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Title. PROPOSED

FOR THE AMENDMENT OF

THE LOCAL MUNICIPAL

ACT, 1978.

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V2316:(Z)  
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ELECTIONS FROM THE RECORDS OF THE BOMBAY  
GOVERNMENT.

No. CLXXVIII.—NEW SERIES.

194

PROPOSALS

FOR THE

AMENDMENT OF THE BOMBAY MUNICIPAL ACTS  
(III. OF 1872 AND IV. OF 1878).

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No. 9446 of 1881.

Municipal Commissioner's Office  
Bombay, 3rd October 1881.

From  
E. C. K. OLLIVANT, Esq., C.S.,  
Municipal Commissioner for the City of Bombay,

To  
THE SECRETARY TO GOVERNMENT,  
General Department.

SIR,

I have the honor to submit proposed amendments to the Bombay Municipal Acts (Bombay Act III. of 1873 and Bombay Act IV. of 1878). The sections to which amendments are proposed are as follows:—  
6, 8, 9, 9B, 9D, 14, 20, 21, 26, 45, 49, 53, 55, 57, 69, 70, 70A, 74, 79, 81, 82, 114, 117, 127, 128, 134, 137, 138, 139, 147A, 150, 163, 165, 166, 167, 185, 200, 203, 212, 225 with schedule added, 226, 229, 233, 241, 244, 245A, 246, 247, 249, 250, 251, 256, 257, 258, 259, 265, 289, 296, 300.

Sections 70, 70A, 74, and 79 relate to the subject of assessment, and the proposed amendments to these sections have not yet been discussed by the Corporation, I offer no opinion concerning them at the present stage, but I shall have the honor of addressing you further when the subject has been disposed of by the Corporation. Meanwhile, to delay the submission of other proposed amendments may needlessly retard the consideration of some very desirable improvements.

3. I propose also to recommend some alteration of the sections relating to taxes on carriages, horses, &c. (Section 114 *et seq.*) and of the sections relating to tax on Fire Insurance Companies (Section 122 *et seq.*).

I have the honor to be,  
Sir,  
Your most obedient Servant,  
E. C. K. OLLIVANT,  
Municipal Commissioner.

PROPOSED AMENDMENTS.

Sections 6 and 8.—The following amendments in Sections 6 and 8 approved by the Corporation at meetings held on the 8th June and 25th July 1881 respectively:—

Existing Sections.

Section 6.—There shall be fresh general elections and a fresh general appointment of members of the Corporation every two years.  
The first general election and appointment shall be made to have effect from the 1st January 1879 and subsequent general elections and appointments shall be made for a term of (two) years beginning on the first of January in one year, and terminating on the 31st December in the next following year both days inclusive. At the expiration of such term the persons who have been elected or re-appointed members of the Corporation shall be re-elected or re-appointed members thereof unless the next re-ensuing term.

Proposed Amendments.

Section 6.—There shall be fresh general elections and a fresh general appointment of members of the Corporation every three years.  
The first general elections and appointments shall be made to have effect from the 1st January 1881 and the said elections and appointments of members shall be made for a term of three years beginning on the 1st January in one year and terminating on the 31st December in the third year, but the expiration of such term shall not prevent the re-appointment of members of the Corporation who have been elected or re-appointed members thereof unless the next re-ensuing term.



*Existing Sections.*

Section 8.—In the event of the death, resignation or disqualification as aforesaid of any member of the said Corporation, a successor shall forthwith be appointed by Government if the member whom he is to succeed is so appointed, and if the said member is elected at a Ratepayers' election, or at a Justices' election, the Government by notification in the 'Bombay Government Gazette' in the former case, and the Clerk of the Justices of the Peace by advertisement in one or more local newspapers in the latter case, shall fix a convenient day for the election of a successor at a Ratepayers' or Justices' election as the case may be.

Every such appointment or election shall be for the remainder of the term for which the member whose place is to be filled was appointed or elected, and at the expiration of such term the person so appointed or elected shall cease to be a member of the Corporation unless he has been re-elected or re-appointed a member for the next ensuing term of [two] years.

Section 8, Clause D.—Has directly or indirectly any share or interest in any contract or employment with, by, or on behalf of the Corporation.

*Proposed Amendments.*

Section 8.—In the event of the death, resignation or disqualification as aforesaid of any member of the said Corporation, a successor shall forthwith be appointed by Government if the member whom he is to succeed was so appointed, and if the said member was elected at a Ratepayers' election or at a Justices' election, the Government by notification in the 'Bombay Government Gazette' in the former case, and the Clerk of the Justices of the Peace by advertisement in one or more local newspapers in the latter case, shall fix a convenient day for the election of a successor at a Ratepayers' or Justices' election as the case may be.

Every such appointment or election shall be for the remainder of the term for which the member whose place is to be filled was appointed or elected, and at the expiration of such term the person so appointed or elected shall cease to be a member of the Corporation unless he has been re-elected or re-appointed a member for the next ensuing term of three years.

To follow Section 8, Clause d.—*Provided that this clause shall not include the occasional sale to the Corporation for a sum or sums not exceeding in the aggregate Rs. two thousand during the course of any one year of any article or articles in which the vendor is engaged in any of the ordinary trades.*

The amendments to these sections provide for the extension of the term of office of members of the Corporation from two to three years and also for relieving a persons from disability to serve as members of the Corporation. The prohibition against members of the Corporation being in any way concerned in their private capacity with municipal contracts is indisputably a good one, but it is thought that the present law is too stringently worded, for under the terms of it, any petty supplies, however urgently needed, were purchased for Municipal requirements from a trader who happened to be a member of the Corporation, he would run the risk of disqualification (see also Section 53). The proposed amendment will, it is thought, remove this inconvenience and will yet be sufficiently stringent for all practical purposes.

Sections 9, 9B, and 9D.—Certain amendments in these sections, as shown below, approved by the Corporation at a meeting held on the 25th of April 1881. The amendments were introduced for the purpose of removing difficulties which have been experienced in publishing voters' lists and the names of nominated candidates for the Corporation, and so far the change is certainly desirable. But new provisions have been introduced with a view of simplifying the procedure of elections and lessening the number of objections to which the declared results of elections are now open on technical grounds. These provisions, however, will not, I fear, achieve the object for which they were framed, and will only introduce fresh difficulties. I cannot therefore express my concurrence in them, and manifestly not desirable to throw upon a Polling Officer the responsibility of ascertaining a voter's qualifications otherwise than by reference to a previous list, and if the proposed amendment to the second clause of Section 9 is adopted, the Polling Officer would have to go behind the published list, thus giving finality to the declared results of elections will be destroyed by introducing the following provision at the end of Section 9:

"...and when so revised and corrected as herein provided, shall be final and conclusive as to the right of the several persons to be elected or appointed members of the Corporation at the next Ratepayers' elections."

to the changes in date and term which are proposed in the second clause of Section 9D, I propose

change in the third clause of the same section, so that the whole may read as follows:

*Existing Sections.*

**Section 9.**—No vote shall be received at any election of members of the Corporation for any person whose name is not entered in the list then last published under Section 9D [as] qualified to be elected or appointed a member, and who has not been nominated by one person entitled to vote at the said election, and whose nomination has not been seconded by another such person, nor unless such nomination is made in writing, signed by the proposer and seconder and left at the office of the Municipal Commissioner at least [seven] days before the date fixed for the election.

The Municipal Commissioner shall publish a list of the names of the persons in respect of whom such nominations have been duly made together with the names of the respective proposers and seconders at least [three days] before the date fixed for the election in the 'Bombay Government Gazette' and in such of the local daily newspapers as he shall deem fit.

**Section 9B.**—Votes at any Ratepayers' election [or any election by the Corporation as hereinafter provided of one or more members of the Town Council] shall be recorded and the said elections shall be held in accordance with such rules as may from time to time be framed by Government in this behalf the said rule not being inconsistent with this Act.

Provided that no vote shall be received at any ratepayers' election unless the name of the person tendering it has been duly entered in the list then last published under Section 9D.

**Section 9D.**—The Municipal Commissioner shall during the first of each year, commencing on the 1st January and ending on the 30th June, prepare a list of persons qualified to be elected or appointed members of the Corporation, and of persons qualified to vote at ratepayers' elections.]

**Section 9D, Clause 2.**—The list so prepared shall be published by affixing a printed copy thereof in some conspicuous place in or near the Commissioner's office, and the Commissioner shall give notice of publication in at least one English, one Gujarati and one Gujarati local newspaper by Government the [1st] July and the said list shall be open to public inspection at all times during the day for [thirty] days after the date of such notice, and shall be kept at the Municipal Commissioner's office for sale to the public at such reasonable price as the Commissioner may determine.

The first general election of such notice, shall be made to have effect from the 1st January 1879) and all such appointments and appointments for a term of (two) years shall be made on the 31st December in the year both days inclusive. At the expiration of such term the persons who have been appointed members of the Corporation shall be re-elected or re-appointed members of the Corporation at the next re-ensuing term.

*Proposed Amendments.*

**Section 9.**—No vote shall be received at any election of members of the Corporation for any person whose name is not entered in the list then last published under Section 9D [as] qualified to be elected or appointed a member, and who has not been nominated by one person entitled to vote at the said election, and whose nomination has not been seconded by another such person, nor unless such nomination is made in writing, signed by the proposer and seconder and left at the office of the Municipal Commissioner at least [seven] days before the date fixed for the election.

The Municipal Commissioner shall publish a list of the names of the persons in respect of whom such nominations have been duly made together with the names of the respective proposers and seconders at least [three days] before the date fixed for the election in the 'Bombay Government Gazette' and in such of the local daily newspapers as he shall deem fit.

**Section 9B.**—Omit the words "or any election" to "Town Council".

Provided that no vote shall be received at any ratepayers' election unless the name of the person tendering it has been duly entered in the list then last published under Section 9D and unless he is otherwise qualified to vote under the provisions of Section 9D.

**Section 9D.**—The Municipal Commissioner shall during the first half of each year, commencing on the 1st January and ending on the 30th June, prepare a list of persons qualified to be elected or appointed members of the Corporation, and of persons qualified to vote at ratepayers' elections.]

**Section 9D, Clause 2.**—The list so prepared shall be published by affixing a printed copy thereof in some conspicuous place in or near the Commissioner's office, and the Commissioner shall give notice of such publication in at least one English, one Gujarati and one Gujarati local newspaper on or before the 10th July and the said list shall be open to public inspection at all reasonable times during the day for [thirty] days after the date of such notice, and shall be kept at the Municipal Commissioner's office for sale to the public at such reasonable price as the Commissioner may determine.

tion 9D as qualified to be elected or appointed a member and nominated by one person entitled to vote at the said election and has not been seconded by another such person, nor unless such nomination is made in writing signed by the proposer and seconder and left at the Municipal Commissioner at least fourteen days before the date of the election.

The Municipal Commissioner shall publish a list of the names of the persons of whom such nominations have been duly made together with the names of the respective proposers and seconders at least ten days before the election in the 'Bombay Government Gazette' and in such daily newspapers as he shall deem fit.

*Section 9B.*—Votes at any Ratepayers' or Justices' election\* shall be counted and the results thereof shall be determined in accordance with such rules as may from time to time be framed by the Municipal Commissioner on his behalf, the said rules not being inconsistent with this Act.

Provided that no vote shall be received at any ratepayers' election unless the name of the person tendering it has been duly entered in the list published under Section 9D.

*Section 9D.*—The Municipal Commissioner shall, during the calendar year commencing on the 1st January and ending on the 30th December, prepare a list of persons qualified to be elected or appointed members of the Corporation and of persons qualified to vote at ratepayers' elections.

*Second Clause.*—The list so prepared shall be published by a copy thereof in some conspicuous place in or near the Commissioner's office. The Commissioner shall give notice of such publication in at least one Gujarati and one Murathi local newspaper on or before the 10th day after the publication of such notice, and printed copies of the list shall be open to public inspection at all reasonable times during the day at the Municipal office for sale to the public at a price which the Commissioner may determine.

*Third Clause.*—The Commissioner may, if he thinks fit, allow any person qualified to be elected or appointed a member of the Corporation to vote at a ratepayers' election at any place where the proposed amendment of the notice aforesaid, corrected, is published, and may insert any such applicant's name thereon if he is satisfied that the name has been omitted therefrom.

*Fourth Clause.*—In the event of any difficulty arising in connection with the application, the applicant may, at any time before the 25th of April 1881, apply to the Chief Presidency Magistrate for a revision of the names of nominated persons, and may, if he deems necessary, apply to the Chief Magistrate for an enquiry as to whether the names of nominated persons are otherwise as shall seem to him fit.

*Fifth Clause.*—The said Magistrate shall, if he is satisfied that the names of nominated persons are otherwise as shall seem to him fit, direct the Chief Magistrate to forthwith obeyed by the Municipal Corporation.

*Sixth Clause.*—The list when so revised shall, until the final revision is made, be conclusive for all purposes to be entered therein to be elected or appointed members of the Corporation and to vote at Ratepayers' elections.

*Section 14.*—At a meeting held under this section be amended.

*Section 14.*—No business shall be transacted at any meeting unless a quorum of members be present; that is to say, unless at least twenty members including the chairman be present at a quarterly meeting, and unless at least twenty-five members, including the chairman, be present at a meeting held under this section.

\* Words have been omitted between

the chairman be present at a special general meeting. Provided always that if any meeting of the Corporation [there shall not be a sufficient number of members present] to form a quorum the chairman of the meeting, whether he be the chairman of the Corporation or not, shall adjourn the meeting to some other day, fixing such convenient time and place for the same as he shall think fit, and the business which would have been brought before the original meeting, had there been a quorum present shall be brought before and disposed of by the chairman at the next meeting in the usual manner. Provided that there be a quorum of members present at such adjourned meeting or not. [seven].

at a special general meeting. Provided always that if at any meeting of the Corporation the number of members present shall at any time during such meeting be insufficient to form a quorum, the chairman of the meeting, whether he be the chairman of the Corporation or not, shall adjourn the meeting to some other day fixing such convenient time and place for the same as he shall think fit, and the business which would have been brought before and disposed of by the original meeting had there been a quorum present throughout such meeting shall be brought before and disposed of by such adjourned meeting [or any further adjourned meeting or meetings if necessary] in the usual manner, whether there be a quorum of members present at such adjourned or further adjourned meeting or meetings or not.

[or at any further adjournment thereof]

The Municipality is no doubt that a meeting of the Corporation which has been adjourned for want of a quorum may proceed to business without a quorum at the next meeting, but it is doubtful whether when this adjourned meeting has been held together with the original meeting, such adjourned meeting can go on with the business of the Corporation. To remove this doubt it is proposed to amend the section, as follows:—  
 Section 20. — If, as provided by the proposed amendment to Section 6 of the Act, the term of office of members of the Corporation be extended from two years to three years, a corresponding alteration must be made in these sections and they shall be amended as follows at meetings of the Corporation held on the 8th June 1881 respectively:—

*Proposed Amendment.*

Section 9B.—  
 Section 9C.—  
 Section 9D.—

Section 20.—Eight members of the said Town Council shall be elected by the members of each new Corporation at their first quarterly meeting in the month of January in each third year and four members of the said Town Council shall be nominated by Government within one week after such election. From the twelve members so appointed Government shall appoint the Chairman of the Town Council.

Section 9D.—The Municipal Commissioner shall during the first of each year, commencing on the 1st January and ending on the 31st June, prepare a list of persons qualified to be elected or appointed members of the Corporation, and of persons qualified to vote at ratepayers' elections.]

Section 9D, Clause 2.—The list so prepared shall be published by affixing a printed copy thereof in some conspicuous place in or near the Commissioner's office, and the Commissioner shall give notice of the publication in at least one English, and one Gujarati local newspaper, and one Gujarati local newspaper, on the 1st July and the said notice shall be published in at least one English newspaper every two days for [thirty] days. The first general notice of such notice, shall be made to the public in the month of January 1879 and the Commissioner shall be responsible for the publication of the list, and all such notices and appointments shall be made for a term of (two) years commencing on the 1st of January in one year, and shall be made on the 31st December in the next year both days inclusive. At the expiration of such term the persons who are members of the Corporation shall be re-elected or re-appointed at the next re-ensuing election.

Section 21.—The members of the Town Council shall hold office until such time as a new Council is appointed under the provisions of the last preceding sections, unless they in the meantime cease to be members of the Corporation otherwise than by reason of the expiration of the term of three years for which they were elected or appointed members of the Council; but if otherwise duly qualified, they shall be eligible for re-appointment to the Town Council; or in the office of the chairman of the Council, occasioned by the death, resignation or removal of any member shall be filled up as they occur by Government or by the Corporation according as the member so deceased, resigned or disqualified was originally appointed or appointed by Government or by the Corporation.

foregoing remarks suggest that ambiguity in the wording of the words "in the month of January in each year" in the existing Act at January in which their term of office shall be received, think that if the principle of the proposed amendment should be adopted.

*Section 26.*—The Corporation at a meeting held on the 25th April 1881 approved of the following amendment to Section 26 to enable them to raise the salary of the present Secretary to the Town Council and to provide that the holder of this office who is also Clerk to the Corporation shall not be dismissed without the consent of the Corporation :—

*Existing Sections.*

*Section 26.*—The Town Council shall appoint a Secretary, who shall keep a record of all their proceedings, and shall perform such other duties as may be assigned to him by the Town Council or are appointed under this Act, and shall have access to all the records of the Corporation. The said Secretary shall receive out of the Municipal Fund a salary of Rs. 500 monthly, which may be increased by the Town Council, with the sanction of the Corporation, to Rs. 700 monthly. He shall also be Clerk to the Corporation, but shall not hold any other appointment and shall devote the whole of his time and attention to the duties of his office. He shall be removeable from office by the Town Council for misconduct, or neglect of, or incapacity to perform his duty.

*Proposed Amendment.*

*Section 26.*—The Town Council shall appoint a Secretary, who shall keep a record of all their proceedings and shall perform such other duties as may be assigned to him by the Town Council, or are appointed under this Act and shall have access to all the records of the Corporation. The said Secretary shall receive out of the Municipal Fund a salary of Rs. five hundred monthly which may be increased by the Town Council, with the sanction of the Corporation, to Rs. seven hundred monthly. *Provided always that it shall be lawful to the Town Council, with the sanction of the Corporation, to make in addition to the aforesaid salary of Rs. 700 the grant of a personal allowance not exceeding five hundred rupees monthly for long and approved service.* The said Secretary shall also be Clerk to the Corporation but shall not hold any other appointment, and shall devote the whole of his time and attention to the duties of his office. He shall be removeable from office by the Town Council with the approval of the Corporation, for misconduct, or neglect of, or incapacity to perform his duty.

I find that my predecessor in framing the Budget Estimates for 1881 made the following remarks on the subject of increasing the salary of the present Secretary to the Town Council: "The time has I think arrived for increasing the salary of the Secretary Town Council and Clerk to the Corporation, and I would propose that, subject to an amendment of the Act, the maximum amount be fixed at Rs. 1,200 per mensem, which is the salary given to the Secretary to the Port Trust, Bombay, and to the Secretary to the Calcutta Municipality. The Town Council are aware that the Secretary's duties have increased very considerably of late and are probably greatly in excess of those contemplated when the Act was passed."

*Section 45.*—It was resolved at a meeting of the Corporation held on the 25th April 1881 that this section be amended as follows :—

*Section 45.*—The Corporation shall also, subject to the confirmation of Government, appoint a proper person, being a legally qualified medical practitioner, to be called the Executive Officer of Health, who shall be appointed for a term of five years and shall be eligible for re-appointment. Provided always that he shall be removeable for misconduct, neglect of, or incapacity to perform his duty, by a vote of not less than two-thirds of the members present at a special general meeting of the Corporation. The Executive Officer of Health shall afford such advice to the Commissioner for the sanitary improvement of the city as his experience and observation may indicate and such assistance as may be necessary for carrying out such clauses of this Act as relate to the public health. The said officer shall be precluded from holding any other appointment or office, and he shall not engage in professional practice [either gratuitously or] for gain. He shall receive from the Municipal Fund a salary to be fixed by the Corporation of not less than fifteen hundred rupees

I am informed that the object of the proposed omission was to enable the Health Officer to undertake ordinary medical duties in connection with a hospital supported out of municipal funds, but as I was not present at the discussion I may be in error on this point. I think the Health Officer's time and attention should be devoted exclusively to duties which devolves upon him under the present Municipal Act, save only that he should be enabled, if required by the Commissioner, to attend professionally any servant of the Municipality and to examine and grant certificates for leave or pension under the Municipal Rules.

*Section 49.*—This section whilst empowering the Commissioner to appoint subordinates and to remove them from office does not specifically provide for cases of suspension, and it has been thought desirable to introduce the words “suspend or” before the word “remove.” An amendment to this effect was approved by the Corporation at a meeting held on the 25th April 1881. It has since been pointed out to me that the section as it stands does not provide for the payment of the salary of any establishment but such as are included in the yearly estimates and are debited to regular revenue. Special establishments have been engaged for special water and drainage works which have been executed out of funds provided by loan and the cost of these establishments is debited to the loan and does not appear in the annual budget. It is desirable to legalize the payment of these charges and the best way of doing so will be, apparently, by striking out of this section the words “within the limits of the budget assignment for the year” which practically serves no useful purpose, as the limitation which they were intended to secure is sufficiently guaranteed in other ways. The amended section will then be as follows :—

*Section 49.*—The Commissioner may from time to time appoint such Assistant Commissioners, Assessors, Collectors of Taxes, Accountants, Overseers, Inspectors, Clerks, and subordinate officers and servants under whatever designation, as he shall think necessary and proper to assist in the execution of this Act and may from time to time remove any such persons and appoint others in their place, and all persons appointed under this section shall be subject to such rules as may by the Commissioner from time to time be made by virtue of this Act; and he may [within the limits of the Budget assignment for the year] pay such allowances to the said persons respectively as the Town Council shall think reasonable, or in case of absence on leave such portion thereof as hereinafter provided. Provided that no officer or servant shall be removed from any office the aggregate monthly salary of which exceeds 300 rupees without the sanction of the Town Council, and that no new office the aggregate monthly salary of which exceeds 300 rupees shall be created without the sanction of the Corporation.

Insert the words *suspend or* before “remove.”

Omit the words [within the limit of the Budget assignment for the year].

wise duly qualified persons meeting of the Corporation held on the 25th April 1881 as follows: to bring it into harmony with section 8 (D) :—

the re-appointment to the Town Council; and the vacancies in the said Town Council, or in the office of the Chairman, thereof occasioned by the death, resignation or disqualification of any member shall be filled up as they occur by Government or by the said Corporation, according as the member so dead, resigned, or disqualified was originally nominated or appointed by Government or elected by the said Corporation.

The Solicitors to the Municipality, pre-arranged on 20 may be avoided if the following clause shall be substituted, and if the same be accepted, this suggestion is submitted.

—2  
No vote.

(a) a share in any joint stock company which shall contract with, be employed by or on behalf of the Corporation, or

(b) a share or interest in any newspaper in which any advertisement relating to the affairs of the Corporation may be inserted.

Section 53.—Add the following new clause after (b)—(c) or who has dealing with the Corporation specified in Section 8, Clause D.

The new clause however is incorrectly worded, it should be

“or (c) such dealings with the Corporation as are specified in the Proviso to clause (d) Section 8 of this Act.”

Section 55.—It was considered that as this section is at present worded, a good deal of unnecessary trouble and delay is caused and the following amendment was approved at a meeting of the Corporation held on the 25th April 1881 :—

Section 55.—All contracts entered into by the Municipal Commissioner on behalf of the Corporation shall be reported to the Town Council within one week after the same respectively are made, and all such of the said contracts as relate to the execution of any work or the furnishing of any materials [and whether for more or less than five thousand] rupees shall be in writing, and shall specify the work to be done and the materials to be furnished, and the price to be paid for the same, and the time or times within which the work is to be completed and the penalties to be suffered, in case of the non-performance thereof,

Section 55.—All contracts above one hundred rupees entered into by the Municipal Commissioner on behalf of the Corporation shall be reported to the Town Council within one week after the same respectively are made, and all such of the said contracts as relate to the execution of any work or the furnishing of any materials exclusive of those made verbally under clause 3 of Section 54 and if for more than five hundred rupees shall be in writing and shall specify the work to be done, and the materials to be furnished and the price to be paid for the same, and the time or times within which the work is to be completed and the penalties to be suffered in case of the non-performance thereof.

The Municipal Solicitors inform me that they consider the reference to Section 54 unnecessary and undesirable, and that it was probably made under a misapprehension. They suggest the following alteration in terms to meet the object of the proposed amendment :—

“All contracts entered into by the Municipal Commissioner on behalf of the Corporation and which involve an expenditure of Rs. 100 or upwards shall be reported to the Town Council within one week after the same respectively are made, and all such of the said contracts relate to the execution of any work or the furnishing of any materials and which involve an expenditure of Rs. 500 and upwards shall be in writing and shall specify the work to be done and the materials to be furnished and the price to be paid for the same and the time or times within which the work is to be completed and the penalties to be suffered in case of the non-performance thereof.”

Section 57.—The proposed amendment which was accepted by the Corporation at a meeting held on the 25th April 1881, will, if adopted, enable the Commissioner with the sanction of the Town Council to dispose of moveable property not exceeding in each case the value of Rs. 100 without reference to the Corporation. The new provision is a good one, and might perhaps go still further with advantage. The amended section will be as follows. I have in the margin suggested two slight verbal alterations which seem desirable :—

Section 57.—The Municipal Commissioner, with the sanction of the Town Council, may compound with any contractor or other persons in respect of any penalty incurred by reason of non-performance of any contract entered into as aforesaid whether such penalty be mentioned in such contract or in the bond or otherwise for such sums of money or other recompense as to the Town Council may deem proper.

[inflicted by him or by any officer subordinate to him and confirmed by him.]

[and he may]

Section 57.—The Municipal Commissioner, with the sanction of the Town Council, may compound with any contractor or other persons in respect of any penalty [incurred] by reason of non-performance of any contract entered into as aforesaid whether such penalty be mentioned in any such contract or in the bond or otherwise, for such sums of money or other recompense as to the Town Council may seem proper,

[The Commissioner] with the sanction of the Town Council may dispose of moveable property belonging to the Corporation not exceeding in each case the value of rupees one thousand.

**Section 58.**—Under Section 45 of the Act no person can be appointed Executive Officer of Health unless he is a legally qualified medical practitioner, but this provision is manifestly an inconvenient one as regards the appointment to a temporary vacancy, and, as a matter of fact, the duties of Health Officer have on more than one occasion been conducted by the Assistant Health Officer, who is not a legally qualified medical practitioner. To provide for occasions when the permanent incumbent may be temporarily absent on leave or officiating as Municipal Commissioner or specially engaged in any municipal duties, I propose the following alteration in Section 58 :—

“It shall be lawful for the Town Council to grant such leave of absence to any officer appointed under this Act as shall to them seem proper or to delegate such power to the Commissioner, and in the case of any officer so appointed, to make fit arrangements for the duties of his office during his absence on leave: Provided that in any case in which leave of absence shall be granted to the Municipal Commissioner, the confirmation of the Government shall be requisite and the Government shall make fit arrangements for conducting the duties of such officer:—*Provided also that in any case in which the Executive Officer of Health has been granted leave of absence or has been temporarily appointed to any other office under this Act, it shall not be necessary that the person who may be appointed in his stead shall be a legally qualified medical practitioner.* Any person appointed under this section to act for an officer shall while so acting have all the powers, and be liable to all the restrictions, limitations, and provisions which such officer for whom he may be appointed to act would under this Act have or be liable to.”

**Section 69.**—The following proposed amendments to this section were approved at a meeting of the Corporation held on the 2nd May 1881 :—

**Section 69.**—(1) A consolidated rate of not less than [eight] per centum nor more than twelve per centum of their annual value.

**Section 69.**—A consolidated rate of not less than seven per centum nor more than twelve per centum of their annual value.

**Section 69, Clause 3.**—Whenever the Commissioner shall have given notice by advertisement or otherwise, to the owner of any house, building or land or to the owners generally in any ward or district into which the city is or may be divided, that he will, on and from a day to be named in such notice, perform through his agents the duties usually performed by Halálkhors, an halálkhor rate of so many per centum, not exceeding three of their annual value, as may appear to the Corporation after consideration of the estimates of the Commissioner, likely approximately to cover the expenses incident to the performance of such duties.

Continuation of Clause 3, Section 69 :

*And from and after the date of such notice no private Halálkhors shall be employed on the property or within the district to which the said notice applies without express permission in writing of the Commissioner.*

**Section 69, Proviso I.**—Provided : I. that the said water-rate and the said halálkhor rate shall be respectively charged only in respect of property into which water is actually conducted and supplied, or in which the Commissioner has given notice of his intention to have the duties of Halálkhors performed by his agents.

Insert the words *or used* after “supplied.”

And at a subsequent meeting of the Corporation held on the 8th August 1881, the following further amendments were adopted :—

**Section 69.**—The following annual rates shall be levied upon houses, buildings, or lands in the said city and shall be called “property rates,” namely—

(1). A consolidated rate of not less than eight per centum nor more than twelve per centum of their annual value (a) for the general purposes of this Act and (b) for the general expenses of the Police of the city and of the maintenance of a Fire Brigade and other expenses in connection with the protection of the city from fire and (c) towards providing for the expense of lighting the public streets with gas or by other suitable means.

(2). A water-rate of so many per centum of their annual value as may appear to the Corporation after consideration of the estimates of the Commissioners sufficient to provide for the maintenance, repairs, extension, improvement, and other expenses connected with Vehár water works as hereinafter provided or for any other water works hereafter constructed with the consent of Government or as may be sanctioned by Government.



(3). (Whenever the Commissioner shall have given notice by advertisement or otherwise to the owner of any house, building or land or to the owners generally in any ward or district into which the city is or may be divided, that he will, on and from a day to be named in such notice, perform through his agents the duties usually performed by Halálkhor) an Halálkhor rate of so many per centum, not exceeding three, of their annual value, as may appear to the Corporation, after consideration of the estimates of the Commissioner (likely approximately to cover) the expenses incident to the performance (of such duties) :—

Provided—

(1) That the said water-rate (and the said Halálkhor rate) shall be (respectively) charged only in respect of property into which water is actually conducted (and supplied, or) in which the Commissioner has given notice of his intention to have the duties of Halálkhors performed by his agents ;

(2) That for the purposes of the said water-rate the words, "houses, buildings and land" shall be deemed to include all wharves and other structures and all works and places whatsoever into which water shall be conducted (and supplied) ;

(3) That not more than seven rupees nor less than four annas per mensem shall be leviable on account of the said Halálkhor rate in respect of any one house or building, or of any one separate holding of land.

(3) an Halálkhor rate of so many per centum, not exceeding three, of their annual value, as may appear to the Corporation, after consideration of the estimates of the Commissioner, sufficient to provide for the expenses incident to the performance by the Commissioner, through his agents, of the duties usually performed by Halálkhors, and for the maintenance, repairs and other expenses connected with drainage works of the city.

Provided—

(1) That the said water-rate shall be charged only in respect of property into which water is actually conducted.

(2) That the said Halálkhor rate shall be charged only in respect of property in which the Commissioner has given notice of his intention to have the duties of Halálkhors performed by his agents, or in which there is any privy or water closet connected by drain or sewer with the said drainage works or any part thereof ;

(3) That for the purposes of the said water-rate the words "houses, buildings and land" shall be deemed to include all wharves and structures, and all works and places whatsoever into which water shall be conducted ;

(4) That not more than seven rupees nor less than four annas per mensem shall be leviable on account of the said Halálkhor rate in respect of any one house or building, or portion of a house or building let or occupied as a separate tenement, or of any one separate holding of land.

These two said amendments have now, under instructions from me, been incorporated by the Solicitors to the Municipality in one complete draft section, which will run as follows :—

Section 69—The following annual rates shall be levied upon houses, buildings and lands in the said city and shall be called "property rates" (namely) :—

(1) A consolidated rate of not less than seven per centum nor more than twelve per centum of their annual value

(a) for the general purposes of this Act, and

(b) for the expenses of the Police of the city and of the maintenance of a Fire Brigade and other expenses in connection with the protection of the city from fire, and

(c) towards providing for the expense of lighting the public streets with gas or by other suitable means ;

(2) a water rate of so many per centum of their annual value as may appear to the Corporation, after consideration of the estimates of the Commissioner, sufficient to provide for the maintenance, repairs, extension, improvement and other expenses connected with the Vehár water works as hereinafter provided, or for any other water works which are now or which may hereafter be constructed with the consent of the Government and as may be sanctioned by Government ;

(3) an Halálkhor rate of so many per centum not exceeding three of their annual value as may appear to the Corporation, after consideration of the estimates of the Commissioner, sufficient to provide for the expenses incident to the performance by the Commissioner through his agents, of the duties usually performed by Halálkhors and for the maintenance, repairs and other expenses connected with the drainage works of the city :—

Provided—

[1] As to the Water-rate:—

that (subject to the provisions of Section 81A of this Act) the said water-rate shall be charged only in respect of property into which water is actually conducted, and that for the purposes of the said rate the words "houses, buildings and land" shall be deemed to include all wharves and other structures and all works and places whatsoever into which water shall be conducted.

[2] As to the Halálkhor rate:—

that (subject to the provisions of Section 81B of this Act) the said Halálkhor rate shall be charged only in respect of property in which the Commissioner has given notice of his intention to have the duties of Halálkhors performed by his agents or in which there is any privy or water closet connected by drain or sewer with the said drainage works or any part thereof;

that no private Halálkhors shall without the express permission in writing of the Commissioner be employed on any property in which the Commissioner has given notice as aforesaid of his intention to have the duties of Halálkhors performed by his agents or in which there is direct connection with the drainage as aforesaid;

and that not more than seven rupees nor less than four annas per mensem shall be leviable on account of the said Halálkhor rate in respect of any one house or building or portion of a house or building let or occupied as a separate tenement or of any one separate holding of land.

The main points of difference between the section as it stands in the existing Act, and as it will be if the amendments approved by the Corporation are adopted, are as follows:—

(1) The minimum of the consolidated rate is reduced from eight to seven per centum.

I was not present at the discussion on this amendment and with the short experience which I have yet been able to acquire I am not prepared to say that under present circumstances the proposed change is desirable.

(2) The Commissioner will be able to exercise more complete control over the employment of the private Halálkhors than he has been held to have authority to do under the present Act.

(3) Houses wherein the privies have direct communication with the sewers will be liable to the cess and to the proper supervision. Both these objects ought to be secured, otherwise that part of the town which first deserves benefit from improved sewerage arrangements will escape from taxation at the cost of other parts of the town which are less fortunate, and to ensure the new system being properly introduced, it is absolutely necessary that the privies should be subject to inspection so that they may be cleansed, where necessary, and kept in proper order.

(4) Every house or property to which water has actually been laid on will be *prima facie* liable to the payment of the water-rate. This is a very necessary provision, as at present there is considerable consumption or wastage of water in so-called vacant houses (see also the proposed amendments to Section 82).

(5) The maximum rate will be calculated on every separate tenement instead of on an entire property. As the Act now stands when refund is granted under Section 82, of the rate due on a portion of a house, the net amount leviable on the whole house must necessarily be less than the maximum, whereas the rateable value of the non-vacant portion of the house should fairly make it liable to the maximum amount (see also the proposed amendments to Section 82).

But this section as finally re-drafted goes beyond the two sets of amendments approved by the Corporation in two particulars, namely, in the allusions in Provisos (1) and (2) to Sections 81A and 81B of the Act. Sections 81A and 81B are proposed additions to the Act and will appear in their proper order later on, but the explanation of these additions and of the allusions to them in this section may be given here. It has been found (and the fact has been brought to notice since the amendments were before the Corporation) that the occupants of two or more houses come to an understanding with one another to use the water connection or the privy of one house only, and in this case halálkhor rate and water-rate have been charged on the rental of one house only when halálkhor service has been rendered and water supplied to the occupants of more than one house. To prevent the Municipality being defrauded of revenue under these circumstances, the two additions have been made.

I think the addition to the first proviso should be retained as being in every respect fair and reasonable, but though there undoubtedly are cases to which the proposed addition to the second proviso would be applicable, I have no reason to suppose that they are very frequent, and considering the powers which the Commissioner has under Section 180 of the Act, I think this addition, and consequently the proposed Section 81B, may be dispensed with.

*Sections 70, 71A, 74, 79.*—These sections have not yet been discussed by the Corporation, as a Committee has been for some time engaged in inquiring into the present system of assessment, and until the report of this Committee is presented, the Corporation have preferred to delay their consideration of the sections which specially relate to the subject of assessment. The amendments given below were recommended some months ago by the Town Council and the Secretary has furnished me with the following note on the Town Council's proposals:—

“It will be observed that the proposed amendments include several important alterations. In the absence of powers such as those which it is proposed to give in section 70 it is impossible to recover arrear rates from mortgagees, purchasers or inheritors. The section has also been amended with a view to provide for the levying of rates on the owners of lands let on lease and from the lessees of which rates and taxes are recovered. Cases occur where the amount of the ground rent is greater than that of the valuation of the buildings erected thereon by the lessee. Provision is also made for allowing a landlord to deduct from the gross rateable value the amount paid for rates and although this deduction would entail a decrease of Police and Lighting rates of about Rs. 30,533 per annum in the Municipal revenue, the alteration is one which in equity should be made. The amendments in section 74 (clause 2) have been inserted, inasmuch as there is at present no power to compel part occupiers of a building to furnish information which they may possess regarding the assessment of other portions of that building, although they may have the means of supplying all the information necessary for the correct assessment. The change which has been made in section 79 is intended for the better protection of the ratepayer.”

*Section 70.*—The estimated gross annual rent at which the houses, buildings, and lands liable to the rates aforesaid might reasonably be expected to let from year to year after deducting from such rent 10 per centum in lieu of all allowances for repairs and of the percentage which may at any time be chargeable in respect of the Police and lighting rates as aforesaid, shall for the purposes of the said rates be held and deemed to be the annual value of such houses, buildings, and lands. The value of a house or a building so estimated shall not include the value of any machinery contained therein.

*Section 70A.*—The said rates shall, save as hereinafter provided, be leviable from the actual occupier of the house, building or land upon which they are assessed if the said occupier be himself the landlord of such house, building or land, or if he hold the same immediately from Government. In any other case the said rates shall be leviable from the immediate landlord of the actual occupier, or, when the property is unoccupied, from the person who would be the immediate landlord of the occupier if it were occupied.

*To follow Section 70A.*—In the case of land let on building lease and on which buildings have been erected, the said rates shall be leviable both from the lessor and from the lessee in manner following, that is to say:—

(a). In cases where the gross estimated rent under Section 70 of these Acts exceeds the amount of rent reserved to him by the lease, the lessor shall be assessed for the actual amount of the rent reserved to him by the lease, without any deduction being allowed to him for repairs and the Police and lighting rates as aforesaid, and the lessee from the amount of the balance left after the deduction provided for by Section 70 from the estimated gross rent under Section 70; and

(b). In cases where the estimated gross rent under Section 70 does not exceed the amount of the rent reserved, the lessor alone shall be assessed for the amount of the rent reserved in the lease, after the deduction provided for by Section 70.

The said rates shall, subject to the Payment of Government revenue be a first charge, to the exclusion of all other claims, on the property upon which the same are assessed, in the lands of any person acquiring such property, by purchase, mortgage, gift, inheritance or otherwise, and all arrears of rates due in respect of the property at the date of its acquisition by such person, shall be leviable from such person in the manner hereinafter provided in Sections 126 and 135.

*Section LXXIV., Clause 1.*—In order to enable the Commissioner to arrive at a fair valuation or measurement of any houses, buildings or lands liable to the said rates, it shall be lawful for the Commissioner to require the owner or occupier of such houses, buildings or lands, to furnish him with

*Section LXXIV., Clause 1.*—In order to enable the Commissioner to arrive at a fair valuation or measurement of any houses, buildings or lands liable to the said rates, it shall be lawful for the Commissioner to require the owner or occupier of any portion of such houses, buildings or lands, to furnish him with

[returns of] the measurement and of the rent or annual value thereof and for the like purpose it shall be lawful for the Commissioner or any person or persons appointed by him for that purpose, at any time between 5 A.M. and 7 P.M. to enter and inspect and measure such houses, buildings or lands after having given forty-eight hours' previous notice in writing of his intention to the occupier thereof.

Section LXXIV., Clause 2.—Whoever refuses or fails to furnish [any of the returns] specified in the preceding clause for the space of one week from the day on which he shall have been required so to do, shall be liable, on conviction before a Magistrate, to the penalty provided in Section 176 of the Indian Penal Code, for omitting to furnish information required by law, and whoever knowingly [makes a false or incorrect return] shall be liable on conviction before a Magistrate to the penalty provided in Section 177 of the aforesaid Code for furnishing false information to any public servant, and whoever hinders, obstructs or prevents the Commissioner or any person appointed by him as aforesaid from entering or inspecting or measuring any such houses, buildings or lands, shall be liable on conviction before a Magistrate to the penalty provided in Section 186 of the said Code, for obstructing a public servant in the discharge of his public functions.

Section 79.—The Commissioner shall at the time and in the manner in the preceding section mentioned give public notice of a day, not being less than fifteen days from the publication of such notice, when he will proceed to revise the said valuation or measurement and assessment and in all cases in which any property is for the first time assessed or in which the valuation or measurement of any property previously assessed is increased, shall give a special notice thereof to the owners or occupiers of such property. All complaints against such valuation, measurement and assessment shall be made to the Commissioner by application in writing left at his office three days before the day fixed in the said public notice for the revising of the said valuation or measurement and assessment, and upon hearing such complaints the Commissioner shall make such amendments if any in the said assessment and the assessment book as he shall think proper.

Section 81.—The Town Council have proposed to amend the section as follows:—for the reasons stated with the reference to the last preceding sections the amendment has not yet been considered by the Corporation.

Section 81.—Provided always that the Commissioner, upon the representations of parties or other information may at any time amend the assessment book by inserting therein the name of any person whose name ought to be so inserted or any property liable to the rates previously omitted, or by striking out the name of any person or any

the return and information orally or in writing regarding the name and age of such owner or occupier and regarding the measurement, rent or annual value thereof, or of any portion thereof, and for the like purpose it shall be lawful for the Commissioner, or any person or persons appointed by him for that purpose, at any time between 5 A.M. and 7 P.M. to enter and inspect and measure such houses, buildings or lands, after having given forty-eight hours' previous notice in writing of his intention to the occupier or occupiers thereof.

Section LXXIV., Clause 2.—Whoever refuses or fails to furnish *the return or information* specified in the preceding clause for the space of one week from the day on which he shall have been required to do so, shall be liable, on conviction before a Magistrate, to the penalty provided in Section 176 of the Indian Penal Code, for omitting to furnish information required by law, and whoever knowingly *furnishes false information to the Commissioner regarding the matters specified in the preceding clause* shall be liable on conviction before a Magistrate to the penalty provided in Section 177 of the aforesaid Code for furnishing false information to any public servant, and whoever hinders, obstructs or prevents the Commissioner or any person appointed by him as aforesaid from entering or inspecting or measuring any such houses, buildings or lands, shall be liable on conviction before a Magistrate to the penalty provided by Section 186 of the said Code, for obstructing a public servant in the discharge of his public functions.

Section 79 A.—The Commissioner shall give notice in writing to every person who has complained against such valuation or assessment of a day (to be specified in such notice) when his complaint will be investigated; and if such person shall fail to attend and support his objection on the day so specified or within thirty days thereafter the Commissioner may disallow such objection and confirm the valuation.

Section 81.—Insert the word *such* after "all".

property not liable to the rates or by increasing or reducing the amount of the rates and in all cases in which any property is inserted as liable to the rates the amendment shall be considered to have been made at the time when the person interested first received notice thereof

The amendment would be better, in my opinion, if it ran as follows :—

“And in all cases in which any property is inserted, under the provision of this section, as liable to the rates, the amendment shall be considered to have been made at the time when the person interested first received notice thereof.”

In this place must be inserted the suggested additions 81A and 81B, on which I have commented in reference to the proposed amendments to Section 69. As there stated, I think that Section 81A should be adopted, but that Section 81B may be dispensed with.

*Section 81A.—The owner or occupier of any house, building or land in which there is no water connection shall whenever called upon by the Commissioner so to do furnish him with information in writing as to the source from whence the occupiers of such house, building or land obtain their water-supply, and in case of failure to furnish such information when so called for, or in the event of such supply being drawn from any other property in which there is a water connection but in which there is no meter, the person liable to the payment of the rates in respect of such house, building or land shall, notwithstanding that there is no water connection therein, be liable to payment of the water-rate thereon.*

*Section 81B.—The owner or occupier of any house, building or land in which no municipal halálkhor service is rendered and in which there is no privy or water closet connected by drain or sewer with the drainage works shall whenever called upon by the Commissioner so to do furnish him with information in writing as to whether or not the occupiers of such house, building or land use the privy or water closet of any other property in respect of which halálkhor rate is paid, and in case of failure to furnish such information, when so called for, or in the event of the occupiers of such house, building or land using the privy or water closet of any other property in respect of which halálkhor rate is paid as aforesaid the person liable to the payment of the rates in respect of such house, building or land shall, notwithstanding that no halálkhor service is rendered therein and that there is no such privy or water closet therein as aforesaid, be liable to the payment of the halálkhor rate thereon.*

*Section 82,--It was considered advisable that the Act should be so amended that when the maximum rate of Rs. 7 per mensem is charged on account of Halálkhor cess for any property, no portion of such maximum would be refunded as long as to the cess calculated at 3 per centum, on the occupied portion, exceeds such maximum, and that when the cess, calculated at 3 per centum on the occupied portion is less than the maximum, the difference only between the amount so calculated would be refunded (see remarks on proposed amendment to Section 69). It was also considered advisable that no refund of water-rate should be claimable on account of vacancy or partial vacancy unless application had been made to sever the connection. At present refund of water-rate is claimable if a house has been vacant and water has not been used in it but it has been found practically impossible to verify these claims. The cost of severing and restoring connection is so trifling that in case of a long vacancy this is sure to be done, and in the case of a short vacancy, where the owner does not desire to have the connection severed, there is no hardship in requiring him to pay the water-rate in consideration of the low charge which is made when calculated on rental, compared with the charge which would be made if the water were supplied on meter measurement. There always remains the option of affixing a meter.*

Both these amendments are good. They were adopted at a meeting of the Corporation held on the 8th August 1881. Since then my attention has been called to the great delay which is occasioned by applicants for refunds neglecting to produce the bills on which the refunds are claimed, and to remove this difficulty I propose an addition to the second clause of the section. Our Solicitors have also suggested a slight alteration in the arrangement of the Provisos.

The draft section as amended is as follows, alterations made subsequently to the Corporation meeting being indicated in italics.

Section 82(e), Clause 1.—When any house, building or land, or any portion of a house, let as a separate tenement, or for lodgings or godowns as described in Section 76 of this Act, shall have been vacant for sixty consecutive days, the Commissioner shall refund two-thirds of the amount of consolidated rate leviable under Section 69 of this Act for the number of days the said house, building or land or portion of a house may have remained unoccupied; and if such house, building or land, or portion of a house, shall have been vacant for 30 consecutive days, the Commissioner shall refund the amount of the water-rate and the Halálkhor rate for the number of days the said house, building or land or portion of a house may have remained unoccupied. Provided that the person liable to the payment of the said rates, or his agent shall have given notice in writing of the vacancy to the Commissioner and that the amount of rate to be refunded shall be calculated from the date of the delivery of such notice and in the case of the water-rate that no water shall have been used in the house, building or land or portion of a house during the time the same remained unoccupied, [and provided further] that no refund of consolidated rate shall be admissible in any case in which a remission has already been allowed under clause 2 of the said section 76.

Clause 2.—All applications for refunds falling due in any half year shall be made within thirty days after the expiration of such half year, in default whereof the claim to refund may be disallowed.

Clause 3.—In the event of continued vacancy at the commencement of any half year, the owner shall give notice in writing of the same to the Commissioner within fifteen days after the commencement of the half year. In default of such notice, his claim to refund on account of such continued vacancy shall be forfeited.

Section 114.—The following additional Proviso to this section was resolved upon at a meeting of the Corporation held on the 2nd May 1881 :—

Proviso to Section 114.—Provided no such duty shall be leviable upon any article imported by or on behalf of Government or by any contractor or other person,

Section 82 (e), Clause 1.—When any house, building or land or any portion of a house, let as a separate tenement, or for lodgings or godowns as described in Section 76 of this Act, shall have been vacant for sixty consecutive days, the Commissioner shall refund two-thirds of the amount of consolidated rate leviable under Section 69 of this Act for the number of days the said house, building or land, or portion of a house may have remained unoccupied; and if such house, building or land, or portion of a house, shall have been vacant for 30 consecutive days, the Commissioner shall refund the amount of the water-rate and the Halálkhor rate for the number of days the said house, building or land or portion of a house may have remained unoccupied: Provided—

(1) that the person liable to the payment of the said rates or his agent shall have given notice in writing of the vacancy to the Commissioner and shall in such notice have applied to have the water connection severed and the amount of rate to be refunded shall be calculated from the date of the delivery of such notice;

(2) that in the case of the water-rate *Omit.* application shall have been made to sever the connection;

(3) that in the connection of the Halálkhor rate no portion of the said rate shall be refunded on account of part of a house having been vacant in any case in which three per centum of the value of the occupied part of the house, calculated for the number of days during which such partial vacancy continued, amounts to, or exceeds the maximum of seven rupees per mensem fixed by Section 69 of this Act, and that in no case shall any refund of Halálkhor rate on account of a partial vacancy exceed the amount of difference between three per centum of the value of the occupied part calculated as aforesaid and the said maximum of seven rupees per mensem;

(4) that no refund of consolidated rate shall be admissible in any case in which a remission has already been allowed under clause 2 of the said section seventy-six.

Clause 2.—All applications for refunds falling due in any half year shall be supported by the Municipal Bills for that period and shall be made within thirty days after the expiration of such half year, in default whereof the claim to refund may be disallowed.

To follow the existing Proviso to Section 114.—And provided also that when any article which has paid duty on import has been purchased for exportation by or on behalf of Gov-

for the *bonâ fide* purpose of fulfilling any contract with Government when such article is covered by a certificate from any Government officer duly empowered by Government to issue such certificate certifying that it is for any of the above reasons exempt from such duty.

ernment a refund of such duty shall be payable on the certificate of a Government officer duly empowered to issue such certificate, certifying the description and weight of the goods and certifying that the same have been or are about to be *bonâ fide* exported for the purposes of Government.

It is difficult to say with what object this alteration was proposed, but I am informed that there was some misapprehension. A Proviso which relates to the refund of town duties is out of place in the section, which deals only with the question of levying the said duties. There is a special section on the subject of refund of town duties, *viz.* 120, and any further Proviso that may be necessary should be incorporated in that section. But that section, as it is, covers most of the ground of the draft Proviso above. It certainly is not desirable that refund should be granted on goods *about to be exported* whether they belong to Government or to private parties. Such a vague provision would assuredly open a door to fraud.

*Section 117.*—At a meeting of the Corporation held on the 2nd May 1881, it was resolved to amend this section as follows:—I have suggested in the margin a slight verbal alteration which seems desirable.

*Section 117.*—The officers appointed under the preceding section to levy town duties shall have the same powers for collecting and enforcing payment of the said town duties as are exercised by the Commissioner of Customs of Bombay and his subordinate officers in respect of customs duties, and shall have the same privileges, and be subject to the same liabilities in respect of anything done by them in collecting and enforcing payment of town duties, as the Commissioner of Customs and his subordinates have or are subject to, under the provisions of any Act in force relating to the said customs.

*Section 117.*—The officers appointed [under the preceding section] to levy or *refund* town duties [shall have the same powers for collecting and enforcing payment and in the granting of *refunds* of the said duties as are] exercised by the Commissioner of Customs of Bombay and his subordinate officers in respect of customs duties, and shall have the same privileges and be subject to the same liabilities in respect of anything done by them in collecting and enforcing payment and in *granting refunds* of town duties as the Commissioner of Customs and his subordinates have or are subject to under the provisions of any Act in force relating to the said customs.

[under this Act shall have in respect of such duties the same powers for collection, confiscation and granting of refunds as are]

*Section 117, para. 2.*—And the law for the time being in force for the punishment of offences relating to the levy or payment of duties of sea customs, and for the reward of informers shall, as far as may be, apply to similar offences committed in respect of the said town duties.

*Section 117, para. 2.*—And the law for the time being in force for the punishment of offences relating to the levy, payment, or *refund* of duties of sea customs, and for the reward of informers, shall, as far as may be, apply to similar offences committed in respect of the said town duties.

The collecting officers of the Municipality already have powers in respect of their duties analogous to those exercised by customs officers under Act VI. of 1863. It is desirable that the refund officers should also have in respect of their duties analogous powers to those given in respect of drawbacks under the Customs Act.

*Section 127.*—The Corporation at a meeting held on the 2nd May 1881 resolved on the following amendment to this section:—

*Section 127.*—Appeals against any rate or tax charged under the provisions of this Act shall be heard and determined by the Chief Presidency Magistrate. But no such appeal shall be [heard] unless the amount of the rate or tax has been deposited with the Commissioner, and unless complaint has been previously made to the Commissioner as hereinbefore provided.

*Section 127.*—Insert the words “proceeded with to a hearing” before the word “unless.”

It appears to me that nothing would be gained by the proposed alteration. It seems to have been that though an appeal should not be gone into by the Chief Presidency Magistrate unless the amount of the rate has been deposited, I propose to be allowed to be filed before the conditions have been complied with. I suggest however no difference in effect between the existing and the amended

*Section 128.*—The Town Council have proposed that this section be amended, as follows:—(the amendment has not yet been considered by the Corporation, the discussion having been postponed together with that of Sections 70, 70A, 74, and 79).

*Section 128.*—Every such appeal shall be commenced within ten days after the accrual of the cause of complaint which shall in respect of any rate be deemed to accrue on the date of the certificate of the Commissioner in the assessment book, or in case of any subsequent amendment of the said book, under the provisions of Section 81 of this Act, upon the receipt by the person aggrieved of notice of such amendment, and in respect of any tax the cause of complaint shall be deemed to accrue upon the presentation to the person aggrieved of a bill for the sum claimed from him.

*Section 128.*—Every such appeal shall be commenced within ten days after the accrual of the cause of complaint which shall in respect of any rate be deemed to accrue on the date of the certificate of the Commissioner in the assessment book, or in case of any subsequent amendment of the said book, under the provisions of Section 81 of this Act upon the receipt by the person aggrieved of notice of such amendment. *And in respect of any rates and taxes levied under Section 133, the cause of complaint shall be deemed to accrue upon the date the same may have been levied.* And in respect of any tax the cause of complaint shall be deemed to accrue upon the presentation to the person aggrieved of a bill for the sum claimed from him.

The present Act explains when the cause of complaint shall be deemed to accrue in every case but one, viz. that of a person from whom rates will be due and who is leaving the city before the assessment book has been formally completed and certified and against whom proceedings have been taken under Section 133. The object which the amendment has in view would be better met by retaining the existing section as it stands and by adding at the end of it the following new sentence:—

*“And in respect of any immediate payment claimed under section 133 the cause of complaint, where no certificate of assessment has been made and no bill has been presented, shall be deemed to accrue upon the declaration made by the Commissioner under that section.”*

*Section 134.*—This is another section to which the Town Council have proposed an amendment, the discussion of which has been postponed by the Corporation until the report of the committee appointed to enquire into the system of assessment has been received (see remarks on Section 70). It seemed but fair to the Town Council, so the Secretary informs me, that a tenant should only be liable for rates and taxes actually due from himself, and to carry out this view it was proposed to add to Section 134 a new Proviso, as follows:—

*Section 134.*—If the sum due on account of any property rate remains unpaid after the bill for the same has been duly presented to the person liable to pay the same, and the said person be not the occupier for the time being of the house, building or land, in respect of which such rate is due, the Commissioner may demand the amount from the occupier, and on non-payment thereof may recover the same by distress and sale of any goods and chattels found on the premises.

If any such case the occupier may deduct from the next and the following payments of his rent, the amount which may be so paid by or recovered from him.

Provided always, that no arrear of rate shall be recovered from any such occupier which has remained due for more than one year, or which is due in respect of any term for which he has not been in occupation.

*Section 134, new Proviso.*—*Provided also that where a house, building, or land has more than one occupier, each of the occupiers may be called upon to pay the rate in proportion to his rent and such payment shall be acknowledged by the Commissioner either by a receipt or the usual bill.*



The Municipal Solicitors suggest that if the amendment be deemed necessary, the Proviso shall be dispensed with and the effect of it embodied, so far as may be necessary, in the first clause of the section itself.

*Section 137.*—At a meeting held on the 2nd May 1881 the Corporation resolved on introducing new clauses into this section in order (1) to legalize the maintenance of a zoological collection in one or more of the public gardens and (2) to legalize the execution of work for Government in municipal workshops upon occasion of special emergency. The Corporation also resolved on amending the last clause of the section so as to make provision for the payment of compassionate allowances to the widows and orphans of persons who have died whilst in municipal service. Payments of this nature are contemplated in the by-laws which have already been sanctioned by Government. The altered clauses are as follows:—

*Section 137.*—The purposes expressly authorised by this Act shall be held to include the objects connected with the public safety, health, instruction and convenience hereinafter specified, that is to say:—

*Public Safety.*—Defraying the whole or a proportion of the charges of every description of the Police, who may be employed for the security of life and property within the city, as the Government may direct after considerations of the representations of the Police Commissioner and the Corporation, to whom the estimates of the Police Commissioner shall be submitted annually for their opinion through the Municipal Commissioner.

\* \* \* \*

*Public Instruction.*—(1) Defraying such portion of the cost of providing public instruction within the limits of the city as the Corporation may think fit, after consideration of the representations of the Director of Public Instruction, by whom estimates shall be submitted annually to the Corporation through the Municipal Commissioner.

(2). Contribution towards the erection and maintenance of Public Libraries and Museums.

*Public Convenience.*—(1) Construction, maintenance and alteration of streets, bridges, causeways, culverts, and the like; regulation of buildings, naming streets, and numbering houses, planting trees, and removal of obstructions and projections.

(2). Erection and maintenance of public halls, offices, police stations, lock-ups, and other needful buildings.

(3). Survey of houses and lands [and]

(4). Generally to all objects connected with the public safety, health and convenience.

\* \* \* \*

*Last Clause.*—The payment of pensions or [compassionate allowances] to retired or discharged officers or servants of the Cor-

(3). Maintenance of a zoological collection or of zoological collections in the Victoria or other Municipal gardens.

(4). The construction of transport material and execution of all other kinds of work for Government when urgently required in the public service; and

*Last Clause.*—The payment of pensions or gratuities to retired or discharged officers or servants of the Corporation, and the payments

poration at such rates, or subject to such rules as may from time to time be sanctioned by the Corporation, shall also be deemed to be a purpose expressly authorized by this Act.

*of compassionate allowances to the widows orphans of Municipal officers or servants dying while in the service of the Corporation at such rates or subject to such rules as may from time to time be sanctioned by the Corporation, shall also be deemed to be a purpose expressly authorized by this Act*

**Section 138.**—With a view to secure the regular yearly payment by Government of one quarter of the annual expenses of the Police in the city, and to remove ground for any future controversy, the following amendment to this section was adopted at a meeting of the Corporation held on the 2nd May 1881:—

**Section 138 (b).**—The annual expenses of the Police of the city of Bombay, [and of the protection of the city from fire] shall be from time to time determined by Government; [and the amounts so determined, or in the case of the Police any portion thereof] shall, on the requirement of Government, be paid out of the Municipal Fund.

**Section 138 (b).**—The annual expenses of the Police of the city of Bombay shall be from time to time determined by Government, and *three-fourths of the amount so determined*, shall, on the requirement of Government, be paid out of the Municipal Fund.

**Section 139.**—In order to legalize the temporary investment in Government, or quasi-Government, securities of surplus cash balances, the Corporation at a meeting held on the 2nd May 1881 resolved that this section be amended as follows:—(I have in the margin suggested some verbal alterations which seem desirable.)

**Section 139.**—It shall be lawful for the Town Council to deposit at interest with the Bank which is now or may hereafter be appointed to conduct the business of Her Majesty's Treasury at Bombay, any surplus funds in their hands which may not be required for current charges, and to invest such funds in Government securities in the names of the Chairman of the Town Council and the Municipal Commissioner for the time being, and from time to time to dispose of such securities as may be necessary.

**Section 139.**—It shall be lawful for the Town Council to deposit at interest with the Bank which is now or may hereafter be appointed to conduct the business of Her Majesty's Treasury at Bombay, any surplus funds in their hands which may not be required for current charges, and to invest such funds in Government securities in the names of the Chairman of the Town Council and the Municipal Commissioner for the time being, *or to deposit such funds at interest with the Bank of Bombay, or invest the said funds either in Bombay Municipal Loan securities or Port Trust bonds*, and from time to time to dispose of such securities *or funds* as may be necessary.

and to invest such funds in Government securities, Bombay Municipal Debentures or Port Trust Bonds in the names of the Chairman of the Town Council and the Municipal Commissioner for the time being or to deposit such funds at interest with the said Bank and from time to time to dispose of or withdraw such investments or deposits as may be necessary.

**Section 147A.**—This is an entirely new section which I propose to introduce as it is very necessary that the Commissioner should have powers for laying water pipes analogous to those given him with respect to drainage pipes by Section 187 of the Act:—

**Section 147A.**—*The Commissioner may also with the sanction of the Corporation from time to time cause to be made and laid such conduits, tunnels, mains and pipes, as he may consider necessary for the purpose of bringing water into the said city, and may carry the same through, across or under any street or any place laid out as, or intended for a street or any cellar or vault which may be under any street, and (after reasonable notice in writing to the owner or owners in that behalf) into, through or under any enclosed or other lands whatsoever, doing as little damage as may be, and making full compensation for any damage done, and if any dispute shall arise touching the amount or apportionment of compensation, the same shall be settled in the manner hereinafter provided for the settlement of disputes respecting damages and expenses.*

**Section 156.**—Powers are given to the Commissioner under Section 163 of the Act for setting back projecting houses to the improvement line of the street, but no similar provision exists for dealing with projecting portions of vacant ground and such portions can only be made part of the street by resorting to the Land Acquisition Act in cases in which private negotiations fail. It is only reasonable that powers which are given in respect of land built over, should be extended to land which is vacant, and the proper place for giving these powers seems to be in Section 156. The Corporation at a meeting held on the 8th August 1881 resolved that an addition be made to the section as follows:—

T.156. The Commissioner may, with the sanction of the Town Council, agree with the owners of any land for the absolute purchase thereof for the purpose of laying out and making new streets, or of widening, enlarging, or otherwise improving any of the public streets, or for any purpose whatever connected with the conservancy or general improvement of the city.

156. The Commissioner may, with the sanction of the Town Council, agree with the owners of any land for the absolute purchase thereof for the purpose of laying out and making new streets, or of widening, enlarging, or otherwise improving any of the public streets, or for any purpose whatever connected with the conservancy or general improvement of the city. *Provided that, whenever any land unoccupied by any building projects to any public street, beyond the line which may be laid down by the Commissioner as the future regular line of such street, the Commissioner may, with the consent of the Town Council, after giving to the owner of such land seven days' notice of his intention so to do, take possession of the land so projecting beyond the line of the street as aforesaid, and such land shall thenceforth be deemed part of the public street and be vested in the Corporation; and the Corporation shall, after possession has been so taken, make full compensation for the same to the owner of such land, and if any dispute shall arise touching the amount of such compensation, the same shall be ascertained in manner hereinafter provided.*

*Section 163.*—At a meeting of the Corporation held on the 18th June 1881, it was resolved that this section be amended as follows:—

*Section 163.*—When any house or building [any part of] which projects beyond the line which may be laid down by the Executive Engineer with the consent of the Municipal Commissioner as the future regular line of the public street in which such house or building is situate [or beyond the front of the house or building on either side thereof] has either entirely [or to any considerable extent] been burnt down or taken down whether by order of the Municipal Commissioner under section 200 of this Act or otherwise, or has fallen down, the Commissioner may, with the consent of the Town Council [require the same when being re-built, to be set back to or towards the line of the street] or the line of the adjoining houses or buildings, and the portion of the land added to the street by so setting back the house or building shall thenceforth be deemed part of the public street, and be vested in the Corporation. Provided always that the Corporation, after possession of the ground has been taken, shall make full compensation to the owner of any such house or building, for any damage he may thereby sustain, and if any dispute shall arise touching the amount of such compensation, the same shall be ascertained and determined in the manner hereinafter provided.

*Section 163.*—When any house or building which projects beyond the line which may be laid down by the Executive Engineer with the consent of the Municipal Commissioner and of the Town Council as the future regular line of the public street in which such house or building is situated, has either entirely or in part be taken down, whether by order of the Municipal Commissioner under section 200 of this Act or otherwise, or has been burnt down or has fallen down, the Commissioner may, with the consent of the Town Council, *whenever any portion of such house or building which projects beyond the improvement line is to be rebuilt or altered, or repaired or added to, require the same when being so rebuilt, altered or repaired or added to, to be set back to or towards the line of the street or the line of adjoining houses or buildings, and the portion of the land added to the street by so setting back the house or building shall thenceforth be deemed part of the public street and be vested in the Corporation. Provided always that the Corporation, after the possession of the ground has been taken, shall make full compensation to the owner of any such house or building for any damage he may thereby sustain, and if any dispute shall arise touching the amount of such compensation, the same shall be ascertained and determined in the manner hereinafter provided.*

*Whenever the Commissioner gives a notice to pull down a ruinous house he shall not be entitled to claim a set-back unless he gives a subsequent notice within fourteen days of the first notice, that he requires the set-back to be made in the said house.*

The object of this amendment is to render the existing law more satisfactory as to "set-backs" of buildings on ground required for the improvement of public streets and to prevent the Commissioner from claiming a "set-back" except when that part of the house which actually projects beyond the improvement line is to be rebuilt, repaired, &c., I see no objection to amending the Act, to effect

this object and it would be but reasonable to do so, but the draft amendment contains one or two alterations which seem to me unnecessary for this purpose and would probably be the reverse of an improvement to the section as it now stands. I will briefly remark on the proposed alterations in order:—

(1) It is proposed to omit the words “any part of.” The possible effect of this omission is very clearly pointed out by the Municipal Solicitors, who write as follows: “Unless the object of that omission is altogether to preclude set-backs of projecting houses except in cases where an *entire* house projects in the manner described (a state of things which we imagine is rarely if ever met with), we think it very inadvisable that the words in question should be omitted. No doubt if a portion of a house projects beyond the improvement line, that house may in one sense be said to project, but if set-backs are to be authorized at all, as they hitherto have been in cases of partial projections, it is obviously right that the intention of the Act in that respect should be stated as clearly as possible and there can be no doubt but that the omission of the very words which do clearly express that intention is extremely undesirable.” That this is the intention not only of the existing section but of the amended section is sufficiently clear from what follows in the section itself.

(2) It is proposed to insert after the words “Municipal Commissioner” the words “and of the Town Council”. I have failed to discover what led to this alteration being proposed, and I cannot recommend its adoption. The following remarks of our Solicitors express the reasons which induce me to believe that the alteration cannot be of any use and may do harm. “We do not see that the proposed addition can be necessary, inasmuch as by the section as it stands, the consent of the Town Council is already requisite before a set-back of a projecting house can be enforced; they therefore have the power to veto any set-back if they disapprove of the line laid down, or for any other reason consider such set-back to be undesirable, a power which practically places in their hands the revision (where they consider such revision necessary) of the improvement lines, almost all of which have, we understand, been already laid down by the Commissioner. Under these circumstances we are disposed to think that the effect of the proposed addition would be to throw on the Council the burden of a somewhat useless and unnecessary labour, and inasmuch as it would no doubt take a considerable time to go through all the street afresh, it is easy to imagine that considerable inconvenience might be caused and favourable opportunities of set-back be lost before the improvement line was fixed.”

(3) It is proposed to omit after ‘situate’ the words “or beyond the front of the house or building on either side thereof.” I think this alteration is immaterial. If these words are to be omitted the words “or the line of the adjoining houses or buildings,” which occur further on, might also be omitted.

(4) For the words “to any considerable extent” it is proposed to substitute the words “in part.” This alteration is in consonance with the main object of the amendment by which the action of the Commissioner under this section is limited to cases in which *the projecting portion* of the house is to be rebuilt, repaired, &c.

(5) It is proposed to insert after the words “consent of the Town Council,” the words “whenever any portion, &c. (as shown in italics in the draft section). This is the vital part of the amendment, the object of which I have already explained. I see no objection to it provided that it be accompanied by the substitution of “in part” for “to any considerable extent” as proposed above.

(6) It is proposed to add a clause to the section containing a special provision in respect of cases in which the Commissioner has given notice to pull down ruinous houses under Section 200. It certainly is not desirable to hamper the action of the Commissioner under that section by considerations alien to those which alone render the section necessary, and I do not see how the proposed addition is likely to conduce to the convenience of any body. But assuming that in cases where action has been taken under Section 200, it may be to the convenience of householders that the period allowed for a

requisition to "set-back" should date from the issue of the notice under Section 200 instead of from the delivery of the notice of the person intending to rebuild (sections 165-166). I am opinion that the period should be the same in both cases. The period allowed in Section 166 is thirty days. It was fifteen days under the former Act, and was extended to thirty, because fifteen days were found to be insufficient. I would therefore substitute "thirty" for "fourteen" if the principle of the proposed addition to the section be adopted by the Legislature. I have discussed the several alterations *seriatim*, because the section is one of very great importance. If the section be re-drafted so as to express the principal objects of the amendment as well as alterations which I regard as immaterial, but to omit alterations which (as far as I can judge) would not be advantageous, it will run as follows:—

*Section 163.—When any house or building any part of which projects beyond the line which may be laid down by the Executive Engineer, with the consent of the Municipal Commissioner, as the future regular line of the public street in which such house or building is situated, has either entirely or in part be taken down, whether by order of the Municipal Commissioner under section 200 of this Act, or otherwise, or has been burned down or has fallen down, the Commissioner may, with the consent of the Town Council, whenever any portion of such house or building which projects beyond the improvement line is to be rebuilt or altered or repaired or added to, require the same, when being so rebuilt, altered or repaired or added to, to be set-back to or towards the line of the street, and the portion of land added to the street by so setting back the house or building shall thenceforth be deemed part of the public street and be vested in the Corporation: Provided always that the Corporation after possession of the ground has been taken shall make full compensation to the owner of any such house or building for any damage he may thereby sustain, and if any dispute shall arise touching the amount of such compensation, the same shall be ascertained and determined in the manner hereinafter provided.*

*Whenever the Commissioner gives a notice to pull down a ruinous house he shall not be entitled to claim a set-back unless he gives a subsequent notice within thirty days of the first notice that he requires a set-back to be made in the said house.*

Sections 165, 166, 167.—At a meeting of the Corporation held on the 18th June 1881, it was resolved to make a slight verbal alteration in Section 165 as shown below:—

*Section 165.—Before beginning to [build or to re-build or to make any alteration to a house] involving the removal or re-erection entirely or in greater part of any of the main walls of the same the person intending so to build, re-build or alter such house shall give to the Commissioner notice thereof in writing, stating where such building is intended to be erected or to what extent the same is to be rebuilt or altered and shall, if required so to do by the Commissioner, furnish him with a plan showing the levels at which the foundation and the lowest floor of such house are proposed to be laid, by reference to some level ascertained under the direction of the Commissioner and the intended situation and construction of the privies to be used in connection with such house and a statement in writing showing the means of draining the building and land, the proposed means of ventilation, the height of the building, the number and height of the floors, the materials to be used and the thickness of the walls and roof.*

*Section 165.—Before beginning [to build a new house or rebuild or make any alteration to an old house] involving the removal or re-erection entirely or in greater part of any of the main walls of the same the person intending so to build, or re-build or alter such house shall give to the Commissioner notice thereof in writing, stating where such building is intended to be erected or to what extent the same is to be rebuilt or altered and shall if required so to do by the Commissioner, furnish him with a plan showing the levels at which the foundation and lowest floor of such house are proposed to be laid, by reference to some level ascertained under the direction of the Commissioner and the intended situation and construction of the privies to be used in connection with such house and a statement in writing showing the means of draining the building and land, the proposed means of ventilation, the height of the building, the number and height of the floors, the materials to be used and the thickness of the walls and roof.*

I am not aware of the reason for the proposed alteration and do not see that anything would be gained by it, on the contrary it seems to introduce an element of some uncertainty. An owner might propose to make alterations to a house erected only a few years previously and the question might arise whether such house could be called an old one? But I think that Sections 165, 166,

167, all three require some verbal amendment, first, to bring them into harmony with Section 163, as that section will stand if the amendment thereto approved by the Corporation be adopted, and secondly, to provide for a case which these sections do not at present suffice to meet and which they evidently should meet, *viz.* addition to a house. "An addition to a house," unless it involve the removal or re-erection of the main walls of the same, is not, as the law at present stands, subject to any control whatsoever. Yet such a work may entail considerations of health and safety equally with works of repair and reconstruction for which the sections do already provide. The 'addition to a house' may obstruct ventilation, may be objectionable, if for instance it be built over or too close to a privy, or may endanger the rest of the structure. There is one other contingency for which special provision appears desirable. Under Section 200 of the Act the Commissioner may take immediate action if a building is actually in a dangerous state, and under Section 167, if a building is being reconstructed or repaired otherwise than in conformity with the provisions of the Act, and consequently by-laws or orders under the Act; he may *with the consent* of the Town Council cause such building to be altered or demolished. But if the walls of the building are being erected contrary to rule or directions given and though not immediately dangerous in themselves, are so insecure as to be a source of danger directly the roof or other structure is placed upon them, it is manifestly desirable that the Commissioner should have power of immediate interference. I therefore propose that a Proviso be added to Section 167 to meet a case of this nature. There has been more than one instance lately of loss of life through a roof being put on walls not strong enough to support it and now that building by-laws as contemplated in Section 166 of the Act, the want of which has long been felt, are likely to be published very shortly, the utility of some such provision as I have suggested will be enhanced.

An addition to Section 166 has been approved by the Corporation at a meeting held on the 18th June 1881, *viz.* :—

To be added to Section 166.—When any house is set back under this section, the portion of land added to the street by so setting back the house shall thenceforth be deemed part of the public street and be vested in the Corporation; and the Corporation shall, after taking possession of the land, make full compensation for the same to the owner of such house and in the event of dispute regarding the amount of such compensation, the same shall be ascertained in manner hereinafter provided.

This addition has been made in consequence of some observations of Mr. Justice Green in his judgment in the case of *Ardaseer Bezonjee vs. the Municipal Corporation* regarding land taken up under this section, in which he pointed out certain defects in the existing law which it is now proposed to remedy.

The following redraft of Sections 165 and 167 will, I believe, supply the deficiencies and remove the inconsistencies to which I have referred :—

*Section 165.*—Before beginning to build or re-build or to make any *addition to a house* or any alteration or *repairs* involving the removal or re-erection entirely or in greater part of any of the main walls of a house or the removal or reconstruction of any portion of a house projecting beyond the future regular line of the street, the person intending to build, re-build, *add to*, alter or *repair* such house shall give to the Commissioner notice thereof in writing stating where such building is intended to be erected, or to what extent the same is to be rebuilt, *added to*, altered or *repaired* and shall if required so to do by the Commissioner furnish him with a plan showing the levels at which the foundation and lowest floors of such house are proposed to be laid by reference to some level ascertained under the direction of the Commissioner and the intended situation and construction of the privies to be used in connection with such house and a statement in writing, showing the means of draining the building and land, the proposed means of ventilation, the height of the building, the number and height of the floors, the materials to be used and the thickness of the walls and roof.

*Section 166.*—If within thirty days from delivery at the office of the Municipal Commissioner of the notice required by the preceding section the Commissioner shall not signify his disapproval of the proposed building, or rebuilding or *addition* or alteration or *repairs* or shall not require a plan and statement as aforesaid or further particulars as to any proposed rebuilding or *addition* or *repairs*, the person may proceed with the building or rebuilding or *addition to* or alteration or *repairs* of his house. If the Commissioner shall require a plan and statement as aforesaid the Commissioner may within thirty days after receiving the plan and the statement as aforesaid signify his disapproval of the proposed levels or privies or any other matters required to be mentioned in the

statements referred to in the last preceding section and may fix other levels and privies in lieu thereof and may require the ventilation, drainage, height of floors, materials and thickness of the walls and roof to be altered in accordance with any by-law made under the provisions of this Act and he may in the case of such building or rebuilding or alteration or repairs as aforesaid require the said house to be set back or forward for the improvement of the street as he may think fit. If the Commissioner shall require further particulars as to any rebuilding or addition or repairs the same shall be furnished by the person intending to rebuild or make such addition or repairs before the work is proceeded with. When any house is set back under this section the portion of land added to the street by so setting back the house shall thenceforth be deemed part of the public street and be vested in the Corporation, and the Corporation shall after taking possession of the land, make full compensation for the same to the owner of such house, and in the event of dispute regarding the amount of such compensation the same shall be ascertained in manner hereinafter provided.

*Section 167.*—If the building or rebuilding of or addition to any house or any such alteration of or repairs to the same as are aforesaid be begun or made without sending such notice or without furnishing the Commissioner, if required with a plan and statement as aforesaid or otherwise than in conformity with the provisions of this Act and the requirements of the Commissioner as aforesaid, the Commissioner may with the consent of the Town Council cause such building or addition to be altered or demolished as the case may require and the expense thereby incurred shall be paid by the person failing to comply with the provisions aforesaid and shall be recoverable as hereinafter provided.

*Provided that in case any such building, rebuilding addition, alteration or repairs as hereinbefore in the section referred to, is or are in the opinion of the Commissioner being carried on in such a manner as to be likely to fall or to be likely either during the progress of the work, or on its completion to be dangerous to the inhabitants of such house, or to the neighbouring houses or buildings or the occupiers thereof or to passengers, the Commissioner may without the consent of the Town Council proceed summarily under the provisions of Section 200 of this Act anything hereinbefore contained to the contrary notwithstanding.*

*Section 185.*—In order to facilitate the work of the Health Department in respect of defective privies, drains, &c., Mr. Grant, when Municipal Commissioner, proposed that this section be amended as follows:—

*Section CLXXXV.*—All drains, privies, cess-pools and house gullies shall be under the control of the Commissioner, and if the owner thereof or the owner of the house or land to which the same belong, or for the use of which they are constructed or continued shall fail to alter, cover, pave or pitch, drain, trap, ventilate, repair, clean or remove any encroachment from, or otherwise keep the same in such order as shall by the Commissioner, after consulting the Health Officer, be deemed necessary, he shall be liable to a penalty not exceeding fifty rupees, and to a further penalty not exceeding five rupees for every day after conviction during which such offence is continued.

*Section CLXXXV.*—All drains, privies, cess-pools and house gullies shall be under the control of the Commissioner, and if the owner thereof or the owner of the house or land to which the same belong, or for the use of which they are constructed and continued shall fail to demolish and remove the same after being required by the Commissioner to do so or to alter, cover, pave and pitch, drain, trap, ventilate, repair, clean, or remove any encroachment from or otherwise keep the same in such order as shall by the Commissioner, after consulting the Health Officer, be deemed necessary, he shall be liable to a penalty not exceeding fifty rupees, and to a further penalty not exceeding five rupees for every day after conviction during which such offence is continued.

This proposal, however, was not concurred in by a majority of the Town Council, who substituted for it the following amended section:—

*Section 185.*—All drains, privies, cess-pools and house gullies shall be under the control of the Commissioner, and if the owner thereof or the owner of the house or land to which the same belong or for the use of which they are constructed or continued shall fail to alter, cover, pave and pitch, drain, trap, ventilate, repair, clean or remove any encroachment from, or otherwise keep the same in such order as shall by the Commissioner, after consulting the Health Officer, be deemed necessary, he shall be liable to a penalty not exceeding fifty rupees, and to a further penalty not exceeding five rupees for every day after conviction during which such offence is continued.

*Section 185.*—All drains, privies, cess-pools and house gullies shall be under the control of the Commissioner but only for the purpose of the municipal services required by the owner or the occupier of such drains, privies, cess-pools and house gullies; and if the owner thereof or the owner of the house or land to which the same belong, or for the use of which they are constructed or continued, shall fail to alter, cover, pave and pitch, drain, trap, ventilate, repair, clean or remove any encroachment from, or otherwise keep the same in such order as shall by the Commissioner, after consulting the Health Officer, be deemed necessary, he shall be liable to a penalty not exceeding fifty rupees, and to a further penalty not exceeding five rupees for every day after conviction during which such offence is continued.

The Corporation at a meeting held on the 18th May 1881 adopted the amendment of the Town Council. If this be finally adopted and passed into law, the work of the Health Department instead of being facilitated, will, as far as house gullies are concerned, be subject to the pleasure of each houseowner—a result which I think can scarcely have been intended. I think the object which the Town Council apparently had in view, *viz.* to limit the Commissioner's interference under this section to cases where it is required only on sanitary grounds, would be sufficiently attained by inserting the words *for drainage or other sanitary purposes* "after control of the Commissioner" and leaving the section in other respects either as it now stands or as it was amended by Mr. Grant. The Health Officer strongly advocates the latter alternative.

*Section 200.*—The wording of this section renders that portion of it which relates to the issue of notice and the period allowed thereunder somewhat ambiguous. Doubts have been expressed as to the proper interpretation, and I think the meaning would be clearer if a slight alteration were made, more especially in the order of the words. The word *forthwith* seems to be unnecessary and gives rise to doubt, for the Commissioner is to specify in the notice the time within which it is to be obeyed. Again, if it be considered desirable that the provision regarding *three days* should remain (it was different before the last amendments were made in the Acts) the section will be made clear by transferring this provision to the end of the section. It might there be included in a proviso together with the direction as to the *time named in the notice*. It would also be desirable I think to substitute the word *may* for *shall* between the words *Commissioner* and *cause*. The following amended draft of the section exhibits the alteration which I recommend to be made :—

*Section 200.*—If any house, building or wall, or anything affixed thereon be deemed by the Commissioner to be in a ruinous state, or likely to fall, or in any way dangerous to the inhabitants of such house or building or to the neighbouring houses or buildings or the occupiers thereof or to passengers, he shall immediately, if it appears to him to be necessary, cause a proper board or fence to be put up for the protection of passengers, and shall cause notice in writing to be given to the owner or occupier, requiring such owner or occupier, to take down, secure or repair such house, building, wall or thing affixed thereon, as the case shall require, and if such owner or occupier do not begin to repair, take down or secure the same within such time as the Commissioner shall, under the circumstance of the case, deem reasonable, and complete such work with due diligence, the Commissioner *may* cause all, or so much of such house, building, wall or thing as he shall think necessary, to be taken down, repaired or otherwise secured, and all expenses incurred by the Commissioner shall be paid by the owner or occupier of the premises and shall be recoverable as hereinafter directed. *Provided that the time within which the work is to be commenced shall in each case be specified in the notice hereinafter directed to be given to the owner or occupier, and shall not exceed three days after the delivery of such notice.*

*Section 203.*—With the object of empowering the Commissioner to make good without notice at the cost of the offending party any public pavement, gutters, flags, fences, walls, &c., which may have been improperly removed, the following amendment to this section was adopted at a meeting of the Corporation held on the 18th May 1881 :—

*Section 203.*—Whoever displaces, takes up or makes any alteration in the pavement, gutters, flags or other materials, or in the fences or posts of any public street without the consent in writing of the Commissioner or Executive Engineer or without other lawful authority or having displaced, taken up, or made any alteration in any such pavement, flags or other materials or in the fences, walls or posts of any street with such consent as aforesaid, or with other lawful authority, shall, after notice in this behalf by the Commissioner or Executive Engineer, fail to replace or restore the same to the satisfaction of the Commissioner or Executive Engineer, shall be punished with fine which may extend to fifty rupees, and every such person as aforesaid shall be liable to a further penalty not exceeding rupees ten

*Section 203.*—Whoever displaces, takes up or makes any alteration in the pavement, gutters, flags, or other materials, or in the fences or posts of any public street without the consent in writing of the Commissioner or Executive Engineer or without other lawful authority, or having displaced, taken up, or made any alteration in any such pavement, flags or other materials or in the fences, walls or posts of any street, with such consent as aforesaid or with other lawful authority shall, after notice in this behalf by the Commissioner or Executive Engineer, fail to replace or restore the same to the satisfaction of the Commissioner or Executive Engineer, shall be punished with fine which may extend to fifty rupees, and every such person as aforesaid shall be liable to a further penalty not exceeding rupees ten for each day after such notice during



for each day after such notice during which default shall be made in so replacing and restoring the same as aforesaid, and it shall be lawful for the Commissioner, if he shall think fit to restore any such street, and the person making default in restoring the same shall pay any expense which may be thereby incurred.

which default shall be made in so replacing and restoring the same as aforesaid, and it shall be lawful for the Commissioner, if he shall think fit *without any such notice as aforesaid*, to restore any such street, and the person *who has displaced or altered the pavement, gutters, flags, or other materials or the fences, walls or posts of such street shall bear and pay all expense which may be incurred in restoring the same.*

*Section 212.*—As the section now stands, the Commissioner may take action with regard to dangerous places near thoroughfares but not elsewhere. But there are other places to which the public have right of access, and it would seem that they are entitled to protection no less in such places than in thoroughfares. Recently loss of life was occasioned by a quarry not having been fenced round, and wells (used by the public but not necessarily on a thoroughfare) may be a constant source of danger if they are not fenced or fenced insecurely. To provide for cases of this description the first part of Section 212 might be amended as follows :—

Whenever in the opinion of the Commissioner any place whatsoever is from insufficient repair, protection or enclosure in such a condition as to be dangerous to persons passing along a street or thoroughfare *or to persons other than the owner or occupier thereof having legal access to or near such place* the Commissioner may give notice to the owner or occupier thereof, repair, protect or enclose the same within twenty-four hours, so as to prevent danger therefrom, and whoever, being such owner or occupier aforesaid, shall fail to comply with such notice shall be liable to a penalty not exceeding fifty rupees and to a further penalty not exceeding five rupees for every day after conviction during which the offence is continued. Provided always that before or after instituting proceedings for such penalty and whether such proceedings shall or shall not be instituted the Commissioner may summarily repair, protect or enclose any such place aforesaid or may take such measures as in his opinion shall in each case be necessary, and the expenses incurred shall be paid by the owner or occupier, and shall be recoverable as hereafter provided.

*Section 225.*—In order to secure more effectual control over places which are used for dangerous or offensive trades, it has been found necessary to extend the provisions of the section, and it has been thought better instead of specifying in the body of the section the trades which are to be kept under control, to enumerate them in a new schedule [H] which may be inserted after the existing schedules at the end of the Act. The Corporation at a meeting held on the 18th May resolved upon the following amendment :—

*Section 225.*—The owner or occupier of every place within the city used for any of the [following] purposes :—[*viz* for melting tallow or sulphur or for boiling or storing offal, blood, bones, or rags, or for washing or drying wool or hair, or as a soap-house, dyeing-house, oil-boiling house, tannery, brick, pottery, or lime-kiln, sago-manufactory, distillery or other manufactory or place of storing hides, fish, horns, skins, or other articles from which either offensive or unwholesome smells arise, gunpowder manufactory, manufactory of fireworks, place of storing explosive or combustible materials,] or of any place which is used for any purposes which (are calculated to be) dangerous to life or health or property shall once in every year obtain from the Commissioner a license for the use of any such place for any of the purposes aforesaid; and the Commissioner may grant, withhold, cancel, revoke or suspend such license, showing cause always for such withholding, cancelling, revoking or suspension. And, whoever without such license uses any such place for any of the purposes aforesaid, shall be liable to a penalty not exceeding Rs. 1,000 and to a further penalty not exceeding Rs. 100 for every day after conviction during which the offence is continued.

*Section 225.*—The owner or occupier of every place *or portion of a place* within the city used by such owner or occupier in the exercise of his trade for any of the purposes specified in Schedule I. to this Act annexed or of any place or portion of a place within the city which is used for any purposes which in the opinion of the Commissioner is or may be a nuisance or dangerous to life or health or property, shall once in every year obtain from the Commissioner a license for the use of any such place *or portion of a place* for any of the purposes aforesaid, and the Commissioner may grant, withhold, cancel, revoke, or suspend such license, showing cause always for such withholding, cancelling, revoking, or suspension. And whoever without such license uses any such place *or portion of a place* for any of the purposes aforesaid, shall be liable to a penalty not exceeding Rs. 1,000 and a further penalty not exceeding Rs. 100 for every day after conviction during which the offence is continued.

## SCHEDULE I.

*Foundries for casting metals, machinery of every description, erected or fixed in any place which in the opinion of the Municipal Commissioner is not adapted or suitable for working such machinery in; all machinery and prime movers which do not come under the provisions of the Boiler Inspection Act, and all places for the preparation or manufacture by boiling, melting, distilling, dyeing, dressing, drying, washing, cleansing, salting, curing, packing, pressing, tanning or any other process or the storing for other than for private use of*

<i>Bags.</i>	<i>Matches for lighting.</i>
<i>Blood.</i>	<i>Manure.</i>
<i>Bones.</i>	<i>Meat.</i>
<i>Bricks.</i>	<i>Nitro-Glycerine.</i>
<i>Candles.</i>	<i>Oil.</i>
<i>Catgut.</i>	<i>Oil-cloth.</i>
<i>Chemical preparations.</i>	<i>Offal.</i>
<i>Cotton refuse or seeds.</i>	<i>Paper.</i>
<i>Cloths in indigo or other colours.</i>	<i>Pottery.</i>
<i>Dammer.</i>	<i>Petroleum oil.</i>
<i>Drugs.</i>	<i>Paraffin oil.</i>
<i>Dynamite.</i>	<i>Rags.</i>
<i>Fat.</i>	<i>Rosin.</i>
<i>Fins.</i>	<i>Rangoon or Burmah oil.</i>
<i>Fish.</i>	<i>Soap.</i>
<i>Fireworks.</i>	<i>Sulphur.</i>
<i>Fulminate of Mercury.</i>	<i>Saltpetre.</i>
<i>Gun Cotton.</i>	<i>Spirits.</i>
<i>Gunpowder or blasting powder.</i>	<i>Skins.</i>
<i>Hides.</i>	<i>Tallow.</i>
<i>Horns.</i>	<i>Tiles.</i>
<i>Hoofs.</i>	<i>Tar or Pitch.</i>
<i>Hair.</i>	<i>Turpentine.</i>
<i>Kerosine oil.</i>	<i>Wool.</i>
<i>Lime.</i>	

It will be seen that inadvertently the schedule has been so drafted that the wording does not fit in with that of the section. Also the description seems unnecessarily prolix. In my opinion, the following re-draft of the schedule is to be preferred :—

## SCHEDULE H.

*Casting metals, working machinery of all descriptions other than such as is subject to the provision of the Boiler Inspection Act, storing, packing, pressing, cleansing, preparing or manufacturing by any process whatsoever, any of the following articles :—*

<i>Bags.</i>	<i>Matches for lighting.</i>
<i>Blood.</i>	<i>Manure.</i>
<i>Bones.</i>	<i>Meat.</i>
<i>Bricks.</i>	<i>Nitro-Glycerine.</i>
<i>Candles.</i>	<i>Oil.</i>
<i>Catgut.</i>	<i>Oil-cloth.</i>
<i>Chemical preparations.</i>	<i>Offal.</i>
<i>Cotton refuse or seeds.</i>	<i>Paper.</i>
<i>Cloths in indigo or other colours.</i>	<i>Pottery.</i>
<i>Dammer.</i>	<i>Petroleum oil.</i>
<i>Drugs.</i>	<i>Paraffin oil.</i>
<i>Dynamite.</i>	<i>Rags.</i>
<i>Fat.</i>	<i>Rosin.</i>
<i>Fins.</i>	<i>Rangoon or Burmah oil.</i>
<i>Fish.</i>	<i>Soap.</i>
<i>Fireworks.</i>	<i>Sulphur.</i>
<i>Fulminate of Mercury.</i>	<i>Saltpetre.</i>
<i>Gun Cotton.</i>	<i>Spirits.</i>
<i>Gunpowder or blasting powder.</i>	<i>Skins.</i>
<i>Hides.</i>	<i>Tallow.</i>
<i>Horns.</i>	<i>Tiles.</i>
<i>Hoofs.</i>	<i>Tar or Pitch.</i>
<i>Hair.</i>	<i>Turpentine.</i>
<i>Kerosine oil.</i>	<i>Wool.</i>
<i>Lime.</i>	

*Section 226.*—The following amendment to this section, recommended by the Commissioner, was approved at a meeting of the Corporation held on the 18th May 1881 :—

*Section 226.*—The owner or occupier of every place within the city used by or for horses, buffaloes, or other animals which are let out on hire, or the produce of which is made an article of trade, shall once in the first quarter of every year obtain from the Commissioner a license for the same; and the Commissioner may grant, withhold, suspend, revoke or cancel such license, showing cause always for such withholding, cancelling, revoking or suspension; and whoever without such license uses any such place or permits the same to be used for such purposes, shall be liable to a penalty not exceeding Rs. 500, and to a further penalty not exceeding Rs. 50 for every day after conviction during which the offence is continued.

Insert the word  
or kept for sale after  
the word "hire."

*Section 229.*—There is at present no effectual provision for controlling the public washing of clothes and on the recommendation of the Commissioner, the Corporation, at a meeting held on the 18th May 1881, approved of the insertion of the following new section after Section 229 :—

*Section 229A.*—The Commissioner may by public notice prohibit the washing of clothes by Dhobis in the exercise of their calling at any place which in his opinion is unfit for that purpose; and any person who shall after the publication of notice of such prohibition wash clothes at such place except for his or her own use or for the private use of the owner or occupier of such place, shall be liable on conviction to a penalty not exceeding Rs. 50, and to a further penalty not exceeding Rs. 10 for every day after conviction on which the offence is committed.

*Section 233.*—After this section it is proposed to insert a new section in order to prevent the importation of diseased animals into the city and for the better protection of the meat market. The following section was agreed to at a meeting of the Corporation held on the 18th May 1881 :—

*Section 233A.*—No person shall without the written permission of the Commissioner bring within the limits of the city of Bombay any horned cattle, sheep, goat or pig, intended for human food. And whoever brings such horned cattle, sheep, goat or pig, or causes the same to be brought within the said limits contrary to the provisions of this section shall be liable on conviction before a Magistrate to a fine not exceeding Rs. 100 for each offence. And the Magistrate may, in addition to the fine, order any such animal to be sold, and the proceeds of sale shall in such case be credited to the Municipal Fund.

*Section 241.*—To clear up a possible ambiguity in the terms of this section, I suggested a verbal alteration, as shown below, which was adopted by the Corporation at a meeting held on the 8th August 1881 :—

*Section 241.*—(a) No new private market for the sale of animals or commodities intended for human food shall, except with the sanction of the Town Council, be established within the city of Bombay; and if in the opinion of the Town Council any private markets [then] existing is in any respect, by construction or management unfit for the purposes of a market and the owner shall neglect after due notice, to render it so fit, he shall be liable to a penalty not exceeding Rs. 500, and to a further penalty not exceeding Rs. 10 for every day during which after conviction the offence shall be continued, and the same, with the sanction of the Town Council and of the Government, may be purchased for a public purpose under Act X. of 1870, and when purchased the market shall be improved as required, and declared a public market.

*Section 241.*—(a) No new private market for the sale of animals or commodities intended for human food shall, except with the sanction of the (b) Town Council, be established within the city of Bombay, and if in the opinion of the Town Council any private market now or hereafter existing, is in any respect by construction or management unfit for the purposes of a market, and the owner shall neglect after due notice to render it so fit, he shall be liable to a penalty not exceeding Rs. 500, and to a further penalty not exceeding Rs. 10 for every day during which after conviction the offence shall be continued, and the same, with the sanction of the (c) Town Council and of the Government, may be purchased for a public purpose under Act X of 1870, and when purchased the market shall be improved as required, and declared a public market.

*Section 244.*—The Corporation have on two separate occasions resolved on amendments to this section. The first amendment (resolved upon at a meeting held on the 18th May 1881) was with the object of protecting the public from adulteration of liquids intended for human consumption in the shape of food, drink or medicines and from imposition as to particular brands or qualities. The second amendment (resolved upon at a meeting held on the 29th July 1881) which was suggested by me after consulting the Magistrates, was made principally

with the object of ensuring the speedy destruction of bad meat, and of avoiding the delay always needless and sometimes dangerous caused by the attendance at Police Courts which the present procedure involves. Both amendments are incorporated in the altered section below :—

*Section 244.*—The Commissioner or any person appointed by him for that purpose may at all reasonable times enter into and inspect any place used for the sale, either wholesale or by retail or for storing of articles intended for food, drink or medicine, and may examine any such articles which may be therein; and should it appear to the said Commissioner, Health Officer or other person aforesaid that such articles or any of them are unfit for food or medicine, or are not what the seller represents them to be, he may seize the same; and if it appear to a Magistrate upon sufficient evidence that the same are unfit for food, drink or medicine, he shall order the same to be destroyed, or to be so disposed of as to prevent their being again exposed for sale or used for food, drink or medicine, and the owner thereof or the person in whose possession the same are found shall be liable to the penalty provided by Section 273 of the Indian Penal Code.

*Section 244.*—The Commissioner or any person appointed by him for that purpose may at all reasonable times enter into and inspect any place used for the sale either wholesale or by retail, or for the storing of articles intended for food, drink or medicine, and may examine any such articles which may be therein; and should it appear to the said Commissioner or Health Officer or other person aforesaid that such articles or any of them are unfit for food or drink or medicine, or are not what they are represented to be, he may seize the same; and if it appear to a Magistrate upon sufficient evidence that the same are unfit for food, drink or medicine, or are not what they are represented to be, he shall order the same to be destroyed at the expense of the owner or of the person in whose possession the same are found, or to be so disposed of as to prevent their being again exposed for sale, or used for food, drink, or medicine; and the owner thereof or the person in whose possession the same are found, shall be liable to a penalty provided by Section 273 of the Indian Penal Code.

*Proviso to Section 244.*—Provided that in the case of any meat, fish, vegetables or other articles of a perishable nature which may have been seized as aforesaid and which in the opinion of the Commissioner are unfit for food the Commissioner may, of his own motion, and without the order of a Magistrate, cause the same, or any part thereof, to be destroyed; but the destruction of any such perishable articles by order of the Commissioner as aforesaid shall not affect the liability of the owner thereof or of the person in whose possession the same have been found to the infliction by a Magistrate of the penalty hereinbefore provided.

*Section 245A.*—This section prescribes that medical practitioners shall, under certain circumstances, give information to the Health Officer, but practically it imposes no obligation, as no penalty is provided in case of non-compliance with the direction contained in the section, nor is the omission supplied by any provision of the Penal Code, except perhaps in cases where intentional neglect can be proved. Doubtless there were good reasons for inserting this provision in the Municipal Act, and this being so, it would appear only reasonable that non-compliance with the terms of the section should be punishable. I therefore propose that the following clause be added to the existing section :—

*“ And every medical practitioner who shall negligently or intentionally omit to give such information to the Health Officer shall be liable on conviction before a Magistrate to a penalty not exceeding Rs. 100 for each offence.*

*Sections 246—252.* These are the Burial sections of the Act, and though they are not among the sections which have been considered by the Corporation with a view to amendment, it seems very desirable that this opportunity should not be lost, of introducing one or two technical alterations which will serve to remove some practical difficulties which occur almost exclusively in connection with the Christian burial places in the city. At present there is no provision in the Act for re-opening a burial place which has been closed under a former Act, as Section 249A relates only to burial places closed under the preceding section of this Act. Again, there is no adequate provision for permitting occasional burials in places that have been closed, for the power given to the Commissioner is subject not only to the sanction

of Government but to the previous concurrence of the Town Council. But in the cases of occasional burial which have to be provided for, immediate action is necessary, and though probably time would admit of the necessary communication with Government, it is manifestly impossible to obtain the legal concurrence of the Town Council. For such occasional cases therefore the Commissioner should be empowered to act alone, subject to the sanction of Government. Inasmuch as the Commissioner is also *ex-officio* Chairman of the Christian Burial Board, he has every facility for dealing with such cases if the present restriction relating to the Town Council be removed. For the same reason, and because the Commissioner is in immediate communication with the Health Department of the city, the control of burials and exhumations within places of worship should be specifically vested in him, subject, if this be thought necessary, to the sanction of Government. The words "a person duly authorized by Government" leave people in doubt as to whom they should apply to, moreover the re-opening of a grave or vault inside a church involves in many instances the re-opening of a grave already used and for this the special sanction of the Health Officer is necessary under Section 251. The Health Officer agrees with me in thinking that "Commissioner" ought to be substituted for "Health Officer" in this section to remove any possible conflict of authority between sections 251 and 248; to prevent difficulties arising when from some cause or other it is impossible to obtain the certificate of the Health Officer himself (such difficulties have repeatedly arisen), and because throughout the Act powers are vested in the "Commissioner" which are practically exercised by him through the several departmental officers. It is also desirable to bring the burial sections into harmony as regards the use of the words "grave or vault." As both words occur in some sections and not in others, it must of course be argued that "grave" alone is not intended to include "vault." We have "vault or grave" in sections 248 and 249, "grave constructed of masonry or otherwise" in the second clause of Section 251, and "grave" in the remaining clauses of this section, yet it is plain that in the third clause at any rate, "grave" is meant to be synonymous with "vault" from the fact that reference is made in the clause, to "building" as well as to digging.

The provisions contained in Section 250 are for the most part included in Section 259, and to that extent might, I think, be omitted. As, however, it is impossible to keep one officer for every distinct place (there being at some burial or burning places not more than 20 or 30 funerals in the course of a year) the law and the practice in regard to such cases should be brought into harmony as regards the duty of giving information at some appointed station near the place of burial, instead of at the burial place itself. Having regard to these considerations, I propose the following redraft of Sections 247, 248, 249A—250, and 251:

*Section 247.*—No place which has never previously been legally used or opened for the disposal of the dead shall hereafter be made, used or opened for the said purpose without special sanction first obtained from the Commissioner, who is hereby empowered, with the sanction of the Town Council, to grant or withhold such sanction; and whoever without such sanction shall make or open such place for the disposal of the dead, or whoever shall dispose of or cause, permit or suffer any corpse to be disposed of in any such place aforesaid, made, or opened, without such sanction shall be liable to a penalty not exceeding five hundred rupees for each offence.

*Section 248.*—No vault or grave shall be made, or interment permitted, underneath or within the walls, passages, porches, porticos, plinth, or verandas of any church or chapel or other place of worship now built, or which may be built, and no exhumation shall be permitted from any place used for the disposal of the dead without the sanction in writing of the Commissioner subject to the general or special orders of Government in this behalf and any person so making any vault or grave, or so interring or exhuming or assisting at such making or interment or exhumation, shall be liable to a penalty not exceeding (500 Rs.) five hundred rupees for each offence.

*Section 249A.*—If upon the certificate of the Health Officer and after personal inspection the Commissioner shall be satisfied that any place formerly used for the disposal of the dead which has been closed under the provisions of the last preceding section or of any law previously in force has by lapse of time become no longer dangerous to health and may without danger be again used for the said purpose, he shall report his opinion to the Town Council.

It shall thereupon be lawful for the Commissioner with the concurrence of the Town Council to forward to Government a certificate to the above effect upon receipt of which the Governor in Council may after such further inquiry as he shall deem fit to cause to

be made, issue an order for the re-opening of the said place for the purpose aforesaid. *Provided that in any special case the Commissioner may under the authority of the Governor in Council and after satisfying himself that there is no objection thereto on sanitary grounds; sanction the use or opening for the interment or disposal of any corpse, of any place which has been closed as aforesaid and the provisions of Sections 246 and 250 of this Act shall not apply to any such special case.*

*Section 250.—For every place for the disposal of the dead there shall be an officer duly appointed by the Commissioner, whose duty it shall be to receive the information prescribed by section 259 of this Act, and in case an officer is not kept in constant attendance at any such place there shall be affixed to a conspicuous part of the entrance thereto, a notification specifying the name of the officer so appointed in respect of such place and the station at which he is on duty.*

*Section 251.—Whoever shall dispose of or cause to be disposed of any corpse or any part of a corpse otherwise than at or in some lawful place for the disposal of the dead ;*

*or whoever shall bury, or cause to be buried, any corpse or part of a corpse in any burial ground in any grave or vault or otherwise, in such manner that the surface of the coffin or the surface of the body where no coffin is used shall be at a less depth than six feet from the surface of the ground ; or whoever shall build or dig or cause to be built or dug, any grave or vault in any burial ground at a less distance than 2 feet from the margin of any other existing grave or vault ;*

*or whoever shall build, or dig, or cause to be built or dug a grave or vault, in any burial place in any other line than that marked out by the Commissioner ;*

*or whoever without the special sanction of the Commissioner shall for the burial of another body reopen a grave or vault, already occupied or used ;*

*or whoever shall bring or convey or cause to be brought or conveyed any corpse or part thereof to any burning ground and shall not burn or cause the same to be burnt within six hours after its arrival at the said burning ground or whoever, when burning or causing to be burnt, any corpse or part of a corpse in any burning ground shall permit the same or any part thereof to remain without being completely reduced to ashes or shall permit the clothes or other articles connected with the burning of such corpse to remain at or near such ground unless the same be completely reduced to ashes ;*

*or whoever shall carry a corpse or part of a corpse, through any highway not decently covered ;*

*or whoever while carrying any corpse or part of a corpse through municipal limits shall leave the same on or near any public highway, for any purpose whatever ;*

*or whoever shall remove any corpse or part of a corpse that has been kept or used for purposes of dissection otherwise than in a closed receptacle or vehicle ;*

*shall for each offence be liable to a penalty not exceeding fifty rupees.*

*Sections 256 to 259.—The Corporation at a meeting held on the 18th May 1881 resolved upon the following alterations in these sections to bring them into accord with the existing system :—*

*Section 256.—Every Registrar of Births shall inform himself carefully of every birth which shall happen in his district and shall learn and register, as soon as conveniently may be after the event, without fee or reward, the particulars touching every such birth, according to the form in Schedule G. to this Act annexed.*

*Section 256.—Every Registrar of births and deaths, or other officer who may be appointed by the Commissioner for that purpose, shall inform himself carefully of every birth and death which shall happen in his district after this Act comes into operation, and shall learn and register, as soon as conveniently may be after the event, without fee or reward, the particulars touching every such birth according to the form in Schedule G. to this Act annexed.*

*Section 257.—The parents or guardians of every child born in the city, or, in case of the death, illness, absence or inability of the same, the occupier of the house in which such child shall have been born or some person present at or in attendance during the birth, shall within one week next after the day of every such birth give information to the Registrar of the district according to the best of his or her knowledge and belief, of the several particulars hereby required to be known and registered touching the birth of such child.*

*Section 257.—The parents or guardians of every child born in the city or, in case of the death, illness, absence or inability of the same, the occupier of the house in which such child shall have been born or some person present at or in attendance during the birth, shall within one week next after the day of every such birth give information to the Registrar of the district or such other officer as may be appointed by the Commissioner for the purpose of collecting such information according to the best of his or her knowledge and belief, of the several particulars hereby required to be known and registered touching the birth of such child.*

*Section 258.*—Any person whose duty it shall be to give information to a Registrar under the preceding section, who shall refuse or neglect to give such information within the above-mentioned time shall be liable to a penalty not exceeding one hundred rupees for each offence.

*Section 259.*—Information of the several particulars required by Schedule H. to this Act annexed, concerning the death of every person dying in the city, shall be given, in writing if the informant can write, otherwise orally, to the policeman or other person appointed to receive it at the place of burial, burning or exposure, as the case may be, by some one of the persons present at the death or in attendance in the last illness, or, in case of disability or default of all such persons, by the undertaker or other person conducting the funeral, and every one of these may be required thus to give or cause to be given the information, and to attest its correctness to the best of his knowledge and belief by the signature of his name, his designation and residence. Every policeman or other person whose duty it shall be to receive information at the funeral places concerning deaths shall truly register the same, and shall every morning render or cause to be rendered at the office of the Commissioner of Police the completed and signed register made by him during the preceding twenty-four hours. The Commissioner of Police shall immediately on receiving all the reports of the preceding day transmit them to the Municipal Commissioner, to be embodied according to districts, in English form, in his register book, and to be reduced to such tabular forms as may be most useful for sanitary and other purposes. Any person who shall refuse or neglect to give any information which it is his duty to give under this section shall be liable to a penalty not exceeding one hundred rupees for each offence.

*Section 258.*—Any person whose duty it shall be to give information to a Registrar or other officer appointed by the Commissioner as provided in the preceding section, who shall refuse or neglect to give such information within the above-mentioned time, shall be liable to a penalty not exceeding one hundred rupees for each offence.

*Section 259.*—Information of the several particulars required by Schedule I. to this Act annexed, concerning the death of every person dying in the city, shall be given, in writing if the informant can write, otherwise orally, to the policeman or other person appointed to receive it at the place of burial, burning or exposure as the case may be, by some one of the persons present at the death, or in attendance in the last illness, or, in case of disability or default of all such persons, by the undertaker, or other person conducting the funeral, and every one of these may be required thus to give or cause to be given the information and to attest its correctness to the best of his knowledge and belief by the signature of his name, his designation and residence. Every policeman or other person whose duty it shall be to receive information at the funeral places concerning deaths shall truly register the same and shall every morning render or cause to be rendered at the office of the Municipal Commissioner, or other person appointed by the Commissioner to receive the same, the completed and signed register made by him during the preceding twenty-four hours. The Municipal Commissioner shall on receiving all the reports of the preceding day embody the same according to districts, in English form, in his register book, and reduce the same to such tabular forms as may be most useful for sanitary and other purposes. Any person who shall refuse or neglect to give any information which it is his duty to give under this section shall be liable to a penalty not exceeding one hundred rupees for each offence.

As noted in the margin I think it desirable that the word "officer" should be substituted for the official person in Sections 256, 257 and 258 to prevent confusion of terms, as the word 'person' is used also in the same sections to denote the party who is to give the information. Section 259 should I think be further amended to provide for a certificate of the cause of death, being demanded of a medical practitioner in cases in which the deceased has been attended by a medical practitioner during his last illness. The section is somewhat cumbrous, and I suggest the omission of that part of it which prescribes the duty of the officer appointed to receive information at the place for disposal of the dead, that being a matter which can I think be effectually and more appropriately dealt with departmentally. The section amended as I propose will run as follows, together with an amended Schedule I. substituted for H. referred to therein. The form now in use is not in the precise terms of the schedule appended to this Act—

*Section 259.*—Information of the several particulars required by Schedule I to this Act annexed concerning the death of every person dying in the city shall be given, in writing, if the informant can write, otherwise orally to the officer appointed under Section 250 of this Act to receive it by some person present at the death or in attendance in his last illness or in case of disability of all such persons, by the undertaker or other person conducting the funeral and every one of these may be required thus to give or cause to be given the information, and to attest its correctness to the best of his knowledge and belief by the signature of his name, designation and residence. *And whenever it shall appear that the deceased person has been attended in the last illness by a medical practitioner, it shall be incumbent on such medical practitioner to furnish a certificate of the cause of death if required to do so by the Commissioner such certificate to be in the*

*form contained in Schedule J. to this Act annexed.* The Commissioner shall on receiving the information aforesaid embody the same according to districts, in English form in his Register Book and reduce the same to such tabular form as may be most useful for sanitary and other purposes. Any person who shall refuse or neglect to give any information or certificate which it is his duty to give under this section shall be liable to a penalty not exceeding one hundred rupees for each offence.

## SCHEDULE I.

Date of Death \_\_\_\_\_  
 Abode ... { Street or Wári \_\_\_\_\_  
                   { No. of house \_\_\_\_\_  
 If a stranger to Bombay or lately arrived, { Village \_\_\_\_\_  
 wherefrom    { Taluka \_\_\_\_\_  
   { Zilla \_\_\_\_\_  
 Name \_\_\_\_\_  
 Sex \_\_\_\_\_  
 Caste or Race \_\_\_\_\_  
 \*Age \_\_\_\_\_  
 Own or Family's occupation or trade \_\_\_\_\_  
 Place of Birth ... { Village \_\_\_\_\_  
                           { Taluka \_\_\_\_\_  
                           { Zilla \_\_\_\_\_  
 Country to which Family belonged \_\_\_\_\_  
 Cause of death \_\_\_\_\_  
 Duration of disease \_\_\_\_\_  
 Was deceased attended during illness by } \_\_\_\_\_  
   } medical practitioner.  
 Name of such medical practitioner if any \_\_\_\_\_  
 Residence of           do. \_\_\_\_\_

Signature of Informant.

Address of Informant.

Date of information given,

\_\_\_\_\_ 18

Signature of Officer  
Receiving information.

\* If still-born the fact should be here stated.

## SCHEDULE J.

Certificate of cause of death by Medical Practitioner.

I hereby certify that A.B. \_\_\_\_\_

Sex \_\_\_\_\_ Age about \_\_\_\_\_

Residing in \_\_\_\_\_

Died on the \_\_\_\_\_

and that the cause of death to the best of my knowledge and belief was \_\_\_\_\_

(Signed) (name)  
(Medical Designation or Diploma.)

Date \_\_\_\_\_

Section 265.—It was deemed advisable to make officers of the Bombay Police legally liable to be called upon for the performance of census duties, and the following amendment was passed at a meeting of the Corporation held on the 18th May 1881 :—



*Section 265.*—Any military or naval officer in command of bodies of military or naval men or of vessels of war, or any master or person in charge of a merchant vessel \* \* shall, if required, act as enumerators for the purpose of \* \* making such enumeration.

*Section 265.*—Insert the words officers of the Bombay Police after the words “vessels of war.”

The amendment would run better as follows:—

“Any military or naval officer in command of bodies of military or naval men or any officer of the Bombay City Police or any master or person in charge of a merchant vessel, or Nacodah or Tindal of a vessel or boat or any person in charge of a lunatic asylum, hospital or prison, or of any public or private, charitable or scholastic institution or any keepers of hotels or lodging houses shall, if required, act as enumerators for the purpose of taking account of persons under their command or charge or abiding in their houses, on the night immediately preceding the day to be appointed for the making of such enumeration; every person so required to act as an enumerator shall receive and conform to all instructions in writing which may be issued to him by the Commissioner in that behalf.

*Section 289.*—It has been felt that it is not satisfactory to leave to the sole judgment of the Chief Presidency Magistrate, unassisted by assessors, the decision of questions of compensation, damages, &c., when points of law involving considerable intricacy may be involved, and when very large sums may be at stake. Practically the Chief Presidency Magistrate exercised with regard to municipal cases a more extensive jurisdiction than that vested in a Small Cause Court Judge. The Corporation, at a meeting held on the 8th August 1881, resolved upon the following amendment—

*Section 289.*—Except as herein otherwise provided, in all cases when compensation, damages, costs, or expenses are by this Act directed to be paid, the amount, and if necessary, the apportionment of the same in case of dispute shall be ascertained and determined by the (a) Chief Presidency Magistrate.

*Section 289.*—Except as herein otherwise provided, in all cases when compensation, damages, costs, or expenses are by this Act directed to be paid, the amount, and if necessary, the apportionment of the same in case of dispute shall be ascertained and determined by the (a) Chief Presidency Magistrate: *Provided that in every case in which the amount awarded by the Chief Presidency Magistrate, exclusive of the cost of the inquiry, shall exceed the sum of one thousand rupees, an appeal shall lie to the High Court of Judicature at Bombay against the decision of the said Magistrate.*

*Section 296.*—In consequence of the vast number of the returns required by Section 74, it is impossible to check the accuracy of these documents in every case within three months from the date on which they are furnished, and the penal clauses of that section therefore frequently prove to be a dead letter under the existing limit to prosecutions. To remedy this defect the Corporation, at a meeting held on the 18th May 1881, resolved upon the following amendment:—

*Section 296.*—No person shall be liable to any fine or penalty under this Act for any offence made cognizable before a Magistrate unless the complaint respecting such offence shall have been made before a Magistrate within three months next after the commission of such offence.

*Section 296.*—No person shall be liable to any fine or penalty under this Act for any offence made cognizable before a Magistrate unless the complaint respecting such offence shall have been made before a Magistrate within three months next after the commission of such offence; *save in respect of offences committed against the form of Section [74] of these Acts, in which case it shall be competent for the Magistrate to entertain the complaint within six months next after the commission of such offence.*

It will I think be better if the amendment be worded as follows:—

“Unless the complaint respecting such offence shall have been made before a Magistrate in the case of an offence punishable under Section 74 within six months and in any other case within three months next after the commission of such offence.”

*Section 303.*—It is proposed to insert in this section an alteration similar in terms to that proposed for Section 139, viz. with the object of legalizing investments other than in Government securities. The Corporation at a meeting held on the 18th May 1881 adopted the following amendment—

*Section 303.*—It shall be obligatory on the Corporation, and they are hereby required to set apart out of the rates and taxes collected under this Act such sums as may be necessary to keep up the Sinking Funds prescribed by Section 257 of (Bombay) Act II. of 1865 with reference to any loans borrowed under the powers conferred on the Corporation of the Justices by Sections 253, 254, 255, 256, 257 and 258 of the said Act which shall not have been liquidated at the time this Act comes into operation.

*Section 303.*—It shall be obligatory on the Corporation and they are hereby required to set apart out of the rates and taxes collected under this Act such sums as may be necessary to keep up the Sinking Funds prescribed by Section 257 of (Bombay) Act II. of 1865, and to invest the said funds in Government paper as prescribed in that section or in Bombay Municipal Loan securities or in Port Trust bonds, or to deposit the said funds at interest in the Bank of Bombay, with reference to any loans borrowed, under the powers conferred on the Corporation of the Justices by Sections 253, 254, 255, 256, 257 and 258 of the said Act which shall not have been liquidated at the time this Act comes into operation.”

A verbal alteration in harmony with that suggested by me under Section 139, may be expedient. I propose that the section be retained as it stands in the present Act with the addition of the following Proviso:—

*“ Provided that until the said respective Sinking Funds shall be applied in paying off the principal debts respectively to which the same shall be applicable it shall be lawful for the Town Council in addition to the investments prescribed by the said Section 257 to invest the said Sinking Funds or any part thereof in like manner by way of accumulation in Bombay Municipal Debentures or Port Trust Bonds in the names of the Chairman of the Town Council and the Municipal Commissioner for the time being or to deposit the same or any part thereof at interest with the Bank which is now or may hereafter be appointed to conduct the business of Her Majesty’s Treasury at Bombay with power at the discretion of the Town Council from time to time to vary or transpose the said investments or deposits into or for any other of the investments or deposits hereinbefore authorized.*

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No. 396 of 1882.

From

E. C. K. OLLIVANT, Esq., C.S.,  
Municipal Commissioner for the City of Bombay,

To

THE SECRETARY TO GOVERNMENT,  
General Department.

*Municipal Commissioner’s Office,  
Bombay, 21st January 1882.*

SIR,

I have the honour to address you in continuation of my letter No. 9446, dated 3rd October last, and with reference to Government Resolution, General Department, No. 3932, dated 21st November.

2. Since the receipt of the Resolution of Government I have been favoured by the Legal Remembrancer with a draft of a new Municipal Act embodying the proposed amendments sent forward by me and also the amendments which were drafted by Mr. Cordeaux in May 1881 to make provision for dealing more effectually with the dust and smoke nuisance as to which you have in your memorandum No. 3681, dated 5th November, invited further observations.

3. You remarked that I had not yet submitted proposals on this subject, but I may point out that the proposed redraft of Section 225 provided for the control of trades, &c., not only which might be dangerous to life and property but which might be “a nuisance,” and this addition, it was believed, met the chief defect to which the Advocate General had drawn attention in his opinion No. 19, dated 5th May 1881. The amendments drafted by the Legal Remembrancer

are however more complete, and the only point as to which I am in some doubt is the addition which he has embodied in a new section, called 225A and 223 respectively in his letter No. 624, dated 25th May, and the new Draft Act.

4. This section appears to be modelled on the lines of Section 222 of the present Act, and in both cases I find some difficulty in understanding the precise object of the procedure, laid down. Power of action is reserved to the Magistrate and all that the Commissioner is authorized to do is to move the Magistrate to take action upon the certificate of the Health Officer. But this the Commissioner or anybody else could do without the certificate of the Health Officer, and I think that it would be more reasonable upon the analogy of other sections of the Act to authorize the Commissioner to take action, giving the parties the right of appeal to the Magistrate if they feel aggrieved, otherwise all reference to the Commissioner might be omitted.

5. With reference to the question of altering the law as to the manufacture of gunpowder, dynamite and other explosive substances, in order to prevent any conflict of authority between the Municipal Commissioner and the Commissioner of Police, I am of opinion that no alteration of the Municipal Act is necessary and that it is not desirable that the Municipal Commissioner should be divested of all power to determine what places are suited for the storage of explosive substances. Amongst explosive substances may be reckoned materials which are not included in the terms of the Arms Act and in regard to petroleum in particular there are reasons for continuing to employ the agency of the Health Department. Moreover, the fees for licenses issued are paid into the Municipal Treasury, and this being so, I think it is better that the licenses should be issued from the Municipal office. I am of opinion that all that is required to prevent any possible conflict of authority might be obtained by providing in the by-laws that no place or portion of a place shall be licensed for the manufacture or storage of gunpowder or dynamite without a certificate being first obtained from the Commissioner of Police that the place is unobjectionable, and that a list of all places licensed shall be regularly forwarded to the Commissioner of Police. As far as the conveyance and use of explosives is concerned, I think that the responsibility should rest with the Police, and though the Government Resolution under reference is correct in saying that the "by-laws give the Commissioner ample powers to impose conditions with regard to the carrying dynamite &c." I am very doubtful whether in this respect the by-laws are not entirely *ultra vires* and therefore practically useless, because section 225 of the Act concerns itself only with the storage and manufacture. As soon as an Amended Act has been passed it will be very necessary to revise all the by-laws and the subject of explosives can then be dealt with.

6. With regard to the intended provision in the new Act for changing the municipal year from the calendar to the official year, I fear there may be some difficulty and inconvenience, and I regret that the change should have been thought necessary, but if circumstances do not admit of the present system being continued, I will, with the permission of Government, place myself in direct communication with the Legal Remembrancer in order to settle what detailed amendments will be required. I observe that Government allude only to amendments in Sections 32 and 33, but the Town Council are now appointed for the calendar year and as they are charged with the financial supervision of the Municipality, there would manifestly be inconvenience in a new Council being called upon to assume office towards the close of the account year. Again, as the Town Council is appointed from amongst the members of the Corporation, the year or years for which appointments are made to the Council must be conterminous with the year or years for which members of the Corporation hold office. Thus the dates for election or appointment to the Corporation must be changed, and this change will involve a change in the legal dates for the preparation and publication of voters' lists, &c. If it be found necessary to make a corresponding change in the year for assessment and collection purposes, still further amendments will be required, and probably a short Act will be needed to legalize a special assessment for a quarter of a year to enable us to make the change; but I hope that this may be avoided.

7. I now pass on to the amendments referred to in the 2nd paragraph of my previous letter. The amendments to Sections 70, 70A, 74 and 79 in the form shown in the accompaniment to my letter were adopted by the Corporation at a meeting held on the 19th October with this slight variation, that in Section 70\* for the words "after deducting from such rent ten per centum in lieu of all allowances for repairs and of the percentage, &c.," the following words were substituted "after deducting from such rent ten per centum in lieu of all allowances for repairs *as also after deducting* the percentage &c." I must not omit to point out that though the Section 70A as amended appears in the Minute Book in the form in which I have given it, it was manifestly not the intention of the Corporation that the new clauses of the section should be inserted at the end of the whole section and that the second, third and fourth clauses of the existing section should be omitted. The intention was that the second, third and fourth clauses should be retained and that between the first and second clauses of the present section should be inserted the new clauses. It was intended in fact that the complete Section 70A as amended should run as follows:—

*Section 70A.*—The said rates shall, *save as hereinafter provided*, be leviable from the actual occupier of the house, building or land upon which they are assessed if the said occupier be himself the landlord of such house, building or land, or if he hold the same immediately from Government. In any other case the said rates shall be leviable from the immediate landlord of the actual occupier, or, when the property is unoccupied, from the person who would be the immediate landlord of the occupier if it were occupied.

*In the cases of land let on building lease and on which buildings have been erected, the said rates shall be leviable both from the lessor and from the lessee in manner following, that is to say—*

(a) *In cases where the gross estimated rent under Section 70 of these Acts exceeds the amount of the rent reserved by the lease, the lessor shall be assessed for the actual amount of the rent reserved to him by the lease, without any deduction being allowed to him for repairs and the Police and lighting rates as aforesaid, and the lessee for the amount of the balance left after the deduction provided for by Section 70 from the estimated gross rent under Section 70, and*

(b) *In cases where the estimated gross rent under Section 70 does not exceed the amount of the rent reserved, the lessor alone shall be assessed for the amount of the rent reserved in the lease after the deduction provided for by Section 70. The said rates shall, subject to the payment of Government revenue, be a first charge, to the exclusion of all other claims, on the property upon which the same are assessed, in the hands of any person acquiring such property by purchase, mortgage, gift, inheritance or otherwise, and all arrears of rates due in respect of the property at the date of its acquisition by such person shall be leviable from such person in the manner hereinafter provided in Sections 126 and 135.*

Provided that if any person hereby made liable to the said rates himself pays rent to another person other than Government in respect of his interest in the house, building or land for which he is assessed to such rates, he shall be entitled to credit in account with such other person for such sum as would be leviable on account of the said rates, if the amount of the rent payable by him were the full annual value of the property taxed.

And any person other than Government possessing any interest in or over any such property superior to that of the person assessed to the said rates, in respect of which he receives rent from any other person, shall be bound to give credit in account to such other person for such sum as would be leviable on account of the said rates if the rent which he receives were the full annual value of the property assessed.

But nothing in this section shall be deemed to affect any agreement into which persons interested in any such property have entered, or may hereafter enter, concerning their respective liability on account of the aforesaid rates, and when any person other than the person hereby made liable for the said rates has by any such agreement rendered himself responsible for the same, or for any portion thereof, the person hereby made liable shall be entitled to recover the amount of the said rates, or such portion thereof from the said person. For this purpose the portion of the consolidated rate levied for lighting shall be deemed to be two per centum, and for the Police two per centum of the annual value of the property assessed; but if at any time the said consolidated rate is increased on account of the expenses of lighting or of the Police, the amount of such increase may be added to the said two per centum on account of lighting or Police respectively.

\* Another slight alteration was introduced which I have omitted to notice in the body of my letter. The Corporation resolved to substitute in clause 1 of Section 74 the words *between sunrise and sunset* for the words 'between 5 A.M. and 7 P.M.'

8. With regard to the proposed change in Section 70, I have no further remarks to offer as long as the Act provides for a distinct rate being levied to meet Police and lighting charges, but I think the time has come when it may be desirable to get rid of or modify this distinction, and I will presently explain what amendments it would be desirable in my opinion to adopt in this behalf. The proposed changes in Section 70A will not, except so far as the last of the new clauses is concerned, be productive of any good whatever. In no case would the Municipal Assessor be justified in assuming that a building property might be reasonably expected to let for a less sum than was actually being realized from the ground rent alone, and this being so we can never have a *lower* basis of valuation than the ground rent. The change proposed therefore will not raise the minimum standard of value and it would be neither expedient to distribute the liability for the rates between two or more parties, nor reasonable to expect that a rate should be recovered twice over in respect of one and the same property. I do not see any object in retaining the last clause of Section 70A as it stands in the present Act, but as to this I will make further remarks presently in connection with the Police and lighting rates.

9. As regards the proposed amendments in Section 74, clause 1, I think that for the reasons given by me in my former letter in connection with Section 9D, the new provision relating to age should be omitted and I suggest that Section 74, Clause 1, should run as follows:—

“In order to enable the Commissioner to arrive at a fair valuation or measurement of any houses, buildings or lands liable to the said rates it shall be lawful for the Commissioner to require the owner or occupier of such houses, buildings or lands or the owner or occupier of any portion of such houses, buildings or lands to furnish him with the return and information orally or in writing regarding the name of such owner or occupier and regarding the measurement rent or annual value of such houses, buildings or lands or of any portion thereof, and for the like purpose it shall be lawful for the Commissioner or any person or persons appointed by him for that purpose, at any time between sunrise and sunset, to enter and inspect and measure such houses, buildings, or lands, after having given forty-eight hours' previous notice in writing of his intention to the occupier or occupiers thereof.”

The slight alteration proposed in the second clause of Section 74 and the addition to Section 79 are desirable and call for no remarks.

10. I now come to the amendments alluded to in the third paragraph of my previous letter. It has been felt that some ambiguity exists with respect to the wheeled conveyances which are now liable to tax especially in connection with the term “labour carts” and that the use of the term “animals” in Section 104, &c., is incorrect, having regard to the definition of this word which is given in the preliminary chapter of the existing Act. It is thought better that instead of enumerating in the wheel tax sections the several kinds of conveyances which are liable to the payment of wheel tax the general term “vehicles” should be employed and that an interpretation of this term should be included amongst the definitions in the preliminary chapter. Moreover, there appeared to be some anomaly in the fact that whereas horses, mules, &c., are now taxed without regard to and apart from the vehicle with which they are used there is no separate and distinct tax for “bullocks” and “bullock carts” but the cart and bullocks are taxed together. There is also a difficulty in respect of the present system of levying wheel tax on public conveyances which are liable to the payment of a license fee under (Bombay) Act VI. of 1863. The licenses under this Act are issued by the Commissioner of Police and the license fees are recovered by him, the *net* proceeds being afterwards paid by him to the credit of the municipal fund. But before issuing his license the Commissioner of Police has to ascertain that the wheel tax for the first half of the year has been paid at the Municipal Office. In order to obviate the difficulties connected with this procedure I proposed that the wheel tax in such cases should be made payable to the Commissioner of Police and my proposal was adopted by the Corporation, but for reasons of account it would manifestly be more satisfactory if both license fees and wheel tax were paid direct by the parties into the Municipal Office the licenses being granted by the Commissioner of Police as at present but forwarded to the Municipal Office to be issued thence to the parties as soon as they have paid the fees and tax. The Commissioner of Police has on several occasions informed me that he would gladly be relieved of all matters of account and my only reason for not incorporating in the amendments the pro-

cedure which I think the best is that it would involve also an amendment of (Bombay) Act VI. of 1863.

In one other respect a change has been introduced with regard to the payment of wheel tax on public conveyances. At present the tax is paid only 'half yearly' in advance and the result is that great difficulty is experienced in recovering the amount of tax due for the second half year. The practice has been to seize and detain defaulting conveyances, but this practice is not warranted by law, and I ordered that it should be put a stop to. There is practically no hardship in compelling the owner of a public conveyance to pay his wheel tax in advance for the whole year instead of half the year especially as he would be thereby saved the annoyance and delay of making a second visit or series of visits to the Municipal Office, and as it is now proposed to reduce the rate of the tax.

It was resolved at a meeting of the Corporation held on the 19th December that the following additions and alterations should be made in the preliminary chapter and wheel-tax sections of the Act and in Schedule A appended thereto.

New definition to be inserted in the preliminary chapter after the definition of the word 'Animal':—

*The word 'vehicle' includes every carriage, cart, van, dray, truck, hand-cart, and other wheeled conveyance of every description capable of being used on the public streets of the city: Provided that this definition shall not be taken to include children's perambulators and hand barrows having only one wheel.*

Taxes on *vehicles, horses, ponies, mules, donkeys, bullocks and buffaloes.*

*Section 104.—A tax shall be levied on all vehicles, horses, ponies, mules and donkeys kept within the said city and on all draft and pack bullocks or buffaloes kept within the said city and upon all vehicles plying for hire within the said city or let for hire and used within the said city and kept at any place beyond the limits thereof at the rates specified in Schedule A. and shall be payable quarterly by the owners, or persons having charge of the same, except as hereinafter otherwise provided. Provided that the Corporation may reduce, alter or modify this tax, as they may deem fit, but may not increase the rates specified in the said Schedule and provided that this section shall not apply to or include gun-carriages, ordnance carts or wagons, artillery and cavalry horses, or horses, mules or bullocks certified by the Commissioner or the Commissioner of Police to be employed by their owners for Municipal or Police purposes, or the respectively authorized number of horses belonging to officers doing regimental or other military duty at the Presidency or vehicles, horses, ponies, mules or bullocks belonging to the Government or to the Corporation or to the Bombay Tramway Company or vehicles kept for sale, and not used for any other purpose if kept by *bonâ fide* dealers in such vehicles: Provided also that the owners of public conveyances liable to the payment of a license-fee under (Bombay) Act VI of 1863 shall be required to pay yearly in advance to the Commissioner of Police the tax for the whole year leviable under this section, at the same time as the said license-fee.*

*Section 105.—Every person who may have owned or had charge of any vehicle or any horse, pony, mule, donkey or draft or pack-bullock or buffalo kept for use within the said city for any portion of a quarter exceeding seven days shall be liable for the whole tax of that quarter: Provided that in case any such person has kept or had charge of any vehicle or any horse, pony, mule, donkey or draft or pack-bullock or buffalo for a period less than thirty consecutive days, the Commissioner shall remit two-thirds of the tax for the quarter.*

*Section 106.—If a vehicle shall have been under repair or standing at a carriage maker's for the whole period contained in any quarter, no tax shall be leviable in respect of such vehicle for that quarter.*

*Section 107.—The Commissioner may compound, for any period not exceeding one year, with livery stable-keepers and other persons keeping vehicles and horses or bullocks for hire, for a certain sum to be paid for the vehicles and horses or bullocks so kept by such persons in lieu of the taxes specified in Schedule A. Provided that every such composition shall be subject to revision by the Town Council.*

*Section 108.*—The Commissioner shall, from time to time, cause to be prepared and entered in distinct columns in a book, to be kept at the office of the Commissioner and to be open to the inspection of any rate-payer during office hours a list of the persons liable to the payment of such taxes; a description of the vehicles and *horses, ponies, mules, donkeys, bullocks or buffaloes* in respect of which they are liable, and the amount of the taxes assessed thereon.

*Section 109.*—In order to enable the Commissioner to make such list the Commissioner, or any officer authorized by him, shall send to all persons supposed to be liable to the payment of such taxes, a schedule to be filled up with such information respecting the vehicles and *horses, ponies, mules, donkeys, bullocks or buffaloes* kept by them as the Commissioner may judge necessary for the assessment of the taxes. The Schedules shall be filled up in writing, and signed and dated, and returned to the office of the Commissioner, by every person to whom it has been sent, whether or not liable to the payment of such taxes; and whoever refuses, neglects, or omits duly to fill up and return such schedules within one week from the receipt thereof, or knowingly gives therein any incorrect or false return, shall be respectively liable, on conviction before a Magistrate, to the penalties provided by Sections 176 and 177 of the Indian Penal Code.

*Section 110.*—Every person who by reason of not being possessed of any *vehicle, horse, pony, mule, donkey or draft or pack-bullock or buffalo* has not paid any tax in respect thereof for the previous quarter shall on becoming possessed of any *vehicle, horse, pony, mule, donkey or draft or pack-bullock or buffalo* liable to such tax, give notice thereof to the Commissioner within fifteen days from the time of becoming so possessed. In default of such notice the possessor will be liable on conviction before a Magistrate to a penalty not exceeding (50) fifty rupees.

*Section 111.*—It shall be lawful for the Commissioner or any person or persons appointed by him for that purpose, at any time between 5 A.M. and 7 P.M. to enter and inspect any stable or coach-house, or any place wherein he may have reason to believe that there is any *vehicle or any horse, pony, mule, donkey or draft or pack-bullock or buffalo* liable to taxation under Section 104 of this Act, and the Commissioner may summon any person whom he has reason to believe to be liable to the payment of any tax under the last mentioned section; or any servant of such person and may examine such person or servant as to the number and description of the *vehicles, horses, ponies, mules, donkeys or draft or pack-bullocks or buffaloes* in respect of which such person is liable to be taxed.

*Section 112.*—As in the present Act.

*Toll on vehicles from Sálsette.*

*Section 113.*—A toll not exceeding two annas per cart may, with the consent of the Town Council, be levied by the person authorized by the Municipal Commissioner on all labour carts *vehicles* not already paying the tax imposed under Section 104 of this Act, which may enter the city from the island of Sálsette, and on each occasion of such entrance. Every driver of such cart *vehicle* shall receive a ticket certifying payment of toll, but the possession of such ticket shall not authorise the said *vehicle* to ply for hire within the city. It shall be lawful for the Municipal Commissioner, with the sanction of Town Council, to farm out this toll.

## SCHEDULE A.

(Referred to in Section 104.)

(As Existing.)

## TAX ON CARRIAGES AND ANIMALS.

	Rate per Quarter.	Rs.	a.	p.
On every four-wheeled carriage on springs ... ..	6	0	0	
On every two-wheeled carriage on springs except native hackeries...	4	0	0	
On every native hackery used for riding in, and drawn by bullocks.	7	8	0	
On every labour cart and labour hackery ... ..	4	8	0	
On every horse, pony, or mule of the height of 12 hands or upwards ...	7	8	0	
On every horse, pony, or mule of height less than 12 hands ...	3	12	0	

## SCHEDULE A.

(Referred to in Section 104.)

	Rate per Quarter.	Rs.	a.	p.
Tax on vehicles—				
For each four-wheeled vehicle ...	5	0	0	
Do. two-wheeled do. ...	3	0	0	
Tax on vehicles drawn or impelled otherwise than by horses, ponies, mules, donkeys, bullocks or machinery:				
For each such vehicle ...	2	0	0	
Tax on every horse, pony or mule of the height of 12 hands or upwards.	6	0	0	
Tax on every horse, pony or mule of a height less than 12 hands ...	2	0	0	
Tax on every bullock or buffalo kept for draft or pack purposes ...	1	8	0	
Tax on every donkey kept for draft, pack or riding ...	1	0	0	

Note.—The redraft of section 14 embodies the amendments to that section which have already been adopted by the Corporation.

business by the Corporation shall not be a matter for the Corporation to be considered in the Corporation's business.

11. The only remaining amendment alluded to in my previous letter on which I have not now commented is the one affecting the sections which relate to the tax on Fire Insurance Companies. At present great hardship is caused by the minimum contribution being fixed at so high a sum as Rs. 500, and if it is equitable to levy the contribution at all, there appears to be no particular reason for confining it to a maximum of Rs. 1,000, as companies may be presumed to benefit by protective measures against fires in proportion to the business done and the number of properties insured by them. Moreover, it is thought reasonable to give the contributories some guarantee that the whole cost of these protective measures shall not fall upon them, considering the very small proportion which the number of insured properties in this city bears to the number of uninsured. A new proviso has therefore been inserted to the effect that the aggregate contributions in any one year are not to exceed one-third of the sum provided in the budget of that year in connection with the prevention and extinction of fires. The amendment of the present sections in these particulars will be very acceptable to the Fire Insurance Companies; and there is one other amendment which is required in the interests of the Municipality. The fire insurance business is divided between local firms and the agencies of European firms. In the case of the latter there is nobody on the spot who, as the law now stands, is liable for the payment, and it sometimes happens that recovery is impossible without having recourse to legal proceedings in England, as the local agencies may prove that they have no assets of their principals in their hands; and they have in some cases, in order to establish this position, made remittances to their principals in advance.

The following amendments in these sections were approved by the Town Council at a meeting held on the 4th November:

*Contributions towards protection from Fire.*

Section 122.—Every Insurance Company carrying on business in Bombay, or having an Agency for such purpose, and which insures from fire any property in the city of Bombay, shall pay annually to the Corporation, by way of contribution towards the protection of the city from fire, a sum, not exceeding fifteen hundred rupees, to be determined by the Town Council. The said payments shall be made half-yearly in advance, and the Agents or Agent through whom any Insurance Company carries on business in Bombay, shall be personally liable for all payments due to the Corporation in respect of such Agency.



*Section 108.*—The Com from an Insurance Company, or from the Agents or  
pared and entered in distinct Company, to the Corporation in pursuance of this  
Commissioner and to be op be a specialty debt due from the Company, or such  
hours a list of the persons lia, case may be, to the Corporation, and to be recovered  
vehicles and horses, ponies, they are liable, and the am

*Section 109.*—In or every Insurance Company insuring property from fire in  
Com the city, or any of small on the 1st day of September in every year make a  
return to the pay, ipal Commissioner, in such form as he may require, of  
the gross respecting insured by it in respect of property in the city. There  
shall be a by ther the return so made a declaration made by the Secretary,  
or other oves. performing the duties of Secretary of the Company by whom  
it is made, neging that he has examined the return with the books of the  
Company, and that, to the best of his knowledge, information, and belief, it  
contains a true and faithful account of the gross amount of the sums insured  
by the Company to which he belongs in respect of property in the city of  
Bombay. The return so made shall be the basis upon which the Town Council  
shall determine the amount to be paid by each Company for the next ensuing  
year within the maximum limit of fifteen hundred rupees as aforesaid: *Pro-  
vided always that the aggregate amount of the payments to be made by Insur-  
ance Companies and their Agents as aforesaid to the Corporation for any one  
year shall not exceed one-third of the entire cost of maintenance and working  
the Fire Brigade for that year, including therein cost of water used in extin-  
guishing fires.*

*Section 124.*—[As in the present Act].

12. At the time that I submitted the amendments already before Govern-  
ment the proposed alterations to sections 81, 128, and 134 had not been considered  
by the Corporation. They have since been discussed at a meeting held on the  
19th October, and have been adopted.

13. There are certain other amendments of more or less urgency which have  
occurred to me subsequently to the despatch of my former letter, and I take this  
opportunity of bringing them forward. The first of these affects the quorum  
necessary to constitute a legal meeting of the Corporation. Section 14 requires  
that twenty members should be present at a quarterly meeting and twenty-five  
at a special meeting; but recent experience has shown that there is occasionally  
considerable difficulty in securing the necessary attendance, and important measures  
are delayed in consequence. There are many members of the Corporation whose  
business avocations do not permit them to attend all meetings, but they would  
make a point of attending for the discussion of any important measure. But, even  
when an important measure is on the agenda paper, it frequently does not come  
on for discussion on the expected day on account of a variety of comparatively  
unimportant questions occupying the time of the meeting. The consequence is  
that members feel no certainty that the particular item of business in which they  
are interested will be taken up, and they are more ready to absent themselves  
than they otherwise would be. The best way of meeting the difficulty appears to  
me to require only a small number to constitute a quorum for the despatch of  
ordinary business, so that it may speedily be got rid of and to make provision for  
reserving the discussion of special subjects until a full quorum, viz. an attendance  
of twenty-five, can be obtained. The principle is the same which the present  
Act has endeavoured to secure by the distinction between special and quarterly  
meetings; but the present system has certainly not proved satisfactory. Various  
remedies have been suggested for the inconvenience complained of, but none I  
think will serve the purpose so well as that which I now recommend. I propose  
that the Municipal Commissioner shall be empowered to certify that any item of  
business is of a specially important nature, and that then, and only then, a quorum  
of twenty-five shall be required; that for all other business a quorum of twelve  
shall suffice. It cannot be said that the effect of this procedure would be to put  
more personal power into the Commissioner's hands: it simply ensures that the  
Corporation shall be properly represented; and the authority to certify should be  
vested in the Commissioner because, in the majority of cases, he is in the best  
position to judge of the importance of a measure, and because he is by law  
debarred from proposing, seconding, voting upon, or withdrawing any resolution.

To formulate the views which I have here expressed, our Solicitors have made the following draft of a new section 13A and a corresponding amendment in the present section 14 of the Act—

*Section 13A.—Whenever it shall appear to the Commissioner that any business or motion brought before or made at any meeting of the Corporation ought by reason of its special importance to be transacted or made at a full meeting, the Commissioner may at any time before such business or motion shall have been transacted or voted on certify to the chairman of the meeting that such business or motion is of special importance, and in every such case it shall not be competent for the meeting or for any subsequent meeting to transact or vote upon such business or motion unless at least twenty-five members including the chairman be present.*

*Section 14.—Subject to the provisions of the last preceding section the presence of twelve members, including the chairman, shall be sufficient to constitute a quorum for the transaction of business at any meeting of the Corporation; and, save as hereinafter provided, no business shall be transacted at any meeting unless such a quorum of members be present. Provided always that if at any meeting of the Corporation the number of members present shall at any time during such meeting be insufficient to form a quorum, the chairman of the meeting (whether he be the chairman of the Corporation or not) shall adjourn the meeting to some other day, fixing such convenient time and place for the same as he shall think fit; and the business which would have been brought before the original meeting had there been a quorum present throughout such meeting shall, subject as aforesaid to the provisions of the last preceding section, be brought before and disposed of at such adjourned meeting or at any further adjournment thereof in the usual manner, whether there be a quorum of members present at such adjourned or further adjourned meeting or not.*

14. The next amendment which I have to propose is merely a correction of what is evidently an oversight in the present Act. Section 46 provides that the Corporation may with the assent of Government make a temporary appointment to the post of Health Officer or Executive Engineer "in place of one for the full term of three years"; but the full term is now five years (see Sections 44 and 45), and Section 46 should be amended accordingly. I think, also, that the wording of Sections 49 and 50 should be so altered as to make it clear that assistants and subordinates in all departments are included and not only those who are connected with assessment and account duties.

15. I have already alluded to the possible desirability of ceasing to make any distinction between the "Police rate" and other portions of the consolidated rate, and I recommend the following alterations in Sections 66, 69, 70A and 137, regarding which the Solicitors to the Municipality write as follows:—

"The portion of section 70A which we propose to omit seems even now to be quite unnecessary and its omission (which is obviously desirable in view to Government relieving the Municipality of the expense of the Police) seems to be justified by the opinion of Mr. Latham, then Advocate General, in the case which we submitted to him in March 1880 on the subject of the 'Principle to be applied in certain cases in estimating gross annual rent' for assessment purposes."

*In Section 66, Clause (1), to be altered as follows:—*

(1). A consolidated rate payable on the annual value of houses, buildings and lands for such of the purposes expressly authorized by Section 137 of this Act as are not otherwise provided for and for general purposes.

*In Section 69, Clause 1, to be altered as follows:—*

A consolidated rate of not less than eight per centum nor more than twelve per centum of their annual value.

(a). For such of the purposes expressly authorized by Section 137 of this Act as are not otherwise provided for, and

(b). For the general purposes of this Act.

*In section 70A, the last clause commencing "But nothing" to the end of the section to be struck out.*

*Note.—The redraft of section 14 embodies the amendments to that section which have already been adopted by the Corporation and described in my previous letter.*

*Note.—It must be understood that in the event of these proposals being adopted Section 70 should remain as it now stands and without the amendment suggested by the Corporation which were made before the point of the "Police Rate" arose.*

*In Section 137, Clause (1) under the Heading "Public safety" to be struck out and the number "(2)" preceding the 2nd clause under that heading to be omitted.*

16. In the accompaniment to my former letter I dwelt at some length on the subject of amending the "Building sections" of the Act, but I have since found that my recommendations were defective in two very important particulars. It is useless to insist upon certain precautions regarding ventilation and drainage if the approved plan is not put into execution until some long time afterwards when the circumstances under which it was approved may have completely altered. I propose to limit to *one year* the time within which a person sending in a notice may proceed with the work without giving fresh notice. Moreover, it is very desirable that besides the requirements now insisted on with respect to drainage, ventilation and materials, provision should be made for securing proper means of access to each building which abuts on a street. Streets already too narrow for the traffic are further obstructed by the projection of wooden steps, boxes, &c., because houseowners have omitted to provide steps within the boundary line of their property and trust to scrambling on their "otlas" as best they may and to trespass on public ground rather than sacrifice any of their own available space. In theory of course such temporary and unauthorized projections are removed, but in practice it is impossible to keep the streets clear of them, for they are no sooner removed than they are put back again, the penalties inflicted for encroachment are often only nominal and there is a natural disinclination to institute proceedings against persons whose offence is in a manner sanctioned by the existing practice for years past and is the natural consequence of defective building regulations. The best way of remedying the deficiencies which I have pointed out seems to be by amending Section 165 so as to include "means of access" as one of the matters in respect of which the Commissioner is authorized to require a specific statement from persons intending to build, &c., and by altering Section 166 so as to correspond with Section 165 as thus amended and to limit to one year the time within which a person sending in a notice may proceed with the work without giving fresh notice in case of the Commissioner signifying approval or not signifying disapproval. As to the latter section the Solicitors write:—

"It will be seen that we have transposed the arrangement of this section by putting the latter portion, commencing with the words 'if the Commissioner' first, as section 166, and by putting the first portion of the section (amended so as to effect the object in view) subsequently as a separate section 166A. This appears to us the more natural and proper arrangement. Our reason for splitting the section up into two is that the amendments seem to make the provisions too lengthy and cumbrous for one section."

The amended sections will then stand as follows:—

*Section 165.*—Before beginning to build or rebuild, or to make any addition to a house or any alteration or repairs involving the removal or re-erection entirely or in greater part of any of the main walls of a house or the removal or re-construction of any portion of a house projecting beyond the future regular line of the street the person intending to build, rebuild, add to, alter, or repair such house shall give to the Commissioner notice thereof in writing stating where such building is intended to be erected, or to what extent the same is to be rebuilt, added to, altered, or repaired, and shall if required so to do by the Commissioner furnish him with a plan showing the levels at which the foundation and lowest floor of such house are proposed to be laid by reference to some level ascertained under the directions of the Commissioner, and the intended situation and construction of the privies to be used in connection with such house, and a statement in writing, showing the means of draining the building and land, the proposed means of ventilation, the height of the building, the number and height of the floors, the materials to be used, the thickness of the walls and roof and in the case of a house adjoining or abutting on any street, the proposed means of access from such street,

*Section 166.*—If the Commissioner shall require a plan and statement as aforesaid the Commissioner may within 30 days after receiving the plan and statement as aforesaid signify his disapproval of the proposed levels or privies or any other matters required to be mentioned in the statements referred to in the last preceding section and may fix other levels and privies in lieu thereof and may require the ventilation, drainage, height of floors, materials

and thickness of the walls and roof and means of access from the street to altered in accordance with any by-law made under the provisions of this Act and he may in the case of any such building or rebuilding or alteration or repairs as aforesaid require the said house to be set back or forward for the improvement of the street as he may think fit. If the Commissioner shall require further particulars as to any rebuilding or addition or repairs the same shall be furnished by the person intending to rebuild or make such addition or repairs before the work is proceeded with.

*Section 166A.—If the Commissioner shall signify his approval of the proposed building or rebuilding or addition or alteration or repairs or if within thirty days from delivery at the office of the Commissioner of the notice required by Section 165 the Commissioner shall not signify his disapproval of such building or rebuilding or addition or alteration or repairs or shall not require a plan and statement as aforesaid or further particulars as to any proposed rebuilding or addition or repairs the person giving such notice may at any time within one year from the delivery of the said notice proceed with the building or rebuilding or addition to or alteration or repairs of his house; but if he shall not so proceed within the said period of one year he shall, before proceeding, give to the Commissioner a fresh notice, and the provisions of this and of the last two preceding sections shall in all respects apply in the case of every such fresh notice as though the former notice had not been given.*

17. The next amendments which I have to propose relate to the drainage sections of the Act and are of special importance in connection with the drainage works now being carried out.

The first principle of the new drainage scheme is that all sullage and sewage matter shall be completely segregated from storm waters and to ensure this segregation it is necessary that the sewers should be so constructed as to be incapable of receiving any matter from the road surface. The sullage and sewage matter must in fact be conveyed by pipes from the building to the sewer and not from the building to open street drains and thence to the sewer. It is felt, and as to this there is no conflict of opinion, that the pipes which are to be laid for this purpose must be both as to construction and maintenance, under the exclusive control of the Municipality, and that if house-owners have the option of constructing or repairing them (as under the provisions of the present Section 174) it will be impossible to avoid defects attributable to ignorance or carelessness which will prejudice the success of the system. It is still an open question whether the cost of these house connections should entirely or in part be borne by the Municipality and any regulations which it may be necessary to make in this respect can be provided in by-laws. Such by-laws, which must by law be submitted for the sanction of Government, will require very careful consideration, but meanwhile it is most desirable that there should be no unnecessary delay in giving the Municipality the requisite legal power for the execution of the work. Again, it is thought that the provision regarding sewer ventilation contained in the present Section 177 is not as satisfactory as it might be and that it is not of so much importance that ventilating shafts should be carried to a height of six feet above the highest point of the building to which they are affixed as that they should be so placed as to prevent the possibility of foul air finding its way from them into that or any neighbouring house. It is proposed, therefore, to amend Section 177 and to introduce a new Section 177A as shown below. It is also proposed to insert the word 'pipes' before the word 'drains' and 'drain' in Sections 185 and 186 so that the Commissioner may have the undoubted right of interfering where necessary in the case of "house connections" already existing, and to amend Section 191 in consequence of a recent magisterial decision that the word 'building' as here used does not include "a wall". The amended sections will stand as follows:—

*Section 177.—For the ventilation mentioned in the preceding section or for the ventilation of any public drain, sewer or cesspool the Commissioner may erect or fix to the outside of any house, building or other structure or to any tree such pipes as he may deem necessary and such pipes if affixed to any house or building, shall be carried above the highest part of such house or building, and in every case shall be carried to a height of not less than 10 feet above every window or skylight within a distance of 20 feet from such*

*Note.—Ventilating pipes should be taken up against the side of the house (or tree) ten or twelve feet above all breathing places and twenty or thirty feet away from all windows [Hellyer—Plumber Sanitary Houses, p. 67].*

*Ventilating pipes in confined spaces should be carried above the level of the ridge of the roof [Galton—Healthy Dwellings, p. 243].*

*pipes and such pipes shall be erected so as to occasion the least practicable inconvenience to any house or building in the neighbourhood.*

*Section 177A.—Whenever the Commissioner shall deem it necessary to construct, lay or fix any drain, pipe, or other appliance or fitting in, through or under any house or building for the purpose of connecting such house or building with any public drain or sewer, whether previously made or then in course of construction, it shall be lawful for the Commissioner to construct, lay or fix any such drain, pipe, appliance or fitting without previously giving to the owner the option of doing this work as provided in Section 174 of this Act; and in any case in which the Commissioner shall proceed under this section, the expenses incurred in respect of the work shall be defrayed or be recoverable in accordance with any by-law or by-laws which may from time to time be made in that behalf under the provisions of this Act.*

*Section 185.—All pipes, drains, privies, cesspools and house-gullies shall be under the control of the Commissioner for drainage or other sanitary purposes, and if the owner thereof or the owner of the house or land to which the same belong or for the use of which they are constructed or continued shall fail to alter, cover, pave and pitch, drain, trap, ventilate, repair, clean or remove any encroachment from or otherwise keep the same in such order as shall by the Commissioner after consulting the Health Officer be deemed necessary he shall be liable to a penalty not exceeding fifty rupees and to a further penalty not exceeding five rupees for every day after conviction during which such offence is continued.*

*Section 186.—The Commissioner or any officer appointed by him in this behalf may inspect any pipe, drain, cesspool, house gully, or privy, and may for that purpose at any reasonable time, without giving previous notice, enter upon any house or land with assistants and workmen and cause the ground to be opened where he or they may think fit, doing as little damage as may be; and if, upon such inspection it appears that the pipe, drain, cesspool, house gully or privy is not in good order and condition and that it has been constructed contrary to the provisions of this Act, the expenses of such inspection and of any alteration that the Commissioner may deem necessary under the provisions of this Act, shall be paid by the person to whom such pipe, drain, cesspool, house gully or privy may belong and shall be recoverable as hereinafter provided, but if the pipe, drain, cesspool, house gully or privy be found to be in proper order and condition, and not to have been constructed in violation of the provisions of this Act, the Commissioner or officer aforesaid shall cause the ground to be closed and made good as soon as may be, and the expense of opening, closing and making good such pipe, drain, cesspool, house gully or privy, shall in that case be defrayed by the Commissioner from the municipal fund: Provided that the Commissioner or his said officer shall not, without the consent of the occupier thereof, enter into any apartment used as a dwelling place without previously giving the said occupier twenty-four hours' notice in writing of his intention so to do,*

*Section 191.—No building, wall, fence or other structure shall be newly erected nor any road or railway constructed over any sewer, drain, culvert, gutter, watercourse, water pipe or gas pipe vested in the Corporation or over any drain or watercourse natural or artificial which communicates either directly or indirectly with any sewer, drain, culvert, gutter or watercourse vested in the Corporation without the written consent of the Commissioner and if any building, wall, fence or other structure be so erected or any road or railway so constructed the Commissioner may cause the same to be removed or otherwise dealt with as he may think fit and the expenses thereby incurred shall be paid by the person offending and be recoverable as hereinafter provided and the person offending shall whether such building, wall, fence or other structure, road or railway be removed or dealt with by the Commissioner as aforesaid or not, be liable to a penalty not exceeding Rs. 100 and to a further penalty not exceeding Rs. 10 for every day which may elapse after conviction until such building, wall, fence or other structure, road or railway is removed.*

18. A question has arisen with regard to Section 198 as to whether

the term "telegraphic wires" includes wires for telephonic communication. I believe that it has been held by the English courts that 'telegraphic' does include 'telephonic' but to obviate any possible difficulty or litigation on this point I think it would be well to substitute for the words "*brackets for telegraphic wires or lamps*" the words "*brackets for telegraphic or telephonic wires or for lamps.*"

19. Sections 237 to 244 of the Act deal with properly constituted public and private markets, but there is in one respect an omission which I think ought to be supplied. The District Municipal Act (Act No. VI of 1873) besides providing for the establishment of properly constituted markets, places restrictions on the sale elsewhere of animals, meat, fish or vegetables intended for human food, and it would be well to introduce a similar provision into the Bombay Municipal Act. It is also desirable to provide a far more simple and summary procedure than exists at present for dealing with street hawkers, &c., who cause obstructions to the roads and footpaths. I have received frequent complaints on this subject and the Commissioner of Police agrees with me that as the law now stands there are no efficacious means of keeping the streets clear of these obstructions. The following two new sections numbered respectively 241A and 244A, which have been drafted by the Municipal Solicitors under instructions from me, will I believe supply the omission and remedy the evil to which I have alluded—

*Section 241A.—No place shall be used for the sale of animals, meat, fish or vegetables intended for human food, excepting the public markets or such other markets as may, consistently with the provisions of this Act, be established or used for the sale of such animals, commodities or any of them; and no person shall hawk or expose for sale any such animals or commodities in any of the streets of the city.*

*Clause 2.—Whoever contrary to the provisions of this section sells or exposes for sale any such animals or commodities shall be punished with fine not exceeding Rs. 50 for each offence.*

*Section 244A.—No hawker, squatter, retail seller, or other person shall sell or expose for sale any articles whatsoever in or upon any of the public streets or footpaths of the city in such a manner as to cause any obstruction or inconvenience whatsoever and the Commissioner and every officer authorized by the Commissioner in that behalf may summarily remove any person found selling or exposing for sale any articles contrary to the provisions of this section and may seize and detain for any time not exceeding 24 hours any articles so exposed for sale and also any box, tray, basket or thing in which the same may be.*

20. I have already submitted proposals for amending the Burial sections of the Act which the experience of my predecessors as well as my own has shown to be much needed, but I think a still further improvement might be effected by amending the first clause of Section 251 as follows:—

*Whoever shall, otherwise than at or in some lawful place for the disposal of the dead, dispose of or cause to be disposed of any corpse or any part of a corpse, or build or dig or cause to be built or dug any grave or vault.*

The present provisions of the section are directed against unauthorized interments, but from a sanitary point of view it is as important to guard against any excavation being made in any church or burial ground that has been closed except under special sanction, as against fresh interments being made, and the words now added will meet a case of this kind.

21. Since writing the foregoing paragraphs of this letter I have received Government Resolution No. 50, dated 6th January 1882, with copies of correspondence from the Commissioner of Police, the Solicitor to Government and the Coroner for the city of Bombay on the subject of securing the return of information as to the occurrence of sudden deaths in the city. It is suggested that some provisions should be introduced into the Municipal Act analogous to those of the English law on the subject, and reference was made to the provisions of the Village Police Act (Bombay Act VIII of 1867) and to the Code of Criminal Procedure

(Act X of 1872). It is most desirable that our system of death registration should be as perfect as possible and an attempt to improve it has been made in the amendments already submitted. It is a question whether in addition to the procedure already proposed it should be made incumbent on householders and others to furnish information as to the occurrence of deaths on their premises, and as the subject is a very important one and presents considerable difficulties I propose to deal with it in a separate report. But meanwhile I may point out that this is the only particular in which it would be expedient to introduce provisions analogous to those of the police laws of the mofussil. The only section of the Criminal Procedure Code which imposes an obligation on *private* persons in this respect is Section 90; Section 133 of the Code and the Village Police Act (Sections 6 and 11) impose obligations on the *Police* whether district or village, and any similar obligations which it may be thought desirable to impose on the police in Bombay or upon other civil officers or private persons in Bombay for *exclusively Police purposes* would, I submit, more appropriately find a place in amendments to the Bombay Police Act than in the Municipal Act.

22. In conclusion I beg leave to draw the attention of Government to the want of system which characterizes the employment of terms in the various sections of the Act; thus we find in some sections "Municipal Commissioner" and "Executive Officer of Health", in others "Commissioner" and "Health Officer". I would recommend that a uniform designation be adopted and that as short as possible. Similarly we find "Building" in sections 191 and 209, "House or Building" in Section 195, "House Building or wall" in Section 200, "Huts or other Buildings" in Section 164, "House or Land" in Section 218, "House building or Land" in Section 220, "Building shed or other structure" in Section 144 (and I might multiply instances of this variety of nomenclature), whereas according to the definitions in the preliminary chapter the word "place" denotes either "House or Land," the word "Land" includes "all houses," and the word "House" includes "all buildings and structures." I am aware that many of the amendments submitted by me are open to the same objection, but this is because I had to deal with individual sections and the application and construction of terms must be determined in reference to the Act as a whole; but I see no reason why an accurate and uniform system should not be introduced on the present occasion of amending the Act. The Legal Remembrancer to Government has asked me whether it would not be advisable to make a complete Redraft of the Act and to repeal all former Acts, but though I concur with him in thinking that this suggestion has much to recommend it and should eventually be adopted, many of the proposed amendments are so urgently needed that I should be most unwilling to advocate any course which would entail delay, the more especially as I cannot pretend with my short official experience to have pointed out every particular in which amendment may be desirable and as the carrying out of the new drainage works with house connections and possible changes in regard to the incidence of Police charges may involve contingencies requiring further legislation.

23. Agreeably to the instructions contained in Government memorandum No. 4344, dated 24th December last, I submit this letter in duplicate.

I have the honour to be,

Sir,

Your most obedient Servant,

E. C. K. OLLIVANT,

Municipal Commissioner,

No. 4360 of 1882.

FROM

THE MUNICIPAL COMMISSIONER FOR THE CITY OF BOMBAY,

To

THE SECRETARY TO GOVERNMENT,

GENERAL DEPARTMENT.

*Municipal Commissioner's Office,**Bombay, 29th May 1882.*

SIR,

I have the honour, as directed by Government Resolution No. 1452, dated 21st April, to report on the proposed amendments to the Municipal Act.

2. When in paragraph 22 of my letter No. 396, dated 21st January, I stated that though a new Act was very desirable, there were reasons against introducing one at that time on account of the delay that would be entailed. I meant by a new Act not merely an Act which should comprise the amendments which I had submitted with a complete re-numbering of sections, but a new Act which should rectify the want of arrangement in the present one and the many omissions and inconsistencies of which already I was beginning to gain some experience.

3. On the 28th January the Legal Remembrancer furnished me with a draft of a new Act embodying the proposed amendments which had been submitted up to that date, and with all the sections re-numbered accordingly, two more copies (required for annotation) were subsequently supplied to me on the 7th February. I have since been engaged in the very careful study of this draft and found as I went on that there were many matters not included in my previous amendments which required revision.

4. These matters appertained almost entirely to want of method and inconsistencies in the several sections and portions of the Act which I have with the very valuable assistance of the Municipal Solicitors endeavoured to remedy. Constant reference has been made to the Calcutta and Madras Municipal Acts, to the Bombay District Municipal Act and to English Rating and Registration Acts. I had almost completed the writing up of the Legal Remembrancer's Draft Act, when, with the Government Resolution now under reference, I received a copy of another Draft Act with the sections again re-numbered from beginning to end. Both Drafts now accompany my letter, the first is marked A and the second B.

5. Draft A\* exhibits the result of my revision. Draft B\* is as it was received from the Legal Remembrancer. The latter differs from the former in that the sections are numbered differently and that provision has been made in it for continuing the present municipal year from the 31st December to 31st March. I do not propose further to allude to it for two reasons:—

*1st*, the renumbering of the sections would entail a revision of all the cross references and this would occupy some time without any proportionate benefit, as the present numbering will not be the final numbering when the Bill passes through the Legislative Council.

*2ndly*, it seems to me inexpedient that the provision for continuing the present year should be inserted in the new Act. That which is merely formal should I think be made in a short special amending Act, because it will only affect the next few months and need not hamper the general and permanent arrangements which the new Act will bring into force, and because the consideration of the new Act may take some time, and it is necessary that the provision for the change of the year so far as it affects the present municipal year should be brought into force at once, as all Budget and election business is dependent on it. I append a draft of the short special amending Act which I propose marked C.†

6. With reference to the proposed new Act (A), I may state that I have embodied the amendments previously submitted, though some of them have been

\* Not printed for obvious reasons.

† Submitted in duplicate. This has since been considered and passed as Act VI of 1882.



altered in terms to bring them into complete harmony with other parts of the Act. I have made provision in the Definition Chapter for an improved nomenclature and have inserted a definition of the city of Bombay, which I think should obviously be contained in the Act itself. I have endeavoured to make the Rating, Registration and Market Sections more consistent and complete, and to introduce method and facilitate reference by grouping together sections which treat of the same subject and which, I find, are now scattered about in different parts of the Act. For instance, I have suggested an alteration in the order of sections in the chapter relating to Assessment (Chapter IV), of the building and street sections in Chapter VI, of the sections relating to the prevention of Infectious Diseases in the same chapter, and of the sections which deal with Municipal constitution, the system of lodging and accounting for the Municipal Fund, and the application of the Fund. At present questions of constitution and account are mixed up together, and though there is a distinct chapter (Chapter V) entitled "Application of Municipal Property and Funds," sections which appropriately relate to that subject are found both in an earlier chapter which treats of the sources of the Fund and in a later chapter which is supposed to embrace the "General Provisions for carrying out the purposes of the Act," and in fact includes sundry sections which were omitted in the several chapters to which they should belong.

7. The last alterations to which I have drawn attention amount almost to a complete redrafting of Chapter II, and as they also affect Chapters III, IV, and V, I have, to prevent constant erasures in the body of the Act, inserted at the beginning of the Act a note showing how the several chapters would stand if my proposal be adopted.

8. I have no doubt that there are several other portions of the Act in which much might be gained by a more methodical and logical arrangement. For instance, the sections relating to sanitary matters seem unnecessarily detached. Both the Calcutta and Madras Municipal Acts seem to have been based upon ours, but the arrangement of the Madras Act is better than that of our present Act and the Calcutta Act exhibits a marked superiority to ours in one respect, *viz.* in the way in which the sections are printed. Long sections instead of being carried on in one continuous unbroken paragraph are broken up into clauses, so that the construction and legal effect of the section is comprehended much more easily. In several of the new sections which I have inserted I have endeavoured to follow this practice, but there are still many of the older sections which might also be broken up with advantage.

9. Appendix\* D.† gives a list of a few additional formal amendments which will be required in the new Act if the short draft Act C. be passed, as I propose it should be, before the new general Act. See for ins  
Section 202.

\* Submitted in Duplicate.

10. I believe that the proposed sections which I have inserted in Act A. with the marginal notes will explain themselves. I have not, as far as I am aware, introduced in any proposed section any constitutional or radical change. I have made a suggestion as regards the appointment of the Municipal Commissioner in order that Government may if they see fit consider the subject before a new Act is introduced. I write with deference and very possibly without complete knowledge of the circumstances, but I fail to comprehend why Government should be fettered as to the term of a Municipal Commissioner's appointment. If an officer in the Government service is appointed he is *ipso-facto* liable to transfer at the pleasure of Government and in any case the appointment can be made for any term which Government may deem proper to impose at the time of making it. But assuming that it is convenient to retain *legal* provision for limiting the *first* term of appointment to a period of three years, I do not see the object of making the provision applicable to a reappointment. The second point to which I draw attention is whether as the Act now stands the Municipal Commissioner can legally be a member of the Port Trust or of any Committee (outside his duties under the Municipal Act) to which Government may appoint him. The third point is whether there is any valid reason for continuing to impose upon the Municipal Commissioner a disqualification for being elected or appointed a member of the Corporation. My own opinion, and this I find was Mr. Pedder's

† This has since been considered and passed as Act VI of 1882.

also, is that the disqualification is not productive of any possible good and might be productive of harm. As a matter of courtesy and to facilitate public business the Commissioner usually attends the meetings of the Town Council and of the Corporation, and I am sure that if he abstained from doing so there would be great difficulty, if not a dead-lock, in the administration. For though the functions of the Town Council and of the Commissioner are legally distinct, they occasionally overlap and there must be mutual confidence for the system to work smoothly and efficiently. Another matter as to which I have made a marginal note is the appointment of the Secretary to the Town Council and Clerk to the Corporation. I cannot see any reason why the Corporation and the Town Council should be tied down to unite both these offices in one and the

\* See note containing extract from the remarks of the Town Council in introducing the Budget for 1882.

same person, nor do I think there are sufficient grounds for prohibiting the Secretary from holding any other office in the municipality. For instance, it might be convenient to appoint the Secretary an Assistant to the Municipal Commissioner and the Corporation might like to entrust the duties of their Clerk to a separate officer or, as in many cases in England, to the Municipal Solicitors. I think that as far as the Act is concerned there should be liberty of action.

11. I have in the new Act made complete provision for the change of official year as desired by the Government of India, and as a rule the new dates will bear to the old the same relation that the 1st April does to the 1st January. But in Sections 40, 41 and 70 there has been a slight change in order to allow of the bills for rates being ready for issue on the 1st April, the day on which they are due. Before they can be issued it is necessary that the rates should be fixed and applied and that the Assessment Book should be authenticated. The 31st March has been newly inserted in Section 83 as the date on which this authentication should take place. It should not be later, as otherwise bills will not be issued as soon as they are due, and it should not be earlier because the period for appeal to the Magistrate dates from the day in which the Assessment Book is authenticated and the appeal cannot be entertained unless the amount of the rate has been first paid, and it would not be reasonable to compel the payment of a rate before it is due. In Section 117 also there has been a deviation from the principle of the present Act so far as the submission of returns by Fire Insurance Companies is concerned. The Companies make up their accounts for the calendar year, so the 10th January is the date fixed instead of the 1st December which would correspond with the 1st September in the present Act. Corresponding changes have been made in the short amendment Act C. so far as they are needed to cover the requirements of the current year.

12. The position of the Corporation, the Town Council and the Municipal Commissioner respectively is defined in Sections 4 and 62. Section 19 and Sections 42 and 43 of the existing Act corresponding with Sections 5, 66, 25, 47

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\* "Statement 3, Town Council and Corporation—The pay of the Secretary to the Town Council and the Clerk to the Corporation is entered at Rs. 700 per mensem, the maximum allowed by the Acts, but as the Corporation have proposed that the Acts should be altered so as to allow of a personal allowance being granted to the Secretary and Clerk bringing his emoluments up to Rs. 1,200 per mensem as the maximum, the salary which for some years past has been drawn by the Secretary to the Calcutta Municipality, it will be seen that provision is made for the payment of Rs. 1,000 per mensem to the Secretary and Clerk for 1882, the increase to take effect from such time as the passing of the amended Municipal Acts may permit of the disbursement being made. Provision has also been made in the Budget for the Commissioner's office for a monthly expenditure of Rs. 300 as salary for the performance of such duties as the Commissioner may assign to the officer nominated to assist him. The Commissioner has pointed out that he stands greatly in need of assistance in the discharge of the routine duties of his office if he is to give to the more important duties the time and attention which they deserve, and in this view the Council entirely concur. It has, however, been suggested by a member of the Council that the same object may be attained with a saving in expenditure, and an advantage in the despatch of business if the Acts be so amended as to admit of the appointment of one officer who should both be Deputy Commissioner and Secretary to the Town Council, and the present Municipal Commissioner has expressed his preference for the arrangement over any other course, both on general grounds of efficiency and on the special grounds of Mr. Barrow's personal qualifications. If the alterations in the Act permit of the Secretary's performing such duties in addition to his own, the extra sum entered in the Commissioner's Budget will not be required. It would still be open to the Corporation to appoint any member belonging to, or outside, the Municipal establishment as their Clerk, on such salary or allowance as they may deem fit."

and 48 of the Draft Act. The position is exhibited perhaps more clearly, though in no way changed, when the order of these sections is altered as shown by me in the introductory note to the Draft Act. In the Corporation is vested all municipal property of every kind. The Town Council is charged "with securing the due administration of the Municipal Fund," and in the Municipal Commissioner "is vested the entire executive power and responsibility for the purposes of the Act." But though the general principles of the constitution are thus laid down without qualification there is no consistent adherence to them. For instance, in some of the sections (and not necessarily the most important ones) relating to building, sanitary and burial regulations a reference\* is made to the Town Council though no financial consideration may be involved and on the other hand the Commissioner has enjoyed unlimited power as to the investment, transfer or withdrawal of Loan Funds. In fact the Act gives unmistakeable evidence of not knowing its own mind and this probably may be the result of different parts having been drafted at different times by different people and of its never having been carefully revised as a whole. The diversity of nomenclature employed corroborates this view.

13. My endeavour has been to make the Draft Act self-consistent and comprehensive, but as Government have now desired me to state whether in my opinion any changes could with advantage be made in the constitution, I need have no hesitation in saying that I doubt whether it would be ever possible to lay down a hard-and-fast line between Financial and Executive control. I should be inclined to effect a fusion of Financial and Executive functions and to give the Town Council a direct share in the latter. There are many matters in which it would be of great assistance to the Commissioner to obtain the opinion of the Council. Their co-operation in questions of assessment would be especially valuable. I would in fact, without prejudice to the rights of the Corporation, put the Town Council for purposes of general administration in much the same position as the Port Trust Board now occupies with regard to the administration of Bombay Act VI. of 1879. The Commissioner should be the chairman on terms similar to those on which the chairman of the Port Trust exercises his duties. I might express myself equally well by saying that the chairman should be Commissioner, only that I mean to convey that as in the Port Trust, a *full time* chairman is required who would be invested with power of controlling the executive staff and for superintending the current work of the administration when the Board is not sitting. I believe this procedure would be more analogous to that of the Calcutta and Madras Municipalities, but though I would have the Commissioner chairman of the Town Council and *ex-officio* chairman of all Committees, I do not contemplate that as in Calcutta and Madras he should be chairman of the Corporation. In fact he should, though a member of the Corporation, be expressly disqualified from being chairman, for the position of the chairman of the Corporation is that of speaker of the assembly, and he should be elected as at present by the members perfectly independently in order that the proceedings of the Executive body may be freely and openly discussed. By the arrangement proposed the members of the Town Council would be admitted to a more direct and complete share in the administration and the anomalies of the present system would be removed. Provision might be made for reserving to the Commissioner or Chairman sufficient independence to enable him to take immediate action in cases where this is likely to be necessary, also for conducting business on emergency by circulation of papers. In thus briefly indicating a modification of the present constitution I trust that having regard to the terms of the Resolution of Government, I may not be thought to have exceeded my province.

14. I forward as an accompaniment, marked E. to my letter, a complete copy of the amendments proposed by the Corporation. Each and all of these amendments have already been submitted by me to Government and commented on in my two previous letters, but it may be convenient that they should be available for reference as a whole, complete in themselves, and without comment. I wish it to be understood that in numbering new Sections 100A, 100B, &c. I have done

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\* Government will remember the frequent cases in which one of the Burial Sections has been inoperative owing to the interpolation of the words "with the sanction of the Town Council" and the great inconvenience which has resulted therefrom.

so in order to avoid needless disturbance of the numbering of the sections in the Draft Act as prepared by the Legal Remembrancer and to prevent possible mistakes in cross reference. I assume that a continuous system of numbering will be substituted when the Act is before the Legislative Council.

I have the honor to be,

Sir,

Your most obedient Servant,

E. C. K. OLLIVANT,

Municipal Commissioner.

#### ACCOMPANIMENT—E.

REFERRED TO IN PARA 14 OF LETTER FROM THE MUNICIPAL COMMISSIONER FOR THE CITY OF BOMBAY, No. 4360, DATED 29TH MAY 1882.

##### *Proposed Amendments.*

*Section 6.*—There shall be fresh general elections and a fresh general appointment by Government of members of the Corporation every *three* years.

The first general elections and appointment shall be made to have effect from [the 1st January 1879] and the said elections and appointment, and all subsequent general elections and appointments of members shall be for a term of *three* years beginning on the 1st of January in one year and terminating on the 31st December in the *third* year, both days inclusive.

At the expiration of such term, the persons who are then members of the Corporation shall cease to be members thereof unless they have been re-elected or re-appointed members for the next ensuing term.

*Section 8, Clause (d).*—Notwithstanding anything contained in Section 5, no person shall be qualified to be elected or appointed or to be a member of the Corporation during such time as he has directly or indirectly any share or interest in any contract or employment with, by or on behalf of the Corporation.

*Provided that this clause shall not include the occasional sale to the Corporation for a sum or sums not exceeding in the aggregate Rupees two thousand during the course of any one year, of any article or articles in which the vendor regularly trades.*

*Section 9.*—No vote shall be received at any election of members of the Corporation for any person whose name is not entered in the list then last published under Section 9D. and who is not otherwise qualified to be elected or appointed a member, under the provisions of Section 5, and who has not been nominated by one person entitled to vote at the said election, and whose nomination has not been seconded by another such person, nor unless such nomination is made in writing, signed by the proposer and seconder, and left at the office of the Municipal Commissioner at least *fourteen* days before the date fixed for the election.

The Municipal Commissioner shall publish a list of the names of the persons in respect of whom such nominations have been duly made, together with the names of the respective proposers and seconders, at least *ten* days before the date fixed for the election, in the *Bombay Government Gazette* and in such of the local daily newspapers as he shall deem fit.

*Section 9B.*—Votes at any Ratepayers' or Justices' election [or at any election by the Corporation as hereinafter provided of one or more members of the Town Council] shall be recorded, and the said elections shall be held and the results

thereof shall be declared in accordance with such rules as may from time to time be framed by Government in this behalf, the said rules not being inconsistent with this Act.

Provided that no vote shall be received at any ratepayers' election unless the name of the person tendering it has been duly entered in the list then last published under Section 9D, and unless he is otherwise qualified to tender such vote under the provisions of Section 9A.

*Section 9D.*—The Municipal Commissioner shall, during the first half of each year, commencing on the 1st January and ending on the 30th June, prepare a list of persons referred to in Sections 5 and 9, respectively, without references to the respective ages of the ratepayers therein mentioned.

*Section 9D., Clause 2.*—The list so prepared shall be published by affixing a printed copy thereof in some conspicuous place in or near the Commissioner's office and the Commissioner shall give notice of such publication in at least one English, one Maráthi and one Gujaráti local newspaper on or before the 10th July, and the said list shall be open to public inspection at all reasonable times of the day for *twenty days* after the publication of such notice, and printed copies thereof shall be kept at the Municipal office for sale to the public at such reasonable price as the Commissioner may determine.

*Section 14.*—No business shall be transacted at any meeting unless a quorum of members be present, that is to say, unless at least twenty members including the chairman be present at a quarterly meeting and unless at least twenty-five members including the chairman be present at a special general meeting; Provided always that if at any meeting of the Corporation *the number of members present shall at any time during such meeting be insufficient* to form a quorum, the chairman of the meeting whether he be the chairman of the Corporation or not; shall adjourn the meeting to some other day fixing such convenient time and place for the same as he shall think fit, and the business which would have been brought before and disposed of by the original meeting had there been a quorum present *throughout such meeting* shall be brought before and disposed of by *such adjourned meeting or further adjourned meeting, if necessary*, in the usual manner, whether there be a quorum of members present at such adjourned or further adjourned meeting or not.

*Section 20.*—Eight members of the said Town Council shall be elected by the members of (a) each new Corporation at their first quarterly meeting in the month of January in each *third* year, and four members of the said Town Council shall be nominated by Government within one week after such election. From the twelve members so appointed Government shall appoint the chairman of the Town Council.

*Section 21.*—The members of the Town Council shall hold office until such time as a new Council is appointed under the provisions of the last preceding section, unless they in the meantime cease to be members of the Corporation otherwise than by reason of the expiration of the term of *three* years for which they were elected or appointed members of the same; but if otherwise duly qualified they shall be eligible for re-appointment to the Town Council; and vacancies in the said Town Council or in the office of the chairman thereof, occasioned by the death, resignation or disqualification of any member, shall be filled up as they occur by Government or by the said Corporation, according as the member so dead, resigned or disqualified, was originally nominated or appointed by Government or elected by the said Corporation.

*Section 26.*—The Town Council shall appoint a Secretary who shall keep a record of all their proceedings, and shall perform such other duties as may be assigned to him by the Town Council or are appointed under this Act (a) and shall have access to all the records of the Corporation. The said Secretary shall receive out of the Municipal Fund a salary of Rupees five hundred monthly, which may be increased by the Town Council with the sanction of the Corporation to Rupees seven hundred monthly: *Provided always that it shall be lawful for*

the Town Council with the sanction of the Corporation to make in addition to the aforesaid salary of Rs. 700 the grant of a personal allowance not exceeding five hundred rupees monthly for long and approved service. The said Secretary shall (b) also be Clerk to the Corporation, but shall not hold any other appointment, and shall devote the whole of his time and attention to the duties of his office. He shall be removeable from office by the Town Council with the approval of the Corporation for misconduct or neglect or incapacity to perform his duty.

*Section 45.*—The Corporation shall also, subject to the confirmation of Government, appoint a proper person, being a legally qualified medical practitioner, to be called the Executive Officer of Health, who shall be appointed for a term of (a) five years and shall be eligible for re-appointment. Provided always that he shall be removeable for misconduct, neglect of or incapacity to perform his duty, by a vote of not less than two-thirds of the members present at a special general meeting of the Corporation. The Executive Officer of Health shall afford such advice to the Commissioner for the sanitary improvement of the city as his experience and observation may indicate and such assistance as may be necessary for carrying out such clauses of this Act as relate to the public health. The said officer shall be precluded from holding any other appointment or office and he shall not engage in professional practice [either gratuitously or] for gain. He shall receive from the Municipal Fund a salary, to be fixed by the Corporation, of not less than twelve or more than fifteen hundred rupees a month.

*Section 49.*—The Commissioner may from time to time appoint such Assistant Commissioners, Assessors, Collectors of Taxes, Accountants, Overseers, Inspectors, Clerks and subordinate officers and servants, under whatever designation as he shall think necessary and proper to assist in the execution of this Act, and may from time to time *suspend* or remove any such persons and appoint others in their place, and all persons appointed under this section shall be subject to such rules as may by the Commissioner from time to time be made by virtue of this Act; and he may within the limits of the Budget assignment for the year, pay such allowances to the said persons respectively as the Town Council shall think reasonable or in case of absence on leave such portion thereof as is hereinafter provided: Provided that no officer or servant shall be removed from any office the aggregate monthly salary of which exceeds 300 rupees without the sanction of the Town Council and that no new office the aggregate monthly salary of which exceeds 300 rupees shall be created without the sanction of the Town Council.

*Section 53.*—No person shall be qualified to be appointed or to be Municipal Commissioner or an officer or servant of the Corporation, during such time as he shall have, directly or indirectly, any share or interest in any contract or employment by or on behalf of the Corporation.

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• But the disqualification and penalty prescribed by this section, and the disqualification prescribed by Section 8, clause D, shall not be deemed to apply by reason only of a person having

(a) A share in any Joint Stock Company which shall contract with or be employed by or on behalf of the Corporation, or

(b) A share or interest in any newspaper in which any advertisement relating to the affairs of the Corporation may be inserted,

(c) Or who has dealings with the Corporation specified in Section 8, clause D.

*Section 55.*—All contracts above one hundred rupees entered into by the Municipal Commissioner on behalf of the Corporation shall be reported to the Town Council within one week after the same respectively are made, and all such of the said contracts as relate to the execution of any work or the furnishing of any materials, *exclusive of those made verbally under clause 3 of Section 54, and if for more than five hundred rupees*, shall be in writing and shall specify the work to be done and the materials to be furnished, and the price to be paid for the same, and the time or times within which the work is to be completed, and the penalties to be suffered in case of the non-performance thereof.

*Section 57.*—The Municipal Commissioner, with the sanction of the Town Council, may compound with any contractor or other persons in respect of any penalty incurred by reason of the non-performance of any contract entered into as aforesaid, whether such penalty be mentioned in any such contract or in the bond, or otherwise, for such sums of money or other recompense as to the Town Council may seem proper.

*The Commissioner, with the sanction of the Town Council, may dispose of moveable property belonging to the Corporation not exceeding in each case the value of Rupees one thousand.*

*Section 69.*—The following annual rates shall be levied upon houses, buildings and lands in the said city, and shall be called “Property Rates” (namely):—

(1) A consolidated rate of not less than *seven* per centum nor more than twelve per centum of their annual value,

(a) for the general purposes of this Act, and

(b) for the expenses of the Police of the city and of the maintenance of a Fire Brigade and other expenses in connection with the protection of the city from fire, and

(c) towards providing for the expense of lighting the public streets with gas or by other suitable means.

(2) A water rate of so many per centum of their annual value as may appear to the Corporation, after consideration of the estimates of the Commissioner, sufficient to provide for the maintenance, repairs, extension, improvement, and other expenses connected with the Vehar water works as hereinafter provided or for any other water works hereafter constructed with the consent of Government, and as may be sanctioned by Government.

(3) A halalkhor rate of so many per centum, not exceeding three, of their annual value, as may appear to the Corporation, after consideration of the estimates of the Commissioner, *sufficient to provide for the expenses incident to the performance by the Commissioner, through his agents, of the duties usually performed by halalkhors and for the maintenance, repairs, and other expenses connected with the drainage works of the city.*

*And from and after the date of such notice no private halalkhors shall be employed on the property or within the district to which the said notice applies without the express permission in writing of the Commissioner;*

Provided:—

(1) That the said water rate shall be charged only in respect of property into which water is actually conducted or used.

(2) *That the said halalkhor rate shall be charged only in respect of property in which the Commissioner has given notice of his intention to have the duties of halalkhors performed by his agents or in which there is any privy or water closet connected by drain or sewer with the said drainage works or any part thereof.*

(3) That for the purposes of the said water rate the words “houses, buildings, and land” shall be deemed to include all wharves and other structures, and all works and places whatsoever, into which water shall be conducted.

*Illustration—A is a house in which a water pipe has been laid on and water has been, or is available for use. In this case the owner or occupier of A must pay the water rate, whether or not he has actually used the water.*

(4) That not more than seven rupees nor less than four annas per mensem shall be leviable on account of the said halalkhor rate in respect of any one house or building, or portion of a house or building let or occupied as a separate tenement, or of any one separate holding of land.

*Section 70.*—The estimated gross annual rent at which houses, buildings and lands liable to the rates aforesaid might reasonably be expected to let from year to year after deducting from such rent ten per cent. in lieu of all allowances for repairs, as also after deducting the percentage which may at any time be chargeable in respect of the Police and lighting rates as aforesaid, shall for the purposes of the

said rates be held and deemed to be the annual value of such houses, buildings and lands. The value of a house or building so estimated shall not include the value of any machinery contained therein.

*Section 70A (b).*—The said rates shall, *save as hereinafter provided*, be leviable from the actual occupier of the house, building or land upon which they are assessed if the said occupier be himself the landlord of such house, building or land, or if he hold the same immediately from Government. In any other case the said rates shall be leviable from the immediate landlord of the actual occupier or when the property is unoccupied, from the person who would be the immediate landlord of the occupier if it were occupied.

*In the cases of land let on building lease and on which buildings have been erected the said rates shall be leviable both from the lessor and from the lessee in manner following, that is to say:—*

*(a) In cases where the gross estimated rent under Section 70 of these Acts exceeds the amount of the rent reserved by the lease, the lessor shall be assessed for the actual amount of the rent reserved to him by the lease, without any deduction being allowed to him for repairs and the police and lighting rates as aforesaid, and the lessee for the amount of the balance left after the deduction provided for by Section 70 from the estimated gross rent under Section 70; and*

*(b) In cases where the estimated gross rent under Section 70 does not exceed the amount of the rent reserved, the lessor alone shall be assessed for the amount of the rent reserved in the lease after the deduction provided for by Section 70.*

*The said rates shall, subject to the payment of Government revenue, be a first charge, to the exclusion of all other claims on the property upon which the same are assessed, in the hands of any person acquiring such property by purchase, mortgage, gift, inheritance or otherwise, and all arrears of rates due in respect of the property at the date of its acquisition by such person, shall be leviable from such person in the manner hereinafter provided in Sections 126 and 135.*

*Section 74, Clause 1.*—In order to enable the Commissioner to arrive at a fair valuation or measurement of any houses, buildings or lands liable to the said rates, it shall be lawful for the Commissioner to require *the owner or occupier of any portion* of such houses, buildings or lands, to furnish him with the *return and information*, orally or in writing, *regarding the name and age of such owner or occupier* and regarding the measurement, rent or annual value thereof or of any portion thereof, and for the like purposes it shall be lawful for the Commissioner or any person or persons appointed by him for that purpose at any time between *sunrise and sunset* to enter and inspect and measure such houses, buildings or lands, after having given forty-eight hours' previous notice in writing of his intention to the occupier or occupiers thereof.

*Clause 2.*—Whoever refuses or fails to furnish *the return or the information* specified in the preceding clause for the space of one week from the day on which he shall have been required to do so, shall be liable on conviction before a Magistrate to the penalty provided in Section 176 of the Indian Penal Code for omitting to furnish information required by law; and whoever knowingly *furnishes false information to the Commissioner regarding the matters specified* in the preceding clause, shall be liable on conviction before a Magistrate to the penalty provided in Section 177 of the aforesaid Code for furnishing false information to any public servant, and whoever hinders, obstructs or prevents the Commissioner or any person appointed by him as aforesaid, from entering or inspecting or measuring any such houses, buildings or lands, shall be liable, on conviction before a Magistrate, to the penalty provided in Section 186 of the said Code for obstructing a public servant in the discharge of his public functions.

*Section 79.*—The Commissioner shall, at the time and in the manner in the preceding section mentioned, give public notice of a day, not being less than fifteen days from the publication of such notice, when he will proceed to revise the said valuations or measurement and assessment, and in all cases in which any property is for the first time assessed, or in which the valuation or measurement of any property previously assessed is increased, shall give special notice thereof to the owners or occupiers of such property. All complaints against such valuation or measure-



ment and assessment shall be made to the Commissioner by application in writing, left at his office three days before the date fixed in the said public notice for the revising of the said valuation or measurement and assessment and upon hearing such complaints, the Commissioner shall make such amendments, if any, in the said assessment and in the Assessment Book as he shall think proper.

*The Commissioner shall give notice in writing to every person who has complained against such valuation or assessment of a day to be specified in such notice when his complaint will be investigated and if such person shall fail to attend and support his objection on the day so specified, or within thirty days thereafter, the Commissioner may disallow such objection and confirm the valuation.*

**Section 81.**—Provided always that the Commissioner upon the representation of parties or other information, may at any time amend the Assessment Book by inserting therein the name of any person whose name ought to be so inserted, or any property liable to the rates previously omitted or by striking out the name of any person or any property not liable to the rates, or by increasing, or by reducing the amount of the rates and in all cases in which any property is inserted *under the provisions of this Section*, as liable to the rates; the amendment shall be considered to have been made at the time when the person interested first received notice thereof

**Section 82, Clause 1.**—When any house, building or land or any portion of a house let as a separate tenement, or for lodgings or godowns as described in Section 76 of this Act, shall have been vacant for sixty consecutive days, the Commissioner shall refund two-thirds of the amount of consolidated rate leviable under Section 69 of this Act, for the number of days the said house, building or land or portion of a house may have remained unoccupied; and if such house, building or land, or portion of a house, shall have been vacant for thirty consecutive days, the Commissioner shall refund the amount of the water rate and halálkhor rate for the number of days the said house, building, or land, or portion of a house may have remained unoccupied.

Provided:—

(1). That the person liable to the payment of the said rates, or his agent shall have given notice in writing of the vacancy to the Commissioner and that the amount of rate to be refunded shall be calculated from the date of the delivery of such notice.

(2). That in the case of the water rate application shall have been made to sever the connection.

(3). That in the case of the halálkhor rate no portion of the said rate shall be refunded on account of part of a house having been vacant in any case in which three per centum of the value of the occupied part of the house calculated for the number of days during which such partial vacancy continued, amounts to or exceeds the maximum of seven rupees per mensem fixed by Section 69 of this Act, and that in no case shall any refund of halálkhor rate on account of a partial vacancy exceed the amount of difference between three per centum of the value of the occupied part, calculated as aforesaid, and the said maximum of seven rupees per mensem.

(4). That no refund of consolidated rate shall be admissible in any case in which a remission has already been allowed under Clause 2 of the said Section 76.

**Proviso to Section 114.**—Provided that no such duty shall be leviable upon any article imported by or on behalf of Government, or by any contractor or other person for the *bona fide* purpose of fulfilling any contract with Government, when such article is covered by a certificate from any Government officer duly empowered by Government to issue such certificate, certifying that it is for any of the above reasons exempt from such duty.

*And provided also that when any article which has paid duty on import has been purchased for exportation by or on behalf of Government, a refund of such duty shall be payable on the certificate of a Government officer duly empowered to issue such certificate, certifying the description and weight of the goods, and certifying that the same has been or are about to be bona fide exported for the purposes of Government.*

*Section 117.*—The officers appointed under the preceding section to levy or refund town duties shall have the same powers for collecting and enforcing payment and in the granting of refunds of the said duties as are exercised by the Commissioner of Customs of Bombay and his subordinate officers in respect of customs duties, and shall have the same privileges and be subject to the same liabilities in respect of any thing done by them in collecting and enforcing payment and in granting refunds of town duties as the Commissioner of Customs and his subordinates have or are subject to under the provisions of any Act in force relating to the said Customs.

*Section 117, paragraph 2.*—And the law for the time being in force for the punishment of offences relating to the levy, payment or refund of duties of sea customs, and for the reward of informers, shall as far as may be apply to similar offences committed in respect of the said town duties.

*Section 127.*—Appeals against any rate or tax charged under the provisions of this Act shall be heard and determined by the Chief Presidency Magistrate. But no such appeal shall be proceeded with to a hearing unless the amount of the rate or tax has been deposited with the Commissioner and unless complaint has been previously made to the Commissioner as hereinafter provided.

*Section 128.*—Every such appeal shall be commenced within ten days after the accrual of the cause of complaint, which shall in respect of any rate be deemed to accrue on the date of the certificate of the Commissioner in the assessment book, or in case of any subsequent amendment of the said book under the provisions of Section 81 of this Act, upon the receipt by the person aggrieved of notice of such amendment. And in respect of any tax the cause of complaint shall be deemed to accrue upon the presentation to the person aggrieved of a bill for the sum claimed from him. And in respect of any immediate payment claimed under Section 133, the cause of complaint where no certificate of assessment has been made and no bill has been presented, shall be deemed to accrue upon the declaration made by the Commissioner under that section.

*Section 134.*—If the sum due on account of any property-rate remains unpaid after the bill for the same has been duly presented to the person liable to pay the same, and the said person be not the occupier for the time being of the house, building, or land in respect of which such rate is due, the Commissioner may demand the amount from the occupier, and on non-payment thereof may recover the same by distress and sale of any goods and chattels found on the premises.

In any such case the occupier may deduct from the next and following payments of his rent the amount which may be so paid by or recovered from him.

Provided always that no arrear of rate shall be recovered from any such occupier which has remained due for more than one year, or which is due in respect of any term for which he has not been in occupation.

*Provided also that where a house, building or land has more than one occupier, each of the occupiers may be called upon to pay the rates in proportion to his rent and such payment shall be acknowledged by the Commissioner either by a receipt or the usual bill.*

*Section 137.*—The purposes expressly authorised by this Act shall be held to include the objects connected with the public safety, health, instruction and convenience hereinafter specified \* \* \* \*

#### *Public Instruction.*

(1) Defraying such portion of the cost of providing public instruction within the limits of the city as the Corporation may think fit, after consideration of the representation of the Director of Public Instruction, by whom estimates shall be submitted annually to the Corporation through the Municipal Commissioner.

(2) Contribution towards the erection and maintenance of public libraries and museums.

(3) Maintenance of a zoological collection or of Zoological collections in the Victoria or other Municipal Gardens.

*Public Convenience.*

- (1). Construction, maintenance and alteration of streets, bridges, causeways, culverts and the like; regulation of buildings, naming streets and numbering houses, planting trees and removal of obstructions and projections;
- (2). Erection and maintenance of public halls, offices and police stations, lock-ups and other needful buildings;
- (3). Survey of houses and lands; [and]
- (4). *The construction of transport material and execution of all other kinds of work for Government when urgently required for the public service; and*
- (5). Generally to all objects connected with the public safety, health and convenience.

\* \* \* \* \*

*(Last clause).*—The payment of pensions or [compassionate allowance] gratuities to retired or discharged officers or servants of the Corporation and the payment of compassionate allowances to the widows or orphans of Municipal officers or servants dying while in the service of the Corporation, at such rates or subject to such rules as may from time to time be sanctioned by the Corporation, shall also be deemed to be a purpose expressly authorised by this Act.

*Section 138 (b).*—The annual expenses of the Police of the city of Bombay shall be from time to time determined by Government and three-fourths of the amount so determined shall on the requirement of Government be paid out of the Municipal Fund.

*Section 139.*—It shall be lawful for the Town Council to deposit at interest with the Bank which is now or may hereafter be appointed to conduct the business of Her Majesty's Treasury at Bombay any surplus funds in their hands which may not be required for current charges and to invest such funds in Government securities, in the names of the Chairman of the Town Council and the Municipal Commissioner for the time being, or to deposit such funds at interest with the Bank of Bombay, or invest the said fund either in Bombay Municipal Loan securities or Port Trust Bonds, and from time to time to dispose of such securities or funds as may be necessary.

*Section 156.*—The Commissioner may, with the sanction of the Town Council, agree with the owners of any land for the absolute purchase thereof for the purpose of laying out and making new streets, or of widening, enlarging, or otherwise improving any of the public streets or for any purpose whatever connected with the conservancy or general improvement of the city.

*Provided that whenever any land unoccupied by any building projects into a public street, beyond the line which may be laid down by the Commissioner as the future regular line of such street, the Commissioner may, with the consent of the Town Council, after giving to the owner of such land seven days' notice of his intention so to do, take possession of the land so projecting beyond the line of the street as aforesaid and such land shall thenceforth be deemed part of the public street and be vested in the Corporation; and the Corporation shall, after possession has been so taken, make full compensation for the same to the owner of such land, and if any dispute shall arise touching the amount of such compensation, the same shall be ascertained in manner hereinafter provided.*

*Section 163.*—When any house or building [any part of] which projects beyond the line which may be laid down by the Executive Engineer, with the consent of the Municipal Commissioner and of the Town Council, as the future regular line of the public street in which such house or building is situated, has either entirely or in part, been taken down, whether by order of the Municipal Commissioner under Section 200 of this Act or otherwise, or has been burned down or has fallen down, the Commissioner may, with the consent of the Town Council, whenever any portion of such house or building which projects beyond the

*improvement line is to be rebuilt, or altered or repaired, or added to, require the same, when being so rebuilt, altered or repaired or added to, to be set back to or towards the line of the street, or the line of the adjoining houses or buildings, and the portion of land added to the street by so setting back the house or building shall thenceforth be deemed part of the public street, and be vested in the Corporation : Provided always that the Corporation, after possession of the ground has been taken, shall make full compensation to the owner of any such house or building for any damage he may thereby sustain, and if any dispute shall arise touching the amount of such compensation, the same shall be ascertained and determined in the manner hereinafter provided. When the Commissioner gives a notice to pull down a ruinous house, he shall not be entitled to claim a set-back unless he gives a subsequent notice within fourteen days of the first notice that he requires a set-back to be made in the said house.*

**Section 165.**—Before beginning to build a new house or rebuild, or make any alteration to an old house involving the removal or re-erection, entirely or in greater part, of any of the main walls of the same, the person intending so to build, rebuild or alter such house shall give to the Commissioner notice thereof in writing, stating where such building is intended to be erected, or to what extent the same is to be rebuilt or altered, and shall if required so to do by the Commissioner furnish him with a plan showing the levels at which the foundation and lowest floor of such house are proposed to be laid, by reference to some level ascertained under the direction of the Commissioner, and the intended situation and construction of the privies to be used in connection with such house, and a statement in writing showing the means of draining the building and land, the proposed means of ventilation, the height of the building, the number and height of the floors, the materials to be used, and the thickness of the walls and roof.

**Section 166.**—If within thirty days from delivery at the office of the Municipal Commissioner of the notice required by the preceding section the Commissioner shall not signify his disapproval of the proposed building or rebuilding or alteration, or shall not require a plan and statement as aforesaid or further particulars as to any proposed rebuilding, the person may proceed with the building or re-building or alteration of his house. If the Commissioner shall require a plan and statement as aforesaid, the Commissioner may within thirty days after receiving the plan and statement as aforesaid signify his disapproval of the proposed levels or privies or any other matters required to be mentioned in the statements referred to in the last preceding section and may fix other levels and privies in lieu thereof, and may require the ventilation, drainage, height of floors, materials and thickness of the walls and roof to be altered, in accordance with any by-law made under the provisions of this Act and he may require the said house to be set back or forward for the improvement of the street as he may think fit. If the Commissioner shall require further particulars as to any rebuilding the same shall be furnished by the person intending to rebuild before the rebuilding is proceeded with.

*When any house is set-back under this section, the portion of land added to the street by so setting back the house shall thenceforth be deemed part of the public street, and be vested in the Corporation, and the Corporation shall after taking possession of the land, make full compensation for the same to the owner of such house, and in the event of dispute regarding the amount of such compensation the same shall be ascertained in manner hereinafter provided.*

**Section 185.**—All drains, privies, cesspools and house gullies shall be under the control of the Commissioner\**but only for purposes of the Municipal services required by the owner or occupier of such drains, privies, cesspools and house gullies*; and if the owner thereof, or the owner of the house or land to which the same belong, or for the use of which they are constructed or continued, shall fail to alter, cover, pave, pitch, drain, trap, ventilate, repair, clean, or remove any encroachment from, or otherwise keep the same in such order as shall by the Commissioner, after consulting the Health Officer, be deemed necessary, he shall be liable to a penalty not exceeding fifty rupees and to a further penalty not exceeding five rupees for every day after conviction during which such offence is continued.

*Section 203.*—Whoever displaces, takes up or makes any alteration in the pavement, gutters, flags or other materials or in the fences or posts of any public street without the consent in writing of the Commissioner or Executive Engineer, or without other lawful authority, or having displaced, taken up or made any alteration in any such pavement, flags or other materials or in the fences, walls or posts of any street, with such consent as aforesaid, or with other lawful authority, shall, after notice in this behalf by the Commissioner or Executive Engineer, fail to replace or restore the same to the satisfaction of the Commissioner or Executive Engineer, shall be punished with fine which may extend to fifty rupees and every such person as aforesaid shall be liable to a further penalty not exceeding rupees ten for each day after such notice during which default shall be made in so replacing and restoring the same as aforesaid, and it shall be lawful for the Commissioner, if he shall think fit, *without any such notice as aforesaid* to restore any such street and the person *who has displaced or altered the pavement, gutters, flags or other materials, or the fences, walls or posts of such street, shall bear and pay all expense which may be incurred in restoring the same.*

*Section 225.*—The owner or occupier of every place or portion of a place within the city used by such owner or occupier in the exercise of his trade for any of the purposes specified in schedule H to this Act annexed, or of any place or portion of a place within the city which is used for any purposes which in the opinion of the Commissioner is or may be a nuisance or dangerous to life or health or property, shall once in every year obtain from the Commissioner a license for the use of such place or portion of a place for any of the purposes aforesaid, and the Commissioner may grant, withhold, cancel, revoke or suspend such license, showing cause always for such withholding, cancelling, revoking or suspension. And whoever without such license uses any such place or portion of a place for any of the purposes aforesaid shall be liable to a penalty not exceeding rupees one thousand and a further penalty not exceeding one hundred rupees for every day after conviction during which the offence is continued.

*Section 226.*—The owner or occupier of every place within the city used by or for horses, buffaloes or other animals which are let out on hire or kept for sale or the produce of which is made an article of trade shall once in the first quarter of every year obtain from the Commissioner a license for the same, and the Commissioner may grant, withhold, suspend, revoke or cancel such license, showing cause always for such withholding, cancelling, revoking or suspension, and whoever without such license uses any such place or permits the same to be used for such purposes shall be liable to a penalty not exceeding rupees five hundred and to a further penalty not exceeding rupees fifty for every day after conviction during which the offence is continued.

*New section to follow Section 229: the Commissioner may by public notice prohibit the washing of clothes by dhobis in the exercise of their calling at any place which is in his opinion unfit for that purpose and any person who shall after the publication of notice of such prohibition wash clothes at such place, except for his or for her own use or for the private use of the owner or occupier of such place shall be liable on conviction to a penalty not exceeding rupees fifty and to a further penalty not exceeding rupees ten for every day after conviction on which the offence is committed.*

*Section 233A (New).*—No person shall without the written permission of the Commissioner, bring within the limits of the city of Bombay any horned cattle, sheep, goat or pig intended for human food. And whoever brings such horned cattle, sheep, goat or pig, or causes the same to be brought within the said limits, contrary to the provisions of this section, shall be liable on conviction before a Magistrate to a fine not exceeding rupees one hundred for each offence. And the Magistrate may, in addition to the fine, order any such horned cattle, sheep, goat or pig to be sold, and the proceeds of sale shall in such case be credited to the municipal fund.

*Section 241.*—(a) No new private market for the sale of animals or commodities intended for human food shall, except with the sanction of the (b) Town Council be established within the city of Bombay, and if in the opinion of the Town Council any private market now or hereafter existing is in any respect, by construction or management unfit for the purposes of a market and the owner shall neglect after due notice, to render it so fit, he shall be liable to a penalty not

exceeding five hundred rupees and to a further penalty not exceeding ten rupees for every day during which after conviction the offence shall be continued and the same, with the sanction of the (c) Town Council and of the Government, may be purchased for a public purpose under Act X. of 1870, and when purchased the market shall be improved as required and declared a public market.

*Section 244.*—The Commissioner, or any person appointed by him for that purpose, may at all reasonable times enter into and inspect any place used for the sale, either wholesale or by retail or for the storing of articles intended for food, drink or medicine, and may examine any such articles which may be therein; and should it appear to the said Commissioner, Health Officer or other person aforesaid that such articles or any of them are unfit for food or drink or medicine, or are not what they are represented to be, he may seize the same; and if it appear to a Magistrate upon sufficient evidence, that the same are unfit for food, drink or medicine, or are not what they are represented to be, he shall order the same to be destroyed at the expense of the owner, or of the person in whose possession the same are found or to be so disposed of as to prevent their being again exposed for sale, or used for food, drink or medicine; and the owner thereof or the person in whose possession the same are found shall be liable to the penalty provided by Section 273 of the Indian Penal Code.

*Section 244 New Clause.*—*Provided that in the case of any meat, fish, vegetables, or other articles of a perishable nature which may have been seized as aforesaid, and which in the opinion of the Commissioner are unfit for food, the Commissioner may of his own motion, and without the order of a Magistrate, cause the same or any part thereof to be destroyed, but the destruction of any such perishable articles by order of the Commissioner as aforesaid shall not affect the liability of the owner thereof, or of the person in whose possession the same have been found to the infliction by a Magistrate of the penalty hereinbefore provided.*

*Section 256.*—Every Registrar of Births and Deaths or other person who may be appointed by the Commissioner for that purpose shall inform himself carefully of every birth and death which shall happen in his district after this Act comes into operation and shall learn and register as soon as conveniently may be after the event, without fee or reward, the particulars touching every such birth according to the form in Schedule G. to this Act annexed.

*Section 257.*—The parents or guardians of every child born in the city, or in the case of the death, illness, absence, or inability of the same, the occupier of the house in which such child shall have been born or some person present at or in attendance during the birth shall within one week next after the day of every such birth give information to the Registrar of the district or such other person as may be appointed by the Commissioner for the purpose of collecting such information, according to the best of his or her knowledge and belief of the several particulars hereby required to be known and registered touching the birth of such child.

*Section 258.*—Any person whose duty it shall be to give information to the Registrar or other person appointed by the Commissioner as provided in the preceding section who shall refuse or neglect to give such information within the above-mentioned time, shall be liable to a penalty not exceeding one hundred rupees for each offence.

*Section 259.*—Information of the several particulars required by Schedule I. to this Act annexed concerning the death of every person dying in the city shall be given in writing if the informant can write, otherwise orally, to the policeman or other person appointed to receive it at the place of burial, burning or exposure, as the case may be, by some one of the persons present at the death or in attendance in the last illness, or in case of disability or default of all such persons by the undertaker or other person conducting the funeral and every one of these may be required thus to give or cause to be given the information, and to attest its correctness to the best of his knowledge and belief by the signature of his name, designation and residence. Every policeman or other person whose duty it shall be to receive information at the funeral places concerning deaths shall truly register the same, and shall every morning render or cause to be rendered at the office of the Municipal Commissioner or other person appointed by the Commissioner to receive the same, the completed and signed register made by him during the preceding twenty-four hours. The Municipal Commissioner shall immediately on receiving all the reports of the preceding day embody the same

according to districts in English form in his register book, and reduce *the same* to such tabular forms as may be most useful for sanitary and other purposes. Any person who shall refuse or neglect to give any information which it is his duty to give under this section shall be liable to a penalty not exceeding one hundred rupees for each offence.

*Section 265.*—Any Military or Naval officer in command of bodies of military or naval men or of vessels of war, or officers of the Bombay Police or any master or person in charge of a merchant vessel shall if required, act as enumerators for the purpose of making such enumeration.

*Section 289.*—Except as hereinafter provided, in all cases when compensation, damages, costs, or expenses are by this Act directed to be paid, the amount and if necessary the appointment of the same in case of dispute, shall be ascertained and determined by the (a) Chief Presidency Magistrate.

*Provided that in every case in which the amount awarded by the Chief Presidency Magistrate exclusive of the costs of the inquiry shall exceed the sum of one thousand rupees, an appeal shall lie to the High Court of Judicature at Bombay against the decision of the said Magistrate.*

*Section 296.*—No person shall be liable to any fine or penalty under this Act for any offence made cognizable before a Magistrate unless the complaint respecting such offence shall have been made before a Magistrate within three months next after the commission of such offence, *save in respect of offences committed against the form of Section 76 of these Acts, in which case it shall be competent for the Magistrate to entertain the complaint within six months next after the commission of such offence.*

*Section 303.*—It shall be obligatory on the Corporation, and they are hereby required to set apart out of the rates and taxes collected under this Act such sums as may be necessary to keep up the Sinking Funds prescribed by Section 257 of Bombay Act II. of 1865, and to invest the said funds in Government paper as prescribed in that section, or in Bombay Municipal Loan securities or in Port Trust Bonds, or deposit the said funds at interest in the Bank of Bombay, with reference to any loan borrowed under the powers conferred on the Corporation of the Justices by Sections 253, 254, 255, 256, 257, and 258 of the said Act which shall not have been liquidated at the time this Act comes into operation.

#### SCHEDULE I.

*Foundries for casting metals ; machinery of every description erected or fixed in any place which in the opinion of the Municipal Commissioner is not adapted or suitable for working such machinery in; all machinery and prime movers which do not come under the provisions of the Boiler Inspection Act, and also of all places for the preparation or manufacture by boiling, melting, distilling, dyeing, dressing, drying, washing, cleansing, salting, curing, packing, pressing, tanning; or any other process or the storing for other than for private use of—*

Blood.	Gun Cotton.	Pottery.
Bones.	Gunpowder or Blasting powder.	Petroleum Oil.
Bricks.	Hides.	Paraffin Oil.
Candles.	Hoofs.	Rags.
Catgut.	Horns.	Rosin.
Chemical preparations.	Hair.	Rangoon or Burmah Oil.
Cloths in Indigo or other colors.	Kerosine Oil.	Bags.
Cotton refuse or seeds.	Lime.	Soap.
Dammer.	Matches for lighting.	Sulphur.
Drugs.	Manure.	Saltpetetre.
Dynamite.	Meat.	Spirits.
Fat.	Nitro-Glycerine.	Skins.
Fins.	Oil.	Tallow.
Fish.	Oilcloth.	Tiles.
Fireworks.	Offal.	Tar or Pitch.
Fulminate of Mercury.	Paper.	Turpentine.
		Wool.

THOMAS BLANEY, Chairman,  
Municipal Corporation.

No. 2446 of 1882

GENERAL DEPARTMENT.

*Bombay Castle, 30th June 1882.*

## MEMORANDUM.

The undersigned presents compliments to the Municipal Commissioner for the City of Bombay, and with reference to his memorandum is directed to state that Government consider it desirable that the proposed Municipal Bill as submitted by Mr. Ollivant and the existing Act should be printed in parallel columns, all new sections, alterations and additions being printed in the new Bill in italics, whilst all omissions in the present Act should be also printed in italics. Mr. Ollivant's notes can be either printed or entered by hand on the margin.

The undersigned is directed to request the Municipal Commissioner will be so good as to cause the Bill to be printed in the above manner under his own supervision. \* \* \* \* \*

J. MONTEATH,

Acting Under Secretary to Government.

No. 9288 of 1882.

*Municipal Commissioner's Office,**Bombay, 9th November 1882.*

## MEMORANDUM.

The Municipal Commissioner presents his compliments to the Secretary to Government, General Department, and with reference to Mr. Under Secretary Monteath's Memorandum No. 2446, dated 30th June 1882, has the honour to submit 12 printed copies of the Municipal Act showing in parallel columns the sections as they now are and as it is proposed to amend them.

2. \* \* \* \* \*

E. C. K. OLLIVANT,

Municipal Commissioner for the City of Bombay.

## NOTE.

This book has for obvious reasons not been printed here, but for the sake of ready reference the introductory note as well as the note at the end of the book is given below :—

*Introductory Note.*—The provisions of the Act relating to the Constitution, the Municipal Fund, and the mode of accounting for and applying the same, are scattered about, instead of being grouped with some attempt at methodical arrangement under the several heads to which they relate. In the re-arrangement which I have suggested, I have endeavoured to remedy this defect, so that any one desiring to know what is the Constitution, how is it organized, what are the powers vested in the Corporation, the Town Council, and Commissioner respectively, what does the Municipal Property and Fund comprise, how is it to be controlled, applied and accounted for, may find an answer readily without having to hunt all over the Act amongst sections relating to various details of administration. Any change from the existing law except as regards order of arrangement is shown in italics.

2. There seems to be a want of system in the employment of terms, thus we find in some sections "Municipal Commissioner" and "Executive Officer of



Health," in others "Commissioner" and "Health Officer." So also, according to the definitions in the Preliminary Chapter, "place" denotes either "house or land." "Land" includes all "houses" and "house" includes "all buildings and structures." But in the body of the Act these definitions seem to be forgotten; see amongst other sections, Sections 144, 164, 191, 195, 200, 209, 218, 220. Many other instances of inconsistency might be quoted. In the revised draft I have endeavoured to make the Act self-consistent both in its general scope and its terminology.

*Note at the end of the Blue Book.*

There is one portion of the Act, namely, the chapter entitled "General Conservancy," which still requires some re-arrangement. The chapter embraces water-supply, streets and buildings, drainage, general sanitary regulations, &c., &c. Now the provisions relating to each of these heads should, as far as possible, be complete in themselves, so that both the public who may be concerned to know what the law relating to each subject is, and the Executive Officers charged with administering it, may find their task easier than it is at present. For instance, under the head "Water Supply" we find some provisions which should be contained in the "Drainage" sections, and some of the concluding sections under the same head would be more appropriate among "General Sanitary Regulations." But the order can easily be altered after the contents of the several sections have been considered and finally approved, and my chief reason for not suggesting any general re-arrangement of this chapter in the present Draft is that for purposes of comparison it must be a great convenience to have existing and proposed sections side by side in the parallel columns, so that any new matter which has been inserted may be easily noticed and considered.

2. In the Draft now submitted I have almost entirely confined myself to the lines of the present Municipal Act, having regard to the amendments proposed by the Corporation, and to the necessity, shown by experience, of remedying certain omissions and inconsistencies. Where changes have been made an explanation will be found in the marginal notes, or in the letters which I have already addressed to Government on the subject. I have not felt myself at liberty to embody any 'Constitutional' changes in the Draft, but my views as to a possible extension of the functions of the Town Council have been indicated in my letter No. 4360, dated 29th May 1882, to which I respectfully solicit a reference.

E. C. K. OLLIVANT,

Municipal Commissioner for the City of Bombay.

No. 12531 of 1882-83.

From

THE MUNICIPAL COMMISSIONER FOR THE CITY OF BOMBAY,

To

THE SECRETARY TO GOVERNMENT,

General Department.

*Bombay, 14th February 1883.*

SIR,

I have the honour to state that at a meeting held on the 1st December last, for the consideration of the Municipal Budget for 1883-84, the Town Council having considered the item of water rate, unanimously expressed their concurrence in a proposal from me to the effect that the payment of water rate should be made compulsory on all properties situated within the range of the Vehar and Tulsi water supply and which could be supplied with such water.

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2. To give effect to this change it is necessary to make the following changes in the Draft Act which I a short time ago submitted for the consideration of Government :—

1 Draft Section 98 should be cancelled.

2 For the proviso (1) and the first line of proviso (2) to Draft Section 72 the following should be substituted :—

(1) That the said water rate shall be charged only in respect of property in which there is a connection with a public water main, or for which the Commissioner has ordered a connection to be made under the provisions of Section 149 of this Act, or in respect of property situate in some ward or portion of the City in which the Commissioner has given notice that water is available and can be supplied from a public water main ;

(2) That the said halalkhor rate shall be charged only in respect

3. For the two first paragraphs of Draft Section 151 the following should be constituted :—

Connections for the supply to any building or land of water from any of the water works belonging to the Corporation shall not be made, excepting on the written application of the owner or of any tenant of such building or land.

But it shall be lawful for the Commissioner on the advice of the Health Officer, by notice in writing, to require the owner of any land or building situate within the limits defined in the proviso (1) to Section 69 of this Act, to make a connection with a public water main adequate to the supply of a sufficient amount of water for the requirements of persons ordinarily occupying or employed on such land or building, and such owner shall within thirty days after the service of such notice make such connection, and in default thereof the Commissioner may make the same, and all expenses incurred by the Commissioner shall be paid by the owner.

I send herewith 12 printed copies of each of the proposed alterations, in order that the slips may be pasted in at pages 47 and 89 respectively of the Draft Act of which 12 copies were submitted by me.

I have, &c.,

E. C. K. OLLIVANT,

Municipal Commissioner.

NOTE.—The change above referred to was approved by the Corporation in the following Resolution :—

No. 3210 of 1882-83.

*Municipal Corporation Office,  
Bombay, 28th March 1882-83*

To

THE MUNICIPAL COMMISSIONER.

SIR,

I have the honour to inform you that at a Special General Meeting of the Municipal Corporation, held this day, the following Resolution was passed :—

That as recommended by the Town Council in their Resolution No. 2737, dated 19th January last, the Corporation adopt the proposed changes in Sections 69 and 149 of the Municipal Acts, with a view to Government in the Legislative Department being asked to alter the law as provided in the following clauses :—

*Section 69, Proviso.*

"(1). That the said water rate shall be charged only in respect of property in which there is a connection with a public water main, or for which the Commissioner has ordered a connection to be made under the provisions of Section 149 of this Act, or in respect of property situate in some ward or portion of the city in which the Commissioner has given notice that water is available and can be supplied from a public water main";

"(2). That the said halalkhor rate shall be charged only in respect of property situate in some ward or portion of the city in which the Commissioner has given notice of his intention to have the duties of halalkhor performed by his agents, &c., &c."

*Section 149.*

"Connections for the supply to any building or land of water from any of the water works belonging to the Corporation shall not be made, excepting on the written application of the owner, or of any tenant of such building or land."

"But it shall be lawful for the Commissioner on the advice of the Health Officer by notice in writing to require the owner of any land or building situate within the limits defined in the proviso (1) to Section 69 of this Act, to make a connection with a public water main adequate to the supply of a sufficient amount of water for the requirements of persons ordinarily occupying or employed on such land or building, and such owner shall within thirty days after the service of such notice make such connection, and in default thereof the Commissioner may make the same, and all expenses incurred by the Commissioner shall be paid by the owner."

I have, &c.,

H. W. BARROW,

Clerk, Municipal Corporation, and Secretary, Town Council.

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No. 2708 of 1883.

To

THE MUNICIPAL COMMISSIONER.

*Municipal Corporation Office,  
Bombay, 17th January 1883.*

SIR,

I have the honour to inform you that at an adjourned Special General Meeting of the Municipal Corporation held this day, the following Resolutions were passed :—

1. That a Committee of the Corporation, not exceeding six members, be appointed to consider and report, in conjunction with the Municipal Commissioner, what amendments in the existing Municipal Acts may, in the opinion of the Corporation, be desirable in connection with the new local self-government scheme.

2. That the following gentlemen form the Committee :—

Mr. Grattan Geary,  
 „ P. Peterson,  
 „ Javerilal Umiashankar Yajnik,  
 „ Rahimtula Mahomed Sayani,  
 „ Pherozesha Merwanji Mehta,  
 „ Nowrozji Furdoonji.

I have, &c.,

H. W. BARROW,

Clerk, Municipal Corporation, and Secretary, Town Council.

No. 1013 of 1884.

From

PHEROZESHAH M. MEHTA, Esq.,  
Chairman, Municipal Corporation,

To

THE HONOURABLE MR. J. B. RICHEY, C.S.I.,  
Acting Chief Secretary to Government,  
General Department.

Bombay, 10th October 1884.

Sir,

In continuance of my letter No. 1012, dated this day, and with reference to the subject of the extension of Local Self-Government in Bombay, I have now the honor to submit, for the consideration of Government in the Legislative Department, the views of the Corporation as to the amendments which may with advantage be made in the existing Municipal Acts (Bombay) III. of 1872 and IV. of 1878.

2. The amendments which the Corporation recommend are shown in the draft that is annexed hereto.

3. It will be observed that the Corporation addressed itself more particularly to the consideration of the three following points :—

(1) Whether it is desirable to alter to any material extent that portion of the existing Municipal law which relates to the constitution and function of the Corporation and the Town Council ; and,

(2) Whether the Municipal Commissioner should be appointed by Government as at present, or by the Corporation ;

(3) Whether it would be in the interests of the city that the Town Council should become the executive in supersession of, or in conjunction with, the Municipal Commissioner.

4. The conclusions at which they have arrived on these points are shown in the proposed amendments, and the reasons on which the Corporation beg to recommend their adoption are generally contained in the report of a Committee appointed by the Corporation to consider and report in conjunction with the Municipal Commissioner what amendments in the existing Municipal Acts may in the opinion of the Corporation be desirable in connection with the new Local Self-Government scheme. Copy of the said report is forwarded herewith.

5. With regard to the other amendments I am requested by the Corporation to submit them to Government, not as finally settled by them in every detail, but as offering a fair model on which the corresponding sections of a new bill may be framed.

I have the honor, &c.,  
PHEROZESHAH M. MEHTA,  
Chairman, Municipal Corporation.

*Report of the Committee appointed by the Municipal Corporation to consider and report, in conjunction with the Municipal Commissioner, what amendments in the Municipal Acts may, in the opinion of the Corporation, be desirable in connection with the new Local Self-Government scheme.*

Two Committees have been appointed by the Corporation on the subject ;

Mr. Grattan Geary.	one on the 17th January last as per margin,
" Javerilal Umiashankar Yájník.	and one on the 9th April, the members of
" Nowrozjee Furdoonjee.	which were Messrs. Grattan Geary, Bháishan-
☐ " P. Peterson.	kar Nanabhái, Dadabhái Navroji, Javerilál
" Pherozechah Merwanjee Mehta.	Umiáshankar Yajnik, Nowrozjee, Furdoonjee,
" Rahimtula Mahomed Sayani.	P. Peterson, Pherozechah Merwanjee Mehta,
and Rahimtula Mahomed Sayani.	

Seven meetings have been held by these Committees, the scope of whose inquiries has included the consideration of the following points :—

1. Whether it is desirable to alter, to any material extent, that portion of the existing Municipal law which relates to the constitution and functions of the Corporation and the Town Council ; and,

2. Whether the Municipal Commissioner should be appointed by Government, as at present, or by the Corporation ;

3. Whether it would be in the interests of the city that the Town Council should become the executive in supersession of, or in conjunction with, the Municipal Commissioner.

The conclusions at which the majority of the Committee have arrived on these points are as under :—

1. That, having regard to the increased population, the number of the members of the Corporation should be increased from 64 to 72, to be elected and appointed as follows—

Elected by Ratepayers	...	...	...	...	36
Do. the Justices...	...	...	...	...	24
Do. the Fellows of the University	...	...	...	...	2
Do. the Chamber of Commerce	...	...	...	...	2
Appointed by Government	...	...	...	...	8
					<u>72</u>

The Committee were induced to recommend these alterations in the existing system by the following considerations :—

Sixty-four members were assigned to the Corporation at a time when the population was 614,000, so that the proportion was one member to about 10,000 of the population. Now that the population has increased to 773,196, if the same proportion is to be preserved, the number of members must be increased, and seventy-two is the most convenient for purposes of apportionment. By giving half the total number of members to the Ratepayers as before, there remain 36 seats for distribution ; it seemed to the Committee to be in accordance with the principles of Self-Government that some of the seats hitherto filled by direct nomination by Government should be handed over to bodies capable of exercising the franchise. It is therefore recommended that the Chamber of Commerce should elect two members, and the Fellows of the University two, while the number returned by the Justices should be increased from 16 to 24. Inasmuch as the Bench of Justices is itself appointed by Government, it is believed that there will be no objection to 8 seats, hitherto directly at the disposal of Government, being now transferred to the Justices. The eight seats still reserved for Government will be a sufficient guarantee for the due representation of Government interests on the Corporation.

On the question of the mode of exercising the franchise, the Committee are of opinion that the right of voting at Ratepayers' Elections, and the qualification for membership of the Corporation, should be conceded, irrespective of the payment of rates and taxes, to all graduates of the University of Bombay, the other Indian Universities and the Universities of the United Kingdom, in all the different faculties of arts, law, medicine, and engineering, and to all barristers, advocates, solicitors, vakeels, and pleaders of the High Court. These voters should be required to vote in the ward in which they reside, having previously registered their names, as such voters, with the Municipal Commissioner. At every election the electors, whether Ratepayers, Justices of the Peace, Members of the Senate of the University, or of the Chamber of Commerce, should be entitled to vote for as many members as are to be returned by the electors. With a view to guard the interests of minorities, the Committee recommend that the cumulative system of voting, which has been tried with such success in the case of the School Board elections in England, should be adopted.

The elections by wards, as at present, should continue, but, either by clubbing wards or otherwise, the seats should be so distributed as roughly to give an equal number of representatives to an equal number of electors.

The following persons should be entitled to vote at Ratepayers' Elections, in right of rates and taxes paid by or for the companies or firms represented by such persons :—

- (a) Senior resident partners of mercantile firms, or in their absence, the legally constituted agents of such firms holding powers of attorney from the firms.
- (b) Managers or agents of all registered companies.
- (c) Agents or moonims of firms who are entitled to sue and liable to be sued in respect of the firms they represent.

Where a voter has a qualification as a Ratepayer in more wards than one, he should only have the right to vote in one ward, which he himself should be entitled to select, provided he gives notice to the Municipal Commissioner in sufficient time to allow of the necessary alteration in the list of persons qualified to be elected or appointed members of the Corporation, and of persons qualified to vote at Ratepayers' Elections, to be published by the Commissioner on or before the 10th\* of October in each year.

\* The Committee propose that for the future all elections shall be held in accordance with the draft Schedule shown below, or by By-Laws to be voted by the Corporation, and sanctioned by Government in accordance with the Rules issued from time to time by the Local Government.

The Committee gave considerable attention to the subject of the appeal in cases of disputed elections, and came to the conclusion that no alteration should be made in the present simple arrangement, under which the decision of the Chief Magistrate is final.

If the election of any one or more members is set aside, any person (duly qualified) should be eligible for nomination, seconding and election for and at the fresh election held, in place of the one set aside; and at the said fresh election all the Ratepayers and others entitled to vote in the ward where the election is held should be entitled to vote at the fresh election.

The list of Fellows of the University, of the members of the Chamber of Commerce, and of the others to whom it is proposed to extend the franchise should be prepared as shown in the draft sections.

As it appears desirable to make better provision in the case of continued absence on the part of members, it is proposed to amend the existing Section 8 (clause f) and to insert that clause as follows:—

*is absent from meetings of the Corporation for six months consecutively.*

Regarding the functions of the Corporation and the Town Council, and their respective powers of check and control, the Committee are of opinion that these powers should in no way be lessened.

A proposal has been made to the Committee, which if acted upon would entirely change the form of the executive authority. It was suggested that the Municipal Commissioner should be the Chairman of the Town Council, and that the Town Council should be the executive authority, each of the members sharing with the Commissioner the responsibility for all acts of executive authority. The Committee disapprove of this proposal, considering that unless there was an entire change of organization, the general body of the Council could not of itself actually carry on the administrative work of the city, which requires constant attention, great energy and special aptitude. At best the Council would only meet once or twice a week to discuss and sanction the Commissioner's actions; and in all cases where urgency was pleaded they would be obliged to agree to the action taken by him, and to share in the full responsibility for the same although they might disapprove of what had been done. Practically, he must still have sole executive authority; the Council's power would be only nominal.

The express purpose for which the Council exists is that of "securing the due administration of the Municipal Fund," and the Committee do not see how the Council could perform that function if they were bound by all the actions of the Commissioner.

The Committee do not concur, therefore, in this suggestion, nor are they of opinion that the Commissioner should be a member of the Council and entitled to vote as such.

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\*Note—It is absolutely impossible to correct the lists up to the night of the 30th September and get them printed off (say 200 foolscap pages) by the morning of the 1st October, as prescribed in the existing Acts.

As to the appointment of Chairman of the Council, the Committee think that he should be elected by the Council.

It has been suggested that the number of the Town Council should be increased to fifteen, but the majority of the Committee are of opinion that the number should be left at twelve.

Referring to the question of the Commissionership, for the reasons already stated, the Committee are of opinion that the Commissioner should continue to be the Executive Officer of the Corporation.

They are also of opinion that his appointment should continue to be made by Government.

With reference to the sections relating to contracts, the Committee recommend that ALL tenders for contracts for works or services, whether paid for out of ordinary revenue, from Loans or otherwise, involving an expenditure of Rs. 3,000 in the aggregate, or upwards, should be submitted to, and should receive the previous sanction of, the Council.

And that all contracts for farming or leasing rents, or tolls or any other sources of income that are farmed or leased, involving Rs. 3,000 per annum or upwards, should in the same way be subject to like previous sanction.

The Committee are indebted to Mr. Ollivant for copies of the draft amended Acts in the form in which he proposes that the new Act should be passed into law, and they have taken advantage of the courtesy thus afforded them, to adopt, for the greater part, the different sections relating to the constitution of the Corporation and the administration of the Municipal Fund as given below. As Mr. Ollivant very justly remarks, the provisions of the present Act, relating to the Constitution, the Municipal Fund, and "the mode of accounting for and applying the same, are scattered about, instead by being grouped with some attempt at methodical arrangement under the several heads to which they relate." And he adds:—"In the re-arrangement which I have suggested, I have endeavoured to remedy this defect, so that any one desiring to know, What is the Constitution, how is it organized, What are the powers vested in the Corporation, the Town Council and Commissioner respectively, What does the Municipal Property and Fund comprise, how is it to be controlled, applied and accounted for, may find an answer readily without having to hunt all over the Act amongst sections relating to various details of administration."

The Committee without binding themselves to every detail contained in the following draft, generally recommend its adoption, as a fair model on which an amended Act may be based.

The further amendments proposed by the Committee and the alterations made by them in Mr. Ollivant's text are shown, as far as practicable, within commas, thus " ".

GRATTAN GEARY,

Chairman of the Committee,

NAWROZJEE FURDOONJI,

JAVERILAL UMIASHANKAR YAJNIK,

PHEROZESHAH M. MEHTA,

BHAISHANKAR NANABHAI,

P. PETERSON,

RAHIMTULA M. SAYANI,

DADABHAI NAVROJEE.

MUNICIPAL OFFICE, 7th August 1883.

#### MINUTES.

wards

number of the report is good so far as it goes and has my approval, but there is

The foich, I think, has been omitted from it. I refer to the evident necessity of rates proposed extension of Local Self-Government in Bombay, of making such persons :- of the Town Council more of administrative or working bodies to be at present. This is the more necessary now, seeing that

This Committee has negatived the proposal to make the Town Council an executive body in supersession of, or in conjunction with, the Municipal Commissioner. The proposal I make, namely, the formation of permanent or standing Committees to watch the working of each department of Municipal Administration, is one which, I think, is deserving of the attention of the Corporation. Hitherto the Committees of the Town Council, like the Town Council itself, have been purely consultative bodies. They dispose of questions referred to them for their opinion. I suggest that the time has come when, for the purpose not only of "securing the due administration of the Municipal Fund," but of giving the members of the Municipal Corporation a larger share in the practical administration of Municipal affairs, there should be working Committees, each consisting of three or more members of the Town Council, or of the Corporation, as seems best, who should be entrusted with the duty of seeing that the administration of the Department with which the Committee is concerned is being carried on, as it should be, in conformity with Municipal Acts in force for the time being, and with existing rules for the conduct of administration. The control which such bodies would be able to exercise would be more by way of help to the Municipal Commissioner, and in no way in conflict with, or antagonistic to, his authority as the chief executive officer of the Municipality. I notice that the formation of such committees is enjoined under Section 23 of the present Municipal Act, and under Section 31 of Mr. Ollivant's draft. But both these sections are not, to my thinking, sufficiently comprehensive, and what is more, they do not provide for the remuneration of such standing Committees. I should propose four Committees:—(1) a Works Committee, which should concern itself with watching the work of the Engineering Department of the Municipality, and deal with questions relating to all Municipal works, present and prospective; (2) a Sanitary Committee, having the supervision of the Health Department and the consideration of all sanitary questions; (3) a Finance Committee, which should embrace the departments of Accounts, Revenue, and Finance; and (4) a Law Committee, charged with the consideration of all questions of law, and cases of litigation which now and then arise in course of administration. Each of these Committees will not only have the supervision of the work done in the department with which it is specially concerned, but will act as a consulting body to the Municipal Commissioner, the Town Council, and the Corporation, in respect of all matters affecting its department. The Municipal Commissioner is to be an *ex-officio* member of all such Committees, while the Secretary to the Town Council should act as their Secretary. It may be urged that there would not be found men ready and willing to devote their time and attention to the work of such Committees; but I do not think any difficulty need arise in this respect, having regard to the character and public spirit of the citizens of Bombay. Of course members of such Committees will be paid for attendance. Such remuneration would not, I think, be wasted or thrown away, if the results of the Committees' labours should be greater watchfulness over the details of each department, and greater efficiency of work done. If the Finance Committee, for instance, which has, as I propose, the charge of the departments of Accounts, Revenue, and Finance, should, by a stricter vigilance over such accounts and revenue, be the means of saving the Municipality from such heavy losses as that of Rs. 15,000 recently caused by the frauds of a clerk in Mr. Braham's department, and which the present system of Municipal audit has been unable to detect, the Committee would amply fulfil the objects of its existence. Again, as matters stand at present, members of the Corporation have felt it difficult to deal with proposals for sanctioning new works or extensions of works brought forward by the Municipal Commissioner. Such proposals are seldom accompanied by plans or detailed estimates of cost. Great urgency is pleaded in asking the Corporation to vote away large sums of money. The inevitable result of this loose system is, that in nine cases out of ten, the actual expenditure on works exceeds the estimates, and the Corporation is once more pressed to sanction the excess expenditure which, in many cases, is already incurred. The recent Police buildings may be cited as a notable case in point. Now, I believe it is of the essence of Local Self-Government, that no proposals for works costing large sums of money should be brought by the Commissioner before the Town Council, or by the Town Council before the Corporation, until they have undergone a thorough scrutiny from the Works Committee. This Committee should have before it all plans and estimates of cost of such proposed works, and no ac-



tion should, I think, be taken in respect of them until the proposals have been favourably reported upon by the Works Committee. The Municipal Commissioner cannot be expected to go into the detailed working of each department; but Committees such as I propose, would be so many real helps to him, to say nothing of the insight into the executive administration of the Municipality which this division of labour would give to the members. It will constitute a real education for them into the practical administration of a great department. The revenue of the Bombay Municipality are equal to those of a good-sized district in this Presidency, and the part taken by its members in their administration would be by the best preparation for them for higher administrative work. The Municipality of Bombay will thus, in a measure, fulfil the objects of the Viceroy's scheme of Local Self-Government in a manner which cannot fail to enhance the character and reputation of the city as *Prima in Indis*.

JAVERILA'L UMIASHANKAR YAJNIK.

Bombay, 14th August 1883.

I concur.

P. PETERSON.

I approve of the Report so far as it goes, but, for reasons specified in my minute, pages 5 and 6, dated 8th December 1877, transmitted to Government, Legislative Department, I would suggest to the Committee the advisability of recommending the repeal of the bludgeon clauses contained in Sections 40 and 41 of the Municipal Acts. These clauses strike at the root of Self-Government, which is proposed by the Viceroy to be introduced throughout India, and are highly derogatory to the Municipality of Bombay, whose motto is *Urbs prima in Indis*. The conduct and management of the affairs of the Corporation during the past decade will, I trust, convince Government that there are no grounds for want of confidence implied by these clauses. The account which I have given in my minute of the past administration of municipal affairs will show that there is no necessity whatever for perpetuating this objectionable menace.

NOWROZJEE FURDOONJEE.

16th August 1883.

### Draft Amendments.

Existing Sections.	Sections as approved by the Committee.
<p>II. MUNICIPAL CONSTITUTION.</p> <p>Eligible wards or number of persons. The following persons :-</p>	<p>II. MUNICIPAL CONSTITUTION.</p> <p>5. The Municipal Constitution shall consist of and comprise</p> <p>(a) The Municipal Corporation of the City of Bombay, which shall be a body corporate and have perpetual succession and a common seal, and have power to hold land, and by such name to sue and be sued;</p> <p>(b) The Town Council;</p> <p>(c) The Municipal Commissioner for the City of Bombay.</p> <p>6. The Corporation shall, except during the intervals between the death, resignation or disqualification of any member and the election or appointment of a successor, consist of "seventy-two" members of whom "thirty-six" shall be elected, as hereinafter provided, at a Rate-payers' election, "twenty-four" at a Justices' election, "two" by Fellows of the University of Bombay, "two" by the Bombay Chamber of Commerce," and the remaining "eight" shall be appointed by Government;</p>

Existing Sections.	Sections as approved by the Committee.
	<p><i>and the Municipal property and fund as hereinafter described shall be vested in the Corporation for the purpose of this Act.</i></p> <p>7. <i>For the purpose of securing the due administration of the Municipal Fund a Town Council shall be appointed, consisting of twelve members, of whom one shall be the Chairman, to be selected as hereinafter provided, from the general body of members of the Corporation.</i></p> <p>8. <i>The Commissioner shall be appointed by Government, but his first term of appointment shall not exceed three years, or be for a period less than one year, and he shall always be removable from office by Government for misconduct, or neglect of or incapacity to perform his duty, and he shall be so removed by Government on the votes of not less than forty-five members of the Corporation recorded at a Special General Meeting of the Corporation ;</i></p> <p><i>and the Commissioner shall be charged and invested with the entire executive power and responsibility for the purposes of this Act.</i></p> <p><i>He shall receive out of the Municipal Fund such allowances, not exceeding Rs. 2,500 a month or less than Rs. 2,000 a month, as shall from time to time be fixed by Government, and he shall not be permitted to hold any other appointment or to follow any other occupation and shall devote his whole time and attention to the duties of his office. Provided that nothing herein contained shall prevent him from being appointed a Trustee of the Port of Bombay under Bombay Act VI. of 1879, or from serving on any Committee to which he may be appointed by Government.</i></p> <p><i>He shall not be eligible to be a member of the Town Council or Corporation, but he shall have the same right of being present at all meetings of the Town Council or Corporation, and of taking part in the discussions thereat, as any member of the Town Council or Corporation, but he shall not be at liberty to vote upon or to move any resolution submitted to any such meeting.</i></p> <p>9. <i>The following persons shall, if they reside in the City and have attained the age of twenty-one years, be qualified to vote at Rate-payers' elections :—</i></p> <p>(a) <i>Rate-payers who have been assessed, according to the provisions hereinafter contained, to the consolidated rate, or to the tax leviable under section on vehicles and animals (other than vehicles and animals plying for hire or kept for the purpose of being let for hire) or to both, for the half-year commencing on the 1st April and ending on 30th September last preceding the date of the election, at a rate of not less, in the aggregate, than thirty rupees per annum ;</i></p>

Existing Sections.	Sections as approved by the Committee.
	<p>(b) "Senior resident partners of mercantile firms, or in their absence the legally constituted agents of such firms holding powers of attorney from such firms ;</p> <p>"Managers or agents of all registered companies, agents or moonims of firms who are entitled to sue and liable to be sued in respect of the firms they represent" ;</p> <p>"Provided that such firms or companies are duly assessed as required by clause a of this section."</p> <p>(c) Fellows of the University of Bombay. Every Justice of the Peace resident in the City shall be qualified to vote at any Justices' election ; and, subject to the specific disqualification set forth in Section 12, <i>any of the persons hereinafore declared to be qualified to vote</i> " at any election of a member for the said Corporation shall be qualified to be elected as a member of the Corporation."</p> <p>" Each person entitled to vote, at a Ratepayers' election, shall vote in the ward in which he resides ;</p> <p>(d) "Fellows of the University of Bombay shall be qualified to vote at any election of members of the Corporation held by the said University."</p> <p>(e) "Members of the Bombay Chamber of Commerce shall be qualified to vote at any election of members of the Corporation held by the said Chamber."</p> <p>(f) "At any election held, as already provided, the persons entitled to vote at any such election shall be entitled to vote for as many persons as are to be elected at any such election."</p> <p>(g) "And any voter, so entitled to vote, may record all the votes he is entitled to for any one candidate, or may divide the said votes as he think fit."</p> <p>A person who has already been elected or appointed a member of the Corporation on one or more occasions shall, if otherwise duly qualified, be eligible at any time for re-election or re-appointment.</p>
<p>Fresh general elections and appointments of members of the Corporation to be made every two years.</p> <p>6. There shall be fresh general elections and a fresh general appointment by Government of members of the Corporation every two years.</p> <p>The first general elections and appointment shall be made to have effect from the 1st January 1879, and the said elections and appointment, and all subsequent general elections and appointments of members shall be for a term of two years, beginning on the 1st January in one year and terminating on the 31st</p>	<p>Fresh general elections and appointments of members of the Corporation to be made every three years.</p> <p>.10. There shall be fresh general elections and a fresh general appointment by Government of members of the Corporation every three years.</p> <p>The general elections and appointment made under the provisions of the Bombay Municipal Acts of 1872 and 1878 and of Bombay Act "6" of 1882 for the purpose of having effect for the term of three years from the 1st April 1883 shall, notwithstanding the repeal of the said several Acts, have effect from that day for the</p>

Existing Sections.	Sections as approved by the Committee.
<p><i>December</i> in the <i>next following</i> year, both days inclusive. At the expiration of such term the persons who are then members of the Corporation shall cease to be members thereof unless they have been re-elected or re-appointed members for the next ensuing term.</p>	<p><i>said term of three years and shall be deemed to have been made under the provisions of this Act</i>; and all subsequent general elections and appointments of members shall be for a term of <i>three years</i>, beginning on the <i>1st April</i> in one year and terminating on the <i>31st March</i> in the <i>third year</i> both days inclusive. At the expiration of such term the persons who are then members of the Corporation shall cease to be members thereof unless they have been re-elected or re-appointed members for the next ensuing term.</p>
<p>7. The Ratepayers' general election shall be fixed by Government, by notification in the <i>Bombay Government Gazette</i>, to take place on some convenient day in the last four months next preceding the <i>1st January</i> from which such election is to take effect.</p>	<p>11. The Ratepayers' general election shall be fixed by Government, by notification in the <i>Bombay Government Gazette</i>, to take place on some convenient day in the last four months next preceding the <i>1st April</i> from which such election is to take effect.</p>
<p>The Justices' general election is to take place at a general meeting of the Justices of the Peace resident in the City of Bombay, to be convened by the Clerk of the Justices of the Peace on some day, of which due notice shall be given by advertisement in one or more of the local newspapers, not less than ten nor more than fifteen days after the Ratepayers' general election shall have taken place.</p>	<p>The Justices' general election shall take place at a general meeting of the Justices of the Peace resident in the City of Bombay, to be convened by the Clerk of the Justices of the Peace on some day, of which due notice shall be given by advertisement in one or more of the local newspapers, not less than ten nor more than fifteen days after the Ratepayers' general election shall have taken place.</p>
<p>And the general appointment by Government of the remaining sixteen members shall be notified not later than seven days before the <i>1st January</i> from which their appointment is to take effect.</p>	<p>"The election by the Fellows of the University and the election by the Chamber of Commerce shall be held on some day of which due notice shall be given by advertisement in one or more of the local newspapers between the <i>1st February</i> and the last day of that month."</p>
<p>8. Notwithstanding anything contained in Section 5, no person shall be qualified to be elected or appointed or to be a member of the Corporation during such time as he</p>	<p>And the general appointment by Government of the remaining "eight" members shall be notified not later than seven days before the <i>1st April</i> from which their appointment is to take effect.</p>
<p>(a) is an uncertificated bankrupt or insolvent, or</p> <p>(b) is a Municipal Executive Officer, or a clerk or servant of the Corporation, or</p> <p>(c) is the Chief Presidency Magistrate, or acting in that capacity, or</p> <p>(d) has, directly or indirectly, any share or interest in any contract or employment with, by, or on behalf of the Corporation.</p>	<p>12. Notwithstanding anything contained in Section 9, no person shall be qualified to be elected or appointed or to be a member of the Corporation during such time as he</p>
<p>(a) is an uncertificated bankrupt or insolvent, or</p> <p>(b) is a Municipal Executive Officer, or a clerk or servant of the Corporation,</p> <p>(c) is the Chief Presidency Magistrate, or acting in that capacity,</p> <p>(d) has, directly or indirectly, any share or interest in any contract or employment with, by, or on behalf of the Corporation; <i>Provided, that nothing contained in clause (d) of this section shall apply to the holding of a share in any Joint Stock Company which shall contract with or be employed by or on behalf of the Cor-</i></p>	<p>(a) is an uncertificated bankrupt or insolvent, or</p> <p>(b) is a Municipal Executive Officer, or a clerk or servant of the Corporation,</p> <p>(c) is the Chief Presidency Magistrate, or acting in that capacity,</p> <p>(d) has, directly or indirectly, any share or interest in any contract or employment with, by, or on behalf of the Corporation; <i>Provided, that nothing contained in clause (d) of this section shall apply to the holding of a share in any Joint Stock Company which shall contract with or be employed by or on behalf of the Cor-</i></p>

Existing Sections.	Sections as approved by the Committee.
	<p>poration, or of a share or interest in any newspaper in which any advertisement relating to the affairs of the Corporation may be inserted, or shall apply to the occasional sale to the Corporation for a sum not exceeding in the aggregate Rs. 2,000 during the course of any one year of any article in which the vendor regularly trades.</p>
<p>and any member of the Corporation who during the term for which he has been elected or appointed</p>	<p>And any member of the Corporation who during the term for which he has been elected or appointed</p>
<p>(e) becomes disqualified for any of the aforesaid reasons, or</p>	<p>(e) becomes disqualified for any of the aforesaid reasons, or</p>
<p>(f) is absent for not less than three consecutive months from Bombay, or</p>	<p>(f) is absent from meetings of the Corporation for six months consecutively,</p>
<p>(g) is sentenced to imprisonment, shall cease to be member of the said Corporation.</p>	<p>(g) is sentenced to imprisonment, shall cease to be a member of the said Corporation.</p>
<p>In the event of the death, resignation, or dis- Election or qualification, as aforesaid, of appointment of any member of the said Cor- successors. poration a successor shall be forthwith appointed by Government if the member whom he is to succeed was so appoint- ed, and if the said member was elected at a Ratepayers' election or at a Justices' election the Government, by notification in the <i>Bombay Government Gazette</i> in the former case, and the Clerk of the Justices of the Peace by ad- vertisement in one or more local newspapers in the latter case, shall fix a convenient day for the election of a successor at a Ratepayers' or Justices' election, as the case may be.</p>	<p>In the event of the death, resignation, or Election or disqualification, as aforesaid, of appointment of any member of the said Cor- successors. poration, a successor shall be forthwith appointed by the Government if the member whom he is to succeed was so appoint- ed, and if the said member was elected at a Ratepayers' election "or at an election held by the Fellows of the University, or by the Cham- ber of Commerce," or at a Justices' election; the Government, by notification in the <i>Bombay Government Gazette</i> in the first case, "the Registrar of the University in the second case, the Chairman of the Chamber of Commerce in the third case, and the Clerk to the Justices of the Peace in the last case, shall, by advertise- ment in one or more local newspapers, fix a convenient day" for the election of successor at "any such" election, as the case may be.</p>
<p>Every such appointment or election shall be for the remainder of the term for which the member whose place is to be filled was appoint- ed or elected, and at the expiration of such term the person so appointed or elected shall cease to be a member of the Corporation unless he has been re-elected or re-appointed a mem- ber for the next ensuing term of two years.</p>	<p>"At any such interim election, the electors shall vote in accordance with the provisions of Section 9 of this Act." Every such appoint- ment or election shall be for the remainder of the term for which the member whose place is to be filled was appointed or elected, and at the expiration of such term the person so ap- pointed or elected shall cease to be a member of the Corporation unless he has been re-elected or re-appointed a member for the next ensuing term of three years.</p>
<p>9. No vote shall be received at any election Names of per- of members of the Corporation sons proposed for election to be left with the Muni- for any person whose name is cipal Commission- not entered in the list then last er and published by published under Section 9 D as him. qualified to be elected or ap- pointed a member, and who has not been nominated by one person entitled to vote at the said election, and whose nomi- nation has not been seconded by another such person, nor unless such nomination is made in writing, signed by the proposer and seconder, and left at the office of the Municipal Commis- sioner at least seven days before the date fixed for the election.</p>	<p>13. No vote shall be received at any elec- Names of per- tion of members of the Cor- sons proposed for poration for any person whose election to be left name is not entered in the list with the Commis- then last published under sioner and pub- tion 16 as qualified to be lished by him. elected or appointed a member, and who has not been nominated by one person entitled to vote at the said election, and whose nomination has not been seconded by another such person, nor unless such nomi- nation is made in writing, signed by the proposer and seconder, and left at the office of the Municipal Commissioner at least seven days before the date fixed for the election.</p> <p>for the tion is made in from the 1st April 1883 posers and standing the repeal of the said Commissioner have effect from that day for the date 5</p>

Existing Sections.	Sections as approved by the Committee.
<p>The <i>Municipal</i> Commissioner shall publish a list of the names of the persons in respect of whom such nominations have been duly made, together with the names of the respective proposers and seconders, at least <i>three</i> days before the date fixed for the election in the <i>Bombay Government Gazette</i> and in such of the local daily newspapers as he shall deem fit.</p>	<p>The Commissioner shall publish a list of the names of the persons in respect of whom such nominations have been duly made, together with the names of the respective proposers and seconders, at least <i>ten</i> days before the date fixed for the election in the <i>Bombay Government Gazette</i> and in such of the local daily newspapers as he shall deem fit.</p>
<p>9A. The following persons shall, if they reside in the City of Bombay, be qualified to vote at any Ratepayers' election (namely):—</p>	
<p>Qualifications of Voters.</p> <p>(a). Ratepayers who have attained the age of twenty-one years, and who have been assessed, according to the provisions hereinafter contained to the consolidated rate, or to the tax leviable under Section 104 on <i>carriages, carts, hackeries, horses, ponies and mules</i>, other than <i>carriages, carts, hackeries, horses, ponies and mules</i> plying for hire or kept for the purpose of being let for hire, or to both, for the half-year commencing on the 1st <i>January</i> and ending on the 30th June last preceding the date of the election, at a rate of not less, in the aggregate, than thirty rupees per annum ;</p>	
<p>(b). Fellows of the University of Bombay. At any <i>Justices' election</i> every <i>Justice of the Peace</i> resident in the City of Bombay shall be entitled to vote.</p>	
<p>9B. Votes at any Ratepayers' or Justices' election, or at any election by the Corporation, as hereinafter provided, of one or more members of the Town Council, shall be recorded, and the said elections shall be held and the results thereof shall be declared in accordance with such rules as may from time to time be framed by Government in this behalf, the said rules not being inconsistent with this Act:</p>	<p>14. Votes at any election "as aforesaid" shall be recorded and the said elections shall be held and the results thereof shall be declared, in accordance with "the rules contained in Schedule [ ] to this Act annexed."</p>
<p>Provided that no vote shall be received at any <i>Ratepayers' election</i> unless the name of the person tendering it has been duly entered in the list then last published under Section 9D.</p>	<p>Provided that no vote shall be received at any <i>such election</i> unless the name of the person tendering it has been duly entered in the <i>Election List</i> then last published under Section 16.</p>
<p>9C. If the validity of any election is brought in question by any person qualified to be elected or to vote thereat, such person may, at any time within eight days after the election, apply to the Chief Presidency Magistrate.</p>	<p>15. If the validity of the election of any member or members is brought in question by any person qualified to be elected or to vote thereat, such person may, at any time within eight days after the election, apply to the Chief Presidency Magistrate.</p>
<p>(c) is acting in said Magistrate may, after such inquiry as he deems necessary, pass an order for confirming or amending the declared result of the election, or for setting such election aside.</p>	<p>The said Magistrate may, after such inquiry as he deems necessary, pass an order for confirming or amending the declared result of the election, or for setting such election aside.</p>
<p>(d) has, by, or on behalf of, the conclus-</p>	<p>The said Magistrate's order shall be conclusive "and final."</p>

Existing Sections.	Sections as approved by the Committee.
<p>If he sets aside an election a date shall forthwith be fixed and the necessary steps taken for holding a fresh one by the same authority by whom the date for the election so set aside was fixed.</p>	<p>If he sets aside an election a date shall forthwith be fixed and the necessary steps taken for holding a fresh one by the same constituency by the same authority by whom the date for the election so set aside was fixed. <i>Such fresh election shall be held at any time within one month after such order has been passed, provided that not less than seven clear days' notice shall have been given "in at least one daily English newspaper, one Gujaráti newspaper, and one Maráthi newspaper published in Bombay."</i></p>
<p>9D. The <i>Municipal</i> Commissioner shall, during the first half of each year commencing on the 1st <i>January</i> and ending on the 30th <i>June</i>, prepare a list of persons qualified to be elected or appointed members of the Corporation, and of persons qualified to vote at Ratepayers' elections.</p> <p>The Municipal Commissioner to prepare and publish a list of persons qualified to be elected or appointed members, and to vote at Ratepayers' elections.</p>	<p>16. The Commissioner shall, during the first half of each year, commencing on 1st <i>April</i> and ending on 30th <i>September</i>, prepare a list (to be called the <i>Election List</i>) of persons qualified to be elected or appointed members of the Corporation, and of persons qualified to vote at elections. <i>The said Election List shall comprise a list of the Justices resident in the city as so shown in the then last published Bombay Civil List, as also a list of all Fellows of the Bombay University, which shall be furnished to the Commissioner by the University Registrar at the end of every half-year, "and a list of the members of the Bombay Chamber of Commerce, to be furnished respectively by the Registrar of the University and the Chairman of the said Chamber to the Commissioner, on or before the 1st day of March and the 1st day of September in each year."</i></p>
<p>The list so prepared shall be published by affixing a printed copy thereof in some conspicuous place in or near the Commissioner's office, and the Commissioner shall give notice of such publication in, at least, one English, one Maráthi, and one Gujaráti local newspaper on or before the 1st <i>July</i> and the said list shall be open to public inspection at all reasonable times of the day for <i>thirty</i> days after the publication of such notice, and printed copies thereof shall be kept at the Municipal Office for sale to the public at such reasonable price as the Commissioner may determine.</p>	<p>The <i>Election List</i> so prepared shall be published by affixing a copy thereof in some conspicuous place in or near the Commissioner's office, and the Commissioner shall give notice of such publication in, at least, one English, one Maráthi, and one Gujaráti local newspaper on or before the 10th <i>October</i>; and the said list shall be open to public inspection at all reasonable times of the day for <i>twenty</i> days after the publication of such notice, and copies thereof shall be kept at the Municipal Office for sale to the public at such reasonable price as the Commissioner may determine.</p>
<p>The Commissioner may, on application being made to him by any person qualified to be elected or appointed a member of the Corporation, or to vote at a Ratepayers' election, at any time within <i>thirty</i> days after the publication of the notice aforesaid, correct any erroneous entry in the said list, or insert any such applicant's name therein when the same has been erroneously omitted therefrom.</p>	<p>The Commissioner may, on application being made to him by any person qualified to be elected or appointed a member of the Corporation, or to vote at "any election as aforesaid," at any time within <i>twenty</i> days after the publication of the notice aforesaid, correct any erroneous entry in the said <i>Election List</i>, or insert any such applicant's name therein when the same has been erroneously omitted therefrom.</p>
<p>In the event of the Commissioner's refusing any such application, the applicant may, at any time within eight days after such refusal, apply to the Chief Presidency Magistrate, and the said Magistrate may, after such inquiry as</p>	<p>In the event of the Commissioner's refusing any such application, the applicant may, at any time within eight days after such refusal, apply to the Chief Presidency Magistrate, and the said Magistrate may, after such inquiry as he</p>

Existing Sections.	Sections as approved by the Committee.
<p>he deems necessary, make such order for correcting the list, or otherwise, as shall seem to him fit.</p>	<p>deems necessary, make such order for correcting the Election List or otherwise as shall seem to him fit. <i>Provided that the Election List shall not be open to correction so far as the qualification or otherwise of any Justice of the Peace or Fellow of the University "or member of the Chamber of Commerce" is concerned if the same is in accordance with the lists of resident Justices and Fellows, and members of the said Chamber," then last published and furnished as aforesaid.</i></p>
<p>The said Magistrate's order shall be conclusive and shall be forthwith obeyed by the Municipal Commissioner.</p>	<p>The said Magistrate's order shall be conclusive, and shall be forthwith obeyed by the Commissioner.</p>
<p>10. At the first Quarterly Meeting of the members of the Corporation in each year, they shall proceed to elect a Chairman, who shall hold office for a year, and shall be eligible for re-election. The Chairman shall preside over all the meetings of the Corporation, and all questions which may come before any meeting of the Corporation for decision shall be decided by a majority of the members of the Corporation present and voting at such meeting, and in all cases of equality of votes the Chairman shall have a second or casting vote. In case of the absence of the Chairman from any meeting, the members present shall choose one of their number to preside who shall for that meeting have all the powers of the Chairman elected by the Corporation. In case of the death, resignation, or disqualification of the Chairman elected by the Corporation, it shall be lawful for the Town Council to convene a meeting of the Corporation for the purpose of electing a Chairman for the residue of the term for which the Chairman so dead, resigned, or disqualified was originally elected.</p>	<p>The said Magistrate's order shall be conclusive, and shall be forthwith obeyed by the Commissioner.</p> <p><i>The Election List when so revised and corrected as hereinbefore provided shall, until the final revision and completion of the next year's list, be held for all purposes to be conclusive as to the rights of the several persons whose names are entered therein to be elected or appointed members of the Corporation or to vote at elections.</i></p>
<p>11. There shall be four Quarterly Meetings of the Corporation in every year, at which the members of the Corporation shall meet for the transaction of general business : and it shall be necessary to give notice of the business to be transacted at such meetings. The first Quarterly Meeting of every new Corporation shall be held on some day in the month of January to be fixed by the Commissioner. Subsequent Quarterly Meetings shall be held on the first Tuesday in the months of January, April, July, and October respectively, or so soon after as shall seem expedient to the Chairman of the Corporation. Notice of the business to be transacted at such meetings</p>	<p>17. At the first Quarterly Meeting of the members of the Corporation in each year, they shall proceed to elect a Chairman who shall hold office for a year, and shall be eligible for re-election. The Chairman shall preside over all the meetings of the Corporation and all questions which may come before any meeting of the Corporation for decision shall be decided by a majority of the members of the Corporation present and voting at such meeting, and in all cases of equality of votes the Chairman shall have a second or casting vote. In case of the absence of the Chairman from any meeting, the members present shall choose one of their number to preside, who shall for that meeting have all the powers of the Chairman elected by the Corporation. In case of the death, resignation, or disqualification of the Chairman elected by the Corporation, it shall be lawful for the "Town Council" to convene a meeting of the Corporation for the purpose of electing a Chairman for the residue of the term for which the Chairman so dead, resigned, or disqualified was originally elected.</p>
<p>11. There shall be four Quarterly Meetings of the Corporation in every year, at which the members of the Corporation shall meet for the transaction of general business : and it shall be necessary to give notice of the business to be transacted at such meetings. The first Quarterly Meeting of every new Corporation shall be held on some day in the month of January to be fixed by the Commissioner. Subsequent Quarterly Meetings shall be held on the first Tuesday in the months of January, April, July, and October respectively, or so soon after as shall seem expedient to the Chairman of the Corporation. Notice of the business to be transacted at such meetings</p>	<p>18. There shall be four Quarterly Meetings of the Corporation in every year, at which the members of the Corporation shall meet for the transaction of general business ; and it shall be necessary to give notice of the business to be transacted at such meetings. The first Quarterly Meeting of every new Corporation shall be held on some day in the month of April to be fixed by the Commissioner. Subsequent Quarterly Meetings shall be held in the first week of the months of July, October and January respectively, or so soon after as shall seem expedient to the Chairman of the Corporation. Notice of the business to be transacted at such meetings shall be published, at least</p>



Existing Sections.	Sections as approved by the Committee.
<p>shall be published, at least seven days before each meeting, in the Government Gazette, and in at least one of the daily English newspapers, and in one <i>daily</i> Gujaráti newspaper, and one Maráthi newspaper published in Bombay.</p>	<p>seven days before such meeting, in the Government Gazette, and in at least one of the daily English newspapers, and in one Gujaráti newspaper and one Maráthi newspaper published in Bombay.</p>
<p>12. The Chairman of the Corporation may, whenever he thinks fit, and Special General Meetings may be held. shall, upon a written requisition signed by sixteen members of the Corporation or by four members of the Town Council, call a Special General Meeting of the Corporation. Previously to any such meeting being held at least seven days' clear notice, specifying the time and place of such intended meeting, and the purpose for which it is to be held, shall be given by advertisement in the Government Gazette, and in at least one of the daily English newspapers, and in one <i>daily</i> Gujaráti newspaper and in one Maráthi newspaper, published in Bombay. In case of the absence from the City of Bombay of the Chairman appointed by the Corporation, the power of calling meetings of the Corporation shall be vested in the <i>Town Council</i>.</p>	<p>19. The Chairman of the Corporation may, whenever he thinks fit, and Special General Meetings may be held. shall, upon a written requisition signed by eighteen members of the Corporation or by four members of the Town Council, call a Special General Meeting of the Corporation. Previously to any such meeting being held, at least seven days' clear notice, specifying the time and place of such intended meeting, and the purpose for which it is to be held, shall be given by advertisement in the Government Gazette and in at least one of the daily English newspapers, and in one Gujaráti newspaper and one Maráthi newspaper published in Bombay. In case of the absence from the City of Bombay of the Chairman appointed by the Corporation, the power of calling meetings of the Corporation shall be vested in the "Town Council".</p>
<p>12A. Any member of the Corporation who desires to bring forward at Notice to be given of motions to be brought forward by members. any Quarterly or Special General Meeting any business, or to make any substantive motion, not already named in the notice issued under either of the two last preceding sections, shall give notice of the same in writing to the Clerk of the Corporation at least three days before the day fixed for the meeting, and a supplementary announcement of the business or motions of which notice has been so given shall be published by the said Clerk, in at least one local daily newspaper, the day previous to the meeting.</p>	<p>20. Any member of the Corporation who desires to bring forward at Notice to be given of motions to be brought forward by members. any Quarterly or Special General Meeting any business, or to make any substantive motion, not already named in the notice issued under either of the two last preceding sections, shall give notice of the same in writing to the Clerk of the Corporation at least three days before the day fixed for the meeting, and a supplementary announcement of the business or motions of which notice has been so given shall be published by the said Clerk, in at least one local daily newspaper, the day previous to the meeting.</p>
<p>13. Except at the meeting to be held under the provisions of Section 35 of this Act, no business shall be brought before, nor shall any substantive motion be made at, any meeting other than the business or motion specified in the notices or supplementary announcement published under the three last preceding sections; and no business shall be transacted at any adjourned meeting other than the business left unfinished at the meeting from which such adjournment took place.</p>	<p>21. Except at the meeting to be held under the provisions of Section 46 of this Act, no business shall be brought before, nor shall any substantive motion be made at, any meeting other than the business or motion specified in the notices or supplementary announcement published under the three last preceding sections; and no business shall be transacted at any adjourned meeting other than the business left unfinished at the meeting from which such adjournment took place.</p>
<p>14. No business shall be transacted at any meeting unless a quorum of members be present, that is to say, unless at least twenty members including the Chairman be present at a Quarterly Meeting, and unless at least twenty-five members including the Chairman be present at a Special General Meeting: Provided always that if at any meeting of the Corporation here shall not be a sufficient number of members present to form a quorum the Chairman of the</p>	<p>22. The presence of fifteen members including the Chairman shall be sufficient to constitute a quorum for the transaction of business at any meeting of the Corporation, and save as hereinafter provided, no business shall be transacted at any meeting unless such a quorum of members be present: Provided always that if at any meeting of the Corporation the number of members present shall at any time during such meeting be insufficient to form a quorum, the Chairman of the meeting (whether</p>

* Existing Sections.	Sections as approved by the Committee.
<p>meeting (whether he be the Chairman of the Corporation or not) shall adjourn the meeting to some other day, fixing such convenient time and place for the same, as he shall think fit, and the business which would have been brought before the original meeting, had there been a quorum present, shall be brought before and disposed of <i>by the</i> adjourned meeting in the usual manner, whether there be a quorum of members present at such adjourned meeting or not.</p>	<p>he be the Chairman of the Corporation or not) shall adjourn the meeting to some other day, fixing such convenient time and place for the same as he shall think fit, and the business which would have been brought before the original meeting, had there been a quorum present <i>throughout such meeting</i>, shall be brought before and disposed of <i>at such adjourned meeting</i>, or <i>at any further adjournment thereof</i>, in the usual manner, whether there be a quorum of members present at such adjourned or further adjourned meeting or not.</p>
<p>15. Minutes of the proceedings of all meetings of the Corporation shall, on the day following the meeting, be drawn up and fairly entered by the <i>Secretary</i> to the <i>Town Council</i> in a book to be kept for that purpose, and shall be signed by the Chairman, and the said minutes shall at all reasonable times be open at the office of the Corporation to the inspection of any member of the Corporation without charge, and of any other person on payment of a fee of eight annas.</p> <p><small>Minutes of proceedings of Corporation to be kept and to be open for inspection.</small></p>	<p>23. Minutes of the proceedings of all meetings of the Corporation shall, on the day following the meeting, be drawn up and "thereafter" fairly entered by the <i>Clerk</i> to the <i>Corporation</i> in a book to be kept for that purpose, and shall be signed by the Chairman, and the said minute shall at all reasonable times be open at the office of the Corporation to the inspection of any member of the Corporation without charge, and of any other person on payment of a fee of eight annas.</p> <p><small>Minutes of proceedings of Corporation to be kept and to be open for inspection.</small></p>
<p>16. At any <i>Special General Meeting</i>, unless a poll be demanded by at least <i>five members of the Corporation and at any Quarterly Meeting</i> unless a poll be demanded by <i>at least three members of the Corporation</i>, a declaration by the Chairman that a proposition has been carried, and an entry to that effect in the book of proceedings of the Corporation, shall be sufficient evidence of the fact, without proof of the number or proportion of the votes recorded in favour of or against such proposition.</p> <p><small>Declaration of Chairman that a proposition has been carried unless poll be demanded.</small></p>	<p>24. At any meeting of the Corporation, unless a poll be demanded by at least three members, a declaration by the Chairman that a proposition has been carried, and an entry to that effect in the book of proceedings of the Corporation, shall be sufficient evidence of the fact without proof of the number or proportion of the votes recorded in favour of or against such proposition.</p> <p><small>Declaration of Chairman that a proposition has been carried unless poll be demanded.</small></p>
<p>17. If a poll be demanded, as in the last preceding section mentioned, or be taken, at any meeting, of what kind soever, the votes of the members of the Corporation present shall be taken by the Chairman in such manner as shall be provided in the Rules to be framed under Section 18 of this Act, and the result of such poll, as declared by the Chairman, shall be deemed to be the resolution of the meeting.</p> <p><small>Poll how to be taken.</small></p>	<p>25. If a poll be demanded, as in the last preceding section mentioned, or be taken, at any meeting, of what kind soever, the votes of the members of the Corporation present shall be taken by the Chairman in such manner as shall be provided in the Rules to be framed under Section 26 of this Act, and the result of such poll, as declared by the Chairman, shall be deemed to be the resolution of the meeting.</p> <p><small>Poll how to be taken.</small></p>
<p>18. The conduct of business at the meetings of the Corporation shall be regulated by the rules hitherto in force; but the said rules may from time to time be altered by the Corporation, provided that every such alteration shall be reported to Government within seven days after the same has been approved by the Corporation, and that Government shall have power at any time within two months after the said seven days to disallow the same.</p> <p><small>Rules for conduct of business at Corporation meetings.</small></p> <p>No such alteration of the rules shall be acted upon until after the expiry of the said period</p>	<p>26. The conduct of business at the meetings of the Corporation shall be regulated by the rules hereto in force, but the said rules may from time to time be altered by the Corporation, provided that every such alteration shall be reported to Government within seven days after the same has been approved by the Corporation, and that Government shall have power at any time within two months after the said seven days to disallow the same.</p> <p><small>Rules for conduct of business at Corporation meetings.</small></p> <p>No such alteration of the rules shall be acted upon until after the expiry of the said period</p>

Existing Sections.	Sections as approved by the Committee.
<p>of two months, unless the reply of Government, allowing the alteration, is sooner received; and on receipt by the Chairman of the Corporation of the notice of the disallowance by Government of any such alteration within the said period the alteration shall be null and void.</p>	<p>of two months, unless the reply of Government allowing the alteration is sooner received; and on receipt by the Chairman of the Corporation of the notice of the disallowance by Government of any such alteration within the said period the alteration shall be null and void.</p>
<p>19. For the purpose of securing the due administration of the Municipal Fund a <i>Town Council shall be appointed, consisting of twelve members, of whom one shall be the Chairman, to be selected as hereinafter provided, from the general body of members of the Corporation.</i></p>	<p>27. "The Corporation shall have power to appoint Committees of its body, and to delegate to such Committees such duty or duties as it may see fit."</p>
<p>20. Eight members of the said Town Council shall be elected by the members of each new Corporation at their first Quarterly Meeting in the month of <i>January in each alternate year</i> and four members of the said Town Council shall be nominated by Government within one week after such election. From the twelve members so appointed Government shall appoint the Chairman of the Town Council.</p>	<p>28. Eight members of the Town Council Chairman and Members of Town Council how and when appointed. <i>to be elected by the Corporation shall be elected by the members of each new Corporation at their first Quarterly Meeting, in the month of April in which their term of office commences, and the four members of the said Town Council to be nominated by Government shall be nominated by Government within one week after such election. From the twelve members so elected and nominated the Town Council shall appoint their Chairman."</i></p>
<p>21. The members of the Town Council shall hold office until such time as a new Council is appointed under the provisions of the last preceding section, unless they in the meantime cease to be members of the Corporation otherwise than by reason of the expiration of the term of <i>two</i> years for which they were elected or appointed members of the same; but if otherwise duly qualified, they shall be eligible for re-appointment to the Town Council; and vacancies in the said Town Council or in the office of Chairman thereof, occasioned by the death, resignation, or disqualification of any member shall be filled up as they occur by Government or by the said Corporation, according as the member so dead, resigned, or disqualified was originally nominated or appointed by Government or elected by the said Corporation.</p>	<p>29. The members of the Town Council shall hold office until such time as a new Council is appointed under the provisions of the last preceding section, unless they in the meantime cease to be members of the Corporation otherwise than by reason of the expiration of the term of <i>three</i> years for which they were elected or appointed members of the same; but if otherwise duly qualified they shall be eligible for re-appointment to the Town Council; and vacancies in the said Town Council or in the office of Chairman thereof, occasioned by death, resignation, or disqualification of any member, shall be filled up as they occur by Government or by the said Corporation, according as the member so dead, resigned, or disqualified was originally nominated or appointed by Government or elected by the said Corporation.</p>
<p>22. The common seal of the said Corporation shall be in the custody of the Chairman of the Town Council <i>hereinafter appointed, and shall not be affixed to any instrument on behalf of the said Corporation except in the presence of three members of the said Town Council, who shall sign their names to the instrument, in token of their presence, and such signing shall be independent of the signing of any person who may sign the instrument as a witness, and any instrument or contract in writing which under Section 54 of this Act is required to be made under the common seal of the Corporation shall be of no validity unless sealed and signed by three members of the said Town Council as hereinbefore provided.</i></p>	<p>30. The common seal of the said Corporation shall be in the custody of the Chairman of the Town Council, and shall not be affixed to any instrument on behalf of the said Corporation except in the presence of three members of the said Town Council who shall sign their names to the instrument in token of their presence, and such signing shall be independent of the signing of any person who may sign the instrument as a witness, and any instrument or contract in writing which under Section 50 of this Act is required to be made under the common seal of the Corporation shall be of no validity unless sealed and signed by three members of the said Town Council as hereinbefore provided.</p>

Existing Sections	Sections as approved by the Committee.
<p>23. The said Town Council shall have power to appoint Sub-Committees of their body, and delegate to such Sub-Committees all or any of the powers vested in the said Town Council under the provisions of this or any other Act. The said Town Council shall also have power to make rules for the regulation of its proceedings and the proceedings of the said Sub-Committees, provided that such rules shall be of no force or validity unless and until they have received the sanction of Government.</p>	<p>31. The said Town Council shall have power to appoint Sub-Committees of their body, and to delegate to such Sub-Committees all or any of the powers vested in the said Town Council under the provisions of this or any other Act. The said Town Council shall also have power to make rules for the regulation of "their" proceedings and the proceedings of the said Sub-Committees, provided that such rules shall be of no force or validity unless and until they have received the sanction of Government.</p>
<p>24. The Town Council shall meet for the despatch of business once at the least in every week, unless at any time the Chairman considers that there is not sufficient business to be transacted to require him to call a meeting. The said meeting shall take place in a room to be provided by the Municipal Commissioner in the Municipal Office, on such days and at such times as may be appointed by the Chairman, and each member of the Town Council who actually attends, from the beginning to the end thereof, any meeting at which a quorum is present and business is transacted shall be entitled to receive out of the Municipal Fund a fee of thirty rupees for each such attendance: Provided always that if more than one meeting is held in the course of any week no more than thirty rupees shall be paid to each member of the Town Council for his attendance at all the meetings of the Town Council during that week.</p>	<p>32. The Town Council shall meet for the despatch of business once at the least in every week, unless at any time the Chairman considers that there is not sufficient business to be transacted to require him to call a meeting. The said meetings shall take place in a room to be provided by the Commissioner in the Municipal Office, on such days and at such times as may be appointed by the Chairman, and each member of the Town Council who actually attends, from the beginning to the end thereof, any meeting at which a quorum is present and business is transacted shall be entitled to receive out of the Municipal Fund a fee of thirty rupees for each such attendance: Provided always that if more than one meeting is held in the course of any week no more than thirty rupees shall be paid to each member of the Town Council for his attendance at all the meetings of the Town Council during that week.</p>
<p>25. The Chairman of the Town Council shall preside over all the meetings of that body at which he is present, and all questions which may come before any meeting of the Town Council for decision shall be decided by a majority of the members of the Town Council present and voting at such meeting, and in all cases of equality of votes the Chairman shall have a second or casting vote. In case of the absence of the Chairman from any meeting the members present shall choose one of their number to preside, who shall for that meeting have all the powers of the Chairman appointed by Government. No business shall be transacted at any meeting of the Town Council held under the provisions of the preceding section unless there shall be at least six members present including the Chairman.</p>	<p>33. The Chairman of the Town Council shall preside over all the meetings of that body at which he is present, and all questions which may come before any meeting of the Town Council for decision shall be decided by a majority of the members of the Town Council present and voting at such meeting, and in all cases of equality of votes the Chairman shall have a second or casting vote. In case of the absence of the Chairman from any meeting the members present shall choose one of their number to preside, who shall for that meeting have all the powers of the Chairman appointed by Government. No business shall be transacted at any meeting of the Town Council held under the provisions of the preceding section unless there shall be at least six members present including the Chairman.</p>
<p>26. The Town Council shall appoint a Secretary, who shall keep a record of all their proceedings, and shall perform such other duties as may be assigned to him by the Town Council or are appointed under this Act, and shall have access to all the records of the Corporation. The said Secretary shall receive out of the Municipal Fund a salary of</p>	<p>[See Sections 58 and 59.]</p>

Existing Sections.	Sections as approved by the Committee.
<p><i>Rupees 500 monthly, which may be increased by the Town Council with the sanction of the Corporation to Rupees 700 monthly: provided that the Town Council may, with the sanction of the Corporation, make, in addition to such monthly salary of Rupees 700, the grant of a personal allowance not exceeding Rs. 500 monthly for long and approved service. He shall also be Clerk to the Corporation, but shall not hold any other appointment, and shall devote the whole of his time and attention to the duties of his office. He shall be removeable from office by the Town Council for misconduct, or neglect of, or incapacity to perform his duty.</i></p> <p>27. <i>The Town Council may from time to time appoint such clerks and servants as they may require, and such clerks and servants shall be paid out of the Municipal Fund such reasonable allowances as may be sanctioned by the Corporation, and such clerks and servants may be suspended and dismissed by the Town Council, and shall be subject to the same rules as to leave and otherwise as the clerks and servants appointed by the Municipal Commissioner as hereafter provided.</i></p>	<p>[See Section 60].</p>
<p>IV. MUNICIPAL PROPERTY AND FUND.</p> <p>62. <i>The property, moveable and immoveable, which shall be vested in or held in trust for the Corporation of the Justices appointed under Act II. of 1865, or which would have been vested in or held in trust for such Justices but for the passing of this Act, with all rights of way and easements, and all other rights of whatsoever description, now used, enjoyed or possessed by the said Justices, shall be vested in the Corporation for the purposes of this Act.</i></p>	<p>III. MUNICIPAL PROPERTY AND FUND and the account thereof.</p> <p>34. <i>The Municipal property vested in the Corporation under Section 6 of this Act shall be deemed to include all property, moveable and immoveable, which is vested in or held in trust for the Municipal Corporation elected or appointed under the Bombay Municipal Acts of 1872, and 1878, or which would have been held in trust for the said Municipal Corporation but for the passing of this Act, and all immoveable property heretofore made over to the said Municipal Corporation by Government but the legal estate which has not hitherto been vested in the said Municipal Corporation, with all rights of way and easements, and all other rights, of whatsoever description, now used, enjoyed or possessed by the said Municipal Corporation.</i></p>
<p>64. <i>The Vehár Lake in the Island of Sálsette, and all the land adjacent thereto up to the level of the embankment on the southern side thereof, and included within the limits delineated in a plan deposited in the office of the Secretary to the Government of Bombay, and authenticated by the signatures of the Governor and Members of Council, and marked A, and all the land and other immoveable property which is necessary for the purpose of conveying the water of the said lake by pipes into the Town of Bombay, and there distributing the same, and which, being the property of Government, has ordinarily been applied to or employed for the purposes aforesaid, and which is now vested for the residue of a term of 99 years commencing on the 1st day of July 1883, in the Justices, shall be vest-</i></p>	<p>35. <i>The Vehár Lake and works adjacent thereto up to the level of the embankment on the southern side thereof, and included within the limits delineated in a plan deposited in the office of the Secretary to the Government of Bombay, and authenticated by the signatures of the Governor and Members of Council, and all the land and other immoveable property which is necessary for the purpose of conveying the water of the said lake by pipes into the Town of Bombay, and there distributing the same, and which, being the property of Government, has ordinarily been applied to or employed for the purposes aforesaid, and which is now vested for the residue of a term of 99 years, commencing on</i></p>

Existing Sections.	Sections as approved by the Committee.
<p>ed for the residue of the said term in the Corporation, in trust for the purposes of this Act and subject to the conditions hereinafter provided; and it shall be lawful for Government at the end of the period of 99 years aforesaid to order that the said property shall vest and the same shall in such case vest, in the said Corporation, on the conditions and for the purposes aforesaid, for such further period not exceeding 99 years from the day on which the said term shall expire as shall seem expedient: Provided that on the expiration of the said first term of 99 years, or of any further term for which the Government may have ordered that the said property shall vest in the said Corporation, all rights and every power conveyed to the said Corporation under this Act shall forthwith cease and determine, and the said property shall revert to and become vested in Government as the same was vested in the said Government before the 1st day of July 1863.</p>	<p>the 1st day of July 1863, in the <i>Municipal Corporation elected and appointed under the Bombay Municipal Acts of 1872 and 1878</i>, shall be vested for the residue of the said term in the Corporation, in trust for the purposes of this Act and subject to the conditions hereinafter provided; and it shall be lawful for Government at the end of the period of 99 years aforesaid to order that the said property shall vest, and the same shall in such case vest, in the said Corporation, on the conditions and for the purposes aforesaid, for such further period not exceeding 99 years from the day on which the said term shall expire as shall seem expedient: Provided that on the expiration of the said first term of 99 years, or of any further term for which the Government may have ordered that the said property shall vest in the said Corporation, all rights and every power conveyed to the said Corporation under this Act shall forthwith cease and determine, and the said property shall revert to and become vested in Government, as the same was vested in the said Government before the 1st day of July 1863.</p>
<p>65. All moneys received by or on behalf of the Corporation by virtue of this or any other Act, all rates, taxes, tolls, and other imposts, fines, fees, penalties paid or to be levied by them under this Act, all proceeds of land or other property sold by the Corporation, and all rents accruing from the land or property of the said Corporation, as also all interests, profits, and other moneys accruing by gifts or transfers from Government, or private persons or otherwise, shall constitute the Municipal Fund, and shall be held and dealt with by the Corporation as hereinafter provided.</p>	<p>36. All moneys received by or on behalf of the Corporation by virtue of this or any other Act, all rates, taxes, tolls and other imposts, fines, fees, penalties paid or to be levied by them or by any Magistrate in respect of any offence under this Act, all proceeds of land or other property sold by the Corporation and all rents accruing from the land or property of the said Corporation, as also all interest, profits, and other moneys accruing by gifts or transfers from Government or private persons or otherwise shall constitute the Municipal Fund, and shall be held and dealt with by the Corporation as hereinafter provided.</p>
<p>28. All moneys payable to the Corporation in respect of the Municipal Fund and all fines, fees, or penalties levied by them or their officers, under this or any other Act, shall be received by the Municipal Commissioner, and by him paid forthwith into the Bank which is now or may hereafter be appointed to conduct the business of Her Majesty's Treasury in Bombay, to the credit of an account to be styled "The Account of the Municipal Fund of the City of Bombay."</p>	<p>37. All moneys payable to the Corporation in respect of the Municipal Fund shall be received by the Commissioner, and by him paid forthwith into the Bank which is now or may hereafter be appointed to conduct the business of Her Majesty's Treasury in Bombay, to the credit of an account to be styled "The Account of the Municipal Fund of the City of Bombay."</p>
<p>29. No payment out of the Municipal Fund shall be drawn against the Town Council, which shall be given in such manner as the said Council deems fit. All such payments which are in excess of one hundred rupees each shall be made by cheques to be signed by the Municipal Commissioner and by one member of the Town Council, who shall attend at the office of the Town Council for this purpose twice a week at least, and by the Secretary to the Town Council. Payments</p>	<p>38. All payments out of the Municipal Fund which are in excess of one hundred rupees each shall be drawn against the Town Council, be made by cheques to be signed by the Commissioner and by one member of the Town Council, who shall attend at the office of the Town Council for this purpose twice a week at least, and by the Secretary to the Town Council. Payments which are not in excess of one hundred rupees each may be made by the Commissioner in cash, cheques for sums not in excess of one thousand</p>

Existing Sections.	Sections as approved by the Committee.
<p>which are not in excess of one hundred rupees each may be made by the <i>Secretary to the Town Council, or such officer as the Town Council may appoint for this purpose</i>, in cash cheques for sum not in excess of one thousand rupees each and signed as hereinbefore provided being drawn from time to time to cover such payments. It shall be lawful for the said Bank to pay all cheques against the said fund which are signed as aforesaid, and not otherwise.</p>	<p>rupees each and signed as hereinbefore provided being drawn from time to time to cover such payments. It shall be lawful for the said Bank to pay all cheques against the said fund which are signed as aforesaid, and not otherwise.</p>
<p>See Sections 139 and 303 of the existing Acts.</p>	<p>39. Any surplus funds of the Corporation not required for current charges, and also any Sinking Funds prescribed by Section 257 of Bombay Act 11 of 1865 (notwithstanding any direction contained in the said section as to the mode of investment), may be deposited at interest with the Bank which is now or may hereafter be appointed to conduct the business of H. M.'s Treasury at Bombay, or may be invested in Government Bombay Municipal or Bombay Port Trust securities, and may from time to time be withdrawn or disposed of as may be necessary. Such deposit, investment, withdrawal or disposal shall be made by the Commissioner on behalf of the Corporation with the sanction of the Town Council, but no order for deposit, investment, withdrawal or disposal under this section shall be valid unless it be signed by the Commissioner and at least two members of the Town Council.</p>
<p>30. (a) It shall be the duty of the Town Council to conduct a weekly audit of the Municipal receipts and disbursements, and to publish weekly an abstract of such receipts and disbursements for the preceding week, certified by the signature of at least three members of the Town Council. The Town Council shall have access to all the accounts and records of the Municipality, and the Municipal Commissioner shall be bound to furnish forthwith any explanation which may be called for as to the receipts and disbursements of the Municipal Fund.</p>	<p>"The Commissioner with the sanction of the Town Council may sell any moveable property belonging to the Corporation not exceeding in each case the value of Rs. 1,000."</p>
<p>See Section 92 of the existing Act.</p>	<p>40. It shall be the duty of the Commissioner to provide a proper system of account of all Municipal receipts and disbursements and of the Town Council to conduct a weekly audit of the same and to publish weekly an abstract of such receipts and disbursements for the preceding week, certified by the signature of at least three members of the Town Council. The Town Council shall have access to all the "accounts and records" of the Municipality, and the Commissioner shall be bound to furnish forthwith any explanation which may be called for as to the receipts and disbursements of the Municipal Fund.</p> <p><i>It shall also be the duty of the Commissioner to keep an account of all receipts and disbursements on behalf or by reason of the Vehar water works, apart and distinct from any other accounts, and he shall annually present to Government and cause to be published in the Government Gazette a statement of such accounts, and the said accounts shall at all reasonable times be open to examination and audit by any person appointed on that behalf by Government; and if upon the report of the person so appointed it shall appear that the</i></p>

Existing Sections.	Sections as approved by the Comm
<p>31. The accounts of the receipts and disbursements of the Municipal Fund shall be audited and examined from week to week by such Auditors as shall from time to time be appointed by the Corporation. The Auditors shall be appointed yearly, and shall be paid out of the Municipal Fund, in respect of such audit, such reasonable remuneration as may from time to time be fixed by the Corporation, but in no case to exceed five thousand rupees in all; for the purposes of such audit the Auditors may, by summons in writing, require the production before them of all books, deeds, contracts, accounts, vouchers, and all other documents and papers which they may deem necessary, and may require any Municipal executive officer or other officer or servant of the Corporation, or any person holding or accountable for any such books, deeds, contracts, accounts, vouchers, documents, or papers, to appear before them at any such audit and examination, or adjournment thereof, and may require any person so appearing before them to make and sign a declaration with respect to the same; and if any such person neglect or refuse so to do, or to produce any such books, deeds, contracts, accounts, vouchers, documents, or papers, or make or sign such declaration, he shall be liable, for every neglect or refusal, to a penalty not exceeding one hundred rupees.</p> <p>32. The auditors appointed by the Corporation shall, whenever required by the Town Council, supply any information that may be desired as to the progress of the audit of the account, and shall in the month of <i>February</i> in each year, deliver to the Town Council a report upon the audit of the whole of the said accounts for the previous <i>calendar</i> year. The said report shall be printed and circulated to the Corporation with the annual statement of accounts to be furnished by the <i>Municipal</i> Commissioner, and reviewed by the Town Council as hereinafter provided.</p> <p>33. The <i>Municipal</i> Commissioner shall, as soon after the first day of <i>January</i> in each year as may be practicable, prepare a detailed report of his administration during the previous year, as well as a detailed statement showing the nature and amount of receipts and disbursements on account of the Municipal Fund during that year</p>	<p>said accounts are falsely, erroneously, or negligently kept, it shall be lawful for the Government to order the same to be corrected, and to be kept in future with due diligence according to such form as Government may prescribe, and the Commissioner shall be bound to conform to such order.</p> <p>41. The accounts of the receipts and disbursements of the Municipal Fund shall be audited and examined from week to week by such Auditors as shall from time to time be appointed by the Corporation. The Auditors shall be appointed for such period not exceeding one year at a time, as the Corporation may think fit, and shall be paid out of the Municipal Fund in respect of such audit, such reasonable remuneration as may from time to time be fixed by the Corporation, but in no case to exceed five thousand rupees in all; for the purposes of such audit the Auditors may, by summons in writing, require the production before them of all books, deeds, contracts, accounts, vouchers, and all other documents and papers which they may deem necessary, and may require any Municipal executive officer or other officer or servant of the Corporation, or any person holding or accountable for any such books, deeds, contracts, accounts, vouchers, documents, or papers, to appear before them at any such audit and examination, or adjournment thereof, and may require any person so appearing before them to make and sign a declaration with respect to the same; and if any such person neglect or refuse so to do, or to produce any such books, deeds, contracts, accounts, vouchers, documents or papers, or to make or sign such declaration, he shall be liable, for every neglect or refusal, to a penalty not exceeding one hundred rupees.</p> <p>42. The Auditors appointed by the Corporation shall, whenever required by the Town Council, supply any information that may be desired as to the progress of the audit of the accounts, and shall in the month of <i>May</i> in each year, deliver to the Town Council a report upon the audit of the whole of the said accounts for the previous <i>official</i> year. The said report shall be printed and circulated to the Corporation with the annual statement of accounts to be furnished by the Commissioner, and reviewed by the Town Council as hereinafter provided.</p> <p>43. The Commissioner shall, as soon after the first day of <i>April</i> in each year as may be practicable, prepare a detailed report of his administration during the previous year as well as a detailed statement showing the nature and amount of receipts and disbursements on account of the Municipal Fund during that year, and a <i>printed copy</i> of such report and</p>



Existing Sections.	Sections as approved by the Committee.
<p>and such report and statement shall, after examination and review thereof by the Town Council, be printed and delivered to each member of the Corporation at least eight days before the Quarterly Meeting to be held in the month of April in each year, and subsequently published for general information:</p>	<p>statement shall, after examination and review thereof by the Town Council, be forwarded to the local address of every member of the Corporation at least eight days before the Quarterly Meeting to be held in the month of July in each year, and subsequently published for general information.</p>
<p>34. On or before the 1st of October in each year the Municipal Commissioner shall lay before the Town Council an estimate prepared by him of the proposed expenditure of the Municipality for the year commencing on the 1st of January then next succeeding, in such detail and form as the Town Council shall, from time to time, by order in that behalf, direct, and the Town Council shall forthwith proceed to consider the said estimate, and shall have power to approve or to reject, or to alter all or any of the items entered therein: provided that no alterations are made which are inconsistent with the provisions of this or any other Act for the time being in force for the regulation of the said Corporation.</p>	<p>44. The Commissioner shall in each year, Budget to be not later than the 20th of submitted by the November, prepare and lay before the Town Council, in such form as the Council may from time to time require, an estimate of the proposed expenditure of the Municipality for the year commencing on the 1st of April then next succeeding (other than expenditure on any work for which a special Loan has been obtained by the Corporation), and also an estimate of funds available, with proposals as to the amount of rates, taxes, and duties necessary to be levied for the purpose of meeting such expenditure and for providing at the close of the official year a cash balance of not less than one lakh of rupees.</p>
<p>35. The Town Council with the assistance of the Municipal Commissioner shall also every year prepare a Budget containing the estimate of expenditure as approved by them and also an estimate of the Municipal income available for the purpose, and proposals as to the amount of rates, taxes, and duties necessary to be levied for the purpose of meeting such expenditure, and for providing at the close of the year a cash balance of not less than one lakh of rupees, and at a Special General Meeting of the said Corporation, to be held under this Act on or before the tenth day of November in each year, the Chairman of the Town Council shall lay before the Corporation the said Budget. The said Budget shall be printed and circulated to the members of the said Corporation fourteen days before the holding of the said Special General Meeting.</p>	<p>45. The Town Council shall forthwith proceed to consider the said Presentation of estimates, and shall have power, Budget estimates. consistently with the provisions of this or any other Act for the time being in force, to approve or to reject or to alter all or any of the items entered in the said estimates. The estimates of expenditure and income as finally approved shall constitute the Budget for the next ensuing official year and a printed copy thereof shall be forwarded to the local address of every member of the Corporation on or before the 22nd December.</p>
<p>36. It shall be in the discretion of the Corporation to pass the said Budget or to refer it to the Town Council for further consideration or finally to reject or modify any items entered in the Budget of which they may not approve. But no proposal involving further expenditure, or the levy or abolition of taxes, shall be submitted to the Corporation without having been first left with the Secretary to the Town Council not later than six days before the Special General Meeting held in accordance with the preceding section.</p>	<p>46. A Special General Meeting of the Corporation shall be held on or before the 5th day of January in each year, at which the Chairman of the Town Council shall lay the Budget before the Corporation, with such and full and detailed explanations regarding items of proposed additional expenditure as may be necessary. Adjournments of such Special General Meeting shall in no case be for a period of more than four days. It shall be in the discretion of the Corporation to pass the said Budget, or to refer it to the Town Council for further consideration, or finally to reject or modify any items entered in the Budget of which they may not approve. But no proposal involving further expenditure, or the levy or abolition of taxes, " or the ap-</p>

Existing Sections.	Sections as approved by the Committee.
<p>38. It shall be lawful for the Town Council, <small>Town Council may reduce amount of expenditure according to Act.</small> in case of necessity during the year, to reduce the amount of expenditure under any head of the estimate in any manner not inconsistent with the provisions of this or any other Act for the time being in force for the regulation of the said Corporation, or to transfer the moneys assigned under one head of expenditure in the estimate to another head: Provided that the total amount of expenditure sanctioned by the estimate passed by the Corporation shall in no case be exceeded and that all such alterations shall be reported to the Corporation at the next Quarterly or Special General Meeting.</p>	<p>proportion of funds from one head of expenditure to another" shall be submitted to the Corporation without having been first left with the <i>Clerk to the Corporation</i> not later than six days before the Special General Meeting held in accordance with the preceding section.</p> <p>47. It shall be lawful for the Town Council, <small>Town Council may reduce amount of expenditure according to Act.</small> in case of necessity during the year, to reduce the amount of expenditure under any head of the estimate in any manner not inconsistent with the provisions of this or any other Act for the time being in force for the regulation of the said Corporation, or to transfer the moneys assigned under one head of expenditure in the estimate to another head: Provided that the total amount of expenditure sanctioned by the estimate passed by the Corporation shall in no case be exceeded, and that all such alterations shall be reported to the Corporation at the next Quarterly or Special General Meeting.</p>
<p>39. It shall be lawful for the Corporation, <small>Special grants by Corporation.</small> on the recommendation of the Town Council, from time to time to add to the Budget grants to meet special requirements, provided that the estimated cash balance at the end of the year shall not be reduced by such additional grants below one l�kh of rupees.</p>	<p>49. It shall be lawful for the Corporation, <small>Special grants by Corporation.</small> on the recommendation of the Town Council from time to time to add to the Budget grants to meet special requirements, provided that the estimated cash balance at the end of the year shall not be reduced by such additional grants below one l�kh of rupees.</p>
<p>54. The <i>Municipal</i> Commissioner may, <small>The Commissioner may enter into contracts for works provided for in the Budget. Mode of making contracts.</small> on behalf of the Corporation, enter into any such contracts as may be necessary for carrying into execution any works or duty <i>authorized by the Budget, previously sanctioned</i> to the extent of the sums provided for the said works or duty <i>in the said budget</i>, and every such contract on behalf of the Corporation may be made as follows (that is to say):—(1) Any contract which if made between private persons would be by law required to be in writing and under seal may be made on behalf of the Corporation in writing under the common seal of the Corporation which shall be affixed in the manner prescribed in Section 22 of this Act, and such contract may in the same manner be varied or discharged. (2) Any contract which if made between private persons would be by law required to be in writing and signed by the parties to be charged therewith may be made on behalf of the Corporation in writing signed by the <i>Municipal</i> Commissioner, and such contract may in the same manner be varied or discharged. (3) Any contract which if made between private persons would by law be valid, although made verbally only and not reduced into writing may be made verbally on behalf of the Corporation by the <i>Municipal</i> Commissioner, and such contract may in the same way be varied or discharged. And all contracts made according to the provisions of</p>	<p>50. The Commissioner may, on behalf of the Corporation <i>but subject as hereinafter provided</i>, enter into any such contract as may be necessary or proper for carrying into execution any works or duty previously sanctioned by the Corporation. <small>The Commissioner may enter into contracts for works previously sanctioned by the Corporation. Mode of making contracts.</small> <i>Mode of making contracts</i> to the extent of the sums provided or voted by the Corporation for the said works or duty, and he may also, in the like behalf and subject as hereinafter provided, enter into any other contract which may be necessary or proper for the due administration of this Act, and every such contract on behalf of the Corporation may be made as follows (that is to say):—(1) Any contract which if made between private persons would be by law required to be in writing and under seal may be made on behalf of the Corporation in writing under the common seal of the Corporation which shall be affixed in the manner prescribed in Section 30 of this Act, and such contract may in the same manner be varied or discharged. (2) Any contract which if made between private persons would be by law required to be in writing and signed by the parties to be charged therewith may be made on behalf of the Corporation in writing signed by the Commissioner, and such contract may in the same manner be varied or discharged. (3) Any contract which if made between private persons would by law be valid, although made verbally only and not reduced into writing,</p>

Existing Sections.	Sections as approved by the Committee.
<p>this section shall be effectual in law, and shall be binding upon the Corporation and their successors and all other parties thereto, their heirs, executors, administrators, or representatives as the case may be: Provided that the <i>Municipal Commissioner</i> shall have no authority to make on behalf of the Corporation any contract for a work, service, or duty, or portion of such work, service, or duty, the cost of which, as estimated in the Budget, shall exceed Rupees 5,000, or any contract enduring for a longer period of time than the time elapsing between the making of such contract and the end of the Budget year, unless the previous consent of the Town Council to the making of such contract shall have been obtained.</p>	<p>may be made verbally on behalf of the Corporation by the Commissioner, and such contract may in the same way be varied or discharged. And all contracts made according to the provisions of this section shall be effectual in law, and shall be binding upon the Corporation and the successors and all other parties thereto, their heirs, executors, administrators or representatives, as the case may be: Provided that the Commissioner shall have no authority to make on behalf of the Corporation any contract involving a greater expenditure "or receipt" than Rs. 3,000, or any contract enduring for a longer period of time than the time elapsing between the making of such contract and the end of the Budget year, unless the previous consent of the Town Council to the making of such contract shall have been obtained.</p>
<p>55. All contracts entered into by the <i>Municipal Commissioner</i> on behalf of the Corporation shall be reported to the Town Council within one week after the same respectively are made, and all such of the said contracts as relate to the execution of any work or the furnishing of any materials, and whether for more or less than five thousand rupees, shall be in writing, and shall specify the work to be done and the materials to be furnished, and the price to be paid for the same, and the time or times within which the work is to be completed, and the penalties to be suffered in case of the non-performance thereof.</p>	<p>51. All contracts entered into by the Commissioner on behalf of the Corporation and which involve an expenditure "or receipt" of Rs. "100" or upwards shall be reported to the Town Council within one week after the same respectively are made, and all such of the said contracts as relate to the execution of any work or the furnishing of any materials "exclusive of contracts specified in the proviso of Section 12," and which involve an expenditure "or receipt" of Rs "500" and upwards shall be in writing, and shall specify the work to be done and the materials to be furnished, and the price to be paid for the same and the time or times within which the work is to be completed, and the penalties to be suffered in case of the non-performance thereof.</p>
<p>56. Before any contract involving an expenditure of two thousand rupees or upwards for the execution of any works directed or authorized by this Act to be done by the Commissioner for furnishing materials, or for any other things necessary for the purpose of this Act, shall be entered into by the Commissioner, seven days' notice at the least shall be given in at least one of the daily English newspapers and two of the Vernacular newspapers circulating in Bombay, expressing the purpose of such contract, and inviting any persons willing to undertake the same to make proposals for the purpose to the Commissioner, and the Commissioner may accept the proposals which, upon a view of all the circumstances, shall appear to him to be the most advantageous, and shall, if he accept them, take a deposit or security for the due and faithful performance of every such contract; provided that in the case of any contract involving a greater expenditure than five thousand rupees such proposal shall not be accepted without the previous consent of the Town Council.</p>	<p>52. Before any contract involving a greater expenditure "or receipt" than three thousand rupees for execution of any works directed or authorized by this Act to be done by the Commissioner, or for furnishing materials, or for any other thing necessary for the purpose of this Act, shall be entered into by the Commissioner, seven days' notice at the least shall be given in at least one of the daily English newspapers and in two of the Vernacular newspapers circulating in Bombay, expressing the purpose of such contract, and inviting any person willing to undertake the same to make proposals for that purpose to the Commissioner, and the Commissioner may accept the proposals which upon a view of all the circumstances shall appear to him to be the most advantageous, and shall, if he accept them, take a deposit or security for the due and faithful performance of every such contract, provided that in the case of any contract "involving a greater expenditure" or "receipt" than "three" thousand rupees, such proposals shall not be accened without the previous consent of the Town Council. But it shall be lawful for the Town Council if in any case it shall deem fit, on recording its reasons for the same,</p>
<p>But it shall be lawful for the Town Council, if in any case it shall deem fit, on recording its</p>	

Existing Sections.	Sections as approved by the Committee.
<p>reasons for the same, to authorize the Municipal Commissioner to enter into any such contract as aforesaid without previously giving notice and inviting tenders as herein provided, or without accepting any tender which he may receive after such notice has been given.</p>	<p>to authorize the Commissioner to enter into any such contract as aforesaid without previously giving notice, and inviting tenders as herein provided, or without accepting any tender which he may receive after such notice has been given.</p>
<p>57. The <i>Municipal</i> Commissioner, with the Compound of sanction of the Town Council, penalties. may compound with any contractor or other persons in respect of any penalty incurred by reason of the non-performance of any contract entered into as aforesaid, whether such penalty be mentioned in any such contract, or in the bond, or otherwise, for such sums of money or other recompense as to the Town Council may seem proper.</p>	<p>53. The Commissioner, with the sanction of the Town Council, may compound of the Town Council, penalties. compound with any contractor or other persons in respect of any penalty inflicted by him or by any officer subordinate to him and confirmed by him by reason of the non-performance of any contract entered into as aforesaid, whether such penalty be mentioned in any such contract, or in the bond, or otherwise for such sums of money or other recompense as to the Town Council may seem proper.</p>
<p>IV. MUNICIPAL EXECUTIVE OFFICERS.</p>	<p>IV. MUNICIPAL EXECUTIVE OFFICERS.</p>
<p>42. The entire executive power and responsibility for the purposes of this Act shall be vested in one Commissioner, who shall be appointed by the Government for a term of three years, and shall be eligible for re-appointment provided that he shall always be removeable from office by the Government for misconduct, or neglect of or incapacity to perform his duty, and shall be removed from office by the Government on the votes of not less than forty members of the Corporation recorded at a Special General Meeting of the Corporation.</p>	<p>The entire executive power and responsibility for the purposes of this Act shall be vested in one Commissioner.</p>
<p>43. The said Commissioner shall be styled Designation and remuneration of the Commissioner. "Municipal Commissioner of the City of Bombay." He shall receive such allowances out of the Municipal Fund to be raised under this Act as shall from time to time be fixed by the Government: Provided that these allowances shall not be less than rupees two thousand or more than rupees two thousand five hundred a month. He shall not be permitted to hold any other appointment or to follow any other occupation, and shall devote his whole time and attention to the duties of his office. <i>He shall not be eligible to be a member of the Town Council or Corporation but he shall have the same right of being present at all meetings of the Town Council or Corporation, and of taking part in the discussions thereat, as any member of the Town Council or Corporation, but he shall not be at liberty to vote upon or to move any resolution submitted to any such meeting.</i></p>	<p>54. The Corporation shall, subject to the confirmation of Government, appoint an Executive Engineer who shall be in all things under the immediate orders of the Commissioner. The said officer shall be appointed for a term of five years, and shall be eligible for re-appointment, provided that he shall always be removeable from office for misconduct, or neglect or incapacity to perform his duty, by a vote of not less than two-thirds</p>
<p>44. The Corporation shall, subject to the confirmation of Government, appoint an Executive Engineer, who shall be in all things under the immediate orders of the <i>Municipal</i> Commissioner. The said officer shall be appointed for a term of five years, and shall be eligible for re-appointment, provided that he shall always be removeable from office for misconduct, or neglect or incapacity to perform his duty, by a vote</p>	<p>54. The Corporation shall, subject to the confirmation of Government, appoint an Executive Engineer who shall be in all things under the immediate orders of the Commissioner. The said officer shall be appointed for a term of five years, and shall be eligible for re-appointment, provided that he shall always be removeable from office for misconduct, or neglect or incapacity to perform his duty, by a vote of not less than two-thirds</p>

## Existing Sections.

of not less than two-thirds of the members present at a Special General Meeting of the Corporation. *The said officer shall receive such allowances out of the Municipal Fund as shall from time to time be fixed by the Corporation:* Provided that these allowances shall not be less than twelve or more than fifteen hundred rupees a month. The said officer *shall not hold any other appointment, and shall devote the whole of his time and attention to the duties of his office.*

45. The Corporation shall also, subject to the confirmation of Government, appoint a proper person, being a legally qualified Medical Practitioner, to be called the Executive Officer of Health, who shall be appointed for a term of five years, and shall be eligible for re-appointment: Provided always that he shall be removeable for misconduct, neglect of or incapacity to perform his duty, by a vote of not less than two-thirds of the members present at a Special General Meeting of the Corporation. The *Executive Officer of Health shall afford such advice to the Commissioner for the sanitary improvement of the City as his experience and observation may indicate, and such assistance as may be necessary for carrying out such clauses of this Act as relate to the public health. The said officer shall be precluded from holding any other appointment or office, and he shall not engage in professional practice, either gratuitously or for gain.* He shall receive from the Municipal Fund a salary, to be fixed by the Corporation, of not less than twelve or more than fifteen hundred rupees a month.

46. The appointments to the offices of Executive Engineer and *Executive Officer of Health* shall be made by the Corporation within thirty days from the date on which any vacancy in the said offices shall occur, and in case of the Government refusing to confirm any appointment made by the Corporation, a new appointment shall be made by the Corporation within fifteen days from the date that such refusal of Government to confirm the appointment shall have been notified to the Chairman of the Corporation. In case of any omission by the Corporation to make these appointments within the time so prescribed, the right to make the said appointments shall devolve upon Government. Nothing in this section shall prevent the Corporation from making, with the assent of Government, a temporary appointment in place of one for the full term of *three* years in case it should appear desirable to the Corporation to do so.

47. The *Executive Officer of Health* shall act in subordination to the *Municipal Commissioner*, but in all matters of importance affecting the public health generally the *Municipal Commissioner* shall

## Sections as approved by the Committee.

of the members present at a Special General Meeting of the Corporation. The said officer shall devote the whole of his time and attention to the duties of the office. *He shall receive from the Municipal Fund a salary to be fixed by the Corporation, of not less than twelve or more than fifteen hundred rupees a month.*

55. The Corporation shall also, subject to the confirmation of Government, appoint a proper person, being a legally qualified Medical Practitioner, to be the Executive Officer of Health, who shall be appointed for a term of five years, and shall be eligible for reappointment: Provided always that he shall be removeable for misconduct, neglect of, or incapacity to perform his duty, by a vote of not less two-thirds of the members present at a Special General Meeting of the Corporation. The *Health Officer* shall afford such advice to the Commissioner for the sanitary improvement of the City as his experience and observation may indicate, and such assistance as may be necessary for carrying out such clauses of this Act as relate to the public health. *He shall devote the whole of his time and attention to the duties of his office.* He shall receive from the Municipal Fund a salary, to be fixed by the Corporation, of not less than twelve or more than fifteen hundred rupees a month.

56. The appointments to the offices of Executive Engineer and *Health Officer* shall be made by the Corporation within thirty days from the date on which any vacancy in the said offices shall occur, and in case of the Government refusing to confirm any appointment made by the Corporation, a new appointment shall be made by the Corporation within fifteen days from the date that such refusal of Government to confirm the appointment shall have been notified to the Chairman of the Corporation. In case of any omission by the Corporation to make these appointments within the time so prescribed, the right to make the said appointments shall devolve upon Government. Nothing in this section shall prevent the Corporation from making, with the assent of Government, a temporary appointment in place of one for the full term of *five* years in case it should appear desirable to the Corporation to do so.

57. The *Health Officer* shall act in subordination to the *Municipal Commissioner*, but in all matters of importance affecting the public health generally the *Municipal Commissioner* shall

Existing Sections.	Sections as approved by the Committee.
<p>consult the <i>Executive Officer of Health</i>, and in the event of the latter officer differing from the <i>Municipal Commissioner</i> as to any order or orders issued, or proposed to be issued, regarding any such matter, he shall submit his views to the Commissioner in writing for the consideration of the Town Council, and the Commissioner shall forthwith lay such representation before the Town Council accordingly, who shall pass such order in the matter as to them may seem fit, which order the <i>Municipal Commissioner</i> shall be bound to obey.</p>	<p>latter officer differing from the as to any order or orders issued to be issued, regarding any such matter, he shall submit his views to the Commissioner in writing for the consideration of the Town Council, and the Commissioner shall forthwith lay such representation before the Town Council accordingly who shall pass such order in the matter as to them may seem fit, which order the Commissioner shall be bound to obey.</p>
<p>See Section 26 of the present Act as amended by Bombay Act VI. of 1882.</p>	<p>58 The Town Council shall appoint a Secretary, who shall keep a record of all their proceedings, and shall perform such other duties as may be assigned to him by the Town Council, or are appointed under this Act (a) and shall have access to all the records of the Corporation. The said Secretary shall receive out of the Municipal Fund a salary of Rupees five hundred monthly, which may be increased by the Town Council, with the sanction of the Corporation, to Rupees seven hundred monthly. Provided always that it shall be lawful for the Town Council, with the sanction of the Corporation, to make, in addition to the aforesaid salary of Rs. 700, the grant of a personal allowance not exceeding five hundred rupees monthly for long and approved service. He shall (b) also be Clerk to the Corporation, "and may, with the consent of the Town Council, be appointed to any other office in the municipal service." He shall devote the whole of his time and attention to the duties of "such office or offices." He shall be removeable from office by the Town Council with the approval of the Corporation, for misconduct, or neglect of, or incapacity to perform, his duty.</p>
<p>See Section 27 of the present Act</p>	<p>59. The Town Council may from time to time appoint such clerks and servants as they may require, and such clerks and servants shall be paid out of the Municipal Fund such reasonable salaries and allowances, as may be sanctioned by the Corporation, and such clerks and servants may be suspended and dismissed by the Town Council, and they and the Secretary appointed under the last preceding section shall be subject to the same rules as to leave and otherwise as the clerks and servants appointed by the Commissioner as hereinafter provided.</p>
<p>49. The Commissioner may from time to time appoint such Assistant Commissioners, Assessors, Collectors of Taxes, Accountants, Inspectors, Clerks, subordinate officers and orders of the Municipality under whatever designation he may think necessary, and shall be eligible to assist in the execution of this Act, and shall be bound to perform his duty, and all</p>	<p>60. The Commissioner may from time to time appoint such Deputies, Assistants or other officers or subordinates in any Department, and in connection with any of the purposes of which the Municipal property and funds are applicable under the provisions of Section 137 of this Act, and under such designation as he may deem proper, to assist in the execution of this Act and may from time to time suspend or remove any such persons and ap-</p>

Existing Sections.	Sections as approved by the Committee.
<p>of not less than three months, and the rules as may be made by the Corporation. he may, within the limits of the Budget, pay such allowance to the said persons respectively as the Town Council shall think reasonable, or in case of absence on leave such portion thereof as is hereinafter provided: Provided that no officer or servant shall be removed from any office the aggregate monthly salary of which exceeds 300 rupees without the sanction of the Town Council, and that no new office (the aggregate monthly salary of which exceeds 300 rupees) shall be created without the sanction of the Corporation.</p>	<p>point others in their place, and all persons appointed under this section shall be subject to such rules as may be made by the Commissioner from time to time by virtue of this Act; and he may pay such salaries and allowances to the said persons respectively as he may think reasonable. Provided that in so doing he shall not incur any unauthorized expenditure, and that no salary shall be increased without the sanction of the Town Council, and Provided also that no officer or servant shall be removed from any office the aggregate monthly salary of which exceeds 300 rupees without the sanction of the Town Council, and that no new office (the aggregate monthly salary of which exceeds 300 rupees) shall be created without the sanction of the Corporation.</p>
<p>50. Every Assistant Commissioner, Assessor, Collector of Taxes, Accountant, Overseer, Inspector and Clerk, and other officer appointed by or acting under the authority of the Municipal Commissioner under Act II. of 1865, and not acting contrary to the provisions of this Act, shall hold and enjoy his office and employment, together with the salary or emolument thereunto annexed, until he shall be removed therefrom by the Commissioner or by the Town Council as hereinbefore provided. Every such officer shall have the like power and authority for the purposes of this Act, and for carrying the same into execution, and shall be subject and liable to the like pains and penalties, and to the like power of removal, in all respects as if he had been appointed by virtue of this Act.</p>	<p>61. Every Deputy, Assistant or other officer or subordinate appointed by or acting under the authority of the Commissioner, "or appointed by the Town Council," under the Bombay Municipal Acts of 1872 and 1878, and not acting contrary to the provisions of this Act, shall hold and enjoy his office and employment, together with the salary or emolument thereunto annexed, until he shall be removed therefrom by the Commissioner or by the Town Council as hereinbefore provided. Every such officer shall have the like power and authority for the purposes of this Act, and for carrying the same into execution, and shall be subject and liable to the like pains and penalties, and to the like power of removal, in all respects as if he had been appointed by virtue of this Act.</p>
<p>51. Every member of the Town Council, Municipal Officer or subordinate officer, and every servant, of every description, paid out of the Municipal Fund, and every Contractor or Agent to whom the levy of any rate, toll, tax, or other impost shall be entrusted by or on behalf of the Corporation, and any servant or other person employed by such Contractor or Agent for the collection of such rate, toll, tax, or other impost shall be held to be a public servant within the meaning of Section 21 of the Indian Penal Code.</p>	<p>62. Every member of the Town Council, Municipal Officer or subordinate officer, and every servant, of every description, paid out of the Municipal Fund, and every Contractor or Agent to whom the levy of any rate, toll, tax or other impost shall be entrusted by or on behalf of the Corporation, and any servant or other person employed by such Contractor or Agent for the collection of such rate, toll, tax, or other impost shall be held to be a public servant within the meaning of Section 21 of the Indian Penal Code.</p>
<p>52. Whoever wilfully obstructs or molests the Commissioner, or any of the officers or servants of the Corporation in the performance of their respective duties under this Act, shall be liable, on conviction before a Magistrate, to the penalty provided by Section 186 of the Indian Penal Code.</p>	<p>63. Whoever wilfully obstructs or molests the Commissioner, or any of the officers or servants of the Corporation in the performance of their respective duties under this Act, shall be liable, on conviction before a Magistrate, to the penalty provided by Section 186 of the Indian Penal Code.</p>
<p>53. No person shall be qualified to be appointed or to be Municipal Commissioner, or an officer or servant of the Corporation, during such time as he shall have, directly or indirectly,</p>	<p>64. No person shall be qualified to be appointed or to be Commissioner, or an officer or servant of the Corporation, during such time as he shall have, directly or indirectly,</p>

Existing Sections.	Sections as approved by the Committee.
<p>share or interest in any contract or employment with, by, or on behalf of the Corporation,</p>	<p>rest in any contract or employment with, by, or on behalf of the Corporation, <i>other than such share or interest as is specifically declared in the proviso to Section 12 of this Act to be no ground of disqualification;</i></p>
<p>And any person who, being the <i>Municipal</i> Commissioner, or an officer or servant of the Corporation, shall acquire, directly or indirectly, any share or interest in any such contract or employment, shall cease to be such Commissioner, officer or servant;</p>	<p>And any person who, being the Commissioner, or an officer or servant of the Corporation, shall acquire, directly or indirectly, any share or interest in any such contract or employment <i>other than as aforesaid</i>, shall cease to be such Commissioner, officer or servant:</p>
<p>Any person who, being a member of the Town Council, or the <i>Municipal</i> Commissioner, or an officer or servant of the Corporation, shall acquire, directly or indirectly, any share or interest in any such contract or employment shall be deemed to have committed the offence made punishable by Section 168 of the Indian Penal Code.</p> <p><small>Penalty for Member of Town Council or Officer of the Corporation being so interested.</small></p>	<p>And any person who, being a Member of the Town Council or the Commissioner, or an officer or servant of the Corporation, shall acquire, directly or indirectly, any share or interest in any such contract or employment <i>other than as aforesaid</i>, shall be deemed to have committed the offence made punishable by Section 168 of Indian Penal Code.</p> <p><small>Penalty for Member of Town Council or Officer of the Corporation being so interested.</small></p>
<p><i>But the disqualification and penalty prescribed by this section, and the exceptions, disqualification prescribed by Section (8), clause (d), shall not be deemed to apply by reason only of a person having</i></p>	
<p>(a) a share in any Joint Stock Company which shall contract with, or be employed by or on behalf of, the Corporation, or</p>	
<p>(b) a share or interest in any newspaper in which any advertisement relating to the affairs of the Corporation may be inserted.</p>	
<p>59. The Town Council shall make rules fixing the allowances to be paid to officers during absence on leave granted under the last preceding section: Provided that in case of the <i>Municipal</i> Commissioner the Governor in Council shall fix the allowance to be paid during such absence on leave as shall to him seem proper.</p> <p><small>Allowances during absence on leave.</small></p>	<p>65. <i>It shall be lawful for the Town Council to grant such leave of absence to any officers appointed under this Act as shall to them seem proper, or to delegate such power to the Commissioner, and in the case of any officer so appointed to make fit arrangements for the duties of his office during his absence on leave: Provided that in any case in which leave of absence shall be granted to the Municipal Commissioner the confirmation of the Government shall be requisite, and the Government shall make fit arrangements for conducting the duties of such officer.</i></p> <p><small>Town Council to grant leave of absence &amp;c. Sanction of Government required in certain cases.</small></p>
<p>B 752—25</p>	<p>Any person appointed under this section to act for an officer shall, while so acting, have all the powers, and be liable to all the restrictions, limitations, and provisions which such officer for whom he may be appointed to act would under this Act have or be liable to.</p> <p><small>Acting Appointments.</small></p> <p>66. The Town Council shall make rules fixing the allowances to be paid to officers during absence on leave granted under the last preceding section: Provided that in the case of the Commissioner the Governor in Council shall fix the allowance to be paid during such absence on leave as shall to him seem proper.</p> <p><small>Allowances during absence on leave.</small></p>



Existing Sections.	Sections as approved by the Committee.
<p>60. The Commissioner of Police shall co-operate with the <i>Municipal</i> Commissioner for the maintenance of good order and peace throughout the City, and shall render all the aid that may be in his power to carry out the objects of this Act.</p> <p>Police Commissioner to co-operate with the Municipal Commissioner.</p>	<p>67. The Commissioner of Police shall co-operate with the Commissioner for the maintenance of good order and peace throughout the City, and shall render all the aid that may be in his power to carry out the objects of this Act. <i>He shall not in respect of the office which he holds be deemed to incur any disqualification within the meaning of Section 12 of this Act.</i></p> <p>Police Commissioner to co-operate with the Commissioner.</p>
<p>61. Any Police Officer may arrest any person committing in his view any offence against any of the provisions of this Act, if the name and address of such person be unknown to him, or if such person decline to give his name and address, or if the Police Officer in question shall have reason to doubt the accuracy of such name and address, if given; and such person may be detained at the station-house until his name and address shall be correctly ascertained: Provided that no person arrested under the provisions of this Act shall be detained in any way, without the order of some Magistrate, longer than shall be necessary for bringing him before a Magistrate, or than forty hours at the utmost.</p> <p>Police to arrest offenders.</p> <p>Proviso.</p>	<p>68. Any Police Officer may arrest any person committing in his view any offence against any of the provisions of this Act if the name and address of such person be unknown to him, or if such person decline to give his name and address, or if the Police Officer in question shall have reason to doubt the accuracy of such name and address, if given; and such person may be detained at the station-house until his name and address shall be correctly ascertained: Provided that no person arrested under the provisions of this Act shall be detained in any way, without the order of some Magistrate, longer than shall be necessary for bringing him before a Magistrate, or than forty hours at the utmost.</p> <p>Police to arrest offenders.</p> <p>Proviso.</p>
<p><i>Clause 2.</i>—It shall be the duty of all Police Officers to give immediate information to the proper Municipal Officers of any offence committed contrary to the provisions of this Act, and to assist all Collectors and other Municipal Officers in the exercise of their lawful authority.</p>	<p>It shall be the duty of all Police Officers to give immediate information to the proper Municipal Officers of any offence committed contrary to the provisions of this Act, and to assist all Collectors and other Municipal Officers in the exercise of their lawful authority.</p>

### SCHEDULE.

**RULE 1.**—For the purpose of the election of members\* of the Municipal Corporation of the City of Bombay the said city is divided into the wards hereinafter specified, and each such ward shall be entitled to return the number of members herein assigned to it, that is to say:—

Ward No. 1, A	...	...	Fort	...	...	...	members.
Ward No. 2, B	...	...	Mádví	...	...	...	members.
Ward No. 3, C	...	...	Bhuleshwar	...	...	...	members.
Ward No. 4, D	...	...	Girgaon	...	...	...	members.
Ward No. 5, E	...	...	Byculla...	...	...	...	members.
Ward No. 6, F	...	...	Parel	...	...	...	members.
Ward No. 7, G	...	...	Máhm	...	...	...	members.

**RULE 2.**—At a general election, each person qualified to vote, whether as a rate-payer or as a Fellow of the University of Bombay, or in both those capacities, may vote for as many candidates as are allotted to the ward wherein the voter is entitled to vote. The voter shall vote in one ward only. Such ward shall be,—

in the case of a person voting as a rate-payer, the ward in which his name was entered in the Voters' list last framed and published by the Municipal Commissioner,

and, in the case of a person voting as a Fellow of the University of Bombay, the ward in which the University Buildings are situated or the ward in which such person resides.

\* By rate-payers of the city.

*Provided* that it shall be incumbent on every person intending to vote as a Fellow of the University,

and on every rate-payer whose name has been entered in more than one ward in the Voters' list aforesaid,

to intimate in writing to the Municipal Commissioner, within 14 days from the publication of said list, the ward in which he proposes to vote, and he shall thereupon, subject to the limitation imposed by this Rule, be deemed to be qualified to vote in such ward and in no other,

and in default of such intimation being received by the Municipal Commissioner, the Municipal Commissioner shall within 21 days from the publication of the list, determine the wards in which such persons shall be entitled to vote,

and such determination shall have the same effect as the intimation aforesaid.

A final list, showing the wards in which the votes of persons who have had an option as aforesaid, shall be published in the *Government Gazette* not less than fourteen days before the date fixed for the election, and a copy thereof shall be affixed in some conspicuous place at the Municipal Office.

At any interim ward election all persons whose names appear in the list of that ward then last published shall be entitled to vote for as many candidates as are to be elected. And the persons qualified to vote at such interim election shall be those whose names appear in the ward list then last published.

**RULE 3.**—No vote shall be received at any election of a member or of members of the Corporation for any person whose name is not entered in the list then last published as qualified to be elected or appointed a member, and who has not been nominated by one person entitled to vote at any such election; and whose nomination has not been seconded by another such person entitled to vote, nor unless such nomination is made in writing, signed by the proposer and seconder, and left at the office of the Municipal Commissioner at least seven days before the date fixed for the election.

**RULE 4.**—The Municipal Commissioner shall publish a list of the names of the persons in respect of whom such nominations have been duly made, together with the names of the respective proposers and seconders, at least three days before the date fixed for the election, in the *Bombay Government Gazette*, and in such of the local daily newspapers as he shall deem fit.

**RULE 5.**—The polling place shall in each case be fixed by the Municipal Commissioner and shall be publicly notified by him, not less than seven days before the election; and he may appoint such and so many Polling Officers as he may consider necessary, and may pay them reasonable remuneration for their services.

**RULE 6.**—Voting papers, in the forms appended hereto, shall be prepared by the said Commissioner and furnished to the electors on application at his office; and also at the polling place on the day of the election.

**RULE 7.**—Each voter shall present to the Polling Officer his voting paper with the name of the person for whom he desires to vote written legibly therein in the English language, and with all particulars duly filled in, and shall answer any questions put to him by such officer, and shall sign the voting paper in his presence; and such officer shall attest each such signature, and shall attach consecutive numbers to all such voting papers, and shall, at the close of the poll, send them in a packet duly sealed and secured to the Municipal Commissioner.

**RULE 8.**—On the day of election no objection to any intending voter shall be admitted, except in respect of identity, or of not being on the list of voters for the ward then last published as aforesaid; and if any such authorized objection shall be made to any voter the Polling Officer shall transmit his voting paper separately to the Municipal Commissioner, and shall direct the parties to appear before the said Commissioner within three (3) days from the day of the election.

**RULE 9.**—The Polling Officer shall, at the close of the day, transmit a list of the objections to voters admitted by him during the day to the Commissioner, who shall, after hearing and deciding upon all such objections, make lists of the votes given in each ward and shall record the same in his office, and shall, within ten days after the election, publish in the *Bombay Government Gazette*, and at his office, the names of the candidates for each ward, and the number of votes given for them respectively and shall declare the candidate for whom the greatest number of votes shall have been given to have been duly elected.

**RULE 10.**—In case the number of votes for any two or more candidates as published by the Commissioner shall be equal, the choice shall, if necessary, be decided by lot, to be drawn in the presence of the Commissioner, who shall publish the name of the person to whom the lot has fallen and declare such person to be elected.

**RULE 11.**—No person shall be returned for more than one ward; and in case of any person or persons being found to be elected in more than one ward he or they shall be permitted to elect for which ward or wards respectively he or they will serve as member or members of the Corporation, and the votes which the said person or persons shall have obtained in any other ward shall be cancelled, and the nominee or nominees in succession who shall have obtained the next largest number of votes in such ward or wards shall be returned in the place of the said person or persons; and if, in any such case, there shall have been no other nominee for whom any votes have been recorded, then the Governor in Council shall fix a time for holding an election in respect of any ward or wards which may thus be left without due representation.

*Form of Voting Papers.*

BOMBAY, 18		BOMBAY, 18
Counterfoil No.	No.	Ward No.
Receipt.	Name	Father's Name
	Surname	
Ward No.	Name of Elector	
Name of Elector	Residence	
Residence	Name	Father's Name
	Surname	
Person voted for	Person voted for	
Signature of Officer receiving vote	I do hereby declare that I am the Elector whose name is entered above, that my residence is as above stated, that I have completed my 21st year, and that I have been assessed, under the provisions of the Bombay Municipal Acts of 1872 and 1878, for the half-year ending 30th September 18 at a rate of not less than Rupees 30 per annum.	
	And I do hereby declare that I have chosen the person named above to be a Member of the Corporation of the City of Bombay.	
	* (Signed)	
This is to be filled up and returned by the Officer receiving the vote.	* Signature to be made on presentation of the voting paper to the Polling officer.	N.B.—False declaration punishable under Section 199, Indian Penal Code.

BOMBAY, 18		BOMBAY, 18
Counterfoil No.	No.	Ward No.
Receipt	Name	Father's Name
	Surname	
Ward No.	Name of Elector	
Name of Elector	Residence	
Residence	Name	Father's Name
	Surname	
Person voted for.	Person voted for	
Signature of Officer receiving vote.	I do hereby declare that I am the Elector whose name is entered above, that my residence is as above stated.	
	And I do hereby declare that I have chosen the person named above to be a Member of the Corporation of the City of Bombay, and that I have not exercised my right as a Voter in any other Ward.	
	* (Signed)	
	<i>Fellow of the Bombay University.</i>	
This is to be filled up and returned by the Officer receiving the vote.	Signature to be made on presentation of the Voting paper to the Polling Officer.	N.B.—False declaration punishable under Section 199, Indian Penal Code.

No. 2009 OF 1885-86.

## THE SECRETARY TO GOVERNMENT,

GENERAL DEPARTMENT.

*Municipal Commissioner's Office,  
Bombay, 18th May 1885.*

SIR,

Referring to your memorandum, No. 3913, dated 26th July 1884, I have the honour to state that from time to time in the course of my daily work, points have occurred to me in which it would be desirable to modify the Draft Municipal Act which I submitted to Government in printed form on the 9th November 1882. That Draft, though it did not aspire to the completeness of a Bill ready for introduction to the Legislative Council, and was rather a ground-work for the Legal Remembrancer to base the final Bill upon, was the result of careful revision, and I have since found that its provisions in the Administrative Sections do suffice in the majority of cases to meet the difficulties with which we now have to contend.

2. At the same time, even in those sections there are still some flaws which, as subsequent experience has shown me, require to be amended, and, knowing from the previous labor expended on this Act how dangerous it is to alter one or two sections without carefully revising the whole—especially when the matter which led to the several alterations is not so fresh in my memory as it was three years ago—I have been anxious, before again venturing to submit further amendments to Government, to go through the Act from beginning to end, as I did on the former occasion. And I felt this to be the more necessary because I believe that to make the new Act as complete as possible advantage should be taken of comparison subject by subject, with certain English Acts and Regulations, such as especially the Public Health Act, the Municipal Corporations Act, the Local Government by-laws, and the Rules relating to School Board elections. In all these, with which I was previously unacquainted, I have seen matter which should at any rate be carefully considered side by side with our Draft Sections. But in the midst of the heavy daily executive work which devolves upon me I have not yet been able to find time for this further revision.

3. Moreover, it seems to me that before this revision is undertaken either by myself or another it is most desirable that the lines of the constitution on which the new Act is to be drafted should be determined. In the previous draft which I submitted I barely touched on this, but in the concluding note I referred to correspondence on the subject, especially to paragraph 13 of my letter, No. 4360, dated 29th May 1882. I do not ask Government to decide upon the constitution, but to say what shape the measure should take in presenting its first appearance to the Legislative Council.

4. Since I last wrote the Corporation have considered through a Committee whether any amendments were in their opinion desirable in connection "with the new Local Self-Government scheme," and the result of their deliberations is now before Government. The Committee was appointed to discuss this subject in conjunction with the Municipal Commissioner, but unfortunately I was absent from Bombay for the greater part of the time that the Committee was sitting.

5. Dealing with the three units of the constitution—the Corporation, the Town Council, and the Municipal Commissioner—the Corporation have recommended—

(1) That the total number of members of the Corporation be increased from 64 to 72, of whom half are to be elected by the Rate-payers as at present; 24, instead of 16, by the Justices; 8, instead of 16, by Government; 2 by the Fellows of the Bombay University, and 2 by the Chamber of Commerce.

(2) That the Town Council should remain as at present, except that the Chairman should be elected by the members of the Town Council instead of being appointed by Government.

(3) That the Municipal Commissioner should remain as at present.

6. Under this recommendation, then, the existing constitution would be retained, though varied in some details. It is difficult to say how far this recommendation represents the matured opinion of the members of the Corporation

generally and, through them, of such of the Bombay public as are interested in the matter—(1) because the attendance at meetings was scanty, and it was sometimes difficult to get a quorum notwithstanding frequent adjournments; (2) because some of the members best able to express an opinion were often unavoidably absent through pressing business avocations; (3) because under the present constitution it is very difficult for members of the Corporation, I may say impossible for most of them, to gain an insight into the working of the constitution, and for reasons already explained I was debarred from co-operating with the Committee as had been intended.

7. A minute of two members of the Committee—not concurred in by the majority—well illustrates the want to which I have just referred. It urges the appointment of Committees, and speaks “of the insight into the executive administration which this division of labor would give to the members. It will constitute a real education for them into the practical administration of a great department.”

This minute really shows where the shoe pinches at present, not only by the words which I have quoted, but by certain errors of fact and the imperfect acquaintance with the existing constitution which it incidentally and very naturally betrays.

8. I think this minute specially deserves attention, because whatever its mistakes may be, it reveals a consciousness that for any real expansion of local self-government responsibility and practical experience must be linked with power. At the same time the Committees if, as is proposed, they are to be *working* Committees, cannot fit in, as is also proposed, with the present Municipal constitution. It is reasonable to propose that there should be separate Committees “supervising” three Departments of “Public Health,” “Public Works,” and “Revenue and Finance;” but it is utterly unpractical to delegate to such Committees the duty of acting “as a consulting body to the Municipal Commissioner and the Town Council,” and to suppose that, under such circumstances, “the control which such bodies would be able to exercise would be more by way of help to the Municipal Commissioner, and in no way in conflict with, or antagonistic to, his authority as the Chief Executive Officer of the Municipality.” If these Committees were called into existence, the Town Council, as now understood, would naturally disappear, and perhaps the Municipal Commissioner too.

9. Where the power of the purse is, there must very nearly all executive power be drawn also. The question is whether legal responsibility should not also be attached to the power. The primary functions of the Town Council under the present Act are to maintain financial control; although curiously enough their sanction is necessary before the Commissioner, after consulting the Health Officer, can require an owner to drain off or remove stagnant water from a pool which causes a nuisance on such owner’s premises, and yet is not necessary before the same officer can compel the removal of a projection from the street, even when such removal may involve the payment of compensation. But anybody at all conversant with the proceedings of the Town Council must be aware that a variety of matters, often very indirectly connected with financial considerations, are discussed at the meetings of that body. Most exercises of the executive function cost money, and it seems to be almost impossible to draw a hard-and-fast line between financial and executive control. When executive details are to be discussed and grasped, a Committee of twelve is in my opinion too large a body to deal with, and I am inclined to think that even without further changes three Committees of five members each would deal more efficiently with the business of the

1. Public Health.
2. Public Works.
3. Revenue and Finance.

three main branches of Municipal Administration than one Committee\* of twelve—power being reserved for one Committee to consult with another when necessary. With a Committee of five, papers can be circulated, and

\* Note.—I hope that with the introduction of a new Municipal Act the imminent danger may be avoided of having such a monstrous term as “Corporationer” or “Corporator” (at present the choice lies between the two alternatives) foisted on the English language. In the English Act “Municipal Corporation” is defined as “the body corporate constituted by the incorporation of the inhabitants of a borough,” and “the Municipal Corporation of a borough shall be capable of acting by the Council of the borough and the Council shall exercise all powers vested in the Corporation by this Act or otherwise.” So whether there be one standing Committee of twelve, or three of five members each, I would advocate that what is now called “the Corporation” should be called the “Town Council.”

the Committee meets for practical business. Each member of the Committee would take a special interest in the branch of administration with which he was specially connected. He would have better opportunities of mastering the details, and would be in a better position to speak on and explain a subject when it came before the Corporation. With a Committee of twelve what is everybody's business is nobody's business : there is a tendency to substitute speeches for business : and when a subject comes before the Corporation on the recommendation of the Town Council, it is quite a matter of chance whether there is any member present acquainted with the facts to move the Resolution.

10. It may be said that with these Committees there would be no further need of a Municipal Commissioner, or that his position would be completely altered. I do not know that this is a matter to be regretted, but in any case the consideration is one not more applicable to three Committees of five each than to one Committee of twelve. In my letter above alluded to I have advocated "fusion," and I referred to the opinion of a former\* Municipal Commissioner and a former Chairman of the Town Council. Under the present suggestion, if the Municipal Commissioner disappeared, he would make way for a Chairman of Committees. The Committee of the Corporation have not approved of the change ; they say that the Council's (or Committee's) power would only be nominal, whilst they would share the full responsibility. I think this is a mistake. If such a machinery of administration were introduced, the Committees would have the power as they do in England, and it is only right that they should have the responsibility. In fact, I am told, on the other hand, by some members of the Corporation with whom I have discussed the subject, that the Committees would have too much power, and that the independent executive authority of the Municipal Commissioner should be maintained.

11. My own belief is that Committees would work well. But I am sure that at first at any rate, a full-time † Chairman appointed by Government would be necessary. The same necessity does not arise in England where men of means, leisure, aptitude for public affairs, and the requisite business experience are available. But this is not the case now in Bombay, and as far as the European element is concerned, there is not such a thing to be found as a sleeping partner who would take an active part in Municipal administration. One great advantage in Committees would be that they would be brought face to face with practical difficulties and be in direct communication with the Heads of Departments. Knowledge and responsibility would take the place of theories and the comparatively easy task of criticism.

12. As to this change being a distinct advance towards local self-government, there can be no question. Some are doubtful of it as being too great, others who judge by the word and not by the reality (and who, perhaps, in truth shrink from the reality of responsibility) say "local self-government consists in the removal of official Chairmen, and here is a new one being imposed upon us." But it is almost unnecessary to point out that the official bugbear is one whose influence lies in official power outside his Chairmanship, whilst the Chairman of Committees would have no power but what he derives from the Municipal Act and constitution, and that in the Committee would be always a majority elected by the members of the Corporation. Further, the acts of the Committee would be subject to the free criticism of the Corporation whose Chairman is elected by the members themselves, and the Committee's pecuniary power would be limited by the grants of the Corporation. There would, in fact, be one Government nominee instead of two.

13. Some change there must be, and this is recognized by some who are sufficiently well acquainted with the present details of this Municipal government to speak with authority, and who at the same time agree with the Report of the Corporation as to the retention of Municipal Commissioner and Town Council. If the functions of Town Council and Commissioner cannot be merged in the hands of one or more Committees, then the line between their respective functions should be more distinctly defined and provision should be made for the appoint-

\* Note—See paragraphs 3, 9, and 11 of Mr. Pedder's letter to Government, No. 4221, dated 1st July 1876.

† Note—As to the position which the Chairman should occupy with respect to the Committee, I referred in my previous letter to the constitution of the present Port Trust Board.

ment of a Deputy Municipal Commissioner, somewhat in the terms of Section 4 of Bombay Act II. of 1885.

14. I have alluded to the tendency of financial authority to absorb executive authority also. This accords with usual experience, and is almost inevitable, especially with an Act so loosely worded as the present Municipal Act. The question is whether any workable statutory provisions will suffice to establish a division of authority, if such division is still considered desirable. Whilst duties appertaining most prominently to the Town Council are omitted or performed only vicariously, much time is spent on subjects which are certainly executive rather than financial. For instance, the weekly audit of receipts and disbursements (Section 30 of the Act) is conducted always and entirely by the Secretary to the Town Council, and the duty of preparing the annual Budget and of giving any explanation that may be required to the Corporation (Section 35 of the Act) practically devolves upon the Municipal Commissioner: whilst at the same time reports are asked for and given, and discussion arises on such subjects as fires, water distribution, and health statistics. I say nothing against this, but it shows that the border line of authority is not distinctly marked, and when individual cases instead of general principles, occupy the attention of the Town Council, there is always a danger of more or less friction and of the executive authority of the Commissioner being impaired. There is an increasing tendency to address to the Town Council, instead of to the Municipal Commissioner, complaints relating to executive matters, and this circumstance shows, to use a familiar expression, which way the wind blows. But I think I may say that the Town Council have almost invariably by their vote shown decidedly their disinclination to undue interference with the executive authority of the Municipal Commissioner. And it may be said, no doubt, that what the majority of the Council has hitherto done it may be trusted to do in future, and that the Municipal Commissioner has only to concern himself with the action of the majority.

15. But this unfortunately does not get over the difficulty. The Municipal Commissioner is not under any legal obligation to attend the meetings of either the Town Council or the Corporation, but as a matter of practice and from interest in the work, he does so, and in fact, if he were absent except occasionally, the transaction of business would be seriously impeded. So that if at any time even one member should join the Council impressed with the idea that the functions of that body should be extended and those of the Commissioner be restricted as much as possible, and should persistently work in support of that idea, treating the actual disposal of business as a secondary consideration, it would be impossible to avoid friction, and the danger of time and money being wasted. It is almost always an easier task to speak in opposition to a measure than in support of it, and when the Municipal Commissioner is present, many members—even though they may approve of the measure or course of action under discussion and be prepared to vote in favor of it—are apt to leave to the Commissioner (consoling themselves with the reflection that probably he knows most about it) the task of speaking on its behalf and of encountering the arguments of the opposition. Again, though the majority of the Council may be business-men (I mean with a sufficient knowledge of practical affairs in some form or other), others may not be so, and through mere want of experience may have, what I may call, no sense of proportion, that is, may confound the duties which appertain to the Head with those which appertain to the subordinate; and not distinguishing between the responsibility which should attach to the one and the other, apply themselves to a line of conduct which is productive of no good whatever, and causes to the Municipal Commissioner (being present) an amount of worry of which probably they have no conception. Thus, the action even of a minority in the Town Council, and the protracted discussion which it must entail, may at any time render the position of the Municipal Commissioner under the present constitution an exceedingly difficult one, and might—certainly would if the minority became a majority—make it altogether untenable. To avoid these difficulties, which are now being circulated, and favour of Committees and amalgamation of authority, demarcation should be made as clear as possible.

16. But it may be said why not leave English language. In the English Act now than formerly? To this I reply that I have constituted by the incorporation of the with a mere imaginary sketch; that during the incorporation of a borough shall be capable of acting all exercise all powers vested in the Corporation one standing Committee of twelve, or three that is now called "the Corporation" should be

increase of these difficulties have not been wanting, and that their importance is enhanced in proportion to the increase of work devolving upon the Municipal Commissioner. The head of the executive in a large city like this—with a responsibility so complete and yet so divided—must always, I imagine, feel that there is more work than he can do with satisfaction to himself, however lenient may be the judgment of others ; but heavy as the work was in 1876, when Mr. Pedder wrote the letter to which I have already referred, it is undoubtedly more onerous now. Population, Buildings, Revenue, Expenditure, all have increased ; the number of Corporation meetings is three times what it was ; new works of the greatest importance are in progress or in contemplation, and there is a very perceptible rise in the standard of requirements. These circumstances of necessity entail additional labor, both in correspondence and supervision : and a more extended acquaintance with the provisions and difficulties of the present Act has rendered the conduct of business a still less easy task than it was formerly. There is more reason, therefore, for removing causes which tend to produce conflict of authority, and more need for co-operation and assistance. The question of appointing a Deputy Commissioner has been more than once mooted by independent members of the Corporation, but I have taken no part in it, either publicly or privately, because though I recognize the urgent necessity for relief, I know that the relief to be of any real use must be of such a kind as can only be provided by fresh legislation, and I should be reluctant to propose legislation to this end before my other suggestion had been carefully and thoroughly considered. The help of a mere Assistant such as can be appointed under Section 49 of the existing Act, will not meet the want, for it is the Commissioner himself, or his time, which is the same thing, that having regard to the duties and responsibilities imposed on him personally by the Act requires to be doubled. The only Deputy who would be of any real good would be one whose “acts

Section 4 of Bombay Act II. of 1885.

and things performed and done by virtue of his office shall for all purposes be deemed to have been performed and done by the Municipal Commissioner.” The appointment of such an officer would no doubt be of service in the disposal of current work and in the more speedy redress of grievances, and it would considerably lessen the difficulty, which sometimes arises at present, of providing for the conduct of the Municipal Commissioner’s duties during his temporary absence, besides affording the opportunity of appointing to the higher office, in case of a vacancy, a tried man with local experience. Nevertheless, I am respectfully of opinion that executive administration by means of Committees constituted as I have suggested would be more suitable as well as more economical. Under that arrangement, with an efficient Secretary and the enforcement of immediate departmental responsibility, the appointment of another highly-paid officer would not be necessary.

17. I have now, as briefly as possible, consistently with the unquestionable importance of the subject, endeavoured to make clear to Government what, according to my experience, are the points in the present system in respect of which remedial measures are necessary, and I have indicated amendments on alternative lines. The decision between these alternatives, or between either of them, and the provisions of the existing Act which relate to the Municipal constitution, has such a direct bearing on the terms and arrangement of many of the Administrative Sections that before any further revision of the latter is undertaken it seems to me absolutely necessary that instructions should be obtained as to the principles on which the Draft is to be prepared, so that however much it may be altered hereafter, it may be submitted in the first instance complete and harmonious in all its parts to the judgment of the public.

I have the honour to be,

Sir,

Your most obedient Servant,

E. C. K. OLLIVANT,

Municipal Commissioner  
for the City of Bombay.



No. 1943 OF 1885-86.

*Municipal Corporation Office,  
Bombay, 8th March 1886.*

To

THE SECRETARY TO GOVERNMENT,  
General Department.

SIR,

Referring to Mr. Under Secretary Monteath's letter No. 3999, dated 21st October last, I have now the honour to place before you, for the consideration of Government, the views of the Municipal Corporation regarding the new Municipal Bill drafted by the Hon'ble Mr. Naylor.

1. The Corporation have confined their enquiries to such parts of the Bill as more particularly alter or affect the existing constitution of the Municipality, and propose to leave for future consideration many points of detail respecting which it may be necessary for the Corporation to make representations to the Legislature hereafter.

2. The Corporation recommend that the designations "Municipal Corporation of the City of Bombay" and "Town Council" should be retained and left unaltered. The Corporation is well known throughout India and in London under its present name, and it would be undesirable to make any change in the designation under which it has attained to its present high position (see Sections 4 and 42 of the Bill).

3. They consider that the Corporation should, except during the intervals between the death, resignation or disqualification of any member, and the election or appointment of a successor, consist of seventy-two members of whom sixteen should be elected by the Justices, two by the University of Bombay, thirty-eight elected by the Ratepayers and sixteen appointed by Government, and the Municipal property and fund be vested in the Corporation for the purposes of the Act.

Women who are qualified as ratepayers should be entitled to vote at elections, but not be qualified to be elected as members of the Corporation (see Sections 5 and 7*d* of the Bill).

The words "is a British subject and" (in Section 7, Clause *b*) should be omitted.

In the same section provision should be made for qualifying the following classes as voters:—Graduates of the University of Bombay, of any University in British India, and of any University in the United Kingdom and Ireland ordinarily resident in Bombay, Barristers, Advocates, Solicitors, Vakils and Pleaders practising in the High Court of Bombay.

In the same way Section 20 of the Bill should be so altered as to provide that each voter shall have as many votes as there are members to be elected, but that a voter shall only have the right to record one vote for each candidate.

4. Regarding the power proposed to be given to the Commissioner enabling him to certify that certain business shall not be transacted except at a meeting of 25 members, the Corporation recommend that this provision be altogether omitted from the Bill. The number of members of the Corporation should be increased from 64 to 72, and the number of members required to make a quorum at a special or quarterly meeting should be fixed at 20, except at any adjournment of a meeting consequent on there not being a quorum of 20.

5. In the opinion of the Corporation Section 41 of the Bill should be struck out, and Section 40 amended by the addition of the following words:—

"And in the case of the management of schools and hospitals, to perform, subject to the supervision and control of the Corporation, such duties as may, from time to time, be delegated to the said committees."

6. Instead of the provisions of the Bill (Sections 58—60) the Corporation recommend that the following provision should be made:—

That the determination of the question whether a Deputy Municipal Commissioner should at any time be appointed, and the selection of such officer should both be in the hands of the Corporation, the selection of any particular officer being subject to the sanction of Government.

It does not seem necessary to fix any minimum amount for the pay of such an officer.

7. Regarding the provision in Section 63 requiring the Corporation to pay such proportion of the expenses of the Police as Government may determine, the Corporation have already expressed their views on this point and communicated the same to Government.

8. The Corporation think that Section 66c should be omitted, but that the following provision should be made:—

“The Chairman of the Town Council, upon the representation of the Municipal Commissioner, shall be empowered to summon a meeting of the Council within 24 hours for the transaction of any business which, in the opinion of the Commissioner, cannot be delayed.”

9. The proposal to allow the Municipal Commissioner to make payments in certain cases without previous sanction should be omitted, the following words being struck out of Section 115, clause (a):—

“Save in case of pressing emergency,” as also the following words, paragraph 2 \* \* \*  
\* “Unless it is certified by the Commissioner in writing that there is a pressing emergency for the expenditure of the said sum.”

No emergency which could not be met under the provisions of the preceding paragraph of this letter could well arise.

10. The Corporation recommend that the Town Council should retain their present powers intact, and that the Commissioner should not be an *ex-officio* member of that body. He should continue to be the executive officer of the Corporation; and this being so, the proposed standing committee and sub-committees thereof are unnecessary and undesirable. The provision for their appointment should be omitted from the Bill (Sections 42 to 50).

11. The Corporation think that provision should be made in the new Bill, enabling the Commissioner to delegate, subject to the sanction of the Corporation, certain of his duties, from time to time, to some other person already in the service of the Corporation.

12. The Corporation recommend that Sections 77 and 78 should be omitted, and that in place thereof Section 26 of the existing Act (as amended by Act VI of 1882) be re-enacted, and the Secretary to the Town Council required to act, as now, as Clerk to the Corporation, but that the designation of that officer should be the “Town Clerk.”

13. The Corporation think that the Controller of Municipal Accounts should be appointed directly by the Corporation in the same way that the Health Officer and Executive Engineer are, and that the words “Controller of Municipal Accounts” should be inserted after the words “Health Officer” in Section 73, clause I., and that the Controller should be empowered to make reports and representations directly to the Corporation and the Town Council.

14. The Corporation recommend that the last clause, as under, in Section 73 g be omitted:—

“No appointment made under this section shall be valid unless and until it has been confirmed by the Governor in Council.”

And that in place thereof, the words, as in the existing Act, “subject to the confirmation of Government” be inserted.

15. The Corporation also recommend that all powers relating to the acquisition of land and the compensation to be paid for the same should be left subject to the control and sanction of the Town Council, or the Corporation, as the case may be, as under the existing Acts.

16. The Corporation beg to observe in conclusion, that they find that the new Municipal Bill is drawn on lines widely divergent from those recommended by the Corporation—after long and careful deliberation—in their letter No. 1013 of 10th October 1884. The Corporation still consider that the principles on which they proceeded in making the recommendations contained therein were sound in theory, and carefully and cautiously founded on the results of their working ever since the formation of the present Municipal constitution.

I have the honour to be,

Sir,

Your most obedient Servant,

PHEROZESHAH M. MEHTA,  
Chairman, Municipal Corporation of Bombay.

**CORRESPONDENCE REGARDING TAX ON FIRE  
INSURANCE COMPANIES.**

To

HIS EXCELLENCY THE RIGHT HONOURABLE SIR JAMES FERGUSSON,  
BARONET, K.M.G., C.I.E.

The Memorial of the undersigned Agents of Fire Insurance  
Companies carrying on business in Bombay.

*Bombay, 5th April 1881.*

RESPECTFULLY SHEWETH,

That by the Municipal Acts No. III. of 1872 and No. IV of 1878 it is enacted that every Insurance Company carrying on business in Bombay or having an agency for such purpose and which insures from fire any property in the City of Bombay shall pay annually to the Corporation by way of contribution towards the protection of the city from fire a sum not less than five hundred rupees and not exceeding one thousand rupees to be determined by the Town Council.

That having regard to the total value of the property in Bombay the business done by the Fire Insurance Companies is very limited, the practice of insuring against fire being rare except by European merchants and mill-owners.

That consequently the tax falls very heavily on the Fire Insurance Offices and is altogether disproportioned to their gains and to the services rendered to them.

That the cost of the Fire Brigade in Bombay for the year ending 31st December 1880 was Rs. 25,900 and the contribution levied on the Fire Insurance Offices for the same period amounted to Rs. 20,000, being equal to 77½ per cent. of the total cost.

That the bulk of the property in Bombay being uninsured, it is unjust to levy so large a proportion of the cost of the fire-extinguishing arrangements from the Insurance Offices. That in London, where it is the almost universal practice to insure, the Fire Insurance Companies by arrangement contribute to the cost of the Fire Brigade at the rate of £35 per million sterling insured, and the sum so contributed amounts to about 23 per cent. only of the total cost of the Fire Brigade.

That the contribution paid by the London Offices towards the maintenance of much more efficient arrangements for extinguishing fire than exist in Bombay is £35 per million, and if that be a fair charge in London, a much smaller contribution would be equitable in Bombay.

That your memorialists pray that your Excellency will take these matters into consideration and cause measures to be taken to have Acts III. of 1872 and IV. of 1878 amended as regards the tax leviable on Insurance Offices.

PEEL, CASSELS & Co.,

Agents, Sun Fire Office, London.

FINLAY MUIR & Co.,

Agents for Scottish Imperial  
and General Fire Insurance Company.

GREAVES COTTON & Co.,

Agents for London and Lancashire Fire Insurance Company.

C. MACDONALD & Co.,

Agents for Caledonian Fire Insurance Company.

PP. FRAMJI SANDS & Co.,

R. LEE SANDS,

Agents, Northern Assurance Company.

SIGG, SÜTZER & Co.,

Agents, Prussian National Insurance Company in Stetten and Hanseatic  
Fire Insurance Company in Hamburg.

WALLACE & Co.,  
Agents, Commercial Union Assurance Company.

EWART LATHAM & Co.,  
Agents, London Assurance Corporation.

GADDUM & Co.,  
Agents, Manchester Fire Assurance Company.

C. H. B. FORBES & Co.,  
Secretaries and Managers, Bombay Fire  
Insurance Company, Limited.

LANG MOIR & Co.,  
Agents, Netherlands India Sea and Fire Insurance Company.  
Second Colonial Sea and Fire Insurance Company.  
New Zealand Insurance Company.

KILLICK NIXON & Co.,  
Agents for the Queen Insurance Company.

JOHN FLEMING & Co.,  
Agents, North British and Mercantile Insurance Company.

W. AND A. GRAHAM & Co.,  
Agents for the Norwich Union Fire Insurance Society.  
Agents for the Lancashire Fire Insurance Company.  
The Fire Insurance Association.  
Agents for the Colonial Insurance Company of New Zealand.

PP. P. FISHER & Co.,  
BAPUJI P. WADIA,  
Agents, London and Staffordshire Fire Insurance  
Company, Limited.  
Standard Fire Office, Limited.

JOHN CAMPBELL & Co.,  
By their attorney D. F. PANDAY,  
Agents, Phoenix Fire Insurance Company.

PP. KNOOP & Co.,  
D. H. GLADE,  
Agents, Hamburg-Magdeburg Fire Insurance Company.  
Agents, Java Sea and Fire Insurance Company.  
Agents, De Osterling Fire Insurance Company.

LYON & Co.,  
Agents, Lancashire Fire Insurance Co.

J. GORDON,  
Agents, Prince of Wales' Fire Insurance Company.

VOLKART BROTHERS,  
Agents, London and Lancashire Fire Insurance Company.  
Agents, Transatlantic Fire Insurance Company.  
Agents, North German Fire Insurance Company.  
Agents, Lubeck Fire Insurance Company.  
Agents, Batavia Fire Insurance Company.  
Agents, Samarang Fire Insurance Company.  
Agents, Insulinde Fire Insurance Company.

PP. ALDRIDGE SALMON & Co.,  
J. P. CONFORTH,  
Agents for the Lion Fire Insurance Company.

THOMAS D. MOORE & Co.,  
Agents, Royal Insurance Company.

BENN ASHLEY & Co.,  
Agents, Imperial Fire Insurance Company.

RITCHIE, STEUART & Co.,  
Agents for the Liverpool and London and Globe Insurance Company,  
(Fire and Life).

REMINGTON & Co.,  
Agents for the Alliance British and Foreign Fire Insurance Company.  
Agents for the Royal Exchange Assurance Corporation.

SIR CHARLES FORBES & Co.,  
Agents for the Guardian Assurance Company.

W. M. MACAULAY & Co.,  
North British and Mercantile Insurance Company.

No. 1297 of 1881.

GENERAL DEPARTMENT.

*Bombay Castle, 23rd April 1881.*

To

THE MUNICIPAL COMMISSIONER FOR THE CITY OF BOMBAY.

SIR,

In forwarding herewith copy of a memorial from the Agents of the Insurance Companies carrying on business in Bombay, dated the 5th instant, I am directed to request that you will be so good as to obtain for the information of Government an approximate estimate and the amount of business done by the several Companies, and the profits derived therefrom, and to furnish a return of the contribution levied by the Municipality of Bombay from each Company under Section 122 of the Bombay Municipal Acts of 1872 and 1878. I am also to request that you will be good enough to explain fully the principle upon which the contributions are at present levied, and to favour Government with your opinion, supposing that it were decided to impose a general fire rate, what rate would be sufficient to provide for a good fire brigade if the Insurance Companies were required to provide by a rate *ad valorem*, in the total sum insured, 25 or 30 per cent. of the cost.

2. The favour of an early reply is requested.

I have, &c.,

J. B. PEILE,  
Secretary to Government.

No. 11150 of 1883-84.

FROM

THE MUNICIPAL COMMISSIONER  
FOR THE CITY OF BOMBAY,

To

THE SECRETARY TO GOVERNMENT,

GENERAL DEPARTMENT.

*Municipal Commissioner's Office,  
Bombay, 23rd January 1884.*

SIR,

I regret that I should have omitted to report as directed in your letter No. 1297, dated the 23rd April 1881, on the subject of the memorial presented by the

Agents of European Fire Insurance Companies carrying on business in Bombay, but after I had written my letter No. 396, dated 21st January 1882, in paragraph 11 of which I proposed certain amendments to the sections of the Municipal Act which treat of the tax on Fire Insurance Companies, the papers were laid aside with others relating to the Draft Act. To the questions asked by Government I now have the honour to reply as follows.

2. The statement subjoined (marked A.) shows the business done by the several companies and the earnings which they derive therefrom. It also shows the contribution which each Company has been required to make for the current year under the provisions of Section 122 of the Bombay Municipal Acts.

3. The figures in this statement which represent the gross amount insured and the rate and amount of premium are obtained except in four instances from the returns furnished as required by the Act, by the several companies or agencies for the current year. In the four cases referred to where no returns have been furnished this year the figures have been taken from similar returns for 1882 in three cases and 1881 in one.

4. The principle upon which the contributions are at present levied is as follows :—

- (1) five per cent. is charged on the actual premia earned by each company.
- (2) when the percentage so calculated exceeds Rs. 1,000 the maximum rate allowed by the Municipal Acts, *viz.* Rs. 1,000, is charged.
- (3) when the percentage so calculated is less than Rs. 500 the minimum rate allowed by the Municipal Acts, *viz.* Rs. 500, is charged.

5. As to the question of the cost of the Fire Brigade and the levy of a general rate for its maintenance I must ask that I may be allowed to report in a separate letter which shall be submitted in the course of a few days.

I have the honour to be,

Sir,

Your most obedient Servant,

E. C. K. OLLIVANT,  
Municipal Commissioner.

A.

Statement of contribution to the Municipality payable by the Fire Insurance Companies in Bombay for 1883-84.

No.	Companies.	Agents or Secretaries in Bombay.	Gross Amount insured.	Rate of Premium per 1,000 Rupees insured.	Amount of Premium.	CONTRIBUTION PAYABLE.	
						Amount assessed for 1882.	Amount assessed for 1883.
			Rs.	Rs. a. p.	Rs. a. p.	Rs.	Rs.
1	The Alliance British and Foreign Life and Fire Insurance Company.	Messrs. Remington & Co. ...	22,64,000	Various.	16,957 7 0	968	847
2	Batavia Sea and Fire Insurance Company.	„ Volkart Brothers ...	16,62,000	4 2 9	6,933 0 0	500	500
3*	Bombay Fire Insurance Company ...	„ Forbes & Co. ...	54,56,715	9 15 10	54,516 7 10	1,000	1,000
4	Commercial Union Assurance Company ...	„ Wallace & Co. ...	58,68,870	.....	31,078 10 7	1,000	1,000
5	Guardian Fire Insurance Company ...	„ Sir Charles Forbes & Co. ...	11,86,154	@Rs. 6.457 per 1,000 or 10 <sup>1</sup> / <sub>2</sub> per 100.	7,659 0 0	500	500
6	Imperial do. do. ...	„ Ben Ashley & Co. ...	20,25,000	6.959	14,092 12 7	669	704
7	Lancashire do. do. ...	„ Lyon & Co. ...	24,01,500	6.45	15,505 0 0	794	775
8	Liverpool and London and Globe Insurance Company.	„ Ritchie Steuart & Co. ...	23,90,300	.....	14,149 0 8	822	707
9	London Assurance Corporation ...	„ Ewart Latham & Co. ...	16,20,700	5 1 10	8,289 0 0	500	500
10	London and Lancashire Fire Insurance Company ...	„ Volkart Brothers ...	36,10,760	6 3 4	22,416 0 0	852	1,000
11	Manchester Fire Assurance Company ...	„ Gaddum & Co. ...	10,08,500	8 1 4	8,152 0 0	500	500
12	North British and Mercantile Fire Insurance Company.	„ Ewart Latham & Co. ...	38,86,200	6 4 9	24,470 0 0	1,000	1,000
13	Northern Assurance Company ...	„ Framji Sands & Co. ...	23,43,782	4 @ 56 annas per Rs. 100.	14,410 0 0	848	720
	Royal Exchange Fire Insurance Company ...	„ Remington & Company...	5,64,000	Various.	3,570 0 0	500	500
	Samarang Sea and Fire Insurance Company ...	„ Volkart Brothers ...	14,53,000	3 15 3	5,744 0 0	500	500
	Transatlantic Fire Insurance Company ...	„ Do. ...	48,18,960	4 1 4	19,677 0 0	783	983
	Sun Fire Office London Fire Insurance Company ...	„ Peel Cassels & Co. ...	18,33,800	7 82	14,340 0 0	500	717
	Prince of Wales Fire Insurance Company ...	Mr. J. Gordon ...	59,97,937	6.27	37,607 0 0	1,000	1,000
	Netherlands India Sea and Fire Insurance Company.	Messrs. Lang Moir & Co. ...	17,90,375	2 ans. to 24 ans. per cent.	11,314 7 2	500	565

Agency the

	Second Colonial Sea and Fire Insurance Company...	Do.	25,44,773	@ 2 ans. to 24 ans. per cent.	18,608 11 11	636	930
1	Hamburg-Magdeburg Fire Insurance Company	Glade & Co.	27,14,000	4.49	12,184 0 0	580	609
22	Java Fire Insurance Company	Do.	18,55,000	3.62	6,715 0 0	500	500
23	Lubeck Fire Insurance Company	Volkart Brothers	14,89,750	3 0 10	4,546 0 0	500	500
24	Caledonian Fire Insurance Company	C. Macdonald & Co.	5,40,950	5.808	3,141 12 0	500	500
25	DeOsterling Fire Insurance Company	Glade & Co.	16,30,000	3.46	5,640 0 0	500	500
26	North German do. do.	Volkart Brothers	28,82,680	3 6 0	9,729 0 0	500	500
27	Norwich Union do. do.	W. & A. Graham & Co.	17,30,000	6 6 0	11,029 6 0	700	551
28	Colonial Insurance Company of New Zealand	Do.	5,55,000	5 2 0	2,936 3 6	500	500
29	Fire Insurance Association, Bombay	Do.	14,10,000	5 5 0	7,507 14 0	500	500
30	Prussian National Fire Insurance Company in Stettin.	C. Madonald & Co.	3,65,500	2.71	983 2 0	500	500
31	Insulinde Fire Insurance Company	Volkart Brothers	12,93,825	3 5 9	4,346 0 0	500	500
32	New Zealand Insurance Company	Lang Moir & Co.	9,42,500	2 ans. to 24 ans. per cent.	5,848 0 5	500	500
33	London and Provincial Fire Insurance Company	Lyon & Co.	2,44,000	5.48	1,336 15 0	...	500
34	Queen Insurance Company...	Killick Nixon & Co.	58,29,800	6.71	39,117 15 4	1,000	1,000
35	Phoenix Fire Insurance Company of London Fire Insurance Company.	John Campbell & Co.	16,63,100	.....	12,004 0 0	600	1,000
36	Royal Insurance Company ...	Thomas D. Moore & Co.	28,04,600	.....	26,787 0 0	1,000	1,000
37	Lion Fire Insurance Company	F. Fisher & Co.	63,500	10 5 0	655 2 1	...	1,000
38	Hanseatic Fire Insurance Company	Sigg Sulzer & Co.	Discontinued.	.....	.....	500	...
39	LaConfiance do. do.	Do.	Do.	.....	.....	500	...
40	Scottish Imperial Insurance Company	Finlay Muir & Co.	Do.	.....	.....	544	...
41	London Staffordshire Fire Insurance Company	F. Fisher & Co.	Do.	.....	.....	500	...
			8,27,41,531		5,10,997 0 1	25,796	25,60



No. 13917 of 1883-84.

THE MUNICIPAL COMMISSIONER  
FOR THE CITY OF BOMBAY,

To

THE SECRETARY TO GOVERNMENT,  
GENERAL DEPARTMENT.

*Municipal-Commissioner's Office,  
Bombay, 31st March 1884.*

SIR,

In continuation of my letter No. 11150, dated 23rd January, I have the honour to remark, with reference to the propriety of levying a general rate for the maintenance of an efficient Fire Brigade in lieu of the present contribution from Fire Insurance Companies, that the protection of the city from fire is one of the purposes for which the consolidated rate is levied (see Sections 69 and 137 of the Municipal Act), so that any further general rate would in fact be tantamount to an increase in the consolidated rate which can at the pleasure of the Corporation be made at the present moment.

2. This consideration, *viz.* that all immoveable property now is taxable for the maintenance of a Fire Brigade makes it doubtful to my mind whether a further special tax on *insured* property (and this I apprehend is what the contribution from Fire Insurance Companies amounts to) is defensible in principle unless it is qualified by a provision that in case of a fire uninsured property shall be liable to pay for services rendered, whereas insured property shall in respect of the contribution made by the Insurance Company be exempt from liability to such payment. For the well-being of the city, and I may add, for the benefit of the Municipal Fund (for insurance must tend to prevent a diminution in the rateable value of property), it is desirable to encourage as far as possible the habit of insuring against fire which, comparatively speaking, has hitherto made little way in Bombay. In fact the impost as at present constituted presents the appearance of a tax upon improvements.

3. When the question of proposing amendments to the sections relating to this subject was before the Town Council, I suggested that a new section, somewhat to the following effect, might be inserted after Section 124 :—

Sections 122 to 124 of the  
Municipal Act.

“Whenever on the occasion of any fire, service shall be rendered by the Fire Brigade to the property on which such fire occurs or to any adjoining or neighbouring property, the owner of every property to which service shall be so rendered, shall, if the property is not insured at the time of such fire, pay to the Corporation such sum in respect of the service rendered to his property, as the Commissioner may in each case fix, subject to such maximum limit of charge as the Town Council may from time to time determine.”

This proposal, which is doubtless open to objections, did not meet with the approval of the Town Council. It was framed with a view of putting uninsured property upon an equal footing with insured property in meeting its share of public expenditure on account of fires. I am informed that in many towns\* in the United Kingdom the local authorities have the power by statute of requiring payment for the services of the Fire Brigade from the owners of properties where fires occur, and that in Liverpool and Manchester the Insurance Companies have for the convenience of their clients voluntarily entered into a composition with the local authorities by which in consideration of an annual payment no charge is made for the services of the Fire Brigade to a property which has been insured. Another way of putting both classes of property on an equal footing would be by levying on the uninsured property a special rate equal to the rate which the insured property pays through the Companies.

*Manchester.	Newcastle.
Liverpool.	Dublin.
Salford.	Belfast.

4. When I say that as far as a General Rate for Fire Preventive purposes is concerned such a rate is already covered by the Consolidated Rate, I refer only to immoveable property and exclude from consideration machinery, which is not rateable under the Municipal Act. But machinery and various kinds of

moveable property equally need protection from fire, and further stand that of the total property now insured in Bombay, the class which is not insured, or on all property of this class, abandoning the present contribution from the Companies, there will be no objection on equitable grounds, but there will be great difficulties in assessing the rate. As things at present stand, it may be said that while insured immovable property pays twice over and insured moveable property and machinery pays once, uninsured moveable property and machinery does not pay at all.

5. Apart from the general question as to the equity or propriety of exacting any contribution from the Fire Insurance Companies, three objections have been urged against the system in force under the present Municipal Act. These are—

- (1) that the total sum levied is out of all proportion to the sum which the Companies may fairly be expected to pay, having regard to the annual expenditure by the Municipality on measures for the protection of property against fires ;
- (2) that the minimum contribution prescribed by the Act entails in certain cases considerable hardship ;
- (3) that the method of fixing the contribution should not be left to the Town Council, but should be specifically determined in the Act itself,

6. With regard to the first point it has been contended that the Insurance Companies were paying the whole or very nearly the whole of the cost annually incurred by the Municipality on account of fire preventive measures : but against this contention I must observe that the particular section of the Municipal Budget headed " Fire Brigade," which seemed to justify it, did not comprise anything like all the expenditure in connection with fires, and also that during the last two or three years the budget provision under this head has been very considerably increased. For further particulars on this subject I will ask a reference to my letter to Government in the Financial Department, No. 13530, dated March 7th, 1883. A great portion of the increased budget provision is on account of new water mains, on the express recommendation of a committee appointed to consider the best means for extinguishing fires. Objection may be taken to the insertion of the capital outlay on this account instead of merely interest and renewal charges, but this is a matter of no moment if, as is intended, an equally large expenditure is incurred every year on other improvements with the same object in the order of their respective importance. For the present, at any rate, it is far more important in the interests of the Fire Assurance Associations themselves to improve the supply and distribution of water than to spend large sums on fire brigade establishment, but the provision of additional fire engines and stations has not been neglected. As a safeguard against the possibility of the expenditure in future years being limited to the amount of the Fire Insurance Tax, the Town Council have approved of a draft amendment to the Act already submitted by me to Government which contains a proviso to the effect that the aggregate amount of the payments to be made annually by insurance companies shall not exceed one-third of the budget allotment on account of fires.

7. The second objection, *viz.* that which relates to the minimum fixed by the Act, is in my opinion undoubtedly a good one. It seems an intolerable hardship that a company which is just starting business should have to pay Rs. 500 even though the earnings may be far below that sum. Accordingly in the draft amendments to the Act all allusion to a minimum has been omitted. On the other hand the maximum has been increased to Rs. 1,500.

8. As to the third point, I do not see why the Act itself should not pre-

Taking Rs. 5,20,000 as the total premia earned, and assuming that  $\frac{1}{4}$ th of this sum is on account of insurance of immovable property which already pays its share by means of the consolidated rate, the balance liable to contribution would be Rs. 3,90,000, which at the present rate of 5 per cent. would yield Rs. 19,500.

scribe the way in which the amount payable is to be determined whether there be a maximum and minimum limit or no. If the percentage method of determining the amount be adhered to, I think that no good reason can be shown for making a provision either as regards maximum or minimum and the amount of rate might be fixed by the legislature once for all, the rate to be applied as at present to premia earned. Under these circum-

returns would still be necessary. The only way in which  
with would be by imposing a fixed sum as license-tax on  
all Fire Insurance Companies instead of the present percentage payments; but  
this, if the aggregate amount were to be at all equal to that which is now realized,  
would be as great a hardship to Companies doing a small business as the minimum  
provision of the existing Act.

9. I propose with the permission of Government to forward a copy of this  
letter to the Bombay Association of Fire Insurance Agents, with whom I pre-  
viously had some communication on the several points herein touched upon.

I have the honour to be,

Sir,

Your most obedient Servant,

E. C. K. OLLIVANT,

Municipal Commissioner.

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*Fire Insurance Companies: Memorial from the Agents of the — in Bombay.*  
No. 1341.

GENERAL DEPARTMENT.

Bombay Castle, 25th April 1884.

Memorial from the Agents of Fire Insurance Companies carrying on business in Bombay,  
dated 5th April 1881—Praying that measures may be taken to have the provisions of  
Acts III. of 1872 and IV. of 1878 amended as regards the tax leviable on Insurance  
Offices.

Letter from the Municipal Commissioner for the City of Bombay, No. 11150, dated 23rd  
January 1884—Furnishing the information called for in Government letter No. 1297,  
dated 23rd April 1881; and requesting, with regard to the question of the cost of the  
fire brigade and the levy of a general rate for its maintenance that he may be allowed  
to report in a separate letter which will be submitted in the course of a few days.

Letter from the Municipal Commissioner for the City of Bombay, No. 13917, dated 31st  
March 1884—Submitting the report promised in his letter No. 11150, dated 23rd  
January 1884, regarding the cost of the fire brigade and the levy of a general rate for  
its maintenance; reporting in detail upon the memorial of the Agents of the European  
Fire Insurance Companies; and proposing to forward a copy of his letter to the Bom-  
bay Association of Fire Insurance Agents with whom he previously had some commu-  
nication on the several points herein touched upon.

Memorandum from the Municipal Commissioner, No. 479, dated 17th April 1884.

RESOLUTION.—The Municipal Commissioner should be permitted to communi-  
cate a copy of his letter to the Bombay Association of Fire Insurance Agents and  
requested to submit to Government their views, if received, with his own remarks  
thereon.

W. P. SYMONDS,

Acting Under Secretary to Government.

To  
The Municipal Commissioner for the City of Bombay.

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No. 924 of 1884-85.

From  
THE MUNICIPAL COMMISSIONER FOR THE CITY OF BOMBAY,

To  
THE SECRETARY,  
Bombay Association of Fire Insurance Agents.

*Municipal Commissioner's Office,  
Bombay, 28th April 1884.*

SIR,

With the permission of Government I have the honour to forward, for the  
information of your Committee, a copy of my letter No. 13917, dated 31st March  
1884, to the Secretary to Government, General Department.

In the event of your favouring me with any further subject of my letter, I have been directed to submit the remarks thereon. I shall be happy to meet your Commi.

I have the honour to be,  
Sir,

Your most obedient Servant,

E. C. K. OLLIVANT,  
Municipal Commissioner.

From

BOMBAY ASSOCIATION OF FIRE INSURANCE AGENTS,

To

E. C. K. OLLIVANT, ESQUIRE,  
Municipal Commissioner,  
Bombay.

*Bombay, 12th June 1884.*

SIR,

I have to thank you for your letter of the 28th April last covering copy of your letter to the Government, No. 13917 of 1883-84 and dated 31st March, on the subject of the Municipal rate levied on Fire Insurance Offices, with special reference to its treatment in the new Municipal Act shortly to be brought before the Legislative Council.

2. Both letters have had the careful consideration of my Committee and have also been submitted to two General Meetings of the Association.

3. In reply I have been instructed to thank you for the careful attention which you have evidently given to the views of the Association. These were very fully put before you in a letter, before you went to England last year, dated 21st February 1883, and were also contained in copies of memorials which had more than once in previous years been sent direct to the Government, urging the abolition of the tax and the Committee do not think that they can now add anything to the facts and arguments then brought forward to shew the injustice and impolicy of the tax. They might only add, however, that they have ascertained that neither in Calcutta nor in Madras is any such tax levied on the Companies.

4. At the meetings held to consider your letter, the opinions of the members were that of high approval generally of the views expressed in your letter to Government in paragraphs 1 to 5; and what you state in paragraph 2, "that a special tax on insured property (which is what the tax on the Insured Offices really amounts to) is only defensible in principle, when in case of fire uninsured property shall be liable to pay for services rendered," is entirely concurred in by the Association, and it seems to them to grant the justice of the whole case put forward by them for exemption from any special rate. They agree with you also, however, that the plan of charging for services rendered would not be found easily workable in practice. The other plan referred to in the last sentence of your paragraph No. 3, "Another way of putting both classes of property on an equal footing, would be by charging on the uninsured property a special rate equal to the rate which the insured properties pay through the Company," was also fully discussed by the Association. It was found to be the almost unanimous opinion, however, that this plan, though theoretically a fair one, was merely adding unnecessary complications to a simple subject. The Municipal Officers would have first of all to assess all property, and then grant exceptions to all occupiers or owners who could produce Policies of Insurance. Why go through this extra labour. It would surely be a much simpler and fairer way of arriving at the same result to repeal the tax on the Fire Offices and levy one rate on all immoveable property alike, insured and uninsured. If in substance it is decided to

in insured property through the Companies, why keep  
 same result can be obtained in a much more simple and d

5. Into a consideration of the matter contained in the latter part of your letter to Government, the Committee do not at present enter. The whole principle of the tax they must most strongly and determinedly protest against. Any modification or reduction leaves the impolicy and injustice of the impost untouched.

6. The Association desire me to thank you for your courtesy in offering again to meet them, and discuss the subject; but if you can agree with them in pressing the above views on the attention of the Legislature, any further action in the meantime does not seem necessary.

I remain,  
 Sir,  
 Yours obediently,  
 DAVID WATSON,  
 Secretary.

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No. 5428 of 1885-86.

*Municipal Commissioner's Office,  
 Bombay, 27th July 1885.*

Forwarded to the Secretary to Government, General Department, with reference to Government Resolution No. 1341, dated 25th April 1884, General Department.

The Municipal Commissioner has nothing to add to the observations contained in his letters No. 11150 and 13917, dated 23rd January 1884 and 31st March 1884 respectively.

E. C. K. OLLIVANT,  
 Municipal Commissioner.