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PART V.

PROCEEDINGS OF THE LEGISLATIVE DEPARTMENT, BOMBAY.

The following Report of the Select Committee of the Council of His Excellency the Governor of Bombay on the "Bill to consolidate and amend the Law relating to the Municipal Government of the City of Bombay," and the Bill as amended by the Select Committee are, in accordance with Rule 25 of the Rules for the Conduct of Business at Meetings of the Council, published for general information :—

Report of the Select Committee appointed to consider the Bill (No. 4 of 1887) to consolidate and amend the Law relating to the Municipal Government of the City of Bombay.

WE, the members of the Select Committee appointed to consider Bill No. 4 of 1887 (the City of Bombay Municipal Bill), have the honour to present the following report :—

2. We have considered, in connection with the Bill, the several documents,

1. Government Resolution No. 1421 of 27th April 1883, General Department, on the subject of a memorial made by certain influential gentlemen in Bombay asking for a legislative Act to prevent the nuisance caused by the steam-whistles of the various factories in Bombay.

2. Correspondence commencing with the Accountant General's letter to Government, No. ^{9.A.}₆₅₉₉ of 26th June 1885 and ending with Government memorandum No. 3276 of 15th September 1886, General Department, on the subject of the appointment of the municipal auditors by Government.

3. Letter to Government dated—September 1885, from Mr. Framji Kavasji Marker, with an explanatory letter and note thereupon from the Municipal Commissioner, on the subject of deducting from the estimated annual value of property the equivalent of the taxes formerly known as occupiers' rates and now paid with owners' rates by owners.

4. Letter No. 102 of 18th January 1887 from the Remembrancer of Legal Affairs to Government giving cover to a demi-official letter from the Acting Municipal Commissioner, who recommends that the maximum pay of the Municipal Commissioner be increased.

5. Government Resolution No. 1034 of 29th March 1887, General Department, desiring that, when practicable, steps be taken to amend the Municipal Acts so as to permit of instalments of loans due from the Corporation to Government on the 1st January being paid on the first day after that date when public offices are open.

as per margin, which have been placed before us; and on several points we have consulted and heard the opinions of the present Acting Municipal Commissioner, Mr. Charles. The amendments suggested in these documents are extremely numerous and the alterations which we have made in the Bill are also very considerable in number. It will be impossible, therefore,

6. Government Resolution No. 97 of 25th April 1887, Legislative Department, and previous correspondence (including the Government of India's letter No. 544 of 17th March 1887 and the Municipal Solicitors' letter of 17th April 1886) on the subject of transferring jurisdiction in municipal cases of a civil nature from the Chief Presidency Magistrate to the Chief Judge of the Small Cause Court.

7. Letter from the Coroner of Bombay, No. 21 of 26th May 1887, submitting a copy of the verdict of the jury on the inquiry held into the death of one Shaik Husen valad Shaik Raj Ahmed, who was killed by a house falling upon him, in which the jury expressed an opinion that "the building sections of the Municipal Act require amendment."

8. Letter dated 27th May 1887 from the Acting Municipal Commissioner suggesting that a portion of the pension contribution payable to Government by the Executive Health Officer be made payable in future from the municipal fund.

9. Memorial from the Bombay Presidency Association, dated 22nd July 1887, on the main principles of the Bill.

10. Letter dated 29th July 1887 from the Acting Municipal Commissioner regarding the power of the Commissioner to speak at meetings of the Corporation and Town Council.

11. Letter dated 6th September 1887 from the Acting Municipal Commissioner with a statement of proposed amendments in the Bill.

12. Government Resolution No. 3092 of 6th October 1887 referring for the consideration of the Select Committee certain correspondence on the question whether the Municipality or the Port Trust should provide latrine accommodation for the public who resort to the wharves and bandars on the Port Trust's property.

13. Letter No. 1361 of 13th October 1887 from the Chairman of the Municipal Corporation to Government, asking Government to request the Select Committee not to proceed with consideration of the Bill without receipt of the views of the Corporation thereon which will shortly be forwarded, with the reply of Government.

14. Letter from the Accountant General, No. ^{C. B.}₁₉₁₈₀, dated 20th October 1887, suggesting that the term "Her Majesty's Treasury," wherever it occurs in the Bill, be altered to a more suitable term.

15. Letters Nos. 1413 and 1414, dated 25th October 1887, from the Chairman of the Corporation to Government forwarding the views of the Corporation on the Bill and a statement of detailed amendments approved by the Corporation and an amended copy of the Bill.

16. Letter No. 4582, dated 25th October 1887, from the Secretary to the Port Trust to Government, submitting the views of the Trustees as to the bearing of the Bill upon the interests of the Port Trust and the amendments in it necessary for safeguarding those interests.

17. Letter No. 4800, dated 8th November 1887, from the Secretary to the Port Trust to Government, submitting a supplementary memorandum which expresses the further views of the Port Trust, after consideration of the Corporation's letter No. 1414 and recommendations concerning the Bill.

18. Correspondence between the Government of India and the Government of Bombay, ending with the Government of India's letter No. 159, dated 18th November 1887, Home Department, on the subject of modifying clause (f) of section 81 and clause (c) of section 179 of the Bill.

19. Memorial from the Bombay Rate-payers' and Residents' Association, dated 24th November 1887, submitting observations on the Bill.

20. Government Resolution No. 3673, dated 7th December 1887, General Department, regarding the arrangements made by the Port Trustees for providing latrines on their property.

appropriateness of these designations appear to us to recommend them strongly for adoption, the more so, because they coincide with the designations of similar bodies and of the members of such bodies in other parts of the British empire. We do not attach much weight to the argument that the corresponding body under the present Acts has been known for sixteen years past as "the Municipal Corporation." Sixteen years is but a short period in the life of a city, and as the present legislation aims at a complete municipal measure which will probably operate for many years to come, the opportunity is a suitable one for re-considering the names which should be permanently applied to the two bodies who, with the Municipal Commissioner, are entrusted with the administration of that measure.

4. The present Town Council is, and the body which succeeds it will be, nothing more than a working committee appointed from amongst the members of the superior body, and the designation of "Standing Committee" is, in our opinion, more appropriate to it than that of "Council."

to give, in a report of reasonable length, reasons either for rejecting all the proposals of which we have not approved; or for accepting all those which we have adopted; but the copy of the Bill appended to this report shows clearly what alterations, omissions and additions we have made, and we propose in this report to explain only those which affect any matter of principle or of considerable importance. In doing this, it seems that the most convenient course will be to follow the sequence of the sections.

3. From sections 4 and 5 it will be seen that we have decided to employ the term "council" to designate the larger and principal body concerned in the administration of municipal affairs. This body which, we propose, shall henceforward be known as "the Municipal Council of the City of Bombay" is referred to throughout the Bill as "the Council," and each member of it will be a city "councillor." The convenience and

5. The presiding authority of the Standing Committee will be its "Chairman," but, by contradistinction, the Council should, we think, be presided over by a "President."

6. With regard to the future constitution of the Council, we have retained the increased number of councillors—72 in all—asked for by the Corporation and already provided for in the Bill, but we have omitted the provision that the Commissioner shall be a member of that body. The Commissioner has not hitherto been a member of the Corporation, and whilst, on the one hand, objections of principle are fairly raised to his being now accorded this position, there seems to us, on the other hand, to be no strong motive, from considerations of utility, for conferring upon him the right of voting and other privileges of full membership. The object of the attendance of the Commissioner at meetings of the Council and his duties thereat will be considered in their proper place further on.

7. We approve of the election and appointment of councillors by the authorities and in the proportions specified in section 5 of the Bill and see no reason for adopting the suggestion of the Corporation to have no councillors elected by the Chamber of Commerce and to give two additional seats to be contested for at ward-elections. In 1884 the Corporation themselves recommended the election of two members by that Chamber (Government Selection No. 178, p. 70,) and it seems to us that two gentlemen elected by the representatives of the commerce of the city will be a desirable addition to the Council.

8. In section 20, relating to the Municipal Election Roll, we have provided for the recognition of trustees who hold buildings or lands in that capacity. A large amount of property is thus held in the city of Bombay, and it is right that that property should be represented as well as all other property. We understand that trustees were excluded from the original Bill only on account of the difficulty of providing a means for determining which out of several co-trustees should be entered in the Roll; but we consider that this difficulty can be met by dealing with co-trustees in the same way in which the Bill treats two or more members of an undivided family.

9. Future alterations of the number and limits of wards and re-apportionments of the number of councillors to be returned by each should, we think, be determined, with the sanction of Government, by the Council and not by the Commissioner, and we have altered sub-section (2) of section 25 accordingly. But it will be convenient that the dates of elections should be fixed by the Commissioner who is generally responsible for the management of election-proceedings, and we have, therefore, not adopted the proposal of the Corporation to substitute "the Governor in Council" in sub-section (1) of section 23 for "the Commissioner."

10. The Corporation have suggested to substitute for clause (d) of section 29, which provides for cumulative voting at ward-elections, that each voter shall have one vote only. On this point the Committee are inclined to think that the system of cumulative voting, which the Corporation themselves proposed in 1884 (Government Selection No. 178, p. 70), should be given a fair trial and they have, therefore, let the clause stand as it is. At contested justices' elections each voter will, under clause (c) of section 30, be entitled to vote for as many candidates as there are vacancies.

11. In the important section (37) which provides for the regulation of the Council's proceedings we have made several modifications, and we have also struck out section 38, which enacted that no regulation made by the Council for the conduct of their proceedings should be acted upon until it had been approved by the Governor in Council. This latter section, it is true, merely re-enacts the existing law, but we are of opinion that the unfettered right of regulating, as they think fit, their proceedings at their own meetings (subject only to such general conditions as the Legislature thinks fit to impose in section 37) is one which the Council at the present time may justly claim. We think also that a similar right should be conceded to the Standing Committee and for this reason have cancelled section 50.

12. To revert to section 37, we propose to transfer from the Commissioner to the Chairman of the Standing Committee the power of calling meetings of the Council when the President of the latter body is for any cause unable to do so (*vide* clauses *c* and *d*). We have considered, in this connection, the proposal of the Corporation that the Council be empowered to appoint a Deputy Chairman (or, as he would be called in the Bill, a Vice-president), but it has not commended itself to us, as we think that the power given by clause (*h*) of appointing a chairman from amongst the councillors present, whenever the president is absent from a meeting, is a sufficiently convenient one and that it is not desirable, as the Corporation propose, to have one and the same person (the Deputy Chairman or Vice-president) to preside at the meetings of all committees of the Council. It seems to us better that each committee should have its own special chairman.

13. We have given much attention to clause (*g*), by which the framers of the Bill proposed to give effect to a suggestion made by Mr. Ollivant in 1882 (Government Selection No. 178, page 42) for the purpose of preventing business of a specially important nature being disposed of at a meeting at which the Council is only represented by a small number of its members, without rendering it necessary that the usual quorum should be fixed at so high a number as to render it difficult to obtain the attendance of sufficient councillors to constitute a meeting for the despatch of ordinary business. The usual quorum is fixed by clause (*f*) at fifteen and clause (*g*) would enact that if the Commissioner certifies to the presiding authority of a meeting that any business before it is of special importance, such business shall not be disposed of by that meeting or by any subsequent meeting, unless at least twenty-five councillors are present. No doubt, the Commissioner would usually be the best judge as to what business is of special importance, but we think it inadvisable, in the interests of the harmonious working of the administration, to place the Commissioner in a position in which he would be able to enforce his own wish or view in opposition to the opinion of a majority of councillors present at a meeting, and we have therefore determined to omit clause (*g*) from the Bill. The only alternative appears to be to raise the number requisite under clause (*f*) to form a quorum at any meeting of the Council, and we have come to the conclusion that twenty will be a convenient and sufficient quorum for all meetings of that body, whether ordinary or special. This modification of clause (*f*) is in accordance with the opinion expressed by the Corporation in March, 1886, (*vide* paragraph 4 of the Chairman's letter at page 106 of Government Selection No. 178), although they had in 1883 advocated the reduction of the quorum to fifteen (*vide* amended section 22 at page 82 of Government Selection No. 178). The present Acts require a quorum of twenty at a quarterly meeting and of twenty-five at a special general meeting. The adoption of the general quorum of twenty is a greater reduction upon these present requirements than it at first sight appears to be, because as the number of members is now to be raised from 64 to 72, the proportion of the whole necessary to form a quorum will, in future, be only 27·7 at any meeting, against a proportion of 31·25 at present required at a quarterly meeting and of 39·06 at a special general meeting. To leave the quorum for all meetings at fifteen only, without any such safeguard as that contemplated in clause (*g*), as the Corporation now propose, would, in our opinion, be inexpedient.

14. In clause (*m*) of the same section (37), we have made alterations to make it clear that any business which may be brought before a meeting of the Council by the Standing Committee or the Commissioner, without previous notice, must be urgent business. To clauses (*n*) and (*o*) we have made additions which, under certain conditions, will allow of propositions affecting the amount of taxation or expenditure being brought forward at adjourned meetings at which a budget-estimate is under discussion, even though notice of such propositions was not given in time to appear on the agenda-paper of the original meeting.

15. We have further added two new clauses to section 37 (clauses *u* and *v*) for the purpose of prescribing the functions of the Commissioner at meetings of the Council. As we have decided against the proposal of the framers of the

Bill to make the Commissioner *ex-officio* a councillor, it was necessary to consider (1) whether it is desirable that that authority should attend the meetings of the Council and (2), if so, what would be the object of his attending, and (3) how that object could best be effectuated. We are unanimously of opinion that the Commissioner should be at liberty to attend the meetings of the Council and a majority of us think that he should attend not merely with the object of taking part in the discussions with the same rights as a councillor, except that of moving resolutions, as he can do under the present Acts, but also that it should be his duty to assist in and facilitate the disposal of business by the Council by two other means which are described in the new clause (v).

16. The executive authority of the municipality is necessarily possessed of information on almost every subject that can come before the Council, which is either not available to the councillors or cannot be obtained by them individually without much inquiry and trouble. We propose, in a subsequent section, to enable the Council to require the Commissioner to furnish them with reports and returns when necessary, but such reports and returns cannot supply the want which we have at present in view, namely, that whilst a matter is actually under discussion, councillors should have placed fully before them correct information regarding material facts and should not be left to form their conclusions upon incorrect or distorted or exaggerated data. A majority of us suggest, therefore, that it be held to be the function of the Commissioner, when present at a meeting of the Council, to place before the meeting, at the close of any speech of a councillor, "correct information as to any material fact referred to in such speech" and to explain "any matter which appears to him not to have been correctly stated to the meeting."

17. And, secondly, a majority of us consider that it will be highly advantageous to the Council if in certain cases an exception is permitted to the rule which prevents the Commissioner from moving any resolution at their meetings. Amongst the matters referred to the Council by the Standing Committee, there will always be some of special intricacy or requiring great knowledge of detail, which no person could explain so thoroughly or accurately as the Commissioner. Members of the Standing Committee will, no doubt, generally prefer that business sent up by them to the Council should be taken charge of in the Council by their Chairman or by one of themselves, and this procedure is obviously such as the Bill should generally encourage. But in such exceptional cases as those we speak of, we think it would be on all hands desirable that the Standing Committee should be able to authorize the Commissioner to take charge of a proposition which has to be moved in the Council.

18. We have somewhat modified section 41 of the Bill so as to make it clear that the Schools' Committee and the Hospitals' Committee to be appointed under it are to be Joint Committees which the Council may concur with Government in nominating for the management of primary schools and hospitals and dispensaries vesting either in Government or the Council or partly in the Government and partly in the Council. The section is merely permissive, and as it provides in a simple manner for a want which has already been felt, we think it should be retained.

19. As the Commissioner is not to be a councillor he cannot be a member of the Standing Committee, and we propose, therefore, (section 42) to reduce that body to twelve, the number of the present Town Council. To section 49 we have added a new clause (clause n) according to the Commissioner the same right which he has under the present Acts, of being present at the meetings of the Standing Committee and taking part in the discussions thereat.

20. The Corporation, without assigning any reason for so radical a change, have proposed to strike out section 51, which authorizes the payment of fees to members of the Standing Committee. Fees have been paid from the first to members of the Town Council and this payment has secured the anticipated result of punctual attendance and the prompt discharge of the several administrative duties devolving upon that Council. Discontinuance of the payment of

fees would, we fear, reverse all this, and, considering the increased duties which our amended Bill will impose upon the Standing Committee, we think this step would be an unwise one.

21. With regard to the appointment of a Deputy Municipal Commissioner, a majority of us are of opinion that the appointment of such a person, if one is to be appointed, should be made by Government. A majority of us are also in favour of the need of such appointment being determined from time to time by Government rather than by the Council, as we consider that the question whether the Commissioner needs the assistance of a Deputy is one which may most fittingly be left to be decided by the Governor in Council, who appoints the Commissioner, and who also will be able, when the pressure of work diminishes and a Deputy is no longer needed, to withdraw his nominee (who, no doubt, would usually be a Government officer of some experience) and re-employ him without difficulty in the service of Government.

22. We think, however, that no such decision should be passed by Government without the Council as well as the Commissioner having been in the first instance consulted, and we have amended section 56 of the Bill in this sense. In section 57 we have also made changes which will require the Commissioner to keep the Council informed of the functions which he from time to time deposes to his Deputy and will prohibit the Deputy's appearance, either in the Council or the Standing Committee, in the Commissioner's stead, and will further render it clear that the Deputy is to act under the Commissioner's general direction and will, therefore, not relieve the latter of the sole responsibility for the executive, with which it is the policy of the Bill to invest him.

23. To section 58 we have added a proviso allowing the salary of the Commissioner, with the approval of the Council, to be raised to a sum not exceeding Rs. 3,000. Section 58, as it stood, re-enacted the present law which fixes the maximum amount of the Commissioner's salary at Rs. 2,500; but a Commissioner who had served on that salary for some years and whom the Council might be anxious to retain for a further term might be in the difficult position of finding it against his own personal interests to remain, unless his remuneration should be augmented. The new proviso would be useful in such a case.

24. We are unable to agree with the proposal of the Corporation to entirely omit sub-section (2) of section 58, which provides that the Commissioner may be an additional member of the Council of the Governor of Bombay for the purpose of making laws and regulations or a Trustee of the Port of Bombay or may serve on certain committees. None of these positions would be such as to engross any serious portion of the Commissioner's time. It is to the interest of the Council that the Commissioner should be a Port Trustee. The Council may from time to time also find it desirable that he should serve on some such local committee as is described in clause (c) of the section; but the clause, as we have slightly modified it, will enable them to prevent his so serving, if they consider it undesirable that he should do so.

25. It has been argued that the opening words of section 62, "It shall be incumbent on the Council to make adequate provision for, &c.," when contrasted with other portions of the Bill, mean only that the Council is to make adequate *pecuniary* provision. We have inserted some additional words, which will, we think, render such an interpretation impossible; and in order to avoid possible misunderstanding from the fact that the words "make provision for," or the like, are used in other parts of the Bill when referring to the Commissioner, we have in the latter places substituted other words (*vide* sections 328, 334, 369 and 373).

26. Section 65 of the Bill purports to define in general terms the respective functions of the several municipal authorities. We are of opinion that the supreme position of the Council, as the body entrusted with the municipal government of the city, should be more distinctly emphasized than it is in the Bill as introduced, or in the present Acts, and we also disapprove of the latter part of sub-section (2) of section 65 of the Bill as introduced, which vests authority for carrying out the provisions of the Act, except when the

Act itself otherwise expressly provides, exclusively in the Commissioner. Except in so far as the Act vests executive powers in the Commissioner and his subordinates, the municipal government should, we think, vest in the Council and their delegates, the Standing Committee. The powers and duties of the latter are specifically prescribed in the Bill, their object being to relieve the Council of a large amount of detail which a smaller body is more fitted to deal with. All residuary power, subject, when necessary, to the higher control of Government, should, we think, vest in the Council. But we accept the principle, which is a prominent feature of the present Acts (section 42), viz., that "the entire executive power and responsibility for the purposes of the Act shall be vested in one Commissioner." The need for a strong executive is generally recognized and this implies that the Commissioner shall be charged with the entire executive power, subject only to such financial and other restraints as the Legislature, in the interests of the citizens of Bombay and of their representatives, the Council, may think it fit or necessary to impose. We have recast section 65 in accordance with these views.

27. We have also added two new sections after section 65 to confer upon the Council the right which we think they should certainly possess of calling for extracts of proceedings, returns, &c., from the Standing Committee, and for production of records, correspondence, plans, &c., or for returns, reports, &c., from the Commissioner. In the case of the Commissioner, we think it necessary to insert a proviso (*vide* sub-section (3) of section 65B) that compliance with any such requisition shall not be incumbent upon him, when he certifies in writing that compliance would, in his opinion, be prejudicial to the interests of the Council. Some such saving clause is needed to prevent the premature publication of facts regarding negotiations between the Commissioner (acting on behalf of the Council) and other persons, and possibly for other occasions also, when secrecy for a time may be very essential to the success of some proceeding.

28. But we do not concur in the recommendation of the Corporation to insert one or more new sections in the Bill, rendering it obligatory on the Commissioner to consult, in certain matters, the Executive Engineer or the Executive Health Officer, and, in the event of a difference of opinion between them, to refer the matter to the Standing Committee and to obey such order as may be passed by that Committee. A strong executive appears to us to be incompatible with weakness of discipline, and we regard with disfavour any proposition which would tend to modify the principle embodied in clause (b) of sub-section (3) of section 65, namely, that complete control over the acts and proceedings of all municipal officers and servants should vest in the Commissioner. Otherwise "the entire executive power" will cease to be exercised by the Commissioner and will be shared with him by the Standing Committee. For the same reason we think it very undesirable that the Council or the Standing Committee should be empowered to call for reports or returns from municipal officers direct. We have provided in section 65B. that the Council may require reports from heads of departments subordinate to the Commissioner, and clause (a) of sub-section (2) of section 124, as amended by us, requires administration-reports to be prepared by the heads of departments and submitted to the Council; but it is fair to the Commissioner as the head of the executive, and necessary for the maintenance of discipline, that such reports be furnished to the Council through him and with such remarks thereon, if any, as he thinks proper to record.

29. In section 74 we have adopted the suggestion of the Corporation to increase the time within which an appointment to fill a vacancy in the office of Executive Engineer or Executive Health Officer must be made by the Council from thirty days to four months. We have also provided that in the interval a temporary appointment may be made by the Council, and in section 85, sub-section (2), we have vested the right to make an acting appointment to either of the above offices in the Council, when the vacancy is for more than a month, and instead of requiring the confirmation of such acting appointments by Government we have given the Governor in Council power to disallow an appointment after it has been made.

30. Sections 76 to 78 of the Bill, as originally presented to the Council, contemplated the appointment of a Clerk of the Council by the Council and of a Municipal Secretary, who should be Secretary of the Standing Committee, by that Committee, and they were so drawn that, with the approval of the Standing Committee, the Municipal Secretary might also hold the office of Clerk of the Council, and the Clerk of the Council, with the permission of the Council, might devote part of his time and attention to other duties than those of his office of clerk. The Corporation propose that there shall be but one officer for the two posts, who shall be appointed and be removeable by the Council and who shall be responsible to the Council alone. We have been divided in our opinions upon these two views; but we have decided, by way of a compromise, to re-enact the present law, which declares (section 26) that the Secretary to the Town Council appointed by that body shall also be Clerk of the Corporation, but to add that instead of his being removeable from office by order of the Standing Committee alone (as he is at present removeable by the Town Council), he shall not be removed by that Committee without the approval of the Council.

31. With reference to Chapter IV, in which the sections discussed in the last two paragraphs occur, we have considered the proposal of the Corporation that a section be inserted vesting the appointment of the Municipal Controller in the Council and enabling the Standing Committee to obtain reports from the Controller direct. The officer here described as the Municipal Controller is the head officer in the Account Department under the Commissioner. The accounts are kept by the Commissioner and this officer is immediately subordinate to him for this purpose and, under section 49 of the present Acts, is appointed by him, and, unless the Corporation's proposal is adopted, will continue to be appointed by him under section 82 of the Bill. He is not really a Controller; that name, under which he has been known of late years, is a misnomer. He is really a Chief Accountant and we propose (*vide* sub-section (4) of section 65 B) that he be known by that designation in the future. A majority of us are against adopting the proposal of the Corporation with regard to this officer. The arguments in favour of it may be briefly stated as follows:—"Admitting that the Controller is principally the head of the Account Department, still he indirectly fulfils functions which render his present designation not so inappropriate as may appear at first sight. But even as head of the Account Department, the reasons are quite as strong (if not stronger) in his case, as in that of the heads of the Health and Engineering Departments, for the appointment to be vested in the Council. The system of vesting the appointment of the Heads of Departments, subordinate as these officers may be to the Commissioner, has hitherto worked well, without producing any troublesome friction." But a majority of us are not satisfied by these arguments. We consider that sufficient grounds are not shown for any change and that as the Commissioner is the authority responsible for the proper keeping of the accounts, it is reasonable that the choice of accountants from the Chief Accountant downwards, should rest with him and that they should look to him as their head, whether for promotion or any other official purpose. If, on the other hand, it is desired to effect a more perfect control over the accounts, then, in the opinion of the majority of us, it seems that such control should be from outside the Commissioner's office and not through the instrumentality of his immediate subordinate, who, if friction and animosity are to be avoided and a proper discharge of duties is to be insisted on, should be under no inducement to slight the Commissioner's authority or to hesitate to fulfil his orders. Under section 65 B it will be competent to the Council to obtain a report from the Chief Accountant, as from any other head of a department, through the Commissioner; but we have not proposed to give any similar power to the Standing Committee, as we consider that authority of this importance should be reserved to the Council and that section 135, sub-section (2), as we have amended it, invests the Standing Committee with as much power in this direction as they are likely to require for the purpose of the weekly scrutiny of the accounts to be held by them.

32. To section 90 we have thought it desirable to add a sub-section enacting that agreements entered into by the Commissioner for the acquisition of immoveable property on behalf of the Council shall not be valid, when the price

to be paid exceeds one thousand rupees, without the approval of the Council. Our object is to secure publicity for, and full consideration of, the terms of such agreements before the Council are irrevocably bound by them.

33. Several alterations have been suggested by the Corporation in Chapter VII of the Bill (entitled "Revenue and Expenditure") and we have adopted their suggestions in sections 113, sub-section (1), 123, 124 and, partly, in section 133 (e). The chapter is principally concerned with the Budget and we have examined and revised it with a view to ensuring that, as far as is reasonably practicable, it shall confer on the Council full control over the expenditure under a sanctioned budget, as well as power to determine the amounts of the items entered in that budget.

34. It is provided in section 66 of the Bill that no municipal authority shall exercise any power which will involve expenditure, unless such expenditure is provided for in a budget-grant. Section 115 also distinctly lays down that "no payment of any sum shall be made by the Commissioner out of the municipal fund, unless the expenditure of the same is covered by a current budget-grant." These two sections are quite clear and emphatic, but they are subject to certain exceptions which are specified in sub-section (2) of section 115. To these exceptions the Corporation object and they propose that, saving those in clause (e) and two out of the three covered by clause (f), they all be struck out. We have, however, considered each of the exceptions and are of opinion that they are reasonable and must stand. Omitting those specified in clauses (c) and (d), which apply to moneys which ought obviously to be paid, when necessary, without any hesitation or delay, the other exceptions objected to by the Corporation are of two classes.

35. In the first class is the exception in clause (a). This relates to unexpended balances of the budget-grants of one year, which, by section 132 of the Bill, it is proposed to empower the Standing Committee to authorize the Commissioner to expend in the next following year. The Corporation disapprove of this section and propose that it be struck out. It appears, however, that owing to the budget-estimates having to be prepared several months before the commencement of the year for which they are framed, it is not possible for the Commissioner at that time to foretell what balance, if any, will be unexpended at the beginning of that year out of each of the several current budget-grants for works in progress. Whether there will be a balance, will usually depend upon whether the sanctioned work will be completed by the 31st March or not and many circumstances may happen unexpectedly to disappoint the Commissioner's anticipations, however carefully they may have been considered at the time of framing the estimates. All that this section proposes is that if a work (using this term in a very general sense) for which a current budget-grant is being expended is not completed by the 31st March and there is in consequence, on the 1st April, an unexpended portion of that grant remaining, and if the existence of this balance has not been anticipated and the amount thereof has not been included in the estimated opening balance of the municipal fund on the 1st April, then, with the sanction of the Standing Committee, the Commissioner may complete the work after the 1st April and utilize, for this purpose, the unexpended portion of the expired budget-grant. The need for this provision has been established by experience and it appears to us to be one which is justified by strong practical reasons and which does not really form an exception to the operation of the budget system.

36. In the second class are four descriptions of payments, which at the time of framing budget-estimates is not possible to foresee, but which must be made, when the occasion for them arises, without any delay. These payments are those specified in clauses (b), (g) and (h) of sub-section (2) of section 115 and in item (v) of clause (f) of section 118 and they relate to the operation of sections 119, 438, 65, clause (c), and 518, sub-section (1), respectively.

37. Section 119, which empowers the Commissioner, on the requisition of Government, to undertake the execution of work urgently required in the public service and, for this purpose, to make temporary payments from the municipal

fund, which are afterwards to be reimbursed by Government, the Corporation also propose to strike out. In this proposal we do not concur. When the State urgently requires work to be done for the defence of the empire or for any other public purpose, the Municipal Council of Bombay would certainly not desire that they, or the Municipal Commissioner on their behalf, should be prevented by legal difficulties from assisting in the execution of such work; and this section, having regard to what has occurred in past years and to what may at any time occur again, has been inserted in order to permit of such assistance being legally rendered, whenever requisition under due authority is made for it. We have amended the section in order (1) to avoid its being made use of to such an extent as seriously to hamper municipal administration and (2) to ensure the Council's being kept fully informed of the measures taken under it; and, as so amended, we think it should stand.

38. Section 438 authorizes the Commissioner, with the sanction of Government, to take special measures in the event of the city being at any time visited by, or threatened with, any dangerous disease. The Corporation do not object to this section, but they ask that power under it be vested in the Council, instead of in the Commissioner. Looking, however, to the great necessity for promptitude in the initiation of such measures as are here in question and to the fact that the need for the sanction of the Government is a sufficient check against undue exercise of the power conferred by the section, we are of opinion that it will be wiser to leave the section as it has been drafted, and have merely added a sub-section to it requiring the Commissioner forthwith to report to the Council any measures he from time to time takes under it.

39. Section 65, clause (c), authorizes the Commissioner, on a pressing emergency, to exercise, with the consent of the Standing Committee, any power conferred by the Act on the Council or on the said Committee. This is, of course, a step which would be resorted to extremely rarely, but cases are conceivable in which it might be necessary to have recourse to it, and we think the section, as we have amended it, should be adopted.

40. Section 518, sub-section (1), relates to the payment by the Commissioner of moneys in pursuance of a requisition from Government issued in consequence of the Governor in Council having exercised any of the controlling powers with which he is invested by sections 516 and 517. If it be admitted, as we think it must, that some powers of control should vest in the Government, section 518 is a necessary corollary of such powers, without which they would be incomplete and ineffectual.

41. The last four paragraphs explain the four descriptions of payments to which we have referred in paragraph 36 and we think it follows from the several explanations that all such payments are legitimately excepted by the Bill from the general rules mentioned in paragraph 34, prohibiting payment of any sum out of the municipal fund which is not provided for in a current budget-grant.

42. We have dealt with the exceptions enumerated in sub-section (2) of section 115 at considerable length because it is upon them, principally, that is based the argument that the Bill gives the Council control of the budget in the aggregate merely, but no real power over its detailed working. To us it appears that these exceptions, many of which would be of very rare occurrence, do not practically impair the authority of the Council over the budget at all, and that such exceptions are inevitable in the administration of so large an institution as the Bombay Municipality.

43. In one respect, however, the Bill does undoubtedly enable the Standing Committee to effect very great changes in the budget which has been sanctioned by the Council. We refer to section 133, which authorizes the Standing Committee, if they think fit, to reduce the amount of a budget-grant or to make transfers from one budget-grant to another. The Bill merely follows in this matter the present Acts (section 38) and as the Standing Committee are the delegates of the Council and their working committee, there is considerable reason for the provision. The Corporation do not propose that the section be altered, but they suggest that the Council be empowered to pass such orders

as they think fit with regard to any reduction or transfer sanctioned by the Standing Committee. This suggestion we have adopted, but we have thought it expedient to limit the Council's power of interventions to cases in which the amount reduced or transferred exceeds five hundred rupees.

44. With this rider added to section 133, we are of opinion that the Council will possess as complete a control over the budget, as it is practically possible to give them, and having regard to the general rules mentioned in paragraph 34 and to the provisions of Chapter VII of the Bill generally, we are unable to concur in the criticism of the Corporation who say that the Council "are not to be the judges of what is adequate pecuniary provision; but, on the contrary, the only judge is the Commissioner and practically he can * * spend any money he thinks fit under any head." Unless in the few exceptional cases to which we have above referred, the Commissioner is strictly limited by the amount of the pecuniary provision which the Council determine to make for any purpose, and he is powerless to divert a single rupee from the object for which the Council have sanctioned its expenditure, except with the approval of the Standing Committee.

45. With regard to the consideration by the Council of the annual budget-estimates, it has been suggested by the Corporation that we should enact in section 127 that such consideration shall commence with the income-side of the estimates. From another quarter the suggestion has been made that both the Standing Committee and the Council should be bound to commence with the expenditure-side. We deem it inexpedient to lay down any rule on this point in the Act, as the settlement of either side of the estimates must of necessity depend in a measure upon the decision to be arrived at on the other. But the matter is one for which each of the two bodies might, we think, appropriately make suitable provision in the regulations for the conduct of their business.

46. We have considered, with reference to section 136 of the Bill, whether the municipal auditors should be appointed, as under the present Acts, by the Council or, as proposed by the framers of the Bill, by Government. A majority of us are in favour of their being appointed by Government, as we think that their appointment by an independent authority would be a surer guarantee of their fitness and impartiality, and would therefore be more satisfactory to municipal debenture-holders and to the citizens of Bombay.

47. In Chapter VIII of the Bill, which treats of municipal taxation, we have not thought it necessary to make many changes. The most important of those suggested by the Corporation affect sections 143, 144 and 153. With regard to sections 143 and 144, the Corporation propose that the contribution to be paid, whether by Government or by the Port Trustees, in lieu of the general tax, shall be fixed by agreement between the Council and Government or the Port Trustees, as the case may be, and failing such agreement, by arbitration. Mutual agreement in such a matter is, however, next to impossible, and arbitration, as ordinarily conducted, is both lengthy and costly. The simplest course for the settlement of the Government contribution appears to be that it shall be fixed from time to time by a person appointed, with the concurrence of the Council, by the Governor in Council. This will, we think, be fair and satisfactory to both parties. In the case of the Port Trustees, the Governor in Council is a disinterested person, and as that body set value upon the precise form of the present provision in section 36 of the Port Trust Act, we think it is fair and right that section 144 of the Bill should reproduce as nearly as possible the words of that section, and leave the determination of the Port Trust's liability, as hitherto, to Government.

48. In section 153, the Corporation propose two changes, namely, (1) that the rateable value of any land or building shall be the actual rent received by the owner, where any is received, subject to certain deductions, and (2) that one-half the general tax payable in respect of the premises shall be one of the deductions. With reference to the first proposal, it seems sufficient for us to observe that the actual rent accepted by an owner is often, for various reasons, less than the real letting value of his property and that "the rent for which the

property might reasonably be expected to let from year to year" is, therefore, a much more safe and equitable test of the proper rateable value of the property than the actual rent. Actual rents do, at the same time, necessarily form the basis upon which rateable values are fixed, that is to say, the actual rents of property generally must be considered by the Assessor in order to determine what would be a reasonable rent for any particular property; but the actual rent received for the property assessed is not always a safe guide to its rateable value.

49. The proposal that one-half of the general tax shall be deducted from the annual rent in order to fix the rateable value is based upon the fact that the general tax, or, as it is called in the present Acts, the consolidated rate, comprises what was known before 1878 as the owners' rate as well as the police and lighting rates, which were, before the above year, occupiers' rates. The Municipal Act of 1878 consolidated these three rates and made them all payable by the owners of the property on which they were assessed, leaving it to the owners to make such terms as they thought fit with their tenants regarding their ultimate incidence. The police and lighting rates amounted approximately to one-half of the aggregate of the owners' and occupiers' rates, and it is urged that one-half of the general tax ought, therefore, to be deducted from the rent which an owner receives for his premises, inasmuch as the sum which he so receives is made up of the real rent *plus* the occupier's legitimate share of the general tax which the municipality recovers from the owner. The logical correctness of this claim cannot be denied; but we think it inexpedient to yield to it for two practical reasons, which appear to us to outweigh in importance the slight individual grievance which its refusal will involve. Our first reason is that the allowance of the claim would reduce the proceeds of the general tax (calculated at its minimum rate of eight per centum) by about Rs. 45,000 and of the water and halalkhor taxes by about Rs. 39,000 per annum, and that in order to cover these losses the Council would find it necessary to increase the rates of the taxes, thus leaving the owners no better off in the end than they would be without the deduction asked for. Our second reason is that to allow the deduction of one-half of the general tax will very greatly add to the labour and cost of assessing that tax. The number of properties in the city separately assessed is over 30,000 and the calculation of the amount of half the general tax and the subtraction of that amount from the rental in each of those 30,000 cases would involve a very serious increase of work in the Assessor's office without any real benefit to the tax-payers.

50. The Corporation have also proposed to strike out section 146 of the Bill; but we are of opinion that that section will operate beneficially in determining, upon an equitable principle, the apportionment of responsibility for property taxes amongst two or more persons who have each an interest in the property assessed, but who have not come to any arrangement amongst themselves for the discharge of those taxes. Such persons may, of course, at any time, by express contract, make a different law for themselves, but the section will cover the very numerous cases in which there is no such contract.

51. With reference to Chapters IX to XVI of the Bill, which embrace its executive provisions, we have had to consider to what extent, if any, the powers and duties conferred and imposed by those chapters, as originally drawn, on the Commissioner should be modified. Section 65, as we have amended it, recognizes that "the entire executive power for the purpose of carrying out the provisions of this Act vests in the Commissioner." But the exercise of this power by the Commissioner is to be subject:

(1) whenever it is in the Act expressly so directed, to the approval or sanction of the Council or the Standing Committee;

(2) to all other restrictions and limitations imposed by this Act.

Amongst the restrictions imposed by the Act is the one, already mentioned, in section 66, which prohibits the exercise by the Commissioner of any power which will involve expenditure, unless such expenditure is provided for in a current budget-grant. The sanction of budget-grants rests absolutely with the

Council, and the result is, therefore, that the Commissioner can only exercise the powers with which Chapters IX to XVI invest him, if the Council supplies him with the money necessary to enable him to do so; and it is, of course, open to the Council to decline to sanction a grant for any purpose which they do not approve. The various sections of these chapters which entrust the Commissioner with apparently independent power have to be read with these facts in the mind, in order to be clearly apprehended. We think that as the Commissioner is the sole executive authority, these chapters should be so worded as to give expression to this feature of the administration, but that care should be taken, with reference to the amended section 65, to make his authority to exercise certain powers expressly dependent upon the approval or sanction of the Council or the Standing Committee, whenever that course seems expedient. This is the principle which we have followed in revising these chapters, and in giving effect to it we have adopted the following courses, viz.:—

(a) Where the section contemplates anything so important as the construction of a new work or the initiation of a new system or scheme, we have expressly provided that the Commissioner shall only take action "when authorized by the Council either generally or specially in this behalf" (*vide* sections 219, 223, 244, 259, 267, 289, 293, 403 and 433);

(b) in cases in which the exercise of power by the Commissioner may seriously affect private rights or interests, we have provided that he shall only exercise such power with the approval of the Standing Committee (*vide* sections 221 (2), 224 (2), 225 (b), 227, 228 (1), 231 (1), 236 (1), 238, 252, 266 (2), 298 (1), 333 (2), 346 (b), 349 (2), 350, 355, 366 (1), 385, 386 and 410);

(c) in certain matters of special interest or importance, we have made the approval or sanction of the Council necessary (*vide* sections 291 (1), 325 (a), 328 (c), 406 (1), 433, 441, 442 and 443 (1));

(d) matters of ordinary repair and maintenance, control, the execution of works and the enforcing of orders and all powers necessary for these purposes we have left in the Commissioner's hands, together with matters which principally involve professional questions on which the Commissioner would in the ordinary course be advised by the Executive Engineer or the Executive Health Officer.

52. Questions relating to the unfitness of buildings for human habitation and to the overcrowding of dwellings involve such large interests that we consider they should be referred for decision to the Chief Presidency Magistrate (*vide* sections 382 and 383). We merely follow in this respect what is already the law as regards overcrowded dwellings (*vide* section 222 of the present Acts), except that we propose to vest the jurisdiction in the Chief Presidency Magistrate only, not in any Presidency Magistrate.

53. In Chapter IX relating to Drainage, we have added some new provisions, which will benefit private persons and render the necessarily rigorous enactments of this portion of the Bill as little obnoxious to private rights as possible (*vide* sections 228 (5), 242 (d) and 248 (3)). And with reference to the remark of the Corporation upon section 242, that they are "in doubt whether any person who considers himself wronged by the section has any remedy under section 513," we have amended section 513 so as to provide a remedy under that section to any person who has reason to complain that the Commissioner, when doing anything under section 242 (or section 222, 243, 244 or 371), has not been careful, as that section enjoins him to be, to create the least practicable nuisance.

54. With reference to section 225, we have considered the question raised by the Trustees of the Port as to whether Government, in determining, under section 38 of the Port Trust Act, disputes between the Municipality and themselves regarding the sewerage of roads which they propose to hand over to the Municipality, should not be authorized to exempt them from the requirement of clause (b) regarding the branching of the drain under a road which is to be handed over into the municipal drain. Our opinion is that it would be invidious to

place the Port Trust in a better position in this matter than other owners of private streets, and we have, therefore, not thought it proper to insert any special provision in the Port Trust's favour. The Trustees also object, with reference to section 247, to their being held liable to provide latrines, &c., for the accommodation of the public who resort to the wharves and docks on their property. They admit their liability to provide such accommodation for their own employes, but they argue that latrines, &c., for public use on their wharves and docks should be provided at the expense of the Municipality. We are of opinion that the section, which will impose this liability on the Trustees, should stand as it is. The principle that those to whose premises the public are attracted for purposes of trade or traffic should provide for the public accommodation appears to us to be a fair one; and we think that the Trustees have failed to establish a case for special treatment, as they do not differ from other proprietors, except in the large extent of their property.

55. In Chapter X, which deals with water-supply, we have made no change of any considerable importance, except to re-draft section 280 so as to limit its applicability to the cases for which alone, in our opinion, it is needed, and to amend section 277, (d), (ii) to the same effect. The Port Trustees have an objection to section 267, which appears to us to involve too small a matter to need special consideration; and they also demur to the provision of section 269 (2) so far as it applies to their property, but we are of opinion that the Trustees have no good claim to exemption from the rule which is laid down in this sub-section, namely, that owners must obtain a supply of water adequate to the requirements of the occupiers of their property and also of all persons employed upon their property, whether such persons are employed by them or by others.

56. In the chapter headed "Regulation of Streets," we have made several modifications, which will generally explain themselves. Two only need be mentioned. They are (1) the introduction of a new section (section 309A) and the amendment of sections 309 and 310, with a view to give the Commissioner more power to prevent obstructions to streets and footways by persons depositing thereon, or hanging from the walls abutting thereon, moveable articles of any description and (2) the omission of the latter part of sub-section (2) of section 314, which was intended to authorize the Commissioner and his officers to seize and detain the goods of hawkers who contravene the provisions of that section, and might, we think, be used in such a manner as to cause to poor people unnecessary hardship. In section 296 we have not seen our way to substitute, as the Corporation suggest, some other words for the words "any wall which supports the roof thereof" (lines 12 and 13). A set-back ought to be claimable whenever any extensive alteration of a building is in progress, and it is necessary that this section be framed with great care in order to prevent evasion of it. A wall which supports the roof must always be an essential part of a building and the removal of more than one-half of any such wall would, we think, usually, if not invariably, be in connection with some very considerable repair or re-construction. The Port Trustees object to so much of section 300 as renders it necessary for a person who intends to make or lay out a new street, to specify in the notice of his intention the height of the buildings which are to be erected on each side of such street. In this respect section 300 is, however, merely a re-enactment of section 158 of the present Acts and we see no reason for treating the Port Trust differently from other land-owners.

57. Chapter XII deals with Building Regulations and is with a few slight amendments approved by a majority of us. In section 346, which contains some important new provisions with regard to the structure and dimensions, &c., of new buildings, we have inserted words to make it quite clear that these provisions are applicable only to entirely new buildings, so that rights already acquired in respect of existing buildings will not be affected by them. The Corporation propose to omit from clause (e) of this section so much as limits the height of buildings abutting on a street of a less width than fifty feet to one and a half times the width of the street. The Statute for the local management of the Metropolis of London, which is quoted in the margin opposite to the clause, limits the height of buildings in such streets, unless with the written con-

sent of the Board of Works, to the width merely of the street. The allowance of fifty per cent. more in Bombay appears to us to be sufficiently liberal, and as we cannot but admit that some such limitation is desirable and proper, we are not satisfied that the clause should be altered. The Corporation also propose that a roof be allowed over the interior open space, which is required by clause (f) of this section, "having a continuous ridge-ventilator from end to end, with fixed venetians on each side." It appears, however, to us that a roof would defeat the purpose for which the interior open space is required, viz., to obtain a constant supply of light and fresh air, and that no contrivance of ventilators or venetians would lessen the objection to this interior space not being entirely open. We have added a new sub-section to this section, in order that nothing in its clause (a) may be deemed to affect the power of Government under section 38 of the Port Trust's Act to settle disputes which may arise between the Trustees and the Municipality as to whether a street made by the Trustees has been properly levelled, &c.; but we think there is no sufficient reason for adopting the Trustees' suggestion to invest Government with similar power in case of disputes arising between them and the Commissioner in respect to the provisions of clause (c) of section 346 of the Bill.

58. The Corporation do not approve of so much of Chapter XIII as relates to the licensing of surveyors, as they say that "the executive can always insist upon plans being drawn up to their satisfaction before they sanction them." We are, however, of opinion that there are advantages in the licensing system which it would be well to secure, and we also concur in the expediency of the enactment which this system will enable the Legislature to adopt (*vide* clause (d) of section 17 of the Bill), that no surveyor who is professionally interested in matters which come before any municipal authority or officer should be capable of being a councillor. But in order that licenses may not be refused on insufficient grounds, we have added a provision to section 354 to require the Commissioner to give written reasons for any such refusal.

59. In Chapter XIV, the Corporation have proposed the omission of section 368, under which a contribution is payable towards the expenses of the fire-brigade, in consideration of services rendered by it in extinguishing a fire in uninsured premises. But it seems to us equitable that services rendered by the brigade should be paid for, under such reasonable limitations as the Standing Committee think fit to sanction; and it is difficult to justify section 364, which requires annual contributions to be paid by Insurance Companies in respect of insured premises, unless some liability is also enforced against the owners of uninsured buildings.

60. Reference has already been made in previous paragraphs to some of the amendments which we have made in Chapter XV, which contains the sanitary provisions of the Bill. It is only necessary to add here that we have modified section 414, so as to exempt hawkers from the need for taking out licenses and to limit the prohibition against selling articles of human food outside of markets without a license, to the sale of four-footed animals, meat and fish. As recommended by the Corporation, we have also amended section 418, so as to make it and the three following sections applicable to hawkers. The proposal of the Corporation to strike out section 374 would seem to be due to a misunderstanding. Such a section is essentially necessary for any part of the city in which *halalkhor* service is not yet discharged by municipal agency. Elsewhere it would be inapplicable. We think also that section 377 should not be omitted, as the Corporation propose, as it is desirable, in our opinion, to hold the occupier of a building or land responsible for insanitary acts or omissions committed by persons resident in or upon his building or land, in the event of the municipal officers not being able to ascertain who is the actual offender. The Port Trustees express a fear that under section 374 the Commissioner may require them to convey night-soil from parts of their property to so great a distance as, say, Kurla, on the ground that the place for the "final disposal" of such matter provided under clause (b) of section 371 may be there. The wording of sections 371 and 374 does, no doubt, leave the Commissioner a wide discretion, but not more, we think, than is expedient. It is unlikely that the

Commissioner would impose any unreasonable requirement under the sections either on the Port Trustees or any other occupiers.

61. Our amendments in Chapter XVI, "Vital Statistics," call for no explanation. In section 473, the last section in Chapter XVII, relating to the framing of Municipal By-laws, we have inserted provisions (1) requiring that, before repealing a by-law, the Governor in Council shall give the Council an opportunity of making any representation with regard thereto that they think fit, and (2) preventing the repeal of any by-law by the Governor in Council in part only, if the Council object to a partial repeal thereof.

62. The alterations which we have made in Chapter XVIII are either merely verbal or in consequence of changes in the previous chapters. We are unable to concur with the Corporation that the maximum penalty for contravening sub-section (1) of section 450 (requiring information to be given of the birth of a child) should be reduced from one hundred to ten rupees. The maximum penalty for that offence in the present Acts (section 258) is one hundred rupees, and the penalty for failing to give information of a death is of the same amount both in the present Acts (section 259) and in the Bill (sections 453 and 474).

63. In the Procedure Chapter (Chapter XIX), we have inserted a new section (section 492A), which is substituted for sections 312 and 353, which have been struck out, and the new section also supplies an omission in the Bill regarding the disposal of the materials of insanitary huts and sheds removed by the Commissioner under section 384. The section is to the same effect as the former sections 312 and 353, but we have somewhat amended it in the interests of the owners of materials. We have not felt able to adopt the proposal of the Corporation that the provision of clause (b) of section 491, which prohibits entry into a dwelling-house, unless with the consent of the occupier, without giving twenty-four hours' written notice, should be extended to all premises appurtenant to a dwelling-house. There is not the same objection to a municipal officer's entering a stable or compound or yard of a house, without notice, as there is to his entering a dwelling-house, and we should fear that the adoption of the Corporation's proposal would unnecessarily impose very serious obstacles to the detection of offences against the sanitary provisions of the Act, and also against the provisions relating to water-supply and drainage. We have also considered the suggestion of the Corporation that all power under section 515 should vest primarily in the Council and that the Council should be authorized to delegate it wholly or in part to the Standing Committee or the Commissioner. We are of opinion, however, that the matters mentioned in clauses (a) to (e) are such as relate purely to the executive, and that the Commissioner should have full authority to deal with them. The withdrawal or compromise of a claim against any person in respect of a penalty payable under a contract entered into with the Commissioner (clause f) is also a matter appertaining to the executive, but we think that where the claim is for a sum exceeding five hundred rupees, the Commissioner should not act without the approval of the Standing Committee. With regard to suits against the Council or the Commissioner, we think, upon the whole, that the safest course is to empower the Commissioner to defend them, but to impose upon him the necessity of taking legal advice before he does so. For this latter purpose we have added a new sub-section to the section. It is extremely inadvisable that the merits of a suit which is to be defended should be discussed in public, or that the course intended to be taken should in any way become known before the trial comes off. We think, therefore, that the responsibility for defending suits should rest, under legal advice, with the Commissioner alone, but that he should not admit or compromise any claim without the approval of the Standing Committee. For the latter purpose, and also for approving the institution of suits in the name of the Council or of the Commissioner, the Standing Committee appears to us to be a more suitable body than the full Council, their principal *raison d'être* being, in fact, the protection of the financial interests of the Council. On these grounds we have decided to let clauses (g), (h) and (j) stand.

64. With reference to the correspondence which has been placed before us on the subject of the transfer of jurisdiction in municipal cases of a civil nature from the Chief Presidency Magistrate to the Chief Judge of the Small Cause Court, it does not appear that it is within our province to determine how far it is competent for the Governor of Bombay in Council to legislate for the purpose of effecting this transfer. But we have considered the provisions of sections 505 to 507 and 509 and 510 of the Bill and of the several previous sections which purport to confer jurisdiction in the above cases on the Chief Judge of the Small Cause Court; and we are of opinion that the procedure contemplated in them is very desirable, and we trust that means will be found to obviate any legal difficulties which may be thought to prevent its being adopted as a part of the Bill. We are also of opinion that such steps as may be necessary should be taken for securing a right of reference to the High Court on questions of law in assessment cases and an appeal to that Court where the amount of expenses or compensation awarded by the Chief Judge of the Small Cause Court exceeds one thousand rupees.

65. No specific suggestion has been made to us for improving the provisions of Chapter XX of the Bill regarding the control which shall be exercisable over the municipal authorities by the Government. We recognize the expediency of providing for such control, although it is likely that resort to any of the provisions will be of very rare occurrence or, it may almost be said, will never be needed. We see no reason, however, for altering the method of control proposed in the Bill, which is in effect the same as exists in the present Acts (sections 40, 41 and 145), and we propose, therefore, no other change than the addition of a new sub-section to section 516 of the Bill, which will require that before passing any order under that section, reasonable opportunity be given by Government to the municipal authority concerned to show cause why such order should not be made.

66. In the last chapter, Chapter XXI, containing Supplemental Provisions, we have modified section 524, which enables Government to call for returns, &c., from the Municipality. We do not agree with the Corporation that this power should be altogether refused, but we think it may reasonably be limited to extracts and to statistics. We have struck out sections 526 and 527, as they appear, in the present state of the general law of India, to have no practical utility.

67. In the schedules the only important change is in Schedule B, where we have added the harbour to Ward No. 1 and propose to call it "the Fort and Harbour Ward." The reason for this is that some doubt has hitherto existed whether the harbour is for all purposes within the jurisdiction of the Municipality. For electoral purposes and for the purposes of assessment to property-taxes, it has not hitherto been regarded as within municipal limits. On the other hand, no measures which the Council might make provision for under clause (g) of section 62 and no special measures which the Commissioner, with the sanction of Government, might take under section 438, for preventing the spread of dangerous diseases in the city, could be complete or effectual if the harbour were excluded from the area of their applicability. In considering, therefore, with reference to section 1 of the Bill, which says that the Act is to extend to the "city of Bombay," whether any special definition of the city should be inserted, we have come to the conclusion that no such definition is necessary, because it is desirable that the harbour should be deemed to be a part of the city for the purposes of the Act and the general definition of the expression "the city of Bombay," which is contained in clause (7) of section 3 of the Bombay General Clauses Act, 1886, and which governs all Bombay enactments, unless a contrary intention appears in those enactments, does include the harbour. Thus we hold that the harbour should for all purposes be deemed to be within municipal limits and with reference to the representations made on this point by the Trustees of the Port, we think that the Port Trust and the Municipality should each accept the consequences which will follow upon this decision.

68. The more important of the points upon which our opinions differ have been mentioned in their proper places in this report. There are some of minor

importance which it has not been thought necessary to notice. Those of us who differ from any of the decisions embodied in the amended Bill reserve to ourselves liberty to raise in Council the questions to which they relate.

69. Our colleague, the Honourable Mr. Macpherson, who was present at all our meetings, unfortunately ceased to be a member of the Council before this report was ready for signature. He has, however, seen the report and authorizes us to say that it has his full concurrence, and that in each instance in which the opinion of a majority of us has been cited, he was one of the majority.

70. The Gujaráthi translation of the Bill was published in the *Bombay Government Gazette* of 16th June, 1887.

J. R. NAYLOR.

KAZI SHAHABUDIN.

11th January 1888.

I generally concur in this report.

K. T. TELANG.

Do.

PHEROZESHAH M. MEHTA.

Bill No. 4 of 1887.

The City of Bombay Municipal Bill, 1887.

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The City of Bombay Municipal Bill, 1887.

[Ch. I.—Preliminary, Sects. 1—3 (f).]

A Bill to consolidate and amend the law relating to the municipal government of the city of Bombay.

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

CHAPTER I.

PRELIMINARY.

1. This Act may be cited as "The City of Bombay Municipal Act, 1888."

MI. Acts,
1872 and
1878, s. 308.

Short title.

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

Extent.

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

Provided that:

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

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

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

(d) all suits or other legal proceedings, civil or criminal, instituted, or which might, but for the passing of this Act, have been instituted by or against the municipal corporation or the commissioner, appointed under the Bombay Municipal Acts of 1872 and 1878, may, after this Act comes into force, be con-

MI. Acts,
1872 and
1878, ss. 18
and 276;
Bo. Act V,
1879, s. 2.

Bo. Act I,
1884, s. 2.

Bo. Acts III
of 1872, and
IV of 1878.

tinued or instituted, subject to the provisions of section 13 of schedule R, by or against the said council or the commissioner respectively, as if this Act had not been passed; and

(e) all references made in any Act of the Governor of Bombay in Council to any of the said Acts enactments shall be read as if made to this Act or to the corresponding portion thereof; and in every Act of the Governor of Bombay in Council passed before this Act comes into force the expression "municipal corporation of the city of Bombay" shall be deemed to mean the municipal council of the city of Bombay constituted under this Act.

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

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

(b) "the municipal corporation" means the Municipal Corporation of the city of Bombay as constituted under the Bombay Municipal Acts of 1872 and 1878;

Bo. Acts III
of 1872 and
IV of 1878.

(bb) "the council" means the Municipal Council of the city of Bombay constituted under this Act;

(c) "the commissioner" means the Municipal Commissioner for the city of Bombay appointed under section 55 and includes an acting commissioner appointed under sub-section (3) of section 60;

(d) "deputy commissioner" means a Deputy Municipal Commissioner appointed under section 56 and includes an acting deputy commissioner appointed under sub-section (3) of section 60;

(e) the "police commissioner" means the Commissioner of Police of Bombay;

(f) "justice" means a justice of the peace for the town of Bombay appointed

"The police commissioner;"

"Justice;"

The City of Bombay Municipal Bill, 1887.[*Ch. I.—Preliminary, Sect. 3 (h)–(u).*]

II of 1869.

under the provisions of the Justices of the Peace Act, 1869, or of any other law for the time being in force in this behalf;

(g) “fellow” means
“Fellow;” a fellow of the University of Bombay;

(h) “justices’ election” and “fellows’ election” mean, respectively, an election of a member of the corporation councillor by justices or by fellows;
“Justices’ election;”
“Fellows’ election;”

(i) “licensed plumber” and “licensed surveyor” mean, respectively, a person licensed by the commissioner for the purposes of this Act, as a plumber or surveyor, under section 351;
“Licensed surveyor;”
“licensed plumber;”

(j) “small cause court” means the Court of Small Causes of Bombay;
“Small cause court;”

ML. Acts,
1872 and
1878, s. 2.

(k) “owner,” when used in reference to any premises, means the person who receives the rent of the said premises, or who would be entitled to receive the rent thereof if the premises were let, and includes:

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

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

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

Mad. Act I,
1884, s. 3 (aa).

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

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

(m) the term “public securities” means securities of the Government of India and any securities guaranteed by Government, securities of the Bombay Port Trust, securities issued under this Act and any Bombay municipal debentures or other securities heretofore issued;

(n) “tax” includes any impost leviable under this Act;
“Tax;”

(o) “vehicle” includes a carriage, cart, van, dray, truck, hand-cart and wheeled conveyance of any description capable of being used on the public streets of the city;
“Vehicle;”

(p) “land” includes land which is built upon or covered with water;
“Land;”

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

(r) “waterwork” includes a lake, stream, spring, well, pump, reservoir, cistern, tank, duct, whether covered or open, sluice, main, pipe, culvert, engine and any machinery, land, building or thing for supplying, or used for supplying water;
“Waterwork;”

(s) “drain” includes a sewer, pipe, ditch, channel and any other device for carrying off sullage, excrementitious matter and polluted water or rain-water or sub-soil water;
“Drain;”

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

(u) “street” includes any highway and any causeway, bridge, viaduct, arch, quay, wharf, road, lane, footway, square,

The City of Bombay Municipal Bill, 1887.

[Ch. I.—Preliminary, Sect. 3 (v)—(aa). Ch. II.—Municipal Constitution, Sects. 4—9.]

court, alley or passage, whether a thoroughfare or not, over which the public have a right of passage or access or have passed and had access uninterruptedly for a period of twenty years; and, when there is a footway as well as a carriage-way in any street, the said term includes both;

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

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

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

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

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

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

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

CHAPTER II.

THE MUNICIPAL CONSTITUTION.

Municipal Authorities.

4. The municipal authorities charged with carrying out the provisions of this Act are:

(A), a ~~corporation~~ council;

(B), a ~~town-council~~ standing committee;

(C), a municipal commissioner.

(A). ~~The Municipal Corporation Council.~~

5. (1) On and after the first day of April, 1889, the ~~corporation~~ municipal council shall consist of seventy-two ~~members~~ councillors, as follows (namely):

thirty-six elected at ward-elections;
sixteen elected by justices;
two elected by fellows;
two elected by the Bombay Chamber of Commerce;

the Municipal Commissioner for the city of Bombay and fifteen other persons ~~sixteen~~ appointed by Government.

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

Terms of office of members of the Corporation Councillors; Casual vacancies, &c.

6. (1) The first members of the ~~corporation~~ council constituted according to the provisions of section 5, shall come into office on the first day of April, 1889.

(2) ~~Members of the said corporation~~ Councillors elected or appointed to succeed retiring ~~members~~ councillors shall come into office on the day for the retirement of the ~~members~~ councillors whom they are to succeed.

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

~~Two last sections inapplicable to the commissioner.~~

8. ~~Nothing in the two last preceding sections applies to the commissioner.~~

9. Any person who ceases to be a ~~member of the corporation~~ councillor shall, unless disqualified, be re-eligible. ~~Re-eligibility of persons ceasing to be members of the corporation councillors.~~

*The City of Bombay Municipal Bill, 1887.**[Ch. II.—Municipal Constitution, Sects. 10—16.]*

MI. Acts, 1872 and 1878, s. 8. Municipal Corporations Act, 1882 (45 and 46 Vic., c. 50), s. 40.

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

Bo. Act I, 1884, s. 26.

11. The names of all persons elected or appointed to be members of the corporation councillors shall be published by the commissioner in the Bombay Government Gazette.

Qualifications and Disqualifications of Voters and Members of the Corporation Councillors.

MI. Acts, 1872 and 1878, s. 9.

12. (1) A person shall not be entitled to vote at a ward-election, unless he is enrolled in the municipal election roll as a voter of the ward for which such election is held.

MI. Acts, 1872 and 1878, s. 9A.

(2) A person shall not be entitled to be enrolled in the municipal election roll as a voter of any ward, unless such person :

(a) resides or is the owner of some building or land in that ward ; and

(b) has attained the age of twenty-one years ;

and unless such person, either :

(c) has been assessed to the qualifying tax for the half-year from the first day of April to the thirtieth day of September last preceding the preparation of the roll, at a rate of not less than thirty rupees per annum ; or

(d) is a graduate of some university in British India or in the United Kingdom.

(3) In clause (c) "the qualifying tax" means either the general tax or the tax on vehicles and animals, other than vehicles and animals plying for hire or kept for the pur-

pose of being let for hire, levied according to the provisions hereinafter contained, or the aggregate of both the said taxes.

13. (1) A person shall not be entitled to vote at a justices' election, unless he is at the time of such election a justice and is enrolled as a justice, in the municipal election roll.

(2) A person shall not be entitled to be enrolled in the municipal election roll as a justice, unless he resides in the city.

14. (1) A person shall not be entitled to vote at a fellows' election, unless he is at the time of such election a fellow and is enrolled as a fellow in the municipal election roll.

(2) A person shall not be entitled to be enrolled in the municipal election roll as a fellow, unless he resides in the city.

15. (1) A person shall not be qualified to be elected at a ward-election to be a member of the corporation councillor, unless he is enrolled in the municipal election roll as a voter of some ward, or unless he is at the time of the election a justice or a fellow and is enrolled as a justice or as a fellow in the municipal election roll :

(2) Provided that :

(a) if a joint stock company is enrolled in the said roll as a voter of a ward, such enrolment shall not be deemed to qualify any person to be elected to be a member of the corporation councillor ;

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

16. A person shall not be qualified to

be elected to be a member of the corporation councillor at a justices' election or a fellows' election, or an election by the Bombay Chamber of Commerce, unless he is at

MI. Acts, 1872 and 1878, s. 9.

MI. Acts, 1872 and 1878, s. 9A.

New. Cf. MI. Acts, 1872 and 1878, s. 9.

MI. Acts, 1872 and 1878, s. 5.

Cf. Ben. Act IV, 1876, s. 12, para. 2.

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[Ch. II.—Municipal Constitution, Sects. 17 (1)—20 (1).]

the time of the election, a justice, or a fellow, or a member of the said chamber, as the case may be, and unless, in the case of a justice or a fellow, he is enrolled as such in the municipal election roll.

MI. Acts, 1872
and 1878, s.
8.

17. (1) A person shall be disqualified for being elected or appointed and for being a member of the corporation councillor if such person :

(a) is of the female sex ; or

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

or if and while such person :

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

(d) is the commissioner or a deputy commissioner or a municipal officer or servant, or a licensed surveyor or plumber ; or

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

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

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

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

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

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

(k) any joint-stock company which shall contract with or be employed by

the commissioner on behalf of the corporation council ; or

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

(3) Nor shall the police commissioner be deemed to be so disqualified by reason of his office merely.

Bo. A. IV of
1885, s. 5.

A person becoming disqualified to cease to be a member of the corporation councillor.

18. Any member of the corporation councillor who—

(a) becomes disqualified for being a member of the corporation councillor for any reason mentioned in the last preceding section ; or

(b) absents himself during six three successive months from the meetings of the corporation council, except from temporary illness or other cause to be approved by the corporation council ;

shall cease to be a member of the corporation councillor and his office shall thereupon be vacant.

19. Whenever it is alleged that any member of the corporation councillor has become disqualified for office for any reason aforesaid, and

Questions as to disqualifications to be determined by chief judge of the small cause court.

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

Municipal Election Roll.

20. (1) On or before the first day of October, 1888, and on or before each first day of October thereafter, the commissioner shall prepare a list of persons

Preparation and revision of list of persons qualified to vote.

MI. Acts, 1872 and 1878, s. 9 D. Municipal Corporations Act, 1882 (45 and 46 Vic., c. 50) ss. 45—48, and sch. 3, Pt. I.

MI. Acts, 1872
and 1878, s.
43.

MI. Acts, 1872
and 1878, s.
53. Municipal
Corporations
Act, 1882,
(45 and 46
Vic., c. 50),
s. 12 (2).

*The City of Bombay Municipal Bill, 1887.**Ch. II.—Municipal Constitution, Sect. 20 (2)—(15).]*

appearing to be entitled to be enrolled in the municipal election roll as voters of wards, justices and fellows respectively.

(2) The arrangement of the list shall be alphabetical and it shall be in three parts, namely, for voters of wards, justices and fellows, respectively, and may be otherwise subdivided as the commissioner shall from time to time deem convenient.

(3) The list of voters of wards shall be made in separate lists, called ward lists, one for each ward into which the city is divided as hereinafter provided, containing the names of persons entitled to be enrolled as voters of that ward. The ward lists and the list of justices and the list of fellows shall be collectively deemed to constitute one list.

(4) In preparing the ward lists the commissioner shall enter therein the names of the persons who have been assessed to the qualifying tax, whether such persons be individuals, companies, firms, undivided families or other associations or bodies of individuals, ~~but~~ and shall ~~not~~ also enter the names of persons who have been assessed as the trustees ~~merely~~ of any *building or land*. ~~estate, and such trustees shall not be entitled to have their names entered therein.~~

(5) If individual members of any company, firm, undivided family or other association or body so entered *or if trustees whose names are so entered* have been assessed on their own separate account to the qualifying tax, the commissioner shall enter their names in the list separately.

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

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

v.—10

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

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

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

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

(12) The commissioner shall, on some one of the first ten days of November, revise the list prepared as aforesaid.

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

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

(15) The commissioner shall expunge from the list the name of every person proved to his satisfaction to be dead and

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[Ch. II.—Municipal Constitution, Sects. 20 (16)—22 (3).]

may correct any clerical error or omission in the list.

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

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

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

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

(20) The name of one person may be separately entered and retained by the commissioner in the list as a voter of a ward and as a justice and as a fellow, or in any two of those capacities, if such person is entitled to be enrolled in the municipal election roll in all or both such capacities, as the case may be.

(21) If no individual person has applied as aforesaid to have his name entered in the list as the representative of an undivided family or other association or body, not being a company or a firm, *or of two*

or more trustees of any building or land, the commissioner shall determine what individual person shall be entitled to represent such undivided family, or other association or body, *or trustees*, and enter his name in the list as the person qualified to vote or to be elected, in behalf of the undivided family or other association or body *or of the trustees, as the case may be*.

(22) The commissioner may adjourn the hearing of any matter under this section from time to time, so that no adjourned hearing be held after the tenth day of November.

21. In the event of the commissioner rejecting any claim, objection or choice duly made under the last preceding section, the claimant or

Appeals against commissioner's orders on revision of the list by whom to be heard.

Ml. Acts, 1872 and 1878, s. 9 D.

objector or person aggrieved may, at any time within five days after such rejection, apply to the Chief Judge of the Small Cause Court, and the said chief judge shall, within ten days after receipt of such application and after such inquiry as he deems necessary, make such order for correcting the list or otherwise as shall seem to him fit and his order shall be conclusive.

22. (1) When the list prepared as aforesaid has been revised by the commissioner and corrected in compliance with any order passed in this behalf by the chief judge aforesaid, a printed copy thereof, signed by the commissioner, shall be the municipal election roll and shall come into operation on the first of December and continue in operation for the twelve months beginning on that day.

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

(3) Every person enrolled in the municipal election roll shall be deemed to be entitled to vote at a ward election or as a justice or fellow, as the case may be, provided, in the case of a justice or a fellow, that such person be still a justice or fellow, as

Municipal Corporations Act, 1882 (45 and 46 Vic., c. 50), s. 45 (5).

Municipal Corporations Act, 1882 (45 and 46 Vic., c. 50), s. 45 (8).

*The City of Bombay Municipal Bill, 1887.**Ch. II.—Municipal Constitution, Sects. 22 (4)—27 (2) (b).]*

the case may be, at the time of the election; and every person not enrolled in the said roll shall be deemed to be not entitled so to vote.

(4) Printed copies of the municipal election roll shall be delivered to any person requiring the same, on payment of such reasonable fee for each copy as shall from time to time be prescribed by the commissioner, with the approval of the ~~town-council~~ *standing committee*, in this behalf.

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

Elections of Members of the Corporation Councillors.

23. (1) General elections of ~~members of the~~ *the corporation coun-*
cillors shall be fixed

by the commissioner, subject to the provisions of section 24, to take place triennially on such days in the months of January and February as he shall think fit.

(2) The first general elections shall be held in the year 1889.

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

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

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

secondly, ~~fourthly~~ the day for the election by the Bombay Chamber of Commerce shall be fixed at an interval not exceeding ~~seven~~ *twenty-one* days after the day fixed for the ward-elections;

thirdly, ~~secondly~~ the day for the justices' election shall be fixed at an interval not exceeding ~~twenty-one~~ *seven* days after the day fixed for the ward election by the Bombay Chamber of Commerce;

fourthly, ~~thirdly~~ the day for the fellows' election shall be fixed at an interval not exceeding fourteen days after the day fixed for the justices' election.

25. (1) For the purposes of elections, ^{New.} the city shall be divided into wards and the number of ~~members of the corporation~~ *councillors* to be elected at ward-elections shall be apportioned over the said wards.

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

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

26. Fifteen days at least before the day ^{New.}

Notice to be given of days fixed for ward-elections and justices' elections. fixed for a ward-election or for a justices' election, notice of such election shall be given

by the commissioner. Such notice shall be given by advertisement in the *Bombay Government Gazette* and in the local newspapers, and, in the case of a ward-election, by posting placards in conspicuous places in the ward for which such election is to take place.

27. (1) Candidates for election at a ^{Ml. Acts, 1872 and 1878, s. 9.} ward-election or a justices' election must be

Candidates at ward-elections and justices' elections must be nominated. duly nominated in writing in accordance with the provisions hereinafter contained.

(2) With respect to such nominations, ^{Ml. Corporations Act, 1882 (45 & 46 Vic., c. 50), Sch. 3, Pt. 2.} the following provisions shall have effect, namely:—

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

(b) Each nomination-paper must state the name, abode and description of the candidate in full, and be subscribed by

Ml. Acts, 1872 and 1878, s. 9 D, para. 2. Municipal Corporations Act, 1882 (45 and 46 Vic., c. 50), s. 48.

Do. s. 71 (2).

New. Cf. Ml. Acts, 1872 and 1878, ss. 6 and 7.

Cf. Ml. Acts, 1872 and 1878, s. 8, para. 2.

Ml. Acts, 1872 and 1878, s. 7.

*The City of Bombay Municipal Bill, 1887.**Oh. II.—Municipal Constitution, Sects. 27 (2) (c)—28 (1).]*

two persons entitled to vote at the election as proposer and seconder;

(c) Every nomination-paper subscribed as aforesaid must be delivered by the candidate or his proposer or seconder at the commissioner's office before five o'clock in the afternoon of the day fixed for the election;

(d) ~~Where a person subscribes more than one nomination-paper, his subscription shall be inoperative in all but the one which is first delivered; Each candidate must be nominated by a separate nomination-paper, but any person entitled to vote at the election may subscribe as many nomination-papers as there are vacancies to be filled, but no more;~~

(e) If any person nominated:

(i) is not enrolled in the municipal election roll as a voter of a ward or as a justice or as a fellow; or

(ii) although enrolled in the municipal election roll as a justice or a fellow, has ceased to be a justice or a fellow; or

(iii) is notoriously disqualified for being a member of the corporation councillor for any of the reasons set forth in section 17;

the commissioner shall declare such person's nomination invalid;

(f) If there is no valid nomination, it shall be deemed that no member of the corporation councillor has been elected and proceedings for filling the vacancy or vacancies shall be taken under section 35;

(g) If the number of valid nominations is less than that of the vacancies, the persons nominated shall be deemed to be elected and for the remaining vacancy or vacancies it shall be deemed that no member of the corporation councillor has been elected and proceedings for filling such vacancy or vacancies shall be taken under section 35;

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

(j) If the number of valid nominations exceeds that of the vacancies, the election of members of the corporation councillors shall be made from among

the persons nominated, and such election shall be termed "a contested election";

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

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

28. (1) When a ward-election or a justices' election is contested, a poll shall be taken seven days after the day fixed for the election. At such poll, the municipal election roll which was in operation on the

Cf. Ml. Acts
1872 & 1878,
s. 9, para. 1.

Ml. Corpora-
tions Act,
1884 (45 and
46 Vic., c. 50),
s. 26.

Ml. Acts, 1872
and 1878, s.
9B.

*The City of Bombay Municipal Bill, 1887.**Ch. II.—Municipal Constitution, Sects. 28 (2)—29 (m).]*

day fixed for the election shall be deemed to be the roll to which reference must be made for the purposes of the election.

MI. Acts, 1872
and 1878, s. 9.

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

Names of candidates validly nominated to be published.

MI. Acts, 1872
and 1878, s. 9B.

29. With respect to contested ward-elections, the following provisions respecting contested ward-elections shall have effect; namely:

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

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

(c) The commissioner shall have voting-papers, in such form as he from time to time thinks fit, printed, and the said forms shall be supplied to persons entitled to vote, on any of the four days (not being a Sunday or a public holiday) previous to the day of the poll at the municipal office and on the day of the poll at each polling-place, free of charge;

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

(e) No vote shall be received for any candidate whose name has not been published by the commissioner, under sub-section (2) of section 28, as having been validly nominated;

(f) No vote shall be received from any person whose name is not enrolled

in the ward-roll as a voter of the ward for which the election is being held;

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

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

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

MI. Corporations Act, 1882 (45 and 46 Vic., c. 50) s. 59 (1).

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

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

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

Do. s. 59 (2) and (3).

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

Do. s. 59 (4).

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

Elementary Education Act, 1870) 33 and 34 Vic., c. 75) s. 37 (5).
Ben. Act IV. of 1876, s. 13.

MI. Acts, 1872
and 1878, s. 9.

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[Ch. II.—Municipal Constitution, Sects. 29 (n)—30 (f).]

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

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

(p) The commissioner shall, as soon as may be, hear and decide upon all challenges and other objections, if any, to or regarding the poll, made to him in writing not later than five o'clock in the afternoon of the day after the poll, and cause lists to be prepared of the valid votes given for each candidate. The said lists and the voting-papers on which they are based shall be kept in the commissioner's office, unless called for in the meantime by the Chief Judge of the Small Cause Court for the purpose of any appeal, for three months;

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

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

(s) If a candidate is elected member of the corporation councillor for more than one ward, he shall, within twenty-four hours after receipt of written notice thereof from the commissioner, choose, by writing signed by him and delivered to the commissioner, or, in his default,

the commissioner shall, when the time for choice has expired, declare for which of those wards he shall serve, and the choice or declaration shall be conclusive;

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

30. With respect to justices' contested elections the following provisions shall have effect, namely:—

Provisions regarding justices' contested elections.

MI. Acts, 1872 and 1878, ss. 7 & 9B.

(a) The poll shall be taken at a meeting of the justices, of the time and place of which reasonable notice shall be given by the chairman of the justices by advertisement in the *Bombay Government Gazette* and in the local newspapers;

(b) Every person entitled to vote may vote by signing and personally delivering, at the meeting held in accordance with the notice given under clause (a), to the chairman of such meeting, a voting-paper containing the name in full of the candidate or of each of the candidates for whom he votes;

MI. Corporations Act, 1882 (45 and 46 Vic., c. 50), s. 60 (4).

(c) Every voter shall be entitled to vote for any number of candidates not exceeding the number of vacancies;

MI. Corporations Act, 1882 (45 and 46 Vic., c. 50) ss. 58 (2) and 60 (4).

(d) No vote shall be received for any candidate whose name has not been published by the commissioner, under sub-section (2) of section 28, as having been validly nominated;

MI. Acts, 1872 and 1878, s. 9.

(e) No vote shall be received from any person whose name is not enrolled in the justices' roll or who is not on the day of the meeting a justice;

(f) The chairman of the meeting, as soon as all the voting-papers of the justices present and voting have been delivered to him, shall close the meeting and shall, as soon as may be, cause lists to be prepared of the valid votes given for each candidate. The said lists and the voting-papers on which they are based, shall, unless called for in the meantime by the Chief Judge of the Small Cause Court for the purpose of any appeal, be kept by the clerk of the justices for three months;

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[Ch. II.—Municipal Constitution, Sects. 30 (g) —34 (4).]

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

(h) In case of an equality of such votes, the chairman of the meeting shall have a second or casting vote;

(i) The chairman of the meeting shall make a return in duplicate to the commissioner setting forth the name in full of every person elected at the meeting.

New.

31. (1) Elections of ~~members of the corporation~~ *councillors* by ~~the fellows~~ shall be made, subject to the provisions of section 16, in such manner as shall from time to time be determined at a meeting of the senate of the University of Bombay convened in accordance with the rules at the time in force in this behalf: Provided that no vote shall be received from any person whose name is not enrolled in the fellows' roll or who is not on the day of the meeting a fellow.

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

Cf. Bo. Act VI. of 1879, s. 6.

32. (1) Elections of ~~members of the corporation~~ *councillors* by ~~the fellows~~ the Bombay Chamber of Commerce shall be made by the members for the time being of the said chamber, subject to the provisions of section 16, in such manner as shall from time to time be determined at a meeting of the said chamber convened in accordance with the rules at the time in force in this behalf.

(2) The secretary to the said chamber shall make a return in duplicate to the commissioner setting forth the name in full of every person so elected.

New. Cf. Ml. Acts, 1872 and 1878, s. 9B.

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

(2) The said notice shall be signed, in the case of a ward-election and in the case of a justices' election which is not contested, by the commissioner, in the case of a contested justices' election, by the chairman of the meeting of justices at which the election took place, in the case of a fellows' election, by the registrar of the University of Bombay, and in the case of an election by the Bombay Chamber of Commerce, by the secretary of that chamber.

34. (1) If the qualification of any person declared to be elected ^{Ml. Acts. 1872 & 1878, s. 9C.} for being a ~~member of the corporation~~ *councillor* is disputed, or if the validity of any election is questioned, whether by reason of the improper rejection by the commissioner of a nomination or of the improper reception or refusal of a vote, or for any other cause, any person enrolled in the municipal election roll may at any time, within eight days after the result of the election has been declared, apply to the Chief Judge of the Small Cause Court.

(2) If the said chief judge, after making such inquiry as he deems necessary, finds that the election was a valid election and that the person whose election is objected to is not disqualified, he shall confirm the declared result of the election. If he finds that the election was not a valid election he shall set it aside so far as concerns the person whose election is objected to. If he finds that there is no objection to the validity of the election-proceedings, but that the person whose election is objected to is disqualified for being a ~~member of the corporation~~ *councillor*, he shall declare such person's election null and void, and direct that the candidate, if any, in whose favour the next highest number of votes was recorded after the said person, or after all the persons who were returned as elected at the said election, shall be deemed to have been elected.

(3) The said chief judge's order shall be conclusive.

(4) If he sets aside an election or if, when he declares a person who has been declared elected disqualified for being a ~~member of the corporation~~ *councillor*, there is no other candidate who can be deemed to have been elected, proceedings for filling the vacancy or vacancies shall be taken under section 35.

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[Ch. II.—Municipal Constitution, Sects. 34 (5)—37(e).]

MI. Corpora-
tions Act,
1882 (45 and
46 Vic., c.
50) s. 73.

(5) Every election not called in ques-
tion in accordance with the foregoing pro-
visions shall be deemed to have been to all
intents a good and valid election.

Elementary
Education
Act, 1870 (33
and 34 Vic.,
c. 75), sch. 2,
Pt. I, 5, 6.

35. (1) If from any cause no member
of the corporation
councillor is elected at
any general election,
not being one of the first general elections
held in accordance with this Act, the
retiring member or members of the corpora-
tion councillor or councillors shall, if willing
to serve, be deemed to be re-elected.

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

if, in the case of a first general election
held in accordance with this Act, or of an
election to fill a casual vacancy, no mem-
ber of the corporation councillor is elected, or

if, in the case of any election, an insuffi-
cient number of members councillors are
elected,

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

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

*Appointment of Members of the Corporation
Councillors by Government.*

36. (1) The first appointment of mem-
bers of the corporation
councillors by Gov-
ernment under this
chapter shall be made
not less than seven days before the first
day of April, 1889.

(2) Subsequent appointment of members
of the corporation councillors by Govern-
ment to succeed retiring members coun-
cillors shall be made triennially not less
than seven days before the day for retire-
ment.

(3) Appointments of members of the
corporation councillors by Government to
fill casual vacancies shall be made as soon
as conveniently may be after the occur-
rence of such vacancies.

Proceedings of the Corporation Council.

37. The corporation council shall meet
Provisions regulating for the despatch of
the corporation's coun- business and shall
cil's proceedings. from time to time
make such regulations with respect to the
summoning, notice, place, management
and adjournment of such meetings, and
generally with respect to the mode of
transacting and managing the business of
the corporation council as they think fit,
subject to the following conditions :

(a) there shall be five ordinary meetings
in each official year, viz. in the months
of April, July, October, January and
March ; the ordinary meeting in the
month of March shall be held not later
than on the twentieth day of that month ;

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

(c) the day, time and place of meeting
shall in every other case be fixed by
the president of the corporation council,
or in the event of the office of president
being vacant, or of the death or resigna-
tion of the president, or of his ceasing to
be a member of the corporation councillor,
or of his being absent from the city or
incapable of acting, by the commissioner
chairman of the standing committee ;

(d) the president of the corporation
council, or in any such event as afore-
said, the commissioner chairman of the
standing committee may, whenever he
thinks fit, and shall, upon a written
requisition signed by not less than
sixteen members of the corporation coun-
cillors or by not less than four members
of the town council standing committee
call a special meeting ;

(e) every meeting shall be open to the
public, unless the presiding authority
deems a majority of the councillors

MI. Acts,
1872 and
1878, s. 7.

MI. Acts,
1872 and
1878, s. 12.

Bo. Act I,
1884, s. 32 (3).

The City of Bombay Municipal Bill, 1887.

[Ch. II.—Municipal Constitution, Sect. 37 (f)—(m).]

present thereat decide by a resolution, which shall be put by the presiding authority, of his own motion or at the request of any councillor present, without previous discussion, that any inquiry or deliberation pending before the corporation council is such as should be held in private and provided that the said presiding authority may at any time cause any person to be removed who interrupts the proceedings;

(f) if at any time during a meeting it shall be brought to the notice of the presiding authority that the number of ~~members of the corporation~~ councillors present falls short of ~~fifteen~~ twenty, inclusive of the presiding authority, the presiding authority shall adjourn the meeting to some other day, fixing such time and place for the same as he shall think convenient, and the business which remains undisposed of at such meeting shall be disposed of at the adjourned meeting or, if the latter meeting should be again adjourned, at any subsequent adjourned meeting, whether there be a quorum of ~~fifteen~~ twenty members present thereat or not;

(g) if the commissioner shall at any time before any business or proposition is finally disposed of at a meeting, certify to the presiding authority of such meeting that the said business or proposition is of special importance, it shall not be competent to the said meeting or to any subsequent meeting, notwithstanding anything contained in clause (f), to dispose of the same unless at least twenty-five members of the corporation, inclusive of the presiding authority, are present during such time as the said business or transaction is under consideration and until it is finally disposed of;

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

(j) at least seven clear days' notice shall ordinarily be given of every meeting, other than an adjourned meeting, but in cases of urgency any such meeting may be called, except for the pur-

pose of considering an annual budget-estimate, in pursuance of a written requisition signed by not less than four members of the ~~town-council standing committee~~, upon a notice of less than seven days such notice as, having regard to the urgency, shall be practicable; of adjourned meetings such previous notice shall be given as shall be practicable, having regard to the period of the adjournment;

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

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

(m) except at a meeting called on a requisition of urgency or at the discussion at any meeting of a budget-estimate, no business shall be transacted at any meeting other than the business specified in the notice published under clause (k) or urgent business not specified in the said notice which the standing committee or the commissioner deem it expedient to bring before the meeting,—and no substantive proposition shall be made or discussed which is not specified in the said notice or in the supplementary announcement, if any, published under clause (l), or which is not in support of the recommendation of the ~~town-council standing committee~~ or of the commissioner with

ML. Acts,
1872 and
1878, s. 14.

ML. Acts,
1872 and
1878, s. 12.

ML. Acts,
1872 and
1878, s. 12A.

New.

ML. Acts,
1872 and
1878, s. 10.

Cf. ML. Acts,
1872 and 1878,
s. 13.

ML. Acts,
1872 and
1878, ss. 11
& 12.

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[Ch. II.—Municipal Constitution, Sects. 41 (5)—47.]

rules for the conduct of their affairs shall be such and their chairman shall be appointed for such period and by such authority or in such manner, as shall from time to time be agreed upon between the corporation council and Government: Provided that the members of any such committee appointed by the council shall be, and those appointed by Government shall not necessarily be, members of the corporation councillors.

(5) Any such committee may, by agreement of the corporation council and of Government, be invested, so far as concerns the purposes for which the same is constituted, with all or any of the powers of the corporation or of any municipal authority under this Act. The authority of a committee so invested shall pro tanto exclude the exercise of the same powers by a municipal authority.

(B). The Town-Council Standing Committee.

MI. Acts, 1872 and 1878, s. 19.

42. The town-council standing committee shall consist of twelve councillors, eight appointed by the council and four by Government. thirteen members as follows (namely):—

Cf. MI. Acts 1872 and 1878, s. 43.

the commissioner-ex-officio ;

eight members of the corporation appointed by the corporation ;

four members of the corporation appointed by Government.

MI. Acts, 1872 and 1878, s. 20.

43. (1) The corporation council shall at their first meeting in the month of April, after general elections, appoint eight persons out of their own body to be members of the town-council standing committee.

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

MI. Acts, 1872 and 1878, s. 20.

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

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

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

MI. Acts, 1872 and 1878, s. 21.

45. (1) One-half of the members of each New.

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

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

46. (1) The corporation council shall at New.

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

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

47. In the event of non-acceptance of office by a member of the corporation council appointed to be a member of the town-council standing committee or of the death,

MI. Acts, 1872 and 1878, s. 21.

*The City of Bombay Municipal Bill, 1887.**[Ch. II.—Municipal Constitution, Sects. 48—49 (k).]*

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

MI. Acts, 1872
and 1878, s.
21.

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

1. Acts, 1872
and 1878, s.
23.

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

Cf. MI. Acts,
1872 and
1878, s. 19.

Cf. MI. Acts,
1872 and
1878, s. 24.

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

Do. do.

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

New.

(c) the chairman of the ~~town-council~~ *standing committee* shall, upon a written requisition signed by the commissioner, call a special meeting of the ~~town-council~~ *said committee* within twenty-four hours for the transaction of any business which, in the opinion of the commis-

sioner, cannot be delayed until the next ordinary meeting of the ~~council~~ *said committee*;

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

MI. Acts, 1872
and 1878, s.
25.

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

MI. Acts, 1872
and 1878, s.
25.

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

MI. Acts, 1872
and 1878, s.
25.

(g) the ~~town-council~~ *standing committee* may from time to time, by a specific resolution in this behalf, delegate any of their powers or duties to *sub-committees* consisting of such members of the ~~council~~ *said committee* not less in number than three on each *sub-committee*, as they think fit; and any *sub-committee* so formed shall conform to any instructions that may from time to time be given to them by the ~~town-council~~ *standing committee* and the ~~town-council~~ *said committee* may at any time discontinue or alter the constitution of any *sub-committee* so formed;

MI. Acts of
1872 and
1878, s. 23.
Ro. Act I. of
1884, s. 32
(6)–(9).

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

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

(k) questions at any meeting of a *sub-committee* shall be decided by a majority

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[Ch. II.—Municipal Constitution, Sects. 49 (1)—55 (2).]

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

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

(m) a member of the ~~town-council standing committee~~ shall not vote or take part in the discussion before the ~~council said committee~~ or before any sub-committee of any matter in which he has, directly or indirectly, by himself or by his partner, any share or interest such as is described in clauses (g) to (l), both inclusive, of section 17, or in which he is professionally interested on behalf of a client, principal or other person;

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

50. ~~No regulation made by the town-council under the last preceding section shall have force or validity, unless and until it has been approved by Government.~~

Regulations made under section 49 to be subject to approval by Government.

51. Every member of the ~~town-council~~ *standing committee*

Fees payable to members of the ~~town-council~~ *standing committee*.

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

Provisions regarding validity of proceedings.

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

Vacancy in ~~corporation council, &c.~~ not to invalidate their proceedings.

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

Proceedings of ~~corporation council, &c.~~ not vitiated by disqualification, &c., of members thereof.

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

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

(C). The Municipal Commissioner.

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

(2) ~~But~~ But he shall be forthwith removed by Government from office, if at a meeting of

ML. Acts, 1872 and 1878, s. 26.

Bo. Act I. of 1884, s. 70.
ML. Corporation's Act, 1882 (45 & 46 Vic., c. 50), s. 22 (3).

ML. Acts, 1872 and 1878, s. 43.

ML. Acts, 1872 and 1878, s. 23.

ML. Acts, 1872 and 1878, s. 24.

ML. Corporation's Act, 1882 (45 & 46 Vic., c. 50), s. 22 (4).
Cf. ML. Acts, 1872 & 1878, s. 4.

Elementary Educational Act, 1870, (33 & 34 Vic., c. 75), s. 30 (3).

ML. Corporation's Act, 1882 (45 & 46 Vic., c. 50), s. 22 (6).

ML. Acts, 1872 and 1878, s. 42.

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[Ch. II—Municipal Constitution, Sects. 56 (1)—60 (1).]

the ~~corporation~~ council not less than forty-five ~~members~~ councillors shall vote in favour of a proposition in this behalf; and he may be removed by the Governor in Council at any time, if it shall appear to the Governor in Council that he is incapable of performing the duties of his office, or has been guilty of any misconduct or neglect which renders his removal expedient.

Deputy Municipal Commissioner.

Bo. Act III of 1885, s. 1.

56. (1) The Governor in Council may at any time and from time to time appoint a person to be a Deputy Municipal Commissioner, if, *after consulting the council and the commissioner*, it shall appear to him expedient so to do.

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

Bo. Act III of 1885, s. 2.

57. (1) A deputy commissioner so appointed shall be subordinate to the commissioner and, *subject to his general direction*, shall exercise such of the powers and perform such of the duties of the commissioner as the commissioner shall from time to time depute to him: ~~If deputed for this purpose by the commissioner, he may act, in the commissioner's stead, as a member of the corporation or of the town council at any meeting of the corporation or town council, or of any committee appointed under this Act.~~

(2) *Provided that*

(a) *it shall not be lawful for a deputy commissioner to appear in the commissioner's stead at any meeting of the council or standing committee or to exercise thereat any right or power of the commissioner;*

(b) *the commissioner shall inform the council of the powers and duties which he from time to time deposes to a deputy commissioner.*

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

Remuneration of Commissioner and Deputy Commissioner.

58. (1) The commissioner shall receive ^{Bo. Ml. Acts, 1872 and 1878, s. 43.} such monthly salary, not exceeding rupees two thousand five hundred and not less than rupees two thousand, as Government shall from time to time determine, in return wherefor he shall, except as hereinafter provided, devote his whole time and attention to the duties of his office as prescribed in this Act or in any other enactment for the time being in force:

^{Duties which may be undertaken by the commissioner outside of this Act.} (2) Provided that New. he may at any time:

(a) be an additional member of the Council of the Governor of Bombay for the purpose of making laws and regulations; ^{Ben. Act IV of 1876, s. 33 (c).}

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

(c) *with the sanction of the council*, ^{Cf. Bo. Act II, 1885, s. 2.} serve on any committee constituted for the purpose of any local inquiry or for the furtherance of any object of local importance or interest. ~~but shall not serve on any such committee for a remuneration without the sanction of the corporation.~~

(3) *Provided also that, with the approval of the council, the monthly salary of the commissioner may be raised to a sum not exceeding three thousand rupees.*

59. A deputy municipal commissioner shall receive ^{Bo. Act III of 1885, s. 3.} such monthly salary not exceeding rupees fifteen hundred and not less than rupees twelve hundred as Government shall from time to time determine.

Provisions for absence of Commissioner or Deputy Commissioner on leave.

60. (1) Leave of absence may be granted ^{Ml. Acts, 1872 and 1878, s. 58.} from time to time by the Governor in Council, with the assent of the ~~town~~ council, standing committee, to the commissioner or to a deputy commissioner.

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[Ch. II.—*Municipal Constitution*, Sects. 60 (2)—61 (3). Ch. III.—*Duties and Powers of the Municipal Authorities*, Sect. 62 (j).]

MI. Acts, 1872
and 1878, s.
59, Proviso.

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

MI. Acts, 1872
and 1878, s.
58.

(3) During any absence of the commissioner or of a deputy commissioner, the Governor in Council may appoint a person to act as commissioner or as deputy commissioner, as the case may be. Every person so appointed shall exercise the powers and perform the duties conferred and imposed by this Act or by any other enactment at the time in force on the person for whom he is appointed to act, and shall be subject to the same liabilities, restrictions and conditions to which the said person is liable, and shall receive such monthly salary *within the limits prescribed in sections 58 and 59 for a commissioner and a deputy commissioner, respectively, as Government shall determine.*

Disqualifications of Commissioner and Deputy Commissioner.

MI. Acts, 1872
and 1878, s.
53.

61. (1) No person shall be qualified to be appointed or to be commissioner or a deputy ~~municipal~~ commissioner who has, directly or indirectly, by himself or his partner, any share or interest in any contract with, by or on behalf of the ~~corporation~~ council or in any employment with, by or on behalf of the ~~corporation~~ council other than as commissioner, or deputy commissioner, as the case may be.

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

(3) Nothing in this section shall apply to any such share or interest in any contract or employment with, by or on behalf of the ~~corporation~~ council as, under clauses (h) and (k) of section 17, it is permissible for a ~~member of the corporation~~ councillor to have without his being thereby disqualified for being a ~~member of the corporation~~ councillor.

CHAPTER III.

DUTIES AND POWERS OF THE MUNICIPAL AUTHORITIES.

Obligatory and Discretionary Duties of the Corporation Council.

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

MI. Acts, 1872
and 1878, ss.
137 and 138.

- (a) the construction, maintenance and cleansing of drains and drainage-works, and of public latrines, urinals and similar conveniences;
- (b) the construction and maintenance of works and means for providing a supply of water for public and private purposes;
- (c) scavenging and the removal and disposal of excrementitious and other filthy matter, and of all ashes, refuse and rubbish;
- (d) the reclamation of unhealthy localities, the removal of noxious vegetation and generally the abatement of all nuisances;
- (e) the regulation of places for the disposal of the dead and the provision of new places for the said purpose;
- (f) the registration of births and deaths;
- (g) measures for preventing and checking the spread of dangerous diseases;
- (h) the construction and maintenance of public markets and slaughter-houses and the regulation of all markets and slaughter-houses;
- (i) the regulation of offensive and dangerous trades;
- (j) the entertainment of a fire-brigade and the protection of life and property in the case of fire;

The City of Bombay Municipal Bill, 1887.

[Ch. III.—Duties and Powers of the Municipal Authorities, Sects. 62 (k)—65 (3) (b).]

- (k) the securing or removal of dangerous buildings and places;
- (l) the construction, maintenance, alteration and improvement of public streets, bridges, culverts, causeways and the like;
- (m) the lighting, watering and cleansing of public streets;
- (n) the removal of obstructions and projections in or upon streets, bridges and other public places;
- (o) the naming of streets and the numbering of premises;
- (p) maintaining, aiding and suitably accommodating schools for primary education;
- (q) the maintenance of a municipal office and of all public monuments and other property vesting in the corporation.

Share of the expenses of the police of the city to be paid by the corporation council.

63. The corporation council shall also provide and pay to Government:

(a) such proportion of the annual expenses of the police of the city as Government shall from time to time determine; and

(b) the necessary contingent expenses, as determined from time to time by Government, incurred by the police commissioner in granting licenses under Bombay Act VI of 1863 (*an Act for the regulation of public conveyances in the town, suburbs and harbour of Bombay*), to public conveyances in the city.

64. The corporation council may, in their discretion, provide from time to time, either wholly or partly, for all or any of the following matters, namely:—

- (a) public vaccination;
- (b) educational objects other than those set forth in clause (p) of section 62;
- (c) constructing or maintaining or aiding libraries, museums and art galleries;
- (d) constructing or maintaining public parks and gardens and botanical and zoological collections;
- (e) planting and maintaining trees on road-sides and elsewhere;
- (f) surveys of buildings or lands;
- (g) registration of marriages;

- (h) taking of a census;
- (i) preparation and presentation of addresses to persons of distinction;
- (k) any measure not hereinbefore specifically named, likely to promote public safety, health, convenience or instruction.

And, with the previous sanction of Government, the corporation council may make:

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

Respective Functions of the several Municipal Authorities.

65. (1) The respective functions of the ~~corporation council, and of the several municipal authorities.~~ ^{New. Cf. Ml. Acts, 1872 and 1878, s. 19.} ~~corporation, of the town council, several municipal authorities, and of any committee appointed under section 41, shall be such as are specifically prescribed in or under this Act.~~

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

(2) ~~Except in so far as authority is expressly vested by or under this Act in the corporation or in the town council, or in any such committee as aforesaid and~~ ^{Ml. Acts, 1872 and 1878, s. 42.}

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

~~Particular functions of the commissioner.~~ (3) *In particular the commissioner shall:* ^{New.}

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

(b) prescribe the duties of, and exercise supervision and control over, the acts and proceedings of all municipal officers and servants and, subject to the regulations at the time being in force ^{Cf. Bo. Act VI., 1879, s. 19 (2), and Ml. Acts, 1872 and 1878, ss. 47 and 49.}

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[Ch. III.—Duties and Powers of the Municipal Authorities, Sects. 65 (3) (c)—67 (1).]

under section 61, dispose of all questions relating to the service of the said officers and servants and their pay, privileges and allowances;

(c) in any case of pressing emergency, exercise, with the consent of the ~~town~~ ~~council~~, standing committee, any power conferred by this Act on ~~any of the bodies~~ ~~aforsaid~~, the council or the said committee, reporting to ~~such body~~ the council or the said committee, as the case may be, when he has done so, the action which he has taken and his reason for taking the same.

65 A. The council may at any time call for any extract from

Council may call for extracts from proceedings, &c., from the standing committee, &c.

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

Council may require the commissioner to produce documents and furnish returns and reports, &c.

65 B. (1) The council may at any time require the commissioner:

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

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

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

(2) Except as is hereinafter provided, every such requisition shall be complied with,

as far as may be, by the commissioner without unreasonable delay; and it shall be incumbent on every municipal officer and servant to obey any order made by the commissioner in pursuance of any such requisition:

(3) Provided that the commissioner shall not be bound to comply with any such requisition or with a part of any such requisition, if he shall certify in writing that compliance therewith or with such part thereof would, in his opinion, be prejudicial to the interests of the council.

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

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

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

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

67. (1) Any of the powers, duties or functions conferred or imposed upon or invested in the commissioner by any of the sections, sub-sections or clauses mentioned in sub-section (2) may be exercised, performed or discharged, under the commissioner's control and subject to his revision and to such conditions and limitations, if any, as he shall think fit to prescribe, by any municipal officer whom the commissioner generally or specially empowers in writing in this behalf; and in each of the said sections, sub-sections and clauses, the word "commissioner" shall, to the extent to which any

New, but Cf. Ml. Acts, 1872 & 1878, ss. 74, 109, 111, 143, 148, 163, 186, 203, 204, 234, 244, 245 B and 285.

Municipal officers may be empowered to exercise certain of the powers, &c., of the commissioner.

New.

New.

The City of Bombay Municipal Bill, 1887.

[Ch. III.—Duties and Powers of the Municipal Authorities, Sects. 67 (2)—69 (1) (a).

municipal officer is so empowered, be deemed to include such officer.

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

Section 82.	Section 296, sub-ss. (1) & (2).
" 83.	" 298, sub-s. (1)
" 84.	" 308.
" 85, sub-s. (1).	" 310.
" 112.	" 314, sub-s. (2).
" 113, sub-s. (3).	" 315.
" 141, sub-s. (2).	" 317.
" 148.	" 319, sub-s. (2).
" 151, sub-s. (1).	" 320.
" 152, sub-s. (1).	" 322.
" 154, sub-ss. (1) & (3)	" 323.
" 159.	" 324, sub-ss. (2) & (3).
" 161.	" 327.
" 162, sub-s. (1).	" 331, sub-s. (4).
" 163.	" 332, sub-s. (1).
" 164, sub-ss. (1) & (2).	" 335, sub-s. (1).
" 172.	" 336.
" 173.	" 337.
" 174.	" 338.
" 175.	" 340.
" 185.	" 341.
" 186.	" 343.
" 187.	" 344, sub-s. (1).
" 198.	" 345, cl. (a).
" 199, sub-s. (2).	" 346, cls. (a), (b) & (c).
" 200, sub-s. (1).	" 347.
" 207, sub-s. (1)	" 348.
" 208, sub-s. (1)	" 351.
" 212, sub-ss. (2) & (3).	" 352.
" 220, sub-ss. (1) & (2).	" 353.
" 224, sub-s. (2).	" 372.
" 226.	" 378.
" 227.	" 379.
" 232.	" 381.
" 238.	" 384.
" 241, sub-s. (2).	" 387.
" 242, sub-s. (1).	" 388, cl. (a).
" 246.	" 398.
" 247.	" 400, sub-s. (1).
" 248, sub-s. (2).	" 407, cl. (e).
" 249.	" 413.
" 251.	" 414, sub-s. (1).
" 252.	" 416, sub-ss. (1) & (2).
" 253.	" 417, sub-s. (1).
" 255.	" 419.
" 256, cls. (a), (b) & (c).	" 420.
" 257.	" 426.
" 261, sub-s. (1).	" 428, sub-s. (1).
" 263.	" 429, sub-s. (1).
" 264.	" 431, sub-s. (3).
" 270.	" 459.
" 271.	" 482, sub-s. (5).
" 274.	" 491.
" 276.	" 492.
" 277, sub-s. (1).	" 494, cl. (a).
" 285.	" 515, cl. (a).

Contracts.

68: With respect to the making of contracts under or ^{MI. Acts, 1872 and 1878, s. 54.} for any purpose of this Act, the following provisions shall have effect; namely :

(a) Every such contract shall be made on behalf of the ~~corporation~~ council by the commissioner ;

(b) No such contract for any purpose which, in accordance with any provision of this Act, the commissioner may not carry out without the approval or sanction of some other municipal authority, shall be made by him until or unless such approval or sanction has first of all been duly given ;

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

(d) Every contract made by the commissioner involving an expenditure exceeding five hundred and not exceeding five thousand rupees shall be reported by him, within *seven fifteen* days after the same has been made, to the ~~town-council~~ standing committee ;

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

69. (1) Every contract entered into by the commissioner on behalf of the ~~corporation~~ council shall be entered into in such manner and form as would bind the commissioner if such contract were on his own behalf, and may in the like manner and form be varied or discharged ;

Mode of executing contracts. ^{MI. Acts, 1872 and 1878, s. 54.} the commissioner on behalf of the ~~corporation~~ council shall be entered into in such manner and form as would bind the commissioner if such contract were on his own behalf, and may in the like manner and form be varied or discharged ;

Provided that :

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

The City of Bombay Municipal Bill, 1887.

[Ch. III.—Duties and Powers of the Municipal Authorities, Sects. 69 (1) (b)—72. Ch. IV.—Municipal Officers and Servants, Sect. 73.]

MI. Acts, 1872
and 1878, s.
55.

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

MI. Acts, 1872
and 1878, s.
22.

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

MI. Acts, 1872
and 1878, ss.
22 and 54.

70. No contract not executed as in the last preceding section provided shall be binding on the ~~corporation~~ council unless executed as prescribed in section 69.

MI. Acts, 1872
and 1878, s.
56.

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

Tenders to be invited for contracts involving expenditure exceeding Rs. 5,000.

(2) The commissioner shall not be bound to accept any tender which may be made in pursuance of such notice, but may accept, subject to the provision of clause (c) of section 68, any of the tenders so made which appears to him, upon a view of all the circumstances, to be the most advantageous:

(3) Provided that the ~~town council standing committee~~ may authorize the commissioner, for reasons which shall be recorded in their proceedings, to enter into a contract without inviting tenders as herein

provided or without accepting any tender which he may receive after having invited them.

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

Security when to be taken for performance of contract.

CHAPTER IV.

MUNICIPAL OFFICERS AND SERVANTS.

Executive Engineer and Executive Health Officer.

73. (1) The ~~corporation~~ council shall appoint fit persons to be municipal engineer and executive health officer.

MI. Acts, 1872
and 1878, ss.
44 and 45.

(2) Each of the said officers shall:

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

(b) devote his whole time and attention to the duties of his office, or if he shall be temporarily appointed to any other office under this Act, to the duties of the office to which he is so appointed or to the duties of both offices, according to the terms on which such temporary appointment shall be made;

(c) receive such monthly salary, not exceeding rupees fifteen hundred and not less than rupees twelve hundred, as the ~~corporation~~ council shall from time to time determine;

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

(3) Provided that:

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

(f) the ~~corporation~~ council may, in their discretion, appoint a person probationally for a limited period only, to either of the said offices, previous to appointing him for the full term of five years;

MI. Acts, 1872
and 1878, s.
46.

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

*The City of Bombay Municipal Bill, 1887.**[Ch. IV.—Municipal Officers and Servants, Sect. 74 (1)—78.]*

MI. Acts, 1872
and 1878, s.
46.

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

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

(3) Pending the settlement of an appointment under sub-section (1) or (2), the council may appoint a person to fill the vacancy temporarily and may direct that the person so appointed shall receive such monthly salary not exceeding rupees fifteen hundred as they shall think fit. A person so appointed to be temporary executive health officer need not be a legally qualified medical practitioner.

MI. Acts, 1872
and 1878, s.
304.

75. The executive health officer appointed under this Act shall be the consulting officer of health under Bombay Act VI of 1867. ~~for the purposes of Bombay Act VI of 1867 (an Act for the better sanitary regulation of the city of Bombay).~~

~~Clerk of the Corporation and Municipal Secretary.~~

MI. Acts, 1872
and 1878, s.
26.

76. The ~~corporation~~ shall from time to time appoint a fit person to be clerk of the ~~corporation~~. The person so appointed shall:

(a) perform such duties as he is directed by this Act, and as he shall from time to time be directed by the corporation, to perform;

(b) have liberty to devote a portion of his time and attention to other duties than those of his office of clerk of the corporation: provided that he shall not undertake any such new duties at any time after his appointment as clerk of the corporation without the previous sanction of the corporation;

(c) ~~receive such monthly salary as the corporation shall from time to time determine,~~

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

77. (1) The ~~town council~~ standing committee shall from time to time appoint a fit person to be secretary of the said council. ~~The person so appointed shall be styled "the municipal secretary."~~ and shall

MI. Acts, 1872
and 1878, s.
26.

(2) The municipal secretary shall be secretary of the council and also of the standing committee and shall:

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

(aa) have the custody of all papers and documents connected with the proceedings of:

(i) the council and any committee appointed by the council;

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

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

(b) receive a monthly salary of rupees five seven hundred which, with the previous sanction of the ~~corporation council~~, may be increased to a sum not exceeding rupees seven hundred one thousand;

(c) be removeable at any time from office for misconduct or for neglect of, or incapacity for, the duties of the office by the ~~town council~~, standing committee, with the approval of the council.

78—(1) With the approval of the ~~town council~~, the municipal secretary may hold any other office under this Act. ~~secretary may, in addition to his said appointment, hold the office of clerk of the corporation or be appointed to any other office under this Act and receive the emoluments of such office in addition to his salary as municipal secretary.~~

MI. Acts, 1872
and 1878, s.
26.

2.—The said secretary shall devote his whole time and attention to the duties of such office or offices as he shall be appointed to under this Act.

The City of Bombay Municipal Bill, 1887.

[Ch IV.—Municipal Officers and Servants, Sects. 79 (1)—83 (2) (b).]

*Other Officers and Servants.*Bo. Act I,
1884, s. 38.

79. (1) The commissioner shall, as soon as may be after this Act comes into force and afterwards from time to time, prepare and bring before the ~~town-council~~ *standing committee* a schedule setting forth the designations and grades of the other officers and servants who should, in his opinion, be maintained, and the amount and nature of the salaries, fees and allowances which, he proposes, should be paid to each.

Cf. Ml. Acts,
1872 and
1878, ss. 27
and 49.

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

New.

80. No permanent officer or servant shall be entertained in any department of the municipal administration unless he has been appointed under one of the sections 73, 76 and or 77, or his office and emoluments are included in the schedule at the time in force prepared and sanctioned under the last preceding section.

Leave of absence, acting appointments, &c.

81. (1) The ~~town-council~~ *standing committee* shall from time to time frame regulations: *Town-council Standing committee to frame regulations for grant of leave, &c.*

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

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

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

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

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

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

Ml. Acts,
1872 and
1878, s. 137,
last para.Bo. Act, VI,
1882, s. 11.

(g) authorizing the payment of contributions, at certain prescribed rates and subject to certain prescribed conditions, to any pension or provident fund, which may, with the approval of the ~~town-council~~ *standing committee*, be established by the said officers and servants.

(2) *No regulation made by the standing committee under this section shall have force or validity, unless and until it has been confirmed by the council, nor, if it is made under clause (1), unless and until it has been confirmed by Government.*

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

82. Except as is hereinbefore otherwise provided, the power of appointing municipal officers and

Cf. Ml. Acts,
1872 and
1878, ss. 27
and 49.

servants shall, subject to the schedule at the time being in force prepared and sanctioned under section 79, vest in the commissioner.

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

Bo. Act V,
1879, s. 32.
Cf. Ml. Acts,
1872 and
1878, ss. 27
and 49.

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

(2) Provided that:

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

(b) any officer appointed by the ~~corporation council~~ may be suspended by

Bo. Act I,
1881, s. 39.
Cf. Ml. Acts,
1872 and
1878, s. 267
(i).Ml. Acts,
1872 and
1878, s. 59.

The City of Bombay Municipal Bill, 1887.

[Ch. IV.—Municipal Officers and Servants, Sects. 84 (1)—86 (3). Ch. V.—Municipal Property and Liabilities, Sects. 87—88.]

the ~~town-council~~ standing committee, pending an order of the ~~corporation council~~, such suspension and the reason therefor being forthwith reported to the ~~corporation council~~.

84. (1) Leave of absence may be granted by the commissioner, subject to the regulations at the time being in force under section 81, to any municipal officer or servant the power of appointing whom is vested in him and, for a period not exceeding ~~three one~~ months, to any other municipal officer.

(2) Leave of absence for any period exceeding ~~three one~~ months may be granted, subject as aforesaid, by the ~~town-council~~ standing committee to any municipal officer the power of appointing whom is not vested in the commissioner.

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

(2) Provided that:

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

(aa) any (a) ~~no~~ appointment of a person to act as executive engineer or as executive health officer may be disallowed shall be valid unless and until it has been confirmed by the Governor in Council; and from the time of being so disallowed shall be null and void;

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

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

may exercise or to which the said incumbent is liable.

Disqualifications of Municipal Officers and Servants.

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

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

(3) Nothing in this section shall apply to any such share or interest in any contract or employment with, by, or on behalf of the ~~corporation council~~ as under clauses (h) and (k) of section 17 it is permissible for a member of the ~~corporation council~~ to have, without his being thereby disqualified for being a member of the ~~corporation council~~.

CHAPTER V.

MUNICIPAL PROPERTY AND LIABILITIES.

Acquisition of Property.

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

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

ML. Acts,
1872 and
1878, s. 58.

ML. Acts,
1872 and
1878, s. 58.

ML. Acts,
1872 and
1878, s. 53.

ML. Acts,
1872 and
1878, s. 4.

ML. Acts,
1872 and
1878, ss. 62,
64 and 136.

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[Ch. V.—Municipal Property and Liabilities, Sects. 89 (1)—92 (a).]

in the ~~corporation~~ council in trust for the purposes of this Act, but subject to all charges and liabilities affecting the same.

ML. Acts,
1872 and
1878, s. 64.

89. (1) On the expiry of the term of ninety-nine years, commencing on the first day of July, 1863, for which, in accordance with section 61

of the Bombay Municipal Acts of 1872 and 1878, the Vēhār lake and the property appurtenant thereto, hereinafter referred to as "the Vēhār waterworks," ~~was~~ *were* vested in the municipal corporation, the Governor in Council may direct that the said Vēhār waterworks shall vest, and the same shall in such case vest, in the ~~corporation~~, council, on the conditions hereinafter provided and for the purposes of this Act, for such further period not exceeding ninety-nine years as shall seem expedient:

(2) Provided that on the expiry of the said first term of ninety-nine years, or of any further term for which the Governor in Council may have directed that the said Vēhār waterworks shall vest in the ~~corporation~~, council, all rights and every power conveyed to the ~~said corporation~~ council shall forthwith cease and determine, and the said Vēhār waterworks shall revert to and become vested in the Secretary of State for India in Council as the same ~~was~~ *were* vested in the Secretary of State for India in Council before the first day of July, 1863.

90. (1) Whenever it is provided by this Act that the commissioner may acquire, or whenever it is necessary or

expedient for any purpose of this Act that the commissioner shall acquire, any immovable property, such property may be acquired by the commissioner on behalf of the ~~corporation~~ council by agreement on such terms and at such rates or prices or at rates or prices not exceeding such maxima as shall be approved by the ~~town-council~~, standing committee, either generally for any class of cases or specially in any particular case.

(2) And whenever, under any provision of this Act, the commissioner is authorized to agree to pay the whole or any portion of the expenses of acquiring any immovable property, he shall do so on such terms and at such rates or prices or at rates or

prices not exceeding such maxima as shall be approved by the ~~town-council~~ standing committee as aforesaid:

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

91. (1) Whenever the commissioner is unable to acquire any immovable property under the last preceding section by agreement, Govern-

ment may, in their discretion, upon the application of the commissioner, *made with the approval of the standing committee*, order proceedings to be taken for acquiring the same on behalf of the ~~corporation~~, council, as if such property were land needed for a public purpose within the meaning of the Land Acquisition Act, 1870.

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

Disposal of Property.

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

(a) the commissioner may, in his discretion, dispose of, by sale or otherwise, any moveable property belonging to the ~~corporation~~ council not exceeding in value, in each instance, five hundred rupees, and ~~any material belonging to the corporation which have been excavated or removed in the execution of any municipal work or improvement, whatever be their value,~~ or grant a lease of any immovable property belonging to the ~~corporation~~, council, including any right of fishing or of gathering and taking fruit and the like, for any period not exceeding twelve months at a time: *provided that every such lease granted by the commissioner shall be reported by*

ML. Acts,
1872 and
1878, ss. 152,
157, proviso
s. 241 and 293.
Bo. Act VI.
of 1879, s. 27.

X of 1870.

ML. Acts,
1872 and
1878, ss. 1
and 294.

New.
Cf. ML. Acts,
1872 and
1878, s. 156.

Acquisition of im-
moveable property by
agreement.

Provisions governing
the disposal of municip-
al property.

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[Ch. V.—Municipal Property and Liabilities, Sects. 92 (b)—95 (2).]

him, within fifteen days after the same has been granted, to the standing committee;

(b) with the sanction of the ~~town-council~~, standing committee, the commissioner may dispose of, by sale or otherwise, any moveable property belonging to the ~~corporation~~, council, of which the value does not exceed five thousand rupees, or grant a lease of any immovable property belonging to the ~~corporation~~, council, including any such right as aforesaid, for any period not exceeding three years at a time;

(c) with the sanction of the ~~corporation~~, council, the commissioner may lease, sell or otherwise convey any property, moveable or immovable, belonging to the ~~corporation~~ council;

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

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

Liabilities.

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

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

(i) the balance of the debt due on account of the Vohár waterworks debt; in accordance with the terms heretofore prescribed in section 140 of the Bombay Municipal Acts of 1872 and 1878, with simple interest thereon at the rate of four per centum per annum;

(ii) the balance of the consolidated loan, as the same was defined in section 3, clause (3) of the Bombay Municipality's Consolidated Loan Act, 1880,

due on various accounts, with interest thereon at the rate of four-and-a-half per centum per annum;

(b) to municipal security-holders—

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

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

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

(vi) the portion of the Tansa waterworks' loan contracted under the Act last aforesaid previous to the coming into force of this Act.

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

94. In order to secure the repayment of the Vohár waterworks' debt, the commissioner shall, on the first day of every month, until the whole of the said debt, together with the interest due thereon, shall be liquidated, pay to Government a sum of rupees fourteen thousand and six hundred. Bo. Act III, 1870, s. 2, para. 2. Ml. Acts, 1872 and 1878, s. 140, cl. (1).

95. (1) The whole of the consolidated loan, together with the interest due thereon, shall be repaid within thirty years from the first day of January, 1881. Bo. Act II, 1880, s. 5.

(2) For better securing the repayment of the said loan, the commissioner shall pay half-yearly to Government, on every

Bo. Act III, 1870, s. 2, para. 2. Ml. Acts, 1872 and 1878, s. 140, cl. (1). Bo. III. of 1872 and IV of 1878.

Bo. Act II, 1880, s. 3.

Bo. II of 1880.

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[Ch. V.—Municipal Property and Liabilities, Sects. 96 (1)—100.]

first day of January and every first day of July, until the whole of the said loan, together with the interest due thereon, shall be liquidated, a sum of one lăkh seventy-eight thousand three hundred and twenty-six rupees two annas and five pies.

Bo. Act III,
1870, s. 2,
para. 2.
Bo. Act II,
1880, s. 6.

96. (1) Every payment to be made by the commissioner under either of the two last preceding sections shall be made *to the officer, or into the bank, for the time being appointed to receive Government dues into Her Majesty's Treasury at Bombay, or to the credit of the Secretary of State for India in Council in any bank which is at the time appointed to conduct the business of Her Majesty's Treasury.*

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

Bo. Act II,
1880, s. 7.
Bo. Act III,
1870, s. 4.

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

Bo. Act II,
1880, s. 8.
Bo. Act III,
1870, s. 4.

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

(2) Such officer shall detain the moneys which he is so directed to detain and pay the same, as they become due to the *corporation council, into Her Majesty's Treasury, or into any bank appointed as aforesaid to the credit of the Secretary of State for India in Council to the officer, or into the bank, for the time being appointed to receive Government dues at Bombay.*

(3) The moneys so paid shall be applied in or towards satisfaction of the

amount for the time being due in respect of the Vehār waterworks' debt or of the consolidated loan, in preference to and with priority over all other incumbrances on and claims to such moneys.

Bo. Act II,
1880, s. 9.

99. (1) If the amount in arrear cannot be recovered in the manner provided in the last preceding section, the Governor in Council may attach the municipal fund, or any tax leviable by the *corporation council.*

(2) After such attachment, no person, except an officer appointed by the Governor in Council, shall in any way deal with the attached fund or tax; but such officer may do all acts in respect thereof which the *corporation council* or any municipal authority might have done, if such attachment had not taken place, and may apply the proceeds in satisfaction of the amount in arrear and of all expenses involved by the attachment and subsequent proceedings:

(3) Provided that no such attachment shall defeat or prejudice any debt for which the fund or tax attached was previously pledged in accordance with law; but all such prior charges shall be paid out of the proceeds of the fund or tax attached before any part of the proceeds is applied to the satisfaction of a liability for the Vehār waterworks' debt or the consolidated loan.

100. If the commissioner fails to make any monthly payment, in accordance with section 94, on account of the Vehār waterworks' debt and after notice in writing, signed by one of the secretaries to Government, requiring payment of the same has been served upon him and forwarded to the president of the council and published for a period of not less than two months in the *Bombay Government Gazette*, shall still fail to make such payment,

MI. Acts,
1872 and
1878, s. 140,
Proviso.

the said Vehār waterworks shall, notwithstanding anything contained in section 88, cease to vest in the *corporation council* and shall forthwith become vested in the Secretary of State for India in Council in trust for the purposes for which the same

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were previously vested in the corporation council.

Bo. Act II,
1880, s. 10.
Bo. Act III,
1870, s. 6.

101. Nothing in the four last preceding sections shall affect the rights or remedies which the Secretary of State for India in Council has or shall have independently of this Act for the recovery of the moneys aforesaid.

MI. Acts,
1872 and
1878, s. 140,
cl. (2).

102. The annual sum of the monthly instalments paid by the commissioner under section 94 and all recoveries made under any of the foregoing sections on account of the Vehar waterworks' debt shall be appropriated as follows, namely :

first, to the payment of the interest accrued on account of the principal sum of rupees thirty-seven lakhs thirty thousand and fifty-three due on account of the said debt on the first day of July, 1863 ;

secondly, to the payment of interest on all sums advanced by Government in connection with the said works since the first day of July, 1863 ;—

thirdly, to the payment of all sums subsequently advanced as aforesaid ; and

lastly, to the liquidation of the said principal sum of rupees thirty-seven lakhs thirty thousand and fifty-three.

Bo. Act II,
1880, s. 5,
para. 3.

103. Every payment made by the commissioner under section 95 and all recoveries made under any of the foregoing sections on account of the consolidated loan shall be appropriated first to the payment of the interest due at the time of such payment or recovery and secondly to the reduction of the principal.

(See s. 105A.)
Bo. Act II,
1880, s. 11.
Bo. Act III,
1870, s. 5.

104.—The commissioner shall, in the month of January in each year, publish in the Bombay Government Gazette an account showing the balances due by the corporation on the last preceding thirty-first day of December on account of the Vehar waterworks' debt and of the consolidated loan and of every other loan, if any, at the time still repayable by the corporation to the Secretary of State for India in Council.

Repayment of House-rate and Market Loans of 1867-68.

105. (1) Until such time as the corporation council repay the house-rate loan and the two market loans raised in 1867 and 1868 under the provisions of sections 253 to 258 of the Bombay Municipal Act, 1865, it shall be incumbent on the corporation council to maintain out of the taxes, on the security of which the said loans were raised, the sinking-fund prescribed by section 257 of the said Act :

MI. Acts,
1872 and
1878, s. 303.

Bo. II, of
1865.

(2) Provided that in the event of the corporation's council's discharging any portion of the said loans at any time previous to the time at which they are repayable in full, it shall be competent to the corporation council to reduce *pro tanto* the amount of the said sinking-fund.

Publication of Annual Account of Balances due on Loans.

105 A (1) The commissioner shall, in the month of January in each year, publish in the Bombay Government Gazette an account showing the balances due by the corporation council on the last preceding thirty-first day of December to the Secretary of State for India in Council and to municipal security-holders, respectively, on account of each debt or the Vehar waterworks' debt and of the consolidated loan and of every other loan, if any, at the time still repayable by the corporation council to the Secretary of State for India in Council.

Bo. Act II,
1880, s. 11.
Bo. Act III,
1870, s. 5.

(2). The commissioner shall also cause the said account to be printed and a printed copy thereof to be forwarded to the usual or last known local place of abode of each councillor.

CHAPTER VI.

BORROWING POWERS.

106. The corporation council may from time to time borrow or re-borrow and take up at interest from the Secretary of State for India in Council, or, with the sanction of the Governor in Council, from any other person, any sum necessary for the purpose of defraying any costs, charges or expenses

Public Health Act,
1875 (38 and
39 Vic., c.
55), s. 233.
Cf. Bo. Act
VI, 1870, s.
39.

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[Ch. VI.—Borrowing Powers, Sects. 107—109 (f).]

incurred, or to be incurred by them in the execution of this Act, or for the purpose of discharging any loan contracted under this Act or any other loan or debt for repayment of which they are liable.

Bo. Act II,
1880, s. 12.

107. If any new loan shall be contracted by the ~~corporation~~ council under this Act with the Secretary of State for India in Council, the same shall be subject, as regards repayment and security and in every other respect, to the same provisions as are hereinbefore contained in respect of the consolidated loan, save only that the rate of interest, the period of repayment and the number and amount of the instalments shall, in the case of any such new loan, be fixed, under the orders of the Governor General of India in Council, by the Governor in Council.

108. (1) The ~~corporation~~ council may borrow or re-borrow any such sum as aforesaid from any person other than the Secretary of State for India in Council, on the security of any immoveable property belonging to them or proposed to be acquired by them under this Act or of all the taxes or of any tax which they are authorized to levy for the purposes of this Act or of all or any of those securities.

(2) And for the purpose of securing the repayment of any sum so borrowed, with interest thereon, they may mortgage to the person, by or on behalf of whom such sum is advanced, any such immoveable property or tax.

109. The exercise of the powers of borrowing conferred by this Act shall be subject to the following provisions, namely:

(a) money shall not be borrowed for the execution of any work other than a permanent work, including under this expression any work of which the cost ought, in the opinion of Government, to be spread over a term of years;

(b) the sum borrowed shall not at any time exceed, with the balances of all the outstanding loans and debts due by the ~~corporation~~ council, in the whole, double the rateable value of the premises in the city assessable, as hereinafter provided, to property taxes;

(c) the money may be borrowed for such time, not exceeding sixty years, as the ~~corporation~~ council, with the sanction of Government, determine in each case;

(d) the ~~corporation~~ council shall either pay off the money so borrowed by equal annual instalments of principal, or of principal and interest, or they shall in every year set apart as a sinking-fund and accumulate in the way of compound interest, by investing the same in the purchase of public securities, such sum as will, with accumulations in the way of compound interest, be sufficient, after payment of all expenses, to pay off the moneys so borrowed within the period sanctioned;

(e) the ~~corporation~~ council may at any time apply the whole or any part of a sinking-fund set apart under this section in or towards the discharge of the moneys for the repayment of which the fund has been established: provided that they pay into the fund *each time that interest would have been received by the council in respect of the sinking-fund or the part of the sinking-fund so applied, in each year, and accumulate, until the whole of the moneys borrowed are discharged, a sum equivalent to the interest which would have been so received; produced by the sinking-fund, or the part of the sinking-fund so applied;*

(ee) *the investment every year of any sum set apart as portion of the principal of a sinking-fund shall be made within fifteen days after the day on which the second half-yearly payment of interest is due by the council in respect of the loan for repayment of which such sinking-fund is established; and the re-investment of any sum received by the council on account of interest on moneys appertaining to a sinking-fund already invested, and the investment of any sum payable into the fund under clause (e) as the equivalent of interest which the council would have received, if the sinking-fund or a part thereof had not been applied in any manner authorized by the said clause, shall be made within one month from the day on which such interest is received or from the day on which such interest would have been received, as the case may be;*

(f) where money is borrowed for the purpose of discharging a previous loan, the time for repayment of the money so borrowed shall not, unless with the sanction of Government, extend beyond the unexpired

Public Health Act, 1875 (38 and 39 Vic., c. 55), ss. 233 and 235. Ml. Corpnns. Act, 1882 (45 and 46 Vic., c. 50), s. 106.

Public Health Act, 1875 (38 and 39 Vic., c. 55), s. 234.

Provisions as to exercise of borrowing powers.

The City of Bombay Municipal Bill, 1887.[*Ch. VI.—Borrowing Powers, Sects. 110 (1)—(3)—Ch. VII.—Revenue and Expenditure, Sects. 111—113 (3).*]

portion of the period for which the original loan was sanctioned and shall in no case be extended beyond the period of sixty years from the date of the original loan.

Public Health Act, 1875 (38 and 39 Vic., c. 55), s. 236.

110. (1) Every mortgage authorized to be made under this chapter shall be by debenture in the form contained in schedule C, or in such other form as the ~~corporation~~, council, with the consent of Government, shall from time to time determine.

(2) Every debenture issued under this Act shall be transferable by endorsement, and such transfers may be in the form of schedule D, or to the like effect.

Ben. Act IV, 1876, s. 335.

(3) The right to ~~sue in respect payment of~~ the moneys secured by any of such debentures ~~and to sue in respect thereof~~ shall vest in the holder thereof for the time being, without any preference by reason of some of such debentures being prior in date to others.

CHAPTER VII.

REVENUE AND EXPENDITURE.

The Municipal Fund.

MI. Acts, 1872 and 1878, ss. 65 and 130.

111. All moneys received by or on behalf of the ~~corporation~~ council under the provisions of this Act or of any other enactment at the time in force, or under any contract,

all proceeds of the disposal of property by, or on behalf of, the ~~corporation~~, council, all rents accruing from any property of the ~~corporation~~, council,

all moneys raised by any tax, levied for the purposes of this Act,

all fees and fines payable and levied under this Act or under any rule, regulation or by-law in force hereunder,

Bo. Act VI, of 1869, s. 7.

all fees for licenses for public conveyances granted by the police commissioner under Bombay Act VI of 1863 (*an Act for the regulation of public conveyances in the town, suburbs and harbour of Bombay*),

MI. Acts, 1872 and 1878, s. 300.

all fines levied by any magistrate in respect of any offence against the provisions of this Act, or of any regulation or by-law made under this Act,

all moneys received by or on behalf of the ~~corporation~~ council from Government or

private individuals by way of grant or gift or deposit, and

all interest and profits arising from any investment of, or from any transaction in connection with, any money belonging to the ~~corporation~~ council,

shall be credited to a fund, which shall be called "the municipal fund" and which shall be held by the ~~corporation~~ council in trust for the purposes of this Act, subject to the provisions herein contained.

112. All moneys payable to the credit of the municipal fund MI. Acts, 1872 and 1878, ss. 28, and 118.

shall be received by the commissioner and shall be forthwith paid into the bank for the time being appointed to ~~conduct the business of Her Majesty's Treasury at Bombay~~ receive Government dues at Bombay to the credit of an account, which shall be styled "the account of the municipal fund of the city of Bombay."

113. (1) Subject to the provisions of section 518, no MI. Acts, 1872 and 1878, s. 29.

How the fund shall be drawn against. payment shall be made by the bank aforesaid out of the municipal fund, except upon a cheque signed by the commissioner, or in the event of the illness or occasional absence of the commissioner from the city by some municipal officer authorized by the commissioner in writing, in this behalf, and by one other member of the town council standing committee who shall attend at the chief municipal office for this purpose at least twice a week, and by the municipal secretary, or in the event of the illness or occasional absence of the commissioner from the city, by two members of the standing committee and by the said secretary.

(2) Payment of any sum due by the ~~corporation~~, council in excess of one hundred rupees shall be made by means of a cheque signed as aforesaid and not in any other way.

(3) Payment of any sum due by the ~~corporation~~, council, not exceeding one hundred rupees in amount, may be made by the commissioner in cash, cheques for sums not in excess of one thousand rupees each, signed as aforesaid, being drawn from time to time to cover such payments.

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[Ch. VII.—Revenue and Expenditure, Sects. 114—118.]

New.

114. Notwithstanding anything contained in the two last preceding sections, the commissioner may, with the approval of the ~~town-council~~ *standing committee*, from time to time remit any portion of the municipal fund to a bank or other agency at any place beyond the city at which it may be desirable for the ~~corporation council~~ to have funds in deposit, and any money payable to the credit of the municipal fund or chargeable thereagainst, which can, in the opinion of the commissioner, be most conveniently paid into or out of the account of the ~~corporation council~~ at any such bank or agency, may be so paid.

(f) sums payable in any of the circumstances mentioned in clause (f) of section 118;

(g) expenses incurred by the commissioner in the exercise of the powers conferred upon him by section 438;

(h) sums which the commissioner expends on a *pressing* ~~an~~ emergency, with the consent of the ~~town-council~~ *standing committee*, under clause (c) of section 65.

(3) In sub-section (1), "budget-grant" means a budget-grant within the meaning of that term as defined in section 130 and includes any sum by which such budget-grant may at any time be increased by a transfer under clause (b) of section 133.

New.

115. (1) Except as hereinafter provided, no payment of any sum shall be made by the commissioner out of the municipal fund, unless the expenditure of the same is covered by a current budget-grant, and a sufficient balance of such budget-grant is still available, notwithstanding any reduction or transfer thereof which may have been made under section 133 or section 134:

(2) Provided that the following items shall be excepted from this prohibition, namely:—

(a) sums of which the expenditure has been sanctioned by the ~~town-council~~ *standing committee* under section 132;

(b) temporary payments under section 119 for works urgently required in the public service;

(c) refunds of taxes and other moneys which the commissioner is by or under this Act ~~required or empowered~~ *authorized* to make;

(d) repayments of moneys belonging to contractors or other persons held in deposit and of moneys collected or credited to the municipal fund by mistake;

(e) sums which the commissioner is by sections 220, sub-section (3), 306, sub-section (2), 311, sub-section (2), 332, sub-section (2), 399, sub-section (2), 430, sub-section (2), 431, sub-section (4), 503, and 513, clause (b) ~~this Act~~ required or empowered to pay by way of compensation;

116. The members of the ~~town-council~~ *standing committee* and the municipal secretary shall not sign any cheque under section 113, without first satisfying themselves that the sum for which such cheque is drawn is either covered by a budget-grant as aforesaid or is an item of one of the excepted descriptions specified in sub-section (2) of the last preceding section, and in the case of any item falling under clause (h) of the said section, members of the ~~town-council~~ *standing committee* and the municipal secretary shall not sign the cheque, unless the proposed emergent expenditure is covered by the terms of the consent given by the ~~town-council~~ *standing committee* under clause (c) of section 65.

117. Whenever any sum is expended by the commissioner under clause (e), (f), (g) or (h) of section 115, he shall forthwith communicate the circumstances to the ~~town-council~~ *standing committee*, who shall take such action under section 133 or recommend the council to take, under section 131, such action as shall, in the circumstances, appear possible and expedient for covering the amount of the additional expenditure.

Procedure when money not covered by a budget-grant is expended under clause (e), (f), (g) or (h) of section 115.

118. The moneys from time to time credited to the municipal fund shall be applied in payment of all sums, charges

Cf. Ml. Acts 1872 and 1878, s. 29.

New. Cf. Bo. Act I of 1884, s. 58.

Ml. Acts, 1872, and 1878, ss. 261, &c.

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[Ch. VII.—Revenue and Expenditure, Sects. 118 (a)—121.]

and costs, necessary for the purposes specified in sections 62, 63, and 64 or for otherwise carrying this Act into effect, or of which the payment shall be duly directed or sanctioned under any of the provisions of this Act, inclusive of:

(a) the expenses of every ward-election and of every justices' election held under this Act;

(b) the fees payable under section 51 to members of the ~~town-council~~ *standing committee*;

(c) the salaries and other allowances of the commissioner and of any deputy commissioner appointed under this Act;

(d) the salaries and other allowances of all municipal officers and servants, and all pensions, gratuities and compassionate allowances payable under the provisions of this Act or of any schedule or regulation framed under this Act and at the time in force;

(e) all expenses and costs incurred by the commissioner in the exercise of any power or the discharge of any duty conferred or imposed upon him by this Act, including moneys which he is required or empowered to pay by way of compensation;

(f) every sum payable:

(i) under sub-section (1) of section 518 to Government;

(ii) under a decree or order of a civil or criminal court passed against the ~~corporation council~~ or against the commissioner or a deputy commissioner *ex-officio*;

(iii) under a compromise of any suit or other legal proceeding or claim effected under section 515.

New.

119. (1) On the written requisition of a

Temporary payments from the municipal fund for works urgently required for public service.

secretary to Government, the commissioner may at any time undertake the execution of any work

certified by such secretary to be urgently required in the public service, and for this purpose may temporarily make payments from the municipal fund, so far as the same can be made without unduly interfering with the regular working of the municipal administration. ~~but~~ The cost of all work so

executed and of the establishment engaged in executing the same shall be repaid to the ~~commissioner~~ by Government and credited to the municipal fund.

(2). On receipt of any requisition under sub-section (1), the commissioner shall forthwith forward a copy thereof to the council, together with a report of the steps taken by him in pursuance of the same.

The School Fund.

120. (1) The portion of the municipal fund to be devoted to the purposes specified in clause (p) of section 62 shall be credited under a separate heading in the municipal accounts and shall be called "the school fund."

(2) There shall be carried every official year to the school fund:

(a) every grant made by Government for the maintenance or aid of primary education;

(b) the fees levied in schools wholly maintained at the cost of the school fund;

(c) such contribution from the general revenue of the ~~corporation council~~ as the ~~corporation council~~ shall from time to time determine, the same being not less, in each official year, than a sum of such amount as added to the fees levied as aforesaid in the same year would be equal to double the Government grant for that year;

(d) the unexpended balance, if any, of the school fund of the last preceding official year;

(e) all sums made over to the ~~corporation council~~, by way of endowment or otherwise, for the promotion of primary education.

Other Special Funds.

121. With the approval of the ~~corporation council~~, any other special funds may be created with the approval of the ~~corporation council~~. Other portion of the municipal fund may also from time to time, be credited to a separate heading in the municipal accounts, provided that there shall be credited and debited to such special heading such sums only as shall expressly relate to the object for which a special fund is so created.

Elementary Education Acts, 1870 (33 and 34 Vic., c. 75), sch. 2, Pt. I, 2.

Ml. Acts of 1872 and 1878, ss. 152, 187, 245, 245 E, 245 F, 288, 293.

Ml. Acts, 1872 and 1878, s. 41.

Ml. Acts, 1872 and 1878, s. 295 (proviso).

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[Ch. VII.—Revenue and Expenditure, Sects. 122 (1)—126.]

*Disposal of Balances.*ML Acts, 1872
and 1878, s.
139.

122. (1) Surplus moneys at the credit of the municipal fund which are not required for current charges may from time to time be deposited at interest with the bank for the time being appointed to receive Government dues and ~~conduct the business of Her Majesty's Treasury at Bombay~~ or be invested in public securities.

(2) Such deposits and investments shall be made by the commissioner, on behalf of the ~~corporation~~, council, with the sanction of the ~~town-council~~, standing committee, and, with the like sanction, the commissioner may at any time withdraw any deposit so made or dispose of any public securities and re-deposit or re-invest the money so withdrawn, or the proceeds of the disposal of such public securities; but no order for making any deposit, investment, withdrawal or disposal under this section shall have any validity, unless the same be in writing signed by the commissioner and one other member of the ~~town-council~~ standing committee and the municipal secretary.

(3) The loss, if any, arising from any such deposit or investment shall be debited to the municipal fund.

*Accounts.*New.
Cf. ML Acts,
1872 and 1878,
s. 119.

123. Accounts of the receipts and expenditure of the ~~corporation~~ council shall be kept in such manner and in such forms as the ~~commissioner~~, standing committee with the approval of the ~~town-council~~, shall from time to time prescribe.

ML Act, 1872
and 1878, ss.
33 and 119.

Preparation of annual administration report and statement of accounts.

124. (1) The commissioner shall, as soon as may be after each first day of April, have prepared a detailed report of the municipal administration of the city during the previous official year, together with a statement showing the amounts of the receipts and disbursements respectively credited and debited to the municipal fund during the said year and the balance at the credit of the fund at the close of the said year.

(2) The commissioner shall incorporate with his said report and statement :

(a) a report for the same period from each head of a department subordinate to him ;

(b) the account of balances due on loans then last published under section 105A ;

and shall cause the same to be printed.

(3) After examination and review of the said printed report and statement by the standing committee, there shall be added to the compilation printed copies of such of the appendices attached to the reports of the several heads of departments, if any, as the standing committee direct and a printed copy of the standing committee's review and a copy of the complete compilation shall ~~cause the said report and statement to be printed and a printed copy thereof shall, after examination and review thereof by the town-council, be forwarded to the usual or last known local place of abode of each member of the corporation councillor at least eight days previous to the ordinary meeting of the council in the next following month of October, and copies thereof shall be delivered to any person requiring the same, on payment of such reasonable fee for each copy as the commissioner, with the approval of the town-council, standing committee, shall determine.~~

Annual Budget-estimate.

125. The commissioner shall, on or before each ~~twentieth~~ ^{ML Acts, 1872 and 1878, s. 34.} tenth day of November, have prepared the ~~town-council, standing committee~~, in such form as the said ~~council-committee~~ shall from time to time approve :

(a) an estimate of the expenditure which must or should, in his opinion, be incurred by the ~~corporation~~ council in the next ensuing official year ;

(b) an estimate of all balances, if any, which will be available for re-appropriation or expenditure at the commencement of the next ensuing official year ;

(c) a statement of proposals as to the taxation which it will, in his opinion, be necessary or expedient to impose under the provisions of this Act in the said year.

126. (1) The ~~town-council~~ standing committee shall, on or as ^{ML Acts, 1872 and 1878, ss. 34 and 35.} soon as may be after the ~~twentieth~~ tenth day of November, consi-

The City of Bombay Municipal Bill, 1887.

[Ch. VII.—Revenue and Expenditure, Sects. 126 (2), (3)—132.]

der the estimates and proposals of the commissioner and, after having obtained from the commissioner such further detailed information, if any, as they shall think fit to require, and having regard to all the requirements of this Act, shall frame therefrom, subject to such modifications and additions therein or thereto as they shall think fit, a budget-estimate of the income and expenditure of the ~~corporation~~ *council* for the next official year.

(2) In such budget-estimate, the ~~town council~~, *standing committee*, shall:

(a) propose, with reference to the provisions of chapter VIII, the levy of municipal taxes at such rates and, in the case of town-duties, on such articles, as they shall think fit;

(b) provide for the payment, as they fall due, of all instalments of principal and interest for which the ~~corporation~~ *council* may be liable under the provisions of chapter V, or on account of any loan contracted, after the passing of this Act under chapter VI;

(c) allow for a cash balance at the end of the said year of not less than one lakh of rupees.

(3) The commissioner shall cause the budget-estimate, as finally approved by the ~~town council~~, *standing committee*, to be printed and shall, not later than the ~~twenty-second~~ *fifteenth* day of December, forward a printed copy thereof to the usual or last known local place of abode of each member of the ~~corporation~~ *council*.

127. At a meeting of the ~~corporation~~ *council* which shall

Consideration of budget-estimate by ~~corporation~~ *council*. be called for some day in January, not later than the ~~fifth~~, *tenth*, the budget-estimate prepared by the ~~town council~~ *standing committee* shall be laid before the ~~corporation~~ *council* and they shall proceed to consider the same.

128. (1) The ~~corporation~~ *council* shall, on or before the ~~fifteenth~~ *twenty-fifth* day of January, after considering the ~~town council's~~ *standing committee's* proposals in this behalf, determine, subject to the limitations and conditions prescribed in chapter VIII, the rates at which municipal taxes shall be levied, and the articles on which town-duties shall be levied in the next ensuing official year.

v.—18

(2) Except under sections 134 and 194, the rates so fixed and the articles so appointed shall not be subsequently altered for the year for which they have been fixed.

129. Subject to the exigency of sub-^{MI. Acts, 1872 and 1878, s. 36.} section (1) of the last preceding section, the ~~corporation~~ *council*

Final adoption of budget-estimate. may refer the budget-estimate back to the ~~town council~~ *standing committee* for further consideration, or adopt the budget-estimate or any revised budget-estimate submitted to them, either as it stands or subject to such modification as they deem expedient: provided that the budget-estimate finally adopted by the ~~corporation~~ *council* shall fully provide for each of the matters specified in clauses (b) and (c) of section 126.

130. Any sum entered on the expendi-^{New.} ture side of a budget-estimate which has been adopted by the ~~corporation~~ *council* shall be termed a "budget-grant."

131. (1) On the recommendation of the ^{MI. Acts, 1872 and 1878, s. 39.} ~~Corporation Council~~ *town council standing committee*, the ~~corporation~~ *council* may increase amount of budget-grants and make additional grants. from time to time during an official year increase the amount of any budget-grant or make an additional budget-grant for the purpose of meeting any special or unforeseen requirement arising during the said year, but not so that the estimated cash balance at the close of the year shall be reduced below one lakh of rupees.

(2) Such increased or additional budget-grants shall be deemed to be included in the budget-estimate adopted by the council for the year in which they are made.

132. If any portion of a budget-grant ^{New.} remains unexpended

Rule as to unexpended budget-grants. at the close of the year in the budget-estimate for which such grant was included and if the amount thereof has not been taken into account in the opening balance of the municipal fund entered in the budget-estimate of the next following year, the ~~town council~~ *standing committee* may sanction the expenditure of such unexpended portion during the next following year for the completion, according to the original intention or sanction, of ~~upon~~ the purpose or object for which the budget-

MI. Acts, 1872 and 1878, s. 35.

MI. Acts, 1872 and 1878, ss. 67 and 115.

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[Ch. VII.—Revenue and Expenditure, Sects. 133—136.]

grant was made, but not upon any other purpose or object.

ML. Acts,
1872 and
1878, s. 38.

133. (1) The ~~town-council standing~~ *committee* may, if they think necessary, at any time during an official year:

(a) reduce the amount of a budget-grant; or

(b) transfer and add the amount, or a portion of the amount of one budget-grant to the amount of any other budget-grant in the budget-estimate:

Provided that:

(c) due regard be had when making any such reduction or transfer to all the requirements of this Act;

(d) the aggregate sum of the budget-grants contained in the budget-estimate adopted by the ~~corporation council~~ shall not be increased, except by the ~~corporation council~~ under section 131;

(e) every such reduction or transfer shall be brought to the notice of the ~~corporation council~~ at their next meeting.

(2) *If any such reduction or transfer is of an amount exceeding five hundred rupees, the council may pass with regard thereto such order as they think fit and it shall be incumbent on the standing committee and the commissioner to give effect, as far as may be, to the said order.*

ML. Acts,
1872 and
1878, s. 96.

134. (1) If it shall at any time during any official year appear to the ~~corporation~~ *council*, upon the representation of the ~~town-council, standing~~ *committee*, that, notwithstanding any reduction of budget-grants that may have been made by the ~~town-council standing~~ *committee* under the last preceding section, the income of the municipal fund during the said year will not suffice to meet the expenditure sanctioned in the budget-estimate of the said year and to leave at the close of the year a cash balance of not less than one lakh of rupees, it shall be incumbent on the ~~corporation council~~ to forthwith sanction any measure which shall be necessary for proportioning the year's income to the expenditure.

Re-adjustment of income and expenditure to be made by the ~~corporation council~~ during the course of the official year whenever necessary.

(2) For this purpose, the ~~corporation council~~ may either diminish the sanctioned expenditure of the year, so far as it may be possible so to do with due regard to all the requirements of this Act, or have recourse to supplementary taxation.

Scrutiny and Audit of Accounts.

135. (1) The ~~town-council standing~~ *committee* shall conduct, or cause to be conducted under their superintendence, a weekly scrutiny of the municipal accounts and publish weekly an abstract of the receipts and expenditure of the week last preceding, signed by not less than two members of the ~~council other than the commissioner~~ *said committee* and by the municipal secretary.

Weekly scrutiny of accounts by ~~town-council standing committee~~.

ML. Acts,
1872 and
1878, ss. 19
and 30.

(2) For this purpose, the ~~town-council standing committee~~ shall have access to all the municipal accounts and to all records and correspondence relating thereto, and the commissioner shall forthwith furnish to the ~~town-council standing committee~~ any explanation concerning receipts and disbursements which they may call for.

136. (1) The municipal accounts shall also be examined and audited from week to week by auditors specially appointed in this behalf for each official year by the Governor in Council.

Appointment of municipal auditors.

ML. Acts,
1872 and
1878, s. 31.

(2) The auditors so appointed may:

(a) by summons in writing, require the production before them of any book, deed, contract, account, voucher or other document or paper necessary for the proper conduct of their audit;

(b) by summons in writing, require any person having the custody or control of, or accountable for any such book, deed, contract, account, voucher or other document or paper to appear in person before them;

(c) require any person so appearing before them to make and sign a declaration with respect to such book, deed, contract, account, voucher or other document or paper.

(3) The auditors so appointed shall receive such reasonable remuneration, not exceeding, in the whole, five thousand rupees per annum, as the Governor in Council shall from time to time determine.

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[Ch. VII.—Revenue and Expenditure, Sects. 137. Ch. VIII.—Municipal Taxation, Sects. 138—141 (2).]

MI. Acts,
1872 and
1878, s. 32.

137. (1) The auditors so appointed shall furnish to the ~~town~~ ^{council} ~~standing committee~~ such information as the said ~~council~~ ^{council} ~~committee~~ shall from time to time require concerning the progress of their audit and shall, as soon as may be after the commencement of each official year, deliver to the ~~town-council~~ ^{council} ~~standing committee~~ a report upon the whole of the municipal accounts for the previous official year.

(2) The commissioner shall cause the said report to be printed and forward a printed copy thereof, along with the printed copy of the administration report and statement of accounts which he is required by sub-section (3) of section 124, to forward to each ~~member of the corporation~~ ^{councillor}.

CHAPTER VIII.—MUNICIPAL TAXATION.

MUNICIPAL TAXES DEFINED.

MI. Acts,
1872 and
1878, s. 60.

138. For the purposes of this Act, taxation shall be imposed as follows, namely :

- (1) property-taxes;
- (2) a tax on vehicles and animals;
- (3) a toll on vehicles entering the city from Salsette; and
- (4) town-duties.

PROPERTY-TAXES.

Property-taxes leviable.

MI. Acts,
1876 and
1878, s. 93.

139. The following taxes shall be levied on buildings and lands in the city, and shall be called "property-taxes", namely :

- (a) a water-tax of so many per centum of their rateable value as the ~~corporation~~ ^{council} shall deem reasonable with reference to the expenses of providing a water-supply for the city;

(b) a halálkhor-tax of so many per centum, not exceeding three, of their rateable value as will, in the opinion of the ~~corporation~~ ^{council}, suffice to provide for the collection, removal and disposal, by municipal agency, of all excrementitious and

polluted matter from privies, urinals and cesspools and for efficiently maintaining and repairing the municipal drains constructed or used for the reception or conveyance of such matter, subject, however, to the proviso that the minimum amount of such tax to be levied in respect of any one separate holding of land, or of any one building or of any one portion of a building which is let as a separate holding, shall be four annas per month, and that the amount of such tax to be levied in respect of any hotel, club or other large premises may be specially fixed under section 170 ;

(c) a general tax of not less than eight and not more than twelve per centum of their rateable value.

140. Subject to the provisions of section 168, the water-tax shall be levied only in respect of premises :

(a) to which a private water-supply is furnished from, or which are connected by means of communication-pipes with, any municipal waterwork ; or

(b) which are situated in a portion of the city in which the commissioner has given public notice that sufficient water is available from municipal waterworks for furnishing a reasonable supply to all the premises in the said portion.

141. (1) The halálkhor-tax shall be levied only in respect of premises :

(a) situated in any portion of the city in which public notice has been given by the commissioner that the collection, removal and disposal of all excrementitious and polluted matter from privies, urinals and cesspools will be undertaken by municipal agency ; or

(b) in which, wherever situate, there is a privy, water-closet, cesspool, urinal, bathing-place or cooking-place connected by a drain with a municipal drain :

(2) Provided that the said tax shall not be levied in respect of any premises situated in any portion of the city specified in clause (a), in or upon which, in the opinion of the commissioner, no such matter as aforesaid accumulates or is deposited.

Cf. MI. Acts,
1872 and
1878, s. 69,
proviso (3).

MI. Acts,
1872 and
1878, s. 69,
provisoes (1)
and (2).

MI. Acts,
1872 and
1878, s. 69,
proviso (1).

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[Ch. VIII.—Municipal Taxation, Sects. 141 (3)—146 (1).]

(3) If the commissioner directs, under sub-section (2) of section 246 that a separate water-closet, privy or urinal need not be required for any premises, the *halál-khor-tax* shall, nevertheless, be levied in respect of the said premises, if, but for such direction, the same would be leviable in respect thereof.

ML. Acts,
1872 and
1878, s. 77.

142. (1) The general tax shall be levied in respect of all buildings and lands in the city, except—
General tax on what premises to be levied.

(a) buildings exclusively occupied for public worship or for charitable purposes;

(b) buildings and lands vesting in the Secretary of State for India in Council or in the *corporation, council*, in respect of which the said tax, if levied, would under the provisions hereinafter contained be primarily leviable from the Secretary of State for India in Council or the *corporation council* respectively.

(2) The following buildings shall not be deemed to be buildings exclusively occupied for public worship or for charitable purposes within the meaning of clause (a), namely:

(c) buildings in which any trade or business is carried on; and

(d) buildings in respect of which rent is derived, whether such rent is or is not applied exclusively to religious or charitable purposes.

143. The Secretary of State for India in Council shall pay to the *corporation, council*, in lieu of the general tax, by the Secretary of State for India in Council, which buildings and lands vesting in him are exempted by clause (b) of section 142, such annual sum as an *officer* a person from time to time appointed by the Governor in Council, *with the concurrence of the council*, may, having regard to all the circumstances of the case, determine to be fair and reasonable.

144. For section thirty-six of the Bombay Port Trust Act, 1879, the following section shall be substituted, namely:

Amendment of section 36, Bombay Act VI of 1879.

“36. The Board shall pay annually, on the thirtieth day of September, to the *Municipal Corporation Council* of the city of Bombay, in lieu of the general tax leviable ~~from the Board~~ by the said *corporation, council* in respect of the property, or some portion of the property, vested in the Board, which would otherwise be liable to be assessed to the said tax, such lump sum as the Governor in Council shall from time to time determine.”

Liability for Property-taxes.

145. (1) Property-taxes shall be leviable primarily from the actual occupier of the premises upon which the said taxes are assessed, if such occupier holds the said premises immediately from Government or from the *corporation council* or from a *fazendár*.
Primary responsibility for property-taxes on whom to rest.

ML. Acts,
1872 and
1878, s. 70A.

(2) Otherwise the said taxes shall be primarily leviable as follows, namely:

(a) if the premises are let, from the lessor;

(b) if the premises are sub-let, from the superior lessor;

(c) if the premises are unlet, from the person in whom the right to let the same vests.

(3) But if any land has been let for any term exceeding one year to a tenant and such tenant has built upon the land, the property-taxes assessed upon the said land and upon the building erected thereon shall be primarily leviable from the said tenant or his legal representative, whether the premises be in the occupation of the said tenant or of his legal representative, or of a sub-tenant.

New.

146. (1) If any premises assessed to any property-tax are let, and their rateable value exceeds the amount of rent payable in respect thereof to the person from whom, under the provisions of the last preceding section, the said tax is leviable, the said person shall be entitled to receive from his tenant the difference between the amount of the property-tax levied from him and the amount which would be

ML. Acts,
1872 and
1878, s. 70A.

Apportionment of responsibility for property-tax when the premises assessed are let or sub-let.

Act XI of
1881, s. 6.

Bo. VI of
1879.

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[Ch. VIII.—Municipal Taxation, Sects. 146 (2)—151 (1).]

leviable from him if the said tax were calculated on the amount of rent payable to him.

(2) If the premises are sub-let and their rateable value exceeds the amount of rent payable in respect thereof to the tenant by his sub-tenant, or the amount of rent payable in respect thereof to a sub-tenant by the person holding under him, the said tenant shall be entitled to receive from his sub-tenant, or the said sub-tenant shall be entitled to receive from the person holding under him, as the case may be, the difference between any sum recovered under this section, from such tenant or sub-tenant and the amount of property-tax which would be leviable in respect of the said premises if the rateable value thereof were equal to the difference between the amount of rent which such tenant or sub-tenant receives and the amount of rent which he pays.

(3) Any person entitled to receive any sum under this section shall have, for the recovery thereof, the same rights and remedies as if such sum were rent payable to him by the person from whom he is entitled to receive the same.

147. If any person who is primarily liable for the payment of any property-tax himself pays rent to another person other than Government or the corporation council, in respect of the premises upon which such tax is assessed, he shall be entitled to credit in account with such other person for such sum as would be leviable on account of the said tax if the amount of the rent payable by him were the rateable value of the said premises.

Notice of transfer, &c., of premises assessable to property-taxes.

148. (1) Whenever the title of any person primarily liable for the payment of property-taxes on any premises to or over such premises is transferred, the person whose title is so transferred and the person to whom the same shall be transferred shall, within three months after execution of the instrument of transfer, or after its registration, if it be registered,

or after the transfer is effected, if no instrument be executed, give notice of such transfer, in writing, to the commissioner.

(2) In the event of the death of any person primarily liable as aforesaid, the person to whom the title of the deceased shall be transferred, as heir or otherwise, shall give notice of such transfer to the commissioner within one year from the death of the deceased.

149. (1) The notice to be given under the last preceding section shall be in the form of notice.

the form either of schedule E or schedule F, as the case may be, and shall state clearly and correctly all the particulars required by the said form.

(2) The notice shall be accompanied whenever the commissioner shall deem fit so to require, by the instrument of transfer, if any, and by a certificate that public notice has been given of the transfer by beat of *bataki*.

150. (1) Every person primarily liable for the payment of a property-tax on any premises, who transfers his title to or over such premises

without giving notice of such transfer to the commissioner as aforesaid shall, in addition to any other liability which he incurs through such neglect, continue liable for the payment of all property-taxes from time to time payable in respect of the said premises until he gives such notice, or until the transfer shall have been recorded in the commissioner's books.

(2) But nothing in this section shall be held to diminish the liability of the transferee for the said property-taxes or to affect the prior claim of the commissioner on the premises, conferred by section 210, for the recovery of the property-taxes due thereupon.

151. (1) When any new building is erected, or when any building is rebuilt or enlarged,

or when any building which has been vacant is re-occupied,

the person primarily liable for the property-taxes assessed on the building shall within fifteen days give notice thereof, in writing, to the commissioner.

MI. Acts,
1872 and
1878. s. 70A,
para. 2.

Person primarily liable for property-tax entitled to credit, if he is a rent-payer.

New.
Cf. Bo. Act
II, 1876, s.
30.

Notice to be given to the commissioner of all transfers of title of persons primarily liable to payment of property-tax.

Notice to be given to the commissioner of the erection of a new building, &c.

MI. Acts,
1872 and
1878, s. 83.

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(2) The said period of fifteen days shall be counted from the date of the completion or of the occupation, whichever first occurs, of the building which has been newly erected or rebuilt, or of the enlargement, as the case may be, and, in the case of a building which has been vacant, from the date of the re-occupation thereof.

MI. Acts,
1872 and
1872, s. 84.

152. (1) When any building or any portion of a building, which is liable to the payment of a property-tax, is demolished or removed, otherwise than by order of the commissioner, the person primarily liable for the payment of the said tax shall give notice thereof in writing to the commissioner.

(2) Until such notice is given, the person aforesaid shall continue liable to pay every such property-tax as he would have been liable to pay in respect of such building, if the same, or any portion thereof, had not been demolished or removed.

Valuation of property assessable to property-taxes.

MI. Acts,
1872 and
1872, s. 70

153. (1) In order to fix the rateable value of any building or land assessable to a property-tax, there shall be deducted from the amount of the annual rent for which such land or building might reasonably be expected to let from year to year, a sum equal to ten per centum of the said annual rent, and the said deduction shall be in lieu of all allowance for repairs or on any other account whatever.

(2). *The value of any machinery contained or situate in upon any building or land shall not be included in the rateable value of such building or land.*

MI. Acts,
1872 and
1872, s. 74,
cl. 1.

154. (1) To enable him to determine the rateable value of any building or land and the person primarily liable for the payment of any property-tax leviable in respect thereof, the commissioner may require the owner or occupier of such building or land, or of any portion thereof,

to furnish him, within such reasonable period as the commissioner prescribes in this behalf, with information, or with a written return signed by such owner or occupier :

(a) as to the name and place of abode of the owner or occupier or of both the owner and occupier of such building or land ; and

(b) as to the dimensions of such building or land, or of any portion thereof, and the rent, if any, obtained for such building or land, or any portion thereof.

(2) Every owner or occupier on whom any such requisition is made shall be bound to comply with the same and to give true information or to make a true return to the best of his knowledge or belief.

(3) The commissioner may also, for the purpose aforesaid, make an inspection of any such building or land.

Assessment-book.

155. The commissioner shall keep a book, to be called *Assessment-book* "the *Assessment-book*," in which shall be entered every official year :

(a) a list of all buildings and lands in the city, distinguishing each, either by name or number, as he shall think fit ;

(b) the rateable value of each such building and land determined in accordance with the foregoing provisions of this Act ;

(c) the name of the person primarily liable for the payment of the property-taxes, if any, leviable on each such building or land ;

(d) if any such building or land is not liable to be assessed to the general tax, the reason of such non-liability ;

(e) when the rates of the property-taxes to be levied for the year have been duly fixed by the corporation council, and the period fixed by public notice, as hereinafter provided, for the receipt of complaints against the amount of rateable value entered in any portion of the assessment-book has expired, and, in the case of any such entry which is complained against, when such complaint has been disposed of in accordance with the provisions hereinafter contained, the amount at

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which each building or land entered in such portion of the assessment-book is assessed to each of the property-taxes, if any, leviable thereon;

(f) if, under section 168, a charge is made for water supplied to any building or land by measurement or the water-tax or charge for water by measurement is compounded for, or if, under section 170, the halalkhor-tax for any building or land is fixed at a special rate, the particulars and amount of such charge, composition or rate;

(g) such other details, if any, as the commissioner from time to time thinks fit to direct.

156. (1) The assessment-book shall be made in separate books, called "ward assessment-books," one for each of the wards into which the city is for the time being divided under the provisions of section 25; and each ward assessment-book may, if the commissioner thinks fit, be divided into two or more parts for such purposes and with such several designations as the commissioner shall determine.

(2) The ward assessment-books and their respective parts, if any, shall collectively constitute the assessment-book.

157. (1) When any building or land is let to two or more persons holding in severalty, the commissioner may, for the purpose of assessing such building or land to the property-taxes, either treat the whole thereof as one property or, with the written consent of the owner of such building or land, treat each several holding therein or any two or more of such several holdings together, or each floor or flat, as a separate property.

(2) When the commissioner has determined to treat all the several holdings comprised within any one building or land under this section as one property, he may, subject to any general conditions which may from time to time be prescribed by the town-council standing committee in this behalf, at any time not later than seven days before the first day of any half-year for which an instalment of

general tax will be leviable in respect of the said property, sanction a drawback of one-fifth part of the general tax so leviable. If he sanctions a drawback, it shall be held to be in commutation of all claim to refund, under the provisions hereinafter contained for vacancies.

158. (1) When the name of the person primarily liable for the payment of property-taxes in respect of any premises cannot be ascertained, it shall be sufficient to designate him in the assessment-book and in any notice which it may be necessary to serve upon the said person under this Act, "the holder" of such premises, without further description.

(2) If in any such case, any person in occupation of the premises shall refuse to give such information as may be requisite for determining who is primarily liable as aforesaid, such person shall himself be liable, until such information is obtained, for all property-taxes leviable on the premises of which he is in occupation.

159. (1) When the entries required by clauses (a), (b), (c) and (d) of section 155 have been completed, as far as practicable, in any ward assessment-book, the commissioner shall give public notice thereof and of the place where the ward assessment-book, or a copy of it, may be inspected.

(2) Such public notice shall be given by advertisement in the *Bombay Government Gazette* and in the local newspapers and also by posting placards in conspicuous places throughout the ward.

160. (1) Every person who reasonably claims to be the owner or occupier of some premises entered in the assessment-book or the agent of any such owner or occupier shall be permitted, free of charge, to inspect and to take extracts from any portion of the said book which relates to the said premises.

(2) Any person not entitled under subsection (1) to inspect and take extracts from any portion of the assessment-book free of charge, shall be permitted to do so on pay-

New.

MI. Acts,
1872 and
1878, s. 76.

MI. Acts,
1872 and
1878, s. 73.

MI. Acts,
1872 and
1878, s. 78.

MI. Acts,
1872 and
1878, s. 78.

*The City of Bombay Municipal Bill, 1887.**[Ch. VIII.—Municipal Taxation, Sects. 161—166 (2).]*

ment of such fee as shall from time to time be prescribed in this behalf by the commissioner, with the approval of the ~~town~~ *council standing committee*.

161. (1) The commissioner shall, at the time and in the manner prescribed in section 159, give public notice of a day, not being less than fifteen days from the publication of such notice, on or before which complaints against the amount of any rateable value entered in the ward assessment-book will be received in his office.

(2) In every case in which any premises have for the first time been entered in the assessment-book as liable to the payment of property-rates, or in which the rateable value of any premises liable to such payment has been increased, the commissioner shall, as soon as conveniently may be after the issue of the public notice under sub-section (1), give a special written notice to the owner or occupier of the said premises specifying the nature of such entry and informing him that any complaint against the same will be received in his office at any time within fifteen days from the service of the special notice.

162. (1) Every complaint against the amount of any rateable value entered in the assessment-book must be made by written application to the commissioner, which shall be left at his office on or before the day or the latest day fixed in this behalf in the public or special notice aforesaid.

(2) Every such application shall set forth briefly but fully the grounds on which the valuation is complained against.

163. The commissioner shall cause all complaints so received to be registered in a book to be kept for this purpose and shall give notice, in writing, to each complainant of the day, time and place, when and whereat his complaint will be investigated.

164. (1) At the time and place so fixed, the commissioner shall investigate and dispose of the complaint in the presence

of the complainant, if he shall appear, and, if not, in his absence.

(2) For reasonable cause, the commissioner may from time to time adjourn the investigation.

(3) When the complaint is disposed of, the result thereof shall be noted in the book of complaints kept under section 163 and any necessary amendment shall be made, in accordance with such result, in the assessment-book.

165. (1) When all such complaints, if Authentication of any, have been disposed of, and the entries required by clause (e) of section 155 have been completed in the ward assessment-book, the said book shall be authenticated by the commissioner, who shall certify, under his signature, that except in the cases, if any, in which amendments have been made, as shown therein, no valid objection has been made to the rateable values entered in the said book.

(2) Thereupon the said ward assessment-book, subject to such alterations as may thereafter be made therein under the provisions of the next following section, shall be accepted as conclusive evidence of the amount of each property-tax leviable on each building and land in the ward in the official year to which the book relates.

166. (1) The commissioner may, upon the representation of any person concerned, or upon any other information, at any time during the official year to which an assessment-book relates, amend the same by inserting therein the name of any person whose name ought to be so inserted or any premises previously omitted, or by striking out the name of any person not liable for the payment of any property-tax, or by increasing or reducing the amount of any rateable value and of the assessment based thereupon, or by making or cancelling an entry exempting any premises from liability to any property-tax.

(2) Every such amendment shall be deemed to have been made, for the purpose of determining the liability or exemption of the person concerned in accordance with the altered entry, from the earliest day in the current official year when the cir-

MI. Acts,
1872 and
1878, s. 79.

MI. Acts,
1872 and
1878, s. 79.

New.

New.

MI. Acts,
1872 and
1878, s. 80.

MI. Acts,
1872 and
1878, s. 81.

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circumstances justifying the amendment existed.

ML. Acts,
1872 and
1878, s. 85.

167. (1) It shall not be necessary to prepare a new assessment-book every official year. Subject to the provisions of sub-section (3), the commissioner may adopt the entries in the last preceding year's book, with such alterations as he thinks fit, as the entries for each new year.

(2) But public notice shall be given, in accordance with sections 159 and 161 every year, and the provisions of the said sections and of sections 162 to 166, both inclusive, shall be applicable each year.

(3) A new assessment-book shall be prepared at the least once in every four years.

Special provisions concerning the Water and Halalkhor Taxes.

ML. Acts,
1872 and
1878, s. 90.

168. (1) The commissioner may:

A charge by measurement or a periodical lump-payment may be substituted for the water-tax.

(a) in such cases as the standing committee shall either generally or specially direct,

instead of levying the water-tax in respect of any premises liable thereto under section 140, charge for the water supplied to such premises, by measurement, at such rate as shall from time to time be prescribed by the ~~town-council~~ said committee in this behalf;

(b) with the approval of the ~~town-council~~ standing committee, compound with any person for the supply of water to any premises for a renewable term of one or more years not exceeding five, on payment of a fixed periodical sum, in lieu of the water-tax or charge by measurement which would otherwise be leviable from such person in respect of the said premises.

(2) The ~~town-council~~ standing committee may, for the cases in which the commissioner charges for water by measurement under clause (a), from time to time prescribe such conditions as they shall think fit, as to the use of the water and as to the charge to be paid for water consumed whilst a meter is out of order or under repair; and in each case in which a composition is made under clause (b), the ~~town-council~~ said committee may prescribe such conditions as to the use of the water as they shall think fit: provided that no con-

dition prescribed under this sub-section shall be inconsistent with this Act or with any by-law made under this Act.

(3) A person who is charged for water by measurement or who has compounded for a fixed periodical sum shall not be liable for payment of the water-tax, but any sum payable by him on account of water and not paid when it becomes due, shall be recoverable by the commissioner as if it were an arrear of water-tax.

169. No tax or charge of any kind shall be levied or demanded for the use of water in or from any drinking-fountain, tank, reservoir, cistern, pump, well, duct, stand-pipe or other work, used for the gratuitous supply of water to the inhabitants of the city and vesting in the ~~corporation~~ council: provided that the use of water in or from any such work shall be limited as prescribed in sub-section (3) of section 267.

ML. Acts,
1872 and
1878, s. 94.

170. (1) The commissioner may, whenever he thinks fit, fix the halalkhor-tax to be paid in respect of any hotel, club or other large premises at such special rate as shall be approved by the ~~town-council~~ standing committee in this behalf, either generally or in any particular case.

(2) In any such case the amount of the halalkhor-tax shall be fixed with reference to the cost of the collection, removal and disposal, by municipal agency, of excrementitious and polluted matter from the premises for which such service is to be rendered.

ML. Acts,
1872 and
1878, s. 86.

171. (1) Any person who has paid to the commissioner any water-tax or halalkhor-tax in respect of any premises, shall, if he was not himself in occupation of the said premises during the period for which he has made such payment, be entitled to receive the amount of the said payment from the person, if any, in actual occupation of the said premises for the said period.

ML. Acts,
1872 and
1878, s. 93.

(2) For the recovery of the said amount from the person aforesaid the person who has paid the same shall have the same rights and remedies as if such amount were rent payable to him by the person

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from whom he is entitled to receive the same.

Refund of property-taxes for vacancies.

MI. Acts,
1872 and
1878, s. 82,
cl. I.

172. When any building or land, or any portion of any premises which the commissioner has treated under section 157 as a separate property, has been vacant for not less than thirty consecutive days, the commissioner shall, subject to the provisions hereinafter contained, refund the amount of the water-tax and halalkhor-tax, if any, paid for the number of days that such vacancy lasted.

MI. Acts,
1872 and
1878, s. 82,
cl. I.

173. When any building or land, or any portion of any premises which the commissioner has treated under section 157 as a separate property, has been vacant for not less than sixty consecutive days, the commissioner shall, subject to the provisions hereinafter contained, refund two-thirds of the amount of the general tax, if any, paid for the number of days that such vacancy lasted.

174. (1) No refund of any property-tax shall be claimable from the commissioner as aforesaid, unless notice in writing of the vacancy shall have been given by the person liable for the payment of the tax, or his agent, to the commissioner.

(2) No refund shall be paid by the commissioner for any period previous to the day of the delivery of such notice.

(3) When a vacancy continues from one half-year in respect of which property-taxes are, under section 195, recoverable, into the next following half-year, no refund of any property-tax shall be claimable from the commissioner as aforesaid on account of such continued vacancy, unless notice thereof shall be given to the commissioner as aforesaid within fifteen thirty days from the commencement of the said next following half-year.

175. No refund of water-tax shall be claimable except from such time as a written application for stopping water-supply has been made.

MI. Acts,
1872 and
1878, s. 82,
cl. I.

to stop the water-supply to the vacant premises.

176. No refund of general tax shall be claimable in any case in which the commissioner has sanctioned a drawback under sub-section (2) of section 157.

177. It shall be in the discretion of the commissioner to disallow any claim for refund of any property-tax, unless application therefor is made to him in writing within thirty days after the expiry of the half-year to which the claim relates, accompanied by the bill presented to the applicant under section 198 for the amount of the tax from which the refund is claimed.

TAX ON VEHICLES AND ANIMALS.

178. Except as hereinafter provided, a tax at rates not exceeding those specified in schedule G shall be levied on all vehicles and on all animals of the descriptions specified in the said schedule which are kept within the city.

179. The said tax shall not be leviable in respect of:

(a) any vehicle or animal certified by the commissioner or the police commissioner, as the case may be, to be employed by the owner thereof for municipal or police purposes;

(b) gun-carriages, ordnance-carts or wagons, and artillery and cavalry horses;

(c) any horse belonging to an officer doing regimental or other military duty in the city, which such officer which any person, exempted, by an order issued under section 3 of the Municipal Taxation Act, 1881, from the operation of any municipal tax on horses, is bound, by the regulations of the service to which he belongs, to keep;

(d) any horse exempted from municipal taxation by section twenty-five of the Indian Volunteers' Act, 1869;

(e) vehicles and animals belonging to the Secretary of State for India in Council or to the corporation council;

(f) vehicles and animals which belong to the persons to whom the right

MI. Acts,
1872 and
1878, s. 82,
cl. 1.

MI. Acts,
1872 and
1878, s. 82,
cl. 2.

MI. Acts,
1872 and
1878, s. 104.

MI. Acts,
1872 and
1878, s. 104.

XI. of 1881.
Cf. Act XI. of
1881, s. 4.

XX. of 1869.

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of working street-tramways in the city is granted by the Bombay Tramways Act, 1874, and which are exempted from municipal taxation by the said Act;

(g) vehicles kept by *bonâ fide* dealers in vehicles for sale merely, and not-used;

(h) trucks used exclusively on a wharf, or in or upon any premises appertaining to a factory, workshop, warehouse or railway;

(i) hand-barrows having one wheel only and children's perambulators.

180. (1) Every person who has owned or had charge of any vehicle or animal in respect of which the tax aforesaid is leviable shall, if he has owned or had charge thereof:

(a) for not less than thirty days in any quarter, be liable for the whole tax for that quarter;

(b) for less than thirty but more than seven days in any quarter, be liable for one-third of the whole tax for that quarter;

(c) for not more than seven days in any quarter, be exempt from liability for the tax for that quarter.

(2) When a person has owned or had charge of two or more vehicles or two or more animals of the same description, each at different periods in one quarter, he shall, for the purposes of this section, be deemed to have owned or had charge of one vehicle or one animal only, as the case may be, for the aggregate number of days in the said two or more periods.

181. If a vehicle has been under repair or standing at a carriage-maker's during the whole of any quarter, no tax shall be leviable in respect thereof for that quarter.

182. If an animal has been, during the whole of any quarter in any institution for the reception of infirm or disused animals, or if any animal certified by a veterinary surgeon to have been unfit for use during the whole of any quarter has not been used during such quarter, no tax shall be leviable in respect of such animal for that quarter.

183. The commissioner may, with the approval of the ~~town~~ ^{ML Acts, 1872 and 1878, s. 107.} *council, standing committee*, compound with any livery-stable-keeper or other person keeping vehicles or horses or bullocks for hire, or with any dealer having stables in which horses are kept for sale on commission or otherwise, for the payment of a lump sum for any period not exceeding one year at a time, in lieu of the taxes which such livery-stable-keeper or other person or dealer would otherwise be liable to pay under section 178.

184. (1) The commissioner shall ^{ML Acts, 1872 and 1878, s. 108.} keep a book, in which vehicle and animal tax-book to be kept shall be entered from time to time:

(a) a list of the persons liable to pay any tax under section 178;

(b) a specification of the vehicles and animals in respect of which the said persons are, respectively, liable to the said tax;

(c) the amount of tax payable by each such person and the period for which it is payable;

(d) the particulars of every composition made under section 183.

(2) Any person whose name is entered in the said book, or the agent of any such person, shall be permitted, free of charge, to inspect and take extracts from any portion of the said book which relates to such person.

(3) Any person not entitled under subsection (2) to inspect and take extracts from any portion of the said book free of charge, shall be permitted to do so on payment of such fee as shall from time to time be prescribed in this behalf by the commissioner, with the approval of the ~~town~~ ^{ML Acts, 1872 and 1878, s. 109.} *council, standing committee*.

185. (1) In order that the said list may be prepared, the commissioner may require:

(a) the owner of any premises let to or occupied by more than one person owning or having the charge of vehicles and animals, to furnish him with a written return signed by such owner of the name and address of each of the said persons and of the animals and vehicles

Bom. I. of 1874.

ML Acts, 1872 and 1878, s. 105.

New.

ML Acts, 1872 and 1878, s. 106.

New.

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[Ch. VIII.—Municipal Taxation, Sects. 185 (1) (b)—191.]

owned by or in the charge of each of the said persons kept upon such owner's premises;

(b) any person supposed to be liable to the payment of any tax on a vehicle or animal to furnish him with a written return signed by such person and containing such information concerning the vehicles and animals, if any, owned by or in the charge of such person as the commissioner or ~~municipal officer~~ ~~aforsaid~~ shall deem necessary.

(2) Every person on whom any such requisition is made shall be bound to comply with the same, within such reasonable period as the commissioner prescribes in this behalf, whether such person be liable to the payment of any such tax or not, and to make a true return to the best of his knowledge or belief.

MI. Acts, 1872
and 1878, s.
110.

186. Every person who, in any quarter for which a tax on vehicles and animals is leviable, becomes possessed of any vehicle or animal in respect of which he will be liable to the payment of the said tax, shall, if in the immediately preceding quarter he was not liable to the payment of any such tax, give notice, in writing, to the commissioner, within fifteen days after he has become possessed of such vehicle or animal, of the fact of his having become possessed thereof.

MI. Acts, 1872
and 1878, s.
111.

187. (1) The commissioner may make an inspection of any stable or coach-house or any place wherein he may have reason to believe that there is any vehicle or animal liable to a tax under this Act.

Power to inspect
stables and summon
persons liable to the tax.

(2) The commissioner may, by written summons, require the attendance before him of any person whom he has reason to believe to be liable to the payment of a tax in respect of a vehicle or animal, or of any servant of any such person and may examine such person or servant as to the number and description of vehicles and animals owned by or in the charge of such person; and every person so summoned shall be bound to attend before the commissioner and to give true information, to the best of his knowledge or belief, as to the said matters.

MI. Acts, 1872
and 1878, s.
112.

TOLL ON VEHICLES ENTERING THE CITY FROM SALSETTE.

188. (1) A toll at a rate not exceeding two annas each, shall be levied on all vehicles entering the city from Salsette which are not liable to the tax leviable under section 178, except vehicles of the descriptions specified in clauses (a), (b), (c), (f), and (h) of section 179.

MI. Acts, 1872
and 1878, s.
113.

(2) The said toll shall be leviable on each occasion that any vehicle liable thereto enters the city from Salsette.

189. (1) The driver of every vehicle in respect of which a toll is paid under the last preceding section shall be entitled to receive from the person who collects the same a ticket certifying payment thereof.

MI. Acts, 1872
and 1878, s.
113.

(2) The possession of any such ticket but vehicle on which toll has been paid not to be exempt from tax under section 178, if otherwise liable thereto. shall not, however, be deemed to exempt the person who owns or has charge of the vehicle from the tax leviable under section 178, if such vehicle is kept in the city for any such period as renders it liable to the said tax.

TOWN-DUTIES.

190. (1) Except as hereinafter provided, duties at rates not exceeding those respectively specified in schedule H, shall be levied in respect of the several articles mentioned in the said schedule or of so many of them as the corporation council shall from year to year, in accordance with section 128, determine, when the said articles are imported from any place into the city.

MI. Acts, 1872
and 1878, ss.
114 and 115.

(2) The said duties shall be called "town-duties."

191. The commissioner shall cause tables of the town-duties for the time being leviable, specifying the rates at which and the articles on which the same are leviable, to be printed in the English, Gujarathi and Marathi and Urdu languages and to be affixed in a conspicuous position at every place at which the said town-duties are levied.

MI. Acts, 1872
and 1878, s.
121.

Table of rates of
town-duties to be affixed
on certain places.

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[Ch. VIII.—Municipal Tazation, Sects. 192—197.]

MI. Acts, 1872
and 1878, s.
114, proviso.

192. (1) No town-duty shall be leviable on any article belonging to Government from town-duty. which, at the time of its importation, is certified by an officer empowered by Government in this behalf to be the property of Government.

(2) If any article on which town-duty is paid is imported under a written declaration signed by the importer that such article is being imported for the purpose of fulfilling a specified contract with Government or otherwise for the use of Government, the full amount of the duty paid thereon shall be refunded, on production, at any time within six months after importation, of a certificate signed by an officer empowered by Government in this behalf certifying that the article so imported has become the property of Government.

MI. Acts, 1872
and 1878, s.
120.

193. (1) When any article upon which town-duty has been paid shall be exported from the city, the full amount of the duty so paid shall, subject to the provisions hereinafter contained, be refunded.

(2) Such refunds shall be paid under such rules as the commissioner, with the approval of the ~~town-council~~, *standing committee*, shall from time to time frame in this behalf:

(3) Provided that:

(a) no refund shall be paid on any article, other than timber or flour, not exported within six months, or on any timber not exported within twelve months, from the date of its importation;

(b) a refund shall be claimable on all flour exported from the city, without proof of the importation of the same into the city, equal to seventy-five per centum of the amount of the duty at the time being leviable on the grain from which such flour has been prepared;

(c) no refund shall be paid unless the same is applied for within one month from the date of exportation;

(d) no refund shall be made of any less amount than five rupees;

(e) no rule framed by the commissioner under this section shall have

effect, unless and until it is confirmed by Government.

SUPPLEMENTARY TAXATION.

194. Whenever the ~~corporation council~~ *council* determine, under section 134, to have recourse to supplementary taxation in any official year, they shall do so by increasing, for the unexpired portion of the said year, the rates at which any tax imposable under this Act is being levied or by adding to the number of articles on which town-duties are being levied, but every such increase or addition shall be made subject to the limitations and conditions on which any such tax is imposable.

COLLECTION OF TAXES.

195. Each of the property-taxes shall be payable in advance in half-yearly instalments on each first day of April and each first day of October.

196. (1) Except as is hereinafter otherwise provided, the tax on vehicles and animals payable quarterly in arrear; but on vehicles and animals shall be payable quarterly in arrear on each first day of April and each first day of July and each first day of October and each first day of January:

(2) Provided that in the case of any public conveyance licensed by the police commissioner under Bombay Act VI of 1863 (*an Act for the regulation of public conveyances in the town, suburbs and harbour of Bombay*), the person who keeps or lets such public conveyance for hire shall be required by the said commissioner, before any license is issued to him under the said Act, to pay into the municipal office the tax leviable on the said public conveyance and the animal or animals used for the same, for the whole period for which such license is to be granted, together with the fee payable for such license.

197. Tolls on vehicles entering the city from Salsette and town-duties shall be payable on demand.

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[Ch. VIII.—Municipal Taxation, Sects. 198—204 (2).]

Ml. Acts, 1872
and 1878, s.
125.Presentation of bills
for certain taxes.

198. (1) When any property-tax or tax on vehicles and animals, other than public conveyances and the animals used therefor, or any instalment of any such tax, shall have become due, the commissioner shall, with the least practicable delay, cause to be presented to the person liable for the payment thereof a bill for the sum due.

(2) Every such bill shall specify the period for which and the premises, vehicle or animal in respect of which the tax is charged, and shall also give notice of the time within which an appeal may be preferred, as hereinafter provided, against such tax.

Ml. Acts, 1872
and 1878, s.
469A.When one bill may
be presented for several
claims.

199. (1) All the sums due for each half-year for all or any of the three property-taxes by any one person on account of one and the same property shall be charged to such person in one bill and shall be recoverable from him in the lump: provided that nothing herein contained shall affect the liability of such person to any increased tax to which he may be assessed on account of the said property under section 166.

(2) If any one person is liable for all or any of the said taxes on account of more properties than one, it shall be competent to the commissioner to charge to such person in one or several bills, as he shall think fit, the several sums payable by him on account of such properties: *Provided that if such person, by written notice to the commissioner, requests to be furnished with several bills, the commissioner shall comply with such request in respect of all the said taxes for which such person becomes liable after receipt by the commissioner of his said notice.*

Ml. Acts, 1872
and 1878, s.
126.

Notice of demand.

200. (1) If the amount of tax for which any bill has been presented as aforesaid is not paid into the municipal office within fifteen days from the presentation thereof, the commissioner may cause to be served upon the person liable for the payment of the same a notice of demand in the form of schedule I, or to the like effect.

(2) For every notice of demand which the commissioner causes to be served on any person under this section, a fee of

such amount not exceeding one rupee as shall in each case be fixed by the commissioner shall be payable by the said person and shall be included in the costs of recovery.

201. If the person liable for the payment of the said tax do not within fifteen

Distress.

days from the service of the notice of demand pay the sum due, or show sufficient cause for non-payment of the same to the satisfaction of the commissioner, and if no appeal is preferred against the said tax, as hereinafter provided, such sum, with all costs of the recovery, may be levied under a warrant in the form of schedule J, or to the like effect, to be issued by the commissioner, by distress and sale of the goods and chattels of the defaulter, or if the defaulter be the occupier of any premises in respect of which a property-tax is due, by distress and sale of any goods and chattels found on the said premises.

202. The goods and chattels of any person liable for the payment of any tax, for levy of which a warrant has been issued as aforesaid, may be distrained wherever the same may be found.

Goods of defaulter
may be distrained, where-
ever found.

203. The officer charged with the execution of a warrant of distress, issued under section 201, shall forthwith make an inventory of the goods and chattels which he seizes under such warrant, and shall at the same time give a written notice, in the form of schedule K, to the person in possession thereof at the time of seizure that the said goods and chattels will be sold as therein mentioned.

204. (1) If the warrant is not in the meantime suspended by the commissioner

Sale.

or discharged, the goods and chattels seized shall, after the expiry of the period named in the notice served under the last preceding section, be sold by order of the commissioner, who shall apply the proceeds or such part thereof as shall be requisite, in discharge of the sum due and of the costs of recovery.

(2) The surplus, if any, shall be forthwith credited to the municipal fund, but if the same be claimed by written application to the commissioner within one

Ml. Acts, 1872
and 1878, s.
126.Ml. Acts, 1872
and 1878, s.
132.Ml. Acts,
1872 and
1878, s. 130.Ml. Acts,
1872 and
1878, s. 131.

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year from the date of the sale, a refund thereof shall be made to the person in possession of the goods and chattels at the time of the seizure. Any surplus not claimed within one year as aforesaid shall be the property of the corporation council.

MI. Acts,
1872 and
1878, s. 131.

205. For every distraint made under this Act a fee shall be charged at the rate set forth in schedule L, and the said fee shall be included in the costs of recovery.

New.

206. The commissioner may, in his discretion, remit the whole or any part of any fee chargeable under the last preceding section or under sub-section (2) of section 200.

MI. Acts,
1872 and
1878, s. 134.

207. (1) If the sum due on account of any property-tax remains unpaid after a bill for the same has been duly presented to the person primarily liable for the payment thereof, and the said person be not the occupier for the time being of the premises in respect of which the tax is due, the commissioner may present a bill for the amount to the occupier of the said premises, or, if there are two or more occupiers thereof, may present a bill to each of them for such portion of the sum due as bears to the whole amount due the same ratio which the rent paid by such occupier bears to the aggregate amount of rent paid by them both or all in respect of the said premises.

(2) If the occupier or any of the occupiers fails within fifteen days from the presentation of any such bill to pay the amount therein claimed, the said amount may be recovered from him in accordance with the foregoing provisions.

(3) No arrear of a property-tax shall be recovered from any occupier under this section, which has remained due for more than one year or which is due on account of any period for which the occupier was not in occupation of the premises on which the tax is assessed.

(4) If any sum is paid by, or recovered from, an occupier under this section, he shall be entitled to credit therefor in account with the person primarily liable for the payment of the same.

208. (1) If the commissioner shall at any time have reason to believe that any person from whom any sum is due on account of any property-tax or tax on vehicles and animals, or who would be liable for any sum on account of the tax on vehicles and animals if the current quarter had come to a close, is about to leave the city, the commissioner may direct the immediate payment by such person of the sum so due or about to become due by him and cause a bill for the same to be presented to him.

(2) If, on presentation of such bill, the said person do not forthwith pay the sum due or about to become due by him, the amount shall be leviable by distress and sale in the manner hereinbefore prescribed, except that it shall not be necessary to serve upon the defaulter any notice of demand, and the commissioner's warrant for distress and sale may be issued and executed without any delay.

209. Instead of proceeding against a defaulter by distress and sale as hereinbefore provided, or after a defaulter shall have been so proceeded against unsuccessfully or with only partial success, any sum due or the balance of any sum due, as the case may be, by such defaulter, on account of a property-tax or of the tax on vehicles and animals, may be recovered from him by a suit in any court of competent jurisdiction.

210. Property-taxes due under this Act in respect of any building or land shall, subject to the prior payment of the land-revenue, if any, due to Government thereupon, be a first charge upon the said building or land and upon the goods and chattels, if any, found within or upon such building or land in whose possession the same may be, and belonging to the person liable for such taxes.

211. (1) Tolls on vehicles entering the city from Salsette and town-duties: (a) may be collected under the orders of the commissioner, by municipal officers.

Collection of tolls and town-duties how to be effected.

MI. Acts,
1872 and
1878, ss. 11 and 116.

The City of Bombay Municipal Bill, 1887.

[Ch. VIII.—Municipal Taxation, Sects. 211 (1) (b)—215 (2).]

and servants appointed in this behalf ;
or

(b) if the commissioner thinks fit, may, with the approval of the ~~town-council~~ *standing committee*, be farmed by him for any period not exceeding one year at a time or be collected by or under the orders of any person, whom the commissioner, with the approval of the ~~town-council~~ *standing committee*, appoints to be his agent for this purpose.

(2) The said tolls and town-duties shall be collected and refunds of town-duties shall be made at such places and be managed and controlled in such manner as the commissioner, with the approval of the ~~town-council~~ *standing committee*, shall from time to time direct.

Bom. Act III
of 1875, s. 4.

212. (1) If any toll payable in respect of a vehicle entering the city from Salsette is not paid on demand, the person authorized under section 211 to collect the same may seize :

(a) any part of the contents of the vehicle in respect of which the toll is payable of sufficient value to defray the toll ; or

(b) if the vehicle is empty, or the contents are of insufficient value to defray the toll, the vehicle itself.

(2) If the toll and the costs, if any, incurred on account of the seizure, remain undischarged for twenty-four hours after the seizure, the case shall be reported to the commissioner, and the commissioner shall forthwith issue a public notice fixing some convenient time within three days after the date of the seizure for the sale by public auction of the property which has been seized.

(3) If at any time before the sale is commenced in accordance with such public notice, the person in whose possession the property was at the time it was seized, shall pay to the commissioner a sum equal to double the amount of the toll due, together with all the expenses incurred on account of the non-payment of the toll and of the seizure and intended sale, the commissioner shall forthwith release the property seized.

(4) If such payment is not made, the property seized shall be sold by auction in accordance with the public notice and the

proceeds shall be devoted to the discharge of the toll and of all expenses incurred on account of the non-payment of the toll and of the seizure and sale. The surplus, if any, shall be forthwith credited to the municipal fund, but if the same be claimed by written application to the commissioner within one year from the date of the sale, a refund thereof shall be made to the person in whose possession the property was at the time of the seizure. Any surplus not claimed within one year as aforesaid shall be the property of the ~~corporation~~ *council*.

213. Every person authorized under section 211 to collect or to refund town-duties shall have, in respect of the collection of the said duties and of paying refunds and of the confiscation of goods in connection therewith, the same powers as are conferred by any law at the time in force on the Commissioner of Customs of Bombay and the officers subordinate to him in respect of the levy of customs-duties and of the grant of drawbacks and of the confiscation of goods in connection therewith, and shall also have the same privileges and be subject to the same liabilities in respect of anything done by him in or for the purpose of collecting or refunding town-duties, as the said Commissioner of Customs and the officers subordinate to him have or are subject to, under any law at the time in force relating to customs-duties.

214. The commissioner may, with the New. approval of the ~~town-council~~ *standing committee*, from time to time write off any sum due on account of any tax or of the costs of recovering any tax, which shall, in his opinion, be irrecoverable.

APPEALS AGAINST VALUATIONS AND TAXES.

215. (1) Subject to the provisions hereinafter contained, *appeals against any rateable value or tax fixed or charged under this Act shall be heard and determined by the Chief Judge of the Small Cause Court.*

(2) But no such appeal shall be heard by the said chief judge, unless :

MI. Acts,
1872 and
1878, s. 117.

MI. Acts,
1872 and
1878, s. 127.

Cf. Ben. Act
IV. of 1876.
s. 114.

The City of Bombay Municipal Bill, 1887.

[Ch. VIII.—Municipal Taxation, Sects. 215 (2) (a)—217 (2). Ch. IX.—Drains and Drainage works, Sects. 218—221 (1).]

(a) it is brought within ~~ten~~ fifteen days after the accrual of the cause of complaint;

(b) in the case of an appeal against a rateable value, a complaint has previously been made to the commissioner under section 162, and such complaint has been disposed of;

(c) in the case of an appeal against any amendment made in the assessment-book under section 166 during the official year, a complaint has been made by the person aggrieved within fifteen days after he first received notice of such amendment and his complaint has been disposed of;

(d) in the case of an appeal against a tax, or in the case of an appeal made against a rateable value after a bill for any property-tax assessed upon such value has been presented to the appellant, the amount claimed from the appellant has been deposited by him with the commissioner.

216. For the purposes of the last preceding section, cause of complaint shall be deemed to have accrued as follows, namely:

(a) in the case of an appeal against a rateable value, on the day when the complaint made to the commissioner under section 162 against such value is disposed of;

(b) in the case of an appeal against any amendment made in the assessment-book, under section 166, during the official year, on the day when the complaint made to the commissioner by the person aggrieved against such amendment is disposed of;

(c) in the case of an appeal against a tax, on the day when payment thereof is demanded or when a bill therefor is presented.

217. (1) Every rateable value fixed under this Act and taxes and decisions against which no complaint is made as hereinbefore provided, and

the amount of every sum claimed from any person under this Act on account of any tax, if no appeal therefrom is made as hereinbefore provided, and

the decision of the chief judge aforesaid upon any appeal against any such value or tax,

shall be final.

(2) Effect shall be given by the commissioner to every decision of the said chief judge on any appeal against any such value or tax.

CHAPTER IX.

DRAINS AND DRAINAGE-WORKS.

Municipal Drains.

218. All drains belonging to the corporation, council—which

Municipal drains to be under the control of the commissioner. in this Act are referred to as "municipal drains"—shall be under the control of the commissioner.

219. The commissioner shall maintain and keep in repair all drains to be constructed and kept in repair by the commissioner. municipal drains and when authorized by the council, either generally or specially, in this behalf, shall construct such new drains as he shall from time to time be deemed necessary for effectually draining the city.

220. (1) The commissioner may carry any municipal drain through, across or under any street, or any place laid out as or intended for a street, or under any cellar or vault which may be under any street, and, after giving reasonable notice in writing to the owner or occupier, into, through or under any land whatsoever within the city, or, for the purpose of outfall or distribution of sewage, without the city.

(2) The commissioner may enter upon, and construct any new drain in the place of an existing drain in, any land wherein any municipal drain has been already lawfully constructed, or repair or alter any municipal drain so constructed.

(3) In the exercise of any power under this section, as little damage as can be shall be done, and compensation shall be paid by the commissioner to any person who sustains damage by the exercise of such power.

221. (1) Without the written permission of the commissioner, no building, wall or other structure shall be newly

ML. Acts, 1872 and 1878, s. 128, cl. 1.

Cause of complaint when to be deemed to have accrued.

ML. Acts, 1872 and 1878, s. 129.

Unappealed values and taxes and decisions on appeal to be final.

ML. Acts, 1872 and 1878, s. 185.

Public Health Act, 1875 (38 and 39 Vic., c. 55), s. 15. ML. Acts, 1872 and 1878, ss. 187 and 188, clause (1.)

ML. Acts, 1872 and 1878, s. 187.

Public Health Act, 1875 (38 and 39 Vic., c. 55), s. 16.

Waterworks Clauses Act, 1847 (10 Vic., c. 17), s. 29.

ML. Acts, 1872 and 1878, s. 191.

Buildings, &c., not to be erected without permission over drains.

*The City of Bombay Municipal Bill, 1887.**[Ch. IX.—Drains and Drainage-works, Sects. 221 (2)—226.]*

erected, and no street or railway shall be constructed over any municipal drain.

(2) If any building, wall or other structure be so erected, or any street or railway be so constructed, the commissioner may, *with the approval of the standing committee*, remove or otherwise deal with the same, as he shall think fit, and the expenses thereby incurred shall be paid by the person offending.

Ml. Acts,
1872 and
1878, s. 188,
cl. (1).

222. (1) The commissioner may enlarge, arch over, or otherwise improve any municipal drain and may discontinue, close up or destroy any such drain which has, in his opinion, become useless or unnecessary:

(2) Provided that the discontinuance, closing up or destruction of any drain shall be so done as to create the least practicable nuisance or inconvenience to any person, and, if by reason of any thing done under this section any person is deprived of the lawful use of any drain, the commissioner shall, as soon as may be, provide for his use some other drain as effectual as the one which has been discontinued, closed up or destroyed.

Ml. Acts,
1872 and
1878, s. 189.

223. (1) The municipal drains shall be so constructed, maintained and kept as to create the least practicable nuisance and shall be from time to time properly flushed, cleansed and emptied.

(2) For the purpose of flushing, cleansing and emptying the said drains, the commissioner may, *when authorized by the council, either generally or specially, in this behalf*, construct or set up such reservoirs, sluices, engines and other works as he shall from time to time deem necessary.

Ml. Acts,
1872 and
1878, s. 188,
cl. 2.

224. (1) Every drain in, alongside or under any street which has been or shall be constructed, whether at the cost of the municipal fund or not, for the sole use and benefit of, or which shall be continued for the sole use and benefit of, any premises adjoining or near to such street, shall be maintained and from time to time repaired, flushed, cleansed and emptied by the owner or occupier of the said premises.

(2) The commissioner may, by written notice, require the owner or occupier of the said premises to repair, flush, cleanse,

empty or, *with the approval of the standing committee*, to take such other order with any such drain as the commissioner shall deem necessary.

Drains of private streets and drainage of premises.

225. The owner of a private street ^{New.}

shall be entitled to connect the drain of such street with a municipal drain, subject to the following conditions, (namely):

(a) Before commencing to construct such drain, the owner of the street shall submit to the commissioner a plan of the street, bearing the signature of a licensed surveyor in token of its having been made by him, and drawn to such a convenient scale as the commissioner shall require, and there shall be shown on such plan the position, course and dimensions of the proposed drain, with a section or sections thereof, and such other particulars in relation thereto as the commissioner shall deem necessary and require, and no such drain shall be proceeded with, without the approval in writing or contrary to the directions of the commissioner.

Cf. Metropo-
lis Manage-
ment Amend-
ment Act,
1862 (25 and
26 Vic., c.
102), s. 45.

(b) The drain of such private street shall, at the expense of the owner of the street, be constructed of such size, material and ~~other conditions~~ ^{description} and be branched into the municipal drain in such manner and form of communication in all respects, as the commissioner, *with the approval of the standing committee*, shall direct.

Cf. Metropo-
lis Manage-
ment Amend-
ment Act,
1862 (25 and
26 Vic., c.
102), s. 61.

(c) The commissioner may, if he thinks fit, construct such part of such drain and such part of the work necessary for branching the same into the municipal drain as shall be in or under any public street or place vesting in the ~~corporation~~ ^{council}, and, in such case, the expenses incurred by the commissioner shall be paid by the owner of the private street.

Cf. Metropo-
lis Local
Management
Act, 1855 (18
and 19 Vic.,
c. 120), s. 78.

226. The owner or occupier of any premises shall be entitled to cause his drain to empty into a municipal drain, provided that he first obtains the written permission of the commissioner and that he complies with such conditions as the commissioner prescribes as to the mode

Public Health
Act, 1875, (38
and 39 Vic.,
c. 55) s. 21.

*The City of Bombay Municipal Bill, 1887.**[Ch. IX.—Drains and Drainage-works, Sects. 227—229].*

in which and the superintendence under which the communications between drains not belonging to the ~~corporation~~ council and municipal drains are to be made.

Cf. Ml. Acts, 1872 and 1878, s. 190.

227. No person shall, without complying with the provisions of section 225 or 226, as the case may be, make or cause to be made any connection of a drain

belonging to himself or to some other person with any municipal drain; and the commissioner may, *with the approval of the standing committee*, close, demolish, alter or re-make any such connection made in contravention of this section and the expenses incurred by the commissioner in so doing shall be paid by the owner of the street or the owner or occupier of the premises for the benefit of which the connection was made, or by the person offending.

Cf. Metropolitan Local Management Act, 1855 (18 and 19 Vic., c. 120), s. 74, and Bom. Act IV of 1876, s. 225.

228. (1) If it shall appear to the commissioner that the only means or the most convenient means, by which the owner or occupier of any premises can

cause his drain to empty into a municipal drain, is by carrying the same into, through or under any land belonging to some person other than the said owner or occupier, the commissioner, after giving to the owner of the land a reasonable opportunity of stating any objection, may, *with the approval of the standing committee*, if no objection is raised, or if any objection which is raised appears to him invalid or insufficient, by an order in writing, authorize the said owner or occupier to carry his drain into, through or under the said land in such manner as he shall think fit to allow.

(2) Every such order, bearing the signature of the commissioner, shall be a complete authority to the person in whose favour it is made, or to any agent or person employed by him for this purpose, after giving to the owner of the land reasonable written notice of his intention so to do, to enter upon the said land with assistants and workmen, at any time between sunrise and sunset, and to execute the necessary work.

(3) Subject to all other provisions of this Act, the owner or occupier of any premises, or any agent or person employed by him for this purpose, may, after giving to the owner of any land, wherein a drain has been already lawfully constructed for the drainage of his said premises, reasonable written notice of his intention so to do, enter upon the said land with assistants and workmen, at any time between sunrise and sunset, and construct a new drain in the place of the existing drain or repair or alter any drain so constructed.

(4) In executing any work under this section, as little damage as can be shall be done, and the owner or occupier of premises by whom or in whose behalf the work is done shall:

(a) cause the work to be executed with the least practicable delay;

(b) fill in, re-instate and make good, at his own cost and with the least practicable delay, the ground or portion of any building or other construction, opened, broken up or removed for the purpose of executing the said work;

(c) pay compensation to any person who sustains damage by the execution of the said work.

(5) *If the owner of any land, into, through or under which a drain has been carried under this section, whilst such land was unbuilt upon, shall, at any time afterwards, desire to erect a building on such land, the commissioner shall, with the approval of the standing committee, by written notice, require the owner or occupier of the premises for the benefit of which such drain was constructed, to close, remove or divert the same in such manner as shall be approved by the said committee, and to fill in, re-instate and make good the land as if the drain had not been carried into, through or under the same: provided that no such requisition shall be made, unless, in the opinion of the standing committee, it is necessary or expedient, in order to admit of the construction of the proposed building, that the drain be closed, removed or diverted.*

229. Where any premises are, in the opinion of the commissioner, without sufficient means of effectual drainage and a municipal drain

Commissioner may enforce drainage of undrained premises situate within a hundred feet of a municipal drain.

Ml. Acts, 1872 and 1878, ss. 174 and 194.

The City of Bombay Municipal Bill, 1887.

[Ch. IX.—Drains and Drainage-works, Sects. 229 (a)—232 (2).]

or some place legally set apart for the discharge of drainage, is situated at a distance not exceeding one hundred feet from some part of the said premises, the commissioner may, by written notice, require the owner or occupier of the said premises :

(a) to make a drain of such material, size and description and laid at such level and with such fall and outlet as may appear to the commissioner necessary, emptying into such municipal drain or place aforesaid ;

(b) to provide and set up all such appliances and fittings as may appear to the commissioner to be necessary for the purposes of gathering and receiving the drainage from, and conveying the same off the said premises and of effectually flushing such drain and every fixture connected therewith ;

(c) to remove any existing drain, or other appliance or thing used or intended to be used for drainage, which is injurious to health.

Ml. Acts,
1872 and
1878, s. 175.

230. (1) Where any premises are, in the opinion of the commissioner, without sufficient means of effectual drainage, but no municipal drain or

Commissioner may enforce drainage of undrained premises not situate within a hundred feet of a municipal drain.

such place as aforesaid is situated at a distance not exceeding one hundred feet from some part of the said premises, the commissioner may, by written notice, require the owner or occupier of the said premises to make a drain emptying into a covered cesspool.

(2) And the commissioner may in like manner require any such drain and, if no suitable cesspool already exists, any such cesspool to be of such materials, size and description, and to be made at such level and with allowance for such fall, as may appear to him to be necessary.

231. (1) Where a drain connecting any premises with a municipal drain is sufficient for the effectual drainage of the said premises and is otherwise unobjectionable, but is not, in the opinion of the commissioner, adapted to the general drainage system of the city, the commissioner, with the approval of the

Commissioner may close or limit the use of existing private drains.

standing committee, may :

(a) subject to the provision of subsection (2), close, discontinue or destroy the said drain and cause any work necessary for that purpose to be done ;

(b) direct that the said drain shall, from such date as he prescribes in this behalf, be used for sullage, excrementitious matter and polluted water only or for rain-water and unpolluted subsoil water only, and, by written notice, require the owner or occupier of the premises to make a new and entirely distinct drain for rain-water and unpolluted subsoil water or for sullage, excrementitious matter and polluted water, as the case may be.

(2) No drain may be closed, discontinued or destroyed by the commissioner under clause (a), except on condition of his providing another drain as effectual for the drainage of the premises and communicating with any municipal drain which the commissioner thinks fit ; and the expenses of the construction of any drain so provided by the commissioner and of any work done under clause (a) shall be paid by the commissioner.

(3) Any requisition made by the commissioner under clause (b) may embrace any detail specified in clause (a) or clause (b) of section 229.

232. (1) It shall not be lawful newly to erect any building, or to rebuild any building, or to occupy any building newly erected or rebuilt, unless and until :

New buildings not to be erected without drain.

Public Health Act, 1875 (88 and 39 Vic., c. 55), s. 25.

(a) a drain be constructed, of such size, materials and description, at such level and with such fall, as shall appear to the commissioner to be necessary for the effectual drainage of such building ;

(b) there have been provided for and set up in such building, and in the premises appurtenant thereto, all such appliances and fittings as may appear to the commissioner to be necessary for the purposes of gathering and receiving the drainage from, and conveying the same off the said building and the said premises and of effectually flushing the drain of the said building and every fixture connected therewith.

(2) The drain to be constructed as aforesaid shall empty into a municipal drain

Cf. Public Health Act, 1875 (38 and 39 Vic., c. 55), s. 24.

The City of Bombay Municipal Bill, 1887.

[Ch. IX.—Drains and Drainage-works, Sects. 233—238.]

or into some place legally set apart for the discharge of drainage, situated at a distance not exceeding one hundred feet from such building; but if no such drain or place is within that distance, then such drain shall empty into such cesspool as the commissioner directs.

233. No person shall, except with the permission of the commissioner, pass or permit to be passed any excrementitious matter into any cesspool made or used under section 230 or section 232, or into any drain communicating with any such cesspool.

234. Every owner of a drain connected with a municipal drain shall be bound to allow the use of it to others or to admit other persons as joint owners thereof on such terms as may be prescribed under section 236.

235. Any person desiring to drain his premises into a municipal drain, through a drain of which he is not an owner, may make a private arrangement with the owner for permitting his use of the drain or may apply to the commissioner for authority to use such drain or to be declared joint owner thereof.

236. (1) On receipt of any such application, the commissioner, after giving the owner of the drain a reasonable opportunity of stating any objection thereto, may, with the approval of the standing committee, if no objection is raised or if any objection which is raised appears to him invalid or insufficient, by an order in writing, either authorize the applicant to use the drain or declare him to be a joint owner thereof, on such conditions as to the payment of rent or compensation and as to connecting the drain of the applicant with the drain to which his application refers and as to the respective responsibilities of the parties for maintaining, repairing, flushing, cleaning and emptying the joint drain, or otherwise, as may appear to him equitable.

(2) Every such order bearing the signature of the commissioner shall be a complete authority to the person in whose favour it is made, or to any agent or person employed by him for this purpose, after giving or tendering to the owner of the drain the compensation or rent fixed by the commissioner specified in the said order and otherwise fulfilling, as far as possible, the conditions of the said order, and after giving to the owner of the drain reasonable written notice of his intention so to do, to enter upon the land in which the said drain is situate with assistants and workmen, at any time between sunrise and sunset, and, subject to all provisions of this Act, to do all such things as may be necessary for:

- (a) connecting the two drains; or
- (b) renewing, repairing or altering the connection; or
- (c) discharging any responsibility attaching to the person in whose favour the commissioner's order is made for maintaining, repairing, flushing, cleaning or emptying the joint drain or any part thereof.

(3) In respect of the execution of any work under sub-section (2), the person in whose favour the commissioner's order is made shall be subject to the same restrictions and liabilities which are specified in sub-section (4) of section 228.

237. Whenever it is provided in this chapter that steps shall or may be taken for the effectual drainage of any premises, it shall be competent to the commissioner to require that there shall be one drain for sullage, excrementitious matter and polluted water and another and an entirely distinct drain for rain-water or unpolluted subsoil water or for both rain-water and unpolluted subsoil water, each emptying into separate municipal drains or other suitable places.

238. Except with the written permission of the commissioner, and in conformity with such conditions

*Note.—The English Model By-laws referred to in this Bill are those issued by the Local Government Board for the guidance of urban authorities in England in framing by-laws with respect to new streets and buildings under section 157 of the Public Health Act, 1875 (38 and 39 Vic., c. 55).

The City of Bombay Municipal Bill, 1887.

[Ch. IX.—Drains and Drainage-works, Sects. 239—243.]

as shall be prescribed by the standing committee, either generally or specially, in this behalf, ~~he shall in any such permission prescribe~~, no drain shall be so constructed as to pass beneath any part of a building.

English
Model By-
laws, s. 86.

239. No person shall construct a cesspool beneath any part of a building used or intended to be used for human habitation or in which any person may be or may be intended to be employed in any manufacture, trade or business;

English
Model By-
laws, s. 86.

~~nor, except with the written permission of the commissioner, within twenty feet of any well, spring, or tank, nor, except with the written permission of the commissioner, within twenty feet of any cistern, main, pipe or other work containing or carrying water for drinking or other domestic purpose, or for manufacturing drinks for the use of man.~~

New.

240. All drains, ventilation-shafts and pipes and all appliances and fittings connected with drainage-works constructed, erected or set up at the charge of the municipal fund upon premises not belonging to the corporation, council, whether before or after the passing of this Act, and whether for the use of the owner or occupier of the said premises or not, shall, unless the municipal corporation has otherwise determined or unless the council shall at any time otherwise determine, vest and be deemed to have always vested, since the coming of this Act into force, in the corporation council.

ML. Acts,
1872 and
and 1878, ss.
176 and 179.

241. (1) Every drain and cesspool, whether belonging to the corporation council or to any other person, shall be provided with proper traps and coverings and with proper means of ventilation.

(2) The commissioner may, by written notice, require the owner of any drain or cesspool not belonging to the corporation council to provide and apply to the said drain or cesspool such trap and covering and such means of ventilation as shall appear to him to be proper and sufficient would be provided and applied if such drain or cesspool belonged to the council.

242. (1) For the purpose of ventilating any drain or cesspool, whether belonging to the corporation council or to any other person, the commissioner may erect upon any premises or affix to the outside of any building, or to any tree, any such shaft or pipe as shall appear to the commissioner necessary:

(2) Provided that any shaft or pipe so erected or affixed shall:

(a) be carried at least ten feet higher than any sky-light or window situated within a distance of twenty feet therefrom;

(b) if the same be affixed to a wall supporting the eave of a roof, be carried at least five feet higher than such eave;

(c) be erected or affixed so as to create the least practicable nuisance or inconvenience to the inhabitants of the neighbourhood;

(d) be removed by the commissioner to some other place, if at any time the owner of the premises, building or tree upon or to which the same has been erected or affixed, is desirous of effecting any change in his property, which either cannot be carried out, or cannot, without unreasonable inconvenience, be carried out unless the shaft or pipe is removed.

(3) If the commissioner declines to remove a shaft or pipe under clause (d), the owner of the premises, building or tree, upon or to which the same has been erected or affixed, may apply to the Chief Judge of the Small Cause Court; and the said chief judge may, after such inquiry as he thinks fit to make, direct the commissioner to remove the shaft or pipe, and it shall be incumbent on the commissioner to obey such order.

Disposal of Sewage.

243. The commissioner may cause all drains or any municipal drains to empty into the sea or other place, whether within or without the city and dispose of the sewage at any place, whether within or without the city, in any manner, which he shall deem suitable for such purpose; Provided that—

Appointment of places for emptying of drains and disposal of sewage.

ML. Acts,
1872 and
1878, s. 177.

ML. Acts,
1872 and
1878, s. 189.

The City of Bombay Municipal Bill, 1887.[*Oh. IX.—Drains and Drainage-works, Sects. 243 (a)—248 (2).*]

(a) the commissioner shall not cause any municipal drain to empty into any place into which a municipal drain has not heretofore emptied or dispose of sewage at any place or in any manner at or in which sewage has not heretofore been disposed of, without the sanction of the corporation council;

(b) any power conferred by this section shall be exercised in such manner as to create the least practicable nuisance;

(c) no municipal drain shall be made to empty into any place, and no sewage shall be disposed of at any place or in any manner which Government shall think fit to disallow.

Public Health Act, 1875 (38 and 39 Vic., c. 55), s. 27.

244. (1) For the purpose of receiving, storing, disinfecting, distributing or otherwise disposing of sewage, the commissioner may, when authorized by the council, either generally or specially, in this behalf:

(a) construct any work within or without the city;

(b) purchase, or take on lease any land, building, engine, material or apparatus, either within or without the city;

(c) enter into an arrangement with any person, for any period not exceeding twenty years, for the removal or disposal of sewage:

(2) Provided that any power conferred by this section shall be exercised in such manner as to cause the least practicable nuisance.

Water-closets, Privies, Urinals, &c.

Public Health Act, 1875 (38 and 39 Vic., c. 55), s. 35.

245. It shall not be lawful newly to erect any building or to rebuild any building without a sufficient water-closet, or privy and urinal.

ML. Acts, 1872 and 1878, s. 180.

246. (1) If it appears to the commissioner that any premises are without a water-closet or privy or urinal, or that the existing water-closet or privy or urinal available for the occupiers of any premises is insufficient, inefficient or, for sanitary reasons, objectionable, the commissioner shall, by written notice, require the owner of such premises to provide a water-closet, privy or urinal

or an additional water-closet, privy or urinal, as the case may be, to his satisfaction:

(2) Provided that where a water-closet, privy or urinal has been and is used in common by the occupiers of two or more premises, or, if in the opinion of the commissioner, a water-closet, privy or urinal may be so used and is sufficient for all the occupiers of the two or more premises using or intending to use the same, he need not require a separate water-closet or privy or urinal to be provided on or for each of the said premises.

Public Health Act, 1875 (38 and 39 Vic., c. 55), s. 36, proviso.

247. Where it appears to the commissioner that any premises are, or are intended to be used as a market, railway-station, dock, wharf, or other place of public resort, or as a place in which persons exceeding twenty in number are employed in any manufacture, trade or business or as workmen or labourers, the commissioner may, by written notice, require the owner or occupier of the said premises to construct a sufficient number of water-closets or latrines or privies and urinals for the separate use of each sex.

248. (1) The owner or occupier of any premises on which there is a privy shall:

(a) have between such privy and any building or place used or intended to be used for human habitation, or in which any person may be or may be intended to be employed in any manufacture, trade or business, an air-space of at least three feet in width and open to the sky;

(b) have such privy shut off by a sufficient roof and wall, or fence, from the view of persons dwelling in the neighbourhood or passing by;

(c) unless and except for such period as he shall be permitted by the commissioner, under the power next hereinafter conferred, to continue any existing door or trap-door, close up and not keep any door or trap-door in such privy opening on to a street:

(2) Provided that the commissioner may permit the continuance for such period as he may think fit of any existing door or trap-door in a privy opening on to a street, if a nuisance is not thereby created.

ML. Acts, 1872 and 1878, ss. 183 and 184. Cf. Public Health Act, 1875 (38 and 39 Vic., c. 55), s. 38.

ML. Acts, 1872 and 1878, s. 181.

The City of Bombay Municipal Bill, 1887.

[Ch. IX.—Drains and Drainage-works, Sects. 248 (3)—254.]

(3) *Provided also that clause (a) shall not be deemed to apply to any privy in existence when this Act comes into force, unless :*

(d) *there is space available on the premises of the owner or occupier for the erection of a new privy conformably to the said clause ; and*

(e) *the existing privy can be removed and a new one erected as aforesaid, without destroying any portion of a permanent building other than the existing privy.*

249. The owner or occupier of any premises on which there is a water-closet shall:

(a) have such water-closet divided off from any part of a building or place used or intended to be used for human habitation, or in which any person may be or may be intended to be employed in any manufacture, trade or business, by such means as the commissioner shall deem sufficient;

(b) have such water-closet in such a position that one of its sides at the least shall be an external wall;

(c) have the seat of such water-closet placed against an external wall;

(d) cause such water-closet to be provided with such means of constant ventilation as the commissioner shall deem adequate, by a window or other aperture in one of the walls of such water-closet opening directly into the external air, or by an air-shaft or by some other suitable method or appliance:

(e) have such water-closet supplied by a supply-cistern and flushing apparatus and ~~provided~~ fitted with a soil-pan or receiver and such other appliances of such materials, size and description as the commissioner shall deem necessary: *provided always that a cistern from which a water-closet is supplied shall not be used, or be connected with another cistern which is used, for supplying water for any other purpose.*

250. The commissioner shall provide and maintain, in proper and convenient situations and on sites vesting in the ~~corporation~~ council, water-closets, latrines, privies and urinals and other similar conveniences for public accommodation.

Inspection.

251. All drains, ventilation-shafts and pipes, cesspools, house-gullies, water-closets, privies, latrines and urinals which do not belong to the ~~corporation~~ council or which have been constructed, erected or set up at the charge of the municipal fund on premises not belonging to the ~~corporation~~ council, for the use or benefit of the owner or occupier of the said premises, shall be open to inspection and examination by the commissioner.

MI. Acts, 1872 and 1873, ss. 185 and 186.

Drains, &c., not belonging to the ~~corporation~~ council to be subject to inspection and examination.

252. For the purpose of such inspection and examination, the commissioner may cause the ground or any portion of any building drain or other work exterior to a building, or, with the approval of the standing committee, any portion of a building, which ~~they~~ he or any of them shall think fit, to be opened, broken up or removed: Provided that in the prosecution of any such inspection and examination, as little damage as can be, shall be done.

MI. Acts, 1872 and 1873, ss. 185 and 186.

253. If upon any such inspection and examination as aforesaid, it shall be found that the drain, ventilation-shaft or pipe, cesspool, house-gully, water-closet, privy, latrine or urinal examined is in proper order and condition, and that none of the provisions of this chapter has been contravened in respect of the construction or maintenance thereof, and that no encroachment has been made thereupon, the ground or portion of any building, drain or other work, if any, opened, broken up or removed for the purpose of such inspection and examination shall be filled in, re-instated and made good by the commissioner.

MI. Acts, 1872 and 1873, s. 186.

254. But if it shall be found that any drain, ventilation-shaft or pipe, cesspool, house-gully, water-closet, privy, latrine or urinal so examined is not in good order or condition, or has been repaired, changed, altered or encroached upon, or except when the same has been constructed by or under the order of the commissioner, if it has been constructed in contravention of any of the provisions

MI. Acts, 1872 and 1873, s. 186.

English Model By-laws, ss. 67—69.

Cf. Ben. Act, IV., of 1876, s. 135.

Public Health Act, 1875 (38 and 39 Vic., c. 55), s. 39.

Public necessities.

The City of Bombay Municipal Bill, 1887.

[Ch. IX.—Drains and Drainage-works, Sects. 255 (1)—257 (1).]

of this chapter or of any enactment at the time in force,

the expenses of the inspection and examination shall be paid by the owner of the premises, and the said owner shall fill in, re-instate and make good the ground, or portion of any building, drain or other work opened, broken up or removed for the purpose of such inspection and examination, at his own cost.

MI. Acts,
1872 and
1878, ss. 182
and 185.

255. (1) When the result of the inspection and examination is as described in the last preceding section, the commissioner may, by written notice, require the owner of the premises in which the drain, ventilation-shaft or pipe, cesspool, house-gully, water-closet, privy, or urinal is situate :

(a) to close ~~demolish~~ or remove the same or any encroachment thereupon; or

(b) to renew, repair, cover or recover, trap, ventilate, pave and pitch, flush, cleanse or take such other order with the same as he shall think fit to direct, and to fill in, re-instate and make good the ground or portion of any building, drain or other work opened, broken up or removed for the purpose of the inspection and examination aforesaid.

(2) In any such case as aforesaid, the commissioner may forthwith and without notice, stop up or demolish any drain by which sullage, excrementitious matter or polluted water is carried through, from, into, or upon any premises in contravention of any of the provisions of this chapter : and all expenses incurred by the commissioner in so doing shall be paid by the owner of the premises.

General Provisions.

256. No person shall :

Prohibition of acts contravening the provisions of this chapter or done without sanction.

or of any notice issued or direction given under this chapter or without the written permission of the commissioner, in any way alter the fixing, disposition or position of, or construct, erect, set up, renew, rebuild, remove, obstruct, stop up, destroy or change any drain, ventilation-shaft or pipe, cesspool, water-closet, privy,

latrine, or urinal, or any trap, covering or other fitting or appliance connected therewith ;

(b) without the written permission of the commissioner, renew, rebuild, or unstop any drain, ventilation-shaft or pipe, cesspool, water-closet, privy, latrine or urinal, or any fitting or appliance, which has been or has been ordered to be discontinued, demolished or stopped up under any of the provisions of this chapter ;

(c) without the written permission of the commissioner, make any encroachment upon or in any way injure or cause or permit to be injured, any drain, cesspool, house-gully, water-closet, privy, latrine or urinal ;

(d) drop, pass or place, or cause or permit to be dropped, passed or placed into or in any drain, any brick, stone, earth, ashes, or any substance or matter by which or by reason of the amount of which such drain is likely to be obstructed ;

(e) pass, or permit or cause to be passed into any drain provided for a particular purpose, any matter or liquid for the conveyance of which such drain has not been provided ;

(f) cause or suffer to be discharged into any drain from any factory, bakehouse, distillery, workshop or workplace or from any building or place in which steam, water or mechanical power is employed, any hot-water, steam, fumes, or any liquid which would prejudicially affect the drain or the disposal by sale or otherwise of the sewage conveyed along the drain or which would, from its temperature or otherwise, be likely to create a nuisance.

Rivers
Pollution
Prevention
Act, 39 and 40
Vic., (c. 75),
s. 7.

257. (1) On the written request of any New.

When materials and work may be supplied and done under this chapter for any person by the commissioner.

person who is required under any of the provisions of this chapter to supply any materials or fittings or to do any work, the commissioner may, in such person's behalf, supply the necessary materials or fittings, or cause the necessary work to be done, but he shall not do so in any case to which the provisions of section 495 or 497 will not apply, unless a deposit is first of all made by the said person of a sum which will, in the opinion

MI. Acts,
1872 and
1878, ss. 178,
182 and 217.

The City of Bombay Municipal Bill, 1887.

[Ch. IX.—Drains and Drainage-works, Sects. 257 (2)—258 (2). Ch. X.—Water-supply, Sects. 259—264.]

of the commissioner, suffice to cover the cost of the said materials, fittings and work.

(2) The commissioner shall not permit any work which any person is required to do under any of the provisions of this chapter to be done except through the agency of a licensed plumber.

New.

258. (1) The commissioner may, if he thinks fit, cause any work described in sections 228, 229, 236, 254 or 255 to be executed by municipal or other agency under his own orders, without first of all giving the person by whom the same would otherwise have to be executed the option of doing the same.

(2) The expenses of any work so done shall be paid by the person aforesaid, unless the corporation council shall, by a general or special order or resolution, sanction, as they are hereby empowered to sanction, the execution of such work at the charge of the municipal fund.

Expenses in such cases by whom to be paid.

CHAPTER X.

WATER-SUPPLY.

Construction and maintenance of municipal waterworks.

Public Health Act, 1875 (38 and 39 Vic., c. 55), s. 51.

259. For the purpose of providing the city with a supply of water proper and sufficient for public and private purposes, the commissioner, when authorized by the council, either generally or specially, in this behalf, may:

- (a) construct and maintain waterworks, either within or without the city, and do any other necessary acts;
- (b) purchase or take on lease any waterwork or any water or right to store, or to take and convey water, either within or without the city;
- (c) enter into an arrangement with any person for a supply of water.

Ml. Acts, 1872 and 1878, s. 147.

260. The commissioner shall manage all waterworks belonging to the corporation council—all which waterworks are in this

Ml. Acts, 1872 and 1878, ss. 142 and 146.

Act referred to as "municipal waterworks"—and maintain the same in good repair and efficient condition, and shall cause all such alterations and extensions to be from time to time made in the said waterworks as he shall be deemed necessary or expedient for improving the said works.

261. (1) The commissioner and any person appointed by Government under section 262 in this behalf, may, for the purpose of inspecting or repairing or executing any work in, upon or in connection with any municipal waterwork, at all reasonable times:

(a) enter upon and pass through any land, within or without the city, adjacent to or in the vicinity of such waterwork, in whomsoever such land may vest;

(b) convey into and through any such land all necessary materials, tools and implements.

(2) In the exercise of any power conferred by this section, as little damage as can be shall be done, and compensation for any damage which may be done in the exercise of any of the said powers shall be paid by the commissioner, or, if any person appointed under section 262 by Government has caused the damage, by Government.

262. Any person appointed by Government in this behalf shall at all reasonable times have liberty to enter upon and inspect any municipal waterwork.

263. The commissioner shall have the same powers and be subject to the same restrictions for

carrying, renewing and repairing water-mains, pipes and ducts within or without the city as he has and is subject to under the provisions hereinbefore contained, for carrying, renewing and repairing drains within the city.

264. The commissioner shall cause fire-hydrants and all necessary works, machinery and assistance for supplying water in case of fire to be provided and maintained; and shall have painted or marked on the buildings and walls or in some other conspicuous manner, within the streets, words or marks near to

Ml. Acts, 1872 and 1878, ss. 143 and 146. Ml. Acts, 1872 and 1878, s. 145.

Ml. Acts, 1872 and 1878, ss. 145 and 146.

Ml. Acts, 1872 and 1878, s. 148.

Public Health Act, 1875, (38 and 39 Vic., c. 55), s. 54.

Public Health Act, 1875, (38 and 39 Vic., c. 55), s. 66.

The City of Bombay Municipal Bill, 1887.

[Ch. X.—Water-supply, Sects. 265 (1)—268 (1).]

such hydrants to denote the situation thereof, and shall cause a hydrant-key to be deposited at each place within the city where a municipal fire-engine is kept, and do such other things for the purpose aforesaid as he shall deem expedient.

MI. Acts,
1872 and
1878, ss. 144
and 146.

265. (1) Except with the sanction of the ~~corporation~~ ^{council} and, in the case of the *Vehār* water-works, of Government, or, for the purposes of section 260, under the authority of the commissioner, no person shall :

(a) erect any building for any purpose whatever within the limits of the water-shed of any lake or reservoir from which a supply of water is derived for any municipal waterwork ;

(b) extend, alter or apply to any purpose different to that to which the same has been heretofore applied, any building already existing within the said limits ;

(c) carry on, within the said limits, any operation of manufacture, trade or agriculture in any manner, or do any act whatsoever, whereby injury may arise to any such lake or reservoir or to any portion thereof, or whereby the water of any such lake, tank or reservoir may be fouled or rendered less wholesome.

(2) The limits of the water-shed of the *Vehār* lake shall, for the purposes of this section, be deemed to be the limits defined in a plan marked "B," authenticated by the signatures of the Governor and Members of Council, and deposited in the office of the Secretary to the Government of Bombay.

MI. Acts,
1872 and
1878, s. 191.

266. (1) Without the written permission of the commissioner, no building, wall or other structure shall be newly erected and no street or railway shall be constructed over any municipal water-main.

(2) If any building, wall or other structure be so erected or any street or railway be so constructed, the commissioner may, with the approval of the standing committee, cause the same to be removed or otherwise dealt with, as to him shall appear fit, and the expenses thereby incurred shall be paid by the person offending.

Public gratuitous water-supply.

267. (1) All existing public drinking-fountains, tanks, reservoirs, cisterns, pumps, wells, ducts, and works for the supply of water for the gratuitous use of the inhabitants of the city shall vest in the ~~corporation~~ ^{council} and be under the control of the commissioner.

Public Health Act, 1875 (38 and 39 Vic., c. 55), s. 64.

(2) The commissioner may maintain the said works and provide them with water, and, when authorized by the council, either generally or specially, in this behalf, may construct any other such works for supplying water for the gratuitous use of the inhabitants of the city :

MI. Acts,
1872 and
1878, s. 147.

(3) Provided that water carried away by any of the inhabitants from any such work shall be taken only for his private use and not for sale, and shall not, except with the written permission of the commissioner, be carried away in a cask, cart, *pakhāl* or *masak*.

(4) The commissioner may temporarily, and, with the approval of the ~~town-council~~ ^{standing committee}, permanently close any of the said works, either entirely or partially.

MI. Acts,
1872 and
1878, s. 147.

(5) In case any such work is permanently closed, either entirely or partially, by the commissioner, the site thereof, or of the portion thereof which is so closed, and the materials of the same may be disposed of as the property of the ~~corporation~~ ^{council} : provided that if any such work, which is permanently closed, either entirely or partially, was a gift to the public by some private person, the said site and materials or the proceeds of the sale thereof shall, unless by reason of their value being insignificant or for other sufficient reason, the council think fit to otherwise direct, be applied to or towards some local work of public utility bearing the name of such person or to or towards any such local work, which shall be approved by the council and by the heirs or other representatives, if any, of the said person.

268. (1) The commissioner may assign and set apart each of the said works and the water therein for use by the public for

Public drinking-fountains, &c., may be set apart for particular purposes.

MI. Acts,
1872 and
1878, s. 151.

The City of Bombay Municipal Bill, 1887.

[Ch. X.—Water-supply, Sects. 268 (2)—274 (1).]

such purpose only as he shall think fit, and shall cause to be indicated by a notice affixed on a conspicuous spot on or near each such work, the purpose for which the same is so assigned and set apart.

(2) No person shall make use of any such work or of any water therein for any purpose other than the purpose for which the same has been so assigned or set apart.

MI. Acts,
1872 and
1878, s. 149,
para. 1.

269. (1) Communication-pipes for conveying to any premises a private supply of water from a water-main or other municipal waterwork shall not ordinarily be connected with the main or other waterwork, except on the written application or with the written assent of the owner of the premises, or of the person primarily liable for the payment of property-taxes on the said premises.

New.
Cf. MI. Acts,
1872 and
1878, s. 149,
para. 2.

(2) But if it shall appear to the Commissioner that any premises, situate within any portion of the city in which a public notice has been given by the commissioner under clause (b) of section 140, are without a proper supply of pure water, the commissioner shall, by written notice, require the owner of the said premises, or the person primarily liable for the payment of property-taxes thereon, to obtain a supply from a municipal waterwork adequate to the requirements of the persons usually occupying or employed upon the said premises, and to provide communication-pipes and do all such works as may be necessary for that purpose.

Ben. Act IV,
1876, ss. 136
and 137.

270. Communication-pipes and all fittings and works necessary for making a connection with any municipal waterwork or for conveying a private supply of water from any municipal waterwork into any premises shall be procured and executed, subject to the inspection and to the satisfaction of the commissioner, at the cost of the person who obtains the supply.

Waterworks,
Clauses Act,
1847 (10 Vic.,
c. 17), ss. 48
and 49.

271. No communication-pipe shall be laid, except with the written permission of the commissioner, and

to be made or laid without authority. no connection with any municipal water-

Ben. Act IV,
1876, ss. 137,
146 and 147.

work shall be made except by a municipal officer or servant empowered by the commissioner in this behalf, nor until such municipal officer as the commissioner appoints in this behalf shall have certified that the communication-pipes and all necessary fittings and works have been laid, applied and executed in a satisfactory manner.

272. (1) The commissioner may, whenever it shall appear to him to be necessary, by written notice, require that any premises furnished with a private water-supply from any municipal waterwork, shall, within a reasonable period which shall be prescribed in the said notice, be provided with a storage-cistern of such size, material, quality and description and with such fittings and placed in such position as he thinks fit.

Provisions as to storage-cisterns and other fittings, &c., to be used for connections with waterworks.

Water works
Clauses Act,
1847 (10 Vic.,
c. 17), s. 54.

(2) The commissioner shall also from time to time prescribe the size, material, quality, description and position of the pipes, taps, cocks and other fittings to be employed for the purposes of any connection with, or of any communication from, any municipal waterwork, and no such connection or communication shall be made by any person otherwise than as so prescribed.

Ben. Act IV,
1876, s. 136.

273. It shall be incumbent on the owner or occupier of any premises to which a private water-supply is furnished from any municipal waterwork, to keep in efficient repair every pipe conveying water from the said waterwork to such premises and every meter for measuring water, not being a municipal meter, and every tap, cock or other fitting and every storage-cistern in or connected with any such pipe, so as effectually to prevent the water from running to waste.

Water works
Clauses Act,
1847 (10 Vic.,
c. 17), s. 55.
Ben. Act IV,
1876, s. 156.

274. (1) Where water is supplied by measurement, the commissioner may either provide a meter and charge the consumer for the same such rent as shall from time to time be prescribed in this behalf by the town-council, standing committee, or may permit the consumer to provide a

Provision of meters when water is supplied by measurement.

Public Health
Act, 1875 (38
and 39 Vic., c.
55), s. 58.

The City of Bombay Municipal Bill, 1887.

[Ch. X.—Water-supply, Sects. 274 (2)—278].

meter of his own of such size, material and description as the commissioner shall approve for this purpose.

(2) The commissioner shall at all times keep all meters and other instruments for measuring water, let by him for hire to any person, in proper order for correctly registering the supply of water, and in default of his so doing, such person shall not be liable to pay rent for the same during such time as such default continues.

275. Where water is supplied by measurement, the register of the meter or other instrument for measuring water shall be *prima facie* evidence of the quantity consumed.

Register of meter to be evidence.

Public Health Act, 1875 (38 and 39 Vic., c. 55), s. 59.

Inspection.

276. (1) The commissioner may make an inspection of any premises, to which a private water-supply is furnished by the corporation, council in order:

Commissioner, &c., may inspect premises in order to examine meter, communication-pipes, &c.

(a) to remove, test, examine and replace any meter for measuring water; or

(b) to examine the communication-pipes, and the taps, cocks and other fittings thereof and the storage-cisterns connected therewith; or

(c) to see if there be any waste or misuse of water.

(2) The commissioner may, by written notice, require the owner or occupier of the premises to remedy any defect which shall be found to exist in any such meter, not being a municipal meter let to him for hire, or in any such communication-pipe, tap, cock or other fitting or cistern.

Cutting off private water-supply.

277. (1) The commissioner may cut off the connection between any municipal waterwork and any premises to which a private water-supply is furnished by the corporation council or turn off the water from such premises in any of the following cases, namely:

Power to cut off private water-supply or to turn off water.

(a) in default of payment of any instalment of water-tax or of any sum due

for water within fifteen days after a bill for such tax or sum has been duly presented;

(b) if the owner or occupier of the premises neglects, *within the period prescribed in this behalf in any notice given under sub-section (1) of section 272,* to comply with any requisition made to him by the commissioner ~~under sub-section (1) of section 272 to provide regarding the provision of a storage-cistern;~~

(c) if the owner or occupier of the premises fails, within the ~~time period~~ prescribed in this behalf in any notice given under sub-section (2) of section 276, to put any such cistern or any pipe conveying water from any municipal waterwork or any tap, cock, or other fitting thereof into good repair, so as effectually to prevent the water from running to waste;

(d) if, after receipt of a written notice from the commissioner requiring him to refrain from so doing, the owner or occupier of the premises continues:

(i) to use the water, or to permit the same to be used in contravention of any by-law made under this Act or of any condition prescribed under sub-section (2) of section 168;

(ii) when payment for the water is not made by measurement, to permit any person not residing on the said premises, *in respect of which water-tax is paid, to carry away from such owner's or occupier's premises to take, or to give to any such person,* water derived from the municipal water-work;

(e) if the owner or occupier of the premises wilfully or negligently injures or damages his meter or any pipe conveying water from any municipal waterwork.

(2) The expense of cutting off the connection or of turning off the water in any such case as aforesaid shall be paid by the owner or occupier of the premises.

278. No person to whom water is supplied by measurement or on payment of a fixed periodical sum shall contravene any condition prescribed under sub-section (2) of section 168 for the use of such water or permit any such condition to be contravened.

Conditions as to use of water not to be contravened.

New. Cf. Ml. Acts, 1872 and 1878, s. 150.

Ben. Act IV, 1876, s. 140.

*The City of Bombay Municipal Bill, 1887.**[Ch. X.—Water-supply, Sects. 279—285 (1)].*

MI. Acts,
1872 and
1878, s. 169.

279. No water-pipe shall be laid in a drain or on the surface of an open channel or house-gully or within twenty feet of a cesspool or in any position where the pipe is likely to be injured or the water therein polluted; and ~~except with the consent of the commissioner, no well or tank or and, except with the consent of the commissioner,~~ no cistern shall be constructed within twenty feet of a cesspool.

MI. Acts,
1872 and
1878, s. 91.

Prohibition of fraudulent and unauthorized use of water.

Now.

Cf. MI. Acts,
1872 and
1878, s. 150

280. (1) No person shall fraudulently dispose of any water supplied to him by the ~~corporation or council, permit any person not residing on the premises to which such supply is furnished to take water so supplied, and no person not residing on any premises to which a private water supply is furnished by the corporation shall carry away water so supplied from such premises.~~

(2) *No person to whom a private supply of water is furnished by the council shall, except when the water supplied is charged for by measurement, permit any person who does not reside on premises in respect of which water-tax is paid, to carry away water from the premises to which it is supplied.*

(3) *No person, who does not reside on premises in respect of which water-tax is paid, shall carry away water from any premises to which a private supply is furnished by the council, unless, in any case in which such supply is charged for by measurement, he does so with the permission of the person to whom such supply is furnished.*

Public Health
Act, 1875 (38
and 39 Vic.,
c. 55), s. 60.

Prohibition of fraud in respect of meters.

281. (1) No person shall fraudulently:

(a) alter the index to any meter or prevent any meter from duly registering the quantity of water supplied;

(b) abstract or use water before it has been registered by a meter set up for the purpose of measuring the same.

(2) The existence of artificial means, under the control of the consumer, for causing any such alteration, prevention, abstraction or use, shall be evidence that the consumer has fraudulently effected the same.

General Provisions.

282. No person shall wilfully or negligently:
(a) injure or suffer to be injured any meter belonging to the ~~corporation~~ council or any of the fittings of any such meter;

(b) break, injure or open any lock, cock, valve, pipe, work or engine appertaining to any municipal waterwork;

(c) flush or draw off the water from any such waterwork, thereby causing such water to be wasted;

(d) do any act whereby the water in or derived from any municipal waterwork shall be wasted;

(e) obstruct, divert or in any way injure or alter any water-main or duct.

283. Compensation shall be paid by the offender for any damage which the ~~corporation~~ council sustains by reason of any contravention of section 281 or section 282.

284. If it shall be shown that an offence against some provision of this chapter or against some by-law made under this Act at the time in force relating to water-supply, has occurred on any premises to which a private supply of water is furnished by the ~~corporation~~ council, it shall be presumed, until the contrary is proved, that such offence has been committed by the occupier of the said premises.

285. (1) On the written request of any person who is required under any of the provisions of this chapter to supply any materials or fittings or to do any work, the commissioner may, in such person's behalf, supply the necessary materials or fittings, or cause the necessary work to be done, but he shall not do so in any case to which the provisions of section 495 or 497 will not apply, unless a deposit is first of all made by the said person of a sum which will, in the opinion of the commissioner, suffice to cover the cost of the said materials, fittings and work.

Water works
Clauses Act,
1847, (10
Vic., c. 17),
s. 60.
MI. Acts,
1872 and 1878,
ss. 150 & 217.

Public Health
Act 1875 (38
and 39 Vic., c.
55), s. 60.

Cf. Ben. Act
IV of 1876, s.
141.

Cf. Ben. Act
IV., 1876, s.
137.

The City of Bombay Municipal Bill, 1887.[Ch. X.—*Water-supply*, Sects. 285 (2)—286. Ch. XI.—*Regulation of Streets*, Sects. 287 (1)—291 (1).]

(2) The commissioner shall not permit any work, which any person is required to do under any of the provisions of this chapter, to be done except through the agency of a licensed plumber, and any person who causes or allows communication-pipes or any fittings or work necessary for conveying a private supply of water from a municipal waterwork into any premises to be laid, applied or executed by any person other than a licensed plumber shall not be entitled to demand a connection with the municipal waterwork.

Ben. Act IV,
1876, s. 145.

New.

286. The commissioner may, ~~with the approval of the corporation~~, supply water from a municipal waterwork to any local authority or person without the city on such terms as ~~may be agreed upon between the commissioner and the said authority or person to payment~~ and as to the period and conditions of supply as shall be, either generally or specially, approved by the council.

CHAPTER XI.

REGULATION OF STREETS.

*Construction, maintenance and improvement of public streets.*Public Health
Act, 1875 (38
and 39 Vic.,
c. 55), s. 149.

287. (1) All streets within the city, Vesting of public streets in the corporation council. being or which at any time become public streets, and the pavements, stones and other materials thereof shall vest in the corporation council and be under the control of the commissioner.

(2) The commissioner shall from time to time cause all such streets to be levelled, metalled or paved, channelled, altered and repaired, as occasion shall seem to him to require; he may also from time to time cause the soil of ~~to be raised, lowered or altered, as he may think fit, and may place and keep in repair fences and posts for the safety of foot-passengers.~~ *widen, extend or otherwise improve any such street or cause the soil thereof to be raised, lowered or altered, as he may think fit, and may place and keep in repair fences and posts for the safety of foot-passengers.*

(3) With the sanction of the corporation council, the commissioner may permanently close the whole or any part of a public

street: *provided that such sanction of the council shall not be given, unless one month at least before the meeting at which the matter is decided, a notice signed by the commissioner has been put up in the street or part of a street which it is proposed to close, informing the residents of the said proposal, nor until the objections to the said proposal, if any, made in writing at any time before the day of the said meeting have been received and considered by the council.*

288. Whenever any public street, or part of a public street, is permanently closed under section 287, the site of such street or of the portion thereof which has been closed, may be disposed of as land vesting in the corporation council. ML. Acts, 1872 and 1878, s. 155.

289. The commissioner, when authorized by the council, either generally or specially, in this behalf, may at any time: ML. Acts, 1872 and 1878, s. 154.

(a) ~~widen, extend or otherwise improve a public street;~~

(b) lay out and make a new public street;

(c) agree with any person for the making of a street for public use through the land of such person, either entirely at the expense of such person or partly at the expense of such person and partly at the expense of the corporation council, and that such street shall become, on completion, a public street. Public Health Act, 1875 (38 and 39 Vic., c. 55), s. 146.

290. Nothing in sub-sections (1) and (3) of section 287 or in the two last preceding sections shall be deemed to affect the provisions of sections 37 and 38 of the Bombay Port Trust Act, 1879. New. Bo. VI of 1879.

291. (1) Permission shall not be granted by any municipal authority to any person to lay or work upon any public street, any tramway, or railway, or the like, without the previous sanction of the council, and no such

ML. Acts,
1872 and
1878, s. 154.

The City of Bombay Municipal Bill, 1887.

[Ch. XI.—Regulation of Streets, Sects. 291 (2)—296 (d.)]

permission shall have validity unless and until it is confirmed by Government.

(2) Nothing in this section shall be deemed to affect the provisions of the Bombay Tramways Act, 1874.

Bo. I of 1874.

MI. Acts, 1872, and 1878, s. 161. Metropolis Management Amendment Act, 1862 (25 and 26 Vic., c. 102), s. 98.

292. No new public street made under section 289 shall be less than forty feet in width, if such street be made for carriage traffic, or twenty feet, if such street be made for foot traffic only, and no steps and, except with the written permission of the commissioner under section 307, no steps or other projection shall extend on to any such street.

Public Health Act, 1875 (38 and 39 Vic., c. 55), s. 147.

293. The commissioner, when authorized by the council, either generally or specially, in this behalf, may agree:

(a) with any person to adopt and maintain any existing or projected bridge, viaduct, or arch and the approaches thereto, and may accordingly adopt and maintain such bridge, viaduct or arch and approaches as parts of public streets, or as property vesting in the corporation council; or

(b) for the construction or alteration of any such bridge, viaduct or arch or for the purchase or acquisition of any adjoining land required for the foundation and support thereof or for the approaches thereto, either entirely at the expense of such person or partly at the expense of such person and partly at the expense of the corporation council.

MI. Acts, 1872 and 1878, ss. 154 and 156. Power to acquire premises for improvement of public streets.

294. (1) The commissioner may:

(a) acquire any land required for the purpose of opening, widening, extending, or otherwise improving any public street or of making any new public street and the buildings, if any, standing upon such land;

(b) acquire, in addition to the said land and the buildings, if any, standing thereupon, all such land, with the buildings, if any, standing thereupon, as it shall seem expedient for the corporation council to acquire outside of the regular line, or of the intended regular line, of such street;

MI. Acts, 1872 and 1878, s. 157.

(c) lease, sell or otherwise dispose of any land or building purchased under clause (b).

(2) Any re-conveyance of land or of a building under clause (c) may comprise such conditions as the commissioner thinks fit, as to the removal of the existing building, the description of new building to be erected, the period within which such new building shall be completed and other such matters.

Preservation of regular line in public streets.

295. (1) The commissioner may prescribe a line on each side of any public street within which, except under the provisions of section 307, no portion of any building abutting on the said street shall, after such line has been prescribed, be constructed.

New. Cf MI. Acts, 1872 and 1878, s. 163.

(2) A line so prescribed shall be called "the regular line of the street."

296. (1) If any part of a building abutting on a public street is within the regular line of such street, the commissioner may, whenever it is proposed:

MI. Acts, 1872 and 1878, ss. 163 and 166.

Setting back buildings to regular line of the street.

(a) to rebuild such building; or

(b) to make any alteration or repairs to such building, involving, if such building is not a frame-building, the removal or re-erection of any external or party-wall thereof or of any wall which supports the roof thereof, to an extent exceeding one-half of such wall above the ground-level, such half to be measured in superficial feet; or

(c) to make any alteration or repairs to such building, involving, if such building is a frame-building, the removal or re-erection of more than one-half of the posts in any such wall thereof as aforesaid, such half to be measured in superficial feet; or

(d) to remove, re-construct, or make any addition to any portion of such building which is within the regular line of the street;

in any order which he issues, under section 343 or 344, concerning the re-building, alteration or repair of such building,

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[Ch. XI.—Regulation of Streets, Sects. 296 (2)—299 (4).]

require such building to be set back to the regular line of the street.

(2) When any building, or any part thereof within the regular line of a public street, falls down, or is burnt down or is taken down, whether under the provisions of section 349 or 352, or otherwise, the commissioner may at once take possession, on behalf of the ~~corporation council~~, of the portion of land within the regular line of the street theretofore occupied by the said building, and, if necessary, clear the same.

(3) Land acquired under this section shall thenceforward be deemed a part of the public street and shall vest, as such, in the ~~corporation council~~.

297. If any land, not vesting in the ~~corporation council~~, whether

Acquisition of open land or of land occupied by platforms, &c., within the regular line of a street. open or enclosed, lies within the regular line of a public street, and is not occupied by a building, or if a platform, verandah, step or some other structure external to a building abutting on a public street, or a portion of a platform, verandah, step or other such structure, is within the regular line of such street,

the commissioner may, after giving to the owner of the land or building not less than seven clear days' written notice of his intention so to do, take possession, on behalf of the ~~corporation council~~, of the said land, with its enclosing wall, hedge or fence, if any, or of the said platform, verandah, step, or other such structure as aforesaid, or of the portion of the said platform, verandah, step or other such structure as aforesaid which is within the regular line of the street, and, if necessary, clear the same, and the land so acquired shall thenceforward be deemed a part of the public street.

298. (1) If any building which abuts on a public street is in rear of the regular line of such street, the commissioner may, whenever it is proposed,

(a) to re-build such building; or

(b) to alter or repair such building in any manner that will involve the removal or re-erection of such building, or of the portion thereof which abuts on the said street, to an extent exceeding

one-half of such building or portion thereof, above the ground-level, such half to be measured in superficial feet,

in any order which he issues, under section 343 or 344, concerning the re-building, alteration or repair of such building, ~~require~~ or permit or, *with the approval of the standing committee*, require such building to be set forward to the regular line of the street.

(2) For the purposes of this section a wall separating any premises from a public street shall be deemed to be a building; and *it shall be deemed to be a sufficient compliance with a permission or requisition to set forward a building to the regular line of a street if a wall of such materials and dimensions as are approved by the commissioner is erected along the said line.*

299. (1) Compensation shall be paid by the commissioner to the owner of any building or land acquired for a public street under section 296 or 297, for the value of the said land and for any loss or damage sustained by such owner in consequence of the order made by the commissioner under either of the said sections.

Compensation to be paid in cases under the three last sections.

(2) If, in consequence of any order to set forward a building made by the commissioner under the last preceding section, the owner of such building sustains any loss or damage, compensation shall be paid to him by the commissioner for such loss or damage.

(3) If the additional land which will be included in the premises of any person required or permitted under the last preceding section to set forward a building, belongs to the ~~corporation council~~, the order or permission of the commissioner to set forward the building shall be a sufficient conveyance to the said owner of the said land; and the terms and conditions of the conveyance shall be set forth in the said order or permission.

(4) If, when the commissioner requires a building to be set forward, the owner of the building is dissatisfied with any of the terms or conditions of the conveyance, the commissioner shall, upon the application of the said owner at any time within fifteen days after the said terms and conditions are communicated to him, refer the case for

MI. Acts, 1872 and 1878, ss. 163 and 167, para. 3.

New.

Bom. Act VI. of 1873, s. 30, as amended by Bom. Act II of 1884, s. 49.

MI. Acts, 1872 and 1878, ss. 162 and 166.

Setting forward of buildings to regular line of the street.

MI. Acts, 1872 and 1878, s. 162.

New.

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the determination of the Chief Judge of the Small Cause Court, whose decision thereupon shall be conclusive.

Provisions concerning private streets.

MI. Acts, 1872
and 1878, s.
158.

300. Every person who intends to make or lay out a new private street shall give written notice of his intention to the commissioner, and shall, along with such notice, submit plans and sections, showing the intended level, direction and width and means of drainage of such street and the height and means of drainage of the buildings to be erected on each side thereof.

MI. Acts, 1872
and 1878, s.
158.

301. (1) The level, direction, width and means of drainage of every new private street and the height and means of drainage of the buildings to be erected on each side thereof shall be fixed and determined by the commissioner.

(2) But if within thirty days after the receipt by the commissioner of any notice under the last preceding section, the disapproval by the commissioner of the level, direction, width or means of drainage of the proposed new street or of the proposed height or means of drainage of the buildings to be erected on each side thereof, shall not be communicated to the person who gave the notice under the last preceding section, the proposals of the said person shall be deemed to have been approved by the commissioner.

MI. Acts, 1872
and 1878, s.
158.

Cf. English
Model By-
laws, s. 99.

302. (1) No person shall make or lay out any new private street or erect any building on either side thereof otherwise than in accordance with the directions of the commissioner under the last preceding section or with proposals approved by him under the said section, as the case may be.

(2) If any new private street be made or laid out, or if any building on either side of any such street be erected in contravention of this section, the commissioner may, by written notice, require the person who is making or laying out or has made or laid out such street, or who is erecting or has

erected such building, on or before such day as shall be specified in such notice, by a statement in writing subscribed by him in that behalf and addressed to the commissioner, to show sufficient cause why such street or building should not be altered to the satisfaction of the commissioner or, if that be impracticable, why the same should not be demolished, or removed or altered;

or shall require the said person on such day and at such time and place as shall be specified in such notice to attend personally, or by an agent duly authorized by him in that behalf and show cause why such street or building should not be demolished, removed or altered as aforesaid.

(3) If such person shall fail to show sufficient cause, to the satisfaction of the commissioner, why such street or building should not be so altered or demolished or removed, or altered, the commissioner may cause the street or building to be so altered or demolished or removed or altered and the expenses thereof shall be paid by the said person.

303. If any private street be not levelled, metalled, or paved, sewered, drained, channelled and lighted to the satisfaction of the commissioner, he may, by written notice, require the owners of the several premises fronting or adjoining the said street or abutting thereon to level, metal or pave, drain and light the same in such manner as he shall direct.

304. (1) When any private street has been levelled, metalled, or paved, sewered, drained, channelled and made good to the satisfaction of the commissioner, he may and, upon the request of the owner or of any of the owners of such street, shall, if lamps, lamp-posts and other apparatus necessary for lighting such street have been provided to his satisfaction,

by notice in writing put up in any part of such street, declare the same to be a public street, and thereupon the same shall become a public street:

(2) Provided that no such street shall become a public street if, within one month after such notice has been put up, the owner of such street, or any one of the owners, shall, by notice in writing to the commissioner, object thereto.

MI. Acts, 1872
and 1878, s.
159.

MI. Acts, 1872
and 1878, s.
160. Public
Health Act,
1875 (38 and
39 Vic., c. 55)
s. 152.

Cf. MI. Acts,
1872 and 1878,
s. 159, (last
portion).

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[Ch. XI.—Regulation of Streets, Sects. 303 (3)—309(1).]

Bo. VI. of
1879.

(3) Nothing in this section shall be deemed to affect the provisions of sections 37 and 38 of the Bombay Port Trust Act, 1879.

304 A. *If a portion only of any street is a public street, within the meaning of that term as defined in clause (v) of section 3, the other portion of such street may for all purposes of sections 303 and 304 be deemed to be a private street.*

Applicability of sections 303 and 304 when a street is in part public and in part private.

*Projections and obstructions.*Ml. Acts,
1872 and 1878,
s. 196.

305. (1) No person shall erect, set up or place against or in front of any premises any structure or ~~thing~~ *fixture*, which will :

Prohibition of projections upon streets, &c.

(a) overhang, jut or project into, or in any way encroach upon, or obstruct the safe or convenient passage of the public along any street, or

(b) jut or project into or encroach upon any drain or open channel in any street, so as in any way to interfere with the use or proper working of such drain or channel or to impede the inspection or cleansing thereof.

(2) The commissioner may, by written notice, require the owner or occupier of any premises to remove any structure or ~~thing~~ *fixture* which has been erected, set up or placed against, or in front of, the said ~~building~~ *premises* in contravention of this section, or to alter the same in such manner as the commissioner thinks fit to direct.

(3) If the occupier of the said premises removes or alters any structure or ~~thing~~ *fixture*, in accordance with such notice, he shall be entitled, unless the structure or ~~thing~~ *fixture* was erected, set up or placed by himself, to credit in account with the owner of the premises for all reasonable expenses incurred by him in complying with the said notice.

Ml. Acts,
1872 and 1878,
s. 195.
Bo. III. of
1872.

306. (1) If any such structure or ~~thing~~ *fixture* as is described in the last preceding section has been erected, set up or placed against or in front of any premises, at any time before the

Power to require removal or alteration of projections, &c., made before Bo. Act III of 1872 came into force.

Bombay Municipal Act, 1872, came into force, the commissioner may give notice as aforesaid to the owner or occupier of the said premises.

(2) But if in any such case the structure or ~~thing~~ *fixture* shall have been lawfully erected, set up or placed, compensation shall be paid by the commissioner to every person who sustains loss or damage by the removal or alteration thereof.

307. (1) The commissioner may give a written permission, on such terms as he shall in each case think fit, to the owner or occupier of any building abutting on any street:

Projections over streets may be permitted in certain cases.

(a) to erect an arcade over such street or any portion thereof, or

(b) to put up a verandah, balcony, sunshade, weather-frame or other such structure or thing projecting from any upper story over any street or portion thereof :

(2) Provided that no permission shall be given by the commissioner for the erection of an arcade in any public street in which the construction of arcades has not been previously sanctioned by the ~~corporation~~ *council*.

(3) The provisions of section 305 shall not be deemed to apply to any arcade, verandah, balcony, sunshade, weather-frame or other structure or thing erected or put up under and in accordance with the terms of a permission granted under this section.

308. The commissioner may at any time, by written notice, require the owner of any premises on the ground-floor of which any door, gate, bar or window opens outwards upon a street, or upon any land required for the improvement of a street, in such manner as, in the opinion of the commissioner, to obstruct the safe or convenient passage of the public along such street, to have the said door, gate, bar or window altered so as not to open outwards.

Ground-floor doors, &c., not to open outwards on streets.

309. (1) No person shall, except with the permission of the commissioner under section 307 or 315, erect or set up any wall, fence, rail, post,

Prohibition of structures or fixtures which cause obstruction in streets.

Ml. Acts, 1872
and 1878, s.
208.

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[Ch. XI.—Regulation of Streets, Sects. 308 (2)—313 (1).]

step, booth or other structure or thing or place or deposit any bench, box, bale or other thing fixture in or upon any street or upon or over any open channel, drain, well, or tank in any street so as to form an obstruction to, or an encroachment upon, or a projection over, or to occupy, any portion of such street, channel, drain, well or tank.

(2) Nothing in this section shall be deemed to apply to any erection or thing to which clause (c) of section 320 applies.

309 A. (1) No person shall, except with the written permission of the commissioner: (a) place or deposit upon any street or upon any open channel, drain or well in any street, any stall, chair, bench, box, ladder, bale or other thing;

(b) project at a height of less than twelve feet from the surface of the street, any board or shelf beyond the line of the plinth of any building, over any street, or over any open channel, drain, well or tank in any street;

(c) attach to or suspend from any wall or portion of a building abutting on a street, at a less height than aforesaid, anything whatever.

(2) Nothing in clause (a) applies to building-materials.

310. The commissioner may, without notice, remove anything erected or deposited in contravention of section 309, after it comes into force, or deposited, &c., in contravention of section 309 A.

Commissioner may, without notice, remove anything erected or deposited in contravention of section 309, after it comes into force, or deposited, &c., in contravention of section 309 A. and any bench, box, bale or other thing which shall be placed or deposited on or over any street, or upon or over any open channel, drain, well or tank contrary to the provisions of sub-section (1) of section 309, after the same comes into force;

(b) any stall, chair, bench, box, ladder, bale, board or shelf, or any other thing whatever placed, deposited, projected, attached or suspended in, upon, from or to any place in contravention of sub-section (1) of section 309 A.

311. (1) The commissioner may, by written notice, require the owner or occupier of any premises contiguous to, or in front of, or in connection with which any wall, fence, rail, post, step, stall booth or other structure or fixture, which it would be unlawful to erect or set up after section 309 comes into force, has been erected or set up before the said section comes into force, to remove the said wall, fence, rail, post, step, stall or other structure or thing.

(2) But, if in any such case the structure or fixture shall have been lawfully erected or set up, compensation shall be paid by the commissioner to every person who sustains loss or damage by the removal or alteration thereof.

312. (4) The expenses incurred by the commissioner in effecting any removal under section 310, or, in the event of a written notice issued under the last preceding section not being complied with, under section 492, shall be recoverable by sale of the materials removed, and if the proceeds of such sale do not suffer, the balance shall be paid by the owner of the said materials.

(2) But if the expenses of removal are in any case paid before the materials are sold, the commissioner shall restore the materials to the owner thereof on his claiming the same at any time within one month from the date of their removal.

(3) If, within one month from the date of removal, the materials are not claimed by the owner thereof, they shall be sold by auction or otherwise disposed of as the commissioner thinks fit, whether the expenses of the removal have in the mean time been paid or not: and the proceeds, if any, of the sale or other disposal, shall, after defraying therefrom the costs of the sale or other disposal, and if necessary, of the removal, be paid to the credit of the municipal fund and shall be the property of the corporation.

313. (1) No person shall tether any animal or cause or permit the same to be tethered by any member of his family or household in any public street.

ML Acts, 1872 and 1878, s. 208.

ML Acts, 1872 and 1878, s. 208.

ML Acts, 1872 and 1878, s. 208.

(Sec. s. 492 A.)

ML Acts, 1872 and 1878, s. 208.

New. Cf. Bo. Act VI, 1873, s. 64.

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(2) Any animal tethered as aforesaid may be removed by the commissioner or by any municipal officer or servant and made over to a police officer, or may be removed by a police officer, who shall deal therewith as with an animal found straying.

Cf. The General Paving (Metropolis) Act, 1817 (57 Geo. III., c. 29), s. 65, and the Metropolitan Streets Act, 1867 (30 and 31 Vic., c. 134), s. 6, and the Metropolitan Streets Act Amendment Act, 1867 (31 Vic., c. 5), s. 1.

314. (1) No person shall, by hawking goods for sale in any street, or by squatting on any street for the purpose of selling goods, or by exposing goods for sale in any street, in such a manner as to cause an obstruction in such street.

(2) The commissioner may summarily remove any person who contravenes this section and may seize and detain, for any period not exceeding twenty-four hours, any goods hawked or exposed for sale as aforesaid, and also any box, tray, basket or thing in which the same may be.

Temporary erections on streets during festivals.

MI. Acts, 1872 and 1878, s. 208, proviso, and s. 277. Cf. Bo. Act VI, 1873, s. 22.

315. With the concurrence of the police commissioner, the commissioner may permit booths, &c., to be erected on streets on festivals. grant a written permission for the temporary erection of a booth and any other such structure on any street on occasions of ceremonies and festivals.

Provisions concerning execution of works in or near to streets.

MI. Acts, 1872 and 1878, s. 204.

316. Whenever the soil or pavement of any street is opened or broken up by or under the order of the commissioner or of any municipal officer or servant, for the execution of any work on behalf of the corporation council, the work on account of which the same shall have been opened or broken up shall be completed and the soil or pavement filled in, re-instated and made good with all convenient speed; and on completion of the work, the surplus of earth and materials, if any, excavated and all rubbish occasioned thereby shall be removed without delay.

MI. Acts, 1872 and 1878, s. 210.

317. (1) The commissioner may, whilst any such work as aforesaid or any work which may lawfully be executed in any

street is in progress, direct that the said street shall be wholly or partially closed for traffic or for traffic of such description as he shall think fit; and shall set up in a conspicuous position an order prohibiting traffic to the extent so directed, and fix such bars, chains or posts across or in the street as he shall think proper for preventing or restricting traffic therein.

(2) No person shall, without the permission of the commissioner or without other lawful authority, remove any bar, chain or post so fixed or infringe any order prohibiting traffic so set up.

318. Whilst the execution of any work on behalf of the corporation council is in progress in any street, the commissioner shall, so far as may be reasonably practicable, make adequate provision for the passage or diversion of traffic, for securing access to all premises approached from such street and for any drainage, water-supply or means of lighting which may be interrupted by reason of the execution of the said work, and shall pay compensation to any person who sustains damage by reason of the execution thereof.

319. (1) Whilst the execution of any work on behalf of the corporation council is in progress in any street, the commissioner shall:

Precautions to be taken for the public safety whilst municipal works are in progress in any street.

(a) take proper precaution for guarding against accident by shoring up and protecting the adjoining buildings;

(b) have any place where the soil or pavement has been opened or broken up fenced and guarded;

(c) have a light sufficient for the warning of passengers set up and kept every night against any such place and against any bars, chains or posts set up under section 317, for so long as such place shall be continued open or broken up, or such bars, chains or posts shall remain set up.

(2) No person shall, without the written permission of the commissioner or without other lawful authority, remove any shoring-timber, or fence, or extinguish any light

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[Ch. XI.—Regulation of Streets, Sects. 320 (1)—324 (2).]

employed or set up for any of the purposes of this section.

320. (1) No person, other than the commissioner or a municipal officer or servant, shall, without the written permission of the commissioner or without other lawful authority :

(a) open, break up, displace, take up or make any alteration in or cause any injury to the soil or pavement, or any wall, fence, post, chain, or other material or thing forming part of any street; or

(b) deposit any building-materials in any street; or

(c) set up in any street any scaffold or any temporary erection for any the purpose of any work whatever, or any posts, bars, rails, boards or other things by way of enclosure, for the purpose of making mortar or depositing bricks, lime, rubbish or other materials.

(2) Any permission granted under clause (b) or clause (c) shall be terminable at the discretion of the commissioner, on his giving not less than twenty-four hours' written notice of the termination thereof to the person to whom such permission was granted.

321. Every person to whom any permission is granted under section 320 shall, at his own expense, cause the place where the soil or pavement has been opened or broken up or where he has deposited building-materials or set up any scaffold, erection or other thing, to be properly fenced and guarded, and in all cases in which the same is necessary to prevent accidents, shall cause such place to be well lighted during the night.

322. (1) Every person to whom permission is granted under section 320 to open or break up the soil or pavement of any street, or who, under other lawful authority, opens or breaks up the soil or pavement of any street, shall with all convenient speed complete the work for which the same shall be opened or broken up and fill in the ground and re-instate and make good the street or pavement so opened or

broken up without delay, to the satisfaction of the commissioner.

(2) If the said person shall fail to re-instate and make good the street or pavement as aforesaid, the commissioner may restore such street or pavement and the expenses incurred by the commissioner in so doing shall be paid by the said person.

323. The commissioner may, by written notice, require any person to whom permission is granted under section 320 to open or break up the soil or pavement of any street, or who, under any other lawful authority, opens or breaks up the soil or pavement of any street, for the purpose of executing any work, to make provision to his satisfaction for the passage or diversion of traffic, for securing access to the premises approached from such street and for any drainage, water-supply or means of lighting which may be interrupted by reason of the execution of the said work.

324. (1) No person who proposes to build, take down or re-build any building or wall, or to alter or repair any part of any building or wall, shall, in any case in which the footway in any adjacent street will be thereby obstructed or rendered less convenient, commence doing so, without first having caused to be put up a proper and sufficient hoard or fence, with a convenient platform and handrail, if there be room enough for the same and the commissioner shall think the same desirable, to serve as a footway for passengers outside of such hoard or fence.

(2) No hoard or fence shall be so put up without the previous written permission of the commissioner, and every such hoard or fence put up with such permission, with such platform and handrail as aforesaid, shall be continued standing and maintained in good condition to the satisfaction of the commissioner, by the person who carries on the work, during such time as may be necessary for the public safety and convenience; and, in all cases in which the same is necessary to prevent accidents, the said person shall cause such hoard or fence to be well lighted during the night.

MI. Acts, 1872 and 1878, ss. 203 and 211.

MI. Acts, 1872 and 1878, s. 211.

Metropolis Local Management Act, 1855 (18 and 19 Vic., c. 120), s. 122.

MI. Acts, 1872 and 1878, s. 211.

MI. Acts, 1872 and 1878, s. 211.

MI. Acts, 1872 and 1878, s. 203.

MI. Acts, 1872 and 1878, s. 205, para 2.

MI. Acts, 1872 and 1871, s. 209. Metropolis Local Management Act 1855 (18 and 19 Vic., c. 120), sections 121 & 132.

The City of Bombay Municipal Bill, 1887.[Ch. XI.—*Regulation of Streets, Sects. 324 (3)—329 (a).*]

(3) The commissioner may, by written notice, require the person aforesaid to remove any hoard or fence so put up.

Naming of streets, &c.

325. (1) The commissioner may, from time to time :
Naming streets, and numbering of houses.

(a) *with the sanction of the council*, determine the name by which any street shall be known ;

(aa) cause to be put up or painted on a conspicuous part of any house at or near each end, corner or entrance to every street, the name of such street as so determined ;

(b) cause a number to be put up or painted in a conspicuous place on the outer side, wall, door or gate of any premises.

(2) The owner or occupier of any premises to which a number has been so affixed shall be bound to keep the same in good order at his own expense.

(3) No person shall, without the written permission of the commissioner or without other lawful authority, destroy, remove, deface, or in any way injure any such name or number, or put up or paint any name or number different from that put up or painted by order of the commissioner.

Bill-posting.

326. No person shall, without the consent of the owner or occupier, affix any posting-bill, placard or other paper or means of advertisement against or upon any building, wall, board, fence or pale, or write upon, soil, deface or mark any such building, wall, board, fence or pale with chalk or paint or in any other way whatsoever.

Dangerous places.

327. (1) If any place is, in the opinion of the commissioner, from want of sufficient repair, protection or enclosure, or owing to some work being carried on thereupon, dangerous to passengers along a street, or to persons, other than the owner or occupier of the said place, who have legal access thereto or to the neighbourhood thereof, he may, by notice in writing, require the

owner or occupier thereof, to repair, protect or enclose the said place or take such other step as shall appear to the commissioner necessary, in order to prevent danger therefrom.

(2) The commissioner may, before giving any such notice or before the period of any such notice has expired, take such temporary measures as he thinks fit to prevent danger from the said place. Any expense incurred by the commissioner in taking such temporary measures shall be paid by the owner or occupier of the place to which the said notice refers.

Lighting of streets.

Public streets to be lighted. 328. The commissioner shall :

(a) ~~make provision~~ take measures for lighting in a suitable manner the public streets and municipal markets and all buildings of the city vesting in the council ; and

(b) ~~provide~~ procure, erect and maintain such a number of lamps, lamp-posts and other appurtenances as may be necessary for the said purpose ; and

(c) cause such lamps to be lighted by means of oil, gas, electricity or such other light as he shall think expedient the council shall from time to time determine ;

and may :

(d) place and maintain electric wires for the purpose of lighting such lamps under, over, along or across, and posts, poles, standards, stays, struts, brackets, and other contrivances for carrying, suspending or supporting lamps or electric wires in or upon any immovable property, without being liable to any claim for compensation thereanent :

Provided that such wires, posts, poles, standards, stays, struts, brackets and other contrivances shall be so placed as to occasion the least practicable inconvenience or nuisance to any person.

329. No person shall, without lawful authority, take away or wilfully break, throw down, or damage :
Prohibition of removal, &c., of lamps.

(a) any lamp, lamp-post, or lamp-iron set up in any public street or in any municipal market or building vesting in the council ; or

MI. Acts, 1872 and 1878, s. 199.

Metropolis Police Act, 1839 (2 and 3 Vic., c. 47), s. 54 (10).
Act XLVIII of 1860, s. 19 (16).

MI. Acts, 1872 and 1878, s. 212.

General Police and Improvement—Scotland—Act, 1862, (25 and 26 Vic., c. 101), s. 126.

MI. Acts, 1872 and 1878, s. 198.
Act XIII of 1885, ss. 10 and 3 (5).

General Police and Improvement—Scotland—Act, 1862 (25 and 26 Vic., c. 101), s. 127.

MI. Acts, 1872 and 1878, s. 203.

The City of Bombay Municipal Bill, 1887.

[Ch. XI.—Regulation of Streets, Sects. 329 (b)—334 (b). Ch. XII.—Building

Regulations, Sect. 335 (1).]

(b) any electric wire for lighting any such lamp; or

(c) any post, pole, standard, stay, strut, bracket or other contrivance for carrying, suspending or supporting ~~an~~ any such electric wire or lamp; ~~set up in any public street, market, or building or~~ and no person shall wilfully extinguish the light, or damage any appurtenance of any such lamp.

General Police and Improvement—Scotland—Act, 1862, (25 and 26 Vic., c. 101), s. 128.

330. If any person shall, through negligence or accident, break any lamp set up in any public street, or municipal market or building vesting in the council, he shall pay the expenses of repairing the damage so done by him.

331. (1) No gas-pipe shall be laid in a drain or on the surface of an open channel or house-gully.

MI. Acts, 1872 and 1878, s. 169.

(2) Gas-pipes shall be laid at the greatest practicable distance from water-pipes, having regard to the width of the street. Where the width of the street will allow of it, the said distance shall not be less than four feet.

(3) When it is necessary for a gas-pipe to cross a water-pipe, the gas-pipe shall, if practicable, be laid above the water-pipe. A gas-pipe so laid shall be at least nine feet in length and, as nearly as the situation will admit of, shall be so placed as to form with the water-pipe a right angle and so that no joint in the gas-pipe will be nearer to any water-pipe than four feet. The greatest practicable distance shall be kept between a water-pipe and a gas-pipe which crosses it and the gas-pipe shall, throughout its entire length, be sufficiently bedded in with good sound clay or other fit material of a proper consistence, which shall be well worked and rammed into a trench all round the gas-pipe.

(4) If any gas-pipe be laid in any way contrary to the provisions of this section, the commissioner may make such alteration with respect to such pipe as he shall think necessary and the expenses thereof shall be paid by the person under whose order or management the pipe has been laid.

MI. Acts, 1872 and 1878, s. 170.

Situation of gas-pipes, &c., may be altered by commissioner.

332. (1) The commissioner may, whenever for any of the purposes of this Act it shall appear to him necessary, by

written notice, require the owner of any gas-pipe or of any other gas-work laid in any street, to raise, sink or otherwise alter the situation of such pipe or work.

(2) Every alteration required to be made under sub-section (1), shall be made at the charge of the municipal fund and compensation shall be paid to the owner by the commissioner for the damage, if any, which he sustains by reason of such alteration: MI. Acts, 1872 and 1878, s. 171.

(3) Provided that no such alteration shall be made which will prevent gas passing through any pipe or work as freely and conveniently as, having regard to all the requirements of this Act, is practicable.

333. (1) Without the written permission of the commissioner, no building, wall or other structure shall be newly erected, and no street or railway shall be constructed over any gas-pipe belonging to the corporation council. MI. Acts, 1872 and 1878, s. 191.

(2) If any building, wall or other structure be so erected, or any street or railway be so constructed, the commissioner may, with the approval of the standing committee, cause the same to be removed or otherwise dealt with as to the commissioner shall appear fit, and the expenses thereby incurred shall be paid by the person offending.

Watering of streets.

334. The commissioner may:

(a) make provision for watering the public streets at such times and seasons and in such manner as he shall think fit;

(b) provide procure and maintain such water-carts, animals and apparatus as he shall think fit for the said purpose.

CHAPTER XII.

BUILDING REGULATIONS.

Notices regarding erection of buildings.

335. (1) Every person who shall intend to erect a building shall give to the commissioner notice of his said intention, in a form, obtained for this purpose under section 342, specifying the position of the building intended to be erected, the de- MI. Acts, 1872 and 1878, ss. 165 and 173.

Notice to be given to commissioner of intention to erect a building.

*The City of Bombay Municipal Bill, 1887.**[Ch. XII.—Building Regulations, Sects. 335 (2)—340 (c).]*

scription of building, the purpose for which it is intended and its dimensions.

Public Health Act, 1875 (38 and 39 Vic., c. 55), s. 195.

(2) In this chapter “to erect a building” means to newly erect a building, or to re-erect any building pulled down to the plinth, or any frame-building of which only the framework is left down to the plinth, or to convert into a dwelling-house any building not originally constructed for human habitation, or to convert into more than one dwelling-house a building originally constructed as one dwelling-house only; and a building so erected, re-erected or converted is called in this chapter “a new building.”

MI. Acts, 1872 and 1878, s. 165.

336. At any time within thirty days after receipt of any notice under section 335, the commissioner may, by written notice, require the person who has given the notice first hereinbefore in this section mentioned, to furnish to the commissioner all or any of the following documents, (namely):

English Model By-laws, s. 92.

(a) plans and sections of every floor of the intended building, which shall be drawn to a scale of not less than one inch to every eight feet, and shall show the position, form and dimensions of the several parts of such building and of every water-closet, privy, urinal, cess-pool, well and other appurtenance and, in the case of a building intended as a dwelling-house for two or more families or for carrying on any trade or business in which a number of people exceeding twenty may be employed or as a place of public resort, the means of ingress and egress;

(b) a description in writing of the materials of which it is intended that the building shall be constructed, of the thickness of the walls and roof and of the intended mode of drainage, means of water-supply, and means of ventilation, and, if the building is to adjoin or abut on a street, the intended means of access from such street;

(c) a block plan of such building, which shall be drawn to a scale of not less than one inch to every forty feet and shall show the position and appurtenances of the properties, if any, immediately adjoining, the width and level of the street, if any, in front and

of the street, if any, at the rear of such building, the levels of the foundations and lowest floor of such building and of any yard or ground belonging thereto;

(d) a plan showing the intended line of drainage of such building and the intended size, depth and inclination of each drain and the details of the arrangement proposed for the ventilation of the drains.

337. The commissioner may decline to accept any plan, section or description as sufficient for the purposes of the last preceding section which does not bear the signature of a licensed surveyor, in token of its having been prepared by such surveyor.

338. If the notice given under section 335 and the documents, if any, furnished under section 336 do not supply all the information which the commissioner deems necessary to enable him to deal satisfactorily with the case, the commissioner may, at any time within thirty days after receipt of the said documents, by written notice, require the production of such further particulars and details as he deems necessary.

339. If any requisition made under New section 336 or 338 is not complied with, the notice given under section 335 shall be deemed not to have been given.

Notices regarding execution of works not amounting to the erection of a building.

340. Every person who shall intend:

(a) to make any addition to a building; or

(b) to make any alteration or repairs to a building, not being a frame-building, involving the removal or re-erection of any external or party-wall thereof or of any wall which supports the roof thereof, to an extent exceeding one-half of such wall above the ground level, such half to be measured in superficial feet; or

(c) to make any alteration or repairs to a frame-building, involving the remov-

Cf. Metropolitan Building Act, 1855 (18 and 19 Vic., c. 122), ss. 31—54.

MI. Acts, 1872 and 1878, s. 166.

Effect of non-compliance with requisition under sec. 336 or 338.

Notice to be given to the commissioner of intention to make additions, &c., to a building.

MI. Acts, 1872 and 1878, ss. 165 and 173.

The City of Bombay Municipal Bill, 1887.

[Ch. XII.—Building Regulations, Sects. 340 (d)—344 (2).]

al or re-erection of more than one-half of the posts in any such wall thereof as aforesaid, such half to be measured in superficial feet ; or

(d) to remove or reconstruct any portion of a building abutting on a street which stands within the regular line of such street ;

shall give to the commissioner, in a form obtained for this purpose under section 342, notice of his said intention, specifying the position of the building in which such work is to be executed and the nature and extent of the intended work.

341. (1) If any notice given under the Plans and additional last preceding section information may be does not supply all the called for. information which the commissioner deems necessary to enable him to deal satisfactorily with the case, he may, at any time within thirty days after receipt of the said notice, by written notice, require the person who gave the notice first hereinbefore in this section mentioned to furnish plans and sections of the intended new work or of any specified portion of the intended new work and a description in writing of the materials of which it is intended that the new work or any specified portion thereof shall be constructed, of the thickness of any new wall or roof which it is intended to construct and of such other particulars and details as he deems necessary.

(2) The commissioner may decline to accept as sufficient for the purposes of this section any plan, section, or description which does not bear the signature of a licensed surveyor, in token of its having been prepared by such surveyor.

Forms of Notices.

342. (1) The commissioner shall cause printed forms of notices for the purposes of section 335 or 340 to be delivered to any person requiring the same, on payment of such fee not exceeding eight annas for each form as shall from time to time be prescribed in this behalf by the commissioner, with the approval of the town-council standing committee.

(2) There shall be printed on the reverse of every such notice, or on a separate paper supplied, without extra charge, therewith, a copy of sections 335, 336, 337,

338, 339, 340, 341, 343, 344, 345, 346, and 347 and of all by-laws made under clauses (c), (d) and (e) of section 465 at the time in force.

Commencement of work.

343. If within thirty days after receipt of any notice under section 335 or 340, or of the plan, section, description or further information, if any, called for under section 336, 338 or 341, as the case may be, the commissioner fails to intimate in writing to the person who has given the said notice, his disapproval of the building which the said person proposes to erect, or of the work which he proposes to execute ;

or if, within the said period, the commissioner signifies in writing to the said person, his approval of the said building or work ;

the said person may at any time within one year from the date of the delivery of the notice to the commissioner, proceed with the said building or work in accordance with his intention as described in the notice or in any of the documents aforesaid, but not so as to contravene any of the provisions of this Act or any by-law made under this Act at the time in force.

344. (1) If the commissioner disapproves of any building or work of which notice has been given as aforesaid or of any portion or detail thereof, by reason that the same will contravene some provision of this Act or some by-law made hereunder at the time in force or will be unsafe, he may, at any time within thirty days of the receipt of the notice or of the plan, section, description or further information, if any, called for under section 336, 338, or 341, as the case may be, by a written notice, intimate to the person who gave the notice first hereinbefore in this section mentioned his said disapproval and the reason for the same and prescribe terms subject to which the building or work may be deemed to be approved by him.

(2) The person who gave the notice concerning any such building or work may proceed with the same, subject to the terms prescribed as aforesaid but not otherwise,

MI. Acts, 1872
and 1878, s.
165.

MI. Acts, 1872
and 1878, ss.
166 and 168.

MI. Acts, 1872
and 1878, s.
166.

New.

The City of Bombay Municipal Bill, 1887.

[Ch. XII.—Building Regulations, Sects. 345 (1)—346 (f).]

at any time within one year from the date of receipt by him under sub-section (1) of the written notice in this behalf, but not so as to contravene any of the provisions of this Act or any by-law made hereunder at the time in force.

345. (1) No person shall commence to erect any building or to execute any such work as is described

When work may be commenced.

in section 340 :

(a) until he has given notice of his intention, as hereinbefore required, to erect such building or execute such work and the commissioner has either intimated his approval of such building or work or failed to intimate his disapproval thereof within the period prescribed in this behalf in section 343 or 344;

(b) after the expiry of the period of one year prescribed in sections 343 and 344, respectively, for proceeding with the same.

(2) If a person who is entitled under section 343 or 344 to proceed with any building or work, fails so to do within the period of one year prescribed in the said sections, respectively, for proceeding with the same, he may at any subsequent time give a fresh notice of his intention to erect such building or execute such work and thereupon the provisions hereinbefore contained shall apply as if such fresh notice were a first notice of such person's intention.

Provisions as to structure, materials, &c.

346. (1) With respect to buildings which are to be newly erected on any site previously unbuild upon, the following provisions shall have effect, namely :

(a) The erection of any such building on either side of a new street may be disapproved by the commissioner, unless and until such new street has been levelled, metalled or paved, sewered and drained to the satisfaction of the commissioner.

(b) The erection of any such building in any part of the city in which the position and direction of the streets likely to be required in the future have not yet been laid down or determined, shall, with the assent of the standing committee, be disapproved by the commissioner, unless the

site proposed for such building is, in the opinion of the commissioner, such as, with reference to the positions occupied by the buildings, if any, already existing in the neighbourhood, will admit of the construction in the future of one or more new streets convenient for the occupiers of all the buildings in the neighbourhood and for the purposes of drainage, water-supply and ventilation.

(c) The foundation of any such building shall not be constructed on any site which has been filled up with, or has been used as a place for depositing, excrementitious matter or the carcasses of dead animals or other filthy or offensive matter, until such matter shall have been properly removed to the satisfaction of the commissioner.

(d) Every such building intended to be used as a dwelling shall be built with a plinth at least two feet above the centre of the nearest street and not below such standard level as may be fixed by the commissioner in this behalf.

(e) No such building which abuts on a street of a less width than fifty feet, shall, without the written permission of the commissioner, be erected to a greater height than one-and-a-half times the width of the street it abuts on or three times the width of the building.

(f) In addition to any means of ventilation required by any by-law made under this Act at the time in force, every such building intended to be used as a dwelling shall be so constructed that the whole of at least one side of every room thereof shall either be an external wall or abut on an interior open space. Such external wall, except where it faces a street of not less than fifteen feet in width, shall have between it and the boundary line of the owner's premises, an open space, extending throughout the entire length of such wall, at least two feet wide or, in the case of a *chawl* or building intended to form a range of separate rooms for lodgers, at least five feet wide. Such interior open space shall have an area equal to not less than one-tenth of the aggregate floor-area of all the rooms abutting thereon and shall not be in any direction less than six feet across. And every open space, whether exterior or interior, required by this clause shall be and be kept free from any erection thereon and open to the sky and shall be and be kept open to access from each end thereof.

ML. Acts, 1872 and 1878, ss. 165, 166, 167, and 173.

New.

New.

New.

Cf. ML. Acts, 1872 and 1878, s. 158.

New.

English Model By-laws, s. 9. Metropolitan Building Act, 1878 (41 and 42 Vic., c. 32), s. 16 and By-law No. 1 framed thereunder.

Cf. Metropolitan Building Acts Amendment Act, 1862 (25 and 26 Vic., c. 102), s. 55.

Cf. Metropolitan Building Acts Amendment Act, 1855 (18 and 19 Vic., c. 122), s. 29. Metropolitan Management and Building Acts Amendment Act, 1882 (45 Vic., c. 14), s. 14. English Model By-laws, ss. 53 and 54.

The City of Bombay Municipal Bill, 1887.[Ch. XII.—*Building Regulations, Sects. 346 (g)—349 (2).*]Metropolitan
Building Act,
1885 (18 and
19 Vic., c.
122), s. 23 (1).

(g) Every room intended to be inhabited in any such building, except a room in the roof thereof, shall be in every part at least eight feet in height from the floor to the ceiling.

Do. do. 23 (2).

(h) Every such room in the roof of any such building shall have an average height of at least seven feet from the floor to the ceiling.

(i) Every such room shall have a clear superficial area of not less than eighty square feet.

English
Model By-
laws, ss. 55
and 57.

(k) In addition to any means of ventilation required by any by-law made under this Act at the time in force, every such room shall be ventilated by means of doors or windows which open directly into the external air and have an aggregate opening equal to not less than one-fourth of the superficial area of the side of the room which faces an open space.

Ml. Acts,
1872 and
1878, s. 173.

(l) Huts or sheds or ranges or blocks of huts or sheds, whether the same are to be used as dwellings or stables or for any other purpose, shall be built, if the commissioner thinks fit so to require :

(i) so that they may stand in regular lines, with a free passage or way in front of and between every two lines of such width as the commissioner thinks proper for ventilation and for facilitating scavenging ; and

(ii) with such and so many privies, latrines or urinals and such means of drainage as the commissioner deems necessary ; and

(iii) at such a level as will suffice for the means of drainage required by the commissioner.

(2) *Nothing in clause (a) shall be deemed to affect the power of Government to determine, under section 38 of the Bombay Port Trust Act, 1879, any dispute which arises between the Trustees of the Port of Bombay and the commissioner as to whether any road within the limits of the property of the said trustees has been duly levelled, metalled or paved, sewered and drained.*

Bo. VI of
1879.Ml. Acts,
1872 and
1878, s. 164.Bo. III. of
1872.

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

347. (1) No external wall and no covering of a roof built or renewed since the Bombay Municipal Act, 1872, came into force shall, except with the written permission of the commissioner, consist of wood, cloth, canvas,

grass, leaves, mats or any other inflammable material.

(2) If any external wall or covering of a roof is or has been, since the said Act came into force, constructed of any such material, the commissioner may, by written notice, require the owner or occupier of the building to which such wall or roof appertains to remove such wall or covering.

Inspection.

348. The commissioner may at any time during the erection of a building or the execution of any such work as is described in section 340 make an inspection thereof, without giving previous notice of his intention so to do.

349. (1) If the erection of any building or the execution of any such work as is described in section 340 is commenced contrary to the provisions of section 345, the commissioner, unless he deems it necessary to take proceedings in respect of such building or work under section 352, shall :

(a) by written notice, require the person who is erecting such building or executing such work, or has erected such building or executed such work, on or before such day as shall be specified in such notice, by a statement in writing subscribed by him or by an agent duly authorized by him in that behalf and addressed to the commissioner, to show sufficient cause why such building or work shall not be removed, altered or pulled down ; or

(b) shall require the said person on such day and at such time and place as shall be specified in such notice to attend personally, or by an agent duly authorized by him in that behalf, and show sufficient cause why such building or work shall not be removed, altered or pulled down.

(2) If such person shall fail to show sufficient cause, to the satisfaction of the commissioner, why such building or work shall not be removed, altered or pulled down, the commissioner, with the approval of the standing committee, may remove, alter or pull down the building or work and the expenses thereof shall be paid by the said person.

English
Model By-
laws, s. 95.Ml. Acts,
1872 and
1878, ss. 167
and 173.English
Model By-
laws, s. 99.

The City of Bombay Municipal Bill, 1887.

[Ch. XII.—Building Regulations, Sects. 350—353.]

English
Model By-
laws, s. 93.

350. If, in the opinion of the commissioner, it shall be necessary to ascertain whether in the erection of any such building or in the execution of any such work as is referred to in the last preceding section, anything has been done contrary to any provision of this Act or of any by-law made under this Act at the time in force, or whether any thing required by any such provision or by-law to be done has been omitted to be done;

and if, on inspecting such building or work it is found that the same has been completed or is too far advanced to permit of any such fact being ascertained;

the commissioner may, *with the approval of the standing committee*, by written notice, require the person who has erected such building or executed such work or is erecting such building or executing such work, to cause so much of the building or work as prevents any such fact being ascertained to be cut into, laid open or pulled down to a sufficient extent to permit of the same being ascertained.

English
Model By-
laws, s. 94.
Cf. Ml. Acts,
1872 and
1878, ss. 167
and 173.

351. The commissioner may, at any time during the erection of a building or the execution of any such work as aforesaid, or at any time within ~~one year~~ *six months* after the completion thereof, by written notice, specify any matter in respect of which the erection of such building or the execution of such work may be in contravention of any provision of this Act or of any by-law made under this Act at the time in force, and require the person erecting or executing or who has erected or executed such building or work, to cause any thing done contrary to any such provision or by-law to be amended or to do anything which by any such provision or by-law may be required to be done but which has been omitted to be done.

*Dangerous Structures.*Ml. Acts,
1872 and
1878, s. 200.

352. (1) If it shall at any time appear to the commissioner that any structure (including under this expression any building, wall or other structure and anything affixed to or projecting from any building,

or other structure) is in a ruinous condition, or likely to fall, or in any way dangerous to any person occupying, resorting to, or passing by such structure or any other structure or place in the neighbourhood thereof, the commissioner may, by written notice, require the owner or occupier of such structure, to pull down, secure or repair such structure, and to prevent all cause of danger therefrom.

(2) The commissioner may also, if he thinks fit, require the said owner or occupier, by the said notice, either forthwith or before proceeding to pull down, secure or repair the said structure, to set up a proper and sufficient hoard or fence for the protection of passers-by and other persons, with a convenient platform and handrail, if there be room enough for the same and the commissioner shall think the same desirable, to serve as a footway for passengers outside of such hoard or fence.

353.—(1) ~~The expenses incurred by the commissioner in effecting any removal under section 492, in the event of a written notice issued under the~~ *Recovery of costs of removals by the commissioner under sections 352 and 492.* Ml. Acts, 1872 and 1878, s. 201.

~~last preceding section not being complied with, shall be recoverable by sale of the materials removed, and if the proceeds of such sale do not suffice, the balance shall be paid by the owner of the said materials.~~ (See s. 492A.)

(2) ~~But if the expenses of removal are in any case paid before the materials are sold, the commissioner shall restore the materials to the owner thereof on his claiming the same at any time within one month from the date of their removal.~~

(3) ~~If within one month from the date of removal the materials are not claimed by the owner thereof, they shall be sold by auction or otherwise disposed of as the commissioner thinks fit, whether the expenses of the removal have in the meantime been paid or not; and the proceeds, if any, of the sale or other disposal, shall, after defraying therefrom the costs of the sale or other disposal, and, if necessary, of the removal, be forthwith paid to the credit of the municipal fund; but if the said proceeds be claimed by the owner of the materials within one year from the date of the removal of the materials, he shall be entitled to a refund of the amount. Any proceeds not claimed within one year as aforesaid shall be the property of the corporation.~~

The City of Bombay Municipal Bill, 1887.[Ch. XIII.—*Licensing of Surveyors and Plumbers, Sects. 354—357.* Ch. XIV.—*Municipal Fire-brigade, Sects. 358—360.*]

CHAPTER XIII.

LICENSING OF SURVEYORS AND PLUMBERS.

Cf. Metropolitan Building Act, 1855, (18 & 19 Vic., c. 122), ss. 31—54, & Ben. Act IV. of 1876, s. 144.

354. (1) The commissioner may grant to any person he thinks fit a license to act as a surveyor or as a plumber for the purposes of this Act. Each such license shall be for a renewable period of one year.

(2) If the commissioner refuses any application for a license under this section, he shall, at the request of the applicant, furnish such applicant with his reasons for such refusal in writing under his signature, without charge.

Ben. Act IV. of 1876, s. 144.

355. The commissioner may, with the approval of the standing committee, from time to time prescribe regulations for the guidance of licensed surveyors and plumbers, respectively, and a copy of all regulations so prescribed at the time in force shall be written on the back of every license granted to a surveyor or plumber, respectively.

356. The town-council standing committee may from time to time prescribe the fees or charges to be paid to licensed surveyors and plumbers for any work done by them under or for any purpose of this Act; and no licensed surveyor or plumber shall demand or receive more than the fee or charge so prescribed for any such work.

Ben. Act IV. of 1876, s. 148.

357. No licensed plumber shall execute any work under this Act carelessly or negligently or make use of any bad material, appliance or fitting for the purpose of such work.

Metropolitan Fire Brigade Act, 1865, (28 & 29 Vic., c. 90), s. 4.

Maintenance of firemen and of necessary fire-engines, &c.

358. (1) With a view to the discharge by the corporation council of the duty of extinguishing fire and protecting life and property in case of fire, the commissioner shall provide, in the schedule of municipal officers and servants from time to time prepared by him under section 79, for a force of firemen,

with a proper number of officers over them, to be called "the municipal fire-brigade," and shall furnish the said brigade with all such fire-engines, fire-escapes, horses, accoutrements, tools, implements and means of inter-communication as may be necessary for the efficient discharge of their duties.

(2) A person may be appointed to be a member of the fire-brigade in addition to any other office or employment of such person.

359. The commissioner shall from time to time make regulations for :

(a) the training, discipline and good conduct of the men belonging to the fire-brigade;

(b) their speedy attendance with engines, fire-escapes and all necessary implements on the occasion of any alarm of fire;

(c) the maintenance of the said brigade generally in a due state of efficiency.

360. On the occasion of a fire, the chief or other officer in charge of the fire-brigade may, subject to such orders as the commissioner may from time to time issue in this behalf, take the command of all municipal officers and servants present and of any other persons who voluntarily place their services at his disposal; and may

(a) remove, or order any fire-man, or other officer or person under his command to remove any persons who interfere by their presence with the operations of the fire-brigade;

(b) take generally any measures that appear expedient for the protection of life and property, with power by himself or by the persons under his command, to break into or through or take possession of, or pull down any premises for the purpose of putting an end to such fire, doing as little damage as possible;

(c) cause the water to be shut off from the mains and pipes of any district in order to give a greater supply and pressure of water in the district in which the fire has occurred and utilize the water of any well or tank available for the purpose of extinguishing such fire.

Metropolitan Fire Brigade Act, 1865, (28 & 29 Vic., c. 90), s. 9.

ML Acts, 1872 and 1875, s. 212A.

The City of Bombay Municipal Bill, 1887.

[Ch. XIV.—Municipal Fire-brigade, Sects. 361—366.]

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Ml. Acts,
1872 and
1878, s. 212B.

361. It shall be the duty of all police officers and of all municipal officers and servants to aid the fire-brigade in the execution of their duties. They may close any street in or near which a fire is burning and remove any persons who interfere by their presence with the operations of the fire-brigade.

Ml. Acts,
1872 and
1878, s. 212C.

362. Any damage occasioned by the fire-brigade in the due execution of their duties, or by any police or municipal officer or servant who aids the fire-brigade, shall be deemed to be damage by fire within the meaning of any policy of insurance against fire.

Metropolitan
Fire Brigade
Act, 1865, (28
& 29 Vic., c.
90), s. 31.

363. A report of every fire which occurs in the city, shall be submitted by the chief or other officer in charge of the fire-brigade, not later than the day following the fire, to the commissioner, who shall make such further inquiry, if any, as he may deem necessary and shall furnish a weekly return of all fires which occur in the city to the *standing committee and to the local office of every insurance company contributing, as hereinafter provided, towards the expenses of the fire-brigade.*

Ml. Acts, 1872
and 1878, s.
122.

364. (1) Every insurance company carrying on business in the city or having a local agency for such purpose, shall pay annually to the ~~corporation~~ *council*, by way of contribution towards the expenses of the fire-brigade, a sum of which the amount shall be determined by the commissioner, with the approval of the ~~town council~~ *standing committee*, but shall not exceed two and a half per centum of the aggregate amount of one year's premia paid by insurers to such company in respect of property in the city.

(2) The said contributions shall be paid in half-yearly instalments in advance, on each first day of April and each first day of October, and the local agent, if any, through whom any such company carries on business in the city, shall be liable for every such payment due by the company.

(See s. 363A.)

(3) ~~Every contribution due to the corporation under this section from an insurance com-~~

~~pany or from a local agent of an insurance company, shall be deemed to be a specialty debt due to the corporation from the company or from the local agent and shall be recoverable accordingly.~~

365. The amounts of the contributions ^{New.} due by insurance companies or their local agents as aforesaid, shall be proportionate to the aggregate amount of the premia respectively received by the said companies on account of property in the city insured by them in the year ending on the thirty-first day of December last preceding the official year in which such amounts are to be paid; and the aggregate of the contributions of which the amounts are so determined shall not exceed one-third of the amount of the budget-grant for the expenses of the fire-brigade and for the cost of extinguishing fires for the official year immediately preceding the year for which the contributions are so determined.

Method of determining contributions.

366. (1) Every such insurance company as aforesaid or the local agent thereof, shall on or before each ~~tenth~~ *fifteenth* day of January make a return to the commissioner, in such form as he, *with the approval of the standing committee*, may from time to time require, of the gross amount insured by the said company in respect of property in the city in the year ended on the last preceding thirty-first day of December and of the premia paid by the insurers on account of such insurance.

(2) There shall be annexed to the return so made, a declaration signed by the secretary or other officer performing the duties of secretary of the company or agency by which it is made, stating that he has compared the return with the books of the company or agency, as the case may be, and that, to the best of his knowledge, information and belief, it contains a true and faithful account of the gross amount of the sums insured by the company or agency to which he belongs in respect of property in the city and of the premia paid in respect thereof. The secretary or other officer aforesaid shall be bound to make a true declaration as aforesaid, to the best of his knowledge, information and belief.

(3) The return so made shall be the basis upon which the contribution due by

Ml. Acts,
1872 and 1878,
s. 123.

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[Ch. XIV.—Municipal Fire-brigade, Sects. 367—368A. Ch. XV.—Sanitary Provisions, Sects. 369—372.]

each company or agent for the next ensuing official year shall be calculated.

367. If any such insurance company as aforesaid or the local agent of any such company, makes default in making any

Procedure on default of insurance company to make return.

such return as aforesaid to the commissioner, the commissioner, with the approval of the ~~town-council~~ *standing committee*, may fix the amount of contribution due by such company or agent in the next ensuing official year at such rate as he shall deem equitable.

MI. Acts, 1872 and 1878, s. 124.
Cf. Metropolitan Fire-Brigade Act, 1865, (28 & 29 Vic., c. 90), s. 30.

368. (1) In the event of the occurrence of a fire in any premises not insured against fire, the owner of the said premises shall pay, in consideration of the services rendered at the fire by the municipal fire-brigade, a contribution towards the expenses of the said brigade at such rate as shall be from time to time determined by the commissioner, with the approval of the ~~town-council~~ *standing committee*.

(2) ~~The amount of contribution so determined shall be deemed to be expenses within the meaning of section 493.~~

368A. Every contribution towards the expenses of the fire-brigade due under section 364 or 368 shall, if not paid on demand, be recoverable as if the amount thereof were a property-tax due by the company or local agent or owner liable for the same.

CHAPTER XV.

SANITARY PROVISIONS.

Scavenging and Cleansing.

369. For the purpose of securing the efficient scavenging and cleansing of all streets and premises, the commissioner shall make provision for securing:

(a) the daily surface-cleansing of all streets in the city and the removal of the sweepings therefrom;

(b) the removal of the contents of all receptacles and depôts and of the accumulations at all places provided or appointed by him under section 371 or 372 for the temporary deposit of any of the matters specified in the said sections.

370. All matters collected by municipal servants or contractors in pursuance of the last preceding section and of section 373 shall be the property of the ~~corporation~~ *council*.

Refuse, &c., to be the property of the ~~corporation~~ *council*.

373 shall be the property of the ~~corporation~~ *council*.

371. (1) The commissioner shall provide or appoint in proper and convenient situations, public receptacles, depôts and places for the temporary deposit or final disposal of:

Provision & appointment of receptacles, depôts & places for refuse, &c.

(a) dust, ashes, refuse and rubbish;

(b) carcasses of dead animals, and excrementitious and polluted matter:

(2) Provided that:

(c) the said matters shall not be finally disposed of in any place or manner in which the same have not heretofore been so disposed of, without the sanction of the ~~corporation~~ *council*; or in any place or manner which Government think fit to disallow;

(d) any power conferred by this section shall be exercised in such manner as to create the least practicable nuisance.

372. (1) It shall be incumbent on the occupiers of all premises to cause all dust, ashes, refuse and rubbish to be collected from their respective premises and to be deposited at such times as the commissioner, by public notice, from time to time prescribes, in the public receptacle, depôt or place provided or appointed under clause (a) of the last preceding section for the temporary deposit thereof:

(2) Provided that the commissioner may, if he thinks fit, by written notice, require the occupier or owner of any land to cause all dust, ashes, refuse and rubbish to be collected daily, or otherwise periodically, from the said land and from any building

occupiers of all premises to cause all dust, ashes, refuse and rubbish to be collected daily, or otherwise periodically, from the said land and from any building

C. Public Health Acts, 1875, (38 & 39 Vic., c. 55), s. 42.

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

MI. Acts, 1872 and 1878, s. 213.

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[Ch. XV.—Sanitary Provisions, Sects. 373—376.]

standing thereon and deposited temporarily upon any place forming a part of the said land which the commissioner appoints in this behalf, and it shall be incumbent on the said occupier to cause the said matters to be collected and deposited accordingly.

MI. Acts,
1872 and 1878,
s. 69, cl. (3).

373. When the commissioner has given public notice, under clause (a) of section 141, of his intention to provide, in a certain portion of the city, for the collection, removal and disposal, by municipal agency, of all excrementitious and polluted matter from privies, urinals and cesspools, it shall be lawful for the commissioner to provide take measures for the daily collection, removal and disposal of such matter from all premises situate in the said portion of the city.

New.

374. It shall be incumbent on the occupier of any premises situate in any portion of the city for which the commissioner has not given a public notice under clause (a) of section 141 and in which there is not a water-closet or privy connected with a municipal drain, to cause all excrementitious and polluted matter accumulating upon his premises to be collected and to be conveyed to the receptacle or dépôt provided for this purpose under clause (b) of section 371, at such times, in such vehicle, or vessel, by such route and with such precautions, as the commissioner by public notice from time to time prescribes.

MI. Acts,
1872 and 1878,
s. 216.

New.

375. In any portion of the city in which the commissioner has given a public notice under clause (a) of section 141 and in any premises, wherever situate, in which there is a water-closet or privy connected with a municipal drain, it shall not be lawful, except with the written permission of the commissioner, for any person, who is not employed by or on behalf of the commissioner, to discharge any of the duties of halalkhors.

376. No person:

Prohibition of:

(a) who is bound,
under section 372

or section 374, to cause the removal of dust, ashes, refuse and rubbish, or of excrementitious or polluted matter,

failure to remove refuse, &c., when bound to do so;

shall allow the same to accumulate on his premises for more than twenty-four hours or neglect to cause the same to be removed to the dépôt, receptacle or place provided or appointed for the purpose;

(b) shall remove any dust, ashes, refuse or rubbish, or any excrementitious or polluted matter, otherwise than in conformity with the requirements of any public or written notice at the time being in force under section 372, or use for the removal of any excrementitious or polluted matter any vehicle or vessel not having a covering proper for preventing the escape of any portion of the contents thereof or of the stench therefrom;

(c) shall, whilst engaged in the removal of any dust, ashes, refuse or rubbish, or of any excrementitious or polluted matter, fail forthwith thoroughly to sweep and cleanse the spot in any street upon which, during removal, any portion thereof may fall, and entirely to remove the sweepings;

(d) shall place or set down in any street any vehicle or vessel for the removal of excrementitious or polluted matter, or suffer the same to remain in any street for any greater length of time than is reasonably necessary;

(e) shall throw or place any dust, ashes, refuse, or rubbish, or any excrementitious or polluted matter, on any street, or in any place not provided or appointed for this purpose under section 371 or 372;

(f) who is the owner or occupier of any building or land, shall allow any filthy matter to flow, soak, or be thrown therefrom or keep or

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

MI. Acts,
1872 and 1878,
ss. 216, 217,
218.

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[Ch. XV.—Sanitary Provisions, Sects. 377—383 (1).]

suffer to be kept therein or thereupon, anything so as to be a nuisance to any person, or negligently suffer any privy-receptacle or other receptacle or place for the deposit of filthy matter or rubbish on his premises to be in such a state as to be offensive or injurious to health.

Cf. Ben. Act IV., 1876, s. 141, and Ml. Acts, 1872 and 1878, s. 217.

377. If it shall in any case be shown that dust, ashes, refuse or rubbish, or nightsoil or any excrementitious or polluted matter has or have been thrown or placed on any street or place, in contravention of clause (e) of the last preceding section, from some building or land, it shall be presumed, until the contrary is proved, that the said offence has been committed by the occupier of the said building or land.

Inspection and Sanitary regulation of premises.

Ml. Acts, 1872 and 1878, s. 221.

378. The commissioner may inspect any building or other premises for the purpose of ascertaining the sanitary condition thereof.

Power to inspect premises for sanitary purposes.

Ml. Acts, 1872 and 1878, s. 221.

Cleansing and lime-washing of any building may be required.

379. If it shall appear to the commissioner necessary for sanitary reasons so to do, he may, by written notice, require the owner or occupier of any building so inspected, to cause the same or some portion thereof to be limewashed or otherwise cleansed, either externally or internally, or both externally and internally.

Ml. Acts, 1872 and 1878, s. 202.

Cf. Metropolitan Management and Building Acts Amendment Act, 1882, (45 Vic., c. 14), s. 17.

380. If any premises, by reason of their being abandoned or unoccupied, become a resort of disorderly persons or, in the opinion of the commissioner, a nuisance, the commissioner, after such inquiry as he deems necessary, may give written notice to the owner of such premises, if he be known and resident within the city, or to any person who is known or believed to claim to be the owner, if such person is resident within the city, and shall also affix a copy of the said notice on some conspicuous part of the said premises, requiring all persons having any right of property or interest therein to take such order with the said premises as shall, in the opinion of the

commissioner, be necessary to prevent the same from being resorted to as aforesaid or from continuing to be a nuisance.

381. If it shall appear to the commissioner that any premises are overgrown

Ml. Acts, 1872 and 1878, s. 220.

Neglected premises. with rank and noisome vegetation or are otherwise in an unwholesome or filthy condition or, by reason of their not being properly enclosed, are resorted to by the public for purposes of nature, or are otherwise a nuisance to the neighbouring inhabitants, the commissioner may, by written notice, require the owner or occupier of such premises to cleanse, clear, or enclose the same or, with the approval of the standing committee, may require him to take such other order with the same as the commissioner thinks necessary.

382. (1) If, for any reason, any building intended for or used

Ml. Acts, 1872 and 1878, s. 220.

Buildings unfit for human habitation.

appear to the commissioner to be unfit for human habitation, he may apply to the Chief Presidency Magistrate to ~~by written notice~~, prohibit the further use of such building for such purpose; and the said magistrate, after such inquiry as he thinks fit to make, may, by written order, make a prohibition as aforesaid or may pass such other order as he shall deem just and proper.

(2) When any such prohibition has been made, no owner or occupier of such building shall use or suffer the same to be used for human habitation until in the opinion of the commissioner certifies in writing that the causes rendering it unfit for human habitation have been removed to his satisfaction or the Chief Presidency Magistrate, and the commissioner has, by a written order, withdrawn the prohibition aforesaid.

383. (1) If it shall appear to the commissioner that any

Ml. Acts, 1872 and 1878, s. 222.

Overcrowded dwellings.

building used as a dwelling is so overcrowded as to endanger the health of the inmates thereof, he may, by written notice, apply to the Chief Presidency Magistrate to prevent such overcrowding; and the said magistrate, after such inquiry as he thinks fit to make, may, by written order, require the owner of the same building, within a reasonable time not exceeding six weeks, to be prescribed in the said notice, order,

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[Ch. XV.—Sanitary Provisions, Sects. 383 (2)—388 (1) (a).]

to abate ~~such~~ the overcrowding thereof, by reducing the number of lodgers, tenants, or other inmates of the said building, or may pass such other order as he shall deem just and proper.

(2) If the owner of the said building shall have sub-let the same, the landlord of the lodgers, tenants or other actual inmates of the same shall, for the purposes of this section, be deemed to be the owner of the building.

(3) It shall be incumbent on every tenant, lodger or other inmate of the building to vacate on being required by the owner so to do in pursuance of any such requisition.

MI. Acts, 1872
and 1878, s.
172.

384. If the commissioner is of opinion that any hut or shed, used either as a dwelling or as a stable or for any other purpose, is likely, by reason of its being built without a plinth or upon a plinth of insufficient height or without proper means of drainage, or on account of the impracticability of scavenging, or owing to the manner in which it and other huts or sheds are crowded together, to cause risk of disease to the inmates thereof or to the inhabitants of the neighbourhood, or is for any reason likely to endanger the public health or safety;

he may, by written notice, which shall be affixed to some conspicuous part of such hut or shed, require the owner or occupier thereof or the owner of the land on which such hut or shed stands to remove or alter such hut or shed or to take such order for the improvement thereof as the commissioner shall deem necessary.

MI. Acts, 1872
and 1878, ss.
223 and 224.

385. If, in the opinion of the commissioner, any pool, ditch, tank, pond, well, quarry-hole, low ground, or stagnant water is or is likely to become a nuisance, the commissioner may, with the approval of the standing committee, by notice in writing, require the owner thereof to cleanse, fill up, drain off, or remove the same or to take such other order therewith as the commissioner shall deem necessary.

New.

386. If, in the opinion of the commissioner, the working of any quarry or the removal of stone, earth or other material from any place, is

dangerous to persons residing in or having legal access to the neighbourhood thereof or creates or is likely to create a nuisance, the commissioner may, with the approval of the standing committee, by written notice, require the owner of the said quarry or place to discontinue working the same or to discontinue removing stone, earth or other material from such place, or to take such order with such quarry or place, as he shall deem necessary for the purpose of preventing danger or of abating the nuisance arising or likely to arise therefrom.

Removal and trimming of trees, shrubs and hedges. 387. (1) If, in the opinion of the commissioner:

MI. Acts, 1872
and 1878, ss.
206 and 207.

(a) any hedge is at any time insufficiently cut or trimmed, or overgrown with prickly pear or other rank vegetation; or

(b) any tree or shrub has fallen or is likely to fall, to the danger of public safety, or overhangs or obstructs any street to the inconvenience or danger of passengers therein;

the commissioner may, by written notice, require the owner or occupier of the land on which such hedge, tree or shrub is or has been growing;

(c) to cut down such hedge to a height not exceeding four feet and to a width not exceeding three feet and to remove any such prickly pear or other rank vegetation therefrom; or

(d) to remove, cut, lop, or trim such tree or shrub, as the case may be.

(2) In any case falling under clause (b), the commissioner may, if for the public safety it shall appear to him necessary so to do, cause any tree or shrub to be removed, cut, lopped or trimmed, without previously giving the said owner or occupier notice as aforesaid, and the expenses thereof shall, nevertheless, be paid by the owner or occupier.

Keeping and destruction of animals and disposal of carcasses.

Prohibitions as to keeping animals. 388. (1) No person shall:

(a) without the written permission of the commissioner, or otherwise than in conformity with the terms of such permission, keep any swine in any part of the city;

Bo. MI. By-laws, ch. II
A, s. 19.

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[Ch. XV.—Sanitary Provisions, Sects. 388 (1) (b)—392 (g).]

Ml. Acts, 1872
and 1878, s.
218.

(b) keep any animal on his premises so as to be a nuisance or dangerous to any person ;

Ml. Acts, 1872
and 1878, s.
236.

(c) feed any animal, or suffer or permit any animal to be fed, or to feed with or upon excrementitious matter, dung, stable-refuse or other filthy matter.

(2) Any swine found straying may be forthwith destroyed and the carcass thereof disposed of as the commissioner shall direct. No claim shall lie for compensation for any swine so destroyed.

Ml. Acts, 1872
and 1878, s.
219.

389. (1) The occupier of any premises in or upon which any animal shall die or upon which the carcass of any animal shall be found and the person having the charge of any animal which dies in a street or in any open place, shall, within three hours after the death of such animal, or if the death occurs at night, within three hours after sunrise, either :

(a) remove the carcass of such animal to some receptacle, depôt or place appointed by the commissioner, under clause (b) of section 371 for the temporary deposit or final disposal of such carcasses, or

(b) report the death of the animal to an officer of the health department of the division of the city in which the death occurred, with a view to his causing the same to be removed.

(2) When any carcass is so removed by the health department, a fee for the removal of such amount as shall be fixed by the commissioner shall be paid by the owner of the animal or, if the owner is not known, by the occupier of the premises in or upon which, or by the person in whose charge, the same died.

*Regulation of public bathing, washing, &c.*Ml. Acts, 1872
and 1878, s.
151.

390. The commissioner may from time to time set apart portions of the seashore or other suitable places vesting in the ~~corporation~~ council for use by the public for bathing, for the washing of animals or for drying clothes, and may from time to time, by public notice, prohibit the use by the public of any portion of the seashore or place not vesting in the ~~corporation~~ council for any of the said purposes.

391. (1) The commissioner may, by public notice, regulate the use by the public :

(a) of any portion of the seashore or other place vesting in the ~~corporation~~ council set apart by him for any purpose under the last preceding section ;

(b) of any portion of the seashore or other place not vesting in the ~~corporation~~ council, used with his acquiescence, for any purpose mentioned in the last preceding section ;

(c) of any work and of the water in any work assigned and set apart under section 268 for any particular purpose ;

(2) In the case of any portion of the seashore or of any place or work set apart, assigned or used as aforesaid for bathing, the commissioner may, in such notice, prescribe the times and places of bathing for persons of each sex.

392. Except as permitted by any order or regulation made under section 268, 390 or 391, no person shall :

(a) bathe in or near any lake, tank, reservoir, fountain, cistern, duct, stand-pipe, stream or well or on any part of the seashore or other place vesting in the ~~corporation~~ council ;

(b) wash or cause to be washed in or near any such place or work any animal, clothes or other article ;

(c) throw, put or cause to enter into the water in any such place or work, any animal or other thing ;

(d) cause or suffer to drain into or upon any such place or work or to be brought thereinto or thereupon, anything, or do anything, whereby the water shall be in any degree fouled or corrupted ;

(e) dry clothes in or upon any such place.

And no person shall :

(f) in contravention of any prohibition made by the commissioner under section 390, use any portion of the seashore or any place not vesting in the ~~corporation~~ council for any purpose mentioned in the said section ;

(g) contravene any regulation made by the commissioner under section 391

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[Ch. XV.—Sanitary Provisions, Sects. 393—397 (3).]

for the use of any such portion of the seashore or place for any such purpose.

393. No person shall :

Prohibition of corruption of water by steeping therein animal or other matter, &c.

ral matter likely to render the water thereof offensive or dangerous to health ;

(b) whilst suffering from any contagious or loathsome disease, bathe in or near any lake, tank, reservoir, fountain, cistern, duct, standpipe, stream or well or on any part of the seashore.

Regulation of factories, trades, &c.

394. (1) No person shall newly es-

Factory, &c., not to be newly established without permission of the commissioner. tablish in any premises any factory, workshop or workplace in which it is intended that steam, water or other mechanical power shall be employed, without the previous written permission of the commissioner.

(2) The commissioner may refuse to give such permission, if he shall be of opinion that the establishment of such factory, workshop or workplace in the proposed position is objectionable by reason of the density of the population in the neighbourhood thereof or will be a nuisance to the inhabitants of the neighbourhood.

395. (1) No person shall :

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

trade or manufacture, which does not, so far as practicable, consume its own smoke ; or

(b) so negligently use or permit to be used any such furnace as that it shall not, as far as practicable, consume its own smoke.

(2) Nothing in this section shall be deemed to apply to a locomotive engine used for the purpose of traffic upon any railway or for the repair of streets.

396. (1) Whenever it shall appear to

Sanitary regulation of factories, bakehouses, &c.

the commissioner that any factory, bakehouse, workshop or workplace or any

building or place, in which steam, water or other mechanical power is employed, is not kept in a cleanly state or is not ventilated in such a manner as to render harmless, as far as practicable, any gas, vapour, dust or other impurity generated in the course of the work carried on therein, which is a nuisance,

or is so overcrowded while work is carried on as to be dangerous or injurious to the health of the persons employed therein,

or that any engine, mill-gearing, hoist or other machinery therein is so fixed or so insecurely fenced as to be dangerous to life or limb ;

the commissioner may, by written notice, require the owner of such factory, bakehouse, workshop, workplace or other building or place to take such order for putting and maintaining the same in a cleanly state or for ventilating the same, or for preventing the same from being overcrowded, or for preventing danger to life or limb from any engine, mill-gearing, hoist or other machinery therein, as he shall think fit.

(2) Nothing in this section shall be deemed to affect any provision of the *Bombay Boiler Inspection Act, 1887*, and nothing in this section which relates to the fixing or fencing of any engine, mill-gearing, hoist or other machinery shall apply in any factory to which the provisions of the *Indian Factory Act, 1881*, are applicable. Bo. III of 1887.

397. (1) No person shall, without the written permission of the

Prohibition of use of steam-whistle or steam-trumpet without permission of the commissioner.

commissioner, use or employ in any factory or any other place, any steam-whistle or steam-trumpet for the purpose of summoning or dismissing workmen or persons employed.

(2) The commissioner may at any time revoke any permission which he has given for the use of any such instrument as aforesaid, on giving one month's notice to the person using the same :

(3) Provided that nothing in sub-section (2) shall be deemed to require one month's notice to be given by the commissioner, if he suspends or revokes any such permission for any reason specified in sub-section (3) of section 482.

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[Ch. XV.—Sanitary Provisions, Sects. 398—400 (2).]

MI. Acts,
1872 and
1878, ss. 225
—227.

398. (1) No person shall use any premises for any of the purposes hereinbelow mentioned, without or otherwise than in conformity with the terms of a license granted by the commissioner in this behalf, namely:

- (a) any of the purposes specified in schedule M;
- (b) any purpose which is, in the opinion of the commissioner, dangerous to life, health or property, or likely to create a nuisance;
- (c) keeping horses, cattle or other fourfooted animals for sale or hire or for sale of the produce thereof;
- (d) storing for other than domestic use, or selling, timber, firewood, charcoal, coal, coke, ashes, hay, grass, straw or any other combustible thing.

(2) Every person to whom a license is granted by the commissioner to use any premises for any of the purposes mentioned in sub-section (1) shall keep affixed in a conspicuous part of the said premises a board upon which shall be legibly written in English, and also in either Maráthi, Gujaráthi or Urdu, the following particulars (namely):

- (e) the licensee's name;
- (f) the purpose for which and the limitations and conditions subject to which the license is granted;
- (g) any other details relating to the license or the terms thereof, which the commissioner from time to time thinks fit to require.

399. (1) No person engaged in any trade or manufacture specified in schedule M, shall:

- (a) wilfully cause or suffer to be brought, or to flow into any lake, tank, reservoir, cistern, well, duct or other place for water belonging to the corporation council or into any drain or pipe communicating therewith, any washing or other substance produced in the course of any such trade or manufacture as aforesaid;

- (b) wilfully do any act connected with any such trade or manufacture as aforesaid, whereby the water in any such lake, tank, reservoir, cistern, well, duct or

other place for water is fouled or corrupted.

(2) The commissioner may, after giving not less than twenty-four hours' previous notice in writing to the owner or to the person who has the management or control of any works, pipes or conduits connected with any such manufacture or trade as aforesaid, lay open and examine the said works, pipes or conduits;

and if, upon such examination, it appears that sub-section (1) has been contravened by reason of anything contained in or proceeding from the said works, pipes or conduits, the expenses of such laying open and examination and of any measure which the commissioner shall, in his discretion, require to be adopted for the discontinuance of the cause of such contravention, shall be paid by the owner of the said works, pipes or conduits or by the person who has the management or control thereof or through whose neglect or fault the said sub-section has been contravened;

but if it appear that there has been no contravention of the said sub-section, the said expenses and compensation for any damage occasioned by the said laying open and examination shall be paid by the commissioner.

400. (1) The commissioner may at any time, by day or by night, without notice, enter into or upon any premises used for any of the purposes mentioned in section 398 and upon any premises in which a furnace is employed for the purpose of any trade or manufacture and into any bake-house, in order to satisfy himself as to whether any provision of this Act or any by-law made under this Act at the time in force or any condition of any license granted under this Act is being contravened, and as to whether any nuisance is created upon such premises.

(2) No claim shall lie against any person for compensation for any damage necessarily caused by any such entry or by the use of any force necessary for effecting such entry: provided that force shall not be used for effecting an entry, unless when there is reason to believe that an offence is being committed against some

MI. Acts,
1872 and
1878, s. 152.

Cf. Public
Health Act,
1875 (38 & 39
Vic., c. 55),
s. 68.

MI. Acts,
1872 and
1878, s. 228.

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provision of this Act or some by-law made under this Act.

401. (1) The commissioner may, by Regulation of washing of clothes by washermen. public notice, prohibiting the washing of clothes by washermen in the exercise of their calling, except at such places as he shall appoint for this purpose; and when any such prohibition has been made, no person who is, by calling, a washerman shall wash clothes at any place not appointed for this purpose by the commissioner, except for such person himself or for the owner or occupier of such place.

(2) The commissioner shall provide Washing-places to be provided by the commissioner for washermen. suitable places for the exercise by washermen of their calling and may require payment of such fees for the use of any such place as shall from time to time be determined by the commissioner, with the approval of the ~~town council~~ standing committee.

Maintenance and regulation of markets and slaughter-houses.

402. All markets and slaughter-houses What to be deemed municipal markets and slaughter-houses. which belong to or are maintained by the corporation council shall be called "municipal markets" or "municipal slaughter-houses." All other markets and slaughter-houses shall be deemed to be private.

403. (1) The commissioner, when authorized by the council, either generally or specially, in this behalf, may construct, Provision of new municipal markets and slaughter-houses.

purchase or take on lease any building or land for the purpose of establishing a new municipal market or a new municipal slaughter-house or of extending or improving any existing municipal market or slaughter-house, and may from time to time build and maintain such municipal markets and slaughter-houses and such stalls, shops, sheds, pens and other buildings or conveniences for the use of the persons carrying on trade or business in, or frequenting such municipal markets or slaughter-houses, and provide and maintain in such municipal markets such buildings, places, machines, weights, scales and measures for weighing and measuring goods sold therein, as he shall think fit.

(2) Municipal slaughter-houses may be situate within or, with the sanction of Government, without the city.

404. The commissioner may, with the sanction of the corporation council and of Government, at any time close any municipal market or slaughter-house; and the premises occupied for any market or slaughter-house so closed may be disposed of as the property of the corporation council. ML. Acts, 1872 and 1878, s. 238.

405. (1) No person shall, without a license from the commissioner, sell or expose for sale any animal or article in any municipal market. ML. Acts, 1872 and 1878, s. 240.

(2) Any person contravening this section may be summarily removed by the commissioner or by any municipal officer or servant. Cf. Ben. Act IV, 1876, s. 314.

406. (1) The council shall from time to time determine whether the establishment of new private markets shall be permitted in the city or in any specified portion of the city. Opening of new private markets.

406. (1) (2) No person shall establish a new private market for the sale of, or for the purpose of exposing for sale, animals intended for human food or any other article of human food, except with the sanction of the commissioner, who shall be guided in giving such sanction by the decisions of the council at the time in force under subsection (1). ML. Acts, 1872 and 1878, s. 241.

(2) (3) When the establishment of a new private market has been so sanctioned, the commissioner shall cause a notice of such sanction to be affixed in the English, Maráthi, and Gujaráti and Urdu languages on some conspicuous spot on or near the building or place where such market is to be held.

407. (1) No person shall, without or otherwise than in conformity with the terms of a license granted by the commissioner in this behalf:

(a) keep open a private market; New.

(b) use any place in the city as a slaughter-house or for the slaughtering of any animal intended for human food; ML. Acts, 1872 and 1878, ss. 231 and 232.

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(c) use any place without the city, whether as a slaughter-house or otherwise, for the slaughtering of any animal intended for human food to be consumed in the city :

(2) Provided that :

(d) the commissioner shall not refuse, cancel or suspend any license for keeping open a private market for any cause other than the failure of the owner thereof to comply with some provision of this Act, or with some regulation framed under section 410, or with some by-law made under this Act at the time in force ;

(e) nothing in this section shall be deemed to prevent the commissioner from granting written permission for the slaughter of an animal in any place that he thinks fit on the occasion of any festival or ceremony or under special circumstances.

(3) When the commissioner has refused, cancelled or suspended any license to keep open a private market, he shall cause a notice of his having so done to be affixed in the English, Maráthi, and Gujaráti and Urdu languages on some conspicuous spot on or near the building or place where such market has been held.

408. No person who knows or has reason to know that any private market has been established without the sanction of the commissioner, or is kept open after a license for keeping the same open has been refused, cancelled or suspended by the commissioner, shall sell or expose for sale therein any animal or article of food.

409. The commissioner may, by written notice, require the owner, farmer or occupier of any private market or slaughter-house, to cause :

(a) the whole or any portion of the floor of the market-building, market-place or slaughter-house to be paved with dressed stone or other suitable material ;

(b) such drains to be made in or from the market-building, market-place or slaughter-house, of such material, size and description, at such level and with

such outfall as to the commissioner may appear necessary.

410. The commissioner may, with the approval of the standing committee, from time to time make Regulations to be framed for markets and slaughter-houses.

regulations not inconsistent with any provision of this Act or of any by-law made under this Act at the time in force :

(a) for preventing nuisances or obstruction in any market-building, market-place or slaughter-house or in the approaches thereto ;

(b) fixing the days and the hours on and during which any market or slaughter-house may be held or kept open for use ;

(c) for keeping every market-building, market-place and slaughter-house in a cleanly and proper state and for removing filth and refuse therefrom ;

(d) requiring that any market-building, market-place or slaughter-house be properly ventilated and be provided with a sufficient supply of water ;

(e) requiring that in market-buildings and market-places passages be provided between the stalls of sufficient width for the convenient use of the public.

411. The commissioner may :

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

(a) charge for the occupation or use of any stall, shop, standing, shed or pen in a municipal market or slaughter-house, and for the right to expose goods for sale in a municipal market and for weighing and measuring goods sold in any such market and for the right to slaughter animals in any municipal slaughter-house, such stallages, rents and fees as shall from time to time be fixed by him, with the approval of the town-council standing committee, in this behalf ; or

(b) with the approval of the town-council standing committee, farm the stallages, rents and fees leviable as aforesaid or any portion thereof, for any period not exceeding one year at a time ; or

(c) put up to public auction, or, with the approval of the town-council standing committee, dispose of, by private sale, the privilege of occupying or using any stall, shop, standing, shed or pen in a

MI. Acts,
1872 and
1878, s. 231,
Proviso.

New.

Prohibition of sale in unauthorised private markets.

MI. Acts,
1872 and
1878, s. 242.

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

MI. Acts,
1872 and
1878, s. 239.
Ben. Act IV
of 1876, s.
311.

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municipal market or slaughter-house for such term and on such conditions as he shall think fit.

New.

412. (1) A printed copy of the regulations and of the table of stallages, rents and fees, if any, in force in any market or slaughter-house under the two last preceding sections, in the English, Maráthi, and Gujaráti and Urdu languages, shall be affixed in some conspicuous spot in the market-building, market-place or slaughter-house.

(2) No person shall, without authority, destroy, pull down, injure or deface any copy of any regulation or table so affixed.

Ben. Act IV. of 1876, s. 314.

413. The commissioner may expel from any municipal market or slaughter-house any person, who or whose servants ~~may be~~ *has been* convicted of contravening any by-law made under this Act or any regulation made under section 410 at the time in force in such market or slaughter-house and may prevent such person, by himself or his servants, further carrying on any trade or business in such market or slaughter-house or occupying any stall, shop, standing, shed, pen or other place therein and may determine any lease or tenure which such person may have in any such stall, shop, standing, shed, pen or place.

Sale of articles of food outside of markets.

New.

414. (1) Except as hereinafter provided, no person shall, without a license from the commissioner,

(a) sell or expose for sale any fourfooted animal or any meat or fish or vegetable intended for human food, in any place other than a municipal or private market:

(b) ~~hawk or carry about for sale in the streets any animal or article intended for human food:~~

(2) Provided that nothing in clause (a) *sub-section (1)* shall apply to fresh fish sold from, or exposed for sale in a vessel in which it has been brought direct to the seashore after being caught at sea ~~or to any vegetable sold or exposed for sale at the spot where it has been grown.~~

Licensing of butchers, &c.

415. No person shall, without or otherwise than in conformity with the terms of a license granted by the commissioner in this behalf:

(a) carry on within the city, or at any municipal slaughter-house, the trade of a butcher; Ml. Acts, 1872 and 1878, s. 235.

(b) use any place in the city for the sale of the flesh of any animal intended for human food, or any place without the city for the sale of such flesh for consumption in the city. Ml. Acts, 1872 and 1878, s. 231.

416. (1) No person shall, without the written permission of the commissioner, bring into the city any cattle, sheep, goat or swine intended for human food or the flesh of any such animal, which has been slaughtered at any slaughter-house or place not maintained or licensed under this Act. New.

(2) Any animal or flesh brought into the city in contravention of this section may be seized by the commissioner or by any municipal officer or servant and be sold or otherwise disposed of as the commissioner shall direct. The proceeds, if any, shall belong to the *corporation council*.

(3) Nothing in this section shall be deemed to apply to cured or preserved meat.

Inspection of places of sale, &c.

417. (1) If the commissioner shall have reason to believe that any animal intended for human food is being slaughtered, or that the flesh of any such animal is being sold or exposed for sale, in any place or manner not duly authorized under the provisions of this Act, the commissioner may at any time by day or by night, without notice, enter such place for the purpose of satisfying himself as to whether any provision of this Act or of any by-law made under this Act at the time in force is being contravened thereat. Ml. Acts, 1872 and 1878, s. 234.

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

(2) No claim shall lie against any person for compensation for any damage necessarily caused by any such entry or by

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the use of any force necessary for effecting such entry.

Public Health Act, 1875 (38 and 39 Vic., c. 55), s. 116. Cf. Ml. Acts, 1872 and 1878, s. 244.

418. It shall be the duty of the commissioner to make provision for the constant and vigilant inspection of animals, carcasses, meat, poultry, game, flesh, fish, fruit, vegetables, corn, bread, flour, milk, ghee, butter and any other article exposed or hawked about for sale or deposited in or brought to any place for the purpose of sale or of preparation for sale and intended for human food or for medicine, the proof that the same was not exposed or hawked about or deposited or brought for any such purpose or was not intended for human food or for medicine resting with the party charged.

Public Health Act, 1875 (38 and 39 Vic., c. 55), s. 116. Ml. Acts, 1872 and 1878, s. 244.

419. (1) The commissioner may at all reasonable times inspect and examine any such animal or article as aforesaid and any utensil or vessel used for preparing, manufacturing or containing the same.

(2) If any such animal or article appears to the commissioner to be diseased or unsound or unwholesome or unfit for human food or for medicine, as the case may be, or is not what it is represented to be, or if any such utensil or vessel is of such kind or in such state as to render any article prepared, manufactured or contained therein unwholesome or unfit for human food or for medicine, as the case may be,

he may seize and carry away such animal, article, utensil or vessel, in order that the same may be dealt with as hereinafter provided.

420. If any meat, fish, vegetable or other article of a perishable nature be seized under the last preceding section and the same is, in the opinion of the commissioner, diseased, unsound, unwholesome or unfit for human food or for medicine, as the case may be,

the commissioner shall cause the same to be forthwith destroyed in such manner as to prevent its being again exposed for sale or used for human food or for medicine, and the expenses thereof shall be

paid by the person in whose possession such article was at the time of its seizure.

421. (1) Any animal and any article not of a perishable nature and any utensil or vessel seized under section 419 shall or forthwith taken before a presidency magistrate.

Ml. Acts, 1872 and 1878, s. 244. Public Health Act, 1875 (38 and 39 Vic., c. 55), s. 117.

(2) If it shall appear to such magistrate that any such animal or article is diseased, unsound or unwholesome or unfit for human food, or for medicine, as the case may be, or is not what it was represented to be or that such utensil or vessel is of such kind or in such state as aforesaid,

he shall cause the same to be destroyed, at the charge of the person in whose possession it was at the time of its seizure, in such manner as to prevent the same being again exposed or hawked about for sale or used for human food or for medicine, or for the preparation or manufacture of, or for containing any such article as aforesaid.

Weights and Measures.

422. (1) The commissioner shall from time to time provide such local standards of measure and weight as he deems requisite for the purpose of verification of weights and measures in use in the city and shall make such arrangement as he shall think fit for the safe keeping of the said standards.

Act XLVIII. of 1860, s. 17, as amended by Bom. Act IV. of 1882. Weights and Measures Act (41 & 42 Vic., c. 49), s. 40.

(2) The commissioner shall also provide from time to time proper means for verifying weights and measures by comparison with the said standards and for stamping the weights and measures so verified.

423. (1) The commissioner shall from time to time fix the times and places at which some municipal officer appointed by him in this behalf shall attend for the purpose of the verification of weights and measures.

Weights and Measures Act (41 and 42 Vic., c. 49), s. 44.

(2) The municipal officer so appointed shall attend, with the local standards in his custody, at each time and place fixed and shall examine every measure or weight which is of the same denomination as one of such standards and is brought to him for the purpose of verification and com-

Ml. Acts, 1872 and 1878, s. 244. New.

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pare the same with that standard and, if he find the same correct, shall stamp it with a stamp of verification in such manner as best to prevent fraud.

(3) The said municipal officer shall enter in a book kept by him minutes of every such verification and give, if required, a certificate under his hand of every such stamping.

424. There shall be payable to the ~~corporation~~ council in respect of the verification and stamping of weights and measures by a municipal officer as aforesaid such fees as the commissioner, with the approval of the ~~corporation~~ council, from time to time fixes in this behalf.

Prevention of spread of dangerous diseases.

425. Every medical practitioner who treats or becomes cognizant of the existence of any dangerous disease in any private or public dwelling, other than a public hospital, shall give information of the same with the least practicable delay to the executive health officer. The said information shall be communicated in such form and with such details as the executive health officer, with the consent of the commissioner, may from time to time require.

426. The commissioner may at any time, by day or by night, without notice, or after giving such notice of his intention as shall, in the circumstances, appear to him to be reasonable, inspect any place in which any dangerous disease is reputed or suspected to exist, and take such measures as he shall think fit to prevent the spread of the said disease beyond such place.

427. (1) If it shall appear to the commissioner that the prohibition of use for drinking of water likely to cause dangerous disease is likely, if used for drinking, to engender or cause the spread of any dangerous disease, he may, by public notice, prohibit the removal or use of the said water for the purpose of drinking.

(2) No person shall remove or use for the purpose of drinking any water in respect of which any such public notice has been issued.

428. (1) The commissioner or any police officer empowered by him in this behalf may, on a certificate signed by the executive health officer or by any duly qualified medical practitioner, direct or cause the removal of any person who is, in the opinion of such executive health officer or other medical practitioner, without proper lodging or accommodation or who is lodged in a building occupied by more than one family and who is suffering from a dangerous disease, to any hospital or place at which patients suffering from the said disease are received for medical treatment.

(2) The person, if any, who has charge of a person in respect of whom an order is made under sub-section (1) shall obey such order.

429. (1) If the commissioner is of opinion that the disinfection of buildings, &c., cleansing or disinfecting of a building or of a part of a building or of any article therein likely to retain infection, would tend to prevent or check the spread of any dangerous disease, he may, by written notice, require the owner or occupier of such building to cleanse or disinfect such building or part thereof or article therein and, if it shall appear to the commissioner necessary, to vacate the said building for such time as shall be prescribed in the said notice:

(2) Provided that if, in the opinion of the commissioner, the owner or occupier is from poverty or other cause unable effectually to comply with such requisition, the commissioner may cause the building or part of the building or article likely to retain infection to be cleansed or disinfected and defray the cost of so doing.

430. (1) If the commissioner is of opinion that the destruction of any hut or shed is necessary to prevent the spread of any dangerous disease, he may, after giving, to the owner or occupier of

Weights and Measures Act, 1878, (41 and 42 Vic., c. 49), s. 47.

MI. Acts, 1872 and 1878, s. 245A.

MI. Acts, 1872 and 1878, s. 245B.

New.

MI. Acts, 1872 and 1878, s. 245D.

MI. Acts, 1872 and 1878, s. 245E.

New.

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such hut or shed, such previous notice of his intention as may in the circumstances of the case appear to him reasonable, take measures for having such hut or shed and all the materials thereof destroyed.

(2) Compensation may be paid by the commissioner, in any case which he thinks fit, to any person who sustains substantial loss by the destruction of any such hut or shed; but except as so allowed by the commissioner, no claim for compensation shall lie for any loss or damage caused by any exercise of the power conferred by this section.

MI. Acts,
1872 and
1878, s. 245F.

431. (1) The commissioner may provide a place, with all necessary apparatus and attendance, for the disinfection of clothing, bedding or other articles which have become infected and, in his discretion, may have articles brought to such place for disinfection disinfected on payment of such fees as he shall from time to time fix, with the approval of the ~~town-council~~ *standing committee* in this behalf, or, in any case in which he thinks fit, free of charge.

(2) The commissioner may, from time to time, by public notice, appoint a place at which clothing, bedding, or other articles which have been exposed to infection from any dangerous disease may be washed; and no person shall wash any such article at any place not so appointed, without having previously disinfected the same.

(3) The commissioner may direct the disinfection or destruction of bedding, clothing, or other articles likely to retain infection.

(4) The commissioner may, in his discretion, give compensation for any article destroyed under sub-section (3).

MI. Acts,
1872 and
1878, s. 245H.

432. (1) No person who is suffering from a dangerous disease aforesaid shall enter a public conveyance without previously notifying to the owner, driver or person in charge of such conveyance that he is so suffering.

(2) Notwithstanding anything contained in any Act relating to public conveyances for the time being in force, no owner or

driver or person in charge of a public conveyance shall be bound to carry any person suffering as aforesaid in such conveyance unless payment or tender of sufficient compensation for the loss and expenses he must incur in disinfecting such conveyance is first of all made to him.

433. The commissioner, *with the sanction of the council*, may provide and maintain suitable conveyances for the

MI. Acts,
1872 and
1878, s. 245G.

free carriage of persons suffering from any dangerous disease; and when such conveyances have been provided, it shall not be lawful to convey any such person by any other public conveyance.

Provisions as to carriage of persons suffering from dangerous disease in public conveyances.

434. (1) No person who is suffering from a dangerous disease shall:

MI. Acts,
1872 and
1878, s. 245G.

(a) without proper precautions against spreading such disease, cause or suffer himself to be carried in a public conveyance;

(b) cause or suffer himself to be carried in a public conveyance contrary to the provision of the last preceding section.

(2) No person shall go in company with, or take charge of, any person suffering as aforesaid, who causes or permits himself to be carried in a public conveyance in contravention of sub-section (1).

(3) No owner, or driver, or person in charge of a public conveyance shall knowingly carry or permit to be carried in such conveyance any person suffering as aforesaid, in contravention of the said sub-section.

435. The owner, driver or person in charge of a public conveyance in which any person suffering as aforesaid has been carried shall immediately provide for the disinfection of the same.

MI. Acts,
1872 and
1878, s. 245G.

436. (1) No person shall, without previous disinfection of the same, give, lend, sell, transmit or otherwise dispose of any

MI. Acts,
1872 and
1878, s. 245G.

article which he knows or has reason to know has been exposed to infection from any dangerous disease.

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(2) Nothing in this section shall be deemed to apply to a person who transmits, with proper precautions, any such article for the purpose of having the same disinfected.

ML. Acts,
1872 and
1878, s. 245I.

437. (1) No person shall let a building or any part of a building, in which he knows or has reason to know that a person has been suffering from a dangerous disease, without first having such building or part thereof and every article therein likely to retain infection disinfected, to the satisfaction of the executive health officer or of some duly qualified medical practitioner, as testified by such officer's or medical practitioner's certificate.

(2) For the purpose of this section, the keeper of a hotel or inn shall be deemed to let part of his building to any person accommodated in such hotel or inn.

Special sanitary measures.

ML. Acts,
1872 and
1878, s. 245.

438. (1) In the event of the city being at any time visited or threatened with an outbreak of any dangerous disease, or in the event of any infectious disease breaking out or being likely to be introduced into the city amongst cattle—including under this expression sheep and goats,—

the commissioner, if he thinks the ordinary provisions of this Act or of any other law at the time in force are insufficient for the purpose, may, with the sanction of Government :

(a) take such special measures, and

(b) by public notice, prescribe such temporary regulations to be observed by the public or by any person or class of persons,

as he shall deem necessary to prevent the outbreak of such disease or the spread thereof.

(2) *The commissioner shall forthwith report to the council any measures taken and any regulations prescribed by him under sub-section (1).*

Disposal of the dead.

ML. Acts,
1872 and
1878, s. 246.

439. Every owner or person having the control of a place used for burying, burning or otherwise disposing of the dead

Places for disposal of the dead to be registered.

shall cause the same to be registered in a register which shall be kept by some municipal officer charged by the commissioner with this duty, and shall deposit in the municipal office at the time of registration a plan of the said place, showing the extent and boundaries thereof, bearing the signature of a licensed surveyor in token of its having been prepared by such surveyor.

440. If the existing places for the disposal of the dead shall at any time appear to be insufficient, or if any such place is closed under the provisions of section 442, the commissioner shall, with the sanction of the corporation, council, provide other fit and convenient places for the said purpose, either within or without the city, and shall cause the same to be registered in the register kept under section 439 and shall deposit in the municipal office, at the time of registration of each place so provided, a plan thereof showing the extent and boundaries of the same and bearing the signature of the municipal executive engineer.

Provision of new places for disposal of the dead.

ML. Acts,
1872 and
1878, s. 249,
proviso.

441. No place which has never previously been lawfully used as a place for the disposal of the dead and registered as such, shall be opened by any person for the said purpose without the written permission of the commissioner, who, *with the approval of the council*, may grant or withhold such permission.

New places for disposal of the dead not to be opened without permission of commissioner.

ML. Acts,
1872 and
1878, s. 247.

442. (1) If, from information furnished by competent persons and after personal inspection, the commissioner shall at any time be of opinion :

ML. Acts,
1872 and
1878, s. 249.

(a) that any place of public worship is or is likely to become injurious to health by reason of the state of the vaults or graves within the walls of, or underneath the same, or in any churchyard or burial-ground adjacent thereto, or

(b) that any other place used for the disposal of the dead is in such a state as to be or to be likely to become injurious to health,

he may submit his said opinion, with the reasons therefor, *to the council, who shall*

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forward the same, with their opinion, for the consideration of the Governor in Council.

(2) Upon receipt of such opinions, the Governor in Council, after such further inquiry, if any, as he shall deem fit to cause to be made, may, by notification published in the *Bombay Government Gazette* and in the local newspapers, direct that such place of public worship or other place for the disposal of the dead be no longer used for the disposal of the dead. Every order so made shall be noted in the register kept under section 439.

(3) On the expiration of two months from the date of any such order of the Governor in Council, the place to which the same relates shall be closed for the disposal of the dead.

(4) A copy of the said notification, with a translation thereof in the Maráthi, and Gujaráti and Urdu languages, shall be affixed on a conspicuous spot on or near the place to which the same relates, unless such place be a place of public worship.

443. (1) If, after personal inspection, the commissioner shall at any time be of opinion that any place formerly used for the disposal of the dead which has been closed under the provisions of the last preceding section or under any other law or authority, has, by lapse of time, become no longer injurious to health and may, without risk of danger, be again used for the said purpose, he may submit his said opinion, with the reasons therefor, to the council, who shall forward the same, with their opinion, for the consideration of the Governor in Council.

(2) Upon receipt of such opinions, the Governor in Council, after such further inquiry, if any, as he shall deem fit to cause to be made, may by notification published as aforesaid direct that such place be re-opened for the disposal of the dead. Every order so made shall be noted in the register kept under section 439.

444. (1) No person shall, without the written permission of the commissioner under sub-section (2):
 (a) make any vault or grave or interment within any wall, or underneath

any passage, porch, portico, plinth or verandah of any place of worship;

(b) make any interment or otherwise dispose of any corpse in any place which is closed for the disposal of the dead under section 442;

(c) build, dig or cause to be built or dug, any grave or vault, or in any way dispose of, or suffer or permit to be disposed of, any corpse at any place which is not registered in the register kept under section 439;

(d) exhume any body, except under the provisions of section 176 of the Code of Criminal Procedure, 1882, or of any other law for the time being in force, from any place for the disposal of the dead.

(2) The commissioner may in special cases grant permission for any of the purposes aforesaid, subject to such general or special orders as the Governor in Council may from time to time make in this behalf.

(3) An offence against this section shall be deemed to be a cognizable offence within the meaning of sections 149, 150 and 151 of the Code of Criminal Procedure, 1882.

445. No person shall:

(a) retain a corpse on any premises, without burning, burying or otherwise lawfully disposing of the same, for so long a time after death as to create a nuisance;

(b) carry a corpse or part of a corpse along any street without having and keeping the same decently covered, or without taking such precautions to prevent risk of infection or injury to the public health as the commissioner may, by public notice, from time to time think fit to require;

(c) except when no other route is available, carry a corpse or part of a corpse along any street, along which the carrying of corpses is prohibited by a public notice issued by the commissioner in this behalf;

(d) remove a corpse or part of a corpse which has been kept or used for purposes of dissection, otherwise than in a closed receptacle or vehicle;

MI. Acts,
1872 and
1878, s. 249A.

MI. Acts,
1872 and
1878, s. 247.

MI. Acts,
1872 and
1878, s. 248.

Act X of
1882.

MI. Acts,
1872 and
1878, s. 251.

Burials within places of worship and exhumations not to be made without the permission of the commissioner.

The City of Bombay Municipal Bill, 1887.

[Ch. XV.—Sanitary Provisions, Sect. 445 (e)—(k). Ch. XVI.—Vital Statistics, Sects. 446—449 (2).]

(e) whilst conveying a corpse or part of a corpse, place or leave the same on or near any street, without urgent necessity;

(f) bury or cause to be buried any corpse or part of a corpse, in a grave or vault or otherwise, in such manner as that the surface of the coffin or, when no coffin is used, of the corpse or part of a corpse, shall be at a less depth than six feet from the surface of the ground;

(g) build or dig or cause to be built or dug, any grave or vault in any burial-ground at a less distance than two feet from the margin of any other grave or vault;

(h) build or dig or cause to be built or dug, a grave or vault in any burial-ground in any line not marked out for this purpose by or under the order of the commissioner;

(i) without the written permission of the commissioner, re-open for the interment of a corpse or of any part of a corpse, a grave or vault already occupied;

(j) after bringing or causing to be brought to a burning-ground any corpse or part of a corpse, fail to burn or cause the same to be burnt within six hours from the time of the arrival thereof at such ground;

(k) when burning or causing to be burnt any corpse or part of a corpse, permit the same or any portion thereof to remain without being completely reduced to ashes, or permit any cloth or other article used for the conveyance or burning of such corpse or part of a corpse, to be removed or to remain on or near the place of burning, without its being completely reduced to ashes.

CHAPTER XVI.

VITAL STATISTICS.

Registration of births and deaths.

446. For the purpose of registering births and deaths, the commissioner shall divide the city into

Appointment of registrars.

such and so many districts and sub-districts as he shall from time to time think fit; and a municipal officer shall be registrar of births and deaths of each such district.

447. (1) Every registrar shall reside within the district of which he is registrar and shall cause his name, together with the words "Registrar of Births and Deaths for the district of" to be affixed in some conspicuous place at or near the outer door of his place of abode.

(2) A list showing the name and place of abode of every registrar in the city shall be kept at the municipal office and shall be open at all reasonable times to public inspection free of charge.

448. The commissioner shall provide and supply to the registrars a sufficient number of register-books of births and of register-books of deaths for the registration of the particulars specified in schedules N and O, respectively; and the pages of each of the said books shall be numbered progressively from the beginning to the end thereof.

449. (1) Each registrar shall inform himself carefully of every birth and death which shall happen in his district and of the particulars concerning the same required to be registered according to the forms in the said schedules and shall, as soon after each such birth or death as conveniently may be, register the same in the book supplied for this purpose by the commissioner, without making any charge or demanding or receiving any fee or reward for so doing other than his remuneration as a municipal officer.

(2) Other municipal officers, besides the registrars, may be appointed with the duty of informing themselves of every birth or of every death or of every birth and every death in the district to which they are respectively appointed and of the particulars concerning the same required to be registered, and of submitting such information to the registrar of the said district or to such other person as the commissioner directs.

The City of Bombay Municipal Bill, 1887.

[Ch. XVI.—Vital Statistics, Sects. 450 (1)—454 (2).]

MI. Acts, 1872
and 1878, s.
257.
Births and
Deaths Regis-
tration Act,
1874 (37 and
38 Vic., c.
88), s. 1.

450. (1) It shall be the duty of the father and mother of every child born in the city and, in default of the father and mother, of the occupier of the premises in which to his knowledge the child is born and of each person present at the birth and of the person having charge of the child, to give, to the best of his knowledge and belief, to the registrar or other municipal officer appointed under section 449, within seven days after such birth, information of the particulars required to be registered concerning such birth:

Births and
Deaths Regis-
tration Act,
1874 (37 and
38 Vic., c. 88),
s. 7.

(2) Provided that, in the case of an illegitimate child, no person shall, as father of such child, be required to give information under this Act concerning the birth of such child, and the registrar shall not enter in the register the name of any person as father of such child, unless at the joint request of the mother and of the person acknowledging himself to be the father of such child, and such person shall in such case sign the register together with the mother.

Births and
Deaths Regis-
tration Act,
1874 (37 and
38 Vic., c.
88), s. 3.

451. In case any new-born child is found exposed, it shall be the duty of any person finding such child and of any person in whose charge such child may be placed, to give, to the best of his knowledge and belief, to the registrar or other municipal officer aforesaid, within seven days after the finding of such child, such information of the particulars required to be registered concerning the birth of such child as the informant possesses.

MI. Acts, 1872
and 1878, s.
250.

452. (1) For every place for the disposal of the dead registered in the register kept under section 439, a municipal officer shall be appointed, whose duty it shall be to receive information of the particulars required to be registered concerning the death of every person whose corpse is disposed of at such place.

(2) If the commissioner shall not think fit to require the municipal officer so appointed to be in constant attendance at

any place for the disposal of the dead for which he is so appointed, there shall be affixed to a conspicuous part of the entrance to such place a notice specifying the name of the officer so appointed for the said place and the place where he may be found.

453. (1) It shall be the duty of the nearest relatives of any person dying in the city present at the death or in attendance during the last illness of the deceased and, in default of such relatives, of each person present at the death and of the occupier of the premises in which, to his knowledge, the death took place and, in default of the persons hereinbefore in this section mentioned, of each inmate of such premises and of the undertaker or other person causing the corpse of the deceased person to be disposed of, to give, to the best of his knowledge and belief, to the officer appointed under the last preceding section, information of the particulars required to be registered concerning such death.

MI. Acts, 1872
and 1878, s.
259.
Births and
Deaths Regis-
tration Act,
1874 (37 and
38 Vic., c. 88),
s. 10.

(2) The said information shall be given at or about the time that the corpse of the deceased person is disposed of and it shall be given in writing, if the informant can write and, otherwise, orally and the informant shall make known to the officer aforesaid his name, designation and place of abode and shall attest the correctness of the information which he gives, to the best of his knowledge and belief, by his signature or mark.

454. (1) In the case of a person who has been attended in his last illness by a duly qualified medical practitioner, that

Births and
Deaths Regis-
tration Act,
1874 (37 and
38 Vic., c. 88),
s. 20 (2).

Medical practitioner who attended a deceased person to certify the cause of his death. practitioner, that practitioner shall sign and forward to the commissioner a certificate of the cause of such person's death, in the form of schedule P, or in such other form as shall from time to time be prescribed by the commissioner in this behalf, and the cause of death as stated in such certificate shall be entered in the register, together with the name of the certifying medical practitioner.

(2) The commissioner shall provide printed forms of the said certificates and any duly qualified medical practitioner resident in the city shall be supplied, on application, with such forms, free of charge.

The City of Bombay Municipal Bill, 1887.

[Ch. XVI.—Vital Statistics, Sects. 455 (1)—460.]

MI. Acts, 1872
and 1873, s.
259.

455. (1) The information concerning deaths received by every officer appointed under section 452 shall be entered by him in a register-sheet, which shall contain the particulars specified in schedule O, and shall be forwarded, at such intervals as shall be prescribed by the commissioner, through the registrar of the district, to the municipal office.

(2) From the said register-sheets and from the certificates furnished to him under section 454, the commissioner shall cause the register-books of deaths to be prepared and shall have prepared and published such tabular returns and statements as shall appear to him to be useful for sanitary or other purposes.

Births and
Deaths Regis-
tration Act,
1874 (37 and
38 Vic., c. 88),
s. 36.

456. (1) Any clerical error which may at any time be discovered in a register of births or in a register of deaths may be corrected by any person authorized in that behalf by the commissioner.

(2) An error of fact or substance in any such register may be corrected by any person authorized as aforesaid by entry in the margin, without any alteration of the original entry, upon production to the commissioner by the person requiring such error to be corrected, of a declaration on oath setting forth the nature of the error and the true facts of the case, made before a magistrate by two persons required by this Act to give information concerning the birth or death with reference to which the error has been made or, in default of such persons, by two credible persons having knowledge of the case, and certified by such magistrate to have been made in his presence.

(3) Except as aforesaid, no alteration shall be made in any such register.

Births and
Deaths Regis-
tration Act,
1874 (37 and
38 Vic., c. 88),
s. 8.

457. (1) When the birth of any child has been registered and the name, if any, by which it was registered is altered or, if it was registered without a name, when a name is given to it, the parent or guardian of such child or other person procuring such name to be altered or given may, within twelve months next after the registra-

tion of the birth, deliver to the registrar such certificate as hereinafter mentioned, and the registrar, upon the receipt of that certificate, shall, without any erasure of the original entry, forthwith enter in the register-book the name mentioned in the certificate as having been given to the child.

(2) The certificate shall be in the form of schedule Q. or as near thereto as circumstances admit, and, in the case of a christian, shall be signed by the minister or person who performed the rite of baptism upon which the name was given or altered, or, if the child is not baptized or is not a christian, shall be signed by the father, mother or guardian of the child or other person procuring the name of the child to be given or altered.

(3) Every minister or person who performs the rite of baptism shall deliver the certificate required by this section on demand, on payment of a fee not exceeding one rupee.

Taking of a census.

458. At such time and in such manner as shall be directed from time to time by the commissioner, with the sanction of the corporation council and of Government, an enumeration shall be made of the persons who at the time of making such enumeration shall be within the city: Provided always that, one clear month previous to such enumeration being commenced, notice of the intention to make the same, with the date or dates upon or within which it is intended to be made, and all other necessary particulars, shall be given by advertisement in the *Bombay Government Gazette* and in the local newspapers.

459. The commissioner shall superintend the taking of such enumeration, and shall appoint such enumerators or other subordinate officers and make such arrangements generally as may seem to him necessary for the purpose of such enumeration.

460. Each enumerator or other subordinate officer appointed under the last preceding section shall, Delivery of blank schedules and returns.

The City of Bombay Municipal Bill, 1887.

[Ch. XVI.—Vital Statistics, Sects. 461—464. Ch. XVII.—By-Laws, Sect. 465 (c).]

agreeably to his instructions, leave at each building or place of residence within his district, four days at least before the time appointed for the collection of the completed returns or census, a blank schedule or return, of such form and containing such particulars as Government may approve, to be duly filled up and signed by the owner, tenant, or principal occupant of the said building or place of residence.

MI. Acts, 1872
and 1878, s.
263.

461. (1) Every person at whose building or place of residence any such blank schedule or return is left shall correctly fill up the same and affix his signature thereto and return it, when called upon so to do, to the enumerator or other subordinate officer aforesaid;

or, if such person is unable to write, he shall furnish to an enumerator, when called upon so to do, the information required for correctly filling up such schedule or return.

(2) Any person who fails to comply with any provision of sub-section (1) may be detained in custody until he complies therewith.

(3) It shall be the duty of an enumerator, if so required by any person who is unable to write, to fill up any such schedule or return as aforesaid from information supplied by such person.

462. If any enumerator or other subordinate officer employed in the collection of such schedules or returns shall find any of the same defective or in any respect improperly filled in, he may return the same to the occupant of the building or residence to which the same relates, together with a written notice requiring that the same be duly filled in or amended within a period of forty-eight hours.

463. (1) Any military or naval officer or any officer of the Bombay city police, or any master or person in charge of a merchant vessel, or nacoda, or tindal of a vessel or boat, or any person in charge of a lunatic asylum, hospital, or prison, or of any public or private charitable or scholas-

Military, naval and police officers, and certain others, if required, to act as enumerators.

tic institution, or any keeper of a hotel or lodging-house, shall, if required, act as an enumerator for the purpose of taking account of persons under his command or charge, or abiding in any building in his possession, charge or control, on the night immediately preceding the day to be appointed for the making of such enumeration.

(2) Every person so required to act as an enumerator shall receive and conform to all instructions in writing which may be issued to him by the commissioner in that behalf.

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

MI. Acts, 1872
and 1878, s.
266.

CHAPTER XVII.

BY-LAWS.

465. The commissioner, with the approval of the corporation council, may from time to time make by-laws not inconsistent with this Act, with respect to the following matters, (namely):

(a) regulating, in any particular not specifically provided for in this Act, the construction, maintenance and control of drains, ventilation-shafts or pipes, cesspools, water-closets, privies, latrines, urinals, drainage-works of every description, whether belonging to the corporation council or to other persons, municipal waterworks, private communication-pipes and public streets:

(b) regulating all matters and things connected with the supply and use of water;

(c) the structure of walls, foundations, roofs and chimneys of new buildings, for securing stability and the prevention of fires and for purposes of health;

Ben. Act IV,
1876, s. 340
(a).

Public Health
Act, 1875 (38
& 39 Vic., c.
55), s. 157.

MI. Acts, 1872
and 1878, s.
264.

Occupier to amend returns, if found defective.

MI. Acts, 1872
and 1878, s.
265.

The City of Bombay Municipal Bill, 1887.

[Ch. XVII.—By-Laws, Sects. 465 (d)—468 (2).]

(d) the provision and maintenance of sufficient open space, either external or internal, about buildings to secure a free circulation of air and of other means for the adequate ventilation of buildings;

(e) the provision and maintenance of house-gullies;

(f) the control and supervision of all premises used for any of the purposes mentioned in section 398 and of all trades and manufactures carried on therein;

(g) the inspection of milch-cattle and prescribing and regulating the construction, dimensions, ventilation, lighting, cleansing, drainage and water-supply of dairies and cattle-sheds in the occupation of persons following the trade of dairymen or milksellers;

(h) securing the cleanliness of milk-stores, milk-shops and milk-vessels used by such persons for containing milk;

(i) requiring notice to be given whenever any milch-animal is affected with any contagious disease and prescribing precautions to be taken for protecting milch-cattle and milk against infection or contamination;

(j) securing the efficient inspection of markets and slaughter-houses and of shops in which articles intended for human food are kept or sold;

(k) the control and supervision of butchers carrying on business within the city or at a municipal slaughter-house without the city;

(l) regulating the use of any municipal market-building, market-place or slaughter-house or any part thereof;

(m) controlling and regulating the sanitary condition of markets and slaughter-houses, and preventing the exercise of cruelty therein;

(n) preventing the use in any market of false or defective weights, scales or measures and publishing a price current;

(o) regulating the disposal of the dead and the maintenance of all places for the disposal of the dead in good order and in a safe sanitary condition, due regard being had to the religious

usages of the several classes of the community;

(p) facilitating and securing complete and accurate registration of births and deaths;

(q) the registration of marriages;

(r) facilitating, when requisite, the taking of a census and securing accurate returns;

(s) carrying out generally the provisions and intentions of this Act.

466. In making a by-law under the last preceding section, the Ml. Acts, 1872 and 1878, s. 268.

Punishment may be imposed for breach of by-laws.

commissioner may, with the like approval, provide that a breach of it shall be punishable with fine which may extend to twenty rupees and, in the case of a continuing breach, with fine which may extend to ten rupees for every day after conviction for the first breach or after receipt of written notice from the commissioner to discontinue the breach, during which the breach continues.

467. No by-law made under either of the two last preceding sections, shall have any validity unless and until it is confirmed by Government. Ml. Acts, 1872 and 1878, s. 269.

468. (1) No by-law shall be finally approved by the ~~corporation~~ Ml. Acts, 1872 and 1878, s. 270. ~~council~~ unless notice of the intention of the ~~corporation~~ ~~council~~ to take the same into their consideration has been given by advertisement in the *Bombay Government Gazette* and in the local newspapers, one month at least before the day of the meeting at which the ~~corporation~~ ~~council~~ finally consider such by-law.

(2) The ~~corporation~~ ~~council~~ shall, before approving the by-law, receive and consider any objection or suggestion which may be made in writing by any person with respect thereto before the day of the said meeting; and any person desiring to object to a by-law, on giving written notice to the president of the ~~corporation~~ ~~council~~, not less than ten days before the day of the said meeting, of the nature of his said objection, may by himself or his counsel, attorney or agent, be heard by the ~~corporation~~ ~~council~~ thereon at the said meeting, but not so as that more than one person be heard on the same matter of objection. Cf. Bo. Act II, 1884, s. 34.

The City of Bombay Municipal Bill, 1887.

[Ch. XVII.—By-Laws, Sects. 469—473 (4). Ch. XVIII.—Penalties, Sect. 474.]

MI. Acts,
1872 and
1878, s. 271.

469. (1) For one month at least before the day of the meeting at which the corporation council finally consider a by-law, a printed copy of such by-law shall be kept at the chief municipal office for public inspection, and every person shall be permitted at any reasonable time to peruse the same, free of charge.

(2) Printed copies of the proposed by-law shall also be delivered to any person requiring the same on payment of a such fee ~~of not exceeding~~ one rupee for each copy as shall be prescribed by the commissioner.

470. When any by-law has been confirmed by Government, it shall be published in the *Bombay Government Gazette* and thereupon shall have the force of law.

471. (1) The commissioner shall cause all by-laws from time to time in force to be printed and shall cause printed copies thereof to be delivered to any person requiring the same, on payment of a fee of two annas for each copy.

(2) Notice of the fact of copies of the by-laws being obtainable at the said price and of the place where and the person from whom the same are obtainable shall be given by the commissioner from time to time by advertisement in the local newspapers.

(3). Boards with the by-laws printed thereon or with printed copies of the by-laws affixed thereto, shall be hung or affixed in some conspicuous part of the municipal office and in such places of public resort, markets, slaughter-houses and other works or places affected thereby, as the commissioner thinks fit, and the said boards shall from time to time be renewed by the commissioner.

472. (1) No municipal officer or servant shall at any reasonable time prevent the inspection of any board provided by the commissioner under the last preceding section by any person desiring to inspect the same.

(2) No person shall, without lawful authority, destroy, pull down, injure or deface any such board.

MI. Acts,
1872 and
1878, s. 275.

473. (1) If it shall at any time appear to the Governor in Council that any by-law should be repealed either wholly or in part, he shall cause his reasons for such opinion to be communicated to the council and prescribe a reasonable period within which the council may make any representation with regard thereto which they shall think fit.

(2) After receipt and consideration of any such representation or, if in the meantime no such representation is received, after the expiry of the prescribed period, the Governor in Council may at any time, by notification in the *Bombay Government Gazette*, repeal such by-law, either wholly or in part: any by-law which has been made and confirmed as hereinbefore provided that no by-law shall be repealed by the Governor in Council in part only, if, within the period aforesaid, the council have objected to a partial repeal thereof.

(3) (2) Such The repeal of a by-law under sub-section (2) shall take effect from such date as the Governor in Council shall in the said notification direct or, if no such date is specified, from the date of the publication of the said notification in the *Bombay Government Gazette*, except as to anything done or suffered or omitted to be done before such date.

(4) (3) The said notification shall also be published in the local newspapers.

CHAPTER XVIII.

PENALTIES.

474. Whoever contravenes any provision of any of the sections, sub-sections and clauses of this Act hereinbelow in this section mentioned, or of any regulation made thereunder, or fails to comply with any requisition lawfully made upon him under any of the said sections, sub-sections or clauses shall be punished, for each such offence, with fine which may extend to the amount hereinbelow in this section specified as the maximum amount of fine to be inflicted in respect of offences against the said sections, sub-sections and clauses, respectively, namely:—

MI. Acts,
1872 and
1878 (many
sections
consolidated);
and partly
new.

MI. Acts,
1872 and
1878, ss. 272
and 274.

Boards for exhibiting by-laws to be open to inspection and not to be injured.

The City of Bombay Municipal Bill, 1887.

[Ch. XVIII.—Penalties, Sect. 475.]

Sections.	Maximum amount of fine that may be inflicted.	Sections.	Maximum amount of fine that may be inflicted.
347, 372, 375, 389, sub-sec. (1), 392, cls. (e), (f) and (g), 412, sub-sec. (2), 472, sub-sec. (2)	Ten rupees.	232, 302, sub-sec. (1), 352, 382, sub-sec. (2), 386, 398, sub-sec. (1), 434, 435, 436, sub-sec. (1), 437, sub-sec. (1), 441, 444, sub-sec. (1)	Five hundred rupees.
268, sub-sec. (2), 278, 308, 313, sub-sec. (1), 314, sub-sec. (1), 325, sub-secs. (2) and (3), 326, 355, 356, 357, 374, 398, sub-sec. (2), 401, sub-sec. (1) ...	Twenty rupees.	331, sub-secs. (1), (2) and (3), 345, sub-sec. (1), 351, 394, sub-sec. (1), 399, sub-sec. (1), 406, sub-sec. (1) ...	One thousand rupees.
148, 149, 151, 186, 224, sub-sec. (2), 229, 230, 231, cl. (b) 234, 241, sub-sec. (2), 246, sub-sec. (1), 248, sub-sec. (1), 249, 255, sub-sec. (1), 267, sub-sec. (3), 272, 276, sub-sec. (2), 317, sub-sec. (2), 319, sub-sec. (2), 320, sub-sec. (1), 321, 322, sub-sec. (1), 324, 327, sub-sec. (1), 332, sub-sec. (1), 376, 379, 381, 384, 385, 387, sub-sec. (1), 388, sub-sec. (1), 397, sub-sec. (1), 405, sub-sec. (1), 407, cl. (a), 408, 410, 414, sub-sec. (1), 422, sub-sec. (1), 461, sub-secs. (1) and (3), 472, sub-sec. (1), 482, sub-sec. (5) ...	Fifty rupees.	475. Whoever, after having been convicted of contravening any provision of any of the sections, sub-sections or clauses of this Act hereinbelow in this section mentioned, or of any regulation made thereunder, or of failing to comply with any requisition lawfully made upon him under any of the said sections, sub-sections, or clauses, continues to contravene the said provision or to neglect to comply with the said requisition, as the case may be, shall be punished, for each day that he continues so to offend, with fine which may extend to the amount hereinbelow in this section specified, as the maximum amount of daily fine to be inflicted in respect of offences against the said sections, sub-sections and clauses, respectively, namely:—	ML. Acts, 1872 and 1878 (many sections consolidated); and partly new.
136, sub-sec. (2), 221, sub-sec. (1), 227, 233, 256, 266, sub-sec. (1), 273, 279, 280, 281, sub-sec. (1), 282, 303, 309, sub-sec. (1), 309 A, sub-sec. (1), 311, 329, 333, sub-sec. (1), 415, 416, sub-sec. (1), 425, 428, sub-sec. (2), 429, sub-sec. (1), 431, sub-secs. (2) and (3), 439, 445, 450, sub-sec. (1), 451, 453, 454, sub-sec. (1), 463 ...	One hundred rupees.	224, sub-sec. (2), 229, 230, 231, sub-sec. (4), cl. (b), 234, 241, sub-sec. (2), 246, sub-sec. (1), 248, sub-sec. (1), 249, 255, sub-sec. (1), 327, sub-sec. (1), 347, 379, 381, 384, 385, 387, sub-sec. (1), 388, sub-sec. (1), 398, sub-sec. (2), 401, sub-sec. (1) ...	Five rupees.
238, 239, 245, 247, 271, 305, sub-secs. (1) and (2), 306, sub-sec. (1), 323, 383, sub-secs. (1) and (3), 396, sub-sec. (1), 407, sub-sec. (1), 409, 427, sub-sec. (2), 462, 509, sub-sec. (3) ...	Two hundred rupees.	221, sub-sec. (1), 227, 266, sub-sec. (1), 303, 309, sub-sec. (1), 309 A, sub-sec. (1), 311, 322, sub-sec. (1), 332, sub-sec. (1), 333, sub-sec. (1), 376, cl. (f), 415, 429, sub-sec. (1), 482, sub-sec. (5) ...	Ten rupees.

*The City of Bombay Municipal Bill, 1887.**[Ch. XVIII.—Penalties, Sects. 476—480.]*

Sections.	Maximum amount of daily fine that may be inflicted.
247, 324, 383, sub-secs. (1) and (3) ...	Twenty rupees.
320, sub-sec. (1), 321, 398, sub-sec. (1), 407, sub-sec. (1), 409, 509, sub-sec. (3) ...	Fifty rupees.
352, 386, 396, sub-sec. (1) ...	One hundred rupees.
399, sub-sec. (1) ...	Five hundred rupees.

MI. Acts, 1872 and 1878 (several sections consolidated.)

476. Whoever contravenes any provision of any of the sections, sub-sections or clauses of this Act hereinbelow in this section mentioned, or of any regulation made thereunder, and whoever fails to comply with any requisition lawfully made upon him under any of the said sections, sub-sections or clauses shall be deemed to have committed an offence punishable under the section of the Indian Penal Code hereinbelow in this section respectively specified as the section of the said code under which such person shall be punishable, namely:—

Act XLV of 1860.

Sections of this Act.	Sections of the Indian Penal Code under which offenders are punishable.
29, clause (j) ...	177.
154, sub-sections (1) & (2), 185, 366, sub-sec. (2).	176 or 177, as the case may be.
392, cls. (a), (b), (c) and (d), 393.	277.
438, sub-sec. (1).	188.

MI. Acts, 1872 and 1878, s. 53.

477. Any ~~member of the corporation~~ *councillor* who ~~knowingly~~ *knowingly* acquires directly or indirectly any share or interest in any contract or employment with, by or on behalf of the ~~corporation~~ *council*, not being a share or interest such as, under section 17, it is permissible for a ~~member of the corporation~~ *councillor* to have, without being thereby disqualified for being a ~~member of the corporation~~ *councillor*, and any commissioner, deputy commissioner, municipal officer or servant who *knowingly* acquires directly or indirectly any share or interest in any contract or employment with, by or on behalf of the ~~cor-~~

~~poration~~ *council* not being a share or interest such as, under clauses (h) and (k) of section 17, it is permissible for a ~~member of the corporation~~ *councillor* to have, without being thereby disqualified for being a ~~member of the corporation~~ *councillor*, shall be deemed to have committed the offence made punishable by section 168 of the Indian Penal Code.

Act XLV of 1860.

478. (1) Whoever contravenes any provision of sub-section (1) of section 265 shall be punished with imprisonment which may extend to one month, or with fine which may extend to one hundred rupees, or with both.

MI. Acts, 1872 and 1878, s. 144.

(2) When any person is convicted under sub-section (1), the magistrate who convicts him may order the immediate removal of any building or the immediate discontinuance of the operation or use of the land in respect of which such conviction has been held.

(3) If any order made under sub-section (2) is disobeyed or the execution thereof resisted, the offender shall be punished with imprisonment which may extend to one month or with fine which may extend to one hundred rupees or with both.

479. Whoever contravenes any provision of section 395, whether the person so offending be the owner or occupier of the premises in which a furnace is situated or the agent or some person employed by the owner or occupier for managing the same, shall be punished with fine which may extend, on a first conviction, to one hundred rupees and, on a second or subsequent conviction, to a sum equal to double the amount to which it might have extended on the last preceding conviction.

MI. Acts, 1872 and 1878, s. 52.

480. No person, who receives the rent of any premises in any capacity described in sub-clauses (i), (ii) and (iii) of clause (k) of section 3, shall be liable to any penalty under this Act for omitting to do any act as the owner of such premises, if he shall prove that his default was caused by his not having funds of, or due to, the owner sufficient to defray the cost of doing the act required.

MI. Acts, 1872, and 1878, s. 2, def. "owner."

The City of Bombay Municipal Bill, 1887.

[Ch. XVIII.—Penalties, Sect. 481. Ch. XIX.—Procedure, Sects. 482—485.]

MI. Acts,
1872 and
1878, s. 117.

481. The law for the time being in force for the punishment of offences relating to the levy or payment of customs-duties and the grant of drawbacks in connection therewith and for the reward of informers shall, as far as may be, apply to similar offences committed in respect of the levy, payment and refund of town-duties, and any omission or misdescription in passing for export any goods in respect of which refund of town-duties may be claimable, shall be punishable as if such omission or misdescription had been made in passing the said goods for import.

revoked, &c., grantee to be deemed to be without a license or written permission. when the period for which the same was granted has expired, the person to whom the same was granted shall, for all purposes of this Act, be deemed to be without a license or written permission, until the commissioner's order for suspending or revoking the license or written permission is cancelled by him or until the license or written permission is renewed, as the case may be.

(5) Every person to whom any such license or written permission has been granted shall at all reasonable times, while such written permission or license remains in force, if so required by the commissioner, produce such license or written permission. Ben. Act IV of 1876, ss. 361 and 362.

Grantee to be bound to produce license or written permission.

CHAPTER XIX.

PROCEDURE.

Licenses.

New.

482. (1) Whenever it is provided in this Act that a license or a written permission may be given for any purpose, such license or written permission shall specify the period for which and the restrictions and conditions subject to which the same is granted and shall be given under the signature of the commissioner or of a municipal officer empowered under section 67 to grant the same.

(2) For every such license or written permission a fee may be charged at such rate as shall from time to time be fixed by the commissioner, with the sanction of the corporation council.

(3) Subject to the provision of clause (d) of section 407, any license or written permission granted under this Act may at any time be suspended or revoked by the commissioner, if any of its restrictions or conditions is infringed or evaded by the person to whom the same has been granted or if the said person is convicted of an infringement of any of the provisions of this Act or of any regulation or by-law made hereunder in any matter to which such license or permission relates.

(4) When any such license or written permission is suspended or revoked or

Licenses and written permissions may be revoked, &c.

Fees to be chargeable.

rate as shall from time to time be fixed by the commissioner, with the sanction of the corporation council.

(3) Subject to the provision of clause (d) of section 407, any license or written permission granted under this Act may at any time be suspended or revoked by the commissioner, if any of its restrictions or conditions is infringed or evaded by the person to whom the same has been granted or if the said person is convicted of an infringement of any of the provisions of this Act or of any regulation or by-law made hereunder in any matter to which such license or permission relates.

(4) When any such license or written permission is suspended or revoked or

483. Whenever it is provided by this New.

Public notices how to be made known. Act that public notice shall or may be given of anything, such public notice shall be in writing under the signature of the commissioner or of a municipal officer empowered under section 67 to give the same and shall be widely made known in the locality to be affected thereby by affixing copies thereof in conspicuous public places within the said locality or by publishing the same by beat of *bataki*, or by advertisement in the local newspapers, or by any two or more of these means and by any other means that he shall think fit.

484. Whenever it is provided by this Act that notice shall be given by advertisement in the local newspapers or that a notification or any information shall be published in the local newspapers such notice, notification or information shall be inserted, if practicable, in at least two English newspapers, one Maráthi newspaper and one Gujaráthi newspaper published in the city. MI. Acts, 1872 and 1878, ss. 12, &c.

485. Whenever under this Act the New. doing or the omitting to do anything or the validity of anything depends upon the consent, approval, declaration, opinion or satisfaction of the commissioner or of a deputy commissioner or any municipal officer, a written docu-

Consent, &c., of commissioner may be proved by written document under his signature.

MI. Acts,
1872 and
1878, s. 277.

Cf. MI. Acts,
1872 and
1878, s. 232.

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[Ch. XIX.—Procedure, Sects. 486—491.]

ment signed by the commissioner or by such deputy commissioner or municipal officer, purporting to convey or set forth his consent, approval, declaration, opinion or satisfaction shall be sufficient evidence of such consent, approval, declaration, opinion or satisfaction.

Service of Notices, &c.

MI. Acts,
1872 and
1878, s. 279,
cl. (2).

486. Notices, bills, schedules, summonses and other documents required by this Act or by any regulation or by-law made under this Act to be served upon, or issued, or presented or given to any person, shall be so served, issued, or presented or given by municipal officers or servants or by other persons authorized by the commissioner in this behalf.

487. When any notice, bill, schedule, summons or other such document is required by this Act or by any regulation or by-law made under this Act, to be served upon or issued or presented to any person, such service, issue or presentation shall, except in the cases otherwise expressly provided for in section 488, be effected:

(a) by giving or tendering to such person the said notice, bill, schedule, summons or other document; or

(b) if such person is not found, by leaving the said notice, bill, schedule, summons or other document at his last known place of abode in the city, or by giving or tendering the same to some adult male member or servant of his family; or

(c) if such person does not reside in the city and his address elsewhere is known to the commissioner, by forwarding the said notice, bill, schedule, summons or other document to him by post under cover bearing the said address; or

(d) if none of the means aforesaid be available, by causing the said notice, bill, schedule, summons or other document, to be affixed on some conspicuous part of the building or land, if any, to which the same relates.

488. When any notice, bill, schedule, summons or other such document is required by this Act, or by any regulation or by-law

Service on "owner or occupier" of premises how to be effected.

made under this Act, to be served upon or issued or presented to the owner or occupier of any building or land it shall not be necessary to name the owner or occupier therein and the service, issue or presentation thereof shall be effected, not in accordance with the provisions of the last preceding section, but as follows, namely:

(a) by giving or tendering the said notice, bill, schedule, summons or other document to the owner or occupier, or if there be more than one owner or occupier, to any one of the owners or occupiers of such building or land; or

(b) if the owner or occupier or no one of the owners or occupiers is found, by giving or tendering the said notice, bill, to schedule, summons or other document to some adult male member or servant of the family of the owner or occupier or of any one of the owners or occupiers; or

(c) if none of the means aforesaid be available, by causing the said notice, bill, schedule, summons or other document to be affixed on some conspicuous part of the building or land to which the same relates.

489. Nothing in the three last preceding sections applies to any summons issued under this Act by a magistrate.

The three last sections inapplicable to magistrates' summonses.

490. (1) Every license, written permission, notice, bill, schedule, summons, or other such document, required by this Act or by any regulation or by-law framed under this Act, to bear the signature of the commissioner or of any municipal officer, shall be deemed to be properly signed if it bears a facsimile of the signature of the commissioner or of such municipal officer, as the case may be, stamped thereupon.

(2) Nothing in this section shall be deemed to apply to a cheque drawn upon the municipal fund under section 113.

Power of entry.

491. The commissioner may enter into any building or land, with or without assistants or workmen, in order to make any inspection or survey or to execute any work which is authorized by this Act or by any regula-

MI. Acts,
1872 and
1878, s. 235.

MI. Acts.
1872 and
1878, s. 278.

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tion or by-law framed under this Act, to be made or executed, or which it is necessary for any of the purposes, or in pursuance of any of the provisions of this Act or of any such regulation or by-law, to make or execute :

Provided that :

(a) except when it is in this Act otherwise expressly provided, no such entry shall be made between sunset and sunrise ;

(b) except when it is in this Act otherwise expressly provided, no building which is used as a human dwelling shall be so entered, unless with the consent of the occupier thereof, without giving the said occupier not less than twenty-four hours' previous written notice of the intention to make such entry, *and unless for any sufficient reason it shall be deemed inexpedient to furnish such information, of the purpose thereof ;*

(c) sufficient notice shall in every instance be given, even when any premises may otherwise be entered without notice, to enable the inmates of any apartment appropriated to females to remove to some part of the premises where their privacy need not be disturbed ;

(d) due regard shall always be had, so far as may be compatible with the exigencies of the purpose for which the entry is made, to the social and religious usages of the occupants of the premises entered.

Enforcement of orders to execute works, &c.

492. (1) When any requisition or order is made, by written notice, by the commissioner or by any municipal officer empowered under section 67 in this behalf, *Works, &c., which any person is required to execute may in certain cases be executed by the commissioner at such person's cost.* under any section or sub-section or clause of this Act mentioned in sub-section (2), a reasonable period shall be prescribed in such notice for carrying such requisition or order into effect and if, within the period so prescribed, such requisition or order or any portion of such requisition or order is not complied with, the commissioner may take such measures or cause such work to be executed or such thing to be done as shall, in his opinion, be necessary for giving due effect to the requisition or order so made, and, unless it is in this Act otherwise ex-

pressly provided, the expenses thereof shall be paid by the person or by any one of the persons to whom such requisition or order was addressed.

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

Section 224, sub-section (2)	Section 324, sub-section (3)
" 223, " (5)	" 327 " (1)
" 229 " "	" 332 " (1)
" 230 " "	" 347 " (2)
" 231, clause (b)	" 350 " "
" 241 " (2)	" 351 " "
" 246 " (1)	" 352 " "
" 255 " (1)	" 379 " "
" 269 " (2)	" 380 " "
" 276 " (2)	" 381 " "
" 303 " "	" 384 " "
" 305, sub-section (2)	" 385 " "
" 306 " (1)	" 386 " "
" 308 " "	" 387, sub-section (1)
" 311 " "	" 396 " (1)
" 323 " "	" 409 " "
	" 429, sub-section (1)

(3) The commissioner may take any measure, execute any work or cause anything to be done under this section, whether or not the person who has failed to comply with the requisition or order is liable to punishment or has been prosecuted or sentenced to any punishment for such failure.

492 A. (1) The expenses incurred by the Recovery of expenses of removals by the commissioner under sections 310, or sections 311, and 492 352 and 384. *commissioner in effecting any removal under section 310, or, in the event of a written notice issued under sub-section (1) of section 311 or section 352 or 384 not being complied with, under section 492, shall be recoverable by sale of the materials removed, and if the proceeds of such sale do not suffice, the balance shall be paid by the owner of the said materials.*

(2) But if the expenses of removal are in any case paid before the materials are sold, the commissioner shall restore the materials to the owner thereof on his claiming the same at any time *before they are sold or otherwise disposed of and on his paying all other expenses, if any, incurred by the commissioner in respect thereof or in respect of the intended sale or disposal thereof.*

(3) If ~~within one month from the date of removal~~ the materials are not claimed by the owner thereof, they shall be sold by auction or otherwise disposed of as the commissioner thinks fit, *as soon as conveniently may be after one month from the date of their removal, whether the expenses*

*The City of Bombay Municipal Bill, 1887.**[Ch. XIX.—Procedure, Sects. 493 (1)—497 (1).]*

of the removal have in the mean time been paid or not; and the proceeds, if any, of the sale or other disposal, shall, after defraying therefrom the costs of the sale or other disposal, and, if necessary, of the removal, be paid to the credit of the municipal fund, and shall be the property of the corporation council.

Recovery of expenses by the Commissioner.

MI. Acts,
1872 and
1878, s. 291,
Proviso.

493. (1) Whenever under this Act or Expenses recoverable any regulation or under this Act to be by-law made under payable on demand; and this Act, the expenses of any work executed or of any measure taken or thing done by or under the order of the commissioner or of any municipal officer empowered under section 67 in this behalf are payable by any person, the same shall be payable on demand.

(2) If not paid on demand, the said if not paid on demand, may be recovered as an arrear of property-tax. expenses shall be recoverable by the commissioner, subject to the provisions of sub-section (2) of section 505, by distress and sale of the goods and chattels of the defaulter, as if the amount thereof were a property-tax due by the said defaulter.

MI. Acts,
1872 and
1878, s. 282.

494. (1) If the said expenses are due in respect of some work executed or thing done to, upon, or in connection with some building or land or of some measure taken with respect to some building or land, and the defaulter is the owner of such building or land, the amount thereof may be demanded from any person who at any time before the said expenses have been paid, occupies the said building or land under the said owner; and in the event of the said person failing to pay the same, they may be recovered, by distress and sale of the goods and chattels of the said person, as if the amount thereof were a property-tax due by him:

(2) Provided as follows, namely:

(a) unless the said person neglects or refuses, at the request of the commissioner, truly to disclose the amount of the rent payable by him in respect of

the said land or building and the name and address of the person to whom the same is payable, the said person shall not be liable to pay on account of the said expenses any larger sum than, up to the time of demand, is payable by him to the owner on account of rent of the said land or building; but it shall rest upon the said person to prove that the amount of the expenses demanded of him is in excess of the sum payable by him to the owner;

(b) the said person shall be entitled to credit in account with the owner for any sum paid by or recovered from him on account of the said expenses;

(c) nothing in this section shall affect any agreement made between the said person and the owner of the building or land in his occupation respecting the payment of the expenses of any such work, thing or measure as aforesaid.

495. Instead of recovering any such expenses as aforesaid in any manner hereinafter provided, the commissioner may, if he thinks fit and with the approval of the town-council standing committee, take an agreement from the person liable for the payment thereof, to pay the same in instalments of such amounts and at such intervals as will secure the payment of the whole amount due, with interest thereon at the rate of nine per centum per annum, within a period of not more than five years.

496. If the expenses to be recovered have been incurred in respect of any work mentioned in any of the sections 225, clause (c), 228, 229, 231, clause (b), 246, sub-section (1), 255, 270, 272, sub-section (1), 307, 350, 380, 385 and 409, the commissioner may, if he thinks fit and with the approval of the corporation council, declare such expenses to be improvement expenses.

497. (1) Improvement expenses shall be a charge on the premises in respect of which or for the benefit of which the same have been incurred

MI. Acts,
1872 and
1878, s. 282.

Public Health
Act, 1875 (38
and 39 Vic.,
c. 55), ss. 213
and 232.

Public Health
Act, 1875, (38
and 39 Vic.,
c. 55), s. 213.
Cf. Bengal
Act IV. of
1876, s. 372.

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and shall be recoverable in instalments of such amounts, not being less for any premises than twelve rupees per annum, and at such intervals as will suffice to discharge such expenses, together with interest thereon at the rate of six per centum per annum, within such period not exceeding thirty years as the commissioner, with the approval of the ~~corporation~~ council, may in each case determine.

(2) The said instalments shall be payable by the occupier of the premises on which the expenses are so charged or, in the event of the said premises becoming unoccupied at any time before the expiration of the period fixed for the payment of such expenses or before the same, with interest as aforesaid, are fully paid off, by the owner for the time being of the said premises, so long as the same continue to be unoccupied.

Public Health Act, 1875, (38 and 39 Vic., c. 55), s. 214

498. (1) Where the occupier by whom any improvement expenses are paid holds the premises, on which the expenses are charged, at a rent not less than the rack-rent, he shall be entitled to deduct three-fourths of the amount paid by him on account of such expenses from the rent payable by him to his landlord, and if he hold at a rent less than the rack-rent, he shall be entitled to deduct from the rent so payable by him such proportion of three-fourths of the amount paid by him on account of such expenses as his rent bears to the rack-rent.

(2) And if the landlord from whose rent any deduction is so made is himself liable to the payment of rent for the premises in respect of which the deduction is made and holds the same for a term of which less than twenty years is unexpired (but not otherwise), he may deduct from the rent so payable by him such proportion of the sum deducted from the rent payable to him as the rent payable by him bears to the rent payable to him, and so in succession with respect to every landlord (holding for a term of which less than twenty years is unexpired) of the same premises both receiving and liable to pay rent in respect thereof:

(3) Provided that nothing in this section shall be construed to entitle any person to

deduct from the rent payable by him more than the whole sum deducted from the rent payable to him.

499. At any time before the expiration of the period for the payment of any improvement expenses, the owner or occupier of the premises on which they are charged may redeem such charge by paying to the commissioner such part of the said expenses as may not have been defrayed by sums already levied in respect of the same.

500. Any instalment payable under section 495 or section 497, which is not paid when the same becomes due, may be recovered by the commissioner by distress and sale of the goods and chattels of the person by whom it is due as if it were a property-tax due by the said person.

501. Whenever the owner of any building or land fails to execute any work which he is required to execute under this Act or under any regulation or by-law made under this Act, the occupier, if any, of such building or land may, with the approval of the commissioner, execute the said work and he shall be entitled to recover the reasonable expenses incurred by him in so doing from the owner and may deduct the amount thereof from the rent which from time to time becomes due by him to the owner.

502. No person who receives the rent of any premises in any capacity described in sub-clauses (i), (ii) and (iii) of clause (k) of section 3, shall be liable to do anything which is by this Act required to be done by the owner, unless he have sufficient funds of or due to the owner to pay for the same.

Payment of Compensation.

503. In any case not otherwise expressly provided for in this Act, the commissioner may, with the approval of the

Public Health Act, 1875 (38 and 39 Vic., c. 55), s. 215.

Redemption of charge for improvement expenses.

Recovery of instalments due under ss. 495 and 497.

MI. Acts, 1872 and 1878, s. 298.

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

MI. Acts, 1872 and 1878, s. 293.

Limitation of liability of agent or trustee of owner.

MI. Acts, 1872 and 1878, s. 2, def. "owner".

Compensation for damages may be paid by the commissioner.

MI. Acts, 1872 and 1878, s. 288.

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[Ch. XIX.—Procedure, Sects. 504 (1)—509 (2)]

~~town council~~ standing committee, pay compensation to any person who sustains damage by reason of the exercise of any of the powers vested by this Act in the commissioner or in any municipal officer or servant.

MI. Acts,
1872 and
1878, s. 297.

504. (1) If, on account of any act or omission, any person has been convicted of an offence against this Act or against any regulation or by-law made under this Act, and, by reason of the same act or omission of the said person, damage has occurred to any property of the ~~corporation~~ council, compensation shall be paid by the said person for the said damage, notwithstanding any punishment to which he may have been sentenced for the said offence.

(2) In the event of dispute, the amount of compensation payable by the said person shall be determined by the magistrate before whom he was convicted of the said offence, and on non-payment of the amount of compensation so determined the same shall be recovered under a warrant from the said magistrate as if it were a fine inflicted by him on the person liable therefor.

Recovery of Expenses or Compensation, in case of dispute.

MI. Acts,
1872 and
1878, s. 291
(proviso).
Cf. Ben. Act
IV. of 1876,
s. 353.

505. (1) If, when the commissioner demands payment of any expenses under section 493, his right to demand the same, or the amount of the demand is disputed, or if in the case of expenses incurred by the commissioner in taking temporary measures under sub-section (2) of section 327, the necessity for such temporary measures is disputed, the commissioner shall refer the case for the determination of the Chief Judge of the Small Cause Court.

(2) Pending the chief judge's decision, the commissioner shall defer further proceedings for the recovery of the sum claimed by him and, after the decision, shall proceed to recover only such amount, if any, as shall be thereby ascertained to be due.

506. If, in any case not falling under section 493, any person is required by this Act or by any regulation or by-law framed under this Act, to pay any expenses or any compensation, the amount to be so paid and, if necessary, the apportionment of the same, shall, in case of dispute, be determined, except as is otherwise provided in sections 504 and 513, by the Chief Judge of the Small Cause Court.

507. If the amount of any expenses or compensation ascertained in accordance with the last preceding section is not paid by the person liable to pay the same on demand, it shall be recoverable as if the same were due under a decree of the Small Cause Court.

508. Instead of proceeding in any manner aforesaid for the recovery of any expenses or compensation of which the amount due has been ascertained as hereinbefore provided, or after such proceedings have been taken unsuccessfully or with only partial success, the sum due, or the balance of the sum due, as the case may be, may be recovered by a suit brought against the person liable for the same in any court of competent jurisdiction.

Proceedings before the Chief Judge of the Small Cause Court.

509. (1) If the owner of any building or land is prevented by the occupier thereof from complying with any provision of this Act or of any regulation or by-law made under this Act or with any requisition made under this Act or under any such regulation or by-law, in respect of such building or land, the owner may apply to the Chief Judge of the Small Cause Court.

(2) The said chief judge, on receipt of any such application, may make a written order requiring the occupier of the build-

MI. Acts,
1872 and
1878, s. 163,
Proviso, 170,
187, 289, &c.
Cf. Ben. Act
IV. of 1876,
s. 353.

MI. Acts,
1872 and
1878, s. 291.
Cf. Ben. Act
IV. of 1876,
s. 355.

MI. Acts,
1872 and
1878, s. 292.

MI. Acts,
1872 and
1878, s. 284.

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ing or land to afford all reasonable facilities to the owner for complying with the said provision or requisition and may also, if he thinks fit, direct that the costs of such application and order be paid by the occupier.

(3) After eight days from the date of any such order, it shall be incumbent on the said occupier to afford all such reasonable facilities to the owner for the purpose aforesaid as shall be prescribed in the said order; and in the event of his continued refusal so to do, the owner shall be discharged, during the continuance of such refusal, from any liability which he would otherwise incur by reason of his failure to comply with the said provision or requisition.

510. (1) For the purposes of any inquiry or proceeding under this Act, the Chief Judge of the Small Cause Court may summon and enforce the attendance of witnesses and compel them to give evidence and compel the production of documents, by the same means and, as far as is possible, in the same manner as is provided in the case of the Small Cause Court by the Presidency Small Cause Court Act, 1882.

(2) If, in any such inquiry or proceeding, the person against whom the complaint or application has been made, fails to appear, notwithstanding that he has been duly summoned for this purpose, the said chief judge may hear and determine the case in his absence.

(3) The costs of every such inquiry or proceeding, as determined by the said chief judge, shall be payable by such parties and in such proportions, as the said chief judge shall direct and the amount thereof shall, if necessary, be recoverable as if the same were due under a decree of the Small Cause Court.

Proceedings before Magistrates.

511. All offences against this Act, or against any regulation or by-law made under this Act, whether committed within or without the city, shall be cognizable by a presidency magistrate; and no such magistrate shall be deemed to be incapable of taking cogni-

zance of any such offence or of any offence against any enactment hereby repealed, by reason only of his being liable to pay any municipal tax or of his being benefited by the municipal fund to the credit of which any fine inflicted by him will be payable.

512. No person shall be liable to punishment for any offence made punishable by this Act, unless complaint of such offence is made before a presidency magistrate within three months, or if the offence be against the provisions of section 154, within six months, next after the commission of such offence.

513. (1) Any person who resides in the city may complain to a presidency magistrate of the existence of any nuisance, or that in the exercise of any power conferred by sections 222, 242, 243, 244, or 371 more than the least practicable nuisance has been created.

(2) Upon receipt of any such complaint, the magistrate, after making such inquiry as he thinks necessary, may, if he sees fit, direct the commissioner:

(a) to put in force any of the provisions of this Act or to take such measures as to such magistrate shall seem practicable and reasonable for preventing, abating, diminishing or remedying such nuisance;

(b) to pay to the complainant such reasonable costs of and relating to the said complaint and order as the said magistrate shall determine, inclusive of compensation for the complainant's loss of time in prosecuting such complaint.

(3) It shall be incumbent on the commissioner to obey every such order.

Arrest of Offenders.

514. (1) Any police officer may arrest any person who commits in his view any offence against this Act or against any regulation or by-law made under this Act, if the name and address of such person be unknown to him and if such person, on demand, declines to give his name and address or gives a

MI. Acts, 1872 and 1878, ss. 290 and 301. Cf. Act XX, 1881, s. 35. Cf. Ben. Act IV. of 1876, s. 354.

XV of 1882.

MI. Acts, 1872 and 1878, ss. 148, 233, 252 and 299.

Bo. Act II. of 1881, s. 1.

The City of Bombay Municipal Bill, 1887.[Ch. XIX.—*Procedure*, Sect. 514 (2)—Ch. XX.—*Control*, Sect. 516 (1).]

name and address which such officer has reason to believe to be false.

(2) No person so arrested shall be detained in custody after his true name and address are ascertained or, without the order of a magistrate, for any longer time, not exceeding at the most forty hours from the arrest, than is necessary for bringing him before a magistrate competent to take cognizance of his offence.

Legal Proceedings.

Provisions respecting institution, &c., of civil and criminal actions and obtaining legal advice.

515. (1) The commissioner may :

(a) take, or withdraw from, proceedings against any person who is charged with :

(i) any offence against this Act ;

(ii) any offence which affects or is likely to affect any property or interest of the ~~corporation~~ council or the due administration of this Act ;

(iii) committing any nuisance whatsoever ;

(b) compound any offence against this Act, which under the law at the time in force may legally be compounded ;

(c) defend any election petition brought under section 34 ;

(d) defend, admit or compromise any appeal against a rateable value or tax, brought under section 215 ;

(e) take, withdraw from, or compromise, proceedings, under sections 504, sub-section (2), 505, 506 and 507, for the recovery of expenses or compensation claimed to be due to the ~~corporation~~ council ;

(f) withdraw or compromise any claim for a sum not exceeding five hundred rupees against any person in respect of a penalty payable under a contract entered into with such person by the commissioner, or, with the approval of the standing committee, any such claim for any sum exceeding five hundred rupees ;

(g) defend any suit or other legal proceeding brought against the ~~corporation~~ council or against the commissioner or a deputy commissioner or a municipal

officer or servant, in respect of anything done or omitted to be done by them, respectively, in their official capacity ;

(h) with the approval of the ~~town~~ council standing committee, admit or compromise any claim, suit or legal proceeding brought against the ~~corporation~~ council or against the commissioner or a deputy commissioner or a municipal officer or servant, in respect of anything done or omitted to be done as aforesaid ;

(j) with the like approval, institute and prosecute any suit or withdraw from or compromise any suit or any claim, other than a claim of the description specified in clause (f), which has been instituted or made in the name of the ~~corporation~~ council or of the commissioner ;

(k) obtain such legal advice and assistance as he may from time to time think it necessary or expedient to obtain or as he may be desired by the ~~corporation~~ council or the ~~town~~ council standing committee to obtain, for any of the purposes mentioned in the foregoing clauses of this section or for securing the lawful exercise or discharge of any power or duty vesting in or imposed upon any municipal authority or any municipal officer or servant :

(2) *Provided that the commissioner shall not defend any suit or legal proceeding under clause (g) without first of all taking legal advice with regard thereto.*

CHAPTER XX.

CONTROL.

516. (1) If, upon complaint being made to him and after

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

such inquiry as he thinks fit to make, it shall at any time appear to the Governor in Council that any of the provisions of sections 62, 63, 134, 223, 438 and 442, have not been or are not being duly carried out or enforced by the municipal authority whose duty it is to carry out or enforce the same, the Governor in Council may make an order, prescribing a period within which such provision shall be carried out or enforced by the said authority :

MI. Acts, 1872 and 1878, s. 40.

The City of Bombay Municipal Bill, 1887.

A. [Ch. XX.—Control, Sects. 516 (2)—518. Ch. XXI.—Supplemental Provisions, Sects 519—520 (2).]

(2) *Provided that, except in any case which appears to the Governor in Council to be one of emergency, no such order shall be made until after the expiry of one month from the date of service of a written notice on such municipal authority, requiring cause to be shown why such order should not be made, nor until the cause, if any, so shown has been considered by the Governor in Council.*

(3) If, within the period prescribed in ~~such~~ an order made under sub-section (1), the provision is not carried out or enforced, the Governor in Council may appoint some person to carry out or enforce the same and may direct that the expense of carrying out or enforcing such provision, together with such reasonable remuneration to the person carrying out or enforcing the same as the Governor in Council shall determine and the costs of the proceedings under this section shall be paid out of the municipal fund.

ML. Acts, 1872
and 1878, s.
145.

517. (1) If, from the report of any person appointed by Government under section 262 to inspect the Vohar water-works, it shall appear to Government that any portion of the said water-works is not in a sound and effective condition, Government may by notice under the signature of a secretary to Government, require the commissioner, on behalf of the ~~corporation~~ council, within a reasonable time to be prescribed in the notice, to repair, improve or otherwise render sound and effective the said portion of the said works.

(2) The commissioner shall be bound to comply with any such notice. In the event of his failing so to do, Government may cause the required work to be done and may direct that the expenses thereof shall be paid by the commissioner.

518. (1) When any such order as is mentioned in sub-section (3) of section 516, or in sub-section (2) of section 517 shall have been made, the commissioner shall pay to Government such sum or sums of money as he shall from time to time be required so to pay, in pursuance of the said order, in any requisition signed by a secretary to Government.

Expenses of such provision measures enforced under sections 516 and 517 how to be recovered.

ML. Acts,
1872 and
1878, s. 41.

(2) And if, within fourteen days from the delivery to him of any such requisition, the commissioner fails to comply therewith, Government may, by a written order signed by one of their secretaries, authorize and direct some person to receive from the bank in which the municipal fund is lodged, the sum or sums mentioned in the said order.

(3) The said bank shall, upon production of the said written order, forthwith pay the said sum or sums to the person therein authorized to receive the same, and the said written order shall be a sufficient discharge to the said bank from all liability to the ~~corporation~~ council in respect of any sum or sums so paid by it out of the municipal fund.

CHAPTER XXI.

SUPPLEMENTAL PROVISIONS.

519. The commissioner and deputy commissioner and every member of the ~~corporation~~ council, and every municipal officer or servant appointed under this Act, and every contractor or agent for the collection of any municipal tax, and every servant or other person employed by any such contractor or agent, shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

ML. Acts, 1872
and 1878, s.
51.

520. (1) The police commissioner shall, as far as may be, co-operate, by himself and through his subordinates, with the commissioner for carrying into effect and enforcing the provisions of this Act and for the maintenance of good order in the city.

(2) It shall be the duty of every police officer in the city to communicate without delay to the proper municipal officer any information which he receives of a design to commit or of the commission of any offence against this Act or against any regulation or by-law made under this Act, and to assist the commissioner or any municipal officer or servant, reasonably demanding his aid for the lawful exercise of any power vesting in the commissioner or in such municipal officer or servant under this Act.

Act XLV of
1860.
ML. Acts, 1872
and 1878, s.
60.

ML. Acts, 1872
and 1878, s.
61, cl. 2.

• *The City of Bombay Municipal Bill, 1887.*

[Ch. XXI.—*Supplemental Provisions, Sects. 521—525 (2).*]

Municipal
Corporations
Act, 1882 (45
and 46 Vic., c.
50), s. 230.

521. (1) In computing any limited time before, or from or after any date or event which is appointed or allowed by or under this Act for the doing of any act or the taking of any proceeding, such time shall be taken as exclusive of the day of that date or of the happening of that event and as ending or commencing, as the case may be, at the end of the last preceding day, or the beginning of the next following day.

(2) Where the limited time is to be computed from or after any date or event, the act or proceeding shall be done or taken at the latest on the last day of the limited time computed as aforesaid, unless the last day is a Sunday or a public holiday or unless, in the case of a proceeding to be taken before the Chief Judge of the Small Cause Court, the said court is closed on such last day, in which events any act or proceeding shall be deemed to be done or taken in due time if it is done or taken on the next day after such Sunday or after the close of such public holiday or on the first day when such Court re-opens, as the case may be.

(3) Where by this Act any act or proceeding is directed or allowed to be done or taken on a certain day and such day happens to be a Sunday or a public holiday, the act or proceeding shall be considered as done or taken in due time if it is done or taken on the next day after such Sunday, or after the close of such public holiday.

Municipal
Corporations
Act, 1882 (45
and 46 Vic.,
c. 50), s. 231.

522. The distances mentioned in this Act shall be measured in a straight line on a horizontal plane.

MI. Acts, 1872
and 1878, s.
302.

523. (1) Any informality, clerical error, omission or other defect in any assessment made or in any distress levied or in any notice, bill, schedule, summons or other document issued under this Act or under any regulation or by-law made under this Act, may at any time, as far as possible, be rectified.

MI. Acts, 1872
and 1878, s.
68.

(2) No such informality, clerical error, omission or other defect shall be deemed to render the assessment, distress, notice, bill, schedule, summons or other document invalid or illegal if the provisions of this Act and of the regulations and by-laws made hereunder have in substance and

effect been complied with; but any person who sustains any special damage by reason of any such informality, clerical error, omission or other defect shall be entitled to recover compensation for the same by suit in a court of competent jurisdiction.

524. The Governor in Council may at any time call for upon any municipal authority to furnish him with any extract from any proceedings of the corporation or town council or standing committee or of any committee constituted under this Act or from any record under the control of such authority and with any return, statement, account, statistics or report concerning or connected with the administration of this Act; or the municipal government of the city, which he may think fit to require the commissioner to furnish, and the commissioner shall forthwith comply with such requisition municipal authority so called upon shall furnish the same without unreasonable delay.

525. (1) No suit shall be instituted against the corporation council or against the commissioner, or a deputy commissioner, or against any municipal officer or servant, in respect of any act done in pursuance or execution or intended execution of this Act or in respect of any alleged neglect or default in the execution of this Act:

(a) until the expiration of one month next after notice in writing has been, in the case of the corporation, council, left at the chief municipal office and, in the case of the commissioner or of a deputy municipal commissioner or of a municipal officer or servant delivered to him or left at his office or place of abode, stating with reasonable particularity the cause of action and the name and place of abode of the intending plaintiff and of his attorney or agent, if any, for the purpose of such suit; nor

(b) unless it is commenced within three months next after the accrual of the cause of action.

(2) At the trial of any such suit:

(c) the plaintiff shall not be permitted to go into evidence of any cause of action except such as is set forth in the notice delivered or left by him as aforesaid;

Bo. Act I. of
1884, s. 62 (b).
Mad. Act I. of
1884, s. 97.

MI. Acts, 1872
and 1878, s.
287.

The City of Bombay Municipal Bill, 1887.

[Ch. XXI.—Supplemental Provisions, Sects. 525 (3)—528. Schedule A.]

(d) the claim, if it be for damages, shall be dismissed if tender of sufficient amends shall have been made before the suit was instituted or if, after the institution of the suit, a sufficient sum of money is paid into court with costs.

(3) Where the defendant in any such suit is a municipal officer or servant, payment of the sum or of any part of any sum payable by him in or in consequence of the suit, whether in respect of costs, charges, expenses, compensation for damages or otherwise, may be made, with the sanction of the town council, standing committee, from the municipal fund.

by Her Majesty, as if the crown were actually a party to such suit or proceeding.

527. Nothing in this Act shall be deemed to render lawful any act or omission which is or which but for this Act would be deemed to be a nuisance, nor to exempt any person guilty of nuisance from any prosecution or action to which, but for this Act, he would be liable in respect thereof : Ml. Acts, 1872 and 1878, s. 3.

This act not to affect nuisances under any other law.

Provided that if any person convicted of an offence against this Act has paid the whole amount of the fine and of the costs, if any, adjudged to be paid by him under such conviction, he shall be released from further criminal responsibility for the same offence.

526. Nothing in this Act shall be deemed to take away, abridge or in any way affect any right, privilege or prerogative of Her Majesty, and in every suit or other proceeding instituted by or against the Secretary of State for India in Council, the said Secretary of State may exercise and enjoy all such rights, privileges and prerogatives as are for the time being exercised and enjoyed

528. The provisions contained in schedule R for regulating the constitution of the corporation council and other matters until this Act is brought fully into operation shall be of the same effect as if they were enacted in the body of this Act.

SCHEDULE A.

(SEE SECTION 2.)

Enactments repealed.

No. and year of Act.	Title or Subject.	Extent of Repeal.
<i>Act of the Governor General in Council.</i>		
XLVIII of 1860...	An Act to amend Act XIII. of 1856	Section 17, as amended by Bombay Act IV of 1882 and clause (16) of section 19.
<i>Acts of the Governor of Bombay.</i>		
VI of 1863	An Act for the regulation of public conveyances in the town, suburbs and harbour of Bombay.	In section 7, the words "by the Commissioner of Police to the credit of the Municipal Commissioners of Bombay, and."
III of 1870	An Act to secure the payment to Government of certain sums of money by the Corporation of the Justices of the Peace for the City of Bombay.	The whole.
III of 1872	The Bombay Municipal Act of 1872	The whole.
IV of 1878	The Bombay Municipal Act Amendment and Continuance Act, 1878.	The whole.
VI of 1878	An Act to remove doubts as to the time when certain portions of the Bombay Municipal Act Amendment and Continuance Act, 1878, were intended to come into force.	The whole.
II of 1880	The Bombay Municipality's Consolidated Loan Act, 1880.	The whole.
II of 1881	An Act to confirm the jurisdiction of Presidency Magistrates in municipal cases.	The whole.

*The City of Bombay Municipal Bill, 1888.**[Schedules A and B.]***SCHEDULE A—continued.**

No. and year of Act.	Title or Subject.	Extent of Repeal.
VI of 1882	... An Act to amend the Bombay Municipal Acts of 1872 and 1878.	The whole.
II of 1885	... An Act to empower the Municipal Corporation of the City of Bombay to subscribe to the Guarantee Funds of the Bombay International Exhibition and for other purposes.	So much as has not already been repealed.
III of 1885	... An Act to provide for the occasional appointment of a Deputy Municipal Commissioner for the City of Bombay.	The whole.
I of 1886	... An Act to remove certain doubts in the construction of section 9 B. of the Bombay Municipal Acts of 1872 and 1878.	The whole.
II of 1886	... An Act to enable the Municipal Corporation of the City of Bombay to raise increased revenue from town-duties.	The whole.

SCHEDULE B.

(SEE SECTION 25.)

Division of the City into Wards.

Consecutive Number.	Name of Ward.	BOUNDARIES.				Number of members of the corporation to be elected for each Ward.
		On the North.	On the South.	On the East.	On the West.	
1	Fort and Harbour Ward (includes the southern portion of the island within the boundaries here specified and the entire harbour).	A line starting from the harbour and extending along the north wharf of Carnac Basin, the south side of Carnac Road, and of First Marine Street, and continuing thence to Back Bay.	The sea	The harbour	Back Bay.. .. .	Six.
2	Mánvli Ward	A line starting from the harbour and extending along the south wharf of Clerk Basin, the south side of Wari Bandar Road, and the east side of Hancock Bridge and of Mázgaon Road to the junction of the latter with Babula Tank Road, thence along the south side of Babula Tank Road to Bhendy Bázár, Parel Road.	A line starting from the harbour and extending along the north wharf of Carnac Basin, and the north side of Carnac Road, as far as Abdul Rehman Street.	The harbour from the south wharf of Clerk Basin to the north wharf of Carnac Basin.	A line starting from Babula Tank Road and extending along the east side of Bhendy Bázár, Parel Road, and the east side of Abdul Rehman Street as far as Carnac Road.	Eight.
3	Bhuleshwar Ward..	A line starting from the west side of Bhendy Bázár, Parel Road, and extending along the south side of Grant Road as far as the north-west corner of Northbrook Garden.	The north side of Carnac Road from Abdul Rehman Street, and the north side of First Marine Street and a line continuing thence to Back Bay.	The west side of Bhendy Bázár, Parel Road, and of Abdul Rehman Street as far as Carnac Road.	A line starting from the north-west corner of Northbrook Garden, Grant Road, and extending along the east side of Trimbak Parashram Street, Ardesir Dady Street, passing thence along the north-east side of part of Bhuleshwar Street to the junction of that street and Thakurdwar Street and extending along the south side of the latter as far as Queen's Road and continuing thence to Back Bay.	Eight.
	Girgaon Ward	A line starting from the north-west corner of Trimbak Parashram Street and extending along the south side of Grant Road as far as the B. B. & C. I. Railway, and again from the B. B. & C. I. Railway level crossing on Clerk Road along the south side of Clerk Road as far as the south end of Hornby Vellard.	Back Bay from a point opposite to Thakurdwar Street to Malabár Point.	A line starting from Back Bay at a point opposite Thakurdwar Street, and extending along the north side of Thakurdwar Street; south-west side of part of Bhuleshwar Street as far as the southern end of Ardesir Dady Street; thence along the west side of the latter and Trimbak Parashram Street as far as Grant Road; again from the Grant Road Railway Bridge along the west side of the B. B. & C. I. Railway Line as far as the Clerk Road level crossing.	The sea from Malabár Point to the south end of Hornby Vellard.	Five.

The City of Bombay Municipal Bill, 1887.

[Schedules B. and C.]

SCHEDULE B—continued.

Consecutive Number.	Name of Ward.	BOUNDARIES.				Number of members of the corporation to be elected for each Ward.
		On the North.	On the South.	On the East.	On the West.	
5	Byculla Ward ..	A line starting from the harbour and extending along the south wharf of Bellair Basin, the south side of Siwri Road and the south side of Kala Choki Road as far as the Chinchpokli Station level crossing on Arthur Road.	A line starting from the harbour, and extending along the north wharf of Clerk Basin, the north side of Wari Bandar Road, the west side of Hancock Bridge and of Mazaon Road to the junction of the latter with Babula Tank Road, thence along the north side of Babula Tank Road and Grant Road as far as the east side of the B. B. & C. I. Railway Line.	The harbour from the north wharf of Clerk Basin to the south wharf of Bellair Basin.	A line starting from the Grant Road Railway Bridge and extending along the east side of the B. B. & C. I. Railway Line as far as the Clerk Road level crossing, thence along the south side of Clerk Road and the east side of Arthur Road as far as the Chinchpokli Station level crossing.	Five.
6	Parel Ward..	The northern boundary of the city from the east side of the G. I. P. Railway Line as far as the harbour.	A line starting from the harbour and extending along the north wharf of Bellair Basin, the north side of Siwri Road, and the north side of Kala Choki Road as far as the Chinchpokli Station level crossing on Arthur Road.	The harbour from the north wharf of the Bellair Basin as far as the northern boundary of the city.	The east side of the G. I. P. Railway Line from the Chinchpokli Station level crossing as far as the northern boundary of the city.	Two.
7	Máhim Ward ..	The northern boundary of the city from the west side of the G. I. P. Railway Line as far as Máhim Causeway.	The north side of Arthur Road and Clerk Road from the Chinchpokli Station level crossing to the south end of Hornby Vellard.	The west side of the G. I. P. Railway Line from the Chinchpokli Station level crossing as far as the northern boundary of the city.	The sea from the south end of Hornby Vellard as far as Máhim Causeway.	Two.

SCHEDULE C.

(SEE SECTION 110.)

Form of Debenture.

for Rs.

By virtue of the City of Bombay Municipal Act, 1888, we, the Municipal Corporation Council of the city of Bombay, in consideration of the sum of _____ paid to us by A. B. of _____ for the purposes of the said Act, promise to pay to the said A. B., his heirs, executors, administrators and assigns the said sum of _____, together with interest at the rate of _____ per centum per annum, payable half-yearly on the _____ day of _____ and the _____ day of _____.

And by way of security for the said payment, we do hereby grant and assign unto the said A. B., his heirs, executors, administrators and assigns such proportion of the moneys arising or accruing by virtue of the said Act from (the taxes mortgaged) as the sum aforesaid doth or shall bear to the whole sum which is or shall be borrowed on the credit of the said (taxes), to hold to the said A. B., his heirs, executors, administrators and assigns from the day of the date hereof until the sum aforesaid with interest for the same at the rate aforesaid shall be fully paid and satisfied;

The City of Bombay Municipal Bill, 1887.

[Schedules F, G. and H.]

SCHEDULE F.

(SEE SECTION 149.)

Form of Notice of Transfer to be given when the transfer has taken place otherwise than by Instrument.

To the Municipal Commissioner for the city of Bombay.

I, A. B., hereby give notice, as required by section 148 of the City of Bombay Municipal Act of 1888, of the following transfer of property :—

Date of Notice.	Name in which the Property is at present entered in the Commissioner's Records.	To whose name it is to be transferred.	Description of the Property.						Remarks.
			Of what it consists.	Situation.	No. in Assessment-Book.	Collector's No.	Dimensions of Land.	Boundaries.	

(Signed) A. B.

SCHEDULE G.

(SEE SECTION 178.)

Tax on Vehicles and Animals.

Description of Vehicle or Animal.	Maximum Amount of Tax per Quarter.		
	Rs.	a.	p.
Each four-wheeled vehicle, drawn or impelled by horses, ponies, mules, donkeys, bullocks or machinery	5	0	0
Each two-wheeled vehicle, drawn or impelled by do. do.	3	0	0
Each vehicle drawn or impelled otherwise than by horses, ponies, mules, donkeys, bullocks or machinery	2	0	0
Each horse, pony or mule of a height of 12 hands or upwards	6	0	0
Each horse, pony or mule of a height of less than 12 hands	2	0	0
Each bullock or buffalo kept for draft or pack purposes	1	0	0
Each donkey kept for draft or pack purposes or for riding	1	0	0

SCHEDULE H.

(SEE SECTION 190.)

Articles liable to payment of Town-duties.

Articles.	Maximum Rates of Town-duties leviable.
Grain of all sorts	6 annas per khandi.
Flour of all sorts	75 per centum of the rate at the time being levied on the grain from which the flour is prepared.
Wines and spirits	4 annas per imperial gallon.
Beer	6 pies per do.
XII 1886. Petroleum, as defined in the Petroleum Act, 1886	6 pies per do.
Sugar, molasses and gúr	8 annas per cwt.
Ghi	10 annas per Bombay maund.
Timber, exclusive of railway sleepers	2½ per cent. of its market value.
Firewood	2 annas per khandi.

The City of Bombay Municipal Bill, 1887.

[Schedules I. and J.]

SCHEDULE I.

(SEE SECTION 200.)

Form of Notice of Demand.

To

A. B.

residing at

Take notice that the Municipal Commissioner for the city of Bombay demands from (you) the sum of _____ due from (you) on account of *(here describe the premises, vehicle or animal on account of which the tax is leviable)* for the half-year (or quarter) commencing (or ending) on the _____ day of 18 ____; and that if the said sum is not paid into the commissioner's municipal office at _____, or if sufficient cause for non-payment of the sum is not shown to the satisfaction of the commissioner within fifteen days from the service of this notice, a warrant of distress will be issued for the recovery of the same, with costs.

Dated this

day of

18 .

(Signed)

Municipal Commissioner
for the city of Bombay.

SCHEDULE J.

(SEE SECTION 201.)

Form of Distress Warrant.

To *(here insert the name of the officer charged with the execution of the warrant)*.

Whereas A. B., of _____, has not paid, or shown sufficient cause, to my satisfaction, for the non-payment of the sum of _____ due **Here describe the tax.* for the tax* mentioned in the margin for the half-year (or quarter) commencing (or terminating) on the _____ day of 18 ____ although the said sum has been duly demanded in writing from the said A. B., and fifteen days have elapsed since the service of the notice of demand;

This is to command you to distrain the goods and chattels of the said A. B. (or, as the case may be, any goods and chattels found on the premises in respect of which the said tax is due) to the amount of the said sum of _____, and such further sum as may be sufficient to defray the costs of recovering the said amounts; and if within five days next after such distress the said sum shall not be paid, together with such further sum as shall be sufficient to defray the said costs, to sell the said goods and chattels: and having paid and deducted out of the proceeds of the sale the said sum of _____ and the costs of recovering the same, to return the surplus, if any, and if the same be demanded within one year from the date of the sale, to the person whom you shall find in possession of the said goods and chattels.

If sufficient distress cannot be found of the goods and chattels of the said A. B. (or on the said premises, as the case may be) you are to certify the same to me together with this warrant.

Dated this

day of

18 .

(Signed)

Municipal Commissioner
for the city of Bombay.

The City of Bombay Municipal Bill, 1887.

[Schedules K, L, and M.]

SCHEDULE K.

(SEE SECTION 203.)

Form of Inventory and Notice.

To

A. B.

residing at

Take notice that I have this day seized the goods and chattels specified in the inventory beneath this, for the sum of _____ due for the tax mentioned in the margin* for the half-year (or quarter) commencing (or terminating) on the _____ day of _____

* Here describe the tax.

18 ; and that unless you pay into the municipal office at _____ of the Municipal Commissioner for the city of Bombay the amount due, together with the costs of recovery, within five days from the day of the date of this notice, the goods and chattels will be sold.

Dated this _____ day of _____

18 .

(Signature of the officer
executing the warrant.)**Inventory.**

(Here state particulars of the goods and chattels seized.)

SCHEDULE L.

(SEE SECTION 205.)

Table of Fees payable in Distraints.

Sum distrained for.								Fee.
								Rs. a.
Under 5 Rupees	...	...	...	...	...	...	...	0 4
Rupees 5 and under 10 Rupees	...	...	...	...	...	...	...	0 8
" 10 " 15 "	...	...	...	...	...	...	...	0 12
" 15 " 20 "	...	...	...	...	...	...	...	1 0
" 20 " 25 "	...	...	...	...	...	...	...	1 4
" 25 " 30 "	...	...	...	...	...	...	...	1 8
" 30 " 35 "	...	...	...	...	...	...	...	1 12
" 35 " 40 "	...	...	...	...	...	...	...	2 0
" 40 " 45 "	...	...	...	...	...	...	...	2 4
" 45 " 50 "	...	...	...	...	...	...	...	2 8
" 50 " 60 "	...	...	...	...	...	...	...	3 0
" 60 " 80 "	...	...	...	...	...	...	...	3 12
" 80 " 100 "	...	...	...	...	...	...	...	4 8
Above 100 Rupees	...	...	...	...	...	...	...	5 0

The above fees are to include all expenses except when peons are kept in charge of property distrained, in which case four annas must be paid daily for each peon so employed.

SCHEDULE M.

(SEE SECTIONS 398 AND 399.)

Purposes for which premises shall not be used without a license.

- (1) Casting metals ;
- (2) Manufacturing bricks or tiles ;
- (3) Packing, pressing, cleansing, preparing or manufacturing, by any process whatever, any of the following articles, viz. :—

Cloths in indigo or other colours.
Paper.Pottery.
Silk.

The City of Bombay Municipal Bill, 1887.

[Schedules M. and N.]

(4) Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever, any of the following articles, viz. :—

Blood.	Jute.
Bones.	Kerosine oil.
Candles.	Lime.
Catgut.	Matches for lighting.
Chemical preparations.	Manure.
China grass.	Meat.
Cocoanut fibre.	Nitro-glycerine.
*Cotton and cotton refuse or seed.	Oil.
Dammer.	Oil-cloth.
Drugs.	Offal.
Dynamite.	Petroleum oil.
Fat.	Paraffin oil.
Fins.	Rags.
Fish.	Rosin.
Fireworks.	Rangoon or Burmah oil.
Flax.	Soap.
Fulminate of mercury.	Sulphur.
Gas.	Saltpetre.
Gun cotton.	Spirits.
Gunpowder or blasting powder.	Skins.
Hemp.	Tallow.
Hides.	Tar or pitch.
Horns.	Tow.
Hoofs.	Turpentine.
Hair.	Wool.

SCHEDULE N.

(SEE SECTION 448.)

Particulars to be specified in the Register of Births.

Serial number.	
Date of birth.	
Place of birth...	{ District, Sub-district, Ward-No. of house (i.e. its distinguishing number under cl. (a) of s. 155), Street or <i>wádi</i> , No. of house in street or <i>wádi</i> .
Parents	{ Names (and surnames, if any), Occupation or profession, Place of birth, Duration of residence in Bombay... { Years, Months, Days,
Mother being ...	{ Only wife now alive. One of two wives, both now alive. One of three or more wives, all now alive.
Mother being unmarried.	
Child ...	{ Born alive. Still-born. Sex. Race, caste or nationality. Name, if any.

NOTE.—In the case of the birth of a Hindu, the particular subdivision of his caste should be given. Christians should be separated into those of pure European parentage; those of mixed blood, viz., Indo-Europeans; and those of pure Asiatic parentage, viz., Native Christians. Negro-Africans or Siddis should be registered as such, and not as Mussulmans. In the case of Europeans, their religion should be specified.

* The storing of pressed bales of cotton is excepted.

The City of Bombay Municipal Bill, 1887.

[Schedules O. and P.]

SCHEDULE O.

(SEE SECTION 448.)

Particulars to be specified in the Register of Deaths.

Serial number.

Date of death.

Abode ... { District,
Sub-district,
Ward-No. of house (i.e. its distinguishing number under cl. (a) of s. 155),
Street or *wādi*,
No. of house in street or *wādi*,

Duration of residence in Bombay. { Years,
Months,
Days,

If a stranger to Bombay, or lately arrived, wherefrom ... { Village,
Taluka,
District,

Name (and surname, if any),

Sex,

Race, caste or nationality,

Age ... { Years,
Months,
Days,
Still-born,

Occupation or profession of deceased or of his or her family,

Place of birth ... { If in Bombay ... { District,
Street or *wādi*,
No. of house,
If out of Bombay ... { Village,
Taluka,
District,

Country to which family belongs,

Cause of death,

Duration of disease. { Years,
Months,
Days,
Hours,

Name and residence of medical attendant,

Place of disposal of dead, No. { Buried,
Burnt,
Exposed,

SCHEDULE P.

(SEE SECTION 454.)

Certificate of Cause of Death.

I do hereby certify that I attended the deceased during his last illness, and that the cause of his death was, to the best of my belief, (*here state particulars*).

Date

(Signed)

Medical Designation or Diploma.

The City of Bombay Municipal Bill, 1887.

[Schedules Q. and R.]

SCHEDULE Q.

(SEE SECTION 457.)

Form certifying Name given in Baptism.

18 I, _____ of _____, do hereby certify, that on the _____
a _____ male child produced to me by _____
as the _____ of _____, and declared by the said _____ to have been born at _____
_____ on the _____ 18 _____.

(Signed by Officiating Minister.)

Date _____

Form certifying Name given not in Baptism.

I do hereby certify that the male child born on the 18th of _____, 18____, at _____, to _____ and _____ his wife, and registered in the district of _____ on the 18th of _____, has received the name of _____.

(Signed by father or mother, &c.)

Date _____

SCHEDULE R.

(SEE SECTION 528.)

Transitory Provisions.

1. (1) The *municipal* corporation in existence on the day before this Act comes into force, with the commissioner added thereto as an *ex-officio* member thereof, shall continue to be the corporation *council* for the purposes of this Act until the first day of April, 1889; and every casual vacancy which occurs in the said *corporation council* after the passing of this Act shall be filled up in the same manner in which a *vacancy in the municipal corporation* would have been filled up if this Act had not been passed.

(2) On the first day of April, 1889, the members of the said corporation ~~council~~ shall retire from office, but unless disqualified, they shall be eligible for being ~~members of the corporation~~ *councillors* after the said date.

2. For the purpose of any election to fill a casual vacancy in the corporation council under sub-section (1) of the last preceding

List of voters, &c., for
Bo. III. of casual elections under s. 1 of
1872 and IV. this schedule.
of 1878.

List of voters, &c., for casual elections under s. 1 of this schedule.

3. The person who, on the day before this Act comes into force, is the chairman of the *municipal* corporation shall, until the first day of April, 1889, be deemed to be the president of the ~~corporation~~ *council* until 1st April, 1889, for the purposes of this Act, unless in the meantime a casual vacancy occurs in the office. If any such casual vacancy occurs before the last-mentioned day, it shall be filled up in accordance with the provisions of sub-section (3) of section 39.

The City of Bombay Municipal Bill, 1887.

[Schedule R.]

4. The town council in existence on the day before this Act comes into force, ~~with the commissioner added thereto as an ex-officio member thereof~~, shall be deemed to be the ~~town-council standing committee~~ for the purposes of this Act until the first appointment of a ~~town-council standing committee~~ under section 43; and every casual vacancy which occurs in the said ~~council committee~~ after the passing of this Act shall be filled up in the same manner in which a *vacancy in the town council* would have been filled up if this Act had not been passed.

5. The person who, on the day before this Act comes into force, is the chairman of the ~~town-council standing committee~~ shall ~~continue to be the chairman thereof of the standing committee~~ until the first appointment of a ~~town-council standing committee~~ under section 43, unless in the meantime a casual vacancy occurs in the office. If any such casual vacancy occurs, it shall be filled up in accordance with the provisions of sub-section (3) of section 44.

6. The commissioner and the deputy commissioner, if any, and all municipal officers and servants holding office on the day before this Act comes into force, shall be deemed to have been appointed under this Act and, until an order to the contrary is passed by competent authority under this Act, shall continue to hold, respectively, the same or the corresponding offices under this Act and to receive the same emoluments. Ml. Acts, 1872 and 1878, s. 50.

7. The ~~town-council standing committee~~ may, with the approval of the ~~corporation council~~, grant to the municipal secretary, in addition to his maximum monthly salary of ~~seven hundred one thousand~~ rupees, a personal allowance not exceeding ~~five two~~ hundred rupees monthly in consideration of such secretary's long and approved service, so long as the office is held by the same person who ~~held it on the day when the Bombay Municipal Acts Amendment Act, 1882, came into force and so long as the said person also holds the office of was secretary of the town council and clerk of the municipal corporation.~~ Bo. VI. of 1882, s. 10.

8. Any budget-estimate adopted by the *municipal corporation* under the provisions of the Bombay Municipal Acts of 1872 and 1878, which, if this Act had not been passed, would have had operation after the date on which this Act comes into force, shall, subject to the provisions of sections 131 to 134, both inclusive, continue in operation as if this Act had not been passed. Bo. III. of 1872 and IV. 1878.

9. The decision of the *municipal corporation* under the said Acts as to the rates at which property-taxes and the rates at which and the articles on which town-duties shall be levied during the time for which any such budget-estimate is in operation, shall, subject to the provisions of section 194, have the same validity as if this Act had not been passed. Sanction of property-taxes and town-duties given before this Act comes into force to continue valid.

10. Any assessment-book made by the commissioner under the said Acts, which, if this Act had not been passed, would have had effect after the date on which this Act comes into force, shall, subject to the provisions of sections 166, 215, 216 and 217, have the same effect as if this Act had not been passed. Assessment-book made before this Act comes into force to continue valid.

The City of Bombay Municipal Bill, 1887.

[Schedule R.]

11. The amount of contribution towards the protection of the city from fire, which has been determined by the town council under section 122 of the Bombay Municipal Acts of 1872 and 1878, to be due by any insurance company carrying on business in Bombay or having an agency for such purpose for the official year in which this Act comes into force, shall continue due as if this Act had not been passed and a contribution under chapter XIV shall first become payable to the ~~corporation~~ *council* by every such company for the official year next following that in which this Act comes into force.

Bo. III. of fire-brigade in the year in 1872 and IV. which this Act comes into force of 1878.

12. In preparing, on or before the first day of October, 1888, the first ward lists under section 20, the qualifying-tax in clause (c) of section 12, shall be taken to mean either of the taxes or the aggregate of the taxes specified in sub-section (3) of section 12 levied for the half-year from the first day of April to the thirtieth day of September, 1888, whether according to the provisions of this Act or of the Bombay Municipal Acts of 1872 and 1878 and the consolidated tax levied under the last-named Acts shall be deemed to be the general tax specified in sub-section (3) of section 12.

Bo. III. of 1872 and IV. of 1878.

13. (1) All proceedings instituted under any Act hereby repealed and still pending when this Act comes into force before the Chief Presidency Magistrate, shall be continued and determined by the said magistrate as if this Act had not been passed; and every decision of the said magistrate in any such proceeding shall have the same validity as if this Act had not been passed.

Legal proceedings which might, before the passing of this Act, have been heard by the Chief Presidency Magistrate, after this Act comes into force, before the Chief Judge of the Small Cause Court.

(2) Any legal proceeding which might, but for the passing of this Act, have been instituted before the Chief Presidency Magistrate, but which under this Act is within the cognizance of the Chief Judge of the Small Cause Court, shall, if commenced after the passing of this Act, be instituted before the Chief Judge of the Small Cause Court.

By order of His Excellency the Right Honourable the Governor in Council,

J. J. HEATON,

Acting Under Secretary to Government.

Bombay Castle, 12th January 1888.