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GOVERNMENT OF INDIA.
LEGISLATIVE DEPARTMENT.

THE BOMBAY CODE

IN FIVE VOLUMES.

VOLUME III:

CONTAINING

THE UNREPEALED ACTS OF THE GOVERNOR OF BOMBAY IN COUNCIL IN FORCE IN BOMBAY, FROM 1888 TO 1897, INCLUSIVE;
A CHRONOLOGICAL TABLE OF ENACTMENTS REPRODUCED IN THE VOLUME WITH AN APPENDIX AND INDEX.

FOURTH EDITION.

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THE BOMBAY CODE.

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BOMBAY ACT No. I OF 1888.[1]

[*13th April, 1888.*]

Bom. Act I of 1884.

An Act to further amend the Bombay Local Boards Act, 1884,

[2]* * * * * *.

WHEREAS it is expedient to further amend the [3]Bombay Local Boards Act, 1884, [2]* * * * * * * * * * * * in manner hereinafter appearing; It is enacted as follows:—

1. To section 14 of the Bombay Local Boards Act, 1884, [4]* * * * the following words shall be added, namely :— Amendment of section 14, Bom. Act I of 1884.

[*Vol. II of this Code.*]

2. [*Validation of orders made by the Governor in Council before the Act comes into force.*] *Rep. Act 16 of 1895.*

BOMBAY ACT No. II OF 1888.[5]

[*29th June, 1888.*]

Bom. Act IV of 1881.

An Act to amend the Sind Village-Officers Act, 1881.

WHEREAS it is expedient to amend the Sind Village Officers Act, 1881, in manner hereinafter appearing; It is enacted as follows:—

1. In section 2 of the said Act, after the word "both" shall be added the words "and includes Kotars or Tapedars peons."[6] Amendment of s. 2 of Bom. Act IV, 1881.

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[1] For Statement of Objects and Reasons, *see* Bombay Government Gazette, 1888, Part V, p. 162, and for proceedings in Council, *see ibid*, p. 201.

[2] The words and figures "and the Bombay District Municipal Act Amendment Act, 1884" were repealed by s. 4 and Sch. III of the Repealing and Amending Act, 1903 (1 of 1903).

[3] Vol. II of this Code.

[4] The words and figures "and to section 18 of the Bombay District Municipal Act Amendment Act, 1884" were repealed by s. 4 and Sch. III of the Repealing and Amending Act, 1903 (1 of 1903).

[5] For Statement of Objects and Reasons, *see* Bombay Government Gazette, 1887, Part V, p. 250, and for proceedings in Council, *see ibid*, 1888, pp. 201 and 227.

The short title of this Act is now "The Sind Village-Officers (Amendment) Act, 1888". *See* Bom. Act 2 of 1921, Vol. V of this Code.

Amendment of s. 3 of Bom. Act IV, 1881.

2. In section 3, after the word "Sind" shall be added the words "or other authority prescribed by rule under section 8".

3. [*Amendment of s. 6 of Bom. Act IV, 1881.*] *Rep. Act IV of 1907.*

Amendment of s. 8 of Bom. Act IV, 1881.

4. In section 8 of the said Act, for clauses (*a*) and (*b*) the following shall be substituted, namely:—

[*Vol. II of this Code.*]

THE CITY OF BOMBAY MUNICIPAL ACT, 1888.

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267. Prohibition of building and other acts which would injure sources of water-supply.

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274. Provisions as to storage-cisterns and other fittings, etc., to be used for connections with water-works.
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290. Disposal of land forming site of closed streets.
291. Power to make new public streets.
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293. Permission to lay tramways or railways on public streets to need the sanction of the corporation and confirmation by Government.
294. Minimum width of new public streets.
295. Power to construct or adopt public bridges, etc., over or under railways, etc.
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302A. Commissioner may call for further particulars.
302B. Commissioner may require plans to be prepared by licensed surveyor.
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310. Projections over streets may be permitted in certain cases.
311. Ground-floor doors, etc., not to open outwards on streets.
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313. Prohibition of deposit, etc., of things in streets.
314. Commissioner may, without notice, remove anything erected in contravention of section 312, after it comes into force or deposited, etc., in contravention of section 313.
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316. Prohibition of the tethering of animals in the public streets.

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317. Commissioner may permit booths, etc., to be erected on streets on festivals.

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318. Street when broken up for any municipal purpose to be restored without delay.
319. Commissioner may close street in which work is in progress.
320. Commissioner to provide for traffic, etc., pending execution of municipal work in any street.
321. Precautions to be taken for the public safety whilst municipal works are in progress in any street.
322. Streets not to be opened or broken up and building-materials not to be deposited thereon without permission.
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324. Persons to whom permission is granted under section 322 must reinstate streets, etc.
325. Provisions to be made by persons to whom permission is granted under section 322 for traffic, etc., when their works interrupt streets.
326. Hoards to be set up during work on any building adjacent to a street.

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328. Regulations as to sky-signs.
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329. Commissioner to take proceedings for repairing or enclosing dangerous places.

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330. Public streets to be lighted.
331. Prohibition of removal, etc., of lamps.
332. Persons accidentally breaking lamp to repair the damage.
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334. Situation of gas-pipes, etc., may be altered by Commissioner.
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336. Measures for watering.

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337. Notice to be given to Commissioner of intention to erect a building.
338. Commissioner may require plans and other documents to be furnished.
339. Commissioner may require plans, etc., submitted under last preceding section to be prepared by a licensed surveyor.
340. Additional information and the attendance of the person who gave the notice may be required.
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344. Printed forms of notices to be supplied to the public.

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344A. Supervision of buildings and works.

345. When building or work may be proceeded with.

346. Building or work which is disapproved by the Commissioner may be proceeded with subject to terms.

347. When work may be commenced.

347A. Building not to be converted to other purposes without the permission of the Commissioner.

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348. Provisions as to buildings which are to be newly erected.

349. Roofs and external walls of buildings not be of inflammable material.

349A. Maximum height of buildings.

349B. Height of buildings with reference to width of streets, provision in case of set-back.

349C. Frame-buildings.

349D. Provision of sufficient means of egress.

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350. Inspection of buildings in course of erection, alteration, etc.

351. Proceedings to be taken in respect of building or work commenced contrary to section 347.

352. Buildings or works commenced contrary to section 347, may be cut into and laid open for purpose of inspection.

353. Enforcement of provisions concerning buildings and works.

353A. Completion certificates: permission to occupy or use.

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354. Removal of structures, etc., which are in ruins or likely to fall.

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354A. Power of Commissioner to direct removal of person directing.

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355. Grant of licenses to surveyors and plumbers.

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356. Regulations may be prescribed for guidance of licensed surveyors and plumbers.

357. Fees and charges of licensed plumbers to be prescribed by the standing committee.

358. Licensed plumber to be bound to execute work properly.

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359. Maintenance of firemen and of necessary fire-engines, etc.

360. Power to make regulations for fire-brigade.

361. Powers of chief officer of fire-brigade at a fire.

362. Police and municipal officers and servants to aid the fire-brigade.

363. Damages done by fire-brigade to be deemed damage by fire.

364. Reports of fires to be submitted.

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Scavenging and Cleansing.

365. Commissioner to provide for cleansing of streets and removal of refuse.

366. Refuse, etc., to be the property of the corporation.

367. Provision and appointment of receptacles, depôts and places for refuse, etc.

368. Duty of occupiers to collect and deposit dust, etc.

369. Provision may be made by Commissioner for collection, etc., of excrementitious and polluted matter.

370. Collection and removal of excrementitious and polluted matter when to be provided for by occupiers.

371. Halalkhors' duties in certain cases may not be discharged by private individuals without the Commissioner's permission.

372. Prohibition of—

failure to remove refuse, etc., when bound to do so;

removal of refuse, etc., contrary to orders, or without proper precautions;

failure to clear away any refuse, etc., which drops during removal;

leaving filth carts, etc., unnecessarily in the streets;

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throwing or placing refuse, etc., in any place not assigned for the purpose;

allowing filthy matter to blow or soak from any premises, and keeping anything thereupon so as to create a nuisance.

373. Presumption as to offender under clause (*e*) of section 372.

Inspection and Sanitary Regulation of Premises.

374. Power to inspect premises for sanitary purposes.

375. Cleansing and limewashing of any building may be required.

375A. Removal of building materials from any premises may be required.

376. Abandoned or unoccupied premises.

377. Neglected premises.

378. Buildings or rooms in buildings unfit for human habitation.

379. Power of Commissioner to call for statement of accommodation.

379A. Overcrowded dwellings.

380. Insanitary huts and sheds.

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

381A. Permission for new well, etc.

382. Dangerous quarrying may be stopped.

383. Removal and trimming of trees, shrubs and hedges.

Keeping and Destruction of Animals and Disposal of Carcasses.

384. Prohibitions as to keeping animals.

384A. Stabling animals or storing grains in dwelling house may be prohibited.

385. Removal of carcasses of dead animals.

Regulation of Public Bathing, Washing, etc.

386. Places for public bathing, etc., to be fixed by the Commissioner.

387. Regulation of use of public bathing-places, etc.

388. Prohibition of bathing, etc., contrary to order or regulation.

389. Prohibition of corruption of water by steeping therein animal or other matter, etc.

Regulation of Factories, Trades, etc.

390. Factory, etc., not to be newly established without permission of the Commissioner.

391. Furnaces used in trade or manufacture to consume their own smoke.

392. Sanitary regulation of factories, etc.

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393. Prohibition of use of steam whistle or steam trumpet without permission of the Commissioner.

394. Certain things not to be kept, and certain trades and operations not to be carried on, without a license.

395. Prohibition of corruption of water by chemicals, etc.

396. Inspection of premises used for manufactures, etc.

397. Regulation of washing of clothes by washermen.

Washing-places to be provided by the Commissioner for washermen.

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398. What to be deemed municipal markets and slaughter-houses.

399. Provision of new municipal markets and slaughter-houses.

400. Municipal markets and slaughter-houses may be closed.

401. Prohibition of sale in a municipal market without license of Commissioner.

402. Opening of new private markets.

403. Private markets not to be kept open without a license.

404. Prohibition of sale in unauthorised private markets.

405. Provision for requiring private market-buildings and slaughter houses to be properly paved and drained.

406. Regulations to be framed for markets and slaughter-houses.

407. Levy of stallages, rents and fees in municipal markets and slaughter-houses.

408. Regulations and table of stallage-rents to be posted up in market and slaughter-houses.

409. Power to expel persons contravening by-laws or regulations.

Sale of Articles of Food outside of Markets.

410. Prohibition of sale of animals, etc., except in a market.

Licensing of Butchers, etc.

411. Butchers and persons who sell the flesh of animals to be licensed.

412. Prohibition of import of cattle, etc., into the city without permission.

412A. License required for dealing in milk, etc.

Inspection of Places of Sale, etc.

413. Commissioner may enter any place where slaughter of animals or sale of flesh contrary to the provisions of this Act is suspected.

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414. Commissioner to provide for inspection of articles exposed for sale of human food.
415. Unwholesome articles, etc., to be seized.
416. Disposal of perishable articles seized under section 415.
417. Disposal of animals and articles of a non-perishable nature seized under section 415.
417A. Penalty for representing any article to be what it is not.
Protection to persons acting in good faith.
417B. Penalty for possessing food which appears to be diseased, unsound or unwholesome or unfit for human food.
417C. Application for summons to be refused if not applied for within reasonable time.

Weights and Measures.

418. Provision of local standards of weights and measures.
419. Verification and stamping of weights and measures.
420. Weights and measures of which standards are provided are to be adopted : penalties.

Prevention of Spread of Dangerous Diseases.

421. Information to be given of existence of dangerous disease.
422. Any place may at any time be inspected for purpose of preventing spread of dangerous disease.
423. Prohibition of use for drinking of water likely to cause dangerous disease.
424. Commissioner may order removal of patients to hospital.
425. Disinfection of buildings, etc.
426. Destruction of huts and sheds, when necessary.
427. Place for disinfection may be provided;
also for washing infected articles.
Infected articles may be destroyed.
428. Person suffering from dangerous disease not to enter a public conveyance without notifying the same.
429. Provision of carriages for conveyance of patients.
430. Provisions as to carriage of persons suffering from dangerous disease in public conveyances.
431. Public conveyance which has carried a person suffering from dangerous disease to be disinfected.
432. Infected articles not to be transmitted, etc., without previous disinfection.

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433. Infected building not to be let without being first disinfected.

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434. Commissioner may take special measures on outbreak of any dangerous disease.

Disposal of the Dead.

435. Places for disposal of the dead to be registered.
436. Provision of new places for disposal of the dead.
437. New places for disposal of the dead not to be opened without permission of Commissioner.
438. Governor in Council may direct the closing of any place for the disposal of the dead.
439. Governor in Council may sanction the re-opening of places which have been closed for the disposal of the dead.
440. Burials within places of worship and exhumations not to be made without the permission of the Commissioner.
441. Acts prohibited in connection with the disposal of the dead.

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442. Appointment of registrars.
443. Registrars to reside in their respective districts.
444. Register-books to be supplied.
445. Registrars to inform themselves of all births and deaths.
446. Information of birth to be given within seven days.
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447. Information respecting finding of new-born child to be given.
448. Officers to be appointed to receive information of deaths at places for disposal of the dead.
449. Information of death to be given at the time when the corpse of the deceased is disposed of.
450. Medical practitioner who attended a deceased person to certify the cause of his death.
451. Preparation of register-books of deaths and of mortality returns, etc.

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452. Correction of errors in registers of births or deaths.
453. Registration of name of child or of alteration of name.

Taking of a Census.

454. Enumeration of inhabitants.
455. Commissioner to superintend the enumeration.
456. Delivery of blank schedules and returns.
457. Obligation to fill up blank schedules and returns.
458. Occupier to amend returns, if found defective.
459. Military, naval and police officers and certain others, if required, to act as enumerators.
460. Returns of houseless persons.

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461. By-laws for what purposes to be made.
462. Punishment may be imposed for breach of by-laws.
463. By-laws to be confirmed by Government.
464. Commissioner to lay draft by-laws before the corporation for their consideration.
465. Hearing by corporation of objections to proposed by-laws.
466. Proposed by-law to be open to public inspection.
467. By-laws confirmed by Government to be published in the Bombay Government Gazette.
468. Printed copies of by-laws to be kept on sale.
469. Boards for exhibiting by-laws to be open to inspection and not to be injured.
470. Government may repeal by-laws.

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PENALTIES.

471. Certain offences punishable with fine.
472. Continuing offences.
473. Offences punishable under the Penal Code.
474. Punishment for acquiring share or interest in contract, etc., with the corporation.

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475. Punishment of offences against section 267.
476. Punishment of offences against section 391.
477. Extent of penal responsibility of agents and trustees of owners.
478. Punishment of offences relating to town-duties.

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PROCEDURE.

Licenses.

479. Licenses and written permissions to specify conditions, etc., on which they are granted.
Fees to be chargeable.
Licenses and written permissions may be revoked, etc.
When license or written permission is revoked, etc., grantee to be deemed to be without a license or written permission.
Grantee to be bound to produce license or written permission.

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480. Public notices how to be made known
481. Advertisements how to be made.
482. Consent, etc., of Commissioner may be proved by written document under his signature.

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483. Notices, etc., by whom to be served or presented.
484. Service how to be effected on owners of premises and other persons.
485. Service on "owner or occupier" of premises how to be effected.
486. The three last sections inapplicable to Magistrate's summonses.
487. Signature on notices, etc., may be stamped.

Power of Entry.

488. Commissioner, etc., may enter any premises for purposes of inspection, survey or execution of necessary work.

Enforcement of Orders to execute Works, etc.

489. Works, etc., which any person is required to execute may in certain cases be executed by the Commissioner at such person's cost.
490. Recovery of expenses of removals by the Commissioner under sections 314, 315, 354 and 380.

Recovery of Expenses by the Commissioner.

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491 Expenses recoverable under this Act to be payable on demand; and if not paid on demand, may be recovered as an arrear of property-tax.

492. If the defaulter is the owner of premises in respect of which expenses are payable, the occupier to be also liable for payment thereof.

493. Commissioner may agree to receive payment of expenses in instalments.

494. What expenses may be declared to be improvement expenses.

495. Improvement expenses by whom payable.

496. Proportion of improvement expenses may be deducted from rent.

497. Redemption of charge for improvement expenses.

498. Recovery of instalments due under sections 493 and 495.

499. In default of owner the occupier of any premises may execute required work and recover expenses from the owner.

500. Limitation of liability of agent or trustee of owner.

Payment of Compensation.

501. Compensation for damages may be paid by the Commissioner.

502. Compensation to be paid by offenders against this Act for any damage caused by them.

Recovery of Expenses or Compensation in case of Dispute.

503. In cases falling under section 491, disputes to be determined by the Chief Judge of the Small Cause Court.

504. Amount of expenses or compensation to be determined in all cases of dispute by the Chief Judge of the Small Cause Court.

505. Expenses or compensation awarded by Chief Judge of the Small Cause Court to be recovered, if necessary, as if they were due under a decree of the Court.

506. Persons liable for expenses or compensation may be sued for recovery thereof.

Proceedings before the Chief Judge of the Small Cause Court.

507. Remedy of owner of buildings or land against occupier who prevents his complying with any provision of this Act.

508. Power to summon witnesses and compel production of documents.

509 Fees in proceedings before the Chief Judge of the Small Cause Court.

510. Exemption of poor persons from fees.

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511. Repayment of half fees on settlement before hearing.

512. Authority to the Chief Judge of the Small Cause Court to delegate certain powers and to make rules.

Proceedings before Magistrates.

513. Cognizance of offences.

514. Limitation of time within which complaints of offences punishable under this Act shall be entertained.

515. Complaints concerning nuisances.

Arrest of Offenders.

516. Offenders against this Act may in certain cases be arrested by Police Officers.

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517. Provisions respecting institution, etc., of civil and criminal actions and obtaining legal advice.

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518. Power to Government to provide for performance of duties in default of any municipal authority.

519. Power to Government to enforce repair, etc., of Vehar water-works.

520. Expenses of measures enforced under sections 518 and 519 how to be recovered.

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521. Councillors, etc., to be deemed to be public servants.

522. Co-operation of Police.

523. Computation of time.

524. Measurement of distances

525 Informalities and errors in assessments, etc., not to be deemed to invalidate such assessments, etc.

526. Power to Government to call for extracts from proceedings, etc.

527. Protection of persons acting under this Act against suits.

528. Effect of the transitory provisions in Schedule R.

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SCHEDULE B.—Division of the City into Wards.

SCHEDULE C.—Form of Debenture.

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SCHEDULE E.—Form of Notice of Transfer to be given when the Transfer has been effected by Instrument.

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SCHEDULE R.—Transitory Provisions.

SCHEDULE S.—Drainage Completion Certificate.

SCHEDULE T.—Building do.

SCHEDULE U.—Medical Institutions in Bombay referred to in section 62.

SCHEDULE V.—Lands and Buildings in the use and occupation of the Bombay City Police.

BOMBAY ACT No. III OF 1888.[1]

[*14th September, 1888.*]

An Act to consolidate and amend the law relating to the Municipal Government of the City of Bombay.

WHEREAS it is expedient to consolidate and amend the law relating to the municipal government of the City of Bombay; It is enacted as follows:— Preamble.

CHAPTER I.

PRELIMINARY.

1. This Act may be cited as the City of Bombay Municipal Act, 1888. Short title.

Except as is herein otherwise expressly provided, it extends only to the City of Bombay. Extent.

2. The enactments mentioned in Schedule A are repealed to the extent specified in the third column of the said schedule: Repeal of enactments.

Provided that—

(*a*) all rules and by-laws made, all notifications published, all orders issued and all licenses and permissions granted under any of the said enactments and still in force shall, so far as they are consistent with this Act, be deemed to have been respectively, made, published, issued and granted hereunder; and

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[1] For Statement of Objects and Reasons, *see* Bombay Government Gazette, 1887, Pt. V, p. 188, for Report of the Select Committee, *see ibid*, 1888, p. 1, and for Proceedings in Council, *see ibid*, 1887, p. 222 and *ibid*, 1888, pp. 177, 203, 228, 259, 286, 311 and 321.

Bom. Act 3 of 1888 has, so far as regards the Jurisdiction, decisions, orders and other proceedings of Appellate Benches of Municipal Authorities, Presidency and other Magistrates, Courts of Small Causes and Judges of such Courts, been declared to be as valid as if it had been passed by the Governor General of India in Council—*see* Act 12 of 1888, s. 1, Vol. I of this Code.

The Bombay Municipal Servants Act is to be read with Bom. Act 3 of 1888—*see* Bom. Act 5 of 1890, s. 2 (*2*), *infra*.

The Bombay Prevention of Adulteration Act, 1899, is also to be read with, and construed as if it were part of, Bom. Act 3 of 1888—*see* Bom. Act 2 of 1899, s. 2, Vol. IV of his Code.

The City of Bombay Police Charges Act, 1907 (Bom. Act 3 of 1907), is to be read with Bom. Act 3 of 1888. Only those amendments which it makes in the latter and which have been declared to come into force on 1st April, 1907, have been here incorporated; for the other amendments which have been declared (*see* ss. 39, 40 and 62) to come into force when notified by the Governor in Council, *see* Bom. Act 3 of 1907, Vol. IV of this Code.

(*b*) all debts and obligations incurred, all contracts entered into, and all matters and things engaged to be done by, with or for the municipal corporation before this Act comes into force shall be deemed to have been incurred, entered into or engaged to be done by, with or for the municipal corporation constituted under this Act; and

(*c*) all rates, taxes and sums of money due to the corporation when this Act comes into force shall be deemed to be due to the corporation under this Act; and

(*d*) all suits or other legal proceedings, civil or criminal, instituted or which might but for the passing of this Act have been instituted by or against the corporation or the Commissioner may be continued or instituted subject to the provisions of section 13 of Schedule R as if this Act had not been passed; and

(*e*) all references made in any Act of the Governor of Bombay in Council to any of the said enactments shall be read as if made to this Act or to the corresponding portion thereof.

Definition of terms.

3. In this Act, unless there be something repugnant in the subject or context,—

(*a*) "the city" means the City of Bombay;

(*b*) "the corporation" means the Municipal Corporation of the City of Bombay;

(*c*) "councillor" means a member of the corporation duly elected or appointed under this Act;

(*d*) "the Commissioner" means the Municipal Commissioner for the City of Bombay appointed under section 54, and includes an acting Commissioner appointed under sub-section (*3*) of section 59;

(*e*) "Deputy Commissioner" means a Deputy Municipal Commissioner appointed under section 55, and includes an acting Deputy Commissioner appointed under sub-section (*3*) of section 59;

(*f*) the "Police Commissioner" means the Commissioner of Police of Bombay;

[1] * * * *

(*k*) "fellow" means a fellow of the University of Bombay;

[1] * * * *

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[1] Clauses (*g*) and (*j*) were repealed by s. 2 of the City of Bombay Municipal (Amendment) Act, 1922 (Bom. Act 6 of 1922), Vol. V of this Code.

(*k*) "licensed plumber" and "licensed surveyor" mean, respectively, a person licensed by the Commissioner for the purposes of this Act as a plumber or surveyor, under section 355;

(*l*) "Small Cause Court" means the Court of Small Causes of Bombay;

(*m*) "owner" when used in reference to any premises, means the person who receives the rent of the said premises, or who would be entitled to receive the rent thereof if the premises were let, and includes—

(*i*) an agent or trustee who receives such rent on account of the owner; and

(*ii*) an agent or trustee who receives the rent of, or is entrusted with, or concerned for, any premises devoted to religious or charitable purposes; and

(*iii*) a receiver, sequestrator or manager appointed by any court of competent jurisdiction to have the charge of, or to exercise the rights of an owner of, the said premises;

(*n*) a person is deemed "to reside" in any dwelling which he sometimes uses, or some portion of which he sometimes uses, though, perhaps, not uninterruptedly, as a sleeping apartment;

and a person is not deemed to cease "to reside" in any such dwelling merely because he is absent from it, or has elsewhere another dwelling in which he resides, if there is the liberty of returning to it at any time and no abandonment of the intention of returning thereto;

(*o*) the term "public securities" means securities of the Government of India and any securities guaranteed by Government, securities of the Bombay Port Trust, securities issued under this Act and any Bombay Municipal debentures or other securities heretofore issued;

(*p*) "tax" includes any impost leviable under this Act;

(*q*) "vehicle" includes a carriage, cart, van, dray, truck, handcart and wheeled conveyance of any description capable of being used on the streets of the city;

(*r*) "land" includes land which is [1] [being built upon or is built] upon or covered with water;

(*s*) "building" includes a house, out-house, stable, shed, hut and every other such structure, whether of masonry, bricks, wood, mud, metal or any other material whatever;

[1] These words were substituted for the original word "built" by s. 2 of the City of Bombay Municipal (Amendment) Act, 1918 (Bom. Act 8 of 1918), Vol. V of this Code.

(*t*) "water-work" includes a lake, stream, spring, well, pump, reservoir, cistern, tank, duct, whether covered or open, sluice, mainpipe, culvert, engine and any machinery, land, building or thing for supplying or used for supplying water ;

[1] [(*u*) "drain" includes a sewer, pipe, ditch, channel and any other device of carrying off sewage, offensive matter, polluted water, sullage, waste water, rain water or sub-soil water, and any ejectors, compressed air mains, sealed sewage mains and special machinery or apparatus for raising, collecting, expelling or removing sewage or offensive matter to the sewage outfall ;]

(*v*) "house-gully" means a passage or strip of land constructed, set apart or utilized for the purpose of serving as a drain or of affording access to a privy, urinal, cesspool or other receptacle for filthy or polluted matter, to municipal servants or to persons employed in the cleansing thereof or in the removal of such matter therefrom ;

(*w*) "street" includes any highway and any causeway, bridge, viaduct, arch, road, lane, footway, square, court, alley or passage, whether a thoroughfare or not, over which the public have a right of passage or access or have passed and had access uninterruptedly for a period of twenty years ; and, when there is a footway as well as a carriageway in any street, the said term includes both ;

(*x*) "public street" means any street heretofore levelled, paved, metalled, channelled, sewered or repaired by the corporation and any street which becomes a public street under any of the provisions of this Act ;

(*y*) "private street" means a street which is not a public street ;

(*z*) "nuisance" includes any act, omission, place, or thing which causes or is likely to cause injury, danger, annoyance or offence to the sense of sight, smelling or hearing, or which is or may be dangerous to life or injurious to health or property ;

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[1] Clause (*u*) was substituted by s. 2 of the City of Bombay Municipal (Amendment) Act, 1905 (Bom. Act 5 of 1905), Vol. IV of this Code.

(*aa*) "dangerous disease" means cholera and any endemic, epidemic or infectious disease by which the life of man is endangered;

(*bb*) "official year" means the year commencing on the first day of April;

(*cc*) "public holiday" means a day or other period of time on or during which, by an order of Government published in the Bombay Government Gazette, Government offices in the city are closed;

(*dd*) "sub-section" and "clause" denote, respectively, a sub-section or clause of the section in which the word occurs.

[1][(*ee*) "bakehouse" means any place in which are baked bread, biscuits or confectionery, from the baking or selling of which a profit is derived;

(*ff*) "eating-house" means any premises to which the public are admitted and where any kind of food is prepared or supplied for consumption on the premises for the profit or gain of any person owning or having an interest in or managing such premises;

(*gg*) "premises" includes messuages, buildings and lands of any tenure, whether open or enclosed, whether built on or not and whether public or private.]

[2][(*hh*) "A sweetmeat shop" means any premises or part of any premises used for the manufacture, treatment or storing for sale, or for the sale, wholesale or retail, of any ice-cream, confections or sweetmeats whatsoever, for whomsoever intended, and by whatsoever name the same may be known, and whether the same be for consumption on or outside the premises.]

CHAPTER II.

The Municipal Constitution.

Municipal Authorities.

4. The municipal authorities charged with carrying out the provisions of this Act are— Municipal authorities charged with execution of this Act.

(A) a Corporation;

(B) a Standing Committee;

(C) a Municipal Commissioner.

[1] Clauses (*ee*), (*ff*) and (*gg*) were inserted by s. 2 of the City of Bombay Municipal (Amendment) Act, 1916 (Bom. Act 1 of 1916), Vol. V of this Code.

[2] Clause (*hh*) was added by s. 2 of the City of Bombay Municipal (Amendment) Act, 1920 (Bom. Act 5 of 1920), Vol. V of this Code.

(*A*) THE MUNICIPAL CORPORATION.

Constitution of corporation.

5. [1] [(*1*) The corporation shall consist of one hundred and six councillors, as follows, namely :—

seventy-six councillors elected at ward elections;

sixteen councillors appointed by Government;

four councillors elected as follows:

one by the Bombay Chamber of Commerce;
one by the Indian Merchants' Chamber and Bureau.
one by the Bombay Millowner's Association,
one by fellows;

and ten co-opted councillors elected by transferable vote by the councillors elected and appointed under the preceding clauses of this section.]

(*2*) The corporation shall, by the name of "The Municipal Corporation of the City of Bombay," be a body corporate and have perpetual succession and a common seal and by such name may sue and be sued.

Terms of Office of Councillors; Casual Vacancies, etc.

Day on which councillors are to come into office.

6. [2] * * * * * * * *

(*2*) Councillors selected or appointed to succeed retiring councillors shall come into office on the day for the retirement of the councillors whom they are to succeed.

Day for retirement of councillors.

7. All members of the corporation constituted as aforesaid shall retire from office at noon on the first day of April three years after they take office, which day is in this Act referred to as the day for retirement.

Re-eligibility of persons ceasing to be councillors.

8. Any person who ceases to be a councillor shall, unless disqualified, be re-eligible.

Casual vacancies how to be filled up.

9. In the event of non-acceptance of office by a person elected or appointed to be a councillor, or of the death, resignation or disqualification of a councillor, or of his becoming incapable of acting previous to the day for retirement, there shall be deemed to be a casual vacancy in the office, and such vacancy shall be filled up, as soon as it conveniently may be, by the election or appointment, as the case may be, of a person thereto, who shall hold office so long only as the councillor in whose place he is elected or appointed would have been entitled to hold it if the vacancy had not occurred.

Publication of names of councillors in the Bombay Government Gazette.

10. The names of all persons elected or appointed to be councillors shall be published by the Commissioner in the Bombay Government Gazette.

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[1] This sub-section was substituted by s. 3 of the City of Bombay Municipal (Amendment) Act, 1922 (Bom. Act 6 of 1922), Vol. V of this Code.

[2] Sub-section (*1*) of section 6 was repealed by the Amending Act, 1895 (16 of 1895), Vol. I of this Code.

Qualifications and Disqualifications of Voters and Councillors.

11. (*1*) A person shall not be entitled to vote at a ward election unless he is enrolled in the municipal election roll as a voter of the ward for which such election is held. Qualification of voters at ward elections.

(*2*) [1][A person shall not be entitled to be enrolled in the municipal election roll as a voter of any ward, unless such person has, on the 30th day of September in the year preceding that for which the roll is being prepared, attained the age of 21 years and has, on the first day of April next preceding the date of publication of the electoral roll, occupied as owner or tenant in such ward a building, or part of a building separately occupied, as a dwelling or for the purpose of any trade, business or profession, of which the monthly rental was not less than rupees ten :

Provided that the value of any machinery, furniture or equipment contained in or situate upon any building shall not be included in estimating the rental value of such building :

Provided further that a person who occupies any dwelling-house, other than a house in any military or police lines, by virtue of any office, service or employment, shall, if the dwelling-house is not inhabited by the person in whose service he is, be deemed to occupy the dwelling-house as a tenant.]

12. [*Qualification of voters at justices' elections.*] *Repealed by s. 5 of Bom. Act VI of 1922.*

13. [*Qualification of voters at fellows' elections.*] *Repealed by s. 5 of Bom. Act VI of 1922.*

14. (*1*) A person shall not be qualified to be elected at a ward election to be a councillor unless he is enrolled in the municipal election roll as a voter of some ward, [2] * * * * Qualification for election as a councillor at a ward election.

(*2*) Provided that—

(*a*) if a joint stock company is enrolled in the said roll as a voter of a

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[1] This sub-section was substituted for sub-sections (*2*) and (*3*) by s. 4 of the City of Bombay Municipal (Amendment) Act, 1922 (Bom. Act 6 of 1922), Vol. V of this Code.

[2] The words " or unless he is at the time of the election a justice or a fellow and is enrolled as a justice or as a fellow in the municipal election roll " were repealed by s. 6 of the City of Bombay Municipal (Amendment) Act, 1922 (Bom. Act 6 of 1922), Vol. V of this Code.

ward, such enrolment shall not be deemed to qualify any person to be elected to be a councillor;

(*b*) if the name of any other company or of a firm is enrolled in the said roll, any one person duly authorized by power-of-attorney to represent such company or firm shall be deemed to be qualified to be elected a councillor at a ward election.

Qualification for election by chamber, etc.

[1] [**15.** A person shall not be qualified to be elected to be a councillor at an election by a chamber or association mentioned in sub-section (*1*) of section 5 or at a fellows' election, unless he is at the time of the election a member of that chamber or association or a person entitled to exercise the rights and privileges of membership on behalf and in the name of any firm, company or corporation registered as a member of such chamber or association or a fellow as the case may be, and unless, in the case of a fellow, he resides in the city.]

Qualification for co-option.

[2] [**15A.** A person shall not be qualified to be a co-opted member unless he has on the date of such co-option attained the age of 21 and is resident within the city.]

Disqualifications for being a councillor.

16. (*1*) A person shall be disqualified for being elected or appointed [3] [or co-opted] and for being a councillor if such person—

* * * * *

(*b*) has been sentenced by any court to imprisonment or whipping for an offence punishable with imprisonment for a term exceeding six months, or to transportation, such sentence not having been subsequently reversed or quashed, and if and so long as such person's disqualification on account of such sentence has not been removed by an order which the Governor in Council is hereby empowered to make, if he shall think fit, in this behalf; or if and while such person—

(*c*) is an uncertificated bankrupt or an undischarged insolvent; or

(*d*) is the Commissioner or a Deputy Commissioner or a municipal officer or servant, or a licensed surveyor or plumber; or

(*e*) is the Chief Judge of the Small Cause Court or is acting in that capacity; or

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[1] This section was substituted by s. 7 of the City of Bombay Municipal (Amendment) Act, 1922 (Bom. Act 6 of 1922), Vol. V of this Code.

[2] This section was added by s. 7A *ibid.*

[3] These words were added by s. 8 *ibid.*

[4] Clause (*a*) was repealed by *ibid.*

(*f*) has directly or indirectly, by himself or his partner, any share or interest in any contract or employment with, by or on behalf of, the corporation.

(*2*) But a person shall not be so disqualified or be deemed to have any share or interest in such a contract or employment by reason only of his having any share or interest in—

(*g*) any lease, sale or purchase of land or any agreement for the same; or

(*h*) any agreement for the loan of money or any security for the payment of money only; or

(*j*) any newspaper in which any advertisement relating to the affairs of the corporation is inserted; or

(*k*) any joint stock company which shall contract with or be employed by the Commissioner on behalf of the corporation; or

(*l*) the occasional sale to the Commissioner on behalf of the corporation to a value not exceeding in any one official year two thousand rupees, of any article in which he regularly trades.

(*3*) Nor shall the Police Commissioner be deemed to be so disqualified by reason of his office merely.

A person becoming disqualified to cease to be a councillor.

17. Any Councillor who—

(*a*) becomes disqualified for being a councillor for any reason mentioned in the last preceding section, or

(*b*) absents himself during three successive months from the meetings of the corporation, except from temporary illness or other cause to be approved by the corporation, shall cease to be a councillor, and his office shall thereupon be vacant.

Questions as to disqualifications to be determined by Chief Judge of the Small Cause Court.

18. Whenever it is alleged that any councillor has become disqualified for office for any reason aforesaid, and such councillor does not admit the allegation, or whenever any councillor is himself in doubt whether or not he has become disqualified for office, such councillor or any other councillor may, and the Commissioner, at the request of the corporation, shall, apply to the Chief Judge of the Small Cause Court; and the said Chief Judge, after making such inquiry as he deems necessary, shall determine whether or not such councillor has become disqualified for being a councillor, and his decision shall be conclusive.

Municipal Election Roll.

Preparation and revision of list of persons qualified to vote.

19. (*1*)[1]* * * * * On or before each first day of October, [1] * the Commissioner shall prepare a list of persons appearing to be

[1] The words "On or before the first day of October, 1888, and" and the word "thereafter" were repealed by the Amending Act, 1895 (16 of 1895), Vol. I of this Code.

entitled to be enrolled in the municipal election roll as voters of wards, [1] * * * * *

[2] * * * *

(3) The list of voters of wards shall be made in separate lists, called ward lists, one for each ward into which the city is divided as hereinafter provided, containing the names of persons entitled to be enrolled as voters of that ward. [3] [The ward lists shall be arranged in alphabetical order and shall contain the addresses of persons who are entitled to be enrolled under the provisions of sub-section (2) of section 11.]

(4) In preparing the ward lists the Commissioner shall enter therein the names of the persons who [4] [are entitled to be enrolled under the provisions of sub-section (2) of section 11], whether such persons be individuals, companies, firms, undivided families or other associations or bodies of individuals, and shall also enter the names of persons who [5] [are entitled as aforesaid] as the trustees of any building or land.

(5) If individual members of any company, firm, undivided family or other association or body so entered, or if trustees whose names are so entered [6] [are entitled as aforesaid] on their own separate account [7] * * * *, the Commissioner shall enter their names in the list separately.

(6) The Commissioner shall publish the list, prepared as aforesaid, by causing a printed copy thereof to be fixed for public inspection in a conspicuous position on every municipal office on or before the ninth day of October and to be kept so fixed during the remaining days of October. Printed copies thereof shall also be delivered to any person requiring the same, on payment of such reasonable fee for each copy as shall from time to time be prescribed by the Commissioner, with the approval of the Standing Committee in this behalf.

(7) On or before each tenth day of October, the Commissioner shall give notice by advertisement in the local newspapers of the publication of the said list and of the place at which and the fee for which copies of it may be obtained.

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[1] The words "justices and fellows respectively" were repealed by s. 9 (*a*) of the City of Bombay Municipal (Amendment) Act, 1922 (Bom. Act 6 of 1922), Vol. V of this Code.

[2] Sub-section (2) was repealed by s. 9 (*b*) *ibid.*

[3] This sentence was substituted by s. 9 (*c*) *ibid.*

[4] These words and figures were substituted for the words "have been assessed to the qualifying tax" by s. 9 (*d*) (*i*) *ibid.*

[5] These words were substituted for the words "have been assessed" by s. 9 (*d*) (*ii*) *ibid.*

[6] These words were substituted for the words "have been assessed" by s. 9 (*e*) (*i*) *ibid.*

[7] The words "to the qualifying tax" were repealed by s. 9 (*e*) (*ii*) *ibid.*

(*8*) Every person whose name is not in the list so published and who claims to have it inserted therein shall, on or before the first day of November, give notice in writing of his claim to the Commissioner.

(*9*) Every person whose name is in the list may object to any other person as not being entitled to have his name retained therein. Every person objecting shall, on or before the first day of November, give to the Commissioner and also give to the person objected to, or leave at his last known place of abode, notice in writing of the objection and of the nature thereof.

(*10*) If the name of any person is entered as a voter in more than one ward list, he may, by notice in writing, which he shall give to the Commissioner on or before the first day of November, choose for which one of those wards he shall be entitled to vote.

(*11*) If the name of an undivided family or of any association or body of individuals, other than a company or firm, has been entered in the list, or if the names of trustees, being two or more in number, of any building or land have been so entered, any one individual person duly authorized in this behalf by the members of such family, association or body or by such trustees may, by notice in writing, which he shall give to the Commissioner on or before the first day of November, apply that his name be entered in the list as the representative, for the purposes of the list, of such family, association, body or trustees.

(*12*) The Commissioner shall, on some one of the first [1] [fifteen] days of November, revise the list prepared as aforesaid.

(*13*) He shall for this purpose hear the claims, objections and applications which have been duly made as aforesaid in open office, giving three clear days notice of the holding of the inquiry by written notice served upon each claimant, person objecting and applicant and upon each person objected to, and also fixed on some conspicuous place in every municipal office.

(*14*) The Commissioner shall insert in the list the name of every person who has duly claimed to have his name inserted therein and whose claim is proved to the Commissioner's satisfaction.

(*15*) The Commissioner shall expunge from the list the name of every person proved to his satisfaction to be dead, and may correct any clerical error or omission in the list.

(*16*) Subject as aforesaid, the Commissioner shall retain in the list the name of every person to whom objection has not been duly made.

(*17*) The Commissioner shall also retain therein the name of every person objected to, unless the objector appears by himself or by some other person duly authorized by him in this behalf in support of the objection.

[1] This word was substituted for the word "ten" by s. 9 (*f*) of the City of Bombay Municipal (Amendment) Act, 1922 (Bom. Act 6 of 1922), Vol. V of this Code.

(*18*) Where the objector so appears, the Commissioner shall require proof of the qualification of the person objected to, and if within such reasonable time as the Commissioner, subject to the provision of sub-section (*22*), fixes in this behalf, such person's qualification is not proved to his satisfaction, shall expunge his name from the list.

(*19*) The Commissioner shall not retain the name of one person in more than one ward list. If any person whose name has been entered in more than one ward list has not chosen as aforesaid, the Commissioner shall determine for which one of those wards he shall be entitled to vote. But this shall not be deemed to prevent the names of individual members of companies, firms, undivided families or other associations or bodies, or of persons who are trustees, which have been separately entered in the list under sub-section (*5*), from being retained on the list for one ward each, in addition to the names of the companies, firms, undivided families or other associations or bodies of which they are, respectively, members, or in addition to the names of the trustees, as the case may be, if such individuals or persons are entitled on their own separate account to have their names so retained.

[1] * * * * *

(*21*) If no individual person has applied as aforesaid to have his name entered in the list as the representative of an undivided family or other association or body, not being a company or a firm, or of two or more trustees of any building or land, the Commissioner shall determine what individual person shall be entitled to represent such undivided family, or other association or body, or trustees, and enter his name in the list as the person qualified to vote or to be elected, in behalf of the undivided family or other association or body, or of the trustees, as the case may be.

(*22*) The Commissioner may adjourn the hearing of any matter under this section from time to time, so that no adjourned hearing be held after the [2] [fifteenth] day of November.

Appeal against Commissioner's orders on revision of the list by whom to be heard.

[3][**20** (*1*)] In the event of the Commissioner rejecting any claim, objection or choice duly made under the last preceding section, the claimant or objector or person aggrieved may, at any time within five days after such rejection, apply to the Chief Judge of the Small Cause Court, and the said Chief Judge shall, within [4] [twenty-five days after receipt of such application and after such inquiry as he deems necessary, make such order for correcting the list or otherwise as shall seem to him fit, and his order shall be conclusive.

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[1] Sub-section (*20*) was repealed by s. 9 (*g*) of the City of Bombay Municipal (Amendment) Act, 1922 (Bom. Act 6 of 1922), Vol. V of this Code.

[2] This word was substituted for the word "tenth" by s. 9 (*h*) *ibid.*

[3] Section 20 was renumbered as s. 20 (1) by s. 10 (2) *ibid.*

[4] This word was substituted for the word "twenty" by s. 10 (1) *ibid.*

[1] [(2) If the Chief Judge is unable to dispose of any such application within the period specified in sub-section (1) he may transfer it for hearing to any Judge of the Small Cause Court.]

Completion of the municipal election roll.

21. (1) When the list prepared as aforesaid has been revised by the Commissioner and corrected in compliance with any order passed in this behalf by the [2] [authority mentioned in section 20] a printed copy thereof, signed by the Commissioner, shall be the municipal election roll, and shall come into operation on the [3] [twentieth] of December and continue in operation for the twelve months beginning on that day.

(2) The municipal election roll shall be divided and arranged in the same manner as the list from which it is made up. The separate ward lists, when completed, as hereinbefore provided, shall be called ward rolls. The ward rolls [4] * * * * shall collectively be deemed to constitute the municipal election roll.

(3) Every person enrolled in the municipal election roll shall be deemed to be entitled to vote at a ward election [5] * * * ; and every person not enrolled in the said roll shall be deemed to be not entitled so to vote.

(4) Printed copies of the municipal election roll shall be delivered to any person requiring the same, on payment of such reasonable fee for each copy as shall from time to time be prescribed by the Commissioner, with the approval of the Standing Committee, in this behalf.

(5) If a municipal election roll is not made in due time, the municipal election roll in operation immediately before the time appointed for its preparation shall continue in operation until the new roll is made.

Elections of Councillors.

Dates of elections.

22. (1) General elections of councillors shall be fixed by the Commissioner subject to the provisions of section 23, to take place triennially on such days in the months of January and February as he shall think fit.

[6] * * * * * *

(3) Elections to fill casual vacancies shall be fixed by the Commissioner to take place on such days as he shall think fit as soon as conveniently may be after the occurrence of the vacancies.

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[1] This sub-section was added by s. 10 (2) of the City of Bombay Municipal (Amendment) Act, 1922 (Bom. Act 6 of 1922), Volume V of this Code.

[2] These words and figures were substituted for the words "Chief Judge aforesaid" by s. 11 (a) (i) of *ibid.*

[3] This word was substituted for the word "tenth" by s. 11 (a) (ii) *ibid.*

[4] The words "and the justices' roll and the fellows' roll" were repealed by s. 11 (b) *ibid.*

[5] The words "or as a justice or fellow, as the case may be, provided, in the case of a justice or fellow, that such person be still a justice or fellow, as the case may be, at the time of the election" were repealed by s. 11 (c) *ibid.*

[6] Sub-section (2) of section 22 was repealed by the Amending Act, 1895 (16 of 1895), Volume I of this Code.

Order in which general elections are to be held.

23. The dates for all general elections shall be fixed in the following order and with the following intervals, namely :—

first, the ward elections shall be fixed to take place simultaneously for all the wards;

secondly, the day for [1] [election by the chambers or association mentioned in sub-section (*l*) of section 5] shall be fixed at an interval not exceeding twenty-one days after the day fixed for the ward election;

[2] [*thirdly*, the day for the fellows' election shall be fixed at an interval not exceeding fourteen days after the day fixed for the elections by the chambers and association mentioned in sub-section (*l*) of section 5;

fourthly, the election of co-opted councillors shall be held on a day fixed by the Commissioner subsequent to the abovementioned elections and the appointment of councillors by Government but prior to the day for retirement.]

Division of the city in wards for purposes of elections.

24. (*1*) For the purposes of elections, the city shall be divided into wards, and the number of councillors to be elected at ward elections shall be apportioned over the said wards.

(*2*) The corporation may, with the sanction of Government, from time to time alter the number and boundaries of the wards and re-apportion the councillors to be elected at ward elections among the wards, but not so as that any such alteration or re-apportionment shall first have effect at a ward election to fill a casual vacancy.

(3) Unless and until they are so altered or re-apportioned, the number and respective boundaries of the wards and the number of councillors to be elected for each ward shall be as specified in Schedule B.

Notice to be given of day fixed for ward elections.

25. Fifteen days at least before the day fixed for a ward election [3] * * * * * * * notice of such election shall be given by the Commissioner. Such notice shall be given by advertisement in the Bombay Government Gazette and in the local newspapers, and [4] * * * * by posting placards in conspicuous places in the ward for which such election is to take place.

Candidates at ward elections must be nominated.

26. (*1*) Candidates for election at a ward election [5] * * * * * * must be duly nominated in writing in accordance with the provisions hereinafter contained.

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[1] These words and figures were substituted for the words " election by the Bombay Chamber of Commerce " by s. 12 (*a*) of the City of Bombay Municipal (Amendment) Act, 1922 (Bom. Act 6 of 1922), Vol. V of this Code.

[2] These paragraphs were substituted for the third and fourth paragraphs of s. 23 by s. 12 (*b*) *ibid.*

[3] The words " or for a justices' election " were repealed by s 13 *ibid.*

[4] The words " in the case of a ward election " were repealed by *ibid.*

[5] The words " or a justices' election " were repealed by s. 14 (*a*) *ibid.*

(2) With respect to such nominations, the following provisions shall have effect, namely :— Provisions regarding nominations.

(*a*) The Commissioner shall provide printed forms of nomination papers, and any person entitled to vote at the election shall be supplied, at any time within seven days previous to the day fixed for the election, with as many such forms as may be required, free of charge;

(*b*) each nomination-paper must state the name, abode and description of the candidate in full, and be subscribed by two persons entitled to vote at the election as proposer and seconder;

(*c*) every nomination-paper subscribed as aforesaid must be delivered at the Commissioner's office before five o'clock in the afternoon of the day fixed for the election;

(*d*) each candidate must be nominated by a separate nomination-paper, but any person entitled to vote at the election may subscribe as many nomination-papers as there are vacancies to be filled, but no more;

(*e*) if any person nominated—

(*i*) is not enrolled in the municipal election roll as voter of a ward [1]* * * *, or

[2]* * * * * * * * * * * * * * * * * * *

(*iii*) is disqualified for being a councillor for any of the reasons set forth in section 16,

the Commissioner shall declare such person's nomination invalid;

(*f*) if there is no valid nomination, it shall be deemed that no councillor has been elected and proceedings for filling the vacancy or vacancies shall be taken under section 34;

(*g*) if the number of valid nominations is less than that of the vacancies, the persons nominated shall be deemed to be elected, and for the remaining vacancy or vacancies, it shall be deemed that no councillor has been elected, and proceedings for filling such vacancy or vacancies shall be taken under section 34;

(*h*) if the number of valid nominations is the same as that of the vacancies, the persons nominated shall be deemed to be elected;

(*j*) if the number of valid nominations exceeds that of the vacancies, the election of councillors shall be made from among the persons nominated, and such election shall be termed "a contested election":

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[1] The words "or as a justice or as a fellow" were repealed by s. 14 (*b*) (*i*) of the City of Bombay Municipal (Amendment) Act, 1922 (Bom. Act 6 of 1922), Vol. V of this Code.

[2] Sub-clause (*ii*) was repealed by s. 14 (*b*) (*ii*) *ibid.*

[1][Provided that if any candidate validly nominated signifies his intention in writing to the Commissioner three days before the day fixed for the [2] [poll] not to contest the election, then, if the remaining number of valid nominations is less than or the same as that of the vacancies, the remaining candidates validly nominated shall be deemed to be elected] ;

(*k*) if, when two or more ward elections are held simultaneously for different wards, any person is deemed, under clause (*g*) or clause (*h*), to be elected a councillor for more than one ward, he shall, within twenty-four hours after receipt of written notice thereof from the Commissioner, choose, by writing signed by him and delivered to the Commissioner, or, in his default, the Commissioner shall, when the time for choice has expired, declare for which one of those wards he shall serve. The choice or declaration so made shall be conclusive, and such person's nomination for the ward or wards for which he is not to serve shall be deemed to be null and void ;

(*l*) if, when ward elections are held as aforesaid, any person who is deemed, under clause (*g*) or clause (*h*), to be elected a councillor for any one or more wards, has also been duly nominated for any one or more wards for which the number of nominations exceeds that of the vacancies, he shall within twenty-four hours after receipt of written notice thereof from the Commissioner choose, by writing signed by him and delivered to the Commissioner, whether he shall serve for the ward, or for any one of the wards for which he is elected, or will stand as a candidate at the contested election or elections for the other ward or wards. In his default, the Commissioner shall, when the time for choice has expired, declare that he shall serve for the ward or for some one of the wards for which he is elected, and his nomination for any other ward shall be deemed to be null and void. If such person chooses, by writing as aforesaid, to stand as a candidate at the contested election or elections, his nomination for the ward or wards for which he is elected shall be deemed to be null and void. Any choice or declaration made under this clause shall be conclusive.

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[1] This proviso was added by s. 3 of the City of Bombay Municipal (Amendment) Act, 1905 (Bom. Act 5 1905), Vol. IV of this Code.

[2] This word was substituted for the word "election" by s. 14 (*c*) of the City of Bombay Municipal (Amendment) Act, 1922 (Bom Act 6 of 1922), Vol. V of this Code.

Poll to be taken when a ward election is contested.

27. (*1*) When a ward election [1] * * * is contested, a poll shall be taken seven days after the day fixed for the election. At such poll, the municipal election roll, which was in operation on the day fixed for the election, shall be deemed to be the roll to which reference must be made for the purposes of the election.

Names of candidates validly nominated to be published.

(*2*) At least four days before the day of the poll, the Commissioner shall cause the names of all the persons validly nominated, with their respective abodes and descriptions and the names of the persons subscribing their respective nomination-papers as proposers and seconders, to be published in the Bombay Government Gazette and in the local newspapers.

Provisions respecting contested ward elections.

28. With respect to contested ward elections, the following provisions shall have effect, namely—

(*a*) one or more polling-places shall be provided by the Commissioner for each ward, as he thinks fit, and the Commissioner may appoint such and so many polling officers and other persons to assist at the poll as he shall think fit, and, with the approval of the Standing Committee, pay them such reasonable remuneration for their services as he shall determine;

(*b*) the poll shall commence at nine o'clock in the forenoon and close at six o'clock in the afternoon of the same day ;

[2][(*c*) the Commissioner shall have voting-papers printed in such form as he from time to time thinks fit, and from eight o'clock in the forenoon to six o'clock in the afternoon on the day of the poll such voting-papers shall be supplied free of charge at each polling-place to persons entitled to vote] ;

(*d*) at each election for any ward, every voter shall be entitled to a number of votes equal to the number of councillors to be elected at such election for such ward, and may give all such votes to one candidate, or may distribute them among the candidates as he thinks fit;

(*e*) no vote shall be received for any candidate whose name has not been published by the Commissioner, under sub-section (*2*) of section 27, as having been validly nominated;

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[1] The words "or a justices' election" were repealed by s. 15 of the City of Bombay Municipal (Amendment) Act, 1922 (Bom. Act 6 of 1922), Vol. V of this Code.

[2] Clause (*c*) was substituted by s. 4 (*1*) of the City of Bombay Municipal (Amendment) Act, 1905 (Bom. Act 5 of 1905), Vol. IV of this Code.

(*f*) no vote shall be received from any person whose name is not enrolled in the ward-roll as a voter of the ward for which the election is being held ;

(*g*) when the name in the ward-roll is that of a joint-stock company, a vote on behalf of the said company may be received from its secretary, agent or manager ;

(*h*) when the name in the ward-roll is that of any company, other than a joint-stock company, or of a firm, a vote on behalf of such company, or firm may be received from any person who produces to the polling-officer a power-of-attorney authorizing him to represent the said company or firm for the purpose of the election ;

(*j*) the polling-officer shall, if required by two persons whose names are enrolled in the ward-roll, or by a candidate, put to any person offering to vote, at the time of his presenting his voting-paper, but not afterwards, the following questions, or either of them :—

(*i*) Are you the person enrolled in the ward-roll as follows (*read the whole entry from the roll*) ?

(*ii*) Have you already voted at the present election (*add, in case of simultaneous elections in two or more wards*, or at any election being at present held for any other ward) ?

(*k*) A person to whom either of the said questions is put shall be bound to answer the same truly. His voting-paper shall not be received until he has answered the question or questions so put to him ;

(*l*) except as aforesaid, no inquiry shall be permitted at a ward election as to the right of any person to vote thereat ;

(*m*) the answers or answer made by any person to whom the said questions or either of them are or is put shall be recorded by the polling-officer under his signature in writing, and such writing, together with the said person's voting-paper, shall be forwarded by the polling-officer, at the close of the poll, separately from the voting-papers of the persons whose right to vote has not been challenged as aforesaid ; and the polling-officer shall direct the

parties [1] [challenging to appear before the Commissioner to substantiate the challenge within three days after the poll];

(*n*) the name of the person, or of every person for whom a voter votes and all other details prescribed by the form of the voting-paper, shall be written legibly, in English, in the voting-paper, and the voter shall sign, or attach his mark to the voting-paper, in the presence of the polling-officer, and the said officer shall attest each such signature or mark and shall attach consecutive numbers to each of the voting-papers presented to him;

(*o*) after the close of the poll, the polling-officer shall forward all the voting-papers presented to him, in one or more packets duly secured and sealed, to the Commissioner, together with a list of the cases, if any, in which a person's right to vote has been challenged;

(*p*) [2] [the Commissioner shall, as soon as may be, declare the results of the poll, specifying the total number of valid votes given for each candidate. He shall also], as soon as may be, hear and decide upon all challenges and other objections, if any, to or regarding the poll, made to him in writing not later than five o'clock in the afternoon of the day after the poll, [3] [and shall, before declaring the results of the contested election, cause lists to be prepared for each ward, specifying the names of all candidates, the names of all voters who voted, the number of valid, and the number of rejected, votes given to each candidate, and the reasons for rejection. In accordance with such rules as the Commissioner may frame for the purpose and on payment of such fee as may be prescribed by him, a copy of such lists shall be supplied to any candidate of the ward, and shall be available for inspection to any voter of the ward]. The said lists and

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[1] These words were substituted for the words "to any such challenge to appear, within three days after the poll, before the Commissioner" by s. 4 (*2*) of the City of Bombay Municipal (Amendment) Act, 1905 (Bom. Act 5 of 1905), Vol. IV of this Code.

[2] These words were substituted for the words "the Commissioner shall" by s. 4 (*3*) (*a*) *ibid.*

[3] These words were substituted for the words "and cause lists to be prepared of the valid votes given for each candidate" by s. 4 (*3*) (*b*) *ibid.*

the voting-papers on which they are based shall be kept in the Commissioner's office, unless called for in the meantime by the Chief Judge of the Small Cause Court for the purpose of any appeal, for three months;

(*q*) the person, or, where there is more than one councillor to be elected, the persons not exceeding the number of councillors to be elected, who have the greatest number of valid votes, shall be deemed to be elected;

(*r*) where an equality of such votes is found to exist between any candidates and the addition of a vote would entitle any of those candidates to be declared elected, the determination of the person or persons to whom such one additional vote shall be deemed to have been given shall be made by lot to be drawn in the presence of the Commissioner in such manner as he shall determine;

(*s*) if a candidate is elected councillor for more than one ward, he shall within twenty-four hours after receipt of written notice thereof, from the Commissioner, choose, by writing signed by him and delivered to the Commissioner, or, in his default, the Commissioner shall, when the time for choice has expired, declare for which of those wards he shall serve, and the choice or declaration shall be conclusive;

(*t*) when any such choice or declaration has been made, the votes recorded for the candidate aforesaid in any ward for which he is not to serve shall be deemed not to have been given, and the candidate, if any, who, but for the said votes, would have been declared elected for such ward, shall be deemed to have been duly elected for the same.

29. [*Provisions regarding justices' contested elections.*] *Repealed by s. 16 of Bom. Act 6 of 1922.*

Proceedings at fellows' elections.

30. (*1*) [1][An election] of [1][a councillor] by fellows shall be made, subject to the provisions of section 15, in such manner as shall from time to time

[1] These words were substituted respectively for the words "elections" and "councillors" by s. 16A (*a*) of the City of Bombay Municipal (Amendment) Act, 1922 (Bom. Act 6 of 1922), Vol. V of this Code.

be determined at a meeting of the Senate of the University of Bombay convened in accordance with the rules at the time in force in this behalf : Provided that no vote shall be received from any person [1]* * * who is not on the day of the meeting a fellow [2][and resident in the city].

(2) The Registrar of the University shall make a return in duplicate to the Commissioner setting forth the name, abode and description of every person so elected.

[3][**30-A.** Elections of co-opted councillors shall be made in accordance with rules made by the corporation in this behalf subject to the provisions of sub-section (*1*) of section 5]. Proceedings at elections of co-opted councillors.

31. (*1*) Elections of councillors by [4][a chamber or association mentioned in sub-section (*1*) of section 5] shall be made by the members for the time being of the said [5][chamber or association], subject to the provisions of section 15, in such manner as shall from time to time be determined at a meeting of the said [5][chamber or association] convened in accordance with the rules at the time in force in this behalf. Proceedings at elections by the Chamber or Association.

(*2*) The Secretary to the said [5][chamber or association] shall make a return in duplicate to the Commissioner setting forth the name in full of every person so elected.

32. (*1*) The result of every election shall be declared by fixing, as soon as may be after the election, in some conspicuous place on the chief municipal office, a notice certifying the names of the persons, if any, elected and, in the case of a contested election, the number of votes recorded for each candidate. Declaration of results of elections.

[6][(*2*) The said notice shall be signed in the case of a ward election and in the case of an election by councillors by the Commissioner and in the case of an election by a chamber or association mentioned in sub-section (*1*) of section

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[1] The words "whose name is not enrolled in the fellows' roll or" were repealed by s. 16A (*b*) of the City of Bombay Municipal (Amendment) Act, 1922 (Bom. Act 6 of 1922), Vol. V of this Code.

[2] These words were added by s. 16 A (*c*) *ibid.*

[3] This section was added by s. 17 *ibid.*

[4] These words and figures were substituted for the words "the Bombay Chamber of Commerce" by s. 18 (*a*) *ibid.*

[5] These words were substituted for the word "Chamber" by s. 18 (*b*) *ibid.*

[6] This sub-section was substituted by s. 19 *ibid.*

5 by the Secretary of such chamber or association, and in the case of a fellows' election, by the Registrar of the University of Bombay.]

Election petitions to be heard and disposed of by Chief Judge of the Small Cause Court.

33. (*1*) If the qualification of any person declared to be elected for being a councillor is disputed, or if the validity of any election is questioned, whether by reason of the improper rejection by the Commissioner of a nomination or of the improper reception or refusal of a vote, or for any other cause, any person enrolled in the municipal election roll may, at any time, within [1][fifteen] days after the result of the election has been declared, apply to the Chief Judge of the Small Cause Court. [2][If the application is for a declaration that any particular candidate shall be deemed to have been elected, the applicant shall make parties to his application all candidates who, although not declared elected, have, according to the results declared by the Commissioner under section 32, a greater number of votes than the said candidate, and proceed against them in the same manner as against the said candidate.]

(*2*) If the said Chief Judge, after making such inquiry as he deems necessary, finds that the election was a valid election and that the person whose election is objected to is not disqualified, he shall confirm the declared result of the election. [3][If he finds that the person whose election is objected to is disqualified for being a councillor he shall declare such person's election null and void. If he finds that the election is not a valid election he shall set it aside. In either case he shall direct that the candidate, if any, in whose favour the next highest number of valid votes is recorded after the said person or after all the persons who were returned as elected at the said election, and against whose election no cause of objection is found, shall be deemed to have been elected.]

(*3*) The said Chief Judge's order shall be conclusive.

(*4*) If he sets aside an election or if, when he declares a person who has been declared elected disqualified for being a councillor, there is no other

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[1] This word was substituted for the word "eight" by s. 5 of the City of Bombay Municipal (Amendment) Act, 1905 (Bom. Act 5 of 1905), Vol. IV of this Code.

[2] These words were added by *ibid.*

[3] These words were substituted for the words "If he finds that the election was not a valid election, he shall set it aside, so far as concerns the person whose election is objected to. If he finds that there is no objection to the validity of the election proceedings, but that the person whose election is objected to is disqualified for being a councillor, he shall declare such person's election null and void and direct that the candidate, if any, in whose favour the next highest number of votes was recorded after the said person, or after all the persons who were returned as elected at the said election, shall be deemed to have been elected" by s. 5 (*2*) *ibid.*

candidate who can be deemed to have been elected, proceedings for filling the vacancy or vacancies shall be taken under section 34.

(5) Every election not called in question in accordance with the foregoing provisions shall be deemed to have been to all intents a good and valid election.

34. (1) If from any cause no councillor is elected at any general election [1] * * * * * * the retiring councillor or councillors shall, if willing to serve, be deemed to be re-elected. **Procedure if election fails.**

(2) If, in any such case the retiring councillor is not willing to serve, or some of the retiring councillors are willing to serve and some are not, or

if, in the case [2] * * * * * of an election to fill a casual vacancy, no councillor is elected, or

if, in the case of any election, an insufficient number of councillors are elected,

the Commissioner shall without delay inform the corporation of the circumstances, and thereupon the corporation, so far as it is constituted, may appoint a duly qualified person to fill the vacancy, or each vacancy, as the case may be, and, if the corporation shall fail within fifteen days after receipt of such information to appoint a person as aforesaid, the Commissioner shall appoint another day for holding a fresh election.

(3) A fresh election held under this section shall be held subject in all respects to the same provisions as if it were an election to fill a casual vacancy.

Appointment of Councillors by Government.

35. [3] * * * * * * *

(2) [4] * * [5][Appointments] of councillors by Government to succeed retiring councillors shall be made triennially not less than seven days before the day for retirement. **Government appointments of councillors when to be made.**

(3) Appointments of councillors by Government to fill casual vacancies shall be made as soon as conveniently may be after the occurrence of such vacancies.

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[1] The words "not being one of the first general elections held in accordance with this Act" were repealed by the Amending Act, 1895 (16 of 1895), Vol. I of this Code.

[2] The words "of a first general election held in accordance with this Act or" were repealed by *ibid.*

[3] Sub-section (1) of section 35 was repealed by *ibid.*

[4] The words "The first" were repealed by *ibid.*

[5] This word was substituted for the word "appointment" by *ibid.*

Proceedings of the Corporation.

Provisions regulating the corporation's proceedings.

36. The corporation shall meet for the despatch of business and shall from time to time make such regulations with respect to the summoning, notice, place, management and adjournment of such meetings, and generally with respect to the mode of transacting and managing the business of the corporation as they think fit, subject to the following conditions :—

(*a*) there shall be one ordinary meeting in each month ; the ordinary meeting in the month of March shall be held not later than on the twentieth day of that month ;

(*b*) the first meeting in the month of April, after general elections, shall be held as early as conveniently may be in the said month on a day and at a time and place to be fixed by the Commissioner, and if not held on that day shall be held on some subsequent day to be fixed by the Commissioner ;

(*c*) the day, time and place of meeting shall in every other case be fixed by the president of the corporation, or in the event of the office of president being vacant, or of the death or resignation of the president or of his ceasing to be a councillor, or of his being incapable of acting, by the chairman of the standing committee ;

(*d*) the president of the corporation or in any such event as aforesaid, the chairman of the standing committee may, whenever he thinks fit, and shall, upon a written requisition signed by not less than sixteen councillors or by not less than four members of the standing committee, call a special meeting ;

(*e*) every meeting shall be open to the public, unless a majority of the councillors present thereat decide by a resolution, which shall be put by the presiding authority, of his own motion or at the request of any councillor present, without previous discussion, that any inquiry or deliberation pending before the corporation is such as should be held in private, and provided that the presiding authority may at any time cause any person to be removed who interrupts the proceedings ;

(*f*) if at any time during a meeting it shall be brought to the notice of the presiding authority that the number of councillors present falls short of twenty, inclusive of the presiding authority, the

presiding authority shall adjourn the meeting to some other day, fixing such time and place for the same as he shall think convenient, and the business which remains undisposed of at such meeting shall be disposed of at the adjourned meeting or, if the latter meeting should be again adjourned, at any subsequent adjourned meeting, whether there be a quorum of twenty members present thereat or not ;

(*g*) every meeting shall be presided over by the president, if he is present at the time appointed for holding the same, and if the office of president is vacant, or if the president is absent, by such one of the councillors present as may be chosen by the meeting to be chairman for the occasion ;

(*h*) at least seven clear days' notice shall ordinarily be given of every meeting, other than an adjourned meeting, but in cases of urgency any such meeting may be called, except for the purpose of considering an annual budget estimate, in pursuance of a written requisition signed by not less than four members of the standing committee, upon a notice of not less than three clear days ; of adjourned meetings such previous notice shall be given as shall be practicable having regard to the period of the adjournment ;

(*i*) every notice of a meeting shall specify the time and place at which such meeting is to be held and the business to be transacted thereat and shall be given by the municipal secretary by advertisement in the local newspapers and, except in the case of adjourned meetings or of meetings called upon a requisition of urgency, in the Bombay Government Gazette ;

(*k*) any councillor who desires at any meeting to bring forward any business, or to make any substantive proposition, which is not already specified in the notice of such meeting, shall give written notice of the same to the municipal secretary at least three clear days before the day fixed for the meeting ; and a supplementary announcement of the business or propositions, of which notice has been so given, shall be given by the said secretary in not less than one local daily newspaper not later than the day previous to the meeting ;

(*l*) except at a meeting called on a requisition of urgency or at the discussion at any meeting of a budget estimate, no business shall be transacted at any meeting other than the business specified in

the notice published under clause (*j*) or urgent business not specified in the said notice which the standing committee or the Commissioner deem it expedient to bring before the meeting, and no substantive proposition shall be made or discussed which is not specified in the said notice or in the supplementary announcement, if any published under clause (*k*), or which is not in support of the recommendation of the standing committee or of the Commissioner with reference to any urgent business brought by either of those authorities, respectively before the meeting : Provided that no such urgent business as aforesaid shall be brought before any meeting, unless at least three-fourths of the councillors present at such meeting, such three-fourths being not less than fifteen in number, assent to its being brought forward thereat ;

(*m*) at a meeting called on a requisition of urgency and during the discussion at any meeting of a budget estimate, no business shall be transacted and no substantive proposition shall be made or discussed which does not directly relate to the business for which the urgent meeting was called, or to the budget estimate, as the case may be ; and no proposition involving any change in the taxes which the standing committee propose to impose, or an increase or decrease of any item of expenditure in a budget estimate shall be made or discussed at any meeting at which such budget estimate is under consideration, unless such proposition is specified in the notice of the meeting published under clause (*j*) or in the supplementary announcement, if any, published under clause (*k*), or unless, in the case of an adjourned meeting, each of the conditions mentioned in the proviso to clause (*n*) has been fulfilled ;

(*n*) any meeting may, with the consent of a majority of the councillors present, be adjourned from time to time, but no business shall be transacted and, except as is hereinafter provided, no proposition shall be discussed at any adjourned meeting other than the business and propositions remaining undisposed of at the meeting from which the adjournment took place : Provided that at any adjourned meeting at which a budget estimate is under consideration a proposition involving any change such as is described in clause (*m*), may be made and discussed, notwithstanding that such proposition is not one remaining undisposed of at

the meeting from which the adjournment took place, if each of the following conditions has been fulfilled, namely—

(*i*) that written notice of such proposition has been given at the meeting from which the adjournment took place;

(*ii*) that the adjournment has been for not less than three clear days; and

(*iii*) that a special announcement of the proposition has been given by the municipal secretary (who shall be bound to give such announcement) in not less than one local daily newspaper not later than the day previous to the adjourned meeting;

(*o*) a minute of the names of the councillors present and of the proceedings at every meeting shall, on the day following the meeting, or as soon thereafter as may be, be drawn up and fairly entered by the municipal secretary in a book to be provided for this purpose and shall be signed at, and by the presiding authority of, the next ensuing meeting; and the said minute-book shall at all reasonable times be open at the chief municipal office to inspection by any councillor free of charge, and by any other person on payment of a fee of eight annas;

(*p*) a councillor shall not vote or take part in the discussion of any matter before a meeting in which he has, directly or indirectly, by himself or by his partner, any share or interest such as is described in clauses (*g*) to (*l*), both inclusive, of section 16, or in which he is professionally interested on behalf of a client, principal or other person;

(*q*) every question other than the question whether the standing committee or the Commissioner shall be permitted to bring urgent business before a meeting without notice, shall be decided by a majority of votes of the councillors present and voting on that question, the presiding authority having a second or casting vote when there is an equality of votes;

(*r*) a declaration by the presiding authority that a proposition has been carried and an entry to that effect in the minute-book shall, unless a poll be demanded at the time of such declaration by not less than four councillors, be conclusive evidence of the fact, without proof of the number of votes given for or against the proposition;

(*s*) when a poll is taken, the vote of each councillor present and voting upon the proposition shall be taken by tellers appointed by the presiding authority and the names of the councillors voting

respectively for or against the proposition shall be recorded in the minute-book;

(*t*) the Commissioner shall have the same right of being present at a meeting of the corporation and of taking part in the discussions thereat as a councillor, and with the consent of a majority of the councillors present, ascertained by a show of hands, without discussion, may at any time make a statement or explanation of facts, but he shall not be at liberty to vote upon, or to make any proposition at such meeting.

President of the Corporation.

Appointment of president of the corporation.

37. (*1*) The corporation shall, at their first meeting in each official year, appoint one of their own number to be president until the first meeting of the corporation in the next following official year, unless the councillors in the meantime retire from office, and then until the day for retirement.

(*2*) Any councillor who ceases to be president shall be re-eligible.

(*3*) If any casual vacancy occurs in the office of president of the corporation, the corporation shall, as soon as they conveniently can after the occurrence of such vacancy, choose one of their number to fill such vacancy and every president so chosen shall continue in office so long only as the person in whose place he is appointed would have been entitled to continue if such vacancy had not occurred.

Committees.

Appointment of consultative committees for special purposes.

38. The corporation may from time to time appoint out of their own body such and so many committees consisting of such number of persons and may refer to such committees for inquiry and report or for opinion, such special subjects relating to the purposes of this Act as they shall think fit.

Appointment by the corporation of a Schools' Committee for purposes of primary education.

39. [1][(*1*) It shall be the duty of the corporation to appoint a Schools' Committee of [2][sixteen] members, for the purpose of giving effect to the provisions as to primary education hereinafter enacted. [3][Of the members so appointed twelve shall be councillors and the remaining four, of whom two shall be women, shall be persons, not being councillors, resident in the City of Bombay.]

(*2*) [4]* * * * * * The members [4]* * * * duly appointed may perform all the functions legally pertaining to the committee, notwithstanding any default, delay or defect in the appointment of any member.

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[1] This sub-section was substituted by s. 2 (*a*) of the City of Bombay Municipal (Further Amendment) Act, 1916 (Bom. Act 6 of 1916), Vol. V of this Code.

[2] This word was substituted for the word "twelve" by s. 19 of the City of Bombay Primary Education Act, 1920 (Bom. Act 15 of 1920), Vol. V of this Code.

[3] These words were inserted by *ibid.*

[4] The words "The first appointments to the said committee shall be made within one month from the date on which this Act comes into operation" and the words "then or thereafter" were repealed by the Amending Act, 1895 (16 of 1895), Vol. I of this Code.

[1][(3) The [2] [four] senior members of the said committee shall retire at the end of each calendar year but shall be eligible for re-appointment, and the corporation shall from time to time appoint members to fill such vacancies and vacancies arising by the resignation or death of members [3] [or on their ceasing to be councillors].]

(4) The names of all persons appointed to be members of the said committee shall be published by the municipal secretary in the Bombay Government Gazette.

(5) The [4]* Schools' Committee shall, by election from amongst its own members, appoint one member to be chairman for the current term of his office or for any shorter period. The chairman so appointed shall preside and, in his absence, the senior member according to date of first appointment or, in case of equality of date, the member whose name appears first in the list published in the Bombay Government Gazette shall preside at meetings of the committee. He shall have a vote and, in case of equal division, a casting vote.

(6) The Corporation shall [5] * * * * supply the committee with accommodation, stationery and the other material requisites for the due discharge of its duties on the requisition of the chairman, signified by him, by any member of the committee, or by the secretary.

[6][(7) The Schools' Committee shall provide out of the funds placed at its disposal by the corporation for the accommodation and maintenance of primary schools which at any time vest wholly or partly in the corporation, and for otherwise aiding primary education in accordance with the provisions of this Act and with rules made by the corporation in this behalf.]

(8) An order signed by the chairman of the said committee shall be sufficient warrant for the disbursement by any person holding the [said funds] or any part thereof, of any sum thereout in accordance with such order.

(9) The [8]* Schools' Committee shall appoint and remove masters, teachers and other persons employed in the primary schools maintained out of

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[1] Sub-section (3) was substituted by s. 8 (2) of the City of Bombay Police Charges Act, 1907 (Bom. Act 3 of 1907), Vol. IV of this Code.

[2] This word was substituted for the word "two" by s. 2 (b) of the City of Bombay Municipal (Further Amendment) Act, 1916 (Bom. Act 6 of 1916), Vol. V of this Code.

[3] These words were inserted by s. 2 (b) *ibid.*

[4] The word "Joint" was repealed by s. 8 of the City of Bombay Police Charges Act, 1907 (Bom. Act 3 of 1907), Vol. IV of this Code.

[5] The words "provide for the Joint Schools' Committee a competent secretary and such clerks and messengers as shall be necessary. It shall also" were repealed by s. 8 (4) *ibid.*

[6] Sub-section (7) was substituted by s. 8 (5) *ibid.*

[7] These words were substituted for the word "school-fund" by s. 8 (6) *ibid.*

[8] The word "Joint" was repealed by s. 8 (3) *ibid.*

the [1][Municipal fund] and shall direct and control the instruction given in such schools and the terms and conditions of such instruction. [2]* * *.

(*10*) The [3]* Schools' Committee may, by by-law duly made under section 461, be invested with the powers and duties of any authority constituted under this Act, in so far as shall be necessary or expedient in order to the fulfilment of the functions imposed on such committee as contemplated in this section and in section 61, clause (*q*), and to the extent to which such committee is invested as aforesaid, the powers and duties of the said authority shall be in abeyance, save as so vested and exercised accordingly.

Committee may be appointed for other educational purposes.

40. The corporation may, for the purpose of giving effect to measures and arrangements in furtherance of secondary education or any branch of technical or other instruction, appoint or join in appointing a committee [4]* * * * * as may be determined by any by-law made under section 461, and such committee shall have in relation to the branch of education and the institutions for which it is appointed the like powers and duties as are herein assigned to the [4]* Schools' Committee, save as the same may be varied by any by-law made under the said section.

Appointment of Hospital Committee.

41. The corporation, either singly or in concurrence with Government, may appoint a Hospital Committee with such constitution, powers and duties with respect to hospitals and institutions, for the benefit of the aged, sick and infirm, vesting wholly or partly in the corporation and supported or aided out of its funds, as may be defined and provided by by-laws made under section 461 or by any agreement made with Government in this behalf.

(*B*) THE STANDING COMMITTEE.

Constitution of standing committee.

42. The standing committee shall consist of [5] [sixteen] councillors, [6] [twelve] appointed by the corporation and four by Government.

Members of the standing committee when to be appointed.

43. (*1*) The corporation shall at their first meeting in the month of April, after general elections, appoint [7] [twelve] persons out of their own body to be members of the standing committee.

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[1] These words were substituted for the word "school-fund" by s. 8 (*7*) (*a*) of the City of Bombay Police Charges Act, 1907 (Bom. Act 3 of 1907), Vol. IV of this Code.

[2] The words and figures "and annex to the aid given to other primary schools such terms as shall seem expedient, subject always to by-laws duly made under section 461 and to rules made or approved by Government in this behalf" were repealed by s. 8 (*7*) (*b*) *ibid.*

[3] The word "Joint" was repealed by s. 8 (*3*) *ibid.*

[4] The words "in the manner described in the last preceding section or" and the word "Joint," were repealed by s. 8 (*8*) *ibid.*

[5] This word was substituted for the word "twelve" by s. 20 of the City of Bombay Municipal (Amendment) Act, 1922 (Bom. Act 6 of 1922), Vol. V of this Code.

[6] This word was substituted for the word "eight" by *ibid.*

[7] This word was substituted for the word "eight" by s. 21 *ibid.*

(2) Four other councillors shall be appointed by Government to be members of the standing committee within one week after such appointment by the corporation.

Appointment of chairman of standing committee.

44. (1) The standing committee shall at their first meeting in each official year appoint one of their own number to be their chairman until the first meeting of the said committee in the next following official year.

(2) A member of the standing committee who ceases to be chairman shall be re-eligible.

(3) If any casual vacancy occurs in the office of chairman, the standing committee shall, as soon as they conveniently can after the occurrence of such vacancy, choose one of their number to fill such vacancy and every chairman so chosen shall continue in office so long only as the person in whose place he is appointed would have been entitled to continue if such vacancy had not occurred.

Members of the standing committee to retire by rotation.

45. (1) One-half of the members of each standing committee appointed by the corporation and one-half of those appointed by Government, the selection of the said members being made by lot at such time previous to the first day of March and in such manner as the chairman shall determine, shall retire from office at noon on the first day of April next following the date of their appointment.

(2) The remaining members of the standing committee shall retire from office at noon on the first day of April next following the first day of April aforesaid.

Appointment of members of standing committee to replace those who retire.

46. (1) The corporation shall at their ordinary meeting in the month of March appoint fresh members of the standing committee to fill the offices of those previously appointed by them who retire from time to time as aforesaid, and, within one week after any such appointment by the corporation, Government shall appoint fresh members to fill the offices of those previously appointed by them who retire as aforesaid.

(2) Any councillor who ceases to be a member of the standing committee shall be re-eligible.

Casual vacancies in the standing committee how to be filled up.

47. In the event of non-acceptance of office by a councillor appointed to be a member of the standing committee or of the death, resignation or disqualification of a member of the said committee or of his becoming incapable of acting previous to the expiry of his term of office, the vacancy shall be filled up, as soon as it conveniently may be, by the appointment by the corporation or by Government, as the case may be, of a person thereto, who shall hold office so long only as the member in whose place he is appointed would have been entitled to hold it, if the vacancy had not occurred.

Each standing committee to continue in office till a new committee is appointed.

48. The standing committee in existence on the day for the retirement of councillors shall continue to hold office until such time as a new standing committee is appointed under section 43, notwithstanding that the members of the said committee or some of them may no longer be councillors.

Provisions regulating the proceedings of the standing committee.

49. The standing committee shall meet for the despatch of business in the chief municipal office and may, from time to time, make such regulations with respect to such meetings and with respect to the scrutiny of the municipal accounts as they think fit, subject to the following conditions :—

(*a*) there shall be a meeting of the standing committee once a week and at such other times as shall be found necessary;

(*b*) the first meeting of each standing committee shall be held on a day and at a time to be fixed by the Commissioner, and if not held on that day shall be held on some subsequent day to be fixed by the Commissioner; and every subsequent meeting of the standing committee shall be held on such day and at such time as the said committee from time to time determine;

(*c*) the chairman of the standing committee shall, upon a written requisition signed by the Commissioner, call a special meeting of the said committee within twenty-four hours for the transaction of any business which, in the opinion of the Commissioner, cannot be delayed until the next ordinary meeting of the said committee;

(*d*) no business shall be transacted at a meeting of the standing committee unless at least six members are present from the beginning to the end of such meeting;

(*e*) every meeting of the standing committee shall be presided over by the chairman, if the chairman is present at the time appointed for holding the meeting, and, if the chairman is absent, by such one of the members present as may be chosen by the meeting to be chairman for the occasion;

(*f*) every question shall be decided by a majority of votes of the members of the standing committee present and voting on that question, the presiding authority having a second or casting vote when there is an equality of votes;

(*g*) subject to any by-laws in this behalf made under clause (*t*) of section 461, the standing committee may from time to time, by a specific resolution in this behalf, delegate any of their powers or duties to sub-committees consisting of such members of the

said committee not less in number than three on each sub-committee, as they think fit; and any sub-committee so formed shall conform to any instructions that may from time to time be given to them by the standing committee and the said committee may at any time discontinue or alter the constitution of any sub-committee so formed;

(*h*) a sub-committee may elect a chairman of their meetings, and, if no such chairman is elected or if he is not present at the time appointed for holding any meeting, the members of the sub-committee present shall choose one of their number to be chairman of such meeting;

(*i*) sub-committees may meet and adjourn as they think proper, but the chairman of the standing committee may, whenever he thinks fit, and shall, upon the written request of not less than two members of a sub-committee, call a special meeting of such sub-committee;

(*k*) questions at any meeting of a sub-committee shall be decided by a majority of votes of the members present and, in case of an equality of votes, the chairman of the meeting shall have a second or casting vote, but no business shall be transacted at any such meeting unless at least two-thirds of the members of the sub-committee are present from the beginning to the end thereof;

(*l*) a minute shall be kept by the municipal secretary of the names of the members present and of the proceedings at each meeting of the standing committee and at each sub-committee's meetings in a book to be provided for this purpose, which shall be signed at, and by the presiding authority of, the next ensuing meeting;

(*m*) a member of the standing committee shall not vote or take part in the discussion before the said committee or before any sub-committee of any matter in which he has, directly or indirectly, by himself or by his partner, any share or interest such as is described in clauses (*g*) to (*l*), both inclusive, of section 16, or in which he is professionally interested on behalf of a client, principal or other person;

(*n*) the Commissioner shall have the same right of being present at a meeting of the standing committee and of taking part in the discussions thereat as a member of the said committee, but he shall not be at liberty to vote upon, or make, any proposition at such meeting.

Fees payable of members to the standing committee.

50. Every member of the standing committee shall be entitled to receive a fee of thirty rupees for each meeting of the said committee at which a quorum is present and business is transacted and which he attends from the beginning to the end thereof: Provided that no more than one fee shall be paid to any member for his attendance at all such meetings in any one week.

Provisions regarding validity of proceedings.

Vacancy in corporation, etc., not to invalidate their proceedings.

51. No act or proceeding of the corporation or of the standing committee or of any committee or sub-committee appointed under this Act shall be questioned on account of any vacancy in their body.

Proceedings of corporation, etc., not vitiated by disqualification, etc., of members thereof.

52. No disqualification of, or defect in, the election or appointment [1] [or co-option] of any person acting as a councillor or as the president or presiding authority of the corporation or as the chairman or as a member of the standing committee or of any committee or sub-committee appointed under this Act shall be deemed to vitiate any act or proceeding of the corporation or standing committee or of any such committee or sub-committee, as the case may be, in which such person has taken part, whenever the majority of persons, parties to such act or proceeding, were entitled to act.

Proceedings of meetings to be deemed to be good and valid until the contrary is proved.

53. Until the contrary is proved, every meeting of the corporation or standing committee or of a committee or sub-committee in respect of the proceedings whereof a minute has been made and signed in accordance with this Act shall be deemed to have been duly convened and held, and all the members of the meeting shall be deemed to have been duly qualified; and where the proceedings are proceedings of a committee or sub-committee, such committee or sub-committee shall be deemed to have been duly constituted and to have had power to deal with the matters referred to in the minute.

(*C*) The Municipal Commissioner.

Appointment of the Commissioner.

54. (*1*) The Municipal Commissioner for the City of Bombay shall be from time to time appointed by the Governor in Council for a renewable period of three years.

(*2*) But he shall be forthwith removed by Government from office, if at a meeting of the corporation not less than [2][sixty-four] councillors shall vote in favour of a proposition in this behalf; and he may be removed by the Governor in Council at any time, if it shall appear to the Governor in Council that he is incapable of performing the duties of his office or has been guilty of any misconduct or neglect which renders his removal expedient.

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[1] These words were added by s. 21-A of the City of Bombay Municipal (Amendment) Act, 1922 (Bom. Act 6 of 1922), Vol. V of this Code.

[2] This word was substituted for the word "forty-five" by s. 22 *ibid.*

Deputy Municipal Commissioner.

Appointment of a Deputy Municipal Commissioner.

55. (*1*) Subject to confirmation by the Governor in Council, the corporation may at any time, and from time to time, appoint a person to be a Deputy Municipal Commissioner, if it shall appear to it expedient so to do.

(*2*) Every person so appointed shall be subject to the same liabilities, restrictions and conditions to which the Commissioner is subject.

Functions of a Deputy Commissioner.

56. (*1*) A Deputy Commissioner so appointed shall be subordinate to the Commissioner and, subject to his orders, shall exercise such of the powers and perform such of the duties of the Commissioner as the Commissioner shall from time to time depute to him :

(*2*) Provided that—

(*a*) [*Repealed by Bom. I. of 1897.*]

(*b*) The Commissioner shall inform the corporation of the powers and duties which he from time to time deputes to a Deputy Commissioner.

(*3*) All acts and things performed and done by a Deputy Commissioner, during his tenure of the said office and in virtue thereof, shall for all purposes be deemed to have been performed and done by the Commissioner.

Remuneration of Commissioner and Deputy Commissioner.

Salary of the Commissioner to be fixed by Government

57. (*1*) The Commissioner shall receive such monthly salary, not exceeding rupees two thousand five hundred and not less than rupees two thousand as Government shall from time to time determine, in return wherefor he shall, except as hereinafter provided, devote his whole time and attention to the duties of his office as prescribed in this Act or in any other enactment for the time being in force :

Duties which may be undertaken by the Commissioner outside of this Act.

(*2*) Provided that he may at any time—

(*a*) hold the office of a trustee of the port of Bombay ;

(*b*) with the sanction of the corporation, serve on any committee constituted for the purpose of any local inquiry or for the furtherance of any object of local importance or interest.

(*3*) Provided also that, with the approval of the corporation, the monthly salary of a Commissioner, who has held the appointment for a period of not less than three years, may be raised to a sum not exceeding three thousand rupees.

Remuneration of a Deputy Municipal Commissioner.

58. A Deputy Municipal Commissioner shall receive such monthly salary not exceeding rupees fifteen hundred and not less than rupees twelve hundred as the corporation shall from time to time determine.

Provisions for absence of Commissioner or Deputy Commissioner on leave.

Grant of leave of absence to the Commissioner or Deputy Commissioner.

59. (*1*) Leave of absence may be granted, from time to time—

(*a*) to the Commissioner, by the Governor in Council, with the assent of the standing committee ;

(*b*) to a Deputy Commissioner, by the corporation.

Allowance whilst absent on leave.

(*2*) The allowance to be paid to the Commissioner or to a Deputy Commissioner whilst so absent on leave shall be of such amount, not exceeding respectively the amount of the salary of the Commissioner or Deputy Commissioner as shall be fixed by the Governor in Council or the corporation respectively : Provided that if the Commissioner or Deputy Commissioner is a Government officer, the amount of such allowance shall be regulated by the rules at the time in force relating to the leave allowances of officers of his class.

Appointment and remuneration of acting Commissioner or acting Deputy Commissioner.

(*3*) During any absence of the Commissioner or of a Deputy Commissioner the Governor in Council or the corporation may appoint a person to act as Commissioner or as Deputy Commissioner, as the case may be. Every person so appointed shall exercise the powers and perform the duties conferred and imposed by this Act or by any other enactment at the time in force on the person for whom he is appointed to act, and shall be subject to the same liabilities, restrictions and conditions to which the said person is liable, and shall receive such monthly salary, within the limits prescribed in sections 57 and 58 for a Commissioner and a Deputy Commissioner, as Government or the corporation, respectively, shall determine.

Disqualifications of the Commissioner and Deputy Commissioner.

Commissioner and Deputy Commissioner not to be interested in any contract, etc., with the corporation.

60. (*1*) No person shall be qualified to be appointed or to be Commissioner or a Deputy Commissioner who has, directly or indirectly, by himself or his partner, any share or interest in any contract with, by or on behalf of the corporation or in any employment with, by or on behalf of the corporation other than as Commissioner or Deputy Commissioner, as the case may be.

(*2*) Any Commissioner or Deputy Commissioner who shall acquire, directly or indirectly, by himself or his partner, any share or interest in any such contract or employment as aforesaid shall cease to be Commissioner or a Deputy Commissioner, as the case may be, and his office shall become vacant.

(*3*) Nothing in this section shall apply to any such share or interest in any contract or employment with, by or on behalf of the corporation as, under clauses (*h*) and (*k*) of section 16, it is permissible for a councillor to have without his being thereby disqualified for being a councillor.

CHAPTER III.

DUTIES AND POWERS OF THE MUNICIPAL AUTHORITIES.

Obligatory and Discretionary Duties of the Corporation.

61. It shall be incumbent on the corporation to make adequate provision, by any means or measures which it is lawfully competent to them to use or to take, for each of the following matters, namely :— Matters to be provided for by the corporation.

(*a*) the construction, maintenance and cleansing of drains and drainage works, and of public latrines, urinals and similar conveniences;

(*b*) the construction and maintenance of works and means for providing a supply of water for public and private purposes ;

(*c*) scavenging and the removal and disposal of excrementitious and other filthy matter, and of all ashes, refuse and rubbish ;

(*d*) the reclamation of unhealthy localities, the removal of noxious vegetation and generally the abatement of all nuisances ;

(*e*) the regulation of places for the disposal of the dead and the provision of new places for the said purpose ;

(*f*) the registration of births and deaths ;

[1][(*ff*) public vaccination in accordance with the provisions of the Bombay Vaccination Act, 1877 ;] Bom. Act I of 1877.

(*g*) measures for preventing and checking the spread of dangerous diseases ;

[1][(*gg*) establishing and maintaining public hospitals and dispensaries and carrying out other measures necessary for public medical relief ;]

(*h*) the construction and maintenance of public markets and slaughter-houses and the regulation of all markets and slaughter-houses ;

(*j*) the regulation of offensive and dangerous trades ;

(*k*) the entertainment of a fire-brigade and the protection of life and property in the case of fire ;

(*l*) the securing or removal of dangerous buildings and places ;

(*m*) the construction, maintenance, alteration and improvement of public streets, bridges, culverts, causeways and the like ;

[1] These clauses were inserted by s. 9 (*l*) of the City of Bombay Police Charges Act, 1907 (Bom. Act 3 of 1907), Vol. IV of this Code.

(*n*) the lighting, watering and cleansing of public streets ;

(*o*) the removal of obstructions and projections in or upon streets, bridges and other public places ;

(*p*) the naming of streets and the numbering of premises ;

(*q*) maintaining, aiding and suitably accommodating schools for primary education [1][subject always to the grant of building grants by Government in accordance with the Government Grant-in-Aid Code for the time being in force] ;

(*r*) the maintenance of a municipal office and of all public monuments and other property vesting in the corporation.

Corporation to provide a monthly sum to Government for maintaining certain medical institutions in Bombay.

[2][**62.** (*1*) The corporation shall also provide and pay to Government on the first day of every month a sum of thirty-four thousand five hundred and forty-one rupees ten annas and eight pies, and in consideration of such monthly payments Government shall continue to control and maintain the institution specified in Schedule U.

(2) Notwithstanding anything contained in clause (*gg*) of section 61, the corporation shall by such monthly payments be deemed to have made adequate provision for the maintenance of the said institutions and shall not be liable for any further expenditure in connection therewith.]

Fees to be charged by the corporation in public hospitals and dispensaries.

[2][**62A.** In public hospitals and dispensaries established and maintained, and in connection with other measures carried out, under clause (*gg*) of section 61 such fees, if any, may be charged as may be prescribed by the corporation.]

[2][3][**62B.** If there should be at any time a change in the general policy of Government in regard to their liability in respect of primary education, the corporation shall be entitled to benefit by such change in policy to the same extent as the city municipality.]

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[1] These words were added by s. 9 (*2*) of the City of Bombay Police Charges Act, 1907 (Bom. Act 3 of 1907), Vol. IV of this Code.

[2] Sections 62 to 62D were substituted for s. 62 by s. 10 *ibid.* Sections 62A, 62B and 62C came into force on the 1st March 1909, *see* Bombay Government Gazette, 1909, Pt. I, p. 229.

[3] This section was substituted for s. 62B by s. 20 of the City of Bombay Primary Education Act, 1920 (Bom. Act 15 of 1920), Vol. V of this Code.

[1] [**62C.** (*1*) All primary schools vesting wholly or partly in the corporation and all schools wholly or partly maintained by grants payable from the municipal fund shall at all times be open to all officers appointed by Government for the inspection of schools, and all reasonable facilities shall be given to any such officer for visiting any such school for the purpose of inspection or examination. Primary schools and schools maintained by grants to be open to officers appointed by Government for inspection.

(*2*) Every recommendation made regarding any such school by any such officer shall be duly considered by the Schools' Committee and the Schools' Committee may thereupon take such action as may in their opinion be required and shall, if so requested by the Director of Public Instruction for the Presidency of Bombay in any particular case, inform him of their decision and the action, if any, taken.

(*3*) In all matters connected with grants for the aid of primary schools other than municipal schools the Schools' Committee shall administer aid to schools complying with the necessary conditions in accordance with the provisions of the Government Grant-in-Aid Code, subject to such modifications, if any, as may from time to time be made in the said Code by the corporation with the previous sanction of Government.]

[1] [**62D.** The corporation shall provide and pay to Government on the first day of every month a sum of two thousand and eighty-three rupees five annas and four pies, for the purposes of the Prince of Wales' Museum of Western India.] Corporation to provide a monthly sum for the Prince of Wales' Museum in Western India.

63. The corporation may, in their discretion, provide from time to time, either wholly or partly, for all or any of the following matters, namely :— Matters which may be provided for by the corporation at their discretion.

[2] * * * * * * *

(*b*) educational objects other than those set forth in clause (*q*) of section 61 ;

(*c*) constructing, maintaining or aiding libraries, museums and art galleries ;

(*d*) constructing or maintaining public parks and gardens and botanical and zoological collections ;

(*e*) planting and maintaining trees on roadsides and elsewhere ;

(*f*) surveys of buildings or lands ;

(*g*) registration of marriages ;

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[1] *See* the 2nd footnote on p. 70 *supra*.

[2] Clause (*a*) of this section was repealed by s. 11 of the City of Bombay Police Charges Act, 1907 (Bom. Act 3 of 1907). Vol. IV of this Code.

(*h*) taking of a census;

(*i*) preparation and presentation of addresses to persons of distinction;

[1] [(*jj*) providing music for the people;]

(*k*) any measure not hereinbefore specifically named, likely to promote public safety, health, convenience or instruction.

And, with the previous sanction of Government, the corporation may make—

(*l*) such contribution as they think fit towards any public ceremony or entertainment in the city.

Respective Functions of the several Municipal Authorities.

Functions of the several municipal authorities.

64. (*1*) The respective functions of the several municipal authorities, and of any committee appointed under section 39, 40 or 41, shall be such as are specifically prescribed in or under this Act.

Municipal government of the city vests in the corporation.

(*2*) Except as in this Act otherwise expressly provided, the municipal government of the city vests in the corporation.

Special functions of the Commissioner.

(*3*) Subject, whenever it is in this Act expressly so directed, to the approval or sanction of the corporation or the standing committee and subject also to all other restrictions, limitations and conditions imposed by this Act, the entire executive power for the purpose of carrying out the provisions of this Act vests in the Commissioner, who shall also—

(*a*) perform all the duties and exercise all the powers specifically imposed or conferred upon him by this Act;

(*b*) prescribe the duties of, and exercise supervision and control over, the acts and proceedings of all municipal officers and servants, other than the municipal secretary and the municipal officers and servants immediately subordinate to him, and, subject to the regulations at the time being in force under section 81, dispose of all questions relating to the service of the said officers and servants and their pay, privileges and allowances;

(*c*) on the occurrence or the threatened occurrence of any sudden accident or unforeseen event, involving or likely to involve extensive damage to any property of the corporation or danger to human life, take such immediate action as the emergency shall appear to him to justify or to require, reporting forthwith to the standing committee and to the corporation, when he has done so, the action he has taken and his reasons for taking the

[1] This clause was inserted by s. 2 and First Schedule, Pt. II, of the Bombay Repealing and Amending Act, 1910 (Bom Act I of 1910), Vol. V of this Code.

same and the amount of cost, if any, incurred or likely to be incurred in consequence of such action, which is not covered by a current budget grant, within the meaning of that expression as defined in section 130.

Corporation may call for extracts from proceedings, etc., from the standing committee, etc.

65. The corporation may at any time call for any extract from any proceedings of the standing committee or of any committee or sub-committee constituted under this Act, and for any return, statement, account or report concerning or connected with any matter with which the standing committee or any such committee or sub-committee is empowered by or under this Act to deal; and every such requisition shall be complied with by the standing committee or other committee or sub-committee, as the case may be, without unreasonable delay.

Corporation may require the Commissioner to produce documents and furnish returns, reports, etc.

66. (*1*) The corporation may at any time require the Commissioner—

(*a*) to produce any record, correspondence, plan or other document which is in his possession or under his control as Commissioner, or which is recorded or filed in his office or in the office of any municipal officer or servant subordinate to him;

(*b*) to furnish any return, plan, estimate, statement, account or statistics concerning or connected with any matter appertaining to the administration of this Act or the municipal government of the city;

(*c*) to furnish a report by himself or to obtain from any head of a department subordinate to him and furnish, with his own remarks thereon, a report, upon any subject concerning or connected with the administration of this Act or the municipal government of the city.

(*2*) Except as is hereinafter provided, every such requisition shall be complied with by the Commissioner without unreasonable delay; and it shall be incumbent on every municipal officer and servant to obey any order made by the Commissioner in pursuance of any such requisition;

(*3*) Provided that if, on such a requisition as aforesaid being made, the Commissioner shall declare that immediate compliance therewith would be prejudicial to the interests of the corporation or of the public, it shall be lawful for him to defer such compliance until a time not later than the second ordinary meeting of the corporation after he shall have declared as aforesaid. If at such meeting, or any meeting subsequent thereto, the corporation shall repeat the requisition, and it shall then still appear to the Commissioner inexpedient to comply therewith, he shall make a declaration to that effect,

whereon it shall be lawful for the corporation to elect one councillor who with the president of the corporation and the chairman of the standing committee (or, if the president of the corporation is also chairman of the standing committee, with the said president and one member of their own body elected by the standing committee) shall form a committee who shall engage to keep secret, save as hereinafter provided, the existence and purport of such documents and matters as may be disclosed to them; and, to the said committee the Commissioner shall be bound to make known and to disclose all writings and matters within his knowledge, under his control, or available to him, and embraced within the requisition; and the said committee having taken cognizance of the information, writings and matters so laid before them shall determine, by a majority in case of difference, whether or not the whole or any part, and which part, if any, of such matters ought to be disclosed to the corporation or kept secret for a defined time, which decision shall be conclusive and shall be reported to the corporation at the next ordinary meeting thereof, where also the Commissioner shall be prepared to produce documents and to make any report or statement requisite to give effect to the decision of the committee when called on to do so by the corporation.

(*4*) The heads of departments subordinate to the Commissioner are the executive engineer, the executive health officer, the assessor and collector, and the chief accountant.

Exercise of powers to be subject to sanction by corporation of the necessary expenditure.

67. The exercise by any municipal authority of any power conferred or the performance of any duty imposed by or under this Act, which will involve expenditure, shall, except in any case specified in sub-section (*2*) of section 115, be subject to the following provisos, namely:—

(*a*) that such expenditure, so far as it is to be incurred in the official year in which such power is exercised or duty performed, shall be provided for under a current budget grant, within the meaning of that expression as defined in section 130; and

(*b*) that, if the exercise of such power or the performance of such duty involves or is likely to involve expenditure for any period or at any time after the close of the said official year, liability for such expenditure shall not be incurred without the sanction of the corporation.

Municipal officers may be empowered to exercise certain of the powers, etc., of the Commissioner.

68. (*1*) Any of the powers, duties or functions conferred or imposed upon or vested in the Commissioner by any of the sections, sub-sections or clauses mentioned in sub-section (*2*) may be exercised, performed or discharged, under the Commissioner's control and subject to his revision and to such conditions and limitations, if any, as he shall think fit to prescribe, by any municipal officer whom the Commissioner generally or specially empowers in

writing in this behalf; and in each of the said sections, sub-sections and clauses the word "Commissioner" shall to the extent to which any municipal officer is so empowered, be deemed to include such officer.

[1][(2) The sections, sub-sections and clauses of this Act referred to in sub-section (*1*) are the following, namely :—

Section 82.
" 83.
" 84.
" 85, sub-section (*1*).
" 112.
" 113, sub-section (*3*).
" 142, sub-section (*2*).
" 149.
" 152, sub-section (*1*).
" 153, sub-section (*1*).
" 155, sub-sections (*1*) and (*3*).
" 160.
" 162.
" 163, sub-section (*1*).
" 164.
" 165, sub-sections (*1*) and (*2*).
" 174.
" 175.
" 176.
" 177.
" 187.
" 188.
" 189.
" 200.
" 201, sub-section (*2*).
" 202, sub-section (*1*).
" 209, sub-section (*1*).
" 210, sub-section (*1*).
[2]* * *
" 222, sub-sections (*1*) and (*2*).
" 228.

[1] Sub-section (*2*) of section 63 was substituted by s. 6 of the City of Bombay Municipal (Amendment) Act, 1905 (Bom. Act 5 of 1905), Vol. IV of this Code.

[2] The words and figures "section 214, sub-sections (2) and (3)" were omitted by s. 2 of the City of Bombay Municipal (Amendment) Act, 1921 (Bom. Act 7 of 1921), Vol. V of this Code.

Section 229.
„ 232-A.
„ 234.
„ 240.
„ 243, sub-section (2).
„ 244.
„ 246-A.
„ 247.
„ 248.
„ 249.
„ 249-A.
„ 250, sub-section (2).
„ 251.
„ 251-B.
„ 252.
„ 253.
„ 254.
„ 255.
„ 257.
„ 258, clauses (*a*), (*b*) and (*c*).
„ 259.
„ 259-A.
„ 263, sub-section (*1*).
„ 265.
„ 266.
„ 272.
„ 273.
„ 273-A.
„ 276.
„ 278.
„ 279, sub-section (*1*).
„ 287.
„ 298, sub-sections (*1*) and (2).
„ 300, sub-section (*1*).
„ 311.
„ 314.
„ 317.
„ 319.
„ 321, sub-section (2).
„ 322.
„ 324.

Section 325.
„ 326, sub-sections (*2*) and (*3*).
[1][„ 328.
„ 328A].
„ 329.
„ 333, sub-section (*4*).
„ 334, sub-section (*1*).
„ 337, sub-section (*1*).
„ 338.
„ 339.
„ 340.
„ 342.
„ 343.
„ 344A.
„ 345.
„ 346, sub-section (*1*).
„ 347, clause (*a*).
„ 348, clauses (*a*), (*b*) and (*c*).
„ 349.
„ 349A.
„ 350.
„ 353.
„ 353A.
„ 354.
„ 354A.
„ 355.
„ 368.
„ 374.
„ 375.
[2][„ 375A].
„ 377.
„ 379.
„ 379A.
„ 380.
[3][„ 381].
[3][„ 381A, sub-sections (*1*) and (*2*).]
„ 383.

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[1] These entries were inserted by s. 2 of the City of Bombay Municipal (Amendment) Act, 1921 (Bom. Act 7 of 1921), Vol. V of this Code.

[2] This section was inserted by s. 3, Bom. Act 1 of 1916.

[3] These words and figures were inserted by s. 1, Bom. Act 6 of 1913.

Section 384, clause (*a*).
[1][„ 384A].
„ 394.
„ 396, sub-section (*1*).
„ 403, clause (*e*).
„ 409.
„ 410, sub-section (*1*).
„ 412, sub-sections (*1*) and (*2*).
[2][„ 412A].
„ 413, sub-section (*1*).
„ 415.
„ 416.
„ 422.
„ 424, sub-section (*1*).
„ 425, sub-section (*1*).
„ 427, sub-section (*3*).
„ 455.
„ 479, sub-section (*5*).
„ 488.
„ 489
„ 492, clause (*a*).
„ 517, clause (*a*).

Powers, etc., conferred on the Commissioner by the Bombay Vaccination Act may be exercised by any municipal officer empowered in writing by the Commissioner.

[3] [**68A.** Any of the powers, duties and functions conferred or imposed upon or vested in the Commissioner by the [4]Bombay Vaccination Act, 1877, may be exercised, performed or discharged, under the Commissioner's control and subject to his revision and to such conditions and limitations, if any, as he shall think fit to prescribe, by any municipal officer whom the Commissioner generally or specially empowers in writing in this behalf; and in the said Act the word "Commissioner" shall, to the extent to which any municipal officer is so empowered, be deemed to include such officer.] Bom. Act of 1877.

Contracts.

Power to the Commissioner to execute contracts on behalf of the corporation.

69. With respect to the making of contracts under or for any purpose of this Act, the following provisions shall have effect, namely—

(*a*) every such contract shall be made on behalf of the corporation by the Commissioner;

(*b*) no such contract for any purpose which, in accordance with any provision of this Act, the Commissioner may not carry out

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[1] Inserted by s. 3, Bom. Act 1 of 1916.

[2] The word, figures and letter "section 412A" were inserted by s. 23 of the City of Bombay Municipal (Amendment) Act, 1922 (Bom. Act 6 of 1922), Vol. V of this Code.

[3] This section was inserted by s. 12 of the City of Bombay Police Charges Act, 1907 (Bom. Act 3 of 1907), Vol. V of this Code.

[4] Vol. II of this Code.

without the approval or sanction of some other municipal authority, shall be made by him until or unless such approval or sanction has first of all been duly given ;

(*c*) no contract, other than an agreement for the acquisition of immoveable property, which will involve an expenditure exceeding five thousand rupees, shall be made by the Commissioner unless the same is previously approved by the standing committee ;

(*d*) every contract made by the Commissioner involving an expenditure exceeding five hundred and not exceeding five thousand rupees shall be reported by him, within fifteen days after the same has been made, to the standing committee ;

(*e*) the foregoing provisions of this section shall apply, respectively, to every contract which the Commissioner shall have occasion to make in the execution of this Act ; and the same provisions of this section which apply to an original contract shall be deemed to apply also to any variation or discharge of such contract.

Mode of executing contracts.

70. (*1*) Every contract entered into by the Commissioner on behalf of the corporation shall be entered into in such manner and form as would bind the Commissioner if such contract were on his own behalf, and may in the like manner and form be varied or discharged : Provided that—

(*a*) where any such contract, if entered into by the Commissioner, would require to be under seal, the same shall be sealed with the common seal of the corporation ; and

(*b*) every contract for the execution of any work or the supply of any materials or goods which will involve an expenditure exceeding five hundred rupees shall be in writing and shall be sealed with the common seal of the corporation and shall specify the work to be done or the materials or goods to be supplied, as the case may be, the price to be paid for such work, materials or goods, and, in the case of a contract for work, the time or times within which the same or specified portions thereof shall be completed.

(*2*) The common seal of the corporation, which shall remain in the custody of the municipal secretary, shall not be affixed to any contract, or other instrument, except in the presence of two members of the standing committee, who shall attach their signatures to the contract or instrument in token that the same was sealed in their presence. The signatures of the said members shall be distinct from the signatures of any witnesses to the execution of any such contract or instrument.

Contract not binding on the corporation unless executed as prescribed in section 70.

71. No contract not executed as in the last preceding section provided shall be binding on the corporation.

Tenders to be invited for contracts involving expenditure exceeding Rs. 3,000.

72. (*1*) Except as is hereinafter otherwise provided, the Commissioner shall, at least seven days before entering into any contract for the execution of any work or the supply of any materials or goods which will involve an expenditure exceeding three thousand rupees, give notice by advertisement in the local newspapers, inviting tenders for such contract.

(*2*) The Commissioner shall not be bound to accept any tender which may be made in pursuance of such notice, but may accept, subject to the provision of clause (*c*) of section 69, any of the tenders so made which appears to him, upon a view of all the circumstances, to be the most advantageous :

(*3*) Provided that the standing committee may authorize the Commissioner, for reasons which shall be recorded in their proceedings, to enter into a contract without inviting tenders as herein provided or without accepting any tender which he may receive after having invited them.

Security when to be taken for performance of contract.

73. The Commissioner shall require sufficient security for the due performance of every contract into which he enters under the last preceding section, and may, in his discretion, require security for the due performance of any other contract into which he enters under this Act.

CHAPTER IV.

Municipal Officers and Servants.

Executive Engineer and Executive Health Officer.

Appointment of executive engineer, executive health officer and hydraulic engineer.

74. (*1*) The corporation shall appoint fit persons to be municipal executive engineer, [1] * * * municipal executive health officer, [2][and municipal hydraulic engineer].

(*2*) Each of the said officers shall—

(*a*) be appointed for a renewable term of five years ;

(*b*) devote his whole time and attention to the duties of his office ;

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[1] The word " and " was omitted by s. 2 (*a*) of the City of Bombay Municipal (Amendment) Act, 1911 (Bom. Act 2 of 1911), Vol. V of this Code.

[2] These words were added by *ibid.*

[1][(c) receive such monthly salary as the corporation shall, subject to the following limitations, from time to time determine, that is to say, the monthly salary of the municipal executive engineer shall not exceed rupees [2][two thousand] and shall not be less than rupees twelve hundred and the monthly salary of the municipal executive health officer shall not exceed rupees two thousand and shall not be less than rupees fifteen hundred, [3][provided that, with the previous sanction of the Governor in Council, the corporation may grant to the municipal executive health officer a personal allowance not exceeding rupees two hundred and fifty per mensem in addition to his maximum monthly salary]; [4][and the monthly salary of the municipal hydraulic engineer shall not exceed rupees eighteen hundred and shall not be less than rupees twelve hundred] ;]

(*d*) be removeable at any time from office for misconduct or for neglect of, or incapacity for, the duties of the office, on the votes of not less than two-thirds of the members present at a meeting of the corporation :

(*3*) Provided that—

(*e*) no person shall be appointed to be executive health officer who is not a legally qualified medical practitioner ;

[5][(*ee*) the executive health officer may accept for such period as may be sanctioned by the corporation any appointment, whether honorary or otherwise, which has for its object the promotion of public health, whether by means of education or otherwise, and which in the opinion of the corporation would not interfere with his duties as executive health officer ;]

(*f*) the corporation may, in their discretion, appoint a person probationally, for a limited period only, to [6][any] of the said offices, previous to appointing him for the full term of five years ;

(*g*) every appointment made under this section shall be subject to confirmation by the Governor in Council.

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[1] Clause (*c*) was substituted by s. 1 of the City of Bombay Municipal (Amendment) Act, 1900 (Bom. Act 2 of 1900,) Vol. IV of this Code.

[2] These words were substituted for the words " fifteen hundred " by the City of Bombay Municipal (Amendment) Act, 1903 (Bom. Act 5 of 1903), Vol. IV of this Code.

[3] These words were inserted by s. 3 (*1*) of the City of Bombay Municipal (Further Amendment) Act, 1916 (Bom. Act 6 of 1916), Vol. V of this Code, and have retrospective effect from the 1st day of February 1916, under sub-section (*2*) of the said section.

[4] These words were added by s. 2 (*b*) of the City of Bombay Municipal (Amendment) Act, 1911 (Bom. Act 2 of 1911), Vol. V of this Code.

[5] This clause was inserted by s. 3 (*3*) of the City of Bombay Municipal (Further Amendment) Act, 1916 (Bom. Act 6 of 1916), Vol. V of this Code.

[6] This word was substituted for the word " either " by s. 2 (*c*) of the City of Bombay Municipal (Amendment) Act, 1911 (Bom. Act 2 of 1911), Vol. V of this Code.

Time within which vacancy in office of executive engineer or executive health officer or hydraulic engineer must be filled up.

75. (*1*) On the occurrence of a vacancy in the office of executive engineer or of executive health officer [1][or of hydraulic engineer] an appointment shall be made thereto by the corporation within four months from the date on which the vacancy occurred, or in the event of any appointment so made by them not being confirmed by Government, within thirty days from the date of the receipt by the corporation of the order of Government.

(*2*) In default of an appointment being made by the corporation as aforesaid, the Governor in Council may appoint a person to fill the vacancy, and such appointment shall for all purposes be deemed to have been made by the corporation.

(*3*) Pending the settlement of an appointment under sub-section (*1*) or (*2*) the corporation may appoint a person to fill the vacancy temporarily and may direct that the person so appointed shall receive such monthly salary not exceeding [2] [the maximum permissible under clause (*c*) of sub-section (2) of section 74, in respect of the officer in whose place such person is appointed] as it shall think fit. A person so appointed to be temporary executive health officer need not be a legally qualified medical practitioner.

Executive health officer to be the consulting officer of health under Bombay Act VI of 1867.

76. The executive health officer appointed under this Act shall be the consulting officer of health for the purposes of [3]Bombay Act VI of 1867 (*an Act for the better sanitary regulation of the City of Bombay*).

[4][*Officers of the Schools' Committee.*]

Corporation to appoint Secretary to the Schools' Committee and determine his salary.

[4][**76A.** (*1*) The corporation shall from time to time appoint a fit person to be secretary to the Schools' Committee and from time to time determine his salary.

(*2*) The Schools' Committee shall from time to time appoint such clerks and messengers as it may be authorized by the corporation to employ and from time to time determine their salaries.]

[4][*Appointments of medical officers in connection with measures of public medical relief.*]

Corporation to appoint qualified medical practitioners to the charge of hospitals maintained by the corporation.

[4][**76B.** The corporation shall from time to time appoint such legally qualified medical practitioners as may be necessary to the charge of any hospital maintained by the corporation in connection with measures of public medical relief carried out under clause (*gg*) of section 61 and determine their salaries.]

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[1] These words were inserted by s. 3 of the City of Bombay Municipal (Amendment) Act, 1911 (Bom. Act 2 of 1911), Vol. V of this Code.

[2] These words were substituted for the words "rupees fifteen hundred" by s. 1 of the City of Bombay Municipal Act Amendment Act, 1900 (Bom. Act 2 of 1900), Vol. IV of this Code.

[3] Vol. II of this Code.

[4] The headings and Ss. 76A and 76B were inserted by s. 13 (*1*) of the City of Bombay Police Charges Act, 1907 (Bom. Act 3 of 1907), Vol. IV of this Code.

Municipal Secretary.

Appointment of municipal secretary.

77. (*1*) The [1] [corporation] shall from time to time appoint a fit person to be municipal secretary.

(*2*) The municipal secretary shall be secretary of the corporation and also of the standing committee, and shall—

(*a*) perform such duties as he is directed by this Act to perform and such other duties in and with regard to the corporation and the standing committee as shall be required of him by those bodies respectively;

(*b*) have the custody of all papers and documents connected with the proceedings of—

(*i*) the corporation and any committee appointed by the corporation;

(*ii*) the standing committee and any sub-committee thereof;

(*c*) devote his whole time and attention to the duties of his office;

(*d*) receive a monthly salary of rupees seven hundred which, with the previous sanction of the corporation, may be increased to a sum not exceeding rupees one thousand, [2][and, after approved service of not less than seven years, to a sum not exceeding rupees twelve hundred];

(*e*) be removeable at any time from office for misconduct or for neglect of, or incapacity for, the duties of the office by the [3] * * * * * * * corporation.

Appointment of clerks and servants subordinate to the municipal secretary.

78. (*1*) The standing committee may from time to time—

(*a*) appoint such clerks and servants to be immediately subordinate to the municipal secretary as they think fit;

(*b*) determine the nature and amount of the salaries, fees and allowances to be paid to the said servants and clerks respectively;

(*c*) prescribe or delegate to the municipal secretary the power of prescribing the duties of the said clerks and servants.

Control, etc., of the said clerks and servants.

(*2*) The municipal secretary, subject to the orders of the standing committee, shall exercise supervision and control over the acts and proceedings of the said clerks and servants, and the standing committee, subject to the regulations at the time being in force under section 81, shall dispose of all

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[1] This word was substituted for the words "Standing Committee" by s. 24 (*a*) of the City of Bombay Municipal (Amendment) Act, 1922 (Bom. Act 6 of 1922), Vol. V of this Code.

[2] These words were added by s. 7 of the City of Bombay Municipal (Amendment) Act, 1905 (Bom. Act 5 of 1905), Vol. IV of this Code.

[3] The words "standing committee, with the approval of the" were repealed by s. 24 (*b*) of the City of Bombay Municipal (Amendment) Act, 1922 (Bom. Act 6 of 1922), Vol. V of this Code.

questions relating to the service of the said clerks and servants and their pay, privileges and allowances.

Other Officers and Servants.

Schedule of other officers and servants to be prepared by the Commissioner and sanctioned by the standing committee.

79. (*1*) The Commissioner shall, [1] * * * * from time to time, prepare and bring before the standing committee a schedule setting forth the designations and grades of the other officers and servants who should, in his opinion, be maintained, and the amount and nature of the salaries, fees and allowances which, he proposes, should be paid to each.

(*2*) The standing committee shall sanction such schedule either as it stands or subject to such modifications as they deem expedient: Provided that no new office of which the aggregate emoluments exceed rupees two hundred per month shall be created without the sanction of the corporation.

Restriction of employment of permanent officers and servants.

80. No permanent officer or servant shall be entertained in any department of the municipal administration unless he has been appointed under sections [2][39,] 74, [3][76A and 76B], 77 or 78, or his office and emoluments are included in the schedule at the time in force prepared and sanctioned under the last preceding section.

Power of appointment in whom to vest.

[4] [**80A.** (*1*) The power of appointing municipal officers, whether temporary or permanent whose minimum monthly salary exclusive of allowances is or exceeds Rs. 500, shall vest in the corporation :

Provided that temporary appointments for loan works for a period of not more than six months may be made by the commissioner without the sanction of the corporation; the Commissioner shall forthwith report every such appointment when made to the corporation.

(*2*) Save as otherwise provided in this Act, the power of appointing municipal officers and servants shall, subject to the schedule at the time being in force, prepared and sactioned under section 79, vest in the Commissioner.]

Leave of Absence, Acting Appointments, etc.

Standing committee to frame regulations for grant of leave, etc.

81. (*1*) The standing committee shall from time to time frame regulations in consonance with any resolution that may be passed by the corporation—

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

(*b*) regulating the grant of leave to municipal officers and servants;

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[1] The words "as soon as may be after this Act comes into force and afterwards" were repealed by the Amending Act, 1895 (16 of 1895), Vol. I of this Code.

[2] These figures were inserted by s. 25 of the City of Bombay Municipal (Amendment Act, 1922 (Bom. Act 6 of 1922), Vol. V of this Code.

[3] These figures and word were inserted by s. 13(*2*) of the City of Bombay Police Charges Act, 1907 (Bom. Act 3 of 1907), Vol. IV of this Code.

[4] This section was inserted by s. 27 of the City of Bombay Municipal (Amendment) Act, 1922 (Bom. Act 6 of 1922), Vol. V of this Code.

(*c*) authorizing the payment of allowances to the said officers and servants, or to certain of them, whilst absent on leave;

(*d*) determining the remuneration to be paid to the persons appointed to act for any of the said officers or servants during their absence on leave;

(*e*) regulating the period of service of all the said officers and servants;

(*f*) [1] determining the conditions under which the said officers and servants, or any of them, shall on retirement or discharge receive pensions, gratuities or compassionate allowances, and under which the widows, or other relations dependent on any of the said officers and servants, shall, after their death, receive compassionate allowances, and the amounts of such pensions, gratuities or compassionate allowances;

(*g*) authorizing the payment of contributions, at certain prescribed rates and subject to certain prescribed conditions, to any pension or provident fund which may, with the approval of the standing committee, be established by the said officers and servants [2] [or to such provident fund, if any, as may be established by the corporation for the benefit of the said officers and servants.]

Such regulations to be subject to confirmation by the corporation, and, if made under clause (*f*), by Government.

(*2*) No regulation made by the standing committee under this section shall have force or validity, unless and until it has been confirmed by the corporation, nor, if it is made under clause (*f*), unless and until it has been confirmed by Government.

82. [*Power of appointment in whom to vest.*] *Repealed by s. 29 of Bom. Act 6 of 1922.* [3]

Power of suspending, punishing and dismissing in whom to vest.

83. (*1*) Every municipal officer and servant may be fined, reduced, suspended or dismissed for any breach of departmental rules or discipline or for carelessness, unfitness, neglect of duty or other misconduct, by the authority by whom such officer or servant is appointed:

(*2*) Provided that—

(*a*) no officer whose monthly emoluments exceed rupees three hundred shall be dismissed by the Commissioner, without the approval of the standing committee;

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[1] For pension regulations issued under s. 81 (*f*), *see* Bombay Local Rules and Orders.

[2] These words were added by s. 27 (*1*) of the City of Bombay Municipal (Amendment) Act, 1922 (Bom. Act 6 of 1922), Vol. V of this Code. This amendment is to take effect from such date whether before or after the passing of Bom. Act 6 of 1922 as may be fixed by the Corporation in this behalf, *see* s. 27 (*2*), *ibid.*

[3] This repeal is to take effect from such date whether before or after the passing of Bom. Act 6 of 1922 as may be fixed by the Corporation in this behalf, *see* s. 27 (*2*) of Bom. Act 6 of 1922, Vol. V of this Code.

(*b*) any officer appointed by the corporation [1] [under sections 55, 74, 75, 76A, 76B or 77] may be suspended by the standing committee pending an order of the corporation, such suspension and the reason therefor being forthwith reported to the corporation ;

[2][(*c*) any officer appointed by the corporation otherwise than under sections 55, 74, 75, 76A, 76B or 77 may be fined, reduced, or suspended, or with the approval of the standing committee, dismissed, for any breach of departmental rules or discipline or for carelessness, unfitness, neglect of duty or other misconduct by the Commissioner.]

Leave of absence by whom to be granted.

84. (*1*) Leave of absence may be granted by the Commissioner, subject to the regulations at the time being in force under section 81, to any municipal officer or servant, the power of appointing whom is vested in him; and for a period not exceeding one month, to any other municipal officer, other than an officer immediately subordinate to the municipal secretary [3] [and other than an officer or servant the power of appointing whom is vested in the schools' committee].

(*2*) Leave of absence may be granted, subject as aforesaid, by the standing committee—

(*a*) to any clerk or servant appointed under section 78 ;

(*b*) for a period exceeding one month, to any other municipal officer, the power of appointing whom is not vested in the Commissioner [3] [or in the schools' committee].

[4] [(*3*) Leave of absence may be granted subject as aforesaid, by the schools' committee to any municipal officer or servant the power of appointing whom is vested in the said committee.]

Acting appointments.

85. (*1*) The appointment of a person to act in the place of an officer absent on leave may be made, when necessary, and subject to the regulations aforesaid, by the same authority who grants the leave of absence :

(*2*) Provided that—

(*a*) when the executive engineer or the executive health officer [5] [or the hydraulic engineer] is granted leave of absence for a period exceeding one month, the appointment of a person to act for him shall be made by the corporation ;

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[1] These words, figures and letters were inserted by s. 29 (*a*) of the City of Bombay Municipal (Amendment) Act, 1922 (Bom. Act 6 of 1922), Vol. V of this Code.

[2] This clause was inserted by s. 29 (*b*) *ibid.*

[3] These words were inserted by s. 4 of the City of Bombay Municipal (Further Amendment) Act, 1916 (Bom. Act. 6 of 1916), Vol. V of this Code.

[4] This sub-section was added by *ibid.*

[5] These words were inserted by s. 4 (*a*) of the City of Bombay Municipal (Amendment) Act, 1911 (Bom. Act 2 of 1911), Vol. V of this Code.

(*b*) any appointment of a person to act as executive engineer or as executive health officer [1][or as hydraulic engineer] may be disallowed by the Governor in Council, and from the time of being so disallowed shall be null and void ;

(*c*) no person shall be appointed to act for the executive health officer for a period exceeding three months, unless such person is a legally qualified medical practitioner, but a person appointed to act for the said officer for a period not exceeding three months need not be a legally qualified medical practitioner.

(*3*) A person appointed under this section to act for any officer or servant shall, while so acting, perform the same duties and exercise the same powers and be subject to the same liabilities, restrictions and conditions which the permanent incumbent of the office or place is bound to perform or may exercise or to which the said incumbent is liable.

Disqualifications of Municipal Officers and Servants.

Municipal officer or servant not to be interested in any contract, etc., with the corporation.

86. (*1*) Any person who has, directly or indirectly, by himself or his partner, any share or interest in any contract with, by, or on behalf of the corporation, or in any employment with, by, or on behalf of the corporation, other than as a municipal officer or servant, shall be disqualified for being a municipal officer or servant.

(*2*) Any municipal officer or servant who shall acquire, directly or indirectly by himself or his partner, any share or interest in any such contract or employment as aforesaid, shall cease to be a municipal officer or servant and his office shall become vacant.

(*3*) Nothing in this section shall apply to any such share or interest in any contract or employment with, by, or on behalf of the corporation as under clauses (*h*) and (*k*) of section 16, it is permissible for a councillor to have, without his being thereby disqualified for being a councillor.

CHAPTER V.

Municipal Property and Liabilities.

Acquisition of Property.

Powers of corporation as to acquisition of property.

87. The corporation shall, for the purpose of this Act, have power to acquire and hold moveable and immoveable property, whether within or without the limits of the city.

Transfer to the corporation of the property of the municipal corporation.

88. All such immoveable and other property as is held by, or in trust for, or has been granted by Government to the corporation under, or in pursuance or for the purposes of any Act hereby repealed, shall, upon and after the date when this Act comes into force, vest in the corporation in trust for the purposes of this Act, but subject to all charges and liabilities affecting the same.

[1] These words were inserted by s. 4 (*b*) of the City of Bombay Municipal (Amendment) Act, 1911 (Bom. Act 2 of 1911), Vol. V of this Code.

Conditions affecting the vesting of the Vehár water-works in the corporation.

89. (*1*) On the expiry of the term of ninety-nine years, commencing on the first day of July, 1863, for which, in accordance with section 64 of the Bombay Municipal Acts of 1872 and 1878 [1] the Vehár lake and the property appurtenant thereto, hereinafter referred to as "the Vehár water-works," were vested in the corporation, the Governor in Council may direct that the said Vehár water-works shall vest, and the same shall in such case vest, in the corporation, on the conditions hereinafter provided and for the purposes of this Act, for such further period not exceeding ninety-nine years as shall seem expedient : Bom. Act III of 1872. Bom. Act IV of 1878.

(*2*) Provided that on the expiry of the said first term of ninety-nine years or of any further term for which the Governor in Council may have directed that the said Vehár water-works shall vest in the corporation, all rights and every power conveyed to the corporation shall forthwith cease and determine and the said Vehár water-works shall revert to and become vested in [2][Her Majesty] as the same were vested in [2] [Her Majesty] before the first day of July, 1863.

Lands and buildings specified in Schedule V to vest in His Majesty.

[3][**89A.** On and from the commencement of the [4] City of Bombay Police Charges Act, 1907, all the estate, right, title and interest of the corporation in and to the lands and buildings specified in Schedule V free from all liabilities and charges affecting the same and created by the corporation shall vest in His Majesty : Bom. Act III of 1907.

Provided that nothing in this section shall affect any of the lands specified in the items in the said Schedule numbered 28 to 139 (both inclusive) on which any moveable wooden chowki is situated at the commencement of the said Act.]

The statue of Her Majesty Queen Victoria and the site thereof in the Esplanade road to vest in the corporation subject to certain conditions.

[3][**89B.** On and from the commencement of the [4]City of Bombay Police Charges Act, 1907, all the estate, right, title and interest of His Majesty in and to the statue of Her Majesty Queen Victoria and the site thereof in the Esplanade road shall vest in the corporation free from all liabilities and charges affecting the same and created by Government and the said statue and the said site shall thereafter be held by the corporation in trust as a public monument, and it shall not be lawful for the corporation, except with Bom. Act III of 1907.

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[1] These Acts were repealed by s. 2 of this Act.

[2] These words were substituted for the words "the Secretary of State for India in Council" by s. 5 (*1*) (*a*) of the City of Bombay Municipal Act 2 Amendment Act, 1888 (Bom. Act 4 of 1888), *infra*.

[3] Sections 89A to 89F were inserted by s. 14 of the City of Bombay Police Charges Act, 1907 (Bom. Act 3 of 1907), Vol. IV of this Code.

[4] Vol. IV of this Code.

the previous sanction of Government, to remove the said statue from the said site or to apply the said site to any other purpose.]

The Victoria and Albert Museum and the site thereof to vest in the corporation.

[1] [**89C.** On and from the commencement of the [2] City of Bombay Police Charges Act, 1907, all the estate, right, title and interest of His Majesty in and to the Victoria and Albert Museum and the site thereof shall vest in the corporation free from all liabilities and charges affecting the same and created by Government and the corporation may apply the said museum and the said site to any public purpose on and from such date as the Prince of Wales Museum of Western India may be declared open by Government.]

Bom. Act III of 1907.

Central Vaccine Depot at Parel to vest in the corporation.

[1] [**89D.** On and from the commencement of the [2] City of Bombay Police Charges Act, 1907, all the estate, right, title and interest of His Majesty in and to the Central Vaccine Depot at Parel shall vest in the corporation free from all liabilities and charges affecting the same and created by Government.]

Bom. Act III of 1907.

All buildings used for primary education and the sites thereof to vest in the corporation.

[1] [**89E.** On and from the commencement of the [2] City of Bombay Police Charges Act, 1907, all the buildings used for primary education and the sites thereof within the city theretofore vesting in His Majesty shall vest in the corporation free from all liabilities and charges affecting the same and created by Government.]

Bom. Act III of 1907.

Corporation to repay to Government the amount of grant made for purposes of primary education in respect of certain buildings or sites if used for other purposes.

[1] [**89F.** Notwithstanding anything contained in section 89E, if any buildings or sites in respect of which, before or after the commencement of the [2] City of Bombay Police Charges Act, 1907, any grant has been made by Government for the purposes of primary education shall without the sanction of Government be used for any other purpose, the corporation shall thereupon repay to Government the amount of such grant.]

Acquisition of immoveable property by agreement.

90. (*1*) Whenever it is provided by this Act that the Commissioner may acquire, or whenever it is necessary or expedient for any purpose of this Act that the Commissioner shall acquire, any immoveable property, such property may be acquired by the Commissioner on behalf of the corporation by agreement on such terms and at such rates or prices or at rates or prices not exceeding such maxima as shall be approved by the standing committee, either generally for any class of cases or specially in any particular case.

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[1] *See* footnote 3 on page 88, *supra*.
[2] Vol. IV of this Code.

(2) And whenever, under any provision of this Act, the Commissioner is authorized to agree to pay the whole or any portion of the expenses of acquiring any immoveable property, he shall do so on such terms and at such rates or prices or at rates or prices not exceeding such maxima as shall be approved by the standing committee as aforesaid :

(3) Provided that no agreement for the acquisition of any immoveable property under sub-section (1) or (2) shall be valid, if the price to be paid for such property exceeds one thousand rupees unless and until such agreement has been approved by the corporation.

Procedure when immoveable property cannot be acquired by agreement.

91. (1) Whenever the Commissioner is unable to acquire any immoveable property under the last preceding section by agreement, Government may, in their discretion, upon the application of the Commissioner, made with the approval of the standing committee, order proceedings to be taken for acquiring the same on behalf of the corporation, as if such property were land needed for a public purpose within the meaning of the Land Acquisition Act, 1870. [1]

(2) The amount of compensation awarded and all other charges incurred in the acquisition of any such property shall, subject to all other provisions of this Act, be forthwith paid by the Commissioner and thereupon the said property shall vest in the corporation.

Disposal of Property.

Provisions governing the disposal of municipal property.

92. With respect to the disposal of property belonging to the corporation the following provisions shall have effect, namely—

(a) the Commissioner may, in his discretion, dispose of, by sale or otherwise, any moveable property belonging to the corporation not exceeding in value, in each instance, five hundred rupees, or grant a lease of any immoveable property belonging to the corporation, including any right of fishing or of gathering and taking fruit and the like, for any period not exceeding twelve months at a time : Provided that every such lease granted by the Commissioner shall be reported by him, within fifteen days after the same has been granted, to the standing committee ;

(b) with the sanction of the standing committee, the Commissioner may dispose of, by sale or otherwise, any moveable property belonging to the corporation, of which the value does not

[1] *See* now the Land Acquisition Act, 1894 (1 of 1894), General Acts, Vol. V.

exceed five thousand rupees, or grant a lease of any immoveable property belonging to the corporation, including any such right as aforesaid, for any period not exceeding three years at a time ;

(*c*) with the sanction of the corporation, the Commissioner may lease, sell or otherwise convey any property, moveable or immoveable, belonging to the corporation ;

(*d*) the sanction of the standing committee or of the corporation under clause (*b*) or clause (*c*) may be given either generally for any class of cases or specially in any particular case ;

(*e*) the aforesaid provisions of this section shall apply, respectively, to every disposal of property belonging to the corporation made under or for any purpose of this Act :

[1] [Provided that nothing in this section shall apply to the statue of Her Majesty Queen Victoria or to the Victoria and Albert Museum or to the sites thereof referred to in sections 89B and 89C except with the previous sanction of Government.]

Liabilities.

Debts payable by the corporation.

93. So much of the following moneys as are still repayable on the day when this Act comes into force shall be repaid, together with the interest due thereupon, by the corporation, namely—

(*a*) to the Secretary of State for India in Council—

Vehár water-works debt.

(*i*) the balance of the debt due on account of the Vehár water-works [2] [referred to] in section 140 of the Bombay Municipal Acts of 1872 and 1878[3], with simple interest thereon at the rate of four per centum per annum ;

The consolidated loan.

(*ii*) the balance of the consolidated loan, as the same was defined in section 3, clause (*3*) of the Bombay Municipality's Consolidated Loan Act, 1880 [3], due on various accounts, with interest thereon at the rate of four-and-a-half per centum per annum ;

(*b*) to municipal security-holders—

House-rate and market loans of 1867-1868.

(*iii*) the house-rate loan and the two market loans raised in 1867 and 1868 under the provisions of the Bombay Municipal Act, 1865[4], with interest thereon at the rate of six per centum per annum ;

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[1] This proviso was added by s. 15 of the City of Bombay Police Charges Act, 1907 (Bom. Act 3 of 1907), Vol. IV of this Code.

[2] These words were substituted for the words "in accordance with the terms heretofore prescribed" with effect from the 31st December 1892, by s. 2 of the City of Bombay Municipal Act Amendment Act, 1893 (Bom. Act 1 of 1894), *infra*.

[3] Bom. Acts 3 of 1872, 4 of 1878 and 2 of 1880 were repealed by s. 2 of this Act.

[4] Bom. Act 2 of 1865 was repealed by Bom. Act 3 of 1872.

New drainage loan of 1878.

(*iv*) the drainage loan of 1878 raised under the provisions of the Public Works' Loan Act, 1871[1], with interest thereon at the rate of five per centum per annum;

Sanitary works' loans of 1885, 1886 and 1888.

(*v*) the sanitary works' loans of 1885, 1886 and 1888 contracted under the provisions of the [2]Local Authorities Loan Act, 1879, with interest thereon at the rate of five per centum per annum; XI of 1879.

Tansa water-works' loan.

(*vi*) the portion of the Tansa water-works' loan contracted under the Act last aforesaid previous to the coming into force of this Act;

Drainage and water-works' loan of 1888.

(*vii*) the portion of the drainage and water-works' loan of 1888 contracted under the said Act previous to the coming into force of this Act.

Repayment of Moneys due to the Secretary of State in Council.

Vehár water-works' debt repayable in monthly instalments.

94. In order to secure the repayment of the Vehár water-works' debt, the Commissioner shall, on the first day of every month, until the whole of the said debt, together with the interest due thereon, shall be liquidated, pay to Government a sum of rupees [3][nine thousand four hundred and ninety-eight.]

Period of repayment of consolidated loan.

95. (*1*) The whole of the consolidated loan, together with the interest due thereon, shall be repaid within thirty years from the first day of January 1881.

Mode of repayment.

(*2*) For better securing the repayment of the said loan the Commissioner shall pay half-yearly to Government, on every first day of January and every first day of July, until the whole of the said loan, together with the interest due thereon, shall be liquidated, a sum of one lakh seventy-eight thousand three hundred and twenty-six rupees two annas and five pies.

Payments to whom to be made.

96. (*1*) Every payment to be made by the Commissioner under either of the two last preceding sections shall be made [4][to the officer for the time being appointed to receive Government dues or into the Bank of Bombay.]

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[1] Act 24 of 1871 was repealed by the Local Authorities Loan Act, 1879 (11 of 1879), Genl. Acts, Vol. III.

[2] *See* now the Local Authorities Loans Act, 1914 (9 of 1914), Genl. Acts, Vol. VIII.

[3] These words were substituted with effect from 31st December 1892 for the words "fourteen thousand and six hundred" by s. 3 of the City of Bombay Municipal Act (Amendment) Act, 1893 (Bom. Act 1 of 1894), *infra*.

[4] These words were substituted for the words "to the officer, or into the bank, for the time being appointed to receive Government dues" by s. 4 (*1*), *ibid.*

(2) Notice of every such payment having been made shall be forthwith published by the Commissioner in the Bombay Government Gazette. Notice of payments to be published.

97. If the Commissioner fails to make any of the said payments at the prescribed time the Accountant-General shall, within seven days after the day on which such payment ought to have been made, report the fact to the Chief Secretary to Government or other officer acting in that capacity. In case of non-payment, report to be made to the Chief Secretary to Government.

98. (*1*) It shall be lawful for the said Chief Secretary, or other officer acting in that capacity, when any of the said payments is in arrear, to direct any Government officer, not being a municipal authority or officer, to detain, to the extent of any payment or payments then in arrear, any moneys due or that may become due to the corporation, which he may then or thereafter have in his custody or control. Arrears may be recovered by detention of moneys due to the corporation.

(2) Such officer shall detain the moneys which he is so directed to detain and pay the same, as they become due to the corporation, [1] [to the officer for the time being appointed to receive Government dues, or into the Bank of Bombay].

(*3*) The moneys so paid shall be applied in or towards satisfaction of the amount for the time being due in respect of the Vehár water-works' debt or of the consolidated loan, in preference to and with priority over all other incumbrances on and claims to such moneys.

99. (*1*) If the amount in arrear cannot be recovered in the manner provided in the last preceding section, the Governor in Council may attach the municipal fund, or any tax leviable by the corporation. Or by attachment of the municipal fund, etc.

(2) After such attachment no person, except an officer appointed by the Governor in Council, shall in any way deal with the attached fund or tax; but such officer may do all acts in respect thereof which the corporation or any municipal authority might have done, if such attachment had not taken place and may apply the proceeds in satisfaction of the amount in arrear and of all expenses involved by the attachment and subsequent proceedings:

(*3*) Provided that no such attachment shall defeat or prejudice any debt for which the fund or tax attached was previously pledged in accordance with law; but all such prior charges shall be paid out of the proceeds of the fund or tax attached before any part of the proceeds is applied to the satisfaction of a liability for the Vehar water-works' debt or the consolidated loan. Attachment not to defeat prior charge legally made.

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[1] These words were substituted for the words "to the officer, or into the bank, for the time being appointed to receive Government dues" by s. 4 (*1*) of the City of Bombay Municipal (Amendment) Act, 1893 (Bom. Act 1 of 1894), *infra*.

Vehár water works to Government in case of default in payment of any instalment of the debt due on their account.

100. If the Commissioner fails to make any monthly payment, in accordance with section 94, on account of the Vehár water-works' debt and after notice in writing, signed by one of the Secretaries to Government requiring payment of the same has been served upon him and forwarded to the president of the corporation and published for a period of not less than two months in the Bombay Government Gazette shall still fail to make such payment, the said Vehar water-works shall, notwithstanding anything contained in section 88, cease to vest in the corporation and shall forthwith become vested in [1] [Her Majesty] in trust for the purposes for which the same were previously vested in the corporation.

Reversion of works to Government.

Other rights and remedies of the Secretary of State for India in Council not to be affected.

101. Nothing in the four last preceding sections shall affect the rights or remedies which the Secretary of State for India in Council has or shall have independently of this Act for the recovery of the moneys aforesaid.

Method of appropriating payments on account of the Vehár water-works.

102. The annual sum of the monthly instalments paid by the Commissioner under section 94 and all recoveries made under any of the foregoing sections on account of the Vehár water-works' debt shall be appropriated as follows, namely—

first, to the payment of the interest accrued on account of the principal sum of rupees thirty-seven lakhs thirty thousand and fifty-three due on account of the said debt on the first day of July 1863;

secondly, to the payment of interest on all sums advanced by Government in connection with the said works since the first day of July 1863;

thirdly, to the payment of all sums subsequently advanced as aforesaid; and

lastly, to the liquidation of the said principal sum of rupees thirty-seven lakhs thirty thousand and fifty-three.

Method of appropriating payments on account of the consolidated loan.

103. Every payment made by the Commissioner under section 95 and all recoveries made under any of the foregoing sections on account of the consolidated loan shall be appropriated first to the payment of the interest due at the time of such payment or recovery and secondly to the reduction of the principal.

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[1] The words "Her Majesty" were substituted for the words "the Secretary of State for India in Council" by s. 5 (*1*) (*a*) of the City of Bombay Municipal Act Amendment Act, 1888 (Bom. Act 4 of 1888), *infra*.

Repayment of House-rate and Market Loans of 1867-68.

Sinking fund for house-rate and market loans to be maintained.

104. (*1*) Until such time as the corporation repay the house-rate loan and the two market loans raised in 1867 and 1868 under the provisions of sections 253 to 258 of the [1]Bombay Municipal Act, 1865, it shall be incumbent on the corporation to maintain out of the taxes, on the security of which the said loans were raised, the sinking fund prescribed by section 257 of the said Act:

(*2*) Provided that in the event of the corporation's discharging any portion of the said loans at any time previous to the time at which they are repayable in full, it shall be competent to the corporation to reduce *pro tanto* the amount of the said sinking fund.

Publication of Annual Account of Balances due on Loans.

Account of balances due on loans to be published by the Commissioner yearly.

105. (*1*) The Commissioner shall, in the month of January in each year, publish in the Bombay Government Gazette an account showing the balances due by the corporation on the last preceding thirty-first day of December to the Secretary of State for India in Council and to municipal security holders, respectively, on account of each debt or loan, if any, at the time still repayable by the corporation.

(*2*) The Commissioner shall also cause the said account to be printed and a printed copy thereof to be forwarded to the usual or last known local place of abode of each councillor.

CHAPTER VI.

Borrowing Powers.

Power to borrow from Government or other persons.

106. The corporation may from time to time borrow or re-borrow and take up at interest from the Secretary of State for India in Council or, with the sanction of the [2][Governor in Council] from any other person, any sum necessary for the purpose of defraying any cost, charges or expenses incurred or to be incurred by them in the execution of this Act, or for the purpose of discharging any loan contracted under this Act or any other loan or debt for repayment of which they are liable:

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[1] This Act was repealed by Bom. Act 3 of 1872.

[2] These words were substituted for the words "Governor General of India in Council" by s. 2 and Schedule I of the Devolution Act, 1920 (38 of 1920).

[1] [Provided that no loan exceeding in amount twenty-five lakhs of rupees shall be contracted by the corporation unless the terms, including the date of flotation, of such loan have been approved by the Governor General of India in Council.]

Provisions applicable to any new loan contracted with Government.

107. If any new loan shall be contracted by the corporation under this Act with the Secretary of State for India in Council, the same shall be subject, as regards re-payment and security and in every other respect, to the same provisions as are hereinbefore contained in respect of the consolidated loan save only that the rate of interest, the period of repayment and the number and amount of the instalments shall, in the case of any such new loan, be fixed, under the orders of the Governor General of India in Council, by the Governor in Council.

Mortgage of taxes or immoveable property.

108. (*1*) The corporation may borrow or re-borrow any such sum as aforesaid from any person other than the Secretary of State for India in Council, on the security of any immoveable property belonging to them or proposed to be acquired by them under this Act or of all the taxes or of any tax which they are authorised to levy for the purposes of this Act or of all or any of those securities.

(*2*) And for the purpose of securing the repayment of any sum so borrowed, with interest thereon, they may mortgage to the person by or on behalf of whom such sum is advanced any such immoveable property or tax.

Provisions as to exercise of borrowing powers.

109. The exercise of the powers of borrowing conferred by this Act shall be subject to the following provisions, namely—

(*a*) money shall not be borrowed for the execution of any work other than a permanent work including under this expression any work of which the cost ought, in the opinion of Government, to be spread over a term of years;

(*b*) the sum borrowed shall not at any time exceed, with the balances of all the outstanding loans and debts due by the corporation, in the whole, double the rateable value of the premises in the city assessable as hereinafter provided, to property taxes;

(*c*) the money may be borrowed for such time, not exceeding sixty years, as the corporation, with the sanction of [2] [the Governor in Council], determine in each case;

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[1] This proviso was added by s. 2 and Schedule I of the Devolution Act, 1920 (38 of 1920).

[2] These words were substituted for the words "the Governor General of India in Council" by *ibid.*

(*d*) the corporation shall either pay off the money so borrowed by equal annual instalments of principal, or of principal and interest, or they shall in every year set apart as a sinking-fund and accumulate in the way of compound interest, by investing the same in the purchase of public securities, such sum as will, with accumulations in the way of compound interest, be sufficient, after payment of all expenses, to pay off the moneys so borrowed within the period sanctioned;

(*e*) the corporation may at any time apply the whole or any part of a sinking-fund set apart under this section in or towards the discharge of the moneys for the repayment of which the fund has been established: Provided that they pay into the fund each time that interest would have been received by the corporation in respect of the sinking-fund or the part of the sinking-fund so applied, and accumulate, until the whole of the moneys borrowed are discharged, a sum equivalent to the interest which would have been so received;

(*f*) the investment every year of any sum set apart as portion of the principal of a sinking-fund shall be made within fifteen days after the day on which the second half-yearly payment of interest is due by the corporation in respect of the loan for repayment of which such sinking-fund is established; and the re-investment of any sum received by the corporation on account of interest on moneys appertaining to a sinking-fund already invested, and the investment of any sum payable into the fund under clause (*e*) as the equivalent of interest which the corporation would have received, if the sinking-fund or a part thereof had not been applied in any manner authorised by the said clause, shall be made within one month from the day on which such interest is received or from the day on which such interest would have been received, as the case may be;

(*g*) where money is borrowed for the purpose of discharging a previous loan, the time for repayment of the money so borrowed shall not, unless with the sanction of Government, extend beyond the unexpired portion of the period for which the original loan was sanctioned and shall in no case be extended beyond the period of sixty years from the date of the original loan.

110. (*1*) Every mortgage authorized to be made under this chapter shall be by debenture in the form contained in Schedule C, or in such other Form of security.

form as the corporation, with the consent of Government, shall from time to time dertermine.

(*2*) Every debenture issued under this Act shall be transferable by endorsement and such transfers may be in the form of Schedule D., or to the like effect.

(*3*) The right to payment of the moneys secured by any of such debentures and to sue in respect thereof shall vest in the holder thereof for the time being, without any preference by reason of some of such debentures being prior in date to others.

Issue of duplicate securities.

[1] [**110A.** (*1*) When a debenture issued under this Act or any previous Act relating to the municipal government of the city is alleged to have been wholly or partly lost or destroyed, and a person claims to be the person to whom but for the loss or destruction it would be payable, he may, on application to the Municipal Commissioner, and on producing proof to his satisfaction of the loss or destruction and of the justice of the claim, obtain from him an order for—

(*a*) the payment of interest in respect of the security said to be lost or destroyed, pending the issue of a duplicate debenture, and

(*b*) the issue of a duplicate debenture payable to the applicant.

(*2*) An order shall not be passed under sub-section (*1*) until after the issue of such notification of the loss or destruction of the debenture as may be prescribed by the corporation, and after the expiration of such period as may be prescribed by the corporation, nor until the applicant has given such indemnity as may be required by the corporation against the claims of all persons deriving title under the debenture lost or destroyed.

(*3*) When a duplicate debenture has been issued the corporation shall, after the lapse of six years from the date of publication of the notification referred to in sub-section (*2*), be discharged from all liability in respect of the original debenture, of which a duplicate debenture has been issued.]

Right of survivors of joint payees of securities.

[1] [**110B.** (*1*) Notwithstanding anything in section 45 of the [2] Indian Contract Act, 1872, when any debenture issued under this Act or any previous Act relating to the municipal government of the city is payable to two or more persons jointly and either or any of them dies, the debenture shall be payable to the survivor or survivors of those persons. IX of 1872.

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[1] Secs. 110A to 110C were inserted by s. 2 of the Bombay Repealing and Amending Act, 1910 (Bom. Act 1 of 1910), Vol. V of this Code.

[2] General Acts, Vol. II.

(2) Nothing herein contained shall affect any claim which the representative of the deceased person may have against the survivor or survivors in respect of the debenture jointly payable to him or them and the deceased.

(3) This section shall apply whether the death of the person to whom the debenture or security was jointly payable occurred or occurs before or after this section comes into force.]

Power of one or two or more joint holders to grant receipts.

[1] [**110C**. Notwithstanding anything in section 45 of the [2] Indian IX of 1872. Contract Act, 1872, when two or more persons are joint holders of any debenture issued under this Act, or any previous Act relating to the municipal government of the city, any one of those persons may give an effectual receipt for any interest or dividend payable in respect of such debenture unless notice to the contrary has been given to the Commissioner by any other of the holders.]

CHAPTER VII.

REVENUE AND EXPENDITURE.

The Municipal Fund.

Constitution of the municipal fund.

111. All moneys received by or on behalf of the corporation under the provisions of this Act or of any other enactment at the time in force, or under any contract,

all proceeds of the disposal of property by, or on behalf of, the corporation,

all rents accruing from any property of the corporation,

all moneys raised by any tax, levied for the purposes of this Act,

all fees and fines payable and levied under this Act or under any rule, regulation or by-law in force thereunder,

[3] [the balance, after all necessary contingent expenses have been defrayed, of all fees] for licenses for public conveyances granted by the Police Commissioner under [4] Bombay Act VI of 1863 (*an Act for the regulation of public conveyances in the town, suburbs and harbour of Bombay*),

[5] [the balance, after all necessary contingent expenses have been defrayed, of all fees for licenses for the playing of music in streets and public places

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[1] *See* footnote 1 on page 98 *supra*.

[2] General Acts, Vol. II.

[3] These words were substituted for the words "all fees" by s. 16(*a*) of the City of Bombay Police Charges Act, 1907 (Bom. Act 3 of 1907), Vol. IV of this Code.

[4] Vol. II of this Code.

[5] This clause was inserted by s. 16 of the City of Bombay Police Charges Act, 1907 (Bom. Act 3 of 1907), Vol. IV of this Code.

granted under paragraph (*ii*) of clause (*f*) of section 22 of the [1] City of Bombay Police Act, 1902,]

all fines levied by any Magistrate in respect of any offence against the provisions of this Act, or of any regulation or by-law made under this Act,

all moneys received by or on behalf of the corporation from Government or private individuals by way of grant or gift or deposit, and

all interest and profits arising from any investment of, or from any transaction in connection with, any money belonging to the corporation,

shall be credited to a fund, which shall be called "the municipal fund," and which shall be held by the corporation in trust for the purposes of this Act, subject to the provisions herein contained:

[2] [Provided that fines imposed on municipal officers and servants under section 83 shall be credited to a separate fund to be called 'the fines fund,' the proceeds of which shall be expended in promoting the well-being of municipal officers and servants.]

Commissioner to receive payments on account of the municipal fund and to lodge them in a bank.

112. All moneys payable to the credit of the municipal fund shall be received by the Commissioner and shall be forthwith paid [3] [into the Bank of Bombay] to the credit of an account, which shall be styled "the account of the municipal fund of the City of Bombay."

How the fund shall be drawn against.

113. (*1*) Subject to the provisions of section 520, no payment shall be made by the bank aforesaid out of the municipal fund, except upon a cheque signed by the Commissioner and by one member of the standing committee, who shall attend at the chief municipal office for this purpose at least twice a week, and by the municipal secretary, or in the event of the illness, or occasional absence of the Commissioner from the city, by two members of the standing committee and by the said secretary.

(*2*) Payment of any sum due by the corporation in excess of one hundred rupees shall be made by means of a cheque signed as aforesaid and not in any other way.

(*3*) Payment of any sum due by the corporation, not exceeding one hundred rupees in amount, may be made by the Commissioner in cash, cheques for sums not in excess of one thousand rupees each, signed as aforesaid, being drawn from time to time to cover such payments.

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[1] Vol. IV of this Code.

[2] This proviso was added by s. 3 of the City of Bombay Municipal (Amendment) Act, 1921 (Bom. Act 7 of 1921), Vol. V of this Code.

[3] These words were substituted for the words "into the bank for the time being appointed to receive Government dues at Bombay" by s. 4 (2), of the City of Bombay Municipal (Amendment) Act, 1893 (Bom. Act 1 of 1894), *infra*.

Deposit of portion of municipal fund may be made with bank or agency out of Bombay when convenient.

114. Notwithstanding anything contained in the two last preceding sections, the Commissioner may, with the approval of the standing committee, from time to time, remit any portion of the municipal fund to a bank or other agency at any place beyond the city at which it may be desirable for the corporation to have funds in deposit, and any money payable to the credit of the municipal fund or chargeable thereagainst, which can, in the opinion of the Commissioner, be most conveniently paid into or out of the account of the corporation at any such bank or agency, may be so paid.

Only sums covered by a budget-grant to be expended from the municipal fund.

115. (*1*) Except as hereinafter provided, no payment of any sum shall be made by the Commissioner out of the municipal fund, unless the expenditure of the same is covered by a current budget-grant, and a sufficient balance of such budget-grant is still available, notwithstanding any reduction or transfer thereof which may have been made under section 133 or section 134 :

Exceptions.

(*2*) Provided that the following items shall be excepted from this prohibition, namely :—

(*a*) sums of which the expenditure has been sanctioned by the standing committee under section 132 ;

(*b*) temporary payments under section 119 for works urgently required in the public service ;

(*c*) refunds of taxes and other moneys which the Commissioner is by or under this Act authorised to make ;

(*d*) repayments of moneys belonging to contractors or other persons held in deposit and of moneys collected or credited to the municipal fund by mistake ;

(*e*) sums which the Commissioner is by sections 222, sub-section (*3*), 309, sub-section (*2*), 315, sub-section (*2*), 334, sub-section (*2*), 395, sub-section (*2*), 426, sub-section (*2*), 427, sub-section (*4*), 501 and 515, clause (*b*), required or empowered to pay by way of compensation ;

(*f*) sums payable in any of the circumstances mentioned in clause (*f*) of section 118 ;

(*g*) expenses incurred by the Commissioner in the exercise of the powers conferred upon him by section 434 ;

(*h*) costs incurred by the Commissioner under clause (*c*) of section 64.

(*3*) In sub-section (*1*), "budget-grant" means a budget-grant within the meaning of that term as defined in section 130 and includes any sum by which such budget-grant may at any time be increased by a transfer under clause (*b*) of section 133.

Drafts on the municipal fund to be checked by members of the standing committee and municipal secretary.

116. The members of the standing committee and the municipal secretary shall not sign any cheque under section 113 without first satisfying themselves that the sum for which such cheque is drawn is either covered by a budget-grant as aforesaid or is an item of one of the excepted descriptions specified in sub-section (*2*) of the last preceding section.

Procedure when money not covered by a budget-grant is expended under clause (*e*), (*f*), (*g*) or (*h*) of section 115.

117. Whenever any sum is expended by the Commissioner under clause (*e*), (*f*), (*g*), or (*h*), of section 115, he shall forthwith communicate the circumstances to the standing committee, who shall take such action under section 133 or recommend the corporation to take, under section 131, such action as shall, in the circumstances, appear possible and expedient for covering the amount of the additional expenditure.

Purposes to which the municipal fund is to be applied.

118. The moneys from time to time credited to the municipal fund shall be applied in payment of all sums, charges and costs necessary for the purposes specified in sections 61, 62, [1][62D] and 63, or for otherwise carrying this Act into effect, or of which the payment shall be duly directed or sanctioned under any of the provisions of this Act, inclusive of—

(*a*) the expenses of every ward-election and of every justices' election held under this Act;

(*b*) the fees payable under section 50 to members of the standing committee;

(*c*) the salaries, [2][joining time allowances] and other allowances of the Commissioner and of any Deputy Commissioner appointed under this Act [3][and of any officer whose services may, at the request of the corporation, be placed by Government at their disposal];

(*d*) the salaries and other allowances of all municipal officers and servants, and all [4][contributions to provident fund,] pensions, gratuities and compassionate allowances payable under the provisions of this Act or of any schedule or regulations framed under this Act and at the time in force;

(*e*) all expenses and costs incurred by the Commissioner in the exercise of any power or the discharge of any duty conferred or imposed upon him by this Act, including moneys which he is required or empowered to pay by way of compensation;

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[1] The figures and letter "62D" were inserted by s. 17 of the City of Bombay Police Charges Act, 1907 (Bom. Act 3 of 1907), Vol. IV of this Code.

[2] These words were inserted by s. 8 (*a*) of the City of Bombay Municipal (Amendment) Act, 1905 (Bom. Act 5 of 1905), Vol. IV of this Code.

[3] These words were added by s. 8 (*b*) *ibid.*

[4] These words were inserted by s. 30 of the City of Bombay Municipal (Amendment) Act, 1922 (Bom. Act 6 of 1922), Vol. V of this Code.

(*f*) every sum payable—

(*i*) under sub-section (*1*) of section 520 to Government;

(*ii*) under a decree or order of a civil or criminal court passed against the corporation or against the Commissioner or a Deputy Commissioner *ex-officio*;

(*iii*) under a compromise of any suit or other legal proceeding or claim effected under section 517.

Temporary payments from the municipal fund for works urgently required for public service.

119. (*1*) On the written requisition of a Secretary to Government, the Commissioner may at any time undertake the execution of any work certified by such Secretary to be urgently required in the public service, and for this purpose may temporarily make payments from the municipal fund, so far as the same can be made without unduly interfering with the regular working of the municipal administration. The cost of all work so executed and of the establishment engaged in executing the same shall be paid by Government and credited to the municipal fund.

(*2*) On receipt of any requisition under sub-section (*1*), the Commissioner shall forthwith forward a copy thereof to the corporation, together with a report of the steps taken by him in pursuance of the same.

[1] * * * * *

120. *Rep: by Bom. III of 1907.*

[2] * *Special Funds.*

Special funds may be created with the approval of the corporation.

121. With the approval of the corporation, any [3] * portion of the municipal fund may [3] *, from time to time, be credited to a separate heading in the municipal accounts, provided that there shall be credited and debited to such special heading such sums only as shall expressly relate to the object for which a special fund is so created.

Disposal of Balances.

Investment of surplus moneys.

[4] **[122.** (*1*) Surplus moneys at the credit of the municipal fund which cannot immediately or at an early date be applied to the purposes of this Act or of any loan raised thereunder may be, from time to time, deposited at interest in the Bank of Bombay or be invested in public securities.

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[1] The heading "School-fund" was repealed by s. 18 of the City of Bombay Police Charges Act, 1907 (Bom. Act 3 of 1907), Vol. IV of this Code.

[2] The word "other" was repealed by s. 19 *ibid.*

[3] The words "other" and "also" were repealed by *ibid.*

[4] This section was substituted by s. 5 of the City of Bombay Municipal (Amendment) Act, 1893 (Bom. Act 1 of 1894), *infra*.

(2) All such surplus moneys which it is necessary to keep readily available for application to such purposes, and all such surplus moneys which cannot in the opinion of the Municipal Commissioner, concurred in by the standing committee, be favourably deposited or invested as aforesaid, may be deposited at interest at any bank or banks in the City of Bombay which the standing committee may, subject to the control of the corporation, from time to time, select for the purpose.

(3) All such deposits and investments shall be made by the Commissioner on behalf of the corporation, with the sanction of the standing committee, and, with the like sanction, the Commissioner may at any time withdraw any deposit so made or dispose of any securities and re-deposit or re-invest the money so withdrawn, or the proceeds of the disposal of such securities: but no order for making any deposit or investment, withdrawal or disposal under this section shall have any validity unless the same be in writing, signed by the Commissioner and one member of the standing committee and the municipal secretary.

(4) The loss, if any, arising from any such deposit or investment shall be debited to the municipal fund.]

Accounts.

Accounts to be kept in forms prescribed by standing committee.

123. Accounts of the receipts and expenditure of the corporation shall be kept in such manner and in such forms as the standing committee shall from time to time prescribe.

Preparation of annual administration report and statement of accounts.

124. (1) The Commissioner shall, as soon as may be after each first day of April, have prepared a detailed report of the municipal administration of the city during the previous official year, together with a statement showing the amounts of the receipts and disbursements respectively credited and debited to the municipal fund during the said year and the balance at the credit of the fund at the close of the said year.

(2) The Commissioner shall incorporate with his said report and statement —

(a) a report for the same period from each head of a department subordinate to him;

(b) the account of balances due on loans then last published under section 105;

and shall cause the same to be printed.

(3) After examination and review of the said printed report and statement by the standing committee, there shall be added to the compilation

printed copies of such of the appendices attached to the reports of the several heads of departments, if any, as the standing committee direct and a printed copy of the standing committee's review; and a copy of the complete compilation shall be forwarded to the usual or last known local place of abode of each councillor at least eight days previous to the ordinary meeting of the corporation in the next following month of October, and copies thereof shall be delivered to any person requiring the same, on payment of such reasonable fee for each copy as the Commissioner, with the approval of the standing committee, shall determine.

Annual Budget Estimate.

Estimates of expenditure and income to be prepared annually by the Commissioner.

125. The Commissioner shall, on or before each tenth day of November have prepared and lay before the standing committee, in such form as the said committee shall from time to time approve—

(*a*) an estimate of the expenditure which must or should, in his opinion, be incurred by the corporation in the next ensuing official year;

(*b*) an estimate of all balances, if any, which will be available for re-appropriation or expenditure at the commencement of the next ensuing official year;

(*c*) a statement of proposals as to the taxation which it will, in his opinion, be necessary or expedient to impose under the provisions of this Act in the said year.

Budget-estimate to be prepared by the standing committee.

126. (*1*) The standing committee shall, on or as soon as may be after the tenth day of November, consider the estimates and proposals of the Commissioner and, after having obtained from the Commissioner such further detailed information, if any, as they shall think fit to require, and having regard to all the requirements of this Act, shall frame therefrom, subject to such modifications and additions therein or thereto as they shall think fit, a budget-estimate of the income and expenditure of the corporation for the next official year.

(*2*) In such budget-estimate, the standing committee shall—

(*a*) propose, with reference to the provisions of Chapter VIII, the levy of municipal taxes at such rates and, in the case of town-duties, on such articles, as they shall think fit;

(*b*) provide for the payment, as they fall due, of all instalments of principal and interest for which the corporation may be liable under the provisions of Chapter V, or on account of any loan contracted after the passing of this Act, under Chapter VI;

(*c*) allow for a cash balance at the end of the said year of not less than one lakh of rupees.

(3) The Commissioner shall cause the budget-estimate, as finally approved by the standing committee, to be printed and shall, not later than the fifteenth day of December, forward a printed copy thereof to the usual or last known local place of abode of each councillor.

Consideration of Budget-estimate by corporation.

127. At a meeting of the corporation which shall be called for some day in January, not later than the tenth, the budget-estimate prepared by the standing committee shall be laid before the corporation, and they shall proceed to consider the same.

Fixing of rates of taxes.

128. (1) The corporation shall, on or before the thirty-first day of January, after considering the standing committee's proposals in this behalf, determine, subject to the limitations and conditions prescribed in Chapter VIII, the rates at which municipal taxes shall be levied and the articles on which town-duties shall be levied in the next ensuing official year.

(2) Except under sections 134 and 196, the rates so fixed and the articles so appointed shall not be subsequently altered for the year for which they have been fixed.

Final adoption of budget-estimate.

129. Subject to the exigency of sub-section (1) of the last preceding section, the corporation may refer the budget-estimate back to the standing committee for further consideration, or adopt the budget-estimate or any revised budget-estimate submitted to them, either as it stands or subject to such alteration as they deem expedient: Provided that the budget-estimate finally adopted by the corporation shall fully provide for each of the matters specified in clauses (*b*) and (*c*) of section 126.

"Budget-grant" defined.

130. Any sum entered on the expenditure side of a budget-estimate which has been adopted by the corporation shall be termed a "budget-grant."

Corporation may increase amount of budget-grants and make additional grants.

131. (1) On the recommendation of the standing committee, the corporation may from time to time during an official year increase the amount of any budget-grant, or make an additional budget-grant for the purpose of meeting any special or unforeseen requirement arising during the said year, but not so that the estimated cash balance at the close of the year shall be reduced below one lakh of rupees.

(2) Such increased or additional budget-grants shall be deemed to be included in the budget-estimate adopted by the corporation for the year in which they are made.

Rule as to unexpended budget-grants.

132. If any portion of a budget-grant remains unexpended at the close of the year in the budget-estimate for which such grant was included, and if the amount thereof has not been taken into account in the opening

balance of the municipal fund entered in the budget-estimate of the next following year, the standing committee may sanction the expenditure of such unexpended portion during the next following year for the completion, according to the original intention or sanction, of the purpose or object for which the budget-grant was made, but not upon any other purpose or object.

Reduction or transfer of budget-grants.

133. (*1*) The standing committee may, if they think necessary, at any time during an official year—

(*a*) reduce the amount of a budget-grant ; or

(*b*) transfer and add the amount, or a portion of the amount, of one budget-grant to the amount of any other budget-grant in the budget-estimate :

Provided that—

(*c*) due regard be had when making any such reduction or transfer to all the requirements of this Act ;

(*d*) the aggregate sum of the budget-grants contained in the budget-estimate adopted by the corporation shall not be increased, except by the corporation under section 131 ;

(*e*) every such reduction or transfer shall be brought to the notice of the corporation at their next meeting.

(*2*) If any such reduction or transfer is of an amount exceeding five hundred rupees, the corporation may pass with regard thereto such order as they think fit, and it shall be incumbent on the standing committee and the Commissioner to give effect to the said order.

Re-adjustment of income and expenditure by the corporation during the course of the official year whenever necessary.

134. (*1*) If it shall at any time during any official year appear to the corporation, upon the representation of the standing committee, that notwithstanding any reduction of budget-grants that may have been made by the standing committee under the last preceding section, the income of the municipal fund during the said year will not suffice to meet the expenditure sanctioned in the budget-estimate of the said year and to leave at the close of the year a cash balance of not less than one lakh of rupees, it shall be incumbent on the corporation to forthwith sanction any measure which shall be necessary for proportioning the year's income to the expenditure.

(*2*) For this purpose, the corporation may either diminish the sanctioned expenditure of the year, so far as it may be possible so to do with due regard to all the requirements of this Act, or have recourse to supplementary taxation.

Scrutiny and Audit of Accounts.

Weekly scrutiny of accounts by standing committee.

135. (*1*) The standing committee shall conduct, or cause to be conducted under their superintendence, a weekly scrutiny of the municipal accounts and publish weekly an abstract of the receipts and expenditure of the week last preceding, signed by not less than two members of the said committee and by the municipal secretary.

(*2*) For this purpose the standing committee shall have access to all the municipal accounts and to all records and correspondence relating thereto, and the Commissioner shall forthwith furnish to the standing committee any explanation concerning receipts and disbursements which they may call for.

Appointment of municipal auditors.

136. (*1*) The municipal accounts shall also be examined and audited from week to week by auditors specially appointed in this behalf for each official year by the corporation.

(*2*) The auditors so appointed may—

(*a*) by summons in writing, require the production before them of any book, deed, contract, account, voucher or other document or paper necessary for the proper conduct of their audit;

(*b*) by summons in writing, require any person having the custody or control of, or accountable for, any such book, deed, contract, account, voucher or other document or paper to appear in person before them;

(*c*) require any person so appearing before them to make and sign a declaration with respect to such book, deed, contract, account voucher or other document or paper.

(*3*) The auditors so appointed shall receive such reasonable remuneration not exceeding in the whole [1] [fifteen] thousand rupees per annum, as the corporation shall from time to time determine.

Information and report to be furnished by auditors.

137. (*1*) The auditors so appointed shall forthwith report to the standing committee any material impropriety or irregularity which they may at any time observe in the expenditure or in the recovery of moneys due to the corporation or in the municipal accounts, and shall furnish to the standing committee such information as the said committee shall from time to time require concerning the progress of their audit, and shall, as soon as may be after the commencement of each official year, deliver to the standing committee a report upon the whole of the municipal accounts for the previous official year.

(*2*) The Commissioner shall cause the said report to be printed and forward a printed copy thereof along with the printed copy of the administration report and statement of accounts which he is required by sub-section (*3*) of section 124 to forward to each councillor.

[1] This word was substituted for the word "ten" with effect from the 1st April 1920 by s. 31 (*1*) of the City of Bombay Municipal (Amendment) Act, 1922 (Bom. Act 6 of 1922), Vol. V of this Code.

A special audit may be directed by the Governor in Council.

138. (*1*) The Governor in Council may at any time appoint an auditor for the purpose of making a special audit of the municipal accounts and of reporting thereon to Government, [1][and] the costs of any such audit [1][as determined by the Governor in Council shall] be chargeable to the municipal fund.

(*2*) An auditor so appointed may exercise any power which an auditor appointed by the corporation may exercise.

CHAPTER VIII.

MUNICIPAL TAXATION.

Municipal Taxes defined.

Taxes to be imposed under this Act.

139. For the purposes of this Act, taxation shall be imposed as follows, namely:—

(1) property-taxes;

(2) a tax on vehicles and animals;

[2]* * * * * *; and

(4) town-duties.

PROPERTY-TAXES.

Property-taxes leviable.

Property-taxes of what to consist and at what rates leviable.

140. The following taxes shall be levied on buildings and lands in the city, and shall be called "property-taxes," namely:—

Water-taxes.

(*a*) a water-tax of so many per centum of their rateable value as the corporation shall deem reasonable with reference to the expenses of providing a water-supply for the City;

Halalkhor-tax.

(*b*) a halalkhor-tax of so many per centum, not exceeding three, of their rateable value as will, in the opinion of the corporation, suffice to provide for the collection, removal and disposal, by municipal agency, of all excrementitious and polluted matter from privies, urinals and cesspools and for efficiently maintaining and repairing the municipal drains constructed or used for the reception

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[1] These words were substituted respectively for the words "provided that," and the words "shall not, without the consent of the corporation" by s. 4 of the City of Bombay Municipal Act Amendment Act, 1888 (Bom. Act 4 of 1888), *infra*.

[2] The brackets, figure and words "(*3*) a toll on vehicles entering the city from Salsette" were repealed by s. 4 of the City of Bombay Municipal (Amendment) Act, 1921 (Bom. Act 7 of 1921), Vol. V of this Code.

or conveyance of such matter, subject, however, to the provisos that the minimum amount of such tax to be levied in respect of any one separate holding of land, or of any one building or of any one portion of a building which is let as a separate holding, shall be four annas per month, and that the amount of such tax to be levied in respect of any hotel, club or other large premises may be specially fixed under section 172 ;

General tax.

(*c*) a general tax of not less than eight and not more than [1] [seventeen] per centum of their rateable value, together with not less than one-eighth and not more than three-quarters per centum of their rateable value added thereto in order to provide for the expense necessary for fulfilling the duties of the corporation arising under clause (*k*) of section 61 and Chapter XIV.

Water-tax on what premises to be levied.

141. Subject to the provisions of section 169, the water-tax shall be levied only in respect of premises—

(*a*) to which a private water-supply is furnished from, or which are connected by means of communication-pipes with, any municipal water-works ; or

(*b*) which are situated in a portion of the city in which the Commissioner has given public notice that sufficient water is available from municipal water-works for furnishing a reasonable supply to all the premises in the said portion.

Halalkhor-tax on what premises to be levied.

142. (*1*) The halalkhor-tax shall be levied only in respect of premises—

(*a*) situated in any portion of the city in which public notice has been given by the Commissioner that the collection, removal and disposal of all excrementitious and polluted matter from privies, urinals and cesspools will be undertaken by municipal agency ; or

(*b*) in which, wherever situate, there is a privy, water-closet, cesspool, urinal, bathing-place or cooking-place connected by a drain with a municipal drain :

(*2*) Provided that the said tax shall not be levied in respect of any premises situated in any portion of the city specified in clause (*a*), in or upon which, in the opinion of the Commissioner, no such matter as aforesaid accumulates or is deposited.

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[1] This word was substituted for the word "twelve" by the City of Bombay Municipal (Second Amendment) Act, 1920 (Bom. Act 19 of 1920), Vol. V of this Code.

(*3*) If the Commissioner directs, under sub-section (*2*) [1] [or (*3*)] of section 248, that a separate water-closet, privy or urinal need not be required for any premises, the halalkhor-tax shall nevertheless be levied in respect of the said premises, if, but for such directions, the same would be leviable in respect thereof.

General tax on what premises to be levied.

143. (*1*) The general tax shall be levied in respect of all buildings and lands in the city, except—

[2] [(*a*) buildings and lands or portions thereof exclusively occupied for public worship or for charitable purposes ;]

(*b*) buildings and lands vesting in [3] [Her Majesty] or in the corporation, in respect of which the said tax, if levied, would under the provisions hereinafter contained be primarily leviable from the Secretary of State for India in Council or, the corporation, respectively.

(*2*) The following buildings [4] [and lands or portions thereof] shall not be deemed to be [5] * exclusively occupied for public worship or for charitable purposes within the meaning of clause (*a*), namely—

(*c*) [6] [those] in which any trade or business is carried on ; and

(*d*) [6] [those] in respect of which rent is derived, whether such rent is or is not applied exclusively to religious or charitable purposes.

[7] [(*3*) Where any portion of any building or land is exempt from the general tax by reason of its being exclusively occupied for public worship or for charitable purposes, such portion shall be deemed to be a separate property for the purpose of municipal taxation.]

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[1] This word, figure and brackets were inserted by s. 5 of the City of Bombay Municipal (Amendment) Act, 1911 (Bom. Act 2 of 1911), Vol. V of this Code.

[2] This clause was substituted by s. 6 (*1*) *ibid.*

[3] These words were substituted for the words "the Secretary of State for India in Council" by s. 5 of the City of Bombay Municipal Act Amendment Act, 1888 (Bom. Act IV of 1888), *infra*.

[4] These words were inserted by s. 6 (*2*) (*a*) of the City of Bombay Municipal (Amendment) Act, 1911 (Bom. Act 2 of 1911), Vol. V of this Code.

[5] The word "buildings" was repealed by s. 6 (*2*) (*b*) *ibid.*

[6] This word was substituted for the word "buildings" by s. 6. (*2*) (*c*) *ibid.*

[7] This sub-section was added by s. 6 (*3*) *ibid.*

Payment to be made to the corporation in lieu of the general tax by the Secretary of State for India in Council.

144. (*1*) The Secretary of State for India in Council shall pay to the corporation annually, in lieu of the general tax from which buildings and lands vesting in [1][Her Majesty] are exempted by clause (*b*) of section 143, a sum ascertained in the manner provided in sub-sections (*2*) and (*3*).

(*2*) The rateable value of the buildings and lands in the city vesting in [1][Her Majesty] and beneficially occupied, in respect of which but for the said exemption, general tax would be leviable from the Secretary of State for India in Council shall be fixed by a person from time to time appointed in this behalf by the Governor in Council with the concurrence of the corporation. The said value shall be fixed by the said person, with a general regard to the provisions hereinafter contained concerning the valuation of property assessable to property-taxes, at such amount as he shall deem to be fair and reasonable. The decision of the person so appointed shall hold good for a term of five years, subject only to proportionate variation, if in the meantime the number or extent of the buildings and lands vesting in [1][Her Majesty] in the city materially increases or decreases.

(*3*) The sum to be paid annually to the corporation by the Secretary of State for India in Council shall be eight-tenths of the amount which would be payable by an ordinary owner of buildings or lands in the city, on account of the general tax, on a rateable value of the same amount as that fixed under sub-section (*2*).

Amendment of section 36, Bombay Act VI of 1879.

145. For section 36 of the Bombay Port Trust Act, 1879, the following section shall be substituted, namely— Bom. Act VI of 1879.

[*Vol. II of this Code.*]

Liability for Property-taxes.

Primary responsibility for property-taxes on whom to rest.

146. (*1*) Property-taxes shall be leviable primarily from the actual occupier of the premises upon which the said taxes are assessed, if such occupier holds the said premises immediately from Government or from the corporation or from a fazendár.

(*2*) Otherwise the said taxes shall be primarily leviable as follows, namely—

(*a*) if the premises are let, from the lessor;

(*b*) if the premises are sub-let, from the superior lessor;

(*c*) if the premises are unlet, from the person in whom the right to let the same vests.

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[1] These words were substituted for the words "the Secretary of State for India in Council" by s. 5 of the City of Bombay Municipal (Amendment) Act, 1888 (Bom. Act 4 of 1888), *infra*.

(3) But if any land has been let for any term exceeding one year to a tenant, and such tenant has built upon the land, the property-taxes assessed upon the said land and upon the building erected thereon shall be primarily leviable from the said tenant or his legal representative, whether the premises be in the occupation of the said tenant or of his legal representative, or of a sub-tenant.

Apportionment of responsibility for property-tax when the premises assessed are let or sub-let.

147. (1) If any premises assessed to any property-tax are let and their rateable value exceeds the amount of rent payable in respect thereof to the person from whom, under the provisions of the last preceding section, the said tax is leviable, the said person shall be entitled to receive from his tenant the difference between the amount of the property-tax levied from him, and the amount which would be leviable from him if the said tax were calculated on the amount of rent payable to him.

(2) If the premises are sub-let and their rateable value exceeds the amount of rent payable in respect thereof to the tenant by his sub-tenant, or the amount of rent payable in respect thereof to a sub-tenant by the person holding under him, the said tenant shall be entitled to receive from his sub-tenant or the said sub-tenant shall be entitled to receive from the person holding under him, as the case may be, the difference between any sum recovered under this section from such tenant or sub-tenant and the amount of property-tax which would be leviable in respect of the said premises if the rateable value thereof were equal to the difference between the amount of rent which such tenant or sub-tenant receives and the amount of rent which he pays.

(3) Any person entitled to receive any sum under this section shall have, for the recovery thereof, the same rights and remedies as if such sum were rent payable to him by the person from whom he is entitled to receive the same.

Person primarily liable for property-tax entitled to credit, if he is a rent-payer.

148. If any person who is primarily liable for the payment of any property-tax himself pays rent to another person other than Government or the corporation in respect of the premises upon which such tax is assessed, he shall be entitled to credit in account with such other person for such sum as would be leviable on account of the said tax if the amount of the rent payable by him were the rateable value of the said premises.

Notice of transfer, etc., of premises assessable to Property-taxes.

Notice to be given to the Commissioner of

149. (1) Whenever the title of any person primarily liable for the payment of property-taxes on any premises to or over such premises is transferred, the person whose title is so transferred and the person to whom the

All transfers of title of persons primarily liable to payment of property-tax.

same shall be transferred shall, within three months after execution of the instrument of transfer, or after its registration, if it be registered, or after the transfer is effected, if no instrument be executed, give notice of such transfer, in writing, to the Commissioner.

(2) In the event of the death of any person primarily liable as aforesaid, the person to whom the title of the deceased shall be transferred, as heir or otherwise, shall give notice of such transfer to the Commissioner within one year from the death of the deceased.

Form of notice.

150. (1) The notice to be given under the last preceding section shall be in the form either of Schedule E or Schedule F, as the case may be, and shall state clearly and correctly all the particulars required by the said form.

(2) On receipt of any such notice, the Commissioner may, if he thinks it necessary, required the production of the instrument of transfer, if any, or of a copy thereof obtained under section 57 of the [1]Indian Registration Act, 1877.

Liability for payment of property-taxes to continue in the absence of any notice of transfer.

151. (1) Every person primarily liable for the payment of a property-tax on any premises who transfers his title to or over such premises without giving notice of such transfer to the Commissioner as aforesaid, shall, in addition to any other liability which he incurs through such neglect, continue liable for the payment of all property-taxes from time to time payable in respect of the said premises until he gives such notice, or until the transfer shall have been recorded in the Commissioner's books.

(2) But nothing in this section shall be held to diminish the liability of the transferee for the said property-taxes, or to affect the prior claim of the Commissioner on the premises conferred by section 212, for the recovery of the property-taxes due thereupon.

Notice to be given to the Commissioner of the erection of a new building, etc.

152. (1) When any new building is erected, or when any building is rebuilt or enlarged,

or when any building which has been vacant is re-occupied,

the person primarily liable for the property-taxes assessed on the building shall within fifteen days give notice thereof, in writing, to the Commissioner.

(2) The said period of fifteen days shall be counted from the date of the completion or of the occupation, whichever first occurs, of the building which has been newly elected or rebuilt, or of the enlargement, as the case may be, and in the case of a building which has been vacant, from the date of the reoccupation thereof.

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[1] *See* now the Indian Registration Act, 1908 (16 of 1908), General Acts, Vol. VI.

Notice to be given to the Commissioner of demolition or removal of a building.

153. (*1*) When any building or any portion of a building, which is liable to the payment of a property-tax, is demolished or removed, otherwise than by order of the Commissioner, the person primarily liable for the payment of the said tax shall give notice thereof, in writing, to the Commissioner.

(*2*) Until such notice is given the person aforesaid shall continue liable to pay every such property-tax as he would have been liable to pay in respect of such building, if the same, or any portion thereof, had not been demolished or removed.

[1][(*3*) Provided that nothing in this section shall apply in respect of a building or portion of a building which has fallen down or been burnt down.]

Valuation of property assessable to Property-taxes.

Rateable value how to be determined.

154. (*1*) In order to fix the rateable value of any building or land assessable to a property-tax, there shall be deducted from the amount of the annual rent for which such land or building might reasonably be expected to let from year to year a sum equal to ten per centum of the said annual rent, and the said deduction shall be in lieu of all allowance for repairs or on any other account whatever.

(*2*) The value of any machinery contained or situate in or upon any building or land shall not be included in the rateable value of such building or land.

Commissioner may call for information or returns from owner or occupier or enter and inspect assessable premises.

155. (*1*) To enable him to determine the rateable value of any building or land and the person primarily liable for the payment of any property-tax leviable in respect thereof, the Commissioner may require the owner or occupier of such building or land, or of any portion thereof, to furnish him, within such reasonable period as the Commissioner prescribes in this behalf, with information or with a written return signed by such owner or occupier—

(*a*) as to the name and place of abode of the owner or occupier, or of both the owner and occupier of such building or land; and

(*b*) as to the dimensions of such building or land, or of any portion thereof, and the rent, if any, obtained for such building or land, or any portion thereof.

(*2*) Every owner or occupier on whom any such requisition is made shall be bound to comply with the same and to give true information or to make a true return to the best of his knowledge or belief.

(*3*) The Commissioner may also, for the purpose aforesaid, make an inspection of any such building or land.

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[1] This sub-section was added by s. 3 of the City of Bombay Municipal (Amendment) Act, 1918 (Bom. Act 8 of 1918), Vol. V of this Code.

Assessment-book.

Assessment-book what to contain.

156. The Commissioner shall keep a book, to be called "the assessment-book," in which shall be entered every official year—

(*a*) a list of all buildings and lands in the city, distinguishing each, either by name or number, as he shall think fit;

(*b*) the rateable value of each such building and land determined in accordance with the foregoing provisions of this Act;

(*c*) the name of the person primarily liable for the payment of the property-taxes, if any, leviable on each such building or land;

(*d*) if any such building or land is not liable to be assessed to the general tax, the reason of such non-liability;

(*e*) when the rates of the property-taxes to be levied for the year have been duly fixed by the corporation and the period fixed by public notice, as hereinafter provided, for the receipt of complaints against the amount of rateable value entered in any portion of the assessment-book has expired, and in the case of any such entry which is complained against, when such complaint has been disposed of in accordance with the provisions hereinafter contained, the amount at which each building or land entered in such portion of the assessment-book is assessed to each of the property-taxes, if any, leviable thereon;

(*f*) if, under section 169 or 170, a charge is made for water supplied to any building or land by measurement or the water-tax or charge for water by measurement is compounded for, or if, under section 172, the halalkhor-tax for any building or land is fixed at a special rate, the particulars and amount of such charge, composition or rate;

(*g*) such other details, if any, as the Commissioner from time to time thinks fit to direct.

The assessment-book to be made separately for each ward and in parts, if necessary.

157. (*1*) The assessment-book shall be made in separate books, called "ward assessment-books," one for each of the wards into which the city is for the time being divided under the provisions of section 24; and each ward assessment-book may, if the Commissioner thinks fit, be divided into two or more parts for such purposes and with such several designations as the Commissioner shall determine.

(*2*) The ward assessment-books and their respective parts, if any, shall collectively constitute the assessment-book.

Treatment of property which is let to two or more persons in separate occupancies.

158. (*1*) When any building or land is let to two or more persons holding in severalty, the Commissioner may, for the purpose of assessing such building or land to the property-taxes, either treat the whole thereof as one property, or, with the written consent of the owner of such building or land, treat each several holding therein or any two or more of such several holdings together, or each floor or flat, as a separate property.

Allowance of drawback in such cases.

(*2*) When the Commissioner has determined to treat all the several holdings comprised within any one building or land under this section as one property, he may, subject to any general conditions which may from time to time be prescribed by the standing committee in this behalf, at any time not later than seven days before the first day of any half-year for which an instalment of general tax will be leviable in respect of the said property, sanction a drawback of one-fifth part of the general tax so leviable.

Person primarily liable for property-taxes how to be designated, if his name cannot be ascertained.

159. (*1*) When the name of the person primarily liable for the payment of property-taxes in respect of any premises cannot be ascertained, it shall be sufficient to designate him in the assessment-book and in any notice which it may be necessary to serve upon the said person under this Act, "the holder" of such premises, without further description.

Occupier liable for property-taxes until he gives information.

(*2*) If, in any such case, any person in occupation of the premises shall refuse to give such information as may be requisite for determining who is primarily liable as aforesaid, such person shall himself be liable, until such information is obtained, for all property-taxes leviable on the premises of which he is in occupation.

Public notice to be given when valuation of property in any ward has been completed.

160. (*1*) When the entries required by clauses (*a*), (*b*), (*c*) and (*d*) of section 156 have been completed, as far as practicable, in any ward assessment-book, the Commissioner shall give public notice thereof and of the place where the ward assessment-book, or a copy of it, may be inspected.

(*2*) Such public notice shall be given by advertisement in the Bombay Government Gazette and in the local newspapers, and also by posting placards in conspicuous places throughout the ward.

Assessment-book to be open to inspection.

161. (*1*) Every person who reasonably claims to be the owner or occupier of some premises entered in the assessment-book or the agent of any such owner or occupier shall be permitted, free of charge, to inspect and to take extracts from any portion of the said book which relates to the said premises.

(*2*) Any person not entitled under sub-section (*1*) to inspect and take extracts from any portion of the assessment-book free of charge shall be permitted to do so on payment of such fee as shall from time to time be

prescribed in this behalf by the Commissioner, with the approval of the standing committee.

Time for filing complaints against valuations to be publicly announced. Special notices to be issued in certain cases.

162. (*1*) The Commissioner shall, at the time and in the manner prescribed in section 160, give public notice of a day, not being less than fifteen days from the publication of such notice, on or before which complaints against the amount of any rateable value entered in the ward assessment-book will be received in his office.

(*2*) In every case in which any premises have for the first time been entered in the assessment-book as liable to the payment of property-rates, or in which the rateable value of any premises liable to such payment has been increased, the Commissioner shall, as soon as conveniently may be after the issue of the public notice under sub-section (*1*), give a special written notice to the owner or occupier of the said premises specifying the nature of such entry and informing him that any complaint against the same will be received in his office at any time within fifteen days from the service of the special notice.

Time and manner of filing complaints against valuation.

163. (*1*) Every complaint against the amount of any rateable value entered in the assessment-book must be made by written application to the Commissioner, which shall be left at his office on or before the day or the latest day fixed in this behalf in the public or special notice aforesaid.

(*2*) Every such application shall set forth briefly but fully the grounds on which the valuation is complained against.

Notice to complainants of day fixed for investigating their complaints. Hearing of complaint.

164. The Commissioner shall cause all complaints so received to be registered in a book to be kept for this purpose and shall give notice, in writing, to each complainant of the day, time and place when and whereat his complaint will be investigated.

165. (*1*) At the time and place so fixed, the Commissioner shall investigate and dispose of the complaint in the presence of the complainant, if he shall appear, and, if not, in his absence.

(*2*) For reasonable cause, the Commissioner may from time to time adjourn the investigation.

(*3*) When the complaint is disposed of, the result thereof shall be noted in the book of complaints kept under section 164, and any necessary amendment shall be made, in accordance with such result, in the assessment-book.

Authentication of ward assessment-books when all complaints have been disposed of.

166. (*1*) When all such complaints, if any, have been disposed of, and the entries required by clause (*e*) of section 156 have been completed in the ward assessment-book, the said book shall be authenticated by the Commissioner, who shall certify, under his signature, that except in the cases, if any, in which amendments have been made, as shown therein, no valid objection has been made to the rateable values entered in the said book.

(2) Thereupon the said ward assessment-book, subject to such alterations as may thereafter be made therein under the provisions of the next following section, shall be accepted as conclusive evidence of the amount of each property-tax leviable on each building and land in the ward in the official year to which the book relates.

Assessment-book may be amended by the Commissioner during the official year.

167. (1) The Commissioner may, upon the representation of any person concerned, or upon any other information, at any time during the official year to which an assessment-book relates, amend the same by inserting therein the name of any person whose name ought to be so inserted or any premises previously omitted, or by striking out the name of any person not liable for the payment of any property-tax, or by increasing or reducing the amount of any rateable value and of the assessment based thereupon, or by making or cancelling an entry exempting any premises from liability to any property-tax.

(2) Every such amendment shall be deemed to have been made, for the purpose of determining the liability or exemption of the person concerned in accordance with the altered entry, from the earliest day in the current official year when the circumstances justifying the amendment existed.

New assessment-book need not be prepared every official year.

168. (1) It shall not be necessary to prepare a new assessment-book every official year. Subject to the provisions of sub-section (3), the Commissioner may adopt the entries in the last preceding year's book, with such alterations as he thinks fit, as the entries for each new year.

(2) But public notice shall be given, in accordance with sections 160 and 162, every year, and the provisions of the said sections and of sections 163 to 167, both inclusive, shall be applicable each year.

(3) A new assessment-book shall be prepared at the least once in every four years.

Special Provisions concerning the Water and Halálkhor Taxes.

A charge by measurement or a periodical lump payment may be substituted for the water-tax.

169. (1) The Commissioner may—

(a) in such cases as the standing committee shall either generally or specially direct, instead of levying the water-tax in respect of any premises liable thereto under section 141, charge for the water supplied to such premises by measurement at such rate as shall from time to time be prescribed by the said committee in this behalf;

(b) with the approval of the standing committee, compound with any person for the supply of water to any premises for a renewable term of one or more years not exceeding five, on payment of a

fixed periodical sum in lieu of the water-tax or charge by measurement which would otherwise be leviable from such person in respect of the said premises.

(2) The standing committee may, for the cases in which the Commissioner charges for water by measurement under clause (*a*), from time to time prescribe such conditions as they shall think fit as to the use of the water and as to the charge to be paid for water consumed whilst a meter is out of order or under repair; and in each case in which a composition is made under clause (*b*), the said committee may prescribe such conditions as to the use of the water as they shall think fit: Provided that no condition prescribed under this sub-section shall be inconsistent with this Act or with any by-law made under this Act.

(*3*) A person who is charged for water by measurement or who has compounded for a fixed periodical sum shall not be liable for payment of the water-tax, but any sum payable by him on account of water and not paid when it becomes due shall be recoverable by the Commissioner as if it were an arrear of water-tax.

Government and the Port Trust to be charged for water by measurement.

170. If, in respect of any premises, water-tax would be leviable under this Act from the Secretary of State for India in Council or from the Trustees of the Port of Bombay, the Commissioner, in lieu of levying such tax, shall charge for the water supplied to such premises, by measurement, at such rate as shall be prescribed by the standing committee in this behalf, not exceeding, in the case of the Secretary of State for India in Council, the minimum rate, and, in the case of the said Trustees, the maximum rate, at the time being charged under clause (*a*) of section 169 to any other person; and such charge shall be recoverable as provided in sub-section (*3*) of the said section.

Supply of water at public drinking-fountains, etc., not to be taxed.

171. No tax or charge of any kind shall be levied or demanded for the use of water in or from any drinking-fountain, tank, reservoir, cistern, pump, well, duct, stand-pipe or other work, used for the gratuitous supply of water to the inhabitants of the city and vesting in the corporation: Provided that the use of water in or from any such work shall be limited as prescribed in sub-section (*3*) of section 269.

Halalkhor-tax may be fixed at special rates in certain cases.

172. (*1*) The Commissioner may, whenever he thinks fit, fix the halalkhor-tax to be paid in respect of any hotel, club or other large premises at such special rate as shall be approved by the standing committee in this behalf, either generally or in any particular case, whether the service in respect of which such tax is leviable be performed by halalkhors or by substituted means or appliances.

(2) In the case of premises in respect of which the halalkhor-tax is payable by the Secretary of State for India in Council or by the Trustees of the Port of Bombay, the Commissioner shall fix the said tax at a special rate approved as aforesaid.

(3) In any such case the amount of the halalkhor-tax shall be fixed with reference to the cost or probable cost of the collection, removal and disposal, by the agency of municipal halalkhors, of excrementitious and polluted matter from the premises.

Water-tax or halalkhor-tax paid by any person may be recovered by him from the occupier of the premises for which it is paid.

173. (1) Any person who has paid to the Commissioner any water-tax or halalkhor-tax in respect of any premises shall, if he was not himself in occupation of the said premises during the period for which he has made such payment, be entitled to receive the amount of the said payment from the person, if any, in actual occupation of the said premises for the said period.

(2) For the recovery of the said amount from the person aforesaid, the person who has paid the same shall have the same rights and remedies as if such amount were rent payable to him by the person from whom he is entitled to receive the same.

Refund of Property-taxes for Vacancies.

Refund of water and halalkhor-taxes when and to what extent obtainable.

174. When any building or land, or any portion of any premises which the Commissioner has treated under section 158 as a separate property, has been vacant for not less than thirty consecutive days, the Commissioner shall, subject to the provisions hereinafter contained, refund the amount of the water-tax and halalkhor-tax, if any, paid for the number of days that such vacancy lasted.

Refund of general tax when and to what extent obtainable.

175. When any building or land, or any portion of any premises which the Commissioner has treated under section 158 as a separate property, has been vacant for not less than sixty consecutive days, the Commissioner shall, subject to the provisions hereinafter contained, refund two-thirds of the amount of the general tax, if any, paid for the number of days that such vacancy lasted.

Refund not claimable unless notice of vacancy is given the Commissioner.

176. (1) No refund of any property-tax shall be claimable from the Commissioner as aforesaid, unless notice in writing of the vacancy shall have been given by the person liable for the tax, or his agent, to the Commissioner.

(2) No refund shall be paid by the Commissioner for any period previous to the day of the delivery of such notice.

(3) When a vacancy continues from one half-year in respect of which property-taxes are, under section 197, recoverable, into the next following half-year, no refund of any property-tax shall be claimable from the Commissioner

as aforesaid on account of such continued vacancy, unless notice thereof shall be given to the Commissioner as aforesaid within thirty days from the commencement of the said next following half-year.

Refund of water-tax inadmissible unless application for stopping water-supply has been made.

177. No refund of water-tax shall be claimable except from such time as a written application shall have been made to the Commissioner to stop the water-supply to the vacant premises.

Refund of general tax inadmissible when drawback has been sanctioned.

178. No refund of general tax shall be claimable in any case in which the Commissioner has sanctioned a drawback under sub-section (*2*) of section 158.

Applications for refund when and how to be made.

179. It shall be in the discretion of the Commissioner to disallow any claim for refund of any property-tax, unless application therefor is made to him in writing within thirty days after the expiry of the half-year to which the claim relates, accompanied by the bill presented to the applicant under section 200 for the amount of the tax from which the refund is claimed.

Tax on Vehicles and Animals.

Tax on what vehicles and animals to be levied.

180. Except as hereinafter provided, a tax at rates not exceeding those specified in Schedule G shall be levied on all vehicles and on all animals of the descriptions specified in the said schedule which are kept within the city.

Exemptions from the tax.

181. The said tax shall not be leviable in respect of—

(*a*) any vehicle or animal certified by the Commissioner or the Police Commissioner, as the case may be, to be employed by the owner ther of for municipal or police purposes ;

(*b*) gun-carriages, ordnance carts or wagons, and artillery and cavalry horses ;

(*c*) any horse which any person, exempted by an order issued under section 3 of the [1]Municipal Taxation Act, 1881, from the operation of any municipal tax on horses, is bound by the regulations of the service to which he belongs to keep ; XI of 1881.

[1] Genl. Acts, Vol. III.

(*d*) any horse exempted from municipal taxation by section 25 of the [1] Indian Volunteers' Act, 1869;

(*e*) vehicles and animals belonging to [2][Her Majesty] or to the corporation;

(*f*) vehicles and animals which belong to the persons to whom the right of working street-tramways in the city is granted by the [3] Bombay Tramways Act, 1874, and which are exempted from municipal taxation by the said Act;

Bom. Act I of 1874.

(*g*) vehicles kept by *bonâ fide* dealers in vehicles for sale merely, and not used;

(*h*) trucks used exclusively on a wharf or in or upon any premises appertaining to a factory, workshop, warehouse or railway;

(*i*) hand barrows having one wheel only, [4][bicycles, tricycles, other than motor bicycles and tricycles], and children's perambulators.

Periods by which liability for the tax is determinable.

182. (*1*) Every person who has owned or had charge of any vehicle or animal in respect of which the tax aforesaid is leviable shall, if he has owned or had charge thereof,—

(*a*) for not less than thirty days in any quarter, be liable for the whole tax for that quarter;

(*b*) for less than thirty but more than seven days in any quarter, be liable for one-third of the whole tax for that quarter;

(*c*) for not more than seven days in any quarter, be exempt from liability for the tax for that quarter.

(*2*) When a person has owned or had charge of two or more vehicles or two or more animals of the same description, each at different periods in one quarter, he shall, for the purposes of this section, be deemed to have owned or had charge of one vehicle or one animal only, as the case may be, for the aggregate number of days in the said two or more periods.

Vehicles under repair, or standing at carriage-maker's, exempt.

183. If a vehicle has been under repair or standing at a carriage-maker's during the whole of any quarter, no tax shall be leviable in respect thereof for that quarter.

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[1] The Indian Volunteers Act, 1869 (20 of 1869) was repealed by the Auxiliary Force Act, 1920 (49 of 1920).

[2] These words were substituted for the words "the Secretary of State for India in Council" by s. 5 of the City of Bombay Municipal (Amendment) Act, 1888 (Bom. Act 4 of 1888), *infra*.

[3] Vol. II of this Code.

[4] These words were inserted by s. 7 of the City of Bombay Municipal (Amendment) Act, 1911 (Bom. Act 2 of 1911), Vol. V of this Code.

Animals unfit for use, and not used, exempt.

184. If an animal has been during the whole of any quarter in any institution for the reception of infirm or disused animals, or if any animal certified by a veterinary surgeon to have been unfit for use during the whole of any quarter has not been used during such quarter, no tax shall be leviable in respect of such animal for that quarter.

Livery-stable keepers and others may be compounded with.

185. The Commissioner may, with the approval of the standing committee, compound with any livery-stable-keeper or other person keeping vehicles or horses or bullocks for hire, or with any dealer having stables in which horses are kept for sale on commission or otherwise, for the payment of a lump sum for any period not exceeding one year at a time, in lieu of the taxes which such livery-stable-keeper or other person or dealer would otherwise be liable to pay under section 180.

Vehicle and animal tax book to be kept.

186. (*1*) The Commissioner shall keep a book, in which shall be entered from time to time—

(*a*) a list of the persons liable to pay any tax under section 180;

(*b*) a specification of the vehicles and animals in respect of which the said persons are, respectively, liable to the said tax;

(*c*) the amount of tax-payable by each such person and the period for which it is payable;

(*d*) the particulars of every composition made under section 185.

(*2*) Any person whose name is entered in the said book, or the agent of any such person, shall be permitted, free of charge, to inspect and take extracts from any portion of the said book which relates to such person.

(*3*) Any person not entitled under sub-section (*2*) to inspect and take extracts from any portion of the said book free of charge, shall be permitted to do so on payment of such fee as shall from time to time be prescribed in this behalf by the Commissioner, with the approval of the standing committee.

Returns may be called for from owners of premises and persons supposed to be liable to the tax.

187. (*1*) In order that the said list may be prepared, the Commissioner may require—

(*a*) the owner of any premises let to or occupied by more than one person owing or having the charge of vehicles and animals to furnish him with a written return, signed by such owner, of the name and address of each of the said persons, and of the animals and vehicles owned by or in the charge of each of the said persons kept upon such owner's premises;

(*b*) any person supposed to be liable to the payment of any tax on a vehicle or animal to furnish him with a written return, signed by such person and containing such information concerning the vehicles and animals, if any, owned by or in the charge of such person as the Commissioner shall deem necessary.

(2) Every person on whom any such requisition is made shall be bound to comply with the same, within such reasonable period as the Commissioner prescribes in this behalf, whether such person be liable to the payment of any such tax or not, and to make a true return to the best of his knowledge or belief.

Notice to be given to Commissioner by a person not hitherto liable to the tax, who becomes possessed of a vehicle or animal in respect of which liability arises.

188. Every person who, in any quarter for which a tax on vehicles and animals is leviable, becomes possessed of any vehicle or animal in respect of which he will be liable to the payment of the said tax, shall, if in the immediately preceding quarter he was not liable to the payment of any such tax, give notice, in writing, to the Commissioner, within fifteen days after he has become possessed of such vehicle or animal, of the fact of his having become possessed thereof.

Power to inspect stables and summon persons liable to the tax.

189. (1) The Commissioner may make an inspection of any stable or coach-house or any place wherein he may have reason to believe that there is any vehicle or animal liable to a tax under this Act.

(2) The Commissioner may, by written summons, require the attendance before him of any person whom he has reason to believe to be liable to the payment of a tax in respect of a vehicle or animal, or of any servant of any such person, and may examine such person or servant as to the number and description of vehicles and animals owned by or in the charge of such person; and every person so summoned shall be bound to attend before the Commissioner and to give true information, to the best of his knowledge or belief, as to the said matters.

190. }
191. } *Rep. by s. 5, Bom Act VII of 1921.*

Town-duties.

Town-duties at what rates and on what articles leviable.

192. (1) Except as hereinafter provided, duties at rates not exceeding those respectively specified in Schedule H shall be levied in respect of the several articles mentioned in the said Schedule or of so many of them as the corporation shall from year to year, in accordance with section 128, determine when the said articles are imported from any place into the city.

(2) The said duties shall be called "town-duties."

Table of rates of town-duties to be affixed on certain places.

193. The Commissioner shall cause tables of the town-duties for the time being leviable, specifying the rates at which and the articles on which the same are leviable, to be printed in the English, Gujarati, Marathi and Urdu languages and to be affixed in a conspicuous position at every place at which the said town-duties are levied.

Exemption of articles belonging to Government from town-duty.

194. (*1*) No town-duty shall be leviable on any article which, at the time of its importation, is certified by an officer empowered by Government in this behalf to be the property of Government.

Refund of town-duty on articles which become the property of Government after importation.

(*2*) If any article on which town-duty is paid is imported under a written declaration signed by the importer that such article is being imported for the purpose of fulfilling a specified contract with Government or otherwise for the use of Government, the full amount of the duty paid thereon shall be refunded, on production, at any time within six months after importation, of a certificate signed by an officer empowered by Government in this behalf certifying that the article so imported has become the property of Government.

Exemption of articles imported for immediate exportation.

[1][**194A.** Subject to such rules, not inconsistent with this Act, as the Commissioner, with the approval of the standing committee, shall from time to time frame in this behalf, any article imported into the city for the purpose of immediate exportation may, at the option of the importer, be exempted from the levy of town-duty, if such article is conveyed direct from the place of import to the place of export under such supervision and on payment of such fees therefor as shall be determined in the said rules : provided that no rule framed as aforesaid shall have effect unless and until it is confirmed by Government.]

Refund of town-duty on export.

195. (*1*) When any article upon which town-duty has been paid shall be exported from the city, the full amount of the duty so paid shall, subject to the provisions hereinafter contained, be refunded.

(*2*) Such refunds shall be paid under such rules as the Commissioner, with the approval of the standing committee, shall from time to time frame in this behalf :

(*3*) Provided that—

(*a*) no refund shall be paid on any article, other than timber or flour, not exported within six months, or on any timber not exported within twelve months, from the date of its importation ;

(*b*) a refund shall be claimable on all flour exported from the city, without proof of the importation of the same into the city, equal to seventy-five per centum of the amount of the duty at the time being leviable on the grain from which such flour has been prepared ;

(*c*) no refund shall be paid unless the same is applied for within one month from the date of exportation ;

(*d*) no refund shall be made of any less amount than five rupees ;

(*e*) no rule framed by the Commissioner under this section shall have effect unless and until it is confirmed by Government.

[1]This section was inserted by s. 8 of the City of Bombay Municipal (Amendment) Act, 1911 (Bom. Act 2 of 1911), Vol. V of this Code.

[1][**195A.** (*1*) In addition to the town-duties referred to in section 192 and notwithstanding the provisions of section 128 a town-duty shall be levied on raw cotton imported into the city, by sea or land, from any part of India, at the rate of one rupee for every bale weighing approximately $3\frac{1}{2}$ cwts. Levy of town duty on raw cotton.

(2) Notwithstanding the provisions of sections 194A and 195 no such raw cotton intended for immediate exportation shall be exempted from the levy of such duty nor shall such duty be refunded on its export.]

[**195B.** (*1*) On the 10th day of each month the Commissioner shall pay to Government or to an officer designated by Government for this purpose 4-7ths of the gross revenue derived from such duty during the preceding calendar month after deducting the cost of collection of such proportion of such revenue. Payment of 4-7ths of gross revenue to Government: allocation of duty.

(2) Of the moneys received under sub-section (*1*) a sum of four lakhs of rupees shall be allotted yearly to schemes of improvement and development in the Bombay Suburban Revenue Division as the same may be constituted on the 1st day of December 1920; the balance shall be allotted to the provision of tenements for the working classes in the City of Bombay, as constituted on the 1st day of October 1920. Any moneys so allotted may also be utilized for the payment of interest on loans raised and utilised for the aforesaid purposes respectively and for the provision of sinking funds for the repayment of such loans.]

[1][**195C.** (*1*) Government shall keep a separate account of all moneys allotted under sub-section (*2*) of section 195B to the provision of such tenements; of all loans raised and utilised for the provision of such tenements and of any sinking funds formed for the repayment of such loans; and shall supply the Corporation with a copy of the account for each year. Accounts to be kept: Exercise by Corporation of option to take over arbitration.

(*2*) The Corporation shall have the right, after giving six months' previous notice in writing, to acquire from Government on the 1st day of April 1936, or on the 1st day of April of any subsequent year the right, title and interest of Government in all lands and buildings acquired and all buildings constructed in the City of Bombay constituted as aforesaid, with the aid of such moneys and loans, on indemnifying Government against all then existing and all future liabilities of Government in respect of such lands and buildings and in respect of such loans.

(*3*) For the purpose of determining the amount of any indemnity in respect of any such loan regard shall be had to any then existing sinking fund formed for the repayment of such loan: the intention being that the Corporation shall pay to Government from time to time sufficient moneys—

(*a*) to satisfy all interest on such loan as the same may become payable by Government; and

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[1] Sections 195A to 195D were inserted by s. 2 of the City of Bombay Municipal and Improvement (Amendment) Act, 1920 (Bom. Act 24 of 1920) Vol. V of this Code.

(*b*) to make up, after taking into account any such sinking fund, the amount which Government may be liable to repay at the maturity of such loan.

(*4*) For the purpose of enabling the Corporation to determine whether such right shall be exercised Government shall at all reasonable times after the 1st day of April 1935 cause inspection of such separate account to be given to the Corporation.

(*5*) On the giving of such notice as is referred to in sub-section (*2*) the question as to the amount and form of such indemnity shall stand referred to the sole arbitration of some person to be nominated by the Chief Justice of Bombay who shall be assisted by two assessors, one to be nominated by Government and one by the Corporation and his decision shall be final.

(*6*) Upon the Corporation giving such indemnity the right, title and interest of Government in such lands and buildings shall vest in the Corporation.

(*7*) In the event of the Corporation acquiring as aforesaid the right, title and interest of Government in such lands and buildings the amount payable under sub-section (*1*) of section 195B for each year ending the 31st day of March thereafter shall be reduced by such sum as may be shown to have been the loss to Government upon such lands and buildings, for the year ending the 31st day of March immediately preceding such event, such loss to be estimated without reference to the payments referred to in sub-section (*1*) of section 195B.

(8) Any dispute as to the loss referred to in sub-section (*7*) shall be referred to the sole arbitration of some person to be nominated by the Chief Justice of Bombay who shall be assisted by two assessors, one to be nominated by Government and one by the Corporation, and his decision shall be final.]

Definition of Loan.

[1] [**195D.** Loans raised and utilised for the purpose of repaying (whether directly or indirectly) loans raised and utilised for such schemes of improvement or for the provision of such tenements as are referred to in sub-section (2) of section 195B shall be deemed to be loans raised and utilised for such schemes or for the provision of such tenements as the case may be.]

Supplementary Taxation.

Any tax imposable under this Act may be increased by way of imposing supplementary taxation.

196. Whenever the corporation determine, under section 134, to have recourse to supplementary taxation in any official year, they shall do so by increasing, for the unexpired portion of the said year, the rates at which any tax imposable under this Act is being levied or by adding to the number of articles on which town-duties are being levied, but every such increase or addition shall be made subject to the limitations and conditions on which any such tax is imposable.

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[1] See footnote 1 on p. 127 *supra*.

Collection of Taxes.

Property-taxes payable half-yearly in advance.

197. Each of the property-taxes shall be payable in advance in half-yearly instalments on each first day of April and each first day of October.

Tax on vehicles and animals payable quarterly in arrear; but tax on public conveyances to be paid in advance.

198. (*1*) Except as is hereinafter otherwise provided, the tax on vehicles and animals shall be payable quarterly in arrear on each first day of April and each first day of July and each first day of October and each first day of January:

(*2*) Provided that in the case of any public conveyance licensed by the Police Commissioner under [1]Bombay Act VI of 1863 (*an Act for the regulation of public conveyances in the town, suburbs and harbour of Bombay*), the person who keeps or lets such public conveyance for hire shall be required by the said Commissioner, before any license is issued to him under the said Act, to pay into the municipal office the tax leviable on the said public conveyance and the animal or animals used for the same, for the whole period for which such license is to be granted, together with the fee payable for such license.

Town-duties payable on demand.

199. [2]* * * Town-duties shall be payable on demand.

Presentation of bills for certain taxes.

200. (*1*) When any property-tax or tax on vehicles and animals, other than public conveyances, and the animals used therefor, or any instalment of any such tax, shall have become due, the Commissioner shall, with the least practicable delay, cause to be presented to the person liable for the payment thereof a bill for the sum due.

(*2*) Every such bill shall specify the period for which, and the premises, vehicle or animal in respect of which, the tax is charged, and shall also give notice of the time within which an appeal may be preferred, as hereinafter provided, against such tax.

When one bill may be presented for several claims.

201. (*1*) All the sums due for each half-year for all or any of the three property-taxes by any one person on account of one and the same property shall be charged to such person in one bill and shall be recoverable from him in the lump: Provided that nothing herein contained shall affect the liability of such person to any increased tax to which he may be assessed on account of the said property under section 167.

(*2*) If any one person is liable for all or any of the said taxes on account of more properties than one, it shall be competent to the Commissioner to

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[1] Vol. II of this Code.

[2] The words "Tolls on vehicles entering the city from Salsette and" were repealed by s. 6 of the City of Bombay Municipal (Amendment) Act, 1921 (Bom. Act 7 of 1921), Vol. V of this Code.

charge to such person in one or several bills, as he shall think fit, the several sums payable by him on account of such properties :

Provided that if such person, by written notice to the Commissioner, requests to be furnished with several bills, the Commissioner shall comply with such request in respect of all the said taxes for which such person becomes liable after receipt by the Commissioner of his said notice :

[1] [Provided however that notwithstanding anything in the foregoing proviso no person shall be entitled to be furnished with more than one bill in respect of any building or land which has been treated as comprising more than one separate property under section 158.]

Notice of demand.

202. (*1*) If the amount of tax for which any bill has been presented as aforesaid is not paid into the Municipal office within fifteen days from the presentation thereof, the Commissioner may cause to be served upon the person liable for the payment of the same a notice of demand in the form of Schedule I, or to the like effect.

(*2*) For every notice of demand which the Commissioner causes to be served on any person under this section, a fee of such amount not exceeding one rupee as shall in each case be fixed by the Commissioner shall be payable by the said person and shall be included in the costs of recovery.

Distress.

[2] [**203.** (*1*)] If the person liable for the payment of the said tax do not within fifteen days from the service of the notice of demand pay the sum due, or show sufficient cause for non-payment of the same to the satisfaction of the Commissioner, and if no appeal is preferred against the said tax, as hereinafter provided, such sum, with all costs of the recovery, may be levied under a warrant in the form of Schedule J, or to the like effect, to be issued by the Commissioner, by distress and sale of the goods and chattels of the defaulter, or, if the defaulter be the occupier of any premises in respect of which a property-tax is due, by distress and sale of any goods and chattels found on the said premises.

[3] [(2) If after the service of the notice of demand the amount of the said tax is paid but the fee for the notice is not paid, the sum due on account

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[1] This proviso was added by s. 9 of the City of Bombay Municipal (Amendment) Act, 1911 (Bom. Act 2 of 1911), Vol. V of this Code.

[2] Section 203 was numbered sub-section (*1*) of s. 203 by s. 4 of the City of Bombay Municipal (Amendment) Act, 1918 (Bom. Act 8 of 1918), Vol. V of this Code.

[3] This sub-section was added by *ibid.*

of the said fee may be levied under a warrant in the form of Schedule J (*mutatis mutandis*) to be issued by the Commissioner in the same manner as if such sum were due on account of the tax.

Goods of defaulter may be distrained, wherever found.

204. The goods and chattels of any person liable for the payment of any tax, for levy of which a warrant has been issued as aforesaid, may be distrained wherever the same may be found.

Inventory and notice of distress and sale.

205. The officer charged with the execution of a warrant of distress issued under section 203 shall forthwith make an inventory of the goods and chattels which he seizes under such warrant, and shall at the same time give a written notice, in the form of Schedule K, to the person in possession thereof at the time of seizure, that the said goods and chattels will be sold as therein mentioned.

Sale.

206. (*1*) If the warrant is not in the meantime suspended by the Commissioner or discharged, the goods and chattels seized shall, after the expiry of the period named in the notice served under the last preceding section, be sold by order of the Commissioner, who shall apply the proceeds or such part thereof as shall be requisite in discharge of the sum due and of the costs of recovery.

(*2*) The surplus, if any, shall be forthwith credited to the municipal fund, but, if the same be claimed by written application to the Commissioner within one year from the date of the sale, a refund thereof shall be made to the person in possession of the goods and chattels at the time of the seizure. Any surplus not claimed within one year as aforesaid shall be the property of the corporation.

Fees for distraints.

207. For every distraint made under this Act a fee shall be charged at the rate set forth in Schedule L, and the said fee shall be included in the costs of recovery.

Fees for cost of recovery may be remitted.

208. The Commissioner may, in his discretion, remit the whole or any part of any fee chargeable under the last preceding section or under sub-section (*2*) of section 202.

When occupiers may be held liable for payment of property taxes.

209. (*1*) If the sum due on account of any property-tax remains unpaid after a bill for the same has been duly presented to the person primarily liable for the payment thereof, and the said person be not the occupier for the time being of the premises in respect of which the tax is due, the Commissioner may present a bill for the amount to the occupier of the said premises, or, if

there are two or more occupiers thereof, may present a bill to each of them for such portion of the sum due as bears to the whole amount due the same ratio which the rent paid by such occupier bears to the aggregate amount of rent paid by them both or all in respect of the said premises.

(2) If the occupier or any of the occupiers fails within fifteen days from the presentation of any such bill to pay the amount therein claimed, the said amount may be recovered from him in accordance with the foregoing provisions.

(3) No arrear of a property-tax shall be recovered from any occupier under this section, which has remained due for more than one year, or which is due on account of any period for which the occupier was not in occupation of the premises on which the tax is assessed.

(4) If any sum is paid by, or recovered from, an occupier under this section, he shall be entitled to credit therefor in account with the person primarily liable for the payment of the same.

Summary proceedings may be taken against persons about to leave the city.

210. (1) If the Commissioner shall at any time have reason to believe that any person from whom any sum is due on account of any property-tax or tax on vehicles and animals, or who would be liable for any sum on account of the tax on vehicles and animals if the current quarter had come to a close, is about forthwith to remove from the city, the Commissioner may direct the immediate payment by such person of the sum so due or about to become due by him and cause a bill for the same to be presented to him.

(2) If, on presentation of such bill, the said person do not forthwith pay the sum due or about to become due by him, the amount shall be leviable by distress and sale in the manner hereinbefore prescribed, except that it shall not be necessary to serve upon the defaulter any notice of demand, and the Commissioner's warrant for distress and sale may be issued and executed without any delay.

Defaulters may be sued for arrears, if necessary.

211. Instead of proceeding against a defaulter by distress and sale as hereinbefore provided, or after a defaulter shall have been so proceeded against unsuccessfully or with only partial success, any sum due or the balance of any sum due, as the case may be, by such defaulter, on account of a property-tax or of the tax on vehicles and animals, may be recovered from him by a suit in any Court of competent jurisdiction.

Property-taxes to be a first charge on premises on which they are assessed.

212. Property-taxes due under this Act in respect of any building or land shall, subject to the prior payment of the land-revenue, if any, due to Government thereupon, be a first charge upon the said building or land and upon the goods and chattels, if any, found within or upon such building or land and belonging to the person liable for such taxes.

213. (*1*) [1] * * * * * * Town-duties— Collection town-duties how to be effected.

(*a*) may be collected, under the orders of the Commissioner, by municipal officers and servants appointed in this behalf; or

(*b*) if the Commissioner thinks fit, may, with the approval of the standing committee, be framed by him for any period not exceeding one year at a time or be collected by or under the orders of any person whom the Commissioner, with the approval of the standing committee, appoints to be his agent for this purpose.

(*2*) [2] * * * Town-duties shall be collected, and refunds of town-duties shall be made, at such places, and be managed and controlled in such manner, as the Commissioner, with the approval of the standing committee, shall from time to time direct.

214. *Rep. by s. 8, Bom. Act VII of 1921.*

215. Every person authorised under section 213 to collect or to refund town-duties shall have, in respect of the collection of the said duties and of paying refunds and of the confiscation of goods in connection therewith, the same powers as are conferred by any law at the time in force on the Commissioner of Customs of Bombay and the officers subordinate to him in respect of the levy of customs-duties and of the grant of drawbacks and of the confiscation of goods in connection therewith, and shall also have the same privileges and be subject to the same liabilities in respect of anything done by him in or for the purpose of collecting or refunding town-duties as the said Commissioner of Customs and the officers subordinate to him have or are subject to, under any law at the time in force relating to customs-duties. Powers of persons authorized to collect and refund town-duties.

216. The Commissioner may, with the approval of the standing committee, from time to time write off any sum due on account of any tax or of the costs of recovering any tax, which shall, in his opinion, be irrecoverable. Writing off of irrecoverable taxes.

Appeals against Valuations and Taxes.

[3] **217.** (*1*) Subject to the provisions hereinafter contained, appeals against any rateable value or tax fixed or charged under this Act shall be heard and determined by the Chief Judge of the Small Cause Court. Appeals when and to whom to lie.

(*2*) But no such appeal shall be heard by the said Chief Judge unless—

(*a*) it is brought within fifteen days after the accrual of the cause of complaint;

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[1] The words "Tolls on vehicles entering the city from Salsette and" were repealed by s. 7 (*a*) of the City of Bombay Municipal (Amendment) Act, 1921 (Bom. Act 7 of 1921), Vol. V of this Code.

[2] The words "The said tolls and" were repealed by s. 7 (*b*) *ibid.*

[3] As to references by the Chief Judge of the Court of Small Causes to the High Court, before or on the hearing of an appeal under section 217—*see* Act 12 of 1888, s. 2, Vol. I of this Code.

(*b*) in the case of an appeal against a rateable value, a complaint has previously been made to the Commissioner under section 163, and such complaint has been disposed of ;

(*c*) in the case of an appeal against any amendment made in the assessment-book under section 167 during the official year, a complaint has been made by the person aggrieved within fifteen days after he first received notice of such amendment, and his complaint has been disposed of ;

(*d*) in the case of an appeal against a tax, or in the case of an appeal made against a rateable value after a bill for any property-tax assessed upon such value has been presented to the appellant, the amount claimed from the appellant has been deposited by him with the Commissioner.

Cause of complaint when to be deemed to have accrued.

218. For the purposes of the last preceding section, cause of complaint shall be deemed to have accrued as follows, namely—

(*a*) in the case of an appeal against a rateable value, on the day when the complaint made to the Commissioner under section 163 against such value is disposed of ;

(*b*) in the case of an appeal against any amendment made in the assessment-book, under section 167, during the official year, on the day when the complaint made to the Commissioner by the person aggrieved against such amendment is disposed of ;

(*c*) in the case of an appeal against a tax, on the day when payment thereof is demanded or when a bill therefor is presented.

Unappealed values and taxes and decisions on appeal to be final.

219. (*1*) Every rateable value fixed under this Act against which no complaint is made as hereinbefore provided, and

the amount of every sum claimed from any person under this Act on account of any tax, if no appeal therefrom is made as hereinbefore provided, and

the decision of the Chief Judge aforesaid upon any appeal against any such value or tax,

shall be final.

(*2*) Effect shall be given by the Commissioner to every decision of the said Chief Judge on any appeal against any such value or tax.

CHAPTER IX.

DRAINS AND DRAINAGE-WORKS.

Municipal Drains.

Municipal drains to be under the control of the Commissioner.

220. All drains [1][vesting in or] belonging to the corporation—which in this Act are referred to as "municipal drains"—shall be under the control of the Commissioner.

[1] These words were inserted by s. 10 of the City of Bombay Municipal (Amendment) Act, 1905 (Bom. Act 5 of 1905), Vol. IV of this Code.

[1][**220A.** (*1*) Any natural water-course heretofore belonging to His Majesty by which rain-water or drainage of any kind is carried, may, on application to Government made by the Commissioner with the previous approval of the standing committee, be vested in the corporation: Provided that— Vesting of water-courses.

(*a*) it shall be in the discretion of Government in each case to determine whether a particular water-course so applied for shall be so vested, and

(*b*) a resolution of Government declaring that a water-course so applied for may be made over to the corporation shall, from the date thereof, operate to vest such water-course in the corporation.]

[2][**221.** (*1*)] The Commissioner shall maintain and keep in repair all municipal drains and, when authorized by the corporation in this behalf, shall construct such new drains as shall from time to time be necessary for effectually draining the city. Drains to be constructed and kept in repair by the Commissioner.

[3][(*2*) The Commissioner shall also, in the case of any street in which there is a municipal drain, construct at the charge of the municipal fund such portion of the drain of any premises to be connected with such municipal drain as it shall be necessary to lay under any part of such street, and the portion of any connecting drain so laid under the street shall vest in the corporation and be maintained and kept in repair by the Commissioner as a municipal drain.]

222. (*1*) The Commissioner may carry any municipal drain through, across or under any street, or any place laid out as or intended for a street, or under any cellar or vault which may be under any street, and, after giving reasonable notice in writing to the owner or occupier, into, through or under any land whatsoever within the city, or, for the purpose of outfall or distribution of sewage, without the city. Powers for making drains.

(*2*) The Commissioner may enter upon, and construct any new drain in the place of an existing drain in, any land wherein any municipal drain has been already lawfully constructed, or repair or alter any municipal drain so constructed.

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[1] This section was added by s. 11 of the City of Bombay Municipal (Amendment) Act, 1905 (Bom. Act 5 of 1905), Vol. IV of this Code.

[2] This section was re-numbered section 221, sub-section (*1*), by s. 12 (*1*), *ibid.*

[3] Sub-section (*2*) was inserted by s. 12 (*2*), *ibid.*

(*3*) In the exercise of any power under this section, as little damage as can be shall be done, and compensation shall be paid by the Commissioner to any person who sustains damage by the exercise of such power.

Buildings, etc., not to be erected without permission over drains.

223. (*1*) Without the written permission of the Commissioner, no building, wall or other structure shall be newly erected, and no street or railway shall be constructed, over any municipal drain.

(*2*) If any building, wall or other structure be so erected, or any street or railway be so constructed, the Commissioner may, with the approval of the standing committee, remove or otherwise deal with the same as he shall think fit, and the expenses thereby incurred shall be paid by the person offending.

Alteration and discontinuance of drains.

224. (*1*) The Commissioner may enlarge, arch over or otherwise improve any municipal drain, and may discontinue, close up or destroy any such drain which has, in his opinion, become useless or unnecessary:

(*2*) Provided that the discontinuance, closing up or destruction of any drain shall be so done as to create the least practicable nuisance or inconvenience to any person, and, if by reason of anything done under this section any person is deprived of the lawful use of any drain, the Commissioner shall, as soon as may be, provide for his use some other drain as effectual as the one which has been discontinued, closed up or destroyed.

Cleansing drains.

225. (*1*) The municipal drains shall be so constructed, maintained and kept as to create the least practicable nuisance and shall be from time to time properly flushed, cleansed and emptied.

(*2*) For the purpose of flushing, cleansing and emptying the said drains, the Commissioner may, when authorized by the corporation in this behalf, construct or set up such reservoirs, sluices, engines and other works, as he shall from time to time deem necessary.

226. [*Repealed by Bom. V of 1905.*]

Drains of Private Streets and Drainage of Premises.

Power to connect drains of private streets with municipal drains.

227. The owner of a private street shall be entitled to connect the drain of such street with a municipal drain, subject to the following conditions, namely—

(*a*) before commencing to construct such drain, the owner of the street shall submit to the Commissioner a plan of the street, bearing the signature of a licensed surveyor in token of its having been made by him or under his supervision, and drawn, to such a convenient scale as the Commissioner shall require, and there shall be shown

on such plan the position, course and dimensions of the proposed drain, with a section or sections thereof, and such other particulars in relation thereto as the Commissioner shall deem necessary and require, and no such drain shall be proceeded with without the approval in writing or contrary to the directions of the Commissioner;

(*b*) the drain of such private street shall, at the expense of the owner of the street, be constructed of such size, material and description, and be branched into the municipal drain in such manner and form of communication in all respects, as the Commissioner, with the approval of the standing committee, shall direct;

(*c*) the Commissioner may, if he thinks fit, construct such part of such drain and such part of the work necessary for branching the same into the municipal drain as shall be in or under any public street or place vesting in the corporation and, in such case, the expenses incurred by the Commissioner shall be paid by the owner of the private street.

Power of owners and occupiers of premises to drain into municipal drains.

228. The owner or occupier of any premises shall be entitled to cause his drain to empty into a municipal drain [1] [or other place legally set apart for the discharge of drainage,] provided that he first obtains the written permission of the Commissioner and that he complies with such conditions as the Commissioner prescribes as to the mode in which and the superintendence under which [2] [connections with municipal drains or other places aforesaid] are to be made.

Connections with municipal drains not to be made except in conformity with section 227 or 228.

229. No person shall, without complying with the provisions of section 227 or 228, as the case may be, make or cause to be made any connection of a drain belonging to himself or to some other person with any municipal drain [1] [or other place legally set apart for the discharge of drainage]; and the Commissioner may, with the approval of the standing committee, close, demolish, alter or re-make any such connection made in contravention of this section, and the expenses incurrred by the Commissioner in so doing shall be paid by the owner of the street, or the owner or occupier of the premises, for the benefit of which the connection was made, or by the person offending.

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[1] These words were inserted by s. 14 (*1*) of the City of Bombay Municipal (Amendment) Act, 1905 (Bom. Act 5 of 1905), Vol. IV of this Code.

[2] These words were substituted for the words "the communications between drains not belonging to the corporation and municipal drains" by s. 15 *ibid.*

Buildings, etc., not to be erected without permission over any drains.

[1] [**229A.** (*1*) Without the written permission of the Commissioner, no building, wall or other structure shall be newly erected over any drain.

(2) If any building, wall or other structure be so erected, the Commissioner, after giving the offending person ten days' notice of his intention, may apply for the approval of the standing committee and may with their approval remove or otherwise deal with the same as he shall think fit, and the expenses thereby incurred shall be paid by the person offending.]

Right of owners and occupiers of premises to carry drains through land belonging to other persons.

230. (*1*) If it shall appear to the Commissioner that the only means or the most convenient means, by which the owner or occupier of any premises can cause his drain to empty into a municipal drain [2] [or other place legally set apart for the discharge of drainage,] is by carrying the same into, through or under any land belonging to some person other than the said owner or occupier, the Commissioner, after giving to the owner of the land a reasonable opportunity of stating any objection, may, with the approval of the standing committee, if no objection is raised, or if any objection which is raised appears to him invalid or insufficient, by an order in writing, authorize the said owner or occupier to carry his drain into, through or under the said land in such manner as he shall think fit to allow.

(2) Every such order, bearing the signature of the Commissioner, shall be a complete authority to the person in whose favour it is made, or to any agent or person employed by him for this purpose, after giving to the owner of the land reasonable written notice of his intention so to do, to enter upon the said land with assistants and workmen, at any time between sunrise and sunset, and to execute the necessary work.

(3) Subject to all other provisions of this Act, the owner or occupier of any premises, or any agent or person employed by him for this purpose, may, after giving to the owner of any land, wherein a drain has been already lawfully constructed for the drainage of his said premises, reasonable written notice of his intention so to do, enter upon the said land with assistants and workmen, at any time between sunrise and sunset, and construct a new drain in the place of the existing drain or repair or alter any drain so constructed.

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[1] This section was inserted by s. 5 of the City of Bombay Municipal (Amendment) Act, 1918 (Bom. Act 8 of 1918), Vol. V of this Code.

[2] These words were inserted by s. 14 (*1*) of the City of Bombay Municipal (Amendment) Act, 1905 (Bom. Act 5 of 1905), Vol. IV of this Code.

(*4*) In executing any work under this section, as little damage as can be shall be done, and the owner or occupier of premises [1] [for the benefit of which] the work is done shall—

(*a*) cause the work to be executed with the least practicable delay ;

(*b*) fill in, reinstate and make good, at his own cost and with the least practicable delay, the ground or portion of any building or other construction, opened, broken up or removed for the purpose of executing the said work ;

(*c*) pay compensation to any person who sustains damage by the execution of the said work.

(*5*) If the owner of any land, into, through or under which a drain has been carried under this section whilst such land was unbuilt upon, shall, at any time afterwards, desire to erect a building on such land, the Commissioner shall, with the approval of the standing committee, by written notice, require the owner or occupier of the premises for the benefit of which such drain was constructed to close, remove or divert the same in such manner as shall be approved by the said committee, and to fill in, reinstate and make good the land as if the drain had not been carried into, through or under the same : Provided that no such requisition shall be made, unless, in the opinion of the standing committee, it is necessary or expedient, in order to admit of the construction of the proposed building or the safe enjoyment thereof, that the drain be closed, removed or diverted.

Owner of land to allow others to carry drains through the land.

[2] [**230A.** Every owner of land shall be bound to allow any person, in whose favour an order has been made under section 230, sub-section (*1*), to carry a drain into, through or under the land of such owner on such terms as may be prescribed in such order.]

Commissioner may enforce drainage of undrained premises situate within a hundred feet of a municipal drain.

231. Where any premises are, in the opinion of the Commissioner, without sufficient means of effectual drainage and a municipal drain or some place legally set apart for the discharge of drainage is situated at a distance not exceeding one hundred feet from some part of the said premises, the Commissioner may, by written notice, require the owner or occupier of the said premises—

(*a*) to make a drain of such material, size and description and laid at such level [3] [and according to such alignment] and with such fall

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[1] These words were substituted for the words "by whom or in whose behalf" by s. 16 of the City of Bombay Municipal (Amendment) Act, 1905 (Bom. Act 5 of 1905), Vol. IV of this Code.

[2] This section was inserted by s. 6 of the City of Bombay Municipal (Amendment) Act, 1918 (Bom. Act 8 of 1918), Vol. V of this Code.

[3] These words were inserted by s. 17 (*a*) of the City of Bombay Municipal (Amendment) Act, 1905 (Bom. Act 5 of 1905), Vol. IV of this Code.

and outlet as may appear to the Commissioner necessary, emptying into such municipal drain or place aforesaid :

[1] [Provided that, where any premises have already been drained under municipal rules and have to be re-drained, no such requisition shall be made without the previous sanction of the standing committee ;]

(*b*) to provide and set up all such appliances and fittings as may appear to the Commissioner necessary for the purposes of gathering and receiving the drainage from, and conveying the same off, the said premises and of effectually flushing such drain and every fixture connected therewith ;

(*c*) to remove any existing drain, or other appliance or thing used or intended to be used for drainage, which is injurious to health.

Commissioner may enforce drainage of undrained premises not situate within a hundred feet of a municipal drain.

232. (*1*) Where any premises are, in the opinion of the Commissioner without sufficient means of effectual drainage, but no municipal drain or such place as aforesaid is situated at a distance not exceeding one hundred feet from some part of the said premises, the Commissioner may, by written notice, require the owner or occupier of the said premises—

[2] [(*a*) to construct a drain up to a point to be prescribed in such notice, but not distant more than one hundred feet from some part of the said premises, or

(*b*) to construct a closed cesspool of such material, size and description in such position, at such level, and with allowance for such fall as the Commissioner thinks necessary, and drain or drains emptying into such cesspool].

[3] [(*2*) Any requisition for the construction of any drain under sub-section (*1*) may comprise any detail specified in clause (*a*), (*b*) or (*c*) of section 231.]

Power of Commissioner to drain premises in combination.

[4] [**232A.** (*1*) Where the Commissioner is of opinion that any group or block of premises, any part of which is situate within one hundred feet of a

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[1] This proviso was added by s. 17 (*b*) of the City of Bombay Municipal (Amendment) Act, 1905 (Bom. Act 5 of 1905), Vol. IV of this Code.

[2] Clauses (*a*) and (*b*) of s. 232 were substituted for the words "to make a drain emptying into a covered cesspool" by s. 18 (*a*) *ibid.*

[3] Sub-section (*2*) was substituted by s. 18 (*b*) *ibid.*

[4] This section was inserted by s. 19 *ibid.*

municipal drain, or other place legally set apart for the discharge of drainage, already existing or about to be constructed, may be drained more economically or advantageously in combination than separately, the Commissioner may, with the approval of the standing committee, cause such group or block of premises to be drained by such method as appears to the Commissioner to be best suited therefor, and the expenses incurred by the Commissioner in so doing shall be paid by the owners of such premises in such proportions as the standing committee may think fit.

(2) Not less than fifteen days before any work under this section is commenced, the Commissioner shall give written notice to the owners of all the premises to be drained, of—

(*a*) the nature of the intended work,

(*b*) the estimated expenses thereof, and

(*c*) the proportion of such expenses payable by each owner.

(3) The owners for the time being of the several premises constituting a group or block drained under sub-section (*1*) shall be the joint owners of every drain constructed, erected or fixed, or continued, for the special use and benefit only of such premises, and shall, in the proportions in which it is determined that the owners of such premises are to contribute to the expenses incurred by the Commissioner under sub-section (*1*), be responsible for the expense of maintaining every such drain in good repair and efficient condition, but every such drain shall from time to time be flushed, cleansed and emptied by the Commissioner at the charge of the municipal fund.]

Commissioner may close or limit the use of existing private drains.

233. (*1*) Where a drain connecting any premises with a municipal drain [1] [or other place legally set apart for the discharge of drainage] is sufficient for the effectual drainage of the said premises and is otherwise unobjectionable, but is not, in the opinion of the Commissioner, adapted to the general drainage system of the city, [2] [or of the part of the city in which such drain is situated], the Commissioner, with the approval of the standing committee, may—

(*a*) subject to the provision of sub-section (*2*), close, discontinue or destroy the said drain and cause any work necessary for that purpose to be done;

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[1] These words were inserted by s. 14 (*1*) of the City of Bombay Municipal (Amendment) Act, 1905 (Bom. Act 5 of 1905), Vol. IV of this Code.

[2] These words were inserted by s. 20 (*a*) *ibid.*

[1][(*b*) direct that such drain shall, from such date as he prescribes in this behalf, be used for sullage and sewage only, or for rain-water only, or for unpolluted sub-soil water only, or for both rain-water and unpolluted sub-soil water only, and by written notice require the owner or occupier of the premises to make an entirely distinct drain for rain-water or unpolluted sub-soil water, or for both rain-water and unpolluted sub-soil water, or for sullage and sewage.]

(*2*) No drain may be closed, discontinued or destroyed by the Commissioner under clause (*a*), except on condition of his providing another drain as effectual for the drainage of the premises and communicating with any municipal drain [2][or other place aforesaid] which the Commissioner thinks fit; and the expenses of the construction of any drain so provided by the Commissioner and of any work done under clause (*a*) shall be paid by the Commissioner.

(*3*) Any requisition made by the Commissioner under clause (*b*) may embrace any detail specified in clause (*a*) or clause (*b*) of section 231.

Vesting and maintenance of drains for sole use of properties.

[3][**233A.** Subject to the provisions of sub-section (*2*) of section 221, every drain which has been constructed, [4][laid], erected or set up, whether at the expense of the corporation or not, or which is continued, for the sole use and benefit of any premises [5][or group of premises] shall—

(*a*) notwithstanding anything contained in section 242, vest in the owner of such premises [6][or group of premises] on and from the thirtieth day of September 1905; and

[7][(*b*) be provided with all such further appliances and fittings as may appear to the Commissioner necessary for the more effectual working of the same, and also be maintained in good repair and efficient condition by the owner of such premises or group of premises, and be from time to time flushed, cleansed and emptied by the Commissioner at the charge of the municipal fund].]

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[1] This clause was substituted by s. 20 (*b*) of the City of Bombay Municipal (Amendment) Act, 1905 (Bom. Act 5 of 1905), Vol. IV of this Code.

[2] These words were inserted by s. 14 (*2*), *ibid.*

[3] This section was inserted by s. 21, *ibid.*

[4] The word "laid" was inserted by s. 7 (*a*) of the City of Bombay Municipal (Amendment) Act, 1918 (Bom. Act 8 of 1918), Vol. V of this Code.

[5] These words were inserted by s. 7 (*b*), *ibid.*

[6] These words were inserted by s. 7 (*c*), *ibid.*

[7] This clause was substituted by s. 7 (*d*), *ibid.*

New buildings not to be erected without drains.

234. (*1*) It shall not be lawful newly to erect any building, or to rebuild any building, or to occupy any building newly erected or rebuilt, unless and until—

(*a*) a drain be constructed of such size, materials and description, at such level and with such fall, as shall appear to the Commissioner to be necessary for the effectual drainage of such building;

(*b*) there have been provided for and set up in such building and in the premises appurtenant thereto, all such appliances and fittings as may appear to the Commissioner to be necessary for the purposes of gathering and receiving the drainage from, and conveying the same off, the said building and the said premises, and of effectually flushing the drain of the said building and every fixture connected therewith.

(*2*) The drain to be constructed as aforesaid shall empty into a municipal drain or into some place legally set apart for the discharge of drainage situated at a distance not exceeding one hundred feet from [1][the premises in which such building is situated;] but if no such drain or place is within that distance, then such drain shall empty into such cesspool as the Commissioner directs.

Excrementitious matter not to be passed into cesspool.

235. No person shall, except with the permission of the Commissioner, pass or cause or permit to be passed any excrementitious matter into any cesspool made or used under section 232 or section 234, or into any drain communicating with any such cesspool.

Obligation of owners of drains to allow use thereof or joint ownership therein to others.

236. Every owner of a drain connected with a municipal drain [2][or other place legally set apart for the discharge of drainage] shall be bound to allow the use of it to others, or to admit other persons as joint owners thereof, on such terms as may be prescribed under section 238.

How right of use or joint ownership of a drain may be obtained by a person other than the owner.

237. Any person desiring to drain his premises into a municipal drain, through a drain of which he is not an owner, may make a private arrangement with the owner, for permitting his use of the drain, or may apply to the

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[1] These words were substituted for the words "such building" by s. 22 of the City of Bombay Municipal (Amendment) Act, 1905 (Bom. Act 5 of 1905), Vol. IV of this Code.

[2] These words were inserted by s. 14 (*1*), *ibid.*

Commissioner for authority to use such drain or to be declared joint owner thereof.

Commissioner may authorize person other than the owner of a drain to use the same or declare him to be a joint owner thereof.

238. (*1*) [1][Where the Commissioner is of opinion, whether on receipt of such application or otherwise, that the only, or the most convenient, means by which the owner or occupier of any premises can cause the drain of such premises to empty into a municipal drain or other place legally set apart for the discharge of drainage is through a drain communicating with such municipal drain or place aforesaid, but belonging to some person other than the said owner or occupier] the Commissioner, after giving the owner of the drain a reasonable opportunity of stating any objection thereto, may, with the approval of the standing committee, if no objection is raised or if any objection which is raised appears to him invalid or insufficient, by an order in writing, either authorize the [2][said owner or occupier] to use the drain or declare him to be a joint owner thereof, on such conditions as to the payment of rent or compensation and as to connecting the drain of the [2][said premises] with the [3][communicating drain] and as to the respective responsibilities of the parties for maintaining, repairing, flushing, cleaning and emptying the joint drain, or otherwise, as may appear to him equitable.

(*2*) Every such order bearing the signature of the Commissioner shall be a complete authority to the person in whose favour it is made, or to any agent or person employed by him for this purpose, after giving or tendering to the owner of the drain the compensation or rent specified in the said order and otherwise fulfilling, as far as possible, the conditions of the said order, and after giving to the owner of the drain reasonable written notice of his intention so to do, to enter upon the land in which the said drain is situate, with assistants and workmen, at any time between sunrise and sunset, and, subject to all provisions of this Act, to do all such things as may be necessary for—

(*a*) connecting the two drains ; or

(*b*) renewing, repairing or altering the connection ; or

(*c*) discharging any responsibility attaching to the person in whose favour the Commissioner's order is made for maintaining, repairing, flushing, cleaning or emptying the joint drain or any part thereof.

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[1] These words were substituted for the words "On receipt of any such application" by s. 23(*a*) of the City of Bombay Municipal (Amendment) Act, 1905 (Bom. Act 5 of 1905), Vol. IV of this Code.

[2] These words were substituted for the word "applicant" by s. 23 (*b*)-(*i*) *ibid.*

[3] These words were substituted for the words "drain to which his application refers" by s. 23 (*b*) (*ii*), *ibid.*

(*3*) In respect of the execution of any work under sub-section (*2*), the person in whose favour the Commissioner's order is made shall be subject to the same restrictions and liabilities which are specified in sub-section (*4*) of section 230.

Sewage and rain water drains to be distinct.

239. Whenever it is provided in this chapter that steps shall or may be taken for the effectual drainage of any premises, it shall be competent to the Commissioner to require that there shall be one drain for sullage, excrementitious matter and polluted water and another and an entirely distinct drain for rain-water or unpolluted sub-soil water or for both rain-water and unpolluted sub-soil water, each emptying into separate municipal drains [1][or other places legally set apart for the discharge of drainage] or other suitable places.

Drains not to pass beneath buildings.

240. Except with the written permission of the Commissioner, and in conformity with such conditions as shall be prescribed by the standing committee, either generally or specially, in this behalf, no drain shall be so constructed as to pass beneath any part of a building.

Position of cesspools.

[2] [**241.** No person shall construct a cesspool—

(*a*) beneath any part of any building, or within twenty feet of any lake, tank, reservoir, stream, spring or well; or

(*b*) upon any site or in any position which has not been approved in writing by the Commissioner.]

Right of corporation to drains, etc., constructed, etc. at charge of municipal fund on premises not belonging to the corporation.

242. All drains, ventilation-shafts and pipes and all appliances and fittings connected with drainage-works constructed, erected or set up at the charge of the municipal fund upon premises not belonging to the corporation, whether before or after the passing of this Act, and [3][otherwise than for the sole use and benefit of the said premises] shall, unless the corporation has otherwise determined or shall at any time otherwise determine, vest, and be deemed to have always vested, in the corporation.

All drains and cesspools to be properly covered and ventilated.

243. (*1*) Every drain and cesspool, whether belonging to the corporation or to any other person, shall be provided with proper traps and coverings and with proper means of ventilation.

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[1] These words were inserted by s. 14 (*1*) the City of Bombay Municipal (Amendment) Act, 1905 (Bom. Act 5 of 1905), Vol. IV of this Code.

[2] This section was substituted by s. 24 *ibid.*

[3] These words were substituted for the words "whether for the use of the owner [or occupier of the said premises or not" by s. 25 *ibid.*

(2) The Commissioner may, by written notice, require the owner of any drain or cesspool not belonging to the corporation to provide and apply to the said drain or cesspool such trap and covering and such means of ventilation as would be provided and applied if such drain or cesspool belonged to the corporation.

Affixing of pipes for ventilation of drains, etc.

244. (1) For the purpose of ventilating any drain or cesspool, whether belonging to the corporation or to any other person, the Commissioner may erect upon any premises or affix to the outside of any building or to any tree any such shaft or pipe as shall appear to the Commissioner necessary [1] [and cut through any projection from any building (including the eaves of any roof thereof) in order to carry up such shaft or pipe through any such projection; and lay in, through, or under any land, such appliances as may in the opinion of the Commissioner be necessary for connecting such ventilating shaft or pipe with the drain or cesspool intended to be ventilated] :

(2) Provided that any shaft or pipe so erected or affixed shall—

(*a*) be carried at least [2] [fifteen] feet higher than any sky-light or window situated within a distance of [2] [forty] feet therefrom;

(*b*) if the same be affixed to a wall supporting the eave of a roof, be carried at least five feet higher than such eave ;

(*c*) be erected or affixed so as to create the least practicable nuisance or inconvenience to the inhabitants of the neighbourhood ;

(*d*) be removed by the Commissioner to some other place, if at any time the owner of the premises, building or tree upon or to which the same has been erected or affixed is desirous of effecting any change in his property which either cannot be carried out, or cannot without unreasonable inconvenience be carried out, unless the shaft or pipe is removed.

(3) If the Commissioner declines to remove a shaft or pipe under clause (*d*), the owner of the premises, building or tree, upon or to which the same has been erected or affixed, may apply to the Chief Judge of the Small Cause Court ; and the said Chief Judge may, after such inquiry as he thinks fit to make, direct the Commissioner to remove the shaft or pipe, and it shall be incumbent on the Commissioner to obey such order.

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[1] These words were added by s. 26 (*a*) of the City of Bomba Municipal (Amendment), Act, 1905 (Bom. Act 5 of 1905), Vol. IV of this Code.

[2] These words were substituted for the words "ten" and "twenty" respectively by s. 26 (*b*), *ibid.*

[1][(4) Where the owner of any building or land cut through, opened or otherwise dealt with under sub-section (1) is not the owner of the drain or cesspool intended to be ventilated, the Commissioner shall, so far as is practicable, reinstate and make good such building, and fill in and make good such land, at the charge of the municipal fund.]

Disposal of Sewage.

Appointment of places for emptying of drains and disposal of sewage.

245. The Commissioner may cause all or any municipal drains to empty into the sea or other place, whether within or without the city, and dispose of the sewage at any place, whether within or without the city, and in any manner, which he shall deem suitable for such purpose: Provided that—

(*a*) the Commissioner shall not cause any municipal drain to empty into any place into which a municipal drain has not heretofore emptied, or dispose of sewage at any place or in any manner at or in which sewage has not heretofore been disposed of, without the sanction of the corporation;

(*b*) any power conferred by this section shall be exercised in such manner as to create the least practicable nuisance;

(*c*) no municipal drain shall be made to empty into any place, and no sewage shall be disposed of at any place or in any manner which Government shall think fit to disallow.

Provision of means for disposal of sewage.

246. (*1*) For the purpose of receiving, storing, disinfecting, distributing or otherwise disposing of sewage, the Commissioner may, when authorized by the corporation in this behalf—

(*a*) construct any work within or without the city;

(*b*) purchase or take on lease any land, building, engine, material or apparatus, either within or without the city;

(*c*) enter into an arrangement with any person for any period not exceeding twenty years, for the removal or disposal of sewage [2][within or without the city]:

(*2*) Provided that any power conferred by this section shall be exercised in such manner as to cause the least practicable nuisance.

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[1] Sub-section (4) of section 244 was added by s. 26 (*c*) of the City of Bombay Municipal (Amendment) Act, 1905 (Bom. Act 5 of 1905), Vol. IV of this Code.

[2] These words were added by s. 27 *ibid.*

Water-closets, Privies, Urinals, etc.

Construction of water-closets and privies.

[1] [**246A.** (*1*) It shall not be lawful to construct any water-closet or privy for any premises except with the written permission of the Commissioner and in accordance with such terms not being inconsistent with any by-law for the time being in force as he may prescribe.

(*2*) In prescribing any such terms the Commissioner may determine in each case—

(*a*) whether the premises shall be served by the water-closet or by the privy system, or partly by one and partly by the other; and

(*b*) what shall be the site or position of each water-closet or privy.

(*3*) If any water-closet or privy is constructed on any premises in contravention of sub-section (*1*), the Commissioner may, after giving not less than ten days' notice to the owner or occupier of such premises, close such water-closet or privy, and, with the previous approval of the standing committee, alter or demolish the same, and the expenses incurred by the Commissioner in so doing shall be paid by such owner or occupier or by the person offending.]

Water-closet and other accommodation in buildings newly erected or re-erected.

[1][**247.** (*1*) It shall not be lawful newly to erect or to re-erect any building for or intended for human habitation, or at or in which labourers or workmen are to be employed, without such water-closet or privy accommodation, and such urinal accommodation, and accommodation for bathing or for the washing of clothes and domestic utensils, as the Commissioner may prescribe.

(*2*) In prescribing any such accommodation the Commissioner may determine in each case—

(*a*) whether such building shall be served by the water-closet or by the privy system, or partly by one and partly by the other;

(*b*) what shall be the site or position of each water-closet, privy, urinal, or bathing or washing place, and their number.]

Where there is no such accommodation or the accommodation is insufficient or objectionable.

[1][**248.** (*1*) Where any premises are without a water-closet, or privy, or urinal, or bathing or washing place, or if the Commissioner is of opinion that the existing water-closet, or privy, or urinal, or bathing or washing place accommodation available for the persons occupying or employed in any

[1] Sections 246A, 247 and 248 were substituted for sections 247 and 248 by s. 28 of the City of Bombay Municipal (Amendment) Act, 1905 (Bom. Act 5 of 1905), Vol. IV of this Code.

premises is insufficient, inefficient, or on any sanitary grounds objectionable, the Commissioner may, with the previous approval of the standing committee, by written notice, require the owner of such premises—

(*a*) to provide such, or such additional, water-closet, privy, urinal, or bathing or washing place accommodation as he prescribes;

(*b*) to make such structural or other alterations in the existing water-closet, privy, urinal, or bathing or washing place accommodation as he prescribes; or

(*c*) to substitute water-closet accommodation for any privy accommodation.

(*2*) Provided that where the water-closet, privy, urinal, or bathing or washing place accommodation of any premises—

(*a*) has been, and is being, used in common by the persons occupying or employed in such premises and any one or more other premises, or

(*b*) is in the opinion of the Commissioner likely to be so used,

the Commissioner may, if he is of opinion that such accommodation is sufficient to admit of the same being used by all the persons occupying or employed in all such premises, direct in writing that separate water-closet, privy, urinal or bathing or washing place accommodation need not be provided on or for each of such other premises.

(*3*) Provided also that the Commissioner may, if he is of opinion that there is sufficient municipal latrine accommodation available for all the persons occupying or employed in any premises, direct that separate water-closet, privy or urinal accommodation need not be provided for such premises.

(*4*) Any requisition under sub-section (*1*) may comprise any detail specified in sub-section (*2*) of section 247.]

Power to require privy accommodation to be provided for factories, etc.

249. Where it appears to the Commissioner that any premises are, or are intended to be, used as a market, railway station, dock, wharf or other place of public resort, or as a place in which persons exceeding twenty in number are employed in any manufacture, trade or business or as workmen or labourers, the Commissioner may, by written notice, require the owner or occupier of the said premises to construct a sufficient number of water-closets or latrines or privies and urinals for the separate use of each sex.

Power of Commissioner as to unhealthy privies.

[1][**249A.** Where the Commissioner is of opinion that any privy is likely, by reason of its not being sufficiently detached from any building, to cause

[1] This section was inserted by s. 29 of the City of Bombay Municipal (Amendment) Act, 1905 (Bom. Act 5 of 1905), Vol. IV of this Code.

injury to the health of any person occupying such building, the Commissioner, with the previous approval of the standing committee, may, by written notice, require the owner or occupier of the premises in or on which such privy is situate either—

(*a*) to so close up such privy as to prevent any person using the same, and to provide in lieu thereof such water-closet or privy accommodation or such urinal accommodation as the Commissioner may prescribe, or

(*b*) to provide between the said privy and any portion of the said building such air-space, not exceeding three feet in width, open to the sky, and situate entirely within the limits of the said premises as the Commissioner may prescribe.]

Provisions as to privies.

250. (*1*) The owner or occupier of any premises on which there is a privy shall—

(*a*) have between such privy and any building or place used or intended to be used for human habitation, or in which any person may be or may be intended to be employed in any manufacture, trade or business, an air-space of at least three feet in width and open to the sky;

(*b*) have such privy shut off by a sufficient roof and wall, or fence, from the view of persons dwelling in the neighbourhood or passing by;

(*c*) unless and except for such period as he shall be permitted by the Commissioner, under the power next hereinafter conferred, to continue any existing door or trap-door, close up and not keep any door or trap-door in such privy opening on to a street.

(*2*) Provided that the Commissioner may permit the continuance for such period as he may think fit of any existing door or trap-door in a privy opening on to a street, if a nuisance is not thereby created.

(*3*) Provided also that clause (*a*) shall not be deemed to apply to any privy in existence when this Act comes into force, unless—

(*d*) there is space available on the premises of the owner or occupier for the erection of a new privy conformably to the said clause; and

(*e*) the existing privy can be removed and a new one erected as aforesaid without destroying any portion of a permanent building other than the existing privy.

251. The owner or occupier of any premises on which there is a water-closet shall— Provisions as to water-closets.

(*a*) have such water-closet divided off from any part of a building or place used or intended to be used for human habitation, or in which any person may be or may be intended to be employed in any manufacture, trade or business, by such means as the Commissioner shall deem sufficient;

(*b*) have such water-closet in such a position that one of its sides at the least shall be an external wall;

(*c*) have the seat of such water-closet placed against an external wall;

(*d*) cause such water-closet to be provided with such means of constant ventilation as the Commissioner shall deem adequate, by a window or other aperture in one of the walls of such water-closet opening directly into the external air, or by an air-shaft or by some other suitable method or appliance;

(*e*) have such water-closet supplied by a supply-cistern and flushing apparatus and fitted with a soil-pan or receiver and such other appliances of such materials, size and description as the Commissioner shall deem necessary: Provided always that a cistern from which a water-closet is supplied shall not be used, or be connected with another cistern which is used, for supplying water for any other purpose.

[1][**251A.** No person shall build a privy or water-closet in such a position or manner as— Position of privies and water-closets.

(*a*) to be directly over or directly under any room or part of a building other than another privy or water-closet or a bathing place, bath-room or terrace;

(*b*) to be within a distance of twenty feet from any well or from any spring, tank or stream the water whereof is, or is likely to be, used (whether in a natural or manufactured state) for human consumption or domestic purposes, or otherwise render the water of any well, spring, tank or stream liable to pollution.]

[2] [**251B.** No person shall use or permit to be used as a bathing place or as a place for washing clothes or domestic utensils, any part of any premises Use of places for bathing, or washing

[1] This section was inserted by s. 3 of the City of Bombay Municipal (Amendment) Act, 1905 (Bom. Act. 5 of 1905), Vol. IV of this Code.

[2] This section was inserted by s. 31 *ibid.*

clothes or domestic utensils.

which has not been provided with all such appliances and fittings as shall, in the opinion of the Commissioner, be necessary for collecting the drainage thereof and conveying the same therefrom.]

Public necessaries.

252. The Commissioner shall provide and maintain, in proper and convenient situations and on sites vesting in the corporation, water-closets, latrines, privies and urinals and other similar conveniences for public accommodation.

Inspection.

Drains, etc., not belonging to the corporation to be subject to inspection and examination.

253. All drains, ventilation-shafts and pipes, cesspools, house-gullies, water-closets, privies, latrines and urinals and bathing [1] [and washing places] which do not belong to the corporation, or which have been constructed, erected or set up at the charge of the municipal fund on premises not belonging to the corporation, for the use or benefit of the owner or occupier of the said premises, shall be open to inspection and examination by the Commissioner.

Power to open ground, etc., for purposes of such inspection and examination.

254. For the purpose of such inspection and examination, the Commissioner may cause the ground or any portion of any drain or other work exterior to a building or, with the approval of the standing committee, any portion of a building, which he shall think fit to be opened, broken up or removed: Provided that in the prosecution of any such inspection and examination as little damage as can be shall be done.

When the expenses of inspection and examination are to be paid by the Commissioner.

255. If upon any such inspection and examination as aforesaid it shall be found that the drain, ventilation-shaft or pipe, cesspool, house-gully, water-closet, privy, latrine or urinal [2] [or bathing or washing place] examined is in proper order and condition, and that none of the provisions of this chapter has been contravened in respect of the construction or maintenance thereof, and that no encroachment has been made thereupon, the ground or portion of any building, drain or other work, if any opened, broken up or removed for the purpose of such inspection and examination shall be filled in, reinstated and made good by the Commissioner.

When the expenses of inspection and examination are to be paid by the owner.

256. But if it shall be found that any drain, ventilation-shaft or pipe, cesspool, house-gully, water-closet, privy, latrine or urinal [2] [or bathing or washing place] so examined is not in good order or condition, or has been repaired, changed, altered or encroached upon, or except when the same has

[1] These words were inserted by s. 32 (*1*) of the City of Bombay Municipal (Amendment) Act, 1905 (Bom. Act 5 of 1905), Vol. IV of this Code.

[2] These words were inserted by s. 32 (*2*) *ibid.*

been constructed by or under the order of the Commissioner, if it has been constructed in contravention of any of the provisions of this chapter or of any enactment at the time in force,

the expenses of the inspection and examination shall be paid by the owner of the premises, and the said owner shall fill in, reinstate and make good the ground, or portion of any building, drain or other work opened, broken up or removed for the purpose of such inspection and examination, at his own cost.

[1][**257.** (*1*) When the result of such inspection and examination as aforesaid is as described in section 256, the Commissioner may— Commissioner may require repairs, etc., to be made.

(*a*) by written notice require the owner of the premises or the several owners of the respective premises in which the drain, ventilation-shaft or pipe, cesspool, house-gully, water-closet, privy, latrine, urinal or bathing or washing place is situate, or for the benefit of which the same has been constructed, erected or set up,

(*i*) to close or remove the same or any encroachment thereupon, or [2][subject to the proviso to clause (*c*) of section 258, to remove any projection over the same, or]

(*ii*) to renew, repair, cover, recover, trap, ventilate, pave and pitch or take such other order with the same as he shall think fit to direct and to fill in, reinstate and make good the ground, building or thing opened, broken up or removed for the purpose of such inspection and examination, and

(*b*) without notice, close, fill up or demolish any drain by which sullage or sewage is carried through, from, into or upon any premises in contravention of any of the provisions of this Chapter, and the expenses incurred by the Commissioner in so doing shall be paid by such owner or owners.

(*2*) Any requisition under clause (*a*) of sub-section (*1*) in respect of any drain which has been constructed, erected or set up, or which is continued for the sole use and benefit of a property or for the exclusive use and benefit of two or more properties, may include any extension thereof beyond such property or properties, if and so far as such extension has been constructed, erected or set up, or is continued, for the sole use and benefit of such property or properties.]

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[1] This section was substituted by s. 33 of the City of Bombay Municipal (Amendment) Act, 1905 (Bom. Act 5 of 1905), Vol. IV of this Code.

[2] These words were added by s. 8 of the City of Bombay Municipal (Amendment) Act, 1918 (Bom. Act 8 of 1918), Vol. V of this Code.

Costs of inspection and execution of works in certain cases.

[1][**257A.** In the case of any drain which has been constructed, erected or fixed, or which is continued, for the exclusive use and benefit of two or more premises and which is not—

(*a*) a drain constructed under section 233A, sub-section (*1*), or

(*b*) a drain in respect of which conditions as to the respective responsibilities of the parties have been declared under section 238, sub-section (*1*),

the expenses of any inspection and examination made by the Commissioner under section 253 and of the execution of any work required under section 257, whether executed under section 260 or not, shall be paid by the owners of such premises, in such proportions as shall be determined—

(*i*) by the standing committee if the aggregate amount of such expenses exceeds one hundred rupees, or

(*ii*) by the Commissioner if the aggregate amount of such expenses does not exceed one hundred rupees.]

General Provisions.

Prohibition of acts contravening the provisions of this Chapter or done without sanction.

258. No person shall—

(*a*) in contravention of any of the provisions of this Chapter or of any notice issued or direction given under this Chapter, or without the written permission of the Commissioner, in any way alter the fixing, disposition or position of, or construct, erect, set up, renew, rebuild, remove, obstruct, stop up, destroy or change, any drain, ventilation-shaft or pipe, cesspool, water-closet, privy, latrine or urinal [2] [or bathing or washing place,] or any trap, covering or other fitting or appliance connected therewith ;

(*b*) without the written permission of the Commissioner, renew, rebuild or unstop any drain, ventilation-shaft or pipe, cesspool, water-closet, privy, latrine or urinal [2] [or bathing or washing place,] or any fitting or appliance, which has been, or has been ordered to be, discontinued, demolished or stopped up under any of the provisions of this Chapter ;

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[1] This section was inserted by s. 34 of the City of Bombay Municipal (Amendment) Act, 1905 (Bom. Act 5 of 1905), Vol. IV of this Code.

[2] These words were inserted by s. 32 (*2*) *ibid.*

(*c*) without the written permission of the Commissioner, make any [1] [projection over or] encroachment upon, or in any way injure or cause or permit to be injured, any drain, cesspool, house-gully, water-closet, privy, latrine or urinal [2] [or bathing or washing place]:

[3] [provided that nothing in this clause shall apply to any weather shade in width not exceeding two feet over any window which does not front a wall or window of an adjoining house ;]

(*d*) drop, pass or place, or cause or permit to be dropped, passed or placed, into or in any drain, any brick, stone, earth, ashes or any substance or matter by which or by reason of the amount of which such drain is likely to be obstructed ;

(*e*) pass, or permit or cause to be passed, into any drain provided for a particular purpose, any matter or liquid for the conveyance of which such drain has not been provided ;

(*f*) cause or suffer to be discharged into any drain from any factory, bake-house, distillery, workshop or workplace, or from any building or place in which steam, water or mechanical power is employed, any hot water, steam, fumes or any liquid which would prejudicially affect the drain or the disposal by sale or otherwise of the sewage conveyed along the drain, or which would, from its temperature or otherwise, be likely to create a nuisance.

When materials and work may be supplied and done under this Chapter for any person by the Commissioner.

259. (*1*) On the written request of any person who is required under any of the provisions of this Chapter to supply any materials or fittings or to do any work, the Commissioner may, in such person's behalf, supply the necessary materials or fittings, or cause the necessary work to be done ; but he shall not do so in any case to which the provisions of section 493 or 495 will not apply, unless a deposit is first of all made by the said person of a sum which will, in the opinion of the Commissioner, suffice to cover the cost of the said materials, fittings and work.

(*2*) [*Repealed by Bom. V of 1905.*]

Work to be done by licensed plumber : permission to use as drain.

[4] [**259A.** (*1*) No person shall permit any work described in this Chapter to be executed except by a licensed plumber.

[1] These words were inserted by s. 9(*a*) of the City of Bombay Municipal (Amendment) Act, 1918 (Bom. Act 8 of 1918), Vol. V of this Code.

[2] These words were inserted by s. 32 (*2*) of the City of Bombay Municipal (Amendment) Act, 1905 (Bom. Act 5 of 1905), Vol. IV of this Code.

[3] This proviso was added by s. 9 (*b*) of the City of Bombay Municipal (Amendment) Act, 1918 (Bom. Act 8 of 1918), Vol. V of this Code.

[4] This section was inserted by s. 36 of the City of Bombay Municipal (Amendment) Act, 1905 (Bom. Act 5 of 1905), Vol. IV of this Code.

(2) Every person who employs a licensed plumber to execute any such work shall, when so required, furnish to the Commissioner the name of such plumber.

(3) Every such person shall, within one month after completion of any such work and before permitting the same or any portion thereof to be filled in or covered over, deliver or send or cause to be delivered or sent to the Commissioner at his office notice in writing of the completion of such work, accompanied by a certificate in the form of Schedule S signed by the licensed plumber by whom the same has been executed, who is hereby required immediately upon completion of the work and upon demand by the person employing him to sign and give such certificate to such person, and shall give to the Commissioner all necessary facilities for the inspection of such works :-

Provided that—

(*a*) such inspection shall be made within seven days from the date of receipt of the notice of completion, and

(*b*) the Commissioner may, within seven days after such inspection, by written intimation addressed to the person from whom the notice of completion was received and delivered at his address as stated in such notice, or, in the absence of such address, affixed to a conspicuous part of the premises in which such work has been executed—

(*i*) give permission for the filling in or covering over of such work, or

(*ii*) require that before such work is filled in or covered over, it shall be amended to the satisfaction of the Commissioner in any particular in respect of which it is not in accord with a requisition previously made by the Commissioner or contravenes some provision of this Act or of the by-laws under this Act.

(4) No person shall permit any such work to be used as a drain or part of a drain until—

(*a*) the pemission referred to in proviso (*b*) to sub-section (3) has been received, or

(*b*) the Commissioner has failed for fourteen days after receipt of the notice of completion to intimate as aforesaid his refusal of permission for the filling in or covering over of such work.]

Commissioner may execute certain works under this Chapter without

260. (1) The Commissioner may, if he thinks fit, cause any work described in [1] [this Chapter] to be executed by municipal or other agency

[1] These words were substituted for the words and figures "section 230, 231, 238, 256 or 257" by s. 37 of the City of Bombay Municipal (Amendment) Act, 1905 (Bom. Act 5 of 1905), Vol. IV of this Code.

under his own orders, without first of all giving the person by whom the same would otherwise have to be executed the option of doing the same. allowing option to persons concerned of executing the same.

(2) The expenses of any work so done shall be paid by the person aforesaid, unless the corporation shall, by a general or special order or resolution, sanction, as they are hereby empowered to sanction, the execution of such work at the charge of the municipal fund. Expenses in such cases by whom to be paid.

CHAPTER X.

WATER-SUPPLY.

Construction and Maintenance of Municipal Water-Works.

261. For the purpose of providing the city with a supply of water proper and sufficient for public and private purposes, the Commissioner, when authorized by the corporation in this behalf, may— General powers for supplying the city with water.

(*a*) construct and maintain water-works, either within or without the city, and do any other necessary acts;

(*b*) purchase or take on lease any water-work or any water or right to store or to take and convey water, either within or without the city;

(*c*) enter into an arrangement with any person for a supply of water.

262. The Commissioner shall manage all water-works belonging to the corporation—all which water-works are in this Act referred to as "municipal, water-works"—and maintain the same in good repair and efficient condition and shall cause all such alterations and extensions to be from time to time made in the said water-works as shall be necessary or expedient for improving the said works. Municipal water-works to be managed and kept in repair by the Commissioner.

263. (*1*) The Commissioner, and any person appointed by Government under section 264 in this behalf, may, for the purpose of inspecting or repairing or executing any work in, upon or in connection with any municipal water-work, at all reasonable times— Power of access to municipal water-works.

(*a*) enter upon and pass through any land, within or without the city, adjacent to or in the vicinity of such water-works, in whomsoever such land may vest;

(*b*) convey into and through any such land all necessary materials, tools and implements,

(*2*) In the exercise of any power conferred by this section, as little damage as can be shall be done, and compensation for any damage which may be done in the exercise of any of the said powers shall be paid by the Commissioner, or, if any person appointed under section 264 by Government has caused the damage, by Government.

Inspection of municipal water-works by persons appointed by Government.

264. Any person appointed by Government in this behalf shall at all reasonable times have liberty to enter upon and inspect any municipal water-work.

Power of carrying water-mains, etc.

265. The Commissioner shall have the same powers and be subject to the same restrictions for carrying, renewing and repairing water-mains, pipes and ducts within or without the city, as he has and is subject to under the provisions hereinbefore contained for carrying, renewing and repairing drains within the city.

Fire-hydrants to be provided.

266. The Commissioner shall cause fire-hydrants and all necessary works, machinery and assistance for supplying water in case of fire to be provided and maintained ; and shall have painted or marked on the buildings and walls or in some other conspicuous manner, within the streets, words or marks near to such hydrants to denote the situation thereof, and shall cause a hydrant-key to be deposited at each place within the city where a municipal fire-engine is kept, and do such other things for the purpose aforesaid as he shall deem expedient.

Prohibition of building and other acts which would injure sources of water-supply.

267. (*1*) Except with the sanction of the corporation and, in the case of the Vehar water-works, of Government, or, for the purposes of section 262, under the authority of the Commissioner, no person shall—

(*a*) erect any building for any purpose whatever within the limits of the water-shed of any lake or reservoir from which a supply of water is derived for any municipal water-work ;

(*b*) extend, alter or apply to any purpose different to that to which the same has been heretofore applied, any building already existing within the said limits ;

(*c*) carry on, within the said limits, any operation of manufacture, trade or agriculture in any manner, or do any act whatsoever, whereby injury may arise to any such lake or reservoir or to any portion thereof, or whereby the water of any such lake, tank or reservoir may be fouled or rendered less wholesome.

(2) The limits of the water-shed of the Vehar lake shall, for the purposes of this section, be deemed to be the limits defined in a plan marked "B," authenticated by the signatures of the Governor and Members of Council, and deposited in the office of the Secretary to the Government of Bombay.

Buildings, etc., not to be erected over municipal water-main without permission.

268. (*1*) Without the written permission of the Commissioner, no building, wall or other structure shall be newly erected, and no street or railway shall be constructed, over any municipal water-main.

(2) If any building, wall or other structure be so erected, or any street or railway be so constructed, the Commissioner may, with the approval of the standing committee, cause the same to be removed or otherwise dealt with as to him shall appear fit, and the expenses thereby incurred shall be paid by the person offending.

Public gratuitous Water-Supply.

Vesting of public drinking fountains, etc., in the corporation.

269. (*1*) All existing public drinking-fountains, tanks, reservoirs, cisterns, pumps, wells, ducts and works for the supply of water for the gratuitous use of the inhabitants of the city shall vest in the corporation and be under the control of the Commissioner.

(2) The Commissioner may maintain the said works and provide them with water, and, when authorized by the corporation in this behalf, may construct any other such works for supplying water for the gratuitous use of the inhabitants of the city:

(3) Provided that water carried away by any of the inhabitants from any such work shall be taken only for his private use and not for sale, and shall not, except with the written permission of the Commissioner, be carried away in a cask, cart, pakhal or masak.

(4) The Commissioner may temporarily, and with the approval of the corporation permanently, close any of the said works, either entirely or partially.

(5) In case any such work is permanently closed, either entirely or partially, by the Commissioner, the site thereof, or of the portion thereof which is so closed, and the materials of the same may be disposed of as the property of the corporation: Provided that if any such work, which is permanently closed, either entirely or partially, was a gift to the public by some private person, the said site and materials or the proceeds of the sale thereof shall, unless by reason of their value being insignificant or for other sufficient reason the corporation think fit to otherwise direct, be applied to or towards some local work of public utility bearing the name of such person, or

to or towards any such local work which shall be approved by the corporation and by the heirs or other representatives, if any, of the said person.

Public drinking-fountains, etc., may be set apart for particular purposes.

270. (*1*) The Commissioner may assign and set apart each of the said works and the water therein for use by the public for such purpose only as he shall think fit, and shall cause to be indicated, by a notice affixed on a conspicuous spot on or near each such work, the purpose for which the same is so assigned and set apart.

(*2*) No person shall make use of any such work or of any water therein for any purpose other than the purpose for which the same has been so assigned or set apart.

Private Water-supply.

Applications for private water-supply from whom to be received.

271. (*1*) Communication-pipes for conveying to any premises a private supply of water from a water-main or other municipal water-work shall not ordinarily be connected with the main or other water-work except on the written application or with the written assent of the owner of the premises or of the person primarily liable for the payment of property-taxes on the said premises.

Commissioner may in certain cases require owners to obtain private water-supply.

(*2*) But if it shall appear to the Commissioner that any premises, situate within any portion of the city in which a public notice has been given by the Commissioner under clause (*b*) of section 141, are without a proper supply of pure water, the Commissioner shall, by written notice, require the owner of the said premises or the person primarily liable for the payment of property-taxes thereon, to obtain a supply from a municipal water-work adequate to the requirements of the persons usually occupying or employed upon the said premises, and to provide communication-pipes and do all such works as may be necessary for that purpose.

Making and renewing connections with municipal water-works.

[1] [**272.** (*1*) No connection with any municipal water-work shall be made or renewed—

(*a*) except by a municipal officer or servant empowered in that behalf by the Commissioner ; and

(*b*) until the certificate specified in sub-section (*4*) has been given.

[2] [(*2*) In every case where a new connection with a municipal water-work is made or an existing connection requires renewal, all necessary communication-pipes and fittings, from and including the ferrule on the supply

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[1] Sections 272, 273 and 273A were substituted for sections 272 and 273 by s. 38 of the City of Bombay Municipal (Amendment) Act, 1905 (Bom. Act 5 of 1905), Vol. IV of this Code.

[2] This sub-section was substituted by s. 10 of the City of Bombay Municipal (Amendment) Act, 1918 (Bom. Act 8 of 1918), Vol. V of this Code.

main up to and including the stop-cock nearest the supply main, shall be supplied by the Commissioner, and the work of laying and applying such communication-pipes and fittings shall be executed by municipal agency under the Commissioner's orders; and the cost of all such materials and work shall be charged to the municipal fund.]

(3) Every such new connection or renewed connection with its communication-pipes and fittings up to and including its stop-cock as aforesaid shall thereafter vest in the corporation and be maintained at the charge of the municipal fund as a municipal water-work.

(4) All communication-pipes and fittings beyond the said stop-cock shall be laid and applied under the supervision of a municipal officer appointed by the Commissioner in that behalf, who shall give and sign a certificate, free of charge, when such communication-pipes and all necessary fittings and work have been laid, applied and executed in a satisfactory manner and when proper and sufficient arrangements have been made for draining off waste water.

(5) Where any communication-pipe or fitting is laid, applied, added to or altered, or any connection is made in contravention of this section, the Commissioner may, with the previous approval of the standing committee, remove such communication-pipe, fitting or connection, and make good such water-work; and the expenses incurred by him in so doing shall be paid by the owner or occupier of the premises in which or for supply to which such communication-pipe or fitting has been laid, applied, added to or altered, or such connection has been made, or by the person offending.]

Commissioner may take charge of private connections.

[1] [**273.** The Commissioner may, if he thinks fit, take charge on behalf of the corporation of all communication-pipes and fittings of any existing private service connected with any municipal water-work up to and including the stop-cock nearest the supply main for the said service, and the same shall thereafter vest in, and be maintained at the expense of, the corporation as a municipal water-work.]

Power of Commissioner to alter position of connections.

[1] [**273A.** The Commissioner may, if at any time he deems it expedient to alter the position of an existing connection with any municipal water-work, or of the communication-pipes or fittings thereof, and after giving to the owner of such communication-pipes, or fittings not less than four days' previous notice of his intention so to do, cause the said connection to be moved to such other position as he thinks fit, and cause any or all of the said communication

[1] *See* footnote 1 on p. 160, *supra*.

pipes and fittings to be relaid and applied, or others to be laid and applied, in lieu thereof, in such position as he may direct; and in every such case such removal and alteration shall be carried out at the expense of the municipal fund and the new connection, with its communication-pipes and fittings up to and including the stop-cock nearest the supply main, shall thereafter vest in the corporation and be maintained at the charge of the municipal fund as a municipal water-work.]

Provisions as to storage cisterns and other fittings, etc., to be used for connections with water-works.

274. (*1*) The Commissioner may, whenever it shall appear to him to be necessary, by written notice require that any premises furnished with a private water-supply from any municipal water-work shall, within a reasonable period, which shall be prescribed in the said notice, be provided with a storage-cistern of such size, material, quality and description, and with such fittings and placed in such position [1][and with such means of access] as he thinks fit.

(*2*) The Commissioner shall also from time to time prescribe the size, material, quality, description and position of the pipes, taps, cocks and other fittings to be employed for the purposes of any connection with, or of any communication from, any municipal water-work, and no such connection or communication shall be made by any person otherwise than as so prescribed.

[2] [(*3*) The Commissioner shall likewise prescribe the size, material, quality and description of the pipes, taps, cocks and other fittings to be employed for the purpose of replacing any pipes, taps, cocks and other fittings found on an examination under section 278 to be so defective that they cannot be effectively repaired.]

Communication-pipes, etc., to be kept in efficient repair by owner or occupier of premises.

[3][**275.** (*1*)] It shall be incumbent on the owner or occupier of any premises to which a private water-supply is furnished from any municipal water-work, to keep in efficient repair every pipe conveying water from the said water-work to such premises and every meter for measuring water, not being a municipal meter, and every tap, cock or other fitting and every storage-cistern in or connected with any such pipe, so as effectually to prevent the water from running to waste.

[4] [(*2*) When an occupier of any premises is served with a notice under sub-section (2) of section 278, he may, after giving to the person to whom he

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[1] These words were inserted by s. 11 (*a*) of the City of Bombay Municipal (Amendment) Act, 1918 (Bom. Act 8 of 1918), Vol. V of this Code.

[2] This sub-section was added by s. 11 (*b*) *ibid.*

[3] Section 275 was numbered sub-section (*1*) of section 275 by s. 12 *ibid.*

[4] This sub-section was added by *ibid.*

is responsible for the payment of his rent five days' notice in writing, himself have the repairs executed and in such event he shall be entitled to deduct from any rent due by him to such person the actual expenses incurred by him in complying with the notice served under sub-section (*2*) of section 278: provided that nothing in this section shall affect the liabilities of parties under leases executed before the 1st day of April 1918.]

Provision of meters when water is supplied by measurement.

276. (*1*) Where water is supplied by measurement, the Commissioner may either provide a meter and charge the consumer for the same such rent as shall from time to time be prescribed in this behalf by the standing committee, or may permit the consumer to provide a meter of his own of such size, material and description as the Commissioner shall approve for this purpose.

(*2*) The Commissioner shall at all times keep all meters and other instruments for measuring water, let by him for hire to any person, in proper order for correctly registering the supply of water, and in default of his so doing such person shall not be liable to pay rent for the same during such time as such default continues.

Register of meter to be evidence.

277. Where water is supplied by measurement, the register of the meter or other instrument for measuring water shall be *primâ facie* evidence of the quantity consumed.

Inspection.

Commissioner, etc., may inspect premises in order to examine meter, communication-pipes, etc.

278. (*1*) The Commissioner may make an inspection of any premises to which a private water-supply is furnished by the corporation, in order—

(*a*) to remove, test, examine and replace any meter for measuring water; or

(*b*) to examine the communication-pipes and the taps, cocks and other fittings thereof, and the storage-cisterns connected therewith; or

(*c*) to see if there be any waste or misuse of water.

(*2*) The Commissioner may, by written notice, require the owner or occupier of the premises to remedy any defect which shall be found to exist in any such meter, not being a municipal meter let to him for hire, or in any such communication-pipe, tap, cock or other fitting or cistern.

Cutting off private water-supply.

Power to cut off private water-supply or to turn off water.

279. (*1*) The Commissioner may [1] * * * cut off the connection between any municipal water-work and any premises to which a private water-supply is

[1] The words "with the sanction of the standing committee," were repealed by s. 2 of the City of Bombay Municipal (Amendment) Act, 1913 (Bom. Act 6 of 1913), Vol. V of this Code.

furnished by the corporation or turn off the water from such premises in any of the following cases, namely :—

(*a*) in default of payment of any instalment of water-tax or of any sum due for water within fifteen days after a bill for such tax or sum has been duly presented ;

(*b*) if the owner or occupier of the premises neglects, within the period prescribed in this behalf in any notice given under sub-section (*1*) of section 274, to comply with any requisition made to him by the Commissioner regarding the provision of a storage-cistern [1] [or the means of access thereto] ;

(*c*) if the owner or occupier of the premises fails, within the period prescribed in this behalf in any notice given under sub-section (*2*) of section 278, to put any such cistern or any pipe conveying water from any municipal water-work or any tap, cock or other fitting thereof into good repair, so as effectually to prevent the water from running to waste [2][or in the event of such pipe or fitting being replaced instead of repaired, he fails to use articles of the kind prescribed under sub-section (*3*) of section 274];

(*d*) if after receipt of a written notice from the Commissioner requiring him to refrain from so doing, the owner or occupier of the premises continues—

(*i*) to use the water, or to permit the same to be used in contravention of any by-law made under this Act or of any condition prescribed under sub-section (*2*) of section 169 ;

(*ii*) when payment for the water is not made by measurement to permit any person not residing on premises in respect of which water tax is paid to carry away from such owner's or occupier's premises water derived from the municipal water-work ;

(*e*) if the owner or occupier of the premises wilfully or negligently injures or damages his meter or any pipe conveying water from any municipal water-work [3][or any fitting thereof] ;

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[1] These words were added by s. 13 (*a*) of the City of Bombay Municipal (Amendment) Act, 1918 (Bom. Act 8 of 1918), Vol. V of this Code.

[2] These words and figures were added by s. 13 (*b*) *ibid.*

[3] These words were added by s. 13 (*c*) *ibid.*

[1] [(*f*) if the owner or occupier of the premises fails to comply with any requisition made on him by the Commissioner under sub-section (*2*) of section 287B, to furnish the name of the licensed plumber :]

[2] [Provided that—

(*i*) in cases under sub-clauses (*a*), (*b*), [3][(*d*) and (*f*)] the Commissioner shall not take action without the sanction of the Standing Committee.

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

(*2*) The expense of cutting off the connection or of turning off the water in any such case as aforesaid shall be paid by the owner or occupier of the premises.

Conditions as to use of water not to be contravened.

280. No person to whom water is supplied by measurement or on payment of a fixed periodical sum shall contravene any condition prescribed under sub-section (*2*) of section 169 for the use of such water, or permit any such condition to be contravened.

Powers of Commissioner to carry private mains through land belonging to other persons.

[4] [**280A.** The Commissioner shall have the same powers and be subject to the same restrictions for carrying, renewing and repairing private water mains, pipes and ducts as he has and is subject to under the provisions hereinbefore contained for carrying, renewing and repairing private drains.]

Water-pipes, etc., not to be placed where water will be polluted.

281. No water-pipe shall be laid in a drain, or on the surface of an open channel or house-gully, or within twenty feet of a cesspool, or in any position where the pipe is likely to be injured or the water therein polluted ; and no well or tank, and except with the consent of the Commissioner no cistern shall be constructed within twenty feet of a [5][privy, water-closet or] cesspool.

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[1] This clause was inserted by s. 13 (*d*) of the City of Bombay Municipal (Amendment) Act 1918 (Bom. Act 8 of 1918), Vol. V of this Code.

[2] This proviso was added by s. 2 of the City of Bombay Municipal (Amendment) Act, 1913 (Bom. Act, 6 of 1913), Vol. V of this Code.

[3] These letters and word were substituted for the word and letter "and (*d*)" by s. 13 (*e*) of the City of Bombay Municipal (Amendment) Act, 1918 (Bom. Act 8 of 1918), Vol. V of this Code.

[4] This section was inserted by s. 14 *ibid.*

[5] These words were inserted by s. 39 of of the City of the Bombay Municipal (Amendment) Act, 1905 (Bom. Act 5 of 1905), Vol. IV of this Code.

Prohibition of fraudulent and unauthorized use of water.

282. (*1*) No person shall fraudulently dispose of any water supplied to him by the corporation.

(*2*) No person to whom a private supply of water is furnished by the corporation shall, except when the water supplied is charged for by measurement, permit any person who does not reside on premises in respect of which water tax is paid to carry away water from the premises to which it is supplied.

(*3*) No person, who does not reside on premises in respect of which water-tax is paid, shall carry away water from any premises to which a private supply is furnished by the corporation, unless, in any case in which such supply is charged for by measurement, he does so with the permission of the person to whom such supply is furnished.

Prohibition of fraud in respect of meters.

283. (*1*) No person shall fraudulently—

(*a*) alter the index to any meter or prevent any meter from duly registering the quantity of water supplied;

(*b*) abstract or use water before it has been registered by a meter set up for the purpose of measuring the same.

(*2*) The existence of artificial means under the control of the consumer for causing any such alteration, prevention, abstraction or use shall be evidence that the consumer has fraudulently effected the same.

General Provisions.

Prohibition of wilful or neglectful acts relating to water-works.

284. No person shall wilfully or negligently—

(*a*) injure or suffer to be injured any meter belonging to the corporation or any of the fittings of any such meter;

(*b*) break, injure or open any lock, cock, valve, pipe, work or engine appertaining to any municipal water-work;

(*c*) flush or draw off the water from any such water-work, thereby causing such water to be wasted;

(*d*) do any act [1] [or suffer any act to be done] whereby the water in or derived from any municipal water-work shall be wasted;

(*e*) obstruct, divert or in any way injure or alter any water-main or duct.

Compensation to be payable by offenders against section 283 or 284.

285. Compensation shall be paid by the offender for any damage which the corporation sustains by reason of any contravention of section 283 or section 284.

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1 These words were inserted by s. 15 of the City of Bombay Municipal (Amendment) Act, 1918 (Bom. Act 8 of 1918), Vol. V of this Code.

286. If it shall be shown that an offence against some provision of this Chapter or against some by-law made under this Act at the time in force relating to water-supply has occurred on any premises to which a private supply of water is furnished by the corporation, it shall be presumed, until the contrary is proved, that such offence has been committed by the occupier of the said premises. Occupier of premises to be primarily liable for certain offences against this Chapter.

287. (*1*) On the written request of any person who is required under any of the provisions of this Chapter to supply any materials or fittings or to do any work, the Commissioner may, in such person's behalf, supply the necessary materials or fittings, or cause the necessary work to be done ; but he shall not do so in any case to which the provisions of section 493 or 495 will not apply, unless a deposit is first of all made by the said person of a sum which will, in the opinion of the Commissioner, suffice to cover the cost of the said materials, fittings and work.] When materials and work may be supplied and done under this Chapter for any person by the Commissioner.

(*2*) [*Repealed by s. 16 Bom. VIII of 1918.*]

[1][**287A**. (*1*) The Commissioner may, if he thinks fit, cause any work described in this Chapter to be executed by municipal or other agency under his own orders, without first of all giving the person by whom the same would otherwise have to be executed the option of doing the same. Commissioner may execute works under this Chapter without allowing option to persons concerned of executing the same.

(*2*) The expenses of any work so done shall be paid by the person aforesaid, unless the corporation shall, by a general or special order or resolution, sanction, as they are hereby empowered to sanction, the execution of such work at the charge of the municipal fund.]

[2][**287B**. (*1*) No person other than a licensed plumber shall execute any work described in this Chapter, and no person shall permit any such work to be executed except by a licensed plumber. Work under Chapter X to be done by licensed plumber.

(*2*) Every person who employs a licensed plumber to execute any such work shall, when so required, furnish to the Commissioner the name of such plumber.

(*3*) Where any person causes or permits communication-pipes or fittings or other work necessary for conveying a private supply of water from a municipal water-work into any premises to be laid, applied or executed in contravention of sub-section (*1*), he shall, in addition to being liable to the

[1] This section was inserted by s. 41 of the City of Bombay Municipal (Amendment) Act, 1905 (Bom. Act 5 of 1905), Vol. IV of this Code.

[2] This section was inserted by s. 17 of the City of Bombay Municipal (Amendment) Act, 1918 (Bom. Act 8 of 1918), Vol. V of this Code.

penalty prescribed for such contravention, not be entitled to a connection until the defects, if any, in such work are removed to the satisfaction of the Commissioner.

Power to supply water without the city.

288. The Commissioner may supply water from a municipal water-work to any local authority or person without the city on such terms as to payment and as to the period and conditions of supply as shall be, either generally or specially, approved by the corporation.

CHAPTER XI.

REGULATION OF STREETS.

Construction, Maintenance and Improvement of Public Streets.

Vesting of public streets in the corporation.

289. (*1*) All streets within the city, being or which at any time become public streets, and the pavements, stones and other materials thereof, shall vest in the corporation and be under the control of the Commissioner.

Powers of Commissioner in respect of public streets.

(*2*) The Commissioner shall from time to time cause all such streets to be levelled, metalled or paved, channelled, altered and repaired, as occasion shall require; he may also from time to time widen, extend or otherwise improve any such street or cause the soil thereof to be raised, lowered or altered and may place and keep in repair fences and posts for the safety of foot-passengers: Provided that no widening, extension or other improvement of a public street, the aggregate cost of which will exceed five thousand rupees, shall be undertaken by the Commissioner unless or until such undertaking has been authorized by the corporation.

(*3*) With the sanction of the corporation the Commissioner may permanently close the whole or any part of a public street: Provided that such sanction of the corporation shall not be given unless, one month at least before the meeting at which the matter is decided, a notice signed by the Commissioner has been put up in the street or part of a street which it is proposed to close, informing the residents of the said proposal, nor until the objections to the said proposal, if any, made in writing at any time before the day of the said meeting, have been received and considered by the corporation.

Disposal of land forming site of closed streets.

290. Whenever any public street, or part of a public street, is permanently closed under section 289, the site of such street, or of the portion thereof which has been closed, may be disposed of as land vesting in the corporation.

Power to make new public streets.

291. The Commissioner, when authorized by the corporation in this behalf, may at any time—

(*a*) lay out and make a new public street;

(*b*) agree with any person for the making of a street for public use through the land of such person, either entirely at the expense of such person or partly at the expense of such person and partly at the expense of the corporation, and that such street shall become, on completion, a public street.

Saving of provisions of sections 37 and 38, Bombay Act VI of 1879.

292. Nothing in sub-sections (*1*) and (*3*) of section 289 or in the two last preceding sections shall be deemed to affect the provisions of sections 37 and 38 of the [1]Bombay Port Trust Act, 1879,

Bom. Act VI of 1879.

Permission to lay tramways or railways on public streets to need the sanction of the corporation and confirmation by Government.

293. (*1*) Permission shall not be granted to any person to lay or work upon any public street any tramway or railway or the like, by any municipal authority other than the corporation, and no such permission shall have validity unless and until it is confirmed by Government.

(2) Nothing in this section shall be deemed to affect the provisions of the [1]Bombay Tramways Act, 1874.

Bom. Act I of 1874.

Minimum width of new public streets.

294. No new public street made under section 291 shall be less than forty feet in width if such street be made for carriage traffic, or twenty feet if such street be made for foot traffic only; and no steps and, except with the written permission of the Commission under section 310, no other projection shall extend on to any such street.

Power to construct or adopt public bridges, etc., over or under railways, etc.

295. The Commissioner, when authorized by the corporation in this behalf, may agree—

(*a*) with any person to adopt and maintain any existing or projected bridge, viaduct or arch, and the approaches thereto, and may accordingly adopt and maintain such bridge, viaduct or arch and approaches as parts of public streets, or as property vesting in the corporation; or

(*b*) for the construction or alteration of any such bridge, viaduct or arch or for the purchase or acquisition of any adjoining land required for the foundation and support thereof or for the approaches

[1] Vol. II of this Code.

thereto, either entirely at the expense of such person or partly at the expense of such person and partly at the expense of the corporation.

Power to acquire premises for improvement of public streets.

296. (*1*) The Commissioner may, subject to the provisions of sections 90, 91 and 92—

(*a*) acquire any land required for the purpose of opening, widening, extending or otherwise improving any public street or of making any new public street, and the buildings, if any, standing upon such land;

(*b*) acquire, in addition to the said land and the buildings, if any, standing thereupon, all such land, with the buildings, if any, standing thereupon, as it shall seem expedient for the corporation to acquire outside of the regular line, or of the intended regular line, of such street;

(*c*) lease, sell or otherwise dispose of any land or building purchased under clause (*b*).

(*2*) Any conveyance of land or of a building under clause (*c*) may comprise such conditions as the Commissioner thinks fit, as to the removal of the existing building, the description of new building to be erected, the period within which such new building shall be completed and other such matters.

Preservation of Regular Line in Public Streets.

Prescribing the regular line of a street.

[1][**297.** (*1*) The Commissioner may—

(*a*) prescribe a line on each side of any public street;

(*b*) from time to time, but subject in each case to his receiving the authority of the corporation in that behalf, prescribe a fresh line in substitution for any line so prescribed, or for any part thereof provided that such authority shall not be accorded—

(*i*) unless, at least one month before the meeting of the corporation at which the matter is decided, public notice of the proposal has been given by the Commissioner by advertisement in local newspapers as well as in the Bombay Government Gazette, and special notice thereof, signed by the Commissioner, has also been put up in the street or part of the street for which such fresh line is proposed to be prescribed, and

[1] This section was substituted by s. 42 of the City of Bombay Municipal (Amendment) Act, 1905 (Bom. Act 5 of 1905), Vol. IV of this Code.

(*ii*) until the corporation have considered all objections to the said proposal made in writing and delivered at the office of the municipal secretary not less than three clear days before the day of such meeting.

(*2*) The line for the time being prescribed shall be called "the regular line of the street."

(*3*) No person shall construct any portion of any building within the regular line of the street except with the written permission of the Commissioner, who shall, in every case in which he gives such permission, at the same time report his reasons in writing to the standing committee.]

Setting back buildings to regular line of the street.

298. (*1*) If any part of a building abutting on a public street is within the regular line of such street, the Commissioner may, whenever it is proposed—

(*a*) to rebuild such building or to take down such building to an extent exceeding one-half thereof above the ground-level, such half to be measured in cubic feet, or

(*b*) to remove, re-construct or make any addition to any portion of such building which is within the regular line of the street,

in any order which he issues, under section 345 or 346, concerning the re-building, alteration or repair of such building, require such building to be set back to the regular line of the street.

(*2*) When any building, or any part thereof within the regular line of a public street, falls down, or is burnt down or is taken down whether under the provisions of section 351 or 354 or otherwise, the Commissioner may at once take possession on behalf of the corporation of the portion of land within the regular line of the street theretofore occupied by the said building, and, if necessary, clear the same.

(*3*) Land acquired under this section shall thenceforward be deemed a part of the public street and shall vest, as such, in the corporation.

Acquisition of open land or of land occupied by platforms, etc., within the regular line of a street.

299. (*1*) If any land not vesting in the corporation, whether open or enclosed, lies within the regular line of a public street, and is not occupied by a building, or if a platform, verandah, step or some other structure external to a building abutting on a public street, or a portion of a platform, verandah, step or other such structure, is within the regular line of such street, the Commissioner may, after giving to the owner of the land or building not less than seven clear days' written notice of his intention so to do, take possession on behalf of the corporation of the said land with its

enclosing wall, hedge or fence, if any, or of the said platform, verandah, step or other such structure as aforesaid; or of the portion of the said platform, verandah, step or other such structure as aforesaid which is within the regular line of the street, and, if necessary, clear the same, and the land so acquired shall thenceforward be deemed a part of the public street :

(2) Provided that when the land or building is vested in [1][Her Majesty] or in any corporation constituted by Royal Charter or by an Act of Parliament or of the Governor General of India in Council or of the Governor in Council, possession shall not be taken as aforesaid without the previous sanction of Government.

Setting forward of buildings to regular line of the street.

300. (*1*) If any building which abuts on a public street is in rear of the regular line of such street, the Commissioner may, whenever it is proposed—

(*a*) to re-build such building, or

(*b*) to alter or repair such building in any manner that will involve the removal or re-erection of such building, or of the portion thereof which abuts on the said street, to an extent exceeding one-half of such building or portion thereof above the ground-level, such half to be measured in cubic feet,

in any order which he issues, under section 315 or 316, concerning the re-building, alteration or repair of such building, permit or, with the approval of the standing committee, require such building to be set forward to the regular line of the street.

(*2*) For the purposes of this section, a wall separating any premises from a public street shall be deemed to be a building ; and it shall be deemed to be a sufficient compliance with a permission or requisition to set forward a building to the regular line of a street if a wall of such materials and dimensions as are approved by the Commissioner is erected along the said line.

Compensation to be paid in cases under the three last sections.

301. (*1*) Compensation shall be paid by the Commissioner to the owner of any building or land acquired for a public street under section 298 or 299 for the value of the said land and for any loss, damage or expense sustained by such owner in consequence of the order made by the Commissioner under either of the said sections.

(*2*) If, in consequence of any order to set forward a building made by the Commissioner under the last preceding section, the owner of such building sustains any loss or damage, compensation shall be paid to him by the Commissioner for such loss or damage.

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1 The words " Her Majesty " were substituted for the words " the Secretary of State in Council " by s. 5 (*a*) of the City of Bombay Municipal Act (Amendment) Act, 1888 (Bom. 4 of 1888), *infra*.

(*3*) If the additional land which will be included in the premises of any person required or permitted under the last preceding section to set forward a building belongs to the corporation, the order or permission of the Commissioner to set forward the building shall be a sufficient conveyance to the said owner of the said land; and the [1] [price to be paid to the corporation by the said owner for such additional land and the other] terms and conditions of the conveyance shall be set forth in the said order or permission.

(*4*) If, when the Commissioner requires a building to be set forward, the owner of the building is dissatisfied with [2] [the price fixed to be paid to the corporation or any of the other] terms or conditions of the conveyance, the Commissioner shall, upon the application of the said owner at any time within fifteen days after the said terms and conditions are communicated to him, refer the case for the determination of the Chief Judge of the Small Cause Court, whose decision thereupon shall be conclusive.

Provisions concerning Private Streets.

[3] [**302.** (*1*) Every person who intends— Notice to be given to Commissioner of intention to lay out lands for building and for private streets.

(*a*) to sell or let on lease any land subject to a covenant or agreement on the part of a purchaser or lessee to erect buildings thereon, or,

(*b*) to divide land into building plots, or

(*c*) to use any land or permit the same to be used for building-purposes, or

(*d*) to make or lay out a private street, whether it is intended to allow the public a right of passage or access over such street or not,

shall give written notice of his intention to the Commissioner, and shall, along with such notice, submit plans and sections, showing the situation and boundaries of such building land and the site of the private street (if any) and also the situation and boundaries of all other land of such person of which such building land or site forms a part, and the intended development, laying out and plotting of such building land, and also the intended level, direction, and width and means of drainage of such private street and the height and means of drainage and ventilation of the building or buildings proposed to be erected on the land, and, if any building when erected will not abut on a street then already existing or then intended to be made as aforesaid, the means of access from and to such building.

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[1] These words were inserted by s. 9 (*a*) of the City of Bombay Municipal (Amendment) Act, 1921 (Bom. Act 7 of 1921), Vol. V of this Code.

[2] These words were substituted for the words "any of the" by *ibid.*

[3] Sections 302, 302 A, 302 B, 303, and 304 were substituted for sections 302, 303, and 304 by s. 3 of the City of Bombay Municipal (Amendment) Act, 1920 (Bom. Act 5 of 1920), Vol. V of this Code.

(2) Nothing in this section or in sections 302 A, 302-B., 303 or 304 shall be deemed to affect or to dispense with any of the requirements of Chapter XII.]

Commissioner may call for further particulars.

[1] [**302A.** If any notice given under section 302 does not supply all the information which the Commissioner deems necessary to enable him to deal satisfactorily with the case, he may, at any time within thirty days after receipt of the said notice, by written notice require the person who gave the said notice to furnish the required information together with all or any of the following documents, namely—

(*a*) correct plans and sections in duplicate of the proposed private street, which shall be drawn to a horizontal scale of not less than one inch to every twenty feet, and a vertical scale of not less than one and a half inches to ten feet and shall show thereon the level of the present surface of the ground above some known fixed datum near the same, the level and rate of inclination of the intended new street, the level and inclination of the streets with which it is intended to be connected, and the proportions of the width which are proposed to be laid out as carriage-way and foot-way respectively ;

(*b*) a specification with detailed description of the materials to be employed in the construction of the said street and its foot-paths ;

(*c*) a plan showing the intended lines of drainage of such street and of the buildings proposed to be erected and the intended size, depth, and inclination of each drain, and the details of the arrangement proposed for the ventilation of the drains ;

(*d*) a scheme accompanied by plans and section for the laying out into streets, plots and open spaces of the other land of such person or of so much of such other land as the Commissioner shall consider necessary before applying to the standing committee for their approval of the determination of the Commissioner.]

Commissioner may require plans to be prepared by licensed surveyor.

[1] [**302B.** The Commissioner may decline to accept any plan, section or description as sufficient for the purposes of section 302 or section 302A, which does not bear the signature of a licensed surveyor in token of its having been prepared by such surveyor or under his supervision.]

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[1] *See* the third footnote on p. 173, *supra*.

[1] [**303.** (*1*) The laying out of land for building, the level, direction, width and means of drainage of every private street, and the height and means of drainage and ventilation of and access to all buildings to be erected on such land or in either side of such street shall be fixed and determined by the Commissioner with the approval of the standing committee with the general object of securing sanitary conditions, amenity, and convenience in connection with the laying out and use of the land and of any neighbouring lands. Laying out of land, private streets and buildings to be determined by Commissioner.

(*2*) But if, within thirty days after the receipt by the Commissioner of any notice under section 302 or of the plans, sections, description, scheme or further information, if any, called for under section 302 A, the disapproval by the Commissioner with regard to any of the matters aforesaid specified in such notice shall not be communicated to the person who gave the same, the proposals of the said person shall be deemed to have been approved by the Commissioner.]

[1] [**304.** (*1*) No person shall sell, let or use or permit the use of, any land for building, or divide any land into building plots or make or lay out or commence to make or lay out any private street, unless such person has given previous written notice of his intention as provided in section 302, nor until the expiration of sixty days from delivery of such notice, nor otherwise than in accordance with such directions (if any) as may have been fixed and determined under sub-section (*1*) of section 303. Land not to be appropriated for building and private street not to be laid out until expiration of notice nor otherwise than in accordance with Commissioner's directions.

(*2*) If any act be done or permitted in contravention of this section, the Commissioner may by written notice require any person doing or permitting such act on or before such day as shall be specified in such notice by a statement in writing subscribed by him in that behalf and addressed to the Commissioner, to show cause why the laying out, plotting, street or building contravening this section should not be altered to the satisfaction of the Commissioner, or, if that be in his opinion impracticable, why such street or building should not be demolished or removed or why the land should not be restored to the condition in which it was prior to the execution of the unauthorised work, or shall require the said person on such day and at such time and place as shall be specified in such notice to attend personally or by an agent duly authorised by him in that behalf, and show cause as aforesaid.

(*3*) If such person shall fail to show cause to the satisfaction of the Commissioner why such street or building should not be so altered, demolished

[1] *See* the third footnote on p. 173, *supra*.

or removed or why such land should not be so restored, the Commissioner may cause the work of alteration, demolition, removal or restoration to be carried out and the expenses thereof shall be paid by the said person.]

Levelling and draining of private streets.

305. If any private street be not levelled, metalled or paved, sewered drained, channelled and lighted to the satisfaction of the Commissioner, he may, with the sanction of the standing committee, by written notice, require the owners of the several premises fronting or adjoining the said street or abutting thereon to level, metal or pave, drain and light the same in such manner as he shall direct.

Power to declare private streets, when sewered, etc., public streets.

306. (*1*) When any private street has been levelled, metalled or paved sewered, drained, channelled and made good to the satisfaction of the Commissioner, he may and, upon the request of the owner or of any of the owners of such street, shall, if lamps, lamp-posts and other apparatus necessary for lighting such street have been provided to his satisfaction, by notice in writing put up in any part of such street, declare the same to be a public street, and thereupon the same shall become a public street :

(*2*) Provided that no such street shall become a public street if, within one month after such notice has been put up, the owner of such street or of the greater part thereof shall, by notice in writing to the Commissioner, object thereto.

(*3*) Nothing in this section shall be deemed to affect the provisions of sections 37 and 38 of the [1] Bombay Port Trust Act, 1879. Bom. Act VI of 1879.

Applicability of sections 305 and 306 when a street is in part public and in part private.

307. If a portion only of any street is a public street, within the meaning of that term as defined in clause (*x*) of section 3, the other portion of such street may for all purposes of sections 305 and 306 be deemed to be a private street.

Projections and Obstructions.

Prohibition of projections upon streets, etc.

308. (*1*) No person shall erect, set up or place against or in front of any premises any structure or fixture, which will—

(*a*) overhang, jut or project into, or in any way encroach upon, or obstruct the safe or convenient passage of the public along, any street, or

[1] Vol. II of this Code.

(*b*) jut or project into or encroach upon any drain or open channel in any street, so as in any way to interfere with the use or proper working of such drain or channel or to impede the inspection or cleansing thereof.

Power to require removal of the same.

(2) The Commissioner may, by written notice, require the owner or occupier of any premises to remove any structure or fixture which has been erected, set up or placed against, or in front of, the said premises in contravention of this section [1] [or of section 196 of the [2] Bombay Municipal Act, 1872,] or to alter the same in such manner as the Commissioner thinks fit to direct.

Bom. Act III of 1872.

(3) If the occupier of the said premises removes or alters any structure or fixture in accordance with such notice, he shall be entitled, unless the structure or fixture was erected, set up or placed by himself, to credit in account with the owner of the premises for all reasonable expenses incurred by him in complying with the said notice.

Power to require removal or alteration of projections, etc., made, before Bom. Act III of 1872 came into force.

309. (*1*) If any such structure or fixture as is described in the last preceding section has been erected, set up or placed against, or in front of, any premises, at any time before the [2] Bombay Municipal Act, 1872, came into force, the Commissioner may give notice as aforesaid to the owner or occupier of the said premises.

Bom. Act III of 1872.

(2) But, if in any such case the structure or fixture shall have been lawfully erected, set up or placed, compensation shall be paid by the Commissioner to every person who sustains loss or damage by the removal or alteration thereof.

Projections over streets may be permitted in certain cases.

310. (*1*) The Commissioner may give a written permission, on such terms as he shall in each case think fit, to the owner or occupier of any building abutting on any street—

(*a*) to erect an arcade over such street or any portion thereof, or

(*b*) to put up a verandah, balcony, sunshade, weather-frame or other such structure or thing projecting from any upper storey over any street or portion thereof :

(2) Provided that no permission shall be given by the Commissioner for the erection of an arcade in any public street in which the construction of arcades has not been previously sanctioned by the Corporation.

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[1] These words and figures were inserted by s. 6. of the City of Bombay Municipal Act (Amendment) Act, 1888 (Bom. Act 4 of 1888).

[2] Bom. Act 3 of 1872 was repealed by s. 2 of this Act.

(*3*) The provisions of section 308 shall not be deemed to apply to any arcade, verandah, balcony, sunshade, weather-frame, or other structure or thing erected or put under and in accordance with the terms of a permission granted under this section.

Ground-floor doors, etc., not to open outwards on streets.

311. The Commissioner may at any time, by written notice, require the owner of any premises on the groundfloor of which any door, gate, bar or window opens outwards upon a street, or upon any land required for the improvement of a street, in such manner as, in the opinion of the Commissioner, to obstruct the safe or convenient passage of the public along such street, to have the said door, gate, bar or window altered so as not to open outwards.

Prohibition of structures or fixtures which cause obstruction in streets.

312. (*1*) No person shall, except with the permission of the Commissioner under section 310 or 317, erect or set up any wall, fence, rail, post, step, booth or other structure or fixture in or upon any street or upon or over any open channel, drain, well or tank in any street so as to form an obstruction to, or an encroachment upon, or a projection over, or to occupy, any portion of such street, channel, drain, well or tank.

(*2*) Nothing in this section shall be deemed to apply to any erection or thing to which clause (*c*) of section 322 applies.

Prohibition of deposit, etc., of things in streets.

313. (*1*) No person shall, except with the written permission of the Commissioner,—

(*a*) place or deposit upon any street, or upon any open channel, drain or well in any street, any stall, chair, bench, box, ladder, bale or other thing so as to form an obstruction thereto or encroachment thereon ;

(*b*) project, at a height of less than twelve feet from the surface of the street, any board or shelf, beyond the line of the plinth of any building, over any street, or over any open channel, drain, well or tank in any street ;

(*c*) attach to, or suspend from, any wall or portion of a building abutting on a street, at a less height than aforesaid, anything whatever.

(*2*) Nothing in clause (*a*) applies to building-materials.

Commissioner may, without notice, remove anything erected in contravention of section.

314. The Commissioner may, without notice, cause to be removed—

(*a*) any wall, fence, rail, post, step, booth or other structure or fixture which shall be erected or set up in or upon any street, or upon or over any open channel, drain, well or tank contrary to the provisions of sub-section (*1*) of section 312, after the same comes into force ;

(*b*) any stall, chair, bench, box, ladder, bale, board or shelf, or any other thing whatever placed, deposited, projected, attached or suspended in, upon, from or to any place in contravention of sub-section (*1*) of section 313. 312, after it comes into force or deposited, etc., in contravention of section 313.

315. (*1*) The Commissioner may, by written notice, require the owner or occupier of any premises contiguous to, or in front of, or in connection with which any wall, fence, rail, post, step, booth or other structure or fixture, which it would be unlawful to erect or set up after section 312 comes into force, has been erected or set up before the said section comes into force, to remove the said wall, fence, rail, post, step, stall or other structure or thing. Power to require removal of any structure or fixture erected or set up before section 312 came into force.

(*2*) But, if in any such case the structure or fixture shall have been lawfully erected or set up, compensation shall be paid by the Commissioner to every person who sustains loss or damage by the removal or alteration thereof.

316. (*1*) No person shall tether any animal, or cause or permit the same to be tethered by any member of his family or household, in any public street. Prohibition of the tethering of animals in the public streets.

(*2*) Any animal tethered as aforesaid may be removed by the Commissioner, or by any municipal officer or servant, and made over to a police officer, or may be removed by a police officer, who shall deal therewith as with an animal found straying.

Temporary Erections on Streets during Festivals.

317. With the concurrence of the Police Commissioner, the Commissioner may grant a written permission for the temporary erection of a booth and any other such structure on any street on occasions of ceremonies and festivals. Commissioner may permit booths, etc., to be erected on streets on festivals.

Provisions concerning Execution of Works in or near to Streets.

318. Whenever the soil or pavement of any street is opened or broken up by or under the order of the Commissioner, or of any municipal officer or servant, for the execution of any work on behalf of the corporation, the work on account of which the same shall have been opened or broken up shall be completed and the soil or pavement filled in, reinstated and made good with all covenient speed; and on completion of the work, the surplus of earth and materials, if any, excavated and all rubbish occasioned thereby shall be removed without delay. Street when broken up for any municipal purpose to be restored without delay.

319. (*1*) The Commissioner may, whilst any such work as aforesaid or any work which may lawfully be executed in any street is in progress, direct that the said street shall be wholly or partially closed for traffic or for traffic of such description as he shall think fit; and shall set up in a conspicuous position an order prohibiting traffic to the extent so directed, and fix such bars, chains or posts across or in the street as he shall think proper for preventing or restricting traffic therein. Commissioner may close street in which work is in progress.

(*2*) No person shall, without the permission of the Commissioner or without other lawful authority, remove any bar, chain or post so fixed or infringe any order prohibiting traffic so set up.

Commissioner to provide for traffic, etc., pending execution of municipal work in any street.

320. Whilst the execution of any work on behalf of the corporation is in progress in any street, the Commissioner shall, so far as may be reasonably practicable, make adequate provision for the passage or diversion of traffic for securing access to all premises approached from such street, and for any drainage, water-supply or means of lighting which may be interrupted by reason of the execution of the said work, and shall pay compensation to any person who sustains special damage by reason of the execution thereof.

Precautions to be taken for the public safety whilst municipal works are in progress in any street.

321. (*1*) Whilst the execution of any work on behalf of the corporation is in progress in any street, the Commissioner shall—

(*a*) take proper precaution for guarding against accident by shoring up and protecting the adjoining buildings;

(*b*) have any place where the soil or pavement has been opened or broken up, fenced and guarded;

(*c*) have a light sufficient for the warning of passengers set up and kept every night against any such place and against any bars, chains or posts set up under section 319, for so long as such place shall be continued open or broken up, or such bars, chains or posts shall remain set up.

(*2*) No person shall, without the written permission of the Commissioner, or without other lawful authority, remove any shoring-timber or fence, or extinguish any light, employed or set up for any of the purposes of this section.

Streets not to be opened or broken up and building materials not to be deposited thereon without permission.

322. (*1*) No person other than the Commissioner or a municipal officer or servant shall, without the written permission of the Commissioner or without other lawful authority,—

(*a*) open, break up, displace, take up or make any alteration in, or cause any injury to, the soil or pavement, or any wall, fence, post, chain or other material or thing forming part of any street; or

(*b*) deposit any building-materials in any street; or

(*c*) set up in any street any scaffold or any temporary erection for the purpose of any work whatever, or any posts, bars, rails, boards or other things by way of enclosure, for the purpose of making mortar or depositing bricks, lime, rubbish or other materials.

(*2*) Any permission granted under clause (*b*) or clause (*c*) shall be terminable at the discretion of the Commissioner, on his giving not less than twenty-four hours' written notice of the termination thereof to the person to whom such permission was granted.

[1][(*3*) Except in cases in which permission has been applied for under clause (*b*) of sub-section (*1*) for the deposit of building-materials in any street and no reply has been sent to the applicant within seven days from the date of the application, the Commissioner may, without notice, cause to be removed

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[1] This sub-section was inserted by s. 3 of the City of Bombay Municipal (Amendment) Act, 1913 (Bom. Act 6 of 1913), Vol. V of this Code.

any building materials, or any scaffold, or any temporary erection, or any posts, bars, rails, boards or other things by way of enclosure, which have been deposited or set up in any street without the permission or authority specified in sub-section (*1*), or which, having been deposited or set up with such permission or authority, have not been removed within the period specified in the notice issued under sub-section (*2*).]

Precautions for public safety to be taken by persons to whom permission is granted under section 322.

323. Every person to whom any permission is granted under section 322 shall, at his own expense, cause the place where the soil or pavement has been opened or broken up or where he has deposited building-materials or set up any scaffold, erection or other thing, to be properly fenced and guarded, and, in all cases in which the same is necessary to prevent accidents, shall cause such place to be well lighted during the night.

Persons to whom permission is granted under section 322 must reinstate streets, etc.

324. (*1*) Every person to whom permission is granted under section 322 to open or break up the soil or pavement of any street, or who, under other lawful authority, opens or breaks up the soil or pavement of any street, shall with all convenient speed complete the work for which the same shall be opened or broken up, and fill in the ground and reinstate and make good the street or pavement so opened or broken up without delay, to the satisfaction of the Commissioner.

(*2*) If the said person shall fail to reinstate and make good the street or pavement as aforesaid, the Commissioner may restore such street or pavement, and the expenses incurred by the Commissioner in so doing shall be paid by the said person.

Provisions to be made by persons to whom permission is granted under section 322 for traffic, etc., when their works interrupt streets.

325. The Commissioner may, by written notice, require any person to whom permission is granted under section 322 to open or break up the soil or pavement of any street, or who, under any other lawful authority, opens or breaks up the soil or pavement of any street, for the purpose of executing any work, to make provision to his satisfaction for the passage or diversion of traffic, for securing access to the premises approached from such street and for any drainage, water-supply or means of lighting which may be interrupted by reason of the execution of the said work.

Hoards to be set up during work on any building adjacent to a street.

326. (*1*) No person who proposes to build, take down or re-build any building or wall, or to alter or repair any part of any building or wall, shall, in any case in which the footway in any adjacent street will be thereby obstructed or rendered less convenient, commence doing so, without first having caused to be put up a proper and sufficient hoard or fence, with a convenient platform and hand-rail, if there be room enough for the same and the Commissioner shall think the same desirable, to serve as a footway for passengers outside of such hoard or fence.

(*2*) No hoard or fence shall be so put up without the previous written permission of the Commissioner, and every such hoard or fence put up with such permission, with such platform and hand-rail as aforesaid, shall be continued standing and maintained in good condition to the satisfaction of the

Commissioner, by the person who carries on the work, during such time as may be necessary for the public safety and convenience; and, in all cases in which the same is necessary to prevent accidents, the said person shall cause such hoard or fence to be well lighted during the night.

(*3*) The Commissioner may, by written notice, require the person aforesaid to remove any hoard or fence so put up.

Naming of Streets, etc.

Naming streets, and numbering of houses.

327. (*1*) The Commissioner may, from time to time,—

(*a*) with the sanction of the corporation, determine the name by which any street shall be known;

(*b*) cause to be put up or painted on a conspicuous part of any house at or near each end, corner or entrance to every street, the name of such street as so determined;

[1] [(*c*) with the sanction of the corporation determine the number by which any premises shall be known;

(*d*) by written notice require the owner of any premises, either to put up or paint a number on such premises in such position and manner as may be specified in such notice, or to signify in writing his desire that the work shall be executed under the orders of the Commissioner]

(*2*) No person shall, without the written permission of the Commissioner or without other lawful authority, destroy, remove, deface or in any way injure any such name or number, or put up or paint any name or number different from that put up or painted by order of the Commissioner.

[2] [(*3*) Where a number is put up or painted on any premises under the orders of the Commissioner in accordance with clause (*d*) of sub-section (*1*), the expenses of such work shall be payable by the owner of the premises:

Provided that the maximum rate of charge for such work shall be fixed by the Commissioner with the previous sanction of the corporation.]

[3] ["*Sky-signs and Advertisements.*]

Regulations as to sky-signs.

[3] **[328.** (*1*) No person shall, without the written permission of the Commissioner, erect, fix or retain any sky-sign, whether now existing or not, and no such written permission shall be granted, or renewed, for any period exceeding two years from the date of each such permission or renewal:

Provided that in any of the following cases a written permission or renewal by the Commissioner under this section shall become void, namely:—

(*a*) if any addition to the sky-sign be made except for the purpose of making it secure under the direction of the municipal executive engineer;

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[1] Clauses (*c*) and (*d*) were substituted for the original clause (*c*) by s. 10 (*1*) of the City of Bombay Municipal (Amendment) Act (Bom. Act 2 of 1911), Vol. V of this Code.

[2] This sub-section was added by s. 10 (*2*) *ibid.*

[3] The heading and sections 328 and 328-A., were substituted for s. 328 and the heading thereto by s. 10 of the City of Bombay Municipal (Amendment) Act, 1921 (Bom. Act 7 of 1921), Vol. V of this Code.

(*b*) if any change be made in the sky-sign, or any part thereof ;

(*c*) if the sky-sign or any part thereof fall either through accident, decay or any other cause ;

(*d*) if any addition or alteration be made to, or in, the building or structure upon or over which the sky-sign is erected, fixed or retained, if such addition or alteration involves the disturbance of the sky-sign or any part there f ;

(*e*) if the building or structure upon or over which the sky-sign is erected, fixed or retained become unoccupied or be demolished or destroyed.

(*2*) Where any sky-sign shall be erected, fixed or retained after the enactment of this section upon or over any land, building or structure, save and except as permitted as hereinbefore provided, the owner or person in occupation of such land, building or structure shall be deemed to be the person who has erected, fixed or retained such sky-sign in contravention of the provisions of this section, unless he proves that such contravention was committed by a person not in his employment or under his control, or was committed without his connivance.

(*3*) If any sky-sign be erected, fixed or retained contrary to the provisions of this section, or after permission for the erection, fixing or retention thereof for any period shall have expired or become void, the Commissioner may, by written notice, require the owner or occupier of the land, building or structure, upon or over which the sky-sign is erected, fixed or retained, to take down and remove such sky-sign.

The expression 'sky-sign' shall in this section mean any word, letter, model, sign, device or representation in the nature of an advertisement, announcement or direction, supported on or attached to any post, pole, standard framework or other support wholly or in part upon or over any land, building or structure which, or any part of which sky-sign, shall be visible against the sky from some point in any street and includes all and every part of any such post, pole, standard, framework or other support. The expression 'sky-sign' shall also include any balloon, parachute or other similar device employed wholly or in part for the purposes of any advertisement, announcement or direction upon or over any land, building or structure or upon or over any street, but shall not include—

(*a*) any flagstaff, pole, vane or weathercock, unless adapted or used wholly or in part for the purpose of any advertisement, announcement or direction ;

(*b*) any sign, or any board, frame or other contrivance securely fixed to or on the top of the wall or parapet of any building, or on the cornice or blocking course of any wall, or to the ridge of a roof :

Provided that such board, frame or other contrivance be of one continuous face and not open work, and do not extend in height more than three feet above any part of the wall, or parapet or ridge to, against, or on which it is fixed or supported ;

(*c*) any word, letter, model, sign, device or representation as aforesaid, relating exclusively to the business of a railway company, and placed wholly upon or over any railway, railway station, yard, platform or station approach belonging to a railway company, and so placed that it cannot fall into any street or public place ;

(*d*) any notice of land or buildings to be sold, or let, placed upon such land or buildings.]

Regulation and control of advertisements.

[1] **[328A.** (*1*) No person shall, without the written permission of the Commissioner, erect, exhibit, fix or retain any advertisement whether now existing or not, upon any land, building, wall, hoarding or structure :

Provided always that such permission shall not be necessary in respect of any advertisement which is not an illuminated advertisement nor a sky-sign and which—

(*a*) is exhibited within the window of any building ;

(*b*) relates to the trade or business carried on within the land or building upon which such advertisement is exhibited, or to any sale or letting of such land or building or any effects therein, or to any sale, entertainment or meeting to be held upon or in the same ;

(*c*) relates to the business of any railway company ;

(*d*) is exhibited within any railway station or upon any wall or other property of a railway company, except any portion of the surface of such wall or property fronting any street :

Provided also that such permission shall not be necessary for a period of five years after the enactment of this section in respect of advertisements upon a site which was occupied by advertisements on the first day of the month of September one thousand nine hundred and nineteen.

(*2*) Where any advertisement shall be erected, exhibited, fixed or retained after three months from the enactment of this section upon any land, building, wall, hoarding or structure save and except as permitted or exempted from permission as hereinbefore provided, the owner or person in occupation of such land, building, wall, hoarding or structure shall be deemed to be the person who has erected, exhibited, fixed or retained such advertisement in contravention of the provisions of this section, unless he proves that such contravention was committed by a person not in his employment or under his control, or was committed without his connivance.

(*3*) If any advertisement be erected, exhibited fixed or retained contrary to the provisions of this section after the written permission for the erection, exhibition, fixing or retention thereof for any period shall have expired or become void, the Commissioner may, by notice in writing, require the owner or occupier of the land, building, wall, hoarding or structure upon which the same is erected, exhibited, fixed or retained, to take down or remove such advertisement.

(*4*) The word ' structure ' in this section shall include any movable board on wheels used primarily as an advertisement or an advertising medium.]

Dangerous Places.

Commissioner to take proceedings for repairing or enclosing dangerous places.

329. (*1*) If any place is, in the opinion of the Commissioner, from want of sufficient repair, protection or enclosure, or owing to some work being carried on thereupon, dangerous to passengers along a street, or to persons, other than the owner or occupier of the said place, who have legal access thereto or to the neighbourhood thereof, he may, by notice in writing, require the owner or occupier thereof to repair, protect or enclose the said place or take such other step as shall appear to the Commissioner necessary, in order to prevent danger therefrom.

[1] *See* footnote 3 on p. 182, *supra*.

(2) The Commissioner may, before giving any such notice or before the period of any such notice has expired, take such temporary measures as he thinks fit to prevent danger from the said place. Any expense incurred by the Commissioner in taking such temporary measures shall be paid by the owner or occupier of the place to which the said notice refers.

Lighting of Streets.

330. The Commissioner shall—

(*a*) take measures for lighting in a suitable manner the public streets and municipal markets and all buildings vesting in the corporation; and — Public streets to be lighted.

(*b*) procure, erect and maintain such a number of lamps, lamp-posts and other appurtenances as may be necessary for the said purpose ; and

(*c*) cause such lamps to be lighted by means of oil, gas, electricity or such other light as the corporation shall from time to time determine ;

and may—

(*d*) place and maintain electric wires for the purpose of lighting such lamps under, over, along or across, and posts, poles, standards, stays, struts, brackets, and other contrivances for carrying, suspending or supporting lamps or electric wires in or upon, any immoveable property, without being liable to any claim for compensation thereanent :

Provided that such wires, posts, poles, standards, stays, struts, brackets and other contrivances shall be so placed as to occasion the least practicable inconvenience or nuisance to any person. — Prohibition of removal, etc., of lamps.

331. No person shall, without lawful authority, take away or wilfully break, throw down or damage—

(*a*) any lamp, lamp-post or lamp-iron set up in any public street or in any municipal market or building vesting in the corporation ;

(*b*) any electric wire for lighting any such lamp ;

(*c*) any post, pole, standard, stay, strut, bracket or other contrivance for carrying, suspending or supporting any such electric wire or lamp ;

and no person shall wilfully extinguish the light or damage any appurtenance of any such lamp.

332. If any person shall, through negligence or accident, break any lamp set up in any public street or municipal market or building vesting in the corporation, he shall pay the expenses of repairing the damage so done by him. — Persons accidentally breaking lamp to repair the damage.

333. (*1*) No gas-pipe shall be laid in a drain or on the surface of an open channel or house-gully. — Manner of laying gas-pipes.

(2) Gas-pipes shall be laid at the greatest practicable distance from water-pipes, having regard to the width of the street. Where the width of the street will allow of it, the said distance shall not be less than four feet.

(3) When it is necessary for a gas pipe to cross a water-pipe, the gas-pipe shall, if practicable, be laid above the water-pipe. A gas-pipe so laid shall be at least nine feet in length and, as nearly as the situation will admit of, shall be so placed as to form with the water-pipe a right angle and so that no joint in the gas-pipe will be nearer to any water-pipe than four feet. The greatest practicable distance shall be kept between a water-pipe and a gas-pipe which crosses it, and the gas-pipe shall, throughout its entire length, be sufficiently bedded in with good sound clay or other fit material of a proper consistence, which shall be well worked and rammed into a trench all round the gas-pipe.

(4) If any gas-pipe be laid in any way contrary to the provisions of this section, the Commissioner may make such alteration with respect to such pipe as he shall think necessary, and the expenses thereof shall be paid by the person under whose order or management the pipe has been laid.

Situation of gas-pipes, etc., may be altered by Commissioner.

334. (1) The Commissioner may, whenever for any of the purposes of this Act it shall appear to him necessary, by written notice, require the owner of any gas-pipe or of any other gas-work laid in any street to raise, sink or otherwise alter the situation of such pipe or work.

(2) Every alteration required to be made under sub-section (1) shall be made at the charge of the municipal fund, and compensation shall be paid to the owner by the Commissioner for the damage, if any, which he sustains by reason of such alteration:

(3) Provided that no such alteration shall be made which will prevent gas passing through any pipe or work as freely and conveniently as, having regard to all the requirements of this Act, is practicable.

Buildings, etc., not to be erected without permission over municipal gas-pipes.

335. (1) Without the written permission of the Commissioner, no building, wall or other structure shall be newly erected, and no street or railway shall be constructed over any gas-pipe belonging to the corporation.

(2) If any building, wall or other structure be so erected, or any street or railway be so constructed, the Commissioner may, with the approval of the standing committee, cause he same to be removed or otherwise dealt with as to the Commissioner shall appear fit, and the expenses thereby incurred shall be paid by the person offending.

Watering of Streets.

Measures for watering.

336. The Commissioner may—

(a) take measures for having the public streets watered at such time and seasons and in such manner as he shall think fit;

(b) procure and maintain such water-carts, animals, and apparatus as he shall think fit for the said purpose.

CHAPTER XII.

BUILDING REGULATIONS.

Notices regarding Erection of Buildings.

Notice to be given to Commissioner of intention to erect a building.

337. (*1*) Every person who shall intend to erect a building shall give to the Commissioner notice of his said intention, in a form, obtained for this purpose under section 344, specifying the position of the building intended, to be erected, the description of building, the purpose for which it is intended, [1] * its dimensions [2] [and the name of the person whom he intends to employ to supervise its erection.].

[3] [(*2*) In this chapter 'to erect a building' means—

(*a*) newly to erect a building, or

(*b*) to re-erect

(*i*) any building of which more than three-quarters of the cubical contents of the building above the level of the plinth have been pulled down, or

(*ii*) any masonry walled building of which more than three-quarters of the superficial area of the external walls above the level of the plinth has been pulled down, or

(*iii*) any frame-building of which more than three-quarters of the number of posts have been pulled down, or

(*c*) to convert into a dwelling-house any building not originally constructed for human habitation, or

(*d*) to convert into more than one dwelling-house a building originally constructed as one dwelling-house only;

and a dwelling so erected, re-erected or converted is called in this chapter 'a new building.']

Commissioner may require plans and other documents to be furnished.

[4] [**338.** (*1*)] At any time within thirty days after receipt of any notice under section 337, the Commissioner may, by written notice, require the person who has given the notice first hereinbefore in this section mentioned, to furnish to the Commissioner all or any of the following documents, namely:—

[5] [(*a*) correct plans and sections of every floor of the building intended to be erected, which shall be drawn to a scale of not less than one inch to every eight feet and shall show the position, form, dimensions and means of ventilation of and of access to the several parts of such building and its appurtenances [6] [and the particular part or parts thereof which are, and those which are not, intended to be used for human habitation]

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[1] The word "and" was repealed by s. 44 of the City of Bombay Municipal (Amendment) Act, 1905 (Bom. Act 5 of 1905). Vol. IV of this Code.

[2] These words were added by *ibid.*

[3] This sub-section was substituted for the original sub-section (*2*) by s. 4 of the City of Bombay Municipal (Amendment) Act, 1916 (Bom. Act 1 of 1916), Vol. V of this Code.

[4] Section 338 was renumbered section 338 (*1*) by s. 45 (*1*) of the City of Bombay Municipal (Amendment) Act, 1905 (Bom. 5 of 1905), Vol. IV of this Code.

[5] Clauses (*a*) and (*b*) were substituted by s. 45 (*2*), *ibid.*

[6] These words were inserted by s. 5 (*1*) of the City of Bombay Municipal (Amendment) Act, 1916 (Bom. Act 1 of 1916), Vol. V of this Code.

and, in the case of a building intended to be used as a dwelling house for two or more families or for carrying on any trade or business in which a number of people exceeding twenty may be employed or as a place of public resort, the means of ingress and egress Such plans and sections shall also show the depth and nature of the foundations and the proposed dimensions of all the walls, posts, columns, beams, joists and all girders and scantlings to be used in the walls, staircases, floors and roofs of such building ;

(*b*) a specification of each description of work proposed to be executed and of the materials to be employed. Such specification shall include a description of the proposed method of drainage of the building intended to be erected and of the sanitary fittings to be used and also of the means of water-supply and shall, if required by the Commissioner, be supplemented by detailed calculations showing the sufficiency of the strength of any part of such building ;]

(*c*) a block plan of such building, which shall be drawn to [1][the scale of the largest revenue survey map at the time being in existence for the locality in which the building is, or is to be, situated] and shall show the position and appurtenances of the properties, if any, immediately adjoining, the width and level of the street, if any, in front and of the street, if any, at the rear of such building, the levels of the foundations and lowest floor of such building and of any yard or ground belonging thereto [2] [and the means of access to such building] ;

(*d*) a plan showing the intended line of drainage of such building, and the intended size, depth and inclination of each drain, and the details of the arrangement proposed for the ventilation of the drains.

[3] [(*2*) At any time within the said period the Commissioner may also by written notice require the said person to open for inspection any portion or portions of the intended foundations, or any portion or portions of the foundations or walls of the existing building.]

Commissioner may require plans, etc., submitted under last preceding section, to be prepared by a licensed surveyor.

339. The Commissioner may decline to accept any plan, section or description as sufficient for the purposes of the last preceding section, which does not bear the signature of a licensed surveyor in token of its having been prepared by such surveyor or under his supervision.

Additional information and the attendance of the person who gave the notice may be required.

340. If the notice given under section 337 and the documents, if any, furnished under section 338 do not supply all the information which the

[1] These words were substituted for the words "a scale of not less than one inch to every forty feet" by s. 5 (*2*) *ibid.*

[2] These words were added by s. 45 (*3*) of the City of Bombay Municipal (Amendment) Act, 1905 (Bom. Act 5 of 1905), Vol. IV of this Code.

[3] Sub-section (*2*) was inserted by s. 45 (*4*) *ibid.*

Commissioner deems necessary to enable him to deal satisfactorily with the case, the Commissioner may, at any time within thirty days after receipt of the said documents, by written notice, require the production of such further particulars and details as he deems necessary.

Effect of non-compliance with requisition under section 338 or 340.

341. If any requisition made under section 338 or 340 is not complied with, the notice given under section 337 shall be deemed not to have been given.

Notices regarding Execution of Works not amounting to the Erection of a Building.

Notice to be given to the Commissioner of intention to make additions, etc., to a building.

342. Every person who shall intend—

(*a*) to make any addition to a building, or

(*b*) to make any alteration or repairs to a building, not being a frame-building, involving the removal or re-erection of any external or party-wall thereof or of any wall which supports the roof thereof, to an extent exceeding one-half of such wall above the [1][plinth level], such half to be measured in superficial feet, or

(*c*) to make any alteration or repairs to a frame-building, involving the removal or re-erection of more than one-half of the posts in any such wall thereof as aforesaid, [2][or involving the removal or re erection of any such wall thereof as aforesaid to an extent exceeding one-half of such wall above plinth level,] such half to be measured in superficial feet, or

[3][(*cc*) to make any alteration in a building involving—

(*i*) the sub-division of any room in such building so as to convert the same into two or more separate rooms.

(*ii*) the conversion of any passage or space in such building into a room or rooms, or]

(*d*) to remove or reconstruct any portion of a building abutting on a street which stands within the regular line of such street,

shall give to the Commissioner, in a form obtained for this purpose under section 344, notice of his said intention, specifying the position of the building in which such work is to be executed, [4]* the nature and extent of the intended

[1] These words were substituted for the words "ground level" by s. 6 (*f*) of the City of Bombay Municipal (Amendment) Act, 1916 (Bom. Act 1 of 1916), Vol. V of this Code.

[2] These words were inserted by s. 6 (*g*) *ibid.*

[3] This clause was inserted by s. 5 of the City of Bombay Municipal (Further Amendment) Act, 1916 (Bom. Act 6 of 1916), Vol. V of this Code.

[4] The word "and" was repealed by s. 46 of the City of Bombay Municipal (Amendment) Act, 1905 (Bom. Act 5 of 1905), Vol. IV of this Code.

work, [1][the particular part or parts, if any, of such work which is or are intended to be used for human habitation] [2][and the name of the person whom he intends to employ to supervise its execution].

Plans and additional information may be called for.

343. *(1)* If any notice given under the last preceding section does not supply all the information which the Commissioner deems necessary to enable him to deal satisfactorily with the case, he may, at any time within thirty days after receipt of the said notice, by written notice, require the person who gave the notice first hereinbefore in this section mentioned to furnish plans and sections [3][of the building and] of the intended new work or of any specified portion of the intended new work, [4][and the provisions of sections 338, 339, 340 and 341 shall apply to the intended new work so far as the Commissioner may consider them to be applicable.]

[5][(2) The Commissioner may also, at any time within the said period by written notice require the said person to open for inspection any portion or portions of the foundations or walls of the existing building.]

Forms of Notices.

Printed form of notices to be supplied to the public.

344. *(1)* The Commissioner shall cause printed forms of notices for the purposes of section 337 or 342 to be delivered to any person requiring the same, on payment of such fee not exceeding eight annas for each form as shall from time to time be prescribed in this behalf by the Commissioner, with the approval of the standing committee.

(2) There shall be printed on the reverse of every such notice, or on a separate paper supplied without extra charge therewith, a copy of sections 337, 338, 339, 340, 341, 342, 343, [6][344A] 345, 346, 347, 348, [7][349, 349A, 349B., [8][349C and 349D].] and of all by-laws made under clauses *(c)*, *(d)* and *(e)* of section 461 at the time in force.

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[1] These words were inserted by s. 6 *(3)* of the City of Bombay Municipal (Amendment) Act, 1916 (Bom. Act 1 of 1916) Vol. V of this Code.

[2] These words were added by s. 46 of the City of Bombay Municipal (Amendment) Act, 1905 (Bom. Act 5 of 1905), Vol. IV of this Code.

[3] These words were inserted by s. 47 *(1)* of the City of Bombay Municipal (Amendment) Act, 1905 (Bom. Act 5 of 1905), Vol. IV of this Code.

[4] These words were substituted by *ibid.*

[5] Sub-section *(2)* of section 343 was substituted by s. 47 *(2) ibid.*

[6] These figures and letter were inserted by s. 48 *(a) ibid.*

[7] These figures and letters were substituted for the word and figures "and 349" by s. 48 *(b) ibid.*

[8] The expression "349C and 349D" was substituted for the expression "and 349C" by s. 11 of the City of Bombay Municipal (Amendment) Act, 1911 (Bom. Act 2 of 1911), Vol. V of this Code.

Commencement of work.

Supervision of buildings and works.

[1][**344A** (*1*) Every person who intends to erect a building, or execute any such work as is described in section 342, shall employ a person, who shall be competent to the satisfaction of the Commissioner, to supervise the erection of such building or the execution of such work

(*2*) The Commissioner may in each case require that the person to be so employed shall be a licensed surveyor; and the Commissioner shall, within seven days from the receipt of the notice of intention under section 337 or 342, as the case may be,—

(*a*) approve the person named therein to supervise the building or work, or

(*b*) return the said notice for amendment if the person so named—

(*i*) is not a licensed surveyor, and

(*ii*) is not, in the opinion of the Commissioner, a fit and proper person to supervise such building or work.

(*3*) A notice of intention returned for amendment under sub-section (*2*) shall be deemed not to have been given until it has been re-submitted duly amended.

(*4*) Where the person so employed dies or ceases to be so employed before such building or work is completed, the further erection of such building, or the further execution of such work, shall forthwith be suspended until—

(*a*) a licensed surveyor, whose name shall be forthwith reported to the Commissioner, or

(*b*) another person approved by the Commissioner,

has been so employed.]

When building or work may be proceeded with.

345. If within thirty days after receipt of any notice under section 337 or 342, or of the plan, section, description or further information, if any, called for under section 338, 340, or 343, as the case may be, the Commissioner fails to intimate in writing, to the person who has given the said notice, his disapproval of the building which the said person proposes to erect, or of the work which he proposes to execute;

or if, within the said period, the Commissioner signifies in writing to the said person his approval of the said building or work;

the said person may, at any time within one year from the date of the delivery of the notice to the Commissioner, proceed with the said building or

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[1] Section 344A was inserted by s. 49 by the City of Bombay Municipal (Amendment) Act, 1905 (Bom. Act 5 of 1905), Vol. IV of this Code.

work in accordance with his intention as described in the notice or in any of the documents aforesaid, but not so as to contravene any of the provisions of this Act or any by-law made under this Act at the time in force.

Building or work which is disapproved by the Commissioner may be proceeded with, subject to terms.

346. (*1*) If the Commissioner disapproves of any building or work of which notice has been given as aforesaid or of any portion or detail thereof, by reason that the same will contravene some provision of this Act or some by-law made hereunder at the time in force or will be unsafe, he may, at any time within thirty days of the receipt of the notice or of the plan, section description or further information, if any, called for under section 338, 340 or 343, as the case may be, by a written notice, intimate to the person who gave the notice first hereinbefore in this section mentioned his said disapproval and the reason for the same, and prescribe terms subject to which the building or work may be deemed to be approved by him.

(*2*) The person who gave the notice concerning any such building or work may proceed with the same, subject to the terms prescribed as aforesaid but not otherwise, at any time within one year from the date of receipt by him under sub section (*1*) of the written notice in this behalf, but not so as to contravene any of the provisions of this Act or any by-law made hereunder at the time in force.

When work may be commenced.

347. (*1*) No person shall commence to erect any building or to execute any such work as is described in section 342,—

(*a*) until he has given notice of his intention, as hereinbefore required, to erect such building or execute such work and the Commissioner has either intimated his approval of such building or work or failed to intimate his disapproval thereof within the period prescribed in this behalf in section 345 or 346 ;

[1] [(*aa*) until he has given notice to the municipal executive engineer of the proposed date of commencement. Where the commencement does not take place within seven clear days of the date so notified, the notice shall be deemed not to have been given ;]

(*b*) after the expiry of the period of one year prescribed in sections 345 and 346, respectively, for proceeding with the same.

(*2*) If a person, who is entitled under section 345 or 346 to proceed with any building or work, fails so to do within the period of one year prescribed in the said sections, respectively, for proceeding with the same, he may at any

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[1] Clause (*aa*) was inserted by s. 50 of the City of Bombay Municipal (Amendment) Act, 1905 (Bom. Act 5 of 1905), Vol. IV of this Code.

subsequent time give a fresh notice of his intention to erect such building or execute such work, and thereupon the provisions hereinbefore contained shall apply as if such fresh notice were a first notice of such person's intention.

[1] [**347A.** No person shall, without the written permission of the Commissioner,— **Building not to be converted to other purposes without the permission of the Commissioner.**

(*a*) use or permit to be used for human habitation any part of a building not originally constructed or authorised to be used for that purpose, or

(*b*) convert into, or use, or permit to be used, as a chawl or building intended to form a range of separate rooms for lodgers, a building not originally designed or authorised to be so used.]

Provisions as to Structure, Materials, etc.

348. (*1*) With respect to buildings which are to be newly erected [2] * * * * the following provisions shall have effect, namely :— **Provisions as to buildings which are to be newly erected.**

(*a*) The erection of any such building on either side of a new street may be disapproved by the Commissioner, unless and until such new street has been levelled, metalled or paved, sewered and drained to the satisfaction of the Commissioner.

(*b*) The erection of any such building in any part of the city in which the position and direction of the streets likely to be required in the future have not yet been laid down or determined shall, with the assent of the standing committee, be disapproved by the Commissioner, unless the site proposed for such building is, in the opinion of the Commissioner, such as, with reference to the positions occupied by the buildings, if any, already existing in the neighbourhood, will admit of the construction in the future of one or more new streets convenient for the occupiers of all the buildings in the neighbourhood and for the purposes of drainage, water-supply and ventilation : Provided that any person whose building is so disapproved may, by written notice to the Commissioner, require that the position and direction of the future streets in the vicinity of his intended building be forthwith laid down and determined, and if such requisition be not complied with within

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[1] This section was inserted by s. 7 of the City of Bombay Municipal (Amendment) Act, 1916 (Bom. Act 1 of 1916), Vol. V of this Code.

[2] The words " on any site previously unbuilt upon " were repealed by the City of Bombay Municipal (Amendment) Act, 1905 (Bom. Act 5 of 1905), Vol. IV of this Code.

six months from the date thereof, may, subject to all other provisions of this Act applicable thereto, proceed with the erection of his building.

(*c*) The foundation of any such building shall not be constructed on any site which has been filled up with, or has been used as a place for depositing, excrementitious matter or the carcasses of dead animals or other filthy or offensive matter, until such matter shall have been properly removed to the satisfaction of the Commissioner.

(*d*) Every such building intended to be used as a dwelling shall be built with a plinth at least two feet above the centre of the nearest street and not below such standard level as may be fixed by the Commissioner in this behalf.

[1] (*e*) In addition to any means of ventilation required by any by-law made under this Act at the time in force, every such building intended to be used as a dwelling shall be so constructed that the whole of at least one side of every room thereon shall either be an external wall or abut on an interior open space. Such external wall, except where it faces a street of not less than fifteen feet in width, shall have between it and the boundary-line of the owner's premises an open space, extending throughout the entire length of such wall, at least two feet wide or, in the case of a chawl or building intended to form a range of separate rooms for lodgers, at least five feet wide. Such interior open space shall have an area equal to not less than one-tenth of the aggregate floor-area of all the rooms abutting thereon and shall not be in any direction less than six feet across. And every open space, whether exterior or interior, required by this clause, shall be and be kept free from any erection thereon and open to the sky, and shall be and be kept open to access from each end thereof.

(*f*) Every room intended to be inhabited in any such building, except a room in the roof thereof, shall be in every part at least [2] [ten] feet in height from the floor to the ceiling.

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[1] The original clause (*e*) was deleted by s. 51 (*b*) of the City of Bombay Municipal (Amendment) Act, 1905 (Bom. Act 5 of 1905), Vol. IV of this Code, and the subsequent clauses of section 348 (*1*) renumbered accordingly.

[2] This word was substituted for the word "eight" by s. 51 (*c*) *ibid.*

(*g*) Every such room in the roof of any such building shall have an average height of at least [1][eight] feet from the floor to the ceiling [2][and a minimum height of not less than four feet].

(*h*) Every such room shall have a clear superficial area of not less than [3][one hundred] square feet.

(*j*) In addition to any means of ventilation required by any by-law made under this Act at the time in force, every such room shall be ventilated by means of doors or windows which open directly into the external air and have an aggregate opening equal to not less than one-fourth of the superficial area of the side of the room which faces an open space.

(*k*) Huts or sheds, or ranges or blocks of huts or sheds, whether the same are to be used as dwellings or stables or for any other purpose, shall be built, if the Commissioner thinks fit so to require,—

(*i*) so that they may stand in regular lines, with a free passage or way in front of and between every two lines of such width as the Commissioner thinks proper for ventilation and for facilitating scavenging, and

(*ii*) with such and so many privies, latrines or urinals and such means of drainage as the Commissioner deems necessary; and

(*iii*) at such a level as will suffice for the means of drainage required by the Commissioner.

(2) Nothing in clause (*a*) shall be deemed to affect the power of Government to determine, under section 38 of the [4] Bombay Port Trust Act, 1879, any dispute which arises between the Trustees of the Port of Bombay and the Commissioner as to whether any road within the limits of the property of the said trustees has been duly levelled, metalled or paved, sewered and drained.

Bom. Act VI of 1879.

349. (1) No external wall and no covering of a roof built or renewed since the [5] Bombay Municipal Act, 1872, came into force shall, except with the written permission of the Commissioner, consist of wood, cloth, canvas, grass, leaves, mats or any other inflammable material.

Roofs and external walls of buildings not to be of inflammable material.

Bom. Act III of 1872.

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[1] This word was substituted for the word "seven" by s. 51 (*d*) (*i*) of the City of Bombay Municipal (Amendment) Act, 1905 (Bom. Act. 5 of 1905), Vol. IV of this Code.

[2] These words were inserted by s. 51 (*d*) (*ii*) *ibid.*

[3] These words were substituted for the word "eighty" by s. 51 (*e*) *ibid.*

[4] Vol. II of this Code.

[5] Bom. Act 3 of 1872 was repealed by s. 2 of this Act.

(*2*) If any external wall or covering of a roof is or has been, since the said Act came into force, constructed of any such material, the Commissioner may, by written notice, require the owner or occupier of the building to which such wall or roof appertains to remove such wall or covering.

Maximum height of buildings.

[1] [**349A.** (*1*) Except with the written permission of the Commissioner, no building shall be erected or raised to a greater height than seventy feet as measured from the level of the centre of the street in front—

(*a*) in the case of a pitched roof, up to the tie-beam of the roof, and

(*b*) in the case of a flat roof, up to the surface of the roof.

(*2*) In the case of a pitched roof, the roof above that height shall rise at an angle of not more than forty-five degrees.

(*3*) In the case of a flat roof, a parapet of not more than three feet in height may be constructed above the maximum height specified in sub-section (*1*).]

Height of buildings with reference to width of streets.

[1] [**349B.** Subject to the maximum prescribed by section 349A, the height to which a building may be erected or raised shall be regulated by the width of the street on which it abuts, in accordance with the following rules, namely :—

(*1*) if the width of the street does not exceed twenty-six feet, the building shall not be erected or raised to a height greater than one and one-half times the width of the street ;

(*2*) if the width of the street exceeds twenty-six feet but does not exceed forty feet, the building shall not be erected or raised to a height greater than forty feet ; and

(*3*) if the width of the street exceeds forty feet, the building shall not be erected or raised to a height greater than the width of such street ;

(*4*) where the building abuts upon more than one street, its height shall be regulated by the wider of such streets so far as it abuts upon such wider street and also, to a distance of eighty feet from such wider street, so far as it abuts upon the narrower of such streets :

Proviso in case of set-back.

Provided that, if the face of the building is set back from the street at any height not exceeding the height specified in sub-section (*1*), sub-section (*2*) or sub-section (*3*), as the case may be, such building may be erected or raised to a height greater than that so specified, but not so that any portion of the

[1] Sections 349A and 349B were inserted by s. 52 of the City of Bombay Municipal (Amendment) Act, 1905 (Bom. Act 5 of 1905), Vol. IV of this Code.

building shall intersect any of a series of imaginary straight lines drawn from the line of set-back, in the direction of the portion set-back, at an angle of forty-five degrees with the horizontal.]

Frame-buildings.

[1] [**349C.** After the commencement of this Act no building the external walls of which are of timber-framed construction shall be erected or re-erected so as to consist of more than one ground floor and one upper storey.

Provided that the Commissioner may by special order grant permission for the erection of such a building of more than two storeys or for the construction of one or more additional storeys if satisfied that such building will be or is of thoroughly sound material and construction and can safely support the same.]

Provision of sufficient means of egress.

[2] [**349D.** Where the Commissioner is of opinion that the means of egress from any building are insufficient to allow of safe exit in the event of fire, he may, with the approval of the standing committee, by written notice require the owner or occupier of the building to alter or reconstruct any existing staircase in such manner or to provide such additional or emergency staircases, as he may prescribe.]

Inspection.

Inspection of buildings in course of erection, alteration, etc.

350. The Commissioner may at any time during the erection of a building or the execution of any such work as is described in section 342 make an inspection thereof, without giving previous notice of his intention so to do.

Proceedings to be taken in respect of building or work commenced contrary to section 347.

351. *(1)* If the erection of any building, or the execution of any such work as is described in section 342, is commenced contrary to the provisions of section 347, the Commissioner, unless he deems it necessary to take proceedings in respect of such building or work under section 354, shall—

(*a*) by written notice, require the person who is erecting such building or executing such work, or has erected such building or executed such work, on or before such day as shall be specified in such notice, by a statement in writing subscribed by him or by an agent duly authorized by him in that behalf and addressed to the Commissioner, to show sufficient cause why such building or work shall not be removed, altered or pulled down ; or

(*b*) shall require the said person on such day and at such time and place as shall be specified in such notice to attend personally, or by an

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[1] This section was inserted by s. 52 of the City of Bombay Municipal (Amendment) Act, 1905 (Bom. Act 5 of 1905), Vol. IV of this Code.

[2] This section was inserted by s. 12 of the City of Bombay Municipal (Amendment) Act, 1911 (Bom. Act 2 of 1911), Vol. V of this Code.

agent duly authorized by him in that behalf, and show sufficient cause why such building or work shall not be removed, altered or pulled down.

(2) If such person shall fail to show sufficient cause, to the satisfaction of the Commissioner, why such building or work shall not be removed, altered or pulled down, the Commissioner, with the approval of the standing committee, may remove, alter or pull down the building or work and the expenses thereof shall be paid by the said person.

Buildings or works commenced contrary to section 347 may be cut into and laid open for purpose of inspection.

352. (1) If there shall be reasonable ground for suspecting that in the erection of any such building or in the execution of any such work as is referred to in the last preceding section anything has been done contrary to any provision of this Act or of any by-law made under this Act at the time in force, or that anything required by any such provision or by-law to be done has been omitted to be done ;

and if, on inspecting such building or work, it is found that the same has been completed or is too far advanced to permit of any such fact being ascertained ;

the Commissioner may, with the approval of the standing committee, by written notice, require the person who has erected such building or executed such work or is erecting such building or executing such work to cause so much of the building or work as prevents any such fact being ascertained to be cut into, laid open or pulled down to a sufficient extent to permit of the same being ascertained.

(2) If it shall thereupon be found that in the erection of such building or the execution of such work nothing has been done contrary to any provision of this Act or of any by-law made under this Act at the time in force, and that nothing required by any such provision or by-law to be done has been omitted to be done, compensation shall be paid by the Commissioner to the person aforesaid for the damage and loss incurred by cutting into, laying open or pulling down the building or work.

Enforcement of provisions concerning buildings and works.

353. The Commissioner may, at any time during the erection of a building or the execution of any such work as aforesaid, or at any time within three months after the completion thereof, by written notice, specify any matter in respect of which the erection of such building or the execution of such work may be in contravention of any provision of this Act or of any by-law made under this Act at the time in force, and require the person erecting or executing or who has erected or executed such building or work, or, if the person who has erected or executed such building or work is not at the

time of the notice the owner thereof, then the owner of such building or work, to cause anything done contrary to any such provision or by-law to be amended or to do anything which by any such provision or by-law may be required to be done but which has been omitted to be done.

Completion certificates : permission to occupy or use.

[1] [**353A.** (*1*) Every person who employs a licensed surveyor or person approved by the Commissioner to erect a building or execute any such work as is described in section 342 shall, within one month after the completion of the erection of such building or the execution of such work, deliver or send or cause to be delivered or sent to the Commissioner at his office, notice in writing of such completion, accompanied by a certificate in the form of Schedule T signed by the person employed under section 344A, who is hereby required immediately upon completion of the work and upon demand by the person employing him to sign and give such certificate to such person, and shall give to the Commissioner all necessary facilities for the inspection of such building or of such work :

Provided that—

(*a*) such inspection shall be commenced within seven days from the date of receipt of the notice of completion, and

(*b*) the Commissioner may, within seven days from the date of commencement of such inspection, by written intimation addressed to the person from whom the notice of completion was received, and delivered at his address as stated in such notice, or, in the absence of such address, affixed to a conspicuous part of the building to which such notice relates—

(*i*) give permission for the occupation of such building or for the use of the building or part thereof affected by such work, or

(*ii*) refuse such permission in case such building has been erected or such work executed so as to contravene any provision of this Act or of the by-laws.

(*2*) No person shall occupy or permit to be occupied any such building, or use or permit to be used the building or part thereof affected by any such work, until—

(*a*) the permission referred to in proviso (*b*) to sub-section (*1*) has been received, or

(*b*) the Commissioner has failed for twenty-one days after receipt of the notice of completion to intimate as aforesaid his refusal of the said permission.]

[1] This section was inserted by s. 53 of the City of Bombay Municipal (Amendment) Act, 1905 (Bom. Act 5 of 1905), Vol. IV of this Code.

Dangerous Structures.

Removal of structures, etc., which are in ruins or likely to fall.

354. (*1*) If it shall at any time appear to the Commissioner that any structure (including under this expression any building, wall or other structure and anything affixed to, or projecting from, any building, wall or other structure) is in a ruinous condition, or likely to fall, or in any way dangerous to any person occupying, resorting to or passing by such structure or any other structure or place in the neighbourhood thereof, the Commissioner may, by written notice, require the owner or occupier of such structure to pull down, secure or repair such structure, and to prevent all cause of danger therefrom.

(*2*) The Commissioner may also, if he thinks fit, require the said owner or occupier, by the said notice, either forthwith or before proceeding to pull down, secure or repair the said structure, to set up a proper and sufficient hoard or fence for the protection of passers-by and other persons, with a convenient platform and hand-rail, if there be room enough for the same and the Commissioner shall think the same desirable, to serve as a footway for passengers outside of such hoard or fence.

[1] *Works unlawfully carried on.*

Power of Commissioner to direct removal of person directing.

[1] [**354A.** Where the erection of a building or the execution of any such work as is described in section 342 has been unlawfully commenced or is being unlawfully carried on upon any premises, the Commissioner may after three days' notice direct that any person directing or carrying on such erection or execution shall be removed from such premises by any police officer.]

CHAPTER XIII.

Licensing of Surveyors and Plumbers.

Grant of licenses to surveyors and plumbers.

355. (*1*) The Commissioner may grant to any person he thinks fit a license to act as a surveyor or as a plumber for the purposes of this Act. Each such license shall be for a renewable period of one year.

(*2*) If any applicant for a license to act as a surveyor is a licentiate of civil engineering or a person who has passed some test of professional qualification equivalent to that for a licentiate of civil engineering, his application shall not be refused by the Commissioner, except with the approval of the

[1] This heading and section 354A were inserted by s. 54 of the City of Bombay Municipal (Amendment) Act, 1905 (Bom. Act 5 of 1905), Vol. IV of this Code.

standing committee and upon the ground that the applicant is unfit, through incompetency, misconduct or other grave reason, to hold such license.

(3) If the Commissioner refuses any application for a license under this section, he shall, at the request of the applicant, furnish such applicant with his reasons for such refusal in writing under his signature, without charge.

Regulations may be prescribed for guidance of licensed surveyors and plumbers.

356. The Commissioner may, with the approval of the standing committee, from time to time prescribe regulations for the guidance of licensed surveyors and plumbers, respectively, and a copy of all regulations so prescribed at the time in force shall be written on the back of every license granted to a surveyor or plumber, respectively.

Fees and charges of licensed plumbers to be prescribed by the standing committee.

357. The standing committee may from time to time prescribe the fees or charges to be paid to licensed plumbers for any work done by them under or for any purpose of this Act; and no licensed plumber shall demand or receive more than the fee or charge so prescribed for any such work.

Licensed plumber to be bound to execute work properly.

358. No licensed plumber shall execute any work under this Act carelessly or negligently or make use of any bad material, appliance or fitting for the purpose of such work.

CHAPTER XIV.

Municipal Fire-Brigade.

Maintenance of firemen and of necessary fire-engines, etc.

359. (1) With a view to the discharge by the corporation of the duty of extinguishing fire and protecting life and property in case of fire, the Commissioner shall provide, in the schedule of municipal officers and servants from time to time prepared by him under section 79, for a force of firemen, with a proper number of officers over them, to be called "the municipal fire-brigade," and shall furnish the said brigade with all such fire-engines, fire-escapes, horses, accoutrements, tools, implements and means of inter-communication as may be necessary for the efficient discharge of their duties.

(2) A person may be appointed to be a member of the fire-brigade in addition to any other office or employment of such person.

Power to make regulations for fire-brigade.

360. The Commissioner shall from time to time make regulations for—

(*a*) the training, discipline and good conduct of the men belonging to the fire-brigade,

(*b*) their speedy attendance with engines, fire-escapes and all necessary implements on the occasion of any alarm of fire,

(*c*) the maintenance of the said brigade generally in a due state of efficiency.

Powers of chief officer of fire-brigade at fire.

361. On the occasion of a fire, the chief or other officer in charge of the fire-brigade may, subject to such orders as the Commissioner may from time to time issue in this behalf, take the command of all municipal officers and servants present and of any other persons who voluntarily place their services at his disposal; and may—

(*a*) remove, or order any fireman or other officer or person under his command to remove any persons who interfere by their presence with the operations of the fire-brigade;

(*b*) take generally any measures that appear expedient for the protection of life and property, with power, by himself or by the persons under his command, to break into or through or take possession of, or pull down any premises for the purpose of putting an end to such fire, doing as little damage as possible;

(*c*) cause the water to be shut off from the mains and pipes of any district in order to give a greater supply and pressure of water in the district in which the fire has occurred and utilize the water of any well or tank available for the purpose of extinguishing such fire.

Police and municipal officers and servants to aid the fire-brigade.

362. It shall be the duty of all police officers and of all municipal officers and servants to aid the fire-brigade in the execution of their duties. They may close any street in or near which a fire is burning and remove any persons who interfere by their presence with the operations of the fire-brigade.

Damages done by fire-brigade to be deemed damage by fire.

363. Any damage occasioned by the fire-brigade in the due execution of their duties, or by any police or municipal officer or servant who aid the fire-brigade, shall be deemed to be damage by fire within the meaning of any policy of insurance against fire.

Reports of fires to be submitted.

364. A report of every fire which occurs in the city shall be submitted by the chief or other officer in charge of the fire-brigade, not later than the day following the fire, to the Commissioner, who shall make such further inquiry, if any, as he may deem necessary and shall furnish a weekly return of all fires which occur in the city to the standing committee.

CHAPTER XV.

SANITARY PROVISIONS.

Scavenging and Cleansing.

Commissioner to provide for cleansing of streets and removal of refuse.

365. For the purpose of securing the efficient scavenging and cleansing of all streets and premises, the Commissioner shall take measures for securing—

(*a*) the daily surface-cleansing of all streets in the city and the removal of the sweepings therefrom ;

(*b*) the removal of the contents of all receptacles and depots and of the accumulations at all places provided or appointed by him under section 367 or 368 for the temporary deposit of any of the matters specified in the said sections.

Refuse, etc., to be the property of the corporation.

366. All matters collected by municipal servants or contractors in pursuance of the last preceding section and of section 369 shall be the property of the corporation.

Provision and appointment of receptacles, depots and places for refuse, etc.

367. (*1*) The Commissioner shall provide or appoint in proper and convenient situations public receptacles, depots and places for the temporary deposit or final disposal of—

(*a*) dust, ashes, refuse and rubbish ;

(*b*) carcasses of dead animals, and excrementitious and polluted matter :

(2) Provided that—

(*c*) the said matters shall not be finally disposed of in any place or manner in which the same have not heretofore been so disposed of without the sanction of the corporation or in any place or manner which Government think fit to disallow ;

(*d*) any power conferred by this section shall be exercised in such manner as to create the least practicable nuisance.

Duty of occupiers to collect and deposit dust, etc.

368. (*1*) It shall be incumbent on the occupiers of all premises to cause all dust, ashes, refuse and rubbish to be collected from their respective premises and to be deposited at such times as the Commissioner, by public notice, from time to time prescribes, in the public receptacle, depot or place provided or appointed under clause (*a*) of the last preceding section for the temporary deposit thereof.

(2) Provided that the Commissioner may, if he thinks fit, by written notice require the occupier or owner of any land to cause all dust, ashes, refuse and rubbish to be collected daily, or otherwise periodically, from the said land and from any building standing thereon and deposited temporarily upon any

place forming a part of the said land which the Commissioner appoints in this behalf, and it shall be incumbent on the said occupier to cause the said matters to be collected and deposited accordingly.

Provision may be made by Commissioner for collection, etc., of excrementitious and polluted matter.

369. When the Commissioner has given public notice, under clause (*a*) of section 142, of his intention to provide, in a certain portion of the city, for the collection, removal and disposal, by municipal agency, of all excrementitious and polluted matter from privies, urinals and cesspools it shall be lawful for the Commissioner to take measures for the daily collection, removal and disposal of such matter from all premises situate in the said portion of the city.

Collection and removal of excrementitious and polluted matter when to be provided for by occupiers.

370. It shall be incumbent on the occupier of any premises situate in any portion of the city for which the Commissioner has not given a public notice under clause (*a*) of section 142 and in which there is not a water closet or privy connected with a municipal drain, to cause all excrementitious and polluted matter accumulating upon his premises to be collected and to be conveyed to the nearest receptacle or depot provided for this purpose under clause (*b*) of section 367, at such times, in such vehicle or vessel, by such route and with such precautions, as the Commissioner by public notice from time to time prescribes.

Halalkhors' duties in certain cases may not be discharged by private individuals without the Commissioner's permission.

371. In any portion of the city in which the Commissioner has given a public notice under clause (*a*) of section 142, and in any premises, wherever situate, in which there is a water-closet or privy connected with a municipal drain, it shall not be lawful, except with the written permission of the Commissioner, for any person, who is not employed by or on behalf of the Commissioner, to discharge any of the duties of halalkhors.

Prohibition of—

372. No person—

failure to remove refuse, etc., when bound to do so;

(*a*) who is bound, under section 368 or section 370, to cause the removal of dust, ashes, refuse and rubbish, or of excrementitious or polluted matter, shall allow the same to accumulate on his premises for more than twenty-four hours, or neglect to cause the same to be removed to the depot, receptacle or place provided or appointed for the purpose;

removal of refuse, etc., contrary to orders or without proper precautions;

(*b*) shall remove any dust, ashes, refuse or rubbish, or any excrementitious or polluted matter, otherwise than in conformity with the requirements of any public or written notice at the time being in force under section 368, or use for the removal of any excrementitious or polluted matter any vehicle or vessel not having a covering

proper for preventing the escape of any portion of the contents thereof or of the stench therefrom ;

failure to clear away any refuse, etc., which drops during removal;

(*c*) shall, whilst engaged in the removal of any dust, ashes, refuse or rubbish, or of any excrementitious or polluted matter, fail forthwith thoroughly to sweep and cleanse the spot in any street upon which, during removal, any portion thereof may fall, and entirely to remove the sweepings ;

leaving filth carts, etc., unnecessarily in the streets ;

(*d*) shall place or set down in any street any vehicle or vessel for the removal of excrementitious or polluted matter, or suffer the same to remain in any street for any greater length of time than is reasonably necessary ;

throwing or placing refuse, etc., in any place not assigned for the purpose ;

(*e*) shall throw or place any dust, ashes, refuse or rubbish, or any excrementitious or polluted matter, on any street, or in any place not provided or appointed for this purpose under section 367 or 368 ;

allowing filthy matter to flow or soak from any premises, and keeping anything thereupon so as to create a nuisance.

(*f*) who is the owner or occupier of any building or land, shall allow any filthy matter to flow, soak or be thrown therefrom, or keep or suffer to be kept therein or thereupon, anything so as to be a nuisance to any person, or negligently suffer any privy receptacle or other receptacle or place for the deposit of filthy matter or rubbish on his premises to be in such a state as to be offensive or injurious to health.

Presumption as to offender under clause (*e*) of section 372.

373. If it shall in any case be shown that dust, ashes, refuse or rubbish, or any excrementitious or polluted matter, has or have been thrown or placed on any street or place, in contravention of clause (*e*) of the last preceding section, from some building or land, it shall be presumed, until the contrary is proved, that the said offence has been committed by the occupier of the said building or land.

Inspection and Sanitary Regulation of Premises.

Power to inspect premises for sanitary purposes.

374. The Commissioner may inspect any building or other premises for the purpose of ascertaining the sanitary condition thereof.

Cleansing and lime-washing of any building may be required.

375. If it shall appear to the Commissioner necessary for sanitary reasons so to do, he may, by written notice, require the owner or occupier of any building so inspected to cause the same or some portion thereof to be lime-washed or otherwise cleansed, either externally or internally, or both externally and internally.

Removal of building materials from any premises may be required.

[1] [**375A.** If it shall appear to the Commissioner that any tiles, stones, rafters, building materials or debris of building materials are stored or collected in or upon any premises without the written permission of the Commissioner in such quantity or bulk or in such a way as to constitute a harbourage or breeding place for rats or other vermin or otherwise a source of danger or nuisance to the occupiers of the said premises or to persons residing in the neighbourhood thereof, the Commissioner may by written notice require the owner of such premises, or the owner of the materials or debris so stored or collected therein, to remove or dispose of the same or to take such order with the same as shall in the opinion of the Commissioner be necessary or expedient to abate the nuisance or prevent a recurrence thereof.]

Abandoned or unoccupied premises.

376. If any premises, by reason of their being abandoned or unoccupied, become a resort of disorderly persons or, in the opinion of the Commissioner, a nuisance, the Commissioner, after such inquiry as he deems necessary, may give written notice to the owner of such premises, if he be known and resident within the city, or to any person who is known or believed to claim to be the owner, if such person is resident within the city, and shall also affix a copy of the said notice on some conspicuous part of the said premises, requiring all persons having any right of property or interest therein to take such order with the said premises as shall in the opinion of the Commissioner be necessary to prevent the same from being resorted to as aforesaid or from continuing to be a nuisance.

Neglected premises.

377. (*1*) If it shall appear to the Commissioner that any premises are overgrown with rank and noisome vegetation or are otherwise in an unwholesome or filthy condition or, by reason of their not being properly enclosed, are resorted to by the public for purposes of nature, or are otherwise a nuisance to the neighbouring inhabitants, the Commissioner may, by written notice, require the owner or occupier of such premises to cleanse, clear or enclose the same, or, with the approval of the standing committee, may require him to take such other order with the same as the Commissioner thinks necessary.

Neglected private streets.

[2] [(*1A.*) If it shall appear to the Commissioner that any private street is overgrown with rank and noisome vegetation or is otherwise in an unwholesome or filthy condition, the Commissioner may by written notice require the owners of the several premises fronting or adjoining the said street or abutting thereon to cleanse or clear the same, or with the approval of the standing

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[1] This section was inserted by s. 8 of the City of Bombay Municipal (Amendment) Act, 1916 (Bom. Act 1 of 1916), Vol. V of this Code.

[2] This sub-section was added by s. 9 (*a*) *ibid.*

committee require them to take such other order with the same as the Commissioner may think necessary : provided that nothing herein contained shall affect the provisions of section 365 :]

(2) Provided that, in so far as the unwholesome or filthy condition of such premises [1] [or such street] or such nuisance as above-mentioned is caused by the discharge from or by any defect in the municipal drains or appliances connected therewith, it shall be incumbent on the Commissioner to cleanse such premises [1] [or such street].

Buildings or rooms in buildings unfit for human habitation.

[2] [**378.** (*1*) If, for any reason, it shall appear to the Commissioner that any building or any room in a building intended for or used as a dwelling is unfit for human habitation, he shall give to the owner or occupier of such building notice in writing stating such reason and signifying his intention to prohibit the further use of the building or room, as the case may be, as a dwelling and shall by such notice call upon the owner or occupier aforesaid to state in writing any objection thereto within thirty days after the receipt of such notice, and if no objection is raised by such owner or occupier within such period as aforesaid, or if any objection which is raised by such owner or occupier within such period appears to the Commissioner invalid or insufficient, he may, with the previous approval of the standing committee, by an order in writing prohibit the further use of such building or room as a dwelling :

Provided that, before such approval is given, the owner or occupier aforesaid shall have the right of appearing before the standing committee in person or by agent and of showing cause why such approval should not be given.

(2) When any such prohibition as aforesaid has been made, the Commissioner shall cause notice of such prohibition to be affixed to, and the letters 'U. H. H.' to be painted on, the door or some conspicuous part of such building or room as the case may be, and no owner or occupier of such building or room shall use or suffer the same to be used for human habitation until the Commissioner certifies in writing that the building or room, as the case may be, has been rendered fit for human habitation.]

Power of Commissioner to call for statement of accommodation.

[3] [**379.** (*1*) The owner of a building shall, within a period of seven days after receipt of a written notice from the Commissioner, sign and give a

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[1] These words were inserted by s. 9 (*b*) of the City of Bombay Municipal (Amendment) Act, 1916 (Bom. Act 1 of 1916), Vol. V of this Code.

[2] This section was substituted by s 6 of the City of Bombay Municipal (Amendment) Act, 1916 (Bom. Act 6 of 1916), Vol. V of this Code.

[3] This section was substituted by s. 55 of the City of Bombay Municipal (Amendment) Act, 1905 (Bom. Act 5 of 1905), Vol. IV of this Code.

certificate of the following particulars with respect to such building or any part thereof :

(*a*) the total number of rooms in the building,

(*b*) the length, breadth and height of each room, and

(*c*) the name of the person to whom he has let the building or each part of the building occupied as a separate tenement.

(*2*) The occupier of a building or of any part of a building occupied as a separate tenement shall, on like notice, and within the like period, sign and give a certificate of the following particulars with respect to such building or part of such building as aforesaid which is in his occupation :—

(*a*) the total number of persons dwelling in the building or any part of it,

(*b*) the manner of use of each room by day and by night, and

(*c*) the number, sex and age of the occupants of each room used for sleeping.]

Overcrowded dwellings.

[1] [**379A.** (*1*) Where it appears to the Commissioner, whether from any certificate furnished under section 379 or otherwise, that any building or any room or rooms therein used for human habitation is overcrowded, he may apply to a Presidency Magistrate to prevent such overcrowding ; and the said Magistrate, after such inquiry as he thinks fit to make, may prescribe the maximum number of persons to be accommodated in each room and may, by written order, require the owner of the building, within a reasonable time not exceeding ten days to be prescribed in the said order, to abate the overcrowding thereof, by reducing the number of lodgers, tenants, or other inmates of the said building or room or rooms, in accordance with the maximum so prescribed and to the satisfaction of the Commissioner, or may pass such other order as he may deem just and proper.

(*2*) Where the owner of the said building has sublet the same, the landlord of the lodgers, tenants or other actual inmates of the same shall, for the purposes of this section, be deemed to be the owner of the said building.

(*3*) Every tenant, lodger or other inmate of the said building shall vacate on being required by the owner so to do in pursuance of any order under sub-section (*1*).

(*4*) A room used exclusively as a dwelling shall be deemed to be overcrowded within the meaning of this section when the number of adult inmates

[1] This section was inserted by s. 55 of the City of Bombay Municipal (Amendment) Act, 1905 (Bom. Act 5 of 1905), Vol. IV of this Code.

is such that the amount of floor space available for each adult inmate is less than twenty-five superficial feet and for each person under the age of ten years less than twelve and one-half superficial feet, or when the air space for each adult inmate is less than two hundred and fifty cubic feet, two children under ten years of age counting as one adult.

(5) A room not exclusively used as a dwelling shall be deemed to be overcrowded within the meaning of this section when the number of adult inmates is such that the amount of floor space available for each adult inmate is less than thirty superficial feet, and for each person under the age of ten years less than fifteen superficial feet, or when the air space for each adult inmate is less than three hundred cubic feet, two children under ten years of age counting as one adult.]

Insanitary huts and sheds.

380. If the Commissioner is of opinion that any hut or shed, used either as a dwelling or as a stable or for any other purpose, is likely, by reason of its being built without a plinth or upon a plinth of insufficient height or without proper means of drainage, or on account of the impracticability of scavenging, or owing to the manner in which it and other huts or sheds are crowded together, to cause risk of disease to the inmates thereof or to the inhabitants of the neighbourhood, or is for any reason likely to endanger the public health or safety;

he may, by written notice, which shall be affixed to some conspicuous part of such hut or shed, require the owner or occupier thereof, or the owner of the land on which such hut or shed stands, to remove or alter such hut or shed or to take such order for the improvement thereof as the Commissioner shall deem necessary.

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

[1][**381.** (*1*) If in the opinion of the Commissioner—

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

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

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

is or is likely to become a breeding place of mosquitoes or in any other respect a nuisance, the Commissioner may, by notice in writing, require the owner thereof to fill up, cover over or drain off the same in such manner and with

[1] This section was substituted by s. 4 of the City of Bombay Municipal (Amendment) Act, 1913 (Bom. Act 6 of 1913), Vol. V of this Code.

such materials as the Commissioner shall prescribe, or to take such order with the same for removing or abating the nuisance as the Commissioner shall prescribe.

(2) If an owner, on whom a requisition is made under sub-section (1) to fill up, cover over or drain off a well, delivers to the Commissioner, within the time prescribed for compliance therewith, written objections to such requisition, the Commissioner shall report such objections to the standing committee and shall make further inquiry into the case, and he shall not institute any prosecution under section 517 for failure to comply with such requisition except with the approval of the standing committee, but the Commissioner may nevertheless, if he deems the execution of the work called for by such requisition to be of urgent importance, proceed in accordance with section 489 and, pending the standing committee's disposal of the question whether the said well shall be permanently filled up, covered over or otherwise dealt with, may cause such well to be securely covered over, so as to prevent the ingress of mosquitoes, and in every such case the Commissioner shall determine, with the approval of the standing committee, whether the expenses of any work already done as aforesaid shall be paid by such owner, or by the Commissioner out of the Municipal Funds or shall be shared, and, if so, in what proportions.]

Permission for new well, etc.

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

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

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

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

Dangerous quarrying may be stopped.

382. If, in the opinion of the Commissioner, the working of any quarry, or the removal of stone, earth or other material from any place, is dangerous to persons residing in or having legal access to the neighbourhood thereof or creates or is likely to create a nuisance, the Commissioner may, with the approval of the standing committee, by written notice, require the owner of the said quarry or place to discontinue working the same or to discontinue

[1] This section was inserted by s. 5 of the City of Bombay Municipal (Amendment) Act, 1913 (Bom. Act 6 of 1913), Vol. V of this Code.

removing stone, earth or other material from such place, or to take such order with such quarry or place, as he shall deem necessary for the purpose of preventing danger or of abating the nuisance arising or likely to arise therefrom.

Removal and trimming of trees, shrubs and hedges.

383. (*1*) If, in the opinion of the Commissioner,—

(*a*) any hedge is at any time insufficiently cut or trimmed, or overgrown with prickly-pear or other rank vegetation ; or

(*b*) any tree or shrub has fallen or is likely to fall, to the danger of public safety, or over-hangs or obstructs any street to the inconvenience or danger of passengers therein ;

the Commissioner may, by written notice, require the owner or occupier of the land on which such hedge, tree or shrub is or has been growing—

(*c*) to cut down such hedge to a height not exceeding four feet and to a width not exceeding three feet, and to remove any such prickly-pear or other rank vegetation therefrom ; or

(*d*) to remove, cut, lop or trim such tree or shrub, as the case may be.

(*2*) In any case falling under clause (*b*), the Commissioner may, if for the public safety it shall appear to him necessary so to do, cause any tree or shrub to be removed, cut, lopped or trimmed, without previously giving the said owner or occupier notice as aforesaid, and the expenses thereof shall, nevertheless, be paid by the owner or occupier.

Keeping and Destruction of Animals and Disposal of Carcasses.

Prohibitions as to keeping animals.

384. (*1*) No person shall—

(*a*) without the written permission of the Commissioner, or otherwise than in conformity with the terms of such permission, keep any swine in any part of the city ;

(*b*) keep any animal on his premises so as to be a nuisance or dangerous to any person ;

(*c*) feed any animal, or suffer or permit any animal, to be fed or to feed, with or upon excrementitious matter, dung, stable-refuse or other filthy matter.

(*2*) Any swine found straying may be forthwith destroyed and the carcass thereof disposed of as the Commissioner shall direct. No claim shall lie for compensation for any swine so destroyed.

Stabling animals or storing grain in dwelling house may be prohibited.

[1][**384A.** Where a building or any portion thereof is used or intended to be used for human habitation and any portion of such building is used for any of the following purposes, namely,

(*a*) for keeping any horse, cow, buffalo, bullock, goat or donkey, or

(*b*) as a godown or place for the storage, in connection with wholesale trade, of grain, seed or groceries,

the Commissioner may, if it shall appear to him necessary for sanitary reasons to do so, by written notice require the owner or occupier of such building to discontinue the use of such building for any such purpose; provided that the Commissioner may permit such use subject to such conditions as he may think fit to prescribe.]

Removal of carcasses of dead animals.

[2][**385.** (*1*) It shall be the duty of the Commissioner to provide for the removal of the carcasses of all animals dying within the city.

(*2*) The occupier of any premises in or upon which any animal shall die or in or upon which the carcass of any animal shall be found, and the person having the charge of any animal which dies in the street or in any open place, shall within three hours after the death of such animal or, if the death occurs at night, within three hours after sunrise, report the death of such animal at the municipal health department office of the division of the city in which the death occurred or in which the carcass is found.

(*3*) For every carcass so removed by municipal agency, a fee for the removal, of such amount as shall be fixed by the Commissioner, shall be paid by the owner of the animal or, if the owner is not known, by the occupier of the premises in or upon which, or by the person in whose charge, the said animal died.]

Regulation of Public Bathing, Washing, etc.

Places for public bathing, etc., to be fixed by the Commissioner.

386 The Commissioner may from time to time set apart portions of the seashore or other suitable places vesting in the corporation for use by the public for bathing, for the washing of animals or for drying clothes, and may from time to time, by public notice, prohibit the use by the public of any portion of the seashore or place not vesting in the corporation for any of the said purposes.

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[1] This section was inserted by s. 10 of the City of Bombay Municipal (Amendment) Act, 1916 (Bom. Act 1 of 1916), Vol. V of this Code.

[2] This section was substituted by s. 4 of the City of Bombay Municipal (Amendment) Act, 1920 (Bom. Act 5 of 1920), Vol. V of this Code.

Regulation of use of public bathing places, etc.

387. (*1*) The Commissioner may, by public notice, regulate the use by the public—

(*a*) of any portion of the seashore or other place vesting in the corporation set apart by him for any purpose under the last preceding section;

(*b*) of any portion of the seashore or other place not vesting in the corporation used, with his acquiescence for any purpose mentioned in the last preceding section;

(*c*) of any work and of the water in any work assigned and set apart under section 270 for any particular purpose.

(*2*) In the case of any portion of the seashore or of any place or work set apart, assigned or used as aforesaid for bathing, the Commissioner may, in such notice, prescribe the times and places of bathing for persons of each sex.

Prohibition of bathing, etc., contrary to order or regulation.

388. Except as permitted by any order or regulation made under sections 270, 386 or 387, no person shall—

(*a*) bathe in or near any lake, tank, reservoir, fountain, cistern, duct, standpipe, stream or well or on any part of the seashore or other place vesting in the corporation;

(*b*) wash or cause to be washed in or near any such place or work, any animal, clothes or other article;

(*c*) throw, put or cause to enter into the water in any such place or work, any animal or other thing;

(*d*) cause or suffer to drain into or upon any such place or work, or to be brought thereinto or thereupon, anything, or do anything, whereby the water shall be in any degree fouled or corrupted;

(*e*) dry clothes in or upon any such place.

And no person shall—

(*f*) in contravention of any prohibition made by the Commissioner under section 386, use any portion of the seashore or any place not vesting in the corporation for any purpose mentioned in the said section;

(*g*) contravene any regulation made by the Commissioner under section 387 for the use of any such portion of the seashore or place for any such purpose.

Prohibition of corruption of water by steeping therein animal or

389. No person shall—

(*a*) steep in any tank, reservoir, stream, well or ditch any animal, vegetable or mineral matter likely to render the water thereof offensive or dangerous to health;

other matter, etc.

(*b*) whilst suffering from any contagious or loathsome disease, bathe in or near any lake, tank, reservoir, fountain, cistern, duct, standpipe, stream or well or on any part of the seashore.

Regulation of Factories, Trades, etc.

Factory, etc., not to be newly established without permission of the Commissioner.

390. (*1*) No person shall newly establish in any premises any factory, workshop or workplace in which it is intended that steam, water or other mechanical power shall be employed, without the previous written permission of the Commissioner, [1] [nor shall any person work, or allow to be worked, any such factory, workshop or workplace without such permission].

(*2*) The Commissioner may refuse to give such permission if he shall be of opinion that the establishment of such factory, workshop or workplace in the proposed position is objectionable by reason of the density of the population in the neighbourhood thereof, or will be a nuisance to the inhabitants of the neighbourhood.

[2] [(*3*) If any written permission for the establishment of a factory, workshop or workplace granted under sub-section (*1*) be revoked by the Commissioner in the exercise of his powers under sub-section (*3*) of section 479, no person shall continue or resume the working or use of such factory, workshop or workplace until such written permission is renewed or a fresh written permission is granted by the Commissioner]

Furnaces used in trade or manufacture to consume their own smoke.

391. (*1*) No person shall—

(*a*) use or permit to be used any furnace employed for the purpose of any trade or manufacture, which does not, so far as practicable, consume its own smoke; or

(*b*) so negligently use or permit to be used any such furnace as that it shall not, as far as practicable, consume its own smoke.

(*2*) Nothing in this section shall be deemed to apply to a locomotive engine used for the purpose of traffic upon any railway or for the repair of streets.

Sanitary regulation of factories, etc.

392. (*1*) Whenever it shall appear to the Commissioner that any factory, [3] * workshop or workplace, or any building or place in which steam, water or other mechanical power is employed, is not kept in a cleanly state or is not ventilated in such a manner as to render harmless, as far as practicable, any gas, vapour, dust or other impurity generated in the course of the work carried on therein, which is a nuisance,

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[1] These words were inserted by s. 11 (*a*) of the City of Bombay Municipal (Amendment) Act, 1916 (Bom. Act 1 of 1916), Vol. V of this Code.

[2] Sub-section (3) was added by s. 11 (*b*) *ibid.*

[3] The word "bakehouse" was repealed by s. 14 of the City of Bombay Municipal (Amendment) Act, 1911 (2 of 1911), Vol. V of this Code.

or is so overcrowded while work is carried on as to be dangerous or injurious to the health of the persons employed therein,

or that any engine, mill-gearing, hoist or other machinery therein is so fixed or so insecurely fenced as to be dangerous to life or limb;

the Commissioner may, by written notice, require the owner of such factory, [1]* workshop, workplace or other building or place to take such order for putting and maintaining the same in a cleanly state, or for ventilating the same, or for preventing the same from being overcrowded, or for preventing danger to life or limb from any engine, mill-gearing, hoist or other machinery therein, as he shall think fit.

(*2*) Nothing in this section shall be deemed to affect any provision of the [2] Bombay Boiler Inspection Act, 1887, and nothing in this section which relates to the fixing or fencing of any engine, mill-gearing, hoist or other machinery shall apply in any factory to which the provisions of the [3] Indian Factories Act, 1881, are applicable.

XV of 1881.

Prohibition of use of steam-whistle or steam-trumpet without permission of the Commissioner.

393. (*1*) No person shall, without the written permission of the Commissioner, use or employ in any factory or any other place, any steam-whistle or steam-trumpet for the purpose of summoning or dismissing workmen or persons employed.

(*2*) The Commissioner may at any time revoke any permission which he has given for the use of any such instrument as aforesaid, on giving one month's notice to the person using the same.

(*3*) Provided that nothing in sub-section (*2*) shall be deemed to require one month's notice to be given by the Commissioner, if he suspends or revokes any such permission for any reason specified in sub-section (*3*) of section 479.

Certain things not to be kept, and certain trades and operations not to be carried on, without a license.

[4]**394.** (*1*) Except under [5] [and in conformity with the terms and conditions of] a license granted by the Commissioner no person shall—

(*a*) keep, in or upon any premises, for any purpose whatever,

(*i*) any article specified in Part I of Schedule M, or

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[1] The word "bakehouse" was repealed by s. 14 of the City of Bombay Municipal (Amendment) Act, 1911 (Bom. Act 2 of 1911), Vol. V of this Code.

[2] Bom. Act. 3 of 1887 was repealed by Bom. Act 2 of 1891 which was in turn repealed by Bom. Act 5 of 1917.

[3] See now the Indian Factories Act, 1911 (12 of 1911), Genl. Acts, Vol. VII.

[4] This section was substituted by s. 15 of the City of Bombay Municipal (Amendment) Act, 1911 (Bom. Act 2 of 1911), Vol. V of this Code.

[5] These words were inserted by s. 6 of the City of Bombay Municipal (Amendment) Act, 1913 (Bom. Act 6 of 1913), Vol. V of this Code.

(*ii*) any article specified in Part II of Schedule M, in excess of the quantity therein prescribed as the maximum quantity of such article which may at any one time be kept in or upon the same premises without a license ;

(*b*) keep, in or upon any premises, for sale or for other than domestic use, any article specified in Part III of Schedule M ;

[1][(*bb*) keep, in or upon any building intended for or used as a dwelling or within fifteen feet of such building, cotton, in pressed bales or boras or loose, in quantity exceeding four hundred-weights ;]

(*c*) keep or allow to be kept, in or upon any premises, horses, cattle or other four-footed animals

(*i*) for sale,

(*ii*) for letting out on hire,

(*iii*) for any purpose for which any charge is made or any remuneration is received, or

(*iv*) for sale of any produce thereof ;

(*d*) carry on, or allow to be carried on, in or upon any premises

(*i*) any of the trades or operations connected with trade specified in Part IV of Schedule M ;

(*ii*) any trade or operation which in the opinion of the Commissioner is dangerous to life, health or property, or likely to create a nuisance either from its nature, or by reason of the manner in which, or the conditions under which, the same is, or is proposed to be carried on.

(*2*) A person shall be deemed to have known that a trade or operation is, in the opinion of the Commissioner, dangerous or likely to create a nuisance within the meaning of paragraph (*ii*) of clause (*d*) of sub-section (*1*), after written notice to that effect, signed by the Commissioner, has been served on such person or affixed to the premises to which it relates.

(*3*) It shall be in the discretion of the Commissioner—

(*a*) to grant any license referred to in sub-section (*1*) subject to such restrictions or conditions (if any) as he shall think fit to prescribe, or

(*b*) to withhold any such license.

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[1] This clause was inserted by s. 7 of the City of Bombay Municipal (Further Amendment) Act, 1916 (Bom. Act 6 of 1916), Vol. V of this Code.

(*1*) Every person to whom a license is granted by the Commissioner under sub-section (3) shall keep such license in or upon the premises to which it relates.

(*5*) Nothing in this section shall be deemed to apply to mills for spinning or weaving cotton, wool, silk or jute or to any other large mill or factory which the Commissioner may from time to time with the approval of the standing committee specially exempt from the operation thereof.]

Prohibition of corruption of water by chemicals, etc.

395. (*1*) No person engaged in any trade or manufacture specified in Schedule M shall—

(*a*) wilfully cause or suffer to be brought or to flow into any lake, tank, reservoir, cistern, well, duct or other place for water belonging to the corporation, or into any drain or pipe communicating therewith, any washing or other substance produced in the course of any such trade or manufacture as aforesaid ;

(*b*) wilfully do any act connected with any such trade or manufacture, as aforesaid, whereby the water in any such lake, tank, reservoir, cistern, well, duct or other place for water is fouled or corrupted.

(*2*) The Commissioner may, after giving not less than twenty-four hours' previous notice in writing to the owner or to the person who has the management or control of any works, pipes or conduits connected with any such manufacture or trade as aforesaid, lay open and examine the said works, pipes or conduits ;

and if, upon such examination, it appears that sub-section (*1*) has been contravened by reason of anything contained in or proceeding from the said works, pipes or conduits, the expenses of such laying open and examination and of any measure which the Commissioner shall, in his discretion, require to be adopted for the discontinuance of the cause of such contravention, shall be paid by the owner of the said works, pipes or conduits, or by the person who has the management or control thereof or through whose neglect or fault the said sub-section has been contravened ;

but if it appear that there has been no contravention of the said sub-section, the said expenses and compensation for any damage occasioned by the said laying open and examination shall be paid by the Commissioner.

Inspection of premises used for manufactures, etc.

396. (*1*) The Commissioner may at any time, by day or by night, without notice, enter into or upon any premises used for any of the purposes mentioned in section 394, and upon any premises in which a furnace is employed for the purpose of any trade or manufacture, and into any bakehouse, in order to satisfy himself as to whether any provision of this Act or any by-law made

under this Act at the time in force or any condition of any license granted under this Act is being contravened, and as to whether any nuisance is created upon such premises.

(2) No claim shall lie against any person for compensation for any damage necessarily caused by any such entry or by the use of any force necessary for effecting such entry : provided that force shall not be used for effecting an entry, unless when there is reason to believe that an offence is being committed against some provision of this Act or some by-law made under this Act.

Regulation of washing of clothes by washermen.

397. (*1*) The Commissioner may, by public notice, prohibit the washing of clothes by washermen in the exercise of their calling, except at such places as he shall appoint for this purpose ; and, when any such prohibition has been made, no person who is, by calling, a washerman shall wash clothes at any place not appointed for this purpose by the Commissioner, except for such person himself or for the owner or occupier of such place.

Washing-places to be provided by the Commissioner for washermen.

(2) The Commissioner shall provide suitable places for the exercise by washermen of their calling, and may require payment of such fees for the use of any such place as shall from time to time be determined by the Commissioner, with the approval of the standing committee.

Maintenance and Regulation of Markets and Slaughter-houses.

What to be deemed municipal markets and slaughter-houses.

398. All markets and slaughter-houses which belong to or are maintained by the corporation shall be called "municipal markets" or "municipal slaughter-houses." All other markets and slaughter-houses shall be deemed to be private.

Provision of new municipal markets and slaughter-houses.

399. (*1*) The Commissioner, when authorized by the corporation in this behalf, may construct, purchase or take on lease any building or land for the purpose of establishing a new municipal market or a new municipal slaughter-house or of extending or improving any existing municipal market or slaughter-house, and may from time to time build and maintain such municipal markets and slaughter-houses and such stalls, shops, sheds, pens and other buildings or conveniences for the use of the persons carrying on trade or business in, or frequenting, such municipal markets or slaughter-houses, and provide and maintain in such municipal markets such buildings, places, machines, weights, scales and measures for weighing and measuring goods sold therein, as he shall think fit.

(2) Municipal slaughter-houses may be situate within or, with the sanction of Government, without the city.

Municipal markets and slaughter-houses may be closed.

400. The Commissioner may, with the sanction of the corporation and of Government, at any time, close any municipal market or slaughter-house; and the premises occupied for any market or slaughter-house so closed may be disposed of as the property of the corporation.

Prohibition of sale in a municipal market without license of Commissioner.

401. (*1*) No person shall, without a license from the Commissioner, sell or expose for sale any animal or article in any municipal market.

(*2*) Any person contravening this section may be summarily removed by the Commissioner or by any municipal officer or servant.

Opening of new private markets.

402. (*1*) The corporation shall from time to time determine whether the establishment of new private markets shall be permitted in the city or in any specified portion of the city.

(*2*) No person shall establish a new private market for the sale of, or for the purpose of exposing for sale, animals intended for human food, or any other article of human food, except with the sanction of the Commissioner, who shall be guided in giving such sanction by the decisions of the corporation at the time in force under sub-section (*1*).

(*3*) When the establishment of a new private market has been so sanctioned, the Commissioner shall cause a notice of such sanction to be affixed in the English, Marathi, Gujarati and Urdu languages on some conspicuous spot on or near the building or place where such market is to be held.

Private markets not to be kept open without a license.

403. (*1*) No person shall without, or otherwise than in conformity with the terms of, a license granted by the Commissioner in this behalf—

(*a*) keep open a private market;

(*b*) use any place in the city as a slaughter-house or for the slaughtering of any animal intended for human food;

(*c*) use any place without the city, whether as a slaughter-house or otherwise, for the slaughtering of any animal intended for human food to be consumed in the city:

(*2*) Provided that—

(*d*) the Commissioner shall not refuse, cancel or suspend any license for keeping open a private market for any cause other than the failure of the owner thereof to comply with some provision of this Act, or with some regulation framed under section 406 or with some by-law made under this Act, at the time in force; and shall not cancel or suspend any such license without the approval of the standing committee;

(*e*) nothing in this section shall be deemed to prevent the Commissioner from granting written permission for the slaughter of an animal in any place that he thinks fit, on the occasion of any festival or ceremony or under special circumstances.

(*3*) When the Commissioner has refused, cancelled or suspended any license to keep open a private market, he shall cause a notice of his having so done to be affixed in the English, Marathi, Gujarati and Urdu languages on some conspicuous spot on or near the building or place where such market has been held.

Prohibition of sale in unauthorised private markets.

404. No person who knows that any private market has been established without the sanction of the Commissioner, or is kept open after a license for keeping the same open has been refused, cancelled or suspended by the Commissioner, shall sell or expose for sale therein any animal or article of food.

Provision for requiring private market-buildings and slaughter-houses to be properly paved and drained.

405. The Commissioner may, by written notice, require the owner, farmer or occupier of any private market or slaughter-house to cause—

(*a*) the whole or any portion of the floor of the market-building, market-place or slaughter-house to be paved with dressed stone or other suitable material ;

(*b*) such drains to be made in or from the market-building, market-place or slaughter-house of such material, size and description at such level and with such outfall, as to the Commissioner may appear necessary.

Regulations to be framed for markets and slaughter-houses.

406. The Commissioner may, with the approval of the standing committee, from time to time make regulations, not inconsistent with any provision of this Act or of any by-law made under this Act at the time in force—

(*a*) for preventing nuisances or obstruction in any market-building market-place or slaughter-house or in the approaches thereto ;

(*b*) fixing the days and the hours on and during which any market or slaughter-house may be held or kept open for use ;

(*c*) for keeping every market-building, market-place and slaughter-house in a cleanly and proper state, and for removing filth and refuse therefrom ;

(*d*) requiring that any market-building, market-place or slaughter-house be properly ventilated and be provided with a sufficient supply of water ;

(*e*) requiring that in market-buildings and market-places, passages be provided between the stalls of sufficient width for the convenient use of the public.

Levy of stallages, rents and fees in municipal markets and slaughter-houses.

407. The Commissioner may—

(*a*) charge for the occupation or use of any stall, shop, standing, shed or pen in a municipal market or slaughter-house, and for the right to expose goods for sale in a municipal market, and for weighing and measuring goods sold in any such market and for the right to slaughter animals in any municipal slaughter-house, such stallages, rents and fees as shall from time to time be fixed by him, with the approval of the standing committee, in this behalf ; or

(*b*) with the approval of the standing committee, farm the stallages, rents and fees leviable as aforesaid or any portion thereof, for any period not exceeding one year at a time ; or

(*c*) put up to public auction, or, with the approval of the standing committee, dispose of, by private sale, the privilege of occupying or using any stall, shop, standing, shed or pen in a municipal market or slaughter-house for such term and on such conditions as he shall think fit.

Regulations and table of stallage-rents to be posted up in markets and slaughter-houses.

408. (*1*) A printed copy of the regulations and of the table of stallages, rents and fees, if any, in force in any market or slaughter-house under the two last preceding sections, in the English, Marathi, Gujarati and Urdu languages, shall be affixed in some conspicuous spot in the market-building, market-place or slaughter-house.

(*2*) No person shall, without authority, destroy, pull down, injure or deface any copy of any regulation or table so affixed.

Power to expel persons contravening by-laws or regulations.

409. The Commissioner may expel from any municipal market or slaughter-house any person, who or whose servant has been convicted of contravening any by-law made under this Act, or any regulation made under section 406, at the time in force in such market or slaughter-house and may prevent such person, by himself or his servants, further carrying on any trade or business in such market or slaughter-house or occupying any stall shop, standing, shed, pen or other place therein, and may determine any lease or tenure which such person may have in any such stall, shop, standing, shed, pen or place.

Sale of Articles of Food outside of Markets.

Prohibition of sale of animals, etc., except in a market.

410. (*1*) Except as hereinafter provided, no person shall, without a license from the Commissioner, sell or expose for sale any four-footed animal or any meat or fish intended for human food, in any place other than a municipal or private market ;

(2) Provided that nothing in sub-section (*1*) shall apply to fresh fish sold from, or exposed for sale in, a vessel in which it has been brought direct to the seashore after being caught at sea.

Licensing of Butchers, etc.

Butchers and persons who sell the flesh of animals to be licensed.

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

(*a*) carry on within the city, or at any municipal slaughter-house, the trade of a butcher;

(*b*) use any place in the city for the sale of the flesh of any animal intended for human food, or any place without the city for the sale of such flesh for consumption in the city.

Prohibition of import of cattle, etc., into the city without permission.

[1] [**412.** (*1*) No person shall without the written permission of the Commissioner bring into the city any cattle, sheep, goats or swine intended for human food, or the flesh of any such animal which has been slaughtered at any slaughter-house or place not maintained or licensed under this Act.

(*1-A*) Any Police Officer may arrest without warrant any person bringing into the city any animal or flesh in contravention of sub-section (*1*).

(2) Any animal brought into the city in contravention of this section may be seized by the Commissioner or by any Municipal Officer or servant and any flesh brought into the city in contravention of this section may be seized by the Commissioner or by any Municipal Officer or servant or by any Police Officer or in or upon Railway premises by any Railway servant and any animal or flesh so seized may be sold or otherwise disposed of as the Commissioner shall direct. The proceeds, if any, shall belong to the corporation.

(3) Nothing in this section shall be deemed to apply to cured or preserved meat.]

License required for dealing in milk, etc.

[2] [**412A.** No person shall without or otherwise than in conformity with the terms of a license granted by the Commissioner in this behalf—

(*a*) carry on within the city the trade or business of a dealer in or importer or seller or hawker of milk, [3] [butter or other milk products];

(*b*) use any place in the city for the sale of milk, [3] [butter or other milk products].]

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[1] This section was substituted by s. 16 of the City of Bombay Municipal (Amendment) Act, 1911 (Bom. Act 2 of 1911), Vol. V of this Code.

[2] This section was inserted by s. 7 of the City of Bombay Municipal (Amendment) Act, 1913 (Bom. Act 6 of 1913), Vol. V of this Code.

[3] These words were inserted by s. 8. of the City of Bombay Municipal (Further Amendment) Act, 1916 (Bom. Act 6 of 1916), Vol. V of this Code.

Inspection of Places of Sale, etc.

Commissioner may enter any place where slaughter of animals or sale of flesh contrary to the provision of this Act is suspected.

413. (*1*) If the Commissioner shall have reason to believe that any animal intended for human food is being slaughtered, or that the flesh of any such animal is being sold or exposed for sale, in any place or manner not duly authorised under the provisions of this Act, the Commissioner may at any time, by day or by night, without notice, enter such place for the purpose of satisfying himself as to whether any provision of this Act or of any by-law made under this Act at the time in force is being contravened thereat.

(*2*) No claim shall lie against any person for compensation for any damage necessarily caused by any such entry or by the use of any force necessary for effecting such entry.

Commissioner to provide for inspection of articles exposed for sale for human food.

414. It shall be the duty of the Commissioner to make provision for the constant and vigilant inspection of animals, carcasses, meat, poultry, game, flesh, fish, fruit, vegetables, corn, bread, flour, milk, ghee, butter and any other article exposed or hawked about for sale or deposited in or brought to any place for the purpose of sale or of preparation for sale and intended for human food or for medicine, the proof that the same was not exposed or hawked about or deposited or brought for any such purpose or was not intended for human food or for medicine resting with the party charged.

Unwholesome articles, etc., to be seized.

415. (*1*) The Commissioner may at all reasonable times inspect and examine any such animal or article as aforesaid and any utensil or vessel used for preparing, manufacturing or containing the same.

(*2*) If any such animal or article appears to the Commissioner to be diseased or unsound or unwholesome or unfit for human food or for medicine, as the case may be, or is not what it is represented to be, or if any such utensil or vessel is of such kind or in such state as to render any article prepared, manufactured or contained therein unwholesome or unfit for human food or for medicine, as the case may be,

he may seize and carry away such animal, article, utensil or vessel, in order that the same may be dealt with as hereinafter provided [1] [and he may arrest and take to the nearest Police Station any person in charge of any such animal or article].

[2] [*Explanation.*—Any article exposed, hawked about, deposited in or brought to any place as aforesaid for sale as ghee, which contains any

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[1] These words were inserted by s. 8 of the City of Bombay Municipal (Amendment) Act, 1913 (Bom. Act 6 of 1913), Vol. V of this Code.

[2] This explanation was added by s. 5 (*1*) (*a*) of the Bombay Prevention of Adulteration Act, 1899 (Bom. Act 2 of 1899), Vol. IV of this Code.

substance not exclusively derived from milk, shall be deemed for the purposes of this section and of sections 417 and 417A to be an article which is not what it is represented to be.]

Disposal of perishable article seized under section 415.

416. If any meat, fish, vegetable or other article of a perishable nature be seized under the last preceding section and the same is, in the opinion of the Commissioner, diseased, unsound, unwholesome or unfit for human food or for medicine, as the case may be,

the Commissioner shall cause the same to be forthwith destroyed in such manner as to prevent its being again exposed for sale or used for human food or for medicine, and the expenses thereof shall be paid by the person in whose possession such article was at the time of its seizure.

Disposal of animals and articles of a non-perishable nature seized under section 415.

417. (*1*) Any animal and any article not of a perishable nature and any utensil or vessel seized under section 415 shall be forthwith taken before a Presidency Magistrate.

(*2*) If it shall appear to such Magistrate that any such animal or article is diseased, unsound or unwholesome or unfit for human food, or for medicine, as the case may be, or is not what it was represented to be or that such utensil or vessel is of such kind or in such state as aforesaid,

[1] [he may, and if it is diseased, unsound, unwholesome, or unfit for human food and unfit for medicine he shall cause] the same to be destroyed, at the charge of the person in whose possession it was at the time of its seizure, in such manner as to prevent the same being again exposed or hawked about for sale or used for human food or for medicine, or for the preparation or manufacture of, or for containing, any such article as aforesaid.

Penalty for representing any article to be what it is not.

[2] [**417A.** (*1*) In every case in which any article represented to be—

(*a*) ghee, or

(*b*) food of a kind to which by virtue of a notification under the Bombay Prevention of Adulteration Act, 1899, the provisions of this section are for the time being applicable,

appears to the Magistrate dealing therewith under section 417, not to be what it is represented to be, the owner thereof or person in whose possession the same was found, not being merely carrier or bailee thereof, shall, if in such case the provisions of section 273 of the [3] Indian Penal Code Act do not apply, be punished with fine which may extend to one hundred rupees. XLV of 1860.

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[1] These words were substituted for the words "he shall cause" by s. 6 (*1*) (*a*) of the Bombay Prevention of Adulteration Act, 1899 (Bom. Act 2 of 1899), Vol. IV of this Code.

[2] This section was inserted by s. 5 (*1*) (*b*) and (3) (*a*) of *ibid.*

[3] General Acts, Vol. I.

(2) Provided that when any article of food referred to in sub-section (1) appears to the Magistrate not to be what it is represented to be, solely by reason of the fact that there has been added to it some substance not injurious to health, no offence shall be deemed to have been committed by the owner of the article or the person in whose possession the same is found, if such owner or person proves to the satisfaction of the Magistrate— Protection to persons acting in good faith.

(*a*) that such substance has been added to the article of food, because the same is required for the production or preparation thereof, as an article of commerce, in a state fit for carriage or consumption, and not fraudulently to increase the bulk, weight or measure of the food or conceal the inferior quality thereof, or

(*b*) that in the process of production, preparation or conveyance of such article of food, the extraneous substance has unavoidably become intermixed therewith, or

(*c*) that, by a label distinctly and legibly written, or printed on or with the said article of food or by other means of public description, he has given sufficient notice that such substance has been so added, or

(*d*) that—

(*i*) the said article was purchased by him with a written warranty that it was of a certain nature, substance and quality,

(*ii*) he had no reason to believe that it was not of such nature, substance and quality as aforesaid, and

(*iii*) it was not exposed, hawked about, or brought for sale by him otherwise than as an article of the nature, substance and quality specified in the written warranty, and was in the same state in which he purchased it.]

[1] [**417B.** In every case in which food, on being dealt with under section 417, appears to the Magistrate to be diseased, unsound or unwholesome or unfit for human food, the owner thereof or the person in whose possession it was found, not being merely bailee or carrier thereof, shall, if in such case the provisions of section 273 of the [2] Indian Penal Code do not apply, be punished with fine which may extend to one hundred rupees.] Penalty for possessing food which appears to be diseased, unsound or unwholesome or unfit for human food.

XLV of 1860.

[1] [**417C.** In all prosecutions under section 417A or 417B the Magistrate shall refuse to issue a summons for the attendance of any person accused of an offence against such section, unless the summons is applied for within a reasonable time from the alleged date of the offence of which such person is accused.] Application for summons to be refused if not applied for within reasonable time.

[1] Sections 417B and 417C were inserted by s. 6 (*1*) (*b*) of the Bombay Prevention of Adulteration Act, 1899 (Bom. Act 2 of 1899), Vol. IV of this Code.

[2] General Acts, Vol. I.

Weights and Measures.

Provision of local standards of weights and measures.

[1][**418.** (*1*) Subject to the approval of the corporation the Commissioner shall from time to time provide such local standards of weight and measure as he deems requisite for the purpose of verification of weights and measures in use in the several trades or classes of trades in the city, and shall make such arrangements as he shall think fit for the safe keeping and periodical verification of the said local standards, and shall also provide from time to time proper means of verifying weights and measures by comparison with the said local standards and of stamping the weights and measures so verified.

(*2*) Provided that when by or under any law for the time being in force any legal standard of weight or measure has been or shall be prescribed for the whole of British India or the City of Bombay the local standard of such weight or measure which the Commissioner shall provide for the purpose of this section shall be of such description and shall be authenticated in such manner as may be prescribed by or under such law.

(*3*) No local standard of weight or measure shall be finally approved by the corporation under sub-section (*1*) unless notice of the intention of the corporation to take the proposed standard into consideration has been given in the manner prescribed in section 465 for giving notice of proposed by-laws: the provisions of sections 465 and 466 shall apply in respect of proposed local standards as if the expression 'local standard' were substituted for the word 'by-law' and as if in section 466 the words 'specification' and 'specifications' respectively were substituted for the words 'copy' and 'copies.'

(*4*) When the Commissioner with the final approval of the corporation has provided local standards of the weights or measures in use in any specified trade or class of trades in the city, he shall give public notice thereof, fixing a date after which such standards shall be introduced in such trade or class of trades, and such notice shall be published in the Bombay Government Gazette and in two or more newspapers circulating in the city and in such other manner as he may think fit. And whenever, after the date of such notice, the Commissioner provides a new local standard or makes any modification in a local standard, he shall give public notice thereof which shall be published in the same manner as the notice aforesaid.]

Verification and stamping of weights and measures.

[1][**419.** (*1*) The Commissioner shall from time to time fix the times and places at which some municipal officer appointed by him in this behalf shall attend for the purpose of the verification of weights and measures.

[1] Sections 418 to 420 were substituted by s. 2 of the City of Bombay Municipal (Amendment) Act, 1921 (Bom. Act 4 of 1921), Vol. V of this Code.

(2) The municipal officer so appointed shall attend with the local standards in his custody at each time and place fixed and shall examine every weight or measure which is of the same denomination as one of such standards and is brought to him for the purpose of verification or re-verification, and compare the same with that standard; and, if he find the same correct, shall stamp it with a stamp of verification or re-verification, as the case may be, in such manner as best to prevent fraud.

(3) The said municipal officer shall enter in a book kept by him minutes of every such verification and re-verification and give, if required, a certificate under his hand of every such stamping.

(4) There shall be payable to the corporation in respect of the verification, re-verification and stamping of weights and measures by a municipal officer as aforesaid such fees as the Commissioner, with the approval of the corporation, from time to time fixes in this behalf.]

[1] [**420.** (1) Where the Commissioner has given notice under sub-section (4) of section 413 of the provision of local standards of the weights or measures in use in any specified trade or class of trades in the city, every contract for goods which shall after the date mentioned in such notice be made in such trade or class of trades shall be deemed to be made according to one of such weights or measures, or some multiple or part thereof. Weights and measures of which standards are provided are to be adopted: penalties.

(2) After such date no person shall in any such trade or class of trades—

(a) sell by any denomination of weight or measure other than one of the weights or measures in use in such trade or class of trades of which the Commissioner has provided local standards, or some multiple or part thereof;

(b) use, or have in his possession for use, in any such trade or class of trades, any weight or measure which has not, within five years before the time at which it is used, been verified or re-verified and stamped in accordance with sub-section (2) of section 419;

(c) use, in any such trade or class of trades, any weight or measure which has become defective in consequence of wear or accident, or has been mended, until the same has been re-verified under sub-section (2) of section 419;

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[1] *See* footnote 1 on p. 226, *supra*.

(*d*) in using a measure of capacity, heap the measure or strike the same by any appliance or means other than a round metal roller, straight and of the same diameter from end to end.

(*3*) No person shall—

(*a*) forge or counterfeit any stamp used for the stamping under section 419 of any weight or measure, or wilfully increase or diminish a weight so stamped;

(*b*) knowingly use, sell, utter, dispose of, or expose for sale any weight or measure with such forged or counterfeit stamp thereon or a weight so increased or diminished.

(*4*) Any person using or having in his possession for use any weight or measure in contravention of clause (*b*) of sub-section (*2*), and any person using selling, uttering, disposing of or exposing for sale any weight or measure in contravention of clause (*b*) of sub-section (*3*), shall be liable, in addition to fine under section 471, to forfeit such weight or measure, and any contract made with such weight or measure shall be void.

(*5*) In this section—

(*a*) the expression 'contract' includes any bargain, sale or dealing;

(*d*) the expression 'goods' includes any wares, merchandise or other thing and any work, to be sold, delivered, carried, done or agreed for by weight or measure.]

Prevention of Spread of Dangerous Diseases.

Information to be given of existence of dangerous disease.

421. Every medical practitioner who treats or becomes cognizant of the existence of any dangerous disease in any private or public dwelling other than a public hospital, shall give information of the same with the least practicable delay to the executive health officer. The said information shall be communicated in such form and with such details as the executive health officer, with the consent of the Commissioner, may from time to time require.

Any place may at any time be inspected for purpose of preventing spread of dangerous disease.

422. The Commissioner may at any time, by day or by night, without notice, or after giving such notice of his intention as shall, in the circumstances appear to him to be reasonable, inspect any place in which any dangerous disease is reputed or suspected to exist, and take such measures as he shall think fit to prevent the spread of the said disease beyond such place.

Prohibition of use for drinking of water likely to cause dangerous disease.

423. (*1*) If it shall appear to the Commissioner that the water in any well, tank or other place is likely, if used for drinking, to engender or cause the spread of any dangerous disease, he may, by public notice, prohibit the removal or use of the said water for the purpose of drinking.

(*2*) No person shall remove or use for the purpose of drinking any water in respect of which any such public notice has been issued.

Commissioner may order removal of patients to hospital.

424. (*1*) The Commissioner or any police officer empowered by him in this behalf may, on a certificate signed by the executive health officer or by any duly qualified medical practitioner, direct or cause the removal of any person who is, in the opinion of such executive health officer or other medical practitioner, without proper lodging or accommodation, or who is lodged in a building occupied by more than one family, and who is suffering from a dangerous disease, to any hospital or place at which patients suffering from the said disease are received for medical treatment.

(*2*) The person, if any, who has charge of a person in respect of whom an order is made under sub-section (*1*) shall obey such order.

Disinfection of buildings, etc.

425. (*1*) If the Commissioner is of opinion that the cleansing or disinfecting of a building, or of a part of a building, or of any article therein likely to retain infection, would tend to prevent or check the spread of any dangerous disease he may, by written notice, require the owner or occupier of such building to cleanse or disinfect such building or part thereof or article therein, and, if it shall appear to the Commissioner necessary, to vacate the said building for such time as shall be prescribed in the said notice:

(*2*) Provided that, if, in the opinion of the Commissioner, the owner or occupier is from poverty or other cause unable effectually to comply with such requisition, the Commissioner may cause the building or part of the building or article likely to retain infection to be cleansed or disinfected and defray the cost of so doing.

Destruction of huts and sheds, when necessary.

426. (*1*) If the Commissioner is of opinion that the destruction of any hut or shed is necessary to prevent the spread of any dangerous disease, he may, after giving to the owner or occupier of such hut or shed such previous notice of his intention as may in the circumstances of the case appear to him reasonable, take measures for having such hut or shed and all the materials thereof destroyed.

(*2*) Compensation may be paid by the Commissioner, in any case which he thinks fit, to any person who sustains substantial loss by the destruction of any such hut or shed; but, except as so allowed by the Commissioner, no claim for compensation shall lie for any loss or damage caused by any exercise of the power conferred by this section.

Place for disinfection may be provided ;

427. (*1*) The Commissioner may provide a place, with all necessary apparatus and attendance, for the disinfection of clothing, bedding or other articles which have become infected, and in his discretion may have articles brought to such place for disinfection, disinfected on payment of such fees as he shall from time to time fix, with the approval of the standing committee, in this behalf, or, in any case in which he thinks fit, free of charge.

also for washing infected articles.

(*2*) The Commissioner may, from time to time, by public notice, appoint a place at which clothing, bedding or other articles which have been exposed to infection from any dangerous disease may be washed ; and no person shall wash any such article at any place not so appointed without having previously disinfected the same.

Infected articles may be destroyed.

(*3*) The Commissioner may direct the disinfection or destruction of bedding, clothing or other articles likely to retain infection.

(*4*) The Commissioner may, in his discretion, give compensation for any article destroyed under sub-section (*3*).

Person suffering from dangerous disease not to enter a public conveyance without notifying the same.

428. (*1*) No person who is suffering from a dangerous disease shall enter a public conveyance without previously notifying to the owner, driver or person in charge of such conveyance that he is so suffering.

(*2*) Notwithstanding anything contained in any Act relating to public conveyances for the time being in force, no owner or driver or person in charge of a public conveyance shall be bound to carry any person suffering as aforesaid in such conveyance unless payment or tender of sufficient compensation for the loss and expenses he must incur in disinfecting such conveyance is first of all made to him.

Provision of carriages for conveyance of patients.

429. The Commissioner, with the sanction of the corporation, may provide and maintain suitable conveyances for the free carriage of persons suffering from any dangerous disease ; and when such conveyances have been provided, it shall not be lawful to convey any such person by any other public conveyance.

Provisions as to carriage of persons suffering from dangerous disease in public conveyances.

430. (*1*) No person who is suffering from a dangerous disease shall—

(*a*) without proper precautions against spreading such disease, cause or suffer himself to be carried in a public conveyance ;

(*b*) cause or suffer himself to be carried in a public conveyance contrary to the provision of the last preceding section.

(*2*) No person shall go in company with, or take charge of, any person suffering as aforesaid, who causes or permits himself to be carried in a public conveyance in contravention of such section (*1*).

(3) No owner or driver or person in charge of a public conveyance shall knowingly carry or permit to be carried in such conveyance any person suffering as aforesaid, in contravention of the said sub-section.

Public conveyance which has carried a person suffering from dangerous disease to be disinfected.

431. The owner, driver or person in charge of a public conveyance in which any person suffering as aforesaid has been carried shall immediately provide for the disinfection of the same.

Infected articles not to be transmitted, etc., without previous disinfection.

432. (1) No person shall, without previous disinfection of the same give, lend, sell, transmit or otherwise dispose of any article which he knows or has reason to know has been exposed to infection from any dangerous disease.

(2) Nothing in this section shall be deemed to apply to a person who transmits, with proper precautions, any such article for the purpose of having the same disinfected.

Infected building not to be let without being first disinfected.

433. (1) No person shall let a building or any part of a building, in which he knows or has reason to know that a person has been suffering from a dangerous disease, without first having such building or part thereof and every article therein likely to retain infection disinfected, to the satisfaction of the executive health officer or of some duly qualified medical practitioner, as testified by such officer's or medical practitioner's certificate.

(2) For the purpose of this section, the keeper of a hotel or inn shall be deemed to let part of his building to any person accommodated in such hotel or inn.

Special Sanitary Measures.

Commissioner may take special measures on outbreak of any dangerous disease.

434. (1) In the event of the city being at any time visited or threatened with an outbreak of any dangerous disease, or in the event of any infectious disease breaking out or being likely to be introduced into the city amongst cattle—including under this expression sheep and goats,—the Commissioner, if he thinks the ordinary provisions of this Act or of any other law at the time in force are insufficient for the purpose, may, with the sanction of Government,—

(a) take such special measures, and

(b) by public notice prescribe such temporary regulations to be observed by the public or by any person or class of persons,

as he shall deem necessary to prevent the outbreak of such disease or the spread thereof.

(*2*) The Commissioner shall forthwith report to the corporation any measures taken and any regulations prescribed by him under sub-section (*1*).

Disposal of the Dead.

Places for disposal of the dead to be registered

435. Every owner or person having the control of a place used burying, burning or otherwise disposing of the dead shall cause the same to be registered in a register which shall be kept by some municipal officer charged by the Commissioner with this duty, and shall deposit in the municipal office at the time of registration a plan of the said place, showing the extent and boundaries thereof, bearing the signature of a licensed surveyor in token of its having been prepared by or under the supervision of such surveyor.

Provision of new places for disposal of the dead.

436. If the existing places for the disposal of the dead shall at any time appear to be insufficient, or if any such place is closed under the provisions of section 438, the Commissioner shall, with the sanction of the corporation, provide other fit and convenient places for the said purpose, either within or without the city, and shall cause the same to be registered in the register kept under section 435, and shall deposit in the municipal office, at the time of registration of each place so provided, a plan thereof showing the extent and boundaries of the same and bearing the signature of the municipal executive engineer.

New places for disposal of the dead not to be opened without permission of Commissioner.

437. No place, which has never previously been lawfully used as a place for the disposal of the dead and registered as such, shall be opened by any person for the said purpose without the written permission of the Commissioner, who, with the approval of the corporation, may grant or withhold such permission.

Governor in Council may direct the closing of any place for the disposal of the dead.

438. (*1*) If, from information furnished by competent persons and after personal inspection, the Commissioner shall at any time be of opinion—

(*a*) that any place of public worship is or is likely to become injurious to health by reason of the state of the vaults or graves within the walls of or underneath the same, or in any churchyard or burial-ground adjacent thereto, or

(*b*) that any other place used for the disposal of the dead is in such a state as to be or to be likely to become injurious to health,

he may submit his said opinion, with the reasons therefor, to the corporation, who shall forward the same, with their opinion, for the consideration of the Governor in Council.

(*2*) Upon receipt of such opinions, the Governor in Council, after such further inquiry, if any, as he shall deem fit to cause to be made, may, by notification published in the Bombay Government Gazette and in the local

newspapers, direct that such place of public worship or other place for the disposal of the dead be no longer used for the disposal of the dead. Every order so made shall be noted in the register kept under section 435.

(*3*) On the expiration of two months from the date of any such order of the Governor in Council, the place to which the same relates shall be closed for the disposal of the dead.

(*4*) A copy of the said notification, with a translation thereof, in the Marathi, Gujarati and Urdu languages, shall be affixed on a conspicuous spot on or near the place to which the same relates, unless such place be a place of public worship.

Governor in Council may sanction the re-opening of places which have been closed for the disposal of the dead.

439. (*1*) If, after personal inspection, the Commissioner shall at any time be of opinion that any place formerly used for the disposal of the dead, which has been closed under the provisions of the last preceding section or under any other law or authority, has by lapse of time become no longer injurious to health, and may without risk of danger be again used for the said purpose, he may submit his said opinion, with the reasons therefor, to the corporation, who shall forward the same, with their opinion, for the consideration of the Governor in Council.

(*2*) Upon receipt of such opinions, the Governor in Council after such further inquiry, if any, as he shall deem fit to cause to be made, may by notification published as aforesaid direct that such place be re-opened for the disposal of the dead. Every order so made shall be noted in the register kept under section 435.

Burials within places of worship and exhumations not to be made without the permission of the Commissioner.

440. (*1*) No person shall, without the written permission of the Commissioner under sub-section (*2*),—

(*a*) make any vault or grave or interment within any wall, or underneath any passage, porch, portico, plinth or verandah of any place of worship;

(*b*) make any interment or otherwise dispose of any corpse in any place which is closed for the disposal of the dead under section 438;

(*c*) build, dig, or cause to be built or dug, any grave or vault, or in any way dispose of, or suffer or permit to be disposed of, any corpse at any place which is not registered in the register kept under section 435;

(*d*) exhume any body except under the provisions of section 176 of the [1]Code of Criminal Procedure, 1882, or of any other law for the time being in force, from any place for the disposal of the dead.

X of 1882.

[1] *See* now the Criminal Procedure Code, 1898 (V of 1898), General Acts, Vol. V.

(2) The Commissioner may in special cases grant permission for any of the purposes aforesaid, subject to such general or special orders as the Governor in Council may from time to time make in this behalf.

(3) An offence against this section shall be deemed to be a cognizable offence within the meaning of sections 149, 150 and 151 of the [1]Code of Criminal Procedure, 1882. X of 1882.

Acts prohibited in connection with the disposal of the dead.

441. No person shall—

(*a*) retain a corpse on any premises, without burning, burying or otherwise lawfully disposing of the same, for so long a time after death as to create a nuisance;

(*b*) carry a corpse or part of a corpse along any street without having and keeping the same decently covered or without taking such precautions to prevent risk of infection or injury to the public health as the Commissioner may, by public notice, from time to time, think fit to require;

(*c*) except when no other route is available, carry a corpse or part of a corpse along any street along which the carrying of corpses is prohibited by a public notice issued by the Commissioner in this behalf;

(*d*) remove a corpse or part of a corpse, which has been kept or used for purposes of dissection, otherwise than in a closed receptacle or vehicle;

(*e*) whilst conveying a corpse or part of a corpse, place or leave the same on or near any street without urgent necessity;

(*f*) bury or cause to be buried any corpse or part of a corpse in a grave or vault or otherwise, in such manner as that the surface of the coffin, or, when no coffin is used, of the corpse or part of a corpse, shall be at a less depth than six feet from the surface of the ground;

(*g*) build or dig, or cause to be built or dug, any grave or vault in any burial-ground at a less distance than two feet from the margin of any other grave or vault;

(*h*) build or dig, or cause to be built or dug, a grave or vault in any burial ground in any line not marked out for this purpose by or under the order of the Commissioner;

(*i*) without the written permission of the Commissioner, re-open for the interment of a corpse or of any part of a corpse, a grave or vault already occupied;

[1] *See* now the Criminal Procedure Code 1898, (V of 1898), General Acts, Vol. V.

(*k*) after bringing or causing to be brought to a burning-ground any corpse, or part of a corpse, fail to burn or cause the same to be burnt within six hours from the time of the arrival thereof at such ground;

(*l*) when burning or causing to be burnt any corpse, or part of a corpse, permit the same or any portion thereof to remain without being completely reduced to ashes, or permit any cloth or other article used for the conveyance or burning of such corpse or part of a corpse to be removed or to remain on or near the place of burning without its being completely reduced to ashes.

CHAPTER XVI.

VITAL STATISTICS.

Registration of Births and Deaths.

Appointment of registrars.

442. For the purpose of registering births and deaths, the Commissioner shall divide the city into such and so many districts and sub-districts as he shall from time to time think fit; and a municipal officer shall be registrar of births and deaths of each such district.

Registrars to reside in their respective districts.

443. (*1*) Every registrar shall reside within the district of which he is registrar and shall cause his name, together with the words "Registrar of Births and Deaths for the district of ", to be affixed in some conspicuous place at or near the outer door of his place of abode.

(*2*) A list showing the name and place of abode of every registrar in the city shall be kept at the municipal office and shall be open at all reasonable times to public inspection free of charge.

Register-books to be supplied.

444. The Commissioner shall provide and supply to the registrars a sufficient number of register-books of births and of register-books of deaths for the registration of the particulars specified in Schedules N and O, respectively; and the pages of each of the said books shall be numbered progressively from the beginning to the end thereof.

Registrars to inform themselves of all births and deaths.

445. (*1*) Each registrar shall inform himself carefully of every birth and death which shall happen in his district and of the particulars concerning the same required to be registered according to the forms in the said schedules, and shall, as soon after each such birth or death as conveniently may be, register

the same in the book supplied for this purpose by the Commissioner, without making any charge or demanding or receiving any fee or reward for so doing other than his remuneration as a municipal officer.

(2) Other municipal officers, besides the registrars, may be appointed, with the duty of informing themselves of every birth or of every death or of every birth and every death in the district to which they are respectively appointed and of the particulars concerning the same required to be registered, and of submitting such information to the registrar of the said district or to such other person as the Commissioner directs.

Information of birth to be given within seven days.

446. (*1*) It shall be the duty of the father and mother of every child born in the city and, in default of the father and mother, of the occupier of the premises in which to his knowledge the child is born, and of each person present at the birth, and of the person having charge of the child, to give, to the best of his knowledge and belief, to the registrar or other municipal officer appointed under section 415, within seven days after such birth, information of the particulars required to be registered concerning such birth :

Saving for father of illegitimate child.

(2) Provided that, in the case of an illegitimate child, no person shall, as father of such child, be required to give information under this Act concerning the birth of such child, and the registrar shall not enter in the register the name of any person, as father of such child, unless at the joint request of the mother and of the person acknowledging himself to be the father of such child, and such person shall in such case sign the register together with the mother.

Information respecting finding of new-born child to be given.

447. In case any new-born child is found exposed, it shall be the duty of any person finding such child and of any person in whose charge such child may be placed to give, to the best of his knowledge and belief, to the registrar or other municipal officer aforesaid, within seven days after the finding of such child, such information of the particulars required to be registered concerning the birth of such child as the informant possesses.

Officers to be appointed to receive information of deaths at places for disposal of the dead.

448. (*1*) For every place for the disposal of the dead registered in the register kept under section 435 a municipal officer shall be appointed, whose duty it shall be to receive information of the particulars required to be registered concerning the death of every person whose corpse is disposed of at such place.

(2) If the Commissioner shall not think fit to require the municipal officer so appointed to be in constant attendance at any place for the disposal of the dead for which he is so appointed, there shall be affixed to a conspicuous part of the entrance to such place a notice specifying the name of the officer so appointed for the said place and the place where he may be found.

Information of death to be given at the time when the corpse of the deceased is disposed of.

449. (*1*) It shall be the duty of the nearest relatives of any person dying in the city present at the death, or in attendance during the last illness, of the deceased and, in default of such relatives, of each person present at the death, and of the occupier of the premises in which, to his knowledge, the death took place, and, in default of the persons hereinbefore in this section mentioned, of each inmate of such premises, and of the undertaker or other person causing the corpse of the deceased person to be disposed of, to give, to the best of his knowledge and belief, to the officer appointed under the last preceding section, information of the particulars required to be registered concerning such death.

(*2*) The said information shall be given at or about the time that the corpse of the deceased person is disposed of, and it shall be given in writing if the informant can write, and otherwise orally, and the informant shall make known to the officer aforesaid his name, designation and place of abode, and shall attest the correctness of the information which he gives, to the best of his knowledge and belief, by his signature or mark.

Medical practitioner who attended a deceased person to certify the cause of his death.

450. (*1*) In the case of a person who has been attended in his last illness by a duly qualified medical practitioner, that practitioner shall sign and forward to the Commissioner a certificate of the cause of such person's death, in the form of Schedule P, or in such other form as shall from time to time be prescribed by the Commissioner in this behalf, and the cause of death as stated in such certificate shall be entered in the register, together with the name of the certifying medical practitioner.

(*2*) The Commissioner shall provide printed forms of the said certificates, and any duly qualified medical practitioner resident in the city shall be supplied, on application, with such forms, free of charge.

Preparation of register-books of deaths and of mortality returns, etc.

451. (*1*) The information concerning deaths received by every officer appointed under section 448 shall be entered by him in a register-sheet, which shall contain the particulars specified in Schedule O, and shall be forwarded, at such intervals as shall be prescribed by the Commissioner, through the registrar of the district, to the municipal office.

(*2*) From the said register-sheets and from the certificates furnished to him under section 450, the Commissioner shall cause the register-books of deaths to be prepared, and shall have prepared and published such tabular returns and statements as shall appear to him to be useful for sanitary or other purposes.

Correction of errors in registers of births or deaths.

452. (*1*) Any clerical error which may at any time be discovered in a register of births or in a register of deaths may be corrected by any person authorized in that behalf by the Commissioner.

(*2*) An error of fact or substance in any such register may be corrected by any person authorised as aforesaid by entry in the margin, without any alteration of the original entry, upon production to the Commissioner, by the person requiring such error to be corrected, of a declaration on oath setting forth the nature of the error and the true facts of the case, made before a Magistrate by two persons required by this Act to give information concerning, the birth or death with reference to which the error has been made or, in default of such persons, by two credible persons having knowledge of the case, and certified by such Magistrate to have been made in his presence.

(*3*) Except as aforesaid, no alteration shall be made in any such register.

Registration of name of child or of alteration of name.

453. (*1*) When the birth of any child has been registered and the name, if any, by which it was registered, is altered or, if it was registered without a name, when a name is given to it, the parent or guardian of such child or other person procuring such name to be altered or given may, within twelve months next after the registration of the birth, deliver to the registrar such certificate as hereinafter mentioned, and the registrar, upon the receipt of that certificate shall, without any erasure of the original entry, forthwith enter in the register-book the name mentioned in the certificate as having been given to the child.

(*2*) The certificate shall be in the form of Schedule Q, or as near thereto as circumstances admit, and, in the case of a Christian, shall be signed by the minister or person who performed the rite of baptism upon which the name was given or altered, or, if the child is not baptized or is not a Christian, shall be signed by the father, mother or guardian of the child or other person procuring the name of the child to be given or altered.

(*3*) Every minister or person who performs the rite of baptism shall deliver the certificate required by this section on demand, on payment of a fee not exceeding one rupee.

Taking of a Census.

Enumeration of inhabitants.

454. At such time and in such manner as shall be directed from time to time by the Commissioner, with the sanction of the corporation and of Government, an enumeration shall be made of the persons who at the time of making such enumeration shall be within the city : Provided always that, one clear month previous to such enumeration being commenced, notice of the intention

to make the same, with the date or dates upon or within which it is intended to be made, and all other necessary particulars, shall be given by advertisement in the Bombay Government Gazette and in the local newspapers.

Commissioner to superintend the enumeration.

455. The Commissioner shall superintend the taking of such enumeration, and shall appoint such enumerators or other subordinate officers and make such arrangements generally as may seem to him necessary for the purpose of such enumeration.

Delivery of blank schedules and returns.

456. Each enumerator or other subordinate officer appointed under the last preceding section shall, agreeably to his instructions, leave at each building or place of residence within his district, four days at least before the time appointed for the collection of the completed returns or census, a blank schedule or return, of such form and containing such particulars as Government may approve, to be duly filled up and signed by the owner, tenant or principal occupant of the said building or place of residence.

Obligation to fill up blank schedules and returns.

457. (*1*) Every person at whose building or place of residence any such blank schedule or return is left shall correctly fill up the same, and affix his signature thereto, and return it, when called upon so to do, to the enumerator or other subordinate officer aforesaid;

or, if such person is unable to write, he shall furnish to an enumerator, when called upon so to do, the information required for correctly filling up such schedule or return.

(*2*) Any person who fails to comply with any provision of sub-section (*1*) may be detained in custody until he complies therewith or the requisite information is otherwise obtained.

(*3*) It shall be the duty of an enumerator, if so required by any person who is unable to write, to fill up any such schedule or return as aforesaid from information supplied by such person.

Occupier to amend returns, if found defective.

458. If any enumerator or other subordinate officer employed in the collection of such schedules or returns shall find any of the same defective or in any respect improperly filled in, he may return the same to the occupant of the building or residence to which the same relates, together with a written notice requiring that the same be duly filled in or amended within a period of forty-eight hours.

Military, naval and police officers and certain others, if required, to act as enumerators.

459. (*1*) Any military or naval officer, or any officer of the Bombay City Police, or any master or person in charge of a merchant vessel, or nacoda or tindal of a vessel or boat, or any person in charge of a lunatic asylum, hospital or prison or of any public or private charitable or scholastic institution, or any keeper of a hotel or lodging house, shall, if required, act as an enumerator for

the purpose of taking account of persons under his command or charge, or abiding in any building in his possession, charge or control, on the night immediately preceding the day to be appointed for the making of such enumeration.

(*2*) Every person so required to act as an enumerator shall receive and conform to all instructions in writing which may be issued to him by the Commissioner in that behalf.

Returns of houseless persons.

460. The Commissioner shall obtain, by such means as shall appear to him best adapted for the purpose and as shall be sanctioned by Government, returns of the particulars required for the purpose of the census with respect to all houseless persons, and all persons who during the said night preceding the day to be appointed for the making of such enumeration were on out-door night-duty, or for any other reasons were not abiding in any building of which account is to be taken by the enumerators.

CHAPTER XVII.

By-laws.

By-laws for what purpose to be made.

461. The corporation may from time to time make by-laws, not inconsistent with this Act, with respect to the following matters, namely :—

(*a*) regulating, in any particular not specifically provided for in this Act, the construction, maintenance and control of drains, ventilation-shafts or pipes, cesspools, water-closets, privies, latrines, urinals, drainage-works of every description, whether belonging to the corporation or to other persons, municipal water-works, private communication-pipes and public streets ;

(*b*) regulating all matters and things connected with the supply and use of water ;

(*c*) the structure of walls, foundations, roofs and chimneys, [1][the number and position of staircases], [2][the materials, dimensions and strength of floors and staircases and of all scantlings, girders, posts and columns] of * [3] buildings, for securing stability and the

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[1] These words were inserted by s. 17 (*1*) (*a*), of the City of Bombay Municipal (Amendment) Act, 1911 (Bom. Act 2 of 1911), Vol. V of this Code.

[2] These words were inserted by s. 56 (*1*) (*b*), of the City of Bombay Municipal (Amendment) Act, 1905 (Bom. Act 5 of 1905), Vol. IV of this Code.

[3] The word "new" was repealed by s. 56 (*1*) (*a*) *ibid*.

prevention of fires [1] [and the safety of the inmates in the event of fire] and for purposes of health ;

[2][(*cc*) the construction of scaffolding for building operations to secure the safety of the operatives and of the general public ;]

(*d*) the provision and maintenance of sufficient open space, either external or internal, about buildings to secure a free circulation of air, and of other means for the adequate ventilation of buildings ;

[3][(*dd*) the provision and maintenance of suitable means of access to buildings ;]

(*e*) the provision and maintenance of house-gullies ;

(*f*) the control and supervision of all premises used for any of the purposes mentioned in section 394, and of all trades and manufactures carried on therein [4][and the prescribing and regulating of the construction, dimensions, ventilation, lighting, cleansing, drainage and water-supply of any such premises ;]

(*g*) the inspection of milch-cattle, and prescribing and regulating the construction, dimensions, ventilation, lighting, cleansing, drainage and water-supply of dairies and cattle-sheds in the occupation of persons following the trade of dairymen or milk-sellers ;

(*h*) securing the cleanliness of milk-stores, milk-shops and milk-vessels used by such persons for containing milk ;

(*j*) requiring notice to be given whenever any milch animal is affected with any contagious disease and prescribing precautions to be taken for protecting milch-cattle and milk against infection or contamination ;

(*k*) securing the efficient inspection of markets and slaughter-houses and of shops in which articles intended for human food are kept or sold ;

(*l*) the control and supervision of butchers carrying on business within the city or at a municipal slaughter-house without the city ;

(*m*) regulating the use of any municipal market-building, market-place or slaughter-house or any part thereof ;

(*n*) controlling and regulating the sanitary condition of markets and slaughter-houses and preventing the exercise of cruelty therein ;

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[1] These words were inserted by s. 17 (*1*) (*b*) of the City of Bombay Municipal (Amendment) Act, 1911 (Bom. Act 2 of 1911), Vol. V of this Code.

[2] Clause (*cc*) was inserted by s. 56 (*2*) of the City of Bombay Municipal (Amendment) Act, 1905 (Bom. Act 5 of 1905), Vol. IV of this Code.

[3] Clause (*dd*) was inserted by s. 56 (*3*) *ibid.*

[4] These words were added by s. 12 of the City of Bombay Municipal (Amendment) Act, 1916 (Bom Act 1 of 1916), Vol. V of this Code.

[1][(*o*) (*i*) preventing the use in the city of weights and measures other than such as have been verified with the local standards provided under section 418 and duly stamped under section 419 and providing for entry without notice into premises for the purpose of inspection of weights and measures, and (*ii*) publishing a price current.]

[2][(*oo*) the licensing of hand-carts, other than those exempted from taxation under section 181 or those plying for hire in respect of which licenses have been issued under Bombay Act No. VI of 1863, and the seizure and detention of any such hand-carts that have not been duly licensed.]

(*p*) regulating the disposal of the dead and the maintenance of all places for the disposal of the dead in good order and in a safe sanitary condition, due regard being had to the religious usages of the several classes of the community ;

(*q*) facilitating and securing complete and accurate registration of births and deaths ;

(*r*) the registration of marriages ;

(*s*) facilitating, when requisite, the taking of a census and securing accurate returns ;

(*t*) regulating the delegation of the powers and duties of the standing committee to sub-committees ;

(*u*) assigning the functions of the * [3] Schools Committee under sub-section (*10*) of section 39, [4] [and] regulating the exercise by the said committee of its functions so assigned * * *[5];

(*v*) determining the constitution, powers and duties of any committee which the corporation may appoint under section 40 or 41 ;

[6][(*vv*) securing the protection of public parks, gardens and open spaces vested in or under the control of the corporation from injury or misuse, regulating their management and the manner in which they may be used by the public, and providing for the proper behaviour of persons in them ;]

(*w*) carrying out generally the provisions and intentions of this Act.

Punishment may be imposed for breach of by-laws.

462. In making a by-law under the last preceding section, the corporation may provide that a breach of it shall be punishable with fine which may extend to twenty rupees and, in the case of a continuing breach, with fine which may extend to ten rupees for every day, after conviction for the first

[1] This clause was substituted by s. 3 of the City of Bombay Municipal (Amendment) Act, 1921 (Bom. Act 4 of 1921), Vol. V of this Code.

[2] This clause was inserted by s. 17 (*2*), of the City of Bombay Municipal (Amendment) Act, 1911 (Bom. Act 2 of 1911), Vol. V of this Code.

[3] The word " joint " was repealed by s. 20 (*a*) of the City of Bombay Police Charges Act, 1907 (Bom. Act 3 of 1907), Vol. IV of this Code.

[4] The word " and " was inserted by s. 20 (*b*) *ibid.*

[5] The words " and of the functions assigned to it under sub-section (*9*) of the said section, and regulating the administration by the said committee of the school-fund under sub-section (*7*) of the said section " were repealed by *ibid.*

[6] This clause was inserted by s. 32 of the City of Bombay Municipal (Amendment) Act, 1922 (Bom. Act 6 of 1922), Vol. V of this Code.

breach or after receipt of written notice from the Commissioner to discontinue the breach, during which the breach continues.

By-laws to be confirmed by Government.

463. No by-law, made under either of the two last preceding sections, shall have any validity unless and until it is confirmed by Government.

Commissioner to lay draft by-laws before the corporation for their consideration.

464. It shall be the duty of the Commissioner from time to time to lay before the corporation for their consideration a draft of any by-law which he shall think necessary or desirable for the furtherance of and purpose of this Act.

Hearing by corporation of objections to proposed by-laws.

465. (*1*) No by-law shall be finally approved by the corporation, unless notice of the intention of the corporation to take the same into their consideration has been given by advertisement in the Bombay Government Gazette and in the local newspapers six weeks at least before the day of the meeting at which the corporation finally consider such by-law.

(*2*) The corporation shall, before approving the by-law, received and consider any objection or suggestion which may be made in writing by any person with respect thereto before the day of the said meeting ; and any person desiring to object to a by-law, on giving written notice to the president of the corporation, not less than ten days before the day of the said meeting, of the nature of his said objection may, by himself or his counsel, attorney or agent, be heard by the corporation thereon at the said meeting, but not so as that more than one person be heard on the same matter of objection.

Proposed by-law to be open to public inspection.

466. (*1*) For one month at least before the day of the meeting at which the corporation finally consider a by-law, a printed copy of such by-law shall be kept at the chief municipal office for public inspection, and every person shall be permitted at any reasonable time to peruse the same, free of charge.

(*2*) Printed copies of the proposed by-law shall also be delivered to any person requiring the same on payment of such fee, not exceeding one rupee for each copy, as shall be prescribed by the Commissioner.

By-laws confirmed by Government to be published in the Bombay Government Gazette.

467. When any by-law has been confirmed by Government, it shall be published in the Bombay Government Gazette, and thereupon shall have the force of law.

Printed copies of by-laws to be kept on sale.

468. (*1*) The Commissioner shall cause all by-laws from time to time in force to be printed and shall cause printed copies thereof to be delivered to any person requiring the same, on payment of a fee of two annas for each copy.

(2) Notice of the fact of copies of the by-laws being obtainable at the said price, and of the place where and the person from whom the same are obtainable, shall be given by the Commissioner from time to time by advertisement in the local newspapers.

(3) Boards, with the by-laws printed thereon or with printed copies of the by-laws affixed thereto, shall be hung or affixed in some conspicuous part of the municipal office and in such places of public resort, markets, salughter-houses and other works or places affected thereby, as the Commissioner thinks fit, and the said boards shall from time to time be renewed by the Commissioner.

Boards for exhibiting by-laws to be open to inspection and not to be injured.

469. (1) No municipal officer or servant shall at any reasonable time prevent the inspection of any board provided by the Commissioner, under the last preceding section by any person desiring to inspect the same.

(2) No person shall, without lawful authority, destroy, pull down, injure or deface any such board.

Government may repeal by-laws.

470. (1) If it shall at any time appear to the Governor in Council that any by-law should be [1][modified or] repealed either wholly or in part, he shall cause his reasons for such opinion to be communicated to the corporation and prescribe a reasonable period within which the corporation may make any representation with regard thereto which they shall think fit.

(2) After receipt and consideration of any such representation or, if in the meantime no such representation is received, after the expiry of the prescribed period, the Governor in Council may at any time, by notification in the Bombay Government Gazette [1][modify or] repeal such by-law either wholly or in part: [2][Provided that no by-law shall be modified or repealed in part only by the Governor in Council if, within the period aforesaid, the corporation have objected to a modification or partial repeal thereof.]

(3) The [1][modification or] repeal of a by-law under sub-section (2) shall take effect from such date as the Governor in Council shall in the said notification direct or, if no such date is specified, from the date of the publication of the said notification in the Bombay Government Gazette, except as to anything done or suffered or omitted to be done before such date.

(4) The said notificaton shall also be published in the local newspapers.

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[1] These words were inserted by s 57 of the City of Bombay Municipal (Amendment) Act, 1905 (Bom. Act 5 of 1905), Vol. IV of this Code.

[2] This proviso was substituted for the original proviso by *ibid.*

CHAPTER XVIII.

PENALTIES.

[1] **[471.** Whoever **Certain offences punishable with fine.**

(*a*) contravenes any provision of any of the sections, sub-sections or clauses mentioned in the first column of the following table, or of any regulation made thereunder; or

(*b*) fails to comply with any requisition lawfully made upon him under any of the said sections, sub-sections or clauses,

shall be punished, for each such offence, with fine which may extend to the amount mentioned in that behalf in the third column of the said table.

Explanation.—The entries in the second column of the said table headed "Subject" are not intended as definitions of the offences described in the sections, sub-sections and clauses mentioned in the first column or even as abstracts of those sections, sub-sections and clauses, but are inserted merely as references to the subjects of the sections, sub-sections and clauses, the numbers of which are given in the first column.

1	2	3
Section, sub-section or clause.	Subject.	Fine which may be imposed.
Section 136, sub-section (*2*).	Requisition by auditor	One hundred rupees.
Section 138 ...	Requisition by auditor appointed for special audit.	One hundred rupees.
Section 149 ...	Notice to be given of transfer of title ...	Fifty rupees.
Section 150 ...	Requisition to produce instrument of transfer	Fifty rupees.
Section 152 ...	Notice to be given of the erection of new building, etc.	Fifty rupees.
Section 188 ...	Notice to be given by person becoming possessed of a vehicle or animal liable to tax.	Fifty rupees.
Section 223, sub-section (*1*).	Buildings, etc., not to be erected without permission over drains.	One hundred rupees.
Section 229 ...	Connections, with municipal drains, etc., not to be made except in conformity with section 227 or 228.	One hundred rupees.

[1] This section was substituted by s. 58 of the City of Bombay Municipal (Amendment) Act, 1905 (Bom. Act 5 of 1905), Vol. IV of this Code.

1	2	3
Section, sub-section or clause.	Subject.	Fine which may be imposed.
[1] [Section 229A, sub-section (*l*)	Buildings, etc., not to be erected without permission over any drains.	One hundred rupees.]
[1] [Section 230A ...	Owner of land to allow others to carry drains through the land.	Fifty rupees.]
Section 231 ...	Requisition to enforce drainage of undrained premises situate within a hundred feet of a municipal drain.	Fifty rupees.
Section 232 ...	Requisition to enforce drainage of undrained premises not situate within a hundred feet of a municipal drain.	Fifty rupees.
Section 233, sub-section (*l*), clause (*b*).	Direction limiting use of drain or notice requiring the construction of a distinct drain.	Fifty rupees.
Section 233A, clause (*b*).	Drains for sole use of properties to be maintained in good repair, etc., by owner or occupier.	Fifty rupees.
Section 234 ...	New buildings not to be erected without drains.	Five hundred rupees.
Section 235 ...	Excrementitious matter not to be passed into cesspool.	One hundred rupees.
Section 236 ...	Owners of drains to allow use thereof, or joint ownership therein, to others.	Fifty rupees.
Section 240 ...	Drains not to pass beneath buildings ...	Two hundred rupees.
Section 241 ...	Provisions as to position of cesspools ...	Two hundred rupees.
Section 243, sub-section (*2*).	Requisition to cover or ventilate drain or cesspools.	Fifty rupees.
Section 246A, sub-section (*l*).	Water-closets and privies not to be constructed without permission or in contravention of terms prescribed.	Two hundred rupees.
Section 247 ...	Buildings newly erected or re-erected to be provided with water-closet and other accommodation.	Two hundred rupees.
Section 248, sub-section (*l*).	Requisition to enforce provision of privy accommodation, etc.	Fifty rupees.

[1] These entries were inserted by s. 13 (*a*) of the City of Bombay Municipal (Amendment) Act, 1918 (Bom. Act 8 of 1918), Vol. V. of this Code.

1	2	3
Section, sub-section or clause.	Subject.	Fine which may be imposed.
Section 249 ...	Requisition to provide privy accommodation for factories, etc.	Two hundred rupees.
Section 249A ...	Requisition respecting unhealthy privies...	Two hundred rupees.
Section 250, sub-section (*1*).	Provisions as to privies	Fifty rupees.
Section 251 ..	Provisions as to water closets ...	Fifty rupees.
Section 251A ...	Provisions as to privies and water-closets	Two hundred rupees.
Section 251B ...	Provisions as to use of places for bathing or washing clothes or domestic utensils.	Fifty rupees.
Section 257 ...	Requisition to effect sanitary repairs, etc.	Fifty rupees.
Section 258 ...	Prohibition of acts contravening the provisions of Chapter IX or done without sanction.	One hundred rupees.
Section 259A, sub-sections (*1*) and (*4*).	Provisions as to employment of licensed plumber and use of work.	Two hundred rupees.
Section 259A, sub-sections (*2*) and (*3*).	Licensed plumber to give and sign certificate.	Fifty rupees.
Section 268, sub-section (*1*).	Buildings, etc., not to be erected over water-main without permission.	One hundred rupees.
Section 269, sub-section (*3*).	Water not to be carried away from public water-supply for sale, and not to be carried in cask, etc., without permission.	Fifty rupees.
Section 270, sub-section (*2*).	Public water-supply, set apart for particular purpose, not to be used for other purpose.	Twenty rupees.
Section 272, sub-section (*1*).	Provisions as to the making and renewing of connections with municipal water-works.	Two hundred rupees.
Section 274 ...	Requisition to provide storage cisterns and other fittings to be used for connections with water-works.	Fifty rupees.
Section 275 ...	Communication-pipes, etc., to be kept in efficient repair by owner or occupier of premises.	One hundred rupees.

1	2	3
Section, sub-section or clause.	Subject.	Fine which may be imposed.
Section 278, sub-section (*2*).	Requisition to remedy defect in meter, communication-pipe, etc.	Fifty rupees.
Section 280 ...	Conditions as to use of water not to be contravened.	Twenty rupees.
Section 281 ...	Water-pipes, etc., not to be placed where water will be polluted.	One hundred rupees.
Section 282 ...	Prohibition of fraudulent and unauthorised use of water.	One hundred rupees.
Section 283, sub-section (*1*).	Prohibition of fraud in respect of meters.	One hundred rupees.
Section 284 ...	Prohibition of wilful or neglectful acts relating to water-works.	One hundred rupees.
[1] * * * *	[1] * * *	[1] * * *
[2][Section 287B, sub-section (*1*).	Work under Chapter X to be done by licensed plumber.	Two hundred rupees.]
[2] [Section 287B, sub-section (*2*).	Name of licensed plumber to be furnished	Fifty rupees.]
Section 297, sub-section (*3*).	Construction of building within the regular line of street without permission.	One thousand rupees.
Section 304, sub-section (*1*).	[3][Land not to be appropriated for building and private street not to be laid out until expiration of notice nor otherwise than in accordance with Commissioner's directions.]	Five hundred rupees.
Section 305 ...	Requisition as to levelling and draining of private streets.	One hundred rupees.
Section 308, sub-section (*1*).	Prohibition of projections upon streets, etc.—	Two hundred rupees.

[1] The entry relating to section 287, sub-section (*2*), was repealed by s. 18 (*b*), of the City of Bombay Municipal (Amendment) Act, 1918 (Bom. Act 8 of 1918), Vol. V of this Code.

[2] These entries were inserted by s. 18 (*c*) *ibid.*

[3] These words were substituted for the words "New private street not to be made and buildings on either side thereof not to be erected except in accordance with Commissioner's directions and approval" by s. 5 of the City of Bombay Municipal (Amendment) Act, 1920 (Bom. Act 5 of 1920), Vol. V of this Code.

1	2	3
Section, sub-section or clause.	Subject.	Fine which may be imposed.
Section 308, sub-section (*2*).	Requisition to remove the same ..	Two hundred rupees.
Section 309, sub-section (*1*).	Requisition to remove or alter projections, etc., made before Bombay Act III of 1872 came into force.	Two hundred rupees.
Section 311 ...	Ground-floor doors, etc., not to open outwards on streets.	Twenty rupees.
Section 312 sub-section (*1*).	Prohibition of structures or fixtures causing obstruction in streets.	One hundred rupees.
Section 313, sub-section (*1*).	Prohibition of deposit, etc., of things in streets.	One hundred rupees.
Section 315 ...	Requisition to remove structures or fixtures erected or set up before section 312 came into force.	One hundred rupees.
Section 316, sub-section (*1*).	Prohibition of the tethering of animals in public streets.	Twenty rupees.
Section 319, sub-section (*2*).	Direction to close street in which work is in progress.	Fifty rupees.
Section 321, sub-section (*2*).	Shoring-timber, fence, etc., employed to secure public safety while municipal works are in progress, not to be removed.	Fifty rupees.
Section 322, sub-section (*1*).	Streets not to be opened or broken up and building materials not to be deposited thereon without permission.	[1][One hundred] rupees.
Section 323 ..	Precautions for public safety to be taken by persons to whom permission is granted under section 322.	Fifty rupees.
Section 324, sub-section (*1*).	Persons to whom permission is granted under section 322 must re-instate streets.	Fifty rupees.
Section 325 ...	Provision to be made by persons to whom permission is granted under section 322 for traffic, etc., when their works interrupt streets.	Two hundred rupees.
Section 326 ...	Hoards to be set up during work on any building adjacent to a street.	Fifty rupees.

[1] These words were substituted for the word "Fifty" by s. 9 (*1*) of the City of Bombay Municipal (Amendment) Act, 1913 (Bom. Act 6 of 1913), Vol. V of this Code.

1	2	3
Section, sub-section or clause.	Subject.	Fine which may be imposed.
Section 327, sub-section (*2*).	Name of street and number of house not to be destroyed or defaced.	Twenty rupees.
[1][Section 328, sub-section (*1*).	Sky-signs not to be erected or retained without permission.	One hundred rupees].
[1][Section 328A, sub-section (*1*).	Advertisements on certain sites not to be exhibited without permission.	One hundred rupees.]
Section 329, sub-section (*1*).	Requisition to repair, protect or enclose dangerous place.	Fifty rupees.
Section 331 ...	Prohibition of removal, etc., of lamps ...	One hundred rupees.
Section 333, sub-sections (*1*), (*2*) and (*3*).	Provisions as to manner of laying gas-pipes.	One thousand rupees.
Section 334, sub-section (*1*).	Requisition to alter situation of gas-pipes, etc.	Fifty rupees.
Section 335, sub-section (*1*).	Buildings, etc., not to be erected without permission over municipal gas-pipes.	One hundred rupees.
Section 344A ...	Provision for supervision of buildings and works.	Five hundred rupees.
Section 347, sub-section (*1*).	Work not to be commenced without notice.	One thousand rupees.
[2][Section 347A ...	Building not to be converted to other purposes without the permission of the Commissioner.	Five hundred rupees.]
Section 349 ...	Roofs and external walls of buildings not to be made of inflammable material.	Ten rupees.
Sections 349A and 349E.	Provisions as to height of buildings ...	One thousand rupees.
Section 349C ...	Provisions as to height of frame-buildings	One thousand rupees.
[3][Section 349D ..	Alteration and provision of staircases to allow of safe exit in event of fire.	One hundred rupees.]

[1] These entries were substituted for the original entry relating to s. 328 by s. 11 of the City of Bombay Municipal (Amendment) Act, 1921 (Bom. Act 7 of 1921), Vol. V of this Code.

[2] This entry was inserted by s. 13 (*a*) of the City of Bombay Municipal (Amendment) Act, 1916 (Bom. Act 1 of 1916), Vol. V of this Code.

[3] This entry was inserted by s. 18 (*a*) of the City of Bombay Municipal (Amendment) Act, 1911 (Bom. Act 2 of 1911), Vol. V of this Code.

1	2	3
Section, sub-section or clause.	Subject.	Fine which may be imposed.
Section 353 ...	Provisions for enforcement of provisions concerning buildings and works.	One thousand rupees.
Section 353A	Provisions as to completion certificates : permission to occupy or use.	Five hundred rupees.
Section 354 ...	Requisition to remove structures which are in ruins or likely to fall.	Five hundred rupees.
Section 356 ...	Regulations prescribed for licensed surveyors and plumbers.	Twenty rupees.
Section 357 ...	Licensed plumber not to demand or receive more than the prescribed fee.	Twenty rupees.
Section 358 ...	Licensed plumber to be bound to execute work properly.	Twenty rupees.
Section 368 ...	Provisions as to collection and deposit of dust, etc., by occupiers.	Ten rupees.
Section 370 ...	Collection and removal of excrementitious and polluted matter to be provided for by occupiers in certain cases.	Twenty rupees.
Section 371 ..	Halalkhor's duties in certain cases not to be discharged by private individuals without permission.	Ten rupees.
Section 372 ...	Provisions as to removal of refuse ...	Fifty rupees.
Section 375 ...	Requisition to cleanse and lime-wash building.	Fifty rupees.
[1] [Section 375A. ...	Requisition to remove building materials, etc., from any premises.	Fifty rupees.]
Section 377 ...	Requisition to cleanse, etc., neglected premises.	Fifty rupees.
Section 378, sub-section (*2*).	Provisions as to buildings unfit for human habitation.	Five hundred rupees.
Section 379 ...	Owner or occupier of a house, within seven days of receipt of notice, to give statement of accommodation.	Two hundred rupees.
Section 379A, sub-section (*1*).	Requisition by Presidency Magistrate to abate overcrowding.	Two hundred rupees.

[1] This entry was inserted by s. 13 (*b*) of the City of Bombay Municipal (Amendment) Act, 1916 (Bom. Act 1 of 1916), Vol. V of this Code.

1	2	3
Section, sub-section or clause.	Subject.	Fine which may be imposed.
Section 379A, sub-section (*3*).	Requisition by owner pursuant to order under sub-section (*1*).	Two hundred rupees.
Section 380 ...	Requisition to remove or alter insanitary huts.	Fifty rupees.
Section 381 ...	Requisition to fill in pools, etc., which are a nuisance.	Fifty rupees.
[1] [Section 381A, sub-section (*1*).	Digging or constructing well, etc., without permission.	Fifty rupees.]
[2] [Section 381A, sub-section (*2*).	Requisition to fill in or demolish well, etc.	Fifty rupees.]
Section 382 ...	Requisition to discontinue dangerous quarrying.	Five hundred rupees.
Section 383, sub-section (*1*).	Requisition to remove or trim trees, shrubs or hedges.	Fifty rupees.
Section 384, sub-section (*1*).	Prohibitions as to the keeping of animals	Fifty rupees
[1] [Section 384A. ...	Requisition to discontinue, etc., stabling animals or storing grain in dwelling house.	Fifty rupees.]
[3] [Section 385, sub-section (*1*).	Prompt notice to be given to health department for removal of carcasses of dead animals.	Ten rupees.]
Section 388, clauses (*e*), (*f*) and (*g*).	Prohibition of bathing, etc., contrary to order or regulation.	Ten rupees.
Section 390, sub-section (*1*).	Factory, etc., not to be newly established [4] [or worked] without permission.	One thousand rupees.
[5] [Section 390, sub-section (*3*).	Prohibition of continuance or resumption of working of factory, etc., after revocation of written permission for its establishment.	One thousand rupees.]

[1] These entries were inserted by s. 9 (*2*) of the City of Bombay Municipal (Amendment) Act, 1913 (Bom. Act 6 of 1913), Vol. V of this Code.

[2] This entry was inserted by s. 13 (*c*) of the City of Bombay Municipal (Amendment) Act, 1916 (Bom. Act 1 of 1916), Vol. V of this Code.

[3] This entry was substituted for the entry relating to Section 385, sub-section (*1*) by s. 5 of the City of Bombay Municipal (Amendment) Act, 1920 (Bom. Act 5 of 1920), Vol. V of this Code.

[4] These words were inserted by s. 13 (*d*) of the City of Bombay Municipal (Amendment) Act, 1916 (Bom. Act 1 of 1916), Vol. V of this Code.

[5] This entry was inserted by s. 13 (*e*) *ibid.*

1	2	3
Section, sub-section or clause.	Subject.	Fine which may be imposed.
Section 392, sub-section (*1*).	Requisition for sanitary regulation of factories, [1] * etc.	Two hundred rupees.
Section 393, sub-section (*1*).	Prohibition of use of steam-whistle, etc., without permission.	Fifty rupees.
[2] [Section 394, sub-section (*1*).	Certain things not to be kept and certain trades and operations not to be carried on, without a license.	Five hundred rupees.]
[2] [Section 394, sub-section (*4*).	License to be kept on the premises ...	Twenty rupees.]
Section 395, sub-section (*1*).	Prohibition of corruption of water by chemicals, etc.	One thousand rupees.
Section 397, sub-section (*1*).	Regulation of washing of clothes by washermen.	Twenty rupees.
Section 401, sub-section (*1*).	Prohibition of sale in municipal market without license.	Fifty rupees.
Section 402, sub-section (*2*).	New private market not to be opened without sanction.	One thousand rupees.
Section 403, sub-section (*1*), clause (*a*).	Private market not to be kept open without license.	Fifty rupees.
Section 403, sub-section (*1*), clauses (*b*) and (*c*).	Using place as slaughter-house without license, within or without city.	Two hundred rupees.
Section 404 ...	Prohibition of sale in unauthorized private markets.	Fifty rupees.
Section 405 ...	Requisitions to pave and drain private market buildings and slaughter-houses.	Two hundred rupees.
Section 406 ...	Regulations framed for markets and slaughter-houses.	Fifty rupees.
Section 408, sub-section (*2*).	Regulations and table of stallage-rents posted up in markets and slaughter-houses, not to be destroyed or defaced.	Ten rupees.

[1] The word "bakehouses" was repealed by s. 18 (*b*) of the City of Bombay Municipal (Amendment) Act, 1911 (Bom. Act 2 of 1911), Vol. V of this Code.

[2] These entries were substituted for the original entries relating to section 394 by s. 18 (*c*) *ibid*.

1	2	3
Section, sub-section or clause.	Subject.	Fine which may be imposed.
Section 410, sub-section (*1*).	Prohibition of sale of animals, etc., except in a market.	Fifty rupees.
Section 411 ...	Butchers and persons who sell the flesh of animals to be licensed.	One hundred rupees.
Section 412, sub-section (*1*)	Prohibition of import of cattle, etc., into the city without permission.	One hundred rupees.
[1] [Section 412A ...	[2] [Milk, butter, etc., not to be sold without a license.]	One hundred rupees.]
[3][Section 420, sub-section (*2*), clause (*a*	Sale by any denomination of weight or measure other than one of the weights or measures of which the Commissioner has provided local standards.	Twenty rupees.]
[3][Section 420, sub-section (*2*), clause (*b*)	Use of weight or measure which has not been verified within five years.	Fifty rupees.]
[3][Section 420, sub-section (*2*), clause (*c*).	Use of weight or measure when defective.	Ten rupees.]
[3][Section 420, sub-section (*2*), clause (*d*).	Heaping a measure or striking a measure otherwise than as prescribed.	Five rupees.]
[3][Section 420, sub-section (*3*), clause (*a*).	Counterfeiting stamp of local standard or falsifying weight.	Five hundred rupees.]
[3][Section 420, sub-section (*3*), clause (*b*).	Using or disposing of measure or weight with counterfeit stamp, or of false weight.	One hundred rupees.]
Section 421 ...	Information to be given of existence of dangerous disease by medical practitioners.	One hundred rupees.
Section 423, sub-section (*2*).	Prohibition of use for drinking of water likely to cause dangerous disease.	Two hundred rupees.
Section 424, sub-section (*2*).	Direction to remove patients to hospital. ...	One hundred rupees.
Section 425, sub-section (*1*).	Requisition to disinfect buildings ...	One hundred rupees.
Section 427, sub-section (*2*).	Where a place for washing of infected articles has been appointed, such articles not to be washed at places not so appointed.	One hundred rupees.
Section 427, sub-section (*3*).	Direction to disinfect or destroy infected articles.	One hundred rupees.

[1] This entry was inserted by s. 9 (*3*) of the City of Bombay, Municipal (Amendment) Act 1913, (Bom. Act 6 of 1913), Vol. V of this Code.

[2] These words were substituted for the original words "Dealers in and sellers of milk to be licensed" by s. 9 of the City of Bombay Municipal (Further Amendment) Act, 1916 (Bom. Act 6 of 1916), Vol. V of this Code.

[3] These entries were inserted by s. 4 of the City of Bombay Municipal (Amendment) Act, 1921 (Bom. Act 4 of 1921), Vol. V of this Code.

1	2	3
Section, sub-section or clause.	Subject.	Fine which may be imposed.
Section 428, sub-section (*1*).	Persons suffering from dangerous disease not to enter a public conveyance without notifying the same.	Fifty rupees.
Section 430 ...	Provisions as to carriage of persons suffering from dangerous disease in public conveyances.	Five hundred rupees.
Section 431 ...	Public conveyance which has carried a person suffering from dangerous disease to be disinfected.	Five hundred rupees.
ction 432, sub-sec-Setion (*1*).	Infected articles not to be transmitted, etc., without previous disinfection.	Five hundred rupees.
ection 433, sub-section (*1*).	Infected building not to be let without being first disinfected.	Five hundred rupees.
Section 435 ...	Places for the disposal of the dead to be registered.	One hundred rupees.
Section 437 ...	New places for disposal of the dead not to be opened without permission.	Five hundred rupees.
Section 440, sub-section (*1*).	Prohibition of burials within places of worship and exhumations without permission.	Five hundred rupees.
Section 441 ..	Acts prohibited in connection with the disposal of the dead.	One hundred rupees.
Section 446, sub-section (*1*).	Information of birth to be given within seven days.	One hundred rupees.
Section 447	Information respecting finding of new-born child to be given.	One hundred rupees.
Section 449	Information of death to be given at the time when the corpse of the deceased is disposed of.	One hundred rupees.
Section 450, sub-section (*1*).	Medical practitioner who attended a deceased person to certify the cause of his death.	One hundred rupees.
Section 457, sub-sections (*1*) and (*3*).	Obligation to fill up blank schedules and returns.	Fifty rupees.
Section 458 ...	Occupier to amend returns, if found defective.	Two hundred rupees.
Section 459 ..	Military, naval and police officers and certain others, if required, to act as enumerators.	One hundred rupees.
Section 469, sub-section (*1*).	Boards for exhibiting by-laws to be open to inspection.	Fifty rupees.
Section 469, sub-section (*2*).	The same not to be injured ...	Ten rupees.
Section 479, sub-section (5).	Grantee to be bound to produce license or written permission.	Fifty rupees.

1	2	3
Section, sub-section or clause.	Subject.	Fine which may be imposed.
[Section 507, sub-section (3).	Occupier of building or land to afford owner facilities for complying with provisions of this Act, etc., after eight days from issue of order by Chief Judge of Small Cause Court.	Two hundred rupees.]

Continuing offences.

[1] [**472.** Whoever, after having been convicted of

(*a*) contravening any provision of any of the sections, sub-sections or clauses mentioned in the first column of the following table, or of any regulation made thereunder, or

(*b*) failing to comply with any requisition lawfully made upon him under any of the said sections, sub-sections or clauses,

continues to contravene the said provision or to neglect to comply with the said requisition, or fails to remove or rectify any work or thing done in contravention of the said provision, as the case may be, shall be punished, for each day that he continues so to offend, with fine which may extend to the amount mentioned in that behalf in the third column of the said table.

Explanation.—The entries in the second column of the said table headed "Subject" are not intended as definitions of the offences described in the sections, sub-sections and clauses mentioned in the first column, or even as abstracts of those sections, sub-sections and clauses, but are inserted merely as references to the subjects of the sections, sub-sections and clauses, the numbers of which are given in the first column.

1	2	3
Section, sub-section or clause.	Subject.	Daily fine which may be imposed.
Section 223, sub-section (*1*).	Buildings, etc., not to be erected without permission over drains.	Ten rupees.
Section 229 ...	Connections with municipal drains, etc., not to be made except in conformity with section 227 or 228.	Ten rupees.

[1] This section was substituted by s. 58 of the City of Bombay Municipal (Amendment) Act, 1905 (Bom. Act 5 of 1905), Vol. IV of this Code.

1	2	3
Section, sub-section or clause.	Subject.	Daily fine which may be imposed.
[1] [Section 229A, sub-section (*1*).	Buildings, etc., not to be erected without permission over any drains.	Ten rupees.]
[1] [Section 230A ...	Owner of land to allow others to carry drains through the land.	Five rupees.]
Section 231 ...	Requisition to enforce drainage of undrained premises situate within a hundred feet of a municipal drain.	Five rupees.
Section 232 ..	Requisition to enforce drainage of undrained premises not situate within a hundred feet of a municipal drain.	Five rupees.
Section 233, sub-section (*1*), clause (*b*).	Direction limiting use of drain or notice requiring the construction of a distinct drain.	Five rupees.
Section 233A, clause (*b*).	Drain for sole use of property to be maintained in good repair, etc., by owner or occupier of property.	Five rupees.
Section 236 ...	Owners of drains to allow use thereof or joint ownership therein, to others.	Five rupees.
[2] [Section 249 ...	Drains not to pass beneath buildings ...	Ten rupees.]
Section 243, sub-section (*2*).	Requisition to cover or ventilate drain or cesspool.	Five rupees.
Section 248, sub-section (*1*).	Requisition to enforce provision of privy accommodation, etc.	Five rupees.
Section 249	Requisition to provide privy accommodation for factories, etc.	Twenty rupees.
Section 249A ...	Requisition respecting unhealthy privies	Twenty rupees.
Section 250, sub-section (*1*).	Provisions as to privies	Five rupees.
Section 251 ...	Provisions as to water-closets	Five rupees.
Section 257 ...	Requisition to effect sanitary repairs, etc.,	Five rupees.

[1] These entries were inserted by s. 19 (*a*) of the City of Bombay Municipal (Amendment Act, 1918 (Bom. Act 8 of 1918), Vol. V of this Code.

[2] This entry was inserted by s. 19 (*b*) *ibid.*

1	2	3
Section, sub-section or clause.	Subject.	Daily fine which may be imposed.
[1] [Section 258 ...	Prohibition of acts contravening the provisions of Chapter IX or done without sanction.	Ten rupees.]
Section 259A, sub-sections (*1*) and (*4*).	Provisions as to employment of licensed plumber and use of work.	Fifty rupees.
Section 259-A, sub-sections (*2*) and *3*).	Licensed plumber to give and sign certificate.	Ten rupees.
Section 263, sub-section (*1*).	Buildings, etc., not to be erected over water-main without permission.	Ten rupees.
Section 297, sub-section (*3*).	Buildings not to be constructed within the regular line of street without permission.	One hundred rupees.
Section 305 ...	Requisition as to levelling and draining of private streets.	Ten rupees.
Section 312, sub-section (*1*).	Prohibition of structures or fixtures causing obstruction in streets.	Ten rupees.
Section 313, sub-section (*1*).	Prohibition of deposit, etc., of things in streets.	Ten rupees.
Section 315 ...	Requisition to remove structures or fixures erected or set up before section 312 came into force.	Ten rupees.
Section 322, sub-section (*1*).	Streets not to be opened or broken up and building materials not to be deposited thereon without permission.	Fifty rupees.
Section 323 ...	Precautions for public safety to be taken by persons to whom permission is granted under section 322.	Fifty rupees.
Section 324, sub-section (*1*).	Persons to whom permission is granted under section 322 must re-instate streets.	Ten rupees.
Section 326 ...	Hoards to be set up during work on any building adjacent to a street.	Twenty rupees.
[2] [Section 328, sub-section (*1*).	Sky-signs not to be erected or retained without permission.	Ten rupees.]
[2] [Section 328A, sub-section (*1*).	Advertisements on certain sites not to be exhibited without permission.	Ten rupees.]
Section 329, sub-section (*1*).	Requisition to repair, protect or enclose dangerous place.	Five rupees.
Section 334, sub-section (*1*).	Requisition to alter situation of gas-pipes, etc.	Ten rupees.

[1] This entry was inserted by s. 19 (*c*) of the City of Bombay Municipal (Amendment) Act, 1918 (Bom. Act 8 of 1918), Vol. V of this Code.

[2] These entries were inserted by s. 12 of the City of Bombay Municipal (Amendment) Act, 1921 (Bom. Act 7 of 1921), Vol. V of this Code.

1	2	3
Section, sub-section or clause.	Subject.	Daily fine which may be imposed.
Section 335, sub-section (*1*).	Buildings, etc., not to be erected without permission over municipal gas-pipe.	Ten rupees.
Section 344A ...	Provision for supervision of buildings and works.	One hundred rupees.
Section 347, sub-section (*1*).	Work not to be commenced without notice.	One hundred rupees.
[1][Section 347A ...	Building not to be converted to other purposes without the permission of the Commissioner.	One hundred rupees.]
Section 349 ...	Roof and external walls of buildings not to be of inflammable material.	Five rupees.
Sections 349A and 349B.	Provisions as to height of buildings ...	One hundred rupees.
Section 349C ...	Provisions as to height of frame-buildings.	On hundred rupees.
[2][Section 349D ...	Alteration and provision of staircases to allow of safe exit in event of fire.	Ten rupees.]
Section 353A ...	Provisions as to completion certificates: permission to occupy or use.	One hundred rupees.
Section 354 ...	Requisition to remove structures which are in ruins or likely to fall.	One hundred rupees.
[3][Section 358 ...	Licensed plumber to be bound to execute work properly.	Five rupees.]
Section 372 ...	Provisions as to removal of refuse ...	Ten rupees.
Section 375 ...	Requisition to cleanse and lime-wash building.	Five rupees.
[1][Section 375A ...	Requisition to remove building materials, etc., from any premises.	Five rupees.]

[1] This entry was inserted by s. 14 of the City of Bombay Municipal (Amendment) Act, 1916 (Bom. Act 1 of 1916), Vol. V of this Code.

[2] This entry was inserted by s. 19 (*a*) of the City of Bombay Municipal (Amendment) Act, 1911 (Bom. Act 2 of 1911), Vol. V of this Code.

[3] This entry was inserted by s. 19 (*d*) of the City of Bombay Municipal (Amendment) Act, 1918 (Bom. Act 8 of 1918), Vol. V of this Code.

1	2	3
Section, sub-section or clause.	Subject.	Daily fine which may be imposed.
Section 377 ...	Requisition to cleanse, etc., neglected premises	Five rupees.
Section 379 ...	Owner or occupier of a house, within seven days of receipt of notice, to give statement of accommodation.	Twenty rupees.
Section 379A, sub-section (*1*).	Requisition by Presidency Magistrate to abate over-crowding.	Twenty rupees.
Section 379A, sub-section (*3*).	Requisition by owner pursuant to order under sub-section (*1*).	Twenty rupees.
Section 380 ...	Requisition to remove or alter insanitary hut.	Five rupees.
Section 381 ...	Requisition to fill in pools, etc., which are a nuisance.	Five rupees.
[1] [Section 381A., sub-section (*2*).	Requisition to fill in or demolish well, etc.	Five rupees.]
Section 382 ...	Requisition to discontinue dangerous quarrying.	One hundred rupees.
Section 383, sub-section (*1*).	Requisition to remove or trim trees, shrubs or hedges.	Five rupees.
Section 384, sub-section (*1*).	Prohibitions as to the keeping of animals	Five rupees.
[2] [Section 384A. ...	Requisition to discontinue, etc., stabling animals in dwelling house.	Twenty rupees.]
[2] [Section 390, sub-section (*1*)	Prohibition of working of factory, etc., established without written permission.	Five hundred rupees.]
[2] [Section 390, sub-section (*3*).	Prohibition of continuance or resumption of working of factory, etc., after revocation of written permission for its establishment.	Five hundred rupees.]
Section 392, sub-section (*1*).	Requisition for sanitary regulation of factories, [3]* etc.	One hundred rupees.

[1] This entry was inserted by s. 10 (*1*) of the City of Bombay Municipal (Amendment) Act, 1913 (Bom. Act 6 of 1913), Vol. V of this Code.

[2] These entries were inserted by s. 14 (*c*) of the City of Bombay Municipal (Amendment) Act, 1916 (Bom. Act 1 of 1916), Vol. V of this Code.

[3] The word "bakehouse" was repealed by s. 19 (*b*) of the City of Bombay Municipal (Amendment) Act, 1911 (Bom. Act 2 of 1911), Vol. V of this Code.

1	2	3
Section, sub-section or clause.	Subject.	Daily fine which may be imposed.
[1][Section 394, sub-section (*1*).	Certain things not to be kept, and certain trades not to be carried on, without a licence.	Fifty rupees.]
[1] [Section 394, sub-section (*4*).	Licence to be kept on the premises ...	Five rupees.]
Section 395, sub-section (*1*).	Prohibition of corruption of water by chemicals, etc.	Five hundred rupees.
Section 397, sub-section (*1*).	Regulation of washing of clothes by washermen.	Five rupees.
Section 403, sub-section (*1*).	Private markets not to be kept open without licence.	Fifty rupees.
Sect on 405 ..	Requisition to pave and drain private market-buildings and slaughter-houses.	Fifty rupees.
Section 411 ...	Butchers and persons who sell the flesh of animals to be licensed.	Ten rupees.
[2] [Section 412A ...	[3] [Milk, butter, etc., not to be sold without a licence].	Five rupees.]
Section 425, sub-section (*1*).	Requisition to disinfect buildings ...	Ten rupees.
Section 479, sub-section (*5*).	Grantee to be bound to produce licence or written permission	Ten rupees.
Section 507, sub-section (*3*).	Occupier of building or land to afford owner facilities for complying with provisions of this Act, etc., after eight days from issue of order by Chief Judge of Small Cause Court.	Fifty rupees.]

Offences punishable under the Penal Code.

473. Whoever contravenes any provision of any of the sections, sub-sections or clauses of this Act hereinbelow in this section mentioned or of any regulation made thereunder, and whoever fails to comply with any requisition

[1] These entries were substituted for the original entries relating to section 394 by s. 19 (c) of the City of Bombay Municipal (Amendment) Act, 1911 (Bom. Act 2 of 1911), Vol. V of this Code.

[2] This entry was inserted by s. 10(2) of the City of Bombay Municipal (Amendment) Act, 1913 (Bom. Act 6 of 1913), Vol. V of this Code.

[3] These words were substituted for the original words "Dealers in and sellers of milk to be licensed" by s. 9 of the City of Bombay Municipal (Further Amendment) Act, 1916 (Bom. Act 6 of 1916), Vol. V of this Code.

lawfully made upon him under any of the said sections, sub-sections or clauses, shall be deemed to have committed an offence punishable under the section of the Indian Penal Code hereinbelow in this section respectively specified as the section of the said Code under which such person shall be punishable, namely :— XLV of 1860.

Sections of this Act.	Sections of the Indian Penal Code under which offenders are punishable.
28, clause (*j*)	177
155, sub-sections (*1*) and (*2*), 187 ..	76 or 177, as the case may be.
388, clauses (*a*), (*b*), (*c*) and (*d*), 389 ...	277.
434, sub-section (*1*) ...	188.

Punishment for acquiring share or interest in contract, etc., with the corporation.

474. Any councillor who knowingly acquires, directly or indirectly, any share or interest in any contract or employment with, by or on behalf of the corporation, not being a share or interest such as, under section 16, it is permissible for a councillor to have, without being thereby disqualified for being a councillor, and any Commissioner, Deputy Commissioner, municipal officer or servant who knowingly acquires, directly or indirectly, any share or interest in any contract or employment with, by or on behalf of the corporation, not being a share or interest such as, under clauses (*h*) and (*k*) of section 16, it is permissible for a councillor to have, without being thereby disqualified for being a councillor, shall be deemed to have committed the offence made punishable by section 168 of the Indian Penal Code. XLV of 1860.

Punishment of offences against section 267.

475. (*1*) Whoever contravenes any provision of sub-section (*1*) of section 267 shall be punished with imprisonment which may extend to one month, or with fine which may extend to one hundred rupees, or with both.

(*2*) When any person is convicted under sub-section (*1*), the Magistrate who convicts him may order the immediate removal of any building, or the immediate discontinuance of the operation or use of the land, in respect of which such conviction has been held.

(*3*) If any order made under sub-section (*2*) is disobeyed or the execution thereof resisted, the offender shall be punished with imprisonment which may extend to one month, or with fine which may extend to one hundred rupees, or with both.

Punishment of offences against section 391.

476. Whoever contravenes any provision of section 391, whether the person so offending be the owner or occupier of the premises in which a furnace is situated or the agent or some person employed by the owner or occupier for managing the same, shall be punished with fine which may extend, on a first conviction, to one hundred rupees and, on a second or subsequent conviction, to a sum equal to double the amount to which it might have extended on the last preceding conviction.

Extent of penal responsibility of agents and trustees of owners.

477. No person, who receives the rent of any premises in any capacity described in sub-clauses (*i*), (*ii*) and (*iii*) of clause (*m*) of section 3, shall be liable to any penalty under this Act for omitting to do any act as the owner of such premises, if he shall prove that his default was caused by his not having funds of, or due to, the owner sufficient to defray the cost of doing the act required.

Punishment of offences relating to town-duties.

478. The law for the time being in force for the punishment of offences relating to the levy or payment of customs-duties and the grant of drawbacks, in connection therewith and for the reward of informers shall, as far as may be, apply to similar offences committed in respect of the levy, payment and refund of town-duties and any omission or misdescription in passing for exports any goods in respect of which refund of town-duties may be claimable shall be punishable as if such omission or misdescription had been made in passing the said goods for import.

CHAPTER XIX.

PROCEDURE.

Licences.

Licences and written permissions to specify conditions, etc., on which they are granted.

479. (*1*) Whenever it is provided in this Act that a licence or a written permission may be given for any purpose, such licence or written permission shall specify the period for which, and the restrictions and conditions subject to which, the same is granted, and shall be given under the signature of the Commissioner or of a municipal officer empowered under section 68 to grant the same.

Fees to be chargeable.

(*2*) For every such licence or written permission a fee may be charged at such rate as shall from time to time be fixed by the Commissioner, with the sanction of the corporation.

Licences and written permission

(*3*) Subject to the provisions of clause (*d*) of section 403, any licence or written permission granted under this Act may at any time be suspended or

may be revoked, etc.

revoked by the Commissioner, if any, of its restrictions or conditions is infringed or evaded by the person to whom the same has been granted, or if the said person is convicted of an infringement of any of the provisions of this Act or of any regulation or by-law made hereunder in any matter to which such licence or permission relates.

When licence or written permission is revoked, etc., grantee to be deemed to be without a licence or written permission.

(4) When any such licence or written permission is suspended or revoked, or when the period for which the same was granted has expired, the person to whom the same was granted shall, for all purposes of this Act, be deemed to be without a licence or written permission, until the Commissioner's order for suspending or revoking the licence or written permission is cancelled by him, or until the licence or written permission is renewed, as the case may be.

Grantees to be bound to produce licence or written permission.

(5) Every person to whom any such licence or written permission has been granted shall at all reasonable times, while such written permission or licence remains in force, if so required by the Commissioner, produce such licence or written permission.

Public Notices and Advertisements.

Public notices how to be made known.

480. Whenever it is provided by this Act that public notice shall or may be given of anything, such public notice shall be in writing under the signature of the Commissioner or of a municipal officer empowered under section 68 to give the same, and shall be widely made known in the locality to be affected thereby, by affixing copies thereof in conspicuous public places within the said locality, or by publishing the same by beat of *bataki*, or by advertisement in the local newspapers, or by any two or more of these means and by any other means that he shall think fit.

Advertisements how to be made.

481. Whenever it is provided by this Act that notice shall be given by advertisement in the local newspapers, or that a notification or any information shall be published in the local newspapers, such notice, notification or information shall be inserted, if practicable, in at least two English newspapers, one Marathi newspaper and one Gujarati newspaper published in the city.

Consent, etc., of Commissioner may be proved by written document under his signature.

482. Whenever under this Act the doing or the omitting to do anything or the validity of anything depends upon the consent, approval, declaration, opinion or satisfaction of the Commissioner or of a Deputy Commissioner or any municipal officer, a written document signed by the Commissioner or by such Deputy Commissioner or municipal officer, purporting to convey or set forth his consent, approval, declaration, opinion or satisfaction shall be sufficient evidence of such consent, approval, declaration, opinion or satisfaction.

Service of Notices, etc.

Notices, etc., by whom to be served or presented.

483. Notices, bills, schedules, summonses and other such documents required by this Act or by any regulation or by-law made under this Act to be served upon or issued or presented or given to any person, shall be so served, issued or presented or given by municipal officers or servants or by other persons authorized by the Commissioner in this behalf.

Service how to be effected on owners of premises and other persons.

484. When any notice, bill, schedule, summons or other such document is required by this Act, or by any regulation or by-law made under this Act, to be served upon or issued or presented to any person such service, issue or presentation shall, except in the cases otherwise expressly provided for in section 485, be effected—

(*a*) by giving or tendering to such person the said notice, bill, schedule, summons or other document ; or

(*b*) if such person is not found, by leaving the said notice, bill, schedule summons or other document at his last known place of abode in the city, or by giving or tendering the same to some adult male member or servant of his family ; or

(*c*) if such person does not reside in the city and his address elsewhere is known to the Commissioner, by forwarding the said notice, bill, schedule, summons or other document to him by post under cover, bearing the said address ; or

Service on "owner or occupier" of premises how to be effected.

(*d*) if none of the means aforesaid be available, by causing the said notice, bill, schedule, summons or other document to be affixed on some conspicuous part of the building or land, if any, to which the same relates.

485. When any notice, bill, schedule, summons or other such document is required by this Act, or by any regulation or by-law made under this Act, to be served upon or issued or presented to the owner or occupier of any building or land, it shall not be necessary to name the owner or occupier therein, and the service, issue or presentation thereof shall be effected, not in accordance with the provisions of the last preceding section but as follows, namely :—

(*a*) by giving or tendering the said notice, bill, schedule, summons or other document to the owner or occupier, or if there be more than one owner or occupier, to any one of the owners or occupiers of such building or land ; or

(*b*) if the owner or occupier or no one of the owners or occupiers is found, by giving or tendering the said notice, bill, schedule, summons or other document to some adult male member or servant of the family of the owner or occupier or of any one of the owners or occupiers ; or

(*c*) if none of the means aforesaid be available, by causing the said notice, bill, schedule, summons or other document to be affixed on some conspicuous part of the building or land to which the same relates.

The three last sections inapplicable to Magistrate's summonses.

486. Nothing in the three last preceding sections applies to any summons issued under this Act by a Magistrate.

Signature on notices, etc., may be stamped.

487. (*1*) Every licence, written permission, notice, bill, schedule, summons or other document required by this Act or by any regulation or by-law framed under this Act to bear the signature of the Commissioner or of any municipal officer shall be deemed to be properly signed if it bears a facsimile of the signature of the Commissioner or of such municipal officer, as the case may be, stamped thereupon.

(*2*) Nothing in this section shall be deemed to apply to a cheque drawn upon the municipal fund under section 113.

Power of Entry.

Commissioner, etc., may enter any premises for purposes of inspection, survey or execution of necessary work.

488. The Commissioner may enter into or upon any building or land, with or without assistants or workmen, in order to make any inspection or survey or to execute any work which is authorized by this Act or by any regulation or by-law framed under this Act to be made or executed, or which it is neeessary for any of the purposes, or in pursuance of any of the provisions, of this Act or of any such regulation or by-law, to make or execute :

Provided that—

(*a*) except when it is in this Act otherwise expressly provided, no such entry shall be made between sunset and sunrise ;

(*b*) except when it is in this Act otherwise expressly provided, no building which is used as a human dwelling shall be so entered unless with the consent of the occupier thereof, without giving the said occupier not less than twenty-four hours' previous written notice of the intention to make such entry, and unless for any sufficient reason it shall be deemed inexpedient to furnish such information, of the purpose thereof ;

(*c*) sufficient notice shall in every instance be given, even when any premises may otherwise be entered without notice, to enable the inmates of any apartment appropriated to females to remove to some part of the premises where their privacy need not be disturbed ;

(*d*) due regard shall always be had, so far as may be compatible with the exigencies of the purpose for which the entry is made, to the social and religious usages of the occupants of the permises entered.

Enforcement of Orders to execute Works, etc.

Works, etc. which any person is required to execute may in certain cases be executed by the Commissioner at such person's cost.

489. (*1*) When any requisition or order is made, by written notice, by the Commissioner or by any municipal officer empowered under section 68 in this behalf, under any section, sub-section or clause of this Act mentioned in sub-section (*2*), a reasonable period shall be prescribed in such notice for carrying such requisition or order into effect, and if, within the period so prescribed, such requisition or order or any portion of such requisition or order is not complied with, the Commissioner may take such measures or cause such work to be executed or such thing to be done as shall, in his opinion, be necessary for giving due effect to the requisition or orders so made, and, unless it is in this Act otherwise expressly provided, the expenses thereof shall be paid by the person or by any one of the persons to whom such requisition or order was addressed.

[1] [(*2*) The sections, sub-sections and clauses of this Act referred to in sub-section (*1*) are the following, namely :—

Section 230, sub-section (*5*).
" 231.
" 232.
" 233, clause (*b*).
" 233A, " (*b*).
" 243, sub-section (*2*).
" 248, " (*1*).
" 249A.
" 257.
" 271, sub-section (*2*).
" 278, " (*2*).
" 305.
" 308, sub-section (*2*).
" 309, " (*1*).
" 311.
" 315.
" 325.
" 326, sub-section (*3*).
[2][" 327, " (*1*), clause (*d*).]
[3][" 328, sub-section (*3*).
" 328A, " (*3*)].

Section 329, sub-section (*1*).
" 334, " (*1*).
" 338, " (*2*).
" 343, " (*2*).
" 349, " (*2*).
" 352.
" 353.
" 354.
" 368, sub-section (*2*).
" 375.
" 376.
" 377.
" 380.
" 381.
[4][" 381A, sub-section (*2*)].
" 382.
" 383, sub-section (*1*).
" 392, " (*1*).
" 405.
" 425, sub-section (*1*).]

[1] Sub-section (*2*) of section 489 was substituted by s. 59 of the City of Bombay Municipal (Amendment) Act, 1905 (Bom. Act 5 of 1905), Vol. IV of this Code.

[2] This entry was inserted by s. 20 of the City of Bombay Municipal (Amendment) Act, 1911 (Bom. Act 2 of 1911), Vol. V of this Code.

[3] These entries were inserted by s. 13 of the City of Bombay Municipal (Amendment) Act, 1921 (Bom. Act 7 of 1921), Vol. V of this Code.

[4] This entry was inserted by s. 11 of the City of Bombay Municipal (Amendment) Act, 1913 (Bom. Act 6 of 1913), Vol. V of this Code.

(*3*) The Commissioner may take any measure, execute any work or cause anything to be done under this section, whether or not the person who has failed to comply with the requisition or order is liable to punishment or has been prosecuted or sentenced to any punishment for such failure.

Recovery of expenses of removals by the Commissioner under sections 314, 315, 354 and 380.

490. (*1*) The expenses incurred by the Commissioner in effecting any removal under section 314 [1][or sub-section (*3*) of section 322] or, in the event of a written notice issued under sub-section (*1*) of section 315 or section 354 or 380 not being complied with, under section 489, shall be recoverable by sale of the materials removed and if the proceeds of such sale do not suffice the balance shall be paid by the owner of the said materials.

(*2*) But if the expenses of removal are in any case paid before the materials are sold, the Commissioner shall restore the materials to the owner thereof, on his claiming the same at any time before they are sold or otherwise disposed of, and on his paying all other expenses, if any, incurred by the Commissioner in respect thereof or in respect of the intended sale or disposal thereof.

(*3*) If the materials are not claimed by the owner thereof, they shall be sold by auction or otherwise disposed of as the Commissioner thinks fit, as soon as conveniently may be after one month from the date of their removal whether the expenses of the removal have in the meantime been paid or not and the proceeds, if any, of the sale or other disposal, shall, after defraying therefrom the costs of the sale or other disposal, and, if necessary, of the removal, be paid to the credit of the municipal fund, and shall be the property of the Corporation.

Recovery of Expenses by the Commissioner.

Expenses recoverable under this Act to be payable on demand; and if not paid on demand, may be recovered as an arrear of property-tax.

491. (*1*) Whenever under this Act, or any regulation or by-law made under this Act, the expenses of any work executed or of any measure taken or thing done by or under the order of the Commissioner or of any municipal officer empowered under section 68 in this behalf are payable by any person the same shall be payable on demand.

(*2*) If not paid on demand, the said expenses shall be recoverable by the Commissioner, subject to the provisions of sub-section (*2*) of section 505, by distress and sale of the goods and chattels of the defaulter, as if the amount thereof were a property-tax due by the said defaulter.

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[1] These words and figures were inserted by s. 12 of the City of Bombay Municipal (Amendment) Act, 1913 (Bom. Act 6 of 1913), Vol. V of this Code.

If the defaulter is the owner of premises in respect of which expenses are payable, the occupier to be also liable for payment thereof.

492. (*1*) If the said expenses are due in respect of some work executed or thing done to, upon or in connection with, some building or land or of some measure taken with respect to some building or land and the defaulter is the owner of such building or land, the amount thereof may be demanded from any person who at any time, before the said expenses have been paid, occupies the said building or land, under the said owner; and in the event of the said person failing to pay the same, they may be recovered, by distress and sale of the goods and chattels of the said person, as if the amount thereof were a property-tax due by him :

(*2*) Provided as follows, namely—

(*a*) unless the said person neglects or refuses, at the request of the Commissioner, truly to disclose the amount of the rent payable by him in respect of the said land or building and the name and address of the person to whom the same is payable, the said person shall not be liable to pay on account of the said expenses any larger sum than, up to the time of demand, is payable by him to the owner on account of rent of the said land or building ; but it shall rest upon the said person to prove that the amount of the expenses demanded of him is in excess of the sum payable by him to the owner;

(*b*) the said person shall be entitled to credit in account with the owner for any sum paid by or recovered from him on account of the said expenses;

(*c*) nothing in this section shall affect any agreement made between the said person and the owner of the building or land in his occupation respecting the payment of the expenses of any such work, thing or measure as aforesaid.

Commissioner may agree to receive payment of expenses in instalments.

493. Instead of recovering any such expenses as aforesaid in any manner hereinbefore provided, the Commissioner may, if he thinks fit and with the approval of the standing committee, take an agreement from the person liable for the payment thereof, to pay the same in instalments of such amounts and at such intervals as will secure the payment of the whole amount due, with interest thereon at the rate of nine per centum per annum, within a period of not more than five years.

What expenses may be declared to be improvement expenses.

494. If the expenses to be recovered have been incurred in respect of any work mentioned in any of the sections 227, clause (*c*), 230, 231, 233, clause (*b*), 248, sub-section (*1*), 257, 272, 274, sub-section (*1*), 305, 352, sub-section (*1*), 376, 381 and 405, the Commissioner may, if he thinks fit and

with the approval of the corporation, declare such expenses to be improvement expenses.

Improvement expenses by whom payable.

495. (*1*) Improvement expenses shall be a charge on the premises in respect of which or for the benefit of which the same have been incurred and shall be recoverable in instalments of such amounts not being less for any premises than twelve rupees per annum, and at such intervals as will suffice to discharge such expenses, together with interest thereon at the rate of six per centum per annum, within such period not exceeding thirty years as the Commissioner, with the approval of the corporation, may in each case determine.

(*2*) The said instalments shall be payable by the occupier of the premises on which the expenses are so charged or, in the event of the said premises becoming unoccupied at any time before the expiration of the period fixed for the payment of such expenses or before the same, with interest as aforesaid, are fully paid off, by the owner for the time being of the said permises, so long as the same continue to be unoccupied.

Proportion of improvement expenses may be deduced from rent.

496. (*1*) Where the occupier by whom any improvement expenses are paid holds the permises, on which the expenses are charged, at a rent not less than the rack-rent, he shall be entitled to deduct three-fourths of the amount paid by him on account of such expenses from the rent payable by him to his landlord, and, if he hold at a rent less than the rack-rent, he shall be entitled to deduct from the rent so payable by him such proportion of three-fourths of the amount paid by him on account of such expenses as his rent bears to the rack-rent.

(*2*) And if the landlord from whose rent any deduction is so made is himself liable to the payment of rent for the premises in respect of which the deduction is made and holds the same for a term of which less than twenty years is unexpired (but not otherwise), he may deduct from the rent so payable by him such proportion of the sum deducted from the rent payable to him as the rent payable by him bears to the rent payable to him, and so in succession with respect to every landlord (holding for a term of which less than twenty years is unexpired) of the same premises both receiving and liable to pay rent in respect thereof:

(*3*) Provided that nothing in this section shall be construed to entitle any person to deduct from the rent payable by him more than the whole sum deducted from the rent payable to him.

Redemption of charge for improvement expenses.

497. At any time before the expiration of the period for the payment of any improvement expenses, the owner or occupier of the premises on which they are charged may redeem such charge by paying to the Commissioner such part of the said expenses as may not have been defrayed by sums already levied in respect of the same.

Recovery of instalments due under sections 493 and 495.

498. Any instalment payable under section 493 or section 495, which is not paid when the same becomes due, may be recovered by the Commissioner by distress and sale of the goods and chattels of the person by whom it is due as if it were a property-tax due by the said person.

In default of owner the occupier of any premises may execute required work and recover expenses from the owner.

499. Whenever the owner of any building or land fails to execute any work which he is required to execute under this Act or under any regulation or by-law made under this Act, the occupier, if any, of such building or land may, with the approval of the Commissioner, execute the said work, and he shall be entitled to recover the reasonable expenses incurred by him in so doing from the owner and may deduct the amount thereof from the rent which from time to time becomes due by him to the owner.

Limitation of liability of agent or trustee of owner.

500. No person who receives the rent of any premises in any capacity described in sub-clauses (*i*), (*ii*) and (*iii*) of clauses (*m*) of section 3 shall be liable to do anything which is by this Act required to be done by the owner, unless he have sufficient funds of or due to the owner to pay for the same.

Payment of compensation.

Compensation for damages may be paid by the Commissioner.

501. In any case not otherwise expressly provided for in this Act, the Commissioner may, with the approval of the standing committee, pay compensation to any person who sustains damage by reason of the exercise of any of the powers vested by this Act in the Commissioner or in any municipal officer or servant.

Compensation to be paid by offenders against this Act for any damage caused by them.

502. (*1*) If, on account of any act or omission any person has been convicted of an offence against this Act or against any regulation or by-law made under this Act, and, by reason of the same act or omission of the said person, damage has occurred to any property of the corporation, compensation shall be paid by the said person for the said damage, notwithstanding any punishment to which he may have been sentenced for the said offence.

(*2*) In the event of dispute, the amount of compensation payable by the said person shall be determined by the Magistrate before whom he was convicted of the said offence, and on non-payment of the amount of compensation so determined, the same shall be recovered under a warrant from the said Magistrate as if it were a fine inflicted by him on the person liable therefor.

Recovery of Expenses or Compensation in case of Dispute.

In cases falling under section 491, disputes to be determined by the Chief Judge of the Small Cause Court.

[1] **503.** (*1*) If, when the Commissioner demands payment of any expenses under section 491, his right to demand the same or the amount or the demand is disputed, or if, in the case of expenses incurred by the Commissioner in taking temporary measures under sub-section (*2*) of section 329, the necessity for such temporary measures is disputed, the Commissioner shall refer the case for the determination of the Chief Judge of the Small Cause Court.

(*2*) Pending the Chief Judge's decision, the Commissioner shall defer further proceedings for the recovery of the sum claimed by him and, after the decision, shall proceed to recover only such amount, if any, as shall be thereby ascertained to be due.

Amount of expenses or compensation to be determined in all cases of dispute by the Chief Judge of the Small Cause Court.

[1] **504.** If, in any case not falling under section 491, any person is required by this Act, or by any regulation or by-law framed under this Act, to pay any expenses or any compensation, the amount to be so paid and, if necessary, the apportionment of the same, shall, in case of dispute, be determined, except as is otherwise provided in sections 502 and 515, by the Chief Judge of the Small Cause Court, on application being made to him for this purpose at any time within one year from the date when such expenses or compensation first became claimable.

Expenses or compensation awarded by Chief Judge of the Small Cause Court to be recovered, if necessary, as if they were due under decree of the Court.

505. If the amount of any expenses or compensation ascertained in accordance with the last preceding section is not paid by the person liable to pay the same on demand, it shall be recoverable as if the same were due under a decree of the Small Cause Court.

Persons liable for expenses or compensation may be sued for recovery thereof.

506. Instead of proceeding in any manner aforesaid for the recovery of any expenses or compensation of which the amount due has been ascertained as hereinbefore provided, or after such proceedings have been taken unsuccessfully or with only partial success, the sum due, or the balance of the sum due, as the case may be, may be recovered by a suit brought against the person liable for the same in any Court of competent jurisdiction.

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[1] As to appeal to High Court from decision under s. 503 or s. 504—*see* Act 12 of 1888, s. 3 As to period of limitation for such appeals—*see ibid*, s. 5, Vol. I of this Code.

Proceedings before the Chief Judge of the Small Cause Court.

Remedy of owner of building or land against occupier who prevents his complying with any provision of this Act.

507. (*1*) If the owner of any building or land is prevented by the occupier thereof from complying with any provision of this Act or of any regulation or by-law made under this Act or with any requisition made under this Act or under any such regulation or by-law in respect of such building or land, the owner may apply to the Chief Judge of the Small Cause Court.

(*2*) The said Chief Judge, on receipt of any such application, may make a written order requiring the occupier of the building or land to afford all reasonable facilities to the owner for complying with the said provision or requisition, and may also, if he thinks fit, direct that the cost of such application and order be paid by the occupier.

(*3*) After eight days from the date of any such order, it shall be incumbent on the said occupier to afford all such reasonable facilities to the owner for the purpose aforesaid as shall be prescribed in the said order; and in the event of his continued refusal so to do, the owner shall be discharged, during the continuance of such refusal, from any liability which he would otherwise incur by reason of his failure to comply with the said provision or requisition.

Power to summon witnesses and compel production of documents.

508. (*1*) For the purposes of any inquiry or proceeding under this Act, the Chief Judge of the Small Cause Court may summon and enforce the attendance of witnesses and compel them to give evidence and compel the production of documents, by the same means and, as far as is possible, in the same manner as is provided in the case of the Small Cause Court by the [1] Presidency Small Cause Courts Act, 1882; and in all matters relating to any such inquiry or proceeding the said Chief Judge shall be guided generally by the provisions of the said Act so far as the same are applicable.

XV of 1882.

(*2*) If, in any such inquiry or proceeding, the person against whom the complaint or application has been made fails to appear, notwithstanding that he has been duly summoned for this purpose, the said Chief Judge may hear and determine the case in his absence.

(*3*) The costs of every such inquiry or proceeding, as determined by the said Chief Judge, shall be payable by such parties and in such proportions as the said Chief Judge shall direct and the amount thereof shall, if necessary, be recoverable as if the same were due under a decree of the Small Cause Court.

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[1] General Acts, Vol. III.

Fees in proceedings before the Chief Judge of the Small Cause Court.

509. (*1*) The Governor in Council may, from time to time, by notification in the Bombay Government Gazette prescribe what fee, if any, shall be paid—

(*a*) on any application, appeal or reference made under this Act to the Chief Judge of the Small Cause Court; and

(*b*) previous to the issue, in any inquiry or proceeding of the said Chief Judge under this Act, of any summons or other process:

Provided that the fees, if any, prescribed under clause (*a*) shall not, in cases in which the value of the claim or subject-matter is capable of being estimated in money, exceed the fees at the time being levied, under the provisions of the Presidency Small Cause Courts Act, 1882, in cases in Act which the value of the claim or subject-matter is of like amount. XV of 1882.

(*2*) The Governor in Council may from time to time by a like notification determine by what person any fee prescribed under clause (*a*) shall be payable.

(*3*) No application, appeal or reference shall be received by the said Chief Judge, until the fee, if any, prescribed therefor under clause (*a*) has been paid.

Exemption of poor persons from fees.

510. The Chief Judge of the Small Cause Court may, whenever he thinks fit, receive an application, appeal or reference made under this Act by or on behalf of a poor person, and may issue process on behalf of any such person, without payment or on a part payment of the fees prescribed under section 509.

Re-payment of half fees on settlement before hearing.

511. Whenever any application, appeal or reference made to the Chief Judge of the Small Cause Court under this Act is settled by agreement of the parties before the hearing, half the amount of all fees paid up to that time shall be repaid by the said Chief Judge to the parties by whom the same have been respectively paid.

Authority to the Chief Judge of the Small Cause Court to delegate certain powers and to make rules.

512. The Chief Judge of the Small Cause Court may—

(*a*) delegate, either generally or specially to any other Judge of the said Court, power to receive applications, appeals and references under this Act, and to discharge any other duty in connection with such applications, appeals and references, except the hearing and adjudication thereof;

(*b*) if for any reason, it shall be necessary so to do in order to secure the disposal of any application made to him under section 20 within the limited period prescribed in the said section, delegate to any other Judge of the said Court the hearing and adjudication of the said application;

(*c*) from time to time, with the approval of Government, make rules, not inconsistent with this Act, providing for any matter connected with the exercise of the jurisdiction conferred upon him by this Act which is not herein specifically provided for.

Proceedings before Magistrates.

Cognizance of offences.

513. All offences against this Act, or against any regulation or by-law made under this Act, whether committed within or without the city, shall be cognizable by a Presidency Magistrate; and no such Magistrate shall be deemed to be incapable of taking cognizance of any such offence or of any offence against any enactment hereby repealed, by reason only of his being liable to pay any municipal tax or of his being benefited by the municipal fund to the credit of which any fine inflicted by him will be payable.

Limitation of time within which complaints of offences punishable under this Act shall be entertained.

[1][**514.** No person shall be liable to punishment for any offence made punishable by this Act, unless complaint of such offence is made before a Presidency Magistrate within the time hereinafter prescribed in that behalf, namely :—

(*a*) if the offence be against the provisions of section 155, within six months next after the commission of such offence;

(*b*) if the offence be against the provisions of sections [2][223, 229A, 240, 258,] 272 (*1*, 281, 284, [3*] or 390, within three months next after the commission or discovery of such offence;

(*c*) if the offence be against any other provision of this Act, within three months next after the commission of such offence.]

Complaint concerning nuisances.

[4]**515.** (*1*) Any person who resides in the city may complain to a Presidency Magistrate of the existence of any nuisance, or that in the exercise of any power conferred by sections 224, 244, 245, 246 or 367, more than the least practicable nuisance has been created.

(2) Upon receipt of any such complaint, the Magistrate, after making such inquiry as he thinks necessary, may, if he sees fit, direct the Commissioner—

(*a*) to put in force any of the provisions of this Act or to take such measures as to such Magistrate shall seem practicable and

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[1] This section was substituted by s. 21 of the City of Bombay Municipal (Amendment) Act, 1911 (Bom. Act 2 of 1911), Vol. V of this Code.

[2] These figures were inserted by s. 20 of the City of Bombay Municipal (Amendment) Act, 1918 (Bom. Act 8 of 1918), Vol. V of this Code.

[3] The figures and brackets "287(*2*)" were repealed by s. 6 of the City of Bombay Municipal (Amendment) Act, 1920 (Bom. Act 5 of 1920), Vol. V of this Code.

[4] As to appeal to High Court from orders under s. 515—*see* Act 12 of 1885, s. 4. As to period of limitation for such appeals—*see ibid*, s. 5, Vol. I of this Code.

reasonable for preventing, abating, diminishing or remedying such nuisance;

(*b*) to pay to the complainant such reasonable costs of and relating to the said complaint and order as the said Magistrate shall determine, inclusive of compensation for the complainant's loss of time in prosecuting such complaint.

(*3*) It shall be incumbent on the Commissioner to obey every such order.

(*4*) Nothing in this Act contained shall interfere with the right of any person who may suffer injury or whose property may be injuriously affected by any act done in the exercise of any power conferred by sections 224, 244, 245, 246 or 367 to recover damages for the same.

Arrest of Offenders.

Offenders against this Act may in certain cases be arrested by Police Officers.

516. (*1*) Any police officer may arrest any person who commits in his view any offence against this Act or against any regulation or by-law made under this Act, if the name and address of such person be unknown to him, and if such person, on demand, declines to give his name and address or gives a name and address which such officer has reason to believe to be false.

(*2*) No person so arrested shall be detained in custody after his true name and address are ascertained or, without the order of a Magistrate, for any longer time, not exceeding at the most forty hours from the arrest, than is necessary for bringing him before a Magistrate competent to take cognizance of his offence.

Legal Proceedings.

Provisions respecting institution, etc., of civil and criminal actions and obtaining legal advice.

517. (*1*) The Commissioner may—

(*a*) take, or withdraw from, proceedings against any person who is charged with—

(*i*) any offence against this Act;

(*ii*) any offence which affects or is likely to affect any property or interest of the corporation or the due administration of this Act;

(*iii*) committing any nuisance whatsoever;

(*b*) compound any offence against this Act, which under the law at the time in force may legally be compounded;

(*c*) defend any election petition brought under section 33;

(*d*) defend, admit or compromise any appeal against a rateable value or tax, brought under section 217 ;

(*e*) take, withdraw from, or compromise, proceedings, under sections 502, sub-section (2), 503, 504 and 505, for the recovery of expenses or compensation claimed to be due to the corporation ;

(*f*) withdraw or compromise any claim for a sum not exceeding five hundred rupees against any person in respect of a penalty payable under a contract entered into with such person by the Commissioner, or, with the approval of the standing committee, any such claim for any sum exceeding five hundred rupees ;

(*g*) defend any suit or other legal proceeding brought against the corporation or against the Commissioner or a Deputy Commissioner or a municipal officer or servant, in respect of anything done or omitted to be done by them, respectively, in their official capacity ;

(*h*) with the approval of the standing committee, admit or compromise any claim, suit or legal proceeding brought against the corporation or against the Commissioner or a Deputy Commissioner or a municipal officer or servant, in respect of anything done or omitted to be done as aforesaid ;

(*i*) with the like approval, institute and prosecute any suit or withdraw from or compromise any suit or any claim, other than a claim of the description specified in clause (*f*), which has been instituted or made in the name of the corporation or of the Commissioner ;

(*k*) obtain such legal advice and assistance as he may from time to time think it necessary or expedient to obtain or as he may be desired by the corporation or the standing committee to obtain, for any of the purposes mentioned in the foregoing clauses of this section or for securing the lawful exercise or discharge of any power or duty vesting in or imposed upon any municipal authority or any municipal officer or servant ;

(2) Provided that the Commissioner shall not defend any suit or legal proceeding under clause (*g*) without first of all taking legal advice with regard thereto, and shall institute and prosecute any suit which the corporation shall determine to have instituted and prosecuted.

CHAPTER XX.

CONTROL.

Power to Government to provide for performance of duties in default of any municipal authority.

518. (*1*) If, upon complaint being made to him and after such inquiry as he thinks fit to make, it shall at any time appear to the Governor in Council that any of the provisions of sections 61, 62, [1] [62C, 62D, 89F], 134, 225, 434 and 438 have not been or are not being duly carried out or enforced, the Governor in Council may make an order prescribing a period within which such provision shall be carried out or enforced :

(*2*) Provided that, except in any case which appears to the Governor in Council to be one of emergency, no such order shall be made until after the expiry of one month from the date of service of a written notice on the corporation, and, if the Governor in Council shall think fit, on the Commissioner, requiring cause to be shown why such order should not be made, nor until the cause, if any, so shown has been considered by the Governor in Council.

(*3*) If, within the period prescribed in an order made under sub-section (*1*) the provision is not carried out or enforced the Governor in Council may appoint some person to carry out or enforce the same and may direct that the expense of carrying out or enforcing such provision, together with such reasonable remuneration to the person carrying out or enforcing the same as the Governor in Council shall determine and the cost of the proceedings under this section shall be paid out of the municipal fund.

Power to Government to enforce repair, etc., of Vehár water-works.

519. (*1*) If, from the report of any person appointed by Government under section 264 to inspect the Vehár water-works, it shall appear to Government that any portion of the said water-works is not in a sound and effective condition, Government may, by notice under the signature of a secretary to Government, require that the said portion of the said works be repaired, improved or otherwise rendered sound and effective, within a reasonable time to be prescribed in the notice.

(*2*) The said notice shall be addressed to the corporation and to the Commissioner, and it shall be incumbent on the corporation and on the Commissioner, within the limits of their respective powers, to give effect thereto. If effect be not given thereto, Government may cause the required work to be done and may direct that the expenses thereof shall be paid by the Commissioner.

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[1] These figures and letters were inserted by s. 21 of the City of Bombay Police Charges Act, 1907 (Bom. Act 3 of 1907), Vol. IV of this Code.

Expenses of measures enforced under sections 518 and 519 how to be recovered.

520. (*1*) When any such order as is mentioned in sub-section (*3*) of section 518, or in sub-sectioon (*2*) of section 519 shall have been made, the corporation shall cause to be paid to Government the sum or sums of money of which payment shall from time to time be required, in pursuance of the said order, in any requisition signed by a secretary to Government.

(*2*) And if, within fourteen days from the delivery of any such requisition, the same is not complied with, Government may, by a written order signed by one of their secretaries, authorize and direct some person to receive from the bank in which the municipal fund is lodged the sum or sums mentioned in the said order.

(*3*) The said bank shall, upon production of the said written order, forthwith pay the said sum or sums to the person therein authorized to receive the same, and the said written order shall be a sufficient discharge to the said bank from all liability to the corporation in respect of any sum or sums so paid by it out of the municipal fund.

CHAPTER XXI.

Supplemental Provisions.

Councillors, etc., to be deemed to be public servants.

521. The Commissioner and Deputy Commissioner and every councillor and every municipal officer or servant appointed under this Act, and every contractor or agent for the collection of any municipal tax, and every servant or other person employed by any such contractor or agent, shall be deemed to be a public servant within the meaning of section 21 of the [1] Indian Penal Code.

XLV of 1860.

Co-operation of Police.

522. (*1*) The police commissioner shall, as far as may be, co-operate, by himself and through his subordinates, with the Commissioner for carrying into effect and enforcing the provisions of this Act and for the maintenance of good order in the city.

(*2*) It shall be the duty of every police officer in the city to communicate without delay to the proper municipal officer any information which he receives of a design to commit or of the commission of any offence against this Act, or against any regulation or by-law made under this Act, and to assist the Commissioner or any municipal officer or servant, reasonably demanding his aid for the lawful exercise of any power vesting in the Commissioner or in such municipal officer or servant under this Act.

[1] General Acts, Vol. I.

Computation of time.

523. (*1*) In computing any limited time before, or from or after any date or event which is appointed or allowed by or under this Act for the doing of any act or the taking of any proceeding, such time shall be taken as exclusive of the day of that date or of the happening of that event, and as ending or commencing, as the case may be, at the end of the last preceding day, or the beginning of the next following day.

(*2*) Where the limited time is to be computed from or after any date or event, the act or proceeding shall be done or taken at the latest on the last day of the limited time computed as aforesaid, unless the last day is a Sunday or a public holiday or unless, in the case of a proceeding to be taken before the Chief Judge of the Small Cause Court, the said Court is closed on such last day, in which events any act or proceeding shall be deemed to be done or taken in due time if it is done or taken on the next day after such Sunday, or after the close of such public holiday, or on the first day when such Court re-opens, as the case may be.

(*3*) Where by this Act any act or proceeding is directed or allowed to be done or taken on a certain day and such day happens to be a Sunday or a public holiday, the act or proceeding shall be considered as done or taken in due time if it is done or taken on the next day after such Sunday, or after the close of such public holiday.

Measurement of distances.

524. The distances mentioned in this Act shall be measured in a straight line on a horizontal plane.

Informalities and errors in assessments, etc., not to be deemed to invalidate such assessment, etc.

525. (*1*) Any informality, clerical error, omission or other defect in any assessment made or in any distress levied or in any notice, bill, schedule, summons or other document issued under this Act, or under any regulation or by-law made under this Act, may at any time, as far as possible, be rectified.

(*2*) No such informality, clerical error, omission or other defect shall be deemed to render the assessment, distress, notice, bill, schedule, summons or other document invalid or illegal, if the provisions of this Act and of the regulations and by-laws made hereunder have in substance and effect been complied with; but any person who sustains any special damage by reason of any such informality, clerical error, omission or other defect shall be entitled to recover compensation for the same by suit in a court of competent jurisdiction.

Power to Government to call for extracts from proceedings, etc.

526. The Governor in Council may at any time call upon the corporation to furnish him with any extract from any proceedings of the corporation or standing committee or of any committee constituted under this Act or from

any record under the control of the corporation and with any statistics concerning or connected with the administration of this Act; and the corporation shall furnish the same without unreasonable delay.

Protection of persons acting under this Act against suits.

527. (*1*) No suit shall be instituted against the corporation or against the Commissioner, or a Deputy Commissioner, or against any municipal officer or servant, in respect of any act done in pursuance or execution or intended execution of this Act or in respect of any alleged neglect or default in the execution of this Act—

(*a*) until the expiration of one month next after notice in writing has been, in the case of the corporation, left at the chief municipal office and, in the case of the Commissioner or of a Deputy Municipal Commissioner or of a municipal officer or servant delivered to him or left at his office or place of abode, stating with reasonable particularity the cause of action and the name and place of abode of the intending plaintiff and of his attorney or agent, if any, for the purpose of such suit; nor

(*b*) unless it is commenced within six months next after the accrual of the cause of action.

(*2*) At the trial of any such suit—

(*c*) the plaintiff shall not be permitted to go into evidence of any cause of action except such as is set forth in the notice delivered or left by him as aforesaid;

(*d*) the claim, if it be for damages, shall be dismissed if tender of sufficient amends shall have been made before the suit was instituted or if, after the institution of the suit, a sufficient sum of money is paid into Court with costs.

(*3*) Where the defendant in any such suit is a municipal officer or servant, payment of the sum or of any part of any sum payable by him in or in consequence of the suit, whether in respect of costs, charges, expenses, compensation for damages or otherwise, may be made, with the sanction of the standing committee, from the municipal fund.

Effect of the transitory provisions in Schedule R.

528. The provisions contained in Schedule R for regulating the constitution of the corporation and other matters until this Act is brought fully into operation shall be of the same effect as if they were enacted in the body of this Act.

SCHEDULE A.

(*See section 2.*)

ENACTMENTS REPEALED.

No. and year of Act.	Title or Subject.	Extent of Repeal.
	Act of the Governor-General in Council.	
XLVIII of 1860	An Act to amend Act XIII of 1856 ...	Section 17, as amended by Bombay Act IV of 1882 and clause (*16*) of section 19.
	Acts of the Governor of Bombay.	
VI of 1863 ...	An Act for the regulation of public conveyances in the town, suburbs and harbour of Bombay.	In section 7, the words "by the Commissioner of Police to the credit of the Municipal Commissioners of Bombay, and".
III of 1870 ...	An Act to secure the payment to Government of certain sums of money by the Corporation of the Justice of the Peace for the City of Bombay.	The whole.
III of 1872 ...	The Bombay Municipal Act of 1872 ...	The whole.
IV of 1878 ...	The Bombay Municipal Act Amendment and Continuance Act, 1878.	The whole.
VI of 1878 ...	An Act to remove doubts as to the time when certain portions of the Bombay Municipal Act Amendment and Continuance Act, 1878, were intended to come into force.	The whole.
II of 1880 ...	The Bombay Municipality's Consolidated Loan Act, 1880.	The whole.
II of 1881 ...	An Act to confirm the jurisdiction of Presidency Magistrates in municipal cases.	The whole.
VI of 1882 ...	An Act to amend the Bombay Municipal Acts of 1872 and 1878.	The whole.
II of 1885 ...	An Act to empower the Municipal Corporation of the City of Bombay to subscribe to the Guarantee Funds of the Bombay International Exhibition, and for other purposes.	So much as has not already been repealed.

SCHEDULE A—*concld.*

No. and year of Act.	Title or Subject.	Extent of Repeal.
III of 1885 ...	An Act to provide for the occasional appointment of a Deputy Municipal Commissioner for the City of Bombay.	The whole.
I of 1886 ...	An Act to remove certain doubts in the construction of section 9-B. of the Bombay Municipal Acts of 1872 and 1878.	The whole.
II of 1886 .	An Act to enable the Municipal Corporation of the City of Bombay to raise increased revenue from town-duties.	The whole.

SCHEDULE B.

(See section 24.)

DIVISION OF THE CITY INTO WARDS.

Consecutive Number.	Name of Ward.	Boundaries.				Number of members of the Corporation to be elected for each Ward.
		On the North.	On the South.	On the East.	On the West.	
1	Fort and Harbour Ward (includes the southern portion of the island within the boundaries here specified and the entire harbour).	A line starting from the harbour and extending along the north wharf of Carnac Basin, the south side of Carnac Road, and of First Marine Street and continuing thence to Back Bay.	The sea	The harbour ..	Back Bay ...	[1][Twelve].
2	Mandvi Ward ...	A line starting from the harbour and extending along the south wharf of Clerk Basin, the south side of Wari Bandar Road, and the east side of Hancock bridge and of Mazgaon Road to the junction of the latter with Babula Tank Road,	A line starting from the harbour and extending along the north wharf of Carnac Basin, and the north side of Carnac Road as far as Abdul Rehman Street.	The harbour from the south wharf of Clerk Basin to the north wharf of Carnac Basin.	A line starting from the Babula Tank Road and extending along the east side of Bhendy Bazar, Parel Road, and the east side of Abdul Rehman Street as far as Carnac Road.	[2][Sixteen].

		thence along the south side of Babula Tank Road to Bhendy Bazar, Parel Road.				
3	Bhuleshwar Ward ...	A line starting from the west side of Bhendy Bazar, Parel Road, and extending along the south side of Grant Road as far as the north-west corner of Northbrook Garden.	The north side of Carnac Road from Abdul Rehman Street, and the north side of First Marine Street and line continuing thence to Back Bay.	The west side of Bhendy Bazar, Parel Road, and of Abdul Rehman Street as far as Carnac Road.	A line starting from the north-west corner of Northbrook Garden, Grant Road, and extending along the east side of Trimbak Parashram Street, Ardesir Dady Street passing thence along the north-east side of part of Bhuleshwar Street to the junction of that Street and Thakurdwar Street and extending along the south side of the latter as far as Queen's Road, and continuing thence to Back Bay.	[2][Sixteen].
4	Girgaon Ward ...	A line starting from the north-west corner of Trimbak Parashram Street and extending along the south side of Grant Road as far as the B. B. and	Back Bay from a point opposite to Thakurdwar Street to Malabar Point.	A line starting from Back Bay at a point opposite Thakurdwar Street, and extending along the north side of Thakurdwar Street; south-west side of	The sea from Malabar Point to the south end of Hornby Vellard.	[3][Ten].

[1] This word was substituted for the word "six" by s. 33 of the City of Bombay Municipal (Amendment) Act, 1922 (Bom. Act 6 of 1922), Vol. V of this Code.

[2] This word was substituted for the word "eight" by *ibid.*

[3] This word was substituted for the word "five" by *ibid.*

SCHEDULE B—*concld.*

Consecutive number.	Name of Ward.	Boundaries.				Number of members of the Corporation to be elected for each Ward.
		On the North.	On the South.	On the East.	On the West.	
4—*concld.*	Girgaon Ward—*contd.*	C. I. Railway and again from the B. B. and C. I. Railway level crossing on Clerk Road along the south side of Clerk Road as far as the south end of Hornby Vellard.		part of Bhuleshwar Street as far as the southern end of Ardesir Dady Street; thence along the west side of the latter and Trimbak Parashram Street as far as Grant Road, again from the Grant Road Railway Bridge along the west side of the B.B. and C. I. Railway Line as far as the Clerk Road level crossing.		
5	Byculla Ward ...	A line starting from the harbour, and extending along the south wharf of Bellair Basin, the south side of Siwri Road and the south side of Kala Choki	A line starting from the harbour, and extending along the north wharf of Clerk Basin, the north side of Wari Bandar Road, the west side of Han-	The harbour from the north wharf of Clerk Basin to the south wharf of Bellair Basin.	A line starting from the Grant Road Railway Bridge and extending along the east side of the B. B. and C. I. Railway Line as far as the Clerk Road	[1] [Ten].

		Road as far as the Chinchpokli Station level crossing on Arthur Road.	cock Bridge and of Mazgaon Road to the junction of the latter with Babula Tank Road, thence along the north side of Babula Tank Road and Grant Road as far as the east side of the B. B. and C. I. Railway Line.		level crossing, thence along the south side of Clerk Road and the east side of Arthur Road as far as the Chinchpokli Station level crossing.	
6	Parel Ward ...	The northern boundary of the city from the east side of the G. I. P. Railway Line as far as the harbour.	A line starting from the harbour and extending along the north wharf of Bellair Basin, the north side of Siwri Road and the north side of Kala Choki Road as far as the Chinchpokli Station level crossing on Arthur Road.	The harbour from the north wharf of the Bellair Basin as far as the northern boundary of the city.	The east side of the G. I. P. Railway Line from the Chinchpokli Station level crossing as far as the northern boundary of the city.	[2][Six].
7	Mahim Ward ...	The northern boundary of the city from the west side of the G. I. P. Railway Line as far as Mahim Causeway.	The north side of Arthur Road and Clerk Road from the Chinchpokli Station level crossing to the south end of Hornby Vellard.	The west side of the G. I. P. Railway Line from the Chinchpokli Station level crossing as far as the northern boundary of the city.	The sea from the south and of Hornby Vellard as far as Mahim Causeway.	[2][Six].

[1] This word was substituted for the word "five" by s. 33 of the City of Bombay Municipal (Amendment) Act, 1922 (Bom. Act 6 of 1922), Vol. V. of this Code.

[2] This word was substituted for the word "two" by *ibid.*

SCHEDULE C.

(*See section 110.*)

FORM OF DEBENTURE.

No. for Rs.

By virtue of the City of Bombay Municipal Act, 1888, we, the Municipal Corporation of the City of Bombay, in consideration of the sum of paid to us by *A. B.* of for the purposes of the said Act, promise to pay to the said *A. B.*, his heirs, executors, administrators and assigns, the said sum of , together with interest at the rate of per centum per annum payable half-yearly on the day of and the day of .

And, by way of security for the said payment, we do hereby grant and assign unto the said *A. B.*, his heirs, executors, administrators and assigns such proportion of the moneys arising or accruing by virtue of the said Act from the (taxes mortgaged) as the sum aforesaid doth or shall bear to the whole sum which is or shall be borrowed on the credit of the said (taxes), to hold to the said *A. B.*, his heirs, executors, administrators and assigns from the day of the date hereof until the sum aforesaid with interest for the same at the rate aforesaid shall be fully paid and satisfied ;

And it is hereby declared that the said principal sum shall be repaid on the day of 18 at (place of payment).

Dated this day of 18 .

(*To be sealed with the common seal of the Corporation.*)

(*Signed*)

Municipal Commissioner on behalf of the Corporation.

This debenture has been sealed with the common seal of the Municipal Corporation of the City of Bombay in our presence :

(*Signed*)

1_____ } Members of the Standing Committee.

2_____ }

SCHEDULE D.

(*See section 110.*)

FORM OF ENDORSEMENT FOR TRANSFER OF DEBENTURE.

I, *A. B.*, in consideration of the sum of paid to me by *C. D.*, of , do hereby transfer to the said *C. D.*, his heirs, executors, administrators and assigns, the within security, and all my right, estate and interest in and to the money thereby secured in and to the (taxes) thereby assigned.

Dated this day 18 .

(*Signed*) *A. B.*

SCHEDULE E.

(*See section 150.*)

FORM OF NOTICE OF TRANSFER TO BE GIVEN WHEN THE TRANSFER HAS BEEN EFFECTED BY INSTRUMENT.

To the Municipal Commissioner for the City of Bombay.

I, *A. B.*, hereby give notice, as required by section 149 of the City of Bombay Municipal Act of 1888, of the following transfer of property :—

Date of Notice.	Date of Instrument.	Name of vendor or Assignor.	Name of Purchaser or Assignee.	Amount of consideration.	Description of the Property.						If instrument has been registered, the date of Registration.	Remarks.
					Of what it consists.	Situation.	No. in Assessment Book.	Collector's No.	Dimensions of Land.	Boundaries.		

(*Signed*) *A. B.*

SCHEDULE F.

(*See section 150.*)

FORM OF NOTICE OF TRANSFER TO BE GIVEN WHEN THE TRANSFER HAS TAKEN PLACE OTHERWISE THAN BY INSTRUMENT.

To the Municipal Commissioner for the City of Bombay.

I, *A. B.*, hereby give notice, as required by section 149 of the City of Bombay Municipal Act of 1888, of the following transfer of property :—

Date of Notice.	Name in which the property is at present entered in the Commissioner's Records.	To whose name it is to be transferred.	DESCRIPTION OF THE PROPERTY.						REMARKS.
			Of what it consists.	Situation.	No. in Assessment Book.	Collector's No.	Dimensions of Land.	Boundaries.	

(*Signed*) *A. B.*

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[1] SCHEDULE G.

(*See section 180.*)

TAX ON VEHICLES AND ANIMALS.

Serial Number.	Description of vehicle or animal.	Maximum amount of tax per quarter.	
		For vehicles with rubber tyres.	For vehicles without rubber tyres.
		Rs. A. P.	Rs. A. P.
1	Vehicles impelled by machinery and used for commercial purposes other than the carriage of passengers :—		
	Each 3 or 4-wheeled vehicle weighing up to 2 tons empty	30 0 0	45 0 0
	Each 3 or 4-wheeled vehicle weighing up to 4 tons empty	35 0 0	52 8 0
	Each 3 or 4-wheeled vehicle weighing up to 8 tons empty	40 0 0	60 0 0
	Each 3 or 4-wheeled vehicle weighing up to 12 tons empty	50 0 0	60 0 0
	Each 3 or 4-wheeled vehicle weighing over 12 tons empty ...	60 0 0	60 0 0

[1] This schedule was substituted by s. 14 of the City of Bombay Municipal (Amendment) Act, 1921 (Bom. Act 7 of 1921), Vol. V of this Code.

Serial Number.	Description of vehicle or animal.	Maximum amount of tax per quarter. For vehicles with rubber tyres.	For vehicles without rubber tyres.
		Rs. A. P.	Rs. A. P.
2	Each vehicle drawn or intended to be drawn by any vehicle falling under serial No. 1 and uesd for commercial purposes (*i.e.*, trailers) :—		
	Each 3 or 4-wheeled vehicle weighing up to 2 tons empty	22 8 0	33 12 0
	Each 3 or 4-wheeled vehicle weighing up to 4 tons empty	26 4 0	39 6 0
	Each 3 or 4-wheeled vehicle weighing up to 8 tons empty	30 0 0	45 0 6
	Each 3 or 4-wheeled vehicle weighing up to 12 tons empty	37 8 0	56 4 0
	Each 3 or 4-wheeled vehicle weighing over 12 tons empty...	45 0 0	60 0 0
3	Each 4-wheeled vehicle impelled by machinery and used solely for carrying passengers :—		
	Weighing up to 10 cwt. empty ...	15 0 0	...
	„ „ 20 „ „ ...	20 0 0	...
	„ „ 30 „ „ ...	25 0 0	...
	„ „ 40 „ „ ..	30 0 0	...
	„ over 40 „ „ ...	40 0 0	...
4	Each 3-wheeled vehicle impelled by machinery and used solely for carrying passengers	12 0 0	...
5	Each 2-wheeled vehicle impelled by machinery	8 0 0	...
6	Each 4-wheeled vehicle drawn by horses, ponies, mules, donkeys or bullocks—		
	(*a*) labour carts	..	5 0 0
	(*b*) all other vehicles in this class ...	8 0 0	12 0 0
7	Each 2-wheeled vehicle drawn by horses, ponies, mules, donkeys or bullocks—		
	(*a*) labour carts with springs ...	..	3 0 0
	(*b*) other vehicles in this class*	6 0 0	6 0 0
8	Each vehicle drawn or impelled other than by horses, ponies, mules, donkeys, bullocks or machinery	2 0 0	2 0 0
9	Each horse, pony or mule of a height of 12 hands or upwards	Rs. 8	
10	Each horse, pony or mule of a height of less than 12 hands	„ 4	
11	Each bullock or buffalo kept for draught or pack purposes	„ 2	
12	Each donkey kept for draught or pack purposes or for riding	„ 2	

* These would include labour carts without springs, and other vehicles, such as buggies, with or without springs.

SCHEDULE H.

(*See section 192*).

ARTICLES LIABLE TO PAYMENT OF TOWN-DUTIES.

Articles.	Maximum Rates of Town-duties leviable.
Grain of all sorts	6 annas per khandi.
Flour of all sorts	75 per centum of the rate at the time being levied on the grain from which the flour is prepared.
Wines and spirits	4 annas per imperial gallon.
Beer	6 pies per do.
[1] * * * *	* * * *
Sugar, molasses and gur	8 annas per cwt.
Ghi	10 annas per Bombay maund.
Timber, exclusive of railway sleepers ...	2½ per cent. of its market value.
Firewood	2 annas per khandi.

SCHEDULE I.

(*See section 202.*)

FORM OF NOTICE OF DEMAND.

To

A. B.,
residing at

Take notice that the Municipal Commissioner for the City of Bombay demands from (*you*) the sum of due from (*you*) on account of (*here describe the premises, vehicle or animal on account of which the tax is leviable*) for the half-year (*or* quarter) commencing (*or* ending on) the day of 18 ; and that if the said sum is not paid into the municipal office at , or if sufficient cause for non-payment of the sum is not shown to the satisfaction of the Commissioner within fifteen days from the service of this notice, a warrant of distress will be issued for the recovery of the same, with costs.

Dated this day of 18 .

(*Signed*).
Municipal Commissioner
for the City of Bombay.

SCHEDULE J.

(*See section 203.*)

FORM OF DISTRESS WARRANT.

To (*here insert the name of the officer charged with the execution of the Warrant.*)

Whereas *A. B.*, of , has not paid, or shown sufficient cause to my satisfaction, for the non-payment of the sum of due for the tax* mentioned in the margin for the half-year (*or* quarter) commencing (*or* terminating) on the day of

*Here describe the tax.

[1] The item relating to petroleum was repealed by s. 7 of the City of Bombay Municipal Amendment) Act, 1888 (Bom. Act 4 of 1888), *infra*.

SCHEDULE J—*contd.*

18 , although the said sum has been duly demanded in writing from the said *A. B.*, and fifteen days have elapsed since the service of the notice of demand ;

This is to command you to distrain the goods and chattels of the said *A. B.* (*or, as the case may be, any goods and chattels found on the premises in respect of which the said tax is due*) to the amount of the said sum of , and such further sum as may be sufficient to defray the costs of recovering the said amounts; and if within five days next after such distress the said sum shall not be paid, together with such further sum as shall be sufficient to defray the said costs, to sell the said goods and chattels: and having paid and deducted out of the proceeds of the sale the said sum of , and the cost of recovering the same, to return the surplus, if any, and if the same be demanded within one year from date of the sale, to the person whom you shall find in possession of the said goods and chattels.

If sufficient distress cannot be found of the goods and chattels of the said *A. B.* (*or* on the said premises, *as the case may be*), you are to certify the same to me together with this warrant.

Dated this day of 18 .

(*Signed*)

Municipal Commissioner
for the City of Bombay.

SCHEDULE K.

(*See section 205.*)

FORM OF INVENTORY AND NOTICE.

To

A. B.

residing at

Take notice that I have this day seized the goods and chattels specified in the inventory beneath this, for the sum of due for the tax mentioned in the margin* for the half-year (*or* quarter) commencing (*or* terminating) on the day of 18 ; and that unless you pay into the municipal office at the amount due, together with the costs of recovery, within five days from the day of the date of this notice, the goods and chattels will be sold.

*Here describe the tax.

Dated this day of 18 .

(*Signature of the officer executing the warrant.*)

INVENTORY.

(*Here state particulars of the goods and chattels seized.*)

SCHEDULE L.

(*See section 207.*)

TABLE OF FEES PAYABLE IN DISTRAINTS.

Sum distrained for.	Fee.
	Rs. A. P.
Under 5 Rupees	0 4 0
Rupees 5 and under 10 Rupees	0 8 0
„ 10 „ 15 „	0 12 0
„ 15 „ 20 „	1 0 0
„ 20 „ 25 „	1 4 0
„ 25 „ 30 „	1 8 0
„ 30 „ 35 „	1 12 0
„ 35 „ 40 „	2 0 0
„ 40 „ 45 „	2 4 0
„ 45 „ 50 „	2 8 0
„ 50 „ 60 „	3 0 0
„ 60 „ 80 „	3 12 0
„ 80 „ 100 „	4 8 0
Above 100 Rupees	5 0 0

The above fees are to include all expenses except when peons are kept in charge of property distrained, in which case four annas must be paid daily for each peon so employed.

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[1]SCHEDULE M.

PART I.

Articles which shall not be kept in or upon any premises without a license.

(*See section 394.*)

Blood.	Gun-cotton.
Dynamite.	Blasting powder.
Fulminate of mercury.	Nitro-glycerine.

[1] Schedule M was substituted by s. 23 of the City of Bombay Municipal (Amendment) Act, 1911 (Bom. Act 2 of 1911), Vol. V of this Code.

PART II.

Articles, which shall not be kept without a license, in or upon any premises, in quantities exceeding at any one time the maximum quantities hereunder set opposite such articles respectively :—

(See section 394.)

Article.	Maximum quantity which may be kept at any one time without a license.
[1][Bidi leaves	4 cwts.
Celluloid } Celluloid goods }	4 cwts.]
Chemicals	4 gallons.
[1][Cinematograph films ...	20 lbs.]
[2][Cotton refuse and waste ...	4 cwts.]
Cotton seed	4 bags not exceeding 4 cwts.
[1][Ghee kept for sale	4 cwts.]
Gunpowder	5 lbs.
Matches for lighting	1 gross boxes.
[3][Methylated spirit	10 gallons.]
[1][Paper stored for sale as waste paper	4 cwts.]
Petroleum as defined in the Indian Petroleum Act, 1899 ...	40 gallons.
Dangerous petroleum as defined in the same Act	20 gallons.
Oil (other sorts)	15 gallons.
Saltpetre	¼ cwt.
Tar, pitch or dammer	½ cwt.
Turpentine	1 gallon.

[1] These entries were inserted by s. 22 (*a*) of the City of Bombay Municipal (Amendment) Act, 1918 (Bom. Act 8 of 1918), Vol. V of this Code.

[2] This entry was substituted by s. 22 (*a*) (3) *ibid.*

[3] This entry was inserted by s. 10 (*a*) of the City of Bombay Municipal (Further Amendment) Act, 1916 (Bom. Act 6 of 1916), Vol. V of this Code.

PART III.

Articles which shall not be kept without a license, in or upon any premises, for sale or for other than domestic use.

(*See section 394.*)

Ashes.	[2][Gunny bags.]
[1][Bamboos.]	Hair.
Bones.	Hay.
Cocoanut fibre.	Hemp.
Carbide of Calcium.	Hides (dried).
Charcoal.	Hides (raw).
China grass.	Hoops.
Coal.	Horns.
Coke.	Jute.
Fat.	Offal.
Fins.	Rags.
Firewood.	Skins.
Fireworks.	Straw.
Fish (dried).	Tallow.
Flax.	Timber.
Grass.	Wool (raw).

[1] The word "Bamboos" was inserted by s. 22 (*b*) of the City of Bombay Municipal (Amendment) Act, 1918 (Bom. Act 8 of 1918), Vol. V of this Code.

[2] These words were inserted by s. 10 (*b*) of the City of Bombay Municipal (Further Amendment) Act, 1916 (Bom. Act 6 of 1916), Vol. V of this Code.

PART IV.

Trades or operations connected with trade which shall not be carried on in or upon any premises without a license.

(*See sections 394 and 395.*)

Baking.

Casting metals.

Dyeing cloth or yarn, in indigo or other colour.

[1][Keeping of eating-houses.]

[2][Keeping of sweetmeat shops, except in premises already licensed as an eating-house.]

[3][Keeping of hair dressing saloons or barbers' shops.]

Tanning, pressing or packing hides or skins, whether raw or dried.

Manufacturing, packing, pressing, cleaning, cleansing, [4][melting] or preparing by any process whatever any of the following articles :—

Ærated waters.
[3][Bidis (indigenous cigarettes).]
[5][Blasting Powder.]
Bones.
Bricks or tiles.
Candles.
Catgut.
Cotton or cotton refuse or cotton seed.
Cowdung cakes.
Dammer.
[5][Dynamite.]
Fat.
[5][Fireworks.]
Flax.
Gas.
Ghee.
[5][Gunpowder.]
Lime.
[5][Matches for Lighting.]
Offal.
Oil-cloth.
Paper.
Pitch.
Pottery.
Rags.
Soap.
Sugar.
Tallow.
Tar.
[5][Vegetable Oil.]
Wood.

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[1] This entry was inserted by s. 15 of the City of Bombay Municipal (Amendment) Act, 1916 (Bom. Act 1 of 1916), Vol. V of this Code.

[2] This entry was inserted by s. 7 of the City of Bombay Municipal (Amendment) Act, 1920 (Bom. Act 5 of 1920), Vol. V of this Code.

[3] This entry was inserted by s. 15 of the City of Bombay Municipal (Amendment) Act, 1921 (Bom. Act 7 of 1921), Vol. V of this Code.

[4] The word "melting" was inserted by s. 22 (*c*) (1) of the City of Bombay Municipal (Amendment) Act, 1918 (Bom. Act 8 of 1918), Vol. V of this Code.

[5] These words were inserted by s. 22 (*c*) (2) *ibid.*

SCHEDULE N.

(*See section 444.*)

PARTICULARS TO BE SPECIFIED IN THE REGISTER OF BIRTHS.

Serial number.

Date of birth.

Place of birth ...
- District.
- Sub-district.
- Ward No. of house (*i.e., its distinguishing number under cl.* (*a*) *of s. 156*).
- Street or wádi.
- No. of house in street or wádi.

Parents ...
- Names (and surnames, if any).
- Occupation or profession.
- Place of birth.
- Duration of residence in Bombay ... Years. / Months. / Days.

Mother being ...
- Only wife now alive.
- One of two wives, both now alive.
- One of three or more wives, all now alive.

Mother being unmarried.

Child ...
- Born alive.
- Still-born.
- Sex.
- Race, caste or nationality.
- Name, if any.

NOTE.—In the case of the birth of a Hindu, the particular sub-division of his caste should be given. Christians should be separated into those of pure European parentage; those of mixed blood, *viz.*, Indo-Europeans; and those of pure Asiatic parentage, *viz.*, Native Christians. Negro-Africans or Siddis should be registered as such and not as Mussalmans. In the case of Europeans, their religion should be specified.

SCHEDULE O.

(*See section 444.*)

PARTICULARS TO BE SPECIFIED IN THE REGISTER OF DEATHS.

Serial number.

Date of death.

Abode ... { District. / Sub-district. / Ward No. of house [*i.e., its distinguishing number under clause (a) of section 156*]. / Street or wádi. / No. of house in street or wádi.

Duration of residence in Bombay { Years. / Months. / Days.

If a stranger to Bombay, or lately arrived, wherefrom { Village / Taluka. / District.

Name (and surname, if any).

Sex.

Race, caste, or nationality.

Age ... { Years. / Months. / Days. / Still-born.

Occupation or profession of deceased or of his or her family.

Place of Birth ... { If in Bombay ... ... { District. / Street or wádi. / No. of house. / If out of Bombay ... ... { Village. / Taluka. / District.

Country to which family belongs.

Cause of death.

Duration of disease { Years. / Months. / Days. / Hours.

Name and residence of medical attendant.

Place of disposal of dead, No. ... .. { Buried. / Burnt. / Exposed.

SCHEDULE P.

(*See section 450.*)

CERTIFICATE OF CAUSE OF DEATH.

I do hereby certify that I attended the deceased during his last illness, and that the cause of his death was, to the best of my belief (*here state particulars*).

Date

(*Signed*)

Medical Designation or Diploma.

SCHEDULE Q.

(*See section 453.*)

FORM CERTIFYING NAME GIVEN IN BAPTISM.

I, , of , do hereby certify that on the 18 , I baptized by the name of a male child produced to me by as the of , and declared by the said to have been born at , on the 18 .

(*Signed by Officiating Minister.*)

Date

FORM CERTIFYING NAME GIVEN NOT IN BAPTISM.

I, , do hereby certify that the male child, born on the 18 , at , to and his wife, and registered in the district of on the 18 , has received the name of .

(*Signed by father or mother, etc.*)

Date

SCHEDULE R.

(*See section 528.*)

TRANSITORY PROVISIONS.

[*1, 2, 3, 4, 5 and 6.*] *Repealed by Act XVI of 1895.*

Personal allowance to present Municipal Secretary.

7. The standing committee may, with the approval of the Corporation, grant to the Municipal Secretary, in addition to his maximum monthly salary of one thousand rupees, a personal allowance not exceeding two hundred rupees monthly in consideration of such secretary's long and approved service, so long as the office is held by the same person who on the day when the [1] Bombay Municipal Acts Amendment Act, 1882, came into force was secretary of the town council and clerk of the Municipal Corporation.

Bom. VI of 1882.

[*8, 9, 10, 11, 12 and 13.*] *Repealed by Act XVI of 1895.*

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[2] SCHEDULE S.

[*See section 259A, sub-section (3).*]

DRAINAGE COMPLETION CERTIFICATE.

I do hereby certify that the following work (*insert full particulars of the work*)

has been completed to my satisfaction; that the workmanship and the whole of the materials used are good; and that no provision of the Act or the by-laws, and no requisition made, condition prescribed or order issued thereunder, has been transgressed in the course of the work.

(*Signed*)

(*dated*)

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[1] Bom. 6 of 1882 is repealed by section 2 of this Act.

[2] Schedule S was added by s. 60 of the City of Bombay Municipal (Amendment) Act, 1905 (Bom. Act 5 of 1905), Vol. IV of this Code.

[1] SCHEDULE T.

[*See section 353A., sub-section (1).*]

BUILDING COMPLETION CERTIFICATE.

I do hereby certify that the following building work (*insert full particulars of the work*)
has been supervised by me and has been completed to my satisfaction; that the workmanship and the whole of the materials used are good; and that no provision of the Act or the by-laws, and no requisition made, condition prescribed or order issued thereunder, has been transgressed in the course of the work.

(*Signed*)
(*dated*)

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[2] SCHEDULE U.

[*See section 62, sub-section (1).*]

MEDICAL INSTITUTIONS IN BOMBAY.

1. The Jamsetjee Jeejeebhoy Hospital.
2. The Bai Motlibai (Obstetric) Hospital.
3. The Sir Dinshaw Manockji Petit Hospital for Women and Children.
4. The Pwarkadas Lallubhai Dispensary for Women and Children.
5. The St. George's Hospital.
6. The Goculdas Tejpal Native General Hospital.
7. The Pestonji Hormasji Cama Hospital for Women and Children.
8. The Allbless Obstetric Hospital.
9. The Jaffer Sulliman Dispensary for Women and Children.
10. The Jehangir Nassarvanji Wadia Dispensary, Máhim.

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[1] Schedule T was added by s. 60 of the City of Bombay Municipal (Amendment) Act, 1905 (Bom. Act 5 of 1905), Vol. IV of this Code.

[2] Schedule U was added by s. 22 of the City of Bombay Police Charges Act, 1907 (Bom. Act 3 of 1907), Vol. IV of this Code.

[1] SCHEDULE V.

(See section 894.)

LANDS AND BUILDINGS IN THE USE AND OCCUPATION OF THE BOMBAY CITY POLICE.

Consecutive number.	Name and situation of the lands and buildings.	City Survey number.	Municipal Ward number.	Approximate area in square feet of land covered with buildings.	Approximate area in square feet of open ground.
1	Quarters for Police Officers formerly used as the Police Magistrate's Court, Maharbavdi, Girgaum Back Road.	416	D 416	7,483	9,189
2	Police Station in Picquet Road .	18	C 916	1,915	377
3	New Police Chowki, near Null Bazar, Erskine Road.	3421 A	C 6806	362	603
4	Police Station at the junction of Hornby Vellard and Warden Roads, Mahaluxmi.	*Nil*	G 1	356	760
5	New Police Chowki at Jacob's Circle, Byculla.	7733	E 4572 (3)	819	2,181
6	New Chowki in Undria Street, Nagpada.	4079 & 4080	E 8 & E 306	638	28
7	Bungalow No. 7, Hansraj Lane, Byculla Bridge.	3672 (2)	E 4727 to 4729	9,639	47,039
8	Police Head-quarters and lines in Esplanade, Carnac and Hornby Roads.	8473	A 3325 to 3329 A 3715 (1& 2) A 3716 (1 & 3)	11,422	154,555
9	Police Magistrates' Court in Esplanade and Cruickshank Roads (portion used for residential purposes only).	8472	A 3344 to 3440	1,328	*Nil.*
10	"Claremount" premises, Nesbit Lane, Mazagaon (portion used for residential purposes only).	3687	E 6151	4,422	„

[1] Schedule V was added by s. 22 of the City of Bombay Police Charges Act, 1907 (Bom. Act 8 of 1907), Vol. IV of this Code.

Consecutive number.	Name and situation of the lands and buildings.	City Survey number.	Municipal Ward number.	Approximate area in square feet of land covered with buildings.	Approximate area in square feet of open ground.
[1][11	"Grant House", Pultan Road ...	8476	A 3333 (2) & (3) & 3334 (1)	9,350	28,884]
12	New Police Chowki at Girgaum, near the Tramway Terminus, Girgaum Road.	408	D 287	598	521
13	Pound-keeper's quarters at Girgaum near Kennedy Bridge.	7957	D 247	4,548	2,320
14	Chowki at Middle Colaba, near the Post Office, Middle Colaba Road.	9699	A 26 (2)	390	3,464
15	Police Station, Bazar Gate Road and Fort Street.	8484 & 8485	A 2163 (1)	2,194	589
16	Chowki, near the Queen's Statue, Esplanade Road.	8452	A 3505	444	*Nil.*
17	Sowars' Stable and Superintendent's quarters in the lane leading to Máhim fort.	55	G 5312	4,523	15,446
18	Old Police Head Office and Chowki in Byculla, Parel and Shepherd Roads.	3672	E 4727 to E 4729	7,321	51,029
19	Police Lines and stables in Shepherd Road, Byculla.	3672	E 4727 to 4729	30,264	80,436
20	Chowki in Masjid Bandar Road, Masjid Bandar Bridge.	265	B 1171	450	*Nil.*
21	Police Chowki and Quarters behind the old Girgaum Police Court Building, Girgaum Back Road.	7495	D 980 to 982	4,988	2,496
22	Police Chowki at Walkeshwar Reversing Station, Walkeshwar Road, Malabar Hill.	7238	D 2984	481	942
23	Police Station at Pydhoni, Parel Road	1267	B 2179 (1)	2,820	51

[1] This item was substituted for the original item by s. 24 of the City of Bombay Municipal (Amendment) Act, 1911 (Bom. Act 2 of 1911), Vol. V of this Code.

Consecutive number.	Name and situation of the lands and buildings.	City Survey number.	Municipal Ward number.	Approximate area in square feet of land covered with buildings.	Approximate area in square feet of open ground.
24	Police Quarters and Lines on Wodehouse Road Estate, Colaba Causeway Road.	9561	A 885 (1 & 5)	25,794	33,406
25	Police Quarters and Lines in the 1st Nagpada Scheme, near the Parsee Statue, New Nagpada Street.	3692	A 3689 (1 & 2) and A 3690	23,013	12,600
26	Police Quarters in Shepherd Road	3789	E 3429 to 3448	4,248	7,569
27	Police Hospital in New Nagpada Street, Nagpada, Byculla.	3692,3696 & 3697	E 3536 to 3542	7,656	43,023
28	Chowki in Bhandarwada Lane, Koliwada, Mandvi.	2375	B 1960	212·5	*Nil.*
29	Chowki at the junction of Kazi and Musjid Streets.	861	C 6136	180	„
30	Chowki at the junction of the Mount, Mazagaon and Dockyard Roads, Matharpacady.	*Nil*	E 4617	514·53	„
31	Chowki at the junction of Church and Dholkar Streets, Mazagaon.	3363	E 6806	367	„
32	Chowki in Parel Road, Chinchpokli	3621	E 7483	343	„
33	Chowki in Upper Duncan Road ...	5683	E 557 (2)	377	182
34	Chowki in Sion Road, Coorla Causeway.	1/518	F 8803 (2)	81	*Nil.*
35	Chowki and Lock-up in Máhim Bazar Road.	39	G 5215	1,152	„
36	Chowki in 1st Pasta Lane, Lower Colaba.	9564	A 520	90	„
37	Chowki in Colaba Road ...	9699	A 26 (2)	37·98	„
38	Chowki on Peach Road, near the Royal Artillery Mess, Colaba.	9699	A 6 (3)	45·54	„
39	Chowki in Pilot Street, near the Afghan Memorial Church, Colaba.	9696	A 174 (2)	39·06	„

Consecutive number.	Name and situation of the lands and buildings.	City Survey number.	Municipal Ward number.	Approximate area in square feet of land covered with buildings.	Approximate area in square feet of open ground.
40	Chowki in 8th Bungalow Street, near the Bombay Infantry Mess, Colaba.	9609	A 66 (2)	45·54	*Nil.*
41	Chowki near Colaba Railway Station, Wodehouse Road.	9656	A 235 (9)	87·98	„
42	Chowki near the Gun Carriage premises, Colaba Road.	9567	A 423 (2)	45·54	„
43	Chowki near the Town Hall, Custom House Road.	9513	A 1057 (1)	100·00	868
44	Chowki in the compound belonging to the Improvement Trust Wodehouse Road Buildings, Colaba Causeway.	9561	A 885 (5A)	108·00	*Nil.*
45	Chowki in Jamnagar Street, Frere Road.	8480	A 2809 (2)	108·00	„
46	Chowki in Fort Street, Mint Road	1/8483	A 2811 (2)	144·00	„
47	Chowki near the Wellington Fountain at the junction of Mayo and Esplanade Roads.	9562	A 1301 (2)	108·00	„
48	Chowki in Tabut Gali, Marine Lines	9561	A 3596	247·95	„
49	Chowki at the entrance to the Admiral's bungalow, Marine Lines.	9656	A 3586 (2)	63·00	„
50	Chowki near Church Gate Railway Station, Queen's Road.	8426	A 3668 (2)	84·96	„
51	Chowki to the rear of the premises known as Major Mein's bungalow, Queen's Road.	8426	A 3668 (1)	39·96	„
52	Chowki at the junction of Waudby and Cruickshank Roads.	8472	A 3454 (2)	63·00	„
53	Chowki at the junction of Pultan and Hornby Roads, Dhobi Ghat.	1/8473	A 3519 (1)	108·00	„
54	Chowki at the junction of Frere and Carnac Roads.	3186	B4373 (3)	60·03	„

Consecutive number.	Name and situation of the lands and buildings.	City Survey number.	Municipal Ward number.	Approximate area in square feet of land covered with buildings.	Approximate area in square feet of open ground.
55	Chowki at the junction of Frere Road and Ahmedabad Street.	3186	B 4353 (2)	166·32	*Nil.*
56	Chowki near the Native Infantry Lines, Carnac Road.	8475	A 3720 (2)	168·00	„
57	Chowki at the junction of Chinch Bandar Road and Elphinstone Overbridge.	3184	B 4117	60·03	„
58	Chowki at the junction of Frere and Malet Bandar Roads.	3186	B 4487	60·03	„
59	Chowki at the junction of Frere, Raichur and Elphinstone Bridge Roads.	3136	B 4471 (1)	60·03	„
60	Chowki at the junction of Frere Road and Thana Street.	3186	B 4377 (2)	60·03	„
61	Chowki at the junction of Queen's Road and 1st Marine Street, south of the Marine Lines Railway Station.	8099	C 2322 (6)	63·00	„
62	Chowki at the junction of 2nd Pathan Street and Dargadevi Road, south of Northbrook Gardens.	5136	C 7889	46·98	„
63	Chowki near French Bridge, Mathew Road.	7352	D 1086 (2)	45·54	„
64	Chowki at Chowpati Crossing, Queen's Road.	D 7298	D 2447 (3)	45·54	„
65	Chowki near Chowpati Well, Queen's Road.	8005	D 2442 (3)	45·54	„
66	Chowki at the Upper Gate of Government House, Walkeshwar Road.	7262	D 2538 (3)	45·54	„
67	Chowki near the Ladies' Gymkhana, Ridge Road.	7295	D 3365 (2)	45·54	„
68	Chowki at the junction of Nepean Sea and Nepean Roads.	7215	D 3316	139·97	„

Consecutive number.	Name and situation of the lands and buildings.	City Survey number.	Municipal Ward number.	Approximate area in square feet of land covered with buildings.	Approximate area in square feet of open ground.
69	Chowki at Nana-ka-chowka, Gawalia Tank Road.	7343	D 2872 (4)	45·54	*Nil.*
70	Chowki near Davar Hall, Warden Road.	1 & 2 / 7139	D 3327 (3)	45 54	"
71	Chowki opposite Messrs. Kemp and Company's premises, Pedder Road.	7128	D 3402 (3)	45·54	"
72	Chowki midway between Mahaluxmi Chowki and the Chowki opposite Messrs. Kemp and Company's premises, Pedder Road.	8037	D 3465 (5)	45·54	"
73	Chowki at the junction of Tardeo Road and Forjett Street.	7064	D 3427 (2)	45·54	"
74	Chowki at the junction of Chikalwadi and Sleater Road.	7041	D 3706 (2)	45·54	"
75	Chowki at the junction of Bellasis and Arthur Road, Tardeo.	1 / 3396	D 3882 (2)	169·29	"
76	Chowki near the main night-soil drain, Arthur Road.	3398	D 3901 (2)	45·54	"
77	Chowki near the Byramji Dispensary, Tardeo Road.	3386	D 3823 (2)	45·54	"
78	Chowki, near the Cawasji Patel Tank, Girgaum Back Road.	623	C 5697 (2)	46 98	"
79	Chowki at the junction of Grant Road and Trimbak Parsharam Street.	*Nil*	D 2368 (2)	45·54	"
80	Chowki at the junction of Grant Road and Palaram Street.	6967	E 2305 (2)	45·54	"
81	Chowki at the junction of Grant Road and Gilder Street.	6992	E 2694 (2)	45·54	"
82	Chowki at the junction of Girgaum Back Road and Charni Road.	7397	D 1640 (2)	45·54	"
83	Chowki at the junction of Gunpowder and Matharpacady Roads.	3772	E 6413 (2)	61·98	"

Consecutive number.	Name and situation of the lands and buildings.	City Survey number.	Municipal Ward number.	Approximate area in square feet of land covered with buildings.	Approximate area in square feet of open ground.
84	Chowki at the junction of Ghorapdeo, Mount and Tank Bandar Roads.	3712	E 7722 (2)	61·38	*Nil.*
85	Chowki near Hancock Bridge, Wari Bandar Road.	3604	E 4791 (2)	61·38	„
86	Chowki near the Municipal Water Tanks at the junction of De'Lima Street and Wari Bandar Road.	3298	E 5062 (2)	61·38	„
87	Chowki opposite the P. and O. Docks, Dockyard Road, off the Main Road, Mazagaon.	8452	A 3506 (2)	45·54	„
88	Chowki at the junction of Connaught and Ghorapdeo Roads.	3643	E 8111 (2)	61·38	„
89	Chowki at the junction of Kalachowki, Ghorapdeo and Sewree Roads.	3627 (1)	E 8181	170·01	„
90	Chowki at the junction of Chinchpokli and Albert Roads.	3624	E 8261 (2)	61·38	„
91	Chowki in the compound of the Jamsetji Jeejeebhoy Hospital.	3621	E 4574 (3)	45·54	„
92	Chowki at two Tanks at the junction of Duncan and Grant Roads.	4121	E 22	64·26	„
93	Chowki at the junction of Bellasis Road and Gilder Street.	3524	E 3406 (2)	61·83	„
94	Chowki near Messrs. Anderson's Stables, Bellasis Road.	6906	E 3112 (2)	60·48	„
95	Chowki near the Parsee Statue, Bellasis Road.	6486	E 589 (3)	61·29	„
96	Chowki at the junction of Haines and DeLisle Roads.	3461	E 7042 (2)	60·03	„
97	Chowki at the junction of DeLisle and Clarke Roads.	3417	E 7397 (2)	61·29	„
98	Chowki at the junction of Haines, Clare and Sankli Roads.	*Nil*	E 4272	159·93	„

Consecutive number.	Name and situation of the lands and buildings.	City Survey number.	Municipal Ward number.	Approximate area in square feet of land covered with buildings.	Approximate area in square feet of open ground.
99	Chowki at the junction of Sankli and Ripon Roads.	3540	E 4023 (2)	46·62	*Nil.*
100	Chowki at the junction of Ripon and Moreland Roads.	3483	E 4545 (2)	46·62	„
101	Chowki at the junction of Moreland and Byculla Club Roads.	3526	E 4109 (2)	159·93	„
102	Chowki at the junction of the five roads in the Agripada Estate belonging to the Bombay Improvement Trust.	3595	E 4193 (3)	46·62	„
103	Chowki at the junction of Sion, Dharavi and Sion Fort Roads.	*Nil*	F 6494 (2)	159·93	„
104	Chowki near the Hindu Temple, Matunga-Agar Road.	2/927	F 7799 (1)	159·93	„
105	Chowki at the junction of Wadala and Antop Hill Roads.	18/1101	F 4559	159·93	„
106	Chowki near Sewree village, Sewree Road.	2269	F 2461 (2)	159·93	„
107	Chowki at the junction of Naigaon and Naigaon Cross Roads.	1190	F 6481 (2)	159·93	„
108	Chowki opposite the Fire Brigade Station at the junction of Naigaon Cross and Vincent Roads.	1/2089	F 829 (3)	159·93	„
109	Chowki, near the G. I. P. Railway Level Crossing at the junction of Dadar and Naigaon Cross Roads.	4/1263	F 6435 (3)	159·93	„
110	Chowki near the Matunga Station on the G. I. P. Railway.	2036	F 667 (2)	159·93	„
111	Chowki at the junction of Sopari-bag and Elphinstone Roads.	1963	F 388 (21)	159·93	„
112	Chowki north of Parel Tank Road, Parel.	37/2488	F 2759 (3)	159·93	„
113	Chowki at the junction of Parel Tank and Golanjee Hill Roads.	5/2488	F 2732 (2)	159·93	„

Consecutive number.	Name and situation of the lands and buildings.	City Survey number.	Municipal Ward number.	Approximate area in square feet of land covered with buildings.	Approximate area in square feet of open ground.
114	Chowki at Jackeria Bandar, Sewree Road.	3725	F 2731 (2)	45·56	*Nil.*
115	Chowki at the junction of Kala Chowki and Parel Roads.	2599	F 26 (2)	159·93	„
116	Chowki at the junction of Parel and Soparibag Roads.	1 & 2 2539	F 112 (1)	159·39	„
117	Chowki at the junction of Soparibag and Curry Roads.	2566	F 124 (2)	159·93	„
118	Chowki opposite the G. I. P. Railway Workshops, Soparibag Road.	2582	F 564 (2)	45·56	„
119	Chowki at the junction of Custom and Lady Jamsetji Roads.	54	G 5149 (2)	184·95	„
120	Chowki near Mahim Bazar Cross Road, Lady Jamsetji Road.	137	G 5695 (2)	45·56	„
121	Chowki near the Gopi Tank, Lady Jamsetji Road.	2 1394	G 4563 (2)	45·56	„
122	Chowki near Shivba's Door Post, Hasali, Lady Jamsetji Road.	*Nil.*	G 4221	45·56	„
123	Chowki near the path leading to Manmalla Tank, Lady Jamsetji Road.	130	G 5721 (2)	45·56	„
124	Chowki at the junction of Lady Jamsetji, Dadar and Portuguese Church Streets.	1443	G 4307 (2)	137·97	„
125	Chowki in Dharavi Road ...	5 296	G 6149 (2)	137·97	„
126	Chowki near the Sion Railway Station, Dharavi Road.	3 423	G 7606 (2)	49·95	„
127	Chowki at the Cross Post, Mahim Bazar Road.	1506	G 4842 (2)	45·56	„
128	Chowki at the junction of DeLisle and Arthur Roads.	3 2718	G 2223 (2)	45·56	„

Consecutive number.	Name and situation of the lands and buildings.	City Survey number.	Municipal Ward number.	Approximate area in square feet of land covered with buildings.	Approximate area in square feet of open ground.
129	Chowki at the junction of DeLisle and Fergusson Roads.	3/3205	G 1025 (2)	45·56	*Nil.*
130	Chowki at the junction of DeLisle and Carrol Roads.	5/2236	F 2340 (2)	137·97	„
131	Chowki near the B. B. and C. I. Railway Crossing, Elphinstone Road.	1/2635	G 2495 (2)	45·56	„
132	Chowki at Saitan Gate, Khumbarwada, Dadar.	1 834	G 3388 (3)	45·56	„
133	Chowki at the junction of Cleveland and Worli Roads.	3035	G 2538	171·00	„
134	Chowki in Pakadi Road, Worli ...	3/3205	G 1383 (2)	45·56	„
135	Chowki at the junction of Hornby Vellard and Worli Roads.	3346	G 6 (3)	45·56	„
136	Chowki at the junction of Haines and Fergusson Roads.	13/3299	G 184 (2)	45·56	„
137	Chowki near the B. B. and C. I. Railway Crossing, Haines Road.	2725	G 1000 (2)	138·96	„
138	Chowki in Jamnagar Street, Modi Bandar.	8484	A 2004 (7)	147·96	„
139	Chowki at the junction of Falkland and Foras Roads.	6934	E 155	474·48	„
140	A plot of land near the present Water Police Station, situated between Karwar and Goa Streets.	8480	A 2730 and A 2744 (5)	*Nil*	29,665
141	A plot of land near Prince's Dock, situated between Raichur Street and Elphinstone Bridge Road.	3186	B 4468, B 4469 and B 4470	„	27,200

BOMBAY ACT No. IV OF 1888 [1].

[*20th December, 1888.*]

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

[NOTE.—The amendments made by ss. 4 to 6 of this Act are incorporated in Bom. Act III of 1888, which immediately precedes this Act. Ss. 2, 3 and 7 are repealed and s. 8 superseded by Act 16 of 1895.]

THE ADEN PORT TRUST ACT, 1888.

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BOMBAY ACT No. V OF 1888.[1]

[*19th January, 1889.*]

An Act to vest the Port of Aden in a Trust.

WHEREAS it is expedient to vest the port of Aden in a trust and to provide for the management of the affairs of the said port by trustees; It is enacted as follows :—

I.—PRELIMINARY.

Short title.

1. This Act may be called the Aden Port Trust Act, 1888.

Definitions.

2. In this Act, unless there be something repugnant in the subject or context,—

(*a*) "Port" means the port of Aden as defined for the purposes of this Act :

(*b*) "high-water mark" means a line drawn through the highest points reached by ordinary spring-tides at any season of the year :

(*c*) "low-water mark" means a line drawn through the lowest points reached by ordinary spring-tides at any season of the year :

(*d*) "land" includes the bed of the sea below high-water mark, and also things attached to the earth or permanently fastened to anything attached to the earth :

(*e*) "master," when used in relation to any vessel, means any person having for the time being the charge or control of such vessel :

(*f*) the word "goods" includes wares and merchandise of every description :

(*g*) "owner," when used in relation to goods, includes any consignor, consignee, shipper or agent for the sale or custody of such goods; and, when used in relation to any vessel, includes any part owner, charterer, consignee or mortgagee in possession thereof.

Power to define and alter limits of port.

3. (*1*) The Governor in Council may, by notification in the Bombay Government Gazette,[2] define the limits of the port for the purpose of this Act, and may from time to time by a like notification alter such limits.

(*2*) Such limits may extend to any part of the navigable approaches to the port, and may include any wharves, tramways, warehouses, sheds and

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[1] For Statement of Objects and Reasons, *see* Bombay Government Gazette, 1888, Pt. V., p. 370 ; and for proceedings in Council, *see ibid.* p. 389.

[2] For notifications defining the limits of the Port of Aden, *see* Bombay Local Rules and Orders.

other works made on behalf of the public for convenience of traffic, for safety of vessels, or for the improvement, maintenance and good government of the port, whether within or without high-water mark, and, subject to any rights of property therein, any portion of the shore within fifty yards of high-water mark.

II.—Of the Board of Trustees.

Constitution of Board.

Act to be carried out by trustees.

4. The duty of carrying out the provisions of this Act shall, subject to such conditions and limitations as are hereinafter contained, be vested in a Board to be callled "the Trustees of the Port of Aden;" and such Board, hereinafter referred to as "the Board," shall be a body corporate and have perpetual succession and a common seal and shall sue and be sued by the name first aforesaid.

Number of trustees.

5. The Board shall consist of such number of Trustees as shall from time to time be fixed by Government, the same being not less than six.

Chairman and *ex-officio* trustees.

[1][**6.** (*1*) Government shall from time to time appoint a person to be Chairman of the Board. The Chairman shall be a trustee.

(*2*) The Port Officer at Aden, [2]* * * * and [3] [an officer of the Head Quarters Staff, Aden Brigade, appointed in virtue of his office by the General Officer Commanding] or, in the absence of any of the above-mentioned officers, the officer acting for him shall be *ex-officio* trustees].

Appointment of other trustees.

7. The rest of the trustees shall be appointed by Government, and of these such number as shall from time to time be fixed by Government shall not be public officers.

Publication of names of non-official trustees in the official Gazette.

8. The names of all trustees other than the *ex-officio* trustees shall be published in the Bombay Government Gazette.

9. [*Term of office of first trustees when to commence.*] *Rep. Act XVI of 1895.*

Length of term of office of non-official trustees.

10. Every trustee, other than [4] [the Chairman or] *ex-officio* trustees, shall, unless he becomes in the meantime disqualified, hold office for a term of two years.

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[1] This section was substituted by s. 2 of the Aden Port Trust (Amendment) Act, 1911 (Bom. Act 1 of 1911), Vol. V of this Code.

[2] The words "the Port Surgeon at Aden" were omitted by s. 2 of the Aden Port Trust (Amendment) Act, 1914 (Bom. Act 4 of 1914), Vol. V of this Code.

[3] These words were substituted for the words "the Deputy Assistant Quartermaster-General, Aden Brigade" by s. 2 of the Aden Port Trust (Amendment) Act, 1922 (Bom. Act 9 of 1922), Vol. V of this Code.

[4] These words were inserted by s. 3 (*1*) of the Aden Port Trust (Amendment) Act, 1911 (Bom. Act 1 of 1911), Vol. V of this Code.

Filling up of casual vacancies.

11. (*1*) In the event of the death, re-signation or disqualification of a trustee other than [1] [the Chairman or] an *ex-officio* trustee, or of his becoming incapable of acting previous to the expiry of his term of office, the vacancy shall be filled up [2][by the Political Resident at Aden] as soon as it conveniently may be, by the appointment of a person thereto, who shall hold office so long only as the trustee in whose place he is appointed would have held it if the vacancy had not occurred.

Acting trustees.

(*2*) If a trustee other than [1][the Chairman or] an *ex-officio* trustee departs from Aden with an intention of being absent for a longer period than three months, or if a trustee shall have been absent from Aden for such period, a person shall be appointed [2][by the Political Resident at Aden] to act for such trustee during his absence, or until he shall cease to be a trustee, and the person so acting shall be deemed for all the purposes of this Act to be a trustee.

Leave of absence to Chairman.

[3][**11A.** Government may from time to time grant to the Chairman such leave of absence as they may deem fit, and any person whom Government appoint to act for the Chairman during his absence on leave shall, while so acting, be a trustee and shall be deemed for all the purposes of this Act to be the Chairman.]

Re-eligibility of trustees.

12. A person who has already been a trustee on one or more occasions shall, if not disqualified under section 13, be again eligible at any time for appointment.

Disqualifications of Trustees.

Disqualifications for office of trustee.

13. (*1*) No person shall be qualified to be a trustee—

(*a*) who under any law for the time being in force is an uncertificated bankrupt or an undischarged insolvent, or

(*b*) who, unless he is [1][the Chairman or] an *ex-officio* trustee, holds any office or place of profit under the Board, or

(*c*) who, unless as aforesaid, has, directly or indirectly, any share or interest in any work done by order of the Board, or in any contract, or employment with, by or on behalf of the Board; or

(*d*) who has been sentenced by a Criminal Court to imprisonment or to whipping for an offence punishable with imprisonment for a

[1] These words were inserted by s. 3 (1) of the Aden Port Trust (Amendment) Act, 1911 (Bom. Act 1 of 1911), Vol. V of this Code.

[2] These words were inserted by the Bombay Decentralization Act, 1915 (Bom. Act 3 of 1915), Vol. V of this Code.

[3] This section was inserted by s. 4 of the Aden Port Trust (Amendment) Act, 1911 (Bom. Act 1 of 1911), Vol. V of this Code.

term exceeding six months, or to transportation, such sentence not having been subsequently reversed or quashed, and whose disqualification on account of such sentence has not been removed by an order which the Governor in Council is hereby empowered to make, if he shall think fit in this behalf ;

and any trustee who—

Trustee who becomes disqualified to cease to be a trustee.

(*e*) becomes disqualified for any of the aforesaid reasons, or

(*f*) [1][except in the case of the Chairman] is absent from the meetings of the Board for a period exceeding six consecutive months, or, without the permission of the Board, from six consecutive meetings of the Board,

shall cease to be a trustee, and his office shall thereupon become vacant :

Proviso.

(*2*) Provided always that no trustee shall vacate his office by reason only of his—

(*g*) having a share in any joint-stock company which shall contract with, or be employed by, or on behalf of, the Board, or

(*h*) having a share or interest in any newspaper in which any advertisement relating to the affairs of the Board may be inserted, or

(*i*) being interested in any loan of money to the Board :

[2][(*3*) Provided also that no person who is the Health Officer of the Port of Aden shall for that reason only be disqualified from being a trustee.]

Remuneration of Trustees.

Remuneration of trustees.

[3][**14.** (*1*) The Chairman shall receive such remuneration as Government shall from time to time determine.

(*2*) Every trustee other than the Chairman who shall attend a meeting at which a quorum is present and business is transacted and which he attends from the beginning to the end thereof shall be entitled to a fee of—

(*a*) thirty rupees for every meeting of the Board, provided that if more than one such meeting is held in any one week, no more than one fee shall be paid to any trustee for his attendance at all such meetings during that one week,

(*b*) fifteen rupees for every special meeting of a Committee of which such trustee attending is a member, convened under sub-section

[1] These words were inserted by s. 3 (*2*) of the Aden Port Trust (Amendment) Act, 1911 (Bom. Act 1 of 1911), Vol. V of this Code.

[2] This sub-section was added by s. 3 of the Aden Port Trust (Amendment) Act, 1914 (Bom. Act 4 of 1914), Vol. V of this Code.

[3] This section was substituted by s. 5 of the Aden Port Trust (Amendment) Act, 1911 (Bom. Act 1 of 1911), Vol. V of this Code.

(5) of the next succeeding section, provided that such special meeting of a Committee is not held upon the same day in continuation of or preparatory to a meeting of the Board for which he is entitled to a fee under the preceding clause.

(3) The aggregate amount of fees, payable to any trustee under sub-section (2) in respect of meetings held during any month shall not exceed one hundred and fifty rupees.]

Proceedings of Board.

15. The following provisions shall be observed with respect to the proceedings of the Board, namely :— Provisions concerning the Board's proceedings.

(1) During any vacancy in the Board the continuing trustees may act as if no vacancy had occurred. Vacancy not to affect Board's proceedings.

(2) The Board shall meet together, and shall from time to time make such arrangements, not inconsistent with this Act, with respect to the place, day, hour, notice, management and adjournment of such meetings, and generally with respect to the transaction of business, as they think fit, subject to the following conditions, namely :— Meetings of Board.

(*a*) that two ordinary meetings at least shall be held in every month; Two ordinary meetings in each month.

(*b*) that the chairman may, whenever he thinks fit, and shall, upon the written request of not less than three trustees, call a special meeting; Special meetings.

(*c*) that no business shall be transacted at any meeting unless at least three trustees are present from the beginning to the end of such meeting ; Quorum.

(*d*) that every meeting shall be presided over by the chairman, if he is present at the time appointed for holding the same, and if he is absent, by such one of the trustees present as may be chosen by the meeting; Meetings to be presided over by the chairman.

(*e*) that all questions shall be decided by a majority of votes of the trustees present, the president having a second or casting vote in all cases of equality of votes; Questions to be decided by a majority of votes.

(*f*) that, if a poll be demanded, the names of the trustees voting and the nature of their votes shall be recorded by the president; Votes to be recorded if a poll is demanded.

(*g*) that minutes shall be kept of the names of the trustees present and of the proceedings at each meeting, in a book to be provided for this purpose, which shall be signed, as soon as practicable, by the Minutes of proceedings.

president of such meeting, and shall be open to inspection by any trustee during office hours.

Board may delegate powers to committees.

(3) The Board may delegate any of their powers to committees consisting of such trustees as they think fit. Any committee so formed shall conform to any instructions that may from time to time be given to them by the Board, and the Board may at any time discontinue or alter the constitution of any committee so formed.

Committees' meetings to be presided over by a chairman.

(4) A committee may elect a chairman of their meetings, and, if no such chairman is elected, or, if he is not present at the time appointed for holding the same, the members present shall choose one of their number to be chairman of such meeting.

Committees when to meet.

(5) Committees may meet and adjourn as they think proper, but the chairman of the Board may, whenever he thinks fit, and shall, upon the written request of not less than two members of a committee, call a special meeting of such committee.

Questions how to be decided at committees' meetings.

(6) Questions at any meeting of a committee shall be decided by a majority of votes of the members present, and, in case of an equal division of votes, the chairman of the meeting shall have a second or casting vote, but no business shall be transacted at any such meeting unless at least two-thirds of the members of the committee are present from the beginning to the end thereof.

Acts of Board, etc., not to be invalidated by informalities.

(7) No act of the Board, or of any committee, or of any person acting as trustee, shall be deemed to be invalid by reason only of some defect in the appointment of such Board, committee or trustee, or on the ground that they or any of them were disqualified for the office of trustee.

Mode of executing contracts.

16. (1) The chairman may, on behalf of the Board, enter into any contract or agreement, whereof the value or amount shall not exceed one thousand rupees, in such manner and form as, according to the law for the time being in force, would bind him if such contract or agreement were on his own behalf; but every other contract and agreement on behalf of the Board shall be in writing, and shall be signed by the chairman and by two other trustees, and shall be sealed with the common seal of the Board.

(2) No contract or agreement not executed as aforesaid shall be binding on the Board:

Proviso.

(3) Provided that the signatures of the chairman and two other trustees may be engraved, lithographed or impressed by any mechanical process, on coupons attached to debentures which the Board is at any time authorized to issue under the Local Authorities Loan Act, 1879[1], or other law for the XI of 1879.

[1] *See* now the Local Authorities Loan Act, 1914 (9 of 1914), Genl. Acts, Vol. VIII.

time being in force, and the signatures so engraved, lithographed or impressed shall have the same validity as if they were written in the proper handwriting of the chairman and other trustees.

17. The Board may compound or compromise for or in respect of any claim or demand made against them for such sum of money or other compensation as they shall deem sufficient. The Board may compound for claims against them.

The Chairman.

18. The chairman shall— Duties of chairman.

(*a*) attend every meeting of the Board, unless prevented by sickness or other reasonable cause;

(*b*) exercise supervision and control over the acts and proceedings of all officers and servants of the Board in matters of executive administration and in matters concerning the accounts and records of the Board; and, subject to the regulations at the time being in force framed by the Board under section 20, dispose of all questions relating to the service of the said officers and servants, and their pay, privileges and allowances;

(*c*) furnish to Government a copy of the minutes of any of the Board's proceedings, and any returns or other information which Government may from time to time call for.

III.—Of the Officers and Servants of the Board.

Strength of Staff.

19. (*1*) The Board shall from time to time prepare and sanction a schedule of the staff of officers and servants whom they shall deem it necessary and proper to maintain for the purposes of this Act. Such schedule shall also set forth the amount and nature of the salaries, fees and allowances which the Board sanctions for each such officer or servant. Schedule of officers and servants and of their pay and allowances to be prepared and sanctioned by the Board.

(*2*), (*3*) [*Existing staff.*] *Rep. Act XVI of 1895.*

(*4*) Provided— Provisos.

(*a*) that artisans, porters and labourers, and mukaddams of porters and labourers, and persons temporarily employed in the engineering department, shall not be deemed to be officers or servants within the meaning of this section or of section 20, clauses (*a*) to (*d*), both inclusive, or of section 21;

(*b*) that, if an officer is lent to the Board by Government, the Board shall make such contributions, if any, on account of his pension and leave-allowances as may be required by the rules in this behalf from time to time in force, and shall not, except with the consent of Government, dispense with his further services at any time, without giving to Government six months' previous notice;

(*c*) that every officer and servant, if any, maintained by Government on the [1] [31st March, 1889,] at the cost of the provincial revenues, for employment in connection with the Aden harbour, shall, if he is entitled as a Government servant to pension and leave allowances, be deemed to be lent to the Board on and from the [2][1st April, 1889].

Board to frame regulations—

20. The Board shall from time to time frame regulations—

for regulating leave;

(*a*) for regulating the grant of leave to the officers and servants of the Board;

for settling absentee allowances;

(*b*) for authorizing the payment of allowances of the said officers and servants, or to certain of them, whilst absent on leave;

for fixing acting allowances;

(*c*) for determining the remuneration to be paid to the persons appointed to act for any such officers or servants during their absence on leave;

or regulating length of service;

(*d*) for regulating the period of service of all such officers and servants;

for fixing pensions, etc.;

(*e*) for determining whether any of the said officers and servants, and if so which of them, shall on retirement receive pensions, gratuities or compassionate allowances, and whether compassionate allowances shall be paid to the surviving relatives of any of the said officers and servants who are killed in the execution of their duty, and if so to which of them, and the conditions under which such pensions, gratuities or compassionate allowances shall be payable and the amount of the same;

for authorizing contributions to provident fund.

(*f*) for authorizing the payment of contributions at certain prescribed rates, and subject to certain prescribed conditions, to any provident fund which may be established by the Board for the benefit of their officers and servants, or which, with their approval, may be established by their officers and servants themselves:

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[1] These figures and words were substituted for the words "day aforesaid" by Amending Act, 1895 (16 of 1895), Vol. I of this Code.

[2] These figures and words were substituted for the words and figure "date notified by the Governor in Council under section 9" by *ibid.*

Provided that— Proviso.

(*a*) no regulation framed by the Board under clause (*e*) shall have validity unless or until the same has been sanctioned by Government;

(*b*) any pension or leave-allowances payable to any officer or servant of Government employed in connection with the Aden Harbour prior to the [1][1st April 1889] shall, in so far as the same has been earned during such employment, be a charge on the port fund and shall be defrayed thereout, on the requisition of Government, by the Board.

Powers of Appointment, etc.

21. (*1*) Subject to the provisions of the said regulations and of the schedule for the time being in force framed by the Board under section 19, the power of appointing, promoting, suspending, dismissing for misconduct, fining, reducing or granting leave to the officers and servants of the Board shall be exercised by the chairman in the case of officers and servants whose monthly salary does not exceed one hundred rupees, and in every other case by the Board. Appointments, etc., by whom to be made.

(*2*) An appointment so made by the Board shall not be held to be a contract or agreement within the meaning of section 16.

(*3*) The power of dispensing with the services of any officer or servant of the Board, otherwise than by reason of such officer's or servant's own misconduct, or of permitting any such officer or servant to retire on a pension, gratuity or compassionate allowance, shall, subject to the aforesaid provisions, be exercised by the Board alone.

Every order of the chairman dismissing for misconduct an officer or servant whose monthly salary exceeds thirty rupees shall be subject to the approval of the Board.

22. Every order or regulation made by the Board under any of the three last preceding sections shall, so far as the same relates to any officer whose monthly salary is three hundred rupees or more, be subject to the previous sanction of the Political Resident at Aden. Sanction of Political Resident at Aden when necessary.

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[1] These figures and word were substituted for the words and figure "date notified by the Governor in Council under section 9" by the Amending Act, 1895 (16 of 1895), Vol. I of this Code.

IV.—Of the Property and Liabilities of the Board.

General Powers as to Property.

Powers of Board as to property.

23. (*1*) The Board shall, for the purposes of this Act, have power to acquire and hold moveable and immoveable property, whether within or without the limits of the port or settlement of Aden; and shall also have power to lease, sell or otherwise convey any moveable or immoveable property which may have become vested in or been acquired by them:

Proviso.

(*2*) Provided that no sale of immoveable property, and no lease of any such property for a term exceeding twenty-one years, shall be valid unless such sale or lease shall have been made with the previous sanction of Government.

Procedure to be observed when the Board are unable to acquire by agreement any immoveable property.

24. (*1*) When the Board are unable to acquire by agreement any immoveable property required for the purposes of this Act, Government may, in their discretion, order proceedings to be taken for acquiring the same on behalf of the Board as if such property were land needed for a public purpose within the meaning of the Land Acquisition Act, 1870[1].

(*2*) The amount of compensation awarded and all other charges incurred in the acquisition of any such property shall be forthwith defrayed by the Board, and thereupon the said property shall vest in the Board.

Transfer of Government property to the Board. Provisos.

25. (*1*) The property specified in the Schedule A shall [2] * * * * vest in the Board:

(*2*) Provided that—

(*a*) if any question arises between the Government and the Board as to the boundaries of any portion of such property, Government may define and demarcate such boundaries, and the decision of Government in respect to such boundaries shall be final;

(*b*) any portion of the land specified in the said schedule which shall be required by Government for a public purpose may be resumed by Government without claim to compensation on the part of the Board except for buildings or other permanent structures erected by the Board thereon;

(*c*) any work which the Governor General in Council may consider necessary in the public interests may be executed by Government in or upon any of the property specified in the said schedule, without claim to compensation on the part of the Board, except for buildings or other permanent structures erected by the Board

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[1] *See* now the Land Acquisition Act, 1894 (1 of 1894), General Acts, Vol. IV.

[2] The words and figure "upon and after the date notified by the Governor in Council under section 9" were repealed by the Amending Act, 1895 (16 of 1895), Vol. I of this Code.

which it shall be necessary to clear away for the purposes of such work.

[1] [(*3*) Notwithstanding anything contained in or done under this section the crane on the Post Office pier entered as No. 23 in the said schedule shall whenever and so long as the use thereof may be required by or on behalf of Government, be rendered by the Board available for such use, free of charge.]

[1] [(*4*) The property specified in Schedule C shall, on and after such date as shall be notified in this behalf by the Governor in Council, vest in the Board.]

Saving of right of Her Majesty to the bed of the sea.

[2] [**25A.** Nothing in this Act or in any other enactment of the Governor of Bombay in Council shall be deemed to affect the proprietary right of Her Majesty to the bed of the sea facing lands on the shore, which are vested in Her Majesty, or the right of Her Majesty to reclaim any part of the bed of the sea; but the Board shall have, on and along the outer boundary wall or line and to seaward of any such reclamation of a part of the bed of the sea, the same rights, if any, as it would have under this Act or any such enactment as aforesaid on or along the strand or foreshore or to seaward of the same, if no such reclamation had been made.]

Transfer to the Board of the Aden port fund's liabilities and claims.

26. All debts and obligations incurred, all contracts entered into, and all matters and things engaged to be done by, with or for the Political Resident on behalf of the Aden port fund shall be deemed to have been incurred, entered into or engaged to be done by, with or for the Board;

and all sums of money due to the said Aden port fund shall be deemed to be due to the Board;

and all suits or other legal proceedings, civil or criminal, instituted, or which might but for the passing of this Act have been instituted, by or against the said Political Resident as manager of the Aden port fund, may be continued or instituted by or against the Board.

V.—Of the Powers and Duties of the Board.

Works.

Works to be constructed.

27. (*1*) The works to be constructed and carried out by the Board may include the following:—

(*a*) cleaning, deepening and improving any portion of the port, and the construction, procuring and application of dredges and other machinery for that purpose;

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[1] Sub-sections (*3*) and (*4*) were added to s. 25 by s. 2 of the Aden Port Trust Act (Amendment) Act, 1895 (Bom. Act I of 1895), *infra*.

[2] This section was inserted by s. 3 *ibid*.

(*b*) Wharves, quays, stages, jetties, piers and docks, with all necessary and convenient arches, drains, landing-places, stairs, fences, roads, railways and approaches ;

(*c*) tramways, warehouses, sheds, engines and other appliances for conveying, receiving and storing goods landed, or to be shipped, or otherwise ;

(*d*) light-houses, light-ships, beacons, pilot-boats and other appliances necessary for the safe navigation of the port and of the approaches thereto within a distance of three miles from the limits of the port ;

(*e*) laying down moorings, and the erection of cranes, scales and all means and appliances necessary for berthing, loading and unloading vessels ;

(*f*) reclaiming, excavating, enclosing and raising any part of the foreshore of the port vested in the Board ;

(*g*) procuring and employing steam-vessels for towing vessels into, out of, or within the port ;

(*h*) the construction of such works, without the limits of the port, as shall be necessary for the protection of works executed by the Board within the port, and all such other works and appliances as may, in the opinion of the Board, be necessary or desirable for carrying out the purposes of this Act :

But no new work to be commenced without a plan and estimate if its cost shall exceed one thousand rupees ; nor without the sanction of Government to such plan and estimate if the cost shall exceed fifty thousand rupees.

(2) Provided always that no new work, the estimated cost of which exceeds one thousand rupees, shall be commenced by the Board, nor shall any contract be entered into by the Board in respect of any such new work, until a plan and estimate of such work shall have been submitted to the Board and considered and approved by them ; nor shall any new work, the estimated cost of which exceeds fifty thousand rupees, or which forms part of a projected work, the whole of which is estimated or is likely to cost more than fifty thousand rupees, be commenced until such plan and estimate shall have been submitted to, and approved by, Government.

Free landing-places to be provided.

28. The Board shall provide such number of public landing-places as shall, in the opinion of the Political Resident at Aden, be sufficient, from and upon which the public shall be permitted to embark and to land free of charge.

Removal of bathing and landing places. Proviso.

29. The Board may occupy, or remove, or alter any public bathing-place or landing-place within the port, and prohibit the public from resorting to or using the same: Provided that the Board shall provide for the use of the public such other bathing-places, or landing-places, if any, as the Political Resident at Aden may direct.

Landing and Shipping of Goods.

Declaration that wharves, etc., are ready for receiving, landing and shipping goods.

30. When any wharf, quay, stage, jetty or pier has been made and completed, with sufficient warehouses, sheds and appliances for landing or for shipping goods from and in sea-going vessels, the Board may, with the previous sanction of the Political Resident at Aden, by a notification published in three consecutive numbers of the Bombay Government Gazette, declare that such wharf, quay, stage, jetty or pier is ready for receiving, landing, and shipping, or for landing or for shipping, as the case may be, goods from and in sea-going vessels.

If accommodation sufficient, all sea-going vessels compelled to use wharves, etc. Proviso.

31. When a sufficient number of wharves, quays, stages, jetties, piers, warehouses, sheds and appliances have been provided as aforesaid, the Board may, with the previous sanction of Government, by an order published in three consecutive numbers of the Bombay Government Gazette, direct that no goods, or that no goods other than a particular class or classes of goods, shall be landed or shipped from or in any sea-going vessel within the port, save at such wharves, quays, stages, jetties and piers, and may, in like manner, alter, vary or revoke any such order: Provided that no order shall be made under this section in respect of the landing or shipping of coals.

Inland vessels compelled to use wharves, etc.

32. (*1*) When any wharf, quay, stage, jetty or pier for receiving, landing or shipping goods from or in vessels, not being sea-going vessels, has been made and completed by the Board, with sufficient warehouses, sheds and appliances in that behalf, the Board may, with the sanction of the Political Resident at Aden, by an order published in three consecutive numbers of the Bombay Government Gazette, declare—

(*a*) that such wharf, quay, stage, jetty or pier is ready for receiving, landing and shipping goods from or in vessels, not being sea-going vessels; and

(*b*) that, within certain prescribed limits within the port to be specified in such order, it shall not be lawful to land or ship any goods from or in any vessel not being a sea-going vessel of any class specified in such order, except at such wharf, quay, stage, jetty or pier, nor for any such vessel, while within such limits, to anchor,

fasten or lie within fifty yards of low-water mark without the consent of the Board.

(*2*) If after such publication any such vessel, while within such limits, so anchors, fastens or lies, the Board may cause the same to be removed out of the said limits.

(*3*) The Board may in like manner, and with the like sanction, alter, vary or revoke any such order.

Exemptions from obligation to use wharves, etc.

33. (*1*) Notwithstanding anything contained in sections 31 and 32—

(*a*) the Political Resident at Aden may, by notification in the Bombay Government Gazette, from time to time permit certain specified vessels or classes of vessels to discharge or ship cargo, or certain specified cargo or classes of cargo, at such part of the port, in such manner, during such period, subject to such payments, and on such conditions as he may think fit, and otherwise grant exemption from the provisions of the said sections ;

(*b*) military or naval munitions or stores may be landed or shipped at any time and at any place within the limits of the port which the Political Resident at Aden may deem convenient.

(*2*) The Political Resident at Aden may, by like notification, cancel or modify any notification made by him under clause (*a*) of sub-section (*1*).

(*3*) The Political Resident at Aden may also at any time require that troops and their baggage, and military or naval munitions or stores, be landed or shipped with the least practicable delay, in preference to all other passengers or goods at the time awaiting landing or shipping; and it shall be incumbent on the Board to give effect to any such requisition.

Discharge of liability on goods landed.

34. (*1*) Whenever any goods are landed by the Board from any vessel, the Board shall, if so required, give to the master of such vessel a receipt in the form or to the effect set forth in Schedule B, and may in any such receipt include all goods landed from such vessel during one day.

(*2*) No master or owner of a vessel from which the goods in respect of which such receipt is given may have been landed shall be liable for any loss or damage to such goods which may occur after they have been so landed.

Customs-wharves, etc.

Accommodation to be provided for Customs-officers on wharves,

35. When Government appoint under the provisions of any [1]Act for the levy of sea-customs duties any wharf, quay, stage, jetty or pier to be a wharf or place for the landing and shipping of goods within the meaning of such Act, the Board shall set apart, maintain and secure on or in such wharf, quay,

[1] *See* Act 8 of 1878, General Acts, Vol. II.

stage, jetty or pier, such portion thereof or place therein, or adjoining thereto for the use of the officers of Customs as the Political Resident at Aden approves or appoints in that behalf. etc., appointed under Sea Customs Act.

36. Notwithstanding that any wharf, quay, stage, jetty or pier, or portion thereof, has, under the provisions of the last section, been set apart for the use of the officers of Customs, all rates, tolls, charges and rents payable under this Act in respect thereof, or for the use thereof, shall be paid and be payable to the Board or to such persons as they may appoint to receive the same. Dues at Customs-wharves, etc.

Erection of Wharves, etc., by Private Persons.

37. (*1*) Save as hereinafter provided, no person except the Board shall [1] * * * * * make, erect or fix below high-water mark within the port any wharf, dock, quay, stage, jetty, pier erection or mooring. Private wharves, etc., prohibited.

(*2*) Any matter or thing so made, erected or fixed may be removed by the Board, and the person who has so made, erected or fixed any such matter or thing shall be punished with fine which may extend to one thousand rupees, and with a further fine which may extend to one hundred rupees for every day during which such matter or thing has been permitted to remain so made, erected or fixed after notice to remove the same has been given to him, and shall also be liable to pay all expenses which may have been incurred by the Board in removing such matter or thing.

38. The Board may, by an order in writing and subject to the conditions contained in the same, permit any person to make, erect or fix below high-water mark within the port any wharf, dock, quay, stage, jetty, pier erection or mooring. Power to permit erection of private wharves, etc., within the port subject to conditions.

39. In case any wharf, dock, quay, stage, jetty, pier erection or mooring is, [1] * * * * without the consent in writing of the Governor in Council, made, erected or fixed below high-water mark without the limits for the time being of the port, and thereafter the limits of the port are extended so as to include the place in which such wharf, dock, quay, stage, jetty, pier erection or mooring has been made, erected or fixed, the Board may remove, fill up or destroy such wharf, dock, quay, stage, jetty, pier erection or mooring without making any compensation therefor. Wharves, etc., beyond port limits.

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[1] The words "after the date on which this Act comes into force" were repealed by the Amending Act, 1895 (16 of 1895), Vol. I of this Code.

Rates.

Scale of tolls, rates and charges to be framed with the approval of Government.

40. (*1*) The Board shall [1]frame, and may from time to time alter—

(*a*) a scale of tolls on the landing and shipping of goods from and in sea-going vessels and vessels not being sea-going vessels respectively, at any place within the port;

(*b*) a scale of rate for the use of the moorings, wharves, quays, stages, jetties and piers belonging to the Board, and for the storing and keeping of any goods stored in any premises belonging to the Board;

(*c*) a scale of charges for the landing and shipping of goods by the servants of the Board, and for the removal of goods, and for any services to be performed by the Board or their servants in respect of any vessel or goods, or for the use of any works or appliances to be provided by the Board.

(*2*) Such scales or altered scales shall be submitted, through the Political Resident at Aden, to Government, and, after approval or modification by Government, shall be published in the Bombay Government Gazette, and shall thereupon have the force of law: Provided that no such scale or altered scale shall be approved or modified by Government until a draft of the same and a notice specifying a date at or after which the draft will be submitted to Government shall have been published in the Bombay Government Gazette and in such other manner as Government from time to time prescribe.

(*3*) Nothing in sub-section (*1*) or (*2*) shall be deemed to authorize—

(*a*) the inclusion in any scale framed or approved thereunder of any toll, rate or charge in respect of military or naval munitions or stores, or, for such time as a vessel is landing or shipping any such munitions or stores, in respect of any such vessel;

[2]* * * * * * * * * * *

(*4*) *Rep. Act XVI of 1895.*

Tolls, rates and charges may be remitted in special cases.

41. Government may, in special cases, remit the whole or any portion of any toll, rate or charge leviable under the last preceding section.

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[1] For notification publishing a scale of tolls, rates, etc., *see* Bombay Local Rules and Orders.

[2] Cl. 3 (*b*) was repealed by s. 3 of the Indian Tolls (Army) Act, 1901 (2 of 1901), General Acts, Vol. V.

Agency for collection of tolls on landing and shipping of goods.

42. Tolls on the landing and shipping of goods may be collected by officers and servants appointed by the Board in this behalf, or by any person whom the Board appoint to be their agent for this purpose, or may be framed or compounded for, either wholly or in part, by the Board for any period not exceeding one year at a time.

Board's lien on goods for tolls and charges.

43. (*1*) For the amount of all tolls, rates and charges leviable under this Act in respect of any goods, the Board shall have a lien on such goods, which may be seized and detained until such tolls, rates and charges are fully paid.

(*2*) Tolls, rates and charges in respect of goods to be landed shall become payable immediately on the landing of the goods, and, in respect of goods to be removed from the premises of the Board or to be shipped for export, shall be payable before the goods are removed or shipped or taken on board a lighter for the purpose of being shipped.

(3) The lien for such tolls, rates and charges shall have priority over all other liens and claims, except a lien for freight, primage and general average, or for lighterage, where such lien has been preserved in the manner hereinafter provided, and a lien for money payable to Her Majesty or the Secretary of State for India in Council under any law for the time being in force.

Prior lien on goods for freight, etc.

44. (*1*) If, at or before the time of landing from any vessel of any goods at any wharf, quay, stage, jetty or pier belonging to the Board, the master or owner of such vessel, or the person by whom the goods are landed, gives to the Board notice in writing that such goods are to remain subject to a lien for freight, primage or general average, or for lighterage, as the case may be, of an amount to be mentioned in such notice, such goods shall continue liable, after the landing thereof, to such lien.

(*2*) Such goods shall be retained either in the warehouses and sheds of the Board, or, with the consent of the Political Resident at Aden, in a public warehouse, at the risk and expense of the owner of the said goods, until the lien is discharged as hereinafter mentioned.

Discharge of lien for freight, etc.

45. Upon the production to any officer appointed by the Board in that behalf of a document purporting to be a receipt for, or a release from, the amount of any lien to which any goods are liable under the last preceding section, executed by the person by or on whose behalf notice of such lien has been given, the Board may permit such goods to be removed without regard to such lien: Provided they shall have used reasonable care in respect to the authenticity of such document.

Goods may be removed to warehouse.

46. (*1*) Whenever goods which have been landed have, without any default on the part of the Board, been left for five clear days on or in any wharf or shed belonging to the Board, the Board may cause such goods to be removed either to any warehouse belonging to them, or, with the consent of the Political Resident at Aden, to a public warehouse ; and the removal to and detention in any such warehouse shall be at the risk and expense of the owner of the said goods.

Liability of consignee.

(*2*) Whenever any goods are so removed, the Board shall give notice of such removal to the consignee of such goods or to his agent, if any, if such consignee's or agent's address be known, by letter sent by post to such address or left thereat ; and the consignee of such goods, in addition to the expenses of the removal of the same, shall be liable, in case the goods are removed to any warehouse of the Board, to a charge for warehousing for the time during which the goods shall remain in the said warehouse.

(*3*) If the goods are removed to a public warehouse, the said consignee shall be liable to the charges for warehousing goods in such public warehouse ; and the said goods shall remain subject to all liens to which they would have been liable if they had remained in the possession of the Board and shall be subject to the power of sale hereinafter given.

Recovery of tolls, rates and charges by sale of goods.

47. (*1*) If the tolls, rates and charges payable to the Board under this Act in respect of any goods are not paid, or if the lien for freight, primage, general average or lighterage, where such notice as aforesaid has been given, is not discharged, the Board may, and in the latter event, if required by or on behalf of the person claiming such lien for freight, primage, general average or lighterage shall, at the expiration of four months from the time when the goods were seized or placed in their custody, sell by public auction the said goods, or so much thereof as may be necessary to satisfy the amounts hereinafter directed to be paid out of the produce of such sale.

Notice of sale to be given.

(*2*) Before making such sale, at least ten days' notice of the same shall be given by publication thereof by beat of tom-tom, and by posting notices at the public landing-places within the settlement of Aden.

(*3*) If the address of the owner of the goods or of his agent has been stated on the manifest of the cargo, or in any of the documents which have come into the hands of the Board, or is otherwise known, notice shall also be given to the owner of the goods or to his agent by letter delivered at such address or sent by post ; but the title of a *bona fide* purchaser of such goods shall not be invalidated by reason of the omission to send such notice, nor shall any such purchaser be bound to inquire whether such notice has been sent :

(4) Provided that, if such goods are of so perishable a nature as in the opinion of the officer appointed by the Board in that behalf to render early or immediate sale necessary or advisable, the Board may, within such period, being not less than twenty-four hours after the landing of the goods as they think fit, sell by public auction the said goods or such portion of them as aforesaid, in which event such notice, if any, shall be given to the owner of the goods or his agent as the urgency of the case admits of. Proviso.

Application of sale-proceeds.

48. (1) The proceeds of every such sale shall be applied as follows:—

(a) in payment of the expenses of the sale;

(b) in payment, according to their respective priorities, of the liens and claims excepted in section 43 from the priority of the lien of the Board;

(c) in payment of the tolls, rates and charges due to the Board in respect of the goods.

(2) The surplus, if any, shall be paid to the owner of the goods, or to his agent, on his applying for the same: Provided such an application be made within one year from the sale, or reason be shown to the satisfaction of the Board why such application was not so made, and, in case such application shall not be so made nor reason shown, such surplus shall be held by the Board upon trust for the purposes of this Act. Proviso.

Power to distrain vessels for the non-payment of rates, etc.

49. (1) If the master of any vessel, in respect of which any tolls, rates, charges or penalties shall be payable under this Act, or any bye-law made in pursuance hereof, refuses or neglects to pay the same, or any part thereof, on demand, it shall be lawful for the Board to distrain or arrest of their own authority such vessel, and the tackle, apparel or furniture belonging thereto, or any part thereof, and detain the same until the amount so due shall be paid.

and sell them.

(2) And in case any part of the said tolls, rates, charges or penalties, or of the costs of the distress or arrest or of the keeping of the same, shall remain unpaid for the space of fifteen days next after any such distress or arrest shall have been so made, the Board may cause the vessel or other thing so distrained or arrested to be sold, and with the proceeds of such sale may satisfy such tolls, rates, charges or penalties, and costs of sale remaining unpaid, rendering the surplus, if any, to the master of such vessel on demand.

Port-clearance not to be granted till rates, etc., are paid.

50. If the Board shall give to the officer of Government whose duty it is to grant the port-clearance of any vessel a notice stating that an amount therein specified is due in respect of tolls, rates, charges or penalties chargeable under this Act, or any bye-law or order made in pursuance hereof, against

such vessel or the owner or master of such vessel, in respect thereof, such officer shall not grant such port clearance until the amount so chargeable shall have been paid.

Surplus of port-dues to be paid to the Board.

51. The surplus, if any, of the moneys credited under section 36 of the [1] Indian Ports Act, 1875, to the account of the port fund of Aden after defraying therefrom all expenses legally chargeable to the said account, shall be paid to the Board. XII of 1875.

Control of Pilots.

Trustees to be vested with the right and privilege of maintaining pilots;

52. (*1*) The Board shall have the right and privilege of maintaining pilots for the navigation of vessels at the port, and shall be bound to provide a sufficient number of pilots for that purpose, and all fees for pilotage shall be paid to the Board: Provided that no person shall be appointed to be a pilot by the Board who is not for the time being authorised by Government, under the provisions of the [1] Indian Ports Act, 1875, to pilot vessels. XII of 1875.

and to make bye-laws with the approval of Government.

(2) The Board may also, from time to time, make such bye-laws [2] and regulations as they shall think fit—

(*a*) for fixing and regulating the wages and allowances for pilotage to be received by pilots, and

(*b*) for regulating the behaviour and conduct of pilots;

and shall enforce the observance of such bye-laws and regulations by the imposition of pecuniary penalties not exceeding two hundred rupees for each offence, or by suspension, or deprivation of appointment, or otherwise, as to them may appear expedient: Provided that such bye-laws shall first have been approved by Government, and published in the manner directed by section 54.

Bye-Laws.

Trustees empowered to make bye-laws.

53. (*1*) The Board may from time to time make bye-laws [2] consistent with this Act and with the [1] Indian Ports Act, 1875,— XII of 1875.

(*a*) for regulating, declaring and defining the wharves, quays, stages, jeties and piers on and from which goods shall be landed from and shipped in vessels within the port;

(*b*) for the safe and convenient use of such wharves, quays, stages, jetties, piers, and of landing-places, tramways, warehouses, sheds and other works in and adjoining the same;

(*c*) for regulating the reception and removal of goods within and from the premises of the board, and for declaring the procedure to be

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[1] *See* now the Indian Ports Act, 1908, General Acts, Vol. VI.

[2] For bye-laws, *see* Bombay Local Rules and Orders.

followed in taking charge of goods which may have been damaged before landing, or may be alleged to be so damaged;

(*d*) for settling the mode of payment of tolls, charges and rates levied under this Act;

(*e*) for licensing and regulating water-boats and lighters within the port;

(*f*) for the removal of wrecks from the port, and keeping clean the port, the foreshore, and the works of the board, and for preventing filth or rubbish being thrown therein or thereon;

(*g*) for the guidance of persons employed by them under this Act, and generally for carrying out the purposes of this Act.

(2) The Board may also from time to time alter or revoke any bye-laws so made by them.

Approval and publication of bye-laws.

54. (*1*) No bye-law, or alteration or revocation of a bye-law, shall have effect until the same shall have been approved by Government, and such approval shall have been published in the Bombay Government Gazette; and no bye-law, or alteration or revocation of a bye-law, shall be approved by Government, until a draft of the same, and a notice specifying a date at or after which the draft will be submitted to Government, shall have been published in the Bombay Government Gazette, and in such other manner as Government from time to time prescribe, nor unless the said draft shall have been submitted for their approval through the Political Resident at Aden.

Cancellation by Government.

(2) It shall be lawful for Government at any time, by notification in the Bombay Government Gazette, to cancel any bye-law or regulation made and published under the provisions of this and of the two last preceding sections.

Penalties for infringement of bye-laws.

Proviso.

55. The Board may, in the bye-laws made under section 53, prescribe such penalties as they shall deem fit for the infringement of the same: Provided that no penalty for any one infringement of a bye-law shall exceed one hundred rupees, nor, in case of a continuing infringement, shall any penalty exceed fifty rupees per diem for every day after notice of such infringement shall have been given by the Board to the person guilty of such infringement.

Bye-laws and scales of rates and charges to be exhibited.

56. The Board shall cause the said bye-laws, and every scale of tolls, rates and charges leviable by the Board, to be printed in the English, Gujarati and Arabic languages, and to be kept hung up in some conspicuous place at each of the several wharves, quays, stages, jetties, piers, warehouses and sheds belonging to the Board.

VI.—Of Revenue and Expenditure.

Management of Funds.

Moneys where to be deposited.

[**57.**[1] (*1*) All moneys at the credit of the Board which cannot immediately be applied in the manner and to the purposes specified in this Act shall be deposited in such bank and subject to such conditions as may from time to time be prescribed by Government; provided that nothing in this section shall be deemed to prohibit an investment in public securities as defined in section 66 (*3*) or in such other securities as Government may approve in this behalf.]

How to be disbursed.

(*2*) No disbursement of such moneys or any part thereof shall be made except upon a cheque signed by the chairman and one other trustee.

(*3*) Payment of any sum in excess of five hundred rupees, if it relate to the Port Engineer's department, or of one hundred rupees, if it relate to any other department, shall be made by the Board by means of a cheque signed as aforesaid and not in any other way.

(*4*) Payments of sums not exceeding five hundred rupees each may be made on behalf of the Board by the Port Engineer on account of any charge in his department, in cash, cheques for sums not in excess of five thousand rupees each, signed as aforesaid, being drawn from time to time in favour of the Port Engineer to cover such payments.

(*5*) In every department other than that of the Port Engineer, sums not exceeding one hundred rupees each may be paid, by such officer as the Board appoints for this purpose, in cash, cheques for sums not in excess of five hundred rupees each, signed as aforesaid, being drawn from time to time in favour of such officer to cover such payments.

Moneys on what purposes to be expended.

58. The moneys belonging to the Board shall be held by them in trust, and, except as is hereinafter provided, shall be applied by them in payment of the following charges (namely) :—

(*a*) the salaries, fees, allowances, pensions, gratuities, compassionate allowances or other moneys, due to the trustees, and to the officers and servants appointed under this Act, or lent to the Board by Government, and the contribution, if any, payable to Government on account of the pension and leave allowances of any officer lent to the Board by Government, and the contributions, if any, duly authorized to be made to any provident fund established by the officers and servants appointed under this Act;

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[1] This sub-section was substituted by s. 4 of the Aden Port Trust (Amendment) Act, 1914 (Bom. Act 4 of 1914), Vol. V of this Code.

(*b*) the cost of repairs and maintenance of the property vested in the Board, nd all charges upon the same and all working expenses ;

[1][(*c*) such sums as Government may from time to time require the Board to contribute on account of expenses in connection with the harbour-police and police employed in guarding the docks, warehouses and other property of the Board and on account of medical services supplied in the port, in lieu of, or in addition to, any expenditure which Government may direct to be made from the funds or hospital port-dues, the control or application of which is, by sections 36 and 50 of the [2]Indian Ports Act, 1875, vested in Government ;]

XII of 1875.

(*d*) the interest and instalments of capital due in respect of any loan that may have been raised by the Board or for which it is liable ;

(*e*) any charges for which the Board may be liable under section 76 or section 77 ;

(*f*) the cost, or such portion of the cost, of any new work, plant, vessel or appliance which the Board may determine to charge to revenue ;

(*g*) any other charge which may be specially sanctioned by Government on the application of the Board, or for which the Board may be legally liable.

Annual Estimates.

59. (*1*) The Chiarman shall, at a special meeting to be held in the month of January in each year, lay before the Board an estimate of the income and of the expenditure of the Board for the year commencing on the first day of April then next ensuing, in such detail and form as the Board shall from time to time direct. Chairman to submit an annual estimate of income and expenditure to the Board.

(2) Such estimate shall be completed and printed, and a copy thereof sent by post, or otherwise, to each trustee, at least ten clear days prior to the meeting before which the estimate is to be laid.

60. The Board shall consider the estimate so submitted to them, and shall sanction the same, either unaltered, or subject to such alterations as they shall think fit. Board to revise and sanction the estimate.

[1] Cl. (*c*) was substituted by s. 5 of the Aden Port Trust Act (Amendment) Act, 1895 (Bom. Act 1 of 1895), *infra*.

[2] *See* now the Indian Ports Act, 1908 (15 of 1908), General Acts, Vol. VI.

Estimate to be submitted to Governor in Council.

61. The estimate, as sanctioned by the Board, shall be submitted, through the Political Resident at Aden, to the Government, which may, if it thinks fit, at any time within one month after receipt of the same, disallow such estimate, or any portion thereof, and return the same for amendment. The Board shall, if the estimate is so returned by Government, forthwith proceed to amend the same, and shall resubmit the estimate so amended, through the Political Resident at Aden, to the Government.

List of works to accompany estimate.

62. Together with the said estimate, the Board shall submit, through the Political Resident at Aden, to the Government, a list of the works which the Board propose to execute during the year to which the estimate relates, showing the order in which the said works are to be executed, and the date within which each of them will probably be completed, or, in the case of any work which will not be completed within the year, the progress intended to be made therewith during the said year.

Supplementary estimates may be made when necessary.

63. The Board may, at any time during the year for which any such estimate has been sanctioned, cause a supplementary estimate to be prepared and submitted to them. Every such supplementary estimate shall be considered and sanctioned by the Board, and submitted to the Government in the same manner as if it were an original annual estimate.

No expenditure above three thousand rupees to be incurred unless sanctioned in an estimate; if incurred, to be reported to Government.

64. (*1*) Save in cases of pressing emergency, no sum exceeding three thousand rupees shall be expended by or on behalf of the Board, unless such sum is included in some estimate at the time in force which has been finally approved by Government.

(*2*) If any sum exceeding three thousand rupees in amount is so expended on a pressing emergency, the circumstances shall be forthwith reported by the chairman, through the Political Resident at Aden, to Government, together with an explanation of the way in which it is proposed by the Board to cover such extra expenditure.

Audit of Accounts.

Accounts to be audited and examined.

65. (*1*) The accounts of the receipts and expenditure of the Board shall, twice in every year, be laid before Government, and shall be audited and examined in such manner and by such auditor or auditors as shall, from time to time, be appointed by Government.

Auditors to have power to call for books, etc

(*2*) For the purposes of such audit and examination the auditors may, by summons in writing, require the production before them of all books, deeds, contracts, vouchers and all other documents and papers which they may deem necessary, and may require any person holding, or accountable for any such books, deeds, contracts, accounts, vouchers, documents or papers to

appear before them at any such audit and examination, or adjournment thereof, and to make and sign a declaration with respect to the same.

(3) The auditors shall be paid by the Board such remuneration as Government shall determine; and, within fourteen days after the audit and examination of the accounts for any half-year shall have been completed, the auditors shall forward a report upon the accounts for such half-year to the Board, who shall cause the same to be published, together with an abstract of the accounts, in the Bombay Government Gazette. Their remuneration to be fixed by Government. Their report to be published.

Disposal of balances

66. (1) The Board may invest any balance remaining on the thirty-first day of March of each year in public securities, and may from time to time sell the said securities, and either re-invest the proceeds in other such securities, or credit the same to the general funds of the Board. Balances may be invested by the Board in public securities.

(2) But the money so invested by the Board shall not exceed such amount annually, or in the aggregate, as shall from time to time be prescribed by Government. Amounts which may be so invested to be limited by Government.

(3) In this section "public securities" means securities of the Government of India, and debentures or other securities issued by the Board.

VII.—Penalties.

67. (1) Any person who, [1][being a trustee other than the chairman or an *ex-officio* trustee, or being an officer] or servant of the Board, shall acquire, directly or indirectly, any share or interest in any contract or employment with, by or on behalf of the Board, shall be deemed to have committed the offence made punishable by section 168 of the Indian Penal Code.[2] For being interested in contracts with the Board.

XLV of 1860.

(2) Provided that nothing in this section shall apply to any person by reason only of his— Proviso.

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

(*b*) having a share or interest in any newspaper in which any advertisement relating to the affairs of the Board may be inserted; or

(*c*) being interested in any loan of money to the Board.

XLV of 1860.

68. Any person employed under this Act, not being a public servant within the meaning of section 21 of the [2] Indian Penal Code, who shall accept For obtaining illegal gratification.

[1] These words were substituted for the words "being a trustee, or any officer" by s. 6 of the Aden Port Trust (Amendment) Act, 1911 (Bom. Act 1 of 1911), Vol. V of this Code.

[2] General Acts, Vol. I.

or obtain, or agree to accept or attempt to obtain, from any person for himself or for any other person, any gratification whatever, other than legal remuneration, as a reward for doing, or forbearing to do, any official act, for showing, or forbearing to show, in the exercise of his official functions, favour or disfavour to any person, or for rendering, or attempting to render, any service or disservice to any person with the Board or with any public servant as such, or with the Government, shall be liable to the same punishment as is provided by the [1] Indian Penal Code in the case of the like offence committed by a public servant. XLV of 1860.

Infringement of section 31, 32, 33 or 38.

69. Whoever infringes any orders issued under section 31 or 32, or any condition prescribed under section 33 or 38, shall be punished with fine which may extend to one hundred rupees, and, if the infringement be continuing, with a further fine which may extend to one hundred rupees for every day such order is infringed.

For refusing or neglecting to appear before an auditor of accounts, etc.

70. Any person who shall refuse or neglect to appear before any auditor of accounts, or to produce any books, deeds, contracts, accounts, vouchers, documents or papers, or to make or sign any declaration, when duly required so to do by any auditor of accounts under section 65, shall be punished for every such neglect or refusal with fine which may extend to one hundred rupees.

For understating quantity or weight of goods, etc.

71. If it be found, when goods are imported at, or exported from, any wharf, quay, stage, jetty or pier in the possession of the Board, that the weight or quantity of such goods, or the tonnage of any vessel carrying such goods, has been, in the opinion of the Board, intentionally understated in any document presented to any officer of the Board for the purpose of enabling him to determine the tolls, rates or charges payable in respect of the said goods or vessel, the consignee, in the case of goods imported, and the consignor in the case of goods exported, shall be liable to pay to the Board such sum not exceeding twice the proper tolls, rates or charges on the weight or quantity of goods or amount of tonnage so understated as may be determined by the Board, and the said sum shall, on the application of the Board, be recoverable under the warrant of a Magistrate of any class as if it were a fine inflicted by such Magistrate.

For evading rates, etc.

72. Any person who removes, or attempts to remove, or abets, within the meaning of the [1] Indian Penal Code, the removal of any goods, vessel, animal or vehicle with the intention of evading payments of the tolls, rates or charges lawfully payable in respect thereof to the Board, shall be punished with fine which may extend to fifty rupees. XLV of 1860.

[1] General Acts, Vol. I.

Compensation for damage to property of Board may be awarded by Magistrate after enquiry.

73. (*1*) In case any damage or mischief is done to any wharf, dock, quay, jetty, stage, pier or work constructed or acquired by the Board under this Act by any vessel, through the negligence of the master thereof or of any of the mariners or persons employed therein, not being in the service of the Board, any Magistrate of the first class having jurisdiction at Aden may, on the application of the Board, and on declaration by them that payment for such damage or mischief has been refused or has not been made on demand, issue a summons to the master or owner of such vessel, requiring him to attend on a day and at an hour named in the summons to answer touching such damage or mischief.

(*2*) If, at the time appointed in the summons, and whether the person summoned appears or not, it is proved that the alleged damage was done through such negligence as aforesaid, and that the pecuniary amount of the same does not exceed two hundred rupees, the Magistrate may issue his warrant of distress, under which a sufficient portion of the boats, masts, spars, ropes, cables, anchors or stores of the vessel may be seized and sold to cover the expenses of and attending the execution of the distress, and the pecuniary amount of damage as aforesaid, and such amount shall be paid to the Board out of the proceeds of distress:

Proviso.

(*3*) Provided that, if, at the time of the damage or mischief, the vessel was under the orders of a duly authorized officer belonging to the pilot service, or to the Harbour Master's or Port Officer's department, the case shall not be cognizable by the Magistrate under this section, [1] [unless such damage or mischief is in no way attributable to the order, act or improper omission of such officer].

Cognizance of offences.

74. (*1*) Except as is otherwise provided in sections 71 and 73, all offences against this Act, or against a bye-law made under section 53, shall be cognizable by a Magistrate of any class.

Disposal of fines.

(*2*) All fines and damages recovered from any offender or by any distress under section 73 shall be paid to the Board.

Prosecutions.

75. Prosecutions under this Act may be instituted by the Board, or by any person authorized by them in this behalf, and not otherwise.

VIII.—Control.

Government may order survey.

76. The Governor in Council may at any time order a survey and examination of any work of the Board under this Act, or of the site thereof and the cost of such survey or examination shall be borne and paid by the Board.

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[1] These words were added by s. 6 of the Aden Port Trust Act (Amendment) Act, 1895 (Bom. Act 1 of 1895), *infra*.

Government may carry out neglected works.

77. If the Board allow any work acquired or constructed by them under this Act to fall into disrepair, or do not complete any work commenced by them, or duly estimated for and sanctioned, and do not, after notice given by Government in writing, proceed effectually to repair or complete such work to the satisfaction of the Governor in Council, Government may cause such work to be restored, completed or constructed, and the cost thereof shall be borne and paid by the Board.

Governor in Council may prohibit execution of orders, etc., affecting the defensibility of Aden or the security or sanitary condition of the garrison.

78. (*1*) If, in the opinion of the Governor in Council, the execution of any order or resolution of the Board or the doing of anything which is being done, or is about to be done, by or on behalf of the Board, injuriously affects or is likely to affect the defensibility of Aden against Her Majesty's enemies, or the security or sanitary condition of the garrison, he may, by an order in writing, prohibit the execution or doing thereof.

Pending orders of Governor in Council, Political Resident may act.

(*2*) Pending the receipt of an order by the Governor in Council under this section, the Political Resident at Aden may, by a like order, suspend the execution or doing of anything by or on behalf of the Board which appears to him, for any of the reasons aforesaid, to be open to objection.

In default the Governor in Council may require the Board to increase the rates, etc.,

79. (*1*) If it shall at any time appear to the Governor in Council that sufficient provision is not being made by the Board to meet their liabilities, the Governor in Council may require the Board, by an order in writing, to increase subject to his sanction and to the provisions of section 40, to such extent and for such period as shall appear necessary, the tolls, rates and charges, or any of them, for the time being in force under the said section.

and, on the Board's failing to do so, may himself increase them.

(*2*) If within fifteen days after receipt of such order the Board do not comply with the same, the Governor in Council may, by notification in the Bombay Government Gazette, increase the said tolls, rates, charges or any of them and such notification shall have the same force as if a new scale to the same effect had been duly framed, sanctioned and published under section 40.

Governor in Council may revoke powers of Board.

80. (*1*) If at any time the Governor in Council is satisfied that the purposes intended to be accomplished under this Act have not been, and are not likely to be, properly accomplished by the Board, the Governor in Council may, by notification in the Bombay Government Gazette, give notice that, unless within six months the Board take measures to the satisfaction of the Governor in Council for properly accomplishing such purposes, the powers by this Act

conferred on the Board will, at the end of such period, be withdrawn and revoked.

(2) On the expiration of the period aforesaid, the Governor in Council may, if no such measures to his satisfaction have been taken by the Board, declare such powers to be withdrawn or revoked, and thereupon such powers shall be withdrawn and revoked accordingly, and all the powers, rights and authorities and all the property vested by this Act in the Board shall thereupon vest in Government.

IX.—Miscellaneous.

81. [*Saving of previous port regulations*] *Rep. Act XVI of 1895.*

Recovery of dues as fines under the Code of Criminal Procedure.

82. All fees and sums due on account of property for the time being vested in the Board, and all arrears of tolls, charges and rates imposed under this Act, may be recovered, in addition to the other modes hereinbefore provided, upon a summary proceeding before a Magistrate in the manner provided in the [1] Code of Criminal Procedure, 1882, for the recovery of fines.

5 of 1882.

Trustees not personally liable.

83. No trustee shall be personally liable for any contract made or expense incurred by or on behalf of the Board; but the funds from time to time in the hands of the Board shall be liable for, and chargeable with, all contracts made in manner provided in this Act.

Trustees liable for breach of trust.

84. Every trustee shall be liable for any misapplication of money entrusted to the Board to which he has been a party, or which happens through, or is facilitated by, the neglect of his duty.

Limitation of suits.

85. (*1*) No suit shall be commenced against any person for anything done, or purporting to have been done, in pursuance of this Act without giving to such person one month's previous notice in writing of the intended suit and of the cause thereof, nor after six months from the accrual of the cause of such suit.

Effect of tender of amends in suit for damages.

(2) And in the case of a suit for damages, if tender of sufficient amends shall have been made before the suit was brought, the plaintiff shall not recover more than the amount so tendered, and shall pay all costs incurred by the defendant after such tender.

Board not responsible for certain acts of their officers and servants.

86. (*1*) The Board shall not be responsible for any misfeasance, malfeasance or nonfeasance of any officer or servant appointed under this Act;

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[1] *See* now the Criminal Procedure Code, 1898 (5 of 1898), General Acts, Vol. V.

nor, if they should be appointed by Government, under the Indan Ports
XII of 1875. Act, 1875, Conservators of the Port, for any misfeasance, malfeasance or nonfeasance of any Deputy Conservator, Port Officer or Harbour Master, or of any assistant or deputy of any such officer or of any person acting under the authority or direction of, or in subordination to, any such officer, assistant or deputy ;

nor for any damage sustained by any vessel in consequence of any defect in any of the moorings, hawsers or other things belonging to the Board, which may be used by such vessel.

Proviso. (2) Provided that nothing in this section shall protect the Board from a suit in respect of damage to, or loss of, goods landed or shipped by them or retained in their custody.

SCHEDULE A.

(*See section 25.*)

PROPERTY VESTED IN THE BOARD.

I.—All the right, title and interest of the Secretary of State for India in Council in the following lands, buildings, piers, embankment, light-house, signal-stations, jetty and quay (namely) :—

Consecutive number.	Name of Property.	Heretofore in charge of—	Boundaries and general description.
1	Pilot bandar ...	The Political Resident at Aden.	Below Ras Morbut Fort at Steamer Point; a stone pier.
2	Port fund boat-slips ...	Do. ...	Adjoining the Peninsular and Oriental Company's slip at Steamer Point, consisting of stone sheds, slips and rails.
3	Post Office pier ...	Do. ...	Opposite Post Office at Steamer Point; partly constructed of stone and partly of screw iron piles.
4	Port fund store-rooms	Do. ..	On Government ground near the Post Office at Steamer Point; stone building.
5	Ditto ...	Do. ...	Ditto.

[1] *See* now the Indian Ports Act, 1908 (15 of 1908), General Acts, Vol. VI.

Consecutive number.	Name of Property.	Heretofore in charge of—	Boundaries and general description.
6	Port magazine ...	The Political Resident at Aden.	A magazine in the solid rock near the saluting battery near Ras Morbut.
7	Lascars' lines (Khalasi lines).	Do. ...	In Post Office Bay.
8	Port Surgeon's jetty ...	Do. ...	Opposite Government tanks at Steamer Point; stone pier.
9	Government landing pier (Prince of Wales' pier).	Do. ...	Reclamation and iron shed, west of Government buildings at Steamer Point.
10	Boat Inspector's office and quarters.	Do. ...	Under the hill opposite Prince of Wales' pier at Steamer Point; stone house.
11	Abkari pier and adjoining reclamation.	Do. ...	Reclamation east of Government buildings at Steamer Point.
12	Government jetty ...	Do. ...	Near Hotel de l'Universe at Steamer Point; a small rubble stone jetty.
13	Maala pier ...	Do. ...	At Maala village; stone pier.
14	Office and godowns attached to the Maala pier.	Do. ...	Adjoining Maala pier; stone buildings.
15	Marshag signal-station	Do. ...	On Ras Marshag.
16	Marshag light-house, lascars' quarters and stone rooms.	Do ...	On Ras Marshag. First order dioptric light on a stone light-house, with stone buildings attached.
17	Shum Shum signal station.	Do. ...	On Jebel Shum Shum; a flagstaff and sheds.
18	The station signal staff	Do. ...	On hillock above the Protestant Church at Steamer Point; a flagstaff.
19	Port Officer's quarters and out-houses.	Do. ...	Adjoining the property of the Messageries Maritimes and the Peninsular and Oriental Company, near Steamer Point barracks; a partly stone building.
20	Pilots' quarters and out-houses.	Do. ...	On Ras Morbut; kutcha houses.
21	Pier of Obstruction with a 15-ton iron crane.	Military Department.	A stone pier adjoining the Tower or Western Gate.

Consecutive number.	Name of Property.	Heretofore in charge of—	Boundaries and general description.
1	* *	*	* * *
[2] 23	Crane on the Post Office pier.	Executive Engineer.	On the Post Office pier.
*	* *	*	* * *
[2] 25	Look-out Station ...	Port Officer	On Ras Tarshyne.
[2] 26	The right, title and interest of the Secretary of State for India in Council in the following properties on the foreshore of the inner harbour of Aden :—		
	(1) In the occupation of the Peninsular and Oriental Steam Navigation Company—		
	(*a*) Ground near Ras Morbut used as work yards, boatshed, etc.	The Political Resident at Aden.	At Steamer Point; bounded on the north and west by the sea; on the east by the Port Department Workshop; and on the south by the public road.
	(*b*) Coal ground adjoining what was formerly the Government coal ground.	Do. ...	(1) Bounded on the north and east by the sea; on the west partly by the sea and partly by Government ground; and on the south by the public road. (2) On the north by the public road; and on the east, south and west by Government ground.
	(*c*) Coal ground formerly in the occupation of the European and Australian Mail Company.	Do. ...	(1) Bounded on the north, west and south by the sea; and on the east by the public road. (2) On the west by the public road; on the south and east by Government ground; and on the north by the British India Steam Navigation Company's coal depôt.

[1] Entries Nos. 22 and 24 were repealed by s. 7 (*2*) of the Aden Port Trust (Amendment) Act, 1911 (Bom. Act 1 of 1911), Vol. V of this Code.

[2] Entries Nos. 23, 25 and 26 were substituted by the Aden Port Trust Act (Amendment) Act, 1895 (Bom. Act 1 of 1895), and are to be deemed always to have been so substituted—*see* s. 7 (*1*) of that Act.

Consecutive number.	Name of Property.	Heretofore in charge of—	Boundaries and general description.
No. 26 - *contd.*	(2) In the occupation of the British India Steam Navigation Company—		
	(*a*) Coal depot opposite Flint Island.	The Political Resident at Aden.	(1) Bounded on the north, west and south by the sea; and on the east by the public road. (2) Bounded on the west by the public road; and on the south, east and north by Government ground.
	(3) In the occupation of the Messageries Maritimes Company—		
	(*a*) Coal ground ...	Do. ...	(1) Bounded on the south by the public road; and on the west, north and east by the sea. (2) On the north by the public road; and on the west, south and east by Government ground.
	(*b*) Boat-slip ...	Do. ...	Bounded on the east by Government ground; on the west by the sea; on the south by Cowasji Dinshaw and Brothers' boat-slip; and on the north by the premises of Messrs. Luke, Thomas & Co.'s Mechanics' house.
	(4) In the occupation of Messrs. Luke, Thomas and Company, Limited—		
	(*a*) Coal ground, formerly in the occupation of Mr. Edulji Maneckji.	Do. ...	(1) Bounded on the north, east and west by the sea; and on the south by Government ground. (2) On all sides by Government ground.
	(*b*) Ground used for buildings for mechanics.	Do. ...	Bounded on the east and south by Government ground; on the west by the Messageries Maritimes Company's boat-slip; and on the north by Mr. Cowasji Dinshaw's landing-place.
	(*c*) Coal depót, Condensers and Ice Factory.	Do. ...	Bounded on the north and west by the sea; on the south by Mr. Cowasji Dinshaw's landing-place; and on the east by Government ground.

Consecutive number.	Name of Property.	Heretofore in charge of—	Boundaries and general description.
No. 26—*concld.*	(5) In the occupation of Messrs. Hajibhoy Lalji—		
	Coal ground ...	The Political Resident at Aden.	(1) Bounded on the north and east and west by the sea; and on the south by Government ground. (2) On all sides by Government ground.
	(6) In the occupation of Messrs. Cowasji Dinshaw and Brothers—		
	Boat-slip at Hedjuff ...	Do. ...	Bounded on the east by the Messageries Company's boat-slip; on the south by Government ground; and on the west and north by the sea.
	(7) In the occupation of Mr. Cowasji Dinshaw—		
	Ground used for the landing and shipping of goods.	Do. ...	Bounded on the south by Messrs. Luke, Thomas and Company's Mechanics' house on the sea; on the north by Messrs. Luke, Thomas and Company's coal depôt; and on the east by Government ground.
	(8) In the occupation of the Aden Coal Company, Limited—		
	Coal ground ...	Do. ...	Bounded on the south by Government ground; on the west by Messrs. Luke, Thomas and Company's coal depôt; on the north by the sea; and on the east by the premises of the Aden Water Company.
	(9) In the occupation of the Aden Water Company, Limited—		
	Ground used for condensers.	Do. ...	Bounded on the west by the premises of the Aden Coal Company; on the south and east by Government ground; and on the north by the sea.
	(10) Storage Salt Wharf.	Do. ...	Bounded on the west by the premises of the Aden Water Company at the Hedjuff; on the north by the sea; on the east and south by Government ground.

Consecutive number.	Name of Property.	Heretofore in charge of—	Boundaries and general description.
[1]127	Aden Union Club on the foreshore at Tawahi.	The Political Resident at Aden.	Bounded on the north by the Port Surgeon's Jetty; on the east by the Government road; on the south and west by the sea.
[1]128	Foreshore from opposite Maala Police Station to the junction of the road leading to the Barrier Gate.	Do. ...	Bounded on the north by the sea; on the east and south by the Government road, and on the west by Government property.
[1]129	Foreshore between Messrs. Cowasjee Dinshaw Brothers' Pontoon Slipway and Messrs. Hajeebhoy Laljee's Coal Ground.	Do. ...	Bounded on the north by the sea; on the east by Messrs. Cowasjee Dinshaw Brothers' Pontoon Slipway; on the south by the Government road; and on the west by Messrs. Hajibhoy Laljee's Coal Ground.
[1]130	Site between the Peninsular and Oriental Company's Farm and Messrs. Hajeebhoy Laljee's Coal Ground.	Do. ...	Bounded on the north by the public road; on the east by the Peninsular and Oriental Company's Farm; on the south by a Mahomedan burial ground; and on the west by Messrs. Hajeebhoy Laljee's Coal Ground.
[1]131	Messrs. Menahem Messa's Coal Ground.	Do. ...	Bounded on the north by the sea; on the south by the Australian Mail Company's Coal Ground; on the east by the Government Road; and on the west by the sea.
[1]132	Tawahi Bay ...	Do. ...	Bounded on the north by the sea; on the east by the Government road and Messrs. Menahem Messa's Coal Ground; on the west by Peninsular and Oriental Coal Ground; and on the south by the Government road.
[1]133	Messrs. Menahem Messa's Workshop and Slipway.	Do. ...	Bounded on the north and east by the sea; on the south by the Government road; and on the west by the sea.
[2]34	Kalfetein and Kais-al-Hamman Islands.	Aden Settlement Committee.	Kalfetein and Kais-al-Hamman Islands situated in the Inner Harbour.
[2]35	Seera Island ...	The Political Resident at Aden.	Seera Island situated on the east of the Peninsula.

[1] Items Nos. 27 to 33 were added by s. 7 (*1*) of the Aden Port Trust (Amendment) Act, 1911 (Bom. Act 1 of 1911), Vol. V of this Code.

[2] Items Nos. 34 and 35 were added by s. 5 of the Aden Port Trust (Amendment) Act, 1914 (Bom. Act 4 of 1914), Vol. V of this Code.

II.—The following vessels and boats (namely):—

Consecutive number.	Names, descriptions and numbers.		Heretofore in charge of—
1	Light-ship	1	The Political Resident, Aden.
2	Steam-launch *Rose*	1	Ditto.
3	No. 0 lighter	1	Ditto.
4	Hopper barge	1	Ditto.
5	Mud punt	1	Ditto.
6	Diver's boat	1	Ditto.
7	Cutters	2	Ditto.
8	Whale boats of sizes ...	4	Ditto.
9	Jollies	5	Ditto.
10	Punts	5	Ditto.
11	Canoes	2	Ditto.
12	Launch, whale, 40 feet ...	1	Ditto.

III.—All other lands, buildings, machinery, plant, tools and other property whatsoever, not hereinbefore particularly described, heretofore in the charge of the Port Engineer of Aden, the Master Attendant of Aden or the Political Resident on behalf of the Aden Port Fund.

SCHEDULE B.

(*See section 34.*)

RECEIPT FOR GOODS BY THE PORT TRUST, ADEN.

Landed, during the day of from the , by the Port Trust, Aden, the noted in the margin; contents and state of the contents unknown.

NOTE.—(*If there be any apparent injury, this is to be stated.*)

For the Board,

(*Signed*) *A. B.*

ADEN,

The day of

SCHEDULE C.[1]

[*See section 25 (4).*]

That portion of the roadway known as the Marshag Road which, commencing in Holkat Bay at a point 1,945 feet in a direct line south by west from the centre of the arch on the east side of the south Pass Gate or Drawbridge, extends thence to a total length of 5,100 feet to the Marshag Light-house.

THE GUJARÁT TÁLUQDÁRS' ACT, 1888.

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[1] Sch. C was added by s. 7 (2) of the Aden Port Trust Act (Amendment) Act, 1895 (Bom. Act I of 1895), *infra*.

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BOMBAY ACT No. VI OF 1888. [1]

[*25th March, 1889.*]

An Act to provide for the Revenue Administration of Estates held by certain superior landholders in the districts of Ahmedabad, Kaira, Broach and the Panch Maháls, and to limit the further operation of [2] Bombay Act VI of 1862.

WHEREAS it is expedient to remove doubts as to the applicability of certain portions of the [2] Bombay Land-Revenue Code, 1879, to estates held by certain superior landholders in the districts of Ahmedabad, Kaira, Broach and the Panch Maháls, and to make special provision for the revenue administration of the said estates and for the partition thereof; It is enacted as follows:— Bom. Act V of 1879.

PART I.

PRELIMINARY.

Short title.

1. (*1*) This Act may be cited as the Gujarát Táluqdár's Act, 1888.

(*2*) It extends only to the districts of Ahmedabad, Kaira, Broach and the Panch Maháls.

Definitions.

2. (*1*) In this Act, unless there be something repugnant in the subject or context,—

(*a*) "táluqdár" includes a thákur, mehwássi, kásbáti and naik [3] [and a mulgameti who holds land directly from Government];

(*b*) "registered táluqdár" means a sole táluqdár, or the eldest or principal of several co-sharers of a táluqdárí estate, whose name is authorizedly entered in the Government records as holding such estates, or as the representative of the several co-sharers holding the same;

(*c*) "jamá" means land-revenue payable by a táluqdár to Government;

(*d*) "alienation" means a transfer of ownership, and "alience" means a person to whom ownership is transferred;

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[1] For Statement of Objects and Reasons, *see* Bombay Government Gazette, 1885, Pt. V, p. 65; for Report of Select Committee, *see ibid*, 1888, p. 337; and for Proceedings in Council *see ibid*, 1886, p. 85, and *ibid*, 1888, pp. 374 and 385.

[2] Vol. II of this Code.

[3] These words were added by s. 2 (*1*) of the Gujarát Táluqdárs, (Amendment) Act, 1905 (Bom. Act 2 of 1905), Vol. IV of this Code, and the amendment is to be deemed to have come into force on the 25th March, 1889: *ibid.* s. 2 (*2*), but *see* footnote to s. 31, *infra*.

(*e*) "incumbrance" includes a mortgage, charge, usufructuary grant and any interest other than that of an ordinary tenant or of an alienee or táluqdár, and "incumbrancer" means a person in whom an incumbrance vests;

Bom. Act V of 1879.

(*f*) any word or expression which is defined in the [1] Bombay Land-Revenue Code, 1879, and is not hereinbefore defined, shall be deemed to have the meaning given to it by that Code. Expressions defined in the Bombay Land-Revenue Code.

(2) In Part II, unless there be something repugnant in the subject or context, "táluqdár" includes any class of holders of unalienated estates, upon which the land-revenue is fixed by a lump assessment, to whom the Governor in Council deems fit from time to time, by notification in the Bombay Government Gazette, to extend the provisions of the said part. Meaning of "táluqdár" in Part II.

3. [*Repeal of part of s. 111, Bombay Act V of 1879.*] *Rep. Act XVI of 1895.*

PART II.

SURVEY AND SETTLEMENT.

Revenue survey.

4. It shall be lawful for the Governor in Council, whenever it may seem expedient, to direct a revenue-survey or a revised revenue-survey of any táluqdárí estate, under the provisions of the [1] Bombay Land-Revenue Code, 1879, applicable to such surveys. Government may direct survey of a táluqdárí estate.

Bom. Act V of 1879.

Settlement register.

5. The settlement register prepared by the Survey-officer under section 108 of the said Code on the occasion of making any such survey shall, unless Government otherwise direct, contain, in lieu of the particulars specified in the said section, the following particulars (namely) :— Settlement register of a táluqdárí estate what to contain.

(*a*) the area and assessment of each survey-number;

(*b*) the name of the registered táluqdár, and, if there are co-sharers, the name of each co-sharer and the extent of each one's interest in the estate;

(*c*) if the estate is undivided,—

(*i*) the manner in which the profits derived from sources common to the co-sharers are to be distributed amongst them;

(*ii*) the share to be contributed by each co-sharer of the jamá, of police charges, of the cost of erecting and maintaining boundary-marks, and of any other charge to which under any law for the time being in force the co-sharers are liable in common

[1] Vol. II of this Code.

(*iii*) the manner in which the co-sharers are to collect from the tenants;

(*d*) if a partition of the estate has been effected and the co-sharers hold their respective shares in severalty—

(*i*) the extent and limits of each separate share;

(*ii*) the same particulars in respect of the several sub-sharers, if any, of each such share, as are required to be given concerning all the co-sharers when an estate is undivided;

(*e*) the name and description and the nature and extent of the interest of every alienee and of every incumbrancer of the estate or any portion thereof, together with a specification of—

(*i*) the aggregate area over which such interest extends;

(*ii*) the amount and nature of rent, or land-revenue, if any, payable or receivable by each alienee and incumbrancer;

(*iii*) the basis of such interest, whether grant, contract, custom or other;

(*iv*) the conditions of service or other conditions on which such interest depends;

(*v*) any other particulars which Government shall from time to time direct.

Determination of disputes.

Disputes concerning matters which have to be recorded under section 5 to be determined by Survey-officer.

6. (*1*) If it appears to the Survey-officer who frames the said register that there exists any dispute as to any matter which he is bound under this Act to record therein, he may, either on the application of any of the disputant parties, or of his own motion, investigate and determine such dispute and frame the register accordingly.

(*2*) Provided that, when any such dispute shall appear to the Survey-officer to have been already finally decided by a Court of competent jurisdiction, the entry in the said register shall be made in conformity with such decision.

Custody and amendment of records.

Settlement-records by whom to be kept; and

7. (*1*) When the survey-settlement of a táluqdárí estate is completed, the said register and the other records thereof shall be kept by the Collector, and every registered táluqdár shall be entitled to receive one copy of the register free of any charge except the cost of copying.

to be from time to time corrected.

(*2*) So long as the said register and other records are in the charge of the Survey-officer, the said officer, and afterwards the Collector, shall cause to be entered therein all changes that occur, and everything that affects any of

the rights or interests therein recorded; and shall at any time correct or cause to be corrected any clerical error therein and also any other error which all the parties interested admit to have been made in the same.

Bar of suits against Government, etc., to set aside decisions under section 6 or 7; but effect to be given to decrees obtained by parties *inter se*.

8. (*1*) No suit shall lie against Government or against any officer of Government to set aside any decision or order of a Survey-officer or of a Collector under section 6 or 7.

(*2*) But the said register and other records shall from time to time be amended by the Survey-officer, or, when the survey-settlement is completed by the Collector, in accordance with any final decree of a Court of competent jurisdiction which the parties may obtain *inter se* on an application accompanied by a certified copy of such decree, being duly made to the Survey-officer or Collector for that purpose.

(*3*) In any suit in a Civil Court between the parties or persons claiming under them, a decision or order of a Survey-officer or Collector under section 6 or 7 shall not be held to be conclusive as to any matter therein decided.

Changes in records to be communicated to parties affected thereby.

9. Every change in the said register and other records shall be communicated without delay by the officer making it to each of the parties affected thereby.

PART III.

PARTITION.

Persons entitled to partition.

10. (*1*) Every person who has obtained a final decree of a Court of competent jurisdiction declaring him to be entitled to a share of a táluqdarí estate and every co-sharer whose name is recorded, as such, in the settlement register prepared in accordance with section 5 and pending the preparation of the said register, every person whose title to any such share as aforesaid is not disputed by any other person claiming a share in the same estate, shall be entitled to have his share divided from the rest of the estate and to hold the same as a separate estate.

(*2*) Any two or more such co-sharers or persons shall be entitled to have their shares divided from the rest of the estate and to hold the same jointly as a separate estate.

Applications for partition to whom to be made.

11. Applications for partitions shall be made to the Táluqdárí Settlement-officer or to such other officer as the Governor in Council appoints in this behalf.

Notification of application.

12. (*1*) The Táluqdárí Settlement-officer, or other officer aforesaid, on receiving an application for partition, shall, if the application be not open to objection on the face of it, publish a notification of the same in the office of the Mámlatdár of the Táluká and at some conspicuous place in the village in which the estate to which the application relates is situate or in each of the villages comprised in the said estate, as the case may be.

Notice to co-sharers not joining in the application.

(2) He shall also serve a notice on each of the known co-sharers who has not joined in the application, requiring any of them who objects to the partition to appear before him to state his objection either in person or by a duly authorised agent, on a day to be specified in the notice, not less than thirty or more than sixty days from the date on which such notice is issued.

Procedure where notice cannot be personally served on co-sharer.

13. Where, from any cause, notice cannot be personally served on any co-sharer, the Táluqdárí Settlement-officer or other officer aforesaid shall order the same to be served by affixing a copy thereof upon some conspicuous part of the house, if any, in which such co-sharer is known to have last resided, or in such other manner as the Táluqdárí Settlement-officer or other officer aforesaid thinks fit.

Power to refuse partition when objection is admitted.

14. If, on or before the day specified, any objection is made to the partition by any sharer, and the Táluqdárí Settlement-officer or other officer aforesaid, on a consideration of such objection, is of opinion that there is any good and sufficient reason why the partition should be disallowed, he may refuse the application, recording the grounds of his refusal.

Procedure if question of title is raised.

15. (*1*) If the objection raises any question as to the right of the applicant to partition or any other question of title which has not been already determined by a Court of competent jurisdiction, the Táluqdárí Settlement-officer or other officer aforesaid may either decline to grant the application until the question in dispute has been determined by a competent Court, or, if no suit is at the time pending in any such Court in which the question is likely to be determined, may proceed to inquire into the merits of the objection.

Decision when and how to be made by Táluqdárí Settlement-officer or officer appointed by Government.

(2) In the latter case, the Táluqdárí Settlement-officer or other officer aforesaid, after making the necessary inquiry and taking such evidence as may be adduced, shall pass a decision declaring the nature and extent of the interests of the party or parties applying for the partition and of the other co-sharers of the estate, if any, and directing by whom and in what proportion the costs of the inquiry and of the partition (which shall be recoverable as an arrear of land-revenue) are to be paid.

Procedure previous to decision.

(3) The procedure to be observed by the Táluqdárí Settlement-officer or other officer aforesaid in any such inquiry shall be that laid down by the [1]Code of Civil Procedure, 1882, for the trial of original suits, and the provisions of Chapter XLVII of that Code, in so far as they apply to a review of judgment in an original suit shall be applicable to the decision of the Táluqdárí Settlement-officer or other officer aforesaid. The Táluqdárí Settlement-officer or other officer aforesaid may, with the consent of the parties, refer any question arising in such inquiry to arbitration, and the provisions of the same Code relative to arbitrators shall apply to such references.

XIV of 1882.

District Court may hear appeal from Táluqdárí Settlement-officer's or other officer's decision and may stay partition.

16. (1) An appeal shall lie from any decision, or from any part of a decision, passed under the last preceding section by the Táluqdárí Settlement-officer or other officer aforesaid, to the District Court, as if such decision were a decree of a Court from whose decisions the District Court is authorized to hear appeals.

(2) Upon such appeal being made, the District Court may issue a precept to the Táluqdárí Settlement-officer or other officer aforesaid, requiring him to stay the partition pending the decision of the appeal.

Partition how to be effected.

17. (1) When it has been decided to make a partition, the Táluqdárí Settlement-officer or other officer aforesaid shall give the parties the option of making the partition themselves; in the event of their not agreeing or of their failing to make the partition, within a period prescribed by the Táluqdárí Settlement-officer or the officer aforesaid in this behalf, the Táluqdárí Settlement-officer or other officer aforesaid shall either make it himself or, if he thinks fit, shall entrust it to arbitrators appointed for this purpose by the parties.

(2) In making the partition, the Táluqdárí Settlement-officer or other officer aforesaid and any person acting under his orders shall have the same powers to enter on the estate under partition, for marking out the boundaries, surveying the land and other purposes as are conferred on Survey-officers by the [2]Bombay Land-Revenue Code, 1879.

[Bom. Act V of 1879.

When partition is complete, order to be made confirming it.

18. (1) When the partition is completed the Táluqdárí Settlement-officer or other officer aforesaid shall make an order confirming it.

[1] *See* now Act 5 of 1908, General Acts, Vol. VI.

[2] Vol. II of this Code.

Notification of order.

(*2*) On making such order the Táluqdárí Settlement-officer or other officer aforesaid shall publish a notification of the fact in the office of the Mámlatdár of the talukâ and at some conspicuous place in the village in which the estate which has been divided is situate, or in each of the villages comprised in the said estate, as the case may be; and the partition shall take effect on and from the first day of June next after the date of such notification, or such other date next after the date of such notification between the first day of June and the first day of October as the Táluqdárí Settlement-officer or other officer aforesaid, having regard to the usual season of cultivation in the said estate, shall fix in this behalf.

Partition when to take effect.

Delivery of possession.

19. (*1*) If necessary the Táluqdárí Settlement-officer or other officer aforesaid may, at any time after the date aforesaid, order delivery of the share, or any portion of the share, allotted to any co-sharer to be made to him in the manner in which delivery of the same might be ordered by a Civil Court, under the [1]Code of Civil Procedure, 1882, in execution of a decree. XIV of 1882.

Resistance or obstruction how to be dealt with.

(*2*) If, in executing the order of the Táluqdárí Settlement-officer or other officer aforesaid, the officer charged with the execution thereof is resisted or obstructed by any person, or if a co-sharer is resisted or obstructed in obtaining possession of the share or of any portion of the share allotted to him, the Táluqdárí Settlement-officer or other officer aforesaid shall proceed in the manner in which, by section 202 of the [2]Bombay Land-Revenue Code, 1879, a Collector is authorized to proceed for the purpose of inquiring into the reasonableness of any resistance or obstruction to the execution of an order made under that section and of preventing the continuance thereof. Bom. Act V of 1879.

Appeals against order confirming partition to the Commissioner.

20. An appeal against the decision of the Táluqdárí Settlement-officer or other officer aforesaid confirming a partition shall lie to the Commissioner within one year from the date of the order confirming such partition.

Civil Courts barred from entertaining suits or applications for partition.

21. No Civil Court shall entertain any suit or application for partition of táluqdárí estate: provided that nothing in this section shall be deemed to affect the jurisdiction of Her Majesty's High Court of Judicature at Bombay.

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[1] *See* now Act 5 of 1908, General Acts, Vol. VI.

[2] Vol. II of this Code.

PART IV.

Revenue Administration.

Táluqdár's Jamá.

Táluqdár's jamá how to be calculated.

22. (*1*) If a táluqdár's estate, or any portion thereof, is not wholly or partially exempt from land-revenue and its liability to payment of land-revenue is not subject to special conditions or restrictions, the jamá payable to Government in respect of such estate or portion thereof shall, if a survey-settlement has been extended thereto, be the aggregate of the survey-assessments of the lands composing such estate or such portion thereof, minus such deduction, if any, as Government shall in each case direct.

(*2*) The Governor in Council may declare the amount of jamá so ascertained fixed for any term not exceeding thirty years.

Saving of existing agreements and settlements as to amount of jamá.

23. (*1*) Nothing in this Act shall be deemed to affect the validity of any agreement heretofore entered into by or with a táluqdár and still in force as to the amount of his jamá, nor of any settlement of the amount of jamá made by or under the orders of Government for a term of years and still in force.

(*2*) Every such agreement and settlement shall have effect as if this Act had not been passed.

Responsibility for jamá.

24. (*1*) The registered táluqdár shall be primarily responsible to Government for the jamá of his village, and, if there are sharers, all the co-sharers shall be jointly and severally responsible therefor.

Liability of other persons if táluqdár makes default.

(*2*) If the registered táluqdár fails to pay the jamá according to the rules legally prescribed in that behalf, it may be recovered from his co-sharers, if any, or to the extent to which it is due in respect of the holding of any mortgagee in possession, inferior holder or person in actual occupation of the estate or of any portion thereof, from such mortgagee in possession, inferior holder or person.

Credit to be allowed for recoveries made from other persons.

(*3*) When jamá is recovered from any such co-sharer, mortgagee in possession, inferior holder or other person, he shall be allowed credit for all payments which he may have made to the táluqdár at or after the prescribed or usual times of such payments, and he shall be entitled to credit in account with the táluqdár for the amount recovered from him.

Distribution of jamá in case of partition.

25. (*1*) When a partition has taken place and a táluqdárí estate is held in severalty, the jamá payable in respect of each separate portion into which the same has been divided shall be determined by the Collector, and thereupon each such portion shall, for the purposes of the last preceding section, be deemed to be a distinct estate.

(2) Provided that the aggregate jamá payable in respect of the several portions into which the estate has been divided shall not exceed the jamá which would be leviable from the entire estate if still undivided.

Management of táluqdár's estates by Government officers.

Management of táluqdárí estate may be assumed by Collector in certain contingencies.

26. (*1*) If owing to disputes among the sharers in any táluqdárí estate, or for other cause, the Governor in Council shall deem that there is reason to apprehend danger to the peace of the country or injury to the well-being of the inferior holders, he may direct the Collector to cause such estate to be attached and taken under the management of himself or any agent whom he appoints for this purpose; and, on the application of any registered táluqdár or co-sharer, the Collector shall furnish him with a copy of the reasons on which the orders of Government were passed.

(2) When any estate is so attached and taken under management, the sharers, or any one or more of the sharers therein, may at any time apply to the District Magistrate to restore the management thereof; and, if the applicants shall prove to the satisfaction of the District Magistrate that no reason for any such apprehension as aforesaid any longer exists, the District Magistrate may order restoration of the management to be made to the táluqdár.

Power to take up management of estate pending partition.

27. (*1*) With the sanction of the Commissioner, the Táluqdárí Settlement-officer or other officer [1] appointed by Government may hold the estate in which partition is being effected under his own management, pending the completion of the partition.

(2) Provided that, before applying to the Commissioner for sanction under this section, the Táluqdárí Settlement-officer or other officer aforesaid shall give to the parties reasonable notice of his intention so to do, and shall forward, with his application, for the Commissioner's consideration, any written statement of objection thereto which any of the parties shall present to him for this purpose.

Power to take up management of estate at táluqdár's request.

[2] [**28.** (*1*)] With the sanction of Government, the Táluqdárí Settlement-officer or any other officer [3] appointed by Government for this purpose may,

[1] For notification appointing the Collector of the Panch Mahálsto exercise powers under the section, *see* Bombay Local Rules and Orders.

[2] S. 28 was re-numbered 28, sub-section (*1*) by s. 3 (*1*) of the Gujárat Táluqdárs (Amendment) Act, 1905 (Bom. Act 2 of 1905), and sub-section (*2*) and the provisos were substituted for the concluding words and proviso of s. 28 by s. 3 (*2*) of the same Act, Vol. IV of this Code.

These words and the proviso were as follows:—

"between the Táluqdár and the Táluqdárí Settlement-officer or other officer as aforesaid: Provided that no such application shall be entertained in respect of an undivided share of a Táluqdárí estate nor, except with the consent of all the co-sharers, in respect of an estate which is held by co-sharers."

[3] For notification appointing the Collector of the Panch Mahálsto exercise powers under the section, *see* Bombay Local Rules and Orders.

upon the written application of a táluqdár in this behalf, take charge of such táluqdár's estate and keep the same under his management for such period as may be agreed upon.

[1] [(*1A.*) Any co-sharer of a táluqdári estate, other than a co-sharer in a family undivided according to Hindu law, may make an application under sub-section (*1*) in respect of his own share in such estate.]

[2] [(*2*) [3] [In every case where a táluqdárí estate is held by co-sharers in a family undivided according to Hindu law or otherwise] an application signed by co-sharers holding an aggregate interest of not less than three-fourths of the whole estate shall, for the purposes of sub-section (*1*), be deemed to be an application by a táluqdár in respect of [4] [the whole estate] ; provided, *firstly*, that no sanction shall be given [5] [on any such application] under sub-section (*1*) where it appears to the Governor in Council doubtful whether the aggregate interest of the co-sharers signing [6] [the] application amounts to three-fourths of the whole estate ; and provided, *secondly*, that nothing in this Act shall be deemed to prevent any co-sharer other than those signing any such application from obtaining partition of his share.]

Applicability of section 160 of Bombay Act V of 1879 when an estate is taken under management by a Government officer.

29. (*1*) When any táluqdárí estate is taken under management by Government officers under any of the three last preceding sections, the provisions of section 160 of the [7] Bombay Land-Revenue Code, 1879, shall be applicable thereto.

Bom. Act V of 1879.

(*2*) Provided that no [8] [transfer] or agreement entered into by a Government officer managing an estate under section 26, in respect of any land in such estate, shall be for a period exceeding five years from the date thereof, and that no such [8] [transfer] or agreement by a Government officer managing an estate under section 27 shall have effect beyond the end of the revenue-year in which such officer's management determines, unless the same is ratified by the co-sharer to whose share the said land is finally allotted when the partition of the estate is completed.

Disposal of surplus receipts.

(*3*) All surplus receipts, if any, which accrue during such management, after defraying the costs of the management, including the payment of the

[1] This sub-section was inserted by s. 2 and First Schedule of the Bombay Repealing and Amending Act, 1910 (Bom. Act 1 of 1910), Vol. V of this Code.

[2] *See* the 2nd footnote on previous page.

[3] These words were substituted for the words " Where a táluqdárí estate is held by co-sharers in undivided shares " by s. 2 and First Schedule of the Bombay Repealing and Amending Act, 1910 (Bom. Act 1 of 1910), Vol. V of this Code.

[4] These words were substituted for the words " such estate " by *ibid.*

[5] These words were inserted by *ibid.*

[6] This word was substituted for the words " any such " by *ibid.*

[7] Vol. II of this Code.

[8] This word was substituted for the words " sale of occupancy rights " by s. 93 of the Bombay Land Revenue (Amendment) Act, 1913 (Bom. Act 4 of 1913), Vol. V of this Code.

current land-revenue and of all arrears thereof, and the cost of the extension to the estate of a revenue-survey, if the Governor in Council directs, or has before directed, the extension of a revenue-survey thereto under section 4, shall be divided amongst the co-sharers in proportion to their respective shares, at such periods as the Táluqdárí Settlement-officer or other officer aforesaid shall see fit.

Disabilities of a táluqdár whose estate is taken under management.

[1][**29A.** (*1*) Except with the approval of the managing officer, a táluqdár whose estate is taken under management by Government officers under section 26 or 28 shall be incompetent to transfer or create any charge on, or interest in, his property or any part thereof, or to enter into any contract which may involve him in pecuniary liability; and no suit shall be brought in any Civil Court whereby to charge any such táluqdár upon any promise made after the determination of such management to pay any debt contracted during the period of such management, or upon any ratification, made after such determination, of any promise or contract made during the period aforesaid, whether there is or is not any new consideration for such promise or ratification.

(*2*) Nothing in sub-section (*1*) shall be deemed to affect the capacity of any such táluqdár to enter into a contract of marriage:

provided that no such táluqdár shall incur, in connection with such a contract, any pecuniary liability, except such as, having regard to the personal law to which he is subject and to his rank and circumstances, the managing officer may, in writing, declare to be reasonable.

Power to continue management after death, in case of disputed succession, and

(*3*) On the death of any such táluqdár,—

(*a*) where the succession to his property or any part thereof is disputed the managing officer may, with the sanction of the Governor in Council, either retain the superintendence of the property until one of the claimants has established his claim to the same in a competent Civil Court, or institute a suit of interpleader against all the claimants; and

where property still incumbered.

(*b*) where his property is still incumbered with debts and liabilities, the managing officer may, with the sanction of the Governor in Council, retain the said property under his superintendence until such debts and liabilities have been discharged.]

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[1] This section was inserted by s. 4 of the Gujarát Táluqdárs' (Amendment) Act, 1905 (Bom. Act 2 of 1905), Vol. IV of this Code.

Ascertainment and liquidation of liabilities of táluqdárs whose estates are taken under management.

[1][**29B.** (*1*) Where any táluqdári estate has been taken under management by Government officers under section 26 or 28, the managing officer may publish in the Bombay Government Gazette, and in such other manner as the Governor in Council may by general or special order direct, a notice, in English and also in the vernacular, calling upon all persons having claims against such táluqdár or his property, to submit the same in writing to him within six months from the date of the publication of the notice. Publication of notice to claimants against táluqdár whose estate is taken under management.

(*2*) Where the managing officer is satisfied that any claimant was unable to comply with the notice published under sub-section (*1*), he may allow his claim to be submitted at any time after the date of the expiry of the period fixed therein; but any such claim shall, notwithstanding any law, contract, decree or award to the contrary, cease to carry interest from the date of the expiry of such period until submission.

(*3*) Every claim against such táluqdár or his property (other than a claim on the part of Government) not submitted to the managing officer in compliance with the notice published under sub-section (*1*) or allowed to be submitted under sub-section (*2*), shall, save in the cases provided for by section 29F, sub-section (2), clause (*c*), and by sections 7 and 13 of the V of 1877. [2]Indian Limitation Act, 1877, be deemed for all purposes and on all occasions, whether during the continuance of the management or afterwards, to have been duly discharged, unless in any suit or proceeding instituted by the claimant, or by any person claiming under him, in respect of any such claim, it is proved to the satisfaction of the Court that he was unable to comply with the notice published under sub-section (*1*).]

[1][**29C.** (*1*) The managing officer may by written order require that any claimant submitting his claim in compliance with the notice published under section 29B, sub-section (*1*), shall, within such reasonable time as he may prescribe in such order, furnish full particulars thereof, and produce all documents (including entries in books of account) on which he relies to support his claim, together with a true copy of every such document: Claimants to furnish full particulars and documents.

provided that, where the claim relates to an amount secured by a decree or award, it shall be sufficient for the claimant to produce before the managing officer a certified copy of the decree and a certificate from the Court

[1] Sections 29B and 29C were inserted by s. 4 of the Gujarat Táluqdárs' (Amendment) Act, 1905 (Bom. Act 2 of 1905), Vol. IV of this Code.

[2] *See* now the Indian Limitation Act, 1908 (9 of 1908), General Acts, Vol. VI.

which passed or is executing the same declaring the amount recoverable thereunder, or a true copy of the award and a statement of the sum recoverable thereunder, as the case may be; and, where the claim is pending adjudication in any Court or has been referred to arbitration, it shall be sufficient for the claimant to produce a certified copy, of the plaint, or a true copy of the reference to arbitration, as the case may be.

(*2*) The managing officer shall, after marking, for the purpose of indentification, every original document so produced and verifying the correctness of the copy, retain the copy and return the original to the claimant.

(*3*) Where any document, which is in the possession or under the control of a claimant, is not produced by him in accordance with an order under sub-section (*1*), the document shall not be admissible in evidence against the táluqdár whose estate is taken under management, whether during the continuance of the management or afterwards, in any suit brought by such claimant or by any person claiming under him, in respect of any claim to which such document relates, unless it is proved to the satisfaction of the Court that it was not within his power to produce such document as required by such order.]

Investigation and decision of claims.

[1][**29D.** (*1*) On receipt of all claims submitted in compliance with the provisions of sections 29B and 29C, the managing officer shall proceed to investigate such claims and shall decide, subject to the provisions of sub-section (*3*), which of them are to be wholly or partly admitted or wholly or partly rejected, as the case may be, and shall communicate his decision in writing to each claimant concerned.

(*2*) Where the managing officer has admitted any claim under sub-section (*1*), he may make to the claimant a proposal in writing for the reduction of the claim, or of the rate of interest to be paid in future, or of both; and if such proposal, or any modification of it, is accepted by the claimant, and his acceptance is finally recorded and attested by the managing officer or by any Revenue-officer not below the rank of an Assistant or Deputy Collector whom the Governor in Council may, by general or special order, appoint in this behalf, it shall be conclusively binding upon the claimant:

provided that if, when the management is withdrawn, any portion of the claim reduced as aforesaid is still unsatisfied, the claimant shall be entitled to recover a sum bearing the same proportion to the original claim admitted under sub-section (*1*), as the unsatisfied portion bears to the reduced claim.

[1] Section 29D was inserted by s. 4 of the Gujarat Táluqdárs' (Amendment) Act, 1905 (Bom. Act 2 of 1905), Vol. IV of this Code.

(3) Subject to the provisions of sub-section (2), nothing in this section shall be construed to bar the institution of a suit in a Civil Court for the recovery of a claim, against a táluqdár whose estate is taken under management or his property, which has been duly submitted to the managing officer :

provided that no decision of the managing officer under this section shall be proved in any such suit as against the defendant.]

Management of táluqdár's estates by Government officers.

Execution of decrees to be stayed till certificate filed.

[1][**29E.** (1) On the publication of a notice under section 29B, sub-section (1), no proceeding in execution of any decree against the táluqdár whose estate is taken under management or his property shall be instituted or continued until the decree-holder files a certificate from the managing officer that the decree-claim has been duly submitted, or until the expiration of one month from the date of receipt by the managing officer of a written application for such certificate, accompanied by a certified copy of the decree.

(2) Any person holding a decree against such táluqdár or his property shall be entitled to recieve from the managing officer, free of cost, the certificate required by sub-section (1).

XV of 1877. XIV of 1882. (3) In computing the period of limitation prescribed by the [2] Indian Limitation Act, 1877, or by section 230 of the [3] Code of Civil Procedure for any application for the execution of a decree, proceedings in which have been stayed or temporarily barred by reason of the claim not having been duly submitted, the time from the date of the notice published under section 29B, sub-section (1), or of the decree if it was passed subsequently to the publication of the notice, to the date of due submission shall be excluded.]

Report to Government.

[1][**29F.** (1) When all claims have been investigated under section 29D, the managing officer shall submit to the Governor in Council a schedule of the debts and liabilities of the táluqdár whose estate is taken under management, and the Governor in Council may where the property appears to be involved beyond all hope of extrication, or for any other sufficient reason, by order published in the Bombay Government Gazette direct that, on a date to be fixed by the order, the management of such estate shall be withdrawn.

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[1] Sections 29E. and 29-F. were inserted by s. 4 of the Gujarát Táluqdárs' (Amendment) Act 1905 (Bom. Act 2 of 1905), Vol. IV of this Code.

[2] *See* now the Indian Limitation Act, 1908 (Act 9 of 1908), General Acts, Vol. VI.

[3] *See* now the Code of Civil Procedure, 1908 (Act 5 of 1908), General Acts, Vol. VI.

(2) On the date so fixed—

(*a*) the management shall terminate ;

(*b*) the owner of such estate shall be restored to the possession thereof, subject to any contracts entered into by the managing officer for the preservation or benefit thereof ; and

(*c*) the claims referred to in section 29B, sub-section (3), shall revive.

(3) In calculating the periods of limitation applicable to suits to recover and enforce claims revived under sub-section (2), clause (*c*), the time during which the management has continued shall be excluded.]

Application of provisions of the Bombay Court of Wards Act, 1905.

Appplication of the Bombay Court of Wards Act, 1905, when Táluqdári Settlement-officer appointed to be a Court of Wards.

[1][**29G.** On the issue of a notification under clause (*c*) of the proviso to section 3 of the [2]Bombay Court of Wards Act, 1905, appointing the Táluqdári Settlement-officer to be a Court of Wards for the whole or any part of the area to which this Act extends, the provisions of the said [2]Bombay Court of Wards Act, 1905, shall, without prejudice to, and save so far as they may be inconsistent with, anything contained in this Act, be deemed to apply to, or in respect of, any estate, which may thereafter be taken under the management of the said Táluqdári Settlement-officer under section 26 or 28, as if it were an estate under his superintendence as such Court of Wards, and the táluqdár whose estate is taken under management a Government ward within the meaning of that Act.] Bom. Act I of 1905. Bom. Act I of 1905.

Police-officers and establishment.

Government to fix the number and remuneration of police.

30. (*1*) The Governor in Council may from time to time determine—

(*a*) what Police-officers and establishment are requisite in each village in a táluqdári estate ;

(*b*) by whom and under what conditions the Police-officers and establishment shall be appointed, punished and dismissed ;

(*c*) what remuneration shall be paid to each Police-officer and member of the police-establishment.

Police-charges how recoverable.

(2) Charges on account of police shall be defrayed by the táluqdár at such times as shall from time to time be determined by Government, and in the event of failure by the táluqdár to pay, at the time when the same becomes due, any sum so payable, the said sum shall be recoverable from him, in addition to the jamá as if the same were a part of the jamá.

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[1] Section 29G was inserted by s. 4 of the Gujarát Táluqdárs' (Amendment) Act, 1905, (Bom. Act 2 of 1905). Vol. IV of this Code.

[2] Vol. IV of this Code.

(*3*) If a partition has taken place and the estate is held in severalty, the said charges shall be payable by, and recoverable from, the holders of the various portions into which the estate has been divided in proportion to their respective shares in the estate.

PART V.

MISCELLANEOUS.

Bar of incumbrances on a táluqdár's estates beyond táluqdár's own life, except with consent of the Táluqdárí Settlement-officer;

[1] **31.** (*1*) No incumbrance on a táluqdár's estate, or on any portion thereof, made by the táluqdár after this Act comes into force, shall be valid as to any time beyond such táluqdár's natural life unless such incumbrance is made with the previous written consent of the Táluqdárí Settlement-officer, or of some other officer appointed by the Governor in Council in this behalf [2][and after the death of a táluqdár no proceeding for the attachment, sale or delivery of, or any other process affecting the possession or ownership of, a táluqdárí estate, or any portion thereof, in execution of any decree obtained against such táluqdár or his legal representative, except a decree obtained in respect of an incumbrance made with such consent as aforesaid, or made before this Act comes into force, shall be instituted or continued except with the like consent].

and of all alienations except with consent of Governor in Council.

(*2*) No alienation of a táluqdár's estate or of any portion thereof, or of any share or interest therein, made after this Act comes into force, shall be valid, unless such alienation is made with the previous sanction of the Governor in Council, which sanction shall not be given except upon the condition that the entire responsibility for the portion of the jamá and of the village expenses and police-charges due in respect of the alienated area shall thenceforward vest in the alienee and not in the táluqdár.

Saving of rights of Government under section 3 of Bombay Act VII of 1863.

32. (*1*) No consent or sanction given under the last preceding section shall be deemed to affect any right of Government under section 3 of [3] Bombay Act VII of 1863 (*an Act for the Summary Settlement of claims to exemption from the payment of Government land-revenue and for regulating the terms upon which such exemption shall be recognized in future, in those parts of the Bombay Presidency which are not subject to the operation of Act XI of 1852 of the Council of India*).

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[1] Nothing in s. 31 shall be deemed to apply to any incumbrance or alienation made before the passing of the Gujarát Táluqdárs' (Amendment) Act, 1905 (Bom. Act 2 of 1905), Vol. IV of this Code, by a mulgameti, who holds land directly from Government, except where his estate has been taken under management by a Government officer under Bom. Act 6 of 1888. *See* s. 2 (2), proviso, of that Act.

[2] These words were added by s. 5 of the Gujarát Táluqdárs' (Amendment) Act, 1905 (Bom. Act 2 of 1905), Vol. IV of this Code.

[3] Vol. II of this Code.

Saving of sections 28 and 24 of Act XXI of 1881.

(2) And nothing in the last preceding section shall apply to the property of any thákur to which section 28 of the [1] Broach and Kaira Encumbered Estates Act, 1881, is applicable, or be deemed to affect the power of the manager of any thákur's immoveable property under section 24 of the said Act. XXI of 1881

Applicability of the Bombay Land-revenue Code to táluqdárs' estates.

33. [2][(*1*) Nothing in sections 38 to 40, both inclusive, 44, 60 to 67, both inclusive, 76, 82, 85, 116, 117A, 127 to 134, both inclusive, 136, 163, 216 and 217 of the [2] Bombay Land-revenue Code, 1879, shall be deemed to apply to any estate to which this Act extends.] Bom. Act V of 1879.

(2) The provisions of the said Code when applied to any such estate shall be subject to the following modifications (namely) :—

(*a*) in section 3, clause (*1*), the words "the Tálukdári Settlement-officer and every officer appointed by the Governor in Council to exercise any power or perform any duty under the Gujarát Táluqdárs' Act, 1888, and" shall be inserted after the word "means";

(*b*) in section 54, the words "or under the Gujarát Táluqdárs' Act 1888," shall be inserted after the figures "136";

(*c*) in sections 46, 88, 89 and 94, the word "táluqdár" shall be substituted for the words "holder of alienated lands" and the word "holder", wherever they occur;

[3][(*cc*) to section 79A, clause (*a*), the words "which he uses or occupies in contravention of any of the provisions of the Gujarát Táluqdárs' Act, 1888, or", shall be added;]

(*d*) in section 88, the clauses (*c*) to (*f*) and proviso shall be omitted;

(*e*) for section 111 the following section shall be deemed to be substituted, *viz.* :—

Revenue management of taluqdárí estates which may be temporarily under Government management.

"111. In the event of any táluqdár's estate coming under the temporary management of Government officers, it shall be lawful for the Collector, Táluqdárí Settlement-officer, or other officer appointed by Government in this behalf, subject, in any case to which it applies, to the proviso to section 29 of the Gujarát Táluqdárs' Act, 1888, to let out the lands thereof at

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[1] Vol. II of this Code.

[2] This sub-section was substituted by s. 94 (*1*) of the Bombay Land-revenue (Amendment) Act, 1913 (Bom. Act 4 of 1913), Vol. V of this Code.

[3] Clause (*cc*) was inserted by s. 6 of the Gujarat Táluqdárs' (Amendment) Act, 1905 (Bom. Act 2 of 1905), Vol. IV of this Code.

rates determined by means of a survey-settlement or at such other fixed rates as he may deem to be reasonable, and to [1][grant unoccupied lands on lease] and otherwise to conduct the revenue management thereof under the rules for the management of unalienated lands not comprised within a táluqdár's estate, so far as such rules may be applicable and for so long as the said estate shall be under the management of Government officers :

provided, however, that any written agreements relating to the land made by the táluqdár of such estate shall not be affected by any proceedings under this section in so far as they shall not operate to the detriment of the lawful claims of Government on the land; and provided also that, when the estate ceases to be under the management of Government officers, the possession and enjoyment thereof shall, except as is otherwise provided in section 29 of the Gujarát Táluqdárs' Act, 1888, revert to the táluqdár, subject to the leases [2] * * *, if any, granted under this section ;"

(*f*) [3] [4] * section 113 [4] * * shall be omitted;

(*g*) in section 147, the words "or under the Gujarát Táluqdárs' Act 1888," shall be inserted after the word "section";

(*h*) in section 150, clause (*f*), the word "alienated" shall be omitted;

(*i*) in section 160, the word "be" shall be substituted for the words "revert to Government";

(*k*) in section 162, the words "at any time within twelve years from the first day of August next after the attachment" shall be omitted;

(*l*) in section 214, clause [5] [(*h*)] shall be omitted;

(*m*) generally, the word "táluqdár" shall be substituted for the word "occupant"; [6] * * * * * and the words "táluqdár's holding" or such words to that effect as may be required by the context, for the word "occupancy".

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[1] These words were substituted for the words "sell the occupancy of unoccupied lands by auction" by s. 94 (*2*) of the Bombay Land-revenue (Amendment) Act, 1913 (Bom. Act 4 of 1913), Vol. V of this Code.

[2] The words "and occupancy rights" were repealed by *ibid.*

[3] The word "in" was repealed by s. 94 (*3*), *ibid.*

[4] The word, figure and brackets "clause (*3*)" were repealed by s. 94 (*3*), *ibid.*

[5] This letter was substituted for the letter "*f*" by s. 94 (*4*), *ibid.*

[6] The words "the words 'registered táluqdár' for the words 'registered occupant" were repealed by s. 94 (*5*), *ibid.*

And whereas it is also expedient to limit the period within which fresh estates may be subjected to the operation of [1] Bombay Act VI of 1862 (*an Act for the amelioration of the condition of Táluqdárs in the Ahmedabad Collectorate and for their relief from debt*); It is further enacted as follows:—

Limitation of operation of Bombay Act VI of 1862.

34. No new declaration shall be made under section 1 of the said [1] Bombay Act VI of 1862 at any time after six months from the date on which this Act comes into force.

THE BOMBAY VILLAGE SANITATION ACT, 1889.

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BOMBAY ACT No. 1 OF 1889.[1]

[*23rd May, 1890.*]

The Bombay Village Sanitation Act, 1889.

WHEREAS, for the purpose of improving the sanitary condition of villages in the Presidency of Bombay, it is expedient to provide for the constitution of Sanitary Committees and Boards having authority over such villages; It is enacted as follows :—

PART I.

PRELIMINARY.

Short title. **1.** This Act may be cited as the Bombay Village Sanitation Act, 1889.

Extent. **2.** It is applicable to the whole of the Presidency of Bombay, except the City of Bombay, Aden and its dependencies, Perim, and the scheduled district of the Mehwassi Chiefs' villages, as defined in the [2] Scheduled Districts Act, 1874. XIV of 1874.

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[1] For Statement of Objects and Reasons, *see* Bombay Government Gazette, 1889, Part V, p. 9; for Report of Select Committee, *see ibid*, 1889, p. 34, and for proceedings in Council, *see ibid*, 1889, pp. 12 and 46.

[2] General Acts, Vol. II.

Repeal of enactments.

3. During such time as Part II or Part III and the rules made thereunder shall be in force in any village, the enactments mentioned in the schedule shall, to the extent specified in the third column of the schedule, cease to have any operation in the said village.

Definitions.

4. In this Act, unless there be something repugnant in the subject or context—

(*a*) "village" means the site of a village or town, determined for the time being as under section 126 of the [1]Bombay Land-revenue Code, 1879, together with the area included within a distance of a quarter of a mile from any part of such site, in so far as such site or area is not included within a permanent municipal district or a military cantonment ;

Bom. Act V of 1879.

(*b*) "prescribed" means prescribed by a rule made under this Act ;

(*c*) "chávdí" means, in any village in which there is no chávdí, such place as the Collector directs shall be deemed to be the chávdí for the purposes of this Act.

Operation of Parts II, III and IV.

5. (*1*) Part II shall come into force in any village to which the Collector extends [2] the same, under the power hereinafter conferred upon him in this behalf, from such date as the Collector shall direct, and shall continue in force, when so extended, until the [3][Commissioner] directs by [4] notification in the Bombay Government Gazette that it shall cease to have operation in such village, or extends Part III to such village.

(2) Part III shall come into force in any village to which the [3][Commissioner] extends the same, under the power hereinafter conferred upon him in this behalf, from such date as is directed in this behalf by the [3][Commissioner], and shall continue in force, when so extended, until the [3][Commissioner] directs by notification in the Bombay Government Gazette that it shall cease to have operation in such village.

(3) Part IV shall have operation, as far as its provisions apply, in and in respect of every village in which either Part II or Part III is in force.

Part II how to be extended to a village.

6. (*1*) Subject to the control of the Commissioner and of Government, the Collector may at any time extend Part II to any village in his district in which Part III is not in force.

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[1] Vol. II of this Code.

[2] For list of villages to which Part II has been extended, *see* Appendix to this Vol.

[3] This word was substituted for the words "Governor in Council" by the Bombay Decentralization Act, 1915 (Bom. Act 3 of 1915) Vol. V of this Code.

[4] For notification directing that the Act shall cease to be in operation in certain villages and tálukás, *see* Bombay Local Rules and Orders.

(*2*) For the purpose of extending Part II to any such village, the Collector shall cause to be published by posting up copies thereof in conspicuous places in his own office and in the office of the Mámlatdár and of the Mahálkarí within whose táluqá or mahal the said village is situate and in the chávadí or some other public building in the said village, a proclamation in the language of the district directing that, unless a proclamation be thereafter issued by him to the contrary, Part II shall extend to the said village on and from a date to be specified in the proclamation, which shall not be less than two months after that on which the proclamation is posted up in the village, and stating that any objection which any inhabitant of the village may desire to make to the said extension will, if submitted to the Collector not later than one month before the said specified date, be received and considered.

(*3*) If, after considering any objections which may have been made as aforesaid, the Collector shall be of opinion that good cause exists for not extending Part II to the village or for not extending it thereto immediately he may, by proclamation published as aforesaid—

(*a*) cancel his previous proclamation; or

(*b*) suspend the extension of Part II to the said village for a specified period.

(*4*) If the Collector suspends the extension of Part II to the village for a specified period, he may thereafter, by proclamation published as aforesaid—

(*c*) at any time abandon the proposed extension; or

(*d*) from time to time defer the extension for a further specified period.

Part III how to be extended to a village.

7. (*1*) The [1][Commissioner] may at any time extend Part III to any village in any part of the Presidency to which this act is applicable, whether Part II is at the time in force in such village or not. Such extension to a village where Part II is in force shall cause Part II to cease to operate therein.

(*2*) For the purpose of extending Part III to any such village, the [1][Commissioner] shall, by [2]notification in the Bombay Government Gazette direct that, unless a notification be thereafter issued by him to the contrary, Part III shall extend to the said village on and from a date to be specified in the notification, which shall not be less than three months from the date of the notification, and stating that any objection which any inhabitant of the village may desire to make to the said extension will, if submitted to [3][the Commissioner] or to the Collector, not later than one month before the said specified date, be received and considered.

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[1] This word was substituted for the words "Governor in Council" by the Bombay Decentralization Act, 1915 (Bom. Act 3 of 1915), Vol. V of this Code.

[2] For notification extending Part III of the Act to certain villages and talukas, *see* Bombay Local Rules and Orders.

[3] These words were substituted for the words "a Secretary to Government" by the Bombay Decentralization Act, 1915 (Bom. Act 3 of 1915), Vol. V of this Code.

(*3*) If, after considering any objections which may have been made as aforesaid, [1][the Commissioner] shall be of opinion that good cause exists for not extending Part III to the village or for not extending it thereto immediately, [2][he may,] by notification in the Bombay Government Gazette, exercise the like powers with respect to the extension of the said Part as the Collector is authorised to exercise, with respect to Part II by sub-sections (*3*) and (*4*) of section 6.

(*4*) Translations in the language of the district of every notification issued by [1][the Commissioner] under this section shall be published by the Collector, without delay, in the manner prescribed in sub-section (*2*) of section 6 for the publication of a proclamation issued by himself.

PART II.

SANITARY COMMITTEES.

Each village to have a Sanitary Committee.

8. (*1*) There shall be a Sanitary Committee in every village to which this Part is extended. The said Committee shall consist of three or more adult house-holders, residents of the village, chosen, with their own consent, by the Collector, of whom the police patel shall be one, unless the Collector for reasons recorded in writing in any particular case determines otherwise. For the purpose of aiding him in his choice, the Collector may, in his discretion, procure the nomination or election, by the house-holders of the village, of qualified persons, in such mode as he shall deem expedient.

(*2*) The chairman of the said Committee shall be nominated by the Collector.

(*3*) The chairman and other members of the Committee shall hold office for the prescribed period.

Record of Committee's proceedings.

9. The proceedings of the Sanitary Committee shall be recorded in the prescribed manner (or, until rules are made under section 11, in such manner as the Collector by written order directs), by the village-accountant or such other person as the Collector appoints in this behalf, and, in the absence of the village-accountant or person so appointed, by such other person as the Committee may employ for this purpose; and the said record shall be verified by the signature of the chairman or of some other member of the Committee authorized by the Committee in that behalf, below each day's proceedings.

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[1] These words were substituted for the word "Government" by the Bombay Decentralisation Act, 1915 (Bom. Act. 3 of 1915), Vol. V of this Code.

[2] These words were substituted for the words "it may" by *ibid.*

Magistrates having jurisdiction in the village may take part in Committee's proceedings.

10. Every Magistrate having jurisdiction in the village may take part in the proceedings of the Committee at any meeting thereof at which he is present, and such Magistrate or, if there be more than one, the highest in magisterial rank of such Magistrates shall for this purpose be deemed to be a member and president of the Committee for the occasion.

Sanitary Committee to make village rules.

11. The Sanitary Committee may from time to time make rules, and repeal or vary the same, with the approval of the Collector—

(*a*) for regulating the terms of office of its members and its proceedings;

(*b*) for determining the manner in which its proceedings shall be recorded;

(*c*) for procuring and preserving for the use of the village an adequate supply of pure potable water;

(*d*) for the cleansing of the streets and open spaces of the village;

(*e*) for preventing accumulations of offensive and noxious matter in the village;

(*f*) for preventing nuisances and indecent or insanitary acts or omissions in the village; and

(*g*) generally for giving effect in the village to the purposes of this Act.

Provisions concerning the making of rules.

12. (*1*) For not less than three months before any rule which it is proposed to make under section 11 is to come into force, the Committee shall exhibit a copy thereof at the chávdí or some other public building in the village, and there shall be affixed to such copy a notice that objections thereto made in writing to the Collector not later than one month before the date fixed for their coming into force—which date shall be specified—will be received and considered.

(*2*) Any objections so made shall be considered by the Collector, in conference with the Committee. If, on such consideration, it shall seem desirable to alter or withdraw the proposed rule, such alteration or withdrawal shall be effected by a notice exhibited as aforesaid. If the Collector deems it expedient to suspend the operation of a rule, it may be suspended for a specified period by a notice exhibited as aforesaid, which shall state that objections thereto, made as aforesaid not later than one month before the expiry of the said period, will be received and considered. Any objection so made shall be considered as aforesaid, and, if it then seems desirable to alter or withdraw the rule, the same shall be notified as aforesaid.

(*3*) Subject to the provisions of sub-section (*2*), every rule made by the Committee, with the approval of the Collector and notified as aforesaid, shall come into force on the day notified in this behalf.

Prosecution of offenders against the rules.

13. Whenever it shall come to the notice or knowledge of the Sanitary Committee that any person in the village has apparently committed or is accused of having committed a breach of any rule made by the Committee under section 11, such Committee may, by notice in writing, require such person's attendance before the Committee.

Cognizance by the Committee of offences against the rules.

14. (*1*) All offences against the rules made by the Committee under section 11 shall be cognizable by the Committee.

(*2*) For the purpose of exercising this jurisdiction, the Committee shall assemble as often as shall be necessary or as the Magistrate of the district shall direct at the chávdí or some other convenient place within the village or near thereto.

(*3*) The Committee shall, in the presence of the accused person, or if notwithstanding the service of a notice upon the said person as aforesaid he fails to appear, then in his absence, take evidence as to the alleged offence and any evidence produced by the said person in his defence, and shall thereupon either acquit or convict the accused person and, if he is convicted, may sentence him to such punishment authorised by this Act or by the rules as it thinks reasonable.

Appeals against the Committee's decisions.

15. (*1*) A person convicted by the Committee may, at any time within ten days after sentence is passed against him, appeal to the Magistrate of the district or other Magistrate vested under the [1] Code of Criminal Procedure with appellate jurisdiction over the place where the sentence is passed, or to such other Magistrate, not being a member of such Committee, as the Magistrate of the district may, subject to the orders of Government from time to time, appoint in this behalf.

X of 1882.

(*2*) If such person gives notice of his intention to appeal and deposits with an officer appointed by the Magistrate of the district in this behalf the amount of the fine inflicted upon him, execution of the sentence shall be suspended until the lapse of 10 days from the date of the sentence, or, if an appeal is made, until it is disposed of. If within ten days no appeal is made, the sum deposited shall be appropriated to payment of the fine inflicted.

(*3*) The Magistrate who hears the appeal may confirm, reverse or modify the decision of the Sanitary Committee and may pass any order as to punishment which it was competent to the Committee to pass. His order shall be enforced in like manner as one made by the Sanitary Committee.

(*4*) The said Magistrate may suspend execution of the sentence pending disposal of the appeal when such suspension shall appear to him necessary or expedient, on such terms as shall seem reasonable.

[1] *See* now Act 5 of 1898, General Acts, Vol. V.

Sanitary Committee may authorize expenditure for necessary works or measures.

16. For the purpose of providing for the village an adequate supply of pure potable water, of cleansing the streets and open spaces thereof, of removing offensive and noxious matter therefrom and for other purposes conducive to the health and comfort of the inhabitants of the village, the Sanitary Committee may utilize, as far as available, the voluntary labour of inhabitants of the village and the services of village servants placed at its command under section 42; and, when these means are insufficient, may from time to time, with the approval of the Collector, employ such servants, enter into such contracts, make such deductions and allowances from any rate leviable under its authority, and may authorize the expenditure by the Collector or under his control, of such sums of money as shall be necessary and reasonable, for the purpose aforesaid.

Voluntary subscriptions may be raised for such works or measures.

17. The inhabitants of the village may by voluntary subscription raise any sum of money for any of the purposes aforesaid, and such sum may be paid to the Mámlatdár or other officer appointed by the Collector in that behalf, and shall by him be placed to the credit of an account which he shall keep in the name of the Sanitary Committee, for the defrayal of charges incurred under this Act for the purpose for which the subscription was raised.

Necessary moneys for expenditure may be raised by a rate on the inhabitants.

18. (*1*) If any sum of money of which the expenditure is authorised by the Committee is not raised by voluntary subscription and is not available from any other source, the same may be recovered by a rate charged on the inhabitants of the village and assessed by the Collector, in conference with the Sanitary Committee:

(*2*) Provided that the aggregate amount to be so charged in any year, on the inhabitants of any village, shall not exceed one-half of the aggregate amount leviable in that year as local fund cess from the inhabitants of such village.

(*3*) It shall be lawful for the Sanitary Committee, out of any unappropriated balance of money standing to its credit under the provisions hereinafter enacted, to make such contribution, on such terms as it shall deem expedient, to the cost of any work under construction by a Local Board, in fulfilment of the duties imposed on it by section 30, clauses (*c*), (*e*) and (*f*), of [1]Bombay Act I of 1884.

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[1] Vol. II of this Code.

PART III.

SANITARY BOARDS.

Constitution of Sanitary Boards.

19. (*1*) There shall be a Sanitary Board in every village to which this Part is extended, or one such board for a group of two or more such villages, as [1][the Collector] may direct. Each such board shall consist of such number of persons appointed by the Collector as [2] [he may direct], the said persons being residents within or near to the area which is to be subject to the board's authority and having property therein, and shall ordinarily include the police patels. For the purpose of aiding him in his choice, the Collector may in his discretion obtain the nomination or election of qualified persons, from amongst whom he will select all or some of the members, according to such mode and local distribution as shall seem expedient.

(*2*) Each meeting of such board shall be presided over by the Magistrate of highest rank present thereat who is a member, or, in the absence of any such Magistrate, by such member as the Collector, [3][may appoint] to be the president of the board. In the absence of any Magistrate and of the president, a meeting of the board shall be presided over by such one of the members present as may be chosen by the meeting to be chairman for the occasion.

(*3*) The president and members of the board shall hold office for the prescribed period.

Sanitary Board may make rules.

20. The Sanitary Board may from time to time make rules, with the approval of the Collector, and, save as hereinafter provided, shall discharge functions and exercise authority for the area subject to its authority in respect of the same matters, in the same manner, and subject to like provisions, restrictions and conditions as are hereinbefore enacted in the case of a Sanitary Committee.

Appointment of Sanitary Inspector and other officers.

21. (*1*) The Collector may [4]* * * from time to time appoint a Sanitary Inspector for any area or any part of the area subject to the authority of a sanitary board, and also such other subordinates as shall appear necessary, and determine the amount of salary to be paid to each of such officers. He may also dismiss or suspend the said officers.

(*2*) Such Sanitary Inspector may be a person employed by the Táluqá or District Local Board having authority at the place. He may be employed by or on behalf of two or more Sanitary Boards.

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[1] These words were substituted for the word "Government" by the Bombay Decentralization Act, 1915 (Bom. Act 3 of 1915), Vol. V of this Code.

[2] These words were substituted for the words "Government directs" by *ibid.*

[3] These words were substituted for the words "subject to the orders of Government, appoints" by *ibid.*

[4] The words "subject to the orders of Government" were omitted by *ibid.*

Duties of the Sanitary Inspector.

22. (*1*) The Sanitary Inspector shall take measures for preventing breaches of the rules in force in the area for which he is appointed, by, from time to time—

(*a*) posting up and otherwise publishing a general admonition respecting the observance of the said rules; or

(*b*) admonishing any person whom he finds offending against any of the said rules; or

(*c*) summoning to appear before the Sanitary Board any person who, from his own observation or from reports made to him by his subordinates, he has reason to think should be prosecuted for offending against any of the said rules.

(*2*) The Sanitary Inspector shall make such reports and be in such relation to the Sanitary Commissioner, consistent with the duties and obligations imposed on him by this Act or arising out of his position as a servant of a Local or Sanitary Board, as Government may prescribe.

Prosecutions at instance of the Board for breaches of rules.

23. The Board may also by notice in writing require the attendance before the Board of any person who is accused of having committed, or who, to the knowledge of the Board, has apparently committed, a breach of any rule made by the Board under section 20.

Cognizance by the Board of offences against the rules.

24. (*1*) All offences against the rules made by the Board under section 20 shall be cognizable by the Board, who, for the purpose of exercising this jurisdiction, shall assemble, as often as shall be necessary or as the Magistrate of the district shall direct, at some convenient place within or near to the area subject to its authority.

(*2*) The provisions of sub-section (*3*) of section 14 and of section 15 shall apply, as nearly as may be, to the hearing and decision of cases under this section by a Sanitary Board and to appeals by persons convicted by such Board.

Sanitary Board's orders by whom to be carried out.

25. (*1*) The orders of every Sanitary Board shall be carried out and its orders and proceedings shall be recorded in the prescribed manner and preserved by such member of the Board or by such officer of the Board or by such other officer as the Collector may from time to time nominate in this behalf.

(*2*) The person authorized in this behalf shall be bound to keep a true record of the Board's proceedings and orders, under his signature, and truly to prepare all summonses, notices and orders issuing by direction of the Board or of any member thereof in accordance with this Act or with rules made under section 20.

Sanitary Board may enter into certain contracts.

26. A Sanitary Board may, with the approval of the Collector, contract with any person—

(*a*) for the daily surface-cleansing of the streets and public spaces within the area or any portion of the area subject to its authority, so far as the same cannot be effected by means of the village-servants, if any, whose services are placed at its command under section 42, or

(*b*) for the removal from the said area of sweepings, dust, ashes, refuse, rubbish, carcasses of dead animals and any offensive or noxious matter.

Works and buildings which may be provided by a Sanitary Board.

27. Every Sanitary Board may, with the approval of the Collector, cause to be constructed such works and buildings as shall be necessary for providing for the area subject to its authority or any part thereof—

(*a*) an adequate supply of water ;

(*b*) proper and convenient places for the temporary deposit or final disposal of sweepings, dust, ashes, refuse, rubbish, carcasses of dead animals and other offensive or noxious matter ;

(*c*) means for conveying away or removing the several matters and things specified in clause (*b*).

Voluntary subscription may be raised to meet a Sanitary Board's expenditure.

28. The inhabitants of the area or any part of the area subject to the authority of a Sanitary Board may by voluntary subscription raise any sum of money for any purpose for which the Board may incur expenditure, and such sum may be paid to the Mámlatdár or other officer appointed by the Collector under section 30, and shall by him be placed to the credit of the Board for expenditure within the area in which and on the purpose for which the subscription was raised.

Purposes for which expenditure is to be incurred by Sanitary Board.

29. Every Sanitary Board shall be bound to provide for, or authorize the expenditure necessary for—

(*a*) paying the salaries of the Sanitary Inspector and other officers, if any, appointed under section 21 ; and

(*b*) providing stationery and other requisites for the use of the Board and of the said Sanitary Inspector and other officers, if any ; and

(*c*) fulfilling any contract entered into by it under section 26 ; and

(*d*) constructing necessary works and buildings under section 27.

Sanitary Board's ways and means.

30. (*1*) A debit and credit account shall be kept by the Mámlatdár or other officer appointed by the Collector in that behalf in the name of each Sanitary Board. To the debit of such account shall be placed all expenditure authorizedly incurred under section 29. To its credit shall be placed all sums

raised by voluntary subscription under section 28, all sums realized from any other source for meeting the Board's expenditure and the net proceeds of any rate assessed as hereinafter provided.

(2) For the purpose of raising money for expenditure by a Sanitary Board under this Act, the Collector may, subject to the same limit as is by section 18 (2) provided in respect of rates charged under section 18 (1), from time to time, in conference with such Board, charge and assess a rate on the inhabitants of the area or of any part of the area subject to the Board's authority.

(3) The burden of any rate charged under sub-section (2) shall be distributed over the several parts of the area subject to the Board's authority in such proportions as the Collector, in conference with the Board, directs, or, if the Collector, in conference with the Board, so determines, shall be placed wholly on one or more such parts.

PART IV.

General Provisions.

Certain Government officers to advise Sanitary Committees and Boards.

31. The Executive Engineer of the district and any subordinate of the Executive Engineer, of the Sanitary Commissioner or of a Local Board, having authority at the place whom the Collector may appoint generally or specially in this behalf shall have, in relation to a Sanitary Committee or Board, such rights and duties as are assigned to certain officers in relation to Local Boards by the first paragraph of section 33 of [1] Bombay Act I of 1884.

Removal from office of members, etc., of Sanitary Committees and Boards.

32. The Collector may, after recording his reasons for the same, remove from office any member or chairman of a Sanitary Committee and with the sanction of [2][the Commissioner], any member, or president of a Sanitary Board, who appears to be incompetent or who has been guilty of any misconduct or neglect of duty which appears to render his removal expedient.

Filling up of vacancies.

33. (1) Whenever for any reason a vacancy occurs or is about to occur in the office of a member or chairman of a Sanitary Committee, or of a member or president of a Sanitary Board, the Collector shall without delay appoint a person to fill such vacancy.

(2) During any such vacancy the continuing members of a Sanitary Committee or Board may act as if no vacancy had occurred.

Questions to be decided by majorities.

34. Every question which comes before a Sanitary Committee or Board for decision shall be decided by a majority of votes of the members present

[1] Vol. II of this Code.

[2] These words were substituted for the word "Government" by the Bombay Decentralization Act, 1915 (Bom. Act 3 of 1915), Vol. V of this Code.

and voting at a prescribed meeting of such committee or board or at a meeting thereof assembled by direction of the Collector or otherwise after notice duly issued to all the members, the member who presides having a second or casting vote when there is an equality of votes.

Signing of summonses, etc.

35. Summonses, notices and orders issued by a Sanitary Committee or Board or with its authority may be signed on behalf of the committee or board by the member presiding at any meeting of such committee or board.

Punishment for breach of rules made under this Act.

36. A breach of any rule made by a Sanitary Committee or Board under this Act in respect of any matter other than the matters specified in clauses (*a*) and (*b*) of section 11 shall be punishable, unless in any case a smaller maximum punishment is prescribed by the said rules, with fine which may extend to ten rupees, and in default with confinement in the chávdí for a period which may extend to forty-eight hours, and, in the case of a continuing breach, with fine which may extend to two rupees for every day after conviction for the first breach or after receipt of notice from the committee or board or from the Sanitary Inspector, to discontinue the breach, during which the breach continues and, in default, with confinement as aforesaid.

Order for levy of fines.

37. (*1*) A Sanitary Committee or Board may allow to a person sentenced to pay a fine such time not exceeding four days as it may think proper for payment of the fine, on such terms as to security as it shall seem to the committee or board necessary to impose.

(*2*) Whenever default is made in the payment of a fine, the Sanitary Committee or Board which passed the sentence, or on appeal from whose decision the sentence was passed, may in its discretion by written order direct the levy of the amount, although the sentence directs that, in default of payment of the fine, the offender shall be confined and the offender is or has been confined.

Levy of fines and rates.

38. All fines for the levy of which an order has been issued as aforesaid, all sums assessed on account of any rate under this Act, which are not paid after reasonable notice, shall be leviable by the patel or by such other person as the Collector or the Sanitary Committee or Board, with the Collector's sanction, appoints in that behalf, by distress and sale of any moveable property of the person liable therefor, subject to such exceptions as are enacted in the [1]Code of Civil Procedure in respect of the sale of moveable property in execution of decrees.

XIV of 1882.

Net proceeds of fines to be credited to account of

39. All fines levied in respect of breaches of rules made under this Act shall, after deducting the expenses, if any, of prosecuting the offenders, be

[1] *See* now Act 5 of 1898, General Acts, Vol. VI.

Committee or Board having authority over the villages in which offences are committed.

paid to the Mámlatdár or other officer appointed by the Collector under section 17 or 30, and shall by him be placed to the credit of the account of the Sanitary Committee or Board having authority over the village in which the breach was committed, for expenditure on any purpose contemplated by this Act.

Contributions and loans from local boards.

40. (*1*) Any District or Táluqá Local Board may from time to time assign, by way of donation or loan, to the Sanitary Committee or Board of any village or group of villages in the area subject to its authority, for expenditure on any purpose contemplated by this Act, such sum out of the portion of the local fund at its disposal as it shall think proper.

(*2*) Any sum so assigned shall be paid to the Mámlatdár or other officer appointed by the Collector under section 17 or 30, and shall by him be placed to the credit of the account of the Sanitary Committee or Board to which it is assigned.

(*3*) But no sum shall be so assigned by way of loan, without the sanction of the Collector, and every sum assigned by way of loan with such sanction shall be recoverable by the Collector in such instalments of interest and of principal as shall be agreed upon between the parties, by a rate charged and assessed by the Collector, in conference with the Sanitary Committee or Board, upon the inhabitants of the area subject to the authority of such Committee or Board.

Execution of works in which two or more Sanitary Committees or Boards are jointly interested.

41. (*1*) Works for the supply of water or for the drainage of two or more villages subject to the authority of different Sanitary Committees or Boards and any other work or measure conducive to the common health or comfort of two or more such villages may, upon request made, with the approval of the Collector, by all such Committees and Boards or by a majority of them, be executed by or under the direction of the Collector or of such other officer as [1][the Commissioner may appoint] in this behalf.

Recovery of cost of such works.

(*2*) The cost of any such work or measure shall be divided between the several Committees and Boards in such proportions as shall be agreed upon by them, or, in default of such agreement, as the Collector shall determine; and shall be recoverable in the said proportions by a rate charged and assessed by the Collector, in conference with each Committee and Board, upon the inhabitants of the areas subject respectively to the said Committee's and Board's authority: subject to the same limit as is provided by section 18, clause (*2*), in respect of rates charged under section 18, clause (*1*).

[1] These words were substituted for the words "Government appoints" by the Bombay Decentralization Act, 1915 (Bom. Act 3 of 1915), Vol. V of this Code.

(3) Where any work undertaken or proposed by a Committee or Board constituted under this Act shall be such as to interfere with or materially affect any work undertaken or proposed by a District or Táluqá Local Board, such latter Board may require the Sanitary Committee or Board to desist from such work as aforesaid and it shall thereupon be the duty of the District or Táluqá Local Board to make reasonable provision, within reasonable time, for supplying to the area under the authority of the Sanitary Committee or Board such means of health, cleanliness and decency, or means equivalent thereto, as would have been furnished by the work abandoned in consequence of such requisition as aforesaid. Abandonment of a work proposed to be undertaken by a Sanitary Committee or Board in favour of a work to be undertaken by a Local Board.

(4) For the purpose of obtaining information as to any work intended or in course of construction, to which the provisions of the preceding clause may apply, it shall be lawful for the Taluqa or District Local Board to call for such report from the Sanitary Committee or Board, through the Collector, as shall be necessary and reasonable, and to cause such inspection and report to be made by any person in its employment, as it shall deem necessary in this behalf, and it shall be the duty of the Sanitary Committee or Board concerned to comply with such requisition and to give reasonable aid and furtherance to any inspection ordered as aforesaid. Local Boards may call for information in such cases.

42. Village-servants who hold land, profits of land or other emoluments by way of remuneration, wholly or partly, for services consisting in or connected with cleansing or conservancy may, as to such services, be placed by the Collector, subject to the control of [1][the Commissioner], under the command and superintendence of the Sanitary Committee or Board having authority in the place in respect of which the said services are due, and shall be bound to fulfil all reasonable orders of the said Committee or Board under such reasonable penalties as may be provided in any rule made under this Act. Certain village-servants to be placed under command of Sanitary Committee or Board.

43. (1) The Collector shall— Determination and recovery of duties of village-servants placed under command of Sanitary Committee or Board.

(a) determine all questions as to the amount of any payment at any time by custom or under any settlement mentioned in section 18, 19 or 20 of the [2]Bombay Hereditary Offices Act, due to a village-servant placed under the command of a Sanitary Committee or Board under the last preceding section; and

Bom. Act III of 1874.

(b) if necessary, cause the amount which he determines to be due or the money value thereof at the market-rate of the time being, if the

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[1] These words were substituted for the word "Government" by the Bombay Decentralization Act, 1915 (Bom. Act 3 of 1915), Vol. V of this Code.

[2] Vol. II of this Code.

due is payable in kind to be recovered on behalf of the village-servant entitled thereto, free of charge, as if the same were an arrear of land-revenue :

(2) Provided that the Collector may decline to cause such recovery to be made on behalf of any servant, if, in his opinion, the duty in respect of which the payment is due has not been duly performed by such servant.

Collector's functions under this Act may be delegated.

44. Any power conferred or duty imposed by this Act upon the Collector may, [1]* * * * * be [2] delegated by him to an Assistant or Deputy Collector.

Collectors, Magistrates and other public servants subject to usual control in the exercise of their authority.

45. In the discharge of the duties and the exercise of authority assigned to them by this Act, Collectors, Magistrates and other public servants shall be subject to the like control as in the discharge of their ordinary functions.

Indemnity of persons acting in good faith under this Act.

46. (*1*) No Magistrate, Collector, president or member of a Sanitary Committee or Board, or Sanitary Inspector shall be liable to any penalty or to payment of damages for any act by him done in good faith in pursuance or intended pursuance of any authority or duty conferred or imposed upon him by this Act.

(*2*) And no public servant or person duly authorized or appointed shall be liable as aforesaid for giving effect in good faith to any order or direction issued with apparent authority by a person empowered in that behalf under this Act or under any rule made hereunder.

SCHEDULE.

(*See Section 3.*)

Number and year of enactment.	Subject or title.	Extent of repeal.
[3] Bom. Act VII of 1867 ..	The Bombay District Police Act, 1867.	Sections 33 and 34.
[3] Bom. Act VIII of 1867 ...	The Bombay Village Police Act, 1867.	Clauses 2, 3 and 4 (except the first two and the last thirteen words) and 5 of section 16.

[1] The words "with the sanction of Government, " were omitted by the Bombay Decentralization Act, 1915 (Bom. Act 3 of 1915), Vol. V of this Code.

[2] For notification sanctioning the delegation of powers by Collectors and Deputy Commissioners in Sind, *see* Bombay Local Rules and Orders, and for notification delegating powers to Assistant and Deputy Collector under certain sections of the Act, *see* Bombay Government Gazette, 1902, Pt. I, p. 1153.

[3] Vol. II of this Code.

BOMBAY ACT No. I OF 1890.[1]

[*27th May, 1890.*]

An Act to amend the Prevention of Gambling Act (Bombay IV of 1887).

[NOTE.—The amendments made by this Act are incorporated in Bom. Act IV of 1887 as printed in Vol. II of this Code.]

THE BOMBAY SALT ACT, 1890.

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BOMBAY ACT No. II OF 1890.[1]

[*9th July, 1890.*]

An Act to consolidate and amend the law relating to salt and the salt-revenue throughout the Presidency of Bombay.

WHEREAS it is expedient to amend the [2] Bombay Salt Act, 1873, and to enact a consolidated salt law for the whole of the Bombay Presidency; It is enacted as follows :— Bom. Act VII of 1873.

CHAPTER I.

PRELIMINARY.

Short title.

1. (*1*) This Act may be cited as the Bombay Salt Act, 1890.

Extent.

(*2*) It extends to the whole of the Presidency of Bombay [3] * * * *.

Repeal of enactments.

2. (*1*) The Bombay Salt Act, 1873, and Bombay Act V of 1882 (*an Act to amend the Bombay Salt Act of 1873*) are repealed: Bom. Act VII of 1873.

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[1] For Statement of Objects and Reasons, *see* Bombay Government Gazette, 1888, Part V, p. 174, for Report of the Select Committee, *see ibid*, 1889, p. 19, and for Proceedings in Council, *see ibid*, 1888, p. 387, *ibid*, 1889, p. 61, *ibid*, 1890, pp. 13, 19 and 65.

[2] The Bombay Salt Act, 1873, is repealed by this Act, *see* s. 2 (*1*), *infra*.

[3] The words "but it shall not come into force in Sind till such date as the Governor of Bombay in Council, by notification in the Bombay Government Gazette, fixes in this behalf" were repealed by the Amending Act, 1895 (15 of 1895), Vol. I of this Code.

For notification extending the Act to Sind, *see* Bombay Local Rules and Orders.

(2) Provided that :—

(*a*) all rules and appointments made, licenses and permits granted, notifications published and powers conferred under either of the said enactments and now in force shall, so far as they are consistent with this Act, be deemed to have been respectively made, granted, published and conferred hereunder :

(*b*) the said repeal shall not affect any act done, or any offence committed, or any proceedings commenced, or any claim which has arisen, or any penalty which has been incurred, before this Act comes into force.

3. In this Act, unless there is something repugnant in the subject or context— Definitions.

(*a*) " Commissioner " means a Commissioner of Salt-revenue ;

(*b*) " Collector ", " Deputy " and " Assistant Collector " mean respectively a Collector or a Deputy or Assistant Collector of Salt-revenue ;

(*c*) " salt-revenue-officer " means an officer of the Salt Department and includes any other person, whether Government officer or not invested under section 10 with any power under this Act ;

(*d*) " natural salt " means salt spontaneously produced, natural saline deposits, and efflorescence ;

(*e*) " salt " includes natural salt ;

(*f*) " salt-earth " means earth naturally impregnated with salt, or with which salt is mixed ;

(*g*) " manufacture " includes every process by which salt is separated from brine or earth or any other liquid or substance, and also every process for the purification or refinement of salt ;

(*h*) " salt-work " includes—

(*i*) a place used or intended to be used for the manufacture of salt and all embankments, reservoirs, condensing and evaporating pans, buildings and waste places situated within the limits of the same ;

(*ii*) all drying grounds and storage platforms and store-houses appertaining to any such place ; and

(*iii*) land on which salt is spontaneously produced ;

(*k*) a " private salt-work " is one not solely owned or not solely worked by Government ;

(*l*) " licensee of a salt-work " means a person licensed to manufacture, excavate or collect salt at, or to remove salt from, a salt-work ;

[1][(*m*) "contraband salt" means:

A. Salt or salt-earth removed from a salt-work or from a Government warehouse or store, or manufactured, excavated, collected, packed, stored, landed, transported or had in possession in contravention—

(*i*) of this Act, or of any other enactment relating to the salt-revenue at the time being in force; or

(*ii*) of any rule or order made under this Act or under any other such enactment as aforesaid; or

(*iii*) of any license or permit issued under this Act, or under any other such enactment as aforesaid; and

B. Salt, which has evaded payment of any duty imposed under section 7 (*a*) of the [2]Indian Salt Act, 1882, or of any duty leviable under any Tariff Act in force for the time being;] XII of 1882.

(*n*) "maund" means an Indian maund of 82⅔ pounds avoirdupois weight;

(*o*) "possession" or "removal" of salt or salt-earth by a servant or agent of any person, on that person's account, shall be deemed to be possession or removal thereof by such person.

CHAPTER II.

Establishment and Control.

Power for Governor in Council to appoint superior officers of the Salt Department.

4. (*1*) [3][Subject to such control of the Governor General in Council as may be prescribed by rules made under section 45A of the Government of India Act] the Governor in Council may, from time to time, [4]appoint either by name or by virtue of their office, so many persons as he thinks fit to be officers of the Salt Department.

(*2*) The said officers shall be appointed under the designations of—

(*a*) Commissioner of Salt-revenue;

(*b*) Collector of Salt-revenue;

(*c*) Deputy Collector of Salt-revenue;

(*d*) Assistant Collector of Salt-revenue;

and such other designations, if any, as the Governor in Council thinks fit.

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[1] This clause was substituted by s. 1 of Bom. Act 1 of 1901, Vol. IV of this Code.

[2] General Acts, Vol. III.

[3] These words were substituted for the words "Subject to the general control of the Governor General in Council" by s. 2 and Sch. I of the Devolution Act, 1920 (38 of 1920).

[4] For notifications appointing certain officers to be officers of the Salt Department, *see* Bombay Local Rules and Orders.

(3) Each such officer shall be appointed for such local area as the Governor in Council from time to time defines in this behalf.

(4) The Governor in Council may suspend, remove, dismiss, or accept the resignation of, any person appointed under this section.

(5) The Governor in Council may at any time withdraw from any officer any of the powers or duties which are or which may be conferred or imposed by or under this Act.

Collectors charged with carrying out this Act.

5. (1) Subject to the control and direction of the Commissioners to whom they are respectively subordinate and to the orders of Government, the Collectors are charged with the collection of salt-revenue and with the carrying out of the provisions of this Act within the local areas for which they are respectively appointed:

Proviso.

(2) Provided that it shall be competent to the Governor in Council, by an order published in the Bombay Government Gazette, whenever and for so long as he shall deem fit, to keep the office of Commissioner of Salt-revenue in any part of the Presidency in abeyance, and to empower the Collectors in such part, during the time that the said office is so held in abeyance, to exercise the powers and perform the duties of Commissioner within the local areas for which they are respectively appointed, and their proceedings and orders shall, in that case, be subject to the immediate control of Government.

Power of Commissioners—

6. Subject to such orders as may from time to time be passed by Government in this behalf, the Commissioners may—

to appoint subordinate officers of the Salt Department, and

(*a*) appoint such subordinate officers of the Salt Department, with such designations as they deem fit;

to punish them for misconduct.

(*b*) at any time, after inquiry recorded in writing, fine, dismiss, suspend or reduce any officer so appointed, for any breach of departmental rules or discipline, or for carelessness, unfitness, neglect of duty or other misconduct.

Delegation of powers by Commissioners to Collectors, etc.

7. The powers conferred on Commissioners by the last preceding section may be delegated by any Commissioner, in whole or in part, to any Collector or Deputy or Assistant Collector, and any such delegation may be at any time cancelled by the Commissioner.

Provisions of Chapter III, Bombay Land-revenue

8. All officers of the Salt Department shall be deemed to be revenue-officers within the meaning and for the purposes of Chapter III of the [1]Bombay Land-revenue Code, 1879, and all the provisions of the said

Bom. Act V of 1879.

[1] Vol. II of this Code.

Code, 1879, to apply to salt-revenue officers and their sureties.

Chapter relating to revenue-officers and their sureties shall be applicable respectively to officers of the Salt Department and their sureties. Provided that all the powers conferred and duties imposed by the said Chapter on the Collector or the Superintendent of Survey, shall, in respect of officers of the Salt Department and their sureties, be exercised and performed by the Collectors of Salt-revenue only.

9. [*Existing officers in Sind.*] *Rep. Act XVI of 1895.*

Conferment of powers under this Act.

10. (*1*) The Governor in Council may, from time to time, by [1]notification in the Bombay Government Gazette, invest—

(*a*) any officer of the Salt Department, either personally or in virtue of his office ; or

(*b*) any Government officer of any other department, either personally or in virtue of his office ; or

(*c*) any other person ;

with all or any of the powers described or contemplated in sections 28, 38, 39, 42 and 44.

(*2*) The Governor in Council may [2]delegate the power vested in him by this section, either wholly or partly, to a Commissioner, subject to such limitations or conditions as Government may by any order prescribe.

CHAPTER III.

MANUFACTURE, EXCAVATION AND COLLECTION OF SALT AND SALT-EARTH.

Manufacture, etc., of salt prohibited except under a license.

11. No salt shall be manufactured and no natural salt and, except under the provisions of section 14, no salt-earth shall be excavated or collected or removed, otherwise than by the authority and subject to the terms and conditions of a license to be granted by the Collector in this behalf.

[Provided that no such license shall be necessary for any process of manufacture of salt on which duty has been paid.]

Licenses to be granted by the Collector.

12. The Collector shall, on application, grant a license for the manufacture, excavation, collection or removal of salt, to any person entitled to the same under section 16 or section 17, and may, in his discretion, grant licenses for any of the said purposes or for the excavation, collection or removal of salt-earth to any other persons.

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[1] For notifications investing certain officers with powers under the sections referred to, *see* Bombay Local Rules and Orders.

[2] For notifications delegating powers under s. 10 (*2*), *see* Bombay Local Rules and Orders.

[3] This proviso was inserted by s. 1, Bom. Act 2 of 1892, *infra*.

13. (*1*) Each such license shall specify : Licenses what to contain.

(*a*) the name of the person to whom it is granted ;

(*b*) the limits within which the manufacture, excavation or collection under it is to be carried on ; and

(*c*) the place where the salt or salt-earth so manufactured, excavated, collected or removed is to be stored ;

and shall be in such form and contain such conditions as the Commissioner, subject to the directions of Government, from time to time prescribes.

(*2*) The Collector may, at any time, call for any such license and alter or amend it in accordance with the conditions so prescribed.

(*3*) A register of licenses granted under this section shall be kept in the office of the Collector.

14. The Governor in Council may, from time to time, make [1]rules for permitting the excavation, collection or removal by any person or class of persons, in any local area or place defined in such notification, of salt-earth, without a license from the Collector, and may in such rules frame such provisions as he shall deem fit for limiting and regulating such excavation, collection or removal and prescribe the uses to which salt-earth so obtained may be put. Power for Government to make rules for permitting excavation, collection or removal of salt-earth without a license.

15. Every village-officer shall communicate to a salt-revenue-officer or to a Magistrate, or to an officer in charge of a police-station, within three days after the same shall come to his knowledge, any information which he may obtain of the manufacture, excavation, collection or removal of salt or salt-earth without a license or of any new formation of natural salt in or near his village. Village-officers bound to report illicit manufacture of salt, etc.

CHAPTER IV.

PRIVATE SALT-WORKS.

Proprietors entitled to manufacturing licenses.

16. The proprietor of a private salt-work who has by virtue of a sanad, granted by the British or any former Government, a special and permanent right to manufacture salt, or to excavate or collect natural salt, shall, unless his salt-work is suppressed under section 24 of this Act or has been suppressed Special and permanent rights of manufacturing salt to be recognized.

[1] For the Sind Salt Rules, *see* Bombay Local Rules and Orders.

under section 33 of the [1]Bombay Salt Act, 1873, be entitled, on application, to a license for such purpose. Bom. Act VII of 1873.

Rights of ordinary proprietors of existing salt-works.

17. (*1*) Except as is hereinafter otherwise provided, every proprietor of a private salt-work, to which section 16 does not apply and which is being lawfully worked at the time when this Act comes into force, or which was lawfully worked at any time within three years next before the date on which this Act comes into force, shall, unless his salt-work is suppressed under section 24 of this Act or has been suppressed under section 33 of the [1]Bombay Salt Act, 1873, be entitled, on application, to a license to manufacture salt or to excavate or collect natural salt at such work : Bom. Act VII of 1873.

(*2*) Provided that the Collector may at any time withdraw or withhold a license from the proprietor of any salt-work to which section 16 does not apply, if no salt shall have been manufactured, excavated or collected in such salt-work for the three years ending on the thirtieth day of June last preceding the date of his order or, with the previous sanction of the Governor in Council, if such salt-work shall not have produced, on an average, during the said three years, at least five thousand maunds of salt per annum.

Control of Works.

Chaukis and preventive stations may be established by the Collector in or near salt-works.

18. (*1*) The Collector may, for the purposes of this Act, cause chaukis to be erected in such places as he thinks fit within a private salt-work, and the proprietor or licensee of the salt-work shall have no claim for compensation for the ground occupied by such chaukis.

(*2*) The Collector may also, for the purposes of this Act, station such salt-revenue-officers and other persons as he deems fit within the limits of a private salt-work, and establish [2] preventive stations wherever he thinks fit in the neigbourhood of any such salt-work.

Disposal of sifted or refuse salt at a private salt-work.

19. (*1*) The Collector may, at any time, by written notice, require the licensee of a private salt-work to store in heaps any sifted or refuse salt which may be lying on such work, or, at such licensee's option, to destroy the same.

(*2*) If the licensee shall fail, within ten days from the date of service of any such notice, either to store in heaps or effectually to destroy the same, the Collector may cause the salt to be effectually destroyed and the cost of so doing shall be recoverable by him from the licensee of the salt-work.

(*3*) The decision of the Collector as to whether any salt is sifted or refuse salt shall, for the purposes of this section, be conclusive.

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[1] Repealed by this Act, s. 2 (*e*), *supra*.

[2] For notifications declaring certain Bandars to be preventive stations, *see* Bombay Local Rules and Orders.

Heaps of salt at a private salt-work when opened to be entirely removed or reheaped.

20. (*1*) When any heap of salt in a private salt-work has been opened and a portion of it removed, the salt-revenue-officer in charge of the salt-work may, by written notice, require the licensee of the salt-work either to remove the remaining portion of the salt in such heap or to reheap and secure the same in such manner as the said officer shall deem sufficient.

(*2*) If the licensee shall fail to comply with such notice within three days from the date of service thereof, the officer aforesaid may offer the salt remaining from the heap for sale, and, if the price offered be not less than the duty leviable thereon, may sell it. If the price offered be less than the amount of the duty, he may cause the salt to be destroyed, and the cost of so doing shall be recoverable by him from the licensee of the salt-work.

Power for certain salt-revenue-officers to require licensees of private salt-works to repair or reconstruct places for storage of salt or to provide for protection of salt or to repair store-houses.

21. (*1*) Any salt-revenue-officer not lower in rank than a sarkarkun may, by written notice, require the licensee of a private salt-work :

(*a*) to repair or reconstruct any embankment, platform or place for the storage of salt within such salt-work ;

(*b*) to protect, in any manner which shall appear to such officer sufficient, by thatch or in any other mode customary in the locality, any salt stored upon any such embankment, platform or place ;

(*c*) to repair, to such officer's satisfaction, any store-house, building or premises used for the storage of salt manufactured, excavated or collected at such salt-work on which duty has not been paid.

(*2*) If the licensee shall fail to comply with such notice within twenty days from the date of service thereof, the officer aforesaid may cause the necessary work to be executed, and the cost of so doing shall be recoverable by him from the licensee of the salt-work.

Provision for execution of emergent works.

22. If the salt-revenue-officer aforesaid shall be of opinion that unless any such work as is mentioned in the last preceding section is executed without delay, the salt-revenue will be endangered, he may, by written notice, and after recording his reasons for so doing in writing, require the licensee of the salt-work to execute the said work within such period as may be reasonably sufficient for the execution thereof, and, if the licensee fails to comply with the notice within such period, may cause the work to be executed; and the cost of so doing shall be recoverable by him as aforesaid.

Power of Collector to require licensees of private salt-works to construct, reconstruct,

23. (*1*) The Collector may, by written notice, require the licensee of a private salt-work, within a reasonable period to be prescribed in such notice, to his satisfaction :

(*a*) to construct within or adjacent to such salt-work a store-house or other building or premises for the storage of salt manufactured,

alter or extend store-houses or to construct places for the storage of salt.

excavated or collected at such salt-work, on which duty has not been paid ; or

(*b*) to reconstruct, alter or extend any existing store-house or other building or premises used for the storage of such salt as aforesaid ;

(*c*) to construct within such salt-work any embankment, platform or place for the storage of salt.

(*2*) If the licensee shall fail within the prescribed period to comply with such notice, the Collector may cause the necessary work to be executed ; and the cost of so doing shall be recoverable by him from the licensee of the salt-work.

Suppression of private Salt-works and Determination of licenses.

Power for Governor in Council to suppress a private salt-work or to suspend or withdraw license, if the licensee offends against this Act ; or to fine the licensee if an offence is committed by any person employed at a private salt-work.

24. (*1*) If the licensee of any private salt-work, or his agent, has been found by an authority competent in this respect to have committed any offence punishable under this Act, the Governor in Council may suppress such salt-work, or suspend or withdraw the license to manufacture, excavate or collect salt thereat or to remove salt therefrom.

(*2*) If any such offence is committed by any person employed at a private salt-work, the Governor in Council may impose a fine not exceeding one thousand rupees on the licensee of such work, unless the said licensee establishes, to the satisfaction of the Governor in Council, that all due and reasonable precautions were exercised by him to prevent the commission of such offence.

(*3*) For the purposes of this section the decision of the Governor in Council as to whether any such offence as aforesaid has been committed shall be conclusive.

(*4*) If any fine imposed under this section is not paid forthwith, the amount thereof may be recovered, upon application by the Collector, by any Magistrate, as if the same were a fine inflicted by such Magistrate.

Acquisition of private salt-works under Act X of 1870.

25. Whenever it shall appear necessary to the Governor in Council to obtain the ownership of any private salt-work with a view to suppressing it, he may proceed to acquire such salt-work under the provisions of the [1] Land Acquisition Act, 1870. X of 1870.

Power to destroy suppressed and unlicensed salt works.

26. Whenever, under any of the provisions of this Act, a private salt-work is suppressed, or a license to manufacture, excavate or collect salt at or to remove salt from any salt-work is withheld, suspended, or withdrawn, the Collector may flood the said work with water or take such other measures as he may deem fit for preventing the manufacture or the spontaneous production of salt therein.

[1] *See* now the Land Acquisition Act, 1894 (1 of 1894,) Genl. Acts, Vol. IV.

27. (*1*) Salt in store at any private salt-work on the date when it is suppressed or when a license for the manufacture, excavation or collection of salt thereat or the removal of salt therefrom is withheld, suspended or withdrawn, may be removed by the licensee of the salt-work within the period of six months from the said date, and for the purpose of such removal the license shall for the said period be deemed to continue in force. Removal of salt from suppressed and unlicensed private salt-works.

(*2*) The Collector may cause any salt which remains at any such salt-work after the expiry of the said period of six months to be put up for sale, and if the price offered be not less than the duty leviable thereon may sell it. If the price offered be less than the amount of the duty, he may cause the salt to be destroyed.

CHAPTER V.

Removal of Salt from Salt-works or Government Warehouses.

[1]**28.** No salt shall be removed from any salt-work or from any Government warehouse or store, otherwise than on account of Government, except under a authority and subject to the terms and conditions of a permit to be granted by a salt-revenue-officer empowered in this behalf. Removal of salt from a salt-work or Government warehouse without a permit prohibited.

[1]**29.** No such permit shall be granted until after payment of the duty and other charges, if any, payable to Government in respect of the salt intended to be removed, nor except upon a written application for the same. Permit to be granted only after payment duty and charges and on a written application.

[1]**30.** (*1*) The duty and other charges, if any, payable to Government shall be paid to such officer as the Commissioner from time to time directs [2]; and he shall give a receipt for the payment in such form as the Commissioner may prescribe. Payment of duty and charges.

(*2*) If the officer authorized to receive the said payment is the same salt-revenue-officer who is empowered to grant the permit, the amount of the duty and other charges, if any, payable to Government in respect of

[1] For rules issued under ss. 28 to 35, for the sale of salt from the Maurypur Mach Salt-works, *see* Bombay Local Rules and Orders.

[2] For rules relating to the receipt of Government duty and the price of Baragra salt manufactured at the Pritchard salt-works, *see* Bombay List of Local Rules and Orders.

the salt intended to be removed shall be presented to the said officer, along with the written application for a permit, and the said officer's receipt therefor may be attached to the permit. Otherwise the receipt of the officer authorized to receive payment of the duty and other charges, if any, shall accompany the written application for a permit.

Form and contents of receipt, written application and permit.

[1]**31.** (*1*) The receipt and written application shall, respectively, be in such form and be signed by such persons and contain such particulars as the Commissioner from time to time directs.

(*2*) The permit shall specify :

(*a*) The amount of duty and other charges, if any, paid ;

(*b*) The quantity of salt to be removed ;

(*c*) The salt-work, or Government warehouse or store from which and the person by whom the salt is to be removed ;

(*d*) in the case of salt removed from a salt-work, the preventive station at which the salt is to be examined ;

(*e*) the place to which and the route by which the salt is to be taken ;

(*f*) the period for which the permit shall be in force ;

and shall be in such form and contain such other particulars, if any, as the Commissioner from time to time directs.

Order to subordinate salt-revenue-officer may be attached to permit.

[1]**32.** (*1*) If the Commissioner so directs, there shall be attached to the permit an order to the salt-revenue-officer in subordinate charge of the salt-work or Government warehouse or store from which salt is to be removed, requiring him to allow the quantity of salt mentioned in the permit to be removed, and to endorse upon the order a certificate signed by himself and by the person who removes the salt and, if it is removed from a private salt-work, by the licensee of the salt-work, as to the correctness of the weighment and of the scales and weights used in weighing the salt.

(*2*) The said order and certificate shall be in such form and contain such particulars as the Commissioner from time to time prescribes.

Course to be followed by salt-revenue-officer in subordinate charge of salt-works.

[1]**33.** When a permit is presented to the salt-revenue-officer in subordinate charge of a salt-work, or of a Government warehouse or store, he shall :

(*a*) fill up the blanks therein, if any, intended to be filled up by him ;

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[1] For rules issued under this section, *see* footnote to s. 28, *supra*.

(*b*) permit the authorized amount of salt to be weighed out for removal; etc., when permit is presented to him.

(*c*) tear of and retain the order, if any, attached to the permit;

(*d*) fill in and take the signatures of the proper person beneath, and himself attest the certificate to be endorsed on the said order, if any;

(*e*) return the permit to the person entitled to remove the salt and permit the salt to be removed.

[1]**34.** (*1*) Salt removed from a salt-work under a permit as aforesaid shall be taken, together with the permit covering it, direct to the preventive station named in the permit, within the period prescribed in such permit. Salt how to be dealt with after leaving a salt-work.

(*2*) Subject to such orders as the Collector from time to time issues in this behalf, the salt-revenue-officer in charge of the preventive station may examine and re-weigh the salt under removal.

(*3*) If the said officer shall be satisfied that the quantity of salt under removal is not in excess of the quantity specified in the permit, he shall allow it to pass, and, after endorsing the permit to the effect that he has passed the same, shall return it to the person removing the salt.

(*4*) Thereafter the salt shall be conveyed to the place named in the permit within the period prescribed therein.

[1]**35.** It shall be incumbent on every person who has obtained a permit for the removal of salt, either personally or through an agent lawfully appointed for this purpose: Responsibilities of permit-holders.

(*a*) to test the scales and weights used in weighing out such salt;

(*b*) to prevent the removal of salt in excess of the quantity named in the permit;

(*c*) if so required by the salt-revenue-officer in subordinate charge of the salt-work, or Government warehouse, or store, from which the salt is removed, to sign a certificate as to the correctness of the weighment and of the scales and weights used in weighing out the salt;

(*d*) to superintend the removal of the salt.

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[1] For rules issued under this section, *see* footnote to **s. 28**, *supra*.

CHAPTER VI.

WAREHOUSING OF SALT FOR SALE.

Salt not to be stored for the purpose of sale within certain limits without a license.

36. No salt shall be stored or had in possession for the purpose of sale :

[1]* * * * * * *

[2] (*a*) within one mile from the Matunga Salt-work in the island of Bombay ; or

[2] (*b*) within ten miles from any salt-work, or from any customs-station established under section 4 of [3]Act No. XXIX of 1857 (*an Act to make better provision for the collection of land-customs on certain foreign frontiers of the Presidency of Bombay*), or from any port or place at which at the time being it is lawful to import salt by sea or to land the same [4][such salt-work, customs-station, port or place being a salt-work, customs-station, port or place out of Sindi; or

[2] (*c*) within any other limits which shall from time to time be defined for this purpose by the Governor in Council by [5]notification in the Bombay Government Gazette ;

except under the authority and subject to the terms and conditions of a license to be granted by the Collector in this behalf.

The Governor in Council may make rules to regulate the storage, etc., of salt for purpose of sale in the said limits.

37. (*1*) The Governor in Council may, from time to time make [6]rules for regulating and licensing the storage or possession of salt for the purpose of sale within any of the limits aforesaid.

Licenses to store, etc., and sell salt may be issued by the Collector.

(*2*) Subject to the provisions of any rules so made, the Collector may, from time to time, grant licenses to such persons as he deems fit, authorizing them to store or possess salt within any of the said limits, for the purpose of sale.

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[1] Clause (*a*) was repealed by s. 3 and Sch. II of the Bombay Repealing and Amending Act, 1910 (Bom. Act. I of 1910), Vol. V of this Code.

[2] Clauses (*b*), (*c*) and (*d*) were re-named clauses (*a*), (*b*) and (*c*) by s. 2 and Sch. I *ibid.*

[3] Vol. I of this Code.

[4] These words were inserted by s. 2 and Sch. I of the Bombay Repealing and Amending Act, 1910 (Bom. Act 1 of 1910), Vol. V of this Code.

[5] For such a notification, *see* Bombay Local Rules and Orders.

[6] For the Sind Salt Rules and the Bombay Salt Rules, *see* Bombay Local Rules and Orders.

38. (*1*) No person shall, within any of the limits described in section 36, transport or possess salt exceeding one maund in weight, unless the same : Possession of salt exceeding one maund in weight prohibited within the said limits except under a permit, etc.

(*a*) is being removed under a permit obtained under section 28 ; or

(*b*) is stored or possessed for the purpose of sale under a license granted under the last preceding section ; or

(*c*) has been legally imported, from a foreign port or place, at some port or place within the said limits and is covered by a certificate signed by a customs-officer of the payment of the import-duty leviable thereon ; or

(*d*) is covered by a special permit granted under the power next hereinafter conferred.

(*2*) The Collector or Deputy or Assistant Collector or any salt-revenue-officer empowered in this behalf may grant to such persons, as they shall think fit, special permits authorizing them to be possessed of salt exceeding one maund in weight for their private consumption within or for conveyance out of any of the said limits.

CHAPTER VII.

POWERS OF SALT-REVENUE-OFFICERS.

39. Any salt-revenue-officer empowered in this behalf may : Power of salt-revenue-officers:

(*a*) enter, at any time by day or by night, any land, building, enclosed place or premises upon or in or from which he has reason to believe that : to enter any place where illicit manufacture of salt is suspected to be going on ;

(*i*) salt is being manufactured, excavated, collected or removed without a license granted under this Act ; or

(*ii*) there is a natural formation of salt ; or

(*iii*) contraband salt is stored or concealed ;

(*b*) in the case of resistance, break open any door and remove any other obstacle to his entry upon or into such land, building, enclosed place or premises ; to overcome resistance ;

(*c*) take possession of, or destroy any salt so manufactured, excavated, collected or formed, and any work, apparatus, implement, utensil, or material constructed or employed for the purpose of such manufacture, excavation, collection or removal, or of utilizing the salt so formed contrary to any of the provisions of this Act or of any rule made hereunder ; to take possession of or destroy salt illicitly manufactured ;

to enter and inspect salt-works and stores or vessels laden with salt;

(*d*) enter and inspect, at any time by day or night, any salt-work or any building, enclosed place, or premises used for storing salt, or any vessel laden with, or which is being laden with, or which it is intended to load with, salt;

to detain and search any person, animal, etc., for contraband salt;

(*e*) detain and search any person, animal, vessel, conveyance, goods or package upon or in whom or which he shall have reason to believe that there is contraband salt;

to seize contraband salt, etc.;

(*f*) seize in any open place, or in transit, any article which he has reason to believe to be contraband salt and any package or covering in which such article is found and the other contents, if any, of such package or covering in which the same is found and any animal, vessel or conveyance used or intended to be used in carrying the same;

to detain, search and arrest any offender against this Act.

(*g*) detain and search and, if he think proper, arrest any person whom he has reason to believe to be guilty of any offence punishable under this or any other law for the time being in force relating to salt-revenue, or in whose possession contraband salt is found.

Searches and arrests how to be made.

40. All searches and arrests under the last preceding section shall be carried out in accordance with the provisions of the [1] Code of Criminal Procedure, 1882, relating, respectively, to searches and arrests made under that Code. X of 1882.

Officers of certain departments bound—

to give information concerning offences punishable under this Act; and

to prevent such offences;

to assist salt-revenue-officers.

41. It shall be incumbent on every village-officer and on every officer of the departments of Police, Customs, Opium, Abkárí, Forests and Revenue—

(*a*) to communicate to some salt-revenue-officer, not lower in rank than a sarkárkún or a daroga, any information which he receives of a design to commit or of the commission of any offence punishable under this Act;

(*b*) to interpose for the purpose of preventing and to prevent, by the use of all reasonable means within his power, the commission of any such offence;

(*c*) on receipt of notice or of a request from any salt-revenue-officer, to assist such officer in carrying out any of the provisions of this Act.

Issue of search-warrants.

42. (*1*) Any Commissioner, or Collector, or other salt-revenue-officer empowered in this behalf, and any Magistrate, may issue a warrant for the search, whether by day or by night, of any building, vessel or place in which he has reason to believe that contraband salt is kept or concealed.

[1] *See* now the Code of Criminal Procedure, 1893 (Act 5 of 1898), General Acts, Vol. V.

(2) Every warrant issued under this section shall be executed in accord-
X of 1882. ance with the provisions of the [1]Code of Criminal Procedure, 1882, relating to search-warrants, by a police-officer or by a salt-revenue-officer empowered in this behalf, or, if the officer issuing the warrant deems fit, by any other person.

Person in possession of articles which are to be searched or examined, bound to unpack and weigh the same.

43. (*1*) Any officer who makes a search under this Act, or who examines any salt or salt-earth for any of the purposes of this Act, or of any rule made under this Act, may require the person who has the immediate possession or control of any animal, vessel, conveyance, goods or package which he desires to search, or of any salt or salt-earth which he desires to examine, without delay and in such manner as he thinks fit to direct—

(*a*) to unload, unpack or open, any such animal, vessel, conveyance, goods or package ; and

(*b*) to weigh any such salt or salt-earth ; or

(*c*) before or after such search, examination or weighing is completed, to remove any such animal, conveyance, goods or packages beyond the limits of any wharf, landing-place or preventive station, or to deposit any such goods or package until further orders at any spot indicated by such officer within such limits.

(2) If the said person shall fail to comply with any such requirement the officer aforesaid may cause the animal, vessel, conveyance, goods or package to be unloaded, unpacked, opened, removed or deposited or the salt or salt-earth to be weighed in the manner which he requires, and the cost of so doing shall be recoverable by the said officer from the said person.

Disposal of person arrested.

44. Every person arrested under section 39 shall be forwarded without delay to the nearest salt-revenue-officer empowered to send persons so arrested to a Magistrate, or, if there be no such salt-revenue-officer within a reasonable distance, to the officer in charge of the nearest police-station.

Procedure to be followed by officer in charge of a police station in cases of offences punishable under this Act.

45. The officer in charge of a police-station to whom any person is forwarded under the last preceding section, or who receives, direct, any complaint or information of the commission of an offence punishable under this Act, shall inquire into and deal with the case under the provisions of
X of 1882. the [1]Code of Criminal Procedure, 1882, relating to cognizable cases.

[1] *See* now the Code of Criminal Procedure, 1898 (Act 5 of 1898), General Acts, Vol. V.

Inquiry how to be made by salt-revenue-officers against arrested persons forwarded to them under section 44.

46. (*1*) When any person is forwarded under section 44 to a salt-revenue-officer empowered to send persons so arrested to a Magistrate, the said salt-revenue-officer may detain such person and shall proceed to inquire into the charge against him.

(*2*) For this purpose the said salt-revenue-officer may exercise the like powers and shall be subject to the same provisions as the officer in charge of a police-station may exercise and be subject to, under the [1] Code of Criminal Procedure, 1882, when investigating a cognizable case : X of 1882.

(*3*) Provided that :

(*a*) if the said salt-revenue-officer shall be of opinion that there is sufficient evidence or reasonable ground of suspicion against the accused person, he shall forward him to a Magistrate having power to take cognizance of the offence ;

(*b*) if it appears to the said salt-revenue-officer that there is not sufficient evidence or reasonable ground as aforesaid, he shall release the accused on his executing a bond, with or without sureties as such salt-revenue-officer may direct, to appear, if and when so required, before a Magistrate having power as aforesaid, and make a full report of all the particulars of the case to his official superior and be guided by the order which he shall receive upon such report.

CHAPTER VIII.

PENALTIES.

For illicit manufacture of salt, etc.

47. Whoever, in contravention of this Act, or of any rule or order made under this Act, or of any license or permit obtained under this Act,—

(*a*) manufactures, removes or transports salt ; or

(*b*) excavates, collects or removes natural salt, or salt-earth ;

and whoever,

(*c*) except in the exercise of some power or the discharge of some duty conferred or imposed upon him under this Act or any other enactment at the time in force, receives [2][or is in possession of] or, without lawful excuse, retains contraband salt, knowing or having reason to believe the same to be contraband salt ;

shall for every such offence be punished with fine which may extend to five hundred rupees, or with imprisonment for a term which may extend to six months, or with both.

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[1] *See* now the Code of Criminal Procedure, 1898 (5 of 1898), General Acts Vol. V.

[2] These words were inserted by s. 27 of Bom. Act 1 of 1901, Vol. IV of this Code.

48. Whoever, being a salt-revenue officer or a village-officer or an officer of any of the departments of Police, Customs, Opium, Abkárí, Forests or Revenue,— For offences against this Act committed by public servants.

(*a*) does any act, or is guilty of any omission, in contravention of this Act, or of any rule or order made under this Act; or,

(*b*) with intent to cause injury or annoyance to any person, vexatiously and unnecessarily makes use of any power conferred upon him under this Act;

shall for every such offence be punished with fine which may extend to five hundred rupees.

[1] [**48A.** Any salt-revenue-officer— Failure of salt-revenue-officer in duty.

(*a*) who ceases or refuses to perform or withdraws himself from the duties of his office, unless he has obtained the express written permission of the Commissioner, or has given to his superior officer two months' notice in writing of his intention or has other lawful excuse, or

(*b*) who is guilty of cowardice,

shall on conviction before a Magistrate be punished with imprisonment which may extend to three months, or with fine which may extend to three months' pay, or with both.]

49. Whoever prepares, or signs, or uses or attempts to use, an incorrect application for a permit to remove salt, or an incorrect certificate purporting to be such as is required by section 32, knowing or having reason to believe such application or certificate to be incorrect, shall, for every such offence, be punished with fine which may extend to two hundred rupees, and, in default of payment of the fine, with simple imprisonment for a term which may extend to one month. For preparing or using incorrect application for a permit, or an incorrect certificate under section 32.

50. All contraband salt, and every vessel, animal or conveyance used, or intended to be used, in carrying contraband salt, and What things are liable to confiscation.

all goods, packages and coverings in or among which contraband salt is found, and

every apparatus, implement, utensil or material employed, or intended to be employed, for the manufacture, excavation, collection or removal of salt without a license or for the purpose of utilizing natural salt or salt-earth contrary to any of the provisions of this Act or of any rule made hereunder, shall be liable to confiscation.

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[1] Section 48A was inserted by s. 2 of Bombay Salt (Amendment) Act, 1922 (Bom. Act 10 of 1922), Vol. V of this Code.

CHAPTER IX.

PROCEDURE.

Cognizance of offences.

51. All offences punishable under this Act shall be cognizable by any Magistrate.

Orders of confiscation by whom to be made. Proviso.

52. (*1*) All confiscations under this Act shall be adjudged by the Collector or by any officer empowered by the Governor in Council in this behalf;

(*2*) Provided that no order of confiscation shall be made without hearing any person who within one month from the date of its seizure claims a right to anything intended to be confiscated and the evidence, if any, which he produces in support of his claim.

Power to regulate disposal of things seized.

(*3*) Provided also that it shall be lawful for the Governor in Council to make from time to time rules consistent with this Act to regulate the disposal and destruction of things seized under this Act.

Such rules may, among other matters, provide—

(*a*) that any officer of a class which shall be designated in such rules may, at any time after a seizure under this Act has been made of any goods which appear to him to be subject to speedy and natural decay, direct such goods to be sold by public auction, destroyed or otherwise disposed of;

(*b*) that the owner or person in charge of any animal seized under this Act shall provide from day to day for its keep, while detained, and that, if he omits to do so, such animal may, if any officer such as is referred to in clause (*a*) so direct, be sold by public auction and the expenses, if any, incurred on account of it defrayed from the proceeds of such sale;

(*c*) that the surplus proceeds of a sale under clause (*a*) or clause (*b*) of this section shall, unless the owner of the thing seized establishes his claim to such proceeds within a period not less than three months, to be fixed by such rules, be forfeited to Her Majesty.

Redemption of thing confiscated to be permitted on payment of fine.

(*4*) Whenever confiscation is ordered under this Act, the owner of the thing confiscated shall be given an option of redeeming it, on payment of such fine as the Collector or other officer aforesaid thinks fit.

Power to summon persons to give evidence and produce documents in inquiries under this Act.

53. (*1*) Any salt-revenue-officer not lower in rank than a sarkárkún or a daroga shall have power to summon any person whose attendance he considers necessary either to give evidence or to produce a document or any other thing in any inquiry which such officer is making for any of the purposes of this Act. A summons to produce documents or other things may be for the production of certain specified documents or things or for the production of all documents or things of a certian description in the possession or under the control of the person summoned.

(2) All persons so summoned shall be bound to attend, either in person or by an authorized agent, as such officer may direct: Provided that exemp-
XIV of 1882. tions under sections 640 and 641 of the [1] Code of Civil Procedure shall be applicable to requisitions for attendance under this section;

and all persons so summoned shall be bound to state the truth upon any subject respecting which they are examined or make statements;

and to produce such documents and other things as may be required.

(3) Every such inquiry as aforesaid shall be deemed to be a "judicial
XLV of proceeding" within the meaning of section 193 and section 228 of the [2] Indian
1860. Penal Code.

Summons to be in writing, signed and sealed. How to be served.

54. Every summons shall be in writing, in duplicate, and shall state the purpose for which it is issued, and shall be signed by the officer issuing it, and shall also bear his official seal, if he have any; and shall be served by tendering a copy of it to the person summoned, or, if he cannot be found, by affixing a copy of it to some conspicuous part of his usual residence.

Service of notices.

55. (1) Every notice under this Act shall be deemed to be served on the date on which a copy thereof is tendered or delivered to the person on whom it is to be served, or to his agent, if he have any;

or, when the notice has not been so served, the date which shall appear to the officer holding the enquiry to be the date on which the person on whom the same is to be served has become aware of the issue and purport thereof.

Notice not void for error.

(2) No such notice shall be deemed void on account of any error in the name or designation of any person referred to therein, unless when such error has produced a material misconception of the intended intimation.

Recovery of costs.

56. Whenever it is provided in this Act that the costs of doing anything shall be recoverable from any person by a salt-revenue-officer, the said officer may recover the same by detention of any property of the person liable therefor and by sale of such property; and the said costs shall also be recoverable, if necessary, by a revenue-officer in any manner in which, under the law at the time in force, an arrear of land-revenue may be recovered.

Appeals.

57. (1) Every order passed by any salt-revenue-officer other than a Commissioner or a Collector shall be appealable to such officer's immediate superior at any time within sixty days from the date of such order.

(2) Every order passed by a Collector shall be appealable within ninety days from the date of such order to the Commissioner, if any, to whom the

[1] *See* now the Code of Civil Procedure, 1908 (Act 5 of 1908), General Acts, Vol. VI.
[2] General Acts, Vol. I.

Collector is subordinate, and, if there be no such Commissioner, to Government.

(*3*) Every order passed by a Commissioner shall be appealable within ninety days from the date of such order to Government: Provided that no such appeal shall lie from any order passed by a Commissioner on appeal.

(*4*) Subject to the foregoing provisions the rules for the time being in force relating to appeals in the Revenue Department shall apply to appeals under this Act.

CHAPTER X.

MISCELLANEOUS.

Further matters for which the Governor in Council may make rules.

58. [1]* In addition to the rules which the Governor in Council is hereinbefore empowered to make, he may from time to time make [2] rules consistent with this Act, to regulate the following matters, namely :—

(*a*) the manufacture, deposit and storage of salt at any salt-work ;

(*b*) the deposit and storage of salt in any building, enclosed place or premises used for the deposit or storage of salt on which duty has not been paid ;

(*c*) the removal of salt from any such building, enclosed place or premises as last aforesaid or from any salt-work ;

(*d*) the routes by which salt shall be taken from any such building, enclosed place or premises as aforesaid or from any salt-work to any preventive station ;

(*e*) the routes by which manufacturers of salt and other persons shall approach, enter or leave any salt-work and the hours during which any person may remain within the limits of any salt-work or in any such building, enclosed place or premises as aforesaid ;

(*f*) the conservancy of any salt-work and of any such building, enclosed place or premises as aforesaid ;

(*g*) the granting and the refusal of permission to construct within a salt-work or in the immediate vicinity thereof places of residence for manufacturers of salt and other work-people employed therein ; and the terms as to the situation and construction of any such places as may be permitted ;

[1] The figure "(*1*)" was repealed by s. 2 (*1*) of the Bombay Repealing and Amending Act, 1905 (Bom. Act 4 of 1905), Vol. IV of this Code.

[2] For the Sind Salt Rules and the Bombay Salt Rules, *see* Bombay Local Rules and Orders.

(*h*) the attendance and the enforcement of the contract or agreement of any person who has contracted or agreed to manufacture, excavate or collect salt at any salt-work under the immediate management and control of Government;

(*i*) the licensing and control of hamals and labourers for hire by whomsoever employed at salt-works and at preventive stations;

(*j*) the grant of amended or duplicate copies of documents relating to proceedings under this Act, and the fees to be charged for such copies.

Penalties may be attached by the Governor in Council to breach of rules.

59. In making a rule under this Act, the Governor in Council may direct that a breach of it shall be punishable with fine which may extend to two hundred rupees and, in default of payment of the fine, with simple imprisonment for a term which may extend to one month.

Publication of rules.

60. All rules made under this Act shall be published in the Bombay Government Gazette and, in Sind, in the Sind Official Gazette, and shall thereupon have the force of law.

No person to be liable to penalty or damages for act done in good faith in pursuance of duty.

61. (*1*) No person shall be liable to any penalty or to payment of damages on account of any act done or order made in good faith, in pursuance or intended pursuance of any duty imposed or any authority conferred on him by this Act, or by any rule, order or direction made or appearing to have been made under the provisions thereof by a person having or appearing to have authority in that behalf.

No suit or prosecution in respect of an act done under colour of duty as aforesaid shall be entertained, or shall be dismissed, if not instituted within six months.

(*2*) In the case of an alleged offence or wrong on the part of any person by any act done under colour or in excess of any such duty or authority as aforesaid, or wherein it shall appear to the Court that the offence if committed or the wrong if done was of the character aforesaid, the prosecution or suit shall not be entertained, or shall be dismissed if instituted, more than six months after the act complained of.

In suits as aforesaid one month's notice to be given and sufficient description of wrong complained of.

(*3*) In the case of an intended suit on account of such a wrong as aforesaid, the person intending to sue shall be bound to give to the alleged wrongdoer one month's notice at least of the intended suit, with a sufficient description of the wrong complained of, failing which such suit shall be dismissed.

Plaint to set forth service of notice and tender of amends.

(*4*) The plaint shall set forth that a notice as aforesaid has been served on the defendant and the date of such service, and shall state whether any, and if any what, tender of amends has been made by the defendant. A copy of the said notice shall be annexed to the plaint endorsed or accompanied with a declaration by the plaintiff of the time and manner of service thereof.

BOMBAY ACT No. III OF 1890[1].

[*21st August 1890.*]

An Act to amend the Matádárs Act (Bombay Act VI of 1887).

[NOTE.—The amendments made by this Act are incorporated in Bom. Act VI of 1887, Vol. II of this Code.]

THE BOMBAY DISTRICT POLICE ACT, 1890.

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[1] For Statement of Objects and Reasons, *see* Bombay Government Gazette, 1890, Part V, p. 62, and for Proceedings in Council, *see ibid*, pp. 94 and 101.

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REGULATION, CONTROL AND DISCIPLINE OF THE POLICE FORCE.

27. Framing of rules for administration of the police.
28. Inspector-General may call for returns, etc.
29. Punishment of police-officers departmentally for neglect of duty, etc.
Punishment under this section to be in addition to penalty under section 36, 63 or 64.
Punitive powers of Inspector-General and Superintendent.
30. Procedure to be observed in awarding punishment.
31. Departmental punishment for insubordination.
Procedure to be observed in awarding such punishment.

SECTIONS.

32. Police-officers to be deemed to be always on duty and to be liable to employment in any part of the presidency.

Intimation of proposed transfers to be given by the Inspector-General to the Commissioner and District Magistrate.

33. Police-officer not to engage in trade, etc.

Police-officers under the rank of Assistant Superintendent not to be employed on other than police-duties.

These prohibitions to apply also when a police-officer is on leave or under suspension.

34. Under what conditions police-officer may resign.

Proviso.

Arrear pay of a police-officer contravening this section may be forfeited.

35. Certificate, arms, etc., to be delivered up by person ceasing to be a police-officer, and

if not delivered up may be seized under a search-warrant.

Saving of certain articles.

36. Penalty for making false statements, etc., and for misconduct of police-officers.

Consequence of failure to return to duty after leave.

37. Penalty for failure to deliver up certificate of appointment or of office or other article.

38. Government may make orders under section 144, Code of Criminal Procedure.

CHAPTER IV.

POLICE REGULATIONS.

39. Rules may be made by District Magistrate regarding use of streets, etc.

Manner of publication of such rules.

Rules under clause (*l*) (*j*) to be reported to the Commissioner.

39A. Rules for licensing and controlling theatres and other places of public amusement.

40. District Magistrates may make rules for blasting and excavation.

41. Discontinuance of brothels.

42. Issue of orders by Magistrates for prevention of disorder. Any one of several Magistrates having jurisdiction may issue order.

Orders by subordinate Magistrate to be communicated to the District Magistrate.

SECTIONS.

43. Issue of orders by Magistrate of the district for prevention of riot or grave disturbance of the peace.
44. Issue of orders by Magistrate of the district for maintenance of order at religious ceremonials, etc.
Orders to be subject to decrees, etc., of Courts.
45. District Magistrate may take special measures to prevent outbreak of epidemic disease at fairs, etc.
Levy of fees in such cases.
Recovery of expenses from municipalities.
46. Dispersal of gangs and bodies of persons.
47. Police to provide against disorder, etc., at public places of amusement and public meetings.
Police to have free access thereto.
48. Police to regulate assemblies, etc., in public streets.
Manner of publication of such rules and orders.
49. Provisions as to dogs.
When dogs may be destroyed or sold by the police.
How expenses may be recovered.
Provision in case of dog wearing a collar with owner's address.
50. Powers under this chapter to be exercised by District Superintendent subject to control of District Magistrates, and by District Magistrates subject to control of Government.

CHAPTER V.

EXECUTIVE POWERS AND DUTIES OF THE POLICE.

51. Duties of police-officer.
Power to enter places of public resort.
Power to search suspected persons in the streets.
52. Duties of police-officers towards the public.
53. Police to regulate traffic, etc., in streets;
to keep order in the streets and other public places; and
to regulate resort to public places.
Persons bound to conform to reasonable orders of police.
Police-officer may restrain or remove contumacious person.
54. Enforcement of orders issued under section 42, 43 or 44.
55. Duty of the police to see orders issued under section 45 or 46 carried out.

SECTIONS.

56. Police-officer may take charge of stray cattle.

57. Duty of police with regard to unclaimed property.

58. Procedure by Magistrate when property exceeds ten rupees in value. Procedure in other cases.

59. Power to sell perishable property at once.

60. A superior police-officer may himself perform duties imposed on his inferior, etc.

CHAPTER VI.

OFFENCES AND PUNISHMENTS.

61. Punishment of certain street offences and nuisances;
driving on dark nights without a light;
disregarding the rule of the road;
leaving cattle, etc., insufficiently tended;
causing obstruction or mischief by animals;
exposing animal for hire or sale, etc.;
causing any obstruction in a street;
obstructing a footway;
exhibiting mimetic, musical or other performances, etc.;
gambling in a street;
doing offensive acts on or near public streets;
letting loose horses, etc., and suffering ferocious dogs to be at large;
bathing or washing in places not set apart for those purposes;
defiling water in public wells, etc.;
obstructing bathers;
behaving indecently in public;
being drunk and incapable;
obstructing or annoying passengers in the streets;
misbehaviour with intent to provoke a breach of the peace;
begging and exposing offensive ailments.

61A. Special provisions respecting cattle habitually allowed to stray.

62. Punishment for cruelty to animals.

63. Penalty for vexatious search, arrest, etc., by the police.

64. Penalty for vexatious delay in forwarding a person arrested.

65. Penalty for contravention of rules under section 39 or section 39A or of directions under section 53.

SECTIONS.

66. Penalty for contravening rules, etc., under section 40.
67. Penalty for failure to comply with order under section 41.
68. Penalty for contravention of rules or directions under sections 42, 43, 44, 47 and 48.
69. Penalty for contravention of a regulation made under section 45.
70. Penalty for contravention of direction given under section 46.
71. Penalty for opposing or not complying with direction given under section 54.
72. Jurisdiction when offender is a police-officer above the rank of constable.
73. Prosecution for certain offences against the Act to be in the discretion of the police.
74. Prosecution for offences under other enactments not affected by the Act.

CHAPTER VII.

MISCELLANEOUS.

75. Disposal of rewards, etc., payable to police-officers.
76. District Magistrate's authority over village police-officers may be delegated to District Superintendent, and may be withdrawn.
77. No municipal or other rates to be payable by Government on police buildings.
78. Method of proving orders and notifications issued under this Act.
79. Rules and orders not to be deemed invalid on account of defect of form or irregularity in procedure.
80. No Commissioner, Magistrate or police-officer to be liable to penalty or damages for act done in good faith in pursuance of duty.

No public servant liable as aforesaid for giving effect in good faith to any rule, order or direction issued with apparent authority.

Suits or prosecutions in respect of acts done under colour of duty as aforesaid not to be entertained, or to be dismissed, if not instituted within six months.

In suits as aforesaid, one month's notice of suit to be given with sufficient description of wrong complained of.

Plaint to set forth service of notice and tender of amends.

SECTIONS.

81. Person interested may apply to Government to annul, reverse or alter any rule or order.

When a suit shall lie to the District Court to declare a rule or order unlawful.

82. *Repealed.*

SCHEDULE A.—ENACTMENTS REPEALED.

SCHEDULE B.—FORM OF CERTIFICATE FOR POLICE-OFFICER OF THE GRADE OF HEAD-CONSTABLE OR CONSTABLE.

BOMBAY ACT No. IV OF 1890.[1]

[*4th September, 1890.*]

An Act to amend the law for the regulation of the District Police in the Presidency of Bombay.

WHEREAS it is expedient to amend the law for the regulation of the District Police of the Presidency of Bombay; It is enacted as follows :—

CHAPTER I.

PRELIMINARY.

[2] [**1.** (*1*) This Act may be cited as the Bombay District Police Act, 1890. Short title.

(2) It extends to the whole of the Presidency of Bombay, except the City of Bombay, Sind and Aden, but Government may at any time by [3]notification in the Bombay Government Gazette extend it, or any part of it, to any portion of either Sind or Aden.] Extent.

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[1] For Statement of Objects and Reasons, *see* Bombay Government Gazette, 1889, Part V, pp. 82 and 84; for Report of Select Committee, *see ibid*, 1890, p. 35; and for Proceedings in Council, *see ibid*, 1890, pp. 22, 66, 80 and 95.

This Act, with certain restrictions and modifications, has been extended, by notification under the Scheduled Districts Act, 1874, to Aden—*see* Notn. No. 1191, dated the 29th February 1892, Bombay Government Gazette, 1892, Pt. I, p. 189; and to Sind except s. 76—*see* Notn. No. 1092, dated the 7th October, 1922, Bombay Government Gazette, 1922, Pt. I, p. 2345.

[2] This section was substituted by s. 1 of the Bombay District Police (Amendment) Act, 1893 (Bom. Act 3 of 1893), Vol. IV of this Code.

[3] For notifications extending certain sections of the Act to Sind, *see* Bombay Local Rules and Orders.

Repeal of enactments.

2. Subject to the provision in section 1,[1] [sub-section (*2*),] the enactments mentioned in Schedule A are repealed to the extent specified in the third column thereof [2] * * * .

All references made in any enactment of the Governor of Bombay in Council to any enactment hereby repealed shall be read as if made to the corresponding portion of this Act.

All rules prescribed, appointments made, powers conferred, and orders and certificates issued under any such enactment shall, so far as they are consistent with this Act, be deemed to have been respectively prescribed, made, conferred and issued hereunder.

Definitions.

3. In this Act, unless there be something repugnant in the subject or context,—

(*a*) "Inspector-General", "Deputy Inspector-General", "District Superintendent", [3]["Additional Superintendent,"] [4]["Assistant Superintendent" and "Deputy Superintendent"] mean, respectively, the Inspector-General of Police, a Deputy Inspector-General of Police, a District Superintendent of Police [3][an Additional Superintendent of Police] [5][an Assistant Superintendent of Police and a Deputy Superintendent of Police] appointed under this Act:

(*b*) "police-officer" means any member of a police-force appointed under this Act:

(*c*) "constable" means a police-officer of the lowest grade:

(*d*) "district" means a territorial division constituting a district for the purposes of the [6] Code of Criminal Procedure, 1882: X of 1882.

(*e*) "street" includes any highway and the way over any causeway, bridge, viaduct, arch, quay or wharf, and any road, lane, footway, square, court, alley or passage accessible to the public whether a thoroughfare or not:

(*f*) "cattle" includes elephants, camels, horses, asses, mules, sheep, goats and swine:

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[1] This word and figure were substituted for the word and figure "sub-section (*1*)" by s. 2 of the Bombay District Police (Amendment) Act, 1898 (Bom. Act 3 of 1898), Vol. IV of this Code.

[2] The words "but not so as to render invalid anything done in accordance with any of them" were repealed by the Amending Act, 1895 (16 of 1895), Vol. I of this Code.

[3] These words were inserted by s. 2 of the Bombay District Police (Amendment) Act, 1920 (Bom. Act 12 of 1920). Vol. V of this Code.

[4] These words were substituted for the words "and Assistant Superintendent" by s. 2 and Sch. I of the Bombay Repealing and Amending Act, 1910 (Bom. Act I of 1910), Vol. V of this Code.

[5] These words were substituted for the words "and an Assistant Superintendent of Police" by *ibid.*

[6] *See* now Act 5 of 1898, General Acts, Vol. V.

(*g*) words and expressions which are defined in the [1] Code of Criminal Procedure, 1882, have the same meaning as in that Code. X of 1882.

CHAPTER II.

ORGANIZATION OF THE POLICE.

General.

Police force to be entertained in each district.

4. In each district of the Presidency of Bombay to which this Act extends, Government may, subject [2][in the case of officers of the Indian Police of and above the rank of Assistant Superintendent] to the control of the Governor General in Council, establish and entertain a police-force of such number in the several ranks and having such an organization and such duties, rights and authority as are hereinafter prescribed and provided for, and receiving such salaries and allowances as shall from time to time be directed and approved by [3][Government].

Appointment and authority of Inspector-General of Police,

5. (*1*) For the direction and supervision of the police-force of every portion of the presidency to which this Act extends, Government shall appoint an Inspector-General of Police, who shall have such functions, authority and responsibility as are hereinafter provided, subject to the provisions of this Act, and to such rules and orders as may be made by Government in this behalf.

and of Deputy Inspector-General.

(*2*) [4] * * * Government may appoint one or more Deputy Inspectors-General of Police, to whom Government may assign such duties being amongst the lawful duties of the Inspector-General of Police, or in aid and furtherance thereof, as shall to Government seem expedient.

Their suspension or removal.

(*3*) The Inspector-General and Deputy Inspector-General may be suspended or removed from office by Government.

Appointment of District, Additional, Assistant and Deputy Superintendents.

6. Government may appoint[5] for each district a Superintendent [6][an Additional Superintendent] and such Assistant [7][and Deputy] Superintendents of Police as it may think expedient, and may dismiss, suspend, reduce, remove or transfer any of such officers as it may think fit.

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[1] *See* now Act 5 of 1898, General Acts, Vol. V.

[2] These words were inserted by s. 2 and Sch. I of the Devolution Act, 1920 (38 of 1920).

[3] This word was substituted for the words "the authorities aforesaid" by *ibid.*

[4] The words "Subject to the previous approval of the Governor General in Council," were omitted by *ibid.*

[5] For notification appointing a District Superintendent of Police for Aden, *see* Bombay Local Rules and Orders. The notification does not appear, however, to have been issued under the power conferred by s. 6, but as an executive order by the Governor in Council. The Act has not been extended to Aden.

[6] These words were inserted by s. 3 (*a*) of the Bombay District Police (Amendment) Act, 1920 (Bom. Act 12 of 1920), Vol. V of this Code.

[7] These words were inserted by s. 2 and Sch. I of the Bombay Repealing and Amending Act, 1910 (Bom. Act 1 of 1910), Vol. V of this Code.

[1] [An additional Superintendent of Police may, by a general or special order of Government, be empowered to exercise and perform in the district for which he is appointed or in any part thereof, all or any of the powers and duties under this Act of a Superintendent of Police.]

Commissioners and Inspector-General to have magisterial powers; to exercise them subject to such limitations as are imposed by Government.

7. Each Commissioner throughout the districts under his control, and the Inspector-General of Police throughout the presidency, shall have the powers of a Magistrate of the first class, but shall exercise such powers subject to such limitation as may from time to time be imposed by Government.

Appointment of inspectors, sub-inspectors and sergeants.

8. The Inspector-General may, subject to the rules and orders of Government, appoint such inspectors [2] [sub-inspectors and sergeants] as shall be necessary for the service of each district.

Appointment of police-officers of the grades of head-constable and constable.

9. Police-officers [3] [of the grades of head-constable and constable] shall be appointed in each district by the District Superintendent, subject to such rules as to sanction, designations, mutual relations and conditions of service as, consistently with the law at the time in force, Government may from time to time prescribe.

Certificates of appointment to be given to inspectors, sub-inspectors or sergeants.

10. An inspector [4] [a sub-inspector or a sergeant] shall, on appointment, receive from the Inspector-General a certificate of appointment containing particulars of his race, name, age, caste or religion and of his previous service, if any.

Certificates of office to be given to police-officers of the grade of head-constable and constable.

11. [5][(*1*) Every police-officer of the grade of head-constable and constable shall on enrolment receive a certificate in the form of Schedule B, which shall be issued under the seal of the District Superintendent, or, in the case of police-officers in the Criminal Investigation Department, under the seal of the Deputy Inspector-General, Criminal Investigation Department.]

Powers, etc., of persons appointed as aforesaid.

(*2*) Every person appointed as aforesaid shall, in virtue of such appointment, be vested with the powers, functions, privileges and responsibilities of a police-officer.

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[1] This paragraph was added by s. 3 (*b*) of the Bombay District Police (Amendment) Act, 1920 (Bom. Act 12 of 1920), Vol. V of this Code.

[2] These words were inserted by s. 1 of the Bombay District Police (Amendment) Act, 1912 (Bom. Act 4 of 1912), Vol. V of this Code.

[3] These words were substituted for the words "below the grade of Inspector" by s. 2 *ibid.*

[4] These words were inserted by s. 2 and 1st Sch. of the Bombay Repealing and Amending Act, 1919 (Bom. Act 2 of 1919), Vol. V of this Code.

[5] This sub-section was substituted by *ibid.*

(3) (*a*) Every certificate of appointment shall become null and void whenever the person named therein for any reason ceases to belong to the police. Such certificates when to become null and void.

(*b*) The powers, functions and privileges vested in a police-officer shall be temporarily suspended whilst such police-officer is suspended from office. Temporary suspension of powers, etc., of police-officers.

Such police-officer shall not by reason of such suspension cease to be a police-officer, but shall continue subject to the same responsibilities and subject to the same authorities as if no such suspension had taken place.

12. The District Superintendent shall, subject to the orders of the Inspector-General and of the Magistrate of the district, within their several spheres of authority, direct and regulate all matters of arms, drill, exercise, observation of persons and events, mutual relations, distribution of duties, study of laws, orders and modes of proceeding and all matters of executive detail in the fulfilment of their duties by the police-force of his district. General powers of District Superintendent.

13. (*1*) The District Superintendent and the police-force of a district shall be under the command and control of the Magistrate of the district. Control by Magistrate of the district,

(2) In exercising authority under the preceding sub-section, the Magistrate of the district shall be governed by such rules and orders as Government may from time to time make in this behalf, and shall be subject to the lawful orders of the Commissioner. subject to rules and orders of Government and lawful orders of the Commissioner.

(*3*) The Inspector-General shall be bound, in the rules and orders issued by him under this Act, to give furtherance to the purposes of sub-section (*1*). Inspector-General in issuing rules and orders, to give furtherance to purposes of sub-section (*1*).

14. If the Magistrate of the district considers that there is, or on any particular occasion will be, pressing need for a police-force that cannot be furnished by his own district, he shall communicate with the Inspector-General, who shall, as far as possible, and subject to the orders of Government, comply with the requisitions of the Magistrate of the district. Additional police-force to be furnished to any district by the Inspector-General on requisition of District Magistrate.

15. The Magistrate of the district may require from the District Superintendent reports, either particular or general, on any matter connected with crimes, the condition of the criminal classes, the prevention of disorder, the regulation of assemblies and amusements, the distribution of the police-force, [1][the conduct and character of any police-officer subordinate to the District Superintendent,] the utilization of auxiliary means and all other matters in furtherance of his control of the police-force and the maintenance of order. District Superintendent may be required by District Magistrate to furnish reports.

[1] These words were inserted by s. 3 of the Bombay District Police (Amendment) Act, 1912 (Bom. Act 4 of 1912), Vol. V of this Code.

District Magistrate's general powers of supervising the police-force of his district.

16. If the Magistrate of the district observes marked incompetence, or unfitness for the locality or for his particular duties, in any officer subordinate to the District Superintendent, he may call on the Superintendent to substitute another officer for any officer whom he has power to remove and the Superintendent shall be bound to comply with such requisition. In the case of an Inspector or officer of higher grade, the Magistrate of the district may communicate with the Inspector-General, who shall thereon determine the measures to be taken with careful attention to the views of the Magistrate of the district and shall inform him of the orders he may issue.

Power of Commissioner to issue directions in respect of police-force.

17. (*1*) A Commissioner may make any order with respect to the police-force in any district within the division subject to his authority, which the Magistrate of the district might make, and any order which he may be authorized to make by any rule lawfully made by Government under the provisions of this Act or other law in force, and may also in case of emergency direct any portion of such force appointed for one district to be employed in any other district in such division.

Such direction ordinarily to be to the District Magistrate and to be communicated to the Inspector-General.

(2) An order under sub-section (*1*) shall ordinarily be directed to the Magistrate of the district concerned, but may when necessary be addressed directly to the District Superintendent, in which case it shall be communicated to the Magistrate of the district. The order shall in each case be communicated by the Commissioner to the Inspector-General.

Commissioner may call Inspector-General's attention to defects in the police of his division which shall be remedied.

18. In such matters falling under his observation as lie within the sphere of authority of the Inspector-General, a Commissioner may call the Inspector-General's attention to defects of system or of personal competence in the police of any portion of the division subject to his authority. It shall be incumbent on the Inspector-General in every such case to remedy defects, and to remove causes of complaint and to conform to the requests of the Commissioner where the same shall be lawful and consistent with the orders of Government and other lawful commands, requests and instructions. He shall communicate the steps taken by him to the Commissioner.

Commissioner may call on District Magistrate for reports on state of crime, etc., and issue

19. A Commissioner may call on the Magistrate of a district for such reports and information connected with the state of crime in his district and with the distribution of the police therein and on the arrangements for repressing offences and disorder as he may think necessary, as a means towards the good administration of the division subject to his authority, and may thereon issue such orders as shall be conformable to law. Every such order

shall be directed to the Magistrate of the district and shall be communicated to the Inspector-General. orders thereon.

20. [1][The Inspector-General] shall, subject to the orders of Government, have authority to investigate and regulate all matters of account connected with the police [2]**** subject to his authority, and all persons concerned shall be bound to give him reasonable aid and facilities in conducting such investigations, and to conform to his lawful orders consequent thereon. The Inspector-General may investigate and regulate all matters of police accounts.

Special.

21. (*1*) Whenever it shall appear to a Magistrate of the second class or of higher rank having jurisdiction at a town or place, that any unlawful assembly, riot or other disturbance of the peace has taken place or is reasonably apprehended and that the available police-force is not sufficient for the preservation of the peace and for the protection of the inhabitants and the security of property in the local area in which such unlawful assembly, riot or other disturbance has taken place or is apprehended, such Magistrate may, on the application of any police-officer not lower in rank than a [3] [sub-inspector] by a written order signed by himself and sealed with his official seal appoint to be special police-officers for such time and within such limits as he shall think necessary so many persons fit and willing to act as such officers as he shall think proper. Appointment of special police-officers.

(*2*) Every special police-officer so appointed shall have the same powers, functions, privileges and immunities and be liable to the same duties and responsibilities and be subject to the same authorities as an ordinary police-officer; but it shall not be necessary for him to receive a certificate of office under section 11. Powers and responsibilities of special police-officers.

Additional.

22. (*1*) Any District Superintendent, on the application of any person showing the necessity therefor, may depute any additional number of police to keep the peace or to perform other police duties at any place within the district. Employment of additional police at request of persons showing the necessity therefor.

(*2*) Such additional police shall be employed at the charge of the person making the application, but shall be subject to the orders of the police Cost thereof.

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[1] These words were substituted for the words "A Commissioner" by s. 4 of the Bombay District Police (Amendment) Act, 1912 (Bom. Act 4 of 1912), Vol. V of this Code.

[2] The words "within the division" were repealed by *ibid.*

[3] This word was substituted for the words "chief constable" by s. 5 *ibid.*

authorities and shall be employed for such period as the District Superintendent thinks fit.

Proviso regarding relief from cost.

(3) Provided that, if the person upon whose application such additional police are employed shall at any time make a written requisition to the District Superintendent for the withdrawal of the said police, he shall be relieved from the charge therefor on the expiration of such period, not exceeding one month from the date of delivery of such requisition, as the District Superintendent shall determine.

(4) In acting under this section the District Superintendent shall be subject to the provisions of section 13 (1).

Employment of additional police near large works.

23. (1) Whenever it shall appear to any Magistrate of a district that the behaviour, or a reasonable apprehension of the behaviour, of the persons employed on any railway, canal or other public work, or in or upon any manufactory or other commercial concern under construction or in operation at any place within his district, necessitates the employment of additional police at such place, such Magistrate may, with the sanction of [1] [the Commissioner], depute such additional police to the said place as he shall think fit, and keep the said police employed at such place for so long as such necessity shall appear to him to continue.

Cost thereof.

(2) Such additional police shall be employed at the charge of the person by whom the work, manufactory or concern is being constructed or carried on, and the said person shall pay the charges therefor at such rates and at such times as the Magistrate of the district, with the sanction of [1] [the Commissioner], shall from time to time require.

Disputes as to payment of cost.

24. In case of any dispute in any case under section 22 or section 23, the decision of the Magistrate of the district shall be conclusive as to the amount to be paid and as to the person by whom it is to be paid, and the sum so ascertained may, on the requisition of the Magistrate of the district, be levied by the Collector as if it were an arrear of land-revenue due by the person found to be answerable therefor.

Employment of additional Police in cases of special danger to the public peace.

25. (1) Government may, from time to time, by notification, direct the employment of additional police for such period as it shall think fit in any local area which shall appear to it to be in a disturbed or dangerous state, or in which the conduct of the inhabitants or of any particular section of the inhabitants shall, in its opinion, render it expedient temporarily to increase the strength of the police.

[1] These words were substituted for the word "Government" by s. 2 and sch. I of the Bombay Decentralization Act, 1915 (Bom. Act 5 of 1915), Vol. V of this Code.

[1][(2) The cost of such additional police shall, if Government so direct be either in whole or in part defrayed by a tax imposed on the persons hereinbelow mentioned, or by a rate assessed on the property of such persons, or both by a tax and by a rate so imposed and assessed, and charged— Cost thereof.

(a) either generally on all persons who are inhabitants of the local area to which such notification applies; or

(b) specially on any particular section or sections or class or classes of such persons, and Government may direct the proportions in which such tax or rate shall be charged.

Explanation.—For the purposes of this section and of section 25A "inhabitants" shall include persons who themselves or by their agents or servants occupy or hold land or other immoveable property within such area, and landlords who themselves or by their agents or servants collect rents or revenue direct from rayats or occupiers in such area, notwithstanding that they do not actually reside therein.]

[2][(3) It shall be lawful for Government to extend, for a term not exceeding in any case five years, the period for the payment of such tax or rate beyond the period for which such additional police are actually employed.] Extension of period for payment of cost.

[1][(4) The said tax shall be imposed, or the said rate shall be assessed except in a municipal district, by the Collector at his discretion. If the local area in which any such tax is to be imposed or any such rate is to be assessed, is a municipal district, the amount of the charge shall be paid by the municipality from the municipal fund or the rate shall be assessed by the municipality conformably to the direction given by Government under sub-section (2).] Assessment of cost.

[2](5) It shall be lawful for Government, by order, to exempt any persons from liability to bear any portion of such cost.] Exemption from liability to bear cost.

[3][**25A.** (1) With the previous sanction of [4][the Commissioner], the Magistrate of the district may— Compensation for injury caused by an unlawful assembly how recoverable.

(a) after such inquiry as he deems necessary,

(i) determine the amount of the compensation which, in his opinion, should be paid to any person or persons, in respect of any loss or damage caused to any property, or in respect of death or grievous

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[1] This sub-section was substituted by the Bombay District Police Amendment Act, 1898 (Bom. Act 3 of 1898), Vol. IV of this Code.

[2] This sub-section was inserted by *ibid.*

[3] This section was inserted by s. 7 *ibid.*

[4] These words were substituted for the word "Government" by s. 2 and Sch. I of the Bombay Decentralization Act, 1915 (Bom. Act 3 of 1915), Vol. V of this Code.

hurt caused to any person or persons, by anything done in the prosecution of the common object of an unlawful assembly, and

(*ii*) declare the local area the inhabitants of which have, in his opinion, by their conduct caused or contributed to the holding of such assembly;

(*b*) require the Collector to recover the amount so determined in such proportions as the Magistrate of the district may with the like sanction direct from all inhabitants of the local area so declared as aforesaid, or from any section or sections, or class or classes of such persons;

(*c*) if such area is a municipal district, at his discretion require the municipality to assess and recover such amount by a tax or by a rate which the municipality shall impose and levy from such persons and in such proportions in accordance with such directions, and

(*d*) require the Collector or the municipality, as the case may be, to award or apportion all or any moneys so recovered to any person or among all or any persons whom the Magistrate of the district considers entitled to compensation in respect of the loss or damage or death or grievous hurt aforesaid.

Exemption from liability to pay compensation.

(*2*) It shall be lawful for [1] [the Commissioner] by order, to exempt any persons from liability to pay any portion of such compensation.

Conditions under which compensation recoverable.

(*3*) No recovery shall be made and no compensation shall be granted under this section except upon a claim made within one month from the date of the death, grievous hurt, loss or damage, as aforesaid, in respect of which such claim is made and unless the District Magistrate is satisfied that the person claiming compensation is himself free from blame in respect of the occurrences which led to the death, grievous hurt, loss or damage as aforesaid.

Orders of District Magistrate subject to revision.

(*4*) Every declaration, assessment, direction and order made by the Magistrate of the district under sub-section (*1*) shall be subject to revision by [1][the Commissioner][2] * * * * but save as aforesaid shall be final.

Bar to maintaining civil suit.

(*5*) No civil suit shall be maintainable in respect of any loss or injury for which compensation has been granted under this section.]

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[1] These words were substituted for the word "Government" by s. 2 and Sch. I of the Bombay Decentralization Act, 1915 (Bom. Act 3 of 1915), Vol. V of this Code.

[2] The words " or by such officer as they from time to time empower in this behalf " were repealed by *ibid.*

Recovery of rates and charges under sections 25 and 25A by a municipality.

26. (*1*) Every [1][tax imposed or] rate assessed under [2][the last two preceding sections] or other provision of this Act by a municipality shall be recovered by such municipality from each person answerable therefor in the same manner as a municipal tax due by him

[3][Provided always that, in default of such recovery, it shall be lawful for the Government to direct the Collector to recover such tax or rate in the manner prescribed in the following sub-section, as if it were a tax imposed or a rate assessed by him.]

By the Collector.

(*2*) Every [4][tax imposed or] rate assessed, [4][or amount recoverable] by the Collector as aforesaid shall be recoverable by the Collector as if it were an arrear of land-revenue due by the person answerable therefor.

Effect of introduction of last three sections in Sind.

[5][**26A.** On the last three preceding sections coming into force in Sind, the provisions, so far as they are inconsistent therewith, of sections 16 and 17 of the [6] Bombay District Police Act, 1867, shall be deemed to have been repealed in that Province.

Bom. Act VII of 1867.

CHAPTER III.

REGULATION, CONTROL AND DISCIPLINE OF THE POLICE FORCE.

Framing of rules for administration of the police.

27. Subject to the orders of Government, the Inspector-General may from time to time make rules or orders not inconsistent with this Act or with any other enactment at the time in force—

(*a*) relating to the recruitment, organization, classification and discipline of the police;

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[1] These words were inserted by s. 8 (*1*) (*a*) of the Bombay District Police Amendment Act, 1898 (Bom. Act 3 of 1898), Vol. IV of this Code.

[2] These words were substituted for the words "the last preceding section" by s. 8 (*1*) (*b*) *ibid.*

[3] This proviso was added by s. 8 (*1*) (*c*) *ibid.*

[4] These words were inserted by s. 8 (*2*) *ibid.*

[5] This section was inserted by s. 9 *ibid.*

[6] Vol. II of this Code.

(*b*) regulating the inspection of the police by his subordinates;

(*c*) determining the description and quantity of arms, accoutrements, clothing and other necessaries to be furnished to the police;

(*d*) for the institution, management and regulation of any police fund for any purpose connected with police administration;

(*e*) regulating, subject to the provisions of section 13, clause (*l*), and section 17, the distribution, movements and location of the police;

(*f*) regulating the duties of police-officers of different grades;

(*g*) regulating the collection and communication by the police of intelligence and information;

(*h*) generally, for the purpose of rendering the police efficient and preventing abuse or neglect of their duties.

Inspector-General may call for returns, etc.

28. The Inspector-General of Police may, subject to the rules and orders of Government, call for such returns, reports and statements on subjects connected with the suppression of crime, the maintenance of order and the performance of their duties as his subordinates may be able to furnish to him. He will communicate to the Magistrate of the district and the Commissioner any general orders issued by him for the purposes aforesaid or in consequence of the information furnished to him, and also any orders which Government may direct.

Punishment of police officers departmentally for neglect of duty, etc.

29. (*1*) The Governor in Council, or any officer authorized by sub-section (*5*) in that behalf, may suspend, reduce or dismiss any police-officer whom he shall think cruel, perverse, remiss or negligent in the discharge of his duty or unfit for the same, and may fine, to an amount not exceeding one month's pay, any police-officer below the grade of Assistant [1][or Deputy] Superintendent who is guilty of any breach of discipline or misconduct which does not require his suspension or dismissal or who, by any act of his own, renders himself unfit for the discharge of his duty.

Punishment under this section to be in addition to penalty under section 36, 63 or 64.

(*2*) Any punishment inflicted on a police-officer under this section shall be in addition to the penalty to which such officer is liable under section 36, 63 or 64 of this Act or any other law in force.

[1] These words were inserted by s. 2 and Schedule I of the Bombay Repealing and Amending Act, 1910 (Bom. Act 1 of 1910), Vol. V of this Code.

(3) The Inspector-General shall have authority to punish an inspector under sub-section (1). A District Superintendent shall have the like authority in respect of any police-officer subordinate to him below the grade of inspector and may suspend an inspector who is subordinate to him, pending inquiry into a grave complaint against such inspector and until an order of the Inspector-General can be obtained. But the exercise of any power conferred by this sub-section shall be subject always to such rules and orders as may be made by Government in that behalf. Punitive powers of Inspector-General and Superintendent.

30. When any officer passes an order for fining, suspending, reducing or dismissing a police-officer, he shall record such order or cause the same to be recorded, together with the reasons therefor and a note of the inquiry made, in writing, under his signature in the language of the district or in English. Procedure to be observed in awarding punishment.

31. (1) The Inspector-General and any District Superintendent and any Assistant [1][or Deputy] Superintendent in charge of a portion of a district may punish, by confinement for a period not exceeding three days, any police-officer below the rank of head constable who is, in his presence, grossly insubordinate or who is insolent to him. Departmental punishment for insubordination.

(2) Every order for punishing a police-officer as aforesaid shall be recorded in the manner prescribed in section 30, and a copy of every such order made by a District Superintendent or an Assistant [1] [or Deputy] Superintendent shall be forwarded by him to his immediate superior. Procedure to be observed in awarding such punishment.

32. (1) Every police-officer shall, for all purposes of this Act, be deemed to be always on duty in the area for which he is appointed or to which he is lawfully transferred, and any police-officer and any number or body of police-officers appointed for one part of the presidency may, if Government or the Inspector-General so direct, at any time be employed on police duty in any other part of the presidency for so long as the services of the same may be there required. Police-officers to be deemed to be always on duty and to be liable to employment in any part of the presidency.

(2) Timely intimation shall, except in cases of extreme urgency, be given to the Commissioner and Magistrate of the district by the Inspector-General of any proposed transfer under this section, and, except where secrecy is necessary, the reasons for the transfer shall be explained; whereupon the officers aforesaid and their subordinates shall give all reasonable furtherance to such transfer. Intimation of proposed transfers to be given by the Inspector General to the Commissioner and District Magistrate.

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[1] These words were inserted by s. 2 and Sch. I of the Bombay Repealing and Amending Act, 1910 (Bom. Act 1 of 1910), Vol. V of this Code.

Police officers not to engage in trade, etc.

33. (*1*) No police-officer shall engage in trade or be in any way concerned either as principal or agent, in the purchase or sale of land within the district wherein he is employed or in any commercial transaction whatever, without the permission of the Magistrate of the district or of Government.

Police officers under the rank of Assistant Superintendent not to be employed on other than police duties.

(*2*) No police-officer under the rank of Assistant [1][or Deputy] Superintendent shall, unless with the written permission of the Inspector-General, hold any office, or practise in any profession, or engage in any employment whatever other than his office or duties as such police-officer.

These prohibitions to apply also when a police-officer is on leave or under suspension.

(*3*) The prohibitions in sub-sections (*1*) and (*2*) apply when a police-officer is on leave or under suspension as well as when he is on duty.

Under what conditions police-officer may resign.

34. (*1*) Unless with the written permission of the District Superintendent or of some other police-officer empowered by the Inspector-General to grant such permission, no police-officer under the rank of Assistant [1][or Deputy] Superintendent shall resign his office or withdraw himself from the duties thereof, until—

(*a*) the expiration of two months after written notice of his intention so to do has been given by him to the District Superintendent; and until

(*b*) he has fully discharged any debt due by him, as such police-officer, to Government or to any police fund :

Proviso.

(*2*) Provided that if any such police-officer produces a certificate signed by the Civil Surgeon declaring him to be unfit by reason of disease or mental or physical incapacity for further service in the police, the necessary written permission to resign shall forthwith be granted to him on his discharging or giving satisfactory security for the payment of any debt due by him as aforesaid.

Arrear pay of a police-officer contravening this section may be forfeited.

(*3*) If any such police-officer as aforesaid resigns or withdraws himself from the duties of his office in contravention of this section, he shall be liable, on the order of the District Superintendent, to forfeit all arrears of pay then due to him. This forfeiture shall be in addition to the penalty to which the said officer is liable under section 36 of this Act or other law in force.

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[1] These words were inserted by s. 2 and Sch. I of the Bombay Repealing and Amending Act, 1910 (Bom. Act I of 1910), Vol. V of this Code.

Certificate, arms, etc., to be delivered up by person ceasing to be a police-officer, and

35. (*1*) Every person who for any reason ceases to be a police-officer shall forthwith deliver up to some officer empowered by the District Superintendent to receive the same, his certificate of appointment or of office and the arms, accoutrements, clothing and other necessaries which have been furnished to him for the execution of his office.

if not delivered up may be seized under a search-warrant.

(*2*) Any Magistrate and, for special reasons which shall be recorded in writing at the time, any District Superintendent [1][Assistant Superintendent or Deputy Superintendent] may issue a warrant to search for and seize, wherever they may be found, any certificate, arms, accoutrements, clothing or other necessaries not so delivered up. Every warrant so issued shall be executed in accordance with the provisions of the Code of Criminal Procedure, 1882 [2], by a police-officer or, if the Magistrate, [3][District Superintendent, Assistant Superintendent or Deputy Superintendent] issuing the warrant so directs, by any other person.

X of 1882.

Saving of certain articles.

(*3*) Nothing in this section shall be deemed to apply to any article which, under the orders of the Inspector-General, has become the property of the person to whom the same was furnished.

Penalty for making false statement, etc., and for misconduct of police-officers.

36. (*1*) Any person who makes a false statement or uses a false document for the purpose of obtaining employment or release from employment as a police-officer, or

(*2*) any police-officer who—

(*a*) contravenes any provision of section 33, or

(*b*) is guilty of cowardice, or

(*c*) resigns his office or withdraws himself from the duties thereof in contravention of section 34, or

(*d*) is guilty of any wilful breach or neglect of any provision of law or of any rule or order which, as such police-officer, it is his duty to observe or obey, or

(*e*) is guilty of any violation of duty for which no punishment is expressly provided by any other law in force,

shall be punished with imprisonment for a term which may extend to three months, or with fine which may extend to one hundred rupees, or with both.

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[1] These words were inserted by s. 2 and Sch. I of the Bombay Decentralization Act, 1915 (Bom. Act 3 of 1915), Vol. V of this Code.

[2] *See* now Act 5 of 1898, Genl. Acts, Vol. V.

[3] These words were substituted for the words "or District Superintendent" by s. 2 and Sch. I of the Bombay Decentralization Act, 1915 (Bom. Act 3 of 1915), Vol. V of this Code.

Consequence of failure to return to duty after leave.

(3) A police-officer who, being absent on leave, fails, without reasonable cause, to report himself for duty on the expiration of such leave shall, for the purposes of clause (*c*), be deemed to withdraw himself from the duties of his office within the meaning of section 34.

Penalty for failure to deliver up certificate of appointment or of office or other article.

37. Any police-officer who wilfully neglects or refuses to deliver up his certificate of appointment or of office or any other article, in accordance with the provision of sub-section (*1*) of section 35, shall be punished with imprisonment for a term which may extend to one month, or with fine which may extend to two hundred rupees, or with both.

Government may make order under section 144, Code of Criminal Procedure.

38. Government, whenever it shall seem necessary, may by notification make an order to such effect as any order which if made by a Magistrate under section 144 of the Code of Criminal Procedure [1] could be continued in force by Government under the enactment aforesaid. X of 1882.

CHAPTER IV.

POLICE REGULATIONS.

Rules may be made by District Magistrate regarding use of streets, etc.

39. (*1*) In any town or other place in which he thinks fit, the Magistrate of the district may, from time to time and subject to such orders as may have been made by a municipal or other authority empowered in that respect, make rules or orders—

(*a*) closing certain streets or places temporarily, in cases of danger from ruinous buildings or other cause, with such exceptions as shall appear reasonable;

(*b*) for guarding against injury to persons and property in the construction, repair and demolition of buildings, platforms and other structures from which danger may arise to passengers, neighbours or the public;

(*c*) regulating the leading, driving, conducting or conveying of any elephant or wild or dangerous animal through or in any street;

(*d*) prohibiting the hanging or placing of any cord or pole across a street or part thereof, or the making of a projection or structure so as to obstruct traffic or the free access of light and air;

(*e*) prescribing certain hours of the day during which ordure and offensive matter or objects shall not be taken from or into houses or buildings in certain streets or conveyed through such streets, and during which cattle shall not be driven along the

[1] *See* now Act 5 of 1898, Genl. Acts, Vol. V.

streets, or along certain specified streets, except subject to such reasonable regulations as he may prescribe in that behalf;

(*f*) prohibiting the setting fire to or burning any straw or other matter, or lighting a bonfire, or wantonly discharging a fire-arm or air-gun, or letting off or throwing a fire-work, or sending up a fire balloon in or upon or within fifty feet of a street or building or the putting up of any post or other thing on the side of or across a street for the purpose of affixing thereto lamps or other contrivances for illumination, except subject to such reasonable regulations as he may prescribe in that behalf;

(*g*) prohibiting, except under such reasonable regulations as the Magistrate of the district may impose, the making of any excavation, the placing of building materials or other articles, or the fastening or detention of any horse or other animal in any street;

(*h*) prohibiting, save under such regulations as aforesaid, the exposure or movement in any street of persons or animals suffering from contagious or infectious diseases and the carcasses of animals or parts thereof and the corpses of persons deceased;

(*i*) setting apart places for the slaughtering of animals, the cleaning of carcasses or hides, the deposit of noxious or offensive matters, and for obeying calls of nature:

(*j*) in cases of existing or apprehended epidemic or infectious disease of men or animals, with respect to cleanliness and disinfection of premises by the occupier thereof and residents therein, and as to the segregation and management of the persons or animals diseased or supposed to be diseased, as may have been directed or approved by Government with a view to prevent the disease or to check the spreading thereof;

(*k*) directing the closing or disuse, wholly or for certain purposes, or limiting to certain purposes only the use, of any source, supply or receptacle of water, and providing against pollution of the same or of the water therein;

(*l*) regulating the hours during which and the manner in which any place for the disposal of the dead, any dharmsala, village-gate or other place of public resort may be used, so as to secure the equal and appropriate application of its advantages and accommodation and to maintain orderly conduct amongst those who resort thereto;

(*m*) regulating [1] ***** the movement of persons, animals and vehicles at such times and such places at which, in the opinion of the Magistrate, special regulations may be necessary for the public safety and convenience.

Manner of publication of such rules.

(2) Every regulation made under clause (*h*) or made under clause (*l*) with respect to the use of a place for the disposal of the dead shall be framed with due regard to ordinary and established usages and to the necessities of prompt disposal of the dead in certain cases; and every rule or order made by the Magistrate of the district under clause (*c*), (*e*), (*f*), (*g*), (*h*) or (*i*) shall be published by affixing a copy thereof, in the language of the district, in the chávdi, or in some other public building in the town or place in which the same is to have operation, and a copy, in the language of the district, of every rule or order made under clause (*a*), (*b*), (*j*), (*k*) or (*l*) shall be kept affixed in a conspicuous spot near to the building, structure, work or place to which the same specially relates.

Rules under clause (*l*) (*j*) to be reported to the Commissioner.

(3) Every rule promulgated under the authority of article (*j*) of clause (*l*) of this section shall be forthwith reported to [2][the Commissioner] and shall be in force for not more than fifteen days unless extended by [2][the Commissioner] for a longer period and, in such case, for so long as [2][the Commissioner] directs.

(4) It shall be the duty of all persons concerned to conform to any order duly made as aforesaid so long as the same shall be in operation.

Rules for licensing and controlling theatres and other places of public amusement.

[3][**39A.** With the previous sanction of the Governor in Council the Magistrate of the district may from time to time make rules for licensing and controlling theatres and other places of public amusement, entertainment or assembly, including the entrance and exit of persons thereat, and the decent and orderly conduct of proceedings therein, and in order to prevent the obstruction, inconvenience, annoyance, risk, danger or damage of the residents or passengers in the vicinity, prohibiting the keeping of places of public amusement, entertainment or assembly.]

District Magistrates may make rules for blasting and excavation.

40. Every Magistrate of a district may from time to time make rules for the blasting of rocks or for making excavations in or near any street in any town or village in his district and may provide in such rules for the grant of licenses for such operations.

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[1] The words " the entrance and exit of persons at theatres and other places of public amusement or assembly, the decent and orderly conduct of proceedings therein and " were repealed by s. 6 (*1*) of the Bombay District Police Amendment Act, 1912 (Bom. Act 4 of 1912), Vol. V of this Code.

[2] These words were substituted for the word " Government " by s 2 and Sch. I of the Bombay Decentralization Act, 1915 (Bom. Act 3 of 1915), Vol. V of this Code.

[3] This section was inserted by s. 6 (*2*) of the Bombay District Police Amendment Act, 1912 (Bom. Act 4 of 1912), Vol. V of this Code.

Discontinuance of brothels.

41. On complaint being made to a Magistrate of a district or of a sub-division that any house in a town or village in his district or sub-division to which Government has by [1] notification extended this section is used as a common brothel or lodging-house or place of resort for prostitutes or disorderly persons of any description, to the annoyance of the respectable inhabitants of the vicinity, the said Magistrate may summon the owner or tenant of the house to answer the complaint, and on being satisfied that the house is so used may order the owner or tenant, within a reasonable period which shall be set forth in the order, to discontinue such use of it.

Issue of orders by Magistrates for prevention of disorder.

42. (*1*) The Magistrate of the district, or in his absence and subject to his order the Magistrate of the first class having jurisdiction in any town or village and present therein or in the neighbourhood thereof, may, whenever and for such time as it shall appear necessary, by a notification publicly promulgated or addressed to individuals, prohibit in such town or village or the vicinity thereof the carrying of arms, cudgels or other weapons, the carrying, collection and preparation of stones or other missiles or instruments or means of casting or impelling missiles, the exhibition of persons or of corpses or figures thereof, the public utterance of cries, singing of songs, [2][playing of music], delivery of harangues and use of gestures or mimetic representations and the preparation, exhibition or dissemination of pictures, symbols, placards or of any other object or thing, which may be of a nature to outrage morality or decency or, in the opinion of such Magistrate, may probably inflame religious animosity or hostility between different classes or incite to the commission of an offence, to a disturbance of the public peace or to resistance to or contempt of the law or of a lawful authority.

Any one of several Magistrates having jurisdiction may issue order.

(*2*) If in any town or village or the vicinity thereof there are two or more Magistrates of the first class having jurisdiction therein, a prohibition as aforesaid may be made by any one of them.

Orders by subordinate Magistrate to be communicated to the District Magistrate.

(*3*) An order made under this section by a subordinate Magistrate shall be forthwith communicated to the Magistrate of the district, who shall thereupon confirm, cancel or modify the same as shall seem expedient.

Issue of orders by Magistrate of the district

43. In order to prevent an impending or apprehended riot or grave disturbance of the peace the Magistrate of the district may temporarily close or

[1] For notification issued under this section, *see* Bombay Local Rules and Orders.

[2] These words were inserted by s. 10 of the Bombay District Police Amendment Act, 1898 (Bom. Act 3 of 1898), Vol. IV of this Code.

for prevention of riot or grave disturbance of the peace.

take possession of any building or place, and may exclude all or any persons therefrom, or may allow access thereto to such persons only and on such terms as he shall deem expedient. All persons concerned shall be bound to conduct themselves in accordance with such order as the Magistrate may make and notify in the exercise of the authority hereby vested in him.

Issue of orders by Magistrate of the district for maintenance of order at religious ceremonials, etc.

44. (*1*) In any case of an actual or intended religious or ceremonial or corporate display or exhibition or organized assemblage in any street as to which or the conduct of or participation in which it shall appear to the Magistrate of the district that a dispute or contention exists which is likely to lead to grave disturbance of the peace, such Magistrate may give such orders as to the conduct of the persons concerned towards each other and towards the public as he shall deem necessary and reasonable under the circumstances, regard being had to the apparent legal rights and to any established practice of the parties and of the persons interested. Every such order shall be published in the town or place wherein it is to operate, and all persons concerned shall be bound to conform to the same.

Orders to be subject to decrees, etc., of Courts.

(*2*) Any order made under the foregoing sub-section shall be subject to a decree, injunction or order made by a Court having jurisdiction, and shall be recalled or altered on its being made to appear to the Magistrate of the district that such order is inconsistent with a judgment, decree, injunction or order of such Court, on the complaint, suit or application of any person interested as to the rights and duties of any persons affected by the order aforesaid.

District Magistrate may take special measures to prevent outbreak of epidemic disease at fair, etc.

45. (*1*) Whenever it shall appear to the Magistrate of a district that any place in the district, at which, on account of a fair, pilgrimage or other such occurrence, large bodies of persons have assembled, or are likely to assemble, is visited or will probably be visited with an outbreak of any epidemic disease, he may take such special measures and may by public notice prescribe such regulations to be observed by the residents of the said place and by persons present thereat or repairing thereto or returning therefrom as he shall deem necessary to prevent the outbreak of such disease or the spread thereof.

Levy of fees in such cases.

(*2*) It shall be lawful for the Magistrate of the district or for the Collector on the requisition of the Magistrate of the district, subject to the orders of [1][the Commissioner], to assess and levy such reasonable fees on persons falling under the provisions of sub-section (*1*) as will provide for the expenses of the arrangements for sanitation and the preservation of order at and about the place of assemblage.

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[1] These words were substituted for the word "Government" by s. 2 and Sch. I of the Bombay Decentralization Act, 1915 (Bom. Act 3 of 1915), Vol. V of this Code.

(3) When the place of assemblage is within the limits of a municipality such sums as shall be necessary for the purposes aforesaid may be recovered from the municipality. Recovery of expenses from municipalities.

46. Whenever it shall appear to the Magistrate of a district or to any sub-divisional Magistrate that the movement or encampment of any gang or body of persons in the district is causing or is calculated to cause danger or alarm or reasonable suspicion that unlawful designs are entertained by such gang or body or by members thereof, such Magistrate may, by notification addressed to the persons appearing to be the leaders or chief men of such gang or body and published by beat of drum or otherwise as such Magistrate thinks fit, direct the members of such gang or body so to conduct themselves as shall seem necessary in order to prevent violence and alarm, or to disperse and each of them to remove himself to such place by such route as such Magistrate shall prescribe. Dispersal of gangs and bodies of persons.

47. (1) For the purpose of preventing serious disorder or breach of the law or manifest and imminent danger to the persons assembled at any public place of amusement or at any assembly or meeting to which the public are invited or which is open to the public, the senior police-officer of highest rank superior to that of constable, present [1][at] such place of amusement, [2]* * or such assembly or meeting, [2]*** may, subject to such rules and orders as may have been lawfully made, give such reasonable directions as to the mode of admission of the public to, and for securing the peaceful and lawful conduct of the proceedings [3][and the maintenance of the public safety] at, such place of amusement or such assembly or meeting, as he thinks necessary; and all persons shall be bound to conform to every such reasonable direction. Police to provide against disorder, etc., at public places of amusement and public meetings.

(2) The police shall have free access to every such place of amusement, assembly or meeting, for the purpose of giving effect to the provisions of sub-section (1) and to any direction made thereunder. Police to have free access thereto.

48. (1) The District Superintendent or an Assistant [4][or Deputy] Superintendent may, subject to any rule or order which may at any time be Police to regulate assemblies,

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[1] The word "at" was substituted for the words "in the town or village where" by s. 1 of the Bombay District and City Police (Amendment) Act, 1913 (Bom. Act 5 of 1913), Vol. V of this Code.

[2] The words "is situate" and the words "is to be held" were repealed by *ibid.*

[3] These words were inserted by *ibid.*

[4] These words were inserted by s. 2 and Sch. I of the Bombay Repealing and Amending Act, 1910 (Bom. Act 1 of 1910), Vol. V of this Code.

etc., in public streets.

legally made by any Magistrate, or other authority duly empowered in this behalf—

(*a*) make rules for and direct the conduct of [1] [and behaviour or action of persons constituting] assemblies and processions and moving crowds or assemblages on or along the streets, and prescribe, in the case of processions, the routes by which, the order in which, and the times at which the same may pass ;

(*b*) regulate and control, by the grant of licenses or otherwise, the playing of music, the beating of drums, tom-toms or other instruments and the blowing or sounding of horns or other noisy instruments in or near a street ;

(*c*) make reasonable orders subordinate to and in furtherance of any order made by a Magistrate under sections 39–46 of this Act.

Manner of publication of such rules and orders.

(*2*) Every rule and order made under this section shall be published at or near the place where it is to operate, or shall be notified to the person affected thereby, and all persons concerned shall be bound to act conformably thereto.

Provisions as to dogs.

49. (*1*) The Magistrate of the district may, by public notice, extending to such place or places within the district as shall therein be named, require every dog, while in the streets and not led by some person, to be muzzled in such a manner as will admit of the animal breathing and drinking without obstruction and effectually prevent it from biting, and the police may, except as is hereinafter in sub-section (*2*) provided, destroy any dog found loose in any place beyond the premises of the owner thereof during the currency of such order, or may take possession of any such dog and detain the same until the owner has claimed it, has provided a proper muzzle, and has paid all expenses connected with such detention.

When dogs may be destroyed or sold by the police.

(*2*) The police shall not destroy any dog which wears a collar bearing a known owner's name, unless such dog is rabid, until the same has remained in their possession for three clear days without the owner claiming it and paying all expenses incurred by its detention ; but may sell or destroy any dog which has remained in their possession for the said period without the owner claiming it and paying the said expenses.

How expenses may be recovered.

(*3*) For the expenses incurred under the preceding sub-sections the owner of the dog shall be answerable as for an arrear of land-revenue.

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[1] These words were inserted by s. 11 of the Bombay District Police Amendment Act, 1898 (Bom. Act 3 of 1898), Vol. IV of this Code.

(4) When any dog taken possession of by the police wears a collar with the apparently genuine address of any person inscribed thereon, a letter stating the fact of such dog having been taken possession of shall be forthwith sent by post to the said address. Provision in case of dog wearing a collar with owner's address.

50. Every power conferred by this Chapter on a District Superintendent or officer subordinate to him shall be exercised by him subject to the orders of the Magistrate of the district, and all rules, regulations and orders made by the Magistrate of the district under this Chapter shall be subject to the provisions of section 13 (2). Powers under this Chapter to be exercised by District Superintendent subject to control of District Magistrates and by District Magistrates subject to control of Government.

CHAPTER V.

EXECUTIVE POWERS AND DUTIES OF THE POLICE.

51. (1) Every police-officer shall— Duties of police-officer.

(a) promptly obey and execute every warrant or other order lawfully issued to him by competent authority; and shall by all lawful means endeavour to give effect to the commands of his superior;

(b) to the best of his ability, obtain intelligence concerning the commission of cognizable offences or designs to commit such offences, and lay such information and take such other steps, consistent with law and with the orders of his superiors, as shall be best calculated to bring offenders to justice or to prevent the commission of offences;

(c) to the best of his ability, prevent the commission of public nuisances;

(d) apprehend all persons whom he is legally authorized to apprehend, and for whose apprehension there is sufficient reason;

(e) aid another police-officer when called on by him or in case of need in the discharge of his duty, in such ways as would be lawful and reasonable on the part of the officer aided;

(f) discharge such duties as are imposed upon him by any law relating to revenue or other law at the time in force.

(2) Every police-officer may, subject to the rules and orders made by Government or by a person lawfully authorized, enter for any of the said purposes, without a warrant, and inspect any place of public resort and any Power to enter places of public resort.

place which he has reason to believe is used as a drinking-shop, or a shop for the sale of intoxicating drugs or a place of resort of loose and disorderly characters.

Power to search suspected persons in the streets.

(3) When in a street or place of public resort a person has possession or apparent possession of any article which a police-officer in good faith suspects to be stolen property, such police-officer may search for and examine the same and may require an account thereof, and, should the account given by the possessor be manifestly false or suspicious, may detain such article and report the facts to a Magistrate, who shall thereon proceed according to sections 523 and 525 of the [1] Code of Criminal Procedure or other law in force. X of 1882

Duties of police-officers towards the public.

52. It shall be the duty of every police-officer—

(*a*) to afford every assistance within his power to disabled or helpless persons in the streets, and to take charge of intoxicated persons and of lunatics at large who appear dangerous or incapable of taking care of themselves ;

(*b*) to take prompt measures to procure necessary help for any person under arrest or in custody, who is wounded or sick, and, whilst guarding or conducting any such person, to have due regard to his condition ;

(*c*) to arrange for the proper sustenance and shelter of every person who is under arrest or in custody ;

(*d*) in conducting searches, to refrain from needless rudeness and the causing of unnecessary annoyance ;

(*e*) in dealing with women and children, to act with strict regard to decency and with reasonable gentleness ;

(*f*) to use his best endeavours to prevent any loss or damage by fire ;

(*g*) to use his best endeavours to avert any accident or danger to the public.

Police to regulate traffic, etc., in streets ;

53. (*1*) It shall be the duty of a police-officer—

(*a*) to regulate and control the traffic in the streets, to prevent obstructions therein and, to the best of his ability, to prevent the infraction of any rule or order made under this Act or any other law in force for observance by the public in or near the streets ;

to keep order in the streets and other public places ; and

(*b*) to keep order in the streets and at and within public bathing, washing and landing places, fairs, temples and all other places of public resort and in the neighbourhood of places of public worship during the time of public worship ;

[1] *See* now Act 5 of 1898, General Acts, Vol. V.

(*c*) to regulate resort to public bathing, washing and landing places, to prevent overcrowding thereat and in public ferry-boats and, to the best of his ability, to prevent the infraction of any rule or order lawfully made for observance by the public at any such place or on any such boat. to regulate resort to public places.

(2) All persons shall be bound to conform to the reasonable directions of a police-officer given in fulfilment of any of the said duties. Persons bound to conform to reasonable orders of police.

(3) A police-officer may restrain or remove any person resisting or refusing or omitting to conform to any such direction as aforesaid, and may either take such person before a Magistrate or, in trivial cases, may release him when the occasion is past. Police officer may restrain or remove contumacious person.

54. Whenever a notification has been duly issued under section 42, or an order has been made under section 43 or 44, it shall be lawful for any Magistrate or police-officer to require any person acting or about to act contrary thereto to desist or to abstain from so doing, and, in case of refusal or disobedience, to arrest the person offending. Such Magistrate or police-officer may also seize any object or thing used or about to be used in contravention of such notification or order as aforesaid, and the thing seized shall be disposed of according to the order of any Magistrate having jurisdiction at the place. Enforcement of orders issued under section 42, 43 or 44.

55. It shall be the duty of the police to see that every regulation and notification made by the Magistrate of the district under section 45, or by the Magistrate of the district or a sub-divisional Magistrate under section 46, is duly obeyed to warn persons who from ignorance fail to obey the same, and to arrest any person who wilfully disobeys the same. Duty of the Police to see orders issued under section 45 or 46 carried out.

56. A police-officer may take charge of any animal falling under the provisions of the [1] Cattle Trespass Act which may be found straying in a street, and may take or send the same to the nearest pound, and the owner and other persons concerned shall thereon become subject to the provisions of the said Act. Police officer may take charge of stray cattle.

I of 1871.

57. The police shall take temporary charge of all unclaimed property found by or made over to them; and shall deliver all such property to the police-patel, if any, of the town or village in which the same was found, and take a receipt therefor from the patel, who shall forward such property to the Duty of police with regard to unclaimed property.

[1] General Acts, Vol. II.

Magistrate to whom such police-pátel is subordinate. If in any such case there be no police-pátel of such town or village, the police shall forthwith report to such Magistrate as the Magistrate of the district shall, from time to time, appoint in this behalf, and act thereafter as the said first-mentioned Magistrate shall direct.

Procedure by Magistrate when property exceeds ten rupees in value.

58. (*1*) If the property regarding which a report is made to a Magistrate under the last preceding section or under section 19 of the [1]Bombay Village Police Act, 1867, appears to such Magistrate to have been left by a person who has died intestate and without known heirs and to be likely, if sold in public auction, to realize more than ten rupees net proceeds, he shall communicate with the District Judge with a view to its being dealt with under the provisions of section 10 of Regulation [2]VIII of 1827 (*a Regulation to provide for the formal recognition of heirs, etc.*) or other law in force.

Bom. Act VIII of 1867.

Bom. Reg. VIII of 1827.

Procedure in other cases.

(*2*) In any other case the Magistrate shall issue a proclamation specifying the articles of which such property consists, and requiring any person who may have a claim thereto to appear before himself or some other officer whom he appoints in this behalf and establish his claim within six months from the date of such proclamation. If no person within such period establishes his claim to such property, it shall be at the disposal of Government, and may be sold in public auction under the orders of the Magistrate.

(*3*) The provisions of section 10 of the Regulation aforesaid shall be deemed not to apply to intestate property which is dealt with by a Magistrate under sub-section (*2*).

Power to sell perishable property at once.

59. If the property regarding which a report is made as aforesaid is subject to speedy and natural decay or consists of live-stock, or appears to be of less value than five rupees, the Magistrate may at once direct it to be sold in public auction, and the provisions of the last preceding section shall, as nearly as may be practicable, apply to the net proceeds of such sale.

A superior police-officer may himself perform duties imposed on his inferior, etc.

60. A police-officer of rank superior to that of constable may perform any duty assigned by law or by a lawful order to any officer subordinate to him; and, in case of any duty imposed on such subordinate, a superior, where it shall appear to him necessary, may aid, supplement, supersede or prevent any action of such subordinate by his own action or that of any person lawfully acting under his command or authority, whenever the same shall appear necessary or expedient for giving more complete or convenient effect to the law or for avoiding an infringement thereof.

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[1]Vol. II of this Code.

[2]Vol. I of this Code.

CHAPTER VI.

OFFENCES AND PUNISHMENTS.

Punishment of certain street offences and nuisances, driving on dark nights without a light;

[1]61. In any local area to which [2] [the Commissioner] by notification from time to time extends this section or any part thereof, whoever contrary thereto—

(*a*) without lawful excuse drives along or keeps standing in, any street a vehicle of any description at any time between [3] [half an hour after sunset and half an hour before sunrise] without a sufficient light or lights, except when there is sufficient moonlight to render such light unnecessary;

disregarding the rule of the road;

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

leaving, cattle, etc., insufficiently tended;

(*c*) leaves in any street insufficiently tended or secured any animal or vehicle;

causing obstruction or mischief by animals;

(*d*) causes obstruction, injury, danger or alarm in any street, or mischief, by any misbehaviour, negligence or ill-usage in the driving management or care of any animal or vehicle, or by driving any vehicle or animal laden with timber, poles, or other unwieldy articles through a street, contrary to any regulation made in that behalf and published by the Magistrate of the district;

exposing animal for hire or sale, etc.;

(*e*) exposes for hire or sale any animal or vehicle, cleans any furniture or vehicle, or cleans, grooms, trains or breaks in any horse or other animal or makes or repairs any vehicle or any part of a vehicle in any street (unless when in the case of an accident repairing on the spot is necessary) or carries on therein any manufacture or operation so as to be a serious impediment to traffic or a serious annoyance to residents or to the public;

causing any obstruction in a street;

(*f*) causes obstruction in any street by allowing any animal or vehicle which has to be loaded or unloaded or to take up or set down pas-

[1] For extension of s. 61, to certain local areas in certain Districts, *see* Bombay Local Rules and Orders. For extension of certain clauses of s. 61, to certain local areas and villages in certain Districts,—*see ibid.*

[2] These words were substituted for the word "Government" by s. 2 and Sch. I of the Bombay Decentralization Act, 1915 (Bom. Act 3 of 1915), Vol. V of this Code.

[3] These words were substituted for the words "three-quarters of an hour after sunset and one hour before sunrise" by s. 2 and Sch. I of the Bombay Repealing and Amending Act, 1919 (Bom. Act 2 of 1919), Vol. V of this Code.

[4] This clause was substituted for the original clause (*b*), by s. 7 of the Bombay District Police (Amendment) Act, 1912 (Bom. Act 4 of 1912), Vol. V of this Code.

sengers, to remain or stand therein longer than may be necessary for such purpose, or by leaving any vehicle standing or fastening any cattle therein, or using any part of a street as a halting-place for vehicles or cattle, or by leaving any box, bale, package or other thing whatsoever in or upon a street for an unreasonable length of time or contrary to any regulation made and published by the Magistrate of the district, by exposing anything for sale or setting out anything for sale in or upon any stall, booth, board, cask, basket or in any other way whatsoever causes obstruction;

obstructing a footway;

(*g*) causes obstruction on any footway, or danger, alarm, or annoyance by driving, riding or leaving any animal or driving or drawing any vehicle thereupon or fastening any animal so that the same can stand across or upon such footway;

exhibiting mimetic, musical or other performances, etc.;

(*h*) exhibits, contrary to any regulation made and notified by the Magistrate of the district, any mimetic, musical or other performances of a nature to attract crowds, or carries or places bulky advertisements, pictures, figures, or emblems in any street whereby an obstruction to passengers or annoyance to the inhabitants may be occasioned;

gambling in a street;

(*i*) assembles with others or joins any assembly in a street assembled for the purpose of gaming or wagering;

doing offensive acts on or near public streets;

(*j*) slaughters any animal, cleans a carcass or hide, obeys a call of nature or causes a child to do so, or bathes or washes his person in or near to and within sight of a street (except in some place set apart for the purpose by order of the District Magistrate or some other person having lawful authority in that behalf), so as to cause annoyance to the neighbouring residents or to passers by;

letting loose horses, etc., and suffering ferocious dogs to be at large;

(*k*) negligently lets loose any horse or other animal, so as to cause danger, injury, alarm or annoyance, or suffers a ferocious dog to be at large without a muzzle, or sets on or urges a dog or other animal to attack, worry or put in fear any person or horse or other animal;

bathing or washing in places not set apart for those purposes;

(*l*) bathes or washes in or by the side of a public well, tank, or reservoir, not set apart for such purpose by order of the Magistrate of the district or of some other person having lawful authority in that behalf, or in or by the side of any pond, pool, aqueduct, part of a river, stream, nala or other source or means of water-supply in which such bathing or washing is forbidden by order of the

Magistrate of the district or other person having lawful authority in that behalf;

(*m*) defiles, or causes to be defiled, the water in any public well, tank, reservoir, pond, pool, aqueduct or part of a river, stream, nala or other source or means of water-supply, so as to render the same less fit for any purpose for which it is set apart as aforesaid; defiling water in public wells, etc.

(*n*) obstructs or incommodes a person, bathing at a place set apart for that purpose as aforesaid, by wilful intrusion or by using such place for any purpose for which it is not so set apart; obstructing bathers.

(*o*) wilfully and indecently exposes his person, uses indecent language or behaves indecently or riotously or in a disorderly manner in a street or place of public resort, or in any public office, station or station-house; behaving indecently in public;

(*p*) is drunk and incapable of taking care of himself in a street or place of public resort; being drunk and incapable;

(*q*) wilfully pushes, presses, hustles, or obstructs any passenger in a street, or by violent movements, menacing gestures, wanton personal annoyance, screaming, shouting, wilfully frightening horses or cattle, or otherwise disturbs the public peace or order; obstructing or annoying passengers in the street

(*r*) uses in any street any threatening, abusive or insulting words or behaviour with intent to provoke a breach of the peace or whereby a breach of the peace may be occasioned; misbehaviour with intent to provoke a breach of the peace;

(*s*) begs importunately for alms [1][or directs or permits children under his control to beg for alms] or exposes or exhibits, with the object of exciting charity, any deformity or disease or any offensive sore or wound in or near to and within sight of any street; begging and exposing offensive ailments.

shall be punished with fine which may extend to fifty rupees.

[2][**61A.** (*1*) Where it appears to Government, from the report of the Magistrate of a district or on the representation of a local authority, that in any local area subject to the jurisdiction or control of such Magistrate or authority cattle are habitually allowed to stray and that such cattle trespass on land and damage crops or other produce thereon, Government may by notification direct that the provisions of this section shall have operation in such local area. In such notification Government may direct that this section Special provisions respecting cattle habitually allowed to stray.

[1] These words were inserted by s. 2 and Sch. I of the Bombay Repealing and Amending Act, 1919 (Bom. Act 2 of 1919), Vol. V of this Code.

[2] This section was inserted by s. 2 of the Bombay District Police (Amendment) Act, 1918 (Bom. Act 9 of 1918), Vol. V of this Code.

shall apply to cattle generally or to such kind or kinds of cattle as may be specified in the notification, and the provisions of this section shall in such local area be read and construed accordingly.

(*2*) In any local area in which this section is in operation, any person who, through neglect or otherwise, fails to keep in confinement or under restraint between one hour after sunset and sunrise any cattle which are his property or in his charge shall be punished with fine which may extend to one hundred rupees or, on a second or any subsequent conviction, with fine which may extend to five hundred rupees or with imprisonment which may extend to six months or with both.

Explanation.—Cattle shall not be deemed to be kept in confinement within the meaning of this sub-section unless they are effectively confined within a fence, wall or other enclosure and shall not be deemed to be kept under restraint within the meaning of this sub-section unless they are effectively restrained by means of a rope or other attachment.

(*3*) Any person may seize any cattle not being kept in confinement or under restraint as required by this section and may take or send the same to the nearest cattle-pound, and the owner and other persons concerned shall thereon become subject to the provisions of the [1] Cattle-trespass Act, 1871. I of 1871. All officers of police and all police-patels and all members of the village police shall, when required, aid in preventing resistance to such seizures and rescues from persons making such seizures.

(*4*) Any fine imposed under this section may, without prejudice to any other means of recovery provided by law, be recovered by sale of all or any of the cattle in respect of which the offence was committed, whether they are the property of the person convicted of the offence or were only in his charge when the offence was committed.]

Punishment for cruelty to animals.

62. (*1*) Whoever cruelly beats, goads, overworks, ill-treats or tortures or causes or procures to be cruelly beaten, goaded, overworked, ill-treated or tortured any animal, shall be punished with imprisonment which may extend to one month or with fine which may extend to one hundred rupees, or with both.

(*2*) Jurisdiction in cases arising under this section shall not be exercised by a Magistrate of lower rank than the [2] [second] class, unless, such Magistrate be specially invested with jurisdiction for that purpose by Government.

Penalty for vexatious search, arrest, etc., by the police.

63. Any police-officer who,—

(*a*) without lawful authority or reasonable cause enters or searches or causes to be entered or searched any building, vessel, tent or place; or

[1] General Acts, Vol. II.

[2] This word was substituted for the word "first" by s. 2 and Sch. I of the Bombay Decentralization Act, 1915 (Bom. Act 3 of 1915), Vol. V of this Code.

(*b*) vexatiously and unnecessarily seizes the property of any person; or

(*c*) vexatiously and unnecessarily detains, searches or arrests any person; or

(*d*) offers any unwarrantable personal violence to any person in his custody;

(*e*) holds out any threat or promise not warranted by law to a person accused;

shall for every such offence be punished with imprisonment for a term not exceeding two months or with fine which may extend to five hundred rupees, or both.

Penalty for vexatious delay in forwarding a person arrested.

64. Any police-officer who vexatiously and unnecessarily delays forwarding any person arrested to a Magistrate or to any other authority to whom he is legally bound to forward such person, shall be punished with fine which may extend to two hundred rupees.

65. Whoever—

(*a*) contravenes any rule made under section 39 [1] [or section 39A] or

(*b*) opposes or fails to conform to any direction given by the police under section 53;

(*c*) abets the commission of any offence under clause (*a*) or (*b*);

shall be punished with fine which may extend to fifty rupees.

Penalty for contravention of rules under section 39 or section 39A or of directions under section 53.

66. Whoever contravenes any rule made under section 40 or any condition of any license granted under the said rules shall be punished with fine which may extend to one hundred rupees.

Penalty for contravening rules, etc., under section 40.

67. Whoever fails to comply with an order made under section 41 shall be punished with fine which may extend to twenty-five rupees for every day that such order continues to be disobeyed by him.

Penalty for failure to comply with order under section 41.

68. Whoever—

(*a*) disobeys an order lawfully made under section 42, 43 or 44; or

(*b*) opposes or fails to conform to any direction given by the police under section 47; or

(*c*) opposes or disobeys any rule made or direction given by the police under section 48; or

Penalty for contravention of rules or directions under sections 42, 43, 44, 47 and 48.

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[1] These words and figures were inserted by s. 8 of the Bombay District Police Amendment Act, 1912 (Bom. Act 4 of 1912), Vol. V of this Code.

(*d*) contravenes any condition of a license granted under clause (*b*) of said section ; or

(*e*) abets the commission of any offence under clause (*a*), (*b*), (*c*) or (*d*) ;

shall be punished with fine which may extend to two hundred rupees.

Penalty for contravention of a regulation made under section 45.

69. Whoever contravenes or abets the contravention of any regulation made under section 45 shall be punished with imprisonment which may extend to three months, or with fine which may extend to two hundred rupees, or with both.

Penalty for contravention of direction given under section 46.

70. Whoever opposes or disobeys any direction given by a Magistrate of a district or a Sub-Divisional Magistrate under section 46 or abets opposition to, or disobedience of, any such direction, shall be punished with imprisonment which may extend to one month, or with fine which may extend to one hundred rupees, or with both.

Penalty for opposing or not complying with direction given under section 54.

71. Whoever opposes or fails forthwith to comply with any reasonable direction given by a Magistrate or a police-officer under section 54, or abets opposition thereto or failure to comply therewith, shall be punished with imprisonment which may extend to three months, or with fine which may extend to five hundred rupees, or with both.

Jurisdiction when offender is a police-officer above the rank of constable.

72. Offences against this Act, when the accused person or any one of the accused persons is a police-officer above the rank of a constable, shall not be cognizable by a Magistrate below the second class.

Prosecution for certain offences against the Act to be in the discretion of the police.

73. It shall not, except in obedience to a rule or order made by Government or by the Magistrate of the district, be incumbent on the police to prosecute for an offence punishable under section 61, 62, 65, 67, 68, 69 or 70, when such offence has not occasioned serious mischief and has been promptly desisted from on warning given.

Prosecution for offences under other enactments not affected by the Act.

74. Nothing in this Act shall be construed to prevent any person from being prosecuted and punished under any other enactment for any offence made punishable by this act or from being prosecuted and punished under this Act for an offence punishable under any other enactment :

Provided that all such cases shall be subject to the provisions of section 403 of the Code of [1] Criminal Procedure. X of 1882.

[1] *See* now Act 5 of 1898, General Acts, Vol. V.

CHAPTER VII.

MISCELLANEOUS.

Disposal of rewards, etc., payable to police-officers.

75. All sums paid for the service of process by police-officers and all rewards, forfeitures and penalties or shares thereof which are by law payable to police-officers as informers, shall, except as hereinafter in this section provided, be credited to Government:

Provided that, with the sanction of Government, or under any rule made by Government in that behalf, the whole or any portion of any such reward, forfeiture or penalty may, for special services be paid to a police-officer or be divided amongst two or more police-officers.

District Magistrate's authority over village police-officers may be delegated to District Superintendent and may be withdrawn.

76. Any Magistrate of a district may delegate to the District Superintendent any authority which such Magistrate himself possesses for police purposes over any village police-officer, and may withdraw such authority.

No municipal or other rates to be payable by Government on police-buildings.

77. (*1*) No municipal or other local rates shall be payable by Government on account of the occupation or use of any house or place by members of the police force for the convenient performance of their duties.

[1] * * * * * * *

Method of proving orders and notifications issued under this Act.

78. Any order or notification published or issued by Government or by a Magistrate or officer under any provision of this Act, and the due publication and issue thereof, may be proved by the production of a copy thereof in the Bombay Government Gazette or of a copy thereof signed by such Magistrate or officer and by him certified to be a true copy of an original published and issued according to the provisions of the section of this Act applicable thereto.

Rules and orders not to be deemed invalid on account of defect of form or irregularity in procedure.

79. No rule, order, direction, adjudication, inquiry or notification made or published, and no act done under any provision herein contained or in substantial conformity to the same, shall be deemed illegal, void, invalid or insufficient for any defect of form or publication or any irregularity of procedure.

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[1] Sub-sections (*2*) and (*3*) were repealed by s. 3 and Sch. II of the Bombay Repealing and Amending Act, 1910 (Bom. Act I of 1910), Vol. V of this Code.

No Commissioner, Magistrate or police-officer to be liable to penalty or damages for act done in good faith in pursuance of duty.

80. (*1*) No Commissioner, Magistrate or police-officer shall be liable to any penalty or to payment of damages on account of any act done in good faith in pursuance or intended pursuance of any duty imposed or any authority conferred on him by any provision of this Act or of any rule, order or direction lawfully made or given thereunder.

No public servant liable as aforesaid for giving effect in good faith to any rule, order or direction issued with apparent authority.

(*2*) No public servant or person duly appointed or authorized shall be liable as aforesaid for giving effect in good faith to any such order or direction issued with apparent authority by Government or by a person empowered in that behalf under this Act or any rule made under any provision thereof.

Suits or prosecutions in respect of acts done under colour of duty as aforesaid not to be entertained, or to be dismissed, if not instituted within six months.

(*3*) In any case of an alleged offence by a Magistrate, police-officer or other person, or of a wrong alleged to have been done by such Magistrate, police-officer or other person, by any act done under colour or in excess of any such duty or authority as aforesaid, or wherein it shall appear to the Court that the offence or wrong if committed or done was of the character aforesaid, the prosecution or suit shall not be entertained, or shall be dismissed, if instituted more than six months after the date of the act complained of.

In suits as aforesaid one month's notice of suit to be given with sufficient description of wrong complained of.

(*4*) In the case of an intended suit on account of such a wrong as aforesaid, the person intending to sue shall be bound to give to the alleged wrongdoer one month's notice at least of the intended suit with a sufficient description of the wrong complained of, failing which such suit shall be dismissed.

Plaint to set forth service of notice and tender of amends.

(*5*) The plaint shall set forth that a notice as aforesaid has been served on the defendant and the date of such service, and shall state whether any, and if any, what, tender of amends has been made by the defendant. A copy of the said notice shall be annexed to the plaint endorsed or accompanied with a declaration by the plaintiff of the time and manner of service thereof.

Person interested may apply to Government to annul, reverse, or alter any rule or order.

81. (*1*) In the case of any rule or order made by Government under an authority conferred by this Act and requiring the public or a particular class of persons to perform some duty or act, or to conduct or order themselves or those under their control in a manner therein described, it shall be competent to any person interested to apply to Government by a memorial given to a Secretary to Government to annul, reverse, or alter the rule or order aforesaid on the ground of its being unlawful, oppressive or unreasonable.

When a suit shall lie to the District Court to declare a rule or order unlawful.

(*2*) After such an application as aforesaid and the rejection thereof wholly or in part, or after the lapse of four months without an answer to such application or a decision thereon published by Government, it shall be competent to the person interested and deeming the rule or order contrary to law to institute a suit against Government in the District Court of the district wherein the rule or order operates, for a declaration that the rule or order is unlawful either wholly or in part. The decision in such suit shall be subject to appeal; and a rule or order finally adjudged to be unlawful shall by Government be annulled or reversed or so altered as to make it conformable to law.

82. [*Saving of certain Acts.*] *Repealed by Act XVI of 1895.*

SCHEDULE A.

(*See section 2.*)

ENACTMENTS REPEALED.

No. and year of enactment.	Title or subject.	Extent of repeal.
Bombay Regulation No. XII of 1827.[1]	For the establishment of a system of police throughout the Bombay Presidency.	So much of clauses 1, 6, 7 and 8 of section 19 as has not already been repealed.
Acts of the Governor of Bombay in Council.		
VII of 1867 [2] ...	The Bombay District Police Act.	The whole Act, except sections 33 and 34.
III of 1886 [3] ...	The Bombay General Clauses Act.	So much of Schedule B as relates to clauses 1, 6, 7 and 8 of section 19 of Regulation XII of 1827 and to any section of Bombay Act VII of 1867, except section 34.

[1] Vol. I of this Code.

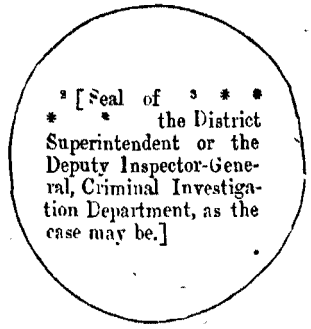
[2] Vol. II of this Code.

[3] This Act has since been repealed by the Bombay General Clauses Act, 1904 (Bom. Act 1 of 1904), save as to portions of Schedule B which relate to unrepealed enactments and is reproduced as an appendix to that Act, *see* Vol. IV of this Code.

SCHEDULE B.

(*See section 11.*)

FORM OF CERTIFICATE FOR POLICE-OFFICER [OF THE GRADE OF HEAD CONSTABLE OR CONSTABLE].



A. B. has been appointed to the police of the district of and is vested with the powers, functions and privileges of a police-officer under the Bombay District Police Act, 1890.

THE BOMBAY MUNICIPAL SERVANTS ACT, 1890.

CONTENTS.

SECTIONS.

1. Short title.

   Commencement and extent.

2. Interpretation.

   Act to be read with Municipal Acts in force.

3. Conditions as to resignation, withdrawal and absence from specified duties.

   Neglect or breach of duty.

   Provisos.

4. Power to dispense with two months' notice or with services after tender of resignation.

5. Power of Governor in Council to add to schedule.

6. Copies of Act to be supplied at nominal price to employés.

   SCHEDULE.

[1] These words were substituted for the words "below the grade of Inspector" by s. 2 and Schedule I of the Bombay Repealing and Amending Act, 1919 (Bom. Act 2 of 1919), Vol. V of this Code.

[2] These words were substituted for the words "Seal of the Magistrate of the district" by s. 2 and Schedule I of the Bombay Decentralization Act, 1915 (Bom. Act 3 of 1915), Vol. V of this Code.

[3] The words "the Inspector-General" were repealed by s. 3 and Schedule II of the Bombay Repealing and Amending Act, 1919 (Bom. Act 2 of 1919), Vol. V of this Code.

BOMBAY ACT NO. V OF 1890.[1]

[*15th January, 1891.*]

WHEREAS it is expedient to make better provision in the City of Bombay and elsewhere for the enforcement of regulations regarding certain classes of municipal servants whose functions intimately concern the public health or safety, and regarding the duties, withdrawal from duty, and leave of such servants; It is enacted as follows :—

Short title. Commencement and extent.

1. (*1*) This Act may be cited as the Bombay Municipal Servants Act.

(*2*) It shall come into force in the City of Bombay at once.

(*3*) The Governor in Council may, by [2] notification, extend all or any of its provisions, on and after a day not less than two months after the date of such notification, to any municipal district in the Bombay Presidency.

He may also cancel or vary such notification consistently with the provisions of this Act.

Interpretation.

2. (*1*) Unless there be something repugnant in the subject or context, all words used in this Act shall have respectively the meanings assigned to them in the [3]City of Bombay Municipal Act, 1888.

Bom. Act III of 1888.

Act to be read with Municipal Acts in force.

(*2*) This Act shall, in so far as it affects the City of Bombay, be read with the [3]City of Bombay Municipal Act, 1888, and in so far as it affects any other part of the Presidency of Bombay, shall be read with the [4] Bombay District Municipal Acts, 1873 and 1884.

Bom. Act III of 1888.

Conditions as to resignation, withdrawal and absence from specified duties.

3. (*1*) Any municipal officer, servant or other person employed by, or on behalf of, the Corporation or a Municipality to perform any of the duties specified in the Schedule, who—

(*a*) without the written permission, in the City of Bombay of the Commissioner or a person by him deputed in that behalf, and elsewhere of the officer authorized by the Municipality to give such permission, resigns his office without at least two months' notice given in writing to the Commissioner or person by him deputed, or to such officer, or withdraws or absents himself from the duties thereof, except in case of illness or

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[1] For Statement of Objects and Reasons *see* Bombay Government Gazette, 1890, Part V, p. 60; for Report of Select Committee, *see ibid*, 1890, p. 103; and for Proceedings in Council, *see ibid*, 1890, pp. 77, 109 and 127.

[2] For notification extending the provisions of the Act to certain municipal districts, *see* Bombay Local Rules and Orders.

[3] *Supra.*

[4] *See* now the Bombay District Municipal Act, 1901, which repealed these Acts, Vol. IV of this Code.

accident disqualifying him for the discharge of such duties or other reason accepted as sufficient by such Commissioner or person by him deputed, or such officer; or

Neglect or breach of duty.

(*b*) is guilty of any wilful breach or neglect of any provision of law or of any rule or order which as such municipal officer, servant or other person employed by, or on behalf of, the Corporation or a Municipality, it is his duty to observe or obey; or

(*c*) who abets an offence under clause (*a*) or clause (*b*);

shall be liable to forfeit his pay accruing due under a current term of service, and arrears of pay due for a term of not more than one month, and in addition to such forfeiture and any other penalty which may be imposed on him under any enactment or rule for the time being in force, shall be liable, on conviction by a Magistrate, to imprisonment which may extend to three months or to fine, or to both imprisonment and fine:

Provisos.

Provided that if any such officer, servant or other person produces a certificate signed by the medical officer appointed in the City of Bombay by the Commissioner, and elsewhere by the Municipality in this behalf, of a present incapacity to perform his duties which will probably endure for a month or more, the necessary permission to resign shall forthwith be granted:

Provided further that no fee shall be taken from a person on account of such certificate as aforesaid or of examination in connection therewith.

(*2*) The provisions of clauses (*a*) and (*b*) of sub-section (*1*) shall not apply to persons at the date of the passing of this Act in the employment of the Corporation or of a Municipality until the lapse of two months from such date.

Power to dispense with two months' notice or with services after tender of resignation.

4. (*1*) The Commissioner or officer authorized by the Municipality under section 3 (*a*), may,—

(*a*) at his discretion, accept any resignation to take effect at a time less than two months from the date thereof, or

(*b*) at any time after any municipal officer, servant or other person employed as aforesaid, has tendered his resignation, dispense with the services of such officer, servant or person.

(*2*) Any such officer, servant or other person whose services are dispensed with under sub-section (*1*), clause (*b*), shall, subject to any agreement in writing previously made between him and the Corporation or Municipality or its representative, be entitled, in addition to any wages which he may have earned at the date of tendering his resignation, to fifteen days' wages or to wages for such period longer than fifteen days, as his services may, after such

tender of resignation, have been retained by the officer authorized in that behalf.

Power of Governor in Council to add to schedule.

5. (*1*) It shall be lawful for the Governor in Council on the request of the Corporation or of a Municipality from time to time, by notification, to declare that from a date to be fixed therein, which shall not be less than two months from the date thereof, any specified class of duties which concern the public health or safety, shall be deemed to be included in the schedule to this Act, and from the date fixed on that behalf in such notification the provisions of section 3 shall apply to all persons employed by, or on behalf of, the Corporation or a Municipality to perform any duty of the class so specified in such notification.

(*2*) The Governor in Council may withdraw such notification and may from time to time cancel or vary the same consistently with the preceding clause and with the other provisions of this Act, and may also limit the operation of any notification to any Municipality or place wherein this Act is in operation.

Copies of Act to be supplied at nominal price to employés.

6. Every person employed by, or on behalf of, the Corporation or a Municipality to perform any of the duties set forth in the schedule, shall, on entering the service, and every person now so employed shall forthwith, receive gratis, and shall at any time thereafter, on payment of one anna, be entitled to receive in the City of Bombay from the Municipal Commissioner for the City of Bombay, and elsewhere from the President of a Municipality, a copy of this Act and of the notifications issued thereunder, applicable to such person or to the class to which he belongs, in the English, Maráthi, Gujaráthi, Canarese or Sindhi language.

SCHEDULE.

(Vide *section 3.*)

Duties which render the provisions of section 3 applicable to the persons employed by, or on behalf of, the Corporation or a Municipality to perform them.

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(*a*) scavenging or cleansing streets or premises,

(*b*) cleansing or flushing drains,

(*c*) removing or disposing of excrementitious or polluted matter from houses, latrines, privies, urinals, or cesspools,

(*d*) removing carcasses,

(*e*) preventing nuisances generally.

Class II.—Duties connected with the public safety :

Duties of—

(*a*) members of a fire-brigade,

(*b*) persons, however designated, employed on, or in connection with, the maintenance or service of any municipal water-works, drain, pumping station or fire hydrant, including—

(1) inspectors,

(2) sub-inspectors,

(3) foremen,

(4) mechanics,

(5) drivers,

(6) watchmen,

(7) labourers,

(8) workmen ;

(*c*) lamp-lighters.

THE BOMBAY DISTRICT VACCINATION ACT, 1892.

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BOMBAY ACT NO. 1 OF 1892.[1]

[*11th August, 1892.*]

An Act to prohibit the practice of inoculation and to make the vaccination of Children in certain portions of the Bombay Presidency compulsory.

WHEREAS it is expedient to prohibit the practice of inoculation and to make compulsory the vaccination of children in certain portions of the Presidency of Bombay, and to remove doubts as to the legality of compulsory vaccination in the case of convicts and others confined in criminal jails, reformatories and lunatic asylums in the said presidency; It is enacted as follows:—

Preliminary.

Short title. **1.** This Act may be cited as the Bombay District Vaccination Act, 1892.

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[1] For Statement of Objects and Reasons, *see* Bombay Government Gazette, 1891, Pt. V, p. 80; for Report of Select Committee, *see ibid*, 1892, p. 3; and for Proceedings in Council, *see ibid*, 1892, pp. 18, 29, 40, 61 and 63.

2. (*1*) Section 33 extends to the whole of the Presidency of Bombay, and shall come into force at once. **Extent and commencement.**

(*2*) The rest of the Act—

(*a*) extends to the whole of the Presidency of Bombay, except—

the city of Bombay, and
the town of Karachi; and

(*b*) shall come into force in each [1] local area within its extent on such day as the Governor in Council by notification in the Bombay Government Gazette may direct.

(*3*) Every such notification shall specify the local area to which it relates—

(*a*) by name if such area is a territorial sub-division or area with a specific name and defined limits, or

(*b*) by defining its limits in any other case.

(*4*) Except when an epidemic of small-pox exists or is apprehended, notice of the intention of Government to introduce the Act as aforesaid on a date specified shall be given in the Bombay Government Gazette at least one month before such notification is issued, and Government shall receive and consider such suggestions and objections as may be submitted to Government by persons interested, not later than a week before the date specified as aforesaid.

3. The Governor in Council may at any time by notification withdraw the Act from operation, or, for such period as he deems fit, suspend its operation, in any local area in which it may have been brought into force under section 2, sub-section (*2*), or in any part of such area. **Power to suspend or withdraw Act.**

4. In this Act, unless there be something repugnant in the subject or context,— **Interpretation-clause.**

(*a*) "parent" means, in the case of a legitimate child, the father or the mother, and, in the case of an illegitimate child, the mother only:

(*b*) "guardian" means any person to whom the care, nurture or custody of any child falls by law or by natural right or recognised usage, or who has accepted or assumed the care, nurture or custody of any child or to whom the care or custody of any child has been entrusted by any authority lawfully authorized in that behalf:

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[1] For notifications applying the Act to local areas, *see* Bombay Local Rules and Orders.

(*c*) "public vaccinator" means any vaccinator appointed under this Act and includes any deputy duly authorized to act for such public vaccinator :

(*d*) "medical practitioner" means any person duly qualified by a diploma, degree or license to practise in medicine or surgery or specially licensed by the Governor in Council to practise vaccination and grant certificates under the provisions of this Act :

(*e*) "unprotected child" means a child who has not been protected from small-pox by having been successfully vaccinated, or who has not been certified under section 12 to have already had small-pox or to be insusceptible of vaccination :

(*f*) "animal-lymph" means vaccine taken from the calf of a cow or buffalo :

(*g*) "vaccination-area" means a local area in which the Governor in Council has by notification declared this Act to be, and the Act is, in force :

(*h*) "vaccination-circle" or "circle" means one of the circles into which a vaccination-area is sub-divided under this Act :

(*i*) "Sanitary Commissioner" means the Sanitary Commissioner for the Presidency of Bombay or any officer whom the Governor in Council from time to time directs to exercise or perform all or any of the powers or duties of a Sanitary Commissioner under this Act :

(*j*) "Registrar of births" means any officer or other person whose duty it is,—

(*a*) under any law for the time being in force other than the [1]Births, Deaths and Marriages Registration Act, 1886, or VI of 1886.

(*b*) under any bye-law or rule having the force of law,

to register births :

(*k*) "register" and "registration" refer to registration in pursuance of any such law, bye-law or rule as aforesaid.

Establishment.

Vaccination-circles.

5. (*1*) Subject to such rules and orders as may from time to time be made by Government, every vaccination-area shall, with the concurrence of the Commissioner, be divided by the Sanitary Commissioner into such and

[1]General Acts, Vol. III.

so many circles for the performance of vaccination, as he shall from time to time deem fit.

(2) The Sanitary Commissioner shall appoint a public vaccinator for each vaccination-circle, and shall, with the concurrence of the Commissioner, appoint such places in each such circle as he shall from time to time deem fit to be stations for the performance of vaccination. Such stations shall be called public vaccine-stations. Appointment of public vaccinators and vaccine-stations.

(3) Every public vaccinator shall be removable from office by the Sanitary Commissioner. Public vaccinators how removable.

(4) The limits of the vaccination-circles made, and the positions of the public vaccine-stations fixed, under sub-sections (1) and (2), and the days and hours of the public vaccinator's attendance at each station, shall be published from time to time in such manner as shall be directed in rules to be framed under section 32. Limits of circles and hours of attendance how to be notified.

6. Every public vaccinator, unless specially permitted by the Sanitary Commissioner to reside elsewhere, shall reside within the circle for which he is appointed, and shall cause his name, with the addition of the words "Public Vaccinator for the vaccination-circle of * *," to be posted up in English and in the vernacular of the district in some conspicuous place on or near the outer door of his dwelling-house, and of every public vaccine-station in his circle. Public vaccinator to live within his circle.

7. No person shall be appointed a public vaccinator, or act as a deputy for a public vaccinator, who shall not possess a certificate of qualification signed by the Sanitary Commissioner. Qualifications of public vaccinator.

8. (1) In each vaccination-area a Superintendent of Vaccination shall be appointed by Government, and, subject to the orders of the Sanitary Commissioner, shall have a general control over all the proceedings of the public vaccinators within that area, and shall perform such duties, in addition to those prescribed by this Act, as shall be required by Government. Superintendent of Vaccination.

(2) Each Superintendent shall have, if necessary, one or more assistants as Government may from time to time direct. Assistant Superintendents.

Vaccination.

9. (1) Subject to the provision contained in clause (a) of sub-section (3), section 14, it shall be the duty of the parent, or, in the case of a child in the care of a guardian, of the guardian of every child such as is mentioned in sub-section (2), within the period prescribed in respect thereof in the said sub-section, to take it or cause it to be taken to a public vaccinator to Duty of parent or guardian of children within limits of vaccination-area.

be vaccinated, or to cause it to be vaccinated by a public vaccinator or by some medical practitioner.

Within what period to be performed :

(*2*) The duty imposed by sub-section (*1*) shall be performed in the under-mentioned cases within the periods hereinbelow respectively specified, that is to say—

in the case of—

in case of child born within vaccination-area, in case of unprotected child brought within vaccination-area,

(*a*) a child born within the limits of a vaccination-area—within twelve months after its birth;

(*b*) an unprotected child brought to reside, whether temporarily or permanently, within the said limits,—

(*i*) if the child is less than nine months old—within twelve months after its birth;

(*ii*) if the child is nine months or more than nine months, but less than fourteen years old—within three months of its being brought within the said limits;

in case of child living within vaccination-area when Act comes into force therein.

(*c*) an unprotected child living within the said limits at the date when this Act comes into force therein,—

(*i*) if the child at such date is more than six months, but less than fourteen years old—within six months from the date of the Act coming into force in such area;

(*ii*) if the child at such date is less than six months old—within twelve months from the date of its birth.

Public vaccinator bound to vaccinate all children brought to him.

(*3*) The public vaccinator to whom any such child, or to whom any child under the age of fourteen years, is brought for vaccination, is hereby required, with all reasonable despatch, subject to the conditions hereinafter mentioned, to vaccinate the child.

Inspection.

10. (*1*) At an appointed hour upon the same day in the following week after vaccination shall have been performed by a public vaccinator or a medical practitioner, or on any earlier or later day, if the public vaccinator or medical practitioner so desires, the parent or guardian shall again take the child, or cause it to be taken, to the public vaccinator, or to the medical practitioner by whom the operation was performed, that he may inspect it and ascertain the result of the operation.

Re-vaccination.

(*2*) In the event of the vaccination being wholly or partly unsuccessful such parent or guardian shall, if the public vaccinator or medical practitioner so direct, cause the child to be forthwith again vaccinated and subsequently inspected as on the previous occasion.

11. (*1*) If any public vaccinator or medical practitioner shall be of opinion that any child is not in a fit state to be vaccinated, he shall forthwith deliver to the parent or guardian of such child a certificate under his hand, according to the form of Schedule A, or to the like effect, that the child is then in a state unfit for vaccination. If child be unfit for vaccination, certificate in form A to be given.

(*2*) The said certificate shall remain in force for two months only, but shall be renewable for successive periods of two months, until a public vaccinator or medical practitioner shall deem the child to be in a fit state for vaccination, when the child shall, with all reasonable despatch, be vaccinated, and a certificate of successful vaccination given, in the form of Schedule C, according to the provisions of section 13, if warranted by the result. Certificate to remain in force for two months, but shall be renewable.

(*3*) At or before the end of each successive period the parent or guardian shall take or cause the child to be taken to some public vaccinator or medical practitioner, who shall then examine the child and give a fresh certificate according to the said Form A, so long as he deems requisite under the circumstances of the case. When successive postponement certificates are to be granted.

12. If any public vaccinator or medical practitioner shall find that a child whom he has three times unsuccessfully vaccinated is insusceptible of successful vaccination, or that a child brought to him for vaccination has already had the small-pox, he shall deliver to the parent or guardian of such child a certificate under his hand, according to the form of Schedule B, or to the like effect, and the parent or guardian shall thenceforth not be required to cause the child to be vaccinated. Provision for giving certificates of insusceptibility to successful vaccination.

13. Every public vaccinator or medical practitioner who shall have performed the operation of vaccination upon any child, and shall have ascertained that the same has been successful, shall deliver to the parent or guardian of such child a certificate, according to the form of Schedule C, or to the like effect, certifying that the said child has been successfully vaccinated. Provision for giving certificates of successful vaccination.

14. (*1*) Except as is in sub-section (*2*) otherwise provided, the vaccination of a child under the provisions of this Act must, as the parent or guardian of the child may require, be performed with animal-lymph or with lymph taken from a human being. Vaccination must ordinarily be performed with that kind of lymph which the parent or guardian of the child may require.

(*2*) It shall at any time be lawful for the Governor in Council, on its being shown to his satisfaction that animal-lymph is not procurable in any vaccination-area without dangerous delay, to direct, by notification in the Bombay Government Gazette,—

(*a*) that, during such period as he may deem fit to appoint, the vaccination of children within such vaccination-area may

without the assent of the parents or guardian of such children, be performed with lymph taken from a human being;

(*b*) that the public vaccinator or medical practitioner to whom, at any time during the said period, a vaccinated child is brought under the provisions of section 10 for inspection, may, if he sees fit, take from such child lymph for the performance of other vaccinations in such manner as shall not be injurious to such child.

(*3*) The operation of any such notification shall be subject to the following provisos, namely:—

(*a*) that if the period prescribed by section 9 for the vaccination of an unprotected child will expire while such notification is in force, the parent or guardian of such child may give written notice to a public vaccinator, before the expiry of the said period, of his desire to arrange privately for the effectual vaccination of the child in conformity with the provisions of this Act, and thereupon the public vaccinator shall for the said purpose allow an extension of the said period for such times, not exceeding one month, as he deems reasonable;

(*b*) that lymph shall not be taken from any child who does not appear to be in good health and free from taint of a disease transmissible by vaccination, or whose parents are known to the public vaccinator or medical practitioner to have suffered or to be suffering from phthisis, leprosy or syphilis.

(*4*) Whenever the Governor in Council shall publish such a notification as aforesaid, he shall also frame and notify such regulations for the administration of the provisions thereby brought into force as shall appear necessary, in order to prevent the application of the said provisions from being attended with oppression or needless offence. These regulations shall include such rules as to the sources from which lymph is to be obtained, and the means by which it is to be preserved pure, as shall appear necessary, in order to satisfy reasonable scruples on the part of persons to be vaccinated or the parents or guardians of such persons.

No fee to be charged for vaccination at a public vaccine-station or for certificates.

15. (*1*) No fee or remuneration shall be charged by any public vaccinator to the parent or guardian of any child for any such certificate as aforesaid, nor for any vaccination done by him in pursuance of this Act at a public vaccine-station.

Proviso.

(*2*) But it shall be lawful for a public vaccinator to accept, for vaccinating a child, by request of the parent or guardian, elsewhere than at a public

vaccine-station, a fee not exceeding such maximum as the Governor in Council may, by rule or order in this behalf, prescribe.

Registration.

Registrar of births to give notice of the requirement of vaccination.

16. On the registration in a vaccination-area of the birth of any child, the Registrar of births shall deliver to the person giving information of such birth a printed notice in the form of Schedule D, or to the like effect, and such notice shall have attached thereto the several forms of certificates prescribed by this Act.

Duplicates of all certificates to be transmitted to Registrar.

17. Every public vaccinator or medical practitioner who gives to any parent or guardian a certificate in any of the forms of Schedules A, B and C shall, if possible, ascertain whether the birth of the child to which the certificate relates has been registered in any place situate within a vaccination-area or in the city of Bombay, or in the town of Karachi. If he ascertains that it has been so registered he shall, within twenty-one days of giving the certificate, transmit a duplicate thereof to the Registrar of births of the said place; in every other case he shall, within the said period, transmit a duplicate of the said certificate to the Registrar of births (if any) of the place in which the child was vaccinated or presented for vaccination.

Registrar to keep a vaccination-notice and certificate book;

18. Every Registrar of births in a vaccination-area shall keep a book, in such form as may from time to time be prescribed under section 30, in which he shall enter minutes of the notices of vaccination given by him as herein required, and shall also register the duplicates of certificates transmitted to him as herein provided.

also a duplicate register of births, with entries concerning vaccination;

19. He shall also prepare and keep a duplicate of any register of births which it is his duty to keep, with such columns added thereto as shall from time to time be prescribed under section 30, in which he shall record the date of every duplicate certificate, in the form of Schedule B or Schedule C, received by him concerning any child whose birth he has registered, and make an entry to the effect that the child has been vaccinated, or is insusceptible of vaccination, or has already had small-pox, as the case may be.

also a register of postponed vaccinations.

20. He shall also keep a register of postponed vaccinations in the form of Schedule E, in which he shall record the name of every child concerning whom he receives a duplicate certificate in the form of Schedule A, together with the date of such duplicate certificate, and of each such successive duplicate certificate, if he receives more than one, and shall show the number and year of the entry, if any, in the Register of births in which such child's birth has been registered.

Transmission of returns to Superintendent.

21. Every Registrar of births in a vaccination-area shall transmit, on the first of every month, to the Superintendent of Vaccination a return, in such form as may from time to time be prescribed under section 30, of all cases in which duplicate certificates have not been duly received by him in pursuance of the provisions of this Act during the last preceding month.

Prosecutions and Offences.

22. Whoever—

Penalty for inoculating,

(*a*) produces, or attempts to produce in any person, by inoculation with variolous matter or by wilful exposure to variolous matter or to anything impregnated therewith, or who wilfully by any other means produces the disease of small-pox in any person, or

for entering a vaccination-area after inoculation,

(*b*) being above the age of fourteen years and having been inoculated with small-pox in a place in which this Act is not for the time being in force, shall afterwards enter a vaccination-area before the expiration of forty days from the date of such inoculation, or without a certificate from a medical practitioner that such person is no longer likely to cause contagion, or

for bringing person inoculated into such area.

(*c*) having the charge, custody or control of any person so inoculated, shall, within such period or without such certificate as aforesaid, knowingly bring such person into, or permit such person to enter, a vaccination-area,

shall be punished with imprisonment for a term which may extend to three months, or with fine which may extend to two hundred rupees, or with both.

Magistrate may make an order for the vaccination of any unprotected child under fourteen years.

23. (*1*) If a Superintendent of Vaccination shall give information in writing to a Magistrate that he has reason to believe that any child within a vaccination-area, under the age of fourteen years, is an unprotected child, and that he has given notice to the parent or guardian of such child to procure its being vaccinated, and that the said notice has been disregarded, such Magistrate may summon such parent or guardian to appear with the child before him, and, if the Magistrate shall find, after such examination as he shall deem necessary, that the child is an unprotected child, he may make an order directing such child to be vaccinated within a certain time not exceeding two months.

Penalty for disobedience of such order.

(*2*) If, at the expiration of such time, the child shall not have been vaccinated, or shall not be shown to be then unfit to be vaccinated, or to be insusceptible of vaccination, the person upon whom such order shall have

been made shall, unless he can show to the Magistrate some reasonable ground for his omission to carry the order into effect, be punished with fine which may extend to fifty rupees.

Proviso for costs to person improperly summoned.

(3) Provided that, if the Magistrate shall be of opinion that the person is improperly brought before him, and shall refuse to make an order for the vaccination of the child, he may order the informant to pay to such person such sum of money as he shall consider a fair compensation for his expenses and loss of time in attending before the Magistrate.

Penalty for not producing child.

24. If any parent or guardian intentionally omits to produce a child whom he has been summoned to produce under the last preceding section, he shall be punished with simple imprisonment for a term which may extend to three months, or with fine which may extend to one thousand rupees, or with both.

Penalty for neglect to take child to be vaccinated.

25. Whoever, in contravention of this Act,—

(a) neglects, without reasonable excuse, to take or cause a child to be taken to be vaccinated, or after vaccination to be inspected, or

(b) at any time, during the period for which any notification made under section 14 is in force, prevents any public vaccinator from taking lymph from any child whom he has vaccinated, or

(c) neglects to fill up, sign and give to the parent or guardian of any child any certificate which such parent or guardian is entitled to receive from him, or to transmit a duplicate of the same to the Registrar of births,

shall be punished for each such offence with fine which may extend to fifty rupees.

Penalty for making or signing false certificate.

26. Whoever wilfully signs, or makes or procures the signing or making of, a false certificate or duplicate certificate under this Act shall be punished with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

Penalty for accepting illegal fee or remuneration.

27. If any public vaccinator accepts, or obtains, or agrees to accept, or attempts to obtain, from any person any fee, or remuneration, contrary to the provisions of section 15, he shall be deemed to have committed an offence punishable under section 161 of the [1] Indian Penal Code.

XLV of 1860.

Cognizance of offences under the Act.

28. All offences under this Act shall be cognizable by a Magistrate of the first or second class, but no complaint of any such offence shall be entertained

[1] General Acts, Vol. I.

unless the prosecution be instituted by order of, or under authority from, a Magistrate of a district or of a sub-division, or of a Superintendent of Vaccination.

Prosecution for neglect.

29. In any prosecution for neglect to procure the vaccination of a child, it shall not be necessary in support thereof to prove that the defendant had received notice from a Registrar of births, or any other officer, of the requirements of the law in this respect; but, if the defendant produce any certificate under section 12 or 13, or the duplicate of the register of births or the register of postponed vaccinations kept by any Registrar of births as hereinbefore provided, in which such certificate shall be duly entered, the same shall be a sufficient defence for him, except in regard to the certificate according to the form of Schedule A, when the time specified therein for the postponement of the vaccination shall have expired before the time when the information shall have been laid.

Supplemental.

Books and forms.

30. The Sanitary Commissioner shall frame and provide appropriate books and forms for the use of the public vaccinators, and also such forms as shall be required for the signature of medical practitioners under the provisions of this Act, and he shall also transmit to the Registrars of births such books and forms as are required by them under the provisions of this Act.

Annual return to be made of the number of children vaccinated, etc.

31. It shall be the duty of every Registrar of births in a vaccination area to show in any annual general abstract of births prepared by him the number of children successfully vaccinated, the number whose vaccination has been postponed, and the number certified to be insusceptible of successful vaccination during the year.

Sanitary Commissioner to make rules.

32. The Sanitary Commissioner may, with the sanction of the Governor in Council, from time to time make rules[1] or issue orders consistent with this Act—

(*a*) providing for the appointment of deputies of public vaccinators when necessary;

(*b*) determining the qualifications to be required of public vaccinators or their deputies, and regulating the grant of certificates of qualification under section 7;

(*c*) for the guidance of public vaccinators and others in all other matters connected with the working of this Act.

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[1] For rules made under cl. (*c*), *see* Bombay Local Rules and Orders.

All such rules or orders shall be published in the Bombay Government Gazette.

Vaccination of convicts and others in jails, etc.

33. *(1)* Subject to such rules as the Inspector-General of Prisons with the sanction of Government may make in this behalf, and to such exemptions as Government may from time to time, by either a general or a special order authorize, the operation of vaccination shall be performed on every person confined in any of the cases hereinafter mentioned, whatever the age or sex of such person may be, and whether such person consent to undergo such operation or not; that is to say, in the case of every person in respect of whom—

(*a*) imprisonment for more than one month or transportation has been awarded as part of the substantive sentence of a Criminal Court, or

(*b*) a Criminal Court has directed imprisonment, in default of payment of fine for a term which, if the fine be not sooner paid, will exceed one month, or

(*c*) a Court has directed imprisonment for failure to give security for good behaviour for a term which, if security be not sooner given, will exceed one month, or

(*d*) an order has been passed by Government under either section 466 or section 471 of the [1] Criminal Procedure Code, 1882, for his confinement as a lunatic.

X of 1882.

(*2*) [*Rep. Act XVI of 1895.*]

SCHEDULE A.

(*See section 11.*)

I, the undersigned, hereby certify that, in my opinion,* * *, the child of * * * *, resident at * *, in the vaccination-area of * *, is not now in a fit and proper state to be vaccinated, and I do hereby postpone the vaccination for the period of two months from this date.

Dated this * * day of * * 18 * *.

(*Signature of Medical Practitioner or Public Vaccinator.*)

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[1] *See* now the Code of Criminal Procedure, 1898 (V of 1898), General Acts, Vol. V.

SCHEDULE B.

(*See section 12.*)

(FORM OF CERTIFICATE WHERE CHILD IS INSUSCEPTIBLE OF SMALL-POX.)

I, the undersigned, hereby certify that I have three times unsuccessfully vaccinated * *, the child of * *, residing at * *, in the vaccination-area of * *, and I am of opinion that the said child is insusceptible of successful vaccination.

Dated this * * day of * * 18 * *.

(*Signature of Medical Practitioner or Public Vaccinator.*)

(*Form of Certificate where child has already had small-pox.*)

I, the undersigned, hereby certify that I have examined * *, the child of * *, residing at * *, in the vaccination-area of * *, and that I am of opinion that the said child has already had small-pox.

Dated this * * day of * * 18 * *.

(*Signature of Medical Practitioner or Public Vaccinator.*)

SCHEDULE C.

(*See section 13.*)

I, the undersigned, hereby certify that * *, the child of * *, age * *, resident at * *, in the vaccination-area of * *, has been successfully vaccinated by me.

Dated this * * day of * * 18 * *.

(*Signature of Medical Practitioner or Public Vaccinator.*)

SCHEDULE D.

(*See section 16.*)

To

[*Here insert the name of the parent, guardian or other person who gives information of the child's birth.*]

Take notice that the child of * * * * * * whose birth has this day been registered, must be vaccinated under the provisions

of the Bombay District Vaccination Act, 1891, within twelve months from the date of its birth, under a penalty of fifty rupees.

The public vaccine-station nearest to the house in which the child was born is at * *.

The days and hours for vaccination at that station are as follows:—

(*Here insert the days and hours when the public vaccinator is in attendance.*)

On your taking, or causing the child to be taken, to the public vaccinator at the said station within the said hours on any of the said days, or at any other public vaccine-station in the vaccination-area on the days and within the hours prescribed for public vaccination at such station, it will be vaccinated free of charge.

You should be careful to have one of the annexed forms of certificates filled in by the public vaccinator, or, if you employ a private medical practitioner to vaccinate the child, by such medical practitioner, and to keep the same in your possession. Any such certificate will be granted to you by a public vaccinator free of charge.

Dated the * * of * * 18 * *.

Registrar of Births.

SCHEDULE E.

(*See section 29.*)

REGISTER OF POSTPONED VACCINATIONS FOR THE VACCINATION-AREA OF

Consecutive Number.	Name of Child.	Birth.		Date of Certificate of Postponement.	Signature of Registrar.
		Year.	Number of entry in Register.		

BOMBAY ACT No. II OF 1892.[1]

[*28th September, 1892.*]

An Act to amend the Bombay Salt Act, 1890.

Bom. Act II of 1890.

[NOTE.—The amendment made by this Act is incorporated in Bom. Act II of 1890, *supra*.]

BOMBAY ACT No. III OF 1892.[2]

[*8th December, 1892.*]

An Act to amend the Bombay Abkari Act, 1878.

Bom. Act V of 1878.

[NOTE.—The amendments made by this Act are incorporated in Bom. Act V of 1878, Vol. II of this Code.]

BOMBAY ACT No. I OF 1894.[3]

[*30th January, 1894.*]

An Act to further amend the law relating to the Municipal government of the City of Bombay.

Bom. Act III of 1888.

[NOTE.—The amendments made by this Act are incorporated in Bom. Act III of 1888, *supra*.]

BOMBAY ACT No. II OF 1894.[4]

[*20th December, 1894.*]

An Act to amend the law in force in the Peint Territory in the Bombay Presidency.

WHEREAS it is expedient that the law in force in the territory of Peint

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[1] For Statement of Objects and Reasons, *see* Bombay Government Gazette, 1892, Pt. V, p. 24; for Report of Select Committee, *see ibid*, p. 26; and for Proceedings in Council, *see ibid*, pp. 73, 360 and 367.

[2] For Statement of Objects and Reasons, *see* Bombay Government Gazette, 1892, Pt. V, p. 2; for Report of Select Committee, *see ibid*, p. 74; and for Proceedings in Council, *see ibid*, pp. 64, 334 and 362.

Section 5 of this Act is repealed by the Repealing and Amending Act, 1903 (I of 1903) s. 4.

[3] For Statement of Objects and Reasons, *see* Bombay Government Gazette, 1893, Pt. V, p. 2; for Report of Select Committee, *see ibid*, pp. 3 and 5; and for Proceedings in Council, *see ibid*, pp. 44, 53, 62 and 79.

[4] For Statement of Objects and Reasons, *see* Bombay Government Gazette, 1894, Pt. V, p. 2; for Report of Select Committee, *see ibid*, p. 3; and for Proceedings in Council, *see ibid*, pp. 17, 19 and 81.

to which the Secretary of State for India, by a Resolution in Council bearing date the 14th day of July, 1885, declared the provisions of the [1] Statute 33 Victoria, chapter 3, section I, to be applicable, should be the same as the law in force in the district of Násik, and that the said territory should cease to be a Scheduled District under the [2]Scheduled Districts Act, 1874; XIV of 1874.

And whereas the previous sanction of His Excellency the Governor General required by section 5 of the [1]Indian Councils Act, 1892, has been obtained for the passing of this Act;

It is hereby enacted as follows:—

Title and commencement.

1. This Act may be called the Peint Laws Act, 1894, and it shall come into force on the first day of January, 1895.

Amendment of Act XIV of 1874, as to territory of Peint.

2. Notwithstanding anything in the definition of "Scheduled Districts" in section 1 of the [2]Scheduled Districts Act, 1874, the territory of Peint shall not be deemed to be a Scheduled District within the meaning of that Act. XIV of 1874.

Application of laws of Nasik to territory of Peint.

3. All enactments which are in force in the district of Násik and not in the territory of Peint shall come into force in the said territory.

Repeal of other laws.

4. All enactments which are in force in the said territory of Peint and not in the district of Násik shall be repealed in the said territory.

Pending proceedings.

5. All proceedings commenced before any authority in the said territory before the day on which this Act comes into force and still pending on that day shall be disposed of by such authority as the Governor in Council may direct, and save as aforesaid shall be carried on as if this Act had not been passed.

BOMBAY ACT No. I OF 1895.[3]

[*20th July, 1895.*]

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

Bom. Act V of 1888.

[NOTE.—The amendments made by this Act are incorporated in Bom. Act V of 1888, *supra*.

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[1] *See* now the Government of India Act.

[2] General Acts, Vol. II.

[3] For Statement of Objects and Reasons, *see* Bombay Government Gazette, 1894, Pt. V, p. 86; for Report of Select Committee, *see ibid* 1895, p. 1; and for Proceedings in Council, *see ibid*, 1895, pp. 23 and 31.

BOMBAY ACT No. II OF 1895.[1]

[*28th August, 1895.*]

An Act to amend the Bombay Tramways Act, 1874.

[NOTE.—The amendments made by this Act, are incorporated in Bom. Act I of 1874, Vol. II of this Code.] Bom. Act I of 1874.

BOMBAY ACT No. III OF 1895.[2]

[*24th January, 1896.*]

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

WHEREAS it is expedient to amend sections 22 and 32 of the [3] Bombay Civil Courts Act, 1869, as amended by the [3] Bombay Revenue Jurisdiction Acts, 1876 and 1880, and the [4] Repealing and Amending Act, 1891, and whereas the previous sanction of His Excellency the Governor General, required by section 5 of the [5] Indian Councils Act, 1892, has been obtained for the passing of this Act, it is enacted as follows:— XIV of 186 X of 1876. XV of 188 XII of 189

Short title. **1.** This Act may be cited as the Bombay Civil Courts Act Amendment Act, 1895.

Amendment of section 22. **2.** In the second paragraph of section 22 of the [3] Bombay Civil Courts Act, 1869, amended as aforesaid, for the words "subject of the Queen" there shall be substituted the following, *viz.*: "subject of Her Majesty or a subject of a Native Prince or State in India under the suzerainty of Her Majesty and is also a person". XIV of 18

Amendment of section 32. **3.** For clause (*b*) of the proviso to section 32 of the said Act amended as aforesaid, there shall be substituted the following, *viz*:—

[Vol. I of this Code.]

[NOTE.—The Bombay General Clauses Amendment Act, 1896 (Bom. Act 1 of 1896), the only Act passed in 1896, was repealed by the Bombay General Clauses Act, 1904 (Bom. Act I of 1904).]

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[1] For Statement of Objects and Reasons, *see* Bombay Government Gazette, 1895, Pt. V, p. 5 and for Proceedings in Council, *see ibid*, p. 32.

[2] For Statement of Objects and Reasons, *see* Bombay Government Gazette, 1895, Pt. V, p. 54; for Report of Select Committee, *see ibid*, p. 55; and for Proceedings in Council, *see ibid*, pp. 112 and 129.

[3] Vol. I of this Code.

[4] General Acts, Vol. IV.

[5] *See* now the Government of India Act.

BOMBAY ACT No. III OF 1897.[1]

[*11th January, 1898.*]

An Act to amend [2] Act VIII of 1870 (*an Act for the prevention of the murder of Female Infants*) as to the Presidency of Bombay.

WHEREAS it is expedient to amend as to the Presidency of Bombay, in manner hereinafter appearing, [2]Act VIII of 1870 of the Governor General of India in Council: And whereas the previous sanction of the Governor General required by section 5 of the [3]Indian Councils Act, 1892, has been obtained for the passing of this Act; It is hereby enacted as follows:

Application of accumulated Funds collected under Act VIII of 1870.

1. Notwithstanding anything contained in [2]Act VIII of 1870 (*an Act for the prevention of the murder of female infants*) or in the rules made thereunder, it shall be lawful for the Governor of Bombay in Council, from time to time, by notifications published in the official Gazette, to direct that the whole or any part of any moneys, or of any income or accumulated interest accrued or accruing from any moneys heretofore levied or recovered from, or paid by any inhabitants of the district of Kaira, under or for the purposes of the said Act, or any rule [4] made in pursuance thereof, shall be applied for the educational benefit of the Lewa and Kadva Kunbi castes or any members thereof in the Kaira District, in such manner as the Local Government may deem expedient, and that the whole or any part of any moneys, or of any income or accumulated interest accrued or accruing from any moneys heretofore levied or recovered from, or paid by, any inhabitants of the district of Ahmedabad, under or for the purposes of the said Act, or any rule made in pursuance thereof, shall be applied for the educational benefit of the Lewa and Kadva Kunbi castes or any members thereof in the Ahmedabad District, in such manner as the Local Government may deem expedient, and to cancel or vary such notifications.

Commencement of Act VIII of 1870 in Bombay Presidency.

2. Notwithstanding anything contained in section 7 of [2]Act VIII of 1870, the said Act shall be deemed to extend, and from the 21st December 1870 to have extended, to the Presidency of Bombay.

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[1] For Statement of Objects and Reasons, *see* Bombay Government Gazette, 1896, p. 48; for Report of Select Committee, *see ibid*, 1897, p. 159, and for Proceedings in Council, *see ibid*, 1897, pp. 111, 191 and 249.

Short title—"The Female Infanticide Prevention (Amendment) Act, 1897," *see* the Bombay Short Titles Act, 1921 (Bom. Act 2 of 1921), Vol. V of this Code.

[2] General Acts, Vol. II.

[3] *See* now the Government of India Act.

[4] For rules issued under this section, *see* Bombay Local Rules and Orders.

APPENDIX.

List of places in the Bombay Presidency including Sind to which Part II of the Bombay Village Sanitation Act, 1889 (Bom. Act I of 1889), and the rules made thereunder have been applied.

(*See* Sec. 5—note 2 on p. 379, *supra*.)

District.	Taluka.	Villages.
	Northern Division.	
Kaira ...	Matar	Matar Radu and Naika.
	Thasra	Thasra and Kalsar.
	Kapadvanj	Kathlal, Lasundra and Antroli.
	Borsad	Auklao and Virsad.
	Anand	Karamsad and Sarsa.
	Mehamdabad ...	Sinhuj and Wanthwali.
	Nariad	Alina and Chaklasi.
Broach ...	Broach	Jhadeshwar, Palej Shuklathirtha, Jhanor and Nikora.
	Amod	Achhod, Sarbhon, and Ikhar.
	Jambusar	Gajera and Kavi.
	Ankleshwar ...	Diwa and Mandva Buzrag.
	Hansot Mahal ...	Ilao.
Surat ...	Bardoli	Bardoli.
	Pardi	Pardi.
	Chikhli	Chikhli and Samroli.
Thana ...	Kalyan	Badlapur.
	Mahim	Tarapur.
	Dahanu	Chinchini.
Panch Mahals ...	Jhalod	Jhalod and Limbdi.
	Kalol	Kalol.
	Halol	Halol.

List of places in the Bombay Presidency including Sind to which Part II of the Bombay Village Sanitation Act, 1889, and the rules made thereunder have been applied—contd.

District.	Taluka.	Villages.
	Northern Division—(concld).	
Ahmedabad ...	Daskroi	Bareja and Unwarsad.
	Prantij	Harsol.
	Dholka	Bavla.
	Sanand	Kasandra, Sarkhej and Godhavi.
	Central Division.	
East Khandesh ..	Pachora	Pachora.
	Jamner	Jamner.
	Bhusawal	Bodwad and Waramgaon.
	Chopda	Adawad.
West Khandesh ...	Dhulia	Songir.
	Shahada	Prakasha.
	Sindkheda	Dondaicha.
	Pimpalner	Pimpalner.
Nasik	Nandgaon	Nandgaon.
	Kalwan	Kalwan.
	Baglam	Satana.
	Malegaon	Camp Malegaon.
	Nasik	Deolali and Bhagur.
	Chandor	Chandor.
	Dindori	Dindori.
	Niphad	Pimpalgaon Baswant, Niphad and Lasalgaon.
Ahmednagar ...	Parner	Parner.
	Shrigonda	Shrigonda.

***List of places in the Bombay Presidency including Sind to which Part II of the Bombay Village Sanitation Act, 1889, and the rules made thereunder have been applied*—contd.**

District.	Taluka.	Villages.
	Central Division—(concld.)	
Ahmednagar—(*concld.*)	Karjat	Karjat and Mirajgaon.
	Jamkhed	Jamkhed and Kada.
	Shevgaon	Pathardi.
	Newasa	Newasa.
Poona	Bhimthadi	Dhond.
	Indapur	Bhigwan.
Satara	Khatav	Pusesavli.
	Tasgaon	Palus, Kupwad, Hingangaon and Akalkhop.
	Walwa	Kasegaon and Shirala.
Sholapur	Pandharpur	Kasegaon.
	Malsiras	Akluj.
	Southern Division.	
Bijapur	Indi	Indi, Tambe, Salotgi, Chadchan, Horti Atharga and Tadwalga.
	Sindgi	Sindgi, Hippargi and Almel.
	Bijapur	Mamdapur, Honwad, Sarwad, Kakhandki, Bijargi and Bableshwar.
	Bagewadi	Bagewadi, Mangoli, Kolkar, Nidgundi, Ukali Yalwar and Mulwad.
	Muddebihal	Muddebihal, Talikot, Nalatwad.
	Bagalkot	Kaladgi Sirur and Bilgi.
	Badami	Badami and Kerur.
	Hungund	Hungund, Amingad, Kamatgi Gudur and Sangaum.

List of places in the Bombay Presidency including Sind to which Part II of the Bombay Village Sanitation Act, 1889, and the rules made thereunder have been applied—contd.

District.	Taluka.	Villages.
	Southern Division—(contd.)	
Dharwar ...	Dharwar	Aminbhavi and Garag.
	Hubli	Shirguppi and Nulvi.
	Bankapur	Hulgur.
	Kalghatgi	Kalghatgi and Mishrikot.
	Kod	Hirekerur, Chikerur, Maseer and Havasbhavi.
	Karajgi	Hattimattur.
	Gadag	Mulgund.
	Mundargi Petha ...	Mundargi.
	Navalgund	Shelvadi and Annigeri.
	Ron	Ron.
Kolaba ...	Peta Uran (Panvel) ...	Karanja.
	Karjat	Karjat, Neral and Dahiwali.
	Roha	Medhe and Chanere.
	Mangaon	Tala and Goregaon.
	Mahad	Poladpur.
Ratnagiri ...	Malwan	Malwan.
	Khed	Khed.
	Dapoli	Bankot.
Belgaum ...	Chikodi	Chikodi and Sanheshwar.
	Athni	Kudchi and Ainapur.
	Khanapur	Bidi.
	Gokok	Yadwad.

List of places in the Bombay Presidency including Sind to which Part II of the Bombay Village Sanitation Act, 1889, and the rules made thereunder have been applied—contd.

District.	Taluka.	Villages.
	Sind.	
Karachi ...	Tatta	Sonda.
	Mirpur Sakro ...	Sakro and Gharo.
	Kotri	Bhian, Budhapur, Unarpur, Manjhu Bada, Jheruck and Thano Bulokhan.
	Manjhand	Laki and Lakha.
	Jati	Munghalbin and Sandobandar.
	Mirpur Bathoro ...	Jhoke, Mirpur Bathoro, Daro, Bano and Laikpur.
	Sujawal	Sujawal.
	Shahbandar ...	Chuhar Jomoli.
Hyderabad ...	Hyderabad	Tando Jam, Tando Kaiser and Khatian.
	Tando Allayar ...	Berani.
	Hala	Old Hala, Ghotana, Udero Lal and Bhit Shah.
	Shahdadpur ...	Shahdadpur.
	Dero Mohbat ...	Mātli.
	Tando Bago ...	Tando Bago.
	Badin	Badin, Talhar and Mindo Shalir.
	Sakrand	Sakrand.
	Moro	Moro.
	Naushahro	Naushahro, Tharu Shah and Bhiria.
	Kandiaro	Kandiaro.
Sukkur ...	Pano Akil	Pano Akil.
	Mirpur	Mirpur.
	Ubawro	Ubawro and Khairpur Daharki.

List of places in the Bombay Presidency including Sind to which Part II of the Bombay Village Sanitation Act, 1889, and the rules made thereunder have been applied—concld.

District.	Taluka.	Villages.
	Sind—(contd.)	
Larkana ...	Lab-danja	Dokri and Gerelo.
	Kambar	Ghatuhar.
	Rato Dero	Banguldero, Khairodero, Walidad and Panjudero.
	Mehar	Mehar and Tharri Mohbat.
	Kakar	Khairpur Nathanshah, Kakar, Mado and Gozo.
	Nasirabad ...	Nasirabad, Warah, Gazi Khuhawar, Wagan and Lalu Ranwak.
	Sehwan	Bhan, Jhangar, Bajar, Tatti, Arazi and Bilawalpur.
	Dadu	Phaka, Seta and Pat.
	Johi	Johi, Tando Rahim Khan, Phulji, Bahawalpur, Drigh Mathin and Shah Hassan.
Thar and Parkar ...	Sanghar	Sanghar.
	Khipro	Khipro.
	Umarkot	Nabisar and Chhor.
	Jamesabad	Dengan Bhurgri.
	Singhoro	Berani.
	Chachro	Chachro.
	Nagar	Nagar.
	Diplo	Diplo.
	Mithi	Mithi.
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