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INDEX TO THE ACTS

PASSED BY THE

GOVERNOR OF BOMBAY IN COUNCIL

IN THE

YEAR 1912.



BOMBAY

PRINTED AT THE GOVERNMENT CENTRAL PRESS

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TITLES

OF

ACTS PASSED BY THE GOVERNOR OF BOMBAY IN COUNCIL

IN THE YEAR 1912.

1912.

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	Year.	Act.	Section.	Sub-section.
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*Act of 1912 - in relation
Amendment to Act 1910*

BOMBAY ACT NO. I OF 1912.

(First published, after having received the assent of the Governor General, in the Bombay Government Gazette on the 29th January 1912.)

An Act further to amend the Dekkhan Agriculturists' Relief Act, 1879, and to amend the Bombay Repealing and Amending Act, 1910.

XVII of 1879. **W**HEREAS it is expedient further to amend the Dekkhan Agriculturists' Relief Act, 1879, and to amend the Bombay Repealing and Amending Act, 1910, in manner hereinafter appearing; AND WHEREAS the previous sanction of the Governor General required by section 5 of the Indian Councils Act, 1892, has been obtained for the passing of this Act; It is hereby enacted as follows:—

XVII of 1879. **1.** After section 74 of the Dekkhan Agriculturists' Relief Act, 1879, the following section shall be inserted:—

New section inserted in Act XVII of 1879. Co-operative Credit Societies.

X of 1904. "74A. Except section 2 and section 21, the provisions of this Act shall not apply to any matter to or in which any society registered under the Co-operative Credit Societies Act, 1904, is a party."

XVII of 1879. **2.** (a) Section 48A of the Dekkhan Agriculturists' Relief Act, 1879,

Repeal in part of Act XVII of 1879.

(b) in section 62 of the said Act the words "or any society registered under the Co-operative Credit Societies Act, 1904", and

(c) in section 63A, sub-section (2), of the said Act the words "sub-section (1) shall not apply to any instrument to which any society registered under the Co-operative Credit Societies Act, 1904, is a party", shall be repealed.

Bom. I of 1910. **3.** So much of Part I of the First Schedule to the Bombay Repealing and Amending Act, 1910, as refers to the amendments entered as serial numbers 2, 3 and 4 of the said Schedule, shall be repealed.

Repeal in part of Bom. Act I of 1910.

B 1652 [Price— $\frac{1}{2}$ Anna.]

Section 14 of the Societies Registration Act, 1860, has been amended as regards the Presidency of Bombay by Bombay Act No. II of 1912.

Government Gazette on the 29th May 1912.

An Act to amend the Societies Registration Act, 1860.

XXI of 1860. **W**HEREAS it is expedient to amend the Societies Registration Act, 1860, in manner hereinafter appearing ;

55 and 56
Viet., c. 14. **AND WHEREAS** the previous sanction of the Governor General required by section 5 of the Indian Councils Act, 1892, has been obtained for the passing of this Act ; It is hereby enacted as follows :—

XXI of 1860. **1.** Notwithstanding anything contained in section 14 of the Societies Registration Act, 1860, hereinafter called "the said Act", it shall be lawful for the members of any society dissolved under section 13 of the said Act to determine by a majority of the votes of the members present personally or by proxy at the time of the dissolution of such society that any property whatsoever remaining after the satisfaction of all its debts and liabilities shall be given to Government to be utilised for any of the purposes referred to in section 1 of the said Act. ^{Amendment of section 14.}

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BOMBAY ACT No. III OF 1912.

(First published, after having received the assent of the Governor General, in the Bombay Government Gazette on the 6th June 1912.)

An Act to provide for the licensing of race-courses in the Bombay Presidency.

WHEREAS it is expedient to make provision for the regulation of horse-racing in the Bombay Presidency; It is hereby enacted as follows:—

1. (1) This Act may be called the **Bombay Race-courses Licensing Act, 1912.** Short title and extent.

(2) This section extends to the whole of the Bombay Presidency. The rest of the Act extends only to such areas as the Governor in Council may by notification in the *Bombay Government Gazette* direct.

2. In this Act—

(a) "horse-race" means any race in which any horse, mare or gelding runs or is made to run in competition with any other horse, mare or gelding for any prize of what nature or kind soever, or for any bet or wager made or to be made in respect of any such horse, mare or gelding or the riders thereof, and at which more than twenty persons shall be present. Definitions.

(b) "race-course" means any ground on which a horse-race can be held.

3. (1) No horse-race shall be held save on a race-course for which a license for horse-racing granted in accordance with the provisions of this Act is in force. Prohibition against horse-racing on unlicensed race-courses.

(2) The terms of such license shall be published in the *Bombay Government Gazette*. **SE**

Application
for license
for horse-
racing.

Grant of
license for
horse-
racing.

Cancell-
ation of
license.

Penalty for
taking part
in horse-
race on
unlicensed
race-course.

Penalty for
owner, etc.,
allowing
racing in
unlicensed
place.

Penalty for
contra-
vening
conditions
of license.

Cognizance
of offences
under this
Act.

Exemp-
tions.

4. (1) The owner, lessee or occupier of any race-course may apply to the Governor in Council for a license for horse-racing on such race-course.

(2) The Governor in Council may withhold such license or grant it subject to such conditions and for such period as he may think fit.

(3) The Governor in Council may at any time cancel any license granted under this section in the event of any breach of the conditions subject to which it was granted.

5. Whoever takes part in any horse-race on any race-course for which a license granted in accordance with the provisions of section 4 is not in force shall be punishable with fine which may amount to two hundred rupees.

6. If any horse-race is held on any race-course for which a license granted in accordance with the provisions of section 4 is not in force, any person being the owner, lessee or occupier of such race-course shall be punishable with fine which may amount to one thousand rupees.

7. If any person to whom a license has been granted in accordance with the provisions of section 4 contravenes any of the conditions subject to which such license was granted, such person shall be punishable with fine which may amount to one thousand rupees.

8. No Court inferior to that of a Presidency Magistrate or of a Magistrate of the First Class shall try an offence under this Act.

9. The Governor in Council may from time to time by general or particular order published in the *Bombay Government Gazette* exempt any horse-race from the operation of this Act.

BOMBAY ACT No. IV OF 1912.

(First published, after having received the assent of the Governor General, in the Bombay Government Gazette on the 13th June 1912.)

An Act further to amend the Bombay District Police Act, 1890.

Bom. IV of
1890.

WHEREAS it is expedient further to amend the Bombay District Police Act, 1890, in manner hereinafter appearing; It is hereby enacted as follows :—

Bom. IV of
1890.

1. In section 8 of the Bombay District Police Act, 1890, hereinafter called "the said Act", after the word "inspectors" the words "sub-inspectors and sergeants" shall be inserted. Amendment of section 8.

2. In section 9 of the said Act, for the words "below the grade of inspector" the words "of the grades of head-constable and constable" shall be substituted. Amendment of section 9.

3. In section 15 of the said Act, after the words "the distribution of the police-force" the words "the conduct and character of any police-officer subordinate to the District Superintendent" shall be inserted. Amendment of section 15.

4. In section 20 of the said Act, for the words "A Commissioner" the words "The Inspector General" shall be substituted and the words "within the division" shall be repealed. Amendment of section 20.

5. In sub-section (1) of section 21 of the said Act, for the words "chief constable" the word "sub-inspector" shall be substituted. Amendment of section 21.

6. (1) In clause (m) of sub-section (1) of section 39 of the said Act, the words "the entrance and exit of persons at theatres and other places of public amusement or assembly, the decent and orderly conduct of proceedings therein and" are hereby repealed. Repeal in part of section 39 (1) (m) and insertion of new section 39A.

[Price— $\frac{1}{2}$ Anna.]

(2) After section 39 of the said Act the following shall be inserted :—

“39A. With the previous sanction of the Governor in Council the Magistrate of the district may from time to time make rules for licensing and controlling theatres and other places of public amusement, entertainment or assembly, including the entrance and exit of persons thereat, and the decent and orderly conduct of proceedings therein, and in order to prevent the obstruction, inconvenience, annoyance, risk, danger or damage of the residents or passengers in the vicinity, prohibiting the keeping of places of public amusement, entertainment or assembly.”

Amend-
ment of
section
61 (b).

7. For clause (b) of section 61 of the said Act the following shall be substituted :—

“(b) drives a vehicle of any description along a street and, except in cases of actual necessity or of some sufficient reason for deviation, does not keep on the left side of such street and when passing any other vehicle proceeding in the same direction does not keep on the right side of such vehicle.”

Amend-
ment of
section 65.

8. In clause (a) of section 65 of the said Act after the words “section 39” the words “or section 39A” shall be inserted.

BOMBAY ACT No. V OF 1912.

(First published, after having received the assent of the Governor General, in the Bombay Government Gazette on the 22nd June 1912.)

An Act further to amend the Bombay Civil Courts Act, 1869.

XIV of 1869. **W**HEREAS it is expedient further to amend the Bombay Civil Courts Act, 1869, hereinafter called "the said Act" in manner hereinafter appearing ;

55 and 56 Vict., c. 14. **AND WHEREAS** the previous sanction of the Governor General required by section 5 of the Indian Councils Act, 1892, has been obtained for the passing of this Act ; It is hereby enacted as follows :—

1. In section 22 of the said Act for the word "five" the word "three" shall be substituted. Amendment of section 22.

2. After section 28 of the said Act the following shall be inserted :— New section 28A.

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

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

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

A.C.

BOMBAY ACT No. VI OF 1912.

(First published, after having received the assent of the Governor General, in the Bombay Government Gazette on the 25th June 1912.)

An Act for the registration of medical practitioners.

55 and 56
Vict., c. 14.

WHEREAS it is expedient to provide for the registration of medical practitioners in the Presidency of Bombay; AND WHEREAS the previous sanction of the Governor General required by section 5. of the Indian Councils Act, 1892, has been obtained for the passing of this Act; It is hereby enacted as follows:—

1. (1) This Act may be called the **Bombay Medical Act, 1912.** Short title, extent, and definition.

(2) It extends to the whole of the **Bombay Presidency.**

21 and 22
Vict., c. 90.

(3) In this Act the expression “the **Medical Acts**” means the **Medical Act, 1858**, and any Acts amending the same.

2. (1) A Council, herein referred to as “the **Bombay Medical Council**”, which shall be called “the **Bombay Medical Council**”, shall be established for the **Presidency of Bombay.** Bombay Medical Council.

(2) The **Medical Council** shall consist of thirteen members appointed in the following manner, namely:—

(a) a **President** nominated by the **Governor in Council**;

(b) **six members** nominated by the **Governor in Council**;

(c) **four members** elected by the **Doctors, Bachelors and Licentiates of Medicine, and the Masters, Bachelors and Licentiates of Surgery of the University of Bombay**;

(d) two members elected by the medical practitioners who for the time being are practising in the Bombay Presidency, and are registered under this Act or under the Medical Acts ~~(or in the case of the first election, are qualified to be registered under this Act)~~, and who are not Graduates in Medicine or Surgery or Licentiates in Medicine or Licentiates in Medicine and Surgery of the University of Bombay.

(3) ~~The first election of members under clauses (c) and (d) of the preceding sub-section shall be held at such time (as soon as may be after the commencement of this Act) and at such place and in such manner as the Governor in Council shall appoint by notification in the Bombay Government Gazette; and all elections of members subsequent to such first election shall be held at such time and place and in such manner as the Medical Council shall direct by rules or regulations made from time to time in this behalf.~~

(4) No person shall be eligible to be a member of the Medical Council unless he is

(a) a member of the Indian Medical Service, the Royal Army Medical Corps, the Army Medical Staff or the Royal Naval Medical Service and is for the time being serving in the Bombay Presidency, or

(b) a medical practitioner for the time being registered under the Medical Acts and residing in the Bombay Presidency, or

(c) a Graduate in Medicine or Surgery or a Licentiate in Medicine or a Licentiate in Medicine and Surgery of the University of Bombay for the time being registered under this Act, ~~or in the case of the first election qualified to be registered under this Act.~~

3. (1) The members of the Medical Council shall hold office for a term of five years, and shall be capable of re-appointment.

(2) Any member may at any time resign his appointment by letter addressed to the President of the Medical Council.

*Amended as per
act II of 1919*

Tenure of
office.

(3) Upon the death or resignation of any member of the Medical Council, some other person shall be appointed a member of the Medical Council in his place by nomination or election, as the case may be, in accordance with the provisions of sub-section (2) of section 2, and such person shall hold office for the remainder of the period for which the member in whose place he is appointed was nominated or elected.

(4) (a) Leave of absence from India may be granted by the Medical Council to any member thereof for a period not exceeding six months.

(b) If any member of the Medical Council leaves India without the leave of the Medical Council, or does not return to India within the period of the leave granted by the Medical Council, the Medical Council may forthwith declare his seat vacant and such declaration shall have the same effect as resignation of his seat by the member concerned.

(c) In any case not provided for in clauses (a) and (b) if any member of the Medical Council shall absent himself from three consecutive meetings of the Medical Council, the Medical Council may forthwith declare his seat vacant and such declaration shall have the same effect as resignation of his seat by the member concerned.

4. The Medical Council shall hold their first meeting within three months from the commencement of this Act, in such place and at such time as the Governor in Council shall appoint, and shall make such rules and regulations as may be necessary with respect to the times and places of the meeting of the Medical Council, and the mode of summoning the same. In the absence of any rule or regulation as to the summoning of a meeting of the Medical Council, it shall be lawful for the President to summon a meeting at such time and place as to him shall seem expedient, by letter addressed to each member; and at every meeting, in the absence of the President, some other member, to be chosen from the members present, shall act as President;

Time and
place of
meeting of
Council.

and all acts of the Medical Council shall be decided by the votes of the majority of the members present at any meeting, the whole number present not being less than eight, and at all such meetings the President for the time being shall, in addition to his vote as a member of the Medical Council, have a casting vote in case of any equality of votes.

Registrar and officers. 5. (1) The Medical Council shall appoint a Registrar, and may from time to time grant leave to the Registrar and appoint a person to act in his place. Any order of the Medical Council appointing, granting leave to or dismissing a Registrar or appointing a person to act as Registrar shall be subject to the previous approval of the Governor in Council. The Registrar and any person appointed to act as Registrar shall be paid by the Medical Council such salary and allowances as they may from time to time determine. Any person duly appointed to act as Registrar shall be deemed to be Registrar for all the purposes of this Act.

(2) The Medical Council with the previous approval of the Governor in Council may appoint such other officers or clerks as may be necessary for the purposes of this Act.

(3) The Registrar and any other officer or clerk appointed under this section shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

XLV of 1860.

Register 6. The Registrar shall keep a register of medical practitioners in accordance with the provisions of this Act. The register shall be kept in such form as the Governor in Council from time to time directs. The name, residence and qualifications of every person who is registered under this Act shall be entered in the register with the date on which each qualification was granted. It shall be the duty of the Registrar under the orders of the Medical Council to keep the register correct and from time to time to enter any necessary alterations in the addresses of persons registered, and to enter any

additional qualifications which any registered person may have obtained subsequent to his registration, and to erase the names of all registered persons who have died: provided that the Governor in Council may prescribe a fee for the entry of any additional qualification. To enable the Registrar duly to fulfil the duties imposed upon him it shall be lawful for him to write a letter to any registered person according to his address on the register to enquire whether he has ceased to practise or has changed his residence, and if no answer is returned to such letter within a period of six months from the sending of the letter, it shall be lawful to erase the name of such person from the register: provided that the same may be restored by direction of the Medical Council if they think fit to make an order to that effect.

7. Every person who

(a) is for the time being registered under the Medical Acts, or

(b) subject to the provisions of section 19 is possessed of any of the qualifications described in the Schedule to this Act,

Persons
entitled to
be regis-
tered.

shall on payment of a fee of fifteen rupees be entitled to be registered on giving evidence to the satisfaction of the Registrar of his registration under the Medical Acts and the dates of such registration, or of his possession of the qualification in respect of which he desires to be registered, as the case may be. Any person desiring to be registered on the ground that he is registered under the Medical Acts shall also furnish the Registrar with a correct description of his qualifications and give the dates on which they were granted.

Provided that the Medical Council may refuse to permit the registration of any person who has been convicted of a cognizable offence as defined in the Code of Criminal Procedure, 1898, or who after due enquiry has been held guilty by them of infamous conduct in any professional respect.

Appeals and
erasure of
incorrect
entries.

8. (1) Any appeal against the decision of the Registrar respecting a first registration or any subsequent alteration shall be heard and determined by the Medical Council under regulations which shall be made by the Medical Council in this behalf.

(2) Any entry in the register which shall be proved to the satisfaction of the Medical Council to have been fraudulently or incorrectly made may be erased from the register under the orders of the Medical Council.

Removal
from regis-
ter.

9. The Medical Council may direct that the name of any medical practitioner who has been convicted of a cognizable offence as defined in the Code of Criminal Procedure, 1898, or who after due enquiry has been held guilty by them of infamous conduct in any professional respect, shall be removed from the register, and may direct that any name so removed shall be re-entered. V of 1898.

Qualified
practi-
tioners:
certificates.

10. (1) ~~After the commencement of this Act,~~ the expression "legally qualified medical practitioner," or "duly qualified medical practitioner," or any words importing a person recognized by law as a medical practitioner or member of the medical profession, shall, in all Acts of the Governor of Bombay in Council and in all Acts of the Governor General in Council in their application to the Bombay Presidency, mean a medical practitioner registered either under the Medical Acts or under this Act.

(2) ~~After the commencement of this Act,~~ no certificate required by any Act from any medical practitioner or medical officer shall be valid unless the person signing the same shall have been registered under the Medical Acts or under this Act.

Unregist-
ed persons
not to hold
certain ap-
pointments.

11. ~~On the expiry of three months from the commencement of this Act~~ no person shall hold any appointment as a Physician, Surgeon or other Medical Officer in any dispensary, hospital, infirmary or lying-in hospital, not supported entirely by

*Sanction
of the Govt
not in
Council*

voluntary contributions, or in any public establishment, body or institution, or as a Medical Officer of Health, unless he be registered under the Medical Acts or under this Act.

12. Every Registrar of deaths on receiving notice of the death of a medical practitioner registered under this Act shall forthwith transmit by post to the Registrar appointed under this Act a certificate under his own hand of such death with the particulars of time and place of death and may charge the cost of such certificate and transmission as an expense of his office.

13. The Medical Council shall have authority to call on the governing body or authorities of any Medical College or School and on any examining body included in or desirous of being included in the Schedule—

(a) to furnish such particulars as the Medical Council shall require of any course of study prescribed or examination held by such body or authority or in such School or College with reference to the grant of any medical or surgical qualification, and

(b) to permit any member of the Medical Council deputed by the Medical Council in this behalf to attend and be present at any such examination.

14. Notwithstanding anything in any other law for the time being in force, every person who shall be registered under this Act shall be exempt, if he so desires, from serving on any inquest.

15. There shall be paid to the members of the Medical Council such fees for attendance and such reasonable travelling expenses as shall from time to time be allowed by the Medical Council and approved by the Governor in Council.

16. All monies received by the Medical Council as fees under this Act shall be applied for the

purpose of this Act in accordance with such rules as may be made in this behalf by the Governor in Council.

Annual
Medical
List.

17. The Registrar shall in every year on or before a date to be fixed by the Medical Council cause to be printed and published a correct list of the names and qualifications of all persons for the time being entered in the register, and the dates when such qualifications were granted, in alphabetical order according to the surnames of the persons registered. Every Court shall presume that any person entered in such list is duly registered under this Act and that any person who is not so entered is not registered.

Punition.

18. Whoever falsely pretends to be registered under this Act or not being registered under this Act uses in connection with his name or title any words or letters representing that he is so registered shall, whether any person is actually deceived by such pretence or representation or not, be punished on conviction by a Presidency Magistrate or a Magistrate of the first class with fine that may extend to three hundred rupees.

Rules and
regulations.

10. (1) Subject to the provisions of this Act, the Medical Council may from time to time make rules and regulations generally to carry out the provisions of this Act:

Provided that no rules or regulations made by the Medical Council whether under this or under any of the foregoing sections of this Act shall have any force or effect unless the same shall have received the previous approval of the Governor in Council.

(2) All rules and regulations made by the Medical Council under this Act shall, when the same have received the approval of the Governor in Council, be published in the *Bombay Government Gazette*.

(3) It shall be lawful for the Governor in Council, by notification in the *Bombay Government Gazette*, to cancel any rule or regulation made under this Act.

20. If it shall appear to the Governor in Council, on the report of the Medical Council or otherwise, that the course of study and examinations prescribed by any of the Colleges or bodies conferring the qualifications described in the Schedule are not such as to secure the possession by persons obtaining such qualification of the requisite knowledge and skill for the efficient practice of their profession, or if it shall appear to the Governor in Council, on the report of the Medical Council or otherwise, that the course of study and examinations prescribed by any College or body conferring a qualification not entered in the Schedule are such as to secure the possession by persons obtaining such qualification of the requisite knowledge and skill for the efficient practice of their profession, it shall be lawful for the Governor in Council from time to time by notification in the *Bombay Government Gazette* to direct that the possession of any qualification entered in the Schedule shall not entitle any person to registration under this Act, or to direct that the possession of any qualification not entered in the Schedule shall, subject to the provisions of this Act, entitle a person to be so registered, as the case may be, and the Schedule shall thereupon be deemed for all purposes to be altered accordingly.

21. If at any time it shall appear to the Governor in Council that the Medical Council has failed to exercise or has exceeded or abused any power conferred upon it under this Act or has failed to perform any duty imposed upon it by this Act, the Governor in Council may notify the particulars of such default, excess or abuse to the Medical Council; and if the Medical Council fails to remedy such default, excess or abuse within such time as may be fixed by the Governor in Council in

this behalf, the Governor in Council may for the purpose of remedying such default, excess or abuse cause any of the powers and duties of the Medical Council to be exercised and performed by such agency and for such period as he may think fit.

THE SCHEDULE.

1. Doctor, Bachelor and Licentiate of Medicine, and Master, Bachelor and Licentiate of Surgery of the Universities of Bombay, Calcutta, Madrás, Alláhábád and Láhore.
2. Any person trained in a Government Medical College or School who holds a diploma or certificate granted by Government declaring him to be qualified to practise Medicine, Surgery and Midwifery, or to be qualified for the duties of a Military Assistant Surgeon, Hospital Assistant or Sub-Assistant Surgeon.

BOMBAY ACT No. VII OF 1912.

(First published, after having received the assent of the Governor General, in the Bombay Government Gazette on the 27th June 1912.)

An Act for the abatement of nuisances arising from the smoke of furnaces in the Town and Island of Bombay and to provide for the extension thereof to other areas in the Bombay Presidency.

WHEREAS it is expedient to enact a law for the abatement of nuisances arising from the smoke of furnaces in the Town and Island of Bombay and to provide for the extension thereof to other areas in the Bombay Presidency; It is hereby enacted as follows:—

1. (1) This Act may be called the **Bombay** Short title and extent.
Smoke-nuisances Act, 1912.

(2) It extends in the first instance to the Town and Island of Bombay.

2. (1) Government may, by notification published in the *Bombay Government Gazette* and in such other manner as Government may determine, declare its intention to extend this Act to any specified area in the Bombay Presidency other than the Town and Island of Bombay: Power further to extend Act.

Provided that, if a military cantonment is situated within any area to which it is proposed to extend this Act, no notification shall be published under this sub-section in respect of such area without the previous sanction of the Governor General in Council.

(2) Any inhabitant of an area to which it is proposed to extend this Act, may, if he objects to such extension, submit his objection in writing to Government within a period of three months from the publication of the said notification in the *Bombay Government Gazette*.

(3) At any time after the expiration of the said period, and after considering the objections, if any, submitted under sub-section (2), Government may, by notification in *the Bombay Government Gazette*, extend this Act to the said area.

3. In this Act—

Definitions.

(1) “furnace” means any furnace or fire-place used—

(a) for working engines by steam, or

(b) for any other purpose whatsoever :

Provided that no furnace or fireplace—

(i) used for the burning of the dead ;

(ii) used in a private house for domestic purposes other than the purpose specified in clause (a) ;

(iii) used for the raising of steam on ocean-going steamers within such period prior to their leaving the port, or to their moving from one part to another thereof, as may be prescribed by rule made under clause (g) of sub-section (2) of section 11 ;

shall be deemed to be a furnace or fire-place within the meaning of this Act.

(2) “Inspector” means a Chief Inspector of Smoke-nuisances, or an Assistant Inspector of Smoke-nuisances, appointed under this Act ;

(3) “the Commission” means the Bombay Smoke-nuisances Commission constituted under this Act ;

(4) “occupier” means any person for the time being paying, or liable to pay, to the owner the rent or any portion of the rent of the land or building in respect of which the word is used ;

(5) “owner”—

(a) when used in reference to a furnace, includes any agent or lessee using the furnace, and any foreman or other person superintending the working of the furnace ;

Bom. III of
1888.

v of 1898.

(b) when used in reference to any premises, has the meaning assigned to it in section 3 of the City of Bombay Municipal Act, 1888; and

(6) "Magistrate" means a Presidency Magistrate, a Magistrate of the first class, or a Bench of Magistrates exercising first class powers under the Code of Criminal Procedure, 1898.

4. (1) Government shall, by notification in *the Bombay Government Gazette*, constitute a Commission, to be called the Bombay Smoke-nuisances Commission, to supervise and control the working of this Act. Constitu-
tion of
Commis-
sion.

(2) The said Commission shall consist of a President nominated by Government and so many other members as Government may determine.

(3) One-half of the members (exclusive of the President) shall be nominated by Government; and the remainder shall be elected, in such manner and for such period, as Government may direct, by bodies or associations whose interests are likely to be affected by this Act; and the appointment of all members, whether nominated or elected, shall be notified in *the Bombay Government Gazette*.

(4) Where a casual vacancy occurs in the case of a nominated member Government shall make a fresh nomination, and where a casual vacancy occurs in the case of an elected member the election shall be made by the same body or association as that which elected the member whose place is to be filled; and a member so nominated or elected shall hold office so long as the member whose place he fills would have been entitled to hold office had the vacancy not occurred.

(5) No act done by the Commission shall be questioned on the ground merely of the existence of any vacancy in, or any defect in the constitution of, the Commission.

5. (1) Government may, by notification in *the Bombay Government Gazette*, appoint a Chief Inspector of Smoke-nuisances and so many Assistant Inspectors of Smoke-nuisances as they may think fit. Appoint-
ment of
Inspectors.

(2) Every Assistant Inspector appointed under sub-section (1) shall be subordinate to the Chief Inspector, and all Inspectors shall be subordinate to, and subject to the control of, the Commission.

Inspectors to be public servants.

6. Every Inspector appointed under this Act shall, for the purposes of this Act, be deemed to be a public servant within the meaning of the Indian Penal Code.

Power to prohibit the erection of kilns or furnaces, or the manufacture of coke, in specified areas : and to inflict penalties.

7. (1) Government may, by notification in *the Bombay Government Gazette*, prohibit within any specified area—

(a) the erection of brick, tile or lime kilns,

(b) the erection of furnaces to be used for the calcining or smelting of ores or minerals, or for the casting, puddling or rolling of iron or other metals, or for the conversion of pig-iron into wrought-iron, or

(c) the manufacture of coke in ovens or with special appliances, or

(d) the making of coke without ovens or special appliances ;

Provided that where, prior to the issue of such notification, a license has been granted by the Municipal Commissioner under the provisions of section 394 of the City of Bombay Municipal Act, Bom. III of 1888. 1888, for the erection of a furnace to be used for any of the purposes mentioned in clauses (a) and (b), such notification shall not affect such furnace or kiln.

(2) If any furnace or kiln be erected in contravention of any notification issued under sub-section (1), clause (a) or (b), the owner thereof shall be liable to fine which may extend to two hundred and fifty rupees.

(3) If any person manufactures coke in contravention of any notification issued under sub-section (1), clause (c), he shall be liable to fine which may extend on first conviction to two hundred and fifty rupees, and on any subsequent conviction to five hundred rupees.

(4) If any person makes coke in contravention of any notification issued under sub-section (1), clause (d), he shall be liable to fine which may extend on first conviction to twenty-five rupees, and on any subsequent conviction to fifty rupees.

(5) If any coke is made in any building or place in contravention of a notification issued under sub-section (1), clause (d), the owner or occupier of such building or place shall be liable to fine which may extend on first conviction to twenty-five rupees, and on any subsequent conviction to fifty rupees.

(6) Where any coal is in process of being made or has been made into coke in contravention of a notification issued under sub-section (1), clause (d), an Inspector may seize such coal or coke, and report the seizure to a Magistrate, who may, after such enquiry as he thinks necessary, order such coke or coal to be confiscated, and to be sold in accordance with rules to be made by Government in this behalf under section 11.

8. (1) A Magistrate imposing a fine on any person under sub-section (2) of section 7 may by order direct such person to demolish the kiln or furnace within a period to be specified in the order.

(2) Any such person failing to demolish any kiln or furnace within the period prescribed in any such order, or within such longer period as the Magistrate may, for reasons to be stated, allow, shall be liable to fine which may extend to twenty rupees for every day thereafter during which such failure continues.

9. (1) If smoke be emitted from any furnace in greater density, or at a lower altitude, or for a longer time, than is permitted by rules made under this Act, the owner of the furnace shall be liable to fine which may extend on first conviction to fifty rupees, on second conviction to one hundred rupees, and on any subsequent conviction to two hundred rupees.

(2) Sub-section (1) shall not apply to any furnace which is used—

(a) in connection with a brick, tile or lime kiln, or

(b) for the purpose mentioned in clause (d) of sub-section (1) of section 7.

Powers of
Inspectors.

10. (1) Any Inspector may, after giving reasonable notice in writing to the owner, manager, engineer or person in charge—

(a) enter and inspect; during working hours, any building or place which contains a furnace, and inspect such furnace ;

(b) under the written authority of the Commission, use and test any appliance used for preventing the emission of smoke from such furnace; and

(c) under the written authority of the Commission, direct that any such furnace be worked or stoked experimentally, during his visit to such building or place, in any manner which he may consider suitable for preventing or reducing the emission of smoke, but not so as to interfere with the business carried on in such building or place further than is necessary for the purposes of the experiment.

(2) If any owner of a furnace in respect of which a direction is given under clause (c) of sub-section (1) fails to secure compliance with such direction, he shall be liable to fine which may extend to one hundred rupees :

Provided that where any Inspector has reason to believe that any offence under sub-sections (2), (3) or (4) of section 7 has been or is being committed on any premises it shall be lawful for him to enter on such premises without previous notice and without written authority from the Commission.

Rules.

11. (1) Government may, with the previous sanction of the Governor General in Council, and after previous publication, make rules to carry out the objects of this Act.

(2) In particular, and without prejudice to the generality of sub-section (1), such rules may—

(a) regulate the transaction of business by the Commission ;

(b) prescribe the powers and duties to be exercised and performed by the Commission and by Inspectors, respectively, and regulate the exercise and performance of those powers and duties ;

(c) prescribe a scale for the purpose of determining the density of smoke ;

(d) prescribe the degree of density of smoke that may be emitted from a furnace ;

(e) prescribe the time during which smoke of such density may be emitted from a furnace ;

(f) prescribe the altitude below which smoke may not be emitted from a furnace ;

(g) prescribe the period during which, for the purpose of raising steam prior to leaving the port, or to moving from one part to another thereof, the furnaces of ocean-going steamers shall not be held to be furnaces within the meaning of this Act ;

(h) prescribe a procedure for the giving of warning to offenders before instituting a prosecution under this Act, and declare the minimum period which should be allowed to elapse in different classes of cases between the giving of such warning and the institution of a prosecution ;

(i) fix the amount of fee payable to each or any member of the Commission attending a meeting of the Commission ; and

(j) prescribe a procedure for the sale and disposal of the receipts of the sale of coke or coal confiscated under sub-section (6) of section 7.

(3) The date to be specified in accordance with clause (c) of section 24 of the Bombay General Clauses Act, 1904, as that after which a draft of rules proposed to be made under this section will be

taken into consideration, shall not be less than three months from the date on which the draft of the proposed rules was published for general information.

(4) Any rule to be made under this Act shall, before it is published for criticism under subsection (1) be referred to the Commission constituted under section 4, and the rule shall not be so published until the said Commission has reported as to the expediency of making the proposed rule and as to the suitability of its provisions.

Cognizance
of offences. **12.** A Magistrate may take cognizance of an offence against this Act only—

(a) upon a complaint made by, or with the written authority of, the Chief Inspector, and

(b) within a period of two months from the date of the commission of the offence.

Disposal
of fines. **13.** All fines recovered under this Act shall be disposed of in such manner as Government may direct.

BOMBAY ACT No. VIII OF 1912.

(First published, after having received the assent of the Governor General, in the Bombay Government Gazette on the 29th June 1912.)

An Act further to amend the Khoti Settlement Act, 1880.

Bom. I of
1880.

WHEREAS it is expedient further to amend the Khoti Settlement Act, 1880, in manner hereinafter appearing; It is hereby enacted as follows :—

1. This Act may be called the Khoti Settlement Amendment Act, 1912. Short title.

Bom. I of
1880.

2. For sections 9 and 10 of the Khoti Settlement Act, 1880, the following shall be substituted :— Amendment of sections 9 and 10.

“9. The rights of khots, dhárekaris and quasi-dhárekaris shall be heritable and transferable. What rights are transferable.

Occupancy-tenants' rights shall be heritable, but shall not be otherwise transferable without the consent of the khot, unless in any case the tenant proves that such right of transfer has been exercised in respect of the land in his occupancy, independently of the consent of the khot, at some time within the period of thirty years next previous to the commencement of the revenue year 1865-66, or unless, in the case of an occupancy-right conferred by the khot under section 11, the khot grants such right of transfer of the same :

Provided that an occupancy-tenant may without the consent of the khot grant a lease for a term not exceeding one year.

“10. If the land in the holding of a privileged occupant lapses for failure of heirs or is forfeited on the occupant's failing to pay the rent due in respect thereof, or if any occupancy-tenant resigns the land or any portion of the land in his holding or does any act purporting to transfer Resignation, lapse or forfeiture of privileged occupants' lands.

such land or any portion thereof or any interest therein without the consent of the khot (except in the cases provided for in section 9), such land shall be at the disposal of the khot as khoti land free of all encumbrances, other than liens or charges created or existing in favour of Government.

But it shall not be competent to a privileged occupant at any time to resign a portion only of his entire holding except with the consent of the khot; and no privileged occupant shall be deemed to have forfeited his land on failure to pay rent unless such forfeiture is certified by the Collector."

BOMBAY ACT No. IX OF 1912.

(First published, after having received the assent of the Governor General, in the Bombay Government Gazette on the 14th August 1912.)

An Act to amend the Bombay Medical Act, 1912.

VI of **W**HEREAS it is expedient to amend the Bombay Medical Act, 1912; It is hereby enacted as follows :—

VI of 1. In clause (c) of sub-section (4) of section 2 ^{Amendment of section 2.} of the Bombay Medical Act, 1912, after the word "Act" the words "or in the case of the first election qualified to be registered under this Act" shall be inserted.

[Price— $\frac{1}{2}$ Anna.]

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BOMBAY: PRINTED AT THE GOVERNMENT CENTRAL PRESS

such land or any portion thereof or any interest therein without the consent of the khot (except in the cases provided for in section 9), such land shall be at the disposal of the khot as khoti land free of all encumbrances, other than liens or charges created or existing in favour of Government.

But it shall not be competent to a privileged occupant at any time to resign a portion only of his entire holding except with the consent of the khot; and no privileged occupant shall be deemed to have forfeited his land on failure to pay rent unless such forfeiture is certified by the Collector."

BOMBAY ACT No. IX OF 1912.

(First published, after having received the assent of the Governor General, in the Bombay Government Gazette on the 14th August 1912.)

An Act to amend the Bombay Medical Act, 1912.

Bom. VI of
1912.

WHEREAS it is expedient to amend the Bombay Medical Act, 1912; It is hereby enacted as follows :—

Bom. VI of
1912.

1. In clause (c) of sub-section (4) of section 2 of the Bombay Medical Act, 1912, after the word "Act" the words "or in the case of the first election qualified to be registered under this Act" shall be inserted. Amendment of section 2.

[Price— $\frac{1}{2}$ Anna.]

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BOMBAY: PRINTED AT THE GOVERNMENT CENTRAL PRESS

BOMBAY ACT No. X OF 1912.

(First published, after having received the assent of the Governor General, in the Bombay Government Gazette on the 30th August 1912.)

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

Bom. III of
1901.

WHEREAS it is expedient further to amend the Bombay District Municipal Act, 1901 (hereinafter referred to as "the said Act"), in manner hereinafter appearing; It is hereby enacted as follows :—

1. After section 50 of the said Act the following New section 50-A. section shall be inserted, namely :—

"50-A. (1) In any Municipal district to which a survey of lands other than lands ordinarily used for the purposes of agriculture only has been or shall be extended under any law for the time being in force, where any property or any right in or over any property is claimed by or on behalf of the Municipality, or by any person as against the Municipality, it shall be lawful for the Collector after formal enquiry, of which due notice has been given, to pass an order deciding the claim. Decision of claims to property by or against the Municipality.

(2) Any suit instituted in any Civil Court after the expiration of one year from the date of any order passed by the Collector under sub-section (1), or, if one or more appeals have been made against such order within the period of limitation, then from the date of any order passed by the final appellate authority, as determined according to section 204 of the Bombay Land-Revenue Code, 1879, shall be dismissed (although limitation has not been set up as a defence) if the suit is brought to set aside such order or if the relief claimed is inconsistent with such order, provided that the plaintiff has had due notice of such order.

Bom. V of
1879.

[Price— $\frac{1}{2}$ Anna.]

(3) (a) The powers conferred by this section on a Collector may also be exercised by an Assistant or Deputy Collector or by a Survey Officer as defined in the Bombay Land-Revenue Code, 1879. ^{Bom. V of 1879.}

(b) The formal enquiry referred to in this section shall be conducted in accordance with the provisions of the aforesaid Code.

(c) Any person shall be deemed to have had due notice of an enquiry or order under this section if notice thereof has been given in accordance with rules made in this behalf by the Governor in Council."

Amendment of section 51. 2. In section 51 of the said Act, for the words "the last preceding section," wherever they occur, the words "section 50" shall be substituted.

BOMBAY ACT No. XI OF 1912.

(First published, after having received the assent of the Governor General, in the Bombay Government Gazette on the 30th August 1912.)

An Act further to amend the Bombay Land-Revenue Code, 1879.

Bom. V of
1879.

WHEREAS it is expedient further to amend the Bombay Land-Revenue Code, 1879 (hereinafter referred to as "the said Act"), in manner hereinafter appearing; It is hereby enacted as follows :—

1. Section 37 of the said Act shall be numbered sub-section (1) of section 37, and the following sub-sections shall be added thereto :—

"(2) Where any property or any right in or over any property is claimed by or on behalf of Government or by any person as against Government, it shall be lawful for the Collector or a survey officer, after formal enquiry of which due notice has been given, to pass an order deciding the claim.

(3) Any suit instituted in any Civil Court after the expiration of one year from the date of any order passed by the Collector under sub-section (1) or sub-section (2), or, if one or more appeals have been made against such order within the period of limitation, then from the date of any order passed by the final appellate authority, as determined according to section 204, shall be dismissed (although limitation has not been set up as a defence) if the suit is brought to set aside such order or if the relief claimed is inconsistent with such order, provided that in the case of an order under sub-section (2) the plaintiff has had due notice of such order.

(4) Any person shall be deemed to have had due notice of an enquiry or order under this section if notice thereof has been given in accordance with rules made in this behalf by the Governor in Council."

2. Section 129 of the said Act shall be numbered ^{Amendment} sub-section (1) of section 129, and the following ^{of section} sub-section shall be added thereto :—
129.

"(2) Any suit instituted in a Civil Court to set aside any order passed by the Collector under sub-section (1), in respect of any land situate within the site of a village, town or city, shall be dismissed (although limitation has not been set up as a defence) if it has not been instituted within one year from the date of the order."

3. Section 135 of the said Act is hereby repealed. ^{Repeal of} section 135.

BOMBAY ACT No. XIII OF 1912.

(First published, after having received the assent of the Governor General, in the Bombay Government Gazette on the 29th November 1912.)

An Act to amend the Indian Limitation Act, 1908.

IX of 1908.

WHEREAS it is expedient to amend the Indian Limitation Act, 1908, in the manner hereinafter appearing :

55 and 56,
Vict., c. 14.

AND WHEREAS the previous sanction of the Governor General required by section 5 of the Indian Councils Act, 1892, has been obtained for the passing of this Act; It is hereby enacted as follows :—

IX of 1908.

XVII of 1879.

1. This Act may be called the Indian Limitation (Amendment) Act, 1912. Short title.

2. Notwithstanding anything contained in the Indian Limitation Act, 1908, hereinafter called "the said Act", in computing the period of two years mentioned in section 31 of the said Act in the case of any suit by a mortgagee for foreclosure or for sale for which a certificate granted under section 46 of the Dekkhan Agriculturists' Relief Act, 1879, is required the time intervening between the application made by the mortgagee under section 39 of the last mentioned Act, and the institution of such suit shall be excluded, provided that such suit has already been instituted, or is instituted within six months from the commencement of this Act; and no such suit shall be dismissed on the ground that the certificate was not obtained within the year immediately preceding the filing of the suit. Amendment of section 31.

3. The period of two years mentioned in section 31 of the said Act shall for the purposes of this Act be deemed to be a period of limitation within the meaning of section 4 of the said Act. Applicability of section 4 of the Indian Limitation Act, 1908.

Retrospective effect of section 3.

4. The provisions of section 3 shall be deemed to have come into operation from the seventh day of August 1908.

Provision for restoration of suits.

5. (1) Where the claim of a mortgagee for foreclosure or for sale for which a certificate granted under section 46 of the Dekkhan Agriculturists' Relief Act, 1879, is required has been wholly or ^{XVII of 1910.} in part dismissed or withdrawn after the seventh day of August 1910 and before the commencement of this Act either in a Court of first instance or of appeal or of revision, and the Court on application made as hereinafter provided is satisfied that such claim was so dismissed or withdrawn on the ground that—

(a) the time intervening between the application made by the mortgagee under section 39 of the Dekkhan Agriculturists' Relief Act, 1879, ^{XVII of 1879.} and the grant of the certificate under section 46 of the last mentioned Act or the institution of the suit, as the case may be, could not be excluded in computing the period of two years mentioned in section 31 of the said Act, or

(b) the certificate was not obtained within the year immediately preceding the filing of the suit, or

(c) the period of two years mentioned in section 31 of the said Act was not a period of limitation within the meaning of section 4 of the said Act,

the case shall be restored on an application in writing to the Court, by which the claim was dismissed or in which it was withdrawn; provided that such application is made within six months from the commencement of this Act.

(2) Where any such claim as aforesaid has been dismissed for failure to prosecute such claim after the seventh day of August, 1910, and before the commencement of this Act either in a Court of first instance or of appeal or of revision, and the Court on application made as hereinafter provided

is satisfied that such failure was due to the belief that such claim, if prosecuted, would be dismissed for any of the grounds specified in clauses (a), (b) and (c) of sub-section (I),

the case shall be restored on an application in writing to the Court by which the claim was dismissed; provided that such application is made within six months from the commencement of this Act.

(3) The provisions of sections 2, 3 and 4 shall apply to any case restored under either of the foregoing sub-sections.

6. Any application by the mortgagee under section 39 of the Dekkhan Agriculturists' Relief Act, 1879, in respect of any claim for sale or foreclosure, as to which the mortgagee was entitled to the benefit of the two years' period mentioned in section 31 of the said Act, made on or before the eighth day of August 1910 and dismissed after the twenty-third day of February 1911 shall be restored to the file of the Conciliator provided that the application for such restoration is made within two months from the commencement of this Act.

Provision
for restora-
tion of ap-
plications.

7. Nothing in this Act shall affect the interests of third parties that may have come into existence between the twenty-third of February 1911 and the twenty-eighth of September 1912.

Third
parties
protected.

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PASSED BY THE

GOVERNOR OF BOMBAY IN COUNCIL

IN THE

YEAR 1913.



BOMBAY

PRINTED AT THE GOVERNMENT CENTRAL PRESS

1914

TITLES
OF
ACTS PASSED BY THE GOVERNOR OF BOMBAY IN COUNCIL
IN THE YEAR 1913

1913.

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- Act No. II of 1913—An Act to amend the Bombay Court of Wards Act, 1905.
- Act No. III of 1913—An Act further to amend the Bombay Port Trust Act, 1879.
- Act No. IV of 1913—An Act to amend the Bombay Land Revenue Code, 1879, the Khoti Settlement Act, 1880, and the Gujarát Talukdárs Act, 1888, and to repeal the Bombay Land Record-of-Rights Act, 1903.
- Act No. V of 1913—An Act further to amend the Bombay District Police Act, 1890, and the Bombay City Police Act, 1902.
- Act No. VI of 1913—An Act further to amend the City of Bombay Municipal Act, 1888.
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	Year.	Act.	Section.	Sub-section.
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	Year.	Act.	Section	Sub-section.
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	Year.	Act.	Section.	Sub-section.
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	Year.	Act.	Section.	Sub-section.
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BOMBAY ACT No. II OF 1913.

(First published, after having received the assent of the Governor General, in the "Bombay Government Gazette" on the 22nd May 1913.)

An Act to amend the Bombay Court of Wards Act, 1905.

Bom. I of
1905.

WHEREAS it is expedient to amend the Bombay Court of Wards Act, 1905, in manner hereinafter appearing; It is hereby enacted as follows:—

1. This Act may be called, the Bombay Court of Wards Amendment Act, 1913.

Bom. I of
1905.

2. In section 2 of the Bombay Court of Wards Act, 1905, hereinafter called "the said Act,"

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

"(ii) in all other cases, a zamindar, jagirdar, saranjamdar, inamdar, talukdar, malek and a khot, and any person not hereinbefore specified who is interested in land and whom the Governor in Council has declared on account of the extent and value of his interest to be a land-holder for the purposes of this Act."

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

"(bb) 'pension-holder' shall mean a person lawfully entitled to the whole or a part of a pension or cash-allowance granted or continued by Government on political considerations or of a hereditary pension or cash allowance."

3. In section 4 of the said Act, after the word "land" the words "or of any pension-holder of section 4. receiving a pension" shall be inserted

Amendment of sections 4, 5, 8, 9, 10, 11, 12, 13 and 40. 4. (1) In sections 4, 8, 9, 10, 11, 12, 13 and 40 of the said Act, after the word "land-holder," wherever it occurs, the words "or pension-holder" shall be inserted.

(2) In sections 5, 8 and 40 of the said Act, after the word "land-holders" the words "or pension-holders" shall be inserted.

(3) In section 12 of the said Act, after the word "land" the words "or receives a pension" shall be inserted.

Amendment of section 8. 5. To sub-section (1) of section 8 of the said Act the following words shall be added, namely :—

"or where all the co-sharers other than those who are disqualified under sub-section (1) of section 5 agree to the Court of Wards assuming such superintendence."

Amendment of section 27. 6. For section 27 of the said Act the following shall be substituted, namely :—

Power of Court of Wards as to property of Government wards,

"27. The Court of Wards may sell, exchange, mortgage, charge or let the property of a Government ward and may do all such things as it may judge to be best for the benefit of the property and the advantage of the Government ward : provided that—

(a) the previous sanction of the Governor in Council shall be required to any sale, exchange or mortgage of, or charge on, immoveable property and to any lease of such property for a term exceeding ten years, and

(b) where one-fourth of the immoveable property of a Government ward has been sold or exchanged no further sale or exchange shall be made."

7. For section 29 of the said Act the following shall be substituted, namely :—

“29. For the purpose of the recovery of rents, profits and other sums due in respect of property under the superintendence of the Court of Wards (whether such arrears become due before or after the assumption of such superintendence) the Court of Wards shall have all the powers possessed by a Collector under the law for the time being in force for the recovery of land-revenue due to Government, including the power conferred by section 176 of the Bombay Land-revenue Code, 1879.

Bom. V. of 1879.

Recovery of arrears of rent as arrears of land-revenue.

8. To sub-section (1) of section 43 of the said Act, the following proviso shall be added, namely:—

Amendment of section 43.

“Provided that where any such officer or Board has been appointed to be Court of Wards and the order has been passed by any officer subordinate to such Court of Wards for the purposes of this Act, the Governor in Council may direct that appeals shall lie to such officer or Board.”

9. After section 44 of the said Act the following section shall be inserted, namely:—

“44A. For the purposes of this Act, the Court of Wards may summon and enforce the attendance of witnesses and compel them to give evidence, and compel the production of documents, by the same means and, as far as possible, in the same manner, as is provided in the case of a Civil Court by the Code of Civil Procedure, 1908.”

Power to compel attendance of witnesses.

V of 1908.

BOMBAY ACT No. III OF 1913.

(First published, after having received the assent of the Governor General, in the "Bombay Government Gazette" on the 22nd May 1913.)

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

WHEREAS it is expedient further to amend the Bombay Port Trust Act, 1879 (Bom. VI of 1879); It is hereby enacted as follows:—

1. This Act may be called the Bombay Port Trust (Amendment) Act, 1913.

2. In section 13 (3) of the Bombay Port Trust Act, 1879, hereinafter called "the said Act" for the words "shorter period" the words "period not longer" shall be substituted. Amendment of section 13.

Bom. VI of 1879.

3. In section 16 (6) of the said Act for the words "two-thirds" the words "one-half, not being less than three in number," shall be substituted. Amendment of section 16.

4. (1) For the second and third paragraphs of section 39 of the said Act the following shall be substituted:— Amendment of section 39 and repeal of section 40.

"The Board may, after notification in the *Bombay Government Gazette*, raise money for the said purposes or for the purpose of repaying, either in whole or in part, any moneys heretofore or hereafter borrowed or owing by the Board : Borrowing powers.

Provided that:—

(i) No loan shall be raised without the previous sanction of Government, and if the amount of the loan exceeds five lakhs of rupees, or if the repayment of the loan is to be made after a period exceeding thirty years, of the Governor General in Council ;

(ii) When the amount of any loan to be raised exceeds five lakhs of rupees the previous

sanction of the Governor General in Council shall be required to the dates within which the loan is to be raised or, if the loan is to be raised in instalments, to the dates within which each instalment is to be raised;

(iii) No expenditure shall be charged by the Board to capital, except with the express sanction of Government."

(2) Section 40 of the said Act is hereby repealed.

Insertion of
new sec-
tions 41A
and 41B.

Establish-
ment of
sinking
fund.

Application
of sinking
fund.

5. After section 41 of the said Act the following sections shall be inserted :—

"41A. (1) In respect of every loan raised by the Board after the commencement of this section for a term exceeding one year (except a loan taken from the Secretary of State for India in Council), the Board shall provide a sinking fund. Payments shall be made half-yearly to such sinking fund, and such payments shall be of such amount as shall with interest suffice to liquidate the loan within such period not exceeding sixty years from the date of the contracting of the same as the Governor General in Council may in each case direct.

(2) The Board may apply the whole or any part of the sums accumulated in the sinking fund in or towards the discharge of the moneys for the repayment of which the fund has been established, provided that they pay into the fund in each year, and accumulate until the whole of the moneys borrowed are discharged, a sum equivalent to the interest which would have been produced by the sinking fund, or the part of the sinking fund so applied.

The sums so set apart as a sinking fund shall be invested in public securities as defined in section 3 (12) or in such other securities as Government may approve in this behalf and shall be held in trust for the purposes of this Act by the Board.

41B. The sinking fund established for the liquidation of any loan shall be subject to annual examination by the Accountant General, Bombay, who shall ascertain whether the cash and the value of the securities at the credit of the fund are actually equal to the amount which would have been accumulated, had investments been regularly made, and had the rate of interest as originally estimated been obtained thereon. The Board shall pay forthwith into the sinking fund any amount which the Accountant General may certify to be deficient, unless the Governor General in Council specially sanctions a gradual re-adjustment."

6. To the first paragraph of section 42 of the said Act the following shall be added :—

"provided that in the case of loans raised out of India the form of the debentures shall require the previous sanction of the Governor General in Council."

7. After section 42B the following sections shall be inserted :—

"42C. Notwithstanding anything in section 15 of the Negotiable Instruments Act, 1881, the holder of any debenture issued under the provisions of this Act and transferable by endorsement shall not be said to endorse the debenture, or be called the endorser thereof, if when he signs the same for purpose of negotiation he subscribes his signature for that purpose elsewhere than on the back of the debenture itself.

42D. (1) The Board may at its discretion at the time of issue or at any time during the currency of any debentures or securities issued under the provisions of this Act, upon the application of the subscriber for, or holder of, any such debentures or securities, issue to him, in lieu of the debentures or securities deliverable to or held by him, a

XXVI of 1881.

Annual examination of sinking fund.

Amendment of section 42.

Insertion of new sections 42C, 42D and 42E.

Prohibition of endorsements on allonges.

Issue of stock certificates.

certificate in the nature of a stock certificate in respect of each loan to which such debentures or securities relate, which shall be in such form as the Board, with the previous consent of Government, shall from time to time determine; and all the provisions of section 41 as to the interest on debentures shall apply to the interest on stock certificates.

(£) The Board shall upon the application of the holder of a stock certificate convert the same into debentures or securities of the loan to which it relates.

Board empowered to make rules.

42E. (1) The Board may from time to time make rules to prescribe—

(a) the amounts for which stock certificates may be issued;

(b) the fees to be levied in respect of the issue of stock certificates;

(c) the mode in which payment of interest in respect of all debentures, stock certificates and other securities issued under the provisions of this Act is to be made, recorded and acknowledged;

(d) the circumstances in which such debentures and other securities must be renewed before further payment of interest thereon can be claimed;

(e) the fees to be levied in respect of the issue of renewed debentures or other securities;

(f) the form of transfer to be used, the formalities to be observed and the fees to be levied on a transfer of stock;

(g) the form in which debentures or other securities delivered for renewal are to be received;

(h) the proof to be produced by persons applying for duplicate debentures or other securities;

(i) the circumstances and manner in which duplicate debentures or other securities may be issued in case of debentures and other securities alleged to have been wholly or partly lost or destroyed and the period after which interest may be paid, or a duplicate be issued, in the case of such debentures or other securities alleged to have been wholly or partly lost or destroyed, and the fees to be levied in respect of the issue of duplicate debentures or other securities ;

(k) the circumstances and manner in which duplicate stock certificates may be issued and the fees to be levied on any such issue ;

(l) the nature and amount of indemnity to be given by a person applying for the payment of interest on debentures or other securities alleged to have been wholly or partly lost or destroyed, or the issue of duplicate debentures or other securities ;

(m) generally the measures to be adopted for carrying out the purposes of this Part.

(2) The Board may also from time to time, vary, alter or revoke any such rules so made by them.

No rule, or alteration or revocation of a rule, shall have effect until the same shall have been approved by Government, and such approval shall have been published in the *Bombay Government Gazette* ; and no rule, or alteration or revocation of a rule, shall be approved by Government until the same shall have been published for three weeks successively in the said *Gazette*.

It shall be lawful for Government at any time by notification in the said *Gazette* to cancel any rule published under the provisions of this section.

8. In sub-section (2) of section 43-B of the said Repeal in Act the words "with the previous sanction of part of sec- Government" are hereby repealed. tion 43-B.

Insertion of new section 60-A. 9. After section 60 of the said Act the following section shall be inserted :—

How the balances of the board may be employed.

“60A. All moneys at the credit of the Board which cannot immediately be applied in the manner or to the purposes specified in this Act shall be deposited in such bank and subject to such conditions as may from time to time be prescribed by Government: provided that nothing in this section shall be deemed to prohibit an investment in public securities as defined in section 3 (12) or in such other securities as Government may approve in this behalf; and the said securities shall be held in trust for the purposes of this Act by the Board.”

BOMBAY ACT No. IV OF 1913. *A.C.*

*(First published, after having received the assent
of the Governor General, in the Bombay
Government Gazette on the 28th May 1913.)*

An Act to amend the Bombay Land-revenue Code, 1879,
the Khoti Settlement Act, 1880, and the Gujarát
Tálukdárs Act, 1888, and to repeal the Bombay
Land Record-of-rights Act, 1903.

Bom. V of
1879.
Bom. I of
1880.
Bom. VI of
1888.
Bom. IV of
1903.

55 and 56
Vict., c. 14.

WHEREAS it is expedient to amend the Bombay
Land-revenue Code, 1879, the Khoti Settle-
ment Act, 1880, and the Gujarát Tálukdárs Act,
1888, in manner hereinafter appearing, and to repeal
the Bombay Land Record-of-rights Act, 1903; and
whereas the previous sanction of the Governor
General required by section 5 of the Indian Councils
Act, 1892, has been obtained for the passing of
section 41 of this Act; It is hereby enacted as
follows.

PART I.

GENERAL.

1. This Act may be called the Bombay Land-^{Short title.}
revenue (Amendment) Act, 1913.

2. The Bombay Land Record-of-rights Act, Repeal.
Bom. IV of 1903, shall be repealed.

3. Wherever this Act amends an enactment ^{Previous}
which has previously been amended by an Act ^{amending}
passed before the commencement of this Act, then ^{Acts.}
any of the provisions of such previous amending
Act which may be inconsistent with any of the
provisions of this Act shall be repealed to the
extent to which they are inconsistent therewith.

PART II.

THE BOMBAY LAND-REVENUE CODE, 1879.

Amend-
ment of
section 1.

4. (1) The first paragraph of section 1 of the Bombay Land-revenue Code, 1879 (hereinafter in this Part called "the said Act"), shall be numbered sub-section (1) of section 1. Bom. V of 1879.

(2) For the second paragraph of the said section the following sub-section shall be substituted :—

"(2) Save as otherwise provided by chapter XA, this Act extends to the whole of the Presidency of Bombay, except the City of Bombay, Aden, and the Scheduled District of the Mehwassī Chiefs' villages as defined in the Scheduled Districts Act, 1874."

XIV of 1874.

(3) For the third paragraph of the said section the following sub-section shall be substituted :—

"(3) Provided that Chapter III also extends to the City of Bombay, subject to the modification that the expression 'Revenue-officer' means every officer of any rank whatsoever appointed under section 5 or 6 of the Bombay City Land-revenue Act, 1876, and employed in or about the business of the land-revenue in the City of Bombay, or of the surveys, assessment, accounts or records connected therewith, instead of as defined in clause (1) of section 3 of this Act."

Bom. II of 1876.

Repeal of
section 2.

5. Section 2 of the said Act shall be repealed.

Amend-
ment of
section 3.

6. The following amendments shall be made in section 3 of the said Act :—

(a) clause (3) (defining "Collector") shall be repealed ;

(b) in clause (6) (defining "survey number") for the words "other particulars" the word "assessment" shall be substituted ; for the words "survey records" the words "land records" shall be substituted ; and the portion from the

words "survey records" to the end of the clause shall be repealed ;

(c) for clause (7) (defining "recognized share of a survey number") the following shall be substituted :

" ' sub-division of a survey number ' means a portion of a survey number of which the area and assessment are separately entered in the land records under an indicative number subordinate to that of the survey number of which it is a portion ; "

(d) after the last mentioned definition the following clause shall be inserted :

" ' chávdi ' means, in any village in which there is no chávdi, such place as the Collector may direct shall be deemed to be the chávdi for the purposes of this Act ; "

(e) for clauses (10), (11) and (12) the following shall be substituted :

" ' to hold land ' , or to be a ' landholder ' or ' holder ' of land means to be lawfully in possession of land, whether such possession is actual or not ;

" ' holding ' means a portion of land held by a holder ; "

(f) for clauses (13) and (14) the following shall be substituted :

" ' superior holder ' means a landholder entitled to receive rent or land-revenue from other landholders (hereinafter called ' inferior holders '), whether he is accountable or not for such rent or land-revenue, or any part thereof, to Government : provided that where land has been granted free of rent or land-revenue, subject to the right of resumption in certain specified contingencies, by a Jágirdár, Inámdár or other such holder of alienated land whose name is authorizedly entered as such in the land records, such Jágirdár, Inámdár or holder

shall, with reference to the grantee, be deemed to be the superior holder of land so granted by him and the grantee shall, with reference to the grantor, be deemed to be the inferior holder of such land and for the purposes of section 8 of the Bombay Local Funds Act, 1869, shall, notwithstanding anything herein-^{Bom. III of 1869.} after contained in the definition of the word "tenant", be deemed to be the tenant of such grantor.

(g) for clause (15) the following shall be substituted :

" 'tenant' means a lessee, whether holding under an instrument or under an oral agreement, and includes a mortgagee of a tenant's rights with possession ; but does not include a lessee holding directly under Government ;

' landlord ' means a lessor ; "

(h) for clauses (16), (17) and (18) (defining "occupant", "registered occupant" and "occupancy"), the following shall be substituted :

" 'occupant' means a holder in actual possession of unalienated land, other than a tenant : provided that where the holder in actual possession is a tenant, the landlord or superior landlord, as the case may be, shall be deemed to be the occupant ;

' occupancy ' means a portion of land held by an occupant ;

' to occupy land ' means to possess or take possession of land ;

' occupation ' means possession ; "

(i) for clause (20) (defining "village, town or city") the following shall be substituted :—

" 'village' includes a town or city and all the land belonging to a village, town or city ; "

(j) the following clauses shall be added to the said section :

“the term ‘joint holders’, or ‘joint occupants’, means holders or occupants who hold land as co-sharers, whether as co-sharers in a family undivided according to Hindu law or otherwise, and whose shares are not divided by metes and bounds; and where land is held by joint holders or joint occupants, ‘holder’ or ‘occupant’, as the case may be, means all of the joint holders or joint occupants;

‘land records’ means records maintained under the provisions of, or for the purposes of, this Act;

‘certified copy’ or ‘certified extract’ means a copy or extract, as the case may be, certified in the manner prescribed by section 76 of the Indian Evidence Act, 1872;

I of 1872.

in Sind the word ‘Mukhtyárkar’ shall be deemed to be substituted for the word ‘Mámlatdár’, wherever it occurs in this Act;”

(k) the clauses of the said section, as hereinbefore amended, shall be numbered consecutively.

7. To the third paragraph of section 4 of the said Act the following words shall be added:—

Amend-
ment of
section 4.

“and for the purposes of this Act the territories comprised in the Province of Sind shall be deemed to form a division and the Commissioner in Sind shall be deemed to be the Commissioner of that division.”

8. In section 7 of the said Act, the words “number of”, wherever they occur, shall be repealed.

Amend-
ment of
section 7.

9. (1) In section 13 of the said Act, for the words “appoint a Mahálkari to be in charge of a defined portion of a táluká” the words “appoint to a táluká one or more Mahálkaris” shall be substituted; for the words “assign to him” the words “assign to a Mahálkari” shall be substituted; and the following words shall be added to the said section:

Amend-
ment of
sections 13
and 14.

“when a defined portion of a *táluká* is placed in charge of a *Mahálkari*, such portion shall be called a *mahál*.”

(2) In section 14 of the said Act the last sixteen words shall be repealed.

Amend-
ment of
sections 21
and 32.

10. In sections 21 and 32 of the said Act the words “or orders” shall be repealed.

Amend-
ment of
section 38.

11. In section 38 of the said Act for the words “appropriated or assigned” the word “used” shall be substituted.

Amend-
ment of
section 42.

12. In section 42 of the said Act—

(a) for the first paragraph the following shall be substituted :—

“all road-side trees which have been planted and reared by, or under the orders of, or at the expense of Government, and all trees which have been planted and reared at the expense of Local Funds by the side of any road, which vests in Government, vest in Government,”

(b) the third and fourth paragraphs are hereby repealed.

Amend-
ment of
section 47.

13. In section 47 of the said Act, the words “nor less than one-tenth of the holding”, and the portion from the phrase “The word ‘holding’” to the end of the section, shall be repealed.

Amend-
ment of
section 48.
Manner of
assessment
and altera-
tion of
assessment.
Prohibition
of use of
land for
certain
purposes.

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

“48. (1) The land-revenue leviable on any land under the provisions of this Act shall be assessed, or shall be deemed to have been assessed, as the case may be, with reference to the use of the land

(a) for the purpose of agriculture,

(b) for the purpose of building, and

(c) for a purpose other than agriculture or building.

(2) Where land assessed for use for any purpose is used for any other purpose, the assessment fixed under the provisions of this Act upon such land shall, notwithstanding that the term for which such assessment may have been fixed has not expired, be liable to be altered and fixed at a different rate by such authority and subject to such rules as the Governor in Council may prescribe in this behalf.

(3) Where land held free of assessment on condition of being used for any purpose is used at any time for any other purpose, it shall be liable to assessment.

(4) The Collector or a survey officer may, subject to any rules made in this behalf under section 214, prohibit the use for certain purposes of any unalienated land liable to the payment of land-revenue, and may summarily evict any holder who uses or attempts to use the same for any such prohibited purpose."

15. In section 52 of the said Act, the words "or orders" and the words "by general or special orders of Government in this behalf" shall be repealed. Amendment of section 52.

16. In section 54 of the said Act, the portion from the phrase "If the said person" to the end of the section shall be repealed. Amendment of section 54.

17. In section 56 of the said Act, the words "or orders" shall be repealed. Amendment of section 56.

18. In section 57 of the said Act, the words "the land embraced within" shall be repealed. Amendment of section 57.

19. For the title of chapter VI of the said Act, the following shall be substituted: "OF THE GRANT, USE AND RELINQUISHMENT OF UNALIENATED LAND." Title of chapter VI.

20. In section 61 of the said Act for the phrases "appropriated to" and "appropriated it to" respectively, the phrases "used for" and "used it for" shall be substituted; and the words "or orders" shall be repealed. Amendment of section 61.

Amend-
ment of
section 62.
Unoccupied
land may be
granted on
conditions.

21. For section 62 of the said Act the following shall be substituted :—

“ 62. It shall be lawful for the Collector subject to such rules as may from time to time be made by the Governor in Council in this behalf, to require the payment of a price for unalienated land or to sell the same by auction, and to annex such conditions to the grant as he may deem fit, before permission to occupy is given under section 60. The price (if any) paid for such land shall include the price of the Government right to all trees not specially reserved under the provisions of section 40, and shall be recoverable as an arrear of land-revenue.”

Amend-
ment of
section 63.
Grant of
alluvial
land vesting
in Govern-
ment.

22. For section 63 of the said Act the following shall be substituted :—

“ 63. When it appears to the Collector that any alluvial land, which vests under any law for the time being in force in Government, may with due regard to the interests of the public revenue be disposed of, he shall offer the same to the occupant (if any) of the bank or shore on which such alluvial land has formed.

The price of the land so offered shall not exceed three times the annual assessment thereof.

If the said occupant shall refuse the offer, the Collector may dispose of the land without any restrictions as to the price to be asked.

For the purposes of this section, notwithstanding anything contained in section 3, if the bank or shore has been mortgaged with possession, the mortgagor shall be deemed to be the occupant thereof.”

Amend-
ment of
section 64.

23. In section 64 of the said Act the words “and occupation”, the words “and also exceeds one-tenth of the area of his holding”, and the portion from the phrase “The word ‘holding’” to the end of the section, shall be repealed, and for the words “half an” the word “one” shall be substituted.

24. In section 65 of the said Act,

Amend-
ment of
section 65.

(a) for the words "appropriated for purposes of agriculture" the words "assessed or held for the purpose of agriculture" shall be substituted; for the words "occupation for the purposes aforesaid" the words "use for the purpose aforesaid" shall be substituted; for the words "wishes to appropriate his holding or any part thereof to any other purpose" the words "wishes to use his holding or any part thereof for any other purpose" shall be substituted; and for the words "appropriated to any purpose unconnected with agriculture" the words "permitted to be used for any purpose unconnected with agriculture" shall be substituted;

(b) the word "registered", where it occurs twice, shall be repealed.

25. In section 66 of the said Act,

Amend-
ment of
section 66.

(a) for the word "appropriated", wherever it occurs, the word "used" shall be substituted; and for the words "appropriate any such land to" the words "use any such land for" shall be substituted;

(b) the words "co-occupant or any", and the word "registered", wherever it occurs, shall be repealed.

26. In section 67 of the said Act, the words "in special cases" shall be repealed, and for the words "agreed on between Government and the registered occupant" the words "prescribed by the Collector, subject to any rules made in this behalf by the Governor in Council" shall be substituted.

Amend-
ment of
section 67.

27. In section 68 of the said Act for the word "occupancy", in the first and second places where it occurs, the word "tenure" shall be substituted; and for the words "the orders of Government" the words "rules made by the Governor in Council in this behalf" shall be substituted.

Amend-
ment of
section 68.

28. In section 70 of the said Act,

Amend-
ment of
section 70.

(a) the portion from the beginning of the section to, and including, the words "provided that" shall be repealed;

(b) for the words "the occupancy or interest of the occupant in the land" the words "an occupancy" shall be substituted; for the words "the transfer" the words "a transfer" shall be substituted; and for the words "ordered by the Court" the words "ordered by a Civil Court" shall be substituted;

(c) the phrases "or interest" and "or interest in the land", wherever they occur in clauses (a) and (b), shall be repealed.

Repeal of section 71.

29. Section 71 of the said Act shall be repealed.

Amendment of section 73.

30. In section 73 of the said Act, for the phrases "The right of occupancy" and "occupancy" respectively, the phrases "An occupancy" and "tenure" shall be substituted.

Amendment of section 73A.

31. In section 73A of the said Act for the words "the occupancy or interest of the occupant in the land" the word "occupancies" shall be substituted.

Amendment of section 74. Relinquishment.

32. For section 74 of the said Act the following shall be substituted:—

"74. The occupant may relinquish his land, that is, resign it in favour of Government, but subject to any rights, tenures, incumbrances or equities lawfully subsisting in favour of any person (other than Government or the occupant), by giving notice in writing to the Mámlatdár or Mahálkari before the 31st March in any year or before such other date as may from time to time be prescribed in this behalf by the Governor in Council, and such relinquishment shall have effect from the close of the current year:

provided that no portion of land which is less in extent than a whole survey number or subdivision of a survey number may be relinquished."

33. (1) Section 75 of the said Act shall be repealed. Repeal of section 75 and amendment of section 76.

(2) In section 76 of the said Act, for the words "the two last sections" the words "the last section" shall be substituted.

34. In section 78 of the said Act, for the phrase "sections 75 and 76" the phrase "section 74" shall be substituted; and clause (a) and the letter "(b)" at the commencement of clause (b) shall be repealed. Amendment of section 78.

35. Section 79 of the said Act shall be repealed. Repeal of section 79.

36. In section 79A of the said Act, for the phrase "of which the occupancy right" the word "which" shall be substituted; and for the words "annexed to the occupancy" the words "annexed to the tenure" shall be substituted. Amendment of section 79A.

37. In section 80 of the said Act, Amendment of section 80.

(a) for the words "co-occupant, tenant, mortgagee or other person interested in the continuance of the occupancy" the words "person interested" shall be substituted;

(b) after the words "the Collector may" the expression "under section 86" shall be inserted;

(c) for the words "such aid for the recovery of the proportional amounts" the words "aid for the recovery of any portion of such land-revenue" shall be substituted;

(d) the word "registered," wherever it occurs, shall be repealed;

(e) the words "in occupation of parts of a field or survey number as he might legally have given, had the persons so paying been the registered occupants" shall be repealed.

38. Section 81 of the said Act shall be repealed. Repeal of section 81.

39. In section 87 of the said Act the four paragraphs shall be numbered sub-sections (1), (2), (3) and (4) and the following sub-section shall be added thereto:— Amendment of section 87.

“(5) One appeal only shall lie from any order passed under this section.”

Amend-
ment of
sections
88 and 89.

40. (1) In section 88 of the said Act for the words “Governor in Council” the word “Commissioner” shall be substituted.

(2) In section 89 of the said Act, for the word “Government” the words “the Commissioner” and for the words “Governor in Council” the word “Commissioner” shall be substituted.

New sec-
tion 94A.

41. After section 94 of the said Act the following section shall be inserted :—

Recovery
as revenue
demand of
dues of
certain
superior
holders for
specified
period.

“94A. (1) The superior holder of an alienated village or of an alienated share of a village, in which there are a hereditary pátel and a hereditary village accountant, and to which a survey settlement has been extended under section 216, may by application in writing to the Assistant or Deputy Collector in charge of the táluká request that the rent or land-revenue due to such superior holder may during a period named in the application be recovered as a revenue demand.

(2) The Collector may in his discretion sanction the application for a period not exceeding that named by the applicant, and in such case the following provisions shall apply :—

(a) Any rent or land-revenue that accrues or has accrued due to the superior holder during the sanctioned period or a period of six years previous thereto shall, to an extent not exceeding the assessment fixed on the land, be recoverable under the orders of the revenue authorities as a revenue demand during the sanctioned period.

(b) Where any proportion of the land-revenue that accrues or has accrued due to Government in respect of unalienated land in the same neighbourhood during the said sanctioned or previous period has been suspended or remitted by proper authority, the Collector may suspend or remit an equal or lesser proportion of the rent or land-revenue that accrues or has accrued due to the superior holder during the

X of 1876.

corresponding period. Any such suspension or remission shall, notwithstanding anything in the Bombay Revenue Jurisdiction Act, 1876, be binding upon the superior holder in any subsequent proceedings in any Civil Court between the superior and inferior holders or their legal representatives, and any proceedings pending at the date of such suspension or remission shall abate to the extent of any claim that may be inconsistent therewith; and no Civil Court shall entertain any suit against the Secretary of State or Government in respect of any such suspension or remission.

(c) Where any such suspension or remission has been granted to an inferior holder, the land-revenue (if any) payable by the superior holder shall be suspended or remitted, as the case may be, to a proportionate extent.

(d) The balance of any sum recovered under clause (a) shall be paid to the superior holder after deduction of the costs, if any, of recovery and of any sum lawfully chargeable upon the sum recovered."

42. For the title of chapter VIII the following shall be substituted: "OF SURVEYS, ASSESSMENTS AND SETTLEMENTS OF LAND-REVENUE." Title of chapter VIII.

43. In section 98 of the said Act, for the words "survey records" the words "land records" shall be substituted. Amendment of section 98.

44. Section 99 of the said Act shall be repealed. Repeal of section 99.

45. In section 100 of the said Act, the words "or orders" shall be repealed. Amendment of section 100.

46. For section 103 of the said Act the following shall be substituted:— Amendment of section 103.

"103. When the levy of the assessment fixed under sections 100 and 101 upon any land has been sanctioned under section 102, and notice Introduction of settlements.

of the same has been given in accordance with the rules made by the Governor in Council in this behalf, the settlement shall be deemed to have been introduced with respect to the lands of which the assessments have been sanctioned."

Amendment of section 104. **47.** In section 104 of the said Act, after the words "survey numbers" the words "or subdivisions of survey numbers" shall be inserted; after the word "number" the words "or subdivision" shall be inserted; and for the expression "sections 74 and 76" the expression "section 74" shall be substituted.

Amendment of section 108. **48.** In section 108 of the said Act, for the words "together with the name of the registered occupant of such survey number" the words "with any other particulars that may be prescribed" shall be substituted.

Repeal of sections 109 and 110. **49.** Sections 109 and 110 of the said Act shall be repealed.

Amendment of section 111. **50.** In section 111 of the said Act, for the words "to sell the occupancy of unoccupied lands by auction" the words "to grant unoccupied lands on lease" shall be substituted.

Amendment of section 113. **51.** For section 113 of the said Act the following shall be substituted:—

Partition. "113. Expenses properly incurred in making partition of estates paying revenue to Government shall be recoverable as a revenue demand in such proportions as the Collector may think fit from the sharers at whose request the partition is made, or from the persons interested in the partition."

Amendment of section 114. **52.** In section 114 of the said Act the words "subject to the rules contained in the last preceding section" shall be repealed, and for the words "under rule (3) of the last preceding section" the words "as a revenue demand" shall be substituted.

53. Section 115 of the said Act shall be repealed.

Repeal of section 115.

54. For section 116 of the said Act the following shall be substituted:—

Amendment of section 116.

“116. When any portion of cultivable land is permitted to be used under the provisions of section 65 or 67 for any non-agricultural purpose or when any portion of land is specially assigned under section 38, or when any assessment is altered or levied on any portion of land under sub-section (2) or sub-section (3) of section 48 such portion may, with the sanction of the Collector, be made into a separate number at any time notwithstanding the provisions of section 98.”

Division of survey numbers into new survey numbers.

55. In section 117 of the said Act the phrase “113, 115 or” shall be repealed, and for the word “sections” the word “section” shall be substituted.

Amendment of section 117.

56. After section 117 of the said Act the following sections shall be inserted:—

New sections 117A and 117B.

“117A. (1) Survey numbers may from time to time and at any time be divided into so many sub-divisions as may be required in view of the acquisition of rights in land or for any other reason.

Division of survey numbers into sub-divisions

(2) The division of survey numbers into sub-divisions and the fixing of the assessment of the sub-divisions shall be carried out and from time to time revised in accordance with rules made by the Governor in Council in this behalf:

provided that the total amount of the assessment of any survey number or sub-division shall not be enhanced during any term for which such assessment may have been fixed under section 102, unless such assessment is liable to alteration under section 48.

(3) The area and assessment of such sub-divisions shall be entered in such land records as the Governor in Council may prescribe in this behalf.

Provisions applicable on relinquishment or forfeiture of a sub-division

117B. If any sub-division of a survey number is relinquished under section 74 or is forfeited for default in payment of land-revenue, the Collector shall offer such sub-division at such price as he may consider it to be worth to the occupants of the other sub-divisions of the same survey number in such order as in his discretion he may think fit; in the event of all such occupants refusing the same, it shall be disposed of as the Collector shall deem fit :

provided that until the said sub-division shall be occupied or until the entire survey number shall be relinquished, whichever event may first occur, the assessment of the said sub-division shall be levied from the occupants of the other sub-divisions of the survey number in proportion to the amount of assessment due from such occupants on account of their sub-divisions.

For the purposes of this section notwithstanding anything contained in section 3, if any of the other sub-divisions have been mortgaged with possession, the mortgagors shall be deemed to be the occupants thereof."

Amendment of section 119.

57. In section 119 of the said Act, for the words "village records" the words "land records" shall be substituted; for the words "after the survey records have been handed over to the Collector" the words "after the completion of a survey" shall be substituted; after the words "survey number" the words "or sub-division of a survey number" shall be inserted; and for the words "in the case of survey numbers by the survey records" the words "by the land records" shall be substituted.

Amendment of section 120.

58. In section 120 of the said Act, for the words "section 520 of the Code of Civil Procedure" the words "paragraph 14 of the Second Schedule

1908." to the Code of Civil Procedure, 1908," shall be substituted.

59. Section 121 of the said Act shall be numbered sub-section (1) of section 121, and the following sub-section shall be added thereto :—

"(2) Where a boundary has been so fixed, the Collector may at any time summarily evict any land-holder who is wrongfully in possession of any land which has been adjudged in the settlement of a boundary not to appertain to his holding or to the holding of any person through or under whom he claims."

60. In section 122 of the said Act,

(a) after the words "survey numbers," where they occur for the first time, the words "or sub-divisions of survey numbers" shall be inserted; and, after the said words, wherever they occur subsequently, the words "or sub-divisions" shall be inserted;

(b) the words "or orders" shall be repealed.

61. In section 130 of the said Act, for the words "the price of the occupancy of the said lands" the words "a price for the said lands" shall be substituted; and for the words "occupancy-price" the word "price" shall be substituted.

62. In section 131 of the said Act, the figure "103" shall be repealed.

63. In section 132 of the said Act,

(a) for the words "rupees five for each survey number" the words "ten rupees for each building site or any portion thereof held separately" shall be substituted;

(b) the third paragraph shall be repealed.

64. In section 133 of the said Act, after the words "Schedule H" the words "or to the like effect" shall be inserted.

65. In section 134 of the said Act, for the words "appropriated to" the words "used for" shall be substituted.

New chapter
XA.

66. After chapter X of the said Act the following chapter shall be inserted :—

“ CHAPTER XA.

OF THE RECORD OF RIGHTS.

Exemption
from provi-
sions of this
chapter.

135A. The Governor in Council may, by notification in the *Bombay Government Gazette*, direct that this chapter, or any specified provisions thereof, shall not be in force in any specified local area, or with reference to any lands or any class of villages or lands, or generally.

The record
of rights.

135B. (1) A record of rights shall be maintained in every village and such record shall include the following particulars :—

- (a) the names of all persons (other than tenants) who are holders, occupants, owners or mortgagees of the land or assignees of the rent or revenue thereof;
- (b) the nature and extent of the respective interests of such persons and the conditions or liabilities (if any) attaching thereto;
- (c) the rent or revenue (if any) payable by or to any of such persons;
- (d) such other particulars as the Governor in Council may prescribe by rules made in this behalf.

(2) Provided that the said particulars shall be entered in the record of rights with respect to perpetual tenancies, and also with respect to tenancies of any other classes to which the Governor in Council may, by notification in the *Bombay Government Gazette*, direct that the provisions of this section shall apply in any local area or generally.

Acquisition
of rights to
be reported. 135C. Any person acquiring, by succession, survivorship, inheritance, partition, purchase, mortgage, gift, lease or otherwise, any right as holder, occupant, owner, mortgagee, landlord or tenant of the land, or assignee of the rent or revenue thereof, shall report orally or in writing

his acquisition of such right to the village accountant within three months from the date of such acquisition, and the said village accountant shall at once give a written acknowledgment of the receipt of such report to the person making it:

provided that where the person acquiring the right is a minor or otherwise disqualified, his guardian or other person having charge of his property shall make the report to the village accountant;

provided further that any person acquiring a right by virtue of a registered document shall be exempted from the obligation to report to the village accountant.

Explanation I.—The rights mentioned above include a mortgage without possession, but do not include an easement or a charge not amounting to a mortgage of the kind specified in section 100 of the Transfer of Property Act, 1882.

IV of 1882.

Explanation II.—A person in whose favour a mortgage is discharged or extinguished, or lease determines, acquires a right within the meaning of this section.

135D. (1) The village accountant shall enter in a register of mutations every report made to him under section 135C and shall also make an entry therein respecting the acquisition of any right of the kind mentioned in sub-section (1) of section 135C which he has reason to believe to have taken place and of which a report has not been made to him under the said section. Register of mutations and register of disputed cases.

(2) Whenever a village accountant makes an entry in the register of mutations he shall at the same time post up a complete copy of the entry in a conspicuous place in the chāvdi, and shall give written intimation to all persons appearing from the record of rights or register of mutations to be interested in the mutation, and to any other person whom he has reason to believe to be interested therein.

(3) Should any objection to an entry made under sub-section (1) in the register of mutations be made either orally or in writing to the village accountant, it shall be the duty of the village accountant to enter the particulars of the objection in a register of disputed cases.

(4) Orders disposing of objections entered in the register of disputed cases shall be recorded in the register of mutations by such officers and in such manner as may be prescribed by rules made by the Governor in Council in this behalf.

(5) The transfer of entries from the register of mutations to the record of rights shall be effected subject to such rules as may be made by the Governor in Council in this behalf: provided that an entry in the register of mutations shall not be transferred to the record of rights until such entry has been duly certified.

Entries in register of mutations how to be certified.

(6) Entries in the register of mutations shall be tested and if found correct, or after correction as the case may be, shall be certified by a revenue officer of rank not lower than that of a Mámíatdár's first kárkún.

Tenancies.

(7) The provisions of this section shall apply in respect of perpetual tenancies and also in respect of any tenancies mentioned in a notification under sub-section (2) of section 135B, but the provisions of this section shall not apply in respect of other tenancies, which shall be entered in a register of tenancies in such manner and under such procedure as the Governor in Council may prescribe by rules made in this behalf.

Obligation to furnish information.

135E. (1) Any person whose rights, interests or liabilities are required to be, or have been entered in any record or register under this chapter shall be bound, on the requisition of any revenue officer or village accountant engaged in compiling or revising the record or register, to furnish or produce for his inspection, within one month from the date of such requisition, all such information or documents

needed for the correct compilation or revision thereof as may be within his knowledge or in his possession or power.

(2) A revenue officer or village accountant to whom any information is furnished or before whom any document is produced in accordance with a requisition under sub-section (1) shall at once give a written acknowledgment thereof to the person furnishing or producing the same and shall endorse on any such document a note under his signature, stating the fact of its production and the date thereof.

135F. Any person neglecting to make the report required by section 135C, or furnish the information or produce the documents required by section 135E, within the prescribed period shall be liable, at the discretion of the Collector, to be charged a fee not exceeding twenty-five rupees, which shall be leviable as an arrear of land-revenue.

Penalty for neglect to afford information.

135G. Subject to rules made in this behalf by the Governor in Council—

Requisition of assistance in preparation of maps.

(a) any revenue officer or village accountant may for the purpose of preparing or revising any map or plan required for or in connection with any record or register under this chapter exercise any of the powers of a survey officer under sections 96 and 97, except the power of assessing the cost of hired labour under section 97, and

(b) any revenue officer of a rank not lower than that of an Assistant or Deputy Collector or of a survey officer may assess the cost of the preparation or revision of such map or plan and all contingent expenses, including the cost of clerical labour and supervision, on the lands to which such maps or plans relate, and such costs shall be recoverable as a revenue demand.

Certified
copy of
record to be
annexed to
plaint or
application.

135H. (1) The plaintiff or applicant in every suit or application as hereinafter defined relating to land situated in any area to which this chapter applies shall annex to the plaint or application a certified copy of any entry in the record of rights, register of mutations or register of tenancies relevant to such land.

(2) If the plaintiff or applicant fails so to do for any cause which the Court or conciliator deems sufficient, he shall produce such certified copy within a reasonable time to be fixed by the Court or conciliator, and if such certified copy is not so annexed or produced the plaint or application shall be rejected, but the rejection thereof shall not of its own force preclude the presentation of a fresh plaint in respect of the same cause of action or of a fresh application in respect of the same subject-matter, with a certified copy annexed.

(3) After the disposal of any case in which a certified copy of any such entry has been recorded, the Court shall communicate to the Collector any error appearing in such entry and any alteration therein that may be required by reason of the decree or order, and a copy of such communication shall be kept with the record. The Collector shall in such case cause the entry to be corrected in accordance with the decree or decision of the Court, so far as it adjudicates upon any right required to be entered in the record of rights, register of mutations or register of tenancies. The provisions of this sub-section shall apply also to an appellate or revisional Court: provided that, in the case of an appellate or revisional decree or order passed by the High Court or the Court of the Judicial Commissioner of Sind, the communication shall be made by the Court from which the appeal lay or the record was called for.

(4) In this section—

(a) "suit" means a suit to which the provisions of the Code of Civil Procedure, 1908, or of V of 1913. the Mámlatdárs' Courts Act, 1906, apply; Bom. II of 1906.

- (b) "application" means an application—
- (i) for the execution of a decree or order in a suit;
 - (ii) for the filing of an agreement stating a case for the opinion of the Court under the Code of Civil Procedure, 1908;
 - (iii) for the filing of an agreement to refer to arbitration under paragraph 17 of the Second Schedule to the said Code;
 - (iv) for the filing of an award under paragraph 20 of the said Schedule;
 - (v) to a conciliator under section 39 of the Dekkhan Agriculturists' Relief Act, 1879;
 - (vi) of any other kind to which the Governor in Council may, by notification in the *Bombay Government Gazette*, direct that this section shall apply;
- (c) an application shall be deemed to relate to land if the decree or other matter, with respect to which the application is made, relates to land;
- (d) a suit, decree or other matter relating to land shall, without prejudice to the generality of the expression, be deemed to include a suit, decree or other matter relating to the rent or tenancy of land.

V of 1905.

XVII of 1879.

135I. Notwithstanding anything in section 87, the Collector shall refuse assistance to any superior holder under the said section, if his claim to such assistance is not supported by an entry or entries duly made in the record of rights, register of mutations or register of tenancies.

Refusal of assistance under section 87.

135J. An entry in the record of rights and a certified entry in the register of mutations shall be presumed to be true until the contrary is proved or a new entry is lawfully substituted therefor.

Presumption of correctness of entries in record of rights and register of mutations.

Certified
copies.

135K. Applications for certified copies of entries in the record of rights, the register of mutations and the register of tenancies may be made to, and such copies may be given by, the village accountant, Mahálkari or Mámlatdár.

Bar of suits
and exclu-
sion of
chapter
XIII.

135L. (1) No suit shall lie against the Secretary of State or Government or any officer of Government in respect of a claim to have an entry made in any record or register that is maintained under this chapter, or to have any such entry omitted or amended, and the provisions of chapter XIII shall not apply to any decision or order under this chapter.

Appeal.

(2) The correctness of the entries in the record of rights and register of mutations shall be inquired into and the particulars thereof revised, by such Revenue-officers and in such manner and to such extent and subject to such appeal as the Governor in Council may from time to time by rules prescribe in this behalf."

Amend-
ment of
section 136.

67. For section 136 of the said Act the following shall be substituted :—

Liability
for land-
revenue.

"136. (1) In the case of unalienated land the occupant, and in the case of alienated land the superior holder, shall be primarily liable to Government for the payment of the land-revenue, including all arrears of land-revenue, due in respect of the land. Joint occupants and joint holders who are primarily liable under this section shall be jointly and severally liable.

(2) In case of default by any person who is primarily liable under this section, the land-revenue, including arrears as aforesaid, shall be recoverable from any person in possession of the land :

provided that where such person is a tenant, the amount recoverable from him shall not exceed the demands of the year in which the recovery is made ;

provided further that, when land-revenue is recovered under this section from any person who is not primarily liable for the same, such person shall be allowed credit for any payments which he may have duly made to the person who is primarily liable, and shall be entitled to credit, for the amount recovered from him, in account with the person who is primarily liable."

68. For section 140 of the said Act the following shall be substituted :—

New section 140.

"140. When the crop of any land or any portion of the same is sold, mortgaged or otherwise disposed of, whether by order of a Civil Court or other public authority or by private agreement, the Collector may prevent its being removed from the land until the demands for the current year in respect of the said land have been paid, whether the date fixed for the payment of the same under the provisions hereinafter contained, has yet arrived or not.

Removal of crop which has been sold, etc., may be prevented until revenue paid.

But in no case shall a crop or any portion of the same, which has been sold, mortgaged or otherwise disposed of, be detained on account of more than the demands of the year in which the detention is made."

69. For section 148 of the said Act the following shall be substituted :—

Amendment of section 148.

"148. If any instalments of land-revenue be not fully paid within the prescribed time, it shall be lawful for the Collector to impose as a penalty or as interest such charge on such instalments, and on the arrears, if any, of former years, as may be authorised according to a scale to be fixed from time to time under the orders of the Governor in Council, and further to proceed to levy at once the entire balance of land-revenue due by the defaulter for the current year :

Liabilities incurred by default.

provided that no such charge shall be imposed on any instalment, the payment of which has been suspended by order of Government, in respect of the period during which the payment remained suspended."

Amend-
ment of
section 163.

70. In section 163 of the said Act, for the words "actual occupants of the soil" the words "persons in actual possession of the land" shall be substituted.

Amend-
ment of
section 181.

71. In section 181 of the said Act, the words "included in such occupancy or alienated holding" shall be repealed; for the words "revenue records" the words "land records" shall be substituted; and for the words "occupancy or alienated holding" the word "land" shall be substituted.

Amend-
ment of
section 185.

72. For section 185 of the said Act, the following shall be substituted:—

Certified
purchaser
liable only
for land-
revenue
subse-
quently
due.

"185. Notwithstanding anything in section 136, the person named in the certificate of title as purchaser shall not be liable for land-revenue due in respect of the land for any period previous to the date of the sale."

Amend-
ment of
section 187.

73. (1) In section 187 of the said Act after the words "the foregoing provisions of this Chapter" the following words shall be added:—

"and all the foregoing provisions of this Chapter shall, so far as may be, be applicable thereto".

(2) In the same section after the words "revenue defaulters" the following words shall be added:—

"and all the foregoing provisions of this Chapter shall, so far as may be, be applicable to such persons".

(3) To the same section the following paragraph shall be added:—

“and any person who has received from Gov-
ernment a free grant of money for any agricul-
tural purpose, subject to the proviso that he shall
refund the same on failure to observe any of
the conditions of the grant, shall, on failure to
observe any such condition and to repay the said
sum to Government, be liable to be proceeded
against under the provisions of this Chapter as
a revenue-defaulter; and all the foregoing pro-
visions of this Chapter shall, so far as may be,
be applicable to such person”.

The re-
covery of
free grants
as arrears
of revenue
in case of
misuse.

V of 1908. 74. In section 189 of the said Act, for the
expression “sections 640 and 641 of the Code of
Civil Procedure” the expression “sections 132 and
133 of the Code of Civil Procedure, 1908,” shall
be substituted.

Amend-
ment of
section 189.

V of 1908. 75. In section 192 of the said Act, for the
expression “Code of Civil Procedure, section 160”
the expression “Code of Civil Procedure, 1908, for
parties applying for summonses for witnesses”
shall be substituted.

Amend-
ment of
section 192.

76. In section 211 of the said Act,

Amend-
ment of
section 211.

(a) in the first paragraph for the words
“a Collector” the words “an Assistant or Deputy
Collector” shall be substituted;

(b) in the second paragraph the words “an
Assistant or Deputy Collector” shall be repealed;

(c) the following proviso shall be added to
the section:—

“Provided that an Assistant or Deputy
Collector shall not himself pass such order
in any matter in which a formal inquiry
has been held, but shall submit the record
with his opinion to the Collector, who shall
pass such order thereon as he may deem fit.”

77. In section 213 of the said Act, for the words
“survey records and all village accounts and land
registers” the words “land records” shall be sub-
stituted; and for the words “such maps, registers

Amend-
ment of
section 213.

and accounts" the words "the same" shall be substituted.

Amend-
ment of sec-
tions 214
and 215.

78. For sections 214 and 215 of the said Act the following shall be substituted :

Rules.

" 214. (1) The Governor in Council may, by notification published in the *Bombay Government Gazette*, make rules not inconsistent with the provisions of this Act to carry out the purposes and objects thereof and for the guidance of all persons in matters connected with the enforcement of this Act or in cases not expressly provided for therein.

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

- (a) regulating the appointment of revenue officers and the exercise by them of their powers and duties ;
- (b) regulating the assessment of land to the land-revenue and the alteration and revision of such assessment and the recovery of land-revenue ;
- (c) prescribing the notice to be given in the case of enquiries and orders under section 37 ;
- (d) prescribing the purposes for which unalienated land liable to the payment of land-revenue may or may not be used, and regulating the grant of permission to use agricultural land for non-agricultural purposes ;
- (e) regulating the disposal of land and other property vesting in Government ;
- (f) regulating the disposal of forfeited land ;
- (g) prescribing the terms and conditions on which, and the periods for which, unoccupied unalienated land may be granted ;

- (h) fixing the maximum amount of fine leviable under section 61 ;
 - (i) regulating the conduct of surveys and settlements of land-revenue, and prescribing the notice to be given under section 103 before the introduction of a settlement ;
 - (j) regulating the division of survey numbers into sub-divisions and the fixing of the assessment of sub-divisions under section 117A ;
 - (k) regulating the construction, laying out, maintenance and repair of boundary marks ;
 - (l) regulating the compilation, maintenance and revision of the record of rights and the registers of mutations, disputed cases and tenancies, and prescribing the forms in which they are to be compiled and the officers by whom the said records and registers are to be tested and revised ;
 - (m) regulating the exercise by village accountants and revenue officers of the powers of a survey officer and the assessment of costs and expenses under section 135G ;
 - (n) prescribing the mode, form and manner in which appeals under chapter XIII shall be drawn up and presented ;
 - (o) prescribing the records, registers, accounts, maps and plans to be maintained for the purposes of this Act and the manner and forms in which they shall be prepared and maintained.
- (3) The power to make rules under this section shall be subject to the condition of previous publication."

- Penalty for breach of rules. "215. It shall be lawful for the Governor in Council, in making any rule under section 214, to prescribe that any person committing a breach of the same shall on conviction by a Magistrate be punished with imprisonment for a term not exceeding one month or with fine not exceeding five hundred rupees, or with both, in addition to any other consequences that would ensue from such breach."
- Amendment of section 216. 79. In section 216 of the said Act, for the words "Governor in Council" the word "Commissioner" shall be substituted.
- Amendment of section 217. 80. In section 217 of the said Act,
 (a) for the word "occupants" where it occurs for the first time the words "holders of land" and for the same word where it occurs for the second time the words "holders of land in unalienated villages" shall be substituted;
 (b) the words "and registered occupants" shall be repealed.
- Repeal of Schedule A. 81. Schedule A to the said Act shall be repealed.
- Amendment of Schedule F. 82. In Schedule F to the said Act, for the words "Governor in Council of Bombay" the word "Commissioner" and for the words "Governor in Council" the word "Commissioner" shall be substituted.
- Amendment of Schedule H. 83. In Schedule H to the said Act, for the phrase "the occupancy of the above described ground" the phrase "the said occupancy" shall be substituted.
- Repeal of sub-titles. 84. All sub-titles, printed over sections or groups of sections in the said Act, shall be repealed.

 PART III.

THE KHOTI SETTLEMENT ACT, 1880.

- Substitution of terms. 85. In the Khoti Settlement Act, 1880 (herein- Bom. I of after in this Part called "the said Act"), 1880.

(a) for the phrases "right of occupancy", "occupancy-rights" and "an occupancy-right", wherever they occur, the phrases "permanent tenancy", "permanent tenancies" and "a permanent tenancy" shall respectively be substituted;

(b) for the phrases "occupancy-tenant", "occupancy-tenants" and "an occupancy-tenant", wherever they occur, the phrases "permanent tenant", "permanent tenants" and "a permanent tenant" shall respectively be substituted.

86. In the proviso to section 6 of the said Act, for the words "such right", the words "such permanent tenancy" shall be substituted. Amendment of section 6.

87. (1) In section 9 of the said Act for the words "occupancy-tenants rights" the words "permanent tenancies" shall be substituted. Amendment of sections 9 and 10.

(2) In section 10 of the said Act—

(a) for the words "in the holding of" the words "held by";

(b) for the words "the land or any portion of the land in his holding" the words "his land or any portion of his land"; and

(c) for the word "such" the word "his" shall be substituted.

88. For the second paragraph of section 16 of the said Act the following shall be substituted: . Amendment of section 16.

"If a survey number is held by one or more privileged occupants, the said register shall further specify the tenure on which such number is held, the names of the occupants thereof, and, in the case of a survey number held by a permanent tenant, whether his interest therein is transferable otherwise than by inheritance or not."

89. In section 26 of the said Act, the words from the phrase "and shall for all the purposes" to the end of the section shall be repealed. Part repeal of section 26.

Amend-
ment of
section 33.

90. In section 33 of the said Act, for the word "occupancy", where it occurs twice in sub-rule (4) of rule IV, the word "occupation" shall be substituted.

Amend-
ment of
section 36.

91. In section 36 of the said Act the words "the lands in" shall be repealed.

Amend-
ment of
section 39.

92. In section 39 of the said Act

(a) for the portion from the phrase "nothing in sections" to the phrase "this Act extends" the following shall be substituted :—

"Nothing in sections 68, 72, 73, 74, the second paragraph of section 104, sections 112, 117A, 117B, clause (b) of section 150, or section 153 of the Bombay Land-revenue Code, 1879, shall be deemed to apply to any village to which this Act extends";

(b) Clause (a) shall be repealed.

PART IV.

THE GUJARA'T TA'LUKDA'RS ACT, 1888.

Amend-
ment of
section 29.

93. In sub-section (2) of section 29 of the Gujarát Talukdárs Act, 1888 (hereinafter in this Part called "the said Act"), for the phrase "sale of occupancy-rights", where it occurs twice, the word "transfer" shall be substituted. Bom. VI of 1888.

94. (1) For sub-section (1) of section 33 of the said Act the following shall be substituted :—

"(1) Nothing in sections 38 to 40, both inclusive, 44, 60 to 67, both inclusive, 76, 82, 85, 116, 117A, 127 to 134, both inclusive, 136, 163, 216 and 217 of the Bombay Land-revenue Code, 1879, shall be deemed to apply to any estate to which this Act extends." Bom. V of 1879.

(2) In clause (e) of sub-section (2) of the said section for the phrase "sell the occupancy of unoccupied lands by auction" the phrase "grant unoccupied lands on lease" shall be substituted; and the phrase "and occupancy-rights" shall be repealed.

(3) In clause (*f*) of the said sub-section the word "in" and the phrase "clause (3)" shall be repealed.

(4) In clause (*l*) of the said sub-section for the words "clause (*f*)" the words "clause (*h*)" shall be substituted.

(5) In clause (*m*) of the said sub-section the phrase "the words 'registered *tálukdár*' for the words 'registered occupant'" shall be repealed.

BOMBAY ACT No. VI OF 1913.

(First published, after having received the assent of the Governor General, in the "Bombay Government Gazette" on the 2nd October 1913.)

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

Bom. III of
1888.

WHEREAS it is expedient further to amend the City of Bombay Municipal Act, 1888 (herein-after called the said Act); It is hereby enacted as follows :—

1. In sub-section (2) of section 68 of the said Act below the word and figures "section 380" the word and figures "section 381" and below the word and figures "section 381" the words "section 381A, sub-sections (1) and (2)," shall be inserted.

2. In sub-section (1) of section 279 of the said Act the words "with the sanction of the Standing Committee" shall be repealed and below sub-clause (e) shall be added the following :—

"Provided that—

(i) in cases under sub-clauses (a), (b) and (d) the Commissioner shall not take action without the sanction of the Standing Committee,

(ii) in cases under sub-clauses (c) and (e) the Commissioner shall not take action unless written notice of not less than twenty-four hours has been given to the owner or occupier of the premises."

3. After sub-section (2) of section 322 of the said Act the following sub-section shall be inserted :—

"(3) Except in cases in which permission has been applied for under clause (b) of sub-section (1) for the deposit of building materials in any street and no reply has been sent to the

applicant within seven days from the date of the application, the Commissioner may, without notice, cause to be removed any building materials, or any scaffold, or any temporary erection, or any posts, bars, rails, boards or other things by way of enclosure, which have been deposited or set up in any street without the permission or authority specified in sub-section (1), or which, having been deposited or set up with such permission or authority, have not been removed within the period specified in the notice issued under sub-section (2).

Amendment of section 381. 4. For section 381 of the said Act the following shall be substituted:—

Filling in of pools, etc., which are a nuisance.

“381. (1) If in the opinion of the Commissioner—

(a) any pool, ditch, tank, well, pond, quarry-hole, drain, water-course, or any collection of water, or

(b) any cistern or other receptacle for water whether within or outside a building, or

(c) any land on which water accumulates and which is situate within a distance of one hundred yards from any building used as a dwelling-house,

is or is likely to become a breeding place of mosquitoes or in any other respect a nuisance, the Commissioner may, by notice in writing, require the owner thereof to fill up, cover over or drain off the same in such manner and with such materials as the Commissioner shall prescribe, or to take such order with the same for removing or abating the nuisance as the Commissioner shall prescribe.

(2) If an owner, on whom a requisition is made under sub-section (1) to fill up, cover over or drain off a well, delivers to the Commissioner, within the time prescribed for compliance therewith, written objections to such

requisition, the Commissioner shall report such objections to the Standing Committee and shall make further inquiry into the case, and he shall not institute any prosecution under section 517 for failure to comply with such requisition except with the approval of the Standing Committee, but the Commissioner may nevertheless, if he deems the execution of the work called for by such requisition to be of urgent importance, proceed in accordance with section 489 and, pending the Standing Committee's disposal of the question whether the said well shall be permanently filled up, covered over or otherwise dealt with, may cause such well to be securely covered over, so as to prevent the ingress of mosquitoes, and in every such case the Commissioner shall determine, with the approval of the Standing Committee, whether the expenses of any work already done as aforesaid shall be paid by such owner, or by the Commissioner out of the Municipal Funds or shall be shared, and, if so, in what proportions."

5. After section 381 of the said Act the following shall be inserted:—

New section
381A.

"381A. (1) No new well, tank, pond, cistern or fountain shall be dug or constructed without the previous permission in writing of the Commissioner.

Permission
for new
well, etc.

(2) If any such work is begun or completed without such permission, the Commissioner may either—

(a) by written notice require the owner or other person who has done such work to fill up or demolish such work in such manner as the Commissioner shall prescribe, or

(b) grant written permission to retain such work, but such permission shall not exempt such owner from proceedings for contravening the provisions of sub-section (1)."

Amend-
ment of
section
394.

6. In sub-section (1) of section 394 of the said Act after the word "under" where it occurs for the first time the words "and in conformity with the terms and conditions of" shall be inserted.

New section
412A.

7. After section 412 of the said Act the following new section shall be inserted, namely:—

License
required
for dealing
in milk.

"412A. No person shall without or otherwise than in conformity with the terms of a license granted by the Commissioner in this behalf—

(a) carry on within the city the trade or business of a dealer in or importer or seller or hawker of milk;

(b) use any place in the city for the sale of milk."

Amend-
ment of
section 415.

8. In the second paragraph of sub-section (2) of section 415 of the said Act after the word "provided" the following words shall be inserted, namely:—

"and he may arrest and take to the nearest Police Station any person in charge of any such animal or article."

Amend-
ment of
section 471.

9. In the table appended to section 471 of the said Act—

(1) in column (3) of the entry relating to section 322, sub-section (1), for the word "fifty" the words "one hundred" shall be substituted;

(2) below the entry relating to section 381 the following entry shall be inserted:—

"Section 381A, sub-section (1).	Digging or constructing well, etc., without permission.	Fifty rupees.
"Section 381A, sub-section (2).	Requisition to fill in or demolish well, etc.	Fifty rupees."

(3) below the entry relating to section 412 the following entry shall be inserted:—

"Section 412A.	Dealers in and sellers of milk to be licensed.	One hundred rupees."
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10. In the table appended to section 472 of the said Act— Amend-
ment of
section 472.

(1) below the entry relating to section 381 the following entry shall be inserted:—

“Section 381A. | Requisition to fill in or | F i v e
sub-section (2). | demolish well, etc. | rupees.”

(2) below the entry relating to section 411 the following entry shall be inserted:—

“Section 412A. | Dealers in and sellers of | F i v e
milk to be licensed. | rupees.”

11. In sub-section (2) of section 489 of the said Act below the word and figures “section 381” the words “section 381A, sub-section (2),” shall be inserted. Amend-
ment of
section 489.

12. In sub-section (1) of section 490 of the said Act after the word and figures “section 314” the following words shall be inserted:—“ or sub-section 490. section (3) of section 322.”

BOMBAY ACT No.V11 OF 1913.

(First published, after having received the assent of the Governor General, in the "Bombay Government Gazette" on the 4th October 1913.)

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

Whereas it is expedient to amend the Prince of Wales Museum Act, 1909, in the manner hereafter appearing; It is hereby enacted as follows: -

1. This may be called the Prince of (Short Wales Museum (Amending) Act, 1913. (title
2. From the area comprised in the (Amendment of schedule to the Prince of Wales Museum (schedule Act, 1909) (hereafter referred to as the said Act") the following area shall be excluded, namely: -

All that piece or parcel of land -- containing by admeasurement 359.52 square yards; be the same a little more or less, of which 275.57 square yards are contained between the outer side of the curve at the North-East angle of the boundary of the site . of the Prince of Wales Museum of Western India and lines tangential to the extremities of the said curve, and the remaining area amounting to 83.95 square yards is contained in an irregular figure projecting outwards from the tangential line of the said curve which runs more or less parallel to Apollo Street, the whole of the said piece or parcel of land with the boundaries thereof being delineated for greater clearness on a plan signed by the Executive Engineer, Presidency District, and a majority of the Trustees of the Prince of Wales Museum of Western India and deposited with the Secretary to Government in the General Department.

3. All the estate, right, title and (Property interest of the Trustees of the Prince (excluded of Wales Museum of Western India in and from sche to the area excluded from the shchedule (dule to re to the said Act by the last preceding (vest in, section shall vest in His Majesty. (His Majes- ty

BOMBAY ACT No. I OF 1914.

(First published, after having received the assent of the Governor General, in the "Bombay Government Gazette" on the 7th July 1914.)

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

Bom. VI of
1886.

WHEREAS it is expedient further to amend the Karachi Port Trust Act, 1886, in manner hereinafter appearing; It is hereby enacted as follows:—

1. This Act may be cited as the Karachi Port Short title Trust (Amendment) Act, 1914.

Bom. VI of
1886.

2. For section 6 of the Karachi Port Trust Act, 1886, hereinafter called "the said Act", the following section shall be substituted, namely:—

"6 (1) Government shall from time to time appoint a person to be chairman of the Board. The person so appointed may be a public officer or not. The chairman shall be a trustee.

Appoint-
ment of
chairman
and elec-
tion of

(2) The Board shall each year at their last meeting in March elect one of their number to be vice-chairman of the Board for the year commencing on the ensuing 1st of April.

vice-chair-
man.

(3) In the event of the death, resignation or disqualification of the vice-chairman or of his absence from four successive meetings of the Board, the Board shall elect a successor who shall hold office for the remainder of his predecessor's period of office."

3. In section 7 of the said Act—

(a) for the word "two" the word "one" shall be substituted,

Amend-
ment of
section 7.

(b) for the words "The remaining trustees shall be appointed by Government" the words "The remaining trustees of whom one at least

shall be a representative Indian merchant shall be appointed by Government" shall be substituted.

Amendment of section 9. 4. In section 9 of the said Act for the word "or" on the first occasion where it occurs the words "and of every person elected to be" shall be substituted.

Amendment of section 16. 5. (1) In sub-section (1) of section 16 of the said Act—

- (a) the words "and vice-chairman",
- (b) the word "respectively"

shall be omitted.

(2) In sub-section (2) of the said section, the words "and vice-chairman" shall be omitted.

Amendment of section 17. 6. To sub-section (4) of section 17 of the said Act, the following proviso shall be added, namely:—

"Provided that if the chairman is a member of the committee he shall be chairman thereof, and if he is not, but the vice-chairman is, a member of the committee, the vice-chairman shall be chairman thereof."

Amendment of section 18. 7. (1) In sub-section (2) of section 18 of the said Act, for the words "twenty-one" the word "fifty" shall be substituted.

Sanction by chairman. (2) In sub-section (7) of section 18 of the said Act, the words "or the sanction of the Port Engineer or Manager and Secretary, given in exercise of a power in this behalf conferred by the general or special orders of the Board or by special order of the chairman" shall be omitted.

Amendment of section 20. 8. To section 20 of the said Act the following proviso shall be added, namely:—

"Provided that such deputation shall be made only during the temporary absence from duty, owing to illness or other cause, of the chairman."

9. Paragraph 4 of section 23 of the said Act shall be omitted. Amendment of section 23.

10. In section 24 of the said Act, for the word "three" on the second occasion where it occurs the word "five" shall be substituted. Amendment of section 24.

11. In section 28 of the said Act, for the words "have been" on the first occasion where they occur the word "were" shall be substituted. Amendment of section 28.

12. In the proviso to section 29 of the said Act, for the words "fifty thousand" the words "one l  kh of" shall be substituted. Amendment of section 29.
The sanction of Government required if the cost shall exceed one l  kh of rupees.

13. To paragraph 1 of section 46 of the said Act, the following words shall be added, namely :— Amendment of section 46.

"and for the amount of rent lawfully due on buildings, plinths, stacking areas and other premises the property of the Board, and not paid after bills therefor have been duly preferred, the Board shall have a lien on all goods therein or thereon, and shall be entitled to seize and detain the same."

14. In paragraph 1 of section 50 of the said Act— Amendment of section 50.

(a) after the word "landed" the words " , or if rents due under section 46,"

(b) after the word "custody" the words "or seized and detained for rents due"

shall be inserted.

15. For sub-section (2) of section 59B of the said Act substitute the following sub-section, namely :— Amendment of section 59B.

Borrowing
powers.

“(2) The Governor in Council, acting on behalf of the Secretary of State for India in Council, may, with the previous consent of the Governor General of India in Council, from time to time, advance money to the Board for the general purposes of this Act; or

The Board may, after notification in the *Sind Official Gazette*, raise money for the said purposes or for the purpose of repaying, either in whole or in part, any moneys heretofore or hereafter borrowed or owing by the Board :

Provided that—

(i) No loan shall be raised without the previous sanction of Government, and if the amount of the loan exceeds five lakhs of rupees, or if the repayment of the loan is to be made after a period exceeding thirty years, of the Governor General in Council.

(ii) When the amount of any loan to be raised exceeds five lakhs of rupees the previous sanction of the Governor General in Council shall be required to the dates within which the loan is to be raised or, if the loan is to be raised in instalments, to the dates within which each instalment is to be raised ;

(iii) No expenditure shall be charged by the Board to capital, except with the express sanction of Government.”

Amend-
ment of
section 60.

Moneys
where to be
deposited.

16. (1) For paragraph 1 of section 60 of the said Act, the following shall be substituted, namely :—

“ All moneys at the credit of the Board which cannot immediately be applied in the manner or to the purposes specified in this Act shall be deposited in such bank or banks and subject to such conditions as may from time to time be prescribed by Government : provided that nothing in this section shall be deemed to prohibit an invest-

ment in public securities as defined in section 69 ; and the said securities shall be held in trust for the purposes of this Act by the Board."

(2) For paragraph 2 of the said section, the following shall be substituted, namely :—

"No disbursement of such moneys or of any part thereof shall be made except upon a cheque signed by the Secretary of the Port Trust and also by the chairman or, if the chairman is ill or absent, by the vice-chairman." How the funds are to be drawn.

(3) In paragraphs 3, 4 and 5 of the said section for the word "Port" wherever it occurs the word "Chief" shall be substituted.

(4) In paragraph 5 of the said section for the word "hundred" on the second occasion where it occurs in that paragraph the word "thousand" shall be substituted.

BOMBAY ACT No. II OF 1914.

(First published, after having received the assent of the Governor General, in the "Bombay Government Gazette" on the 23rd July 1914.)

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

Bom. VII of
1879

WHEREAS it is expedient further to amend the Bombay Irrigation Act, 1879, (hereinafter referred to as "the said Act") in manner hereinafter appearing. It is hereby enacted as follows:—

1. This Act may be called the **Bombay Short title.**
Irrigation Amendment Act, 1914.

2. After section 71 of the said Act the following Insertion
heading and sections shall be added, namely:— of a new
Part X.

"PART X."

Of Second-class Irrigation Works.

"72. This Part shall apply to Second-class Application
Irrigation Works only. of this Part.

"73. (1) The Governor in Council may publish Notification
a notification in the *Bombay Government Gazette*— of Second-
class Irrigation Work:

(a) declaring that it is proposed to constitute any canal, channel, stream, river, pipe or reservoir, natural or artificial, or any part thereof, whether constructed, maintained or controlled by Government or not, which is actually used or required for the purposes of irrigation, a Second-class Irrigation Work;

(b) fixing a period of not less than four months from the date of publication of such notification in the *Bombay Government Gazette* for the submission of objections to such proposal:

provided that no artificial reservoir or water-course supplied from such reservoir which is actually used for the purposes of irrigation by a

single irrigator shall be included in such notification except either with the consent of such irrigator or, if in the opinion of the Governor in Council such inclusion is necessary in the public interests, then without such consent but subject to the payment, after the issue of the declaration mentioned in sub-section (3), to such irrigator of such compensation for his rights as may be settled in accordance with the provisions of section 79.

(2) After the publication of such notification in the *Bombay Government Gazette* it shall also be published by the Collector as soon as practicable in the language of the district at the Mamlatdar's Office of the taluka in which the work is situated and in every town and village which in the opinion of the Collector is likely to be affected by such notification.

(3) After considering such objections as may have been received within the period fixed as aforesaid the Governor in Council may by notification in the *Bombay Government Gazette*, declare such canal, channel, stream, river, pipe or reservoir or any part thereof to be a Second-class Irrigation Work.

Proclamation by the Collector.

“74. When a notification has been issued under sub-section (3) of section 73 the Collector shall publish in the language of the district at the Mamlatdar's Office of the taluka in which the work is situated, and in every town and village which in his opinion is likely to be affected by such declaration, a proclamation—

(a) specifying, as nearly as possible, the source of supply, situation and limits of the Second-class Irrigation Work notified under sub-section (3) of section 73 ;

(b) stating that this Part applies to the work so notified from the date of the notification published under sub-section (3) of section 73 ; and

(c) fixing a period of not less than three months from the date of such proclamation, and requiring every person claiming any right in the

work so notified either to present to the Collector within such period a written notice specifying, or to appear before him and state, the nature of such right.

“75. (1) A Second-class Irrigation Work shall be deemed to be a canal within the meaning of sub-section (1) of section 3 and to such work the following sections and Parts only shall, so far as may be, apply, namely :—

Applica-
tion of
certain sec-
tions of the
Main Act.

Sections 3, 4, 8, 9, 10, 11, 12, 13, 14, 16, 17, 18, 19, 20, 21, 22, 23, 24, 28, 30, Part V, Part VIII, except sub-section (c) of section 61, and Part IX.

(2) The aforesaid sections and Parts shall, for the purposes of this Part, be subject to the following modifications, namely :—

(i) In section 16 before the word ‘any’ prefix the words—

‘Subject to any rights recorded in the Record-of-rights prepared or revised as hereinafter provided’.

(ii) In section 17 before the word ‘any’ prefix the words ‘Subject as aforesaid’.

(iii) In section 21 for clause (d), the following shall be substituted, namely :—

‘(d) To have a supply of water on such terms as may be prescribed in the Record-of-rights prepared or revised as hereinafter provided’.

(iv) To section 22 the following proviso shall be added, namely :—

‘Provided that no such private arrangement shall affect any rights to water recorded in the Record-of-rights prepared or revised as hereinafter provided’.

(v) In section 30 for the words ‘every agreement for’ the words ‘all rights to’ shall be substituted, and in the same section after the word ‘property’ the words ‘which have been recorded

in the Record-of-rights prepared or revised as hereinafter provided' shall be inserted. Paragraph 2 of the same section shall be omitted.

(vi) In Part V, section 31, proviso clause (o) and the last paragraph shall be omitted.

(vii) In Part V, section 34, the words 'section 6, section 7' shall be omitted.

(viii) In Part IX, section 67, after the figures '48' the words 'and Part X' shall be inserted.

Framing
of Record-
of-rights.

"76. (1) As soon as possible after the expiry of the period fixed by the Collector under section 74, clause (c), a canal-officer duly empowered in this behalf, who shall be a Revenue officer not below the rank of a Mamlatdar, shall enquire into and settle claims to any right in the Second-class Irrigation Work, and shall record the extent of such right and draw up in the form from time to time prescribed by the Governor in Council an Irrigation Record-of-rights so far as the same may be ascertainable from the records of Government and the evidence of any person likely to be acquainted with the same and any other documentary or oral evidence which the parties concerned or their witnesses may produce.

(2) Such Record-of-rights shall contain the following matters :—

(a) the nature of the Second-class Irrigation Work and any work subsidiary thereto,

(b) the lands irrigable therefrom,

(c) the custom or rule of irrigation,

(d) the rights to water and the conditions on which such rights are enjoyed, and

(e) such other matters as the Governor in Council may by rules prescribe in this behalf.

Powers of
canal-
officer.

"77. (1) For the purposes of the inquiries under section 76 such canal-officer may enter, by himself or any officer authorised by him for the purpose, upon any land adjacent to any such work, and may survey, demarcate and make a map of the same.

(2) Notwithstanding anything contained in section 76 where no sufficient evidence is forthcoming as to all or any of the matters specified in that section such canal-officer shall, so far as may be, settle and record the aforesaid matters in such manner as he may deem fit.

“78. The Record-of-rights prepared under section 76 may be revised from time to time by a canal-officer duly empowered in that behalf, who shall be a Revenue officer not below the rank of a Mamlatdar.

“79. Where the canal-officer who has prepared ^{Commuta-} or revised any Record-of-rights under this Part ^{tion of} finds that, having due regard to the maintenance or ^{rights.} management of the Second-class Irrigation Work, any right contained in the Record-of-rights cannot continue to be exercised to the extent recorded, he shall (subject to such rules as the Governor in Council may from time to time prescribe in this behalf) commute such right wholly or in part, either by the payment to the holder of such right of a sum of money in lieu thereof, or by the grant of land, or in such other manner as he may think fit; and he shall revise the Record-of-rights accordingly.

“80. In the event of Government undertaking ^{Power of} at their own cost any work whereby the supply ^{Government} of water in any Second-class Irrigation Work is ^{ment where} increased beyond the amount of such supply at ^{works are} the time of preparing or revising the Record-of- ^{undertaken} rights under this Part the Governor in Council ^{increasing} may, without prejudice to any rights so recorded, direct that the right to such surplus water shall vest in Government and shall be applied as Government may deem fit and the Record-of-rights shall be revised in accordance with such direction.

“81. When any Record-of-rights has been ^{Publication} prepared or revised under this Part it shall be ^{of Record-} published in the language of the district at the ^{of-rights.} Mamlatdar's Office of the taluka in which the work is situated and in every town and village which in the opinion of the Collector is affected by such Record-of-rights.

Entries in the Record-of-rights to be relevant as evidence.

“82. An entry in any Record-of-rights prepared or revised under this Part shall be relevant as evidence in any dispute as to the matters recorded, and shall be presumed to be true until the contrary is proved or a new entry is lawfully substituted therefor:

provided that no such entry shall be so construed as to limit any of the powers conferred on the Governor in Council by this Part.

Notice of suit to be given to the Collector.

“83. (1) In any suit or proceeding in which an entry made in any Record-of-rights prepared or revised under this Part is directly or indirectly called in question, the Court shall, before the final settlement of issues, give notice of the suit or proceeding to the Collector, and, if moved to do so by the Collector, shall make the Secretary of State for India in Council a party to the same.

Suits against Government.

(2) Save as provided in sub-section (1) no suit shall lie against Government in respect of anything done by the Collector, canal-officer or any other person acting under the orders of Government in the exercise of any power by this Part conferred on such Collector, canal-officer or other person or on Government.

Period of limitation.

(3) Any suit or proceeding in which an entry made in any Record-of-rights prepared or revised under this Part is directly or indirectly called in question shall be dismissed (although limitation has not been set up as a defence) if it has not been instituted within one year from the date of the publication under section 81 of the Record-of-rights containing the said entry, or, if one or more appeals have been made against any order of a canal-officer with reference to any entry in such Record-of-rights, then from the date of any order passed by the final appellate authority, as determined according to this Part.

Obligation to carry out petty repairs.

“84. In every Second-class Irrigation Work the following repairs shall be performed by the persons on whom the obligation to perform them is imposed by the next following section that is to say:—

(1) The filling up of gullies, runs and holes, especially at the back of revetments, and all petty repairs of a like nature essential for the safety of bands, of tanks, channel-banks or other portions of the said Second-class Irrigation Work.

(2) The prevention of the growth on such work of prickly pear, young trees and other vegetation endangering the safety or concealing the condition of such work.

(3) The preservation of such bushes and grasses as have been planted for the protection of the interior water slopes of such work.

(4) The clearance of silt from sluices, supply and distributing channels.

(5) The clearance of waste weirs and waste channels.

"85. The obligation to perform the repairs Incidence prescribed by the last preceding section shall, with of obliga-
reference to any land irrigated from such work, tion.
be deemed to be imposed jointly and severally, in the case of unalienated land, on the occupants of the land, and, in the case of all other land, on the holders of the land, as defined in either case in the Bombay Land Revenue Code, 1879.

Sec V of
1879.

"86. If any person on whom any obligation Power to
is imposed with reference to any Second-class enforce
Irrigation Work by any of the provisions of this rights and
Part, fails to fulfil the obligation so imposed, or if obligations,
any person infringes any right recorded in the Record-of-rights prepared or revised as hereinbefore provided, the canal-officer may require him by notice to fulfil such obligation or to desist from infringing such right within a period to be prescribed in the notice of not less than fifteen days, and in the event of failure may take such steps as may be necessary for the discharge of the said obligation, or the enforcement of the said right, and the amount of any expense so incurred shall be a sum due to Government and recoverable as an arrear of land revenue.

Duty of
Patel to
report fail-
ure to effect
repairs.

“87. It shall be the duty of the Patèl of any village within the limits of which any Second-class Irrigation Work or portion of such work is situated to report to the Mámlatdár without unnecessary delay any failure or neglect to carry out any of the repairs specified in section 84.

Public ser-
vant and
some other
persons pro-
tected from
legal pro-
ceedings.

“88. No suit, prosecution or other legal proceeding shall be maintained against any public servant or person appointed under this Part in respect of anything in good faith done or purporting to be done under the provisions thereof or the rules made thereunder.

Power to
make rules.

“89. The Governor in Council may, from time to time by notification in the *Bombay Government Gazette* and after previous publication, make rules as to all or any of the following matters:—

(i) the manner of framing and revising the Record-of-rights,

(ii) the proceedings of any officer who under the provisions of this Part is required to take action in any matter,

(iii) and generally to carry out the provisions of this Part.”

BOMBAY ACT NO. III OF 1914.

(First published, after having received the assent of the Governor General, in the "Bombay Government Gazette" on the 15th September 1914.)

An Act further to amend the Bombay Tramways Act, 1874.

WHHEREAS it is expedient further to amend the Bombay Tramways Act, 1874 (Bom. I of 1874), in the manner hereinafter appearing; It is hereby enacted as follows:—

Bom. I of
1874.

1. After section 3 of the Bombay Tramways Act, 1874 (hereinafter called the said Act), the following section shall be inserted:—

“3A. Subject to the provisions of this Act, and subject to the said agreement of the twelfth of March 1873 so far as the same is not inconsistent with anything in this Act, the said grantees may hold and use the lands described in Schedule II or any of them or any part or parts thereof and may maintain and use the buildings now erected thereon and any other buildings which may at any time hereafter be erected thereon or on any part or parts thereof as depôts for the housing and storage of their cars and carriages and as workshops for the maintenance and repair of the same and of the different parts thereof and otherwise for the proper purposes of their undertaking:

Provided that on and after the first day of January 1917 the Colaba premises, as described in the First Clause of Schedule II, and the buildings now erected and those which may hereafter be erected thereon, shall not be used by the grantees as workshops for the purpose of the heavy repairs of their cars and carriages and the different parts thereof, but only for the purpose of such light and emergent repairs of the same as may be necessary to ensure that the said cars and carriages are in good running order for the immediate requirements of the Tramway service;

Provided also that until the said first day of January 1917 work at the Company's Workshops at the said Colaba premises shall be restricted to the hours of 8 a. m. to 8-30 p. m daily, and that, until and subsequent to the closing of those Workshops on or before that date, work carried on in the Company's car-sheds at the said Colaba premises, outside of those hours, shall be restricted to the light and emergent repairs described in the first proviso to this section and shall be subject to such rules and regulations as Government may from time to time deem proper to impose."

Insertion of new section 4 A. 2. After section 4 of the said Act the following section shall be inserted :—

Extension of provision for housing, storage, maintenance and repairs. "4A. Any lands hereafter purchased or acquired by the said grantees upon which depôts, workshops or other buildings may be erected by them with the approval of the said Commissioner, given with the consent of the said Corporation, and the sanction of Government shall be notified in the *Bombay Government Gazette* and shall thereafter be deemed to be included in Schedule II."

Addition of new schedule. 3. The schedule to the said Act shall be numbered "Schedule I" and below the specification appended thereto there shall be added the following :—

" SCHEDULE II.

(1) All that piece or parcel of land at Colaba in Bombay held under the indenture of lease dated the seventeenth June 1886 granted by the Secretary of State for India for the term of nine hundred and ninety-nine years from the ninth day of March 1883 and containing by admeasurement 21,421½ square yards or thereabouts and bounded as follows, that is to say, on or towards the north by Ormiston Road, on or towards the south by the Great Indian Peninsula Railway Sidings, on or towards the east by the Colaba Causeway, on or towards the west by the

road from Ormiston Road to the stables known as the Wellington Mews, which said premises are situate in the registration sub-district of Bombay, are assessed by the Collector of Land Revenue under new No. 17025, new Survey No. 7/9561 and by the Collector of Assessment under Ward Nos. 546-47 (1 and 2), 552 (3), 548, 549 (1), 550 (1), (2), (3), 551, 552 (1, 2 & 2A), Street Nos. 8, 10, 10a, 4B, 12, 1, 2, 2a, 2b, 3, 4, 4a and 4aa and are in the occupation of the Bombay Electric Supply and Tramways Company, Limited, together with all buildings and erections thereon.

(2) All that piece or parcel of land containing by admeasurement 5,396 square yards, be the same a little more or less, with the messuages and buildings standing thereon, registered in the books of the Collector of Land Revenue under old Nos. 529, 420, 421, 432, 529; new Nos. 14043, 13925, 13939, 14041, bearing old Survey Nos. 53, 39, 53, 40; new No. 1-5/6933 bearing Ward Nos. 2925/31, Street Nos. 7/13, situate at Foras Road and Bapty Road and bounded on the east by land belonging to the Bombay Municipality, on the west by property belonging to Shaikh Essa bin Khalifa and beyond it by the junction of Falkland and Foras Roads, on the north by Foras Road and on the south partly by the Falkland Road and partly by Oomerkhadi Road, which hereditaments and premises are in the occupation of the Bombay Electric Supply and Tramways Company, Limited.

(3) All that piece or parcel of land containing by admeasurement 2,398 square yards or thereabouts registered by the Collector of Land Revenue under old Nos. 243, 225, 243, 244 and new Nos. 13752; a/13764, old Survey Nos. 385, 386, new Survey No. 1/3599, together with the messuages, edifices and buildings standing thereon, respectively, assessed by the Municipality of Bombay under Ward Nos. 7589/90, Street Nos. 274/76, all which premises are situate at and on the west side of Parel Road in the registration sub-district of Bombay, and are

bounded on or towards the west by the line of the Great Indian Peninsula Railway Company, on or towards the east by Parel Road aforesaid, on or towards the north by the property of Sabaji Sawlyaram, administrator of the estate and effects of the said Dhondiba Krishnaji Mahar, and on or towards the south by property belonging to Muncherji Palonji Contractor, which said piece or parcel of land is now in the occupation of the Bombay Electric Supply and Tramways Company, Limited."

BOMBAY ACT NO. IV OF 1914.

(First published, after having received the assent of the Governor General, in the "Bombay Government Gazette" on the 15th September 1914.)

An Act further to amend the Aden Port Trust Act, 1888.

Bom. V of 1888. **W**HEREAS it is expedient further to amend the Aden Port Trust Act, 1888, in the manner hereinafter appearing; It is hereby enacted as follows:—

1. This Act may be called the Aden Port Trust (Amendment) Act, 1914.

Bom. V of 1888. 2. In sub-section (2) of section 6 of the Aden Port Trust Act, 1888, hereinafter called "the said Act," the words, "The Port Surgeon at Aden," shall be omitted. Amendment of section 6.

3. To section 13 of the said Act the following sub-section shall be added:—

"(3) Provided also that no person who is the Health Officer of the Port of Aden shall for that reason only be disqualified from being a trustee."

4. For sub-section (1) of section 57 of the said Act the following sub-section shall be substituted:— Amendment of section 57.

"All moneys at the credit of the Board which cannot immediately be applied in the manner and to the purposes specified in this Act shall be deposited in such bank and subject to such conditions as may from time to time be prescribed by Government; provided that nothing in this section shall be deemed to prohibit an investment in public securities as defined in section 66 (3) or in such other securities as Government may approve in this behalf." Moneys where to be deposited.

Additions
to Schedule
A.

5. The following additions shall be made to Part I of Schedule A to the said Act :—

Consecutive number.	Name of property.	Heretofore in charge of	Boundaries and general description.
34	Kalfetein and Kais-al-Hamman Islands.	Aden Settlement Committee.	Kalfetein and Kais-al-Hamman Islands situated in the Inner Harbour.
35	Secra Island	The Political Resident at Aden.	Secra Island situated on the East of the Peninsula.

BOMBAY ACT NO. V OF 1914

(First published, after having received the assent of the Governor General, in the "Bombay Government Gazette" on the 15th September 1914.)

An Act further to amend the Bombay Civil Courts Act, 1869.

XIV of 1869. **W**HEREAS it is expedient further to amend the Bombay Civil Courts Act, 1869, hereinafter called "the said Act," in manner hereinafter appearing ;

55 and 56
Vict., c 14. **AND** WHEREAS the previous sanction of the Governor General required by section 5 of the Indian Councils Act, 1892, has been obtained for the passing of this Act ;

It is hereby enacted as follows :—

1. This Act may be cited as the Bombay Civil Courts Amendment Act, 1914.

2. To the proviso to section 32 of the said Act the following clause shall be added, namely :—

"or

(c) an officer of Government—

(i) who has been declared or appointed to be the sole member or one of a board constituting a Court of Wards, or

(ii) to whom all or any of the powers of a Court of Wards have been delegated, or

(iii) through whom all or any of the powers of a Court of Wards are exercised, or

(iv) who has been appointed a manager of the property of a Government ward, or

(v) who has been appointed a guardian of the person of a Government ward, or

(vi) who has been appointed a guardian of the person or property, or both, of a minor,

under section 3, sub-section (1) of section 19, sub-section (2) of section 19, section 20, sub-section (1) of section 22, or sub-section (1) of section 41, respectively, of the Bombay Court of Wards Act, ^{Bom. I of} 1905, ^{1905.}

is in virtue of such declaration, appointment, delegation or exercise of powers a party to such suit."

BOMBAY ACT NO. VI OF 1914.

(First published, after having received the assent of the Governor General, in the "Bombay Government Gazette" on the 24th September 1914.)

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

Bom. VI of
1879.

WHEREAS it is expedient further to amend the Bombay Port Trust Act, 1879, (hereinafter called "the said Act"); It is hereby enacted as follows:—

1. For section 5 of the said Act the following section shall be substituted, namely:—

"5. (1) The Board shall consist of seventeen members, that is to say, of seven elective-trustees, nine nominee-trustees, and a Chairman.

(2) Of the nine nominee-trustees one shall be a military officer serving in the Bombay Brigade, and not less than three shall be natives of India residing in the City of Bombay."

2. Section 31 of the said Act is hereby repealed.

Free
67/11

BOMBAY ACT No. VII OF 1914.

(First published, after having received the assent of the Governor General, in the "Bombay Government Gazette" on the 24th October 1914.)

An Act further to amend the Bombay Land Revenue Code, 1879.

Bom. V of
1879.

WHEREAS it is expedient to amend the provisions of the Bombay Land Revenue Code, 1879, dealing with superior and inferior holders; it is hereby enacted as follows:—

1. This Act may be called the Bombay Land Revenue Code Amendment Act, 1914.

Bom. V of
1879.

2. In the second paragraph of section 84 of the Bombay Land Revenue Code, 1879, hereinafter called the said Act, after the word "shall" the words "in the absence of any special agreement in writing to the contrary" shall be inserted.

Amend-
ment of
section 84.

3. Below section 84 of the said Act, the following section shall be inserted, namely:—

Insertion
of new
section
84A.

"84A. (1) Whenever from any cause the payment of the whole or any part of the land revenue payable to Government by a superior holder in respect of any land is suspended or remitted, the Collector, acting under the general or special orders of Government, may suspend or remit, as the case may be, the payment to such superior holder of the rent or land revenue of such land by the inferior holder or holders to an amount which —

Order
granting
suspensions
or remis-
sions to
inferior
holders.

(a) in the case of land in respect of which full assessment is payable to Government, shall not exceed double the amount of the land revenue of which the payment by such superior holder has been suspended or remitted by Government, and

(b) in the case of land in respect of which land revenue less than the full assessment is

(Price—0 Pies.)

payable to Government, shall not exceed double the amount which, in the opinion of the Collector, would have been suspended or remitted by Government in favour of the superior holder if the full assessment had been payable to Government in respect of such land.

(2) In the case of land in respect of which no land revenue is payable to Government by a superior holder, whenever from any cause the payment of the whole or any part of the land revenue payable to Government in respect of any other land in the same neighbourhood has been suspended or remitted, the Collector, acting under the general or special orders of Government, may suspend or remit, as the case may be, the payment to such superior holder of the rent or land revenue of the first-mentioned land by the inferior holder or holders to an amount which shall not exceed double the amount which, in the opinion of the Collector, would have been suspended or remitted by Government in favour of the superior holder if the full assessment had been payable to Government in respect of such land.

Such order not to be questioned in any Court. Consequences following on such order.

(3) An order passed under sub-section (1) or under sub-section (2) shall not be questioned in any Court.

(4) If the superior holder collects any rent or land revenue of which the payment has been remitted, or before the expiration of the period of suspension collects any rent or land revenue of which the payment has been suspended in favour of an inferior holder or holders, the whole of the land revenue remitted or suspended in favour of such superior holder shall, without prejudice to the rights of the inferior holder or holders to recover the rent or land revenue so collected, become immediately payable by the superior holder.

(5) No application for assistance under sections 86 and 87 shall be entertained, no suit shall lie,

and no decree of a Civil Court shall be executed, for the recovery by a superior holder of any rent or land revenue of which the payment has been remitted, or, during the period of suspension, of any rent or land revenue of which the payment has been suspended in favour of an inferior holder or holders; but, where the payment of rent or land revenue by an inferior holder or holders has been suspended, the period during which the suspension has continued shall be excluded from the period of limitation prescribed for a suit for the recovery of such rent or land revenue.

(6) Nothing in this section shall make it unlawful for the superior holder to take the crop-share fixed by custom or agreement in respect of any land on which rent is payable in whole or in part in the form of a share of the crop. Crop-share fixed by custom or agreement.

(7) Explanation—

In respect of land which has not been assessed under the provisions of chapter VIII or under any survey settlement confirmed by section 112, the term assessment, for the purposes of this section, includes the rent or land revenue payable by custom or by the usage of the locality. Meaning of assessment.

(8) Nothing in this section shall apply to any land situated in the Province of Sind. Sind excluded.

15/10/14
12/10/14

BOMBAY ACT No. VIII OF 1914.

(First published, after having received the assent of the Governor General, in the "Bombay Government Gazette" on the 28th October 1914.)

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

Bom. III of 1901.

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

1. This Act may be called the Bombay District Municipal Amendment Act, 1914 Short title.

Bom. III of 1901.

2. In section 3 of the Bombay District Municipal Act, 1901 (hereinafter called "the said Act"), below clause (3) the following clause shall be inserted, namely :— Amendment of section 3.

"(3A) 'Municipal Commissioner' shall mean a person appointed under the provisions of section 186A, and shall include a person appointed to act as Municipal Commissioner under sub-section (3) of section 186D."

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

"12. Subject to the provisions of section 13 and section 13A and to the disqualifications mentioned in section 15, section 21, sub-sections (3) and (6) of section 22 and sub-section (3) of section 22A, Persons qualified as candidates and to be entered in the list of voters.

- (1) (a) every Honorary Magistrate, and
- (b) every Fellow and every Graduate of any University, and
- (c) every Advocate of the High Court and every Pleader holding a sanad from the High Court, and
- (d) every juror and assessor, who for a period of not less than six months next preceding the date on which by the rules referred to in

clause (c) of section 11 a list of voters is required to be prepared or revised in a municipal district for election purposes, has been resident in such district,

shall be qualified as a candidate and to be entered in the list of voters for such district; and

(2) every person who for the like period has paid the qualifying tax, shall be qualified to be entered in the list of voters for such district; and he shall also be qualified as a candidate if he has been resident for the like period in such district or within seven miles of the limits thereof.

Explanation 1.—For the purposes of this section a person shall be deemed to be resident in or within seven miles of the limits of a municipal district if he ordinarily resides or has his principal place of residence in or within seven miles of the limits of such district.

Explanation 2.—For the purposes of this section 'the qualifying tax' means a tax, other than octroi, toll and the tax on vehicles and animals plying for hire or kept for the purpose of being let for hire, imposed in a municipal district, of an amount not less than such minimum as shall for the time being be fixed for such district by the Governor in Council in the case of City Municipalities and by the Commissioner in other cases."

New section
13A.

4. After section 13 of the said Act the following section shall be inserted, namely :—

Enrolment
in Municipal
Election
Roll necessary
for
elected
councillor.
Representative
of an
Association.

"13A. A person shall not be qualified to be elected a councillor unless he is enrolled in the Municipal Election Roll :

Provided that if any company, body corporate, or other association of individuals is enrolled in the Municipal Election Roll, any one person duly authorized in this behalf to represent such association shall be deemed to be qualified to be elected a councillor."

5. (1) In section 15, sub-section (1), clause (a), Amendment sub-clause (ii) of the said Act, for the words of section 15. "as debarring him from re-employment," the words "in the *Bombay Government Gazette*," shall be substituted;

(2) For proviso (vi) to clause (f) of the same sub-section, the following provisos shall be substituted, namely:—

"(vi) having a share or interest in the occasional sale to the municipality of any article in which he regularly trades, or in the purchase from the municipality of any article, to a value in either case not exceeding in any official year five hundred rupees, or such higher amount not exceeding two thousand rupees as the municipality with the sanction of Government may fix in this behalf, or";

"(viA) having a share or interest in the occasional letting out on hire to the municipality, or in the hiring from the municipality, of any article for an amount not exceeding in any official year fifty rupees, or such higher amount not exceeding two hundred rupees as the municipality with the sanction of Government may fix in this behalf, or";

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

"(e) not being a president or vice-president or a salaried servant of Government, absents himself during four successive months from the meetings of the municipality except with the leave of the municipality."

6. After section 15 of the said Act the following New section 15A. section shall be inserted, namely:—

"15A. Any councillor may resign his office Resigna- by giving notice in writing to that effect to the tion. president, and the president may resign his office by giving notice in writing to that effect to the Commissioner."

New section 23A. 7. After section 23 of the said Act the following section shall be inserted, namely :—

Municipal government vests in the municipality. “23A. (1) Except as in this Act otherwise expressly provided, the municipal government of a municipal district vests in the municipality.

(2) In a municipal district for which there is a Municipal Commissioner the executive power for the purpose of carrying out the provisions of this Act vests in the Municipal Commissioner subject, wherever it is in this Act expressly so directed, to the approval or sanction of the municipality and subject also to all other restrictions, limitations and conditions imposed by this Act.”

Amendment of section 24. 8. In section 24, sub-section (1), of the said Act, the following proviso shall be added, namely :—

Functions of Municipal Commissioner.

“Provided that in a municipal district for which there is a Municipal Commissioner, the duties and powers of the president under clauses (b), (c) and (d) of this sub-section shall, subject to the provisions of this Act and save where it is otherwise expressly provided in this Act, be performed and exercised by such Municipal Commissioner.”

New section 26A. 9. After section 26 of the said Act the following section shall be inserted, namely :—

Right of Municipal Commissioner to be present and to speak at municipal meetings.

“26A. A Municipal Commissioner shall have the same right of being present at a meeting of the municipality and of taking part in the discussions thereat as a councillor and with the consent of a majority of the councillors present, ascertained by a show of hands, without discussion, may at any time make a statement or explanation of facts, but he shall not be at liberty to vote upon, or to make any proposition at such meeting.”

Amendment of section 27. 10. In section 27, sub-section (2), clause (ii), of the said Act, after the words “chapter XIII” the words “and chapter XIII A” shall be inserted.

Amendment of section 34. 11. In section 34, sub-section (1), of the said Act, the following proviso shall be added, namely :—

“ Provided that, notwithstanding anything to the contrary contained in sub-section (9) of section 26, committees may record their proceedings either in English or in the vernacular language, as they may think fit.”

12. To section 37 of the said Act, the following proviso shall be added, namely:—

Amendment of section 37.

“ Provided that in a municipal district for which there is a Municipal Commissioner the powers or duties or executive functions under this Act or under any rule or by-law made hereunder conferred or imposed upon or vested in the Municipal Commissioner shall not be delegated save as provided in section 186-M.”

13. Below sub-section (7) of section 40 of the said Act the following sub-section shall be added, namely:—

Amendment of section 40.

“ (8) The provisions of this section shall be subject to the provisions of chapter XIII A.”

This section to be subject to the provisions of chapter XIII A.

14. In section 46 of the said Act—

Amendment of section 46.

(1) after the words “ the constitution thereof,” the words “ and subject to the provisions of chapter XIII A ”, shall be inserted ;

(2) in sub-clause (i) of clause (b) after the words “ chief officer ” the words “ and, subject to the provisions of chapter XIII A, by the Municipal Commissioner,” shall be inserted.

15. In section 48, sub-section (1), of the said Act, after clause (b) the following clause shall be inserted, namely:—

Amendment of section 48.

“ (bb) prescribing the conditions on or subject to which and the circumstances in which and the areas or localities in respect of which licenses may be granted, refused, suspended or withdrawn for the use of whistles and trumpets operated by steam or mechanical means in factories or other places for the purpose of summoning or dismissing workmen or persons employed.”

For licensing the use of steam whistles, etc.

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Amend-
ment of
section 63.

16. (1) In section 63, sub-section (2), of the said Act, the following proviso shall be added, namely :—

“ Provided that in a municipal district for which there is a Municipal Commissioner such Municipal Commissioner may make such inspection.”

(2) In section 63, sub-section (3), of the said Act, after the word “ person ” the words “ or of the Municipal Commissioner, as the case may be,” shall be inserted.

Amend-
ment of
section 65.

17. (1) In section 65, sub-section (3), of the said Act, at the commencement, the following words shall be inserted, namely :—

“ In a Municipal district for which there is a Municipal Commissioner such Municipal Commissioner, and elsewhere ”.

(2) In section 65, sub-section (4), of the said Act, after the word “ authenticated ” the following words shall be inserted, namely :—

“ in a municipal district for which there is a Municipal Commissioner by the signature of the Municipal Commissioner, and elsewhere ”.

New sec-
tion 81A.

18. After section 81 of the said Act, the following section shall be inserted, namely :—

Farming of
tolls.

“ 81A. (1) It shall be lawful for the municipality to lease the levy of any toll that may be imposed under this Act by public auction or private contract :

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

Person
employed
by lessee of
toll to have
power of
seizure.

(2) Where any toll has been leased under this section any person employed by the lessee to collect such toll shall, subject to the conditions of the lease, have the powers referred to in sub-sections (1) and (2) of section 79 :

Provided that no article distrained may be sold except under the orders of the municipality.”

19. (1) In section 83, sub-section (2), of the said Act, after the word "issued", where it occurs for the second time, the words "or by the Municipal Commissioner, if any," shall be inserted. ment of section 83.

(2) In section 83 of the said Act after sub-section (2) the following sub-section shall be inserted, namely :—

"(2A) Where the property is in the municipal district the warrant shall be addressed to an officer of the municipality. Where the property is in another municipal district or is not in a municipal district the warrant shall be addressed to the vice-president of the municipality in such other municipal district or to a Government officer not lower in rank than a Mahalkari as the case may be: provided that such vice-president or Government officer may endorse such warrant to a subordinate officer. Where the property is in the City of Bombay the warrant shall be addressed to the Municipal Commissioner for the City of Bombay." To whom warrant should be addressed

(3) In sub-section (3) of the said section, for the words "any municipal officer" the words "any officer" shall be substituted.

20. After section 84 of the said Act the following section shall be inserted, namely :— New section 84A.

"84A. Where the warrant is addressed outside the municipal district the authority issuing the warrant may by endorsement direct the officer to whom the warrant is addressed to sell the property distrained and in such case it shall be lawful for such officer to sell the property and to do all things incidental to the sale and the foregoing provisions shall be modified accordingly." Distrain and sale outside the district.

21. (1) Below section 91 of the said Act the following section shall be inserted, namely :— New section 91A.

"91A. (1) It shall be the duty of every municipality to prescribe a line on each side of every public street within the municipal district and the municipality may from time to time The regular line of a public street.

prescribe a fresh line in substitution for any line so prescribed, or for any part thereof :

Provided that—

(a) at least one month previous to prescribing such line or such fresh line, as the case may be, the municipality shall give public notice of the proposal and they shall put up special notice thereof in the street or part of the street for which such line or such fresh line is proposed to be prescribed, and

(b) the municipality shall consider any written objection or suggestion in regard to such proposal delivered at the office of the municipality within such time as they may specify in such public or special notice.

(2) The line for the time being so prescribed shall be called 'the regular line of the public street.'

(3) Except under the provisions of section 113, no person shall construct, or without the permission of the municipality under section 96 reconstruct, any portion of any building within the regular line of the public street.

(4) Whoever contravenes the provisions of sub-section (3) shall be punished with fine which may extend to one thousand rupees; and the municipality may—

(a) direct that the building be stopped, and

(b) by written notice require such building or portion thereof to be altered or demolished as they may deem necessary."

(2) In sub-section (1) of section 96 after the word "set-back" insert the words "or is empowered by section 91A to give permission to reconstruct it,".

Insertion of new section 137A. 22. Below section 137 of the said Act the following section shall be inserted, namely:—

Feeding animals with filth.

"137A. Whoever feeds any animal which is kept for dairy purposes or is intended for human food on excrementitious matter, stable-refuse,

• filth or other offensive matter, or permits such animal to feed or to be fed on such matter, shall be punished with fine which may extend to fifty rupees."

23. In the paragraph following clause (b) of sub-section (1) of section 142 of the said Act after the word "sub-chapter" the words "or of the Municipal Commissioner, if any" shall be inserted.

24. In section 143 of the said Act after the word "councillor" the comma shall be omitted.

25. After section 151 of the said Act the following section shall be inserted, namely:—

"151A. (1) No person shall use or employ in any factory or any other place any whistle or trumpet operated by steam or mechanical means for the purpose of summoning or dismissing workmen or persons employed except under and in accordance with the conditions of a license from the municipality.

(2) The municipality may grant such license subject to such conditions as they may deem fit and may at any time withdraw such license on giving one month's notice to the licensee:

Provided that where the licensee has contravened any of the conditions of the license, the license may be withdrawn without any such notice.

(3) Whoever uses or employs any such whistle or trumpet as aforesaid without, or in contravention of any of the conditions of, or after the withdrawal of, such license shall be punished with fine which may extend to fifty rupees."

26. In section 160 of the said Act for the words "compensation, damages, costs or expenses" wherever they occur, the words "compensation or damages" shall be substituted.

27. Below section 160 of the said Act the following section shall be inserted, namely:—

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Costs or expenses how determined and recovered.

"160A. If a dispute arises with respect to any costs or expenses which are by this Act directed to be paid, the amount, and if necessary the apportionment of the same, shall, save where it is otherwise expressly provided in this Act, be ascertained and determined by the municipality and shall be recoverable in the same manner as an amount claimed on account of any tax recoverable under chapter VIII."

Amendment of section 161.

28. In section 161 of the said Act after the word "municipality" the following words shall be inserted, namely:—

"and, in the case of offences against any of the provisions of this Act mentioned in section 183 (d), the chief officer".

Amendment of section 177.

29. In section 177, sub-section (1), clause (iii) of the said Act —

(a) after the word "officer" the words "or a Municipal Commissioner" shall be inserted; and

(b) the words "or by chapter XIII A, as the case may be" shall be added at the end.

Insertion of new sections.

30. Below section 186 of the said Act the following new sections shall be inserted, namely:—

"CHAPTER XIII A.

THE MUNICIPAL COMMISSIONER, HIS POWERS AND DUTIES.

Appointment of Municipal Commissioner.

186A. (1) Notwithstanding anything contained in chapter XIII, the Governor in Council may make an appointment of a Municipal Commissioner—

(a) for any municipal district which contains a population of not less than one hundred thousand inhabitants; and

(b) for any other municipal district on the application of the municipality in this behalf, provided that such application has been previously supported by not less than two-thirds of the whole number of councillors.

(2) The population of a municipal district shall be deemed to be the population as ascertained in the latest census taken in such municipal district, unless the Governor in Council thinks fit to direct that a special census may be taken in such municipal district for the purpose of ascertaining the population, whereupon the population shall be deemed to be the population as ascertained in such special census.

Population how ascertained.

(3) When the appointment of a Municipal Commissioner has been once made for a municipal district which contained at that time a population of not less than one hundred thousand inhabitants as ascertained in sub-section (2), such appointment shall not cease by reason only of the fact that the population of such municipal district has fallen short of one hundred thousand inhabitants.

Subsequent reduction of population.

(4) On the appointment of a Municipal Commissioner the appointment of a chief officer, whether made under section 177 or section 182, shall forthwith terminate: provided that the appointment of a Municipal Commissioner shall not be made until such notice has been given to the chief officer, if any, as the terms of his appointment entitle him to receive and until the expiry of the period specified in such notice.

Appointment of chief officer to cease on appointment of Municipal Commissioner.

(5) The Governor in Council may at any time discontinue the appointment of a Municipal Commissioner for any municipal district for which such appointment has been made.

Discontinuance of appointment.

186B. (1) A Municipal Commissioner shall hold office for a period of three years, in the first instance, and thereafter for such further period as the Governor in Council may in each case determine.

Term of office.

(2) A Municipal Commissioner may be removed from office at any time by the Governor in Council if it shall appear to the Governor in Council that he is incapable of performing the duties of his office or has been guilty of any misconduct or neglect which renders his removal expedient.

Removal from office.

(3) A Municipal Commissioner shall be forthwith removed from office by the Governor in Council on the application of the municipality in this behalf, provided that such application has been previously supported by not less than three-fourths of the whole number of councillors.

Salary of Municipal Commissioner.

186C. (1) A Municipal Commissioner shall receive from the municipal fund such monthly salary as the municipality shall, subject to the approval of the Governor in Council, from time to time determine.

Prohibition of engagement in other business.

(2) A Municipal Commissioner shall devote his whole time and attention to the duties of his office as prescribed in this Act or in any other enactment for the time being in force, and shall not engage in any other profession, trade or business whatsoever :

Provided that he may at any time, with the sanction of the municipality, serve on any committee constituted for the purpose of any local inquiry or for the furtherance of any object of local importance or interest.

Leave of absence.

186D. (1) The Governor in Council may, from time to time, with the assent of the municipality, grant leave of absence for such period as he thinks fit to a Municipal Commissioner.

Leave allowance.

(2) The allowance to be paid to a Municipal Commissioner, while absent on leave, shall be of such amount, not exceeding his salary, as shall be fixed by the Governor in Council :

Provided that, if the Municipal Commissioner is a salaried servant of Government, the amount of such allowance shall be regulated by the rules for the time being in force relating to the leave allowances of salaried servants of Government of his class.

Appointment of substitute.

(3) During any absence on leave, or other temporary vacancy in the office, of a Municipal Commissioner the Governor in Council may appoint a fit person to act as Municipal Commissioner. Every person so appointed shall exercise the powers and perform the duties conferred and

imposed by or under this Act or by any other enactment for the time being in force on the person for whom he is appointed to act, and shall be subject to the same liabilities, restrictions and conditions to which the said person is liable.

186E. (1) When a salaried servant of Government is appointed to be a Municipal Commissioner, the municipality shall, unless specifically exempted wholly or in part from liability by the Governor General in Council, contribute to his pension and leave allowances to the extent required by proviso (b) to section 46.

Contributions from municipality towards pension and leave allowances of Municipal Commissioner.

(2) When a person other than a salaried servant of Government is appointed to be a Municipal Commissioner, the municipality shall pay from the municipal fund the whole of his leave allowances fixed, as hereinbefore provided, by the Governor in Council, and may, with the sanction of the Governor in Council, grant him a pension or gratuity on retirement, or grant a compassionate allowance to his family on his death.

186F. (1) The municipality may require the Municipal Commissioner to furnish them with—

Power of municipality to require returns, reports or production of documents.

(a) any return, statement, estimate, statistics or other information regarding any matter appertaining to the administration of this Act or to the municipal government of the municipal district ;

(b) a report on any such matter ;

(c) a copy of any document in his charge.

(2) The Municipal Commissioner shall comply with every such requisition without unreasonable delay.

186G. A Municipal Commissioner shall exercise the powers hereinafter specified, and such other executive powers as may be delegated to him by the municipality under the provisions of this Act :—

Powers of Municipal Commissioner and limitations thereon.

(1) he shall exercise all the powers specifically conferred on the chief officer in a City Municipality by the provisions of this Act ;
and

(2) he may make such requisitions by written notice, give such written consent or permission, issue such orders and prohibitions, exercise all such powers and perform all such duties as may be made, given, issued, exercised and performed by a municipality under any of the provisions contained in the following sections or sub-sections, namely :—

- 63,
- 64,
- 65,
- 66,
- 67,
- 68,
- 69,
- 71,
- 76,
- 78,
- 79, sub-sections (3), (4) and (5),
- 80,
- 82,
- 83,
- 84,
- 90,
- 91,
- 91A,
- 92,
- 93,
- 94,
- 95,
- 96,
- 97,
- 98,
- 99,
- 100,
- 101,
- 103,
- 105,
- 106,
- 107,
- 108,
- 109,
- 110, sub-section (2),

112, sub-section (1),
113,
116,
120,
135,
136,
139, sub-section (4),
144,
145,
146,
147,
148,
151,
152,
154,
155,
156,
157,
159,
160A, and
161 :

Provided as follows :—

(a) the powers conferred on the municipality by or under the provisions contained in section 71, section 90, section 91, section 91A, sub-section (1) of section 106, sub-section (1) of section 116, and, in the case of a well, section 135 shall not be exercised by the Municipal Commissioner except subject to the general or special orders of the municipality or, in the absence of such orders, with the previous approval of the municipality ;

(b) the powers conferred on the municipality by or under any of the provisions of this Act—

(i) to make rules or by-laws, and

(ii) to authorize the president, or the vice-president, or a committee or a councillor to do anything,

shall not be exercised by the Municipal Commissioner ;

(c) property, whether moveable or immoveable, vested in or belonging to or otherwise held by the municipality shall not be deemed to vest in or to belong to or otherwise to be held by the Municipal Commissioner;

(d) the power conferred by section 161 to direct a prosecution or to order proceedings to be taken for the punishment of any person offending against the provisions of the following sections or sub-sections shall not be exercised by the Municipal Commissioner except with the previous approval of the municipality :—

section 44,

section 45,

sub-section (4) of section 91,

sub-section (4) of section 91A,

section 138, and

sub-section (4) of section 149.,

Municipal Commissioner deemed to be authorized in certain matters although not expressly so authorized.

186H. When a municipality empowered by any of the provisions of this Act or by any by-laws made hereunder to authorize an officer to exercise any power whatever or to do anything, have so authorized any officer, they shall be deemed so to have authorized the Municipal Commissioner, notwithstanding that they have not expressly so authorized him.

Punishment for person disobeying lawful direction given by Municipal Commissioner.

186I. Whoever disobeys or fails to comply with a lawful direction given by the Municipal Commissioner in any matter shall be punishable in the same manner as a person who disobeys or fails to comply with a lawful direction given by the municipality in the same matter.

Powers of Municipal Commissioner to appoint, grant leave, punish and dismiss.

186J. (1) A Municipal Commissioner shall have, independently of such powers as may be delegated to him by the municipality in this behalf, power without the sanction of the municipality—

(a) to appoint, subject to the rules for the time being in force under sub-clause (ii) of

clause (b) of section 46, a fit person to any post, under the municipality, the monthly salary for which does not exceed rupees one hundred, other than to the post of the health officer, engineer, chief accountant, secretary or auditor;

(b) to grant, subject to the rules for the time being in force under clause (f) of section 46, leave of absence to the holder of any post to which the Municipal Commissioner has power to appoint, and to appoint a fit person to act for such holder during such absence;

(c) to fine, reduce, suspend or dismiss the holder of any post to which the Municipal Commissioner has power to appoint:

Provided that no holder of a post the monthly salary for which exceeds rupees fifty shall be dismissed by the Municipal Commissioner without the approval of the municipality.

(2) When a Municipal Commissioner has been appointed under the provisions of this Act, all other officers and servants employed by the municipality shall be subordinate to him.

186K. Notwithstanding anything contained in section 24, in section 184 and in section 186J, the powers conferred on the municipality, or on a committee appointed under section 28, by or under any of the provisions of this Act to appoint, grant leave of absence to, punish or dismiss any master, teacher or other person employed in primary or other school vested in or maintained by the municipality or employed in any educational institution aided by the municipality shall not be exercised either by the chief officer or by the Municipal Commissioner.

186L. No appeal shall lie to the municipality in respect of any order passed or anything done by a Municipal Commissioner in the exercise of the powers conferred upon him by or under the provisions of this Act except in the case of an

order passed or anything done by him under any of the following sub-sections, namely :—

- (i) sub-sections (1) and (2) of section 92,
- (ii) sub-section (1) of section 98,
- (iii) sub-section (2) of section 103,
- (iv) sub-section (2) of section 131,
- (v) sub-section (1) of section 151, and
- (vi) clause (b) of sub-section (1) of section 156.

Delegation of powers of Municipal Commissioner.

186M. (1) With the sanction of the municipality, the Municipal Commissioner may, by general or special order in writing, delegate to any municipal officer or servant any of the Municipal Commissioner's powers, duties or functions under this Act or under any rule or by-law made hereunder except such as are conferred or imposed upon or vested in him under the following sections, namely :—

151, 161, and 186J.

(2) The exercise or discharge by any municipal officer or servant of any powers, duties or functions delegated to him under sub-section (1) shall be subject to such conditions and limitations, if any, as may be prescribed in the said order, and also to control and revision by the Municipal Commissioner.

Power to execute contracts on behalf of municipality.

186N. In any municipality for which a Municipal Commissioner has been appointed, notwithstanding anything contained in section 40, the following provisions with respect to the making of contracts under or for any purpose of this Act shall have effect, namely :—

(a) every such contract shall be made on behalf of the municipality by the Municipal Commissioner ;

(b) no such contract for any purpose which the Municipal Commissioner is not empowered by this Act to carry out without the approval or sanction of some other municipal authority, shall be made by him until or unless such approval or sanction has first of all been duly given ;

(c) no contract for the purchase, sale, lease, mortgage or other transfer of immoveable property shall be entered into by the Municipal Commissioner except with the approval or sanction of the municipality ;

(d) no contract which will involve an expenditure exceeding five hundred rupees shall be made by the Municipal Commissioner except with the approval or sanction of the municipality ;

(e) every contract made by the Municipal Commissioner involving an expenditure exceeding two hundred and fifty rupees and not exceeding five hundred rupees shall be reported by him, within fifteen days after the same has been made, to the municipality ;

(f) the foregoing provisions of this section shall apply to every variation or discharge of a contract as to an original contract.

186-O. (1) Notwithstanding anything contained in sub-sections (6) and (7) of section 40, every contract entered into by a Municipal Commissioner on behalf of a municipality shall be entered into in such manner and form as would bind such Municipal Commissioner if such contract were on his own behalf, and may in the like manner and form be varied or discharged : Mode of
executing
contracts.

Provided that—

(a) Where any such contract, if entered into by a Municipal Commissioner, would require to be under seal, the same shall be sealed with the common seal of the municipality, and

(b) Every contract for the execution of any work or the supply of any materials or goods which will involve an expenditure exceeding five hundred rupees shall be in writing and shall be sealed with the common seal of the municipality and shall specify the work to be done or the materials or goods to be supplied,

as the case may be, the price to be paid for such work, materials or goods and, in the case of a contract for work, the time or times within which the same or specified portions thereof shall be completed.

(2) The common seal of the municipality shall not be affixed to any contract, or other instrument, except in the presence of two members of the Managing Committee, who shall attach their signatures to the contract or instrument in token that the same was sealed in their presence. The signatures of the said members shall be distinct from the signatures of any witnesses to the execution of any such contract or instrument.

(3) No contract not executed in the manner provided in this section shall be binding on the municipality.

Tenders to be invited for contracts involving expenditure exceeding Rs. 1,000.

186P. (1) Except as is otherwise provided in sub-section (3), a Municipal Commissioner shall, at least seven days before entering into any contract for the execution of any work or the supply of any materials or goods which will involve an expenditure exceeding one thousand rupees, give notice by advertisement in the local newspapers, inviting tenders for such contract.

(2) A Municipal Commissioner shall not be bound to accept any tender which may be made in pursuance of such notice, but may accept, subject to the provisions of clause (d) of section 186N, any of the tenders so made which appears to him, upon a view of all the circumstances, to be the most advantageous or may reject all the tenders submitted to him.

(3) The municipality may authorise the Municipal Commissioner, for reasons which shall be recorded in their proceedings, to enter into a contract without inviting tenders as herein provided or without accepting any tender which he may receive after having invited them.

186Q. A Municipal Commissioner shall Security
require security for the due performance of when to be
every contract into which he enters under the last taken for
preceding section, and may, in his discretion, perform-
require security for the due performance of any ance of
other contract into which he enters under this contract.
Act."