arrested and removed in police custody to the place prescribed.
 - (3) No direction under the second alternative in sub-section (1) shall be made without the previous sanction of the Government.

Penalties.

- (4) Any person on whom a notice under this section shall have been served, disobeying the requisition therein contained, shall be punished with imprisonment for a term which may extend—
 - (a) in the case of a first offence to one month, and
 - (b) in the case of a second or subsequent offence, to three months.
- (5) Whoever, within two years from the date of his removal under the provisions of this section, returns to any place within the City of Bombay, without the permission in writing of the Commissioner of Police, shall be punished with imprisonment for a term which may extend to two years or with fine or with both.
- [1] [(6) (a) Elsewhere than in the City of Bombay all or any of the powers conferred by this section on the Commissioner of Police for the City of Bombay may be exercised, as regards his district or part of his district, by the District Magistrate when empowered in that behalf by the Governor in Council by a notification in the Bombay Government Gazette.
- (b) Any person on whom a notice issued by the District Magistrate under the powers exercisable by him under clause (a) shall have been served, disobeying the requisition therein contained shall be liable to the punishment provided in sub-section (4).
- (c) Whoever, within two years from the date of his removal under the provisions of this sub-section, returns to any place within the district from which he has been removed without the permission in writing of the District Magistrate shall be liable to the punishment provided in subsection (5).

Arrest without warrant.

- 10. [2] [(1) Any police officer on information, and, if the offence is committed in his view, any police officer specially authorised in this behalf by the Commissioner of Police, may arrest without a warrant any person committing any offence punishable under section 3.]
- (2) Any police officer may, without an order from a magistrate and without a warrant, arrest any person who has been concerned in any offence punishable under section 8 or against whom a reasonable complaint has been made or credible information has been received or a reasonable suspicion exists of his having been concerned in an offence under that section or of his having committed an offence under section 9, sub-section (5).
 - 11. [3] [Repealed.]

Offences triable by certain magistrates only. 12. Offences punishable under sections 5, 6, 7 or 8 shall be triable by the Courts of Session, stipendiary Presidency Magistrates and stipendiary Magistrates of the First Class only.

^[1] Sub-section (6) was added by Bom. IX of 1926, s. 4.

^[2] Sub-section (1) was substituted for the original sub-section (1) by Bom. IX of 1926. s. 5.

^[5] Repealed by Bom. Act XII of 1930, s. 6.

13. (1) In the [1] City of Bombay Police Act, 1902,—

Repeals and amendments.

- (a) in sub-section 1 (2) the figures "28" shall be repealed and for the words, letters and figures "110-A and sub-section (3) of section 126A" the word, letters and figures "and 110-A" shall be substituted;
 - (b) section 28 shall be repealed;
- [2] (c) in [3] section 33 (i)[3] after the figures "126" the word "or" shall be deleted and after the figures "23" the words and figures "or under section 128" shall be inserted;
- (d) in [4] section[4] 33 (j) the words "or section 126-A" shall be repealed:
- [5] [(e) the following shall be inserted as sub-section (1) of section 35:—
- "Any police officer empowered in this behalf by the Commissioner of Police may arrest without warrant for any offence specified in section 120";]
- (f) in section 120, clauses (a) and (b) and the letter "(c)" shall be repealed;
- (g) in section 125, in clause (a) the word "or" and clause (b) shall be repealed;
 - (h) section 126-A shall be repealed;
- (i) in section 128, the words and letters "or section 28" shall be repealed;
 - (i) section 129 shall be repealed;
- (k) in section 130 for the word, letter and figures "126-A, 127 or 128" the word and figures " or 127" shall be substituted.
- (2) In any municipal district to which section 3 may be extended under section 1, sub-section (2), section 152 of the [1]Bombay District Municipal Act, 1901, shall be deemed to have been repealed from the date of such extension.

^[1] Vol. IV of Bom. Code.

^[1] This sub-clause was substituted for the original sub-clause (c) of sub-section (1) of section 13 by Bom. IX of 1926, s. 6 (a).

^{[*]—[*]} The word, figures and brackets "section 33 (i)" were substituted for the original word, figures and brackets "clause 33 (i)" by Bom. IX of 1927, s. 2 and Sch. I.

^{[4]—[4]} The word "section" was substituted for the original word "clause" by Bom. IX of 1927, s. 2 and Sch. I.

^[*] This sub-clause was substituted for the original sub-clause (e) of sub-section (1) of section 13 by Bom. IX of 1926, a. 6 (b).

Amendment

BOMBAY ACT No. I OF 1924.[1]

[THE BOMBAY VILLAGE PANCHAYATS (AMENDMENT) ACT]

[11th July 1924]

An Act to amend the Bombay Village Panchayats Act, 1920.

WHEREAS it is expedient further to amend the [2]Bombay Village Panchayats Act, 1920, in manner hereinafter appearing; It is hereby enacted as follows:—

- 1. This Act may be called the Bombay Village Panchayats (Amend-Short title. ment) Act, 1924.
 - 2. In section 17 of the [2] Bombay Village Panchayats Act, 1920,—

of section 17 of Bom.
IX of 1920.

"(3) During any vacancy in the panchayat the continuing Vacancy members may act as if no vacancy had occurred;" and not to affect Proceedings of Panchayat,

^[1] For Statement of Objects and Reasons, see Bombay Government Gazette, 1924, Part V. pp. 11-12; and for Proceedings in Council, see Bombay Legislative Council Debates, 1924, Vol. XI.

^[3] Vol. V of Bom, Code,

BOMBAY ACT No. II OF 1924[1]

[THE BOMBAY PUBLIC CONVEYANCES (AMENDMENT) ACT, 1924]

[11th July 1924]

An Act to amend the Bombay Public Conveyances Act, 1920.

WHEREAS it is expedient to amend the [a]Bombay Public Conveytom. ances Act, 1920, in manner hereinafter appearing; AND WHEREAS the
geo. previous sanction of the Governor General required by clause (e) of subsection (3) of section 80-A of the Government of India Act, has been
to 60. V, obtained for the passing of this Act; It is hereby enacted as follows:

1. This Act may be called the Bombay Public Conveyances (Amend of

- 1. This Act may be called the Bombay Public Conveyances (Amend-Short title. ment) Act, 1924.
- 2. In sub-section (1) of section 12 of the [2]Bombay Public Convey-Amendment om. ances Act, 1920, after the word "driver" where it occurs for the second of section 12 of Bom. VII of time the words "is not competent and careful or" shall be inserted. of 1920.

^[1] For Statement of Objects and Reasons, see Bombay Government Gazette, 1924, Part V. p. 3; and for Proceedings in Council, see Bombay Legislative Council Debates, 1924, Vol. XI.

^[*] Vol. V of Born. Code,

BOMBAY ACT No. IV OF 1924.[1]

[THE BOMBAY DISTRICT MUNICIPAL (AMENDMENT) ACT, 1924]

[6th October 1924]

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

WHEREAS it is expedient further to amend the [2]Bombay District Municipal Act, 1901, in manner hereinafter appearing; It is hereby enacted as follows:—

- 1. This Act may be called the [2]Bombay District Municipal Short title. (Amendment) Act, 1924.
- 2. In clause (c) of sub-section (1) of section 15 of the [3]Bombay Amendment District Municipal Act, 1901, hereinafter referred to as the said Act, the 15 (1) of words "or who is of the female sex" shall be repealed.

 Bom. II of 1901.
- 3. To section 23 of the said Act, the following sub-sections shall be Amendment of section added, namely:—

 23 of Bom.
 - "(9) On the dissolution of a municipality by lapse of time III of 1901. or otherwise and after a general election the Collector shall call a meeting for the purpose of an election under clause (c) of sub-section (2) of section 23.
 - "(10) In the event of a vacancy occurring under sub-section (8) of section 23 the Collector shall call a meeting for the election of a new president if the vice-president fails to do so within 15 days of the occurrence of the vacancy."
- 4. In section 31 of the said Act, the words "save as regards the Amendment of section disqualification on the ground of sex" shall be repealed.

 31 of Bom.

 III of 1901.
- 5. In sub-section (I) of section 91A of the said Act for the word Amendment "municipality" where it occurs for the first time the words "city 91A of Bom. municipality and of such other municipality as may be notified by III of 1901. Government in this behalf" shall be substituted.
- 6. In sub-section (2) of section 107 of the said Act after the word Amendment of section notice" the words "require the owner to" shall be inserted.

 7. In section 179 of the said Act—

 107 (2) of Bom. III of 1901
 - (1) In sub-section (1) after the word "and" in line 11 the words Amendment of section 179 of Boms.

 III of 1901.

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^[1] For Statement of Objects and Reasons, see Bombay Government Gazette, 1924, Part V, pp. 9-10; for Report of Select Committee, see ibid, 1924, Part V, pp. 14-16; and for Proceedings in Council, see Bombay Legislative Council Debates, 1924, Vols. XI and XII.

^[*] Vol. IV of Bom. Code.

BOMBAY ACT No. IV OF 1924.[1]

[THE BOMBAY DISTRICT MUNICIPAL (AMENDMENT) ACT, 1924]

[6th October 1924]

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

WHEREAS it is expedient further to amend the [2]Bombay District Municipal Act, 1901, in manner hereinafter appearing; It is hereby enacted as follows:—

- 1. This Act may be called the [2]Bombay District Municipal Short title. (Amendment) Act, 1924.
- 2. In clause (c) of sub-section (I) of section 15 of the [*]Bombay Amendment District Municipal Act, 1901, hereinafter referred to as the said Act, the 15 (I) of words "or who is of the female sex "shall be repealed.

 Bom. II of 1901.
- 3. To section 23 of the said Act, the following sub-sections shall be Amendment of section 23 of Bom.
 - "(9) On the dissolution of a municipality by lapse of time III of 1901. or otherwise and after a general election the Collector shall call a meeting for the purpose of an election under clause (c) of sub-section (2) of section 23.
 - "(10) In the event of a vacancy occurring under sub-section (8) of section 23 the Collector shall call a meeting for the election of a new president if the vice-president fails to do so within 15 days of the occurrence of the vacancy."
- 4. In section 31 of the said Act, the words "save as regards the Amendment of section disqualification on the ground of sex" shall be repealed.

 Amendment of section 31 of Bom.

 III of 1901.
- 5. In sub-section (1) of section 91A of the said Act for the word Amendment "municipality" where it occurs for the first time the words "city 91A of Bom. municipality and of such other municipality as may be notified by III of 1901. Government in this behalf" shall be substituted.
- 6. In sub-section (2) of section 107 of the said Act after the word Amendment of section notice" the words "require the owner to" shall be inserted.

 7. In section 179 of the said Act—

 Bom. III of 1901.
 - (1) In sub-section (1) after the word "and" in line 11 the words Amendment of section any dissolve such municipality or "shall be inserted; 179 of Bome, III of 1901.

^[1] For Statement of Objects and Reasons, see Bombay Government Gazette, 1924, Part V, pp. 9-10; for Report of Select Committee, see ibid, 1924, Part V, pp. 14-16; and for Proceedings in Council, see Bombay Legislative Council Debates, 1924, Vols. XI and XII.

^[1] Vol. IV of Bom. Code.

- (2) after sub-section (1) the following shall be inserted as sub-section (2), namely:—
 - "(2) On the dissolution of a municipality under sub-section (1) the term of office of the councillors of such municipality shall terminate and elections of councillors shall be held under the provisions of this Act or rules made thereunder applicable thereto,
 - on or before a date to be specified by Government in this behalf in the aforesaid order; "
 (3) in sub-section (2),
 - (a) for the words "so superseded" the words "superseded under sub-section (1)" shall be substituted;
 - (b) for the words "exercise of such power" occurring in the margin the word "supersession" shall be substituted.
 - (4) (a) sub-sections (2), (3) and (4) shall be renumbered (3), (4) nd (5), respectively, and
 - (b) in clauses (a) and (b) of sub-section (4) for the figure "(3)" the figure "(4)" shall be substituted.

BOMBAY ACT No. V OF 1924.[1]

[THE BOMBAY PORT TRUST (AMENDMENT) ACT, 1924]

[5th November 1924]

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

WHEREAS it is expedient further to amend the [2]Bombay Port Trust Act, 1879, in manner hereinafter appearing; and whereas the previous sanction of the Governor General required by sub-section (3) of section 80A of the Government of India Act has been obtained for the passing of this Act; It is hereby enacted as follows:—

- 1. This Act may be called the Bombay Port Trust (Amendment) Short title. Act, 1924.
- 2. For section 24 of the [2]Bombay Port Trust Act, 1879, New section the following shall be substituted:—

 24 of Bom.
 VI of 1879.
 - "24. Every order or regulation made by the Board under any of Sanction of the four last preceding sections shall, so far as the same relates to the Government, Deputy Chairman, Chief Engineer, Railway Manager, Secretary, Chief when necessary. Accountant, Docks Manager, Manager, Land and Bunders Department, Controller of Stores or any person who may, from time to time, be employed in the capacity of Consulting Engineer to the Board, be subject to the previous sanction of Government."

^[1] For Statement of Objects and Reasons, see Bumbay Government Gazette, 1924, Part V, p. 60; and for Proceedings in Council see Bombay Legislative Council Debates, 1924, Vol. XII.

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

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BOMBAY ACT No. VI OF 1924.[1]

[THE KARACHI PORT TRUST (AMENDMENT) ACT, 1924]

[25th November 1924]

An Act further to amend the Karachi Port Trust Act, 1886.

1. WHEREAS it is expedient further to amend [2]the Karachi Port Trust Act, 1886, in manner hereinafter appearing; and whereas the previous sanction of the Governor General required by clause (e) of subsection (3) of section 80A of the Government of India Act has been 'V obtained for the passing of this Act; It is hereby enacted as follows:--

- 1. This Act may be called the Karachi Port Trust (Amendment) Act, Short site. 1924.
- 2. This Act shall come into operation on the first day of April 1925 Commenceand notwithstanding anything contained in section 11 of the [2] Karachi ment. Port Trust Act, 1886, hereinafter called the said Act, the term of office of the nominee and elective trustees holding office under the provisions of the said Act shall expire on the 31st day of March 1925.
- 3. For section 5 of the said Act the following section shall be New section 5 of Bom. substituted, namely :---VI of 1886. "5. The Board shall consist of fourteen members." Number of
- trustees. 4. For section 7 of the said Act the following section shall be substi- New section 7 of Born. tuted, namely:---VI of 1886.
 - "7. (1) Of the remaining trustees, four shall be elected by the Nomination Karachi Chamber of Commerce, two shall be elected by the Indian of other Merchants' Association; two shall be elected by the Karachi Buyers and Shippers' Chamber, one shall be elected by the Municipality of Karachi and four, of whom one shall be representative of the North-Western Railway, shall be appointed by Government. Any trustee elected or appointed under this section may be a public officer or not.
 - "(2) The right to elect trustees conferred on the Karachi Chamber of Commerce, the Indian Merchants' Association and the Karachi Buyers and Shippers' Chamber shall accrue only on such Chamber of Commerce, or such Indian Merchants' Association, or such Karachi Buyers and Shippers' Chamber being or becoming registered under the law for the time being in force for the registration of companies or associations."

^[1] For Statement of Objects and Reasons, see Bombay Government Gazette, 1923, Part V, p. 63; for Report of Select Committee see Bombay Government Gazette, 1924, Part V, pp. 18-21; and for Proceedings in Council see Bombay Legislative Council Debates, 1924, Vols. XI and XII.

^[*] Vol. II of Bom. Code.

104 The Karachi Port Trust (Amendment) Act, 1924 [BOM. VI OF 1924]

New section 8 of Bom. VI of 1886. 5. For section 8 of the said Act the following section shall be substituted, namely:—

Conduct of elections.

"8. The election of trustees by the Karachi Chamber of Commerce, the Indian Merchants' Association, the Karachi Buyers and Shippers' Chamber and the Municipality of Karachi shall be conducted in such manner as shall from time to time be determined at a meeting of the members of the said Chamber of Commerce, or of the said Indian Merchants' Association, or of the said Karachi Buyers, and Shippers' Chamber, or of the said Municipality, as the case may be, convened in accordance with the rules at the time in force in this behalf. The Secretary to the said Chamber of Commerce, the Secretary to the Indian Merchants' Association and the Secretary to the Karachi Buyers and Shippers' Chamber and the President of the said Municipality shall, respectively, make a return to the Commissioner of the name of every person so elected.

Nomination by Government in default of election. In the event of default being made by the Chamber of Commerce or by the Indian Merchants' Association, or by the Karachi Buyers and Shippers' Chamber or by the Municipality of Karachi in electing any trustees under the foregoing provisions within the period hereinafter prescribed in this behalf, it shall be lawful for Government to appoint a person, and the person so appointed shall be deemed to be a trustee as if he had been duly elected by the Chamber of Commerce, or by the Indian Merchants' Association, or by the Karachi Buyers and Shippers' Chamber, or the Municipality of Karachi, as the case may be."

Amendment of section 12 of Bom. VI of 1886. 6. In section 12 of the said Act, for the words "and by the municipal commissioners" the words "of Commerce and by the Indian Merchants' Association, and by the Karachi Buyers and Shippers' Chamber, and by the Municipality of Karachi" shall be substituted.

Amendment of section 15A of Bom. VI of 1886.

- 7. (1) (a) Section 15A shall be renumbered as 15A (1);
- (b) the word "or" shall be added to clause (c) of the said section;
- , (c) the following clause shall be inserted after clause (c) of the said section, namely:—
 - "(d) ceases to be a member of the Constituency by which he has been elected;"
 - (2) The following sub-section shall be added to the said section, as so renumbered, namely:—
 - "(2) In the event of the Karachi Chamber of Commerce, or the Municipality, or the Indian Merchants' Association, or the Karachi Buyers and Shippers' Chamber electing a trustee or trustees under section 7 of this Act, being dissolved or ceasing to exist, the office of any trustee or trustees elected by the said Chamber of Commerce, or by the Municipality, or by the Indian Merchants' Association, or by the Karachi Buyers and Shippers' Chamber which has been dissolved or has ceased to exist shall thereupon become vacant."

BOMBAY ACT No. VII OF 1924.[1]

[THE PRINCE OF WALES MUSEUM (AMENDMENT) ACT, 1924]

[25th November 1924]

An Act further to amend the Prince of Wales Museum Act, 1909.

WHEREAS it is expedient further to amend the [2]Prince of Wales Museum Act, 1909, in manner hereinafter appearing; It is hereby enacted as follows:—

- 1. This Act may be called the Prince of Wales Museum (Amendment) Short title. Act, 1924.
- 2. (1) In sub-section (2) of section 5 of the [2]Prince of Wales Amendmen Museum Act, 1909, after clause (f) the following clause shall be inserted, of section 5 of Bom. III of 1909.
 - "(g) for the payment of contributions at such rates and subject to such conditions as may from time to time be prescribed by the Board to any provident fund which may be established by the Board for the benefit of the officers and servants employed by it."
- (2) The amendment contained in sub-section (1) shall be deemed to have been made and to have had effect from such date as may be fixed by the Board in this behalf.

^[1] For Statement of Objects and Reasons see Bombay Government Gazelle, 1924, Part V. p. 31; and for Proceedings in Connoil see Bombay Legislative Council Debates, 1924, Vol. XII.

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

104 The Karachi Port Trust (Amendment) Act, 1924 [BOM. VI OF 1924]

New section 8 of Bom. VI of 1886. 5. For section 8 of the said Act the following section shall be substituted, namely:—

Conduct of elections.

"8. The election of trustees by the Karachi Chamber of Commerce, the Indian Merchants' Association, the Karachi Buyers and Shippers' Chamber and the Municipality of Karachi shall be conducted in such manner as shall from time to time be determined at a meeting of the members of the said Chamber of Commerce, or of the said Indian Merchants' Association, or of the said Karachi Buyers, and Shippers' Chamber, or of the said Municipality, as the case may be, convened in accordance with the rules at the time in force in this behalf. The Secretary to the said Chamber of Commerce, the Secretary to the Indian Merchants' Association and the Secretary to the Karachi Buyers and Shippers' Chamber and the President of the said Municipality shall, respectively, make a return to the Commissioner of the name of every person so elected.

Nomination by Government in default of election. In the event of default being made by the Chamber of Commerce or by the Indian Merchants' Association, or by the Karachi Buyers and Shippers' Chamber or by the Municipality of Karachi in electing any trustees under the foregoing provisions within the period hereinafter prescribed in this behalf, it shall be lawful for Government to appoint a person, and the person so appointed shall be deemed to be a trustee as if he had been duly elected by the Chamber of Commerce, or by the Indian Merchants' Association, or by the Karachi Buyers and Shippers' Chamber, or the Municipality of Karachi, as the case may be."

Amendment of section 12 of Bom. VI of 1886. 6, In section 12 of the said Act, for the words "and by the municipal commissioners" the words "of Commerce and by the Indian Merchants' Association, and by the Karachi Buyers and Shippers' Chamber, and by the Municipality of Karachi" shall be substituted.

Amendment of section 15A of Bom. VI of 1886.

- 7. (1) (a) Section 15A shall be renumbered as 15A (1);
- (b) the word "or" shall be added to clause (c) of the said section;
- , (c) the following clause shall be inserted after clause (c) of the said section, namely:—
 - "(d) ceases to be a member of the Constituency by which he has been elected;"
 - (2) The following sub-section shall be added to the said section, as so renumbered, namely:—
 - "(2) In the event of the Karachi Chamber of Commerce, or the Municipality, or the Indian Merchants' Association, or the Karachi Buyers and Shippers' Chamber electing a trustee or trustees under section 7 of this Act, being dissolved or ceasing to exist, the office of any trustee or trustees elected by the said Chamber of Commerce, or by the Municipality, or by the Indian Merchants' Association, or by the Karachi Buyers and Shippers' Chamber which has been dissolved or has ceased to exist shall thereupon become vacant."

BOMBAY ACT No. VII OF 1924.[1]

[THE PRINCE OF WALES MUSEUM (AMENDMENT) ACT, 1924]

[25th November 1924]

An Act further to amend the Prince of Wales Museum Act, 1909.

WHEREAS it is expedient further to amend the [*]Prince of Waleslon. Museum Act, 1909, in manner hereinafter appearing; It is hereby 11 of enacted as follows:—

- 1. This Act may be called the Prince of Wales Museum (Amendment) Short title. Act, 1924.
- 2. (1) In sub-section (2) of section 5 of the [2]Prince of Wales Amendment from. Museum Act, 1909, after clause (f) the following clause shall be inserted, of section 5 of Born. III of 1909.
 - "(g) for the payment of contributions at such rates and subject to such conditions as may from time to time be prescribed by the Board to any provident fund which may be established by the Board for the benefit of the officers and servants employed by it."
 - (2) The amendment contained in sub-section (1) shall be deemed to have been made and to have had effect from such date as may be fixed by the Bbard in this behalf.

^[1] For Statement of Objects and Reasons are Bombay Government Gazette, 1924, Part V, p. 31; and for Proceedings in Conneil see Bombay Legislative Council Debates, 1924, Vol. XIL.

^[*] Vol. V of Bom. Code.

BOMBAY ACT No. VIII OF 1924.[1]

[THE SIR CHINUBHAI MADHAVLAL RANCHHODLAL BARONETCY Act, 1924]

[26th November 1924]

An Act for settling certain properties and securities, late the property of Sir Chinubhai Madhavlal Ranchhodlal, Baronet, deceased, so as to accompany and suppport the title and dignity of a Baronet lately conferred on him by His Majesty King George V to hold to him and the heirs male of his body lawfully begotten and to be begotten and for other purposes connected therewith.

WHEREAS by Letters Patent of His Majesty King George V by the Grace of God of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, King, Defender of the Faith, dated at Westminster on or about the sixth day of February 1913 in the third year of his Reign and by warrant under the King's Sign manual, His said Majesty made known that He of his special grace, certain knowledge and mere motion had erected, appointed and created His trusty and well beloved Sir Chinubhai Madhavlal Ranchhodlal of Ahmedabad Knight a Companion of the Most Eminent Order of the Indian Empire to the dignity state and degree of a Baronet and him the said Sir Chinubhai Madhavlal Ranchhodlal, for His Majesty, his heirs and successors He did erect appoint and create a Baronet of the United Kingdom of Great Britain and Ireland by the said Letters Patent, to hold to him and the heirs male of his body lawfully begotten and to be begotten.

AND WHEREAS the said Sir Chinubhai Madhavlal Ranchhodlal was desirous of settling in perpetuity the said properties and securities on himself and the heirs male of his body who may succeed to the said Baronetcy so as to support the dignity of the title conferred on him and them as aforesaid upon the trusts and for the purposes hereinafter limited and declared concerning the same.

AND WHEREAS the said Sir Chinubhai Madhavlal Ranchhodlal was seized of and otherwise well and sufficiently entitled to the hereditaments described in the first and second schedules hereunder written and situate in the city and district of Ahmedabad the hereditaments described in the first schedule producing an annual income of rupees six thousand.

AND WHEREAS the said Sir Chinubhai Madhavlal Ranchhodlal was desirous of settling the said properties and the securities hereinafter mentioned of the nominal value of twenty-eight lacs of rupees and producing an annual income of Rs. 1,21,500 to the uses upon the trusts and for the purposes hereinafter declared concerning the same.

^[1] For Statement of Objects and Reasons see Bombay Government Gazette, 1924, Part V. p. 74; and for Proceedings in Council see Bombay Legislative Council Debates, 1924, Vol. XII.

AND WHEREAS the said Sir Chinubhai Madhavlal Ranchhodlal was desirous that the heirs male of his body to whom the said title and dignity of Baronet should descend should at the time of such descent upon them respectively take and bear the name of "Sir Chinubhai Madhavlal Ranchhodlal" in lieu of any other name or names whatever which they respectively might bear at the time of such descent on them respectively And was also desirous that the Accountant General of Bombay, the Commissioner of the Northern Division in the presidency of Bombay and the District Judge of Ahmedabad all for the time being and the said Sir Chinubhai Madhavlal Ranchhodlal during his life time and every succeeding Baronet being a major and in case of and during his minority his legally appointed guardian should be trustees of the aforesaid properties and securities and be likewise the trustees for carrying into execution all the general purposes and powers of this Act with relation to the said properties and securities.

AND WHEREAS the said Sir Chinubhai Madhavlal Ranchhodlal departed this life on the third day of March 1916 and by his will dated the first day of March 1916 duly executed and signed by him gave and devised his estate to his son Girjaprasad and appointed his wife Dowager Lady Chinubhai sole executrix thereof and also appointed her guardian of the property of the said Girjaprasad and she has also by an order of the District Court of Ahmedabad dated the 19th day of April 1916 been appointed guardian of the property of the said Girjaprasad and she is managing the said estate and the said will has since been duly proved by her and probate therefor obtained by her from the High Court of Judicature at Bombay.

AND WHEREAS on the death of Sir Chinubhai Madhavlal Ranchhodlal the said title or dignity of Baronet created by His Majesty's Letters Patent devolved on and became and is now vested in the said Girjaprasad Chinubhai the only son and heir male of the body of the said Sir Chinubhai Madhavlal Ranchhodlal deceased.

And Whereas the said Dowager Lady Chinubhai as executrix of the said Sir Chinubhai Madhavlal Ranchhodlal deceased and the guardian of the said Girjaprasad Chinubhai is desirous of settling the said properties and securities for the purpose of supporting the dignity of the said Baronetcy to the uses upon the trusts and for the purposes hereinafter limited and declared concerning the same respectively.

AND WHEREAS it is expedient that the aforesaid purposes should be effected by an Act of the Bombay Legislative Council.

AND WHEREAS the previous sanction of the Governor General required by clause (e) of sub-section (3) of Section 80A of the Government of 5 & 6 India Act has been obtained for the passing of this Act. It is hereby c. 61. ENACTED AS FOLLOWS:—

Short title.

- 1. This Act may be called the Sir Chinubhai Madhavlal Ranch-hodlal Baronetcy Act, 1924.
- Incorporation 2. The Accountant General of Bombay, the Commissioner of the of Trustees. Northern Division in the presidency of Bombay, the District Judge of Ahmedabad, all for the time being and the holders for the time being

of those offices respectively, and likewise the holder or holders for the time being of any one or more office or offices which may hereafter be substituted by the Governor in Council of Bombay for any one or more of the first mentioned offices and Lady Chinubhai Madhavlal during the minority of the present Baronet as his duly appointed guardian and the present Baronet as from the date of his attaining majority and after his death the person for the time being holding the said Baronetcy being a major or in case of and during his minority his legally appointed guardian shall be and they are hereby created a corporation with perpetual succession and a common Seal under the style and title of "The Trustees of the Sir Chinubhai Madhavlal Ranchhodlal Baronetcy"; and the said Corporation so hereby created (hereinafter styled "the Corporation") shall be and they are hereby constituted as such Corporation the Trustees for executing the powers and purposes of this Act.

3. The heirs male of the body of the said Sir Chinubhai Madhavlal Present and Ranchhodlal to whom the said title and dignity of Baronet shall descend all future Baronets to pursuant of the limitations of the Letters Patent whereby the said take the dignity has been granted shall take upon themselves respectively the name of names of "Chinubhai Madhavlal Ranchhodlal" in lieu and in the place Madhavlal of any other name or names whatsoever and such heirs male severally Ranchhodlal and successively shall be called by the names of "Chinubhai Madhavlal Ranchhodlal" and by those names shall name style and write themselves, respectively, upon all occasions whatsoever.

Vesting and application of

4. Immediately from and after the passing of this Act the said here-Vesting and ditaments and premises particularly described in the first schedule application of hereunder written shall be vested by the force and virtue of this Act settled in the Corporation and the said securities being debentures of the Muni-property. cipal Corporation of the City of Bombay of the nominal value of rupees one lac and Government of India Promissory Notes of the nominal value of rupees twenty-seven lacs such debentures and Government of India Promissory Notes being of the aggregate nominal value of rupees twenty-eight lacs and producing an annual income of about rupees one lac twenty-one thousand and five hundred shall be assigned and transferred into the name of the Corporation who shall hold the same upon the trusts and for the purposes hereinafter expressed concerning the same, that is to say, Upon Trust to continue to hold the said securities till such time as the same shall be discharged by the Secretary of State for India in Council or the Municipal Corporation of the City of Bombay, as the case may be, or shall be sold by the Corporation with the previous consent in writing of the person who shall for the time being be in the enjoyment of the income of the said securities and on such discharge or sale, to invest the sum to be received on such occasion with the like consent of the person for the time being in the enjoyment of the said income with all convenient despatch in or on any stocks, funds or securities of or the principal and interest of which is guaranteed by the Government of the United Kingdom of Great Britain and Ireland or the Government of India or the Government of Bombay and in like manner as often as the same shall become necessary to alter, vary and

change with the like consent such stocks, funds and securities, for others of the same or like nature and which stocks, funds, securities, moneys and investments for the time being subject to the trusts of this Act are hereinafter called "the Trust Funds" AND UPON FURTHER TRUST from time to time out of the income of the Trust Funds and the said hereditaments and premises to pay all the rates, taxes, assessments, dues and duties in respect of the said hereditaments and premises and all the buildings and erections standing thereon respectively and defray the costs of all ordinary repairs required for the purposes of maintaining such buildings in a habitable condition and of insuring the same from fire or any other accident whatsoever AND UPON FURTHER TRUST to pay the balance of the annual income of the Trust Funds and the said hereditaments and premises to the present Baronet and the person who as heir male of his body shall for the time being have succeeded to and be in the enjoyment of the title of Baronet conferred by the said Letters Patent as aforesaid and shall be of full age or during his minority to his duly appointed guardian for his own absolute use and benefit notwithstanding any rule of law or equity to the contrary, such payment to be made to the Baronet for the time being at the place where he may be residing at the time of such payment.

Application of income during minority of Baronet.

5. The said duly appointed guardian during the minority of the present Baronet and of any heir male of his body for the time being entitled to and in enjoyment of the said title and dignity of Baronet under the limitations of the said Letters Patent shall be paid for the maintenance. education and benefit of such Baronet in each and every year during his minority as aforesaid so much only of the annual income of the Trust Funds and the said hereditaments and premises as the Corporation shall in their discretion think proper and the Corporation shall from time to time invest the residue of the said annual income in and upon stocks. funds and securities hereinbefore authorized and shall upon such Baronet attaining his majority pay over, transfer and assign to him or as he shall direct and for his absolute benefit the said investments and all accumulations thereof and in the event of the death of such Baronet before attaining his age of majority the Corporation shall stand possessed of such investments and the accumulations thereof Ix Trust for the heirs of such Baronet absolutely.

Provision in tinuance of name of ('hinubhai Madhavial

6. In case any person to whom for the time being the said title of case of refusal Baronet shall have descended shall for the space of one whole year thereor negrect to after or being then under age shall for the space of one whole year after he shall attain the age of majority, refuse or neglect to use the names of "Chinubhai Madhavlal Ranchhodlal" as hereinbefore enacted or in case any such person having so used those names shall for the space of Ranchhodlal. six calendar months consecutively during his natural life discontinue so to use such names then in any or either of the said cases the estate or interest in the Trust Funds and the said hereditaments and premises hereby settled as also in the securities and hereditaments which shall hereafter become vested in the Corporation by virtue of this Act upon the trusts and for the purposes herein declared and contained of the person who shall so refuse or neglect to use or having used shall

so discontinue to use the said names shall during the remainder of his natural life be suspended and during any and every such suspension the benefits and trusts hereby created for the heir male of the body of the said Sir Chinubhai Madhavlal Ranchhodlal who shall use these names shall devolve on and belong to the heir male of the body of the said Sir Chinubhai Madhavlal Ranchhodlal who would have succeeded to the said title of Baronet conferred by the said Letters Patent on the said Sir Chinubhai Madhavlal Ranchhodlal in case the heir male of the body of the said Sir Chinubhai Madhavlal Ranchhodlal so refusing or neglecting to use or discontinuing to use the said names had departed this life and if there shall not be at such time any such male heir of the body of the said Sir Chinubhai Madhavlal Ranchhodlal then the income of the Trust Funds and the said hereditaments and premises as also of the hereditaments and securities which shall hereafter become vested in the Corporation by virtue of this Act shall be retained by the Corporation and accumulated for the benefit of the male issue of the said Baronet that may subsequently be born and succeed to the said title and in default of any such male issue the whole of the said property and income shall devolve upon such person as would be entitled to the same if there had been a total failure of issue male of the said Sir Chinubhai Madhavlal Ranchhodlal.

7. The buildings hereditaments and premises described in the second vesting of schedule hereunder written situate in the city of Ahmedabad with their "Shanti rights members and appurtenances of which the said Sir Chinubhai Kunj "and trust in Madhavlal Ranchhodlal was absolutely seized shall by the force respect and virtue of this Act from and immediately after the passing thereof be thereof. vested in the Corporation upon the trusts and for the purposes and with and subject to the powers provisions and declarations hereinafter declared and expressed, that is to say, Upon Trust to permit the present Baronet for and during the term of his natural life and from and immediately after his decease to permit during the respective terms of their natural lives the successive male heirs of his body who shall succeed to the title of Baronet conferred by the said Letters Patent if he or they shall so desire to use and occupy free of rent as their residence the hereditaments and premises particularly described in the second schedule hereto and to demise the said hereditaments and premises if not occupied as a residence for any term of years not exceeding seven years to take effect in possession within three months from the date of the lease.

- It shall be lawful for the Corporation out of any moneys which shall Reimburge. come to their hands by virtue of the trusts and provisions of this Act to ment of retain and reimburse to themselves all costs expenses and damages which Corporation. they shall or may sustain expend or disburse in or about the execution of the trust powers and provisions herein contained or in relation thereto.
- The Corporation shall be at liberty to sell or exchange for other Power of lands hereditaments and premises in the presidency of Bombay all the Corporation said hereditaments and premises or any of them and also any such other exchange the hereditaments as aforesaid for the time being vested in them by virtue premises of this Act with the consent of the person entitled to and in the actual described in enjoyment of the title of Baronet conferred by the said Letters Patent

and during his minority with the consent of his duly appointed guardian and with the consent of the Governor of Bombay in Council to be notified by a resolution of the Government of Bombay published in the Bombay Government Gazette, and upon any such exchange to give or receive anymoney for equality of exchange.

Power of Corporation as regards sale or exchange. 10. Any such sale as aforesaid may be made either by public auction or private contract and the Corporation may make any stipulations as to title or evidence or commencement of title or otherwise in any conditions of sale or contract for sale or exchange of the said hereditaments or any part thereof and may buy in or rescind or vary any contract for sale or exchange and re-sell or re-exchange the same without being answerable for any loss occasioned thereby.

Investment of sale proceeds. 11. The Corporation shall receive all moneys which may become payable upon any such sale or exchange as aforesaid and with all convenient speed invest the same either in the purchase of stocks funds or securities hereinbefore authorized or in the purchase of other lands and hereditaments of a freehold or leasehold tenure situate in the presidency of Bombay and suitable for the support and dignity of the said title. Provided that every such purchase of lands or hereditaments shall be made with the consent in writing of the person then entitled to and in the actual enjoyment of the said title, Provided also that in the event of the purchase of premises of a leasehold tenure, every lease in respect of such premises is renewable in perpetuity or is for an unexpired term of at least 800 years reserving a moderate rent without any onerous conditions or covenants on the part of the lessee.

Veating of lands and investments in Corporation. 12. The stocks funds and securities and the lands and hereditaments so to be purchased as directed by section 11 and the lands and hereditaments which may be taken in exchange under the liberty in that behalf reserved to the Corporation by section 9 shall from and immediately after the completion of the purchase or exchange vest in the Corporation upon the trusts and for the purposes by and in this Act declared and contained of and concerning the said hereditaments and premises particularly described in the first and second schedules hereunder written or such of them as may then be subsisting and capable of taking effect and subject to the powers provisions and declarations in this Act contained concerning the same in the same manner and to the same extent as if such hereditaments had been expressly vested by this Act in the Corporation upon the trusts and for the purposes in this Act declared and contained.

Application of insurance moneys in respect of properties destroyed or damaged by fire. any time be vested in the Corporation or any part thereof shall be destroyed or damaged by fire, the moneys received in respect of the insurance thereof shall either be laid out under the directions of the Corporation in rebuilding or reinstating the tenements and hereditaments so destroyed or damaged by fire or upon the application of the person for the time being entitled to and in the enjoyment of the title and dignity of Baronet and with the consent of the Governor of Bombay in Council to be notified as aforesaid be laid out in the purchase of other

hereditaments and premises in the presidency of Bombay of a freehold or of a leasehold tenure suitable for the support of the dignity of the said title Provided That every lease in respect of such premises is renewable in perpetuity or for an unexpired term of at least 800 years reserving a moderate rent without any onerous conditions or convenants on the part of lessee. In the event of such purchase the hereditaments so purchased shall immediately from and after the completion of such purchase be and become subject to the uses and purposes of this Act or such of them as shall then be subsisting and capable of taking effect in the same manner and to the same extent as if such last mentioned. hereditaments had expressly been vested by this Act in the Corporation upon trusts and for the purposes in this Act declared and contained. Until such insurance moneys shall be so laid out the Corporation may invest the same in any of the securities specified in section 11 and the income thereof shall be applied in the same manner as the income of the premises so destroyed or damaged is hereinbefore directed to be applied.

- 14. If at any time or times hereafter the present Baronet or any other Addition of person or persons shall be desirous of augmenting the Trust Funds and or securities for that purpose and with that intent shall at his or her own expense to settled transfer and deliver to the Corporation any stocks funds or securities of property. the kind or nature hereinbefore authorized then and as often as the same shall happen the Corporation may with the previous consent of the Governor of Bombay in Council accept such stock funds or securities and the same shall thenceforth be held by the Corporation upon the same trusts as are declared by this Act with regard to the securities hereditaments and premises hereby settled or upon such of them as shall then be subsisting and capable of taking effect Provided Always that the total value of the corpus of the Trust Funds for the time being subject to the trusts of this Act shall at no time exceed fifty lacs of rupees.
- 15. Upon the present Baronet dying leaving a widow or widows and Annuity for upon every person who may for the time being have succeeded to and widow of be in the enjoyment of the title of Baronet conferred by the said Letters Patent as aforesaid dying leaving a widow or widows, the Corporation shall (subject as hereinafter provided by section 16) pay to the widow or widows of the Baronet so dying as aforesaid (and if more than one in equal shares) during her or their life or lives or until her or their remarriage or remarriages whichever event happens first for her or their maintenance or jointure in lieu of dower or any legal or customary right to maintenance an annuity of rupees twelve thousand clear of all deductions whatsoever to commence and take effect immediately after the decease of such Baronet and to be issuing and payable out of the said annual income of the Trust Funds and the hereditaments and premises payable under this Act to the person for the time being in the enjoyment of the title of Baronet and to be paid and payable by equal half-yearly payments the first of such half-yearly payments to be made on the first half-yearly day after the decease of such Baronet Provided Always that the payment of the said annuity to any widow or widows of any such Baronet shall be subject to the obligation on her or their part of maintaining and educating each and every child of his (except the

Baronet for the time being) until such child shall attain the age of 21 years, each such child being entitled to have spent for such purposes Rs. 100 per mensem.

Limits of aggregates of annuities payable contemporaneously. 16. Provided Always that the annual income of the Trust Funds and the hereditaments and premises payable under this Act to the person for the time being in the enjoyment of the title of Baronet shall not at any one and the same time be subject to the payment thereout of more than Rs. 12,000 per annum for and in respect of any annuity or annuities payable in pursuance of section 15, so that in the event of thereobeing in existence at any one time the widows of two or more deceased Baronets, the said annuity of Rs. 12,000 per annum shall be divided into as many parts as there may be Baronets who have died leaving widows and one such part shall be paid to the widow or in equal shares to the widows of each deceased Baronet.

Alienation prohibited during the Baronetey.

17. So long as the said title and dignity of Baronet shall endure and until there shall be a failure of heirs male of the body of the said Sir Chinubhai Madhavlal Ranchhodlal to whom the said title and dignity of Baronet might descend pursuant to the limitations of the Letters Patent whereby the said dignity was granted neither the present Baronet nor any of the heirs male of his body in whose favour the trusts hereinbefore mentioned are declared of the Trust Funds and the said hereditaments and premises and the annual income thereof shall transfer dispose of alienate convey charge or incumber any of the properties and funds subject to the provisions of this Act or any part thereof or the interest dividends or annual income thereof or any part thereof for any greater or larger estate interest or time than during his natural life and for such portion thereof only as he shall continue to use the names of "Chinubhai Madhavlal Ranchhodlal" nor shall any such person as aforesaid either alone or jointly with any other person or persons whomsoever have any power to discontinue or bar the estate or interest hereinbefore limited in trust for the heirs male of the body of the said Sir Chinubhai Madhavlal Ranchhodlal or any estate or interest hereby or herein created or declared in trust or for the benefit of any person or persons for whose benefit the trusts are declared by this Act in the properties and funds subject to the provisions of this Act or any of them and the income interest and dividend thereof or to prevent any such person or persons from succeeding to holding enjoying receiving or taking the same premises according to the true intent and meaning of the provisions hereinbefore contained nor shall the same premises or any of them be held by any court of law or equity to have vested in any such person as aforesaid for any greater estate or interests than during his natural life and for such portion thereof only as he shall continue to use the name of Chinubhai Madhavlal Ranchhodlal and every conveyance mortgage assignment or assurance contrary to the intention of this Act shall be and is hereby declared and enacted to be void.

Ultimate trust in favour of heirs on extinction of Baronetcy. 18. Upon failure and in default of heirs male of the body of the said Sir Chinubhai Madhavlal Ranchhodlal to whom the title of Baronet may descend the Corporation shall stand possessed of a moiety of the Trust Funds hereditaments and premises then subject to the provisions of this

Act upon trust to pay the income thereof to the widow if any of the last Baronet during her life or until her remarriage whichever event happens first and if more than one in equal shares and shall hold the remaining. moiety of the said Trust Funds hereditaments and premises and the income thereof and also the first mentioned moiety of the said Trust Funds hereditaments and premises from and after the death or remarriage. of the widow of the last Baronet whichever event happens first in trust for the next of kin of the last Baronet in such shares and proportions as he may by will appoint and in default of such appointment for the next of kin (except the widow) of the last Baronet for their absolute benefit according to the law of intestate succession for the time being applicable to them.

19. The actual management of the hereditaments for the time being Management vested in the Corporation including the collection of rents and carrying of hereditaout repairs shall be in the hands of the person in the actual enjoyment vested in for the time being of the said title of Baronet conferred by the said Corporation. Letters Patent being of full age and during his minority in the hands of his duly appointed guardian subject nevertheless to the control and supervision of the Corporation.

20. If at any time hereafter the said offices of the Commissioner for Provision if the Northern Division of the presidency of Bombay the Accountant office of General of Bombay and the District Judge of Ahmedabad or any of them to exist. shall be abolished or cease to exist, it shall be lawful for the Governor in Council of Bombay for the time being with the consent and approbation of the person for the time being in the actual enjoyment of the said title of Baronet and using the said names of "Chinubhai Madhavlal Ranchhodlal" and having attained the age of 21 years and if there shall not be any such person, then without the consent or approbation of any person or persons whomsoever to nominate and appoint any other person or persons holding any other public Government office or offices at Bombay or Ahmedabad to be and to act as a trustee or trustees in the execution of the trusts created by this Act, and upon such nomination and appointment, the Trust Funds hereditaments and premises which may then be subject to such trusts shall, by force of this Act, forthwith vest in the person or persons so nominated and appointed trustee or trustees as lastly mentioned, together with the then continuing trustees or trustee but if there shall be no such continuing trustee or trustees then in the new trustees only upon and for the trusts and purposes hereby created and declared; and when and so often as any such nomination and appointment shall be made such new trustee or trustees jointly with such continuing trustees or trustee, or such new trustees only as the case may be, shall be and they are hereby constituted a Corporation for executing the powers and purposes of this Act.

21. Saving always to the King's Most Excellent Majesty His Heirs General' and Successors and to all and every other person and persons bodies saving politic and corporate and his her and their respective heirs executors Clause. administrators and successors and every of them (other than and except the said Sir Chinubhai Madhavlal Ranchhodlal his devisees heirs and assigns) all such estate right title interest claim and demand whatsoever

of into out of or upon the said hereditaments and premises particularly described in the schedules hereunder written or any of them respectively as they every or any of them had before the passing of this Act and would could or might have had held or enjoyed in case this Act had not been passed.

THE FIRST SCHEDULE.

The village of Ognaj in the North Daskroi taluka of the district of Ahmedabad in the presidency of Bombay,

THE SECOND SCHEDULE.

Particulars of the property called "Shanti Kunj."

All those pieces or parcels of land or ground together with the messuage tenement or bungalow with outhouses and structures standing thereon with a garden and called "Shanti Kunj" and situate at Mauza Dariapur Kajipur now called "Shahi Baug" in the North Daskroi taluka and in the registration sub-district of Ahmedabad in the said district in the Presidency of Bombay and admeasuring 6 acres and 39 gunthas and bearing survey Nos. 259 and 260 (of which land bearing survey No. 259) admeasures 2 acres and 7 gunthas and the land bearing survey No. 260 admeasures 4 acres and 32 gunthas or thereabouts) and bounded as follows that is to say, on or towards the East by a small passage beyond which is the B. B. & C. I. Railway line, on or towards the South by an open plot of ground beyond which are the Police Lines known as Bhil Paltan lines, on or towards the West by a narrow passage leading to the Sabarmati River and on or towards the North partly by a bungalow known as Kaji Saheb's bungalow and partly by the Police Superintendent's bungalow.

BOMBAY ACT No. IX OF 1924.[1].

[THE CATTLE-TRESPASS (AMENDMENT) ACT, 1924]

[6th January 1925]

An Act further to amend the Cattle-trespass Act, 1871.

WHEREAS it is expedient further to amend the [2] Cattle-trespass Act, 1871, in its application to the Presidency of Bombay, in manner hereinafter appearing; It is hereby enacted as follows:—

- 1. This Act may be called the Cattle-trespass (Amendment) Act, Short title. 1924.
- 2. After the proviso to section 6 of the [2] Cattle-trespass Act, 1871, Amendment of section 6 of Act I of

"Provided further that in the Presidency of Bombay, in any local ¹⁸⁷¹. area which has been declared to be a village under clause (a) of section 3 of the [3] Bombay Village Panchayats Act, 1920, when the police patel, or the head of the village, is the Sar-Panch of the panchayat, the panchayat may appoint another person to be pound-keeper."

^[1] For Statement of Objects and Reasons, see Bombay Government Gazette, 1924, Part V, pp. 86-87; and for Proceedings in Council see Bombay Legislative Council Debates, 1924, Vol. XIII.

^[6] General Acts, Vol. I.

[[] Vol. V of Born. Code.

BOMBAY ACT No. X OF 1924.[7]

[The Bombay Smoke-nuisances (Amendment) Act, 1924]

[6th January 1925]

An Act further to amend the Bombay Smoke-nuisances Act, 1912.

WHEREAS it is expedient further to amend the [2] Bombay Smokenuisances Act, 1912, in manner hereinafter appearing; It is hereby of enacted as follows:—

- 1. This Act may be called the Bombay Smoke-nuisances (Amend-Short title. ment) Act, 1924.
- 2. In clause (a) of section 12 of the [2]Bombay Smoke-nuisances Amendment Act, 1912, for the words "or with the written authority of the Chief of section 12 of Bom. VII Inspector" the words "an inspector with the previous sanction of the of 1912. Commission or of a Sub-committee appointed by the Commission" shall be substituted.

^[1] For Statement of Objects and Reasons, see Bombay Government Gazette, 1924, Part V. p. 56; and for Proceedings in Council see Bombay Legislative Council Debates, 1924, Vol. XIII.

^[1] Vol. V of Bom. Code,

BOMBAY ACT No. X OF 1924,[7]

[The Bombay Smoke-nuisances (Amendment) Act, 1924]

[6th January 1925]

An Act further to amend the Bombay Smoke-nuisances Act, 1912.

- 1. This Act may be called the Bombay Smoke-nuisances (Amend-Short titlement) Act, 1924.
- 2. In clause (a) of section 12gof the [2]Bombay Smoke-nuisances Amendment Som. Act, 1912, for the words "or with the written authority of the Chief of section of Bom. V 1912.

 Inspector "the words "an inspector with the previous sanction of the of 1912. Commission or of a Sub-committee appointed by the Commission" shall be substituted.

^[4] For Statement of Objects and Reasons, see Bombay Government Gazette, 1924, Part V, p. 56; and for Proceedings in Council ses Bombay Legislative Council Debates, 1924, Vol. XIII.

^[4] Vol. V of Bom. Code,

BOMBAY ACT No. XI OF 1924.[1]

[THE BOMBAY PUBLIC CONVEYANCES (AMENDMENT) ACT, 1924]

[6th January 1925]

An Act further to amend the Bombay Public Conveyances Act, 1920.

WHEREAS it is expedient to amend the [2]Bombay Public Con-Bom. veyances Act, 1920, in manner hereinafter appearing; It is hereby VII of enacted as follows:—

- 1. This Act may be called the Bombay Public Conveyances (Amend-Short titlement) Act, 1924.
- 2. For sub-section (5) of section 36 of the [2]Bombay Public Con-Amendment Bom. veyances Act, 1920, the following sub-section shall be substituted, of section 36 of Bom. VII of namely:—

 of 1920.
 - "(5) In any area to which this Act or any specified provisions thereof have been extended under sub-section (1) of this section, the cost of administering this Act shall be met from the fees charged in such area under this Act, or rules made thereunder.

Any balance remaining after the cost of administering this Act or any specified provisions thereof in such area has been met, shall be paid to the local authority for such area.

Provided that where there is more than one local authority for such area such balance shall be paid to such local authorities in such proportion as the Commissioner in Sind or the Commissioner of the Division, as the case may be, shall direct."

^[1] For Statement of Objects and Reasons see Bombay Government Gazette, 1824, Part V. p. 89; and for Proceedings in Council see Bombay Legislative Council Debates, 1924, Vol. XIII.

^[1] Vol. V of Bom. Code.

BOMBAY ACT No. XII OF 1924.[1]

[The President's Salary Act, 1924]

[13th January 1925]

Amended by

Number of Act. Bom. Act No. VIII Year.

1927.

An Act to determine the salary of the President of the Bombay Legislative Council.

WHEREAS in accordance with sub-section (5) of section 72C of the & 6 Government of India Act the salary of the elected President of the ec.V. Bombay Legislative Council is to be determined by Act of the said . 61. Council; It is hereby enacted as follows:—

1. This Act may be called the President's Salary Act, 1924.

Short title

- 2. There shall be paid to the elected President of the Bombay Legis-Salary of lative Council a salary calculated at the rate of three thousand rupees elected a month.

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

^[1] For Statement of Objects and Reasons, see Bombay Government Gazette, 1924, Part V, p. 57; for Report of Select Committee, see sbid, 1924, Part V, pp. 83-84; and for Proceedings in Council, see Bombay Legislative Council Debates, 1924, Vols. XII and XIII.

^[1] This sub-section was inserted by Bom. VIII of 1927, s. 2.

BOMBAY ACT No. XIII OF 1924.[1]

[THE BOMBAY CHILDREN ACT, 1924]

[5th February 1925]

Amended by

Number of Act.		Year.
Bom. Act No. X		1925
Bom, Act No. XIII	•	1927
Bom. Act No. XIX		1929
Supplemented by Act No. XXXV		1925

An Act to make further provision for the custody and protection of children and young persons and for the custody, trial and punishment of youthful offenders and for the amendment of the Reformatory Schools Act, 1897, in its application to the Presidency of Bombay.

WHEREAS it is expedient to make further provision for the custody and protection of children and young persons and for the custody, trial and punishment of youthful offenders and for the amendment of the [2] Reformatory Schools Act, 1897, in its application to the Presidency of Bombay; and whereas the previous sanction of the Governor General required by clauses (e), (f) and (h) of sub-section (3) of section 80A of the Government of India Act has been obtained to the passing of this Act; It is hereby enacted as follows:—

PART I.

PRELIMINARY.

1. (1) This Act may be called the Bombay Children Act, 1924.

Short title and extent.

- (2) It extends to the whole of the Presidency of Bombay.
- (3) Notwithstanding the introduction of this Act in any local area the Government may by notification in the Bombay Government Gazette exclude any class of children, young persons or youthful offenders from the operation of all or any of the provisions of this Act.
- 2. Section 1 shall come into operation at once. The rest of the Act Commence shall come into operation in the City of Bombay on such date as the ment. Governor in Council may, by notification in the Bombay Government Gazette, appoint: the Governor in Council may further, by notification in the Bombay Government Gazette, direct that the rest of the Act, or any part thereof, shall come into operation in any district or place other than the City of Bombay on such date as may be specified in such notification.

^[1] For Statement of Objects and Reasons, see Bombay Government Gazette, 1923, Part V., pp. 51-53; for Report of Select Committee, see Bombay Government Gazette, 1924, Part V., pp. 90-93; and for Proceedings in Council, see Bombay Legislative Council Debates, 1924, Vols. XI, XII and XIII.

^[*] General Acts, Vol. III.

Interpretation clause.

- 3. In this Act, unless there is anything repugnant in the subject or context—
 - (a) "child" means a person under the age of fourteen years and when used with reference to a child sent to a certified school applies to that child during the whole period of his detention, notwithstanding that the child may have attained the age of fourteen years;
 - (b) "young person" means a person who is fourteen years of age or upwards but under the age of sixteen years;
 - (c) "youthful offender" means any person who has been convicted of an offence punishable with transportation or imprisonment and who, at the time of such conviction, was under the age of sixteen years;
 - (d) "certified school" means an industrial school established under sub-section (1) or, certified under sub-section (2) of section 34 of this Act or any other educational institution certified in this behalf by the Governor in Council;
 - (e) "guardian" in relation to a youthful offender, child or young person includes any person who in the opinion of the court having cognizance of any proceedings in relation to the youthful offender, child or young person or in which the youthful offender, child or young person is concerned, has for the time being the actual charge of or control over the youthful offender, child or young person;
 - (f) "fit person" in relation to the care of any child or young person includes any society or body corporate established for the reception or protection of poor children or the prevention of cruelty to children which undertakes to bring up or to give facilities for bringing up any child entrusted to its care in conformity with the religion of its birth;
 - (g) "place of safety" includes any orphanage, hospital, surgery or any other suitable place or institution the occupier or manager of which is willing temporarily to receive a child or young person; or where such orphanage, hospital, surgery or other suitable place or institution is not available, in case of a male child or young person only a police station;
 - (h) "brothel" means any house, room or place which the occupier or person in charge thereof habitually allows to be used by any other person for the purposes of prostitution; and
 - (i) "prescribed" means prescribed by rules under this Act.

[1] [4. In the [2] Reformatory Schools Act, 1897, in its application to VIII the Presidency of Bombay,—

- (a) for the word "fifteen" occurring in section 4 (a) and in section 10 and the marginal note thereto, the word "sixteen" shall be substituted; and
- (b) in sub-section (1) of section 8 for the word 'three' the word 'two' shall be substituted.]

Amendment of sections 4, 8 and 10 of Act VIII of 1897.

^[1] New section 4 was substituted for the original section 4 by Pom. XIX of 1929,

^[2] General Acts, Vol. III.

5. The powers conferred on courts by this Act shall be exercised only Powers of by—(a) the High Court; (b) a Court of Session; (c) a District courts. Magistrate; (d) a Sub-divisional Magistrate; (e) a salaried Presidency Magistrate; (f) any Juvenile Court constituted under section 46; and (g) any magistrate of the first class and may be exercised by such courts whether the case comes before them originally or on appeal or revision.

Children Act, 1924

- 6. (1) When any magistrate not empowered to pass an order under Procedure this Act is of opinion that a child or young person brought before him Magistrate or convicted by him is a proper person to be sent to a certified school or is not to be dealt with in any other manner in which the case may be dealt with empowered under this Act, he shall record such opinion and submit his proceedings order under and forward the child or young person to the District Magistrate or Subthis Act. divisional Magistrate to whom he is subordinate or to the magistrate presiding over the nearest Juvenile Court having jurisdiction in the case or in the City of Bombay to a salaried Presidency Magistrate.
 - (2) The magistrate to whom the proceedings are so submitted may make such further inquiry, if any, as he may think fit and may pass such order dealing with the case as he might have passed if the child or young person had originally been brought before or tried by him.

PART II.

MEASURES FOR THE CUSTODY AND PROTECTION OF CHILDREN AND YOUNG PERSONS WHO ARE DESTITUTE, ETC.

- 7. (1) Any police-officer or other person authorized in this behalf Children in accordance with rules made by the Governor in Council may bring found before a court any person who in his opinion is a child or young person etc. and who—
 - (a) is found wandering and has no home, settled place of abode or visible means of subsistence, or is found wandering and has no parent or guardian who exercises regular and proper guardianship; or
 - (b) is found destitute and his parents or surviving parent or other guardian, or in the case of an illegitimate child his mother or other guardian, are or is, as the case may be, undergoing transportation or imprisonment; or
 - (c) is under the care of a parent or guardian who, by reason of criminal habits, is unfit to have the care of such person; or
 - (d) frequents the company of any reputed thief or prostitute; or
 - (c) is lodging or residing in a house used by a prostitute for the purposes of prostitution:

Provided that when any such child or young person has a parent or guardian who has the actual charge or control over the child or young person, the police-officer or other person as aforesaid shall, in the first instance, make a report to the nearest court or magistrate having jurisdiction under this Act. Such court or magistrate may call upon such parent or guardian to show cause why the said child or young person should not during the pendency of the proceedings, be removed from his care; and may on suitable sureties being offered for the safety of such

child or young person and for his being brought before the court, permit the child or young person to remain in the actual charge or control of his parents or guardian or may order his removal till the court passes orders under this Act.

(2) The court before which a child or young person is brought as coming within one of these descriptions shall examine the information and record the substance of such examination and shall if it thinks that there are sufficient grounds for inquiring further fix a date for such inquiry.

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

require the matter to be reduced to writing.]

(3) On the date fixed for the production of the child or young person or for the inquiry or on any subsequent date to which the proceedings may be adjourned the court shall hear and record all evidence which may be adduced and consider any cause which may be shown why an order sending the child to a certified school should not be passed and make any further inquiry it thinks fit.

(4) If the court is satisfied on the inquiry that such person is a child and is as above described and that it is expedient so to deal with him,

the court may order him to be sent to a certified school.

- (5) Instead of ordering such child to be sent to a certified school the court may in the prescribed manner order him to be committed to the care of a relative or other fit person nawed by the court (such relative or other person being willing to undertake such care) until he attains the age of sixteen years or for any shorter period.
- (6) If the court is satisfied on the inquiry that such person is a young person and is as above described and that it is expedient so to deal with him, the court may in the prescribed manner order him to be committed to the care of a relative or other fit person named by the court (such relative or other person being willing to undertake such care) until he attains the age of sixteen years or for any shorter period.

(7) The court which makes an order committing a person to the care of a relative or other fit person under this section may, in addition, order that he be placed under the supervision of a person named by the court:

Provided that when the magistrate thinks fit, he may allow such child or young person to remain in the custody of a parent or guardian on such parent or guardian giving an undertaking in a prescribed form to the court, and the court may from time to time adjourn the enquiry and compel the production of the child in court to satisfy it that the said undertaking is being carried out.

8. Where the parent or guardian of a child proves to a court that he is unable to control the child, and that he desires the child to be sent to a certified school, the court, if satisfied on inquiry that it is expedient so to deal with the child and that the parent or guardian understands the results which will follow, may order him to be sent to any such school.

Uncontrollable children.

PART III.

OFFENCES AGAINST CHILDREN AND YOUNG PERSONS AND THEIR PREVENTION.

- 9. (1) Whoever having the actual charge of or control over a child Punishment or young person abandons, exposes or wilfully neglects or ill-treats such for cruelty child or young person in a manner likely to cause such child or young and young person unnecessary suffering or injury to his health shall be punishable persons. with imprisonment of either description for a term which may extend to six months or with fine which may extend to two hundred rupees or with both.
- (2) For the purposes of this section injury to health includes injury to, or loss of, sight or hearing and injury to limb or organ of the body and any mental derargement, and a parent or other person legally liable to maintain a child or young person shall be deemed to have neglected him in a manner likely to cause injury to his health if he wilfully fails to provide adequate food, clothing, medical aid or lodging for the child or young person.
- (3) A person may be convicted of an offence under this section notwithstanding that actual suffering or injury to health was obviated by the action of another person.
- (4) Nothing in this section shall be construed to take away or affect the right of any parent, teacher or other person having the lawful control or charge of a child or young person to administer punishment to such child or young person.
- 10. (I) Whoever for his own profit causes any child or young person, Causing or or having the actual charge of or control over a child or young person allowing allows that child or young person to be in any street, promises or place for young the purpose of begging or receiving alms, or of inducing the giving of person alms, shall be punishable with imprisonment of either description for to begaterm which may extend to three months or with fine which may extend to one hundred rupees or with both.
- (2) The Governor in Council may by notification in the Bombay Government Gazette exempt from liability to punishment under this section any class of persons in any district or place where this Act may be in operation.
- [1] [10A. If any person is found drunk in any highway or other public Penalty for place whether a building or not or on any licensed premises, while having being drunk the charge of a child apparently under the age of seven years and if such charge of a person is incapable by reason of his drunkenness of taking due care of child. the child, he may be arrested and shall, if the child is under that age, be punishable with fine which may extend to fifty rupees.

Explanation.—For the purposes of this section a child shall be deemed Presumption to be under the age of seven it it appears to the Court to be under that as to age of age unless the contrary is proved.

^[1] Sections 10A, 10B, 10C, 10D and 10E were inserted by Bom. X of 1925, s. 2. No va 3—9

Penalty for giving intoxicating liquor to a child. [1] 10B. Whoever in any highway or other public place whether a building or not or on any licensed premises gives, or causes to be given, to any child any intoxicating liquor except upon the order of a duly qualified medical practitioner, or in case of sickness or other urgent cause, shall be punishable with fine which may extend to fifty rupees.

Seizure by police officer of any bidis, cigarettes, tobacco or smoking mixture in possession of a child.

[1] 10C. It shall be the duty of a police officer to seize any bidis, cigarettes, tobacco or smoking mixture in the possession of a child whom he finds smoking in any street or public place and any bidis, cigarettes, tobacco or smoking mixture so seized shall be forfeited to Government; and every such police officer shall be authorised to search any boy so found smoking but not a girl.

Penalty for inciting a child or young person to bet or borrow.

[1] 10D. Whoever by words either spoken or written or by signs, or otherwise, incites or attempts to incite a child or young person to make any bet or wager or to enter into or take any share or interest in any betting or wagering transaction or so incites or attempts to incite a child or young person to borrow money or to enter into any transaction involving the borrowing of money shall be punishable with imprisonment of either description for a term which may extend to one month or with fine which may extend to one hundred rupees or with both.

Penalty for taking pawn from a child or young person. [1] 10E. Whoever takes an article in pawn from a child or young person whether offered by that person on his own behalf or on behalf of any other person shall be punishable with imprisonment of either description for a term which may extend to one month or with fine which may extend to one hundred rupees or with both.]

Allowing child or young person to be in brothel.

11. Whoever having the actual charge of or control over a child or young person between the ages of four and sixteen allows that child or young person to reside in or frequent a brothel shall be punishable with imprisonment of either description for a term which may extend to two years or with fine which may extend to one thousand rupees or with both.

Causing or encouraging seduction, etc., of young girl.

- 12. (1) Whoever having the actual charge of or control over a girl under the age of sixteen years causes or encourages the seduction or prostitution of that girl or causes or encourages any one other than her husband to have sexual intercourse with her shall be punishable with imprisonment of either description for a term which may extend to three years and shall also be liable to fine.
- (2) For the purposes of this section a person shall be deemed to have caused or encouraged the seduction or prostitution of, or the unlawful sexual intercourse with a girl who has been seduced or become a prostitute or with whom such sexual intercourse has been had if he has knowingly allowed the girl to consort with, or to enter or continue in the employment of any prostitute or person of known immoral character.

Young girls exposed to risk of seduction, etc., or cruelly treated. 13. If it appears to a court on the complaint of any person that a girl under the age of sixteen is being treated with cruelty by her parent or guardian or that such girl with the knowledge of her parent or guardian is exposed to the risk of seduction or prostitution or living a life of

^[1] Sections 10A, 10B, 10C, 10D and 10E were inserted by Bom. X of 1925, s. 2.

prostitution the court may direct the parent or guardian to enter into a recognizance to exercise due care and supervision in respect of such girl.

14. (1) Any police-officer, not below the rank of Sub-Inspector or a Detention police-officer or a person authorized in this behalf in accordance with rules of child or made by the Governor in Council may take to a place of cofety and made by the Governor in Council may take to a place of safety any in place of child or young person in respect of whom an offence punishable under this safety. Act or under Chapter XVI of the Indian Penal Code, 1860, has been, or there is reason to believe has been, committed.

131

- (2) A child or young person so taken to a place of safety and also any child or young person who seeks refuge in a place of safety may there be detained until he can be brought before the court but such detention shall not in the absence of a special order of the court exceed a period oftwenty-four hours exclusive of the time necessary for the journey from the place of detention to the court and the court may make such order as is mentioned in the next following sub-section or may cause the child or young person to be dealt with as circumstances may admit and require until the charge made against any person in respect of any offence as aforesaid with regard to the child or young person has been determined by the conviction, discharge or acquittal of such person.
- (3) Where it appears to the court that an offence as aforesaid has been committed in respect of any child or young person who is brought before. the court and that it is expedient in the interests of the child or young person that an order should be made under this sub-section, the court may make such order as circumstances may admit and require for the care and detention of the child or young person until a reasonable time has elapsed for a charge to be made against some person for having committed the offence and if a charge is made against any person within that time, until the charge has been determined by the conviction, discharge or acquittal of that person and in case of conviction for such further time not exceeding one month as the court which convicted may direct and any such order may be carried out notwithstanding that any person claims the custody of the child or young person.
- 15. (1) Where any person having the actual charge of or control over Disposal of child or a child or young person has been-
 - (a) convicted of committing in respect of such child or young person person by an offence punishable under this Act or under Chapter XVI of the order of Court. Indian Penal Code, 1860; or
 - (b) committed for trial for any such offence; or
 - (c) bound over to keep the peace towards such child or young person, by any court, that court may either at the time when the person is so convicted, committed for trial or bound over or at any other time, order that the child or young person be taken out of the charge and control of the person so convicted, committed for trial or bound over and be committed to the care of a relative of the child or young person or other fit person named by the court (such relative or other person being willing to undertake such care) until he attains the age of sixteen мо va 3—9a

years or for any shorter period and that court or any court of like jurisdiction may, of its own motion or on the application of any person, from time to time by order renew, vary and revoke any such order.

- (2) The court which makes an order committing a child or young person to the care of a relative or other fit person under this section may, in addition, order that the child or young person be placed under the supervision of a person named by the court.
- (3) If the child or young person has a parent or legal guardian, no order shall be made under this section unless the parent or legal guardian has been convicted of or committed for trial for the offence or is under committal for trial for having been, or has been proved to the satisfaction of the court making the order to have been, party or privy to the offence or has been bound over to keep the peace towards the child or young person or cannot be found.
- (4) Every order under this section shall be in writing and any such order may be made by the court in the absence of the child or young person; and the consent of any person to undertake the care of the child or young person in pursuance of any such order shall be taken in such manner as the court may think sufficient to bind him.
- (5) Where an order is made under this section and the conviction or order binding the person to keep the peace is set aside or the person is acquitted, the order shall forthwith be void except with regard to anything that may have been lawfully done under it.
- (6) In the case of a child the court may, instead of ordering the child to be committed to the care of a relative or other fit person, order that the child shall be sent to a certified school.
- 16. (1) If it appears to a magistrate duly empowered under this Act from information on oath or solemn affirmation laid by any person who in the opinion of the magistrate is acting in the interests of a child or young person, that there is reasonable cause to suspect that—
 - (a) the child or young person has been or is being wilfully ill-treated or neglected in any place within its jurisdiction in a manner likely to cause the child or young person unnecessary suffering or to be injurious to his health; or
 - (b) that an offence punishable under this Act or under Chapter XVI XLV of the Indian Penal Code, 1860, has been or is being committed in of respect of the child or young person,

the magistrate may issue a summons in the first instance against the person or persons in whose care, custody or control such child or young person is, to produce forthwith the said child or young person in court, or may issue a warrant authorizing any police-officer named therein to search for such child or young person and if it is found that he has been or is being wilfully ill-treated or neglected in manner aforesaid or that any offence as aforesaid has been or is being committed in respect of the hild or young person, to take him to and detain him in a place of safety until he can be brought before the magistrate, or authorizing any police-officer to remove the child or young person, with or without search, to a

Warrant to search for child or young person illtreated. place of safety and detain him there until he can be brought before the magistrate; and the magistrate before whom the child or young person is brought may commit him to the care of a relative or other fit person in like manner as if the person in whose charge or control he was had been committed for trial for an offence punishable under this Act:

Provided that if the said child or young person is in the custody or control of a parent or guardian who being a female does not according to the customs and manners of the country appear in public, the magistrate Shall ordinarily issue a summons and the person to whom such summons is issued shall be deemed to have complied with the summons if instead of personally attending in court she causes the said child or young person to be produced in court.

- (2) A magistrate issuing a warrant under this section may in his discretion by the same warrant direct that any person accused of any offence in respect of the child or young person be apprehended and brought before him, or direct that if such person executes a bond with sufficient sureties for his attendance before the magistrate at a specified time and thereafter until otherwise directed by the magistrate the officer to whom the warrant is directed shall take such security and shall release such person from custody.
- (3) The police-officer executing the warrant shall be accompanied by the person laying the information if such person so desire, and may also, if the magistrate by whom the warrant is issued so directs, be accompanied by a duly qualified medical practitioner.
- (4) In any information or warrant under this section the name of the child or young person shall be given if known.
- 17. (1) If in any case in which an information has been laid by any Compenperson under the provisions of section 16 the magistrate after such sation for false and inquiry as he may deem necessary is of opinion that such information trivolous or was false and either frivolous or vexatious the magistrate may for reasons vexatious to be recorded in writing direct that compensation to such an amount not information. exceeding one hundred rupecs as he may determine be paid by such informer to the person against whom the information was laid.

- (2) Before making any order for the payment of compensation, the magistrate shall call upon the informer to show cause why he should not pay compensation and shall consider any cause which such informer may show.
- (3) The magistrate may by the order directing payment of the compensation further order that in default of payment the person ordered to pay such compensation shall suffer simple imprisonment for a period of 30 days.
- (4) When any person is imprisoned under sub-section (3) the provisions of sections 68 and 69 of the Indian Penal Code, 1860, shall, so far as may be, apply.
- (5) No person who has been directed to pay compensation under this section shall by reason of such order be exempted from any civil or criminal liability in respect of the information given by him but any

amount paid as compensation shall be taken into account in any subsequent civil suits relating to such matter.

(6) An informer who has been ordered to pay compensation exceeding fifty rupees may appeal from the order as if such informer had been. convicted on a trial held by the magistrate directing the payment

of compensation.

(7) When an order for the payment of compensation is made in a case which is subject to appeal under sub-section (6) the compensation shall , not be paid to the person ordered to receive it before the period allowed for the presentation of the appeal has elapsed or if an appeal is presented before the appeal has been decided and where such order is made in a case which is not subject to appeal the compensation shall not be paid before the expiration of one month from the date of the order.

PART IV.

YOUTHFUL OFFENDERS.

Bail of children and young persons arrested.

18. Where a person apparently under the age of sixteen years is arrested on a charge of a non-bailable offence and cannot be brought forthwith before a court, the officer in charge of the police station or section to which such person is brought may in any case and shall unless the charge is one of culpable homicide or any other offence punishable with death or transportation release him on bail if sufficient security is forthcoming, unless for reasons to be recorded in writing the officer believes that such release would bring him into association with any reputed criminal:

Provided that when any girl apparently under the age of sixteen years is arrested the officer in charge of a police station who has made the arrest or before whom the girl is produced shall release her at once if any person who in his opinion is a sufficient surety enters into a bond for such sum of money as the officer considers sufficient to produce her before the court and to appear in her stead if required at the police station.

19. Where a person apparently under the age of sixteen years having

been arrested is not released under section 18 or otherwise, the officer

in charge of the police station or section shall cause him to be detained

in the prescribed manner until he can be brought before a court...

Custody of children and young persons not on bail after

discharged arrest. Remand or committal

20. A court, on remanding or committing for trial a child or young person who is not released on bail, shall order him to be detained in the prescribed manner.

to custody. Attendance at court of

parent of child or an offence, etc.

21. (1) Where a child or young person is charged with any offence or where a child is brought before a court on an application for an order to send him to a certified school, his parent or guardian may in any case, young person and shall, if he can be found and resides within a reasonable distance and charged with the person so charged or brought before the court is a child, be required to attend at the court before which the case is heard during all the stages of the proceedings, unless the court is satisfied that it would be unreasonable to require his attendance.

- (2) Where the child or young person is arrested, the officer in charge of the police station or section to which he is brought shall cause the parent or guardian of the child or young person, if he can be found, to be warned to attend at the court before which the child or young person will appear.
- (3) The parent or guardian whose attendance shall be required under this section shall be the parent or guardian having the actual charge of or control over the child or young person:
- Provided that if such parent or guardian is not the father, the attendance of the father may also be required.
 - (4) The attendance of the parent of a child or young person shall not be required under this section in any case where the child or young person was before the institution of the proceedings removed from the custody or charge of his parent by an order of a court.
 - (5) Nothing in this section shall be deemed to require the attendance of the mother or the female guardian of a child or young person if such mother or female guardian does not according to the customs and manners of the country appear in public, but any such mother or female guardian may appear before the court by a pleader or agent.
 - 22. Notwithstanding anything to the contrary contained in any law Sentences no child or young person shall be sentenced to death or transportation or that may not be passed on committed to prison: child or

Provided that a young person may be committed to prison where the young court certifies that he is of so unruly or of so depraved a character that he is not a fit person to be sent to a reformatory school and that none of the other methods in which the case may legally be dealt with is suitable.

- 23. (1) Where a child is found to have committed an offence Commitment punishable with transportation or imprisonment, the court, if satisfied on of child to enquiry that it is expedient so to deal with the child, may order him to school., be sent to a certified school.
- (2) Where a child has been orderd by a court to give security under of section 106 or section 118 of the Code of Criminal Procedure, 1898, and has failed to do so, the court which passed the order may order such child to be sent to a certified school. . ,
 - (3) Where prior to the commencement of this Act a youthful offender has been sentenced to transportation or imprisonment, the Governor in Council may direct that in lieu of undergoing or completing such sentence he shall, if under the age of fourteen years, be sent to a certified school: and thereupon the offender shall be subject to all the provisions of this Act as if he had been originally sentenced to detention in such school.
 - 24. A court may, if it shall think fit instead of directing any youthful Power to offender to be detained in a certified school, order him to be-
 - (a) discharged after due admonition, or

(b) committed to the care of his parent or guardian or other adult him to relative or other fit person on such parent, guardian, relative or person suitable custody. executing a bond, with or without sureties, as the court may require,

youthful offender or

to be responsible for the good behaviour of the youthful offender for any period not exceeding twelve months, and the court may in either case pass a further order that the youthful offender be placed under the supervision of a person named by the court.

Power to order parent to pay fine, etc., instead of child or young person.

- (1) Where a child or young person is convicted of an offence punishable with fine and the court is of opinion that the case would be best met by the imposition of a fine, whether with or without any other punishment, the court may in any case, and shall if the offender is a child, order that the fine be paid by the parent or guardian of the child or young person, unless the court is satisfied that the parent or guardian cannot be found or that he has not conduced to the commission of the offence by neglecting to exercise due care of the child or young person.
- (2) An order under this section may be made against a parent or guardian who, having been required to attend, has failed to do so, but, save as aforesaid, no such order shall be made without giving the parent or guardian an opportunity of being heard.
- (3) Where a parent or guardian is directed to pay a fine under this section, the amount may be recovered in accordance with the provisions v of of the Code of Criminal Procedure, 1898. 1898.
- (4) A parent or guardian may appeal against any such order as if it had been an order passed in proceedings against himself.

26. (1) When a child or young person is convicted of an offence of so serious a nature that the court is of opinion that no punishment which under the provisions of this Act or of the [1] Reformatory Schools Act, 1897, it is authorised to inflict is sufficient, the court shall order the III of offender to be kept in safe custody in such place or manner as it thinks 1897. fit and shall report the case for the orders of the Governor in Council.

(2) Notwithstanding the provisions of section 22, the Governor in Council may order any such child or young person to be detained in such place and on such conditions as he thinks fit, and while so detained the child or young person shall be deemed to be in legal custody:

Provided that no period of detention so ordered shall exceed the maximum period of imprisonment to which the child or young person could have been sentenced for the offence committed.

Methods of children and roung persons charged with offences.

Detention in the case

of certain

by children

or young.

persons.

crimes committed

- 27. Where a child or young person charged with any offence is tried dealing with by any court, and the court is satisfied of his guilt, the court shall take into consideration the manner in which, under the provisions of this or any other Act enabling the court to deal with the case, the case should be dealt with, namely, whether
 - (a) by discharging the offender after due admonition; or
 - _ (b) by committing the offender to the care of his parent, guardian, other adult relative, or other fit person on such parent, guardian, relative or person executing a bond to be responsible for his good behaviour; or

- (c) by so discharging or committing the offender and placing him under the supervision of a person named by the court; or
 - (d) by sending the offender to a certified school; or
 - (e) by sending the offender to a reformatory school; or
 - . (f) by ordering the offender to pay a fine; or
- (g) by ordering the parent or guardian of the offender to pay a fine; or
- (h) where the offender is a young person, by sentencing him to imprisonment; or
- (i) by dealing with the case in any other manner in which it may legally be dealt with:

Provided that nothing in this section shall be construed as authorizing the court to deal with any case in any manner in which it could not deal with the case apart from this section.

PART V.

MAINTENANCE AND TREATMENT OF PERSONS SENT TO CERTIFIED SCHOOLS OR COMMITTED TO THE CARE OF RELATIVES OR OTHER FIT PERSONS.

- 28. (1) The court which makes an order for the detention of a child Contribution or youthful offender in a certified school or for the committal of a child of parent. or young person or youthful offender to the care of a relative or other fit person may make an order on the parent or other person liable to maintain the child, young person or youthful offender, to contribute to his maintenance, if able to do so, in the prescribed manner.
- (2) The court before making any order under sub-section (1) shall inquire into the circumstances of the parent or other person liable to maintain the youthful offender, child or young person and shall record the evidence if any in the presence of the parent or such other person as the case may be or when his personal attendance is dispensed with in the presence of his pleader.
- (3) Any order made under this section may from time to time be varied by the court.
- (4) The persons liable to maintain a child, young person or youthful offender shall for the purposes of sub-section (1) include in the case of illegitimacy his putative father:

Provided that where the child, young person or youthful offender is illegitimate and an order for his maintenance has been made under section 488 of the Code of Criminal Procedure, 1898, the court shall not ordinarily make an order for contribution against the putative father but may order the whole or any part of the payments accruing due under the said order for maintenance to such person or persons as may be named, to be applied by him or them, as the case may be, towards the maintenance of the child, young person or youthful offender.

(5) Any order under this section may be enforced in the same manner as an order under section 488 of the Code of Criminal Procedure, 1898.

Boarding out of children.

The managers of a certified school to which a child under the age of eight years is sent may, with the consent of the chief inspector, board the child out with any suitable person until the child reaches the age of ten years and thereafter for such longer period, with the consent of the chief inspector, as the managers consider to be advisable in the interests of the child, subject to the exercise by the managers of such powers as to supervision, recall, and otherwise as may be prescribed; and where a child is so boarded out he shall nevertheless be deemed for the purposes of this Act to be a child detained in the school, and the provisions of this Act shall apply accordingly, subject to such necessary adaptations as may be made by the Governor in Council.

Placing out on licence.

- 30. (1) Where a child or youthful offender is detained in a certified school, the managers of the school may at any time with the consent of the chief inspector, by licence permit the child or youthful offender on the conditions prescribed in this behalf to live with any trustworthy and respectable person named in the licence willing to receive and take charge of him with a view to educate him or train him for some useful trade or calling.
- (2) Any licence so granted shall be in force until revoked or forfeited by the breach of any of the conditions on which it was granted.
- (3) The managers of the school may at any time by order in writing revoke any such licence, and order the child or youthful offender to return to the school and shall do so at the desire of the person with whomthe child or youthful offender is licensed to live. If the child or youthful offender refuses or fails to return to the school, the managers of the school may, if necessary, arrest or cause to be arrested the child or youthful offender and take him or cause him to be taken back to the school.
- (4) When a licence has been revoked or forfeited and the child or youthful offender refuses or fails to return to the school, the court may, if satisfied by information on oath or solemn affirmation that there is reasonable ground for believing that his parent or guardian could produce the child or youthful offender, issue a summons requiring the parent or guardian to attend at the court on such a day as may be specified in the summons and to produce the child or youthful offender. and, if he fails to do so without reasonable excuse, he shall, in addition to any other liability to which he may be subject under the provisions of this Act, be punished with a fine which may extend to fifty rupees.
- (5) Where a parent or guardian is directed to pay a fine under this section the amount may be recovered in accordance with the provisions of the Code of Criminal Procedure, 1898.
- (6) The time during which a child or youthful offender is absent from a certified school in pursuance of a licence under this section shall be deemed to be part of the time of his detention in the school: provided that, where a child or youthful offender has failed to return to the school

on the licence being revoked or forfeited, the time which elapses after his failure so to return shall be excluded in computing the time during which he is to be detained in the school.

31. Whoever-

(a) knowingly assists or induces, directly or indirectly, a child or escape youthful offender detained in or placed out on licence from a certified of youthful school to escape from the school or from any person with whom he is offender or child. placed out on licence, or any child or young person to escape from the person to whose care he is committed under the provisions of this

Penalty for

- (b) knowingly harbours, conceals, or prevents from returning to school, or to any person with whom he is placed out on licence or to whose care he is committed under this Act, a child, young person or youthful offender, who has so escaped, or knowingly assists in so doing shall be punishable with imprisonment of either description for a term which may extend to two months or with a fine which may extend to two hundred rupees, or with both.
- 32. The period for which a child or youthful offender is to be detained Period of in a certified school shall be specified in the order in pursuance of which detention. he is sent there and shall be such period as to the court may seem proper for his teaching and training but not in any case extending beyond the time when he will, in the opinion of the court, attain the age of sixteen years.
- 33. (1) The Governor in Council may at any time order a Discharge child or youthful offender to be discharged from a certified school, and transfer. either absolutely or on such conditions as the Governor in-Council approves.
 - (2) The Governor in Council may order—
 - (a) a child over the age of twelve years detained in a certified school, who is found to be exercising an evil influence over the other children in the school or who is guilty of a serious breach of the rules of the school or of escaping from the school to be transferred to a reformatory school;
 - (b) a youthful offender under the age of fourteen years detained in a reformatory school to be transferred to a certified school:
 - (c) a child or youthful offender to be transferred from one certified school to another:

Provided that the whole period of the detention of the child or youthful offender shall not be increased by the transfer.

(3) The Governor in Council may at any time in his discretion discharge a child or young person from the care of any person to whose care he is committed under this Act, either absolutely or on such conditions as the Governor in Council approves, and may, if he thinks fit, make rules in relation to children or young persons so committed to the care of any person and to the duties of such persons with respect to such children or young persons.

PART VI.

CERTIFIED SCHOOLS AND OTHER INSTITUTIONS.

Establishment and certification of schools. 34. (1) The Governor in Council may establish and maintain industrial schools for the reception of children and youthful offenders.

(2) The Governor in Council may certify that any industrial school or other educational institution not established under sub-section (1) is fit for the reception of children or youthful offenders.

Management of schools.

- 35. (1) For the control and management of every school established under sub-section (1) of section 34 a superintendent and a committee of visitors shall be appointed by the Governor in Council and such superintendent and committee shall be deemed to be the managers of the school for the purposes of this Act.
- (2) Every school certified under sub-section (2) of section 34 shall be under the management of a governing body who shall be deemed to be the managers of the school for the purposes of this Act.

Inspection of schools.

- 36. (1) The Governor in Council may appoint a chief inspector of certified schools and such number of inspectors and assistant inspectors as he thinks advisable to assist the chief inspector; and every person so appointed to assist the chief inspector shall have such of the powers and duties of the chief inspector as the Governor in Council directs but shall act under the direction of the chief inspector.
- (2) Every certified school shall, at least once in every six months, be inspected by the chief inspector of certified schools, or by an inspector or assistant inspector; provided that where any such school is for the reception of girls only and such inspection is not made by the chief inspector, the inspection shall where practicable be conducted by a woman.

Power of inspectors.

37. A certified school shall be liable to inspection at all times and in all its departments by the chief inspector or inspector or assistant inspector or by any member of the Bombay Legislative Council or by any member of the Legislative Assembly or the Council of State representing any constituency in the Bombay Presidency.

Medical inspection.

38. Any registered medical practitioner empowered in this behalf by the Governor in Council may visit any certified school at any time with or without notice to its managers in order to report to the chief inspector on the health of the inmates and the sanitary condition of the school.

Power of Governor in Council to withdraw certificate. 39. The Governor in Council, if dissatisfied with the condition, rules, management or superintendence of a certified school, may at any time by notice served on the managers of the school declare that the certificate of the school is withdrawn as from a time specified in the notice and at that time the withdrawal of the certificate shall take effect and the school shall cease to be certified school:

Provided that the Governor in Council may, if he thinks fit, instead of so withdrawing the certificate, by notice served on the managers of the school, prohibit the admission of children or youthful offenders to the school for such time as may be specified in the notice or until the notice is revoked:

Provided also that before the issue of notice under this section or under the first proviso thereto a reasonable opportunity shall be given to the managers of the school to show cause why the certificate shall not be withdrawn or admission to the school shall not be prohibited as the case may be.

40. The managers of a certified school may, on giving six months' Resignation notice in writing to the Governor in Council through the chief inspector of certificate by managers. of their intention so to do, resign the certificate of the school and accordingly at the expiration of six months from the date of the notice, unless before that time the notice is withdrawn, the resignation of the certificate shall take effect, and the school shall cease to be a certified school.

- 41. A child or youthful offender shall not be received into a certified Effect of school in pursuance of this Act after the date of the receipt by or resignation the managers of the school of a notice of withdrawal of the certificate or of certificate. after the date of a notice of resignation of the certificate; but the obligation hereinafter mentioned of the managers to teach, train, lodge, clothe, and feed any children or youthful offenders detained in the school at the respective dates aforesaid shall, except so far as the Governor in Council otherwise directs, continue until the withdrawal or resignation of the certificate takes effect.
- 42. When a school ceases to be a certified school, the childen or youth- Disposal of ful offenders detained therein shall be either discharged absolutely or inmates on withdrawal on such conditions as the governors in Council may impose or transferred or resignation by order of the Governor in Council to some other certified school of certificate. in accordance with the provisions of this Act relating to discharge and transfer.

- The Governor in Council may establish auxiliary homes for the Auxiliary reception of any inmates or any classes of inmates of certified schools or homes. may certify any other such home heretofore established or which hereafter may be established by any other agency, and the certificate may be withdrawn or resigned in like manner as a certificate of a school and every such home shall, for such purposes as are specified by the Governor in Council, be treated as part of the certified school or schools to which it is attached.
- 44. The managers of a certified school not established by the Governor Liabilities of in Council may decline to receive any child or youthful offender proposed managers. to be sent to them in pursuance of this Act, but when they have once accepted any such child or youthful offender, they shall be deemed to have undertaken to teach, train, lodge, clothe, and feed him during the whole period for which he is liable to be detained in the school, or until the withdrawal or resignation of the certificate of the school.
- 45. (1) The Governor in Council may cause any institution for the Inspection reception of poor children or young persons supported wholly or partly of instituby voluntarly contributions, and not liable to be inspected by or reception of under the authority of any Government department, to be visited and poor children.

inspected from time to time at all reasonable hours, by persons appointed by him for the purpose of securing the health and welfare of the children or young persons and the sanitation of the premises.

- (2) Any person so appointed shall have power to enter the institution at all reasonable hours and to make a complete inspection thereof and of all registers relating thereto for the aforesaid purposes. Any person who obstructs him in the execution of his duties shall be liable on conviction to a fine not exceeding fifty rupees.
- (3) Where any such institution is carried on in accordance with the principles of any particular religious denomination, the Governor in Council shall, if so desired by the managers of the institution, appoint, where practicable, a person of that denomination to visit and inspect the institution.
- (4) Where any such institution is for the reception of girls only, the inspection shall, where practicable, be conducted by a woman.

PART VII.

JUVENILE COURTS.

Juvenile Courts.

- 46. (1) The Governor in Council may provide [1] for the establishment in any area of one or more separate courts for the conduct of proceedings under this Act at which the attendance of the child or young person is required.
- (2) Where no such separate court has been established the court before which a child or young person is brought shall unless the child or young person is tried jointly with any other person not being a child or young person, whenever practicable sit either in a different building or room from that in which the ordinary sittings of the court are held or on different days or at different times from those at which the ordinary sittings are held.

PART VIII.

MISCELLANEOUS.

Provision as to religion.

- 47. (1) In determining the certified school to which a child or youthful offender is to be sent under this Act, the court shall ascertain the religious denomination of the child or youthful offender and shall, if possible, select a school in which facilities are afforded for instruction in his religion.
- (2) In determining on the person to whose care a child or young person shall be committed under this Act, the court shall ascertain the religious denomination of the child or young person and shall, if possible, select a person of the same religious denomination or a person who gives

^[1] For "The Bombay City Juvenile Court Rules, 1927," see Home Department Notification No. 962/2-III, dated the 14th June 1927, published in the Bombay Government Gazette, 1927, Part I, pp. 1506-1507.

such undertaking as seems to the court sufficient that the child or young person will be brought up in accordance with the religion of the child or young person and such religion shall be specified in the order.

- (3) In any case where a child or young person has been committed. pursuant to any such order to the care of a person who is not of the religious denomination of the child or young person or who has not given such undertaking as aforesaid, the court which made the order or any court of like jurisdiction shall, on the application of any person in that behalf and on its appearing that a fit person of the religious denomination of the child or young person or who will give such undertaking as aforesaid is willing to undertake the care of the child or young person, make an order committing him to the care of such fit person.
- (4) When a child or young person is committed to the care of a certified school in which facilities for instruction in his religion are not afforded or to a person who does not give an undertaking that the child or young person entrusted to him will be brought up in his religion (for want of a certified school or person of the religion of the child), the court shall take an undertaking from such school or such person that the child shall not be brought up in any religion other than his own.
- (5) Where a child or a youthful offender is boarded out or is permitted by licence to live with any other person the manager of the school shall select for this purpose a person of the same religion as the child or youthful offender or a person who gives a satisfactory undertaking that the child or the youthful offender shall be brought up in accordance with the religion of such child or youthful offender.
- (6) When a child or young person has been committed to the care of a person who gives an undertaking as aforesaid but the undertaking is not observed, the child or young person shall be liable to be removed from the care of such person and dealt with according to the provisions of sub-section (3) of this section.
- (7) Whenever any person interested in the religion of the child or young person is informed of any attempt at conversion or tampering with his religion he may apply to the court for an enquiry and the court on being satisfied may issue an order removing the said child or young person from the custody of such institution or person and hand over the custody to another fit person or institution.
- 48. The conviction of a child or young person shall not be regarded Removal of as a conviction for the purposes of any disqualification attaching to a disqualificaconviction for any offence.

offences. 49. Any person to whose care a child or young person is committed Control of under the provisions of this Act shall, while the order is in force, have the custodian under the provisions of this Act shall, while the order is in lorce, have the over child like control over the child or young person as if he were his parent, and or young shall be responsible for his maintenance, and the child or young person person. shall continue in his care notwithstanding that he is claimed by his parent or any other person.

ing to convictions for Bonds taken under the Act.

50. The provisions of Chapter XLII of the Code of Criminal v Procedure, 1898, shall, so far as may be, apply to bonds taken under 18 this Act.

Appeals.

- 51. (1) An appeal from an order made by a court under sections 7, 8, 9, 10, [1]10A, 10B, 10D, 10E, [1] 11, 12, 15, 26, 28, 30 or 47 shall lie [2] [(a) if passed by a juvenile court.—
 - (i) in the city of Bombay, to the Chief Presidency Magistrate; and
 - (ii) in any other place to which the Act applies, to a District Magistrate;]
 - (b) if passed by any Magistrate not being a Presidency Magistrate, to the Court of Session; and
 - (c) if passed by a Court of Session or a Presidency Magistrate, to the High Court.
 - (2) No appeal shall lie from any order passed in any such appeal.
- (3) Any order passed under the provisions of this Act and not subject to appeal under sub-section (1) may be revised by the High Court.

Rules.

- 52. (1) The Governor in Council may make rules[3] for the purpose of carrying into effect the provisions of this Act.
- (2) In particular, and without prejudice to the generality of the foregoing, such rules may be made with regard to
 - (a) the establishment and maintenance of certified schools and auxiliary homes and the certification of schools as certified schools and of auxiliary homes;
 - (b) the management of certified schools and auxiliary homes;
 - (c) the appointment of visitors and their tenure of office;
 - (d) the inspection of certified schools;
 - (e) the maintenance, education and industrial training of the inmates of certified schools;
 - (f) the conveyance of youthful offenders and children to certified schools;
 - (g) the grant of permission to the inmates of certified schools to absent themselves for short periods;
 - (h) visits to and communication with the inmates of certified schools;
 - (i) the punishment of offences committed by the inmates of certified schools;
 - (i) the inspection of the institutions referred to in section 45;
 - (k) the manner of detention of children and young persons under arrest or remanded or committed for trial;

^{[1]—[1]} These figures and letters were inserted by Bom. X of 1925, s. 3.

^[2] This clause was substituted for the original clause by Bom. XIII of 1927, s. 3.

^[3] For "the Bombay Children Rules, 1926," see Government Notifications in the Home Department No. 221-XIV, dated 21st December 1926, published in the Bombay Government Gazette, 1926, Part I, pp. 2898-2900 and No. 2928-2, dated the 2nd June 1928, published in the Bombay Government Gazette, 1928, Part I, p. 1179.

For "the Bombay City Juvenile Court Rules, 1927", see Bombay Government Gazette, 1927, Part I, pp. 1506-1507.

- (1) the procedure to be adopted in any case or inquiry under this Act before any court other than a juvenile court;
 - (m) the persons who may be authorized to act under section 7 or 14;
- (n) the manner in which a child or young person may be committed to the care of a relative or other fit person, and the duties of such persons and the supervision of such children and young persons;
- (o) the contribution by parents and other persons liable to maintain youthful offenders, children and young persons;
- (p) the boarding out of children and the licensing and supervision of youthful offenders and children; and the submission of reports on such youthful offenders or children;
 - (q) the procedure to be adopted in juvenile courts; and
- (r) the time within which appeals under section 51 shall be filed.
- (3) All rules made under clauses (k) and (q) of sub-section (2) shall be subject to the previous approval of the Governor General in Council.
- (4) The power to make rules under this Act shall be subject to the condition of previous publication and to the further condition that the rules so made shall be laid on the table of the Bombay Legislative Council for one month previous to the next session of the Council, and shall be liable to be modified or annulled by a resolution of the said Council tabled at such next session.

BOMBAY ACT No. I OF 1925.[1]

THE CITY OF BOMBAY MUNICIPAL (AMENDMENT) ACT, 1925]

[3rd October 1925]

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

WHEREAS it is expedient further to amend the [2]City of Bombay Municipal Act, 1888, in manner hereinafter appearing; AND WHEREAS 5 & 6 the previous sanction of the Governor General required by sub-section Geo.V. (3) of section 80A of the Government of India Act has been obtained for c. 61. the passing of this Act: It is hereby enacted as follows:—

1. This Act may be called the City of Bombay Municipal Short title. (Amendment) Act. 1925.

2. In section 3 of the [3] City of Bombay Municipal Act, 1888, here-Amendment Ill of inafter called the said Act, of Bom. III

(a) in clause (c) for the words "or appointed" the words of 1888.

"appointed or co-opted" shall be substituted; and

(b) after clause (y), the following clause shall be inserted, namely:— "(yy) 'Trade refuse' means and includes the refuse of any trade, manufacture or business."

3. In section 11 of the said Act-

(a) in sub-section (2) for the words "occupied as owner or tenant Amendment in such ward a building, or part of a building separately occupied, as of section 11 a dwelling or for the purpose of any trade, business or profession, of of 1888, which the monthly rental was not less than rupees ten" the words "occupied as owner or part owner or tenant or sub-tenant in such ward a building or part of a building separately occupied of which the monthly rental was not less than rupees ten" shall be substituted;

(b) in the second proviso to the said sub-section for the word "dwelling-house" wherever it occurs the words "building or part of

a building "shall be substituted.

4. In clause (b) of sub-section (2) of section 14 of the said Act for Amendment the words "person duly authorized by power-of-attorney to represent of section 14 such company or firm " the words " member of such company or firm of 1888. or any one person holding a general power-of-attorney from such company or firm whose name has been duly communicated to the Assessor and Collector under clause (e) of section 28" shall be substituted.

5. In section 22 of the said Act after the word "councillors" the Amendment of section 22 words "other than co-opted councillors" shall be inserted. of Bom. III

^[1] For Statement of Objects and Ressons, see Bombay Government Gazette, 1924, of 1888. Part V, pp. 135-138; for report of Select Committee, see soid 1925, Part V pp. 23-28; and for Proceedings in Council see Bombay Legislative Council Debates, 1924, 1925 Vols. XIII and XV.

^[*] Vol. III Born. Code Mo va 3-10s

Amendment of section 23 of Bom. III of 1888.

- In section 23 of the said Act—
- (1) before the words "the dates" occurring in the beginning of the section the words "except as provided in section 31A" shall be inserted;
 - (2) the fourth paragraph shall be omitted.

Amendment of section 26 of Bom. III of 1888.

- 7. In sub-section (2) of section 26 of the said Act—
 (a) in clause (a) after the word "election" where i
- (a) in clause (a) after the word "election" where it occurs for the second time the words "and up to 4 p.m. on the date of election" shall be inserted; and
 - (b) in clause (i)
 - (i) after the word "nominated" where it occurs for the second time the words "dies or" shall be inserted;
 - (ii) for the words "three days" the words "one day" shall be substituted; and
 - (iii) the following further proviso shall be added, namely :-
 - "Provided further that a candidate who has withdrawn his candidature shall not be allowed to carcel the withdrawal or to be renominated as a candidate for the same election."

Amendment of section 28 of Bom. III of 1888.

Provisions

respecting

contested ward

elections,

- 8. For section 28 of the said Act, the following section shall be substituted, namely:—
 - "28. With respect to the contested ward elections the following provisions shall have effect, namely :---

(a) Votes shall be given by ballot and in person. No votes shall be received by proxy;

- (b) no votes shall be received for any candidate whose name has not been published by the Commissioner under sub-section (2) of section 27 as having been validly nominated;
- (c) no votes shall be received from any person whose name is not enrolled in the ward roll as a voter of the ward for which the election is being held;
- (d) when the name in the ward roll is that of a joint-stock company, a vote on behalf of the said company may be received from its secretary, agent, managing director or manager;
- (e) when the name in the ward roll is that of any company other than a joint-stock company or of a firm, a vote on behalf of such company or firm may be received from any member of such company or firm whose name has been communicated to the Assessor and Collector as the representative of the company or firm who would be entitled to vote at the election on behalf of the company or firm, or where no such name has been so communicated, from any person who produces to the polling officer a general power-of-attorney from such firm or company;
- (f) in plural councillor wards every elector shall have as many votes as there are councillors to be elected, at such election for such ward, and may give all such votes to one candidate, or may distribute them among the candidates as he thinks fit;

29 of Bom.

III of 1888.

rules for the

conduct of

elections.

- (g) the person, or where there is more than one councillor to be elected, the persons not exceeding the number of councillors to be elected, who have the greatest number of valid votes shall be deemed to be elected:
- (h) where an equality of votes is found to exist between any candidates and the addition of a vote would entitle any of those candidates to be declared elected the determination of the person or persons to whom such additional vote shall be deemed to have been given shall be made by lot to be drawn in the presence of the . Commissioner in such manner as he shall determine;
- (i) if a candidate is elected councillor for more than one ward, he shall, within three days after receipt of written notice thereof from the Commissioner, choose, by writing signed by him and delivered to the Commissioner, or in his default the Commissioner shall, when the time for choice has expired, declare for which of the wards he shall serve and the choice or declaration shall be conclusive;
- (j) when any such choice or declaration has been made, the votes recorded for the candidate aforesaid in any ward for which he is not to serve shall be deemed not to have been given and the candidate, if any, who but for the said votes would have been declared to have been elected for such ward shall be deemed to have been elected for the same:
 - (k) the Commissioner shall, as soon as may be, declare the result of the poll, specifying the total number of valid votes given for each candidate, and he shall, as soon as may be, hear and decide all objections, if any, to or regarding the poll, made to him in writing not later than 5 o'clock of the afternoon of the day after the poll and shall cause lists to be prepared for each ward, specifying the names of all candidates, and the number of valid and the number of rejected votes given to each candidate. In accordance with such rules as the Commissioner may frame for the purpose and on payment of such fee as may be prescribed by him a copy of such list shall be supplied to any candidate of the ward and shall be available for inspection to any voter of the ward."
- 9. After section 28 of the said Act, the following section shall be New sectioninserted, namely :-

"29. (I) Subject to the provisions of this Act the Corporation shall Corporation with the sanction of the Local Government, make rules for the may make conduct of elections, and in particular providing-

(a) for the appointment of polling stations for each ward;

- (b) for the appointment of polling officers and other persons to assist at the poll and for the remuneration of such polling officers and other persons for their services;
- (c) for the hours during which polling stations shall be open for the recording of votes;

(d) for the printing and for the issue of voting papers:

(e) for the checking of voters by reference to the electoral roll;

- (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, of the period for which such papers shall be preserved and for the inspection and production of such papers;

and may make such other rules regarding the conduct of the elections as it thinks fit."

Repeal of section 30A of Bom. III of 1888. Section 30A of the said Act shall be repealed.

New section 31A of Bom. III of 1888.

11. After section 31 of the said Act the following new section shall be inserted namely:—

Election of co-opted councillors.

"31A. The election of co-opted councillors shall be held on a day fixed by the Commissioner subsequent to the elections mentioned in section 23 and the appointment of councillors by Government but prior to the day for retirement, and shall be made in accordance with rules made by the Corporation in this behalf subject to the provisions of sub-section (1) of section 5."

Amendment of section 33 of Bom. III of 1888.

- 12. In sub-section (1) of section 33 of the said Act, for the words "after the result of the election has been declared" the words "from the date on which the list prescribed under clause (k) of section 28 was available for sale or inspection in the Commissioner's office" shall be substituted.
- New sections 13. After section 38 of the said Act the following sections shall be 38A and 38B inserted, namely:—
 in Bom. III

of 1888.
Special
Committees
of the
Corporation.

- "38A. (1) The Corporation may from time to time appoint, out of their own body, Special Committees and may by specific resolution carried by a vote of at least two-thirds of the members of the Corporation present at the meeting delegate any of their powers and duties to such Committees, and may also by a like resolution define the sphere of business of each Special Committee so appointed, and direct that all matters and questions included in any such sphere shall, in the first instance, be placed before the appropriate committee and shall be submitted to the Corporation with such Committee's recommendation.
- (2) Every Special Committee shall conform to any instructions that may from time to time be given to them by the Corporation.
- (3) The Corporation may, at any time, dissolve or subject to any rules made by them in this behalf alter the constitution of any Special Committee.

(4) Every Special Committee shall appoint two of their number to be their Chairman and Deputy Chairman:

Provided that no member shall, at the same time, be the Chairman of more than one Special Committee.

- (5) In the absence of the Chairman or Deputy Chairman, the members of the Special Committee present shall choose one of their number to preside over their meeting.
- (6) All the proceedings of every Special Committee shall be subject to confirmation by the Corporation:

Provided that any Special Committee may by a resolution supported by at least one-half of the whole number of members of the Committee direct that action be taken in accordance with the decision of such Committee without waiting for confirmation of their proceedings by the Corporation, if the Committee consider that serious inconvenience would result from delay in taking such action; but if the Corporation do not confirm the proceedings of the Special Committee, such steps shall be taken to carry out any orders passed by the Corporation as may still be practicable:

Provided also that, if, in delegating any of their powers or duties to a Special Committee under sub-section (1), the Corporation direct that the decision of the Special Committee shall be final, then so much of the proceedings of the Special Committee as relate to such powers or duties shall not be subject to confirmation by the Corporation, if such decision is supported by at least one-half of the whole number of members of the Committee.

- (7) The Corporation may make rules for regulating the constitution of Special Committees and the conduct of business at meetings of such Committees, and for the keeping of minutes and the submission of reports.
- 38B. (1) The Standing Committee may, from time to time, by a Special resolution carried by a vote of at least two-thirds of their members Committees present at the meeting delegate to any special committee appointed Standing under section 38A any of their powers and duties in respect of any Committee. matter with which such special committee are competent to deal, or refer to any such committee any such matter for disposal or report, and every such special committee shall conform to any instructions that may from time to time be given to them by the Standing Committee in this behalf:

Provided that every such resolution shall be reported by the Standing Committee to the Corporation as soon as possible, and the Corporation may at any time cancel such resolution.

14. To sub-section (2) of section 54 of the said Act, the following Amendment proviso shall be added, namely,

of section 54 of Bom. III

"Provided that when the Commissioner holds a lien on the service of 1888, of Government, he shall not, during the period of his appointment as Commissioner, be removed from office without the approval of the Corporation."

Amendment of section 57 of Bom, III of 1888.

- 15. In section 57 of the said Act:
- (1) in sub-section (1) for the words "such monthly salary, not exceeding rupees two thousand five hundred and not less than rupees two thousand as Government shall from time to time determine" the words "a monthly salary of three thousand rupees" shall be substituted; and
- (2) in sub-section (3) for the words "three thousand rupees" the words "rupees three thousand and five hundred" shall be substituted.

New section . 62E of Bom. III of 1888.

16. After section 62D of the said Act, the following section shall be inserted, namely:-

Corporation to provide for maintenance of lunatics.

"62E. The Corporation shall make payments at such rates per head as Government from time to time by general or special order prescribe, for the maintenance and treatment either in the City or at any asylum, hospital or house, whether within or without the City, which Government declares by notification to be suitable for such purpose, of pauper lunatics, not being persons for whose confinement an order under Chapter XXXIV of the Code of Criminal Procedure, Vo 1898, is in force, resident within, or under any enactment for the time 189 being in force removed from, the City:

Provided that the Corporation shall not be liable under this section for the maintenance and treatment of any lunatic in any such asylum, hospital or house as aforesaid, unless such lunatic, previous to his admission thereto, has been resident in the City for at least one year:

Provided further that the rates prescribed by Government under this section shall not exceed half the total cost of maintenance and treatment incurred per head on account of the lunatics for whose maintenance and treatment the Corporation shall be liable under this section."

Amendment of section 106 of Bom. III of 1888.

17. In the proviso to section 106 of the said Act, after the word "contracted" the words "save in the case of a loan granted by the Local Government" shall be inserted.

of section 107 of 1888.

18. To section 107 of the said Act the following proviso shall be of Bom. III added, namely:—"Provided that the orders of the Governor General of India in Council shall not be required in the case of a loan granted by the Local Government."

Amendment of section 301 of Bom. III of 1888.

- 19. For sub-section (1) of section 301 of the said Act, the following sub-section shall be substituted, namely:---
 - "(1) Compensation shall be paid by the Commissioner to the owner of any building or land acquired for a public street under section 298 or 299, for any loss which such owner may sustain in consequence of his building or land being so acquired and for any expense incurred by such owner in consequence of the order made by the Commissioner under either of the said sections; provided that any increase or decrease in the value of the remainder of the property of which the building or land so acquired formed part likely to accrue from the setback to the regular line of the street shall be taken into consideration and allowed for in determining the amount of such compensation."

- 19A. After section 313 of the said Act the following section shall be New section 313A in Bom. inserted, namely:—

 III of 1888.
- "313A. Except under and in conformity with the terms and provi-License for sions of a license granted by the Commissioner in this behalf, no person sale in shall hawk or expose for sale in any public place or in any public street public places. any article whatsoever, whether it be for human consumption or not."
- 20. In section 367 of the said Act, (1) the figures "(1)" and "(2)" Amendment of section 367 of Bom, III
 (2) after clause (a) the following clause shall be inserted:—

 of 1888.

" (b) trade refuse;"

(3) clause (b) shall be renumbered (c); and

- (4) clauses "(c)" and "(d)" shall be renumbered "(i)" and "(ii)" respectively.
- 21. For section 368 of the said Act the following section shall be Substitution of a new section for section 368 of Bon. III
 - "368. (1) It shall be incumbent on the owners and occupiers of Duty of all premises to cause all dust, ashes, refuse, rubbish and trade refuse owners and to be collected from their respective premises and to be deposited at collect and such times as the Commissioner, by public notice, from time to time deposit dust, prescribes in the public receptacle, depôt or place provided or appointed under the last preceding section for the temporary deposit or final disposal thereof.

(2) Provided that the Commissioner may, if he thinks fit, by written notice require the occupier and owner or either of them of any premises, to cause all dust, ashes, refuse and rubbish, but not trade refuse to be collected daily, or otherwise periodically, from the said premises and deposited temporarily upon any place forming the part of the said premises which the Commissioner appoints in this behalf, and it shall be incumbent on the said occupier and owner or either of them to cause the said matters to be collected and deposited accordingly.

(3) It shall be incumbent on the owners of all premises to provide receptacles of a size to be prescribed by the Commissioner for the collection therein of all dust, ashes, refuse, rubbish and trade refuse to be collected from such premises. Such receptacles shall at all times be kept in good repair and condition and shall be provided in such number and place and retained in such positions as the Commissioner may, from time to time, by written notice direct.

(4) It shall also be incumbent on the owners and occupiers or either of them of all premises when required by the Commissioner by written notice so to do, to employ servants for the purpose of carrying out and complying with the requirements of sub-sections (1) and (2) of this section."

22. In section 372 of the said Act for the words "and rubbish" Amendment occurring in clause (a) and the words "or rubbish" occurring in clauses of section 372 (b), (c) and (e) the words "rubbish and trade refuse" and "rubbish or of 1888. trade refuse" shall respectively be substituted.

Amendment of Bom. III of 1888.

23. In section 373 of the said Act for the words "or rubbish" the of section 373 words "rubbish or trade refuse" shall be substituted.

New section

24. After section 377 of the said Act, the following section shall be 377A of Bom. inserted, namely :-

Nuisance arising from defective roof.

- "377A. (1) If it shall appear to the Commissioner that any building or any part of a building is in such a state as to constitute a nuisance, or to be likely to give rise to one, by reason of rain-water leaking from its roof or any part of its roof the Commissioner may give a notice in writing to the owner of such building requiring him to abate the nuisance or to prevent its recurrence within the time and by taking the measures and doing the acts to be specified in the notice.
- (2) If at any time thereafter the Commissioner is of opinion that such a nuisance may recur he may, notwithstanding that the original nuisance may have been abated by the owner of the building under sub-section (1) give a further notice in writing to the said owner requiring him to abate the probable recurrence of the nuisance within the time and in the manner specified in the notice.
- (3) If the owner of the building by whose act, default or sufferance such nuisance has arisen or continues is unknown or cannot be found, the Commissioner may take such measures or cause such work to be executed or such things to be done as shall in his opinion be necessary to abate such nuisance and to prevent its recurrence."

Amendment of section 394 of Bom. III of 1888.

- 25. (1) After sub-section (2) of section 394 of the said Act, the following sub-section shall be inserted, namely:-
 - . "(3) A person shall be deemed to carry on or to allow to be carried on a trade or operation within the meaning of paragraph (ii) of clause (d) of sub-section (1) if he does any act in furtherance of such trade or is in any way engaged or concerned therein whether as principal, agent, clerk, master, servant, workman, handicraftsman or otherwise.'
- (2) Sub-sections (3), (4) and (5) of the said section shall be re-numbered (4), (5) and (6) respectively.

Amendment of section 471 of Bom. III of 1888.

- 26. In the table subjoined to section 471 of the said Act,
- (1) below the entry relating to section 313 the following entry shall be inserted, namely :-

Section 313A	Prohibition of hawking articles for sale in a public place or street without a license.	Fifty rupees.
(2) For the entry substituted, namel	y relating to section 368 the y :—	following entry shall be
Section 368, sub-section (1), (2), (3) and (4).	Collection, removal and deposit of refuse and provision of	Twenty rupees.

Amendment of section 472

and

(3) below the entry relating to section 377 the following entry shall be inserted, namely :-

Section 377A, sub-sections Requisition to abate or to pre-(1) and (2). vent recurrence of a leakage in the roofs of buildings.

27. In the table subjoined to section 472 of the said Act, (1) below the entry relating to section 358 the following entry shall of Bom. III

be inserted, namely :-Section 368, sub-sections Collection, removal and deposit Ten rupe (1), (2), (3) and (4). of refuse and provision of receptacles.

and

(2) below the entry relating to section 377 the following entry shall be inserted, namely :---.

Section 377A, sub-sections Requisition to abate or to pre- Fifteen rupees. (1) and (2). vent recurrence of leakage in

the roofs of buildings.

28. In sub-section (2) of section 489 of the said Act.

Amenda.en**t** of section 489 (1) for the entry "section 368, sub-section (2)" the entry "section of Bom. III

368, sub-sections (1), (2), (3) and (4)" shall be substituted; and (2) after the entry "section 375" the entry "section 375A" and

after the entry "section 377" the entry "section 377A" shall be inserted. 29. In Part IV of Schedule M to the said Act, after the word Amendment

"Gunpowder" the word "Ice" shall be inserted. M of Bom. III of 1888.

BOMBAY ACT No. II OF 1925.[1]

[THE BOMBAY LOCAL BOARDS (AMENDMENT) ACT, 1925]

[3rd October 1925]

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

WHEREAS it is expedient to amend the [2]Bombay Local Boards Act, 1923, in manner hereinafter appearing; It is hereby enacted as follows:—

- 1. This Act may be called the Bombay Local Boards (Amendment) Short title Act, 1925.
- 2. For section 8 of the Bombay Local Boards Act, 1923 (hereinafter substitution referred to as the said Act), the following shall be substituted, namely:—of a new section for section 8 of Bom. VI of

[In this Vol., p. 25]

- 3. In section 14 of the said Act-
- (I) in sub-section (2) the words "to be elected or" shall be omitted; Amendment of section 14 of Rom. VI
- (2) after sub-section (2) the following sub-section shall be inserted, of 1923. namely:—

[In this Vol., p. 27]

4. In section 15 of the [2]Bombay Local Boards Act, 1923,

(1) in sub-section (1) for the word "taluka" where it occurs for the of Born. VI second time and in sub-section (2) for the word "district" where it of 1923. occurs for the second time the word "constituency" shall be substituted; and

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

[In this Vol., p. 28]

^[1] For Statement of Objects and Reasons, see Bombay Government Gazette, 1925, Part V, p. 231; and for Proceedings in Council, see Bombay Legislative Council Debates, 1925, Vol. XV.

^[*] In this Vol., p. 23.

BOMBAY ACT No. IV OF 1925 [1]

[THE BOMBAY ABKARI (AMENDMENT) ACT, 1925],

[23rd October 1925]

An Act further to amend the Bombay Abkari Act, 1878.

Bom. WHEREAS it is expedient further to amend the [2]Bombay Abkari V of 1878. Act, 1878, in manner hereinafter appearing; It is hereby enacted as follows:—

- 1. This Act may be called the Bombay Abkari (Amendment) Act, Short title. 1925.
- Bom. 2. To sub-section (1) of section 16 of the [2]Bombay Abkari Act, Amendment of section 16 of Bom. V

 1878.

 "Explanation.—The supply of liquor by clubs to their members on pay-of 1878.

 ment of a price or of any fee or subscription is a sale within the meaning

of this section."

^[1] For Statement of Objects and Reasons, see Bombay Government Gazette, 1925, Part V, pp. 63-64; and for Proceedings in Council, see Bombay Legislative Council Debates, 1925, Vol. XV.

^[*] Vol. II of Born. Code...

BOMBAY ACT No. IV OF 1925.[1]

[THE BOMBAY ABRARI (AMENDMENT) ACT, 1925]

[23rd October 1925]

An Act further to amend the Bombay Abkari Act, 1878.

WHEREAS it is expedient further to amend the [2]Bombay Abkari Act, 1878, in manner hereinafter appearing; It is hereby enacted as follows:—

- 1. This Act may be called the Bombay Abkari (Amendment) Act, Short title. 1925.
- 2. To sub-section (1) of section 16 of the [2]Bombay Abkari Act, Amendment of section 16 section 16 of Bom. y
- "Explanation.—The supply of liquor by clubs to their members on pay- of 1878. ment of a price or of any fee or subscription is a sale within the meaning of this section."

^[1] For Statement of Objects and Reasons, see Bombay Government Gazette, 1925, Part V, pp. 63-64; and for Proceedings in Council, see Bombay Legislative Council Debates, 1925, Vol. XV.

[[] Vol. II of Bom. Code.

BOMBAY ACT No. V OF 1925.[1]

[THE BOMBAY PREVENTION OF ADULTERATION ACT, 1925]

[2nd November 1925]

 An Act to make better provision in the City of Bombay and elsewhere in the Bombay Presidency to prevent the adulteration of articles of food and the sale of such adulterated articles.

WHEREAS it is expedient to make better provision in the City of Bombay and elsewhere in the Bombay Presidency to prevent the adulteration of articles of food and the sale of such adulterated articles; AND WHEREAS the previous sanction of the Governor General required by section 80A (3) (e) and (h) of the Government of India Act has been been obtained for the passing of this Act; It is hereby enacted as follows:—

1. (1) This Act may be called the Bombay Prevention of Adulteration Short title, extent and operation.

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

(3) It shall come into operation in the first instance only in the City of Bombay and thereafter either in respect of any specified article of food or generally in respect of all articles of food in such other local area and from such date as the Government of Bombay may, at the request of the local authority concerned by notification in the Bombay Government Gazette direct.

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

(a) "Food" includes every article used for food or drink by man, other than drugs or water, and any article which ordinarily enters into or is used in the composition or preparation of human food and also includes flavouring matters and condiments;

(b) "Local Area" means the City of Bombay or the area comprised within the limits of a municipality, cantonment, notified area or village or any place wherein a market or fair is held or any area which the Government of Bombay by notification declares to be a local area

for the purposes of this Act;

(c) "Iocal Authority" means in the case of the City of Bombay the Municipal Commissioner acting under the general or special orders of the Corporation, in the case of any other municipality the municipality, in the case of a cantonment the cantonment authority, in the case of a notified area the person or committee appointed under section 188 of the [*]Bombay District Municipal Act, 1901, and in the case of a district local board area, the district local board.

^[1] For Statement of Objects and Reasons, see Bombay Government Gazette, 1924, Part V, page 80; for Report of the Select Committee, see Bombay Government Gazette, 1925, Part V, pages 14-17; and for Proceedings in Council, see Bombay Legislative Council Debates, 1924 and 1925, Vols. XIII and XV.

^[1] Vol. IV of Bom. Code.

 Prohibition of mixing of tood with injurious ingredients or selling the same.

Exemption in case of proof of absence of knowledge.

Prohibition of sale or manufacture for sale of food not of the proper nature, substance or quality. Protection to persons acting in good faith.

3. Any person who mixes, colours, stains or powders or orders or permits any other person to mix, colour, stain or powder any article of food with any matter or ingredient so as to render the article injurious to health with intent that the same may be sold in that state or sells or offers or exposes for sale any such article so mixed, coloured, stained or powdered shall be punished for the first offence with a fine which may extend to five hundred rupees and for every subsequent offence with a fine which may extend to one thousand rupees:

Provided that no person shall be liable to be convicted in respect of the sale of any article of food if he proves to the satisfaction of the court before whom he is charged that he did not know of the article of food being so mixed, coloured, stained or powdered as aforesaid and that he could not with reasonable diligence have obtained such knowledge.

4. [1] (1) Any person who sells or causes to be sold or manufactures, offers or exposes for sale any article of food which is not of the nature, substance or quality which it purports to be shall be punished for every first offence with a fine which may extend to two hundred rupees and for every subsequent offence with a fine which may extend to one thousand rupees.

(2) Provided that no offence shall be deemed to have been committed under this section in the following cases, that is to say—

(a) where any matter or ingredient not injurious to health has been added to the article of food because such matter or ingredient is required for the production or preparation thereof as an article of commerce in a state fit for carriage or consumption and not fraudulently to increase the bulk, weight or measure of the food or conceal the inferior quality thereof;

(b) where-

(i) any matter or ingredient not injurious to health has been added to or mixed with or abstracted from any article of food or

(ii) any article of food is composed of any matter or ingredients not injurious to health

and, before the sale thereof, the seller has brought to the notice of the purchaser, by means of a label conforming to such conditions as may be prescribed by rules in this behalf, the fact that such matter or ingredient has been so added, mixed or abstracted or the article is composed of such matter or ingredients.

Explanation 1.—Ghee or butter which contains any substance not exclusively derived from milk shall be deemed to be an article of food not of the nature, substance or quality it purports to be.

Explanation 2.—The presence upon any premises used for the manufacture of any article of food of any such article shall, until the contrary is proved, raise a presumption that such article was manufactured for sale.

^[1] For Rules under this section see Government Notification No. 246, dated the 27th July 1929, published in the Bombay Government Gazette, 1929, Part I, pp. 1650-53.

(3) In any prosecution under this section it shall be no defence What is or to allege that the seller was ignorant of the nature, substance or good quality of the article of food sold by him, or that the article was defence in not defective in all three respects, namely, nature, substance and prosecution quality:

Provided that the seller shall not be deemed to have committed an offence under this section if he proves to the satisfaction of the

court-

(a) that the article sold was purchased or obtained as agent by him as the same in nature, substance and quality, as that demanded by the purchaser and with a written warranty to the effect that it was of such nature, substance and quality;

(b) that he had no reason to believe at the time when he sold it that the article was not of such nature, substance and quality as

aforesaid: and

(c) that he sold it in the same state in which he purchased it.

5. Any person who in respect of an article of food sold by him as Penalty principal or agent gives to the purchaser a false warranty in writing shall for false be punished for every first offence with a fine which may extend to five hundred rupees and for every subsequent offence with a fine which may extend to one thousand rupees.

6. (1) Save as provided in sub-section (2) the Government of Appoint-Bombay may by notification in the Bombay Government Gazette appoint ment of any qualified person possessing skill and experience to be a public analyst analyst for the purpose of the Act for any local area.

(2) The Corporation of the City of Bombay may appoint any such person to be a public analyst for the purpose of the Act for the City of

Bombay.

- 7. [1]Any purchaser of an article of food shall, within the seven days Power to after the day of the purchase, be entitled, on payment to the purchaser public analyst of the local area in which the article is purchased, of such of food to sum as the Government of Bombay may in the Bombay Government have food Gazette from time to time notify, to have such article analysed by such analysed analyst and to receive from him in the form specified in Schedule A a certificate of the result of his analysis. The analyst shall forthwith send a copy of every such certificate to the local authority of the local area for which he was appointed.
- 8. [1] A local authority may, subject to rules made by the Government Appoint of Bombay in this behalf, appoint any person to be an inspector under ment of this Act either specially for any article of food or generally for all articles Inspector. of food.
- 9. An inspector may, himself or by an agent, procure any article or Inspector sample of food, and if he suspects that such food has been sold contrary may obtain to the provisions of this Act, shall send such article or sample to sample of be analysed to the public analyst of the local area within which the food food and was procured; and such analyst shall, upon receiving payment of the submit to analyst.

^[1] For Rules under this section see Bombay Government Gazette, 1929, Part I, pp. 1650. 1653.

sum specified in section 7, with all convenient speed analyse the same and deliver to such inspector in the form specified in Schedule A a certificate of the result of his analysis. The analyst shall forthwith send a copy of every such certificate to the local authority of the local area for which he was appointed.

Dealing with the article of food or sample when purchased.

10. (1) Any person purchasing any article or sample of food with the intention of sending such article or sample for analysis shall, after the purchase shall have been completed, forthwith notify to the seller or his agent selling the article or sample his intention to have such article or sample analysed by the public analyst; and shall offer to divide the article or sample into three parts to be then and there divided and each part to be marked and sealed and fastened in such manner as its nature permits, and shall, if required to do so, proceed accordingly and shall deliver one of the parts to the seller or his agent.

Provision when article or sample is not divided. (2) If the seller or his agent do not accept the offer of the purchaser to divide the article or sample purchased in his presence, the public analyst receiving the article or sample shall divide such article or sample into two parts and shall seal or fasten up one of those parts and shall cause it to be delivered, either upon receipt of the article or sample or when he supplies his certificate, to the purchaser, who shall retain such part for production in case proceedings under this Act in respect of such article or sample should afterwards be taken.

Person refusing to sell food to inspector liable to penalty. 11. If any inspector duly authorised under section 8 shall apply to purchase any article or sample of food manufactured, exposed or offered for sale, whether wholesale or retail, and shall tender the price for the quantity which he shall require for the purpose of analysis not being more than shall be reasonably requisite and the person manufacturing, exposing or offering such food for sale refuses to sell such article or sample the person so refusing shall be punished with a fine which may extend to two hundred rupees.

Offence by which magistrate triable.

- 12. (1) No offence under this Act shall be triable by a magistrate exercising powers less than those of a magistrate of the second class.
- (2) The amount of fine recovered from persons accused of any offence under this Act shall be paid to the local authorities within whose local areas the offence is committed.

Summons when to be applied for and what it is to contain.

- 13. (1) No summons shall be issued for the attendance of a person accused of an offence under this Act unless the summons is applied for within thirty days of the date of the grant of the certificate by the public analyst of the result of his analysis.
- (2) Every such summons shall specify the particulars of the offence charged, the name of the complainant and the date and place fixed for the hearing of the case. The case shall not be proceeded with until at least seven clear days have elapsed from the date of the service of the summons,

- 14. (1) The production in any proceedings under this Act of certi-Certificate ficate of a public analyst in the form specified in Schedule A shall, until analyst to the contrary is proved, be sufficient evidence of the facts therein be evidence stated.
 - of facts therein stated.
- (2) The court may, of its own accord or on the request of the Reference to complainant, or the accused, cause any article or sample of food to be sent Chemical for analysis to the Chemical Analyser to Government who shall thereupon Analyser to with all convenient speed analyse the same and report the result of the analysis to the court. The cost of such analysis shall be paid by the complainant or accused as the court shall direct.
- When any person accused of an offence under this Act proposes Certificate to produce as evidence a certificate of analysis of an analyst other than other than other than a public analyst he shall, at least three days before the date fixed for the public hearing of the defence, send a copy of such certificate to the person analyst as conducting the prosecution.

16. When any person is accused of an offence under this Act he may Public require the court to summon as a witness the public analyst who analysed to attend the article or sample of food in respect of which he is accused of an offence court in and the court shall thereupon summon the analyst as aforesaid.

17. It shall be lawful for an inspector appointed under this Act to Entry for enter for the purposes of this Act at all reasonable times into or upon any purposes place which he has reason to believe is used for the manufacture or sale of any food:

Provided that in making such entry due regard shall be paid to the social and religious customs of the occupiers.

18. No person shall be liable to any penalty or to payment of damages Liability for on account of any act done in good faith in pursuance of any duty acts done in imposed or authority conferred on him by any provision of this Act or of in discharge any rule, order or direction lawfully made or given thereunder.

of duty or exercise of power,

- 19. [1] The Government of Bombay may, after previous publication, Rules. and in the case of the City of Bombay in consultation with the Corporation of the City of Bombay and in the case of other local areas in consultation with the local authorities concerned, make rules, not inconsistent with the provisions of this Act, for-
 - (a) regulating the appointment of inspectors under section 8;
 - (b) prescribing the qualifications of inspectors;
 - (c) determining what deficiency in any of the normal constituents of any article of food or what addition of extraneous matter shall raise a presumption, until the contrary is proved, that such food is injurious to health within the meaning of section 3 or is not of the nature, substance or quality it purports to be within the meaning of section 4 and a public analyst shall have regard to such rules in certifying the result of an analysis under this Act; and
 - (d) generally for carrying out the provisions of this Act;

for

Repeal

20. On the coming into operation of the provisions of this Act in any local area in respect of any article of food, the enactments specified in Schedule B shall be deemed to have been repealed to the extent specified in the third column of the said Schedule in respect of such article in such local area.

SCHEDULE A

(See Section 14)

Form of Certificate.

To[1]

I, the undersigned, public analyst for the

hereby certify that I received on the day of from[2]

a sample of analysis (which then weighed[3]

analysis (which then weighed[3]), and have analysed the same, and declare the result of my analysis to be as follows:—

I am of opinion that the same is a sample of genuine or,

I am of opinion that the said sample contained the parts as under, or the percentages of foreign ingredients as under.

Observations[4]

Dated

Signature.

In the case of a certificate regarding milk, butter, or any article liable to decomposition, the analyst shall specially report whether any change had taken place in the constitution of the article that would interfere with the analysis.

^[1]Here insert the name of the person submitting the article or sample for analysis.

^[2]Here insert the name of the person delivering the article or sample.

^[3]When the article or sample cannot be conveniently weighed, this passage may be erased or the blank may be left unfilled.

^[4]Here the analyst may insert, at his discretion, his opinion as to whether the mixture (if any) was for the purpose of rendering the article portable or palatable, or of preserving it, or of improving the appearance, or was unavoidable, and may state whether in excess of what is ordinary, or otherwise, and whether the ingredients or materials mixed are or are not injurious to health.

No. and year of Act

Extent of Repeal

SCHEDULE B

(See Section 20) Enactments Repealed

Title

III of 1888	The City of Bombay Municipal Act, 1888.	In section 417C the number, letter and word "417A or ".
II of 1899	The Bombay Prevention of Adulteration Act, 1899.	So much as remains unrepealed except section 6.
III of 1901	The Bombay District Municipal Act 1901.	Sub-section (2) of section 142.
III of 1902	The Bombay District Municipal Act (1901) Amendment Act, 1902.	

BOMBAY ACT No. VI OF 1925.[1]

[The Bombay Totalisator Betting Tax Act, 1925]

[26th November 1925]

An Act to impose a tax on totalisator betting.

WHEREAS it is necessary to make an addition to the public revenue of the Bombay Presidency and for that purpose to impose a tax on totalisator betting;

AND WHEREAS the previous sanction of the Governor General required \$ & 6, by section 80-A of the Government of India Act has been obtained for Jeo.V. the passing of this Act; It is hereby enacted as follows:—

- 1. This Act may be called the Bombay Totalisator Betting Tax Act, Short title. 1925.
 - 2. It extends to the whole of the Bombay Presidency.

Extent.

- 3. (1) It shall come into operation on the first day of December 1925 Operation in the first instance in-
 - (a) the City of Bombay, and
 - (b) the Cantonment of Poons.

(2) The Governor in Council may, by notification in the Bombay Government Gazette, direct that this Act or any portion thereof shall come into operation in any other area in the Bombay Presidency on such date as may be specified in such notification:

Provided that no such notification shall be published in respect of any area included in a Cantonment without the previous sanction of the

Governor General in Council.

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

(i) "backer" includes any person who bets at a totalisator;

(ii) "bet" includes "wager", and "betting" includes "wagering";

(iii) "prescribed" means prescribed by rules under this Act;

(iv) "licensee" means a person to whom a license has been granted for horse-racing on a race-course under section 4 of the [2]Bombay Race-Courses Licensing Act, 1912;

(v) "totalisator" means a totalisator in an enclosure which the licensees have set apart in accordance with the [2]Bombay Race-Courses Licensing Act, 1912, and includes any instrument, machine or contrivance known as the totalisator or any other instrument, machine or contrivance of a like nature or any scheme for enabling any number of persons to make bets with one another on the like principles.

Bom.

III of 1912.

^[1] For Statement of Objects and Reasons, see Bombay Government Gazette, 1925, Part V, p. 62; for Report of Select Committee, see ibid 1925, Part V, pp. 259-62; and for Proceedings in Council, see Bombay Legislative Council Debates, 1925, Vols. XV and XVI.

^[3] Vol. V of Bom. Code.

Tax on totalisator and payment thereof.

There shall be charged, levied and paid to the Government of Bombay out of all monies paid into any totalisator by way of stakes or bets a tax on backers hereinafter referred to as the totalisator tax at such rate not exceeding 4 per cent. of every sum so paid as the Governor in Council may from time to time notify[1] in this behalf; and such portion of the monies so paid into a totalisator as is equal to the amount of the totalisator tax at the rate notified as aforesaid by the Governor in Council in this behalf shall be deemed to have been paid by the backer on account of the totalisator tax and shall be received by the licensees on behalf of the Government of Bombay.

Totalisator tax to be paid to

6. The licensees shall forward at the time and in the manner and to the officer prescribed in this behalf a return stating the total amount of Government, the monies paid into the totalisator at any meeting and shall whenever required make over to the prescribed officer the amount of the tax collected at each meeting.

Inspection of totalisator accounts.

7. Every person having the custody or control of totalisator accounts shall, when required in writing by an officer empowered in this behalf by the Governor in Council, permit such officer or an officer authorized in writing by him in this behalf to inspect and to take copies of them.

Method of recovery of _ totalisator tax.

8. The totalisator tax payable under section 5 shall be recoverable from the licensees as an arrear of land revenue.

Rules,

9. The Governor in Council may make rules[2] for securing the payment of the totalisator tax, the production and inspection of accounts kept under this Act, and generally for carrying into effect the provisions of this Act and for dealing with such matters as are herein directed to be prescribed.

Amendment 1923.

10. In sub-section (1) of section 3 of the [3]Bombay Entertain-Bo of section 3 ments Duty Act, 1923, for the figures "50" the figures "25" shall be I to 100 ments Duty Act, 1923, for the figures "50" the figures "25" shall be I to 100 ments Duty Act, 1923, for the figures "50" the figures "25" shall be I to 100 ments Duty Act, 1923, for the figures "50" the figures "25" shall be I to 100 ments Duty Act, 1923, for the figures "50" the figures the figure substituted.

^[1]For Notification under this section, see Government Notification in the Revenue Department No. 4397A, dated the 17th June 1926, published in the Bombay Government Gazette, 1926, Part I, p. 1439.

^[*] For Rules under this section, see Government Notification, Revenue Department. No. 5457/E-24, dated the 22nd December 1925, published in the Bombay Government Gazette, 1925, Part I, pp. 3281-82.

^[2] In this Vol., pp. 1-4.

BOMBAY ACT No. VII of 1925.[1]

[THE BOMBAY CO-OPERATIVE SOCIETIES ACT, 1925]

[4th December 1925]

An Act to consolidate and amend the law relating to co-operative societies in the Presidency of Bombay

WHEREAS it is expedient further to facilitate the formation and working of co-operative societies for the promotion of thrift, self-help and mutual aid among agriculturists and other persons with common economic needs so as to bring about better living, better business and better methods of production and for that purpose to consolidate and amend the law relating to co-operative societies in the Presidency of Bombay; and whereas the previous sanction of the Governor General required by sub-section (3) of section 80-A of the Government of India v. Act has been obtained for the passing of this Act: It is hereby enacted as follows:—

Preliminary

- 1. This Act may be called the Bombay Co-operative Societies Act, Short title. 1925.
 - 2. This Act extends to the whole of the Presidency of Bombay. Extent.
- 3. In this Act, unless there is anything repugnant in the subject or Definitions. context,
 - (a) "by-laws" means by-laws registered under this Act and for the time being in force and includes a registered amendment of such
 - (b) "Committee" means the Committee of Management or other directing body to whom the management of the affairs of a society is entrusted."
 - (c) "Member" includes a person joining in the application for the registration of a society or a person admitted to membership after registration in accordance with the rules and by-laws applicable to such society:
 - (d) "Officer" includes a chairman, secretary, treasurer, member of committee or other person empowered under the rules or under the by-laws of a society to give directions in regard to the business of such society:
 - (e) "Society" means a society registered or deemed to be registered under this Act:
 - (f) "Registrar" means a person appointed to perform the duties of a Registrar of Co-operative Societies under this Act:

^[1] For Statement of Objects and Reasons see Bombay Government Gozette, 1924, Part V. pp. 46-48; for Report of Select Committee see ibid, 1924, Part V. pp. 108-13 and ibid, 1925, Part V. pp. 68-70; and for proceedings in Council see Bombay Legislative Council Debates, 1924 and 1925, Vols. XII, XIII and XV.

(g) "Rules" means rules made under this Act:

(h) (1) a "Resource society" means a society formed with the object of obtaining for its members the credit, goods or services required by them;

- (2) a "Producers' society" means a society formed with the object of producing and disposing of goods as the collective property of its members and includes a society formed with the object of the collective disposal of the labour of the members of such society;
- (3) a "Consumers' society" means a society formed with the object of obtaining and distributing goods to or of performing services for its members, as well as to other consumers and of dividing among its members and customers in a proportion prescribed by the rules or by the by-laws of such society the profits accruing from such supply and distribution;
- (4) a "Housing society" means a society formed with the object of providing its members with dwelling houses on conditions to be determined by its by-laws;
- (5) a "General society" means a society not falling under any of the four classes above mentioned.

The Registrar shall classify all societies under one or other of the above heads and his decision shall be final.

A society formed with the object of facilitating the operations of any one of the above classes of societies shall be classified as a society of that class.

A list of all such societies so classified shall be published annually in the Bombay Government Gazette.

Registration

The Registrar. 4. [1]Government may appoint a person to be Registrar of Co-operative Societies for the presidency or any portion of it, and may appoint a person or persons to assist such Registrar, and may, by general or special order, confer on any such person or persons all or any of the powers of a Registrar under this Act.

Societies which may be registered.

5. Subject to the provisions hereinafter contained, a society which has as its object the promotion of the economic interests of its members in accordance with co-operative principles, or a society established with the object of facilitating the operations of such a society, may be registered under this Act with or without limited liability:

Provided that, unless Government by general or special order otherwise

directs-

(1) the liability of a society of which a member is a society shall be limited:

(2) the liability of a society of which the primary object is the creation of funds to be lent to its members, and of which the majority of the members are agriculturists and of which no member is a registered society

^[1] For a notification under this section, see Government Notification in the Revenue Department No. 522/28/20383 dated the 28th November 1928 published in the Bombay Government Gazette, 1928, Part I, p. 2560.

of member

capital.

shall be unlimited and the members of such a society shall, on its liquidstion, be jointly and severally liable for and in respect of all obligations of such a society:

Provided further that when the question whether the liability of a society is limited or unlimited has once been decided by the Registrar at the time of registration his decision shall be final.

- 6. Where the liability of the members of a society is limited by shares, Restrictions no member other than a society shall
 - (a) hold more than such portion of the share capital of the society, of society with limited subject to a maximum of one-fifth, as may be prescribed by the rules: liability and a share
 - (b) have or claim any interest in the shares of the society exceeding three thousand rupees: provided that if the society is a housing society a member may have or claim an interest in the shares of the society not exceeding Rs. 10,000.
- 7. (1) No society, other than a society of which a member is a society, Conditions of registrashall be registered under this Act, which does not consist of at least ten tion. persons above the age of eighteen years and, where the object of the society is the creation of funds to be lent to its members, unless such persons-
 - (a) reside in the same town or village or in the same group of villages; or
 - (b) save where the Registrar otherwise directs, are members of the same tribe, class, caste or occupation.
- (2) The word "limited" shall be the last word in the name of everysociety with limited liability registered under this Act.
- 8. When any question arises whether for the purpose of the Power of Registrar to formation, or registration or continuance of a society under this Act decide certain a person is an agriculturist or a non-agriculturist, or whether any questions. person is a resident in a town or village or group of villages, or whether two or more villages shall be considered to form a group, or whether any person belongs to any particular tribe, class, caste or occupation, the question shall be decided by the Registrar, whose decision shall be final.
- 9. (1) For purposes of registration an application to register shall Application be made to the Registrar.
 - (2) The application shall be signed
 - (a) in the case of a society of which no member is a society, by at least ten persons qualified in accordance with the requirements of section 7, sub-section (1); and
 - (b) in the case of a society of which a member is a society, by a duly authorised person on behalf of every such society and where all the members of the society are not societies, by ten other members or, when there are less than ten other members, by all of them.
- (3) The application shall be accompanied by a copy of the proposed by-laws of the society, and the persons by whom or on whose behalf such

application is made shall furnish such information in regard to the society as the Registrar may require.

Registration.

10. If the Registrar is satisfied that a society has complied with the provisions of this Act and the rules and that its proposed by-laws are not contrary to this Act or to the rules, he may register the society and its by-laws.

Evidence of registration.

11. A certificate of registration signed by the Registrar shall be conclusive evidence that the society therein mentioned is duly registered unless it is proved that the registration of the society has been cancelled.

Anaual general meeting. 12. Every society shall within a period of three months after the date fixed for making up its accounts for the year under the rules for the time being in force call a general meeting of its members.

Special general nuectings.

- 13. A special general meeting may be called at any time by a majority of the committee and shall be called within one month—
 - (1) on the requisition in writing of one-fifth of the members of the society, or
 - (2) at the instance of the Registrar.

Change of name: its effect.

14. A society may, by a resolution of a general meeting and with the approval of the Registrar, change its name: but such change shall not affect any right or obligation of the society, or of any of its members, or past members and any legal proceedings pending may be continued by or against the society under its new name.

Amalgamation or transfer of societies.

- 15. (1) Any two or more societies may, with the approval of the Registrar by a resolution passed by a three-fourths majority of the members present at a special general meeting of each such society held for the purpose, amalgamate as a single society; provided that each member has had clear fifteen days' written notice of the resolution and the date of the meeting. Such an amalgamation may be effected without a dissolution, or a division of the funds, of the amalgamating societies. The resolution of the societies concerned shall on such amalgamation be a sufficient conveyance to vest the assets and liabilities of the amalgamating societies in the amalgamated society.
- (2) Any society may by a resolution passed in accordance with the procedure laid down in sub-section (1) transfer its assets and liabilities to any other society which is prepared to accept them:

Provided that when any such amalgamation or transfer of assets and liabilities involves the transfer of its liabilities by any society to any other society, it will not be made without giving three months' notice to the creditors of both or all such societies:

Provided further that if a creditor or creditors of any of the societies concerned objects or object to such amalgamation or transfer of assets and liabilities and gives or give written notice to that effect to the society or societies concerned one month before the date fixed for such amalgamation or transfer, the amalgamation or transfer shall not be made until the dues of such creditor or creditors have been satisfied.

- 16. (1) No amendment of the by-laws of a society shall be valid Amendment until approved by the resolution of a general meeting and registered of the byunder this Act, for which purpose a copy of the amendment-shall be society. forwarded to the Registrar.
- (2) If the Registrar is satisfied that any amendment of the by-laws is not contrary to this Act or to the rules, he may register the amendment.
- (3) When the Registrar registers an amendment of the by-laws of a society, he shall issue to the society a copy of the amendment certified by him, which shall be conclusive evidence that the same is duly registered.

Rights and liabilities of members

- 17. No person shall exercise the rights of a member of a society unless No rights of or until he has made such payment to the society in respect of member- to be exership, or acquired such interest in the society as may be prescribed by cised till due paymente the rules or the by-laws of such society. are made.
- 18. (1) No member of any society shall have more than one vote Votes of in its affairs, provided that in the case of an equality of votes the chairman shall have a casting vote.

(2) A society which has invested any part of its funds in the shares of another society, may appoint one of its members to vote in the affairs of such other registered society.

19. (1) The transfer or charge of the share or interest of a member Restrictions in the capital of a society shall be subject to such conditions as to maxi- on transfer of share mum holding as may be prescribed by this Act or by the rules. or interest.

(2) A member shall not transfer any share held by him or his interest in the capital or property of any society or any part thereof unless

(a) he has held such share or interest for not less than one year; and

(b) the transfer or charge is made to the society or to a member of the society or to a person whose application for membership has been accepted by the society.

Duties of societies.

- 20. Every society shall have an address registered in accordance Address of with the rules, to which all notices and communications may be sent, societies. and shall send notice in writing to the Registrar of any change in the said address within 30 days of such change.
- 21. Every society shall keep open to inspection at all reasonable copy of Act, times at the registered address of the societyetc., to be (a) a copy of this Act, inspection.

(b) a copy of the rules governing such society,

(c) a copy of the by-laws of such society, and

(d) a register of its members.

22. (1) The Registrar shall by himself or by some person authorized Audit. by him in writing by general or special order in this behalf audit the accounts of every society once at least in every year.

(2) The audit under sub-section (1) shall include an examination of overdue debts, if any, the verification of cash balance and securities, and a valuation of the assets and liabilities of the society.

(3) The Registrar or other person auditing the accounts of any society shall have free access to the books, accounts and vouchers of such society and shall be allowed to verify its cash balances and securities.

The Directors, Managers, and other officers of the society shall furnish to the Registrar or other person appointed to audit the accounts of a society all such information as to its transactions and working as the Registrar or such person may require.

(4) The Registrar and every other person appointed to audit the

accounts of a society shall have power, when necessary

- (i) to summon at the time of his audit any officer, agent, servant or member of the society who he has reason to believe can give valuable information in regard to any transaction of the society or the management of its affairs, or
- (ii) to require the production of any book or document relating to the affairs of any cash or securities belonging to the society by the officer, agent, servant or member in possession of such book, document, cash or securities.

Privileges of societies.

Societies to be bodies corporate.

23. The registration of a society shall render it a body corporate by the name under which it is registered, with perpetual succession and a common seal, and with power to hold property, to enter into contracts, to institute and defend suits and other legal proceedings and to deall things necessary for the purposes of its constitution.

Prior claim of society.

- 24. Subject to any prior claim of Government in respect of land revenue or any money recoverable as land revenue or of a landlord in respect of rent or any money recoverable as rent,
 - (a) any debt or outstanding demand owing to a society by any member or past member shall be a first charge (i) upon crops or other agricultural produce raised in whole or in part with a loan taken from the society by such member or past member, and (ii) upon any cattle, fodder for cattle, agricultural or industrial implements or machinery, or raw materials for manufacture or workshops, godown or place of business, supplied to or purchased by such member or past member in whole or in part from any loan whether in money or goods given him by the society;

Provided that nothing contained in this clause shall affect the claims of any bona fide purchaser or transferee for value without notice of any such crops or other agricultural produce, cattle, fodder for cattle or raw materials for manufacture or workshops or agricultural or industrial implements; and

(b) any outstanding demands or dues payable to a housing society by any member or past member in respect of rent, shares, loans, or purchase money or any other rights or amounts payable to such society shall be a first charge upon his interest in the immoveable property of the society.

25. A society shall have a charge upon the share or interest in the Charge and capital and on the deposits of a member or past member and upon any set-off in dividend, bonus or profits payable to a member or past member in respect shares or of any debt due from such member or past member to the society, and interest of may set off any sum credited or payable to a member or past member in or towards payment of any such debt.

26. Subject to the provisions of section 25, the share or interest Shares or of a member in the capital of a society or in any provident fund establish-liable to ed under section 41 of this Act shall not be liable to attachment or sale attachment. under any decree or order of a court of justice in respect of any debt III of or liability incurred by such member, and neither the Official Assignee, under the [1] Presidency Towns Insolvency Act, 1909, nor a Receiver under the [2] Provincial Insolvency Act, 1920, shall be entitled to or have

1920. any claim on such share or interest.

27. (1) On the death of a member of a society such society may Transfer of within a period of one year from the death of such member transfer the interest on share or interest of the deceased member to a person or persons nomi-member. nated in accordance with the by-laws of the society, if duly admitted a member of the society, in accordance with the rules or the by-laws of the society, or, if there is no person so nominated, to such person as may appear to the Committee to be the heir or legal representative of the deceased member if duly elected a member of the society, or may pay to such nominee, heir or legal representative, as the case may be, a sum representing the value of such member's share or interest as ascertained in accordance with the rules or by-laws:

Provided that such nominee, heir or legal representative, as the case may be, may require that payment shall be made by the society within one year from the death of the member of the value of the share or interest of such member ascertained as aforesaid.

- (2) A society shall subject to the provisions of section 25 and unless prevented by an order of a competent court pay to such nominee, heir or legal representative, as the case may be, all other moneys due to the deceased member from the society.
- (3) All transfers and payments made by a society in accordance with the provisions of this section shall be valid and effectual against any demand made upon the society by any other person.
- 28. The liability of a past member for the debts of a society as they Liability of existed at the time when he ceased to be a member, shall continue for past member. a period of two years from the date of his ceasing to be a member.
- 29. The estate of a deceased member shall be liable for a period of Liability of one year from the date of his decease for the debts of a society as they the estates of deceased existed at the time of his death. members.

^[1] General Acts, Vol. IV.

Register of members.

- 30. Any register or list of members or shares kept by any society shall be prima facie evidence of any of the following particulars entered therein:-
 - (a) the date at which the name of any person was entered in such register or list as a member;
 - (b) the date at which any such person ceased to be a member.

Admissibility of copy of entry as evidence.

- 31. (1) A copy of any entry in any book, register or list regularly kept in the course of business in the possession of a society shall, if duly certified in such manner as may be prescribed by the rules, be admissible in evidence of the existence of the entry and shall be admitted as evidence of the matters and transactions therein recorded in every case where, and to the same extent to which, the original entry would, if produced, have been admissible to prove such matters.
- (2) In the case of such societies as Government by general or special. order may direct no officer of a society shall in any legal proceedings to which the society is not a party be compelled to produce any of the society's books, the contents of which can be proved under sub-section (1), or to appear as a witness to prove the matters, transactions and accounts therein recorded, unless by order of the Court or a Judge made for special cause.

Exemption from compulsory registration of instruments relating to shares and debontures of society.

- Nothing in section 17, sub-section (1), clauses (b) and (c), of XVI the [1] Indian Registration Act, 1908, shall apply to— 1908.
 - (I) any instrument relating to shares in a society, notwithstanding that the assets of the society consist in whole or in part of immoveable property; or
 - (2) any debenture issued by any society and not creating, declaring, assigning, limiting or extinguishing any right, title or interest to or in immoveable property except in so far as it entitles the holder to the security afforded by a registered instrument whereby the society has mortgaged, conveyed or otherwise transferred the whole or part of its immoveable property or any interest therein to trustees upon trust for the benefit of the holders of such debentures; or
 - (3) any endorsement upon or transfer of any debenture issued by any society.

Power to. exempt from income-tax, stamp-duty, registration and court fees.

- (1) The Governor General in Council, by notification in the Gazette of India, may, in the case of any society or class of societies, remit the income-tax or super-tax payable in respect of the profits of the society, or of the dividends or other payments received by the members of the society on account of profits or in respect of interest on securities held by the society.
- (2) The Local Government by notification in the Bombay Government Gazette may, in the case of any society or class of societies, remit—
 - (a) the stamp-duty with which, under any law for the time being in force, instruments executed by or on behalf of a society or by an officer or member and relating to the business of the society, or any class of

such instruments or awards of the Registrar or arbitrators under this Act are respectively chargeable; and

(b) any fee payable under the law of registration and of court fees for the time being in force.

33A. With such safeguards as may be prescribed by rules in this Government behalf Government may give loans to societies or guarantee the payment loans or of interest on debentures issued by them.

guarantee interest.

Property and funds of societies.

34. (1) Except with the general or special sanction of the Registrar Restrictions a society shall not make a loan to any person other than a member.

(2) Save with the sanction of the Registrar, a society with unlimited liability shall not lend money on the security of moveable property.

(3) Government may, by general or special order, prohibit or restrict the lending of money on mortgage of immoveable property by any society or class of societies.

35. A society shall receive deposits and loans from persons who are Restrictions not members only to such extent and under such conditions as may be in borrowing. prescribed by the rules or by the by-laws of the society.

36. Consumers', Producers' and Housing Societies may to the extent Restrictions permitted by their by-laws trade with persons who are not members, on other transactions but the transactions of a Resource Society with persons other than with nonmembers except as provided under section 34 or 35 shall be subject to members. such prohibitions and restrictions, if any, as Government may by rules prescribe.

37. A society may invest or deposit its funds—

Investment of funds.

(a) in the Government Savings Bank; or

(b) in any of the securities specified in section 20 of the [1]Indian Trusts Act, 1882; or

(c) in the shares or on the security of any other society, provided that no such investment shall be made in the shares of any society other than one with limited liability; or

(d) with any bank or person carrying on the business of banking approved for this purpose by the Registrar; or

(e) in any other mode permitted by the rules.

38. No society shall pay a dividend to its members at a rate exceeding Restrictions on dividend. 10 per cent.

39. (1) Every society which does or can derive a profit from its Reserve Fund. transactions shall maintain a reserve fund.

(2) In the case of a Resource or Producers' Society at least 1th of the net profits of the society each year shall be carried to the reserve fund and in the case of any other society at least 1/10th of the net profits of the society each year shall be carried to the reserve fund, and such reserve fund may be used in the business of the society or may be invested, subject to the provisions of section 37, as Government may by

II of

1882.

^[1] General Acta, Vol. II.

general or special order direct, or may, with the previous sanction of Government be used in part for some public purpose likely to promote the objects of this Act or for some purposes of provincial or local interest.

Restrictions on distribution of profits.

- 40. Subject to the provisions of section 38 the balance of the profits of a society after making the prescribed provision for the reserve fund may, together with any available profits of past years be distributed among its members, and in the case of Consumers' and Producers' Societies, also among persons who are not members, to the extent and under the conditions prescribed by the rules or by the by-laws of such societies, provided that:—
 - (a) in the case of a Resource Society on a basis of unlimited liability in which the members do not hold shares, no distribution of profits shall be made without the general or special order of Government in this behalf; and
 - (b) in the case of a Resource Society on a basis of unlimited liability in which the members hold shares, no such distribution of profits shall be made until 10 years from the date of registration of the society have elapsed.

Provident Fund. 41. Any society may establish a provident fund for its members out of contributions from such members in accordance with by-laws made by the society in this behalf and may contribute to such provident fund from its net profits, after the prescribed payments have been made to the reserve fund, provided that such provident fund shall not be used in the business of the society but shall be invested under the provisions of section 37; and provided further, that no part of such provident fund shall be considered as an asset of the society.

Contribution to charitable purpose.

- 42. With the approval of the Bombay Central Co-operative Institute and after the payments prescribed by sub-section (2) of section 39 have been made to the reserve fund, any society may—
 - (a) set aside a sum not exceeding 20 per cent. of its net profits, and
 - (b) utilize from time to time the whole of such sum in contributing to any public or co-operative purpose, or to a charitable purpose as defined in section 2 of the [1]Charitable Endowments Act, 1890.

VI of 1890.

Inspection of affairs.

Inquiry by Registrar.

- 43. (1) The Registrar may of his own motion by himself or by a person duly authorised by him in writing in this behalf hold an inquiry into the constitution, working and financial condition of a society.
- (2) The Registrar shall hold such an inquiry as is contemplated in sub-section (1) of this section—
 - (a) on the requisition of a society, duly authorised by rules made in this behalf to make such requisition, in respect of one of its members, such member being itself a society,

- (b) on the application of a majority of the Committee of the society,
- (c) on the application of ard of the members of the society.
- (3) All officers and members of the society whose affairs are investigated shall furnish such information in their possession in regard to the affairs of the society as the Registrar or the person authorised by the Registrar may require.

(4) The result of any inquiry under this section shall be communicated

to the society whose affairs have been investigated.

44. (1) The Registrar may, on the application of a creditor Inspection of a society inspect or direct some person authorized by him by order of books of indebted in writing in this behalf to inspect the books of the society:

Provided that-

(a) the applicant satisfies the Registrar that the debt is a sum then due, and that he has demanded payment thereof and has not received satisfaction within a reasonable time; and

(b) the applicant deposits with the Registrar such sum as security for the costs of the proposed inspection as the Registrar may

require.

- (2) The Registrar shall communicate the result of any such inspection to the creditor.
- 45. Where an inquiry is held under section 43 or an inspection is Costs of made under section 44 the Registrar may apportion the costs, or such enquiry part of the costs, as he may think right, between the society, the members or creditor demanding the inquiry or inspection, the officers or former officers, and the members or past members of the society.

Provided that-

- (a) no order of apportionment of the costs shall be made under this section unless the society or persons liable to pay the costs thereunder has or have been heard or has or have had a reasonable opportunity of being heard;
- (b) the Registrar shall state in writing under his own hand the grounds on which the costs are apportioned.
- 46. Any sum awarded by way of costs under section 45 may be Recovery recovered, on application by the Registrar to a Magistrate having of costs. jurisdiction in the place where the person from whom the money is claimable actually and voluntarily resides, or carries on business, by the distress and sale of any moveable property within the limits of the jurisdiction of such Magistrate belonging to such person, and such Magistrate shall proceed to recover the same in the same manner as if it were a fine imposed by himself.

Liquidation and Arbitration.

47. If the Registrar, after an inquiry has been held under section 43 Winding up. or after an inspection has been made under section 44 or on receipt of an application made by three-fourths of the members of a society present at a special general meeting, called for the purpose or of his own motion, in the case of a society that has not commenced working, or has ceased

working, or possesses shares or members' deposits not exceeding Rs. 500, is of opinion that the society ought to be wound up, he may issue an order directing it to be wound up, and when necessary, may appoint a liquidator for the purpose and fix his remuneration.

Society may be wound up if membership is reduced.

48. Where it is a condition of the registration of a society that it shall consist of at least ten members who are majors, the Registrar may by order in writing direct the society to be wound up, if at any time it is proved to his satisfaction that the membership has been reduced to less than ten such members.

Effect of cancellation of registration. 49. When the affairs of a society for which a liquidator has been appointed under section 47 have been wound up, or, where no liquidator has been appointed, after two months from the date of an order under section 47, or after confirmation of such order in appeal, the Registrar shall make an order cancelling the registration of the society, and the society shall be deemed to be dissolved from the date of such order.

Powers of a liquidator.

50. A liquidator appointed under section 47 shall have power with the sanction of the Registrar to do all or any of the following things:—

(a) pay any class or classes of creditors in full;

- (b) make any compromise or arrangement with creditors or persons claiming to be creditors or having or alleging themselves to have any claim, present or future, whereby the society may be rendered liable:
- (c) to compromise all calls or liabilities to calls and debts, and liabilities capable of resulting in debts and all claims, present or future, certain or contingent, subsisting or supposed to subsist between the society and a contributory or alleged contributory or other debtor or person apprehending liability to the society and all questions in any way relating to or affecting the assets or the winding up of the society on such terms as may be agreed and take any security for the discharge of any such call, liability, debt, or claim and give a complete discharge in respect thereof;

(d) from time to time to determine the contribution to be made or remaining to be made by the members or past members or by the estates or nominees, heirs or legal representatives of deceased members or by any officer, to the assets of the society, such contribution including

debts due from such members or persons;
(e) to institute and defend suits and other legal proceedings on

behalf of the society in the name of his office;

(f) to issue requisitions under section 59 upon the Collector for the recovery as arrears of land revenue of any sum ordered by him to be recovered as dues from members or as a contribution to the assets of the society or to the cost of liquidation;

(g) to get disputes referred to arbitration;

(h) to investigate all claims against the society and subject to the provisions of this Act to decide questions of priority arising out of such claims, and to pay rateably according to the amount of such debta, the surplus if any being applied in payment of interest from the date.

of liquidation at a rate to be fixed by the Registrar and not exceeding the contract rate:

- (i) to determine by what persons and in what proportion the cost of the liquidation shall be borne;
- (j) to give such directions in regard to the collection and distribution of the assets of the society as may appear to him to be necessary for winding up the affairs of the society;
- (k) to fix the time or times within which creditors shall prove their debts and claims or be included for the benefit of any distribution made before those debts or claims are proved:

(1) to carry on the business of the society so far as may be necessary for the beneficial winding up of the same:

Provided that no liquidator shall determine the contribution, debt or dues to be recovered from a past member or the representative of a deceased member unless opportunity has been given to such past member or to such representative to answer the claim.

50A. (1) Where, in the course of the winding up of a society Power of it appears that any person who has taken part in the organization or Registrar to management of the society or any past or present chairman, secretary, age against member of the managing committee or officer of the society has delinquent misapplied or retained or become liable or accountable for any money etc. or property of the society or has been guilty of misfeasance or breach of trust in relation to the society, the Registrar may, on the application of the liquidator or of any creditor or contributory, examine into the conduct of such person and make an order requiring him to repay or restore the money or property or any part thereof respectively with interest at such rate as the Registrar thinks just or to contribute such sum to the assets of the society by way of compensation in regard to the misapplication, retainer, misfeasance or breach of trust as the Registrar thinks just.

- (2) This section shall apply notwithstanding that the act is one for which the offender may be criminally responsible.
- 51. Save in so far as is expressly provided in this Act no civil court Bar of suit shall take cognizance of any matter connected with the winding up or in winding dissolution of a society under this Act and when a winding up order dissolution has been made no suit or other legal proceeding shall lie or be proceeded matters. with against the society except by leave of the Registrar and subject to such terms as he may impose.

52. After all the liabilities including the paid up share capital Disposal of a cancelled society have been met the surplus assets shall not be of surplus divided amongst its members but they shall be devoted to any object or objects described in the by-laws of the society and when no object is so described to any object of public utility determined by the general meeting of the society and approved by the Registrar or they may in consultation with them either be assigned by the Registrar in whole or in part to any or all of the following:-

(a) an object of public utility of local or communal interest,

- (b) a charitable purpose as defined in section 2 of the [1] Charitable VI of Endowmenta Act, 1890,
- (c) the Bombay Central Co-operative Institute, or may be placed on deposit with a Central Co-operative Bank until such time as a new society with similar conditions is registered when with the consent of the Registrar such surplus may be credited to the reserve fund of such new society.

Surplus assets of housing society.

Where the society directed to be wound up is a housing society. its assets, both moveable and immoveable, shall for the purposes, of winding up or dissolution of the society jointly vest, subject to all rights and equities, in three persons of whom one shall be nominated by the Registrar, one shall be nominated by the said Society in a general meeting specifically called for the purpose and one shall be nominated by the Bombay Central Co-operative Institute. Such persons shall, for the purpose of winding up or dissolution of the Society be Joint Liquidators and shall have all the powers of a liquidator under this Act. They may, with the sanction of the Registrar, continue the working of the society, or may, subject to his sanction and in consultation with the members of the society in a general meeting, reconstruct the society or may sell off the premises of the society to the best advantage of all interests concerned, and when all the liabilities of the society are met may dispose of the surplus assets of the society if any, as provided in section 52.

Arbitration.

54. If any dispute touching the business of a society arises between members or past members of the society or persons claiming through a member or past member or between members or past members or persons so claiming and any officer, agent, or servant of the society or between the society or its committee, and any officer, agent, member or servant of the society, it shall be referred to the Registrar for decision by himself or his nominee, or if either of the parties so desires, to arbitration of three arbitrators who shall be the Registrar or his nominee and two persons of whom one shall be nominated by each of the parties concerned.

A dispute shall include claims by a society for debts or demands due to it from a member or past member or the heirs or assets of a past member whether such debts or demands be admitted or not.

Provided that if the question at issue between a society and a claimant, or between different claimants, is one involving complicated questions of law and fact, the Registrar may, if he thinks fit, suspend proceedings in the matter until the question has been tried by a regular suit instituted by one of the parties or by the society. If no such suit is instituted within six months of the Registrar's order suspending proceedings the Registrar shall take action as laid down in paragraph 1 of this section.

55. Where a dispute has been referred to the Registrar under before award. section 54 or to arbitration under clause (g) of section 50, the Registrar or his nominee or the arbitrators, as the case may be, if satisfied on inquiry or otherwise, that a party to such arbitration with intent to delay or obstruct the execution of any award that may be made,—

(a) is about to dispose of the whole or any part of his property,

(b) is about to remove the whole or any part of his property from the jurisdiction of the Registrar,

may unless adequate security is furnished direct the conditional attachment of the said property; and such attachment shall have the same effect as if made by a competent Civil Court.

- 56. Any party aggrieved by any decision of the Registrar's nominee Appeal made under section 54 or an order passed under section 55 by the Regis-against award of trar's nominee or arbitrators may within one month of the date of the arbitrator. award or order appeal to the Registrar and the Registrar shall decide the appeal himself.
- 57. An order passed in appeal under section 56 shall be final and Finality of conclusive. The award of the arbitrators or a decision by the Registrar ^{order}. or his nominee under section 54 shall not be liable to be called in question in any civil or revenue court.
- 58. Wherever in this Act it is provided that the Registrar or person Powers to duly authorized by general or special order in writing by the Registrar enforce in this behalf shall hold an inquiry under section 43 or shall make an inspection under section 44 or shall wind up a society or shall arbitrate, such Registrar, or person authorized, as the case may be, shall have the power to summon and enforce the attendance of witnesses including the parties interested or any of them and to compel them to give evidence, and to compel the production of documents by the same means and as far as possible in the same manner as is provided in the case of a civil court by the Code of Civil Procedure, 1908.
- 59. (1) Every order passed by a liquidator under section 50, or by Money how the Registrar or his nominee or arbitrators on disputes referred to him recovered. or them under clause (g) of section 50 or under section 54, every order passed in appeal under section 56 and every order passed by Government in appeal against orders passed under sections 50 and 54 shall, if not carried out, be executed.
 - (a) on a certificate signed by the Registrar or a liquidator by any civil court in the same manner as a decree of such court; or
 - (b) according to the law and under the rules for the time being in force for the recovery of arrears of land revenue, provided that any application for the recovery in such manner of any such sum shall be made to the Collector and shall be accompanied by a certificate signed by the Registrar or by an Assistant Registrar to whom the said power has been delegated by the Registrar.
- (2) When the property attached in execution of an order referred to in sub-section (1) cannot be sold for want of buyers, the same may be handed over to a society with the previous consent of the Registrar on such terms and conditions as may be agreed upon between the Collector and the said society.

Offences.

Offences.

60. It shall be an offence under this Act if-

Default by a society, officer or member.

(a) a society with a working capital of Rs. 50,000 or more or an officer or member thereof fails without any reasonable excuse to give any notice, send any return or document, do or allow to be done anything which the society, officer or member is by this Act required to give, send, do or allow to be done: or

Wilful neglect or default by a society, etc.

(b) a society or an officer or a member thereof wilfully neglects or refuses to do any act or to furnish any information required for the purposes of this Act by the Registrar or other person duly authorized by him in writing in this behalf: or

Wilful furnishing of false information.

(c) a society or an officer or member thereof wilfully makes a false return or furnishes false information: or

Disobedience of summons, requisition or order.

(d) any person wilfully or without any reasonable excuse disobeys any summons, requisition or lawful written order issued under the provisions of this Act or does not furnish any information lawfully required from him by a person authorized to do so under the provisions of this Act.

Penalty for

Every society, officer or member of a society or other person onences guilty of an offence under this Act for which no penalty is expressly provided for. provided herein shall be liable to a fine not exceeding Rs. 50.

Prohibition the word " " Co-operative".

62. (1) No person other than a registered society shall without the of the use of sanction of Government trade or carry on business under any name or title of which the word "co-operative" or its vernacular equivalent forms part : :

Provided that nothing in this section shall apply to the use by any person or his successor in interest of any name or title under which he traded or carried on business at the date on which this Act comes into operation.

(2) Whoever contravenes the provisions of this section shall be punishable with fine which may extend to fifty rupees and in the case of a continuing offence with further fine of five rupees for each day on

which the offence is continued after conviction therefor.

Cognizance of offences.

63. (1) No court inferior to that of a Presidency Magistrate or a Magistrate of the first class shall try any offence under this Act.

(2) Notwithstanding anything contained in the Code of Criminal Procedure, 1898, every offence under this Act shall, for the purposes of 1898. the said Code, be deemed to be non-cognizable.

(3) No prosecution under this Act shall be lodged without the previous sanction of the Registrar, which shall not be given except after hearing the party concerned.

Appeals and Revision.

Appeals.

64. An appeal against an order or decision of or sanctioned by the Registrar under section 10, 16, 45, 47, 50, 50A or 54 may be made by any party aggrieved or affected by the order or decision to Government within two months of the date of the communication of the order.

64A. The Government and the Registrar may call for and examine Power of the record of any inquiry or the proceedings of any officer subordinate Government to them for the purpose of satisfying themselves as to the legality or and the Registrar to propriety of any decision or order passed and as to the regularity of the call for proproceedings of such officer. If in any case, it shall appear to the Govern-ceedings of ment or the Registrar that any decision or order or proceedings so called Officers and for should be modified, annulled or reversed, the Government or the to pass orders Registrar, as the case may be, may pass such order thereon as to it or thereon. him may seem fit.

Miscellaneous.

65. (1) All sums due from a society or from an officer or member or Recovery of past member of a society as such to Government, may be recovered sums due to according to the law and under the rules for the time being in force for Government. the recovery of arrears of land revenue.

(2) Sums due from a society to Government and recoverable under sub-section (1) may be recovered, firstly, from the property of the society; secondly, in the case of a society of which the liability of the members is limited, from the members or past members subject to the limit of their liability; and, thirdly in the case of other societies, from the members or past members.

(3) The liability of past members shall in all cases be subject to the

provisions of section 28.

66. Notwithstanding anything contained in this Act, Government Power to may, by special order in each case and subject to such conditions, if any, exempt as it may impose, exempt any society from any of the requirements of societies this Act as to registration.

ditions as to registra-

67. [1] Government may, by general or special order to be published tion. in the Bombay Government Gazette, exempt any society or class of societies exempt sociefrom any of the provisions of this Act, or may direct that such provisions ties from shall apply to such society or class of societies with such modifications provisions of Act. as may be specified in the order; provided that no order to the prejudice of any society shall be passed without an opportunity being given to such society to represent its case.

68. The provisions of the [2] Indian Companies Act, of 1913, shall Indian Com-VII of 1913. not apply to societies, registered under this Act.

69. Every Co-operative Society registered outside the Bombay not to apply.

Branches, Presidency, which has or establishes a branch or place of business in the etc., of Bombay Presidency shall within six months from the commencement societies of this Act or from the establishment of such branch or place of business, outside the Presidency. file with the Registrar a certified copy of the bye-laws and amendments and, if these are not written in the English language, a certified translation in English thereof, and shall submit to the Registrar such returns and information as are submitted by similar societies in the Bombay Presidency in addition to those submitted to the Registrar of the province where it is registered.

^[1] For notification under this section, see Government Notification in the Revenue Department No. 4203/28 dated 30th January 1930 published in the Bombay Government Gazette, 19.0, Part I, p. 224.
[2] General Acts, Vol. V.

Notice necessary in suits.

70. No suit shall be instituted against a society or any of its officers in respect of any act touching the business of the society until the expiration of two months next after notice in writing has been delivered to the Registrar, or left at his office, stating the cause of action, the name, description and place of residence of the plaintiff and the relief which he claims; and the plaint shall contain a statement that such notice has been so delivered or left.

Rules.

71. (1) Government may, for the whole or any part of the presidency and for any society or class of societies, make rules[1] to carry out the purposes of this Act.

(2) In particular and without prejudice to the generality of the fore-

going power such rules may-

(a) subject to the provisions of section 6, prescribe the maximum number of shares or portion of the capital of a society which may be held by a member;

- (b) prescribe the forms to be used and the conditions to be complied with in the making of applications for the registration of a society

and the procedure in the matter of such applications;

(c) prescribe the matters in respect of which a society may or shall make by-laws and the procedure to be followed in making, altering and abrogating by-laws and the conditions to be satisfied prior to such making, alteration or abrogation;

(d) prescribe the conditions to be complied with by persons applying for admission or admitted as members and provide for the election and admission of members and the payment to be made and the interests to be acquired before the exercise of the right of membership;

(e) provide for ascertaining the value of a deceased member's share

or interest;

(f) provide for general meetings of the members and for the procedure at such meetings and the powers to be exercised by such meetings;

(g) provide for the appointment, suspension and removal of the members of the committee and other officers and for the procedure at meetings of the committee and for the powers to be exercised and the duties to be performed by the Committee and other officers;

(h) prescribe the accounts and books to be kept by a society and provide for the audit of such accounts, and the charges, if any, to be made for such audit, and for the periodical publication of a balance sheet showing the assets and liabilities of a society;

(i) prescribe the returns to be submitted by a society to the Registrar and provide for the persons by whom and the form in which such returns

shall be submitted;

(j) provide for the persons by whom and the form in which copies of documents or entries in books of societies may be certified, and for the charges to be levied for the supply of such copies;

^[1] For Rules under the section see Government Notification in the Revenue Department No. 5978/24 dated the 11th August 1927 published in the Bombay Government Gazette, 1927, Part I, pp. 1999-2005; see also Government Notification in the Revenue Department No. 2882/28 dated 16th April 1930 published in the Bombay Government Gazette, 1930, Part I, p. 774; and No. 684/28 dated 13th August 1930 published in the Bombay Government Gazette, 1930, Part I, p. 2030.

(k) provide for the formation and maintenance of a register of members, and where the liability of the members is limited by shares,

of a register of shares;

(1) prescribe the payments to be made and the conditions to be complied with by members applying for loans, and the period for which loans may be made, and the amount which may be lent to an individual member;

(m) prescribe the prohibitions and restrictions subject to which

societies may trade with persons who are not members;

(n) provide for the formation and maintenance of reserve funds, and the objects to which such funds may be applied, and for the investment of any funds, under the control of a society;

(o) prescribe the extent to which a society may limit the number

of its members;

(p) prescribe the conditions under which profits may be distributed to the members of a society and the maximum rate of dividend which may be paid by societies;

(q) prescribe the procedure to be followed in presenting and disposing

of appeals;

(r) provide for securing that the share capital of any society shall be variable in such a way as may be necessary to secure that shares shall not appreciate in value and that necessary capital shall be available for the society as required;

(s) provide that persons qualified under the by-laws of a society

shall not be excluded from membership without due cause;

(t) prescribe the procedure to be followed by a liquidator appointed under section 47;

(u) prescribe the mode of appointing an arbitrator or arbitrators and the procedure to be followed in proceedings before the Registrar or such arbitrator or arbitrators and for fixing and levying the expenses

of determining the dispute;
(v) provide for the issue and service of processes and for proof of

service thereof;

(w) provide for the writing off of bad debts;

(x) regulate the manner in which funds may be raised by means

of shares or debentures or otherwise;

- (y) provide for the withdrawal and expulsion of members and for the payments to be made to them and for the liabilities of past members;
- (z) provide for the nomination of a person to whom the interest of a deceased member may be paid or transferred;

(aa) prescribe the cases in which an appeal shall lie from the order

of a liquidator appointed under section 47:

(bb) provide for the inspection of documents in the Registrar's office and the levy of fees for granting certified copies of the same;

(cc) prescribe the procedure to be followed for the custody of property

attached under section 55;

(dd) provide for the payment of contributions at such rates and subject to such conditions as may from time to time be prescribed by

Co-operative Societies to any provident fund which may be established for the benefit of officers and servants employed by them; and

(ee) prescribe the period and terms under which Government aid may be given to Co-operative Societies and the terms under which the Government may guarantee the payment of interest on debentures issued by registered societies.

(3) Government may, subject to such conditions, if any, as it thinks fit, delegate all or any of its powers to make rules under this section to any authority specified in the order of delegation.

(4) The power to make rules conferred by this section is subject to

the condition of the rules being made after previous publication.

(5) The rules so made shall be laid on the table of the Bombay Legislative Council for one month previous to the next session thereof and shall be liable to be rescinded or modified by a resolution of the said Council tabled at its next session.

Saving of existing societies.

72. (1) Every society now existing which has been registered under the Co-operative Credit Societies Act, 1904, or under the Co-operative X of 1904 Societies Act, 1912, shall be deemed to be registered under this Act, and II of its by-laws shall, so far as the same are not inconsistent with the express 1912 provisions of this Act, continue in force until altered or rescinded.

(2) All appointments, rules and orders made, notifications and notices issued and suits and other proceedings instituted, under the said Acts shall, so far as may be, be deemed to have been respectively made, issued

and instituted under this Act.

Repeal.

73. The enactments specified in the Schedule are hereby repealed in so far as they apply to the Bombay Presidency to the extent specified in the fourth column of the said schedule.

SCHEDULE.

Enactments repealed.

(See section, 73)

Year		No.	Short title	Extent of repeal		
,			Acts of the Governor General in Council.			
1912	, * .	п	The Co-operative Societies Act, 1912. [1]	The whole.		
1920	••	XXXVIII	The Devolution Act, 1920[*]	So much as relates to Act II of 1912.		
		-	Act of the Governor of Bombay in Council.	•		
1920	.**	1	The Bombay Land Revenue Code (Amendment) Act, 1920. [3]	The whole.		

^[1] General Acts, Vol. V.

^{· [*]} General Acts, Vol. VI.

BOMBAY ACT No. VIII of 1925.[1]

[THE BOMBAY SECURITIES CONTRACTS CONTROL ACT, 1925]

[29th December 1925]

Amended by

Number of Act
Bom. Act No. IX

Year 1927

An Act to regulate and control certain contracts for the purchase and sale of securities in the City of Bombay and elsewhere in the Bombay Presidency.

WHEREAS it is expedient to regulate and control certain contracts for the purchase and sale of securities in the City of Bombay and elsewhere in the Bombay Presidency in manner hereinafter appearing; And whereas the previous sanction of the Governor General required by section 80A (3) of the Government of India Act has been obtained for the passing of this Act: It is hereby enacted as follows:—

- 1. This Act may be called the Bombay Securities Contracts Control Short title. Act, 1925.
 - (1) This Act shall apply to the whole of the Presidency of Bombay. Extent and
 (2) It shall come into [2] operation in the city of Bombay on such date operation.
- as the Governor in Council may, by notification in the Bombay Government Gazette, appoint: the Governor in Council may further, by notification in the Bombay Government Gazette, direct that the Act shall come into operation in any place in the Bombay Presidency other than the city of Bombay on such date as may be specified in such notification.
- 3. In this Act unless there is something repugnant in the subject or Definitions. context,

(1) "securities" include stocks, shares, bonds, debentures, debenture stock and any other instruments of a like nature.

- (2) "stock-exchange" means any association, organisation or body of individuals, whether incorporated or not, established for the purpose of assisting, regulating and controlling business in buying, selling and dealing in stocks, shares, bonds, debentures, debenture stock and any other like securities.
- (3) "recognised stock-exchange" means a stock-exchange which is, for the time being, recognised by the Governor in Council as provided in section 4.

^[1] For Statement of Objects and Reasons, see Bombay Government Gazette, 1925, Part V, p. 447; for Report of Select Committee, see p. 1037 of Appendix to Vol. XVI of the Bombay Legislative Council Debates, 1925; and for Proceedings in Council, see ibid, Vol. XVI.

^[*] This Act came into operation in the City of Bombay on the 1st January 1926 (vide Government Notification in the Finance Department No. 2902-A, dated the 30th December 1923, published in the Bombay Government Guzette, 1925, Part I, p. 3361).

(4) "ready delivery contract" means a contract for the purpose or sale of securities for performance of which no time is specified and which is to be performed immediately or within a reasonable time.

Explanation.—The question what is a reasonable time is in each particular case a question of fact.

Recognition.

- 4. (1) A stock-exchange desirous of being recognized for the purpose of this Act shall make an application in writing to the Governor in Council for such recognition, and shall submit rules for the regulation and control of transactions in securities other than ready delivery contracts and furnish such information in regard to such recognition as the Governor in Council may require.
- (2) The Governor in Council may give or refuse such recognition provided that the rules submitted by the stock-exchange under subsection (1) shall be published in the Bombay Government Gazette one month before such recognition is given.
- (3) The Governor in Council may at any time withdraw the recognition given to a stock-exchange under sub-section (2), and such stock-exchange shall thereupon cease to be a recognized stock-exchange.

Rules.

- 5. (1) A stock-exchange subject to the sanction of the Governor in Council may make and may from time to time add to, vary or rescind rules for the regulation and control of transactions in securities (other than ready delivery contracts).
- (2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for:—
 - (a) the government of the stock-exchange by a governing body and the constitution of such governing body;
 - (b) the powers and duties of the governing body and the manner in which its business shall be transacted;
 - (c) the fixing of a scale of charges;
 - (d) the making, settling and closing of bargains;
 - (e) the exercise of emergency powers in the case of corners;
 - (f) the regulation of dealings by members for their own account;
 - (g) the settlement of disputes arising between members and the punishment of defaulting members.
- (3)[1] Rules made by a stock-exchange under sub-section (1) shall be published in the *Bombay Government Gazette* one month before they are sanctioned by the Governor in Council and shall again be published after sanction.

^[1] For Rules under this section, see-

Government Notification in the Finance Department No. 2902-A, dated 14th May 1927, published in the Bombay Government Gazette, 1927, Part 1, pp. 1292-1355.

Government Notification in the Finance Department No. 2902-A, dated the 29th January 1929, published in the Bombay Government Gazette, 1929, Part I, pp. 135-8.

Government Notification in the Finance Department No. 2902-D, dated 11th November 1929, published in the Bombay Government Gazette, 1929, Part I, p. 2426. Government Notification in the Finance Department No. 2902-D, dated the 16th August 1930, published in the Bombay Government Gazette, 1930, Part I, pp. 2097-98.

6.[1] Every contract for the purchase or sale of securities, other than Contracts a ready delivery contract, entered into after a date to be notified in this subject to behalf by the Governor in Council shall be void, unless the same is made rules to be subject to and in accordance with the rules duly sanctioned under section void.

[2][5] and every such contract shall be void unless the same is made between members or through a member of a recognised stock-exchange; and no claim shall be allowed in any Civil Court for the recovery of any commission, brokerage, fee or reward in respect of any such contract.

^[1] For Notification under this section, see Government Notification in the Finance Department No. 2902-A, dated the 16th May 1927, published in the Bombsy Government Gazette, 1927, Part I, p. 1356.

^[*] This figure was substituted for the figure "4" by Bom. Act IX of 1927, a. 2, first Schedule.

BOMBAY ACT No. IX of 1925.[1]

- [The Bombay Village Police (Amendment) Act, 1925]

[27th January 1926]

An Act further to amend Bombay Act VIII of 1867, being an Act for the Regulation of the Village Police in the Presidency of Bombay.

WHEREAS it is expedient further to amend[2] Bombay Act No. VIII of 1867, being an Act for the Regulation of the Village Police in the Presidency of Bombay, in manner hereinafter appearing; It is hereby enacted as follows:—

- 1. This Act may be called the Bombay Village Police (Amendment) Short title. Act, 1925.
- 2. In section 14 of the said Act after the words "to punish" and Amendment before the words "with confinement" the words "with fine not exceed of section 14 ing two rupees and in default of payment thereof with confinement Act No. VII which may extend to twelve hours or "shall be inserted, and for the of 1867. words "eight days" the words "two days" shall be substituted.

^[1] For Statement of Objects and Reasons, see Bombay Government Gazette. 1925, Part V, p. 49; for Report of Select Committee, see ibid, 1925, Part V, pp. 440-443; and for Proceedings in Council, see Bombay Legislative Council Debates, 1925, Vols. XV and XVI.

^[*] Vol. II of Bom. Code.

BOMBAY ACT No. X of 1925.[1]

[The Bombay Children (Amendment) Act, 1925]

[27th January 1926]

An Act to amend the Bombay Children Act, 1924.

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

- 1. This Act may be called the Bombay Children (Amendment) Act, short title. 1925.

[For sections 10A, 10B, 10C, 10D and 10E, see pp. 129-30 of this Volume.]

3. In sub-section (1) of section 51 of the said Act after the figures Amendment "10" the figures and letters "10A, 10B, 10D, 10E" shall be inserted.

of a. 51 of Bom. XIII

^[1] For Statement of Objects and Reasons, see Bombay Government Guestie, 1925, Part V, p. 234; for Report of Select Committee, see shid, 1925, Part V, pp. 323-325; and for Proceedings in Council, see Bombay Legislative Council Debates, 1925, Vols. XV and XVI.

^[*] In this Volume, p. 125.

BOMBAY ACT No. XI OF 1925.[1]

[THE BOMBAY HEREDITARY OFFICES (AMENDMENT) ACT, 1925]

[27th January 1926]

An Act further to amend Bombay Act No. III of 1874.

WHEREAS it is expedient further to amend [2]Bombay Hereditary of Offices Act being Bombay Act No. III of 1874 in manner hereinafter appearing; It is hereby enacted as follows:—

This Act may be called Bombay Hereditary Offices (Amendment) Short title.
 Act, 1925.

2. In section 60 of Bombay Act III of 1874, delete the words:

"direct the forfeiture of the whole or of any part of any watan in of section 60 of Bom. which he has an interest. Such forfeiture may be either absolute or Act III of for such period as the Governor in Council thinks fit,"

1874.

and insert:

- "(a) if the offence be committed in the discharge of his official duties or be any of those enumerated in Schedule II (2) to (6), direct the forfeiture of the life interest of the person convicted or if he be not the representative 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 Governor in Council thinks fit."
- 3. To section 61, the following proviso shall be added:

 "Provided that the Governor in Council shall not direct under this of section 61 or the preceding section the forfeiture of any watan or part thereof Act III of belonging to a person other than the one so convicted or found guilty, 1874. unless it is proved to his satisfaction that that person had previous knowledge of or connived at the offence or misconduct."
- 4. In section 62 of the Act, for the words "or after investigation Amendment recorded in writing" substitute "if any and after investigation recorded of section 62 of Born. in writing in which an opportunity of being heard either in person or Act III of through pleader shall be given to the party against whom any such order 1874. is proposed to be passed."

^[1] For Statement of Objects and Reasona, see Bombay Government Gazette. 1925, Part V, p. 55; for Report of Select Committee, see ibid, 1925, Part V, pp. 429-32; and for Proceedings in Council, see Bombay Legislative Council Debates, 1925, Vols. XV and XVI.

^[9] Vol. II of Bom. Code.

BOMBAY ACT No. XII OF 1925.[1]

[THE CITY OF BOMBAY MUNICIPAL (AMENDMENT) ACT, 1925]

[27th January 1926]

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

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

- 1. This Act may be called the City of Bombay Municipal (Amend-Short title, ment) Act, 1925.
- Bom. 2. In clause (b) of sub-section (1) of section 16 of the [2] City of Bombay Amendment of 18 88 Municipal Act, 1888, hereinafter called the said Act, after the word of Bom. III "as" the words "such sentence has not expired or "shall be inserted, of 1888.
 - 3. In section 118 of the said Act, after the figures and letter "62D" Amendment of section 118 of Bom. III of Bom. III of 1888.
 - 4. In sub-section (1) of section 518 of the said Act, after the figures of section and letter "62D" the figures and letter "62E" shall be inserted.

 Amendment of section 518 of Bom.

^[1] For Statement of Objects and Reasons, see Bombay Government Gazette, 1925, Part V, pp. 464-65; for Report of Select Committee, see p. 1047 of Appendix to Bombay Legislative Council Debates, 1925, Vol. XVI; and for Proceedings in Council, see Bombay Legislative Council. Debates, 19 5, Vol. XVI.

^[*] Vol. III of Born. Code.

BOMBAY ACT No. XIII OF 1925.[1]

[THE BOMBAY LOCAL BOARDS (AMENDMENT) ACT, 1925]

[27th January 1926]

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

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

1. This Act may be called the Bombay Local Boards (Amendment) Short title Act. 1925.

Bom. VI of 1923. 2. In section 9 of the [2]Bombay Local Boards Act, 1923,(1) in sub-section (1)-

Amendment of section 9 of Bom. VI

(a) for clauses (c) and (d) and the explanation to clause (d) the of 1923. following shall be substituted namely:—

[In this Volume, p. 26.]

- (b) clauses (e) and (f) shall be relettered (d) and (e) respectively.
- (2) In sub-section (2) for the letter and brackets '(f)' the letter and brackets '(e)' shall be substituted.

^[1] For Statement of Objects and Reasons, see Bombay Government Gazette, 1925, Part V. pp. 455-56; and for Proceedings in Conneil, see Bombay Legislative Council Debates, 1925, Vol. XVI.

^[3] In this Vol., p. 23.

BOMBAY ACT No. XIV OF 1925.[1]

[THE BOMBAY VILLAGE PANCHAYATS (AMENDMENT) ACT, 1925]

[27th January 1926]

An Act to amend the Bombay Village Panchayats Act, 1920.

Bonk WHEREAS it is expedient to amend the [3]Bombay Village 1920. Panchayats Act, 1920, in manner hereinafter appearing; It is hereby enacted as follows:—

1. This Act may be called the Bombay Village Panchayats (Amend- Short title. ment) Act, 1925.

Bom. IX of 1920.

V of

1898.

- 2. In section 6 of the [*]Bombay Village Panchayats Act, 1920—

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

 of section 6 of Bom. IX

 "(d) has been sentenced by a criminal court to imprisonment of 1920.
 - or whipping for an offence punishable with imprisonment for a term exceeding aix months, or to transportation, or has been ordered to find security for good behaviour under the Code of Criminal Procedure, 1898, such sentence or order not having been subsequently reversed or remitted or the offender pardoned, if and so long as such sentence has not expired or if and so long as such order is in force, unless his disqualification has been removed by an order which the Governor in Council is hereby empowered to make, or,";
- (b) clause (e) shall be deleted and clauses (f), (g) and (h) shall be re-lettered (e), (f) and (g), respectively;
 - (c) for clause (h) the following clause shall be substituted, namely:-
 - "(h) has been removed from office under section 15 and five years have not elapsed from the date of the expiry of such removal, unless his disqualification has been removed by an order which the district local board is hereby empowered to make ";
 - (d) the last paragraph shall be deleted.

^[1] For Statement of Objects and Reasons, see Bombay Government Gazette, 1925, Part V, pp. 453-54; and for Proceedings in Council, see Bombay Legislative Council Debates, 1925, Vol. XVI.

^[*] Vol. V of Bom. Code.

BOMBAY ACT No. XV OF 1925.[1].

[THE BOMBAY DISTRICT MUNICIPAL (AMENDMENT) ACT, 1925]

[27th January 1926]

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

- where AS it is expedient further to amend the [*]Bombay District of Municipal Act, 1901, in manner hereinafter appearing; It is hereby enacted as follows:—
 - 1. This Act may be called the Bombay District Municipal Short title. (Amendment) Act, 1925.
- 2. For clause (a) of sub-section (1) of section 15 of the [2]Bombay Amendment of District Municipal Act, 1901, the following shall be substituted, of Bom. III namely:—
 - " (a) who
 - (i) has been sentenced by a criminal court to imprisonment or whipping for an offence punishable with imprisonment for a term exceeding six months, or to transportation, such sentence not having been subsequently reversed or quashed, if and so long as such sentence has not expired,
 - (ii) has been removed from office under section 16, unless he has, by an order which the Governor in Council is hereby empowered to make, if he shall think fit, in this behalf, been relieved from the disqualification arising on account of such sentence or removal from office, or."

^[1] For Statement of Objects and Reasons, see Bombay Government Gazette, 1925, Part V. p. 452; and for Proceedings in Council, see Bombay Legislative Council Debates, 1925, Vol. XVI.

^[*] Vol. IV of Bom. Code.

BOMBAY ACT No. XVI OF 1925.[1]

[THE CITY OF BOMBAY IMPROVEMENT TRUST TRANSFER ACT]

[16th February 1926]

Amended by

Number of Act.		-	• ;	Year.
Bom, Act No. IV	••	• ••	•	1927
,, ,, No. V				1927-
,, ,, No. VI	• • .	••		1928

An Act to transfer the powers and duties of the Trustees for the Improvement of the City of Bombay to, and to vest the property and rights vested in the said Trustees in the Municipal Corporation of the City of Bombay.

WHEREAS the City of Bombay Improvement Act, 1898, was enacted with a view to make provision for the improvement and for the future expansion of the City of Bombay by forming new and altering existing streets, by removing or altering insanitary buildings in certain areas, by providing open spaces for better ventilation and for recreation, by constructing new sanitary dwellings for certain classes of the inhabitants of the said city and for the Bombay City police, by laying out vacant lands and by divers other means;

And whereas a Board of Trustees endowed with special powers was constituted under the said Act for the aforesaid purposes and certain property and rights were vested in the said Board;

And whereas it is now deemed expedient that the powers conferred upon the said Board should be transferred to the municipal corporation of the city of Bombay and that the said property and all existing rights of the said Board should vest in the said corporation and that the duty of carrying out the aforesaid purposes should, subject to the conditions and limitations hereinafter specified, be vested in the said corporation;

And whereas it is proposed that certain lands shall be vested in the

corporation in the manner hereinafter appearing;

And whereas the plans of such last-mentioned lands have been deposited with the Collector of Bombay and are hereinafter referred to as the deposited plans;

^[1] For Statement of Objects and Reasons, see Bombay Government Gazette, 1925, Pt.V. pp. 227-226; for Report of Select Committee, see ibid pp. 266-273A; and for Proceedings in Council, see Bombay Legislative Council Debates, 1925, Volumes XV and XVI.

And whereas the previous sanction of the Governor General required by section 80A (3) of the Government of India Act has been obtained for 5, & 6 the passing of this Act; It is hereby enacted as follows: c. 61.

CHAPTER I.

PRELIMINARY.

Short title.

This Act may be called the City of Bombay Improvement Trust Transfer Act, 1925.

Extent and operation.

- 2. (1) This Act extends only to the City of Bombay; and
- · (2) it shall come into operation from such date as the Government may, by notification in the Bombay Government Gazette, appoint.

Saving the provisions of the Indian Telegraph Act and the Indian Railways Act.

3. Nothing in this Act shall be deemed to affect the provisions of the Indian Telegraph Act, 1885, or the [2] Indian Railways Act, 1890.

XIII υţ 1885. IX of 1890.

Repeal.

- 4. The [3]City of Bombay Improvement Act, 1898, is hereby Bom. repealed: Provided that-1898,
 - (a) the said repeal shall not affect the validity or invalidity of anything already done under the said enactment;
 - (b) all appointments, rules, orders and by-laws made, notifications and notices issued, rents, premia and fees imposed, contracts entered into and suits and other proceedings instituted under the said Act shall, so far as may be, be deemed to have been respectively appointed, made, issued, imposed, entered into and instituted under this

Nothing in this Act shall affect any present right of appeal which may have accrued to any party before the date on which this Act comes into operation.

Definitions

5. In this Act, unless there be something repugnant in the subject or context, words shall be deemed to have the meaning ascribed to such words under the [4]City of Bombay Municipal Act, 1888, hereinafter Bom. referred to as "the Municipal Act".

III of

"Street."

Provided that the definition of the word "street" shall be read as if the words following the words "thoroughfare or not" omitted:

" Public Securities.

Provided also that the term "public securities" shall include securities issued under this Act and under [*]Bombay Act IV of 1898:

^[1] General Acts Vol. IL.

^[3] Vol. IV of Bom. Code.

Do. Vol. III. [7]

^[4] Vol. III of Bom. Code.

Provided also that in the construction of the provisions of Chapter III of this Act and of sections 79 and 80, the word "land" shall, unless there be something repugnant in the subject or context, be deemed to have the meaning ascribed to it in clause (1) of section 63 of this Act.

"Chief Officer" means the Chief Executive Officer of the Board "Chief appointed under section 26 and includes an acting Chief Officer appointed Officer."

under sub-section (2) of section 29.

CHAPTER II.

OF THE BOARD OF TRUSTEES-

CONSTITUTION OF BOARD.

- 6. The duty of carrying out the provisions of this Act shall, subject Corporation to such conditions and limitations as are hereinafter contained, be vested execution of in the Municipal Corporation of the City of Bombay which shall, for the this Act. purposes of this Act, be called "The Trustees for the Improvement of the City of Bombay "hereinafter referred to as "the Board," and such Board shall be a body corporate and have perpetual succession and a common seal, and shall sue and be sued by the name aforesaid.
- 7. (1) The Municipal Commissioner and the Chief Officer shall have Municipal the same right of being present at a meeting of the Board and of taking Commissioner part in the discussions thereat as any member of the Board but they officer may shall not be at liberty to vote upon, or to make any proposition at such attend of Board.

(2) The President of the Corporation shall be the President of the

Board.

8. The Board of Trustees in existence when this Act comes into force Existing shall, so far as is not inconsistent with the provisions of this Act, continue continue to exercise all the powers and to perform all the duties vested in or pending. imposed on them under the City of Bombay Improvement Act, 1898, formation of Improvement Act, 1898, Improveuntil the Improvements Committee to be formed in accordance with the ments provisions of this Act shall have been so formed.

Committee.

The Chairman appointed under the [1] City of Bombay Improvement Act, 1898, shall officiate as Chief Officer under this Act till the date on which the Chief Officer to be appointed under section 26 shall enter upon his duties.

Proceedings of the Board.

9. The following provisions shall be observed with respect to the Provisions proceedings of the Board, namely:-

concerning the Board's

(I) during any vacancy in the Board the continuing Trustees may proceedings. act as if no vacancy had occurred;

(2) the Board shall have power to make rules regarding the transaction of business, subject to the following provisions, namely:-

(a) an ordinary meeting shall be held at least once in every quarter. The first meeting after the corporation is constituted shall be held in the month of April on a day not later than the 20th day of that month to be fixed by the President;

(b) the President may, whenever he thinks fit, and shall, upon the written request of not less than twenty Trustees, or of four members

of the Improvements Committee, call a special meeting;

(c) in the event of the office of the President being vacant or of the death or resignation of the President or of his ceasing to be a Trustee or of his being incapable of acting, the Chairman of the Committee shall fix the day, time and place of all ordinary and special meetings;

(d) seven clear days' notice of all ordinary and three clear days' notice of all special meetings shall be given to all Trustees; every such notice shall specify the time and place at which the meeting is to be held and the business to be transacted thereat and shall be sent by

post to the last known addresses of the Trustees;

(e) every meeting shall be open to the public, unless a majority of the trustees present thereat decide by a resolution, which shall be put by the presiding authority, of his own motion or at the request of any trustee present, without previous discussion, that any inquiry or deliberation pending before the Board 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) no business shall be transacted at any meeting unless at least thirty Trustees are present from the beginning to the end of such

meeting;

provided that when any meeting is adjourned for want of a quorum of thirty Trustees, no quorum shall be necessary for the transaction, at the adjourned meeting, of the business undisposed of;

(g) every meeting shall, if the President be present, be presided over by him; if he be absent, by such one of the Trustees present as

may be chosen by the meeting;

(h) any Trustee who desires at any meeting to bring forward any business or to make any substantive proposition, which is not already specified in the notice of such meeting, shall give written notice of the same at least three clear days before the day fixed for the meeting, and a supplementary notice of such business shall be sent by post to the last known addresses of the Trustees not later than two days previous to the meeting;

(i) the Trustees shall have the right to ask questions at the meetings of the Board concerning the affairs of the Trust subject to rules to be

framed by the Board in that behalf;

(j) all questions shall be decided by a majority of votes of the Trustees present, the President of the meeting having a second or

casting vote in all cases of equality of votes;

(k) 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 Trustees, be conclusive evidence of the fact, without proof of the number of votes given for or against the proposition;

- (i) when a poll is so demanded the vote of each Trustee present and voting upon the proposition shall be taken by tellers appointed by the presiding authority and the names of the Trustees voting respectively for or against the proposition shall be recorded in the minute book;
- (m) minutes shall be kept of the names of the Trustees present and of the proceedings of each meeting in a book to be provided for this purpose, which shall be signed at the next ensuing meeting by the President of such meeting and shall be open to inspection by any Trustee during office hours.

THE IMPROVEMENTS COMMITTEE.

- 10. (1) The Improvements Committee (hereinafter called "the Constitution Committee") shall consist of 18 members, that is to say, of 14 elected members members, and 4 nominated members.

 Committee.
 - (a) Of the elected members 11 shall be elected by the Board, 1 by the Bombay Chamber of Commerce, 1 by the Indian Merchants' Chamber and 1 by the Millowners' Association out of their own bodies respectively.
 - (b) The nominated members shall be appointed by Government by notification and three of them shall be chosen from among the following:—
 - (i) the Director of Development, Bombay,
 - (ii) the Chairman of the Bombay Port Trust,
 - (iii) the Collector of Bombay, and
 - (iv) the Executive Engineer, Presidency District, and the fourth shall be chosen by Government to represent labour from among the members of the Board.
 - (c) The election of members by the Board, the Chamber of Commerce, the Indian Merchants' Chamber and the Millowners' Association shall be in accordance with regulations which those bodies may respectively frame, provided that the election by the Board shall be by ballot.
- (2) The Municipal Commissioner shall have the same right of being present at a meeting of the Committee and of a sub-committee and of taking part in the discussions thereat as a member of the said Committee or sub-committee; but he shall not vote upon or make any proposition at such meeting. He shall attend every meeting of the Committee unless prevented by sickness or other reasonable cause.
- (3) The election of members by the Board shall be held at their first meeting after the date on which this Act comes into operation, and thereafter at their first meeting after each general election of councillors of the Corporation. The elections by the Chamber of Commerce, the Indian Merchants' Chamber, and the Millowners' Association shall be held, and the nominations by Government shall be made, within ten days thereafter, and the names of all persons so elected and nominated shall be published by the Chief Officer in the Bombay Government Gazette.

Chairman of the Committee. 11. (1) The Committee shall, at their first meeting in each official year, appoint one of their own number being a member elected by the Board to be their Chairman until their first meeting in the next following official year.

(2) A member of the Committee who ceases to be Chairman shall

be re-eligible.

(3) If any casual vacancy occurs in the office of Chairman the Committee shall, as soon as they conveniently can after the occurrence of such vacancy, choose one of their number being a member elected by the Board to fill such vacancy and every Chairman so chosen shall continue in office so long only as the person in whose place he is appointed would have been entitled to continue if such vacancy had not occurred.

Members of the Committee to retire by rotation. 12. (1) Five of the members of the Committee elected by the Board, the selection of the said members being made by lot at such time previous to the first day of March and in such manner as the Chairman shall determine, shall retire from office at noon on the twentieth day of April next following the date of their election.

(2) The remaining six members of the Committee elected by the Board shall retire from office at noon on the twentieth day of April next following the twentieth day of April aforesaid.

In every other case the nominated and elected members shall hold office for a term of three years.

Appointment of members to replace those who retire.

13. The Board shall, at their ordinary meeting in the month of April, elect fresh members of the Committee to fill the offices of those previously elected by them who retire from time to time as aforesaid.

Casual vacancies in the Committee how to be filled up. 14. Any casual vacancy in the office of a member occasioned by the non-acceptance of office, death, resignation or disqualification of such member shall be filled up as soon as conveniently may be, by Government if the office vacated was that of a nominated member, or by the Board, or the Bombay Chamber of Commerce, or Indian Merchants' Chamber or Bombay Millowners' Association, respectively, if it was that of an elected member, in the same manner and subject, so far as may be, to the same provisions as are applicable in the case of original appointments and elections of members: provided that the member so chosen shall retain his office so long only as the vacating member would have retained the same, if such vacancy had not occurred.

The Committee to continue in office till a new Committee is appointed.

- Member of Committee to vacate office if absent for three successive months.
- 15. The Committee in existence on the day for the retirement of the Trustees shall continue to hold office until such time as a new Committee is appointed under section 10 notwithstanding that the members of the said Committee or some of them may no longer be Trustees.
- 16. Any member of the Committee who absents himself during three successive months from the meetings of the Committee, except from temporary illness or other cause to be approved by the Committee, shall cease to be a member and his office shall thereupon be vacant.

17. The powers conferred by and the duties imposed under this Act to be subject on the Committee shall be exercised and performed by the Committee to control subject to the general control of the Board.

of Board.

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Trustee or a

Disqualification of Trustees and of Members of the COMMITTEE.

- 18. (1) A person shall be disqualified to be a Trustee or a member General disqualificaof the Committee who
 - (a) holds any office or place of profit under the Board; or
 - (b) has directly or indirectly, by himself or his partner, any share Member of or interest in any contract or employment with, by or on behalf of the Committee. the Board:

Provided that a person shall not be so disqualified or be deemed to have any share or interest in any such contract or employment, by reason only of his having a share or interest in

- (a) any lease, sale, exchange or purchase of immoveable property or any agreement for the same; or
- (b) any agreement for the loan of money or any security for the payment of money only; or
- (c) any newspaper in which any advertisement relating to the affairs of the Board is inserted; or
- (d) any joint stock company which shall contract with, or be employed by, or on behalf of the Board; or
- (e) the occasional sale to the Board, to a value not exceeding two thousand rupees in any one official year, of any article in which he

Any person who ceases to be a Trustee shall cease to be a member of the Corporation.

- (2) Any person who-
- (a) becomes disqualified for any of the reasons mentioned in subsection (1), or
- (b) is absent from or unable to attend the meetings of the Committee for a period exceeding eight consecutive months, or is absent without the permission of the Committee from all the meetings of the Committee for a period of three months, or
- (c) acts in contravention of the provisions of sub-section (3) shall cease to be a member of the Committee and his office shall thereupon become vecant.
- (3) A Trustee or a member of the Committee shall not at any meeting of the Board or of the Committee or of any sub-committee thereof take part in the discussion of, or vote on, any matter in which he has directly or indirectly, by himself or his partner, any share or interest such as is described in the proviso to sub-section (1), or in which he is interested either professionally on behalf of a client or as agent for any person.
 - 19. [Repealed by Bom. V of 1927.]

PROCEEDINGS OF THE COMMITTEE.

Provisions concerning proceedings of the Committee. 20. The following provisions shall be observed with respect to the proceedings of the committee, namely:—

(1) during any vacancy in the committee the continuing members

may act as if no vacancy had occurred;

(2) the committee shall meet together and shall, from time to time, make such arrangements, not inconsistent with this Act with respect to the place, day, hour, notice, management and adjournment of such meetings, and generally with respect to the transaction of business, as they may think fit, subject to the following provisions, namely:—

(a) (i) an ordinary meeting shall be held once at least in every

month:

(ii) the first meeting of the committee shall be held on a day and at a time to be fixed by the President and, if not held on that day, shall be held on some subsequent day to be fixed by the President. All subsequent meetings shall be called by the Chairman;

(b) the Chairman may, whenever he thinks fit, and shall, upon the written request of not less than four members, call a special meeting;

(c) no business shall be transacted at any meeting unless at least eight members are present from the beginning to the end of such meeting;

(d) every meeting shall, if the Chairman be present, be presided over by him; if he be absent, by such one of the members present as may

be chosen by the meeting;

(e) all questions shall be decided by a majority of votes of the members present, the Chairman of the meeting having a second or casting vote in all cases of equality of votes;

(f) if a poll be demanded, the names of the members voting and the the nature of their votes and also the names of those abstaining from

voting shall be recorded by the Chairman of the meeting;

- (g) minutes shall be kept of the names of the members present and of the proceedings at each meeting in a book to be provided for this purpose, which shall be signed at the next ensuing meeting by the Chairman of such meeting and shall be open to inspection by any member during office hours. A copy of such minutes shall be supplied to each member of the Board.
- 21. (1) The Committee may, from time to time, appoint subcommittees consisting of such members not less than six in number as they think fit and may—

(a) refer to such sub-committees for enquiry and report any subject

relating to the purposes of this Act,

(b) delegate to such sub-committees by a specific resolution in this behalf, and subject to any by-laws made under clause (a) of section 113 any of their powers or duties.

Any sub-committee so appointed shall confirm to any instructions that may, from time to time, be given to them by the Committee, and the Committee may at any time alter the constitution of any sub-committee so appointed or rescind any such appointment.

Appointment of sub-committees.

- (2) Sub-committees may meet and adjourn as they think proper, but the Chairman of any sub-committee and, in his absence, the Chief Officer may, whenever he thinks fit, and shall, upon the written request of not less than three members of the sub-committee, call a special meeting of such sub-committee.
- (3) The Chairman of the Committee shall be the Chairman of every sub-committee of which he may be appointed a member. In the event of the Chairman of the Committee not being a member of a sub-committee, the members of such sub-committee shall elect their own Chairman. Every meeting of a sub-committee shall, if the Chairman of such sub-committee be present, be presided over by him; if he be absent, by such one of the members present as may be chosen by the meeting.
- (4) 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 equal division of votes the Chairman of the meeting shall have a second or casting vote [1]but no business relating to the exercise of powers or the performance of duties delegated under clause (b) of sub-section (1) shall be transacted at any such meeting unless at least two-thirds, and no other business shall be transacted unless at least one-half, of the members of the sub-committee are present from the beginning to the end of the transaction of such business.[1]
- (5) No act of the Board, or of the Committee or of any sub-committee, or of any person acting as Trustee or member shall be deemed to be invalid by reason only of some defect in the appointment of such Board, Committee, sub-committee, Trustee, or member or on the ground that they, or any of them, were disqualified for the office of Trustee or member.
- (6) Minutes shall be kept of every meeting of a sub-committee in the same manner as prescribed in clause 2 (g) of section 20 for a meeting of the Committee.
- 22. (1) The Chief Officer may, on behalf of the Board and of the Mode of Committee, enter into any contract or agreement whereof the value or executing amount shall not exceed three thousand rupees, or a contract of tenancy (other than a demise for a term exceeding thirteen months or in perpetuity) of immoveable property, the annual rental whereof at a rack rent shall not exceed three thousand rupees, in such manner and form as, according to the law for the time being in force, would bind him if such contract or agreement were on his own behalf, and every such contract or agreement (other than a contract for a monthly tenancy) shall be reported to the Committee at next ordinary meeting thereof.
- (2) Every other contract and agreement on behalf of the Board shall require the previous approval of the Committee, shall be in writing, and shall be signed by the Chief Officer, and sealed with the common seal of the Board as hereinafter provided. No contract or agreement referred to in this sub-section, unless executed as herein provided, shall be binding

^{[1]—[1]} These words were substituted for the words "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 "by Bom. Act VI of 1928, a. 2.

on the Board or on the Committee. In special cases a contract or an agreement in writing may be dispensed with with the approval of the committee.

(3) The common seal of the Board, which shall remain in the custody of the Chief Officer, shall not be affixed to any contract or other instrument except in the presence of two members of the Committee who shall attach their signatures to the contract or instrument in token that the same was sealed in their presence. The signatures of the said members of the Committee shall be distinct from the signatures of any witnesses to the execution of any such contract or instrument.

Signature of Chief Officer may be engraved, etc., on coupons of debentures.

23. Notwithstanding anything contained in the last preceding section. the signature of the Chief Officer may be engraved, lithographed or impressed by any mechanical process on the coupons attached to debentures issued under this Act, and such signatures so engraved, lithographed or impressed shall be as valid as if the same had been subscribed in the proper handwriting of the Chief Officer.

The Committee may compromise claims by or against them

24. The Committee may compound or compromise for or in respect of any claim or demand arising out of any contract entered into by them under this Act, or in respect of any action or suit instituted by or against them, for such sum of money or other compensation as they shall deem sufficient.

Power of Government to call for extracts ings, etc.

The Government may at any time call upon the Board to furnish them with any extract from any proceedings of the Board or of the Committee or from any record under the control of the Board and with from proceed- any statistics concerning or connected with the administration of this Act; and the Board shall furnish the same without unreasonable delay.

THE CHIEF OFFICER.

Appointment of Chief Officer.

The Chief Officer shall be appointed by the Board, subject to confirmation of Government for a renewable period of three years; provided that he shall be removed from office for misconduct or for neglect of or incapacity for the duties of the office if, at a meeting of the Board, not less than sixty-four trustees shall vote in favour of a proposition in this beł alf.

Remuneration of Chief Officer.

27. The Chief Officer shall receive such monthly salary not exceeding Rs. 3,000 as the Board shall, from time to time, determine; provided that such salary shall not be less than Rs. 2,000 for the first two years of service and Rs. 2,500 for the next two years. He shall hold no other salaried office and, save in so far as he may be otherwise permitted by the Board shall devote his whole time and attention to his duties under

Provided that if the present Chairman be appointed Chief Officer his salary shall not exceed Rs. 3,500 and shall not be less than Rs. 3,000.

28. The Chief Officer shall-

Right of Chief Officer to attend meetings. Duties of Chief Officer.

(1) have the same right of being present at a meeting of the Board and of the Committee and of a sub-committee and of taking part in the discussions thereat as a member of the said Board or Committee or subcommittee; but he shall not vote upon, or make any proposition at

such meeting. He shall attend every meeting of the Board, Committee, and sub-committee unless prevented by sickness or other reasonable

cause:

- (2) exercise general supervision in matters concerning the accounts and records of the Board, exercise supervision and control over the acts and proceedings of all officers and servants of the Board in matters of executive administration and shall be directly responsible to the Board and the Committee for the due performance thereof, and to the extent specified in sub-section (2) of section 111 shall dispose of all questions relating to the service of the said officers and servants, and their pay, privileges and allowances.
- 29. (1) Leave of absence may be granted, from time to time, to the Leave of Chief Officer by the Committee for a period not exceeding one month and absence of for a longer period by the Board, provided that if the Chief Officer be a Chief Officer. Government servant the rules of Government applicable to officers in foreign service shall be followed.

(2) During the absence of the Chief Officer for a period exceeding one month the Board, subject to confirmation of Government, and for a period not exceeding one month the Committee shall appoint another

person to act as Chief Officer.

Any person so appointed shall exercise the powers and perform the duties conferred and imposed by this Act on the Chief Officer and shall be subject to the same liabilities, restrictions, and conditions to which the Chief Officer is liable and shall receive such monthly salary within the limits prescribed in section 27 as the Board may determine.

(3) The Chief Officer may, with the previous approval of the Committee. by general or special order in writing delegate to any officer of the Board any of his powers, duties or functions under this Act or any by-law or rule made hereunder. The exercise or discharge by any officer of any powers, duties or functions delegated to him by the Chief Officer shall be subject to such conditions and limitations, if any, as may be prescribed in the said order and also to control and revision by the Chief

Unless the contrary is expressly stated in the order of delegation, the powers, duties and functions delegated by the said order shall vest in the holders for the time being of the posts specified in the order.

CHAPTER III

DUTIES AND POWERS.

Improvement Schemes.

30. Whenever the Committee are of opinion-

(1) that within certain limits in any part of the city,

(a) any buildings used, or intended or likely to be used, for human schemes. 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

The Committee may make improvement

limits or the want of light, air, ventilation, or proper conveniences, or 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 a scheme for the re-arrangement and reconstruction of the streets and buildings within such area or of some of such streets, or buildings, or

(2) that for the purpose of providing building sites for the expansion of the City, or of remedying the defective ventilation of any part of the City, or of creating new or increasing the existing means of communication and facilities for traffic between various parts of the City, it is expedient to form new or to alter existing streets in

any part of the City,

the Committee may pass a resolution to the effect than an improvement scheme should be made and shall then proceed to make an improvement scheme for such area as may seem to them expedient.

31. The improvement scheme-

(1) 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 Committee, be necessary for or affected by the execution of the scheme;

(b) re-laying out all or any land including the construction and re-construction 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 sewering of streets so formed or altered;

(d) the lighting of streets so formed or altered;

(2) may, within the limits aforesaid, provide for

(a) raising any land vested in or to be acquired by the Board which
the Committee 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 or of any area occupied

by buildings constructed under clause (3); and

(3) may, within and without the limits aforesaid, provide for the construction of buildings for the accommodation of the poorer and working classes. Such accommodation shall be deemed to include buildings and works of any description that may be necessary or desirable to provide for such classes, and shall also be deemed to include shops, godowns, and three-room tenements.

32. In making an improvement scheme for any area, regard shall be had to the conditions and nature of neighbouring parts of the City and of the City as a whole, and to the likelihood of improvement schemes being required for the neighbouring and other parts of the City.

33. (1) Upon the completion of an improvement scheme the Committee shall 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 area comprised therein

Particulars to be provided for in an improvement scheme.

> Considerations which shall prevail in making a scheme. Procedure on completion of the scheme.

and a statement specifying the land proposed to be acquired, may be seen at all reasonable hours; and shall,

(a) communicate a copy of such notification together with full particulars of the scheme and plan and estimates of the cost of executing

the scheme to the Board:

(b) once in each of three consecutive weeks publish as near as possible simultaneously in the Bombay Government Gazette and in some one or more and the same English and some two or more and the same vernacular newspapers circulating within the City, a copy of the said notification.

(2) During the thirty days next following the first day on which such notification is published the Committee shall serve a notice on every person whose name appears in the Commissioner's Assessment Book as primarily liable for the payment of the property taxes leviable under the Municipal Act on any land or building proposed to be acquired by the Board in executing the scheme, stating that such land or building is proposed to be acquired by the Board for the purpose of an improvement scheme, and requiring an answer stating whether the person so served dissents or not in respect of the acquisition of such land or building, and if the person dissents the reasons of such dissent, within thirty days from the date of service of the notice.

(3) Such notice shall be signed by or by the order of the Chief Officer, and shall be served-

(a) by delivery of the same personally to the person required to be served or, if such person is absent or cannot be found, to his agent, or if no agent can be found, then by leaving the same on the land or building; or

(b) by leaving the same at the usual or last known place of abode

or business of such person as aforesaid; or

(c) by post addressed to the usual or last known place of abode or .

business of such person.

34. (1) If any land is included in any statement specifying the land Right of proposed to be acquired made in accordance with any notification drawn owner to up under section 33, and if the owner of such land shall prove to the acquisition satisfaction of the Collector that at the date of such notification building on issue of operations were in progress on such land or on any part thereof and the notification building was structurally complete up to the first floor level the Collector building shall call upon the Committee to acquire such land.

- (2) On receipt of such notice the Committee shall resolve whether are in in their opinion it is desirable to acquire the land set out in the notice or to withdraw from the proposal to acquire and shall communicate their resolution within two months to the Board who shall within one month after receipt thereof communicate to the Committee the decision of the Board in the matter, and thereupon the Committee shall forthwith in accordance with such decision either decide to acquire such land or shall give written notice to the owner that they have withdrawn the proposal to acquire.
- (3) If the Board decide to acquire the land the Committee shall give notice of such decision to the Collector and to the owner, and the Collector

operations.

shall proceed as if a declaration had been made in respect of the land in I of question under section 6 of the [1]Land Acquisition Act, 1894.

(4) If the Board 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 33 until the expiry of two years from the date of the issue of written notice of withdrawal to the owner.

Right of owner to demand acquisition by the Board after the lapse of one year from the date of the notification.

- (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 33 may at any time before the publication of a declaraor withdrawal tion under section 37 and after the expiry of one year from the date of such notification by written notice setting out the particulars of such land call upon the Committee to acquire such land.
 - (2) On receipt of such notice the Committee shall resolve whether in their opinion it is desirable to acquire the land set out in the notice or to withdraw from the proposal to acquire, and shall communicate their resolution within two months to the Board'who shall within three months after the receipt thereof communicate to the Committee the decision of the Board in the matter, and thereupon the Committee shall forthwith in accordance with such decision either decide to acquire such land or shall give written notice to the owner that they have withdrawn the proposal to acquire.

(3) If the Board decide to acquire the land the Committee 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 '[1]Land Acquisition Act, 1894.

(4) If the Board 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 33 until the expiry of two years from the date of the issue of written notice of withdrawal to the owner.

The Committee to forward the scheme to Government for sanction after approval by the Board.

- 36. (1) Upon compliance with the foregoing provisions with respect to the publication and service of notices of the scheme, the Committee shall, after consideration of any answer received under section 33 and after inserting in the scheme such modifications as they may think fit, submit the scheme to the Board for approval.
- (2) On the approval of the scheme by the Board, the Committee shall apply to Government for sanction to the scheme.
 - (3) The application for sanction shall be accompanied by—
 - (a) a description with full particulars of the scheme;
 - (b) complete plans and estimates of the cost of executing the scheme; (c) a statement specifying the land proposed to be acquired;
 - (d) a list of the names of the persons, if any, who in answer to the notices mentioned in sub-section (2) of section 33 dissented, with the reasons, if any, stated by such persons for dissent, in respect of the acquisition of their land.

37. (1) (a) On receipt of the sanction of Government, the Chief On receipt Officer shall forward a declaration for notification under the signature of sanction of a Secretary to Government, stating the fact of such sanction and that Officer to the land proposed to be acquired by the Board for the purposes of the publish the scheme is required for a public purpose. and the

(b) The declaration shall be published in the Bombay Government Committee Gazette and shall state the limits within which the land proposed to be to proceed acquired is situate, the purpose for which it is needed, its approximate the scheme. area, and the time and 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 Committee shall, upon the publication of the said declaration, proceed to execute the scheme.

- (2) (a) If at any time after the publication of the said declaration it appears expedient to the Committee, the Committee may alter the scheme and shall, subject to the provisions contained in the next three clauses of this sub-section, forthwith proceed to execute the scheme as altered.
- (b) If the scheme as altered involves the abandonment of the acquisition of any land or the acquisition by agreement of any land other than that specified in the statement accompanying the scheme under section 36, the Committee shall not, without the previous approval of the Board, proceed to execute the scheme as altered.

(c) If the estimated outlay on the scheme as altered exceeds by more than ten per cent. the estimated outlay on the scheme as sanctioned, the Committee shall not, without the previous sanction of the Board and of Government, proceed to execute the scheme as altered.

(d) If the scheme as altered involves the acquisition, otherwise than by agreement, of any land other than that specified in the statement accompanying the scheme under section 36, the provisions of sections 33 and 36 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.

(e) If at any time it appears probable to the Committee that the outlay on the scheme will exceed the sanctioned estimate by more than ten per cent., the Committee shall, as soon as may be, submit a revised estimate for the approval of the Board and of Government. -

38. If, within three years from the date of the declaration aforesaid, if the Board the Board fail to acquire the land or any part of the land proposed to be fails to acacquired for the purposes of any scheme notified after this Act comes within three into force, the owner of any land included in the declaration may, by years from written notice setting out the particulars of such land, call upon the declaration Committee to acquire such land or to withdraw from the proposal to of the acquire it. Thereafter the procedure prescribed in section 35, sub-scheme, sections (2) to (4) shall be followed.

the owner may call upon the Committee to acquire such land

or withdraw from the proposal.

The Committee on being satisfied by official representation of unhealthiness of an area to make scheme for its improvement,

39. When an official representation as hereinafter mentioned is made to the Committee that within certain limits in any part of the City an improvement scheme should be made, the Committee shall take such representation into their consideration and if satisfied that a scheme ought to be made and also of the sufficiency of their resources shall pass a resolution that an improvement scheme should be made for such area, and after passing such resolution, they shall forthwith proceed to make a scheme for the improvement of such area:

Provided that any number of such areas may be included in one improvement scheme, and provided also, that the improvement scheme may include any neighbouring land if the Committee are of opinion

that such inclusion is expedient.

The Board may direct the Committee to make a scheme. 40. When an official representation as mentioned has been made to the Committee and the Committee are of opinion that it is inexpedient forthwith to proceed to make a scheme for the area indicated in such representation, they shall record their reasons for such opinion and inform the Board accordingly, and the Board shall thereupon take such opinion into their consideration and may require the Committee to frame a scheme for such area as the Board may think fit, and the Committee shall be bound to carry out such requisition, and on the completion of the making of such a scheme, the provisions of sections 33 to 37 inclusive shall be applicable to the scheme in the same manner as if the scheme were an improvement scheme made under section 30.

Meaning of "official representation."

41. An official representation for the purposes of this Act shall mean a representation made to the Committee by the Board on a resolution being passed by the Board in that behalf.

Poorer Classes Accommodation Schemes.

Application by employer of Poorer Classes Accommodation Scheme.

- 42. (1) Any person employing members of the poorer classes in the course of his business may make an application to the Committee stating that he wishes to provide accommodation for the use of all or some of such members and desiring the Committee to make a scheme for such purpose. Such person is hereinafter called "the employer", which term includes his heirs, executors, administrators, assigns and successors.
- (2) The Committee on consideration of the said application, if they are of opinion that it is expedient to provide the said accommodation, may pass a resolution to that effect and proceed to make a scheme for that purpose.

(3) The poorer classes accommodation scheme shall provide for— (a) the construction of dwellings consisting of tenements containing

not more than three rooms

(i) by the Board,

(ii) by the employer under the supervision of the Committee and in accordance with plans and specifications approved by the Committee, and

• (b) the letting on lease to the employer of the dwellings so constructed and of the other accommodation provided in the scheme.

- (4) Such scheme may provide for all matters incidental to the scheme, including the acquisition, raising, lowering or levelling of land required for the execution of the scheme and the provision of recreation grounds and of buildings and works of any description that may be necessary or desirable in connection with the scheme.
- 43. The poorer classes accommodation scheme may provide for the Land on accommodation being on land ings may be
 - . (a) acquired by the Board or vesting absolutely in the Board; or constructed.

(b) vesting in the employer either absolutely or for a sufficient number of years:

Provided that the scheme shall not provide for the accommodation being on land alleged to vest in the employer until the employer has proved to the satisfaction of the Committee that he has such title to the land as shall be good and sufficient for the purposes of the scheme.

44. Upon the completion of a poorer classes accommodation scheme, Procedure on the provisions of sections 33 to 37 inclusive shall, with all necessary of the modifications, be applicable to the scheme in the same manner as if the scheme. scheme were an improvement scheme.

45. When such scheme includes land forming part of any of the lands Procedure specified in Schedule C the Board shall, on the scheme being sanctioned when dwellings are to by Government, pay in cash to Government a sum equal to the market be constructvalue of the interest of Government in the land as determined by the ed on Collector under the [1]Land Acquisition Act, 1894, and thereupon the land. right of Government to resume such land under sub-section (9) of section 79 shall cease.

46. (1) (a) Where the land vests in or is to be acquired by the Board Deposit and the employer shall, on the scheme being sanctioned by Government and notice. before it is declared under section 37, deposit in cash with the Board as security a sum equal to twenty per cent. of the estimated cost of the scheme to the Board:

(b) where the land vests in the employer the construction of the buildings or works in connection with the scheme shall not be commenced until the employer has submitted to the Committee a proposal in writing that the land shall be transferred to the Board for the purpose of a poorer classes accommodation scheme and until the Committee shall have served a notice in writing upon the employer signifying their acceptance of such proposal: provided that if in the opinion of the Committee the value of the land to be transferred falls short of twenty per cent. of the estimated cost of the scheme to the Board the shortage shall be made good by the employer by a deposit in cash.

(2) On the service upon the employer of the notice referred to in clause (b) of sub-section (1), all the estate, right, title and interest of the employer in and to the land referred to in the proposal shall forthwith

vest in the Board.

(3) Save as provided in clause (a) of sub-section (1), the employer shall be entitled at any time after payment of the deposit and prior to the grant of the lease under the next following section to pay to the Board the whole or any part of their cost of the scheme.

Term of lease and amount of rent.

- 47. (1) The Committee shall then proceed to execute the scheme.
- (2) Upon completion of the execution of the scheme the Committee shall make up an account showing the cost to the Board of the scheme, after giving credit to the employer of the sums, if any, already deposited or paid by him under the last preceding section. The cost shall include—
 - (a) the cost of the land if, and so far as, the land has not been provided by the employer,
 - (b) the cost of the buildings and works,
 - (c) preliminary expenses and an allowance for management and establishment up to the date of completion of buildings and works, and
 - (d) compound interest with half-yearly rests on all sums charged to the scheme under clauses (a), (b) and (c).

The rate or rates of interest shall be fixed by the Committee with reference to the cost of raising the capital required for the scheme from year to year. In any year in which the Board raise a loan the rate for the capital expended in that year shall be the same as the rate at which the loan is actually raised by the Board in that year. In case the sanctioned budget estimate of the Board for any particular year does not provide for the raising of a loan during that year the Committee shall intimate to the employer the rate proposed to be fixed by them on the expenditure of that year so as to enable the employer, should he so desire, to exercise the option of providing the capital sum himself, under the last preceding section.

- (3) The cost of the land for the purpose 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;
 - (b) in all other cases the market value of the land at the date of the notification of the scheme under section 33.
- (4) Upon completion of the aforesaid account the Board shall grant a repairing lease of the premises to the employer for a term of not less than 28 and not more than 50 years as may be agreed upon between the Committee and the employer.
- (5) The lessee shall during the said term pay to the Board as rent a sum equal to the total of
 - (a) interest on the cost of the scheme to the Board based on the rate or rates fixed by the Committee under clause (d) of sub-section (2); and
 - (b) sinking fund charges at such rate as may be fixed by the Committee and so calculated that at the end of the term of the lease the aggregate in the sinking fund shall amount to the total cost of the scheme to the Board.

Provided that in the event of the employer having paid to the Board under the last preceding section the whole of the cost of the scheme, the rent shall be Re. 1 per annum.

48. The lease shall commence from such date subsequent to the Provisions completion of the execution of the scheme as may be fixed by the Com-as to lease. mittee and shall be subject to the following among other conditions:-

(a) The lessee shall keep during the term of the lease and leave at the end thereof the demised premises together with their fixtures in good and substantial repair and condition.

(b) The lessee shall insure the demised premises against loss or

damage by fire.

(c) The lessee shall be liable for the payment of all rates and taxes.

(d) The lessee shall sublet the rooms and tenements prescribed by the Committee to be used as dwellings only to persons employed by him in the course of his business or their families except in so far as there may not be sufficient numbers of such persons willing to occupy the same and in any case only to members of the poorer classes. No such room or tenement shall be used otherwise than as a dwelling except with the previous consent in writing of the Committee.

(e) The maximum rent of each room or tenement shall be fixed by the Committee after consulting the lessee and such maximum rent shall be written or painted up by the lessee in a conspicuous position in each such room or tenement. Such maximum rent shall not be subject to alteration save with the consent of the Committee.

(f) The lessee shall not demand or receive in respect of any such room or tenement any premium or any rent in excess of the maximum.

rent fixed and in force for the time being.

(q) The lessee shall not assign or sublet the demised premises or any part thereof without the previous consent in writing of the Committee. Any assignee or sub-lessee shall be bound by the conditions contained in this Act and in the lease.

49. The lessee may at any time with the consent of the Committee Lessee may commute the rent payable under the lease and in such event the rent the rent.

shall be Re. 1 per annum for the remainder of the term.

50. The Committee shall not without the previous sanction of the Lessee not Board and of Government permit the lessee to make any substantial to make alterations variation in the user of the premises so as to reduce the accommodation so as to prescribed by the Committee to be used as dwellings.

51. (1) On default being made by the lessee in any of the conditions Default and of the lease, the Board may re-enter upon the demised premises or any determinapart thereof in the name of the whole and immediately thereupon the lease. lease shall absolutely determine.

(2) Where no default is made by the lessee in the conditions of the lease, then on determination of the lease at the end of the term thereof, the Board shall convey the premise to the lessee at his cost and free of , all restrictions and liabilities imposed by the lease and by this Act or by

the [1]City of Bombay Improvement Act, 1898.

reduce the accommoda-

Police Accommodation Schemes.

- have power to make a police accommodation scheme.
- The Board to 52. (1) When a representation is made by Government to the Board that within any part of the City accommodation is required for housing any part of the Police of the City, the Board 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 Committee to forthwith proceed to make a Police accommodation scheme.
 - (2) The Police accommodation scheme may provide for constructing dwellings and accessory buildings (including stables for horses) for any or all classes of such Police, and for acquiring, raising and levelling any land required for the execution of the scheme.

Procedure on completion of a scheme.

53. Upon completion of a Police accommodation scheme, the provisions of sections 33 to 37 shall, with all necessary modifications, be applicable to the scheme in the same manner as if the scheme were an improvement scheme.

Vesting of land in Board.

54. (1) When such scheme is sanctioned by Government, in the case of land specified in Schedule C or land reclaimed within the limits specified in Schedule E Government shall resume the land.

In the case of land specified in Schedule C or land reclaimed within the limits specified in Schedule E the land shall thereupon vest in the Board.

- (2) The Committee shall then proceed to execute the Police Accommodation Scheme.
- (3) Any building constructed under this section shall with the site be leased to Government for police purposes on a repairing lease for a term of sixty years from the date of the completion of the building, and Government shall, during the period of such lease, pay yearly to the Board by way of rent a sum equal to the total of-

(a) the annual interest payable by the Board on all moneys, which

they have spent on the scheme, and

(b) sinking fund charges so calculated that at the end of the term of the lease 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 lease;
- (ii) if and so far as the land included in the scheme is not part of the land specified in Schedule C or reclaimed within the limits specified in Schedule E, the cost of such land;
- (iii) preliminary expenses and an allowance for management and supervision up to the date of the commencement of the lease.
- (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

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- (b) in all other cases the market value of the land at the date of the declaration of the scheme.
- (5) On the expiration of the lease the building and the land forming the site thereof shall vest absolutely in His Majesty.

Schemes hitherto sanctioned.

55. (1) From the date on which this Act comes into operation there Provision as shall vest in the Board all the rights and liabilities of the Board dissolved to schemes by this Act in respect of any Improvement scheme, Street scheme, sanctioned. 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 [1]City of Bombay Improvement Act, 1898.

(2) The Board shall subject to the provisions of this Act, proceed with due diligence in the execution of any scheme specified in sub-section (1) which remains unexecuted on the date specified in the said sub-section until the completion of the scheme.

Vesting of Streets, etc.

56. (1) Whenever under any scheme of the Board the whole or any Municipal part of an existing public street vested in the Corporation is required street required for for the purpose of such scheme, or whenever the whole or any part of any scheme and . vacant land vested in the Corporation is required to be included in the site vacant of any street to be formed or altered by the Committee under such scheme, municipal the Committee shall give notice to the Commissioner, which notice shall required be signed by the Chief Officer with the sanction of the Committee and put for street up in or near so much of such existing street or vacant land as is required in by the Board, that the whole or a part, as the case may be, of such existing street or vacant land (hereinafter called the "part required") is required by them as afcresaid, and the part required shall thereupon, subject to the provisions of sub-section (2) of section 61, be vested in the Board free of all rights and incumbrances: provided that nothing in this section contained shall be deemed to affect the rights or powers of any municipal authority, under Chapters IX and X respectively of the Municipal Act, in or over any municipal drain or water work:

Provided further that—

(i) the Committee shall no

- (i) the Committee shall not take over the part required until three months have elapsed after the publication on or near the part required of a notice to the effect that the said part is required by the Board and until the objections, if any, made in writing to the proposal and received before the date prescribed in this behalf in the notice have been considered and decided:
- (ii) unless the part required can be entirely closed without damage or substantial inconvenience to the properties adjacent thereto or to the residents in the neighbourhood, the Board shall provide some other reasonable means of access to be substituted in lieu of the use, by those entitled, of the part required and shall pay such compensation for loss of or damage to any private rights occasioned by the closing of the

part required as may appear reasonable after taking into consideration such other means of access, and shall pass a resolution in such behalf

and communicate it to the party concerned.

(2) If any question or dispute arises between the Committee and any person entitled to use the part required otherwise than as a mere licensee as to whether the part required can be entirely closed without damage or substantial inconvenience to the properties adjacent thereto or to the residents in the neighbourhood, or whether the other means of access substituted or proposed to be substituted, or whether the compensation paid or proposed to be paid, by the Board under the provises to sub-section (1) are reasonably sufficient, it shall be determined by the Collector:

Provided that such question or dispute shall be referred to the Collector for determination within three months of the communication of the resolution of the Committee upon which such question or dispute has arisen. Otherwise the decision embodied in such resolution of the

Committee shall be final.

Cost of acquiring such land when to be repaid to the Corporation. 57. In respect of any such part required which is or forms part of land acquired by the Corporation subsequently to the 9th November 1898 under the provisions of sections 298 of the Municipal Act and not forming part of any open space or street to be formed by the Board under such scheme, the Board shall pay to the Corporation the actual cost incurred by the Corporation in acquiring such land, or such portion thereof as shall bear to the whole actual cost so incurred, the same proportion that the area of the part required bears to the whole area of the land so acquired.

The Board may in respect of land vested in the Board exercise certain powers conferred upon municipal authorities in regard to public and private streets.

58. The provisions of sections 298 to 296 (both inclusive) and 308 to 329 (both inclusive) and section 489 of the Municipal Act shall, so far as may be consistent with the tenor of this Act, apply to streets or parts thereof which may become vested in the Board under this Act, during such periods as the same shall respectively remain so vested, and for the purposes of this Act, the several municipal authorities referred to in any of the said sections of the Municipal Act shall respectively mean the Committee who, in respect of any streets, or parts of streets so vested may alone exercise and perform all or any of the powers and functions which by any of the said sections might have been exercised or performed by any municipal authority either with or without the sanction, authority, or approval of any other municipal authority. The expression "municipal officer or servant" occuring in any of the said sections of the Municipal Act shall mean officer or servant of the Board.

Powers and liabilities of the Board as to gaspipes in land vested in the Board. 59. The provisions of sections 334 of the Municipal Act shall, so far as may be consistent with the tenor of this Act, apply to any streets or parts thereof which may become vested in the Board under this Act, during such periods as the same may respectively remain so vested, and, for the purposes of this Act, the expression "Commissioner" occurring in the said section of the Municipal Act shall mean the Committee who, during such periods as aforesaid, shall alone exercise and perform all or any of the powers and functions which might, under the said section of the Municipal Act, have heen exercised or performed by the Commissioner; and the expression "Municipal fund" shall mean the funds of the Board.

iom. 874.

60. The provisions of sections 3, 4, 10, 11, 12, 13, 14, 15, 27, 28 and 29 The Board of the [1]Bombay Tramways Act, 1874, shall, so far as may be consistent may exercise with the tenor of this Act, apply to public streets or parts thereof which powers may become vested in the Board under this Act, during such periods under the as the same shall respectively remain so vested, and, for the purposes Bombay Tramways of this Act, the expressions "Municipal Commissioner," "Commis-Act, 1874. sioner" and "Corporation" occurring in any of the said sections of the said Act shall mean respectively the Committee, and the expressions "Executive Engineer of the said Corporation" and "Executive" Engineer "shall mean respectively the Engineer of the Board.

61. (1) No new street, if made for carriage traffic, shall be less than Minimum 40 feet in width, nor, if made for foot traffic only, shall be less than 20 width of new streets. feet in width:

Provided that where in an improvement scheme or otherwise, wherever continuously for the whole length of a street provision is made for garden or open space on one or both sides of such street, on such terms as to preclude such space being built over, when the total space between the buildings on opposite sides of the street, including such garden or open space, is not less than 40 feet, the street between such buildings, need not, if made for carriage traffic be more, and shall not be less, than 20 feet in width, and, if made for foot traffic only, need not be more, and shall not be less, than 10 feet in width.

- (2) The Commissioner shall, on being satisfied that any street formed by the Board has been duly levelled, paved, metalled, flagged, channelled. drained and sewered in the manner provided for in the plans of any scheme duly sanctioned in accordance with this Act and that such lamps. lamp posts and other apparatus as are in his opinion necessary for the proper lighting thereof and, in his opinion, should be provided by the Board have been so provided, declare such street to be a public street." and such street shall thereupon vest or revest, as the case may be, in the Corporation, and the Corporation shall thenceforward maintain, keepin repair, light and cleanse such street.
- (3) Service passages for sanitary purposes need not be more and usually shall not be less than 10 feet in width, and, in the case of such passages, the Committee may enter into an agreement with the Commissioner or any other person as to the supervision, repair, lighting and general management thereof, but such service passages shall not be considered to be streets for the purposes of this Act.
- (4) Any open space reserved for ventilation in any part of the City. and provided by the Board as part of any scheme sanctioned under this chapter shall be transferred, on completion, to the Commissioner for maintenance at the expense of the Corporation, and shall thereupon vest in the Corporation: Provided that the Commissioner may, if necessary, require the Board, previous to the said transfer, to enclose, and, if necessary, provide lamps or other apparatus for lighting any such open space.

(5) Any dispute which arises between the Board and the Commissioner in respect of any of the provisions of this section shall be determined by the Corporation whose decision shall be final.

Acquisition of Land.

The Board may acquire land by agreement.

Subject to the provisions of this Act, it shall be lawful for the I of Committee on behalf of the Board to agree with the owners of any land 1894. or of any interest in land needed by the Board for the purposes of this Act, or with the owners 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 interests in such land, or for compensating the owners of any such right in respect of any deprivation thereof or interference therewith.

Extent to which Land Acquisition Act shall apply to acquisition of land otheragreement.

Notwithstanding anything contained in the [1] Land Acquisition Act, 1894 (in this and the next succeeding sections referred to as "the said Act"), the said Act shall not, except to the extent set forth in Schedule A, apply to the acquisition of land under this Act, but the said Act shall, to the extent set forth in the said schedule, regulate and apply wise than by to the acquisition of land otherwise than by agreement, and shall for that purpose be deemed to form part of this chapter in the same manner as if enacted in the body hereof subject to the provisions of this chapter and to the provisions following, namely :--

(1) a reference to any section of the said 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 said Act, shall, in addition to the meaning included therein under clause (a) of section 3 of the said Act be deemed, for the purposes of this Act, to include rights created by legislative enactment over any street; and clause (b) of section 3 of the said Act shall, for the purposes of this Act, be read . as if the words and parentheses " (including the Crown) " were inserted after the words "includes all persons," and the words "or if he is the owner of any right created by legislative enactment over any street forming part of the land "were added after the words "affecting the land;"

(2) in the construction of sub-section (2) of section 4 of the said 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 section 30, 42 or 52 and the expression "Local Government" shall be deemed to include the Board, 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 said Act deemed to form part of this chapter and the provisions of this chapter, the publication of a declaration under section 37, 44 or 53 shall be deemed to be the publication of a notification under section 4, sub-section (1) of the said Act; provided that the date of publication of the notification under section 33, 44 or 53 shall be deemed to be the date of the publication of the declaration under section 6 of the said Act for the purposes of section 23 first and sixthly and section 24 fourthly and seventhly of the said Act.

Provided also that where land is acquired under section 34 or subsection (2) of section 35 the date of the notification under section 33 shall be deemed to be the date of publication of a declaration under

section 6 of the said Act.

Provided further that the provisions of sub-section (2) of section 23 of the said Act shall apply when land, other than land forming part of any sanctioned scheme prepared in accordance with the provisions of section 30, is acquired specifically under this Act for the purpose of a poorer classes accommodation scheme or of a police accommodation scheme; and that in all other cases in which the land is notified for acquisition after the date on which this Act comes into operation additional compensation in consideration of the compulsory nature of the acquisition shall be awarded on the scale set out in Schedule A A.

(4) In the construction of sub-section (2) of section 50 of the said Act and the provisions of this chapter the Board shall be deemed to

be the local authority or company concerned.

64. In determining the amount of compensation to be awarded for Special any land or building acquired under this Act, the following further provisions provisions shall apply:-

pensation.

- (1) the court shall take into consideration any increase to the value of any other land or building belonging to the person interested likely to accrue from the acquisition of the land or from the acquisition, alteration or demolition of the building;
- (2) when any addition to, or improvement of, the land or building has been made after the date of the publication under section 33, 44 or 53 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 section 33, 44 or 53 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 379-A of the Municipal Act;

- (5) if in the opinion of the Court the building is in a state of defective sanitation, or is not in reasonably good repair the amount of compensation shall not exceed the estimated value of the property after the building has been put into a sanitary condition, or into reasonably good repair, less the estimated expense of putting it into such condition, or repair;
- (6) if in the opinion of the Court the building being used or intended or likely to be used for human habitation is not reasonably capable of being made fit for human habitation, the amount of compensation for the building shall not exceed the value of the materials, less the cost of demolition.

Collector to take possession after making an award and transfer land to Corporation. 65. When the Collector has made an award under section 11 of the said Act, as applied by this chapter, he may take possession of the land which shall thereupon vest absolutely in His Majesty free from all encumbrances, and the Collector shall, upon payment of the cost of the acquisition, make over charge of the land to the Committee and the land shall thereupon vest in the Board subject to the liability of the Committee to pay on behalf of the Board any further costs which may be incurred on account of the acquisition of the land.

Provision regarding pending cases. 66. (1) Notwithstanding anything contained in sections 4, 62, 63, 64 and 65 in respect of all references and appeals made to the Tribunal of Appeal or the High Court under the [1]City of Bombay Improvement Act, 1898, before the date on which this Act comes into operation the Bom said Tribunal of Appeal or the High Court, as the case may be, shall IV of continue to perform the functions assigned to it under the said Act and every such appeal shall, so far as may be, be decided in accordance with the provisions of the said Act as if this Act had not been passed.

(2) For the purposes of this section the provisions of section 48 of the [1]City of Bombay Improvement Act, 1898, with the exception of subsections (5) and (11) and the proviso to subsection (3), shall remain IV of in force for a period of eighteen months after the date on which this Act 1898 comes into operation, within which period all references shall be disposed of.

(3) There shall be an appeal to the High Court from the award or any part of the award of the Tribunal.

Provided that no person who is a member of the Board or Improvements Committee or who under the Act is disqualified to be a member of the Board or Improvements Committee, shall be qualified to be a member of the Tribunal.

Further provision regarding pending references. [2]66-A. [(1) On the expiry of the period mentioned in sub-section (2) of section 66, and notwithstanding anything contained in the said sub-section, all references made to the Tribunal of Appeal under the

^[1] Vol. IV of Bom. Code.

^[*] This section was inserted by Bom. V of 1927, s. 3.

198.

[1]City of Bombay Improvement Act, 1898, and pending before the Tribunal on the date of such expiry, and all moneys, securities and other properties in the custody of or held or controlled by the Tribunal, and all papers, documents, vouchers, books, records and proceedings of the Tribunal shall be transferred to the High Court on its Original Side.

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

RESUMPTION OF LANDS FROM THE BOARD.

67. Whenever any land specified in Schedule C or Schedule D is Compensaresumed by Government or the Corporation, respectively, under the tion to provisions of this Act, the market value of the land as at the date of land resumed. resumption, as determined by the Collector, or in appeal by the High Court, shall be paid to the Board by Government or by the Corporation as the case may be.

CHAPTER IV.

Borrowing Powers.

68. The Board may, from time to time, borrow or re-borrow and Power to take up at interest from the Secretary of State for India in Council or, borrow from with the previous sanction of Government, from any other person, any of State for sum necessary for the purpose of defraying any costs, charges or India in expenses incurred or to be incurred by them in the execution of this Act, Council or other persons. inclusive of any debit balance which shall be chargeable to Capital under section 88, or for the purpose of discharging any loan raised under this Act or the [1]City of Bombay Improvement Act, 1898.

Provided that no loan exceeding in amount twenty-five lakhs of rupees shall be raised by the Board, unless the terms, including the date of floatation of such loan have been approved by the Government of India.

69. Whenever the sanction of Government has been obtained to the Government raising of money by the Board from any person other than the Secretary to direct of State for India in Council, Government shall, subject to the provisions which money of the last preceding section, direct and appoint the manner in which shall be and the time at which such money shall be raised.

from other

70. (1) The Board shall either pay off the money borrowed under Provision for the provisions of the last two preceding sections by equal yearly or half-sinking fund yearly instalments of principal or of principal and interest, or they shall money in every year set apart as a sinking fund and accumulate in the way of borrowed.

compound interest, by investing the same in the purchase of public securities 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 within the period sanctioned for the loan or within such other period as may be approved by Government.

- (2) In respect of any sinking funds which by this Act the Board are directed or empowered to invest in public securities, and in respect of any surplus moneys which by this Act the Board are empowered to invest in like securities, 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 Government shall have been duly obtained under section 68, 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.
- (3) The issue of any such debentures direct to and in the name of "The Trustees for the Improvement of the City of Bombay" shall not operate to extinguish or cancel such debenture but every debenture so issued shall be valid in all respects as if issued to, and in the name of, any other person.
- (4) 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.

Dates fixed for investment of sinking funds in public securities.

71. The investment every year or every half year of any sum set apart as part of the principal of a sinking fund shall be made within fifteen days after the day on which the payment of interest is due by the Board in respect of the loan for repayment of which such sinking fund is established and the investment of any sum received by the Board on account of interest on moneys forming part of a sinking fund already invested, shall be made within one month from the day on which such interest is received.

Period over which loans may extend.

- 72. Except with the previous sanction of Government-
- (1) the period for the repayment of any loan shall not exceed sixty years, and
- (2) when money is borrowed for the purpose of discharging a previous loan, the time for repayment of the money so borrowed shall not extend beyond the unexpired portion of the period for which the original loan was sanctioned.

Form of securities.

- 73. (1) When money is raised by the Board on debentures, the debentures shall be in the form of Schedule B, or in such other form as the Board, with the previous consent of Government shall, from time to time, determine.
- (2) The holder of any debenture in the form of Schedule B, or in any form duly authorised under this section, or under [1]Bombay Act IV of 1898

may obtain in exchange therefor, upon such terms as the Board shall from time to time determine, a debenture in any other form so authorised.

(3) Every debenture issued by the Board shall be transferable-(a) if it is in the form of Schedule B, by endorsement, and

(b) if it is in any other form, in such manner as shall be

therein expressed.

- (4) The right to sue in respect of the moneys secured by debentures issued under this section or under [1] Bombay Act IV of 1898 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.
- 74. (1) Notwithstanding anything in section 45 of the [2] Indian Payment to Contract Act, 1872, when any debenture or security issued under the joint payees. provisions of this Act or under [1] Bombay Act IV of 1898 is payable to two or more persons jointly, and either or any of them dies, the debenture or security shall be payable to the survivor or survivors of those persons.

(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 or security 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.

75. Notwithstanding anything in section 45 of the [2] Indian Contract Power of Act, 1872, where two or more persons are joint holders of any debenture one or more joint holders for any interest or dividend payable in respect of such debenture or security unless notice to the contrary has been given to the Board by any other of those persons.

or security issued under the provisions of this Act, or under [1] Bombay to grant Act IV of 1898 any one of those persons may give an effectual receipt receipts. 76. Notwithstanding anything contained in section 68 the Board The Board may take from any bank credit on a cash account to be opened and kept may take

with such Bank in the name of the Board to the extent of any loan from Banks sanctioned under section 68, and may, with the sanction of Government and grant grant mortgages, subject to the provisions of this Act, of lands and property vested or vesting in or belonging to the Board, or any part thereof, in security of the payment of the amount of such credit or of the sums advanced from time to time on such cash account with interest thereon.

77. Notwithstanding anything contained in section 68 the Board may The Board also borrow, for the purpose of this Act, from any bank or banks pres- to have cribed by Government under section 106, against any Government horrow from promissory notes or other securities in which for the time being the banks Board's cash balance may be invested.

Government promissory notes or securities.

Provisions for loans raised by the Board of Trustees under Bombay Act IV of 1898.

78. In the case of all loans raised by the Board of Trustees under and in accordance with the provisions of the[1] City of Bombay Improvement Act, 1898, before this Act comes into force the following provisions IV of shall apply :-

- (i) if when such loans were raised the loans were made repayable from sinking funds, the Board shall establish sinking funds for the repayment of such loans and shall pay into such funds such sums on such dates as may have been fixed when the loans were raised:
- (ii) all securities and cash held by the Board of Trustees in existence when this Act comes into force in sinking funds established for the repayment of such loans shall be transferred to the Board and shall be held by them as part of the sinking funds established under
- (iii) the provisions of section 70 shall apply to such sinking funds; (iv) if when any such loans were raised the loans were made repayable by equal payments of principal and interest or by equal payments of principal the Board shall make such payments on such dates and in such manner as may have been fixed when the loans were raised;
 - (v) the provisions of section 95 shall apply to such loans.

CHAPTER V.-

PROPERTY AND LIABILITIES.

Transfer of Property to the Board.

- (1) Subject to the provisions hereinafter contained and to all charges and liabilities affecting the same there shall vest in the Board from the date on which this Act comes into operation all the immoveable and other property of the Board dissolved by this Act, to be held in trust for the purposes of this Act, including all the estate, right, title and interest of the Board dissolved by this Act in and to the lands specified in Schedule C and Schedule D, and in the reclaimed lands specified in Schedule E and shown on the deposited plans.
- (2) (a) In respect of the lands referred to as the Flats, specified in Schedule C as plots 1 (b), 1 (c) and 1 (d), the Board may, subject to the power of resumption reserved by sub-section (9) 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 as plot 1 (j) shall, subject as aforesaid, be permanently appropriated as an open space, but such appropriation shall not preclude the Board from letting the said lands from time to time on lease for a term not exceeding one year, or with the previous sanction of Government and on such conditions as may be approved by Government for a term not exceeding 30 years, for the purpose of a race-course or for any purpose of public recreation or amusement.

(c) All the lands specified as plots 1 (a), 1 (e) to 1 (i) both inclusive

and 1 (k) shall vest absolutely in the Board.

(3) The lands respectively referred to in Schedule C as the Cooperage Plot and the Marine Lines Maidan shall be permanently maintained as open spaces, provided that any part of the said lands may at any time be occupied by Government for any temporary purpose, subject to the provisions of any by-laws made by the Committee under clause (b) of sub-section (1) of section 113.

(4) The Committee on behalf of the Board shall be responsible for the maintenance and management of any area forming part of the lands referred to in sub-sections (2) and (3), which may, from time to time remain unsurrendered, unappropriated to building purposes or unresumed as aforesaid, and shall do, or cause to be done, all acts necessary for the preservation of all existing rights in and over such area and subject to the provisions of this Act, the Committee shall have power to let the whole or any part of such area for any temporary purpose on sufferance lease, at such nominal or other rent as the Committee may approve.

(5) All the estate, right, title and interest of the Board to and in any land specified in Schedules C and E vested in the Board under this section, with the exception of the lands specified in clause (c) of sub-section (2) shall, subject to the provisions of this section, remain so 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 by the Board 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 be determined.

. (a) where the lease granted by the Board is a non-renewable lease, upon the expiration of such lease;

(b) where the lease granted by the Board contains a clause for the

renewal of the lease.

(i) when a renewed lease shall have been entered into, upon the

expiration of such renewed lease;

(ii) when a renewed lease shall not have been entered into, upon the expiration of a period equivalent to the maximum term for which the lease granted was expressed to be renewable:

Provided that no unrenewable lease shall be granted for a period. of more than 99 years, and that in no case shall the aggregate duration of the term of a renewable lease and of the term for which such lease shall be renewed or be expressed to be renewable, exceed 99 years.

(6) All lands specified in Schedule D shall vest absolutely in the Board.

(7) It shall be lawful for the Committee from time to time with the sanction of Government in the case of land specified in Schedule C, and with the sanction of the Corporation in the case of land specified in Schedule D, to take any land out of the said Schedules in exchange for any freehold land, the property of the Board, which they wish to bring on to the said schedules. An exchange made under this sub-section shall operate to transfer the land taken out of the schedules to the Board free from all conditions of resumption and revesting created by this Act

and free from all encumbrances and to vest the land brought on to the schedules in the Board as if it were part of the property originally entered in Schedule C cr Schedule D, as the case may be, to the said Act.

- (8) Without prejudice, and in addition to the powers conferred on the Board by section 81, it shall be lawful for the Board to take over and hold any other lands within the City of Bombay of which they may be put in possession by the Secretary of State for India in Council or by the Corporation, to the intent that such lands shall vest in the Board in the same manner and subject to the same conditions as if such lands, if taken over from the Secretary of State for India in Council, were included in Schedule C, or, if taken over from the Corporation, were included in Schedule D, and such vesting shall in every such case take effect, upon delivery to the Board of posses ion of the land.
- (9) Any land, other than land specified in clause (c) of sub-section (2) and the lands referred to in Schedule C as the Cooperage Plot and the Marine Lines Maidan and also other than land leased or agreed to be leased by the Board, specified in Schedule C, which shall be required by Government for a public purpose, or specified in Schedule D which shall be required by the Corporation for a public purpose, may at any time, after giving six months' notice to the Board, be resumed by Government or by the Corporation as the case may be.
- (10) Government may, with the concurrence of the municipality in the case of land specified in Schedule D, by-notification in the Bombay Government Gazette from time to time add to or amend the entries in Schedule C or Schedule D so far as may be necessary in consequence of any exchange, resumption, acquisition or other transfer of land, and 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 C or Schedule D include a notification of the whole schedule or schedules as so altered.

Vesting of property in His Majosty and the Corporation on the termination of leases granted by the Board. 80. Upon the determination of the further period mentioned in sub-section (5) of section 79 the property vested in the Board, under the said section in any part of the lands specified in Schedule C 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, and of the lands specified in Schedule E, shall be forthwith divested and such part of such lands shall vest or revest absolutely in His Majesty.

General Powers as to Property.

Power to the Board to acquire and hold property.

- 81. (1) The Board shall, for the purposes of this Act, have power to acquire and hold movable and immovable property, whether within or without the City.
- (2) The Committee on behalf of the Board shall, subject to the provisions of this Act, have power—
 - (a) to maintain, repair, alter, manage, demolish and let on hire, or lease any movable or immovable property which may have become vested in or been acquired by the Board;

(b) to sell or otherwise convey any movable or immovable property which may have become vested in or been acquired by the Board other than the lands specified in Schedules C and E with the exception of the lands referred to in clause (c) of sub-section (2) of section 79;

- (c) to delegate to the Chief Officer, subject to such conditions and limitations as the Committee may impose, any of the powers, duties and functions required for the management of all immovable and other property vesting or to vest hereafter in the Board under the provisions of this Act, and the powers, duties and functions so vested in the chief officer may be exercised, performed or discharged, under his control and subject to his revision and to such conditions and limitations, if any, as he shall think fit to prescribe, by any officer of the Board whom he generally or specially empowers in writing in this behalf; and the expression "Chief Officer" shall, to the extent to which any officer of the Board is so empowered, be deemed to include such officer.
- The Board shall have power, subject to the provisions Power to of section 79, to apply any of the lands specified in Schedules C, D and apply certain lands vested E for the purposes of any scheme under this Act.

in the Board to the purposes of any scheme under this

83. (1) When the Corporation are satisfied that there is no longer Provision for any necessity for the continuance of the Board of Trustees, they shall dissolving the Board make a representation to Government in that behalf and Government and effect of may, by notification in the Bombay Government Gazette, with the previous dissolution. sanction of the Government of India, dissolve the Board from a date to be specified in the notification.

(2) Thereupon, notwithstanding anything contained in any section of the said Act-

- (a) all the right, title and interest of the Board on that date in the lands specified in Schedules C, D, E and F shall vest in the Corpora-
- (b) the Corporation shall take over all the assets and liabilities of the Board.

CHAPTER VI.

REVENUE AND EXPENDITURE.

Contribution from Municipal Fund.

84. The Commissioner shall pay from the Municipal Fund to the Amount of Board on the first day of May in each year a lump sum equal to double payment to be made by the amount of the actual net realizations of the Corporation in the pre- the Commisceding financial year, under the head of General Tax or payments made sioner to the in lieu of General Tax (including arrears and payments in advance), first day of divided by the rate fixed for the General Tax for the said financial year. May.

Municipal Taxes.

Assessment of municipal taxes in respect of property of the Board. 85. The rateable value of all buildings and lands in the City vesting in the Trustees for the Improvement of the City of Bombay, in respect of which property taxes would be primarily leviable from the said Trustees, shall with respect to each Trust Estate, be determined by the Municipal Commissioner in accordance with the provisions of section 154 of the Municipal Act, and the said Commissioner shall allow from time to time, having regard to the provisions of sub-section (2) of section 158 and section 175 of the Municipal Act, such deduction as he may deem fit on account of vacancy, not being less than the actual percentage of vacancy as ascertained from the Trust's accounts of the preceding year.

Payments by Government.

Payment to be made by Government. 86. Government shall pay to the Board, from the date on which this Act comes into force and until the ninth day of November 1997, all rents and profits derived by Government from the lands specified or referred to in Schedule F.

Division of Accounts.

Accounts:
Application
of proceeds
of sale and
exchange of
property.

- 87. The Board 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 Board other than monies temporarily borrowed in accordance with section 77:
 - (b) the proceeds of the sale or exchange of, or the compensation awarded under the [1]Land Acquisition Act, 1894, for the acquisition I of by Government of any portion of the lands or buildings vested or 1894, vesting in the Board under this Act;
 - (c) the proceeds of the sale or exchange of any movable property of the Board purchased by debit to the Capital account;
 - (d) fines or premia levied on granting leases, and sums paid in composition or part composition of rents under leases;
 - (e) any surplus which the General Account shall disclose at the end of each financial year;
 - (f) any other sums granted by Government and directed by them to be credited thereto;
 - (g) any other sums which the Committee direct to be credited thereto.

Application of moneys credited to Capital Account.

- 88. The moneys credited to the Capital Account shall be held by the Board in trust and shall be applied to—
 - (1) meeting the costs of framing and executing schemes in accordance with this Act, including the costs of acquiring lands and the cost of constructing buildings required for carrying out any of the purposes of this Act;
 - (2) the repayment of all loans credited to the Capital Account;

- (3) making good the deficit, if any, in the General Account, at the end of the financial year, provided that the net aggregate amount which may be so debited to the Capital Account shall not exceed 15 per centum on the aggregate Capital debt of the Board;
- (4) advancing any sums necessary for the erection, equipment and maintenance of workshops, including tools and plant and transport equipment, required generally for the execution of any scheme under this Act.
- 89. The scheduled values of the lands specified in Schedules C and D Value of shall be included in the Capital Account both under receipts and ex-Schedules C penditure, the scheduled values of the lands resumed in any year being and D to be included in reduced from both sides of the said account in that year. the Capital
- 90. The Capital account shall show the total expenditure (including Capital a proportionate charge for the cost of management) incurred by the Board Account. on each scheme separately, and shall also distinguish between the expenditure incurred on-

(a) the improvement of lands vested in the Board and specified in Schedule C:

(b) the improvement of lands vested in the Board and specified in Schedule D:

(c) lands referred to in Schedule E.

91. There shall be credited to the General Account-

General

Account

Account

(1) all interest on the Board's investments other than interest on Account. securities in which the sinking fund balances are invested:

(2) all sums contributed from the Municipal funds and received by the Board under section 84;

(3) all fines and damages recovered under section 120:

(1) all rents of lands vested in the Board;

(5) the net profit at the close of the year, if any, on sales of securities held by the Board:

(6) all other receipts of the Board which are not required to be credited to the Capital account.

92. (1) The moneys credited to the General Account shall be held Charges to by the Board in trust and shall be applied by them in payment of the which following charges, namely:-

(a) all payments for interest and sinking fund charges due the General on account of any loan;

(b) the amount of the cost of management apportioned to General applied. Account as provided in section 94;

(c) all sums payable by the Board in respect of rates and taxes levied under the Municipal Act upon lands and buildings vested in the Board:

(d) all other sums due by the Board 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-section (1), shall be credited to the Capital Account.

(3) The Committee shall have power to 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.

The General Account to distinguish between items included in it.

The cost of Management to be first debited to General Account and thereafter to be apportioned between Capital Account and General Account.

Procedure in event of

default by Board in

payment of

interests or

investment of sinking

fund charges.

- 93. 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 Board and specified in Schedule C;
 - (2) lands vested in the Board and specified in Schedule D;
 - (3) lands situate within the limits specified in Schedule E;
 - (4) other lands and buildings vesting in the Board.
 - 94. The net cost of management including-
 - (a) the salaries and allowances of the Trustees, the Chief Officer, Acting Chief Officer, and the scheduled staff;
 - (b) the expenses in connection with the Land Acquisition Officer and the Tribunal of Appeal;
 - (c) pensions, gratuities and contributions by the Board to the Provident Fund;
 - (d) office expenses, cost of audit, expenses of loans, losses on investments and other incidental expenses;

shall in the first instance 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 Committee shall determine.

Guarantee for fulfilment of Liabilities.

95. (1) If the Board fail-

- (a) to pay any interest due in respect of any loan taken in pursuance of section 68;
- (b) to pay or to set aside and invest any sum as required by section 70 or section 78;

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 section 70 or section 78; 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 Government may attach the rents and other income of the Board and thereupon the provisions of sub-sections (2) and (3) of section 99 of the Municipal Act shall with all necessary modifications be deemed to apply.

(2) Whenever the Commissioner has made any payment to the Accountant-General under sub-section (1) Government shall reimburse the Corporation out of the rents and income attached under that sub-section, and if such rents and income prove insufficient for the purpose, the Corporation may with the previous sanction of Government levy any such special tax as may be sufficient to repay to the Municipal Fund the amount withdrawn by the Commissioner as aforesaid. Such special tax shall be in addition to the taxes from time to time leviable under the Municipal Act.

- 96. If the Commissioner fails to make any payment as required by Procedure section 84 or section 95 Government may attach the Municipal funds in case of default by or any tax leviable by the Corporation and thereupon the provisions of Commissub-sections (2) and (3) of section 99 of the Municipal Act shall with sioner. all modifications be deemed to apply and Government may further require the Corporation to levy a special tax as provided in the last preceding section.
- 97. All moneys paid by the Commissioner under sub-section (1) of Certain section 95 and not reimbursed by the Local Government under sub-sec-sums to tion (2) of that section and all moneys payable under sub-section (1) of upon the section 95 and levied under section 96 shall constitute a charge upon property of the property of the Board.

Annual Estimates.

- 93. (1) The Chief Officer shall, at a special meeting to be held in the Chief Officer month of January in each year, lay before the Committee an estimate an annual of the income and of the expenditure of the Board for the year commenc-estimate ing on the first day of April then next ensuing, in such detail and form of income as the Committee shall from time to time direct.
- and expenditure.
- (2) Such estimate shall make provision for the due fulfilment of all the liabilities of the Board and for the efficient administration of this Act and shall be completed and printed, and a copy thereof sent by post, or otherwise, to each member of the Committee at least ten clear days prior to the meeting before which the estimate is to be laid.
- The Committee shall consider the estimate so submitted to them The Comand shall approve the same either unaltered, or subject to such alterations mittee to sanction or as they shall think fit.

amend such

100. The estimate, as approved by the Committee, shall be submitted Estimate to the Board before the 15th February who may, if they think fit, at any mitted to time refer the whole or any part thereof back to the Committee for further the Board consideration, or adopt the estimate or any revised estimate submitted for sanction to them, either as it stands or subject to such alteration as they deem expedient:

Provided that if the Board do not pass the estimate before the 31st March, the estimate approved by the Committee shall be held to be in force till the estimate is finally adopted by the Board.

101. When this Act comes into force, the latest Budget estimate Latest Budduly sanctioned in accordance with Bombay Act IV of 1898 shall be get estimate considered as having been sanctioned in accordance with this Act. under Bombay

Act IV of 1898 to be considered tioned under this Act

Committee may prepare supplementary estimate.

102. The Committee may, at any time during the year for which any such estimate has been sanctioned, cause a supplementary estimate to be prepared and submitted to them. Every such supplementary estimate shall be considered and approved by the Committee and submitted to the Board for sanction in the same manner as if it were an original annual estimate.

Sum not included in estimate may not be expended.

- 103. (1) Save in cases of pressing emergency no sum exceeding five thousand rupces shall be expended by or on behalf of the Board, unless such sum is included in some estimate at the time in force which has been finally sanctioned by the Board, or is included in an amount payable by the Board under a decree of the High Court of Bombay.
- (2) If any sum exceeding five thousand rupees in amount is so expended on a pressing emergency, the circumstances shall be forthwith reported by the Committee to the Board, together with an explanation of the manner in which it is proposed by the Committee to cover such extra expenditure.

Audit of Accounts.

Audit of Accounts.

- 104. (1) There shall be a pre-audit and a post-audit. The pre-audit shall be conducted by the Chief Accountant under the supervision of the Chief Officer.
- (2) Whenever any difference of opinion arises between the Chief Officer and the Chief Accountant as to whether any sum is or is not covered by some estimate which has been sanctioned under section 100 or 102, the same shall be reported by the Chief Officer who shall forward the opinion of the Chief Accountant together with his own to the Committee whose decision shall be final.

Accounts to be sudited and examined by auditors appointed by Government.

- 105. (1) The accounts of the receipts and expenditure of the Board shall be post-audited and examined by such auditor as shall, from time to time, be appointed by Government.
- (2) For the purposes of such audit and examination, the auditor may, by summons in writing, require the production before him of all books, deeds, contracts, vouchers, and all other documents and papers which he may deem necessary and may require any person holding or accountable for any such books, deeds, contracts, accounts, vouchers, documents or papers, to appear before him at any such audit and examination or adjournment thereof and to make and sign a declaration with respect to the same.
- (3) The auditor shall forthwith report to the Committee any material impropriety or irregularity which he may observe in the expenditure or in the recovery of moneys due to the Board or in the accounts.
- (1) Within fourteen days after the audit and examination of the accounts of each half-year shall have been completed, the auditor shall forward his report upon the accounts to the Committee who shall cause an abstract of the audited accounts to be published in the Bombay Government Gazette. The Committee shall submit a copy of the auditor's report and of the abstract of the accounts to Government and also forward a copy of the said report and of the abstract to the President of the Board.

(5) The auditor shall be paid by the Board such remuneration as Government may from time to time determine.

Banking and Investments.

106. (1) All moneys payable to the Board shall on receipt be forthwith All moneys paid into the Bombay Head Office of the Imperial Bank of India to the deposited credit of an account which shall be styled "The Account of the Trustees in Imperial for the Improvement of the City of Bombay." 🗀 Bank of India

or other (2) Surplus moneys at the credit of the said account may, from time prescribed to time, be deposited by the Board at interest in the Imperial Bank of Bank. India, or in such other bank or banks as may, from time to time, be prescribed by the Government or may be invested in any of the securities mentioned in section 20 of the [1] Indian Trusts Act, 1882.

- 107. Payment of any sum due by the Board exceeding one hundred Mode of rupees in amount shall be made by means of a cheque and not in any payment. other way.
- 108. All orders for making any deposit, investment or withdrawal Orders for making of a deposit and disposal of any securities, and all cheques shall be signed deposit, etc., (1) by the Chief Officer and the Chief Accountant, and by whom to be signed.
 - (2) in the event of the illness or occasional absence from Bombay of the Chief Officer or the Chief Accountant, as the case may be, by the Chairman of the Committee in his place.

CHAPTER VII.

OF THE OFFICERS AND SERVANTS OF THE BOARD.

Strength of Staff,

The Committee shall, from time to time, prepare and sanction Schedule of a schedule of the staff of officers and servants whom they shall deem it officers and necessary and proper to maintain for the purposes of this Act. Such servants of the Board. schedule shall set forth the amount and nature of the salaries, fees and allowances which the Committee sanction for each such officer or servant.

Provided always that—

- (a) artisans, porters and labourers and muccadams of porters and
- (b) persons in temporary employment other than those who are in receipt of a monthly pay exceeding Rs. 150 or other than those who are engaged for a definite period of six months.

shall not be deemed to be officers and servants within the meaning of this section or of section 110 [except clauses (2) and (3) thereof] or section 111.

110. The Committee may, with the approval of the Board, from time The Committo time make regulations fortee to frame (1) regulating the grant of leave of absence, leave allowances and for regulations acting and other allowances and the conditions of service, discipline and ing grant of

conduct of the officers and servants of the Board:

- (2) determining the conditions under which the officers and servants of the Board or any of them, shall on retirement or discharge or death receive pensions or gratuities or compassionate allowances and under which the widows or other relations dependent on any of the said officers and servants shall after their death receive compassionate allowances or gratuities, and the amounts of such pensions, gratuities or compassionate allowances;
- (3) authorising the payment of contributions at certain prescribed rates and subject to certain prescribed conditions to any Provident Fund which may, with their approval, be established by the officers and servants appointed under this Act, or to such Provident Fund, if any, as may be established by the Board for the benefit of such officers and servants;
 - (4) the guidance of persons employed by them under this Act.

Powers of Appointments, etc.

Appointments, etc., by whom to be made.

- 111. (1) The Engineer, Estate Agent, Chief Accountant and Land Manager shall be appointed by the Board and shall 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 Trustees present at a meeting of the Board and voting in favour of a proposition in this behalf.
- (2) Subject to the provisions of this section and of the regulations and of the schedule for the time being in force framed by the Committee under section 109 the power of appointing, promoting, suspending, dismissing, fining, reducing, discharging, accepting the resignation of, or granting leave to the officers and servants of the Board shall be exercised by the Chief Officer in the case of officers and servants whose monthly salary does not exceed three hundred rupees, and in every other case by the Committee.
- (3) The power of dispensing with the services of any officer or servant of the Board having a lien on a permanent post otherwise than by reason of such officer's or servant's own misconduct, or of permitting any officer or any servant to retire on a pension, gratuity, or compassionate allowance, shall, subject to the aforesaid provisions, be exercised by the Committee alone.
- (4) In this section the word "Engineer" means the engineer of the highest grade on the Board's ordinary staff.
- 112. Any officer or servant, who has been in the service of the Board constituted under the [1]City of Bombay Improvement Act, 1898, for a Bom. period of not less than five years before the date on which this Act comes IV of years into force, shall be entitled in case of retirement within two years from 1898. the date of the passing of this Act, to all the benefits of the rules regarding leave in force at the date of the passing of this Act, and to draw his share of the trustees' contribution to the provident fund.

Privileges of officers in service of the Board for five years prior to coming into operation of this Act.

CHAPTER VIII.

By-Laws.

113. The Committee may, from time to time, make by-laws; (a) for regulating the delegation of their powers and duties to sub-tee may committees;

make by-

(b) for the management and use of the lands vested in the Board under sub-sections (2) and (3) of section 79;

(c) for the management, use and regulation of dwellings constructed for the poorer or working classes under any scheme;

(d) generally for carrying out the purposes of this Act.

- 114. (1) No by-law or alteration or revocation of a by-law shall Approval have effect until the same shall have been approved by the Board and and publica-Government and such approval shall have been published in the Bombay by-laws. Government Gazette, and no by-law or alteration or revocation of a by-law shall be approved by Government until the same shall have been published for three weeks successively in the said Gazette.
- (2) It shall be lawful for Government at the request of the Board at any time by notification in the said Gazette to cancel any by-law or regulation made and published under the provision of this and of the last two preceding sections.
- 115. The Committee may, in the by-laws made under section 113, Penalty for prescribe such penalties as they shall deem fit for the infringement of the by-laws same: Provided that no penalty for any one infringement of a by-law shall exceed one hundred rupees, nor, in case of a continuing infringement, shall any penalty exceed fifty rupees per diem for every day after notice of such infringement shall have been given by the Committee to the person guilty of such infringement.
- 116. The Committee shall cause the said by-laws to be printed in By-laws to the English, Marathi, Gujarati and Urdu languages, and to be hung be printed. up at convenient places.

CHAPTER IX.

PENALTIES.

117. Any person who being a Trustee, or a member of the Committee For being or an officer or servant of the Board, shall acquire, directly or indirectly, interested in any share or interest in any contract or employment with, by, or on with the behalf of the Board, shall be deemed to have committed the offence made Board. Bom. punishable by section 168 of the Indian Penal Code:

XLV Provided that nothing in this section shall apply to a person who is 1860. declared not to be disqualified or to be deemed to have a share or interest in any contract or employment by sub-section (2) of section 18.

118. Any person employed under this Act, not being a public servant For obtain-Born, within the meaning of section 21 of the Indian Penal Code, who shall ingillegal accept or obtain, or agree to accept or attempt to obtain, from any person, gratification. 1860. for himself or fcr any other person, any gratification whatever, other than legal remuneration, as a reward for doing, or forebearing to do, any

official act or for showing, or forebearing to show, in the exercise of his official functions, favour or disfavour to any person, or for rendering, or attempting to render, any service or disservice, to any person, with the Board or with any public servant as such, or with Government shall be liable to the same punishment as is provided by the Indian Penal Code Bom. XLV in the case of the like offence committed by a public servant.

of 1860.

For refusing or neglecting to appear before an auditor of accounts, etc.

119. Any person who shall refuse or neglect to appear before any auditor of accounts, or to produce any books, deeds, contracts, accounts, youchers, documents or papers, or to make or sign any declaration when duly required so to do by any auditor of accounts under sub-section (2) of section 105 shall be punished for every such neglect or refusal with fine which may extend to one hundred rupees.

Cognizance of offences under this Act.

120. All offences against this Act or against any by-law made under section 113 shall be cognizable by a salaried Presidency Magistrate.

All fines and damages recovered from any offender shall be paid to the Board.

CHAPTER X.

MISCELLANEOUS.

Provision when day appointed for any purpose is a Sunday or public holiday.

Whenever any day by this Act appointed for any purpose shall happen to be a Sunday or a public holiday, the business appointed to be done on such day shall be done on the next day after such Sunday or public holiday.

Aicasurement of distances.

The distances mentioned in this Act shall be measured in a straight line on a horizontal plane.

Limitation on suits.

123. No suit or other proceeding shall be commenced against any person for anything done, or purporting to have been done, in pursuance of this Act without giving to such person one month's previous notice in writing of the intended suit or other proceeding and of the cause thereof, nor after six months from the accrual of the cause of such suit or other proceeding.

Repeal of Act XIV of 1904.

124. [1]Act XIV of 1904 (An Act to supplement certain provisions of the [2] City of Bombay Improvement Act, 1898) is hereby repealed:

Bom. IV of 1898.

IV of

1898.

Provided that such repeal shall not affect any appeal made to the High Court from any award or any part of the award of the Tribunal of Appeal under sub-section (11) of section 48 of the [2]City of Bombay Improvement Act, 1898, before the date on which this Act comes into Bom. operation, but every such appeal shall, so far as may be, be decided by IV of the High Court in accordance with the provisions of the City of Bombay Improvement Act, 1898, as supplemented by [1]Act XIV of 1904 as if Bom. this Act had not been passed.

- Trust Transfer Act, 1925

SCHEDULE A.

(See section 63)

Portions of the Land Acquisition Act, 1894, regulating the acquisition of lands under this Act.

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 subsection (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.

19

SCHEDULE AA.

(See section 63)

Scale of Additional Compensation for compulsory Acquisition.

Amount of compensation awarded.

Percentage to be allowed in addition under section 63.

Not exceeding ten thousand rupees, or, if the amount exceed ten thousand rupees for the first ten thousand.

Exceeding ten thousand, but not exceeding fifty thousand, for the amount by which it exceeds ten thousand rupees, but not exceeding fifty thousand rupees, but not exceeding one lakh, for the amount by which it exceeds fifty thousand.

Exceeding one lakh, for the amount by

Two and a half per cent.

SCHEDULE B

(See section 73)

FORM OF DEBENTURE

THE TRUSTEES FOR THE IMPROVEMENT OF THE CITY OF BOMBAY.

The

By virtue of "The City of Bombay Improvement Trust Transfer Ac
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

Common Seal.

Given under our common seal this

which it exceeds one lakh.

(Signatures of two members of the Committee and the Chief Officer.)

day of

SCHEDULE C.

(See section 79)

			dantas	Area		∀ al	00
Plot No.	Ward No.	Cadastral Survey No.	Description	Description Cadestral Survey	Total Area	Amount	Total Amoun
				Sq. yds.	Sq. yds.	Ba.	Re.
• •	!	1	THE FLATS				,n
•	·		(Deposited Plan " A ")				
(a) ·		69 Part	Bounded on the	73,811			1
		Lower Parel Divi-	North partly by piot				
		sion.	partly by the land				-
		·	North partly by plot No. K of the Flats, partly by the land belonging to the B. B. & C. L Rail-				
	į	i	ing Cadastral Survey			1	
	,	!	No. 48 and partly		ł	•	
	,	1 .:	by private property bearing Cadastral Survey No. 66. On		1		
			the South by Haines Boad. On the				
	-		East by private pro-	,		1.	
			perties bearing Cadastral Survey				· ,
	1		Nos. 66, 65, 67, and on the West partly by Tulsi Pipe Road, partly by Plot No. k of the Flats and partly by the land		.		
			by Tulsi Pipe Road,		-		
*	i]-	A of the Flate and				
			partly by the land belonging to the B. B. & C. I.		_	. *	ra, t
	1		B. B. & C. I.				
	,		Ballway Company bearing Cadastral		•		
	l		Survey No. 43.				•
			(Deposited Plan " B ")		1		ļ
(b) ·		1 883 Part	Bounded on the	405,447			
and (d)	`	Tarde o Division	North partly by the land belonging				
••			to the Bombay Municipality bear				-
	1 -		i Ing Cadastral Surview				
		1	No. 333 (part) and partly by Clerk Road; on the South				-
•			Road; on the South by private pro-				
	1		perties bearing Cadastral Survey			-	
			l Nos. 408, 403, 398.	,			•
		i		٠,			
•]	(part); on the East by the Muni- cipal main drain	•			
					7.4	-	
	1		Survey No. 389, and on the West by the		*		
			private properties bearing Cadastral Survey Nos. 399 to 409, 398, 871, 372 and 363 (part).				
	1		Survey Nos. 399 to 409, 398, 871, 372				
		•	and 363 (part).	•			,
	i		(Deposited Plan " C ")				
(e)		412 Tardeo	Bounded on the North by Clerk	19,815			
		THARRIOR	E PROBATE DES ESTADO PORTA	-			•
	ł		i he the land balana	•			
	1		ing to the Bombay Municipality bear- ing Cadastral	, ,			
			Survey No. 413; on the East partly				

					,	· v	alue
Plot	Ward.	Cadastral Survey No.	Description	Area Cadastral	Total		
No.	, NG.	Barrey No.		Survey	Area	Amount	Total Amount
	-			Bq. yds.	Sq. yds.	Rs.	Ra,
			THE FLATS-could,				•
			(Deposited Plan" C")				
			by the land belong-		, ·	-	
					,		•
			ing Cadastral Sur- vey No. 414 (part)	-			-
			Municipality bearing Cadastral Survey No. 414 (part) and partly by the land acquired by				
	1-		D D AC I Delimen		. *		
		,	Company and on the				
	i	· · · · ·	private Road bear-				
			Company and on the West by Municipal private Road bear- ing Cadastral Sur- vey No. 390 beyond which is the land				
	in, N	_	belonging to the Bombay Munici-		•		
		-	pality bearing				
			No. 411, Excluding				
		* -	the Municipal Road for Rubbish				
•			carte.				
			(Deposited Plan " D ")				, i
1 (s)	•	1030 Lower Parel Divi-	North by the Worli	8,409	••	10,511	
•		alom.	Stuice Road; on the South and West by	-	1		
			the land belonging				
•		-	Municipality bearing Cadastral Survey				Ī
			No. 286; and on the East by the				<u>!</u>
	1.		private property bearing Cadastral				
			Survey No. 1031.			-	i.
		-	(Deposited Plan " E ")				İ
1(f)	••	268 Lower Parel Divi-	Bounded on the North by private properties bearing	25,244		19,183	ļ
		sion.	I CSOMBRIST CORLARA]	1
			Nos. 473, 433, 436,	1. 4. 1.		}	• -
• :			South by the land belonging to the Bombay Muni-		1		
•			the Bombay Muni- cipality bearing			1 . h	1
			Cadastral Survey	1			1
•			East by private pro- perties bearing	i			1.
	1		Codestant Company	4 .			
٠.			Nos. 270, 267, 268, 439, 438, 437, 436, 433 and 472 and on		1	1	1
			the West by the Worli Low Level				į
			Drainage Channel.				;
	1		(Deported Plan " F")				
t (g)		144 Part	Bounded on the North by the land	4,287	-	2,679	1
••		Part Low-	belonging to the			1	İ
		er Parel Division.	Bombay Munici- pality bearing		1		

Plot	Ward	Cadastral	·	Area		Value		
No.	No.	Burvey No.	Description	Codastral Survey	Total Area	Amount	Total Amount	
				8q. yan,	Sq. yds.	Ra.	Ra.	
•	} .	1	THE FLATS contd.	·			٠.	
• • • •			(Deposited Plan " F")				• .	
			-contd.					
•			No. 264 (part of); on the South by				•	
	1	1 '	Plot 1 (t) of the Flat:	1 .				
	ł		on the East partly by the land belong- ing to the Bombay				•	
			ing to the Bombay	-			,	
	l	1 1	Municipality bearing Cadastral Survey	8		•		
		•	No. 71 (part) and partly by private properties bearing	·			1	
		!	properties bearing Cadastral Survey					
		•	Nos. 144, 145, and				i,	
		* t	on the West by Plot 1 (6) of the Fints.		1			
1 (h)		71 Part,	,	4,104	1	18,836		
		Lower Parel Divi-	North by private			20,000		
	1	alon.	Cadastral Survey	r.	•	1 .	, '	
	į	,	Nos. 106 and 107; on the South by the land belonging to	ų.	:		, *	
	1		the Bombay Muni- cipality bearing	•				
	1		Cadastral Suprem			-		
		1	No. 71 (part); on		•			
			the Bombay Muni- cipality bearing Cadastral Survey No. 71 (part); on the East by the Tulat Pipe Road bearing Cadastral Survey No. 70 and on the West by the land belonging to the Bombay Muni- cipality bearing Cadastral Survey					
			bearing Cadastral		ł			
	1	1	on the West by the	1	1			
			the Bombay Muni			, !		
			Cadastral Survey		· ,-	٠. '		
			No. 71 (part).					
			(Deposited Plan " P")		١.			
		1	Eastern portion					
1 (i)]	71 (Part)	Bounded on the	١.,				
•	Ι.	Lower Parel Divi-	land belonging to	Ì				
-	ļ	eion.	North partly by the land belonging to the Bombay Municipality bearing Cadastral Survey No. 284 (arth partly by			· -•		
	1		dastral Burvey No.			• •	•	
-	•		284 (part), partly by Plot 1 (g) of the		!	i		
]		Fiats and partly by private proportion bearing Cadastral			1		
	}	•	bearing Cadastral Burvey Nos.143, 142	l N			. •	
		•	Survey Nos.143, 142 and 140; on the South by the land belong-			i		
,	{	-	IDE to the Rombay	-i	1			
		· · · · · · ·	ing Cadastral Sur-		1			
	1	•	Municipality bear- ing Cadastral Sur- vey No. 71 (part) on the East partly	1	1			
	l		by private properties bearing Cadastral					
	1		bearing Cadastral Burvey Non.107,140, 141, 142, 143 and parity by Plot 2 (g) of the Flats and on the West by the	1	1	1		
	ĺ	•	partly by Plos 1 (g)					
,	•		the West by the	*	- ' -		, <i>'</i>	
	1		Low Level Drainage Channel					
	1		· · · · · · · · · · · · · · · · · · ·	•	ł			

]			Area		- Value		
Plot No.	Ward No.	Cadastral Survey No.	Description	Cadastrai Survey	Total Area	Amount	Total Amount	
ستندات سيدي الأرام			THE PLATS—contd.	Sq. yds.	Sq. yds.	Bo.	Re.	
•	.,		(Deposited Plon " F ")				1	
			—concid.	,				
,		110 Part	Western portion	42,062		42,062		
1 (1)		Lower Parel Divi-	Bounded on the North by private property bearing	*6,000		32,000		
**	•	sion,	Cadastral Survey No. 134 and partly					
			by private property					
			bearing Cadastral Burvey Nos. 137, 136,			·		
			138 wood barrily by		_	*	ĺ	
	1		the Low Level Drainage Channel;			7 1	2	
	1-1		on the South partly	·			ļ	
			on the South partly by the land belong- ing to the Bombay				1	
			Municipality bearing				1	
					1	` ' '	ł	
	. :		No. 1/110, partly by the Low Level	-) ·	
	1		Drainage Channel and partly by pri-				1	
			vace properties		-			
	1.5		bearing Cadastral Survey Nos. 187, 186; 189 and 134;					
			136; 139 and 134;				!	
			on the East by the Low Level drainage				1	
	1		. Channel, and on the				1	
	•		West partly by land belonging to the	* 1			Ī	
		-	Bombay Munici-					
	1 1		Cadastral Survey				ļ.	
	1		No. 110 and partly	- 1	į		1	
	1		by private proper- ties bearing Cadas- tral Survey Nos.				·	
			tral Survey Nos. 137, 139, 136 and		•		١,	
.	4		134.		e toric		1	
	h :		(Deposited Plan " G")				,	
10)		46 Lower	Bounded on the	713,658		•••		
	i	Parel Divi-	North by the Muni-		*			
			Reservoir; on the		-			
			South partly by Clerk Boad and				[
			partly by land be-					
			Clerk Boad and partly by land be- longing to the Bom- bay Municipality		•		l	
	1		boaring Cadastral Survey No. 45; on the East partly by land belonging to	1]	
,	1	•	the East partly by	1 .	!		i	
	! *		land belonging to		• , •	!	j	
			nellty hearing				ļ -	
	1		Cadestral Survey				ľ	
	į – –	,	No. 45, partly by land acquired by Government for the	a* -		ļ ,	[·	
	•	1			ı		{	
	ł	_	way Company bearing Cadastral Survey No. 46, partly by the Junction				· .	
•			ing Cadastral Sur-		7 -	1		
			by the Junction			;	1	
		;	Road and partly by the Low Lovel					
	<u>}</u>	_	! Drainege Channel			į		
			boyond which is Haines Bond, and on the West by the Municipal old drain.			!		
	1		on the West by the				}	
. ~	1		minimicipal old drain.	1	1	' '''	1	

Plos	Ward	Cadastral		Area	Total	▼.	almo
No.	No.	Survey No.	Description	Cadastral Survey	Area	Amount	Total Amount
			THE FLATS-concid.	Sq. yds.	8q. yds.	Ra,	BA.
			(Deposited Plan = 4 ")				, i
(k)		69 Part	Bounded on the	10,162		88,026	
		Lewer Parel Divi-	North by the land belonging to the B. B. & C. I. Rail-				•
•		sion.	B. B. & C. I. Rail- way Company bear-			•	
			ing Cadastral	- L	\		
	l		Survey No. 43; on the South and East by Plot 1 (a) of the Flats and on the West by I'niai Pipe				
			by Plot 1 (a) of the Plats and on the				
		•	West by Tulei Pipe				
			Line Road.				-
		-	Total	17.1	18,06,994		1,20,799
		٠ - ا		•	,,	•	_,_,,
			THE KENNEDY SEA				
1		-	FAOM	-			
			(Deposited Plan " H ")				
3	••	Fort 7	Bounded on the	4,447		••	
		i ~	North, South and West by the fore- shore of Back Bay				
. '			MANU ON THE MARK DO				
	, .	!	a public footpath.			,	
	,						
			Total	•••	4,447	••	
	٠.		THE COOPERAGE				·
		`	PLOT	, ,			
	·		(Deposited Plan I)				**
		4 and 18	Bounded on the	58,267			
	`		North by the				*,
	•.	ļ . i	on the South by	•			
	,		Wedehouse Road; on the East by Co- operage Road; and on the West		-		
_			operage Hoad; and				
			by Queens Parade Boad but excluding				•
	_ `		38 square yards on			•	
			which stands the Status of the late				
	ĺ	. '	Mr. Justice Ranade.				· ·
	ĺ		THE MARINE LIES				
	. .		ESTATE LINE			,	-
			(Deposited Plan J)				
44	٠	718 to 725	Bounded on the	32,795		3,27,950	
-	•	718 to 725. 1416 to 1421, 1429 to 1433	North her the South			0,21,900	•
,		and 1435.	side of the com- pound of Govern- ment Bungalow No. 41; on the East partly by the West boundary of Plot 'C' reserved for Military				
	1		Bient Bungalow No.				-
	1		partly by the West				(
•	1		reserved for Military	. 4	1	Ī	•
			ment Resolution		1		١, ,
			I NO. E-U.W. & dated		<u> </u>	1 4 4	
	1	1 -	and partly by the	1	1	1	i

				Area	Makit	V.	liue
Plot No.	Ward No.	Cadastral Survey No.	Description	Cadastral Survey	Total Area	Amount	Total Amoun
				Sq. yds.	Sq. yds.	Rs.	Re.
			MARINE LINES ESTATE—contd.	_	,		
			(Deposited Plan "J")	,			
	•		West boundary of				
			West boundary of Plot 4B (Marine Lines Maldan); on the South by a portion of the				
			Plot No 4B (Mardae				
			Lines Maidan); and on the West by the				
			(Marine Street) but excluding the two				2
	. .		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.				• i
. :**			THE MARINE LINES MAIDAN		!		
			(Deposited Plan I)				
4B	4.	709	Bounded on the North partly by the	91,919	••	9,19,190	-
,	* *		South boundary of Plot C reserved for Military purposes				
			by Government Re- solution No. 2-C.W. 4,dated 3rd January				
			1881, and partly by Cadastral Survey No. 725 of the		1		
			No. 725 of the Marine Lines Estate, on the East by the				
			kanlanadaand Mayo				
			Roads; on the South by Church Gate Street; on the West partly by Ma- rine Lines Road				
			rine Lines Road (Marine Street) and partly by Plot 4A (Marine Lines Es-			-	•
			(Marine Lines Es- tate) but excluding				•
	* 33 = 3 = 1		tate) but excluding the sites of the Gokhale and Mon- tague statues.			-	
			THE WELLINGTON				
			LINES PLOT.	*	!		
		14 to 16	(Deposited Plan K) Bounded on the	44,038		4,40,880	
		and 18 to 29.	North by Mayo Road; on the South-East by				
			Wodehouse Road;				
			Esplanade Road; and on the West by the Cooperage Road.				
	-		but excluding the site occupied by the Admiral's Bunga-				
	1		low.		'	• •	

;	• •			Area		Value		
Plot No.	Ward No.	Cadastral Survey No.	Description	Cadastral Burvey	Total Area	Amount	Total Amount	
				Sq. yds.	Bq. yde.	Ra.	. Ra.	
			THE WODEHOUSE BOAD PLOT.					
			(Deposited Plan L)					
8 (a)		440 to 444 .	Bounded on the North-West by Wodehouse Road;	9,494	•4	••	4.	
		i 1	by Coleba Cause-					
•			way; and on the South and South- West by Convent Street,					
6 (6)		432, 436 to 489 and	Bounded on the North-West by Wodehouse Road;	13,332	••	••	•	
		1/439, 446.	on the North and North-East by Convent Street; on the South-East by					
-			Colaba Causeway,	•			•	
		•	West by Ormiston Street, but exclud- ing the sites compled by					
		-	(1) The Eiphinstone College Students' Quarters,	,				
	, '		(2) The Telang Memorial Quarters, (3) The Wesleyan					
	,		Church and School under a lease dated 4th March 1895,		•			
			(4) The Wodehouse Road Police Ac- commodation Build- ings, and				4	
•			(5) The Temple (Cadastral Survey No. 848).			#	_ •	
6 (c)	••	425 to 428.	Bounded on the North-West and West by Wodehouse Road; on the North- East by Ormiston	18,574	••	••	••	
			East partly by the		- <u>,</u>		· · ·	
		* .	Bombay Munici- pality and partly by the property of the Bombay Elec- tric Supply and	* .				
			Tramways Company, Limited, and on the South by the B. B. & C. I. and G. L. P. Railways			,		
			G. L. P. Railways aidings.					
	}		Total, Wodehouse Road Plot.	- بر	41,400	. 	4,14,000	

Plot	Ward	Cadastral		Area	Total	Value	
No.	No.	Survey No.	Description	Cadastra) Survey	Area	Amount	Total Amount
				Bq. yds.	8q. yds.	Ra.	Re.
			TER HORNBY BOAD PLOT.				
-	-		(Deposited Plan M.)				
		800					<u>.</u>
7(a)		699 :.	Bounded on the North-East, South-	116	•	••	o t
	'		North-East, South- East and South- West by property in the occupation of the Standard Life	-			
			of the Standard Life Assurance Company,				
			and on the North- West by Bastion			1.4	
			Road.		, .		
7(8)	1	700 and 701	Bounded on the North-East by pre-			••	ļ.,
·	1	244	Mass known as the		1		
	1		on the South-East by Hornby Road; on the South-West				
•• •			on the South-West by property in the				
	1		by property in the occupation of the Standard Life			•	
•			Assurance Company and on the North- West by Bastion		-		
			Road.			•	
7(c)		740,741	Bounded on the North-East by the	1,881			
			Parai Living in		1000		
	-:		South-East by Bas-	ł ·			
· • • •			tion Boad; on the South-West by Cathedral Girls'		1		
*;			School, and on the North-West by		1		
		•	Prescott Road.				
7(d)		744,745	Bounded on the North-East by Out-	2,648	••		
2	1		ram Road; on the South-East by Hornby Road; on the South-West by property in the	10 93	Ţ.,		
			Hornby Road; on the Bouth-West by		-		
	-		Occubanyon or wressure.	1 .	1		
	1		Whiteaway Laidlaw and Company,		1		
			and Company, Limited, and on the North-West by				
`			Bastion Road.				
7(0)		752, 753, 757	Bounded on the North-East by Ravelin Street; on the South-East by		-	•	
	}	to 1399, 1407 to 1410	Ravelin Street; on the South-East by	l •			
	18 6	140, 40 1410	the South-West hy				
	1	٠.	Outram Road, and on the North-West by Marsban Road,				
·	i .		by Maraban Road, but excluding the sites of the Cathe- dral High School for Boys, the Government Stores and Bastion Road (part of) and Home				
'.'	 		dral High School for Boys, the		_		
			Government Stores			,	•
	-		(part of) and Home Street (part of) and	i	 		·
	l .		Wallace Street.		٠.	'	

	-		•	Area		Value		
Mot No.	Ward No.	Cadastral Survey No.	Description	Cacinstral Survey	Total	Amount	Total Amount	
		N - HARMAN AND THE STREET	THE HOREST ROAD	Sq. yds.	Sq. yde.	Re.	Ra	
•		<u> </u>	PLOT-soutd.		;			
	,		(Deposited Plan M.)					
7(f)		1406	Bounded on the North-East by the	2,971		• • •		
	!		site of the Scottish Free Church; on the					
]		Free Church ; on the South-East by Mura-		*.			
	1		South-East by Mura- ban Road; on the South-West by					
			Ravelin Street, and on the North-West by Wandby Road.			•		
	;	[·	by Wandby Road.	-				
7(g)	i i	1402 and	Bounded on the	702				
		1404.	North-Wast ha			. "		
	1		the South-East by					
	; • •		Mursban Hoad; on the South-East by the sites of the Elphinstone Cricket					
	g		Club Quarters and the Masonio Hall, and on the South					
			and on the South by Ravelin Street.				, ,	
7(A)		1369 and	Bounded on the	3,257		-		
1(4)		1890.	North-West hy	4,251		••	**	
	:		Murzban Road; on the South-East by		٠ _			
			Hornby Road; on the South-West by			1		
•		•	private property bearing Cadastral Survey No. 1891, and on the West by Bastion Road.					
-			Burvey No. 1891.	•				
			Bastion Road.			•	•	
7(2)		1285	Bounded on the	2,521				
•	1	*, *	North-Rest by Cruickshank Road;					
		•	on the East by Hornby Road; on the South-East by					
•	1		the South-East by					
			Muraban Road; on the South-West by	,				
•	<u> </u>	-	private property bearing Cadestral	- '				
	1 .	,	private property bearing Cadastral Survey No. 1386, and on the North-			•		
			West by Wandby Road.					
-	1	•	mond.					
		Ń	Total, the Hornby Road Plot.		41,610	., ,	6,32,380	
		· .	Road Plot.			•	,	
		.	TRIANGULAR PLOT			, ,	7	
			SOUTH OF CRAW- FORD MARKET.			}		
	١. ا		(Deposited Plan N.)	4	* .			
	١ ا	1492		7,707		1,54,140		
•			Bounded on the North by Market Boad; on the West by Hornby Rond, and on the South East by Paicon	.,	• • •	, -,,,,,,0	••	
			by Hornby Bond,			· ·	٠ .	
•		•	East by Paiton			!		
	. '		Road.					
•			Total		7,707			
		•		**	i tout	•• .	1,54,140	

No. Survey No. Survey No. Survey Description Cadastra Survey No. Survey Plot Norm Or Municipal Offices (Deposited Plan O.) 1451	Plot	Ward	Cadastral		Area		V	lue
PLOT NORTH OF- MUNICIPAL OFFICES (Deposited Plan O.) Bounded on the North by Gymmasium Road; on the South by Gymmasium Road; on the East by Horny Road, and the Construction of the Bombay Volunters of the Bombay Volunters of the Bombay Volunters (the Road) 10(a) 380, 1-380 (a) and (b) Hounded on the North partly 828, 838, 430, 1-380 (b) 1-380 (c) 1-380, 1-380 (d) and (b) Hounded on the North partly by Inadian; to Gibb's Road and partly by Inadian; to Gibb's Road and partly by the Old Body Guard Lions and partly by the Old Body Guard Lions and partly by the Old Body Guard Lions and partly by the Old Body Guard Lions and partly by the Old Body Guard Lions and partly by the Old Body Guard Lions and partly by the Old Body Guard Lions and partly by the Old Body Guard Lions and partly by the Old Body Guard Lions and partly by the Old Body Guard Lions and partly by the Old Body Guard Lions and partly by the Old Body Guard Lions and partly by the Old Body Guard Lions and partly by the Old Body Guard Lions and partly by the Old Body Guard Lions and partly by the Old Body Guard Lions and partly by Rabulnath Road and partly by the Old Body Guard Lions and partly by the Old Body	No.		Survey No.	Description	Cadastral		Amoubt	Total
MUNICIPAL OFFICES (Deposited Plan C.) Bounded on the North by Gymnasium Road; on the South by Council Road; on the East by Hornby Read, and on the West by Hornby Read, and on the West by the Bombay Volunteer Rifess. Total					-		TIMOUNE	Amount
1451 Bounded on the North by Gymnasium Road; on the South by Hornby Road, and on the West by Hornby Road, and on the West by the Head Quatters of the Bombay Volunteer Ribes. Total Tes Chauvart Where Exarts. (Deposited Plan P.) (a) 380, 1-380 (a) and (b) Rounded to 11-380 (a) and (b) Rounded to 11-390 (a) and (b) Rounded to 11-395 (b) and belonging to the Municipal Corporation bearing Cadastran Survey No. 4-395. Road and partly by the Cold Body Guard Lines and partly by the Road, partly by the Siril Road, partly by the Siril Road, partly by the Siril Road, partly by the Siril Road, partly by the Siril Road, partly by the Siril Road, partly by the Siril Road, partly by the Siril Road, partly by the Siril Road, partly by the Siril Road, partly by the Old Body Guard Lines and partly by				PLOT NORTH OF . MUNICIPAL OFFICES	Sq. yds.	Sq. yds.	Rs.	Rs.
1451 Bounded on the North by Gymnasium Road; on the South by Hornby Road, and on the West by Hornby Road, and on the West by the Head Quatters of the Bombay Volunteer Ribes. Total Tes Chauvart Where Exarts. (Deposited Plan P.) (a) 380, 1-380 (a) and (b) Rounded to 11-380 (a) and (b) Rounded to 11-390 (a) and (b) Rounded to 11-395 (b) and belonging to the Municipal Corporation bearing Cadastran Survey No. 4-395. Road and partly by the Cold Body Guard Lines and partly by the Road, partly by the Siril Road, partly by the Siril Road, partly by the Siril Road, partly by the Siril Road, partly by the Siril Road, partly by the Siril Road, partly by the Siril Road, partly by the Siril Road, partly by the Siril Road, partly by the Siril Road, partly by the Old Body Guard Lines and partly by		5 S		(Deposited Plan O.)				5.00
North by Gymnasium Boad; on the South by Council Road; on the East by Hornby Roes by the Hornby Roes by the Hornby Roes by the Hornby Roes by the Hornby Roes by the Hornby Roes by the Hornby Roes by the Hornby Roes by the Hornby Roes by the Hornby Roes by the Hornby Roes by the Hornby Roes by the Hornby Roes by the Hornby Roes by the Reyara. Deposted Plan P.	•	• •	1451		6.811		e M 990	
Horaty Road, and on the West by the Horaty Road, and on the West by the Horat Quarters of the Brombay Volunteer Ricks. Total — THE CHAUTATI WEST ENTATE. (Deposited Plan P.) (a) and (b) Bounded to 11-880, by spilling passage and the partly by spilling passage and the partly by the did not be didn't for Gibb's Road and partly by the Sirri Road; partly by the Sirri Road; partly by the Sirri Road; partly by the Old Body Guard Lines and partly by the Old Body Guard Lines and partly by the Old Body Guard Lines and partly by the Sirri Road; partly by the Old Body Guard Lines and partly by the Old Bo	-			North by Gymna-		•	2,02,030	***
Total				South by Council				
Total	•			by Hornby Boad,	,			•
Total				the Head Quarters				
Total — THE CHAUPATI W RET ESTATE. (Deposited Plan P.) (a) and (b) Bounded to 11-880 on the North partly by a public passage 383, 384, 385, 385, 385, 480, 1-385 to 4-395. Land belonging to the Municipal County County Bounded Old fooly Guard Lines and partly by the Old fooly Guard Lines and partly by private property bearing Cadastral Survey Nos. 276 and 382; on the East partly by Babul- nath Road and partly by the Old Body Guard Lines and on the West by an irregular line extending from where the public passage leading to Gibb's Road meets the Gibb's Road to the Sirri Road be- yond which are aituated properties bearing Cadastral Survey Nos. 381, 374 and 375 but excluding Dadysett Boad. (a) Land forming the Hill Biope. (b) Building land 33,451 3,44,510 2,16,150 2,16,150 2,16,150 3,44,510 Bounded on the North by Babul- nath Boad and on the Weet by Babul- nath Boad and the Weet by Babul- nath Boad and the Weet by Babul- nath Boad and on the East by Haveen Boad and on the East by Haveen Boad and on the East by Haveen Boad and on the East by Haveen Boad and on the East by Haveen Boad and on the East by Haveen Boad and on the East by Haveen Boad and on the East by Haveen Boad and on the East by Haveen Boad and on the East by Haveen Boad and on the East by Haveen Boad and on the East by Haveen Boad and on the East by Haveen Boad and on the East by Haveen Boad and on the East by Haveen Boad and on the East by Haveen Boad and on the East by Haveen Boad and on the East by Haveen Boad and on the East by Haveen Boad Boad Boad Boad Boad Boad Boad Boad	•			of the Bombay Vol- unteer Rifles.				
THE CHAUPATI W MET EXTATA. (Deposited Plan P.) 10(a) 380, 1-380						A 811	,	9 04 990
(a) 380, 1-380 (a) and (b) Bounded to 11-380, 393, 394, 395, 430, 1-355 to 14-395. (a) and (b) Bounded to the Municipal Corporation bearing Cadastral Survey No. 437, on the South partly by the Shrif Road, partly by the Shrif Road, partly by the Shrif Road, partly by the Shrif Road, partly by the Shrif Road, partly by the Shrif Road, partly by the Shrif Road, partly by the Shrif Road, partly by the Shrif Road, partly by the Shrif Road, partly by the Shrif Road, partly by Babulnath Road and partly by the Old Roay Guard Lines and partly by the Old Roay Guard Lines and not the West by an irregular line extending from where the public passage leading to Gibb's Road meets the Gibb's Road meets the Gibb's Road to the Shrif Road beyond which are situated properties bearing Cadastral Survey Nos. 381. S74 and 875 but excluding Dadysett Road. (a) Land forming the Hill Slope. (b) Building land . 33,451 . 3,34,510 Roarth By Babulnath Road on the South by Babulnath Road and on the East by Harvey Boad, but	,			*		,,,,,,,		2,02,000
10(a) 380, 1-380 (a) and (b) Bounded to 11-380, 392, 394, 395, 430, 1-395 to 4-395. 1-				ESTATE.	*.	1		
392, S94, 395, 430, 1-395 to 4-395. Road and partly by- hand belonging to the Municipal Cor- poration bearing Cadastral Survey No.437, on the south partly by the Sirri Road, partly by the Old Body Guard Lines and partly by- private property bearing Cadastral Survey No. 376 and 382; on the East partly by Babul- math Road and partly by Babul- math Road and partly by the Old Body Guard Lines and on the West by- an irregular line extending from where the public passage leading to Gibb's Road meets the Gibb's Road be- yond which are situated properties bearing Cadastral Survey Nos. 381, 374 and 375 but excluding Jadysett Road. (a) Land forming the Hill Slope. (b) Building tand 23,451 3,34,510 10(c) 398 to 404, 426 to 429 Bounded on the North by Babul- nathlast Cross Road On the South by Queen's Road Chau- pat, on the West by Babulnasth Road and on the East by Harvey Hoad, but	5 Se 1			(Deposited Plan P.)	* 11.	1_		
by a public passage leading to Gibb's leading to Gibb's Road and partly by land belonging to the Municipal Cor- poration bearing Cadastral Survey No.437; on the south partly by the Sirri Road, partly by the Old Body Guard Lines and partly by private property bearing Cadastral Survey Nos. 376 and 382; on the East partly by Babul- nath Road and partly by the Old Body Guard Lines and on the West by an irregular line extending from where the public passage leading to Gibb's Road meets the Gibb's Road to to the Sirri Road be- yond which are situated properties bearing Cadastral Burvey Nos. 381, 374 and 375 but excluding Dadysett Road. (a) Land forming the Hill Slope. (b) Building land . 23,451 3,34,510 2,16,150 North by Babul- nath lat Cross Road; on the South by Queen's Road Chau- pati, on the West by Babulnath Road and on the East by Harvey Road, but			380, 1-380	(a) and (b) Bounded				
1-395 to 4-395. Road and partly by hand belonging to the Municipal Corporation bearing Cadastral Survey No.437; on the south partly by the Sirri Road, partly by the Old Body Guard Lines and partly by private property bearing Cadastral Survey Nos. 376 and 382; on the East partly by Babulnath Road and partly by the Old Body Guard Lines and partly by Babulnath Road and partly by the Old Body Guard Lines and on the West by an irregular line extending from where the public passage leading to Gibb's Road meets the Gibb's Road meets the Gibb's Road to the Sirri Road beyond which are situated properties bearing Cadastral Survey Nos. 381, 374 and 375 but excluding Dadysett Road. (a) Land forming the Hill Slope. (b) Building Isind 33,451 3,34,510 .	æ (b).		393, 394,	on the North partly by a public passage			1	•
Cadastral Survey No.437; on the south partly by the Surri Road, partly by the Old Body Guard Lines and partly by private property bearing Cadastral Survey Nos. 376 and 382; on the East partly by Babui- math Road and Rody Guard Lines and on the West by an irregular line extending from where the public passage leading to Gibb's Road neets the Gibb's Road to- yond which are situated properties bearing Cadastral Survey Nos. 381, 374 and 375 but excluding Dadysett Road. (a) Land forming the Hill Slope. (b) Building land 33,451 3,34,510 10(c) 398 to 404, 428 to 429 Bounded on the North by Babui- math lat Cross Road; on the South by Queen's Road Chau- pati, on the West by Babulnath Road and on the East by Harvey Road, but			395. 430.	leading to Gibb's			1	
Cadastral Survey No.437; on the south partly by the Surri Road, partly by the Old Body Guard Lines and partly by private property bearing Cadastral Survey Nos. 376 and 382; on the East partly by Babui- math Road and Rody Guard Lines and on the West by an irregular line extending from where the public passage leading to Gibb's Road neets the Gibb's Road to- yond which are situated properties bearing Cadastral Survey Nos. 381, 374 and 375 but excluding Dadysett Road. (a) Land forming the Hill Slope. (b) Building land 33,451 3,34,510 10(c) 398 to 404, 428 to 429 Bounded on the North by Babui- math lat Cross Road; on the South by Queen's Road Chau- pati, on the West by Babulnath Road and on the East by Harvey Road, but			4-395.	land belonging to	1. 1. 1			-
No.437; on the south partly by the Sirri Road, partly by the Gld Eddy Guard Lines and partly by private property bearing Cadastral Survey Nos. 376 and 382; on the East partly by Babulmath Road and partly by the Old Body Guard Lines and on the West by an irregular line extending from where the public passage leading to Gibb's Road mets the Gibb's Road mets the Gibb's Road mets the Gibb's Road to the Sirri Road beyond which are situated properties bearing Cadastral Survey Nos. 381, 374 and 375 but excluding Dadysett Road. (a) Land forming the Hill Slope. (b) Building land 33,451 3,34,510	. • .	4. 1	, ,					
bearing Gadastras Survey Nos. 376 and S82; on the East partly by Babul- math Road and partly by the Old Body Guard Lines and on the West by an irregular line extending from where the public passage leading to Gibb's Road meets the Gibb's Road to the Sirri Road be- yond which are situated properties bearing Cadastral Survey Nos. 381, 374 and 375 but excluding Dadysett Road. (a) Land forming the Hill Slope. (b) Building land 33,451 3,34,510 2,16,150 Rounded on the North by Babul- math lat Cross Road; on the South by Queen's Road Chau- pati, on the West by Babulnath Road and on the East by Harvey Road, but				No.437; on the south		1		<u> </u>
bearing Gadastras Survey Nos. 376 and S82; on the East partly by Babul- math Road and partly by the Old Body Guard Lines and on the West by an irregular line extending from where the public passage leading to Gibb's Road meets the Gibb's Road to the Sirri Road be- yond which are situated properties bearing Cadastral Survey Nos. 381, 374 and 375 but excluding Dadysett Road. (a) Land forming the Hill Slope. (b) Building land 33,451 3,34,510 2,16,150 Rounded on the North by Babul- math lat Cross Road; on the South by Queen's Road Chau- pati, on the West by Babulnath Road and on the East by Harvey Road, but	•			partly by the Sirri Road, partly by the		1	· · ·	
bearing Gadastras Survey Nos. 376 and S82; on the East partly by Babul- math Road and partly by the Old Body Guard Lines and on the West by an irregular line extending from where the public passage leading to Gibb's Road meets the Gibb's Road to the Sirri Road be- yond which are situated properties bearing Cadastral Survey Nos. 381, 374 and 375 but excluding Dadysett Road. (a) Land forming the Hill Slope. (b) Building land 33,451 3,34,510 2,16,150 Rounded on the North by Babul- math lat Cross Road; on the South by Queen's Road Chau- pati, on the West by Babulnath Road and on the East by Harvey Road, but	_			Old Body Guard	-			1
survey Nos. 376 and 382; on the East partly by Babul- nath Road and partly by the Old Body Guard Lines and on the West by an irregular line extending from where the public passage leading to Gibb's Road meets the Gibb's Road to tyond which are situated properties bearing Cadastral Survey Nos. 381, 374 and 375 but excluding Dadysett Road. (a) Land forming the Hill Slope. (b) Building land 33,451 3,34,510 2,16,150 Rounded on the North by Babul- nath lat Cross Road; on the South by Queen's Road Chau- pati, on the West by Babulnath Road and on the East by Harvey Road, but Harvey Road on the Holds on the West by Babulnath Road and on the East by Harvey Road on the Harvey Road on the Harvey Road on the Harvey Road on the Harvey Road on the Harvey Road Chau- pati, on the West by Babulnath Road and on the East by Harvey Road. but				private property				٠.
an irregular line extending from where the public passage leading to Gibb's Road meets the Gibb's Road to the Sirri Road be- yond which are situated properties bearing Cadastral Survey Nos. 381, 374 and 375 but excluding Dadysett Road. (a) Land forming the Hill Slope. (b) Building land 33,451 3,34,510 Bounded on the North by Babul- nath lat Cross Road; on the South by Queen's Road Chau- pati, on the Weet by Rabulnath Road and on the Kast by Harvey Road, but								
an irregular line extending from where the public passage leading to Gibb's Road meets the Gibb's Road to the Sirri Road be- yond which are situated properties bearing Cadastral Survey Nos. 381, 374 and 375 but excluding Dadysett Road. (a) Land forming the Hill Slope. (b) Building land 33,451 3,34,510 Bounded on the North by Babul- nath lat Cross Road; on the South by Queen's Road Chau- pati, on the Weet by Rabulnath Road and on the Kast by Harvey Road, but	()			partly by Babul-		-1		
an irregular line extending from where the public passage leading to Gibb's Road meets the Gibb's Road to the Sirri Road be- yond which are situated properties bearing Cadastral Survey Nos. 381, 374 and 375 but excluding Dadysett Road. (a) Land forming the Hill Slope. (b) Building land 33,451 3,34,510 Bounded on the North by Babul- nath lat Cross Road; on the South by Queen's Road Chau- pati, on the Weet by Rabulnath Road and on the Kast by Harvey Road, but				nath Road and partly by the Old	-			
an irregular line extending from where the public passage leading to Gibb's Road meets the Gibb's Road to the Sirri Road beyond which are situated properties bearing Cadastral Survey Nos. 331. 374 and 375 but excluding Dadysett Road. (a) Land forming the Hill Slope. (b) Building land 33,451 3,34,510 leads on the South by Guen's Road Charpati, on the Weet by Rabulnath Road and on the East by Harvey Road but			1	Body Guard Lines	• .			
the Sirri Road beyond which are situated properties bearing Cadastral Survey Nos. 381, 874 and 875 but excluding Dadysett Road. (a) Land forming the Hill Slope. (b) Building tand 33,451 3,34,510 21,615 2,16,150 2,16,1				an irregular line				
the Sirri Road beyond which are situated properties bearing Cadastral Survey Nos. 381, 874 and 875 but excluding Dadysett Road. (a) Land forming the Hill Slope. (b) Building tand 33,451 3,34,510 21,615 2,16,150 2,16,1				where the public	2 1 5			
the Sirri Road beyond which are situated properties bearing Cadastral Survey Nos. 381, 874 and 875 but excluding Dadysett Road. (a) Land forming the Hill Slope. (b) Building tand 33,451 3,34,510 21,615 2,16,150 2,16,1				Gibb's Road meets				
yond which are situated properties bearing Cadastral Survey Nos. 381, 874 and 875 but excluding Dadysett Road. (a) Land forming the Hill Slope. (b) Building tand 33,451 3,34,510 Bounded on the 21,615 2,16,150 North by Babulnath Boad on the South by Queen's Road Charpati, on the Weet by Babulnath Boad and on the East by Harvey Road, but			<u></u>	the Gibb's Road to				,
Survey Nos. 381, 574 and 375 but excluding Dadysett Road. (a) Land forming the Hill Slope. (b) Building land 23,451 3,34,510 Bounded on the South by Babulnath lst Cross Road; on the South by Queen's Road Charpati, on the Weet by Babulnath Boad and on the East by Harvey Road, but	1	, .		i vona which are				
Boad. (a) Land forming the Hill Slope. (b) Building land 33,451 3,34,510 10(c) 398 to 404, 800 and the North by Babul nath 1st Cross Road; on the South by Queen's Road Chaupati, on the Weet by Babulnath Boad and on the East by Harvey Boad, but		>		bearing Cadastral	1	1		
Boad. (a) Land forming the Hill Slope. (b) Building land 33,451 3,34,510 10(c) 398 to 404, 800 and the North by Babul nath 1st Cross Road; on the South by Queen's Road Chaupati, on the Weet by Babulnath Boad and on the East by Harvey Boad, but				874 and 875 but			1.2	*
(a) Land forming the Hill Slope. (b) Building land 33,451 3,34,510 Bounded on the 21,615 2,16,150 North by Babulnath Ecose Road; on the South by Queen's Road Chaupati, on the Weet by Babulnath Boad and on the East by Harvey Boad, but				excended, bandaete	•			
Hill Slope. (b) Building land 33,451 3,34,510 2,16,150				(a) Land forming the	49.749			٠.
10(c) 398 to 404, 428 to 429 Rounded on the Saturnath 1st Cross Road; on the South by Queen's Road Chaupati, on the Weet by Eabulnath Eload and on the East by Harvey Road, but				Hill Slope.	20,020	, ,		
on the South by Queen's Road Chau- pati, on the Weet by Babulnath Road and on the East by Harvey Boad, but		7		(b) Building land	33,451	\	3,34,510	
on the South by Queen's Road Chau- pati, on the Weet by Babulnath Road and on the East by Harvey Boad, but	10(c)	••	398 to 404,	Bounded on the			2,16,150	
on the South by Queen's Road Chau- pati, on the Weet by Babulnath Road and on the East by Harvey Boad, but			*20 to 429	north by Babul- nath 1st Cross Road ;		-		
Harvey Boad, but					1			ł
Harvey Boad, but				pati, on the West				
excluding Babul-				and on the East DV			* * *	
			[excluding Babul-				1

	1			Area		V.	lme
Plot No.	Ward No.	Cadastral Survey No.	Description	Cadastral Burvey	Total area	Amount	Total Amouns
			THE CHAUPART W BST ESTATE—contd.	Sq. yda.	8q. yds.	Ra.	Re.
			(Deposited Plan P.)— sontd.				
10(d)	-	425	Bounded on the North and West by Babulnath Boad; on	232		2,320	- ••
			nath let. Cross		ě		
			Boad and on the least by privated property bearing Cadastral Survey	1			
10(0)		408, 417 to	No. 424.	6,232		62,320	
		420.	North by a 15 feet	•,000	•		
^ .		* * * * * * * * * * * * * * * * * * *	Burvey No. 413; on the South partly by Chaupati Road	•			
			bearing Cadastral Burvey No. 413; on the South partiy by Chaupati Road and partly by pri- vata property bear- ing Cadastral Sur- vey No. 407; on	•	. * 		
			the East by private properties bearing			***	
		\ ;	Nos. 407 and 409 and on the West by Babulnath Road.	-			
÷ .			Total, the Chaunati	••	1,11,279		6,15,300
			listate.	-			, ,
	l. r		CHAUPATY EAST.				
•	-		(Near Charni Road Local Orossina).	:			
11			(Departed Plan Q.)	•	:		•
**	•	1510, 1512, 1518, 1571.	Bounded on the North by a low level road and beyond by French Bridge, on the North-West	4,657	•	46,570	••
	! !		on the North-West				
		. ,	by a passage and beyond by private property bearing Cadastral Survey No. 1514, on the			·	*
:		,	No. 1514, on the East and South- East by the B. B. & C. L Railway Company's land;	• *		ļ.,	
•	i						1 .
			private properties bearing Cadastral Survey Nos. 1579, 1517, 1516, 1515 and 1514 and on the South-Weet by				
			the South-West by Queen's road, Chau- pati, but excluding the approach road				
			the approach road to Sandhurst Bridge.				
			· Total		4,657		46,570

No. No. Survey No. Description Cadastral Area Total					Area		. 7	alue
(Deposited Plan R.) S22, 323. South partly Road and partly by the Bactericlogical Laboratory build- lings and land bear- ing Godastral Survey No. 534; on the ward bearing Cadastral Survey No. 74 (part) and partly by the King Edward Memorial Hospital, partly by Farel Baok Road, partly by private proper- tral Survey No. 324; on the East partly bogical Laboratory bearing Cadastral Survey No. 324, on the East partly bogical Laboratory bearing Cadastral Edward			Cadastral Survey No.	Description	Cadastral	Total Area	Amount	Total Amount
12(A) 74 (part). Sounded on the No. 252, 223. North partly by Bholwada Cross Road and partly by the Bacteriological Laboratory building Content of the Road Burrey, No. 330; on the West partly by acquired shand of the Road bearing Codastral Survey, No. 240; on the Road Burrey, No. 250; on the Road Burrey, No. 270; on the Road Burrey,					Sq. yds.	8q. yds.	Rs.	Bs.
Bholwada Cross Road and partly by the Bactoricocicial Laboratory build- ling Cadastral Survey No. 330; on the West partly by acquired Sand of the Board bearing Cadastral Gravey No. 74 (part) and Edward Memorial Hospital; on the South partly by the King Edward Memorial Hospital, partly by Farel Back Road, partly but has bearing Cadastral Survey No. 321, and partly by a passage bearing Cadastral Survey No. 3319 to 321, and partly by a passage bearing Cadastral Survey No. 330 and, partly by private, groporties bearing, Cadastral Survey No. 297 to 299, 300 to 830, 31 and partly by private, groporties bearing, Cadastral Survey No. 297 to 299, 301 to 321, and partly by private, groporties bearing, Cadastral Survey No. 297 to 299, 301 to 301 and partly by private, groporties bearing, Cadastral Survey No. 297 to 299, 301 to 301 and 304 and on the North-Bast by acquired land of the Board bearing, Cadastral Survey No. 74 (part d), and agreed to be sold to Mervanji Dadabhoy Chamara Bounded on the Road by Dadashoy Chamarbang wa i a Breet and on the East by Respital Avenue. 12(C) 74 (part) Rounded on the East by Respital Avenue. 12(C) 74 (part) Rounded on the East by Respital Avenue. 16 Cadastral Eartly East by Respital Avenue. 17 Bounded on the East by Respital Avenue. 18 Greet and on the South-Weet by the Board's land bearing Cadastri land Bearing Cadastral Eartly Eartly Eartly Eartly Eastly Eartly Eastly Eartly Eastly Eartly Eastly						. ,	100	
Bholwada Cross Road and partly by the Bactoricocicial, Laboratory build- ing Cadastral Survey No. 330; on the West partly by acquired fland of the Board bearing Cadastral on the South partly by the King Edward Memorial Hospital; partly by Farel, Back Road, partly by the King Edward Memorial Hospital, partly by Farel, Back Road, partly by the King Edward Memorial Hospital, partly by a passage bearing Cadastral Survey No. 3319 to 321, and partly by a passage bearing Cadastral Survey No. 330 and, partly by private, groperties bearing, Cadastral Survey No. 297 to 299, 350 to 350, 33 and, partly by private, groperties bearing, Cadastral Survey No. 297 to 299, 350 to 350, 33 and, partly by private, groperties bearing, Cadastral Survey No. 297 to 299, 350 to 350, 33 and, partly by private, groperties bearing, Cadastral Survey No. 297 to 299, 350 to 350, 33 and, partly by private, groperties bearing, Cadastral Survey No. 74 (part) 12(B) 74 (part) Bounded on the North-West by the Board's land bear- ing Cadastral Sur- voy No. 74 (part of), and agreed to be odd to Merwanji Dadabhoy Chamar- Bounded on the South by Dadashoy Chamarbang wa i a Street; on the Kast by Hospital Avenue. 12(C) 74 (part) Rounded on the East by Respital Avenue. 12(C) 74 (part) Rounded on the East by Respital Avenue. 12(C) 74 (part) Rounded on the East by Respital Avenue. 12(C) 12(C) 74 (part) Rounded on the East by Rospital Avenue. 12(C) 12(C) 13(C) 14(D) 15(C) 15(C) 16(C) 17(C) 17(C) 17(C) 18(C) 18	12(A)		74 (part),	Bounded on the	1,02,873		••.	
the Bacteriological Laboratory build- ings and iand bear- ing Gadastral Survey No. 830; on the West parity by the West parity acquired aboaring Cadastral Survey No. 74 (part) and parity by the King Edward Memorial Hospital; on the South parity by Parel Back Road, parity by private proper- ties bearing Cadas- tral Survey No. 33 ard 832; and Burry No. 33 ard 832; and Burry No. 33 ard 832; and Burry No. 324; on the Kast parity by the Bacterio- logical Laboratory bearing Cadastral Survey No. 230 and properties bearing Cadastral Survey No. 240, 350 and 354 and on the properties bearing Cadastral Survey No. 297 to 299, 362 to 304, 314, 316 to 319 and 354 and on the Road bearing Cadastral Survey No. 74 (part) Bounded on the Road bearing Cadastral Survey No. 74 (part) Bounded on the Road bearing Cadastral Survey No. 74 (part) Bounded on the Road bearing Cadastral Survey No. 74 (part) Bounded on the Road bearing Cadastral Survey No. 74 (part) Bounded on the Road bearing Cadastral Survey No. 74 (part) Bounded on the Road bearing Cadastral Survey No. 75 (part of), and agreed to be sold to Merwaji Dadabhoy Chamar- bangwais, on the Road bearing Cadastral Survey Cadastral Survey No. 75 (part of), and agreed to be sold to Merwaji Dadabhoy Chamar- bangwais, on the Road bearing Cadastral Survey No. 74 (part) Bounded on the Road Survey Road Surve			322, 323.	Bhoiwada Cross				
Indoratory buildings and land bearing Gadastral Survey No. \$30; on the work of the Board bearing Cadastral Survey. No. 74 (part) and partly by the King Edward Momorial Borpital; on the South partly by the King Edward Momorial Borpital; on the South partly by Parell Back Road, partly by private proporties bearing Cadastral Survey. No. 3 13 to \$21, and partly by the Same Survey No. 3 13 to \$22, and partly by the Backeriological Laboratory bearing Cadastral Survey No. 3 10 to \$24; on the Kast partly by the Backeriological Laboratory bearing Cadastral Survey No. 33 10 to \$21, and partly by private properties bearing. Cadastral Survey No. 33 11 to \$31 and partly by private. Properties bearing. Cadastral Survey No. 30 12 to \$04. \$34. \$34. \$34. \$34. \$36 to \$19 and North-Heast by acquired land of the Board bearing. Cadastral Survey. No. 74 (part of), and agreed to be sold to Moranolic bearing Cadastral Survey. No. 74 (part of), and agreed to be sold to Moranolic bearing Cadastral Survey. No. 74 (part of), and agreed to be sold to Moranolic bearing Cadastral Survey. No. 74 (part of), and agreed to be sold to Moranolic bearing Cadastral Survey. No. 74 (part of), and agreed to be sold to Moranolic bearing Cadastral Survey. No. 74 (part of), and agreed to be sold to Moranolic bearing Cadastral Survey. No. 74 (part of) and agreed to be sold to Moranolic bearing Cadastral Survey. No. 74 (part of) and agreed to be sold to Moranolic bearing Cadastral Survey. No. 74 (part of) and agreed to be sold to Moranolic bearing Cadastral Survey. No. 74 (part of) and agreed to be sold to Moranolic bearing Cadastral Survey. No. 74 (part of) and agreed to be sold to Moranolic bearing Cadastral Survey. No. 74 (part of) and bearing Cadastral Survey. No. 74 (part of) and bearing Cadastral Survey. No. 74 (part of) and bearing Cadastral Survey. No. 74 (part of) and bearing Cadastral Survey. No. 74 (part of) and bearing Cadastral Survey. No. 74 (part of) and bearing Cadastral Survey. No. 74 (part of) and part of the Survey. No. 74 (part of)				the factor of the second of the				
ing Gadastral Surveyi No. \$30; on the West parity by acquired gand of the Board bearing Cadastral Barrey Barry by the King Edward Memorial Hospital; on the South parity by the King Edward Memorial Hospital, parity by Parel, Back Road, parity, by private proper ties bearing Cadastral, Survey No. 324; on the Kast parity, by the Bacteriol- logical Laboratory bearing Cadastral, Survey No. 324; on the Kast parity by the Bacteriol- logical Laboratory bearing Cadastral, Survey No. 330 and, parity by private, properties bearing, Cadastral, Survey No. 330 and, parity by private, Cadastral Survey, No. 207 to 206, So2 to 304, 314, sile to 319 and so4 and on the North-East by, acquired land of the Board bearing. Cadastral Survey, No. 74 (part of), and agreed to be sold to Merwanji Dadabhoy Chamara baugwala, on the Footh by Dada- boy Chamara baugwala, on the Footh weet by the Boord's alreed to be sold to Mer- yanji Dadabhoy Chamara baugwala Hobbboy Chamara baugwala Hobbboy Chamarabang wala Bereet; on the Rost by Hospi- tal Avence and on the Booth's deal- tal	1.0			Laboratory build-		1		. '
No. S30; on the West parity by acquired shand of the Board bearing Cadastral Survey Description on the South parity by the King Edward Momorial Hospital; on the South parity by the King Edward Memorial Hospital Board Road, parity Description of the Board Road,				ings and land bear-	,			
No. 74 (part) and, partity by the King Edward Momorial, Hospital; on the South partity by the King Edward Momorial Hospital, partity by Parel Back Road, partity by private proper- tion bearing Cadas- trail Survey No. 312 to 321, and partity by private, properties bearing Cadastral, Survey No. 324; on the East partly by the Bacterior logical Laboratory bearing Cadastral, Survey No. 330 and, partity by private, properties bearing, Cadastral Survey, No. 297 to 296, 302 to 304, 315 315 to 315 302 to 304, 314 315 to 315 304 North-East and North-East and North-East Survey, No. 74 (part of), and agreed to be sold to Morwani, beard bearing, Cadastral Survey, No. 74 (part of), and agreed to be sold to Morwani, beard beard beard beard and agreed to be sold to Morwani, beard beard beard on the Cadastral Survey, No. 74 (part of), and agreed to be sold to Morwani, beard wai a Street and on the East by Rospital Avenue, 12(C) 74 (part) . Bounded on the North beard arend the Avenue and on the Sattle Survey, No. 74 (part of), and agreed to be sold to Morwani, beard on the Cadastral Survey, No. 74 (part of), and agreed to be sold to Morwani, beard and on the Street and on the East by Rospital Avenue, North by Dada- bour Chamarhang val a Street; on the East by Hospital Avenue, North State by Hospital Avenue and on the South-bearing Cadastral Survey No. 74 (part of) and acreed to be sold to Mers- vanil Dadobboy,	• •	1 -		No. 830: on the				
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Memorial Hospital, partly by Parel Back Road, partly by private properties bearing Gadas—trail Survey Nos. 319 to 321, and partly by a passage bearing Cadastral, Survey No. 324; on the Kast partly by the Bacterior logical Laboratory bearing Cadastral, Survey No. 334 and Survey No. 330 and Survey No. 330 and partly by private, properties bearing, Cadastral, partly by private, properties bearing, Cadastral, partly by private, properties bearing, Cadastral, partly by private, properties bearing, Cadastral, side on 319 and 384 and on the North-East by acquired land of the Board bearing, Cadastral Survey, No. 74 (part of). 12(B) 74 (part) Bounded on the North-West by the Board's land bearing Cadastral Survey, No. 74 (part of), and agreed to be sold to Merwanji Dadabhoy Chamare-bangwala, on the South Dadabhoy Chamare-bangwala, on the East by Hospital Avenue. 12(C) 74 (part) Bounded on the North-West by Hospital Avenue and us the Rost by Hospital Avenue and so the South West by the Board's land bearing Cadastral Survey No. 74 (part of) and agreed to be sold to Merwanji Dadabhoy Chamarbang-wala Survey; No. 74 (part of) and agreed to be sold to Merwanji Dadabhoy Dadabhoy Chamarbang-wala Survey; No. 74 (part of) and agreed to be sold to Merwanji Dadabhoy Dadabhoy Dadabhoy Dadashoy Dadash		٠. ١		No. 74 (part) and	1.5	,		l' '
liemorial Hospital, partly by Parel Back Road, partly by private properties bearing Cadastral Survey Nos. 318 to 321, and partly by a passage bearing Cadastral, Survey No. 324; on the East bearing Cadastral, Survey No. 334 and partly by the Bacterior bearing Cadastral, Survey No. 334 and partly by private, properties bearing Cadastral, Burvey No. 330 and partly by private, properties bearing, Cadastral Survey No. 340, 314, 316 to 319 and 394 and on the North-East by acquired land of the Board bearing, Cadastral Survey, No. 74 (part of). 12(B) 74 (part) Bounded on the North-West by the Board's land bearing Cadastral Survey No. 74 (part of), and agreed to be sold to Merwanii Dadabhoy Chamare bangwala, on the South Dadabhoy Chamare bangwala, on the East by Hospital Avenue. 12(C) 74 (part) Bounded on the North West by Hospital Avenue and us the East by Hospital Avenue. 12(C) 74 (part) Bounded on the North West by Hospital Avenue and us the Board's land bearing Cadastral Survey No. 75 (part of) and agreed to be sold to Merwanii Dadabhoy Chamarbang wala Street; on the East by Hospital Avenue and us the South West by the Board's land bearing Cadastral Survey No. 74 (part of) and agreed to be sold to Merwanii Dadabhoy Dadabhoy Dadabhoy Chamarbang wala Survey No. 74 (part of) and agreed to be sold to Merwanii Dadabhoy D				Edward Memorial				
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319 to 321, and partly by a passage bearing Cadastral, Survey No. 324; on the East partly by the Backerio-logical Laboratory bearing Cadastral Survey Ro. 330 and partly by private properties bearing Cadastral Survey Ro. 330 and partly by private properties bearing Cadastral Survey Ro. 397 to 299, 302 to 304, 314, 316 to 319 and 334 and on the North-East by acquired land of the Board bearing Cadastral Survey, No. 74 (part of). 12(B) 74 (part) Bounded on the North-West by the Board's land bearing Cadastral Survey No. 74 (part of), and agreed to be sold to Merwanji Dadabhoy Chamar-bangwala, on the Bouth Dadabhoy Chamar-bangwala, on the East by Hopital Avenue. 12(C) 74 (part) Bounded on the North by Dadabhoy Chamarbang-wala Street; on the East by Hoppital Avenue and on the Bouth-Weet by the Board's land bearing Cadastral Survey Ro. 74 (part of) and agreed to be sold to Merwanji Dadabhoy, and agreed to be sold to Merwanji Dadabhoy Chamarbang-wala Street; on the East by Hoppital Avenue and on the Bouth-Weet by the Board's land bearing Cadastral Survey Ro. 74 (part of) and agreed to be sold to Merwanji Dadabhoy,			}	the King Edward			1	
319 to 321, and partly by a passage bearing Cadastral, Survey No. 324; on the East partly by the Backerio-logical Laboratory bearing Cadastral Survey Ro. 330 and partly by private properties bearing Cadastral Survey Ro. 330 and partly by private properties bearing Cadastral Survey Ro. 397 to 299, 302 to 304, 314, 316 to 319 and 334 and on the North-East by acquired land of the Board bearing Cadastral Survey, No. 74 (part of). 12(B) 74 (part) Bounded on the North-West by the Board's land bearing Cadastral Survey No. 74 (part of), and agreed to be sold to Merwanji Dadabhoy Chamar-bangwala, on the Bouth Dadabhoy Chamar-bangwala, on the East by Hopital Avenue. 12(C) 74 (part) Bounded on the North by Dadabhoy Chamarbang-wala Street; on the East by Hoppital Avenue and on the Bouth-Weet by the Board's land bearing Cadastral Survey Ro. 74 (part of) and agreed to be sold to Merwanji Dadabhoy, and agreed to be sold to Merwanji Dadabhoy Chamarbang-wala Street; on the East by Hoppital Avenue and on the Bouth-Weet by the Board's land bearing Cadastral Survey Ro. 74 (part of) and agreed to be sold to Merwanji Dadabhoy,				Memorial Hospital,		1	}	
319 to 321, and partly by a passage bearing Cadastral, Survey No. 324; on the East partly by the Backerio-logical Laboratory bearing Cadastral Survey Ro. 330 and partly by private properties bearing Cadastral Survey Ro. 330 and partly by private properties bearing Cadastral Survey Ro. 397 to 299, 302 to 304, 314, 316 to 319 and 334 and on the North-East by acquired land of the Board bearing Cadastral Survey, No. 74 (part of). 12(B) 74 (part) Bounded on the North-West by the Board's land bearing Cadastral Survey No. 74 (part of), and agreed to be sold to Merwanji Dadabhoy Chamar-bangwala, on the Bouth Dadabhoy Chamar-bangwala, on the East by Hopital Avenue. 12(C) 74 (part) Bounded on the North by Dadabhoy Chamarbang-wala Street; on the East by Hoppital Avenue and on the Bouth-Weet by the Board's land bearing Cadastral Survey Ro. 74 (part of) and agreed to be sold to Merwanji Dadabhoy, and agreed to be sold to Merwanji Dadabhoy Chamarbang-wala Street; on the East by Hoppital Avenue and on the Bouth-Weet by the Board's land bearing Cadastral Survey Ro. 74 (part of) and agreed to be sold to Merwanji Dadabhoy,				partry by Parel Back Road, partiv	. `	1 8		
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partly by a passage bearing Cadastral, Survey No. 324; on the East partly by the Bacterio-logical Laboratory bearing Cadastral, Survey No. 330 and, partly by private, properties bearing Cadastral Survey Nos. 297 to 299, 302 to 304, 314, 316 to 319 and 324 and on the North-East by acquired land of the Board bearing Cadastral Survey, No. 74 (part of). 12(B) 74 (part) Bounded on the North-West by the Board's land bearing Cadastral Survey, No. 74 (part of), and agreed to be sold to Merwapil Dadabhoy Chamar-bangwala, on the Boath by Dadabhoy Chamar-bangwala, on the Rast by Hospital Avenue. 12(C) 74 (part) Bounded on the Rast by Hospital Avenue and on the East by Hospital Avenue. 12(C) 75 (part) Bounded on the Surb-bangwala Survey No. 74 (part of) and agreed to be sold to Merwapil Dadabhoy Chamarbang-wala Survey No. 74 (part of) and agreed to be sold to Merwapil Bartly Bartl	1	1		traf Survey Non				
Survey No. 324 on the East partly by the Bacterio- logical Laboratory bearing Cadastral Survey No. 330 and partly by private properties bearing Cadastral Burvey, No. 297 to 299, 302 to 304, 314, 316 to 319 and 324 and on the North-East by, acquired land of the Board bearing Cadastral Survey, No. 74 (part of). 12(B) 74 (part) Bounded on the Roard's land bear- ing Cadastral Survey No. 74 (part of), and agreed to be sold to Merwapil Dadabhoy Chamar- bangwaia, on the Roath by Dadabhoy Chamar- bangwaia, on the East by Hospital Avenue. 12(C) 74 (part) Bounded en the North by Dada- bhoy Chamar- bangwaia Street: on the East by Hospital Avenue, 12(R) 12(R) 74 (part) Bounded en the North by Dada- bhoy Chamar- bang wai a Street and on the East by Hospital Avenue, 12(R) 74 (part) Bounded en the North by Dada- bhoy Chamar- bang wai a Street: on the East by Hospital Avenue, 12(R) 74 (part of) and arreed to be acid to Merwapil Dadabboy Dadabhoy Dada- Dadabhoy Dadabhoy Dada- Dadabhoy Dada- Dadabhoy Dada- Dadabhoy Dada- Dadabhoy Dada- Dadabhoy Dada- Dadabhoy Dada- Dadabhoy Dada- Dadabhoy Dada- Dadabhoy Dada- Dadabhoy Dada- Dadabhoy Dada- Dadabhoy Dadab				319 to 321, and				
Survey No. 324 on the East partly by the Bacterio- logical Laboratory bearing Cadastral Survey No. 330 and partly by private properties bearing Cadastral Burvey, No. 297 to 299, 302 to 304, 314, 316 to 319 and 324 and on the North-East by, acquired land of the Board bearing Cadastral Survey, No. 74 (part of). 12(B) 74 (part) Bounded on the Roard's land bear- ing Cadastral Survey No. 74 (part of), and agreed to be sold to Merwapil Dadabhoy Chamar- bangwaia, on the Roath by Dadabhoy Chamar- bangwaia, on the East by Hospital Avenue. 12(C) 74 (part) Bounded en the North by Dada- bhoy Chamar- bangwaia Street: on the East by Hospital Avenue, 12(R) 12(R) 74 (part) Bounded en the North by Dada- bhoy Chamar- bang wai a Street and on the East by Hospital Avenue, 12(R) 74 (part) Bounded en the North by Dada- bhoy Chamar- bang wai a Street: on the East by Hospital Avenue, 12(R) 74 (part of) and arreed to be acid to Merwapil Dadabboy Dadabhoy Dada- Dadabhoy Dadabhoy Dada- Dadabhoy Dada- Dadabhoy Dada- Dadabhoy Dada- Dadabhoy Dada- Dadabhoy Dada- Dadabhoy Dada- Dadabhoy Dada- Dadabhoy Dada- Dadabhoy Dada- Dadabhoy Dada- Dadabhoy Dada- Dadabhoy Dadab		1		nartly by a namage			,	!
by the Bacterio- logical Laboratory bearing Câdastral Survey No. 330 and partly by private properties bearing Câdastral Survey Nos. 297 to 299, 392 to 394, 314, 316 to 319 and 394 and on the North-East by acquired land of the Board bearing Cadastral Survey No. 74 (part of). Bounded on the Roard's land bear- ing Cadastral Sur- vey No. 74 (part of), and agreed to be sold to Merwanji Dadabhoy Chamar- bangwala, on the Routh by Dada- bhoy Chamar- bangwala, on the Routh by Dada- bhoy Chamar- bangwala, on the Routh by Dada- bhoy Chamar- bangwala Gwastral Survey No. 74 (part of) Bounded en the North by Dada- bhoy Chamar- bangwala Gwastral Survey Ro. 74 (part of) and agreed to be sold to Merved to be and on the South-West by the Board's land bearing Cadastral Survey No. 74 (part of) and agreed to be sold to Mer- vanji Dadabboy				I Survey No. 324:			٠.	* /
Bourley No. 330 and partly by private groperties bearing Cadastral Burvey Nos. 297 to 299, S02 to 304, 314, 316 to 319 and 324 and on the North-East by acquired land of the Board bearing Cadastral Burvey No. 74 (part of). Bounded on the North-West by the Board's land bearing Cadastral Survey No. 74 (part of), and agreed to be sold to Merwanji Dadashoy Chamere bauevala, on the Bouth by Dadashoy Chamere bauevala, on the Bouth by Dadashoy Chamere bauevala, on the Bouth by Dadashoy Chamere bauevala Avenue. Bounded en the North by Bodebhoy Chamere and on the East by Hospital Avenue. Bounded en the North by Dadabhoy Chamere and Sureet; on the East by Hospital Avenue and on the East by Hospital Avenue and on the Bouth-West by the Board's land bearing Cadastral Survey No. 74 (part of) and agreed to be sold to Merwanji Dadabhoy.							-	> 1
Bourley No. 330 and partly by private groperties bearing Cadastral Burvey Nos. 297 to 299, S02 to 304, 314, 316 to 319 and 324 and on the North-East by acquired land of the Board bearing Cadastral Burvey No. 74 (part of). Bounded on the North-West by the Board's land bearing Cadastral Survey No. 74 (part of), and agreed to be sold to Merwanji Dadashoy Chamere bauevala, on the Bouth by Dadashoy Chamere bauevala, on the Bouth by Dadashoy Chamere bauevala, on the Bouth by Dadashoy Chamere bauevala Avenue. Bounded en the North by Bodebhoy Chamere and on the East by Hospital Avenue. Bounded en the North by Dadabhoy Chamere and Sureet; on the East by Hospital Avenue and on the East by Hospital Avenue and on the Bouth-West by the Board's land bearing Cadastral Survey No. 74 (part of) and agreed to be sold to Merwanji Dadabhoy.			"	logical Laboratory		1		· .
Nos. 297 to 299, S02 to 304, 314, S16 to 319 and 324 and on the North-East by, acquired land of the Board bearing, Cadastral Survey, No. 74 (part of). 12(B) 74 (part) Bounded on the North-West by the Board's land bear- ing Cadastral Sur- vey No. 74 (part of), and agreed to be sold to Merwanja Dadabhoy Chamar- bangwala, on the Bouth by Dadabhoy Chamarbang w a i a Bireet and on the East by Hospital Avenue. 12(C) 74 (part) Bounded on the North by Dada- bhoy Chamarbang- wala Surest; on the Kast by Hospital Avenue. Survey Ro. 74 (part of) and agreed to be sold to Mer- vanji Dadabhoy.			1	bearing Cadastral	;	1 . 1		
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Nos. 297 to 299, 302 to 304, 314, 316 to 319 and 324 and on the North-East by, acquired land of the Board bearing, Cadastral Survey, No. 74 (part ol). 12(B) 74 (part) Bounded on the Board's land bearing Cadastral Survey No. 74 (part ol), and agreed to be sold to Merwanja Dadabhoy Chamare, bangwala, on the Bouth by Dadabhoy Chamarbang w a i a Birect and on the East by Hospital Avenue. 12(C) 74 (part) Bounded en the North by Dada- bhoy Chamarbang- wala Surest; on the Rast by Hospital Avenue. Bounded en the North by Dada- bhoy Chamarbang- wala Survey. To on the Rast by Hospital Avenue. 12 (C) 74 (part of) and agreed to be sold to Mer- vanji Dadabboy.	•		1 ' -	proporties bearing				
12(B) 74 (part) Bounded on the 790 North-West by the Board's land bearing Cadastral Survey No. 74 (part of). and agreed to be sold to Merwanip Dadabhoy Chamar-bangwala, on the Bouth by Dadabhoy Chamar-bangwala, on the East by Hospital Avenue. 12(C) 74 (part) Bounded on the 115 North by Dadabhoy Chamarbang wai a Street; on the Kast by Hospital Avenue. Bounded on the North by Dadabhoy Chamarbang-wala Surest; on the Kast by Hospital Avenue and on the South-West by the Board's land bearing Cadastral Survey Ro. 74 (part of) and agreed to be sold to Merwanii Dadabhoy.	4 · ·		ļ.	Cadastral Survey				
12(B) 74 (part) Bounded on the 790 North-West by the Board's land bearing Cadastral Survey No. 74 (part of). and agreed to be sold to Merwanip Dadabhoy Chamar-bangwala, on the Bouth by Dadabhoy Chamar-bangwala, on the East by Hospital Avenue. 12(C) 74 (part) Bounded on the 115 North by Dadabhoy Chamarbang wai a Street; on the Kast by Hospital Avenue. Bounded on the North by Dadabhoy Chamarbang-wala Surest; on the Kast by Hospital Avenue and on the South-West by the Board's land bearing Cadastral Survey Ro. 74 (part of) and agreed to be sold to Merwanii Dadabhoy.		· , i.e.		302 to 304, 314,				
12(B) 74 (part) Bounded on the 790 Nor.74 (part ol.) 12(B) 74 (part) Bounded on the 790 North-West by the Board's land bear- ing Cadastral Sur- vey No. 74 (part ol.) and agreed to be sold to Merwanja Dadabhoy Chamar- bangwala, on the Bouth by Dadabhoy Chamarbang w a i a Birect and on the East by Hospital Avenue. 12(C) 74 (part) Bounded en the North by Dada- bhoy Chamarbang- wala Surest; on the Kast by Hospital Avenue and Surest; on the Rast by Hospital Survey Ro. 74 (part of) and agreed to be sold to Mer- vanji Dadabboy.		١.	1.00	\$16 to \$19 and	• (٠,	
12(B) 74 (part) Bounded on the 790 Nor.74 (part ol.) 12(B) 74 (part) Bounded on the 790 North-West by the Board's land bear- ing Cadastral Sur- vey No. 74 (part ol.) and agreed to be sold to Merwanja Dadabhoy Chamar- bangwala, on the Bouth by Dadabhoy Chamarbang w a i a Birect and on the East by Hospital Avenue. 12(C) 74 (part) Bounded en the North by Dada- bhoy Chamarbang- wala Surest; on the Kast by Hospital Avenue and Surest; on the Rast by Hospital Survey Ro. 74 (part of) and agreed to be sold to Mer- vanji Dadabboy.			1	North-East by		7.		'
Cadastral Survey. No. 74 (part ol). 12(B) 74 (part) Bounded on the 790 North-West by the Board's land bear- ing Cadastral Sur- vey No. 74 (part of), and agreed to be sold to Merwanis Dadabhoy Chamare bangwala, on the Bouth by Dadabhoy Chamarbang w a i a Street and on the East by Hospital Avenue. 12(C) 74 (part) Bounded en the North by Dada- bhoy Chamarbang- wala Street; on the Rast by Hospital al Avenue and un the South-West by the Board's land bearing Cadastral Survey No. 74 (part of) and agreed to be sold to Mer- vanji Dadabboy.		1	-	1 regimined made or	-			
12(B) 74 (part) Bounded on the 790 North-West by the Board's land bear- ing Cadastral Sur- vey No. 74 (part of), and agreed to be sold to Merwanji Dadabhoy Chamar- bangwala, on the Bouth by Dadabhoy Chamar- bangwala, on the Rast by Hospital Avenue. 12(C) 74 (part) Bounded en the 115 North by Dada- bhoy Chamarbang- wala Street; on the East by Hospital Avenue, and on the East by Hospital Avenue, and on the Sure the Su		Ī .		Cadastral Survey				
Board's land bearing Cadastral Survey No. 74 (part of), and agreed to be sold to Merwapit Dadabhoy Chamare bangwala, on the Bouth by Dadabhoy Chamarbang wala Street and on the East by Hospital Avenue and bearing Cadastral Survey No. 74 (part of) and bearing Cadastral Survey No. 74 (part of) and arreed to be sold to Merwanii Dadabboy.	•			No. 74 (part of).				
Board's land bearing Cadastral Survey No. 74 (part of), and agreed to be sold to Merwapit Dadabhoy Chamare bangwala, on the Bouth by Dadabhoy Chamarbang wala Street and on the East by Hospital Avenue and bearing Cadastral Survey No. 74 (part of) and bearing Cadastral Survey No. 74 (part of) and arreed to be sold to Merwanii Dadabboy.	12(R)	1	74 (part)	Rounded on the	790	1		
ing Cadastral Survey No. 74 (part of), and agreed to be sold to Merwanji Dadabhoy Chamar bangwala, on the Bouth by Dadabhoy Chamarbang wal a Street and on the Rast by Hospital Avenue. 12(C) 74 (part) Bounded on the North by Dadabhoy Chamarbang Street; on the Kast by Hospital Avenue and on the Bouth-West by the Board's land bearing Cadastral Survey No. 74 (part of) and agreed to be sold to Merwanji Dadabboy	25(2)	**	13,11-102	f ventu-make ha frie		•		•
vey No. 74 (part of), and agreed to be sold to Merwanji Dadabhoy Chamar-to bangwala, on the Bouth by Dadabhoy Chamarbang w a 1 a Biroet and on the East by Hospital Avenue. 12(C) 74 (part) Bounded en the North by Dadabhoy Chamarbang-wala Siroet; on the East by Hospital Avenue and the Bouth-West by	•	1		Board's land bear- ing Cadastral Sun-		•		}
badabhoy Chamar-bangwala, on the Bouth by Dadabhoy Chamar-bang wal a Birect and on the East by Hospital Avenue. 12(C) 74 (part) Bounded on the North by Dadabhoy Chamarbang-wala Street; on the Kast by Hospital Avenue and un the South-West by the Board's land bearing Cadastral Survey Ro. 74 (part of) and agreed to be sold to Mer-wanji Dadabhoy			10 2	vey No. 74 (part of)				
Dadabhoy Chamar-bangwala, on the Bouth by Dadabhoy Chamarbang wala a Breet and on the East by Hospital Avenue. 12(C) 74 (part) Bounded on the North by Dadabhoy Chamarbang-wala Street; on the Kast by Hospital Avenue and on the Bouth-West by the Board's land bearing Cadastral Survey No. 74 (part of) and agreed to be sold to Merwanji Dadabhoy				i mold to Merwanii				ĺ
Bouth by Dadabhoy Chamarbang w at a Street and on the East by Hospital Avenue. 12(C) 74 (part) Bounded en the North by Dada- bhoy Chamarbang- wala Street; on the East by Hospi- tal Avenue and on the South-West by the Board's land bearing Cadastral Survey No. 74 (part of) and agreed to be sold to Mer- wanji Dadabhoy		1		Dadabhoy Chamar		[1:]		-
Chamarbaug wala Rast by Hospital Avenue. 12(C) 74 (part) Bounded on the North by Dada- banoy Chamarbaug- wala Street; on the Kast by Hospi- tal Avenue and on the South-West by the Board's land bearing Cadastral Survey No. 74 (part of) and agreed to be sold to Mer- wanji Dadsboy	•	1		bangwala, on the				-
Breet and on the East by Hospital Avenue. 12(C) 74 (part) Bounded on the 115 North by Dadabhoy Chamarbangwals Street: on the East by Hospital Avenue and on the Bouth-West by the Board's land bearing Cadastral Survey Ro. 74 (part of) and agreed to be sold to Merwanii Dadabhoy			-	Chamarbang wala		•		
12(C) 74 (part) . Bounded on the North by Dadsbhoy Chanarbane, wals Street; on the Kast by Hospital Avenue and un the South-West by the Board's land bearing Cadastral Survey Ro. 74 (part of) and apreed to be sold to Mervanji Dadsbhoy			·	Street and on the			l , ·	
12(C) Pounded on the North by Dada-bhoy Chamarbaug-wala Street; on the Kast by Hospital Avonce and on the South-West by the Board's land bearing Cadastral Survey No. 74 (part of) and agreed to be sold to Mervanji Dadabboy		1 * .	1 -	Avenue.		ا ـ ا]
wals Street; on the East by Hospi- tal Avenue and on the South-Weet by the Board's land bearing Cadestral Survey No. 74 (part of) and agreed to be sold to Mer- wanji Dadabloy		1			3-4	i i	-	`
wals Street; on the East by Hospi- tal Avenue and on the South-Weet by the Board's land bearing Cadestral Survey No. 74 (part of) and agreed to be sold to Mer- wanji Dadabloy	12(C)		74 (part)	North by Dada-	115		**	•••
the Kast by Hospital Avenue and on the South-West by the Board's land bearing Cadastral Burvey No. 74 (part of) and arreed to be sold to Merywanji Dadsbboy			['	bhoy Chamarhaug-		: 'I		
tal Avenue and on the South-West by the Board's land bearing Cadestral Survey No. 74 (part of) and agreed to be sold to Mer- wanji Dadabloy			}	the Kast by Hosni	•			
bearing Cadastral Burrey No. 74 (part of) and agreed to be sold to Mer- wanji Dadabloy	,	ٔ ا	_	tal Avenue and un				
bearing Cadastral Burrey No. 74 (part of) and agreed to be sold to Mer- wanji Dadabloy		. ~	1	the South-West by				
Survey No. 74 (part of) and agreed to be sold to Mer- wanji Dadabboy		l	1	hearing Cadastral	, :			
to be sold to Mer- wanji Dadabaoy				Angree No. 74				}
wanji Dadabhoy	·	i .		to be sold to Mer-				
Citament using with.		-		wanji Dadabhoy		1		[-
				COAMATOANSWAIR.	•	John J]

Trust Transfer Act, 1925

SCHEDULE C-contd.

	-			Area		V	alus -
Plot No.	Ward No.	Cadastral Survey No.	Description.	Cadastral Survey	Total area	Amount	Total Amount
		\	THE PAREL ESTATE	Sq. yds.	Sq. yds.	Ra.	Pa.
•			(Deposited Plan E)				
12(D)		834	Bounded on the North by private property bearing Cadastral Survey	408	1,308		
- 1			property bearing Cadastral Survey		[
		•	No. 832, on the South by private properties bearing Cadastral Survey				
	•		properties bearing Cadastral Survey Nos. 835, 836 and				
	-						
•			a public passage, and on the West by private properties	•	-		
		-	Survey Nos. 820	٠.,	•		
			And 986.	-			
12(E)	~	1894	Bounded on the	151	-	•	••
	,		North by a passage bearing Cadastral Survey No. 324; on the South by private property,	1. S. 1.	-	-	
•			the South by private property.		, .	•	
•		1	private property, bearing Cadastral Survey No. 395, on the East by				
	- :		private property bearing Cadastral Survey No. 400 and on the West partly	•			_
•			on the West partly	, , ,			
		-	l by a particular	•	-		. - .
	-	İ	Survey No. 324 and partly by pri- vate property bear-	* .			
•			ing Cadastral Survey No. 395.	• 4			
		\ ~.	(Deposited Plan 8)				_
12(F)		4081 (part of).	Bounded on the North-East by the	5,131	5,282		••
. ,			Bacter i e i o g i e a i Laboratory land bearing Cadastral Rurrey No. 408		•		
			(rest of) on the				
••						-	
			No. 414, on the East		•		1
			by Parel Tank Boad-and on the West by private				
			properties bearing Cadastral Survey		1		
12(G)			Nos. 404 to 413.				
12(0)	••	245	Bounded on the North partly by Parel Village Wood	2,130	••	•	••
			Bounded on the North partly by Parel Village Road and partly by private properties bearing Cadastral Survey Nos. 246	-		-	-
;	1	! 	bearing Cadastral Survey Nos. 246 and 241, on the				
	•		South by private				
			No. 244. on the		-		
	I	- '	East by private properties bearing		Į .	i	1 .

12(H)

681

Total Amount

Rs.

SCHEDULE C-concld. Value Plot No. Area Cadastral Survey Ward No. Cadastral Total Area Description Survey No. Amount Sq. yds. 8q. yds. THE PAREL ESTATE

> Cadastral Nos. 241, 244, and West by property Cadastral Survey 242 and on the private bearing Survey No. 246. (Deposited Plan T) Bounded on the North-West by a passage bearing Cadastral Survey No. 658, on the South by Parel Tank Road, on the North-East properties bearing Cadastral Survey Nos. 680, 677, 676 and 675.

Total, The Estate.

1,144

Parel

1,12,737

3,38,211

SCHEDULE D

(See section 79)

	Wand	(h.d)		Area	W1.4.4	Va	lue 📙
lot No.	Ward No.	Cadastral Burvey No.	- Description	Cadas- tral Burvey	Total	Amount	Total Amoust
		•	•				
. `				8q, yds.	Bq. yds.	Re.	Ra.
. 1					ļ	•	
						1 2 2	,
			THE CONNAUGHT BOAD ESTATE.	!			
				,			,
			(Deposited Plan A) Word B		İ		
		-		1	i		
(A)	7483 (1 to 4)	700 to 705	Plot bounded on the	9,495	9,495	· 51,155	61,155
: ;	7463 (1 to 4) 7464 (1 and 2) 7465 (1 to 3) 7466 (1 to 3) Nil		North by property	1			
	7466 (1 to 8)		New Great Eastern	i			
	7482 (5)	706 695	Spinning and Wea- ving Company				ı .
	7462 (6) 7462 (4)	696 699	Bassina Classical				1 ± 1
	. AU	gra	Survey No. 707. On the South parti- iy.by Sussex Ecad, partly by a Police Accommo d at 1 a n	•		ļ. ` ·	•
			bartly by a Police	1			
			Accommo dation		· :		
			Cadastrol Survey		1		
			No. 697 and partly	•			
			No. 697 and partly by private pro- perty bearing Cadastral Survey		- '		
			No. 698. On the				
1		**	East by Cork Road	•		,	
	`	•	and on the West partly by Parel				
	•		partly by Parel Road and partly by the aforesaid Police	1 .		, .	
			Accommedation				
٠.			Accommedation Scheme, but omitting the site of Ulster Road.		1	,	}
			of Ulster Boad.	j. ,	i		•
					١.		
B)	Na	689	Plot bounded on the	4,267		55.000	
	7448 (4)	690 to 693	NORTH by Succes		'''	25,602	 ,
	7446 (2 to 4)		Road, on the South by private	1]	i	
•			properties bearing			1	
			Wor and to got an	4 .		1 1	;
			the East by pri- vate property bear- ing Cadastral Sur- vey No. 688, and on the West by	1 -	}	1	
			ing Cadastral Sur-		1		
			on the West by	4			
		,	private properties bearing Cadastral	i i		,	
			Survey Nos. 679				
			and 679.	-	1.		
	,			1			-
19)	7458	472 Part	Bounded on the	96	4,363	480	26,082
			. North and West	i .			,,,
			by a public pass-	i			
•	Į		Cadastral Sursay	! -	1	1	
			No. 678 (pert of) and on the South	!			

Piot No.	Ward No. 7449(1 to 11) 7450 and 7451 (1 to 10).	Cadastral Survey No.	Hospital plot bounded on the North partly by a public passage and beyond by private properties bearing Cadastral Survey	Area Cadas- trai Survey Sq. yds.	Total Area Sq. yds.	Value Amount Re. 65,455	Total Amount Re. 65,455
No.	No. 7449(1 to 11) 7450 and 7451 (1 to	Survey No.	THE CONNAUGHT ROAD ESTATE—concid. (Deposited Plan A.) Ward B.—concid. The Maratha Plague Hospital plot bounded on the North partly by a public passage and beyond by private properties bearing Cadastral Survey	Cadas- tral Survey Sq. yda.	Area Sq. yds.	Amount Re.	Total Amount
No.	No. 7449(1 to 11) 7450 and 7451 (1 to		THE CONNAUGHT ROAD ESTATE—concid. (Deposited Plan A.) Ward B.—concid. The Maratha Plague Hospital plot bounded on the North partly by a public passage and beyond by private properties bearing Cadastral Survey	Survey Sq. yds. 13,091	Area Sq. yds.	Rs.	Amount Re.
1(0)	7450 and 7451 (1 to	672 (part of)	ROAD ESTATE—concid. (Deposited Plan A.) Ward B.—concid. The Maratha Plague Hospital plot bounded on the North partly by a public passage and beyend by private properties bearing Cadastral Survey	13,091			
1(0)	7450 and 7451 (1 to	672 (part of)	ROAD ESTATE—concid. (Deposited Plan A.) Ward B.—concid. The Maratha Plague Hospital plot bounded on the North partly by a public passage and beyend by private properties bearing Cadastral Survey	13,091			
1(0)	7450 and 7451 (1 to	672 (part of)	Ward B.—concid. The Maratha Plague Hospital plot bounded on the North partly by a public passage and beyond by private properties bearing Cadastral Survey	-	13,091	65,455	65,455
1(0)	7450 and 7451 (1 to	672 (part of)	Hospital plot bounded on the North partly by a public passage and beyond by private properties bearing Cadastral Survey	-	13,091	65,465	65,455
			bounded on the North partly by a public passage and beyond by private properties bearing Cadastral Survey	7.			
			properties bearing Cadastral Survey	S. ,	{		
			properties bearing Cadastral Survey				
						.,	
			Nos. 710 to 713 and				
			partly by private properties bearing	-		-	
			Cadastral Survey				
			and 723, on the South by Sussex				j
	98.		and Connaught			, ,	
		1.54	Boads, on the East by Ghorupdee				
			Road and on the West by Plot No.		, m ²		
	-		19 in the occupa-	1.7			•••
			tion of the Bom- bay Electric Sup-				
		•	ply and Tramways Company, Ltd.	÷ .			-
1830			Company, 1302				
			Total, Connaught		26,949		1,42,692
			Road Retate.				
= ×2							
			West Asripada Estatr	• .			
			(Deposited Plan B.)				
			Ward B.		7		
- 2(A)	4134 (1 to 5) 4104 (1 to 7) 4103 (1 to 6)	1602 to 1660 and 1584	Bounded on the North partly by the	2,12,861	2,12,861	6,38,583	6,38,583
	4103 (1 to 6)		site of an old water course bearing			,	
	4101 (1 to 5) and (9 to 12)		Cadastral Survey		, ,		
- 1	4099 (1 to15) 4107 (1 to 8)	<i>1</i>	No. 1903 and part- ly by Gell Street,	1			- *
	4106 (1 to 7); 4106 (1 to 7);		on the South by Club Road, on the	1			
	4108 (1 to 7)		East partly by			[·	••
\	4146 (1 to 6) 4100, 4102	•	Morland Road and partly by portion		-		
•	4094 (1 to 6) 4539 (1 & 2)	1862 to 1883		-			
	4540 (1)		No. 19 bearing	-			
	455 3 455 4 (1) 409 8 (3)	1 6 1 mg	Cadastral Survey No. 1907 and on the				
	4098 (3) 4091 (1 to 6)	, ,	West by Laming- ton Boad, but				. :
!	4000 (1 to 7).	.	excluding the site of the portion of				- 1
, ,	and (10A) (137 (1 to 5)		Pelice Accommo-				*
	4143 (1) 4136 (1 to 4)	-	dation Scheme No. 19 bearing Cadas				
1	4135, 4145. (4134 (6 to 8)		tral Survey No. 1901 and the sites				
	4092 (1 tol2)		of Rebech Street,	- 1	1 2 2 2	/ ·	
	4141 (1 & 2)		Bouter Street, Club Back Boad, Club Cross Road, Cirrus				
	4139 (1 to 3) 4138		Back Boad, Club Cross Road, Cirrus Avenue, Motlibai Street, Reynold	- "			r in 18
- 2(A)	4093 (1 E)	1902	Street, Reynold Boad, Wylie Boad,		•		
. !	4093(1A&1B) 4098 (1 AA)	1906 1909	Road, Wylle Road, Agripada Chawl Street and Gell				

SCHEDULE D-contd.

-		Codestral		Area		-Va	lue
Plot No.	Ward No.	Survey Na.	Description	Cadas- trai Survey	Total Area	Amount	Total Amount
· ·				Sq. yds	Bg. yds.	Ra.	Rs.
			WEST AGRIPADA ESTATS—concid.				
		•	(Deposited Plan B.) Ward E.—concid.	-			
2(3)	4184 4185(\$ to 8)	1599 1600	Bounded on the	2,794	••	8,882	
٠		1601	property bearing Cadastral Survey No. 1884, on the				
		,	South by property of the BB. & C.I. Railway Company				
	•		Cadastral Survey No. 1884, on the South by property of the BB. & C.L. Ballway Company bearing Cadastral Survey No. 1550, on the East by Lamington Road und on the West by a passage, but ex-				
	: !		Lamington Road and on the West by				
· .		•	cluding the site of				
2(C)	4466(2)	1899 part 1898 part 1897 part	Bounded on the North by portion of an old Water Course bearing Cadastral Survey	4,178	6,967	15,148	23,630
		1901 herr	Course bearing Cadastral Survey			•	•
			Cadastral Survey No. 1897 (part of and beyond by property of the Indian Manufactur- ing Company bear-				
·:		:	ing Company bear- ing Cadastral Sur-	:			
			ing Company bearing Cadastral Survey No. 1896, on the South by private property bearing Cadastral				, , , , , , , , , , , , , , , , , , ,
•			Survey No. 1900,				
٠			Immington Road and on the West partly by Arthur Road and partly by private property	-			
		1	bearing Cadastral				
			Survey No. 1888 but excluding the site of Police Ac-		,	•	
2(D)	No.	Na.	scheme No. 70. Land reserved for	5,866	5,366		
-,,		į.	widening of	8,000	5,300	••	•
-			On its East and West Sides.				
٧.			Total		2,25,194	••	6,62,113

			Deduct area resumed by the Municipality on 20th June 1906 out of Cadastral	••	750	••	2,250
			Survey No. 1877.				
		1			ļ		

			المستراث يست	Area		Va	lue
Plot Na.	Ward No.	Cadastral Survey No.	Description	Cadas- tral Survey	Total Area	Amount	Total Amount
							
			THE CHNTRAL	Sq. yds.	Sq. yds.	Rs.	Rs.
			AGRIPADA ESTATE. (Deposited Plan C.)				
S(A)	wa.	1694 part of	Ward E. Bounded on the	1,476		5,887	••
			North and North- West by Church				
		, ,	property leased to the Bombay Dio- cesan Council and				!
			bearing Cadastral Survey No. 1859,				
			bearing Cadastral Survey No. 1859, on the South partly by Sankli Street and partly by a Municipal School			Ţ,	
			Municipal School bearing Cadastral				
•		-	bearing Cadastral Survey No. 1661, and partly by the Salvation Army				
			Head Quarters				ļ
			bearing Cadastral Survey No. 1695, and on the East by the Salvation				
• • • •			. ЧЕШУ 1168 С	11. 1			
			Quarters bearing Cadastral Survey No. 1695.				
3(B)	4067 part	1664 and	Bounded on the	2,879	4,355	10,386	16,22
-(-5		parts of	North partly by	1	,		•
		1691	vice passage bear-	,	:		·
	NU.	1663	partly by a Service passage bearing Cadastral Survey No. 1663, on the South partly				`
. [4			of breeze brobers	•		,	;
٠			bearing Cadastral Survey No. 1665 and partly by Ghellabhoy Cross Lane, on the East by private propor- ties bearing Cadas- tral Survey Nos. 1689 to 1692 and on the West part- ly by Morland Road and partly by pyrivate proper-				
,		1	Lane, on the East by private proper-		, 1	•	
1.0			ties bearing Cadas- tral Survey Nos.		1		
			on the West part-				,
- 1	-		Road and partly by private proper-				
			by private proper- ties bearing Cadas- tral Survey Nos. 1665 and 1698,			٠, :	
			Toon Will Tob?				-
.		1. 1. 1.	Total, Central Agri- pada Estate		4,855	••	16,22
							
	, ,		THE EAST AGRIPADA ESTATE		, · · ·		•
•			(Deposited Plan D.)		1		,
			Ward E.	-			,
4(A)	7416 (1 to 6) 7418 (1 & 2)	1943 1961 to 1965	Ward E.	35,536	•	4,28,193	
4(A)	7416 (1 to 6) 7413 (1 & 2) 7414 (1 & 2) 7411 (1 & 2)	1949 1961 to 1965	Ward E. Plot bounded on the North by the Board's Mahar Chawle bearing		••	4,28,193	**
4(A)	7416 (1 to 6) 7413 (1 & 2) 7414 (1 & 2) 7411 (1 & 2) 7415 (1 to 8) 7412 (1 & 2)	1949 1961 to 1965	Ward E.		-	4,28,193	•

			- :	Area		Vel	hane .
Plot No.	Ward No.	Cadastral Survey No.	Description	Cadas- trui Burvey	Total . Area	Amount	Total Amount
······································				8g, yde.	8q. yda.	Ra.	Ra.
	. :		THE EAST AGRI- PADA ESTATE —concid.		-		
			(Deposited Plan D.) Ward B-concid.				
4(B)	Nû.	1840 part of	Plot bounded on the North partly by	23,268	58,804	1,16,433	5,44,626
	4378 (1 4 2) 4374 4375	1842	North partly by land of the Board boaring Cadastral Burvey No. 1840 (part of) and part-	i :			
	4354 (1 to 8) 4358 (1 & 2)	1848	ly by private pro- perties bearing				;
•	,		Cadastral Survey Nos. 1627 to 1836, on the South by Tank Pakhadi	1-1			
			Street, on the East parily by a service passage, partly by		·		
٠			private properties	,			
			Survey Nos. 1928, 1924, 1839, and 1827 and partly by the Board's land				
		. *	bearing Cadastral Survey Nos. 1840 (part of) and on		`.		
			the West by Milk Street,	,		-	
4(C)	4563 (1, 2, 2A, 2B and 2C),	1844	Plot bounded on the North by Tank		7,139	94,484	94,484
	201.	•	Pakhadi Street, on the South by the Board's Plot No. 6 leased to Bai Hoor-			٠.	
			and bearing Cadas-				
- 1			1845, on the East by Water Street and on the West		,	·	
	i		Plot No. 5 leased to the Municipality	:		. 1	
			and bearing Cades- tral Survey No. 1840 (part of).		•	•	
			Total, East Agripada				
	!		Estate	`	45,943	**	6,89,110

SCHEDULE D-contd.

(See section 79)

Showing Lands at Matunga (Deposited Plan E)

		Cadas-		Area		. 1	/alue
Plot No.	"F" Ward Number	tral Survey No.	Description	Cadas- tral Survey	Total Area	1.3	Total
•		2101	-	Survey	-	Amount	Amount
		· .					41
	4849m 4840m			Sq. yds.	+	Rs.	
1	6643p, 6642p	10	Lands at Matunga	1,006		768	٠
2	6658 (1) p	**	Do	86	-	33	
. 8	6660p, 6667p	35	Do.	866	1	812	, .
. \$	6643 (1) p, 6791 (1) p, 6789p, 6778p, 6767p.	. 33	Do.	7,984		5,988	
5	6675p, 6680p	72	, Do	268		201	
. 6.	Do	23	Do.	1,226		916	٠.
7	Do	29	Do	2,730		2,047	
₿,	6826p		Do.	104		78	
. 9	6830p, 7199p	> 7	Do	1,105		829	
10	7174p, 7172p, 7171 (1) p, 7234p.	115	Do	5,240		8,930	A
11	7235 (1) p, 7235 (2) p. 7235 (3) p.	**	Do.	572		429	
12	7242p, 7236p. 7237p, 7250p, 7249p.	23	. Do	2,849		1,762	
13	7238p, 7239p	71	Do	800	, ~	225	
14	7239p, 7251p, 7252p, 7240p.		Do	289		179	
15	7252p, 7254p, 7255p	29	Do.	480		360	
16	7188p, 7121 (4) p	29	Do.	4,196		6,293	
17	7121 (4) p, 7123, 7124p	17	Do.	4,672		7,008	*.
18	7124p, 7109, 7111p	89	Do	2,720	}	2,040	
19	7116p to 7120p	130	Do	4,535		3,401	
20	7113p		Do	565		424	
21	6835 (4) p	29	Do.	92		69	
22	6835 (6) p, 6835 (5) p, 70530, 7032p, 7040p.	••	Do.	11,154		16,731	
23	7061p	*	Do.	- 409		614	
84	7068p, 7061 (6) p, 7061 (5) p, 7067p.	29	Do.	3,401		5,101	
25	7064p	38	Do	170		255	
26	7061 (1) p, 7061 (2) p, 7061 (3) p, 7062 (2) p, 7062 (1) p.	,,	Do	2,918		4,975	
			70-				
27	7375p, 7374p	**	Do.	617	,	925	
28	7384 (4) p	**	Do	844		430	
39	7384 (4) p, 7386 (2) p, 7388 (2) p.	**	Do.	1,708		2,138	
20	7388 (2) p	>0	Do	. 90	·	68	

OF 1925] Trust Transfer Act, 1925 SCHEDULE D-concld.

		Cadas-	•	Area		▼	alue
Plot No.	"F" Ward Number	trai Survey No.	Description	Codas- tral Survey	Total Area	Amount	Total Amount
		٠	· -	Bq. yds.			
81	7898p, 7397p	10	Lands at Matunga	1,850		1,887	
32	7897p	••	ͺDe. μ.	455		456	•
38	7694p	••	De. `	87		46	
84	7631p, 7633p, 7634p, 7635p.	**	Do	. 565		177	
85	7924p, 7792p, 7828p	••	Do	940	-	294	
26	7827p, 7826p, 7825p, 7798p.	. **	Da	2,180		681	
87	7825p	.,	Do,	02		92	
36	7846p, 7847p, 7848p, 7831p.	**	Do	440		166	
29	7798p, 7779p	••	Du	485		728	
40	6958p, 7416p, 7417p, 7422p, 7428p, 7424p.	••	Do	425		319	•
41	7410p, 7411p, 7016p, to 7026p, 7011p.	••	Do	2,201	·	1,718	
42	7027p, 7028p	.,	Do.	369		277	
48	7084 (1) p, 7035p, 7034 (2).	**	Do	804		2,814	
41 .	7081 (1) p, 7081 (2) p, 6886 (1) p.	**	Do.	1,186		1,779	
43	6836 (1) p, 6836 (2) p, 6686 (3) p.	. ••	Do	2,572		8,858	
46	7132p, 7128p, 7129p, 7141 (1) p.	**	Do	2,093		- 1,570	,
47	7168p	** `	Do	260		196	
48	6564p, 6823p	•• .	Do	924	,	1,865	
49	6816p, 6819 (2)p, 6585p, 6579, 6580p, 6800p 6801p, 6804p, 6806p, 6794p, 6589p, 6623 (1)p, 6815p, 6813p, 6862.	98	Da. "	6,125). 	4,594	
			Total Lands at Matunga.		66,187		90,964

SCHEDULE E

(See section 79)

Showing reclaimed lands vesting in the Board

.•		Condomination 1	~ .	Area	}	Va	lu s
Piot No.	Ward No.	Cadastral Survey No.	Description	Cadas- tral Survey	Total Area	Amount	Total Amount
	*.			Sq. yds.		, Rs.	
•	11	1	THE NEPBAN SEA ROAD PLOT				,
	. '		(Deposited Plan A)				
1		2	Bounded on the	2,014			·
-		583	North-east by				
		(part of).	bearing Cadastral Survey No. 584.			•	
			on the South-east	ļ.			
			forming portion of this property	1			
•		` .	bearing Cadastral Survey No. 583, on the South-west by				l
			the South-west by				
			bearing Cadastral				t L
			Survey No. 582 and on the North-west by the Foreshore.			ļ.,	
			by the Foresnore.				
			·				
			Total, the Nepean Sea Boad Plot	1	2,014	ļ	
						, at a	
				ĺ			
1.	•		THE COLABA REGLA-		ł		
, .			MATION				
			(Deposited Plan B)			ļ .*	:
2	•	82 to 86 87 to 90	Bounded on the North-west by	46,580			
		parts of 91 to 97 98 to 102	Cuffa Davada on	đ	-		
		parts of	the South-west by Panday Road, on the North-east by	1		}	-
		103 to 105 106 part of 107 to 111	the inaction of Cuffe Parade and				-
		820	Wodehouse Road,			ł	
		321	east partly by an irregular line				
		i	beyond which are situate the remain-				
			ing portions of pro-	1]		
_			i Cadastrai Survey				
	٠.		Nos. 106, 102, 101, 100, 98, 99, 90, 89,				
	Ì.		88 and 87 and partly by Wode- house Boad, but ex-			l	
			cruding the sites of				
		1	Khatau and Centre Roads, and of por-	1			
		1	Roads, and of por- tions of Fazil and Kittridge Roads.				
						-	
		_	Total, the Colaba Reciamation	- 1	46,580		
	į.	1		i	,,,,,,,		· ·

SCHEDULE F

(See section 86)

Plot No.	Cadastral Burvey No.	Locality	Description of Plot	Area Cadastral Survey	Terms of Leane
1	707	The Horaby Boad Plots	(Deposited Plan A) Bounded on the North by the John Connen High School bearing Cadastral Burvey No. 706 on the South by Connon Hoad, on the East by Murzban Road, and on the West by Esplanade Road.		Einety-nine years of a ground-rest of one anna per aquare yard per annum, renewable for a further term of 99 years.

BOMBAY ACT No. XVII OF 1925.[1]

[THE BOMBAY PORT TRUST (AMENDMENT) ACT, 1925]

[9th April 1926]

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

WHEREAS it is expedient further to amend the [2]Bombay Port I of Trust Act, 1879, in manner hereinafter appearing; And whereas the previous sanction of the Governor General required by section 80A of the Government of India Act has been obtained for the passing of this 20.V. Act; It is hereby enacted as follows:—

- 1. This Act may be called the Bombay Port Trust (Amendment) Short title. Act, 1925.
- 2. After section 61 of the [2]Bombay Port Trust Act, 1879, the Insertion of new s. 61A in Bom. VI of 1879.
 - "61A. (1) The Board shall, immediately upon the landing of any Board to goods, take charge thereof, except as may be otherwise provided in the of goods bye-laws, and store such as are liable in their opinion to suffer from landed. exposure in any shed or warehouse belonging to the Board.
- (2) If any owner, without any default on the part of the Board, fails to Goods not remove any goods, other than those stored in the warehouses appointed stored in by the Board for the storage of duty-paid goods or in warehouses warehouses licensed under section 16 of the [3]Sea Customs Act, 1878, from the to remain premises of the Board or from any public warehouse on the premises expense of of the Board appointed under section 15 of the [3]Sea Customs owner if not Act, 1878, within seven clear days from the date on which such within seven goods shall have been landed, such goods shall remain on the days.

 The Board or in such public warehouse at the sole risk and expense of the owner, and the Board shall thereupon be discharged from all liability theretofore incurred by them in respect of such goods."

^[1] For Statement of Objects and Reasons see Bombay Government Gazette, 1925, Part V. p. 59; and for proceedings in Council see Bombay Legislative Council Debates, 1925, Vols. XV and XVI.

^[*] Vol. II of Bom. Code.

BOMBAY ACT No. XVIII OF 1925.[1]

[THE BOMBAY MUNICIPAL BOROUGHS ACT, 1925]

[8th June 1926]

	Amended by			1 10
Number of Act.	•			Year.
Bom. Act No. X	•		• • •	1926
Bom. Act No. I				1927
Bom. Act No. XII			• •	1927
Bom. Act No. III		••		1930
Bom. Act No. IV	• •	• •	• •	1930
Bom. Act No. IX				1930
Bom. Act No. XXV		••	• •	1930
			•	

An Act to give wider powers in the management of municipal affairs in certain cities.

WHEREAS it is expedient to amend the law relating to the management of municipal affairs in certain cities of the Bombay Presidency; And Whereas the previous sanction of the Governor General required 5 & 6 by section 80 A of the Government of India Act has been obtained for Geo. Vothe passing of this Act; It is hereby enacted as follows:—

CHAPTER I.

PRELIMINARY.

- 1. (1) This Act may be called the Bombay [2] Municipal Boroughs Short title Act, 1925.
- (2) It extends to the whole of the Bombay Presidency.
- V of 1868 2. The provisions of the Commissioner in [3]Sind Act (Act V of not to 1868) shall not apply to any powers hereby conferred upon Government. apply
- to 3. In this Act and in the schedules, unless there be something repug-Definitions.

 under nant in the subject or context—
 - (1) "Annual letting value" shall mean the annual rent for which any building or land, exclusive of furniture or machinery contained or situate therein or thereon, might reasonably be expected to let from year to year, and shall include all payments made or agreed to be made by a tenant to the owner of the building or land on account of occupation, taxes, insurance or other charges incidental to his tenancy.

Act

this

Act.

^[1] For Statement of Objects and Reasons, see Bombay Government Gazette, 1925, Part V, pages 187-195; for Report of the Select Committee, see ibid, pages 335-342; and for Proceedings in Council, see Council Debates, 1925, Volumes XV and XVI.

^[1] These words were substituted for the words "City Municipalities" by Bom. Act IV of 1930, s. 4.

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

- (2) "Building" shall include any hut, shed or other enclosure, whether used as a human dwelling or for any other purpose, and shall also include walls, verandahs, fixed platforms, plinths, door-steps and the like.
- (3) "Commissioner" shall mean the Commissioner of a division appointed under the [1]Bombay Land Revenue Code, 1879, and in Bom. Sind, the Commissioner in Sind. 1879.
- (4) "Councillor" shall mean any person legally a member of the. municipality in a municipal borough.
- (5) "Dangerous disease" shall mean cholera, plague, small-pox, and any endemic, epidemic or infectious disease by which the life of man is endangered.
- (6) "House-gully" means a passage or strip of land constructed, set apart or utilized for the purpose of serving as a drain or of affording access to a privy, urinal, cess-pool or other receptacle for filthy or polluted matter, to municipal servants or to persons employed in the cleansing thereof or in the removal of such matter therefrom.
- (7) "Judge" shall mean District Judge, Joint Judge, Assistant Judge, Judge of a Court of Small Causes, Subordinate Judge, or Joint Subordinate Judge.
- (8) "Land" shall include land which is built upon or covered with water.
- (9) "Municipal borough" shall mean a municipal district as defined in the [2]Bombay District Municipal Act, 1901, included or hereafter Bom. included in Schedule I, during the period of such inclusion. 1901.
 - (10) "Municipal district" shall mean a municipal district as defined in the [2] Bombay District Municipal Act, 1901.

- (11) "Nuisance" shall include any act, omission, place or thing 1901. which causes or is likely to cause injury, danger, annoyance or offence to the sense of sight, smelling or hearing, or which is or may be dangerous to life or injurious to health or property.
 - (12) "Octroi" shall include a terminal tax.
- (13) "Official year" shall mean the year commencing on the first day of April.
- (14) "Owner" shall include the person for the time being receiving the rent of any land or building, whether on his own account or as agent or trustee for any other person or for any society or for any religious or charitable purposes, or who would so receive the rent if such land or building were let to a tenant.
 - (15) "Public securities" shall mean—
 - (a) securities of the Government of India and of the Local Government:
 - (b) stocks, debentures or shares in railway or other companies the interest whereon has been guaranteed by the Secretary of State for India in Council;

- (c) debentures or other securities for money issued by or on behalf of any local authority in exercise of powers conferred by an Act of a legislature established in British India; or
- (d) a security expressly authorized by any order which the Government makes in this behalf.
- (16) "Public street" shall mean any street-
 - (a) over which the public have a right of way; or

(b) heretofore levelled, paved, metalled, channelled, sewered or

repaired out of municipal or other public funds; or

- (c) which under the provisions of section 115 or 116 is declared by the municipality to be, or under any other provisions of this Act becomes a public street.
- (17) "Private street" means a street which is not a public street.
- (18) "Salaried servant of the Government" shall not include a retired servant of the Government in receipt of a pension, or a person in receipt of a salary from the Government who is not a full-time servant of the Government.
- (19) "Street" shall mean any road, footway, square, court, alley, or passage, accessible whether permanently or temporarily to the public, whether a thoroughfare or not; and shall include every vacant space, notwithstanding that it may be private property and partly or wholly obstructed by any gate, post, chain or other barrier, if houses, shops or other buildings abut thereon and if it is used by any persons as a means of access to or from any public place or thoroughfare, whether such persons be occupiers of such buildings or not; but shall not include any part of such space which the occupier of any such building has a right at all hours to prevent all other persons from using as aforesaid.
- (20) "Tax" shall mean any toll, rate, cess, fee or other impost leviable under this Act and shall include a water rate.
- (21) "Vehicle" shall include bicycles, tricycles, motor cars, and every wheeled conveyance which is used or capable of being used on a public street.

CHAPTER II.

CONSTITUTION OF MUNICIPALITIES.

(1) Municipal boroughs.

- 4. (1) The Government may, by notification in the Bombay Govern-Extension of ment Gazette and with effect from a date to be specified in the said noti- Act to and fication, include in Schedule I any municipal district other than the of Act from municipal district of Karachi, or exclude any municipal borough from municipal the said schedule.
- (2) The Government may, after consulting the municipality, by notification in the Bombay Government Gazette and with effect from a date to be specified in the said notification, extend, contract or otherwise alter the limits of any municipal borough.

districts and boroughs.

Limits to be specified in notification

- (3) A notification altering the limits of a municipal borough shall clearly set forth the local limits of the area to be included in or excluded altering area. from such municipal borough.
- Property and rights of municipalities which have ceased to exist to vest in Government.
- [1] [(4) Save where it is otherwise provided in this Act, when a municipality ceases to exist on account of its members ceasing to hold office, or for any other reason whatsoever, the property and rights vested in the municipality shall, subject to all charges and liabilities affecting the same, vest in His Majesty, and the proceeds thereof, if any, shall be expended under the orders of the Government for the benefit of the local area in which such municipality had jurisdiction.]
- Bom. III of 1901 not to apply to municipal boroughs. Municipal boroughs excluded from Schedule I. Continuance of acts, notifications, etc., in respect of boroughs.
- 5. (1) The provisions of the [2]Bombay District Municipal Act, Bom. 1901, shall not apply to any municipal district included or hereafter 1901. included in Schedule I from the date of such inclusion:

Provided that-

- (a) references in any other enactment or in any instrument to the Bom. [2] Bombay District Municipal Act, 1901, shall, unless a different III of intention appears, be construed in respect of any municipal borough 1901. as references to this Act:
- (b) any appointment, notification, notice, tax, order, scheme, license, permission, rule, by-law or form made, issued or imposed under the [2]Bombay District Municipal Act, 1901, in respect of Bom. a municipal district included or hereafter included in Schedule I, so 1901. far as is not inconsistent with the provisions of this Act, and any appointment, notification, order, scheme, rule, by-law or form made or issued under any other law in respect of such district shall continue in force and be deemed to have been made, issued or imposed under the provisions of this Act or of such other law in respect of the municipal borough constituted by such inclusion unless and until it is superseded by any appointment, notification, notice, tax, order, scheme, license, permission, rule, by-law or form made or issued under this Act or such other law.
- (2) From the date specified in a notification under sub-section (1) of section 4, excluding a municipal borough from Schedule I, it shall Bow. cease to be a municipal borough and the provisions of the [2]Bombay 1901. District Municipal Act, 1901, shall apply to it.

Transfer of rights, etc., on inclusion

The property, rights and liabilities of the municipality in a municipal district included or hereafter included in Schedule I shall vest in in Schedule I. the municipality of the municipal borough constituted by such inclusion, from the date of such inclusion.

Preliminaries before notification.

7. (1) Not less than three months before the publication of a notification under section 4 the Government shall cause to be published in the Bombay Government Gazette in English, and in at least one of the local newspapers (if any) in the vernacular language of the district in which the municipal borough or municipal district is situate, and to be posted up in conspicuous places in such municipal borough or municipal district

^[1] This sub-section was inserted by Born. I of 1927, s. 2.

^[3] Vol. IV of Bom. Code.

in such vernacular language, a proclamation announcing that it is proposed to include in or exclude from Schedule I the municipal district or municipal borough, as the case may be, or to alter the limits of the municipal borough in a certain manner, and requiring all persons who entertain any objection to the said proposal to submit the same, with the reasons therefor in writing, to the Collector within two months from the date of the said proclamation; and whenever it is proposed to add to or exclude from a municipal borough any inhabited area, it shall be the duty of the municipality also to cause a copy of such proclamation to be posted up in conspicuous places in such area.

- (2) The Collector shall, with all reasonable despatch, forward every objection so submitted to the Government.
- (3) No such notification as aforesaid shall be issued by the Government unless the objections, if any, so submitted are in its opinion insufficient or invalid.
- 8. In every municipal borough there shall be a municipality, and Incorporation every such municipality shall be a body corporate by the name of "the of municipality Municipality of-", and shall have perpetual succession and a common seal, and may sue and be sued in its corporate name through its Chief Officer.

(3) Election of Councillors.

9. (1) Every such municipality shall consist of—

(a) elected councillors; and

Municipalities to consist of elected and

(b) nominated councillors, that is to say, such persons as from time nominated councillors. to time are by name appointed in this behalf, or are executing the functions of any office from time to time notified in this behalf, by Government:

Provided that the number of elected councillors shall not be less than In specified four-fifths of the whole number, and that not more than one-half of the proportions. nominated councillors shall be salaried servants of the Government:

Provided also that the Government may direct that all the councillors But all councillors may be shall be elected.

- (2) Any vacancy due to failure to elect the full number of council- Failure to lors which under this section might be elected and any vacancy due electto failure to elect a councillor under section 29 may, notwithstanding anything in this Act, be filled up by nomination by Government.
- (3) Councillors elected or nominated under the [1] Bombay District Continuance Municipal Act, 1901, and holding office in a municipal district included of councillors or hereafter included in Schedule I, immediately prior to such inclusion, at commenceshall be deemed to have been elected or nominated, as the case may be, ment of under this Act: provided that where the Government has directed Act. that all the councillors shall be elected, councillors nominated under in case of the [1]Bombay District Municipal Act, 1901, shall not be deemed to non-conhave been nominated under this Act, and councillors shall be elected tinuance. under the provisions of this Act in place of such nominated councillors.

Bom. III of 1901.

Bom. III of 1901.

The Government shall determine number of councillors; fix proportion of elected and nominated councillors, and make rules for regulating elections.

10. (1) The Government shall, from time to time, generally or specially for each municipality,—

(a) determine the number of councillors;

(b) fix, subject to the provisions of section 9, the proportion of the

councillors, if any, who shall be nominated:

(c) make rules consistent with this Act prescribing the number of councillors to be elected, the number of wards to be constituted for Mahomedans, Non-Mahomedans and depressed classes in each municipal borough, the extent of such wards and the number of councillors to be elected by each ward, providing for the preparation and revision of the lists of voters from time to time, fixing the date after which no application for enrolment in any such list under preparation or revision shall be received, declaring the manner in which the right to vote of any undivided family, or any company or firm, or any other association or body of individuals or any trustees of any building or land being two or more in number entered in such list, may be recorded and exercised, and prescribing the restrictions, if any, on the number of votes which a voter may give;

determining the manner in which and the authority by whom any objection to such lists in regard to the names entered therein or omitted therefrom may be heard and decided, and to what judicial authority the

appeals as to such entries and omissions shall lie;

prescribing the date for the publication of the Municipal Election Roll;

regulating generally such elections.

Explanation.—A depressed class for the purpose of this section shall be one which in the opinion of the Government is a depressed class and the number of which is sufficient to require representation. There shall not be more than one ward for all such classes combined.

(2) The Government may from time to time delegate[1] to the Commissioner any of the powers granted to the Government by clause (c) of sub-section (1), subject to such restrictions or conditions, if any, as the Government may attach to the delegation and such powers shall not be exercised without first receiving the opinion of the municipality

concerned.

payers.

Persons
qualified
to vote or be candidates at a municipal elections pal elections pal elections roll of tax.

11. (1) Save as provided in section 16, every person whose name is entered in the current electoral roll of part thereof, prepared for a municipal borough which constitutes or forms part of a general constituency, and published under regulation 6 (3) of Part II of the Bombay Electoral roll of tax.

(2) (a) Save as provided in section 16, every person-

(i) who in any municipal borough, on the first day of April next preceding the date of publication of the electoral roll, occupied as owner or tenant a house or building, or part of a house or building separately occupied, as a dwelling or for the purpose of any trade, business or profession of which the annual rental was not less than Rs. 12 or of which the capital value was not less than Rs. 200, or

^[1] Powers under this section have been delegated to the Commissioner in Sind and the Commissioners of the Divisions (vide G. R., G. D., No. 7240 dated the 10th September 1928).

[1](ii) who for a period of not less than three months next preceding the last day before the preparation or revision of the list of voters, upon which under the rules applications for enrolment may be received has been assessed to the qualifying tax,

and who within the three months next preceding the date referred to in sub-clause (ii) has paid all arrears of taxes, if any, due from him to the municipality, shall be qualified to be entered in the list of voters for such municipal borough and to vote at a municipal election in such municipal borough.

Explanation.—A person shall be deemed to be in arrears of taxes if he has not paid within one month of the date of presentation any bill which has been presented under section 104.]

Provided that a person who-

- (i) is not a British subject or a subject of an Indian State, or
- (ii) has been adjudged by a competent court to be of unsound mind, or
- (iii) is under 21 years of age,

shall not be entitled to have his name entered in such electoral roll.

Explanation.—For the purposes of this section, "the qualifying tax" means a tax, other than octroi, toll and the tax on vehicles and animals plying for hire or kept for the purpose of being let for hire, imposed in a municipal borough.

- (b) The electoral roll of tax-payers for the time being in force shall be conclusive evidence for the purpose of determining whether any person is entitled to vote under the provisions of this sub-section at any election. If an electoral roll is not revised in accordance with the rules made under clause (c) of sub-section (I) of section 10, the roll shall continue in force until such revision has taken place.
- (3) Every person so qualified to vote who for a period of not less than six months next preceding the last day before the preparation or revision of the electoral roll upon which under the rules applications for enrolment may be received has been resident in such borough or within seven miles of the limits thereof shall, subject to the provisions of this Act and of any other law for the time being in force, be qualified to be a candidate at a municipal election in such municipal borough.

Explanation.—For the purposes of this section a person shall be deemed to be resident in or within seven miles of the limits of a municipal borough if he ordinarily resides or has his principal place of residence in or within seven miles of the limits of such borough.

- 12. (1) No person may become a councillor—
- (a) who—

(i) has been sentenced by a Criminal Court to imprisonment or councillor. whipping for an offence punishable with imprisonment for a term Vacation exceeding six months, or to transportation, such sentence not having of seat.

General
disqualifications for
becoming a
councillor.
Vacation
of mat.

^[1] This clause was substituted for the original clause by Bom. Act IV of 1930, s. 4.

Decision of Government in case of dispute. been subsequently reversed or quashed, if and so long as such as sentence has not expired, or

(ii) has been removed from office under section 27 and five years have not elapsed from the date of the expiry of such removal, unless he has, by an order which the Government is hereby empowered

unless he has, by an order which the Government is hereby empowered to make, if it shall think fit, in this behalf, been relieved from the disqualification arising on account of such sentence or removal from office; or

- (b) who is an uncertificated bankrupt or an undischarged insolvent, or,
 - (c) who is a Judge.
 - (2) No person-
 - (a) who is a subordinate officer or servant of a municipality, or
 - (b) who, save as hereinafter provided, has directly or indirectly, by himself or his partner, any share or interest in any work done by order of a municipality, or in any contract or employment with or under or by or on behalf of a municipality,

may be a councillor of such municipality.

- (3) A person shall not be deemed to have incurred disqualification under clause (b) of sub-section (2) by reason of his—
 - (i) having any share or interest in any lease, sale or purchase of any immoveable property or in any agreement for the same, or
 - (ii) having a share or interest in any joint-stock company or in any society registered or deemed to be registered under the Co-operative Societies Act, which shall contract with or be employed by or on behalf of the municipality, or
 - (iii) having a share or interest in any newspaper in which any advertisement relating to the affairs of the municipality may be inserted, or
 - (iv) holding a debenture or being otherwise interested in any loan raised by or on behalf of the municipality, or
 - (v) being professionally engaged on behalf of the municipality as a legal practitioner, or
 - (vi) having a share or interest in the occasional sale to the municipality of any article in which he regularly trades, or in the purchase from the municipality of any article, to a value in either case not exceeding in any official year five hundred rupees or such higher amount not exceeding two thousand rupees as the municipality with the sanction of the Government may fix in this behalf, or
 - (vii) having a share or interest in the occasional letting out on hire to the municipality or in the hiring from the municipality of any article for an amount not exceeding in any official year fifty rupees, or such higher amount not exceeding two hundred rupees as the municipality with the sanction of the Government may fix in this behalf, or

- (viii) being a party to any agreement made with the municipality under the provisions of section 91 or of proviso (a) to subsection (1) of section 194.
- (4) If any person is elected or nominated as a councillor in contravention of the provisions of this section his seat shall be deemed to be vacant.
- (5) If any question or dispute arises whether a vacancy has occurred under this section, the orders of the Government shall be final for the purpose of deciding such question or dispute.
- 13. (1) When, in accordance with rules framed under [1]clause (c) Operation of sub-section (1) of section 10[1], a list of voters has been prepared of lists. or, upon a general revision, completed, a copy thereof signed by such person as may be designated in this behalf in the rules aforesaid, shall be the Municipal Election Roll. . A new Election Roll shall be published in each year on such date as may be prescribed by the rules, and shall continue in operation for a period of twelve months from that day:

Provided that if a new Election Roll is not published in any year before the date prescribed, the roll then in operation shall continue in operation until the new roll is published.

(2) At every election of councillors every person enrolled in the Right to vote Municipal Election Roll as for the time being in operation under sub-to depend on entry in roll. section (1), shall be deemed to be entitled to vote, and every person not so enrolled shall be deemed to be not entitled to vote.

14. A person shall not be qualified to be elected a councillor unless Enrolment he is enrolled in the Municipal Election Roll:

in Municipal Election Roll

Provided that if any company, body corporate, or other association of necessary for individuals is enrolled in the Municipal Election Roll, any one person elected duly authorized in this behalf by a resolution of such company, body Representaor Association to represent such association shall be deemed to be qualified tive of an Association. to be elected a councillor.

15. (1) If the validity of any election of a councillor is brought in Determiquestion by any person qualified to vote at the election to which such nation of question refers, such person may, at any time within ten days after the elections. date of the declaration of the result of the election, apply to the District Court of the district within which the election has been or should have been held, for the determination of such question.

(2) An inquiry shall thereupon be held by a Judge, not below the grade Powers of of an Assistant Judge, appointed by the Government either specially for ing inquiry. the case or for such cases generally; and such Judge may, after such inquiry as he deems necessary and subject to the provisions of subsection (3), pass an order confirming or amending the declared result of the election, or setting the election aside. For the purposes of the said inquiry the said Judge may summon and enforce the attendance of witnesses and compel them to give evidence as if he were a Civil Court. and he may also direct by whom the whole or any part of the costs of

^{[1]--[1]} These words were substituted for the original words by Bom. X of 1926, s. 2, which takes effect from the date when the original Act came into operation.

any such inquiry shall be paid; such costs shall be recoverable as if they had been awarded in a suit under the Code of Civil Procedure, V of The decision or order shall be conclusive.

Declaration in case of corrupt practice by a candidate.

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

Scrutiny of votes and declaration in other сачев.

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

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

What is a corrupt practice.

- (4) A person shall be deemed to have committed a corrupt practice within the meaning of sub-section (3)—
 - (i) who with a view to inducing any voter to give or to refrain from giving a vote in favour of any candidate, offers or gives any gratification or holds out any promise of individual profit, or holds out any threat of injury to any person, or
 - (ii) who gives, procures, or abets the giving of a vote in the name of a voter who is not the person giving such vote;
 - (iii) who pays or promises to pay any person whomsoever on account of the conveyance of any elector to or from any place for the purpose of recording his vote;
 - (iv) who hires, employs, borrows or uses for the purposes of the election any boat, vehicle, or animal, usually kept for letting on hire or for the conveyance of passengers by hire:

Provided that any elector may hire any boat, vehicle or animal or use any boat, vehicle or animal which is his own property to convey himself to or from the place where the vote is recorded;

Candidates to have committed. corrupt practice.

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

> Explanation 1.—For the purposes of this section the term "gratification" is not restricted to pecuniary gratification or gratifications estimable in money, and includes all forms of entertainment and all forms of employment for reward.

Explanation 2.—The expression "a promise of individual profit"—

- (i) does not include a promise to vote for or against any particula. measure which may come before a municipality for consideration, but
- (ii) subject thereto, includes a promise for the benefit of the person himself or any person in whom he is interested.

(5) If the validity of the election is brought in question only on the Mere irregu ground of any error by the officer or officers charged with carrying out informalities the rules made under clause (c) of sub-section (1) of section 10, or of an not to invaliirregularity or informality not corruptly caused, the Judge shall not set date election. aside the election.

Explanation.—The expression "error" in this clause does not include any breach of or any omission to carry out or any non-compliance with the provisions of this Act or the rules made thereunder whereby the result of the election has been materially affected.

- (6) If the Judge sets aside an election under clause (a) of sub-section Disqualifica-(3), he may, if he thinks fit, declare any person by whom any corrupt tion of person by whom any corrupt tion of person by whom any corrupt tion of person by whom any corrupt tion of person by whom any corrupt tion of person by whom any corrupt tion of person by whom any corrupt tion of person by whom any corrupt tion of person by whom any corrupt tion of person by whom any corrupt tion of person by whom any corrupt tion of person by whom any corrupt tion of person by whom any corrupt tion of person by whom any corrupt tion of person by whom any corrupt tion of person by whom any corrupt tion of person by the p practice has been committed within the meaning of this section, to be ting corrupt disqualified from being a candidate in that or any other municipal borough practice. or district for a term of years not exceeding seven, and the decision of the Judge shall be conclusive: provided, however, that such person, may by an order which the Government is hereby empowered to make, if it shall think fit, in that behalf, be at any time relieved from such disqualification: provided further that no such declaration shall be made in respect of any person without such person being given an opportunity to show cause why such declaration should not be made.
- 16. Any person who has been convicted of an offence under section Voter dis-XLV 171-E or 171-F of the Indian Penal Code, or has been disqualified from qualified for of 1860, exercising any electoral right for a period of not less than five years on practice. account of malpractices in connection with an election, shall be disqualified for five years from the date of such conviction or disqualification Bom, from voting at any municipal election in any municipal borough or district VI of or at any election to a local board constituted under the [1]Bombay 1923. Local Boards Act, 1923.
 - 17. The names of all councillors, finally elected to any municipality Publication and the names of the nominated councillors, if any, appointed thereto of names of shall be published, as soon as conveniently may be, in the Bombay Govern-in the Bombay ment Gazette. Government Gazette.

(4) Appointment of presidents and vive-presidents.

- 18. (1) A municipality shall be presided over by a president who shall Election of be elected by the councillors from among their number. There shall be president and a vice-president similarly elected for each municipality. No salaried dent. Contiservant of the Government shall be eligible for election as president or nuance of -vice-president of a municipality and the election of any such person shall president or
- (2) A president or vice-president holding office in a municipal district, commence. included or hereafter included in Schedule I, at the time of such inclusion ment of this shall be deemed to have been elected under this section and shall continue Act. to hold the office of president or vice-president as the case may be until a fresh election has been held under the provisions of this Act.
- 19. (1) Save as otherwise provided in this Act a president or vice-Term of office president shall hold his office for such term, not less than one year and of president and vice president.

not exceeding three years, as the municipality shall, previous to the election of the president or vice-president determine, or until the expiry within the said term of his term of office as councillor, but shall be eligible for re-election:

Provided that the term of office of such president or vice-president shall be deemed to extend to and expire with the date on which his successor is elected.

President and vicepresident to continue to carry out certainduties until their PUCCESSOFS take over charge.

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(2) On the expiry of the term of office of a municipality the president and vice-president shall continue to carry out the current administrative duties of their offices until such time as a new president and vice-president shall have been elected and shall have taken over charge of their duties: Provided that in the case of the new municipality constituted under this Act, a meeting for the election of a new president shall be called by the president of the retiring municipality. The president of the retiring municipality shall preside at such meeting and the new municipality shall then elect its own chairman for that meeting and then the meeting shall proceed to elect the new president.

Resignation of president and vicepresident.

20. A president may resign his office by tendering his resignation in writing to the municipality, and such resignation shall take effect on its acceptance by the municipality. Such acceptance shall be published in the Bombay Government Gazette. A vice-president may resign his office by tendering his resignation in writing to the president.

Liability of president and vicepresident to removal,

A president or vice-president shall be removable from his office as such president or vice-president by the municipality by a resolution passed to that effect, provided that three-fourths of the whole number of the councillors of the municipality vote in favour of such resolution and provided, further, that before such resolution is passed the president or vice-president is given a reasonable opportunity of showing cause why such resolution should not be passed.

Consequences of absence of president or vice-presileave.

22. (1) Every president who for a period exceeding three months and every-vice-president who for a period exceeding one month, shall absent himself from the municipal borough in such manner as to be dent without unable to perform his duties as such president or vice-president, shall cease to be president or vice-president unless leave so to absent himself has been granted by the municipality.

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

(2) Leave under sub-section (1) shall not be granted for a period exceeding six months, and whenever leave is granted to a vice-president under that sub-section, a councillor shall be elected by the councillors from among their number to perform all the duties and exercise all the powers of the vice-president, during the period for which such leave is granted.

Vacancies in dent and vicepresident to be filled up.

23. (1) In the event of the non-acceptance of office, death, resignation office of presi- or removal from office of a president or of a vice-president or of his election being void, or of his becoming incapable of acting in such office or having ceased to be a president or a vice-president under sub-section (1) of section 22 or a councillor under sub-section (1) of such section 28, previous to the expiry of his term of office as president or vice-president, the vacancy shall be filled up by the election of some other councillor thereto.

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- (2) When the president and vice-president are unable or for any reason fail to call a meeting for the purpose of an election under sub-section (1) of section 18 or sub-section (1) of this section within 15 days from the commencement of the term or the occurrence of the vacancy the Collector may exercise the powers of the president for the purpose of calling such meeting.
 - (5) Term of office of councillors.
- 24. (1) Save as otherwise provided in this Act councillors deemed of councillors to have been elected or nominated under sub-section (3) of section 9 holding office shall continue to hold office for the term for which they were elected or prior to common nominated under the [1] Bombay District Municipal Act, 1901. Council of Act: and loss elected under the said sub-section shall hold office for the same period of councillors as councillors deemed to have been elected as aforesaid.

[2] Provided that-

- (a) Government may, by a notification in the Bombay Government Gazette and subject to the other provisions of this Act, extend the term of office of any municipality for a period up to a date not later than the thirty-first day of December 1928 [3];
- (b) any notification issued under proviso (a) after the expiry of the term of office of any municipality constituted under the [1]Bombay District Municipal Act, 1901, and before the thirty-first day of May 1927 shall be deemed to have been issued and to have had effect as from the date of expiry of the term of office of such municipality; and any appointment, notification, notice, tax, order, scheme, license, permission, rule, bye-law or form made, issued or imposed under the [1]Bombay District Municipal Act, 1901, by any such municipality so far as is not inconsistent with the provisions of this Act shall be deemed to be valid and to have been made, issued or imposed under this Act and shall continue in force unless and until it is superseded by any appointment, notification, notice, tax, order, scheme, license, permission, rule, bye-law or form made, issued or imposed under this Act.]

(2) The provisions of clause (b) of sub-section (2) of section 25 shall Validation of acts of expired muni-

- [4] [24A. Any municipality of a municipal borough included in cipalities. Schedule I which has not been constituted in accordance with the provisions of this Act and the rules made thereunder shall, save where it is otherwise provided in this Act, be deemed not to have been duly constituted and its members, both elected and nominated, shall be deemed not to have been duly elected and nominated.]
- 25. (1) Councillors nominated or elected at a general election under Term of office this Act shall, save as otherwise provided in this Act, hold office for a of councillors term of three years, extensible by order of the Government to a term election.

^[1] Vol. IV of Bom. Code.

^[1] This provise was added by Bom. I of 1927, a. 3.

^[4] This figure was substituted for the original figure "1927" by Bom. XII of 1927, a. 2.

^[4] S. 24A was inserted by Bom. I of 1927, a. 4.

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not exceeding in the aggregate four years, if on any occasion the Government shall think fit, for reasons which shall be notified together with the order in the *Bombay Government Gazette*, so to extend the same.

Provided that before such order is made the Government shall invite and consider objections, if any, from the voters entitled to vote at the municipal election in the municipal borough concerned.

- (2) (a) The term of office of such councillors shall be deemed to commence on the date of the first general meeting which shall be held after such election and after the expiry of the term of the outgoing councillors hereinbefore provided and at which a quorum shall be present; and
- (b) the term of office of the outgoing councillors shall be deemed to extend to and expire with the day before the date of such meeting.

Resignation 26. Any councillor may resign his office by giving notice in writing of councillors to that effect to the president.

Liability of councillors to removal from office. 27. The Government if it thinks fit, on the recommendation of the municipality supported by at least two-thirds of the whole number of councillors, may remove any councillor elected or nominated under this Act, if such councillor has been guilty of misconduct in the discharge of his duties, or of any disgraceful conduct or has become incapable of performing his duties as a councillor:

Provided that no resolution recommending the removal of any councillor shall be passed by the municipality unless the councillor to whom it relates has been given a reasonable opportunity of showing cause why such recommendation should not be made.

Disabilities from continuing a councillor.

- 28. (1) If any councillor during the term for which he has been elected or nominated—
 - (a) becomes subject to any disqualification specified in section 12, or

(b) acts as a councillor in any matter-

(i) in which he has directly or indirectly, by himself or his partner, any such share or interest as is described in clause (i), (ii), (ii), (vi), or (viii) or of sub-section (3) of section 12 whatever may be the value of such share or interest, or

(ii) in which he is professionally interested on behalf of a principal

or other person, or

(iii) in which he is engaged at the time in any case against the municipality, or

(c) departs beyond the limits of the Presidency with the declared or known intention of absenting himself continuously for a period exceeding six months, or

(d) not being a president or vice-president or a salaried servant of the Government, absents himself during four successive months from the meetings of the municipality, except with the leave of the municipality,

(e) fails to pay any arrears of any kind due by him to the municipality within three months after a special notice in this behalf has

been served upon him,

he shall be disabled from continuing to be a councillor and his office shall become vacant.

- (2) If any question arises whether a vacancy has occurred under subsection (1), the orders of the Government shall be final for the purpose of deciding such question after a reasonable opportunity has been given to the Councillor.
- 29. Where a vacancy occurs through the non-acceptance of office Casual vacanby a person elected or appointed to be a councillor, or through such cies how to person being disqualified for becoming a councillor, or through any elec-•tion being set aside under the provisions of sub-section (2) of section 15, or through the death, resignation, removal or disability of a councillor previous to the expiry of his term of office, the vacancy shall be filled up, as soon as it conveniently may be, by the election or nomination as the case may be of a person thereto, who shall hold office so long only as the councillor in whose place he is elected or nominated would have held it if the vacancy had not occurred.

A councillor whose office has become vacant under section 28 shall, if his disability has ceased, be eligible for re-election.

- (6) Municipal Government. Functions of President and Vice-President.
- 30. (1) Except as in this Act otherwise expressly provided, the Municipal municipal government of a municipal borough vests in the municipality. government
- (2) The executive power for the purpose of carrying out the provisions municipality. of this Act vests in the Chief Officer appointed under section 33, subject, Executive wherever it is in this Act expressly so directed, to the approval or sanction in the Chief of the municipality or of the standing committee and subject also to all Officer. other restrictions, limitations and conditions imposed by this Act and the rules made thereunder.

31. It shall be the duty of the president of a municipality—

Fauction of president.

- (a) to preside, unless prevented by reasonable cause, at all meetings of the municipality, and subject to the provisions of the rules for the time being in force under clause (a) of section 58 to regulate the conduct of business at such meetings;
- (b) to watch over the financial and executive administration of the municipality and to perform such executive functions as may be allotted to him by or under this Act;
- (c) to exercise supervision and control over the acts and proceedings of all officers and servants of the municipality in matters of executive administration and in matters concerning the accounts and records of the municipality; and, subject to the rules of the municipality at the time being in force, to dispose of all questions relating to the service of the said officers and servants, and their pay, privileges and allowances.
- (d) The president of a municipality may in cases of emergency direct the execution or stoppage of any work or the doing of any act which requires the sanction of the municipality, and the immediate execution or doing of which is, in his opinion, necessary for the service or safety of the public, and may direct that the expense of executing such work or doing such act shall be paid from the municipal fund:

Provided that

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

Functions of vicepresidents.

- 32. It shall be the duty of the vice-president of a municipality—
- (a) in the absence of the president and unless prevented by reasonable cause, to preside at the meetings of the municipality and he shall when so presiding exercise the same authority as is vested in the president under clause (a) of section 31;
- (b) to exercise such of the powers and perform such of the duties of the president as the president may from time to time depute to him; and
- (c) pending the election of a president, or during the absence of the president, to exercise the powers and perform the duties of the president.
 - (7) Appointment and powers of chief and other municipal officers.

Appointment of Chief Officer: Conditions of tenure.

[1]33. (1) There shall be a chief officer in every municipal borough who shall be a graduate of a recognized university or a qualified engineer appointed by the municipality:

Provided that a person permanently appointed as chief officer under the [2]Bombay District Municipal Act, 1901, before the coming into operation of this Act [3][or a person temporarily appointed as chief Bou officer under this Act for a period not exceeding two months in the aggregagate in a year] need not be a graduate of a recognized university or a qualified engineer.

(2) No chief officer shall be removed from office, reduced or suspended unless by the votes of at least two-thirds of the whole number of councillors; and no such officer shall be punishable with fine.[1]

Powers and duties of Chief Officer. 34. (1) The Chief Officer shall—

- (a) subject to the general control of the president, watch over the financial and executive administration of the municipality and perform all the duties and exercise all the powers specifically imposed or conferred upon him by, or delegated to him under this Act;
- (b) subject to the provisions of sub-section (4), exercise supervision and control over the acts and proceedings of all officers and servants of the municipality as regards appointments referred to in clause (c) in matters of executive administration and in matters concerning the accounts and records of the municipality; and subject further

^[1] This section was substituted for the original section by Bom. X of 1926, s. 3, which takes effect from the date when the original Act came into operation.

^[1] Vol. IV of Bom. Code.

^[*] These words were inserted by Bom. Act IV of 1930, a. 4.

to the rules of the municipality for the time being in force, dispose of all questions relating to the service of the officer and servants and their pay, privileges, leave and allowances;

- (c) subject to the provisions of sub-section (4) appoint to any post the monthly salary for which as fixed by rules made under clause (c) of section 58 does not exceed Rs. 50 and to any other post the appointment to which has not been otherwise provided for by such rules;
- (d) with the permission of the President furnish to the Collector, or such other officer as the Collector shall from time to time nominate in this behalf, a copy of every resolution passed at any meeting of the municipality;
- (e) subject to the provisions of this Act and of the by-laws for the time being in force thereunder, grant, give and issue under his signature all licenses and permissions which may be granted or given by the municipality or the standing committee under this Act, other than licenses for markets or slaughter-houses;
- (f) receive and recover and credit to the municipal fund all fees payable for licenses and permissions granted or given by him under the powers aforesaid;
- (g) subject to the orders of the president, or of the standing committee or of the municipality, as the case may be, take prompt steps to remove any irregularity pointed out by the auditor appointed under section 210;
- (h) report to the President and the standing committee all cases of fraud, embezzlement, theft, or loss of municipal money and property.
- (2) The Chief Officer may-
- (a) subject to the provisions of sub-section (4) fine, reduce, suspend or dismiss any municipal servant whose salary does not exceed Rs. 30 and subject further to the provisions of the rules for the time being in force, any other municipal officer or servant, not being the health officer, engineer or auditor of the municipality:

Provided that in respect of any punishment other than a fine not exceeding one week's salary his order shall be subject to an appeal either to the standing committee or, if the rules for the time being in force so provide, to the municipality;

- (b) subject to the provisions of this Act and of the by-laws for the time being in force thereunder, at his discretion suspend, withhold or withdraw any license, in any case in which he is empowered to grant or give a license and in which the municipality or the standing committee may suspend, withhold or withdraw such license;
- (c) with the sanction of the standing committee, delegate any of his powers or duties to any municipal officer or servant;

Provided that such delegation shall be subject to such limitations, if any, as may be prescribed by the standing committee, and also to control and revision by the Chief Officer.

- (3) The Chief Officer shall at any time supply any return, statement, account or report or a copy of any document in his charge, called for by the municipality or the standing committee and shall comply with any orders passed by the municipality or the standing committee thereon.
- (4) The powers conferred on the municipality by or under any of the provisions of this Act to appoint, grant leave of absence to, punish or dismiss any master, teacher or other person employed in a primary or other school vested in or maintained by the municipality, or employed in any educational institution aided by the municipality, shall not be exercised by the Chief Officer.

Appointment of health officer and engineer.

- (5) (a) A municipality may appoint a health officer and an engineer or any one or more of such officers, whether temporarily or permanently.
- (b) No such officer shall be removable from office, reduced or suspended unless by the assent of at least two-thirds of the whole number of councillors, and no such officer shall be punishable with fine.

Power of Government to require the removal of a chief officer, health officer or an engineer.

[1] 34A. (1) Notwithstanding anything contained in section 33 and sub-section (5) of section 34, it shall be lawful for the Government on the recommendation of any municipality supported by a resolution passed by a majority of the councillors present at a special general meeting called for the purpose to make in its discretion an order vetoing the continuance in office of any person holding the appointment of a chief officer, a health officer or an engineer:

Provided that-

- (a) Notwithstanding anything contained in sub-section (7) of section 35 no resolution shall be passed by such meeting unless a quorum shall have been present throughout; and
- (b) no order shall be made under this section unless an inquiry has been made into the matter by such person and in such manner as Government may direct and unless the person affected by the order has been given a reasonable opportunity at the inquiry of explaining the allegations made against him.
- (2) The tenure of office by any person whose continuance in office is vetoed under sub-section (1) shall cease and determine on and from such date as may be appointed by Government in that behalf.

CHAPTER III.

CONDUCT OF BUSINESS.

(1) Municipal Meetings.

Provisions in regard to meetings of a municipality.

Ordinary general meetings.

35. The following provisions shall be observed with respect to the meetings of a municipality:---

(1) There shall be held four ordinary general meetings in each year for the disposal of general business, on or about the tenth day of the months of January, April, July and October, respectively, and such other ordinary general meetings as the president may find neccessary. It shall be the duty of the president to fix the dates for all ordinary general meetings.

- (2) The president may, whenever he thinks fit, and shall, upon Special genethe written request of not less than one-fourth of the councillors and ral meetings for a date not more than fifteen days after the presentation of such request, call a special general meeting. If the president fails to call a special general meeting as provided in this clause the Vice-President may call such meeting for a day not more than thirty days after the presentation of such request.
- (3) Seven clear days, notice of an ordinary general meeting, and Notice of three clear days' notice of a special general meeting, specifying the meetings time and place at which such meeting is to be held and the business to be transacted thereat shall be served upon the councillors, and posted up at the municipal office or the local kacheri or some other public building in the municipal borough and also published in a local vernacular newspaper having a large circulation if such exists. The said notice shall include any motion or proposition which a councillor shall have given written notice, not less than ten clear days previous to the meeting, of his intention to bring forward thereat, and in the case of a special general meeting, any motion or proposition mentioned in any written request made for such meeting.
- (4) Every meeting of a municipality shall, except for special reasons Meetings to to be mentioned in the notice convening the meeting, be held in the be held at buildings used as a municipal office by such municipality.

 Meetings to be mentioned in the notice convening the meeting, be held in the beheld at municipal buildings used as a municipal office by such municipality.
- (5) Every meeting shall, in the absence of both the president and Absence of vice-president, be presided over by such one of the councillors present the president as may be chosen by the meeting to be chairman for the occasion, president and such chairman shall exercise thereat the powers vested in the president by clause (a) of section 31.
- (6) Every meeting shall be open to the public unless the presiding Meeting must authority deems any inquiry or deliberation pending before the muni-ordinarily becipality such as should be held in private:

Provided that the said authority may at any time cause any person to be removed who interrupts the proceedings:

Provided further that the presiding authority may cause to be removed from the meeting any councillor who does not obey his ruling.

(7) If less than one-third of the whole number of councillors be Adjournment present at a meeting at any time from the beginning to the end thereof, in absence of the presiding authority shall after waiting for not more than 30 minutes quoram. adjourn the meeting to such hour on the following or some other future day as he may reasonably fix; a notice of such adjournment shall be fixed up in the municipal office, and the business which would have been brought before the original meeting, had there been a quorum thereat, shall be brought before the adjourned meeting and may be disposed of at such meeting or at any subsequent adjournment thereof whether there be a quorum present or not.

Business to be transacted at meetings and order of business. (8) Except with the permission of the presiding authority, which permission shall not be given in the case of a motion or proposition to modify or cancel any resolution within three months after the passing thereof, no business shall be transacted and no proposition shall be discussed at any general meeting unless it has been entered in the notice convening such meeting or, in the case of a special general meeting, in the written request for such meeting. The order in which any business or proposition shall be brought forward at such meeting, shall be determined by the presiding authority, who in case it is proposed by any member to give priority to any particular item of such business or to any particular proposition, shall put the proposal to the meeting and be guided by the majority of votes given for or against the proposal.

Minutes of proceedings.

(9) In every municipality there shall be kept in the vernacular language and if any councillor so desire, in English also, minutes of the names of the councillors and of the Government officers, if any, present under the provisions of sub-section (14), and of the proceedings at each general meeting, in a book to be provided for this purpose; such minutes shall be signed, as soon as practicable, by the presiding authority and shall at all reasonable times be open to inspection by any inhabitant of the municipal borough.

Questions decided by majority of votes. . (10) All questions shall be decided by a majority of votes of the councillors present and voting, the presiding authority having a second or casting vote in all cases of equality of votes. Votes shall be taken and results recorded in such manner as may be prescribed by rules in that behalf for the time being in force under clause (a) of section 58.

Adjourn-

(11) Any general meeting may, with the consent of a majority of the councillors present, be adjourned from time to time to a later hour on the same day or to any other day; but no business shall be transacted at any adjourned meeting other than that left undisposed of at the meeting from which the adjournment took place.

A notice of such adjournment posted in the Municipal office shall be deemed sufficient notice of the adjournment meeting.

Modification and cancellation of resolutions. (12) No resolution of a municipality shall be modified or cancelled within three months after the passing thereof, except by a resolution supported by not less than one-half of the whole number of councillors and passed at a general meeting, whereof notice shall have been given fulfilling the requirements of sub-section (3) and setting forth fully the resolution which it is proposed to modify or cancel at such meeting and the motion or proposition for the modification or cancellation of such resolution.

Notice of certain business to be given to the Government Executive Engineer or Educational Inspectors. (13) Except for reasons which the presiding authority deems urgent, no business relating to any work which is being executed for the municipality by a Government Executive Engineer or to any educational matter, shall be transacted at any meeting of a municipality unless, at least fifteen days previous to such meeting, a letter has been addressed to the said Executive Engineer or to the Deputy Educational Inspector of the district, informing him of the intention to transact such business

thereat, and of the motions or propositions to be brought forward concerning such business.

(14) (a) The members of the Sanitary Board, and the Executive Certain Engineer, Deputy Educational Inspector and the Assistant Director officers may of Public Health, and the Civil Surgeon in a district when charged attend and with any of the duties of a health officer therein, if not members of a may be municipality within the district, shall have the right of being present to attend at any meeting of such municipality; with the consent of the muni-meetinge. cipality, each of them may take part at such meeting in the discussion or consideration of any question on which, in virtue of the duties of his office, he considers his opinion or the information which he can supply will be useful to such municipality:

Provided that the said officers shall not, unless they are members of the municipality be entitled to vote upon any such question.

(b) If it shall appear to a municipality that the presence of the Executive Engineer, Deputy Educational Inspector, Assistant Director of Public Health or Civil Surgeon of or in the district is desirable for the purpose aforesaid at any meeting of such municipality, it shall be competent to such municipality, by letter addressed to such officer not less than fifteen days previous to the intended meeting, to require his presence thereat; and the said officer, unless prevented by sickness or other reasonable cause, shall be bound to attend such meeting:

Provided that such officer on receipt of such letter may, if unable to be present himself, instruct a Deputy or Assistant or other competent subordinate as to his views, and may send him to the meeting as his representative instead of appearing thereat in person.

36. The Chief Officer shall be present at every meeting of the muni- The Chief cipality, and may with the permission of the president or of the munici-present at pality make an explanation or a statement of facts in regard to any every meeting subject under discussion at such meeting, but shall not vote upon of the municipality but or make any proposition at such meeting.

not to vote upon or make any proposition.

(2) Committees.

- 37. (1) In every municipality there shall be a committee called the standing standing committee consisting of such number of councillors not being committee. more than twelve nor less than six, as the municipality may determine and elected by the municipality in accordance with rules framed under section 58, clause (a). The members so elected shall hold office for a period of one year.
- (2) The standing committee shall exercise the functions allotted to Powers of it under this Act and subject to any limitations prescribed by the muni-standing cipality especially in this behalf or generally by rules made under clause committees. (a) of section 58, and to the provisions of sections 34, [1] [37A] and 38, shall exercise all the powers of the municipality.

^[1] This figure and letter were inserted by Bom. Act IV of 1930, s. 4-

Pilgrim Committee.

- [1]37A. (1) In every municipality notified by Government in this behalf there shall be a committee called the Pilgrim Committee consisting of three councillors of whom one shall be the president of the municipality and the other two shall be elected in accordance with rules made under clause (a) of section 58 and of three persons nominated by the Commissioner of whom not more than two may be salaried servants of Government.
- (2) The members of the Pilgrim Committee shall hold office for the duration of the municipality and thereafter up to the date on which a new Pilgrim Committee is constituted in accordance with the provisions of this section.

In the case of supersession of the municipality or of the Pilgrim Committee, a new Pilgrim Committee shall be constituted by the Commissioner. Such Committee shall consist of six persons nominated by the Commissioner and shall continue until the municipality is re-established, and a new Pilgrim Committee is constituted in accordance with the provisions of this section, or, in case of supersession of the Pilgrim Committee, until the Pilgrim Committee is re-established.

- (3) The Pilgrim Committee shall manage and administer the pilgrim fund established under proviso (c) to section 65 and shall exercise the powers and perform the duties of the municipality in respect of the said fund subject to such limitations and restrictions as may be prescribed by the municipality by rules made in this behalf under clause (aa) of section 58.
- (4) All the provisions of this Act relating to the duties, powers, liabilities, disqualifications and disabilities of councillors shall be applicable, so far as may be, to the members nominated on the Pilgrim Committee.
- (5) In the event of the death, resignation, disqualification, disability or removal of a nominated member previous to the expiry of his term of office, the vacancy shall be filled up by the appointment of a person thereto who shall hold office so long only as the person in whose place he is appointed would have held it if the vacancy had not occurred.
- (6) Section 45 shall not apply to the Pilgrim Committee; provided that the municipality shall have power, at any time, to call for any extract from any proceedings of the Pilgrim Committee and for any return, statement of account or report concerning or connected with any matter with which the Pilgrim Committee deals and every such requisition shall, without unreasonable delay, be complied with by the Pilgrim Committee.
- (7) The provisions of sections 210, 211 and 212 shall, so far as may be, apply to the Pilgrim Fund Account and the Pilgrim Committee shall, with respect to the preparation and submission to the municipality of its annual budget, follow the following procedure, namely:—

"The Pilgrim Committee shall in sufficient time submit its annual budget and all alterations therein to the municipality for consideration,

and, if the municipality agree to it, for its incorporation in the general municipal budget. If the municipality do not agree to the budget as framed by the Pilgrim Committee, they shall return it to the Pilgrim Committee for reconsideration, either in whole or in part, together with any alterations, which they may recommend, and if the Pilgrim Committee agrees to those alterations, the budget so altered shall be incorporated in the general municipal budget. If the municipality and the Pilgrim Committee fail to reach an agreement, the budget with a statement of the points in dispute shall be referred by the municipality to the Commissioner, whose decision on such points shall be final."

- (8) The provisions of sections 213, 214, 215, 218 and 219 shall apply to a Pilgrim Committee and in their application to a Pilgrim Committee the said sections shall be construed so far as may be, as if for the word 'municipality' occurring in the said sections the words 'Pilgrim Committee' were substituted.
- 33. (1) Notwithstanding anything contained in section 37 (2) other other execucommittees consisting of such number of councillors as the municipality tive commay decide, may be appointed to exercise the powers and perform the
 duties of the municipality in respect of any purpose [1] not being, where
 a Pilgrim Committee is appointed, powers or duties referred to in section
 37A. The standing committee shall not exercise any powers or perform
 any duties which such committee has been appointed to exercise or
 perform.

(2) The members of such committees shall be elected by the municipality in accordance with the rules framed under clause (a) of section 58 and such members shall hold office for a period of one year.

- 39. A municipality may from time to time appoint such other com-Consultative mittees consisting of such councillors as it thinks fit, and may refer to committees, such committees for inquiry and report or for opinion such special subjects relating to the purposes of this Act as the municipality shall think fit, and may at any time discontinue or alter the constitution of any such committee. The municipality may direct that the report of any such committee shall be made to the standing committee, or to a committee appointed under section 38, instead of to the municipality.
- 40. Notwithstanding anything contained in this Act, it shall be law-Whenpersona ful for a municipality from time to time, by a resolution supported by other than not less than one-half of the whole number of councillors, to elect as councillors members of any committee appointed under section 38 or 39 any person may serve on committees. of either sex, who is not a councillor but who in the opinion of such municipality possesses special qualifications for serving on such committee provided that the number of persons so elected on any committee shall not exceed one-third of the total number of the members of such committee.

All the provisions of this Act relating to the duties, powers, liabilities, puties, etc., disqualifications and disabilities of councillors shall be applicable so of such far as may be to such persons.

^[1] These words were inserted by Bom. Act IV of 1930, p. 4.

Casualvacancies; re-eligilility.

41. A vacancy occurring in a standing committee or in a committee appointed under section 38 shall, as soon as possible, and a vacancy occurring in any other committee may, be filled up by the election of a member thereto subject to the same provisions as those under which the member whose place is to be filled up was elected. A person elected under this section shall hold office so long only as the person in whose place he is elected would have held it if the vacancy had not occurred. No person shall be ineligible at any time for election as a member of any such committee on the ground that he has previously been a member of that committee.

Ex-officio and appointed chairman. Non-attendance of chairman.

42. (1) The president or vice-president, if elected a member of any committee, shall be ex-officio chairman thereof:

[1]Provided that in the case of a Pilgrim Committee the President shall be ex-officio Chairman thereof.

- (2) A municipality may appoint a chairman for a committee of which there is no ex-officio chairman.
- (3) A committee, of which there is an ex-officio chairman or a chairman appointed by the municipality, shall, at each meeting which such chairman does not attend, appoint from its members a chairman for such meeting.
- (4) A committee, of which there is no ex-officio chairman or chairman appointed by the municipality, shall appoint from time to time a chairman from the members of such committee.

Procedure at meetings.

43. (1) The provisions of sub-sections (4), (9), (10) and (14) of section 35 shall be complied with in all proceedings of committees as if meetings of committees were included in all references to meetings of a municipality contained in those provisions, and as if for the word "municipality" where it occurs in the proviso to clause (a) of sub-section (14) of section 35, there was substituted the word "committee".

If the chairman of any committee has been absent from the municipal borough for a period exceeding fifteen days, the president or vicepresident may, in his absence, call a meeting thereof:

Provided that, notwithstanding anything to the contrary contained in sub-section (9) of section 35, a committee may record its proceedings either in English or in the vernacular language, as it may think fit.

Meeting and adjournment of committees.

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

Quorum.

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

- 44. (1) Notwithstanding anything contained in section 43 the chair-Procedure by man of a committee may, instead of convening a meeting, circulate a circular. written proposition of his own or of any other member of the committee or of any executive officer of the municipality for the observations and votes of the members of the committee.
- (2) Previous to circulating any such proposition as aforesaid, the Propositions chairman may, if he thinks fit, and, if the business to which it relates when to be is of the nature described in sub-section (13) of section 35, shall obtain Government thereupon the remarks, if any, which any Government officer whose officers for presence the municipality would be entitled to require under the remarks. provisions of clause (b) of sub-section (14) of section 35, desires to record.
- (3) The decision on any proposition so circulated shall be in accordance Decisionshow with the majority of votes of the members of the committee who vote to be taken upon it, unless a special meeting is convened to consider the said propo-tions pirculated.
- (4) Every decision arrived at by a committee under this section shall And how to be recorded in the minute book.
- 45. (1) A committee shall conform to any instructions that may subordinefrom time to time be given to it by the municipality; the municipality tion of commay at any time call for any extract from any proceedings of any com-mittees to municipality. mittee and for any return, statement, account or report in connection with any matter with which any committee has been authorized or directed to deal; every such requisition shall, without unreasonable delay, be complied with by the committee so called upon.
- (2) Every order passed by a standing committee or by a committee appointed under section 38, other than orders under sub-section (3) of section 81, shall be subject to such revision and open to such appeal as may be required or allowed in respect thereof by any rules of the municipality for the time being in force under section 58.
- 46. Any powers or duties or executive functions which may be exer-Powers, cised or performed by or on behalf of the municipality may be delegated duties and in accordance with rules to be made by the municipality in this behalf, may be deleto the president or to the vice-president or to the chairman of the school gated to or other committee, or to one or more stipendiary or honorary officers, expenses may but without prejudice to any powers that may have been conferred on be paid. the Chief Officer by this Act or on any committee by or under section 37. [1] [37A] or 38, and each person, who exercises any power or performs any duty or function so delegated, may be paid all expenses necessarily incurred by him therein.

(3) Joint transactions with other bodies.

47. (1) A municipality may from time to time-

(a) join with any other municipality or with any local board, canton-local bodies ment authority, sanitary board, sanitary committee or committee Joint lovy of

Joint com. mittees of

^[1] This figure and letter were inserted by Bom. Act IV of 1930, a. 4.

appointed for a notified area or with any combination of such municipalities, boards, authorities or committees-

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

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

(iii) in framing and modifying rules for regulating the proceedings of any such committee in respect of the purpose for which the

committee is appointed; and

- (b) enter, subject to the sanction of the Government, into an agreement with a municipality, cantonment authority, board, committee or combination as aforesaid for the levy of octroi duty, and tolls whereby the octroiduties and tolls respectively leviable by the bodies so contracting may be levied together instead of separately within the limits of the area subject to the control of the said bodies.
- (2) If any difference of opinion arises between bodies having joined or entered into an agreement for any purpose under this section, the decision thereupon of the Government or of such officer as it appoints in this behalf, shall be final.

(4) Contracts.

Power of municipality to sell, lease

48. (1) A municipality shall be competent, subject to the restriction. contained in sub-section (2), to lease, sell or otherwise transfer any movand contract, able or immovable property which may, for the purposes of this Act, have become vested in or been acquired by it; and so far as is not inconsistent with the provisions and purposes of this Act, to enter into and perform all such contracts as it may consider necessary or expedient in order to carry into effect the said provisions and purposes.

(2) In the case of every lease or sale of land under sub-section (1) of section 114 and of a lease of immovable property for a term exceeding seven years and of every sale or other transfer of such property, the

previous sanction of the Commissioner is required.

Sanction by resolution at general meeting requisite to validity of certain contracts.

(3) In the case-

(a) of a lease for a period exceeding one year or of a sale or other transfer or contract for the purchase of any immovable property;

(b) of every contract which will involve expenditure not covered by

a budget grant;

(c) of every contract the performance of which cannot be completed within the official year current at the date of the contract; the sanction of the municipality by a resolution passed at a general meeting is required.

Execution of contracts on behalf of

(4) In a municipality—

(a) every contract under or for any purpose of this Act shall be

made on behalf of the municipality by the Chief Officer:

(b) no such contract for any purpose which the Chief Officer is not empowered by this Act to carry out without the approval or sanction of some other municipal authority, shall be made by him until or unless such approval or sanction has first of all been duly given;

- (c) no contract which will involve an expenditure exceeding three hundred rupees shall be made by the Chief Officer unless otherwise authorized in this behalf by the municipality except with the approval or sanction of the standing committee;
- (d) every contract made by the Chief Officer involving an expenditure exceeding two hundred rupees and not exceeding three hundred rupees shall be reported by him, within fifteen days after the same has been made, to the standing committee;
- (e) the foregoing provisions of this section shall apply to every variation or discharge of a contract to the same extent as to an original contract.
- (5) No contract shall be binding on a municipality unless the requirements of this section have been complied with.
- 49. (1) Every contract entered into by a Chief Officer on behalf of a Mode of municipality shall be entered into in such manner and form as would executing bind such Chief Officer 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 a Chief Officer, would require to be under seal, the same shall be sealed with the common seal of the municipality;
- (b) every contract for the execution of any work or the supply of any materials or goods which will involve an expenditure exceeding five hundred rupees, shall be in writing and shall be sealed with the common seal of the municipality and shall specify the work to be done or the materials or goods to be supplied, as the case may be, the price to be paid for such work, materials or goods and in the case of a contract for work, the time or times within which the same or specified portions thereof shall be completed.
- (2) The common seal of the municipality shall not be affixed to any contract or other instrument except in the presence of two members of the standing committee, who shall attach their signatures to the contract or instrument in token that the same was sealed in their presence. The signatures of the said members shall be distinct from the signatures of any witnesses to the execution of any such contract or instrument.
- (3) A contract not executed in the manner provided in this section shall not be binding on the municipality.
- 50. (1) Except as is otherwise provided in sub-section (3), a Chief Tenders to be Officer shall, at least seven days before entering into any contract for invited for the execution of any work or the supply of any materials or goods involving which will involve an expenditure exceeding one thousand rupees, give exceeding notice by advertisement in a local newspaper, inviting tenders for such Rs. 1,000. contract.
- (2) The Chief Officer shall not be bound to accept any tender which may be made in pursuance of such notice, but may, with the approval NO VA 3-20

of the standing committee, accept any of the tenders so made which appears to him, upon a view of all the circumstances, to be the most advantageous or may reject all the tenders submitted to him.

(3) A municipality may authorise the Chief Officer, for reasons which shall be recorded in its proceedings, to enter into a contract without inviting tenders as herein provided or without accepting any tender which he may receive after having invited them.

Security when to be taken for performance of contract.

51. A Chief Officer shall require security for the due performance of every contract into which he enters under section 50 and may, in his discretion, require security for the due performance of any other contract into which he enters under this Act.

(5) Compulsory acquisition of land.

Recourse to the Land Acquisition Act, 1894. 52. When there is any hindrance to the permanent or temporary acquisition by a municipality upon payment of any land or building required for the purposes of this Act, the Government may, after obtaining possession of the same for itself under the [1] Land Acquisition Act, I o 1894, or other existing law, vest such land or building in the municipality on its paying the compensation awarded, and on its repaying to Government all costs incurred by Government on account of the acquisition.

(6) Liabilities of Councillors, officers and servants.

Councillors to be held responsible for misapplied funds. 53. Every councillor shall be personally liable for the misapplication of any fund to which he shall have been a party, or which shall have happened through, or been facilitated by gross neglect of his duty as a councillor and may be sued for recovery of the moneys so mis-applied as if such moneys had been the property of Government:

Provided that no councillor shall be personally liable in respect of any contract or agreement made, or for any expense incurred, by, or on behalf of the municipality; the funds at the disposal of each municipality shall be liable for, and be charged with, all costs in respect of any such contract or agreement and all such expenses.

Officer or servant of municipality not to be a interested in contract with such municipality.

54. (1) Any person who has, directly or indirectly, by himself or his partner, any share or interest in any contract with, by or on behalf of a municipality, or in any employment with, under, by or on behalf of a municipality, other than as a municipal officer or servant, shall be disqualified for being an officer or servant of such municipality.

(2) Any municipal officer or servant who shall acquire, directly or indirectly, by himself or his partner, any share or interest in any such contract or employment as aforesaid, shall cease to be a municipal officer or servant, and his office shall become vacant.

(3) Nothing in this section shall apply to any such share or interest in any contract or employment—with, under, by or on behalf of a municipality, as under clauses (i), (ii) and (iv) of sub-section (3) of section 12, it is permissible for a person to have without his being thereby disqualified from becoming a councillor.

- 55. (a) Any councillor who knowingly acquires directly or indirectly Penalty for any share or interest in any contract or employment with, under, by or councillor, on behalf of a municipality of which he is a member, not being a share servant of or interest such as under section 12 it is permissible for a person to have a municipality being interested in without being thereby disqualified from becoming a councillor, and
- (b) any municipal officer or servant who knowingly acquires directly etc., with or indirectly any share or interest in any contract, or, except in so far that munias concerns his own employment as municipal officer or servant, in any cipality. employment with, under, by or on behalf of a municipality of which he is an officer or servant, not being a share or interest such as under clauses (i) and (iv) of sub-section (3) of section 12—it is permissible for a person to have without being thereby disqualified from becoming a councillor.

shall be liable, on conviction before a criminal court, to a fine which may extend to five hundred rupees.

56. (1) Every municipal councillor, officer or servant, and every Councillors. LV lessee of the levy of any municipal tax, and every servant or other person etc., to be employed by any such lessee shall be deemed to be a public servant public within the meaning of section 21 of the Indian Penal Code.

(2) The word "Government" in the definition of "legal remuneration" in section 161 of that Code shall, for the purposes of sub-section (1) of 860, this section, be deemed to include a municipality.

(7) Validity of proceedings.

57. (1) No disqualification of or defect in the election or appoint-Acts and ment of any person acting as councillor or as the president or presiding proceedings authority of a general meeting, or as chairman or member of a committee municipality appointed under this Act shall be deemed to vitiate any act or proceeding and of the municipality or of any such committee, as the case may be, in committee which such person has taken part, whenever the majority of persons, by disqualifiparties to such act or proceeding, were entitled to act.

cations, etc., of members

No resolution of a municipality or of any committee appointed under thereof. this Act shall be deemed invalid on account of any irregularity in the service of notice upon any councillor or member, provided that the proceedings of the municipality or committee, were not prejudicially affected by such irregularity.

- (2) Until the contrary is proved, every meeting of a municipality or Proceedings of a committee appointed under this Act in respect of proceedings where-presumed to of a minute has been made and signed in accordance with this Act, pe good 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 the proceedings of a committee, such committee shall be deemed to have been duly constituted and to have had the power to deal with the matters referred to in the minute.
- (3) During any vacancy in a municipality or committee the continuing Vacancy councillors or members may act as if no vacancy had occurred.

not to affect proceedings,

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CHAPTER IV.

RULES AND BY-LAWS.

Municipalities to make

- 58. A municipality shall make rules not inconsistent with this Act and may from time to time alter or rescind them—
 - (a) regulating the conduct of its business and the delegation of any of its powers or duties to any committee or to the Chief Officer or [1] subject to the provisions of section 37A the powers or duties of any committee to any other committee or to the Chief Officer and the appointment and constitution of committees;
 - [2] (aa) prescribing the limitations and restrictions subject to which the Pilgrim Committee shall exercise the powers and perform the duties of the municipality in respect of the Pilgrim Fund.

Defining the functions of the President and others; (b) determining the executive functions to be performed by the president, vice-president and the chairman of any committee;

establishment;

- (c) determining the staff of officers and servants to be employed by the municipality and the respective designations, salaries, fees and absentee or other allowances of such officers and servants and their powers and duties;
- (d) generally for the guidance of its officers and servants in all matters relating to the municipal administration;

general guidance of municipal servants; amount of security;

(e) fixing the amount and nature of the security to be furnished by any officer or servant from whom it may be deemed expedient to require security:

mode of appointing, etc., municipal servants;

(f) determining, subject to the limitations imposed by sections [3] [33, 34 (5) and 34A,] the mode and conditions of appointing, punishing, or dismissing any officer or servant; and delegating to officers designated in the rules the power to appoint, fine, reduce, suspend or dismiss any efficer or servant;

leave to municipal servants; (g) regulating the grant of leave to its officers or servants, and fixing the remuneration to be paid to the persons, if any, appointed to act for them whilst on leave;

pensions, etc., (h) regulating the period of service of its officers and servants and determining the conditions under which such officers and servants or any of them shall receive pensions, gratuities or compassionate allowwances on retirement, or on their becoming disabled through the execution of their duty, and the amount of such pensions, gratuities or compassionate allowances; and prescribing the conditions under which any gratuities or compassionate allowances may be paid to the surviving relatives of any such officers or servants whose death has been caused through the execution of their duty;

^[1] These words were inserted by Bom. Act IV of 1930, s. 4.

^[*] This clause was inserted by Bom. Act IV of 1930, s. 4.

^[*] These figures and word were substituted for the figures and word "33 and 34 (5)" by Bom. Act III of 1930, s. 3.

- (i) authorizing the payment of contributions, at such rates and provident subject to such conditions as may be prescribed in such rules, to any funds; pension or provident fund which may be established by the municipality or, with the approval of the municipality, by its officers and servants;
- (j) prescribing the taxes to be levied in the municipal borough for prescribing municipal purposes, the circumstances in which exemption will be taxes; allowed, the conditions on which and the extent to which remissions will be granted, and the system on which refunds will be allowed and paid, in respect of such taxes; the limits of the charges or payments to be fixed in lieu of any tax under section 91, the fees to be charged for licenses or permissions granted under section 90 and for giving copies and stamping weights and measures; the fees for notices demanding payments due on account of any tax and for the execution of warrants of distress, and the rates to be charged for maintaining any live-stock distrained; and the time at which and the mode in which such taxes, charges, payments, fees or rates shall be levied or recovered or be payable and the persons authorised to receive payment of the same and the manner in which auctions of movable and immovable property under section 106 shall be held;
- (k) prescribing the conditions subject to which sums due on account writing of of any tax or of costs in recovering any tax may be written off as amounts due. irrecoverable, and the conditions subject to which the whole or any part of any fee chargeable for distress may be remitted by the standing committee:

Provided that-

- (a) no rule or alteration or rescission of a rule made under this section Approval shall have effect unless and until it has been approved by the Govern-required to ment:
- (b) if an officer serving or having served under a municipality has Officers been or is transferred from or to the service of the Government, or is transferred from or to partly employed by the Government and partly by a municipality, the service the municipality shall contribute to his pension and leave allowances of Governto the extent required by the rules in force for the time being, made by ment. the Governor General in Council in this behalf;

- (c) a municipality shall not, unless with the assent of the Government Notice dispense with the services of any officer transferred from the service required in of the Government to the service of the municipality or employed certain cases partly by the Government and partly by the municipality, or finally dismiss from the service of the municipality any officer transferred from the service of the municipality to the service of the Government, without giving the Government six months' previous notice.
- [1] 58A. A municipality may, at its discretion, make rules, not Discretionar inconsistent with this Act, determining the conditions under which power to gratuities or compassionate allowances may be paid to the surviving make rules. relatives of its officers and servants or any of them who die during service and the amount of such gratuities or compassionate allowances:

Provided that no rule or alteration or rescission of a rule made under this section shall have effect unless and until it has been approved by the Government.

Rules made with approval of Commissioner or without approval.

- 59. (1) Notwithstanding anything contained in clause (a) of the proviso to section 58, the approval required to be given in respect of rules framed under clause (c) of section 58 may be given by the Commissioner instead of by Government, subject to the condition that any such rules relating to Chief Officers, health officers or engineers or to the salaries, fees or absentee or other allowances of such officers shall require the sanction of the Government.
- (2) Notwithstanding anything contained in clause (a) of the proviso to section 58 or in sub-section (1) of this section, a municipality shall have power to make without sanction a rule under clause (c) of section 58, creating an appointment or increasing the salary of an appointment or granting or increasing an allowance in any case where the salary of such appointment or the amount of such allowance or the amount of such increase, as the case may be, does not involve a charge on the municipal fund exceeding rupees one hundred in the month:

Provided that the Government may withdraw this power from any municipality either permanently or for such period as they think fit to prescribe when, in their opinion there are good reasons for doing so.

Power to suspend, reduce or abolish any existing tax.

- 60. (1) Subject to the requirements of clause (a) of the proviso to section 58 a municipality may, except as otherwise provided in clause (b) of the proviso to section 103 at any time for any sufficient reason, suspend, modify or abolish any existing tax by suspending, altering or rescinding any rule prescribing such tax.
- (2) The provisions of chapter VII relating to the imposition of taxes shall apply so far as may be to the suspension, modification or abolition of any tax and to the suspension, alteration or rescission of any rule prescribing a tax.

Power to make bylaws; 61. (1) A municipality may from time to time, with the previous sanction of the Government, make, alter or rescind by laws not inconsistent with this Act—

markets and slaughterhouses, etc., etc.; (a) for the regulation and inspection of markets and slaughterhouses and all places used by or for animals which are for sale or hire, or the produce of which is sold, and for the proper and cleanly conduct of business therein; and for fixing the rents and other charges to be levied for the use of any of them which belong to the municipality; for regulating the sale of fruit and vegetables in the municipal market or other specified places;

licensing, regulating and inspecting certain businesses; (b) prescribing the conditions on or subject to which and the circumstances in which and the areas or localities in respect of which, licenses may be granted, refused, suspended or withdrawn for the use of any place not belonging to the municipality—

(i) as a slaughter-house;

(ii) for the manufacture, preparation, storing, sale or supply for the purpose of trade of any article or thing intended for human food or drink, whether such food or drink is to be consumed in such place or not;

(iii) for any of the purposes mentioned in sub-section (1) of section

186:

and providing for the inspection and regulation of the conduct of business in any place used as aforesaid, so as to secure cleanliness therein or to minimise any injurious, offensive or dangerous effect arising or likely to arise therefrom;

(c) prescribing the conditions on or subject to which and the circum-use of steam stances in which and the areas or localities in respect of which licenses whistles, may be granted, refused, suspended or withdrawn for the use of whistles and trumpets operated by steam or mechanical means in factories or other places for the purpose of summoning or dismissing workmen or persons employed;

(d) prescribing the conditions on or subject to which and the pilgrims' circumstances in which and the areas or localities in respect of which houses: licenses may be granted, refused, suspended or withdrawn for the use of any place or building for the purpose of lodging pilgrims, and providing for the inspection and regulation of such places or

buildings;

(e) prohibiting the stalling or herding of horses, camels, cattle, stalling of donkeys, sheep or goats, otherwise than in accordance with such regulacattle, etc.; tions prescribed in such by-laws in regard to the number thereof, and the places to be used for the purpose; as may be necessary to prevent danger to the public health;

(f) prescribing the conditions on which sweet-meats may be sold milk shops; and on which licenses may be granted, refused, suspended, or withdrawn for the use, for purposes of trade, of any place for stabling milch cattle, for storing or selling milk, or for making, storing or selling

butter or other milk products;

(g) (i) for the inspection of milch cattle; and prescribing and forregulating regulating the construction, dimensions, ventilation, lighting, cleansing, eattle-sheds: drainage and water-supply of dairies and cattle-sheds in the occupation of persons following the trade of dairy-men or milk-sellers;

(ii) for securing the cleanliness of milk-stores, milk-shops and milk stores, vessels used by milk-sellers or buttermen for milk or butter;

- (h) for the inspection of weights and measures under section 177 and inspection of for the stamping of weights and measures and for charging fees for the weights, etc.; same;
- (i) for defining the standard weights and measures used within the defining municipal borough;

 measures, etc.:
 - (j) for the registration of births, deaths, and marriages and the registration taking of a census within the municipal borough and for enforcing the of births, supply of such information as may be necessary to make such registration or census effective;
 - (k) regulating the disposal of the dead and the maintenance of all regulating places for the disposal of the dead in good order and in a safe sanitary of the dead; condition, due regard being had to the religious usages of the community

or section of the community entitled to the use of such places for the disposal of the dead;

tor enforcing supply of information as to epidemics; for enforcing information (1) for enforcing the supply of information as to any cases of dangerous disease, and carrying out the provisions of sections 179 and 180;

for enforcing information as to liabilty to municipal taxation; (m) for enforcing the supply of such information by inhabitants of the municipal borough as may be necessary to ascertain their respective liabilities to any tax imposed therein;

octroi:

(n) fixing octroi limits and stations; providing for the exhibition of tables of octroi; regulating, subject to any general or special orders which the Government may make in this behalf, the system, under which refunds are to be made on account thereof when the animals or goods on which the octroi has been paid, or articles manufactured wholly or in part from such animals or goods, are again exported, and the custody or storage of animals or goods declared not to be intended for use or consumption within the municipal borough; and prescribing a period of limitation after which no claim for refund of octroi shall be entertained and the minimum amount for which any claim to refund may be made;

terminal tax:

(o) fixing terminal tax limits and stations, providing for the exhibition of tables of terminal tax, and regulating the mode of recovery of such tax:

for protecting water;

(p) for conserving and preventing injury to sources and means of water supply and appliances for the distribution of water, whether within or without the limits of the municipal borough, and regulating all matters and things connected with the supply and use of water and the turning on or turning off and preventing the waste of water, and the construction, maintenance and control of municipal water-works, and of pipes and fittings in connection therewith, whether the property of the municipality or not;

Explanation.—Sources and means of water-supply shall include private wells which are used by the public.

public baths, etc.;

(q) regulating the use of public bathing and washing places within the municipal borough;

conservancy;

(r) regulating sanitation and conservancy and the disposal of the carcasses of dead animals;

temporary structures and buildings; buildings;

- (s) regulating the conditions on which permission may be given for the temporary occupation of, or the erection of temporary structures on, public streets or for projections over public streets;
- (t) regulating the structure and dimensions of plinths, walls, foundations, roofs and chimneys of new buildings for the purpose of securing stability and the prevention of fires, and for purposes of health, and determining the purposes for which existing or newly erected buildings may be used in any area;

streets;

(u) for preventing the erection of buildings without adequate provision being made for the location and laying out of streets; and for the payment of compensation in such cases when necessary;

- (v) for ensuring the adequate ventilation of buildings by the ventilation; provision and maintenance of sufficient open space either internal or external and of doors and windows and other means for securing a free circulation of air;
- (w) prescribing the qualifications of surveyors or persons by whom qualified plans required under section 123 are to be prepared, or of plumbers; surveyors; for licensing persons to be surveyors or plumbers and, fixing the fees chargeable for such licenses; and for modifying the provisions of or revoking such licenses; and prohibiting any alterations or repairs or fittings to water or drainage-pipes or house-connections being carried out or made except by such persons;
- (x) regulating, in any other particular not specifically provided for drains; in this Act, the construction, maintenance and control of drains, sewers, ventilation shafts, receptacles for dung and manure, cesspools, water closets, privies, latrines, urinals and drainage or sewerage works of every description whether the property of the municipality or not;
- (y) determining the information and plans to be required by the requiring municipality under sections 117 and 123;

 information and plans in certain cases;
- (2) prohibiting vehicular traffic in any particular street, so as to controlling prevent danger, obstruction or inconvenience to the public, by fixing unwieldy up posts at both ends of such street or portion of such street, prohibiting the transit of any vehicles of such form, construction, weight or size or laden with such heavy or unwieldy objects as may be deemed likely to cause injury to the roadways or to any construction thereon, or risk or obstruction to other vehicles or to pedestrains along of over any street, except under such conditions as to time, mode of traction or locomotion, use of appliances for protection of the roadway, number of lights and assistants, and other general precautions as may be prescribed either generally in such by-laws or in special licenses to be granted in each case upon such terms as to time of application and payment of fees therefor as may be prescribed in such by-laws:

Provided that no such by-law relating only to any particular street or portion of a street shall be deemed to be in force, unless and until notices of such prohibition shall have been posted up by the municipality in conspicuous places at or near both ends of such street or portion of a street;

- (aa) securing the protection of public parks, gardens and open public parks; spaces, vested in or under the control of the municipality, from injury or misuse, regulating their management and the manner in which they may be used by the public, and providing for the proper behaviour of persons in them;
- (bb) generally for the regulation of all matters relating to municipal general administration;

and the municipality may, with the like sanction, prescribe a fine Fine may be not exceeding five hundred rupees for every infringement of any such imposed for by-law.

Publication of drafts of proposed by-laws.

(2) A municipality shall, before making any by-law under this section. publish in such manner as shall in its opinion be sufficient, for the information of the persons likely to be affected thereby, a draft of the proposed by-law, together with a notice specifying a date on or after which the draft will be taken into consideration; and shall, before making the by-law, receive and consider any objection or suggestion with respect to the draft which may be made in writing by any person before the date so specified.

Objections and suggestions to be

(3) When any by-law made by a municipality is submitted to the Government for sanction, a copy of the notice published and of every submitted to objection or suggestion received under the provisions of sub-section (2), Government. shall be submitted for the information of the Government along with the said by-law.

Rules and by-laws to be printed and sold.

The rules and by-laws for the time being in force shall be kept open to public inspection at the municipal office at all reasonable times; printed copies thereof and of this Act in the vernacular language of the district and in English shall be kept on sale at cost price.

CHAPTER V.

MUNICIPAL PROPERTY AND FUND.

Power to acquire and hold property for the

purposes of the Act.

- 63. (1) A municipality may acquire and hold property both movable and immovable, whether within or without the limits of the municipal borough.
- (2) All property of the nature specified in the clauses to this section, not being specially reserved by the Government, shall be vested in and belong to the municipality, and shall, together with all other property of what nature or kind soever which may become vested in the municipality, be under its direction, management and control, and shall be sheld and applied by it as trustee, subject to the provisions and for the purposes of this Act:

(a) All public town-walls, gates, markets, slaughter-houses, manure and night-soil depots, and public buildings of every description.

- (b) All public streams, tanks, reservoirs, cisterns, wells, springs, aqueducts, conduits, tunnels, pipes, pumps and other water works; and all bridges, buildings, engines, works, materials and things connected with or appertaining to such water works; and also any adjacent land, not being private property, appertaining to any public tank or well.
- (c) All public sewers and drains; all sewers, drains, tunnels, culvert gutters and water-courses in, alongside or under any street, and all works, materials and things appertaining thereto; all dust, dirt, dung, ashes, refuse, animal matter, filth, or rubbish of any kind collected by the municipality from the streets, houses, privies, sewers, cesspools or elsewhere.
- (d) All public lamps, lamp-posts, and apparatus connected therewith, or appertaining thereto.

- (e) All lands transferred to it by the Secretary of State for India in Council, or by gift or otherwise, for local public purposes.
- (f) All public streets, and the pavements, stones and other materials thereof and also all trees, erections, materials, implements and things provided for such streets.
- 64. (1) In any municipal borough to which a survey of lands, other Decision of than lands ordinarily used for the purposes of agriculture only, has been claims to or shall be extended under any law for the time being in force, where any or against property or any right in or over any property is claimed by or on behalf the municipality, or by any person as against the municipality, it cipality. shall be lawful for the Collector after formal enquiry, of which due notice has been given, to pass an order deciding the claim.
- (2) Any suit instituted in any civil court after the expiration of one year from the date of any order passed by the Collector under sub-section (1), or, if one or more appeals have been made against such order within the period of limitation, then from the date of any order passed by the Bom. final appellate authority, as determined according to section 204 of the Y of [1] Bombay Land Revenue Code, 1879, shall be dismissed (although limitation has not been set up as a defence) if the suit is brought to set aside such order or if the relief claimed is inconsistent with such order provided that the plaintiff has had due notice of such order.
- (3) (a) The powers conferred by this section on a Collector may also Bom. be exercised by an Assistant or Deputy Collector or by a Survey Officer v of 1879. as defined in the [1] Bombay Land Revenue Code, 1879.
- (b) The formal enquiry referred to in this section shall be conducted Bom. in accordance with the provisions of the aforesaid [1] Code.
 - (c) Any person shall be deemed to have had due notice of an enquiry or order under this section if notice thereof has been given in accordance with rules made in this behalf by the Government.
 - of this or any other Act; all taxes, fines and penalties paid to or levied fund. by it under this Act; all proceeds of land or other property sold by the municipality, and all rents accruing from its land or property; and all interest, profits and other moneys accruing by gift or transfer from the Secretary of State for India in Council or private individuals or otherwise, shall constitute the municipal fund, and shall be held and dealt with in a similar manner to the property specified in section 63:—

Provided that-

1879.

(a) nothing in this section or in section 63 shall in any way affect trustal any obligation accepted by or imposed upon any municipality by any declarations of trust executed by or on behalf of such municipality or by any scheme settled under the [2] Charitable Endowments Act, 1890, for the administration of any trust, or by a trust of the nature specified in clause (b) of this proviso;

- (b) a municipality may, subject to the condition that reasonable provision shall be made for the performance of all obligations imposed or that may be imposed on it by or under this Act or any other law for the time being in force, credit to a separate heading in the municipal accounts any portion of the municipal fund received or set apart by it specially for the purposes of schools or dispensaries or water works or fire-brigades or other such purposes as the Commissioner in this behalf approves, and the municipality may apply any sums properly so credited exclusively to the special purposes for which such sums were received or set apart.
- [1] (c) (1) Every municipality in a municipal borough in which a tax on pilgrims resorting periodically to a shrine within the limits of the municipal borough is levied shall, subject to the condition that reasonable provision shall be made for the purposes specified in clause (2), credit the proceeds of the said tax to a separate heading in the municipal account, to be called the "Pilgrim Fund Account".
- (2) The purposes for which provision shall be made by a municipality before the proceeds of the pilgrim tax are credited to the Pilgrim Fund Account shall be the following, namely, the payment to the municipality of such percentage of the proceeds of the said tax as may be determined from time to time by the municipality with the approval of the Commissioner for
 - (i) making reasonable provision for the performance of all obligations imposed or which may be imposed on it by or under this Act or any other law for the time being in force;
 - (ii) such general duties of the municipality as are connected with the health, convenience and safety of the said pilgrims; and
 - (iii) the cost of collection of the said tax.
- (3) The sums credited under clause (1) shall be devoted to such works conducive to the health, convenience and safety of the said pilgrims as may be approved by the Commissioner.
- 66. The municipal fund and all property vested in a municipality shall be applied for purposes of this Act within the limits of the municipal borough.

Provided always that it shall be lawful for the municipality, with the sanction of the Government or any officer [2] duly authorised by it in this behalf,—

(a) to incur expenditure in the acquisition of land or in the construction, maintenance or repair of works beyond the said limits for the purpose of obtaining a supply of water required for the inhabitants of the municipal borough, or of establishing slaughter-houses or places for the disposal of night-soil or sewage or carcasses of animals, or for drainage works, or for any other purpose calculated to promote the health, safety or convenience of the inhabitants of the said borough; or

[1] This proviso was added by Bom. Act IV of 1930, s. 4.

Application of municipal property and funds within and without the municipal borough.

^[2] The Commissioner in Sind and the Commissioners of the Divisions have been invested with powers to authorise expenditure to be incurred under clauses (a) (b) and (c) of the 1st proviso. (Vide G.R.G.D. No. 6795 dated 12th October 1926.)

(b) to make a contribution towards expenditure incurred by any other local authority or out of any public funds for measures affecting the health, instruction, safety or convenience of the public and calculated to benefit the residents within the limits of the contributing municipality; or

(c) to create scholarships tenable outside the limits of the municipal

borough:

Provided, further, that nothing in this section or in any other provision of this Act shall be deemed to make it unlawful for a municipality, when with such sanction as aforesaid it has constructed works beyond the limits of the municipal borough for the supply of water or for drainage as aforesaid—

(a) to supply or extend to or for the benefit of any person or buildings, or lands in any place whether such place is or is not within the limits of the said borough, any quantity of water not required for the purposes of this Act within the said borough, or the advantages afforded by the system of drainage-works, on such terms and conditions with regard to payment and to the continuance of such supply or advantages as shall be settled by agreement between the municipality and such person or the occupier or owner of such buildings or lands, or

(b) to incur any expenditure, on such terms with regard to payment as may be settled as aforesaid, for the construction, maintenance, repair or alteration of any connection pipes or other works necessary for the purpose of such supply or for the extension of

such advantages.

- 67. (1) It shall be lawful for a municipality to deposit at interest Power to with the Imperial Bank of India or such other bank as may hereafter deposit and be appointed to conduct the business of His Majesty's treasury at invest Bombay, or with the sanction of the Government in any bank in the funda. Presidency of Bombay, any surplus funds in its hands which may not be required for current charges, and to invest such funds in public securities in the name of the municipality, and from time to time to dispose of such securities as may be necessary.
- (2) All surplus funds over and above what may be required for current Surplus not expenses, unless deposited or invested as provided for in sub-section (1), so deposited shall be deposited in the local Government treasury or such other place how to be of security as may be sanctioned in the rules of the municipality.

 dealt with:

CHAPTER VI.

OBLIGATORY AND DISCRETIONAL FUNCTIONS OF MUNICIPALITIES.

- 68. It shall be the duty of every municipality to make reasonable Duties of and adequate provision—

 municipalities.
 - (1) for the following matters within the municipal borough under its authority, namely:—
 - (a) lighting public streets, places and buildings;
 - (b) watering public streets and places;

- (c) cleansing public streets, places and sewers, and all spaces, not being private property, which are open to the enjoyment of the public, whether such spaces are vested in the municipality or not; removing noxious vegetation; and abating all public nuisances;
- (d) extinguishing fires, and protecting life and property when fires occur;
- (e) regulating or abating offensive or dangerous trades or practices;
- (f) removing obstructions and projections in public streets or places and in spaces, not being private property, which are open to the enjoyment of the public, whether such spaces are vested in the municipality or in His Majesty;
- (g) securing or removing dangerous buildings or places, and reclaiming unhealthy localities;
- (h) acquiring and maintaining, changing and regulating places for the disposal of the dead;
- (i) constructing, altering and maintaining public streets, culverts, municipal boundary marks, markets, slaughter-houses, latrines, privies, urinals, drains, sewers, drainage-works, sewerage works, baths, washing places, drinking fountains, tanks, wells, dams and the like;
- (j) obtaining a supply or an additional supply of water, proper and sufficient for preventing danger to the health of the inhabitants from the insufficiency or unwholesomeness of the existing supply, when such supply or additional supply can be obtained at a reasonable cost;
 - (k) naming streets and numbering houses;
 - (1) registering births, marriages and deaths;
 - (m) public vaccination;
- (n) suitable accommodation for any calves, cows or buffaloes required within the municipal borough for the supply of animal lymph;
- (o) establishing and maintaining public hospitals and dispensaries,
 and providing public medical relief;
 - (p) establishing and maintaining primary schools;
- (q) printing such annual reports on the municipal administration of the borough as the Government by general or special orders requires the municipality to submit;
- (r) paying the salary and the contingent expenditure on account of such police or guards as may be required by the municipality for the purposes of this Act or for the protection of any municipal property;
- (s) erecting substantial boundary marks of such description and in such position as shall be approved by the Collector, defining the limits or any alteration in the limits of the municipal borough; and

- (2) subject to such reasonable and adequate provision as aforesaid, for the following special matters, namely:-
 - (a) providing special medical aid and accommodation for the sick in time of dangerous disease; and taking such measures as may be required to prevent the outbreak or to suppress and prevent the recurrence, of the disease;
 - (b) giving relief and establishing and maintaining relief works in time of famine or scarcity to or for destitute persons within the limits of the municipal borough.
- 69. Every municipality shall, out of the municipal property and Provision fund, make payments, at such rates and subject to such conditions as for anti-rabie the Government from time to time by general or special order prescribes, of indigent for the maintenance and treatment in any institution which the Govern-persona. ment declares by notification to be suitable for such purpose either within or without the municipal borough, and for other necessary expenses, of persons undergoing anti-rabic treatment as indigent persons according to the rules applicable to such institution and proceeding from the municipal borough:

Provided that the municipality shall not be liable under this section for the maintenance, treatment and other necessary expenses of any person under-going anti-rabic treatment as an indigent person in any such institution as aforesaid, unless such person, previous to his admission thereto, has been resident in the municipal borough for at least one year.

- 70. Every municipality shall also, out of the municipal property Provision for and fund, make payments at such rates as the Government from time to lunatics and time by general or special order prescribes, for the maintenance and lepers. treatment either in the municipal borough or at any asylum, hospital or house, whether within or without such borough, which the Government declares by notification to be suitable for such purpose,-
 - (a) of lunatics, not being persons for whose confinement an order under Chapter XXXIV of the Code of Criminal Procedure, 1898, is in force, and
 - (b) of lepers,

898.

resident within, or under any enactment for the time being in force removed from, such borough:

Provided that the municipality shall not be liable under this section for the maintenance and treatment of any lunatic or leper in any such asylum, hospital or house as aforesaid, unless such lunatic or leper, immediately previous to his admission thereto, has been resident in the municipal borough for at least one year:

Provided further that before making any order for the payment of the cost of maintenance and treatment of any lunatic under this section the court making such order shall give an opportunity to the municipality to show that the lunatic has an estate applicable to his maintenance, or that there is a person legally bound to maintain such lunatic and having the means to maintain him, or that such lunatic has not been

resident in the municipal borough for at least one year as aforesaid or that the cost of maintenance and treatment of such lunatic should be borne by a State in India or by a local authority other than the munici-. pality to whose jurisdiction the lunatic belongs or by the Local Government. The officer in charge of any asylum to which lunatics for whose maintenance and treatment a municipality is liable under this section are admitted shall maintain a clear account of the cost of maintenance and treatment incurred on account of each lunatic detained in the asylum and shall furnish a copy thereof to the municipality on application.

Discretionary powers of expenditure of municipalities.

- 71. A municipality may, at its discretion, provide, either wholly or partly, out of the municipal property and fund for-
 - (a) laying out, whether in areas previously built upon or not, new public streets, and acquiring the land for that purpose, and the land required for the construction of buildings or curtilages thereof, to abut on such streets;
 - (b) constructing, establishing, or maintaining public parks, gardens, libraries, museums, lunatic asylums, halls, offices, dharamsalas, resthouses and other public buildings;
 - (c) furthering educational objects other than those set forth in clause (p) of sub-section (1) of section 68;
 - (d) planting and maintaining road-side and other trees;
 - (e) providing music for the people;
 - (f) taking a census, and granting rewards for information which may tend to secure the correct registration of vital statistics;
 - (q) making a survey;
 - (h) paying the salaries and allowances, rent and other charges incidental to the maintenance of the Court of any stipendiary or honorary Magistrate, or any portion of any such charges;
 - (i) arranging for the destruction or the detention and preservation of dogs which may be destroyed or detained under section 157 of this Act or under section 49 of the [1]Bombay District Police Act, 1890;

- (j) securing or assisting to secure suitable places for the carrying 1890. on of the offensive trades specified in sub-section (1) of section 186;
- (k) supplying, constructing and maintaining, in accordance with a general system approved by the sanitary board, receptacles, fittings, pipes and other appliances whatsoever, on or for the use of private premises, for receiving and conducting the sewage thereof into sewers under the control of the municipality;
- (1) the acquisition and maintenance of grazing grounds; and the establishment and maintenance of dairy farms and breeding stud;
- (m) establishing and maintaining a farm or factory for the disposal of sewage;
- (n) the construction, maintenance, management, organisation or purchase of telephone lines, or for guaranteeing the payment of interest

on money expended for the construction of a telephone line subject to the previous sanction of the Commissioner when the line extends beyond the limits of the municipal borough;

- (o) providing accommodation for any class of servants employed by the municipality;
 - (p) the construction of sanitary dwellings for the poorer classes;
- (q) the construction, management and maintenance of light-rail-ways and tramways;
- (r) any other measure not specified in section 68 likely to promote the public safety, health, convenience or education; and
- (s) by a resolution passed at a general meeting and supported by two-thirds of the whole number of councillors any public reception, ceremony, entertainment or exhibition within the municipal borough.
- 72. Where a municipality has entered into any arrangement or made Arrangements any promise, purporting to bind it or its successors for a term of years purporting to or for an unlimited period, to continue to any educational or charitable permanently institution a yearly contribution from the municipal property or fund, or for a term it shall be lawful for the municipality or its successors with the sanction of years, of the Government to cancel such arrangement or promise, or to discontinue or to diminish such yearly contribution, provided that it shall have given at least twelve months' notice of its intention so to do to the manager or managers of such institution.

CHAPTER VII.

MUNICIPAL TAXATION.

(1) Imposition of Taxes.

- 73. Subject to any general or special orders which the Government Taxes which may make in this behalf and to the provisions of sections 75 and 76, a may be municipality may impose for the purposes of this Act any of the following imposed. taxes, namely—
 - (i) a rate on buildings or lands or both situate within the municipal borough;
 - (ii) a tax on all vehicles, boats or animals used for riding, draught or burden and kept for use within the said borough, whether they are actually kept within or outside the said borough;
 - (iii) a toll on vehicles and animals used as aforesaid, entering the said borough but not liable to taxation under clause (ii) of this section;
 - (iv) an octroi on animals or goods or both, brought within the octroi limits for consumption or use therein;
 - (v) a terminal tax on goods imported into or exported from the terminal tax limits:

Provided that, save as provided in clause (xiv) no such tax shall be leviable in a borough in which an octroi was not levied on or before the 6th July 1917;

- (vi) a tax on dogs kept within the said borough;
 - (vii) a special sanitary cess upon private latrines, premises or compounds cleansed by municipal agency, after notice given as hereinafter required;
- (viii) a general sanitary cess for the construction and maintenance of public latrines, and for the removal and disposal of refuse;
 - (ix) a drainage tax;
- (x) a general water-rate or a special water-rate or both for water supplied by the municipality, which may be imposed in the form of a rate assessed on buildings and lands or in any other form, including that of charges for such supply, fixed in such mode or modes as shall be best adapted to the varying circumstances of any class of case or of any individual case;
 - (xi) a lighting tax;
- (xii) a tax on pilgrims resorting periodically to a shrine within the limits of the municipal borough;
 - (xiii) a special educational tax;
- (xiv) any other tax which under rules made under clause (a) of subsection (3) of section 80-A of the Government of India Act, a local s a sauthority may be authorised to impose by any law made by the local Geo.V. legislature without the previous sanction of the Governor General; c. 61.
- (xv) any other tax to the nature and object of which the approval of the Government and of the Governor General in Council shall have been obtained prior to the selection contemplated in clause (a) of section 75:

Provided that—

- (a) no tax imposed as aforesaid, other than a special sanitary cess, a drainage tax or a water-rate, shall, without the express consent of the Government, be leviable in respect of any building or part of any building or of any vehicle, animal or other property, belonging to His Majesty and used solely for public purposes and not used or intended to be used for purposes of profit; and no toll shall be leviable in respect of any animal or vehicle used for the passage of troops or the conveyance of Government stores or of any other Government property, or for the passage of military or police-officers on duty or the passage or conveyance of any person or property in their custody;
- (b) no special sanitary cess shall be leviable in respect of any private latrines, premises or compounds unless and until the municipality has—
 - (i) made provision for the cleansing thereof by manual labour, or for conducting or receiving the sewage thereof into municipal sewers, and

- (ii) issued either severally to the persons to be charged, or generally to the inhabitants of the borough or part of the borough to be charged with such cess, one month's notice of the intention of the municipality to perform such cleansing and to levy such cess:
- (c) the municipality in lieu of imposing separately any two or more of the taxes described in clauses (i), (viii), (x) and (xi), may impose a consolidated tax assessed as a rate on buildings or lands or both situate within the municipal borough.
- 74. (1) The Government shall pay to the municipality annually in Payment to lieu of a rate on buildings from which buildings vesting in His Majesty be made to the municipality and the policy in lieu of a rate on buildings by provided in sub-sections (2) and (3).
- (2) The rateable value of the buildings vesting in His Majesty and the Governbeneficially occupied, in respect of which but for the said exemption a ment. rate on such buildings would be leviable from the Government shall be fixed by a person from time to time appointed in this behalf by the Government. The said value shall be fixed by the said person, with a general regard to the provisions hereinafter contained concerning the valuation of property assessable to property-taxes, at such amount as he shall deem to be fair and reasonable. The decision of the person so appointed shall hold good for a term of five years, subject only to proportionate variation, if in the meantime the number and extent of the buildings vesting in His Majesty in the said borough materially increases or decreases.
- (3) The sum to be paid annually to the municipality by the Government shall be eight-tenths of the amount which would be payable by an ordinary owner of buildings in the said borough on account of the said rate on buildings on a rateable value of the same amount as that fixed under sub-section (2).
- 75. A municipality before imposing a tax shall observe the following Procedure preliminary procedure:—

 preliminary procedure:—

 preliminary to imposing
 - (a) it shall, by resolution passed at a general meeting, select for tax. the purpose one or other of the taxes specified in section 73 and approve rules prepared for the purposes of clause (j) of section 58, prescribing the tax selected, and in such resolution and in such rules specify—
 - (i) the classes of persons or of property or of both, which the municipality proposes to make liable, and any exemptions which it proposes to make;
 - (ii) the amount or rate at which the municipality proposes to assess each such class:
 - (iii) in the case of a rate on buildings or lands or both, the basis, for each class, of the valuation on which such rate is to be imposed;
 - (iv) all other matters which the Government may require to be specified therein.
- (b) When such resolution has been passed, the municipality shall publish the rules so approved with a notice in the form of Schedule II prefixed thereto.

(c) Any inhabitant of the municipal borough objecting to the imposition of the said tax or to the amount or rate proposed or to the classes of persons or property to be made liable thereto or to any exemptions proposed may, within one month from the publication of the said notice, send his objection in writing to the municipality; the municipality shall take all such objections, into consideration, or shall authorize a committee to consider the same and report thereon; and unless it decides to abandon the proposed tax, shall submit such objections with its opinion thereon and any modifications proposed in accordance therewith, together with the notice and rules aforesaid to the Government.

Explanation.—In the case of lands the basis of valuation may be either capital or annual letting value.

Power to sanction, modify and impose conditions. 76. The Government may refuse to sanction the rules submitted under section 75, or may return them to the municipality for further consideration; or if no objection or no objection which is in its opinion sufficient, was made to the proposed tax within the period prescribed under section 75, may sanction the said rules without modification, or subject to such modifications not involving an increase in the amount to be imposed, or to such conditions as to the application within the municipal borough to any purpose or purposes of this Act specified in such conditions of the whole or any part of the proceeds of the tax, as it deems fit.

Publication of sanctioned rules with notice.

77. Rules sanctioned under section 76 with the modifications and conditions, if any, subject to which the sanction is given shall be published by the municipality in the municipal borough, together with a notice reciting the sanction and the date and serial number thereof; and the tax as prescribed by the rules so published shall, from a date which shall be specified in such notice and which shall not be less than one month from the date of publication of such notice, be imposed accordingly, and the proceeds thereof shall be applied by the municipality in accordance with all conditions, if any, subject to which sanction under section 76 was given:

Provided that—

- (a) a tax leviable by the year shall not come into force except on one of the following days, namely, the first day of April, the first day of July, the first day of October or the first day of January in any year; and if it comes into force on any day other than the first day of April, it shall be leviable by the quarter till the first day of April then next ensuing;
- (b) on or before the day on which a notice is issued under this section, the municipality shall publish such further detailed rules as may be required, and as may have been approved by the Government under clause (a) of the proviso to section 58, prescribing the mode of levying, and recovering the tax therein specified and the dates on which it or the instalments, if any, thereof shall be payable;
- (c) if the levy of a tax, or of a special portion of a tax, has been sanctioned for a fixed period only, the levy shall cease at the conclusion of

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that period, except so far as regards unpaid arrears which may have become due during that period.

- (2) Assessment of and liability to rates on buildings or lands.
- 78. (1) When a rate on building or lands or both is imposed, the Preparation Chief Officer shall cause an assessment-list of all buildings or lands or of an assessment lands and buildings in the municipal borough to be prepared containing—

 ment list.
 - (a) the name of the street or division in which the property is situate;
 - (b) a description of the property sufficient for identification;
 - (c) the names of the owner and occupier, if known;
 - (d) the valuation based on capital or annual letting value, as the case may be, on which the property is assessed; and
 - (e) the amount of the tax assessed thereon.
- (2) In assessing a tax on buildings or lands, where the valuation determined under clause (d) of sub-section (1) of this section is the annual letting value, a sum equal to ten per centum of the said valuation shall be deducted therefrom in lieu of all allowance for repairs or on any other account whatsoever.
- (3) For the purpose of preparing such assessment-list the Chief Officer Power to or any person acting under his authority may inspect any building or inspect and land in the municipal borough; and on the requisition of the Chief require returns. Officer the owner or occupier of any such building or land shall, within such reasonable period as shall be specified in the requisition, be bound to furnish a true return to the best of his knowledge or belief and subscribed with his signature of the name and place of abode of the owner or occupier or of both and the annual letting value and his estimate of the value of such building or land.
- 79. (1) When the name of the person primarily liable for the payment Person priof a rate on buildings or lands or both in respect of any premises cannot marily liable for a rate on be ascertained, it shall be sufficient to designate him in the assessment buildings or book, and in any notice which it may be necessary to serve upon the lands or both said person under this Act, "the holder" of such premises, without designated if his name cannot be ascertained.
- (2) If, in any such case, any person in occupation of the premises Occupier shall refuse to give such information as may be requisite for determining liable for a who is primarily liable as aforesaid, such person shall himself be liable, ings or lands until such information is obtained, for all rates on buildings or lands or both until or both leviable on the premises of which he is in occupation.
- 80. When the assessment-list has been completed, the Chief Officer Publication shall give public notice thereof and of the place where the list or a copy of notice of thereof may be inspected; and every person claiming to be either the list. owner or occupier of property included in the list, and any agent of such person, shall be at liberty to inspect the list and to make extracts therefrom without charge.

Public notice of time fixed for lodging objections. 81. (1) The Chief Officer shall, at the time of the publication of the assessment-list under section 80, give public notice of a date, not less than one month after such publication, before which objections to the valuation or assessment in such list shall be made; and in all cases in which any property is for the first time assessed or the assessment is increased, he shall also give notice thereof to the owner or occupier of the property, if known, and if the owner or occupier of the property is not known, he shall affix the notice in a conspicuous position on the property.

Objections how to be (2) Objections to the valuation and assessment of any property in such list shall, if the owner or occupier of such property desires to make an objection, be made by such owner or occupier or any agent of such owner or occupier to the standing committee before the time fixed in the aforesaid public notice, by application in writing, stating the grounds on which the valuation or assessment is disputed; all applications so made shall be registered in a book to be kept by the standing committee for the purpose.

Hearing of objections.

- (3) The standing committee, after allowing the applicant an opportunity of being heard in person or by agent, shall—
 - . (a) investigate and dispose of the objections,
 - (b) cause the result thereof to be noted in the book kept under subsection (2), and
 - (c) cause any amendment necessary in accordance with such result to be made in the assessment list:

Provided that powers and duties of the standing committee under this sub-section may be transferred to any other committee appointed by the municipality or with the permission of the Commissioner, to any officer or pensioner of Government.

Authentication of list. (4) When all objections made under this section have been disposed of and all amendments required by sub-section (3) have been made in the assessment list, the said list shall be authenticated by the signatures of the chairman and at least one other member of the standing committee, or if the standing committee's powers and functions under sub-section (3) have been transferred to any other committee or to an officer or pensioner of the Government, by the signatures of not less than two members of such committee or of the officer or pensioner aforesaid; the person or persons so authenticating the list shall certify that no valid objection has been made to the valuation and assessment contained in the list except in the cases in which amendments have been made therein.

Custody and inspection of list.

(5) The list so authenticated shall be deposited in the municipal office, and shall there be open for inspection during office hours to all owners and occupiers of property entered therein or to the agents of such persons, and a notice that it is so open shall be forthwith published.

Authenticated list how far conclusive. (6) Subject to such alterations as may be made therein under the provisions of section 82 and to the result of any appeal or revision made under section 110, the entries in the assessment-list so authenticated

and deposited and the entries, if any, inserted in the said list under the provisions of section 82 shall be accepted as conclusive evidence—

- (i) for the purposes of all municipal taxes, of the valuation, or annual letting value on the basis prescribed in the rules regulating the rate, of buildings, lands and both buildings and lands to which such entries respectively refer, and
- (ii) for the purposes of the rate for which such assessment-list has been prepared, of the amount of the rate leviable on such buildings or lands or both buildings and lands in any official year in which such list is in force.
- 82. (1) The standing committee may at any time alter the assessment-dist by inserting or altering an entry in respect of any property, such list. Notice entry having been omitted from or erroneously made in the assessment-of new list through fraud, accident or mistake, or in respect of any building buildings constructed, altered, added to or reconstructed in whole or in part, where such construction, alteration, addition or reconstruction has been completed after the preparation of the assessment-list, after giving notice to any person interested in the alteration of the list of a date, not less than one month from the date of service of such notice, before which any objection to the alteration should be made.
 - (2) An objection made by any person interested in any such alteration, Objection before the time fixed in such notice, and in the manner provided by how dealt sub-section (2) of section 81, shall be dealt with in all respects as if it were an application under the said section.
- (3) An entry or alteration made under this section shall, subject to reflect of the provisions of section 110, have the same effect as if it had been made amendment in the case of a building constructed, altered, added to or reconstructed on the day on which such construction, alteration, addition or reconstruction was completed or on the day on which the new construction, alteration, addition or reconstruction was first occupied, whichever first occurs, or in other cases, on the earliest day in the current official year on which the circumstances justifying the entry or alteration existed; and the tax or the enhanced tax as the case may be shall be levied in such year in the proportion which the remainder of the year after such day bears to the whole year.
- 83. (1) When any building or any portion of a building which is Notice to be liable to the payment of a rate on buildings or lands or both is demolished given to the or removed, otherwise than by order of the standing committee, the committee of person primarily liable for the payment of the said rate shall give notice demolition or removal of a building.
- (2) Until such notice is given the person aforesaid shall continue liable to pay every such rate as he would have been liable to pay in respect of such building, if the same, or any portion thereof, had not been demolished or removed.
- (3) Provided that nothing in this section shall apply in respect of a building or portion of a building which has fallen down or been burnt down.

New assessment-list need not be prepared a every year.

- 84. (1) It shall not be necessary to prepare a new assessment-list every year. Subject to the condition that every part of the assessment-list shall be completely revised not less than once in every four years, the Chief Officer may adopt the valuation and assessment contained in the list for any year, with such alterations as may be deemed necessary, for the year immediately following.
- (2) But the provisions of sections 80, 81 and 82 shall be applicable every year as if a new assessment-list had been completed at the commencement of the official year.

Tax from whom primarily leviable.

- 85. A tax imposed in the form of a rate on buildings or land or both shall be leviable primarily from the actual occupier of the property upon which the tax is assessed if he is the owner of the property, or holds it on a building or other lease from the Secretary of State for India in Council or from the municipality, or on a building lease from any person. Otherwise the tax shall be primarily leviable as follows, namely:—
 - (a) if the property is let, from the lessor;
 - (b) if the property is sublet, from the superior lessor;
 - (c) if the property is unlet, from the person in whom the right to let the same vests:

Recovery from occupiers. Provided that where the tax is based on the annual letting value, on failure to recover any sum due on account of such tax from the person primarily liable, such portion of the sum may be recovered from the occupier of any part of the property in respect of which it is due, as bears to the whole amount due the same ratio, which the rent annually payable by such occupier bears to the aggregate amount of rent so payable in respect of the whole of the said property, or to the aggregate amount of the letting value thereof, if any, stated in the authenticated assessment-list, whichever of those two amounts is the greater:

Remedy of occupier in such case.

Provided, further, that for any sum paid by or recovered from any occupier who is not primarily liable under this section, he shall be entitled to credit in account with the person primarily liable for the payment of that sum.

Remission of tax in case of vacancies when obligatory.

86. (1) Where any building or land which is assessed to a rate based on the annual letting value and payable by the year, or in respect of which a special sanitary cess is payable by the year or by instalments, has remained vacant and unproductive of rent throughout the year or portion of the year for which the rate is leviable, or throughout the period in respect of which any such instalment is payable, the standing committee shall remit or refund not less than two-thirds of the amount of the rate, or of the cess or instalment of the cess, as the case may be:

Provided that no such remission or refund shall be granted unless notice in writing of the fact of the building or land being vacant and unproductive of rent has been given to the Chief Officer, and that no remission or refund shall take effect for any period previous to the day of the delivery of such notice.

(2) Where any such building or land as aforesaid-

When dis-

- (a) has been vacant and unproductive of rent for any period of cretional, not less than sixty consecutive days, or
- (b) consist of separate tenements one or more of which has or have been vacant and unproductive of rent for any such period as aforesaid, or
- (c) is wholly or in great part demolished or destroyed by fire or otherwise deprived of value, the standing committee may remit or refund such portion, if any, of the rate, cess or instalment as it may think equitable.
- (3) The burden of proving the facts entitling any person to claim Burden of proof on relief under this section shall be upon him.
- (4) For the purposes of this section a building or land shall be deemed Explanatory to be productive of rent if let to a tenant who has a continuing right clause of occupation thereof, whether it is actually occupied by such tenant or not.
- 87. (1) Whenever the title of any person primarily liable for the Notice to be payment of a rate on buildings or lands or both to or over such land or Chief Officer buildings or both is transferred, the person to whom the same is trans-of-all transferred shall, within three months after execution of the instrument of fers of title of persons primarily liable is effected, if no instrument be executed, give notice of such transfer to payment in writing to the Chief Officer.
- (2) In the event of the death of any person primarily liable as aforesaid, lands, the person to whom the title of the deceased shall be transferred as heir or otherwise, shall give notice of such transfer to the Chief Officer within one year from the death of the deceased.
- (3) If the person liable to give the notice referred to in sub-section (1) or sub-section (2) fails to give such notice he shall be punished with fine which may extend to fifty rupees.
- 88. (1) The notice to be given under the last preceding section shall Form of be in the form of Schedule III or Schedule IV, as the case may be, and notice shall state clearly and correctly all the particulars required by the said form
- (2) On receipt of any such notice, the Chief Officer may, if he thinks it necessary, require the production of the instrument of transfer, if any, XVI of or a copy thereof, obtained under section 57 of the [1]Indian Registratives. tion Act, 1908.
 - 89. (1) Every person primarily liable for the payment of a rate on Liability for buildings or lands or both who transfers his title to or over such building payment of a rate on building or land or both without giving notice of such transfer to the Chief Officer ings or lands as aforesaid, shall, in addition to any other liability which he incurs or both to through such neglect, continue liable for the payment of the said rate on the absence of the buildings or lands or both until he gives such notice, or until the any notice of transfer shall have been recorded by the standing committee.

(2) But nothing in this section shall be held to diminish the liability of the transferee for the said rate or to affect the prior claim of the municipality on the said buildings and lands conferred by section 112, for the recovery of the rate on the lands or buildings or both.

(3) Power to charge fees.

Fees may be charged for certain licenses. 90. (1) When any license is granted under this Act, or when permission is given thereunder for making any temporary erection or for putting end any projection or for the temporary occupation of any public street or other land vested in the municipality, the authority granting or giving such license or permission may charge a fee for the same.

Levy of fees for unauthorised occupation or projection. (2) The municipality may charge a higher fee by way of penalty for any erection, or projection, or for the use or occupation of any public street or other land vested in the municipality, by any person without its permission or license. Such fee shall be leviable irrespective of any other penalty or liability to which the person liable to pay the same may be subject under any other provision of this Act or any other law for the time being in force.

The rates of such higher fees shall be determined by rules.

Market and other fees.

- (3) A Chief Officer may also charge such fees as may be fixed by bylaws under clause (a) of sub-section (1) of section 61, for the use of any such places mentioned in that clause as belong to the municipality and as may be fixed by by-laws under clause (h) of sub-section (1) of section 61 for stamping weights and measures.
 - (4) Special provisions relating to certain taxes.

Fixed charges and agreements for payment in lieu of taxes for water supplied.

- 91. (1) A municipality may, instead of imposing a water-rate, or where a water-rate has been imposed, in individual cases, instead of levying a rate imposed in respect of the supply of water belonging to the municipality to or for use in connection with any private lands or buildings,—
 - (a) fix at rates not exceeding such as shall be specified in the rules in force under section 58, charges for such supply according to the quantity used, as ascertained by measurement; or
 - (b) arrange with any person on his application to supply on payment, periodical or otherwise, water belonging to the municipality, in such quantities or for such purposes, whether domestic, ornamental, or irrigational or for trade, manufacture or any other purpose, on such terms and subject to such conditions as it shall fix by agreement with such person:

Provided that-

(a) the meters, connection-pipes and all other works necessary for and incidental to such supply, and all repairs, extensions and alterations of such works shall be under the control of the municipality, and the expense thereof shall, so far as is not inconsistent with the

rules or by-laws of the municipality, be defrayed by the persons liable for the charges or payments fixed in respect of such supply; and

- (b) such supply of water shall be and shall be deemed to have been granted, subject to all such conditions as to the limit or stoppage thereof and as to the prevention of waste or misuse, as are prescribed in the by-laws for the time being in force under section 61.
- (2) Where a municipality has made provision for the cleansing of any Power to factory, hotel or club or any group of buildings or lands used for any fix a special one purpose and under one management, it may, instead of levying in of special respect thereof any special sanitary cess imposed under this chapter, fix sanitary cess. a special rate and the dates and other conditions for periodical payments -. thereof: such rate, dates and conditions shall be determined either,
 - (i) in accordance with the rules for the time being in force under section 58, or
 - (ii) by written agreement with the person who would have been otherwise liable for the cess: provided that in fixing the amount of such rate proper regard shall be had to the probable cost to the municipality of the service to be rendered.
- (3) Where a municipality has imposed a tax on vehicles or animals Power to used for riding, draught or burden and kept for such use within the compound municipal borough it may compound with the keeper of any livery-stable cles or or of horses or vehicles kept for sale and hire for the payment of a lump animals, sum for any period not exceeding one year at a time, in lieu of any amount which such keeper would otherwise have been liable to pay on account of the tax imposed as aforesaid.
- (4) Every sum claimed by a municipality as due under sub-section (1) Recovery of as charges, payments or expenses, or as a special rate under sub-section sums claimed (2) or as a lump sum payable under sub-section (3), shall for the purposes section. of chapter VIII be deemed to be, and shall be recoverable in the same manner as, an amount claimed on account of a tax recoverable under the said chapter :

Provided that nothing in this section shall affect the right or power of a municipality to contract with any person to supply for use beyond the limits of the municipal borough, at such rates and on such conditions as the municipality may think fit, any quantity of water belonging to the municipality but not required for the purposes of this Act.

92. Where a tax is imposed under this Act on pilgrims resorting Taxes on periodically to a shrine within the limits of a municipal borough, the pilgrims may Commissioner may require the municipality of such borough to assign and pay to the district local board or to the taluka local board having boards. authority in the taluka in which such municipal borough is situate, or partly to the said district local board and partly to the said taluka local board, such portion of the total collections on account of such tax as he shall deem fit; and the portion so assigned shall be expended by the said board or boards, within the areas respectively under their authority, on works conducive to the health, convenience and safety of the said pilgrims.

(5) Octroi and Tolls.

Octroi bylaws to be submitted with proposal for imposition of octroi.

A municipality, when submitting for sanction a proposal for the imposition of octroi, shall submit therewith for sanction a draft of bylaws for the purposes of clause (n) of sub-section (1) of section 61, after observing the requirements of sub-sections (2) and (3) of that section.

Power to cles liable to octroi.

- 94. (1) A person bringing into or receiving from beyond the octroi examine arti-limits of a municipal borough any animal or goods on which octroi is payable shall, when required by an officer authorized in this behalf by the Chief Officer and so far as may be necessary for ascertaining the amount of tax chargeable,-
 - (a) permit that officer to inspect, examine, weigh, and otherwise deal with such animal or goods; and
 - (b) communicate to that officer any information and exhibit to him any bill, invoice or document of a like nature, which he may possess relating to such animal or goods;
 - (c) make a declaration in writing to that officer regarding the correctness and accuracy of the document shown to him.

Power to search where octroi is leviable.

(2) If any person bringing into or receiving from beyond the octroi limits of a municipal borough in which octroi is leviable, any conveyance or package, shall refuse on the demand of an officer authorized by the Chief Officer in this behalf, to permit the officer to inspect the contents of the conveyance or package for the purpose of ascertaining whether it contains anything in respect of which octroi is payable, the officer may cause the conveyance or package to be taken without unnecessary delay before a Magistrate or such officer of the municipality as the Government appoints in this behalf by name or office, who shall cause the inspection to be made in his presence.

Presentation of bills for octroi.

95. An officer demanding octroi by the authority of the municipality shall tender to every person introducing or receiving anything on which the tax is claimed, a bill specifying the animal or goods taxable, the amount claimed, and the rate at which the tax is calculated.

Penalty for evasion of octroi.

Where any animal or goods passing into a municipal borough are liable to the payment of octroi, any person who, with the intention of defrauding the municipality, causes or abets the introduction of or himself introduces or attempts to introduce within the octroi limits of the said borough any such animal or goods upon which payment of the octroi due on such introduction has neither been made nor tendered, shall be punishable with fine which may extend to ten times the amount of such octroi or to fifty rupees, whichever may be greater.

Tables of tolls to be shown on demand.

97. A municipality imposing any toll under this Act shall cause to be kept at each place where such toll is to be collected, a table in the vernacular language of the district, showing the amounts leviable in all cases provided for in the rules, including the terms, if any, on which the liability to pay such tolls may be compounded by periodical payments; and it shall be the duty of every person authorized to demand

payment of a toll, to show such table on the request of any person from whom such demand is made.

- 98. (1) In the case of non-payment on demand of any octroi or of Power to any toll leviable by a municipality, any person appointed to collect such seize vehicle octroi or toll may seize any animal or goods on which octroi is chargeable, goods on non-or any vehicle or animal on which the toll is chargeable or any part of payment of the burden of such vehicle or animal which is of sufficient value to satisfy octroi or toll, the demand, and may detain the same. He shall thereupon give the person in possession of the vehicle, animal or thing seized, a list of the property together with a written notice in the form of Schedule VII.
- (2) When any property seized is subject to speedy decay, or when Power to the expense of keeping it together with the amount of the octroi or toll sell property chargeable is likely to exceed its value, the person seizing such property once. may inform the person in whose possession it was that it will be sold at once; and shall sell it or cause it to be sold accordingly unless the amount of octroi or toll demanded be forthwith paid.
- (3) If at any time before a sale has begun, the person from whose Release of possession the property has been seized, tenders at the municipal property on office the amount of all expenses incurred and of the octroi or toll payment. payable, the Chief Officer shall forthwith deliver to him the property seized.
- (4) If no such tender is made, the property seized may be sold, and the sale proceeds of such sale shall be applied in payment of such octroi or toll and the expenses incidental to the seizure, detention and sale.
- (5) The surplus if any, of the sale-proceeds shall be credited to the Surplus now municipal fund, and may, on application made to the Chief Officer in dealt with writing within three years next after the sale, be paid to the person in whose possession the property was when seized, and if no such application is made, shall be the property of the municipality.
- 99. The standing committee, if it thinks fit, instead of requiring Power to payment of octroi due from any person, mercantile firm or public body keep account payment of octros due from any person, mercanture into or public courses with to be made at the time when the animals or goods in respect of which person, firm the octroi is leviable are introduced within the octroi limits of the munici-or public pal borough, may at any time direct that an account-current shall be body in lieu of levying kept on behalf of the municipality of the octroi so due from such person, octroi on Such account shall be settled at intervals not exceeding introduction firm or body. one month, and such person, firm or public body shall give such information or details and make such deposit or furnish such security as the standing committee or any officer authorized by it in this behalf shall consider sufficient to cover the amount which may at any time be due from such person, firm or body in respect of such dues. Any amount so due at the expiry of any such interval shall, for the purposes of chapter VIII, be deemed to be, and shall be recoverable in the same manner as, an amount claimed on account of any tax recoverable under the said chapter.

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

100. Where any agreement such as is referred to in clause (b) of sub-section (1) of section 47 has been entered into, such one of the bodies entering into the agreement as by the terms thereof shall be specified in this behalf, shall have the same power to establish such octroi limits and octroi stations as that body may deem necessary for the entire area in which the octroi is to be collected, and shall have the same power of collecting octroi on animals or goods or both brought within the limits so established, and the provisions of this Act relating to octroi shall apply in the same way as if the limits so established were wholly comprised within the area subject to the control of the body by which they are so established; and the collections made and the costs thereby incurred shall, subject to the provisions of section 44, be divided between the bodies entering into the agreement, in such proportions as shall have been determined in the agreement.

Farming of tolls.

101. (1) It shall be lawful for a municipality to lease by public auction or private contract the levy of any toll that may be imposed under this Act:

Provided that the lessee shall give security for the due fulfilment of the conditions of the lease.

Persons employed by leasee of toll to have power of seizure.

(2) Where any toll has been leased under this section, any person employed by the lessee to collect such toll shall, subject to the conditions of the lease, execute the powers and perform the duties conferred and imposed by sub-sections (1) and (2) of section 98 on a person appointed to collect a toll, and any property seized shall be dealt with as if it had been seized under the provisions of that section:

Provided that no property seized may be sold except under the orders of the Chief Officer.

(6) Powers of Government in respect of municipal taxes.

Power of Government to suspend levy of

If it shall at any time appear to the Government on complaint made or otherwise that any tax leviable by a municipality is unfair in its incidence, or that the levy thereof or of any part thereof is obnoxious objectionable to the interest of the general public, it may require the municipality, within such period as the Government shall fix in this behalf, to take measures for removing any objection which appears to it to exist to the said tax; and if, within the period so fixed, such requirement shall not be carried into effect to the satisfaction of the Government, it may, by notification in the Bombay Government Gazette, suspend the levy of such tax, or of such part thereof, until such time as the objection thereto shall be removed.

> The Government may at any time by a like notification, rescind any such suspension.

Power of Government to require municipalities to impose taxes,

103. Where it appears to the Government that the balance of the municipal fund of a municipality is insufficient for meeting any expenditure incurred under section 215 or for the performance of any duties for the performance of which the Government has directed the Commissioner

to fix a period under section 218 the Government may by notification require the municipality to impose, within the municipal borough, any tax specified in the notification which may be imposed under section 73 and which is not at the time imposed within the said borough or to enhance any existing tax in such manner or to such extent as the Government considers fit; and the municipality shall forthwith proceed to impose or enhance, in accordance with the requisition, such tax under the provisions of this chapter as if a resolution of the municipality had been passed for the purpose under section 75:

Provided that-

- (a) the Government shall take into consideration any objection which the municipality or any inhabitant of the municipal borough may make against the imposition or enhancement of such tax;
- (b) it shall not be lawful for the municipality to abandon or modify or to abolish such tax when imposed;
- (c) the Government may at any time cancel or modify any requisition made by it under this section and the levy of the tax or the enhancement, except as to arrears theretofore accrued due, shall thereupon cease or be modified accordingly.

CHAPTER VIII.

RECOVERY OF MUNICIPAL CLAIMS.

104. (I) When any amount,

Presentation of bill for taxes.

- (a) which by or under any provisions of this Act, is declared to be of bill for recoverable in the manner provided by this chapter, or
- (b) which, not being leviable under sub-section (1) of section 98 or payable on demand on account of an octroi or a toll, is claimable as an amount or instalment on account of any other tax which now is imposed or hereafter may be imposed in any municipal borough,

shall have become due, the Chief Officer shall, with the least practicable delay, cause to be presented to any person liable for the payment thereof, a bill for the sum claimed as due.

- (2) Every such bill shall specify the period for which, and the property, Contents of occupation or thing in respect of which, the sum is claimed, and shall hill. also give notice of the liability incurred in default of payment and of the time within which an appeal may be preferred as hereinafter provided against such claim.
- (3) If the sum for which any bill has been presented as aforesaid is If bill not not paid at the municipal office or to a person authorized by any rule in fitteen days, that behalf to receive such payments, within fifteen days from the presen-notice of tation thereof, the Chief Officer may cause to be served upon the person demand to to whom such bill has been presented, a notice of demand in the form of Schedule V, or to the like effect.

In what cases warrant may issue.

- 105. (1) If the person on whom a notice of demand has been served under section 104, sub-section (3), does not, within fifteen days from the service of such notice, either—
 - (a) pay the sum demanded in the notice, or
 - (b) show cause to the satisfaction of the Chief Officer, why he should not pay the same, or
 - (c) prefer an appeal in accordance with the provisions of section 110 against the demand,

such sum with all cost of the recovery may be levied under a warrant signed by the Chief Officer in consultation with the President in the form of Schedule VI or to the like effect, by distress and sale of the movable property or the attachment and sale of the immovable property of the defaulter: provided that where any measures precautionary or otherwise, have been taken in respect of any such property for the recovery of any sum claimed by Government, any proceedings under this chapter in respect of such property shall abate.

To whom warrant should be addressed.

c2) Where the property is in the municipal borough the warrant shall be addressed to an officer of the municipallity. Where the property is in another municipal borough or district, the warrant shall be addressed to the Chief Officer in the municipal borough or to the vice-president in the municipal district, as the case may be; [1] [where the property is in a cantonment the warrant shall be addressed to the Executive Officer of the Cantonment]; and where the property is not in a municipal borough or district [1] [or Cantonment]; to a Government officer not lower in rank than a Mahalkari; provided that such Chief Officer, vice-president, [1] [Executive Officer] or Government officer may endorse such warrant to a subordinate officer. Where the property is in the City of Bombay, the warrant shall be addressed to the Registrar of the Court of Small Causes of Bombay:

Provided that the Registrar may endorse such warrant to a subordinate officer.

Power of entry under special order.

(3) It shall be lawful for any officer to whom a warrant issued under sub-section (1) is addressed or endorsed, if the warrant contains a special order authorizing him in this behalf, to break open at any time between sunrise and sunset any outer or inner door or window of a building, in order to make any distress directed in the warrant, if he has reasonable grounds for believing that such building contains property which is liable to seizure under the warrant, and if after notifying his authority and purpose and duly demanding admittance, he cannot otherwise obtain admittance:

Provided that such officer shall not enter or break open the door of any apartment appropriated for women, until he has given three hours' notice of his intention and has given such women an opportunity to remove.

^[1] These words were inserted by Bom. Act IV of 1930, a. 4.

- (4) It shall also be lawful for any such officer, if authorized by the Warrant warrant, to distrain, wherever it may be found, any movable property how to be or attach any immovable property of the person named in the warrant executed issued under sub-section (1) as defaulter, subject to the following conditions, exceptions and exemptions, namely:—
 - (a) the following property shall not be distrained:—
 - (i) the necessary wearing apparel and bedding of the defaulter, his wife and children,

(ii) the tools of artizans,

- (iii) when the defaulter is an agriculturist, his implements of husbandry, seed-grain, and such cattle as may be necessary to enable the defaulter to earn his livelihood;
- (b) the property distrained shall be as nearly as possible equal in value to the amount recoverable under the warrant; and if any property has been distrained which, in the opinion of the Chief Officer or of the person to whom the warrant was addressed, should not have, been so distrained, it shall forthwith be returned to the defaulter;
- (c) the officer shall on distraining or attaching the property forthwith make an inventory thereof, and give to the person in possession thereof at the time of distraint or attachment a written notice in the form of Schedule VII.
- (d) (i) When the property is immovable, the attachment shall be made by an order prohibiting the defaulter from transferring or charging the property in any way, and all persons from taking any benefit from such transfer or charge;
- (ii) the order shall be proclaimed at some place on or adjacent to the property by beat of drum or other customary mode, and a copy of the order shall be fixed on a conspicuous part of the property and then upon a conspicuous part of the municipal office, and also, when the property is land paying revenue to the Government, in the office of the Collector of the district in which the land is situate.
- (e) Any transfer of or charge on the property attached or of any interest therein made without the written permission of the Chief Officer shall be void as against all claims of the municipality enforceable under the attachment.
- 106. (1) When the property seized is subject to speedy and natural Sale of decay, or when the expense of keeping it in custody together with the goods disamount to be levied is likely to exceed its value, the Chief Officer shall at trained in special cases. once give notice to the person in whose possession the property was, when distrained, to the effect that it will be sold at once; and shall sell it accordingly unless the amount named in the warrant be forthwith paid.
- (2) If not sold at once under sub-section (1), the property distrained sale of or attached or in the case of immovable property a sufficient portion property distrained thereof may, unless the warrant is suspended by the Chief Officer or er attached; the sum due by the defaulter together with all costs incidental to the application notice, warrant, and distress or attachment and detention of the property, of sale, is paid, be, on the expiry of the time specified in the notice served by

the officer executing the warrant, sold by public auction under the orders of the Chief Officer, and the proceeds or such part thereof as shall be requisite, shall be applied firstly in discharge of any sum due to Government in respect of such property and secondly in discharge of the sum due and of all such incidental costs as aforesaid. Where the sum due together with costs is paid by the defaulter as aforesaid, the attachment if any of immovable property shall be deemed to have been removed. Sales of immovable property under this sub-section shall be held in the manner laid down in the rules framed in that behalf.

Surplus, if any, how dealt with.

(3) The surplus, if any, shall be forthwith credited to the municipal fund, notice of such credit being given at the same time to the person in whose possession the property was at the time of distraint or attachment; if such person shall claim the surplus by written application to the Chief Officer within three years from the date of the notice given under this sub-section, the Chief Officer shall refund the surplus to such person. Any sum not claimed within [1] [three years] from the date of such notice shall be the property of the municipality.

Sale outside the district.

107. Where the warrant is addressed outside the municipal borough. the Chief Officer may by endorsement direct the officer or Registrar of the Court of Small Causes of Bombay to whom the warrant is addressed. to sell the property distrained or attached; in such case it shall be lawful for such officer or Registrar to sell the property and to do all things incidental to the sale in accordance with the provisions of section 106, and to exercise the powers and perform the duties of the Chief Officer under section 106, sub-sections (1) and (2), in respect of such sale, except the power of suspending the warrant. Such officer or Registrar shall, after deducting all costs of recovery incurred by him, remit the amount recovered under the warrant to the Chief Officer by whom it was issued who shall dispose of the same in accordance with the provisions of section 106.

Fees and able.

108. Fees for every notice issued under sub-section (3) of section costs charge- 104, e ery distress or attachment made under sub-section (4) of section 105 and the maintenance of any live-stock seized under the said subsection shall be chargeable at the rates respectively specified in such behalf in the rules of the municipality and shall be included in the costs of recovery to be levied under section 105.

Summary proceedings may be taken against persons about to leave the borough.

- (1) If the Chief Officer shall at any time have reason to believe that any person from whom any sum recoverable under the provisions of this chapter is due or is about to become due, is about forthwith to remove from the municipal borough, the Chief Officer may direct the immediate payment by such person of the sum so due or about to become due by him and cause a bill for the same to be presented to him.
- (2) If, on presentation of such bill, the said person do not forthwith pay the sum due or about to become due by him, the amount shall be leviable by distress and sale of the movable property or the attachment

^[1] These words were substituted for the words "one year" by Bom. Act IV of 1930,

and sale of the immovable property of the defaulter in the manner hereinbefore prescribed, except that it shall not be necessary to serve upon the defaulter any notice of damand and the Chief Officer's warrant for distress and sale may be issued and executed without any delay.

110. (1) Appeals against any notice of demand issued under sub-Appeals to section (3) of section 104 may be made to any Magistrate or Bench of Magistrates by whom under the directions of the District Magistrates such class of cases is to be tried.

- (2) No such appeal shall be heard and determine unless—
 - (a) the appeal is brought within fifteen days next after service of the notice of demand complained of; and
- (b) an application in writing, stating the grounds on which the claim of the municipality is disputed, has been made to the standing committee as follows:—.
 - (i) in the case of a rate on buildings or lands or both within the time fixed in the notice given under section 81 or 82 of the assessment or alteration thereof, according to which the bill is prepared.

(ii) in the case of any other claim for which a bill has been presented under sub-section (1) of section 104 within fifteen days

next after the presentation of such bill; and

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

111. (1) Every entry in the assessment list made under the provisions Entries in of this Act against which no objection is made as hereinbefore provided, the assessand the amount of every sum claimed from any person under this Act and taxes on account of any tax, if no appeal therefrom is made as hereinbefore and decisions provided, and the decision of the Magistrate or Bench of Magistrates to be final. upon any appeal shall, at the instance of either party, be subject to revision by the Court to which appeals against his or their decisions ordinarily lie.

- (2) Effect shall be given by the Chief Officer to every decision of the said Magistrate or Bench of Magistrates on any appeal or any decision in revision on such appeal against any such entry or tax.
- 112. All sums due on account of any tax imposed in the form of a Liability of rate on lands or buildings or both shall, subject to prior payment of land-ings, etc., for revenue, if any, due to His Majesty thereupon, be a first charge upon rates. the building or land, in respect of which such tax is leviable and upon the moveable property, if any, found within or upon such building or land, and belonging to any person liable for such tax:

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

113. For all sums paid on account of any tax under this Act, a receipt Receipts to stating the amount, and the tax on account of which it has been paid, be given for shall be tendered by the person receiving such payments.

CHAPTER IX.

MUNICIPAL POWERS AND OFFENCES.

(1) Powers in respect of streets.

Power regarding public streets, etc.

114. (1) It shall be lawful for a municipality to lay out and make new public streets; to construct tunnels and other works subsidiary to public streets; to widen, open, enlarge or otherwise improve, and to turn, divert, discontinue or stop up any public street; and, subject to the provisions of sub-section (2) of section 48 to lease or sell any such land, theretofore used or acquired by the municipality for the purposes of such streets, as may not be required for any public street or for any other purposes of this Act.

Acquisition of adjacent land to form street.

(2) In laying out, making, turning, diverting, widening, opening, enlarging, or otherwise improving any public street, in addition to the land required for the carriage-way and foot-ways and drains thereof, the municipality may purchase the land required for the construction of houses and buildings to form the said street; and, subject to the provisions contained in sub-section (2) of section 48, may sell and dispose of such additional land in perpetuity or on lease for a term of years, with such stipulations as to the class and description of houses or buildings to be erected thereon as it may think fit.

Power to require repair, etc., of private streets. 115. (1) Where the standing committee considers that in any street not being a public street, or in any part of such street, within the municipal borough, it is necessary for the public health, convenience or safety that any work should be done for the levelling, paving, metalling, flagging, channelling, draining, lighting or cleaning thereof, the standing committee may by written notice require the respective owners of the lands or buildings fronting, adjoining or abutting upon such street or part thereof, to carry out such work in a manner and within a time to be specified in such notice.

And to declare such streets public. (2) After such work has been carried out by such owners or, as provided in section 194 by the municipality at the expense of such owners, the street or part thereof in which such work has been done may, and on the joint requisition of a majority of the said owners shall, be declared by a public notice, put up therein by the standing committee, to be a public street.

Apportionment of expenses in default. (3) If the notice under sub-section (1) is not complied with and such work is executed by the municipality as provided in section 194, the expenses thereby incurred shall be apportioned by the standing committee between such owners in such manner as it may think fit, regard being had, if it deems it necessary, to the amount and value of any work already done by the owners or occupiers of any such lands or buildings.

Power to declare any street a public street subject to 116. The standing committee may, at any time, by notice fixed up in any street or part of a street not maintainable by the municipality, give intimation of its intention to declare the same a public street, and unless within one month next after such notice has been so put up, the

owner or the majority of the several owners of such street or such part objections by of a street lodges or lodge objections thereto at the municipal office, the owners. the municipality may by notice in writing put up in such street, or such part, declare the same to be a public street.

- 117. (I) Every person intending to lay out or make any new street, New private shall give notice in writing thereof to the Chief Officer and shall furnish streets. plans and sections showing the intended level, means of drainage, direction and width of such street, and such other particulars as may be required by the by-laws in force in this behalf; and save as hereinafter provided, the level, means of drainage, direction and width of every such street shall be fixed or approved by the standing committee.
 - (2) Before passing orders under sub-section (1), the standing com-power of mittee may either issue a provisional order directing that for a period municipality therein specified, which shall not be longer than one month from the interim date of such order, the intended work shall not be proceeded with, or a orders. demand for further particulars.

(3) If—

Right to proceed in

- (a) within one month from the receipt of the notice given under certain cases. sub-section (I) the standing committee has neither—
 - (i) passed orders and served notice thereof either fixing or disapproving the proposals submitted under sub-section (1) with regard to level, means of drainage, direction and width of the street, - nor
 - (ii) under sub-section (2), issued any provisional order or demand for further particulars, or if
- (b) the standing committee, having issued such demand for and having received in accordance with the demand such further particulars, has issued no further orders within one month from the receipt of such particulars,

then the street may be laid out and made, in such manner as may have been specified in the notice under sub-section (1) and as is not inconsistent with any provision of this Act or of any by-law for the time being in force thereunder.

(4) Whoever lays out or makes any such street, either without giving Penalty. the notice required by sub-section (I) or, except in accordance with the provisions of sub-section (3), without awaiting, or otherwise than in accordance with, the instructions issued by the standing committee. or in any manner contrary to the provisions of this Act or of any by-law in force thereunder, shall be punished with fine which may extend to . two hundred and fifty rupees; and the standing committee may cause any street so laid out or made to be altered, and any building constructed in such street to be altered or removed, and the expense thereby incurred shall be paid to it by the offender, and shall be recoverable in the same manner as an amount claimed on account of any tax recoverable under Chapter VIII.

The regular line of a

118. (1) The Chief Officer shall, subject to the approval of the municipublic street, pality, prescribe a line on each side of every public street within the municipal borough and may from time to time prescribe a fresh line in substitution for any line so prescribed, or for any part thereof:

Provided that—

- (a) at least one month previous to prescribing such line or such fresh line, as the case may be, the Chief Officer shall give public notice of the proposal and shall put up special notice thereof in the street or part of the street for which such line or such fresh line is proposed to be prescribed;
- (b) the Chief Officer shall comply with any orders passed by the municipality after considering any written objection or suggestion in regard to such proposal, delivered at the office of the municipality within such time as may be specified in such public or special notice.
- (2) The line for the time being so prescribed shall be called "the regular line of the public street."
- (3) (a) Except under the provisions of section 143 no person shall construct or reconstruct any portion of any building within the regular line of the public street without the permission of the Chief Officer under - section 123.
 - (b) Where the Chief Officer refuses permission to construct or reconstruct any building in any area within the regular line of the public street, such area shall with the approval of the municipality be added to the street and shall thenceforth be deemed part of the public street and shall be vested in the municipality.
 - (c) Compensation, the amount of which shall in case of dispute be ascertained and determined in the manner provided in section 198, shall be paid by the municipality to the owner of any land added to a street under clause (b) of sub-section (3) for the value of the said land, and to the owner of any building for any loss, damage or expense incurred by such owner in consequence of any action taken or order passed by the Chief Officer under the said sub-section:

Provided that no such compensation shall be payable in cases to which section 149 applies.

- (4) Whoever contravenes the provisions of sub-section (3) shall be punished with fine which may extend to one thousand rupees and, in the case of a continuing contravention with an additional fine which may extend to rupees ten for every day during which such contravention continues after the conviction for the first such contravention, and the chief officer may-
 - (a) direct that the building be stopped, and
 - (b) with the previous sanction of the standing committee, by written notice, require such building or portion thereof to be altered or . demolished in accordance with the provisions of such notice.

(2) Powers to regulate buildings, etc.

- 119. (1) If any part of a building projects beyond the regular line Setting back. of a public street as prescribed under section 118 or beyond the front of projecting the building on either side thereof, the municipality may,—
 - (a) if the projecting part thereof is a verandah, step or some other structure external to the main building, then at any time, or
 - (b) if the projecting part is not such external structure as aforesaid. then whenever the greater portion of such building or whenever any material portion of such projecting part has been taken down or burned down or has fallen down;

require by written notice either that the part or some portion of the part, projecting beyond the said regular line or beyond the said front of the adjoining building on either side thereof, shall be removed; or that such building when being rebuilt shall be set back to or towards the said regular line or the front of such building. The portion of land added to the street by such setting back or removal shall thenceforth be deemed part of the public street and be vested in the municipality.

(2) If any land not vested in the municipality, whether open or en-Acquisition closed, lies within the regular line of a public street, and is not occupied of land which is within the by a building other than a platform, verandah, step or other structure regular line external to a main building, the municipality after giving the owner of of a street the land not less than fifteen clear days' written notice of his intention, and open or occupied only or if the land is vested in His Majesty, then with the permission in writing by platforms, of the Collector, may take possession of the said land with its enclosing otowall, hedge or fence, if any, and, if necessary, clear the same; and the land so acquired shall thenceforward be deemed a part of the public > street, and be vested in the municipality.

(3) Compensation, the amount of which shall in case of dispute be Compensaascertained and determined in the manner provided in section 198 shall tion payable be paid by the municipality to the owner of any land added to a street municipality. under sub-section (1) or acquired under sub-section (2), for the value of the said land, and to the owner of any building for any loss, damage or expense incurred by such owner in consequence of any action taken by the municipality under either of the said sub-sections: provided that no such compensation shall be payable in cases to which section 149 applies.

(4) When the amount of compensation has been so ascertained and determined, or when a ruinous or dangerous building falling under subsection (1) has been taken down under the provisions of section 149 the municipality may, after tendering the amount of compensation, if any, as may be payable, take possession of the land so added to the street, and, if necessary, may clear the same.

- 120. (1) The standing committee may, upon such terms as it thinks Setting fit, allow any building to be set forward for improving the line of any forward to regular line public street in which such building is situated. of street.
- (2) If the land which will be included in the premises of any person permitted under sub-section (1) to set forward a building belongs to the

municipality, the permission of the standing committee to set forward the building shall be a sufficient conveyance to the said owner of the said land; and the price to be paid to the municipality by the said owner for such land and the other terms and conditions of the conveyance shall be set forth in the said permission.

Roofs and of buildings not to be made of inflammable materials.

121. (1) The external roofs and walls of buildings constructed or external walls renewed after the coming into force of this Act, shall not be made of grass, wood, cloth, canvas, leaves, mats or other inflammable material. except with the written consent of the Chief Officer which may be given either specially in individual cases, or generally in respect of any area specified therein.

Power to .require removal of if inflammable.

- (2) The Chief Officer may at any time by written notice require the owner of any building which has an external roof or wall made of any roof and wall such material as aforesaid, to remove such roof or wall within such reasonable time as shall be specified in the notice whether such roof or wall was or was not made before the time at which this Act came into force, and whether it was made with or without the consent of the Chief Officer.
 - (3) An appeal shall lie to the standing committee against any order of the Chief Officer refusing the consent under sub-section (1) or against any notice given by the Chief Officer under sub-section (2) if made within fifteen days of the receipt of such refusal or notice, as the case may be.

Penalty.

(4) Whoever without such consent as is required by sub-section (1) makes, or causes to be made, or in disobedience to the requirements of a notice given under sub-section (2) suffers to remain, any roof or wall of such material as aforesaid, shall be punished with fine which may extend to twenty-five rupees, and with further fine which may extend to ten rupees for every day on which the offence is continued after the date of the first conviction.

Level of buildings.

122. No building shall hereafter be constructed upon a lower level than will allow of the drainage thereof being led into some public sewer or drain either then existing or projected by the municipality, or into some stream or river or into the sea or some cesspool or other suitable place which may be approved of by the Chief Officer.

Notice of new buildings.

123. (1) Before beginning to construct any building, or to alter externally or add to any existing building, or to construct or reconstruct any projecting portion of a building in respect of which the standing committee is empowered by section 119 to enforce a removal or setback, or to construct or reconstruct which the Chief Officer is empowered by section 118 to give permission, the person intending so to construct, alter, add or reconstruct shall give to the Chief Officer notice thereof in writing and shall furnish to him at the same time, if required by a by-law or by special order to do so, a plan showing the levels, at which the foundation and lowest floor of such building are proposed to be laid, by reference to some level known to the Chief Officer, and all information required by the by-laws or demanded by the Chief Officer regarding the limits, design, ventilation and materials of the proposed building, and the

intended situation and construction of the drains, sewers, privies, waterclosets, and cesspools, if any, to be used in connection therewith, and the location of the building with reference to any existing or projected streets, and the purpose for which the building will be used.

- (2) Save as otherwise provided in this Act or the rules and by-laws Power of thereunder, the Chief Officer may either give permission to construct, Chief Officer alter, add or reconstruct according to the plan and information furnished orders. or may impose in writing conditions, in accordance with this Act and the rules and by-laws made thereunder, as to level, drainage, sanitation, materials or to the dimensions and cubical contents of rooms, doors, windows and apertures for ventilation or to the number of storeys to be erected, or with reference to the location of the building in relation to any street existing or projected, or the purpose for which the building is to be used, or may direct that the work shall not be proceeded with unless and until all questions connected with the respective location of the building and any such street have been decided to his satisfaction.
- and until all questions connected with the respective location of the building and any such street have been decided to his satisfaction.

 (3) The municipality may, before any work has been commenced in pursuance of any permission granted by the Chief Officer under subsection (2), revoke such permission and may give fresh permission in lieu thereof on such conditions, in accordance with this Act and the rules and by-laws made thereunder, with reference to the matters mentioned in the said sub-section, as it thinks proper, and may direct that the work
- shall not be proceeded with unless and until all questions connected with the respective location of the building and any such street have been decided to its satisfaction.
- (4) Before issuing any orders under sub-section (2), the Chief Officer Or to suspend may, within one month from the receipt of such notice, either issue—the work or require fur(a) a provisional order directing that for a period, which shall not ther parti-

be longer than one month from the date of such order, the intended culars. work shall not be proceeded with, or

- (b) may demand further particulars.
- (5) A work proposed in a notice given under sub-section (1) may be Right to proceeded with in the manner specified in such notice, provided such proceed in manner is not inconsistent with any provision of this Act or of any certain cases, by-law for the time being in force thereunder in the following cases, namely:—
 - (a) in case the Chief Officer within one month from the receipt of the notice given under sub-section (I) has neither—

(i) passed orders under sub-section (2) and served notice thereof in respect of the intended work; nor

- (ii) issued under sub-section (4) any provisional order or any demand for further particulars;
- (b) in case the Chief Officer having issued such demand for and having received such further particulars, has issued no further orders within one month from the receipt of such particulars.
- (6) No person who becomes entitled under sub-section (2) or (5) to Commenceproceed with any intended work of which notice is required by sub-section ment of work.

1901.

- (1) shall commence such work after the expiry of the period of one year from the date on which he first became entitled so to proceed therewith, unless he shall have again become so entitled by a fresh compliance with the provisions of sub-sections (1) to (5). And no person to whom permission to erect or alter or add to any building has been granted by the municipality under section 96 of the [1]Bombay District Municipal Act, 1901, shall be entitled to commence such work after the expiry of Bom. one year from the date on which this Act comes into force.
- (7) Whoever begins any construction, alteration, addition or reconstruction without giving the notice required by sub-section (1) or without furnishing any plan, information or particulars required by or under this section, or, except as provided in sub-section (5), without awaiting or in any manner contrary to such legal orders of the Chief Officer as may be issued under this section, or contrary to the provisions of sub-section (5) or (6) or in any other respect contrary to the provisions of this Act or of any by-law in force thereunder, shall be punished with fine which may extend to one thousand rupees; and in the case of a continuing contravention of any of the aforesaid provisions, he shall be liable to an additional fine which may extend to ten rupees for each day during which such contravention continues after conviction for the first such contravention; and the Chief Officer may-
- (a) direct that the construction, alteration, addition or reconstruction be stopped, and
- (b) upon a conviction being obtained under sub-clause 7 by written notice, require such construction, alteration, addition or reconstruction to be altered or demolished in accordance with the provisions of such notice.
- (8) The Chief Officer may at any time inspect any work of which notice is required by sub-section (1) without giving notice of his intention to do so; and at any time during the execution of any such work as aforesaid, may, by written notice, specify any matter in respect of which the execution of such work is in contravention of any provision of this Act or of any by-law made under this Act at the time in force or of any order passed under this section; and require the person executing such work to cause anything done contrary to any such provision or bylaw or order to be amended or to do anything which by any such provision or by-law or order he is required to do but which has been omitted.

Explanation.—The expression "to construct a building" throughout this chapter includes—

- (a) any material alteration, enlargement or reconstruction of any building, or of any wall, verandah, fixed platform, plinth, doorstep or the like, whether constituting part of a building or not,
- (b) the conversion into a place for human habitation of any building not originally constructed for human habitation,
- (c) the conversion into more than one place for human habitation of a building originally constructed as one such place,

(d) the conversion of two or more places of human habitation into a greater number of such places,

(e) such alterations of the internal arrangements of a building as affect its drainage, ventilation or other sanitary arrangements, or its security or stability, and

(f) the addition of any rooms, buildings or other structures to any building,

and a building so altered, enlarged, reconstructed, converted or added to, is throughout this chapter included under the expression "a new building."

124. (1) Every person erecting a building or executing a work as Completion described in sub-section (1) of section 123 shall, within one month after certificates; the completion of the erection of such building or the execution of such occupy or work, deliver or send or cause to be delivered or sent to the Chief Officer use. at his office, notice in writing of such completion, and shall give to the Chief Officer all necessary facilities for the inspection of such building or of such work:

Provided that-

- (a) such inspection shall be commenced within seven days from the date of receipt of the notice of completion; and
- (b) the Chief Officer may, not later than one month from the date of receipt of the notice of completion by written intimation addressed to the person from whom the notice of completion was received, and delivered at his address as stated in such notice or, in the absence of such address, affixed to a conspicuous part of the building to which such notice relates,
 - (i) give permission for the occupation of such building or for the use of the building or part thereof affected by such work, or
 - (ii) refuse such permission in case such building has been erected or such work executed so as to contravene any provision of this Act or of any by-law made under this Act at the time in force or of any order passed under section 123 intimating to the person who gave the notice under sub-section (1) of section 123 the reasons for such refusal and requiring such person, or, if the person responsible for giving notice under sub-section (1) of section 123 is not at the time of such notice the owner of such building or work, then such owner to cause anything which is contrary to any provision of this Act or of any by-law made under this Act at the time in force or of any order passed under section 123 to be amended or to do anything which by any such provision or by-law or order he is required to do but which has been omitted.
- (2) No person shall occupy or permit to be occupied any such building, or use or permit to be used the building or part thereof affected by any such work, until.
 - (a) the permission referred to in proviso (b) to sub-section (1) has been received, or

- (b) the Chief Officer has failed for one month after the receipt of the notice of completion to intimate as aforesaid his refusal of the said permission.
- (3) Whoever contravenes the provisions of this section or fails to comply with any order or requisition made thereunder shall be punished with fine which may extend to one hundred rupees and, in the case of a continuing contravention or non-compliance, with an additional fine which may extend to ten rupees for every day during which such contravention or non-compliance continues after the conviction for the first such contravention or non-compliance.
- 125. It shall not be lawful for any person to erect any hut or shed or range or block of huts or sheds, or to add any hut or shed to any range or block of huts or sheds already existing when this Act comes into operation, without giving previous notice to the Chief Officer; the Chief Officer may require such huts or sheds to be built so that they stand in regular lines, with a free passage or way in front of and between every two lines, of such width as the Chief Officer may think proper for ventilation and to facilitate scavenging, and at such a level as will admit of sufficient drainage; and may require such huts to be provided with such number of privies and such means of drainage as he may deem necessary. If any hut or shed or range or block be built without such notice being given to the Chief Officer or otherwise than as required by the Chief Officer, the Chief Officer may give written notice to the owner or builder thereof, or to the owner or occupier of the land on which the same is erected or is being erected, requiring him within such reasonable time as shall be specified in the notice to take down and remove the same, or to make such alterations therein or additions thereto as having regard to sanitary considerations the Chief Officer may think fit.
- ont 126. (1) Where the standing committee is of opinion that any hut or shed whether used as a dwelling or as a stable or for any other purpose, and whether existing at the time when this Act comes into operation or subsequently erected, is by reason—
 - (a) of insufficient ventilation or of the manner in which such hut or shed is crowded together with other huts or sheds, or
 - (b) of the want of a plinth or of a sufficient plinth or of sufficient drainage, or
 - (c) of the impracticability of scavenging,
 - attended with risk of disease to the inhabitants of the neighbourhood, it shall cause a notice to be affixed to some conspicuous part of such hut or shed, requiring the owner or occupier thereof, or the owner of the land on which such hut or shed is built, within such reasonable time as may be fixed by the standing committee in this behalf, to take down and remove such hut or shed, or to carry out such alterations or works as the standing committee may deem necessary for the avoidance of such risk.
 - (2) Where any such owner or occupier refuses or neglects to take down and remove such hut or shed or to carry out such alterations or

works within the time appointed, the Chief Officer may cause such hut or shed to be taken down, or such alterations or works to be carried out, in accordance with the requirements of the standing committee.

(3) Where such hut or shed is taken down by the Chief Officer, the said officer shall cause the materials of the hut or shed to be sold, if such sale can be effected; and the proceeds, after deducting all expenses, shall be paid to the owner of the hut or shed, or if the owner is unknown or the title disputed, shall be held in deposit by the municipality until the person interested therein shall obtain an order of a competent Court for the payment of the same:

Provided always that where a hut or shed, existing at the time when the land on which it is situate first became part of a municipal district or borough, is taken down and removed under this section, compensation shall further be paid to the owner or owners thereof and the amount thereof, in case of dispute, shall be ascertained and determined in the manner provided in section 198.

(3) Powers connected with drainage, etc.

- 127. (1) All sewers, drains, privies, water-closets, house-gullies Municipal and cesspools within the municipal borough shall be under the survey control over and control of the municipality.
- (2) All covered sewers, drains and cesspools, whether public or private. shall be provided by the municipality or other persons to whom they severally belong, with proper traps or other means of ventilation; and the Chief Officer may by written notice call upon the owner of any such covered sewers, drains or cesspools to make provision accordingly.
- 128. (1) It shall be lawful for a municipality for any drainage pur-Powers for poses to carry any drain, sewer, conduit, tunnel, culvert, pipe or water-making and course through, across or under any street or any place laid out as or repairing intended for a street, or under any cellar or vault which may be under any street, and, after giving reasonable notice in writing to the owner or occupier, into, through or under any land whatsoever within the municipal borough.

- (2) A municipality, or any person acting under its authority, may construct a new drain in the place of an existing drain in any land wherein any drain vested in the municipality has been already constructed, or repair or alter any drain vested in the municipality.
- (3) In the exercise of any power under this section no unnecessary damage shall be done, and compensation, which shall in case of dispute be ascertained and determined in the manner provided in section 198 shall be paid by the municipality to any person who sustains damage by the exercise of such power.
- 129. (I) If any building or land be at any time undrained, or not Power to drained to the satisfaction of the Chief Officer, the Chief Officer, subject require to the control of the standing committee, may by written notice call drainage upon the owner to construct or lay from such building or land a drain of house

or pipe of such size and materials, at such level, and with such fall as he may think necessary for the drainage of such building or land into—

(a) some drain or sewer, if there be a suitable drain or sewer within fifty feet of any part of such building or land, or

(b) a covered cesspool to be provided by such owner and approved by the Chief Officer.

New buildings not to be erected without drains.

- 130. (1) It shall not be lawful to construct or reconstruct any building, or to occupy any building newly constructed or reconstructed, unless and until—
 - (a) a drain be constructed of such size, materials and description, at such level and with such fall, as shall appear to the Chief Officer to be necessary for the effectual drainage of such building;
 - (b) there have been provided for and set up in such building and in the land appurtenant thereto, all such appliances and fittings as may appear to the Chief Officer to be necessary for the purposes of gathering and receiving the drainage from, and conveying the same off, the said building and the said land, and of effectually flushing the drain of the said building and every fixture, connected therewith.
- (2) The drain to be constructed as aforesaid shall empty into a municipal drain, or into some place set apart by the municipality for the discharge of drainage, situate at a distance not exceeding fifty feet from such building; but if there is no such drain or place within that distance, then such drain shall empty into a cesspool provided by the owner of such building and approved by the Chief Officer.

Powers of owners and occupiers of buildings or lands to drain into municipal drains.

- 131. (1) The owner or occupier of any building or land within the municipal borough shall be entitled to cause his drains to empty into a municipal drain: provided that he first obtains the written permission of the Chief Officer, and that he complies with such conditions as the Chief Officer may prescribe as to the mode in which and the superintendence under which the communications are to be made between drains not vested in the municipality and drains which are so vested.
- (2) An appeal shall lie to the standing committee against any order of the Chief Officer under sub-section (1) if made within fifteen days of the receipt of such order.
- Right to carry drain through land or into drain belonging to other persons.
- 132. (1) If the owner or occupier of any building or land desires to connect the same with any municipal drain, by means of a drain to be constructed through land, or to be connected with a drain, belonging to or occupied by or in the use of some other person, he may make a written application in that behalf to the Chief Officer.
 - (2) Subject to the control of the standing committee the Chief Officer thereupon, after giving to such other person a reasonable opportunity of stating any objection to such application, may, if no objection is raised or if any objection which is raised is in his opinion insufficient, by an order in writing authorize the applicant to carry his drain into, through, or under the said land, or into the said drain, as the case may be, in such manner and on such conditions as to the payment of rent or compensation, and as to the respective responsibilities of the parties

for maintaining, repairing, flushing, cleaning and emptying the said drains as may appear to him to be adequate and equitable.

- (3) Every such order shall be a competent authority to the person in whose favour it is made, or to any agent or other person employed by him for this purpose, after giving or tendering to the owner, occupier or user of the said land or drain the compensation or rent, if any, specified in the said order, and otherwise fulfilling as far as possible the conditions of the said order, and after giving to the said owner, occupier or user reasonable notice in writing, to enter upon the land specified in the said order with assistants and, workmen at any time between sunrise and sunset and, subject to all provisions of this Act, to do all such work as may be necessary-
 - (a) for the construction or connection of the drain, as may be authorized by the said order:

(b) for renewing, repairing or altering the same as may be

necessary from time to time; or

- (c) for discharging any responsibility attaching to him under the terms of the order as to maintaining, repairing, flushing, cleaning or emptying the said drain or any part thereof.
- (4) In executing any work under this section as little damage as possible shall be done, and the owner or occupier of the buildings or lands for the benefit of which the work is done, shall-
 - (a) cause the work to be executed with the least practicable delay:
- (b) fill in, reinstate and make good at his own cost and with the least practicable delay the ground or any portion of any building or other construction opened, broken up or removed for the purpose of executing the said work; and
- (c) pay compensation to any person who sustains damage by the execution of the said work.
- 133. If the owner of any land into, through or under which a drain Rights of has been carried under section 132 whilst such land was unbuilt upon, owner of shall at any subsequent time desire to construct a building thereon, which drain the Chief Officer subject to the control of the standing committee shall, is carried in if he sanctions the construction of such building, by written notice require regard to the owner or occupier of the building or land for the benefit of which building such drain was-constructed, to close, remove or divert the same, and to thereon. fill in, reinstate and make good the land in such manner as he may deem to be necessary, in order to admit of the construction or safe enjoyment of the proposed building.

134. (1) Where the Chief Officer is of opinion that any privy or cess- Provision of pool, or additional privies or cesspools, should be provided in or on any privies, etc. building or land, or, in any municipal borough in which with the approval of the sanitary board a water-closet system has been introduced, that water-closets should be substituted for the existing privies in or on any building or land, or that additional water-closets should be provided therein or thereon, the Chief Officer, subject to the control of the standing committee, may by written notice call upon the owner of such building

or land to provide such privies, cesspools or water-closets at such sites as he may deem proper.

- (2) The Chief Officer subject to the control of the standing committee may by written notice require any person or persons employing workmen or labourers exceeding twenty in number, or owning or managing any market, school or theatre or other place of public resort, to provide such. latrines and urinals at such sites as he may direct, and to cause the same to be kept in proper order, and to be daily cleaned.
- (3) The Chief Officer subject to the control of the standing committee ' may by written notice require the owner or occupier of any land upon which there is a privy or urinal, to have such privy or urinal shut out, by a sufficient roof and a wall or fence, from the view of persons passing by or resident in the neighbourhood, or to alter as he may direct any privy door or trap door which opens on to any street, and which he deems to be a nuisance.

Power to require owners to keep drains, etc., in proper order; or to demolish or close a privy or cesspool,

- 135. (1) All sewers, drains, privies, water-closets, urinals, housegullies and cesspools within a municipal borough shall, unless constructed at the cost of the municipality, be altered, repaired, and kept in proper order at the cost and charge of the owners of the lands or buildings to which they belong, or for the use of which they have been constructed, or continued; and the Chief Officer subject to the control of the standing committee may by written notice require any such owner to alter, repair, and put the same in good order in such manner as he may think fit.
- (2) Subject to the control of the standing committee the Chief Officer may by written notice require the owner to demolish or close any privy or cesspool, whether constructed before or after the coming into operation of this Act, which in the opinion of the Chief Officer is a nuisance, or is so constructed as to be inaccessible for the purpose of scavenging or incapable of being properly cleaned or kept in good order.

Power to private drains.

When any building or land within a municipal borough has close existing a drain communicating with any cesspool or sewers, the Chief Officer, if he considers that such drain, though it may be sufficient for the drainage of such building or land and though it may be otherwise unobjectionable, is not adapted to the general sewerage of the locality, may, subject to the control of the standing committee, close such drain and such cesspool or sewer, whether they are or are not on land vested in the municipality, on providing a drain or drains equally effectual for the drainage of such building or land, and the Chief Officer may, subject as aforesaid, do any work necessary for the purpose.

Power in respect of_ sewers, etc., unauthorizedly constructed, rebuilt or unstopped.

- 137. The standing committee may by written notice require that any sewer, drain, privy, water-closet, urinal, house-gully or cesspool on any land within a municipal borough, constructed, rebuilt or unstopped-
 - (a) after such land became part of a municipal district or borough, and
 - (b) either without the consent or contrary to the orders, directions or general regulations or by-laws of the municipality, or contrary to the provisions of any enactment in force at the time when it was so constructed, rebuilt or unstopped,

shall be demolished, amended or altered, as it may deem fit, by the person by whom it was so constructed, rebuilt or unstopped; and every person so constructing, rebuilding or unstopping any such sewer, drain, privy, water-closet, urinal, house-gully or cesspool, whether he does or does not receive such notice or does or does not comply therewith, shall, in addition to any penalty to which he may be liable on account of such non-compliance, be punished with fine which may extend to twentyfive rupees.

138. (1) Whoever, without the written consent of the Chief Officer Encrosch. first obtained, makes or causes to be made any drain into or out from municipal any of the sewers or drains vested in a municipality, shall be punished drains. with fine which may extend to twenty-five rupees, and the Chief Officer may by written notice require such person to demolish, alter, remake,

or otherwise deal with such drain as he may think fit.

(2) No building shall be newly constructed or reconstructed over any sewer, drain, culvert or gutter vested in a municipality, without the written consent of the Chief Officer; and the Chief Officer may by written notice require any person who has so constructed or reconstructed any building without such written consent, to pull down or otherwise deal with the same as he may think fit.

139. (1) A Chief Officer after due notice to the occupier may inspect Inspection of any sewer, drain, privy, water-closet, urinal, house-gully or cesspool; drains, etc. and for that purpose, at any time between sunrise and sunset, may enter upon any lands or buildings with assistants and workmen, and cause the ground to be opened where he or they may think fit, doing as little

damage as may be.

(2) The expense of such inspection and of causing the ground to be Expense of closed and made good as before shall be borne by the municipality when to be unless the sewer, drain, privy, water-closet, urinal, house-gully or cess-borne by the pool is found to be in bad order or condition, or was constructed in con-municipality. travention of the provisions of any enactment or of any by-laws or orders thereunder in force at the time or issued in respect of such construction; in which case such expense shall be paid by the owner of such sewer. drain, privy, water-closet, house-gully or cesspool, and shall be recoverable in the same manner as an amount claimed on account of any tax recoverable under chapter VIII.

140. (1) The standing committee may, if it thinks fit, cause any work, Standing the execution of which may be ordered by or on behalf of the munici. committee pality under any of the provisions of this sub-chapter, to be executed by may execute municipal or other agency under its own orders, without first of all giving under this the person by whom the same would otherwise have to be executed the sub-chapter option of doing the same.

without allowing option to person concerned of executing

(2) The expenses of any work so done shall be paid by the person Expenses in aforesaid, unless the municipality shall, by a general or special order or such cases by resolution, sanction as it is hereby empowered to sanction, the execu-whom to be tion of such work at the charge of the municipal fund.

Pipes, etc., constructed by municipality to be municipal property.

- 141. Any pipes, fittings, receptacles, or other appliances for or connected with the drainage of any private building or land shall, if supplied, constructed or erected at the expense of the municipality, be deemed to be municipal property, unless the municipality shall have transferred its interest therein to the owner of such building or land.
 - (4) Powers in respect of water-supply.

Power of carrying water mains

- 142. For the purpose of obtaining a supply or an aditional supply of water or of distributing the same, the municipality shall have the same . powers and be subject to the same restrictions for carrying, renewing, repairing and altering water mains, pipes and ducts within or without the municipal borough as it has and is subject to under the provisions hereinbefore contained for carrying, renewing and reparing drain within the municipal borough.
 - (5) Powers regarding external structures, etc.

Permission certain projections.

- 143. (1) The Chief Officer, subject to any by-laws made under the necessary for provisions of this Act, may give written permission to the owners or occupiers of buildings in public streets to put up open verandahs, balconies or rooms, to project from any upper storey of such buildings. to an extent not exceeding four feet beyond the line of the plinth or basement wall of the building; and may prescribe the extent to which and the conditions under which roofs, eaves, weather-boards, shop-boards, and the like may be allowed to project over such streets.
 - (2) (a) Notwithstanding any proceedings which may be taken under clause (b) of this sub-section, the Chief Officer may, by written notice. require the owner or occupier of any such building to remove or alter any such projection which has been constructed either without, or contrary in any manner to, the permission or orders given or issued by or on behalf of the municipality.
 - (b) Any such owner or occupier putting up any projection as aforesaid without such permission or in contravention of such permission or orders, shall be punished with fine which may extend to twenty-five rupees; and if any such owner or occupier fails to remove any projection in respect of which he has been convicted under this section, he shall be punished with further fine which may extend to five rupees for each day on which such failure or neglect continues.

Removal of projections.

- (3) The Chief Officer may, by written notice, require the owner or occupier of any building to remove or alter any projection, encroachment or obstruction which, whether made before or after the site of such building became part of a municipal district or borough, shall have been made against or in front of such building, and which—
 - (a) overhangs or juts into or in any way projects or encroaches upon any public street, so as to be an obstruction to safe and convenient passage along such street, or
 - (b) projects and encroaches into, upon or over any uncovered aqueduct, drain or sewer in any such street, so as to obstruct or interfere with such aqueduct, drain or sewer or the proper working thereof:

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Provided always that the Chief Officer shall, if such projection, encroachment, or obstruction shall have been made in any place before the date on which such place became part of a municipal district or borough or after such date with the written permission of the municipality, pay reasonable compensation to every person who suffers damage by such removal or alteration; and if any disputes shall arise touching the amount of such compensation, the same shall be ascertained and determined in the manner provided in section 198.

144. The Chief Officer may by written notice require the owner of Troughs and a building in any street to put up and keep in good condition proper water, troughs and pipes for catching and carrying the water from the roof and other parts of such building, and for discharging the same, in such manner as he may think fit, so that it shall not fall upon the persons passing along the street.

145. The Chief Officer may erect or fix to the outside of any building, Fixing of brackets for lamps to be lighted with oil or gas, or subject to lamps, the provisions of the [1] Indian Electricity Act, 1910, for lamps to be etc., to lighted with electricity or otherwise or subject to the provisions of the houses. [2]Indian Telegraph Act, 1885, for telegraph wires or telephone wires, or wires for the conduct of electricity for locomotive purposes; or such, pipes as he may deem necessary for the proper ventilation of sewers and water-works: such brackets and pipes shall be erected so as not to occasion any inconvenience or nuisance to the occupants of the said building or of any others in the neighbourhood, or to the public.

146. (1) The municipality may from time to time cause to be put Naming up or painted on a conspicuous part of any building at or near each end streets and numbering or corner of or entrance to a street, the name by which such street is to houses; be known, and may from time to time fix a number in a conspicuous place penalty for on the outer side of any building, or at the entrance of the enclosure defacing, etc. thereof fronting the street.

Penalty for

(2) Any person who destroys, pulls down or defaces any such name or number, or puts any name or number different from that put up by the municipality, and any owner or occupier of any building who shall not at his own expense keep such number in good order after it has been put up thereon, shall be punished with fine which may extend to twenty-five rupees.

147. Any person-

(a) who, without the consent of the owner or occupier, and in the buildings, etc. case of municipal property without the permission in writing of the Chief Officer affixes any posting bill, placard or other paper or means of advertisement against or upon any building, wall, board, fence, pale, post, lamp-post or the like, or

(b) who, without such consent as aforesaid, writes upon, soils, defaces or marks any such building, wall, board, fence, pale, post, lamp-post or the like, with chalk or paint or in any other way

shall be punished with fine which may extend to twenty rupees.

[1] General Acts, Vol. V.

[2] General Acts, Vol. II.

Removal and trimming of hedges, trees, etc.

148. The Chief Officer may by written notice require the owner or occupier of any land so to trim or prune the hedges thereof bordering any public street that the said hedges may not exceed the height of four feet from the level of the street, and width of four feet; and to cut down, lop, or trim all trees or shrubs which in any way over-hang, endanger or obstruct, or which such officer deems likely to overhang, endanger, or obstruct any public street or to cause damage thereto, or which so overhang any public tank, well or other provision for water-supply as to pollute, or be likely to pollute the water thereof.

(6) Powers for promotion of public health, safety and convenience.

Ruinous or dangerous buildings: precautionary measures.

149. (1) Where any building or anything affixed thereon is deemed by the Chief Officer to be in a ruinous state or likely to fall or in any other way dangerous to any inhabitant of such building or of any neighbouring building or to any occupier thereof or to passengers, the Chief Officer shall immediately, if it appears to him to be necessary, cause a proper hoard or fence to be put up for the protection of passengers:

Provided that if the danger be not of hourly imminence, the Chief Officer may, instead of causing a hoard or fence to be put up, issue in the first instance notice in writing to the owner or occupier to put up a proper hoard or fence, and in the event of the owner or occupier failing to put up within two days from the service of such notice a hoard or fence which the Chief Officer considers sufficient in the circumstances of the case, the Chief Officer shall at once cause such hoard or fence to be put up.

Repairs to be made by owner or occupier : default by such.

- (2) The Chief Officer shall also cause notice in writing to be given to the owner or occupier, requiring such owner or occupier forthwith to take down, secure, or repair such building, or thing affixed thereon, as the caseshall require; and if such owner or occupier do not begin to repair, take down, or secure such building or thing within three days after the service of such notice, and complete such work with due diligence, the Chief Officer shall cause all or so much of such building or thing as he shall think necessary to be taken down, repaired or secured.
- (3) All expenses incurred by the Chief Officer under this section shall be paid by the owner or occupier of such building and shall be recoverable in the same manner as an amount claimed on account of any tax recoverable under Chapter VIII.

Powers and duties with regard to dangerous. stagnant or insanitary sources of

- 150. (1) A Chief Officer may at any time by written notice require that the owner of or any person who has the control over any well, stream, channel, tank or other source of water-supply, shall, whether such source is private property or not, within a reasonable time to be specified in the notice, or in any case falling under clause (d) within twenty-four hours of water-supply, such notice-
 - (a) keep and maintain any such source of water-supply, other than a stream, in good repair, or

(b) cleanse any such source of water-supply from silt, refuse and decaying vegetation, or

(c) in such manner as the Chief Officer may prescribe, protect any such source of water-supply from pollution by surface drainage, or

(d) repair, protect or enclose in such manner as the Chief Officer approves, any such source of water-supply other than a stream in its natural flow, if for want of sufficient repair, protection or enclosure, such source of water-supply is in the opinion of the Chief Officer dangerous to the health or safety of the public or of any persons having occasion to use or to pass or approach the same, or

(e) desist from using and from permitting others to use for drinking purposes any such source of water-supply, other than a stream in its natural flow, which is proved to the satisfaction of the Chief Officer

to be unfit for drinking, or

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

(g) drain off or otherwise remove from any source of water-supply. or from any land or premises or receptacle or reservoir attached or adjacent thereto, any stagnant water which the Chief Officer considers

is injurious to health or offensive to the neighbourhood.

(2) If the owner or person having control as aforesaid, fails or neglects Remedy on to comply with any such requisition within the time specified by or under non-comthe provisions of sub-section (1), the Chief Officer may, and if in his directions opinion immediate action is necessary to protect the health or safety of issued. any person, shall at once proceed to execute the work required by such notice; and all the expenses incurred therein by the Chief Officer shall be paid by the owner of, or person having control over, such watersupply, and shall be recoverable in the same manner as an amount claimed on account of any tax recoverable under chapter VIII:

Provided that in the case of any well or private stream or of any private channel, tank or other source of water-supply, the water of which is used by the public or by any section of the public as of right, the expenses incurred by the Chief Officer or necessarily incurred by such owner or person having such control, may, if the standing committee so direct, be paid from the municipal fund.

151. (I) Whoever displaces, takes up, or makes any alteration in Displacing the pavement, gutter, flags or other materials of any public street, or psvements, the fences, walls, or posts thereof, or any municipal lamp, lamp-post, bracket, water post, hydrant, or other such municipal property therein, without the written consent of the Chief Officer or other lawful authority. shall be punished with fine which may extend to one hundred rupees.

(2) Any person who, having displaced, taken up or made alteration in Penalty for any such pavement, gutter, flags, or other materials or in such fences, failure to replace after walls, posts, municipal lamps, lamp-posts, brackets, water-posts, notice. hydrants, or other municipal property, shall fail to replace or restore the same to the satisfaction of the Chief Officer after notice to do so, shall be punished with fine which may extend to fifty rupees, and shall pay any expense which may be incurred in replacing or restoring the same; and such expense shall be recoverable in the same manner as an amount claimed on account of any tax recoverable under chapter VIII.

152. (1) Whoever in any place after it has become a municipal district, or borough.

Obstructions , and encroachments upon public strects and open spaces.

(a) shall have built or set up, or shall build or set up, any wall or any fence, rail, post, stall, verandah, platform, plinth, step or any projecting structure or thing, or other encroachment or obstruction, or

(b) shall deposit or cause to be placed or deposited any box, bale,

package or merchandise, or any other thing,

in any public street or in or over or upon any open drain, gutter, sewer, or aqueduct in such street shall be punished with fine which may extend ' to twenty-five rupees, and with further fine which may extend to five rupees for every day on which such projection, encroachment, obstruction or deposit continues after the date of first conviction for such offence.

- (2) The Chief Officer shall have power to remove any such obstruction or encroachment, and shall have the like power to remove any unauthorised obstruction or encroachment of the like nature in any open space not being private property, whether such space is vested in the municipality or not: provided that if the space be vested in His Majesty the permission of the Collector shall have first been obtained; the expense of such removal shall be paid by the person who has caused the said obstruction or encroachment, and shall be recoverable in the same manner as an amount claimed on account of any tax recoverable under chapter VIII.
- (3) Whoever, not being duly authorised in that behalf, removes earth, sand or other material from, or makes any encroachment in or upon any open space which is not private property, shall be punished with fine which may extend to fifty rupees, and, in the case of encroachment, with further fine which may extend to ten rupees for every day on which the encroachment continues after the date of first conviction for such offence.
- (4) Nothing contained in this section shall prevent the Chief Officer from allowing any temporary occupation of or erections in any public street on occasions of festivals and ceremonies, or the piling of fuel in bystreets and spaces for not more than ten days and in such manner as not to inconvenience the public or any individual.
- (5) Nothing contained in this section shall apply to any projection duly authorised under sub-section (1) of section 143.
- 153. (1) A person intending to construct or take down any building, or to alter or repair any building externally shall, if the position or circumstances of the work is or are likely to cause or may cause obstruction, danger or inconvenience in any street, before beginning such work-
 - (a) first obtain a license in writing from the Chief Officer so to do,
 - (b) cause sufficient hoards or fences to be put up in order to separate the area where the work is to be carried on from the street, and shall maintain such hoard or fence standing and in good condition to the satisfaction of the Chief Officer during such time as the Chief Officer considers necessary for the public safety or convenience, and shall cause the same to be sufficiently lighted during the night, and shall remove the same when directed by the Chief Officer.

Hoards to be set up during repairs, etc.

- (2) Whoever contravenes any of the provisions of this section shall be punished with fine which may extend to fifty rupees, and with further fine which may extend to ten rupees for every day or night, as the case may be, on which such contravention continues, after the date of such conviction for such offence.
- 154. (1) The Chief Officer shall, during the construction or repair of Fencing and any of the streets, sewers, drains or other premises vested in the munici- lighting durpality, take proper precaution for guarding against accident, by shoring etc. up and protecting the adjoining buildings, and shall cause such bars, chains or posts as he shall think fit, to be fixed across or in any street to prevent the passage of carriages, carts or other vehicles, or of cattle or horses, while such construction or repair is being carried on and shall cause any such construction or repair work in a street to be sufficiently lighted and guarded during the night.

- (2) Whoever takes down, alters or removes any of the said bars, chains or posts, or removes or extinguishes any such light without the authority or consent of the Chief Officer, shall be punished with fine which may extend to fifty rupees.
- 155. (1) No person shall, without the written permission of the Chief Timber not Officer or otherwise than in accordance with the conditions of such ited or hole permission, make a hole in any street or deposit on any street any made in timber, stone, brick, earth or other material that has been or is intended street withto be used for building; such permission shall be terminable at the permission. discretion of the Chief Officer; and when such permission is granted to any person, he shall, at his own expense, cause such materials or such hole to be sufficiently fenced and enclosed to the satisfaction of the Chief Officer until the materials are removed, or the hole is filled up or otherwise made secure, and shall cause such materials or hole to be sufficiently lighted during the night.

- (2) Whoever contravenes any of the provisions of sub-section (1) shall be punished with fine which may extend to twenty-five rupees, and with further fine which may extend to ten rupees for every day or night, as the case may be, on which such contravention continues, after the date of the first conviction for such offence.
- 156. (1) If in the opinion of the Chief Officer the working of any Dangerous quarry or the removal of stone, earth or other material from the soil in quarrying. any place, is dangerous to persons residing in or having a right of access to the neighbourhood thereof, or creates or is likely to create a nuisance, the Chief Officer may, by written notice, require the owner of the said quarry or place or the person responsible for such working or removal not to continue or permit the working of such quarry or the removing of such material, or to take such order with such quarry or place as the Chief Officer shall direct for the purpose of preventing the danger or of abating the nuisance arising or likely to arise therefrom:

Provided that if such quarry or place is vested in His Majesty, or if such working thereof or removal therefrom as aforesaid is being carried on by or on behalf of Government, or any person acting with the permission or under the authority of Government or of any officer of

Government acting as such, the Chief Officer shall not take such action unless and until the Collector has consented to his so doing:

Provided further that the Chief Officer shall immediately cause a proper hoard or fence to be put up for the protection of passengers near such quarry or place, if it appears to him to be necessary in order to prevent imminent danger.

(2) Any expense incurred by the Chief Officer in taking action under this section shall be paid by such owner or the person responsible for such working or removal, and shall be recoverable in the same manner as an amount claimed on account of any tax recoverable under chapter VIII.

Provision as to dogs.

- _157. (1) The Chief Officer may by public notice require that every dog while in the streets and not being led by some person shall be muzzled in such a way as to allow the dog freely to breathe and to drink, while effectually preventing it from biting.
- (2) Subject to the provisions of sub-section (3) the Chief Officer may take possession of any dog found wandering unmuzzled in any public place and may either detain such dog until its owner has claimed it, has provided a proper muzzle for it, and has paid all the expenses of its detention, or cause it to be destroyed.
- (3) When a dog which has been detained under the last preceding subsection is wearing a collar with the owner's name and address thereon, such dog shall not be destroyed until a letter stating the fact that it has been so detained has been sent to the said address, and the dog has remained unclaimed for three clear days: provided that any dog which is found to be rabid may be destroyed at any time.
- (4) Any unclaimed dog and any dog, the owner of which refuses to pay all the expenses of its detention, may be sold or destroyed, after having been detained for the said period of three clear days.
- (5) All expenses incurred by the Chief Officer under this section may be recovered from the owner of any dog which has been taken possession of or detained in the manner provided by chapter VIII.

(7) Powers for the prevention of nuisances.

Depositing dust, etc.; committing muisance.

158. (1) Whoever deposits or causes or suffers any member of his family or household to deposit any dust, dirt, dung, ashes, refuse or filth of any kind or any animal matter or any broken glass or earthenware or other rubbish or any other thing that is or may be a nuisance, in any street or in any arch under a street or in any drain beside a street or on any open space or on any quay, jetty or landing-place or on any part of the seashore on the bank of a tidal river, whether above or below highwater mark, or on the bank of any river, water-course or nullah, except at such places, in such manner and at such hours as shall be fixed by the Chief Officer, and whoever commits or suffers any member of his family or household to commit nuisance in any such place as aforesaid, shall be punished with fine which may extend to twenty-five rupees.

- (2) Whoever throws or puts or causes or suffers any member of his family or household to throw or put any of the matters described in sub-section (1) except night-soil, or, except with the permission of the Chief Officer, any night-soil into any sewer, drain, culvert, tunnel, gutter or water-course, and whoever commits nuisance or suffers any member of his family or household to commit nuisance in any such sewer, drain, culvert, tunnel, gutter or water-course, or in such close proximity thereto as to pollute the same, shall be punished with fine which may extend to twenty-five rupees.
- 159. Whoever causes or allows the water of any sink or sewer or any Discharging other liquid or other matter which is or which is likely to become offensive, *ewage, etc. from any building or land under his control, to run, drain, or be thrown or put upon any street or open space, or to soak through any external wall, or causes or allows any offensive matter from any sewer or privy to run, drain or be thrown into a surface drain in any street, without the permission in writing of the Chief Officer or who fails to comply with any condition prescribed in such permission, shall be punished with fine which may extend to twenty-five rupees.
- the than in some proper receptacle, any dirt, dung, bones, ashes, night-soil, filth or any noxious or offensive matter, in or upon such building or land, or suffers such receptacle to be in a filthy or noxious state, or neglects to employ proper means to remove the filth from and to cleanse and purify such receptacle, or keeps or allows to be kept in or upon such building or land any animal in such a way as to cause a nuisance, shall be punished with fine which may extend to twenty-five rupees and with further fine which may extend to five rupees for every day on which such offence is continued, after the date of the first conviction for such offence.
 - 161. (1) The Chief Officer may from time to time fix the hours within Removal of which only it shall be lawful to remove any night-soil or other such night-soil. offensive matter.
 - (2) Whoever,---
 - (a) when the Chief Officer has fixed such hours and given public notice thereof by beat of drum, removes or causes to be removed along any street any such offensive matter at any time except within the hours so fixed, or
 - (b) at any time, whether such hours have been fixed by the Chief Officer, or not,
 - (i) uses for any such purpose any cart, carriage, receptacle or vessel, not having a covering sufficient for preventing the escape of the contents thereof and of the stench therefrom, or
 - (ii) wilfully or negligently slops or spills any such offensive matter in the removal thereof, or
 - (iii) does not carefully sweep and clean every place in which any such offensive matter has been slopped or spilled, or
 - (iv) places or sets down in any public place any vessel containing such offensive matter, or

(v) drives or takes or causes to be driven or taken any cart, carriage, receptacle or vessel used for any such purpose as aforesaid, through any street or by any route, other than such as shall from time to time be appointed for that purpose by the Chief Officer by public notice,

shall be punished with fine which may extend to twenty-five rupees.

Filthy buildings, etc. 162. (1) Whoever, being the owner or occupier of any building or land, whether tenantable or otherwise, suffers the same to be in a filthy and unwholesome state, or in the opinion of the Chief Officer a nuisance to persons residing in the neighbourhood, or overgrown with prickly-pear or rank and noisome vegetation, and who shall not, within a reasonable time after notice in writing by the Chief Officer to cleanse, clear or otherwise put such building or land in a proper state have complied with the requisition contained in such notice, shall be punished with fine which may extend to twenty-five rupees, and with further fine which may extend to five rupees for every day on which the failure to comply with the said notice is continued after the date of the first conviction for such offence.

Deserted and offensive buildings.

- (2) Where any building, by reason of dilapidation, neglect, abandonment, disuse or disputed ownership, or of its remaining untenanted and thereby—
 - (a) becoming a resort of idle and disorderly persons, or of persons who have no ostensible means of subsistence, or who cannot give a satisfactory account of themselves, or
 - (b) coming into use for any insanitary or immoral purpose, or
 - (c) affording a shelter to snakes, rats or other dangerous or offensive animals,

is open to the objection that it is a nuisance, or so unwholesome or unsightly as to be a source of discomfort, inconvenience or annoyance to the neighbourhood or to persons passing by such building, the standing committee, if it considers such objection cannot under any other provision of this Act be otherwise removed, may, if there is any person known or resident within the municipal borough who claims to be the owner of such building, by written notice directed to such person, require such person, or in any other case by written notice fixed on the door or any other conspicuous part of the building, require all persons claiming to be interested in such building, within a period which shall be specified in the notice and shall not be less than seven days from the date of such notice, to cause such building to be taken down and the materials thereof to be removed; in the event of non-compliance with such requirement, the standing committee, on the expiration of the period specified as aforesaid, may forthwith cause the building to be taken down and the materials to be removed, and may sell such materials and apply the proceeds to defray any expenses incurred by it in so doing; all such expenses not thereby defrayed shall be recoverable in the same manner as an amount claimed on account of any tax recoverable under chapter VIII.

163. (1) If, for any reason, it shall appear to the standing committee Buildings or that any building ,or any room in a building intended for or used as rooms in a dwelling is unfit for human habitation, the standing committee shall unfit for give to the owner or occupier of such building notice in writing, stating human such reason, and signifying its intention to prohibit the further use of the habitation. building or room, as the case may be, as a dwelling, and shall in such notice call upon the owner or occupier aforesaid to state in writing any objection thereto within thirty days after the receipt of such notice; and if no objection is raised by such owner or occupier within such period as aforesaid, or if any objection which is raised by such owner or occupier within such period appears to the standing committee invalid or insufficient, the standing committee may by an order in writing prohibit the further use of such building or room as a dwelling.

- (2) When any such prohibition as aforesaid has been made, the Chief Officer shall cause notice of such prohibition to be affixed to, and the letters "U.H.H." to be painted on, the door or some conspicuous part of such building or room as the case may be; and no owner or occupier of such building or room shall use or suffer the same to be used for human habitation until the standing committee certifies in writing that the building or room, as the case may be, has been rendered fit for human habitation.
- 164. It shall be lawful for the president, vice-president, chairman of Power to the standing committee, Chief Officer or any councillor or officer enter and authorised by the municipality in this behalf, at any time between sun-inspect, etc., buildings. rise and sunset after due notice to enter into and inspect all buildings and lands, and by written notice to direct for sanitary reasons all or any part thereof to be forthwith internally and externally limewashed or otherwise cleansed.

- 165. (1) The standing committee may set apart sufficient public Bathing places, or any part of the seashore, not being private property, for the places. purpose of being used as bathing places, and may also provide or set apart a sufficient number of convenient tanks or runs of water for the inhabitants to bathe in; and may also set apart tanks or reservoirs or. runs of water for washing animals or clothes, or for any purpose connected with the health, cleanliness and comfort of the inhabitants, and may prohibit the use, for any purpose mentioned in this section, of any or all other public places within the municipal borough.
- (2) Copies of all orders passed and notices issued by the standing committee and for the time being in force under this section, shall be kept at the municipal office and shall be open for inspection by the public at all reasonable times.
- 166. Whoever, in disobedience of any order of the municipality under Fouling section 165, or of any by-law, bathes in any stream, pool, tank, reservoir, water. well, cistern, conduit or aqueduct belonging to the municipality, or washes or causes to be washed therein any animal or anything whatever, or throws, puts or casts or causes to enter therein any animal or anything, or causes or suffers to run, drain or be brought there into anything that is or may become a nuisance, or does anything whatsoever whereby

any water therein shall be in any degree fouled or corrupted, and whoever without permission of the Chief Officer steeps in any tank, stream, or ditch within or on the boundary of, the municipal borough any animal, vegetable or mineral matter likely to render the water of such tank, stream or ditch offensive or a nuisance shall be punished with fine which may extend to fifty rupees.

Abatement of nuisance from wells, etc.

- 167. (1) If, in the opinion of the Chief Officer-
- (a) any pool, ditch, quarry, hole, excavation, tank, well, pond, drain, water-course, or any collection of water, or
- (b) any cistern or other receptacle for water whether within or outside a building, or
- (c) any land on which water accumulates and which is situate within a distance of one hundred yards from any building used as a dwelling house, is or is likely to become a breeding place of mosquitoes or in any other respect a nuisance, the Chief Officer may, by notice in writing, require the owner thereof to fill up, cover over or drain off the same in such manner and with such materials as the Chief Officer shall prescribe, or to take such order with the same for removing or abating the nuisance as the Chief Officer shall prescribe.
- (2) (a) No new well, tank, pond, eistern or fountain shall be dug or constructed without the previous permission in writing of the Chief Officer.
- (b) If any such work is begun or completed without such permission, the Chief Officer may either—
 - (i) by written notice require the owner or other person who has done such work to fill up or demolish such work in such manner as the Chief Officer shall prescribe; or
 - (ii) grant written permission to retain such work; but such permission shall not exempt such owner from proceedings for contravening the provisions of clause (a) of this sub-section.

Using offensive manure, etc.

168. Whoever, except with the written permission of the Chief Officer, and in accordance with the conditions of such permission, stores or uses nightsoil or other manure or substance emitting an offensive smell, shall be punished with fine which may extend to twenty-five rupees.

Tethering cattle, etc.

169. Whoever tethers cattle or other animals, or causes or suffers them to be tethered by any member of his family or household, in any public street or place so as to obstruct or endanger the public traffic therein, or to cause a nuisance, or who causes or suffers such animals to stray about without a keeper shall be punished with fine which may extend to twenty-five rupees.

Feeding animals on filth.

170. Whoever feeds any animal which is kept for dairy purposes or is intended for human food on excrementatious matter, stable-refuse, filth or other offensive matter, or permits such animal to feed or to be fed on such matter, shall be punished with fine which may extend to fifty rupees.

- 171. (1) It shall be lawful for the municipality to direct by public Consumptions notice that every furnace employed, or to be employed, in any works or of smoke. buildings used for the purpose of any trade or manufacture whatsoever within the limits of the municipal borough whether a steam engine be or be not used or employed therein, shall in all cases be constructed supplemented or altered so as to consume or burn, or reduce as far as may be practicable, the smoke arising from such furnace.
- (2) If any person shall after such direction use, or permit to be used any such furnace not so constructed, supplemented or altered, or shall so negligently use, or permit to be used, any such furnace that the smoke arising therefrom-shall not be effectually consumed or burnt as far as may be practicable, such person being the owner or occupier of the said works or buildings or an agent or other person employed by such owner or occupier for managing the same, shall be punished with fine which may extend to fifty rupees and upon any subsequent conviction to five hundred rupees:

Provided that nothing in this section shall be held to apply to locomotive engines used for the purpose of traffic upon any railway or for the repair of roads.

(8) Regulation of markets, sale of food, etc.

- 172. (1) It shall be lawful for the municipality to direct that no Licensing place other than a municipal market or slaughter-house, shall be used markets for any of the purposes specified in sub-clauses (i) and (ii) of clause slaughter-(b) of sub-section (1) of section 61 except under and in accordance with houses. the conditions of a license from the standing committee, which may at its discretion from time to time grant, suspend, withhold or withdraw such licenses either generally or in individual cases.
- (2) Whoever uses or permits the use of any place contrary to such direction, or without the license required as aforesaid, or in contravention of any of the conditions or during the suspension or after the withdrawal of such license, shall be punished with fine which may extend to twentyfive rupees.
- (3) Upon a conviction being obtained in respect of any place under sub-section (2) of this section, the magistrate shall, on the application of the standing committee but not otherwise, order such place to be closed, and thereupon appoint persons or take other steps to prevent such place being so used; and every person who so uses or permits the use of a place after it has been so ordered to be closed, shall be punished with a fine which may extend to five rupees for each day during which he continues so to use, or permits such use of, the place after it has been so ordered to be closed.
- (1) Nothing in this section or in sub-clause (ii) of clause (b) of sub-Bom, section (1) of section 61 shall apply to any liquor as defined in the [1]Bombay Abkari Act, 1878.

Opening, closing and letting of markets and slaughterhouses.

- 173. (1) The municipality may from time to time open or close any public market or slaughter-house. It may also either take stallage or other rents or fees for the use by any person of any such market or slaughter-house, or from time to time sell by public auction or otherwise the privilege of occupying any stall or space in or of otherwise using any such market or slaughter-house.
- (2) Any person who, without the permission of or a license from the municipality, shall sell or expose for sale any article in the said markets or use the said slaughter-houses, shall be punished with fine which may extend to twenty-five rupees.

Farming of market and slaughter house rents.

174. It shall be lawful for the municipality to lease by public auction or private contract the collecting of any rent or fees which may be imposed under section 173.

Provided that the lessee shall give security for the due fulfilment of the conditions of the lease.

Slaughterhouses, etc., beyond municipal limits. 175. It shall be lawful for a municipality with the sanction of the Commissioner or, if authorized by him, of the Collector to establish slaughter-houses or places for the disposal of carcasses of animals beyond the limits of the municipal borough, and all provisions of this Act and of by-laws in force thereunder relating to such slaughter-houses or places within the municipal borough, shall have full force in slaughter-houses or places established under this section, as if they were within the municipal borough.

Search for and inspection of unwholesome articles.

- 176. (1) The president, vice-president, chairman of the standing committee, Chief Officer or any councillor or officers authorized by the municipality in this behalf—
 - (a) may at all reasonable times enter into any place for the purpose of inspecting and may inspect any animals, carcasses, meat, poultry, game, flesh, fish, fruit, vegetables, corn, bread, flour, milk, ghee, butter or other articles intended for human food or drink or for medicine, whether exposed or hawked about for sale or deposited in or brought to any place for the purpose of sale or of preparation for sale, or may enter into and inspect any place used as a slaughter-house, and may examine anything which may be therein; and

(b) in case any such animals, carcasses, or other articles before mentioned appear to be diseased or unsound or unwholesome or unfit for human food or drink or medicine may seize the same.

Any article which is of a perishable nature may under the orders of the president, vice-president, chairman of the standing committee or Chief Officer if in his opinion it is diseased, unsound, unwholesome or unfit for human food, drink or medicine, forthwith be destroyed.

Every animal and every article which is not of a perishable nature, if seized as aforesaid, shall be taken before a Magistrate.

If it appear to the Magistrate upon sufficient evidence that any such animal or article is diseased or unsound or unwholesome or unfit for human food, drink or medicine, the owner or person in whose possession it was found, not being merely bailee or carrier thereof, shall,

1860.

XLV if in such case the provisions of section 273 of the Indian Penal Code do not apply, be punished with fine which may extend to one hundred rupees, and the Magistrate shall cause such animal or article to be destroyed or to be so disposed of as to prevent its being exposed for sale or used for human food or drink or medicine.

Bom. II of 1899,

(2) In every municipal borough in which by virtue of a notification Adulterated under sub-section (4) of section 1, of the [1] Bombay Prevention of articles for Adulteration Act, 1899, the provisions of that Act are in force, and in drink. respect of any food or drink to which the provisions of any section coming into force under sub-section (4) of section 1 of that Act are for the time being applicable in such borough by a notification, under sub-section (5) of section 1 of that Act, the following provisions shall be in force, namely:-

If any article to which this sub-section is applicable as aforesaid is intended for food or drink, the president, vice-president, chairman of the standing committee, Chief Officer or any councillor or officers authorised by the municipality in this behalf in case such article appears not to be what it is represented to be, may seize the same, and if it appears to a Magistrate upon sufficient evidence that such article is not what it is represented to be, such Magistrate may order the same to be destroyed or to be so disposed of as to prevent its being exposed for sale or used for food or drink; and the owner thereof or the person in whose possession the same was found, not being merely carrier or bailee thereof, shall, if in such sase the provisions of section 273 of the Indian Penal Code do not apply, be punished with fine which may extend to one hundred rupees.

XLV 860.

> Explanation.—If such article having been exposed or stored in or brought to any place for sale as ghee contains any substance not exclusively derived from milk, it shall be deemed to be for the purposes of this sub-section, an article which is not what it is represented to be.

Where any article to which this sub-section is applicable, appears to Protection the Magistrate not to be what it is represented to be, solely by reason of to persons the fact that there has been added to it some substance not injurious to setting in health, no offence shall be deemed to have been committed by the owner of the article or the person in whose possession the same is found, if such owner or person proves to the satisfaction of the Magistrate-

- (a) that such substance has been added to the article because the same is required for the production or preparation thereof, as an article of commerce, in a state fit for carriage or consumption, and not fraudulently to increase the bulk, weight, or measure of the article or conceal the inferior quality thereof, or
- (b) that in the process of production, preparation or conveyance of such article, the extraneous substance has unavoidably become intermixed therewith, or

- (c) that, by a label distinctly and legibly written or printed on or with the said article or by other means of public description, he has given sufficient notice that such substance has been so added, or
 - (d) that-
 - (i) the said article was purchased by him with a written warranty that it was of a certain nature, substance and quality,
 - (ii) he had no reason to believe that it was not of such nature.
 - substance and quality as aforesaid, and
 - (iii) it was not exposed, hawked about, or brought for sale by him otherwise than as an article of the nature, substance and quality specified in the written warranty, and was in the same state in which he purchased it.

Provided that this sub-section shall not apply to any borough to which B the [1] Bombay Prevention of Adulteration Act of 1925 has been v extended.

Application for within reasonable time.

(3) In all prosecutions under this section the Magistrate shall refuse for summons to issue a summons for the attendance of any person accused of an offence if not applied against its provisions unless the summons is applied for within a reasonable time from the alleged date of the offence of which such person is accused.

False weights and measures.

177. The president, vice-president, Chief Officer or any councillor authorised by the municipality in this behalf, may at all reasonable times enter into any place used for the sale of articles used for human food and inspect the weights and measures in use; and if the person in charge be found in possession of any false or defective weights or measures, or of weights and measures by the use of which the public may be defrauded. he shall be punished with fine which may extend to two hundred and fifty rupees.

(9) Regulation of dairies and cattle sheds

Licensing of dairies.

- 178. (1) No person shall, for the purposes of trade use or permit to be used any place for stabling milch cattle or for storing or selling milk or for making, storing or selling butter except under and in accordance with the terms of a license from the standing committee.
- (2) The standing committee may grant such license subject to such conditions as it may deem fit and may at any time withdraw such licenseon giving one month's notice to the licensee:

Provided that where the licensee has contravened any of the conditions of the license, the license may be withdrawn without any such notice.

(3) Whoever so uses or permits to be used any place for any of the aforesaid purposes without, or in contravention of any of the conditions of, or after the withdrawal of, or during the suspension of, such license, shall be punished with fine which may extend to fifty rupees and in the case of a continuing offence with additional fine which may extend to ten rupees for each day during which such offence is continued after the date of the conviction for the first such offence.

(4) Upon a conviction being obtained in respect of any place under sub-section (3) the Magistrate shall, on the application of the municipality but not otherwise, order such place to be closed, and thereupon, appoint persons or take other steps to prevent such place being so used.

(10) Prevention of dangerous diseases

179. (1) The Government may at any time confer by notification on Powers to any municipality designated therein, all or any of the powers specified disease which in sub-section (2), and such municipality shall, subject to all such limita- may at any tions, restrictions and conditions, if any, as the Government in the same time be or in any subsequent notification may prescribe in such behalf, exercise conferred. within the municipal borough every power so conferred on it, for such period as may be specified in this behalf, in any such notification, or if no period is so specified, then, until the power is withdrawn.

- (2) The powers, all or any of which may be conferred under the preceding sub-section, are :---
 - (a) power by orders, which may be either of special or general application, to direct that every medical practitioner, who knows or may have reason to believe that any person whom he has visited in his professional capacity in any dwelling not being a hospital, or that every manager of any factory or educational institution, or every head of a household, who knows or has reason to believe that any person who resides in any dwelling under his management or control, is suffering from any illness which may reasonably be supposed to be a dangerous disease, shall give information of the same with the least practicable delay to such person as may be designated by the municipality in that behalf:
 - (b) power to direct or authorize the inspection, without notice, or with such notice as to the person directed or authorised to inspect appears reasonable of any place in which any dangerous disease is reported or suspected to exist and the taking of measures to prevent the spread of the disease beyond such place:
 - (c) power to prohibit the removal of water for the purpose of drinking from any well, tank or other place which may appear to the municipality, or the advice of a medical officer, likely to endanger or cause the spread of any dangerous disease;
 - (d) power to direct or cause the removal, on a certificate signed by any duly qualified medical practitioner authorised by the municipality in this behalf, of any person who is without proper lodging or accommodation, or who is lodged in a room or set of apartments occupied by more than one family, or in a place where his presence may be a danger to the neighbourhood, and who is suffering from a dangerous disease, to any hospital or place at which persons suffering from the said disease are received for medical treatment; and to prohibit the person so removed from leaving such hospital or place without the permission of the municipality;
 - (e) power to require by written notice the owner or occupier of any building or part of a building, or a person owning or in charge of any NO Va 3-24

article therein, to cleanse or disinfect such building or part thereof or article, either at his own expense, or in case of poverty, or for other cause which the municipality in the circumstances of the case considers reasonable, at the expense of the municipality;

(f) power to provide the means and to prescribe places, for disinfecting or washing, bedding or other articles which have been exposed to infection from any dangerous disease, and to direct the destruction thereof:

(g) power-

(i) to provide and maintain suitable conveyances for the free carriage of persons suffering from any dangerous disease, and

(ii) when such provision is made, to prohibit the conveyance of

such persons in all or any public conveyances, and

(iii) to direct that any conveyances that may at any time be used for conveying any such persons shall be immediately disinfected;
(h) power to prohibit—

- (i) any person suffering from any dangerous disease from wilfully exposing himself, without proper precautions against spreading the said disease, in any street or in any school or factory, or in any inn, dharmshala, theatre, market or other place of public resort, or
- (ii) any person in charge of any person so suffering from so exposing such sufferer;
- (i) power to prohibit any person from removing to another place, or transferring to another person, except for the purpose of disinfection, any article which the person prohibited knows or has reason to believe has been exposed to infection of any kind whatsoever from any dangerous disease;
- (j) power to prohibit the letting of or the providing of accommodation in any hotel, inn, dharmshala or serai, in which a person has, or in which there is reason to believe that a person has been suffering from a dangerous disease, unless and until the person desiring so to let or provide accommodation shall have had the building, or part thereof, and any article therein likely to retain infection, disinfected to the satisfaction of the municipality, or of such officer as the municipality may appoint in this behalf;
- (k) power, with the previous permission in each case of a Magistrate exercising not less than second class powers, to destroy any insanitary huts or sheds in which there is reason to believe that persons have been suffering from a dangerous disease.
- (3) The municipality may, in its discretion, give compensation to any person who sustains substantial loss by the destruction of any property under this section, but, except as allowed by the municipality, no claim for compensation shall lie for any loss or damage caused by any exercise of the powers specified therein.
- (4) Any person who in a municipal borough disobeys any order which is for the time being in force therein, and which has been passed by the municipality in exercise of any power conferred on such municipality

under this section, or obstructs any officer of the municipality or other person acting under the authority of the municipality in carrying out executively any such order, shall be punished with fine which may extend to fifty rupees.

180. (1) In the event of the municipal borough or any part thereof Duties of being at any time threatened or visited with an outbreak of any dangerous municipality disease, the municipality shall take all such measures as the Government or actual may deem necessary for the purpose of preventing, meeting, mitigating outbreak of dangerous or suppressing such outbreak.

- (2) In such event as aforesaid the Government may by special notification declaring that such municipal borough is threatened or visited with an outbreak of a dangerous disease, confer on the municipality all or any of the additional powers specified in the following sub-section, and such municipality shall, subject to such limitations, restrictions and conditions, if any, as the Government in the same or in any subsequent notification may prescribe, exercise every such power so conferred on it until the same is withdrawn by means of a like notification.
- (3) The powers, all or any of which may be conferred under the preceding sub-section, are-
 - (a) power to order, subject to the conditions—
 - (i) that the permission of a Magistrate exercising not less than second class powers shall be in each case first obtained, and
 - (ii) that accommodation for all persons to whom the order refersis available, or shall be provided, elsewhere,
 - the evacuation of an infected building used as a dwelling or of any part thereof, or of any building so used adjacent to such building. by the person or persons residing, whether habitually or temporarily. therein:
 - (b) power to direct the examination by a medical officer of persons and if necessary, the disinfection of the clothing, bedding, or other articles suspected of being infected, belonging to persons either arriving from places outside the municipal borough, or residing in any building adjacent to any infected building, and to direct that any such person shall give his address and present himself daily for medical examination at such times and places as may be prescribed, for a period not exceeding ten days;
 - (c) power to prohibit either generally, or by special order in any individual case, assemblages consisting of any number of persons exceeding fifty, in any place whether public or private, or in any circumstances, or for any purpose, if in the opinion, recorded in writing. of the Civil Surgeon of the district or other medical officer appointed by the Government in this behalf, such assemblages in such place or in such circumstances or for such purpose, would be likely to become a means of spreading the disease or of rendering it more virulent.
- (4) The municipality may in its discretion give compensation to any person who sustains substantial loss by the destruction of any property. under this section; but except as allowed by the municipality, no claim

for compensation shall lie for any loss or damage caused by any exercise of the powers specified therein,

(5) If in any municipal borough in which a notification under subsection (2) is for the time being in force, any person—

(a) knowingly disobeys any order which for the time being is in force in such borough and which has been passed by the municipality in exercise of any power conferred on it under section 179 or under this section, or

(b) obstructs any officer of the municipality or other person acting under the authority of the municipality in carrying out executively any such order,

such person shall be punished with fine which may extend to one thousand rupees.

Withdrawal and modification of powers and orders.

181. (1) The Government may at any time-

- (a) withdraw any power conferred under section 179 or under section 180:
- (b) cancel or modify any limitation, restriction or condition prescribed in respect of any such power; or

(c) cancel any order passed by a municipality in exercise of

any such power.

(2) Every order passed by a municipality in exercise of any such power as aforesaid shall, on the withdrawal of such power, cease to be in force in the municipal borough.

Duties of munici pality in respect of diseases sheep or goats.

182. If in any municipal borough any infectious disease amongst cattle, sheep or goats breaks out or if the introduction of any such disease appears to be likely, the municipality shall take all such measures as it among cattle, may deem necessary for the purpose of preventing, meeting, mitigating or suppressing the disease or the outbreak or introduction thereof.

Proceedings 3 2 2 overcrowding of the interiors of buildings,

- 183. (1) Whenever the standing committee considers the interior to abote the of a building is so overcrowded as to be or to be likely to become dangerous or prejudicial to the health of the inhabitants of that or of any neighbouring building, the standing committee may cause proceedings to be taken before a Magistrate of the first class for the purpose of obtaining an order to prevent such overcrowding.
 - (2) Such Magistrate may, on the production of a certificate by a medical officer stating his opinion that the overcrowding, complained of is likely to cause disease or risk of disease, and after such further inquiry, if any, as may appear to such Magistrate necessary, require the owner of the building within a reasonable time, not being more than six weeks or less than ten days, to abate the number of lodgers, tenants or other inmates of the said building to such extent as he shall deem necessary to prescribe, or may pass such other order as he shall deem just and proper.
 - (3) If the owner of the said building shall have sublet the same, the landlord of the lodgers, tenants or other actual inmates of the same shall for the purposes of this section be deemed to be the owner of the building.
 - (4) It shall be incumbent on any owner, to whom a requisition is issued under sub-section (2), forthwith to give to so many of the lodgers, tenants

or other actual inmates of the said building as may be necessary to fulfil the conditions prescribed in such requisition, written notice to vacate the said building within the period specified in such requisition, and any such lodgers, tenants or inmates receiving such notice shall be bound to comply therewith.

- (5) Any owner who after the date specified in any requisition issued under sub-section (2) permits the overcrowding of any building in contravention of such requisition, and any person who omits to vacate any such building in accordance with notice given to him under sub-section (4), shall be punished with fine which may extend to ten rupees for each day subsequent to the date specified in such requisition during which such overcrowding, or such omission to vacate, continues.
- 184. (1) If the Government is of opinion that risk of disease has arisen Special or is likely to arise either to any occupier in, or to any inhabitant in the powers which neighbourhood of, any area by reason of any of the following defects, may be connamely---

- (a) the manner in which either buildings or blocks of buildings, overcrowded already existing or projected therein, are, or are likely to become, area. crowded together, or
- (b) the impracticability of cleansing any such buildings or blocks of buildings, already existing or projected, or
- (c) the want of drainage or scavenging, or the difficulty of arranging therein for the drainage or scavenging of any such buildings or blocks or area as aforesaid, or
- (d) the narrowness, closeness, bad arrangement or bad condition of the streets or buildings or groups of buildings,

it may by notification confer on the municipality to which such area is subject, all or any of the powers specified in sub-section (2), and may, if it deems necessary, at any time make rules prescribing any limitations, restrictions, modifications, conditions or regulations, subject to which the municipality shall exercise within that area all powers so conferred. unless and until those powers are withdrawn by a subsequent notification of the Government.

- (2) The powers all or any of which may be conferred on a municipality aunder sub-section (1) are as follows:-
 - (a) power when any building or block already existing or in course of erection, by reason of any defect specified in sub-section (1), has given or is in the opinion of the municipality likely to give rise to such risk as aforesaid, to require by a written notice, to be fixed upon some conspicuous part of such building or block and addressed, as the municipality deems fit, either to the owners thereof or to the owners of the land on which such building or block is erected or is in course of erection that the persons so addressed shall, within such reasonable time as shall be specified in the notice, either pull down or remove such building or block, or execute such works or take such action in connection therewith as the municipality deems necessary to prevent all such risk of disease;

- (b) power by municipal or other agency to pull down or remove such building or block, or to execute such works or take such action as aforesaid, if the persons addressed in the said notice neglect so todo within the time specified therein;
- (c) power, subject to a right of appeal to the Commissioner whose decision shall be conclusive, to prohibit, by written notice addressed to the owners and occupiers of any site or space hereinafter described and by general notice published in the manner provided in sub-section (3) of section 192, the erection of any building or of any building exceeding such dimensions as may be specified in such notice:—

(i) on the site of any building which has, in whole or in part,

under the provisions of this section, been pulled down, or

(ii) on any space not occupied by buildings, whether such space

is private property or not and whether it is enclosed or not, if the municipality considers that in order to prevent such risk as aforesaid, such site or space should not be built upon in whole or in part; and either to acquire such site or space or to prescribe such conditions as may be deemed necessary as to the use which the owner or occupier may make or permit to be made thereof:

Provided that in every case compensation, the amount of which shall in case of dispute be ascertained and determined in the manner provided in section 198, shall be paid to any person whose rights are affected by such prohibition:

- (3) When, in pursuance of any notice under sub-section (2), any building has been pulled down, the municipality shall, unless such building has been erected contrary to any provision of this Act or of any by-law in force thereunder, pay to such owner or occupier as may have sustained damage thereby, reasonable compensation, the amount of which shall in case of dispute be ascertained or determined in the manner provided in section 198.
- (4) The Government may prescribe by rule a fine not exceeding five hundred rupees for every breach, and a further fine not exceeding twenty rupees a day for every continuing breach, of any order made or conditions imposed by the municipality in exercise of any powers conferred upon it under this section.

Closing of places for disposal of the dead.

- 185. (1) Where the municipality is of opinion that any place used for the disposal of the dead is in such a state as to be, or to be likely to become, injurious to health, it may submit its opinion with the reasons therefor to the Commissioner and the Commissioner thereupon, after such further inquiry, if any, as he shall deem fit to cause to be made, may by notification direct that such place shall cease to be so used from such date as may be specified in that behalf in the said notification.
- (2) A copy of the said notification together with a translation thereof in the vernacular of the district shall be published in the local newspapers, if any, and shall be posted up at the municipal office and in one or more conspicuous spots on or near the place to which the same relates.
- (3) Any person who buries or otherwise disposes of any corpse in any such place, after the date specified in the said notification for closure

of the same, shall be punished with fine which may extend to one hundred

(11) Nuisances from certain trades and occupations.

186. (1) If it be shown to the satisfaction of the standing committee Regulation that any building or place used or intended by any person to be used—of certain trades.

(a) for boiling or storing offal, blood, bones or rags,

(b) for salting, curing, or storing fish,

(c) for storing hides, horns or skins,

(d) for tanning,

(e) for the manufacture of leather or leather goods,

(f) for dyeing,

- (g) for melting tallow or sulphur,
- (h) for washing or drying wool or hair,
- (i) as a brick, pottery or lime kiln,

(j) for soap-making,

(k) for oil-boiling or oil extracting,

(l) as a manufactory of sago.

(m) as a distillery,

(n) for storing hay, straw, fodder, wood, coal or other combustible material,

(o) as a manufactory of snuff,

(p) for the manufacture or sale of sweetmeats,

(q) as a factory, workshop or place of business in which animals are employed or intended to be employed for doing work, or in which steam, water or any mechanical power is used or intended to be used,

(r) as a manufactory or place of business of any other kind, from which offensive or unwholesome smells arise, or which may involve

risk of fire,

is or is likely to become by reason of such use and of its situation a nuisance to the neighbourhood or is so used or is so situated as to be likely to be dangerous to life, health or property, the standing committee may by written notice require the owner or occupier-

(i) at once to discontinue the use of, or at once to desist from carrying out or allowing to be carried out the intention so to use, such building or place, or

(ii) to use it in such manner or after such structural alterations as the standing committee in such notice prescribes, so that it may not become, or may be no longer, a nuisance or dangerous.

Explanation 1.—For the purpose of clauses (q) and (r) nuisance shall include any contamination of the atmosphere whereby a deposit of soot is caused or any mechanical noise.

- Explanation 2.—Nothing in clauses (q) and (r) shall be deemed to V of 1923. affect any provision of the Indian Boilers Act, 1923, or shall authorize XII of any order relating to the fixing or fencing of any engine, mill-gearing, hoist or other machinery in any factory to which the provisions of the Indian Factories Act, 1911, are applicable.
 - (2) Whoever after notice has been given under sub-section (1), uses Liability to any building or place or permits it to be used in such a manner as to penalty after

be a nuisance to the neighbourhood or dangerous to life, health, or property, shall be punished with fine which may extend to two hundred rupees, and with further fine which may extend to forty rupees for every day on which such use or permission of use is continued after the date of the first conviction.

(3) Upon a conviction being obtained under this section the Magistrate shall, on the application of the standing committee but not otherwise, order such place to be closed and thereupon appoint persons or take other steps to prevent such place being used for any purpose mentioned in sub-section (1).

Penalty for unlicensed places in district in which bylaws under section 61 (1) force.

(4) Whoever uses without a license or during the suspension or after the withdrawal of a license, any place for any purpose mentioned in subsection (1) in any municipal borough in which by-laws are for the time being in force prescribing the conditions on or subject to which, the circumstances in which, and the areas or localities in respect of which, (b) (iii) are in licenses for such use may be granted, refused, suspended or withdrawn, shall be punished with fine which may extend to fifty rupees and with further fine which may extend to ten rupees for every day on which such use is continued after the date of first conviction.

Prohibition of whistles, etc.

- 187. (1) No person shall use or employ in any factory or any other use of steam-place any whistle or trumpet operated by steam or mechanical means for the purpose of summoning or dismissing workmen or persons employed except under and in accordance with the conditions of a license from the standing committee.
 - (2) The standing committee may grant such license subject to such conditions as it may deem fit and may at any time withdraw such license on giving one month's notice to the licensee:

Provided that where the licensee has contravened any of the conditions of the license, the license may be withdrawn without any such notice.

(3) Whoever uses or employs any such whistle or trumpet as aforesaid without or in contravention of any of the conditions of or after the withdrawal of such license, shall be punished with fine which may extend to fifty rupees.

Loitering or for purposes of prostitution.

- Whoever in any street or public place within the limits of a importuning municipal borough loiters for the purposes of prostitution, or importunes any person to the commission of sexual immorality, shall be punished with fine which may extend to fifty rupees:
 - Provided that no Court shall take cognizance of an offence under this section except on the complaint of the person importuned, or of a Police Officer not below the rank of an officer in charge of a police station and specially authorized in this behalf by the District Magistrate or by the municipality.

Brothels.

- 189. In any municipal borough—
 - (a) any part of which is within three miles of a cantonment, or
- (b) to which on the application of the municipality the Government may by notification have declared this section to apply, any Magistrate of the first class, on receiving information that a house

within the limits of such borough is used as a brothel, may summon the owner or occupier of such house and on being satisfied that the house is so used, may order the owner or occupier to discontinue such use of it; and, if such owner or occupier shall fail to comply with such order within five days, may impose upon him a fine not exceeding twenty-five rupees for every day thereafter that the house shall be so used:

Provided that action under this section shall be taken only-

- (a) with the sanction or by the order of the District Magistrate, or
- (b) on the complaint of three or more inhabitants of the municipal borough residing in the vicinity of the house to which the complaint refers.
 - (12) Regulation of pilgrims' lodging houses.
- 190. (1) No person shall, in any municipal borough which the pilgrims Government shall have declared by notification to be a pilgrim centre for lodging the purposes of this section and of clause (d) of sub-section (1) of section 61, use or permit to be used any place or building for the purpose of lodging pilgrims except under and in accordance with the conditions of a license from the standing committee.
- (2) The standing committee may grant such license subject to such conditions as it may deem fit and may at any time withdraw such license on giving one month's notice to the licensee:

Provided that where the licensee has contravened any of the conditions of the license, the license may be withdrawn without any further notice.

(3) Whoever lodges or permits to be lodged any pilgrim in any place or building without or in contravention of any of the conditions of or after the withdrawal of or during the suspension of such license, shall be punished with a fine not exceeding five rupees for each such pilgrim for each day or part of a day during which such pilgrim has been so lodged.

(13) Powers in case of fire.

- 191. It shall be the duty of all police officers and of all Police and municipal officers and servants to aid a fire-brigade in the execution of municipal officers to aid to duties. Such officers and servants may close any street in or near fire-brigade. which a fire is burning and remove any persons who interfere by their presence with the operations of the fire-brigade.
 - (14) Service of notices, penalties on non-compliance therewith, and execution of works on default.
- 192. (I) The service of every notice and the presentation of every Service of bill under this Act on any person or to any person to whom it is by name socious, etc., addressed, shall, in all cases not otherwise specially provided for in this individuals. Act, be effected by a municipal officer or servant or other person authorized by the Chief Officer in this behalf—
 - (a) by giving or tendering the notice or bill to the person to whom it is addressed; or
 - (b) if such person is not found, by leaving the notice or bill at his last known place of abode, if within the municipal borough, or by

giving or tendering the notice or bill to some adult male member or servant of his family; or

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

(d) if none of the means atoresaid be available, then by causing the bill or notice to be affixed on some conspicuous part of the building or

land, if any, to which the bill or notice relates.

Service of notices on owners or occupiers of lands.

- (2) When any notice under this Act is required or permitted by or under this Act to be served upon an owner or occupier of any building or land, it shall not be necessary to name the owner or occupier therein, and buildings and the service thereof, in cases not otherwise specially provided for in this Act. shall be effected either-
 - (a) by giving or tendering the notice to the owner or occupier or if there be more owners or occupiers than one, to any one of them; or
 - (b) if no such owner or occupier be found, then by giving or tendering the notice to some male adult member or servant of the family of any such owner or occupier as aforesaid; or

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

which the same relates.

Public and general notices how to

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

Defective form not to invalidate notice.

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

Execution of any notice.

- (5) (a) Where any notice under this chapter requires any act to be acts required done for which no time is fixed by this Act, the notice shall fix a reasonable time for doing the same.
 - (b) In the event of non-compliance with the terms of the notice it shall be lawful for the Chief Officer to take such action or such steps as may be necessary for the completion of the act thereby required to be done, and all the expenses therein incurred by the municipality shall be paid by the person or persons upon whom the notice was served, and shall be recoverable in the manner provided in section 199.

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

193. Whoever disobeys or fails to comply with any lawful direction given by any written notice issued by or on behalf of a municipality under any power conferred by this chapter, or fails to comply with the conditions subject to which any permission was given to him by or on behalf of a municipality under any power so conferred, shall, if the disobedience ather section, or failure is not an offence punishable under any other section, be punished

379

with fine which may extend to fifty rupees, and with further fine which may extend to five rupees for every day on which the said disobedience or failure continues after the date of the first conviction:

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

194. (1) Where under the provisions of this Act any work is required Municipality to be executed by the owner or occupier of any building or land and default in default of owner or ocis made in the execution of such work, the municipality, whether any cupier may penalty is or is not provided for such default, may cause such work to be execute executed; and the expenses thereby incurred shall, unless otherwise and recover expressly provided in this Act, be paid to it by the person by whom such expenses. work ought to have been executed, and shall be recoverable in the same manner as an amount claimed on account of any tax recoverable under chapter VIII either in one sum or by instalments as to the municipality may seem fit :

Provided that-

(a) where any drainage scheme or water-works scheme has been Agreement for construction menced by any municipality it shall be landed for the municipality con menced by any municipality, it shall be lawful for the municipality, tion of drainwithout prejudice to its powers under section 129 or any other provision age and of this Act, to make a special agreement with the owner of any building tions. or land as to the manner in which the drainage or water-connection thereof shall be carried out, and the pecuniary or other assistance, if any, which the municipality shall render: and any payment agreed upon by the owner shall be recovered in accordance with the terms of such agreement or in default, in the manner described in sub-sections (2) and (3);

- (b) where an order or requisition has been passed under sub-section Improvement (1) of section 115, sub-section (1) of section 117, sub-section (2) or (8) expenses. of section 123 or under section 127, 129, 134 or 135 or where permission has been given under section 131, or where an arrangement has been made under proviso (a) of this sub-section, the municipality may. without prejudice to any other powers under this Act, if it think fit. declare any expenses incurred by the municipality in the execution of such order or in the carrying out of such requisition, permission or arrangement to be improvement expenses. Improvement expenses shall be a charge upon the premises or land, and shall be levied in such instalments as the municipality may decide, including interest at the rate of seven and a half per cent. per annum, and shall be recoverable in the manner described in sub-sections (2) and (3).
- (2) If the defaulter be the owner of the building or land, the municir Power tolery pality may, by way of additional remedy, whether a suit or proceeding charges on occupier who has been brought or taken against such owner or not, require, subject to may deduct the provisions of sub-section (3), the payment of all or any part of the the same expenses payable by the owner for the time being from the person who from his rent. then, or any time thereafter, occupies the building or land under such owner; and in default of payment thereof by such occupier on demand,

the same may be levied from such occupier, and every amount so leviable shall be recoverable in the same manner as an amount claimed on account of any tax recoverable under chapter VIII; every such occupier shall be entitled to deduct from the rent payable by him to his landlord so much as has been so paid by or recovered from such occupier in respect of any such expenses.

of rent due.

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

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

Occupier in default of owner, may execute works and deduct expenses from his reut.

Where default is made by the owner of any building or land in the execution of any work required to be executed by him, the occupier of such building or land may, with the approval of the municipality cause such work to be executed, and the expense thereof shall be paid to him by the owner, or the amount may be deducted out of the rent from time to time becoming due from him to such owner.

Proceedings pier opposes of the Act.

196. If the occupier of any building or land prevent the owner thereof if any occu- from carrying into effect, in respect of such building or land, any of the the execution provisions of this Act, after notice of his intention so to carry them into effect has been given by the owner to such occupier, any Magistrate upon proof thereof, and upon application of the owner, may make an order in writing requiring such occupier to permit the owner to execute all such works, with respect to such building or land, as may be necessary for carrying into effect the provisions of this Act, and may also, if he thinks fit, order the occupier to pay to the owner the costs relating to such application or order; and if, after the expiration of eight days from the date of the order, such occupier continue to refuse to permit such owner to execute, any such work, such occupier shall for every day during which he so continues to refuse be punished with fine which may extend to fifty rupees and every such owner, during the continuance of such refusal, shall be discharged from any penalties to which he might otherwise have become liable by reason of his default in executing such works.

(15) Miscellaneous.

Entry for the Act.

197. It shall be lawful for the president, vice-president, Chief-Officer or any officer authorised by the Chief Officer for such purpose, to enter,

for any purpose of this Act, between sunrise and sunset, with such assistants as he may deem necessary, into and upon any building or land:

Provided that, except when herein otherwise provided, no building or land which may be occupied at the time shall be entered unless with the consent of the occupier thereof, without twenty-four hours' written notice thereof having been given to the said occupier:

Provided also that in the case of buildings used as human dwellings, due regard shall be paid to the social and religious customs of

the occupiers.

- 198. (1) If an agreement is not arrived at with respect to any Arbitration compensation or damages which are by this Act directed to be paid, the in cases of amount and if necessary the apportionment of the same shall be tion, etc. ascertained and determined by a panchayat of five persons, of whom two shall be appointed by the municipality, two by the party to or from whom such compensation or damages may be payable or recoverable, and one, who shall be sir-panch, shall be selected by the members already appointed as above.
 - (2) If either party or both parties fail to appoint members, or if the members fail to select a sir-panch within one month from the date of either party receiving written notice from the other of claim to such compensation or damages, such members as may be necessary to constitute the panchayat shall be appointed, at the instance of either party, by the District Judge.
- (3) In the event of the panchayat not giving a decision within one month from the date of the selection of the sir-panch or of the appointment by the District Court of such members as may be necessary to constitute the panchayat, the matter shall, on application by either party, be determined by the District Court which shall, in cases in which the compensation is claimed in respect of land, follow as far as may be the procedure provided by the [1]Land Acquisitin Act, 1894, for proceedings in matters referred for the determination of the Court:

Provided that-

- (a) no application to the Collector for a reference shall be necessary, and
- (b) the Court shall have full power to give and apportion the costs of all proceedings in any manner it thinks fit.
- (1) In any case where the compensation is claimed in respect of land and the panchayat has given a decision, either party, if dissatisfied with the decision, may within a month of the date thereof apply to the District Court, and the matter shall be determined by the District Court in accordance with the provisions of sub-section (3).
- (5) In any case where the compensation is claimed in respect of any land or building the municipality may, after the award has been made by the panchayat or the District Court, as the case may be, take possession of the land or building, after paying the amount of the compensation determined by the panchayat or the District Court to the party to whom

such empensation may be payable. If such party refuses to accept such compensation, or if there is no person competent to alienate the land or building, or if there is any dispute as to the title to the compensation or as to the apportionment of it, the municipality shall deposit the amount of the compensation in the District Court.

Costs or expenses how determined and recovered.

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

CHAPTER X.

PROSECUTIONS, SUITS AND POWERS OF POLICE.

Municipality may prosecute.

200. (1) The standing committee and, subject to the provisions of sub-section (3), the Chief Officer may direct any prosecution for any public nuisance whatever, and may order proceedings to be taken for the recovery of any penalties and for the punishment of any persons offending against the provisions of this Act or of any rule or bylaw thereunder and may order the expenses of such prosecutions or other proceedings to be paid out of the municipal fund:

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

Jurisdiction of Magistrate; recovery of compensa tion and expenses.

- (2) Any prosecution under this Act or under any rule or by-law thereunder may, save as therein otherwise provided, be instituted before any Magistrate; and every fine or penalty imposed under or by virtue of this Act or any rule or by-law thereunder, and any compensation, expenses, charges or damages for the recovery of which no special provision is otherwise made in this Act, may be recovered on application to any Magistrate, by the distress and sale of any movable property within the limits of his jurisdiction belonging to the person from whom the money is claimable.
- (3) The Chief Officer shall not, except with the previous approval of the standing committee, direct a prosecution or order proceedings to be taken for the punishment of any person offending against the provisions of the following sections or sub-sections, namely:--

section 55; sub-section (4) of section 118; section 171; and sub-section (4) of section 117; sub-section (4) of section 184.

Distress defective in form.

201. No distress levied or attachment made by virtue of this Act lawful though shall be deemed unlawful nor shall any party making the same be deemed a trespasser, on account of any defect or want of form in any summons, conviction or warrant of distress or attachment or other proceeding relating thereto, nor shall such party be deemed a trespasser ab initio on account of any irregularity afterwards committed by him; but all persons aggrieved by such irregularity may recover full satisfaction for the special damage in any Court of competent jurisdiction.

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

203. In lieu of any process of recovery allowed by or under this Act Alternative or in case of failure to realise by such process the whole or any part of procedure any amount recoverable under the provisions of chapter VIII, or of by suit. any compensation, expenses, charges or damages payable under this Act, it shall be lawful for a municipality to sue in any Court of competent jurisdiction the person liable to pay the same.

204. (1) A municipality may sue in any Court of competent jurisdic- Power to tion any person who may have in any way caused or may appear aue, comprolikely to cause any injury to any property, rights or privileges of the compensamunicipality.

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

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

- (3) A municipality may make compensation out of the municipal fund to any person sustaining any damage by reason of the exercise of any of the powers vested in it, its committees, officers and servants under this Act.
- (4) The municipal fund shall be liable to pay the expenses of any civil proceeding prosecuted or defended on its behalf.
- 205. For the purpose of the recovery of any amount due on account Assistance of rent from any person to a municipality in respect of any land vested for the recovin or otherwise held by such municipality, the municipality shall be on land. deemed to be a superior holder and every such person an inferior holder of such land, within the meaning of sections 86 and 87 of the [1]Bombay Land Revenue Code, 1879; and the municipality as superior holder shall be entitled, for the recovery of every such amount, to all the assistance to which under the said sections a superior holder is entitled for the recovery of rent or land-revenue payable to him by an inferior holder.

· 276. No person shall commence any suit against any municipality Limitation or against any officer or servant of a municipality or any person acting of suits, etc. under the orders of a municipality for anything done or purporting to have been done in pursuance of this Act, without giving to such municipality, officer, servant or person two months' previous notice in writing

of the intended suit and of the cause thereof, nor after six months from the date of the act complained of;

and in the case of any such suit for damages, if tender of sufficient amends shall have been made before the action was brought, the plaintiff shall not recover more than the amount so tendered, and shall pay all costs incurred by the defendant after such tender.

Powers of police of licers.

207. (1) Any Police-officer may arrest any person committing in his view any offence against any of the provisions of this Act or of any by-law thereunder, if the name and address of such person is unknown to him, and if he declines to give his name and address or if the Police-officer has reason to doubt the accuracy of such name and address if given; and such person may be detained at the station-house until his name and address has been correctly ascertained:

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

(2) It shall also be the duty of all Police-officers to give immediate information to the municipality of the commission of any offence against the provisions of this Act or of any by-law thereunder and to assist all municipal officers and servants in the exercise of their lawful authority.

Accounts to be kept.

208. Accounts of the receipts and expenditure of every municipality shall be kept in accordance with the Municipal Account Code subject to such modifications as the Government may in each case direct.

CHAPTER XI.

MUNICIPAL ACCOUNTS.

Presentation of accounts, Budget Estimates.

- 209. (1) A municipality shall have prepared and laid before it, at its periodical general meetings, complete accounts of the receipts and expenditure of the municipality since the 1st day of April last preceding, and at a general meeting which shall be held on such day between the 10th January and the 1st of March as may be fixed in this behalf by the rules of the municipality, a complete account of the actual and expected receipts and expenditure for the financial year ending on the 31st March next following, together with a budget estimate of the income and expenditure of the municipality for the financial year to commence on the 1st April next fellowing.
- (2) The municipality shall thereupon decide upon the appropriation and the ways and means contained in the budget of the year to commence on the 1st April next following. The budget so sanctioned may be varied or altered from time to time, as circumstances may render desirable, at a special general meeting called for the purpose:

Provided that the standing committee or any other committee appointed under the Act may, within the budget so sanctioned, sanction re-appropriations not exceeding Rs. 500 from one sub-head to another or from one minor head to another minor head under the same major head and controlled by the same committee. A statement of such

re-appropriations shall be submitted to the municipality at every quarterly general meeting.

- (3) The municipality shall at the general meeting in April, or after audit of the past year's accounts, if such audit has not before that general meeting taken place, pass the accounts of the past years.
- 210. [1](I) Independently of the audit provided for under the Audit of provisions of the Bombay Local Fund Audit Act, 1930, the municipal accounts. accounts may be audited at such intervals and by such agency as may be prescribed in the rules of the municipality.
- (2) The auditor shall, for the purposes of his office, have access to all the accounts and other records of the municipality.
- 211. A municipality shall as soon as the accounts of the past year Transmishave been finally passed by it transmit to the Government or any officer sion of acduly authorized by it in this behalf, a copy thereof, or an account in such Government. form as the Government may prescribe, and shall furnish such details and vouchers relating to the same as the Government or such officer may from time to time direct.
- 212. The quarterly and annual accounts, receipts and expenditure, Publication and the budget when sanctioned, shall be open to public inspection, of accounts. and shall be published in such manner as the municipality may prescribe in this behalf.

CHAPTER XII.

CONTROL

213. (1) The Commissioner, Collector or any officer of Government Power of authorized by the Government by a general or special order shall have and superpower-

- (a) to enter on and inspect, or cause to be entered on and inspected any immovable property occupied by any municipality or any institution under its control or management or any work in progress under it or under its direction;
- (b) to call for or inspect any extract from any municipality's or any committee's proceedings and any book or document in the possession of or under the control of a municipality.
- (2) The Collector shall have power-

(a) to call for any return, statement, account or report which he

may think fit to require such municipality to furnish;

(b) to require a municipality to take into its consideration any objection which appears to him to exist to the doing of anything which is about to be done or is being done by or on behalf of such municipality or any information which he is able to furnish and which appears to him to necessitate the doing of a certain thing by the municipality, and to make a written reply to him within a reasonable time, stating its reasons for not desisting from doing, or for not doing, such thing.

^[1] This sub-section was substituted for the original sub-section by Bom. Act XXV of 1930, a. 16 (3).

Collector's powers of suspending execution of orders, etc. of municipalities.

(1) If, in the opinion of the Collector, the execution of any order or resolution of a municipality, or the doing of anything which is about to be done or is being done by or on behalf of a municipality, is causing or is likely to cause injury or annoyance to the public or to lead to a breach of the peace or is unlawful, he may by order in writing under his signature, suspend the execution or prohibit the doing thereof.

Collector's Commissioner, who may confirm or modify it.

(2) When the Collector makes any order under this section, he shall order to be forthwith forward to the Commissioner and to the municipality affected thereby a copy of the order, with a statement of the reasons for making it; and it shall be in the discretion of the Commissioner to rescind the order, or to direct that it continue in force with or without modification, permanently or for such period as he thinks fit.

Every case under this section to be reported to Government for their final orders.

(3) The Commissioner shall forthwith submit to the Government a report of every case occurring under this section, and the Government may revise or modify any order made therein, and make in respect thereof any other order which the Commissioner could have made:

Provided that no order of the Collector or the Commissioner passed under this section shall be confirmed, revised or modified by Government without giving the municipality reasonable opportunity of showing cause against the said order.

Extraordinary powers of Collector in case of emergency.

- 215. (1) In cases of emergency the Collector may provide for the execution of any work, or the doing of any act, which may be executed or done by or on behalf of a municipality and the immediate execution or doing of which is, in his opinion, necessary for the health or safety of the public; and may direct that the reasonable expense of executing the work or doing the act, with a reasonable remuneration to the person appointed to execute or do it, shall be forthwith paid by the municipality.
- (2) If the expense and remuneration are not so paid, the Collector may make an order directing any person, who for the time being has custody of any moneys on behalf of the municipality, as its officer, treasurer. banker or otherwise, to pay such expense and remuneration from such moneys as he may have in his hands or may from time to time receive. and such person shall be bound to obey such order.
- (3) The provisions of sub-sections (2) and (3) of section 214 shall apply, so far as may be, to any order made under this section.

Power of Commisaioner to prevent extravagance in the employment of establishment.

216. If in the opinion of the Commissioner the number of persons who are employed by a municipality as officers or servants, or whom a municipality proposes to employ or the remuneration assigned by the municipality to those persons or to any particular person is excessive. the municipality shall, on the requirement of the Commissioner, reduce the number of the said person or the remuneration of the said person or persons:

Provided that the municipality may appeal against any such requirement to the Government whose decision shall be conclusive.

- 217. The Government may order an inquiry to be held by any officer Government appointed by it in this behalf into any matters concerning the municipal inquiry into administration of any municipal borough or any matters with respect to matters. which its sanction, approval or consent is required under this Act.
- (2) The officer holding such inquiry shall for the purposes thereof have the powers which are vested in a Court under the Code of Civil Procedure in respect of the following matters:—

(a) discovery and inspection,

- (b) enforcing the attendance of witnesses, and requiring the deposit of their expenses,
- (c) compelling the production of documents,

(d) examining witnesses on oath,

(e) granting adjournments,

(f) reception of evidence taken on affidavit, and

(g) issuing commissions for the examination of witnesses; and may summon and examine suo motu any person whose evidence appears to him to be material; and shall be deemed to be a Civil Court within the meaning of sections 480 and 482 of the Code of Criminal Procedure, 1898.

Explanation.—For the purpose of enforcing the attendance of witnesses the local limits of such officer's jurisdiction shall be the limits of the Bombay Presidency.

- (3) The reasonable expenses incurred by any person in attending to give evidence may be allowed by the officer holding the inquiry to such person and shall be deemed to be part of the costs.
- (4) Costs shall be in the discretion of the Government and the Government shall have full power to determine by and to whom and to what extent such costs are to be paid, and to allow interest on costs at a rate not exceeding 6 per cent. per annum; and such costs and interest shall be leviable as an arrear of land revenue.
- 218. (1) When the Government is informed, on complaint made or Power of otherwise, that default has been made in the performance of any Government duty imposed on a municipality by or under this Act or by or under an performance enactment for the time being in force, the Government, if satisfied after of duties on due inquiry that the alleged default has been made may direct default by the Commissioner to fix a period for the performance of that duty.
- (2) If that duty is not performed within the period so fixed, the Commissioner may appoint some person to perform it, and may direct that the expense of performing it, with a reasonable remuneration to the person appointed to perform it, shall be forthwith paid by the municipality.
 - (3) If the expense and remuneration are not so paid, the Commissioner may make an order directing any person, who for the time being has custody of any moneys on behalf of the municipality, as its officer, treasurer, banker, or otherwise to pay such expense and remuneration from such moneys as he may have in his hands or may from time to time receive and such persons shall be bound to obey such order.

Power of Government to dissolve or supersede municipality in case of incompetency, default or abuse of power.

Consequences of dissolution or supersession.

- .219. (1) If, in the opinion of the Government, a municipality is not competent to perform, or persistently makes default in the performance of, the duties imposed on it by or under this Act, or otherwise by law, or exceeds or abuses its powers, the Government may, after giving the municipality an opportunity to render an explanation, by an order published, with the reasons therefor, in the Bombay Government Gazette declare the municipality to be incompetent or in default, or to have exceeded or abused its powers, as the case may be, and may dissolve such municipality or supersede it for a period to be specified in the order.
- (2) When the municipality is so dissolved or superseded, the following consequences shall ensue :-
 - (a) all councillors of the municipality shall, in the case of supersession as from the date of the order of supersession, and in the case of dissolution as from the date specified in the order of dissolution, vacate their offices as such councillors;
 - (b) all powers and duties of the municipality shall, during the period of dissolution or supersession, be exercised and performed by such person or persons as the Commissioner from time to time appoints in this behalf:
 - (c) all property vested in the municipality shall, during the period of dissolution or supersession, vest in His Majesty.
 - (d) The person or persons appointed under clause (b) may delegate his or their powers and duties to an individual or to a committee or sub-committee.
 - (e) When more than one person are appointed under clause (b) they may sue or be sued by any one of them who has been duly authorised to sue and be sued on behalf of the rest by a resolution duly passed by them in this behalf.

Re-establishment of municipality tion.

(3) On the issue of an order of dissolution under sub-section (1) elections of councillors shall be held under the provisions of this Act or after dissolu. of the rules made thereunder on or before a date to be specified by the Government in the order, and the municipality shall be re-established. by the election or appointment of councillors under the aforesaid provisions on such date as may be specified by the Government in the aforesaid order.

Power after inquiry to continue period of supersession.

- (4) If, after inquiry made, the Government so directs the period of supersession with all the consequences aforesaid shall, from time to time, be continued by an order published as aforesaid until such date as may be fixed by the Government for the re-establishment of the municipality.
- (5) After the municipality is superseded it shall be re-established by the election or appointment of councillors under the provisions of this Act or the rules made thereunder applicable thereto,
 - (a) if no direction has been made under sub-section (4) on the expiration of the period specified in the order of supersession under sub-section (1) and

- (b) if a direction has been made under sub-section (4) on such date as is fixed under that sub-section for the re-establishment of the municipality.
- 220. In all matters connected with this Act, the Government, Covernment Commissioners and Collectors shall, respectively, have and exercise the and of the same authority and control over Commissioners, Collectors and their Commissubordinates as in matters of general and revenue administration. Collectors.
- 221. All rules made by the Government or the Commissioner under All rules this Act shall be laid on the table of the Bombay Legislative Council for made by one month previous to the session therof, and shall be liable to or Commisbe rescinded or modified by a resolution of the said Council tabled at sioner to be : laid on the its next session. table of the

SCHEDULE I. [1]

(See section 4)

Bombay Legislative Council.

MUNICIPAL BOROUGHS.

Northern Division.

 Ahmedabad Nadiad. Broach. 	5	Surat. Thana. Godhra.
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Bombay Suburban.

Bandra.

Central Division.

Ahmednagar,		•	14.	Poona City.
				Poons Suburban
				Lonavia.
Amalner.	•			Satara City.
Dhulia.				Sholapur.
Nasik.				Pandharpur.
		•		-
	Ahmednagar, Jalgaon. Bhusaval. Amalner. Dhulia. Nasik.	Jalgaon. Bhusaval. Amalner. Dhul.a.	Jalgaon. Bhusaval. Amalner. Dhulia.	Jalgaon. 15. Bhusaval. 16. Amalner. 17. Dhulia. 18.

Southern Division.

	Belgaum.		23.	Hubli.
	Bijapur.	•		Gadag-Bettigeri.
22.	Dharwar.		 25.	Ratnagiri.
		,	•	

Sind.

26.	Hyderabad.			28.	Shikarpur.
27.	Sukkur.	•	٠,		Larkana.

^{(&#}x27;) Kurla Municipality was included in this Schedule by Government Notification in the General Department No. 5107, dated the 19th April 1929, published in the Bombay Government Gazette, 1929, Part I-A, p. 65.

^[*] Godhra Municipal borough was repealed by Government Notification in the General Department No. 371, dated 29th September 1927, published in the Bombay Government Gazette, 1927, Part I-A, p. 56.

SCHEDULE II.

(See clause (b) of section 75)

Notice is nereby given to the inhabitants of the municipal borough of
that the municipality desire to impose the tax, rate, toll,
octroi or cess (as the case may be) defined in the rules appended (in lieu of
the tax known as the
which
oro be insert- is published at page
of the sanctioned rules*)

*To be inserted if the tax is to be substituted for any

existing

Any inhabitant of the municipal borough objecting to the proposed tax may, within one month from the date of this notice, send his objection in writing to the municipality.

RULES.

(The rules approved by the municipality under clause (a) of section 75 are to be appended here.)

SCHEDULE III.

(See section 88)

FORM OF NOTICE OF TRANSFER TO BE GIVEN WHEN THE TRANSFER HAS BEEN EFFECTED BY INSTRUMENT.

To

THE CHIEF OFFICER,

Municipality.

I, A. B. hereby give notice as required by section 88 of the Bombay City Municipalities Act, 1925, of the following transfer of property:—

			,					PTIO			registered, the	
Date of Notice.	Date of instrument.	Name of vendor or Assignor.	Name of purchaser or Assignee.	Amount of consideration.	Of what it consists.	Situatio	Number in Assessment Book.	Chief Officer's No.	Dimensions of land.	Boundaries.	If any instrument has been redate of registration.	Remarks.

Dated

(Signed)

Boroughs Act, 1925 SCHEDULE IV.

(See section 88)

FORM OF NOTICE OF TRANSFER TO BE GIVEN WHEN THE TRANSFER HAS TAKEN PLACE OTHERWISE THAN BY INSTRUMENT.

To

THE CHIEF OFFICER,

Municipality,

I, A. B. hereby give notice as required by section 88 of the Bombay City Municipalities Act, 1925, of the following transfer of property:—

ty is at prese s record	rred.	DES	SCRIPTI	ON OF	THE P	ROPE	RTY.	
Name in which the proper entered in the Chief Officer	To whom it is to be transferred	Of what it consists.	Situation.	Number in Assessment Book,	Chief Officer's No.	Dimensions of land.	Boundaries.	Dament

Dated

(Signed)

SCHEDULE V.

(See sub-section (3) of section 104).

FORM OF NOTICE OF DEMAND.

ro .

A. B.,

residing at

Take notice that the municipality of

demand from

the sum

of

due from

on

account of

(Here describe the property or other thing in respect of which the tax is leviable.)

leviable under rule No. for the period of commencing on the day of 19, and ending on the day of 19

and that if, within fifteen days from the service of this notice, the said sum is not paid into the municipal office at and sufficient cause for non-payment is not shown to the satisfaction of the Chief Officer, a warrant of distress or attachment will be issued for the recovery of the same with costs.

Dated this

day of

19

(Signed)

Chief Officer.

SCHEDULE VI.

(See sub-section (1) of section 105)

FORM OF WARRANT

(Here insert the name of the officer charged with the execution of the warrant)

Here describe the tax. Whereas A. B. of has not paid, and has not shown satisfactory cause for the non-payment of, the sum of due for the tax mentioned in the margin for the period commencing on the day of 19, and ending with the day of 19, and leviable under rule No.

And whereas fifteen days have elapsed since the service on him of notice of demand for the same;

This is to command you to distrain, subject to the provisions of section 105 of the Bombay City Municipalities Act, [...] the goods and chattels of the said A. B. to the amount of....., being the amount due from him, as follows:—

Rs. a. p

On account of the said tax

For service of notice

and forthwith to certify to me together with this warrant all particulars of the goods distrained by you thereunder.

Dated this

day of

19

(Signed)

Chief Officer.

SCHEDULE VII.

(See clause (c) of sub-section (4) of section 105 and sub-section (1) of section 98)

FORM OF INVENTORY AND NOTICE

residing at A. B., the goods and chattels Take notice that I have this day distrained specified in the inventory beneath this, for the value of for the tax* mentioned in the margin for the period commencing with . Here day- of the and describe ending with the day of · due as for service of notice together with Rs. demand and that unless within five days from the day of the date of this notice you pay into the municipal office at said amount together with the costs of recovery, the said goods and chattels property will be sold.

Dated this day of 19

Signature of officer executing the warrant collecting octroi

Inventory.

(Here state particulars of goods and chattels seized.)

BOMBAY ACT No. XIX OF 1925[1]

[THE BOMBAY DISTRICT POLICE (AMENDMENT) ACT, 1925]

[25th January 1927]

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

Bom. WHEREAS it is expedient further to amend the [2]Bombay District IV of Police Act, 1890, in manner hereinafter appearing; It is hereby enacted 1890. as follows:—

1. This Act may be called the Bombay District Police (Amendment) Short title. Act, 1925.

Bom. 2. (1) After clause (b) of sub-section (2) of section 25 of the [2] Bombay Amendment of section 25 of the [2] Bombay of section 25 iv of District Police Act, 1890, the following proviso shall be inserted, of Bom. IV of 1890.

"Provided that a copy of every direction given by Government under this sub-section shall be sent forthwith to each member of the Bombay Legislative Council, and shall be laid on the table of the Bombay Legislative Council at the commencement of the session next following the date of such direction, and the question whether the said cost or any part thereof shall be defrayed in the manner specified in this sub-section or whether it shall be defrayed out of the general revenues of Government shall, if so required by due notice given at that session by any member, be decided by a resolution duly passed in this behalf by the said Council; and recoveries shall be suspended pending the consideration of such resolution if any at such or the next succeeding session."

(2) From sub-section (4) of the said section, delete the words "amount of the charge shall be paid by the municipality from the municipal fund or ".

^[1] For Statement of Objects and Reasons see Bombay Government Gazette, 1924, Part V, pp. 81-82; for Report of Select Committee see ibid, 1925, Part V, pp. 65-66; and for Proceedings in Council see Bombay Legislative Council Debates, 1924 and 1925, Vols. XIII, XIV and XV.

^[*] Vol. III of Bom. Code.

BOMBAY ACT No. II OF 1926.[1]

[The Indian Stamp (Bombay Amendment) Act, 1926]

[1st April 1926]

An Act further to amend the Indian Stamp Act, 1899, in its application to the Presidency of Bombay.

WHEREAS it is expedient further to amend the [3] Indian Stamp Act, 1899. in its application to the Presidency of Bombay, to provide for the levy of a duty on the transfer of land in the City of Bombay; And Whereas the previous sanction of the Governor General required by section 80A (3) of the Government of India Act has been obtained for Goo. V, the passing of this Act; It is hereby enacted as follows:—

- 1. (1) This Act may be called the Indian Stamp (Bombay Amend-Short title, ment) Act, 1926.
 - 2. This Act shall extend to the City of Bombay only.

Extent.

3. Notwithstanding anything contained in the [3] Indian Stamp Lovy of (Bombay Amendment) Act, 1922, in respect of any instrument (not increased being a lease or transfer of a lease as defined in the [3] Indian Stamp Act, instruments 1899, hereinafter referred to as the said Act, or an under-lease or sub-relating to lease or an agreement to let or sublet or a power of attorney) relating immovable to immovable property situate within the City of Bombay for the entries in columns 1 and 2 against item 23 of Schedule I to the said Act the following entries shall be substituted, namely:—

In column 1.

In column 2.

23. Conveyance [as defined by section 2 (10)] not being a Transfer charged or exempted under No. 62-where the amount or value of the consideration for such conveyance as set forth thereindoes not exceed Rs. 50 where it exceeds Rs. 50 but does not exceed Rs. 100 ... where it exceeds Rs. 100 but does not exceed Rs. 200 ... 2 where it exceeds Rs. 200 but does not exceed Rs. 300 where it exceeds Rs. 300 but does not exceed Rs. 400 12 where it exceeds Rs. 400 but does not exceed Rs. 500 8 15 where it exceeds Rs. 500 but does not exceed Rs. 600 19 where it exceeds Rs. 600 but does not exceed Rs. 700 ... 22 where it exceeds Rs. 700 but does not exceed Rs. 800 ... where it exceeds Rs. 800 but does not exceed Rs. 900 ... 29 where it exceeds Rs. 900 but does not exceed Rs. 1,000 and for every Rs. 500 or part thereof in excess of Rs. 1,000

Bom.

II of

II of

1899.

1922.

^[1] For Statement of Objects and Reasons see Bombay Government Gazette, 1926, Part V. p. 40, and for Proceedings in Council see Bombay Legislative Council Debates, 1926, Vol. XVII.

^[1] General Acts, Vol. IV.

BOMBAY ACT No. III OF 1926.[1]

[THE COURT-FEES (BOMBAY AMENDMENT) ACT, 1926]

[31st March 1926]

Amended by

N	umber of Act.			-	Year.
Bom.	Act No. IX			• •	1927
,,	" No. II*	••	• •	• •	1928
,,	" No. II*	••			1929
,,,	" No. II	••	••	• •	1930

An Act further to amend the Court-fees Act, 1870.

WHEREAS it is expedient to provide for increased revenues for VII of Government by further amending the [2]Court-fees Act, 1870, in its application to the Presidency of Bombay in manner hereinafter appearing; It is hereby enacted as follows:—

1. (I) This Act may be called the Court-fees (Bombay Amendment) Short title, extent, commencement and duration.

- (2) It extends to the whole of the presidency of Bombay.
- (3) It shall come into force on the 1st day of April 1926 and shall remain in operation for [3] five years.
- VII of 2. In section 7 of the [2]Court-fees Act, 1870, hereinafter called Amendment 1870. "the said Act", of vII of 1870.
 - (a) to clause (d) of paragraph iv the words "or other consequential relief" shall be added:
 - (b) in clauses (1), (2) and (3) of the provise to paragraph v for the words "five", "ten" and "ten" the words "seven and a half", "fifteen" and "fifteen" shall, respectively, be substituted.

[·] Spent.

^[1] For Statement of Objects and Reasons see Bombay Government Gazette, 1926, Part V, p. 33; for Report of the Select Committee see ibid, 1926, Part V, pp. 48.49; and for Proceedings in Council see Bombay Legislative Council Debates, 1926, Vol. XVII.

^[*] General Acts, Vol. I.

^[3] The word " five " was substituted by Bom. Act II of 1930, a. 3.

Amendment 3. For articles 1, 8, 11, 12 and 12-A of, and the Table of rates of to VII of ad valorem fees in Schedule I to the said Act the following shall be substituted, namely:-

SCHEDULE I.

Ad Valorem Fees.

Number.		Proper fee.
1. Plaint, written statement pleading a set off or counter-	When the amount or value of the subject- matter in dispute does not exceed five rupees.	Six annas.
of appeal (not other- wise provided for in		· · · · · · · · · · · · · · · · · · ·
this Act) or of cross- objection presented to any Civil or Revenue Court except those mentioned in section 3.	When such amount or value exceeds five rupees, for every five rupees, or part there- of, in excess of five rupees, up to one hun- dred rupees.	Six annas.
	When such amount or value exceeds one hundred rupees, for every ten rupees, or part thereof, in excess of one hundred rupees, up to one thousand rupees.	Twelve annas.
	When such amount or value exceeds one thousand rupees, for every one hundred rupees, or part thereof, in excess of one thousand rupees, up to five thousand rupees.	Five rupees.
	When such amount or value exceeds five thousand rupees, for every two hundred and fifty rupees, or part thereof in excess of five thousand rupees, up to ten thou- sand rupees.	and eight annas.
	When such amount or value exceeds ten thousand rupees, for every five hundred rupees, or part thereof, in excess of ten thousand rupees, up to twenty thousand rupees.	Twenty-two rupees and eight annas.
,	When such amount or value exceeds twenty thousand rupees, for every one thousand rupees, or part thereof, in excess of twenty thousand rupees, up to thirty thousand rupees.	
: -	When such amount or value exceeds thirty thousand rupees, for every two thousand rupees, or part thereof, in excess of thirty thousand rupees, up to fifty thousand rupees.	
-	When such amount or value exceeds fifty thousand rupees, for every five thousand rupees, or part thereof, in excess of fifty thousand rupees:	
	Provided that the maximum fee leviable on a plaint or memorandum of appeal shall be ten thousand rupees.	

Proper fee. Number. 8. Copy of any docu-The amount of (a) When the stamp-duty chargeable on the the duty chargement liable to stamp. original does not exceed one rupee. duty under the [1] Indian Stamp Act, able II of original. 1899. 1899, when left by any party to a suit or procooding in place of the original withdrawn. (b) In any other case One rupes. 11. Probate of a will or letters of admi-When the amount or value of the property Two per centum. in respect of which the grant of probate or nistration with or letters is made exceeds one thousand without will annexed. supees, on the part of the amount or value in excess of one thousand rupees, up to ten thousand rupees. When the amount or value of the property Three per centum. in respect of which the grant of probate or letters is made exceeds ten thousand rupees, on the part of the amount or value in excess of ten thousand rupees, up to fifty thousand rupees. When the amount or value of the property Four per centum. in respect of which the grant of probate or letters is made exceeds fifty thousand rupees, on the part of the amount or value in excess of fifty thousand rupees, up to one lakh of rupees. When the amount or value of the property Five per centum. in respect of which the grant of probate or letters is made exceeds one lakh of rupees, on the part of the amount or value in excess of one lakh of rupees. XXXIX Provided that when, after the grant of a certificate under the Indian Succession of 1925. Act, 1925, or under [*] Bombay Regulation VIII of 1827, in respect of any property included in an estate, a grant of probate or letters of administration is made in respect of the same estate, the fee pay-able in respect of the latter grant shall be reduced by the amount of the fee paid in respect of the former grant, The fee leviable in the case of 12. Certificate un der the Indian Succes 1925. sion Act, 1925. a probate (article on the amount or value of any debt or

security specified in the certificate under section 374 of the Act, and one and a half times this fee on the amount or

Number.		*******		Proper fee.
	C 13-15	7		
			•	value of any debt
	÷ .			or security to
				which the certi-
				ficate is extended
				undersection 376
	,		·	of the Act.
•			4	Note.—(1) The
				amount of a debt
				is its amount,
*				including inte-
				including inte- rest on the day
	<u>.</u>			on which the
	1			inclusion of the
	}		•	debt in the certi-
*				ficate is applied
· ·				for, so far as such amount can
				be ascertained.
	•			(2) Whether or
				not any power
				with respect to a
	İ			security specified
				in a certificate
•	·			has been con- ferred under the
•				Act; and where
*				such a power has
•	·			been so con-
	i .			heen so con- ferred, whether
·	i '			the power is for
				the receiving of
•	_			interest or divi-
			*	dends on, or for
•	}			the negotiation or transfer of the
•				security, or for
				both purposes,
			•.	the value of the
	ľ;			security is its
•				market v a l u e
e*, *				on the day on
e'	•		•	which the inclu-
• •				sion of the
				security in the certificate is
	·			applied for, so
1.1				far as such value
				can be ascer-
and the same of th	ļ.			tained.
ort or the factors.				
10 A 'O				Mh. 4aa 1
12-A. Certifi cate				The fee leviable
nder Bombay Regu-	ĺ			in the case of a probate (article
ation VIII of 1827.			!	11) on the
* * *	1			amount or value
				of the property
				in respect of
				which the certi-
	* .*. *	-		ficate is granted.
		-	1	l , , , , , , , , , , , , , , , , , , ,

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

When the			When the	. •	
smount or			amount or		
		Proper fee.	value of the B		Proper fee.
	ceed			exceed	
exceeds			exceeds-		
Ra.	Rs.	Ře. a.	Re	Ra.	Ra. a.
	5	0 6	480	490	36 12
	10	0 12	490	500	27 8
10	15	i ž	500	510	38 4
15	20	i 8	510	520	39 0
20	25	Î 14	520	530	39 12
25	30	2 4	530	540	40 8
80	35	2 10	- 540	550	41 4
35	40	3 0	550	560	42 0
40	45	3 6	560	570	42 12
45	50	3 12	570	580	43 8
50	55	4 2	580	590	44 4
55	60	~ 4 8	590 .	600	45 0
60	65	4 14	600	610	45 12
65 70	70	5.4	610	620	46 8
- 70 75	75 80	6 4	620 630	630	47 4
80	85	6 U	640	640 650	48 0
65	90	- 6 12	650	660	48 12 49 8
90	95	7 2	660	670	50 4
95	100	7 8	670	680	51 0
100	110	8. 4	680	690	51 12
110	120	9 0	690	700	52 8
120	130	9 12	700	710	53 4
. 130	140	10 8	710	720	54 0
140	150	11 4	720	730	54 12
150	160	12 0	730	740	55 B
160	. 170	12 12	740	750	56 4
170	180	. 13 6	750	760	. 57 0 .
180	190	14 4	760	770	57 12
190	200	15 0	770	780 ⁻	58 8
200	210	15 12	780	790	59 4
210	220	16 8	790	800	60 0
220 230	230	17 4	800	810	60 12
240	240 250	18 0 18 12	810	820	61 8
250	260	19 8	820	830	62 4
260	270	20 4	840	840 850	63 0 63 12
270	280	21 0	850	860	.64 8
. 280	290	21 12	860	870	65 4
. 290	300	- 22 8	870	880	66 0
300	310	23 4	880	890	- 66 12
. 310	320 -	24 0	890	900	67 8
320	330	24 12	900	910	68 4
330	340	25 8	910	920	69 0
340	350	.26 4	920	930	69 12
350	360	. 27 0	930	940	70 8
360	370	27 12	940	950	71 4
370	380	28 6	950	960	72 0
380 390	390 '	29 4	960	970	72 12
. 390 400	400	30 0	970	980	73 8
410	410 420	30 12	980	990	74 4
420	430	31 8 32 4	990	1,000	75 0
430	440	33 0	1,000	1,100	-80 .0
440	450	33 I3	1,100 1,200	1,200 1,300	85 () 90 ()
450	460	·· 34 8	1,300	1,400	95 0
460	470	35 4	1,400	1,500	- 100 O.
470	480	36 0	1,500	1,600	105 0
			* ********	*******	V

When the amount or value of the ubject matter		Proper fee.	When the amount or value of the subject matter		Proper fee.
exceeds			exceeds-	,"	, and the same of
Re.	Re.	Rs. a.	Rs.	Rs.	Rs. a.
1.600	1.700	110 0	8,250	8,500	450 0
1,700	1,800	115 0	8,500	8,750	462 8
1.800	1,900	120 0	8,750	9,000	475 0
1,900	2,000	125 0	9,000	9,250	487 8
2,000	2,100	130 0	9,250	9,500	500 0
2,100	2,200	135 0	9,500	9,750	512 8
2,200	2,300	140 0	9,750	10,000	525 0
2,300	2,400	145 0	10,000	10,500	547 8
2,400	2,500	150 0	10,500	11,000	570 0
2,500	2,600	155 0	11,000	11,500	592 8
2,600	2,700	160 0	11,500	12,000	615 0
2,700	2,800	165 0	12,000	12,500	637 8
2,800	2,900	170 0	12,500	13,000 -	660 0
2,900	3,000	175 0	13,000	13,500	682 8
3,000	3,100	180 0	13,500	14,000	705 0
3.100	3,200	185 0 .	14,000	14,500	727 8
3,200	3,300	190 0	14,500	15,000	750 0
3,300	3,400	195 0	15,000	15,500	772 8.
3,400	3,500	200 0	15,500	16,000	795 0
3,500	3,600	205 0	16,000	16,500	817 8
3,600	3,700	210 0	16,500	17,000	840 0
3,700	3,800	215 0	17,000	17,500	862 8
3,800	3,900	220 0	17,500	18,000	885 0
3,900	4,000	225 0		18,500	907 8
4,000	4,100	230 0	18,000 18,500	19,000	930 0
4,100	4,200	235 0	19,000	19,500	952 8
4,200	4,300	240 0	19,500	20,000	975 0
4,300	4,400	245 0	20,000	21,000	1.005 0
4,400 ·	4,500	250 0		22,000	1,035 0
4,500	4,600	are a	21,000 22,000	23,000	1,065 0
4,600	4,700	260 O	23,000	24,000	1,005 0
4,700 -	4,800	265 0		25,000	1,125 0
4,800	4,900	270 0	24,000 - 25,000	26,000	1,125 0
4,900	5,000	275 O		27,000	1,185 0
		287 8	26,000		1,215 0
5,000	5,250	300 0	27,000	28,000.	1,215 0
5,250 5 500	5,500	312 8	28,000	29,000	1,275 0
5,500	5,750	325 0	29,000	30,000	1,305 0
5,7 50	6,000		30,000	32,000	1,335 0
6,000	6,250	337 8	32,000	34,000	
6,250	6,500	350 0	34,000	36,000	
6,500	6,750	362 8	36,000	38,000	.,,
6,750	7,000	375 0	38,000	40,000	1,425 0
7,000	7,250	387 8	40,000	42,000	1,455 0
7,250	7,500	400 0	42,000	44,000	1,485 0
7,500	7,750	412 8	44,000	46,000	1,515 0
7,750	8,000	425 0	46,000	48,000	1,545 0
8,000	8,250	437 8	48,000	. 50,000	1,575 -0

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

Rs.	Rs. a.	· 1	Rs.	Rs. a.
1.00,000	1.875 0		9,00,000	6,675 0
2.00,000	2.475 0		10,00,000	7,275 0
3,00,000	3,075 0		11,00,000	7,875 0
4,00,000	3.675 0		12,00,000	8,475 0
5,00,000	4.275 0		13,00,000	9,075 0
6.00.000	4,875 0		14.00,000	9,675 0
7,00,000	5.475 0	` -	15.00,000	10,000 0
8,00,000	6,075 0			

4. For Articles 1, 6, 7, 12, 14, 17, 18, 19, 20 and 21 of Schedule II Amendto the said Act the following shall be substituted, namely:

Schedule II Amendment of
Schedule IV

ment of Schedule 11to VII of 1870.

" SCHEDULE: II

Fixed Fees.

	Number.		Proper fee
	l. Application or potition.	(a) When presented to any officer of the Customs or Excise Department or to any Magistrate by any person having dealings with the Government, and when the subject-matter of such application relates exclusively to those dealings:	•
, -		or when presented to any officer of land- revenue by any person holding temporarily settled land under direct engagement with Government, and when the subject-matter of the application or petition relates ex- clusively to such engagement:	
		or when presented to any Municipal Com- missioner under any Act for the time being in force for the conservancy or improve- ment of any place, if the application or petition relates solely to such conservancy or improvement:	•
of 17.		or when presented to any Civil Court other than a principal Civil Court of original jurisdiction, or to any Court of Small Causes constituted under the [1] Provincial Small Causes Courta Act, 1887, or to a Collector or other officer of revenue in relation to any suit or case in which the amount or value of the subject-matter is less than fifty rupees;	
:	~	or when presented to any Civil, Criminal or Revenue Court, or to any Board or execu- tive officer for the purpose of obtaining a copy or translation of any judgment, decree or order passed by such Court, Board or officer, or of any other document on record in such Court or office.	
of)8,		(b) When containing complaint or charge of any offence other than an offence for which police officers may, under the [*]Criminal Procedure Code, 1898, arrest without warrant, and presented to any Criminal Court:	
•		or when presented to a Civil, Criminal or Revenue Court, or to a Collector, or any Revenue-officer having jurisdiction equal or subordinate to a Collector, or to any Magistrate in his executive capacity and not otherwise provided for by this Art.	

Number.		Proper fee.	
	or to deposit in Court revenue or rent:	-	
	or for determination by a Court of the amount of compensation to be paid by a landlord to his tenant.	_	
,	(c) When presented to a Chief Commis-	Two rupees.	
	sioner or other Chief Controlling Revenue or Executive Authority, or to a Commis- sioner of Revenue or Circuit, or to any		•
	chief officer charged with the executive administration of a division and not other- wise provided for by this Act.		
	(d) When presented to a High Court	Three rupees.	
6. Bail-bond o	T.J	One rupee.	
bligation given in	<u> </u>		
nade by a Court o Lagistrate under an	r	- '	
ection of the [1]Cod of Criminal Procedure	2		v
1898, or the [1]Code of Nivil Procedure, 1908	i,		· la V
and not otherwise provided for by this Act.			19
7. Undert a k i n ander section 49 of th		One rupee.	
^a]Indian Divorce Act		T 2	1
19 Cowent	When the amount or value of the property involved does not exceed two thousand		
12. Caveat	when the amount or value of the property involved exceeds two thousand rupees.	Ten rupees.	
14. Petition in		Ten rupees.	
unit under the [*] Nativ Converts' Marriag Discolution Act 1860	•		
Dissolution Act, 186			•
17. Plaint or memorandum of appeal i		Fifteen rupees.	-1
each of the following			
(i) to alter or s			٠.
aside a summary dec sion or order of any o the Civil Courts no	of	Ten rupees.	
retablished by Lette Patent or of an	does not exceed five hundred rupees.	1	
Revenue Court ; (ii) to alteror canc	exceeds five hundred rupees		
any entry in a registr of the names of pr	er 0-		
prietors of revenue paying estates; and	le J		
(II_III Can	eral Acts, Vol. IV. [2]—[2] General	Acts, Vol. I.	_

	Number		Proper fee.
	(iii) to obtain a	######################################	Fifteen rupees.
	declaratory decree or		
	order, where no conse-		
•	quential relief is prayed;		
	prayeu,		
	(iv) to set saide	• • • •	Fifteen rupees.
	alienation;		•
	-		
,	(v) to set saide s	When the amount or value of the property does not exceed five hundred rupees.	Ten rupece,
	decree or award;	When the amount or value of the property	Fifteen rupees.
		exceeds five hundred rupees.	- accountable
	(vi) to set saids an		
	adoption; and		
	(vii) any other suit		
	where it is not possi-		•
	ble to estimate at a	}	Fifteen rupees.
	money value the sub-		•
	ject matter in dispute,		
	and which is not other- wise provided for by		
•	this Act.		
		*	_
	18. Application-		_
	(a) under para-	••••	Ten rupees.
•	graph 17 of the Second Schedule to the		
of	[1]Code of Civil Proce-		*
08.	dure, 1908;		
•	[*](b) For probate or	When the amount or value of the Estate	Two rupees,
	letters of administra-	does not exceed two thousand rupees	
	tion or for revocation		
XIX	Indian Consession And	,	
925,	1925		
	. 1		
	(c) For a certificate under the Indian	When it exceeds two thousand rupees but does not exceed five thousand rupees.	l'ive rupees.
	Succession Act, 1925.	AAAA WAA DAAAAA MAA MAABAHA LAMACA'	* **
XIX	or Bombay Regulation		** •
92 <u>5.</u> .	VIII of 1827,	, ,	
		When it exceeds five thousand rupees	
		(When it drooms are thousand rapose	Ton rupees.
	(d) for opinion or	••••	Ten rupees.
	advice or for discharge		•
	from a Trust, or for	•	
	appointment of new Trustees, under sec-	· · · · · · · · · · · · · · · · · · ·	
	tions 34, 72, 73 or 74		
	of the [3] Indian Trusts		
υf	Act, 1882;		• ,
82.	•		

^[*] Entries (b) and (c) were substituted by Bom. Act IX of 1927, First Schedule.
[*] General Acts, Vol. IL.

Ten rupces. VII o 1913.

V of

1908.

BOM. III or 1926]

(e) for the winding up of a Company, un-der section 166 of the [1]Indian Act, 1913; Companies

of Order XXI of the [1]Code of Civil Proce-

dure, 1908, regarding a claim to attached property. 19. Agreement in writing stating a ques-

tion for the opinion of the Court under the
[1] Code of Civil Procedure, 1908. 20. Every petition under the [*]Indian Divorce Act, 1869,

except petitions under section 44 of that Act and every memorandum of appeal under section 55 of that Act.

21. Plaint or memo-

randum of appeal under the [*]Parsi Marriage and Divorce

Act, 1865.

When the amount or value of the property exceeds five hundred rupees.

V of 1908.

Thirty ruped

IV of 1869.

1865.

Thirty rupees. XV c

[*]-[*] General Acts, Vol. I.

[1]--[1] General Acts, Vol. IV.

BOMBAY ACT No. IV OF 1926[1]

THE CATTLE-TRESPASS (BOMBAY AMENDMENT) ACT 1926].

[11th May 1926]

An Act further to amend the Cattle-trespass Act, 1871, in its Application to the Presidency of Bombay.

WHEREAS it is expedient further to amend the [3]Cattle-trespass Act, 1871, as amended by Bombay Act IX of 1924, in its application to the Presidency of Bombay in manner hereinafter appearing; It is hereby 187 1. enacted as follows:---

1. This Act may be called the Cattle-trespass (Bombay Amendment) short title-Act, 1926.

1 of 1871.

Bom.

IX of

1920.

2. In section 6 of the [2] Cattle-trespass Act, 1871,

Amendment

- (1) for the second proviso, the following proviso shall be substituted, of act I of namely :---
 - "Provided further that in the Presidency of Bombay
 - (a) in any local area which has been declared to be a village under clause (a) of section 3 of the [3] Bombay Village Panchayats Act, 1920, when the police patel, or the head of the village, is the sarpanch or a member of the Panchayat, the Panchayat may appoint another person to be pound-keeper;
 - (b) in any local area in which the functions of the Magistrate of the District under this section are transferred to the local authority. the local authority may appoint another person to be pound-keeper:
- (2) after the words "such Magistrate" the words "or in the Presidency of Bombay, in any local area in which the functions of the Magistrate of the District under this section are transferred to the local authority, by such local authority; and in the said Presidency every pound-keeper appointed by a Panchayat may be suspended or removed by such Panchayat" shall be inserted.

^[1] For Statement of Objects and Reasons see Bombay Government Gazette, 1926, Part V, pp. 20-21, and for Proceedings in Council see Bombay Legislative Council Debates. 192**6, Vol. X**VII.

^{[1]-[2]} General Acts, Vol. I.

BOMBAY ACT No. V OF 1926[1]

[The Bombay Prevention of Gambling (Amendment) Act, 1926]

[13th May 1926]

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

WHEREAS it is expedient further to amend the [*]Bombay Prevention of Gambling Act, 1887, in manner hereinafter appearing; It is hereby enacted as follows:—

of 1887. 1. This Act may be called the Bombay Prevention of Gambling Short title. (Amendment) Act, 1926.

2. In section 6 of the [2]Bombay Prevention of Gambling Act, 1887, Amendment IV of for the words "Assistant Superintendent" the words "Assistant or of section 6 Deputy Superintendent" shall be substituted, and for the words "Chief of 1887. Constable " the word "Sub-Inspector" shall be substituted.

IV.

^[1] For Statement of Objects and Reasons see Bombey Government Gazette, 1926, Part V. p. 35, and for Proceedings in Council see Bombay Legislative Council Debates, 1926, Vol. XVII.

^{[1]--[1]} Vol. II of Bom. Code.

BOMBAY ACT No. VI OF 1926[1]

[THE BOMBAY CIVIL COURTS (AMENDMENT) ACT, 1926]

[19th May 1926]

An Act further to amend the Bombay Civil Courts Act, 1869.

WHEREAS it is expedient further to amend the [2]Bombay Civil Courts XIV of Act, 1869, in manner hereinafter appearing; It is hereby enacted as follows:—

- 1. This Act may be called the Bombay Civil Courts (Amendment) Short title. Act. 1926.
- 2. For section 32 of the [2]Bombay Civil Courts Act, 1869, the Amendment of section 32 of Act XIV of following section shall be substituted, namely:—

 of Act XIV of 1869.
 - "32. (1) No subordinate court other than the court of a subordinate Government judge of the first class and no court of small causes shall receive or suita, register any suit in which the Secretary of State for India in Council or any officer of Government in his official capacity is a party.
 - (2) In every such case the plaintiff shall be referred to the court of the Subordinate Judge of the first class and such suit shall be instituted only in the court of the subordinate judge of the first class and shall be heard by such subordinate judge, subject to the provisions of section 24 of the [3]Code of Civil Procedure, 1908.
 - (3) Nothing in this section shall be deemed to apply to a suit against the administration of a Government railway: or to apply to any suit merely because an officer of Government is a party thereto, in his capacity of—
 - (a) member of a local authority,
 - (b) curator, guardian, manager or representative of a private person or estate in virtue of an appointment, delegation, declaration or exercise of powers under:—
 - (i) Order 32, rule 4 (4), of the [3]Code of Civil Procedure, 1908;
 - (ii) section 69 or 71 of the [4] Indian Lunacy Act, 1912;
 - (iii) section 7, 18 or 42 of the [5]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 [7]Bombay Court of Wards Act, 1905."

V of 1908.

V_of 1908.

IV of 1912. VIII

1890. Bom. VI of

1862. Bom. I of 1905.

^[1] For Statement of Objects and Reasons, see Bombay Government Gazette, 1926, Part V. p. 47, and for Proceedings in Council see Bombay Logislative Council Debates, 1926, Vol. XVII.

^{[*]—[*]} Vol. I of Bom. Code. [4] General Acta, Vol. V.

^[4] Vol. II of Bom. Code.

^{[&}lt;sup>1</sup>]---[²] General Acta, Vol. IV. [³] General Acta, Vol. III.

^[7] Vol. IV of Bom. Code.

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BOMBAY ACT No. VII OF 1926.[1]

[THE SIND COURTS ACT, 1926]

[21st August 1926]

Amended bu

Number of Act Bom. Act No. VII 1930

An Act to consolidate and amend the law relating to the Courts in Sind.

WHEREAS it is expedient to consolidate and amend the law relating to the Courts in Sind; and whereas the previous sanction of the Governor 5 & 6 General, required by section 80A of the Government of India Act, has Geo.V. been obtained for the passing of this Act: It is hereby enacted as e. 61. follows :-

Preliminary.

This Act may be called the Sind Courts Act, 1926.

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

Extent and commence-

(2) It shall come into force on such date as the Governor in Council ment. may, by notification in the Bombay Government Gazette, appoint.

The Chief Court.

- 3. On and from the commencement of this Act there shall be Establish established for Sind a Chief Court hereinafter referred to as "the Chief mont of Chief Court."
- 4. (1) The Chief Court shall consist of a Chief Judge and three or Constitution more Judges who shall be appointed by the Governor General in Council of Chief Court and shall hold office during his pleasure.

and appointment and tenure of Judges.

- (2) The Chief Judge and Judges must each be either;
 - (a) a Barrister of not less than five years' standing; or
- (b) a Member of the Indian Civil Service of not less than ten years' standing and having for at least three years served as or exercised the powers of a District Judge; or
- (c) a person having held judicial office not inferior to that of a Subordinate Judge or a Judge of the Small Cause Court for a period of not less than five years; or

^[1] For Statement of Objects and Ressons see Bombay Government Gazette, 1925. Part V, pp. 481-84; for Report of the Select Committee see shid, 1926, Part V. . 3-6; and for Proceedings in Council ses Bombay Legislative Council Debates, 1925, Vol. XVI, 1926, Vol. XVIII.

(d) a person who has been an Advocate or a Pleader of any Court which is a High Court within the meaning of clause (22) of section 3 of the [1]Bombay General Clauses Act, 1904, for an aggregate period of Bom, not less than ten years:

1904.

Provided that the Chief Judge and Judges counted together must include not less than two such Barristers, Advocates or Pleaders and not less than two Members of the Indian Civil Service.

(3) Additional Judges duly qualified as aforesaid may be appointed for such period not exceeding two years as may be required by the Governor General in Council and shall each of them during such period have all the powers of a Judge of the Chief Court.

Provision for vacancy in the office of Chief Judge.

5. On the occurrence of a vacancy in the office of the Chief Judge and during any absence of the Chief Judge the Governor in Council may appoint one of the other judges of the Chief Court to perform the duties of the Chief Judge, until some person has been appointed by the Governor General in Council to the office of Chief Judge of the Chief Court, and has entered on the discharge of the duties of that office, or until the absent (Lief Judge has returned to his duties, as the case requires.

Provision for vacancy in the office of than the Chief Judge.

6. On the occurrence of a vacancy in the office of a judge other than the Chief Judge, and during any absence of any such judge or on the b judge other appointment of any such judge to act as Chief Judge the Governor in . Council may appoint a person to officiate as a judge of the Chief Court and the person so appointed may sit and perform the duties of a judge of the court, until some person has been appointed by the Governor General in Council to the office of judge of the Chief Court and has entered on the discharge of the duties of the office, or until the absent judge has returned to his duties or until the Governor in Council sees cause to cancel the appointment of the acting judge.

Rank and precedence of Chief Judge and Judges of Chief Court.

- 7. (1) The Chief Judge whether permanent or officiating shall have rank and precedence before the other judges of the Chief Court.
- (2) Save as aforesaid and subject to any general or special direction by the Governor General in Council the judges shall have rank and precedence according to the seniority of their appointment as such judges:

Provided that a permanent judge shall be deemed to be senior to, and shall have rank and precedence before, an officiating judge.

Civil and criminal jurisdiction of Chief Court.

8. The Chief Court shall be the highest civil court of appeal and revision and the highest court of criminal appeal and revision for Sind and the principal civil court of original jurisdiction for the civil district of Karachi and shall be the Court of Session and shall exercise the powers and perform the duties of a Sessions Judge in the Sessions Division of Karachi.

Civil jurisdiction in Karachi district.

9. The Chief Court shall be the court of appeal from all decrees and orders passed by subordinate courts in the civil district of Karachi from which an appeal lies under any law for the time being in force.

n!

10. (1) Notwithstanding anything in the [1]Code of Criminal Criminal of Procedure, 1898:-(a) a magistrate exercising jurisdiction in the sessions division of sessions

Karachi, when committing accused persons for trial, shall commit division. them to the Chief Court; and

(b) all appeals which lie under any law for the time being in force to the Court of Session from the sentences or orders of Courts or Magistrates exercising jurisdiction in the sessions division of Karachi shall lie to the Chief Court.

(2) Section 9 of the [1]Code of Criminal Procedure, 1898, shall not apply to the sessions division of Karachi.

11. (1) Except as by this Act or by any other enactment for the time Delegation being in force otherwise provided, the Chief Court may make rules to of powers to provide in such manner as it thinks fit for the exercise by one or more Court: Full of its judges of any of its powers.

(2) The Chief Court may make rules, declaring what number of judges, not being less than three, shall constitute a full bench of the Chief Court. and may by these rules prescribe the mode of determining which judges shall sit as a full bench, when a full bench sitting becomes necessary.

(3) Subject to the provisions of sub-section (2), the Chief Judge may determine which judge in each case shall sit alone and which judges of the Chief Court shall constitute any bench.

12. Any single judge of the Chief Court and any bench of judges Power to thereof, not being a full bench, may in any case refer for the decision of a refer question bench of two judges or of a full bench, respectively, any question of law to full bench. or custom having the force of law, or the construction of any document, or the admissibility of any evidence arising before the judge or bench and shall dispose of the case in accordance with the decision of the bench to which the question has been referred.

13. Where in any case any such question as is referred to in section 12 Review in has been decided by a judge of the Chief Court exercising the jurisdiction certain of the Chief Court as the principal criminal court of original jurisdiction criminal for the assistant division of Karachi and no reference has been division of the reference has been division o for the sessions division of Karachi, and no reference has been made under the provisions of that section or of section 434 of the [1] Code of Criminal Procedure, 1898, the Chief Court may on its being certified by the Government Advocate for Sind that in his opinion the decision should be further considered, review the case or such part of it as may be necessary, and . finally determine the question, and may thereupon alter the judgment, order or sentence passed by the judge and pass such judgment, order or sentence as it thinks right.

The Government Advocate for Sind shall be appointed by the Governor in Council.

14. (1) Except as otherwise provided by any enactment for the time Appeal from . being in force, an appeal from any original decree or from any order against original civil which an appeal is cormitted by any law for the time being in force. which an appeal is permitted by any law for the time being in force made of Chief by a single judge of the Chief Court, shall lie to a Bench consisting of two Court. other judges of the Chief Court.

Appeals from of a single judge.

(2) Except as otherwise provided by any enactment for the time being appellate civil in force, an appeal from any appellate decree made by a single judge of the Chief Court shall lie to a Bench consisting of two other judges of the Chief Court, if the judge who made the decree declares that the case is a fit one for appeal.

Procedure of Chief Court in exercise of civil and criminal jurisdiction.

- 15. (1) Notwithstanding anything contained in the [1]Code of Civil v of Procedure, 1908, or the [1]Code of Criminal Procedure, 1898, the Chief 1908 Court shall record evidence including examinations of accused persons 1898 and judgments in such manner as it may direct by rule made with the sanction of the Governor in Council.
- (2) So much of rule 35 of Order XLI of the First Schedule to the V of [1]Code of Civil Procedure, 1908, as requires the decree to be signed 1908 and dated by the judge or judges who passed it, shall not apply to the Chief Court in the exercise of its appellate jurisdiction.

Ministerial officers of Chief Court.

- 16. (1) Subject to any rules and restrictions which may be prescribed by the Governor in Council the Chief Judge may appoint Registrars, Deputy Registrars, Assistant Registrars, an Official Receiver, Official Commissioners, a Clerk of the Crown and such other ministerial officers as may be necessary for the administration of justice by the Chief Court and for the exercise and performance of the powers and duties conferred and imposed on it by this Act.
- (2) The appointments of the Registrars, Deputy Registrars, Assistant Registrars, the Official Receiver, the Official Commissioners and the Clerk of the Crown shall be subject to the sanction of the Governor in Council.
- (3) The officers appointed under sub-section (1) shall exercise such powers and discharge such duties of a non-judicial or quasi-judicial nature as the Chief Court may direct.
- (4) Every officer appointed under the provisions of this section shall receive such salary as the Chief Judge may fix, subject to the sanction of the Governor in Council.
- (5) Any officer appointed under sub-section (1) may be suspended or dismissed from his office by order of the Chief Judge:

Provided that none of the officers mentioned in sub-section (2) shall be dismissed without the previous sanction of the Governor in Council,

Superincontrol of other courts.

17. The general superintendence, direction and control over all courts tendence and subject to its appellate jurisdiction shall be vested in the Chief Court.

Admission and removal of Advocates, Pleaders and Attorneys.

18. The Chief Court may, subject to such rules as it may with the sanction of the Governor in Council determine, admit proper persons to be Advocates, Pleaders and Attorneys in any court in Sind, and may remove or suspend from practice for misbehaviour any person so admitted; and may authorise such Advocates, Pleaders and Attorneys to plead or to act or to plead and act for suitors and accused persons.

Power to make rules.

19. In addition to any other power to make rules expressly or by implication conferred by this Act the Chief Court may with the sanction of the Governor in Council, make rules consistent with this Act and any other enactment for the time being in force to regulate any of the following matters, namely:—-

- (a) the supervision of all Courts subject to the control of the Chief Court and their visitation and inspection;
- (b) the exercise by the district judges of the general control vested in them over the civil courts in their respective civil districts;
 - (c) all matters relating to the officers of courts;
- (d) the translation of any papers filed in the Chief Court and the preparation of paper books for the hearing of appeals and the copying, typing or printing of any such papers or translations and the recovery from the persons at whose instance or or whose behalf papers are filed, of the expenses thereby incurred;
- (e) the holidays and vacations of the Chief Court and the courts subordinate to it;
 - (f) the places and times for the holding of courts;
- (g) the qualifications and admission of proper persons to be petitionwriters in courts, the issue of licenses to such persons, the fees to be charged by such persons and the conduct of business by such persons, the punishment by a fine not exceeding fifty rupees of the breach of any such rules, and the authority by which such breaches shall be investigated and fines imposed; and the recovery of any such fine as though it were a fine imposed by a magistrate in the exercise of his ordinary jurisdiction;
- (h) the fees to be charged for processes issued by the civil courts, or by any officer of any such court and the fees payable in any suit or proceeding in any such court by any party to such suit or proceeding in respect of the fees of the pleader of any other party to such suit or proceeding;
- (i) the manner in which the proceedings of civil courts shall be kept and recorded, the manner in which paper books for the hearing of appeals shall be prepared and the granting of copies.
- 2). The Chief Court shall keep such registers, books and accounts Registers as may be necessary for the transaction of its business, or required by books, the Governor in Council, and shall comply, in such form and manner as accounts, the Governor in Council may deem proper, with any requisition which the statements Governor in Council may make for records of, or papers belonging to the and reports. Chief Court, or any court subordinate to it, or for certified copies of or extracts from, such records or papers, or for returns, statements or reports,

District Courts.

- 21. (1) For the purposes of this Act the Governor in Council may by Civildistricts notification divide Sind into civil districts and fix the limits of such civil districts and determine the headquarters of each such district.
- (2) The districts existing for the purposes of civil justice when this Act comes into force shall be deemed to have been made under this Act.

District courts.

22. (1) There shall be in each civil district other than that of Karachi a district court and the Governor in Courcil shall appoint a district judge to each such court.

Original jurisdiction of district court.

(2) The district court shall be the principal court of original civil jurisdiction in the civil district.

Joint judges.

- 23. (1) The Governor in Council may appoint joint judges to any district court.
- (2) Every such joint judge shall exercise the powers and jurisdiction of the district court concurrently with the district judge in such matters as may be referred to him by the district judge.
- (3) All Regulations and Acts now or hereafter in force and applying to a district judge shall be deemed to apply also to the joint judge and the seal of the joint judge shall be the same as is used by the district judge.

Assist**ant** Judges.

- 24. (1) The Governor in Council may appoint assistant judges to any district court.
- (2) An assistant judge shall have jurisdiction to hear such original suits, such applications or references under special Acts, and such miscellaneous applications not being of the nature of appeals, as the district judge may refer to him.

Appellate jurisdiction of assistant judge.

- 25. (1) The Governor in Council may confer upon any assistant judge the power to hear such appeals from the decrees and orders of the subordinate courts as lie to the district court and as may be referred to him by the district judge.
- (2) An assistant judge on whom the power to hear appeals has been conferred under this or any other Act, shall continue to have such power so long and so often as he may hold the office of assistant judge, without reference to the civil district in which he may be employed: Provided that the Governor in Council may at any time withdraw such power.

Power to invest joint or assistant judge with powers of district court.

26. The Governor in Council may confer upon any joint or assistant judge any of the powers and jurisdiction of the district court within any specified part of a civil district and such powers and jurisdiction shall not, while so conferred upon the joint or assistant judge, be exercised in such part by the district judge.

Control of courts.

27. The district judge shall have general control over all the civil courts within the district.

Appellate jurisdiction of district court.

- 28. (1) Save as provided in sections 8, 9, 26, 33, 34 and 36 in any case where a decree or order of a subordinate court is appealable, the appeal shall lie to the district court.
- (2) Where a decree or order passed by an assistant judge in his original jurisdiction is appealable, the appeal shall lie to the Chief Court or to the district court, according as the amount or value of the subject-matter exceeds, or does not exceed, five thousand rupees.

Subordinate Courts.

Subordinate

29. (1) There shall be in each civil district so many civil courts subordinate to the District Court (in this Act called "subordinate courts") as the Governor in Council may by notification direct.

- (2) The Governor in Council may determine the local limits of the jurisdiction of subordinate courts and the places where such courts shall be held.
- (3) The place or places so fixed may be beyond the local limits of the jurisdiction of the court.
- (4) The Governor in Council shall appoint a subordinate judge to each such court.
- (5) The Governor in Council may at any time for special reasons close temporarily any such court.
- 30. (1) The Governor in Council may appoint joint subordinate judges Joint to a subordinate court.

 subordinate judges and
- (2) The district judge, with the previous sanction of the Chief Court, deputation. may depute to a subordinate court the judge of any other subordinate court in the civil district.
- (3) A subordinate judge so appointed or deputed to a subordinate court shall dispose of such civil business within the pecuniary limits of his jurisdiction as the judge of such court, subject to the control of the district judge, may refer to him.
- [1]A subordinate judge so deputed may also dispose of the civil business of his court at the place of his deputation subject to the general or special orders of the Chief Court in this behalf.
- 31. (1) The ordinary jurisdiction of subordinate judges of the first Jurisdiction class shall extend to all original suits and proceedings of a civil nature. or sub-ordinate

(2) The ordinary jurisdiction of subordinate judges of the second class courts, shall extend to all such suits and proceedings wherein the subject-matter does not exceed five thousand rupees in amount or value.

[2]Provided that the Governor in Council may invest any subordinate judge of the second class of not less than ten years' standing and specially recommended in this behalf by the Chief Court with power to exercise jurisdiction over all such suits and proceedings wherein the subject-matter does not exceed seven thousand and five hundred rupees in amount, or value. A subordinate judge so empowered shall continue to exercise this power so long and as often as he may fill the office of a subordinate judge of the second class without reference to the district in which he may be employed unless the powers are withdrawn by Government.

32. (1) A subordinate judge of the first class, in addition to his Special ordinary jurisdiction, shall exercise in the civil district to which his court jurisdiction of first class belongs a special jurisdiction in respect of such suits and proceedings of a subordinate civil nature, [3][** * * *] as may arise within the local limits of the juris-judge. diction of all subordinate courts in the civil district of which the judges are of the second class [4] and wherein the subject-matter exceeds the pecuniary jurisdiction of the subordinate judge of the second class as defined by section 31.

^[1] These words were added by a. 6 of Born. Act VII of 1930, infra.

^[1] This provise was added by Bom. Act VII of 1930, s. 6.
[1] The words "wherein the subject-matter exceeds five thousand rupees in amount or value" were omitted by Bom. Act VII of 1930, s. 6.
[1] These words were added by Bom. Act VII of 1930, s. 6.

(2) In any civil district in which there are two or more subordinate judges of the first class, the district judge, subject to the orders of the Chief Court, shall determine the local limits within which each such judge shall exercise his special jurisdiction.

Appeal from decision of first class subordinate judge.

33. Where a decree or order passed by a subordinate judge [1][* * *] in any suit or proceeding of which the amount or value of the subject-matter exceeds five thousand rupees is appealable, the appeal shall lie to the Chief Court.

Appellate jurisdiction of first class subordinate judge or small cause court judge.

- 34. (1) The Governor in Council may invest any subordinate judge of the first class, or any judge of a court of small causes established under the [2]Provincial Small Cause Courts Act, 1887, with power to hear IX of appeals from such decrees and orders of subordinate courts as may be referred to him by the district judge.
- (2) The appellate decision in any such case shall have the same force as if passed by the district judge.
- (3) A subordinate judge of the first class or a judge of a court of small causes, on whom the power of hearing appeals has been conferred under this or any other Act, shall continue to have such power so long and so often as he may hold the office of subordinate judge of the first class or judge of a court of small causes, respectively, without reference to the civil district in which he may be employed.

Power to invest subordinate judges with small cause powers. 35. The Governor in Council may confer upon any subordinate judge within any specified local limits the jurisdiction of a court of small causes for the trial of suits cognizable by such courts up to any specified amount not exceeding, in the case of a subordinate judge of the first class, one thousand rupees, and in the case of a subordinate judge of the second class, [3]three hundred rupees.

Power to invest subordinate judges with jurisdiction under certain Acts.

- 36. (1) The Chief Court may by general or special order invest any subordinate judge, within such local limits and subject to such pecuniary limitation as may be prescribed in such order, with all or any of the powers of a district judge or a district court, as the case may be, under the Indian Succession Act, 1925, or paragraph 5 of Schedule III to the XX [4]Code of Civil Procedure, 1908.
- (2) Every order made by a subordinate judge by virtue of the powers conferred upon him under sub-section (1) shall be subject to appeal to the Chief Court or the district court according as the amount or value of the subject-matter exceeds or does not exceed five thousand rupees.
- (3) Every order of the district court passed on appeal under subsection (2) from the order of the subordinate judge shall be subject to an appeal to the Chief Court under the rules contained in the [4]Code of V Civil Procedure, 1908, applicable to appeals from appellate decrees.

[*] General Acta, Vol. IV.

^[1] The words "of the first class in his ordinary or special jurisdiction" were repealed by Bom. Act VII of 1930, s. 6.

^[7] General Acts, Vol. III.
[8] The word "three" was substituted for the word "two" by Bom. Act VII of
1930, s. 6.

t of 1908.

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- 37. (1) No subordinate court other than the court of a subordinate Government judge of the first class and no court of the small causes shall receive or suite. register any suit in which the Secretary of State for India in Council or any officer of Government in his official capacity is a party.
- (2) In every such case, the plaintiff shall be referred to the court of the subordinate judge of the first class and such suit shall be instituted only in the court of the subordinate judge of the first class and shall be heard by such subordinate judge, subject to the provisions of section 24 of the [1]Code of Civil Procedure, 1908.
- (3) Nothing in this section shall be deemed to apply to a suit against the administration of a Government railway; or to apply to any suit merely because an officer of Government is a party thereto, in his capacity of-
 - (a) member of a local authority,
 - (b) curator, guardian, manager or representative of a private person or estate in virtue of an appointment, delegation, declaration or exercise of powers under :-
 - (i) Order 32, rule 4 (4), of the [1] Code of Civil Procedure, 1908;
 - (ii) section 195 of the Indian Succession Act, 1925;
 - (iii) section 69 or 71 of the [2] Indian Lunacy Act, 1912;
 - (iv) section 7, 13 or 42 of the [3]Guardians and Wards Act, 1890;
 - (v) section 7 (2) (c) or 34 of the [4]Sindh Incumbered Estates Act, 1896; or
 - (vi) section 3, 19 (1), 19 (2), 20, 22 (1) or 41 (1) of the [5]Bombay Court of Wards Act, 1905.

Temporary Vacancies.

- 38. In the event of the death of a district judge or of his being Temporary prevented from performing his duties by illness or other cause or of his vacancy of absence from the civil district on leave the joint judge, if any, or the first district judge in rank of the assistant judges in the district, or in the absence from the district of the joint or assistant judge, the first in rank of the subordinate judges, shall assume charge of the district court without interruption to his ordinary jurisdiction, and while so in charge shall perform the duties of a district judge with respect to the filing of suits and appeals, receiving pleadings, execution of processes, return of writs and the like and shall be designated joint judge, assistant judge or subordinate judge, as the case may be, in charge of the district and shall continue in such charge until the office of the district judge has been resumed, or assumed by an officer duly appointed thereto.
- 39. Any district judge leaving the headquarters and proceeding on Delegation duty to any place within his district may delegate to a joint judge or an of powers of assistant judge, or in the absence of a joint judge or an assistant judge, to a subordinate judge at the headquarters, the power of performing such duties, enumerated in section 38 as may be emergent; and such officer

General Acts, Vol. IV.

^[2] General Acta, Vol. V. [3] General Acta, Vol. III.

^[4] Vol. III of Bom. Code. [*] Vol. IV of Bom. Code.

shall be designated joint, assistant or subordinate judge, as the case may be, in charge of the headquarters.

Temporary vacancy of office of subordinate judge.

40. In the event of the death, suspension or temporary absence of any subordinate judge, the district judge may empower the judge of any subordinate court of the same civil district to perform the duties of the judge of the vacated subordinate court, either at the place of such court or of his own court; but in every such case the registers and records of the two courts shall be kept distinct,

Suspension and removal of Subordinate Judges.

Suspension

41. (1) The Governor in Council may suspend or remove from office and removal any subordinate judge for misbehaviour or neglect of duty.

(2) The Chief Court may suspend from office any subordinate judge

pending inquiry into his conduct.

(3) The district judge may, in cases of urgent necessity, suspend from office any subordinate judge in the civil district, but shall forthwith report the case to the Chief Court.

Officials of Courts other than the Chief Court.

Appointment and removal of court . officials.

42. (1) The Chief Judge may appoint for the subordinate courts of the civil district of Karachi such ministerial officers as the Governor in Council may direct; and the district judge of any other civil district may make the like appointments for the district court and the subordinate courts of such district; and the Chief Judge and district judge respectively may promote, suspend or dismiss any such officer:

Provided that no officer who is in receipt of a monthly salary amounting to not less than thirty rupees shall be dismissed without the sanction of the Chief Judge.

- (2) The Chief Judge may transfer any ministerial officer of any civil court to any other such court and the district judge may make any such transfer in the courts within the local limits of his jurisdiction.
- (3) The judge of a subordinate court may appoint peons and menial servants of such court and may suspend or remove any bailiff or peon or menial servant, subject to an appeal to the Chief Judge in the case of the civil district of Karachi and to the district judge in the case of any other civil district.

Supplemental.

Seal.

43. Every court shall use a seal on , which shall be engraved the royal arms and the title of such court.

Execution of decree for debt against certain privileged persons.

- 44. (1) No decree for payment of debt passed by any court shall, save as provided by sub-section (2), be executed against a defendant who is a member of any of the late reigning families of Sind and whose name is entered in a list published in this behalf by the Governor in Council in the Bombay Government Gazette.
- (2) Where application is made for the execution of such decree against such person, the court shall forward a copy of the decree and of the application to the Commissioner in Sind, who may by special order direct that the decree shall be executed against such person and may specify the manner in which it may be executed.

- 45. (1) Every proceeding pending at the commencement of this Act Pending in the Court of the Judicial Commissioner of Sind or in the District Court proceedings of Karachi or in the court of Session of Karachi shall be deemed to be transferred to the Chief Court and the Chief Court shall proceed to try, hear and determine the matter as if it had been instituted in such court.
- (2) Appeals from decrees, sentences and orders passed and not appealed against before the commencement of this Act, which would before that date have lain to the said Court of the Judicial Commissioner or the said district or sessions court, shall lie to the Chief Court.
- (3) All decrees, sentences and orders passed before the commencement of this Act by the said Court of the Judicial Commissioner or the said district or sessions court shall be deemed for the purposes of execution to have been passed by the Chief Court:

Provided that nothing contained in sub-section (1) or sub-section (2) shall be construed to extend the period of limitation to which any suit

or appeal may be subject.

- 46. (1) The enactments mentioned in the First Schedule are hereby Enactments amended, or, as the case may be, shall be deemed to be amended, to amended the extent and in the manner specified in the fourth column thereof.
- (2) The enactments mentioned in the Second Schedule are hereby repealed, or, as the case may be, shall be deemed to be repealed, to the extent specified in the fourth column thereof.

THE FIRST SCHEDULE

ENACTMENTS AMENDED OR DEEMED TO BE AMENDED

[See section 46 (1)]

·	New contraction and the parties of the approximation of the approximatio					
Year	No.	Short title	Amendments			
		Part I-Acts of the	Governor-General in Council			
1866	IIVXZ	The [1] Indian Trustees' Act, 1866.	In the definition of High Court in section 2, for the words "Court of Oudh" the words "Courts of Oudh and Sindh" shall be deemed to have been substituted.			
1856	XXVIII	The [1] Trustees' and Mortgages' Powers Act, 1866.	In the definition of High Court in section 1, for the words" Court of Oudh "the words "Courts of Oudh and Sindh" shall be deemed to have been substituted.			
1869	IV	The [']Indian Divorce Act, 1869.	In clause (1) of section 3, after the words "of Oudh" the words "in Sind—the Chief Court of Sind" shall be deemed to have been inserted.			
			In clause (2) of section 3, for the words "in Burma" the words "in Burma and Sind" shall be deemed to have been substituted.			

Year	No.	Short title	Amendments			
	•	Part I—Acts of the	Governor-General in Council-contd.			
1875	XVIII	The [1]Indian Law Reports Act, 1875.	(1) In the preamble for the words "Court of Oudh" the words "Courts of Oudh and			
	. ,		Sind" shall be deemed to have been sub- stituted.			
			(2) In section 3 for the words "Court of Oudh" the words "Courts of Oudh and Sind" shall be deemed to have been sub-			
			stituted.			
1879	XVIII •	The [1]Legal Practitioners' Act, 1879.	In sub-section (4) of section 41 for the words "Court of Oudh" the words "Courts of Oudh and Sind" shall be deemed to have			
			been substituted.			
1891	XVI	The [*]Colonial Courts of Admiralty (India) Act, 1891.	(1) after clause (4) the following clause shall be deemed to have been inserted, namely:			
			"(5) The Chief Court of Sind, and"; (2) Clause "(5)" shall be deemed to have been renumbered "(6)".			
1898	▼	The [*]Code of Criminal Procedure, 1898.	•			
	-		(i) for the words "Court of Oudh" the words "Courts of Oudh and Sind" shall be deemed to have been substituted, and			
			(ii) for the words "Courts of the Judicial Commissioners of the Central Provinces and Sind" the words "Court of the Judi- cial Commissioner of the Central Provinces" shall be deemed to have been substituted.			
	İ		(2) In section 266,			
			(i) for the words "Court of Oudh" the words "Courts of Oudh and Sind" shall be deemed to have been substituted, and			
;			(ii) for the words "Courts of the Judicial Commissioners of the Central Provinces and Sind" the words "Court of the Judi-			
			cial Commissioner of the Central Provinces" shall be deemed to have been substituted.			
			(3) In sub-section (1) of section 364, for the words "Court of Oudh" the words "Courts of Oudh and Sind" shall be deemed to have been substituted.			
			(4) In section 365, for the words "Court of Oudh" the words "Courts of Oudh and Sind" shall be deemed to have been substituted.			

^{[&#}x27;] General Acts, Vol. II. [7] General Acts, Vol. III. [1] General Acts, Vol. IV.

Year	No.	Short title	Amendments				
		Part I-Acts of the	Governor General in Council—concld.				
1908	V	The [1]Code of Civil Procedure, 1908.	In section 122, for the words "Court of Oudh" the words "Courts of Oudh and Sind" shall be deemed to have been substituted. In sub-section (1) of section 123, for the words "Chief Court" the words "Chief Court" shall be deemed to have been substituted.				
1908	ïX	The [1]Indian Limitation Act, 1908.	In the First Schedule, Third Division, in Article 162 after the word "Bombay" the words "or the Chief Court of Sind "shall be deemed to have been inserted.				
		· Part II - Acts of	the Governor of Bombay in Council				
1879	V	The [*]Bombay Land Revenue Code, 1879.	d In sub-section (3) of section 135H, for the words "Court of the Judicial Commissioner" the words "Chief Court" shall be substituted.				
1906	п	The [*]Mamlatdars Courts Act, 1906.	In section 24 for the words "Court of the Judicial Commissioner" the words "Chief Court" shall be substituted.				
1915	1	The [4]Bombay Town	In section 33,				
		Planning Act, 1915.	(1) in sub-section (2) for the words "Judicial Commissioner" where they occur for the second time the words "Chief Judge of the Chief Court of Sind" shall be substituted; and				
			(2) for the words "Additional Judicial Commissioner" in sub-sections (2) and (3) the words "Judge of the Chief Court of Sind" shall be substituted.				
1923	vi	The [*]Bombay Local Boards Act, 1923.	In the explanation to clause (d) of sub-section (1) of section 9 for the words "Court of the Judicial Commissioner in Sind" the words "Chief Court of Sind" shall be substituted.				

^[1] General Acts, Vol. IV. [2] Vol. II of Bom. Code. [3] Vol. IV of Bom. Code. [4] Vol. V of Bom. Code. [5] In this Vol., p. 23.

THE SECOND SCHEDULE.

REPEALS

[See section 46 (2)]

Year	No.	Short title Part I—Acts of	Extent of receal the Governor-General in Council			
	-					
1869	IV	The[']Indian Divorce Act, 1869.	In section 3, clause (2), the words "in Sind the Judicial Commissioner of that Province" shall be deemed to have been repealed.			
1869	xiv	The [1]Bombay Civil Courts Act, 1869.	So far as extended by notification to Sind.			
1891	XVI	The [2]Colonial Courts of Admiralty (India) Act, 1891.	In section 2, (1) the word "and" in clause (5) and (2) clause (6), shall be deemed to have been repealed.			
		Part II Acts of	the Governor of Bombay in Council			
1866	XII	The [5]Sindh Courts Act, 1866.	So much as has not been repealed.			
1868	111	The [3]Bombay Act V of 1867 (Amend- ment,) Act, 1868.	So much as has not been repealed.			
1906	1	The [4]Sind Courts (Amendment) Act, 1906.	The whole.			
1910	I	The [5]Bombay Repealing and Amending Act, 1910.	So much of it as relates to the Sind Courts (Amendment) Act, 1906.			
1916	n,	The [5]Sind Courts (Amendment) Act, 1916.	The whole.			

^[1] General Acts, Vol. I. [2] General Acts, Vol. III. [3] Vol. II of Bom. Code.
[4] Vol. IV of Bom. Code. [5] Vol. V of Bom. Code.

BOMBAY ACT No. VIII OF 1926.[1]

[THE BOMBAY PORT TRUST (AMENDMENT) ACT, 1926]

[25th September 1926]

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

WHEREAS it is expedient further to amend the Bombay Port Trust Act, 1879, in manner hereinafter appearing; And whereas the previous sanction of the Governor General required by section 80A of the Governor General Required by section 80A of the Governor General Required by section 80A of the Governor General Required By Section 80A of the Governor General Required By Section 80A of the Governor General Required By Section 80A of the Governor General Required By Section 80A of the Governor General Required By Section 80A of the Governor General Required By Section 80A of the Governor General Required By Section 80A of the Governor General Required By Section 80A of the Governor General Required By Section 80A of the Governor General Required By Section 80A of the Governor General Required By Section 80A of the Governor General Required By Section 80A of the Governor General Required By Section 80A of the Governor General Required By Section 80A of the Governor General Required By Section 80A of the Governor General Required

- 1. This Act may be called the Bombay Port Trust (Amendment) Shorttide. Act, 1926.
- Bom. 2. In section 22 of the [2]Bombay Port Trust Act, 1879, hereinafter Amendment of section 22 of Bom. VI of Bom. VI of
 - (a) in sub-section (5) after the word "them" where it occurs for the ¹⁸⁷⁹. first time the words "and the Chairman" shall be inserted; and
 - (b) in sub-section (6) after the word "servants" where it occurs for the second time the words "and the Chairman" shall be inserted.
 - 3. In sub-section (1) of section 49 of the said Act after the word Amendment "servants" where it occurs for the third time the words "and the Chair-of Bom. VI of man" shall be inserted.

 1879.
 - 4. The amendments made by sections 2 and 3 shall be deemed to Amendments made by have been made and to have had effect from the 21st day of May 1923.

 The amendments made by sections 2 and 3 to have retrospective effect,
 - 5. For sub-section (2) of section 61A of the said Act the following Amendment sub-section shall be inserted, namely:—

 of section 61A of the said Act the following Amendment of section 61A of Bom. VI of 1879.
 - "(2) If any owner, without any default on the part of the Board, Goods not fails to remove any goods other than those stored in the warehouses stored in appointed by the Board for the storage of duty paid goods or in ware-warehouses houses appointed under section 15, or licensed under section 16 of the to remain at [2]Sea Customs Act, 1878, from the premises of the Board within seven risk and expense of clear days from the date on which such goods shall have been landed, owner if not such goods shall remain on the premises of the Board at the sole risk removed and expense of the owner and the Board shall thereupon be discharged within seven from all liability theretofore incurred by them in respect of such goods."

VIII of 1878.

^[1] For Statement of Objects and Reasons, see Bombay Government Guzette, 1926, Part V, p. 88; and for Proceedings in Council, see Bombay Legislative Council Debates, 1926, Vol. XVIII.

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

^[] General Acts, Vol. II.

BOMBAY ACT No. IX OF 1926.[1]

[The Bombay Prevention of Prostitution (Amendment) Act, 1926]

[28th September 1926]

Amended by

Number of Act Bom. Act No. IX Year

1927

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

Bom. WHEREAS it is expedient to amend the [2]Bombay Prevention of XI of Prostitution Act, 1923, in manner hereinafter appearing; And whereas the previous sanction of the Governor General required by section 80A 5 & 6 of the Government of India Act has been obtained for the passing of this Geo.V. Act; It is hereby enacted as follows:—

- 1. This Act may be called the Bombay Prevention of Prostitution Short title. (Amendment) Act, 1926.
- 2. In sub-section (2) of section 1 of the [3]Bombay Prevention of Amendment Prostitution Act, 1923, hereinafter called the said Act, for the words and of s. 1 of 1923. In sub-section 12 " the words and figures " section 12 and section 1923. 13, sub-section (1)" and for the word and figures " sub-section 8 (3)" the word and figures " section 8 (3)" shall be substituted.
 - 3. In section 3 of the said Act,
 - (a) for the words "eight days" the words "three months" and Amendment
 (b) for the word "fifty" the words "one hundred" shall Bom. XI of
 be substituted.

 1923.
 - 4. After sub-section (5) of section 9 of the said Act the following Amendment sub-section shall be added, namely:

 "[In this Vol., p. 92]"

 Amendment of s. 9 of Bom. XI of 1923.
 - 5. For sub-section (1) of section 10 of the said Act the following shall Amendment be substituted, namely:—

 "(1) [In this Vol., p. 92]"

 Som. XI of 1923.
 - 6. In section 13 of the said Act.—
 - (a) For clause (c) of sub-section (1) the following shall be Amendment substituted, namely:—

 "[In this Vol., p. 93]"

 be Amendment of s. 13 of Bom. XI of 1923.
 - (b) For clause (c) of sub-section (I) the following shall be substituted, namely:—
 - "[In this Vol., p. 93.]"

^[1] For Statement of Objects and Reasons, see Bombay Government Gazette, 1926, Part V, pp. 42-43; for Report of the Select Committee, see ibid, 1926, Part V, p. 73; and for Proceedings in Council, see Bombay Legislative Council Debates, 1926, Vols. XVII and XVIII.

^[2] In this Vol., p. 87.

BOMBAY ACT No. X-OF 1926.[1]

[THE BOMBAY CITY MUNICIPALITIES (AMENDMENT) ACT, 1926]

[13th October 1926]

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

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

1. This Act may be called the Bombay City Municipalities Short title. (Amendment) Act, 1926.

Bom. 2. In sub-section (I) of section 13 of the [2]Bombay City Amendment XVIII Municipalities Act, 1925, hereinafter called the said Act, for the words of Bom.

of and figures "sub-clauses (ii) and (iv) of clause (c) of section 11 "XVIII of the words and figures "clause (c) of sub-section (I) of section 10" 1925.

shall be substituted.

3. For section 33 of the said Act the following section shall Substitution of a new section for "[In this Vol., p. 294]"

"[In this Vol., p. 294]"

Substitution of a new section for section 33 of Bom. XVIII of 1925.

4. The amendments made by sections 2 and 3 shall be deemed to Sections 2 have been made and to have had effect from the date on which the said and 3 to have retrospective effect.

Provided that nothing in this section shall apply or shall be deemed to have applied in the ease of any person who, being a chief officer, was removed from office under section 33 of the said Act before the 16th day of July 1926, as not being a graduate of a recognized university, or a qualified man.

^[] For Statement of Objects and Reasons, see Bombay Government Gazette, 1926, Part V. p. 92; and for Proceedings in Council, see Bombay Legislative Council Debates, 1926, Vol. XVIII.

^[3] In this Vol., p. 279.
The title of this Act has been changed to "The Bombay Municipal Boroughs Act, 1925" by Bom. Act IV of 1930, p. 6.
NO VA 3—28

BOMBAY ACT No. XI OF 1926.[1]

THE INVALIDATION OF HINDU CEREMONIAL EMOLUMENTS Acr, 1926]

[13th October 1926]

An Act to amend the law relating to the emoluments claimable by hereditary Hindu priests.

WHEREAS it is expedient to amend the law relating to the emoluments claimable by hereditary Hindu priests and whereas the previous sanction of the Governor General required under section 80-A (3) of the Government of India Act has been obtained for the passing of this Act; s It is hereby enacted as follows:---

- 1. This Act may be called the Invalidation of Hindu Ceremonial Short title. Emoluments Act. 1926.
 - 2. (1) This Act shall apply to the whole of the presidency of Bombay. Extent and commence-(2) It shall come into operation on the first day of April 1928. ment.
 - 3. In this Act. Definitions. "Ceremonial emoluments" means all perquisites, fees and any other dues claimable by any person for religious ceremonials, on account of his being a hereditary priest or an alience from a hereditary
- 4. No person shall be entitled to claim, as a matter of right, any Right to ceremonial emoluments from any Hindu who does not call in the services claim ceremonial of the person claiming those emoluments. emoluments.

5. After this Act comes into operation—

Hereditary (i) Every hereditary priest who holds no inam land or receives no priest may be cash allowance as remuneration for the performance of his services to obligation to the village shall be deemed to be relieved of his obligation to perform perform such services when required by any villager to officiate or to provide a services. substitute to officiate at any religious ceremony in the village.

(ii) A hereditary priest who holds inam lands or receives a cash allowance as remuneration for the performance of his services shall, at his option, on written application to the Collector, be relieved of his obligation to perform such services when required by any villager to officiate or to provide a substitute to officiate at any religious ceremony in the village if he agrees to pay full revenue assessment on his inam lands or, as the case may be, to forego his cash allowance; provided that such option shall be allowed to be exercised once only in the case of each inam grant.

6. Nothing in this Act shall affect the rights of a hereditary Hindu Extent to priest or an alience from such priest to the inam lands or cash allowance which rights attached to his office for the performance of any service pertaining to it, Hindu priest except to the extent specified herein.

or his alience

^[1] For Statement of Objects and Beasona, see Bombay Government Gazette, 1925, under Part V, p. 488; for Report of the Select Committee, see ibid, 1926, Part V, pp. 81-83; the Act. and for Proceedings in Council see Bombay Legislative Council Debates, 1925. Vol. XVI, and 1926, Vols. XVII and XVIII.

BOMBAY ACT No. XII OF 1926.[1]

[THE CITY OF BOMBAY POLICE (AMENDMENT) ACT, 1926]

[20th October 1926]

An Act further to amend the City of Bombay Police Act, 1902,

m. WHEREAS it is expedient further to amend the [2]City of Bombay of Police Act, 1902, in manner hereinafter appearing; It is hereby enacted 02. as follows :--

- This Act may be called the City of Bombay Police (Amendment) Short title. Act. 1926.
- 2. After section 29 of the [2] City of Bombay Police Act, 1902, the New section of following section shall be inserted, namely: IV of 1902.

"29-A. (1) Any police officer who in any street or public place Destruction other than a place of worship finds any animal other than a bull or a of suffering cow so diseased, or so severely injured, and in such a physical condition, or unfit that in his opinion it cannot without cruelty be removed, shall, if the owner is absent or refuses to consent to the destruction of the animal. at once summon the Veterinary Practitioner in charge of the area in which the animal is found and, if the Veterinary Practitioner certifies that the animal is mortally injured, or so severely injured, or so diseased, or in such a physical condition, that it is cruel to keep it alive. the police officer may, without the consent of the owner, destroy the animal or cause it to be destroyed:

Provided that if in the opinion of the Veterinary Practitioner the animal can be removed from the place where it is found without causing it great suffering, and, if the owner or person in charge of the animal, or in their absence any other person on the spot is willing and offers to remove the animal to a Veterinary Hospital or Pinirapole within such time as the Veterinary Practitioner considers reasonable. the Veterinary Practitioner shall allow the animal to be removed by such owner, person in charge or other person. If the owner or person in charge of the animal or such other person is unwilling or fails so to remove the animal, the Veterinary Practitioner may direct the Police Officer to remove the animal before it is destroyed from the place where it is found to such other place as he may think fit:

Provided further that when the animal is destroyed in any street or public place it shall, as far as possible, be screened from the public gaze while it is being destroyed.

Explanation.—For the purpose of this section 'bull' does not include 'bullock.'

(2) The Governor in Council may appoint such persons as he thinks Power to fit to be Veterinary Practitioners and may declare the areas of which appointthey shall be in charge for the purposes of this Act."

Practitioners.

^[1] For Statement of Objects and Reasons, see Bombay Government Gazette, 1926, Part V, p. 36; for Report of the Select Committee, see ibid, 1926, Part V, pp. 94-96; and for Proceedings in Council, see Bombay Legislative Council Debates, 1926, Vols. XVII and XVIIL

^[1] Vol. IV of Bom. Code.

BOMBAY ACT No. I OF 1927.[1]

[The Bombay City Municipalities (Amendment) Act, 1927[2]

- [24th March 1927]

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

WHEREAS the term of office of certain municipalities to which the [3] Bombay City Municipalities Act, 1925, applies has expired and no fresh elections have been held for the constitution of the municipalities in accordance with the provisions of the said Act;

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

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

It is hereby enacted as follows :--

- 1. This Act may be called the Bombay City Municipalities Short title. (Amendment) Act. 1927.
- 2. To section 4 of the [2]Bombay City Municipalities Act, 1925, Amendment I hereinafter called the said Act, the following sub-section shall be added, of section 4 of Bom. XVIII namely:—

 of 1925.

[In this Vol., p. 282]

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

 [In this Vol., p. 291]

 [In this Vol., p. 291]

 [In this Vol., p. 291]
- 4. After section 24 of the said Act the following section shall New section be inserted, namely:—

 [In this Vol., p. 291]

^[1] For Statement of Objects and Reasons, see Bombay Government Gazette, 1927, Part V. pp. 13-14, and for Proceedings in Council, see Bombay Legislative Council Debates, 1927, Vol. XIX.

^[1] In this Vol., p. 279.
The title of this Act has been changed to " The Bombay Municipal Boroughs Act, 1925" by Bom. Act IV of 1930, s. 4.

BOMBAY ACT No. II OF 1927.[1]

[THE INDIAN STAMP (BOMBAY AMENDMENT) ACT, 1927] [25th March 1927]

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

WHEREAS it is expedient further to amend the [2]Indian Stamp (Bombay Amendment) Act, 1922, in manner hereinafter appearing; and whereas the previous sanction of the Governor General required V, by section 80-A (3) of the Government of India Act and the previous sanction of the Governor required by section 80-C of the said Act have been obtained for the passing of this Act; It is hereby enacted as follows :---

- 1. This Act may be called the Indian Stamp (Bombay Amendment) Short title. Act, 1927.
 - 2. This Act shall come into force on the 1st day of April 1927.
 - 3. [Spent.]

ment. Amendment of section 1 of Bom. II of 1922.

- 4. After section 1 of the said Act [8] the following sections shall New sections be inserted, namely:-1-A and 1-B of Bom. II . of 1922.
 - "1-A. In sub-section (1) of section 4 and in the proviso to section Amendment 6 of the [4] Indian Stamp Act, 1899, hereinafter called the said Act, of sections 4 for the words 'one rupee' the words 'two rupees' shall be substituted. 1899.

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

of II of 1899.

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

5. In section 2 of the said Act [3] for the words "the Indian Stamp Amendment Act, 1899, hereinafter called 'the said Act,'" the words "the said Act " of section 2 of Bom. II shall be substituted.

6. After clause (c) of section 4 of the said Act [*]the following Amendment of section 4 clauses shall be inserted, namely :--of Bom. II

"(d) in clause (a) in column 1 of article 25 for the words one of 1922.

rupee,' the words 'two rupees' shall be substituted; and

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

^[1] For Statement of Objects and Reasons see Bombay Government Guzette, 1927. Part V. p. 11, and for Proceedings in Council see Bombay Legislative Council Debates, 1927, Vol. XIX.

^[1] Vol. V of Bom. Code.

^[*] Bom. Act II of 1922 in Vol. V of Bom. Code.

^[4] General Acts, Vol. IV.

BOMBAY ACT No. IV OF 1927.[1]

[THE CITY OF BOMBAY IMPROVEMENT TRUST TRANSFER (AMENDMENT) ACT, 1927]

[23rd April 1927]

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

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

- 1. This Act may be called the City of Bombay Improvement Trust Short title. Transfer (Amendment) Act, 1927.
- 2. In section 19 of the [2]City of Bombay Improvement Trust Amendment Transfer Act, 1925, the words "or of a Sub-Committee" and the words of Section 19 and figures "Rs. 15 for every meeting of a sub-committee of which such of 1925. member attending is a member, convened under sub-section (2) of section 21" shall be deleted.

^[1] For Statement of Objects and Reasons, see Bombay Government Gazette, 1927, Part V, p. 9, and for Proceedings in Council, see Bombay Legislative Council Debates, 1927, Vol. XIX.

^[*] In this Vol., p. 209.

BOMBAY ACT No. V OF 1927.[1]

[THE CITY OF BOMBAY IMPROVEMENT TRUST TRANSFER (AMENDMENT No. 2) ACT, 1927]

[2nd September 1927]

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

VI WHEREAS it is expedient further to amend the [2]City of Bombay Improvement Trust Transfer Act, 1925, in manner hereinafter appearing;
And whereas the previous sanction of the Governor General required

k 6 o. V. by section 80-A (3) of the Government of India Act has been obtained

- 61. for the passing of this Act; It is hereby enacted as follows:—
 - 1. This Act may be called the City of Bombay Improvement Trust Short title. Transfer (Amendment No. 2) Act, 1927.
 - 2. Section 19 of the [2]City of Bombay Improvement Trust Transfer Repeal of Act, 1925, hereinafter called the said Act, shall be repealed.
 - 3. After section 66 of the said Act the following section shall insertion of new section shall inserted, namely:—

 [In this Vol., p. 234.]

 of 1925.
 Insertion of new section shall inserted in Boun.

 XVI of 1925.

 Example 1925.

 Act the following section shall insertion of new section shall inserted in Boun.

 XVI of 1925.

^[1] For Statement of Objects and Reasona, see Bombay Government Gazette, 1927, Part V, p. 56, and for Proceedings in Council, see Bombay Legislative Council Debates, 1927, Vol. XIX.

^[4] In this Vol., p. 209.

BOMBAY ACT No. VI OF 1927.[1]

[The Aden Civil and Criminal Justice (Amendment) - Act, 1927]

[19th September 1927]

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

WHEREAS it is expedient further to amend the [2]Aden Civil and of Criminal Justice Act, 1864, in manner hereinafter appearing; And to whereas the previous sanction of the Governor General required by sub-ov, section (3) of section 80A of the Government of India Act has been obtained for the passing of this Act; It is hereby enacted as follows:—

- 1. This Act may be called the Aden Civil and Criminal Justice Short title. (Amendment) Act, 1927.
- 2. In section 1 of the [2]Aden Civil and Criminal Justice Act, 1864, Amendment hereinafter referred to as the said Act, the words "words importing the of section 1 singular number include the plural number, and words importing the of 186f. plural number include the singular number; words importing the masculine gender include females" shall be repealed.
- 3. In section 5 of the said Act for the words "Code of Civil Amendment 8. Procedure" the words and figures [3]" Code of Civil Procedure, 1908" of section 5 of Act II of 1864.
 - 4. For section 11 of the said Act, the following shall be substituted, Substitution of a new section for section 11 of Act II of
 - "11. The parties to any suit or proceeding or the accused in any Parties may criminal case or proceeding in the Court of the Resident and other Civil appear and and Criminal Courts in Aden or in the High Court may appear and be person or by heard in person or by an advocate, pleader or attorney."
 - 5. After section 13 of the said Act the following section shall be New section inserted, namely:—
 - "13A. (1) The Governor of Bombay in Council may appoint any Appointment Assistant Resident to be Judicial Assistant to the Resident.

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

^[1] For Statement of Objects and Reasons, see Bombay Government Gazette, 1926, Part V, pp. 111-12; for Report of the Select Committee see ibid, 1927, Part V, pp. 16-17; and for Proceedings in Council, see Bombay Legislative Council Debates, 1927, Vols. XIX and XX.

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

IX o

- (3) The Judicial Assistant shall try such cases and hear such appeals and dispose of such applications for revision as the Resident may by general or special order refer to him for disposal.
- (4) No appeal shall lie under section 5 from any decision or order of the Judicial Assistant,"

Amendment of section 14 of Act II of 1864.

- 6. In section 14 of the said Act,
 - (a) For the words, figures and brackets-
 - "Act XLII of 1860 (for the establishment of Courts of Small Causes beyond the local limits of the jurisdiction of the Supreme Court of Judicature established by Royal Charter) "

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

"the [1]Provincial Small Causes Courts Act, 1887"; and

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

Amendment of section 16 of Act II of 1864.

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

District and Subordinate Magistrates.

- 7. In section 16 of the said Act for the words "the Code of Civil Procedure" the words and figures "the [2] Code of Civil Procedure, 1908" shall be substituted.
- 8. For section 18 of the said Act, the following shall be substituted, namely:--
 - (1) The Governor of Bombay in Council may invest any Assistant Resident with the powers of a District Magistrate, or may invest any Assistant Resident or any other person with the powers of a Magistrate of the first, second or third class, as described in the [2]Code of Criminal Procedure, 1898, and such Assistant Resident or 1898 such other person so invested shall exercise such powers subject to the provisions of this Act.
 - (2) The Governor in Council may from time to time define the local area within which any Assistant Resident or any person invested with the powers of a Magistrate as aforesaid may exercise all or any of the powers with which they may respectively be invested under the said Code.
 - (3) Except as otherwise provided by such definition, the jurisdiction and powers of such persons shall extend throughout such district."

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

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

Special Magistrates

The Governor in Council may confer on any person all or any of the powers conferred or conferrable by or under the [2]Code of v of Criminal Procedure, 1898, on a Magistrate of the first, second or third 1898 class in respect to particular cases or to a particular class or particular classes of cases, or in regard to cases generally in any local area.

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

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

Except as otherwise provided by any order under this section, every such Bench shall have the powers conferred by the [1]Code of Criminal Procedure, 1898, on a Magistrate of the highest class to which any of its members who is present taking part in the proceedings as a member of the Bench, belongs, and as far as practicable shall, for the purposes of the said Code, be deemed to be a Magistrate of such class.

18C. The Governor in Council may, or subject to the control of the Rules for the Governor in Council, the Resident may from time to time make rules guidance of Benches of consistent with the [1]Code of Criminal Procedure, 1898 for the Magistrates. guidance of Magistrates' Benches respecting the following subjects:-

(a) the classes of cases to be tried;

(b) the times and places of sitting; (c) the constitution of the Bench for conducting trials;

(d) the mode of settling differences of opinion which may arise between the Magistrates in session.

18D. The Governor in Council may withdraw all or any of the Powers may powers conferred on any person under the [1]Code of Criminal drawn. Procedure, 1898.

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

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

"19. (1) An appeal shall lie to the Resident from the judgment or Appeal and order of a District Magistrate or a First Class Magistrate, except in Revision. cases in which the punishment awarded is imprisonment for a period of not more than two months with or without fine or a fine not more

section 19 of Act II of

than five hundred rupees.

- (2) An appeal from a judgment or order of any magistrate of the second or third class, where such appeal is allowed by the [1]Code of V of Criminal Procedure, 1898, shall lie to the Resident.
- (3) The Resident may, in all cases within the period allowed for appeal in appealable cases, call for any proceedings whatever of any magistrate at any stage thereof and may pass such order thereon as he may think fit."

Amendment of sections 20. Act II of 1864.

11. In sections 20, 23 and 27 of the said Act, for the words "Code of 23 and 27 of Criminal Procedure" the words and figures "[1]Code of Criminal V of Procedure, 1898" shall be substituted.

Amendment of section 22A of Act II of 1834.

- 12. In section 22A of the said Act,—
- (a) in sub-section (2) for the words "provisions of this Act regarding criminal procedure" the words "provisions of sections 19, 20, 21, 22, 23, 24, 25, 26, 27, 28 and 29 of this Act regarding criminal procedure "shall be substituted;
- (b) in sub-section (3) the following words shall be inserted at the beginning:-

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

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

Amendment of section 31 of Act II of 1864.

- 13. In section 31 of the said Act,
- (a) for the words "Court of the Additional Sessions Judge", wherever they occur, the words "Courts of the Additional Sessions Judge and District Magistrates and of Subordinate, Special and Bench Magistrates appointed under sections 18, 18A and 18B "shall be substituted; and
 - (b) before the words "and also" the words "for the admission of proper persons to be advocates, pleaders and attorneys in the Court of the Resident and in the other Civil and Criminal Courts in Aden and for the removal or suspension from practice for misbehaviour of any person so admitted and for prescribing the holidays and vacations of the said Courts" shall be inserted.

New sections 32 and 33 of Act II of 1864.

Power to make rules,

- 14. After section 31 of the said Act the following sections shall be inserted, namely :---
 - (1) The Resident may, from time to time, with the sanction of the Governor in Council, make rules consistent with this Act,-
 - (a) declaring what persons shall be permitted to act as petition writers in the Courts subordinate to him;

- (b) regulating the issue of licenses to such persons, the conduct of business by them, and the scale of fees to be charged by them;
- (c) providing a penalty of fine not exceeding Rs. 50 for the breach of any of the rules so made and determining the authority by which such breaches of the rules shall be investigated and the penalties imposed.
- (2) Every fine imposed under clause (c) of sub-section (1) shall be recoverable as if it were a fine imposed by a Magistrate in the exercise of his ordinary jurisdiction.
- "33. The Resident may, from time to time, with the sanction of Process fees. the Governor in Council, prescribe and regulate the fees to be taken for any process issued by any Court the constitution of which is declared by this Act or by any officer of such Court.

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

BOMBAY ACT No. VII OF 1927.[1]

[The Dekkhan Agriculturists' Relief (Amendment) Act, 1927]

[29th September 1927]

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

WHEREAS it is expedient further to amend the [2]Dekkhan Agriculturists' Relief Act, 1879, in manner hereinafter appearing; It is hereby enacted as follows:—

- 1. This Act may be called the Dekkhan Agriculturist. Relief Short title. (Amendment) Act, 1927.
 - 2. In section 35 of the [2]Dekkhan Agriculturists' Relief Act, 1879:—Amendment of section 3

(a) for the word, letter and brackets "clause (w)", the words, letters of Act XVII and brackets "clauses (w) and (x)" shall be substituted; and of 1879.

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

^[1] For Statement of Objects and Reasons see Bombay Government Gazette, 1927, Part V, pp. 1-2, and for proceedings in Council see Bombay Legislative Council Debates, 1927, Vol. XX.

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

BOMBAY ACT No. VIII OF 1927.[1]

[THE PRESIDENT'S SALARY (AMENDMENT) ACT, 1927]

[12th October 1927]

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

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

- 1. This Act may be called the President's Salary (Amendment) Act, Short title. 1927.
- 2. Section 2 of the [2]President's Salary Act, 1924, shall be Amendment re-numbered 2 (1), and the following sub-section shall be inserted as of section 2 of sub-section (2) of the said section, namely:—
 [In this Vol., p. 123.]

^[1] For Statement of Objects and Boasons see Bombay Government Gazette, 1927, Part V. p. 28, and for proceedings in Council see Bombay Legislative Council Debates, 1927, Vols. XIX and XX.

^[*] In this Vol., p. 123.

BOMBAY ACT No. IX OF 1927.[1]

[The Bombay Repealing and Amending Act, 1927]

[1st November 1927]

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

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

- 1. This Act may be called the Bombay Repealing and Amending Act, Short title. 1927.
- 2. The enactments specified in the First Schedule are hereby amended Amendments to the extent and in the manner mentioned in the fourth column thereof. of certain enactments.
- 3. The enactment specified in the Second Schedule is hereby repealed Repeal of to the extent mentioned in the fourth column thereof.
- 4. The repeal by this Act of any enactment shall not affect any Act Savings. or Regulation in which such enactment has been applied, incorporated or referred to;

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

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

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

^[1] For Statement of Objects and Reasons see Bombay Government Gasette, 1927, Part V, pp. 66-67, and for proceedings in Council see Bombay Legislative Council Debates, 1927, Vol. XX.

THE FIRST SCHEDULE

AMENDMENTS

(See section 2)

Year	Number	Short title	Amendments		
		Act of the Governor-General in Council			
1869	XIV	The [1]Bombay Civil Courts Act, 1869.	In the proviso to section 38 for the word "ten" the word "eighteen" shall be substituted.		
	•	the Governor of Bombay in Council			
1923	XI	The [*]Bombay Prevention of Prostitution Act, 1923.			
1925	VIII		In section 6 for the figure "4" the figure "5" shall be substituted.		
1926	ш		In article 18 in Schedule II in section 4, for entries (b) and (c) the following shall be substituted:— [In this Vol. 399.]		
1926	IX	The [5]Bombay Prevention of Prosti- tution (Amendment) Act, 1926.	In clause (a) in section 6 for the word, figures and brackets "clause 33 (i)" the		

THE SECOND SCHEDULE

REPEAL

(See section 3)

Year	Number	Short title	١.	,	Repeal		
1923	VII	The [6]Bombay Boiler Inspection (Amend- ment) Act, 1923.	The	whole Act.		,	

- [1] Vol. I of Bom. Code.
- [1] In this Vol., pp. 87-93.
- [*] In this Vol., pp. 191-193.
- [4] In this Vol., pp. 399-408.
- [⁵] In this Vol., p. 431.
- [*] Not printed in this Vol. as having been repealed.

BOMBAY ACT No. X OF 1927.[1]

[THE BOMBAY LOCAL BOARDS (AMENDMENT) ACT, 1927]

[3rd November 1927]

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

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

0.61.

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

Bom. VI of called "the said Act," the following provise shall be added, namely:—of Bom. VI of 1923.

[In this Vol., p. 34.]

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

[In this Vol., p. 34.]

Amendment of section 29 of Bom. VI of 1923.

4. In sub-section (1) of section 40 of the said Act,

(i) the word "and" occurring after the word "therein" shall be Amendment of section 40 eleted;

(ii) after the word "board" where it occurs for the first time the of 1923. following words shall be inserted, namely:—
[In this Vol., p. 40.] and

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

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

[In this Vol., p. 42.]

Section 45 of the said Act the following section shall be Insertion of a new section 45-A in Bom, VI of 1923.

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

(In this Vol., p. 43.]

of 1923.

7. After section 61 of the said Act, the following section shall be Insertion of a inserted, namely:—
[In this Vol., p. 49.]

61A in Bom.
VI of 1923.

8. To section 82 of the said Act, the following proviso shall be added, Amendment namely:—
[In this Vol., p. 57.]

of section 82 of Bom, VI of 1923.

^[1] For Statement of Objects and Reasonsece Bombay Government Gazette, 1927, Part V. pp. 37-38, and for proceedings in Council see Bombay Legislative Council Debates, 1927, Vol. XX.

^[*] In this Vol., pp. 23.

Amendment of section 89 of Bom. VI of 1923.

Amendment

of Bom. VI of

1923.

9. In clause (b) of sub-section (1) of section 89 of the said Act—
(a) the words "whether" and "or repair" shall be deleted;

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

(c) to the said clause the following proviso shall be added, namely:—
[In this Vol., p. 59.]

10. For sub-section (3) of section 92 of the said Act, the following

of Bom. VI of 1923. Shall be substituted, namely:— [In this Vol., p. 60.]

Amendment 11. In section 93 of the said Act, of section 93 (i) in sub-section (1),

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

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

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

(c) after clause (b) the following shall be inserted, namely:—
[In this Vol., p. 61.]

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

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

and

[In this Vol., p. 61.]

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

Amendment 12. In the provise to section 122 of the said Act after the word of section 122 "president" where it occurs for the first time, the following words shall of 1923. be added, namely:—" or to its Chief Officer".

Substitution 13. For section 137 of the said Act, the following section shall be of a new sec-substituted, namely:—
tion for section 137 of [In this Vol., p. 75.]

Bom. VI of 1923.

BOMBAY ACT No. XI OF 1927[1]

[THE BOMBAY DISTRICT POLICE (AMENDMENT) ACT, 1927]

[13th December 1927]

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

where As it is expedient further to amend the [2] Bombay District V of Police Act, 1890, in manner hereinafter appearing; And whereas the previous sanction of the Governor General required by section 80-A (3) & 6 of the Government of India Act has been obtained for the passing of this eo: V-Act; It is hereby enacted as follows:---

- 1. This Act may be called the Bombay District Police (Amendment) Short title. Act, 1927.
- 2. In clause (b) of section 3 of the [2] Bombay District Police Act, 1890, Amendment of hereinafter called the said Act, after the word "Act" the words "and of section 3 of Bom, IV 890. shall include, subject to the provisions of sub-section (2) of section 22-A, of 1890. an additional police officer" shall be inserted.

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

"22-A. (1) Any District Superintendent may in his discretion Power to appoint, for such time and on such pay, and of such rank or grade, as he additional shall think fit, additional police officers to enforce any of the provisions policeofficers. 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
- officer so appointed shall, (2) Every additional police appointment,-

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

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

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

(3) In any case in which such police officers are appointed on the Notice to be application of any person, such person may, by giving notice in writing, given for require that on the expiry of one month from the receipt by the District ance. 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.

^[1] For Statement of Objects and Reasons see Bombay Government Gazette, 1927, Part V, p. 151, and for proceedings in Council see Bombay Legislative Council Debates, 1927, Vol. XXI.

^[*] Vol. III of Bom. Code.

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

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

New section 51A of Bom. IV of 1890. 4. After section 51 of the said Act the following section shall be inserted, namely:—

When police may arrest without a warrant. "51-A. Any Police officer may, without an order from a Magistrate and without a warrant, arrest any person committing in his presence XI any offence punishable under section 3, 4, 5 or 6 of the [1]Prevention 180 of Cruelty to Animals Act, 1890."

Schedule C.

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

"SCHEDULE C

(See section 22-A)

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



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

BOMBAY ACT No. XII OF 1927.[1]

[THE BOMBAY CITY MUNICIPALITIES (SECOND AMENDMENT)
ACT, 1927]

[14th December 1927]

An Act further to amend the Bombay City Municipalities Act, 1925.[2]

om. WHEREAS it is expedient to amend the [2]Bombay City Municipalities Act, 1925, in manner hereinafter appearing; It is hereby enacted as 25. follows:—

- 1. This Act may be called the Bombay City Municipalities (Second Short title. Amendment) Act, 1927.
 - 2. In the provise (a) to section 24, substitute "1928" for "1927". Amendment of section 24 of Bom.

 XVIII of 1925.

^[1] For Statement of Objects and Reasons see Bombay Government Gazette, 1927, Part V, pp. 152-153, and for proceedings in Council see Bombay Legislative Council Debates, 1927, Vol. XXI.

^[3] In this Vol., p. 279.

The title of this Act has been changed to "The Bombay Municipal Boroughs Act, 1925" by Bom. Act IV of 1930, s. 4.

BOMBAY ACT No. XIII OF 1927.[1]

[THE BOMBAY CHILDREN (AMENDMENT) ACT, 1927]

[14th December 1927]

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

Bom. WHEREAS it is expedient further to amend the [2] Bombay Children XIII Act, 1924, in manner hereinafter appearing: AND WHEREAS the pre1924. vious sanction of the Governor General required by section 80-A (3)
5 & 6 of the Government of India Act has been obtained for the passing of this
Geo.V. Act; It is hereby enacted as follows:—
5. 61.

- 1. This Act may be called the Bombay Children (Amendment) Act, Short title. 1927.
- Bom. 2. To sub-section (2) of section 7 of the [2]Bombay Children Act, 1924, Amendment XIII hereinafter called the said Act, the following proviso shall be added, of section 7 of Bom. XIII namely:—

 of 1924.

[In this Vol., p. 128]

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

[In this Vol., p. 144]

of 1924.

^[1] For Statement of Objects and Reasons see Bombay Government Gazette, 1927, Part V, p. 144, and for proceedings in Council see Bombay Legislative Council Debates, 1927, Vol. XXI.

^[3] In this Vol., p. 125.

Amendment of section 89 of Bom. VI of 1923.-

Amendment

of section 93

1923.

of Born. VI of

- 9. In clause (b) of sub-section (1) of section 89 of the said Act-
 - (a) the words "whether" and "or repair" shall be deleted;
 - (b) after the word "have" the word "either" shall be inserted;
- (c) to the said clause the following proviso shall be added, namely:-[In this Vol., p. 59.]

10. For sub-section (3) of section 92 of the said Act, the following of section 92 shall be substituted, namely: [In this Vol., p. 60.]

of Bom. VI of 1923. Amendment

11. In section 93 of the said Act,

(i) in sub-section (1),

- (1) after the word "cess" where it occurs for the first and third times the words "at the rate" shall be inserted;
- (2) (a) for the word "and" occurring at the end of clause (a) a comma shall be substituted;
- (b) for the mark ":" occurring at the end of clause (b) the mark and word "and" shall be substituted; and
- (c) after clause (b) the following shall be inserted, namely:— [In this Vol., p. 61.]
- (3) after the word "that" in the proviso the words "the rate of" shall be inserted; and
- (4) after the proviso the following further proviso shall be inserted, namely:-

and [In this Vol., p. 61.]

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

12. In the provise to section 122 of the said Act after the word of section 122 " president " where it occurs for the first time, the following words shall of Bom. VI be added, namely :-- " or to its Chief Officer ". of 1923.

13. For section 137 of the said Act, the following section shall be Substitution of a new sec-substituted, namely :tion for sec-[In this Vol., p. 75.] tion 137 of Bom. VI of 1923.

BOMBAY ACT No. XI OF 1927.[1]

[THE BOMBAY DISTRICT POLICE (AMENDMENT) ACT, 1927]

[13th December 1927]

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

30m. WHEREAS it is expedient further to amend the [2] Bombay District V of Police Act, 1890, in manner hereinafter appearing; And whereas the previous sanction of the Governor General required by section 80-A (3) i & 6 of the Government of India Act has been obtained for the passing of this leo. V.Act: It is hereby enacted as follows:—

- 1. This Act may be called the Bombay District Police (Amendment) Short title. Act, 1927.
- 2. In clause (b) of section 3 of the [*] Bombay District Police Act, 1890, Amendment IV of hereinafter called the said Act, after the word "Act" the words "and of section 3 of Bom. IV shall include, subject to the provisions of sub-section (2) of section 22-A, of 1890. an additional police officer "shall be inserted.
 - 3. After section 22 of the said Act the following section shall be New section inserted, namely:-IV of 1890.
 - "22-A. (1) Any District Superintendent may in his discretion Power to appoint, for such time and on such pay, and of such rank or grade, as he additional shall think fit, additional police officers to enforce any of the provisions police officers. 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
- (2) Every additional police officer so appointed shall, appointment,-

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

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

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

(3) In any case in which such police officers are appointed on the Notice to be application of any person, such person may, by giving notice in writing, given for require that on the expiry of one month from the receipt by the District ance. 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.

^[1] For Statement of Objects and Reasons see Bombay Government Gazette, 1927, Part V, p. 151, and for proceedings in Council see Bombay Legislative Council Debates, 1927, Vol. XXI.

^[*] Vol. III of Bom. Code.

Payments to be accounted for.

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

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

New section 51A of Bom. IV of 1890. 4. After section 51 of the said Act the following section shall be inserted, namely:—

When police may arrest without a warrant. "51-A. Any Police officer may, without an order from a Magistrate and without a warrant, arrest any person committing in his presence any offence punishable under section 3, 4, 5 or 6 of the [1]Prevention 1 of Cruelty to Animals Act, 1890."

Schedule C.

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

· "SCHEDULE C

(See section 22-A)

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



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

BOMBAY ACT No. XII OF 1927.[1]

THE BOMBAY CITY MUNICIPALITIES (SECOND AMENDMENT)

ACT, 1927]

[14th December 1927]

An Act further to amend the Bombay City Municipalities Act, 1925.[2]

om. WHEREAS it is expedient to amend the [2]Bombay City Municipalities

VIII Act, 1925, in manner hereinafter appearing; It is hereby enacted as

125. follows:—

- 1. This Act may be called the Bombay City Municipalities (Second Short title. Amendment) Act, 1927.
 - 2. In the proviso (a) to section 24, substitute "1928" for "1927". Amendment of section 24 of Bom.
 XVIII of 1925.

^[1] For Statement of Objects and Reasons see Rombsy Government Gazette, 1927, Part V, pp. 152-153, and for proceedings in Council see Rombay Legislative Council Debates, 1927, Vol. XXI.

^[3] In this Vol., p. 279. .

The title of this Act has been changed to "The Bombay Municipal Boroughs Act, 1925" by Bom. Act IV of 1930, s. 4.

BOMBAY ACT No. XIII OF 1927.[1]

[The Bombay Children (Amendment) Act, 1927]

[14th December 1927]

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

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

- 1. This Act may be called the Bombay Children (Amendment) Act, Short title. 1927.
- Bon. 2. To sub-section (2) of section 7 of the [2]Bombay Children Act, 1924, Amendment XIII hereinafter called the said Act, the following proviso shall be added, of section 7 of Bom. XIII of 1924.

[In this Vol., p. 128]

3. For clause (a) of sub-section (1) of section 51 of the said Act, the Amendment of section 51 of the said Act, the Amendment of section 51 of Bom. XIII of 1924.

^[1] For Statement of Objects and Reasons see Bombay Government Gazette, 1927, Part V, p. 144, and for proceedings in Council see Bombay Legislative Council Debates, 1927, Vol. XXI.

^[*] In this Vol., p. 125.

BOMBAY ACT No. XIV OF 1927.[1]

[The Bombay Port Trust (Amendment) Act, 1927]

[23rd December 1927]

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

WHEREAS it is expedient further to amend the [2]Bombay Port Trust Act. 1879, in manner hereinafter appearing; And Whereas the previous sanction of the Governor General required by section 80A (3) of the Government of India Act has been obtained for the passing of this Act; 'It is hereby enacted as follows:--

- 1. This Act may be called the Bombay Port Trust (Amendment) short title. _ Act, 1927.
- 2. After sub-section (6) of section 22 of the [2]Bombay Port Trust Act, Amendment 1879, hereinafter called the said Act, the following shall be inserted, of section 22 namely:-

of 1879.

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

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

cial funds.

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

3. In section 49 of the said Act,-

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

Amendment of section 49 of Bom. VI

- "(1) (i) the salaries, fees, allowances, pensions, gratuities, compassionate allowances or other moneys due to the trustees and to the officers and servants appointed under this Act;
 - · (ii) the contributions, if any, duly authorized to be made.
 - (a) to any provident fund established by the said officers and servants, or,
 - (b) to such provident fund, if any, as may be established by the Board for the benefit of such officers and servants and the chairman:
 - (c) to such welfare fund or funds, if any, as may be established by the Board for the benefit of such officers and servants; Provided that

^[1] For Statement of Objects and Reasons see Bombay Government Gazette, 1927, Part V, pp. 159-60; and for proceedings in Council see Bombay Legislative Council Debates, 1927, Vol. XXI.

^[*] Vol. II of Bom. Code.

Amendment

of section 50

of Bom. VI of 1879. any contribution to a welfare fund established by the Board for the benefit of such officers and servants drawing not less than Rs. 300 a month shall not exceed the amount accruing from the following sources, viz.:—

- (i) fines levied from such officers and servants;
 - (ii) unclaimed salaries of such officers and servants; and
- (iii) forfeitures of contributions to the provident fund established by the Board for the benefit of such officers and servants;
- (iii) the contributions or appropriations to such special fund or funds as may be established by the Board for any of the purposes of this Act; and
- (iv) if any such provident fund or welfare fund or special fund be established by the Board, the cost and expenses, if any, which may be incurred by the Board in the conduct and administration thereof:"
- (b) the following proviso shall be added to the said section, namely:—
 "Provided also that the Board shall have power and shall be deemed always to have had power at any time to apply, with the sanction of Government, the moneys credited to the general account in payment of any other charge not included in the foregoing clauses of this section."
- 4. In section 50 of the said Act,—
 (a) the following shall be added to clause (3), namely:—
- "or welfare fund;" and
 (b) the following shall be inserted as clause (6), namely:—
- "(6) the payment of contributions or appropriations to any special fund or funds established by the Board under the provisions of this Act to which the Board consider contributions or appropriations should be made from the pilotage account as well as or instead of from the General Account."

BOMBAY ACT No. XV OF 1927.[1]

[The Bombay Primary Education (Amendment) Acr, 1927]

[10th January 1928]

An Act to amend the Bombay Primary Education Act, 1923.

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

- 1. This Act may be called the Bombay Primary Education Short title. (Amendment) Act, 1927.
- Bom. 2. In sub-section (1) of section 9 of the [*]Bombay Primary Education Amendment IV of Act, 1923, for the words "on the recommendation" the words "after of section 9 of Bom. IV inviting and considering the suggestions, if any," shall be substituted. of 1923.

^[1] For Statement of Objects and Ressons see Bombay Government Gazette, 1927, Part V. pp. 145-146; and for proceedings in Council see Bombay Legislative Council Debates, 1927, Vol. XXI.

^{. [2]--[2]} In this Vol., p. 7.

spective

BOMBAY ACT No. XVI OF 1927.[1]

[The Mahul Creek (Extinguishment of Rights) (Amendment)
Act, 1927]

[10th January 1928]

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

WHEREAS it is expedient to amend the [2] Mahul Creek (Extinguishment of Rights) Act, 1922, in manner hereinafter appearing; It is hereby enacted as follows:—

- 1. This Act may be called the Mahul Creek (Extinguishment of Short title. Rights) (Amendment) Act, 1927.
- 2. In the preamble and section 2 of the [*]Mahul Creek (Extin-Amendment guishment of Rights) Act, 1922, hereinafter called the said Act, the of preamble and section 2 of Bom. IV of 1922.
- 3. The amendments made by section 2 shall be deemed to have been Amendments made and to have had effect from the date on which the said Act came made by action 2 to have retro-

for interference with such tidal rights.

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

^[1] For Statement of Objects and Reasons see Bombay Government Guzelle, 1927, Part V, pp. 88-89; for Report of the Select Committee see soid, 1927, Part V, pp. 163-164; and for proceedings in Council see Bombay Legislative Council Debates, 1927, Vol. XXI.

[2]—[3] Vol. V of Bom. Code.

BOMBAY ACT No. XVII OF 1927.[1]

[THE BOMBAY COTTON MARKETS ACT, 1927]

[30th January 1928]

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

WHEREAS it is expedient to provide for the establishment of recognized open markets for the purchase and sale of cotton in the Bombay Presidency excluding the City of Bombay, Aden and the town of Karachi, and for the better regulation of such markets; And Whereas the previous sanction of the Governor General required by 5 & 6 section 80-A of the Government of India Act and the previous sanction Geo. V. of the Governor required by section 80-C of the said Act have been obtained for the passing of this Act; It is hereby enacted as follows:—

- 1. This Act may be called the Bombay Cotton Markets Act, 1927. Short titl
- 2. This Act shall apply to the whole of the Presidency of Bombay Extent. except the City of Bombay, Aden and the town of Karachi comprising, as from time to time constituted, the municipal district of Karachi, the Port of Karachi and the Cantonments of Karachi and Manora.
- 3. In this Act, unless there is anything repugnant in the subject Definitions or context,—
 - (i) "Cotton" includes ginned cotton and unginned cotton.
- "Cotton."
- (ii) "Cotton market" means a market established under section 4, "Cotton market."
- (iii) "A grower of cotton" shall not include a dealer or broker in "Grower of cotton, although such a person may grow cotton. If a question arises cotton." whether any person is a grower of cotton or not for the purpose of this Act, the decision of the Collector of the district in which the person permanently resides shall be final.
- (iv) "Prescribed" means prescribed by rules or by-laws made "Prescribed." under this Act.
- 4. (1) The local Government may, after consulting the District Local Notification Board and such other local authorities as they deem necessary or upon of a cotton a representation made by the District Local Board, by notification in the Bombay Government Gazette, declare that any place shall be a cotton market established under this Act.
 - (2) Every such notification shall define the limits of the cotton market so established, and may, for the purposes of this Act, include within such limits such local area as the local Government may prescribe.
 - 5. For every cotton market there shall be a market committee. The The Market market committee shall be constituted as prescribed and shall consist Committee.

^[1] For Statement of Objects and Reasons, see Bombay Government Gazette, 1927, Pt. V. p. 8; for Report of the Select Committee see ibid pp. 102-109 and for proceedings in Council, see Bombay Legislative Council Debates, 1927, Volumes XX and XXI.

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

Rules.

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

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

(i) the election and nomination of members of the market committee, the number of members to be elected by each of the bodies or groups of individuals referred to in section 5, and the manner of election, the preparation and revision of lists of voters from time to time, the payment of all expenditure in connection with or incidental to such election and the term of office of such members;

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

- (iii) the election of the chairman of such committee and his term of office;
- (iv) the filling of casual vacancies in the offices of members or in the office of chairman of the market committee;
- (v) the management of the cotton market and the prescribing of fees by the market committee, and, subject to the provisions of this Act, the collection and disposal of such fees;
 - (vi) the issue by the market committee of licenses to brokers, weighmen, measurers, surveyors, and warehousemen and other persons using the cotton market, the form in which, and the conditions under which such licenses shall be issued, and the fees to be charged for such licenses;

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

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

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

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

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

^[1] For Rules under this section, see Government Notification in the Revenue Department, No. 375/28, dated the 30th October 1929, published in the Bombay Government Gazette, 1929, Part I, pp. 2371-80.

(xii) the preparation of an annual budget and its submission for sanction, and the reports and returns which shall be furnished by the market committee;

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

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

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

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

Council tabled at the next session.

- Subject to any rules made by the local Government under the last By-laws preceding section and with the previous sanction of the Commissioner, the market committee may, in respect of the cotton market under its management, make by-laws for the regulation of the business and the conditions of trading in such market and may provide that contravention thereof shall on conviction by a magistrate be punishable with fine which may extend to fifty rupees.
- 8. The market committee may appoint one or more of its members Sub-committo be a sub-committee or to be a joint committee for the conduct of any tees and joint work or works or to report on any matter or matters, and may and delegate to any one or more of its members such of its own powers as delegation of powers. may be necessary...
- 9. (1) The market committee may employ such officers and servants Appointas may be necessary for the management of the cotton market and may ments and pay such officers and servants such salaries as the committee thinks fit, servants of The committee may, in the case of any officer or servant of Government the market which it employs, pay such pension contribution, gratuity or leave allow-committee. ance as may be required by the regulations made by Government in this behalf and for the time being in force.

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

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

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

(2) No contract other than a contract executed as provided in subsection (I) shall be binding on a market committee.

11. All monies received by a market committee shall be paid into The market a fund to be called the "Market Committee Fund" and all expenditure committee incurred by the market committee under or for the purposes of this Act

shall be defrayed out of the said fund; and any surplus remaining after such expenditure has been met shall be invested as may be prescribed in the rules made in this behalf.

Purposes for which the market committee fund may be expended.

- 12. Subject to the provisions of section 11 the market committee fund shall be expended for the following purposes only :---
 - (i) the maintenance and improvement of the cotton market;
 - (ii) the construction and repair of buildings which are necessary for the purposes of such market and for the health, convenience and safety of the persons using it;
 - (iii) the pay, pensions, leave allowances, gratuities and pensions -or provident fund contributions of the officers and servants employed by the market committee; and
 - (iv) the expenses of and incidental to elections.

No trade recognized by custom or rulesallowable.

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

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

Market committee to be a body corporate.

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

Power to borrow.

- 15. (1) Every market committee may, with the previous sanction of the local Government, raise the money required for carrying out the purposes of this Act on the security of any property vested in and belonging to the market committee, and of any fees leviable, by the market committee under this Act.
- (2) The conditions under which such money shall be raised and the time within which the same shall be repayable shall be subject to the previous sanction of the local Government.

Supersession of market committee.

16. (1) If in the opinion of the local Government a market committee is not competent to perform, or persistently makes default in the performance of, the duties imposed on it by or under this Act, or exceeds or abuses its powers, the local Government may, by an order published in the Bombay Government Gazette, declare such market committee to be incompetent, or in default, or to have exceeded or abused its powers, as the case may be, and may supersede it.

- (2) When a market committee has been superseded, all members of the committee shall, as from the date of the order, vacate their offices as members.
- (3) When a market committee has been superseded, all property and rights vested in it shall, subject to all charges and liabilities affecting the · same, vest in Government:

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

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

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

- 18. Whoever in contravention of this Act, sets up, establishes, Penalties. continues or allows to be continued any market for the purpose of the purchase and sale of cotton, or violates the conditions under which he has been allowed to set up, establish or continue, any such market, shall on conviction by a magistrate be punished with fine which may extend to Rs. 500, and, in case of a continuing breach of the provisions of section 17, with fine which may extend to Rs. 100 for each day after the first during which the breach continues.
- 19. No offence under this Act or under any rule made under Offences to be section 6 or under any by-law made under section 7 shall be triable by triable only by a First a magistrate other than a magistrate of the First Class. Magistrate.

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

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

BOMBAY ACT No. III OF 1928.[1]

THE BOMBAY NON-AGRICULTURISTS' LOANS ACT, 1928]

[30th March 1928]

Amended by

Number of Act. Bom. Act No. XI .. Year.

1928

An Act to provide for the grant of loans by Government to non-agriculturists for the relief of distress or other calamities and for the recovery of such loans.

WHEREAS it is expedient to provide for the grant of loans by Government to non-agriculturists for the relief of distress caused by floods or other calamities and for the recovery of such loans in manner hereinafter. appearing:

And whereas the previous sanction of the Governor General required by sub-section (3) of section 80A and the previous sanction of the Red. V. Governor required by section 80C of the Government of India Act have 61. been obtained for the passing of this Act; It is hereby enacted as follows :-

- 1. This Act may be called "the Bombay Non-Agriculturists' Loans Short title. Act, 1928,"
- 2. Section 1 and this section extend to the whole of the Bombay Extent. Presidency. The rest of the Act may be extended by the Local Government by notification in the Bombay Government Gazette to any part of the Presidency from such date as may be specified in such notification.
- 3. Subject to such rules as may be made under section 6, loans may Purpose for be granted under this Act for rebuilding or repairing houses or for the which loans XII of relief of distress to any person to whom a loan under the [2]Agricul- may be 1884. turists' Loans Act, 1884, cannot be granted.

4. All loans granted after the 1st day of August 1927 to such persons Loans already as are referred to in section 3 for the purpose mentioned therein shall be granted to be deemed to be loans granted under this Act.

deemed to have been granted under

5. [3] All loans granted or deemed to have been granted under this Recovery of Act, together with all interest (if any) chargeable thereon, and costs loans. (if any) incurred in making or recovering the same shall be recoverable

^[1] For Statement of Objects and Reasons see Bombay Government Gazette, 1928, Pt. V. 7; and for proceedings in Council see Bombay Legislative Council Debates, 1928, Vol. XXII.

^[1] General Acts, Vol II.

^[2] The figure and brackets "(1)" were repealed by Bom. Act XI of 1928, c. 3 and Second Schedule.

at the discretion of the Collector in any one or more of the following modes, namely:—

- (a) from the borrower—as if they were arrears of land revenue due by him;
- (b) from his surety (if any)—as if they were arrears of land revenue due by him;
- (c) out of the assets left by a deceased borrower or surety or out of the property comprised in the collateral security (if any)—according to the procedure for the realization of land revenue by the sale of a defaulter's moveable or immoveable property other than the land on which that revenue is due;
- (d) if the loan is for the benefit of a house, out of such house,—as if it were arrears of land revenue due in respect of the land on which the house stands.

Power to make rules.

- 6.[1] (1) The Local Government may, from time to time, by notification in the *Bombay Government Gazette*, make rules to carry out the purpose of this Act.
- (2) In particular and without prejudice to the generality of the foregoing power, such rules may be made for the following matters, namely:—
 - (a) the manner of making applications for loans;
 - (b) the officers by whom loans may be granted;
 - (c) the nature of the security, if any, to be taken for the due application and repayment of the money, the rate of interest at which and the conditions under which the loans may be granted and the manner and term of granting loans; and
 - (d) the instalments by which and the mode in which loans shall be repaid.

^[1] For Rules under this section, see Government Notification in the Finance Department, No. 6004-E., dated the 1st December 1930, published in the Bombay Government Gazette, 1930, Part I, pp. 2951-58.

BOMBAY ACT No. IV OF 1928[1]

[THE BOMBAY UNIVERSITY ACT, 1928]

[2nd August 1928]

Amended by

Number of Act		`			Year	
Bom. Act No.	XII		•.•		1928	
99 99 99	XIII			• •	1929	
11 , 12 11	$\mathbf{X}\mathbf{V}^{\perp}$.		• •		1930	
91 99 11	$\mathbf{X}\mathbf{X}$	•			1930	

An Act to amend the law relating to the University of Bombay.

WHEREAS by [2]Act XXII of 1857 a University was established and incorporated at Bombay;

Iof And whereas the law relating to the said university was amended by

1904. the [8] Indian Universities Act, 1904;

And whereas it is necessary to reconstitute the said University to enable it to provide greater facilities for higher education and to conduct post-graduate teaching and research in all branches of learning, including technology, while continuing to exercise due control over the teaching technology, while continuing to exercise due control over the teaching technology, while continuing to exercise due control over the teaching technology, while continuing to exercise due control over the teaching technology, while continuing to exercise due control over the teaching the factor of the Governor General required by section 80A (3) and the previous sanction of the Governor required by section 80C of the Government of India Act have been obtained for the passing of this Act; It is hereby enacted as follows:—

CHAPTER I .- PRELIMINARY.

1. This Act may be called the Bombay University Act, 1928.

Short title

- 2. This section and sections 1 and 44 shall come into operation at Commence-once. The rest of the Act shall come into operation on such date as ment. Government may, by notification[4] in the Bombay Government Gazette, appoint in this behalf.
- 3. In this Act, unless there is anything repugnant in the subject or Interpretacontext—
 - (a) "College" means an affiliated college;

[*] General Acta, Vol. I. [*] General Acta, Vol. IV.

[4] Sections 3 to 43 and 45 to 52 came into operation on 24th January 1929 (ride Government Notification in the Educational Department, No. 3132, dated the 23rd January 1929, published in the Bombay Government Gazette, 1929, Part I, p. 132).

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^[1] For Statement of Objects and Reasons see Bombay Government Gazette, 1927, Part V, p. 81; for Report of the Select Committee see ibid, 1927, Part V, p. 114; and for proceedings in Council see Bombay Legislative Council Debates, 1927, Vols. XX and XXI, and 1928, Vol. XXII.

- (b) "Fellow" means an ex-officio Fellow or an ordinary Fellow of the University appointed under the provisions of this Act but does not include an Honorary Fellow;
 - (c) "Head Master" means the head of a High School registered by the University;
 - (d) "Prescribed" means prescribed by the Act or by any Statutes, Ordinances or Regulations made thereunder;

(e) "Principal" means the head of a college;

(f) "Registered Graduate" means a graduate registered under the VIII provisions of this Act or of [1]the Indian Universities Act, 1904;

(g) "Statutes," "Ordinances" and "Regulations" mean respectively the Statutes, Ordinances and Regulations of the University made or deemed to have been made under this Act and for the time being in force;

(h) "Teacher" means such Professor, Reader, Lecturer and person giving instruction in any college as may be declared by the Statutes

to be a teacher;

(i) "University" means the University of Bombay as reconstituted

under this Act;

- (j) "University Department" means any collegiate institution or post-graduate or research department maintained by the University;
- (k) "University Professor" means a person appointed as such by the University; and
- (l) "University Teacher" means a person appointed by the University to give instruction on its behalf.

CHAPTER II .- THE UNIVERSITY.

- Incorporation and powers of the University.
- 4. (1) The University shall be and shall be deemed to have been incorporated for the purpose (among others) of making provision for the instruction of students, with power to appoint University Professors and University teachers, to hold and manage educational endowments, to erect, equip and maintain University laboratories and museums, to make regulations relating to the residence and conduct of students, to lay down courses of instruction for the various examinations, to guide the teaching in colleges, to inspect colleges and to take measures to ensure that proper standards of teaching are maintained in them, to hold examinations, to confer degrees, to undertake post-graduate teaching and to promote research, and to do all acts, not inconsistent with this Act, which tend to the promotion of study and research.
- (2) The Chancellor, Vice-Chancellor, the Rector (if any), the Fellows and all persons who may hereafter become or be appointed or elected to be Chancellor, Vice-Chancellor, Rector or Fellows as hereinafter mentioned, so long as they shall continue to be such Chancellor, Vice-Chancellor, Rector or Fellows, are hereby constituted and declared to be one Body Corporate by the name of the University of Bombay; and such

Body Corporate shall, by such name, have perpetual succession and

a common seal, and by such name shall sue and be sued.

(3) The University shall be competent to acquire and hold property, both moveable and immoveable, to lease, sell or otherwise transfer any moveable or immoveable property which may have become vested in or been acquired by it for the purposes of the University and to contract and do all other things necessary for the purposes of this Act.

[1]4A. The territorial limits within which the powers conferred upon Territorial the University by this Act shall be exercised shall comprise the whole of University. the Bombay Presidency (excluding Aden) and such Indian States and other territories as may, from time to time, be notified in this behalf by the Local Government in the Bombay Government Gazette.

- 5. (1) The Chancellor shall have the right to make an inspection Inspection of or to cause an inspection to be made by such person or persons, as he the Univermay direct, of the University, of any institutions associated with the University and of any work conducted or done by the University, and to make an enquiry or to cause an enquiry to be made in like manner in respect of any matter connected with the University. The Chancellor shall in every case give notice to the Senate of his intention to make an inspection or enquiry or to cause an inspection or enquiry to be made,
- and the Senate shall be entitled to be represented thereat. (2) The Chancellor may, after such inspection or enquiry, by order in writing, cancel any decision of the University or any authority thereof in respect of any matter which is not in conformity with this Act and the

Provided that, before making any such order, he shall call upon the Religious and Senate to show cause why such an order should not be made, and if any other tests. cause is shown within a reasonable time, he shall consider the same.

- 6. No person shall be excluded from membership of any of the authorities of the University or from admission to any degree or course of study on the sole ground of sex, race, creed or class, and it shall not be lawful for the University to adopt or impose on any person any test whatsoever relating to religious belief or profession in order to entitle him to be admitted thereto as a teacher or student or to hold any office therein or to graduate thereat or to enjoy or exercise any privileges thereof except where in respect of any particular benefaction accepted by the University such test is made a condition thereof.
 - 7. The following shall be the authorities of the University:-
 - (1) The Senate.
 - (2) The Faculties.
 - (3) The Syndicate,
 - (4) The Academic Council.

Statutes, Ordinances and Regulation: :

- (5) The Board of Post-graduate Studies,
- (6) Such other bodies as the Senate may declare by Statutes to be authorities of the University.

[1] Section 4A was inserted by Bom. Act XX of 1930, s. 2. MO VA 3-31a

Authorities of the University.

CHAPTER III.—THE SENATE. ITS POWERS, CONSTITUTION AND DUTIES.

Constitution 8. The Senate shall consist of the Fellows of the University (exof the Senate officio and ordinary).

The Chan-

- 9. (1) The Governor of Bombay, for the time being, shall be the Chancellor of the University. He shall, by virtue of his office, be the head of the University and the President of the Senate and shall, when present, preside at meetings of the Senate and at any convocation of the University.
- (2) The Chancellor shall exercise such powers as may be conferred on him under the provisions of this Act.

The Vice-Chancellor. 10. The Chancellor shall appoint a Vice-Chancellor who shall, save as herein otherwise provided, hold office for two years, and shall be eligible for reappointment.

Powers of the Vice-Chancellor.

- 11. The Vice-Chancellor shall be responsible for the proper administration of the University and shall
 - (a) in the absence of the Chancellor, preside at the convocation and meetings of the Senate;
 - (b) convene the Senate;
 - (c) preside when present at the meetings of the Syndicate and exercise such other powers as may be conferred on him by this Act, the Statutes, Ordinances and Regulations.

The Rector.

- 12. (1) The Senate may create the office of the Rector by a statute to be framed by a majority of at least three-fourths of the whole number of Fellows.
- (2) The Rector shall be a wholetime salaried officer of the University. He shall, subject to the approval of the Government, be appointed by the Senate and shall have rank and precedence next after the Chancellor and the Vice-Chancellor.
- (3) The Senate may, subject to the provisions of this Act, frame Statutes prescribing the manner of appointment of the Rector, the salary and conditions of his office and his powers and duties.

Fellows.

13. (1) The Fellows of the University shall be-

I. Ex-officio.

(A) (i) The Chancellor,

(ii) The Vice-Chancellor,

(iii) The Rector (if any),

- (iv) The Registrar of the University.
- (B) (i) The Chief Justice of Bombay,

(ii) The Minister of Education, Bombay,

(iii) The Director of Public Instruction, Bombay,

(iv) The Surgeon General with the Government of Bombay,

(v) The Director of Agriculture, Bombay,

(vi) The Secretary to the Government of Bombay, Public Works Department, (vii) Vice-Chancellors of other Universities, if any, established by law in the Bombay Presidency, and holders of such other offices as are prescribed by Statutes: provided that the number of such Fellows shall not exceed five.

(C) All Heads of University Departments.

II. Ordinary.

(A) Elected as prescribed below:	-
(i) By one electorate of principals of colleges entitled to send up students for degree examination from among themselves a	
under:-	13
[1](a) Principals of arts colleges as follows:—	
(1) one principal elected by separate elections to represent	
the principals of arts colleges in each group as hereinafter	
defined	5
(2) three principals elected by a separate election to	
represent the principals of arts colleges in all the groups as	
hereinafter defined	3
(b) Principals of colleges of pure science	1
(c) Principals of colleges of medicine	1
(d) Principals of colleges of agriculture	1
(e) Principals of colleges of engineering	1
(f) Principals of colleges of law	. 1
(ii) By University teachers and teachers including principals	
from among themselves	20
(iii) One by head masters of schools in each group from	
among themselves	5
(iv) By public associations or bodies in British India as	
under:-	15
(a) Municipal Corporation of the City of Bombay	
(b) Indian Merchants' Chamber '	1
(c) Chamber of Commerce	1
(e) Millowners' Association, Ahmedabad	
(f) [2] Municipal Boroughs of the Gujarat Group	1
(g) [2] Municipal Boroughs of the Deccan Group.	ī
(h) [2] Municipal Boroughs of the Karnatak Group	. 1
(i) [2] Municipal Boroughs of the Konkan Group (except	_
Bombay City)	1
(j) [3]Municipal Boroughs of the Sind Group [3] and the	
Karachi Municipality	1
(k) District local boards of the Gujarat Group	<i>:</i> 1
(1) District local boards of the Deccan Group	1
(m) District local boards of the Karnatak Group	1

^[1] This entry was substituted by Bom. Act XV of 1930, s. 2.

^{[*]-[*]} The words "Municipal Boroughs" were substituted for the words "City municipalities" by Bom. Act XIII of 1929, s. 2.

^[*] These words were inserted by Bom. Act XIII of 1929, a. 2.

(n) District local boards of the K	onkan Gr	oup .	•	1
(o) District local boards of the Sin				1
(v) By registered graduates		• •		25
(vi) By the Faculties	••	••		10
(vii) By the Legislative Counc	il of the	Governor of	Bom-	
bay, of whom one shall be the re				
sity on the Council if he is_t	not alrea	dy a mem	ber of	
the Senate			••	5

[1]Provided that,—

(1) every person elected under any of the entries (i), (ii) and (iii) shall hold the office of a Fellow only so long as he occupies the office or comes under the designation which entitled him to be so elected; and

(2) the Fellows representing the Legislative Council of the Governor of Bombay shall hold office for the duration of the Legislative Council electing them and thereafter up to the date on which new Fellows are elected by next Council.

Explanation (1).—For the purposes of this section [2]* * * the Bombay Presidency (excluding Aden) shall be divided into the following groups:—

Name of Group.

Territorial extent of the group.

1 Gujarat group	. Ahmedabad, Surat, Panch Mahals, Kaira and Broach districts.
2 Konkan group	. The City of Bombay and the Nasik, Thana, Bombay Suburban, Ratnagiri and Kolaba districts.
3 Deccan group	Poona, Satara, Sholapur, Ahmednagar, West Khandesh and East Khandesh districts.
4 Karnatak group 5 Sind	Belgaum, Dharwar, Bijapur and Kanara districts. Province of Sind.
	th Advisory values

The Senate shall, by statute, determine to which of the groups abovementioned schools and colleges in Indian States [3] and other territories within the territorial limits of the University [3] shall be attached.

Explanation (2).—The [4]** municipalities and district local boards mentioned in sub-clauses (f), (g), (h), (i), (j), (k), (l), (m), (n) and (o) are free to elect a person, who need not be a member of the city municipality or a district local board, to represent them on the senate.

(B) Nominated by the Chancellor 40

(C) Donors to, or for the purposes ct, the University of money or property to the value of not less than one lakh of rupees, if willing to serve, to be subject to the provisions cf sections 14, 15 and 17 Fellows for life.

(D) One nominee of each of the bodies giving a donation to, or for the purposes of, the University of money or property to the value

^[1] This provise was added by Bom. Act XV of 1930, s. 2.

^{[¶} The words"the Schools and Colleges in" were omitted by Bom. Act XIII of 1929, s. 2.

^[*] These words were inserted by Bom. Act XX of 1930, s. 3.

^[4] The word "City" was omitted by Bom. Act XIII of 1929, s. 2.

of not less than one lakh (frupees: Provided that the right of making any such nomination and, subject also to the provisions of sections 14, 15, 16 and 17, the tenure of any such nominee shall not extend beyond a period of twenty years from the date of the acceptance by the University of any such donation.

Explanation.—For the purposes of this section the value of any property offered as a donation to the University shall mean the market value of such property on the date of acceptance of the donation by the

- (2) If in the case of any election the question is raised whether any person is or is not a Principal or a University Professor or University teacher or Head-master or a teacher the question shall be decided by the Vice-Chancellor.
- 14. (1) If any person being Chancellor, Vice-Chancellor, or Fellow Office vacated of the said University shall leave India without the intention of returning by leaving India. thereto, his office shall thereupon become vacant.
- (2) If the Vice-Chancellor is temporarily absent from India the Chancellor may appoint another person to act as Vice-Chancellor during the absence of the absent Vice-Chancellor.
- 15. (1) Any Ordinary Fellow may, by letter addressed to the Vacating of Chancellor, resign his office and on the acceptance of the resignation the office. office shall become vacant.
- (2) If for a period of twelve consecutive months any ordinary Fellow except a fellow for life, has not attended a meeting of the Senate, other than a convocation, the Chancellor may declare his office to be
- [1](3) Any person who holds any office in the University by virtue of his being a Fellow, shall cease to hold such office on his ceasing to be a Fellow.
- 16. (1) The Ordinary Fellows shall, save as herein otherwise provided, Term of office hold office for five years.

of ordinary Fellows.

- (2) An Ordinary Fellow who has vacated his office may, subject to the provisions of this Act, be elected or nominated to be an Ordinary Fellow.
- 17. The Local Government may, on the recommendation of the The appoint-Senate supported by at least two-thirds of the whole number of Fellows, ment of . cancel the appointment of any person appointed cr elected a Fellow of the becancelled. University. As soon as such order is notified in the Bombay Government Gazeite, the person so appointed or elected shall cease to be a Fellow; and he shall not be eligible for re-appointment or re-election until the disqualification has been removed by the local government by a notification in the Bombay Government Gazette.
- 18. (1) The Senate shall be the supreme governing body of the Powers of University and shall exercise all powers and perform all duties conferred the Senate. or imposed on it by or under this Act as well as all powers of the University not provided for in this Act.

- (2) In particular, and without prejudice to the generality of the foregoing provision, the Senate may—
 - (a) save as provided in section 44 make, amend, or repeal Statute and accept, reject or refer back but not amend draft Statutes submitted by the Syndicate;

(b) subject to the provisions of this Act consider and cancel or refer back but not amend ordinances of the Syndicate, and regulations of the Academic Council;

- (c) consider and pass resolutions on the Annual Report, Accounts and Estimates;
- (d) consider the Annual Financial Statement placed before it by the Syndicate and pass it with such modifications as the Senate may think fit:
 - (e) make provision for the physical [1]* * * training of students;
- [2] (ee) make grants from the funds of the University towards the maintenance of any University Corps established for the University under the Indian Territorial Force Act, 1920;
- (f) institute and maintain profe sorships and other teaching posts, University Departments and hostels, found scholarships and prizes, and encourage the pursuit of learning by other means;

(g) grant and conter degrees;

- (h) elect office-beare s and authorities provided in this Act and Statutes;
- (i) accept donations and endowments, and, if the interests of the University so require, give up any donation or endowment it has accepted:

(j) consider and decide appeals in cases where such appeal is provided

for in the Statutes;

(k) delegate any of its powers to such authority or authorities as it may deem fit; and

(l) generally do all such other acts and things as may be necessary or desirable to further the objects of the University.

CHAPTER IV .- FACULTIES.

Faculties.

19. (1) The University shall include such Faculties as are constituted by the Senate by Statutes from time to time.

(2) The Senate shall frame Statutes prescribing the constitution of

each Faculty.

- (3) A fellow may be assigned, on the recommendation of the Syndicate, to one or more Faculties.
- (4) The Syndicate shall frame Ordinances governing the conduct of business of each Faculty and the appointment by each Faculty of its Chairman (to be called the Dean).
- (5) The Senate may empower any Faculty to co-opt as members to serve on Boards of Studies controlled by it persons who possess special

^[1] The words "and military" were omitted by Bom. Act XII of 1928, s. 2.

^[2] This clause was inserted by Bom. Act XII of 1928, s. 2.

knowledge of the subjects of study represented by the Faculty, but who are not Fellows, in such manner and for such period as may be prescribed by the Syndicate by ordinance:

Provided that the number of persons so co-opted by any Faculty shall

not exceed half the number of fellows assigned to that Faculty.

CHAPTER V .- THE SYNDICATE.

- 20. (1) The executive government of the University shall be vested The. in the Syndicate constituted as follows from among the fellows:

 Syndicate.
 - (a) the Vice-Chancellor;
 - . (b) the Rector, if any;
 - (c) the Director of Public Instruction, Bombay;
 - [1] [(d) seven persons elected by the members of the Academic Council from among themselves as follows:—
 - (i) one to represent each Faculty by separate elections; and
 - (ii) the remaining, if any, to represent the Academic Council generally;
 - (e) nine persons to be elected by the Senate from among the fellows who are neither Principals, University Professors, University Teachers, Teachers nor Head Masters.
- (2) Every member of the Syndicate shall hold office for three years, or until he ceases to be a fellow, whichever period is shorter.
- (3) The Senate shall frame Statutes prescribing the manner of election of elected members of the Syndicate and the conditions governing their term of office.
- (4) If in the case of any election the question is raised whether any person is or is not a Principal or a University Professor or a University Teacher or teacher or head master, the question shall be decided by the Vice-Chancellor.
 - 21. The Syndicate shall have power-

Powers and duties of the Syndicate.

- (a) to direct the form, custody and use of the common seal of the Syndicate.

 University:
- (b) subject to the powers conferred by this Act on the Senate, the Vice-Chancellor and the Rector (if any), to regulate and determine all matters concerning the University in accordance with the provisions of this Act, the Statutes and the Ordinances;
- (c) to accept, reject, return to the Academic Council for reconsideration, but not amend regulations framed by the Academic Council;
- (d) to frame the budget of the University for the consideration of the Senate;
 - (e) to administer the funds and property of the University;
- (f) save as otherwise provided by this Act or the Statutes, to appoint on the recommendation of a committee of selection if any as required by the Act or Statutes the officers (other than the Chancellor, the

^[1] This clause was substituted by Bom. Act XV of 1930, s. 4.

Vice-Chancellor and the Rector), University Professors, University Teachers and servants of the University, to define their duties and the conditions of their service, and to provide for the filling of temporary vacancies in their posts;

(g) to accept, subject to the direction of the Senate, transfer of any

moveable or immoveable property on behalf of the University;

(h) to arrange for and direct the inspection of colleges and hostels, and to issue instructions for maintaining the efficiency of the Colleges and in case of disregard of such instructions, to recommend modification-of the conditions of affiliation and to take such other steps as it deems proper;

(i) to call for reports, returns and other information from the

Colleges;

- (j) to appoint examiners and to make ordinances for the conduct of University examinations;
- (k) to publish the results of the University examinations and other tests;
- (1) to control the University library and to appoint a library committee provided that at least half the members of the Committee shall be appointed from the Academic Council;

(m) to provide for buildings, premises, furniture, apparatus and

other means needed for carrying on the work of the University;

(n) to enter into, vary, carry out, and cancel contracts on behalf of the University in the exercise or performance of the powers and duties assigned to it by the Act and the Statutes;

(o) to make, amend and cancel ordinances;

(p) to fix, demand and receive such fees for the degrees to be conferred by it and upon admission into the University and for continuance therein and for other purposes of a like nature as may be prescribed by Statutes;

(q) to make provision for post-graduate instruction and research;

and

(r) to exercise such other powers and perform such other duties as may be conferred or imposed on it by this Act or the Statutes:

Provided that the Syndicate shall not arrive at any decision in regard to matters referred to in clauses [1] (h) and (j) without inviting and receiving a report thereon from the Academic Council.

CHAPTER VI.—THE ACADEMIC COUNCIL.

Constitution of the Academic Council.

- 22. The Academic Council shall consist of the following members, all of whom need not be fellows:—
 - (i) The Rector, if any, otherwise the Vice-Chancellor the Chairman;

(ii) Deans of Faculties;

(iii) Such number of representatives not exceeding five of the University Professors and whole-time University teachers, as may be determined by Statute;

^{1] &}quot;(h)" was substituted for "(b)" by Bom. Act XV of 1930, s. 5.

- (iv) two Headmasters to be elected by the Senate from among the fellows:
- (v) twenty representatives of the Boards of Studies or groups of Boards of allied Studies as may be determined by Statute; and

(vi) five persons elected by the Senate from among fellows.

- 23. (1) The Senate shall frame a Statute prescribing the manner of Election of election of the elected members of the Academic Council, and the conditions governing their term of office.
- (2) If in the case of any election the question is raised whether any person is or is not a University Professor or a whole-time teacher or head master, the question shall be decided by the Vice-Chancellor.
- 24. The Academic Council shall frame regulations as provided in Powers of this Act and shall have the following powers:—

(a) to regulate teaching and examinations within the University;

(b) to determine and maintain the standards of examinations, remaining responsible for the maintenace of such standards;

(c) to make regulations laying down courses of study subject to the

approval of the Syndicate:

(d) to propose to the Syndicate the institution of new University teaching appointments, their duties and emoluments;

(e) to propose to the Syndicate schemes for the constitution of University Departments, Faculties and Boards of Studies;

(f) to make regulations for the award of University scholarships and prizes;

(g) to recommend to the Syndicate the names of persons to be appointed examiners:

(h) to make regulations prescribing equivalence of examinations;

(i) to arrange for co-ordination of studies and inter-collegiate lectures;

(j) to make regulations prescribing the conditions to be complied with by candidates, not being students of any College for degrees, diplomas, licenses, titles, marks of honour, scholarships and prizes conferred or granted by the University;

(k) to exercise such other powers as may be conferred on it by

statutes; and

(1) generally to advise the University on all academic matters.

CHAPTER VII.—THE BOARD OF POST-GRADUATE STUDIES.

25. (1) The Board of Post-graduate Studies shall consist of: The Board of (i) the Rector, if any, otherwise the Vice-Chancellor.....the Post-graduate Studies.

(ii) four members appointed by the Syndicate;

[1][(iii) three members appointed by the Academic Council; (iv) one University Professor appointed by the Academic Council.]

^[1] Clauses (iii) and (iv) were substituted by Bom. Act XV of 1930, s. 6.

(2) The Board shall subject to the Act, and Statutes, Ordinances and Regulations framed thereunder control and co-ordinate post-graduate teaching and research in the University Departments and the Colleges and shall recommend to the Syndicate what teachers in the Colleges shall be recognised as University teachers for post-graduate instruction and research.

CHAPTER VIII.—OTHER UNIVERSITY BODIES.

Boards of Studies.

- 26. (1) The Senate may, from time to time, frame Statutes constituting Boards of Studies, defining their functions, and attaching each Board to one or more Faculties.
 - (2) The Senate may abolish any Board of Study so constituted.

Other bodies.

27. The Senate may by Statutes constitute and define the functions of such other bodies as it may from time to time deem necessary for the purpose of carrying out the work of the University, and may abolish any of the bodies so constituted.

Committee of Selection.

- 28. (1) Whenever it is necessary to appoint a whole-time University Professor or University teacher, a Committee of Selection shall be formed.
 - (2) The members of the Committee shall be:

(a) The Vice-Chancellor (Chairman);

- (b) Four persons having special knowledge of the subject, to be selected as follows:—
 - (i) one, who shall be a member of a Faculty of the University;

by the Academic Council;

- (ii) three, who shall not be Fellows, Members of Faculties, University Professors, University Teachers, or Teachers one by the Academic Council, and two by the Syndicate.
- (3) The Committee shall investigate the merits of the various candidates, and shall report to the Syndicate the names arranged in order of merit of persons, if any, whom it considers to be suitable for the vacant post.

(4) The Syndicate shall make the final selection out of the persons,

if any, so recommended.

CHAPTER IX .- DEGREES.

Degrees, diplomas, licenses, titles and marks of honour. 29. The Senate may institute and confer such degrees, and grant such diplomas, licenses, titles and marks of honour in respect of degrees and examinations as may be prescribed by Statutes.

Honorary Degrees. 30. If not less than two-thirds of the members of the Syndicate recommend that an honorary degree be conferred on any person on the ground that he is in their opinion, by reason of eminent position and attainments, a fit and proper person to receive such a degree and where their recommendation is supported by not less than two-thirds of the fellows present at a meeting of the Senate and is confirmed by the Chancellor, the Senate may confer on such person the honorary degree so recommended without requiring him to undergo any examination.

31. (1) Where evidence is laid before the Syndicate showing that any Cancellation person on whom a degree, diploma, license title or mark of honour has of degrees been conferred by the Senate or who is an Honorary Fellow, has been and their convicted of what is, in the opinion of the Syndicate, a serious offence, restoration. the Syndicate may, after giving the person concerned an opportunity to explain, propose to the Senate that the degree, diploma, license, title or mark of honour or Honorary Fellowship be cancelled, and, if the proposal is accepted by not less than two-thirds of the fellows of the Senate and is confirmed by the Chancellor, the degree, diploma, license, title, mark of honour or Honorary Fellowship shall be cancelled accordingly.

- (2) The degree, diploma, license, title or mark of honour may subsequently be restored on good cause shown.
- (3) The procedure for the restoration of a degree, diploma, license, title or mark of honour, shall, as far as is practicable, be as in sub-section (1) of this section.

CHAPTER X.—University Fund.

- 32. (1) The fees charged by the Senate shall be carried to one General University Fee Fund for the payment of expenses of the University.
- (2) Government shall contribute to that fund the sum of Rs. 1,17,000 per annum to be utilized for the recurring expenditure of the University departments.
- (3) The accounts of income and expenditure of the University shall, once in every year, be submitted to the Government of Bombay for such examination and audit as the Government may direct.

CHAPTER XI.—STATUTES, ORDINANCES AND REGULATIONS.

- 33. (1) The Senate may, from time to time, make Statutes not in-Statutes consistent with this Act, for all matters relating to the University.
- (2) In particular, and without prejudice to the generality of the foregoing power, such Statutes may provide for-
 - (a) the declaration of any person to be a teacher under section 3 (h):

(b) the declaration of other bodies to be authorities of the University

as provided in section 7 (6);

- (c) the manner of election of the elected Fellows and the elected members of the Syndicate, the Academic Council and the Board of Post-Graduate Studies and the term and conditions of their office, the maintenance of a register of registered graduates and the filling up of casual vacancies in the Senate, the Syndicate, the Academic Council and the Board of Post-Graduate Studies:
 - (d) the powers of the Vice-Chancellor;
- (e) the appointment, conditions of office, powers and duties of the Rector, if any, and the Registrar and of the officers and servants of the University:

Statutes-

amendment,

repeal and: operation.

- (f) the prescribing of offices the holders of which shall be ex-officio Fellows under section 13 (I) (B) (vii);
 - (g) the constitution, reconstitution or abolition of Faculties;
- (h) the procedure at meetings of the Senate, the Syndicate, the Academic Council, the Board of Post-Graduate Studies and the Faculties and the quorum of members to be required for the transaction of business:
 - (i) the duties of the Academic Council;
- (i) the constitution and powers of Boards of Studies; the functions of each such Board, the procedure of such boards and the quorum of members to be required for the transaction of business, and the attaching of each Board to one or more Faculties;
 - (k) the holding and control of the matriculation examination;
- [1] [(kk) the conditions to be complied with by schools desiring recognition for the purpose of sending up pupils as candidates for the Matriculation Examination and the conditions to be complied with by candidates for the Matriculation Examination whether sent up by recognised schools or not;
- (1) the constitution, powers and duties of the authorities of the University save as provided in this Act;
- (m) the institution and conferment of degrees and the granting of diplomas, licenses, titles and marks of honour in respect of degrees and examinations:
- (n) the registers of graduates and students to be kept by the University:
- (o) the institution of pension or provident fund for the benefit of the officers, teachers and other servants of the University;
- (p) all matters which by this Act may be prescribed by the Statutes:
- (q) generally, all matters relating to the University for which there is no provision or insufficient provision in this Act and for which provision is, in the opinion of the Senate, necessary.

34. (1) The Statutes may be amended, repealed. their framing to, by Statutes made by the Senate in the manner hereinafter provided.

- (2) All Statutes framed by the Senate, from time to time, shall be submitted for sanction to the Chancellor and they shall not come into operation until the Chancellor has accorded his sanction thereto.
- (3) The Senate may take into consideration the draft of a Statute either of its own motion or on a proposal by the Syndicate.
- (4) The Senate before passing a Statute taken into consideration of its own motion and affecting the powers or duties of any officer or authority of the University shall ascertain and consider the views of the officer or authority concerned and of the Syndicate thereon.

^[1] This clause was inserted by Bom. Act XII of 1928, s. 3.

- 35. (1) Subject to the provisions of this Act and the Statutes, the Ordinances—Syndicate may frame Ordinances to provide for all or any of the following their making matters, namely:—
 - (a) the admission of students to the University;
 - (b) the courses of study to be laid down for all degrees and diplomas of the University;
 - (c) the conditions under which students shall be admitted to the degree or diploma courses and to the examinations of the University, and be eligible for degrees, diplomas, licenses, titles and marks of honour; and the form of the certificate to be produced by a candidate for examination under section 37 and the conditions on which any such certificate may be granted;
 - (d) the recognition of colleges and hostels;
 - (e) (1) [* * *];
 - (f) the residence and conduct of students;
 - (g) the number, qualifications and conditions of appointment of University Professors and University Teachers;
 - (h) the fees to be charged for courses of instruction in the University given by University professors and University teachers, for tutorial and supplementary instruction given by the University, upon admission into the University and for continuance therein, for admission to the examinations, degrees and diplomas of the University, for the registration of graduates and for other purposes of a like nature;
 - (i) the conditions of appointment, the mode of appointment and the duties of examiners;
 - (j) the conduct of examinations;
 - (k) the conduct of business of each Faculty and the appointment of the Dean of each Faculty;
 - (1) the duties and powers of the Boards and committees to be appointed by the University jointly with any other University or body;
 - (m) the discipline to be enforced in regard to the graduates and under-graduates in so far as they come within the jurisdiction of the University for purposes of study and examination;
 - (n) the extension of University teaching in any suitable centre within the Presidency by means of University Extension Lectures or otherwise;
 - (o) the rules to be observed and enforced by Colleges in respect of transfer of students;
 - (p) the functions of each Faculty;
 - (q) the fee (if any) to be paid for the entry or retention of a name on any register;
 - (r) the inspection of Colleges and the reports, returns and other information to be furnished by Colleges;
 - (s) the registers of students to be kept by Colleges;

(t) the appointment and duties of University Professors and University Teachers:

(u) the mode of execution of contracts or agreements for or on

behalf of the University;

(v) generally, all matters which by this Act or by the Statutes, may be provided for by the Ordinances and all matters for which provision is in the opinion of the Syndicate, necessary for the exercise of the powers conferred, or the performance of the duties imposed on the Syndicate by this Act or the Statutes:

Provided that the Syndicate shall not arrive at any decision in regard to matters referred to in clauses (b), (c), (d), (g), (i), (j), (n) and (o) without inviting and receiving a report thereon from the Academic Council.

- (2) All Ordinances made by the Syndicate shall, except as otherwise provided by this Act, have effect from such date as it may direct, but every Ordinance so made shall be laid on the table of the Senate as soon as may be and shall be considered by the Senate at its next meeting. The Senate shall have power, by a resolution passed by a majority of not less than two-thirds of the members present at such meeting, to cancel or refer for reconsideration any such Ordinance.
- (3) The Vice-Chancellor shall, on the application of not less than fifty members of the Senate, suspend the operation of any such ordinance until the Senate has considered it as provided in sub-section (2).

Regulations
—their
making and
scope.

- 36. (1) The Academic Council may make Regulations consistent with this Act and the statutes and Ordinances to carry out the duties assigned to it thereunder and shall submit them to the Syndicate for approval.
- (2) All Regulations when approved shall, except as otherwise provided by this Act, have effect from such date as the Academic Council may direct; but every Regulation so made shall be placed on the table of the Senate as soon as may be, and shall be considered by the Senate at its next meeting. The Senate shall have power, by a resolution passed by a majority of not less than two-thirds of the members present at such meeting, to cancel or refer for reconsideration any such Regulation.

(3) If the Syndicate does not approve of a Regulation the Regulation shall, on a requisition by at least five members of the Syndicate, be referred to the Senate who shall thereupon have all the powers of the Syndicate in this connection. If the Regulation is accepted by the Senate the provisions of sub-section (2) shall not apply to it.

(4) The Vice-Chancellor shall, on the application of not less than fifty members of the Senate, suspend the operation of any such Regulation until the Senate has considered it as provided in sub-section (2) or sub-section (3).

CHAPTER XII.—AFFILIATED COLLEGES.

Certificates required of candidates for examins ation. 37. Save on the recommendation of the Syndicate, by special order of the Senate, and subject to any Statutes and Ordinances made in this behalf, no person shall be admitted as a candidate at any University examination other than an examination for matriculation, unless he

produces a certificate from a College to the effect that he has completed the course of instruction prescribed.

- 38. Any College affiliated to the University before the passing of this Existing Act may continue to exercise the rights conferred upon it by such affiliation, save in so far as such rights may be withdrawn, restricted or modified in the exercise of any power conferred by this Act.
- 39. (1) A College applying for affiliation to the University shall Affiliation. send a letter of application to the Registrar, and shall satisfy the Syndicate and the Academic Council—

(a) that the College is to be under the management of a regularly

constituted governing body;

(b) that the qualifications of the teaching staff and the conditions governing their tenure of office are such as to make due provision for the courses of instruction to be undertaken by the College;

(c) that the buildings in which the College is to be located are suitable, and that provision will be made, in conformity with the Statutes and Ordinances, for the residence in the College or in lodgings approved by the College, of students not residing with their parents or guardians, and for the supervision and physical welfare of students:

(d) that due provision has been or will be made for a library;

(e) where affiliation is sought in any branch of experimental science, that arrangements have been or will be made in conformity with the Statutes and Ordinances for imparting instruction in that branch of science in a properly equipped laboratory or museum;

(f) that due provision will, so far as circumstances may permit, be made for the residence of the Principal and some members of the teaching staff in or near the College or the place provided for the residence of students;

(g) that the financial resources of the College are such as to make

due provision for its continued maintenance; and

(h) that the College rules fixing the fees (if any) to be paid by the students have not been so framed as to involve such competition with any existing College in the same neighbourhood as would be injurious to the interests of education.

The application shall further contain an assurance that after the College is affiliated any transference of management and all changes in the teaching staff shall be forthwith reported to the Syndicate.

- (2) On receipt of a letter of application under sub-section (1), the Syndicate shall—
 - (a) direct a local inquiry to be made by a competent person authorized by the Syndicate in this behalf;
 - (b) make such further inquiry as may appear to them to be necessary; and
 - (c) report to the Senate on the question whether the application should be granted or refused, either in whole or in part, embodying in such report the results of any inquiry under clauses (a) and (b).

And the Senate shall, after such further inquiry (if any) as may appear to them to be necessary, record their opinion on the matter.

- (3) The Registrar shall submit the application and all proceedings, if any, of the Academic Council, the Syndicate and Senate relating thereto to the Government, who, after such inquiry as may appear to them necessary, shall grant or refuse the application or any part thereof.
- (4) Where the application or any part thereof is granted, the order of the Government shall specify the courses of instruction in respect of which the College is affiliated; and, where the application or any part thereof is refused, the grounds of such refusal shall be stated.
- (5) An application under sub-section (1) may be withdrawn at any time before an order is made under sub-section (2).

Extension of affiliation.

40. Where a College desires to add to the courses of instruction in respect of which it is affiliated the procedure prescribed by section 39 shall, so far as may be, be followed.

Inspection of Colleges and reports.

- 41. (1) Every College affiliated to the University, whether before or after the commencement of this Act, shall furnish such reports, returns and other information as the Syndicate, after consulting the Academic Council, may require to enable it to judge of the efficiency of the College.
- (2) The Syndicate shall cause every such College to be inspected from time to time by one or more competent persons authorized by the Syndicate in this behalf.
- (3) The Syndicate may call upon any College so inspected to take, within a specified period, such action as may appear to them to be necessary in respect of any of the matters referred to in sub-section (1), of section 39.

Disaffiliation.

- 42. (1) A member of the Syndicate who intends to move that the rights conferred on any College by affiliation be withdrawn in whole or in part, or modified, shall give notice of his motion and shall state in writing the grounds on which the motion is made.
- (2) Before taking the said motion into consideration, the Syndicate shall send a copy of the notice and written statement mentioned in subsection (1) to the Principal concerned, together with an intimation that any representation in writing submitted within a period specified in such intimation on behalf of the College will be considered by the Syndicate:

Provided that the period so specified may, if necessary, be extended by the Syndicate.

- (3) On receipt of the representation or on expiration of the period referred to in sub-section (2), the Syndicate, after considering the notice of motion, statement and representation and after such inspection by any competent person authorized by the Syndicate in this behalf, and such further inquiry as may appear to them to be necessary, and after consulting the Academic Council, shall make a report to the Senate.
- (4) On receipt of the report under sub-section (3), the Senate shall, after such further inquiry (if any) as may appear to them to be necessary record their opinion in the matter.
- (5) The Registrar shall submit the proposal and all proceedings, if any, of the Academic Council, the Syndicate and Senate relating thereto

to the Government, who, after such further inquiry (if any) as may appear to them to be necessary, shall make such order as the circumstances may, in their opinion, require.

(6) Where by an order made under sub-section (5) the rights conferred by affiliation are withdrawn, in whole or in part, or modified the grounds for such withdrawal or modification shall be stated in the order.

CHAPTER XIII.—HONORARY FELLOWS.

- 43. (1) The Chancellor may nominate any person to be an Honorary Honorary Fellow for life, who is eminent for his attainments in any branch of Fellows. learning, or is an eminent benefactor of the University, or is distinguished for services rendered to the cause of education generally.
- (2) Notwithstanding anything contained in this Act, any person appointed to be an Honorary Fellow under section 13 of the Indian Universities Act, 1904, shall continue to be an Honorary Fellow for life, and shall be deemed to have been so appointed under this Act.
 - (3) A person shall not be debarred from appointment as fellow, member of the Syndicate, member of the Academic Council or other office under this Act, merely on the ground of being an Honorary Fellow.

CHAPTER XIV .- TRANSITORY PROVISIONS.

- 44. (1) Notwithstanding anything contained in this Act, the first Syndicate Statutes, Ordinances and Regulations under this Act shall be framed first to make by the Syndicate constituted under the Acts repealed by this Act (in the Statutes, Ordinances this section referred to as "the present Syndicate") within such time and Regulabefore the date of coming into operation of this Act as Government may tions. fix in this behalf, and on approval by the Chancellor, shall be deemed to have been duly made under this Act.
- (2) If the present Syndicate fails to frame the Statutes, Ordinances and Regulations referred to in sub-section (1) within the time therein mentioned, Government may frame such Statutes, Ordinances and Regulations, and the Statutes, Ordinances and Regulations so framed shall be deemed to have been made under this Act.
- (3) Till the Senate is constituted as provided in this Act, the Senate and other University bodies constituted under the Acts repealed by this Act and existing on the date on which this Act comes into operation and all officers of the University shall continue in office.
- (4) Until the various University bodies other than the Senate are duly constituted under this Act, all their duties (except that of framing statutes, ordinances and regulations) shall be performed by one or more committees appointed by the Chancellor who shall also frame rules for the proper working of those Committees.
- (5) If any difficulty arises as to the first constitution or reconstitution of any authority of the University after the commencement of this Act, or otherwise in first giving effect to the provisions of this Act,

Government, as occasion may require, may by order do anything which appears to them necessary for the purpose of removing the difficulty.

Elected and nominated Fellows to retire by rotation. 45. (1) The Vice-Chancellor shall, after the Senate is constituted under this Act, divide by lot the first fellows elected, and nominated under Part II (A) and (B) of sub-section (1) of section 13 into five equal groups, as far as possible, under each of the said heads, the order of the groups being also determined by lot.

(2) Subject to the other provisions of this Act the fellows in the first, second, third, fourth and fifth of the said groups shall hold office for one,

two, three, four or five years respectively.

- (3) Fellows who have vacated their office under this section shall be eligible for re-election, and re-nomination.
- [1] (4) Nothing contained in sub-sections (1), (2) and (3) shall apply or shall be deemed to have applied in the case of Fellows elected by the Legislative Council of the Governor of Bombay under entry (vii) under the heading II-Ordinary (A) in sub-section (1) of section 13.

Elected members of the Syndicate to retire by rotation.

- 46. (1) The Vice-Chancellor shall, after the Syndicate is constituted under this Act, divide the members of the Syndicate elected under clauses (d) and (e) of sub-section (1) of section 20 into three equal groups, as far as possible under each of the heads, the order of the groups being also determined by lot.
- (2) Subject to the other provisions of this Act, the members of the Syndicate in the first, second and third of the said groups shall hold office for one, two or three years respectively.
- (3) Members of the Syndicate who have vacated their office under this section shall be eligible for re-election.

CHAPTER XV.—GENERAL.

Interpretation in case of doubt.

- 47. (1) If any question arises regarding the interpretation of any provision of this Act or of any statute, ordinance or regulation, or as to whether any person has been duly elected or appointed as, or is entitled to be a member of any authority or other body of the University, the matter may be referred to the Chancellor, and shall be so referred if ten fellows so require. The Chancellor shall, after taking such advice as he deems necessary, decide the question, and his decision shall be final.
- (2) Nothing in this section shall be deemed to affect in any way the existing jurisdiction of the High Court of Bombay.

Elections to be by proportional representation.

48. Every election to any authority of the University under this Act shall be made according to the system of proportional representation by means of the single transferable vote in such manner as may be prescribed by Statutes.

Proceedings not invalidated by vacancy. 49. No act or proceeding of any authority or other body of the University shall be invalid by reason only of any vacancy in the body doing or passing it of by reason of any want of qualification by or invalidity in the election or appointment of any defacto member of the body whether present or absent.

- 50. The University shall establish for the benefit of its officers, Pension or teachers and other servants such pension or provident fund as it may Frovident deem fit in such manner and subject to such conditions as may be prescribed by the Senate by Statutes.
- 51. All property, all rights of whatever kind used, enjoyed or Passing of possessed by, and all interests of whatever kind owned by, or vested in, property and or held in trust by, or for the University of Bombay as constituted under University as the Acts repealed by this Act as well as all liabilities legally subsisting reconstituted against the said University shall pass to the University as constituted under this Act.
- 52. The enactments specified in the Schedule shall be repealed Repeal to the extent specified in the fourth column thereof:

Provided that-

- (a) this repeal shall not affect the validity of anything already done under any enactment hereby repealed; and
- (b) the appointments of the Registrar and all other officers and servants of the University, and of Examiners, validly made under the Acts hereby repealed and subsisting on the date on which this Act comes into operation, shall be deemed to have been validly made under and for the purposes of this Act, and the Registrar and such officers, servants and examiners shall continue to hold office and to act, subject to the conditions governing the tenure of their office or employment, except in so far as such conditions may be altered by competent authority.

SCHEDULE.

ENACTMENTS REPEALED.

(Section 52)

Acts of the Governor General in Council.

Year.	Number.	Short title.		Extent of repeal.	
1857	XXII	The Bombay University 1857.	Act,	So much as has not been repealed.	already
1904	VIII	The Indian Universities 1904.	Act,	[1] The whole Act.	

^[1] These words were substituted by Bom. Act XX of 1930, s. 4.

BOMBAY ACT No. V OF 1928[1]

[THE BOMBAY LOCAL BOARDS (AMENDMENT) ACT, 1928]

[26th September 1928]

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

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

- 1. This Act may be called the Bombay Local Boards (Amendment) Short title Act, 1928.
- Bom. 2. To the provise to clause (i) of section 50 of the [2]Bombay Local Amendment Boards Act, 1923, hereinafter called "the said Act", the words "who of section 50 is in receipt of travelling allowance as such Government servant" shall of Bom. VI of be added.
 - 3. (a) Section 94 of the said Act shall be renumbered as sub-Amendment of section 94 of Bom. VI of
 - (b) in clause (c) of the said section after the words "agreed upon 1923. by the Collector" the words "in agreement with the district local board who shall pass a special resolution to that effect" shall be inserted; and
 - (c) the following shall be added as sub-section (2) of the said section:—
 - "[In this Vol., p. 61]"

^[1] For Statement of Objects and Reasons see Bombay Government Gazette, 1928, Pt. V, p. 9, and for proceedings in Council see Bombay Legislative Council Debates, 1928, Vol. XXIII.

^[*] In this Vol., p. 23.

BOMBAY ACT No. VI OF 1928.[1]

THE CITY OF BOMBAY IMPROVEMENT TRUST TRANSFER (AMENDMENT) ACT, 1928]

[29th September 1928]

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

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

1. This Act may be called the City of Bombay Improvement Trust Short title. Transfer (Amendment) Act, 1928.

m. 2. In sub-section (4) of section 21 of the [2]City of Bombay Improve-Amendment
ment Trust Transfer Act, 1925, for the words "but no business shall be of Bom. XVI
is. transacted at any such meeting unless at least two-thirds of the of 1925.
members of the sub-committee are present from the beginning to the end
thereof" the following shall be substituted, namely:—

[In this Vol., p. 216]

^[1] For Statement of Objects and Reasons see Bombay Government Gazette, 1928, Part V. p. 74, and for proceedings in Council see Bombay Legislative Council Debates, 1928, Vol. XXIII.

^[*] In this Vol., p. 209.

BOMBAY ACT No. VII OF 1928.[1]

[THE BOMBAY PUBLIC CONVEYANCES (AMENDMENT) ACT 1928]

[4th October 1928]

An Act further to amend the Bombay Public Conveyances Act, 1920.

Bom. WHEREAS it is expedient further to amend the [2]Bombay Public II of Conveyances Act, 1920, in manner hereinafter appearing; And Whereas the previous sanction of the Governor required by section 80-C of the Boo.V, Government of India Act has been obtained for the passing of this Act; h.61. It is hereby enacted as follows:—

- 1. This Act may be called the Bombay Public Conveyances Short title. (Amendment) Act, 1928.
- Bom. 2. In section 2 of the [2]Bombay Public Conveyances Act, 1920, Amendment of section 2 of section 2 of section 2 of section 2 of section 2 of shall be substituted, namely:—

 1920.

 Amendment of section 2 of se
 - "(c) 'licensing year' means the year commencing on such date as the Commissioner of Police shall, subject to the condition of previous publication, fix for the purpose of licenses granted under this Act."
 - 3. In sub-section (2) of section 6 of the said Act for the words, Amendment figures and brackets "a fee at one-half of the rate chargeable for the Bom. VII of grant of a license for a public conveyance under section 7, sub-section 1920.

 (1), shall be charged " the following words shall be substituted, namely:—
 - "the licensee shall pay such sum towards the cost of such inscription as the Commissioner of Police shall by rules direct."
 - 4. To section 8 of the said Act the following sub-section shall be Amendment of section 8 of Bom. VII of
 - "(5) Such licenses shall if so directed by the Commissioner of Police be carried in the public conveyance for drawing which the horse is being used and shall be produced for inspection whenever required by any police officer."
 - 5. In section 9 of the said Act for the word "shall" the words Amendment of section 9 of may, if he thinks it necessary", shall be substituted.

 Bom. VII of 1920.

^[1] For Statement of Objects and Reasons see Bombay Government Gazette, 1927, Part V, p. 148; for Report of the Select Committee see ibid, 1928, Part V, p. 13; and for proceedings in Council see Bombay Legislative Council Debates, 1927, Vol. XXII and 1928, Vol. XXIII.

^[*] Vol. V. of Bom. Code.

VII of 1920.

- 6. After section 16 of the said Act the following section shall be 16-A of Bom. inserted, namely:-
- Licensee to report name of person left in charge of conveyance during his absence.
- "16A. Whenever the licensee of a public conveyance shall be absent from the City of Bombay for a period exceeding fifteen days he shall, if the public conveyance is used for the purpose of plying for hire, give, previous to his departure, notice thereof in writing signed by himself to the Commissioner of Police. Such notice shall state the name of the person left in charge of the public conveyance. Such person shall, until the return of the licensee, perform all the duties of a licensee of a public conveyance and be liable to all the penalties to which such licensee is liable under this Act."

Amendment of section 19 namely :of Bom. VII of 1920.

7. To section 19 of the said Act the following words shall be added,

and may, at any time, abolish any such stand or place."

8. In section 26 of the said Act,-

Amendment of section 26 of Bom, VII of 1920.

- (a) in sub-section (1) for the words "without a badge granted to him by the Commissioner of Police or, when acting as such driver, shall fail to wear such badge" the words "without a badge, if he has received a badge from the Commissioner of Police or, when acting as such driver, shall fail to wear a badge so received" shall be substituted;
- (b) in clause (e) of sub-section (2) after the word "license" the commas and words "if any", shall be inserted and for the word and figure "section 11" the words and figures "section 8 or section 11" shall be substituted.

Amendment of section 27 of Bom. VII of 1920.

- 9. After clause (b) of section 27 of the said Act the following clause shall be inserted, namely :--
 - "(bb) who, before leaving the City of Bombay for a period exceeding fifteen days shall fail to give notice thereof in writing signed by himself to the Commissioner of Police, or ".

Amendment of 1920.

10. In sub-section (2) of section 31 of the said Act for the of Bom. VII words "nearest police officer of rank not below that of inspector" the words "officer in charge of the nearest police station" shall be substituted.

Amendment of section 35 of Bom. VII of 1920.

- 11. In section 35 of the said Act,—
- (a) for sub-section (1) the following shall be substituted, namely:-
 - "(1) The Commissioner of Police, subject to the condition of previous publication, may make rules not inconsistent with

(a) fixing the sum to be paid towards the cost of an inscription under sub-section (2) of section 6;

(b) generally for the regulation of public conveyances."

(b) After sub-section (2) the following sub-section shall be inserted,

"(3) Such rules may provide that a contravention thereof shall be punishable with fine which may extend to thirty rupees."

12. In section 36 of the said Act,-

Amendment of section 36

> tion for section 37 of Bom. VII of

(a) for clause (c) of sub-section (2) the following shall be substituted, of Bom. VII namely:-"(c) may by notification direct that any class of vehicles shall

- be exempt from all or any of the provisions of this Act;" (b) after sub-section (3) the following sub-section shall be inserted.
- namely:---"(3A) When this Act or any specified provisions thereof are extended to any area by a notification under this section the expression 'City of Bombay' occurring in the foregoing provisions of this
 - Act shall be construed as meaning the area to which this Act or any specified provisions thereof are extended by such notification;" (c) in sub-section (4) after the word "appointing" the words
- "and abolishing" shall be inserted. 13. For section 37 of the said Act the following shall be substituted, Substitution namely:--

The Governor in Council, or, in any area to which this Act Power to or any specified provisions thereof have been extended under section apply or adapt certain 36, the Commissioner in Sind, or the Commissioner of a division, as the provisions to case may be, may, by notification in the Bombay Government Gazette vehicles not apply or adapt all or any of the provisions of this Act, except those used for the which relate to plying for hire, or any part of any such provision, plying for to validate or to any sleep of the provision of the provision of the provision of the provision of the provision of the provision of the provision of the provision of the provision of the provision of the provisions of the provisions of this Act, except those used for the purpose of the provisions of this Act, except those used for the purpose of the provisions of this Act, except those used for the purpose of the provisions of this Act, except those used for the purpose of the provisions of the provisions of this Act, except those used for the purpose of the provision of the provision of the provision of the provision of the purpose of the provision o to vehicles or to any class of vehicles which are kept, or ordinarily hire. let, for hire, but which are not used for the purpose of plying for hire.

Explanation.—A vehicle shall not be deemed to be kept for hire if it is let for hire only occasionally by private agreement."

BOMBAY ACT No. VIII OF 1928[1]

[THE CITY OF BOMBAY MUNICIPAL (AMENDMENT) ACT 1928]

[4th October 1928]

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

Bom. WHEREAS it is expedient further to amend the [2]City of Bombay III of Municipal Act, 1888, hereinafter referred to as "the said Act," in manner hereinafter appearing; It is hereby enacted as follows:—

- 1. This Act may be called the City of Bombay Municipal Short title. (Amendment) Act, 1928.
 - 2. Section 50 of the said Act shall be repealed.

Repeal of section 50 of Bom. III of 1888.

3. Clause (b) of section 118 of the said Act shall be repealed.

Repeal of clause (b) of section 118 of Bom. III of 1888.

For Statement of Objects and Reasons see Bombay Government Gazette, 1928, Part V.
 and for proceedings in Council see Bombay Legislative Council Debates, 1928, Vol. XXIII.

^[1] Vol. III of Bom. Code.

BOMBAY ACT No. IX OF 1928.[1]

[THE CITY OF BOMBAY MUNICIPAL (AMENDMENT) ACT, 1928]

[10th November 1928]

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

Bom. WHEREAS it is expedient further to amend the [2] City of Bombay III of Municipal Act, 1888, in the manner hereinafter provided; It is hereby enacted as follows:-

1. This Act may be called the City of Bombay Municipal (Amendment) Short title. Act, 1928.

2. To section 3 of the [2]City of Bombay Municipal Act, 1888, herein-Amendment III of after called the said Act, the following clauses shall be added as clauses of Bom, III (ee), (ff) and (gg), namely:of 1888.

(ee) "Registered trade union" means a trade union of manual workers employed in trade or industry, registered under the Indian Trade Unions Act, 1926, or other law for the registration of trade unions for the time being in force.

(ff) "Delegate" means a person elected by the members of a registered trade union as a member of the electoral college under the provisions of section 21-A.

(gg) "Electoral college" means a body of delegates elected by registered trade unions for the purpose of electing councillors to the Corporation.

3. In sub-section (1) of section 5 of the said Act,

and eight" shall be substituted;

Amendment of section 5 (a) for the words "one hundred and six," the words "one hundred of Bom. III

- (b) for the word "sixteen" the word "fourteen" shall be substituted; and `
- (c) below the words "one by fellows," the following shall be inserted, namely :---
 - "four councillors elected by delegates."
- 4. After section 11 of the said Act, the following section shall be New section 11-A of Bom inserted: **III of 1888.**
 - "11-A. Every member of a registered trade union shall be entitled Qualification to be enrolled as a voter in the electoral roll of the registered trade election of

XVI

1926.

οf

^[1] For Statement of Objects and Reasons see Bombay Government Gazette, 1927, Part delogates. V, p. 100; for Report of the Select Committee see ibid, 1928, Part V, p. 106; and for proceedings in Council see Bombay Legislative Council Debates, 1928, Vols. XXIII and XXIV. XXIV.

^[*] Vol. III of Bom. Code. MO VA 3-33

union and when so enrolled shall be entitled to vote at the election

of delegates, provided-

(1) that he has been a member for six months immediately preceding the 1st day of September 1928 and for the purpose of future elections for six months immediately preceding the first day of September in the year in which the electoral roll of delegates is published; and

(2) that he has had a place of residence in the city for six months

immediately preceding the first day of September aforesaid."

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

"14-A. A person shall not be qualified to be elected as a councillor by the delegates unless he is a voter as prescribed by section 11-A and enrolled in the electoral roll of delegates."

6. After section 21 of the said Act, the following shall be inserted, namely:—

"21-A. The election of the delegates, and of councillors by the delegates shall be made in accordance with the following provisions, namely,—

(a) The councillors shall be elected by an electoral college of delegates constituted as provided in the following clauses.

(b) Every registered trade union which had on the first day of September not less than 100 and not more than 200 members on its register of members entitled to vote under section 11-A shall be entitled to elect one delegate to the electoral college.

For every complete multiple of 200 such members in addition to the original 200 such union shall be entitled to elect one additional delegate.

(c) For the purposes of this election, any two or more registered trade unions may combine to elect delegates, and shall be deemed to be one registered trade union, provided that—

(i) the number of members entitled to vote of each of such

registered trade unions is less than 100;

- (ii) notice of such combination is given to the Commissioner three days before the electoral roll of such trade unions is submitted to him.
- (d) Within seven days of the coming into operation of this Act, and, for the purposes of future elections, before the first day of September the Commissioner shall call on every registered trade union to prepare and submit within ten days the electoral roll of its members entitled to vote at the election of delegates. A copy of such roll shall from the same day be kept at the office of the registered trade union open to the inspection of any member of that trade union or of any other registered trade union.
- (e) Any member of the registered trade union aggrieved by any entry or omission shall make an application to the Commissioner not later than three days after the date fixed for such submission.

New section 14-A of Bom, 1H of 1888. Qualifications for election as a councillor by delegates.

New section 21-A of Bom. III of 1888. Procedure

regarding election of delegates and councillors. The Commissioner shall thereupon decide the matter, and his decision shall be final and conclusive.

- (f) The electoral roll of the registered trade union shall be corrected in accordance with the decision passed by the Commissioner and shall thereafter be the electoral roll of the registered trade union. Such roll shall be kept at the office of the registered trade union open to the inspection of any member.
- (g) The Commissioner shall then decide and inform each registered trade union how many delegates it is entitled to elect to the electoral college.
- (h) Thereafter, within ten days, the members of each registered trade union shall elect the specified number of delegates. Every such elector shall have as many votes as there are delegates to be elected by the registered trade union in which he votes, and shall be entitled to accumulate all of them upon one candidate, or to distribute them amongst the candidates as he pleases.
- (i) The registered trade union shall immediately report the names of the delegates to the Commissioner. The election of members whose names are so reported shall not be open to question, in any court or otherwise.
- (j) The Commissioner shall then prepare and publish a nominal roll of delegates so elected constituting the electoral college. The roll shall show by which registered trade union each delegate was elected, and shall state his address.
- (k) On or before the 15th of January 1929 and for the purpose of future elections on or before the 20th day of December the Commissioner shall give notice by advertisement in the local papers of the publication of the said roll and the place at which and the fee for which copies of it may be obtained.
- (1) The election of the four councillors by the electoral college of delegates shall take place fourteen days after the ward elections.
- (m) Save as herein otherwise provided all the provisions of this Act with regard to ward elections, including those relating to electoral roll, nominations, elections, appeals and expenses, shall, so far as possible, apply to the election of councillors by the electoral college of delegates."

BOMBAY ACT No. X OF 1928.[1]

[THE CITY OF BOMBAY MUNICIPAL (AMENDMENT) ACT, 1928]

[6th December 1928]

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

Bom. WHEREAS it is expedient further to amend the [2]City of Bombay III of Municipal Act, 1888, in manner hereinafter appearing; And whereas the previous sanction of the Governor General required by sub-section (3) 5 & 6 of section 80A of the Government of India Act and the previous sanction Geo.V of the Governor required by section 80C of the said Act have been obtained for the passing of this Act; It is hereby enacted as follows:—

- 1. This Act may be called the City of Bombay Municipal (Amend-Short title. ment) Act, 1928.
 - 2. In section 19 of the said Act,-

Amendment of section 19 of Bom, III

- (a) in sub-sections (1), (6) and (7) for the word "October" of Bom. III wherever it occurs in the said sub-sections the word "September" of 1888. shall be substituted;
- (b) in sub-sections (8), (9), (10), and (11) for the word "November" the word "October" shall be substituted; and
- (c) in sub-section (12) for the words "on some one of the first fifteen days", the words "before the fifteenth day" shall be substituted.
- 3. In sub-section (2) of section 27 of the said Act,-

Amendment of section 27

- (a) for the word "four" the word "three" shall be substituted; of Bom. III and
- (b) the words "and the names of the persons subscribing their respective nomination papers as proposers and seconders", shall be repealed.
- 4. (1) In clause (e) of section 28 of the said Act, Liter the word Amendment "Collector" he words "before five o'clock in the afternoon of the day of Section 28 of Bom. III fixed for the election "shall be inserted.
- (2) In the same clause for the words "vote at the election" the words "vote at the poll" shall be substituted.
- 5. In clause (f) of section 36 of the said Act, for the word "twenty" Amendment in both the places where it occurs the word "twenty-five" shall be of Bom. III of 1888.

^[1] For Statement of Objects and Reasons see Bombay Government Gazette, 1928, Part V. p. 70; for Report of the Select Committee see ibid, 1928, Part V. p. 97; and for proceedings in Council see Bombay Legislative Council Debates, 1928, Vols. XXIII and XXIV.

^[*] Vol. III of Bom. Code.

Insertion of new section 36-A in Bom. III of 1888.

6. After section 36 of the said Act, the following section shall be inserted, namely:-

· Power to order withdrawal of member.

"36-A. (1) The President shall preserve order and may direct any Councillor whose conduct is in his opinion grossly disorderly to withdraw immediately from the meeting of the Corporation. Any Councillor so ordered to withdraw shall do so forthwith and shall absent himself during the remainder of the day's meeting. If any Councillor is ordered to withdraw a second time within 15 days, the President may suspend the Councillor from attending the meetings of the Corporation for any period not exceeding 15 days and the Councillor so directed shall absent himself accordingly:

Provided that the President may remit the period of suspension on apology being made to his satisfaction by the Councillor under suspension:

Provided also that such suspension from the service of the Corporation shall not prevent any Councillor from serving on any Committee.

(2) The President may, in the case of grave disorder arising in the meeting, suspend the meeting for a period not exceeding three days.

Amendment of section 68 of Bom. III of 1888.

- 7. In sub-section (2) of section 68 of the said Act,—
- (i) for the entry "section 82" the entry "section 80-A" shall be substituted;
- (ii) after the entry "section 85, sub-section (1)" the entry "section 92" shall be inserted;

Amendment of section 92 of Bom. III of 1888.

- 8. In the proviso to clause (a) of section 92 of the said Act, after the word "Commissioner" the words "other than a lease of a class in respect of which the Standing Committee has by resolution exempted the Commissioner from compliance with the requirements of this proviso" shall be inserted.
- 9. In sub-section (1) of section 105 of the said Act, for the words Amendment of section 105 " January" and "December" the words "April" and "March" shall, of Bom. III respectively, be substituted. of 1888.

' Amendment of section 113 of Bom. III of 1888.

10. For sub-section (1) of section 113 of the said Act, the following shall be substituted:-

"Subject to the provisions of section 520, no payment shall be made by the bank aforesaid out of the municipal fund, except upon a cheque signed by the Commissioner or the Deputy Commissioner and by one Member of the Standing Committee who shall attend at the Chief-Municipal Office for this purpose at least twice a week, and by the Chief Accountant or in the event of the illness or occasional absence of both the Commissioner and the Deputy Commissioner from the City, by a member of the Standing Committee and the Chairman of the Standing Committee and the said Chief Accountant, or in his absence the Deputy Accountant, or in the absence of both, by the Chairman of the Standing Committee."

11. After section 118 of the said Act, the following section shall be Insertion of inserted, namely :---118-Ain Bom.

III of 1888.

- "118-A. Expenditure by the Corporation out of the municipal Municipal fund shall, save as otherwise provided by this Act, be made within the fund where to City only, but may, by a resolution of the Corporation supported by at least fifty-four councillors, be made outside the City for any of the purposes of this Act."
- 12. After the word "Majesty" in clause (b) of sub-section (1) of Amendment section 143 of the said Act the words "used solely for public purposes of Bom. III and not used or intended to be used for the purposes of profit " shall of 1888. be inserted.
 - 13. In sub-section (1) of section 279 of the said Act-(a) in clause (a)

Amend ment of section 279 of Bom. III

- · (i) after the word "water" the words and figures "or expenses of any work done under or by virtue of the "provisions of section 272, 276 or 287-A" shall be inserted;
 - (ii) for the word "bill" the words "notice of demand" shall be substituted.
 - (b) before proviso (i) the following shall be inserted, namely:—
- "(i) In any case under sub-clause (a) the Commissioner shall not take action unless not less than fifteen days previously a copy of the notice of demand in respect of the tax or sum has been affixed to a conspicuous part of the premises."
- (c) provisoes (i) and (ii) shall be renumbered (ii) and (iii). respectively.
- 14. In section 381 of the said Act,-

Amend ment of 1888.

- (a) for sub-section (1) the following sub-section shall be substituted of section 381 of Bom. III namely :---
 - "(1) (i) For the purposes of this section, a nuisance shall
 - (a) any pool, ditch, tank, well, pond, quarryhole, drain, watercourse or any collection of water; or
 - (b) any cistern or other receptacle for water or any article or thing capable of collecting rain water during the monsoon season whether within or outside a building; or
 - (c) any land on which water accumulates or is likely to accumulate: or
 - (d) any premises or any part of any premises occupied, or unoccupied, or under construction, reconstruction or demolition; which in the opinion of the Commissioner is, or is likely to become a breeding place of mosquitoes or which is, in any other respect, a nuisance as defined in clause (z) of section 3.

- (ii) The Commissioner may, by notice in writing, require the person by whose act, default or sufferance, a nuisance arises, exists or continues, or is likely to arise, and the owner, lessee and occupier of the land, building or premises on which the nuisance arises, exists or continues or is likely to arise or any one or more of such person, owner, lessee and occupier, to remove, discontinue or abate the nuisance by taking such measures and by executing such work in such manner and within such period of time as the Commissioner shall prescribe in such notice.
- (iii) The Commissioner may also by any notice under clause (ii) or by another notice, served on such person, owner, lessee and occupier, or on any one or more of them, require them or any one or more of them, to take all steps requisite or necessary to prevent a recurrence of the nuisance and may, if he thinks it desirable, specify any work to be executed or measures to be carried out for that purpose, and may serve any such further notice notwithstanding that the nuisance may have been abated or removed if he considers that it is likely to recur:

Provided that if at any time within four months from the date of the service of any such notice, the nuisance recurs through the failure of the person or persons upon whom such netice 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 contracter or other person, or any one or more of such contractor, person and sub-contractor."

(b) In sub-section (2),—

of 1888.

- (i) for the words and figures "an owner, on whom a requisition is made under sub-section (1)" the words "any person who, by a requisition made under sub-section (1), is required" shall be substituted; and
- (ii) for the word "owner" where it occurs for the second time the word "person" shall be substituted.
- Repeal in 15. The explanation to section 415 and section 417A of the said Act part of section shall be repealed.
 415 and of section 417A of Bom, III

16. In the table to section 471 of the said Act,-

Amendment of section 471 of Bom. III

(1) below the entry relating to section 272, sub-section (1), the of Bom III following entry shall be inserted, namely:—

"Section, sub-section or clause.	Sabject.	Fine which may be imposed.
1	2	3
Section 272, sub- section (5).	Provision as to unauthorised connections with Municipal water works, etc.	Fifty rupees."

- (2) in column 3 of the entry relating to section 381 for the word "fifty" the words "one hundred and fifty" shall be substituted.
- (3) in column 3 of the entries relating to section 381-A, sub-section (1), and section 381-A, sub-section (2), for the word "fifty" the words "two hundred and fifty" shall be substituted.
- 17. In the table to section 472 of the said Act—
- (1) in column 3 of the entry relating to section 381 for the word Amendment "five" the word "fifteen" shall be substituted;
 - (2) in column 3 of the entry relating to section 381-A, sub-section of 1888.
- (2), for the word "five" the word "twenty" shall be substituted.
- 18. For Parts I, II and III of Schedule M to the said Act, the Amendment of Schedule M of Schedule M of Bom III of 1888.

" PART I.

Articles which shall not be kept without a license in or upon any premises—

(See section 394)

Blood. - Gun-cotton.

Dynamite. Nitro-glycerine.

Blasting powder. Phosphorus.

Fulminate of mercury.

PART II.

Articles which shall not be kept without a license, in or upon any premises in quantities exceeding at any one time the maximum quantities hereunder set opposite such article respectively.

Articles.		. 🕶	Maximum q which may at any time wit a lice	
Bidi leaves		1		4 cwts.
Camphor	• •	•••	•••	i cwt.
Celluloid	• •	• •)	4
Celluloid goods	••	••	·}	4 cwts.
Chemicals, liquid	• •	•• .		4 galar
Chemicals, non-liquid	đ	**	••	t cwt.

Articles			which	mum quantity h may be kept any one time hout a license.
Chlorate of Potash Cinematograph films Copra Cotton refuse and w Cotton seed		•	20 4	lbs. cwts. bags not exceed.
Dry leaves (Patrava Esas Ghee kept for sale Gunpowder Matches for lighting Methylated spirit			5 1 10	
Packing stuff (Paper Paints Old paper (waste) in periodicals, magaz or for other than of Petroleum as defined	icluding oldines, etc., lomestic us	d newspa kept for e	pers, sale	27 27
Act, 1899 Dangerous Petroleus Act	n as define	d in the	10	gals. ton:
Sulphur Tar, pitch, dammer Turpentine Varnish	or bitumen		1 20	gal.

PART III.

Articles which shall not be kept without a license, in or upon any premises, for sale or for other than domestic use—

Acetylene gas-	Hemp.
Ashes.	Hesian cloth (Gunny bag cloth).
Bamboos.	Hides (dried).
Bones.	Hides (raw).
Cocoanut fibre.	Hoofs.
Carbide of Calcium.	Horns.
Charcoal	Jute.
China grass.	Khokas or wooden boxes or barrels
Coal.	(manufacturing and storing).
Coke.	Offal.
Fat.	Rags.
Fins.	Sandalwood.
Firewood.	Skins.
Fireworks.	Straw.
Fish (dried).	Tallow.
Flax.	Timber.
Grass.	Wool (raw)."
Gunny bags.	

BOMBAY ACT No. XI OF 1928.[1]

[THE BOMBAY REPEALING AND AMENDING ACT, 1928]

[11th January 1929]

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

WHEREAS it is expedient that certain amendments should be made in the enactments specified in the First Schedule; and whereas it is also expedient that certain enactments specified in the Second Schedule which are spent or have otherwise become unnecessary, or have ceased to be in force otherwise than by express specific repeal, should be expressly and specifically repealed; and whereas the previous sanction 5 & 6 of the Governor General required by section 80A (3) of the Government Geo. V. of India Act has been obtained for the passing of this Act; It is hereby enacted as follows:—

- 1. This Act may be called the Bombay Repealing and Amending Short title. Act, 1928.
- 2. The enactments specified in the First Schedule are hereby amended Amendment to the extent and in the manner mentioned in the fourth column thereof. of certain enactments.
- 3. The enactments specified in the Second Schedule are hereby Repeal of repealed to the extent mentioned in the fourth column thereof.
- 4. The repeal by this Act of any enactment shall not affect any Act Savings. or Regulation in which such enactment has been applied, incorporated or referred to;

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

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

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

^[1] For Statement of Objects and Reasons see Bombay Government Gazette, 1928, Part V, p. 96; and for proceedings in Council see Bombay Legislative Council Debates, 1928, Vol. XXIV.

THE FIRST SCHEDULE.

AMENDMENTS.

(See section 2)

Year.	No.	Short title.	Amendments.
•		Act of the Governor General in Council.	
1890	XI	The [1] Prevention of Cruelty to Animals Act, 1890 (in its application to the Presidency of Bombay).	the words "or she-buffalo" shall
•	•	Acts of the Governor of Bombay in Council.	
1902	IV	The [*]City of Bombay Police Act. 1902.	In section 125 the letter and brackets "(a) shall be deleted.
1906	n	The [s]Mamistdars' Courts Act, 1906.	To sub-section (2) of section 19 the following words shall be added, viz. —"He shall without unnecessary delay record a memorandum after hearing the parties on the spot, if present, of any relevant facts observed at such inspection. The memorandum shall form part of the record of the case."
1920	XVII	The [³]Bombay Pleaders Act, 1920.	

[1] General Acts, Vol. III. [2] Vol. IV of Bom. Code.

[3] Vol. V of Bom. Code.

THE SECOND SCHEDULE.

REPEAL.

(See section 3)

Year.	No.	Short title.	Extent of Repeal.
		Acts of the Governor of Bombay in Council.	
1862	. 1	The [1]Gaikwar of Baroda Ceded Lands Laws Act, 1862.	The whole.
1918	ш	The [2]Gaikwar of Baroda Ceded Lands Laws Act, 1918.	The whole.
1928	III		The figure and brackets "(1)" in section 5.

^[1] Vol. II of Bom. Code. [1] Vol. V of Bom. Code.

[*] In this Vol. p. 479.

BOMBAY ACT No. XII OF 1928.[1]

[THE BOMBAY UNIVERSITY (AMENDMENT) ACT, 1928]

[11th January 1929]

- An Act to amend the Bombay University Act, 1928.

Bom. WHEREAS it is expedient to amend the [2]Bombay University Act, IV of 1928, in manner hereinafter appearing: It is hereby enacted as 1928. follows:—

- 1. This Act may be called the Bombay University (Amendment) Short title. Act, 1928.
- Bom. 2. In sub-section (2) of section 18 of the [2]Bombay University Amendment of section 18 of Act, 1928, hereinafter called the said Act, of Bom. IV of 1928.

 (i) in clause (e) the words "and military" shall be repealed; of 1928.
 - (ii) after clause (e) the following shall be inserted, namely:—
 [In this Vol., p. 488.]
 - 3. After clause (k) of sub-section (2) of section 33 of the said Act, Amendment of section 33 of Bom. IV of 1928.

[In this Vol., p. 494.]

4. Clause (e) of sub-section (I) of section 35 of the said Act shall be Amendment of section 35 of Bom. IV of 1928.

^[1] For Statement of Objects and Reasons see Bombay Government Gazette, 1928, Part V. p. 112; and for proceedings in Council see Bombay Legislative Council Debates, 1928, Vol. XXIV.

^[*] In this Vol. p. 481.

BOMBAY ACT No. III OF 1929.[1]

[THE KARACHI RENT RESTRICTION ACT, 1929]

[13th May 1929]

An Act to restrict the increase of rent of certain premises in the Municipal District and Cantonment of Karachi.

WHEREAS it is expedient to provide special means for restricting the increase of rent of certain premises in the Municipal District and Cantonment of Karachi; and whereas the previous sanction of the & 6 Governor General required by sub-section (3) of section 80A of the eo.V. Government of India Act has been obtained for the passing of this Act; 61. It is hereby enacted as follows:—

- 1. This Act may be called the Karachi Rent Restriction Act, 1929. Short title.
- 2. This Act shall extend to the Municipal District and Cantonment Extent and of Karachi and shall be in force up to the 31st day of December 1931 operation in respect of any premises of which the standard rent does not exceed Rs. 35 per month: provided that the expiration of this Act shall not render recoverable any rent which during the continuance thereof was irrecoverable or affect the right of a tenant to recover any sum which during the continuance thereof was under this Act recoverable by him.

3. In this Act, unless there is anything repugnant in the subject or context and subject to the provisions of this Act:--

(q) The expression "Controller" means a Controller of rents appointed under this Act and any person authorised by the Governor in Council or by the Controller with the sanction of the Governor in Council to perform any of the duties of the Controller under this Act:

(b) the expression "Committee" means a committee constituted under section 5;

(c) the expression "Premises" shall mean any building or part of a building let separately, the principal purpose of which is dwelling and includes any land let therewith:

(d) the expression "Standard rent" in relation to any premises means—

(i) the rent at which the premises were let on the 31st day of December 1928, or where they were not let on that date, the rent at which they were last let before that date; or

(ii) in the case of any premises that were or shall be first let after the 31st day of December 1928 the rent at which they were or shall be first let; or

(iii) in any of the cases referred to in section 5, the rent fixed by the Controller:

^[1] For Statement of Objects and Reasons see Bombay Government Gazette, 1929, Part V. p. 22; and for proceedings in Council see Bombay Legislative Council Debates, 1929, Vol. XXV.

- (e) the expression "landlord" means any person for the time being entitled to receive rent in respect of any premises whether on his own account or on account or on behalf or for the benefit of any other person or as trustee, guardian or receiver for any other person; it includes a tenant who sub-lets any premises and every person from time to time deriving title under a landlord;
- (f) the expression "tenant" means any person by whom or on whose account rent is payable for any premises, and includes every person from time to time deriving title under a tenant.
- 4. [1] The Governor in Council may, by notification, appoint a Controller for the area in which this Act is in operation.

Appointment 5. (1) In any area in which this Act is in operation the Controller of Controller may, after such inquiry as he may think fit, fix the standard rent of any premises.

Controller may fix Standard Rent.

- (2) In any of the following cases the Controller may fix the standard rent at such amount as having regard to the provisions of this Act and the circumstances of the case, he deems just:—
 - (a) where, by reason of any premises having been let at one time as a whole and at another time in parts, or where a tenant has sub-let or sub-lets a part of any premises let to him, or where for any reason any difficulty arises in giving effect to this Act;
 - (b) where, in the case of any premises let furnished, it is necessary to distinguish, for the purpose of giving effect to this Act, the amount payable as rent from the amount payable as hire of furniture; or
 - (c) where any premises have been or are let rent-free or at a nominal rent or for some consideration in addition to rent.
- (3) In the case of any such sub-letting as is referred to in clause (a) of sub-section (2) the Controller shall have regard to the standard rent of the premises a part of which has been or is sub-let.

(4) The Controller may alter the standard rent fixed for any premises if there be a change of conditions affecting the standard rent thereof subsequent to the same having been so fixed.

- (5) Before exercising any of the powers contained in the foregoing sub-sections the Controller shall give notice in the prescribed manner of his intention so to do and shall duly consider any application received by him from any person interested within such period as shall be specified in the notice.
- (6) All orders of the Controller under the foregoing sub-section shall be in writing and a copy thereof shall be affixed to some conspicuous part of the premises to which they relate or to some conspicuous object near such premises.
- (7) Subject as hereinafter provided and subject to the right of the Controller to refix the standard rent of any premises should there be

^[1] For Notifications under this section see Government Notifications in the Political Department No. 6256, dated the 22nd May 1930, published in the Bombay Government Gazette, 1929, Part I, p. 1163 and No. 6256, dated the 28th May 1929, published in the Bombay Government Gazette, 1929, Part I, p. 1219 and also No. 6256-E, dated the 7th December 1929, published in the Bombay Government Gazette, 1929, Part I, p. 2621.

a change of conditions affecting the standard rent thereof, any order under sub-section (1), (2) or (3) shall be final.

6. 1 If the landlord or the tenant object to any order made by the Constitution Controller under section 5, he may by written application to the Con- of Committee. troller within fourteen days of the date of the order require that such objection shall be determined by a Committee consisting of the Controller and two persons selected by the Controller from a list of persons nominated in this behalf by the Governor in Council by notification.

(2) Notwithstanding any such objection being preferred the order of the Controller shall be effective in all respects unless and until set

aside or varied in the manner hereinafter provided.

(3) The Committee, after giving notice in the prescribed manner of their intention so to do, and after duly considering any application from any person interested received by them within such period as shall be specified in the notice, and after such enquiry as they may think fit, shall proceed to determine such objection, and

(a) whatever be the objection, may affirm the order of the

Controller, or

• (b) if the objection be to the amount of the standard rent fixed, may fix the standard rent.

(4) In fixing the standard rent of any premises the Committee shall

have powers of the Controller under section 5.

(5) The decision of the Committee shall be in accordance with the opinion of the majority. If they are all divided in opinion, such decision shall be in accordance with the opinion of the Controller.

(6) The provisions of sub-section (5) of section 5 shall apply to all

decisions of the Committee.

- (7) The decision of the Committee shall relate back to the date of the order objected to and shall, subject to the right of the Controller to refix the standard rent of any premises should there be a change of conditions affecting the standard rent thereof, be final.
- 7. (1) Subject to the provisions of this Act where the rent of any Restriction of premises has been, or is hereafter during the continuance of this Act, raising rent. increased above the standard rent, the amount by which the rent exceeds the standard rent shall, notwithstanding any agreement to the contrary, be irrecoverable:

Provided that nothing in sub-section (1) shall apply to any rent which accrued due before the thirty-first day of December 1928.

(2) The rent shall be deemed to have accrued from day to day.

8. Where the landlord has since the thirty-first day of December Increase 1928 incurred, or during the continuance of this Act incurs, expenditure of rent on on the improvement or structural alteration of any premises (not in-improvement cluding expenditure on decoration or ordinary repairs), an increase of rent excepted. at a rate not exceeding ten per cent. per annum on the amount so expended shall not be deemed to be an increase for the purpose of this Act.

^[1] For Notification under this section, see Government Notification in the Political Department No. 6253-A, dated the 17th June 1929, published in the Bombay Government Gazette, 1929, Part I, p. 1365.

Case where rent not to be deemed to be increased.

- 9. (1) Where, as the result of any alteration of the terms of a tenancy, the terms on which any premises are held, are on the whole less favourable to the tenant than the previous terms the rent shall be deemed to be increased for the purposes of this Act, whether the sum payable as rent is increased or not.
- (2) Where, as the result of any alteration of the terms of the tenancy, the terms on which any premises are held are not on the whole less favourable to the tenant than the previous terms the rent shall not be deemed to be increased for the purposes of this Act, whether the sum payable as rent is increased or not.

Increase of rent on account of payment of rates excepted.

10. Where the landlord pays any Municipal rates, cesses or taxes in respect of any premises, an increase of the rent thereof shall not be deemed to be an increase for the purposes of this Act, if the amount of the increase does not exceed any increase in the amount for the time being payable by the landlord in respect of such rates, cesses or taxes over the amount paid in the period of assessment which included the thirty-first day of December 1928.

Notice to be given before increase of rent.

- 11. (1) Wherever an increase of the rent of any premises is allowable under the provisions of this Act, no such increase shall be recoverable until the expiry of four clear weeks after the landlord has served on the tenant a notice in writing of his intention to increase the rent, accompanied-
 - (a) where the increase of rent is on account of such expenditure as is mentioned in section 8 by a statement of the improvements or alterations effected and of their cost, and
 - (b) where the increase of rent is on account of an increase in Municipal rates, cesses, or taxes, by a statement showing particulars of the increased amount charged in respect of such rates, cesses or
- (2) Where such a notice has been served on any tenant the increase may be continued without service of any fresh notice on any subsequent tenant.

 Fine or premium not for grant, renewal or continuance of tenancy.

- 12. (1) It shall not be lawful for any person, in consideration of the to be charged grant, renewal or continuance of a tenancy of any premises, to require the payment of any fine, premium or any other like sum in addition to the rent.
 - (2) Where any such payment has been made after the 1st day of January 1929, the amount shall be recoverable by the tenant by whom it was made from the landlord, and may without prejudice to any other method of recovery be deducted from any rent payable by him to the landlord.
 - (3) Provided that nothing in this section shall apply to any payment under any agreement entered into before the 1st day of January 1926.
 - 13. (1) No order for the recovery of possession of any premises shall be made so long as the tenant pays or is ready and willing to pay the standard rent and perform the conditions of the tenancy.

No order for ejectment ordinarily to be made if rent paid at allowable rate.

(2) Provided that nothing in this section shall apply where the tenant has committed any act contrary to the provisions of clause (o) or clause (p) of section 108 of the [1] Transfer of Property Act, IV of 1882, or has been guilty of conduct which is a nuisance or an annoyance to adjoining or neighbouring occupiers, or where the premises are reasonably and bong fide required by the landlord either for the erection of buildings or for his own occupation or for the occupation of any person for whose benefit the premises are held or where the landlord can show any cause which may be deemed satisfactory by the Court.

(3) The fact that a tenant the term of whose lease has expired has after the 31st day of December 1928 without the written permission of his landlord, sublet the premises or that a tenant has, after the said date and without the said permission, sublet the premises for a period extending beyond the term of his lease, shall in the former case at once and in the latter case after the expiry of the said lease, be deemed to be satisfactory cause within the meaning of sub-section (2), but otherwise the fact that the period of the lease has expired or that the interest of the landlord in the premises has terminated, shall not of itself be deemed to be

a satisfactory cause within the meaning of the said sub-section.

14. When any order for the recovery of possession of any premises Consequences has been made under sub-section (2) of section 13 on the ground that non-occupathe premises are reasonably and bona fide required by the landlord either tion of for the erection of buildings or for his own occupation or for the occupa-premises of tion of any person for whose benefit the premises are held and sion has been the premises are not used for the erection of buildings or occupied by restored to the aforesaid persons within six months of the date when possession has been obtained or are relet within the same period to any person other than the original tenant, the court by which the order was made may on an application of the original tenant made within nine months of such date place him in occupation of the premises on the original terms and conditions and if in the opinion of the court the premises were not reasonably and bona fide required by the landlord for the aforesaid purposes, direct payment to him by the landlord of such compensation as the court may think fit.

15. Whoever, without the previous written consent of the Controller Penalty for or save for the purposes of effecting repairs or complying with any of easements Municipal requisition, wilfully disturbs any easement annexed to any and tamperpremises or removes, destroys or renders unserviceable anything provided things for permanent use therewith or discontinues any supply or service provided for comprised in the rent of such premises shall be punishable, in the case use with of a first offence with fine which may extend to one thousand rupees and premises. in the case of a second or subsequent offence in regard to the same or any other premises with fine which may extend to two thousand rupees.

16. Where any sum has, whether before or after the coming into Rent paid in operation of this Act in any area, been paid by a tenant to a landlord on excess may be account of the rent of any premises being a sum in excess of the standard

rent, such sum shall at any time within a period of six months after the date of payment be recoverable (without prejudice to any other mode of recovery or the provisions of this Act) on application to a Magistrate, from the landlord or his legal representative under the provisions of the Code of Criminal Procedure V of 1898 in like manner as if it were a fine V and the balance of any rent so recovered shall, after deducting the costs of recovery, be paid to the tenant: provided that nothing in this section shall apply to any rent other than rent accruing due after the 1st day of July 1928.

Rent deemed to secrue from day to day.

17. For the purposes of section 16 rent shall be deemed to accrue from day to day.

Controller may require information to be furnished and may summon witnesses.

- 18. (1) For the purposes of any enquiry under section 5 or section 6 the Controller may by order require any person—
 - (a) to furnish particulars in such form, within such time and at such place as may be specified in the order as to the rent at which and the manner in which any premises were let in the year 1928 or subsequently, and as to any other matter specified in the order.

(b) to produce for inspection such accounts, rent receipts, books or other documents at such time and at such place as may be specified in the order.

(2) The Controller shall, subject to any rules made under this Act and in so far as such powers are necessary for carrying out the provisions of this Act, have power to summon and enforce the attendance of witnesses and to compel the production of documents by the same means and so far as may be in the same manner as is provided in the case of V a court by the Code of Civil Procedure, V of 1908.

Power of entry.

19. For the purpose of any enquiry under section 5 or section 6 the Controller or any person duly authorised by the Controller in writing either generally or specially in this behalf or any member of the Committee, may enter any building or land with or without any assistance: provided that no building used for human occupation shall be so entered except with the consent of the occupier thereof, without giving such occupier at least twenty-four hours' previous notice in writing.

Rules.

20. (1) The Governor in Council may by notification make rules[1] for the purpose of giving effect to the provisions of this Act.

(2) Without prejudice to the generality of the foregoing provisions such rules may prescribe

(a) the manner in which notices under sections 5 and 6 shall be given;

(b) the manner in which the persons selected by the Controller to form a committee shall be selected; and

(c) the manner in which and the agency by which the Controller may enforce the attendance of witnesses and compel the production

^[1] For Rules under this section see Government Notification in the Political Department No. 6256, dated the 17th June 1929, published in the Bombay Government Gazette, 1929, Part I, pp. 1363-65.

of documents for the purposes of this Act and may also provide for the charging or remission of fees.

21. Nothing in this Act shall be deemed to constitute the Controller Controller or or the Committee to be a court.

not a Court,

22. No order under this Act shall be called in question in any court, Legal and no suit, prosecution or other legal proceedings shall lie against any proceedings barred. person for anything which is in good faith done or intended to be done under this Act.

23. (1) Where any sum has, whether before or after the Rent which commencement of this Act, been paid on account of rent, being a sum have been which is by reason of the provisions of this Act irrecoverable, such sum paid may be shall at any time within a period of six months after the date of payment, recovered on or in the case of a payment made before the commencement of this Act, rent. within six months after the commencement thereof, be recoverable by the tenant by whom it was paid from the landlord who received the payment or his legal representative and may without prejudice to any other method of recovery be deducted by such tenant from any rent payable within such six months by him to such landlord.

(2) In this section the expression "legal representative" has the same meaning as in the Code of Civil Procedure, V of 1908, and includes also in the case of joint family property, the joint family of which the deceased person was a member.

24. Nothing in this Act shall be deemed to entitle a landlord to Act does increase the rent of any premises in any case in which he would not be not permit entitled to do so if this Act had not been passed.

rent if not permissible.

25. (1) Whoever knowingly receives whether directly or indirectly Penalty for on account of the rent of any premises any sum in excess of the standard in excess rent shall on conviction by a magistrate be punishable in the case of of standard a first offence with fine which may extend to one thousand rupees and rent in the case of a second or subsequent offence in regard to the same or any other premises with fine which may extend to two thousand rupees.

(2) A person shall be deemed to receive a sum in excess of the standard rent if he receives any consideration representing a money value in excess of such standard rent.

(3) Nothing in this section shall apply to any rent other than rent accruing due after the 31st day of December 1928.

26. (1) In every suit for rent, compensation for use and occupation, Statement or ejectment in respect of any premises, the plaintiff shall state in the actostandard plaint whether the standard rent has or has not been fixed under this made in Act, and if he states that it has been so fixed, he shall annex to the plaint certain suits. a copy of the order in that behalf in force under this Act.

(2) If the plaintiff fails to comply with the terms of the sub-section (I) the plaint shall be rejected.

(3) The rejection of the plaint on any of the grounds hereinbefore mentioned shall not of its own force preclude the plaintiff from presenting a fresh plaint in respect of the same cause of action.

BOMBAY ACT No. IV OF 1929.[1]

[THE KARACHI SMALL CAUSES COURT ACT, 1929]

[22nd May 1929]

An Act to provide for the Establishment of a Court of Small Causes at Karachi.

WHEREAS it is expedient to provide for the establishment of a Court of Small Causes at Karachi; and whereas the previous sanction of the 5 & 6 Governor General required by section 80A (3) of the Government of Geo.V. India Act and the previous sanction of the Governor required by section 80C of the said Act have been obtained for the passing of this Act; It is hereby enacted as follows:—

CHAPTER I.

PRELIMINARY.

- 1. This Act may be called the Karachi Small Causes Court Short title. Act, 1929.
- 2. It shall come into force on such date as the Governor in Council Commence may, by notification in the Bombay Government Gazette, appoint.
- 3. On and from the date on which this Act comes into operation the Repeal. IX of [2]Provincial Small Causes Courts Act, 1887, so far as it applies to the taluka of Karachi, shall be repealed.

Provided that-

(a) all notifications published, declarations and rules made, places appointed, securities given, agreements filed, scales prescribed, forms framed, appointments made and powers conferred under the said Act or any Act amending the same and still in force shall, so far as they are not inconsistent with this Act, be deemed to have been respectively published, made, appointed, given, filed, prescribed, framed and conferred under this Act;

(b) all proceedings instituted before, and pending at the date on which this Act comes into force in the Court of Small Causes at Karachi under the [2]Provincial Small Causes Courts Act, 1887, shall be continued, tried, heard and determined as if they had been instituted under this Act;

(c) all appeals and revision proceedings instituted under the [2]Provincial Small Causes Courts Act, 1887, before, and pending at, the date on which this Act comes into force in the Chief Court, shall be continued, tried, heard and determined as if this Act had not been passed;

IX of 1887.

IX. of 1887.

^[1] For Statement of Objects and Reasons see Bombay Government Gazette, 1928, Part V, p. 92; for Report of the Select Committee see ibid, 1929, Part V, p. 28; and for proceedings in Council see Bombay Legislative Council Debates, 1928, Vol. XXIV and 1929, Vol. XXV.

^[*] General Acts, Vol. III.

(d) all decrees passed and orders made under the [1]Provincial Small Causes Courts Act, 1887, shall be deemed, for the purposes of IX of execution, to have been passed under this Act:

Provided further that nothing contained in this section shall be construed to affect the period of limitation to which any proceeding or appeal may be subject.

Definitions.

- 4. In this Act, unless there is anything repugnant in the subject or context:-
 - (a) "Act" includes rules;
 - (b) the "Chief Court" means the Court of the Judicial Commissioner of Sind and, when the [2]Sind Courts Act, 1926, comes into operation Bom shall mean the Chief Court of Sind established under that Act;
 - (c) the "Chief Judge" includes the Judge, whether permanent or officiating, when not more than one Judge has been appointed;
 - (d) "the Court" means the Karachi Small Causes Court established under the provisions of this Act;
 - (e) "Registrar" includes a "Deputy Registrar";
 - (f) "Rules" means the rules and forms made or prescribed under section 37;
 - (g) "Taluka of Karachi" means the taluka of Karachi as constituted or defined for the time being under the [3]Bombay Land Revenue Bom V of 1879.

CHAPTER II.

CONSTITUTION OF THE COURT.

Establishment of the Court of Small Causes.

- 5. (1) On and from the commencement of this Act there shall be established at Karachi a Court of Small Causes to be called the Karachi Small Causes Court.
- (2) It shall be deemed to be a Court subject to the superintendence of, v of and subordinate to, the Chief Court, within the meaning of the Code 1908 of Civil Procedure, 1908, [3]Sind Courts Act, 1866, and the [2]Sind XII Courts Act, 1926.

Appointment of Judges.

6. The Governor in Council may, from time to time, appoint one or VII more persons to be Judges of the Court who shall hold office during his 1926 pleasure:

Provided that no person shall be so appointed unless he has been-

(a) an Advocate, Vakil, Attorney or pleader of a court which is a High Court within the meaning of clause (22) of section 3 of the Bom [4]Bombay General Clauses Act, 1904, for an aggregate period of not I of 1904 less than seven years, or

^[1] General Acts, Vol. III.

^[*] Vol. II of Bom. Code.

^[4] In this Vol. p. 415.

^[4] Yol. IV of Bom. Code.

Chicf Court.

(b) a Judge of a civil court for an aggregate period of not less than five years.

When more than one Judge has been appointed, the Governor in Council may appoint one of them to be the Chief Judge of the Court.

7. (1) The Chief Judge, whether permanent or officiating, shall have Rank and rank and precedence before the other Judges of the Court.

| Precedence of Judges | Judges | Judges | Judges | Judges | Judges | Judges | Judges | Judges | Judges | Judges | Judges | Judges | Judges | Judges | Judges | Judges | Judges | Judges | Judges | Judges | Judges | Judges | Judges | Judges | Judges | Judges | Judges | Judges | Judges | Judges | Judges | Judges | Judges | Judges | Judges | Judges | Judges | Judges | Judges | Judges | Judges | Judges | Judges | Judges | Judges | Judges | Judges | Judges | Judges | Judges | Judges | Judges | Judges | Judges | Judges | Judges | Judges | Judges | Judges | Judges | Judges | Judges | Judges | Judges | Judges | Judges | Judges | Judges | Judges | Judges | Judges | Judges | Judges | Judges | Judges | Judges | Judges | Judges | Judges | Judges | Judges | Judges | Judges | Judges | Judges | Judges | Judges | Judges | Judges | Judges | Judges | Judges | Judges | Judges | Judges | Judges | Judges | Judges | Judges | Judges | Judges | Judges | Judges | Judges | Judges | Judges | Judges | Judges | Judges | Judges | Judges | Judges | Judges | Judges | Judges | Judges | Judges | Judges | Judges | Judges | Judges | Judges | Judges | Judges | Judges | Judges | Judges | Judges | Judges | Judges | Judges | Judges | Judges | Judges | Judges | Judges | Judges | Judges | Judges | Judges | Judges | Judges | Judges | Judges | Judges | Judges | Judges | Judges | Judges | Judges | Judges | Judges | Judges | Judges | Judges | Judges | Judges | Judges | Judges | Judges | Judges | Judges | Judges | Judges | Judges | Judges | Judges | Judges | Judges | Judges | Judges | Judges | Judges | Judges | Judges | Judges | Judges | Judges | Judges | Judges | Judges | Judges | Judges | Judges | Judges | Judges | Judges | Judges | Judges | Judges | Judges | Judges | Judges | Judges | Judges | Judges | Judges | Judges | Judges | Judges | Judges | Judges | Judges | Judges | Judges | Judges | Judges | Judges | Judges | Jud

- (2) Save as aforesaid, and subject to any general or special direction by the Governor in Council, the judges shall have rank and precedence according to the seniority of their appointment as such judges: Provided that a permanent judge shall be deemed to be senior to, and shall have rank and precedence before, an officiating judge.
- 8. On the occurrence of a vacancy in the office of the Chief Judge and Provision for during any absence of the Chief Judge, the Governor in Council may vacancy in appoint one of the other judges of the Court to perform the duties of the Chief Judge. Chief Judge, until some person has been appointed by the Governor in Council to the office of the Chief Judge of the Court, and has entered on the discharge of the duties of that office, or until the absent Chief Judge has returned to his duties, as the case requires.
- 9. On the occurrence of a vacancy in the office of a judge other than the Provision for Chief Judge, and during any absence of any such judge, or on the appoint-vacancy in ment of any such judge to act as Chief Judge, the Governor in Council the office of a may appoint a person to officiate as a judge of the Court and the person than the so appointed may sit and perform the duties of a judge of the Court, Chief Judge until some person has been appointed by the Governor in Council to the office of judge of the Court and has entered on the discharge of the duties of the office, or until the absent judge has returned to his duties or until the Governor in Council cancels the appointment of the acting judge.
- 10. The Court shall use a seal of such form and dimensions as are Seal to be for the time being prescribed by the Governor in Council.

CHAPTER III.

LAW ADMINISTERED BY THE COURT.

11. All questions, other than questions relating to procedure or Questions practice, which arise in the Court in suits or other proceedings under this arising in Act shall be dealt with and determined according to the law for the time suits under the Act to be being administered by the Chief Court in the exercise of its original civil decided according to law administered by the

CHAPTER IV.

JURISDICTION IN RESPECT OF SUITS.

12. (1) The Court shall exercise jurisdiction within the taluka of Local limits of jurisdiction of the

(2) Save as expressly provided by this Act, or by any other enactment Court. for the time being in force, a suit cognizable by the Court shall not be tried by any other Court having jurisdiction within the taluka of Karachi.

Jurisdiction.

13. Subject to the provisions of sections 14, 15, 16 and 17 and of the Code of Civil Procedure, 1908, the Court shall have jurisdiction to try v of all suits of a civil nature when the amount or value of the subject-matter 1901 does not exceed two thousand rupees.

Explanation.—When in any suit the sum claimed is, by a set-off admitted by both parties, reduced to a balance not exceeding two thousand rupees, the Court shall have jurisdiction to try such suit.

Suits in which the Court has no jurisdiction.

- 14. The Court shall have no jurisdiction in
 - (a) suits concerning the assessment or collection of land-revenue;
- (b) suits concerning any act ordered or done by the Governor General in Council or the Local Government or by any member of the Council of the Governor General or of the Governor of Bombay, or by any Minister in his official capacity, or by any person by order of the Governor General in Council or the Local Government;
- (c) suits concerning any act ordered or done by a Judge or judicial officer in the execution of his office, or by any person in pursuance of any judgment or order of any Court or of any Judge or judicial officer;
 - (d) suits for the recovery of immoveable property;
 - (e) suits for the partition of immoveable property;
- (f) suits by mortgagees of immoveable property for the foreclosure of the mortgage or for the sale of the property, or by mortgagors of immoveable property for the redemption of the mortgage;
- (g) suits for the determination of any other right to or interest in immoveable property;
 - (h) suits for the specific performance or rescission of contracts;
 - (i) suits to obtain an injunction;
 - (j) suits for the cancellation or rectification of instruments;
 - (k) suits to enforce a trust;
- (l) suits for a general average loss and suits on policies of insurance on sea-going vessels;
- (m) suits for compensation in respect of collisions on the high seas or in any inland waters;
- (n) suits for compensation for the infringement of a patent, copyright or trade-mark.
- (o) suits for a dissolution of partnership or for an account of partnership transactions;
- (p) suits for an account of property and its due administration under a decree of a Court;
- (q) suits for compensation for libel, slander, malicious prosecution, adultery, seduction or breach of promise of marriage;
 - (r) suits for the restitution of conjugal rights, or for a divorce;
- (s) suits for declaratory decrees in respect of any immoveable property;

- (t) suits for possession of a hereditary office;
- (u) suits against Sovereign Princes, or Ruling Chiefs, or against Ambassadors or Envoys of Foreign States;
 - (v) suits on any judgment of a High Court or of the Chief Court;
- (w) suits, the cognizance whereof by the Court is barred by any law for the time being in force;
- (x) suits for compensation for obstruction of an easement or diversion of a water course.
- 15. (1) When the parties to a suit, which, if the amount or value of Court may by the subject-matter thereof did not exceed two thousand rupees, would be consent try suits beyond cognizable by the Court, have entered into an agreement in writing that pecuniary the Court shall have jurisdiction to try such suit, the Court shall limits of have jurisdiction to try the same, although the amount or value of the jurisdiction. subject-matter thereof may exceed two thousand rupees.

- (2) Every such agreement shall be filed in the Court, and when it is so filed, the parties to it shall be subject to the jurisdiction of the Court, and shall be bound by its decision in such suit.
- 16. Any suit cognizable by the Court except suits in respect of Suite by property taken in execution of its process or the proceeds or value thereof and against officers of to which an officer of the Court is a party may, at the election of the the Court. plaintiff, be instituted in the Chief Court. If such suit is instituted in the Court, it shall, on application by any of the defendants, be submitted to the Chief Court, for trial and disposal, provided that such application is made within a week of the service of the summons on the applicant or before the first hearing whichever interval is shorter.
- 17. Nothing in this Chapter shall be deemed to preclude the Court Saving. from trying any suits or proceeding which it is specially authorised to try by any other enactment for the time being in force.

CHAPTER V.

RECOVERY OF POSSESSION OF IMMOVEABLE PROPERTY.

- When any person has had possession of any immoveable property Summons situate within the local limits of the Court's jurisdiction and of which the against annual rental value does not exceed two thousand rupees, as the tenant, pying proor by permission, of another person, or of some person through whom such perty withother person claims, and such tenancy or permission has determined or out leave. been withdrawn, and such tenant or occupier or any person holding under or by assignment from him (hereinafter called the occupant) refuses to deliver up such property in compliance with a request made to him in this behalf by such other person, such other person (hereinafter called the applicant) may apply to the Court for a summons against the occupant, calling upon him to show cause, on a day therein appointed, why he should not be compelled to deliver up the property.
- 19. The summons shall be served on the occupant in the manner Service of provided by the Code of Civil Procedure, 1908, for the service of summons. 1908. a summons on a defendant.

Order for possession.

20. If the occupant does not appear at the time appointed and show cause to the contrary, the applicant shall, if the Court is satisfied that he is entitled to apply under section 18, be entitled to an order addressed to a bailiff of the Court directing him to give possession of the property to the applicant on such day as the Court thinks fit to name in such order.

Explanation.—If the occupant proves that the tenancy was created or permission granted by virtue of a title which is determined previous to the date of the application, he shall be deemed to have shown cause within the meaning of this section.

Bar to Proceedings against judge or officer for issuing, etc., order or summons.

21. No suit or prosecution shall be maintainable against any judge or officer of the Court by whom any such order as aforesaid was issued or against any bailiff or other person by whom the sale was executed, or by whom any such summons as aforesaid was served, for the issue, execution or service of any such order or summons, by reason only that the applicant was not entitled to the possession of the property.

Applicant, if entitled to possession, not to be deemed trespasser for any error in proceedings. Occupant may sue for compensation.

22. When the applicant, at the time of applying for any such order as aforesaid, was entitled to the possession of such property, neither he nor any person acting in his behalf shall be deemed, on account of any error, defect or irregularity in the mode of proceeding to obtain possession thereunder, to be a trespasser; but any person aggrieved may bring a suit for a recovery of compensation for any damage which he has sustained by reason of such error, defect or irregularity; when no such damage is proved, the suit shall be dismissed; and when such a damage is proved but the amount of compensation assessed by the Court does not exceed ten rupees, the Court shall award to the plaintiff no more costs than compensation, unless the Court certifies that in its opinion full costs should be awarded to the plaintiff.

Liability of applicant obtaining order when not entitled.

23. Nothing herein contained shall be deemed to protect any applicant obtaining possession of any property under this Chapter from a suit by any person deeming himself aggrieved thereby, when such applicant was not at the time of applying for such order as aforesaid entitled to the possession of such property.

Application for order in such case an act of trespass. - And when the applicant was not, at the time of applying for any such order as aforesaid, entitled to the possession of such property, the application for such order, though no possession is taken thereunder, shall be deemed to be an act of trespass committed by the applicant against the occupant.

Stay of proceedings on occupant giving security to bring suit against applicant. 24. Whenever on an application being made under section 18 the occupant binds himself, with two sureties, in a bond for such amount as the Court thinks reasonable, having regard to the value of the property and the probable costs of the suit next hereinafter mentioned, to institute without delay a suit in the Chief Court against the applicant, for compensation for trespass and to pay all the costs of such suit in case he does not prosecute the same or in case judgment therein is given for the applicant, the court shall stay the proceedings on such application until such suit is disposed of.

If the occupant obtains a decree in any such suit against the applicant, such decree shall supersede the order, if any, made under section 20.

- 25. In all proceedings under this chapter the Court shall, as far as may Proceedings be, and except as herein otherwise provided, follow the procedure ed by Code of v of prescribed for a court of first instance by the Code of Civil Procedure, Civil Procedure.

 1908.
 - 26. Recovery of the possession of any immoveable property under Recovery of this chapter shall be no bar to the institution of a suit in the Chief Court possession no bar to suit for trying the title thereto.
 - 27. (1) Any person claiming to be entitled to arrears of rent of any Application house or premises situate within the local limits of the Court's jurisdiction for distress of which the annual rental does not exceed two thousand rupees may apply to the Court for a distress warrant in accordance with the provisions of this Act.
 - (2) The application shall be supported by an affidavit or affirmation to the effect of Form A in the Schedule hereto annexed.
 - (3) Nothing in this section shall apply to-

(a) any rent due to Government;

- (b) any rent which has been due for more than twelve months before the application mentioned in sub-section (1).
- 28. The debtor or any other person alleging himself to be the owner Application of any property seized under this chapter may, at any time within five to discharge days from such seizure, apply to the Court to discharge or suspend the warrant: warrant, or to release a distrained article, and the Court may discharge or suspend such warrant or release such article accordingly, upon such terms as it thinks just,

and the Court may, in its discretion, give reasonable time to the debtor to pay the rent due from him.

Upon any such application, the costs attending it and attending the issue and execution of the warrant shall be in the discretion of the Court and shall be paid as the Court directs.

CHAPTER VI.

PROCEDURE.

- V of 1908. (1) The following provisions of the Code of Civil Procedure, 1908, Procedure. shall not extend to the Court, that is to say:—
 - (a) So much of the body of the Code as relates to—
 - (i) suits excepted from the cognizance of the Court;

(ii) the execution of decrees in such suits;

- (iii) the execution of decrees against immoveable property, except so far as it may relate to proceedings under Chapter V of this Act.
- (b) Section 7;

Section 9:

Sections 91 and 92:

Sections 94 and 95, so far as they relate to injunctions and interlocutory orders;

Sections 96 to 112 and 115.

- (2) An application for a review of judgment shall be presented within fifteen days of the date of the judgment.
- (3) An applicant for an order to set aside a decree passed ex parte or for a review of judgment shall, at the time of presenting his application, either deposit in the Court the amount due from him under the decree or in pursuance of the judgment, or give security to the satisfaction of the Court for the performance of the decree or compliance with the judgment, as the Court may direct.
- (4) Where a person has become liable as surety under sub-section (3), the security may be realised in manner provided by section 145 of the Code of Civil Procedure, 1908.

V. of 1908.

CHAPTER VII.

REMOVAL OF CAUSES, REVISION AND REFERENCES.

Removal of certain causes into Chief Court.

- 30. (1) In any suit instituted in the Court in which the amount or value of the subject-matter exceeds the sum of one thousand rupees, the defendant or any one of the defendants, may, before the day fixed by the summons for the appearance of the defendant or within eight days after the service of the summons on him, whichever period shall last expire, apply ex parte on an affidavit setting forth the facts on which he relies for his defence to the Chief Court for an order removing the cause into the said Court.
- (2) Unless the Chief Court is of opinion that the application has been made solely for the purpose of delay, the applicant shall be entitled to such order as of right: Provided that the removal directed by such order shall, unless the Chief Court otherwise directs, be conditional upon the applicant giving security, to the approval of that Court within a reasonable time to be prescribed in the order for the payment of the amount claimed and of the costs which may become payable by him to the plaintiff in respect of the said suit.
- (3) If the applicant fails or neglects to complete the required security (if any) within the prescribed time the said order shall be discharged and the suit shall proceed in the Court as if such order had never been made.
- (4) If the plaintiff in any case which has been removed under this section into the Chief Court has abandoned a portion of his claim in order to be able to bring the suit within the jurisdiction of the Court, he shall be permitted to revive the portion of his claim so abandoned.

Rule with respect to suits removed under section 30.

- 31. (1) When a suit has been removed into the Chief Court under section 30 it shall be heard and disposed of by the Chief Court in the exercise of its original jurisdiction, and the Chief Court shall have all the powers and jurisdiction in respect thereof as if the suit had been originally instituted in the Chief Court.
- (2) In every suit so removed the affidavit filed under sub-section (1) of section 30, shall be treated as a written statement of the defendant tendered under Order VIII, rule I of the First Schedule of the Code of V of Civil Procedure, 1908, unless the Chief Court shall otherwise order.

- 32. The Chief Court may for the purpose of satisfying itself that a Revision decree or order made in any case by the Court was according to law, call for the case and pass such order with respect thereto as it thinks fit.
- 33. (1) If two or more Judges of the Court sit together in any suit, Reference or in any proceeding under Chapter V, and differ in their opinion as to when compulsory. any question of law or usage having the force of law or the construction of a document, which construction may affect the merits, or

if in any suit or in any such proceeding, in which the amount or value of the subject-matter exceeds five hundred rupees, any such question arises upon which the Court entertains reasonable doubt and either party so requires, the Court shall draw up a statement of the facts of the case and the point on which there is a difference of opinion or on which doubt is entertained, and refer such statement with its own opinion on the point for the opinion of the Chief Court; and the provisions of rules 3 to 5 of Order XLVI of the First Schedule to the Code of Civil Procedure, 1908, shall, so far as they are applicable, be deemed to apply as if such reference had been made under rule I of the said Order of the said Code.

7 of 908.

- (2) When the Court refers any question for the opinion of the Chief Court as provided in sub-section (1), it shall either reserve judgment or give judgment contingent upon such opinion.
- 34. When judgment is given under section 33 contingent upon the Security to be opinion of the Chief Court, the party against whom such judgment is furnished on such given shall at once furnish security, to be approved by the Court, for the reference costs of the reference to the Chief Court and for the amount of such by party judgment:

against whom contingent . judgment is given.

Provided that no security for the amount of such judgment shall be required in any case in which the Court has ordered such amount to be paid into Court, and the same has been paid accordingly.

Unless such security as aforesaid is at once furnished, the party against If no such whom such contingent judgment has been given shall be deemed to have given, party submitted to the same.

to be deemed to have submitted to judgment. General orders of the Court.

35. Save as otherwise provided by this Act or by any other enactment finality of for the time being in force, every decree or order of the Court in a suit decrees and shall be final and conclusive.

CHAPTER VIII.

FEES AND COSTS.

36. (1) In addition to the fee payable on a plaint under the [1]Court Institution VII of Fees Act, 1870, a fee of ten rupees shall be paid on the filing of an agree-fees. ment under section 15.

- (2) For the purposes of the [1]Court Fees Act, 1870, an application VII under section 18 shall be deemed to be a suit of a value equal to the 1870 annual rental value of the property in respect of which the application is made.
- (3) A fee of annas eight shall be paid on every application made for which no fee is provided, under the [1]Court Fees Act, 1870.

CHAPTER IX

RULES.

Procedure and practice of the Court.

- 37. The Chief Court may, from time to time, make rules not inconsistent with this Act,—
- (I) providing for the exercise by one or more of the Judges of the Court of any powers conferred on the Court by this Act or any other enactment for the time being in force;
 - (2) regulating the procedure of the Court in the exercise of its jurisdiction under Chapter V;
 - (3) empowering the Registrar to hear and dispose of undefended suits and interlocutory applications or matters:
- (4) providing for the delegation to any ministerial officer of the Court of any non-judicial or quasi-judicial duties which this Act or the Code of Civil Procedure, 1908, requires to be performed by a Judge, Y of and
 - (5) providing for pleaders' fees and other costs.

General power of transfer.

- 38. (1) On the application of any of the parties and after notice to the parties and after hearing such of them as desire to be heard, or of his own motion without such notice, the Chief Judge may, at any stage,—
 - (a) transfer any suit or other proceeding pending before him for trial or disposal to any other Judge of the Court; or
 - (b) withdraw any suit or other proceeding pending before any Judge of the Court and
 - (i) try or dispose of the same, or
 - (ii) transfer the same for trial or disposal to any other judge of the Court, or
 - (iii) retransfer the same for trial or disposal to the Judge from whom it was withdrawr.
- (2) Where any suit or other proceeding has been transferred or withdrawn under sub-section (1), the Judge who thereafter tries such suit or proceeding may, subject to any special directions in the case of an order of transfer, either retry it or proceed from the point at which it was transferred or withdrawn.

Distribution of business.

39. Subject to rules framed by the Chief Court the Chief Judge may, from time to time, make such arrangements as he thinks fit for the distribution of the business of the Court among the various Judges thereof.

CHAPTER X.

MINISTERIAL OFFICERS.

- 40. (1) Subject to the sanction of the Governor in Council the Judicial Appointment Commissioner or the Chief Judge of the Chief Court, as the case may be, and Minismay, from time to time, appoint an officer to be called the Registrar of terial Officers: the Court, and to be the Chief ministerial officer of the Court.
- (2) Subject to the control of the Judicial Commissioner or the Chief Judge of the Chief Court, as the case may be, the Chief Judge may, from time to time, appoint a Deputy Registrar and as many clerks, bailiffs and other ministerial officers as may be sanctioned by the Governor in Council for the administration of justice by the Court and for the exercise and performance of the powers and duties conferred and imposed on it by this Act or any other law for the time being in force.
- (3) The Registrar and other officers so appointed shall exercise such powers and discharge such duties of a ministerial nature as the Chief Judge may, from time to time, direct.
- (4) The Chief Judge may suspend, remove or dismiss any Deputy Registrar or other officer so appointed: provided that no officer drawing a monthly salary of one hundred rupees or upwards shall be removed or dismissed without the orders of the Judicial Commissioner or the Chief Judge of the Chief Court, as the case may be.
- 41. (1) The Governor in Council may invest the Registrar with the Registrar powers of a Judge under this Act for the trial of suits and applications may be invested with except applications under Chapter V in which the amount or value of powers of a Judge in Judge in suits not
- (2) The provisions of section 38 shall, so far as may be, apply to exceeding the Registrar.
- (3) Suits cognisable by the Registrar shall be tried by him and decrees passed therein shall be executed by him, in like manner in all respects as a Judge of the Court might try the suits and execute the decrees respectively.
- 42. If any clerk, bailiff or other inferior ministerial officer of the Court Default of who is employed as such in the execution of any order or warrant, loses, bailiff or by neglect, connivance or omission, an opportunity of executing such in execution order or warrant, he shall be liable, by order of the Chief Judge, to pay of order or to the person injured by such neglect, connivance or omission, such sum not exceeding in any case the sum for which the said order or warrant was issued, as, in the opinion of the Chief Judge, appears reasonable.
- 43. If any clerk, bailist or other inferior ministerial officer of the Court Extortion or is charged with extortion or misconduct while acting under colour of its default of process, or with not duly paying or accounting for any money levied by him under its authority, the Court may inquire into such charge, and may make such order for the repayment or payment of any money so extorted or levied and of damages and costs by such officer as it thinks fit.

of 1929] 44. For the purposes of any inquiry under this Chapter, the Court Court .empowered shall have all the powers of summoning and enforcing the attendance of to summon witnesses and compelling the production of documents which it possesses witnesses, in suits under this Act. 45. Any order under this Chapter for the payment or repayment of Enforcement of crder. money may, in default of payment of the amount payable thereunder, be enforced by the person to whom such amount is payable as if the same were a decree of the Court in his favour. THE SCHEDULE.

(See section 27.)

Form A.

In the Karachi Small Causes Court.

A. B. (Plaintiff);

C. D. (Defendant).

A. B. of , in the town

, maketh oath (or affirms) and saith that C. D.

, is justly indebted

in the sum of Rs. for arrears of rent of the house and premises No.

situate at , in the town of months, to wit, , due for

_to from . at

per mensem. the rate of Rs.

Sworn or affirmed before me the

Judge (or Registrar).

BOMBAY ACT No. V OF 1929.[1]

[The Indian Registration (Bombay Amendment) Act, 1929]

[22nd May 1929]

An Act further to amend the Indian Registration Act, 1908, in its application to the Presidency of Bombay.

WHEREAS it is expedient further to amend the [2] Indian Registra-XVI of tion Act, 1908, in its application to the Presidency of Bombay in manner 1908. hereinafter appearing; and whereas the previous sanction of the Governor i & 6 General required by section 80A of the Government of India Act has Geo.V, been obtained for the passing of this Act; It is hereby enacted as follows:—

- 1. This Act may be called the Indian Registration (Bombay Amend-Short title. ment) Act, 1929.
- 2. To sub-section (1) of section 8 of the [2] Indian Registration Act, Amendment XVI of 1908, hereinafter called the said Act, the following shall be added, of Act XVI of 1908.

"Provided that the Local Government may delegate, subject to such restrictions and conditions as it thinks fit, to the Inspector-General of Registration the power of appointing inspectors of registration offices."

3. In section 13 of the said Act,

Amendment of section 13 of Act XVI

- (1) sub-sections (1) and (2) shall be repealed; and
- (2) after the word "Sub-Registrars" the words "and Inspectors of Registration offices" shall be inserted.
- 4. To sub-section (2) of section 21 of the said Act the following shall Amendment be added, namely:—

 of section 21 of Act XVI

"In all city surveyed areas in the Bombay Presidency, houses and of 1908. lands shall also be described by their cadastral survey numbers as in the city survey maps and records."

- 5. In sub-section (2) of section 22 of the said Act for the word "Save" Amendment the words "Except in the case of city surveyed areas in the Bombay of Act XVI Presidency and except" shall be inserted.
- 6. In section 36 of the said Act for the words "may in his discretion" Amendment the words "in his discretion, may, upon receipt of the prescribed fee, of section 36 issue, or may" shall be substituted; and after the word "issue" a of 1908. comma shall be inserted.
- 7. In sub-section (2) of section 51 of the said Act after the figures Amendment "89" the word and figures "sub-sections (2) and (4)" shall be of section 51 of Act XVI of 1908.

^[1] For Statement of Objects and Reasons, see Bombay Government Gazette, 1929, Part V, p. 8; and for Proceedings in Council, see Bombay Legislative Council Debates, 1929, Vol. XXV.

^[2] General Acta, Vol. IV.

Amendment of section 54 of Act XVI of 1908. 8. In section 54 of the said Act after the word "books" where it occurs for the second time the words "and there shall also be prepared current indexes of the contents of the copies filed under sub-sections (1) and (3) of section 89" shall be inserted.

Amendment of section 55 of Act XVI of 1908.

- 9. In section 55 of the said Act,
 (a) for sub-section (1) the following shall be substituted, namely:—
 - "(I) six such indexes shall be made in all registration offices and shall be named, respectively, Index No. I, Index No. I-A, Index No. II, Index No. IV;"
- (b) after sub-section (2) the following sub-section shall be inserted, namely:—
 - "(2A) Index No. I-A shall contain the names including the father's name, or, in the case of persons usually described by their mother's name, the mother's name and the places of residence of all persons executing, and of all persons claiming under, the documents of which copies are filed under sub-section (1) or (3) of section 89;"
- (c) after sub-section (3) the following sub-section shall be inserted, namely:—
 - "(3A) Index No. II-A shall contain such particulars mentioned in section 21 as the Inspector-General may, from time to time, prescribe in this behalf in regard to every copy filed under sub-section (1) or (3) of section 89;"
- (d) for the words "and additions" wherever they occur the words "including the father's name, or, in the case of persons usually described by their mother's name, the mother's name, and the places of residence" shall be substituted.

10. In sub-section (1) of section 57 of the said Act after the words

and figure "Book No. I" the following words and figures shall be

Amendment of section 57 of Act XVI of 1908.

inserted, namely:-

"and, so long as they are preserved, the copies filed under sub-sections (1) and (3) of section 89 and the indexes relating to such copies."

Amendment of section 69 of the said Act, after of section 69 of Act XVI of 1908.

11. 'In clause (h) of sub-section (1) of section 69 of the said Act, after the figures "I" and "II" the figures "I-A" and "II-A" respectively shall be inserted.

of 1908.

Amendment
of section 89
of Act XVI
of 1908.

12. In sub-sections (1) and (3) of section 89 of the said Act for the words and figure "Book No. I" the word "office" shall be substituted

Amendment

of Bom. XVII of 1920.

of section 5

- BOMBAY ACT No. VI OF 1929.[1]

[THE BOMBAY PLEADERS' (AMENDMENT) ACT, 1929]

[22nd May 1929]

An Act to amend the Bombay Pleaders' Act (No. XVII of 1920)

Bom. WHEREAS it is expedient to amend the [2]Bombay Pleaders' Act, XVII 1920, in manner hereinafter appearing; It is enacted as follows:—
1920.

- 1. This Act may be called the Bombay Pleaders' (Amendment) Act, Short title. 1929.
- Bom. 2. In sub-section (2) of section 4 of the [2]Bombay Pleaders' Act, Amendment XVII 1920, hereinafter called the said Act, after the words "the district" the of Bom. XVI 1920. words "or districts" shall be inserted.
 - 3. In section 5 of the said Act-
 - (1) To sub-section (1) the following provise shall be added:—
 "Provided that when a district for which a sanad is to be issued comprises any area which for the purpose of administration of revenue or criminal justice or both is also included in any other district the sanad may be held in respect of both such districts."
 - (2) In sub-section (2) the word "one" shall be deleted.
 - 4. In section 8 of the said Act, after the words "within the district" Amendment of section 8 of Bom.XVII of 1920.

^[1] For Statement of Objects and Reasons, see Bombay Government Gazette, 1928, Part V, p. 81; and for Proceedings in Council, see Bombay Legislative Council Debates, 1928, Vol. XXIV and 1929, Vol. XXV.

^[*] Vol. V of Bom. Code.

BOMBAY ACT No. VII OF $1929.[^1]$

[THE BOMBAY MATERNITY BENEFIT ACT, 1929]

[23rd May 1929]

An Act to regulate the employment of women in factories some time before and some time after confinement and to provide for the payment of maternity benefit to them.

WHEREAS it is expedient to regulate the employment of women in factories some time before and some time after confinement and to provide for the payment of maternity benefit to them in the manner hereinafter provided; and Whereas the previous sanction of the Governor General the 6 required by sub-section (3) of section 80-A of the Government of India leo.V. Act and the previous sanction of the Governor required by section 80-C of the said Act have been obtained for the passing of this Act; It is hereby enacted as follows:--

- This Act may be called the Bombay Maternity Benefit Act, 1929. Short title.
- 2. (1) This Act shall apply in the first instance to the Bombay Extent and Suburban District and the cities of Bombay, Ahmedabad, Viramgam, operation. Surat, Broach, Jalgaon, Sholapur, Belgaum, Amalner and Karachi. The Government may, from time to time, by notification in the Bombay Government Gazette extend this Act to such other places as it thinks fit.
 - (2) It shall come into operation on the first day of July 1929.
- 3. In this Act, unless there is anything repugnant in the subject or Definitions. context,-

(a) "Employer" includes an occupier of a factory as defined in KII of the [2] Indian Factories Act, 1911, and the manager of a factory.

> (b) the expressions "employ", "employed", "factory", and "inspector of factories" shall have the same meanings as are respectively assigned to them under the [2]Indian Factories Act, 1911;

> (c) "maternity benefit" means the amount of money payable under the provisions of this Act to a woman employed in a factory.

4. After this Act comes into operation,—

(1) no employer shall knowingly employ a woman in any factory work by during the four weeks immediately following the day of her delivery; women in and

(2) no woman shall work in any factory during the four weeks during cerimmediately following the day of her delivery.

5. (1) Subject to the provisions of this Act, every woman employed Right to in a factory shall be entitled to the payment of maternity benefit at the payment of

prohibited tain period.

Employment of or

naternity benefit.

1911.

XII of

1911.

^[1] For Statement of Objects and Reasons, see Bombay Government Gazette, 1928, Part V. p. 15; for Report of the Select Committee, see this, 1928, Part V. p. 132; and for Proceedings in Council, see Bombay Legislative Council Debates, 1928, Vol. XXIII and 1929, Vol. XXV.

^[1] General Acts, Vol. V.

rate of eight annas a day for the actual days of her absence for the period immediately preceding her confinement and for the four weeks immediately following her confinement as mentioned in sub-section (2):

Provided that a woman shall not be entitled to maternity benefit unless. she has been employed in the factory of the employer from whom she claims maternity benefit for a period of not less than six months immediately preceding the date on which she notifies her intention under sub-section (1) of section 6.

(2) The maximum period for which any woman shall be entitled to the payment of maternity benefit shall be seven weeks, that is to say, three weeks up to and including the day of her delivery and four weeks immediately following that day. If a woman dies during this period the maternity benefit shall be payable only for the days up to and including the day of her death.

Procedure regarding payment of maternity benefit.

- 6. (1) Any woman employed in a factory and entitled to maternity benefit under the provisions of this Act, who is pregnant may, on any day, give notice in writing to her employer stating that she expects to be confined within one month next following, that her maternity benefit may be paid to her, and that she will not work in any employment during the period for which she receives maternity benefit.
- (2) The employer shall thereupon permit such woman to absent herself from the factory from the following day until four weeks after the day of her delivery.
- (3) The amount of maternity benefit for the period up to and including the day of delivery shall be paid by the employer to the woman within forty-eight hours of the production of a certified extract from a birth register stating that the woman has given birth to a child. The amount due for the subsequent period shall be paid punctually each fortnight in arrear.

Payment | of maternity benetit in case of a woman's death.

If a woman entitled to maternity benefit under this Act dies during the period for which she is entitled to maternity benefit the employer shall pay the amount of maternity benefit due, if the newly born child survives her, to the person who undertakes the care of the child; and if the child does not survive her to her legal representative.

No notice of dismissal to be given to a woman of maternity benefit.

8. When a woman absents herself from work in accordance with the provisions of this Act it shall not be lawful for her employer to give her notice of dismissal during such absence or on such a day that the notice during period will expire during such absence.

Forieiture of maternity benefit.

9. If a woman works in any factory after she has been permitted by her employer to absent herself under the provisions of section 6 she shall forfeit her claim to the payment of the maternity benefit to which she is entitled.

Penalty for contravention of the Act by an employer.

10. If any employer contravenes the provisions of this Act he shall, on conviction, be liable to a fine which may extend to five hundred rupees.

- 11. If any woman works in any factory within four weeks of the Penalty for date of her delivery she shall be liable, on conviction, to a fine not exceed of the Act by ing ten rupees.
- 12. (1) No prosecution under this Act shall be instituted except Cognisance by or with the previous sanction of the inspector of factories.
- (2) No Court inferior to that of a Presidency Magistrate or of a Magistrate of the First Class shall try any offence against this Act or any rules thereunder.
- 13. No Court shall take cognisance of any offence against this Act Limitation of or any rule thereunder unless complaint thereof is made within six prosecutions. months of the date on which the offence is alleged to have been committed.
 - 14. (1) The Governor in Council may make [1] rules for the purpose Rules. of carrying into effect the provisions of this Act.
- (2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for,—
 - (a) the preparation and maintenance of a muster roll and the particulars to be entered in such roll;
 - (b) the inspection of factories for the purposes of this Act by inspectors of factories;
 - (c) the exercise of powers and the performance of duties by inspectors of factories for the purposes of this Act;
 - (d) the method of payment of maternity benefit in so far as provision has not been made in this Act; and
 - (e) any other matter for which no provision has been made in this Act and for which provision is, in the opinion of the Governor in Council, necessary.
- (3) Any such rule may provide that a contravention thereof shall be punishable with fine which may extend to fifty rupees.
- (4) The making of rules under this section shall be subject to the condition of previous publication. Such rules shall be laid on the table of the Bombay Legislative Council for one month previous to the next session thereof and shall be liable to be rescinded or modified. If any rule is modified the Governor in Council may accept the modification and reissue the rule accordingly or may rescind the rule.
- 15. A copy of the provisions of this Act and the rules thereunder in Copies of this the local vernacular shall be exhibited in a conspicuous place by the Act and rules employer in every factory in which women are employed.

 Copies of this Act and the rules thereunder in Copies of this the local vernacular shall be exhibited in a conspicuous place by the thereunder to be exhibited.

^[1] For Rules under this section see Government Notification in the G. D. No. 1066 dated the 2nd August 1929 published in the Bombay Government Gazette, 1929, Part I, pp. 1703-1705.

BOMBAY ACT No. VIII OF 1929.[1]

[The Bombay Prevention of Intimidation Act, 1929]

[3rd September 1929]

An Act to make the offence of criminal intimidation cognizable in times of emergency.

WHEREAS it is expedient to take power to enable the police to deal effectively with the offence of criminal intimidation in certain areas of the Bombay Presidency;

And whereas the previous sanction of the Governor General required Geo.V. by sub-section (3) of section 80A of the Government of India Act has c. 61. been obtained for the passing of this Act;

It is hereby enacted as follows:--

1. (1) This Act may be called the Bombay Prevention of Intimidation Short title, Act, 1929.

(2) It extends to the Presidency Area and shall remain in force for a commence-

period of five years.

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duration and commencement,

- (3) This section and sections 2 and 3 shall come into operation forthwith; section 4 shall come into force in the whole of the Presidency Area or in any part or parts thereof on the date or dates on which a state of emergency is declared to exist in such area or part or parts thereof by notification under section 3, and shall continue to be in operation for such period, not exceeding one month at a time, as may be specified in such notification unless such notification is sooner cancelled by the Local Government.
- 2. In this Act, unless there is anything repugnant in the subject or Definitions. context,
 - (a) "Presidency Area" means the City of Bombay and the Bombay Suburban District;

(b) "Criminal Intimidation" has the meaning assigned to it by section 503 of the Indian Penal Code.

3. The Local Government, if satisfied that the public tranquillity Declaration in the Presidency Area or any part or parts thereof is endangered by the of state of prevalence of criminal intimidation, may, at any time by notification in the Bombay Government Gazette declare that a state of emergency exists in the whole area or in any part or parts thereof and shall set forth the reasons for such declaration in the notification.

4. Notwithstanding anything contained in the Second Schedule to Offence of v of the Code of Criminal Procedure, 1898, the offence of criminal intimidation criminal shall be a cognizable offence as defined in that Act and the rest of the to be cognizable of that Act shall have effect accordingly.

^[1] For Statement of Objects and Reasons, see Bombay Government Gazette, 1929, Part V. p. 137; and for Proceedings in Council, see Bombay Legislative Council Debates, 1929, Vol. XXVI.

BOMBAY ACT No. IX OF 1929.[1]

[THE BOMBAY ABKARI (AMENDMENT) ACT, 1929]

[24th September 1929]

An Act further to amend the Bombay Abkari Act, 1878.

om. WHEREAS it is expedient further to amend the [2]Bombay Abkari
of. Act, 1878, in manner hereinafter appearing; It is hereby enacted as
follows:—

- 1. This Act may be called the Bombay Abkari (Amendment) Act, Short title 1929.
- om. 2. For section 18-B of the [2]Bombay Abkari Act, 1878, the following Amendment of section 18-B of Bom.

 V of 1878.
 - 18-B. (1) Save as is provided in sub-section (3), no person shall Special proviexport from or import into any prescribed area or collect, transport, sions as to sell or have in his possession within any such area any quantity of mowers. mhowra flowers exceeding the prescribed limit in weight, except under the authority and subject to the terms and conditions of a license, permit or pass granted by the Collector or other officer duly empowered in this behalf.
 - (2) In this section "prescribed area" means such area, comprising either the whole or some portion of the Presidency of Bombay, excluding Sind, as the Government from time to time notifies in this behalf; and "prescribed limit" means five seers or such greater quantity as the Government from time to time notifies in this behalf.

The power to issue notifications under this sub-section shall be

subject to the condition of previous publication.

(3) Provided that within such limits of the districts and areas mentioned in column 1 of the subjoined table as the Government may, by a notification in the Bombay Government Gazette, specify, and within the period specified against such districts and areas respectively in column 2 of the said table or such longer period embracing the said period as the Government may, from time to time, by a notification in the Bombay Government Gazette, direct (hereinafter called "the vacation period"), no license, permit or pass shall be necessary for the collection, transport, sale or possession anywhere of any quantity of mhowra flowers which are the produce of that year and, in the case of the districts and areas mentioned in entries (2) and (3) of column 1 of the said table, which are the produce of the said districts and areas or of any or either of them or other portion of a prescribed area so specified.

^[1] For Statement of Objects and Reasons, see Bombay Government Guzette, 1928, Part V, p. 140; for Report of the Select Committee, see ibid, 1929, Part V, p. 83; and for Proceedings in Council, see Bombay Legislative Council Debates, 1929, Vols. XXV and XXVI.

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Districts and areas.

Period within which no license, etc., shall be necessary for the collection, etc., of mhowra flowers.

- (1) Kaira and Panch Mahals districts; the North and South
 Daskroi, Prantij and Dholka talukas and the Modasa
 Mahal of the Ahmedabad District; and the Nawapur,
 Nandurbar, Sakri, Shirpur, Shahada and Taloda talukas,
- (2) Thana, Nasik, Kolaba and the East Khandesh Districts and such portion of the West Khandesh District as is not covered by entry (1) of this table.

 From the 16th February to the 31st May in each year.
- and such portion of the West Khandesh District as is not ary to the 31st May overed by entry (1) of this table.

 (3) Broach, Surat, Ahmednagar, Poona and Belgaum districts and such portion of the Ahmedabad District as is not covered by entry (1) of this table.

 From the 16th February to the 15th May in each year.
 - (4) Provided further that unless Government by a notification in the Bombay Government Gazette otherwise directs, no license, permit or pass shall be necessary for the transport by rail of any quantity of mhowra flowers mentioned in sub-section (3) through an area which has no vacation period or the vacation period for which as prescribed in column 2 of the said table has expired at the time when the transport
 - (i) the said flowers are not unloaded in transit and

takes place, provided that-

(ii) there is a vacation period at the places from and to which the said flowers are transported at the time when the said flowers are despatched or arrive, as the case may be.

BOMBAY ACT No. X OF 1929.[1]

[The Bombay Smoke-nuisances (Amendment) Act, 1929]

[24th September 1929]

An Act further to amend the Bombay Smoke-nuisances Act, 1912.

Nom. WHEREAS it is expedient further to amend the [2]Bombay Smokevii of nuisances Act, 1912, in manner hereinafter appearing; It is hereby enacted as follows:—

- 1. This Act may be called the Bombay Smoke-nuisances (Amendment) Short title. Act, 1929.
- Bom. 2. In section 3 of the [2]Bombay Smoke-nuisances Act, 1912, here-Amendment of section VII of inafter called the said Act,

 1912.

 (1) After sub-section (1) the following shall be inserted:

 VII of 1912.
 - (1) After sub-section (1) the following shall be inserted:—
 - "(1A) 'Flue' or 'Chimney' means any 'flue' or 'chimney' joined to, connected with or forming part of a furnace."
 - (2) In clause (a) of sub-section (5) the words "flue or chimney" shall be inserted after the word "furnace" wherever it occurs.
 - 3. After section 9 of the said Act, the following sections shall be Insertion of new sections 9A and 9B in Bom. VII of 1912.
 - "9A. (1) No furnace, flue or chimney shall be erected, altered, No furnace, added to or re-erected except in accordance with plans approved by etc., to be erected unless plans are approved by
 - (2) If any furnace, flue or chimney is erected, altered, added to or re-erected in contravention of the provisions of sub-section (1), the owner of such furnace, flue or chimney shall be liable to fine which may extend to one hundred rupees; and, if any such furnace, flue or chimney is used without the permission of the Commission, to a further fine not exceeding twenty rupees for every day during which such use continues.
 - 9B. (1) A Magistrate imposing a fine on any person under sub-section Power to
 (2) of section 9A may, by order, direct such person to demolish the order demolifurnace, flue or chimney within a period to be specified in the nace, flue or
 order.

 chimney
 unlawfully
 - (2) Any such person failing to demolish any furnace, flue or chimneyerected, within the period specified in the order, or within such longer period as the Magistrate may, for reasons to be stated, allow, shall be liable to fine which may extend to twenty rupees for every day thereafter during which such failure continues."

^[1] For Statement of Objects and Reasons, see Bombay Government Gazette, 1929, Part V, p. 105; and for Proceedings in Council, see Bombay Legislative Council Debates, 1929, Vol. XXVI.

^[*] Vol. VI of Bom. Code.

Amendment ... of section 10 of Bom. VII of 1912.

Amendment

of section 11

4. In section 10 of the said Act,

- (a) after the word "furnace", wherever it occurs, the words "flue or chimney "shall be inserted;
- (b) the words "or stoked "occurring in clause (c) of sub-section (1)
- shall be omitted. 5. After clause (h) of sub-section (2) of section 11 of the said Act,
- of Bom. VII the following shall be inserted: "(hh) prescribe the procedure regarding the submission and approval of plans under sub-section (1) of section 9A."

BOMBAY ACT No. XI OF 1929.[1]

[THE SINDH INCUMBERED ESTATES (AMENDMENT) ACT, 1929]

[25th September 1929]

An Act further to amend the Sindh Incumbered Estates Act, 1896.

- XX of WHEREAS it is expedient further to amend the [2]Sindh Incumbered 1896. Estates Act, 1896, in manner hereinafter appearing: It is hereby enacted as follows:—
 - 1. This Act may be called the Sindh Incumbered Estates (Amend-Short title. ment) Act, 1929.
- XX of 2. To section 29 of the [2] Sindh Incumbered Estates Act, 1896, the Amendment of section 29 of Act XX of of Act XX of
- "or in the case of a loan granted under the [3] Land Improvement 1802 Loans Act, 1883, or the [4] Agriculturists' Loans Act, 1884, with the previous sanction of the officer granting such loan."

^[1] For Statement of Objects and Reasons, see Bombay Government Gazette, 1929, Part V. p. 82; and for Proceedings in Council, see Bombay Legislative Council Debates, 1929, Vol. XXVI.

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

^[*] and [4] General Acts, Vol. II.

BOMBAY ACT No. XII OF 1929.[1]

[THE BOMBAY MEDICAL (AMENDMENT) ACT, 1929]

[26th September 1929]

An Act further to amend the Bombay Medical Act, 1912.

NHEREAS it is expedient further to amend the [2]Bombay Medical Short title.

Act, 1912, in manner hereinafter appearing; It is hereby enacted as follows:—

1. This Act may be called the Bombay Medical (Amendment) Act, Amendment of section 7 of Bom. VI of 1912.

30m. 2. After sub-section (1) of section 7 of the [2]Bombay Medical VI of Act, 1912, the following sub-section shall be inserted, namely:—

"(1 a) Every person for the time being registered under any Act for the registration of medical practitioners in force in any other province in India with the Medical Council of such province shall, if reciprocity of registration has been arranged with such Council, be entitled, on production of his registration certificate, to have registered under this Act, free of charge, such qualifications entered in the said certificate as are registrable under this Act."

^[1] For Statement of Objects and Reasons, see Bombay Government Guzette, 1929, Part Y, p. 119; and for Proceedings in Council, see Bombay Legislative Council Debates, 1929, Vol. XXVI.

^[*] Vol. V of Bom. Code.

BOMBAY ACT No. XIII OF 1929.[1]

[THE BOMBAY UNIVERSITY (AMENDMENT) ACT, 1929]

[27th September 1929]

An Act further to amend the Bombay University Act, 1928.

WHEREAS it is expedient further to amend the [2]Bombay University Act, 1928, in manner hereinafter appearing; It is hereby enacted as follows:—

- 1. This Act may be called the Bombay University (Amendment) Short title. Act, 1929.
- 2. In Part (A) under the heading "II. Ordinary" in sub-section Amendment (1) of section 13 of the [2]Bombay University Act, 1928—

 of section 13 of Bom. IV
 - (a) in entries (iv) (f), (g), (h), (i) and (j) for the expression "city of 1928, municipalities" the expression "municipal boroughs" shall be substituted;
 - (b) in entry (iv) (j) after the word "Group" the words "and the Karachi municipality" shall be inserted;
 - (c) in Explanation (1) the words "the schools and colleges in" shall be omitted; and
 - (d) in Explanation (2) the word "city" shall be omitted.

^[1] For Statement of Objects and Reasons, see Bombay Government Gazette, 1929, Part V, p. 76; and for Proceedings in Council, see Bombay Legislative Council Debates, 1929, Vol. XXVI.

^[*] In this Vol. p. 481.

BOMBAY ACT No. XIV OF 1929.[1]

[THE BOMBAY PREVENTION OF GAMBLING (AMENDMENT) ACT, 1929]

[27th September 1929]

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

WHEREAS it is expedient further to amend the [2]Bombay Prevention of Gambling Act, 1887, in manner hereinafter appearing; It is hereby enacted as follows:—

- 1. This Act may be called the Bombay Prevention of Gambling Short title. (Amendment) Act, 1929.
- 2. For clause (c) in section 3 of the [2]Bombay Prevention of Amendment Gambling Act, 1887, the following shall be substituted, namely:—

 of section 3 of Bom. IV

"Between any individual or individuals in person on the one hand of 1887. and such licensee on the other hand, or between any number of individuals in person, in such manner and by such contrivance as may be permitted by such license."

^[1] For Statement of Objects and Reasons, see Bombay Government Gazette, 1929, Part V, p. 90; and for Proceedings in Council, see Bombay Legislativa Council Debates, 1929, Vol. XXVI.

^[*] Vol. II of Bom. Code.

BOMBAY ACT No. XV OF 1929.[1]

[THE BOMBAY LAND REVENUE CODE (AMENDMENT) ACT, 1929]

[17th October 1929]

An Act further to amend the Bombay Land Revenue Code, 1879.

WHEREAS it is expedient further to amend the [2]Bombay Land Revenue Code, 1879; It is hereby enacted as follows:—

- 1. This Act may be called the Bombay Land Revenue Code Short title. (Amendment) Act, 1929.
- 2. For section 216 of the [2] Bombay Land Revenue Code, 1879, Amendment of section 216 of Bom. V of 1879.
 - "216. (1) The provisions of Chapters VIII to X shall be applicable to VIII to X

(a) all unalienated lands situated within the limits of an alienated applicable village;

(b) unalienated shares of villages of which a definite share defined villages.

by metes and bounds is alienated;

(c) alienated villages the holders of which are entitled to a certain amount of the revenue, but of which the excess above such amount belongs to Government.

- (2) Save as is otherwise provided in section 111 and in this section, no provision of the said Chapters shall be applied to any other alienated village except for the purposes of fixing its boundaries and of determining any disputes relating thereto, unless the extension of the provision is authorised by the Commissioner acting on the written application of the sole holder, or, if there be more than one holder, of the holder or holders representing in the aggregate not less than one-half of the total interests in the village in respect of its alienated revenue. If any share of the village is unalienated the prescribed proportion of one-half shall be reckoned as if the village were wholly alienated, Government being considered as the holder in respect of the unalienated share.
- (3) In any case in which action under sub-section (2) is taken lawfully by the Commissioner on the application of some only of the holders of the village any covenant or agreement relative to the extension of the said Chapters or incidental thereto, entered into by such holders shall also be binding on the remaining holders of the village in respect of their shares in the revenue of the village as if such covenant or agreement had been entered into by them.
- (4) All survey settlements heretofore introduced in alienated villages shall be valid as if they had been introduced in accordance with the provisions of this section."

^[1] For Statement of Objects and Reasons, see Bombay Government Gazette, 1928, Part V, p. 82; for Report of the Select Committee, see ibid, 1929, Part V, p. 77; and for Proceedings in Council, see Bombay Legislative Council Debates, 1928, Vol. XXIV; and 1929, Vol. XXVI.

^[*] Vol. II of Bom. Code.

BOMBAY ACT No. XVI OF 1929.[1]

[THE BOMBAY PORT TRUST (AMENDMENT) ACT, 1929]

[17th October 1929]

An Act further to amend the Bombay Port Trust Act No. VI of 1879.

som. WHEREAS it is expedient further to amend the [2]Bombay Port VI of Trust Act, 1879, in manner hereinafter provided; It is hereby enacted as follows:—

- 1. This Act may be called the Bombay Port Trust (Amendment) Short title. Act, 1929.
 - 2. In section 5 of the [2]Bombay Port Trust Act, 1879—

 (a) in sub-section (1) for the word "twenty-one" the word of Bom. VI "twenty-two" and for the word "seven" the word "eight" shall of 1879.

 be substituted:
- (b) in sub-section (2) for the word "seven" the word "eight" shall be substituted, and after the word "Brigade" the words "and one shall be representative of Labour" shall be added.

30m.

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t'l For Statement of Objects and Reasons, see Bombay Government Guzette, 1929, Part V. p. 66; and for Proceedings in Council, see Bombay Legislative Council Debates, 1929, Vol. XXVI.

^[*] Vol. II of Born. Code.

BOMBAY ACT No. XVII OF 1929.[1]

[THE PRESIDENCY AREA (EMERGENCY) SECURITY ACT, 1929]

[19th November 1929]

An Act for safeguarding life and property in the Presidency Area in times of emergency.

WHEREAS it is expedient to make provision in manner hereinafter appearing for the safeguarding of life and property in the Presidency Area in times of emergency;

5 & 6 And whereas the previous sanction of the Governor General required Geo.V. by sub-section (3) of section 80A of the Government of India Act has been obtained for the passing of this Act;

It is hereby enacted as follows:-

- 1. This Act may be called the Presidency Area (Emergency) Security Shore the Act. 1929.
- 2. (1) This Act shall extend to the whole of the Presidency of Bombay Extent, commencement
 and shall remain in force for five years.

 and duration.
- (2) Section 5 shall come into force on the date or dates on which a state of emergency is declared under section 4 and shall continue in force for three months from such date or dates. The rest of the Act shall come into force at once.
- 3. In this Act, unless there is anything repugnant in the subject or Definitions. context,—
- "Presidency Area" means the City of Bombay and the Bombay Suburban District.
- 4. The Local Government, if satisfied that the public tranquillity Power to and security of life and property in the Presidency Area or any part there-state of of are endangered, may at any time, by notification in the Bombay Govern-emergency. ment Gazette, declare that a state of emergency exists and shall set forth the reasons for such declaration in the notification.
- 5. (1) Whenever the Commissioner of Police or District Magistrate Power to exercising jurisdiction in the Presidency Area is satisfied that any order person within his jurisdiction is committing or has committed or is turbulent about to commit or is assisting, abetting or inciting by words either character. spoken or written the commission of
 - (a) a non-bailable offence against any person or property, or
 - (b) the offence of criminal intimidation, or
 - (c) any offence involving a breach of the peace,

so as to be a danger to or cause or be likely to cause alarm to the inhabitants of the Presidency Area or any section thereof, the Commissioner of

^[1] For Statement of Objects and Reasons, see Bombay Government Guzette, 1929, Part V, p. 141; for Report of the Select Committee, see bid, 1929, Part V, p. 159; and for Proceedings in Council, see Rombay Legislative Council Debates, 1929, Vols. XXVI and XXVII.

Police or the District Magistrate, as the case may be, may, subject to the control of the Local Government, by written order briefly stating his reasons therein direct such person to remove himself from the Presidency Area within such time and by such route as may be specified in the order and not to return thereto for a period (not exceeding six months) to be specified in the order without the written permission of the Commissioner of Police or the District Magistrate, as the case may be.

- (2) An order under sub-section (1) against any person may, unless the Commissioner of Police or the District Magistrate, as the case may be, is satisfied in respect of such person that both he and his father were born in the Presidency of Bombay or that he is a member of a family which has settled in the Presidency of Bombay and is himself so settled, direct that such person shall remove himself from the Presidency of Bombay within such time and by such route as may be specified in the order and shall not return thereto for a period (not exceeding six months) to be specified in the order save with the written permission of the Commissioner of Police or the District Magistrate, as the case may be.
- (3) An order under sub-section (1) shall be served personally on the person against whom it is directed in such manner as the authority making the order thinks fit.

Procedure to be adopted in making order under section 5.

- 6. (1) Before making an order under section 5 the Commissioner of Police or the District Magistrate, as the case may be, shall give an opportunity to the person against whom the order is proposed to be made to show cause against the order, and shall consider such representation as he may make verbally or in writing.
- (2) Within forty-eight hours from the making of an order under section 5 the Commissioner of Police or the District Magistrate, as the case may be, shall forward in writing to the Local Government his reasons for making the order.

Power to modify order under section 5.

7. When by an order under section 5 any person has been directed to remove himself from the Presidency of Bombay and has complied with the order, or when any person has been removed in police custody outside the Presidency of Bombay under section 10, the Commissioner of Police or the District Magistrate, as the case may be, may, of his own motion or upon application made to him in this behalf, if he is satisfied that both such person and the father of such person were born in the Presidency of Bombay or that such person is a member of a family which has definitely settled in the Presidency of Bombay and is himself so settled, modify the order in such manner as to permit such person to return to and remain in any part of the Presidency of Bombay outside the Presidency Area.

Review.

8. (1) As soon as possible after the issue of a notification under section 4 the Local Government shall appoint a committee consisting of such number of persons as it thinks fit for the purpose of reviewing, in manner hereinafter provided, the orders passed under section 5:

Provided that at least one member of such committee shall be a person who for a period of not less than ten years

- (i) has held any judicial office in the service of the Crown in India,
- (ii) has been a Barrister, Advocate, Pleader, Attorney, or Solicitor of any court in British India.
- (2) Every order passed by the Commissioner of Police or the District Magistrate, as the case may be, under section 5 shall, as soon as possible, be forwarded by him together with the relevant papers of the case to the committee appointed under sub-section (1).
- (3) When an order has been served on any person under section 5 and has been complied with by him, he or any agent authorized by him in writing may, within fifteen days of such service, file a representation before the committee appointed under sub-section (1) giving reasons why such order should be modified or revoked.
- (4) The committee shall, within one month from the date of service of an order under sub-section (1) of section 5, examine the proceedings relating to such order and shall consider such representation as may be made to it under sub-section (3) and shall forward the same together with its recommendation thereon to the Local Government who may confirm, modify or revoke the order.
- 9. When an order has been served on any person under section 5 and Right of has been complied with by him, he or an agent authorised by him in appeal writing may petition the Local Government to revoke or modify the order and thereupon the Local Government shall consider such facts and circumstances relating to the case as may be placed before it, and may confirm, modify or revoke the order.
- 10. Any person who, having been directed by an order made and Yailure to served on him under section 5—

 comply with order.
 - (a) to remove himself from the Presidency Area or from the Presidency of Bombay, fails to remove himself therefrom within the time specified in the order,
 - (b) not to return to the Presidency Area or the Presidency of Bombay within a specified period, returns thereto within such period without the written permission of the Commissioner of Police or the District Magistrate, as the case may be,

may be arrested without a warrant by any police officer, and-

- (i) may be removed in police custody outside the Presidency Area or the Presidency of Bombay, as the case may be, or
- (ii) on conviction before a Presidency Magistrate or a Magistrate of the first class, may be punished with imprisonment of either description for a term which may extend to six months or with fine which may extend to five hundred rupees or with both:

Provided that notwithstanding such conviction and punishment if the period for which such person was directed to remove himself under subsection (1) or subsection (2) of section 5 has not expired on the date on

which the fine, if any, is paid or the term of his imprisonment, if any, under this clause expires he may be removed in police custody outside the Presidency Area or the Presidency of Bombay, as the case may be, for the unexpired portion of such period.

Explanation.—For the purposes of this provise the period of imprisonment undergone by such person shall be treated as a part of the period for which such person was directed to remove himself under sub-section (1) or sub-section (2) of section 5.

Indemnity.

11. No suit, prosecution or other legal proceeding whatever shall lie against any person in respect of anything which is, in good faith, done or intended to be done under this Act.

BOMBAY ACT No. XVIII OF 1929.[1]

[The Bombay Borstal Schools Act, 1929]

[25th November 1929]

An Act to provide for the establishment of Borstal Schools in the Presidency of Bombay.

WHEREAS it is expedient to provide for the establishment of Borstal schools in the Presidency of Bombay; and whereas the previous sanction of the Governor General required by sub-section (3) of section 80A of the Government of India Act has been obtained for the passing 100.V. of this Act; It is hereby enacted as follows:—

- 1. This Act may be called the Bombay Borstal Schools Act, 1929. Short
- 2. (1) This Act shall apply to the whole of the Presidency of Extent and commencement.
- (2) It shall come into operation on such date as the Governor in Council may, by notification in the Bombay Government Gazette, appoint in this behalf.
- 3. In this Act, unless there is anything repugnant in the subject Definitions. or context:—
 - (a) "Borstal School" means a place in which young offenders, whilst detained in pursuance of this Act, are given such industrial training and other instruction and are subjected to such disciplinary and moral influences as will conduce to their reformation and the prevention of crime;
 - (b) "Inspector-General" means the Inspector-General of Prisons and includes any officer appointed by the Governor in Council to perform all or any of the duties imposed by this Act on the Inspector-General;
 - (c) "prescribed" means prescribed by rules made under this Act.
- 4. (1) For the purposes of this Act the Governor in Council may Establishest establish one or more Borstal schools.

 Establishment of Borstal
- (2) For every Borstal school, a visiting committee shall be appointed schools. in such manner as may be prescribed.
- 5. Subject to any alterations, adaptations and exceptions made by Application this Act and the rules framed under it, the [2]Prisons Act, 1894, and Act, 1894, and Act, 1894, and the Prisons Act, 1894, and the Prisons Act, 1894, and the Prisons Act, 1894, and the Prisons Act, 1894, and the Prisons Act, 1894, and the Prisons Act, 1894, and the Prisons Act, 1894, and the Prisons Act, 1894, and the Prisons Act, 1894, and the Prisons Act, 1894, and the Prisons Act, 1894, and Act, 1894,

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^[1] For Statement of Objects and Reasons, see Bombay Government Gazette, 1929, and the Parr V, p. 129; for Report of the Select Committee, see Ibid, 1929, Part V, p. 143, and Act, 1900, for Proceedings in Council, see Bombay Legislative Council Debates, 1929, Vols. XXVI and XXVII.

^[*] General Acts, Vol. III.

the [1]Prisoners Act, 1900, and the rules framed thereunder shall apply III of in the case of every Borstal school established under this Act as if it were 1900. a prison and the inmates prisoners.

Court may pass order for detention in a Borstal school.

- 6. When an offender is found guilty of an offence for which he is liable to be sentenced to transportation or imprisonment, or is liable to imprisonment for failure to furnish security under Chapter VIII of the Code of Criminal Procedure, 1898, whether any previous conviction is proved V. of against him or not, and it appears to the Court—
 - (a) that the offender is not less than sixteen or, in any district or Bomplace in which the [2]Bombay Children Act, 1924, is not in operation of less than fifteen, nor more than twenty-one years of age; and 1924.
 - (b) that by reason of his criminal habits or tendencies or association with persons of bad character it is expedient that he should be subject to detention for such term and under such instruction and discipline as appears most conducive to his reformation,

it shall be lawful for the Court, if empowered in this behelf, to pass, in lieu of a sentence of transportation or imprisonment, or of an order of imprisonment under section 123 of the Code of Criminal Procedure, 1898, V of an order for the detention of the offender in a Borstal school for such term, not being less than two years nor more than five years, as the Court, subject to rules made under this Act, thinks fit:

Provided that before passing such an order the Court shall give an opportunity to the parents or guardians of the said offender to be heard and shall consider any report or representation which may be made to it as to the suitability of the case for treatment in a Borstal school, and shall be satisfied that the character, state of health and mental condition of the offender and the other circumstances of the case, are such that the offender is likely to profit by such instruction and discipline as aforesaid.

Power of Government to exempt.

- 7. The Governor in Council may, by rules made under this Act, direct that any class or classes of persons specified in such rules shall not be ordered to be detained in a Borstal school.
- Courts

 8. The powers conferred on Courts by this Act shall be exercised only empowered to by the High Court, a Court of Session, a District Magistrate, a pass order for sub-divisional Magistrate, a salaried Presidency Magistrate, or a Magistrate of the first class and may be exercised by such Courts whether the case comes before them originally, or on appeal, or in revision.
- Procedure
 when Magistrate is not empowered to pass an order for detention under this Act is of the opinion that an offender who has been empowered to found guilty by him or who has failed to furnish the security which the pass an order Magistrate has ordered him to furnish under Chapter VIII of the Code when this Act.

 Of Criminal Procedure, 1898, is a proper person to be detained in a Borstal school, he may, without passing any order, record such opinion

and submit his proceedings and forward the offender to the District Magistrate or the Chief Presidency Magistrate, as the case may be, to whom he is subordinate.

- (2) The District Magistrate or Chief Presidency Magistrate to whom the proceedings are so submitted may transfer the proceedings to any Magistrate subordinate to him competent to pass an order under this Act, or, as the case may be, to a salaried Presidency Magistrate.
- (3) The District Magistrate or Chief Presidency Magistrate to whom the proceedings are so submitted or any Magistrate to whom the proceedings are so transferred may make such further enquiry (if any) as he may think fit and may pass such order for the detention of the offender in a Borstal school, or such other sentence or order, as he might have passed if such offender had originally been brought before or tried by him,
- 10. Any offender detained in a Borstal school for failure to furnish Limitation security when ordered to do so under section 106 or section 118 of the on powers of Code of Criminal Procedure, 1898, shall be released on furnishing such section 5. security or on the passing of an order under section 124 of the said Code.
 - 11. The Inspector-General may, if satisfied that a person undergoing Transfer transportation or imprisonment in consequence of a sentence passed from prison either before or after the commencement of this Act, being within the school limits of age within which persons may be ordered to be detained in a Borstal school under this Act, might with advantage be detained in such school, direct him to be transferred from prison to a Borstal school, there to serve the whole or any part of the unexpired residue of his sentence, and whilst detained in such a school, the provisions of this Act shall apply to such person as if he had been originally ordered to be detained in a Borstal school.
 - 12. (1) Where an offender detained in a Borstal school escapes, or is Transfer of reported to the Governor in Council by the Inspector-General to incorrigibles, be incorrigible or to exercise a bad influence on the other inmates of the prison. school, the Governor in Council may commute the unexpired residue of the term of detention to such term of imprisonment of either description as the Governor in Council may determine, but in no case exceeding the shorter of the following two periods:—
 - (a) the unexpired residue of the term of detention, or
 - (b) the maximum period of imprisonment provided by law for the offence of which the offender was found guilty or the failure to give security, as the case may be, in consequence of which the offender was ordered to be detained in a Borstal school.
 - (2) Such offender may be confined in any prison within the Bombay Presidency by warrant under the hand of a Secretary to Government and effect shall be given to such warrant and the sentence of imprisonment passed upon such offender shall be executed in the same manner as if such person had been sentenced by a competent court of criminal jurisdiction.

Government to determine the Borstal school in which a person shall be detained and may order removal. 13. (1) Every offender ordered to be detained in a Borstal school shall be detained in such Borstal school as the Governor in Council may, by general or special order, or in the prescribed manner, appoint for the reception of persons so ordered to be detained:

Provided that, if accommodation in a Borstal school is not immediately available for such offender, he may be detained in a special ward, or such other suitable part of a prison as the Governor in Council may direct until he can be sent to a Borstal school. The period of detention so undergone shall be treated as detention in a Borstal school.

(2) The Governor in Council may order the removal of any offender from any one Borstal school to any other Borstal school, provided that the whole period of his detention in a Borstal school shall not be increased by such removal.

. Power to release on licence.

- 14. (1) Subject to the prescribed conditions, the Inspector-General may on the recommendation of the Visiting Committee, at any time after the expiration of six months from the commencement of the detention of an offender in a Borstal school, if he is satisfied that there is a reasonable probability that the offender will abstain from crime and lead a useful and industrious life, discharge him from the Borstal school and grant him a written licence in the prescribed form and on the prescribed conditions permitting him to live under the supervision and authority of such—
 - (a) officer of Government,
 - (b) secular institution,
 - (c) religious society, or
 - (d) responsible person, as may be approved by the Inspector-General and willing to take charge of the offender.
- (2) A licence under this section shall be in force until the expiry of the term for which the offender was ordered to be detained in a Borstal school, unless sooner revoked.
- (3) The period during which an offender is absent from a Borstal school during the continuance of a licence granted to him under this section shall, for the purposes of computing his term of detention in such school, be deemed to be part of that detention.

Revocation of licence.

- 15. (1) Subject to the prescribed conditions, the Inspector-General may at any time, and shall, at the request of the institution, society or person under whose supervision and authority the offender has by licence been permitted to live, revoke a licence granted under section 14, and upon such revocation the offender shall be detained in a Borstal school until the expiry of the term for which he was ordered to be detained in such school.
- (2) If an offender removes himself from the supervision of the institution, society or person under which he was by licence permitted to live, his licence shall be deemed to have been revoked from the date on which he has so removed himself.

- 16. (1) When the Inspector-General and the Visiting Committee Subsequent report that the conduct of any offender detained in a Borstal school has supervision. been such that it is expedient that he shall remain under supervision for a further period after the end of the term of detention, the Governor in Council may direct that he shall, on the expiration of the term of his detention, remain for a further period not exceeding one year under the supervision of such authority, society or person as the Inspector-General, subject to rules made under this Act, may direct.
- (2) The Governor in Council may also direct that any offender who is under supervision in accordance with sub-section (1) shall again be detained in a Borstal school for such period as he may think fit, provided that the total period of detention under this section shall not exceed one year.
- 17. No person shall be detained in a Borstal school after he has, in the Period of opinion of the Governor in Council, attained the age of twenty-three years. detention. or, if in any particular case the Governor in Council so directs, after he has attained the age of twenty-five years.

18. Any offender who, in contravention of the provisions of this Act, Arrest of has escaped from a Borstal school, or has escaped from the supervision escaping of any authority, institution, society or person under whose supervision from he has been directed to remain, or has been permitted to live by licence Borstal school, or under section 14, may be arrested by any officer of Police without warrant escaping from and without the order of a Magistrate and sent back to the Borstal school supervision. or to such authority, institution, society or person, as the case may be.

- 19. (1) The Governor in Council may make rules[1] for the regulation Rules. and management of any Borstal school and for the carrying into effect of the provision of this Act.
- (2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for or determine-

(a) the control and management of Borstal schools established under this Act;

(b) the appointment, powers and duties of officials in such schools:

(c) the constitution, powers and duties of visiting committees: (d) the classification, control, discipline, training, instruction and treatment of offenders ordered to be detained in a Borstal school and for the temporary detention of such offenders until arrangements can

be made for sending them to such school: (e) the regulation of visits to, and communication with offenders

detained in such school:

- (f) the restriction or prohibition of the supply to, or possession by, offenders detained in such school of any specified articles or kinds of articles:
- (g) the period for which offenders or any class or classes of offenders may, within the limits fixed by this Act, be ordered to be detained in such school;

^[1] For Rules for the control and management of the Borstal School at Dharwar, see Government Notification in the Home Department No. 6130/2 dated the 9th September 1930 published in the Bombay Government Gazette, 1930, Part I, pp. 2345-9.

Removal of disqualifica-

tion.

- (h) the class or classes (if any) of offenders who shall not be ordered to be detained in such school;
- (i) the form and conditions of licences granted under section 14;
- (j) the supervision of offenders after the expiration of the term of their detention;
- (k) the transfer of incorrigible offenders from a Borstal school to prison.(3) The making of rules under this section shall be subject to the condi-
- tion of previous publication. Such rules shall be laid on the table of the Bombay Legislative Council for one month previous to the next session thereof and shall be liable to be rescinded or modified. If any rule is modified the Governor in Council may accept the modification and reissue the rule accordingly or more rescind the rule.

modified the Governor in Council may accept the modification and reissue the rule accordingly or may rescind the rule.

20. The Governor in Council may, on the recommendation of the Inspector-General and the Visiting Committee, or otherwise remove any

disqualification incurred by an offender ordered to be detained in a Borstal school on account of such detention.

Appeal or

21. For the purposes of appeal and revision under the Code of Criminal

Procedure, 1898, an order of detention under section 6 of this Act shall V be deemed to be a sentence of imprisonment for the same period:

Provided that nothing contained in the Code of Criminal Procedure, V

1898, shall be construed to authorise any Court or Magistrate to alter or reverse in appeal or revision any order passed with respect to the age of an offender or the substitution of an order for detention in a Borstal school for transportation or imprisonment.

BOMBAY ACT No. XIX OF 1929. [1]

[The Bombay Children (Amendment) Act, 1929]

[18th December 1929]

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

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

- 1. This Act may be called the Bombay Children (Amendment) Act, short title 1929.
- Bom. 2. For section 4 of the [2]Bombay Children Act, 1924, the following Amendment of section 4 of Bom, XIII of In this Vol., p. 126.]

 2. For section 4 of the [2]Bombay Children Act, 1924, the following Amendment of section 4 of Bom, XIII of 1924.

^[1] For Statement of Objects and Reasons, see Bombay Government Gazette, 1929, Part V. p. 193; and for Proceedings in Council, see Bombay Legislative Council Debates, 1929, Vol. XXVII.

^[*] In this Vol., p. 125.

BOMBAY ACT No. XX OF 1929.[1]

[The Bombay District Municipal (Amendment) Act, 1929]

[20th December 1929]

An Act further to amend the Bombay District Municipal Act III of 1901.

1901.

WHEREAS it is expedient further, to amend the [2]Bombay District III of Municipal Act III of 1901 in manner hereinafter appearing; It is hereby enacted as follows:---

1. This Act may be called the Bombay District Municipal (Amend-Short title. ment) Act, 1929.

Bom. III of 1901.

2. After section 46 of the [2]Bombay District Municipal Act, 1901, Insertion of the following section shall be inserted, namely:-46A in Bom. III of 1901.

46-A. A Municipality may, at their discretion, make rules, not Discretionary inconsistent with this Act, determining the conditions under which power to gratuities or compassionate allowances may be paid to the surviving relatives of their officers and servants or any of them who die during service and the amount of such gratuities or compassionate allowances:

Provided that no rule made, or alteration or rescission of a rule made under this section shall have effect unless and until it has been approved, in the case of City Municipalities, by the Local Government, or in other cases by the Commissioner."

^[1] For Statement of Objects and Reasons, see Bombay Government Gazette, 1929. Part V, p. 73; and for Proceedings in Council, see Bombay Legislative Council Debates, 1929, Vol. XXVII.

^[*] Vol. IV of Bom. Code.

BOMBAY ACT No. XXI OF 1929.[1]

[THE BOMBAY REVENUE JURISDICTION (AMENDMENT) ACT, 1929].

[27th December 1929]

An Act further to amend the Bombay Revenue Jurisdiction Act, 1876.

WHEREAS it is expedient further to amend the [2]Bombay Revenue Jurisdiction Act, 1876, in manner hereinafter appearing; It is hereby enacted as follows:—

- 1. This Act may be called the Bombay Revenue Jurisdiction (Amend-Short title. ment) Act, 1929.
- 2. For section 16 of the [2]Bombay Revenue Jurisdiction Act, 1876, Amendment the following section shall be substituted, namely:—

 of Act X of 1876.
 - "16. Whenever any suit is brought in any Court of a subordinate Privileges of judge of the first class against Government, or against any Government Revenue Officer, and the Government undertakes the defence defended thereof, it shall be lawful for the Government, by certificate signed by it. by a Secretary thereto, to require that the trial of any such suit shall have precedence over the trial of any other suit or other civil proceeding then pending in the Court of the first class subordinate judge, or, if the suit is transferred, in the Court of the District Judge; and the Court shall give effect to every such requirement.

The privilege conferred on Government by this section shall, mutatis mutandis, apply to any appeal or special appeal against any decree in any such suit as is described in this section."

^[1] For Statement of Objects and Reasons, see Eonibay Government Gazette, 1929, Part V. p. 157; and for Proceedings in Council, see Bombay Legislative Council Debates, 1929, Vol. XXVII.

^[1] Vol. 11 of Born. Code.

BOMBAY ACT No. I OF 1930.[1]

[THE INDIAN STAMP (BOMBAY AMENDMENT) ACT, 1930]

[27th March 1930]

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

WHEREAS it is expedient further to amend the [2] Indian Stamp (Bombay Amendment) Act, 1922, in manner hereinafter appearing; and whereas the previous sanction of the Governor General required by section 80A (3) of the Government of India Act and the previous sanction v, of the Governor required by section 80C of the said Act have been obtained for the passing of this Act; It is hereby enacted as follows:—

- 1. This Act may be called the Indian Stamp (Bombay Amendment) Short tit. Act, 1930.
 - 2. This Act shall come into force on the 1st day of April 1930.

Commencement.

3. In clause (iii) of section I of the [2] Indian Stamp (Bombay Amend-Amendment ment) Act, 1922, for the word "eight" the word "nine" shall be sub-of section of Bom. II of 1922,

^[1] For Statement of Objects and Reasons, see Bombay Government Gazette, 1930, Part V. p. 12; and for Proceedings in Council, see Bombay Legislative Council Debates, 1930, Vol. XXVIII.

^[1] Vol. V of Born. Code,

BOMBAY ACT No. II OF 1930.[1]

[THE COURT-FEES (BOMBAY AMENDMENT) ACT, 1930]

27th March 1930]

An Act further to amend the Court-fees (Bombay Amendment) Act, 1926.

NHEREAS it is expedient further to amend [2]the Court-fees II of (Bombay Amendment) Act, 1926, in manner hereinafter appearing; as and whereas the previous sanction of the Governor required by section loo.V, 80C of the Government of India Act has been obtained for the passing of 61. this Act; It is hereby enacted as follows:—

- 1. This Act may be called the Court-fees (Bombay Amendment) Act, short title. 1930.
- 2. This Act shall come into force on the 1st day of April 1930.

Commencement.

3. In sub-section (3) of section 1 of the [2]Court-fees (Bombay Amendment Bom. Amendment) Act, 1926, for the word "four" the word "five" shall be of section 1 of Bom. III of substituted.

^[1] For Statement of Objects and Reasons, see Bombay Government Gazette, 1930, Part V. p. 9; and for Proceedings in Council, see Bombay Legislative Council Debates, 1930, Vol. XXVIII.

^[7] In this Vol., p. 399,

BOMBAY ACT No. III OF 1930.[1]

[The Bombay City Municipalities (Amendment) Act, 1930]

[26th April 1930]

An Act further to amend the Bombay City Municipalities Act, 1925.[2]

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

 This Act may be called the Bombay City Municipalities (Amend-Short title. ment) Act, 1930.

Bom. 2. After section 34 of the [*]Bombay City Municipalities Act, 1925, New section XV.

III of hereinafter called the said Act, the following section shall be inserted, Bom. XVIII of 1925.

of 1925.

[In this Vol., p. 296.]

3. In clause (f) of section 58 of the said Act for the word and Amendment figures "33 and 34 (5)" the word and figures "33, 34 (5) and 34A" of section 58 of Bom.

XVIII of 1925.

^[1] For Statement of Objects and Reasons, see Bombay Government Gazette, 1929, Part V, pp. 193-6; for Report of Select Committee, see Bombay Government Gazette, 1930, Part V, pp. 243-245; and for Proceedings in Council, see Bombay Legislative Council Debates, 1929 and 1930, Vols. XXVII and XXVIII.

^[1] In this Vol., p. 279.

The title of this Act has been changed to "The Bombay Municipal Boroughs Act, 1925" by Bom. Act IV of 1930, s. 4.

BOMBAY ACT No. IV OF 1930.[1]

[THE BOMBAY DISTRICT MUNICIPAL, LOCAL BOARDS AND CITY MUNICIPALITIES (AMENDMENT) ACT, 1930]

[28th April 1930]

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

Bom. 1H of 1901. Bom. VI of 1923. Bom. XV-HI of 1925. Bom.

11**I of** 1901. WHEREAS it is expedient further to amend the [2]Bombay District Municipal Act, 1901, the [3]Bombay Local Boards Act, 1923, and the [4] Bombay City Municipalities Act, 1925, in manner hereinafter appearing: It is hereby enacted as follows:—

1. This Act may be called the Bombay District Municipal, Short title. Local Boards and City Municipalities (Amendment) Act, 1930.

2. In the [2] Bombay District Municipal Act, 1901,

(i) after proviso (b) to sub-section (2) of section 27, the following of Bom. III shall be inserted, namely:—

- "(c) any powers of the Pilgrim Committee appointed under section 27A."
- (ii) after section 27, the following shall be inserted, namely:-
- "27A. (1) In every municipality notified by Government in Pilgrim this behalf there shall be a committee called the Pilgrim Committee Committee consisting of three councillors of whom one shall be the president of the municipality and the other two shall be elected in accordance with rules made under clause (q) of section 46 and of three persons nominated by the Commissioner of whom not more than two may be salaried servants of Government.
- (2) The members of the Pilgrim Committee shall hold office for the term of office of the councillors and thereafter up to the date on which a new Pilgrim Committee is constituted in accordance with the provisions of this section. In the case of supersession of the municipality or of the Pilgrim Committee, a new Pilgrim Committee shall be constituted by the Commissioner. Such Committee shall consist of six persons nominated by the Commissioner and shall

^[1] For Statement of Objects and Reasons, see Bombay Government Gazette, 1929, Part V, pp. 114-116; for Report of Select Committee, see Bombay Government Gazette, 1929, Part V, pp. 171-175; and for Proceedings in Council, see Bombay Legislative Council Debates, 1929 and 1930, Vols. XXVI, XXVII and XXVIII.

[[] Vol. IV of Bom. Code.

^[*] In this Vol., p. 23.

^[4] In this Vol., p. 279.

The title of this Act has been changed to "The Bombay Municipal Boroughs Act, 1925" by Bom. Act IV of 1930, s. 4.

continue until the municipality is re-established, and a new Pilgrim Committee is constituted in accordance with the provisions of this section, or, in case of supersession of the Pilgrim Committee, until the Pilgrim Committee is re-established.

- (3) The Pilgrim Committee shall manage and administer the pilgrim fund established under proviso (c) to section 51 and shall exercise the powers and perform the duties of the municipality in respect of the said fund, subject to such limitations and restrictions as may be prescribed by the municipality by rules made in this behalf under clause (aa) of section 46.
- (4) All the provisions of this Act relating to the duties, powers, liabilities, disqualifications and disabilities of councillors shall be applicable, so far as may be, to the members nominated on the Pilgrim Committee.
- (5) In the event of the death, resignation, disqualification, disability or removal of a nominated member previous to the expiry of his term of office, the vacancy shall be filled up by the appointment of a person thereto who shall hold office so long only as the person in whose place he is appointed would have held it if the vacancy had not occurred;
- (6) Section 36 shall not apply to the Pilgrim Committee; provided that the municipality shall have power, at any time, to call for any extract from any proceedings of the Pilgrim Committee, and for any return, statement of account or report concerning or connected with any matter with which the Pilgrim Committee deals and every such requisition shall, without unreasonable delay, be complied with by the Pilgrim Committee.
- (7) The provisions of sections 170, 171 and 172 shall, so far as may be, apply to the Pilgrim Fund Account and the Pilgrim Committee shall, with respect to the preparation and submission to the municipality of its annual budget, follow the following procedure, namely:—
 - "The Pilgrim Committee shall in sufficient time submit its annual budget and all alterations therein to the municipality for consideration, and, if the municipality agree to it, for its incorporation in the general municipal budget. If the municipality do not agree to the budget as framed by the Pilgrim Committee, they shall return it to the Pilgrim Committee, for reconsideration, either in whole or in part, together with any alterations which they may recommend, and if the Pilgrim Committee agrees to these alterations, the budget so altered shall be incorporated in the general municipal budget. If the municipality and the Pilgrim Committee fail to reach an agreement, the budget with a statement of the points in dispute shall be referred by the municipality to the Commissioner, whose decision on such points shall be final."

- (8) The provisions of sections 173, 174, 175, 178 and 179 shall apply to a Pilgrim Committee, and in their application to a Pilgrim Committee the said sections shall be construed, so far as may be, as if for the word "municipality" occurring in the said sections the words "Pilgrim Committee" were substituted, and as if the words "other than a city municipality in such taluka" occurring in sub-section (2) of section 173 were omitted.
- (iii) in section 29 the following words shall be inserted at the end :-
- "not being, where a Pilgrim Committee is appointed, powers or duties referred to in section 27A";
- (iv) to sub-section (1) of section 33 the following proviso shall be added, namely:—
 - "Provided that in the case of a Pilgrim Committee the revenue officer of the highest rank who is a member of such committee shall be ex-officio chairman thereof";
- (v) in section 37 after the figures "27" the figures and letter "27A" shall be inserted;
 - (vi) in section 46
 - (1) in clause (a) for the word and figures "section 27" the words, figures and letter "sections 27 and 27A" shall be substituted;
 - (2) after clause (a) the following clause shall be inserted, namely:—
 - "(aa) prescribing the limitations and restrictions subject to which the Pilgrim Committee shall exercise the powers and perform the duties of the municipality in respect of the pilgrim fund";
 - (vii) to section 51 the following proviso shall be added, namely:
 - "(c) (1) Every municipality in a municipal district in which a tax on pilgrims resorting periodically to a shrine within the limits of the municipal district is levied shall, subject to the condition that reasonable provision shall be made for the purposes specified in clause (2), credit the proceeds of the said tax to a separate heading in the municipal account, to be called the 'Pilgrim Fund Account'.
 - (2) The purposes for which provision shall be made by a municipality before the proceeds of the pilgrim tax are credited to the Pilgrim Fund Account shall be the following, namely, the payment to the municipality of such percentage of the proceeds of the said tax as may be determined from time to time by the municipality with the approval of the Commissioner for
 - (i) making reasonable provision for the performance of all obligations imposed or which may be imposed on it by or under section 61 or 72 or chapter XII;
 - (ii) such general duties of the municipality as are connected with the health, convenience and safety of the said pilgrims; and
 - (iii) the cost of collection of the said tax.

(3) The sums credited under clause (1) shall be devoted to such works conducive to the health, convenience and safety of the said pilgrims as may be approved by the Commissioner,"

Amendment of Bom VI of 1923.

3. In the [1]Bombay Local Boards Act, 1923,

B V

. (i) in section 27, for the words "The president of the retiring board shall preside at such meeting and the new board shall then elect its own chairman for that meeting and then the meeting shall proceed to elect the new president," the following shall be substituted, namely:—

[In this Vol., p. 34.]

(ii) To section 75 the following proviso shall be added, namely:—
[In this Vol., p. 54.]

Amendment of Bom.
XVIII of 1925.

4. In the [2] Bombay City Municipalities Act, 1925,-

(i) In sub-section (I) of section 1, for the words "City Municipalities" 11 the words "Municipal Boroughs" shall be substituted.

(ii) In clause (a) of sub-section (2) of section 11, for the figures, brackets and words

"(ii) who for a period of not less than three months next preceding the last day before the preparation or revision of the list of voters upon which under the rules applications for enrolment may be received has paid the qualifying tax and who within the three months next preceding the aforesaid date has paid all arrears of taxes if any due from him to the municipality,

shall be qualified to be entered in the list of voters for such municipal borough and to vote at a municipal election in such municipal borough:" the following shall be substituted:—

[In this Vol., p. 285.]

(iii) In the proviso to sub-section (1) of section 33, after the word "Act" where it occurs for the second time the words "or a person temporarily appointed as chief officer under this Act for a period not exceeding two months in the aggregate in a year" shall be inserted.

(iv) In sub-section (2) of section 37 after the figures "34" the figures and letter "37A" shall be inserted.

(v) After section 37 the following new section shall be inserted, namely:—

[In this Vol., p. 300.]

(vi) In sub-section (1) of section 38 after the word "purpose" the following shall be inserted, namely:—

[In this Vol., p. 301.]

^[1] In this Vol., p. 23.

^[1] In this Vol., p. 279.

The title of this Act has been changed to "The Bombay Municipal Boroughs Act, 1925" by Bom. Act IV of 1930, s. 4.

added, namely:—
[In this Vol., p. 302.]
(viii) In section 46 after the figures "37" the figures and letter

"37A" shall be inserted;
(ix) In section 58,
(1) in clause (a) after the word "or" where it occurs for the third

(vii) to sub-section (1) of section 42 the following proviso shall be

(1) in clause (a) after the word "or" where it of time the following shall be inserted, namely:—

"subject to the provisions of section 37A";
(2) After clause (a) the following clause shall be inserted, namely:—

[In this Vol., p. 308.]
(x) To section 65 the following proviso shall be added, namely:—
[In this Vol., p. 316].

(xi) In sub-section (2) of section 105

(a) after the words "as the case may be" the words "where the property is in a cantonment the warrant shall be addressed to the Executive Officer of the Cantonment" shall be inserted;

Executive Officer of the Cantonment "shall be inserted;

(b) after the word "district" where it occurs for the third time the words "or cantonment" shall be inserted; and

(c) after the word "vice-president" where it occurs for the

second time the words "Executive Officer" shall be inserted.

(xii) In sub-section (3) of section 106 for the words "one year" the words "three years" shall be substituted.

BOMBAY ACT No. V OF 1930.[1]

[THE BOMBAY PORT TRUST (AMENDMENT) ACT, 1930]

[9th May 1930]

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

WHEREAS it is expedient further to amend the [2]Bombay Port Bom. Trust Act, 1879, in manner hereinafter appearing; And Whereas the previous sanction of the Governor General required by sub-section (3) of section 80A of the Government of India Act has been obtained for the Geo. V, passing of this Act;

It is hereby enacted as follows:-

- 1. This Act may be called the Bombay Port Trust (Amendment) Act, Short title. 1930.
- 2. In the explanation to the provise to paragraph 1 of section 23 of the Amendment Bom. [2]Bombay Port Trust Act, 1879, hereinafter called the said Act, for the of section 23 of Bom. VI words "Port Officer" the words "Deputy Conservator" shall be of 1879. substituted.
 - 3. In section 24 of the said Act after the words "Chief Accountant" Amendment of section 24 of Bom. VI of 1879.

For Statement of Objects and Reasona, see Bombay Government Gazette, 1930, Part V, p. 33; and for Proceedings in Council, see Bombay Legislative Council Debates, 1930, Vol. XXVIII.

^[2] Vol. II of Born. Code.

BOMBAY ACT No. VI OF 1930.[1]

[THE PROVINCIAL SMALL CAUSE COURTS (BOMBAY AMENDMENT) ACT, 1930]

[9th May 1930]

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

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

- 1. This Act may be called the Provincial Small Cause Courts Short title. (Bombay Amendment) Act, 1930.
- 2. In sub-section (3) of section 12 of the [2]Provincial Small Cause Amendment IX of Courts Act, 1887, hereinafter called "the said Act" for the word of section 12 of 1887. "twenty" the word "fifty" shall be substituted.
 - 3. In the Second Schedule to the said Act the following amendments Amendment shall be made, namely:—

 of the Second Schedule to
 - (1) to clause (4) after the words "such property" the following Act IX of shall be added, namely:—
 - "but not including a suit for ejectment where-
 - (a) The property has been let under a lease made by a written instrument, and
 - (b) The Court of Small Causes would be competent to take cognizance of a suit for the rent of the property, and
 - (c) The only substantial issue arising for decision is as to whether the lease has determined by efflux of the time limited thereby or has been determined by a notice in accordance with clause (h) of section 111 of the Transfer of Property Act, 1882."
 - (2) in clause (18) for the words "relating to a trust" the words "to enforce a trust" shall be substituted;
 - (3) to clause (20) after the words "Code of Civil Procedure" the words "in respect of any immoveable property" shall be added;
 - (4) to clause (21) after the word "attachment" the words "of any immoveable property" and after the word "transfer" the words "of any such property" shall, respectively, be added; and
 - (5) in clause (31) for the words "and a suit for the profits on immoveable property belonging to the Plaintiff which have been wrongfully received by the Defendant" the words "but not including a suit for mesne profits" shall be substituted.

VI of 1882.

^[1] For Statement of Objects and Reasons, see Bombay Government Gazette, 1930, Part V, pp. 35-38; and for Proceedings in Council, see Bombay Legislative Council Debates, 1930, Vol. XXVIII.

^[1] General Acta, Vol. III.

BOMBAY ACT No. VII OF 1930.[1]

THE BOMBAY CIVIL COURTS AND THE SIND COURTS (AMENDMENT) ACT, 1930]

[14th May 1930]

an Act further to amend the Bombay Civil Courts Act, 1869, and to amend the Sind Courts Act, 1926.

XIV of 1869. Bom. VII of 1926.

XIV

1869.

WHEREAS it is expedient further to amend the [2]Bombay Civil Courts Act, 1869, and to amend the [3]Sind Courts Act, 1926, in manner hereinafter appearing; It is hereby enacted as follows:-

- 1. This Act may be called the Bombay Civil Courts and the Sind Short title. Courts (Amendment) Act, 1930.
- 2. In section 23 of the [2] Bombay Civil Courts Act, 1869, hereinafter Amendment of section 23 called the said Act, of Act XIV

(1) in paragraph 3 after the words "Subordinate Court" the follow- of 1869. ing shall be added, namely :---

"and may dispose of the civil business of any one of his Courts at the headquarters of any other of his Courts";

(2) to paragraph 4 the following shall be added, namely:-

"He may also dispose of the civil business of his Court at the place of his deputation subject to the general or special orders of the High-Court in this behalf."

3. To section 24 of the said Act the following proviso shall be added, Amendment of section 24 namely:of Act XIV

"Provided that the Governor in Council may increase the limit of of 1869. five thousand rupees to seven thousand and five hundred rupees in the case of any Subordinate Judge of the second class, of not less than ten years' standing and specially recommended in this behalf by the High Court. A Subordinate Judge so empowered shall continue to exercise this power so long and as often as he may fill the office of a Subordinate Judge of the second class without reference to the District in which he may be employed, unless the powers are withdrawn by Government."

4. In section 25 of the said Act-

Amendment (1) in paragraph 1 the words "wherein the subject-matter exceeds of Act XIV five thousand rupees in amount or value" shall be omitted, and of 1869.

^[1] For Statement of Objects and Reasons, see Bombay Government Gazette, 1930, Part V, pp. 4-6; and for Proceedings in Council, see Bombay Legislative Council Debates, 1930, Vol. XXVIII.

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

^[*] In this Vol., p. 415.

- (2) at the end of the paragraph the following words shall be added, namely:—
 - "and wherein the subject-matter exceeds the pecuniary jurisdiction of the Subordinate Judge of the second class as defined by section 24."

Amendment 5. In section 28 of the said Act, for the words "two hundred" of section 28 the words "three hundred" shall be substituted. of 1869.

Amendment of Bom. VII of 1926.

- 6. The following amendments shall be made in the [1]Sind Courts F Act, 1926, and they shall come into operation from the date on which y that Act shall come into operation under sub-section (2) of section 2 thereof, namely:—
 - (1) To sub-section (3) of section 30 the following shall be added, namely:—

[In this Vol., p. 421.]

(2) To sub-section (2) of section 31 the following proviso shall be added, namely:—

[In this Vol., p. 421.]

- (3) In sub-section (1) of section 32—
- (i) the words "wherein the subject-matter exceeds five thousand rupees in amount or value" shall be omitted; and
- (ii) at the end of the said sub-section the following words shall be added, namely:—

[In this Vol., p. 421.]

- (4) In section 33, the words "of the first class in his ordinary or special jurisdiction" shall be repealed.
- (5) In section 35, for the words "two hundred" the words "three hundred" shall be substituted.

BOMBAY ACT No. VIII OF 1930.[1]

[THE SIND COURTS DIVORCE (TEMPORARY) JURISLAND. ACT, 1930]

[16th May 1930]

An Act to provide for the exercise of jurisdiction under the Indian Divorce Act, 1869, by certain Courts in Sind.

WHEREAS it is expedient to provide for the exercise of jurisdiction IV of under the [2]Indian Divorce Act, 1869, by certain courts in Sind in manner hereinafter mentioned; And whereas the previous sanction of the Governor General required by sub-section (3) of section 80A of the 5 & 6 Government of India Act has been obtained for the passing of this Act; Geo. V. It is hereby enacted as follows:—

o. 61.

- 1. This Act may be called the Sind Courts Divorce (Temporary) Short title. Jurisdiction Act, 1930.
- Bom. VII of 1926.

 2. (1) This Act shall apply to the Province of Sind.

 Extent and operation.

 (2) It shall remain in operation until the commencement of the XXX. [3]Sind Courts Act, 1926, and the Sind Courts (Supplementary) Act, 1926.
- Bom.

 3. Until the coming into force of the [3]Sind Courts Act, 1926, and Temporary VII of the Sind Courts (Supplementary) Act, 1926, the jurisdiction of the High exercise of jurisdiction of the District Judge under the [2]Indian Divorce Act, 1869, under the Instruction of the Judicial Commis-by exercised in dian Divorce Sind, in the case of the High Court, by the Court of the Judicial Commis-by exercised in the Court of Sind, and in the case of the District Judge, in the district of Courts.

 Karachi, by the Court of the Judicial Commissioner of Sind, and in other districts, by the Judge of a District Court.

^[1] For Statement of Objects and Ressons, see Bombay Government Gazette, 1930, Part V, pp. 60-61; and for Proceedings in Council, see Bombay Legislative Council Debates, 1930, Vol. XXVIII.

^[1] General Acts, Vol. I.

BOMBAY ACT No. IX OF 1930.[1]

[THE BOMBAY CITY MUNICIPALITIES (AMENDMENT) ACT, 1930]

[22nd May 1930]

An Act further to amend the Bombay City Municipalities Act, 1925.[2]

Bom. WHEREAS it is expedient further to amend the [3]Bombay City XVIII Municipalities Act, 1925, in manner hereinafter appearing; It is hereby 1925. enacted as follows:—

- 1. This Act may be called the Bombay City Municipalities (Amend-Short title ment) Act, 1930.
- Bom. 2. After section 58 of the [2]Bombay City Municipalities Act, 1925, Insertion c

 XVIII the following section shall be inserted, namely:—

 1925. [In this Volume, p. 309.]

 Bom. XVI

^[1] For Statement of Objects and Reasons, see Bombay Government Gazette, 1930, Part V., pp. 13-14; and for Proceedings in Council, see Bombay Legislative Council Debates, 1930, Vol. XXVIII.

^[2] In this Vol., p. 279.

The title of this Act has been changed to "The Bombay Municipal Boroughs Act, 1925" by Bom. Act IV of 1930, s. 4.

BOMBAY ACT No. X OF 1930.[1]

[THE CITY OF BOMBAY MUNICIPAL (AMENDMENT) ACT, 1930]

[22nd May 1930]

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

Bom. WHEREAS it is expedient further to amend the [2]City of Bombay III of Municipal Act, 1888, in manner hereinafter appearing; And whereas the previous sanction of the Governor required by section 80-C of the Governos & 6, ment of India Act has been obtained for the passing of this Act; It is Geo. V. hereby enacted as follows:—

- 1. This Act may be called the City of Bombay Municipal (Amend-Short title. ment) Act, 1930.
- 2. In section 111 of the [2] City of Bombay Municipal Act, 1888, Amendment hereinafter called the said Act, for the words "all fines levied by any of section 111 magistrate" the words, figures and letter "the balance, after all of 1888. expenses referred to in sub-section (3) of section 513-A have been defrayed, of all fines levied by any magistrate" shall be substituted.
- 3. In sub-clause (i) of clause (f) in section 118 of the said Act after the Amendment word "under" the words, figures and letter "section 513-A and "shall of section 118 of Bom. III be inserted.

 On the words, figures and letter "section 513-A and "shall of section 118 of Bom. III of 1888.
- 4. After section 513 of the said Act, the following section shall be New section inserted, namely:—

 513-A of Bom. III
 - of 1888.

 (1) Government may with the consent of the Corporation Appoint-create one or more posts of Presidency Magistrates for the trial of ment of offences against this Act, or against any regulation or bye-law made Magistrates. thereunder, and may appoint any person to such post and may also appoint such ministerial officers for the court of any such Magistrate as they may think necessary:

Provided that notwithstanding the appointment of one or more Presidency Magistrates under this section it shall be open to the Chief - Presidency Magistrate, subject to the rules for the time being in force under section 21 of the Code of Criminal Procedure, 1898, regulating the distribution of business in the Courts of the Presidency Magistrates, to make such distribution of the work of trial of such offences and of all other work before the Courts of the Presidency Magistrates (including any appointed under this section) as may appear to him most conducive to efficiency.

V of 1898.

1888.

^[1] For Statement of Objects and Reasons, see Bombay Government Gazette, 1930, Part V, pp. 17-18; and for Proceedings in Council, see Bombay Legislative Council Debates, 1930, Vol. XXVIII.

^[*] Vol. III of Bom. Code.

NO VS 3-396

behalf."

- (2) Such Magistrate or Magistrates and their establishment shall be paid such salary, pension, leave allowances and other allowances as may, from time to time, be fixed by Government.
- (3) The amounts of the salary, pension, leave allowances and other allowances as fixed under sub-section (2), together with all other incidental charges shall be reimbursed to Government by the Corporation and shall be a first charge on and be primarily payable from the fines levied and recovered in respect of the offences referred to in sub-

section (1) and the balance of the fines, if any, shall be credited to the municipal fund:

Provided that Government may, with the concurrence of the Corporation, direct that in lieu of the amounts payable under this section the Corporation shall pay to Government annually, on such date as may be fixed by Government in this behalf, such sum based on the average of the total amounts recovered by Government from the Corporation under this section during the three years immediately preceding the date of such direction as may be determined by Government in this

Amendment of section 518 of the said Act for the word and of section 518 of Bom, III figures "and 438" the word, figures and letter "438 and 513-A" shall be substituted.

BOMBAY ACT No. XI OF 1930.[1]

[The Bombay Hereditary Offices (Amendment) Act, 1930]

[29th May 1930]

An Act further to amend the Bombay Hereditary Offices Act known as Watan Act, being the Bombay Act No. III of 1874.

Bom. WHEREAS it is expedient further to amend the [3]Bombay Heredi-1874. tary Offices Act, 1874, in manner hereinafter appearing; It is hereby enacted as follows:—

- 1. This Act may be called the Bombay Hereditary Offices (Amend-Short title. ment) Act, 1930.
- Bom.
 11I of Act, 1874.

 2. In proviso (3) to section 36 of the [2]Bombay Hereditary Offices Amendment of section 36 of Bom. III

 (i) for the words "if at any time any person shall by production of of 1874.
 - a certificate of heirship, or of a decree or order" the words "if any person shall by production of a decree "shall be substituted.
 - (ii) for the words "the Collector may" the words "at any time within six years of such order, the Collector shall" shall be substituted.

^[1] For Statement of Objects and Reasons, see Bombay Government Gazette, 1928, Part V, page 79; for Report of Select Committee, see Bombay Government Gazette, 1929, Part V, pp. 248-249 and for Proceedings in Council, see Bombay Legislative Council Debates 1928, 1929, and 1930, Vols. XXIII, XXVII and XXVIII.

^[1] Vol. II of Bom. Code.

BOMBAY ACT No. XII OF 1930.[1]

[The Bombay Prevention of Prostitution (Amendment) Acr. 1930]

[3rd September 1930]

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

Bom. WHEREAS it is expedient further to amend the [2]Bombay XI of Prevention of Prostitution Act, 1923, in manner hereinafter appearing; And whereas the previous sanction of the Governor General required 5 & 6, by sub-section (3) of section 80A of the Government of India Act has Goo. V. been obtained for the passing of this Act; It is hereby enacted as follows:-

- 1. This Act may be called the Bombay Prevention of Prostitution Short title (Amendment) Act, 1930.
- 2. In section 2 of the [2]Bombay Prevention of Prostitution Act, Amendment Bom: 1923, hereinafter called the said Act, for the definition of "brothel" of section 2 the following shall be substituted, namely:of 1923.

[In this Vol., p. 87.]

- 3. In clauses (a) and (b) of section 3 of the said Act after the word Amendment "prostitution" the words "or carnal intercourse" shall be inserted. of Bom.X1
 - 4. In section 5 of the said Act,-

(a) in sub-section (1).—

Amendment of section 5

of 1923.

- (i) for the words "male person" the words "person not below of 1923. of Bom. XI the age of 16 years" shall be substituted;
- (ii) after the word "prostitution" the words "of another person" shall be inserted; and
- (iii) for the word "two" where it occurs for the first time the word "three" shall be substituted:
- (b) in sub-section (2),---
- (i) for the words "a male" the word "any" shall be substituted; and
- (ii) after the word "generally" the words "or to be keeping or managing or assisting in the management of a brothel" shall be inserted.
- 5. After section 8 of the said Act, the following sections shall be New sections inserted, namely :-8A to 8D in Bom. XI of [In this Vol., p. 89.] 1923.

6. Section 11 of the said Act shall be repealed.

Repeal of section 11.

^[1] For Statement of Objects and Reasons, see Bombay Government Gazette, 1930-Part V, pp. 53-55; for Report of Select Committee, see ibid, 1930, Part V, pp. 73-74; and for Proceedings in Council, see Bombay Legislative Council Debates, 1930, Vols. XXVIII and XXIX.

^{[&}quot;] In this Vol., p. 87.

BOMBAY ACT No. XIII OF 1930.[1]

[The Coroners' (Bombay Amendment) Act, 1930]

[3rd September 1930.]

An Act further to amend the Coroners' Act, 1871, in its application to the Presidency-town of Bombay.

WHEREAS it is expedient further to amend the [2]Coroners' Act, 1871. in its application to the Presidency-town of Bombay, in manner hereinafter appearing: And Whereas the previous sanction of the 5 & 6. Governor General required by section 80A (3) of the Government of India (Geo.V. Act has been obtained for the passing of this Act; It is hereby enacted as follows:—

- 1. This Act may be called the Coroners' (Bombay Amendment) Act, Short title. 1930.
- IV of 2. For sections 8 to 20 of the [2] Coroners' Act, 1871, hereinafter Substitution of new sections 8 to 20 of Act IV of Of Act IV of

"8. (1) When the Coroner is informed that the dead body of a Jurisdiction person is lying within his jurisdiction and there is reasonable cause to to inquire 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) the Coroner shall, as soon as practicable, after receipt of the information proceed to view and examine the body. Such view and examination shall be held in the presence of the Police Officer to whose section the case belongs and, if possible, in the presence of the relations or friends, if any, of the deceased and the Coroner may reduce to writing such observations as the appearance of the body requires. When the inquiry is concluded if the Coroner is satisfied as to the cause of death and if a post-mortem examination is in his opinion not necessary, the Coroner may authorise the body to be disposed of.
- 9. (1) If it appears to the Coroner, either before or in the course of Inquest an inquiry under section 8, that there is reason to suspect:—

 by jury-
- (a) that the deceased came by his death by homicide, suicide or infanticide; or

^[] For Statement of Objects and Reasons, see Rombay Government Gazette, 1930, Part V, pp. 30-31; for Report of Select Committee, see soid, 1930, Part V, pp. 86-89; and for Proceedings in Council, see Bombay Legislative Council Debates, 1930, Vols. XXVIII and XXIX.

^[1] Vol. I of Bom. Code.

186€.

- (b) that the death was caused by an accident, or poison or machinery; or
- (c) that the death was caused by an occurrence arising out of the use of a vehicle in a street, public road or in a private place; or
- (d) that the death occurred in a prison in which the deceased was a prisoner or that it occurred whilst the deceased was in the custody of the police; or
- (e) that the death occurred in circumstances the continuance or possible recurrence of which is prejudicial to the health or safety of the public or any section of the public;

and in any other case, if it appears to the Coroner either before or in the course of the preliminary inquiry that there is reason for holding an inquest by jury, he shall proceed to hold such inquest, whether or not the cause of death arose within his jurisdiction.

- (2) Such inquest shall ordinarily be held in the Coroner's Courthouse.
- (3) The Coroner may hold one inquest on the bodies of several persons provided that they all are believed to have come by their deaths, in or in consequence of one and the same incident.
- (4) Every such inquest shall be deemed to be a judicial proceeding within the meaning of section 193 of the Indian Penal Code and for the χ_{LVI} purpose of any such inquest the Coroner shall have and may exercise of all the powers of a Criminal Court under section 476 and section 480 1860. of the Code of Criminal Procedure, 1898.
- (5) The Coroner may hold an inquest by jury simultaneously with the preliminary inquiry.
- (1) When a person dies in a prison situate within the local limits of the Coroner's jurisdiction or whilst he is in the custody of the police the Superintendent of the prison or the police officer in charge of the section concerned, as the case may be, shall report the death to the Coroner and await his orders before the body is disposed of.
- (2) Any Superintendent of Prison or any such police officer who fails to comply with the requirement in sub-section (1) shall, on conviction before a Magistrate, be punished with fine which may extend to five hundred rupees.

Penalty for. disposal of body to prevent an inquest.

Report to Coroner when

prisoner or

person in

police custody

dies.

- 11. (1) Any person who, with the intention of preventing the holding of an inquest on a dead body which the Coroner is bound to hold under section 9, buries, cremates or otherwise disposes of it, and any person who with such intention abets such burial, cremation or disposal of a dead body shall, on conviction before a Magistrate, be punished with fine which may extend to five hundred rupees.
- (2) Such punishment shall be in addition to the punishment to which such person may be liable for any offence of which he may be found guilty in respect of the death of the deceased or under section 201 of XLV the Indian Penal Code.

- A Coroner may order a body to be disinterred within a reason- Power to able time after the death of the deceased person, either for the purpose order body to of taking an original inquisition where none has been taken, or a further red. inquisition where further inquisition is, in the opinion of the Coroner, necessary or desirable in the interests of justice.
- 13. In order to the impanelling of a jury for an inquest under Summoning section 9 the Coroner shall summon not less than five nor more than lury. 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.
- 14. (1) On the day and at the hour fixed for the inquest the Coroner Opening shall proceed to open his court by proclamation and shall call over the Jurors to names of the jurors on whom summonses under section 13 have been be sworn. 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.
- An inquest under this Act or its adjourned hearing under Inquest may section 21 may be held on a Sunday or a public holiday.

be on Sunday or public holiday.

At or before the first sitting of an inquest on a body the Coroner View of body. shall view the body and if before the body has been disposed of, a majority of the jurors so desire, it shall be viewed by the jurors also:

Provided that when a preliminary inquiry on the body has been held under section 8, or if from the medical evidence or from a medical certificate, the Coroner is satisfied that no advantage will result from such viewing, the Coroner may dispense with a view of the body at the inquest.

- 16. The Coroner shall then make proclamation for the attendance Proclamation of witnesses, or, where the inquiry is conducted in secret, shall call in for witnesses. separately such as know anything concerning the death.
- 17. (1) It shall be the duty of all persons acquainted with the summoning circumstances attending the death to appear before the inquest as witnesses. 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, 1898.

- (3) Any person disobeying a summons issued under sub-section (1) shall be deemed to have committed an offence under section 174, sec-X tion 175 or section 176 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 [1] Prisoners Act, 1900.
- Post-morten examina-Fees to medical witnesses. Report of Chemical Examiner.

tions.

Exidence to be on oath.

Evidence on

behalf of

accused. Interpreter.

- 18. (1) If before proceeding to view a body under section 8 or at the view or at any stage of an inquest by jury, it appears to the Coroner that a post-morten examination of the body is necessary to ascertain the cause of death, he may direct such examination to be held by his Surgeon or by a duly qualified Registered Medical Practitioner invited to attend as a witness. The Coroner may also direct an analysis of any of the organs or parts of the body or of their contents. Every Medical witness other than the Chemical Examiner to Government and the Coroner's Surgeon shall be entitled to such reasonable remuneration as the Coroner thinks fit. For the purpose of such post-mortem examination the Coroner may order the removal of the body to any place within his jurisdiction which may be provided for that purpose.
- (2) Any document purporting to be a report under the hand of any Chemical Examiner or Assistant Chemical Examiner to Government upon any matter or thing duly submitted to him for examination or analysis and report in the course of any proceeding under this Act, may be used as evidence in any inquest under this Act and in any subsequent inquiry, trial or other proceeding under the Code of v Criminal Procedure, 1898.
- 19. (1) All evidence given under this Act shall, except in the case provided in sub-section (2), be on oath and the Coroner shall be bound to receive the evidence on behalf of the person who is alleged to have caused or to be concerned in causing the death of the deceased person.
- (2) If such person himself wishes to make a statement it shall be the duty of the Coroner to warn him that he is not bound to make any statement; but if such person persists, the Coroner shall, without administering him any oath, record his statement in full after duly warning him that any incriminating statement which he may make may be used in evidence in any subsequent inquiry, trial or other proceeding under the Code of Criminal Procedure, 1898.
- (3) For the purpose of section 26 of the [2] Indian Evidence Act, I 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.
- 20. (1) The evidence given to the jury shall be recorded in the Mode of manner prescribed in section 356 of the Code of Criminal Procedure evidence.
- (2) For the purpose of this section the Coroner shall be deemed to be a Magistrate."
- 3. After section 21 of the said Act, the following section shall be Insertion of inserted, namely:—

 new section 21A.
 - "21A. (I) If on an inquest touching a death, the Coroner is Inquest to be informed, before the jury have given their verdict, that criminal adjourned if proceedings have been instituted against some person before a Magis-proceedings trate in respect of an offence touching the death of the deceased, he have been may adjourn the inquest until after the conclusion of the criminal instituted personal proceedings and may, if he thinks fit, discharge the jury.

 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 (I), and no finding shall be recorded which is inconsistent with the determination of any matter by the result of those proceedings:

- (3) Where the Coroner resumes an inquest which has been adjourned and the jury has been discharged, he shall proceed in all respects as if the inquest had not previously been begun and the provisions of this Act shall apply accordingly as if the resumed inquest were a fresh inquest, except that it shall not be obligatory on the Coroner to view the body.
- (4) If, having regard to the result of the criminal proceedings, the Coroner decides not to resume the inquest, he shall furnish the Commissioner of Police with a certificate stating the result of the criminal proceedings and any particulars necessary for the registration of the death which may have been ascertained.
- (5) For the purposes of this section, the expression 'the criminal proceedings' means the proceedings before a Magistrate and before any court to which the accused person is committed for trial or before which an appeal from the conviction of that person is heard, and criminal proceedings shall not be deemed to be concluded until no further appeal can be made in the course thereof."

of new section 31 for section 31 of Act IV of 1871.

- 4. For section 31 of the said Act the following shall be substituted, namely:—
- List of Jurors. Fine on juror neglecting to attend.
- "31. (1) The Coroner shall prepare and from time to time revise a list of sufficient number of persons of good character and adequate editation, liable to serve as jurors in his Court.
- (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 exemptions mentioned in section 320 of the Code of V Criminal Procedure, 1898, be liable to serve as jurors in the Coroner's 181 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."

5. For the Second Schedule to the said Act the following shall be substituted, namely:—

"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.

We the said jurors, find unanimously that the death of the said $A \ B$ was caused, on or about the day of 19, by

- 1. Cases of homicide
- a blow on the head with a stick inflicted on him by C D under such circumstances that the act of C D was justifiable (or accidental) homicide.
 - a stab on the heart with a knife inflicted on him by C D under such circumstances that the act of C D was culpable homicide not amounting to murder.

Substitution of a new Schedule for the Second Schedule to Act IV of 1871.

river or sea. Opium-arsenic, which he

opium or arsenic which was administered

5. Cases of poisoning

- 2. Cases of suicide .. shooting himself through the head with a pistol. Drowning himself in a tank,
 - voluntarily administered to himself.

 Cutting his throat with a razor or any sharp instrument.

 Cases of infanticide ... strangling to death a newly-born child by
 - by exposure caused by C D with the knowledge that it would necessarily result in the death of A B, a newly-born child.

its mother.'

- 4. Cases of accident

 falling out of a boat into any river, whereby he was drowned.

 a kick from a horse which fractured his skull and ruptured blood-vessels in his head.
- to the said A B by C D with the intention of killing him.

 6. Cases of death caused by machinery. while working in a mill or a workshop being caught in moving machinery.
- 7. Cases of death arising out of the use of a vehicle.
 8. Cases of death from disease of the heart.
 the wheel of a motor car or a heavy cart which was negligently driven by C D passing ever his chest and causing death.
 - any other cause. apoplexy.
 sunstroke or any other disease.
 And so say the jurors upon their oath aforesaid.

Witness our hands. E F; Coroner of

BOMBAY ACT No. XIV OF 1930[1]

[THE OPIUM (BOMBAY AMENDMENT) ACT, 1930]

[3rd September 1930]

An Act further to amend the Opium Act, 1878, in its application to the Presidency of Bombay.

1 of WHEREAS it is expedient further to amend [2]the Opium Act, 1878, in its application to the Presidency of Bombay in manner hereinafter appearing; and whereas the previous sanction of the Governor General required by sub-section (3) of section 80A of the Government of India 60.V. Act has been obtained for the passing of this Act; It is hereby enacted as follows:—

- 1. This Act may be called the Opium (Bombay Amendment) Act, short title. 1930.
- [of 2. In section 20 of the [2] Opium Act, 1878, for the words "and Excise Amendmen 878. not below the rank of Inspector" the words "not below the rank of of act I of Inspector and every officer of the department of Excise not below the 1878. rank of Assistant Inspector" shall be substituted.

^[*] For Statement of Objects and Reasons, see Bembay Government Gazette, 1930, Pt. V. p. 135; and for Proceedings in Council see Bombay Legislative Council Debates, 1930, Vol. XXIX.

^[3] General Acts, Vol. II.

BOMBAY ACT No. XV OF 1930[1]

[THE BOMBAY UNIVERSITY (AMENDMENT) ACT, 1930]

[3rd September 1930]

An Act further to amend the Bombay University Act, 1928.

Bom. WHEREAS it is expedient further to amend the [8] Bombay University IV of Act, 1928, in manner hereinafter appearing; It is hereby enacted as follows :--

- This Act may be called the Bombay University (Amendment) Short title. Act, 1930.
- 2. In Part (A) under the heading "II Ordinary" in sub-section (1) Amendment Bom of section 13 of the [2]Bombay University Act, 1928, hereinafter called of section 13 IV of the said Act, of 1928.
 - (a) for entry (i) (a), the following shall be substituted, namely: [In this Vol., p. 485.]
 - (b) After entry (vii) the following provisos shall be inserted, namely :--

[In this Vol., p. 486.]

3. After sub-section (2) of section 15 of the said Act, the following Amendment of section 15 sub-section shall be inserted, namely :--of Bom. IV [In this Vol., p. 487.] of 1928.

4. For clause (d) of sub-section (I) of section 20 of the said Act, the Amendment following shall be substituted, namely:—of section 20 of Bom. IV of 1928,

[In this Vol., p. 489.]

- 5. In the proviso to section 21 of the said Act for the brackets and Amendment letter (b), the brackets and letter (h) shall be substituted. of acction 21 of Bom, IV of 1928.
- For clause (iii) in sub-section (1) of section 25 of the said Act, Amendment the following shall be substituted, namely:of section 25 of Born, IV [In this Vol., p. 491.] of 1928.
- 7. After sub-section (3) of section 45 of the said Act, the following Amendment shall be inserted, namely :-of section 45 of Bom. IV [In this Vol., p. 500.] of 1928.

[1] For Statement of Objects and Reasons, see Bombay Government Gazette, 1930. Pt. V. pp. 151-153; for Report of Select Committee, see Bombay Government Gazette, 1930, Pt. V, pp. 210-213; and for Proceedings in Council see Bombay Legislative Council Debates, 1930, Vol. XXIX.

^[*] In this Vol. p. 481.

MO TO 3-40a

BOMBAY ACT No. XVI OF 1930[1]

[THE INDIAN STAMP (BOMBAY SECOND AMENDMENT) ACT, 1930]

[4th September 1930]

An Act further to amend the Indian Stamp Act, 1899, in its application to the Presidency of Bombay.

WHEREAS it is expedient further to amend the [2]Indian Stamp Act, 11 of 1899, in its application to the Presidency of Bombay, in manner herein1899, after appearing; and whereas the previous sanction of the Governor 5 & 6 General required by sub-section (3) of section 80A of the Government Geo. V. of India Act and the previous sanction of the Governor required by section 80C of the said Act have been obtained for the passing of this Act; It is hereby enacted as follows:—

- 1. This Act may be called the Indian Stamp (Bombay Second Short title. Amendment) Act, 1930.
- 2. (1) This Act shall extend to the whole of the Presidency of Extent and Bombay.
- Bom. (2) It shall remain in operation for the duration of the [*Indian II of Stamp (Bombay Amendment) Act, 1922.
- 3. In sub-clause (i) of clause (c) of article 62 in Schedule I to the Amendment II of [3] Indian Stamp Act, 1899, for the word "five" in column 1 the of article 62 of Schedule I to Act II of 1899.

^[1] For Statement of Objects and Reasons, see Bombay Government Genetic, 1930, Pt. V, p. 176; and for Proceedings in Council see Bombay Legislative Council Debates, 1930, Vol. XXIX.

^{[&}quot;]--["] General Acta, Vol. IV.

^[*] Vol. V of Born. Code.

BOMBAY ACT No. XVII OF 1930.[1]

[THE INDIAN REGISTRATION (BOMBAY AMENDMENT) ACT, 1930]

[4th September 1930]

An Act further to amend the Indian Registration Act, 1908, in its application to the Presidency of Bombay.

XVI WHEREAS it is expedient further to amend the [2]Indian Registraon 1908, tion Act, 1908, in its application to the Presidency of Bombay in manner hereinafter appearing; And whereas the previous sanction of the Governor General required by sub-section (3) of section 80-A of the 5 & 6 Government of India Act has been obtained for the passing of this Act; Geo.V. It is hereby enacted as follows:-

- 1. This Act may be called the Indian Registration (Bombay Short title. Amendment) Act. 1930.
- 2. After clause (g) of sub-section (1) of section 69 of the [*]Indian Amendment XVI Registration Act, 1908, hereinafter called the said Act, the following of section 69 of Act XVI of clause shall be inserted, namely:of 1908.
 - "(gg) regulating the procedure for transmitting documents for being photographed and the serial numbering, binding and preservation of the photographic prints and negatives."
 - 3. After Part XI of the said Act, the following shall be inserted, Insertion of new Part XI. namely:--A in Act XVI of 1908.

"PART XI-A.

OF THE COPYING OF DOCUMENTS BY MEANS OF PHOTOGRAPHY.

- 70-A. This part shall apply to the areas only in respect of which a Application notification is issued by the Local Government under section 70-C.
- 70-B. For the purposes of this Part 'Photo-Registrar' means any Definition. person appointed by the Local Government to perform the duties of Photo-Registrar under this Part:

Provided that the Local Government may delegate, subject to such restrictions and conditions as it thinks fit, to the Inspector-General of Registration the power of appointing Photo-Registrars.

70-C. (1) The local Government may, by notification in the Bombay Documents. Government Gazette, direct that in any district or sub-district specified may be in the notification copies of documents admitted to registration under in areas this Act shall be made by means of photography.

notified by Government.

^[1] For Statement of Objects and Reasons, see Bombay Government Gazette, 1930. Pt. V. p. 180; and for Proceedings in Conneil ses Bombay Legislative Council Debates, 1930, Vol. XXIX.

^[*] General Acts, Vol. IV.

(2) On the issue of such notification it shall be translated into the vernacular of the district and shall be posted in a conspicuous place at the Registration offices affected by the notification.

Application of Act to areas notified under section 70-C.

- 70-D. In any district or sub-district in respect of which a notification has been issued under section 70-C the provisions of this Act shall, for the purposes of this Part, be subject to the following modifications, namely:—
 - (1) (a) every document admitted to registration under section 35 or section 41 shall be carefully marked with an identification stamp and the serial number of the document on every page.
 - (b) It shall then be transmitted by the registering officer to the Photo-Registrar, who shall cause, each side of each page of such document together with all stamps, endorsements, seals, signatures, thumb-impressions and certificates appearing thereon to be photographed without subtraction or alteration. He may for this purpose cut or untie, without breaking any seals, the thread or ribbon wherewith the pages of the document are sewn together in order to separate the pages of the document, and, as soon as the document has been photographed, he shall rebind the document exactly as before and if he has cut the thread or ribbon shall seal it over the joint with his seal:

Provided that before transmission of the document to the Photo-Registrar the party presenting the document may require the registering officer to have it copied by hand under section 52 on payment of an additional copying fee.

- (c) There shall then be prepared and preserved the negative and at least one photographic print and to each such negative and print the Photo-Registrar shall fix his signature and seal in token of the exact correspondence of the copy to the original document, as admitted for registration.
- (d) One set of such prints arranged in the order of their serial numbers shall be made up into books and sewn or bound together. To each such book the Registrar or Sub-Registrar shall prefix a certificate of the serial numbers it contains, and the books shall then be preserved in the records of the Sub-Registrar. The negatives shall be preserved in such suitable place as the Inspector-General may prescribe.

(2) All words and expressions used in the Act with reference to the making of copies of documents by hand or the entering or filing of documents or memorandum in books provided under section 16 shall, so far as may be necessary, be construed as referring to the making of such copies by means of photography or the entering or filing of documents or memoranda in books made up of copies prepared by means of photography.

- (3) Where this Part applies the sections mentioned below shall be deemed to be modified as follows:—
 - (a) In section 19 the words 'and also by a true copy' shall be omitted;

33

- (b) sub-section (4) of section 21 shall be omitted;
- (c) the words 'according to the order of its admission' occurring in clause (c) of sub-section (1) of section 52 shall be omitted;
- (d) section 53 shall be omitted;
- (e) in sub-section (1) of section 60 the words 'and page' shall be omitted;
 - (f) sub-section (1) of section 61 shall be omitted;
 - (g) in sub-section (1) of section 62,—
 (i) for the word 'transcribed' the word 'copied' shall be substituted; and
 - (ii) for the words and figures 'copy referred to in section 19' the words 'photograph of the original' shall be substituted."

BOMBAY ACT No. XVIII OF 1930. [1]

[THE CITY OF BOMBAY MUNICIPAL (AMENDMENT) ACT, 1930]

[15th September 1930]

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

WHEREAS it is expedient further to amend the [3]City of Bombay Bom Municipal Act, 1888, in manner hereinafter appearing; It is hereby enacted as follows:—

1. This Act may be called the City of Bombay Municipal (Amendment) Short title. Act, 1930.

Bom. 2. In section 39 of the [2]City of Bombay Municipal Act, 1888, Amendment III of hereinafter called the said Act,—

of section 39 of Bom. III

(a) after sub-section (1) the following sub-section shall be inserted, of 1888. namely:—

"(1-A) The schools' committee shall be appointed by the corporation at their first meeting in the month of April after each general election.

(1-B) A person shall not be eligible for appointment as a member of the schools' committee if he is directly or indirectly interested in any immoveable property on or in which any municipal school or office is located, or, in any institution or school which receives a donation or grant-in-aid from the schools' committee or the corporation.

Explanation.—A person shall be deemed to be 'interested' within the meaning of this sub-section if he derives or has been promised, directly or indirectly, any pecuniary gain from or in respect of such property, institution or school, whether by way of a price or rent or premium or other thing of value, whether of the like nature or

- (1-C) If any person having been appointed to be a member of the schools' committee becomes subject to the disqualification mentioned in sub-section (1-B), he shall be disabled from continuing to be a member of the schools' committee and his seat shall become vacant.
- (1-D) In the event of non-acceptance of office by a person appointed to be a member of the schools' committee or of the death, resignation or disqualification of a member of the said committee or of his becoming incapable of acting previous to the expiry of his term of office, the vacancy shall be filled up, as soon as it conveniently may

^[1] For Statement of Objects and Reasons see Bombay Government Gazette, 1930, Pt. V, pp. 196-197; and for Proceedings in Council see Bombay Legislative Council Debates, 1930, Vol. XXIX.

^[*] Vol. III of Bom. Code.

be, by the appointment by the corporation of a person thereto, who shall hold office so long only as the person in whose place he is appointed would have been entitled to hold it, if the vacancy had not occurred.

- (1-E) If any question or dispute arises whether a vacancy has occurred under this section the orders of the corporation shall be final for the purpose of deciding such question or dispute.
- (1-F) The schools' committee in existence on the day for the retirement of councillors shall continue to hold office until such time as a new schools' committee is appointed under sub-section (1-A), notwithstanding that the members of the said committee or some of them may no longer be councillors".
- (b) For sub-sections (3), (4) and (5) the following shall respectively be substituted, namely:—
 - "(3) (a) The schools' committee shall at their first meeting in each official year appoint one of their own number, being a councillor, to be their chairman until the first meeting of the said committee in the next following official year.
 - "(b) The term of office of the Chairman retiring first after the commencement of the City of Bombay Municipal (Amendment) Act, 1930, shall continue until such time as a new Chairman shall have been appointed under clause (a) of this sub-section and shall have taken over charge of his duties."
 - (c) The retiring chairman shall be eligible for reappointment.
 - (d) If any casual vacancy occurs in the office of chairman, the schools' committee shall, as soon as they conveniently can after the occurrence of such vacancy, choose one of their number, being a councillor, to fill such vacancy and every chairman so chosen shall continue in office only so long as the person in whose place he is appointed would have been entitled to continue if such vacancy had not occurred.
- (4) (a) One-half of the councillor members and one-half of the other members of each schools' committee shall retire from office at noon on the first day of April next following the date of their appointment. The members to retire shall be selected by lot at such time previous to the first day of March immediately preceding and in such manner as the chairman shall determine:

For the purpose of this sub-section the first day of April 1930 shall be deemed to be the date of their appointment in the case of such members of the schools' committee as may be holding office on the date of commencement of the City of Bombay Municipal (Amendment) Act, 1930.

- (b) the remaining members of the schools' committee shall retire from office at noon on the first day of April next following the first day of April aforesaid.
- (c) The corporation shall at their ordinary meeting in the month of March appoint fresh members of the schools' committee to fill

the offices of those previously appointed by them who retire from time to time as aforesaid.

- (d) Any retiring member of the schools' committee shall be eligible for re-appointment.
- (5) The schools' committee shall meet for the despatch of business in the chief municipal office and may, from time to time, make such regulations with respect to meetings and to the management of schools under their control subject to the following conditions:—
 - (a) there shall be a meeting of the schools' committee once a month and at such other times as shall be found necessary;
 - (b) the first meeting of each schools' committee shall be held on a day and at a time to be fixed by the president, and if not held on that day shall be held on some subsequent day to be fixed by the president; and every subsequent meeting of the schools' committee shall be held on such day and at such time as the said committee from time to time determine;
 - (c) the chairman of the schools' committee may, whenever he thinks fit, and shall, upon the written request of not less than four members, call a special meeting;
 - (d) no business shall be transacted at a meeting of the schools' committee unless at least eight members are present;
 - (e) every meeting of the schools' committee shall be presided over by the chairman, if the chairman is present at the time appointed for holding the meeting, and, if the chairman is absent, by such one of the councillor members present as may be chosen by the meeting to be chairman for the occasion;
 - (f) every question shall be decided by a majority of votes of the members of the schools' committee present and voting on that question, the presiding authority having a second or casting vote when there is an equality of votes;
 - (g) a minute shall be kept by the secretary to the schools' committee of the names of the members present and of the proceedings at each meeting of the schools' committee in a book to be provided for this purpose, which shall be signed at, and by the presiding authority of, the next ensuing meeting after confirmation by the committee at such meeting;
 - (h) a member of the schools' committee shall not vote or take part in the discussion before the said committee or before any sub-committee of any matter in which he has, directly or indirectly, by himself or by his partner any share or interest such as is described in clauses (g) to (l) both inclusive, of sub-section (2) of section 16, or in which he is professionally interested on behalf of a client, principal or other person."

BOMBAY ACT No. XIX OF 1930. [1]

[The City of Bombay Municipal (Third Amendment) ACT, 1930]

-[15th September 1930]

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

Hom. WHEREAS it is expedient further to amend the [*]City of Bombay III of Municipal Act, 1888, in manner hereinafter appearing; It is hereby enacted as follows:—

1. This Act may be called the City of Bombay Municipal (Third Short title. Amendment) Act, 1930.

Bom. 111 of after called the said Act, clauses (ee), (ff) and (gg) containing the definisinon of "registered trade union", "delegate" and "electoral College" 1888.

shall be relettered as (ii), (jj) and (kk) respectively.

3. After sub-clause (i) of clause (e) of sub-section (2) of section 26 Amendment of the said Act, the following shall be inserted, namely:—

"(ii) has not made or caused to be made the deposit referred to of 1888.

in sub-section (1) of section 26A, or ".

- 4. After section 26 of the said Act, the following shall be inserted, New section namely:—

 26A of Bom.
 III of 1888.
 - "26A. (1) On or before the date appointed for the nomination Deposit by of candidates for a ward election or for election by co-option each candidates candidate for election or co-option, as the case may be, shall deposit or cause to be deposited with the Commissioner the sum of two hundred rupees in cash or in Government Promissory Notes of equal value at the market rate of the day, and no candidate shall be deemed to be duly nominated unless such deposit has been made.

(2) The deposit shall be returned if-

(a) the candidate is declared or is deemed to be duly elected, or

(b) the candidate signifies his intention in writing to the Commissioner one day before the day fixed for the poll not to contest the election, or

(c) the nomination of the candidate is declared invalid, or

(d) the candidate dies, in the case of a ward election after the scrutiny of nomination papers and before the commencement of the poll, and, in the case of an election by co-option, before the day fixed for the election by co-option, or

^[1] For Statement of Objects and Reasons, see Bombay Government Gazette, 1930, Pt. V, pp. 204-207; and for Proceedings in Council see Bombay Legislative Council Debates, 1930, Vol. XXIX.

^[*] Vol. III of Bom. Code.

- (e) the candidate fails to be elected but secures a first vote in the case of an election by co-option, and, in the case of a ward election valid votes in excess of the number specified in sub-section (4).
- (3) The deposit shall be returned to the person by whom it was made. If a candidate dies in the case of a ward election, before the day fixed for the poll, or, in the case of an election by co-option, before the day fixed for the election, the deposit if made by him, shall be returned to his legal representative or, if not made by the candidate, shall be returned to the person by whom it was made.
- (4) If a candidate is not elected and if, in the case of an election by co-option, he fails to secure any first vote, or, in the case of a ward election, if the number of valid votes polled by him does not exceed one-eighth of the total number of valid votes polled divided by the number of councillors to be elected in the ward for which the candidate is nominated, the deposit shall be forfeited to the Corporation.
- (5) The deposit shall, if it is not forfeited, be returned as soon as may be after the declaration of the result of the election under section 32:

Provided that if a candidate is duly nominated at a general election in more than one ward, not more than one of the deposits made by him or on his behalf shall be returned and the remainder shall be forfeited to the Corporation."

Amendment of section 68 of Bom. III. of 1888.

- 5. In sub-section (2) of section 68 of the said Act,
 - (a) after the entry "Section 311" the entries

"Section 313 Section 313A"

shall be inserted;

- (b) after the entry "Section 375A" the entry "Section 376" shall be inserted;
- (c) after the entry "Section 377" the entry "Section 377A" shall be inserted; and
- (d) after the entry "Section 384A" the entry "Section 390" shall be inserted.

Amendment of sections 74, 75, 85, 328, 347 and 436 of Bom. III of 1888.

- 6. In the heading to Chapter IV, in the marginal notes to sections 74 and 75, and in sub-section (1) and clause (c) of sub-section (2) of section 74, sub-section (1) of section 75, clauses (a) and (b) of sub-section (2) of section 85, entry (a) in sub-section (1) of section 328, clause (aa) of section 347 and in section 436 of the said Act, for the words "executive engineer" the words "city engineer" shall be substituted.
- Amendment
 of section 74
 of Bons, III
 of 1888

 7. (1) In the provise to clause (c) of sub-section (2) of section 74 of
 the said Act, after the word "grant" the following words shall be
 inserted, namely:

"to the municipal city engineer a personal allowance of rupees two hundred and fifty per mensem, rising by annual increments of rupees fifty per mensem up to rupees five hundred per mensem, in addition to his maximum monthly salary, and "

- (2) The amendment contained in sub-section (1) shall be deemed to have been made and to have had effect from the 1st day of April 1929.
- 8. For the proviso to sub-section (1) of section 80A of the said Act, Amendment the following proviso shall be substituted, namely:— 80A of Born. III of 1888.
 - "Provided that temporary appointments for loan works carrying a monthly salary of rupees five hundred or more exclusive of allowances may be made for a period of not more than six months by the Commissioner with the previous sanction of the Standing Committee; the Commissioner shall forthwith report every such appointment when made to the Corporation. No such appointment shall be renewed on the expiry of the said period of six months without the previous sanction of the Corporation."
- 9. In clauses (a) and (c) of sub-section (2) of section 83 and in sec-Amendment tions 114, 121, sub-section (3) of section 124 and section 501 of of sections 83. the said Act, before the word "approval" the word "previous" shall and 501 of Bom. III he inserted. of 1888,
- 10. In the proviso to section 111 of the said Act, after the word Amendment "servants" where it occurs for the second time, the words "and for of section 111 payment of compassionate allowance to the widows or other relations of of 1888. deceased municipal officers and servants " shall be added.
 - 11. In section 169 of the said Act-

Amendment of section 169 (a) in clause (b) of sub-section (1), for the words " with the approval of Bom, III of the Standing Committee" the words "in such cases as the Standing of 1888. Committee shall either generally or specially approve" shall be substituted:

- (b) in sub-section (2) for the words "in each case" the words "for the cases" shall be substituted.
- 12. In sub-section (1) of section 306 of the said Act, after the word Amerdment "satisfaction" where it occurs for the second time, the following words of section 306 of Bom. III shall be inserted, namely :-of 1888.

"and if all land-revenue payable to Government in respect of the land comprised in such street has been paid."

- 13. In clause (a) of sub-section (1) of section 313 of the said Act, Amendment after the word "street" where it occurs for the second time, the words of section 313 of Born. III "or in any public place" shall be inserted, of 1888.
- 14. After clause (b) of section 314 of the said Act, the following shall Amendment of section 314 be inserted, namely :--
 - "(c) any article whatsoever hawked or exposed for sale in any of 1888 public place or in any public street in contravention of the provisions of section 313A."

15. In section 328A of the said Act.

Amend ment of section 328A of Bom. III of 1888.

- (a) to clause (b) of the first proviso to sub-section (1), the following shall be added, namely :-
 - or to the trade or business carried on by the owner of any tramcar, omnibus or other vehicle upon which such advertisement is exhibited." and
 - (b) in sub-section (4) for the words "any movable board on wheels" the words "a tram-car, omnibus and any other vehicle and any movable board" shall be substituted.
- Amendment In section 394 of the said Act. of section
 - (i) after clause (d) of sub-section (1) the following clause shall be inserted, namely :-
 - "(e) carry on within the City or use any premises for the trade or operation of a farrier." (ii) In sub-section (5) after the word "premises" the words

"if any "shall be inserted.

Amendment 17. In the table appended to section 471 of the said Act, in the entry of section relating to section 328A, sub-section (1), in column 2, for the word 471 of Bom. sites" the words "sites, vehicles, etc.," shall be substituted. III of 1888.

> 18. In the table appended to section 472 of the said Act-(a) after the entry relating to section 313, sub-section (1), the following entry shall be inserted namely:-

"313A. Prohibition of hawking or exposing Five for sale any article in a public rupees. place or street without a license.

(b) in the entry relating to section 328A, sub-section (1), in column 2, for the word "sites" the words "sites, vehicles, etc.," shall be substituted.

19. In sub-section (3) of section 490 of the said Act, after the word "fit" the words "if perishable forthwith, and if other than perishable" shall be inserted.

20. In sub-section (3) of section 527 of the said Act, before the word sanction" the word "previous" shall be inserted.

21. In Schedule H to the said Act, after the entry relating to "ghi," the following entry shall be inserted:-

"Vegetable product" or "Vanaspati", that 10 annas is to say, ghi substitutes which are not per_ pure ghi but which resemble ghi. Bombay maiund.

394 of Bom. III of 1888.

Amendment of section 472 of Bom. III of 1888.

Amendment of section 490 of Bom

III of 1888. Amendment

of section . 527 of Bom. III of 1888.

Amendment of Schedule H of Bona. III of 1888.

BOMBAY ACT No. XX OF 1930.[1]

[The Bombay University (Territorial Limits-Amendment) Act, 1930]

[15th September 1930]

An Act further to amend the Bombay University Act, 1928.

Bom. WHEREAS it is expedient further to amend the [2]Bombay University IV of 1928. Act, 1928, in manner hereinafter appearing; And whereas the previous sanction of the Governor General required by sub-section (3) of S&6 section 80A of the Government of India Act has been obtained for the Geo.V, passing of this Act; It is hereby enacted as follows:—

1. This Act may be called the Bombay University (Territorial Limits Short title. Amendment) Act, 1930.

Bom. 2. After section 4 of the [*]Bombay University Act, 1928, herein-Insertion of IV of 1928.

"[In this Vol., p. 483]."

** [In this Vol., p. 483]."

** [In this Vol., p. 483]."

3. In explanation (1) in part (A) under the heading "II Ordinary" Amendment in sub-section (1) of section 13 of the said Act after the words "Indian of section 13 of Bom. IV States" the words "and other territories within the territorial limits of 1928. of the University" shall be inserted.

VIII

4. In the fourth column of the Schedule to the said Act, for the Amendment of the cutries relating to the [3] Indian Universities Act, 1904, the following of the Schedule to shall be substituted, namely:—

1928.

"The whole Act."

^[1] For Statement of Objects and Reasons, see Bombay Government Gazette, 1930, Pt. V, pp. 161-162; and for Proceedings in Council, see Bombay Legislative Council Debates, 1930, Vol. XXIX.

^[1] In this Vol., p. 481.

^[*] General Acts, Vol. IV.

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BOMBAY ACT No. XXI OF 1930.11

(THE CITY OF BOMBAY POLICE (AMENDMENT) ACT, 1!

[15th September 1930]

An Act further to amend the City of Bombay Police Act, 1902.

Bom. WHEREAS it is expedient further to amend the [*]City of Bombay Police Act, 1902, in manner hereinafter appearing; and whereas the 1002. previous sanction of the Governor General required by sub-section (3) 346 of section 80A of the Government of India Act has been obtained for the Geo. V, passing of this Act; It is hereby enacted as follows:-

1. This Act may be called the City of Bombay Police (Amendment) Short title Act. 1930.

- 2. In sub-section (1) of section 7 of the [2] City of Bombay Police Act, Amendment 1902, hereinafter called the said Act, for the word "Sub-Inspectors" of section 7 1902. the words "Deputy Inspectors, Sub-Inspectors, Sergeants" shall be of 1902. substituted.
 - 3. In sub-section (1) of section 22 of the said Act, for the word, letter Amendment and brackets "clause (b)" the words, letters and brackets "clauses of section 22 nor liver and brackets "clauses of Bom. IV (b) and (c)" shall be substituted. of 1902.
 - 4. In section 33 of the said Act—

c. 61.

Amendment of section 33 (a) to clause (f), the following shall be added, namely:-of Born, IV "or of having committed an offence punishable under clause (c) of 1902. of section 18."

(b) in clause (i), for the words and figures

"under sub-clause (iv) or (v) of clause (f) of sub-section (1) of section 22" the following words and figures shall be substituted. namely:-

"under clause (b) of sub-section (1) of section 22 prohibiting the occupation of a street so as to cause obstruction to traffic or inconvenience to the public, or of any rule made under subclause (iv) or (v) of clause (f) of the said sub-section."

5. In section 51 of the said Act-

Amendment (a) in sub-section (1) for the words "such persons and on such of section 51 emoluments as he deems fit " the following words shall be substituted, of 1902.

" police officers of such rank as may be approved by the Governor in Council."

^[1] For Statement of Objects and Reasons, see Bombay Government Gazette, 1930 Pt. V, pp. 172-4; and for Proceedings in Council, see Lomlay Legislative Council Debates, 1930, Vol. XXIX.

^[7] Vol. IV of Born. Code.

(BOM. XXI OF 1930]

(b) in sub-section (2), the words "and shall be liable to punishment, suspension and dismissal, as if he were a Police Officer under this Act" shall be omitted and for the comma after "Police" a full stop shall be substituted.

Amendment 6. In section 113 of the said Act after the word "redeemed" the of section 113 words "within two months" shall be inserted. of 1902.

Amendment 7. In section 120 of the said Act, the words "or heard" shall be of Bom. IV repealed.
of 1902.

BOMBAY ACT No. XXII OF 1930[1]

[THE ADEN CIVIL AND CRIMINAL JUSTICE (AMENDMENT) ACT, 1930]

[15th September 1930]

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

WHEREAS it is expedient further to amend the [2]Aden Civil and 664. Criminal Justice Act, 1864, in manner hereinafter appearing; And whereas the previous sanction of the Governor General required by co.V. section 80A (3) of the Government of India Act has been obtained for the passing of this Act; It is hereby enacted as follows:—

- 1. This Act may be called the Aden Civil and Criminal Justice Short title. (Amendment) Act, 1930.
- of 2. After section 16 of the [2]Aden Civil and Criminal Justice Act, New section 164 in Act II of 1864.

"16A. The Governor of Bombay in Council may, by notification Execution of in the Bombay Government Gazette, declare that the decrees of any decrees passed by Civil Courts situate in the territories comprised in the Somaliland Courts of Protectorate, or any class of such decrees, may be executed by the the Somaliland Protectourt of the Resident as if they had been decrees passed by that Court."

^[1] For Statement of Objects and Reasons, see Bomboy Government Gazette, 1930, Pt. V. p. 159; and for Proceedings in Council, see Bombay Legislative Council Debates, 1930, Vol. XXIX.

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

of Bom. III

BOMBAY ACT No. XXIII OF 1930.[1]

[The City of Bombay Municipal (Amendment) Act, 1930]

[17th September 1930]

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

Bom. WHEREAS it is expedient further to amend the [2] City of Bombay III of Municipal Act, 1888, in manner hereinafter appearing; It is hereby enacted as follows:---

- 1. This Act may be called the City of Bombay Municipal (Amend-Short title.
- ment) Act. 1930. 2. In section 36 of the [2]City of Bombay Municipal Act, 1888, Amendment III of hereinafter called the said Actof section 36
 - (i) after the words "business of the Corporation" the words, of 1888. figures and letter "including the submission, asking and answering of questions under section 66A" shall be inserted;
 - (ii) in clause (j) after the word "thereat" the words, figures and letter 'other than questions under section 66A" shall be inserted:
 - (iii) in clause (k) after the word "business" where it occurs for the first time the words, figures and letter "other than any questions under section 66A" shall be inserted:
 - (iv) in clause (l) after the word, brackets and letter "clause (i)" the words, figures and letter "and any questions asked under section 66A" shall be inserted;
 - (v) in clause (p) after the word "meeting" the words, figures and letter "or ask any question under section 66A concerning any matter" shall be inserted.
 - 3. After section 66 of the said Act, the following new section shall New be inserted, namely :--section
 - 66A of . "66A (1) Subject to any regulations made in this behalf under Bom. III of section 36, a councillor may question the Commissioner who shall Right to answer any question concerning or connected with the administration ask. of this Act or the municipal government of the City: questions.

Provided that-

1888.

(a) not less than seven clear days' notice in writing specifying the questions has been given to the Municipal Secretary;

^[1] For Statement of Objects and Reasonasse Bombay Government Gazette, 1929, Pt. V. p. 216; for Report of Select Committee, see ibid, 1930, Pt. V. pp. 100-102; and for Proceedings in Council, see Bombay Legislative Council Debates, 1929 and 1930, Vols. XXVII, XXVIII and XXIX.

^[1] Vol. III of Bom. Code.

- (b) no question shall be asked—
- (i) which calls for an expression of opinion or for the solution of an abstract legal question or of a hypothetical proposition; or

The City of Bombay Municipal

- (ii) which concerns or is connected with, either directly or indirectly, any pending suit or proceedings in any court of law or before any tribunal in any part of His Majesty's possessions; or
- (iii) which relates to the character or conduct of any Municipal officer or servant except in his official or public capacity; or (iv) which is or by implication may be, defamatory of or which
- makes or implies a charge of a personal character against any person or section of any community; or

 (v) which contravenes any regulation made by the Corporation
- in this behalf under section 36."

 (2) The President shall disallow any question which is, in his opinion, in contravention of the provisions of sub-section (1).
- (3) If any doubt arises whether any question is or is not within the restrictions imposed by sub-section (1), the President shall decide the point and his decision shall be final.
- (1) The Commissioner shall not be bound to answer a question if in his opinion, it cannot be answered without detriment to the interests of the Corporation or if it asks for information which has been communicated to him in confidence.

BOMBAY ACT No. XXIV OF 1930.[1]

[THE BOMBAY DISTRICT POLICE (AMENDMENT) ACT, 1930]

[17th September 1930]

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

Bom. WHEREAS it is expedient further to amend the [2]Bombay District IV of 1890. Police Act, 1890, in manner hereinafter appearing; and whereas the previous sanction of the Governor General required by section 80Å (3) 5 a 6 of the Government of India Act has been obtained for the passing of this Geo. V. Act; It is hereby enacted as follows:—

1. This Act may be called the Bombay District Police (Amendment) Short title. Act, 1930.

Bom. IV of 1890.

2. Section 6 of the [*]Bombay District Police Act, 1890, hereinafter Amendment referred to as the said Act, shall be renumbered as sub-section (1) of the of Bom. IV said section and the following shall be inserted thereafter as sub-section of 1890.

(2), namely:—

"(2) Government may also appoint any police officer not below the rank of District Superintendent to be the Principal of the Central Police Training School, Nasik, and may assign to him such duties as it may think fit. He may be transferred, suspended or removed from office by Government."

3. In sub-section (4) of section 25 of the said Act, the words "or Amendment where the Commissioner so directs, the tax shall be imposed or the rate of section 25 shall be assessed by the Collector at his discretion" shall be added to of 1890. the second sentence.

4. In section 26 of the said Act,—

(a) in sub-section (1), for the existing proviso, the following shall of section 26 of Bom. IV of 1890.

"Provided that where a municipality makes default in imposing any such tax or in assessing any such rate or in making any such recovery, the Government may direct the Collector to impose such tax or assess such rate or to make such recovery"; and

(b) in sub-section (2) for the words "as aforesaid" the words "under any provision of this Act" shall be substituted.

5. In sub-section (3) of section 29 of the said Act,—

(a) for the words "A District Superintendent shall have " the words of section 29 of The Deputy Inspector General of Police, Criminal Investigation of 1890.

Department, and a District Superintendent shall each have " shall be substituted; and

^[1] For Statement of Objects and Reasons, see Bombay Government Gazette, 1930, Pt. V, pp. 158-191; and for Proceedings in Council, see Bombay Legislative Council Debates, 1930, Vol. XXIX.

^[*] Vol. III of Bom. Code.

(b) after the word "obtained" the following words shall be inserted. namely:--

"The Principal of the Central Police Training School, Nasik, shall also have the like authority in respect of any police officer below. the grade of Inspector serving under him, and in respect of head constables and constables belonging to the police force of the Nasik District or of any other district attached to the said School for duty under him. He may also suspend an Inspector who is subordinate to him, pending inquiry into a grave complaint against such Inspector and until an order of the Inspector General can be obtained."

Repeal of section 33 of Bom. IV of . 1890.

Amendment. of section 34 of Bom, IV of 1890.

6. Section 33 of the said Act shall be repealed.

In section 34 of the said Act,-

- (i) in sub-section (1)—
- (a) after the word "permission" where it occurs for the first time the words "of the Deputy Inspector General of Police, Criminal Investigation Department, or of the Principal of the Central Police Training School, Nasik, or " shall be inserted;
- (b) in clause (a) for the words "District Superintendent" the words "Deputy Inspector General of Police, Criminal Investigation Department, or to the Principal of the Central Police Training School, Nasik, or to the District Superintendent, as the case may be" shall be substituted.
- (ii) in sub-section (3) for the words "District Superintendent" the words "Deputy Inspector General of Police, Criminal Investigation Department, or of the Principal of the Central Police Training School, Nasik, or of the District Superintendent, as the case may be shall be substituted.

Amendment. of section 35 of Bom. IV of 1890.

- 8. In section 35 of the said Act-
- (a) in sub-section (1) for the words "District Superintendent" the words "Deputy Inspector General of Police, Criminal Investigation Department, or the Principal of the Central Police Training School, Nasik, or the District Superintendent to whom such police officer is subordinate", shall be substituted.

(b) in sub-section (2)-

(i) after the word "time" the words "the Deputy Inspector General of Police, Criminal Investigation Department, or the Principal of the Central Police Training School, Nasik, or " shall be inserted:

(ii) after the word "Magistrate" where it occurs for the second time, the words "the Deputy Inspector General of Police, Criminal Investigation Department, the Principal of the Central Police

Training School, Nasik, " shall be inserted.

Amendment. of section 36 of 1890.

9. Clause (a) of sub-section (2) of section 36 of the said Act shall be repealed; and clauses (b) to (e) of the said sub-section shall be re-lettered as clauses (a) to (d) respectively.

.I of

10. In section 39 of the said Act.

Amendmen t of section 39

- (a) to sub-section (1) the following clause shall be added, namely: "(n) prescribing the number and position of lights to be used on of 1890. vehicles in streets and the hours between which such lights shall be used": and
- (b) in sub-section (2) for the word, letters and brackets "(h) or (i)" the word, letters and brackets "(h), (i) or (n)" shall be substituted.
- 11. After section 51A of the said Act the following shall be inserted, Insertion of namely:-

new section 51B in Bom. IV of 1890.

"51B. (1) When in respect of an animal an offence under section Powers with 3 or section 5 of the [1]Prevention of Cruelty to Animals Act, 1890, regard to hereinafter in this section referred to as the said Act. has been under Act committed, or, when there is a reasonable ground for suspecting that XI of 1890. such offence has been committed, any police officer may—

(a) take the animal to a Magistrate, or

(b) if the accused person so requires, take the animal to a veterinary officer, if any, empowered by the Governor in Council in this behalf, or

(c) take the animal to an infirmary appointed under sub-section (2) of section 6 of the said Act for treatment and detention therein, pending direction of a magistrate under sub-section (3) of the said section, or

- (d) when the animal is in such a physical condition that it cannot be taken to a veterinary officer or a magistrate, draw up a report of the condition of the animal in the presence of two or more respectable persons describing such wounds, sores, fractures, bruises, or other marks of injury as may be found on the body of the animal.
- (2) When an animal is brought before a Magistrate under clause (a) of sub-section (1), the Magistrate may direct the animal to be returned to the person from whose possession it was taken on such person giving security to the satisfaction of the Magistrate, binding himself to produce the animal when required, or, may direct that the animal shall be sent for treatment and care to an infirmary and be there detained as provided in sub-section (3) of section 6 of the said Act, or may make such order as he thinks fit regarding the disposal or custody and production of the animal.
- (3) The veterinary officer before whom an animal is brought under clause (b) of sub-section (1) shall with all convenient speed, examine the same and draw up a report of such examination. A copy of the report shall be delivered to the accused person if he applies for it on payment of such fee as Government prescribe.
- (4) When under sub-section (2) a Magistrate directs that an animal shall be sent for treatment and care to an infirmary and be detained therein, the provisions of sub-sections (5), (6), (7), and (8) of section 6 of the said Act shall, so far as may be, apply.

(5) When a police officer in good faith suspects that any animal being employed in any work or labour is, by reason of any sore, unfit to be so employed, he may require the person in charge of such animal to unsaddle or unload it for the purpose of ascertaining whether any sore exists and, if such person refuses to do so, may himself unsaddle or unload the animal or may cause the same to be unsaddled or unloaded."

Amendment of section 61 of Bom. IV of 1890.

- 12. In section 61 of the said Act,-
- (a) for the words "In any local area to which the Commissioner by notification from time to time extends this section or any part thereof, whoever contrary thereto" the following words, figure and brackets shall be substituted, namely:—

"In any local area to which the Commissioner by notification from time to time extends this section or any part thereof,—

- (1) whoever contrary thereto-"
- (b) in sub-clause (a),—
- (i) the words "without lawful excuse" shall be omitted;
- (ii) for the words "except when there is sufficient moonlight to render such light unnecessary" the words "contrary to any rule or order made and published by the Magistrate of the district" shall be substituted;
- (c) for sub-clause (g) the following shall be substituted, namely:—
 - "(g) drives rides or leaves on any footway any animal or drives or draws any vehicle thereupon or fastens any animal so that the same can stand across-or upon such footway";
 - (d) sub-clause (s) shall be deleted; and.
- (e) the following shall be inserted as clause (2) of the said section, namely:—
 - "(2) whoever contrary thereto begs importunately for alms or directs or permits children under his control to beg for alms, or exposes or exhibits, with the object of exciting charity, any detormity 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."

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

New section filB, 61C, filD and 61E of Bom. IV of 1890.

Wilful. trespass. "61B. Whoever without satisfactory excuse wilfully enters or remains in or upon any dwelling house or premises or any land or ground attached thereto, or on any ground, building, monument or structure belonging to Government or appropriated to public purposes, or on any boat or vessel, shall, whether he causes any actual damage or not, be punished with fine which may extend to twenty rupees.

eircumstance.

sunset and

sunrise.

extend to three months.

61C. Whoever knowingly gives or causes to be given a false alarm False alarm of fire to the fire brigade of a municipality or to any officer or fireman of fire or damage to thereof whether by means of a street fire-alarm, statement, message fire-alarm. or otherwise or, with intent to give such false alarm, wilfully breaks the glass of, or otherwise damages, a street fire-alarm, shall be punished with imprisonment of either description for a term which may extend to three months or with fine which may extend to one hundred rupees

or with both. 61D. Whoever is found between sunset and sunrise-

Being found (a) armed with any dangerous instrument with intent to commit under suspicious

an offence, or (b) having his face covered, or otherwise disguised, with intent between 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 housebreaking, shall be punished with imprisonment for a term which may

61E. Whoever has in his possession or conveys in any manner, or Possession of offers for sale or pawn, anything which there is reason to believe is property of stolen property or property fraudulently obtained, shall, if he fails to satisfactory account for such possession oract to the satisfaction of the Magistrate, account can be punished with imprisonment for a term which may extend to three months, or with fine which may extend to one hundred rupees."

BOMBAY ACT No. XXV OF 1930. [1]

[THE BOMBAY LOCAL FUND AUDIT ACT, 1930].

[17th September 1930]

An Act to provide for and regulate the audit of the local funds under the management or control of certain local authorities in the Bombay Presidency except the City of Bombay.

WHEREAS it is expedient to provide for and regulate the audit of the local funds under the management or control of certain local authorities in the Bombay Presidency except the City of Bombay in manner hereinafter appearing; And whereas the previous sanction of the Governor General required by sub-section (3) of section 80A of the 6 Government of India Act has been obtained for the passing of this Act; 300.V. It is hereby enacted as follows:-

- 1. This Act may be called the Bombay Local Fund Audit Act, 1930. Short title.
- This Act extends to the whole of the Bombay Presidency except Extent the City of Bombay.
- 3. In this Act, unless there is anything repugnant in the subject or Definitions. context,-

(a) "Auditor" means the Examiner or any other person empowered by Government to perform the functions of an auditor under this Act.

(b) "Examiner" means the Examiner of Local Fund Accounts and includes the Assistant Examiner of Local Fund Accounts.

- (c) "Local authority" means a local authority as defined in clause (26) of section 3 of the [2]Bombay General Clauses Act, 1904, and includes a school board constituted under the [3]Bombay Primary Education Act, 1923.
- (d) "Local Fund" means any fund to the control or management of which a local authority is legally entitled and includes the proceeds of any cess, rate, duty or tax which such authority is legally entitled to impose, and any property vested in such authority.
- The accounts of any local authority whose accounts are declared Liability of by the Government, by a notification in the Bombay Government Gazette, local authoto be subject to audit under this Act shall, notwithstanding anything submit their contained in any enactment by which such local authority is constituted accounts on in any rules made the sounder he subject to sudit in all remosts in the or in any rules made thereunder, be subject to audit in all respects in the manner provided by or under this Act.

Bom. [of 1904. Bom. 'V of 1923.

^[1] For Statement of Objects and Reasons, see Bombay Government Gazette, 1930, Pt.V, pp. 45-49; for Report of Select Committee, see ibid, 1930, Pt. V, pp. 116-121; and for Proceedings in Council see Bombay Legislative Council Debates, 1930, Vols. XXVIII and XXIX.

[[] Vol. IV of Born. Code.

^[*] In this Vol., pp. 7-15.

Accounts to or periods as may required.

5. The president or chairman, as the case may be, of every local oe submitted authority, whose accounts are declared under section 4 to be subject to such period audit under this Act, shall present or cause to be presented for audit all accounts of its local fund in the manner and form prescribed by rules under section 15 to the auditor yearly or at such period or periods as may be required by the Commissioner.

Power of auditor to require production of documents and attend. ance of persons concerned.

- 6. (1) For the purpose of any audit under this Act, an auditor may—
- (a) require in writing the production, at the head office of the local authority, of any document, the perusal or examination of which he believes to be necessary for the elucidation of the accounts;
- (b) require in writing any salaried servant of the local authority accountable for, or having the custody or control of such document, or any person having directly or indirectly, by himself or his partner, any share or interest in any contract with or under the local authority, to appear in person before him at the head office of the local authority and answer any question;

(c) in the event of an explanation being required from the president, chairman or other honorary officer or member of a local authority, in writing invite such person to meet him at the head office of the local authority and shall in writing specify the point on which his explanation is required.

- (2) The auditor may, in any requisition or invitation made under sub-section (1), fix a reasonable period, not being less than three days, within which the said requisition or invitation shall be complied with.
- (3) The auditor shall give to the local authority not less than two weeks' notice in writing of the date on which he proposes to commence the audit.

Penalty for disobeying requisition under section 6.

(1) Any person who wilfully neglects or refuses to comply with any requisition lawfully made upon him under clause (a) or clause (b) of sub-section (1) of section 6 shall be liable, on conviction before a Magistrate, to a fine which may extend to one hundred rupees.

Provided that no proceedings under this section shall be instituted except on the written sanction of the Commissioner.

Provided further that before giving such sanction the Commissioner shall call upon the person against whom the proceedings are to be instituted to show cause why the sanction should not be given.

- (2) No court inferior to that of a Magistrate of the first class shall try any offence against this Act.
- Within two months after the completion of the audit, the Examiner shall prepare a report on the accounts audited and examined and shall send such report to the local authority concerned and copies thereof to such officers and bodies as the Government may direct.

to be sent to certain officers and bodies as Government may direct. Audit Report what to contain.

Audit report

- The Examiner shall include in his report a statement of—
- (a) every payment which appears to him to be contrary to law, (b) the amount of any deficiency or loss which appears to have been caused by the gross negligence or misconduct of any person.

- (c) the amount of any sum received which ought to have been but is not brought into account by any person, and
- (d) any material impropriety or irregularity which he may observe in the accounts other than those mentioned in clauses (a), (b) and (c) above.
- 10. (1) On receipt of a report under section 8 the president or chair-Local man, as the case may be, shall either remedy any defects or irregularities authority to remedy which may have been pointed out in the report and send to the Examiner, defects: Prowithin three months of the receipt of the report, intimation of his having codure to done so, or, shall, within the said period, supply to the Examiner any after report further explanation in regard to such defeots or irregularities as the of the Examiner under manner under section 8.
- (2) On receipt of such intimation or explanation the Examiner may, in respect of all or any of the matters discussed in his report,
 - (a) accept the intimation or explanation given by the president or chairman and withdraw the objection, or
 - (b) direct that the matter be re-investigated at the next audit or at any earlier date, or
 - (c) hold that the defects or irregularities pointed out in the report or any of them have not been removed or remedied.
- (3) The Examiner shall send a report of his decision to the Commissioner within one month of the date of the receipt by him of the intimation or explanation of the president or chairman referred to in sub-section (1) or in the event of the president or chairman failing to give such intimation or explanation, on the expiry of the period of three months mentioned in the said sub-section and shall forward a copy of such report to the president or chairman, as the case may be, of the local authority. If the Examiner holds that any defects or irregularities have not been removed or remedied he shall state in the report whether, in his opinion, the defects or irregularities can be regularised and if so, by what method; and if they do not admit of being regularised, whether they can be condoned and, if so, by what authority. He shall also state whether the amounts to which the defects or irregularities relate should, in his opinion, be surcharged or charged:
- Provided that in the case of reports on the accounts of school boards and of such local authorities as are specially notified by Government in this behalf the report referred to in this sub-section shall be submitted by the Examiner to such officer, being the head of a department, as Government may direct. Such officer shall take such action as may be necessary regarding any defects or irregularities falling under clause (c) of sub-section (2) which may have been brought to notice in the report. If he is of the opinion that the amounts to which any such defects or irregularities relate should be surcharged or charged, he shall forward the report of the Commissioner together with his recommendation in that behalf.
- (4) The local authority concerned shall publish in its next administration report, such portions of the report under section 8 as deal with no va 3—42s

defects and irregularities falling under clause (c) of sub-section (2), together with the explanation thereof, if any, given under sub-section (1) and the final report of the Examiner thereon under sub-section (3). Such report of defects and irregularities, explanation and final report shall be open to the inspection of the public at the office of the local authority for a period of one month from the date of their receipt and shall also be published in the vernacular of the district in any newspaper circulating in the district selected by the local authority within one month of the receipt by it of the copy of the report sent to the Commissioner under sub-section (3).

- (5) If the president or chairman of a local authority fails to give the intimation or explanation referred to in sub-section (1) within the period therein mentioned the Commissioner may, at the instance of the Examiner, publish in the vernacular of the district the whole of the Examiner's report under section 8, together with any observations which the Commissioner may make thereon, in any newspaper circulating in the district which the Commissioner may select and the cost of such publication shall be paid by Government.
- (6) Nothing in this section or in section 9 shall preclude the Examiner at any time from bringing to the notice of the Commissioner, for such action as the Commissioner may consider necessary, any information which appears to the Examiner to support a presumption of criminal misappropriation or fraud.

Commissioner to surcharge or charge illegal payment or loss caused by gross negligence or misconducts

11. (1) The Commissioner may, after considering the recommendation of the Examiner or of any head of a department under the provise to sub-section (3) of section 10, as the case may be, and after taking the explanation of the person concerned, or making such further inquiry, as he may consider necessary, disallow any item which appears to him to be contrary to law and surcharge the same on the person making, or authorizing the making of, the illegal payment; and may charge against any person responsible therefor the amount of any deficiency or loss caused by the gross negligence or misconduct of that person, or, any sum received which ought to have been but is not brought into account by that person and shall, in every such case, certify the amount due from such person:

Provided that no order of surcharge or charge shall be made under this Act in respect of any item included, or, which ought to have been included in, but was omitted from, any accounts for any period prior to the 1st April 1930.

- (2) The Commissioner shall state in writing the reasons for his decision in respect of every surcharge or charge and shall send by registered post a copy thereof to the person against whom it is made.
- (3) If a person to whom a copy of the Commissioner's decision is sent under sub-section (2) refuses to take delivery thereof he shall be deemed to have duly received it on the day on which it was refused by him.

Recovery of surcharges and charges how made.

12. (1) Every sum certified by the Commissioner to be due from any person under sub-section (1) of section 11 shall be paid by such person into the treasury or bank in which the funds of the local authority

concerned are lodged, within one month from the receipt by him of the decision of the Commissioner, unless within that time such person has applied to the Court or to the Government as provided in section 13.

- (2) The said sum, if not duly paid, or, if an application has been made to the Court or to the Government against the decision of the Commissioner as provided in sub-section (1) of section 13, such sum as the Court or the Government shall declare to be due, shall be recoverable, on an application made by the Collector to the Court, in the same way as an amount decreed by the Court in favour of the Collector.
- 13. (1) Any person aggrieved by any order of surcharge or charge Application made by the Commissioner under sub-section (1) of section 11 may, against order within one month from the receipt by him of the decision of the or charge. Commissioner, either-
 - (a) apply to the District Court to set aside such order; and the Court, after taking such evidence as it thinks necessary, may confirm, modify or remit such surcharge or charge and make such orders as to costs as it thinks proper in the circumstances; or

(b) in lieu of such application apply to the Government which shall

pass such orders thereon as it thinks fit.

- (2) Pending disposal of the application all proceedings on the certificate shall be stayed if the person aggrieved makes out a prima facie case for a stay order.
- 14. All expenses incurred by a local authority in complying with any Expenses in requisition of an auditor under sub-section (1) of section 6 shall be respect of payable out of its local fund.
 - requisitions of auditors to be payable out of local fund.
- 15: (1) The Government may make rules, not inconsistent with Rules. this Act, for the purpose of carrying into effect the provisions of this Act.
- (2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters. namely:-
 - (a) the manner and form in which the accounts of a local authority. whose accounts are subject to audit under this Act, shall be kept and presented;
 - (b) the powers and duties of auditors and the procedure to be followed by them for conducting an audit and the times at which such audit may be conducted; and
 - (c) the manner in which all matters required to be published under this Act shall be published.
- (3) The making of rules under this section shall be subject to the condition of previous publication. Such rules shall be laid on the table of the Bombay Legislative Council for one month previous to the next session thereof and shall be liable to be rescinded or modified. If any rule is modified, Government may accept the modification and re-issue the rule accordingly, or, may rescind the rule.

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16. (1) In the [1]Bombay	y District	Municipa	al Act, 19	01	Bor
(a) for sub-section (1)	of section	170 the	following	shall be sub	- III
stituted, namely:-					200

- "(1) Independently of the audit provided for under the provisions of the Bombay Local Fund Audit Act, 1930, the municipal accounts may be audited at such intervals and by such agency as may be prescribed in the rules of the municipality."
- (b) in sub-section (3) of section 170—
- (i) for the comma after the word "upon" a full stop shall be substituted; and
- (ii) the words "or if the auditor is a Government auditor, then such charges as may be prescribed by the Governor in Council" shall be repealed.
- (2) For sub-section (1) of section 92 of the [2]Bombay Local Boards Bo Act, 1923, the following shall be substituted, namely:—

 [In this Vol., p. 60.]
- (3) In the [3]Bombay Municipal Boroughs Act, 1925, for sub-section Bo
 (1) of section 210 the following shall be substituted, namely:—

 [In this Vol., p. 385.]

 19:

BOMBAY ACT No. XXVI OF 1930[1]

[The Bombay District Municipal (Amendment) Act, 1930]

[23rd September 1930]

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

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

- 1. This Act may be called the Bombay District Municipal (Amend-Short title. ment) Act, 1930.
- 2. (1) Section 17 of the [2]Bombay District Municipal Act, 1901, Amendment III of hereinafter called the said Act shall be renumbered section 17 (1) and to of Bom. III the said section so renumbered, the following proviso shall be added, of 1901. namely :-
 - "Provided that before such order is made the Commissioner shall invite and consider objections, if any, from the voters entitled to vote at the municipal election in the municipal district concerned."
 - (2) After sub-section (1) of the said section so renumbered, the following sub-section shall be inserted, namely:-
 - "12) (a) The term of office of such councillors shall be deemed to commence on the date of the first general meeting which shall be held after such election and after the expiry of the term of the outgoing councillors hereinbefore provided and at which a quorum shall be present; and
 - (b) the term of office of the outgoing councillors shall be deemed to extend to and expire with the day before the date of such meeting,"
 - 3. Insection 23 of the said Act-
 - (a) after sub-section (7), the following sub-section shall be inserted, of section 23: namely:--
 - "(7A) On the expiry of the term of office of a municipality the President and president and vice-president shall continue to carry on the current vice-president administrative duties of their offices until such time as a new carry on cerpresident and vice-president shall have been appointed or elected tain duties and shall have taken over charge of their duties:

Amendment of Bom. III

until their **Successors** take over charge.

^[1] For Statement of Objects and Reasons, see Bombay Government Gazette, 1930, Pt. V, pp. 169-170; and for Proceedings in Council see Bombay Legislative Council Debates, 1930, Vol. XXIX.

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

Provided that in the case of a new municipality constituted under this Act, a meeting for the election of a new president shall be called by the president of the retiring municipality. The president of the retiring municipality shall preside at such meeting and the new municipality shall then elect its own chairman for that meeting. In case of an equality of votes the result of the election of the chairman shall be decided by lot to be drawn in the presence of the president of the retiring municipality in such manner as he may determine. The meeting shall then proceed to elect the new president.

- (b) Sub-section (9) shall be repealed; and
- (c) for sub-section (10), the following shall be substituted, namely:—
 - "(10) When the president and vice-president are unable or for any reason fail to call a meeting for the purpose of an election under clause (c) of sub-section (2), or under sub-section (8), within fifteen days from the commencement of the term or the occurrence of the vacancy the Collector may exercise the powers of the president for the purpose of calling such meeting."

Amendment of section 0 of Born. III of 1901. 4. In sub-section (2) of section 40 of the said Act, after the word "case" the words, figures and brackets "of every lease or sale of land under sub-section (1) of section 90 and "shall be inserted.

5. For section 45 of the said Act the following shall be substituted, namely:—

Amendment of section 45 of Bom. III of 1901. Councillors, etc., to be deemed public servants.

- "45. (1) Every municipal commissioner, councillor, officer or servant, and every lessee of the levy of any municipal tax, and every servant or other person employed by any such lessee for the levy of any municipal tax shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.
- (2) The word 'Government' in the definition of 'legal remuneration' in section 161 of that Code shall, for the purposes of sub-section (1) of this section, be deemed to include a municipality."

6. In sub-section (1) of section 90 of the said Act for the words "to sell" the words "to lease or sell" shall be substituted.

Amendment of section 90 of Bom. III of 1901. Amendment of section 91A of Bom. III of 1901.

- 7. For sub-section (3) of section 91A of the said Act, the following shall be substituted, namely:—
 - "(3) (a) Except under the provisions of section 113, no person shall construct or reconstruct any portion of any building within the regular line of the public street without the permission of the municipality under section 96.

(b) Where the municipality refuses permission to construct or reconstruct any building in any area within the regular line of the public street, such area shall be added to the street and shall thenceforth be deemed part of the public street and shall be vested in the municipality.

(c) Compensation, the amount of which shall in case of dispute be ascertained and determined in the manner provided in section 160,

shall be paid by the municipality to the owner of any land added to a street under clause (b) for the value of the said land, and to the owner of any building for any loss, damage or expense incurred by such owner in consequence of any action taken by the municipality under the said clause:

Provided that no such compensation shall be payable in cases to which section 119 applies."

- 8. In section 96 of the said Act-
 - (a) in sub-section (I)—

Amendment of section 96 of Bom. III

- (i) before the word "reconstruct" where it occurs in two places the words "construct or " shall be inserted;
- (ii) for the words " or add " where they occur for the second time the words "add or reconstruct" shall be substituted; and
- (iii) to clause (b) the following shall be added, namely:-"and the purpose for which the building will be used."
- (b) In sub-section (2)—.
 - (i) for the words "The municipality may issue such orders not inconsistent with this Act as they think proper with reference to the work proposed in such notice and " the following words shall be substituted, namely:—
 - "Save as otherwise provided in this Act or the rules and byelaws thereunder, the municipality ";
 - (ii) for the words "or alter or add to" the words "alter, add to or reconstruct" shall be substituted:
 - (iii) after the word "ventilation" the words "or to the number of storeys to be erected " shall be inserted; and
 - (iv) after the word "projected" the words "or the purpose for which the building is to be used "shall be inserted.

(c) After sub-section (2), the following sub-section shall be inserted.

namely :--

(2A) The municipality may, before any work has been Permission may be commenced in pursuance of any permission granted by the munici-revoked and pality under sub-section (2), revoke such permission and may give fresh permisfresh permission in lieu thereof on such conditions, in accordance subject to with this Act and the rules and bye-laws made thereunder, with conditions. reference to the matters mentioned in the said sub-section, as they think proper, and may direct that the work shall not be proceeded with unless and until all questions connected with the respective location of the building and any such street have been decided to their satisfaction."

- (d) In sub-section (4), the provise shall be repealed.
- (c) After sub-section (1), the following sub-section shall be inserted. namely :--
 - "(1A) No person who becomes entitled under sub-section (2) Comm or (4), to proceed with any intended work of which notice is required

by sub-section (1) shall commence such work after the expiry of the period of one year from the date on which he first became entitled so to proceed therewith, unless he shall have again become so entitled by a fresh compliance with the provisions of the preceding sub-sections."

- (f) In sub-section (5)—
 - (i) for the words "or makes any building or alteration or addition" the words "any construction, alteration, addition or reconstruction" shall be substituted;
 - (ii) after the word "section" the words "or contrary to the provisions of sub-section (4) or (4A)," shall be inserted;
 - (iii) after the word "rupees" the following words shall be inserted, namely:—

"and in the case of a continuing contravention of any of the aforesaid provisions, he shall be liable to an additional fine which may extend to ten rupees for each day during which such contravention continues after conviction for the first such contravention;"

- (iv) in clause (a) for the words "or addition" the words "addition or reconstruction" shall be substituted;
- (v) for clause (b) the following clause shall be substituted, namely:—

"upon a conviction being obtained under this sub-section by written notice, require such construction, alteration, addition or reconstruction to be altered or demolished in accordance with the provisions of such notice."

- (g) In the Explanation the following shall be added to clause (a), namely:—
 - "or of any wall, verandah, fixed platform, plinth, doorstep or the like, whether constituting part of a building or not."
- Amendment 9. Sub-section (2) of section 113 of the said Act shall be renumbered of section 113 (2) (a) and the following shall be inserted as clause (b) of the said subof 1901.

 Sub-section (2) of section 113 of the said Act shall be renumbered as clause (b) of the said subof 1901.
 - "(b) Notwithstanding any proceedings which may be taken under clause (a) of this sub-section, the municipality may, by written notice, require the owner or occupier of any such building to remove or alter any such projection which has been constructed either without, or contrary in any manner to, the permission of the municipality."
 - 10. To sub-section (1) of section 122 of the said Act, the following words shall be added, namely:—

Amendment
of section 122
of Born. III
of 1901.

and with further
day on which succontinues after the

"and with further fine which may extend to five rupees for every day on which such projection, encroachment, obstruction or deposit continues after the date of first conviction for such offence."

INDEX

(References are to pages.)

		A	•			
•				. 5		-EVAW
		*				
	[1925]		••	••		159
Abkari (Amendment) Act,	1.000					-
	[1929 _			••		557
				£ 1097 ' 1	• • • •	447
Aden Civil and Criminal J			Ann	1927	- **.	331
WHEN CIAIT WED CRIMINATES.	DELICE (VI	ERNUMENT)	Aut,	1930		647
	• • •	· •				
ANIMALS—CRUELTY TO—SER	PREVEN	TION OP-	BOMBAY	AMENDMENT	r) Acr.	•
1923)."					.,,	
					-	•
•	-	В	1			
	•		• •			
		[1923		•• ••		21
		1924	• •		1.44	101
		1925			••	277
BOMBAY PORT TRUST (AMEN	DMENT) Ac				••	429
		1927	••	•• ,	• • •	467
\ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \		1929	• •	• • •		671
and the second second		[1930	• •	••		601
D G A 1000		٠.	*		-	
BORSTAL SCHOOLS ACT, 1929-			•			-
Appeal or Revision		4	n	- 1 - 4 NOOA	* *	582
Application of the Prison	TR TCF 197	4, and the	rmsoner	8 Act, 1900	••	577 581
Arrest Borstal School—Detenti	an in an B			••	••	580
Detention—Courts						578
Ketablishment of	no bass ord	er ior in	••	••	••	577
Definitions	• • •		• •	••	• •	577
Detention—Period of —	••	••	* **		• •	581
Disqualification—Remov	rel of —	• •		••	••	582
Extent and Commencem		• • • • • • • • • • • • • • • • • • • •		••	**	577
License—Revocation of		••		••		580
Limitation on powers co		section 6	`	• • • • •		579
Power of Government to						578
To release on license				•	••	580
Procedure-When magis		t empowers	d to p	ass an order	nnder	
this Act	••	••		••	4.4	- 578
Short title	••			••	1.	577
Supervision	•		• •			581
Transfer—From Prison			••	••	••	579
Of incorrigibl	les etc., to	Prisons	•••	••		579
		-		~ <u> </u>	• •	*
	<u>-</u> .	C			11	
$(\mathbf{x}_{i}) = \mathbf{y}_{i} = (\mathbf{x}_{i} + \mathbf{y}_{i}) + (\mathbf{y}_{i} + \mathbf{y}_{i} + \mathbf{y}_{i}) + (\mathbf{y}_{i} + \mathbf{y}_{i} + \mathbf{y}_{i} + \mathbf{y}_{i}) + (\mathbf{y}_{i} + \mathbf{y}_{i} + \mathbf{y}_{i} + \mathbf{y}_{i} + \mathbf{y}_{i}) + (\mathbf{y}_{i} + \mathbf{y}_{i} + y$		•	• • "			
<u>.</u> -		£ 1924	••	••		117
CATTLE-TRESPASS (AMERICAN	ent) Act,	₹				
		1926		••		409
<u>.</u>		-		·		
Cuildren Act, 1924-		·				
Age-Presumption				. •• ,	••	129
Amendment of sections	4, 8 and 1	iO of ∆ot V	III of	1897 (Reform	astory	
Schools Act)	••	••	•••		••	126
Appeal	••	••	••	· . ••	••	ુ 144

11			INDEX	e e 🕶 e			
٠.	J. A.		MUEA				
	-	. (C-contd.	•			
Cen	LDREN ACT, 1924—contd.		· · ·				7040
Oni	COREN ACI, 1024 COMU.				,		PAG
	Auxiliary Homes .	_	••	,	••		. 14
	Begging by child or young p	erson		••		••	12
	Betting-Penalty .		• •	* *	• •	÷.	13
	Boarding out of children .		• •	••	••	••	13
	Bonds				•••	•••	14 13
	Brothel—Allowing child or y Commencement	toung be	SIBOTE OF DE	. TIT	• •		12
	Compensation for false and		or vexati	ous infor	mation		1 13
	Courts-Powers of		•••	••			12
à	Custodian	•		, -,-	• •		. 14
	Definitions	• - • - 1		••	••		- 12
	Destitute children .					• •	127-2
	Detention of child or young Disposal of child or young p				• •	**	12
	Disposal of third of young p				n for offene	ces	14
1	Extent	•	• •	**			12
	Institutions-Inspection of .	- for re	ception of	poor chil	dren	• •	14
		•			• •		. 12
	Intoxicating liquor—Penalty			a child		••	13 14
	Juvenile Courts—Establishin License—Placing out of chil-			••	**	••	13
	Offences	men on	••	••	••	• •	129-13
`	Pawn-Penalty .						13
	Penalty for being drunk whi						12
٠.	Procedure when magistrate	is not en	apowered t	to pass an	order un	der this	
• 5	Act				••	••	12
4.	Punishment for cruelty to c						13
	Resignation of certificate by Rules	manag	er or # cer	nneg sch	001	• • • •	14
i	Rules	•		•			
1	Schools	• • •					
	Commitment of child to						13
	Establishment and certi		of		- :		14
·."				••			. 14
	Inspectors .			٠	1. 40	••	. 14
					**	••	14
**	Medical inspection			••	••	• •	14 14
	Not established by Gove Provision as to religion	ernmeni	· ·	•	• •		14
	Withdrawal of certificat	i e	• • •	•••	•	•	14
	Withdrawal or resignati		rtificate-	Disposal	of inmates		1
4.5							
-	Seduction—		•			:	
	Causing or encouraging	of youn	g girl		• •		13
	Young girls exposed to		,···			• •	- 13
7	Short title		* •		• •		15
-	Smoking—Seizure by police		1	•••			13
1 19	Uncontrollable children	•					12
	Wandering children Warrant—Ill-treatment of c	hildren	• • •	-		• •	1
	AL OFTIGHT ATT - MANAGEMENT OF C	THE PERSON NAMED IN	•••		•		·. •
S.,	Youthful offender-		.· ·				
٠,	Attendance at court of	narent					13
	Bail	Torons		•	••		į
	Custody			-	••		. `1
	Dotombion	• .			••		13
:::			_++-*	•		••	13
	Detention—Period of .		. ~			••	- 13
	Discharge and transfer		* * .	••			
	Discharge and transfer Eccape—Penalty	•	• •	::	••	••	13
	Discharge and transfer Escape—Penalty Fines—Payment of	•	• •	•••	• • • • • • • • • • • • • • • • • • • •		13
	Discharge and transfer Escape—Penalty Fines—Payment of Maintenance		••	•••	•••	••	1: 1:
	Discharge and transfer Escape—Penalty Fines—Payment of	•	••	••	•••	••	13

iii

-contd. CHILDREN ACT, 1924-concld. Youthful offender-canta. 134 Remand or committed to custody 135 197 1925 457 CHILDREN (AMENDMENT) ACT, 1927 575 1929 413 CIVIL COURTS (AMENDMENT) Act., 1926 CITY OF BOMBAY IMPROVEMENT TRUST TRANSFER ACT, 1925 246 Accounts—Audit of 210 Acts-Repeal 237 Advances—The Board may take — from Banks and grant mortgages Annual Estimate-245 Estimate to be submitted to the Board for sanction The Committee to sanction or amend such estimate 245 Of income and expenditure-Framing of - by the Chief Officer 245 Appointments-Chief Accountant—Appointment of 248 248 Engineer—Appointment of Estate Agent—Appointment of ... Land Manager—Appointment of ... 248 248 Borrowing Powers— The Board to borrow from banks against Government Promissory Notes or Securities 237 Government to direct manner in which money shall be borrowed from 235 other persons Power to borrow from the Secretary of State for India in Council or 235 other persons Budget Estimates-Latest - sanctioned under Bombay Act IV of 1898 245 to be considered as sanctioned under this Act By-laws---The Committee may make 249 Approval and publication of the 249 Penalty for breach of ... 249 Printing of 249 Capital Account 243 Application of moneys credited to 242 Inclusion of the value of lands in Schedules C and D 243 Chief Officer-Appointment of 218 Duties of 218 Leave of absence of 219 Remuneration of 218 Right of - to attend meetings 218 . Committee may compromise claims by or against them 218 Compensation-To Board on land resumed 235 Special provisions as to 233 Contracts-Execution of 217

INDEX

* ***			C-conid.			
		• .	• •	,		
fy of Bombay Ind	PROVEMENT T	BUST T	ransfer.	Acr, 192	5—contd.	- Ta
Collector to take	possession a	fter m	aking an	award a	nd transfer	land to
Corporation				••	**	
Cost of managen after to be a	ent to be fin	et debi etween	ted to Capital	Seneral A Account a	od General	d there Account
Debentures-						
Signature of	Chief Officer	may b	e engrave	d etc or	ecunons o	i - i
Payment to	survivors of	oint pa	yees	•••		
	e or more join				ta	
Definitions .	• ,	-		,		
Denniquis .	••		••	** .	••	•
Deposite-					•	•
	taking — by t	whom +	a be sion	ed		•
Banks for			or safen		4.	
						. ••
Dissolution of the	e Board					
				••	•••	••
Distances—Meas	urements		••	••	• 1.	••
					, , , , , , , , , , , , , , , , , , ,	
Establishment—	Schedule of o	fficers a	ınd serva	nts of th	e Board	
771-1-1			,	•		•
Estimates	1.3	· •		-		
	of the sum n	ot inclu	ıded	• • •	••	
Supplementa Extent	ary		••	•••	• •	• •
Gas-pipes .	•		• •	••	. · •	
- P.Pou	•	• :		• • •	• • •	• ••
General Account-				,		
What to be c	redited to				••	
To distinguis	h between ite	ms inc	luded in	it	• •	••
77-191 . D		·`•	4 1 6			
Holiday—Provision public day	on when day	•bbom.	tea for a	n'n barbos	e is a Dui	iday or
Parito day	••		••	••	• •	
Improvements Co	mmittee			, .		
		i1_				
Casual Vacan	of members	m rebu	FOR ATTORN	мпо теп		**
Chairman of					• • • • • • • • • • • • • • • • • • • •	•
To continue i		new Co	mmittee	is appoin	ited	••
Constitution			• •			
Continuance		pard		• • .	•• •	•••
Control of the General discr				• • •	••	• • •
Retirements		•		• • •		•
Vacation of t	he office of th	e Mem	ber of th	o Commi	ittee if abe	ent for
	cessive mont		••		••	
•		•				
Improvement Sch						
The Board m	sy direct the	Commi	ttee to m		heme	••
The Committe Consideration	ee may make		lin maki	na e acha	ma for	••
· Particulars to	ha nrovided	for for	in maki	ng a sche	me tot	••
Procedure on			• •	••	**	••
Publication of	f Declaration	by.Chi	ef Officer	•••		••
Sanction of G	overnment	-	••	••	••	••
		•		**		• •
 Unhealthy are 	B					

INDEX

C-contd.

Land Acquisition—		1	•
Right of owner to demand acquisition	•••		21-22
Cost of acquiring land when to be repaid to the	iunicipal Cor	pora-	230
tion Kxtent to which Land Acquisition Act shall apply	r to acquisiti	on of	200
land otherwise than by agreement	, 00 000 000		· 232
By agreement	••	• •	232
-, - ₆			
Loans		•	٠.
Period over which — may extend Raised by the Board of Trustees under Bombay Ac	t IV of 1898	• • •	236 238
			211
Meetings—Attendance of Municipal Commissioner and Municipal Corporation charged with execution of the Ac	t	••	211
Municipal Taxes—Assessment of — in respect of th			
Board	**		242
Offences Cognizance of		j., .	250
Official Representation—Meaning of		•• ,	224
Operation	•• ′	••	210
Payment—Mode of		• • • •	247
Penalties-	-	•	-
	, ••	••	040
For obtaining illegal gratification For a Trustee or a Member of the Committee or an	Officer or Se	Prant .	249
of the Board for being interested in contracts			249
For refusing or neglecting to appear before an a			
eto		•• .	250
Delice Accommodates School	-	. •	•
Police Accommodation Schemes-			
The Board to make	* • a	***	228
Provision as to schemes hitherto sanctioned	**	. • •.	229
Procedure on completion	• • •		228
Vesting of land in Board	• •	••	228
Poorer Classes Accommodation Schemes-			
Application by Employer	•	,	224
Deposit and notice by the employer	••		225
Land on which dwellings may be constructed		••	225
Procedure on completion of the Scheme		••	225
Procedure when dwellings are to be constructed on	Schedule C L	and	225
Term of lease and amount of rent Alteration or reduction in the accommodation by le	* ** .	• •	226 227
Commutation of rent by lessee	70000747 o.a.	••	227
Lesso-	• •	••	
Default and determination of	••	á.	227
Provisions regarding	• • • •	**	227
Privileges—Period of the privileges of the officers in ser	vice of the Bo	ard ,	248
Proceedings-			,
Provisions concerning the Board's	,.		211
Provisions concerning the Committee's	••	••	216
Power of Government to call for extracts from proc	reedings etc.	••	218
Procedure in case of default by Commissioner	••	••	245
Property—	•		
Certain sums to be a charge upon the of the Boa	rd		245
Power to the Board to acquire and hold		••	240
Transfer of — to the Board	••		238
Vesting of - on the termination of leases granted l	by the Board	••	240
Regulations-Framing of - regulating grant of leave et			247

INDEX C-contd.

•	CIT	Y OF	BOMBAY	r Isc	BOAR	BENT T	BUST T	BANS	fer A	c r, 19 2	5a	neld	•	٠.	144
	٠,	Rent	s and I	Profit	Pa	yment	by Gove	rnm	en t in	respect	of L	abne	spec	ified	
		i	n Sche	dule 1	F						•	• •	•	• •	242
	100						of 1904 ·								250
		Reve	nuo an	ıd Ea	pendi	ture	Mount	of	payme	ent to	be:	made	e by	the	
		•	Commis	ssione	r to ti	he Boat	d on th	e firs	t day	of May			. •		241
			4 1		_			1	-	•			-	٠	1
		Savir	g the r	provis	ions c	₫					-				:
			The Ind	- lian I	24:3	w Act	1800								210
		ŕ	Che Ind	lien 1	la la me	ys Au	1000	••		•• -		•			210
-		Sched		HON 1	reicRi	Phu Ti	# 1000			• •				••	251-275
•	_	DOIL	IUIOB	•	•	••		••		••		• •		••	TO 1-7-10
		Securi	itice-	See 16	Dobo	ofmree :	3 7			. •			-		
		LUC VIII		Form		T AMT OF									236
	^	Short	title			•••		••	1	••				• •	210
	•				•	• •	•			••				••	
		Sinki	ng Fun	de-		4 '									
	•		_		· •				L 12					٠,٧	004
	,	- 1	Daves D	xed r	OL IDA	esumen	t of — i	n pu	DIIC 80	curities		• -	4		236
	٠.						ault by		ra In	paymer	16 OI	Mu	erest	s or	244
	7	1				t cha		•'•'		• •		• •			
	•	• •	. YO A 1840	ın tör	W	repay	money	DOPIC	MOC	.**		- 4		••	235
		Stree	٠.												,
		_												•	
			(inimu					• •		••					231
							l require								229
		1				e-Exe	rcising	of p	OWers	confer	red :	on l	dunic	ipal	
		_ : _		porat						••				••	230
		Sub-C	ommit	tees-	-Appo	intmer	t of	••						••	216
			• .	. ~	• .		* .		•				٠,		
		Suite		` '											-
		. 1	urther	Drov	ision I	egardi	ng pend	ing 1	referen	ces		••	•		234
			imitati			٠		••		• •					250
			rovisio	n reg	arding	z pendi	ng case	3 ·							234
		Tram	WAYS		•	•		• •				• •	`_		231
			000 G	enera	l disq	nalifica	tion					••			215
					-			•					÷ ,		
	Ciri	r or B	OMBAY	IMPI	OVEN	ENT TE	UST TR.	TRMA	er (Ai	HENDM I	ent)	Act,	1927		443
			_												
	Cars	r or B	OMBAY	LMPR	OAEMI	ent Te	78 T Tra	nsf1	в (Ам	REDMES	T No	. 2) /	lcr, l	1927	445
		\$										-			
	CET	r of B	OMBAY	LMPR	OVEM	est Tr	ust Tra	NSF1	кв (Ам	BNDHK	nt) A	OT,	1928		505
		•		-								-			1
_	CITY	or B	OMBAY	Mun	ICIPAI	. (Akei	DMEST)	A¢1	, 1925	i		• •		• •	147, 201
											,				
			:	Do.				i	1928	١.	. •	•		δIJ,	513, 517
٠.				_				1			-				
			•	Do.				1	1930)			(611,	635, 64 9
					٠.			* .							000
				Do.		(THIR	д Амж и	DME	it) Ac	T, 193 0)	••	~		639
	_	-		-		-			~						405
	Unn	r of R	OMBYA	POLI	CS (A	MENDM	ent) Ac	T, 12	20	••		• -		••	437
	Ξ,			· •			-						_		44
				Do.	-		- 1	19	30			••		• •	645
	A	. zrima	· .					008							433
	CER	L M.U.H.	CIPALI	TIES (AME	DMRHT) Acz, 1	yzo	-			• •		••	433
)o.				٠.	927							. 439
			M.				. •	341		••		•		• •	*30
					10	À			109	77					463
		. 1)o.		(Omco	SD PE	KNDMKN	ri w	OE, RUZ	••		• •		**	300
		Y	00.		1 A reco	mere.) Acz, 1	030							593, 609
			~~		COMPL	DE 201	JACE		* .		- '				,,
			00.			do.	· (Vill	. Die	trict 1	Municip	al i	Loca	l Ro	a'n	
		•					cipalitie						200		593
		•	<i>-</i> :	-11	~ ~~	,	h				-	~ 4	*.		

	3	INDEX				VII
	c	-contd.				
Civil Courts (Amend					:.	PAGE
. ",						00 r
	and the Sind Cou	• •		٠.	••	605
CIVIL COURTS AND THE	SIND COURTS (AR	ENDMENT).	Аст, 1930	••	••	605
Co-operative Societi	вя Аст, 1925—		•		•	111
Accounts-	**			2	• • •	
Audit of	books of indebted	Society	••		••	. 175 . 181
Appeals		Doctory				186
Arbitration	•	••	• •		•	184
Award-	•		• 1			
Appeal again	et .			••		185
Attachment b		`•• , ,	••	••	••	184
Borrowing-Restr		**			* •.	179
	in respect of share aritable purposes	s or interes	t or mem	oer		177 180
	phibition of the use	of the wor	d —		• • •	186
Copy of Act etc.,	to be open to inspe		••.	••	• •	175
Costs of enquiry					••	181
	r to exempt from r of Registrar to ass		and court	1662	• •	178 183
	of interest on dear		ber			177
Definitions	••	••.	• •	• •		171
Enactments—Rep	eal	• •	••	••	••	190
Extent Finality of Order	• •	•••	• •	••	••	171
Funds—Investmen	nt of	• •	••			179
Income-tax-Pow	er to exempt from				•	178
Inspection by Reg		••	••	••	••	180
Liquidator—Powe	ers of	•••	••		••	182
Loans-						
Interest						179
Restrictions o	n	••	••	• • •	•	179
M	And Angelow					
Meetings-						
Annual Gener				· • • ·		174
Special Gener	COM.	• • •	••	• • •		174
Members-						
Liability of p	ast		••			177
Register of		•••	••			178
Membership—Rig	hta	••	••			- 175
Offences-		*				
Cognizance of	<u> </u>	•••		••		186
Default by a	Society, Officer or	Member	_ ••	••	••	186
	of summons, requi	sition or or	der		• ••	. 186
Penalty Wilful furnish	ing of false inform	etion	••	••	•	18 6
	t or default by a se		••	••	45	186 186
	ocieties from prov				•	187
Proceedings—Pow	er of Government	and the Re	gistrar to	call for	••	187
Provident Fund	••	••	••	**		180
						101
Recovery of costs Recovery of Mone	y	. ***	••	••	• • •	181 185

Vii	i-	INDEX	
		C-conid.	
Co	OPERATIVE SOCIETIES ACT, 1925	-conid	. PA
	Registrar-		
	Appointment of	Ten to the ten to the ten to the ten to the ten to the ten ten ten ten ten ten ten ten ten te	!
	Powers of		1
	Registration—		
	Application for Conditions of	• • • • • • • • • • • • • • • • • • • •	
	Effect of cancellation of		
	Evidence of		
		of instruments relating to shar	
	Of Societies and by-laws	••	
	Power to exempt from Societies	••	
	DUCACIANS	••	
	Restrictions on		
	Distribution of Profits		••
	Dividend		·
	Interest of member of socie	y with limited liability etc.	
-	Other transactions with no	-members	*** " *
	Transfer of share or interes		*• *. I
	Reserve Fund		l
	Rules]
	Schedule		
	Short title		•• , 1
	Societies-		
-		والمستواف المنافي والمناف والمنافية	
	Address of Amalgamation or transfer (
	Branches etc., of the Socie		
	Change of name		
		to apply to societies registered	
	the Act		
	Prior claim of society	**	
	Saving of existing To be bodies corporate	••	••
			••
,	Stamp duty—Power to exempt	rom .	••
	Suits		•
	Bar		1
	Notice		i
	Surplus essets-		
	Disposal of		1
	Of Housing Society		••
· . '	Votes of Members		303
	Winding up of a society	**	181-
:	Witnesses-Attendance	The state of the s	••
Co	волевз' (Вомват Амендмент) А	cz. 1930	(
Ço	PTON MARKETS ACT, 1927-		
			4
	By-laws Contracts—Execution of	**	
	Cotton Market—Notification of	**	
•	Definitions		
	Extent	**	4
		and the second second	
. •. •	Market Committee-		·
•			
٠.	Establishment of	•• ••	4

		• •	INDEX			*
			C-contd.			1
COTTON MARKE	ers Acr, 1927	-contd.	٠.			
Market Co	mmittee-con	u.				1
	intments and		rvants of	the	1111	
	mession of .			VIII .	••	••
Fund	••,		· • •		•••	
_	see for which l			•	••	. • •
	-To be triable	e only by a l	First Class	Magistrate	••	•••
Penalties			•••	••		••
Power-				_		·. • · .
Deleg	ation of to	appoint sub-	committe	es and joint	ec mmitte	P.B
	rrow .	· ·	**	, .		••
Private Me	arket			••		••
Rules		•				•
Short title				•	• •	••
Trade allo	Wance	••	••.	••	• . • •	••
			(1926			
Court-Free (B	SOMBAY AME	NDMENT) AO		•		•
4			1930			• •
•	, , , ,					
			D			
Dawnin Aca		Darana / Assa		A 1009		
Dereban Agr	TOOLTORISTS.	DEINER (VIII	RNDMENT	ACT, 1921	••	•••
	•		/ 1924			
			1925	•	**	••
DISTRICT MUNI	icipal (Amen	DMENT) ACT,	1929			
• •	· · · · · · · · · · · · · · · · · · ·	• •	(1930	• •		
			13			
(Vide ALSO DI	STRICT MUNI	CIPAL, LOCAL	L BOARDS	AND CITY	MUNICIPA	Battli
(AMENDMEN	T) ACT, 1930)	. ••	••	••	••	••
DISTRICT MUN	ICIPAL, LOCAL	, BOARDS AND	D CITY MU	NICIPALITIE	a (Amend	MENT)
Acr, 1930	**	• ••	•	•	***	
_		,	1925			
	IOR (AMENDA		1927	• • •	••	- : ** f
DISTRICT POLI						
DISTRICT POLI			1930		• •	-
DISTRICT POLI					•••	.
DISTRICT POLI						
DISTRICT POLI	ets Duty Ac					
Entertainme						
Entertainme						
Entertainment Definition Duty—	nptions					
Entretainment Definition Duty— Exen Meth	nptions	r, 1923—				
ENTRETAINMEN Definition Duty— Exen Metho	nptions nod of levy eyments for s	r, 1923—				
Entretainment Definition Duty— Exen Meth On p	nptions	r, 1923—				
ENTRETAINMED Definition Duty— Exen Meth On p Reco Extent	nptions od of levy syments for a	r, 1923—				
Entretainment Definition Duty— Exen Meth On p	nptions od of levy syments for a	r, 1923—				
ENTERTAINMED Definition Duty— Exen Meth On p Rece Extent	nptions od of levy syments for a veries	r, 1923—				
Entretainment Definition Duty— Exem Meth On p Reco Extent Operation	nptions od of levy syments for a veries	r, 1923—				
ENTERTAINMED Definition Duty— Exem Meth On p Reco Extent Operation Powere— Deleg	nptions od of levy syments for a veries	r, 1923—dmission	1930 E			
ENTERTAINMED Definition Duty— Exen Meth On p Reco Extent Operation Powers— Deleg To er	nptions od of levy syments for a veries	r, 1923—dmission	1930 B			
Extrataments Definition Duty— Exem Meth On p Reco Extent Operation Powere— Deleg To er Punishme	nptions od of levy syments for a veries .	dmission antertainmen mpliance with	1930 B			
Entertainment Definition Duty— Exem Methon On processes Extent Operation Powers— Deleg To er Punishme	nptions od of levy syments for a veries . gation of — nter place of e out for non-col ower to make	dmission antertainmen mpliance with	1930 B			

 X	INDEX	
	· F	PAGE
FERRIES-(See "PUBLIC FERRIES AM	ENDMENT ACT. 1923 ").	
	. H	
HEREDITARY OFFICES (AMENDMENT) AC	71, { 1923	85 199
(11111111111111111111111111111111111111	1930	613
	1	
IMPROVEMENT TRUST—(See "CITY OF B	Combay Improvement Trust Transfer	· -
Аст, 1925	").	
Terran Dugrama anton (Bosen as Assum	1929	547
Indian Registration (Bombay Amend	1930 ,.	631
	(1926	397
INDIAN STAMP (BOMBAY AMENDMENT)	Act, \ 1927	441
	(1930	589
Indian Stamp (Bombay Second Ameni	DMENT) ACT, 1930	629
INVALIDATION OF HINDU CEREMONIAL I	EMOTHERNES Acr 1926	
Ceremonial Emoluments—Rights to Definitions	o claim-	. 435 . 435
Extent and commencement		435
Hereditary Priests		
His rights		435
Relief from obligatory service Short title		435 435
Entoty was		200
	K	
KABACHI POBT TRUST (AMENDMENT) AC	эт, 1924	103
KARACHI RENT RESTRICTIONS ACT, 19	29	
Buildings—		
Non-user or non-occupation of	premises	531
Penalty for disturbance of ease		531
Committee	• The state of the state of	• ,
Constitution of —		529
Not a court		533
Controller-		
Appointment of — May require information to be	furnished	528 532
May summon witnesses		532 533
Not a court Ejectment		530
Extent and operation		527
Fine or premium Legal proceedings barred		530 533
Power of entry	••	532
Rent-		
Cases where not to be deemed to		530 532

	İ	NDEX			x i
	K-	-contd.			PAGE
Dwwn Dwarmramto	- Acur 1090 a	un fal			
ACHI RENT RESTRICTION	N AUT, 1929——CC	mu.	,		
Rent-contd.			-		1
Increase of — on ac	count of —	•			
Improvement	• • • • •			•	529 530
Payment of rates Increase not permis	sible	,			533
Notice to be given b	efore increase of				530
Penalty for receiving	g rent in excess	of standar	drent .	• •	. 533
Recovery of -				*	
Paid in excess		• ' .			531
Which should not	have been paid				533
Restriction of raising	ig 	•			. 529
Rules			م جُون	• ••	532
Short title			, ~ 	•••	. 527
Standard rent—Fixing of Suits—Statement as to	n by Controll standard rent to	er be made i	n certain e	its -	528 533
Duros—Doscement ma to	PONTION OF TOTAL OF	or mans			
AOHI SMALL CAUSES COU	вт Аст, 1929-	· 1	•		· - :
Applicant, if entitled to error in proceedings		to be deer	med trespas	ser for any	540
error in proceemings	1. 1.		•	•	. 5
Appointment of				•	
Judges		• •	•		536
Registrar and minis	terial officers		••		54
Business-Distribution					544
Chief Court—Removal of				in in the	_ 542 - 531
Chief Judge—Provision Commencement	for vacancy in t	de omce o			535
Compensation-Occupat	nt may sue for	- 11			540
Decrees-Finality of -		. *	•	•	548
Definitions Enforcement of order	**			•	536 546
Establishment of the Co	urt of Small Cau	ses	• • • • • • • • • • • • • • • • • • • •		53
Extortion or default of	officers .	,	•••		54
Fees-Institution of -	_ ••		•• •		543
General power of transf Judge—Provision for va		e of ot	her then the	Chief Judge	544 53
Judges-Rank and prec				omer a dege	53
· · · · · · · · · · · · · · · · · · ·					
Jurisdiction-					-
Local limits of the Pecuniary limits	Court	•	•• .	••	53°
Liability of applicant for	es	when e	t antitlad t	A TANGGERMAN	540
Order for possession	a orienting orde		A CIT OF CITY OF	о роквевыом.	540
Order or summons-B	ar to proceedu	ige again	st Judge o	r officer for	
issuing, etc.	••	•	••	تبيئ بي	540
Proceedings-			٠		
Stay of - on occuj	ant giving som				
To be regulated by			-	re ellinemi	. 24
Procedure and practice	of the Court :				54
Reference—when comp	ulsory .	•	•	••	54
Recovery of possession				••	
Registrar—Investiture Repeal	with powers of i			(8)	54
Revision		• .		•• ••	54
Rule with respect to su	it s removed u nd	er section	911	••	. 54
Saving Schedule	•• *	•		••	53
Scal to be used	••	•		••	54 52
				•• • ••	

xii	INDEX	
	K-contd.	m
KARACHI	SMALL CAUSES COURT ACT, 1929—contd.	Page
	rity on contingent judgment	54 3 535
Suite		•
	By and against officers of the Court In which the Court has no jurisdiction To be decided according to law administered by the Chief Court Trial beyond pecuniary limits of jurisdiction	539 538 537 539
Sum	mons—.	
•	Against person occupying property without leave Service of Trespass	539 539 540
War	rant—	
	Application to discharge or suspend Default in execution Distress warrant—Application for —	541 545 541
Wita	nesses—Power of the Court to summon	546
	.	
LAND RI	EVENUE CODE (AMENDMENT) ACT, 1929	569
LOCAL B	SOARDS ACT, 1923—	
·	ounts—	
	Annual publication Auditor to see all accounts; etc.	58 60 58
Acts App Aud	s, etc. not to be invalidated by informalities	38 67 60
Bad	get Estimates—	•
	Consideration and approval Expenditure of the sum not provided for in— In force when this Act comes into operation . Preparation Taluka Local Board	59 60 60 58 59
Bail	ldingo-	
	Disinfection of — Filthy, etc. Infectious diseases—President to inspect Inspection to be made between sunrise and sunset	48 45 48 48
	Liability of lands, etc. for rates Obstructions and encroachments Power to enter and inspect	68 49 45
By -1	lews— Confirmation of —	50 50
	Power of District Local Board to make —	49 50
Cess	Levy on —	
	Land Revenue	60

	INDEX	
	L-contd.	
LOCAL BOARDS ACT, 1923-contd.		
Cons—contd.		
Manner of levying Rules for assessment		**
Chief Officer—Appointment of		
Closing of places for the dispos		
Collector		
Extraordinary powers	•	
Power of — regarding susp	nding execution of orders	••
Report to the Commissione		
of section 125		••
Committees-		
Adjournment of meetings		• • •
Chairmen—Appointment o		•••
Executive Committees A	homement or orner	**
- Meetings		
Procedure Public Health Committee	Ammaindment of	••
Quorum at meetings	Appointment of -	
Standing Committee—App	ointment of —	••
Term of office of the memb	T8	•••
Compromise—Power to — Constitution of local boards in	excentional cases	
· · · · · · · · · · · · · · · · · · ·		, ,
Contracts-		
Execution Penalty for member, office	or servent interested in	
Corrupt Practice. (Vide "Vot		••
Dismissals		
Distrained goods—Sale of —		
Distraint and sale outside the	istrict	. **
District Local Boards—	-	
Constitution of	Company of the second	
Establishment of —	•• •	••
Elected Members—Publication	or names	••
Elections-		,
Washe profite		
Determination of validity	••	••
Determination of validity Enquiry by judge: Proced	ire	
Determination of validity Enquiry by judge: Proced Qualifications necessary fo	ارأ أشواها المواسسة	
Determination of validity Enquiry by judge: Proced Qualifications necessary fo Temporary provisions pend What persons may be vote	ing	
Determination of validity Enquiry by judge: Proced Qualifications necessary fo Temporary provisions pend What persons may be voted When to be held	ing	
Determination of validity Enquiry by judge: Proced Qualifications necessary for Temporary provisions pend What persons may be voted When to be held Elections and Nominations	ing	
Determination of validity Enquiry by judge: Proced Qualifications necessary for Temporary provisions pend What persons may be vote When to be held Elections and Nominations Engineer—Appointment of—	ing	
Determination of validity Enquiry by judge: Proced Qualifications necessary for Temporary provisions pend What persons may be vote When to be held Elections and Nominations Engineer—Appointment of Establishmente—	ing —	
Determination of validity Enquiry by judge: Proced Qualifications necessary fo Temporary provisions pend What persons may be vote When to be held Elections and Nominations Engineer—Appointment of — Establishmente— Commissioner's power rega	ding expenditure on	
Determination of validity Enquiry by judge: Proced Qualifications necessary for Temporary provisions pend What persons may be vote When to be held Elections and Nominations Engineer—Appointment of Establishmente—	ding expenditure on	
Determination of validity Enquiry by judge: Proced Qualifications necessary for Temporary provisions pend What persons may be vote When to be held Elections and Nominations Engineer—Appointment of Establishmente— Commissioner's power rega Delegation of power to eng Schedule of—	ding expenditure on	
Determination of validity Enquiry by judge: Proced Qualifications necessary for Temporary provisions pend What persons may be vote When to be held Elections and Nominations Engineer—Appointment of Establishmente— Commissioner's power rega Delegation of power to eng Schedule of— Expenditure—	ding expenditure on	
Determination of validity Enquiry by judge: Proced Qualifications necessary for Temporary provisions pend What persons may be vote When to be held Elections and Nominations Engineer—Appointment of— Establishmente— Commissioner's power rega Delegation of power to eng Schedule of— Expenditure— Discretionary powers	ding expenditure on	
Determination of validity Enquiry by judge: Proced Qualifications necessary for Temporary provisions pend What persons may be vote. When to be held Elections and Nominations Engineer—Appointment of — Establishmente— Commissioner's power regal Delegation of power to englishedule of — Expenditure— Discretionary powers For other purposes	ding expenditure on	
Determination of validity Enquiry by judge: Proced Qualifications necessary for Temporary provisions pend What persons may be vote When to be held Elections and Nominations Engineer—Appointment of— Establishmente— Commissioner's power rega Delegation of power to eng Schedule of— Expenditure— Discretionary powers	ding expenditure on	

•.		2.2			
•	L-conkl.	•	5.7	,	Page
L BOARDS ACT, 1923—contd.		* •		. 17. 7	A
Government officers (See " Me	ntings ??\				
Governments servants—Regu		a manalan la	ama allami		
etc.	rectors tegetoric	g pension, ie	PAG WITOMS	TUG68	70
Health Officer—Appointment	of —				: 69
Incorporation of Local Board	_			-	43
Infected articles may be destr		1			49
Interpretations	•	•		• •	23
Land Acquisition		•		••	75
Lands—			•		
Liability of — buildings,		••	: .	·· .	68
Obstructions and encroac	ищения	***		••	49
Leave of Absence—	•				
Arrangements pending at				••	33
To presidents and vice-pr	esidents—Linf	to the grant	of —	• • .	`33
Local Boards—				•	
Dissolution-Powers of the	he Government				72
Inquiry into affairs			•	•	- 72
Performance of duties , . Reconstitution			• • _	••	72 73
reconstitution		••.	••	••	.,
Supersession—	· · · · · ·		*	•	<i>,</i> .
Consequences of	1.7	•	••	••	. 73
Powers of Government			••	* • •	72
Local Funds-					
Assignment of revenue to	municipalities	or cantonmen	t committ	ees	56
By what boards to be exp		***	••	• •	55
Custody and investment of Expenditure for education		•	. ••	• •	53 56
General charges	in purposes		•	•	56
How to be drawn against		•••	••	••	57 54
Income of — Liable for all costs and ex	xpenses		••	• •	41
Return of actual and esti		••	••	••	- 58
Where to be expended	•• ,	• • •	••,	• •	55
Meetings-					
District Local Board-A			nent office	ŗa .	40
Inability of President or			* ••	••	34
Of Local boards Requisition for attendance	e of Governmen	nt officers	**	••	36 40
Taluka Local Board—At			ers		40
N-1	·			÷	
Members-	ha Gilad		•		9=
Casual vacancies, how to Disqualification after elec		•	••	• •	35 35
Elective members of loca	l boards		**	••	25
General disqualifications	of —	••	••	••	26
Re-eligibility of — Removal of —		••	••	• •	.~27 35
Resignations of -			• • •		34
Term of office	••	•••	•	••	34 74
To be public servants Vacancies, to whom to be	communicated		••	••	35
Notice of demand	• 👉 🚟	2 1 2			65

	INDEX	XV
	L-contd.	
OCAL BOARDS ACT, 1923—conto		PAGE
Notices-		
Defective form		. 51
Execution of acts requi	ired to be done by any	51
Publication of general	والمناز والمعراف والمعراف والمعراف	51 50
Service Obligatory duties of local b	oards	43
Occupiers not to be liable for Payments—Receipts to be g	or more than the amount of rent due	52 69
Powers of		
Entry under special or	der •	. 66
	nmissioners over Collectors, etc	73
Inspection and supervision Police officers	sion	6. 53
Powers to levy charges		52
	nmittee-Vacancy not to affect-	38
Property—		
Damage—How to be m Power to sell	lade good	53
Release of	•••	68
Vesting of		43
Propositions Circulation of		40
Prosecutions-		•
District Local Board's Jurisdiction of Magistr	powers regarding —	52 52
Punishment for disobedience		51'
President-		
Casual vacancies		. 34
Consequence of absence		33
Election of —	الرازين فعالا الرافقة الراز وفقات المتعاقب	32
Emergency powers of - Functions of		33
Limit to the grant of le	eave to —	., 33
Not to be salaried serv. Removal from office	ant of Government	32
Resignation of —		33 35
Term of office		33
President and Vice-Preside	nt to continue until their successors take c	ver
charge	the contract of the second	34
Regulations		e i e e e e
Absentec allowances	••	70
Acting allowances Leave	for the second s	70
Pensions, etc.		70 70
Provident Funds		70
Security Service		70
Relative duties of taluka a	nd district local boards	70
Remedy on non-compliance	e with directions issued by boards	45
Repeals		23
Resignations of President 4	every case under section 125	71
Roads—Obstructions and	sucroachments	35
Rules-		20
•		
Publication of — Purpose for which may	be made	64
	, 	73

L-contd.

Sale of property— If no tender is made Surplus— Surplus— Application of— Surplus Schedules Scizure Short title Springs Suits—Limitation Superior holders—Assistance to—and owners of water courses for recovery of cesses Suspension of power to recover by distress and sale Taluka Local Boards—	••	PA
If no tender is made Surplus— Sale proceeds— Application of — Surplus Schedules Seizure Short title Springs Suits—Limitation Superior holders—Assistance to—and owners of water courses for recovery of cesses Suspension of power to recover by distress and sale	7	
Surplus — Sale proceeds— Application of — Surplus Schedules Seizure Short title Springs Suite—Limitation Superior holders—Assistance to—and owners of water courses for recovery of cesses Suspension of power to recover by diatress and sale	7	
Sale proceeds— Application of— Surplus Schedules Scizure Short title Springs Suits—Limitation Superior holders—Assistance to—and owners of water courses for recovery of cesses Suspension of power to recover by distress and sale	7	
Application of — Surplus Schedules Scizure Schort title Springs Suits—Limitation Superior holders—Assistance to—and owners of water courses for recovery of cesses Suspension of power to recover by distress and sale	7	
Application of — Surplus Schedules Seizure Short title Springs Suits—Limitation Superior holders—Assistance to—and owners of water courses for recovery of cesses Suspension of power to recover by distress and sale	7	
Surplus Schedules Schedules Schort title Short title Springs Suits—Limitation Superior holders—Assistance to—and owners of water courses for recovery of cesses Suspension of power to recover by distress and sale	7	
Surplus Schedules Schedules Short title Springs Snits—Limitation Superior holders—Assistance to—and owners of water courses for recovery of cesses Suspension of power to recover by distress and sale	7	
Schedules Seizure Short title Springs Suite—Limitation Superior holders—Assistance to—and owners of water courses for recovery of cesses Suspension of power to recover by distress and sale		
Scizure Short title Springs Suite—Limitation Superior holders—Assistance to—and owners of water courses for recovery of cesses Suspension of power to recover by distress and sale		75.
Short title Springs Suits—Limitation Superior holders—Assistance to—and owners of water courses for recovery of cesses Suspension of power to recover by distress and sale		
Springs Suits—Limitation Superior holders—Assistance to—and owners of water courses for recovery of cesses Suspension of power to recover by distress and sale		
Suits—Limitation Superior holders—Assistance to—and owners of water courses for recovery of cesses Suspension of power to recover by distress and sale		
Superior holders—Assistance to—and owners of water courses for recovery of cesses Suspension of power to recover by distress and sale		
recovery of cesses Suspension of power to recover by distress and sale	** -	-
Suspension of power to recover by distress and sale	Γ.	
Taluka Local Boards	* *	
Taluka Local Boards	-	
		~ `
Constitutions of —		•
Establishment of —		
	.ā.,	
Tax-		
Bill for amount of —	•••	
Imposition of —	- ·	•
Power to sanction, etc.		
Procedure preliminary to imposing a —		
Suspension of levy of objectionable	• •	
Toll—	•	
		*
Farming of —	**	
, Power on non-payment of —		
	×.	
Vice-President—		. ~
Casual vacancies		
Consequence of absence of —	••	
	7	4.5
Election of —		-
Functions of —	• •	- 1
Limit to the grant of leave to	••	
Not to be salaried servant of Government		
Removal from office :		
Resignation of —		
Term of office	- • *	
Voters	. :	
		٠
Disqualified for corrupt practice	••	
General disqualification of —	• •	
Voters—(See " Elections ").		
A DOUGH TO THE TOTAL OF THE TOT		. •
Voters liste—		
	-	
Final publication	••	- 3
Conclusive evidence	• •	
Preparation of —	• •	
Publication of —	••	
Revision of —	:	:
***		-
Warrante-		
Execution	••	- (
		, · (
To whom to be addressed		
To whom to be addressed Washing—Penalty	••	
To whom to be addressed	••	, 4 , 4

•					xvii
	NDEX				
i -	-conid.				
AL BOARDS ACT, 1923-confd.					
		. t		2.7	PAGE
Water-				- 1	
Abatement of nuisance from for Penalty for using places set ap		AF VITTUARA	•	• •	47
Prohibition of use of from ce				• •	47
Water rate—(See "Coss").					
Water supply	•	• •	••	••	46
Works-	*. •		•		
Execution of—	•				42
Execution in default of owner	••				· 51
Payment for execution of—	. • • .	•	•	•••	42 42
Repairs				••	34
Vesting of future local-	• • • • • • • • • • • • • • • • • • • •		••		• 43
	[1925		••	· I	57,203
Local Boards (Amendment) Act,	1927	••	• ••	••	459
	(1928			• • •	503
Local Boards (Amendment) Act, 1	930(Vide	District Board and Cit	dunicipal, Wunicir	Local alitim	
	(A	mendment)	Act, 1930)	• •	595
					•
L Fund Audir Acr. 1930-				÷ .	
Accounts—Submission for periodic	al audit		• •	•	658
Application against order of surchs Auditor—Production of documents		rge	• •	**	661 658
audica—2 roduction or documents	of ano	••	•	•	•
Audit Report—		•	1.0		-
Contents	••	••	•		658
Despatch to certain officers an		••	*** **		· 658
Commissioner to surcharge or char	rge illegal	payment o	r loss caus	ed by	000
gross negligence or misconduct		•••	••	- ***	660
Definitions Expenses in respect of requisitions	of anditor	•	•	•••	657 661
Extent	or deferrance	•			657
	~			-	
Local authority-		•	•		3.
Procedure after report of the	Examiner 1	under section	18 .,	•	659
To remedy defects Liability of, to submit accoun	ta for andi		**	•	659 657
Penalty for disobeying requisition					658
Recovery of surcharges and charge		1021 0			660
Rules		•	• •	• •	- 661
Short title			••	••	657
	W.				
	-				
UL CREEK (EXTINGUISHMENT OF	Rights) (Amrhdment) Act, 1927	1	471
PREMITY BENEFIT ACT, 1929-			-;	- ,	•
Death—Payment of maternity ber Definitions	ent in case	or momen,	death	، غو ،	552
Dismissed No notice of — to be	given to	women d	uring peri	iod of	. 551
maternity benefit	•			••	552
Exhibition of copies of the Act and	d the rules	therounder.		••	553
Extent and operation	••			••	551

552 551

Maternity benefit— Forfeiture of Right to payment-

INDEX M—contd.

	INDEX	
• * 1	M—contd.	
MATE	BRITY BENEFIT ACT, 1929—contd.	PAG
		1 40
0	Offence—cognisance of —	55
P	enalty—	
	For contravention of the Act by an employer	55
	For contravention of the Act by a woman	5 5
P	rocedure—regarding payment of maternity benefit	55
P	rohibition of employment of or work by women in factories-	õõ
	rosecutions—limitation of—	55: 55:
	hort title	55
* 1		
Madic	AL (AMENDMENT) Act, 1929	56
1 P		
THE PIC	DIPAL BOROUGHS ACT, 1925—	•
A	ccounts-	
	Audit of —	38
, .	Keeping of —	38
٠, .	Publication of —	38
-, -	Transmission of — to Government —	38
A	cts, notification, etc., in respect of boroughs—continuance of —	28
•		
- A	djournments-	-
	(See " meetings ")	29
	dulterated articles for food or drink	36
	nimals—feeding—on filth—	36: 31:
	nti-rabic treatment—provision for —for indigent persons— ppeals to magistrates—	339
	rbitration in cases of compensation, etc.	38
·. 		
Aı	188	
Aı	Limits to be specified in notification altering—	28:
	Limits to be specified in notification altering— Special powers in respect of overcrowded—	28: 37:
	Linuits to be specified in notification altering— Special powers in respect of overcrowded—	373
	Limits to be specified in notification altering— Special powers in respect of overcrowded—	
. Aı	Limits to be specified in notification altering— Special powers in respect of overcrowded— rrangements purporting to be binding permanently or for a term of years—	373
. Aı	Limits to be specified in notification altering— Special powers in respect of overcrowded— rrangements purporting to be binding permanently or for a term of years— sessment List—	373
. Aı	Limits to be specified in notification altering— Special powers in respect of overcrowded— rrangements purporting to be binding permanently or for a term of years— sessment List— Amendment of —	373
. Aı	Limits to be specified in notification altering— Special powers in respect of overcrowded— rrangements purporting to be binding permanently or for a term of years— sessment List—	373 321 327
. Aı	Linuits to be specified in notification altering— Special powers in respect of overcrowded— rrangements purporting to be binding permanently or for a term of years— seesament List— Amendment of — Amendment—effect of — Authentication of — Authenticated—how far conclusive—	327 327 327 327 326 326
. Aı	Linuits to be specified in notification altering— Special powers in respect of overcrowded— rrangements purporting to be binding permanently or for a term of years— Amendment of — Amendment—effect of — Authentication of — Authenticated—how far conclusive — Custody and inspection of —	327 327 327 326 326 326
. Aı	Linuits to be specified in notification altering— Special powers in respect of overcrowded— rrangements purporting to be binding permanently or for a term of years— sessment List— Amendment of — Amendment—effect of — Authentication of — Authenticated—how far conclusive — Custody and inspection of — Entries in the — and taxes and decisions to be final—	327 327 327 326 326 326 326 339
. Aı	Linuits to be specified in notification altering— Special powers in respect of overcrowded— rrangements purporting to be binding permanently or for a term of years— sessment List— Amendment of — Amendment—effect of — Authentication of — Custody and inspection of — Entries in the—and taxes and decisions to be final— New—need not be prepared every year	327 327 327 326 326 326 326 328
. Aı	Linuits to be specified in notification altering— Special powers in respect of overcrowded— crangements purporting to be binding permanently or for a term of years— sessment List— Amendment of — Amendment—effect of — Authenticated—how far conclusive— Custody and inspection of — Entries in the — and taxes and decisions to be final— New—need not be prepared every year Objections—	327 327 327 326 326 326 326 339
. Aı	Linuits to be specified in notification altering— Special powers in respect of overcrowded— rrangements purporting to be binding permanently or for a term of years— sessment List— Amendment of — Amendment—effect of — Authentication of — Custody and inspection of — Entries in the—and taxes and decisions to be final— New—need not be prepared every year	327 327 327 326 326 326 328 328 327
.As	Linuits to be specified in notification altering— Special powers in respect of overcrowded— rrangements purporting to be binding permanently or for a term of years— Amendment of — Amendment—effect of — Authenticated—how far conclusive— Custody and inspection of — Entries in the — and taxes and decisions to be final— New—need not be prepared every year Objections— Preparation of — Publication of notice of —	327 327 327 326 326 326 326 328 328 328
As As Bs	Linuits to be specified in notification altering— Special powers in respect of overcrowded— rrangements purporting to be binding permanently or for a term of years— seesament List— Amendment of — Amendment—effect of — Authentication of — Authenticated—how far conclusive— Custody and inspection of — Entries in the — and taxes and decisions to be final— New—need not be prepared every year Objections— Preparation of — Publication of notice of — seciation—representative of an — qualified to be elected councillor othing places—	327 327 327 326 326 326 327 328 327 328 328 328 328 328 328
As As Bs Bi	Linuits to be specified in notification altering— Special powers in respect of overcrowded— crangements purporting to be binding permanently or for a term of years— sessment List— Amendment of — Amendment—effect of — Authenticated—how far conclusive— Custody and inspection of — Entries in the — and taxes and decisions to be final— New—need not be prepared every year Objections— Preparation of — Publication of notice of — sociation—representative of an — qualified to be elected councillor thing places— rths—registration of —	327 327 327 326 326 326 327 327 328 327 328 327 328 321 321
As As Be Bi	Linuits to be specified in notification altering— Special powers in respect of overcrowded— rrangements purporting to be binding permanently or for a term of years— Amendment of — Amendment—effect of — Authentication of — Authenticated—how far conclusive— Custody and inspection of — Entries in the — and taxes and decisions to be final— New—need not be prepared every year Objections— Preparation of — Publication of notice of — sociation—representative of an — qualified to be elected councillor thing places— rriss—registration of — othels—	321 321 327 326 326 326 327 327 327 327 327 327 327 327 327 327
As As Be Bi	Linuits to be specified in notification altering— Special powers in respect of overcrowded— crangements purporting to be binding permanently or for a term of years— sessment List— Amendment of — Amendment—effect of — Authenticated—how far conclusive— Custody and inspection of — Entries in the — and taxes and decisions to be final— New—need not be prepared every year Objections— Preparation of — Publication of notice of — sociation—representative of an — qualified to be elected councillor thing places— rths—registration of —	327 327 327 326 326 326 327 327 328 327 328 327 328 321 321
As As Be Bir Bu	Linuits to be specified in notification altering— Special powers in respect of overcrowded— crangements purporting to be binding permanently or for a term of years— sessment List— Amendment of — Amendment—effect of — Authentication of — Authenticated—how far conclusive — Custody and inspection of — Entries in the — and taxes and decisions to be final— New—need not be prepared every year Objections— Preparation of — Publication of notice of — sociation—representative of an — qualified to be elected councillor thing places — rths—registration of — othels— sidget estimates—accounts—presentation of —	321 321 327 326 326 326 327 327 327 327 327 327 327 327 327 327
As As Be Bir Br	Linuits to be specified in notification altering— Special powers in respect of overcrowded— crangements purporting to be binding permanently or for a term of years— sessment List— Amendment of — Amendment—effect of — Authentication of — Authenticated—how far conclusive — Custody and inspection of — Entries in the — and taxes and decisions to be final— New—need not be prepared every year Objections— Preparation of — Publication of notice of — sociation—representative of an — qualified to be elected councillor thing places — rths—registration of — othels— sigget estimates—accounts—presentation of — ildings—	327 327 327 326 326 326 325 325 327 327 328 327 328 327 328 327 328 327 328 328 327 328 328 328 328 328 328 328 328 328 328
As As Be Bir Br	Linuits to be specified in notification altering— Special powers in respect of overcrowded— crangements purporting to be binding permanently or for a term of years— Amendment of — Amendment effect of — Authentication of — Authenticated—how far conclusive— Custody and inspection of — Entries in the — and taxes and decisions to be final— New—need not be prepared every year Objections— Preparation of — Publication of notice of — Publication of notice of — sociation—representative of an — qualified to be elected councillor thing places — rths—registration of — othels— sigget estimates—accounts—presentation of — ildings— Commencement of work	321 321 327 326 326 326 327 327 327 327 327 327 327 327 327 327
As As Be Bir Br	Linuits to be specified in notification altering— Special powers in respect of overcrowded— rrangements purporting to be binding permanently or for a term of years— Amendment of — Amendment—effect of — Authenticated—how far conclusive— Custody and inspection of — Entries in the — and taxes and decisions to be final— New—need not be prepared every year Objections— Preparation of — Publication of notice of — sociation—representative of an — qualified to be elected councillor others— ribs—registration of — othels— sigget estimates—accounts—presentation of — illdings— Commencement of work Completion certificate—	373 321 327 326 326 326 327 323 325 327 328 327 328 328 328 328 328 328 328 328 328 328
As As Be Bir Br	Linuits to be specified in notification altering— Special powers in respect of overcrowded— crangements purporting to be binding permanently or for a term of years— Amendment of — Amendment effect of — Authenticated—how far conclusive— Custody and inspection of — Entries in the — and taxes and decisions to be final— New—need not be prepared every year Objections— Preparation of — Publication of notice of — secciation—representative of an — qualified to be elected councillor thing places— rths—registration of — othels— diget estimates—accounts—presentation of — ildings— Commencement of work Completion certificate— Demolition or removal— Demolition or removal— Demolition or removal—	373 321 327 326 326 326 327 325 327 327 327 327 327 327 327 327 327 327
As As Be Bir Br	Linuits to be specified in notification altering— Special powers in respect of overcrowded— rrangements purporting to be binding permanently or for a term of years— Amendment of — Amendment effect of — Authentication of — Authenticated—how far conclusive— Custody and inspection of — Entries in the — and taxes and decisions to be final— New—need not be prepared every year Objections— Preparation of — Publication of notice of — sociation—representative of an — qualified to be elected councillor thing places— rths—registration of — othels— diget estimates—accounts—presentation of — ildings— Commencement of work Completion certificate— Demolition or removal— Deserted and offensive— Drainage of houses — power to require sufficient—	373 321 327 326 326 326 327 327 327 327 327 327 327 327 327 327
As As Be Bir Br	Linuits to be specified in notification altering— Special powers in respect of overcrowded— crangements purporting to be binding permanently or for a term of years— sessment List— Amendment of — Amendment—effect of — Authentication of — Authentication of — Custody and inspection of — Entries in the — and taxes and decisions to be final— New—need not be prepared every year Objections— Preparation of — Publication of notice of — sociation—representative of an — qualified to be elected councillor othels— added the sessment of work Completion certificate— Demolition or removal— Described and offensive— Drainage of houses—power to require sufficient— Drains—municipal—	373 321 327 326 326 326 327 325 327 327 327 327 327 327 327 327 327 327

· ·	INDEX	• -		,	X
	M-contd.				
NEUPAL BOBOUGHS ACT, 1925—conto	<i>1.</i>	•			PAG
	* * 1			٠.	
Buildings-contd.				. 100	•
Filthy—	- 22				36
Level of			•		34
Liability of land, buildings, etc	e., for rates				3:
Liability of an occupier for a r	ate on buil	dings or land	6		- 3:
New not to be erected with	out drains-	- Š.			3
Notice of new-	·••				34
Overcrowding of the interior of	(•••	. · · · .	••	.3
Payment in lieu of a rate on -	• ••	•••			3
Penalty	• • • •		- •• *	• • •	3-
Permission to occupy or use-		••	• •	***·	34
Power of chief officer to pass o			* * * * *		34
Power of chief officer to susper			-	liara	34
Power to enter and inspect, et	e	• • •		• ••	30
Precautionary measures	ie in 0 - m m		•••	• • • •	34
Removal of roof and wall of -	- ។ ហេដូ៣០	ratite—		٠. ۲٠	. 34
Repairs— Right to proceed in certain case			• •	. ••.	34 34
Roofs and external walls of	f not to	ho made	of inflor	mable.	
materials		ue made		THAT DIE	3-
. Ruinous or dangerous-			••	•••	3.
Setting back projecting-		•••			34
Setting forward of - to regula	r line of st	reet	` II.		3
-					
Buildings and lands — transfer of t		***	••		3:
Buildings or rooms in buildings uni	fit for huma	in habitation			36
Bylaws-	e e Ngara				سعز
Drafts of proposed — publicati	ion of	• •	• • •	- بر	3
Fine for infringement of —	• •	• • •	• • •		31
Power to make	• • •	* **	- 1 C	•	3)
Casual vacancies — how to be filled	l ap	•• %	يسر المواد	ج جو `	29
Cattle-			La Carre	A 34.	
		امسه	J. 6		
Tethering	••	1/2/13	• •	••	36
Stalling of —		ممسند و	••		3)
Chairman-	100	A Parker			
	مسمير المستران			₽ 1	
Ex-officio and appointed —		••			30
Non-attendance of —	· ••		••	••	30
Chief officer			•		
Chief officer-				•	6.0
Appointment of —	• • •		••		. 29
-Attendance at every meeting of	f the muni	cipality but :	not to vote	·	. 29
Conditions of tenure	••	••	A		29
Executive power —	•• .			**	29
Powers and duties of —	 		••	,	29
Power of Government to requi		VALOL	•• • • •		. 29
Compensation payable by the muni	cipality	••		••, •	34
Committees-	• • •				
Consultative			Je 😘		
Other executive —	• •	1	, -	٠٠,	. 341
Meetings and adjournments of	_ •• .	•• • •	. ••		
Subordination of to municip		* *.			
When persons other than con	uncillore =				
duties —	mar Clayle M				
· · · · · · · · · · · · · · · · · · ·					

	DIPAL BOROUGHS ACT, 1925—contd.	• '	PAG
		٠.	,
С	ontracts—		
-	Execution of —	_	304
	Mode of executing —		30
	Officer or servant of municipality not to be interested in - with suc	h	
	municinality		300
	Penalty for councillor, officer or servant of a municipality being inte	r-	
5.°			- 30'
	Power of municipality to sell, lease and contract—		. 30
	Sanction by resolution at general meeting—		304
	Security for performance of—	•*	30
	Tenders-	الراجع المراجع	30
371		,	• '
,0	orrupt practice		1.
	Declaration in case of — by a candidate—	•	28
	Disqualification of persons committing—	• • •	28
	. Total and a minimum xor	٠,	28
	Deunition of—	*	28
	When deemed to have been committed by candidates	• 1	28
C	osts or expenses — determination of recovery—		38
Ų	ouncillors	•	
			28
		•	29
	Disqualifications — general — for becoming a	-	28
		• 7 -	28
	Election of all—	•	28
	Election of — in case of non-continuance— Election of — in specified proportions— Failure to elect—		28
	Election of — in specified proportions—	-	28
	Failure to elect-	. 4	28
1 1 3	Liability of — for misapplication of funds—		29
	Nominated— Number of — Government to determine—	•	283
•.	Proportion of elected and nominated — Government to fix—		28 28
1-	Publication of names of — in the Bombay Government Gazette—		. 28
~ * .			29
2	Resignation of		29
,	Term of office of — after general election—		_ 29
	Term of office of — after general election— Term of office of — acted—		-29
1	Term of office ofding office prior to commencement of Act-		29
D	Dairies—		
	Cattle-sheds and —		31
4.	**		36
			- 7
r	lead — disposal of—	٠. *	
	Closing of places for—		37
	Regulating the —		31
	Tan Brown with the same of the	•	
· ħ	ecision of questions by majority of votes-		29 28
D	ecision of Government in case of dispute—		279-8
, L	efinitions—	, u	W 1 0 - C
•)isease—		
		1.	
	Dangerous — duties of municipality on threatened or actual outbree	ıĸ.	00
	Of-	• •	37
	Duties of municipality in respect of — among cattle, sheep or goats		37
	Power to prevent — which may at any time be conferred —	• **	36 30
	rismissals — notice required in certain cases of—	• •	38
T	istress — lawful though defective in form—	• •	-
	logs — provision as to—	•	36

INDEX		xxi
M-contd.		
	Service of the service of the service of	

-		PAGI
1	rains—	,
_	Expenses of inspection of —	35
		35
	Inspection of— Municipal control over—	34
		35
	Municipal — encroachment on —	35
	Owners to keep — in proper order—	35
	Private — power to close existing—	34
	Powers for making and repairing— Right to carry — through land or into drain belonging to other per-	A.
		350
	Rules regulating	31:
	Subsequent buildings—	35
_		
Ţ	ust — depositing of — and committing nuisance —	36
_		
H	lections	• ,
	Electoral roll of taxpayers	28
-	Enrolment in municipal electoral roll necessary for elected councillor-	28
	Mere irregularities and informalities not to invalidate	28
٠,	Operation of lists-	. 28
	Qualification of persons to vote or be candidates at municipal—	28
	Powers of judge holding enquiry	. 28
	Validity of — determination of —	28
	Voting at — right of — to depend on entry in roll—	28
		·
E	ngineer-	
	Appointment of —	29
	Power of Government to require the removal of-	29
107		
	ntry for purposes of the Act	38
÷	pidemics — information re:	313
t	stablishment	
42		
	Power of Commissioner to prevent extravagance in the employment	
	Of	. 380
	Rules for determination of—	30
, at	xecution of work by the occupier and deduction of expenses from his rent	
77	in default of owner—	380
	xecution of work and recovery of expenses	379
	xclusion of municipal boroughs from Schedule I—	. 282
E	xpenditure — discretionary powers of municipalities	. 32
T,	xtent-	279
TO	608—	
. E		•
-	Costs and — chargeable—	338
	Levy of — for unauthorised occupation or projection	330
	Market and other	330
F	ilth, etc., — non-removal of	361
F	ire-brigade — police and municipal officers to aid—	37
F	ouling water—	36
F	unctions of the president and others—defining the —	308
F	und-	- :
	Municipal-	314
	Surplus - deposit and investment of-	317
	The same area of a second seco	. 91
E	ealth officer-	
	Appointment of	290
	Power of Government to require the removal of-	290
- 1	edges, trees, etc., — removal and trimming of	356
-		
Ŀ	Louiss — numbering of—	356

M-conta

UNICIPAL BOROUGH ACT, 1925—contd.		PAGE
Huts - regulation of		348
Improvement expenses		379
Inspection and supervision—power of		385
Inspection of unwholesome articles	•••	366
Jurisdiction of magistrate	* ***	
	• • • • • • • • • • • • • • • • • • • •	382
Lamps, brackets, etc., fixing of — to ho	uses	355
wa		
Land—		
Acquisition of — which is within t Acquisition — recourse to the Land	he regular line of a street— 1 Acquisition Act, 1894—	343 306
Leave-		-
(See "Municipal Servant").		
Licensing, regulating and inspecting cer	tain husingages-	310
Licenses — fees—	reall briefficence	330
Local bodies — joint committees of—	••••	303
	•	
Lodging houses — pilgrims'— .		311,377
Lunatics and lepers - provision for	en en en en en en en en en en en en en e	319
Manure, etc., — using offensive— .		364
Markets and slaughter houses—		
Farming of-		366
Inspection of-		310
Licensing of	• • • • • • • • • • • • • • • • • • •	365
	•	366
Opening, closing and letting of—.	•	
Measures — defining, etc		311
e _z		
Meetings-		_
 Adjournment in absence of quorum 		297
Attendance of certain Government	officers	299
Business		298
Notice of		297
Ordinary general		- 296
Ordinarily open to the public-		297
President and vice-president-abse	nce of-	297
Procedure—		302
Provision in regard to - of a mun	5 L	296
Special general	icipativy—	297
The health of municipal office.	•	297
To be held at municipal office	·, - · · · · · · · · · · · · · · · · · ·	
Milk shops		311
		311
Milk stores, etc.	• • • • • • • • • • • • • • • • • • • •	211
Manager of distance and because		
Municipal districts and boroughs—		
Extension of Act to-	en de la companya de la companya de la companya de la companya de la companya de la companya de la companya de La companya de la companya de la companya de la companya de la companya de la companya de la companya de la co	281
Withdrawal of Act from.		281
	inimalites	293
Municipal government vests in the mun		
Municipal matters — Government inqui	ry into	387
Municipal servants		
		308
Appointments	e e e e e e e e e e e e e e e e e e e	308
General guidance of—		- 308
Pensions, etc.	• • • • • • • • • • • • • • • • • • • •	
Provident funds		309
Municipal taxation - for enforcing info	ormation as to the liability to	312
Municipalities-		
Dissolution-		388
Supersession -		388
Service 11		

index xxiii

N	ICIPAL BOBOUGHS ACT, 1925—conid.	
	Municipalities—contd.	. •
i	Dutice -	3
	Incorporation of—	. 9
	New buildings notice of	. 3
	Night-soil — removal of—	3
•	Non-application of Bom. III of 1901 to municipal boroughs—	2
	Notice-	•
	Defective form not to invalidate	
	Execution of acts required to be done by any	
	Form of	
	Public and general — publication.	
	Service of	. :
	Service of — addressed to individuals	•
	Notice of transfer-liability for payment of rate on buildings or lands	
	or both to continue in the absence of any	
	Objections and auggestions to be submitted to Government	:
	Octroi—	• ` ~
	Bylaws	
	Collection	- 1
	Joint levy of	. :
	Penalty for evasion of	•
	Power to exemine articles liable to	
	Power to keep accounts current with persons, firm or public body	
	in lieu of levying — on introduction of goods	• • ;
	Power to search where is liable	• ;
	Presentation of bills for	
	Seizure of articles or animal or goods on non-payment of toll	٠.
	Order of Collector to be reported to Commissioner, who may confirm or	•
	modify it	
	Pavements, etc.—	,
,	Displacing	
	Penalty for failure to replace — after notice	
	Penalty for defacing buildings, etc.	
	Penalty for defacing numbers, etc.	;
	Pilgrim committee	
	Plans and information in certain cases — requiring	
	Police officers—Powers of	
	Powers of Collector to suspend execution of orders, etc., of munici-	
	palities	
	Powers, duties and functions may be delegated to officers whose expenses	
	may be paid	•
	Powers—Extraordinary — of Collector in case of emergency	
	Powers of the Government and of the Commissioners over Collectors, etc.	
	Powers of Government to provide for performance of duties on default by	
	municipality	۲.
	Powers and orders—Withdrawal and modification of	
	Preliminaries before notification	•
		•
	President and vice-president-	
		~*
	Absence without leave—Consequences of	
	Continuance of holding office at the commencement of this Act	
	Continuance of — to carry out certain duties until their successors take	•
	over charge	
	Election of	
	Function of	293,
	Liability of to removal	
	Resignation of	
	Term of office of	٠.
	Vacancies in office of	
	Privice, etc.—Provision of	2
	Privy or cess pool—Power to demolish or close	
	Proceedings if any occupier opposes the execution of the Act	

	•		
XXIV	INDEX		
		-	P
MUNICIPAL BOBOUGHS ACT, 1925-com	id.		-
Proceedings—			
Minutes			
Summary			
Projections-		•	
			· ·
Permission necessary for cert	ain		
Removal of			
Property—			
Application of municipal — a	and funds within and w	ithout	•
Damage to municipal	Marianas William Wi	i i i i i i i i i i i i i i i i i i i	
Decisions of claims to - by	or against the municipa	litv.	
Pipes, etc., constructed by m			
Power to acquire and hold			
Power to self			
Release of — on payment			*
Rights and — of municipaliti	es which have ceased to	exist to vest in	
Government	س فعلی پرهوايي		_1,
Sale of —	· · · · · · · · · · · · · · · · · · ·	••	
Surplus of sale proceeds of -	• • •	**	
Propositions-			
Decisions how to be taken on	and siroulated		
How to be recorded	and chicarated 13.	•	
When to be sent to Government	ent officers for remarks		
Prosecutions by the municipality			٠.
Prostitution — loitering or impor-	tuning for purposes of -	<u>. </u>	
Protection to persons acting in go	od faith		
		* * * * * * * * * * * * * * * * * * *	
Public—			,
Baths, etc.		••	٠.
Parks	•••	••	
Servants — councillors, etc., t	to be deemed	••	
Streets and open spaces — ob	structions and encroaci	ments on —	
Punishment for disobedience of or	uers and notices	· · · · · ·	•
Quarrying — dangerous	••		
Quorum Rain water — troughs and pipes for	0.7	••	
Receipts to be given for all payme	ents	**	
Regulation — general	,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,		٠.
Repairs — boards to be set up du	ring .		•
Repairs, etc., — fencing and light	ing during		
Recovery of compensation and ex-	penses		
Report of cases occurring under se	ction 214 to be submitte	d to Government	
for their final orders	•• ' ••		
Resignations of president and vice			
Resolutions — modifications and	cancellation of —	••	
Rules—			٠.
Approval required to —		••	
Bylaws and — to be printed a		••	
Discretionary power to make	nooting contain br-i	••	
Licensing, regulating and insp Made by Government or Comm	pecung certain outiness	the table of the	
Bombay Legislative Cour		ANG BUNIO OT MIG	
Made with the approval of Co		approval	
Municipalities to make —	THEMSELOUGE OF ALCHORS	approvat	
. Power to modify and impose		••	
Publication of sanctioned —	with notice		
Regulating elections — Gover		**	_
Returns - power to inspect and r			
Sales	·		
Application of proceeds of -		••*	
		••	

DEX.		XX
DEX.		AA

	INDEX		XXV
2.45		1	AGE
	The same 1 and 1005 and 2		
	Bohougus Act, 1925—contd.	4.5	
Sale o	(-		•
G	oods distrained in special cases		337
P	roperty distrained or attached	• .	337
Slaug	hter houses, etc., beyond municipal limit	• ^	366
Search	a for unwholesome articles		366
	ty to be taken from municipal servants — amount of—	•	308
Sewag	e, etc., discharging	•4	361
	s, etc. — unauthorised — constructed, rebuilt or unstopped	٠.	352
	title	• • •	. 279 365
	e — consumption of—	•	299
Stand	ing Committee	•	299
Steam	ing Committees — powers of —		311
Struct	ures and buildings — temporary		312
	B	, .	312
			٧
Street	a		
_	equisition of adjacent land		340
	pportionment of expenses in default	,	340
Î	imber not to be deposited or hole made in — without permission .		359
	aming of —		355
	ew private		341
	enalty	•	341°
	ower to declare any — a public street		341
P	ower of municipality to pass interim orders		341
. F	rivate ; Repairs of	• • •	340
F	ublic	•	340
٠.	Declaration	•	340
	Regular line of a	• ′	342
	light to proceed in certain cases	• .	341
Suits-		. * *	
_			800
. 17	imitation of — , etc	•	383
. 1	rocedure: Alternative — by suit	*	383 383
	becovery; Assistance for — of rent on land	•	383
	ions; Application for - to be refused if not applied for within rese	on-	
	ble time		368
Surve	yors		- 313
m			
Trade	*		
. I	iability to penalty after notice		375
P	enalty for unlicensed places in districts in which by-laws under a	ectio	n ·
	61 (1) (b) (iii) are in force	•	376
. " 1	legulation of certain —	•	375
Taxes			٠.
_			
	Contents of	•	
		• •	335
	If not paid within fifteen days, notice of demand to issue Presentation of		335
Ŧ	ired charges and agreements for water conniced		335 330
	mposition		334
	evy and recovery		328
	n pilgrims	-	331
1	rescribing		309
	rocedure preliminary to imposing		323
ŀ	Recovery of sums		331
	lemission when discretional		329
	lemission of —; Burden of proof on claimant		329
Ĭ	Comission of —; Explanatory clause		329
8	pectal rate of in lies of special sanitary cons	• •	331
	uspension of levy of		334
	aspension, reduction or abolition		

		INDEX				
			• '			•
EUNICIPAL BOI	ROUGHS ACT, 1925—c	oneld				P
Taxes—con	* • 5	Places.				
	es or animals			- ·		:
	obligatory	**	•••	• • • • • • • • • • • • • • • • • • • •		
	may be imposed	•	. · '	••	* ••	:
Termi	nal Tax		••	• •	••	•
Toils—						
Farmi	ng of —,				٠,`•	
	θ			••	•	٠.
Tables		••	1.0			;
Traffic; Co	ontrolling unwieldy —				• •	
Transfers of	f rights, etc., on inclu of officers from or to t	sion in Schedule the service of Go) l vernment	••	•••	
Truste; Sp		01 01		•	• ;	
Vacation o	f seat		••			
Vacancies:	: Casual — ; re-eligit	Muty	••	• • •	.**	
1 OHUS HOH	of acts of expired m	* ************************************	* * * * *	••		
Valuations	ين ي				•	
\ Object	tions:					
	learing of		V	1		
	low to be made			••	•••	
	ublic notice of time f	ixed for lodging	••	•• .	••	
	f proceedings	••	•	• , • •	· • •	
Leave	dent— nuance of — holding o : Limit to grant of —	and arrangeme	ents pendin	g absence		
Vice-Presi Contin Leave	dent— avance of — holding o	and arrangeme	ents pendin	g absence		
Vice-Presi Contin Leave	dent— nuance of — holding o :: Limit to grant of — rutiny of — and deck	and arrangeme	ents pendin	g absence		
Vice-Presic Contin Leave Votes : Sc Warrants- Execu	dent— nuance of — holding o : Limit to grant of — rutiny of — and deole —	and arrangeme	ents pendin	g absence		
Vice-Presi Contin Leave Votes : Sc Warrants- Execu Issue	dent— nuance of — holding of .: Limit to grant of — rutiny of — and deole — rition	and arrangeme	ents pendin	g absence		· -
Vice-Presi Contin Leave Votes: Sc Warrants- Execu Issue Water for	dent— nuance of — holding of .: Limit to grant of — rutiny of — and decle rution protecting	and arrangeme	ents pendin	g absence		-
Vice-Presi Contin Leave Votes: Sc Warrants- Execu Issue	dent— nuance of — holding of .: Limit to grant of — rutiny of — and decle rution protecting	and arrangeme	ents pendin	g absence		
Vice-Presic Contin Leave Votes: Sc Warrants- Execu Issue Water for Water for Water-sup	dent— nuance of — holding of Limit to grant of — rutiny of — and deole cition protecting ins	- and arrangeme ration in other	ents pendin	g absence		· -
Vice-Presi Contin Leave Votes: Sc Warrants- Exect Issue Water for Water Mater Water-sup Dange	dent— nuance of — holding of — rutiny of — and deck rution protecting ins poply— erous, stagnant or ins	- and arrangementation in other	ents pendin cases	g absence		
Vice-Presi Contin Leave Votes: Sc Warrants- Execu Issue Water for Water Ma Water-sup Dang Reme	dent— nuance of — holding of .: Limit to grant of — rutiny of — and deck rition protecting ins oply— erous, stagnant or ins dy for non-compliance	- and arrangementation in other	ents pendin cases	g absence		
Vice-Presi Contin Leave Votes: Sc Warrants- Execu Issue Water for Water Ma Water-sup Dang Reme Weights:	dent— nuance of — holding of — rutiny of — and deck rution protecting ins poply— erous, stagnant or ins	- and arrangementation in other	ents pendin cases	g absence		
Vice-Presi Contin Leave Votes: Sc Warrants- Execu Issue Water for Water Ma Water-sup Dang Reme Weights: Weights at Wells, etc.	dent— nuance of — holding of the continuity of — and declaration protecting ins protecting ins poply— erous, stagnant or ins dy for non-complianc Inspection of— napection of— Abstement of nuis	and arrangementation in other	ents pending cases	g absence		
Vice-Presi Contin Leave Votes: Sc Warrants- Execu Issue Water for Water Ma Water-sup Dang Reme Weights: Weights a Wells, etc Whistles,	dent— nuance of — holding of the continuity of — and decleration protecting ins poply— erous, stagnant or ins dy for non-complianc Inspection of— nd measures: False etc.; Steaming —: 1	and arrangementation in other	ents pending	g absence	of—.	
Vice-Presi Contir Leave Votes: Sc Warrants- Execu Issue Water for Water Ma Water-sup Dang Reme Weights: Weighte a Wella, etc. Whistles, Works: F	dent— nuance of — holding of: Limit to grant of — rutiny of — and deck rition protecting ins oply— edy for non-compliance Inspection of— nd measures: False .: Abatement of nuis tto; Steaming —: I kecution of — by sta	and arrangementation in other	ents pending	g absence	of—.	
Vice-Presi Contin Leave Votes: Sc Warrants- Execu Issue Water for Water Ma: Water-sup Dange Reme Weights: Weights a Wells, etc. Whistles, Works: E in con	dent— nuance of — holding of the continuity of — and decleration protecting ins poply— erous, stagnant or ins dy for non-complianc Inspection of— nd measures: False etc.; Steaming —: 1	and arrangementation in other	ents pending	g absence	of—.	
Vice-Presi Contin Leave Votes: Sc Warrants- Execu Issue Water for Water Ma: Water-sup Dange Reme Weights: Weights a Wells, etc. Whistles, Works: E in con	dent— nuance of — holding of .: Limit to grant of — rutiny of — and deck nution protecting ins oply— erous, stagnant or ins dy for non-compliance Inspection of — nd measures: False .: Abatement of nuis etc.; Steaming —: I Execution of — by sta mection therewith	anitary with direction ance from prohibition of us anding committee	ents pending	g absence	of—.	
Vice-Presing Conting Leave Votes: So Warrants—Executissue Water for Water Mai Water-sup Dangg Reme Weights: Weights a Wella, etc. Whistles, works: Fin con Writing of	dent— nuance of — holding of the continuity of — and decleration protecting ins protecting ins poply— erous, stagnant or ins dy for non-complianc Inspection of— nd measures: False etc.; Steaming —: I Execution of — by sta nection therewith ff amounts due	anitary with direction ance from prohibition of us anding committee	ents pending	g absence	of—.	
Vice-Presing Conting Leave Votes: So Warrants—Executissue Water for Water Mai Water-sup Dangg Reme Weights: Weights a Wella, etc. Whistles, works: Fin con Writing of	dent— nuance of — holding of .: Limit to grant of — rutiny of — and deck nution protecting ins oply— erous, stagnant or ins dy for non-compliance Inspection of — nd measures: False .: Abatement of nuis etc.; Steaming —: I Execution of — by sta mection therewith	anitary with direction ance from prohibition of us anding committee	ents pending	g absence	of—.	
Vice-Presing Conting Leave Votes: So Warrants—Executissue Water for Water Mai Water-sup Dangg Reme Weights: Weights a Wella, etc. Whistles, works: Fin con Writing of	dent— nuance of — holding of the continuity of — and decleration protecting ins protecting ins poply— erous, stagnant or ins dy for non-complianc Inspection of— nd measures: False etc.; Steaming —: I Execution of — by sta nection therewith ff amounts due	anitary with direction ance from prohibition of us anding committee	ents pending	g absence	of—.	
Vice-Presi Contin Leave Votes: Sc Warrants- Execu Issue Water for Water Ma Water-sup Dang Reme Weights: Weights a Wells, etc. Whistles, Works: E in con Writing of On-Agricula Extent	dent— nuance of — holding of the continuity of — and decleration protecting ins protecting ins poply— erous, stagnant or ins dy for non-complianc Inspection of— nd measures: False etc.; Steaming —: I Execution of — by sta nection therewith ff amounts due	anitary with direction ance from prohibition of us anding committee	ents pending	g absence	of—.	
Vice-Presing Continuous Continuou	dent— nuance of — holding of the inition of and decker protecting ins protecting ins poply— erous, stagnant or ins dy for non-compliance Inspection of— and measures: False to: Abatement of nuisetc: Steaming—: p Execution of — by sta mection therewith ff amounts due rurists' Loans Act,	anitary with direction ance from prohibition of us anding committee	ents pending	g absence	of—.	
Vice-Presing Conting Leave Votes: So Warrants-Executes Issue Water for Water Mai Water-sup Dange Reme Weights: Weights awells, etc. Whistles, Works; Earn con Writing of Con-Agriculta Extent Loans-Alrea	dent— nuance of — holding of the continuity of — and declaration protecting ins poply— erous, stagnant or ins dy for non-compliance Inspection of— napection of— in Abatement of nuisetc.; Steaming—: Inspection of — by stamection therewith ff amounts due rurists' Loans Act, dy granted	anitary with direction ance from prohibition of us anding committee	ents pending	g absence	of—.	
Vice-Presing Continuation Leave Votes: So Warrants—Executissue Water for Water Mai Water sup Dang Reme Weights: Weights a Wells, etc. Whistles, works: Extent Loans—Alrea Purpo	dent— nuance of — holding of the continuity of — and declaration protecting ins protecting ins proply— erous, stagnant or ins dy for non-compliance Inspection of— nd measures: False etc.; Steaming —: I Execution of — by stancetion therewith ff amounts due rurists' Loans Act, dy granted dy granted description of which granted	anitary with direction ance from prohibition of us anding committee	ents pending	g absence	of—.	
Vice-Presi Contin Leave Votes: Sc Warrants- Execu Issue Water for Water Ma Water-sup Dangy Reme Weights: Weights a Wells, etc. Whistles, Works: E in con Writing of ON-AGRIOULI Extent Loans- Alrea Purp Recoon Rules	dent— nuance of — holding of the continuity of — and declaration protecting ins poply— erous, stagnant or ins dy for non-compliance Inspection of— napection of— in Abatement of nuisetc.; Steaming—: Inspection of — by stamection therewith ff amounts due rurists' Loans Act, dy granted	anitary with direction ance from prohibition of us anding committee	ents pending	g absence	of—.	

		DEX				XXVII
						PAGE
		P			12:15	
PLEADERS (AMENDMENT) AC	т, 1929	••			• •	` 549
PORT TRUST-		* 1			1 -	
. See Bombay Poby				•		
See Kabachi Port	-	=				•
PRESIDENCY AREA (EMERGI	inox) Securit	т Аст, 192	9			
Appeal: Right of	•		•	••	•	575 573
Definitions Extent, commencement	and duration	••		••		573
Indemnity	••	••	••		• • •	576
Order: Failure to com	ply with	••	••	**,	•	575
Power-			• •			F=#
to declare state of to modify order un			••	••		573 574.
to order removal o			•		•	573
Procedure to be adopte		rder under	section 5	••	••	574 574
Review Short title		••	•••		•	573
`				- 1 - 1 - 1 - 1 - 1 - 1 - 1 - 1 - 1 - 1		
PRESIDENT'S SALARY ACT,	-					12.0
Elected President not t					ade of	123
Salary of elected President		··				123
Short title		1007		• •	***	123 455
PRESIDENT'S SALARY (AME			••	• • •	••	400
PREVENTION OF ADULTERA	~	4.0				105
Analyst: Certificate of Chemical Analyser to (••		165 165
Definitions	• •		••			161
Extent	••	**	-••	• •	••.	161
Food-		*	•			
Analysis	••	••		••	•	163
Not of proper natu manufacture of		or quality	: Prohib	ition of s	ale or	100
Provision when ar		is not divi	ded	•	• • •	162 164
' Samples purchased		→ •	••	••.	• •	164
Submission of — t	y Analyst	·••		•	••	163
Inspector—						
Appointment of			••	· · · · · · · · · · · · · · · · · · ·		163
Entry for purpose Liability for acts done	in good faith	••	••	•••	••	165 165
Mixing of food-					· •	
Exemption	••					162
Prohibition of		•••		••	•••	162
Offence: by which ma	gistrate triable) = -	••	••••	••	164 161
Penalty for refusal to		£	••	••	••	164
Prosecutions Protection to persons	esta de deserviciones	Factorial Contraction	•• 🔍	••	4.*	163
Public Analyst	scored in Room	(ALCO	••	••		162
Appointment of		•	* .			163
His certificate	••	• •	••	••		165
To attend the Cou	rt in person	••	**	••"	. • •	- 165
Schedules		••	••	••	1	165 167—167
Short title	**	••		••	•••	161
Summons Warranty: Penalty for	• •	*** ,	••	••		. 164

Do :			PAGE
D-0 1			
м	evention of Ceublity to Animals (Bombay Amendment) Act, 1923		. 83
7 R1	EVENTION OF GAMBLING (AMENDMENT) ACT 1926	. • •	411
	evention of Gambling (Amendment) Act, $\begin{cases} 1926 \\ 1929 \end{cases}$	• •	567
•			
RI	EVENTION OF INTIMIDATION ACT, 1929—		
	Declaration of state of emergency	• •	555
	Definitions		555
	Extent, duration and commencement		555
	Offence of criminal intimidation to be cognizable		558
	Short title	••	555
· .	1000		
rr!	EVENTION OF PROSTITUTION ACT, 1923—	~ .	× *
	Amendments—Repeals and	·	93
	Arrest without warrant	• •,	92
	Brothel-		
	Segregation of		91
	Definition		· 87
	Determination of tenancy of premises	• • •	90
	Punishment for letting premises	• •	96
	Extent	• •	87
	Offences triable by certain magistrates		92
	Penalties under section 9	••	92
	Procuration: Punishment for	••	89
	D - 12-12-1 (G1- (CD1)-13)		*
	Prostitution : (See also "Brothel")-		
	Importation of women or girls	_ '••	- 89
	Living on the earnings of	•••	. 8
	Presumption of the living on the earnings of	•••	8
	Unlawful detention	• •	89
	Prostitutes in places of public amusement		8
	Repeals and amendments	• •	9:
	Short title		90
	Suits, civil or criminal: Bar of certain legal proceedings		
	Warrant (See "Arrest")	. ::	
	Whipping	•••	96
	Whipping	•••	96 43
,	Whipping	••	96
	Whipping EVENTION OF PROSTITUTION (AMENDMENT) ACT, { 1926 1930	••	96 43
	Whipping BVENTION OF PROSTITUTION (AMENDMENT) ACT, { 1926 1930 1930 1930 1930 1930 1930 1930 1930	•••	96 43 61
	Whipping EVENTION OF PROSTITUTION (AMENDMENT) ACT, \[\begin{align*} \frac{1926}{1930} \] IMABY EDUCATION ACT, 1923— Administrative Officer, School Board; Appointment of	::	96 43 61
	Whipping EVENTION OF PROSTITUTION (AMENDMENT) ACT, \[\begin{align*} 1926 \\ 1930 \\ 1930 \\ 1930 \end{align*} IMABY EDUCATION ACT, 1923— Administrative Officer, School Board; Appointment of Appeal from conviction under section 21	•••	96 43 61 16
	Whipping EVENTION OF PROSTITUTION (AMENDMENT) ACT, \[\begin{align*} \frac{1926}{1930} \] IMABY EDUCATION ACT, 1923— Administrative Officer, School Board; Appointment of	•••	96 43 61
	Whipping EVENTION OF PROSTITUTION (AMENDMENT) ACT, \[\begin{align*} 1926 \\ 1930 \\ 1930 \end{align*} IMABY EDUCATION ACT, 1923— Administrative Officer, School Board; Appointment of Appeal from conviction under section 21 Attendance order: Issue of	•••	96 43 61 16
	Whipping EVENTION OF PROSTITUTION (AMENDMENT) ACT, \[\begin{align*} 1926 \\ 1930 \\ 1930 \\ 1930 \end{align*} IMABY EDUCATION ACT, 1923— Administrative Officer, School Board; Appointment of Appeal from conviction under section 21	•••	96 43 61 16
	Whipping EVENTION OF PROSTITUTION (AMENDMENT) ACT, \[\begin{align*} 1926 \\ 1930 \\ 1930 \\ 1930 \end{align*} IMABY EDUCATION ACT, 1923— Administrative Officer, School Board; Appointment of Appeal from conviction under section 21 Attendance order: Issue of Compulsory elementary education—	••	96 43 61 16
	Whipping EVENTION OF PROSTITUTION (AMENDMENT) ACT, \[\begin{align*} 1926 \\ 1930 \\ 1930 \end{align*} IMABY EDUCATION ACT, 1923— Administrative Officer, School Board; Appointment of Appeal from conviction under section 21 Attendance order: Issue of		96 43 61 16 1:
	Whipping EVENTION OF PROSTITUTION (AMENDMENT) ACT, [1926] 1930 IMABY EDUCATION ACT, 1923— Administrative Officer, School Board; Appointment of Appeal from conviction under section 21 Attendance order: Issue of Compulsory elementary education— Declaration	••	96 43 61 10 11
	Whipping EVENTION OF PROSTITUTION (AMENDMENT) ACT, [1926] [1930] IMABY EDUCATION ACT, 1923— Administrative Officer, School Board; Appointment of Appeal from conviction under section 21 Attendance order: Issue of Compulsory elementary education— Declaration Duty of local authority	••	96 43 61 10 11 11
	Whipping EVENTION OF PROSTITUTION (AMENDMENT) ACT, \[\begin{align*} 1926 \\ 1930 \end{align*} IMABY EDUCATION ACT, 1923— Administrative Officer, School Board; Appointment of Appeal from conviction under section 21 Attendance order: Issue of Compulsory elementary education— Declaration Duty of local authority Modification of scheme	**	96 43 61 10 11 11
	Whipping EVENTION OF PROSTITUTION (AMENDMENT) ACT, 1926 1930 IMABY EDUCATION ACT, 1923— Administrative Officer, School Board; Appointment of Appeal from conviction under section 21 Attendance order: Issue of Compulsory elementary education— Declaration Duty of local authority Modification of scheme Particulars Penaltics Sanction of Government	**	94 43 61 10 11 11 11 11
	Whipping EVENTION OF PROSTITUTION (AMENDMENT) ACT, \[\begin{align*} 1926 \\ 1930 \end{align*} IMABY EDUCATION ACT, 1923— Administrative Officer, School Board; Appointment of Appeal from conviction under section 21 Attendance order: Issue of Compulsory elementary education— Declaration Duty of local authority Modification of scheme Particulars Penalties Sanction of Government Default by local authority		90 43 61 11 11 11 11
	Whipping EVENTION OF PROSTITUTION (AMENDMENT) ACT, [1926] 1930 IMABY EDUCATION ACT, 1923— Administrative Officer, School Board; Appointment of Appeal from conviction under section 21 Attendance order: Issue of Compulsory elementary education— Declaration Duty of local authority Modification of scheme Particulars Penalties Sanction of Government Default by local authority Definitions		994 43 61 11 11 11 11 11 11 11 11 11 11 11 11
	Whipping EVENTION OF PROSTITUTION (AMENDMENT) ACT, [1926] 1930 IMABY EDUCATION ACT, 1923— Administrative Officer, School Board; Appointment of Appeal from conviction under section 21 Attendance order: Issue of Compulsory elementary education— Declaration Duty of local authority Modification of scheme Particulars Penaltice Sanction of Government Default by local authority Definitions Duty of parents to cause children to attend school		94 43 61 10 11 11 11 11
	Whipping EVENTION OF PROSTITUTION (AMENDMENT) ACT, 1926 1930 IMARY EDUCATION ACT, 1923— Administrative Officer, School Board; Appointment of Appeal from conviction under section 21 Attendance order: Issue of Compulsory elementary education— Declaration Duty of local authority Modification of scheme Particulars Penaltics Sanction of Government Default by local authority Definitions Duty of parents to cause children to attend school Educational staff		99 433 61. 10. 11. 11. 11. 11. 11. 11. 11. 11.
	Whipping EVENTION OF PROSTITUTION (AMENDMENT) ACT, [1926] Administrative Officer, School Board; Appointment of Appeal from conviction under section 21 Attendance order: Issue of Compulsory elementary education— Declaration Duty of local authority Modification of scheme Particulars Penaltice Sanction of Government Default by local authority Definitions Duty of parents to cause children to attend school Educational staff Exemptions: Power to exempt particular classes		994 43 61 11 11 11 11 11 11 11 11 11 11 11 11
	Whipping EVENTION OF PROSTITUTION (AMENDMENT) ACT, [1926] 1930 IMABY EDUCATION ACT, 1923— Administrative Officer, School Board; Appointment of Appeal from conviction under section 21 Attendance order: Issue of Compulsory elementary education— Declaration Duty of local authority Modification of scheme Particulars Penalties Sanction of Government Default by local authority Definitions Duty of parents to cause children to attend school Educational staff Exemptions: Power to exempt particular classes Extent		99 43 61 11 11 11 11 11 11 11 11
	Whipping EVENTION OF PROSTITUTION (AMENDMENT) ACT, 1926 1930 IMABY EDUCATION ACT, 1923— Administrative Officer, School Board; Appointment of Appeal from conviction under section 21 Attendance order: Issue of Compulsory elementary education— Declaration Duty of local authority Modification of scheme Particulars Penaltice Sanction of Government Default by local authority Definitions Duty of parents to cause children to attend school Educational staff Exemptions: Power to exempt particular classes Extent Fines how dealt with		99 43 61. 10 11. 11. 11. 11. 12. 12. 12. 13. 14. 14. 14. 14. 14. 14. 14. 14. 14. 14
	Whipping EVENTION OF PROSTITUTION (AMENDMENT) ACT, [1926] Administrative Officer, School Board; Appointment of Appeal from conviction under section 21 Attendance order: Issue of Compulsory elementary education— Declaration Duty of local authority Modification of scheme Particulars Penaltice Sanction of Government Default by local authority Definitions Duty of parents to cause children to attend school Educational staff Exemptions: Power to exempt particular classes. Extent Fines how dealt with Reasonable Excuse: Meaning of		964 43 61. 10. 11. 11. 11. 12. 12. 14. 14. 15. 16. 17. 18. 18. 18. 18. 18. 18. 18. 18. 18. 18
	Whipping EVENTION OF PROSTITUTION (AMENDMENT) ACT, [1926] 1930 IMABY EDUCATION ACT, 1923— Administrative Officer, School Board; Appointment of Appeal from conviction under section 21 Attendance order: Issue of Compulsory elementary education— Declaration Duty of local authority Modification of scheme Particulars Penaltice Sanction of Government Default by local authority Definitions Duty of parents to cause children to attend school Educational staff Exemptions: Power to exempt particular classes Extent Fines how dealt with Reasonable Excuse: Meaning of Repeal of Bom. I of 1918		99 43 61 11 12 13 14 11 11 12 12 13 14 14 15 16 16 17 18 18 18 18 18 18 18 18 18 18 18 18 18
	Whipping EVENTION OF PROSTITUTION (AMENDMENT) ACT, [1926] Administrative Officer, School Board; Appointment of Appeal from conviction under section 21 Attendance order: Issue of Compulsory elementary education— Declaration Duty of local authority Modification of scheme Particulars Penaltice Sanction of Government Default by local authority Definitions Duty of parents to cause children to attend school Educational staff Exemptions: Power to exempt particular classes. Extent Fines how dealt with Reasonable Excuse: Meaning of		964 43 61. 10. 11. 11. 11. 12. 12. 14. 14. 15. 16. 17. 18. 18. 18. 18. 18. 18. 18. 18. 18. 18

	INDEX	,	xxix
		~ '	
	.000	•	PAGE
PRIMARY EDUCATION ACT, I	1923—conta.	• .	
School Boards-		• 1	
Constitution of	and the second second second	•	. 8
Powers and duties			8
	ntrol of primary education		9
Schools t			
Inspection of			. 12
	district local board to municipalit	y	9
	, etc., of approved schools		12
Short title	nunicipality to district local board	• • • • • • • • • • • • • • • • • • • •	9
PRIMARY EDUCATION (AME:		**	469
	(Amendment) Act, 1924 Ention of Prostitution Act, 1923	(2)	105
PROVINCIAL SMALL CAUSE (Courts (Bombay Amendment) Act		603
Public Conveyances (Ame	ENDMENT) ACT, { 1924		97, 121
Public Ferbies (Amendus		4	507 81
	B .		
REPEALING AND AMENDING	ACT [1927		457
REVENUE JURISDICTION (A			523 587
INDIADOS O DEMONSTROS (IX	and and an array are	••	1 64
	8		•
SECURITIES CONTRACT CONT	reol Act. 1925-		
_ ^ .	bject to rules to be void		193
Definitions		••	191
Extent Operation		. **	191 191
			1
Stock Exchange— Framing of Rules			100
Recognition of	•		192 192
Short title	••		191
SIND COURTS ACT, 1926-			
Advocatés, Pleaders an	d Attorneys : Admission and remov	al	418
Appeal-			
	il jurisdiction of a single judge		418
From decision of F	irst Class Subordinate Judge		422
From original civil Appellate jurisdiction o	jurisdiction of chief court		. 417 - 420
Assistant Judges	** ** **		420
· Assistant Judges: App	cellate jurisdiction		420
Chief Court—	•		
Appointment and	tenure of judges		415
Constitution Establishment	**	** **	415
Shall keep register	s, books, accounts, returns, etc.	••	·415 419
Chief Judge: Vacancy	in the office of	••	416
Civil districts: Division Civil jurisdiction in Ka	on or sing into	••	· 419
Cours officials : Appoin		••	424
Courte-	•		• •
Control		••	420
	ad control of other —		

XXX	INI	EX .		
				4.
				PAGE
Sin	TO COURTS ACT, 1926—contd.		. 12	
: 'O	Criminal jurisdiction in Karachi Session	s Division .		417
`. T	Decrees: Execution of — for debt again	st certain privileged	persons	424
. 1	Delegation of powers to members of Co	irt : Full Bench .	*	417
I	District Courts	• •	•	420
· .			•	• .
1	District Judge—			
	Delegation of powers			423
	Temporary vacancy of the office .	• ••		423
	Enactments amended and repealed Extent and commencement	•		425
	Joint Subordinate Judge: Appointment	and deputation	***	415 421
	Joint Judges	one department .	•• ••	420
. J	Judge: Vacancy in the office of — othe	than Chief Judgé .		416
J	Jurisdiction—			
	Civil and Criminal — of the Chief C	ourt		416
	Of Subordinate Courts .			421
	Ministerial officers of Chief Court	••		418
	Original Jurisdiction of District Court		••	420
1	Pending proceedings	•	•	425
	Power-			
	to invest Joint or Assistant Judge			420
· .	to invest Subordinate judges with to invest Subordinate judges with			422 422
	to refer question to full bench .	man canso howers	••	417
1	Procedure of Chief Court in exercise of	civil and criminal jur	isdiction	418
	Rank and precedence of Chief Judge an			416
	Review in certain criminal cases .	• ,		417
	Rules: Power to make	•	**	. 418
	Seal	••	•• •••	125—428 424
	Short title		.,	415
.	Small Cause Court Judge : Appellate ju	risdiction		422
. 8	Subordinate Judge, First class—			•.•
٠.	Appellate jurisdiction			422
	Special jurisdiction			421
. 8	Subordinate Judges-			\$
	Suspension and removal			424
	Temporary vacancy of office	• ••	4.	424
	Suits: Government —	• • • • • • • • • • • • • • • • • • • •		423
	Subordinate Courts			420
	COURTS (AMENDMENT) ACT, 1930 : (Vi	and the second second	SIND COURTS	605
, A. ((Amendment) Act, 1930)	•	••	
	nd Courts Divorce (Temporary) Jur	SDICTION ACT, 1930-	- , ,	
	Extent and operation	• ••		607
	Jurisdiction .		•• /	607 607
1	Short title	•	••	. 001
SIND	INCUMBERED ESTATES (AMENDMENT).	Аст, 1929		561
Sna C	CHINUBHAI MADHAVLAL RANCHHODLAL	Baronetcy Act, 192	4	•
	Alienation prohibited during the Barone	tcy		114
	Annuity for widow of Baronet	· · · ·		113
. 7	Annuities: Limits	af Paramet	•••	114 110
	Application of income during minority Buildings: Vesting	or paroner		- 111
	Dangraga: Assering	• • • • •	**	

		. •	INDEX				XXX
		*			_		PAG
Sir Chieubrat I	Madhavlal R	ANGHHODI	AL BARON	etcy Act	, 1924—cc	ntd.	
Corporation)				•		(j. 14.
-	ment of here	litamenta	-			1	11
	as regards sale		100				11
	to sell or exch						.11
	arsement of ea				••	-	11
	g lands and in	vestments					. 11
	ring Clause	•••		••	••		- 11
Insurance n	noney	• •	• •	••	••	, ••.,	- 11
Names-	·*		• -			•	•
Present	and all futur	e baronets	-				10
	on in case of a	refusal or	neglect to	use or o	liscontinu	ince of	
neme	••	. • • • •	••	••	••		11
Danmant	1				•		
Property-			*		• •		
	n of stocks, f	ands or sec	urities		••	•.•	11
Vesting	•	••	••	• ••,	. ••	••`	10
Schedules Trust	••	••		••			11
#4 MBU		•••			• •	•	11
Trustees-	•						
		- 1				• • • • •	
Incorpo				• •	• •	· · · · · ·	10
	on if office of			• • •	••	••	11
Smorm-nuisanoi	es (Amendme	nt) Aot,	1024	• •	• • •	· · · • · -	11
	7:		(1040	. ** .	••,	• •	55
			T	•	• •		
TOTALISATOR BE	ETTING TAX A	OT. 1925			_		
Totalisator Br Amendment Definitions	of section 3	of the Bom		ainmente	Duty Act	, 1923 .	
	of section 3			ainmente	Duty Act	, 1923 .	16
Amendment Definitions Extent Operation	of section 3	of the Bom		ainmente	Duty Act	, 1923 .	16 16
Amendment Definitions Extent Operation Rules	of section 3	of the Bom		ainmente	Duty Act	, 1923 .	16 16
Amendment Definitions Extent Operation	of section 3	of the Bom		••	Duty Act	, 1923 .	16 16 16
Amendment Definitions Extent Operation Rules Short title	of section 3	of the Bom		••	Duty Act	, 1923 .	16 16 16
Amendment Definitions Extent Operation Rules	of section 3	of the Bom		••	Duty Act	. 1923 .	16 16 16
Amendment Definitions Extent Operation Rules Short title Totalisator-	of section 3	of the Bom		••	Duty Act	. 1923 .	16 16 16 17 16
Amendment Definitions Extent Operation Rules Short title Totalisator Inspect	of section 3 (of the Bom		••	Duty Act	, 1923 .	16 16 16 17 16
Amendment Definitions Extent Operation Rules Short title Totalisator Inspect	of section 8 (of the Bom		••	Duty Act	, 1923 .	16 16 17 16
Amendment Definitions Extent Operation Rules Short title Totalisator Inspect	of section 3 (of the Bom		••	Duty Act	, 1923 .	16 16 17 16
Amendment Definitions Extent Operation Rules Short title Totalisator Inspect	of section 3 (of the Bom		••	Duty Act	, 1923 .	16 16 17 16
Amendment Definitions Extent Operation Rules Short title Totalisator- Inspect Tex on Totalisator-	ion of Accoun	of the Bom		••	Duty Act	1923	16 16 17 16
Amendment Definitions Extent Operation Rules Short title Totalisator Inspect	ion of Accoun	of the Bom		••	Duty Act	, 1923	16 16 17 16
Amendment Definitions Extent Operation Rules Short title . Totalisator Inspect Tax on Totalisator	ion of Accoun	of the Bom		••	Duty Act	1923	16 16 17 16
Amendment Definitions Extent Operation Rules Short title Totalisator- Inspect Tax on Totalisator- UNIVERSITY ACT	ion of Accountage Recover	of the Bom		••	Duty Act	1923	16 16 17 16
Amendment Definitions Extent Operation Rules Short title Totalisator Inspect Tax on Totalisator University Act Academic C. Constitu	ion of Accountage Recovery, 1928—ouncil—ution	of the Bom		••	Duty Act	, 1923	16 16 16 17 16 17 17 17
Amendment Definitions Extent Operation Rules Short title Totalisator Inspect Tax on Totalisator University Act Academic Constite Election	ion of Accountage Recovery, 1928—ouncil—ution	of the Bom		••	Duty Act	1923	16 16 16 17 16 17 17 17
Amendment Definitions Extent Operation Rules Short title Totalisator- Inspect Tax on Totalisator- UNIVERSITY ACT Academic Constit Election Powers	ion of Accountage Recovery, 1928—ouncil—ution	of the Bom		••	Duty Act	, 1923	16 16 16 17 16 17 17 17 17
Amendment Definitions Extent Operation Rules Short title Totalisator- Inspect Tax on Totalisator- UNIVERSITY ACT Academic Constitt Election Powers Affiliation	ion of Accountage Recovery	of the Bom		••	Duty Act	1923	16 16 16 17 16 17 17 17 17
Amendment Definitions Extent Operation Rules Short title Totalisator— Inspect Tax on Totalisator— University Act Academic C Constitt Election Powers Affiliation;	ion of Accountage Recovery, 1928—ouncil—ution	of the Bom			Duty Act	1923	16 16 16 17 16 17 17 17 17
Amendment Definitions Extent Operation Rules Short title Totalisator- Inspect Tax on Totalisator- University Act Academic C Constite Election Powers Affiliation Affiliation: Authorities	ion of Account Tax: Recover	of the Bom			Duty Act	1923	16 16 16 17 16 17 17 17 17 49 49 49 49 49 49
Amendment Definitions Extent Operation Rules Short title Totalisator- Inspect Tax on Totalisator- University Act Academic C Constite Election Powers Affiliation Affiliation: Authorities	ion of Accountage of Accountag	of the Bom			Duty Act	1923	16 16 17 16 17 17 17 17 17 17 49 49 49 49 48 49 48 49
Amendment Definitions Extent Operation Rules Short title Totalisator- Inspect Tax on Totalisator- University Act Academic C. Constite Election Powers Affiliation : Authorities Board of Po Board of St Certificates	ion of Account Tax: Recover ution of the University graduate Surface of case of the University graduate Surface of the University graduate Gr	ts ty didates for	U		Duty Act	1923	16 16 16 17 16 17 17 17 17 17 17 19 49 49 49 49 49 49 49 49 49 49 49 49 49
Amendment Definitions Extent Operation Rules Short title Totalisator- Inspect Tax on Totalisator- UNIVERSITY ACT Academic C Constite Election Powers Affiliation Affiliation: Authorities Board of Po Board of St Certificates Chancellor o	ion of Accountage of Accountag	ta ity tudies adidates for	U U Or examinat		Duty Act	1923	16 16 16 17 16 17 17 17 17 17 17 19 49 49 49 49 49 49 49 49 49 49 49 49 49
Amendment Definitions Extent Operation Rules Short title Totalisator- Inspecti Tax on Totalisator- UNIVERSITY ACT Academic C. Constitt Election Powers Affiliation Affiliation: Authorities Board of Str. Certificates Chancellor of Chancellor of	ion of Accountance of Accountance of Accountance of Accountance of the Universe of the Universe of the Universe of the Universe of the Universe of the Vacated	ta ity tudies adidates for	U Or examinate	iiou		1923	16 16 16 17 16 17 17 17 17 17 17 17 19 49 49 49 49 49 49 49 49 49 49 48 49 48
Amendment Definitions Extent Operation Rules Short title Totalisator— Inspecti Tax on Totalisator— Anademic Constiti Election Powers Affiliation Affiliation: Authorities Board of For Board of Str Certificates Chancellor of Chancellor of Colleges: E.	ion of Accountage of the Universet of th	ta ity tudies adidates for	U U or examinate g India	iiou		1923	16 16 16 17 16 17 17 17 17 17 17 17 19 19 19 19 19 19 19 19 19 19 19 19 19
Amendment Definitions Extent Operation Rules Short title Totalisator- Inspecti Tax on Totalisator- UNIVERSITY ACT Academic C. Constitt Election Powers Affiliation Affiliation: Authorities Board of Str. Certificates Chancellor of Chancellor of	ion of Account Tax: Recover to the University of	ta ity tudies adidates for	U U India	ion		, 1923	17 16 16 16 17 16 17 17 17 17 17 17 49 49 49 49 49 49 49 49 49 49 49 49 49

		INDEX			
	.				
PRETTY ACT	1928—contd.				
AWREST I WEY	1320 - QVIII.				
Degrees-			* "1 T		Ē
Cancellatio	on .	•			•
Conferring					
Honorary	Carrier Commence	•••	• •	••	-
Restoration		•	· • • •	••	• •
Diplomas : G Disaffiliation			• •	•• •	•
	proportional repres	entation	• • •	•	
Faculties			•		
· • • • • · ·					
Fellows					
Cancellat	tion of appointmen	e the state of			
Elected	and nominated .				<u>.</u>
Ex-officie		••			• .
Honorar		•••	••		•
Office va	cated by leaving L	ndia .		. • • • <u>•</u> • • •	• 1
Ordinary	Town of affice	••		•	•. •
	y : Term of office	•		••	•
Funds of the	University				
Incorporation	n				
	f colleges and repor	ts .	·, ••		
	the University			• • •	• ,
Interpretatio		•	••	••	• .
Licenses : Gr	n in case of doubt		* ***	. • • • • • •	•
Limits : Terr	ritorial	, • · · ·	• • • • • • • • • • • • • • • • • • • •	•	•
	our : Grant of				
	their making and	scope			. 1
Other bodies			••		•*· ·
	the officers, teache	rs and other se	rvants	••	•
gensions for				* -	
				•	
Power				•	
Powerto appoi	int University prof	essors		•	
Power	int University teac	essors hers			_ ^
Power— to appoi to appoi Powers of th	int University teac e Vice-Chancellor	hers			
Power to appoi to appoi Powers of th Proceedings	int University teac e Vice-Chancellor not invalidated by	vacancy	versity as co	nstituted	
Power— to appoi to appoi Powers of th Proceedings Property and	int University teac e Vice-Chancellor not invalidated by d rights: passing o	hers vacancy if — to the Uni			
Power— to appoint to appoint to appoint to appoint to appoint the Proceedings of the Property and Provident Francisco.	int University teac e Vice-Chancellor not invalidated by	hers vacancy f—to the Uni , teachers, and			
to appoi to appoi Powers of th Proceedings Property and Provident Fo Rector: Cree Regulations	int University teac e Vice-Chancellor not invalidated by d rights: passing o und for the officers ation of the office : Making and scop	vacancy f — to the Uni teachers, and			
to appoint to appoint to appoint to appoint to appoint to appoint the property and provident Franctor: Created the control of	int University teac to Vice-Chancellor not invalidated by d rights: passing o und for the officers ation of the office o	vacancy f — to the Uni teachers, and			
to appoint to appoint to appoint to appoint to appoint appoint appoint and appoint appoint appoint appoint appoint appoint appoint appoint to appoint appoint appoint appoint appoint appoint to appoint appoi	int University teac e Vice-Chancellor not invalidated by d rights: passing o und for the officers ation of the office : Making and scop	vacancy f — to the Uni teachers, and			
to appoint to appoint to appoint to appoint to appoint to appoint the property and provident Franctor: Created the control of	int University teac e Vice-Chancellor not invalidated by d rights: passing o und for the officers ation of the office : Making and scop	vacancy f — to the Uni teachers, and			
to appoint to appoint to appoint to appoint to appoint appoint appoint and appoint appoint appoint appoint appoint appoint appoint appoint to appoint appoint appoint appoint appoint appoint to appoint appoi	int University teac e Vice-Chancellor not invalidated by d rights: passing o und for the officers ation of the office : Making and scop	vacancy f — to the Uni teachers, and			
to appoint appoint to appoint to appoint to appoint to appoint the property and property and provident Freedor: Created appoint the property and the provident freedom appoint the provident freedom appoint to appoint the provident freedom appoint to appoint the provident freedom appoint to appoint the provident freedom appoint the provident freedom appoint the provident freedom appoint the provident freedom appoint the provident freedom appoint the provident freedom appoint the provident freedom appoint the provident freedom appoint the provident freedom appoint the provident freedom appoint the provident freedom appoint the provident freedom appoint the provident freedom appoint the provident freedom appoint	int University teac e Vice-Chancellor not invalidated by d rights: passing o und for the officers ation of the office : Making and scop d other tests: con	vacancy f — to the Uni teachers, and			
to appoint to appoint to appoint to appoint to appoint to appoint the proceedings of the provident Francisco of the provident Francisco of the provident Francisco of the provident Francisco of the provident fra	int University teac e Vice-Chancellor not invalidated by d rights: passing o und for the officers ation of the office : Making and scop d other tests: con	vacancy f — to the Uni teachers, and			
to appoi to appoi Powers of th Proceedings Property and Provident Fr Rector: Cree Regulations and Religious and Repeal Schedule Senate— Constitu Duties	int University teac e Vice-Chancellor not invalidated by d rights: passing o und for the officers ation of the office : Making and scop d other tests: con	vacancy f — to the Uni teachers, and			
to appoint to appoint to appoint to appoint to appoint to appoint the proceedings of the provident Francisco of the provident Francisco of the provident Francisco of the provident Francisco of the provident Francisco of the provident fra	int University teac e Vice-Chancellor not invalidated by d rights: passing o und for the officers ation of the office : Making and scop d other tests: con	vacancy f — to the Uni teachers, and			
to appoint to appoint to appoint to appoint to appoint to appoint the provident From the following the provident From Rector: Creek Regulations and Repeal Schedule Senate— Constitutes— Constitutes— Statutes— Statutes—	int University teac to Vice-Chancellor not invalidated by d rights: passing o und for the officers ation of the officers ation of the officers is Making and scoped other tests: con-	hers vacancy f — to the Uni , teachers, and if e litions thereof	other serva		
to appoi to appoi to appoi Powers of th Proceedings Property and Provident Fractor: Cree Regulations Religious and Repeal Schedule Senate— Constitutory Powers Statutes— Framing	int University teac to Vice-Chancellor not invalidated by d rights: passing o und for the officers ation of the officer : Making and scop d other tests: cond	hers vacancy f — to the Uni , teachers, and if e litions thereof	other serva		
to appoint to appoint to appoint to appoint to appoint to appoint the second se	int University teac to Vice-Chancellor not invalidated by d rights: passing o und for the officers ation of the officer : Making and scop d other tests: cond	hers vacancy f — to the Uni , teachers, and if e litions thereof	other serva		
to appoi to appoi to appoi Powers of th Proceedings Property and Provident Fractor: Cree Regulations Religious and Repeal Schedule Senate— Constitutory Powers Statutes— Framing	int University teac to Vice-Chancellor not invalidated by d rights: passing o und for the officers ation of the officer : Making and scop d other tests: cond	hers vacancy f — to the Uni , teachers, and if e litions thereof	other serva		
to appoint to appoint to appoint to appoint to appoint to appoint the second se	int University teac to Vice-Chancellor not invalidated by d rights: passing o und for the officers ation of the officer : Making and scop d other tests: cond	hers vacancy f — to the Uni , teachers, and if e litions thereof	other serva		
to appoi to appoi to appoi Powers of th Proceedings Property and Provident Fr Rector: Cree Regulations Religious and Repeal Schedule Senate— Constitutes— Framing Scope Syndicate Syndicate— Syndicate— Syndicate— Syndicate— Syndicate—	int University teac e Vice-Chancellor not invalidated by d rights: passing o und for the officer ation of the officer : Making and scop d other tests: con-	vacancy of — to the Uni teachers, and of e litions thereof	other serva	nts	
to appoi to appoi to appoi Powers of th Proceedings Property and Provident Fr Rector: Crea Regulations Religious and Repeal Schedule Senate— Constitutes— Framing Scope Syndicate Syndicate— First to	int University teace Vice-Chancellor not invalidated by drights: passing ound for the officers ation of the officers: Making and scopd other tests: condition	vacancy of — to the Uni teachers, and of e litions thereof	other serva	nts	
to appoint to appoint	int University teace Vice-Chancellor not invalidated by drights: passing ound for the officer ation of the officer (Making and scoped other tests: condition	vacancy of — to the Uni teachers, and of elitions thereof	other serva	nts	
to appoi to appoi to appoi to appoi Powers of th Proceedings Property and Provident Fr Rector: Cree Regulations Religious and Repeal Schedule Senate— Constitutes— Framing Scope Syndicate Syndicate— First to Powers Retirement of Titles: Gran	int University teace Vice-Chancellor not invalidated by drights: passing ound for the officers ation of the officers ation of the officers ation of the officers ation of the officers which are supplied to the officers at t	vacancy of — to the Uni teachers, and of e ditions thereof	other serva	nts	

	INDEX	XXXIII	٠,
University (Amendment) Act. (1928) 1929 (1930)		525 565 627	
University (Territorial Linits Ame	NOMERT) ACT, 1930	. 613	
VILLAGE PANCHAYATS (AMENDMENT) AC	or, { 1924	95 205	
Village Police (Amendment) Act, 19		195	
Watans (See "Hereditary Offices "Hereditary Offices (Amendment)	(Amendment) Act. 1923 ". Act, 1925)."	ind .	