

THE



# Bombay Government Gazette.

Published by Authority.

THURSDAY, 26<sup>TH</sup> SEPTEMBER 1872.

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

## PART V.

### PROCEEDINGS OF THE LEGISLATIVE DEPARTMENT, BOMBAY.

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

#### Bill No. 3 of 1872.

#### THE BOMBAY MUNICIPAL ACT OF 1872.

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

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

I. [Bombay] Act II. of 1865 (the Bombay Municipal Act); [Bombay] Act IV. of 1867 (to amend the Bombay Municipal Act); [Bombay] Act IV. of 1869 (for the levy of Town Duties within the City of Bombay); and [Bombay] Act IV. of 1870 (to enable Her Majesty's Justices of the Peace for the City of Bombay to assign part of the Municipal Fund to educational and other purposes); are hereby respectively repealed—except as to any assessment which shall have been made, or to any act or offence which shall have been done or committed, or to any fine or penalty which shall have been incurred, or to any mortgages of rates, taxes, rents, or income which may have been effected, or to any money which shall have become due, or to any proceedings which shall have been commenced, before this Act shall come into operation. Any sum of money due, or which may become due under any of the said Acts may be levied and recovered under the provisions of this Act.

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

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

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

The word "Street" shall mean any way, highway, road, street, square, alley, passage, gully, or lane, whether a thoroughfare or not, over which the public shall have a right of passage or access, or shall have, during a period of twenty years, passed or had access without interruption, and also the roadway and footway over any bridge or causeway within the City.

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

The expression "near any street" shall designate any place within 100 yards of any street.

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

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

The word "Place" shall denote either "Place." "house" or "land."

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

The word "Nuisance" under this Act shall include any act, omission, or thing occasioning, or likely to occasion, injury, annoyance, offence, harm, danger, or damage to the senses of sight, smell, or hearing, as well as any act, omis-



sion, or thing which is, or may be, dangerous to life or injurious to health or property.

The word "Animal" shall denote all horned cattle, elephants, camels, horses, ponies, asses, mules, deer, sheep, goats, and swine.

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

The word "Owner" shall mean the person for the time being receiving the rents of the land or premises in connection with which the word is used, whether such person shall receive such rents for himself, or by or for an agent or trustee, and shall also include any such agent or trustee. The said word shall also mean any agent or trustee receiving the rents of, or entrusted with or concerned for, land devoted either wholly or in part to religious or charitable purposes, and any receiver, manager, or sequestrator appointed by the High Court of Judicature at Bombay, or other court of competent jurisdiction, or under any order thereof, and any person who would be entitled to receive the rents of such land if the same were let to a tenant: Provided that no person

receiving the rent of land or premises as agent or trustee for another person shall be liable to do anything by this Act required to be done by the owner of such land or premises unless he have sufficient funds of or due to the owner to pay for the same; nor shall he be subject to any penalty for omitting to do such act if he can prove that the default was occasioned by reason of his not having funds of or due to the owner sufficient to defray the expense of doing the act required.

The words "Parents or Guardians" shall include all relations or other persons to whom the care, nurture, or custody of any child falls by natural right or has been assigned by any law or recognised usage, and these words shall also include all who have accepted or assumed directly the care, nurture, or custody of any child.

III. Nothing in this Act shall be construed to render lawful any act or omission on the part of any person which is, or but for this Act would be, deemed to be a nuisance at Common Law, nor to exempt any person guilty of nuisance at Common Law from prosecution or action in

respect thereof: Provided that if any person convicted of an offence under this Act shall have paid the whole amount adjudged to be paid under such conviction, and the costs thereof in every such case, he shall be released from all further criminal responsibility for the same offence.

## II.—MUNICIPAL CONSTITUTION.

IV. The Municipal Corporation of the City of Bombay shall consist of sixty-four persons to be appointed as hereinafter provided, and shall, by the name of "The Municipal Corporation of the City of Bombay," be a body corporate, and have perpetual succession and a common seal, and have power to hold land, and by such name shall sue and be sued. The said sixty-four persons shall be ratepayers resident in the city of Bombay who have attained the age of twenty-five years, and who during the year in which they are appointed members of the Corporation shall have severally paid before the 15th day of September in each year the following Municipal rates to the amount of not less than fifty rupees: viz., the house rate, the police and lighting rates, and the supplementary rate authorized to be levied under this Act.

V. Of the sixty-four members of the said Corporation, qualified as aforesaid, sixteen shall be nominated by Government during the last ten days of the month of December in the year 1872, and thereafter eight shall be so nominated in the last ten days of the month of December in each subsequent year, and sixteen shall be elected by the Justices of the Peace resident in the City of Bombay, at a Special General Meeting to be held on some day between the fourteenth and the twenty-first day of the month of December in the year 1872, and thereafter eight shall be elected between the same dates in each subsequent year.

VI. The remaining thirty-two members shall be ratepayers qualified as aforesaid, and shall be elected by ratepayers resident in the City of Bombay who shall have attained the age of twenty-one years, and who during the year in which the election takes place shall have severally paid before the 15th day of September in each year the Municipal rates specified in Section 4 to the amount of not less than fifty Rupees. The elections shall take place between the first and the tenth

days of the month of December in each year, and votes at such elections shall be recorded by means of voting papers, and under such rules as the Government may from time to time make for the purpose of regulating such elections.

VII. A list of the ratepayers qualified to vote at such election and of the ratepayers qualified to be elected as provided by Section 4 of this Act shall be prepared, printed, and affixed by the Municipal Commissioner in some conspicuous place in or near his office, and the Municipal Commissioner shall give notice of such publication in one English, one Marathi and one Guzerathi newspaper on or before the first day of October in each year, and the said list shall be open to public inspection at all reasonable times of the day for fifteen days after the date of the publication of such notice. The said Commissioner shall be at liberty at any time to revise the said list for the purpose of removing therefrom the name of any person not duly qualified and erroneously entered therein. Any person qualified to vote at such election, or to be elected, whose name is omitted from such lists or either of them, may in case the Municipal Commissioner shall refuse to insert his name in such lists or either of them, apply to the Senior Magistrate of Police within eight days after such refusal for an order to have his name inserted in such lists or either of them, and the Magistrate shall after enquiry make such order as to the insertion or omission of the name of the applicant as shall be just, and such order, if it directs the insertion of the name of the applicant in such lists or either of them, shall be forthwith obeyed by the Municipal Commissioner. The order of the Magistrate made under this section shall not be appealable.

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

IX. No person shall be qualified to be Disqualification of Members; successors how appointed. or to continue a member of the said Corporation who is or becomes at the time, or during the term of his appointment, a bankrupt or insolvent, or who is interested (otherwise than as a shareholder in a Joint Stock Company) in any contract with the Corporation, or who is absent from Bombay for three months consecutively; nor shall any person continue to be a member of the said Corporation who shall be sentenced to imprisonment for six months or longer. In case of the death, resignation, or disqualification as aforesaid of any member of the said Corporation, his successor shall be forthwith nominated or elected in like manner as the member so dead, resigned, or disqualified, had been originally nominated or elected; and such successor shall remain a member of the said Corporation for the residue only of the term for which the member so dead, resigned, or disqualified was originally appointed.

X. At the first meeting of the members Chairman of Corporation of the Corporation in his appointment each year, they shall and duties. proceed to elect a Chairman, who shall hold office for a year, and shall be eligible for re-election. The Chairman shall preside over all the meetings of the Corporation, and all questions which may come before any meeting of the Corporation for decision shall be decided by a majority of the members of the Corporation present and voting at such meeting, and in all cases of equality of votes the Chairman shall have a second or casting vote. In case of the absence of the Chairman from any meeting, the members present shall choose one of their number to preside, who shall for that meeting have all the powers of the Chairman elected by the Corporation. In case of the death, resignation, or disqualification of the Chairman elected by the Corporation, it shall be lawful for the Town Council to convene a meeting of the Corporation for the purpose of electing a Chairman for the residue of the term for which the Chairman so dead, resigned, or disqualified was originally elected.

XI. There shall be four Quarterly Meetings of the Corporation in every year, at which the members of the Corporation shall meet for the transaction of general business; and it shall be necessary to give notice of the business to be transacted at such meetings. The Quarterly Meetings shall be held on the first Tuesday in the months of January, April, July, and October respectively, or so soon after as shall seem expedient to the Chairman of the

Corporation. Notice of the business to be transacted at such meetings shall be published at least seven days before each meeting in the *Government Gazette*, and in at least one of the daily English newspapers, and in one daily Guzerathi newspaper, and one Marathi newspaper published in Bombay.

XII. The Chairman of the Corporation may, whenever he thinks fit, and shall, upon a written requisition signed by sixteen members of the Corporation or by four members of the Town Council, call a Special General Meeting of the Corporation. Previously to any such meeting being held, at least seven days' clear notice specifying the time and place of such intended meeting, and the purpose for which it is to be held, shall be given by advertisement in the *Government Gazette*, and in at least one of the daily English newspapers, and in one daily Guzerathi newspaper, and in one Marathi newspaper published in Bombay. In case of the absence from the City of Bombay of the Chairman appointed by the Corporation, the power of calling meetings of the Corporation shall be vested in the Town Council.

XIII. Except at the meeting to be held under the provisions of Section 35, no business shall be brought before or transacted at any meeting, other than the business specified in the notices given under the two preceding Sections; and no business shall be transacted at any adjourned meeting, other than the business left unfinished at the meeting from which such adjournment took place.

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

XV. Minutes of the proceedings of all meetings of the Corporation shall on the day following the meeting be drawn up and fairly entered by the Secretary to the Town Council in a book to be kept for that purpose, and shall be signed by the Chairman, and the said minutes shall, at all reasonable times, be open at the office of the Corporation to the inspection of any member of the Corporation without charge, and of any other person on payment of a fee of eight annas.

XVI. At any Special General Meeting, unless a poll be demanded by at least five members of the Corporation, and at any Quarterly Meeting, unless a poll be demanded by at least three members of the Corporation, a declaration by the Chairman that a proposition has been carried, and an entry to that effect in the book of proceedings of the Corporation, shall be sufficient evidence of the fact without proof of the number or proportion of the votes recorded in favour of or against such proposition.

XVII. If a poll be demanded, as in the last preceding Section mentioned, or be taken at any meeting of what kind soever, the votes of the members of the Corporation present shall be taken by the Chairman in such manner as shall be provided in the Rules to be framed under Section 18 of this Act, and the result of such poll, as declared by the Chairman, shall be deemed to be the resolution of the meeting.

XVIII. The Governor in Council shall, within two months from the passing of this Act, frame rules for the regulation of the conduct of business at the meetings of the said Corporation, provided that the said rules may from time to time be altered by the Corporation, and that any alteration of such rules shall be forthwith reported to Government, who shall have power to disallow the same, and after receipt by the Chairman of the Corporation of a notice of such disallowance, such disallowance shall render the said alteration of no effect.

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

poration, but neither the Municipal Commissioner nor any other Municipal executive officer shall be eligible to be a member of the Town Council.

XX. Eight members of the said Town Council shall be elected by the members of the Corporation at their first meeting in the month of January in each alternate year, and four members of the said Town Council shall be nominated by Government within one week after such election. From the twelve members so appointed, Government shall appoint the Chairman of the Town Council.

XXI. The members of the Town Council shall hold office for two years, provided they shall so long continue to be members of the said Corporation, and shall be eligible for re-appointment in the same manner as is provided by Section 8 of this Act with regard to members of the said Corporation; and vacancies in the said Town Council or in the office of Chairman thereof, occasioned by the death, resignation, or disqualification of any member, shall be filled up as they occur by Government, or by the said Corporation, according as the member so dead, resigned, or disqualified was originally nominated or appointed by Government, or elected by the said Corporation.

XXII. The common seal of the said Corporation shall be in the custody of the Chairman of the Town Council hereinafter appointed; and shall not be affixed to any instrument on behalf of the said Corporation, except in the presence of three members of the said Town Council, who shall sign their names to the instrument in token of their presence, and such signing shall be independent of the signing of any person who may sign the instrument as a witness, and any instrument or contract in writing which under Section 54 of this Act is required to be made under the common seal of the Corporation shall be of no validity unless sealed and signed by three members of the said Town Council as hereinbefore provided.

XXIII. The said Town Council shall have power to appoint Sub-Committees of their body, and to delegate to such Sub-Committees all or any of the powers vested in the said Town Council under the provisions of this or any other Act. The said Town Council shall also have power to make rules for the regulation of its proceedings and the proceedings of the said Sub-Commit-

tees, provided that such rules shall be of no force or validity unless and until they have received the sanction of Government.

XXIV. The Town Council shall meet for the despatch of business, once at the least in every week, in a room to be provided by the Municipal Commissioner in the Municipal Office, and at such time as may be appointed by the Chairman; and each member of the Town Council, including the Chairman, who actually attends from the beginning to the end thereof a meeting at which a quorum is present and business is transacted shall be entitled to receive out of the Municipal Fund a fee of thirty rupees for such attendance: Provided always that if more than one meeting is held in the course of any week, no more than thirty rupees shall be paid to each member of the Town Council for his attendance at all the meetings of the Town Council during that week.

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

XXVI. The Town Council shall appoint a Secretary, who shall keep a record of all their proceedings, and shall perform such other duties as may be assigned to him by the Town Council or are appointed under this Act. The said Secretary shall receive out of the Municipal Fund a salary of Rs. 500 monthly, which may be increased by the Town Council with the sanction of the Corporation to Rs. 700 monthly. He shall not hold any other appointment, and shall devote the whole of his time and attention to the duties of his office. He shall be removeable from office by the Town Council for misconduct or neglect of, or incapacity to perform, his duty.

XXVII. The Town Council may from time to time appoint such clerks and servants as they may require, and such clerks and servants shall be paid out of the Municipal Fund such reasonable allowances as may be sanctioned by the Corporation, and such clerks and servants may be suspended and dismissed by the Town Council, and shall be subject to the same rules as to leave and otherwise as the clerks and servants appointed by the Municipal Commissioner as hereinafter provided.

XXVIII. All moneys payable to the Corporation in respect of the Municipal Fund, and all fines, fees, or penalties levied by them or their officers, under this or any other Act, shall be received by the Municipal Commissioner and by him paid forthwith into the Bank which is now or may hereafter be appointed to conduct the business of Her Majesty's Treasury in Bombay, to the credit of an account to be styled "the account of the Municipal Fund of the City of Bombay."

XXIX. No payment out of the Municipal Fund shall be made without the sanction of the Town Council, and such payments shall in all cases be made by cheques, to be signed by the Municipal Commissioner and by two members of the Town Council, who shall attend daily for that purpose at the Office of the Town Council, and countersigned by the Secretary to the Town Council, and it shall be lawful for the said Bank to pay all cheques against the said Fund which are so signed and countersigned, and not otherwise.

XXX. It shall be the duty of the Town Council to conduct a weekly audit of the Municipal receipts and disbursements, and to publish weekly an abstract of such receipts and disbursements for the preceding week, certified by the signature of at least three members of the Town Council. The Town Council shall have access to all the accounts of the Municipality, and the Municipal Commissioner shall be bound to furnish forthwith any explanation which may be called for as to the receipts and disbursements of the Municipal Fund.

XXXI. The accounts of the receipts and disbursements of the Municipal Fund shall be audited and examined, from month

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

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

XXXIII. The Municipal Commissioner shall, as soon after the first day of January in each year as may be practicable, prepare a detailed report of his administration during the previous year, as well as a detailed statement, showing the nature and amount of receipts and disbursements on account of the Municipal Fund during that year, and such report and statement shall, after examination and review thereof by the Town Council, be printed and delivered to each member of the Corporation at least eight days before the Quarterly Meeting to be held in the month of April in each year, and subsequently published for general information.

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

XXXV. The Town Council, with the assistance of the Municipal Commissioner, shall also every year prepare a Budget containing the estimate of expenditure as approved by them and also an estimate of the Municipal income available for the purpose, and proposals as to the amount of rates, taxes, and duties necessary to be levied for the purpose of meeting such expenditure, and at a Special General Meeting of the said Corporation, to be held under this Act on or before the tenth day of November in each year, the Chairman of the Town Council shall lay before the Corporation the said Budget. The said Budget shall be printed and circulated to the members of the said Corporation fourteen days before the holding of the said Special General Meeting.

XXXVI. It shall be in the discretion of the Corporation to pass the said Budget or to refer it to the Town Council for further consideration, or finally to reject any items entered in the Budget of which they may not approve. But no proposal involving further expenditure, or the levy or abolition of taxes, shall be submitted to the Corporation without having been first left with the Secretary to the Town Council not later than six days before the Special General Meeting held in accordance with the preceding Section.

XXXVII. At the Special General Meeting held in accordance with Section 35, or at an adjournment thereof, the Corporation shall fix the rates at which such rates and taxes are leviable under this or any other Act for the time being in force shall be levied for

the year commencing on the first of January next ensuing: Provided always that such rates and taxes shall be fixed before the tenth day of December in each year, and shall not be altered before the succeeding month of October.

XXXVIII. It shall be lawful for the Town Council, in case of necessity during the year, to reduce the amount of expenditure under any head of the estimate in any manner not inconsistent with the provisions of this or any other Act for the time being in force for the regulation of the said Corporation, or to transfer the moneys assigned under one head of expenditure in the estimate to another head: Provided that the total amount of expenditure sanctioned by the estimate passed by the Corporation shall in no case be exceeded, and that all such alterations shall be reported to the Corporation at the next Quarterly or Special General Meeting.

XXXIX. It shall be lawful for the Corporation, on the recommendation of the Town Council, from time to time to add to the Budget grants to meet special requirements, provided that the estimated cash balance at the end of the year shall not be reduced by such additional grants below one and a half lakhs of Rupees.

XL. Upon complaint made to the Governor in Council that the Municipal Corporation, or Town Council, or Municipal Commissioner, appointed by and under the provisions of this Act has made default in carrying out and enforcing the provisions of Sections 86, 93, 96, 138, 142, 145, 187, 245, and 249, of this Act, the said Governor in Council, if satisfied after due inquiry that the alleged default has been committed, shall make an order intimating a time for the performance of its duty by the authority implicated in the matter of such complaint; and if such duty is not performed within the time limited in the order, the said Governor in Council shall appoint some person to perform the same, and shall by order direct that a reasonable remuneration to the person so appointed, the amount whereof is to be specified in the order, and also the expenses of performing such duty, together with the cost of the proceedings, shall be paid out of the Municipal Fund.

XLI. When the order last mentioned in the preceding Section shall have been made, the Town Council and Municipal Com-

missioner shall pay to Government out of the Municipal Fund such sum or sums of money as shall from time to time upon a written requisition by a Secretary of Government be directed to be paid in compliance with such order, and on failure to make any of such payments for a period of fourteen days from the date of the delivery of any such requisition to the Municipal Commissioner, the Government may by an order in writing signed by one of its Secretaries empower any person from time to time to levy out of the Municipal Fund in the hands of the Bankers of the Corporation the sums mentioned in the said order, and the said Bankers shall forthwith pay the sums mentioned in such order and such order shall be a sufficient discharge to the said Bankers for the payment of the sums therein mentioned from all liability to the said Corporation.

### III.—MUNICIPAL EXECUTIVE OFFICERS.

**XLII.** The entire executive power and responsibility for the purposes of this Act shall be vested in one Commissioner, who shall be appointed by the Government for a term of three years, and shall be eligible for re-appointment, provided that he shall always be removeable from office by the Government for misconduct, or neglect of, or incapacity to perform his duty, and shall be removed from office by the Government on the votes of not less than forty members of the Corporation recorded at a Special General Meeting of the Corporation.

**XLIII.** The said Commissioner shall be styled "Municipal Commissioner for the City of Bombay." He shall receive such allowances out of the Municipal Fund, to be raised under this Act, as shall from time to time be fixed by the Government: Provided that these allowances shall not be less than Rupees two thousand or more than Rupees two thousand five hundred a month. He shall not be permitted to hold any other appointment or to follow any other occupation, and shall devote his whole time and attention to the duties of his office. He shall not be eligible to be a member of the Corporation, but he shall have the same right of being present at all meetings of the Corporation, and of taking part in the discussions thereat as any member of the Corporation, but he shall not be at liberty to vote upon or to move any resolution submitted to any such meeting.

**XLIV.** The Corporation shall, subject to the confirmation of Government, appoint an Executive Engineer,

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

**XLV.** The Corporation shall also, subject to the confirmation of Government, appoint a proper person, being a legally qualified Medical Practitioner, to be called the Executive Officer of Health, who shall be appointed for a term of three years, and shall be eligible for re-appointment: Provided always that he shall be removeable for misconduct, neglect of, or incapacity to perform his duty, or by a vote of not less than two-thirds of the members present at a Special General Meeting of the Corporation, and with the confirmation of Government. The Executive Officer of Health shall afford such advice to the Commissioner for the sanitary improvement of the city as his experience and observation may indicate, and such assistance as may be necessary for carrying out such clauses of this Act as relate to the public health. The said Officer shall be precluded from holding any other appointment or office, and he shall not engage in professional practice, either gratuitously or for gain. He shall receive from the Municipal Fund a salary, to be fixed by the Corporation, of not less than twelve or more than fifteen hundred Rupees a month.

**XLVI.** The appointments to the offices of Executive Engineer and Executive Officer of Health shall be made by the Corporation within thirty days from the date on which any vacancy in the said offices shall occur, and in case of the Government refusing to confirm any appointment made by the Corporation, a new appointment shall be made by the Corporation within fifteen days from the date that such refusal of Government to confirm the appointment

shall have been notified to the Chairman of the Corporation. In case of any omission by the Corporation to make these appointments within the time so prescribed, the right to make the said appointments shall devolve upon Government. Nothing in this Section shall prevent the Corporation from making, with the assent of Government, a temporary appointment in place of one for the full term of three years in case it should appear desirable to the Corporation to do so.

**XLVII. The Executive Officer of Health** shall act in subordination to the Municipal Commissioner, but in all matters of importance affecting the public health generally the Municipal Commissioner shall consult the Executive Officer of Health, and in the event of the latter Officer differing from the Municipal Commissioner as to any order or orders issued, or proposed to be issued, regarding any such matter, he shall submit his views to the Commissioner in writing for the consideration of the Town Council, and the Commissioner shall forthwith lay such representation before the Town Council accordingly, who shall pass such order in the matter as to them may seem fit, which order the Municipal Commissioner shall be bound to obey.

**XLVIII. Nothing hereinbefore provided** shall be construed to prevent the Corporation from continuing to existing incumbents their present allowances. **Corporation to continue to existing incumbents their present allowances.** Nothing hereinbefore provided shall be construed to prevent the Corporation from continuing to existing incumbents of the offices above-named their present allowances for the periods for which they have respectively been appointed.

**XLIX. The Commissioner** may from time to time appoint such Assistant Commissioners, Assessors, Collectors of Taxes, Accountants, Overseers, Inspectors, Clerks, and subordinate officers and servants, under whatever designation, as he shall think necessary and proper to assist in the execution of this Act, and may from time to time remove any such persons and appoint others in their place, and all persons appointed under this Section shall be subject to such rules as may be made by the Commissioner from time to time be made by virtue of this Act; and he may, within the limits of the Budget assignment for the year, pay such allowances to the said persons respectively as the Town Council shall think reasonable, or in case of absence on leave such portion

thereof as is hereinafter provided: Provided that no officer or servant shall be removed from any office the aggregate monthly salary of which exceeds 300 Rupees without the sanction of the Town Council, and that no new office the aggregate monthly salary of which exceeds 300 Rupees shall be created without the sanction of the Corporation.

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

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

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

**LIII. No member of the Town Council, Municipal Commissioner, or other Officer or servant appointed under this Act, shall be in any wise concerned or interested in any** **Officers not to be concerned in contracts made with the Corporation.**



work or contract made with, or executed for the Corporation; and if any such Officer or servant be so concerned or interested, he shall be incapable of holding his present or any future office or employment under the Corporation, and in addition shall be deemed to

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have committed an offence, and shall be liable to the penalty imposed by Section 168 of the Indian Penal Code, on public servants unlawfully engaging in trade: Provided that no person being merely a shareholder of any Joint Stock Company established by or under the provisions of any Act of Parliament, or of the Government of India, or by Charter, shall be prevented from serving as a member of the Town Council or as Municipal Commissioner, Officer, or servant, by reason of any contract between such Company and the Corporation, or of any work executed by such Company.

#### LIV. The Municipal Commissioner may,

The Commissioner may enter into contracts for works provided for in the Budget. Mode of making contracts. on behalf of the Corporation, enter into any such contracts as may be necessary for carrying into execution any works or duty authorised by the Budget previously sanctioned, to the extent of the sums provided for the said works or duty in the said Budget, and every such contract on behalf of the Corporation may be made as follows (that is to say):—(1) Any contract which, if made between private persons, would be by law required to be in writing, and under seal, may be made on behalf of the Corporation, in writing, under the common seal of the Corporation, which shall be affixed in the manner prescribed in Section 22 of this Act, and such contract may in the same manner be varied or discharged. (2) Any contract which, if made between private persons, would be by law required to be in writing and signed by the parties to be charged therewith, may be made on behalf of the Corporation, in writing, signed by the Municipal Commissioner, and such contract may in the same manner be varied or discharged. (3) Any contract, which, if made between private persons, would be by law be valid, although made verbally only and not reduced into writing, may be made verbally on behalf of the Corporation by the Municipal Commissioner, and such contract may in the same way be varied or discharged. And all contracts made according to the provisions of this Section shall be effectual in law, and shall be binding upon the Corporation and their successors and all other parties thereto, their heirs, executors, administrators, or representatives, as the case may be: Provided that the Municipal Commissioner

shall have no authority to make on behalf of the Corporation any contract involving a larger expenditure than 5,000Rs., or enduring for a longer period of time than the time elapsing between the making of such contract and the end of the Budget year, unless the previous consent of the Town Council to the making of such contract shall have been obtained.

#### LV. All contracts entered into by the

Contracts to be reported to Town Council: contracts for works or materials to be in writing. Municipal Commissioner on behalf of the Corporation shall be reported to the Town Council within one week after the same respectively are made, and all such of the said contracts as relate to the execution of any work or the furnishing of any materials, and whether for more or less than five thousand Rupees, shall be in writing, and shall specify the work to be done and the materials to be furnished, and the price to be paid for the same, and the time or times within which the work is to be completed, and the penalties to be suffered in case of the non-performance thereof.

#### LVI. Before any contract involving an

Mode of entering into contracts amounting to Rs. 2,000 or more. expenditure of two thousand Rupees or upwards for the execution of any works directed or authorised by this Act to be done by the Commissioner, or for furnishing materials, or for any other things necessary for the purpose of this Act, shall be entered into by the Commissioner, seven days' notice at the least shall be given in at least one of the daily English newspapers and in two of the Vernacular newspapers circulating in Bombay, expressing the purpose of such contract, and inviting any person willing to undertake the same to make proposals for that purpose to the Commissioner, and the Commissioner shall accept the proposals which, upon a view of all the circumstances, shall appear to him to be the most advantageous, and shall take a deposit or security for the due and faithful performance of every such contract, provided that in the case of any contract involving a greater expenditure than five thousand Rupees, such proposals shall not be accepted without the previous consent of the Town Council.

#### LVII. The Municipal Commissioner, with

Compound of penalties. the sanction of the Town Council, may compound with any Contractor or other persons in respect of any penalty incurred by reason of the non-performance of any contract entered into as aforesaid, whether such penalty be mentioned in any such contract, or in the bond, or otherwise, for such sums

of money or other recompense as to the Town Council may seem proper.

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

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

**LIX.** The Town Council shall make rules fixing the allowances to be paid to officers during absence on leave granted under the last preceding Section: Provided that, in the case of the Municipal Commissioner, the Governor in Council shall fix the allowance to be paid during such absence on leave as shall to him seem proper; and provided that no greater expenditure from the Municipal Fund shall be in any case incurred in the whole, by reason of any such allowance, than would have been incurred had no leave been granted.

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

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

Provided that no person arrested under the

visions of this Act shall be detained in any way without the order of some Magistrate, longer than shall be necessary for bringing him before a Magistrate, or than forty hours at the utmost.

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

#### IV.—MUNICIPAL PROPERTY AND FUND.

**LXII.** The property moveable and immoveable which shall be vested in on the date when this Corporation. Act comes into operation be vested in or held in trust for the Corporation of the Justices appointed under Act II. of 1865, or which would have been vested in or held in trust for such Justices but for the passing of this Act, with all rights of way and easements, and all other rights of whatsoever description now used, enjoyed or possessed by the said Justices, shall on and from the date when this Act comes into operation be vested in the Corporation for the purposes of this Act.

**LXIII.** No action, suit, prosecution, or other proceeding what-Actions, &c., by or against Justices not to abate. soever, commenced or carried on, either by or against the said Justices previously to the coming of this Act into operation, shall abate, or be discontinued, or prejudicially affected by this Act, but shall continue to take effect both in favour of and against the Corporation in the same manner in all respects as the same would have continued and taken effect in relation to the said Justices if this Act had not been passed; and all decrees and orders made, and all fines and penalties imposed and incurred respectively, previously to the coming into operation of this Act, shall and may be enforced, levied, recovered, and proceeded for, and all administrative proceedings commenced previously to the coming into operation of this Act shall and may be continued, proceeded with, and completed, in such or the like manner as if this Act had not been passed, the Corporation being, in reference to the matters aforesaid, in all respects aforesaid, in the place of the said Justices.

**LXIV.** The Veihar Lake in the Island of Salsette, and all the Works vested in the Corporation. land adjacent thereto up to the level of the embankment on the southern side thereof, and included within the limits delineated in

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

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

LXV. All moneys received by or on behalf of the Corporation by virtue of this or any other Act, all rates, taxes, tolls, and other imposts, fines, fees, penalties, paid or to be levied by them under this Act, all proceeds of land or other property sold by the Corporation, and all rents accruing from the land or property of the said Corporation, as also all interest, profits, and other moneys accruing by gifts or transfers from Government, or private persons or otherwise, shall constitute the Municipal Fund, and shall be held and dealt with by the Corporation as hereinafter provided.

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

- (1.) A rate payable by owners on the annual value of houses, buildings, and lands.

- (2.) Rates payable by occupiers, and assessed in the manner hereinafter provided, for the special purposes of Police, Lighting, Water-supply, Hallalcore service.
- (3.) A supplementary rate to meet excess of expenditure over income in a given year.
- (4.) Taxes on Carriages, Horses, Ponies, and Mules.
- (5.) Tolls on labour carts entering the City from the Island of Salsette.
- (6.) Town Duties.
- (7.) A Tax on Fire Insurance Companies.

LXVII. At the Special General Meeting, to be held in accordance with Section 35, the Corporation shall fix the rates at which the rates, taxes, tolls, and duties leviable under this Act shall be levied for the year commencing on the first day of January next ensuing. The rates so fixed shall not be altered before the next succeeding month of November.

LXVIII. No assessment and no charge or demand of rates, taxes, tolls, or duties, to be impeached for want of form, under the authority of this Act shall be impeached or affected by reason of any mistake in the name of any person liable to pay the rate, tax, toll, or duty, or in the description of any property or thing liable to rate, tax, toll, or duty, or any mistake in the amount of assessment, nor shall any proceeding under this Act be quashed or set aside for want of form in any Court of Justice: Provided that the directions of this Act be in substance and effect complied with.

#### House Rate.

LXIX. An annual rate of five per centum of their annual value shall be levied upon houses, buildings, and lands in the said City, and shall be payable by the owners thereof in advance in half-yearly instalments, that is to say, the first instalment for the year shall be due and leviable on the 1st of January, and the second instalment on the 1st of July of each year: Provided that it shall be lawful for the Government, on a Resolution passed by the Corporation at a Special General Meeting, to fix from time to time, in lieu of the said annual rate of five per centum, any higher rate not exceeding eight per centum. Any rate so fixed shall be published in the *Go-*

Levy of rates, taxes, tolls, and duties.

Proviso.

*vernment Gazette* before the commencement of the year in which such rate is to have effect.

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

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

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

LXXIII. When the name of the owner or occupier is not to be designated if his name be unknown, sufficient to designate him in the Assessment Book, and also in any notice or other proceeding under this Act, as "the owner" or "the occupier" of the property on which the rate is assessed, without further description. When in the case aforesaid any person shall be in the occupation of houses, buildings, or lands, and shall refuse to give information as to who is or claims to be the owner thereof, such person shall for the purposes of this Act be deemed to be the owner and occupier of such houses, buildings, or lands, and shall be liable to

all the rates leviable under this Act on such property.

LXXIV. *Clause 1st.*—In order to enable the Commissioner to arrive at a fair valuation of measurement of any houses, buildings, or lands liable to the rate, it shall be lawful for the Commissioner to require the owner or occupier of such houses, buildings, or lands, to furnish him with Returns of the measurement and of the rent or annual value thereof, and for the like purpose it shall be lawful for the Commissioner, or any person or persons appointed by him for that purpose, at any time between sunrise and sunset, to enter, and inspect and measure such houses, buildings, or lands, after having given forty-eight hours' previous notice in writing of his intention to the occupier thereof.

*Clause 2nd.*—Whoever refuses or fails to furnish any of the Returns specified in the preceding Clause for the space of one week from the day on which he shall have been required so to do, shall be liable, on conviction before a Magistrate, to the penalty provided in Section 176 of the Indian Penal Code for omitting to furnish information required by law, and whoever knowingly makes a false or incorrect Return, shall be liable, on conviction before a Magistrate, to the penalty provided in Section 177 of the aforesaid Code for furnishing false information to any public servant, and whoever hinders, obstructs, or prevents the Commissioner, or any person appointed by him as aforesaid from entering, or inspecting, or measuring any such houses, buildings, or lands, shall be liable, on conviction before a Magistrate, to the penalty provided by Section 186 of the said Code, for obstructing a public servant in the discharge of his public functions.

LXXV. In estimating the annual value of any houses, lands, or buildings liable to be rated under Section 69 of this Act, whenever the owner of any such houses, lands, or buildings lets the same to any tenant who sub-lets the same at a higher rent than he pays to such owner, such owner shall only be liable to be rated under Section 69 upon the gross amount of rent which he is entitled to receive from such tenant, and as to the difference between such last mentioned rent and the gross amount of rent payable to such tenant by his sub-tenant or sub-tenants, such

tenant shall, for the purposes of being rated under Section 69, be deemed to be the owner.

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

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

Buildings occupied for public worship, and buildings and lands owned by Government exempt from House-rate.

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

LXXIX. The Commissioner shall, at the time and in the manner mentioned, give public notice of a day, not being less than fifteen days from the publication of such notice, when he will proceed to revise the said valuation or measurement and assessment; and in all cases in which any property if for the first time assessed, or in which the valuation or measurement of any property previously assessed is increased, shall give special notice thereof to the owners or occupiers of such property. All complaints against such valuation or measurement and assessment shall be made to the Commissioner by application in writing left at his office three days

Notice of time of revising assessment.

time and in the manner mentioned, give public notice of a day, not being less than fifteen days from the publication of such notice, when he will proceed to revise the said valuation or measurement and assessment; and in all cases in which any property if for the first time assessed, or in which the valuation or measurement of any property previously assessed is increased, shall give special notice thereof to the owners or occupiers of such property. All complaints against such valuation or measurement and assessment shall be made to the Commissioner by application in writing left at his office three days

before the day fixed in the said public notice for the revising of the said valuation or measurement and assessment, and upon hearing such complaints, the Commissioner shall make such amendments, if any, in the said assessment and in the Assessment Book as he shall think proper.

LXXX. After the complaints have been enquired into and after the revision of the valuation or measurement and assessment has been completed, the amendments, if any, made in the Assessment Book shall be authenticated by the signature of the Commissioner, who shall at the same time certify, under his signature, that no valid objection has been made to the valuation or measurement and assessment in the said book entered, except in the cases in which amendments have been made as shown therein, and thereupon, and subject to such alterations and amendments as may thereafter be duly made, the rate so assessed shall be deemed to be the rate for the whole year for which the assessment is made, and such year shall be from the first day of January.

After revision the Assessment Book to be authenticated by Commissioner.

Rate assessed to be deemed the rate for the whole year.

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

Alteration or amendment of assessment.

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

Remission on account of vacant houses or lands.

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

**LXXXIII.** When any house or building shall have been newly built, or shall be rebuilt, or shall be enlarged so as to increase the yearly value, the owner shall give notice thereof in writing to the Municipal Commissioner within fifteen days from the date of completion of the building, rebuilding, or enlargement, or from the date of occupation of each newly built or rebuilt or enlarged property, whichever date happens first. In default of such notice the owner will be liable to a fine not exceeding (50) fifty Rupees, on conviction before a Magistrate.

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

**LXXXV.** It shall not be necessary to prepare a new Assessment Book every year, but the Commissioner may adopt the valuation, measurement, or assessment contained in the book for the preceding year, with such alterations as may, in particular cases, be deemed necessary, as the valuation, measurement, or assessment for the year following: Provided always, that

public notice of such valuation and assessment shall be given in the manner prescribed in Section 78 of this Act; and the provisions of the said Section and of the three following Sections shall be applicable to the valuation and assessment, and to the book or books in which it is contained; and provided moreover that a new Assessment Book shall be prepared every fourth year at the least.

#### *Occupiers' Rates.*

**LXXXVI.** The annual expenses of the Police of the City of Bombay and of the protection of the City from fire as from time to time determined by Government, shall on

the requirement of Government be paid out of the Municipal Fund, and the Corporation shall for the purpose of making such payment, impose upon the occupiers of all houses, buildings and lands in the said City, an annual rate of not less than two and not more than three per cent. on the annual value of such houses, buildings and lands, and if the proceeds of the said rate shall not be sufficient to meet the said expenses, the deficiency shall be supplied from the Municipal Fund.

**LXXXVII.** Towards providing for the annual expense of lighting the public streets of the City of Bombay with gas, or other suitable means, an annual rate of two per cent shall be imposed upon the occupiers of all houses, buildings, and lands in the said City.

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

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

**XC.** In place of the above rate it shall be lawful for the Commissioner, whenever he may think fit, to supply water to any person from the said Water Works by measurement, in such quantities and on such terms and conditions as shall seem fit, and to contract for the supply of such water for any purpose whatever to any person without measurement at a reasonable fixed rate, and all moneys due to the Commissioner, on behalf of the Corporation, on account of any water so supplied, shall be recoverable in like manner as the other rates payable under the provisions of this Act:

Provided that all such terms, conditions, and contracts shall be subject to revision by the Town Council.

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

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

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

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

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

XCV. Whenever the Commissioner shall have given notice, by Hallalcore Cess. advertisement or otherwise, to the occupier of any house, building, or land, or to the occupiers generally in any ward or district into which the City is or may be divided, that he will, on and from a day to be named in such notice, perform through his agents the duties usually performed by hallalcores, an annual rate or cess shall be imposed upon the occupier or the several occupiers of any house, building, or land so served, or upon all the several occupiers of houses, buildings, and lands situated within any ward or district regarding which such notice may have been given. The rate shall be fixed at such amount as shall appear to the Corporation, on consideration of the estimates of the Commissioner, likely approximately to cover the expenses of collection and removal incident to such service, but shall not exceed three per cent. of the actual rent payable by each occupier: Provided always that no occupier shall be liable to pay more than Rupees seven, or less than four annas, per mensem.

XCVI. Whenever it shall appear, from the statement of actual Supplementary Rate. cash receipts and expenditure in any year, laid before the Corporation at their Quarterly Meeting in the month of April next following, as provided in Section 33 of this Act, that the expenditure has been in excess of the receipts on account of the Municipal Fund, the Corporation shall, within one month from the receipt of the statement aforesaid, impose upon the occupiers of houses, buildings, and lands within the City, a special supplementary rate upon the annual value of such houses, buildings, and lands, sufficient to cover the whole of the excess abovementioned. The special supplementary rate shall be leviable forthwith from all persons assessed to occupiers' rates for the then current year.

*General provisions regarding Occupiers' Rates.*

XCVII. The annual value of all houses, buildings, and lands for Police Rates, &c., how to be determined. Annual value of houses buildings, and lands liable to Police, Lighting, Water, and Special Supplementary rate, shall be the annual value as ascertained for the purposes of the House-rate under Section 70 of this Act.

XCVIII. All occupiers' rates shall be due and leviable at the same time and in the same instalments as the House-rate, and it shall be lawful for the Municipal Commissioner, with the approval of the Town Council, to remit the rates for the year or any instalments thereof in any case in which they shall be satisfied that the payment of the same would subject the person liable to undue hardship.

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

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

CI. When any house, building, or land is unoccupied, or when any house or building is let in apartments, flats, or portions of flats, or when any land is let in portions, the owner thereof shall be held to be liable for occupiers' rates, and the Commissioner shall

recover the said rates from the owner instead of from the tenants of such house, building, or land let as aforesaid.

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

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

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

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

*Taxes on Carriages, Horses, Ponies, and Mules.*

CIV. A tax shall be levied on all carriages, carts, hackeries, horses, ponies, and mules, kept within the said City, and upon



all carts and hackeries plying for hire within the said City, or let for hire and used within the said City and kept at any place beyond the limits thereof, at the rates specified in Schedule A, and shall be payable quarterly by the owners or persons having charge of the same, except as hereinafter otherwise provided: Provided that the Corporation may reduce, alter, or modify this tax, as they

may deem fit, but may not increase the rates specified in the said Schedule, and provided that this Section shall not apply to or include gun carriages, ordnance carts, or waggons, Artillery and Cavalry horses, or horses of the Mounted Police, or the respectively authorised number of horses belonging to Officers doing staff, regimental, or other duty at the Presidency, or vehicles, horses, ponies, or mules belonging to the Government or to the Corporation, or vehicles kept for sale, and not used for any other purpose, if kept by *bonâ fide* dealers in such vehicles: Provided also that public conveyances liable to the payment of a license fee under (Bombay) Act VI. of 1863 shall be required to pay in half-yearly instalments in advance the tax leviable under this Section, the first instalment being payable at the same time as the said license fee.

CV. Every person who may have owned or had charge of any quarter involves liability for the whole quarter. vehicle or animal kept for use within the said City for any portion of a quarter exceeding seven days, shall be liable for the whole tax of that quarter: Provided that

Proviso. in case any such person has kept or had charge of any vehicle or animal for a period less than thirty consecutive days, the Commissioner shall remit two-thirds of the tax for the quarter.

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

CVII. The Commissioner may compound with livery stable-keepers and others. pound, for any period not exceeding one year, with livery stable-keepers and other persons keeping carriages and horses for hire, for a certain sum to be paid for the carriages and horses so kept by such persons, in lieu of the taxes specified in Schedule A. Provided that every such composition shall be subject to revision by the Town Council.

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

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

Return may be required for the purpose of making a list.

CX. Every person who by reason of not being possessed of any carriage, cart, hackery, horse, pony, or mule, has not paid any tax in respect thereof for the previous half-year, shall on becoming possessed of any conveyance or animal liable to such tax, give notice thereof to the Commissioner within fifteen days from the time of becoming so possessed. In default of such notice the possessor will be liable, on conviction before a Magistrate, to a penalty not exceeding (50) fifty Rupees.

CXI. It shall be lawful for the Commissioner, or any person or persons appointed by him for that purpose, at any time between sunrise and sunset, to enter and inspect any stable or coach-house, or any place wherein he may have reason to believe that there is any vehicle or animal liable to taxation under Section 104 of this Act; and the Commissioner may summon any person whom he has reason to believe to be liable to the payment of any tax under the last mentioned Section,

Power to inspect stables, &c., and to summon persons liable to the payment of the tax.

or any servant of such person, and may examine such person or servant as to the number and description of the horses and carriages in respect of which such person is liable to be taxed.

**CXII.** Whoever on being summoned under the preceding Section fails, without lawful excuse, to appear in pursuance of the summons, shall be liable on conviction before a Magistrate, to the penalty provided by Section 174 of the Indian Penal Code; and whoever hinders or obstructs the Commissioner, or any person appointed by him as aforesaid, from entering or inspecting or leaving any such stable, coach-house, or place, shall be liable, on conviction before a Magistrate, to the penalty provided by Section 186 of the aforesaid Code, for obstructing a public servant.

#### *Toll on Labour Carts.*

**CXIII.** A toll not exceeding two annas per cart shall be levied by the person authorized by the Municipal Commissioner on all labour carts not already paying the tax imposed under Section 104 of this Act, which may enter the City from the Island of Salsette, and on each occasion of such entrance. Every driver of such cart shall receive a ticket certifying payment of toll, but the possession of such ticket shall not authorise the said cart to ply for hire within the City. It shall be lawful for the Municipal Commissioner, with the sanction of the Town Council, to farm out this toll.

#### *Town Duties.*

**CXIV.** Duties not exceeding the rates specified in the Schedule B annexed to this Act shall be leviable, in respect of the several articles therein mentioned, when imported from any place into the City of Bombay. The said duties shall be called Town Duties, and shall be leviable in addition to any Customs Duties prescribed by Law. The list of articles and rates specified in the said schedule may be altered from time to time by the Corporation with the sanction of Government.

**CXV.** At the Special General Meeting of the Corporation to be held under the provisions of Section 35 of this Act in November in each year, it shall be lawful for the said Corporation to fix the rates for the said Town Duties to be levied for the year then next following after such meeting in respect to all or any of the articles

made liable to Town Duties under the provisions of this Act, and for that purpose to retain or omit all or any of such articles accordingly for the then ensuing year: Provided that such rates so from time to time to be fixed shall not exceed the rates authorized to be levied under the provisions of this Act, or be imposed in respect of any other articles than those liable to Town Duties under this Act, and the Town Duties when so fixed shall be the Town Duties leviable for the then next ensuing year.

**CXVI.** The said Town Duties shall be payable on demand, and shall be levied and collected by and under the management of the Municipal Commissioner and Officers subordinate to him, or, with the sanction of Government, by the Commissioner of Customs or the Officer appointed to levy Bunder Fees under (Bombay) Act V. of 1870, or any other Act for that purpose, and their subordinate Officers respectively, as may to the Corporation appear from time to time expedient: Provided that Government may from time to time fix the charges which the Commissioner of Customs, or Officer levying Bunder Fees, shall be entitled to deduct for the necessary expenses of collecting the said Town Duties and accounting for the same.

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

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

**CXVIII.** All moneys collected or recovered on account of the Town Duties under this Act shall from time to time be paid into the Bank which is now or may hereafter be appointed to conduct the business of Her Majesty's Treasury in

Bombay, and shall be carried to the credit of the Municipal Fund.

**CXIX.** The Commissioner shall keep accounts of all receipts and disbursements on account of the Town Duties, and shall submit a detailed statement of the same to the Corporation, together with the Annual Report required from him under Section 33 of this Act, and such accounts shall be audited and examined in like manner as other Municipal accounts.

**CXX.** When any of the articles, except cotton, upon which Town Duties shall have been paid shall be exported, the full amount of Town Duties shall, under such rules as the Commissioner, with the sanction of the Town Council, shall from time to time notify, be repaid as refund, provided that the articles be exported within six months from the date of importation, and that application for such refund be made within one month from the date of exportation; and provided also that no refund be claimable of less amount than ten Rupees.

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

**CXXII.** Every Insurance Company carrying on business in Bombay or having an Agency for such purpose, and which insures from fire any property in the City of Bombay, shall pay annually to the Corporation—by way of contribution towards the protection of the City from fire—a sum of not less than five hundred Rupees and not exceeding one thousand Rupees, to be determined by the Town Council. The said payments shall be made half-yearly, in advance, and every amount due from an Insurance Company to the Corporation in pursuance of this Act shall be deemed to be a specialty debt due from the Company to the Corporation, and to be recovered accordingly.

**CXXIII.** Every Insurance Company insuring property from fire in the City of Bombay shall, on the first day of January in every year, make a return to the Municipal

Commissioner, in such form as he may require, of the gross amount insured by it in respect of property in the City. There shall be annexed to the return so made a declaration made by the Secretary or other officer performing the duties of Secretary of the Company by whom it is made, stating that he has examined the return with the books of the Company, 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 to which he belongs in respect of property in the City of Bombay. The return so made shall be the basis upon which the Town Council shall determine the amount to be paid by each Company for the then current year within the minimum limit of five hundred Rupees and the maximum limit of one thousand Rupees as aforesaid.

**CXXIV.** If any Insurance Company makes default in making such return to the Municipal Commissioner as required by this Act, it shall be lawful for the Town Council to determine the amount to be paid by any such Company for the then current year at the maximum rate authorized by this Act.

#### *Collection of Rates and Taxes.*

**CXXV.** When any rate or tax shall have become due, the Commissioner shall, with the least practicable delay, cause to be presented to the person liable to the payment thereof a bill for the sum due, or the first instalment thereof if payable in instalments. The Bill shall contain a statement of the period, and a description of the property or thing, for which the rate or tax is charged, and if it be for any tax it shall also contain a notice of the time within which an appeal against such tax may be preferred.

**CXXVI.** If the bill is not paid by the person liable to pay the same within fifteen days from the presentation thereof, the Commissioner may cause to be served upon him a notice of demand in the form contained in the Schedule (C) to this Act, or to the like effect, and if he do not, within fifteen days from the service of such 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 shall have been preferred, such sum with all costs may be levied by distress and sale of the goods and chattels of the defaulter; or if the defaulter be the occupier

**Distress.** of any house, building, or land in respect of which a rate is due, by distress and sale of any goods and chattels found on the premises under a warrant in the form in the Schedule (D), or to the like effect, to be issued for that purpose by the Commissioner. For every notice of demand under this Section which the Commissioner shall cause to be served upon any person, a fee not exceeding one Rupee, the amount of which shall be in each case fixed by the Commissioner, shall be paid by such person. Such fee shall be added to the amount of the rate in respect of which the notice is given, and if not duly paid shall be levied in the same manner as such rate may be levied.

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

**CXXXVIII.** Every such appeal shall be commenced within ten days after the accrual of the cause of complaint, which shall in respect of any rate be deemed to accrue on the date of the certificate of the Commissioner in the Assessment Book, or, in case of any subsequent amendment of the said book, under the provisions of Section 81, upon the receipt by the person aggrieved of notice of such amendment; and in respect of any tax the cause of complaint shall be deemed to accrue upon the presentation to the person aggrieved of a bill for the sum claimed from him.

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

**CXXXIX.** The assessment by the Commissioner of any rate or tax when no complaint or appeal therefrom is made as hereinbefore provided, and the adjudication of any appeal under Section 127, shall be final.

**CXXX.** The Officer charged with the execution of a warrant of distress shall make an inventory of the goods and chattels seized under any such warrant, and shall at the same time give a

notice in writing, in the form contained in the Schedule E, annexed to this Act, to the person in possession thereof at the time of the seizure, that the said goods and chattels will be sold as therein mentioned.

**CXXXI.** If the warrant is not in the meantime discharged or suspended by the Commissioner, the goods and chattels seized shall be sold under the orders of the Commissioner, who shall apply the proceeds, or such part thereof as may be necessary, in discharge of the said arrears and costs, and the surplus, if any, shall be returned on demand to the person in possession of the goods and chattels at the time of the seizure. The fees payable upon distraints under this Act shall be such as are set forth in the table of fees in the Schedule F annexed to this Act.

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

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

**CXXXIV.** If the sum due on account of any rate from the owner of any house, building, or land remains unpaid after the bill for the same has been duly presented, the Commissioner may demand the amount from the occupier for the time being of such house, building, or land, and on non-payment thereof may recover the same by distress and sale of any goods and chattels found on the premises; and in such case the occupier may deduct from the next and following payments of his rent the amount which may be so

Proviso. paid by or recovered from him: Provided that no arrear of rate which has remained due from the owner of any house, building, or land for more than one year, or for any term for which he has not been in occupation, shall be recovered from the occupier thereof.

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

#### V.—APPLICATION OF MUNICIPAL PROPERTY AND FUNDS.

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

CXXXVII. The purposes expressly authorized by this Act shall be held to include the objects connected with the public safety, health, instruction, and convenience hereinafter specified, that is to say:—

##### *Public Safety.*

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

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

##### *Public Health.*

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

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

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

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

##### *Public Instruction.*

(1) Defraying such portion of the cost of providing public instruction within the limits of the City as the Corporation may think fit after consideration of the representations of the Director of Public Instruction, by whom estimates shall be submitted annually to the Corporation through the Municipal Commissioner.

(2) Contributions towards the erection and maintenance of public Libraries and Museums.

##### *Public Convenience.*

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

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

(3) Survey of houses and lands, and (4) generally to all objects connected with the public safety, health, and convenience.

CXXXVIII. It shall be the duty of the Corporation, and they are hereby required, to provide such funds as may be necessary for the maintenance of the Police and the protection of the City from fire, and for the purpose of making adequate and suitable provision for the cleaning, and surface draining of the City, and for maintaining a proper and sufficient water-supply.

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

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

CXL. Whereas a sum in excess of the original estimate of twenty-five lakhs of Rupees has been expended in the construction of the Vehar Lake and Water Works, and in purchasing the interests of

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

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

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

Proviso.

lakhs thirty thousand and fifty-three: Provided that all sums received by Government on account of the said Water Works, under the provisions of Sections 30 and 31 of Act

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

CXLI. No liability shall be deemed to have accrued by reason of the annual sum on account of the drainage works not having been set apart as required by Section 8 of Act II. (Bombay) of 1865.

## VI.—GENERAL CONSERVANCY.

### *Water Supply.*

CXLII. From and after the date when this Act comes into operation, the Vehar Water Works and the business thereof shall be exclusively managed and conducted by the Commissioner, who shall be bound to keep the said Water Works and the property pertaining thereto in good repair and effective for the proper purposes of the same; and the Commissioner shall make such extensions, improvements, and alterations in the said Water Works and property as may be necessary, and for such purposes may, with the sanction of the Corporation, expend such sums as may be necessary out of the Municipal Fund, subject, however, to such prohibitions and limitations as the Governor in Council may in any case think fit to prescribe.

CXLIII. It shall be lawful, whenever the same may be necessary in order to repair, improve, extend, renew, or examine the Lake, conducting pipes, or any other portion of the Water Works afore-

Access to land and conduits, &c.

said, for the Commissioner and his servants, having authority either general or special in writing from the Commissioner, at all reasonable times, to enter upon and pass through any land or other property adjacent to the same or in the neighbourhood thereof, in whomsoever such property may be vested, and to convey into and through the said land or other property such materials, tools, and instruments as may be necessary for the purposes aforesaid; and any person obstructing such entrance or passage, or conveyance, shall, on conviction before any Magistrate, be liable to a fine not exceeding fifty Rupees,

Proviso. commutable, if not paid, to one month's

simple imprisonment: Provided that all damage done to land or other property by the said Commissioner or his servants in the exercise of the powers by this Section conferred, shall be made good by the Commissioner on behalf of the Corporation to the owners of the same.

CXLIV. From and after the day upon which this Act comes into operation, it shall not be lawful for any persons to erect any building, shed, or other structure, for the purposes of dwelling or manufacture, trade, or agriculture, within the limits of the water-shed of the Veihar Lake, as defined in a plan marked B, and deposited in the Office of the Secretary to the Government of Bombay, and authenticated by the signatures of the Governor and Members of Council, or to extend or alter any such structure heretofore existing within the said limits, or to apply the same to purposes different from those to which it has heretofore been usually applied; and it shall not be lawful within the said limits for any person to carry on any operation of manufacture, trade, or agriculture, in any manner, or to do any act whatsoever, whereby any injury may arise to the said Lake, or the waters of the same may be fouled or rendered less wholesome; and any person so offending shall, at the prosecution of the Commissioner, on behalf of the Corporation, be liable, on conviction before any Magistrate, to imprisonment of either description for any period not exceeding one month, or to a fine of one hundred Rupees, or both; and it shall further be lawful for the Magistrate, in case of any such conviction as aforesaid, to order the immediate removal of such building or structure, and the discontinuance of such operation or use of the land as aforesaid; and in case of disobedience to remove such structure and to prevent such operation, use, or act, and for any opposition to such removal or other disobedience of such order as

aforesaid, the offender shall be liable in each instance to imprisonment of either description for any period not exceeding one month, or to a fine of one hundred Rupees, or to both.

CXLV. The Commissioner shall at all reasonable times permit all persons appointed by Government on that behalf to enter upon, and inspect, and take account of all the property in Water Works by this Act vested or which in virtue of the same may become vested in the Corporation; and the persons so appointed as aforesaid shall be entitled to and enter upon and pass through any property adjacent to, or in the neighbourhood of, the said Veihar Lake and Water Works or any part thereof, subject to the same conditions as the Commissioner; and if from the report of any person appointed as aforesaid it shall appear that the said Lake or Water Works or any portion of the same are not in a sound and effective condition, it shall be lawful for Government by notice, under the signature of a Secretary to Government, to call upon the said Commissioner on behalf of the Corporation to repair, improve, and make effective the said Works or Lake or portion thereof within such a period as may seem reasonable, and the said Commissioner shall be bound within such period to comply with such requisition, failing which, Government may immediately, on the expiration of such period, order the said Lake or Works or portion thereof to be repaired, improved, and made effective in such manner and by such means as shall seem fit, and the Commissioner shall, on behalf of the Corporation, in any such case, be bound forthwith to pay to Government the cost of the work so performed, in addition to any other sums payable by him on their behalf.

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

CXLVII. The Commissioner may cause all existing public tanks, reservoirs, cisterns, wells, aqueducts, conduits, tunnels, pipes, pumps, drinking fountains, and other water-works used for the supply of water to the inhabitants, or for the other purposes mentioned in this Act, to be continued, maintained,

and supplied with water, or he may with the consent of the Town Council and the sanction of Government, close up such works and substitute other such works, and may cause them to be maintained and supplied with water; and the Commissioner from time to time, with the consent of the Corporation and of Government, may construct aqueducts for bringing water into the City, and may provide any number of new tanks, reservoirs, cisterns, wells, and other such water works for the purposes aforesaid.

**CXLVIII.** For the purpose of constructing aqueducts for bringing water into the said City from any place without the said City, or for the purpose of making sewers, drains, culverts, gutters, or water-courses to communicate with or empty themselves into any public sewer, drain, lake, tunnel, culvert, or water-course without the said City, it shall be lawful, whenever a plan for any such aqueduct, sewer, drain, culvert, tunnel, gutter, or water-course shall have been approved by the Government, for the Commissioner and his officers, with such assistants as they may require, to exercise, in the construction of such aqueduct, sewer, drain, culvert, tunnel, gutter, or water-course throughout the line of country through which the same is to run, all the owners which by this Act it is lawful for him to exercise within the said City of Bombay, and which may be necessary for the construction thereof, without being subject to any action or molestation whatever for so doing, and it shall also be lawful for any Magistrate of the first class of any district through which the said aqueduct, sewer, drain, culvert, tunnel, gutter, or water-course is to run, to exercise in respect thereof the like power and jurisdiction within the limits of his own district as it is by this Act lawful for a Magistrate or the Court of Petty Sessions, as the case may be, of the City of Bombay to exercise in respect of any work to be executed by the said Commissioner within the said City.

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

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

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

**CLII.** Whoever, being the proprietor or manager of any gas works, or being engaged or employed in the manufacture or supply of gas, or being the proprietor or manager of any place where an offensive trade or manufacture, within the meaning of Section 225 of this Act is carried on, wilfully does any act connected with the said business whereby the water in any tank, reservoir, well, cistern, conduit, aqueduct, or other water works belonging to the Corporation, or used for drinking purposes, is fouled or corrupted, shall be punished with fine which may extend to one thousand Rupees, and to a further penalty not exceeding five hundred Rupees for every day while the offence is continued after twenty-four hours' notice in writing from the Commissioner on this behalf; and the Commissioner may, after twenty-four hours' notice in writing, lay open and examine any pipes, conduits, and works belonging to such person; and if upon such examination it appears that the water has been fouled or corrupted by anything proceeding from or contained in the pipes, conduits, or works examined, the expenses of such examination shall be paid by the person to whom such pipes, conduits, or works belong, or under whose management or control they may be, and be recoverable from him as hereinafter provided. But if it appear that the water has not been so fouled or corrupted, then such expenses, and all reasonable damages occasioned by the examination, shall be paid by the Commissioner from the



Municipal Fund. In all cases when land belonging to third parties is required for the purpose of carrying out the provisions of this Section, such purpose shall be and be deemed to be a public purpose within the meaning of Act X. of 1870.

CLIII. Whoever, except as permitted by the Commissioner, under Section 151 of this Act, bathes in any stream, tank, or reservoir, well, cistern, conduit, or aqueduct belonging to the Corporation, or washes, or causes to be washed therein, any animal, or anything whatever, or throws, puts, or casts, or causes to enter therein any animal, or any thing, or causes or suffers to run, drain, or be brought thereinto, anything that is, or may be, a nuisance, or does anything whatsoever whereby any such water shall be in any degree fouled or corrupted, or whoever shall steep in any tank or ditch within Municipal limits any animal, vegetable, or mineral matter likely to render the water of such tank or ditch offensive or a nuisance, shall be liable, on conviction before a Magistrate, to the penalty provided for fouling the water of any public spring or reservoir by Section 277 of the Indian Penal Code.

*Construction, paving and repairing of Streets.*

CLIV. The Commissioner, with the sanction of the Corporation, may lay out and make new public streets and roads, and may build and construct bridges and tunnels, and may turn, divert, or discontinue or stop up any public street or road, and may widen, open, enlarge, or otherwise improve any such street or road, making due compensation from the Municipal Fund to the owners or occupiers of any land, house, or building which may be required for any such purposes: Provided that nothing in this Act shall authorize the Commissioner or the Corporation to grant the use of any public street to any person or Company for the purpose of laying thereon any tramway or railway or the like without the previous sanction of Government.

CLV. Whenever any street vested in the Corporation shall be discontinued and stopped up under the provisions of Section 154 of this Act, the Commissioner, with the sanction of the Corporation, may, on their behalf, sell the land, or such part thereof as shall not be required for the purposes of this

Act, and the proceeds of such sale shall be paid to the credit of the Municipal Fund.

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

CLVII. In laying out or making any new streets, or in turning, diverting, widening, opening, enlarging, or otherwise improving any public streets, in addition to the land required for the carriage-ways and footways thereof, the Commissioner may, with the sanction of the Town Council, also purchase on their behalf the land necessary for the houses and buildings to form the said street, and may with the like sanction sell and dispose of the same, with such stipulations and conditions as to the class and description of houses or buildings to be erected thereon as he shall think fit: Provided that, if any land be taken under the provisions of this Act, compensation shall be made to the owners for any damage which may be done thereby to any adjoining land or buildings of such owner, and such compensation shall, in case of dispute, be ascertained and determined as hereinafter provided.

CLVIII. Every person intending to make or lay out any new street shall give notice in writing thereof to the Commissioner, such notice to be accompanied by plans and sections showing the intended level, direction, and width of such street; the means of drainage and the height of the buildings to be erected on each side, and the level, direction, width, and means of drainage of every such street shall be fixed or approved by the Commissioner; and whoever lays out, makes, or builds upon, any such street otherwise than in accordance with the level, width, direction, height, and means of drainage so fixed or approved, or the other provisions of this Act, shall be punished with fine which may extend to five hundred Rupees; and the Commissioner may, if he thinks fit, cause any such street laid out or made in a direction, or at a level or width, or with drainage otherwise than in accordance with the level, direction, width,

or drainage so fixed or approved as aforesaid, to be altered, or may cause any building not erected of a height in accordance with the height so approved or fixed as aforesaid, or any building erected in or on the side of any such street otherwise than in accordance with such level, width, direction, and drainage, or other provisions as aforesaid, to be altered, or if necessary removed, and the expense thereby incurred shall be paid to him by the offender, and be recoverable as hereinafter provided. If no disapproval of the level, width, direction, drainage, or height proposed be signified by the Commissioner to the person or persons giving such notice as last aforesaid, within one month after the receipt by the Commissioner of such notice, then the intended street may be laid out and made upon the level, in the direction, of the width, of the height, and with the drainage specified in the notice and the accompanying plan and section: Provided

Proviso. always that the aforesaid authority of the Commissioner to alter and remove (as the case may be) the said streets and buildings shall be exercisable by him whether or not such penalty as aforesaid shall have been recovered, or proceedings instituted for the recovery of the same.

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

street shall be levelled, paved, metalled, flagged, channelled, and sewered at the expense of the owners, to the satisfaction of the Commissioner, such owners shall have a right to require that the street shall be declared a public street, to be from time to time repaired by the Commissioner out of the Municipal Fund.

CLX. If any street (not being a public street) be levelled, paved, metalled, flagged, channelled, and sewered to the satisfaction of the Commissioner, he may, by notice in writing put up in any part of such street, declare the same to be a public street, and thereupon the same shall become a public street, and be from time to time repaired by him out of the Municipal Fund; unless within one month after such notice in writing shall have been put up in manner aforesaid, the owner of such street, or any one of the owners, shall, by notice in writing to the Commissioner, object thereto.

CLXI. After this Act comes into operation, no new public street shall be less than twenty-four feet in width, including the foot-paths, if any, and no steps or projections of any kind shall extend on to the street.

#### *Building Regulations.*

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

CLXIII. When any house or building, any part of which projects beyond the regular line of a public street, or beyond the front of the house or building on either side thereof, has either entirely or in greater part been taken down, burned down, or has fallen down, the Commissioner may, with the consent of the Town Council, require the same, when being rebuilt, to be set back to or towards the line of the street, or the line of the adjoining houses or buildings, and the portion of land added to the street by so setting back

the house or building shall thenceforth be deemed part of the public street and be vested in the Corporation : Provided always that the Corporation, after possession of the ground has been

Proviso.

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

CLXIV. The external walls and covering of roofs of huts or other buildings erected of wood, cloth, canvas, grass, leaves, mats, or other inflammable materials, unless with the consent in writing of the Commissioner ; and whoever shall make any external wall or covering of roof of such materials, or suffer any wall or covering of roof made of such materials to continue, contrary to the provisions herein contained, and who shall not remove or alter the same to the satisfaction of the Commissioner within one month after notice given to him for that purpose by the Commissioner, shall be liable to a penalty not exceeding ten Rupees, and to a further penalty not exceeding five Rupees for every day after conviction during which the offence is continued.

CLXV. Before beginning to build any house, the person intending to build such house shall give to the Commissioner notice thereof in writing, stating where such building is intended to be erected, and if required so to do by the Commissioner, shall furnish him with a plan showing the levels at which foundation and lowest floor of such house are proposed to be laid, by reference to some level ascertained under the direction of the Commissioner, and the intended situation and construction of the privies to be used in connection with such house, and a statement in writing showing the means of draining the building and land, the proposed means of ventilation, the height of the building, the number and height of the floors, and the materials and thickness of the walls and roof.

CLXVI. If within twenty days from the delivery of the notice required by the preceding Section, the Commissioner may signify disapproval within twenty days. The Commissioner shall not signify his disapproval or require a plan and statement as aforesaid, the person may proceed with the building, and in case the

Commissioner shall require a plan and statement as aforesaid, the Commissioner may, within twenty days after receiving the notice as aforesaid, signify his disapproval of the proposed levels or privies, or any other matters required to be mentioned in the statement referred to in the preceding Section, and may fix other levels and privies in lieu thereof, and may require the ventilation, drainage, height of floors, materials, and thickness of the walls and roof to be altered in accordance with any by-law laid down under the provisions of this Act, and he may require the said house to be set back or forward for the improvement of the street, as he may think fit.

CLXVII. If any building be begun or made without sending such notice and plan and statement, or otherwise than in conformity with the provisions of the Act and the directions of the Commissioner as aforesaid, the Commissioner may, if necessary, cause such building to be altered or demolished as the case may require, and the expense thereby incurred shall be paid by the person failing to comply with the provisions aforesaid, and shall be recoverable as hereinafter provided.

CLXVIII. If the Commissioner fail to signify in writing his approval or disapproval of the levels and particulars mentioned in Section 165, and to fix other levels and give other directions within twenty days after receiving such notice and plan as aforesaid, the person giving such notice may, notwithstanding anything hereinbefore contained, proceed to build the house therein referred to according to the levels and particulars furnished by him : Provided that such building be otherwise in accordance with the provisions of this Act.

CLXIX. All pipes for the conveyance of gas shall, after this Act comes into operation, be laid at the greatest practicable distance from the nearest part of any water pipe, and wherever the width of the road will allow, shall be laid at the distance of four feet at least from the nearest part of any such water pipe, unless in case where it shall be unavoidably necessary to lay the gas pipe across or nearer to any water pipe, in which case the said gas pipe shall, wherever practicable, be laid over and above the said water pipe at the greatest practicable distance therefrom, and shall form therewith a right-angle, or as near thereto as the situation will admit ; and in every

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

CLXX. Whenever the Commissioner

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

may deem it necessary for the purposes of this Act to raise, sink, or otherwise alter the

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

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manner as the Commissioner may direct:

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

CLXXI. If the person to whom any such

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

pipes or works belong, or under whose control they may be, do not proceed forthwith, or as soon as conveniently may be, after the

receipt of such notice, as in the last preceding Section mentioned, to cause the same to be raised, sunk, or altered in such manner as the Commissioner may require, the Commissioner may himself cause such pipes or works to be raised, sunk, or altered as he may think fit: Provided that such alteration be not such as to prevent the water or gas from flowing or passing as freely and conveniently as may be, having regard to the provisions of this Act.

CLXXII. Whenever the Commissioner,

Power of the Commissioner as to existing huts.

after consulting the Health Officer, is of opinion that any huts

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

Proviso.

that if the owner or occupier of any hut or

shed shall (after the same has been removed by the order of the said Commissioner) re-erect any hut or shed upon the ground from which the same has been so removed as aforesaid, he shall be liable to a penalty not exceeding Rupees fifty, and the Commissioner may

remove the same without giving any notice to the owner or occupier thereof.

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

CLXXIV. If any house or building be at any time undrained, or not drained to the satisfaction of the Commissioner by a sufficient drain or pipe communicating with some sewer, or some covered or uncovered drain, or with the sea, or some other place at which the Commissioner is empowered to empty the sewers, and if there be such means of drainage within one hundred feet of any part of such house or building, the Commissioner may make drains from houses which are not properly drained.

missioner may give notice to the owner thereof to construct or lay from such house or building a covered drain or pipe, of such materials, of such size, at such level, and with such fall as, after consulting the Executive Engineer to the Municipality, he may deem necessary for the draining of such house or building; and whoever, after the expiration of the time mentioned in such notice, fails to comply with the same, shall be liable to a penalty not exceeding fifty Rupees, and to a further penalty not exceeding five Rupees for every day until such notice is complied with; and the Commissioner, either before or after proceedings to recover such penalty, and whether such proceedings shall be taken or not, may construct or lay any such drain or pipe, and the expenses incurred by the Commissioner in respect thereof, if not forthwith paid by the owner, shall be recoverable as hereinafter directed.

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

CLXXVI. The Commissioner may issue, or cause to be issued, a notice, calling upon the owner of any drain, sewer, or cesspool, to provide for the same such ventilation as, after consulting the Health Officer, he may deem necessary; and if within one week after the receipt of such

notice the owner aforesaid shall fail to comply with its requisition, he shall be liable to a penalty not exceeding fifty Rupees, and to a further penalty not exceeding five Rupees for every day after conviction during which the offence is continued: Provided always that the Commissioner may do, or cause to be done, the work required by such notice, and the expenses incurred in respect thereof shall be recoverable as hereinafter provided.

CLXXVII. For the ventilation mentioned in the preceding Section, or for the ventilation of any public drain, sewer, or cesspool, the Commissioner may erect or fix to the outside of any house or building such pipes as he may deem necessary, and such pipes shall be carried to a height of not less than six feet above the highest part of the house or building, and shall be erected so as not to occasion any nuisance or inconvenience to any house or building in the neighbourhood.

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

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

CLXXX. In case the Commissioner shall be of opinion that any privy or privies or additional privy or privies shall be necessary to be provided for any house or building, the owner of such house or building shall, within fourteen days after notice in this behalf by the Commissioner, cause such privy or privies to be constructed in accordance with the requisition of such notice, and in case the requisition of such notice shall not have been complied with to the satisfaction of the Commissioner by such owner within the period aforesaid, the Commissioner shall be at liberty to cause such privy or privies to be constructed, in such manner as may be prescribed in the by-laws to be framed in that behalf, and the expense incurred in such construction shall be payable by such owner, and shall be recoverable as hereinafter provided.

CLXXXI. The owner or occupier of any house or building having a privy on his premises shall have such privy shut out by a sufficient roof, and wall or fence, from the view of persons passing by or residing in the neighbourhood, and it shall not be lawful for any owner or occupier to keep any privy with a door or trap-door opening on to any street. Every owner or occupier who shall omit to comply with or shall commit any breach of any of the provisions of this Section shall be liable to a penalty of ten Rupees a day for each day of default or breach: Provided that the Commissioner may in his discretion permit the continuance, for such time as he may think fit, of any such privy with a door or trap-door opening on to any street where such privy already exists and does not create a nuisance.

CLXXXII. If any drain, cesspool, house-gully, or privy be constructed, after this Act comes into operation, contrary to the directions and regulations of the Commissioner, or contrary to the by-laws or provisions of this Act; or if any person without the consent of the Commissioner construct any new drain or privy, or construct, rebuild, or unstop, any drain, cesspool, house-gully, or privy which has been ordered by him to be demolished or stopped up, or not to be made, every person so doing shall be liable to a penalty not exceeding fifty Rupees; and the Commissioner may cause such improvement or alteration to be made in any such drain, cesspool, house-gully, or privy

as he may think fit; and the expense thereof shall be paid by the person by whom such drain, cesspool, house-gully, or privy was improperly constructed, rebuilt, or unstopped, and shall be recoverable from him as hereinafter provided.

CLXXXIII. Any person or persons employing workmen or labourers, exceeding twenty in number, who shall fail to provide for them and maintain in proper order latrines and urinals, to be approved by the Commissioner, in such number as he may consider necessary, shall be liable to a penalty not exceeding fifty Rupees, and to a further penalty not exceeding five Rupees for every day after conviction during which such offence is continued.

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

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

CLXXXVI. The Commissioner, or any officer appointed by him for that purpose, may, subject to the restrictions of this Act, inspect any drain, cesspool, house-gully, or privy, and may for that purpose, at any reasonable time, enter upon any house or land, with assistants and workmen, and cause the ground to be opened where he or they may think fit, doing as little damage as may be; and if

upon such inspection it appears that the drain, cesspool, house-gully, or privy is not in good order and condition, or that it has been constructed after this Act comes into operation contrary to the provisions thereof, the expenses of such inspection and alteration, if any, shall be paid by the person to whom such drain, cesspool, house-gully, or privy may belong, and shall be recoverable as hereinafter provided; but if the drain, cesspool, house-gully, or privy be found to be in proper order and condition, and not to have been constructed in violation of the provisions of this Act, the Commissioner, or officer as aforesaid, shall cause the ground to be closed and made good as soon as may be, and the expense of opening, closing, and making good such drain, cesspool, house-gully, or privy shall in that case be defrayed by the Commissioner from Municipal funds.

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

CLXXXVIII. The Commissioner shall maintain, and from time to time repair, alter and discontinue sewers, and may, with the sanction of the Corporation enlarge, alter, arch over, or otherwise improve, all or any of the sewers and drains, culverts, gutters, and water-courses vested in the Corporation by this Act, and may discontinue, close up, or destroy such of them as he may deem useless or unnecessary: Provided always that the discontinuance, closing up, or destruction of any of them shall be so done as not to create a nuisance; and if by reason thereof, or of any such alteration as hereinbefore mentioned, any person is deprived of the use of any sewer, drain, culvert, gutter, or water-course, the Commissioner shall with due diligence provide some other

as effectual as the one of which he is so deprived.

**CLXXXIX.** The Commissioner shall cause the sewers, drains, culverts, gutters, and water-courses belonging to the Corporation to be so constructed, maintained, and kept as not to be a nuisance or injurious to health, and to be properly cleared, cleansed, and emptied; and for the purpose of flushing, cleansing, and emptying the same he may construct and place, either above or under ground, such reservoirs, sluices, engines, and other works as may be necessary; and he may also, with the sanction of the Corporation and of Government, cause all or any of such sewers, drains, culverts, gutters, and water-courses to communicate with and be emptied into the sea or other fit place; or he may cause the refuse from the same to be conveyed by a proper channel to the most convenient site for its deposit, and may sell the said refuse for any agricultural or other purposes as may be deemed most expedient, but so that it shall not become a nuisance,

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

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

conviction during which the offence is continued.

**CXCII.** All ground-floor doors, gates, bars, and windows put up after this Act comes into operation, which open upon any public street, or upon any ground required for the improvement of any street, shall be hung or placed so as not to open outwards, except when the same are hung or placed in such manner as, in the judgment of the Commissioner, to cause no obstruction in any such street or ground; and if (except as aforesaid) any such door, gate, bar, or window, be hung or placed so as to open outwards on any such street or ground, the owner of the premises to which the same is attached shall, within eight days after notice from the Commissioner to that effect, cause the same to be altered so as not to open outwards; and in case he neglects so to do, the Commissioner may make such alteration, and the expense thereof shall be paid by such owners, and shall be recoverable as hereinafter provided.

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

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

**CXCV.** The Commissioner may give notice in writing to the owner or occupier of any house or building to remove or alter any projection,



encroachment, or obstruction which, although erected before this Act comes into operation, shall have been erected or placed against or in front of such house or building, if the same overhangs or juts into, or in any way projects or encroaches upon, any public street, so as to be an obstruction to the safe and convenient passage along such street, or if the same projects or encroaches into or upon any uncovered aqueduct, drain, or sewer in such street so as to obstruct or interfere with such aqueduct, drain, or sewer, or the proper working thereof, and such owner or occupier shall, within thirty days after the service of such notice, remove such projection, encroachment, or obstruction, or alter the same in such manner as shall have been directed by the Commissioner; and in default thereof the Commissioner may remove such projection, encroachment, or obstruction; and if such projection, encroachment, or obstruction shall have been lawfully made, the Commissioner shall make reasonable compensation to every person who suffers damage by such removal or alteration; and if any dispute shall arise touching the amount of such compensation, the same shall be ascertained and determined in the manner hereinafter provided.

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

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or altering the same from the rent payable by him to the owner of the house or building.

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

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

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

CC. If any house, building, or wall, or anything affixed thereon, be deemed by the Commissioner to be in a ruinous state or likely to fall, or in any way dangerous to the inhabitants of such house or building, or to the neighbouring houses or buildings, or the occupiers thereof, or to passengers, he shall immediately, if it appears to him to be necessary, cause a proper hoard or fence to be put up for the protection of passengers; and shall cause notice in writing to be given to the owner or occupier, requiring such owner or occupier forthwith to take down, secure, or repair such house, building, wall, or thing affixed thereon, as the case shall require; and if such owner or occupier do not begin

to repair, take down, or secure the same within three days after such notice, and complete such work with due diligence, the Commissioner shall cause all or so much of such house, building, wall, or thing, as he shall think necessary, to be taken down, repaired, or otherwise secured; and all the expenses incurred by the Commissioner shall be paid by the owner or occupier of the premises, and shall be recoverable as hereinafter provided.

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

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

CCIII. Whoever displaces, takes up, or makes any alteration in the pavement, gutters, flags, or other materials, or in the fences or posts of any public street, without the consent in writing of the Commissioner or Executive Engineer, or without other lawful authority; or, having displaced, taken up, or made any alteration in any such pavement, flags, or other materials, or in the fences, walls, or posts of any street with such consent as aforesaid, or with other lawful authority, shall, after notice in this behalf by the Commissioner or Executive Engineer, fail to replace or restore the same to the satisfaction of the Commissioner or Executive Engineer, shall be punished with fine which may extend to fifty Rupees; and every such person as aforesaid shall be liable to a further penalty not exceeding Rupees ten for each day after such notice during which default shall be made in so replacing and restoring the same as aforesaid; and it shall be lawful for the Commissioner, if he shall think fit, to restore any such street, and the person making default in restoring the same shall pay any expense which may be thereby incurred.

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

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

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

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

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

person so causing, or permitting, or neglecting to remove, such obstruction, encroachment, or projection, and shall be recoverable either by the sale of the materials thereof, or if the proceeds of such sale shall not be sufficient, then in the manner hereinafter mentioned: Provided

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

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Provided also that if such materials be not claimed by the owners or one of the owners thereof within one month from the date of such removal, the same may, whether the expense of such removal shall have been paid or not, be sold or otherwise disposed of by the Commissioner as he may think fit, and the money (if any) arising from the sale or disposition thereof shall, after deducting the expenses of such sale, if not required to defray the expense of such removal, be paid to the credit of the Municipal Fund: Provided also that nothing herein contained shall prevent the Commissioner, with the concurrence of the Commissioner of Police, from allowing any temporary erections in any public street on the occasions of festivals and ceremonies.

CCIX. Every person intending to build

or take down any building, or to alter or repair the outward part of any building, shall, before beginning the same, and having first obtained permission in writing from the Commissioner so to do, cause sufficient hoards or fences to be put up, in order to separate the building where such works are being carried on from the street or footway, and shall continue such hoard or fence standing and in good condition, to the satisfaction of the Commissioner, during such time as the public safety or convenience may require, and shall cause the same to be sufficiently lighted during the night; and every such person who begins to build, or take down, or alter, or repair any building contrary to the provisions of this Section, or whoever without permission erects or sets up any hoard, scaffolding, or fence whatsoever, whether set or placed upon or over any street or footway, or in or upon any gutter or course adjoining any street or footway, or property over or above

the same, or whoever, having obtained permission, fails to put up such fence or hoard, shall be liable to a penalty not exceeding five hundred Rupees, and to a further penalty not exceeding fifty Rupees for every day after conviction during which the offence is continued; and every such person who, having obtained permission, fails to continue such hoard, scaffolding, or fence standing and in good condition as aforesaid during the time aforesaid, or who does not, while the said hoard or fence is standing, keep the same sufficiently lighted during the night, or who does not remove the same when directed by the Commissioner, within a reasonable time, shall be liable to a penalty not exceeding fifty Rupees for every day during which the offence is continued.

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

CCXI. No person shall deposit any building materials, or make a hole in any street or road, without the permission in writing of the Commissioner, and such permission shall be terminable at the discretion of the Commissioner, and when such permission is granted to any person, he shall at his own expense cause such materials or such hole to be sufficiently fenced and enclosed until the materials are removed or the hole is filled up or otherwise made secure, to the satisfaction of the Commissioner, and shall cause the same to be sufficiently lighted during the night; and whoever deposits materials, or makes a hole, without such permission, or fails to fence or enclose and light such materials or hole, or does not

Bars to be erected across streets during repairs, and lights placed at night.

Penalty for not fencing and lighting deposits of building materials or excavations.

remove such materials or fill up such hole, or otherwise make it secure in the manner aforesaid, when the permission has been withdrawn, shall be punished with fine which may extend to fifty Rupees, and shall also be liable to a further penalty not exceeding fifty Rupees for every day while the offence is continued.

CCXII. Whenever, in the opinion of the Commissioner, any place whatsoever is from insufficient repair, protection, or enclosure, in such a condition as to be dangerous to persons passing along a street or thoroughfare, the Commissioner may give notice to the owner or occupier thereof to repair, protect, or enclose the same within twenty-four hours, so as to prevent danger therefrom; and whoever, being such owner or occupier aforesaid, shall fail to comply with such notice, shall be liable to a penalty not exceeding fifty Rupees, and to a further penalty not exceeding five Rupees for every day after conviction during which

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

#### General Sanitary Regulations.

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

CCXIV. The Commissioner, from time to time, shall provide places convenient for the disposal of the

Dangerous places near streets to be repaired or enclosed.

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Dust-boxes in streets.

Places of deposit for filth.

night-soil, dung, and other filth, and the dust, dirt, ashes, refuse, dead animals, and rubbish, collected and removed under the authority of this Act; and for keeping all cattle, carts, implements, and other things required for the above or any of the purposes of this Act: Provided that no such night-soil, dung, dust, dirt, ashes, refuse, dead animals, rubbish and other filth collected and removed under the authority of this Act shall be deposited in the neighbourhood of populous localities, nor within the limits of the City of Bombay.

CCXV. All dirt, dust, ashes, rags, rubbish, sewerage soil, dung, and filth collected from streets, houses, privies, sewers and cesspools, shall be the property of the Corporation, and the Commissioner shall have power to sell or dispose of the same as he may think proper, and the money arising from the sale thereof shall be paid to the credit of the Municipal Fund.

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

CCXVII. Whoever throws or puts, or whoever permits his servants or any member of his family or household to throw or put any thing that is, or may be, a nuisance into any street, sewer, drain, culvert, tunnel, gutter, or water-course,

whether natural or artificial, belonging to the Corporation, or into any drain, gutter, or water-course communicating therewith, or whoever obstructs the same without the consent in writing of the Commissioner, or whoever uses a house or surface drain as a receptacle or deposit for night-soil, shall be punished with fine which may extend to Rupees fifty, and to a further penalty not exceeding five Rupees for every day after conviction during which the offence is continued.

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

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

CCXX. Whoever being the owner or occupier of any house, building, or land, whether tenable or otherwise, suffers the same to be in a filthy and unwholesome state, or, in the opinion of the Commissioner, a nuisance to those in the neighbourhood, or overgrown with rank and noisome vegetation, and who shall not within 24 hours after notice in writing by the Commissioner to

cleanse, clear, or otherwise put the same in a proper state, have complied with the requisition contained in such notice, shall be liable to a penalty not exceeding fifty Rupees, and to a further penalty not exceeding five Rupees for every day after conviction for such offence during which the offence is continued. Pro-

vided that if the state of the house or building be such as in the judgment of the Commissioner to render it unfit for human habitation, he may further prohibit the using thereof for that purpose until it is so rendered fit.

CCXXI. It shall be lawful for the Commissioner, on the recommendation of the Health Officer, any time between 5 A. M. and 7 P. M. by himself or his servants, on giving such notice as hereinafter provided, to enter into and inspect all houses and buildings, and by an order in writing to direct all or any part to be forthwith internally and externally limewashed or otherwise cleansed for sanitary reasons; and if the owner or occupier of such house or building neglect to do so within eight days from the time when such order shall have been served upon him, the Commissioner may cause the same to be done, and the expenses incurred shall be paid by the owner or occupier, and shall be recoverable as hereinafter provided.

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

of any such dwelling house shall have sublet the same to any contractor, the contractor

shall, for the purpose of this Section, be held to be the owner.

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

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

#### *Regulation of certain Trades.*

CCXXV. The owner or occupier of every place within the City used for any of the following purposes, viz. for melting tallow or sulphur, or for boiling or storing offal, blood, bones, or rags, or for washing or drying wool or hair, or as a soap-house, dyeing-house, oil-boiling house, tannery, brick, pottery, or lime kiln, sago manufactory, distillery or other manufactory, or place of storing hides, fish, horns, skins, from which either offensive or unwholesome smells arise, gunpowder manufactory, manufactory of fireworks, place of storing explosive or combustible materials, or of any place which is used for any purposes which are calculated to be dangerous to life or health, or property, shall within three months after the

passing of this Act, and once in the first quarter of every year thereafter, obtain from the Commissioner a license for the use of any such place for any of the purposes aforesaid; and the Commissioner may grant, withhold, cancel, revoke, or suspend such license, showing cause always for such withholding, cancelling, revoking, or suspension. And whoever, without such license, uses any such place for any of the purposes aforesaid, shall be liable to a penalty not exceeding Rupees one thousand, and to a further penalty not exceeding one hundred Rupees for every day after conviction during which the offence is continued.

CCXXVI. The owner or occupier of every Certain stables, &c., to be licensed. place within the City used by or for horses, buffaloes, or other animals which are let out on hire, or the produce of which is made an article of trade, shall within three months after the passing of this Act, and once in the first quarter of every year thereafter, obtain from the Commissioner a license for the same, and the Commissioner may grant, withhold, suspend, revoke, or cancel such license, showing cause always for such withholding, cancelling, revoking, or suspension; and whoever, without such license, uses any such place, or permits the same to be used for such purpose, shall be liable to a penalty not exceeding Rupees five hundred, and to a further penalty not exceeding Rupees fifty for every day after conviction during which the offence is continued.

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

CCXXVIII. The Commissioner, if he shall have reason to believe that any offence is being committed against this Act, or against the by-laws to be made in the manner hereinafter provided, for the inspection of every place within the City used for any of the purposes mentioned in Sections 225, 226, and 227 of this Act, and for the management and conduct of such business, whether the same be newly established or not, shall have power to enter into, or cause his officers, servants, or agents to enter into any such suspected place for the purpose of inspection, without notice, and at any hour, and without being liable to any action or other proceeding in respect of any damage which may be necessarily caused by such entry, or by any necessary force used for the purpose of effecting the same.

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

#### Slaughter-houses.

CCXXX. The Commissioner shall, with the sanction of the Corporation and of Government, provide and maintain sufficient Commissioner to provide places for slaughter-houses.

places for the purpose of being used as slaughter-houses.

CCXXXI. No place shall be used as a slaughter-house, or for the slaughtering of any animal intended for food, or for selling the flesh thereof, within or for the City, unless a license for such use thereof has been previously obtained from the Commissioner, who is hereby empowered, at his discretion, from time to time to grant, withhold, suspend, revoke, or cancel such licenses, showing cause for such withholding, revoking, cancelling, or suspension; and whoever without such license uses such place for any of the purposes aforesaid, shall be punished with fine which may extend to two hundred Rupees, and to a further penalty not exceeding fifty Rupees for every day after conviction during which the offence is continued: Provided that nothing herein contained shall prevent the Commissioner from allowing the slaughtering of any animal in such place or places as he may think fit, on occasions of festivals and ceremonies, or as a special measure.

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

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

CCXXXIV. If the Commissioner, or his officers or subordinates, has or have rea-

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

CCXXXV. After the passing of this Act every person either directly or indirectly carrying on the trade of a butcher within the City, or at the authorised Municipal slaughter-houses and grounds, shall obtain from the Commissioner an annual license for that purpose; and whoever after the passing of this Act shall carry on such trade without so obtaining such license, shall be liable to a penalty not exceeding fifty Rupees, and to a further penalty not exceeding five Rupees for every day until such license shall be so obtained.

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

#### *Public and Private Markets, &c.*

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

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

CCXXXIX. The Commissioner shall either take stallage rents in respect of the use by any person of any stall in any market vested in the Corporation, or he may from time to time sell, by public auction or otherwise, the privilege of occupying any stall or space within the



limits of the said markets, for such terms and periods, and subject to such conditions, as shall, with the sanction of the Town Council, be fixed by the Commissioner.

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

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

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

continued; and the Commissioner may lawfully close such market or place until, to his satisfaction, after consulting the Health Officer, such default has been remedied.

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

CCXLIV. The Commissioner, or any person appointed by him for that purpose, may at all reasonable times enter into and inspect any place used for the sale, either wholesale or by retail, or for the storing of articles intended for food or drink, and may examine any such articles which may be therein; and should it appear to the said Commissioner, Health Officer, or other person aforesaid, that such articles or any of them are unfit for food or drink, he may seize the same; and if it appear to a Magistrate upon sufficient evidence that the same are unfit for food or drink, he shall order the same to be destroyed, or to be so disposed of as to prevent their being again exposed for sale or used for food or drink, and the owner thereof, or the person in whose possession the same are found, shall be liable to the penalty provided by Section 273 of the Indian Penal Code, and the proof that any such article was not unfit for food shall rest with the owner thereof, or the person in whose possession the same is found.

#### *Special Sanitary Regulations.*

CCXLV. In the event of the City being at any time visited or threatened with an outbreak of any epidemic disease, the Commissioner is hereby empowered and directed, with the previous sanction of the Governor in Council, to take such measures as may be deemed necessary to prevent, meet, mitigate, or suppress any such outbreak.

*Places for the disposal of the Dead.*

CCXLVI. Every place for the disposal

of the dead shall be registered by the owner or the person having the control thereof, and if it shall appear to the Commissioner that there is no owner or person authorised to control the same, it shall by order of the Commissioner be registered, and every person who shall register any such place for the disposal of the dead, shall, at the time of registering the same, file in the office of the Commissioner a certified plan showing the extent of boundaries thereof; and whoever shall make default in registering any such place or in filing such plan, or knowingly disposes of, or causes, procures, or suffers any corpse to be disposed of, in or on any ground other than such registered place for the disposal of the dead, shall be liable to a penalty not exceeding one hundred Rupees for each offence.

CCXLVII. No place for the disposal of

the dead shall, after this Act comes into operation, be made, used, or opened without special sanction first obtained from the Commissioner, who is hereby empowered, with the sanction of the Town Council, to grant or withhold such sanction; and whoever without such sanction shall make or open such place for the disposal of the dead, or whoever shall dispose of, or cause, permit, or suffer any corpse to be disposed of in any such place aforesaid, made or opened without such sanction, shall be liable to a penalty not exceeding five hundred Rupees for each offence.

CCXLVIII. No vault or grave shall be

made, or interment permitted, underneath or within the walls, passages, porches, porticos, plinth, or verandas of any church or chapel, or other place of worship now built, or which may be built after this Act comes into operation, and no exhumation shall be permitted from any place used for the disposal of the dead, without the special sanction of Government, or of a person duly authorised by Government to give such sanction; and any person so making any vault or grave, or so interring, or exhuming, or assisting at such making or interment or exhumation, shall be liable to a penalty not exceeding five hundred Rupees for each offence.

CCXLIX. If upon the evidence of

competent persons and after personal inspection the Commissioner

er shall be satisfied that any place used for the disposal of the dead is in such a state that it is or may be dangerous to health, or that any church or other place of public worship is or may be dangerous to health, he shall report the same to the Town Council, and it shall be lawful for the Commissioner, with the concurrence of the Town Council, to issue a certificate to the above effect, and it shall be lawful for the Governor in Council, upon the receipt of such certificate and after due inquiry by him, to issue a declaration that any such place or church or other place of public worship as aforesaid shall be closed. The said certificate and declaration shall be published in the *Government Gazette*, and in one or more of the public English and in two Vernacular newspapers published in Bombay, and a copy of such certificate, with a translation thereof in Marathi and Guzerathi languages, shall in the case of a place for the disposal of the dead, be affixed on some part of the said ground or place, and after the expiration of two Calendar months from the date of such publication, it shall not be lawful to dispose of, or permit or suffer any corpse to be disposed of in, upon, within, or under the place, ground, or place of worship to which the certificate and declaration relate; and whoever, after due publication of such certificate and declaration as hereinbefore provided, disposes of, or causes, permits, or suffers, any corpse to be disposed of, contrary to this enactment, shall be punished with fine which may extend to one thousand Rupees for each offence: Provided always

Proviso.

that in the event of any places for the disposal of the dead being closed under the provisions of this Section, the Corporation shall, with the sanction of Government, provide out of the Municipal Fund such fitting places to be used for the disposal of the dead as may be required in place thereof.

CCL. At every place used for the disposal

of the dead there shall be a police officer or other person duly appointed by the Commissioner who shall enter in a register the name and late residence of any person whose body is brought to be disposed of. The register shall be signed by the undertaker or other person conducting the funeral, who shall be bound to give the information required. The register so kept shall be forwarded daily to the Health Officer by the police officer or other person appointed aforesaid. Any person who shall refuse or neglect to give any information which it is his duty to give

under this section shall be liable to a penalty not exceeding one hundred Rupees for each offence.

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

Or whoever shall bury, or cause to be buried, any corpse or part of a corpse in any burial-ground in a grave constructed of masonry, or otherwise in such manner that the surface of the coffin, or the surface of the body where no coffin is used, shall be at a less depth than six feet from the surface of the ground ;

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

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

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

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

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

Or whoever shall carry a corpse or part of a corpse through any highway not decently covered ;

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

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

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

**CCLII.** Whenever the Commissioner, with the sanction of the Corporation and of the Government, shall have established any places for disposal of the dead beyond the limits of the City of Bombay, for the use of the inhabitants of the said City, all by-laws for the management of such places within the City of Bombay shall apply and have full force therein ; and all offences against those by-laws, or against the provisions of this Act, shall be cognizable by the Magistrates of the City of Bombay, as if such places were within the City of Bombay : Provided the limits of such places be duly notified in the *Government Gazette*, and plans thereof lodged with the several Magistrates of the City of Bombay.

#### *Registration of Births and Deaths.*

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

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

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

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

**CCLVII.** The parents or guardians of every child born in the City, or in case of the death, illness, absence, or inability of the same, the occupier of the house in which such child shall have been born, or some person present at or in attendance during the birth, shall, within one week next after the day of every such birth, give information to the Registrar of the district, according to the best of his or her knowledge and belief, of the several particulars hereby required to be known and registered touching the birth of such child.

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

**CCLIX.** Information of the several particulars required by Schedule **H** to this Act annexed concerning the death of every person dying in the City shall be given in writing if the informant can write, otherwise orally, to the Policeman or other person appointed to receive it at the place of burial, burning, or exposure, as the case may be, by some one of the persons present at the death or in attendance in the last illness, or, in case of disability, or default of all such persons, by the undertaker or other person conducting the funeral, and every one of these may be required thus to give or cause to be given the information, and to attest its correctness to the best of his knowledge and belief by the signature of his name, his designation, and residence. Every Policeman or other person whose duty it shall be to receive information at the funeral places concerning deaths shall truly register the same, and shall every morning render or cause to be rendered at the office of the Commissioner of Police the completed and signed register made by him during the preceding twenty-four

hours. The Commissioner of Police shall immediately on receiving all the reports of the preceding day transmit them to the Municipal Commissioner to be embodied according to districts in English form in his Register Book, and to be reduced to such tabular forms as may be most useful for sanitary and other purposes. Any person who shall refuse or neglect to give any information which it is his duty to give under this Section, shall be liable to a penalty not exceeding one hundred Rupees for each offence.

#### *Taking of a Census.*

**CCLX.** At such time and in such manner as shall be directed from time to time by the Commissioner, with the sanction of the Corporation and of Government, an enumeration shall be made of the persons who at the time of making such enumeration shall be within the City: Provided always that, one clear month previous to such enumeration being commenced, notice of the intention to make the same, with the date or dates upon or within which it is intended to be made, and all other necessary particulars, shall be published in the *Government Gazette*, and in such English and Vernacular newspapers in Bombay as to the Government shall seem fit.

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

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

**CCLXIII.** Any person wilfully neglecting or refusing correctly to fill up and affix his signature to any such Schedule or Return so

left at his house or place of residence, or who shall neglect or refuse to return the same to the Enumerator or other Officer when called upon so to do, or to furnish the necessary information to an Enumerator to fill up the same for him if he do not know how to write, shall be liable to a penalty not exceeding two hundred Rupees, and may also be detained in custody until he shall have correctly filled up and signed the said Schedule or Return :

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

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

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

CCLXV. Any Military or Naval Officer in command of bodies of Military or Naval Officers and certain others, if required, to act as Enumerators.

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

CCLXVI. The Commissioner shall obtain by such ways and means as shall appear to him best adapted for the purpose, and as shall be sanctioned by the Government, returns of the particulars required by this Act with respect to all houseless persons, and all persons who

during the said night preceding the day to be appointed for the making of such enumeration were on out-door night duty, or for any other reasons were not abiding in any house of which account is to be taken by the Enumerators.

*Power to make By-Laws.*

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

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

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

(c) For the regulation of buildings in the matters directed by this Act.

(d) For the regulation of buildings in the matters directed by this Act.

(e) For the inspection of every place within the City used for any of the purposes mentioned in Sections 225, 226, and 227 of this Act, and for the management and conduct of such business, whether the same be newly established or not.

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

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

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

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

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

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

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

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

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

CCLXXII. Such by-laws when confirmed by Government shall be published in the *Government Gazette*, and in at least one of the daily English newspapers and in one Guzerathi daily newspaper and one Marathi newspaper circulating within the City, and such by-laws shall be printed, and the officer of the Commissioner appointed by him for the purpose shall deliver a printed copy thereof to every person applying for the same on the payment of the sum of two annas for each copy, and copies thereof shall be printed or placed on boards, which shall be hung up on the front or in some conspicuous part of the principal office of the Commissioner, and also in other places of public resort throughout the City, and in some conspicuous part of the works or locality to which the same relate, and such boards with the by-laws thereon shall be from time to time renewed as occasion requires, and shall be open to inspection without fee or reward; and any officer or servant of the Commissioner who does not allow the same to be inspected at all reasonable times, shall for every such offence be liable to a penalty not exceeding fifty Rupees.

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

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

CCLXXV. Copy of proposed by-laws to be kept for inspection at the Commissioner's office for one month before application for such confirmation.

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

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

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

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

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

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

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

**CCLXXVIII.** When any notice, schedule, summons, bill, or other document is required by this Act to be given or presented to the

Service of notice on owners and occupiers of buildings and lands.

owner or occupier of any house or land, such document may be served on or presented to the owner or occupier, or one of the owners or occupiers of such house or land, or left with some adult member or servant of his family; or if it cannot be so served, or presented or if there be no occupier, it may be put up on some conspicuous part of such house, or land; and it shall not be necessary in any such document to name the occupier or the owner: Provided always that when the owner or occupier and his residence are

known to the Commissioner, it shall be his

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

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

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

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

Commissioner in default of owner or occupier may execute works and recover expenses.

**CCLXXXI.** If the defaulter be the

Power to levy charges on occupier, who may deduct the same from his rent.

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

**CCLXXXII.** No occupier of any house

Occupiers not to be liable for more than the amount of rent due.

or land shall be liable to pay more money in respect of any expenses charged by this Act on the owner thereof than the amount of rent due from him for the premises in respect of which such expenses are payable at the time of the demand made upon him, or which at any time after such demand and notice not to pay the same to his landlord has accrued and become payable by him, unless he neglect or refuse, upon application made to him for that purpose by the Commissioner, truly to disclose the amount of his rent, and the name and the address of the person to whom such rent is payable; but the burden of proof that the sum demanded of any such occupier is greater than the rent which was due by him at the time of such demand, or which has since accrued, shall be upon such occupier: Provided further that nothing herein contained shall be taken to affect

Proviso.

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

**CCLXXXIII.** Whenever default is made

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

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

**CCLXXXIV.** If the occupier of any

Proceedings if an occupier opposes the execution of the Act.

house or land prevent the owner thereof from carrying into effect, in

respect of such house or land, any of the provisions of this Act, after notice of his intention so to do has been given by the owner to such occupier, the Court of Petty Sessions, upon proof thereof and upon application of the owner, may make an order in writing requiring such occupier to permit the owner to execute all such works, with respect to such house or land, as may be necessary for carrying into effect the provisions of this Act, and may also, if it think fit, order the occupier to pay to the owner the costs relating to such application or order; and if, after the expiration of eight days from the date of the order, such occupier continue to refuse to permit such owner to execute such works, such occupier shall, for every day during which he so continues to refuse, be liable to a penalty not exceeding fifty Rupees; and every such owner, during the continuance of such refusal, shall be discharged from any penalties to which he might otherwise have become liable by reason of his default in executing such works.

**CCLXXXV.** The Commissioner shall, for the purposes of this

Power to enter upon lands for the purposes of the Act.

Act, have power by himself or any officer authorised by him for the purpose, between 5 A.M. and 7 P.M. to enter into and upon any house, place, works, or land, as well for the purpose of making any survey or inspection which he may be entitled to make, as for the purposes of executing any work authorised by this Act to be executed by him, without being liable to any legal proceedings or molestation whatsoever on account of such entry, or of anything done in any part of such house, place, works, or land, in pursuance of this Act:

Proviso.

Provided that, except when herein otherwise provided, the Commissioner or his said officers shall not enter upon any house, place, works, or land, which may be occupied at the time, unless with the consent of the occupier thereof, without previously giving the said occupier twenty-four hours' notice in writing of his or their intention to do so.

**CCLXXXVI.** Whenever, under the provisions of this Act other

Notice to be given before entry of houses to enable females to retire.

than Sections 228 and 235, the Municipal Commissioner, or others acting under his orders or authority, or having themselves authority under this Act, shall enter into any dwelling house for purposes of inspection or for any other purpose, sufficient notice must be given to enable the females or occupants of any zenana, or apartments appropriated to females, to remove to another part of the building which either



has been inspected or is not required to be inspected; and in all cases of inspection, due regard, compatible with the exigencies of this Act, shall be paid to the religious and social usages of the occupants.

**CCLXXXVII.** No writ or process shall be issued against or served upon the Corporation or upon the Commissioner or any of his officers, or any person

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

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

**CCLXXXVIII.** The Commissioner may, with the sanction of the Town Council, make compensation out of the Municipal Fund to all persons sustaining any damage by reason of the exercise of any of the powers vested in the Commissioner, his officers, or servants, under and by virtue of this Act.

**CCLXXXIX.** Except as herein otherwise provided, in all cases when compensation, damages, costs, or expenses are by this

Act directed to be paid, the amount, and, if necessary, the apportionment of the same

in case of dispute, shall be ascertained and determined by the Court of Petty Sessions.

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

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

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

**CCXCIII.** When there is any hindrance to the permanent or temporary acquisition upon payment of any land or building required for the purposes

Method of proceeding before the Court of Petty Sessions.

Recovery of damages by distress.

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

If necessary, land may be acquired under the law for the acquisition of land for public purposes.

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

**CCXCIV.** The Commissioner, with the sanction of the Corporation, may, on their behalf, sell any lands or buildings vested in them by virtue of this Act, or acquired by them for the purposes thereof, either together or in parcels, as he may find most convenient and advantageous, and the proceeds of such sale shall be paid to the credit of the Municipal Fund.

**CCXCV.** The Commissioner may direct any prosecution for any nuisance whatsoever, and may order proceedings to be taken for the recovery of any penalties and for the punishment of any persons offending against the provisions of this Act, and may order the expenses of such prosecution or other proceedings to be paid out of the Municipal Fund: Provided that

*Proviso.* any inhabitant of a place may complain of the existence of nuisance before the Court of Petty Sessions, and the Court may inquire into the complaint so made, and may make an order upon the Commissioner to put in force the provisions of this Act for abating or remedying the same, which the Commissioner shall be bound to obey; and the said Court may, if it sees fit, direct the Commissioner to pay, and he shall in such case pay to the complainant, out of the Municipal Fund, the costs of and relating to the said application and order, including compensation for the complainant's loss of time.

**CCXCVI.** No person shall be liable to any fine or penalty under this Act, for any offence made cognizable before a Magistrate, unless the complaint respecting such offence shall have been made before a Magistrate within three months next after the commission of such offence.

**CCXCVII.** If through any act, neglect, or default, on account whereof any person shall have incurred any penalty imposed by

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

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

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

*Proviso.* Provided that offences under Sections 143 and 144 committed beyond the limits of the City, may be tried before any Magistrate having jurisdiction in the place where the offence was committed.

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

**CCCI.** When any person shall be served with a summons under this Act, and shall fail to attend before the Magistrate issuing such summons, he shall be liable to a fine not exceeding Rupees twenty for every such offence, and in default of payment to imprisonment for

one week if the fine be not sooner paid; and if such person shall not appear according to the tenor of the summons, the Magistrate, upon proof of the service of the summons, may proceed, in all cases which are not of a criminal nature, if no sufficient cause shall be shown for the non-appearance of the person charged, to hear and determine the case in his absence.

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

CCCIII. It shall be obligatory on the Corporation, and they are hereby required, to set apart out of the rates and taxes collected under this Act such sums as may be necessary to keep up the Sinking Funds prescribed by Section 257 of (Bombay) Act II. of 1865 with reference to any loans borrowed under the powers conferred on the Corporation of the Justices by Sections 253, 254, 255, 256, 257, and 258 of the said Act which shall not have been liquidated at the time this Act comes into operation.

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

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

CCCVI. This Act shall come into operation from a date hereinto operation for 1873. after to be declared

and notified by the Governor in Council in the *Government Gazette*, and it shall be lawful for the Governor in Council, in order to bring into operation this Act for the year 1873 by notice in the *Government Gazette*, to declare the day before which the payment of the Municipal rates as provided by this Act shall qualify a person to be appointed a Member of the Corporation and to vote at the election of any such Members, and to fix the time for electing, nominating, and appointing the Members and Officers of the Corporation and the Town Council, and also to fix the date upon which the Municipal Commissioner shall lay before the Town Council an estimate prepared by him of the proposed expenditure of the Municipality for the year 1873, and to issue any other notifications that may be necessary to bring this Act into operation for the year 1873, and subject as aforesaid the provisions of this Act shall take effect for the purpose of enabling the Corporation and the Town Council to manage the Municipal affairs and Municipal Revenues during the year 1873, and in the event of all the Members of the Corporation and of the Town Council not being elected, nominated, or appointed on or before a day to be fixed and notified as appointed by the Governor in Council, it shall be lawful for the Governor in Council to authorise the Corporation and the Town Council to proceed for the year 1873 with the management and consideration of the Municipal affairs and Revenues in the same manner as if all the Members and Officers of the Corporation and Town Council had respectively been elected, nominated and appointed under this Act: Provided that any Budget which may be fixed by the Bench of Justices under the provisions of (Bombay) Act II. of 1865 for the year 1873 shall continue to be in force until a new Budget is settled under the provisions of this Act, and it shall be competent for the Corporation to be created by this Act to adopt the said Budget if the said Corporation shall think it expedient to do so.

CCCVII. This Act shall be in force for a period of three years from the date referred to in the preceding Section, and it shall be lawful for the Governor in Council from time to time to extend by a notification to be published in the *Government Gazette*, the period for the operation of this Act for such term or terms as he may think fit.

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

Short Title.

## SCHEDULE A.

(Referred to in Section 106.)

## TAX ON CARRIAGES AND ANIMALS.

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

## SCHEDULE B.

		Rates.		
		Rs.	a.	p.
Grain of all sorts .....	per candy .....	0	4	0
Metals, except Gold and Silver, Iron and Steel .....	1 per cent. on tariff value.			
Wines and Spirits .....	per gallon .....	0	2	0
Beer .....	per gallon .....	0	0	6
Sugar, including Molasses, Jagree, and Goor .....	1½ per cent. on tariff value.			
Ghee.....	per Bombay maund .....	0	8	0
Timber, excluding Railway Sleepers ...	2½ per cent. on market value.			
Cotton .....	per candy .....	0	4	0

## SCHEDULE C.

(Referred to in Section 125.)

Take notice that the Municipal Commissioner demands from (you) the sum of due from (you) as owner (or occupier) [here describe the property or thing upon which the rate or tax is imposed] for the months of 18 ; and that if the sum due is not paid into the said Commissioner's Office, at , or if sufficient cause for the non-payment of the sum is not shown to 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.

(Signature of the Municipal Commissioner.)

Date \_\_\_\_\_

## SCHEDULE D.

(Referred to in Section 125.)

## DISTRESS WARRANT.

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

Whereas \_\_\_\_\_ of \_\_\_\_\_ has not paid, or shown sufficient cause for the non-payment of, the sum of \_\_\_\_\_ Rupees due for the rates (or taxes) (or rates and taxes) mentioned in the margin for the months of ( ) 187 , although the said sum has been duly demanded in writing from the said \_\_\_\_\_, and 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 \_\_\_\_\_ (or, as the case may be,

any goods and chattels found on the premises referred to) to the amount of the said sum of Rupees, and such further sum as may be sufficient to defray the charges of taking, keeping, and selling such distress; and if within five days next after such distress the said sum shall not be paid, together with such further sum as may be sufficient to defray the charges of taking and keeping such distress, to sell the said goods and chattels; and having paid and deducted out of the proceeds of the sale the said sum of Rupees, and the charges of taking, keeping, and selling such distress, to return the surplus, if any, on demand, to the person whom you shall find in possession of the said goods and chattels. If sufficient distress cannot be found of the goods and chattels of the said you are to certify the same to me, together with this warrant.

[L. S.] the Municipal Commissioner.

### SCHEDULE E.

(Referred to in Section 129.)

#### FORM OF INVENTORY AND NOTICE.

(State particulars of Goods seized.)

Take notice that I have this day seized the goods and chattels specified in the above Inventory, for the sum of Rupees due for the rates (or taxes) mentioned in the margin for the months of 187 ; and that unless you pay into the office of the Municipal Commissioner the amount due, together with the costs of this distress, within five days from the day of the date of this notice, the goods and chattels will be sold.

(Signature of the Officer executing the Warrant of Distress.)

Date \_\_\_\_\_

### SCHEDULE F.

(Referred to in Section 130.)

#### TABLE OF FEES PAYABLE IN DISTRAINTS UNDER THIS ACT.

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 „ .....	5	0

The above charge includes all expenses except when Peons are kept in charge of property distrained, in which case four annas must be paid daily for each man.

