



SUPPLEMENT
TO THE
BOMBAY GOVERNMENT GAZETTE.
CONTAINING
ACTS FINALLY PASSED.

Published by Authority.

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ACT PASSED BY THE GOVERNMENT OF BOMBAY.

The following Act of the Governor of Bombay in Council received the assent of the Right Honorable the Governor of Bombay on the 7th May 1867, and the assent of His Excellency the Governor General on the 8th June 1867, and is published for general information :—

BOMBAY.

Act No. IV. of 1867.

An Act to amend the Bombay Municipal Act (No. II.) of 1865.

WHEREAS it is expedient to amend the
Preamble. Bombay Municipal
Act (No. II.) of 1865;

It is enacted as follows :—

I. Section 47 of Act No. II. of 1865
(Bombay Municipal
Amended Section for House Rate. Act) is hereby repealed, and in lieu thereof shall be read the following: An annual rate of five per centum, of their annual value, shall be levied upon houses, buildings, and lands in the City of Bombay, and shall be payable by the owners thereof in quarterly instalments in the following manner, that is to say, on the 1st July next one quarterly instalment in arrears shall then be due and leviable for the second quarter of 1867, and a further quarterly instalment shall be then due and leviable in advance for the third quarter of 1867, and on the 1st October next ensuing the fourth and last quarterly instalment for the year 1867 shall be then due and

leviable, and on and after the 1st January next ensuing the annual rate of 5 per centum leviable upon houses, buildings, and lands in the City of Bombay under this Section, 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 January, and the second instalment on the 1st July of each year: Provided that no warrant

Proviso. for the recovery by

distrain of rates payable in advance shall be issued unless 15 days' notice shall have been previously given to the defaulter. Provided also that it shall be lawful for

Proviso. the Governor in Council, on a Reso-

lution passed by the Justices 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.

II. Section 227 of Act. II. of 1865
(Bombay Municipal
Section repealed. Act) is hereby rescinded.

III. 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 of not less than 2 per cent. and not more than 3 per cent. upon their annual value, shall be imposed by the Justices upon the occupiers of all houses, buildings, and lands in the city, which shall be assessed and levied in the manner hereinafter provided. The Police Rate shall be due and leviable at the same time and in the same instalments as the House Rate.

IV. The annual value of all houses, buildings, and lands liable to the Police Rate, shall be the annual value as ascertained under Section 58 of Act II. of 1865 (Bombay Municipal Act).

V. Every occupier shall be liable to the Police Rate for the time of his occupation, and when any person shall cease to be an occupier during the currency of any half-year, the Municipal Commissioner shall on application refund to him so much of the rate for that half-year as may be proportioned 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.

VI. When any house, or building, or any land is entirely unoccupied the owner shall be liable to pay the Police Rate.

VII. When any house, building, or land is sublet 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 Municipal Commissioner shall thereupon proceed to recover the Police Rate from such tenants in proportion to the amount of rent paid by each tenant, but if the owner shall neglect to furnish the Municipal Commissioner with such list as aforesaid, the Municipal Commissioner shall proceed to recover the Police Rate from the owner instead of from the tenants of such house, building, or land sublet as aforesaid.

VIII. Whenever by reason of default of any tenant or by reason of any portion of the house, building, or land being without a tenant, the payment of Police Rate under the preceding Section shall fall short of the full amount of Police Rate leviable in respect of any house, building, or land sublet as aforesaid, the owner of such house, building, or land shall be liable to pay the amount of such deficiency on demand by the Municipal Commissioner.

IX. When any person rents any house, or building, or any land from the owner thereof, and sublets the same in apartments, flats, or portions, such person, for the purpose of the Police Rate, shall be held to be the occupier.

X. The following Sections of Act II. of 1865 (Bombay Municipal Act) relating to the mode of demand and recovery of Municipal Rates and Taxes, shall be applicable to the Police Rate, viz. Sections 61, 62, 68 to 80, 230, and 231.

XI. The Municipal Commissioner may proceed under this Act to recover all moneys due for Police Rate or Halalcore Cess assessed under Act II. of 1865 (Bombay Municipal Act) before this Act shall come into operation; provided that no moneys shall be recovered from any person who was not liable to assessment under the said Act.

XII. Whenever an owner has been compelled to pay 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.

XIII. Section 52 of Act II. of 1865 (Bombay Municipal Act) is hereby repealed, and in lieu thereof shall be read the following:—To provide for the lighting of the public streets of the City by Gas, the Justices may levy an annual lighting rate, not exceeding 2 per cent. on the annual value, upon the occupiers of all houses, buildings, and lands in the city, and such

rate shall be due and payable at the same time, and in the same instalments, and in the same manner as the Police Rate, and the Sections of this Act applicable to the Police Rate shall also be applicable to the Lighting Rate.

XIV. Whenever under Section 119 of Act II. of 1865 (Bombay Municipal Act) the Municipal

Commissioner shall have caused any house, building, or land to be served by a Municipal Halalcore, the Halalcore cess shall be payable by, and levied from, the occupiers at the same time, and in the same manner as the Police Rate, and the Sections of this Act applicable to the Police Rate shall also be applicable to the Halalcore cess.

Provided that the maximum Halalcore cess payable by any private person in respect of his own residence shall not exceed Rupees seven per mensem, in other cases the Halalcore cess shall not exceed three per cent. of the actual rent payable by each occupier. Provided always that in no case shall less than four annas per month be paid by any family for Halalcore cess payable under this Act.

XV. The Commissioner shall have the same powers in demanding and recovering the Halalcore cess, as are conferred upon him by Act II. of 1865, for the recovery of any Municipal rate or tax.

XVI. All Halalcores employed by the Commissioner under Section 119 of Act II. of 1865 (Bombay Municipal Act) are hereby declared to be public servants.

By-laws for management. may, as provided in the said Act, make by-laws for their control and supervision.

XVII. In the case of messuages 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:

Provido. 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.

XVIII. Whenever the occupier of any house, building, or land shall vacate the same, having paid any rates in advance for the current

half-year, he shall on giving the Municipal Commissioner written notice within seven days after his so vacating be entitled to a refund of the rates due for the portion of the half-year remaining.

The Municipal Commissioner shall then proceed to recover rates for the remainder of the current half-year from the new occupier, if the house, building, or land be immediately let, or if otherwise, from the owner; provided however that

no person shall be entitled to a refund for any broken period of a month, nor shall the Municipal Commissioner recover any rates from the new occupier, or from the owner for any such broken period.

XIX. All questions and disputes which may arise under Sections V., XII., and XVIII. of this Act shall be determined by the Court of Petty Sessions.

XX. Schedule F to Act II. of 1865 (Bombay Municipal Act) is hereby repealed, and in lieu thereof shall be read Schedule A to this Act; and wherever in the Bombay Municipal Act reference is made to Schedule F to that Act, it shall be held to have been made to Schedule A to this Act, and the new Schedule shall come into force on and after such date subsequent to the coming into operation of this Act as may be notified by Government.

XXI. The Municipal Commissioner shall be empowered to require the Heads of Public Offices, Joint Stock Companies and Trading Firms to furnish him with a list of their employes subject to the License tax, and also to call upon any partner or agent of a firm to furnish a return showing the names and residences of all partners in the firm, whether resident in Bombay or elsewhere, and any partner or agent called upon to make such return shall be bound to make a true and faithful return, and Clause 2 Section 62 of the Bombay Municipal Act shall apply to any person refusing or failing to furnish such return.

XXII. Section 146 of Act II. of 1865 is hereby repealed. Whenever the Health Officer shall certify to

Abatement of overcrowding in tenant houses.

the Commissioner that any dwelling-house is so overcrowded as to be dangerous or prejudicial to the health of the inhabitants, and the inhabitants shall consist of more than one family, it shall be lawful for the Court of Petty Sessions at Bombay upon proof of such overcrowding as aforesaid to issue an order to the owner of such house requiring him, within six weeks from the date thereof, to abate such overcrowding, by ejecting such number of lodgers or tenants as shall be stated in the order, and in case the owner of such house refuses or neglects to comply with the terms of such notice, he shall be liable to a fine not exceeding 20 Rupees for every day after the expiry of the term mentioned in the order until he shall have complied with such order. And whenever such owner shall establish to the satisfaction of the said Court that it is owing to the tenant's refusal to leave that the terms of the order have not been carried out, it shall be lawful to the said Court to impose such fine on the recusant tenant and not on the owner: Provided always, that if

Proviso.

the owner of any such dwelling-house shall have sublet the same to any contractor, the contractor shall, for the purposes of this Section, be held to be the owner.

XXIII. Whenever, by Act II. of 1865, or by this present Act, notices or summonses may be issued to any person, the said notices or summonses may be served by any person or persons authorised by the Commissioner in writing to serve notices and summonses.

XXIV. All notices required by Act II. of 1865, or by this present Act to be given to or left with the Commissioner shall be in writing.

XXV. Whenever the Commissioner, with the sanction of the Justices and of the Government, as provided in Act II. of 1865, shall have established any slaughter-houses or burial-grounds 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 slaughter-houses and

burial-grounds within the city of Bombay shall apply and have full force therein; and all offences against those by-laws, or against the provisions of Act II. of 1865, shall be cognizable by the Magistrates of the city of Bombay, as if such slaughter-houses or burial-grounds were within the city of Bom-

bay: Provided the

limits of such slaughter-houses or burial-grounds be duly notified in the *Government Gazette*, and plans thereof lodged with the several Magistrates of the city of Bombay.

XXVI. It shall be lawful for the Justices, with the sanction of the Governor in Council, to borrow money on the mortgage of any rents or income yielded by their real property, or any part thereof, for the purpose of executing any permanent improvement, and with the like sanction to fix such rates of interest and such periods for the repayment of the sums borrowed with interest as they shall think fit; and for the purpose of securing the repayment of the sums so borrowed with interest as aforesaid, the Justices may mortgage and assign over to the person or persons by or on behalf of whom such sums or any part thereof may be advanced, the income or rents received or receivable from such real property, and may further supplement the same, when necessary, by payments from the Municipal Fund.

XXVII. Sections 254, 255, and 256 of Act II. of 1865, shall apply to all loans borrowed by the Justices under the preceding Section.

XXVIII. Section CCXL. of the Bombay Municipal Act of 1865 shall be read as if between the words "upon" and "the" in the first line of the said Section the following had been inserted:—

"The Justices of the Peace for the city of Bombay or any of them or"

XXIX. This Act shall be read as and taken to be part of Act II. of 1865.

SCHEDULE A.

LICENSE TAX ON PROFESSIONS, TRADES, AND CALLINGS.

CLASS I.

Yearly.

- (A) Every Joint Stock Company, whether registered or not under any English or Indian Act or Acts, and every other Company, whether incorporated or not by Royal Charter, Act of Parliament, or Act of the Council of the Governor General, or of the Governor of any of the Presidencies, and carrying on any trade or business having gain for its object, the nominal subscribed capital of which is 50 lakhs of Rupees and upwards 1,000 Rs.
- (B) Every Company of any of the descriptions mentioned in Division (A) of this class, the nominal or subscribed capital of which is 20 lakhs and below 50 lakhs of Rupees 750 Rs.
- (C) Every Company of any of the descriptions mentioned in Division (A) of this class, the nominal or subscribed capital of which is 10 lakhs and below 20 lakhs of Rupees 500 Rs.
- (D) Every Company of any of the descriptions mentioned in Division (A) of this class, the nominal or subscribed capital of which is below 10 lakhs of Rupees 250 Rs.
- (E) Every Merchant, Banker, or Shroff carrying on business in Bombay in person or as Agent 100 Rs.

CLASS II.

- Every person in the service of Her Majesty in Bombay not being a Regimental Military Officer, and every person in the service of the Municipality, or in the service of any Joint Stock or other public Company or Trading Firm, provided the salary of such person amounts to Rupees 1,000 per mensem or upwards
- Every practising Barrister, Attorney, Proctor, Notary Public, Vukeel or Pleader of the High Court, Small Cause Court, or any of the Police Courts
- Every practising Architect and Civil Engineer
- Every practising Physician and Surgeon
- Every Commission Agent and Broker employed in the wholesale purchase or sale of Bills of Exchange and Hoondees, or in the wholesale purchase or sale of Imports or Exports 50 Rs.
- Every Contractor
- Every owner or farmer of a private or public Market
- Every owner of Screws for the pressure of Cotton, Hide, or other things.
- Every Auctioneer
- Every owner of a Printing Press, Hotel-keeper, Boardinghouse-keeper, Shop-keeper, Manufacturer or Trader, the annual value of whose shop or place of business as estimated under Section LVIII. of Act II. of 1865 (Bombay Municipal Act) amounts to Rupees 2,400 or upwards

CLASS III.

- Every person in the service of Her Majesty in Bombay not being a Regimental Military Officer, and every person in the service of the Municipality, or in the service of any Joint Stock or other public Company or Trading Firm, provided the salary of such person amounts to Rs. 500 and is less than Rupees 1,000 per mensem 25 Rs.
- Every Broker not included in Class II. employed in the sale of Government Securities or of Goods, Wares, or Merchandize, or of Shares, or in procuring Freight

Every practising Licentiate of Medicine, Dentist, Apothecary, Veterinary Surgeon and Native Doctor	} Yearly.
Every keeper of a Billiard Room	
Every owner of a Printing Press, Hotel-keeper, Shop-keeper, Manufacturer, or Trader, the annual value of whose shop or place of business as estimated under Section LVIII. of Act II. of 1865 (Bombay Municipal Act) exceeds Rs. 900 and is less than Rupees 2,400	} 25 Rs.
Every Pawnbroker.....	

CLASS IV.

Every person in the service of Her Majesty in Bombay not being a Regimental Military Officer, and every person in the service of the Municipality, or in the service of any Joint Stock or other Public Company or Trading Firm, provided the salary of such person amounts to Rs. 250 per mensem but is less than Rupees 500 per mensem	} 12 Rs.
Every owner of a Printing Press, Hotel-keeper, Boarding-house-keeper, Shop-keeper, Manufacturer, or Trader, the annual value of whose shop or place of business as estimated under Section LVIII. of Act II. of 1865 (Bombay Municipal Act) exceeds Rs. 300 and is less than Rs. 900	
Every keeper of a permanent Stall at a daily public or private Market.	
Every Money-changer	

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

By order of the Right Honorable the Governor in Council,

N. DANIELL,

Acting Under Secretary to Government.

Poona, 22nd June 1867.