

# ACTS

Dhananjayrao Gadgil Library



GIPE-PUNE-124933

PASSED BY THE

GOVERNOR OF BOMBAY IN COUNCIL

IN THE YEAR 1865.

Rare  
Z231  
A865  
124933

Bombay

PRINTED FOR GOVERNMENT

AT THE EDUCATION SOCIETY'S PRESS, BYCULLA.

1866.

7231  
A865  
124933

# TITLES

OF

## ACTS PASSED BY THE GOVERNOR OF BOMBAY IN COUNCIL IN THE YEAR 1865.

---

	PAGE
Act No. I. ✓—An Act to provide for the survey, demarcation, assessment, and administration of lands held under Government in the Districts belonging to the Bombay Presidency, and for the registration of the rights and interests of the occupants of the same .....	1
Act No. II. ✓—An Act to provide for the management of the Municipal affairs of the City of Bombay, and to make better provision for the conservancy and improvement of the City, and for the levying of rates and taxes therein....	17
Act No. III.—An Act to amend Act XXI. of 1848 (for avoiding Wagers).	137
Act No. IV.—An Act for the regulation of Mofussil Gaols and the enforcement of discipline therein .....	139
Act No. V.—An Act to authorize the Punishment of Whipping, in certain cases, in the Bombay House of Correction ....	151
Act No. VI.—An Act to authorize the destruction of Useless Records in certain Courts of the Bombay Presidency .. .....	153
Act No. VII.—An Act to extend the provisions of Act of the Governor General of India in Council, No. XX. of 1863, to the District of Canara in the Bombay Presidency .. .....	155
Act No. VIII. ✓—An Act to authorize taxation in the Province of Sind for objects of public local utility and improvement....	157

# INDEX

TO THE

## ACTS PASSED BY THE GOVERNOR OF BOMBAY IN COUNCIL FOR THE YEAR 1865.

	No. of Act.
<b>A</b>	
ACT XI. of 1840.—Repeal of .....	IV.
ACT III. of 1846.—Repeal of Sections II., III., and IV. of .....	I.
ACT XXI of 1848.—Amendment of .....	III.
ACT No. XIV. of 1856.—Partial repeal of .....	II.
ACT No. XXV. of 1856.—Partial repeal of .....	ib.
ACT No. XXV. of 1858.—Partial repeal of .....	ib.
ACT No. XVI. of 1860.—Partial repeal of .....	ib.
ACT No. XX. of 1861.—Repeal of .....	ib.
ACT XX. of 1863.—Extension of .....	VII.
ACT No. VIII. of 1862 (Bombay).—Repeal of .....	II.
ACT No. XIII. of 1863 (Bombay).—Repeal of .....	ib.
ACT No. I. of 1864 (Bombay).—Repeal of .....	ib.
<b>B</b>	
BOMBAY.—Extension of Act XX. of 1863 to the District of Canara in the Presidency of.....	VII.
————— Destruction of Useless Records in certain Courts of the ————— Presidency .....	VI.
————— Municipal Act of 1865 .....	II.
————— Punishment of Whipping in the—House of Correction of	V.
————— Survey and Settlement Act .....	I.

	No. of Act.
BOMBAY CODE.—Repeal of Regulation X. of 1827 of—.....	I.
—————Amendment of Regulation XVII. of 1827 of .....	ib.
—————Repeal of Section XXVI. and Clause 5 of Section XXX. of Regulation II. of 1827 of—.....	IV.
—————Repeal of Section XLII., part of Section XLIII., and Sections XLIV., XLV., and XLVI. of Regulation XIII. of 1827 of—.....	ib.
—————Repeal of Sections I. II. and III. of Regulation XVI. of 1828 of—.....	ib.
BURIAL AND BURNING GROUNDS.—In Bombay .....	II.
<b>C</b>	
CANARA.—Extension of Act. XX. of 1863 to the District of —..	VII.
CENSUS.—Taking of— in Bombay.....	II.
CONSERVANCY.—General—of Bombay ..	ib.
CORPORATION.—Of Justices of the Peace in Bombay.....	ib.
<b>G</b>	
GAOLS.—Regulation of Mofussil —and the enforcement of discipline therein.....	IV.
<b>H</b>	
HOUSE OF CORRECTION.—Punishment of Whipping in the Bombay—	V.
HOUSES.—Rates on—Buildings and Lands in Bombay.....	II.
<b>L</b>	
LICENSE TAX.—In Bombay .....	II.
LIGHTING RATE.—In Bombay .....	ib.
LOCAL FUND COMMITTEES.—Assignment of certain Taxes to—in Sind .....	VIII.

	No. of Act.
<b>M</b>	
MARKETS.—Construction, maintenance and regulation of—in Bombay .....	II.
MOFUSSIL.—Gaols Act .....	IV.
MUNICIPALITY.—Of Bombay .....	II.
MUNICIPAL FUND.—Of Bombay .....	ib.
MUNICIPAL OFFICERS.—Bombay .....	ib.
MUNICIPAL POLICE.—In Bombay .....	ib.
<b>P</b>	
PUBLIC MARKETS.—In Bombay .....	II.
<b>R</b>	
RATES AND TAXES.—Mortgage of—Bombay .....	II.
RECORDS.—Destruction of useless—in certain Courts of the Bombay Presidency .....	VI.
REGISTRATION.—Of Births and Deaths, Bombay ..	II.
REGULATIONS.— <i>See Bombay Code.</i>	
RELIGIOUS ENDOWMENTS.—Management of—in Canara .....	VII.
<b>S.</b>	
SIND.—Taxation in the Province of—for objects of public local utility and improvement .....	VIII.
SUDDER COURT.—Circular Orders of late—regarding destruction of Useless Records .....	VI.
SURVEY.—Bombay—and Settlement Act.....	I.
<b>T</b>	
TAXATION.—In the Province of Sind for objects of public local utility and improvement .....	VIII.
TAXES.—On Carriages, &c., in Bombay .....	II.
TRADES.—Offensive and dangerous—in Bombay .....	ib.

	No. of Act.
<b>U</b>	
USELESS RECORDS.—Destruction of—in certain Courts of the Bombay Presidency .....	VI.
<b>V</b>	
VEHAR WATER WORKS ACT.—Repeal of—.....	II.
<b>W</b>	
WAGERS.—Act to amend Act XXI. of 1848 (for avoiding—)... .	III.
WATER RATES.—In Bombay .....	II.
WHIPPING.—Punishment of—in the Bombay House of Correction.	V.

# BOMBAY.

## Act No. I. of 1865.

PASSED BY THE GOVERNOR OF BOMBAY IN COUNCIL.

[Received the assent of the Governor on the 18th October 1864, and of the Governor General on the 6th January 1865, and published by the Governor of Bombay on the 21st January 1865.]

*An Act to provide for the survey, demarcation, assessment and administration of lands held under Government, in the Districts belonging to the Bombay Presidency, and for the registration of the rights and interests of the occupants of the same.*

WHEREAS a moderate assessment of Land Revenue is equally conducive to the interests of Government and the well-being of its subjects; and whereas it has been and is the desire of Government to equalise assessments, to ascertain and settle the obligations, and to record the rights, interests and privileges of persons and classes owning and occupying land; and whereas it is proper to maintain by law, during their currency, all existing settlements which have been made under the authority of Government; and whereas it is necessary to continue and introduce Revenue Surveys wherever they may be required, in the Presidency of Bombay; It is enacted as follows:—

I. This Act shall be called the “Bombay Survey and Settlement Act,” and shall take effect from the date on which the assent of the Governor General of India thereto shall be published in the *Government Gazette* of Bombay.

II. The following words or expressions used in this Act are declared to bear the definitions or meanings hereby attached to them, unless there be something in the subject or context repugnant to such construction:—

[Price Four Annas.]

1 r

(a) Words



## ACT No. I. of 1865.

- (a) Words importing the singular number include the plural, and words importing the plural number include the singular.  
Number.
- (b) Words importing the masculine gender include the feminine.  
Gender.
- (c) "Survey Officer" means the Superintendent of Survey, or the Officer in charge of a Survey for the time being, or any person acting under the orders of either.  
"Survey Officer."
- (d) "Village" includes all lands belonging to any village or township.  
"Village."
- (e) An "alienated village" is a village, held and managed by private individuals, exempt from payment of land revenue, or under Act II. or VII. of 1863 of the Council of the Governor of Bombay, or under a grant or lease fixing the Government demand in perpetuity.  
"Alienated Village."
- (f) "Estate" means any land or interest in land, wherever situated, vested in any person or body of persons, and separately recognised in the public accounts.  
"Estate."
- (g) "Field" or "Number" means a Revenue Survey division of the village lands, of a specified area, upon which a distinct assessment is or may be recorded under a Number in the Survey Register, and in the public accounts of the village.  
"Field." "Number."
- (h) "Holding" means the aggregate of the Fields or Numbers in any village entered in the public accounts in the name of one person or body of persons.  
"Holding."
- (i) "Recognised share of a Field" means the portion of a Field entered in the name of any one in the Survey papers or other public accounts.  
"Recognised share of a Field."
- (j) "Occupant"

(j) "Occupant" is the person whose name is entered authorisedly in the Survey papers, or other public accounts, as responsible to Government for payment of the assessment due upon any Field, or recognised share of a Field.

(k) "Superior holder" is the person having the highest right under Government recognised by the custom of the country, or resting on specific grant, to hold land or engage with Government for the land revenue due on account of any village or estate.

(l) "Tenant" is the person holding under an occupant or superior holder, by a right derived from him, and otherwise than by ownership or inheritance.

III. Existing Survey settlements of Land Revenue made, approved, and confirmed under the authority of the Governor in Council shall be, and are hereby declared to be, in force, subject to the provisions of this Act.

IV. It shall be lawful for the Governor in Council, whenever such a measure may appear to him expedient, to direct the extension of a Survey to any part of the Presidency, with a view to the settlement of the Land Revenue, and to the record and preservation of proprietary and other rights connected with the soil, and such Survey shall be called a Revenue Survey.

V. The control of a Revenue Survey and Settlement, in any part of the Presidency, shall vest in and be exercised by the Governor in Council, who may, from time to time, subject to the general control of the Governor General of India in Council, appoint, for the purpose of carrying out such Survey and Settlement, public servants, under the designation of Commissioner of Survey and Settlement, Superintendent of Survey and Settlement, Settlement Officer, and Assistant, or under such other designation, as may seem requisite.

VI. The Governor in Council may confer upon Commissioners, and Superintendents of Survey and Settlement, or Settlement Officers, any of the powers of a Collector, within any

ment Officers the powers of a Collector or Assistant Collector.

any specified charge, and in like manner upon Assistant Superintendents or other Officers, appointed under Section V. of this Act, any of the powers of an Assistant Collector.

VII. The appointment of all subordinate members of the establishment for Survey and Settlement shall, under such rules as the Governor in Council may from time to time sanction, rest with the Commissioners, Superintendents of Survey and Settlement, and Settlement Officers, who may at any time, after inquiry recorded in writing, fine, dismiss, suspend or reduce any members of their respective establishments so appointed who shall be remiss or negligent in the discharge of duty, or unfit, from any cause, for the discharge of the same.

VIII. Subject to the orders of the Governor in Council and to the powers reserved by law to the Revenue Commissioners and Collectors, the Commissioners, Superintendents of Survey and Settlement Officers are vested with the cognisance of all matters connected with Survey and Assessment, and with the adjustment of boundary disputes according to the provisions hereinafter enacted.

IX. All the proceedings and orders of subordinate Survey Officers are appealable to their respective immediate superiors, and all the proceedings and orders of Assistants, or other superior Survey Officers, are appealable to the Superintendent of Survey, whose proceedings and orders are subject to the direction and decision of the Commissioner of Survey, or other Officer specially authorised on that behalf, under the general control of the Governor in Council.

X. It shall be lawful for the Superintendent or Officer authorised by him to require by general notice, or by summons, the attendance of owners or occupants of land, in person or by legally constituted agent, duly instructed and able to answer all material questions, and the presence of Talook and Village Officers, who in their several stations, and capacities, are legally, or by usage, bound to perform service in virtue of their respective offices, and to require from them such assistance in the operations of the Survey,

Survey, and such service in connection therewith, as may not be inconsistent with the position of the individual so called on.

XI. In any district in which a Revenue Survey has been or may be ordered by the Governor in Council, it shall be lawful for any duly authorised Survey Officer to enter, for the purposes of measurement, fixing boundaries, classing soils, or for any other purpose connected with the Survey and Settlement, any lands, whether belonging to Government or to private individuals, and whether assessed to the public revenue or partially or wholly exempt from assessment.

XII. *Clause 1st.* It shall be lawful for any Survey Officer, authorised by a Superintendent of Survey, or Settlement Officer, to cause to be erected or repaired, boundary marks of villages or fields, whether cultivated or uncultivated, and to assess all charges incurred thereby on the owners, occupants, or others having an interest therein.

*Clause 2nd.* Nothing in the preceding Clause shall prevent such Officer from requiring owners or occupants of land to erect or repair their boundary marks, and, in that case, it shall be competent for him to issue a notification which shall be posted in the Chowree or other public place in the village, directing the owners or occupants of fields to erect or repair, within a specified time, the boundary marks of their respective fields, and, on their failure to comply with the requisition so made, the Survey Officer shall then erect or repair them, as provided in the Clause last preceding; and may recover from the owners or occupants the expenditure made in so doing.

*Clause 3rd.* A general notification, issued in the manner prescribed in the last Clause, shall be held to be good and sufficient notice to each and every person having any interest in any field within the limits of the village in which such notification is published.

*Clause 4th.* The size, material, and description of boundary marks shall be

Description of boundary marks.

be such as may be deemed necessary by the Superintendent of Survey, according to the requirements of soil and climate.

XIII. It shall be the duty of every owner or occupant of land, whether

Owners of land to point out the boundaries of their holdings.

subject to the payment of land revenue or not, to point out to the Survey Officer, at the time of measurement and of classification, the boundaries of his holding.

If the owner or occupant, or his duly constituted agent, fail to do so, it shall be competent to the Survey Officer, in the absence of the said owner, occupant or agent, to fix the boundary on such other evidence as may be available.

XIV. *Clause 1st.* In conducting an inquiry respecting boundaries as

The Survey Officer may inspect title deeds, &c. when making inquiry respecting boundaries.

aforsaid, it shall be lawful to a Superintendent of Survey, or other Officer authorised by him, to call on any owner, occupant, or agent of the owner or occupant,

to produce for inspection, all sunnuds, kowls, and leases, and all other title deeds and documents whatever, relating to his land, and if, within a reasonable period, to be fixed in writing by the said Survey Officer, the said owner, occupant or agent fail to produce such documents, the boundaries of the land may forthwith be determined on such evidence as may be available.

*Clause 2nd.* If the boundary of a field be undisputed, and its cor-

Determination of field boundaries.

rectness be affirmed by the village Officers then present, it may be laid down as pointed out; and, if disputed,

it shall be fixed by the Survey Officer according to the village records, or failing these, according to occupation as ascertained from the village Officers, the cultivators of adjoining lands or other evidence.

*Clause 3rd.* No appeal against the determination of a boundary laid

Appeal admissible within six months of the date of erection of boundary marks.

down according to the preceding Clauses shall be admitted, unless formally preferred within six months of the date of the boundary marks being erected.

*Clause 4th.* But it shall be competent to a Superintendent of Survey,

A Superintendent of Survey may, on due cause shown, alter boundaries within one year after introduction of revised rates.

on due cause shown, to alter any boundaries within one year after the introduction of the revised Survey rates.

Provided

Provided that the determination of any boundary under this Section shall not debar any one, claiming any right in the land, from any legal remedy he would otherwise have for dispossession.

Proviso.

XV. It shall be lawful for the Survey Officer to call upon all owners and occupants of land to assist in the measurement and classification of the lands of their villages by furnishing flag-holders; and in the event of a necessity for employing hired labour for this, or other similar object, incidental to survey operations, it shall be lawful to assess the cost thereof, with all contingent expenses, on the owners and occupants of the lands of the village, for collection as a revenue demand.

Assistance to be given by owners and occupants in the measurement and classification of the lands of their villages.

XVI. The boundaries of villages shall be fixed, and all disputes relating thereto shall be determined by Survey Officers, who shall be guided by the rules and procedure prescribed in the following Sections.

Determination of village boundaries.

XVII. When the Patells and other village Officers of any two or more adjoining villages, and, in cases in which the revenues of either village do not belong to Government, the holder thereof or his duly constituted agent, shall voluntarily agree to any given line of boundary as the boundary common to their respective villages, the Survey Officer shall require the said parties to execute an agreement (*razeenama*) to that effect, and shall then mark off the boundary in the manner agreed upon. And any village boundary fixed in this manner shall be held to be formally and finally settled, unless it shall appear on inquiry that the agreement has been obtained by fraud, intimidation, or any illegal means.

Village boundaries may be settled by agreement.

XVIII. If the Patells and other village Officers, and, in cases where the revenues of either village do not belong to Government, the holder thereof or his duly constituted agent, do not agree to fix the boundaries of their respective villages, in the manner prescribed in the preceding Section, or if there be any pending dispute, then the Survey Officer shall make a survey and plan of the

Procedure in cases of disagreement or dispute.

the

the ground in dispute, exhibiting the land claimed by the contending parties, and all particulars relating thereto, and shall inquire into the claims of the said parties, and thereafter make an award in the case, and such award shall be final, unless reversed or modified on appeal as hereinafter provided. If, however, the revenue of either of the villages concerned be wholly or partially alienated, an award made by a Survey Officer shall not be final unless made or confirmed by the Superintendent of Survey.

XIX. When there is a boundary dispute between a village belonging to the British Government and a village belonging to a Foreign or Native State, the dispute shall be settled in such manner as may be agreed upon by the two Governments, and any settlement so made shall be final.

Settlement of boundary disputes between British and Foreign villages.

XX. *Clause 1st.* If the several parties concerned in a boundary dispute agree to submit the settlement thereof to a *punchayet* or arbitration committee, and make application to that effect in writing, the Survey Officer shall require the said parties to nominate a committee of not less than three persons, within a specified time, and if within a period to be fixed by the Survey Officer, the committee so nominated, arrive at a decision, such decision, when confirmed by the Superintendent of the Survey, shall be final.

Settlement of boundary disputes by arbitration.

*Clause 2nd.* Provided that the Superintendent of the Survey shall have power to remit the award, or any of the matters referred to arbitration, to the reconsideration of the same committee, for any of the causes set forth in Section 323 of the Code of Civil Procedure.

*Clause 3rd.* If the committee appointed in the manner aforesaid fail to effect a settlement of the dispute within the time specified, it shall be the duty of the Survey Officer, unless he see fit to extend the time, to settle the same as otherwise provided in this Act.

XXI. It shall be lawful for the Survey Officer to require the attendance of any person whose presence or evidence may be necessary for the settlement of a village boundary or for the investigation of a boundary dispute, and any person refusing to attend in compliance with the terms of the notice, (which shall be in writing,) issued by a Survey

The Survey Officer may require the attendance of persons whose presence or evidence may be necessary. Exemptions from personal attendance.

Survey Officer, shall be liable to the punishment provided by law for contempt of the lawful authority of Public Servants: Provided that exemptions under Section 22 of the Code of Civil Procedure shall be applicable to requisitions for attendance under this Section.

XXII. It shall be lawful for a Survey Officer charged with inquiring into boundary disputes to take evidence on oath or solemn affirmation.  
The Survey Officer may take evidence on oath or solemn affirmation.

XXIII. Proceedings connected with the settlement of boundary disputes shall be recorded in the Vernacular of the District: Provided that the Survey Officer making the investigation shall record in English a summary of the evidence, the reasons for his decision, and the final settlement of the case.  
Proceedings to be recorded in the Vernacular of the District, a summary of the evidence, &c. being also recorded in English.

XXIV. *Clause 1st.* All decisions or awards fixing village boundaries, or settling village boundary disputes, if made by a Survey Officer below the rank of Superintendent, shall be subject to appeal to the Superintendent of Survey, provided the appeal be made within sixty days of the laying down of the permanent boundary marks.  
Appeals against decisions of subordinate Survey Officers to be made to Superintendent of Survey within sixty days.

*Clause 2nd.* Decisions or awards in such cases by a Superintendent of Survey shall be appealable only to the Commissioner of Survey, who shall not admit any appeal unless made within sixty days after delivery of the order appealed against.  
Appeals against decisions of Superintendents of Survey to be made to Commissioner of Survey within sixty days.

XXV. It shall be lawful for an Officer in charge of a Survey to assess to the land revenue, under such general and local rules as may be in force in the Survey under his charge, all lands cultivated or uncultivated, and whether hitherto assessed or not, provided that such assessment shall not be levied for more than one year, until the sanction of the Governor in Council shall have been obtained thereto, and provided that it shall not be leviable from any land held and entered in the Land Registers as wholly or partially exempt from payment of land revenue, except to such amount as is in accordance with



previous practice, or any law which has been, or may hereafter be, enacted relating to lands so held.

XXVI. The power to assess under the preceding Section shall include  
 The assessment so made may be on land, or on means of irrigation, &c. power to assess whether directly on the land, or in the form of a rate or cess upon the means of irrigation, or in any other manner whatsoever.

XXVII. It shall be the duty of the Survey Officer, on the occasion of  
 Preparation of statistical and fiscal records. making or revising settlements of land revenue, to prepare a record showing the area and assessment of each field, and containing all necessary information in regard to landed tenures and the obligations, rights, interests and circumstances of the various classes of the community. In the execution of this duty the Survey Officer shall be authorised to summon and examine such witnesses as he may require to enable him to prepare the record, and all persons so summoned shall be legally bound to give the Survey Officer the information necessary to the preparation of such record.

XXVIII. It shall be lawful for the Governor in Council, from time to  
 Government may lay down rules for the administration of Survey Settlements, and may fix settlements and assessments for periods not exceeding thirty years. time, to lay down rules for the administration of the Survey Settlements, not at variance with any provision of this Act, and to declare existing settlements and all assessments, imposed according to Sections XXV. and XXVI. of this Act, fixed for any period not exceeding thirty years. The expiration of periods so guaranteed shall from time to time be published by authority of Government in the *Government Gazette*.

XXIX. *Clause 1st.* The guarantee given in virtue of the preceding  
 The guarantee given under Section XXVIII. limited to Imperial Land Revenue. Section is strictly limited to Imperial Land Revenue, and shall not apply to any cess which it shall be lawful for the Governor in Council to impose for the use of water, available in consequence of the construction, improvement or repair of any irrigational work by or at the instance of Government, or for purposes of local improvement, such as schools, village and district roads, wells, accommodation for travellers, and the like.

*Clause 2nd.* The

*Clause 2nd.* The power of Government to assess surveyed lands and levy assessment thereon shall extend to any resumed rent-free land, alluvial accretions, reclamations, waste or other lands which may not have been assessed at the general settlement.

Extent of power to assess lands not assessed at the general assessment.

XXX. It shall be lawful for the Governor in Council to direct at any time a fresh survey or classification of soils or revision of assessment, or all or any of these combined, but the assessment so revised shall not take effect till the expiration of the period of previous guarantee given as provided in Section XXVIII. Such revised assessment shall be fixed, not with reference to improvements made by the owners or occupants from private capital and resources, during the currency of any settlement under this Act, but with reference to general considerations of the value of land, whether as to soil or situation, prices of produce, or facilities of communication.

Government may direct a fresh survey and revision of assessment.

XXXI. *Clause 1st.* The assessment under a Revenue Settlement, whether it be fixed directly on the land or indirectly as a cess for water privileges, or in whatsoever manner, or for whatsoever purpose it may be imposed, shall be leviable at such dates, and according to such instalments, as may, from time to time, be determined under the orders of the Governor in Council.

Assessment to be levied at such dates and in such instalments as the Government may direct.

*Clause 2nd.* If any instalment of the assessment be not fully paid on the date fixed, it shall be lawful for a Collector to levy, in addition to the assessment due, such charges, on account of interest and fees for the serving of notices and other processes, as may be authorised according to a scale to be fixed for each Collectorate, from time to time, under the orders of the Governor in Council.

If an instalment is not fully paid on the date fixed, interest, &c. may be charged.

XXXII. A Survey or Settlement Officer may set apart unoccupied lands in unalienated villages for free pasturage for the village cattle, for forest reserves, or for any other public or municipal purpose, and lands assigned specially for any such purpose shall not be otherwise appropriated or assigned without the sanction of the Revenue Commissioner.

Lands assigned for special purposes not to be otherwise appropriated without sanction of the Revenue Commissioner.

XXXIII. Any

XXXIII. Any person who shall unauthorisedly cultivate or otherwise appropriate any portion of land so assigned, shall be liable to pay an assessment not exceeding ten times the ordinary assessment for similar land, and to the forfeiture of any crop he may have raised on the said lands, which crop shall be disposed of as the Collector may direct : Provided, however, that nothing in this Clause shall exempt any person guilty of any criminal offence, in addition to the appropriation of land as aforesaid, from the punishment provided by law for such offence.

XXXIV. In the event of any village or estates, not belonging to Government, coming under the temporary management of Government Officers, it shall be lawful for the Collector, under the control of the Revenue Commissioner of the Division, to let out the lands thereof, at the rates of the Survey assessment, or at such other fixed rates as he may deem to be reasonable, and to sell the occupation thereof, if waste, by auction, and otherwise to conduct the revenue management thereof, under the rules for the management of lands belonging to Government, so far as such rules may be applicable, and for so long as the said village or estate shall be under Government management : Provided, however, that any written agreements relating to the land, made by the owner thereof, shall not be affected by any proceedings under this Section.

XXXV. It is hereby declared that an occupant of any Government land is entitled, in virtue of his occupancy, to erect farm-buildings, construct wells or tanks, or make any other improvements thereon for the better cultivation of the land. But if an occupant wishes to appropriate the land in his occupancy to any purpose unconnected with agriculture, so as to destroy or injure it for cultivation, he shall first obtain the Collector's permission, which shall be given on payment of a fine fixed according to such rules as may from time to time be prescribed under the orders of the Governor in Council, and on entering into a written agreement to pay, in addition to such fine, the annual assessment which may have been fixed on

on such land, at the settlement then current, and which shall remain liable to revision at any future settlement of the District.

XXXVI. The occupant of a survey field or recognised share of a field or number shall not be deprived of his right of occupancy in the said field or recognised share of a field by any Revenue Officer, so long as he continues to pay the assessment due thereon. This right of conditional occupancy is declared to be a transferable and heritable property; and any person, lawfully and authorisedly in occupation of any land, at the expiration of a settlement lease, who shall consent to the rate which may be assessed on his land at a revision of assessment, shall be continued in his occupancy without question.

Right of occupancy, conditional on payment of assessment, declared to be a transferable and heritable property, and to be continuable without question, at the expiration of a settlement lease, on the occupant's consenting to the revised rate.

XXXVII. Whenever, in the Rutnagherry Collectorate and in the Ryghur, Rajpooree, and Sanksee talookas of the Tanna Collectorate, the Survey Settlement is introduced into villages or estates held by Khotes, it shall be competent for the Superintendent of Survey or Settlement Officer, with the sanction of the Governor in Council, to grant the Khote a lease for the full period for which the settlement may be guaranteed, in place of the annual agreements under which such villages have hitherto been held, and, further, the provisions of Section XXXVI. in respect to the right of permanent occupancy at the expiration of a settlement lease shall hold good in regard to those villages or estates.

Leases for the full period for which a settlement is guaranteed may be granted to Khotes in Rutnagherry and in certain talookas of the Tanna Collectorate.

XXXVIII. It shall also be competent to such Officer, with the sanction of the Governor in Council, to fix the demands of the Khote on the tenant at the time of the general survey of a District, and the terms thus fixed shall hold good for the period for which the settlement may be sanctioned. But this limitation of demand on the tenant shall not confer on him any right of transfer by sale, mortgage or otherwise, where such did not exist before, and shall not affect the right of the Khote to the reversion of all lands resigned by his tenant during the currency of the general lease.

The Superintendent of Survey or Settlement Officer may fix the demands of the Khote on the tenant at the time of the general survey of a District.

Proviso.

XXXIX. Any person desirous of taking up unoccupied assessed land must, previously to entering upon occupation, obtain the permission in writing of the local Native Revenue Officer (Mamlutdar or Mahalkuree); and in the event of his cultivating or otherwise taking possession of any portion of a Number, without his application having been formally allowed, it shall be lawful for the Collector to levy from the said person a special assessment, not exceeding five times the assessment ordinarily chargeable on the entire Number, and to summarily eject him from the land unauthorisedly occupied.

Written permission required previously to taking up unoccupied assessed land. Penalty for taking possession of land without permission.

XL. The permission to occupy land provided for in the preceding Section shall, in all future settlements, include the concession of the right of Government to all trees growing on that land, which are not then specially reserved.

Permission to occupy land includes the concession of right to trees not specially reserved.

XLI. If a wrong entry of an occupant's name have been made in the settlement or village papers at the introduction of the Survey, either through fraud, collusion, omission, or otherwise, it shall be competent to a Collector or Superintendent of Survey to remove the name thus entered and to substitute that of the person found upon inquiry to be the *bona fide* occupant of the said Number or recognised share of a Number, provided that the petition for the correction be made within two years after the introduction of the settlement. If any clerical error shall be discovered, it may be corrected by the Collector or Superintendent of Survey at any time.

Wrong entries in the settlement or village papers may be corrected.

XLII. *Clause 1st.* An occupant may relinquish his occupancy in whole or in part, provided the land so relinquished comprise whole fields or recognised shares of fields, and provided that he shall, on or before the 31st March of the current year, give a written notice of such relinquishment to the local Native Revenue Officer of the revenue division of the District in which the land of such occupancy is situated. In default he shall be liable for the revenue due therefrom for the following revenue year.

Relinquishment of occupancy.

*Clause 2nd.* Provided

*Clause 2nd.* Provided that, in villages held on the Nurwa and Bhagdaree or other similar tenure, the above Clause shall not relieve any shareholder from his liability for the assessment of all lands for which he may be, according to the custom of the village, responsible jointly with the other sharers.

The provisions of Clause 1 not to relieve shareholders in certain villages from certain liabilities.

**XLIII. Clause 1st.** A tenant holding under a superior holder or occupant, as a yearly tenant, shall be obliged to give notice of the termination of his tenancy at least six months before the commencement of the cultivating season next after that for which rent has been accepted, before he can rid himself of his character of tenant.

Notice of termination of tenancy to be given by yearly tenant.

*Clause 2nd.* Every such tenant shall be entitled to receive from his landlord notice of the termination of his tenancy at least six months before the commencement of the next cultivating season.

Notice of termination of tenancy to be given to yearly tenant.

**XLIV.** Occupants of land in surveyed villages shall, as regards the assistance to be given to them in the recovery of their dues from their tenants, be regarded as superior holders, and entitled to the assistance provided for that class of holders in Chapters VI. and VII. of Regulation XVII. of 1827: Provided, however, that such assistance shall not exceed the levy of the Survey assessment, and such additional amount as may be leviable by the custom of the village or under a settlement sanctioned by Government.

Occupants to be regarded as superior holders, and entitled to assistance in the recovery of dues from tenants.

Proviso.

**XLV.** In case of a decree of a Civil Court for the division of an estate under Section 225 of Act VIII. of 1859 (the Civil Procedure Code) or by any other process of law, the following rules shall be enforced by the Collector for the partition of such estate:—

Rules for partition of an estate paying revenue to Government.

*Clause 1st.* The estate shall be divided according to Survey Numbers or recognised shares of Numbers, as far as may be possible, without subdividing any Number or recognised share of Number.

*Clause 2nd.* When the decree cannot be executed without subdivision of a Number or recognised share of a Number, the Collector shall so report to

to the Court issuing the decree, and according to the orders he may receive from the Court, he shall either transfer the Number or recognised share of a Number, undivided, to any party named by the Court, or sell the Number or share of the Number, undivided, with its rights and liabilities, and pay over the proceeds as the Court may direct.

*Clause 3rd.* Provided that nothing in this Section shall affect the provisions of (Bombay) Act V. of 1862.

**XLVI.** When the sanction of the Governor in Council has been obtained under Section XXV. of this Act, the Survey Settlement Collector to have charge of boundary marks after introduction of the Survey Settlement. shall be held to have been introduced into a District, and the charge of the boundary marks shall then devolve on the Collector, and it shall be his duty to take measures for their maintenance and repair, in the manner provided for Survey Officers in this Act.

**XLVII.** Every occupant shall be responsible for the maintenance and good repair of the boundary marks of his field; and it shall be the duty of the village Officers and servants to prevent the destruction or alteration of the village boundary marks.

**XLVIII.** All dues and charges of whatsoever nature, leviable under this Act, shall be collected in the manner prescribed for the recovery of revenue demands, according to the Rules and Regulations which may be in force for the time being.

**XLIX.** The provisions of this Act shall not, except for the purpose of defining village boundaries, be applied to alienated villages: Provided that it shall be competent to the Governor in Council to extend by notification in the *Government Gazette* all or any of the provisions of this Act to every such village, on application made, in writing, by the holder thereof, and further, to apply the provisions of this Act to all Government lands situated in alienated villages.

**L.** Regulation X. of 1827, and Sections II., III., and IV. of Act III. of 1846 are hereby repealed.

**LI.** This Act shall be read and taken as part of Regulation XVII. of 1827.

## THE BOMBAY MUNICIPAL ACT OF 1865.

### GENERAL DIVISION OF CONTENTS.

	SECTIONS
The Corporation of the Justices of the Peace for the City of Bombay .....	III—V
The Municipal Fund .....	VI—X.
Municipal Officers .....	XI—XXI.
Mode of transacting Business .....	XXII—XXX.
Mode of entering into Contracts .....	XXXI—XXXII.
Estimates of Income and Expenditure, and Audit .....	XXXIII—XXXVI.
Levy of Rates and Taxes .....	XXXVII—XXXVIII.
Taxes on Carriages, Horses, Ponies, and Mules .....	XXXIX—XLVI.
Rates on Houses, Buildings, and Lands, and Lighting Rate.	XLVII—LXXX.
Water Works and Water Rates .....	LXXXI—XCVI.
License Tax on Professions, Trades, and Callings .....	XCVII—CIV.
General Conservancy of the City .....	CV—CLXXXV.
Construction, Maintenance, and Regulation of Public Markets .....	CLXXXVI—CXCI.
Regulation of Offensive and Dangerous Trades, and of Burial and Burning Grounds .....	CXCH—CCIX.
Registration of Births and Deaths, and the taking of a Census .....	CCX—CCXXIII.
Municipal Police .....	CCXXIV—CCXXVII.
General Provisions for carrying out the purposes of the Act.	CCXXVIII—CCLII.
Mortgage of Rates and Taxes .....	CCL—CCLVIII.
Power to make Bye-laws .....	CCLIX—CCLXVIII.
Schedules .....	A—K.



## ARRANGEMENT OF SECTIONS.

	SECTION
Laws repealed. Money due under the repealed laws may be recovered under the Act .....	I.
Interpretation .....	II.
<i>The Corporation of the Justices of the Peace for the City of Bombay.</i>	
Justices of the Peace, in Bombay, to be a body corporate..	III.
All the property and rights of action of the Municipal Commissioners vested in the Justices .....	IV.
Actions, &c. by or against Municipal Commissioners not to abate.....	V.
<i>The Municipal Fund.</i>	
Constitution of the Municipal Fund .....	VI.
Annual payment on account of the Vehar Water Works ..	VII.
Annual payment on account of drainage works .....	VIII.
Accounts of Lighting and Police Rates and other accounts to be kept separately from each other .....	IX.
Where the Fund shall be lodged, and how drawn against ..	X.
<i>Municipal Officers.</i>	
Appointment of a Commissioner as Executive Officer for the purposes of the Act .....	XI.
Designation and remuneration of the Commissioner .....	XII.
Appointment and remuneration of a Controller of Municipal Accounts .....	XIII.
Appointment and remuneration of an Executive Engineer..	XIV.
Appointment and remuneration of a Consulting Officer of Health .....	XV.
Appointment and remuneration of Assistant Commissioners, Collectors of Taxes, Assessors, Overseers, Clerks, and subordinate Officers and servants .....	XVI.

Officers under present Municipal Commissioners to hold office until removed by the Commissioner or the Justices.	SECTION XVII.
Justices to grant leave of absence, &c. Sanction of Government required in certain cases. Acting appointments.	XVIII.
Allowances during absence on leave .....	XIX.
Officers not to be concerned in Contracts made with the Justices.....	XX.
Municipal Officers and servants held to be Public Servants within the meaning of the Penal Code .....	ib.
Municipal Commissioner to provide an office, and keep a book for entry of complaints. ....	XXI.

*Mode of transacting Business.*

Time for holding Quarterly Meetings.....	XXII.
Special General Meetings may be called .....	XXIII.
What business to be transacted at Meetings .....	XXIV.
All questions to be decided at Meetings by majority of votes.	XXV.
Who to preside at Meetings of the Justices.....	XXVI.
What shall constitute a quorum .....	XXVII.
Minutes of Proceedings of Justices to be kept, and to be open for inspection. ....	XXVIII.
Declaration of President that a Resolution has been carried sufficient, unless poll be demanded.....	XXIX.
Poll how to be taken .....	XXX.

*Mode of entering into Contracts.*

The Commissioner may enter into contracts for works provided for in the Budget. Mode of making contracts..	XXXI.
Proviso.....	ib.
Mode of entering into contracts amounting to 10,000 Rs. or more.....	XXXII.

<i>Estimates of Income, and Expenditure, and Audit.</i>	
	SECTION
The Commissioner to submit an annual Budget of Income and Expenditure to the Justices .....	XXXIII.
Budget of Expenditure.....	XXXIV.
Revision and passing of Estimates. No new work, not budgeted for, the estimated cost of which exceeds Rs. 500, to be commenced without the sanction of the Justices .....	XXXV.
Accounts to be audited and examined. Remuneration of Auditors .....	XXXVI.
Proviso.....	ib.
 <i>Levy of Rates and Taxes.</i> 	
Rates due under any previous Act may be recovered by the Commissioner .....	XXXVII.
Rates and taxes to be fixed at the Special General Meeting in October in each year .....	XXXVIII.
 <i>Taxes on Carriages, Horses, Ponies and Mules.</i> 	
Tax on Carriages, &c. ....	XXXIX.
Proviso .....	ib.
Possession for a part of quarter involves liability for the whole quarter .....	XL.
Proviso .....	ib.
Carriages under repair .....	XLI.
Commissioner may compound with Livery Stable-keepers and others .....	XLII.
List of persons liable to the Tax to be entered in a book ..	XLIII.
Returns may be required for the purpose of making a list.	XLIV.
Power to inspect stable, &c. and to summon persons liable to the payment of the Tax .....	XLV.
Penalty for disobeying summons or hindering the Commissioner .....	XLVI.

<i>Rates on Houses, Buildings, and Lands, and Lighting Rate.</i>	SECTION
Rate on Houses and Lands .....	XLVII.
Annual value of house how to be estimated for the purposes of the preceding Section when the house is sub-let for higher rent than is received by the owner .....	XLVIII.
Exemptions .....	XLIX.
Remission on account of vacant houses .....	L.
Proviso .....	ib.
Lighting of public streets .....	LI.
Lighting rate .....	LII.
Proviso .....	ib.
Gross proceeds of lighting rate to be applied for purposes of lighting .....	LIII.
Occupier liable to the rate for time of occupation .....	LIV.
Owner when liable .....	LV.
Occupiers sub-letting to be liable .....	LVI.
Any person liable to any rate, leaving the City during a quarter, may be made at once to pay such rate up to date.	LVII.
Annual value how to be ascertained .....	LVIII.
Valuation to be made and entered in a book.....	LIX.
Valuation now standing in the book of the Municipal Com- missioners to be taken as the first under this Act, till new one be made .....	LX.
Owner or occupier how to be designated, if his name be unknown .....	LXI.
Returns may be required for purpose of valuation.....	LXII.
Power to enter houses, &c .....	ib.
Penalties for not furnishing returns, &c.....	ib.
Public notice of valuation to be given.....	LXIII.
Notice of time of revising assessment .....	LXIV.
After revision the assessment book to be authenticated by Commissioner .....	LXV.

	SECTION
Rate assessed to be deemed the rate for the whole year . . . . .	ib.
Alteration or amendment of assessment . . . . .	LXVI.
New assessment book need not be prepared yearly . . . . .	LXVII.
Proviso . . . . .	ib.
Court of Petty Sessions to hear appeals . . . . .	LXVIII.
Time of appeal . . . . .	LXIX.
Assessment, when no appeal is made, to be final. Adjudica- tion under Section LXVIII. also final . . . . .	LXX.
Bill to be presented . . . . .	LXXI.
Notice of demand . . . . .	LXXII.
Distress . . . . .	ib.
Inventory—Notice of distress . . . . .	LXXIII.
Sale . . . . .	LXXIV.
Fees . . . . .	ib.
Goods of defaulter wherever found may be distrained . . . . .	LXXV.
Rate due from owner may be recovered from occupier, and deducted by him from his rent . . . . .	LXXVI.
Proviso . . . . .	ib.
Commissioner may sue instead or on failure of distress . . . . .	LXXVII.
Service of notices . . . . .	LXXVIII.
Proviso . . . . .	ib.
Assessment, &c., not to be impeached for want of form . . . . .	LXXIX.
Obstruction of Commissioner or his servants . . . . .	LXXX.
<i>Water Works and Water Rates.</i>	
The Vehar Lake and Works vested in the Justices . . . . .	LXXXI.
Proviso . . . . .	ib.
Commissioner to manage and maintain the works . . . . .	LXXXII.
Access to land and conduits, &c. . . . .	LXXXIII.
Proviso . . . . .	ib.
All sums expended on the Vehar Water Works in excess of a certain sum to be defrayed from Public Revenue. The sum due to Government on account of the Works on 1st July 1863 how to be paid . . . . .	LXXXIV.
Proviso . . . . .	ib.

	SECTION
Water Rates may be levied by the Municipal Commissioner	LXXXV.
Commissioner may supply water by measurement and by contract .....	LXXXVI.
Penalty for fraudulent disposal of water.....	LXXXVII.
Inspection of Works by Government Officers. ....	LXXXVIII.
Municipal Commissioner to keep accounts. Statement of accounts to be published .....	LXXXIX.
Disposal of surplus funds: When water rates may be reduced.	XC.
Building, &c. within the limits of the water-shed prohibited.	XCI.
Tanks, &c. vested in the Justices.....	XCII.
Construction and maintenance of works for supply of water.	XCIII.
Public wells or tanks free from rate .....	XCIV.
Injuring Water Works, or diverting or wasting water ....	XCV.
Provision for supply of water in cases of fire .....	XCVI.
 <i>License Tax on Professions, Trades and Callings.</i> 	
After 1st January 1866 and until 31st December 1868 persons exercising professions, &c. to be licensed ....	XCVII.
Licenses to be granted by the Commissioner .....	XCVIII.
Licenses to be granted annually.....	XCIX.
Proviso .....	ib.
Licenses may be renewed.....	C.
The Commissioner to determine the class under which a person is to be licensed. Lists of licensed persons to be filed and kept for inspection. ....	CI.
The determination of the Commissioner may be appealed against to the Court of Petty Sessions .....	CII.
Penalty for exercising a profession without a license .....	CIII.
Penalty for refusing to produce license when required to do so	CIV.
 <i>General Conservancy of the City.</i> 	
Streets, &c., vested in the Justices .....	CV.
Power to make and improve streets.....	CVI.

	SECTION
Power to take land adjoining new streets for building purposes	CVII.
Compensation for damages to adjoining land . . . . .	ib.
Power to agree for purchase of land for improving streets . .	CVIII.
If necessary, land may be acquired under the law for the acquisition of land for public purposes . . . . .	CIX.
Power to sell lands or buildings . . . . .	CX.
Power to sell streets . . . . .	CXI.
Maintenance and repair of streets and roads . . . . .	CXII.
Footways . . . . .	ib.
Cleansing streets . . . . .	CXIII.
Dust-boxes in streets . . . . .	CXIV.
Depositing dirt on streets, &c. . . . .	CXV.
Allowing sewage to flow on streets . . . . .	CXVI.
Penalty on occupier of a house for not removing filth . . . .	CXVII.
Removal of night-soil . . . . .	CXVIII.
Hallalcores may be entertained by the Commissioner for the scavenging of houses . . . . .	CXIX.
Places of deposit for filth . . . . .	CXX.
Proviso . . . . .	ib.
All rubbish, &c. collected to be the property of the Justices	CXXI.
Watering streets . . . . .	CXXII.
Future obstructions in streets or roads . . . . .	CXXIII.
Power to remove obstructions . . . . .	ib.
Temporary obstructions on occasions of festivals, &c. . . . .	ib.
Taking up pavements . . . . .	CXXIV.
Private persons laying out new streets . . . . .	CXXV.
Proviso . . . . .	ib.
Erection of new huts to be under the control of the Commissioner . . . . .	CXXVI.
Power of the Commissioner as to existing huts . . . . .	CXXVII.
Proviso . . . . .	ib.
Paving, &c. of private streets . . . . .	CXXVIII.
Proviso . . . . .	ib.

	SECTION
Certain streets to be deemed public and repaired by the Commissioner .....	CXXIX.
Proviso.....	ib.
Houses may be set forward.....	CXXX.
Projecting houses, when taken down, to be set back.....	CXXXI.
Proviso.....	ib.
Names of streets .....	CXXXII.
Numbers on houses.....	CXXXIII.
Ground-floor doors not to open outwards .....	CXXXIV.
Exception .....	ib.
Ground-floor doors opening outwards to be altered .....	CXXXV.
Troughs and pipes to be fixed to houses.....	CXXXVI.
Projections from houses not to be allowed .....	CXXXVII.
Proviso.....	ib.
Removal of existing projections .....	CXXXVIII.
Projecting verandahs, &c., may be made in streets not less than 36 feet wide.....	CXXXIX.
Roofs and external walls not to be of inflammable materials.	CXL.
Houses in a ruinous and dangerous state .....	CXLI.
Sale of materials of ruinous houses .....	CXLII.
Power to shut up and secure deserted houses .....	CXLIII.
Filthy houses, &c. ....	CXLIV.
Proviso.....	ib.
Power to enter and cleanse houses and buildings .....	CXLV.
Health Officer may, when he considers it desirable, take steps to abate over-crowding of dwelling houses ....	CXLVI.
Power to trim hedges and trees bordering or overhanging roads.....	CXLVII.
Keeping swine, &c., in or near any street.....	CXLVIII.
Sewers, drains, &c., vested in the Justices .....	CXLIX.
Commissioner to make public sewers .....	CL.
Commissioner to repair and alter and discontinue sewers ..	CLI.
Proviso.....	ib.



	SECTION
Cleansing and emptying sewers .....	CLII.
Penalty for making unauthorised drains into public sewers.	CLIII.
Buildings over sewers, &c., not to be erected without consent of Commissioner .....	CLIV.
Commissioner may make drains from houses which are not properly drained .....	CLV.
Level of houses hereafter built in or near streets .....	CLVI.
Houses hereafter built in or near streets to have drains con- structed under the orders of the Commissioner .....	CLVII.
Notice of new buildings in or near streets to be given to Commissioner .....	CLVIII.
Commissioner may signify disapproval within 14 days....	CLIX.
Houses built without notice, or contrary to provisions of this Act, may be altered by Commissioner.....	CLX.
If Commissioner fail to give instructions within 14 days, parties may proceed without his approval .....	CLXI.
Sewers in streets to be covered with traps, &c. ....	CLXII.
Power of Commissioner to erect or affix to buildings pipes for ventilation of sewers .....	CLXIII.
Throwing rubbish into sewers .....	CLXIV.
Common necessaries .....	CLXV.
Commissioner may cause additional privies to be attached to houses .....	CLXVI.
Commissioner may cause persons employing large numbers of men to provide and maintain necessaries and urinals,&c.	CLXVII.
Neglecting to enclose private privy .....	CLXVIII.
Proviso.....	ib.
Drains, privies, &c., to be under control of Commissioner, and to be kept in good order by owners .....	CLXIX.
If owners neglect to keep drains in good order, Commis- sioner may cause the same to be done and charge the owners with the expense .....	ib.

	SECTION
Penalty for making or altering drains, &c., contrary to the orders of the Commissioner .....	CLXX.
Inspection of drains and privies .....	CLXXI.
Fouling water by bathing.....	CLXXII.
Washing.....	ib.
Throwing rubbish, &c. ....	ib.
Allowing drains, &c., to flow .....	ib.
Water fouled by offensive trades .....	CLXXIII.
The Commissioner may set apart bathing places, &c.....	CLXXIV.
Power to fill up unwholesome tanks on private premises..	CLXXV.
Power to drain off and cleanse stagnant pools in open places .....	CLXXVI.
Commissioner in executing works to provide roads, &c., where existing ones are injured .....	CLXXVII.
Commissioner breaking up street, to restore the same with all convenient speed .....	CLXXVIII.
Gas pipes, how to be laid .....	CLXXIX.
Situation of gas and water pipes to be altered at the expense of the Justices .....	CLXXX.
Proviso .....	ib.
If owner, &c., neglect to make alterations, the Commissioner may cause the same to be done.....	CLXXXI.
Hoards to be set up during repairs.....	CLXXXII.
Bars to be erected across streets during repairs, and lights placed at nights .....	CLXXXIII.
Penalty for not fencing and lighting deposits of building materials or excavations .....	CLXXXIV.
Dangerous places near streets to be repaired or enclosed ..	CLXXXV.
<i>Construction, Maintenance, and Regulation of Public Markets.</i>	
Public markets vested in the Justices. What to be deemed public markets.....	CLXXXVI.
Commissioner may purchase lands for opening new markets, and improving old ones .....	CLXXXVII.

	SECTION
Commissioner may construct new markets. The Commissioner to alter and improve public markets .....	CLXXXVIII.
Commissioner may close markets, and sell the grounds and premises .....	CLXXXIX.
Commissioner may let stalls .....	CXC.
Selling articles in markets without Commissioner's permission.....	CXCI.
<i>Regulation of Offensive and Dangerous Trades, and of Burial and Burning grounds.</i>	
Slaughter-houses to be licensed .....	CXCII.
Commissioner to provide places for slaughter-houses .....	CXCIII.
Markets, slaughter-houses, &c., to be properly drained.....	CXCIV.
Commissioner may make bye-laws for the inspection of slaughter-houses .....	CXCV.
Sale of unwholesome food or drink .....	CXCVI.
Commissioner may enter and inspect slaughter-houses, shops, &c., and seize unwholesome articles exposed for sale .....	CXCVII.
Suspension or revocation of license, &c .....	CXCVIII.
Penalty for using slaughter-houses during suspension or revocation of license.....	CXCIX.
Offensive and dangerous trades existing within certain limits, to be registered.....	CC.
Penalty for establishing such trades without license .....	CCI.
Commissioner may make bye-laws for the management of such trades and places .....	CCII.
Commissioner may, in certain cases, order the use of slaughter-houses, and the carrying on of dangerous and offensive trades, to be discontinued .....	CCIII.
Furnaces used for any trade to consume their own smoke. Proviso .....	CCIV.
Burial and burning grounds to be registered .....	ib.
	CCV.

	SECTION
No new vault or burial or burning place to be constructed without leave .....	CCVI.
Commissioner to issue certificates prohibiting improper burial places .....	CCVII.
Proviso .....	ib.
Commissioner to provide places to be used as burial or burning grounds, or for exposing the dead .....	CCVIII.
Commissioner may make bye-laws for regulation of burial and burning grounds .....	CCIX.
 <i>Registration of Births and Deaths, and the taking of a Census.</i> 	
Commissioner to keep a register of births and deaths, and appoint Registrars of births .....	CCX.
Every Registrar to live in his District; list of Registrars to be published, &c. ....	CCXI.
Commissioner to have register books prepared and numbered .....	CCXII.
Registrar to inform himself of and register births and deaths .....	CCXIII.
Information of birth to be given within one week .....	CCXIV.
Information of death to be given at place of funeral .....	CCXV.
Person giving information to sign the register .....	CCXVI.
Enumeration of inhabitants .....	CCXVII.
Commissioner to superintend the enumeration .....	CCXVIII.
Delivery of Schedules and Returns .....	CCXIX.
Occupier of house, &c., to furnish required information ..	CCXX.
Proviso .....	ib.
Occupier to amend Returns if found defective .....	CCXXI.
Military and Naval Officers and certain others, if required, to act as Enumerators .....	CCXXII.
Returns of houseless persons .....	CCXXIII.

	SECTION
<i>Municipal Police.</i>	
Expense of Police .....	CCXXIV.
Proviso. ....	ib.
Police Commissioner to be under the authority of the Municipal Commissioner .....	CCXXV.
Police to arrest offenders .....	CCXXVI.
Proviso. ....	ib.
Police rate .....	CCXXVII.
Proviso. ....	ib.
<i>General provisions for carrying out the purposes of the Act.</i>	
Service of notice on owners and occupiers of buildings and lands .....	CCXXVIII.
Proviso. ....	ib.
Commissioner, in default of owner or occupier, may execute works and recover expenses. ....	CCXXIX.
Power to levy charges on occupier, who may deduct the same from his rent .....	CCXXX.
Occupiers not to be liable for more than the amount of rent due .....	CCXXXI.
Proviso. ....	ib.
Occupier, in default of owner, may execute works and deduct expenses from his rent. ....	CCXXXII.
Proceedings if an occupier opposes the execution of the Act .....	CCXXXIII.
Power to enter upon lands for the purposes of the Act. ....	CCXXXIV.
Proviso. ....	ib.
Notice to be given, before entry of houses, to enable females to retire .....	CCXXXV.
Commissioner may enter on lands adjacent to works. ....	CCXXXVI.
Proviso. ....	ib.
Commissioner may direct prosecution .....	CCXXXVII.
Proviso. ....	ib.
What are to be deemed nuisances .....	CCXXXVIII.

	SECTION
Act not to affect nuisances at Common Law . . . . .	CCXXXIX.
Proviso . . . . .	ib.
No writ or process to be issued against Commissioner or his Officers until after one month's notice of cause of action . . . . .	CCXL.
Commissioner may make compensation out of Municipal fund' . . . . .	CCXLI.
Fees for certain licenses' . . . . .	CCXLII.
Compensation, damages, and costs to be determined by the Court of Petty Sessions . . . . .	CCXLIII.
Method of proceeding before the Court of Petty Sessions . .	CCXLIV.
Recovery of damages by distress . . . . .	CCXLV.
A suit may be brought on failure to realize by distress . . . .	CCXLVI.
Distress not unlawful for want of form . . . . .	CCXLVII.
Recovery of fines and penalties . . . . .	CCXLVIII.
Proviso . . . . .	ib.
Fines and penalties to be credited to the Municipal Fund.	CCXLIX.
No person liable to fine or penalty unless complaint be made within two months after the offence is committed.	CCL.
Damage to the Justices' property to be made good in addi- tion to penalty . . . . .	CCLI.
Recovery of expenses on account of improvement to private property . . . . .	CCLII.
<i>Mortgage of Rates and Taxes.</i>	
The Justices may borrow on security of rates and taxes. . . .	CCLIII.
Proviso . . . . .	ib.
Mortgages to be by deed . . . . .	CCLIV.
Transfer of mortgage to be by deed . . . . .	CCLV.
When and how Justices may pay off securities . . . . .	CCLVI.
Sinking funds for payment of debts . . . . .	CCLVII.
Order of payment of mortgages may in certain cases be de- cided by lot . . . . .	CCLVIII.

	SECTION
<i>Power to make Bye-laws.</i>	
Commissioner may make bye-laws .....	CCLIX.
Commissioner may impose penalties for breach of bye-laws.	CCLX.
Bye-laws not relating to the Commissioner or his subordinates to be confirmed by the Justices and Government. .	CCLXI.
Notice to be given of application for confirmation of bye-laws by the Justices .....	CCLXII.
Copy of proposed bye-laws to be kept for inspection at the Commissioner's office for one month before application for such confirmation .....	CCLXIII.
Bye-laws to be published after confirmation by Government and to be open to inspection without payment of fee . .	CCLXIV.
Bye-laws to be binding upon all persons, and to be taken judicial notice of .....	CCLXV.
Penalty for injuring copies of bye-laws kept for public inspection .....	CCLXVI.
Government may repeal bye-laws. Such repeal to be published .....	CCLXVII.
Existing bye-laws to continue in force till repealed .....	CCLXVIII.
-----	
Publication of penalties under the Act .....	CCLXIX.
Commissioner to prepare an annual statement of Municipal receipts and disbursements and an annual report ....	CCLXX.
Short Title .....	CCLXXI.
Commencement of the Act .....	CCLXXII.
<i>Schedules.</i>	
Tax on Carriages and Animals .....	A.
Notice of Demand .....	B.
Distress Warrant .....	C.
Form of Inventory and Notice .....	D.
Table of Fees payable in Distraints .....	E.
License Tax on Professions, Trades and Callings.....	F.
Report of Birth .....	G.
Report of Death .....	H.
Form of Mortgage .....	I.
Form of Transfer of Mortgage .....	K.

**BOMBAY.**  
**ACT No. II. of 1865.**

*A.C.*

PASSED BY THE GOVERNOR OF BOMBAY IN COUNCIL.

*[Received the assent of the Governor of Bombay on the 30th March 1865,  
and of the Governor General on the 10th May 1865, and published by  
the Governor of Bombay on the 1st June 1865.]*

*An Act to provide for the management of the Municipal affairs of  
the City of Bombay, and to make better provision for the con-  
servancy and improvement of the City, and for the levying of  
rates and taxes therein.*

WHEREAS it is expedient to consolidate and amend the law relating to the  
management of the Municipal affairs of the City of Bombay  
and to make better provision for the conservancy and im-  
provement of the City, and for the levying of rates and taxes therein : It is  
enacted as follows :—

I. Act XIV. of 1856, (for the conservancy and improvement of the  
Towns of Calcutta, Madras, and Bombay, and the several  
stations of the Settlement of Prince of Wales' Island, Sin-  
gapore, and Malacca,) Act XXV. of 1856, (to comprise  
in one Act the provisions necessary for the assessment and  
collection of Municipal rates and taxes, in the Towns of Calcutta, Madras, and  
Bombay, and the several stations of the Settlement of Prince of Wales' Island  
Singapore, and Malacca,) and Act XVI. of 1860, (to amend Act XIV. of  
1856,) so far as they relate to the City of Bombay, and Act XXV. of 1858,  
(for appointing Municipal Commissioners, and for raising a fund for Muni-  
cipal purposes in the Town of Bombay), Act XX. of 1861, (to amend Act  
XXV. of 1858,) (Bombay) Act VIII. of 1862 (to abate the nuisance arising  
from the smoke of furnaces in the Town and suburbs of Bombay,) (Bom-  
bay) Act XIII. of 1863 (The Vehar Water Works' Act), and (Bombay)

Laws repealed.  
Money due under the  
repealed laws may be  
recovered under the  
Act.



Act I. of 1864, (to amend Section VI. of Act XXV. of 1858,) are hereby respectively repealed, except so far as they repeal the whole, or any part of any other Act, and except as to any assessment which shall have been made, or to any act or offence which shall have been done or committed, or to any fine or penalty which shall have been incurred, or to any money which shall have become due, or to any proceedings which shall have been commenced, before this Act shall come into operation. Any sum of money due, or which may become due, under any of the said Acts, may be levied and recovered under the provisions of this Act.

II. The following words and expressions in this Act shall have the meanings hereby assigned to them, unless there be something in the subject or context repugnant to such construction :—

Interpretation.      The word “City” shall include all places within the present local limits of the ordinary original Civil Jurisdiction of Her Majesty’s High Court of Judicature.

“City.”                      The expression “The Justices” shall mean the Corporation of the Justices of the Peace for the City of Bombay.

“The Justices.”              The word “Street” shall mean any road, street, square, court, alley, or passage, whether a thoroughfare or not, over which the public have a right of way, and also the roadway over any public bridge or causeway within the City.

“Street.”                      The word “Land” shall include messuages, buildings, tenements, and hereditaments of any tenure.

“Land.”                      The word “Month” shall mean Calendar month, according to the English computation.

“Month.”                      The word “Magistrate” shall include all persons exercising all or any of the powers of a Magistrate under the Code of Criminal Procedure, as well as any Magistrate of Police appointed for

for the City of Bombay under the provisions of Section XXII. of Act XIII. of 1856, or of any other law for the time being in force for regulating the Police of the City of Bombay.

“ Oath.”                   The word “ Oath ” shall include any affirmation or declaration lawfully substituted for an oath.

“ Owner.”               The word “ Owner ” shall mean the person for the time being receiving the rent of the land or premises in connection with which the word is used, whether on his own account, or as agent or trustee for any other person, or who would so receive the same if such land or premises were let to a tenant : Provided\*that no person receiving the rent of land or premises as agent for another person shall be liable to do anything, by this Act required to be done by the owner of such land or premises, unless he have sufficient funds of the owner to pay for the same; nor shall he be subject to any penalty for omitting to do such act, if he can prove that the default was occasioned by reason of his not having funds of the owner sufficient to defray the expense of doing the act required.

“ Person.”               The word “ Person ” shall include any association or body of persons whether incorporated or not.

Number.               Words importing the singular number shall include the plural number ; and words importing the plural number shall include the singular number.

Gender.               Words importing the masculine gender shall include the feminine.

*THE CORPORATION OF THE JUSTICES OF THE PEACE FOR THE CITY OF BOMBAY.*

III. All Justices of the Peace for the Town and Island of Bombay resident in the City of Bombay, shall, by the name of “ The Justices of the Peace for the City of Bombay,” be a body corporate, and have perpetual succession and a common seal, and have power to hold land, and by such name shall sue and be sued.

Justices of the Peace, in Bombay, to be a body corporate.

IV.

IV. All lands, buildings, works and hereditaments, utensils, materials, books, plans, maps, papers, effects, moneys, securities, and other property, moveable and immoveable, of what nature or kind soever, and all interest therein, whether vested, contingent, or in remainder, which shall, on the date when this Act comes into operation, be vested in, or held in trust for the Municipal Commissioners appointed under the said Act XXV. of 1858, or which would have been vested in or held in trust for such Municipal Commissioners but for the passing of this Act, and all such estate and interest of and in the same respectively as shall then be or would have been in, or in trust for the said Municipal Commissioners, or any of them, with all rights of way and other rights and easements now used and enjoyed by the said Municipal Commissioners, shall, on and from the date when this Act comes into operation, be vested in the Justices; and all persons who shall then owe any money to the said Municipal Commissioners, or to any person on behalf of the Municipal Commissioners, shall pay the same to the Commissioner on behalf of the Justices; and all moneys which shall be then due and owing by, or recoverable from the Municipal Commissioners, and all contracts, agreements, mortgages, bonds, covenants, and securities made or entered into before this Act comes into operation, to, with, or in favour of, or by or for the said Municipal Commissioners or any previous Municipal Commissioners for the City of Bombay, or any of them, or any person on behalf of such Municipal Commissioners respectively, and all rights of action and suit arising out of contract or otherwise, shall take effect, and may be proceeded on and enforced, as near as circumstances will admit, in favour of, by, against, and with reference to the Justices, in such manner as the same would have taken effect, and might have been proceeded on and enforced in favour of, by, against, and with reference to the said Municipal Commissioners respectively, or any of them, if this Act had not been passed.

V. No action, suit, prosecution, or other proceeding, whatsoever, commenced or carried on, either by or against the said Municipal Commissioners previously to the coming of this Act into operation, shall abate, or be discontinued, or prejudicially affected by this Act, but shall continue to take

Actions, &c. by or against Municipal Commissioners not to abate.

take effect both in favour of and against the Justices in the same manner in all respects as the same would have continued and taken effect in relation to the said Municipal Commissioners, or any of them, if this Act had not been passed; and all decrees and orders made, and all fines and penalties imposed and incurred respectively, previously to the coming into operation of this Act, shall and may be enforced, levied, recovered, and proceeded for, and all administrative proceedings commenced previously to the coming into operation of this Act, shall and may be continued, proceeded with, and completed in such or the like manner as if this Act had not been passed, the Justices being, in reference to the matters aforesaid, in all respects aforesaid, in the place of the said Municipal Commissioners.

### *THE MUNICIPAL FUND.*

VI. All moneys received by or on behalf of the Justices by virtue of this or any other Act, all rates, taxes, fines, fees, and penalties paid to or levied by them under this Act, and all moneys which may be assigned by Government for purposes of conservancy or improvement in the City, shall constitute a fund which shall be called "The Municipal Fund of the City of Bombay," and shall, together with all property of what nature or kind soever which may become vested in the Justices, be under the direction, management, and control of the Justices, in the manner hereinafter provided, and shall be held and applied by them as Trustees for the purposes of this Act.

Constitution of the  
Municipal Fund.

VII. The Municipal Commissioner, as hereinafter appointed, shall pay to the Governor in Council out of the Municipal Fund an annual sum not less than one hundred and seventy-five thousand Rupees on account of the expense which has been incurred by Government in the construction of the works called the Vehar Water-works, in the manner hereinafter provided; and such annual payment shall continue to be made until the whole of the expense so incurred, (except such portion thereof, as shall be defrayed by Government out of the public revenue, as hereinafter provided,) with interest thereon, at the rate of four per cent. per annum, shall have been repaid.

Annual payment  
on account of the Ve-  
har Water-works.

VIII. The Municipal Commissioner, as hereinafter appointed, shall, until the complete system of sewerage and drainage within the said City agreed upon between the Governor in Council and the Bench of Justices shall have been completed, and all the expenses thereof have been defrayed, and all moneys borrowed for the payment of such expenses and interest thereon shall have been repaid, set apart for the purposes above mentioned, out of the Municipal Fund, an annual sum not less than two hundred and fifty thousand Rupees. If such system of sewerage and drainage has been completed and all the expenses thereof have been defrayed, and all moneys borrowed for the payment of such expenses and interest thereon have been repaid, before the expenses incurred by Government for the construction of the said Vchar Water-works shall have been repaid, the said annual sum of two hundred and fifty thousand Rupees shall be added to the sum of one hundred and seventy-five thousand Rupees directed by the preceding Section to be appropriated annually to the repayment of the expenses of the said works.

IX. The Municipal Commissioner, as hereinafter appointed, shall keep an account of all moneys received and expended on behalf of the Lighting rate, and also of all moneys received and expended on account of the Police rate, apart and distinct from each other and from any other accounts to be kept under this Act.

X. All money received by the Justices in respect of the Municipal Fund, and all fines, fees, and penalties levied by them or their Officers under this Act shall be lodged with the Bank of Bombay or such other Bank as may hereafter be appointed to conduct the business of Her Majesty's Treasury in Bombay. All expenses to be incurred and paid for by the Municipal Commissioner under this Act shall be discharged out of the Municipal Fund, and all orders or cheques against the said Fund shall be signed by the Municipal Commissioner, and countersigned by the Controller of Municipal Accounts, and it shall be lawful for the said Bank to pay all orders or cheques against the said Fund which are signed and countersigned as aforesaid.

XI.

*MUNICIPAL OFFICERS.*

XI. The entire executive power and responsibility for the purposes of this Act shall be vested in one Commissioner, who shall be appointed by the Governor in Council, for a term of three years, and shall be eligible for re-appointment, provided that he shall always be removeable from office by the Governor in Council for misconduct, or neglect of, or incapacity to perform, his duty, or at the recommendation of not less than two-thirds of the Justices of the Peace, present at a Special General Meeting of the Justices.

Appointment of a Commissioner as Executive Officer for the purposes of the Act.

XII. The said Commissioner shall be styled "Municipal Commissioner for the City of Bombay." He shall receive such allowances out of the Municipal Fund, to be raised under this Act, as shall from time to time be fixed by the Justices: Provided that these allowances shall not be less than three thousand Rupees a month. He shall not hold any other appointment, nor follow any other occupation, and shall devote his whole time and attention to the duties of his office.

Designation and remuneration of the Commissioner.

XIII. The Governor in Council shall also appoint a Controller of Municipal Accounts, who shall generally supervise the receipts and disbursements of the Municipal Fund, and shall have charge of all Municipal Accounts. The Controller's countersignature shall be necessary upon all cheques drawn against the Municipal Fund, and he shall have power to correspond direct with the Justices and with the Governor in Council: Provided that should he refuse his countersignature to any cheque drawn by the Commissioner, he shall be bound to report the same with full reasons within six hours to the Justices, and to the Governor in Council. The Controller shall be appointed for a term of three years and shall be eligible for re-appointment, provided that he shall always be removeable from office by the Governor in Council for misconduct, or neglect of, or incapacity to perform, his duty, or at the recommendation of not less than two-thirds of the Justices of the Peace, present at a Special General Meeting of the Justices. The said Officer shall receive such allowances out of the Municipal Fund as shall from time to time be fixed by the Justices: Provided that these allowances shall not be less than one thousand

five hundred Rupees a month. He shall not hold any other appointment and shall devote the whole of his time and attention to the duties of his office.

XIV. The Governor in Council shall also appoint an Executive Engineer, who shall be in all things under the immediate orders of the Municipal Commissioner. The said Officer shall be appointed for a term of three years, and shall be eligible for re-appointment, provided that he shall always be removeable from office by the Governor in Council for misconduct, or neglect of, or incapacity to perform, his duty, or at the recommendation of not less than two-thirds of the Justices of the Peace, present at a Special General Meeting of the Justices. The said Officer shall receive such allowances out of the Municipal Fund of Bombay as shall from time to time be fixed by the Justices: Provided that these allowances shall not be less than two thousand Rupees a month. The said Officer shall not hold any other appointment, and shall devote the whole of his time and attention to the duties of his office.

XV. The Governor in Council shall also appoint a proper person, being a legally qualified Medical Practitioner, to be and to be called the Consulting Officer of Health, who shall be appointed for a term of three years, and shall be eligible for re-appointment, provided always that he shall be removeable by the Governor in Council for misconduct, neglect of, or incapacity to perform, his duty, or at the recommendation of the Commissioner, or of the Justices; and he shall afford such advice to the Commissioner for the sanitary improvement of the City of Bombay as his experience and observation may indicate. The said Officer shall not be precluded from holding any other appointment or office which may not interfere with the performance of his duty as aforesaid, and he shall receive a salary of not less than five hundred Rupees a month from the Municipal Fund.

XVI. The Commissioner may, from time to time, appoint such Assistant Commissioners, Collectors of Taxes, Assessors, Overseers, Clerks and subordinate Officers and servants as he shall think necessary and proper to assist in the execution

Assessors, Overseers, Clerks, and subordinate Officers and servants.

tion of this Act, and may, from time to time, remove any of such persons and appoint others in their place; and out of the Municipal Fund he may, with the sanction of the Justices at a Special General Meeting, pay such allowances to the said persons respectively as he shall think reasonable, or in case of absence on leave, such portion thereof, as is hereinafter provided: Provided that no office shall be created, nor any person removed from any office, the monthly salary of which in either case exceeds three hundred Rupees, without the sanction of the Justices at a Special General Meeting.

XVII. Every Collector of Taxes, Assessor, Overseer, and Clerk, and other Officer appointed by or acting under the authority of the Municipal Commissioners under Act XXV. of 1858, and not acting contrary to the provisions of this Act, shall hold and enjoy his office and employment together with the salary or emolument thereunto annexed, until he shall be removed therefrom by the Commissioner or by the Justices at a Special General Meeting. Every such Collector of Taxes, Assessor, Clerk, and Officer shall have the like power and authority for the purposes of this Act, and for carrying the same into execution, and shall be subject and liable to the like pains and penalties, and to the like power of removal, in all respects, as if he had been appointed by virtue of this Act.

Officers under present Municipal Commissioners to hold office until removed by the Commissioner or the Justices.

XVIII. It shall be lawful for the Justices, at a Special General Meeting, to grant such leave of absence to any Officer appointed under this Act as shall to them seem proper, or to delegate such power to the Commissioner, and in the case of any Officer so appointed to make fit arrangements for the duties of his office, during his absence on leave: Provided that, in any case in which leave of absence shall be granted to the Municipal Commissioner, Executive Engineer, Officer of Health, or Controller of Municipal Accounts, the sanction of the Governor in Council shall be requisite, and the Governor in Council shall make fit arrangements for the duties of such Officers. Any person appointed under this Section to act for any Officer shall, while so acting, have all the powers, and be liable

Justices to grant leave of absence, &c. Sanction of Government required in certain cases.



Acting Appoint- to all the restrictions, limitations, and provisions which  
ments. such Officer for whom he may be appointed to act  
would, under this Act, have or be liable to.

XIX. The Commissioner shall, with the sanction of the Justices and of  
the Governor in Council, in the manner hereinafter provided,  
Officers during Allowances during absence on leave. make bye-laws authorising or restricting the payment to  
Officers of allowances during absence on leave granted under the last preceding  
Section: Provided that, in the case of Officers appointed by the Governor in  
Council under this Act, the Governor in Council shall fix the allowance to be  
paid during such absence on leave as shall to him seem proper; and provided  
that no greater expenditure from the Municipal Fund shall be in any case  
incurred in the whole, by reason of any such allowance, than would have been  
incurred had no leave been granted.

XX. *Clause 1st.*—No Municipal Commissioner, or other Officer or servant  
appointed under this Act, shall be in any wise concerned or  
Officers not to be concerned in contracts made with the Justices. interested in any work or contract made with, or executed  
for, the Justices; and if any such Officer or servant be so  
concerned or interested, he shall be incapable of holding his  
present or any future office or employment under the Justices, and shall in  
addition forfeit and pay to the Justices the sum of one thousand Rupees, which  
may be recovered by suit by the Justices with full costs of suit: Provided that  
no person, being merely a shareholder of any Joint Stock Company established  
by or under the provisions of any Act of Parliament, or of  
the Government of India, or by Charter, shall be prevented  
Proviso. from being employed as Municipal Commissioner, Officer, or servant, by reason  
of any contract between such Company and the Justices, or of any work  
executed by such Company.

*Clause 2nd.*—Every Municipal Commissioner, Controller of Municipal  
Accounts, Executive Engineer, Officer of Health, and As-  
Municipal Officers and servants held to be public servants within the meaning of the Penal Code. sistant Commissioner, or other servant appointed under this  
Act, shall be held to be a public servant within the meaning  
of Section 21 of THE INDIAN PENAL CODE.

XXI. The Municipal Commissioner shall, out of the Municipal Fund, provide and keep an office within the City and shall, at such office, and during all days of business, keep open a book in which shall be entered all complaints made orally or by letter by any inhabitant, or the owner or the occupier of any house, building, or land within the City, of any matter cognizable by the said Commissioner, and the Officer authorized by the Commissioner for that purpose shall forthwith inquire into the truth of all such complaints, and report thereon to the Municipal Commissioner; and such report shall be entered in the said book; and such book shall be open at all reasonable times to any complainant, inhabitant, or owner or occupier of land within the limits of the City, who shall be at liberty to take copies of the same on payment of such fees as the Commissioner shall, by any bye-law made in the manner hereinafter provided, direct.

Municipal Commissioner to provide an office, and keep a book for entry of complaints.

#### MODE OF TRANSACTING BUSINESS.

XXII. There shall be four Quarterly Meetings in every year, at which the Justices shall meet for the transaction of general business, and it shall be necessary to give notice of the business to be transacted at such Meetings. The Quarterly Meetings shall be held on the first Monday in the months of January, April, July and October, or as soon after as shall seem expedient to the Chairman of the Justices. Notice of the business to be transacted at such Meetings shall be published in the *Government Gazette*, and in at least one of the daily English newspapers, and in two Vernacular newspapers published in Bombay, at least seven days before the Meeting.

Time for holding Quarterly Meetings.

XXIII. The Chairman of the Justices may, whenever he thinks fit, and shall, upon a written requisition signed by any five Justices, call a Special General Meeting of the Justices. Previously to any such Meeting being held, at least seven days' clear notice, specifying the time and place of such intended Meeting, and the purpose for which it is to be held, shall be given by advertisement in the *Government Gazette*, and in at least one of the daily English newspapers, and in two Vernacular newspapers published in Bombay.

Special Meetings may be called.

General Meetings may be called.

XXIV.

XXIV. No business shall be brought before or transacted at any Meeting, other than the business specified in the notices given under the two preceding Sections: Provided always that any Justice may submit to a Meeting any Resolution beyond the matters mentioned in the notice given of such Meeting, if he shall have given previous notice of his intention to do so, by leaving a copy of the Resolution at the office of the Clerk of the Justices of the Peace, to be published in at least one of the daily English newspapers and in two Vernacular newspapers in Bombay, not less than four days before the said Meeting.

What business to be transacted at Meetings.

XXV. All acts authorized or required to be done by the Justices, and all questions which may come before them for decision, shall, save as is herein otherwise provided, be done and decided by a majority of the Justices present and voting at any Quarterly or Special General Meeting before which the matter may be brought.

All questions to be decided at Meetings by majority of votes.

XXVI. The Chairman of the Justices shall preside at every such Meeting, and shall have a second or casting vote in all cases of equality of votes. In the absence of the Chairman, the Justices present at any Meeting shall choose some one of their number to preside, who shall for that Meeting have all the power of the Chairman. The President of any Meeting at which a quorum of the Justices shall be present, may, with the consent of the Meeting, adjourn the Meeting from time to time and from place to place; but no business shall be transacted at any adjourned Meeting, other than the business left unfinished at the Meeting from which such adjournment took place.

Who to preside at Meetings of the Justices.

XXVII. No business shall be transacted at any Meeting unless a quorum of Justices be present; that is to say, unless at least seven Justices be present at a Quarterly Meeting, and unless at least twenty-five Justices be present at a Special General Meeting: Provided always that, if at any Meeting of the Justices there shall not be a sufficient number of Justices present to form a quorum, the President (whether he be the Chairman of the Justices or not) shall adjourn the Meeting to such convenient time and place as he shall think fit, and the business which would

What shall constitute a quorum.

would have been brought before the original Meeting had there been a quorum present, shall be brought before, and disposed of by the adjourned Meeting in the usual manner, whether there be a quorum of Justices present at such adjourned Meeting or not.

XXVIII. Minutes of the proceedings of all Meetings of the Justices shall be drawn up, and fairly entered in a book to be kept for that purpose, and shall be signed by the President after each Meeting; and the said Minutes shall, at all reasonable times, be open at the office of the Clerk of the Justices of the Peace to the inspection of any Justice without charge, and of any other person on payment of a fee of eight annas.

Minutes of Proceedings of Justices to be kept, and to be open for inspection.

XXIX. At any Special General Meeting, unless a poll be demanded by at least five Justices of the Peace, and at any Quarterly Meeting, unless a poll be demanded by at least three Justices of the Peace, a declaration by the President that a Resolution has been carried, and an entry to that effect in the book of Proceedings of the Justices, shall be sufficient evidence of the fact, without proof of the number or proportion of the votes recorded in favour of, or against, such Resolution.

Declaration of President that a Resolution has been carried sufficient, unless poll be demanded.

XXX. If a poll be demanded as in the last preceding Section mentioned, or be taken at any Meeting of what kind soever, the votes of the Justices of the Peace present shall be taken by the President, each being called on to vote in order of seniority on the roll of the Justices of the Peace, and the result of such poll shall be deemed to be the Resolution of the Justices at such meeting.

Poll how to be taken.

#### *MODE OF ENTERING INTO CONTRACTS.*

XXXI. *Clause 1st.*—The Municipal Commissioner may, on behalf of the Justices, enter into any such contracts as may be necessary for carrying into execution any works or duty provided for in the Budget previously sanctioned, or for which he has authority under this Act, and every such contract on behalf of the Justices may be made

The Commissioner may enter into contracts for works provided for in the Budget. Mode of making contracts.

as follows (that is to say):—(1) Any contract which, if made between private persons, would by law be required to be in writing, and, if made according to English law, to be under seal, may be made on behalf of the Justices in writing under the common seal of the Justices, and such contract may in the same manner be varied or discharged. (2) Any contract which, if made between private persons, would be by law required to be in writing and signed by the parties to be charged therewith, may be made on behalf of the Justices in writing signed by the Municipal Commissioner, and such contract may in the same manner be varied or discharged. (3) Any contract, which, if made between private persons, would by law be valid, although made verbally only and not reduced into writing, may be made verbally on behalf of the Justices by the Municipal Commissioner, and such contract may in the same way be varied or discharged. And all contracts made according to the provisions herein contained shall be effectual in law, and shall be binding upon the Justices and their successors and all other parties thereto, their heirs, executors, administrators or representatives, as the case may be.

*Clause 2nd.*—Provided always that the Municipal Commissioner, with the sanction of the Justices, may compound with any contractor or other person in respect of any penalty incurred by reason of the non-performance of any contract entered into as aforesaid, whether such penalty be mentioned in any such contract, or in the bond, or otherwise, for such sums of money or other recompense as to the Justices may seem proper.

XXXII. Before any contract to the amount of ten thousand Rupees or upwards for the execution of any works directed or authorized by this Act to be done by the Commissioner, or for furnishing materials, or for any other things necessary for the purpose of this Act shall be entered into by the Commissioner, ten days' notice at the least shall be given in at least one of the daily English newspapers and in two of the Vernacular newspapers circulating in Bombay, expressing the purpose of such contract, and inviting any person willing to undertake the same to make proposals for that purpose to

the

Mode of entering  
into contracts amount-  
ing to 10,000 Rs. or  
more.

the Commissioner, and the Commissioner shall accept the proposals which, upon a view of all the circumstances, shall appear to him to be the most advantageous, and shall take security for the due and faithful performance of every such contract, and the Commissioner shall also, within a reasonable time after any such contract has been entered into, notify the same to the Justices, in a tabulated form, showing the parties thereto, the price, rates, duration, and time of performance thereof, and any other material particulars relating to such contract, and every contract for the execution of any work whether to the amount of ten thousand Rupees or less shall be in writing, and shall specify the work to be done, and the materials to be furnished, and the price to be paid for the same, and the time or times within which the work is to be completed, and the penalties to be suffered in case of the non-performance thereof.

*ESTIMATES OF INCOME AND EXPENDITURE,  
AND AUDIT.*

XXXIII. At a Special General Meeting of the Justices, to be held under

The Commissioner to submit an annual Budget of Income and Expenditure to the Justices.

this Act in the month of October in each year, the Municipal Commissioner shall lay before the Justices a Budget or Estimate, prepared by him, of the income and expenditure of the Municipality for the year commencing on the 1st of January then next succeeding, in such detail and form as the Justices shall, from time to time, by order passed at a Special General Meeting, direct: Provided always that such Budget shall be completed and printed, and a copy thereof sent by post or otherwise to each of the Justices of the Peace resident within the City, and published in the *Government Gazette*, at least seven days prior to the Meeting before which the Budget is to be laid.

XXXIV. The Budget shall show what expenditure it is proposed to incur during the period to which it relates, and the manner in which it is proposed to meet such expenditure.

Budget of Expenditure.

XXXV. It shall be in the discretion of the Justices to pass, or to reject, or to modify, all or any of the items entered in the Budget, provided that no modifications are made which are inconsistent with the provisions of this Act. No new work

Revision and passing of estimates. No new work, not budgeted for, the esti-

or

mated cost of which exceeds Rs. 500, to be commenced without the sanction of the Justices.

or series of works, not provided for in the Budget, the estimated cost of which shall exceed five hundred Rupees, shall be commenced without the sanction of the Justices previously obtained.

XXXVI. The accounts of the receipts and expenditure of the Municipal Commissioner on behalf of the Justices shall be audited and examined once every year, at the least, at such time and by such Auditors as shall from time to time be appointed by the Justices. For the purposes of any audit and examination of accounts under this Act, the Auditors may, by summons in writing, require the production before them of all books, deeds, contracts accounts, vouchers, and all other documents and papers which they 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 them at any such audit and examination, or adjournment thereof, and to make and sign a declaration with respect to the same; and if any such person neglect or refuse so to do, or to produce any such books, deeds, contracts, accounts, vouchers, documents, or papers, or to make or sign such declaration, he shall be liable, for every neglect or refusal, to a penalty not exceeding one hundred Rupees. All Auditors acting under this Act shall, in respect of each audit, be paid out of the Municipal Fund such reasonable remuneration as

Proviso.

the Justices shall, from time to time, determine: Provided that always before each audit and examination of accounts

under this Act the Municipal Commissioner shall give ten days' notice of the time and place at which the same will be made, by advertisement in the *Government Gazette*, and in at least one of the daily English newspapers, and in two Vernacular newspapers, published in Bombay, and a copy of the accounts to be audited and examined shall be deposited in the office of the Commissioner, and be opened during office hours thereat to the inspection of all persons interested, for seven days before the audit and examination; and all such persons shall be at liberty to take copies of, or extracts from the same, without the payment of any fee; and within fourteen days after the audit and examination shall have been completed, the Auditors shall report upon the accounts audited and examined, and shall deliver such report to the Justices

at

at a Meeting, who shall cause the same to be deposited in the office of the Commissioner, and to be published in the *Government Gazette*, and in some one or more of the said newspapers.

*LEVY OF RATES AND TAXES.*

XXXVII. It is hereby enacted that any sum of money, which would have become due from any owner or occupier in respect of the assessments due under any previous Act, may be levied and recovered by the Municipal Commissioner in like manner as the same might have been levied and recovered if this Act had not been passed, unless the Justices shall impose and levy any other rate under the provisions of this Act as hereinafter provided.

Rates due under any previous Act may be recovered by the Commissioner.

XXXVIII. At the Special General Meeting, to be held in accordance with Section XXXIII., the Justices shall fix the rates at which such rates and taxes as are leviable under this Act shall be levied for the year commencing on the first day of January next ensuing. The rates and taxes so fixed shall not be altered before the next succeeding month of October.

Rates and taxes to be fixed at the Special General Meeting in October in each year.

*TAXES ON CARRIAGES, HORSES, PONIES AND MULES.*

XXXIX. A tax shall be levied on all carriages, carts, hackeries, horses, ponies, and mules, kept within the said City, and upon all carts and hackeries plying for hire within the said City, or let for hire and used within the said City, and kept at any place beyond the limits thereof, at the rates specified in Schedule (A), and shall be payable quarterly by the owners or persons having charge of the same: Provided that the Justices may reduce, alter, or modify this tax, as they may deem

Tax on Carriages, &c.

Proviso. fit, but may not increase the rates specified in the said Schedule, and provided that this Section shall not apply to or include gun-carriages, or Ordnance carts, or waggons, Artillery and Cavalry horses, or horses of the Mounted Police, or the respectively authorized number of horses belonging to Officers doing Staff, Regimental, or other duty at the Presidency, of vehicles, horses, ponies, or mules belonging to the Government, or to the



Corporation of the Justices of the Peace for the City of Bombay, or vehicles kept for sale, and not used for any other purpose, if kept by *boná fide* dealers in such vehicles: Provided also that, with the exception of labour-carts, all conveyances licensed under (Bombay) Act VI. of 1863, and all animals *boná fide* kept for drawing such conveyances, shall be subject only to one-half of the rates chargeable in respect of such conveyances or animals.

XL. Every person who may have owned or had charge of any vehicle or animal kept within the said City for any portion of a quarter, shall be liable for the whole tax of that quarter: Provided that in case any such person has kept or had charge of any vehicle or animal for a period less than thirty days, the Commissioner shall remit two-thirds of the tax for the quarter.

Possession for a part of a quarter involves liability for the whole quarter.

Proviso.

XLI. If a carriage shall have been under repair at a carriage-maker's for the whole period contained in any quarter, no tax shall be leviable in respect of such carriage for that quarter.

Carriages under repair.

XLII. The Commissioner may compound, for any period not exceeding one year, with livery stable-keepers and other persons keeping carriages and horses for hire, for a certain sum to be paid for the carriages and horses so kept by such persons in lieu of the taxes specified in Schedule (A).

Commissioner may compound with livery stable-keepers and others.

XLIII. The Commissioner shall, from time to time, cause to be prepared and entered in distinct columns in a book, to be kept at the Office of the Commissioner, and to be open to the inspection of any persons interested therein, a list of the persons liable to the payment of such taxes, a description of the vehicles and animals in respect of which they are liable, and the amount of the taxes assessed thereon.

List of persons liable to the tax to be entered in a book.

XLIV. In order to enable the Commissioner to make such list, the Commissioner, or any Officer authorized by him, shall send to all persons, supposed to be liable to the payment of such taxes a Schedule to be filled up with such information respecting the

Returns may be required for the purpose of making a list.

the vehicles and animals kept by them as the Commissioner may judge necessary for the assessment of the taxes. The Schedule shall be filled up in writing and signed and dated, and returned to the office of the Commissioner by every person to whom it has been sent, whether or not liable to the payment of such taxes; and whoever refuses, neglects, or omits duly to fill up and return such Schedules within one week from the receipt thereof, or knowingly gives therein any incorrect or false return, shall be respectively liable, on conviction, before a Magistrate, to the penalties provided by Sections 176 and 177 of THE INDIAN PENAL CODE.

XLV. It shall be lawful for the Commissioner, or any person or persons appointed by him for that purpose, at any time, between sunrise and sunset, to enter and inspect any stable or coach-house, or any place wherein he may have reason to believe that there is any vehicle or animal liable to taxation under Section XXXIX. of this Act; and the Commissioner may summon any person whom he has reason to believe to be liable to the payment of any tax under the last mentioned Section, or any servant of such person, and may examine such person or servant as to the number and description of the horses and carriages in respect of which such person is liable to be taxed.

Power to inspect stable, &c., and to summon persons liable to the payment of the tax.

XLVI. Whoever on being summoned under the preceding Section fails, without lawful excuse, to appear in pursuance of the summons, shall be liable, on conviction before a Magistrate, to the penalty provided by Section 174 of THE INDIAN PENAL CODE; and whoever hinders or obstructs the Commissioner, or any person appointed by him as aforesaid, from entering or inspecting or leaving any such stable, coach-house, or place, shall be liable, on conviction before a Magistrate, to the penalty provided by Section 186 of the aforesaid Code for obstructing a public servant.

Penalty for disobeying summons, or hindering the Commissioner.

### *RATES ON HOUSES, BUILDINGS, AND LANDS, AND LIGHTING RATE.*

XLVII. An annual rate of five per centum of their annual value shall be levied upon houses, buildings, and lands in the said City, and shall be payable by the owners thereof in quarterly instalments: Provided that it shall be lawful for

Rate on houses and lands.

for the Governor in Council, on a resolution passed by the Justices at a Special General Meeting, to fix, from time to time, in lieu of the said annual rate of of five per centum, any higher annual rate not exceeding ten per centum. Any rate so fixed shall be published in the *Government Gazette* before the commencement of the year in which such rate is to have effect.

XLVIII. In estimating the annual value of any houses or buildings liable to be rated under Section XLVII. of this Act, whenever the owner of any such houses or buildings lets the same to any tenant who sublets the same at a higher rent than he pays to such owner, such owner shall only be liable to be rated under Section XLVII. upon the gross amount of rent which he is entitled to receive from such tenant, and as to difference between such last mentioned rent and the gross amount of rent payable to such tenant by his sub-tenant or sub-tenants, such tenant shall, for the purposes of being rated under Section XLVII., be deemed to be the owner.

Annual value of house how to be estimated for the purposes of the preceding Section when the house is sublet for higher rent than is received by the owner.

XLIX. Buildings exclusively devoted to public worship or charitable purposes, and buildings owned by Government, or by the Corporation of the Justices of the Peace for the City of Bombay, shall be exempt from the rate.

Exemptions.

L. When any house shall have been vacant for sixty consecutive days during any year, the Commissioner shall remit so much of the rate for that year as may be proportionate to the number of days the said house may have remained unoccupied: Provided that the owner of such house, or his agent, shall have given notice in writing of the vacancy thereof to the Commissioner; and that the amount of rate to be remitted shall be calculated from the date of the delivery of such notice.

Remission on account of vacant houses.

Proviso.

The Commissioner shall provide lamps, lamp-posts, and such other means as he may deem necessary for lighting such of the public streets as he shall consider to require lighting, and shall cause the said lamps to be kept in fit order, and shall employ a sufficient number of persons to cleanse, prepare, and light the same, and

Lighting of public streets.

and shall also, from time to time, increase or otherwise alter the number and situation of the said lamps, as to him shall appear necessary.

LII. To provide for the lighting of the public streets of the City by gas, the Justices may, as soon as gas can be provided for the same or any part thereof, levy an annual lighting rate upon the occupiers of all houses, buildings, and lands in the City, and such rate shall be payable by such instalments and at such times as the Justices shall direct, and shall be assessed and levied in the manner hereinafter mentioned :  
 Provided always that such annual lighting rate shall not exceed two per cent. of the annual value of the said houses, buildings, and lands, estimated as hereinafter mentioned.

LIII. The Commissioner shall, as soon as gas can be provided, cause the public streets of the City to be sufficiently lighted therewith, and the sum applicable annually to the current expenses of so lighting the said streets shall be the gross proceeds of the said lighting-rate and no more ; but the Commissioner may expend out of the Municipal Fund such further sums as may from time to time be requisite for the purchase, setting up and maintaining of lamps, lamp-posts, pipes and other necessary apparatus.

LIV. Every occupier shall be liable to the lighting-rate for the time of his occupation ; and when any person shall have been an occupier for a part only of any quarter, the Commissioner shall charge him with only so much of the rate for that quarter as may be proportionate to the number of days during which he shall have continued to be an occupier : Provided that buildings exclusively devoted to public worship or charitable purposes, and buildings occupied for public purposes by Government or the Corporation of the Justices of the Peace for the City of Bombay, and Government buildings occupied by European and Native Officers and Soldiers in the service of Her Majesty doing Regimental duty in the Garrison of Bombay, shall be exempt from the rate.

LV. When any house, or building, or any land is unoccupied, or is let by the owner in apartments, flats, or portions, the owner shall be liable to pay the lighting-rate instead of the occupiers.

**LVI.** When any person rents any house or building or any land from the owner thereof, and sub-lets the same in apartments, flats, or portions, such person, for the purpose of the lighting rate, shall be held to be the occupier.

*Occupiers sub-letting to be liable.*

**LVII.** If, during the course of any quarter, the Commissioner shall have reason to believe that any person who, if the current quarter had come to an end, would be liable to pay the house-rate or the lighting rate for that quarter is about to remove from the City forthwith, it shall be lawful for the Commissioner to declare such person liable to the immediate payment of the said rates or any of them from the commencement of that quarter up to the date of such declaration, and the amount of such rate, from such time due from such person shall be leviable forthwith, in like manner and in all respects as the said rates are in ordinary cases leviable.

*Any person liable to any rate, leaving the City during a quarter, may be made at once to pay such rate up to date.*

**LVIII.** The estimated gross annual rent at which the houses, buildings, and lands liable to the rates aforesaid might reasonably be expected to let from year to year, after deducting from such rent ten per cent. in lieu of all allowances for repairs or otherwise, shall, for the purposes of the said rates, be held and deemed to be the annual value of such houses, buildings, and lands. The value of a house or building so estimated shall not include the value of any machinery contained therein.

*Annual value how to be ascertained.*

**LIX.** For the purpose of such assessment as aforesaid, the Commissioner shall, from year to year, cause a valuation to be made of all houses, buildings, and lands liable to the said rates; such valuation estimated as hereinbefore provided shall be entered in a book, to be kept in the Office of the Commissioner, and to be called "the Assessment Book," wherein shall also be written in such form as the Commissioner shall direct, the name of the owner of the property, or if the occupier, and not the owner, is the person liable to pay the rate, the name of the occupier, a designation of the property, either by name or number, sufficient to identify the same, together with the name of the street or district in which such property is situate, and the amount of the rate assessed thereon.

*Valuation to be made and entered in a book.*

LX. The valuation, which, at the date of this Act coming into operation, shall stand entered in the book kept at the Office of the Municipal Commissioners under Section V. of Act XXV. of 1856, shall be taken to be the first valuation made under this Act, until the Commissioner shall have caused a new valuation or a measurement to be made.

Valuation now standing in the book of the Municipal Commissioners to be taken as the first under this Act, till new one be made.

LXI. When the name of the owner or occupier is not known, it shall be sufficient to designate him in the Assessment Book, and also in any notice or other proceeding, under this Act, as "the owner" or "the occupier" of the property on which the rate is assessed, without further description.

Owner or occupier how to be designated if his name be unknown.

LXII. *Clause 1st.* In order to enable the Commissioner to arrive at a fair valuation or measurement of any houses, buildings, or lands liable to the rate, it shall be lawful for the Commissioner to require the owner or occupier of such houses, buildings, or lands, to furnish him with returns of the measurements and of the rent or annual value thereof, and for the like purpose, it shall be lawful for the Commissioner, or any person or persons appointed by him for that purpose, at any time between sunrise and sunset, to enter, and inspect, and measure such houses, buildings, or lands, after having given forty-eight hours' previous notice of such his intention to the occupier thereof.

Returns may be required for purpose of valuation.

Power to enter houses, &c.

*Clause 2nd.* Whoever refuses or fails to furnish the return specified in the preceding Clause for the space of one week from the day on which he shall have been required so to do, shall be liable, on conviction before a Magistrate, to the penalty provided in Section 176 of THE INDIAN PENAL CODE for omitting to furnish information required by law, and whoever knowingly makes a false or incorrect return shall be liable, on conviction before a Magistrate, to the penalty provided in Section 177 of the aforementioned Code for furnishing false information to any public servant, and whoever hinders, obstructs, or prevents the Commissioner, or any person appointed by him as aforesaid from entering, or inspecting, or measuring any such houses, buildings, or lands, shall be liable, on conviction before

before a Magistrate, to the penalty provided by Section 186 of the said Code for obstructing any public servant in the discharge of his public functions.

LXIII. When the valuation under Section LIX. of this Act shall have been completed, the Commissioner shall give public notice thereof, and of the place where the Assessment Book or a copy of the said book may be inspected, by advertisement in the *Government Gazette*, and in at least one of the daily English newspapers, and in two Vernacular newspapers published in Bombay, and also by placards posted up in conspicuous places throughout such district of the Town; and the person in whose custody the Assessment Book may be, shall permit every person claiming to be the owner or occupier of property included in the assessment or measurements, or the agent of such owner or occupier, to inspect the book and to make extracts therefrom without payment of any fee; and every person who does not claim to be such owner or occupier to inspect and make extracts, in like manner, on payment of a fee of one Rupee.

LXIV. The Commissioner shall, at the time and in the manner in the preceding Section mentioned, give public Notice of a day, not being less than fifteen days from the publication of such notice, when he will proceed to revise the said valuation or measurement and assessment; and in all cases in which any property is for the first time assessed, or in which the valuation or measurement of any property previously assessed is increased, shall give special notice thereof to the owners or occupiers of such property. All complaints against such valuation or measurement and assessment shall be made to the Commissioner by application in writing left at his office three days before the day fixed in the said public notice for the revising of the said valuation or measurement and assessment, and upon hearing such complaints, the Commissioner shall make such amendments, if any, in the said assessment and in the Assessment Book as he shall think proper.

LXV. After the complaints have been inquired into, and after the revision of the valuation or measurement and assessment has been completed, the amendments, if any, made in the Assessment Book, shall be authenticated by the signature of the Commissioner, who shall at the same time certify  
 . under

Public notice of valuation to be given.

Notice of time of revising assessment.

After revision the Assessment Book to be authenticated by Commissioner.

under his signature, that no valid objection has been made to the valuation or measurement and assessment in the said book entered, except in the cases in which amendments have been made, as shown therein, and thereupon, and subject to such alterations and amendments as may thereafter be duly made, the rate so assessed shall be deemed to be the rate for the whole year for which the assessment is made, and such year shall be from the first day of January.

Rate assessed to be deemed the rate for the whole year.

LXVI. Provided always that the Commissioner, upon the representation of parties or other information, may, at any time, amend the Assessment Book by inserting therein the name of any person whose name ought to be so inserted, or any property liable to the rate, or by striking out the name of any person or any property not liable to the rate, or by reducing the amount of the rate; and in all cases in which any property is inserted as liable to the rate, the amendment shall be considered to have been made at the time when the person interested first received notice thereof.

Alteration or amendment of assessment.

LXVII. It shall not be necessary to prepare a new Assessment Book every year, but the Commissioner may adopt the valuation, measurement, or assessment contained in the book for the preceding year, with such alterations as may, in particular cases, be deemed necessary, as the valuation, measurement, or assessment for the year following: Provided always, that public notice of such valuation and assessment shall be given in the manner prescribed in Section LXIII. of this Act; and the provisions of the said Section, and of the three following Sections shall be applicable to the valuation and assessment, and to the book or books in which it is contained.

New Assessment Book need not be prepared Yearly.

Proviso.

LXVIII. Appeals against any rate or tax assessed under the provisions of this Act shall be heard and determined in the City of Bombay by the Court of Petty Sessions. But no such appeal shall be heard unless the amount of the rate or tax has been deposited with the Commissioner; and no appeal against a rate assessed by the Commissioner under Section LXV. shall be heard, unless complaint has been previously made to the Commissioner as hereinbefore provided.

Court of Petty Sessions to hear appeals.



**LXIX.** Every such appeal shall be commenced within ten days after the accrual of the cause of complaint, which shall, in respect of any rate, be deemed to accrue on the date of the Certificate of the Commissioner in the Assessment Book, or, in case of any subsequent amendment of the said book under the provisions of Section LXVI., upon the receipt by the person aggrieved of notice of such amendment; and in respect of any tax, the cause of complaint shall be deemed to accrue upon the receipt by the person aggrieved of a bill for the sum claimed from him.

**LXX.** The assessment by the Commissioner of any rate or tax when no appeal therefrom is made as hereinbefore provided, and the adjudication of any appeal under Section LXVIII. shall be final and conclusive.

*Assessment, when no appeal is made, to be final. Adjudications under Section 68 also final.*

**LXXI.** When any rate or tax is due the Commissioner shall cause to be presented to the person liable to the payment thereof a bill for the sum due, which shall also contain a statement of the period, and a description of the property or thing for which the rate or tax is charged. If the bill be for any tax, it shall also contain a notice of the time within which an appeal against such tax may be preferred.

*Bill to be presented.*

**LXXII.** If the bill is not paid by the person liable to pay the same within five days from the presentation thereof, the Commissioner may cause to be served upon him such a notice of demand in the form contained in the Schedule (B) to this Act, or to the like effect; and if he do not, within five days from the service of such notice of demand, pay the sum due, or show sufficient cause for non-payment of the same to the satisfaction of the Commissioner, and if no appeal shall have been preferred, such sum with all costs may be levied by distress and sale of the goods and chattels of the defaulter; or if the defaulter be the occupier of any house, building, or land, in respect of which a rate is due, by distress and sale of any goods and chattels found on the premises, under a warrant in the form in the Schedule (C), or to the like effect, to be issued for that purpose by the Commissioner. For every notice of demand under this Section which the Commissioner shall cause to be served upon any person, a fee not exceeding one Rupee, the amount of which shall be in each case fixed.

*Notice of demand.*

*Distress.*

fixed by the Commissioner, shall be paid by such person. Such fee shall be added to the amount of the rate in respect of which the notice is given, and if not duly paid, shall be levied in the same manner as such rate may be levied.

**LXXIII.** The Officer charged with the execution of the warrant of distress shall make an inventory of the goods and chattels seized under any such warrant, and shall at the same time give a notice in writing in the form contained in the Schedule (D) annexed to this Act, to the person in possession thereof at the time of the seizure, that the said goods and chattels will be sold as therein mentioned.

**LXXIV.** If the warrant is not in the meantime discharged or suspended by the Commissioner, the goods and chattels seized shall be sold under the orders of the Commissioner who shall apply the proceeds, or such parts thereof as may be necessary, in discharge of the said arrears and costs, and the surplus, if any, shall be returned on demand to the person in possession of the goods and chattels at the time of the seizure. The fees payable upon distraints under this Act shall be such as are set forth in the Table of Fees in the Schedule (E) annexed to this Act.

**LXXV.** The goods and chattels of any person from whom any rate or tax is due may be distrained, wherever the same may be found, for default in the payment of the money due from such person.

**LXXVI.** If the sum due on account of any rate from the owner of any house, building, or land remains unpaid after notice of demand has been duly served, the Commissioner may demand the amount from the occupier for the time being of such house, building, or land, and on non-payment thereof, may recover the same by distress and sale of any goods and chattels found on the premises; and in such case the occupier may deduct from the next and following payments of his rent the amount which may be so paid by or recovered from him: Provided that no arrear of rate which has remained

Proviso. remained due from the owner of any house, building, or land, for more than one year, shall be so recovered from the occupier thereof.

LXXVII. Instead of proceeding by distress and sale, or, in case of failure to realize, by distress, the whole or any part of the sum due in respect of any rate or tax, the Commissioner may, on behalf of the Justices, sue the person liable to pay the same in any Court of competent jurisdiction.

Commissioner may sue instead or on failure of distress.

LXXVIII. Every notice, schedule, summons, or notice of demand regarding any assessment, rate, or tax, or any money due in respect of the same may be served personally upon the person to whom the same is addressed, or be left at his usual place of abode with some adult male member or servant of his family; or if it cannot be so served, may be put up on some conspicuous part of such place of abode, and shall thereby be deemed to be duly served: Provided that, if the place of abode of the owner of any house, building, or land in respect of which a rate is assessed be unknown, or if the owner of any such house, building, or land be not resident within the limits of the City, every such notice, summons, or notice of demand shall be deemed to be duly served, if put upon some conspicuous part of the house, building, or land in respect of which the rate is assessed.

Proviso.

LXXIX. No assessment and no charge or demand of rate or tax under the authority of this Act shall be impeached or affected by reason of any mistake in the name of any person liable to pay the rate or tax, or in the description of any property or thing liable to rate or tax, or any mistake in the amount of assessment: Provided that the directions of this Act be in substance and effect complied with, and no proceedings under this Act shall be quashed or set aside for want of form in any Court of Justice.

Assessment, &c., not to be impeached for want of form.

LXXX. Whoever wilfully obstructs or molests the Commissioner, or any of his officers or servants in the performance of their respective duties under this Act, shall be liable, on conviction before a Magistrate, to the penalty provided by Section 186 of THE INDIAN PENAL CODE,

Obstruction of Commissioner or his servants.

LXXXI.

*WATER WORKS AND WATER RATES.*

LXXXI. The Vehar Lake in the Island of Salsette and all land adjacent thereto up to the level of the embankment on the southern side thereof, and included within the limits delineated in a plan deposited in the Office of the Secretary to the Government of Bombay, and authenticated by the signatures of the Governor and Members of Council, and marked A, and all the land and other immoveable property which is necessary for the purpose of conveying the water of the said Lake by pipes into the Town of Bombay, and there distributing the same, and which, being the property of Government, has ordinarily been applied to, or employed for, the purposes aforesaid, and which is now vested for a term of 99 years, commencing on the 1st day of July 1863, in the Municipal Commissioners for the Town and Island of Bombay, shall, from and after the day on which this Act comes into operation, be vested for the residue of the said term in the Justices, in trust for the purposes of this Act and subject to the conditions hereinafter provided ; and it shall be lawful for the Governor in Council at the end of the period of 99 years aforesaid to order that the said property shall vest, and the same shall in such case vest in the said Justices on the conditions and for the purposes aforesaid for such further period not exceeding 99 years from the day on which the said term shall expire as shall seem expedient : Provided that

*Proviso.* on the expiration of the said first term of 99 years, or of any further term for which the Governor in Council may have ordered that the said property shall vest in the said Justices, all rights and every power conveyed to the said Justices under this Act shall forthwith cease and determine, and the said property shall revert to and become vested in the Governor in Council as the same were vested in the said Governor in Council before the 1st day of July 1863.

LXXXII. From and after the date when this Act comes into operation, the said Water Works and the business thereof shall be exclusively managed and conducted by the Commissioner, who shall be bound to keep the said Water Works and the property pertaining thereto in good repair and

*Commissioner to manage and maintain the works.*

and effective for the proper purposes of the same, and the Commissioner shall make such extensions, improvements, and alterations in the said Water Works and property as may be necessary, and for such purposes may, with the sanction of the Justices, expend such sums as may be necessary out of the Municipal Fund, subject however to such prohibitions and limitations as the Governor in Council may in any case think fit to prescribe.

LXXXIII. It shall be lawful, whenever the same may be necessary in order to repair, improve, extend, renew, or examine the Lake, conducting pipes, or any other portion of the Water Works aforesaid, for the Commissioner and his servants, having authority either general or special in writing from the Commissioner, at all reasonable times, to enter upon and pass through any land or other property adjacent to the same or in the neighbourhood thereof, in whomsoever such property may be vested, and to convey into and through the said land or other property such materials, tools, and instruments as may be necessary for the purposes aforesaid; and any person obstructing such entrance or passage, or conveyance, shall, on conviction before any Magistrate, be liable to a fine not exceeding fifty Rupees, commutable, if not paid, to one month's simple imprisonment: Provided that all damage done to land or other property by the said Commissioner or his servants in the exercise of the powers by this Section conferred, shall be made good by the Commissioner on behalf of the Justices to the owners of the same.

Access to land and conduits, &c.

Proviso.

LXXXIV. Whereas a sum in excess of the original estimate of twenty-five lakhs of Rupees has been expended in the construction of the Vehar Lake and Water Works, and in purchasing up the interests of the tenants or occupants of the site of the said Lake and Works, and whereas it has been agreed that one-half of all sums so expended in excess of twenty-five lakhs of Rupees shall be defrayed out of the Public revenue, it is hereby enacted that all sums in excess of Rupees forty-five lakhs forty-two thousand three hundred and ninety-four, expended for the Vehar Water Works as aforesaid, shall be held to have been

All sums expended on the Vehar Water Works in excess of a certain sum to be defrayed from Public Revenue. The sum due to Government on account of the Works on the 1st July 1863 how to be paid.

been

been defrayed out of the Public revenue, and that the sum of Rupees thirty-seven lakhs thirty thousand and fifty-three shall be held to have been the sum due to the Governor in Council on account of the said works on the 1st day of July 1863; and the said sum of Rupees thirty-seven lakhs thirty thousand and fifty-three, with simple interest at the rate of four per cent. per annum from the 1st day of July 1863, together with all sums advanced by Government in connection with the said works since the said 1st day of July 1863, with simple interest thereon at the rate of four per cent. per annum, shall be repaid by the Commissioner on behalf of the Justices to the Governor in Council in annual sums as in Sections VII. and VIII. of this Act provided, which annual sums shall be appropriated, first, to the payment of the interest accrued on account of the said sum of Rupees thirty-seven lakhs thirty thousand and fifty-three from the 1st day of July 1863; secondly, to the payment of interest on all sums subsequently advanced as aforesaid, and lastly, to the payment of all sums subsequently advanced as aforesaid, and then to the liquidation of the said principal sum of Rupees thirty-seven lakhs thirty thousand and fifty-three: Provided that all sums received by the Governor in Council on account of the said Water Works, under the provisions of Sections XXX. and XXXI. of Act XXV. of 1858, after the said 1st day of July 1863, and before this Act comes into operation, shall be credited to the said Justices as having been paid on their account and received by the Governor in Council in liquidation of the amount payable as aforesaid by the Commissioner on their behalf, and provided that if the Commissioner shall in any year fail, on behalf of the Justices, to pay to the Governor in Council on or before the 1st day of July, such sums as are in Sections VII. and VIII. of this Act prescribed, and shall, after notice in writing signed by one of the Secretaries to Government, requiring payment of the same, has been served upon him, and has been published in the *Government Gazette* for at least two months, still fail to make such payment on behalf of the Justices, the said Vehar Water Works and all the moveable and immoveable property appertaining thereto hereby vested in the Justices, shall cease so to vest and shall forthwith become vested in the Governor in Council in trust for the purposes for which it was previously vested in the Justices.

**LXXXV.** From and after the day upon which this Act comes into operation, it shall be lawful for the Commissioner with the consent of the Justices and the sanction of the Governor in Council to impose such annual or other periodical water rates for the supply of water from the said Vehar Water Works as may be sufficient for the maintenance, repair, extension, improvement, and other expenses connected with the said works as hereinafter provided, upon the occupiers of houses, wharves, and other structures, and of all works and places whatsoever so supplied with water, and thereafter with the like consent and sanction so to alter the said rates as may be necessary or expedient, and such rates shall be assessed and levied by the Commissioner in like manner as other rates payable under the provisions of this Act.

Water-rates may be levied by the Municipal Commissioner.

**LXXXVI.** It shall be lawful for the Commissioner to supply water to any person from the said Water Works, in such quantities and on such terms and conditions as shall seem fit, and to contract for the supply of such water for any purpose whatever to any person without measurement at a reasonable fixed rate, and all moneys due to the Commissioner on behalf of the Justices on account of any water so supplied shall be recoverable in like manner as the other rates payable under the provisions of this Act.

Commissioner may supply water by measurement and by contract.

**LXXXVII.** Every person liable to the payment of any rate or price to the Commissioner on behalf of the Justices for any water supplied to him from the said Vehar Water Works upon certain conditions as to the use of the same, who shall fraudulently dispose of such water to other persons or for purposes in violation of the said conditions, shall be liable, on conviction before any Magistrate, to a fine not exceeding one hundred Rupees, and in default of payment of such fine, shall be punished with simple imprisonment for a period not exceeding one month.

Penalty for fraudulent disposal of water.

**LXXXVIII.** The Commissioner shall at all reasonable times permit all persons appointed by the Governor in Council on that behalf, to enter upon, and inspect, and take account of all the property by this Act vested, or which, in virtue of the same, may become vested in the Justices; and the persons

Inspection of Works by Government Officers.

so appointed as aforesaid shall be entitled to enter upon and pass through any property adjacent to, or in the neighbourhood of, the said Vehar Lake and Water Works, or any part thereof, subject to the same conditions as the Commissioner, and if from the report of any person appointed as aforesaid it shall appear that the said Lake or Water Works or any portion of the same are not in a sound and effective condition, it shall be lawful for the Governor in Council by notice, under the signature of a Secretary to Government, to call upon the said Commissioner on behalf of the Justices to repair, improve, and make effective the said Lake or Works or portion thereof within such a period as may seem reasonable, and the said Commissioner shall be bound within such period to comply with such requisition, failing which the Governor in Council may immediately, on the expiration of such period, order the said Lake or Works or portion thereof to be repaired, improved, and made effective, in such manner and by such means as shall seem fit, and the Commissioner shall, on behalf of the Justices, in any such case, be bound forthwith to pay to the Governor in Council the cost of the work so performed, in addition to any other sums payable by him on their behalf.

LXXXIX. The Commissioner shall keep accounts of all receipts and disbursements on behalf or by reason of the said Vehar Water Works, apart and distinct from any other accounts, and shall annually present to Government and cause to be published in the *Government Gazette*, a statement of such accounts, and the said accounts shall at all reasonable times be open to examination and audit by any person appointed on that behalf by Government, and if upon the report of the person so appointed it shall appear that the said accounts are falsely, erroneously, or negligently kept, it shall be lawful for the Governor in Council to order the same to be corrected, and to be kept in future with due diligence according to such plan as Government may prescribe, and the Commissioner shall be bound to conform to such order.

XC. If from any such annual report of the Commissioner or any report of an examiner appointed by the Governor in Council as aforesaid, it shall appear that after paying

Disposal of surplus funds. When water rates may be reduced.



to Government the sums due under this Act, and after providing for the repairs and maintenance of the Lake and Water Works and the payment of necessary salaries, there remains in the hands of the Commissioner or his agents, any surplus of moneys received on account of the Water Works leviable under this Act, it shall be lawful for the Commissioner with the sanction of the Justices to expend the same in such extensions and improvements of the said Works and of the apparatus connected therewith as the Governor in Council may sanction, and if such improvements or extensions shall appear to be necessary, it shall be lawful for the Governor in Council to require that the same may be made; and if it shall appear that the surplus, after providing for such payments to Government and for such expenses of repairs and maintenance as aforesaid, has in any year exceeded the sum of fifty thousand Rupees, the Commissioner may, with the consent of the Justices and with the sanction of the Governor in Council, forthwith impose a new scale of rates and prices, so calculated as to reduce the annual receipts on account of the said Water Works, either by the whole amount by which the same exceed the necessary disbursements on account thereof, or by such sum as shall remain after providing for the extensions and improvements which may properly be made out of the said surplus or profits, and in failure thereof the Governor in Council may order such new scale to be made, or may prescribe a new scale calculated as aforesaid, which new scale the Commissioner shall forthwith adopt, and shall thereafter recover such demands only for supplies of water as are in accordance therewith.

XCI. From and after the day upon which this Act comes into operation, it shall not be lawful for any person to erect any building, shed, or other structure, for the purposes of dwelling or manufacture, trade or agriculture, within the limits of the water-shed of the Vehar Lake, as defined in a plan marked B, and deposited in the Office of the Secretary to the Government of Bombay, and authenticated by the signatures of the Governor and Members of Council, or to extend or alter any such structure heretofore existing within the said limits, or to apply the same to purposes different from those to which it has heretofore been usually applied; and it shall not be lawful within the said limits for any person to carry on any operation of manufacture

Building, &c., within the limits of the water-shed prohibited.

manufacture, trade, or agriculture, in any manner whereby any injury may arise to the said Lake, or the waters of the same may be fouled or rendered less wholesome; and any person so offending shall, at the prosecution of the Commissioner, on behalf of the Justices, be liable, on conviction before any Magistrate, to imprisonment of either description for any period not exceeding one month, or to a fine of one hundred Rupees, or to both; and it shall further be lawful for the Magistrate in case of any such conviction as aforesaid, to order the immediate removal of such building or structure, and the discontinuance of such operation or use of the land as aforesaid; and in case of disobedience to remove such structure and to prevent such operation or use, and for any opposition to such removal or other disobedience of such order as aforesaid, the offender shall be liable, in each instance, to imprisonment of either description for any period not exceeding one month, or to a fine of one hundred Rupees, or to both.

XCII. All public tanks, reservoirs, cisterns, wells, aqueducts, conduits, tunnels, pipes, pumps, and other water-works existing at the time this Act comes into operation or afterwards made, laid, or erected, and whether made, laid, or erected at the cost of the Justices or otherwise, and all bridges, buildings, engines, works, materials, and things connected therewith, or appertaining thereto, and also any adjacent land (not being private property) appertaining to any public tank, shall be vested in and belong to the Justices.

XCIII. The Commissioner may cause all existing public tanks, reservoirs, cisterns, wells, aqueducts, conduits, tunnels, pipes, pumps, and other water-works used for the supply of water to the inhabitants, or for the other purposes mentioned in this Act, to be continued, maintained and supplied with water, or he may close up such works and substitute other such works, and may cause them to be maintained and supplied with water; and the Commissioner from time to time, with the consent of the Justices, and of the Governor in Council, may construct aqueducts for bringing water into the Town, and may provide any number of new tanks, reservoirs, cisterns, wells, and other such water-works for the purposes aforesaid.

XCIV.

**XCIV.** No rate shall be charged for the supply of water from any Public wells or tanks free from rate. public well, tank, reservoir or the like, from which the public may or shall ordinarily have drawn water without payment, and the public shall, subject to the Bye-laws authorized under this Act, have free access thereto, and may draw water therefrom without hindrance or payment of any fee whatever.

**XCv.** Injuring water-works, or diverting or wasting water. Whoever wilfully or carelessly injures any water-works belonging to the Justices, or unlawfully draws off, diverts, or takes water from any such water-works; or from any waters or stream belonging to the Justices by which such water-works are supplied, shall be punished with fine which may extend to one hundred Rupees.

**XCVI.** Provision for supply of water in cases of fire. The Commissioner shall cause all necessary works, machinery, engines and assistance for procuring an efficient supply of water in cases of fire, to be provided and maintained, and shall, with the sanction of the Justices, prepare the necessary Bye-laws, and shall, further, with the same sanction, arrange Schedules of salaries and rewards in furtherance of the above object.

### *LICENSE TAX ON PROFESSIONS, TRADES, AND CALLINGS.*

**XCvII.** After 1st January 1866 and until 31st Dec. 1868, persons exercising certain professions, &c., to be licensed. From and after the first day of January 1866 and until the thirty-first day of December 1868, no person within the City shall exercise any of the professions, trades, or callings specified in Schedule (F) to this Act annexed, without a license as hereinafter provided, and every person shall annually pay in advance for the said license the fee specified in the said Schedule (F).

**XCvIII.** Licenses to be granted by the Commissioner. Every license under the preceding Section shall be granted by the Commissioner on behalf of the Justices or by some person duly authorized by him on that behalf, and shall specify the date of the grant thereof, the true name of the person to whom the license is granted; and the sum paid for such license.

**XCIX.**

XCIX. Every license shall have effect and continue in force from the date of the grant thereof until the thirty-first day of December next ensuing, provided that any person to whom such license shall be granted after the 1st day of July of any year for the purpose of newly establishing and exercising any profession, trade, or calling mentioned in the said Schedule, shall pay only one-half of the fee specified therein.

Licenses to be granted annually. Proviso.

C. Every person to whom any license shall be granted, and who shall be desirous of continuing to exercise his profession, trade, or calling, after the expiration of the said license, as in the preceding Section provided, shall take out a fresh license for that purpose for the following year, and shall renew the same from year to year, so long as this license tax shall remain in force, subject to the annual payment of the fee specified in the said Schedule, so long as he shall desire to continue such profession, trade, or calling.

Licenses may be renewed.

CI. The Commissioner shall determine under which of the classes mentioned in the said Schedule every person to whom a license may be granted shall be assessed, and, as soon as may be after the first day of January in every year, the Commissioner shall prepare a list of the persons licensed under this Act, which list shall state the profession, trade, or calling of each of the persons therein named, the class under which he is assessed, and the sum to be paid by him in respect of his license, and such list shall be filed in the Office of the said Commissioner, and shall be freely open to public inspection at all reasonable times.

The Commissioner to determine the class under which a person is to be licensed. Lists of licensed persons to be filed and kept for inspection.

CII. The Commissioner shall send to each person a bill for the amount due from him for license tax, and any person aggrieved by the determination of the Commissioner given under the preceding Section may, within ten days after the receipt by such person of a bill for the license tax claimed from him, appeal against such determination to the Court of Petty Sessions, who shall thereupon hear and determine such appeal, and may award such costs to the appellant or to the Commissioner, and of such amount and in such proportion

Determination of Commissioner may be appealed against to the Court of Petty Sessions.

proportion as it shall see fit, provided that no such appeal shall be heard unless the amount of the license tax mentioned in the bill has been previously deposited with the Commissioner, and unless notice of the intention to appeal has been left at the office of the Commissioner three days before the expiration of the said ten days.

CIII. If after the expiry of three months from the date when any person is, by Sections XCVII. and C. of this Act, required to take out a license or renew the same, such person shall exercise his profession, trade, or calling without having duly taken out a license in accordance with the provisions of this Act, he shall be liable, on conviction before a Magistrate, to a penalty not exceeding three times the amount which in the judgment of such Magistrate would have been payable by such person in respect of a license duly taken out as aforesaid.

Penalty for exercising a profession without a license.

CIV. Any person required by Sections XCVII. and XCVIII. of this Act to take out a license, who shall, without reasonable excuse, neglect or refuse to produce, and show his license when required to do so by an Officer duly empowered in writing by the Commissioner to make such requisition, shall, on conviction before a Magistrate, be liable to a penalty not exceeding one hundred Rupees.

Penalty for refusing to produce license when required to do so.

#### *GENERAL CONSERVANCY OF THE CITY.*

CV. All public streets (not being the property of, and kept under the control of the Government) existing at the time this Act comes into operation, or which shall afterwards be made, and the pavements, stones, and other materials thereof, and also all erections, materials, implements, and other things provided for such streets, shall be vested in and belong to the Justices.

Streets, &c., vested in the Justices.

CVI. The Commissioner, with the sanction of the Justices and of Government, may lay out and make new streets, and may build and construct bridges and tunnels; and may turn, divert, discontinue, or stop up any public street, and may widen, open, enlarge, or otherwise improve any such street, making due compensation from

Power to make and improve streets.

from the Municipal Fund to the owners and occupiers of any land, houses, or buildings which may be required for any such purposes.

**CVII.** In laying out or making any new streets, or in turning, diverting, widening, opening, enlarging, or otherwise improving, any public street, in addition to the land required for the carriage-ways and foot-ways thereof, the Commissioner may, with the sanction of the Justices, also purchase on their behalf the land necessary for the houses and buildings to form the said street, and may, with the like sanction, sell and dispose of the same, with such stipulations and conditions as to the class and description of houses or buildings to be erected thereon, as he shall think fit. Provided that, if any land be taken under the provisions of this Act, compensation shall be made to the owners for any damage which may be done thereby to any adjoining land or buildings of such owner, and such compensation shall, in case of dispute, be ascertained and determined as hereinafter provided.

*Power to take land adjoining new streets for building purposes.*

*Compensation for damage to adjoining land.*

**CVIII.** The Commissioner may, with the sanction of the Justices, agree with the owners of any land for the absolute purchase thereof for the purpose of laying out and making new streets, or of widening, enlarging, or otherwise improving any of the public streets, for any purpose whatever connected with the conservancy or general improvement of the City.

*Power to agree for purchase of land for improving streets.*

**CIX.** When there is any hindrance to the acquisition by purchase of any land or building required for the purposes of this Act, the Governor in Council, upon the application of the Commissioner, and after such inquiry as may be thought proper, may declare that the land or building is needed for a public purpose, and may order proceedings for obtaining possession of the same for Government, and for determining the compensation to be paid to the parties interested, according to any laws now or hereafter to be in force for the acquisition of land for public purposes. And the Governor in Council may vest such land or building in the Justices on their paying the compensation awarded.

*If necessary, land may be acquired under the law for the acquisition of land for public purposes.*

**CX.**

**CX.** The Commissioner, with the sanction of the Justices, may, on their behalf, sell any lands or buildings vested in them by virtue of this Act, or acquired by them for the purposes thereof, either together or in parcels as he may find most convenient and advantageous, and the proceeds of such sale shall be paid to the credit of the Municipal Fund.

**CXI.** Whenever any street, vested in the Justices, shall be discontinued and stopped up under the provisions of Section CVI. of this Act, the Commissioner, with the sanction of the Justices, may, on their behalf, sell the land, or such part thereof, as shall not be required for the purposes of this Act, and the proceeds of such sale shall be paid to the credit of the Municipal Fund.

**CXII.** The Commissioner shall cause the public streets and roads to be maintained and repaired; and from time to time shall cause the same to be paved, metalled, flagged, channelled, sewered, or otherwise improved, and the surface thereof to be raised, lowered, or altered as he may think fit; and shall also make and keep in repair any foot-ways for the use of passengers in any such street or road, and also from time to time place on the sides of such foot-ways or otherwise such fences and posts as may be needed for the protection of foot passengers.

**CXIII.** The Commissioner shall cause the streets, including the foot-ways thereof from time to time to be properly swept and cleansed, and the dust, dirt, ashes, rubbish, and filth of every sort found thereon, to be collected and at once removed.

**CXIV.** The Commissioner may cause any number of moveable or fixed dust-boxes, or other convenient receptacles, wherein dust, dirt, ashes, and rubbish shall be temporarily deposited, until removed and carried away, to be provided and placed in proper and convenient situations, and may require, by beat of battakee, the occupiers of houses in streets to cause all such matters as aforesaid to be deposited, daily or otherwise, periodically in the said receptacles. Every person who, after such

such receptacles have been provided, and after such requisition, as above mentioned, has been made in the street, shall deposit, or cause or permit to be deposited, any such matter in any street, except in such receptacles, shall be punished with fine which may extend to ten Rupees.

CXV. Whoever deposits, or permits his servants to deposit, any dust, dirt, dung, ashes, garden, kitchen, or stable refuse, or filth of any kind, or any animal matter, or any broken glass, or earthenware, or other rubbish, in any street, or on any public quay, jetty, or landing place, or on any part of the sea-shore, whether above or below high water mark, except in such places and in such manner, and at such hours as shall be fixed by the Commissioner, shall be liable to a penalty not exceeding ten Rupees for each offence.

Depositing dirt on streets, &c.

CXVI. Whoever causes or allows the water of any sink or sewer, or any other offensive liquid or other matter from his premises, or being on his land, to run, drain, or be thrown or put upon any street, or to soak through a wall in any street, 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, or allows or causes any water to run on the street, without the permission, in writing, of the Commissioner, shall be punished with fine which may extend to fifty Rupees, and shall also be liable to a further fine of ten Rupees for every day after conviction during which the offence is continued.

Allowing sewage to flow on streets.

CXVII. Whoever, being the occupier of a house in or near any street, keeps or allows to be kept for more than twenty-four hours, or otherwise than in some proper receptacle, any dirt, dung, bones, ashes, night-soil, filth, or any noxious or offensive matter, in or upon such house, or in or upon any out-house, yard, or ground attached to and occupied with such house, or suffers such receptacle to be in a filthy or noxious state, or neglects to employ proper means to remove the filth therefrom and to cleanse and purify the same, shall be liable to a penalty not exceeding fifty Rupees for each offence, and to a further fine of ten Rupees for every day after conviction during which each such offence is continued.

Penalty on occupier of a house for not removing filth.



CXVIII. The Commissioner, from to time time, may fix the hours within which only it shall be lawful to remove any night-soil or other such offensive matter ; and when the Commissioner has fixed such hours and given public notice thereof, by beat of battakee, whoever removes or causes to be removed along any street any such offensive matter at any time, except within the hours so fixed, and also whoever at any time, whether such hours have been fixed by the Commissioner or not, uses for any such purpose any cart, carriage, or other receptacle or vessel not having a covering proper for preventing the escape of the contents thereof or of the stench therefrom, or who wilfully or negligently slops or spills any such offensive matter in the removal thereof, or who does not carefully sweep and clean every place in which any such offensive matter has been slopped or spilled, or who unlawfully places, or sets down in any public place any vessel containing such offensive matter, or who 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 Commissioner by public notice, shall be punished with fine which may extend to twenty Rupees.

CXIX. It shall be lawful for the Commissioner, in furtherance of the last preceding Sections, to give notice to the occupier or occupiers of any house that he will undertake to perform through his agents the duties usually performed by sweepers, and for this purpose to entertain a sufficient number of hallalcores, and it shall be lawful for him to lay a cess upon every house, whose scavengering he may thus undertake to perform, not exceeding that which the inmates might reasonably be called upon to pay for the services of an ordinary sweeper.

CXX. The Commissioner, from time to time, shall provide places convenient for the deposit of the night-soil, dung, and other filth, and the dust, dirt, ashes, and rubbish, collected and removed under the authority of this Act ; and for keeping all cattle, carts, implements, and other things required for the above or any of the purposes

of this Act, and for any of such purposes the Commissioner may, with the sanction of the Justices, purchase or take on lease any land or buildings by him considered necessary, or may cause any new building to be made upon any land to be purchased or hired by him : Provided that no such dust, dirt,

ashes, rubbish, night-soil, dung, and other filth collected and removed under the authority of this Act shall be deposited in the neighbourhood of populous localities nor within the limits of the City of Bombay.

**CXXI.** All dirt, dust, ashes, rubbish, sewerage, soil, dung, and filth, collected from streets, houses, privies, sewers, and cess-pools, shall be the property of the Justices, and the Commissioner shall have power to sell or dispose of the same as he may think proper, and the money arising from the sale thereof shall be paid to the credit of the Municipal Fund.

All rubbish, &c., collected to be the property of the Justices.

**CXXII.** The Commissioner, so far as he may deem requisite for the public convenience, shall cause the public streets to be watered; and for that purpose may provide such works, engines, and establishment as he may think necessary.

Watering streets.

**CXXIII.** Whoever, after this Act comes into operation, builds any wall, or erects or sets up any fence, rail, post or other obstruction or encroachment, in any public street, or deposits or causes to be placed or deposited any box, bale, or package of merchandize, or any other thing in or over any open drain, sewer, or aqueduct along the side of any such street, shall be punished with fine which may extend to one hundred Rupees; and the Commissioner shall have power to remove any such obstruction or encroachment; and the expense of such removal shall be paid by the person erecting or depositing the same, and shall be recoverable as hereinafter provided. Nothing herein contained shall prevent the Commissioner, with the concurrence of the Commissioner of Police, from allowing any temporary erections in any public street on occasions of festivals and ceremonies.

Future obstructions in streets or roads.

Power to remove obstruction.

Temporary obstructions on occasions of festivals, &c.

**CXXIV.**

**CXXIV.** Whoever displaces, takes up or makes any alteration in the pavement, gutters, flags, or other materials, or in the fences or posts of any public street, without the consent in writing of the Commissioner, or without other lawful authority, shall be punished with fine which may extend to fifty Rupees, and shall pay any expense which may be incurred in restoring the street.

**CXXV.** Every person who wishes to make or lay out any new street shall give notice in writing thereof to the Commissioner, such notice to be accompanied by plans and sections showing the intended level, direction and width of such street, and the level, direction and width of every such street shall be fixed or approved by the Commissioner; and whoever lays out, makes, or builds upon any such streets, otherwise than in accordance with the level, directions, and width so fixed or approved, shall be punished with fine which may extend to five hundred Rupees, and the Commissioner may, if he thinks fit, cause any such street laid out or made in a direction, or at a level or width otherwise than in accordance with the level, direction or width so fixed or approved as aforesaid, to be altered, or may cause any building erected in any such street otherwise than in accordance with such level and width, to be altered, or if necessary removed, and the expense thereby incurred shall be paid to him by the offender, and be recoverable as hereinafter provided. If no such level or width be fixed, and no approval or disapproval of the level or width proposed be signified by the Commissioner within one month, the intended street may be laid out and made upon the level, in the direction, and of the width specified in the notice: Provided always that no new street, being a carriage road, shall be laid out and formed of a width of less than thirty-six feet.

**CXXVI.** It shall not be lawful for any person to erect any range or block of huts or sheds, whether to be used as dwellings or stables or for any other purposes, on any plot or parcel of ground not previously built upon, or on which no huts are standing, or to add any hut or huts to any range or block of huts or sheds already existing when this Act comes into operation without previous notice

to

to the Commissioner; and the Commissioner shall require such huts or sheds to be built so that they may stand in regular lines with a free passage or way in front of each line, of such width as the Commissioner may think proper for salutary ventilation, and to facilitate scavenging, and at such a level as will admit of sufficient drainage, and shall require such huts to be provided with a necessary or necessaries which must be maintained in proper order. And if any such huts or sheds be built without giving such notice to the Commissioner, or otherwise than as required by the Commissioner, the Commissioner shall give notice to the builder or builders thereof to take down and remove the same within one month, and if such huts or sheds be not taken down or removed according to such notice, the Commissioner shall cause the same to be taken down and removed, and the expense incurred in doing so shall be paid by the said builder or builders, and shall be recoverable as hereinafter provided.

CXXVII. Whenever the Commissioner is satisfied that any huts or sheds, whether used as dwellings or stables or for any other purposes, and whether existing at the time when this Act comes into operation or subsequently erected, are, by reason of the manner in which the huts or sheds are crowded together, or of the want of drainage and the impracticability of scavenging, attended with risk of disease to the inhabitants or the neighbourhood, he shall cause a notice to be affixed to some conspicuous part of such huts or sheds requiring the owners or occupiers thereof, or at his option the owner of the land on which such huts are built, within such reasonable time as may be fixed by the Commissioner for that purpose, to execute such operations as the Commissioner may deem necessary for the avoidance of such risk. And in case such owners or occupiers shall refuse or neglect to execute such operations within the time appointed, the Commissioner may cause the said huts or sheds to be taken down, or such operations to be performed in respect of such huts or sheds as the Commissioner may deem necessary to prevent such risk. If such huts or sheds be pulled down, the Commissioner shall cause the materials of each hut or shed to be sold separately, if such sale can be effected; and the proceeds shall be paid to the owner of the hut or shed, or if the owner be unknown, or the title disputed, shall be held in deposit by the Commissioner until the person

person interested therein shall obtain the order of a competent Court for the payment of the same. The Court of Small Causes for Bombay shall be deemed a competent Court for that purpose if such proceeds shall not exceed in amount the limit of its jurisdiction: Provided always that in case any huts or sheds existing at the time when this Act comes into operation should be pulled down under this Section, by order of the Commissioner, or in pursuance of his notice, compensation shall further be made to the owner thereof, and the amount thereof in case of dispute shall be ascertained and determined as hereinafter provided.

**CXXVIII.** If any street (not being a public street), or any part thereof, be not levelled, paved, metalled, flagged, channelled, and sewered to the satisfaction of the Commissioner, he may, by notice, in writing, to the respective owners or occupiers of the premises fronting, adjoining, or abutting upon, such parts thereof as may need to be levelled, paved, metalled, flagged, channelled, or sewered, require them to level, metal, pave, flag, channel, or sewer the same within a time to be specified in such notice; and upon non-compliance, the Commissioner may, if he think fit, execute the works mentioned or referred to therein; and the expenses incurred by him in so doing shall be paid by the owners in default according to the frontage of their respective premises, and in such proportion as shall be settled by the Commissioner, or in case of dispute, as shall be settled in the manner hereinafter provided for the settlement of disputes respecting damages and expenses; and such expense shall be recoverable as hereinafter provided: Provided always, that, after such street shall have been so levelled, paved, metalled, flagged, channelled, and sewered, on the requisition of the Commissioner, or by the Commissioner as aforesaid, at the expense of the owners, such owners shall have a right to require that the street shall be declared a public street, to be from time to time repaired by the Commissioner out of the Municipal Fund.

**CXXIX.** If any street (not being a public street) be levelled, paved, metalled, flagged, channelled, and sewered to the satisfaction of the Commissioner, he may, by notice in writing put up in any part of such street, declare the same to be a public street, and thereupon the same shall become a public street, and

Certain streets to be deemed public and repaired by the Commissioner.

and be from time to time repaired by him out of the Municipal Fund :

Provido.                      Provided that no street shall become a public street as last  
aforesaid, if, within one month after such notice in writing,  
the owner of such street, or any one of the owners, shall, by notice in writing  
to the Commissioner, object thereto.

CXXX.    The Commissioner may, upon such terms as he thinks fit,  
allow any house or building to be set forward for improv-  
ing the line of any public street in which such house or  
building is situated.

Houses may be set forward.

CXXXI.    When any house or building, any part of which projects beyond  
the regular line of a public street, or beyond the front of  
the house or building on either side thereof, has, either  
entirely or in greater part, been taken down, burned  
down or has fallen down, the Commissioner may require the same, when being  
rebuilt, to be set back to or towards the line of the street or the line of the  
adjoining houses or buildings, and the portion of land added to the street  
by so setting back the house or building shall thenceforth be deemed part  
of the public street and be vested in the Justices: Provided always, that  
the Commissioner shall make full compensation to the  
owner of any such house or building for any damage he  
may thereby sustain; and if any dispute shall arise touching the amount of  
such compensation, the same shall be ascertained and determined in the  
manner hereinafter provided.

Projecting houses when taken down to be set back.

Provido.

CXXXII.    The Commissioner shall, from time to time, cause to be put  
up or painted on a conspicuous part of such house, build-  
ing, wall, or place at or near each end, corner or entrance  
of every street, the name by which such street is to be known; and who-  
ever destroys, pulls down, or defaces any such name, or puts up any name  
different from that put up by order of the Commissioner, shall be liable to a  
penalty not exceeding twenty Rupees for each offence.

Names of streets.

CXXXIII.    The Commissioner may from time to time fix a number in  
a conspicuous place on the outer side of any house or build-  
ing, or at the entrance of the enclosure thereof fronting  
the

Numbers on houses.

the street, and whoever destroys, pulls down, or defaces any such number, shall be liable to a penalty not exceeding twenty Rupees for each offence.

**CXXXIV.** All ground-floor doors, gates, bars, and windows, put up after this Act comes into operation, which open upon any public street, shall be hung or placed so as not to open outwards except when the same are hung or placed in such manner as, in the judgment of the Commissioner, to cause no obstruction in any such street, and if (except as aforesaid) any such door, gate, bar, or window be hung or placed so as to open outwards on any such street, the owner of the premises to which the same is attached shall, within eight days after notice from the Commissioner to that effect, cause the same to be altered so as not to open outwards, and in case he neglects so to do, the Commissioner may make such alteration and the expense thereof shall be paid by such owners, and shall be recoverable as hereinafter provided.

*Ground-floor doors not to open outwards.*

*Exception.*

**CXXXV.** If any ground-floor door, gate, bar, or window put up before this Act comes into operation is hung or placed so as to open outwards upon any public street, the owner of the premises to which the same is attached shall, within eight days after notice from the Commissioner to that effect, cause the same to be altered so as not to open outwards, and in case he neglects so to do, the Commissioner may make such alteration, and the expense thereof shall be paid by such owners, and shall be recoverable as hereinafter provided.

*Ground-floor doors opening outwards to be altered.*

**CXXXVI.** The owner of every house or building in any public street shall within one month after notice from the Commissioner to that effect, put up and keep in good condition, proper troughs and pipes for catching and carrying the water from the roof and other part of such house or building and for discharging the same in such manner as the Commissioner may direct, so that it shall not fall upon the persons passing along the street; and in default of compliance with such notice within the period aforesaid, such owner shall be liable to a fine, which may extend to ten Rupees for every day that he shall so make default.

*Troughs and pipes to be fixed to houses.*

**CXXXVII.**

CXXXVII. The Commissioner may give notice in writing to the owner or occupier of any house or building to remove or alter any projection, encroachment, or obstruction, which, after this Act comes into operation, shall be erected or placed against or in front of such house or building, if the same overhangs, or juts into, or in any way projects or encroaches upon, or is an obstruction to the safe and convenient passage along any public street, or obstructs, or projects, or encroaches into or upon any uncovered aqueduct, drain, or sewer in such street; and such owner or occupier shall within fourteen days after the service of such notice upon him, remove such projection, encroachment, or obstruction, or alter the same in such manner as shall have been directed by the Commissioner; and in default thereof shall be liable to a fine which may extend to two hundred Rupees; and the Commissioner in such case may remove such projection, encroachment, or obstruction; and the expense of such removal shall be recoverable as hereinafter provided: Provided that, when the expense shall have been paid by the occupier, except in the case in which such projections, encroachments, or obstructions were made or put up by him, such occupier shall be entitled to deduct the expense of removing or altering the same from the rent payable by him to the owner of the house or building.

Proviso.

CXXXVIII. The Commissioner may give notice in writing to the owner or occupier of any house or building to remove or alter any projection, encroachment, or obstruction, which although erected before this Act comes into operation, shall have been erected or placed against or in front of such house or building, if the same overhangs or juts into or in any way projects or encroaches upon any public street, so as to be an obstruction to the safe and convenient passage along such street, or if the same projects or encroaches into or upon any uncovered aqueduct, drain, or sewer in such street so as to obstruct or interfere with such aqueduct, drain, or sewer, or the proper working thereof, and such owner or occupier shall within thirty days after the service of such notice remove such projection, encroachment, or obstruction, or alter the same in such manner as shall have been directed by the Commissioner, and in default thereof



thereof the Commissioner may remove such projection, encroachment or obstruction; and if such projection, encroachment, or obstruction shall have been lawfully made, the Commissioner shall make reasonable compensation to every person who suffers damage by such removal or alteration; and if any dispute shall arise touching the amount of such compensation, the same shall be ascertained and determined in the manner hereinafter provided.

CXXXIX. The Commissioner may give permission in writing to the owners or occupiers of houses or buildings in public streets the width of which is not less than thirty-six feet, to put up open verandahs, balconies, sun-shades, weather-frames and the like, to project from any upper-story thereof over the street to an extent not exceeding four feet beyond the line of the plinth or basement wall.

Projecting verandahs, &c. may be made in streets not less than 36 feet wide.

CXL. The external roof and walls of huts, or other buildings erected or renewed in or near any street after this Act comes into operation, shall not be made of wood, cloth, canvas, grass, leaves, mats, or other such inflammable matters, unless with the consent in writing of the Commissioner, and it shall not be lawful for the owner of any hut or other building in or near any street now having an external roof or wall made of any such material, and which is contiguous to or adjoining to any other building, to suffer such roof or wall to remain for a longer time than one month after this Act comes into operation, unless with the consent in writing of the Commissioner; and whoever makes any external roof or wall of such materials, or suffers any roof or wall made of such materials to continue contrary to the provisions herein contained, and who shall not remove or alter the same within one month after notice given to him for that purpose by the Commissioner, shall be liable to a penalty not exceeding ten Rupees for every day that such roof or wall shall continue. Any person may give information and institute a prosecution under this Section, and all expenses incurred in such prosecutions shall be recoverable from the owner of such hut or other building as hereinafter provided.

Roofs and external walls not to be of inflammable materials.

CXLI. If, in any street, any house, building, or wall, or any thing affixed thereon, be deemed by the Commissioner to be in a ruinous state or likely to fall, or in any way dangerous to the

Houses in a ruinous and dangerous state.

the

the inhabitants of such house or building, or to the neighbouring houses or buildings, or the occupiers thereof, or to passengers, he 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; and shall 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 house, building, wall, or thing affixed thereon as the case shall require; and if such owner or occupier do not begin to repair, take down, or secure the same within three days after such notice, and complete such work with due diligence, the Commissioner shall cause all or so much of such house, building, wall, or thing, as he shall think necessary, to be taken down, repaired, or otherwise secured; and all the expenses incurred by the Commissioner shall be paid by the owner or occupier of the premises, and shall be recoverable as hereinafter provided.

CXLII. If any such house, building, or wall, or any part of the same, be pulled down by virtue of the powers aforesaid, the Commissioner may sell the materials thereof or of so much of the same as shall be taken down, and apply the proceeds of such sale in payment of the expenses incurred, and shall, on demand, restore any overplus arising from such sale to the owner of such house, building, or wall: Provided always that in case no demand for such overplus as aforesaid shall, within twelve months, be made, by any person entitled to call for the same, the Commissioner shall be at liberty to pay the amount of such overplus to the credit of the Municipal Fund, and shall be freed from any liability to pay or answer for or in respect of such unclaimed overplus. The Commissioner, although he sell such materials for the purposes aforesaid, shall have the same remedies for compelling the payment of so much of the said expenses as may remain due after the application of the proceeds of such sale as by this Act are given to him for compelling the payment of the whole of the said expenses.

CXLIII. If any building, or land, by reason of abandonment of disputed ownership or other cause, shall remain untenanted and thereby be a resort of idle and disorderly persons, or be complained of by any two or more of the neighbours as a nuisance, the Commissioner, after due inquiry, may cause notice

Sale of materials of ruinous houses.

Power to shut up and secure deserted houses.

notice in writing to be given to the owner, or to the person claiming to be the owner if he be known and resident within the limits of his jurisdiction, and shall also cause such notice to be put on the door of the building or some conspicuous part of the premises, requiring the persons concerned therein, whoever they may be, to secure or enclose the same; and if such notice shall not be complied with within eight days, the Commissioner shall cause the necessary work to be executed, and all expenses thereby incurred shall be paid by the owner of the premises and shall be recoverable as hereinafter provided.

**CXLIV.** Whoever, being the owner or occupier of any house, building, or land, in or near any street, whether tenantable or otherwise, suffers the same to be in a filthy and unwholesome state, or, in the opinion of the Commissioner, a nuisance to those in the neighbourhood, or overgrown with rank and noisome vegetation, and who shall not within twenty-four hours after notice in writing by the Commissioner to cleanse, clear or otherwise put the same in a proper state, have complied with the requisition contained in such notice, shall be liable to a penalty not exceeding fifty Rupees, and to a penalty not exceeding five Rupees for every day after conviction for such offence during which the offence is continued: Provided that if the state of the house or building be such as in the judgment of the Commissioner to render it unfit for human habitation, he may further prohibit the using thereof for that purpose until it is so rendered fit.

*Filthy houses, &c.*

*Proviso.*

**CXLV.** It shall be lawful for the Commissioner, on the recommendation of the Health Officer, any time between sunrise and sunset, by himself or his servants, on giving such notice as hereinafter provided to enter into and inspect all houses and buildings, and by an order in writing to direct all or any part to be forthwith internally and externally lime-washed or otherwise cleansed for sanitary reasons; and if the owner or occupier of such house or building neglect to do so, within eight days from the time when such order shall have been served upon him, the Commissioner may cause the same to be done, and the expenses incurred shall be paid by the owner or occupier, and shall be recoverable as hereinafter provided.

*Power to enter and cleanse houses and buildings.*

**CXLVI.**

CXLVI. Whenever the Health Officer shall certify to the Commissioner that any house is so overcrowded as to be dangerous or prejudicial to the health of the inhabitants, and the inhabitants shall consist of more than one family, the Commissioner shall cause proceedings to be taken before a Magistrate to abate such overcrowding, and the Magistrate shall thereupon make such order as he may think fit, and the person permitting such overcrowding shall be liable to a penalty not exceeding twenty Rupees for each day after the date of such order during which such overcrowding shall continue.

CXLVII. The Commissioner may give notice to the owner or occupier of any land so to trim or prune the hedges thereof bordering any public road or street, that the said hedges may not exceed the height of five feet from the level of the road, and to cut and trim all trees so overhanging any public road or street, as by their stems, branches, leaves, or fruit to endanger or obstruct the passage thereof, or to cause damage thereto: and in the event of such notice not being complied with within eight days from the date thereof, the Commissioner may cause the said hedges and trees to be cut and trimmed in the manner required; and the expense incurred by the Commissioner in respect thereof shall be paid to him by the owner or occupier, and shall be recoverable as hereinafter provided.

CXLVIII. Whoever keeps any pig-stye to the front of any street, not being shut out therefrom by a sufficient wall or fence, or who shall keep any swine in or near any street, so as, in the opinion of the Commissioner, to be a nuisance to the neighbourhood; or who shall keep sheep, goats, horned cattle or horses in or near any street, so as to be a nuisance to the neighbourhood, shall be punished with fine which may extend to fifty Rupees, and shall be liable to a further penalty not exceeding ten Rupees for every day during which such offence is continued.

CXLIX. All public sewers and drains, and all sewers, drains, funnels, culverts, gutters and watercourses in, alongside, or under any street existing at the time this Act comes into operation or afterwards to be made, and whether made at the cost of the Justices or otherwise,

othre'wise, and in all works, materials, and things appertaining thereto, shall be vested in and belong to the Justices.

CL. The Commissioner shall from time to time cause to be made such main and other sewers, drains and watercourses as he  
Commissioner to make public sewers. may judge necessary for the effectual draining of the City; and, if needful, he may carry them through, across, or under any street, or any place laid out as or intended for a street, or any cellar or vault which may be under any of the streets, and (after reasonable notice in writing in that behalf) into, through, or under any inclosed or other lands whatsoever, doing as little damage as may be, and making full compensation for any damage done, and if any dispute shall arise touching the amount or apportionment of compensation, the same shall be settled in the manner hereinafter provided for the settlement of disputes respecting damages and expenses.

CLI. The Commissioner shall maintain and from time to time repair, and as he sees fit enlarge, alter, archover or  
Commissioner to repair and alter and discontinue sewers. otherwise improve all or any of the sewers and drains, culverts, gutters, and watercourses vested in the Justices by this Act; and may discontinue, close up, or destroy, such of them as he may deem useless or unnecessary: Provided always, that the discontinuance,  
Proviso. closing up, or destruction of any of them shall be so done as not to create a nuisance; and if by reason thereof, or of any such alteration as hereinbefore mentioned, any person is deprived of the lawful use of any sewer, drain, culvert, gutter, or watercourse, the Commissioner shall with due diligence provide some other as effectual as the one of which he is so deprived.

CLII. The Commissioner shall cause the sewers, drains, culverts, gutters and watercourses belonging to the Justices to be  
Cleansing and emptying sewers. so constructed, maintained, and kept, as not to be a nuisance or injurious to health, and to be properly cleared, cleansed, and emptied; and for the purpose of flushing, cleansing, and emptying the same, he may construct and place, either above or  
under

under ground, such reservoirs, sluices, engines, and other works as may be necessary; and he may also with the sanction of the Justices and of the Government cause all or any of such sewers, drains, culverts, gutters and watercourses to communicate with and be emptied into the sea or other fit place; or he may cause the refuse from the same to be conveyed by a proper channel to the most convenient site for its deposit, and may sell the said refuse for any agricultural or other purposes as may be deemed most expedient, but so that it shall not become a nuisance.

CLIII. Whoever, without the written consent of the Commissioner first obtained, makes or causes to be made any drain into any of the sewers or drains vested in the Justices by this Act, shall be liable to a penalty not exceeding one hundred Rupees; and the Commissioner may cause such drain to be demolished, altered, re-made, or otherwise dealt with as he may think fit, and all the expense incurred thereby shall be paid by the person making such drain, and shall be recoverable as hereinafter provided.

Penalty for making unauthorized drains into public sewers.

CLIV. No building shall be newly erected over any sewer, drain, culvert, gutter or watercourse vested in the Justices by this Act, without the written consent of the Commissioner, and if any building be so erected, the Commissioner may cause the same to be pulled down, or otherwise dealt with as he may think fit; and the expenses thereby incurred shall be paid by the person offending and be recoverable as hereinafter provided.

Buildings over sewers &c. not to be erected without consent of Commissioner.

CLV. If any house or building, in or near any street, be at any time not drained to the satisfaction of the Commissioner by a sufficient drain or pipe communicating with some sewer, or drain, or with the sea, or some other place at which the Commissioner is empowered to empty the sewers, and if there be such means of drainage within one hundred feet of any part of such house or building, the Commissioner may, after giving such notice as is hereinafter provided, construct or lay from such house or building a covered drain or pipe of such materials, of such size, at such level, and with such fall as he thinks necessary for the draining of

Commissioner may make drains from houses which are not properly drained.

of

of such house or building; and the expenses incurred by the Commissioner in respect thereof, if not forthwith paid by the owner, shall be recoverable as hereinafter directed.

CLVI. No house or building shall be hereafter built in or near any street upon a lower level than will allow of the drainage of such house or building being led into some public sewer or drain either then existing or projected by the Commissioner, or into the sea, or other place into which the Commissioner is empowered to empty the sewers.

Level of houses hereafter built in or near street.

CLVII. If any house or building, newly or in greater part erected or rebuilt, in or near any street after this Act comes into operation have such means of drainage as in the last preceding Section mentioned, existing within one hundred feet thereof, the owner shall make a drain leading thereunto from the site of such house or building, of such materials, of such size, at such level, and with such fall as the Commissioner may direct; and if he neglect to do so within a reasonable time, the Commissioner may cause the same to be done, and the expenses thereby incurred shall be paid by the owner, and shall be recoverable as hereinafter provided.

Houses hereafter built in or near streets to have drains constructed under the orders of the Commissioner.

CLVIII. Before beginning, in or near any street, to build any house, the person intending to build such house shall give to the Commissioner notice thereof in writing, and shall accompany such notice with a plan showing the levels at which foundation and lowest floor of such house are proposed to be laid by reference to some level ascertained under the direction of the Commissioner, and the intended situation and construction of the privies to be used in connection with such house.

Notice of new buildings in or near streets to be given to Commissioner.

CLIX. Within fourteen days after receiving such notice, the Commissioner may signify his disapproval of the proposed levels or privies, and fix other levels and privies in lieu thereof, and he may require the said house to be set back or forward for the improvement of the street as he may think fit.

Commissioner may signify disapproval within 14 days.

CLX.

**CLX.** If such building be begun or made without sending such notice and plan, or at any levels different from those fixed by the Commissioner within the said fourteen days, or in any other respect contrary to the provisions of this Act, the Commissioner may, if necessary, cause such building to be altered or demolished as the case may require; and the expense thereby incurred shall be paid by the person failing to comply with the provisions aforesaid, and shall be recoverable as hereinafter provided.

Houses built without notice, or contrary to provisions of this Act, may be altered by Commissioner.

**CLXI.** If the Commissioner fail to signify in writing his approval or disapproval of the levels and particulars shown on such plan as aforesaid, and to fix other levels and give other directions within fourteen days after receiving such notice and plan as aforesaid, the person giving such notice may, notwithstanding anything hereinbefore contained, proceed to build the house therein referred to according to the levels and particulars shown on such plan, provided that such building be otherwise in accordance with the provisions of this Act.

If Commissioner fail to give instructions within 14 days, parties may proceed without his approval.

**CLXII.** All sewers and drains, whether public or private, shall be provided by the Commissioner or by other persons to whom they severally belong, with proper traps or other coverings or means of ventilation so as to prevent stench. If the owner of any private sewer or drain whether under his house or without the house shall, for ten days after notice given to him by the Commissioner, neglect or delay to provide and apply proper traps or coverings, the Commissioner shall provide and apply the same, and the expense incurred thereby shall be paid by the owner of such sewer or drain, and shall be recoverable as hereinafter provided.

Sewers in streets to be covered with traps, &c.

**CLXIII.** The Commissioner may erect or fix to the outside of any house or building such pipes as he may deem necessary for the proper ventilation of the sewers belonging to the Justices, and such pipes shall be carried to a height of not less than six feet above the highest part of the house or building, and shall be erected so as not to occasion any nuisance or inconvenience to any house or building in the neighbourhood.

Power of Commissioner to erect or affix to buildings, pipes for ventilation of sewers.



CLXIV. Whoever throws or puts, or whoever permits his servants to throw or put, any earth, dirt, ashes, garden, kitchen or stable refuse, or any broken glass or earthen ware, or other rubbish, or, until suitable sewers shall be provided, any night soil, into any sewer, drain, culvert, tunnel, gutter, or watercourse belonging to the Justices, or into any drain communicating therewith, shall be punished with fine which may extend to fifty Rupees.

CLXV. The Commissioner shall provide and maintain in proper and convenient situations, so as not to create a nuisance, common necessaries and urinals, and shall cause the same to be kept in proper order and to be daily cleansed.

CLXVI. In case the Commissioner shall be of opinion that any privy or privies or additional privy or privies shall be necessary to be attached to or provided for any house or building, the owner of such house or building shall, within fourteen days after notice in this behalf by the Commissioner, cause such privy or privies to be constructed in accordance with the requisition of such notice, and in case the requisitions of such notice shall not have been complied with to the satisfaction of the Commissioner by such owner within the period aforesaid, the Commissioner shall be at liberty to cause such privy or privies to be constructed, and the expense incurred in such construction shall be payable by such owner, and shall be recoverable as hereinafter provided.

CLXVII. It shall be lawful for the Commissioner to compel all persons employing large bodies of workmen or labourers to provide and maintain such necessaries and urinals as may to him seem fit, and to cause the same to be kept in proper order and to be daily cleaned. And should such person neglect to provide and maintain such necessaries and urinals, or to keep the same clean and in proper order, the Commissioner may construct and cause such necessaries and urinals to be kept in good order and cleaned, and the expense incurred by the Commissioner in respect thereof shall be paid by the person aforesaid, and shall be recoverable as hereinafter provided.

CLXVIII.

**CLXVIII.** The owner or occupier of any house or building having a privy on his premises shall have such privy shut out by a sufficient roof, and wall or fence from the view of persons passing by or residing in the neighbourhood, and it shall not be lawful for any owner or occupier to keep any privy with a door or trap-door opening on to any street. Every owner or occupier who shall omit to comply with or shall commit any breach of any of the provisions of this Section shall be liable to a penalty of ten Rupees a day for each day of default or breach: Provided that the Commissioner may in his discretion permit the continuance, for such time as he may think fit, of any such privy with a door or trap-door opening on to any street where such privy already exists and does not create a nuisance.

Neglecting to enclose private privy.

Proviso.

**CLXIX.** All drains and all privies within the City shall be under the survey and control of the Commissioner, and shall be altered, repaired and kept in proper order at the cost and charges of the owners of the land and buildings to which the same belongs, or for the use of which they are constructed or continued: and if the owner of any land or buildings to which any such drain or privy belongs, neglect during eight days after notice in writing for that purpose to alter, repair, and put the same in good order, in the manner required by the Commissioner, the Commissioner may cause such drain or privy to be altered, repaired, and put in good order; and the expense incurred by the Commissioner in respect thereof shall be paid by the owner, and shall be recoverable as hereinafter provided.

Drains, privies, &c. to be under control of Commissioner, and to be kept in good order by owners.

If owners neglect to keep drains in good order, Commissioner may cause the same to be done and charge the owners with the expense.

**CLXX.** If any such drain, or privy, be constructed, after this Act comes into operation, contrary to the directions and regulations of the Commissioner, or contrary to the provisions of this Act; or if any person without the consent of the Commissioner, construct any new drain or privy, or construct, rebuild, or unstop, any drain or privy which has been ordered by him to be demolished or stopped up, or not to be made, every person so doing shall be liable to a penalty not exceeding fifty Rupees; and the Commissioner

Penalty for making or altering drains, &c. contrary to the orders of the Commissioner.

signer

sioner may cause such amendment or alteration to be made in any such drain or privy as he may think fit; and the expense thereof shall be paid by the person by whom such drain or privy was improperly constructed, rebuilt, or unstopped, and shall be recoverable from him as hereinafter provided.

CLXXI. The Commissioner or any officer appointed by him for that purpose may, subject to the restrictions of this Act, inspect any such drain or privy, and for that purpose, at any time between sunrise and sunset, may enter upon any lands and buildings with such assistants and workmen as are necessary, and cause the ground to be opened where he or they may think fit, doing as little damage as may be, and if upon such inspection it appears that the drain or privy is not in good order and condition, or that it has been constructed after this Act comes into operation contrary to the provisions thereof, the expenses of such inspection shall be paid by the person to whom such drain or privy may belong, and shall be recoverable as hereinafter provided; but if the drain or privy be found to be in proper order and condition, and not to have been constructed in violation of the provisions of this Act, the Commissioner or Officer as aforesaid shall cause the ground to be closed and made good as soon as may be, and the expense of opening, closing and making good such drain or privy shall in that case be defrayed by the Commissioner.

CLXXII. Whoever, except as permitted by the Commissioner under Section CLXXIV. of this Act, bathes in any stream, tank, or reservoir, well, cistern, conduit, or aqueduct belonging to the Justices, or washes or causes to be washed therein any horse, dog, or other animal, or any wool, cloth, wearing apparel, or any utensils for cooking or other purposes, or leather, or the skin of any animal or other foul or offensive thing; or throws, puts, or casts, or causes to enter therein any animal, or any gravel, stone, dust, or rubbish, or any dirt, filth, or other noisome or offensive matter or thing, or causes or suffers to run, drain, or be brought thereinto, the water of any sink, sewer, drain, engine, or boiler, or any other unwholesome or offensive liquid matter or thing belonging to him, or flowing from any house or building or from any ground occupied by

Inspection of drains  
and privies.

Fouling water by

Bathing,

puts, or casts, or

Washing,

Throwing rubbish,  
&c.

by him, or does any thing whatsoever whereby any such water shall be in any degree fouled or corrupted, shall be liable, on conviction before a Magistrate, to the penalty provided for fouling the water of any public spring or reservoir by Section 277 of THE INDIAN PENAL CODE.

Allowing drains, &c. to flow.

CLXXIII. Whoever, being the proprietor or manager of any gas works, or being engaged or employed in the manufacture or supply of gas, or being the occupier or proprietor of any place where an offensive trade or manufacture is carried on, wilfully does any act connected with the said business whereby the water in any tank, reservoir, well, cistern, conduit, aqueduct, or other water-works belonging to the Jutices, is fouled or corrupted, shall be punished with fine which may extend to one thousand Rupees, and to a further penalty not exceeding five hundred Rupees for every day while the offence is continued after twenty-four hours' notice in writing from the Commissioner on this behalf; and the Commissioner may after twenty-four hours' notice in writing, lay open and examine any pipes, conduits, and works belonging to such person; and if, upon such examination, it appears that the water has been fouled or corrupted by any thing proceeding from or contained in the pipes, conduits,\* or works examined, the expenses of such examination shall be paid by the person to whom such pipes, conduits, or works belong, or under whose management or control they may be, and be recoverable from him as hereinafter provided. But if it appear that the water has not been so fouled or corrupted, then such expenses and all reasonable damages occasioned by the examination, shall be paid by the Commissioner from the Municipal Fund. In all cases when land is required for the purpose of carrying out the provisions of this Act, such purpose shall be and be deemed to be a public purpose within the meaning of Act VI. of 1857.

Water fouled by offensive trades.

CLXXIV. The Commissioner shall set apart sufficient public places, or any part of the seashore (not being private property) for the purpose of being used as bathing places; and shall also provide or set apart a sufficient number of convenient tanks

The Commissioner may set apart bathing places, &c.

tanks or runs of water for the inhabitants to bathe in; and shall also set apart tanks or reservoirs or runs of water for washing animals or clothes, and for all purposes connected with the health, cleanliness, and comfort of the inhabitants.

CLXXV. When any private tank or low marshy ground, or any waste or stagnant water being within any private enclosure, appears to the Commissioner to be injurious to health, or to be offensive to the neighbourhood, the Commissioner shall require, by notice in writing, the owner of the said premises to cleanse or fill up such tank or marshy ground, or to drain off or remove such stagnant water; and if the said owner shall refuse or neglect to comply with such requisition during eight days from the service thereof, the Commissioner, his officers, and workmen, shall enter into the said premises and do all necessary acts for all or any of the purposes aforesaid; and the expense incurred thereby shall be paid by the owner of such premises, and shall be recoverable as hereinafter provided.

Power to fill up unwholesome tanks on private premises.

CLXXVI. The Commissioner is hereby empowered, from time to time as he shall see fit, to drain off into any sewers, and cleanse and fill up or otherwise abate, any stagnant pool, ditch, tank, pond, or other receptacle of water (the same not being within any private enclosure) which shall appear to him to be likely to prove injurious to the health of the inhabitants, whether the same be the private property of any persons or otherwise; and the Commissioner, his officers, and workmen, may do all necessary acts for effecting any of the purposes aforesaid; and the expenses incurred thereby shall be paid by the owner, and shall be recoverable as hereinafter provided.

Power to drain off and cleanse stagnant pools in open places.

CLXXVII. The Commissioner, in executing any works directed or authorized by this Act to be made, shall provide and make a sufficient number of convenient ways, watercourses, drains, and channels, in the place of such as may be interrupted, injured, or rendered useless by reason of the execution of such works; and the Commissioner shall make reasonable compensation to any person who suffers damage by reason of the same, and the amount

Commissioner in executing works to provide roads, &c. where existing ones injured.

amount of such compensation, in case of dispute, shall be ascertained and determined in the manner hereinafter provided.

**CLXXVIII.** When the pavement or surface of any street, or when any sewer or drain shall be opened or broken up by the Commissioner, his officers, or servants, he shall, with all convenient speed, complete the work on account of which the same shall have been broken up, and fill in the ground and make good the pavement and surface, and the sewer or drain so opened or broken up, and carry away the rubbish occasioned thereby; and shall, in the meantime, cause the place where such pavement or surface shall be so opened or broken up to be fenced and guarded, and sufficiently lighted during the night.

**CLXXIX.** All pipes for the conveyance of gas shall, after this Act comes into operation, be laid at the greatest practicable distance from the nearest part of any water-pipe, and, wherever the width of the road will allow thereof, shall be laid at the distance of four feet at least from the nearest part of any such water-pipe, unless in case where it shall be unavoidably necessary to lay the gas-pipe across or nearer to any water-pipe, in which case the said gas-pipe shall wherever practicable, be laid over and above the said water-pipe at the greatest practicable distance therefrom, and shall form therewith a right angle, or as near thereto as the situation will admit; and in every such case the gas-pipe so crossing shall be at least nine feet in length, so that no joint of any gas-pipe shall be nearer to any water-pipe than four feet at the least where the width of the road will admit, and every such gas-pipe, so crossing the water-pipe, shall for the whole length thereof be sufficiently bedded in with good sound clay or other fit materials of a proper consistence, and well worked and rammed into the trench all round the said gas-pipe; and if any pipe for the conveyance of gas be laid in any respect contrary to the provisions of this Section, the person ordering the same to be laid, or to whom the management of laying the same is entrusted, shall be liable to a penalty not exceeding one thousand Rupees; and the Commissioner may cause such alteration to be made with respect to such pipe as he may think

think necessary for the purposes of this Act, and the expenses thereof shall be paid by the person liable to the said penalty, and shall be recoverable as hereinafter provided.

CLXXX. If the Commissioner deem it necessary, for the purposes of this Act, to raise, sink, or otherwise alter the situation of any water-pipe or gas-pipe, or other water-works or gas-works laid in any of the streets, he may, from time to time, by notice in writing, require the person to whom any such pipes or works belong, or under whose control they may be, to cause forthwith or as soon as conveniently may be, any such pipes or works to be raised, sunk, or otherwise altered in position in such manner as the Commissioner directs: Provided that such alteration be not such as to prevent the water or gas from flowing as freely and conveniently as may be, having regard to the provisions of this Act, and the expenses attending such raising, sinking, or altering, and full compensation for the damage done thereby shall be paid by the Commissioner to the persons to whom such pipes or works belong. And if any dispute shall arise touching the amount or apportionment of such compensation, the same shall be ascertained and determined in the manner hereinafter provided.

Situation of gas and water-pipes to be altered at the expense of the Justices.

Proviso.

CLXXXI. If the person to whom any such pipes or works belong, or under whose control they may be, do not proceed forthwith, or as soon as conveniently may be after the receipt of such notice, as in Section CLXXX. mentioned, to cause the same to be raised, sunk, or altered, in such manner as the Commissioner may require, the Commissioner may himself cause such pipes or works to be raised, sunk, or altered as he think fit; provided that such alteration be not such as to prevent the water or gas from flowing as freely and conveniently as may be, having regard to the provisions of this Act.

If owner, &c. neglect to make alterations, the Commissioner may cause the same to be done.

CLXXXII. Every person intending to build or take down any building, or to alter or repair the outward part of any building where any street or footway will by means of such work be obstructed or rendered unsafe or inconvenient, shall, before

Hoards to be set up during repairs.

before beginning the same, and having first obtained a license in writing from the Commissioner so to do, cause sufficient hoards or fences to be put up, in order to separate the building where such works are being carried on from the street or footway, and shall continue such hoard or fence standing and in good condition to the satisfaction of the Commissioner during such time as the public safety or convenience requires, and shall cause the same to be sufficiently lighted during the night, and every such person who begins to build, or take down, or alter or repair, any building contrary to the provisions of this Section, or who, without license, erects or sets up any hoard, scaffolding, or fence whatsoever, or who, being licensed, fails to put up such fence or hoard, shall be liable to a penalty not exceeding five hundred Rupees, and to a further penalty not exceeding fifty Rupees for every day after conviction during which the offence is continued, and every such person who being licensed, fails to continue such hoard, scaffolding, or fence, standing and in good condition as aforesaid during the time aforesaid, or who does not, while the said hoard or fence is standing keep the same sufficiently lighted during the night, or who does not remove the same when directed by the Commissioner, within a reasonable time afterwards, shall be liable to a penalty not exceeding fifty Rupees for every day during which the offence is continued, after twenty-four hours' notice in writing from the Commissioner.

CLXXXIII. The Commissioner shall, during the construction or repair of any of the streets, sewers, or drains vested in the Justices, take proper precaution for guarding against accident, by shoring up and protecting the adjoining houses, and shall cause such bars, chains, or posts to be fixed across or in any of the streets or roads to prevent the passage of carriage, carts, or other vehicles, cattle or horses, while such works are carried on, as to him shall seem proper, and the Commissioner shall cause any sewer or drain or other works in streets, during the construction or repair thereof, to be sufficiently lighted and guarded during the night; and whoever takes down, alters, or removes any of the said bars, chains, or posts, or extinguishes any light, without the authority or consent of the Commissioner, shall be punished with fine which may extend to fifty Rupees.

Bars to be erected across streets during repairs, and lights placed at night.



CLXXXIV. No person shall deposit any building materials or make a hole in any street, without the permission, in writing, of the Commissioner; and such permission shall be terminable at the discretion of the Commissioner; 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 until the materials are removed, or the hole is filled up or otherwise made secure, to the satisfaction of the Commissioner, and shall cause the same to be sufficiently lighted during the night; and whoever deposits materials, or makes a hole without such permission, or fails to fence or enclose and light such materials or hole, or does not remove such materials or fill up such hole, or otherwise make it secure in the manner aforesaid, when the permission has been withdrawn, shall be punished with fine which may extend to fifty Rupees, and shall also be liable to a further penalty not exceeding fifty Rupees for every day while the offence is continued, after twenty-four hours notice in writing from the Commissioner.

CLXXXV. If any building, tank, well, quarry of sand, earth, stone or rock, or place for blasting stone or rock, or hole, or other place, be, for want of sufficient repair, protection, or enclosure, in the opinion of the Commissioner, dangerous to passengers, the Commissioner shall give notice in writing to the owner thereof to repair, protect, or enclose the same within twenty-four hours, so as to prevent danger therefrom, and on failure to comply, the Commissioner shall forthwith cause the same to be so repaired, protected or enclosed; and the expenses of such repair, protection, or enclosure shall be paid to the Commissioner by such owner, and in default, shall be recoverable as hereinafter provided.

*CONSTRUCTION, MAINTENANCE, AND REGULATION  
OF PUBLIC MARKETS.*

CLXXXVI. The public markets in the City are hereby vested in the Justices, and all markets which are, when this Act comes into operation, repaired and maintained in the said City out of the Municipal Fund, shall be deemed to be public markets.

CLXXXVII.

**CLXXXVII.** The Commissioner may, from time to time, with the sanction of the Justices, purchase on their behalf any land or premises for opening any new market in the said City, or for enlarging or otherwise improving any market in the said City by this Act vested in the Justices, and any portion of the land or premises so purchased, which shall not be required for that purpose, may with the like sanction be sold, and the proceeds shall be carried to the credit of the Municipal Fund.

Commissioner may purchase lands for opening new markets and improving old ones.

**CLXXXVIII.** The Commissioner may, with the sanction of the Justices, provide, construct, build, maintain, open and lay out any public markets in the said City, and such markets shall be vested in the said Justices, and the Commissioner shall also, from time to time, alter and improve any of the public markets in the said City.

Commissioner may construct new markets. The Commissioner to alter and improve public markets.

**CLXXXIX.** The Commissioner may, with the sanction of the Justices, close any of the public markets in the said City, and if the ground and premises vacated shall not be required for any of the purposes of this Act, the same or any part thereof may, with the like sanction, be sold, and the proceeds of such sale shall be carried to the credit of the Municipal Fund.

Commissioner may close markets and sell the grounds and premises.

**CXC.** The Commissioner shall either take stallage rents in respect of the use by any person of any market vested in the Justices, or he may, from time to time, sell, by public auction, or otherwise, the privilege of occupying any stall or space in the said markets, for such terms and periods, and subject to such conditions, as shall, with the sanction of the Justices, be fixed by the Commissioner.

Commissioner may let stalls.

**CXCI.** Every person who shall, without the permission or license of the Commissioner, sell or expose for sale any article in the said markets, in respect of the use of which rents, stallage, tolls, or payments are authorized to be taken under this Act, shall be punished with fine not exceeding fifty Rupees for each offence.

Selling articles in markets without Commissioner's permission.

**CXCII.**

**REGULATION OF OFFENSIVE AND DANGEROUS  
TRADES, AND OF BURIAL AND BURNING GROUNDS,**

CXCII. No place shall be used as a slaughter-house within the City, unless a license in writing for the use thereof as a slaughter-house has been obtained from the Commissioner, who is hereby empowered, at his discretion, from time to time to grant such licenses; and whoever, without such license, uses as a slaughter-house any place within the City, shall be punished with fine which may extend to two hundred Rupees, and to a further penalty not exceeding fifty Rupees for every day after the conviction for such offence, during which the said offence is continued.

CXCIII. The Commissioner may, from time to time, if he shall think fit, with the sanction of the Justices and of the Governor in Council, provide places for slaughter-houses, and he shall in the manner hereinafter provided make bye-laws for and with respect to the management and charges for the use of such places.

CXCIV. Every owner, occupier, or farmer of any market for the sale of butcher's meat, poultry, fish, fruit or vegetables, or of any slaughter-house within the City, shall cause such drains to be made therein as shall be considered sufficient by the Commissioner, and (if required so to do by the Commissioner) shall cause all the floors and drains to be paved with stone or burnt brick, and shall also cause a supply of water to be provided, sufficient for keeping such market or slaughter-house in a clean and wholesome state; and if such owner, occupier, or farmer, after notice in writing given to him by the Commissioner that such market or slaughter-house is defective in any of the said particulars, and requiring him to remedy the defect specified within a reasonable time, makes default therein, he shall be liable to a penalty not exceeding fifty Rupees for every day during which such default is continued.

CXCIV.

CXCV. The Commissioner may, in the manner hereinafter provided, make bye-laws for the inspection of all such markets and of all slaughter-houses within the City, and for the management and conduct of the business therein, and for keeping the same in a cleanly and proper state, and for removing filth at least once in every twenty-four hours.

Commissioner may make bye-laws for the inspection of slaughter-houses.

CXCVI. It shall be lawful for any Magistrate, on the application of the Commissioner or any of his officers, setting forth that there is just cause to believe that any article which has been rendered, or has become, or is noxious or unfit for use, as food or drink for man, is in the possession of any person for the purpose of being sold or offered, or exposed for sale within the City as food or drink for man, to grant a warrant to enter upon the premises of such person, and to search for and seize such article, and if it appear to the said Magistrate upon sufficient evidence that the same is noxious or unfit for such use, he shall order such article to be forfeited and disposed of in such way as to him shall seem proper.

Sale of unwholesome food or drink.

CXCVII. The Commissioner, or any person appointed by him for that purpose, may at all reasonable times, with or without assistants, enter into and inspect any market, building, shop, stall, or place used for the sale of butcher's meat, poultry, fish, or vegetables, or as a slaughter-house, and may examine any animal, carcase, meat, poultry, game, flesh, fish, fruit, vegetable, corn, bread, flour, or pulse, which may be therein; and in case any animal, carcase, meat, poultry, game, flesh, fish, fruit, vegetable, corn, bread, flour or pulse, appear to be intended for the food of man, and to be unfit for such food, may seize the same; and if it appear to a Magistrate, upon sufficient evidence that such animal, carcase, meat, poultry, game, flesh, fish, fruit, vegetable, corn, bread, flour, or pulse is unfit for the food of man, he shall order the same to be destroyed, or to be so disposed of as to prevent its being exposed for sale or used for such food, and the owner thereof, or the person in whose possession the same is found, shall be liable to the penalty provided by Section 273 of THE INDIAN PENAL CODE.

Commissioner may enter and inspect slaughter houses, shops, &c. and seize unwholesome articles exposed for sale.

**CXCVIII.** The Magistrate, before whom any person is convicted of an offence contrary to the provisions of this Act relating to slaughter-houses, or of the non-observance of any of the bye-laws relating thereto made by virtue of this Act, in addition to the penalty imposed on such person under the authority of this Act, may suspend for any period not exceeding two months the license granted to such person under this Act; or in case such person be the owner or occupier of any registered slaughter-house, may forbid, for any period not exceeding two months, the slaughtering of cattle therein; and the Magistrate, upon the conviction of any person for a second or other subsequent like offence, in addition to the penalty imposed under the authority of this Act, may declare the license granted under this Act revoked; or if such person be the owner or occupier of any registered house, may forbid absolutely the slaughtering of cattle therein.

**CXCIX.** Whoever, during the period for which any such license is suspended or after the same is revoked as aforesaid, slaughters cattle or allows cattle to be slaughtered in the slaughter-house to which such license relates, and whoever, during the period that the slaughtering of cattle in any such registered slaughter-house is forbidden as aforesaid, or after such slaughtering has been absolutely forbidden therein, slaughters cattle, or allows cattle to be slaughtered in any such registered slaughter-house, shall be liable to a penalty not exceeding five hundred Rupees, and to a further penalty not exceeding one hundred Rupees for every day after conviction during which the said offence is continued.

**CC.** The owner or occupier of every place within the City used, at the time this Act comes into operation, for any of the following purposes :—namely, for melting tallow or sulphur, or for boiling offal or blood, or for washing or drying wool, or as a soap-house, oil-boiling-house, dyeing-house, tannery, brick, pottery, or lime kiln, sago manufactory, gunpowder manufactory, manufactory of fire-works, or other manufactory or place of business from which either offensive or unwholesome smells arise, or used

for

for any purposes which are calculated to be dangerous to life, or used as a yard or depôt for hay, straw, wood, or coal, shall, within three months after this Act comes into operation, register the same at the office of the Commissioner in a book to be kept by him for that purpose; and whoever, after the expiration of the said three months, and after eight days' notice in writing from the Commissioner, uses any such place without the same being registered, shall be liable to a penalty not exceeding one hundred Rupees for every day during which the offence is continued.

CCI. No place shall, after this Act comes into operation, be established and used within the said City for any of the purposes mentioned in the preceding Section, except under a license from the Commissioner, who is hereby empowered, at his discretion, from time to time to grant such licenses; and whoever, without a license, uses any such place for such purpose, shall be liable to a penalty not exceeding five hundred Rupees, and a further penalty not exceeding fifty Rupees for every day after the conviction for such offence during which the said offence is continued.

CCII. The Commissioner may, in the manner hereinafter provided, make bye-laws for the inspection of every place within the City used for any of the purposes mentioned in Section CC. and the following Section, and for the management and conduct of such business, whether the same be newly established or not, in such manner as he may think necessary and proper, in order to prevent or diminish the noxious, injurious, offensive or dangerous effect thereof.

CCIII. If it be shown, to the satisfaction of the Commissioner, that any place registered or licensed under the preceding Sections of this Act, is a nuisance to the neighbourhood or injurious to health, he may give notice in writing to the occupier to discontinue within one month the use of such place, and whoever, after the expiration of that time, uses such place, or permits it to be used, in such manner as to be a nuisance to the neighbourhood or injurious to health, shall be liable to a penalty

penalty not exceeding two hundred Rupees for every day during which it shall be so used.

CCIV. From and after the date when this Act comes into operation, every furnace employed or to be employed in the City of Bombay in any works or buildings used for the purposes of any trade or manufacture whatsoever within the City of Bombay, whether a steam-engine be or be not used or employed therein, shall in all cases be constructed or altered so as to consume or burn the smoke arising from such furnace; and if any person shall after the date when this Act comes into operation use any such furnace which shall not be constructed or altered so as to consume or burn its own smoke, or shall so negligently use any such furnace as that the smoke arising therefrom shall not be effectually consumed or burnt, every person so offending, being the owner or occupier of the premises, or being an agent or other person employed by such owner or occupier for managing the same, shall, upon conviction before any Magistrate, be liable to a penalty not exceeding one hundred Rupees, and upon a second conviction the sum of two hundred Rupees, and for each subsequent conviction a sum double the amount of the penalty imposed for the last preceding conviction: Provided that nothing in this Section shall be held to apply to locomotive engines used for the purpose of traffic upon any Railway.

CCV. The Commissioner may, if he think fit, cause a survey and measurement to be made of every burial ground and every place used as such; and every such place, and every burning ground, and place for the exposure of the dead, existing at the time this Act comes into operation, shall, within one month after this Act shall have come into operation, be registered by the owner or the person having the control thereof; or if there be no owner or person authorized to control the same, by order of the Commissioner, in a book to be kept by him for that purpose; and whoever, after the expiration of the said time, knowingly buries, burns or exposes, or causes, procures, or suffers to be buried, burned or exposed, any corpse in or on any ground other than such registered burial or burning ground or place for the exposure

exposure of the dead, shall be liable to a penalty not exceeding one hundred Rupees for each offence.

CCVI. No vault or grave shall be made, or interment permitted, within the walls of, or underneath any church or chapel, or other place of public worship now built, or which may be built after this Act comes into operation, without the special sanction of the Governor in Council, and no burial or burning ground, or place for the exposure of the dead, whether public or private, shall, after this Act comes into operation, be opened, made, or formed, without a license describing the extent and boundaries thereof first obtained from the Commissioner, who is hereby empowered, at his discretion, from time to time to grant such licenses; and whoever shall bury, burn, or expose or cause, permit, or suffer to be buried, burned, or exposed, any corpse in any vault, grave, burial or burning ground, or place for the exposure of the dead, opened, made, or formed without such license, or contrary to the terms thereof, shall be liable to a penalty not exceeding five hundred Rupees for each offence.

CCVII. If, upon the evidence of competent persons, the Commissioner, with the sanction of the Governor in Council, shall certify that any burial-ground or place of burial, or any place used for the burning or exposure of corpses, is in such a state as to be offensive, or dangerous to the health of persons living in the neighbourhood thereof, or that any church or other place of public worship is dangerous to the health of persons frequenting the same, by reason of the state of the vaults or graves within the walls of or underneath the same, or in any churchyard or burial-ground adjacent thereto, it shall not be lawful, after a time to be named in such certificate, not being less than two months after the publication of the same as hereinafter provided, to bury, burn, or expose, or permit or suffer to be buried, burned, or exposed, any corpse in, upon, within, or under the place, ground, church, or place of worship to which the certificate relates; and whoever, after due-publication of such certificate as hereinafter provided, buries, burns, exposes, or causes, permits, or suffers to be buried, burned, or exposed, any



corpse contrary to this enactment, shall be punished with fine which may extend to one thousand Rupees for each offence : Provided always that every such certificate shall be published in the *Government Gazette* and in one or more of the public English and in two Vernacular newspapers published in Bombay, and that a copy of such certificate with a translation thereof in the Murathi and Goozerati languages shall, in the case of a burial or burning ground, or place for the exposure of the dead, be affixed conspicuously on some part of the said ground or place.

CCVIII. The Commissioner shall, from time to time, as may be found necessary, out of the Municipal Fund, with the sanction of the Governor in Council, provide fitting places to be used as burial or burning grounds, or for the exposure of the dead.

Commissioner to provide places to be used as burial or burning grounds, or for exposing the dead.

CCIX. The Commissioner may, in manner hereinafter provided make bye-laws for the inspection and regulation of burial and burning grounds, and may thereby prescribe rules as to the depth of graves and places of interment, and generally as to all matters connected with the good order of burial and burning grounds, and places for the exposure of the dead, due regard being had to the religious usages of the several classes of the community.

Commissioner may make bye-laws for regulation of burial and burning grounds.

### *REGISTRATION OF BIRTHS AND DEATHS, AND THE TAKING OF A CENSUS.*

CCX. The Commissioner shall keep in his office a register of all births and deaths in the City, and for this purpose he shall divide the City into such and so many districts as he shall think fit, and for every such district he shall appoint a person to be Registrar of births within such district.

Commissioner to keep a register of births and deaths, and appoint Registrars of births.

CCXI. Every Registrar shall reside within the district of which he is Registrar, and shall cause his name, with the addition of "Registrar for the district" for which he shall be so appointed, to be placed in some conspicuous place on or near the outer door of his own dwelling house; and the Commissioner

Every Registrar to live in his District; list of Registrars to be published, &c.

Commisisoner shall cause to be printed and published a list, containing the name and place of abode of every Registrar in the City.

CCXII. The Commissioner shall cause to be prepared and printed a sufficient number of Register Books for making entries of all births and deaths which may take place in the City, according to the forms prescribed in Schedules (G) and (H), to this Act annexed, and the pages of such book shall be numbered progressively from the beginning to the end.

Commissioner to have Register Books prepared and numbered.

CCXIII. Every Registrar shall inform himself carefully of every birth and if required to do so of every death which shall happen in his District after this Act comes into operation, and shall learn and register, as soon as conveniently may be after the event, without fee or reward, the particulars required to be registered, according to the forms in the said Schedules (G) and (H) respectively, touching every such birth and every such death, as the case may be, which shall not have been already registered, every such entry being made in order from the beginning to the end of the book.

Registrar to inform himself of, and register births and deaths.

CCXIV. The father or mother of every child born in the City, or in case of the death, illness, absence, or inability of the father and mother, the occupier of the house or tenement in which such child shall have been born, shall, within one week next after the day of every such birth, give information to the Registrar of the District, according to the best of his or her knowledge and belief, of the several particulars hereby required to be known and registered touching the birth of such child. Any person whose duty it shall be to give information to a Registrar under this Section, who shall refuse or neglect to give such information, shall be liable to a penalty not exceeding one hundred Rupees for each offence.

Information of birth to be given within one week.

CCXV. Information of the several particulars hereby required to be registered concerning the death of every person dying in the City shall be given in writing if the informant can write, otherwise orally, to the Policeman or other person appointed to receive it at the place of burial, burning or exposure,

Information of death to be given at place-of funeral.

exposure, as the case may be, by some one of the persons present at the death or in attendance in the last illness, or, in case of disability, or default of all such persons, by the undertaker or other person conducting the funeral, and every one of these may be required thus to give or cause to be given the information, and to attest its correctness to the best of his knowledge and belief by the signature of his name, his designation, and residence. Every Policeman or other person whose duty it shall be to receive information at the funeral places concerning deaths shall truly register the same, and shall every morning render or cause to be rendered at the office of the Commissioner of Police the completed and signed register made by him during the preceding twenty-four hours. The Commissioner of Police shall immediately on receiving all the reports of the preceding day transmit them to the Municipal Commissioner, to be embodied according to districts in English form in his Register Book, and to be reduced to such tabular forms as may be most useful for sanitary and other purposes. Any person who shall refuse or neglect to give any information which it is his duty to give under this Section, shall be liable to a penalty not exceeding one hundred Rupees for each offence.

CCXVI. Every person by whom the information contained in any register of births or deaths under this Act shall have been given, shall, if he can write, sign in the register his name, description, and place of abode, and if he cannot write, shall put his mark in the Register to his name, description, and place of abode, and no such registration shall be deemed to be complete or of any effect until such person shall have so signed or put his mark to it.

CCXVII. At such time and in such manner as shall be directed, from time to time, by the Commissioner, with the sanction of the Justices and of the Governor in Council, an enumeration shall be made of the persons who at the time of making such enumeration shall be within the City: Provided always that one clear month previous to such enumeration being commenced, notice of the intention to make the same, with the date or dates upon or within which it is intended to be made, and all other necessary particulars, shall be published in the

*Government*

*Government Gazette*, and in such English and Vernacular newspapers in Bombay as to the Governor in Council shall seem fit.

CCXVIII. The Commissioner shall superintend the taking of such enumeration, and shall appoint such Enumerators, and make such arrangements generally as may seem to him necessary for the purpose of such enumeration, and all expenses incurred in respect of such enumeration shall be defrayed out of the Municipal Fund.

CCXIX. Each Enumerator or other subordinate Officer appointed under this Act shall, agreeably to his instructions, leave at each house or place of residence within his District, four days at least before the time appointed for the collection of the completed Returns or Census, a blank Schedule or Return, to be of such form, and containing such particulars as the Governor in Council may approve, to be duly filled up and signed by the owner, tenant, or principal occupant of the said house or place of residence.

CCXX. Any person wilfully neglecting or refusing correctly to fill up and affix his signature to any such Schedule or Return so left at his house or place of residence, or who shall neglect or refuse to return the same to the Enumerator or other Officer when called upon so to do, or to furnish the necessary information to an Enumerator to fill up the same for him, if he do not know how to write, shall be liable to a penalty not exceeding two hundred Rupees, and may also be detained in custody until he shall have correctly filled up and signed the said Schedule or Return : Provided that it shall be the duty of the Enumerator, if required, to fill up all Schedules or Returns for those who are unable to write.

CCXXI. Any Enumerator or other subordinate Officer employed in the collection of such Schedules or Returns, if he shall find any of the same defective, or in any respect improperly filled in, shall return the same to the occupant of the house or residence to which they relate ; together with a written or printed notice requiring that the same be duly filled in or amended within a specified period not less than twenty-four nor more than forty-eight hours, and if such occupant shall

shall then fail so to fill in or amend any such Schedule or Return, he shall, on conviction, be liable to a fine not exceeding two hundred Rupees, and may also be detained in custody until he shall correctly fill in or amend the said Schedule or Return.

CCXXII. Any Military or Naval Officers in command of bodies of Military or Naval men, or of vessels of war, or any Master of a merchant vessel, or Nacodah, or Tindal of a vessel or boat, or any person in charge of a Lunatic Asylum, Hospital, or Prison, or of any public or private, charitable or scholastic institution, or any keepers of Hotels or Lodging-houses, shall, if required, act as Enumerators for the purpose of taking account of persons under their command or charge, or abiding in their houses, on the night immediately preceding the day to be appointed for the making of such enumeration, every person so required to act as an Enumerator shall receive and conform to all instructions in writing which may be issued to him by the Commissioner in that behalf.

Military and Naval Officers and certain others, if required, to act as Enumerators.

CCXXIII. The Commissioner shall obtain by such ways and means as shall appear to him best adapted for the purpose, and as shall be sanctioned by the Governor in Council, Returns of the particulars required by this Act, with respect to all houseless persons, and all persons who, during the said night preceding the day to be appointed for the making of such enumeration were on out-door night duty, or for any other reasons were not abiding in any house of which account is to be taken by the Enumerators.

Returns of houseless persons.

#### *MUNICIPAL POLICE.*

CCXXIV. The annual expenses of the Police of the City of Bombay shall be paid out of the Municipal Fund: Provided that no reduction in the total annual amount required for the maintenance of the Force shall be made without the sanction of the Governor in Council.

Expense of Police.

Proviso.

CCXXV. The Commissioner of Police shall for the purposes of this Act and for the maintenance of the peace be under the authority of the Municipal Commissioner.

Police Commissioner to be under the authority of the Municipal Commissioner.

CCXXVI.

CCXXVI. Any Police Officer may arrest any person committing in his view any offence against any of the provisions of this Act if the name and address of such person be unknown to him, or if such person decline to give his name and address, or if the Police Officer in question shall 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:

*Proviso.* Provided that no person arrested under the provisions of this Act shall be detained in any way without the order of some Magistrate longer than shall be necessary for bringing him before a Magistrate, or than forty hours at the utmost.

CCXXVII. To provide for the annual expense of the Police, and for the prevention of mischiefs from fires, an annual rate of two per centum of their value shall be imposed by the Justices upon the occupiers of all houses, buildings, and lands in the City, which shall be assessed and levied in the manner hereinbefore provided in regard to the rate on houses, buildings and lands: Provided that the

*Proviso.* Justices may increase this rate to three per centum, if it should be found necessary for the prescribed purposes.

*GENERAL PROVISIONS FOR CARRYING OUT THE PURPOSES OF THE ACT.*

CCXXVIII. When any notice is required by this Act to be given to the owner or occupier of any house, building, or land, such notice addressed to the owner or occupier as the case may require, may be served on the occupier of such house, building, or land, or left with some adult male member or servant of his family, or if the notice cannot be so served, or if there be no occupier, may be put up on some conspicuous part of such house, building, or land; and it shall not be necessary in any such notice to name the occupier or the owner: Provided always that when the owner and his residence are known to the Commissioner

*Proviso.* it shall be his duty, if such owner be residing within the City, to cause every notice required to be given to the owner of any house, building, or land to be served on such owner, or left with

some

some adult male member or servant of his family; and if the owner be not resident within the City, he shall send every such notice by the post addressed to his residence.

CCXXIX. Whenever, under the provisions of this Act, any work is required to be executed by the owner or occupier of any house, building, or land, and default is made in the execution of such work, the Commissioner, whether any penalty is or is not provided for such default, may cause such work to be executed; and the expenses thereby incurred shall be paid to him by the person by whom such work ought to have been executed, and shall be recoverable as hereinafter provided.

Commissioner in default of owner or occupier may execute works and recover expenses.

CCXXX. If the defaulter be the owner of the house, building, or land, the Commissioner may, by way of additional remedy, whether an action or proceeding has been brought or taken against any such owner or not, require the payment of all or any part of the expenses payable by the owner for the time being from the person who then, or at any time thereafter, occupies the house, building, or land under such owner; and in default of payment thereof by such occupier on demand, the same may be levied by distress of the goods and chattels of such occupier; every such occupier shall be entitled to deduct from the rent payable by him to his landlord so much as is so paid by or recovered from such occupier in respect of any such expenses.

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

CCXXXI. No occupier of any house, building, or land shall be liable to pay more money in respect of any expenses charged by this Act on the owner thereof than the amount of rent due from him for the premises 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 him, unless he neglect or refuse, upon application made to him for that purpose by the Commissioner, 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

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

was due by him at the time of such demand, or which has since accrued, shall be upon such occupier : Provided further that nothing herein contained shall be taken to affect any special contract made between any such person, owner, or occupier, respecting the payment of the expense of any such works as aforesaid.

Proviso.

CCXXXII. Whenever default is made by the owner of any house, building, or land, in the execution of any work required to be executed by him, the occupier of such house, building, or land may, with the approval of the Commissioner, 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.

Occupier in default of owner may execute works and deduct expenses from his rent.

CCXXXIII. If the occupier of any house, building or land prevent the owner thereof from carrying into effect, in respect of such house, building, or land, any of the provisions of this Act, after notice of his intention so to do has been given by the owner to such occupier, the Court of Petty Sessions, 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 it think 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 such works, such occupier shall for every day during which he so continues to refuse, be liable to a penalty not exceeding 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.

Proceedings if an occupier opposes the execution of the Act.

CCXXXIV. The Commissioner shall, for the purposes of this Act, have power by himself or any officer authorized by him for the purpose, between sunrise and sunset, to enter into and upon any house, place, works, building, or land, as well for the purpose of making any survey or inspection which he

Power to enter upon lands for the purposes of the Act.

may



may be entitled to make, as for the purpose of executing any work authorized by this Act to be executed by him, without being liable to any legal proceedings or molestation whatsoever on account of such entry, or of anything done in any part of such house, place, works, building or land, in pursuance of this Act: Provided that, except when herein otherwise provided, the Commissioner or his said officers shall not enter upon any house, place, works, building, or land, which may be occupied at the time, unless with the consent of the occupier thereof, without previously giving the said occupier twenty-four hours' notice in writing of his or their intention to do so.

CCXXXV. Whenever, under the provisions of this Act, the Municipal Commissioner or others acting under his orders or authority, or having themselves authority under this Act, shall enter into any house for purposes of inspection or for any other purpose, sufficient notice must be given to enable the females or occupants of any zenana or apartments appropriated to females to remove to another part of the building which either has been inspected or is not required to be inspected, and in all cases of inspection, due regard, compatible with the exigencies of this Act, shall be paid to the prejudices of caste.

CCXXXVI. The Commissioner or his officers or servants authorized by him for the purpose may enter upon the land of any persons adjoining to or being within the distance of one hundred yards, of any works by this Act authorized to be made, for the purpose of depositing upon such land, any soil, gravel, sand, lime, brick, stone, or other materials, or for any other purposes connected with the formation of the said works without making any previous payment, tender, or deposit: Provided that the Commissioner shall make compensation for such occupation of the said land and for any damage done to the owner and occupier thereof; and if any dispute shall arise touching the amount or apportionment of such compensation, the same shall be ascertained and determined in the manner hereinafter provided: Provided that before the Commissioner makes any such temporary use as aforesaid of the land adjoining or lying near to the said works, he shall give fourteen days

days' notice of such his intention to the owners and occupiers of such land, and shall set apart, by sufficient fences, so much of the land as shall be required to be used as aforesaid from the other land adjoining thereto.

CCXXXVII. The Commissioner may direct any prosecution for any nuisance whatsoever, 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, and may order the expenses of such prosecution or other proceedings to be paid out of the Municipal Fund: Provided that any inhabitant of a place may complain of the existence of a nuisance before the Court of Petty Sessions, and the Court may inquire into the complaint so made, and may make an order upon the Commissioner to put in force the provisions of this Act for abating or remedying the same, which the Commissioner shall be bound to obey; and the said Court may, if it sees fit direct the Commissioner, and he shall in such case pay to the complainant, out of the Municipal Fund, the costs of and relating to the said application and order, including compensation for the complainant's loss of time.

CCXXXVIII. The word "Nuisances" under this Act shall include—

- Any thing likely to occasion annoyance, inconvenience, harm or damage, to the public, as well as anything which may be injurious to the public health;
- Any Premises in such a state as to be a Nuisance or injurious to the public health;
- Any Pool, Ditch, Gutter, Watercourse, Privy, Urinal, Cesspool, Drain, or Ashpit, so foul as to be a Nuisance or injurious to the public health;
- Any Animal so kept as to be a Nuisance or injurious to the public health;
- Any accumulation or deposit which is a Nuisance or injurious to the public health.

CCXXXIX. Nothing in this Act shall be construed to render lawful any act or omission on the part of any person which is or but for this Act would be deemed to be a nuisance at Common law, nor to exempt any person guilty of nuisance at Common law from

Act not to affect nuisances at Common Law.

from prosecution or action in respect thereof: Provided that if any person convicted of an offence under this Act shall have paid the whole amount adjudged to be paid under such conviction, and the costs thereof in every such case, he shall be released from all further criminal responsibility for the same offence.

Proviso.

CCXL. No writ or process shall be issued against or served upon the Commissioner or any of his officers, or any person acting under the direction of the Commissioner, for any thing done or intended to be done under the powers of this Act, until the expiration of one month next after notice in writing shall have been delivered or left at the office of the Commissioner, or at the place of abode of the intended defendant, stating with reasonable certainty the cause of such action, and the name and the place of abode of the intended plaintiff and of his attorney or agent in the cause; and upon the trial of any such action, the plaintiff shall not be permitted to go into evidence of any cause of action, except such as is stated in the notice so delivered, and unless such notice be proved, the Court shall find for the defendant; and every such action shall be commenced within three months next after the accrual of the cause of action and not afterwards; and if any person to whom such notice of action is given shall, before action brought, tender sufficient amends to the complainant, such complainant shall not recover in any such action when brought, and the defendant shall be entitled to be paid his costs as between attorney and client by the complainant, and if no such tender shall have been made, it shall be lawful for the defendant in such action, by leave of the Court where such action shall be pending, at any time before issue framed, to pay into court such sum of money as he shall think fit, and thereupon such proceedings shall be had as in other cases where defendants are allowed to pay money into Court.

No writ or process to be issued against Commissioner or his officers until after one month's notice of cause of action.

CCXLI. The Commissioner may, with the sanction of the Justices, make compensation out of the Municipal Fund to all persons sustaining any damage by reason of the exercise of any of the powers vested in the Commissioner, his officers or servants, under and by virtue of this Act.

Commissioner may make compensation out of Municipal Fund.

CCXLII.

**CCXLII.** When any license is granted by the Commissioner under the provisions of this Act, authorizing the use of any place for any of the purposes herein described, and when permission is given by the Commissioner for making any temporary erection, or for putting up any projection, the Commissioner may charge a fee for such license or permission, and the rates of the fees to be so charged shall be from time to time adjusted by the Commissioner, with the sanction of the Justices and of the Governor in Council, provided that no such fee shall exceed the sum of fifty Rupees. When permission or license is given for the temporary occupation of any ground belonging to the Justices, the Commissioner may charge rent for such ground, according to the time the occupation may continue, at such rates as may from time to time be fixed by him.

**CCXLIII.** Except as herein otherwise provided, in all cases when compensation, damages, costs, or expenses are by this Act directed to be paid, the amount, and if necessary the apportionment of the same, in case of dispute, shall be ascertained and determined by the Court of Petty Sessions.

**CCXLIV.** In any case referred to the determination of the Court of Petty Sessions under this Act, it shall be lawful for the said Court, upon the application of either party, to summon the other party to appear before it at a time and place to be named in such summons; and every such summons shall be served in case of the Commissioner by delivering to himself the original or copy thereof, or leaving the same at his office, and in case of any other person by delivering the original or a copy thereof to the person summoned, or by leaving the same at his usual place of abode with some adult male member or servant of his family. Upon the appearance of the parties, or, in the absence of any of them, upon proof of due service of the summons, it shall be lawful for such Court to hear and determine such question, and for that purpose to examine such parties or any of them and their witnesses on oath; and the cost of every such inquiry shall be in the discretion of such Court, who shall determine the amount thereof, and by whom and in what proportions the same shall be paid.

CCXLV. If the amount of compensation, damages, cost, or expenses, ascertained in the manner above described, be not paid by the party liable to pay the same within seven days after demand, such amount may be recovered under a warrant from the said Court by distress and sale of the goods and chattels of the Justices or of such other party, as the case may be, and the overplus arising from the sale thereof, after satisfying such amount and the cost of the distress and sale, shall be returned on demand to the party whose goods shall have been distrained.

Recovery of damages by distress.

CCXLVI. Instead of proceeding by distress and sale, or in case of failure to realize by distress the whole or any part of any compensation, expenses, charges or damages awarded under the provisions of this Act, the person liable to pay the same may be sued in any Court of competent jurisdiction.

A suit may be brought on failure to realize by distress.

CCXLVII. No distress levied by virtue of this Act shall be deemed unlawful, nor shall any party making the same be deemed a trespasser on account of any defect or want of form in the summons, conviction, warrant of distress, or other proceeding relating thereto, 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.

Distress not unlawful for want of form.

CCXLVIII. Every fine or penalty imposed under or by virtue of this Act or of any bye-law made in pursuance thereof may, except in cases otherwise provided for, be recovered by summary proceeding before a Magistrate of Police on information exhibited by order of the Commissioner, and in default of payment of such fine or penalty the same may be levied under the warrant of such Magistrate by distress and sale of the goods of such offender: Provided that offences under Sections LXXXIII., LXXXIX., and XCI., committed beyond the limits of the City, may be tried before any Magistrate having jurisdiction in the place where the offence was committed.

Recovery of fines and penalties.

Proviso.

CCXLIX.

**CCXLIX.** All fines and penalties, and all sums levied or payable under this Act shall be paid to the Commissioner, to be carried by him to the credit of the Municipal Fund.

Fines and penalties to be credited to the Municipal Fund.

**CCL.** No person shall be liable to any fine or penalty under this Act, for any offence made cognizable before a Magistrate, unless the complaint respecting such offence shall have been made before a Magistrate within two months next after the commission of such offence.

No person liable to fine or penalty unless complaint be made within two months after the offence is committed.

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

Damage to the Justices' property to be made good in addition to penalty.

**CCLII.** Whenever the Commissioner shall have incurred any expense in executing any of the works which under this Act the owners of any houses, buildings, or lands, are required to execute, the Commissioner may either recover the amount of such expenses in the manner hereinbefore provided, or if he think fit may take engagements from the said owners for the quarterly payment of such sums as will be sufficient to defray the whole amount of the said expenses, with interest thereon at the rate of nine per centum per annum, within a period not exceeding five years, and such sums when due may be recovered by the same process by which rates may be recovered under this Act.

Recovery of expenses on account of improvement to private property.

**MORTGAGE OF RATES AND TAXES.**

**CCLIII.** It shall be lawful for the Justices with the sanction of the Governor in Council to borrow on mortgage as herein-after mentioned such sums of money or any part of such sums as may be necessary for defraying any expenses already

The Justices may borrow on security of rates and taxes.

already incurred or thereafter to be incurred in the execution of any works under this Act, and with the like sanction to fix such rates of interest, and such periods for the repayment of the sums borrowed with interest as they shall think fit, and for the purpose of securing the repayment of the sums so borrowed with interest as aforesaid the Justices may mortgage and assign over to the person or persons by or on behalf of whom such sums or any part thereof may be advanced, the rates and taxes imposed and levied under this Act or the portion thereof upon the credit of which any such sums shall be

**Proviso.** borrowed: Provided always that any money borrowed under the authority of this Act shall be borrowed only to defray the expenses of works of a permanent character and shall not at any time exceed in the whole ten times the average annual sum received and collected on account of such rates and taxes during the last preceding three years, and that no mortgage under this Act shall be entitled to any preference one over another by reason of some of such mortgages being prior in date to others of them.

**CCLIV.** Every mortgage of rates, or taxes authorized to be made under the provisions of this Act shall be by deed duly stamped, in which the consideration shall be truly stated, and every such deed shall be under the common seal of the Justices, and may be according to the form in the Schedule (I) to this Act annexed, or to the like effect.

**CCLV.** Any person entitled to any such mortgage may transfer his right and interest therein to any other person, and every such transfer shall be by deed duly stamped, wherein the consideration shall be truly stated, and every such transfer may be according to the form in Schedule (K) to this Act annexed or to the like effect.

**CCLVI.** If the Justices can at any time borrow or take up any sum of money at a lower rate of interest than any securities given by them and then being in force shall bear, they may borrow such sum at such lower rate as aforesaid in order to

**When and how Justices may pay off securities.** pay

pay off and discharge the securities bearing such higher rate of interest, and may charge the rates and taxes which they are authorized to mortgage under this Act or any part thereof with payment of such sum and such lower rate of interest in such manner and subject to such regulations as are herein contained with respect to other moneys borrowed on mortgage.

CCLVII. In order to discharge the principal money borrowed as aforesaid on security of any rates or taxes the Justices shall every year appropriate and set apart out of such rates and taxes respectively a sum equal to at least one-twentieth part of the sums so borrowed respectively as a sinking fund to be applied in paying off the respective principal moneys so borrowed, and shall from time to time cause such sinking fund to be invested in the purchase of Government securities, and to be increased by accumulation in the way of compound interest or otherwise, and which interest shall when it amounts to a sufficient sum in like manner be invested until the principal sum and interest respectively shall be of sufficient amount to pay off the principal debts respectively to which such sinking fund shall be applicable or some part thereof which the Justices shall think ought then to be paid off, at which time the same shall be so applied in paying off the same in manner hereinafter mentioned.

CCLVIII. Whenever the Justices shall be enabled to pay off one or more of the mortgages which shall be then payable and shall not be able to pay off the whole of the same class, they shall decide the order in which they shall be paid off by lot among the class to which such one or more of the mortgages belong, and shall cause a notice signed by their clerk to be given to the persons entitled to the money to be paid off pursuant to such lot, and such notice shall express the principal sum proposed to be paid off, and that the same will be paid together with the interest due thereon at a place to be specified, at the expiration of six months from the date of giving such notice.



*POWER TO MAKE BYE-LAWS.*

**CCLIX.** The Commissioner may from time to time make such bye-laws as he thinks fit for the several purposes for which he is hereinbefore empowered to make bye-laws, and from time to time repeal, alter, or amend any such bye-laws, provided such bye-laws be not repugnant to any law now in force or which at the time when such bye-laws come into operation shall be in force or to the provisions of this Act, and provided also such bye-laws be reduced into writing and have affixed thereto the signature of the Commissioner; and if affecting other persons than the Officers or servants of the Commissioner, be confirmed and published as herein provided.

**CCLX.** The Commissioner by the bye-laws so to be made by him may impose such reasonable penalties as he thinks fit not exceeding Rupees twenty for each breach of such bye-laws, and in case of continued breach further penalties not exceeding Rupees ten for each day such breach is continued after notice from the Commissioner to abstain from such breach; provided always that such bye-laws be so framed as to allow the Magistrate before whom any penalty imposed thereby is sought to be recovered to order the whole or part only of such penalty to be paid, or to remit the whole penalty.

**CCLXI.** No bye-laws made by the Commissioner under the authority of this Act, except such as relate solely to the Commissioner or his Officers or servants shall come into operation until the same be confirmed by the Justices at a Special General Meeting, and thereafter by the Governor in Council.

**CCLXII.** No such bye-laws shall be confirmed by the Justices unless notice of the intention to apply for a confirmation of the same have been given in the *Government Gazette*, and in at least one of the daily English newspapers and two Vernacular newspapers circulating within the limits of the City, one month at least before the hearing of such application, and any person desiring to object to any such bye-law, on giving to the Commissioner notice

notice of the nature of his objection ten days before the hearing of the application for the allowance thereof, may by himself, or his counsel, attorney, or agent, be heard thereon, but not so as to allow more than one objecting party to be heard on the same matter of objection.

**CCLXIII.** For one month at least previous to any such application for confirmation by the Justices of any bye-law, a copy of the proposed bye-laws shall be kept at the principal office of the Commissioner, and all persons may at all reasonable times inspect such copy without fee or reward, and the Commissioner shall furnish every person who applies for the same with a copy thereof or any part thereof on payment of four annas for every one hundred words and portion of one hundred words so to be copied.

Copy of proposed bye-laws to be kept for inspection at the Commissioner's office for one month before application for such confirmation.

**CCLXIV.** Such bye-laws when confirmed by the Governor in Council shall be published in the *Government Gazette* and in at least one of the daily English newspapers and two Vernacular newspapers circulating within the City, and such bye-laws shall be printed, and the officer of the Commissioner appointed by him for the purpose shall deliver a printed copy thereof to every person applying for the same without charge, and a copy thereof shall be printed or placed on boards which shall be hung up on the front or in some conspicuous part of the principal office of the Commissioner, and also on some conspicuous part of the works or locality to which the same relate, and such boards with the bye-laws thereon shall be from time to time renewed as occasion requires, and shall be open to inspection without fee or reward, and any officer or servant of the Commissioner who does not allow the same to be inspected at all reasonable times shall for every such offence be liable to a penalty not exceeding fifty Rupees.

Bye-laws to be published after confirmation by Government and to be open to inspection without payment of fee.

**CCLXV.** Such bye-laws when so confirmed and published shall be binding upon and be observed by all parties, and shall be sufficient to justify all parties acting under the same; and all Courts and Magistrates shall take judicial notice of such bye-laws and of the confirmation and publication of the same.

Bye-laws to be binding upon all persons, and to be taken judicial notice of.

**CCLXVI.**

**CCLXVI.** Any person who destroys, pulls down, injures, or defaces any boards on the premises of the Commissioner on which any bye-law of the Commissioner is printed or placed, shall for every such offence be liable to a penalty not exceeding fifty Rupees.

Penalty for injuring copies of bye-laws kept for public inspection.

**CCLXVII.** The Governor in Council notwithstanding that any bye-law has been confirmed and published as hereinbefore provided, may at any time subsequent to such confirmation and publication, if he shall see fit, repeal any such bye-law and in case of such repeal of any bye-law, the same shall at once cease to have any operation except as to any act done or a breach of such bye-law committed before such repeal thereof, and every such repeal of any bye-law shall be published in the *Government Gazette* and in at least one of the daily, English newspapers and two Vernacular newspapers published in Bombay, and all Courts and Magistrates shall take judicial notice of such repeal of any bye-law under this Section.

Government may repeal bye-laws. Such repeal to be published.

**CCLXVIII.** All bye-laws made under the provisions of Act XIV. of 1856 or any other Act repealed by this Act, and which bye-laws are in force at the time when this Act comes into operation, shall continue to be in force, and judicial notice shall continue to be taken thereof by all Courts and Magistrates until the same shall be repealed, altered, or amended; and such repeal, alteration, or amendment, when it takes place, shall be effected in the manner provided for the repeal, alteration, and amendment of bye-laws made under this Act.

Existing bye-laws to continue in force till repealed.

**CCLXIX.** The Commissioner shall publish short particulars of the several offences for which any penalty is imposed by this Act, or by any bye-law made under this Act, or by Act XIII. of 1856 or Act XLVIII. of 1860, and of the amount of every such penalty, and shall cause such particulars, in English and in the Vernacular languages chiefly in use, to be painted or placed on boards which shall be hung up in some conspicuous part of the office of the Commissioner.

Publication of penalties under the Act.

CCLXX. The Commissioner shall, as soon after the first day of January in every year as may be practicable, prepare a detailed statement showing the nature and amount of receipts and disbursements on account of the Municipal Fund for the year ending the 31st December last past, and also a report of his proceedings during that year; and such statement and report shall within three months from the 1st January be printed and submitted to the Justices, and subsequently published for general information.

CCLXXI. This Act may be cited for all purposes as “the Bombay Short title. Municipal Act of 1865.”

CCLXXII. This Act shall commence and take effect on and after the first day of July A. D. 1865, and in case the assent of the Governor General to this Act be not published by the Governor on or before the day and year last aforesaid, of which publication, when it takes place, all Courts and Magistrates shall take judicial notice, then on and after the first day of October A. D. 1865.

**SCHEDULE A.**

*(Referred to in Section XXXIX.)*

TAX ON CARRIAGES AND ANIMALS.	Rates per quarter		
	Rs.	A.	P.
On every four-wheeled carriage on springs.....	6	0	0
On every two-wheeled carriage on springs, except Native hackeries .....	4	0	0
On every native hackery used for riding in, and drawn by bullocks.....	7	8	0
On every labour-cart and labour-hackery .....	3	0	0
On every horse, pony, or mule, of the height of 12 hands, or upwards.....	7	8	0

---

**SCHEDULE B.**

*(Referred to in Section LXXII.)*

**NOTICE OF DEMAND.**

Take notice that the Municipal Commissioner demands from (you) the sum of \_\_\_\_\_ due from \* (you) as owner (or occupier) [here describe the property or thing upon which the rate or tax is imposed] for the months of \_\_\_\_\_ 186 ; and that if the sum due is not paid into the said Commissioner's office, at \_\_\_\_\_, or if sufficient cause for the non-payment of the sum is not shown to the Commissioner within five days from the service of this notice, a warrant of distress will be issued for the recovery of the same with cost.

*(Signature of the Municipal Commissioner.)*

Date \_\_\_\_\_

---

\* In the case of a demand under Section LXXVI. state that notice of demand has been served upon the owner, and the sum due remains unpaid.

## SCHEDULE C.

*(Referred to in Section LXXII.)*

## DISTRESS WARRANT.

To [*here insert the name of the Officer charged with the execution of the warrant.*]

Whereas \_\_\_\_\_ of \_\_\_\_\_ has not paid or shown sufficient cause for the non-payment of the sum of \_\_\_\_\_ Rupees due for the rates (*or taxes*), (*or rates and taxes*), mentioned in the margin, for the months of ( \_\_\_\_\_ ) 186 \_\_\_\_\_, although the said sum has been duly demanded in writing from the said

and five days have elapsed since the service of the notice of demand :  
This is to command you to distrain the goods and chattels of the said \_\_\_\_\_  
(*or as the case may be, any goods and chattels found on the premises referred to*) to the amount of the said sum of \_\_\_\_\_ Rupees, and such further sum as may be sufficient to defray the charges of taking, keeping, and selling such distress ; and if, within five days next after such distress, the said sum shall not be paid, together with such further sum as may be sufficient to defray the charges of taking and keeping such distress, to sell the said goods, and chattels ; and having paid and deducted out of the proceeds of the sale the said sum of \_\_\_\_\_ Rupees, and the charges of taking, keeping, and selling such distress, to return the surplus, if any, on demand, to the person whom you shall find in possession of the said goods and chattels. If sufficient distress cannot be found of the goods and chattels of the said

you are to certify the same to me together with this warrant.

[L. S.] the Municipal Commissioner.

## SCHEDULE D.

*(Referred to in Section LXXIII.)*

## FORM OF INVENTORY AND NOTICE.

*(State particulars of goods seized.)*

Take notice that I have this day seized the goods and chattels specified in the above Inventory, for the sum of                      Rupees due for the rates *(or taxes)* mentioned in the margin, for the months of 186    ; and that unless you pay into the office of the Municipal Commissioner the amount due, together with the costs of this distress, within five days from the day of the date of this notice, the goods and chattels will be sold.

*[Signature of the Officer executing the Warrant of distress.]*

Date \_\_\_\_\_

SCHEDULE E.

(Referred to in Section LXXIV.)

TABLE OF FEES PAYABLE IN DISTRAINTS UNDER THIS ACT.

SUM DISTRAINED FOR.		FEE.	
		Rs.	As.
Under 5 Rupees .....		0	8
Rupees 5 and under 10 Rupees .....		1	0
"    10        "    15 .....		1	8
"    15        "    20 .....		2	0
"    20        "    25 .....		2	8
"    25        "    30 .....		3	0
"    30        "    35 .....		3	8
"    35        "    40 .....		4	0
"    40        "    45 .....		4	8
"    45        "    50 .....		5	0
"    50        "    60 .....		6	0
"    60        "    80 .....		7	8
"    80        "   100 .....		9	0
Above                  100 .....		10	0

The above charge includes all expenses, except when Peons are kept in charge of property distrained, in which case four annas must be paid daily for each man.



SCHEDULE F.

(Referred to in Section XCVII.)

LICENSE TAX ON PROFESSIONS, TRADES, AND CALLINGS.

CLASS I.

Yearly.

- (A) Every Joint Stock Company, whether registered under any English or Indian Act or Acts, and every other Company, whether incorporated by Royal Charter, Act of Parliament or Act of the Council of the Governor General or of the Governor of either of the Presidencies, and carrying on any trade or business having gain for its object, and the nominal or subscribed capital of which exceeds 10 lakhs of Rupees ..... 350 Rs
- (B) Every other Company of any of the descriptions mentioned in Division (A) of this class, the nominal or subscribed capital of which does not exceed 10 lakhs of Rupees. .... 200 Rs.

CLASS II.

- Every Merchant, Banker, Shroff, Wholesale Trader, or Commission Agent, Broker, or Dullal, employed in the wholesale purchase or sale of imports or exports, or in the purchase or sale of Bills of Exchange, and every Practising Surgeon, Physician, Architect, Civil Engineer, Barrister, Attorney, Proctor, Notary Public, and Vakcel or Pleader of the High Court, Small Cause Court, or any of the Police Courts ..... 50 Rs.
- Every Owner, or Farmer of a Private or Public Market .....
- Every Owner of Cotton, Hide or other Screws, and every Auctioneer....
- Every Hotel-keeper, Boarding House-keeper, Shop-keeper, Manufacturer, or Trader, the annual value of whose Shop or Place of business as estimated under Section LVIII. of this Act amounts to Rs. 2,400 or upwards .....

CLASS III.

Yearly.

Every Broker or Dullal not included in Class II. employed in the sale of Government Securities, or of Goods, Wares, or of Merchandize, or of Shares, or in procuring Freight .....	} 25 Rs.
Every practising Licentiate of Medicine, Dentist, Apothecary, and Veterinary Surgeon.....	
Every Keeper of a Billiard-Room .....	
Every Hotel-keeper, Boarding House-keeper, Shop-keeper, Manufacturer, or Trader, the annual value of whose Shop or Place of business as estimated under Section LVIII. of this Act exceeds Rs. 900, but is less than Rs. 2,400 .....	
Every Pawn-broker .....	

CLASS IV.

Every Hotel-keeper, Boarding House-keeper, Shop-keeper, Manufacturer, or Trader, the annual value of whose Shop or Place of business as estimated under Section LVIII. of this Act exceeds Rs. 300, but is less than Rs. 900 .....	} 12 Rs.
Every Keeper of a permanent Stall, at a daily public or private market..	
Every Money-changer.....	

---

NOTE.—A person who carries on several kinds of business, and may come under more than one of the designations in this Schedule, shall be chargeable only under one of such designations, at the discretion of the Commissioner.





## SCHEDULE I.

*(Referred to in Section C LIV.)*

## FORM OF MORTGAGE.

No. \_\_\_\_\_

By virtue of the Bombay Municipal Act of 1865, We the Justices in consideration of the sum of Rupees \_\_\_\_\_ paid to us to the credit of the Municipal Fund of the City of Bombay by A. B. of \_\_\_\_\_ for the purposes of the said Act do grant and assign unto the said A. B. his heirs, executors, administrators, representatives and assigns such proportion of the rates and taxes arising or accruing by virtue of the said Act from *(here describe the rates or taxes proposed to be mortgaged)* as the said sum of \_\_\_\_\_ doth or shall bear to the whole sum which is or shall be borrowed upon the credit of the said rates and taxes to hold to the said A. B. his heirs, executors, administrators, representatives, and assigns from this day until the said sum of Rupees \_\_\_\_\_ with interest at \_\_\_\_\_ per cent. per annum for the same shall be fully paid and satisfied (the principal sum to be repaid at the end of \_\_\_\_\_ years from the date hereof, and in the meantime interest thereon to be payable half yearly) *(in case any period be agreed upon for that purpose)*. Given under our Corporate Seal this \_\_\_\_\_ day of \_\_\_\_\_ One thousand Eight hundred and Sixty—

SCHEDULE K.

(Referred to in Section CCLV.)

FORM OF TRANSFER OF MORTGAGE.

I A. B. of \_\_\_\_\_ in consideration of the sum of \_\_\_\_\_  
 paid to me by C. D. of \_\_\_\_\_ do hereby transfer to the said C. D. his  
 heirs, executors, administrators, representatives and assigns (*a certain mortgage,*  
*Number* \_\_\_\_\_) made by the Corporation of the Justices of the City of Bombay  
 bearing date the \_\_\_\_\_ day of \_\_\_\_\_ for  
 securing the sum of \_\_\_\_\_ and \_\_\_\_\_ interest (*or if such*  
*transfer be by endorsement* the within security) and all my right, estate and interest  
 in and to the money thereby secured, and in and to the rates and taxes thereby  
 assigned. In witness whereof I have hereunto set my hand and seal. This  
 \_\_\_\_\_ day of \_\_\_\_\_ One thousand Eight hundred and Sixty—

**BOMBAY.**

**ACT No. III. OF 1865.**

PASSED BY THE GOVERNOR OF BOMBAY IN COUNCIL.

[*Received the assent of the Governor of Bombay on the 17th September 1864, and of the Governor General on the 18th July 1865, and published by the Governor of Bombay on the 31st July 1865.*]

*An Act to amend Act XXI. of 1848 (for avoiding Wagers).*

WHEREAS it is expedient, so far as regards the Presidency of Bombay, to amend Act XXI. of 1848 (for avoiding Wagers);  
Preamble. It is enacted as follows:—

I. All contracts, whether by speaking, writing, or otherwise, knowingly made to further or assist the entering into, effecting, or carrying out agreements by way of gaming or wagering, and all contracts by way of security or guarantee for the performance of such agreements or contracts, shall be null and void; and no suit shall be allowed in any Court of Justice for recovering any sum of money paid or payable in respect of any such contract or contracts, or any such agreement or agreements as aforesaid.

Contracts made to assist the entering into agreements by way of gaming or wagering, and contracts by way of security for the performance of such contracts, to be null and void. No suit to be allowed on such contracts.

II. No suit shall be allowed in any Court of Justice for recovering any commission, brokerage, fee or reward in respect of the knowingly effecting or carrying out, or of the knowingly aiding in effecting or in carrying out, or otherwise claimed or claimable in respect of any such agreement by way of gaming or wagering, or any such contract as aforesaid, whether the plaintiff in such suit be or be not a party to such last mentioned agreement or contract, or for recovering any sum of money knowingly

Nor for commission or brokerage, &c. in respect of agreements by way of gaming or wagering.

35 r

paid or payable on account of any persons by way of commission, brokerage, fee or reward, in respect of any such agreement by way of gaming or wagering or contract as aforesaid.

III. No guardian, executor, administrator, heir, or personal representative of any deceased person shall be entitled to or allowed credit in his accounts for or in respect of any payment by him on behalf of such deceased person (or, in the case of a guardian, on behalf of any minor), in respect of any such agreement or agreements as are mentioned in Section I. of Act XXI. of 1848, or in respect of any such contract or contracts, commission, brokerage, fee, or reward, or money paid or payable in respect thereof as are respectively mentioned in the first and second Sections of this Act.

This Act not to be retrospective, and to be read with Act XXI. of 1848.

IV. This Act shall not be construed so as to give it a retrospective effect, and shall be read and taken as part of Act XXI. of 1848.

V. In the construction of this Act, words importing the singular number shall include the plural number, and words importing the plural number shall include the singular number; and words importing the masculine gender shall include females.

---



# BOMBAY.

ACT No. IV. OF 1865.

PASSED BY THE GOVERNOR OF BOMBAY IN COUNCIL.

*[Received the assent of the Governor of Bombay on the 5th of June 1865, and of the Governor General on the 17th August 1865, and published by the Governor of Bombay on the 1st September 1865.]*

*An Act for the regulation of Mofussil Gaols and the enforcement of discipline therein.*

WHEREAS it has become necessary, in consequence of the alterations which  
Preamble. have been made in the Codes of Civil and Criminal Procedure, that the laws relating to Gaols in this Presidency, other than within the local limits of the ordinary original jurisdiction of the High Court of Judicature of Bombay, and the custody and punishment of prisoners, should be consolidated and amended; It is enacted as follows:—

I. Section XXVI. and Clause 5 of Section XXX. of Regulation II. of  
Laws repealed. A.D. 1827, Section XLII. and Clause 2, so far as it has been left unrepealed by Section I. of Act XVII. of 1862, and Clauses 3 and 4 of Section XLIII., and Sections XLIV., XLV. and XLVI. of Regulation XIII, of A.D. 1827, Sections I., II., and III. of Regulation XVI. of A.D. 1828, and Act XI. of 1840 are hereby repealed.

II. From and after the date on which this Act shall come into operation  
Civil and Criminal Gaols established. there shall be two classes of Gaols established in the territories subordinate to the Presidency of Bombay; including Aden and the Province of Sind:—

(1.) Civil Gaols for the confinement of persons committed to prison or custody in a Civil Gaol, or under process of any Civil Court, or by order of any other Court, in cases in which the law directs that persons so committed to prison or custody shall be confined in the Civil Gaol.

(2.) Criminal Gaols, for the execution of punishments under Section 53 of THE INDIAN PENAL CODE, (Act XLV. of 1860,) and for the confinement of persons committed to custody or imprisonment by any Court of criminal jurisdiction, in all cases in which the law does not expressly direct that such persons shall be confined in the Civil Gaol.

III. There shall be a Civil Gaol for each District at the seat of the District Court, provided that it shall be in the power of the Governor in Council to establish Civil Gaols at other convenient places.

A Civil Gaol to be at the seat of each District Court, and may be at other places.

IV. The Nazir of the District or of the Civil Court shall be *ex-officio* keeper of the Civil Gaol, and shall be responsible for the safe custody of the prisoners, and for the preservation of cleanliness and good order in the Gaol and among the prisoners, and shall have such establishment under him as the District Judge, with the sanction of the Governor in Council, may direct.

The Nazir of the District Court to be keeper of the Civil Gaol, and to have an establishment under him.

V. The District Judge or his Assistant shall visit the Civil Gaol at least once in each month, and shall issue such orders connected with the economy of the Gaol, the good management, health, and accommodation of the prisoners, as he may think fit. He shall record the date of his visit, and any remarks he may have to make, in a book to be called "the Visitor's Book," and shall bring any special cases to the special notice of Government.

The District Judge to visit the Civil Gaol.

VI. The Civil Surgeon of the Station shall attend the Civil Gaol, and shall be bound to offer such advice to the District Judge as may seem expedient to him with regard to the sanitary state of the Gaol and of the prisoners. He shall also administer remedies at the expense of the Government to the sick, provided that nothing contained in this Section shall prevent a prisoner in a Civil Gaol from employing any medical man he may think fit to consult.

The Civil Surgeon of the Station to attend the Gaol. Remedies to be administered at the expense of Government.

VII. The Civil Gaol shall be opened daily for the admission of those wishing to visit prisoners from one hour after sunrise

Strangers may be admitted to the Civil Gaol.

until one hour before sunset, and no stranger shall on any account be allowed to sleep in the Civil Gaol.

VIII. Prisoners in the Civil Gaol may either make their own arrangements with their friends for their subsistence, or may, Subsistence of prisoners in the Civil Gaol. within the amount of subsistence money or batta furnished by the party at whose suit they are detained, require the Nazir to furnish their food and other necessaries out of the subsistence money fixed for them by the Court by which they are committed, provided that excess in the use of intoxicating liquors or drugs be strictly prohibited. A Tariff of prices approved by the District Judge on the first day of each month shall be kept in the Gaol, accessible to all the prisoners.

IX. Whenever a prisoner shall die in the Civil Gaol, the Nazir shall Disposal of the corpse of a prisoner dying in the Civil Gaol. immediately report such death to the nearest Magistrate or Subordinate Magistrate, who shall thereupon inquire into the cause of such death, and make a written report thereon to the Inspector General of Prisons, and the corpse of the prisoner so dying shall, after the Civil Surgeon has certified to his death, be made over to his friends, or, in failure of their taking the corpse, it shall be buried at the expense of the Civil Gaol Fund, as hereinafter provided.

X. The balance of subsistence money remaining in hand at the time Disposal of subsistence money in hand on a prisoner's death or release. of a prisoner's death or release shall be credited to a fund, to be called "the Civil Gaol Fund," to be expended on the burial of those buried at the expense of the Fund, and in procuring comforts for sick prisoners.

Criminal Gaols to be of three kinds.

XI. Criminal Gaols shall be of three kinds:—

- (1) Central,
- (2) District, and
- (3) Subordinate, which last may be either—
  - (i.) Permanent, or
  - (ii.) Temporary.

**XII. Clause 1st.**—Temporary Subordinate Gaols may be established by order of the Governor in Council in any part of the country as occasion may require, and may also, as occasion requires, be removed, from time to time, to other places. They may also, if special reasons exist, be established by the Superintendent of the District or Subordinate Gaol, in anticipation of the sanction of the Governor in Council.

**Clause 2nd.**—Subordinate Gaols, when not expressly declared to be temporary, shall be deemed permanent, and shall be established wherever the Governor in Council may direct.

**XIII.** All persons committed by Criminal Courts for safe custody, and convicts sentenced to periods of imprisonment not exceeding one month, shall be sent to undergo their sentences in the District Gaol, or in the Subordinate Gaol, whichever may be the nearer to the place where sentence is passed upon the convict, or where the order is given for the culprit's detention.

**XIV.** District Gaols shall be established at the seats of the Courts of the Session Judges, and may be established at the seats of Assistant Judges at detached Stations, and all convicts sentenced by the Courts of Session, and all others, not specially ordered or required by the last preceding Clause to be imprisoned in another Gaol, shall be imprisoned in the District Gaol. Nothing however in this Section is to be held as interfering with the power of the local Government to direct the removal of prisoners from one Gaol to another, or to prevent a Central and a District Gaol being united in one Gaol.

**XV.** Central Gaols may be established at any places the Governor in Council may think fit, and prisoners shall be sent to those Gaols under such general rules as the Governor in Council may, from time to time, issue.

Gaols to be in charge of Gaolers, to whom warrants for confinement are to be addressed.

**XVI.** Every Gaol shall be in charge of a Gaoler, to whom all warrants for the confinement of prisoners shall be addressed.

XVII. The Gaoler shall be responsible for the safe custody of the prisoners from the time they are received into the Gaol, until they are discharged by lawful authority. He shall also be liable for the due execution of all warrants and orders, which he may receive, regarding prisoners and their punishment.

The Gaoler responsible for the safe custody of prisoners, and for due execution of warrants.

XVIII. Subject to the provisions hereinafter contained, every Criminal Gaol shall be governed and superintended by a person to be appointed by order of the Governor in Council, who shall be called the Superintendent of the Gaol, and to whom the Gaoler shall be subordinate.

Criminal Gaols to be under Superintendents, to whom the Gaolers are to be subordinate.

XIX. The Gaoler of District and permanent Subordinate Gaols shall be appointed by the Superintendent of the Gaol, subject to the approval of the Inspector General of Prisons, and the Gaolers of Central and temporary Subordinate Gaols shall be appointed by the Inspector General of Prisons, provided that it shall be competent for the Governor in Council to declare by Notification in the *Government Gazette* that certain Officers are *ex-officio* Superintendents of or Gaolers of Subordinate Gaols.

Appointment of Gaolers.

XX. No Gaoler shall receive any prisoner into custody without the warrant of a Court or Officer having authority to commit to prison or custody, or, in the case of a prisoner sentenced by Court Martial, without an authenticated copy of the sentence or order required by Articles 87 and 88 of Act XXIX. of 1861, or without the warrant of a Court or Officer having authority to transfer a prisoner from one Gaol to another.

No Gaoler to receive a prisoner without warrant.

XXI. All clothing and other property and money delivered with, or found upon the person of a criminal prisoner on his admission into Gaol, shall be taken charge of by the Gaoler, under such rules for its safe custody as the Superintendent of the Gaol may make, and the prisoner shall have no claim thereto until his discharge. In the event of the prisoner's death while he is undergoing his sen-

Clothing and property belonging to a prisoner to be taken charge of by the Gaoler. Disposal of property found in possession of prisoner after his admission to Gaol.

tence, such property shall be made over to whomsoever he may appoint to receive it, and, failing such appointment, it shall be made over to the Civil Court under Chapter II. of Regulation VIII. of A.D. 1827, as if there were no heir or executor competent or willing to take possession of such property, provided that any property or money found in the possession of a criminal prisoner, at any date subsequent to his admission, shall be forfeited to Government.

XXII. Such clothing, bedding, and other household articles as are necessary for prisoners in Criminal Gaols, shall be supplied at the expense of Government by the Superintendent of the Gaol, under the direction of the Inspector General of Prisons.

Necessary clothing &c., to be supplied at the expense of Government.

XXIII. All prisoners confined in Criminal Gaols shall be subsisted at the expense of the Government, the allowance, which shall always be of food and not of money, being regulated by the Superintendent of the Gaol, under the direction of the Inspector General of Prisons.

Subsistence of prisoners in Criminal Gaols.

XXIV. Male prisoners shall always, and in all Gaols, be kept separate from female prisoners, and those sent to Gaol for punishment from those sent there for safe custody. Sick prisoners shall always be sent to the Hospital, which may be either a separate Gaol, or a building distinct from the Gaol, and prisoners sent to Hospital shall be detained there until the Surgeon direct that they may be returned to Gaol, and with regard to any further sub-division of prisoners, the Gaoler shall attend to any orders on the subject that he may receive from the Superintendent of the Gaol, provided that, consistently with the objects of this Act, due care is taken in regard to religious prejudices, and to protect the trivial offender from, of necessity, associating with the vicious and heinous offender.

Classification of prisoners.

XXV. The Gaoler shall be careful to prevent drunkenness, gaming, and immoral or disorderly conduct of any sort within the Gaol, and to report to the Superintendent of the Gaol all instances of such misconduct, as well as all prisoners guilty of disobedience, or of violent or refractory conduct,

The Gaoler to prevent misconduct, &c., on the part of prisoners.

or of using insulting or abusive language, or of refusing or wilfully neglecting to perform the work, or of wilfully mismanaging the work allotted to them, or of malingering, or of wilfully disabling themselves, or of the breach of any rules prescribed for the good management or economy of the Gaol.

XXVI. The Superintendent of the Gaol, on such report being made to him, and being satisfied of the fact, or when any misconduct of the nature described in the preceding Section is committed or occurs in his presence, may punish such misconduct or breach of discipline by solitary confinement for a period not exceeding seven days, by confinement in the stocks for a period which may extend to twelve hours, or by corporal punishment not exceeding twenty-five stripes with a rattan of not more than three-eighths of an inch diameter: Provided always that corporal punishment shall not be inflicted on any male prisoner unless the Medical Officer of the Gaol shall state that the prisoner can bear it without danger to his general health, and that such corporal punishment shall not be inflicted except in the presence of the Superintendent of the Gaol, and that corporal punishment shall in no case be inflicted on any female prisoner.

XXVII. The Superintendent of the Gaol shall keep a book, to be called "the Punishment Book," in which shall be recorded the prisoner's name, the breach of prison discipline of which he was guilty, the date on which it was committed, the punishment inflicted, and the date.

XXVIII. Whoever, without due permission, takes or attempts to take, or introduces or attempts to introduce, or throws or attempts to throw, into any part of a Gaol, any article prohibited by the rules to be made under this Act, or communicates or attempts to communicate with any prisoner in any mode contrary to such rules, shall be liable to be apprehended and brought before a Magistrate, and, on conviction, shall be punished with fine, which may extend to fifty Rupees, or with imprisonment of either description, which may extend to two months.

XXIX. The Civil Surgeon of the Station shall attend the Gaol, and administer remedies to the sick, removing such as require it to the Hospital. In the event of a Surgeon

being specially appointed to the Gaol, or of the Civil Surgeon being appointed under Section XVIII. or XIX. to be Superintendent of a Gaol, he shall himself attend, as Medical Officer, and administer remedies to the sick.

XXX. When a sentence has been fully executed, the Gaoler shall make over to the prisoner the clothing taken from him under Section XXI., and receive from him the clothing and other articles with which he was furnished at the expense of the Government, and shall endorse upon the warrant a statement of how it has been executed, and shall then take the warrant and the prisoner before the Superintendent of the Gaol, and there, in presence of the Superintendent of the Gaol, discharge the prisoner. The Superintendent of the Gaol shall then, countersign the endorsement, and the Gaoler shall return the warrant with the endorsement thereon to the Officer from whom he received it.

Procedure on the expiration of the term of a prisoner's sentence.

XXXI. In the presence of the Superintendent of the Gaol, and at the time of discharging the prisoner, the Gaoler shall make over to him any other property or money he may have received with the prisoner, or found on him and taken charge of, as directed in Section XXI., and shall take his receipt for the same; and the receipt, when countersigned by the Superintendent, shall be deemed to be, and is a good acquittance and release from all claims by the prisoner or his representatives against the Gaoler for such property.

A prisoner's personal property to be returned to him on his discharge.

XXXII. When a prisoner is released, the Superintendent of the Gaol may, if he sees sufficient reason, grant him a sum of money sufficient for his subsistence until he reach his native village, or the place where he was apprehended.

Subsistence money may be given to a prisoner on his discharge.

XXXIII. No prisoner, being in Hospital on the expiration of his sentence, shall be discharged from the Hospital, except at his own request, or unless the Surgeon certify that he can be discharged without endangering his life or protracting his illness; the Superintendent shall explain to him that his sentence has expired, and shall direct all restraint to be

Disposal of prisoner in Hospital on the expiration of his sentence.



removed, and, on the Surgeon reporting the late prisoner convalescent and about to leave the Hospital, the Superintendent of the Gaol may grant him, if necessary, subsistence money, as provided in the last Section.

XXXIV. If any prisoner shall die in Gaol before full execution of his sentence, the Gaoler shall immediately report such death to the nearest Magistrate or Subordinate Magistrate, who shall thereupon inquire into the cause of such death, and make a written report thereon to the Inspector General of Prisons, and upon such death taking place, the warrant shall be returned by the Gaoler to the Officer who issued it, with an endorsement showing how far it had been executed, and with a certificate attached to it from the Surgeon certifying to the prisoner's death.

XXXV. If any prisoner make his escape from Gaol, the Gaoler shall endorse on his warrant to what extent his sentence had been carried out, and the date of the escape, and shall return the warrant to the Officer who issued it, and the warrant and endorsement shall be proof in every Court that the prisoner was convicted, that he underwent the extent of punishment endorsed on the warrant, and that he effected his escape from confinement on the day stated.

XXXVI. The Inspector General of Prisons shall, from time to time with the sanction of Government, promulgate such rules and orders as may appear necessary for the supervision, employment, custody, clothing, dieting, treatment, and classification of prisoners, and for the management of Gaols.

XXXVII. The Magistrate of the District, or his Assistant or Deputy, shall, once in every week, visit the District Gaol and Hospital, to hear complaints, and to see that considerations of cleanliness, health, and security are attended to, and a proper management maintained in all respects. He shall examine the Punishment Book, and record his proceedings and observations in a book, to be called "the Visitor's Book." He shall bring any special cases to the special notice of the Inspector General of Prisons, or, if necessary, of the Government, and he may direct petitions from prisoners to Government to be

prepared and forwarded, the Superintendent of the Gaol being likewise at liberty, for special reasons, to allow a prisoner to send a petition to Government.

XXXVIII. Visitors for Central and Subordinate Gaols shall be appointed by the Government, for the purposes contemplated in Section XXXVII., to the provisions of which they shall in all respects conform.

Visitors of Central and Subordinate Gaols.

XXXIX. This Act shall be read with (Bombay) Act X. of 1862, and nothing contained in this Act shall be construed as interfering with the power vested in the Governor in Council, under Act VIII. of 1856, of control of all Gaols, and to appoint persons to inspect and superintend Gaols, and to vest in them such power and authority, for the purpose, as to the Governor in Council may seem proper.

Construction.

XL. The following words and expressions in this Act shall have the meaning hereby assigned to them, unless there be something in the context repugnant to such construction :—

Interpretation.

The words “ Inspector General of Prisons ” shall mean the Officer appointed under the provisions of Section II. of Act VIII. of 1856, to inspect and superintend the Gaols in the Bombay Presidency, subject to the orders of the Governor in Council.

“ Inspector General of Prisons.”

The words “ Magistrate of the District ” shall mean the chief Officer charged with the executive administration of a District or place in criminal matters, by whatever designation such Officer is called.

“ Magistrate of the District.”

The word “ Magistrate ” shall include all persons exercising all or any of the powers of a Magistrate.

“ Magistrate.”

Words importing the masculine gender include the feminine, and words importing the singular number include the plural.

Gender.  
Number.

**XLI.** This Act shall come into operation three months after the publication by the Governor of the assent thereto of the Governor General, and all prisoners in Gaol at the time this Act comes into operation shall, until the expiration of their sentences, be held, whatever their sentences may be, to be in legal custody, notwithstanding any thing in this Act provided, so long as it would not be illegal under any of the Acts now repealed.

Commencement of the Act. Prisoners in Gaol on commencement of Act to be held to be in legal custody.

Act not to apply to Gaols within the ordinary original jurisdiction of the High Court.

**XLII.** Nothing in this Act shall be taken to affect any Gaol within the present local limits of the ordinary original Jurisdiction of the High Court of Judicature of Bombay.

# BOMBAY.

ACT No. V. of 1865.

PASSED BY THE GOVERNOR OF BOMBAY IN COUNCIL.

*[Received the assent of the Governor of Bombay on the 2nd September 1865 and of the Governor General on the 22nd September 1865, and published by the Governor of Bombay on the 14th October 1865.]*

*An Act to authorize the Punishment of Whipping, in certain cases, in the Bombay House of Correction.*

WHEREAS it is expedient to invest the Committee of Management of the  
Bombay House of Correction with the power of  
Preamble: inflicting the punishment of whipping on prisoners  
who are guilty of certain gross breaches of prison discipline; It is enacted as  
follows:—

I. It shall be lawful for the majority of the Committee of Management  
of the House of Correction, in substitution for any  
Gross breaches of prison discipline may be punished with whipping. punishment which they are authorized by law to  
inflict, to order that the punishment of whipping  
shall be inflicted on any prisoner under sentence in the House of Correction  
who is guilty of grossly immoral or disorderly conduct of any sort, or of  
obstinate disobedience to lawful orders, or of grossly violent and refractory  
conduct, or of repeatedly using insulting or abusive language, or of obstinately  
refusing or neglecting to perform the work, or of wilfully and repeatedly  
mismanaging the work allotted to him, or of wilfully disabling himself from  
working, or of the wilful and repeated breach of any rule or bye-law made by  
the Committee for the good management or economy of the House of Correction.

II. When any breach of prison discipline as described in the preceding  
Section is reported to the Committee of Management  
or any one of its members, a special meeting of the  
Committee shall be summoned with all convenient  
Procedure under the Act. Extent of punishment. Proviso.

despatch, and such Committee shall thereupon in the presence of the accused, investigate the charge; and the majority of the Committee present at such investigation, if satisfied of its truth, may, if they think fit, order the offender to be whipped, and such order shall be in writing and duly recorded, and such whipping shall be inflicted with a cat of nine tails on the bare back, and shall not exceed twenty-five lashes: Provided that such punishment shall not be inflicted on any offender unless the Medical Officer of the Gaol shall state that the offender can bear it without danger to his general health, and that it shall not be inflicted except in the presence of some member of the Committee and of the Marshal or Deputy Marshal of the House of Correction, and that it shall in no case be inflicted on any female prisoner.

---

# BOMBAY.

ACT No. VI. OF 1865.<sup>v</sup>

---

PASSED BY THE GOVERNOR OF BOMBAY IN COUNCIL.

*[Received the assent of the Governor of Bombay on the 19th October 1865, and of the Governor General on the 11th November 1865, and published by the Governor of Bombay on the 2nd December 1865.]*

*An Act to authorize the destruction of Useless Records in certain Courts of the Bombay Presidency.*

WHEREAS doubts have arisen respecting the power of the Judges of the High Court at Bombay to order the destruction of useless records in the Courts in the Presidency of Bombay, and whereas also it is expedient to indemnify all persons who may have destroyed any papers or records in pursuance of the Circular Order issued by the late Sudder Court at Bombay on the 30th of November 1858, prescribing rules for the destruction of useless records; It is enacted as follows:—

I. It shall be lawful for the Chief Justice and Judges of Her Majesty's High Court of Judicature at Bombay, by any rule or rules to be from time to time by them made, to order the destruction of such records and papers belonging to or being in the Courts of Civil and Criminal Judicature in the Bombay Presidency subordinate to the said High Court, as the said Chief Justice and Judges may consider useless or unworthy of permanent record; and such records and papers shall accordingly be destroyed, any Regulation, Act, or Law to the contrary notwithstanding.

Judges of the High Court may make rules for the destruction of useless records in subordinate Courts.

40 r

PRINTED AT THE B. E. S. PRESS.

*[Price Half Anna.]*

II. It shall not be competent for any Court, in any suit or other proceeding whatsoever, whether the same be now pending or may hereafter be instituted, to question the legality or otherwise of any act done or intended to be done by any person in pursuance of the Circular Order issued by the late Court of Sudder Dewanee Adawlut, and dated the 30th of November 1858, whereby certain rules were prescribed for the destruction of useless records.

Officers acting under certain orders of the late Sudder Court indemnified.

---

# BOMBAY.

ACT No. VII. OF 1865.

PASSED BY THE GOVERNOR OF BOMBAY IN COUNCIL.

[*Received the assent of the Governor of Bombay on the 19th October 1865, and of the Governor General on the 14th November 1865, and published by the Governor of Bombay on the 5th December 1865.*]

*An Act to extend the provisions of Act of the Governor General of India in Council, No. XX. of 1863, to the District of Canara in the Bombay Presidency.*

WHEREAS it is expedient to extend the provisions of Act No. XX. of 1863,  
Preamble. (*an Act to enable the Government to divest itself of the management of Religious Endowments*) to the District of Canara in the Bombay Presidency ; It is enacted as follows:—

Act XX. of 1863 extended to Canara.

I. The provisions of Act No. XX. of 1863 are hereby extended to the District of Canara in the Bombay Presidency.

II. A Notice of the appointment of the Committee referred to in Section VII. of Act XX. of 1863 shall, if posted at the Mamlutdar's office, be equivalent to a Notification of such appointment in the Official Gazette.  
Notice of appointment of Committee under Section VII. of Act XX. sufficient if posted at Mamlutdar's office.

III. The words "Board" and "Board of Revenue," as used throughout Act XX. of 1863 shall, for the purposes of this Act, be held to mean the Revenue Commissioner of the Division.  
Interpretation.

41 r

PRINTED AT THE B. E. S. PRESS.

[*Price Half Anna.*]



**BOMBAY.****ACT No. VIII. OF 1865.**

PASSED BY THE GOVERNOR OF BOMBAY IN COUNCIL.

*[Received the assent of the Governor of Bombay on the 19th October 1865, and of the Governor General on the 13th December 1865, and published by the Governor of Bombay on the 27th December 1865.]*

*An Act to authorize taxation in the Province of Sind for objects of public local utility and improvement.*

WHEREAS it is expedient to provide funds for local works of public utility and improvement, and to aid in defraying the expense of the Department of Public Works in the Province of Sind; It is enacted as follows:—

I. It shall be lawful to levy for the purposes of this Act from all lands in the Province of Sind a cess not exceeding one anna on every rupee assessable to the ordinary land revenue, and such cess shall be levied in the same manner, and under the same rules, as the ordinary land revenue: Provided that in all cases where an assessment of land revenue has been authoritatively fixed for a term of years before this Act comes into operation, and no cess has been theretofore levied upon such assessment, the cess authorized by this Act to be levied shall not be levied until the expiration of such term; provided also that in respect of lands of which a settlement for a term of years may be made after this Act comes into operation, such cess be imposed at the time when such settlement is made, and at no other period during the currency of the term.

Preamble.  
Levy of local cess on lands.

Levy of cess on settled lands.

Cess on lands hereafter settled to be imposed at time of settlement.

42 r

II.

II. It shall also be lawful, in the case of Jaghire and other alienated lands, to levy such cess at the rate heretofore customarily levied, namely, five per centum on the assessable value of those lands, instead of the rate hereinbefore directed to be levied.

*Cess on alienated lands.*  
 III. It shall also be lawful to levy a cess not exceeding one anna on every rupee leviable under the head of land or sayer revenue from all farmers of land or sayer revenue who may take farms subsequently to this Act coming into operation.

*Levy of cess from farmers of land or sayer revenue.*  
 IV. It shall also be lawful to levy a shop tax at rates according to classes to be approved and notified by the Commissioner in Sind from time to time, but in no case exceeding Rupees ten per annum for each shop, and such tax shall be leviable from all persons who carry on any profession, trade, or employment for gain, and use a shop or office for the purpose, and shall be enforced in the same manner and under the same rules as are provided for the levy of land revenue, so far as applicable.

*Cess and tax to be levied by Commissioner under orders of Government and to be collected under orders of Commissioner.*  
 V. The cess and tax to be levied under this Act shall be levied by the Commissioner in Sind under the orders of the Governor in Council of Bombay, and shall be collected by such officers as the said Commissioner, acting under such orders, shall direct to collect the said cess and tax.

*Assignment of portion of taxes to Local Fund Committees. Proviso.*  
 VI. Such portion of the proceeds of the cess and tax to be levied under this Act as the Commissioner in Sind may direct shall be annually paid to the Local Fund Committees in each Collectorate or District in which the same respectively are levied and the portion so paid shall, subject to such rules and restrictions as the Commissioner in Sind may from time to time prescribe, be expended on works of local improvement, such as Roads, Bridges, Schools, Hospitals, Dispensaries, Dhurumsalas, Markets, Wells, and other works for water supply, and any other local works of public utility calculated to promote the public health, comfort, or convenience: Provided that not less than a moiety of the net proceeds of any one year of such tax and cess be paid to the Local Fund Committee of any District, and provided also that the whole of the net proceeds of the cess leviable in respect of Jaghire and other alienated lands shall be paid to the Local Fund Committees of each District in which the same is levied.

VII.

VII. The residue of the net proceeds of such cess and tax after payment of residue to Government to the Local Fund Committees under the preceding Section shall be credited to Government and be retained by it as a set-off against the expenditure incurred on account of the establishment and expenses of the Department of Public Works and Canal Clearances in the Province of Sind.

VIII. An account of all receipts and disbursements of such part of the proceeds of the cess and tax levied under this Act as shall be paid to the Local Fund Committees shall be rendered annually by the Collector, Political Superintendent, or other controlling officer, and copies in the Sindhee language shall be published and circulated for the information of the public; and further, an abstract account of the whole Fund, including both the Local Fund assignment under Section VI. and the contribution to the Department of Public Works under Section VII., shall be published annually by the Commissioner in Sind in both English and Sindhee, which account shall show the amount of cess and tax levied under this Act and the mode in which the same has been applied, and the balance, if any, remaining undisposed of at the close of the year.

---