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PART V.

PROCEEDINGS OF THE LEGISLATIVE DEPARTMENT, BOMBAY.

The following Bill, together with the Statement of Objects and Reasons accompanying it, is published in accordance with Rule 15 of the Rules for the conduct of Business at Meetings of the Council of His Excellency the Governor of Bombay for making Laws and Regulations:—

Bill No. 3 of 1872.

THE BOMBAY MUNICIPAL ACT OF 1872.

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A Bill to provide for the management of the Municipal affairs of the City of Bombay, and to make better provision for the conservancy and improvement of the City, and for the levying of rates, taxes, and other income therein.

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

I. [Bombay] Act II. of 1865 (the Bombay Municipal Act); [Bombay] Act IV. of 1867 (to amend the Bombay Municipal Act); [Bombay] Act IV. 1869 (for the levy of town duties within the City of Bombay); and [Bombay] Act IV. of 1870 (to enable Her Majesty's Justices of the Peace for the City of Bombay to assign part of the Municipal Fund to educational and other purposes); are hereby respectively repealed—except as to any assessment which shall have been

made, or to any act or offence which shall have been done or committed, or to any fine or penalty which shall have been incurred, or to any mortgages of rates, taxes, rents, or income which may have been effected, or to any money which shall have become due, or to any proceedings which shall have been commenced, before this Act shall come into operation. Any sum of money due, or which may become due, under any of the said Acts, may be levied and recovered under the provisions of this Act.

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

Interpretation.

The expression "The Corporation" shall mean the Municipal Corporation of the City of Bombay.

The word "Magistrate" shall include all persons exercising all or any of the powers of a Magistrate under the Code of Criminal Procedure, as well as any Magistrate of Police appointed for the City of Bombay under the provisions of Section XXII. of Act XIII. of 1856, or of any other law for the time being in force for regulating the Police of the City of Bombay or the Criminal Courts other than the High Court in the City of Bombay.

The word "Street" shall mean any way, highway, road, street, alley, passage, gully or lane, over which the public shall have a right of passage or access, or shall have, during a period of twenty years, passed or had access without interruption, and also the roadway and footway over any bridge or causeway within the city.

The words "Public Street" shall mean any street which shall have been declared to be, and shall have become, a public street in manner hereinafter provided, or which shall have been heretofore levelled, paved, metalled, channelled, sewered, or repaired, by the Commissioner from Municipal Funds, as if the same had in manner aforesaid been declared to be a public street.

The expression "In or near any street" shall designate any place within 300 yards of any street.

The word "Land" shall include all places, houses, sites of houses, outhouses, stables, privies, buildings, held upon any tenure, and of whatever description, and also all drains sewers, and cesspools, all wells, tanks, pools, quarry holes, ditches, ponds, reservoirs, cisterns, and gullies.

The word "House" shall include all messuages, outhouses, stables, buildings, and structures, whether of wood, mud, masonry, or metal, all sheds and huts, of whatever description, and all land attached to or for the use of the same.

The words "Place for the disposal of the dead" shall include all places whatsoever where corpses have been, are, or are proposed to be disposed of in any way.

The word "Nuisance" under this Act shall include any act, omission, or thing occasioning, or likely to occasion, annoyance, offence, inconvenience, harm, danger, or damage to the senses of sight, smell, or hearing, as well as any act or thing which is, or may be, dangerous to life or injurious to health, or to the natural rights of property; and more particularly—

All noxious or offensive emanations, all rank or noisome vegetation, all water and refuse from factories, places of trade or manufacture, from slaughterhouses, markets, bazaars, from land, houses, outhouses, kitchens stables, huts, and sheds, of all descriptions;

Any animal, vegetable, or mineral matter, fluid or solid, which is, or may be, offensive or injurious to health;

Any land, pool, ditch, tank, well or receptacle for fluid, pond, quarry hole, or low ground, or any waste or stagnant water, or any gutter, water-course, privy, urinal, cesspool, sewer, drain, or ashpit, and any structure, whether of wood, mud, masonry, or metal, so kept that it is, or may be offensive or injurious to health; any animal so kept that it is, or may be, offensive or injurious to health; any accumulation or deposit, which is, or may be, offensive or injurious to health;

Any factory, workshop, or workplace emitting smoke, or not in a cleanly state, or not ventilated in such a manner as to render harmless as far as practicable any gases, vapours, dust, or other impurities generated in the course of the work carried on therein, that are or may be injurious or dangerous to health, or so overcrowded while work is carried on as to be prejudicial or dangerous to the health of those employed therein.

The word "Animal" shall denote any living creature other than a human being.

The word "Vehicle" shall mean any conveyance, public or private, used for the carriage of human beings, animals, or property.

The term "Vessel" shall denote anything for the conveyance by water of human beings, animals, or property.

The word "Owner" shall mean the person for the time being receiving the rents of the land or premises in connection with which the word is used, whether such person shall receive such rents by or for himself, or by or for an agent or trustee, and shall also include any such agent or trustee,

and any agent or trustee receiving the rents of or entrusted with or concerned for land devoted either wholly or in part to religious or charitable purposes, and any receiver, manager, or sequestrator appointed by the High Court of Judicature at Bombay, or other court of competent jurisdiction, or under any order thereof, and any person who would be entitled to receive the rents of such land if the same were let to a tenant:

Proviso.

Provided that no person receiving the rent of land or premises as agent or trustee for another person shall be liable to do anything by this Act required to be done by the owner of such land or premises, unless he have sufficient funds of the owner to pay for the same; nor shall he be subject to any penalty for omitting to do such act, if he can prove that the default was occasioned by reason of his not having funds of the owner sufficient to defray the expense of doing the act required.

III. Nothing in this Act shall be con-

Act not to affect nuisances at Common Law. construed to render lawful any act or omission on the part of any person

which is or but for this Act would be deemed to be a nuisance at Common law, nor to exempt any person guilty of nuisance at Common law from prosecution or action in respect thereof: Provided that if any person convicted of an offence

Proviso.

under this Act shall have paid the whole amount adjudged to be paid under such conviction, and the costs thereof in every such case, he shall be released from all further criminal responsibility for the same offence.

II.—MUNICIPAL CONSTITUTION.

IV. The Municipal Corporation of the City of Bombay shall consist of eighty persons resident in the City of Bombay, to be appointed as hereinafter provided, and 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 have power to hold land, and by such name shall sue and be sued.

V. Of the eighty members of the said

How constituted.

Corporation, sixty-four shall be Justices of the Peace resident in the City of Bombay, and sixteen shall be persons resident in the City of Bombay (not being Justices of the Peace), who during the year in which they are appointed as members of the said Corporation, have severally paid Municipal rates and taxes to the amount of not less than fifty Rupees.

v.—31

VI. Of the sixty-four Justices of the Members being Justices how and when appointed. Peace to be appointed members of the said Corporation, thirty-two shall be nominated by Government during the last ten days of the month of December in each year, and thirty-two shall be elected by the Justices of the Peace resident in the City of Bombay, at a Special General Meeting to be held on same day between the fourteenth and the twenty-first day of the month of December in each year.

VII. Of the sixteen rate-payers to be appointed Members being Rate payers and not Justices how and when appointed. pointed members of the said Corporation, eight shall be nominated by Government during the last ten days of the month of December in each year, and eight shall be elected by persons resident in the City of Bombay, who during the year in which the election takes place, shall have severally paid owner's house-rates to the amount of not less than fifty Rupees. A list of the rate-payers qualified to vote at such elections shall be prepared and published by the Municipal Commissioner during the month of November in each year. The elections shall take place between the first and the tenth days of the month of December in each year, and votes at such elections shall be recorded by means of voting papers, and under such rules, as the Government may from time to time appoint, for the purpose of regulating such elections.

VIII. The members of the said Corporation shall be nominated or elected respectively for a term of two years, provided that of the members nominated and elected during the month of December 1872, one-half of each class shall be nominated or elected for the period of one year only. At the expiration of the term for which the members of the said Corporation shall be nominated or elected respectively, they shall cease to be members of the said Corporation, but shall be eligible to be again nominated or elected members of the said Corporation for a further term or terms.

IX. No person shall be qualified to be Disqualification of Members, successors how appointed. or to continue a member of the said Corporation who is or becomes at the time, or during the term of his appointment, a bankrupt or insolvent, or who is interested (otherwise than as a shareholder in a Joint Stock Company) in any contract with the Corporation, or who is absent from Bombay for three months consecutively. In case of the death, resignation,

or disqualification as aforesaid of any member of the said Corporation, his successor shall be nominated or elected in like manner as the member so dead, resigned, or disqualified, had been originally nominated or elected; and such successor shall remain a member of the said Corporation, for the residue only of the term for which the member so dead, resigned, or disqualified was originally appointed.

X. All lands, buildings, works, and hereditaments, utensils, materials, books, plans, maps, papers, effects, moneys, securities, and other property, moveable and immoveable, of what nature, or kind soever, and all interest therein, whether vested, contingent, or in remainder, which shall, on the date when this Act comes into operation, be vested in or held in trust for the Justices of the Peace for the City of Bombay under Act II. of 1865, or any other Act or which would have been vested in or held in trust for such Justices but for the passing of this Act, and all such estate and interest of and in the same respectively, as shall then be or would have been vested in, or held in trust for the said Justices, with all rights of way and other rights and easements now used and enjoyed by the said Justices shall, on and from the date when this Act comes into operation, be vested in the Municipal Corporation of the City of Bombay; and all persons who shall then owe any money to the said Justices, or to any person on behalf of the said Justices, shall pay the same to the Municipal Accountant on behalf of the said Corporation; and all moneys which shall be then due, and owing by, or recoverable from the said Justices, and all contracts, agreements, mortgages, bonds, covenants, and securities made or entered into before this Act comes into operation, to, with, or in favour of, or by, or for the said Justices, or any person on behalf of such Justices respectively; and all rights of action and suit arising out of contract or otherwise shall take effect, and may be proceeded on and enforced, as near as circumstances will admit, in favour of, by, against, and with reference to the said Corporation, in such manner as the same would have taken effect, and might have been proceeded on and enforced in favour of, by, against, and with reference to the said Justices if this Act had not been passed.

XI. No action, suit, prosecution, or other proceedings whatsoever, commenced, or carried on, either by or against the said Justices previously to the

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

XII. At the first Meeting of the members of the Corporation in each year, they shall proceed to elect a Chairman who shall hold office for a year, and shall be eligible for re-election. The Chairman shall preside over all the Meetings of the Corporation, and in all cases of equality of votes shall have a second or casting vote. In case of the absence of the Chairman from any Meeting, the members present shall choose one of their number to preside, who shall for that Meeting have all the powers of the Chairman, elected by the Corporation.

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

XIV. The Chairman of the Corporation may, whenever he thinks fit, and shall, upon a written requisition from the Town Council, call a Special General Meeting of the Corporation. Previously to any such Meeting being held, at

least seven days' clear notice specifying the time and place of such intended Meeting, and the purpose for which it is to be held, shall be given by advertisement in the *Government Gazette*, and in at least one of the daily English newspapers and in two daily Vernacular newspapers published in Bombay.

XV. No business shall be brought before or transacted at any Meeting, other than the business specified in the notices given under the two preceding sections; and no business shall be transacted at any adjourned Meeting, other than the business left unfinished at the Meeting from which such adjournment took place.

XVI. No business shall be transacted at any Meeting unless a quorum of members be present; that is to say, unless at least thirty members including the Chairman be present at a Quarterly Meeting, and unless at least fifty members including the Chairman be present at a Special General Meeting: Provided always that if at any Meeting of the Corporation there shall not be a sufficient number of members present to form a quorum, the Chairman of the Meeting (whether he be the Chairman of the Corporation or not) shall adjourn the Meeting to such convenient time and place, as he shall think fit, and the business which would have been brought before the original Meeting, had there been a quorum present, shall be brought before and disposed of by the adjourned Meeting in the usual manner, whether there be a quorum of members present at such adjourned Meeting or not.

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

XVIII. At any Special General Meeting, unless a poll be demanded by at least five members of the Corporation, and at any Quarterly Meeting, unless a poll be demanded by at least three members of the Corporation, a declaration by the Chairman that a proposition has been carried, and an entry to that effect in the

book of proceedings of the Corporation, shall be sufficient evidence of the fact without proof of the number or proportion of the votes recorded in favour of or against such proposition.

XIX. If a poll be demanded, as in the last preceding section mentioned, or be taken at any Meeting of what kind soever, the votes of the Members of the Corporation present shall be taken by the Chairman, in such manner as he shall deem expedient, and the result of such poll, as declared by the Chairman, shall be deemed to be the resolution of the Meeting.

XX. The Governor in Council shall, within two months from the passing of this Act frame by-laws for the regulation of the conduct of business at the Meetings of the said Corporation, provided that the said by-laws may from time to time be altered by the Governor in Council, on the representation of the said Corporation, or when he shall see fit.

XXI. All moneys received by or on behalf of the said Corporation by virtue of this or any other Act; all rates, taxes, tolls, fines, fees, and penalties paid to or levied by them under this Act; all moneys which may be assigned by Government for purposes of conservancy or improvement in the City; all proceeds of land or other property sold by the said Corporation, and all rents accruing from their land or property, as also all interest, profits, and other moneys accruing by gift or transfers from Government, or private individuals, or otherwise, shall constitute a fund which shall be called "The Municipal Fund of the City of Bombay," and shall together with all property of what nature or kind soever which may become vested in the said Corporation, be under the direction, management, and control of the said Corporation, in the manner hereinafter provided.

XXII. For the purpose of securing the due administration of the Municipal Fund, a Town Council shall be appointed consisting of a Chairman and eleven members, to be selected as hereinafter provided from the general body of members of the said Corporation.

XXIII. The Chairman and five members of the Town Council shall be nominated by the Government during the first week in the month of January in each year, and six members of the Town Council shall be elected by the members of

the said Corporation at their first meeting in the month of January in each year : Provided always that two of the members of the said Town Council so to be nominated by Government, and two of the members so to be elected by the Corporation, shall be rate-payers appointed under Section VII. of this Act.

XXIV. The members of the Town Council

Term of Office of Council shall hold office for Members. Vacancies how two years, or for any filled up. period not exceeding two years, during which they shall continue to be members of the said Corporation, and shall be eligible for re-appointment in the same manner as is provided by Section VIII. of this Act with regard to members of the said Corporation ; and vacancies in the said Town Council occasioned by the death, resignation, or disqualification of any member, shall be filled up as they occur by Government, or by the said Corporation, according as the member so dead, resigned, or disqualified was originally nominated or elected by Government, or by the said Corporation.

XXV. The common seal of the said Corporation

Common Seal of Corporation where kept and how affixed to instruments. Corporation shall be in the custody of the Chairman of the Town Council hereinafter appointed ; and shall not be affixed to any instrument on behalf of the said Corporation, except in the presence of three members of the said Town Council, who shall sign their names to the instrument in token of their presence, and such signing shall be independent of the signing of any person who may sign the instrument as a witness, and unless so signed by three members of the said Town Council, such instrument shall be of no validity.

XXVI. The said Town Council shall

Appointment and powers of Sub-Committees of Town Council. have power to appoint Sub-Committees of their body, and to delegate to such Sub-Committees all or any of the powers vested in the said Town Council under the provisions of this or any other Act, and to make by-laws for the regulation of the proceedings of the said Town Council and such Sub-Committees, provided that such by-laws shall be of no force or validity unless and until they have received the sanction of Government.

XXVII. The Town Council shall meet

Meeting of Town Council : payment of Members. for the despatch of business once at the least in every week, at such time and place as may be appointed by the Chairman ; and

each member of the Town Council including the Chairman, who actually attends such meeting from the beginning to the end thereof, shall be entitled to receive out of the Municipal Fund a fee of thirty Rupees for such attendance : Provided always that if more than one Meeting is held in the course of any week, no more than thirty Rupees shall be paid to each member of the Town Council for his attendance at all the Meetings of the Town Council during that week.

XXVIII. The Chairman of the Town

Chairman to preside at Meetings of Town Council. Council shall preside over all the meetings of that body at which he is present, and in all cases of equality of votes shall have a second or casting vote. In case of the absence of the Chairman from any meeting, the members present shall choose one of their members to preside, who shall for that meeting have all the powers of the Chairman appointed by Government. No business shall be transacted at any meeting of the Town Council held under the provisions of the preceding section, unless there shall be at least six members present including the Chairman.

XXIX. The Governor in Council shall

Appointment and remuneration of Municipal Accountant. appoint a Municipal Accountant, who shall have charge of all the accounts of the Corporation, and shall also be Secretary to the Town Council. The said Accountant shall be appointed for a term of three years, and shall be eligible for re-appointment, provided that he shall be removeable from office by the Governor in Council for misconduct or neglect of, or incapacity to perform his duty, or at the recommendation of a majority of the Town Council. The said Accountant shall receive such allowances out of the Municipal Fund, as shall from time to time be fixed by the Governor in Council, provided that these allowances shall not be less than 800 Rupees per mensem, and not more than 1,200 Rupees per mensem. He shall not hold any other appointment, and shall devote the whole of his time and attention to the duties of his office.

XXX. The Secretary to the Town

Appointment and dismissal of Clerks and Servants in Municipal Accountant's Office. Council may from time to time appoint, suspend, and dismiss, with the sanction of the Town Council, the clerks and servants of his office, and such clerks and servants shall be paid out of the Municipal Fund such reasonable allowances as may be fixed by the Town Council ; and shall be subject to the same

a term of three years, and shall be eligible for re-appointment, provided that he shall always be removeable from office by the Government for misconduct, or neglect of, or incapacity to perform his duty, or at the recommendation of not less than two-thirds of the members present at a Special General Meeting of the Corporation.

XLV. The said Commissioner shall be styled "Municipal Commissioner for the City of Bombay." He shall receive such allowances out of the Municipal Fund, to be raised under this Act, as shall from time to time be fixed by the Corporation: Provided that these allowances shall not be less than Rupees two thousand or more than Rupees two thousand five hundred a month. He shall not be permitted to hold any other appointment or to follow any other occupation, and shall devote his whole time and attention to the duties of his office. He shall not be eligible to be a member of the Town Council.

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

XLVII. The Government shall also appoint a proper person, being a legally qualified Medical Practitioner, to be called the Executive Officer of Health, who shall be appointed for a term of three years, and shall be eligible for re-appointment: Provided always that he shall be removeable by the Government for misconduct, neglect of, or incapacity to perform, his duty, or at the recommendation of not less than two-thirds of the numbers present at a Special General Meeting of the Corporation, and he shall

afford such advice to the Commissioner for the sanitary improvement of the city as his experience and observation may indicate, and such assistance as may be necessary for carrying out such clauses of this Act as relate to the public health. The said Officer shall be precluded from holding any other appointment or office except that of Coroner for the City, and he shall not engage in professional practice, either gratuitously or for gain. He shall receive from the Municipal Fund a salary, to be fixed by the Corporation, of not less than twelve or more than fifteen hundred Rupees a month.

Clause 2.—The Executive Officer of Health shall act in subordination to the Municipal Commissioner, but in all matters of importance affecting the public health generally the Municipal Commissioner shall consult the Executive Officer of Health, and in the event of the latter Officer differing from the Municipal Commissioner as to any order or orders issued, or proposed to be issued, regarding any such matter, he shall submit his views to the Commissioner in writing for the consideration of the Town Council, and the Commissioner shall forthwith lay such representation before the Town Council accordingly.

XLVIII. Nothing hereinbefore provided shall be construed to prevent the Corporation from continuing to existing incumbents of the offices abovenamed their present allowances for the periods for which they have respectively been appointed; and the allowances herein authorised shall be paid to future incumbents, together with a sum equal to any deductions that may be made under the orders of Government in respect of any Officer of Government whose services may be placed at the disposal of the Corporation.

XLIX. The Commissioner may from time to time appoint such Assistant Commissioners, Assessors, Collectors of Taxes, Overseers, Clerks, and subordinate officers and servants. He shall think necessary and proper to assist in the execution of this Act, and may from time to time remove any such persons and appoint others in their place, and all persons appointed under this section shall be subject to such by-laws or regulations as may be made by the Commissioner from time to time by virtue of this Act; and out of the Municipal Fund he may, within the limits of the Budget assignment for the year, pay such allowances to the said persons respectively, as he shall think reasonable, or in case of

absence on leave such portion thereof as is hereinafter provided :
 Proviso. Provided that no office shall be created, nor any person removed from any office, the aggregate monthly salary of which in either case exceeds three hundred rupees, without the sanction of the members at a Special General Meeting of the Corporation.

L. Every Assistant Commissioner, Assessor, Collector of Taxes, Overseer, Inspector and Clerk, and other Officer appointed by or acting under the authority of the Municipal Commissioner under Act II. of 1865, and not acting contrary to the provisions of this Act, shall hold and enjoy his office and employment, together with the salary or emolument thereunto annexed, until he shall be removed therefrom by the Commissioner, or by the Corporation at a Special General Meeting. Every such Officer shall have the like power and authority for the purposes of this Act, and for carrying the same into execution, and shall be subject and liable to the like pains and penalties, and to the like power of removal, in all respects as if he had been appointed by virtue of this Act.

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

Assessor, Collector of Taxes, Overseer, Inspector and Clerk, and other Officer appointed by or acting under the authority of the Municipal Commissioner under Act II. of 1865, and not acting contrary to the provisions of this Act, shall hold and enjoy his office and employment, together with the salary or emolument thereunto annexed, until he shall be removed therefrom by the Commissioner, or by the Corporation at a Special General Meeting. Every such Officer shall have the like power and authority for the purposes of this Act, and for carrying the same into execution, and shall be subject and liable to the like pains and penalties, and to the like power of removal, in all respects as if he had been appointed by virtue of this Act.

Every Municipal Officer or subordinate Officer and every servant, of every description, paid out of the Municipal Fund, and every contractor or Agent to whom the levy of any rate, toll, tax, or other impost, shall be entrusted by or on behalf of the Corporation, and any servant or other person employed by such Contractor or Agent for the collection of such rate, toll, tax, or other impost, shall be held to be a public servant within the meaning of Section 21 of the Indian Penal Code.

Municipal Officers and servants held to be public servants within the meaning of the Penal Code.

Officer and every servant, of every description, paid out of the Municipal Fund, and every contractor or Agent to whom the levy of any rate, toll, tax, or other impost, shall be entrusted by or on behalf of the Corporation, and any servant or other person employed by such Contractor or Agent for the collection of such rate, toll, tax, or other impost, shall be held to be a public servant within the meaning of Section 21 of the Indian Penal Code.

LII. Whoever wilfully obstructs or

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

LIII. No Municipal Commissioner, or

Officers not to be concerned in contracts made with the Corporation.

other Officer or servant appointed under this Act, shall be in any wise concerned or interested in any work or contract made with, or executed for, the Corporation; and if any such Officer or servant be so concerned or interested, he shall be incapable of holding

his present or any future office or employment under the Corporation, and shall in addition forfeit and pay to the Corporation the sum of one thousand Rupees, which may be recovered by suit by the Corporation with full costs of suit : Pro-

Proviso.

vided that no person, being merely a shareholder of any Joint Stock Company established by or under the provisions of any Act of Parliament, or of the Government of India, or by Charter, shall be prevented from being employed as Municipal Commissioner, Officer, or servant, by reason of any contract between such Company and the Corporation or of any work executed by such Company.

LIV. The Municipal Commissioner may,

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

on behalf of the Corporation, enter into any such contracts as may be necessary for carrying into execution any works or duty authorised by the Budget previously sanctioned, to the extent of the sums provided for the said works or duty in the said Budget, and every such contract on behalf of the Corporation may be made as follows (that is to say) :—(1) Any contract which, if made between private persons, would be by law required to be in writing, and if made according to English law, to be under seal, may be made on behalf of the Corporation, in writing, under the common seal of the Corporation, which shall be affixed in the manner prescribed in Section 25 of this Act, and such contract may in the same manner be varied or discharged. (2) Any contract which, if made between private persons, would be by law required to be in writing and signed by the parties to be charged therewith, may be made on behalf of the Corporation, in writing, signed by the Municipal Commissioner, and such contract may in the same manner be varied or discharged. (3) Any contract, which, if made between private persons, would by law be valid, although made verbally only and not reduced into writing, may be made verbally on behalf of the Corporation by the Municipal Commissioner, and such contract may in the same way be varied or discharged. And all contracts made according to the provisions of this Section contained shall be effectual in law, and shall be binding upon the Corporation and their successors and all other parties thereto, their heirs, executors, administrators, or representatives, as the case may be. Save as aforesaid no other contract which may be made by the said Municipal Commissioner shall be valid and binding on the Corporation unless the previous consent of the Town Council shall have been obtained.

rules as to leave and otherwise as the clerks and servants appointed by the Municipal Commissioner as hereinafter provided.

XXXI. All moneys received by the Corporation in respect of the Municipal Fund, and all fines, fees, penalties levied by them or their officers, under this or any other Act, shall be lodged in the Bank of Bombay, or such other Bank as may hereafter be appointed to conduct the business of Her Majesty's Treasury in Bombay.

XXXII. No payment out of the Municipal Fund shall be made without the sanction of the Town Council, and such payments shall in all cases be made by cheques, to be signed by two members of the Town Council, and countersigned by the Municipal Accountant, and it shall be lawful for the said Bank of Bombay, or other Bank, to pay all cheques against the said Fund which are so signed and countersigned and not otherwise: Provided always that for current and necessary expenses the Town Council may from time to time advance from the Municipal Fund such sum as they may think fit to be at the disposal of the Municipal Commissioner for such purposes.

XXXIII. The accounts of the receipts and disbursements of the Municipal Fund shall be audited and examined, from month to month, by such Auditors as shall from time to time be appointed by the Corporation. The Auditors shall be paid out of the Municipal Fund in respect of such audit, such reasonable remuneration as may from time to time be fixed by the Corporation; for the purposes of such audit, the Auditors may, by summons, in writing, require the production before them of all books, deeds, contracts, accounts, vouchers, and all other documents and papers which they may deem necessary, and may require any person holding or accountable for any such books, deeds, contracts, accounts, vouchers, documents, or papers, to appear before them at any such audit and examination, or adjournment thereof, and to make and sign a declaration with respect to the same; and if any such person neglect, or refuse so to do, or to produce any such books, deeds, contracts, accounts, vouchers, documents, or papers, or to make or sign such declaration, he shall be liable, for every neglect or refusal, to a penalty not exceeding one hundred Rupees.

XXXIV. The said accounts shall further be audited and examined, once in every six months, by such person or persons as the Governor in Council shall appoint for that purpose, who shall be paid out of the Municipal Fund such reasonable remuneration in respect of such audit as may from time to time be fixed by the Governor in Council.

XXXV. The Auditors appointed by the Corporation shall, whenever required by the Town Council, supply any information that may be desired as to the progress of the audit of the account, and shall, in the month of February in each year, deliver to the Town Council a report upon the audit of the whole of the said accounts for the previous calendar year. The said report shall be printed and circulated to the Corporation with the annual statement of accounts to be furnished by the Town Council as hereinafter provided.

XXXVI. The Municipal Commissioner shall, as soon after the first day of January in each year, as may be practicable, prepare a detailed report of his administration during the previous year, and at the same time the Town Council shall prepare a detailed statement, showing the nature and amount of receipts and disbursements on account of the Municipal Fund during that year, and such report and statement shall be printed and circulated to the Corporation at their Quarterly Meeting in the month of April, and subsequently published for general information.

XXXVII. On or before the 1st of October in each year, the Municipal Commissioner shall lay before the Town Council an estimate prepared by him of the proposed expenditure of the Municipality for the year commencing on the 1st of January then next succeeding, in such detail and form as the Town Council shall from time to time, by order in that behalf, direct, and the Town Council shall forthwith proceed to consider the said Budget, and shall have power to pass, or to reject, or to alter all or any of the items entered therein: Provided that no alterations are made which are inconsistent with the provisions of this or any other Act for the time being in force for the regulation of the said Corporation.

XXXVIII. At a Special General Meeting of the said Corporation to be held

amount of rates and taxes to be laid before Corporation by Chairman of Town Council.

under this Act in the month of October in each year, the Chairman of the Town

Council shall lay before the Corporation the said estimate of expenditure as revised by the Town Council, together with the proposals of the Town Council as to the amount of the Municipal rates and taxes necessary to be levied for the purpose of meeting such expenditure.

XXXIX. It shall be in the discretion of the Corporation, may pass estimate, or refer it back for consideration, or reject any items. Corporation to pass the said estimate of expenditure, or to refer it to the Town Council for further consideration, or finally to reject any items of expenditure of which they may not approve. But no proposal involving further expenditure, or the levy or abolition of taxes, shall be submitted to the Corporation without having been first laid before the Town Council.

XL. At the Special General Meeting held in accordance with the preceding section, or at an adjournment thereof, the Corporation shall fix the rates at which such rates and taxes as are leviable under the Act shall be levied for the year commencing on the first of January next ensuing: Provided always that such rates and taxes shall be fixed before the first day of December in each year, and shall not be altered before the succeeding month of October.

XLI. It shall be lawful for the Corporation on the recommendation of the Town Council, in case of necessity during the year, to reduce the amount of expenditure under any head of the estimate in any manner not inconsistent with the provisions of this Act, or any other for the time being in force for the regulation of the said Corporation, or to transfer the moneys assigned under one head of expenditure in the estimate to another head: Provided that the total amount of expenditure sanctioned by the estimate passed by the Corporation shall in no case be exceeded.

XLII. Upon complaint made to the Governor in Council that the Municipal Corporation, or Town Council, or Municipal Commissioner, appointed by and under the provisions of this Act has made default in carrying out and enforcing the provisions of this or any other Act for the time being in force for the Municipal

administration of the City of Bombay, the said Governor in Council, if satisfied after due inquiry that the alleged default has been committed, shall make an order intimating a time for the performance of its duty by the authority implicated in the matter of such complaint; and if such duty is not performed within the time limited in the order, the said Governor in Council shall appoint some person to perform the same, and shall by order direct that the expenses of performing the same, together with a reasonable remuneration to the person appointed to perform the same, and amounting to a sum specified in the order, together with the costs of the proceedings, shall be paid by the authority in default.

XLIII. The sum so specified in the order of the Governor in Council, together with the costs of the proceedings, shall be deemed to be expenses properly incurred by the authority in default, and to be a debt due from such authority and payable out of any moneys in the hands of such authority or other Bankers or Officers, or out of any rate or tax applicable to the payment of any expenses properly incurred by the defaulting authority; and in the event of any authority refusing to pay any such sum with costs as aforesaid for a period of fourteen days after demand, the Governor in Council may by precept empower any person or persons to levy out of the Municipal Fund, such sum (the amount to be specified in the precept) as may, in the opinion of the said Governor in Council, be sufficient to defray the debt so due from the defaulting authority, and all expenses incurred in consequence of the non-payment of such debt; and any person or persons so empowered shall have the same power of levying the Municipal rates and taxes, and requiring the Bankers and all Officers of the defaulting authority to pay over any moneys in their hands, as the defaulting authority itself would have had under this or any other Municipal Act for the time being in force; and the said person or persons, after repaying all sums of money so due in respect of the precept, shall pay the overplus, if any, (the amount to be ascertained by the Governor in Council,) to or to the order of the defaulting authority.

III.—MUNICIPAL EXECUTIVE OFFICERS.

XLIV. The entire executive power and responsibility for the purposes of this Act shall be vested in one Commissioner, who shall be appointed by the Government for

LV. Before any contract to the amount of ten thousand Rupees or upwards for the execution of any works directed or authorised by this Act to be done by the Commissioner, or for furnishing materials, or for any other things necessary for the purpose of this Act, shall be entered into by the Commissioner, ten days' notice at the least shall be given in at least one of the daily English newspapers and in two of the Vernacular newspapers circulating in Bombay, expressing the purpose of such contract, and inviting any person willing to undertake the same to make proposals for that purpose to the Commissioner, and the Commissioner shall accept the proposals which, upon a view of all the circumstances, shall appear to him to be the most advantageous, and shall take a deposit or security for the due and faithful performance of every such contract, and the Commissioner shall also, within fourteen days after any such contract has been entered into, notify the same to the Corporation in a tabulated form, showing the parties thereto, the price, rates, duration, and time of performance thereof, and any other material particulars relating to such contract, and every contract for the execution of any work, whether to the amount of ten thousand Rupees or less, shall be in writing, and shall specify the work to be done and the materials to be furnished, and the price to be paid for the same, and the time or times within which the work is to be completed, and the penalties to be suffered in case of the non-performance thereof.

Mode of entering into contracts amounting to Rs. 10,000 or more.

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

LVII. It shall be lawful for the Town Council to grant such leave of absence to any Officer appointed under this Act as shall to them seem proper, or to delegate such power to the Commissioner, and in the case of any Officer so appointed, to make fit arrangements for the duties of his office during his absence on leave: Provided that, in any case in which leave of absence shall be granted to the Municipal Commissioner, Executive Engineer, Municipal Accountant

or Officer of Health, the confirmation of the Government shall be requisite, and the Government shall make fit arrangements for conducting the duties of such Officers. Any

person appointed under this Section to act for an Officer shall, while so acting, have all the powers, and be liable to all the restrictions, limitations, and provisions which such Officer for whom he may be appointed to act would, under this Act, have or be liable to.

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

LIX. The Commissioner of Police shall co-operate with the Municipal Commissioner for the maintenance of good order and peace throughout the City, and shall render all the aid that may be in his power to carry out the object of this Act.

LX. Any Police Officer may arrest any person committing an offence against any of the provisions of this Act, if the name and address of such person be unknown to him, or if such person decline to give his name and address, or if the Police Officer in question shall have reason to doubt the accuracy of such name and address, if given; and such person may be detained at the Station-house until his name and address shall be correctly ascertained:

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

Clause 2.—It shall be the duty of all Police Officers to give immediate information to the proper Municipal Officers of any offence committed contrary to the provisions of this Act, and to assist all Collectors and other Municipal Officers in the exercise of their lawful authority.

IV.—MUNICIPAL PROPERTY AND FUND.

LXI. All property of the nature herein-after specified, situated within the limits of the City of Bombay, and not being the property of or under the control of the Government, shall be vested in and belong to the Corporation, and shall, together with all other property, of what nature or kind soever, which may become vested in the Corporation, be under their direction, management, and control, and shall be held and applied by them as trustees for the purposes of this Act; that is to say—

(a) All public markets, slaughter-houses, sweepings, and nightsoil depôts.

(b) All public tanks, reservoirs, cisterns, wells, springs, aqueducts, conduits, tunnels, pipes, pumps, and other waterworks, and all bridges, buildings, engines, works, materials, and things connected therewith or appertaining thereto, and also any adjacent land (not being private property) appertaining to any public tank or well, so long as they are applied to the purposes of storing, retaining or conducting water, or of facilitating access to, or the supply of, the water so stored or retained.

(c) All public sewers and drains, and all sewers, drains, tunnels, culverts, gutters, and water-courses in, alongside, or under any street, and all works, materials, and things appertaining thereto, as also all dust, dirt, dung, ashes, refuse, animal matter, dead animals, or filth or rubbish of any kind collected under the provisions of this Act from the streets, houses, privies, sewers, cesspools, or elsewhere, or which shall have been deposited in receptacles as hereinafter provided.

(d) All public lamps, lamp-posts, and apparatus connected therewith, or appertaining thereto.

(e) All land purchased by the Corporation or transferred by Government or acquired by gift or otherwise.

(f) All public streets, and the pavements, stones, and other materials thereof, and also all trees, erections, materials, implements, and things provided for such streets.

The above Clauses shall include all property of the description specified existing at the time this Act comes into operation, or afterwards made, laid, acquired or erected, and whether made, laid, or erected at the cost of or acquired by the Corporation or otherwise.

LXII. All property of the nature specified in the preceding Section, and all utensils, materials, books, plans, maps, papers, effects,

moneys, securities, and other property, moveable and immoveable, of what nature or kind soever, and all interest therein, whether vested, contingent, or in remainder, which shall, on the date when this Act comes into operation, be vested in, or held in trust for the Corporation of the Justices appointed under Act II. of 1865, or which would have been vested in or held in trust for such Justices but for the passing of this Act, and all such estate and interest of and in the same respectively as shall then be or would have been vested in or held in trust for the said Justices, or any of them, with all rights of way and other rights and easements now used and enjoyed by the said Justices, shall, on and from the date when this Act comes into operation, be vested in the Corporation, subject to the limitations contained in the preceding Section. And all persons who shall then owe any money to the said Justices, or to any person on their behalf, shall pay the same to the Commissioner on behalf of the Corporation, and all moneys which shall be then due and owing by or recoverable from the Justices, and all contracts, agreements, mortgages, bonds, covenants, and securities made or entered into before this Act comes into operation, to, with, or in favour of, or by or for the said Justices or any previous Municipal Commissioners for the City of Bombay, or any of them, or any person on behalf of such persons respectively, and all rights of action and suit arising out of contract or otherwise, shall take effect, and may be proceeded on and enforced, as near as circumstances will admit, in favour of, by, against, and with reference to the Corporation, in such manner as the same would have taken effect, and might have been proceeded on and enforced in favour of, by, against, and with reference to the said Justices or Municipal Commissioners respectively or any of them, if this Act had not been passed.

LXIII. No action, suit, prosecution, or

Actions, &c., by or other proceeding, what-
against Justices not to soever, commenced or
abate.

carried on, either by or
against the said Justices previously to the
coming of this Act into operation, shall abate,
or be discontinued, or prejudicially affected
by this Act, but shall continue to take effect
both in favour of and against the Corporation
in the same manner in all respects as the
same would have continued and taken effect
in relation to the said Justices if this Act had
not been passed; and all decrees and orders
made, and all fines and penalties imposed
and incurred respectively, previously to the
coming into operation of this Act, shall and
may be enforced, levied, recovered, and pro-
ceeded for, and all administrative proceedings
commenced previously to the coming into

operation of this Act, shall and may be continued, proceeded with, and completed in such or the like manner as if this Act had not been passed, the Corporation being, in reference to the matters aforesaid, in all respects aforesaid, in the place of the said Justices.

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

Provido.

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

LXV. All moneys received by or on behalf of the Corporation by virtue of this or any other Act, all rates, taxes, tolls, and other imposts, fines, fees, penalties, paid or to be levied by them under this Act, all proceeds of land or other property sold by the Corporation, and all rents accruing from the land or property of the said Corporation,

as also all interest, profits, and other moneys accruing by gifts or transfers from Government, or private persons or otherwise, shall constitute the Municipal Fund, and shall be held and dealt with by the Corporation as hereinafter provided.

LXVI. The rates, taxes, tolls, and duties to be levied under this Act, for the purposes of the same, shall be as follows:—

- (1.) A rate payable by owners on the annual value of houses, buildings, and lands.
- (2.) Rates payable by occupiers, and assessed in the manner hereinafter provided, for the special purposes of Police, Lighting, Water-supply, Hallalcore service.
- (3.) A supplementary rate to meet excess of expenditure over income in a given year.
- (4.) Taxes on Carriages, Horses, Ponies, and Mules.
- (5.) Tolls on labour carts entering the City from the Island of Salsette.
- (6.) Town Duties on the articles mentioned in Schedule (D).

LXVII. At the Special General Meeting, to be held in accordance with Section 38, the Corporation shall fix the rates at which the rates, taxes, tolls, and duties leviable under this Act shall be levied for the year commencing on the first day of January next ensuing. The rates so fixed shall not be altered before the next succeeding month of October.

LXVIII. No assessment and no charge Assessment, &c., not or demand of rates, to be impeached for want taxes, tolls, or duties of form. under the authority of this Act shall be impeached or affected by reason of any mistake in the name of any person liable to pay the rate, tax, toll, or duty, or in the description of any property or thing liable to rate, tax, toll, or duty, or any mistake in the amount of assessment, nor shall any proceeding under this Act be quashed or set aside for want of form in any Court of Justice: Provided that the directions of this Act be in substance and effect complied with.

House Rate.

LXIX. An annual rate of five per centum of their annual value shall be levied upon houses, buildings, and lands in the said City, and shall be payable by the owners thereof in advance in half-yearly instalments, that is to say, the

first instalment for the year shall be due and leviable on the 1st of January, and the second instalment on the 1st of July of each year: Provided that it shall be lawful for the Go-

vernment, on a Reso-

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

LXX. The estimated gross annual rent

at which the houses, Annual value how to be ascertained.

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

LXXI. For the purpose of such assess-

ment as aforesaid, the Valuation to be made and entered in a book.

the Commissioner shall from year to year cause a valuation to be made of all houses, buildings, and lands liable to the said rates; such valuation, estimated as hereinbefore provided, shall be entered in a book, to be kept in the office of the Commissioner, and to be called "the Assessment Book," wherein shall also be written in such form as the Commissioner shall direct the name of the owner of the property, the name of the occupier, a designation of the property, either by name or number, sufficient to identify the same, together with the name of the street or district in which such property is situate, and the amount of the rate assessed thereon.

LXXII. The valuation which at the

date of this Act coming into operation shall stand entered in the book kept at the Office of the Municipal Commissioner, under Section 59 of Act II. of 1865, shall be taken to be the first valuation made under this Act, until the Commissioner shall have caused a new valuation or a measurement to be made.

LXXIII. When the name of the owner

or occupier is not to be designated if his name be unknown. sufficient to designate him in the Assessment Book, and also in any Notice or other proceeding under this

Act, as the "owner" or "the occupier" of the property on which the rate is assessed, without further description. When in the case aforesaid any person shall be in the occupation of houses, buildings, or lands, and shall refuse to give information as to who is or claims to be the owner thereof, such person shall for the purposes of this Act be deemed to be the owner and occupier of such houses, buildings, or lands, and shall be liable to all the rates leviable under this Act on such property.

LXXIV. *Clause 1st.*—In order to enable

the Commissioner to Returns may be required for purpose of valuation. arrive at a fair valuation or measurement of any

houses, buildings, or lands liable to the rate, it shall be lawful for the Commissioner to require the owner or occupier of such houses, buildings, or lands, to furnish him with Re-

turns of the measure- Power to enter houses, &c.

ment and of the rent or annual value thereof, and for the like purpose, it shall be lawful for the Commissioner, or any person or persons appointed by him for that purpose, at any time between sunrise and sunset, to enter, and inspect and measure such houses, buildings, or lands, after having given forty-eight hours previous notice of such his intention to the occupier thereof.

Clause 2nd.—Whoever refuses or fails to

furnish any of the Returns specified in the preceding Clause for the

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

LXXV. In estimating the annual value

of any houses, lands, or buildings liable to be rated under Section 69 of this Act, whenever the owner of any such houses, lands, or buildings lets the same to any tenant who sub-

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

lets the same at a higher rent than he pays to such owner, such owner shall only be liable to be rated under Section 69 upon the gross amount of rent which he is entitled to receive from such tenant, and as to the difference between such last mentioned rent and the gross amount of rent payable to such tenant by his sub-tenant or sub-tenants, such tenant shall, for the purposes of being rated under Section 69, be deemed to be the owner.

LXXVI. In the case of houses or buildings let in flats or portions of flats, it shall be lawful for the Municipal Commissioner to treat each flat as a separate property for the purpose of the House-rate: Provided that if any portion of a flat is occupied, the owner shall be liable to pay House rate on the valuation of the whole flat.

LXXVII. Buildings exclusively occupied for public worship or charitable purposes, and buildings owned by Government or by the Corporation, shall be exempt from House-rate.

LXXVIII. When the valuation under Section 71 of this Act shall have been completed, the Commissioner shall give public notice thereof, and of the place where the Assessment Book or a copy of the said Book may be inspected, by advertisement in the *Government Gazette*, and in at least one of the daily English newspapers and in two Vernacular newspapers published in Bombay, and also by placards posted up in conspicuous places throughout the city; and the person in whose custody the Assessment Book may be, shall permit every person claiming to be the owner or occupier of property included in the assessment or measurements, or the agent of such owner or occupier, to inspect the book and to make extracts therefrom without payment of any fee; and every person who does not claim to be such owner or occupier to inspect and make extracts, in like manner, on payment of a fee of one Rupee.

LXXIX. When the valuation under Section 71 of this Act shall have been completed the Assessment Book shall be authenticated by the signature of the Commissioner, who shall at the same time certify under his signature that no valid objection has up to date been made to the valuation or measurement and assessment in the said Book entered, and thereupon, and subject to such alterations and

Rate assessed to be deemed the rate for the whole year. amendments as may thereafter be duly made, the rate so assessed shall be deemed to be the rate for the whole year for which the assessment is made, and such year shall be from the first day of January.

LXXX. When the rate shall have been fixed as provided in the preceding Section, When payment of rate falls due. the payment thereof shall become due, and the Commissioner shall proceed to recover the same in the manner hereinafter provided.

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

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

Clause 2.—In the event of continued vacancy at the commencement of any half-year, the owner shall give notice in writing of the same to the Commissioner within fifteen days of the commencement of the half-year. In default of such notice his claim to refund on account of such vacancy shall be forfeited.

LXXXIII. When any house or building shall have been newly built, or be rebuilt, or shall be enlarged so as to increase the yearly value, the owner shall give notice thereof in writing to the Municipal Commissioner within fifteen days from the date of completion of the building,

rebuilding, or enlargement, or from the date of occupation of each newly built, or rebuilt or enlarged property, which ever date happens first. In default of such notice the owner will be liable to a fine not exceeding (50) fifty Rupees, on conviction before a Magistrate.

LXXXIV. When any house or building shall be demolished or removed, the owner thereof shall give notice in writing to the Municipal Commissioner within fifteen days from the date of completion of such demolition or removal, and until such notice is given the owner shall be liable to payment of all rates which would have been leviable had such house not been demolished or removed.

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

Occupiers' Rates.

LXXXVI. To provide for the annual expense of the Police of the City of Bombay, and for the prevention of mischief from fires, an annual rate shall be imposed upon the occupiers of all houses, buildings, and lands in the said City, at such rate upon the annual value of such houses, buildings, or lands, as shall be sufficient to provide the total annual amount which may be fixed as necessary for the abovementioned purposes by the Government, after consideration of any representation which the Corporation, on scrutiny of the estimates submitted to them by the Municipal Commissioner, may think fit to make.

LXXXVII. To provide for the annual expense of lighting the public streets of the City of Bombay with gas, or other suitable means an annual rate shall be imposed upon the occupiers of all houses, buildings, and lands

in the said City, at such rate upon the annual value of such houses, buildings, and lands, as may appear to the Corporation, after consideration of the estimates of the Municipal Commissioner, sufficient for the purpose.

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

LXXXIX. If, from the accounts aforesaid, it shall appear at the close of any year that there has been an excess of expenditure on Police or on Lighting, over and above the amount received on account of the Police and Lighting rates respectively for the said year, the Corporation shall forthwith increase the rate for the year next following, to such extent as may be necessary to cover the same. But if there shall appear to have been an excess of receipts over expenditure, such surplus shall be applied in diminution of the rate for the year next, or next but one following, as to the Corporation may seem convenient: Provided always that no increase or diminution in the rate to an extent less than one-half per cent. shall be made for the purposes aforesaid.

XC. Nothing in the preceding Section shall be held to debar the Corporation from providing from the Municipal Fund generally, or by loan, under Act XXIV. of 1871, such sums as to them may appear necessary for the erection of Police buildings, the purchase and setting up of additional lamps, lamp-posts, pipes, and other similar charges.

XCI. To provide for the maintenance, repairs, extension, improvement, and other expenses connected with the Veihar Water Works as hereinafter provided, or of any other water works hereafter constructed with the consent of Government, an annual rate shall be imposed upon the occupiers of houses, buildings, lands, wharves and other structures, and of all works and places whatsoever so supplied with water, at such rate upon the annual value of such houses, buildings, lands, wharves, structures, works, and places as may appear to the Corporation, after consideration of the estimates of the Commissioner, sufficient for the purpose, and as may be sanctioned by Government.

XCII. It shall be lawful for the Commissioner may supply water by measurement and by contract. from the said Water Works, by measurement, in such quantities and on such terms and conditions as shall seem fit, and to contract for the supply of such water for any purpose whatever, to any person without measurement at a reasonable fixed rate, and all moneys due to the Commissioner, on behalf of the Corporation on account of any water so supplied, shall be recoverable in like manner as the other rates payable under the provisions of this Act: Provided that all such terms, conditions, and contracts shall be subject to revision by the Town Council and the Corporation.

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

XCIV. If from any such annual report of the Commissioner or any report of an Examiner appointed by the Government as aforesaid, it shall appear that after paying to Government the sums due under this Act, in respect of the Vehar Water Works, and after providing for the repairs and maintenance of the said Lake and Water Works and the payment of necessary salaries, there remain in the hands of the Commissioner or his agents any surplus of moneys received on account of the said Water Works leviable under this Act, it shall be lawful for the Commissioner, with the sanction of the Corporation, to expend the same in such extensions and improvements of any Water Works belonging to the Corporation, and of the apparatus connected therewith, as the Government may sanction, and if such improvements or extension shall appear to be necessary, it shall be lawful for the Govern-

ment to require that the same may be made; and if it shall appear that the surplus, after providing for such payments to Government and for such expenses of repairs and maintenance as aforesaid, has in any year exceeded the sum of fifty thousand Rupees, the Commissioner may, with the consent of the Corporation and with the sanction of the Government, forthwith impose a new scale of rates and prices, so calculated as to reduce the annual receipts on account of the said Water Works, either by the whole amount by which the same exceed the necessary disbursements on account thereof, or by such sum as shall remain after providing for the extensions and improvements which may properly be made out of the said surplus or profits, and in failure thereof the Government may order such new scale to be made, or may prescribe a new scale calculated as aforesaid, which new scale the Commissioner shall forthwith adopt, and shall thereafter recover such demands only for supplies of water as are in accordance therewith.

XCv. No rate shall be charged for the supply of water from any public well, tank, reservoir, or the like, from which the public may or shall ordinarily have drawn water without payment, and the public shall, subject to any By-laws promulgated with the sanction of Government under this Act, have free access thereto, and may draw water therefrom without hindrance or payment of any fee whatever.

XCvi. Whenever the Commissioner shall have given notice, by advertisement or otherwise, to the occupier of any house, building, or land, or to the occupiers generally in any ward or district into which the City is or may be divided, that he will, on and from a day to be named in such notice, perform through his agents the duties usually performed by hallalcores, an annual rate or cess shall be imposed upon the occupier or the several occupiers of any house, building, or land so served, or upon all the several occupiers of houses, buildings, and lands situated within any ward or district regarding which such notice may have been given. The rate shall be fixed at such amount as shall appear to the Corporation, on consideration of the estimates of the Commissioner, likely approximately to cover the expenses of collection and removal incident to such service: Provided always that no occupier shall be liable to pay more than Rupees seven, or less than four annas, per mensem.

XCvii. Whenever it shall appear, from the statement of actual Supplementary rate. cash receipts and ex-

penditure, in any year laid before the Corporation at their Quarterly Meeting in the month of April next following, as provided in Section 86 of this Act, that the expenditure for other purposes than Police and Lighting provided for by Sections 86 and 87, has been in excess of the receipts on account of the Municipal Fund other than the Police and Lighting rates, the Corporation shall, within one month from the receipt of the statement aforesaid, impose upon the occupiers of houses, buildings, and lands within the City, a special supplementary rate upon the annual value of such houses, buildings, and lands, sufficient to cover the whole of the excess abovementioned. The special supplementary rate shall be leviable forthwith from all persons assessed to occupier's rates for the then current year.

General provisions regarding Occupiers' Rates.

XCVIII. The annual value of all houses, buildings, and lands liable to Police, Lighting, Water, and Special supplementary rate, shall be the annual value as ascertained for the purposes of the House-rate under Section 70 of this Act.

XCIX. All Occupiers' Rates shall be due and leviable at the same time and in the same instalments as the House-rate, and Sections 122, 127, 128, 129, 130, 131, 132, and 133 of this Act shall be applicable to them.

C. The owner of any house, building, or land, if himself in occupation of the same, or any person in occupation of the same under him, shall, for the purpose of the levy of Occupiers' Rates, be held to be the occupier.

CI. When any person rents any house or building, or any land, from the owner thereof, and sub-lets the same in apartments, flats, or portions, such person, for the purpose of the levy of Occupiers' Rates, shall be held to be the occupier.

CII. When any house, building, or land is sub-let in apartments, flats, or portions of flats, the owner thereof shall furnish the Municipal Commissioner with a list of his tenants, showing the amount of rent paid by each tenant, at least 15 days before the 1st January and 1st July in each year, and the Commissioner shall thereupon proceed to recover the Occupiers' Rates from such tenants in proportion to the amount of rent

paid by each tenant, but if the owner shall neglect to furnish the Commissioner with such list as aforesaid, the Commissioner shall proceed to recover the said rates from the owner instead of from the tenants of such house, building, or land sub-let as aforesaid. Notice to owners to comply with this Section shall be given half-yearly by battaki, and by advertisement in two vernacular newspapers.

CIH. Whenever under the preceding Section an owner has paid any Municipal rate or tax ordinarily payable by the occupier of a house, building, or land, he shall have the right to recover from such occupier his proportion of the rates so paid, calculated on the rent actually paid by such occupier.

CIV. Every occupier shall be liable to the Occupiers' Rates for the time of his occupation, and when any person shall cease to be an occupier during the currency of any half-year, the Commissioner shall on application refund to him so much of the rate for that half-year, if already paid, as may be proportionate to the period during which he shall cease to be an occupier: Provided, however, that no

refunds shall be given for any broken period of a month, and that he shall have given written notice of vacating to the Commissioner within seven days after so vacating. Provided that buildings exclusively devoted to public worship or charitable purposes, and buildings occupied for public purposes by Government or the Corporation, and Government buildings occupied by European and Native Officers and Soldiers in the service of Her Majesty doing Regimental duty in the Garrison of Bombay, shall be exempt from the rate.

Clause 2nd.—In the event of the house, building, or land being again occupied, the owner shall give written notice thereof to the Commissioner within seven days from the date of re-occupation. Such notice shall contain the name or names of the new occupier or occupiers, and the dates on which he or they severally entered on occupation. The Commissioner shall thereupon proceed to recover the Occupiers' Rates for the remainder of the current half-year from the new occupier, unless such remainder be the broken period of a month only. In default of notice of re-occupation being given, the owner shall be liable to all the rates which would have been leviable from both owner and occupier if the property had never been vacant.

Taxes on Carriages, Horses, Ponies, and Mules.

CV. A tax shall be levied on all carriages, carts, hackeries, horses, ponies, and mules, kept within the said City, and upon all carts and hackeries plying for hire within the said City, or let for hire and used within the said City and kept at any place beyond the limits thereof, at the rates specified in Schedule C, and shall be payable quarterly by the owners or persons having charge of the same, except as hereinafter otherwise provided: Provided that the Corporation may reduce, alter, or modify this tax, as they may deem fit, but may not increase the rates specified in the said Schedule, and provided that this Section shall not apply to or include gun carriages, ordnance carts, or waggons, Artillery and Cavalry horses, or horses of the Mounted Police, or the respectively authorised number of horses belonging to Officers doing Staff, Regimental, or other duty at the Presidency, or vehicles, horses, ponies, or mules belonging to the Government or to the Corporation, or vehicles kept for sale, and not used for any other purpose, if kept by *bonâ fide* dealers in such vehicles: Provided also that public conveyances liable to the payment of a license fee under (Bombay) Act VI. of 1863, shall be required to pay in half-yearly instalments in advance the tax leviable under this Section, the first instalment being payable at the same time as the said license fee.

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

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

CVIII. The Commissioner may compound, for any period not exceeding one year, with livery stable-keepers and other persons keeping carriages and horses for hire, for a certain sum to be

paid for the carriages and horses so kept by such persons, in lieu of the taxes specified in Schedule C.

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

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

CXI. It shall be lawful for the Commissioner, or any person or persons appointed by him for that purpose, at any time between sunrise and sunset, to enter and inspect any stable or coach-house, or any place wherein he may have reason to believe that there is any vehicle or animal liable to taxation under Section 105 of this Act; and the Commissioner may summon any person whom he has reason to believe to be liable to the payment of any tax under the last mentioned section, or any servant of such person, and may examine such person or servant as to the number and description of the horses and carriages in respect of which such person is liable to be taxed.

CXII. Whoever on being summoned under the preceding section fails, without lawful excuse, to appear in pursuance of the summons, shall be liable, on conviction before a Magistrate, to the

penalty provided by Section 174 of the Indian Penal Code; and whoever hinders or obstructs the Commissioner or any person appointed by him as aforesaid, from entering or inspecting or leaving any such stable, coach-house, or place, shall be liable, on conviction before a Magistrate, to the penalty provided by Section 186 of the aforesaid Code, for obstructing a public servant.

Toll on Labour Carts.

CXIII. A toll not exceeding two annas per cart shall be levied, on all labour carts not already paying the tax imposed under Section 105 of this Act, which may enter the city from the Island of Salsette, and on each occasion of such entrance. Every driver of such cart shall receive a ticket certifying payment of toll, but the possession of such ticket shall not authorise the said cart to ply for hire within the city.

Town Duties.

CXIV. Duties not exceeding the rates specified in the Schedule **D** annexed to this Act, shall be leviable, in respect of the several things therein mentioned, when imported from any place into the City of Bombay.

Levy of Town Duties. The said duties shall be called Town Duties, and shall be leviable in addition to any Customs Duties prescribed by Law.

CXV. At the Special General Meeting of the Corporation to be held under the provisions of Section 38 of this Act in October in each year, it shall be lawful for the said Corporation to fix the rates for the said Town Duties, to be levied for the year then next following after such Meeting in respect to all or any of the things specified in the schedule to this Act annexed, and for that purpose to retain or omit all or any such things in or from the said schedule accordingly for the then ensuing year: Provided that such rates so from time to time to be fixed, shall not exceed the rates specified in the schedule to this Act annexed, or be imposed in respect of any other things than those contained in the said schedule; and the Town Duties when so fixed shall be the Town Duties leviable for the then next ensuing year under the provisions of this Act.

CXVI. The said Town Duties shall be payable on demand, and shall be levied and collected by and under the management of the Municipal Commissioner and Officers subordinate to him, or, with the sanction of Government, by the Commissioner of Customs or the Officer appointed to levy Bunder Fees under (Bom-

bay) Act V. of 1870, and their subordinate Officers respectively, as may to the Corporation appear from time to time expedient: Provided that Government may from time to time fix the charges which the Commissioner of Customs or Officer levying Bunder Fees, shall be entitled to deduct for the necessary expenses of collecting the said Town Duties and accounting for the same.

Clause 2.—Provided also that it shall be lawful for the said Municipal Commissioner, with the sanction of the Town Council to make such arrangements, as in his discretion he may deem fit with any Railway Company, for the levy and collection of Town Duties under this Act.

CXVII. The Officers appointed under the preceding Section to levy Town Duties shall have the same powers for collecting and enforcing payment of the said Town Duties as are exercised by the Commissioner of Customs of Bombay and his subordinate Officers in respect of Customs Duties, and shall have the same privileges, and be subject to the same liabilities in respect of anything done by them in collecting and enforcing payment of Town Duties, as the Commissioner of Customs and his subordinates have or are subject to under the provisions of any Act in force relating to the said Customs.

CXVIII. All moneys collected or received on account of the Town Duties under this Act, shall from time to time be paid into the Bank of Bombay, or such other Bank as may hereafter be appointed to conduct the business of Her Majesty's Treasury in Bombay, and shall be carried to the credit of the Municipal Fund.

CXIX. The Commissioner shall keep accounts of all receipts and disbursements on account of the Town Duties, and shall submit a detailed statement of the same to the Corporation, together with the Annual Report required from him under Section 36 of this Act, and such accounts shall be audited and examined in like manner as other Municipal accounts.

CXX. When any of the goods upon which Town Duties shall have been paid shall be re-exported, the full amount of Town Duties shall, under such rules as the Commissioner, with the sanction of the Town Council shall from time to time notify, be repaid as refund, provided that the goods be re-exported within six months from the date of importation, and that application

for such refund be made within one month from the date of exportation; and provided also that no refund be claimable of less amount than ten Rupees.

CXXI. Tables of the Town Duties to be levied under this Act shall be printed in the English, Gujarati, and Marathi languages, and shall be kept hung up in a conspicuous position at the several Railway Stations, Bunders, Wharves, Landing-places, and Piers at which such Town Duties are leviable.

Collection of Rates and Taxes.

CXXII. When any rate or tax shall have become due, the Commissioner shall, with Bill to be presented. the least practicable delay, cause to be presented to the person liable to the payment thereof a bill for the sum due, or the first instalment thereof, if payable in instalments, which shall contain a statement of the period, and a description of the property or thing for which the rate or tax is charged. The bill shall also contain a notice that complaint against the charge of the said rate or tax may be made by application in writing to be left at the office of the Municipal Commissioner within fifteen days of the date of the service of the said bill; and that if no such complaint be made, the amount specified in the bill must be paid into a stated Receiving Office within thirty days from the date of service aforesaid, and that in default of such payment, the said amount will without further notice be recovered by distress and sale of the goods of the defaulter.

CXXIII. In the event of a complaint being made as above, the Commissioner shall proceed to hear the same, and shall make such increase or decrease, if any, in the said assessment and in the Assessment Book, as he shall think proper. Intimation of the decision passed upon the complaint shall be forthwith given in writing to the complainant, who shall thereupon be bound to pay the due amount, if any, into the stated Receiving Office within seven days under the same penalty for default as if no complaint had been made.

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

CXXV. Every such appeal shall be commenced within ten days after the accrual of the cause of appeal, which shall in respect of any rate or tax be deemed to accrue on the date of receipt of the decision passed by the Commissioner on previous complaint.

Clause 2.—In the event of the amount of any rate or tax being increased, decreased, or remitted, the Commissioner shall levy the amount of such rate or tax, or grant a refund accordingly.

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

CXXVII. If the amount of any bill be not paid on or before the date when it becomes due, such amount with all costs may be levied by distress and sale of the goods and chattels of the defaulter; or if the defaulter be the occupier of any house, building, or land in respect of which a rate is due, by distress and sale of any goods and chattels found on the premises, under a warrant in the form in the Schedule E, or to the like effect, to be issued for that purpose by the Commissioner. For every warrant issued under this Section which the Commissioner shall cause to be served upon any person, the fee specified in Schedule F, annexed to this Act, shall be payable. Such fee shall be added to the amount at the rate in respect of which the warrant is issued, and if not duly paid, shall be levied in the same manner as such rate may be levied.

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

CXXIX. If the warrant is not in the meantime discharged or suspended by the Commissioner, the goods and chattels seized shall be sold under the orders of the Commissioner, who shall apply the proceeds, or such part thereof, as may be necessary in dis-

charge of the said arrears and costs, and the surplus, if any, shall be returned on demand to the person in possession of the goods and chattels at the time of the seizure.

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

CXXXI. If, during the course of any half-year or quarter, any person liable to any rate, leaving the city during a quarter, may be made at once to pay such rate up to date. the Commissioner shall have reason to believe that any person who, if the current half-year or quarter had come to an end, would be liable to pay any rate or tax for that half-year or quarter, is about to remove from the city forthwith, it shall be lawful for the Commissioner to declare such person liable to the immediate payment of the said rate or tax from the commencement of that half-year or quarter to the date of such declaration, and the amount of such rate or tax from such time due from such person shall be leviable forthwith, in like manner as the said rates and taxes are in ordinary cases leviable.

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

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

V.—APPLICATION OF MUNICIPAL PROPERTY AND FUND.

CXXXIV. All property vested in the Corporation, and all funds received or raised by them in accordance with the provisions of this Act, shall be applied to the purposes expressly directed by this Act.

CXXXV. The property and funds aforesaid shall be applicable to the objects connected with the public safety, health, instruction and convenience hereinafter specified, and not otherwise; that is to say:—

Public Safety.

(1) Defraying the whole or a proportion of the charges of every description of the Police who may be employed for the security of life and property within the City, as the Government may direct after consideration of the representations of the Police Commissioner and the Corporation, to whom the estimates of the Police Commissioner shall be submitted annually for their opinion through the Municipal Commissioner.

(2) Provision for lighting the public streets, places, and buildings, for the extinction of fires, and for the securing or removal of dangerous places, buildings, trades, and practices.

Public Health.

(1) Defraying the whole or a proportion of the total cost of the construction and maintenance of Hospitals, Dispensaries, and Lunatic Asylums; and of the charges of Vaccination, Registration of Births, Deaths, and Marriages, taking a Census, and such other sanitary measures, as the Corporation may think fit.

(2) Construction and maintenance of public markets and slaughter-houses, latrines, privies, urinals, drains, sewers, drainage works, water works, baths, wash-houses, drinking fountains, tanks and wells, dams, parks and gardens, reclamation of unhealthy localities, and the like.

(3) Cleansing and watering of streets, sewers, scavenging, removal of noxious vegetation, and generally the abatement of all nuisances.

(4) Regulation of offensive trades, and burial and burning grounds, and the removal of and providing sites for the same.

Public Instruction.

(1) Defraying the whole or a proportion of the charges of every description of providing public instruction within the limits of

the City, as the Corporation may think fit, after consideration of the representations of the Director of Public Instruction, by whom estimates shall be submitted annually for their opinion, through the Municipal Commissioner.

(2) Erection and maintenance of public Libraries and Museums.

Public Convenience.

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

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

(3) Survey of houses and lands, and (4) generally, all objects connected with the public safety, health, and convenience not repugnant to the above or the spirit of this Act.

Clause 2.—Nothing in this section shall be held to debar the Corporation from purchasing or renting land, or buildings, or other property for any of the objects above named; or from leasing or selling if not required for such purposes, any land, buildings, or other property vested in them by this Act, or acquired by them for the purposes thereof, in such manner as they may find most convenient and advantageous, provided that the proceeds of such transactions shall be credited to the Municipal Fund.

CXXXVI. It shall be the duty of the Provision for above Town Council, and purposes to be made by they are hereby re-Municipal Commissioner. quired, to make and maintain adequate and suitable provision for the above purposes, to the extent to which they are supplied by the Corporation with funds for the same.

Clause 2.—It shall be the duty of the Corporation, and they are hereby required, to supply the Town Council with such funds as may be necessary for the purpose of adequate and suitable provision for the public safety and health.

CXXXVII. It shall be lawful for the Town Council to deposit at interest with the Bank of Bombay, or such other Bank as may hereafter be appointed to conduct the business of Her Majesty's Treasury at Bombay, any surplus funds in their hands which may not be required for current charges, and to invest such funds in Government securities, in the names of the Chairman of the Town

Council and the Municipal Commissioner for the time being, and from time to time to dispose of such securities as may be necessary.

CXXXVIII. Whereas a sum in excess of

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

the original estimate of twenty-five lakhs of Rupees has been expended in the construction of the Vehar Lake and Water Works, and in purchasing the interests of

the tenants or occupants of the site of the said Lake and Works, and whereas it has been agreed that one-half of all sums so expended in excess of twenty-five lakhs of Rupees shall be defrayed out of the Public Revenue, it is hereby enacted that all sums in excess of Rupees forty-five lakhs forty-two thousand three hundred and ninety-four, expended for the Vehar Water Works as aforesaid, shall be held to have been defrayed out of the Public Revenue, and that the sum of Rupees thirty-seven lakhs thirty thousand and fifty-three shall be held to have been the sum due to Government on account of the said works on the 1st day of July 1863; and the said sum of Rupees thirty-seven lakhs thirty thousand and fifty-three, with simple interest at the rate of four per cent. per annum from the 1st day of July 1863, together with all sums advanced by Government in connection with the said works since the said 1st day of July 1863, with simple interest thereon at the rate of four per cent. per annum, shall be repaid by the Commissioner on behalf of the Corporation to the Government, by monthly instalments of fourteen thousand six hundred Rupees, to be paid on the first day of every month, until the whole of the said debt to Government be liquidated, into Her Majesty's Treasury, or into the account of Her Majesty's Treasury in any Bank that may now or hereafter be appointed to conduct the business of Her Majesty's Treasury in Bombay.

Clause 2.—The monthly instalments aforesaid shall be appropriated,—first to the payment of the interest accrued on account of the said sum of Rupees thirty-seven lakhs thirty thousand and fifty-three from the 1st day of July 1863; secondly, to the payment of interest on all sums subsequently advanced as aforesaid; and lastly, to the payment of all sums subsequently advanced as aforesaid, and then to the liquidation of the said principal sum of Rupees thirty-seven lakhs thirty thousand and fifty-three: Provided that

Proviso.

all sums received by Government on account of the said Water Works, under the provisions of Sections 30 and 31 of Act XXV. of

1858, and Section 7 of Act II. of 1865, and Section 3 of Act III. of 1870, after the said 1st day of July 1863 and before this Act comes into operation, shall be credited to the said Corporation as having been paid on their account and received by Government in liquidation of the amount payable as aforesaid by the Commissioner on their behalf, and provided that if the Commissioner shall at any time fail, on behalf of the Corporation, to pay to Government any of the monthly instalments hereby prescribed, and shall, after notice in writing signed by one of the Secretaries to Government, requiring payment of the same, has been served upon him, and has been published in the *Government Gazette* for at least two months, still fail to make such payment on behalf of the Corporation, the said Vehar Water Works and all the moveable and immoveable property appertaining thereto, hereby vested in the Corporation, shall cease so to vest, and shall forthwith become vested in Government in trust for the purposes for which it was previously vested in the Corporation.

CXXXIX. The Commissioner shall, until a complete system of sewerage and drainage within the said city—to be agreed upon between Government and the Corporation—shall have been completed, and all the expenses thereof have been defrayed, and all moneys borrowed for the payment of such expenses and interest thereon shall have been repaid, set apart for the purposes abovementioned, out of the Municipal Fund, an annual sum not less than two hundred and fifty thousand Rupees. If such system of sewerage and drainage has been completed, and all the expenses thereof have been defrayed, and all moneys borrowed for the payment of such expenses and interest thereon have been repaid, before the expenses incurred by Government for the construction of the said Vehar Water Works shall have been repaid, the said annual sum of two hundred and fifty thousand Rupees shall be added to the sum of one hundred and seventy-five thousand Rupees directed by the preceding Section to be appropriated annually to the repayment of the expenses of the said works.

VI.—GENERAL CONSERVANCY.

Water Supply.

CXL. From and after the date when this Act comes into operation, the Vehar Water Works and the business thereof shall be exclusively managed

and conducted by the Commissioner, who shall be bound to keep the said Water Works and the property pertaining thereto in good repair and effective for the proper purposes of the same; and the Commissioner shall make such extensions, improvements, and alterations in the said Water Works and property as may be necessary, and for such purposes may, with the sanction of the Corporation, expend such sums as may be necessary out of the Municipal Fund, subject, however, to such prohibitions and limitations as the Governor in Council may in any case think fit to prescribe.

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

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

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

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

CXLIV. The Commissioner shall at all reasonable times permit all persons appointed by Government on that behalf, to enter upon, and inspect, and take account of all the property in Water Works by this Act vested or which in virtue of the same may become vested in the Corporation; and the persons so appointed as aforesaid shall be entitled to and enter upon and pass through any property adjacent to, or in the neighbourhood of, the said Veihar Lake and Water Works or any part thereof, subject to the same conditions as the Commissioner, and if from the report of any person appointed as aforesaid it shall appear that the said Lake or Water Works or any portion of the same are not in a sound and effective condition, it shall be lawful for Government by notice, under the signature of a Secretary to Government, to call upon the said Commissioner on behalf of the Corporation to

repair, improve, and make effective the said Works or Lake or portion thereof within such a period as may seem reasonable, and the said Commissioner shall be bound within such period to comply with such requisition, failing which, Government may immediately, on the expiration of such period, order the said Lake or Works or portion thereof to be repaired, improved, and made effective in such manner and by such means as shall seem fit, and the Commissioner shall, on behalf of the Corporation, in any such case, be bound forthwith to pay to Government the cost of the work so performed, in addition to any other sums payable by him on their behalf.

CXLV. It shall be lawful for the Government to extend, by Application of preceding five Sections to any Water Works by Government notification in the *Government Gazette*, the application of the five Sections last preceding to any Water Works other than the Veihar Water Works; wherever situated, which may at any future time be constructed for or in connection with the supply of water to the City.

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

CXLVII. For the purpose of constructing aqueducts for bringing water into the said City from any place without the said City, or for the purpose of making sewers, drains, culverts, gutters, or water-courses to communicate with or empty themselves into any public sewer, drain, lake, tunnel, culvert, or water-course without the said City, it shall be lawful, whenever a plan for any such aqueduct, sewer, drain, culvert, tunnel, gutter, or water-course shall have been approved by the Government, for the Commissioner and his officers, with such assistants as they may require, to exercise, in the construction of such aqueduct, sewer, drain, culvert, tunnel, gutter,

or water-course throughout the line of country through which the same is to run, all the powers which by this Act it is lawful for him to exercise within the said City of Bombay, and which may be necessary for the construction thereof, without being subject to any action or molestation whatever for so doing, and it shall also be lawful for any Magistrate of any district through which the said aqueduct, sewer, drain, culvert, tunnel, gutter, or water-course is to run, to exercise in respect thereof the like power and jurisdiction within the limits of his own district as it is by this Act lawful for a Magistrate or the Court of Petty Sessions, as the case may be, of the City of Bombay, to exercise in respect of any work to be executed by the said Commissioner within the said City.

CXLVIII. Connections for the supply of water from any Corporation Water Works may be made. ing to the Corporation shall not be made excepting, (1) on application of the tenant, or on joint application of all the tenants when there are more than one, with the assent of the owner in either case; (2) on application by the owner alone, if he undertake to pay the occupier's water rate on the assessment of the whole property so long as the property is occupied in whole or in part.

CXLIX. Whoever wilfully or carelessly injures any Water Works belonging to the Corporation, or unlawfully draws off, diverts, or takes water from any such Water Works, or from any waters or stream belonging to the Corporation by which such Water Works are supplied, shall be punished with fine which may extend to one hundred Rupees.

CL. The Commissioner shall set apart sufficient public places, or any part of the seashore (not being private property) for the purpose of being used as bathing places; and shall also provide or set apart a sufficient number of convenient tanks or runs of water for the inhabitants to bathe in, and shall also set apart tanks or reservoirs or runs of water for washing animals or clothes and drying clothes, and for all purposes connected with the health, cleanliness, and comfort of the inhabitants.

CLI. Whoever, being the proprietor or manager of any works, or being engaged or employed in the manufacture or supply of gas, or being the proprietor or manager of any place where an

offensive trade or manufacture, within the meaning of Section of this Act is carried on, wilfully does any act connected with the said business whereby the water in any tank, reservoir, well, cistern, conduit, aqueduct, or other water works belonging to the Corporation, or used for drinking purposes, is fouled or corrupted, shall be punished with fine which may extend to one thousand Rupees, and to a further penalty not exceeding five hundred Rupees for every day while the offence is continued after twenty-four hours' notice in writing from the Commissioner on this behalf; and the Commissioner may, after twenty-four hours' notice in writing, lay open and examine any pipes, conduits, and works belonging to such person; and if upon such examination it appears that the water has been fouled or corrupted by anything proceeding from or contained in the pipes, conduits, or works examined, the expenses of such examination shall be paid by the person to whom such pipes, conduits, or works belong, or under whose management or control they may be, and be recoverable from him as hereinafter provided. But if it appear that the water has not been so fouled or corrupted, then such expenses, and all reasonable damages occasioned by the examination, shall be paid by the Commissioner from the Municipal Fund. In all cases when land belonging to third parties is required for the purpose of carrying out the provisions of this section, such purpose shall be and be deemed to be a public purpose within the meaning of Act X. of 1870.

CLII. Whoever, except as permitted by the Commissioner under Section 150 of this Act, bathes in any stream, tank, or reservoir, well, cistern, conduit, or aqueduct belonging to the Corporation, or washes or causes to be washed therein, any animal, or anything whatever, or throws, puts, or casts, or causes to enter therein any animal, or any thing, or causes or suffers to run,

Fouling water by bathing, washing, throwing rubbish, &c. drain, or be brought thereinto, anything that is, or may be,

Allowing drains, &c., to flow into.

a nuisance, or does anything whatsoever whereby any such water shall be in any degree fouled or corrupted, or whoever shall steep in any tank or ditch within Municipal limits any animal, vegetable, or mineral matter likely to render the water of such tank or ditch offensive or a nuisance, shall be liable, on conviction before a Magistrate, to the penalty provided for fouling the water of any public spring or reservoir, by Section 277 of the Indian Penal Code.

Building Regulations.

CLIII. The Commissioner, with the sanction of the Corporation, may lay out and make new public streets and roads, and may build and construct bridges and tunnels, and may turn, divert, or discontinue or stop up any public street or road, and may widen, open, enlarge, or otherwise improve any such street or road, making due compensation from the Municipal Fund to the owners or occupiers of any land, house, or building which may be required for any such purposes.

CLIV. Whenever any street vested in the Corporation shall be discontinued and stopped up under the provisions of Section 153 of this Act, the Commissioner, with the sanction of the Corporation, may, on their behalf, sell the land, or such part thereof as shall not be required for the purposes of this Act, and the proceeds of such sale shall be paid to the credit of the Municipal Fund.

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

CLVI. In laying out or making any new streets, or in turning, diverting, widening, opening, enlarging, or otherwise improving, any public streets, in addition to the land required for the carriage-ways and footways thereof, the Commissioner may, with the sanction of the Town Council, also purchase on their behalf the land necessary for the house and buildings to form the said street, and may with the like sanction sell and dispose of the same, with such stipulations and conditions as to the class and description of houses or buildings to be erected thereon, as he shall think fit: Provided that, if any land be taken under the provisions of

Compensation for this Act, compensation damages to adjoining land shall be made to the owners for any damage which may be done thereby to any adjoining land or buildings of such owner, and such compensation shall, in case of dispute, be ascertained and determined as hereinafter provided.

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CLVII. Every person intending to make

or lay out any new street shall give notice in writing thereof to the Commissioner, such notice to be accompanied by plans and sections showing the intended level, direction, and width of such street; the means of drainage and the height of the buildings to be erected on each side, and the level, direction, width, and means of drainage of every such street shall be fixed or approved by the Commissioner; and whoever lays out, makes, or builds upon, any such street otherwise than in accordance with the level, width, direction, height, and means of drainage so fixed or approved, or the other provisions of this Act, shall be punished with fine which may extend to five hundred Rupees; and the Commissioner may, if he thinks fit, cause any such street laid out or made in a direction, or at a level or width, or with drainage otherwise than in accordance with the level, direction, width, or drainage so fixed or approved as aforesaid, to be altered, or may cause any building not erected of a height in accordance with the height so approved or fixed as aforesaid, or any building erected in or on the side of any such street otherwise than in accordance with such level, width, direction, and drainage, or other provisions as aforesaid, to be altered, or if necessary removed, and the expense thereby incurred shall be paid to him by the offender, and be recoverable as hereinafter provided. If no disapproval of the level, width, direction, drainage, or height proposed be signified by the Commissioner to the person or persons giving such notice as last aforesaid, within one month after the receipt by the Commissioner of such notice, then the intended street may be laid out and made upon the level, in the direction, of the width, of the height, and with the drainage specified in the notice and the accompanying plan and section: Provided

Proviso. always that the aforesaid authority of the Commissioner to alter and remove (as the case may be) the said streets and building shall be exercisable by him whether or not such penalty as aforesaid shall have been recovered, or proceedings instituted for the recovery of the same: Provided also that no new street being a carriage road shall be laid out and formed of a width of less than thirty-six feet.

CLVIII. If any street (not being a public street), or any part thereof, be not levelled, paved, metalled, flagged, channelled, or sewered, to the satisfaction of the Commissioner, he may, by

Paving, &c., of private streets.

notice in writing, call upon the respective owners of the houses, buildings, or lands fronting, adjoining, or abutting thereto or thereon, or forming the same, to level, metal, pave, flag, channel, or sewer the same in such manner and in such proportions as the Commissioner shall deem necessary, and to his satisfaction, within a time to be specified in such notice, and if any such owner shall fail to comply with such notice, he shall be liable to a penalty not exceeding Rs. fifty, and to a penalty of Rs. five for every day until such notice is complied with, and upon non-compliance the Commissioner may, whether any such penalty shall have been imposed or not, if he thinks fit, execute the works mentioned or referred to therein, and the expenses incurred by him in so doing shall be paid by the owners in default according to the frontage of their respective houses, buildings, or lands, and in such proportion as shall be settled by the Commissioner, or in case of dispute in such manner and proportion as shall be settled in the manner hereinafter provided for the settlement of disputes respecting damages and expenses, and such expenses shall be recoverable as hereinafter provided: Provided

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always that after such street shall have been so levelled, paved, metalled, flagged, channelled, and sewered on the requisition of the Commissioner, or by the Commissioner as aforesaid, at the expense of the owners, such owners shall have a right to require that the street shall be declared a public street, to be from time to time repaired by the Commissioner out of the Municipal Fund.

CLIX. If any street (not being a public street) be levelled, paved, metalled, flagged, channelled, and sewered to the satisfaction of the Commissioner, he may, if he shall think fit, and shall if required, as in the preceding Section mentioned, by notice in writing put up in any part of such street, declare the same to be a public street, and thereupon the same shall become a public street, and be from time to time repaired by him out of the Municipal Fund; unless

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within one month after such notice in writing shall have been put up in manner aforesaid, the owner of such street, or any one of the owners, shall, by notice in writing to the Commissioner, object thereto.

CLX. After this Act comes into operation, no new public street shall be less than thirty-six feet in width, including the foot-

paths, if any, and no steps or projections of any kind shall extend on to the street.

CLXI. The Commissioner may, with the sanction of the Town Council, allow any house or building to be set forward for improving the line of any public street in which such house or building is situated, upon such terms as may be deemed expedient, and the sanction of the Town Council shall be a sufficient conveyance to the owner of such house or building of any land, the property of the Corporation, upon which the house or building so set forward may be built.

CLXII. When any house or building, any part of which projects beyond the regular line of a public street, or beyond the front of the house or building on either side thereof, has either entirely or in greater part been taken down, burned down, or has fallen down, the Commissioner may require the same, when being rebuilt, to be set back to or towards the line of the street, or the front of either of the adjoining houses or buildings, and the portion of land added to the street by so setting back the house or building shall, thenceforth be deemed part of the public street and be vested in the Corporation: Provided always that the Commissioner, after possession of the ground has been taken, shall make full

Proviso.

compensation to the owner of any such house or building for any damage he may thereby sustain; and if any dispute shall arise touching the amount of such compensation, the same shall be ascertained and determined in the manner hereinafter provided.

CLXIII. All pipes for the conveyance of gas shall, after this Act comes into operation, be laid at the

Gas and water pipes how to be laid. greatest practicable distance from the nearest part of any water pipe, and wherever the width of the road will allow, shall be laid at the distance of four feet at least from the nearest part of any such water pipe, unless in case where it shall be unavoidably necessary to lay the gas pipe across or nearer to any water pipe, in which case the said gas pipe shall, wherever practicable, be laid over and above the said water pipe at the greatest practicable distance therefrom, and shall form therewith a right-angle, or as near thereto as the situation will admit; and in every such case the gas pipe so crossing shall be at least nine feet in length, so that no joint of any gas pipe shall be nearer to any water pipe than four feet at the least where the width of the road will admit, and every such gas pipe so crossing the water pipe shall

for the whole length thereof be sufficiently bedded in with good sound clay or other fit materials of a proper consistence, and well worked and rammed into the trench all round the said gas pipe; also no gas or water pipe shall be laid in a drain or on the surface of an open gully; and if any pipe for the conveyance of gas or water be laid in any respect contrary to the provisions of this Section, the person ordering the same to be laid, or to whom the management of laying the same is entrusted, shall be liable to a penalty not exceeding one thousand Rupees; and the Commissioner may cause such alteration to be made with respect to such pipe as he may think necessary for the purposes of this Act, and the expenses thereof shall be paid by the person liable to the said penalty, and shall be recoverable as hereinafter provided.

CLXIV. Whenever the Commissioner

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

may deem it necessary for the purposes of this Act to raise, sink, or otherwise alter the situation of any water pipe or gas pipe, or other water works or gas works, laid in any of the streets, he may, from time to time, by notice in writing, require the person to whom any such pipes or works belong, or under whose control they may be, to cause forthwith, or as soon as conveniently may be, any such pipes or works to be raised, sunk, or otherwise altered in position in such

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manner as the Commissioner may direct: Provided that such alteration be not such as to prevent the water or gas from flowing or passing as freely and conveniently as may be, having regard to the provisions of this Act, and the expenses attending such raising, sinking, or altering, and full compensation for the damage done thereby shall be paid by the Commissioner to the persons to whom such pipes or works belong. And if any dispute shall arise touching the amount or apportionment of such compensation, the same shall be ascertained and determined in the manner hereinafter provided for the settlement of disputes and expenses.

CLXV. If the person to whom any such

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

pipes or works belong, or under whose control they may be, do not proceed forthwith, or as soon as conveniently may be, after the receipt of such notice, as in the last preceding Section mentioned, to cause the same to be raised, sunk, or altered in such manner as the Commissioner may require, the Commissioner may himself cause such pipes or works to be raised, sunk, or altered as he

may think fit: Provided that such alteration be not such as to prevent the water or gas from flowing or passing as freely and conveniently as may be, having regard to the provisions of this Act.

CLXVI. Whenever the Health Officer

Power of the Commissioner as to existing huts.

is of opinion that any huts or sheds, whether used as dwellings or stables or for any other purposes, and whether existing at the time when this Act comes into operation or subsequently erected, are by reason of the manner in which the huts or sheds are crowded together, or of the want of drainage and the impracticability of scavenging, attended with risk of disease to the inhabitants of the neighbourhood, the Commissioner may cause a notice to be affixed to some conspicuous part of such hut or shed, requiring the owner or occupier thereof, or the owner of the land on which such hut or shed is built, within such time as may be fixed by the Commissioner for that purpose, to remove, alter, or otherwise improve the same as he may deem necessary. And in case such owner or occupier shall refuse or neglect to remove, alter, or improve the same within the time mentioned in such notice, he shall be liable to a penalty not exceeding Rupees fifty, and to a penalty not exceeding Rupees five for every day until the said hut or shed shall be so removed, altered, or improved; and it shall be lawful for the Commissioner, if he shall think fit so to do, to cause the said hut or shed to be removed, altered, or improved, as, after consulting the Health Officer, he may deem necessary. If such hut or shed be pulled down, the Commissioner may cause the materials thereof to be sold, if such sale can be effected; and the proceeds, after paying all expenses, shall be paid to the owner of the hut or shed, or, if the owner be unknown or the title disputed, shall be held in deposit by the Commissioner until the person interested therein shall obtain the order of a competent Court for the payment of the same: Provided that if the

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owner or occupier of any hut or shed shall (after the same has been removed by the order of the said Commissioner) re-erect any hut or shed upon the ground from which the same has been so removed as aforesaid, he shall be liable to a penalty not exceeding Rupees fifty, and the Commissioner may remove the same without giving any notice to the owner or occupier thereof.

CLXVII. It shall not be lawful for any

Erection of new huts to be under the control of the Commissioner.

person to erect any range or block of huts or sheds, or to add any hut or shed to any

range or block already existing when this Act comes into operation, without previous notice to the Commissioner, and the Commissioner may require such huts or sheds to be built so that they may stand in regular lines, with a free passage or way in front of and between every two lines, of such width as, after consulting the Health Officer, he may think proper for ventilation and to facilitate scavenging, and with such number of privies and with such means of drainage as to him may seem necessary, and at such a level as will admit of such drainage, and with a plinth at least two feet above the level of the nearest public road. And if any such huts or sheds be built without giving such notice to the Commissioner, or otherwise than as required by the Commissioner, the Commissioner may give notice to the owner or occupier thereof, or of the ground upon which the same are erected or being erected, by affixing a notice to some conspicuous part of some one of such huts or sheds, to take down and remove the same within one month, or to effect such alterations, as, after consulting the Health Officer, he may deem necessary; and if such huts or sheds be not taken down, removed, or altered as aforesaid according to such notice, the owner or occupier of the same or of the land upon which the same are erected or being erected, shall be liable to a penalty not exceeding fifty Rupees, and to a further penalty not exceeding five Rupees for every day until the said huts or sheds shall be completely removed or altered; and it shall be lawful for the Commissioner, if he shall think fit so to do, to cause the same to be taken down and removed, and the expense incurred in doing so shall be paid by the said owner or occupier thereof, or of the ground upon which the same shall be erected, and shall be recoverable as hereinafter provided.

CLXVIII. If any house or land be at any time undrained, or not drained to the satisfaction of the Commissioner by a sufficient drain or pipe communicating with some sewer, or some covered or uncovered drain, or with the sea, or some other place at which the Commissioner is empowered to empty the sewers; and if there be such means of drainage within one hundred feet of any part of such house or land, the Commissioner may give notice to the owner thereof to construct or lay from such house or land a covered drain or pipe, of such materials, of such size, at such level, and with such fall as, after consulting the Executive Engineer to the Municipality, he may deem necessary for the draining of such house or land; and

whoever, after the expiration of the time mentioned in such notice, fails to comply with the same shall be liable to a penalty not exceeding fifty Rupees, and to a further penalty not exceeding five Rupees for every day until such notice is complied with; and the Commissioner, either before or after proceedings to recover such penalty, and whether such proceedings shall be taken or not, may construct or lay any such drain or pipe, and the expenses incurred by the Commissioner in respect thereof, if not forthwith paid by the owner, shall be recoverable as hereinafter directed.

CLXIX. If no such means of drainage are within the distance mentioned in the last preceding Section, then it shall be lawful for the Commissioner to give notice to the owner or owners, or one of the owners, of any such house or land, requiring him or them within a reasonable time to be therein specified, to make or lay a sufficient drain or pipe emptying into some covered cesspool, made of such materials, of such form, and provided with such means of ventilation as, after consulting the Health Officer, he may deem necessary, provided always that no night soil or urine be passed into the same; and if the person to whom such notice is given fails to comply with the same within the time in such notice mentioned, he shall be liable to a penalty not exceeding fifty Rupees, and to a further penalty not exceeding five Rupees for every day until such notice shall be complied with; and it shall be lawful for the Commissioner, at the expiration of the time mentioned in such notice, and whether before or after proceedings, to recover such penalty, and whether such proceedings shall be taken or not, to do the work required by such notice, and the expense incurred by the Commissioner in respect thereof, if not forthwith paid by the owner, shall be recoverable as hereinafter directed.

CLXX. The Commissioner may issue, or cause to be issued, a notice, calling upon the owner of any drain, sewer, or cesspool, to provide for the same such ventilation as, after consulting the Health Officer, he may deem necessary; and if within one week after the receipt of such notice the owner aforesaid shall fail to comply with its requisition, he shall be liable to a penalty not exceeding fifty Rupees, and to a further penalty not exceeding five Rupees for every day after conviction during which the offence is continued: Provided always that the Commissioner may do, or cause to be done, the work required by such notice,

and the expenses incurred in respect thereof shall be recoverable as hereinafter provided.

CLXXI. For the ventilation mentioned in the preceding Section, or for the ven-

tilation of any public drain, sewer, or cess-pool, the Commissioner is hereby empowered and directed to take such measures as may in his opinion be necessary; and, to this end, he may provide all requisite pipes or appliances, and may, by himself or his agents, place, erect, affix, carry, or lead the same on, to, upon, over, or past any house, land, or structure whatsoever, or to any point or height thereon; and the expenses incurred in respect thereof shall be recoverable as hereinafter provided: Provided always that no such pipes or appliances be so placed that they are, or may be a nuisance; and should the owner or occupier of the house, land, or structure aforesaid refuse to allow such pipes or appliances to be so placed, erected, affixed, carried, or led, he shall be deemed to have wilfully obstructed the Commissioner, his officers, agents or work-people in the performance of their duties within the meaning of Section 32 of this Act, and shall be liable to the penalty in such Section referred to.

CLXXII. Whenever the pipes or appliances mentioned in the preceding Sections shall have once been placed, erected, or affixed, they shall not be altered or changed without the sanction of the Commissioner; and whoever shall so alter, or change them without such consent first obtained, or whoever shall in any way injure, or cause the same to be injured, shall, upon conviction, be liable to a penalty not exceeding one hundred Rupees for each offence.

CLXXIII. All sewers and drains, whether public or private, shall be provided by the Commissioner, or by the persons to whom they severally belong, with proper traps or other coverings or means of ventilation. If the owner of any private sewer or drain, whether under his house or without the house, shall within ten days after notice given to him by the Health Officer neglect or delay to provide and apply proper traps or coverings or means of ventilation as aforesaid, he shall be liable to a penalty not exceeding Rupees fifty, and to a further penalty not exceeding Rupees five for every day until such notice is complied with; and the Commissioner may, either before or after proceeding to recover such penalty, or whether any such proceeding shall have been commenced or not,

provide and supply the same, and the expense incurred thereby shall be paid by the owner of such sewer or drain, and shall be recoverable as hereinafter provided.

CLXXIV. Whoever, being the owner of a house, shall fail to provide for the same privy accommodation at the rate of seven seats for every 100 occupants, and two seats for any number more than ten and less than twenty—or such accommodation as shall, in the opinion of the Commissioner, after consulting the Health Officer, be sufficient, or whoever being the owner of a privy, shall fail to provide for it a receptacle, or receptacles, of a pattern to be approved by the Health Officer, or such as shall prevent the escape either within or around of nightsoil or urine, or water therein used for purposes of ablution—provided always that the aforesaid nightsoil, urine, or water may pass direct into a public sewer specially and expressly made for their reception, and authorised to be so used, or whoever, being the owner of a privy shall fail to have it shut out by sufficient roof or wall or fence, from the view of persons passing by or residing in the neighbourhood, or whoever, being the owner of a privy shall have its hallalcore's trap or door opening on to any street, except by special permission from the Commissioner, shall be liable to a penalty not exceeding fifty Rupees, and to a further penalty not exceeding five Rupees for every day after conviction during which the offence is continued.

CLXXV. Any person or persons employing workmen or labourers, exceeding seven in number, who shall fail to provide for them and maintain in proper order latrines and urinals of a pattern to be approved by the Health Officer, and in such number as he may consider necessary, shall be liable to a penalty not exceeding one hundred Rupees—and to a further penalty not exceeding ten Rupees for every day after conviction during which such offence is continued.

CLXXVI. Every owner or manager of any market, shall within fourteen days after receipt of notice from the Commissioner, provide latrines and urinals, of a pattern to be approved by the Health Officer, and in such number as in his opinion may be necessary, and in default of so doing, the owner, or manager aforesaid shall be liable to a penalty not exceeding Rupees fifty, and to a further penalty not exceeding Rupees five for every day until such notice shall be complied with.

CLXXVII. No drain, privy, cesspool, or house-gully shall be constructed, rebuilt, reopened, or altered without the previous sanction in writing of the Commissioner, and the application for such sanction shall be submitted for the opinion of the Health Officer before the sanction be given; and whoever shall construct or begin to construct any such drain, privy, cesspool, or house-gully, otherwise than in accordance with the sanction of the Commissioner, or in any way contrary to the provisions of this Act, shall be liable to a penalty not exceeding fifty Rupees, and to a penalty not exceeding ten Rupees for every day after conviction during which the offence is continued.

CLXXVIII. All drains, privies, cesspools, and house-gullies existing at the time of the passing of this Act, or afterwards made, shall be under the survey and control of the Commissioner, and if the owner thereof, or the owner of the house or land to which the same belong, front, adjoin, or abut, or for which they are constructed or continued, shall fail to alter, cover, pave, and pitch, drain, trap, ventilate, repair, or otherwise keep the same in such order as shall be by the Commissioner, after consulting the Health Officer, be deemed necessary, he shall be liable to a penalty not exceeding one hundred Rupees, and to a further penalty not exceeding ten Rupees for every day after conviction during which such offence is continued.

CLXXIX. The Commissioner, or any officer appointed by him for that purpose, may, subject to the restrictions of this Act, inspect any drain, cesspool, house-gully, or privy, and may for that purpose, at any reasonable time, enter upon any house or land, with assistants and workmen, and cause the ground to be opened where he or they may think fit, doing as little damage as may be; and if upon such inspection it appears that the drain, cesspool, house-gully, or privy is not in good order and condition, or that it has been constructed after this Act comes into operation contrary to the provisions thereof, the expenses of such inspection and alteration, if any, shall be paid by the person to whom such drain, cesspool, house-gully, or privy may belong, and shall be recoverable as hereinafter provided; but if the drain, cesspool, house-gully, or privy be found to be in proper order and condition, and not to have been constructed in violation

of the provisions of this Act, the Commissioner, or officer as aforesaid, shall cause the ground to be closed and made good as soon as may be, and the expense of opening, closing, and making good such drain, cesspool, house-gully, or privy shall in that case be defrayed by the Commissioner from Municipal funds.

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

CLXXXI. The Commissioner shall maintain, and from time to time repair, and, as he sees fit, enlarge, alter, arch over, or otherwise improve, all or any of the sewers and drains, culverts, gutters, and water-courses vested in the Corporation by this Act, and may discontinue, close up, or destroy such of them as he may deem useless or unnecessary:

Provido. Provided always that the discontinuance, closing up, or destruction of any of them shall be so done as not to create a nuisance; and if by reason thereof, or of any such alteration as hereinbefore mentioned, any person is deprived of the use of any sewer, drain, culvert, gutter, or water-course, the Commissioner shall with due diligence provide some other as effectual as the one of which he is so deprived.

CLXXXII. The Commissioner shall cause the sewers, drains, culverts, gutters, and water-course, belonging to the Corporation to be so constructed, maintained, and kept as not to be a nuisance or injurious to health, and to be properly cleared, cleansed, and emptied; and for the purpose of flushing, cleansing, and emptying the same he may construct and place, either above or under ground, such reservoirs, sluices, engines, and other works as may be necessary; and he may also, with the sanction of the Corporation and of

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

CLXXXIII. Whoever, without the written consent of the Commissioner first obtained, makes or causes to be made any drain into any of the sewers or drains vested in the Corporation by this Act, shall be liable to a penalty not exceeding one hundred Rupees, and to a further penalty not exceeding ten Rupees for every day after conviction during which the offence is continued; and the Commissioner may cause such drain to be demolished, altered, re-made, or otherwise dealt with as he may think fit, and all expense incurred thereby shall be paid by the owner of the house or land for which the said drain is required, and shall be recoverable as hereinafter provided.

CLXXXIV. No building shall be newly erected over any sewer, drain, culvert, gutter, water-course, water-pipe, or gas-pipe, vested in the Corporation by this Act without the written consent of the Commissioner, and if any building be so erected the Commissioner may cause the same to be pulled down, or otherwise dealt with as he may think fit, and the expenses thereby incurred shall be paid by the person offending, and be recoverable as hereinafter provided, and the person offending shall, whether such building be removed or dealt with as aforesaid or not, be liable to a penalty not exceeding Rupees one hundred, and to a further penalty not exceeding Rupees ten for every day after conviction during which the offence is continued.

CLXXXV. All ground-floor doors, gates, bars, and windows put up after this Act comes into operation, which open upon any public street, or upon any ground required for the improvement of any street, shall be hung or placed so as not to open outwards, except when the same are hung or placed in such manner as, in the judgment of the Commissioner, to cause no obstruction in any such street or ground; and if (except as aforesaid) any such door, gate,

bar, or window, be hung or placed so as to open outwards on any such street or ground, the owner of the premises to which the same is attached shall, within eight days after notice from the Commissioner to that effect, cause the same to be altered so as not to open outwards; and in case he neglects so to do, the Commissioner may make such alteration, and the expense thereof shall be paid by such owners, and shall be recoverable as hereinafter provided.

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

CLXXXVII. The owner of every house Troughs and pipes to or building in any be fixed to houses. public street shall, within one month after notice from the Commissioner to that effect, put up and keep in good condition, proper troughs and pipes for catching and carrying the water from the roof and other part of such house or building, and for discharging the same in such manner as the Commissioner may direct; and in default of compliance with such notice within the period aforesaid, such owner shall be liable to a fine, which may extend to ten Rupees for every day that he shall so make default.

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

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

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

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

CXCI. The Commissioner may erect or fix to the outside of any house or building such brackets for telegraphic wires or lamps as he may deem necessary, provided always that they shall be erected so as not to occasion any nuisance or inconvenience to such house or building, or to any house or building in the neighbourhood.

CXCII. The Commissioner may from time to time cause to be put up names and numbers of streets, or painted on a conspicuous part of any house at or near each end, corner, or entrance to every street, the name by which such street is to be known, and may from time to time fix a number in a conspicuous place on the outer side of any building, or at the entrance of the enclosure thereof fronting the street. Any person who destroys, pulls down, or defaces any such name or number, or puts up any name or number different from that put up by the Commissioner, and any owner or occupier who shall not at his own expense keep such number in good order after it has been put up, shall be liable to the penalty hereinafter provided.

CXCIII. If any house, building, or wall, or anything affixed thereon, be deemed by the Commissioner to be in a ruinous state or likely to fall, or in any way dangerous to the inhabitants of such house or building, or to the neighbouring houses or buildings, or the occupiers thereof, or to passengers, he shall immediately, if it appears to him to be necessary, cause a proper hoard or fence to be put up for the protection of passengers; and shall cause notice in writing to be given to the owner or occupier, requiring such owner or occupier forthwith to take down, secure, or repair such house, building, wall, or thing affixed thereon, as the case shall require; and if such owner or occupier do not begin to repair, take down, or secure the same within three days after such notice, and complete such work with due diligence, the Commissioner shall cause all or so much of such house, building, wall, or thing, as he shall think necessary, to be taken down, repaired, or otherwise secured; and all the expenses incurred by the Commissioner shall be paid by the owner or occupier of the premises, and shall be recoverable as hereinafter provided.

CXCIV. If any such house, building, or wall, or any part of the same, be pulled down by virtue of the powers aforesaid, the Commissioner may sell

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

CXCV. If any building or land by reason of abandonment, of disputed ownership, or other cause, shall remain untenanted, and thereby be a resort of idle and disorderly persons, or be complained of by any two or more of the neighbours as a nuisance, the Commissioner, after due inquiry, may cause notice in writing to be given to the owner, or to the person claiming to be the owner, if he be known and resident within the limits of his jurisdiction, and shall also cause such notice to be put on the door of the building or some conspicuous part of the premises requiring the persons concerned therein, whoever they may be, to secure or enclose the same; and if such notice shall not be complied with within eight days, the Commissioner shall cause the necessary work to be executed, and all expenses thereby incurred shall be paid by the owner of the premises, and shall be recoverable as hereinafter provided.

CXCVI. Whoever displaces, takes up, or makes any alteration in the pavement, gutters, flags, or other materials, or in the fences or posts of any public street without the consent in writing of the Commissioner or Executive Engineer, or without other lawful authority; or, having displaced, taken up, or made any alteration in any such pavement, flags, or other materials, or in the fences, walls, or posts of any street with such consent as aforesaid, or with other lawful authority, shall, after notice in this behalf by the Commissioner or Executive Engineer, fail to replace or restore the same to the satisfaction of the Commissioner or Executive

Engineer, shall be punished with fine which may extend to fifty Rupees; and every such person as aforesaid shall be liable to a further penalty not exceeding Rupees ten for each day after such notice during which default shall be made in so replacing and restoring the same as aforesaid; and it shall be lawful for the Commissioner, if he shall think fit, to restore any such street, and the person making default in restoring the same shall pay any expense which may be thereby incurred.

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

CXCVIII. The Commissioner, in executing any works directed or authorised by this Act to be made, shall provide and make a sufficient number of convenient ways, water-courses, drains, or channels in the place of such as may be interrupted, injured, or rendered useless by reason of the execution of such works; and the Commissioner shall make reasonable compensation to any person who suffers damage by reason of the same; and the amount of such compensation in case of dispute shall be ascertained and determined in the manner hereinafter provided.

CXCIX. Whoever, being the owner or occupier of any land, shall fail to keep the hedges thereof cut down to a height not exceeding four feet above the level of the road, or shall fail to cut down, or cut, lop, or trim such trees as do or may in any way overhang, endanger, or obstruct any public road or street, shall be liable to a penalty not exceeding ten Rupees, and to a further penalty not exceeding five Rupees for every day after conviction during which the offence is continued.

CC. Whoever, being the owner of any fallen trees, shrubs, or other things, shall fail to remove the same, or shall allow them to remain, so as to endanger public

safety, or of trees or shrubs likely to fall, and to endanger public safety, or the owner or occupier of the land on which such trees or shrubs may have been or are growing, shall fail to remove them after notice within a time to be prescribed by the Commissioner, shall, upon conviction, be liable to a penalty not exceeding fifty Rupees, and to a further penalty not exceeding ten Rupees for every day during which the offence is continued.

CC1. Whoever after this Act comes into

Future obstructions on streets or roads.

operation shall build any wall, or erect or set up any fence, rail, post, step, stall, or any erection or thing, or any obstruction or encroachment in any public street, or place or deposit, or cause to be placed or deposited, any box, bale, or package of merchandise, or any other thing in or over or upon any public street or road so as to form an obstruction to, or encroachment upon, or projection over the same, or to, upon, or over an open drain, gutter, or sewer, or aqueduct, in any such street or road, or whoever, being the owner or one of the owners of any property contiguous to, or in front of, or in connection with which any wall, fence, rail, post, stall, step, or other erection or thing so forming an obstruction, encroachment, or projection as aforesaid, shall have been heretofore built, erected, or set up, shall after fifteen days' notice in writing in this behalf by the Commissioner to the owner or occupier for the time being of such property, neglect to pull down, remove, and take away the obstruction, encroachment, or projection aforesaid, shall be liable to a penalty not exceeding Rupees one hundred, and to a further penalty not exceeding Rupees ten for every day after conviction during which the offence is continued; and the Commissioner is hereby authorised to pull down, remove, and take away any such obstruction, encroachment, or projection; and the expense incurred by him in and about such removal shall be paid by the person so causing, or permitting, or neglecting to remove, such obstruction, encroachment, or projection, and shall be recoverable either by the sale of such materials, or if the proceeds of such sale shall not be sufficient in his behalf, then in the manner hereinafter mentioned: Provided

Proviso.

nevertheless that the Commissioner shall be at liberty, upon the payment of such expenses aforesaid, to restore such materials to the owners or one of the owners thereof; and that the aforesaid authority of the Commissioner to pull down, remove, and take away shall be exerciseable by him whether or not such penalty as aforesaid shall have been recovered, or proceed-

ings instituted for the recovery of the same:

Proviso.

Provided also that if such materials be not claimed by the owners or one of the owners thereof within one month from the date of such removal, the same may, whether the expense of such removal shall have been paid or not, be sold or otherwise disposed of by the Commissioner as he may think fit, and the money (if any) arising from the sale or disposition thereof shall, after deducting the expenses of such sale, if not required to defray the expense of such removal, be paid to the credit of the Municipal Fund: Pro-

Proviso.

vided also that nothing herein contained shall prevent the Commissioner, with the concurrence of the Commissioner of Police, from allowing any temporary erections in any public street on the occasions of festivals and ceremonies.

CCII. Every person intending to build

or take down any
Hoards to be set up building, or to alter or
during repairs. repair the outward

part of any building, shall, before beginning the same, and having first obtained permission in writing from the Commissioner so to do, cause sufficient hoards or fences to be put up, in order to separate the building where such works are being carried on from the street or footway, and shall continue such hoard or fence standing and in good condition, to the satisfaction of the Commissioner, during such time as the public safety or convenience may require, and shall cause the same to be sufficiently lighted during the night; and every such person who begins to build, or take down, or alter, or repair any building contrary to the provisions of this Section, or whoever without permission erects or sets up any hoard, scaffolding, or fence whatsoever, whether set or placed upon or over any street or footway, or in or upon any gutter or course adjoining any street or footway, or property over or above the same, or whoever, having obtained permission, fails to put up such fence or board, shall be liable to a penalty not exceeding five hundred Rupees, and to a further penalty not exceeding fifty Rupees for every day after conviction during which the offence is continued; and every such person who, having obtained permission, fails to continue such hoard, scaffolding, or fence standing and in good condition as aforesaid during the time aforesaid, or who does not, while the said hoard or fence is standing, keep the same sufficiently lighted during the night, or who does not remove the same, when directed by the Commissioner, within a reasonable time, shall be liable to a penalty

not exceeding fifty Rupees for every day during which the offence is continued.

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

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

CCV. Whenever in the opinion of the Commissioner, any place whatsoever is, from insufficient repair, protection, or enclosure, in such a condition that it may endanger life or property, the Commissioner may give notice to the owner or occupier

thereof to repair, protect, or enclose the same within twenty-four hours, so as to prevent danger therefrom; and whoever, being such owner or occupier aforesaid, shall fail to comply with such notice shall be liable to a penalty not exceeding fifty Rupees, and to a further penalty not exceeding five Rupees for every day after conviction during which the offence is continued: Provided always,

Proviso.

that before or after instituting proceedings for such penalty, and whether such proceedings shall or shall not be instituted, the Commissioner may summarily repair, protect, or enclose any such place aforesaid, or may take such measures, as in his opinion, shall in each case be necessary; and the expenses incurred shall be paid by the owner or occupier, and shall be recoverable as hereafter provided.

General Sanitary Regulations.

CCVI. The Commissioner may cause any number of moveable or fixed dustboxes, or other convenient receptacles, wherein dust, dirt, ashes, refuse, and rubbish shall be temporarily deposited until removed and carried away, to be provided and placed in proper and convenient situations, and may require, by beat of battakee, the occupiers of houses in streets to cause all such matters as aforesaid to be deposited daily, or otherwise periodically, in the said receptacles. Every person who after such receptacles have been provided, and after such requisition, as abovementioned, has been made in the street, shall deposit, or cause or permit to be deposited any such matter in any street, except in such receptacles, shall be punished for each offence with fine which may extend to ten Rupees.

CCVII. The Commissioner, from time to time, shall provide places convenient for the disposal of the nightsoil, dung, and other filth, and the dust, dirt, ashes, refuse, dead animals, and rubbish, collected and removed under the authority of this Act; and for keeping all cattle, carts, implements, and other things required for the above or any of the purposes of this Act: Provided that no such nightsoil, dung, dust, dirt, ashes, refuse, dead animals, rubbish and other filth collected and removed under the authority of this Act shall be deposited in the neighbourhood of populous localities nor within the limits of the City of Bombay.

CCVIII. The Commissioner from time to time may fix the hours within which only it shall be lawful to remove any night-

soil, or other offensive matter of a like nature; and when the Commissioner has fixed such hours, and given public notice thereof, whoever removes or causes to be removed along any street any nightsoil or other offensive matter at any time except within the hours so fixed, or whoever at any time, whether such hours have or have not been fixed by the Commissioner, uses for any such purposes any cart, carriage, receptacle, or vessel other than of a pattern to be approved of by the Commissioner, or who wilfully or negligently stops or spills any such offensive matter in the removal thereof, or who does not carefully sweep and clean every place in which any such offensive matter has been stopped or spilled, or who places or sets down in any public place any vessel containing such offensive matter, or who drives or takes, or causes to be driven or taken, any cart, carriage, receptacle, or vessel used for any such purposes as aforesaid, through any street or by any route other than such as shall from time to time be appointed for that purpose by the Commissioner by public notice, shall for each offence be punished with fine not exceeding twenty Rupees.

CCIX. Whoever throws or puts, or Throwing rubbish, &c.,
into sewers. whoever permits his servants or any member of his family or household to throw or put any thing that is, or may be a nuisance into any sewer, drain, culvert, tunnel, gutter, or water-course, whether natural or artificial, belonging to the Corporation or into any drain, gutter, or water-course communicating therewith, or whoever obstructs the same without the consent in writing of the Commissioner, or whoever uses a house or surface drain as a receptacle or deposit for nightsoil or urine, shall be punished with fine which may extend to Rupees fifty, and to a further penalty not exceeding five Rupees for every day after conviction during which the offence is continued.

CCX. Whoever, being the owner or Penalty for nuisance
on house or land. occupier of any house or land, causes, or allows any matter whatever which is or may become a nuisance to soak through any building, or part of a building, or wall, or to run, drain, fall, or be thrown therefrom, or whoever keeps or allows to be kept therein or thereon anything, or any animal, that is or may be a nuisance, shall be liable to a penalty not exceeding fifty Rupees, and to a further penalty not exceeding ten Rupees for every day after conviction during which the offence is continued.

CCXI. If any matter whatever which is a nuisance be thrown Throwing nuisances
from houses. from any house or building, the person or persons occupying the house or building from which such nuisance is thrown, shall be liable to a penalty not exceeding ten Rupees for every such offence.

CCXII. Every person within whose Removal of dead ani-
mals. premises any animal may die shall within three hours after its death, or if death occurs at night then within two hours after daylight, either remove, at his own expense, the carcass to such place as may be set apart by the Commissioner for the reception of such carcass, or report its death to an officer in the Health Department of the division within which such premises may be situated, and demand its prompt removal; and in such latter case shall pay to the Commissioner the expense of removing the carcass at such rate as the Commissioner may determine; and in cases where the said person is not the owner of the animal and the owner is known, the owner shall alone be responsible for the payment of such expense, and such expense shall be recoverable as hereinafter provided. Whoever shall fail to report the death of any animal or to remove its carcass within the time abovementioned, shall be liable to a penalty not exceeding ten Rupees.

CCXIII. The Commissioner may issue, Penalty for not pre-
venting nuisances. or cause to be issued, notices calling upon owners or occupiers of houses or lands to limewash, cleanse, clear, repair, or put the same in a proper state; to prevent, remove, remedy, destroy, or abate any nuisance or defect therein or thereon; to prevent or discontinue the further use of any place which, in the opinion of the Commissioner, after consulting the Health Officer, is by overcrowding, or any defect whatsoever, unfit for human habitation, or which is otherwise a nuisance, until such time as, to the satisfaction of the Health Officer aforesaid the nuisance has been prevented, the defect remedied, or the overcrowding abated. And whoever, being such owner or occupier aforesaid, shall fail to comply with such notice within twenty-four hours after the same has been received, or left at such house or land, or affixed to some part thereof, shall be liable to a penalty not exceeding fifty Rupees, and to a further penalty not exceeding ten Rupees for every day after conviction during which the offence is continued: Provided always, that before or after instituting proceedings for such Proviso. penalty, and whether such proceedings shall

or shall not be instituted, and whether such notice has or has not been issued, the Commissioner may summarily limewash or otherwise cleanse, clear, repair, or put into a proper state the house or land aforesaid, may summarily prevent, remove, remedy, destroy or abate such nuisance aforesaid, or may take such measures as, in the opinion of the Health Officer, shall in each case be necessary; and the expenses incurred shall be paid by the owner or occupier and shall be recoverable as hereinafter provided.

CCXIV. Whenever, in the opinion of

the Commissioner, after consulting the Health Officer, any pool, ditch, tank, pond, well, quarry hole, or low ground, or any waste or stagnant water, is, or may be, a nuisance, the Commissioner may, by notice, require the owner of the same to cleanse or fill up the same, or to drain off or remove such stagnant water, or take such measures as shall, in his opinion, be necessary to abate or remove the nuisance; and if the said owner shall refuse or neglect to comply with such requisition during eight days from the service thereof, he shall be liable to a penalty not exceeding Rupees fifty, and to a penalty not exceeding five Rupees for every day until such notice shall be complied with.

CCXV. The Commissioner is hereby

empowered from time to time to drain off and cleanse or fill up or remove any pool, ditch, tank, well, pond, quarry hole, or low ground, or any waste or stagnant water (the same not being within any private enclosure) which, in the opinion of the Health Officer, is, or may be, a nuisance, whether the same be the private property of any person or otherwise, and the Commissioner, his officers, and workmen may do all necessary acts for effecting any of the purposes aforesaid, and the expenses incurred thereby shall be paid by the owner, and shall be recoverable as hereinafter provided.

Regulation of certain Trades.

CCXVI. The following shall be deemed

to be offensive or dangerous trades, viz.:—
The boiling, melting, making, or otherwise in any way preparing, or the storing for other than private use—

Of blood, bones, candles, catgut, chemical preparations, charcoal;

Of dammer, drugs, fat, fireworks, gas, gunpowder, lime, matches for lighting, manure;

Of oil, oiled cloth, paper, parchment, pitch, pickles, preserves, pottery;

Of rags, resin, sago, soap, sulphur, saltpetre, spirits;

Of tallow, tar, turpentine;

Of petroleum, or other products thereof, including Burmah, Rangoon, and Rock oils, or any product of them, and any oil made from petroleum, coal, schist, shale, peat, or other bituminous substance, and any product of them which gives off an inflammable vapour at a temperature of less than one hundred degrees of Fahrenheit's Thermometer;

The salting, curing, packing, pressing or storing for other than private use of fins, fish, hides, horns, meat, skins.

The making of bricks and tiles, the tanning of hides and skins, the preparing and dressing of leather, the dyeing in any colour, the washing, drying, or bleaching, of cotton, wool, or hair, and any trade or calling, manufacture, work, process, or storage, other than for private use, which, in the opinion of the Health Officer, is or may be a nuisance or dangerous to health.

And every person who shall or may follow, carry on, or keep such trade or calling, manufacture, work, process, or storage, either directly or indirectly, shall within three months after the passing of this Act, and once in the first quarter of every year thereafter, obtain from the Commissioner a license for the same; and the Commissioner may grant, withhold, cancel, revoke, or suspend such license—showing cause always for such withholding, cancelling, revoking, or suspension. And whoever, without such license, uses, follows, carries on, or keeps either directly or indirectly such trade, or calling, manufacture, work, process, or storage, shall be liable to a penalty not exceeding Rupees one thousand, and to a further penalty not exceeding one hundred Rupees for every day after conviction during which the offence is continued.

CCXVII. The owner or occupier of every

Certain stables, &c., to place within the city used by or for horses, buffaloes, or other animals, other than for private use, shall within three months after the passing of this Act, and once in the first quarter of every year thereafter, obtain from the Commissioner a license for the same, and the Commissioner may grant, withhold, suspend, revoke, or cancel such license, showing cause always for such withholding, cancelling, revoking, or suspension; and whoever, without such license, uses any such place or permits the

same to be used for such purpose, shall be liable to a penalty not exceeding Rupees five hundred, and to a further penalty not exceeding Rupees fifty for every day after conviction during which the offence is continued.

CCXVIII. Every occupier of every separate place or portion of any place for the sale or for the storage (for other than private use) of wood, firewood, hay, grass, straw, or coal, shall within three months after the passing of this Act, and once in the first quarter of every year thereafter, obtain from the Commissioner a license for the same, and every application for such license shall contain a statement showing the measurements of the place or portion of a place for which the same is required; and the Commissioner may grant, withhold, cancel, revoke, or suspend such license—showing cause always for such withholding, cancelling, revoking, or suspension; and whoever, without such license, occupies or keeps, directly or indirectly, such place or portion of such place aforesaid, shall be liable to a penalty not exceeding fifty Rupees, and to a further penalty not exceeding ten Rupees for every day after conviction during which the offence is continued.

CCXIX. If in the opinion of the Commissioner, after consulting the Health Officer, any place licensed under Sections 216, 217 or 218 of this Act is a nuisance or injurious to health, he may give notice to the person to whom the license has been granted to discontinue within one month the use of such place, and whoever, after the expiration of that time, uses such place or permits it to be used without the consent in writing of the Commissioner, shall be liable to a penalty not exceeding two hundred Rupees for every day during which it shall be so used.

CCXX. The Commissioner, if he shall have reason to believe that any offence is being committed against this Act, or against the by-laws to be made in the manner hereinafter provided, for the inspection of every place within the city used for any of the purpose mentioned in Sections 216, 217, and 218, and for the management and conduct of such business, whether the same be newly established or not, shall have power to enter into, or cause his officers, servants, or agents to enter into any such suspected place for the purpose of inspection, without notice, and at any hour, and without being liable to any action or other

proceeding in respect of any damage which may be necessarily caused by such entry, or by any necessary force used for the purpose of effecting the same.

CCXXI. From and after the date when

Furnaces used for any trade to consume their own smoke.

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

Slaughter-houses.

CCXXII. The Commissioner shall, with the sanction of the Corporation and of Government, provide and maintain sufficient places for the purpose of being used as slaughter-houses.

CCXXIII. No place shall be used as a slaughter-house, or for the slaughtering of any animal, or for selling the flesh thereof, within or for the City, unless a license for such use thereof has been previously obtained from the Commissioner, who is hereby empowered, at his discretion, from time to time to grant, withhold, suspend, revoke, or cancel such licenses—showing cause for such withholding, revoking, cancelling, or suspension; and whoever without such license uses such place for any of the purposes aforesaid, shall be punished with fine which may extend to two hundred Rupees, and to a further penalty

not exceeding fifty Rupees for every day after conviction during which the offence is continued : Provided that nothing herein contained shall prevent the Commissioner from allowing the slaughtering of any animal in such place or places, as he may think fit, on occasions of festivals and ceremonies, or as a special measure.

CCXXIV. Whoever during the period for which any such license is withheld, suspended, cancelled, or revoked, as aforesaid, shall slaughter any animal, or allow any animal to be slaughtered, or sell the flesh of any animal, shall be liable to a penalty not exceeding five hundred Rupees, and to a further penalty not exceeding one hundred Rupees for every day after conviction during which the said offence is continued.

CCXXV. Whenever the Commissioner, with the sanction of the Corporation and of Government, shall have established any slaughter-houses beyond the limits of the City of Bombay, for the use of the inhabitants of the City, the Commissioner shall have power to make by-laws for the management of the same; and all offences against such by-laws or against the provisions of this Act shall be cognisable by the Magistrates of the City of Bombay, as if such slaughter-houses were within the City of Bombay : Provided the limits of such slaughter-houses be duly notified in the *Government Gazette*, and plans thereof lodged with the several Magistrates of the City of Bombay.

CCXXVI. If the Commissioner, or his officers or subordinates, has or have reason to believe that any animals are being slaughtered or the flesh thereof sold in any places other than such as are lawfully set apart for those purposes, according to the provisions of this Act, it shall be lawful for the Commissioner to enter into or cause his servants or agent duly authorized in writing to enter into, any such places for the purposes of inspection, without notice and at any hour, and without being liable to any action or other proceedings in respect of any damages which may be necessarily caused by such entry, or by any necessary force used for the purpose of effecting the same.

CCXXVII. After the passing of this Act, every person either directly or indirectly carrying on the trade of a butcher within the

city, or at the authorized Municipal slaughter-houses and grounds, shall obtain from the Commissioner an annual license for that purpose, and whoever after the passing of this Act shall carry on such trade without so obtaining such license, shall be liable to a penalty not exceeding fifty Rupees, and to a further penalty not exceeding five Rupees for every day until such license shall be so obtained.

CCXXVIII. Whoever shall expose or offer for sale within the City any animal intended for food without having had the same examined at an authorised Municipal slaughter-house by an officer appointed by the Commissioner for that purpose, and without having obtained from such officer a certificate authorising the sale thereof, and whoever shall offer or expose for sale any animal, or the flesh of any animal, except at or in a place or places set apart by the Commissioner for that purpose, shall be liable to a penalty not exceeding fifty Rupees for each offence, and to a further penalty not exceeding five Rupees for every day after conviction during which the offence is continued.

CCXXIX. Whoever shall feed, or permit to feed, or to be fed, any animal with night-soil, dung, or stable refuse, shall be liable to a penalty not exceeding fifty Rupees.

Public and Private Markets, &c.

CCXXX. All markets which are, when this Act comes into operation, repaired and maintained out of the Municipal Fund, shall be deemed to be public markets.

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

CCXXXII. The Commissioner shall either take stallage rents in respect of the use by any person of any stall in any market vested in the Corporation, or he may from time to time sell, by public auction or otherwise, the privilege of occupying any stall or space within the limits of the said markets, for such terms and periods, and subject to such conditions, as

shall, with the sanction of the Town Council be fixed by the Commissioner.

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

CCXXXIV. No new private market for the sale of animals or commodities used for human food, shall be established within the City of Bombay after the passing of this Act, and if, in the opinion of the Commissioner, any private market then existing is in any respect, by construction or management, unfit for the purposes of a market, and the owner shall neglect after due notice to render it so fit, he shall be liable to a penalty not exceeding five hundred Rupees, and to a further penalty not exceeding ten Rupees for every day during which after conviction the offence shall be continued; and the same with the sanction of the Corporation and of the Government, may be purchased for a public purpose under Act X. of 1870, and when purchased the market shall be improved as required, and declared a public market.

CCXXXV. Every owner or occupier of any market or place for the sale of any animal or vegetable produce used for food or drink, or of any slaughter-house, shall cause such drains to be made therein as shall be considered sufficient by the Commissioner, and shall cause all the floors to be paved with dressed stone or other approved material, and the drains to be paved and lined with dressed stone or burnt brick, or drain pipes, or other approved material, and shall also cause a supply of water to be provided, sufficient for keeping such market or place in a clean and wholesome state; and if such owner or occupier, after notice in writing given to him by the Commissioner that such market or place is defective in any of the said particulars, and requiring him to remedy the defect specified within a reasonable time, makes default therein, he shall be liable to a penalty not exceeding fifty Rupees for every day during which such default is continued; and the Commissioner may lawfully close such market or place until, to his satisfaction, after consulting the Health Officer, such default has been remedied.

CCXXXVI. Whoever, being the owner, occupier, agent, or manager in charge of any market, or shop, shall keep the same so that it is a nuisance, or who being such owner, occupier, agent, or manager, shall not cause any thing that is a nuisance to be at once removed to a place to be notified by the Commissioner, or who, being such owner, occupier, agent, or manager, shall obstruct any person appointed by the Commissioner for that purpose in entering and inspecting any such premises at any reasonable time, shall be liable to a penalty not exceeding Rupees fifty for each offence.

CCXXXVII. The Commissioner, or Health Officer, or any person appointed by him for that purpose, may at all reasonable times, with or without assistants, enter into and inspect any place used for the sale, either wholesale or by retail, or for the storing of food or drink, and may examine or take for examination any which may be therein, and should it appear to the said Commissioner, Health Officer, or other person aforesaid, that the whole, or a part thereof, is unfit for food or drink, he may seize the same; and if it appear to a Magistrate upon sufficient evidence (to be recorded in writing) that the same is unfit for food or drink, he shall order the same to be destroyed, or to be so disposed of as to prevent its being again exposed for sale or used for food or drink, and the owner thereof, or the person in whose possession the same is found, shall be liable to the penalty provided by Section 273 of the Indian Penal Code, and the proof that any such article was not unfit for food shall rest with the owner thereof, or the person in whose possession the same is found.

Places for the disposal of the Dead.

CCXXXVIII. Every place for the disposal of the dead shall be registered by the owner or the person having the control thereof, and if it shall appear to the Commissioner that there is no owner or person authorised to control the same, it shall by order of the Commissioner be registered, and every person who shall register any such place for the disposal of the dead, shall at the time of registering the same file in the Office of the Commissioner a certified plan showing the extent of boundaries thereof; and whoever shall make default in registering any such place or in filing such plan, or knowingly disposes of, or causes, procures, or suffers any corpse to be disposed of in, or on any ground, other than such registered

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

CCXXXIX. No place for the disposal of the dead shall, after this Act comes into operation, be made, used, or opened without special sanction first obtained from the Commissioner, who is hereby empowered, at his discretion, to grant or withhold such sanction; and whoever without such sanction shall make or open such place for the disposal of the dead, or whoever shall dispose of, or cause, permit, or suffer any corpse to be disposed of in any such place aforesaid, made or opened without such sanction, shall be liable to a penalty not exceeding five hundred Rupees for each offence.

CCXL. No vault or grave shall be made, or interment permitted, underneath or within the walls, passages, porches, porticos, plinth or verandas of any church or chapel or other place of worship now built, or which may be built after this Act comes into operation, and no exhumation shall be permitted from any place used for the disposal of the dead, without the special sanction of Government, or of a person duly authorised to give such sanction, and any person so making any vault, or grave, or so interring, or exhuming, or assisting, or attending at such making or interment or exhumation, shall be punished by a fine of five hundred Rupees.

CCXLI. If upon the evidence of competent persons the Commissioner, with the sanction of Government, shall certify that any place used for the disposal of the dead is in such a state that it is or may be offensive or dangerous to health, or that any church or other place of public worship is or may be dangerous to health, it shall not be lawful, after a time to be named in such certificate, not being less than two months after the publication of the same as hereinafter provided, to dispose of or permit or suffer any corpse to be disposed of in, upon, within, or under the place, ground, or place of worship to which the certificate relates; and whoever, after due publication of such certificate as hereinafter provided, disposes of, or causes, permits, or suffers, any corpse to be disposed of contrary to this enactment, shall be punished with fine which may extend to one thousand Rupees for each offence: Provided always that every such certificate shall be published in the *Government*

Proviso.

Sanction of Commissioner to open new places for disposal of dead.

Gazette, and in one or more of the public English and in two Vernacular newspapers published in Bombay, and that a copy of such certificate, with a translation thereof in the Marathi and Gujarati languages, shall, in the case of a place for the disposal of the dead, be affixed on some part of the said ground or place.

CCXLII. The Commissioner shall, from time to time, as may be found necessary, with the sanction of Government, provide out of the Municipal Fund fitting places to be used for the disposal of the dead, and at every such place there shall be a policeman or other person duly appointed who shall collect, and without delay forward to the office of the Health Officer or Death Registrar of the District, all death reports received or collected by him at such place aforesaid.

CCXLIII. The owner, agent, or trustee of every place for the disposal of the dead, or the person or persons deriving any emoluments from the same, shall, at every such place aforesaid, provide to the satisfaction of the Commissioner for the collection of all Death Registration Certificates, and for their speedy transmission to the office of the Health Officer, or to the Registrar of Deaths for the ward or district within which each such place aforesaid may be situated. In default of such provision, the Commissioner may make suitable arrangements and recover the expense of the same from the owner, agent, or trustee aforesaid in the manner hereinafter provided.

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

Or whoever shall bury, or cause to be buried, any corpse or part of a corpse in any burial-ground in a grave constructed of masonry, or in a grave not constructed of masonry in such manner that the surface of the coffin, or the surface of the body where no coffin is used, shall be at a less depth than six feet from the surface of the ground;

Or whoever shall build or dig, or cause to be built or dug, any grave in any burial-ground at a less distance than two feet from the margin of any other existing grave;

Penalty for illegal disposal of dead.

Depth of graves.

Distance between graves.

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

Or whoever without the special sanction of the Health Officer, shall for the burial of another body, re-open a grave already occupied, or used;

Or whoever shall bring or convey, or cause to be brought or conveyed, any corpse or part thereof to any burning-ground, and shall not burn or cause the same to be burnt within six hours after its arrival at the said burning-ground;

Or whoever, when burning, or causing to be burnt, any corpse or part of a corpse in any burning-ground, shall permit the same or any part thereof to remain without being completely reduced to ashes, or shall permit the cloths or other articles connected with the burning of such corpse to remain at or near such ground unless the same be completely reduced to ashes;

Or whoever shall carry a corpse or part of a corpse through any highway not decently covered and concealed from public view;

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

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

Shall, for each offence, be liable to a penalty not exceeding fifty Rupees.

CCXLV. Whenever the Commissioner, with the sanction of the Corporation and of the Government, as provided in Act II. of 1865, shall have established any places for disposal of the dead beyond the limits of the City of Bombay, for the use of the inhabitants of the said city, all by-laws for the management of such places within the City of Bombay shall apply and have full force therein; and all offences against those by-laws, or against the provisions of this Act, shall be cognizable by the Magistrates of the City of Bombay, as if

such places were within the City of Bombay: Provided the limits of such be duly notified in the *Government Gazette*, and plans thereof lodged with the several Magistrates of the City of Bombay.

Registration of Births and Deaths.

CCXLVI. The Commissioner shall keep in his office a register of all births and deaths within the city, and he shall divide the city into registration wards or districts, and for every such ward or district he shall appoint a person or persons to be Registrar or Registrars of Births and Deaths within the same.

CCXLVII. Every Registrar shall reside within the district of which he is Registrar and shall cause his name with the addition of Registrar of Births or Deaths for the district for which he shall be so appointed, to be placed in some conspicuous place on or near the outer door of his dwelling house; and the Commissioner shall cause to be printed and published a list containing the name and place of abode of every Registrar of Births and Deaths in the city.

CCXLVIII. The Commissioner shall provide a sufficient number of register books for making therein entries of all births and deaths which may take place in the city, according to the forms prescribed in Schedules **H.** and **I.** to this Act annexed, and the pages of every such book shall be numbered progressively from the beginning to the end.

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

CCL. The parents or guardians of every child born in the city, or in case of the death, illness, absence, or inability of the same, the occupier of the house in which such child shall have been born, or some person present at or in attendance during the birth, shall, within one week next after the day of

every such birth, give information to the Registrar of the district, according to the best of his or her knowledge and belief, of the several particulars hereby required to be known and registered touching the birth of such child.

CCLI. Any person whose duty it shall be to give information to a Registrar under the preceding Section who shall refuse or neglect to give such information within the abovementioned time, shall be liable to a penalty not exceeding one hundred Rupees for each offence.

CCLII. The medical practitioner or other person present at the death, or in attendance during the last illness, of any person dying in the city, or the occupier of the house in which such death took place, or, in case of disability or default of all such persons, the undertaker or other person conducting the funeral, or taking part in the same, shall attend personally at the office of the Registrar of the district in which the place for the disposal of the dead is situated, and in which it is proposed to dispose of the body, and give information to the Registrar, to the best of his or her knowledge and belief, of the several particulars required by Schedule I, to this Act annexed, to be registered touching such death, and shall sign the register in the presence of the Registrar, and the Registrar shall immediately sign a certificate that the act of registration is completed, and give it to the informant: Provided that in any case of suspicion it shall be lawful for the Registrar of Deaths to refuse to sign such registration certificate; in which case it shall be his duty to inform a police officer at the nearest police station, who shall immediately cause notice to be given to the Coroner of Bombay. Such certificate must thereafter be given to the policeman or other person appointed to receive it at the place of disposal aforesaid, and it shall not be lawful to dispose of any corpse until such registration certificate, duly signed by the Registrar, has been handed over to the policeman or other person aforesaid, who shall every morning render or cause to be rendered at the office of the Health Officer the certificates received by him during the previous twenty-four hours, such certificates of deaths to be embodied according to districts in English form, in the register book, and to be reduced to such tabular forms as may be most useful for sanitary and other purposes. Any person who shall refuse or neglect to attend at the Registrar's Office, or to give any information which it shall be his duty to give under this Section, shall be liable to a penalty not exceeding one hundred Rupees for each offence;

and whoever disposes of, or causes, permits, or suffers any corpse to be disposed of without such certificate, duly signed by the Registrar, being previously handed over to the policeman, or other person aforesaid, at the place of disposal, shall be liable to a penalty not exceeding one hundred Rupees for each offence.

Taking of a Census.

CCLIII. At such time and in such manner as shall be directed 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 published in the *Government Gazette*, and in such English and Vernacular newspapers in Bombay as to the Government shall seem fit.

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

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

CCLVI. Any person wilfully neglecting or refusing correctly to fill up and affix his signature to any such Schedule or Return so left at his house or place of residence, or who shall neglect or refuse to return the same to the Enumerator or other Officer when called upon so to do, or to furnish the necessary information to an Enumerator to fill up the same for him if he do not know how to write,

shall be liable a to penalty not exceeding two hundred Rupees, and may also be detained in custody until he shall have correctly filled up and signed the said Schedule or Return :

Provided that it shall be the duty of the Enumerator, if required, to fill up all Schedules or Returns for those who are unable to write.

CCLVII. Any Enumerator, or other subordinate Officer employed in the collection of such Schedules or Returns, if he shall

Occupier to amend Returns if found defective. find any of the same defective, or in any respect improperly filled in, shall return the same to the occupant of the house or residence to which they relate, together with a written or printed notice requiring that the same be duly filled in or amended within a specified period not less than twenty-four nor more than forty-eight hours ; and if such occupant shall then fail so to fill in or amend any such Schedule or Return, he shall on conviction be liable to a fine not exceeding two hundred Rupees, and may also be detained in custody until he shall correctly fill in or amend the said Schedule or Return.

CCLVIII. Any Military or Naval Officer in command of bodies of Military or Naval men, or of vessels-of-war, or any Master or person in charge of a

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

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

Power to make By-Laws.

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

(a) For the regular, efficient, and faithful performance of their several duties by all officers and servants of the Corporation subordinate to the Commissioner.

(b) For the use in a manner consistent with the public safety, health, and convenience, of all public tanks, wells, and other arrangements for water-supply of every description, public bathing, washing, and drying places, and the like.

(c) For the inspection of every place within the City used for any of the purposes mentioned in Sections 216, 217, and 218 of this Act, and for the management and conduct of such business, whether the same be newly established or not.

(d) For the control and supervision of all butchers carrying on business within the said City, or at an authorised Municipal slaughter-house, and for the inspection and regulation of all slaughter-houses or places used for the keeping, selling, or slaughtering of animals, or the flesh thereof within or for the City, and for the management and conduct of the business therein or thereat, and for keeping the same in a cleanly and proper state.

(e) For the inspection of all markets, shops, and of all places in the last preceding Sections mentioned, and for the management and conduct of the business therein, and for keeping the same in a cleanly and proper state.

(f) For the regulation of all matters connected with the good order of all places for the disposal of the dead, due regard being had to the religious usages of the several classes of the community.

(g) For ensuring, by such forms and regulations as he may deem requisite, the carrying out of the provisions of the Act regarding registration of births and deaths and taking a census.

(h) And generally for carrying out any of the provisions of this Act.

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

CCLXII. No by-laws made by the Commissioner under the authority of this Act, except such as relate solely to the Commissioner or his Officers or servants, shall come into operation until the same be confirmed by the Corporation at a Special General Meeting, and thereafter by Government.

CCLXIII. No such by-laws shall be confirmed by the Corporation unless notice of the intention to apply for a confirmation of the same have been given in the *Government Gazette*, and in at least one of the daily English newspapers and two Vernacular newspapers circulating within the limits of the City, one month at least before the hearing of such application; and any person desiring to object to any such by-law, on giving to the Commissioner notice of the nature of his objection ten days before the hearing of the application for the allowance thereof, may by himself, or his counsel, attorney, or agent, be heard thereon, but not so as to allow more than one objecting party to be heard on the same matter of objection.

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

CCLXV. Such by-laws when confirmed by Government shall be published in the *Government Gazette*, and in at least one of the daily English newspapers and two

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

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

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

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

CCLXVIII. The Government, notwithstanding that any by-law has been confirmed and published as hereinbefore provided, may, at any time subsequent to such confirmation and publication, if it shall see fit, repeal any such by-law, and in case of such repeal of any by-law, the same shall at once cease to have any operation except as to any act done or a breach of such by-law committed before such repeal thereof, and every such repeal of any by-law shall be published in the *Government Gazette*, and in at least one of the daily English newspapers and two Vernacular newspapers published in Bombay; and all

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

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

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

Courts and Magistrates shall take judicial notice of such repeal of any by-law under this Section.

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

VII.—GENERAL PROVISIONS FOR CARRYING OUT THE PURPOSES OF THE ACT

CCLXX. When any license is granted by the Commissioner under the provisions of this Act, and when permission is given by the Commissioner for making any temporary erection, or for putting up any projection, the Commissioner may charge a fee for such license or permission, and the rates of the fees to be so charged shall be from time to time adjusted by the Commissioner, with the sanction of the Corporation and of the Government. When permission or license is given for the temporary occupation of any ground belonging to the Corporation, the Commissioner may charge rent for such ground, according to the time the occupation may continue, at such rates as may from time to time be fixed by him.

CCLXXI. When any notice, schedule, summons, bill, or other document is required by this Act to be given to the owner or occupier of any house or land, such document may be served on the owner or occupier, or one of the owners or occupiers of such house or land, or left with some adult member or servant of his family; or if it cannot be so served, or if there be no occupier, it may be put up on some part of such house, or land, and put up on some conspicuous part of such house, or land; and it shall not be necessary in any such document to name the occupier or the owner: Provided always that when the owner or occupier and his residence are known to the Commissioner, it shall be his duty, if such owner or occupier be residing within the City, to cause every document

required to be given to the owner or occupier of any house, or land, to be served on such owner or occupier, or left with some adult male member or servant of his family; and if the owner or occupier be not resident within the City, he shall send every such notice by post addressed to his residence.

CCLXXII. *Clause 1.*—Every notice, schedule, summons, bill, or other document required to be given by the Commissioner by this Act shall be in writing or in print, or partly in writing and partly in print, and every such notice shall be deemed to be properly signed by the person giving the same if the name or signature of such person shall be signed, stamped, or printed at the foot of such notice by the person giving the same, or by some person authorised by him to sign, stamp, or print his name thereto on his behalf.

Clause 2.—Whenever by this Act any notice, schedule, summons, bill, or other document is to be issued to any person, the same may be served by any person or persons authorised by the Commissioner in writing to serve notices and summonses.

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

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

CCLXXV. No occupier of any house, or land shall be liable to pay more money in respect of any expenses charged by this Act on the owner thereof than the amount of rent due from him for the premises in respect of which such expenses are payable at the time of the demand made upon him, or which at any time after such demand and notice not to pay the same to his landlord has accrued and become payable by him, unless he neglect or refuse, upon application made to him for that purpose by the Commissioner, truly to disclose the amount of his rent, and the name and the address of the person to whom such rent is payable; but the burden of proof that the sum demanded of any such occupier is greater than the rent which was due by him at the time of such demand, or which has since accrued, shall be upon such occupier: Provided further that nothing herein contained shall be taken to affect any special contract made between any such person, owner, or occupier, respecting the payment of the expense of any such works as aforesaid.

CCLXXVI. Whenever default is made by the owner of any house, or land, in the execution of any work required to be executed by him, the occupier of such house, or land may, with the approval of the Commissioner, cause such work to be executed, and the expense thereof shall be paid to him by the owner, or the amount may be deducted out of the rent from time to time becoming due from him to such owner.

CCLXXVII. If the occupier of any house, or land prevent the owner thereof from carrying into effect, in respect of such house, or land, any of the provisions of this Act, after notice of his intention so to do has been given by the owner to such occupier, the Court of Petty Sessions, upon proof thereof and upon application of the owner, may make an order in writing requiring such occupier to permit the owner to execute all such works, with respect to such house or land, as may be necessary for carrying into effect the provisions of this Act, and may also, if it think fit, order the occupier to pay to the owner the costs relating to such application or order; and if, after the expiration of eight days from the date of the order, such occupier continue to refuse to permit such owner to execute such works, such occupier shall, for every day during which he so continues to refuse, be liable to a penalty

not exceeding fifty Rupees; and every such owner, during the continuance of such refusal, shall be discharged from any penalties to which he might otherwise have become liable by reason of his default in executing such works.

CCLXXVIII. The Commissioner shall, for the purposes of this Act, have power by himself or any officer authorised by him for the purpose, between sunrise and sunset, to enter into and upon any house, place, works, or land, as well for the purpose of making any survey or inspection which he may be entitled to make, as for the purposes of executing any work authorised by this Act to be executed by him, without being liable to any legal proceedings or molestation whatsoever on account of such entry, or of anything done in any part of such house, place, works, or land, in pursuance of this Act: Provided that, except when herein otherwise provided, the Commissioner or his said officers shall not enter upon any house, place, works, or land, which may be occupied at the time, unless with the consent of the occupier thereof, without previously giving the said occupier twenty-four hours' notice in writing of his or their intention to do so.

CCLXXIX. Whenever, under the provisions of this Act, other than Section 278 the Municipal Commissioner, or others acting under his orders or authority, or having themselves authority under this Act, shall enter into any dwelling house for purposes of inspection or for any other purpose, sufficient notice must be given to enable the females or occupants of any zenana or apartments appropriated to females to remove to another part of the building which either has been inspected or is not required to be inspected; and in all cases of inspection, due regard, compatible with the exigencies of this Act, shall be paid to the prejudices of caste.

CCLXXX. The Commissioner or his officers, or servants authorised by him for the purpose, may enter upon the land of any persons adjoining to, or being within the distance of one hundred yards of, any works by this Act authorised to be made, for the purpose of depositing upon such land any soil, gravel, sand, lime, brick, stone, or other materials, or for any other purposes connected

with the formation of the said works, without making any previous payment, tender, or deposit: Provided that the Commissioner shall make compensation for such occupation of the said land, and for any damage done to the owner and occupier thereof; and if any dispute shall arise touching the amount or apportionment of such compensation, the same shall be ascertained and determined in the manner hereinafter provided: Provided

Proviso.

that, before the Commissioner makes any such temporary use as aforesaid of the land adjoining or lying near to the said works, he shall give fourteen days' notice of such his intention to the owners and occupiers of such land, and shall set apart, by sufficient fences, so much of the land as shall be required to be used as aforesaid from the other land adjoining thereto.

CCLXXXI. No writ or process shall be

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

issued against or served upon the Corporation or upon the Commissioner or any of his officers, or any person

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

CCLXXXII. The Commissioner may, with the sanction of the Town Council, make compensation out of the Municipal Fund

Commissioner may make compensation out of Municipal Fund.

to all persons sustaining any damage by reason of the exercise of any of the powers vested in the Commissioner, his officers, or servants, under and by virtue of this Act.

CCLXXXIII. Except as herein otherwise provided, in all

Compensation, damages, and costs to be determined by the Court of Petty Sessions.

cases when compensation, damages, costs, or expenses are by this

Act directed to be paid, the amount, and, if necessary, the apportionment of the same, in case of dispute, shall be ascertained and determined by the Court of Petty Sessions.

CCLXXXIV. In any case referred to the determination of the Court of Petty Sessions under this Act, it

Method of proceeding before the Court of Petty Sessions.

shall be lawful for the

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

CCLXXXV. If the amount of compensation, damages, cost,

Recovery of damages by distress.

or expenses, ascertained in the manner above

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

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

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

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

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

Proviso.

CCLXXXIX. No person shall be liable to any fine or penalty under this Act, for any offence made cognizable before a Magistrate, unless the complaint respecting such offence shall have been

made before a Magistrate within three months next after the commission of such offence.

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

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

CCXCII. Every fine or penalty imposed under or by virtue of this Act, or of any by-law made in pursuance thereof, may, except in cases otherwise provided for, be recovered by summary proceeding before a Magistrate of Police on information exhibited by order of the Commissioner, and in default of payment of such fine or penalty, the same may be levied under the warrant of such Magistrate by distress and sale of goods of such offender:

Proviso.

Provided that offences under Sections 141 and 142 committed beyond the limits of the City, may be tried before any Magistrate having jurisdiction in the place where the offence was committed.

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

CCXCIV. When any person shall be served with a summons under this Act, and shall fail to attend before the Magistrate issuing such summons, he shall be liable to a fine not exceeding Rupees twenty for every such offence, and in default of payment to imprisonment for one week if the fine be not sooner paid; and if such person shall not appear according to the tenor of the summons, the Magistrate, upon proof of the service of the summons, may proceed, in all cases which are not of a criminal nature, if no sufficient cause shall be shown for the non-appearance of the person charged, to hear and determine the case in his absence.

CCXCV. No distress levied by virtue of this Act shall be deemed unlawful, nor shall any party making the same be deemed a trespasser on account of any defect or want of form in the summons, conviction, warrant of distress, or other proceeding relating thereto, nor shall such party be deemed a trespasser *ab initio* on account of any irregularity afterwards committed by him; but all persons aggrieved by such irregularity may recover full satisfaction

for the special damage in any Court of competent jurisdiction.

CCXCVI. The Executive Officer of Health named in this Act shall be deemed to be the Consulting Officer of Health named in Bombay Act VI. of 1867.

CCXCVII. Nothing in this Act or in any other Act affecting the Municipality of Bombay shall take away or abridge in any action or suit the legal rights, privileges, and prerogatives of Her Majesty, Her heirs and successors, but in all actions and suits instituted by or against Her Majesty's Secretary of State for India in Council, and in all proceedings and matters connected therewith, the said Secretary of State may exercise and enjoy all such rights, privileges, and prerogatives as are for the time being exercised and enjoyed by Her Majesty, Her heirs and successors, as if the Crown were actually a party to such action or suit.

CCXCVIII. This Act may be cited for all purposes as "The Bombay Municipal Act of 1872."

Short title.

SCHEDULE A.

(Referred to in Section .)

FORM OF MORTGAGE.

No. _____

By virtue of the Bombay Municipal Act of 1872, We, the Municipal Corporation, in consideration of the sum of Rupees _____ paid to us to the credit of the Municipal Fund of the City of Bombay by A. B. of _____ for the purposes of the said Act, do grant and assign unto the said A. B., his heirs, executors, administrators, representatives, and assigns, such proportion of the rates and taxes arising or accruing by virtue of the said Act from (*here describe the rates or taxes proposed to be mortgaged*) as the said sum of _____ doth or shall bear to the whole sum which is or shall be borrowed upon the credit of the said rates and taxes to hold to the said A. B., his heirs, executors, administrators, representatives, and assigns, from this day until the said sum of Rupees _____, with interest at _____ per cent. per annum for the same shall be fully paid and satisfied (the principal sum to be repaid at the end of _____ years from the date hereof, and in the meantime interest thereon to be payable half-yearly) (*in case any period be agreed upon for that purpose*). Given under our Corporate Seal this _____ day of _____ One Thousand Eight Hundred and Sixty—

SCHEDULE B.

(Referred to in Section .)

FORM OF TRANSFER OF MORTGAGE.

I, A. B., of _____ in consideration of the sum of _____ paid to me by C. D. of _____, do hereby transfer to the said C. D., his heirs, executors, administrators,

representatives, and assigns (*a certain mortgage, Number* —), made by the Municipal Corporation of the City of Bombay bearing date the day of for securing the sum of and interest (or if such transfer be by endorsement the within security) and all my right, estate, and interest in and to the money thereby secured, and in and to the rates and taxes thereby assigned. In witness whereof I have hereunto set my hand and seal this day of One Thousand Eight Hundred and Sixty—

SCHEDULE C.

(Referred to in Section .)

TAX ON CARRIAGES AND ANIMALS.

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

C. R. I. 20.

SCHEDULE D.

		Rates per quarter.		
		Rs.	a.	p.
Grain of all sorts	per candy...	0	4	0
Metals, except Gold and Silver, Iron and Steel	$\frac{1}{2}$ per cent....			
Wines and Spirits	per gallon.	0	2	0
Beer	per gallon.	0	0	6
Sugar, including Molasses, Jagree, and Goor...	1 per cent. ...			
Ghee.....	per maund.	0	6	0
Timber, excluding Railway Sleepers	$2\frac{1}{2}$ per cent. ...			

SCHEDULE E.

(Referred to in Section .)

DISTRESS WARRANT.

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

Whereas of has not paid or shown sufficient cause for the non-payment of the sum of Rupees due for the rates (or taxes) (or rates and taxes), mentioned in the margin, for the months of () 187 , although the said sum has been duly demanded in writing from the said , and five days have elapsed since the service of the notice of demand: This is to command you to distrain the goods and chattels of the said (or, as the case may be, any goods and chattels found on the premises referred to) to the amount of the said sum of Rupees, and such further sum as may be sufficient to defray the charges of taking, keeping, and selling such distress; and if, within five days next after such distress, the said sum shall not be paid, together with such further sum as may be sufficient to defray the charges of taking and keeping such distress, to sell the said goods and chattels; and having paid and deducted out of the proceeds of the sale the said sum of Rupees, and the charges of taking, keeping, and selling such distress, to return the surplus, if any, on demand, to the person whom you shall find in possession of the said goods and chattels. If sufficient distress cannot be found of the goods and chattels of the said you are to certify the same to me, together with this warrant.

[L. S.] the Municipal Commissioner.

SCHEDULE I.

REPORT OF DEATH.

No. of House.

Date of Death	
Abode, Street or Waree	
Duration of Residence in Bombay	{ Years..... Months... Days.....
Name	
Sex	
Caste or Race.....	
Age	{ Years Months ... Days Stillborn...
Own or Family's Occupation or Trade	
Place of Birth	
Country to which Family belonged.....	
Cause of Death	
Duration of Disease	{ Years Days Months ... Hours.....

Remarks.

Signature.

In entering the caste of Hindoo, Jain, or Lingaet specify the particular subdivision of caste to which deceased belonged.

Distinguish between Negro-Africans and other Mussulmans.

In the case of Christians, designate those only as Europeans who are of pure European parentage; those of mixed Indian and European parentage enter as Indo-Europeans, and those of pure Asiatic origin as Native Christians.

The report, duly filled in and signed, to be given to the Funeral Party, Undertaker, or Friends, with instructions that it be delivered to the Policeman at the Burial or Funeral Place at the time of Funeral.

STATEMENT OF OBJECTS AND REASONS.

The inquiry which was made last year at the solicitation of the Worshipful Bench of Justices into the state of the finances of the Bombay Municipality, showed that some reform of the Municipal Constitution was necessary to secure a more efficient administration of the Municipal estate, and to enable the Corporation to exercise a more direct and complete control over its expenditure. To effect the changes which have appeared to the Executive Government to be requisite, the present measure has been devised, and advantage has been taken of the opportunity to consolidate and amend the several Acts, with the exception of the Loan Acts, relating to Municipal administration in the City of Bombay, and to introduce such additional provisions for the collection of rates and taxes and the regulation of sanitation and other subsidiary matters, as have been suggested by the experience of the last six years.

(Signed) H. P. ST. G. TUCKER.

*Bombay, 19th March 1872.**By order of His Excellency the Right Honourable the Governor,*

J. NUGENT,

Acting Under-Secretary to Government.

Bombay Castle, 19th March 1872.