



Bombay Government Gazette.

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 Separate paging is given to this Part, in order that it may be filed as a separate compilation.

PART V.

PROCEEDINGS OF THE LEGISLATIVE DEPARTMENT, BOMBAY.

The following Bill, as amended by the Council of His Excellency the Governor of Bombay for making Laws and Regulations, is published for general information :—

Bill No. 5 of 1873.

A Bill for consolidating and amending the Law relating to Salt in the Presidency of Bombay.

Whereas it is expedient for the better protection of the Salt Revenue to amend and consolidate the laws relating to the manufacture, storage, possession, and transport of salt in the Presidency of Bombay, exclusive of the Province of Sind, it is enacted as follows :—

Preamble.
Short Title of Act. I. This Act may be cited as "The Bombay Salt Act, 1873."

II. Section 4 of Act XVI. of 1844, and so much of Act XXVII. of 1837, and of Act XXXI. of 1850, as has not already been repealed, are repealed.

III. The following words shall have the several meanings hereby assigned to them, unless where a contrary intention shall appear from the context ; that is to say :—

The word "manufacture" shall include the preparation and collection of salt.

The words "salt work" shall mean any place used or intended to be used for the manufacture of salt, and shall include the embankments, reser-

voirs, evaporating pans, places at which salt is stored, and all lands on which salt is spontaneously produced.

The words "licensee of a salt work" shall denote the person or persons licensed to manufacture salt at a salt work.

The words "contraband salt" shall denote salt manufactured without license, and salt removed from any salt work, and salt stored, or packed, or landed, or in transit, or in the possession of any person, in contravention of any provision of this or any other Act relating to the Salt Revenue, or of any order or permit issued under this Act, or of any of the rules made or to be made in pursuance thereof.

The word "seer" shall mean a weight of eighty tolahs.

The word "vessel" shall denote anything made for the conveyance by water of human beings, animals or property.

The words "Collector of Salt Revenue" shall denote the officer authorized for the time being to exercise under Government the chief control in the Department of Salt Revenue.

When ~~so~~ is in possession of, or is removed by, a person's servant or agent on his account, it shall be deemed to be in that person's possession, or to have been removed by that person, for the purposes of this Act.

PART I.—Appointment and Duties of Officers.

IV. The control of the Department of Salt Revenue in the Presidency of Bombay shall vest in and be exercised by the Governor in Council, who may, from time to time, subject to the general control of the Governor General of India in Council, appoint persons, under the designation of Collector, Deputy and Assistant Collector of Salt Revenue, or under such other designations as may seem fit, to exercise the powers conferred and to perform the duties imposed by this Act, and he may suspend or dismiss any persons so appointed.

V. The appointment of all Subordinate Officers shall, under such rules as the Governor in Council may from time to time sanction, rest with the Collector of Salt Revenue and his Assistants, who may at any time, after inquiry recorded in writing, fine, dismiss, suspend or reduce any Subordinate Officer so appointed who shall be remiss or negligent in the discharge of duty, or unfit from any cause for the discharge of the same.

VI. An appeal shall lie from all proceedings and orders of Subordinate Officers in the Department of Salt Revenue to their respective immediate superior Officers, and an appeal shall lie from all proceedings and orders of Deputy and Assistant Collectors of Salt Revenue to the Collector of Salt Revenue, whose proceedings and orders shall be subject to the general control of the Governor in Council.

VII. The Governor of Bombay in Council may delegate to any person appointed under this Act the whole or any part of the powers vested in him by this Act.

VIII. All persons holding any office or employment for the collection or protection of the Salt Revenue, or exercising any powers similar to those conferred by this Act, or performing any duties similar to those imposed thereby, at the time this Act shall come into operation, shall be deemed to be appointed under this Act, and shall continue to hold such office and to exercise such powers and to perform such duties as if they had been appointed under this Act.

IX. Any officer appointed under this Act or any Revenue, Police or Customs Officer may enter and inspect at any time by day or night any salt work, or any warehouse, or premises used for storing salt, or any vessel which has been or is proposed to be laden with salt.

X. Any officer appointed under this Act and any Revenue, Customs or Police Officer, may, without warrant or order from a Magistrate, arrest and detain any person

whether on land or water against whom reasonable suspicion exists that he has been guilty of any offence against this or any other Act relating to the Salt Revenue, or against any of the rules made or to be made in pursuance thereof, and shall forward any person so detained without delay to the nearest Magistrate or Police station or to an officer in charge of a salt work or preventive station.

XI. When any person arrested as aforesaid shall have been forwarded to any officer in charge of a salt work or preventive station, such officer may detain him in custody and shall proceed to inquire into the charges against him: Provided that any person so detained may at the discretion of such officer be liberated on giving recognizance or security to appear at such time and place as may be appointed for his appearance.

XII. If the person arrested appears from the information obtained to have committed any offence against this or any other Act relating to the Salt Revenue, or against any of the rules made in pursuance thereof, the officer making the inquiry mentioned in the last preceding section shall forward him under custody to the nearest Magistrate or other officer duly authorized to take cognizance of the offence.

XIII. No officer in charge of a salt work, or of a preventive station, shall, without the special order of a Magistrate, detain an accused person in custody for a longer period than under all the circumstances of the case is reasonable, such period in no case to exceed twenty-four hours.

XIV. If it shall appear to the officer in charge of a salt work, or preventive station, that there is not sufficient evidence or reasonable ground of suspicion to justify the transmission of the accused person to the Magistrate, or other officer duly authorized to take cognizance of the offence, he shall at once release the accused person, and submit a report of the case for the orders of his immediate superior.

XV. Any officer appointed under this Act or any Revenue, Customs or Police officer, may seize and detain any salt which he may reasonably suspect to be contraband, and any animals, carriages, or vessels, used in transporting it, or in or upon which it may be found, and all goods and packages in which or among which it may be contained or concealed, and shall have power to search all persons, animals, carriages, vessels,

goods, and packages, in or upon whom or which he may have reasonable cause to suspect contraband salt to be, or to be concealed.

XVI. Any Magistrate or Justice of the Peace may, on written application by any officer appointed under this Act, or by any Revenue, Customs or Police officer, issue a warrant for the search of any house, building, premises or vessel in which there may be reasonable cause to suspect that contraband salt is, or is concealed. The provisions of Chapter XXVII. of the Code of Criminal Procedure shall be applicable (so far as may be) to search warrants issued under this section.

XVII. It shall be the duty of every Police or Customs or Revenue Officer to aid any officer appointed under this Act in the due execution of any duty imposed thereby on notice given or request made by such officer; and it shall be the duty of every officer in charge of a Police station, upon receipt of complaints or information of the commission within the limits of his station of any offence punishable under this Act, or under any rule made in pursuance thereof, to take action in the manner prescribed in the Code of Criminal Procedure for the conduct of such Police Officer, upon receipt of complaint or information of the commission within the limits of his station of any offence specified in column 3 of the schedule annexed to the Code of Criminal Procedure, as an offence for which Police Officers may arrest without warrant.

XVIII. Any officer appointed under this Act, of not lower rank than a Sir Karkoon or a Duroga, may by written order require the attendance before himself, at a time and place to be mentioned in such written order, of any person who appears to be acquainted with the circumstances forming the subject of any inquiry which such officer is making for any of the purposes of this Act, and every person so summoned shall be bound to attend in person at the time and place appointed in the said written order, and to furnish to such officer true information on any subject whatever connected with the Salt Revenue on which such officer may question him, and to produce such documents, or things, being in his possession or within his control, as he may be required to produce by such officer.

XIX. Any officer appointed under this Act and any Revenue, Customs or Police Officer may enter at any time upon any lands or premises on which there shall be any manufacture of salt not licensed under the provisions of this Act, or any natural formation of salt, and he may take possession of or destroy any salt so manufactured or formed, and any works or constructions prepared or used for the purposes of such manufacture.

PART II.—*Manufacture, Storage, and Removal of Salt.*

XX. Within the Presidency of Bombay it shall not be lawful for any person who is not duly licensed in the manner hereinafter provided to manufacture salt.

XXI. It shall be lawful for the Collector of Salt Revenue to grant licenses for the manufacture of salt to such persons as he shall think fit. Each such license shall contain the name of the person to whom it is given, and shall specify the limits within which such manufacture may be carried on, and the place where the salt so manufactured shall be stored, and shall be subject to such further conditions as the Governor in Council may from time to time prescribe. The Collector of Salt Revenue may at any time call for any such license, and amend or alter it in accordance with any conditions which may be so prescribed. A register of such licenses shall be kept in the Office of the Collector of Salt Revenue.

XXII. A license for the manufacture of salt shall not, except as hereinafter mentioned, be refused to the proprietor of any salt work not being the sole property of Government which is being worked at the time of the passing of this Act, or which may have been worked within three years previous to the date of its introduction, or to any person who may establish by virtue of a Sunnud granted by the British or any former Government, a special and permanent right to manufacture salt. Except in the case of salt works owned by the holders of Sunnuds as aforesaid, the Governor in Council may at his discretion at any time withhold or withdraw a license for manufacturing salt at any salt work whatever, which on an average of the three years last preceding shall not have produced yearly at least five thousand Indian maunds of salt; and with the like exception the Collector of Salt Revenue may at any time withdraw or withhold a license from any salt work if no salt shall have been manufactured therein for the three years last preceding.

XXIII. The Governor in Council may, for the purposes of this Act, cause Chowkees to be erected at any place in any salt work within the Presidency of Bombay without compensating the proprietor or owner thereof for the use of the land occupied thereby, and may station within the limits of any salt work such persons as he may deem fit, and may establish preventive stations at convenient places to be selected in the neighbourhood of any salt works.

XXIV. Every Patel and other public servant of every village in which there shall be any manufacture of salt not licensed under the provisions of this Act, or any formation of salt, shall, within ten days after the existence of such manufacture or formation shall have come to his knowledge, give

notice of the same to an officer appointed under this Act, or to a Magistrate, or to an officer in charge of a Police station.

Penalty for not giving notice.

If any person bound to give notice under this Section shall wilfully omit or delay to give the same, he shall, for every such offence, be liable to a fine not exceeding five hundred Rupees.

XXV. *Clause 1.* The Governor in Council may from time to time declare, by notification to be published in the *Bombay Government Gazette*, the

Ports for importation of Salt to be notified in the *Government Gazette*.

ports within the Presidency of Bombay at which only it shall be lawful to import salt by sea, and may appoint proper places therein to be wharves for the landing of salt, and may declare the bounds and extent of such wharves, and may from time to time, by notification as aforesaid, forbid the import or landing of salt at any port or wharf at which such import or landing may at any previous time have been authorized, and may further forbid the import by land or sea of salt exported from any place, whether within or without British India, at any port or place within the Presidency of Bombay.

Clause 2. The Governor in Council may also from time to time, by notification to be published in the *Government Gazette*, prescribe by what roads and passes salt shall be allowed to pass into or out of foreign territory or the territory of any Native Chief, not subject to the jurisdiction of the Courts and Civil authorities of the Bombay Presidency.

XXVI. No salt shall be removed from any salt work in the Bombay Presidency without a permit to be obtained in the manner hereinafter mentioned: Provided that

Salt not to be removed without a Permit, except from Government Salt Works.

nothing in this Section shall be held to affect the Government salt works at Kharaghora on the Runn of Kutch, or any salt works at which the manufacture of salt is carried on directly by or on behalf of Government.

XXVII. No permit for the removal of salt from any salt work shall be granted except on written application in the form marked A, annexed to this

Nature and contents of Permit for removal of Salt from Salt Works.

Act, which shall be signed and presented to the Sir Carkoon or other officer in charge of the salt work whence the salt is to be removed both by the person desirous of removing salt and by the licensee, or agent lawfully appointed by him, of the salt work whence it is to be removed. There shall be stated in such application the quantity and cost price of the salt intended to be removed, the name and residence of the person on whose account the salt is intended to be removed, the name of the place to which and the route by which it is intended to take the salt immediately after removal from the salt work, and whether the said salt is intended for local consumption in the neighbourhood of the said place, or for subsequent transport or export elsewhere the name of the place or district to which it is intended to be transported or exported.

XXVIII. When a written application for a permit for the removal of salt from any salt work, together with the excise

Receipt to be given to applicant for Permit.

duty leviable on the quantity of salt intended to be removed, shall have been received by the officer authorised to receive them, he shall deliver a receipt and order, in the form marked B annexed to this Act, to the persons making such application, which receipt and order shall specify the amount of duty paid, the quantity of salt to be removed, the work from which and the person by whom such quantity of salt is to be removed, the preventive station at which it is to be examined, and the place to which and the route by which it may be taken, and the number of days within which the salt must be conveyed to its immediate destination.

XXIX. On production of the receipt and order

Blanks in the receipt to be filled up by officer in charge, and portion of receipt delivered to the applicant to be the Permit.

aforesaid to the officer in subordinate charge of the salt work to which it relates, he shall fill up the blanks which are marked therein as intended to be filled up by himself, and shall tear off and retain that part of the receipt and order which is therein marked to be retained by himself, and shall deliver the remaining portion to the person therein authorised to remove salt, and such portion of the receipt and order so delivered shall then be a permit authorising the person therein named to remove the quantity of salt therein mentioned.

XXX. Salt removed from salt works under

Removal of Salt under the Permit.

a permit, as described in the section last preceding, shall be taken along with

the permit covering it direct to the preventive station mentioned in the permit within the period allowed thereby. The permit shall there be delivered to the officer in charge of the station, and the salt may be re-weighed or examined by him under such orders as the Collector of Salt Revenue may from time to time issue. If he shall be satisfied that the quantity of salt removed does not exceed the quantity mentioned in the permit, he shall allow it to pass, and it shall then be conveyed to the place mentioned in the permit within the period allowed thereby.

XXXI. It shall be the duty of the persons who

Possessors of permits bound to superintend the removal of salt under their permits.

have obtained an order for the removal of salt under Section 28 of this Act to superintend, either in person or by agent

lawfully appointed for the purpose, the removal of salt so authorised, and to test the weights and scales used in weighing out such salt, and to prevent the removal of salt in excess of the quantity mentioned in the said order.

XXXII. No permit for the removal of salt

Nature and contents of permit for removal of salt from a Government warehouse or store.

from any Government warehouse or store shall be granted except on written application, which shall be signed by the

person desirous of removing salt. There shall be stated in such application the quantity of salt intended to be removed, the name of the place to which and the route by which it is intended to

take the salt immediately after removal from such Government warehouse or store, whether the said salt is intended for local consumption in the neighbourhood of the said place, or for subsequent transport or export elsewhere, and if destined for transport or export elsewhere, the name of the place or district to which it is intended to be transported or exported.

XXXIII. On the application of any person who shall have obtained as aforesaid a permit for the removal of any salt intended for export, and who shall have paid the duty if any on the same, the Collector of Customs at the place of export shall grant a certificate, under the authority of which the quantity of salt specified therein shall be landed at any other port of the Presidency of Bombay, without payment of any further duty.

PART III.—*Suppression of Salt Works.*

XXXIV. It shall be lawful for the Governor in Council to suppress any salt work, or to suspend or withdraw the license to manufacture salt at any salt work, the licensee of which, or his agent, shall have been guilty of any offence against the provisions of this Act, or of any breach of any rule made in pursuance thereof, or of any breach of the conditions specified in the license granted for the manufacture of salt at such work. It shall also be lawful for the Governor in Council to impose a fine not exceeding Rupees one thousand on the licensee of any salt work if any of the persons employed thereat shall have been guilty of any offence against the provisions of this Act, or of any breach of the conditions specified in the license granted for the manufacture of salt at such work unless the licensee of such salt work shall establish to the satisfaction of the Governor in Council that all due and reasonable precautions were exercised by him to prevent the commission of such offence or breach of the conditions specified in the license. It shall be at the discretion of the Governor in Council to determine for the purposes of this section whether any such offence, or breach of the conditions of the license, has been committed.

XXXV. The Governor in Council may at his discretion with a view to the summary suppression of any salt work within the Presidency of Bombay direct the acquisition of such salt work under the provisions of Act X. of 1870 or other law in force for the time being for the acquisition of land for public purposes. Nothing contained in this section shall affect the powers vested in the Governor in Council and in the Collector of Salt Revenue under Sections 22 and 34 of this Act.

PART IV.—*Warehousing of Salt.*

XXXVI. Except within the City and Island of Bombay, no building, enclosure, or premises within a distance of 10 miles from any salt work, or from any land customs station established under Act XXIX. of 1857, or from

No buildings within certain limits of salt works to be used for the storing or reception of salt for purposes of sale unless licensed.

any Government Salt Warehouse, or from any port or place declared and appointed for the import or landing of salt, or within such other limits as the Governor in Council shall define by notification to be published in the *Bombay Government Gazette*, shall be used for the storing or reception of salt for purposes of sale unless licensed for that purpose by the Collector of Salt Revenue.

XXXVII. The Governor in Council may from

Governor in Council to make rules for regulating and licensing the storage of salt for purposes of sale.

time to time make rules for regulating and licensing the storage or possession of salt for purposes of sale within the limits mentioned in the section last preceding, and it shall be the duty of the Collector of Salt Revenue to issue licenses for the storage or possession of salt for purposes of sale within such limits to such persons and for such buildings, enclosures, or premises as he shall deem fit.

XXXVIII. All salt exceeding 40 seers in

quantity, not being in transit under cover of a permit or order granted under Sections 28 and 29 of this Act, found within

such limits as aforesaid in any building, enclosure, or premises which shall not have been duly licensed under the section last preceding shall be held to be contraband.

PART V.—*General Provisions.*

XXXIX. It shall be lawful for the Governor

in Council by Notification to be published in the *Government Gazette* to forbid the removal of salt from any salt work for any period between the 15th day of June and the 15th day of September in any year.

XL. The Governor in Council may from time

to time make rules, not being repugnant to the provisions of this or any

other Act relating to the Salt Revenue, for the following purposes, viz.:—

1. For regulating the manufacture, deposit, and storage of salt at any salt work.

2. For regulating the deposit and storage of salt in any building or premises used for the deposit or storage of salt on which excise duty has not been paid.

3. For regulating the removal of salt from any salt work and from any building or premises used for the deposit or storage of salt on which excise duty has not been paid.

4. For regulating the routes by which salt removed from any salt work shall be taken to a preventive station.

5. For regulating the routes by which salt manufacturers and other persons shall approach, enter, or leave, any salt work, and the hours during which only it shall be lawful for any person to remain within the limits of any salt work.

6. For regulating the import and export of salt by sea and land.

7. For regulating and enforcing the attendance and labour of any person who has contracted or agreed to manufacture salt at any salt work under the immediate management and control of Government.

8. For the conservancy of any salt work.

XLII. The Collector of Salt Revenue may at his discretion call upon the licensee of any salt work to store in heaps any sifted or refuse salt which may be lying on such work, or, at the option of the licensee, to destroy the same, and if such licensee shall fail either to store in heaps or to destroy any such salt within ten days from the receipt of the order so to do, the Collector may cause such salt to be destroyed, and may recover the costs thereof from the licensee of the salt work in manner prescribed for the realization of revenue in Chapter III. of Regulation XVII. of 1827, or any other law in force for the time being. The Collector of Salt Revenue shall have authority to determine whether any salt is sifted or refuse for the purposes of this Act.

XLIII. On any heap of salt being opened and a part thereof removed, it shall be lawful for the officer in charge of the salt work to require the licensee of the salt work, by written notice, to remove the remaining portion within three days of the date of such notice, or to reheap and secure it in such manner as the said officer may direct, failing which it shall be lawful for the said officer to offer the said salt for sale, and to dispose of it if the price bid is equal to the excise duty leviable thereon, and if the price offered be less than the excise duty leviable thereon, it shall be lawful for the said officer to cause the salt to be destroyed, and to recover the cost thereof in manner prescribed by the preceding section.

XLIV. Whenever any salt work shall be suppressed under any of the provisions of this Act, and whenever a license to manufacture salt at any salt work shall be withheld, suspended, or withdrawn, under any of the provisions of this Act, it shall be lawful for the Collector of Salt Revenue to flood such salt work with water, or to take such other measures with respect to it as he may consider necessary for the prevention of the manufacture or spontaneous production of salt therein.

XLV. Salt in store at any salt work which may be suppressed in the manner hereinbefore provided, or at any salt work a license for the manufacture of salt at which may be withheld, suspended, or withdrawn, shall be removed within six months from the date of such suppression, or of the withholding, suspension, or withdrawal of such license for which purpose only the license shall continue in force, and it shall be lawful for the Collector of Salt Revenue to cause any salt which may remain in store at any such salt work after the expiry of such period of six months to be put up for sale and sold, if the price offered be equal to the excise duty leviable thereon, and if the price bid be less than the

excise duty leviable thereon, it shall be lawful for the said officer to cause the salt to be destroyed.

XLV. It shall be lawful for any officer appointed under this Act of not lower rank than a Sir-Karkoon to require by written order the licensee

of any salt work to protect in a manner which the said officer shall consider sufficient, by thatch, or in any other mode customary in the district in which such salt work may be situated, any salt upon any embankment, platform, or place used for the storage of salt within the limits of such salt work, or to construct or repair to the satisfaction of the said officer, any embankment, platform, or place used for the storage of salt within such salt work, and if the said licensee shall fail to comply within fifteen days of the receipt of such order with the requirements therein stated, the officer who issued the order shall proceed to execute the works mentioned therein, and shall recover the costs thereof from the said proprietor in the manner prescribed for the realization of revenue in Chapter III. of Regulation XVII. of 1827, or any other law in force for the time being.

XLVI. It shall be lawful for any officer appointed under this Act of not lower rank than a Sir-Karkoon to require by written order the licensee of any salt work

to repair to his, the said officer's satisfaction any "kothar," "golah," building, or premises, used for the storage of salt manufactured at such work on which excise duty shall not have been paid, and if such licensee shall fail within twenty days of the receipt of such order to fulfil the requirements stated therein, the officer who issued the order shall proceed to execute the work mentioned in the order, and shall recover the costs thereof from the said licensee in the manner prescribed for the realization of revenue in Chapter III. of Regulation XVII. of 1827, or any other law in force for the time being.

XLVII. Whenever for any purpose of this Act it is required that a written notice shall be served on any person, such notice shall be deemed to be served on the date on which it shall be delivered to such person, or affixed to the door of his last known place of residence, or posted in a conspicuous place in any part of the salt work to which it has reference.

XLVIII. Whenever for any of the purposes of this Act, or of any rule made or to be made in pursuance thereof, it shall be lawful for any officer appointed under this Act, or for any Revenue, Customs or Police officer, to weigh or examine any salt, or to examine any vessel, carriage, package, or goods, in which salt is, or is suspected to be, it shall be the duty of the person in whose immediate possession or control such salt, vessel, carriage, package, or goods, may be to weigh such salt, and to unload, open, or unpack, such vessel, carriage, package, or goods, without delay and in the manner required by such officer, and whenever such person shall omit or delay to weigh such salt, or to unload, open, or unpack, such vessel, carriage,

package, or goods, in the manner in which he is required to weigh, unload, open, or unpack them by the officer aforesaid, it shall be lawful for the officer aforesaid to cause the salt to be weighed, or the vessel, carriage, package, or goods, to be unloaded, opened, or unpacked.

PART VI.—Penalties.

XLIX. All contraband salt, and all vessels, animals, and conveyances, used or intended to be used in transporting it, and all goods, packages, and coverings, in or among which it may be placed, and all materials and implements used in manufacturing salt without a license, shall be liable to confiscation, but may be redeemed on payment of such fine as the officer adjudging confiscation may think reasonable.

L. Whoever shall manufacture salt without a license, or beyond the limits of his license, or in violation of any of the conditions specified therein, shall be punished with imprisonment of either description, as defined in the Indian Penal Code, for a term not exceeding six months, or with fine which may extend to Rs. 1,000, or with both.

LI. Whoever signs or prepares an application for a permit to remove salt which he knows or has reason to believe to be incorrect, or who uses an incorrect application for a permit to remove salt, knowing or having reason to believe it to be incorrect, shall be liable to fine which may extend to Rs. 200, or in default to simple imprisonment which may extend to one month.

LII. Whoever shall be concerned in passing, removing, or transporting salt which he knows or has reason to believe to be contraband shall be punished with imprisonment of either description, as defined in the Indian Penal Code, which may extend to six months, or with fine which may extend to Rs. 500, or with both.

LIII. Whoever shall accept or retain salt, having reason to believe the same to be contraband, shall be punished with imprisonment of either description, as defined in the Indian Penal Code, for a term not exceeding six months, or with fine which may extend to Rs. 500, or with both.

LIV. Whoever shall be guilty of a breach of any of the provisions of this Act, or of any license, permit, or rule, made, or issued, in pursuance thereof, for infringements of which special penalties shall not have been prescribed, shall be liable to fine not exceeding Rupees 200 or in default to imprisonment of either description which may extend to one month.

LV. Whoever, being a public servant appointed under this Act or employed in the Revenue, Customs or Police Departments shall be guilty of a breach of any of the provisions of this Act, or of any rule made in pursuance thereof, shall be punished with imprisonment of either description, as defined in the Indian Penal Code, for a term not exceeding two years, or with fine, or with both.

LVI. Whoever, being a public servant, makes use of any of the powers conferred upon him by this Act vexatiously with intent to cause annoyance or injury to any person, shall be punished with imprisonment of either description as defined in the Indian Penal Code, for a term not exceeding two years, or with fine, or with both.

LVII. Offences punishable under Sections 55 and 56 of this Act shall be cognizable by any Magistrate exercising powers not less than those of a First Class Magistrate. All other offences punishable under this Act shall be cognizable by any Magistrate.

LVIII. All offences against this Act, or against any rule made in pursuance thereof, the penalties prescribed for which are limited to fine or imprisonment in default, shall be cognizable by any officer appointed under this Act to whom the Governor in Council may specially delegate power to take cognizance thereof, provided that any officer to whom such power may be delegated shall not award a sentence of fine exceeding Rupees 500.

LIX. When a penalty is adjudged against any person under this Act by any officers specially empowered under the preceding section, it shall be lawful for such officer, if the penalty be not paid to levy the same by sale of any property of the said person which may be in his charge or control, or in the charge or control of any other officer appointed under this Act. When an officer empowered as aforesaid who has adjudged a penalty against any person under this Act shall fail to realize the unpaid amount of such penalty from the property of such person, it shall be lawful for such officer to notify in writing to any Magistrate within whose jurisdiction such person or any property belonging to such person, shall be, the name and residence of the said person and the amount of penalty unrecovered; and such Magistrate shall thereupon proceed to enforce payment of the said amount in like manner as if the penalty had been adjudged by himself.

LX. Any case in which under this Act any salt, vessel, animal, conveyance, goods, covering, package, implement, or material, is liable to confiscation, may be inquired into and determined by the Collector of Salt Revenue, or other officer to whom power to adjudicate and determine any such cases may be delegated by the Governor in Council.

LXI. It shall be lawful for the officers conducting an inquiry under Section 18 of this Act to take evidence on oath or affirmation, and in Sections 193 and 228 of the Indian Penal Code the words "judicial proceeding" shall be taken to include any proceeding under this Act.

LXII. All fines levied, and the proceeds of all confiscations adjudged, under this Act shall be at the disposal of the Governor in Council, and may be applied for the reward of informers, and of persons through whose aid or instrumentality any offender against the provisions of this Act or against any rule made in pursuance thereof shall have been

arrested, or any seizure of contraband salt shall have been made, and of persons who shall have done any act of gallantry or merit in the attempt to arrest offenders or in the performance of any other duty under this Act.

LXIII. No suit, or other proceedings shall be commenced or prosecuted against any persons for anything done in pursuance of this Act, without giving to such person a month's previous notice in writing of the intended suit, or other proceedings, and of the cause thereof, nor after tender of sufficient amends, nor after the expiration of six months from the accrual of the cause of suit or other proceedings.

LXIV. Where any legal proceedings are taken against any person for anything done, or intended to be done, under

the provisions of this Act, it shall be lawful for the defendant to plead that the act complained of was done in good faith under the order of his superior officer, and upon establishing such plea the defendant shall be entitled to a decree in his favour, although the superior officer had no authority to make such order; provided always that nothing in this section shall affect any remedy which the party injured may have against the superior officer who gave such order; provided also that this section shall not apply where a suit is brought against a Collector for acts done under the orders of the Government.

LXV. It shall be lawful for the Governor in Council, by notification to be published in the *Bombay Government Gazette*, to extend the whole or any of the provisions of this Act to the Province of Sind.

APPENDIX A.

(Form of Application referred to in Section 27.)

To THE OFFICER APPOINTED TO COLLECT THE SALT DUTY at..... Dated at
Application is hereby made by the undersigned for a permit for the removal of Indian Maunds of Salt, and Duty to the amount of Rupees is tendered herewith. Details relating to the proposed removal are correctly stated in the form below.

Name of Applicant and Exporter.	Quantity of Salt intended to be removed. Maunds. Seers.	Name of Salt Work and of Suza from which Salt is to be removed.	Name of the Licensee of the Salt Work from which Salt is to be removed and cost price of the Salt.	Place to which the Salt is to be exported.	Mode of conveyance—(if by boat, name of boat and Tindal; if by cart or beasts of burden, state No. of carts or No. of animals).	Route by which the Salt is to be taken to its destination.	Whether the Salt is required for local consumption, or for subsequent transport elsewhere; if for the latter, the place or district for the consumption of which it is destined.	Whether the removal is on applicant's own account or for another; if for another person, his name and residence.

(Signature of Applicant and Exporter.)
I certify the correctness of the Entries in columns 3, 4, and 5.
(Signature of the Licensee of the Salt Work.)

Signed in my presence.

(Signature.)

Sir-Carkoon.

Date of Receipt.
Amount of duty paid.
No. of Receipt order granted.
Date of Receipt order and time when granted.
(Signature.)
Sir-Carkoon.

APPENDIX B.

(Form of Receipt and Order referred to in Section 29.)

Taluka	Zillah	No.	dated	No.	dated at
Name of Exporter		To,	(enter name of Suzedar and other persons appointed to superintend the weighment).	Salt Duty to the amount of Rs.	As. Ps.
Residence of Exporter				having been received by me, A. B. resident of	
No. and date of application				and C. D. Licensee of	Salt Work, situated
Quantity of salt for which duty has been paid		A. B. Exporter, resident of	and C. D. Licensee	in	Suza in Taluka, are hereby authorized to remove
Amount of duty paid, Rs. As. Ps.		of	Salt Work, situated in	Suza in	Indian maunds of salt from
Salt Work from which the salt is to be removed		Taluka, are hereby permitted to remove from the	said Salt Work	the said Salt Work, and to convey the same to	Preventive station by
Name of Suza		said Salt Work	Indian maunds of salt, for	Preventive station by	route, within
Name of Licensee of Salt Work		which duty to the amount of Rs. As. Ps. has	been paid. You are hereby directed to allow the	A. B. is further authorized to convey the said salt	after it shall have been passed by the officer in
Destination of salt		Work by the said A. B. and C. D. before the sunset	of	charge of	Preventive station by
Route by which the salt is to be conveyed		of conveyance) to	station by	route, on (state mode of conveyance) to	, within a period of
Mode of conveyance,—(if by boat, the name of boat and					
of Tindal; if by carts or animals, their No.)					
Whether for local consumption or for subsequent transport; if for the latter, its ultimate destination					
Name of Suzedar, and other persons appointed to superintend the weighment					
Preventive station at which the salt is to be examined					
Route by which the salt is to be taken to the Preventive station					
Period within which the said salt shall be removed from the Salt Work					
Period within which the salt shall be taken to the Preventive station					
Period within which the salt shall be taken to its destination					
Date	(Signature)	Removed and received by the said A. B. and C. D.	Indian maunds of salt from	Examined by me at	at
	Sir-Carkoon.	this day the	at	station on	M.
		The scales and weights by which the said salt was weighed were tested by us and found to be correct.		Passed	Indian maunds salt, carried on
		(Signature)	(Signature)	Extra duty on the excess of	maunds amounting to Rs.
		Licensee of Salt Work.	Exporter.	received by me.	Indian has been
		(Signature)		(Signature)	
		Date	Suzedar.	Officer in charge of Preventive Station.	

By order of His Excellency the Governor in Council,

JOHN NUGENT,

Acting Under Secretary to Government.

Poona, 17th October 1873.

The following Bill, as amended in the Council of His Excellency the Governor of Bombay for making Laws and Regulations, is published for general information :—

Bill No. 8 of 1873.

THE BOMBAY DISTRICT MUNICIPAL ACT OF 1873.

CONTENTS.

I.—PRELIMINARY.		SEC. CL.		SEC. CL.
Laws Repealed, with reservations		1	Intention to impose taxes, &c., to be notified, and objections heard	21
Short Title		2	Fees may be charged in certain cases	22
Interpretation clauses		3		
II.—CONSTITUTION OF MUNICIPALITIES.				
Governor in Council may constitute any place a Municipal District, after hearing objections	4		Property and Funds to be applied in Municipal limits, except in certain cases applicable to specified objects connected with the public health, safety, instruction, and convenience	23
„ shall notify who are Municipal Commissioners in such District, and such Commissioners shall be a body corporate, &c.. . . .	5		Power to purchase, rent, sell, or lease lands, buildings, or other property specially given.	24
Municipalities of two kinds, “City” and “Town”.	6		Acquisition of land	25
Site of fair or Juttra may be constituted temporarily as a Municipal district.	2		Surplus Funds, be placed at interests	26
City Municipalities, who are to be Commissioners	7		„ if not at interest, to be placed in Treasury, &c.	2
„ Powers and responsibility vested in Commissioners	81			
„ Duties and functions of President	2		V.—GENERAL CONSERVANCY.	
„ Powers of President	3		BUILDINGS.	
„ Appointment of a Chairman	4		Municipalities to which the provisions of chapter V. are or may be rendered applicable	27
Town Municipalities, who are to be Commissioners.	9		Municipality may make or improve or turn or stop up public streets, &c.	28
„ Final power and responsibility of President and Vice-President	10 1		„ purchase land for houses and sell it on conditions.	2
„ Executive authority of Chairman and Commissioners	2		Private persons making new streets must obtain leave and instructions	29
„ Duties of President, Vice-President, and Chairman	3		Projecting houses may be set back	30
General Meetings.—Quarterly and Special, when and how convened	11 1		Receding houses may be set forward	2
„ What shall constitute a quorum, &c.	2		Roofs, &c., not to be of inflammable materials	31
„ Decision by majority of votes.	3		Level of houses hereafter built	32
„ What business may be transacted	4		Notice of new buildings to be given to Municipality	33
„ Of adjournment	5		Action thereon within one month	12
Decisions by circulation of papers	12		Power regarding houses built without notice or contrary to orders	3
Contracts, how to be entered into.	13 1		New huts, their erection under control of Municipality	34
„ Commissioners' liability for contracts and expenses	2		Existing huts, powers with reference to them.	35
„ Commissioners and Officers not to be concerned in contracts	3		Municipality may cause privies, &c., to be attached to houses	36
Rules for Executive Administration, how to be made and sanctioned	14 1		„ persons employing labourers to provide privies	2
„ matters to be treated of therein	2		Privies to be enclosed	3
Commissioners, Executive Officers, &c., to be public servants	15		Drains may be made from ill-drained houses	37
Constitution of Municipalities may be altered or abrogated by Governor in Council	16		Sewers, &c., to be closed by traps	2
			Penalty for making unauthorized drains into public sewers	38
III.—MUNICIPAL PROPERTY AND FUNDS.			Buildings over sewers allowed with permission only	39
Property of certain kinds vested in the Municipality	17		Drains, &c., under control of Municipality	3
The Municipal Fund	18		„ not to be made or altered contrary to orders	1
Property and rights of action of certain Municipal Commissioners vested in the Municipality	19 1		Inspection of drains and privies	40
Actions, &c., by or against such Commissioners not to abate	2		Troughs and pipes to be fixed to houses	41
Property of certain other Municipal Commissioners vested in Governor in Council	20		Removal of existing projections	42
			Prohibition of future projections	43
			Projecting Verandas, &c., allowed under conditions	44
			Trimming hedges and trees	45
			Telegraph brackets, ventilators, &c., may be affixed to houses	46
			Names of streets and numbers of houses	46
			Ruinous and dangerous houses, &c.	46

OBSTRUCTIONS.

SEC. CL.

Taking up pavements	47
Future obstructions, how to be dealt with	48
Hoads to be set up during repairs	49
Bars across streets and lights at night	50
Penalty for not fencing and lighting building materials, &c.	51
Dangerous places near streets to be repaired or enclosed	52

SANITARY PROVISIONS.

Depositing dirt, &c., on streets	35	1
Throwing rubbish, &c., into sewers, &c.	42	2
Allowing sewage to flow on streets	54	
Penalty on occupier of house for not removing filth	55	
Removal of nightsoil	56	
Power of scavenging houses.	57	1
Liability for halacore cess	58	2
Filthy houses, &c.	58	
Power to enter and cleanse houses and buildings.	59	
Municipality to set apart bathing places, &c.	60	
Penalty for fouling water	61	
Power to fill up or abate unwholesome tanks, ro gunds, &c.	62	
Using offensive manure or other substances	63	
Tethering cattle, or causing them to stray	64	
Furnaces for any trade, when to consume their own smoke	65	
Establishment and licensing of markets and slaughter houses	66	1
Penalty for acting contrary to direction or without license.	67	2
Power to open, close and let markets and slaughter houses	67	1
Penalty for using them without leave	68	2
Inspection of premises and seizure of unwholesome articles	68	
Regulation of offensive and dangerous trades	69	
Power to make Bye-Laws regarding markets and slaughter houses	70	1
Power to make Bye-Laws regarding offensive and dangerous trades	71	2
Establishment of slaughter houses and burial grounds beyond Municipal limit	71	
Power to make Bye-Laws regarding registration of births, deaths, and marriages and the taking of a census	72	
Special sanitary exigencies.	73	
Penalties in various cases	74	
Powers on non-compliance with written notice	75	

VI.—PROCEDURE, PROSECUTIONS, SUITS, &c.

Service of notices	76
Municipality in default of owner or occupier may execute works and recover expenses.	77

SEC. CL.

Power to levy charges on occupier, who may deduct the same from his rent	2
Occupier in default of owner may execute works and deduct expenses from his rent	78
Proceedings if an occupier opposes the execution of the Act	79
Occupiers not to be liable for more than the amount of rent due	3
Power of entry for purposes of the Act.	80
Arbitration in compensation disputes	81
Municipality may direct prosecutions	82
Damage to Municipal property made good by penalty	83
Damage to Municipal property of all kinds, by suit.	1
Compensation allowed for loss by Municipal action.	3
Jurisdiction for trials and recovery of fines, penalties, and taxes.	84
Distress not unlawful for defect of form	85
Period and conditions of action against the Municipality	86
Police may arrest offenders	87
„ shall give information of officials and aid Municipal officers	2

VII.—MUNICIPAL ACCOUNTS AND GOVERNMENT CONTROL.

Quarterly and Annual Accounts, and Budget to be laid before Municipality by President, and disposed of.	88
Audit of Municipal accounts.	89
Annual accounts to be transmitted to Government.	90
Powers of Government in case of neglect of work or duty emergently necessary for public health, or safety.	91
Powers of Government regarding payments for Police and Primary Instruction.	8

VIII.—PUBLICITY OF MUNICIPAL PROCEEDINGS: APPEALS.

General and other Meetings to be open to the public	92
Minutes of Meetings to be kept, and to be open to the public	93
Accounts to be open to inspection, and published	94
Rules to be open, printed, and sold	95
Complaints, when laid in first instance	96
Appeals, where to be preferred	1
Final decision in whom vested	3
Right to sue Municipality	97
Inspection by Police Commissioners	98
Delegation of powers by Government to Police Commissioners	99

A Bill for the better management of Municipal affairs in Mofussil Towns and Cities.

WHEREAS it is expedient to consolidate and amend the law relating to the management of Municipal affairs in cities and towns in the Bombay Presidency other than the City of Bombay: it is enacted as follows:—

I.—PRELIMINARY.

I. Act XXVI. of 1850 and (Bombay)

Laws repealed.

Acts II. and IX. of 1862 and I. of 1871

are repealed, except as to any assessment made, or act done, or liability incurred, or money due, or proceedings commenced under them; provided always that in any places to which the said Acts have been made applicable such repeal shall not take effect until the expiration of six months from the date of this Act coming into force or until any date within that period on which such places may be included in a Municipal District constituted under this Act.

II. This Act shall be cited as the "Bombay District Municipal Act."

Short title.

III. 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 word "Collector" shall mean the chief revenue officer of a District constituted by Regulation XVI. of 1827, or by any law in force for the time being, and shall include any other officer exercising under the authority of Government the powers of a Collector under this Act.

The words "Magistrate of the District," and "Magistrate," shall bear the meanings attached to them in the Code of Criminal Procedure.

The word "Commissioner" shall mean any person legally a member of a Municipality constituted under this Act.

The word "place" shall mean any city, town, suburb, station, or bazaar, with any village or lands immediately adjacent thereto which shall be constituted a Municipal District as in this Act provided, and also any number of such places when declared to be united as in this Act provided.

The word "land" shall include buildings, trees, and appurtenances thereupon.

The word "bazaar" shall include any place of trade where there is a collection of shops or warehouses, and any locality where a market, fair, or pilgrimage takes place.

The word "street" shall include any way, road, street, square, court, alley, passage, or open space, whether a thoroughfare or not, over which the public 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 public bridge or causeway.

The word "building" shall mean any house, hut, shed or enclosure, whether used as a human dwelling or otherwise, and shall include compound walls, door steps, verandahs, and the like.

The word "owner" shall mean the person for the time being receiving the rent of lands and buildings, or either of them, whether on his own account or as agent, or trustee for any other person or society, or for any religious or charitable purposes, or who would so receive the same if such land or building were let to a tenant. 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 or due to 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 or due to the owner sufficient to defray the expense of doing the act required.

II.—CONSTITUTION OF MUNICIPALITIES.

IV. For the purposes of this Act, the Governor of Bombay Municipal Districts. in Council may from time to time, by notification in the *Bombay Government Gazette*, and in the local newspapers, if any, as also by proclamation to be posted up in conspicuous parts of the place or places affected thereby, notify that he believes it to be expedient to constitute as a Municipal District any city, town, suburb, station, or bazaar, or (with the previous consent of the Governor General in Council) cantonment with any village or lands immediately adjacent thereto not being within the limits of the Island of Bombay, and shall define in the said notification the proposed limits thereof, or to constitute as a Municipal District and declare to be united for the purposes of this Act, any number of such places or any parts thereof.

Clause 2. Any inhabitant of such place or places objecting to such formation of a Municipal District, may, within two months from the date of the publication of the said

notification, send in his objection in writing to a Secretary to Government, and the Governor in Council shall take such objection into consideration.

Clause 3. When two months from the date of the publication of the said notification have expired the Governor in Council, if no objections have been sent as aforesaid, or (where such objections have been so sent in) if in his opinion they are insufficient, may by like notification constitute the said Municipal District, and may declare from time to time who shall be deemed inhabitants thereof within the meaning of this Act, and by what name such District shall be designated.

V. In every place which shall have been constituted a Municipal District the Governor of Bombay in Council, or any officer duly authorized by him, shall in like manner notify who, under section VII. or section IX. of this Act, are to be the Municipal Commissioners for carrying out in such place the purposes of this Act. The Municipal Commissioners of such place shall, by the name of "The Municipality of —," be a body corporate, and shall have perpetual succession and a common seal, and be competent to hold property, moveable and immovable, to them and their successors, and to convey the same with the sanction of the Governor in Council, or any officer duly authorized by him, and to enter into all necessary contracts for the purposes of this Act, and by such name shall sue and be sued.

VI. Municipalities shall be of two kinds, corresponding with the nature and powers of the Commissioners, and termed "City Municipalities" and "Town Municipalities" respectively: Provided that no 'City Municipality' shall be constituted in any Municipal District containing less than 10,000 inhabitants and that no 'Town Municipality' shall be constituted in any Municipal District containing less than 2,000 inhabitants.

Clause 2. It shall be competent to the Governor in Council to constitute temporarily as a Municipal District the site of a fair or jutra held for religious or trading purposes together with the village or villages to which the people frequenting such fair or jutra resort for the purpose of such fair or jutra, and to vest the power and responsibility for carrying out the purposes of this Act in such a Municipal district in the Municipal Commissioners of an adjacent City or Town Municipality or of a Town Municipality specially constituted for the time being. No notification of

the nature prescribed in Section IV. of this Act shall be necessary in the case of temporary Municipalities as aforesaid, but the remaining provisions of this Act relating to Town Municipalities shall be applicable to such temporary Municipalities.

VII. City Municipalities shall consist of the undermentioned Commissioners:—

The Collector of the District, who shall be President.	} Ex-officio.
The Assistant or Deputy Collector in charge of the talooka in which the City Municipality is situated.	
The Hoozoor Deputy Collector and Magistrate.	
The Mamlutdar of the said talooka.	
The City Inspector or Chief Constable of the said talooka.	
The Executive Engineer.	} When resident in or near the place, and not otherwise.
The Civil Surgeon.	
The Superintendent of Police.	
The Assistant Superintendent of Police.	

Such persons, resident in or near the place, as the Governor in Council, or any officer duly authorized by him, may appoint to be Commissioners: provided that the number of such Non-official Commissioners shall always be not less than double that of the ex-officio Commissioners.

Provided also that such Non-official Commissioners shall be appointed only for a term not exceeding three years, or until their successors shall have been appointed, but shall on the expiration of that period be eligible to be again appointed for a further term or terms.

Clause 2. The Governor in Council may, if he think fit, direct the whole or any portion of the Non-official Commissioners to be appointed by election, and in that case may fix the time and manner of the election and the qualification of the electors, and generally may make such rules as he shall think fit for regulating the election.

Clause 3. The Governor in Council, or other officer duly authorized by him, may from time to time remove any of the Commissioners so appointed who shall desire to be discharged, or refuse or become incapable to act, or be convicted of an offence punishable under the Indian Penal Code, or who shall without sufficient excuse neglect to be present at two-thirds of the meetings during any twelve months at which it was his duty to attend.

VIII. In City Municipalities, the entire power and responsibility for carrying out the purposes of this Act shall be vested in the Commissioners collectively, except in so far as such power may be limited by

this Act, or such power and responsibility may be delegated by the Rules hereinafter required.

Clause 2. It shall be the duty of the President to preside at meetings of the Commissioners, to watch over the financial and executive administration, to submit questions of importance for the decision of the Commissioners, and to perform such executive functions as may be assigned to him in the Rules hereinafter required.

Clause 3. In the decision of all questions submitted to the Commissioners, the President shall have a casting vote, and the power of suspending the operation of any resolution which may be carried against a minority of the Commissioners, being not less than two-fifths of those who may have voted on the motion and of referring the matter forthwith for the orders of the Governor in Council, whose decision shall be final.

Clause 4. In the event of his absence from any general meeting the President may appoint one of the Commissioners to preside on the occasion, and in default of his doing so the Commissioners present shall elect one of their number for that purpose.

IX. Town Municipalities shall consist of the undermentioned Commissioners :—

The Collector of the District, who shall be President.

The Assistant or Deputy Collector in charge of the Talooka, who shall be Vice-President.

The Mamlatdar or Mahalkuree of the Talooka or Mahal in which the Town Municipality is situated. } Ex-officio.

The Chief Constable of the Talooka or Mahal in which the Town Municipality is situated. }

Such persons, resident in or near the place, as the Governor in Council, or any officer duly authorized by him, may appoint to be Commissioners : provided that the number of such persons shall in no case exceed twelve and that not more than one-half of the whole number of Commissioners shall be persons holding salaried offices in the service of Government. } Non-official.

Provided also that such Non-official Commissioners shall be appointed for a term not exceeding three years or until their successors shall have been appointed but shall on the expiration of that period be eligible to be again appointed for a further term or terms.

Clause 2. The Commissioners shall at the first general meeting after the 31st day of March in each year elect one of their number to be Chairman for the ensuing twelve months or until a new Chairman be elected.

Clause 3. The Governor in Council, or other officer aforesaid, may, from time to time, accept the resignation of, or remove, any of the Non-official Commissioners, and may fill up vacancies, or complete the legal number, as may seem to him fit.

X. In Town Municipalities the power and responsibility for carrying out the purposes of this Act shall be vested in the President finally, and in the Vice-President subject to appeal to the President either by the other Commissioners, or by the public, or any individual considering himself aggrieved; provided that in the event of the President or Vice-President differing on any matter from a majority of the Commissioners, he shall record in writing his reasons for over-ruling their opinion.

Clause 2. The local executive authority shall be vested in the Chairman and other local Commissioners, and exercised in such manner as may be provided in the Rules hereinafter required, but the detailed executive management, or any portion of it may under their control, and as laid down in such Rules, be entrusted, with or without remuneration, to either the Chairman or one or more of the Commissioners, or to a separate stipendiary officer.

Clause 3. The duties of the President, Vice-President, and Chairman, shall correspond with those of the President of the City Municipality as laid down in Section VIII., Clause 2 of this Act. The senior of them present shall preside at all Municipal meetings, and in the event of all three being absent the Commissioners present shall elect a Chairman for the occasion.

XI. Every Municipality shall hold four quarterly general meetings in every year, on or about January 1st, April 10th, July 1st, and October 1st, at which the Commissioners shall meet for the transaction of general business. The President, and in Town Municipalities the Vice-President also, may, whenever he thinks fit, and shall, upon a written requisition signed by not less than one-fourth of the whole body of Commissioners, call a special general meeting. Seven clear days' notice of quarterly general meeting and three days' clear notice of a special general meeting, specifying the time and place of such intended meeting, and the business to be transacted thereat, shall be circulated to the Commissioners, and posted up at the Municipal Office, or local Kutcherry, or other public place.

Clause 2. No business shall be transacted at any general meeting unless at least one-half of the Commissioners be present. If a quorum of Commissioners be not present at any general meeting the presiding authority shall adjourn the meeting till such convenient time as he may 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, whether there be a quorum present or not.

Clause 3. All questions which may come before the Municipality at any general meeting shall, saving the powers reserved to the President, and in Town Municipalities to the Vice-President, be decided according to a majority of votes, the President, Vice-President or Chairman for the time being having a casting vote.

Clause 4. The business transacted at a general meeting shall be such as may have been brought forward by the Municipal executive, or by the President, and in Town Municipalities by the Vice-President also, or by any Commissioner who may have given notice of the same to the President ten days before a quarterly general meeting; or in the requisition for a special general meeting, and as shall have been duly specified in the notices.

Clause 5. Any general meeting may, with the consent of a majority of members present, be adjourned from time to time; but no business shall be transacted at any adjourned meeting other than that left unfinished at the meeting from which such adjournment took place.

XII. In cases in which it may appear to the President or Vice-President or Chairman unnecessary to convene a special general meeting he may circulate written propositions of his own, or of other Commissioners, or of the Municipal executive, for the observations and votes of the Commissioners. In such cases the decision shall, saving the powers reserved to the President and Vice-President respectively, be according to a majority of votes of the Commissioners voting, unless the prescribed proportion of such Commissioners should require a special general meeting to be convened.

XIII. All necessary contracts for the purposes of this Act shall be entered into by or on behalf of the Municipality in the manner prescribed in the Rules hereinafter required to be made.

Clause 2. No Commissioner shall be personally liable for any contract made or expense incurred by or on behalf of the Municipality, but the funds from time to time in the hands of the Municipality shall be liable for and charged with all contracts made and expenses duly incurred as aforesaid. Every Commissioner shall be liable for any misapplication of money entrusted to the Municipality to which he shall have been a party, or which shall have happened through or been facilitated by his gross neglect of duty, and he shall be liable to be sued for the same as for money due to the Government.

Clause 3. No Commissioner, except with the written consent of the President, and no officer or servant of the Municipality, shall be in any wise concerned or interested in any contract made with the Municipality, and if any person be so concerned or interested he shall thereby become incapable of continuing in office or in employment, and shall be liable to a fine not exceeding five hundred rupees which shall be leviable as hereinafter provided: Provided always that no person by being a shareholder in or a member of any registered or incorporated Company, shall be disqualified from acting as a Commissioner by reason of any contract entered into between such Company and the Municipality. Nevertheless it shall not be lawful for a shareholder or member to act as a Commissioner in any matter relating to any contract between the Municipality and such Company.

XIV. It shall be the duty of every Municipality, as soon after their constitution as conveniently may be, to prepare Rules, and afterwards from time to time to repeal, alter, or amend the same as occasion may require, regulating the nature and action of the Municipal executive administration, provided that no Rule shall have effect until the same shall have been approved by the Governor in Council, or any officer duly authorized by him. All Rules when so approved shall, until altered or rescinded under the same authorities, have the same force as if they had been inserted in this Act.

Clause 2. The Rules prepared as above shall provide for the following matters:—

(a.) The person or persons to be primarily responsible for the current executive administration, that is to say:—

(1) In City Municipalities: whether such administration shall be vested in a single officer, paid or unpaid, and whether such officer shall be a member of the Municipality or not; or in two or more such officers; or in a Managing Committee assisted by a Secretary, or otherwise.

(2) In Town Municipalities ; what portion of the local executive authority shall be exercised by the Chairman and Commissioners, or one or more of them, and what by the Chairman or other executive officer alone.

(b.) The extent to which the general powers of the Municipality, and the executive functions of the President and Vice-President other than those proscribed in this Act shall be delegated to the executive authorities constituted as above, or to their subordinates.

(c.) The times and places of meeting of such executive authorities, the mode of their transacting business, the custody of moneys, the keeping and submission of accounts, the execution of contracts, and the like.

(d.) The mode of appointment, granting leave, punishment, and dismissal of all officers and servants of the Municipality, their duties, the securities to be furnished by any of them, and the salaries they shall receive.

(e.) The taxes, tolls, or other imposts to be levied in the place under this Act, together with the times and mode of collection of the same.

(f.) The mode in which and the authority by whom any Bye-laws not repugnant to existing law or this Act, on the subject of markets, slaughter-houses, water-supply, conservancy, places for the disposal of the carcasses of animals, and all other matters connected with the purposes of this Act shall be made, altered, amended, or repealed; the fines or penalties leviable for the infringement of such Bye-laws; and the authorities by whom such fines or penalties shall be imposed and levied.

(g.) Any other executive matters not inconsistent with the spirit and purposes of this Act.

XV. Every Municipal Commissioner, Commissioners, &c., to be public servants. Executive Officer (whether paid or not), and servant, as also

every contractor or agent for the recovery of the rents and profits of municipal properties or the levy of any tax, toll, or other impost on behalf of the Municipality, and his Agents, shall be held to be a public servant within the meaning of Section XXI. of the Indian Penal Code.

XVI. It shall rest with the Government. Municipalities may be altered or abrogated. nor in Council or any other officer duly authorized by him, to decide, subject to the provisions contained in Section VI. of this Act, whether any Municipal District constituted under this Act shall be administered by a City Municipality or a Town Municipality, as also at any time subsequently to substitute in any such place a City Municipality for a Town Municipality, or *vice versa*; and to abolish any Municipal District and Municipality, should he deem it advisable to do so.

III.—MUNICIPAL PROPERTY AND FUND.

XVII. All property of the nature hereinafter specified shall be vested in and belong to the Municipality, and shall, together with all other property, of what nature or kind soever, which may become

vested in the Municipality, 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 town walls, gates, markets, slaughter-houses, manure and nightsoil depôts, and public buildings of every description not specially reserved by Government.

(b.) All public streams, 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.

(c.) All public sewers and drains, and all sewers, drains, tunnels, culverts, gutters, and watercourses in, alongside, or under any street, and all works, materials, and things appertaining thereto, as also all dust, dirt, dung, ashes, refuse, animal matter, or filth, or rubbish of any kind collected by the Municipality from the streets, houses, privies, sewers, cesspools, or elsewhere.

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

(e.) All land transferred to them by Government, or by gift, or otherwise for local public purposes.

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

XVIII.—All moneys received by or on behalf of the Municipality by virtue of this or any other Act; all taxes, tolls, and other imposts, fines, fees, penalties, paid to or levied by them under this Act; all proceeds of land or other property sold by the Municipality, and all rents accruing from their land or property; as also all interest, profits, and other moneys accruing by gifts or transfers from Government or private individuals or otherwise, shall constitute the Municipal Fund, and shall be held and dealt with in a similar manner to the property mentioned in the last preceding section.

XIX.—In the event of any place to which the operation of Act XXVI. of 1850 has been extended being, within six months from the date of the passing of this Act, included within the limits of a Municipal District constituted as herein provided, all property moveable and immoveable which shall, on the date on which such place shall be included within such Municipal District aforesaid, be vested in or held in trust for the Municipal Commissioners appointed under the said Act XXVI. of 1850, with all rights of way and easements, and all other rights of whatsoever description now used, enjoyed, or possessed by the said Commissioners shall, on and from the date on which such place shall be included within such Municipal

District aforesaid, be vested in the Municipality constituted under this Act.

Clause 2. No action, suit, prosecution, or other proceeding whatsoever, commenced or carried on either by or against the said Municipal Commissioners previously to the date aforesaid, shall abate or be discontinued or prejudicially affected by this Act but shall continue and take effect both in favour of, and against, the Municipality in the same manner in all respects, as the same would have continued and taken effect in relation to the said Municipal Commissioners, or any of them, if this Act had not been passed; and all decrees and orders made, and all fines and penalties imposed and incurred respectively, previously to such date aforesaid, shall, and may be enforced, levied, recovered, and proceeded for; and all administrative proceedings commenced previously to the date aforesaid, shall, and may be continued, proceeded with, and completed in such or the like manner, as if this Act had not been passed, the Municipality constituted under this Act being in reference to the matters aforesaid, in all respects aforesaid, in the place of the said Municipal Commissioners.

XX. In the event of any place to which Existing Municipalities not made into Municipal Districts. the operation of Act XXVI. of 1850 has been extended not being, within six months from the date of the passing of this Act, included within the limits of a Municipal District constituted as herein provided, all property and rights of what nature or kind soever which may, on the date of the expiration of the said period of six months, be vested in the Municipal Commissioners appointed under the said Act XXVI. of 1850, shall become vested in the Governor in Council, and the proceeds shall be expended for the benefit of the said place.

XXI. Every Municipality desiring from time to time to impose any tax, toll, or other impost for the purposes of this Act shall give notice of such intention, and shall in such notice define the nature of the tax, toll, or other impost, the class of persons or property to be made liable thereto, and the amount to be imposed.

Clause 2. Any inhabitant of the Municipal District objecting to such tax, toll, or impost may within a fortnight from the date of the said notice send his objection in writing to the Municipality, and the Municipality shall take such objection into consideration, and report their opinion thereon to the Governor in Council.

v.—100

Clause 3. When a fortnight from the date of the said notice has expired, if no such objections have been sent as aforesaid, or (where such objections have been sent in) if in the opinion of the Governor in Council they are insufficient, the Governor in Council may approve of the provision for the said tax, toll, or impost in the Rules, and such tax, toll, or impost shall be imposed accordingly.

XXII. When any license is granted by the Municipality under this Act, or when charge fees for licenses. permission is given by them for making any temporary erection or for putting up any projection, or for the temporary occupation of any street or other land vested in the Municipality, the Municipality may charge a fee for such license or permission. The rates of such fees shall be specified in the Rules contemplated in Section XIV. of this Act.

IV.—APPLICATION OF MUNICIPAL PROPERTY AND FUNDS.

XXIII. All property vested in the Municipality, and all Municipal property funds received or and funds, where applicable. raised by them in accordance with the provisions of this Act, shall be applied for the purposes of this Act within the limits of the Municipality. Provided always that it shall be lawful for the Municipality, with the sanction of the Governor in Council or any officer duly authorized by him, to make a contribution towards expenditure incurred in any other Municipality: or in any Local Funds District constituted under (Bombay) Act III. of 1869, for measures affecting the public health, instruction, or convenience which are calculated to benefit the residents within the limits of the contributing Municipality.

XXIV. All Municipal property and funds shall be applicable to the objects connected with the public safety, health, instruction and convenience, and as regards the Police to the extent hereinafter specified, and not otherwise; that is to say :—

Public Safety.

(1) Defraying such proportion; not exceeding one-half, of the charges of every description of the Police who may be *bond fide* employed for the security of life and property within the Municipal limits, as the Governor in Council may direct after consideration of the representations of the Police Commissioner and the Municipality, to whom the estimates of the Police Commissioner shall be submitted annually for their opinion.

(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 such 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, and taking a Census, and such other lawful sanitary measures as the Municipality 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, wells, dams, arks, and gardens, reclamation of unhealthy localities, and the like.

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

(4) Regulation and abatement of offensive trades and places for disposal of the dead and the removal of and providing sites for the same.

Public Instruction.

(1) Defraying such proportion of the cost of the construction, support and maintenance of any schools or colleges within the Municipal limits as the Municipality may think fit.

(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, chokies, dhurmshalas, rest-houses, and other needful buildings.

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

Clause 2. It shall be lawful for the Municipality to purchase, sell, or lease land, or buildings or other property for any of the objects above named; or to lease or sell, with the consent of the Governor in Council 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.

XXV When there is any hinderance to the permanent or temporary acquisition of land, upon payment of any land or building required for the purpose of this Act, the Governor in Council may, after obtaining possession of the same for Government under Act X. of 1870, or other existing law, vest such land or building in the Municipality on their paying the compensation awarded.

XXVI. It shall be lawful for the Municipality 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 name of the Municipality, and from time to time to dispose of such securities as may be necessary.

Clause 2. All surplus funds over and above what may be required for current expenses shall, unless placed at interest as above, be deposited in the local Government Treasury or such other place of security as may be sanctioned in the Rules contemplated in Section XIV. of this Act.

V.—GENERAL CONSERVANCY.

XXVII. The provisions of this chapter shall apply to all city Municipalities to which the provisions of Chapter V. are or may be rendered applicable. Municipalities constituted under this Act, but as regards all Town Municipalities so constituted only such provisions of this chapter shall be rendered applicable to such Town Municipalities as the Governor in Council may direct: Provided that one month before any of the provisions of this chapter shall be put in force and acted upon in any Town Municipality a notification in the language of the District shall be posted up in conspicuous places of the Town Municipality affected thereby, specifying the provisions of this chapter which it is intended to put in force and proclamation to a like effect shall be made by beat of batakee at least four times.

XXVIII. It shall be lawful for the Municipality to lay out and make new streets, &c. public streets or roads, and to build bridges, tunnels, and other works appertaining to the same, and to widen, open, enlarge, or otherwise improve any such streets or roads, and to turn, divert, discontinue, or stop up any such streets or roads, and to sell the land, or such part thereof as may not be required for the purposes of this Act.

Clause 2. In laying out or making any new streets, or in turning, diverting, widening, opening, enlarging, or otherwise improving any public street, in addition to the land required for the carriage-way and foot-ways and drains thereof, the Municipality may purchase the land necessary for the houses and buildings to form the said street, and may sell and dispose of the same, in perpetuity or on lease for a term

of years, with such stipulations as to the class and description of houses or buildings to be erected thereon as they may think fit.

XXIX. Every person intending to lay out or make any new street shall give notice in writing thereof to the Municipality, and shall furnish plans and sections showing the intended level, means of drainage, direction, and width of such street, if required by the Municipality to do so, and the level, means of drainage, direction, and width of every such street shall be fixed or approved by the Municipality. Whoever lays out, makes, or builds upon any such street otherwise than in accordance with the instructions so received shall be liable to the penalty hereinafter provided, and the Municipality may cause any street so laid out or made to be altered, and any building erected in such street contrary to their directions to be altered or removed, and the expense thereby incurred shall be paid to them by the offender and recoverable as hereinafter provided. If no such level, means of drainage, direction, or width be fixed, and no disapproval of the level, means of drainage, direction, or width proposed be signified, or *ad interim* order for a specified period not longer than one month be issued by the Municipality within one month, the street may be laid out and made in the manner specified in the notice.

XXX. When any house or building, projecting or receding any part of which projects beyond the regular line of a public street either as existing or determined upon for the future, or beyond the front of the house or building on either side thereof, has been either entirely or in greater part taken down, or burned down, or has fallen down, the Municipality may, by written notice, require the same when being rebuilt to be set back to or towards the said regular line or the front of the adjoining houses or buildings, and the portion of land added to the street by such setting back shall thenceforth be deemed part of the public street and be vested in the Municipality: Provided always that the Municipality shall make full compensation to the owner of any such house or building for any damage he may 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.

Clause 2. The Municipality may, upon such terms as they think fit, 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.

XXXI. The external walls and covering of roofs of huts or other buildings erected or renewed after Combustible materials not to be used.

this Act comes into operation shall not be made of wood, cloth, canvas, grass, leaves, mats, or other inflammable matters, unless with the written consent of the Municipality, and the Municipality may, by written notice, require any person who may have contravened or caused to be contravened the above provision to remove or alter the same as they may think fit. Any person may give information and institute a prosecution under this section, and all expenses incurred in such prosecutions shall be recoverable from the owner of such hut or building as hereinafter provided.

XXXII. No house or building shall hereafter be built upon a lower level than will allow of the drainage thereof being led into some public sewer or drain either then existing or projected by the Municipality, or into some stream or river, or the sea, or some cesspool, or other suitable place which may be approved of by the Municipality.

XXXIII. Before beginning to erect any building, or to alter externally or add to any existing building, the person intending so to build, alter, or add shall give to the Municipality notice thereof in writing, and shall furnish to them, if required to do so, a plan showing the levels at which the foundation and lowest floor of such building are proposed to be laid by reference to some level known to the Municipality, and all information they may require regarding the limits, design, and materials of the proposed building and the intended situation and construction of the drains, sewers, privies, and cesspools (if any) to be used in connection therewith.

Clause 2. Within one month after receiving such notice the Municipality may in writing issue such orders not inconsistent with this Act as they think proper with reference to such building. If the Municipality fail to issue written orders, whether of approval or otherwise, with reference to such building within the said period, the person originally giving notice may proceed to erect the building in question in the manner proposed by him to the Municipality, provided that such building be in accordance with the provisions of this Act.

Clause 3. If such building be begun or made without the notice or without affording the information above prescribed, or in any manner contrary to the legal orders of the Municipality issued within the period aforesaid, or in any other respect contrary to the provisions of this Act, the person so building shall be liable to the penalty hereinafter provided, and the Municipality may, by written notice, require such building to be altered or demolished as they may deem necessary.

XXXIV. It shall not be lawful for any

Regulation of huts.

person to erect any range or block of huts or sheds, or to add any hut or shed to any range or block of huts or sheds already existing when this Act comes into operation without giving previous notice to the Municipality; and the Municipality 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 the Municipality may think proper for ventilation, and to facilitate scavenging, and at such a level as will admit of sufficient drainage, and may require such huts to be provided with such number of privies and such means of drainage as to them may seem necessary. And if any such huts or sheds be built without giving such notice to the Municipality, or otherwise than as required by the Municipality, the Municipality may give written notice to the owner or builder thereof, or the owner or occupier of the land on which the same are erected or are being erected, to take down and remove the same within one month or to alter them as they may think fit.

XXXV. Whenever the Municipality are

Improvement of huts.

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 such 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 or the neighbourhood, they shall cause a notice to be affixed to some conspicuous part of each 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 reasonable time as may be fixed by the Municipality for that purpose to execute such operations as the Municipality may deem necessary for the avoidance of such risk. And in case such owners or occupiers shall refuse or neglect to execute

such operations within the time appointed, the Municipality may cause the said huts or sheds to be taken down, or such operations to be performed in respect of such huts or sheds as they may deem necessary to prevent such risk. If such huts or sheds be pulled down the Municipality shall cause the materials of each hut or shed to be sold separately, if such sale can be effected, and the proceeds after deducting 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 Municipality until the person interested therein shall obtain the order of a competent Court for the payment of the same: Provided always that in case any huts or sheds existing at the time when this Act comes into operation should be pulled down under this section by order of the Municipality, or in pursuance of their notice, compensation shall further be made to the owner or owners thereof, and the amount thereof, in case of dispute, shall be ascertained and determined as hereinafter provided.

XXXVI. In case the Municipality shall

Provision of privies, &c.

be of opinion that any privy or cesspool, or additional privies or cesspools should be provided for any house or building, they may by written notice call upon the owner of such house or building to provide the same in such manner as the Municipality deem proper.

Clause 2. The Municipality may by written notice require any person or persons employing workmen or labourers exceeding twenty in number, or owning or managing any market, to provide such latrines and urinals as may seem to them fit, and to cause the same to be kept in proper order, and to be daily cleaned.

Clause 3. The Municipality may by written notice require the owner or occupier of any house or building having a privy on his premises to have such privy shut out by a sufficient roof, and a wall or fence from the view of persons passing by or resident in the neighbourhood, or to alter as they may direct any privy door or trapdoor opening on to any street which they deem to create a nuisance.

XXXVII. If any house or building in

Sufficient drainage of or near any street be houses. at any time undrained, or not drained to the satisfaction of the Municipality by a sufficient drain or pipe communicating with some sewer, drain, stream, river, or the sea, or other suitable place, and if there be such means of drainage within fifty feet of any part of such

house or building, the Municipality may by written notice call upon the owner to construct or lay from such house or building a drain or pipe of such size and materials, at such level, and with such fall as they think necessary for the draining of such house or building.

Clause 2. All covered sewers and drains, and all cesspools, whether public or private, shall be provided by the Municipality or other persons to whom they severally belong, with proper traps, or other coverings or means of ventilation, and the Municipality may by written notice call upon the owner of any such covered sewers, drains, or cesspools to make provision accordingly.

XXXVIII. Whoever without the written consent of the Municipality first obtained, makes or causes to be made any drain into or out from any of the sewers or drains vested in the Municipality by this Act shall be liable to the penalty hereinafter prescribed, and the Municipality may by written notice require such person to demolish, alter, re-make, or otherwise deal with such drain as they may think fit.

Clause 2. No building shall be newly erected or re-built over any sewer, drain, culvert, gutter, tunnel, waterpipe, or water-course vested in the Municipality by this Act without the written consent of the Municipality, and the Municipality may by written notice require the person who may have erected or re-built such building to pull down or otherwise deal with the same as they may think fit.

XXXIX. All sewers, drains, privies, house-gullies, and cesspools within the Municipal limits shall

be under the survey and control of the Municipality, and if private, shall be altered, repaired, and kept in proper order at the cost and charges of the owners of the land and buildings to which the same belong, or for the use of which they are constructed or continued, and the Municipality may by written notice require such owner to alter, repair, and put the same in good order in such manner as they think fit.

Clause 2. If any such sewer, drain, privy, housegully, or cesspool be constructed after this Act comes into operation contrary to the directions or general regulations of the Municipality or the provisions of this Act, or if any person without the consent of the Municipality construct any new sewer, drain, privy, housegully, or cesspool, or construct, rebuild, or unstop any sewer, drain, privy, housegully, or cesspool

which has been ordered by them to be demolished or stopped up, or not to be made, every person so doing shall be liable to the penalty hereinafter provided, and the Municipality may in addition require by written notice such person to demolish or make such amendment or alteration in any such drain or privy as they may think fit.

XL. The Municipality or any officer appointed by them for such purposes may, subject to the restrictions of this Act, inspect any sewer, drain, privy, housegully, or cesspool, and for that purpose, at any time between sunrise and sunset, may enter upon any lands or buildings 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 sewer, drain, privy, housegully, or cesspool is not in good order and condition, or that it has been constructed after this Act came into operation contrary to the provisions thereof, the expenses of such inspection shall be paid by the person to whom such sewer, drain, privy, housegully, or cesspool may belong, and shall be recoverable as hereinafter provided; but if the sewer, drain, privy, housegully, or cesspool be found to be in proper order and condition, and not to have been constructed in violation of the provisions of this Act, the Municipality 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 as aforesaid shall be defrayed by the Municipality.

XLI. The Municipality may by written notice require the owner of every house and building in any public street to 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 they may think fit, so that it shall not fall upon the persons passing along the street.

XLII. The Municipality may by written notice require 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 in this place, 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 and 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: Provided always that if such projection, encroachment, or obstruction shall have been lawfully made, the Municipality 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.

Clause 2. The Municipality shall possess similar power, but shall not be under the obligation of making compensation, with respect to all such projections, encroachments or obstructions which shall be erected or placed after this Act comes into operation in the place.

Clause 3. The Municipality may give written permission to the owners or occupiers of houses or buildings in public streets to put up open verandahs, balconies, or rooms, to project from any upper storey thereof to an extent not exceeding four feet beyond the line of the plinth or basement wall, and any person putting up such verandahs, balconies, or rooms without such permission shall be liable to the penalty hereinafter provided.

XLIII. The Municipality may by written notice require the owner or occupier of any land so to trim or prune the hedges thereof bordering any public street that the said hedges may not exceed the height of four feet from the level of the street, and width of four feet, and to cut down, lop, or trim all trees, or shrubs which in any way overhang, endanger, or obstruct, or which they deem likely to overhang, endanger, or obstruct any public road or street or to cause damage thereto, or which so overhang any public tank, well, or other provision for water supply as to pollute, or be likely to pollute the water thereof.

XLIV. The Municipality may erect or fix to the outside of any house or building brackets for telegraphic wires or lamps, and such pipes as they may deem necessary for the proper ventilation of sewers and waterworks, and such brackets and pipes shall be erected so as not to occasion any inconvenience or nuisance to the said house or building or any others in the neighbourhood.

XLV. The Municipality may from time to time cause to be Naming streets and to time cause to be numbering houses. put up 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 Municipality, 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.

XLVI. If, in any street, any house, building, or wall, or ruinous or dangerous buildings. any thing affixed thereon, be deemed by the Municipality to be in a ruinous state or likely to fall, or in any other way dangerous to the inhabitants of such house or building, or the neighbouring houses or buildings, or the occupiers thereof, or to passengers, they shall immediately, if it appears to them 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 Municipality shall cause all or so much of such house, building, wall, or thing, as they shall think necessary to be taken down, repaired, or otherwise secured; and all the expenses incurred by the Municipality shall be paid by the owner or occupier of the premises, and shall be recoverable as hereinafter provided: Provided always that if the danger be not of hourly imminence, it shall be at the discretion of the Municipality to issue in the first instance notice in writing to the owner or occupier to put up a proper hoard within two days, and to take action as above in the event of non-compliance with such notice.

XLVII. Whoever displaces, takes up, or Displacing pavements, makes any alteration &c. in the pavement, gutter, flags, or other materials, or in the fences, walls, or posts of any public street, without the written consent of the Municipality, or other lawful

authority, or having displaced, taken up or made alteration in any such pavement, gutter, flags, or other materials, or in fences, walls, or posts, shall fail to replace or restore the same to the satisfaction of the Municipality after notice to do so, shall be liable to the penalty hereinafter provided, and shall pay any expense which may be incurred in restoring the street, which shall be recovered in the manner hereinafter provided.

XLVIII. Whoever after this Act comes into operation in any place, shall build any wall, or erect or set up any fence, rail, post, step, stall, or any erection or thing, or other obstruction or encroachment in any public street, or shall deposit or cause to be placed or deposited any box, bale, package of merchandise, or any other thing in such street, or in or over or upon any open drain, gutter, sewer, or aqueduct in such street, shall be liable to the penalty hereinafter provided; and the Municipality shall have power to remove any such obstruction or encroachment, and the expense of such removal shall be paid by the person erecting or depositing the same, and shall be recoverable as hereafter provided. Nothing herein contained shall prevent the Municipality from allowing any temporary erections in any public street on occasions of festivals and ceremonies, or the piling of fuel in bye streets and spaces for not more than four days, and in such manner as not to inconvenience the public or any individual.

XLIX. Every person intending to build or take down any hoards to be set up during repairs, &c. building, or to alter or repair the outward part of any building where any street will by means of such work be obstructed or rendered unsafe or inconvenient, shall, before beginning the same, and having first obtained a license in writing from the Municipality 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, and shall continue such hoard or fence standing and in good condition to the satisfaction of the Municipality during such time as the public safety or convenience requires, and shall cause the same to be sufficiently lighted during the night, and shall remove the same when directed by the Municipality. Whoever contravenes the provisions of this section shall be liable to the penalty hereinafter provided.

L. The Municipality shall, during the construction or repair of any of the streets, sewers, drains, or

other premises vested in them, take proper precaution for guarding against accident by shoring up and protecting the adjoining buildings, and shall cause such bars, chains, or posts to be fixed across or in any of the streets to prevent the passage of carriages, carts, or other vehicles, cattle, or horses, while such works are carried on, as to them shall seem proper; and the Municipality shall cause any sewer or drain or other works in streets, 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 removes or extinguishes any light, without the authority or consent of the Municipality, shall be liable to the penalty hereinafter provided.

LI. No person shall deposit any timber or building materials or make a hole in a street without permission. Timber not to be deposited or hole made in a street without permission. out the written permission of the Municipality; and such permission shall be terminable at the discretion of the Municipality; 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 Municipality, and shall cause the same to be sufficiently lighted during the night. Whoever contravenes the provisions of this section shall be liable to the penalty hereinafter provided.

LII. If any place whatsoever be, for want of sufficient repair, protection, or enclosure, in the opinion of the Municipality dangerous to passengers, they may by written notice require the owner thereof to repair, protect, or enclose the same within twenty-four hours, so as to prevent danger therefrom.

LIII. Whoever deposits, or causes or permits any member of his family or household to deposit, any dust, dirt, dung, ashes, garden, kitchen, or stable refuse, or filth of any kind, or any animal matter, or any broken glass or earthenware or other rubbish, or any other thing that is, or may be, a nuisance, in any street or on any public quarry, jetty, or landing place, or on any part of the seashore or the bank of a tidal river, whether above or below high watermark, or on any river bank, except at such places and in such manner, and at such hours as shall be fixed by the Municipality.

pality, and whoever obeys, or permits any member of his family or household to obey, the calls of nature in any street, shall be liable to the penalty hereinafter provided.

Clause 2. Whoever throws or puts, or causes or permits any member of his household to throw or put, any of the matter above described, or, except with the permission of the Municipality, any night-soil, into any sewer, drain, culvert, tunnel, gutter, or watercourse, or into any drain communicating therewith, shall be liable to the penalty hereinafter provided.

LIV. Whoever causes or allows the water of any sink or sewer, or any other offensive liquid or other matter from his premises, or from his land, to run, drain, or be thrown or put upon any street, or to soak through a wall in any street, or causes or allows any offensive matter from any sewer or privy to run, drain, or be thrown into a surface drain in any street, without the permission, in writing, of the Municipality, shall be liable to the penalty hereinafter provided.

LV. Whoever, being the owner or occupier of any building or land, keeps or allows to be kept for more than twenty-four hours, or otherwise than in some proper receptacle, any dirt, dung, bones, ashes, night-soil, filth, or any noxious or offensive matter, in or upon such building or land, or suffers such receptacle to be in a filthy or noxious state, or neglects to employ proper means to remove the filth therefrom and to cleanse and purify the same, or keeps or allows to be kept in or upon such building or land any animal in such a way as to be a nuisance, shall be liable to the penalties hereinafter provided.

LVI. The Municipality may from time to time fix the hours within which only it shall be lawful to remove any night-soil or other such offensive matter; and when they have fixed such hours and given public notice thereof by beat of battakee, whoever removes, or causes to be removed, along any street any such offensive matter at any time except within the hours so fixed, or whoever at any time, whether such hours have been fixed by the Municipality or not, uses for any such purpose any cart, carriage, receptacle, or vessel not having a covering proper for preventing the escape of the contents thereof, and of the stench therefrom, or who wilfully or negligently slops 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 slopped 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 purpose 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 Municipality by public notice, shall be liable to the penalty hereinafter provided.

LVII. It shall be lawful after notice given to the occupier or occupiers of any building or land, or to the occupiers generally within the Municipal District or any recognised division thereof, for the Municipality to perform by their agents the duties usually performed by sweepers with regard to such building, land, district, or division, and to make suitable provision accordingly.

Clause 2. When the Municipality shall have made such provision, the occupier, or the several occupiers of the building or land so served, or all the several occupiers of buildings or lands situated within the District or Division regarding which such notice may have been given, shall become liable to pay any special cess which may be levied for such purposes under the Rules contemplated in Section XIV. of this Act.

LVIII. Whoever, being the owner or occupier of any building, or land, whether tenantable or otherwise, suffers the same to be in a filthy and unwholesome state, or in the opinion of the Municipality a nuisance to persons residing in the neighbourhood, or overgrown with rank and noisome vegetation, and who shall not, within twenty-four hours after notice in writing by the Municipality to cleanse, clear, or otherwise put the same in a proper state, have complied with the requisition contained in such notice, shall be liable to the penalty hereinafter provided: Provided that if the state of the house or building be such as in the judgment of the Municipality to render it unfit for human habitation they may further prohibit the using thereof for that purpose until it is so rendered fit.

LIX. It shall be lawful for the Municipality or any officer appointed by them for such purposes, any time between sunrise and sunset, on giving such notice as hereinafter provided, to enter into and inspect all buildings and lands, and by written notice, to direct all or any part

to be forthwith internally and externally limewashed or otherwise cleansed, for sanitary reasons.

LX. The Municipality may set apart sufficient public places,
Bathing places. or any part of the sea-

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

LXI. Whoever, in disobedience of any
Fouling water. order of the Municipality under Section

LX. of this Act, bathes in any stream, tank, or reservoir, well, cistern, conduit or aqueduct belonging to the Municipality, 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 anything, or causes or suffers to run, drain, or be brought thereinto anything that is, or may be, a nuisance, or does anything whatsoever whereby any such water shall be in any degree fouled or corrupted, or whoever, without permission of the Municipality, steeps in any tank, stream, or ditch within the Municipal District any animal, vegetable, or mineral matter likely to render the water of such tank, stream, or ditch offensive or a nuisance, shall be liable, on conviction before a Magistrate, to the penalty hereinafter provided.

LXII. When any pool, ditch, tank,
pond, well, hole, or

any waste or stagnant water, whether
Abatement of nuisances. the same be within any private enclosure or otherwise, shall appear to the Municipality to be likely to prove injurious to the health of the inhabitants or offensive to the neighbourhood, the Municipality may by written notice require the owner of the same to cleanse, or fill up, or drain off, or remove the same, or to take such measures as shall, in their opinion, be necessary to abate or remove the nuisance.

LXIII. Whoever, except with the written permission of the Municipality and in the way (if any) en-

joined in such permission, stores or uses night-soil, or other manure or substance emitting an offensive smell, shall be liable to the penalty hereinafter provided.

v.—102

LXIV. Whoever shall tether cattle or other animals, or cause
Tethering cattle, &c. or permit them to be tethered by any member of his family or household, in any public street, so as to obstruct the public traffic therein, or who causes or permits such animals to stray about without a keeper, shall be liable to the penalty hereinafter provided.

LXV. It shall be lawful for the Municipality to direct by public notice that every furnace employed or to be employed in any works or buildings used for the purposes of any trade or manufacture whatsoever within the limits of the Municipal District, whether a Steam Engine be or be not used or employed therein, shall in all cases be constructed or altered so as to consume or burn, or reduce as far as may be practicable, the smoke arising from such furnace; and if any person shall after such direction use, or permit to be used, any such furnace which shall not be constructed or altered so as to 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 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 purpose of traffic upon any railway, or for the repair of roads.

LXVI. It shall be lawful for the Municipality to direct that no place shall be used as a market for the sale of animals, meat, fish, and vegetables intended for human food, or as a slaughter-house, excepting the public markets or slaughter-houses, constructed or opened by the Municipality, or such other markets or slaughter-houses as may have been licensed in writing by the Municipality, who may, at their discretion, from time to time grant, withhold, or withdraw such licenses, either generally or in individual instances.

Clause 2. Whoever, contrary to such direction or without such license as aforesaid, sells or exposes for sale any such animals or commodities, or uses any place as a slaughter-house, shall be liable to the penalty hereinafter provided.

LXVII. The Municipality may from

Opening, closing, and letting of markets and slaughter-houses.

time to time open or close any public market or slaughter-house.

They may also either take stallage or other rents or fees for the use by any person of any such market or slaughter-house, or from time to time sell by public auction or otherwise the privilege of occupying any stall or space in, or of otherwise using, any such market or slaughter-house.

Clause 2. Any person who, without the permission or license of the Municipality, shall sell or expose for sale any article in the said markets, or use the said slaughter-houses, shall be liable to the penalty hereinafter provided.

LXVIII. The Municipality, or any officer

Search for unwholesome articles.

authorized by them for such purposes, may at all reasonable

times, enter into and inspect any place used for the sale either wholesale or retail, or for the storing, of articles intended for food or drink, or as a slaughter-house, and may examine any such articles which may be therein; and in case any such articles appear to be unfit for food or drink, may seize the same; and if it appear to a Magistrate upon sufficient evidence that the same are unfit for food or drink, he shall order the same to be destroyed, or to be so disposed of as to prevent their being exposed for sale or used for food or drink, and the owner thereof, or the person in whose possession the same are found, shall be liable to the penalty provided by Section 273 of the Indian Penal Code.

LXIX. If it be shown, to the satisfaction

Regulation of certain trades.

of the Municipality, that any building or place used for melting

tallow or sulphur; or for boiling or storing offal, blood, bones, or rags; or for washing or drying wool or hair; or as a soap house, oil boiling house, dyeing house, tannery, brick, pottery, or lime kiln, manufactory of sago, distillery, or other manufactory, or place of storing hides, fish, horns, skins, from which either offensive or unwholesome smells arise; or as a manufactory of gunpowder or fireworks, place of storing explosive substances or hay, straw, fodder, wood, coal, or other combustible material, is a nuisance to the neighbourhood, or so used or situated as to be likely to be dangerous to life, health, or property, the Municipality may by written notice require the owner or occupier to discontinue the use of such place, or to use it in such manner as they may deem will render it no longer a

nuisance, or injurious, or dangerous, and any person who contravenes the direction of such notice shall be liable to the penalties hereinafter provided.

LXX. The Municipality may, in the

Bye-laws for markets, slaughter-houses and certain trades.

manner provided in Section XIV. of this Act, make bye-laws

for and with respect to the inspection and management of all markets and slaughter-houses within the Municipal limits, the cleanly and proper conduct of business therein, and the charges for the use of such of them as may belong to the Municipality.

Clause 2. The Municipality may also make bye-laws for the inspection or licensing of every place used for any of the purposes mentioned in Section LXIX. and for the management and conduct of such business, whether the same be newly established or not, in such manner as they may think necessary and proper, in order to prevent or diminish the noxious, injurious, offensive, or dangerous effect thereof.

LXXI. It shall be lawful for the Mu-

Slaughter-houses, &c., beyond Municipal limits.

nicipality, with the sanction of the Governor in Council, or

any Officer authorized by him, to establish slaughter-houses or places for the disposal of carcases of animals, beyond the limits of the Municipal District, and all provisions of this Act and bye-laws relating to the management of such places within Municipal limits shall have full force therein, as if such places were within the Municipal limits.

LXXII. The Municipality may in the

Bye-laws for registration and a Census.

manner provided in Section XIV. of this Act, make bye-laws

regarding the registration of births, deaths, and marriages, and the taking of a Census.

LXXIII. In the event of the Muni-

Special Sanitary exigencies.

cipal District, or any part thereof, being at any time threatened

or visited with an outbreak of any epidemic disease, the Municipality is hereby empowered and directed, with the sanction of the Governor in Council or any officer duly authorised by him, to take such measures as may be deemed necessary to prevent, meet, mitigate, or suppress any such outbreak.

LXXIV. Any person who contravenes

Penalties.

the provisions of the Sections of this Act

hereinafter enumerated shall for each

offence be liable to penalties not exceeding those herein prescribed with reference to such sections respectively; that is to say :—

Sections XXXIII., XXXVIII., XXXIX., XLII., XLV., XLVII., XLVIII., XLIX., L., LI., LIII., LIV., LV., LVI., LVIII., LXII., LXIV., LXVI., LXVII. ...	} Fine not exceeding Rs. 25.

LXI.	"	"	Rs. 50.
XXIX., LXIX.	"	"	Rs. 100.

Clause 2. Any person who after conviction or notice, as the case may be, continues the offences referred to in the sections of this Act hereinafter enumerated shall, in addition to any penalty which may have been imposed, be liable for each day of such continuance to the penalties herein prescribed with reference to such sections respectively; that is to say :—

Sections XXXVIII., XXXIX., XLII., LV., LVI., LVIII., LXIV.	} Fine not exceeding Five Rupees.

XLIX., LI., LII.	"	Ten
LXIX.	"	Thirty "

LXXV. All written notices which may be issued by the Municipality, under Sections XXXIII. to XXXIX., XLI. to XLIII., XLVI., LVIII., LXII. and LXIX., of this Act shall prescribe a time, which shall, at the discretion of the Municipality, be not less than three days or more than one month, within which the action prescribed in the notice should be taken by the person upon whom the notice is served. In the event of non-compliance with the terms of the notice it shall be lawful for the Municipality to take such action, or the steps, as may be necessary for the completion thereof, and all the expenses incurred by them shall be paid by the person or persons upon whom the notice was served, and shall be recoverable in the manner hereinafter provided.

VI.—PROCEDURE, PROSECUTIONS, SUITS, &c.

LXXVI. Every notice under this Act may be served personally upon the person to whom the same is addressed, or by leaving the same with some adult male member or servant of his family; or, if it cannot be so served, it may be put up on some conspicuous part of such person's place of abode. If the notice relates to any building or land, and the place of abode of the owner is unknown, the notice shall be deemed to be duly served if put upon some conspicuous part of the building or land to which the same relates. No notice shall be invalid for defect of form.

LXXVII. 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 Municipality, 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 them by the person by whom such work ought to have been executed, and shall be recoverable as hereinafter provided either in one sum or by instalments as to the Municipality may seem fit.

Clause 2. If the defaulter be the owner of the house or land, the Municipality 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.

Clause 3. 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 Municipality, 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

Proviso.

person, owner, or occupier, respecting the payment of the expense of any such works as aforesaid.

LXXVIII. Whenever default is made

Occupier in default of owner may execute works and deduct expenses from his rent.

by the owner of any house or land, in the execution of any work required to be executed by him, the occu-

pier of such house or land may, with the approval of the Municipality, 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.

LXXIX. If the occupier of any house

Proceedings if any occupier opposes the execution of the Act.

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, any magistrate 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.

LXXX. It shall be lawful for the Municipality, or any

Entry for purposes of the Act.

officer authorized by them for such purposes,

to enter, for the purposes of this Act, between sunrise and sunset, into and upon any building or land, as well for the purpose of making any survey or inspection they may be entitled to make as for the purpose of executing any work authorized by this Act to be executed by them; provided that, except when herein otherwise provided, the Municipality or their said officer shall not enter upon any building 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' written notice of their or his intention to do so: provided also that in the case of buildings used as human dwellings, due regard shall be paid to the social and religious prejudices of the occupiers.

LXXXI. If a dispute arises with respect

Arbitration in cases of compensation, &c.

to any compensation, damages, costs, or expenses which are by

this Act directed to be paid, the amount, and if necessary the apportionment of the same, shall be ascertained and determined by a Punchayet of five persons, of whom two shall be appointed by the Municipality, two by the party to receive compensation, and one, who shall be Sir-Punch, shall be selected by the members already appointed as above. If either party, or both parties, fail to nominate representatives, or if the members fail to appoint a Sir-Punch, within one month from the date of either party receiving written notice from the other of claim to such compensation, damages, costs, or expenses, such members as may be necessary to constitute a Punchayet shall be appointed, at the instance of either party, by the District Judge. In the event of the Punchayet not giving a decision within one month from the date of the appointment of the Sir-Punch, the matter shall, on application by either party, be determined by a Court under the provisions of Act X. of 1870.

LXXXII. The Municipality may direct

Municipality may prosecute.

any prosecution for any public nuisance whatever, 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, and no prosecution for an offence under this Act shall be instituted except within three months next after the commission of such offence.

LXXXIII. If through any act, neglect,

Damage to Municipal property, how made good.

or default, on account whereof any person shall have incurred any penalty imposed

by this Act, any damage to the property of the Municipality 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 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.

Clause 2. It shall be lawful for the Municipality in lieu 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 this Act, to sue, in any Court of competent jurisdiction, the person liable to pay the same, as also any person who may have in any other way caused, or may appear likely to cause, any loss or innovation of any of the property, rights, or privileges of the Municipality.

Clause 3. The Municipality may make compensation out of the Municipal fund to any person sustaining any damage by reason of the exercise of any of the powers vested in them, their officers, and servants, under this Act.

LXXXIV. Every prosecution under this Jurisdiction of Magistrate. Act may be instituted before any Magistrate, whether the said Magistrate be a Municipal Commissioner or not, and every fine or penalty imposed under or by virtue of this Act or any bye-law made in pursuance thereof, as also upon information laid by order of the Municipality, all arrears of taxes and all expenses may be recovered by a summary proceeding before such Magistrate in the manner provided in the Code of Criminal Procedure.

LXXXV. 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, or 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.

LXXXVI. No action shall be brought against the Municipality, or any of their officers, or any person acting under their direction, for any thing done or intended to be done under this Act, until the expiration of one month next after notice in writing shall have been delivered or left at the office of the Municipality, or at the place of abode of the in-

tended defendant stating with reasonable particularity the cause of action, and the name and place of abode of the intended plaintiff; 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 any such notice of action is given shall, before action brought, tender sufficient amends to the plaintiff, such plaintiff shall not recover more than the amount so tendered, and shall pay all costs incurred by the defendant after such tender.

LXXXVII. Any Police officer may arrest any person committing in his view any offences 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 also be the duty of all Police officers to give immediate information to the Municipality of any offence committed contrary to the provisions of this Act, and to assist all collectors and other Municipal officers and servants in the exercise of their lawful authority.

VII.—MUNICIPAL ACCOUNTS AND GOVERNMENT CONTROL.

LXXXVIII. It shall be the duty of the Quarterly and annual President, or in Town accounts. Municipalities of the Vice-President, to lay or cause to be laid before the Municipality at their quarterly general meetings which take place in July, October and January complete accounts of the receipts and expenditure of the Municipal Fund during the period which may have elapsed since the commencement of the official year on April 1st preceding; and, at their annual general meeting in April, a complete such account for the year just expired, together with a budget estimate for the year then just commenced,

shewing what expenditure has been, or it is proposed by the Municipal executive should be, sanctioned for such year, and the manner in which it is proposed that such expenditure should be met: Provided always that the date of commencement of the official year may at any time be changed by Government.

Clause 2. The Municipality shall thereupon, or after audit of the past year's accounts if it has not previously taken place, pass the accounts of the past year and decide upon the appropriations, and the ways and means, contained in the budget of the year then just commenced. The budget so sanctioned may be varied or altered from time to time as circumstances may render desirable at a special general meeting called for the purpose.

LXXXIX. The Municipal accounts shall from time to time, and once in every year at the least, be audited by such agency as may be prescribed in the Rules required by Section XIV. of this Act. The auditor, or auditors, shall, for the purposes of their office, have access to all the accounts and other records of the Municipality.

XC. The Municipality shall, as soon as the annual accounts have been finally passed by them, transmit to the Governor in Council or any officer duly authorized by him, a copy thereof, or an account in such form as the Governor in Council may prescribe, and shall furnish such details and vouchers relating to the same as he may from time to time direct.

XCI. Whenever it shall have been ascertained by the Governor in Council, through the Commissioner of Police, or District Magistrate, or other person or persons appointed by the Governor in Council to inquire into and report on the subject, that the Municipality of any place have neglected any work or duty, falling within the scope of this Act, which is, in the opinion of the Governor in Council, emergently necessary for the public health or safety, it shall be lawful to the Governor in Council to issue an order to the said Municipality to execute such work or perform such duty, and if that order be not obeyed, or in process of being obeyed within one week from the date of its receipt by the Municipality, the Governor in Council may direct the District Magistrate to execute the said work, or to

perform the said duty, and to recover the expense thereof from the Municipal fund; and in failure of immediate payment of the said expense by the Municipality out of the said Fund, the Governor in Council may recover the amount by suit in the Civil Court or Courts having jurisdiction in the said place, and the costs of the suit shall be recoverable from the Municipality. The said Municipality may, out of the Municipal Fund, or by further taxation lawfully imposed, defray any sum of sums which they may be compelled to pay to the Governor in Council for the expenses of the execution of such work or performance of such duty. The said suit shall be instituted in the name of the Secretary of State for India in Council.

Clause 2. The Governor in Council shall possess powers similar to the above in the event of the Municipality of any place neglecting or refusing to make payments for the purposes of Police to the extent provided in Section XXIV. of this Act.

VIII.—PUBLICITY OF MUNICIPAL PROCEEDINGS: APPEALS.

XCII. All general meetings, and all meetings of any Managing Committee, Sub-Committee, or other body of Commissioners holding Municipal Executive authority, and the office of any officer having the sole Executive authority, shall be open to the public: Provided that the person presiding, or the sole Executive Officer, as the case may be, may cause to be ejected any person interrupting the proceedings, and may direct the public to withdraw pending any inquiry or deliberation of a private nature.

XCIII. Minutes of the proceedings of all general meetings shall be drawn up in the vernacular language, and in English also where practicable, and fairly entered in a book to be kept for the purpose, and shall be signed by the officer who presided at such meeting. Decisions under Section XII. of this Act shall be similarly recorded.

Clause 2. Similar minutes in the vernacular language shall be kept of the proceedings of all Committees or other bodies of Commissioners holding Municipal Executive authority.

Clause 3. The above minutes shall at all reasonable times be open to the inspection of all inhabitants of the place.

XCIV. The quarterly and annual accounts of receipts and expenditure, and the budget when sanc-

tioned, shall similarly be open to inspection, and shall be published in the vernacular language in any newspaper which may exist in or near the place or in any other manner which the Municipality may prefer.

XCV. The rules in force under Section XIV. of this Act shall be kept at the Municipal Office for public inspection, and shall be printed in the vernacular language, and sold at a reasonable price.

XCVI. Complaints against the stipendiary establishment shall in the first instance be laid before the person or persons constituted, by the Rules in force under Section XIV. of this Act, primarily responsible for the current executive administration.

Clause 2. Persons dissatisfied with the decision of the abovementioned authority in such cases, or wishing to appeal against any other decisions or orders made by them, which are appealable under the said Rules, may prefer an appeal to the President, or in Town Municipalities, to the Vice-President, within thirty days of the date of such decisions.

Clause 3. In City Municipalities, the President, in the event of his differing from the decision or order, shall in communication with the abovementioned authority, endeavour to cause redress to be afforded to the complainant, and failing to do so, shall lay the case before the Municipality

at the next general meeting, or under Section XII. of this Act. In Town Municipalities the President, or the Vice-President if the appeal shall have been made to him or referred to him by the President, shall pass such order as he may think fit, which order shall be final.

XCVII. Nothing in this Act shall be held to debar any person from suing any Municipality in a Court of competent jurisdiction for any loss or wrong occasioned to him by the said Municipality, its officers, or servants.

XCVIII. It shall be the duty of each Police Commissioner to inspect the accounts and proceedings of every Municipality which he may visit during his tour of inspection and to report to the Government his opinion of the manner in which this Act is being carried out in such Municipality.

XCIX. The Governor in Council may from time to time delegate to the Police Commissioners and to the Commissioner in Sind, in the event of the Act being extended to that Province, all or any of the powers or duties which under this Act are required or intended to be exercised or performed by the Governor in Council with the exception of the power conferred on the Governor in Council under Sections XXVII. and XC. of this Act, and may from time to time revoke such powers or duties or any parts or part thereof.

By order of His Excellency the Governor in Council,

JOHN NUGENT,

Acting Under Secretary to Government.

Poona, 17th October 1873.