



The Bombay Municipal Corporation Act, 1888

Act 3 of 1888

Keyword(s):

The Corporation, Councillor, The Police Commissioner, Education Officer, Election, Assembly Constituency, Assembly Roll, Licensed Plumber and Licensed Surveyor, Small Cause Court, Public Securities, Tax, Land, Building, Water Work, Drain, House-Gully, Str

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THE MUMBAI MUNICIPAL CORPORATION ACT.

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- 220A. Vesting of water-courses.
221. Drains to be constructed and kept in repair by the Commissioner.
222. Powers for making drains.
223. Buildings, etc., not to be erected without permission over drains.
224. Alteration and discontinuance of drains.
225. Cleansing drains.
226. Powers of Commissioner to dig, construct and maintain tunnels below any land and to undertake related works for carrying sewage or storm water.
- 226A. Provision for payment of amount for any damage sustained by reason of powers to construct tunnels etc. under last preceding section.

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227. Power to connect drains of private streets with municipal drains.
228. Power of owners and occupiers of premises to drain into municipal drains.
229. Connections with municipal drains not to be made except in conformity with section 227 or 228.
- 229A. Buildings, etc., not to be erected without permission over any drains.
230. Right of owners and occupiers of premises to carry drains through land belonging to other persons.
- 230A. Owner of land to allow others to carry drains through the land.
231. Commissioner may enforce drainage of undrained premises situate within a hundred feet of a municipal drain.
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- 232A. Power of Commissioner to drain premises in combination.
233. Commissioner may close or limit the use of existing private drains.
- 233A. Vesting and maintenance of drains for sole use of properties.
234. New building not to be erected without drains.
235. Excrementitious matter not to be passed into cesspool.
236. Obligation of owners of drains to allow use thereof or joint ownership therein to others.
237. How right of use or joint ownership of a drain may be obtained by a person other than the owner.
238. Commissioner may authorise person other than the owner of a drain to use the same or declare him to be a joint owner thereof.
239. Sewage and rain-water drains to be distinct.
240. Drains not to pass beneath buildings.
241. Position of cesspools.
242. Right to corporation to drains, etc. constructed, etc. at charge of municipal fund on premises not belonging to the corporation.
243. All drains and cesspools to be properly covered and ventilated.
244. Fixing of pipes for ventilation of drains, etc.

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- 246A. Construction of water-closets and privies.
247. Water-closets and other accommodation in buildings newly erected or re-erected.
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249. Power to require privy accommodation to be provided for factories, etc.
- 249A. Power of Commissioner as to unhealthy privies.
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- 251A. Position of privies and **water-closets.**
 251B. Use of place for bathing or washing clothes or domestic utensils.
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253. Drains, etc., not belonging to the corporation to be subject to inspection and examination.
 254. Power to open ground, etc., for purposes of such inspection and examination.
 255. When the expenses of inspection and examination are to be paid by the Commissioner.
 256. When the expenses of inspection and examination are to be paid by the owner.
 257. Commissioner may require repairs, etc., to be made.
 257A. Cost of inspection and execution of work in certain cases.

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 259. When materials and work, may be supplied and done under this Chapter for any person by the Commissioner.
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- 260A. Definitions.
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 265. Power of carrying water-mains and constructing tunnels etc.
 266. Fire-hydrants to be provided
 267. Prohibition of building and other acts which would injure sources of water-supply.
 268. Buildings, etc., not to be erected over municipal water-main without permission.

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269. Vesting of public drinking fountains, etc., in the corporation.
 270. Public drinking fountains, etc., may be set apart for particular purposes.

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- 270A. Premises not to be occupied without Commissioner's certificate in respect of adequate water-supply.
271. Application for private water-supply from whom to be received. Commissioner may in certain cases require owners to obtain private water-supply.
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- 273A. Power of Commissioner to alter position of connections.
274. Provisions as to cisterns and other fittings, etc., to be used for connections with water-works.
- 274A. Provision for keeping cisterns locked.
275. Communication-pipes, etc., to be kept in efficient repair by owner or occupier of premises.
276. Provision of meters when water is supplied by measurement.
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278. Commissioner, etc., may inspect premises in order to examine meter communication-pipes, etc.

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279. Power to cut off private water-supply or to turn off water.
280. Conditions as to use of water not to be contravened.
- 280A. Powers of Commissioner to carry private mains through land belonging to other persons.
- 280B. Recovery of expenses of laying water pipes.
281. Water-pipes, etc., not to be placed where water will be polluted.
282. Prohibition of fraudulent and unauthorised use of water.
283. Prohibition of fraud in respect of meters.

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284. Prohibition of wilful or neglectful acts relating to water-works.
285. Compensation to be payable by offenders against section 283 or 284.
286. What persons to be liable for offences under certain provisions of this Chapter.
287. When materials and works may be supplied and done under this Chapter for any person by the Commissioner.
- 287A. Commissioner may execute works under this Chapter without allowing option to persons concerned of executing the same.
- 287B. Works under Chapter X to be done by licensed plumber.
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294. Minimum width of new public streets.
295. Power to construct or adopt public bridges, etc., over or under railways, etc.
296. Power to acquire premises for improvement of public street.
- Preservation of Regular Line in Public Streets.*
297. Prescribing the regular line of a street.
298. Setting back buildings to regular line of the Street.
299. Acquisition of open land or of land occupied by platforms, etc., within the regular line of a street.
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- 302A. Commissioner may call for further particulars.
- 302B. Commissioner may require plans to be prepared by licensed surveyor.
303. Laying out of land, private streets and buildings to be determined by Commissioner.
304. Land not to be appropriated for building and private streets not to be laid out until expiration of notice nor otherwise than in accordance with Commissioner's directions.
305. Levelling and draining of private streets.
306. Power to declare private streets, when sewered, etc., public streets.
307. Applicability of sections 305 and 306 when a street is in part public and in part private.
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308. Prohibition of projections upon streets, etc.
- Power to require removal of the same.
309. Power to require removal or alteration of structures, etc., in suburbs and extended suburbs.
310. Projections over streets may be permitted in certain cases.
311. Ground-floor doors, etc., not to open outwards on streets.
312. Prohibition of structures or fixtures which cause obstruction in streets.
313. Prohibition of deposit, etc., of things in streets.
- 313A. Licence for sale in public places.
- 313B. Licences for use of skill in handicraft or rendering services for purposes of gain in public place or street.
314. Power to remove without notice anything erected, deposited or hawked in contravention of sections 312, 313 or 313A.
315. Power to require removal of any structure or fixture erected or set up before section 312 came into force.
316. Prohibition of the tethering of animals in the public streets.
- Temporary Erections on Streets during Festivals.*
317. Commissioner may permit booths, etc., to be erected on streets on festivals.
- Provisions concerning execution of works in or near to Streets.*
318. Street when broken up for any municipal purpose to be restored without delay.
319. Commissioner may close street in which work is in progress.
320. Commissioner to provide for traffic, etc., pending execution of municipal work in any street.

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321. Precautions to be taken for the public safety whilst municipal works are in progress in any street.
322. Streets not to be opened or broken up and building materials not to be deposited thereon without permission.
323. Precautions for public safety to be taken by persons to whom permission is granted under section 322.
324. Persons to whom permission is granted under section 322 must reinstate streets, etc.
325. Provisions to be made by persons to whom permission is granted under section 322 for traffic, etc., when their works interrupt streets.
326. Hoards to be set up during work on any building adjacent to a street.
- 326A. Provision for parking or halting places or lots and fees or charges therefor.

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327. Naming streets and numbering of premises.

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328. Regulation as to sky-signs.
- 328A. Regulation and control of advertisements.

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329. Commissioner to take proceedings for repairing or enclosing dangerous places.

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330. Public streets to be lighted.
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332. Persons accidentally breaking lamp to repair the damage.
333. Manner of laying gas-pipes.
334. Situation of gas-pipes, etc., may be altered by Commissioner.
335. Buildings, etc., not to be erected without permission over municipal gas-pipes.

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338. Commissioner may require plans and other documents to be furnished.
339. Commissioner may require plans, etc., submitted under last preceding section, to be prepared by a licensed surveyor.
340. Additional information and the attendance of the person who gave the notice may be required.
341. Effect of non-compliance with requisition under section 338 or 340.

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342. Notice to be given to the Commissioner of intention to make additions, etc., to, or change of user of, a building.
343. Plans and additional information may be called for.

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344. Printed forms of notices to be supplied to the public.

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344A. Supervision of building and works.

345. When building or work may be proceeded with.

346. Building or work which is disapproved by the Commissioner may be proceeded with, subject to terms.

347. When work may be commenced.

347A. Building not to be converted to other purposes without the permission of the Commissioner.

347B. Building for human habitation not to be used as godown, etc.

347C. No alterations to be made in buildings for human habitation without written permission of Commissioner.

Provisions as to Structure, Materials, etc.

348. Provisions as to building which are to be newly erected.

349. Roofs and external walls of buildings not to be of inflammable materials

349A. Maximum height of buildings.

349B. Height of buildings with reference to width of streets.

Provision in case of set-back.

349C. Frame-buildings.

349D. Provision of sufficient means of egress.

349E. Special conditions with respect to erection or re-erection of buildings, maximum heights of buildings, etc., in suburbs and extended suburbs.

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350. Inspection of building in course of erection alteration, etc.

351. Proceeding to be taken in respect of building or work commenced contrary to section 347.

352. Building or works commenced contrary to section 347 may be cut into and laid open for purposes of inspection.

352A. Conferment temporarily of summary powers for demolition on the Commissioner.

353. Enforcement of provisions concerning building and work.

353A. Completion certificates, permission to occupy or use.

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354. Removal of structures, etc., which are in ruins or likely to fall.

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354A. Power of Commissioner to stop erection of building or work commenced or carried on unlawfully.

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354C. Commissioner to make a draft improvement scheme.

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- 354D. The Mayor-in-Council to consider and approve draft scheme submitted by Commissioner.
- 354E. Particulars to be provided for in an improvement scheme.
- 354F. Considerations which shall prevail in making the scheme.
- 354G. Procedure on completion of the scheme.
- 354H. Right of owner to demand acquisition on issue of notification when building operations are in progress.
- 354I. Right of owner to demand acquisition or withdrawal by the corporation after the lapse of two years from the date of notification.
- 354J. The Mayor-in-Council after publication and service of notices to forward the scheme to the corporation for approval.
- 354K. Corporation to consider the improvement scheme and to approve or disapprove.
- 354L. Commissioner to apply to State Government for sanction to the scheme.
- 354M. On receipt of section declaration to be published giving particulars of land to be acquired and on publication of such declaration the Commissioner to be authorised to execute the scheme.
- 354N. If the corporation fail to acquire the land owner may call upon Corporation to acquire it or to withdraw from the proposal.

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- 354O. The Corporation to have power to make a police accommodation scheme.
- 354P. Procedure on completion of a scheme.
- 354Q. Vesting of land in corporation.

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- 354R. Power to declare an area to be a clearance area.
- 354RA. Clearance orders.
- 354RB. Acquisition of land surrounded by or adjoining a clearance area
- 354RC. Provisions with respect to property belonging to the corporation within, surrounded by or adjoining a clearance area.
- 354RD. Acquisition of land in a clearance area.
- 354RE. Treatment of a clearance area.
- 354RF. Arrangements where acquisition of land in a clearance area found to be unnecessary.
- 354RG. Power to acquire cleared land which owners have failed to redevelop.
- 354RH. Power of Court to determine lease where premises demolished.

Re-development areas.

- 354RI. Power to declare an area to be a re-development area.
- 354RJ. Re-development plan.
- 354RK. Acquisition of land for purposes of re-development.

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- 354RL. Extinguishment of ways, easements etc, over land acquired under sections 354RD, 354RG and 354RK.

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- 354RM. Mode of provision of accommodation.
 354RN. Power of Commissioner to acquire land for housing accommodation.
 354RO. Mode of acquisition of land for housing accommodation.
 354RP. Power of dealing with land acquired or appropriated for provision of housing accommodation.
 354RQ. Supplementary power in connection with provision of accommodation,

Land Acquisition.

- 354S. Extent to which Land Acquisition Act shall apply to acquisition of land otherwise than by agreement.
 354SA. Determination by a special Tribunal in certain cases.
 354T. Special provisions as to compensation.
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- 354UA. Condition for levying betterment charge in clearance and re-development areas.
 354UB. Method of calculating charge.
 354UC. Procedure for determining charge.
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- 354W. Power to grant loans for building purposes.
 354WA. Power of Commissioner to make advances for the purposes of increasing housing accommodation.
 354WB. Power of Commissioner to promote and assist housing associations.
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- 354WC. Compensation to corporation on resumption of certain land.
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355. Grant of licences to surveyors and plumbers.
 356. Regulations may be prescribed for guidance of licensed surveyors and plumbers.
 357. Fees and charges of licensed plumbers to be prescribed by the Mayor-in-Council.
 358. Licensed plumber to be bound to execute work properly.

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359. Maintenance of firemen and of necessary fire-engines, etc.
 360. Power to make regulation for fire-brigade.
 361. Powers of chief officer of fire-brigade at a fire.
 362. Police and municipal officers and servants to aid the fire-brigade.
 363. Damages done by fire-brigade to be deemed damaged by fire.
 364. Reports of fires to be submitted.

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365. Commissioner to provide for cleansing of streets and removal of refuse
 366. Refuse, etc., to be the property of the Corporation.
 367. Provision and appointment of receptacles, depots and places for refuse,
 etc.
 368. Duty of owners and occupiers to collect and deposit dust, etc.
 369. Provisions may be made by Commissioner for collection, etc., of excre-
 mentitious and polluted matter.
 370. Collection and removal of excrementitious and polluted matter when
 to be provided for by occupiers.
 371. Halalkhor's duties in certain cases may not be discharged by private
 individuals without the Commissioner's permission.
 372. Prohibition of—
 failure to remove refuse, etc., when bound to do so;
 removal of refuse, etc., contrary to orders or without proper
 precautions;
 failure to clear away any refuse, etc., which drops during removal;
 leaving filth carts, etc., unnecessarily in the streets;
 throwing or placing refuse, etc., in any place not assigned for the
 purpose ;
 allowing filthy matter to flow or soak from any premises and keep-
 ing anything thereupon so as to create a nuisance.
 373. Presumptions as to offender under clause (e) of section 372.

Inspection and sanitary regulation of premises.

374. Power to inspect premises for sanitary purposes.
 375. Cleansing and lime washing of any building may be required.
 375A. Removal of building materials from any premises may be required.
 376. Abandoned or unoccupied premises.
 377. Neglected premises.
 Neglected private streets.
 377A. Nuisance arising from defective roof.
 378. Buildings or rooms in buildings unfit for human habitation.
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- 378C. Procedure where demolition order made.
- 378D. Regulations to determine the fitness of a building.
- 378E. Power to order demolition of obstructive building.
- 378F. Effect of order for demolition of obstructive building.
- 378G. Compensation for acquiring obstructive building recoverable in certain cases as improvement expenses.
- 378H. Appeal against demolition orders.
- 378I. Prohibition of back-to-back buildings.
379. Power of Commissioner to call for statement of accommodation.
- 379A. Overcrowded dwellings.
380. Insanitary huts and sheds.
381. Filling in of pools, etc., which are a nuisance.
- 381A. Permissions for new well, etc.
- 381B. Prohibition of mosquito breeding in collection of water on any land.
382. Dangerous quarrying may be stopped.
383. Removal and trimming of trees, shrubs and hedges.
- Keeping and Destruction of Animals and Disposal of Carcasses.*
384. Prohibition as to keeping animals.
- 384A. Stabling animals or storing grain in dwelling houses may be prohibited.
385. Removal of carcasses of dead animals.
- Regulation of public bathing, Washing etc.*
386. Places for public bathing etc., to be fixed by the Commissioner.
387. Regulation of use of public bathing places, etc.
388. Prohibition of bathing, etc., contrary to order or regulation.
389. Prohibition of corruption of water by steeping therein animal or other matter, etc.
- Regulation of Factories, Trades, etc.*
390. **Factory**, etc., not to be newly established without permission of the Commissioner.
391. Furnaces used in trade or manufacture to consume their own smoke
392. Sanitary regulation of factories, etc.
393. Prohibition of use of steam-whistle or steam-trumpet without permission of the Commissioner.
394. Certain articles or animals not to be kept and certain trades, processes and operations not to be carried on, without a licence; and things liable to be seized, destroyed, etc., to prevent danger or nuisance.
- 394A. Power to prohibit the keeping of certain articles of dangerous character in certain premises or areas.
395. Prohibition of corruption of water by chemicals, etc.
396. Power of inspection, etc., of premises where licensable articles are kept or trade, process or operation carried on or where prohibited articles are kept.
397. Regulation of washing of clothes by washermen;
Washing places to be provided by the Commissioner for washer men.

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398. What to be deemed municipal markets and slaughter-houses.
399. Provisions of new municipal markets and slaughter-houses.
400. Municipal markets and slaughter-houses may be closed.
401. Prohibition of sale in a municipal market without licence of Commissioner.
402. Opening of new private markets.
403. Private markets not to be kept or permitted to be kept open and out place to be used or permitted to be used as slaughter-houses, without licence.
404. Prohibition of sale in unauthorised private markets.
405. Provision for requiring private market building and slaughter-houses to be properly paved and drained.
406. Regulations to be framed for markets and slaughter-houses.
407. Levy of stallages, rents and fees in municipal markets and slaughter-houses.
- 407A. Removal of live cattle, sheep, goats or swine, from any municipal slaughter-house, market or premises.
408. Regulations and table of stallage-rents to be posted up in markets and slaughter-houses.
409. Power to expel persons contravening by-laws or regulations.

Sale or Supply of articles of food outside of markets.

410. Prohibition of sale or supply of animals, etc., except in a market.

Licensing of butchers, etc.

411. Butchers and persons who sell or supply the flesh of animals to be licensed.
412. Prohibition of import of cattle, etc., into Brihan Mumbai without permission.
412. Licence required for dealing in milk. etc.

Inspection of place of sales, etc.

413. Commissioner may enter and places where slaughter of animals or sale of flesh contrary to the provisions of this Act is suspected.
414. Commissioner to provide for inspection of articles exposed for sale for human food.
415. Unwholesome articles, etc., to be seized.
416. Disposal of perishable articles seized under section 415.
417. Disposal of animals and articles of a non-perishable nature seized under section 415.
- 417A. [Deleted]
- 417B. Penalty for possessing food which appears to be diseased, unsound or unwholesome or unfit for human food.
- 417C. Application for summons to be refused if not applied for within reasonable time.

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Weights and Measures.

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 419. [Deleted.]
 420. [Deleted.]

Prevention of spread of dangerous diseases.

421. Information to be given of existence of dangerous disease or continuous pyrexia of unknown origin.
 422. Any place may at any time be inspected for purpose of preventing spread of dangerous disease.
 423. Prohibition of use for drinking of water likely to cause dangerous disease.
 424. Commissioner may order removal of patient to hospital.
 425. Disinfection of buildings, etc.
 426. Destruction of huts and sheds, when necessary.
 426A. Second-hand clothing and bedding not to be brought into Brihan Mumbai without informing Commissioner and getting them inspected.
 427. Place for disinfection may be provided also for washing infected articles.
 Infected articles may be destroyed.
 428. Persons suffering from dangerous disease not to enter a public conveyance without notifying the same.
 429. Provision of carriages for conveyance of patients.
 430. Provisions as to carriage of person suffering from dangerous disease in public conveyances.
 431. Public conveyance which has carried a person suffering from dangerous disease to be disinfected.
 432. Infected articles not to be transmitted, etc., without previous disinfection.
 433. Infected building not to be let without being first disinfected.

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434. Commissioner may take special measures on outbreak of any dangerous disease.

Disposal of the dead.

435. Places for disposal of the dead to be registered.
 436. Provision of new places for disposal of the dead.
 437. New places for disposal of the dead not to be opened without permission of Commissioner.
 438. State Government may direct the closing of any place for the disposal of the dead.
 439. State Government may sanction the re-opening of places which have been closed for the disposal of the dead.

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440. Burials within places of worship and exhumations, not to be made without the permission of the Commissioner.
441. Acts prohibited in connection with the disposal of the dead.

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- 441A. Sections 90 to 94 of Bombay Police Act to cease to apply to Brihan Mumbai.
- 441B. Power to establish cattle pounds and appoint pound-keepers.
- 441C. Impounding of cattle.
- 441D. Delivery of cattle claimed.
- 441E. Sale of cattle not claimed.
- 441F. Rates of pound fees and expenses to be fixed.
- 441G. Penalty for allowing cartte to stray in street or to trespass upon private or public property.

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442. Appointment of registrars.
443. Registrars to reside in the respective districts.
444. Register-books to be supplied.
445. Registrars to inform themselves of all births and deaths.
446. Information of birth to be given within seven days.
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447. Information respecting finding of new-born child to be given.
448. Officers to be appointed to receive information of deaths at places for disposal of the dead.
449. Information of death to be given at the time when the corpse of the deceased is disposed of.
450. Medical practitioner who attended a deceased person to certify the cause of his death.
451. Preparation of register-book of deaths and of mortality returns, etc.
452. Correction of errors in registers of births or deaths.
453. Registration of name of child or of alternation of name.

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454. Enumeration of inhabitants.
455. Commissioner to superintend the enumeration.
456. Delivery of blank schedules and returns.
457. Obligation to fill up blank schedules and returns.
458. Occupier to amend returns, if found defective.
459. Military, naval and police officers and certain others, if required, to act as enumerators.
460. Returns of houseless persons.

CHAPTER XVI-A.

THE BOMBAY ELECTRIC SUPPLY AND TRANSPORT UNDERTAKING.

The operation of the undertaking and the construction and maintenance of works.

- 460A. Management of Undertaking by General Manager.
- 460B. Power of access to works.
- 460C. Power of carrying, renewing and repairing works.

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- 460D. [Deleted.]
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 460F. Reservation of power over streets of Bombay Gas Co. Ltd.
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- 460H. Levy of fares and charges for transport services and penalty for failure to pay proper fares and excess charges.
 460I. Levy of charges for electricity.
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- 460K. Making of contracts.
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- 460O. Acquisition of immovable property by agreement.
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- 460R. Schedule of permanent officers and servents to be prepared by General Manager and sanctioned by Mayor-in-Council.
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 460T. Creation of temporary post.
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- 460Z. Constitution of Brihan Mumbai Electric Supply and Transport Fund.
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 460BB. How Brihan Mumbai Electric Supply and Transport Fund shall be drawn against.
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- 460HH. Institution of Brihan Mumbai Electric Supply and Transport Staff Benefit Fund.
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- 460JJ. Investment of surplus moneys.

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- 460KK. Fixed annual payment to municipal fund.
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460NN. Preparation of annual administration report and statement of accounts.

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- 460OO. Power of Police to regulate traffic on streets.
460PP. Right of public to use streets on which tramway is laid.

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461. By-laws for purposes other than the Brihan Mumbai Electric Supply and Transport Undertaking.
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 4478A. [Deleted].
 478B. [Deleted].

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- 488A. Commissioner may evict persons summarily in certain cases.
- Enforcement of orders to execute works, etc.*
489. Works, etc., which any person is required to execute may in certain cases be executed by the Commissioner at such person's cost.
490. Recovery of expenses of removals by the Commissioner under sections 314, 315, 354 and 380.
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491. Expenses recoverable under this Act to be payable on demand; and if not paid on demand, may be recovered as an arrear of property-tax.
492. If the defaulter is the owner of premises in respect of which expenses are payable, the occupier to be also liable for payment thereof.
493. Commissioner or General manager may agree to receive payment of expenses in instalments.
494. What expenses may be declared to be improvement expenses.
495. Improvement expenses by whom payable.
496. Proportion of improvement expenses may be deducted from rent.
497. Redemption of charge for improvement expenses.
498. Recovery of instalments due under section 493 and 495.
499. In default of owner the occupier of any premises may execute required work and recover expenses from the owner.
500. Limitation of liability of agent or trustee of owner.

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501. Compensation for damages may be paid by the Commissioner or General Manager.
502. Compensation to be paid by offenders against this Act for any damage caused by them.

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503. In cases falling under section 491, disputes to be determined by the Chief judge of the Small Cause Court.
504. Amount of expenses or compensation to be determined in all cases of dispute by the Chief Judge of the Small Cause Court.
505. Expenses or compensation awarded by Chief Judge of the Small Cause Court to be recovered, if necessary, as if they were due under a decree of the Court.
506. Persons liable for expenses or compensation may be sued for recovery thereof.

SECTIONS.

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 509. Fees in proceedings before the Chief Judge of the Small Cause Court.
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 511. Repayment of half fees on settlement before hearing.
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 513A. Appointment of Presidency Magistrates.
 514. Limitation of time within which complaints of offences punishable under this Act shall be entertained.
 515. Complaint concerning nuisances.
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 516AAA. Offences under sections 313, 313A and 313B to be cognizable and bailable.
 516AA. Offences under sections 394 and 394A to be cognizable and under clause (a) (i) of sub-section (1) of section 394 and section 394A to be non-bailable.
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- 520A. Power of State Government to issue directions to Corporation in emergency arising out of scarcity of water.
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SCHEDULE H.—ARTICLES LIABLE TO PAYMENT OF OCTROI.

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SCHEDULE JJ.—SEE SECTIONS 398, 406 AND 461.

BOMBAY ACT No. III OF 1888¹

[THE MUMBAI MUNICIPAL CORPORATION ACT.]

[14th September 1888]

Repealed in part by Act 2 of 1901;
 " " by Bom. 1 of 1897;
 " " " " 5 of 1925;
 " " " " 8 of 1928;
 " " " " 15 of 1932;

Repealed in Part and amended—

by Act 16 of 1895;
 by Bom. 4 of 1888;
 " " 5 of 1905;
 " " 3 of 1907;
 " " 2 of 1911;
 " " 6 of 1922;

Amended by Bom. 1 of 1894;
 " " " 2 of 1899;
 " " " 2 of 1900;
 " " " 2 of 1901;
 " " " 5 of 1903;
 " " " 1 of 1910;
 " " " 6 of 1913;
 " " " 1 of 1916;
 " " " 6 of 1916;
 " " " 6 of 1918;
 " " " 8 of 1918;
 " " " 5 of 1920;
 " " " 15 of 1920;
 " " " 19 of 1920;
 " " " 20 of 1920;
 " " " 4 of 1921;
 " " " 7 of 1921;
 " " " 1 of 1925;
 " " " 12 of 1925;
 " " " 9 of 1928;
 " " " 10 of 1928;

¹For Statement of Objects and Reasons, see *Bombay Government Gazette*, 1887, Pt. V., p. 188, for Report of the Select Committee, see *ibid.*, 1888., p.1, and for Proceedings in Council, see *ibid.* 1887, p. 222 and *ibid.*, 1888, pp.177, 203, 228, 259, 286, 311 and 321.

Bom. 3 of 1888 has, so far as regards the jurisdiction, decisions, orders and other proceedings of Appellate Benches of Municipal Authorities, Presidency and other Magistrates, Courts of Small Cause and judges of such Courts, been declared to be as valid as if it had been passed by the Governor General of India in Council—see Act 12 of 1888,s.1.

The Bombay Municipal Servants Act is to be read within Bom. 3 of 1888—see Bom.5 of 1890, s. 2(2).

The City of Bombay Police Charges Act, 1907 (Bom. 3 of 1907), is to be read with Bom. 3 of 1888. Only those amendments which it makes in the latter and which have been declared to come into force on 1st April 1907, have been here incorporated; for the other amendments which have been declared (see ss. 39, 40 and 62) to come into force when notified by the Governor in Council, see Bom. 3 of 1907.

Amended by Bom.	10 of 1930;
" " "	18 of 1930;
" " "	19 of 1930;
" " "	23 of 1931;
" " "	6 of 1931;
" " "	17 of 1931;
" " "	21 of 1931;
" " "	8 of 1932;
" " "	11 of 1932;
" " "	13 of 1932;
" " "	13 of 1933;
" " "	2 of 1934;
" " "	4 of 1934;
" " "	10 of 1935;
" " "	12 of 1935;
" " "	28 of 1935;
" " "	32 of 1935;
" " "	10 of 1936;
" " "	12 of 1936;
" " "	13 of 1936;
" " "	24 of 1936;

Supplemented by Act	12 of 1888;
" "	2 of 1889;
" "	5 of 1890;
" "	1 of 1898;
" "	2 of 1899;
" "	15 of 1920;

Amended by Act 38 of 1920,

Adapted and modified by the Adaptation of Indian Laws Order in Council.

Amended by Bom.	2 of 1938;
" " "	5 of 1938;
" " "	13 of 1938*;
" " "	17 of 1938;
" " "	7 of 1939;
" " "	19 of 1939;
" " "	21 of 1939;

*Sections 32 and 33 of this Act containing saving provisions are reproduced below. Sections 26, 28 and 29 referred to in section 32 below have amended sections 37, 74 and 80-B of Bom. 3 of 1888.

Saving in 32. Nothing contained in section 26, 28 or 29 of this Act shall apply to persons appointed to hold case of posts referred to in the said sections during the period for which they may have been appointed present before the commencement of this Act.
incumbents.

Savings. 33. (1) Nothing in this Act shall affect the constitution of the Corporation, the Standing Committee, the Schools Committee, or the Improvements Committee as constituted immediately before the first day of April 1939 and no appointment, notification, notice, tax, order, scheme, licence, provision, rule, bye-law or form, made, issued or imposed in respect of or by the Corporation or Committee so constituted shall be deemed to be invalid by reason only of the fact that the provisions of this Act have come into force.

(2) Notwithstanding anything contained in this Act, any casual vacancy in the office of a councillor, or a member of any of the said committee occurring before the 1st day of April 1939 shall, subject to the provisions of the said Act, be filled as if this Act had not come into force.

Amended by Bom.	1 of 1942;
" " "	8 of 1942;
" " "	2 of 1943*;
" " "	9 of 1945*;
" " "	12 of 1945*;
" " "	1 of 1946†;
" " "	4 of 1947;
" " "	12 of 1947;
" " "	20 of 1947;
" " "	21 of 1947;

Adapted by the Indian (Adaptation of Existing Indian Laws) Order, 1947;

Amended by Bom.	3 of 1948;
" " "	8 of 1948;
" " "	48 of 1948;
" " "	69 of 1948;
" " "	76 of 1948;
" " "	7 of 1950;

Adapted and modified by the Adaptation of Laws Order, 1950;

Amended by Bom.	48 of 1950;
" " "	9 of 1951;
" " "	30 of 1951;
" " "	20 of 1952;
" " "	64 of 1953;
" " "	6 of 1954;
" " "	8 of 1954;
" " "	21 of 1954;
" " "	34 of 1954;
" " "	62 of 1954;
" " "	5 of 1955;
" " "	54 of 1955‡;
" " "	22 of 1956;
" " "	26 of 1956;

Adapted and modified by the Bombay Adaptation of Laws (State and Concurrent Subjects) Order, 1956;

Amended by Bom.	51 of 1956§;
" " "	58 of 1956;
" " "	28 of 1957;
" " "	13 of 1958;
" " "	65 of 1958;
" " "	6 of 1959;

*This Act was repealed and re-enacted by Bom. 8 of 1948.

†This Act was repealed and re-enacted with modifications, *ibid.*,

‡Section 13 of Bom. 54 of 1955 reads as follows :—

“13. The amendments made in the said Act by sections 2 to 4 (both inclusive), section 5 except section 28-H inserted thereby, clause (2) of section 6 and sections 7 and 8 of this Act, amendments shall apply to the general election to be held after the 31st day of December 1955, and to all Act to apply to election held after the 31st day of December 1955.”

§The amendments made by this Act shall be deemed to have been made with effect from the 1st day of April 1956 (see s.2 of Bom. 51 of 1956).

Adapted and modified by the Maharashtra Adaptation of Laws (State and Concurrent Subjects) Order, 1960 ;

Amended by Mah.	14 of 1961;
" " "	39 of 1961;
" " "	32 of 1962;
" " "	40 of 1962;
" " "	13 of 1963;
" " "	1 of 1964*;
" " "	11 of 1964;
" " "	17 of 1964 read with Mah. 8 of 1968;
" " "	32 of 1964†;
" " "	8 of 1965‡;
" " "	27 of 1966;
" " "	32 of 1966§;
" " "	33 of 1966;
" " "	35 of 1967;
" " "	5 of 1968;
" " "	22 of 1968;
" " "	3 of 1969;
" " "	10 of 1969;
" " "	18 of 1969;
" " "	5 of 1970;
" " "	6 of 1970;

*Section 11 of Mah. 1 of 1964 reads as under :—

Savings. " 11. Notwithstanding the amalgamation of budget estimates D and F with budget estimate A and the amendments in the principal Act made therefor by sections 4 to 10 (both inclusive) of this Act, budget estimates A, D and F finally adopted by the Corporation for the official year 1963-64 and all provisions of the principal Act applicable thereto immediately before the 28th day of October 1963 shall remain in operation and continue to apply to the said estimate till the end of the year. "

†Section 23 of Mah. 32 of 1964 reads as under :—

Savings. " 23. Notwithstanding the abolition of town duties and the repeal of the provisions of the principal Act relating thereto, and the substitution therefore of the provisions relating to octroi made by this Act, all the provisions relating to town duties shall continue to have effect for the purposes of the levy, assessment, collection or refund of the duty, or for the purpose of imposing any penalty, or the confiscation of any articles, or for any other purpose whatsoever connected with or incidental to any of the purposes aforesaid, and any reference to any officer, authority, tribunal or court for the purpose of carrying into effect the provisions aforesaid shall be construed as a reference to the corresponding officer, authority, tribunal or court relating to octroi and if any question arises as to who or which such corresponding officer, authority, tribunal or court is, the decision of the State Government thereon, shall be final.

‡Sections 22 and 23 of Mah. 8 of 1965 reads as under :—

Savings. " 22. Nothing contained in this Act shall effect the constitution of the Corporation, the Standing Committee, the Improvements Committee or any other Committee or Sub-Committee as constituted or appointed under the principal Act immediately before the commencement of this Act, and any casual vacancy in the office of a councillor or a member of any of the said committees or sub-committees before the 1st April 1965 (or if the State Government extends the period under section 7, before the 1st April 1966) shall, subject to the provisions of the principal Act, be filled as if this Act had not been passed.

Removal of difficulty. " 23. If any difficulty arises in giving effect to the provisions of the principal Act as amended by this Act, the State Government may, as occasion arises, by order do anything which appears to it necessary for the purposes of removing the difficulty :

Provided that, no order shall be made under this section after the expiry of two years from the commencement of this Act. "

§Section 8 of Mah. 32 of 1966 reads as under :—

Retrospective operation of sections 2 and 5. "8. The amendments made in the principal Act by sections 2 and 5 of this Act shall be deemed to have been made on and to have effect from the 1st day of April 1966, "

Amended by Mah.	7 of 1971	Amended by Mah.	42 of 1977
'	13 of 1971	''	62 of 1977
''	35 of 1971*	''	17 of 1978 (31-5-1978)‡
''	37 of 1971	''	25 of 1978 (2-10-1978)‡
''	22 of 1972	''	23 of 1979** (5-5-1979)‡
''	4 of 1973	''	27 of 1979 (31-3-1979)‡
''	19 of 1973	''	6 of 1980 (13-2-1980)‡
''	34 of 1973†	''	20 of 1980§ (16-10-1980)‡
	(30-4-1973)‡	''	37 of 1981 (1-10-1981)‡
		''	50 of 1981.
''	53 of 1973	''	53 of 1981 (14-9-1991)‡
	(27-12-1973)‡	''	71 of 1981@(31-10-1981)‡
''	18 of 1974	''	21 of 1982(12-5-1982)‡
	(1-5-1975)‡	''	25 of 1982††(7-6-1982)‡
''	37 of 1974	''	43 of 1983‡‡(25-10-1893)‡
	(7-9-1974)‡	''	7 of 1984§§ (30-9-1984)‡
''	51 of 1975	''	3 of 1985@@(11-2-1985)‡
	(11-1-1975)‡	''	5 of 1986@@@ (29-11-1986)‡
''	63 of 1975‡‡	''	7 of 1986£££(20-12-1985)‡
	(22-9-1975)‡	''	20 of 1987 (1-11-1987)‡
''	70 of 1975¶	''	21 of 1989 (2-5-1989)‡
''	42 of 1976	''	28 of 1989*** (12-6-1989)‡
	(1-10-1976)‡	''	33 of 1989 (1-11-1989)‡

*Maharashtra Ordinance No.V of 1971 was repealed by Mah. 35 of 1971, s.3.

†Maharashtra Ordinance No.III of 1973 was repealed by Mah. 34 of 1973, s.23.

‡This indicates the date of commencement of Act.

‡‡Maharashtra Ordinance No.XI of 1975 was repealed by Mah. 63 of 1975, s.11.

¶Maharashtra Ordinance No.XVII of 1975 was repealed by Mah. 70 of 1975, s.22. The whole Act (Mah. 70 of 1975) except clause (a) of section 2, section 4 and sections 16 to 20 (both inclusive) was deemed to have come into force on the 8th day of November 1975. Clause (a) of section 2 and section 4 came into force on the 24th day of December 1975. Sections 16 to 20 (both inclusive) came into force on the 1st day of April 1976 [See s.22 of Mah. 70 of 1975].

**Maharashtra Ordinance No.IV of 1979 was repealed by Mah. 23 of 1979, s.3.

§Maharashtra Ordinance No.XII of 1980 was repealed by Mah. 20 of 1980, s.23.

@Maharashtra Ordinance No.XVIII of 1981 was repealed by Mah. 71 of 1981, s.3.

††Maharashtra Ordinance No.V of 1982 was repealed by Mah. 25 of 1982, s.5.

Section 4 of the Act reads as follows :—

“ 4. Nothing contained in this Act shall affect the constitution of the Corporation, the Standing Saving Committee, the Improvement Committee, the Bombay Electric Supply and Transport Committee, the Education Committee or any other Committee or Sub-Committee as constituted or appointed under the principal Act immediately before the commencement of this Act, and any casual vacancy in the office of a Councillor, a member of any of the said Committees or Sub-Committees before the 1st April 1983 shall, subject to the provisions of the principal Act, be filled as if this Act had not been enacted.”

¶¶Maharashtra Ordinance No.XVII of 1983 was repealed by Mah. 43 of 1983, s.12.

§§Section 7 of the Act reads as under :—

“ 7. If any difficulty arises in giving effect to the provisions of any of the Acts, as amended, Removal by this Act, during the period of one year from the date of coming into force of this Act, the State of difficulty Government may, as occasion arises, by order do anything, not inconsistent with such provisions, which appears it to be necessary or expedient for the purpose of removing the difficulty ”.

@@Maharashtra Ordinance No. I of 1985 was repealed by Mah. 3 of 1985, s.10.

@@@Maharashtra Ordinance No.X of 1985 was repealed by Mah. 5 of 1986, s.4.

£££Maharashtra Ordinance No.XIII of 1985 was repealed by Mah. 7 of 1986, s.7.

***Maharashtra Ordinance No.IV of 1989 was repealed by Mah. 28 of 1989, s.8.

Amended by Mah.	11 of 1990* (16-3-1990)†
” ” ”	12 of 1990** (12-2-1990)‡
” ” ”	13 of 1990‡‡(24-4-1990)
” ” ”	34 of 1990*** (8-10-1990)‡‡
” ” ”	36 of 1990@(14-11-1990)
” ” ”	15 of 1991@@(16-2-1991)
” ” ”	26 of 1991@@@(29-10-1991)‡
” ” ”	8 of 1992 (28-4-1992).

*Maharashtra Ordinance No.V of 1990 was repealed by Mah. 11 of 1990, s.11.

†This indicates the date of Commencement of Act.

**Maharashtra Ordinance No.III of 1990 was repealed by Mah. 12 of 1990, s.11.

‡Section 13 of Mah. 12 of 1990 reads as follows :—

Sitting
councillors
to continue
to hold
office.

“13. For the removal of doubt, it is hereby declared that every person elected as a councillor of the Municipal Corporation of Greater Bombay or any of the Municipal Corporations constituted under the provisions of the Bombay Provincial Municipal Corporations Act, 1949 or of the Corporation of the City of Nagpur or of any of the Municipal Councils established under the Maharashtra Municipalities Act, 1965 and holding office as such councillor and has not attained the age of twenty-one years on or before the date of commencement of the Maharashtra Municipal Corporations and Municipalities (Amendment) Act, 1990 shall, unless he resigns, or is disqualified to hold, such office of councillor before the expiry of his term, continue to be such councillor till the expiry of his term, as if the amendments made to the relevant municipal law by the Maharashtra Municipal Corporations and Municipalities (Amendment) Act, 1990 had never been made.”

Bom.
LIX of
1949.
C.P.
and
Berer
II of
1950.
Mah.
LX of
1965.
Mah.
XII of
1990.
Mah.
XII of
1990.

‡‡Section 9 of Mah. 13 of 1990 reads as follows :—

Sitting
women
councillors
to continue
to hold
office.

“9. For the removal of doubt, it is hereby declared that every woman Councillor elected to a reserved seat in any of the Municipal Councils established under the Maharashtra Municipalities Act, 1965 and holding office as such Councillor on the date of commencement of the Maharashtra Municipal Corporations and Municipalities (Second Amendment) Act, 1990, shall, unless she resigns or is disqualified to hold such office of Councillor before the expiry of her term, continue to be such Councillor till the expiry of her term, as if the amendments made to the Maharashtra Municipalities Act, 1965 by the Maharashtra Municipal Corporations and Municipalities (Second Amendment) Act, 1990, had never been made.”

Mah.
XL of
1965.
Mah.
XIII
of
1990.
Mah.
XL of
1965.
Mah.
XIII
of
1990.

***Maharashtra Ordinance No.XI of 1990 was repealed by Mah. 34 of 1990, s.6.

‡‡Section 5 of Mah. 34 of 1990 reads as follows :—

Validation
of fees or
charges
levied and
collected by
Corporation
under Pay
and Park
Scheme.

“5. Notwithstanding anything contained in any judgement, decree or order of any Court, any fees or charges levied, demanded or collected by the Municipal Corporation of Greater Bombay under the Pay and Park scheme introduced with effect from the 15th day of October 1988 shall be deemed to have been validly levied, demanded and collected in accordance with law, as if the provisions of section 326A had been continuously in force at all material times. Any action taken or anything done for levying, demanding or collecting such fees or charges, from any person during the period commencing on the 15th day of October 1988 and ending on the day immediately preceding the date of commencement of this Act shall be deemed to be, and shall be deemed always to have been, validly taken or done and shall not be called in question in any court or before any authority merely, on the ground that the power to earmark such parking places or to levy such fees or charges for use of such parking places for parking of vehicles did not exist or that such levy, demand or collection was not validly made under the principal Act, and accordingly,—

(a) no suit or proceedings shall be maintained or continued in or before any court or any authority for the refund of any amount received or realised by way of such fees or charges ;

(b) no court or any other authority shall enforce any decree or order directing the refund of any amount received or realised by way of such fees or charges.”

@Maharashtra Ordinance No.XIII of 1990 was repealed by Mah. 36 of 1990, s.10.

@@Maharashtra Ordinance No. III of 1991 was repealed by Mah. 15 of 1991, s.11.

@@@Maharashtra Ordinance No.XI of 1991 was repealed by Mah. 26 of 1991, s.8.

Amended by Mah.	21 of 1992 (10-8-1992)†
” ” ”	12 of 1993 § (4-1-1993)†
” ” ”	15 of 1994
” ” ”	41 of 1994@ (31-5-1994)†
” ” ”	44 of 1994
” ” ”	5 of 1995 (31-5-1994)**

Amended by Mah.	20 of 1995
” ” ”	5 of 1996@@ (23-11-95)†
” ” ”	11 of 1996
” ” ”	25 of 1996
” ” ”	12 of 1997@@@
” ” ”	10 of 1998@@@@
” ” ”	13 of 1998*** (13-5-98)†

An Act to consolidate and amend the law relating to the Municipal Government of ¹[Brihan Mumbai].

WHEREAS it is expedient to consolidate and amend the law relating to the Municipal Government of ¹[Brihan Mumbai]; It is enacted as follows :— Preamble.

CHAPTER I

PRELIMINARY

1. This Act may be cited as ²[the ³[Mumbai Municipal Corporation Act.]] Short title and extent.
⁴[It] extends only to ⁵[Brihan Mumbai.]

§ Section 11 of Mah. 12 of 1993 reads as under :—

“ 11. For the removal of doubt, it is hereby declared that any octroi levied on natural gas and liquified petroleum gas, being petroleum products, on or after the 1st day of April 1978 shall be deemed to have been levied under entry 22 in Schedule H to the Bombay Municipal Corporation Act, as amended by section 9 of the Maharashtra Municipal Corporations (Amendment) Act, 1993, as if that entry in that form was in force on the day on which the octroi was so levied; and accordingly,— Validation of octroi natural gas and liquified petroleum gas.

(a) any sum paid or payable by way of such octroi shall be deemed to have been paid or payable in accordance with law ; and

(b) no claim shall lie in any Court against such levy or for the refund of any sum so paid or payable merely on the ground that the expression “ petroleum products ” did not explicitly mention natural gas and liquified petroleum gas as included therein. ”

¹These words were substituted for the words “ Greater Bombay ” by Mah. 25 of 1995, Schedule. ¹
²These words were substituted for the words and figures “ the City of Bombay Municipal Act, 1888 ” by Bom. 7 of 1950, s.4(a).

³These words were substituted for the words “ Bombay Municipal Corporation ” by Mah. 1995, s.42, Schedule 2(a).

⁴This word was substituted for the words “ Except as is herein otherwise expressly provided it ” by Mah. 41 of 1994, s.2.

⁵These words were substituted for the words “ Greater Bombay ” by Mah. 25 of 1996, s.2 Schedule 2(b).

†This indicates the date of commencement of Act.

@Mah. Ord. 10 of 1994 was repealed by Mah. 41 of 1994, s.163.

**Mah. Ord. 5 of 1995 was repealed by Mah. 5 of 1995, s.13.

@Mah. Ord. 18 of 1995 was repealed by Mah. 5 of 1996, s.7(2).

@@@Mah. Ord. 20 of 1996 was repealed by Mah. 10 of 1997, s.6.

Section 1 and 5 of Mah. 12 of 1997 and section 2, 3 and 4 of Mah. 12 of 1997 were deemed to have come into force on 31st May 1994 by Mah. 12 of 1997, s.1(2).

@@@@Mah. Ord. 4 of 1998 was repealed by Mah. 10 of 1998, s.256.

Section 56, 90(b), 91, 97, 102, 104(a) and 113 of Mah. 10 of 1998 were deemed to have come into force on 2nd March 1998 and remaining provision of Mah. 10 of 1998 shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

***This Act shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

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

Provided that—

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

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

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

(d) all suits or other legal proceedings, civil, criminal, instituted or which might but for the passing of this Act have been instituted by or against the corporation or the Commissioner may be continued or instituted subject to the provisions of section 13 of Schedule R as if this Act has not been passed; and

(e) all references made in any Act or the *Governor of Bombay in Council to any of the said enactments shall be read as if made to this Act or to the corresponding portion thereof.

Definitions
of terms.

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

¹[(a) “ the city „ means the area specified in Part I of Schedule A to the Greater Bombay Laws and the Bombay High Court (Declaration of Limits) Act, 1945; Bom. XVII of 1945.

²[(aa) “ extended suburbs ” means the area specified in Part IV of Schedule A to the Greater Bombay Laws and the Bombay High Court (Declaration of Limits) Act, 1945]; Bom. XVII of 1945.

(a¹) “ ³[Brihan Mumbai] ” means the areas specified in Parts I, II and III of Schedule A to the Greater Bombay Laws and the Bombay High Court (Declaration of Limits) Act, 1945 ⁴[and on and from the date of commencement of the Bombay Municipal (Further Extension of Limits and Schedule BBA (Amendment)] Act, 1956, includes the extended suburbs i.e., the area specified in Part IV of this Schedule]; Bom. XVII of 1945. Bom. XV of 1956.

(a²) “ the suburbs ” means the area specified in Parts II and III of Schedule A to the Greater Bombay Laws and the Bombay High Court (Declaration of Limits) Act, 1945]; Bom. XVII of 1945.

⁶[(a³) “ Backward Class of citizens ” means such classes of parts of or groups within such classes as are declared, from time to time, by the State Government to be Other Backward Classes and *Vimukta Jatis* and Nomadic Tribes;]

**“ Governor of Bombay ” shall stand unmodified *vide* the Maharashtra Adaptation of Laws (state and Concurrent Subjects) Order, 1960.

¹These clauses were substituted for clause (a) by Bom. 7 of 1950, s.5(i).

²This clause was inserted by Bom. 58 of 1956, s.3(1).

³These words were substituted for the words “ Greater Bombay ” by Mah. 25 of 1996, Schedule

⁴This portion was inserted, by Mah.58 of 1956, s.3(2).

⁵This clause was inserted by Mah. 41 of 1994, s.3(b).

(b) “the corporation” means the Municipal Corporation of ¹²[Brihan Mumbai] constituted or deemed to have been constituted under this Act;]

³[(c) “ Councillor ” means a person duly elected as a member of the Corporation; and includes a nominated Councillor who shall not have the right,—

(i) to vote at any meeting of the Corporation and Committee of the Corporation; and

(ii) to get elected as a Mayor of the Corporation or a Chairperson of any of the Committees of the corporation;]

⁴[(cc) “ Commission ., means the Public Service Commission constituted for the State of Bombay under the Constitution of India;]

(d) “ the Commissioner ” means the Municipal Commissioner for ⁵[Brihan Mumbai] appointed under section 54, and includes ⁶[an Additional Municipal Commissioner appointed under sub-section (3) of section 54 and] an acting Commissioner appointed under sub-section (3) of section 59;

(e) “ Deputy Commissioner ” means a Deputy Municipal Commissioner appointed under section 55, ⁷[and the Deputy Municipal Commissioner (Improvements) appointed under section 56A] and includes an acting Deputy Commissioner appointed under sub-section (3) of section 59 ⁸[and an additional Deputy Municipal Commissioner appointed under sub-section (1A) of section 55];

⁹[(ea) “ Director ” means the Director (Engineering Services and Projects) appointed under section 54A;]

(f) “ the Police Commissioner ” means the Commissioner of Police ¹⁰[for ¹¹[Brihan Mumbai];]

¹²[(g) “ Education Officer ” means the Municipal Education Officer appointed under section 76A and includes an acting Municipal Education Officer appointed under section 85];

¹³[(h) “ election ” means an election to fill a seat or seats of a councillor or councillors under this Act];

¹⁴[(i) “ Assembly constituency ” means a constituency provided by law for the purpose of elections to the Maharashtra Legislative Assembly, or any part thereof, which is for the time being comprised in ¹⁵[Brihan Mumbai];]

(f) “ Assembly roll ” means the electoral roll prepared for any Assembly Constituency in accordance with the provisions of the Representation of the People Act, 1950];

43 of
1950.

¹These words were substituted for the words “ Greater Bombay ” by Mah. 41 of 1994 s.3(c).

²These words were substituted for the words “ Greater Bombay ” by Mah. 25 of 1996, schedule.

³This clause was substituted by Mah. 41 of 1994 s.3(d).

⁴Clause (cc) was inserted, by Bom. 48 of 1956, s.2(2).

⁵These words were substituted for the word “ Greater Bombay ” by Mah. 25 of 1996, schedule.

⁶These words, brackets and figures were inserted by Mah. 43 of 1983, s.2.

⁷These words, figures, brackets and letter were inserted by Bom. 13 of 1933, s. 3 (a).

⁸These words, figures, letter and brackets were inserted by Bom. 7 of 1950, s.5(iii).

⁹Clause (ca) was inserted by Mah. 53 of 1981, s.2.

¹⁰These words were substituted for the words “ of Bombay ”, by Bom. 7 of 1950, s.5(iv).

¹¹These words were substituted for the words “ Greater Bombay ” by Mah. 25 of 1996 schedule.

¹²Clause (g) was inserted by Bom. 48 1950, s. 2(3).

¹³Clause (h) was inserted by Bom. 54 of 1955 s. 2

¹⁴Clauses (i) and (j) were inserted by Mah. 8 of 1965, s.2.

¹⁵These words were substituted for the words ‘ Greater Bombay ’ by Mah. 25 of 1996, schedule.

(k) "licensed plumber" and "licensed surveyor" means respectively, a person licensed by the Commissioner for the purposes of this Act as a plumber or surveyor under section 355;

¹[(ka) "Scheduled Castes" means such castes, races or tribes or parts of, or groups within, such castes, races or tribes as are deemed to be Scheduled Castes in relation to the State of Maharashtra under article 341 of the Constitution of India;

(kb) "Scheduled Tribes" means such tribes or tribal communities or parts of, or groups within, such tribes or tribal communities as are deemed to be Scheduled Tribes in relation to the State of Maharashtra under article 342 of the Constitution of India;]

(l) "Small Cause Court" means the Court of Small Causes of Bombay;

²[(la) "State Election Commission" means the State Election Commission consisting of the State Election Commissioner appointed in accordance with the provisions of clause (1) of article 243-K of the Constitution of India;]

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

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

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

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

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

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

(o) the term "public securities" means securities of the ³[Central Government] and any securities guaranteed by ⁴[the Central or any ⁵[State] Government], securities of the Bombay Port Trust, securities issued under this Act and any Bombay Municipal debentures or other securities heretofore issued ⁶[and any debentures or other securities issued under the City of Bombay Improvement Act, 1898, and the City of Bombay Improvement Trust Transfer Act, 1925];

(p) "tax" includes any impost leviable under this Act;

⁷[(pa) "article" in relation to octroi means any goods;]

(q) "vehicle" includes a carriage, cart, van, dray, truck, handcart and wheeled conveyance of any description capable of being used on the streets of the city;

¹Clauses (ka) and (kb) were inserted by Mah. 41 of 1994, s. 3(e).

²Clause (la) was inserted *ibid.*, s. 3(f).

³The words "Central Government" were substituted for the words "Government of India" by the Adaptation of Indian Laws Order in Council.

⁴The words "the Central or any Provincial Government" were substituted for the word "Government" *ibid.*

⁵The word "State" was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

⁶These words were inserted by Bom. 13 of 1933, s. 3(b).

⁷This clause was inserted by Mah. 32 of 1964, s. 2.

(r) "land" includes land which is ¹[being built upon or is built] upon or covered with water, ²[benefits to arise out of land, things attached to the earth or permanently fastened to anything attached to the earth and rights created by legislative enactment over any street];

(s) "building" includes a house, out-house, stable, shed, hut ³[tank (except tank for storage of drinking water in a building or part of a building)] and every other such structure, whether of masonry, bricks, wood, mud, metal or any other material whatever;

⁴[(sa) "tenement" means a building or a part of a building, other than a temporary building or a part thereof, let or intended to be let or occupied separately];

(sb) "temporary building" means any building which is constructed principally of mud, leaves, grass, cloth, thatch, wood, corrugated iron or asbestos cement sheets or such other material and includes a building of whatever size constructed of whatever material which the Commissioner has allowed to be built as a temporary measure;]

(t) "water-work" includes a lake, stream, spring, well, pump, reservoir, cistern, tank, ⁵[tunnel,] duct, whether covered or open, sluice, main pipe, culvert, engine and any machinery, land, building, or thing for supplying or used for supplying water;

⁶[(u) "drain" includes a sewer, pipe, ditch, channel, ⁷[tunnel] and any other device for carrying of sewage, offensive matter, polluted water, sullage, waste water, rain water or sub-soil water, and any ejectors, compressed air mains, sealed sewage mains and special machinery or apparatus for raising, collecting, expelling or removing sewage or offensive matter to the sewage outfall];

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

(w) "street" includes any highway and any causeway, bridge, viaduct, arch, road, lane, footway, square, court, alley or passage, whether a thoroughfare or not, over which the public have a right of passage or access or have passed and had access uninterruptedly for a period of twenty year; and when there is a footway as well as carriageway in any street, the said term includes, both;

(x) "public street" means any street heretofore levelled, paved, metalled, channelled, sewered or repaired by the corporation and any street which becomes a public street under any of the provisions of this Act; ⁸[for which vests in the corporation as a public street];

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

⁹[(yy) "trade refuse" means and includes the refuse of any trade, manufacture or business];

¹These words were substituted for the word "built" by Bom. 8 of 1918, s.2.

²These words were inserted by Bom. 13 of 1933, s.3(c).

³These words and brackets were inserted by Mah. 21 of 1989, s.2.

⁴These clauses were inserted by Bom. 28 of 1957, s.2.

⁵This word was inserted by Mah. 37 of 1981, s. 2(a).

⁶Clause (u) was substituted for the original clause by Bom. 5 of 1905, s. 2.

⁷This word was inserted by Mah. 37 of 1981, s.2(b).

⁸These words were added by Bom. 7 of 1950, s.5(v).

⁹This new clause (yy) was added by Bom. 1 of 1925, s.2(b).

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

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

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

(cc) "public holiday" means a day or other period of time on or during which by an order of ¹[the ²[State] Government] published in the ³[*Official Gazette*], Government offices in the city are closed ;

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

⁴[(ee) "bakehouse" means any place in which are baked bread, biscuits or confectionery, from the baking or selling of which a profit is derived ;

(ff) "eating-house" means any premises to which the public are admitted and where any kind of food is prepared or supplied for consumption on the premises for the profit or gain of any person owning or having an interest in or managing such premises ;

(gg) "premises" includes messuages, buildings and lands of any tenure; whether open or enclosed, whether built on or not and whether public or private;]

⁵[(hh) "a sweetmeat shop" means any premises or part of any premises used for the manufacture, treatment or storing for sale, or for sale, wholesale or retail, of any icecream, confections or sweetmeats whatsoever, for whomsoever intended, and by whatsoever name the same may be known, and whether the same be for consumption on or outside the premises;]

⁶* * * * *

⁷[(ll) "market" includes any place where persons assemble for the sale of or for the purpose of exposing for sale, meat, fish, fruit, vegetable, animals, intended for human food or any other articles of human food whatsoever, with or without the consent of the owner of such place, notwithstanding that there may be no common regulation of the concourse of buyers and sellers and whether or not any control is exercised over the business of or the persons frequenting the market by the owner of the place or any other person;]

⁸[(mm) "the ⁹[Mumbai Electric Supply and Transport Undertaking]" means all undertakings acquired, organised, constructed, maintained, extended, managed or conducted by the corporation for the purpose of providing tramway, trackless trams or mechanically propelled transport facilities for the conveyance of the public or for the purpose of supplying electrical energy to the public and includes all movable and immovable property and rights vested or vesting in the corporation for the purposes of every such undertaking;

¹The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

²This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

³The words "*Official Gazette*" were substituted for the words "*Bombay Government Gazette*" by the Adaptation of Indian Laws Order in Council.

⁴Clause (ee), (ff) and (gg) were inserted by Bom. 1 of 1916, s.2.

⁵Clause (hh) was inserted by Bom. 5 of 1920, s. 2.

⁶Clauses (ii), (jj) and (kk) were deleted by Bom. 48 of 1950, s. 2(5).

⁷This clause was added by Bom. 5 of 1938, s.2.

⁸These clauses were added by Bom. 48 of 1948, s.2.

⁹These words were substituted for the words "Bombay Electric Supply and Transport undertaking" by Mah. 250 of 1996, s.4(3).

(*nn*) " the General Manager " means the General manager of the ¹[Mumbai Electric Supply and Transport Undertaking] appointed under section 60A and includes an acting General Manager appointed under section 60B.]

²[(*oo*) " Wards Committee " means a Wards Committee constituted under section 50 TT;

(*pp*) " Finance Commission " means the Finance Commission constituted in accordance with the provisions of article 243-I of the Constitution of India.]

³[(*qq*) " Mayor " means the Mayor of the Corporation elected by the elected Councillors from amongst themselves under section 371B ;

(*rr*) " Mayor-in-Council " means the Council constituted under section 371D;

(*ss*) " Member-in-charge " means a member of the Mayor-in-Council, in-charge of a particular Department allocated to him by the Mayor under section 64 ;

(*tt*) " prescribed " means prescribed by rules made under this Act.]

CHAPTER II

THE MUNICIPAL CONSTITUTION

Municipal Authorities.

Municipal Authorities. ⁴[4. The Municipal Authorities charged with carrying out the provisions of this Act are—

(*a*) the Corporation ;

⁵[(*b*) the Mayor-in-Council ;

(*c*) the Mayor; and

(*d*) the Departmental Standing Committees.]

⁶[(*ea*) a wards Committee ;]

(*f*) a Municipal Commissioner ;

(*g*) a General Manager of the ⁷[Mumbai Electric Supply and Transport Undertaking].]

Composition of Corporation. ⁸[5. (1) The Corporation shall consist of,—

(*a*) two hundred and twenty-one councillors directly elected at ward elections; and

(*b*) five nominated councillors having special knowledge or experience in Municipal Administration to be nominated by the Corporation in the prescribed manner :

Provided that, nothing in this sub-section shall have effect until the expiry of the existing term of the Corporation.

(2) The Corporation shall by the name of " The Municipal Corporation of, ⁹[Brihan Mumbai] " be a body corporate and have perpetual succession and a common seal and by such name may sue and be sued.]

¹These words were substituted for the words " Bombay Electric Supply and Transport " by Mah. 25 of 1996, S.4(3).

²Clauses (*oo*) and (*pp*) were inserted by Mah. 41 of 1994, s.3(*g*).

³Clauses (*gg*), (*rr*) (*ss*) and (*tt*) were added by Mah. 10 of 1998, S.3.

⁴Section 4 was substituted for the original *ibid.*, S. 4.

⁵Clauses (*b*), (*c*) and (*d*) were substituted for the original by Mah. 13 of 1998, s.2.

⁶Clause (*ea*) was inserted by Mah. 41 of 1994, s.4.

⁷These words were substituted for the words " Bombay Electric Supply and Transport undertaking " by Mah. 25 of 1996, S.4 (3).

⁸Section 5 was substituted by Mah. 41 of 1994, s.5.

⁹These words were substituted for the words Greater Bombay by Mah. 25 of 1996, schedule.

¹[5A. (1) Notwithstanding anything contained in clause (a) of sub-section (1) of section 5 or in section 19, for the purpose of any general election held after the commencement of the Maharashtra Municipal Corporations and Municipal Council (Amendment) Act, 1994, such number of seats out of the total number of seats to be filled in by direct election, shall be reserved for the members belonging to the Scheduled Castes, Scheduled Tribes, women and the Backward Class of citizens, as provided in sub-section (2) to (5) both inclusive.

Mah.
XLI
of
1994.

Reservation
of seats.

(2) (a) The number of seats to be reserved for the members belonging to the Scheduled Castes shall bear, as nearly as may be, the same proportion to the total number of seats to be filled in by direct election in the Corporation as the population of the Scheduled Castes in ²[Brihan Mumbai] bears to the total population of ²[Brihan Mumbai];

(b) one-third of the total number of seats reserved under clause (a) shall be reserved for women belonging to the Scheduled Castes:

Provided that, where only one seat is reserved for the Scheduled Castes, then no seat shall be reserved for women belonging to the Scheduled Castes and where only two seats are reserved for the Scheduled Castes, one of the two seats shall be reserved for women belonging to the Scheduled Castes.

(3) (a) The number of seats to be reserved for the members belonging to the Scheduled Tribes shall bear, as nearly as may be, the same proportion to the total number of seats to be filled in by direct election in the Corporation as the population of the Scheduled Tribes in ³[Brihan Mumbai] bears to the total population of ²[Brihan Mumbai];

(b) one-third of the total number of seats reserved under clause (a) shall be reserved for women belonging to the Scheduled Tribes:

Provided that, where only one seat is reserved for the Scheduled Tribes, then no seat shall be reserved for women belonging to the Scheduled Tribes, and where only two seats are reserved for the Scheduled Tribes one of the two seats shall be reserved for women belonging to the Scheduled Tribes.

(4) (a) ⁴[Twenty-seven per cent] seats out of the total number of seats to be filled in by direct election shall be reserved for the members belonging to the Backward Class of citizens ;

(b) one-third of the total number of seats reserved under clause (a) shall be reserved for women belonging to the Backward Class of citizens;

(5) One-third (including the number of seats reserved for women belonging to the Scheduled Castes, Scheduled Tribes and the Backward Class of citizens) of the total number of seats to be filled in by direct election shall be reserved for women.

(6) The seats reserved under sub-section (2), (3), (4) and (5) shall be allotted by the State Election Commissioner by rotation to different wards.

(7) The reservation of seats under sub-section (2) and (3) for the Scheduled Castes and the Scheduled Tribes other than the reservation for women in sub-section (5), shall cease to have effect after the period specified in Article 334 of the Constitution of India.]

¹Section 5A was inserted by Mah. 41 of 1994, s.6.

²This words were substituted for the words " Greater Bombay " by Mah. 25 of 1996, schedule.

³These words were substituted for the words " As nearly as may be twenty Seven percent " by Mah. 12 of 1997, s.2.

¹[Duration of the Corporation : Term of Office of Councillor : Casual Vacancies, etc.]

²6. The Corporation shall continue for a period of five years from the date appointed for its first meeting and no longer. Duration of Corporation.

6A. The term of office of the councillors shall be co-terminus with the duration of the Corporation. Term of office of Councillors.

6B. An election to constitute the Corporation shall be completed before the expiry of its duration specified in section 6.] Election to constitute Corporation.

7. [Day for retirement of councillors.] Deleted by Mah. 41 of 1994, s. 9.

7A. [Provision for appointment of Administrator after normal term of office of Councillors expires.] Deleted by Mah, 41 of 1994, s. 10.

³7B. A person who ceases to be a Councillor shall, *ipso facto*, vacate any office held by him on any Committee, of the Corporation by virtue of his being a Councillor.] Councillor to vacate all offices if he ceases to be a Councillor.

8. Any person who ceases to be a councillor shall, unless disqualified, be re-eligible. Re-eligibility of persons ceasing to be councillors.

9. In the event of non-acceptance of office by a person elected ^{4***} to be a councillor, or of the death, resignation or disqualification of a councillor, of his becoming incapable of acting ⁵[during the term of his office] there shall be deemed to be a casual vacancy in the office and such vacancy shall be filled up, as soon as it conveniently may be, by the election ^{4**} of a person thereto who shall hold office so long only as the councillor in whose place he is elected ⁴would have been entitled to hold it if the vacancy had not occurred. Casual vacancies how to be filled up.

⁷[The casual vacancy in the office of an elected councillor shall be filled up in—the manner provided in section 34;]

¹This heading was substituted by Mah. 41 of 1994, s.7.

²Sections 6, 6A, and 6B were substituted for section 6, *ibid.*, s.8.

³Section 7-B was substituted for the original by Mah. 10 of 1998, s.4.

⁴The words "or appointed" and "or appointment, as the case may be" were deleted by, Bombay 13 of 1938, ss.6 and 7.

⁵These words were substituted for the words "previous to the day of retirement" by Mah. 41 of 1994, s. 12(a).

⁶These words were added by Bom. 28 of 1935, s.2.

¹[Provided that no election shall be held to fill up such vacancy ²if it occurs within six months preceding the date on which the term of office of the Councillor expires under section 6A.]

3* * * * *

Publication of names of councillors in the Official Gazette. **10** The names of all persons elected ^{4**} be to councillors shall be published by ⁵[the State Election Commissioner] in the ⁶[Official Gazette.]

Qualifications and Disqualifications of Voters and Councillors.

⁸[Persons qualified to vote]. **11.** (1) A person shall not be entitled to vote at a ward election unless he is enrolled in the municipal election roll as a voter of the ward for which such election is held.

7 * * * * *

11A. [Qualifications of voters at election of delegates.] Repealed by Bom. 48 of 1950. s. 6.

12. and 13. [Repealed by Bom. VI of 1922.]

Qualification for election as a councillor at a ward-election. **14.** ^{9**} A person shall not be qualified to be elected at a ward election to be a councillor ¹⁰[unless he is enrolled in the municipal election roll as a voter of some ward].

11* * * * *
12* * * * *

14A. [Qualifications for elections as a councillor by delegates.] Repealed by Bom. 48 of 1950.

15. [Qualification for election by Chamber, etc] Repealed by Bom. 48 of 1950.

15A. [Qualification for Co-option]. Repealed by s. 3 of Bom. 48 of 1931.

¹This proviso was added by Bom. 12 of 1936, s.2.

²These words were substituted for the words "occurring within four months prior to the day for retirement" by Mah. 41 of 1994, s.12(b).

³The proviso was deleted, *ibid.*, s.12(c).

⁴The words "or appointed" and "or appointment, as the case may be" were deleted by Bombay 13, of 1938, ss. 6 and 7.

⁵These words were substituted for the words "the Commissioner" by Mah. 41 of 1994, s.13.

⁶The words "Official Gazette" were substituted for the words "Bombay Government Gazette", by the Adaptation of Indian Laws Order in Council.

⁷Sub-sections (2), (3) (4) (5) and (6) were deleted by Mah. 8 of 1965, s. 5(a).

⁸This marginal note was substituted, *ibid.*, s.5(b).

⁹The brackets and figure "(1)" were deleted by Mah. 6 of 1980, s.2(a).

¹⁰These words were substituted for the words and figures "unless his name is included in Part-I of the final roll of some ward" by Mah. 20 of 1980, s.2.

¹¹Words repealed by Bom. 6 of 1922, s.6, are omitted.

¹²Sub-section (2) was deleted by Bom. 13 of 1938, s.9(1).

16. (1) A person shall be disqualified for being elected ^{1*} and ^{2*} Disqualifica-
for being councillor if such person— tions for
being a
councillor.

³[(a-1) has been so disqualified by or under any law,—

(i) for the time being in force for the purpose of elections to the Legislature of the State:

Provided that no person shall be disqualified on the ground that he is less than twenty five years of age, if he has attained the age of twenty one years;

(ii) made by the Legislature of the State of Maharashtra ; or]

Mah.
XIII
of
1971.

⁴(a) has, at any time after the commencement of section 2 of the Maharashtra Municipal Corporations (Amendment) Act, 1970, been convicted of an offence punishable under section 153A, or sub-section (2) or (3) of section 505 of the Indian Penal Code :

XLV
of
1860.

Provided that, such disqualifications shall be for a period of six years from the date of such conviction; or]

⁵(b) has been convicted by a Court in India of any offence involving moral turpitude, unless a period of six years has elapsed since the date of such conviction; or]

if and while such person—

III of
1909.
V of
1920.

⁶(c) having been adjudged or re-adjudged an insolvent, is under any disqualification imposed by section 103A of the Presidency-towns Insolvency Act, 1909; or section 73 of the Provincial Insolvency Act, 1920; or]

(d) is the Commissioner, ⁷the Director] or a Deputy Commissioner or a municipal officer or servant, or a licensed surveyor or plumber ⁸[or a member of a firm of which a licensed surveyor or plumber is a member]; or

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

⁹[(ee) fails to pay any arrears of any kind due by him (otherwise than as a trustee) to the corporation within three months after a special notice in this behalf has been served upon him; or]

(f) has directly or indirectly, by himself or his partner, any share or interest in any contract or employment with, by or on behalf of, the corporation; ¹⁰[or].

¹¹[(fa) having been elected as Councillor, during the his term of office as a Councillor, has directly or indirectly, by himself or his partner, any share or interest in any lease including any leave or licence (but excluding any official residence provided by the Corporation; sale or purchase of land or any agreement for the same, by or on behalf of the Corporation; or]

¹The words " or appointed " were deleted by Bom. 13 of 1938, s.10.

²The words " or co-opted " which were added by Bom. 6 of 1922, s. 8 and which were deleted by Bom. 17 of 1931, s.4, are omitted.

³Clause (a-1) was inserted by Mah. 41 of 1994, s.14(a).

⁴Clause (a) was inserted by Mah. 13 of 1971, s.2.

⁵Clause (b) was substituted for the original, by Mah. 41 of 1994, s. 14(b).

⁶Clause (c) was substituted for the original clause by Bom. 1 of 1948, s. 3(a) read with Bom. 8 of 1948, s.4.

⁷These words were inserted by Mah. 53 of 1981, s. 3.

⁸These words were inserted by Bom. 1 of 1946, s. 3(a) read with BomM 8 of 1948, s. 3(b).

⁹Clause (ee) was inserted by Bom. 11 of 1932, s. 2.

¹⁰The word " or " was inserted by Bom. 1 of 1946, s. 3(c) read with Bom. 8 of 1948, s. 4.

¹¹Clause (fa) was deemed to have been inserted with effect from 1st April 1968 by Mah.4 of 1973, s. 2(a).

4{(f) having been elected a councillor is retained or employed in any professional capacity either personally or in the name of a firm in which he is a partner or with whom he is engaged in a professional capacity in connection with any cause or proceeding in which the corporation or the Commissioner is interested or concerned;

Provided that his disqualification shall not apply to a councillor who renders free service for securing the enforcement of civic rights or removal of legitimate public grievances.]

2[Explanation 3[1].—For the purpose of clause (f)—

(i) a municipal pensioner shall not be deemed to have any share or interest in any employment with, by or on behalf of the corporation, by reason only of his pension;

(ii) a person shall not be deemed to have any share or interest in any employment with, by or on behalf of the corporation by reason only of any relation of his being employed with, by or on behalf of the corporation, as an officer or servant, thereof.]

3[Explanation II.—For the purpose of clause (fa)—

(i) a Councillor shall not be deemed to have any share or interest in any lease including any leave or licence, sale or purchase of land or any agreement for the same, by or on behalf of, the Corporation, if such share or interest is not acquired by him directly or indirectly by use of his, position or office as a Councillor;

(ii) the expression "leave" or "licence" means a licence as defined in section V of 52 of the Indian Easement Act, 1882.]

(2) But a person shall not be so disqualified or be deemed to have any share or interest if such a contract or employment by reason only of 4[his receiving fee for attendance at meetings of the 5[Brihan Mumbai Electric Supply and Transport Committee] or of] his having any share or interest in—

6{(g) subject to the provisions of clause (fa) of sub-section (1), any lease including any leave or licence, sale or purchase of land or any agreement for the same, by or on behalf of the Corporation; or]

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

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

(j) any joint stock company which shall contract with or be employed by the commissioner on behalf of the corporation; or

(k) the occasional sale to the Commissioner on behalf of the Corporation to a value not exceeding in any official year two thousand rupees, of any article in which he regularly trades.

7* * * * *

¹Clause (f) was inserted by Bom. 1 of 1946, s. 3(d).

²This Explanation was substituted by Mah. 35 of 1967, s. 2.

³The existing Explanation was renumbered as Explanation I and Explanation II was added by Mah. 51 of 1975, s. 2.

⁴These words were inserted by Bom. 48 of 1948, s. 4.

⁵These words were substituted for the words "Bombay Electric Supply and Transport Committee" by Mah. 25 of 1996, Schedule.

⁶Clause (g) was inserted with effect from 2nd October 1978 by Mah. 25 of 1978, s. 2.

⁷Sub-section (3) was deleted by Bom. 48 of 1950, s. 9.

17. Any councillor who,—

(a) becomes disqualified for being a councillor for any reason mentioned in the last preceding section, or

(b) absents himself during three successive months from the meetings of the corporation, except from temporary illness or other cause to be approved by the corporation,¹

†2* * * * *

(d) absents himself from or is unable to attend the meetings of the corporation during twelve successive months from any cause whatever, whether approved by the corporation or not,³

†4* * * * *

shall cease to be a councillor and his office shall thereupon be vacant.

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

Municipal Election Roll

18A. (1) The superintendence, direction and control of the preparation of the electoral rolls for, and the conduct of, all elections to the Corporation shall vest in the State Election Commission.

(2) The State Election Commissioner may, by order, delegate any of his powers and functions to any officer of the State Election Commission or any officer of the State Government not below the rank of Deputy Collector or any officer of the Corporation not below the rank of the Ward Officer.

(3) All the officers and members of the staff appointed or deployed for preparation of electoral rolls and conduct of election of the Corporation under this Act of the rules shall function under the superintendence, direction and control of the State Election Commissioner.

(4) Notwithstanding anything contained in this Act and the rules, the State Election Commissioner may issue such special or general orders or directions which may not be inconsistent with the provisions of a Act and rules for fair and free elections.]

¹The word "or" and clause (d) were inserted by Bom. 5 of 1938, s. 4.

²Clause (e) was deleted, *ibid.*, s.10(1).

³The word "or" was deleted by Bom. 48 of 1950, s.10(2).

⁴Clause (e) was deleted, *ibid.*, s.10(3).

†Section 79 of Bom. 48 of 1950 reads as follows :—

" 79. Nothing in sections 2 (1), (4) and (5) and 4 to 16 shall affect the constitution of the Corporation, the Standing Committee, the Improvements Committee or any other committee or sub-committee as constituted or appointed under the said Act immediately before the coming into operation of this Act and any casual vacancy in the office of a councillor or a member of any of the said committees or sub-committees before the 1st day of April 1952 shall, subject to the provisions of the said Act, be filled as if this Act had not been passed "

⁵Section 18A was inserted by Mah. 41 of 1994, s.14.

Power of State Election Commissioner to issue directions to prevent impersonation.

¹[18AA. The State Election Commissioner may, with a view to prevent impersonation of electors at the time of election, issue such directions, as he thinks fit, to the presiding officers and such directions may include instructing the electors to produce, at the time of polling, the photo identity cards issued to them under the provisions of the Representation of the Peoples Act, 1951].

Division of Greater Bombay into single member wards and [preparation of] municipal election roll therefor.

²[19. (1) For the purposes of elections to the Corporation,—

³[(a) The ⁴[State Election Commissioner] shall, from time to time, by notification in the *Official Gazette*, divide the area of ⁵[Brihan Mumbai] into wards and specify the boundaries thereof, so that, as far as practicable, all wards shall be compact areas and the number of persons in each ward according to the latest census figures shall approximately be the same. Each of the wards shall elect only one councillor :]

Provided that, before such notification is published, a draft thereof shall be published in the *Official Gazette* and in such other manner as in the opinion of the ⁴[State Election Commissioner] is best calculated to bring the information to the notice of all persons likely to be affected thereby, together with a notice specifying the date on or before which any objections or suggestions will be received, and the date after which the draft will be taken into consideration.

* * * * *

⁷[(b) The Assembly roll for the time being in force on, such date as the State Election Commissioner may, by general or special order notify, shall be divided by the State election Commissioner into different sections corresponding to the, different wards in ⁵[Brihan Mumbai]; and a printed copy of each section of the roll so divided and authenticated by the State Election Commissioner or an officer authorised by him shall be the draft ward roll for each ward.]

(2) Only one councillor shall be elected at each ward election.

(3)⁸* * * * *

(4)⁹* * * * *

¹Section 18AA was inserted by Mah. 44 of 1994, s.2.

²Section 19 was substituted by Mah. 8 of 1965, s.6.

³This portion was substituted for the portion beginning with the brackets, letters and words “ (a) the area of Greater Bombay ” and ending with the words “ by the State Government in the *Official Gazette* ” by Mah. 15 of 1991, s.3(a).

⁴These words were substituted for the words “ State Government ” by Mah. 41 of 1994, s.16(a)(1).

⁵These words were substituted for the words “ Greater Bombay ” by Mah. 25 of 1996, schedule.

⁶The *Explanation* was deleted by Mah. 15 of 1991, s.3(b).

⁷Clause (b) was substituted for the original by Mah. 11 of 1996, s.2(9).

Sub-section (1A) was deleted by Mah. 11 of 1996, s.(b).

⁸Sub-section 3 was deleted by Mah. XI of 1996, s.2(b).

⁹Sub-section (4) was deleted by Mah. 53 of 1973, s.2(b).

These words were substituted for the words “ adoption of relevant Assembly roll as ” by Mah.53 of 1973, s.2(c).

20. [Penalty for making false declaration] Deleted by Mah. 11 of 1996, s. 3.

4[21. Subject to the provisions of this Act, every person whose name is ²[in the Right to municipal roll shall be deemed to be entitled to vote at a ward election] and every vote. person whose name is not in the said roll be deemed to be not entitled so to vote.]

*21A. [Procedure regarding election of delegates and councillors.] Repealed by Bom. 48 of 1950, s. 11.

21B. [Preparation and revision of list for supplementary election rolls.] Deleted by Mah. 8 of 1996, s. 9.

21C. [Completion of supplementary election rolls.] Deleted by Mah. 8 of 1963, s. 9.

21D. [Consolidation of supplementary election roll.] Deleted by Mah. 8 of 1965, s. 9.

Election of Councillors

³[22. The dates of general ward election of councillors and election to fill Date of casual vacancies shall be fixed by the State Election Commissioner] election.

4* * * * *

24. [Division of the city into wards for purposes of elections.] Deleted by Mah. 8 of 1965, s. 11.]

25. ⁵[(1)] ⁶[Seven days] at least before the day fixed for a ward election ⁷* * * Notice to be given of day notice of such election shall be given by ⁸[the State Election Commissioner]. Such given of day notice shall be given by advertisement in the ⁹[Official Gazette] and in the local, ward fixed for newspapers, and * * * * * by posting placards in conspicuous election.s. places in the ward for which election is to take place.

¹⁰(2) The notice referred to in sub-section (1) shall, in addition to the day fixe. for election, specify the day on which the poll shall, if necessary, be taken, which shall be a day not earlier than the twenty-first day after the day fixed for the election.]

¹ Section 21 was substituted, by Mah. 53 of 1973, s.3., s.4.

² These words were substituted for the words figures, " in Part I or Part II of any final ward roll for any ward shall be deemed to be entitled to vote at an election in that ward " by Mah. 20 of 1980, s.4.

³ Section 22 was substituted by Mah. 41 of 1994, s.17.

⁴ Section 23 was deleted by Mah. 10 of 1993, s.5.

Section 79 of Bom. 48 of 1950 reads as follows :—

" 79. Nothing in sections 2(1), (4) and (5), and 4 to 16 shall affect the constitution of the Serving. Corporation, the Standing Committee, the Improvements Committee or any other committee or sub-committee as constituted or appointed under the said Act immediately before the coming into operation of this Act and any casual vacancy in the office of a councillor or a member of any of the said committees or sub-committees before the 1st day of April 1952, shall, subject to the provisions of the said Act, be filled as if this Act had not been passed. "

⁵ This section was renumbered as sub-section (1) of section 25 by Mah. 43 of 1983, s.4(1).

⁶ These words were substituted for the words " Fifteen days " *ibid.*, s.4(1).

⁷ The words deleted by Bom. 6 of 1922, s.13 are not printed.

⁸ These words were substituted for the words " the Commissioner " by Mah. 41 of 1994, s.18.

⁹ The words " Official Gazette " were substituted for the words " Bombay Government Gazette " by the Adaptation of Indian Laws Order in Council.

¹⁰ Sub-section (2) was inserted by Mah. 43 of 1983, s.4(2).

Candidates
at ward
elections
must be
nominated.
Provisions
regarding
nomination.

26. (1) Candidates for election at a ward election * * * must be duly nominated in writing in accordance with the provisions hereinafter contained.

(2) With respect to such nominations the following provisions shall have effect namely :—

(2) ²[The State Election Commissioner] shall provide printed forms of nomination-papers and any person entitled to vote at the election shall be supplied at any time within seven days previous to the day fixed for the election ³[and upto 4 p m. on the date of election,] with as many such forms as may be required, free of charge ;

(b) each nomination-paper must state the name, abode and description of the candidate in full, and be subscribed by two persons entitled to vote at the election as proposer and seconder, ⁴[and must bear the signature of the person nominated in token of his willingness to be so nominated;]

(c) every nomination-paper subscribed ⁵[and signed] as aforesaid must be delivered at the ⁶[office of the State Election Commissioner] before five o'clock in the afternoon of the day fixed for the election;

⁷[(d) each candidate must be nominated by a separate nomination-paper, and a candidate may be nominated by more than one nomination-paper, but any person entitled to vote shall not subscribe, whether as proposer or seconder, more than one nomination-paper;]

⁸[(dd) If any person subscribes more than one nomination-paper, the nomination-paper or papers received after receipt of the first nomination-paper shall be invalid;]

(e) if any person nominated—

(i) is not enrolled in the municipal election roll as voter of a ward
9* * * * or 9* * * *

¹⁰[(ii) has not made or caused to be made the deposit referred to in sub-section (I) of section 26A, or]

(iii) is disqualified for being a councillor for any of the reasons set forth in section 16,

¹¹[the State Election Commissioner] shall declare such persons nomination invalid;

(f) If there is no valid nomination it shall be deemed that no councillor has been elected and proceedings for filling the vacancy or vacancies shall be taken under section 34;

12* * * * *

¹³[(h) if there is only one valid nomination, the person nominated be deemed to be elected;]

¹ The words repealed by Bom. 6 of 1922, s.14(a), are omitted,

² These words were substituted for the words "the Commissioner" by Mah. 41 of 1994, s.19(a).

³ These words were inserted by Bom. 1 of 1925, s.7(a).

⁴ These words were inserted by Bom. 1 of 1946 s. 9(a) read with Bom. 8 of 1948, s. 4.

⁵ The words "and signed" were inserted, *ibid.*, s. 9(b).

⁶ These words were substituted for the words "the Commissioner's office" by Mah. 41 of 1994, s. 19(b).

⁷ This clause was substituted by Mah. 8 of 1965, s. 12(a).

⁸ Clause (ad) was substituted by Mah. 8 of 1965, s. 12(b).

⁹ The portions repealed by Bom. 6 of 1922, s. 14(b), are omitted.

¹⁰ New clause (ii) was inserted by Bom. 19 of 1930, s. 3.

¹¹ These words were substituted for the words "the Commissioner" by Mah. 41 of 1994, s. 19(c).

¹² Clause (g) was deleted by Mah. 8 of 1965, s. 12(c).

¹³ Clause (h) was substituted, *ibid.*, s. 12(a).

4[(j) if the number of valid nominations exceeds one, the election of councillor shall be made from among the persons nominated, and such election shall be termed "a contested election":

Provided that, if any candidate validly nominated dies or signifies in writing to 2[the State Election Commissioner] not later than 3[three days] after the date of election his intention not to contest the election, then, if there remains only one valid nomination, the remaining candidate validly nominated shall be deemed to be elected:

Provided further that, a candidate who has withdrawn his candidature shall not be allowed to cancel the withdrawal or to be re-nominated as a candidate for the same election]

(k) if, when two or more ward elections are held simultaneously for different wards, any person is deemed, under 4[* * *] clause (h), to be elected a councillor for more than one ward, he shall within twenty-four hours after receipt of written notice thereof from 5[the State Election Commissioner], choose, by writing signed by him and delivered to 6[the State Election Commissioner], or, in his default, 5[the State Election Commissioner] shall, When the time for choice has expired, declare for which one of those wards he shall serve. The choice or declarations made shall be conclusive, and such person's nomination for the ward or wards for which he is not to serve shall be deemed to be null and void;

(l) if, when ward elections are held as aforesaid, any person who is deemed under 6* * clause (h), to be elected a councillor for any one or more wards, has also been duly nominated for any one or more wards for which the number of nominations exceeds that of the vacancies, he shall within twenty-four hours after receipt of written notice thereof from 7[the State Election Commissioner] choose, by writing signed by him and delivered to 7[the State Election Commissioner] whether he shall serve for the ward, or for any one of the wards for which he is elected, or will stand as a candidate at the contested election or elections for the other ward or wards. In his default, the Commissioner shall, when, the time for choice has expired, declare that he shall serve for the ward or for any one of the wards for which he is elected, and his nomination for any other wards shall be deemed to be null and void. If such person chooses, by writing as aforesaid, to stand as a candidate at the contested election or elections, his nomination for the ward or wards for which he is elected shall be deemed to be null and void. Any choice or declaration made under this clause shall be conclusive.

8[26A. (l) On or before the date appointed for the nomination of candidates for a ward election 9[* * * each candidate 9[* * * * shall deposit or cause to be deposited with 10[an officer of the State Election Commission] 11[in cash a sum of two hundred rupees or,] where a candidate is a member of a Scheduled Caste 12[Scheduled Tribe or Backward Class of Citizens] a sum of one hundred rupees, Deposit by candidates.

¹ Clause (j) was substituted, by Mah. 8 of 1965, s. 12(e).

² These words were substituted for the words "the Commissioner" by Mah. 41 of 1994, s. 19(d).

³ These words were substituted for the words "seven days" by Mah. 33 of 1989, s. 3.

⁴ The words, brackets and letter "clause (g) or" were deleted, by Mah. 8 of 1965, s. 12(f).

⁵ These words were substituted for the words "the Commissioner" by Mah 41 of 1994, s. 19(e)

⁶The words, brackets and letter "clause (g) or" were deleted, by Mah. 8 of 1965, s. 12(g).

⁷These words were substituted for the words "the Commissioner" by Mah 41 of 1994, s.19, (f)

⁸New section 26A was inserted by Bom. 19 of 1930, s.4.

⁹The words "or for election by co-option" and the words "for election or co-option as the case may be." were omitted by Bom. 32 of 1935, s. 3(a).

¹⁰These words were substituted for the words "the Commissioner" by Mah. 41 of 1994, s. 20(a).

¹¹These words were substituted for the words "the sum of two hundred rupees in cash or in Government Promissory Notes of equal value at the market rate of the day," by Mah. 25 of 1978, s. 3.

¹²These words were inserted by Mah. 41 of 1994, s. 20(b).

and no candidate shall be deemed to be duly nominated unless such deposit has been made.

(2) The deposit shall be returned if--

(a) the candidate is declared or is deemed to be duly elected, or

¹[(b) the candidate signifies in writing to ²[an officer of the State Election Commission] not later than ³[three day] after the day of election his intention not to contest the election, or]

(c) the nomination of the candidate is declared invalid, or

(d) the candidate dies, ⁴* * * * after the scrutiny of nomination-papers and before the commencement of the poll ⁵* * * * ; or

(e) the candidate fails to be elected but secures ⁷* * * * valid votes in excess of the number specified in sub-section (4).

(3) The deposit shall be returned to the person by whom it was made. If a candidate dies ⁸* * * * before the day fixed for the poll, ⁸* * * * the deposit, if made by him, shall be returned to his legal representative, or, if not made by the candidate shall be returned to the person by whom it was made.

(4) If a candidate is not elected and ⁹* * *, if the number of valid vote polled by him does not exceed one-eighth of the total number of valid votes polled ¹⁰* * * *, the deposit shall be forfeited to the corporation.

(5) The deposit shall, if it is not forfeited, be returned as soon as may be after the declaration of the result of the election under section 32:

Provided that if a candidate is duly nominated at a general election in more than one ward, not more than one of the deposits made by him or on his behalf shall be returned and the remainder shall be forfeited to the Corporation.]

27. (1) When a ward election ¹¹* * * is contested, ¹²[a poll shall be taken on any day, being a day not earlier than the twenty-first day, after the day fixed for the election]. At such poll, the municipal election roll, which was in operation on the day fixed for the election, shall be deemed to be the roll to which reference must be made for the purposes of the election.

(2) At least ¹³[three] days before the day of the poll, ¹⁴[the State Election Commissioner] shall cause the names of all the persons validly nominated, with their respective abodes and descriptions, ¹⁵* * * to be published in the ¹⁶[Official Gazette] and ¹⁷[by displaying the names of persons so nominated wardwise, on the notice-board of each respective ward-office].

¹Clause (b) was substituted by Bom. 1 of 1946, s. 10, read with Bom. 8 of 1948, s. 4.

²These words were substituted for the words "the Commissioner" by Mah. 41 of 1994, s. 20(a).

³These words were substituted for the words "seven days" by Mah. 23 of 1989, s. 4.

⁴The words "in the case of a ward election" were omitted by Bom. 32 of 1935, s. 3(f).

⁵The word "and" was deleted by Bom. 24 of 1936, s. 2, Sch.

⁶The words "in the case of an election by co-option, before the day fixed for the election by co-option" were omitted by Bom. 32 of 1935, s. 3(d)(i).

⁷The words "a first vote in the case of an election by co-option, and in the case of a ward election" were omitted, *ibid.*, s. 3(ii).

⁸The words "in the case of a ward election" and "or, in the case of an election by co-option before the day fixed for the election", respectively, were omitted, *ibid.*, s. 3(c).

⁹The words "if, in the case of an election by co-option, he fails to secure any first vote, or in the case of a ward election" were omitted, by Bom. *ibid.*, s. 3(d).

¹⁰The words "divided by the number of councillors to be elected in the ward for which the candidate is nominated" were deleted by Mah. 8 of 1965, s. 13.

¹¹The words repealed by Bom. 6 of 1922, s. 15, are omitted.

¹²This portion was substituted by Mah. 43 of 1983, s. 5.

¹³The word "three" was substituted for the word "four" by Bom. 10 of 1928, s. 3(a).

¹⁴These words were substituted for the words "the Commissioner" by Mah. 41 of 1994, s. 21.

¹⁵Words repealed, by Bom. 10 of 1928, s. 3(b), are omitted.

¹⁶The words "Official Gazette" were substituted for the words "Bombay Government Gazette" by the Adaptation of Indian Laws Order in Council

¹⁷These words were substituted for the words "in the local news-papers" by Mah. 33 of 1989, s. 5.

27A. (1) No person shall, on the date or dates on which a poll is taken at any polling station, commit any of the following acts within the polling station or in any public or private place within a distance of one hundred yards of the polling station, namely :—

- (a) canvassing for votes ; or
- (b) soliciting the vote of any voter; or
- (c) persuading any voter not to vote for any particular candidate; or
- (d) persuading any voter not to vote at the election; or
- (e) exhibiting any notice or sign (other than an official notice) relating to the election.

(2) Any person who contravenes the provisions of sub-section (1) shall, on conviction, be punished with fine which may extend to two hundred and fifty rupees.

(3) Any offence punishable under this section shall be cognizable.

27AA. (1) No person shall convene, hold or attend any public meeting in any polling area during the period of forty-eight hours ending with the hour fixed for the conclusion of the poll for any election in that polling area.

(2) Any person who contravenes the provision of sub-section (1) shall, on conviction, be punished with fine which may extend to two hundred and fifty rupees].

27B. (1) No person shall, on the date or dates on which a poll is taken at any polling station—

(a) use or operate within or at the entrance of the polling station, or in any public or private place in the neighbourhood thereof, any apparatus for amplifying or reproducing the human voice, such as, a megaphone or a loudspeaker, or

(b) shout, or otherwise act in a disorderly manner, within or at the entrance of the polling station or in any public or private place in the neighbourhood thereof,

so as to cause annoyance to any person visiting the polling station for the poll, or so as to interfere with the work of the officers and other persons on duty at the polling station.

(2) Any person who contravenes, or wilfully aids or abets the contravention of, the provisions of sub-section (1) shall, on conviction, be punished with fine, which may extend to two hundred and fifty rupees.

(3) If the presiding officer of a polling station has reason to believe that any person is committing or has committed an offence punishable under this section, he may direct any police officer to arrest such person, and thereupon the police officer shall arrest him.

(4) Any police officer may take such steps and use such force as may be reasonably necessary for preventing any contravention of the provisions of sub-section (1) and may seize any apparatus used for such contravention.

¹ Sections 27A to 27C were inserted by Bom. 54 of 1955, s. 3.

² This section was inserted by Mah. 43 of 1983, s. 6.

Penalty for
misconduct
at polling
stations.

27C. (1) Any person who during the hours fixed for the poll at any polling station misconducts himself or fails to obey the lawful directions of the presiding officer may be removed from the polling station by the presiding officer or by any police officer on duty or by any person authorised in this behalf by such presiding officer.

(2) The powers conferred by sub-section (1) shall not be exercised so as to prevent any voter who is otherwise entitled to vote at a polling station from having an opportunity of voting at that station.

(3) If any person who has been so removed from a polling station re-enters the polling station without the permission of the presiding officer, he shall on conviction, be punished with fine which may extend to two hundred and fifty rupees.

(4) An offence punishable under sub-section (3) shall be cognizable.]

Provisions
respecting
contested
ward
elections.

28. With respect to the contested ward elections the following provisions shall have effect, namely :—

(a) [votes shall be given by ballot in such manner as may be prescribed by the rules made under section 29.] No votes shall be received by proxy;

(b) no votes shall be received for any candidate whose name has not been published by [the State Election Commissioner] under sub-section (2) of section 27 as having been validly nominated;

(c) no person shall vote at a general election in more than one ward and if a person votes in more than one ward his votes in all such wards shall be void;

(ca) no person shall at any election vote in the same ward more than once notwithstanding that his name may appear in the municipal election roll for that ward more than once. * * * * *

* * * * * and if a person votes in the same ward more than once all his votes in that ward shall be void;]

(d) * * * * *

(f) * * * * *

(g) the person who has the greatest number of valid votes shall be deemed to be elected;]

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

(i) if a candidate is elected councillor for more than one ward, he shall, within three days after receipt of written notice thereof from [the State Election Commissioner] choose, by writing signed by him and delivered to [the State Election Commissioner] or in his default [the State Election Commissioner] shall, when the time for choice has expired, declare for which of the wards he shall serve and the choice or declaration shall be conclusive;

¹Section 28 was substituted for the original section by Bom. 1 of 1925, s. 8.

²These words and figures were substituted by Mah. 43 of 1983, s. 7.

³These words were substituted for the words "the Commissioner" by Mah. 41 of 1994, s. 22.

⁴These clauses were substituted for clause (c) by Bom. 54 of 1955, s. 4.

⁵The portion beginning with the words "on the ground" and ending with the words "section 11" was deleted by Mah. 8 of 1965, s. 14(a).

⁶Clause (d) and (f) were deleted *ibid.*, s. 14(b).

⁷Clause (g) was substituted, *ibid.*, s. 14(c).

⁸These words were substituted for the words "the Commissioner" by Mah. 41 of 1994, s. 22.

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

(k) ¹[the State Election Commissioner] shall, as soon as may be, declare the result of the poll specifying the total number of valid votes given for each candidate * * * and shall cause lists to be prepared for each ward, specifying the name of all candidates, and the number of valid * * * * * votes given to each candidate. In accordance with such rules as ¹[the State Election Commissioner] may frame for the purpose and on payment of such fees as may be prescribed by him a copy of such list shall be supplied to any candidate of the ward and shall be available for inspection to any voter of the ward.

⁴[28A. (1) Every officer, clerk, agent or other person who performs any duty in connection with the recording or counting of votes at an election shall maintain and aid in maintaining the secrecy of the voting and shall not (except for some purpose authorised by or under any law) communicate to any person any information calculated to violate such secrecy. Maintenance of secrecy of voting.]

(2) Any person who contravenes the provisions of sub-section (1) shall, on conviction, be punished with imprisonment for a term which may extend to three months or with fine or with both.

28B. ⁵[(1) No person who is a presiding or polling officer at an election or an officer or an employee appointed, designated or empowered by the State Election Commissioner or such presiding officer to perform any duty in connection with an election shall, in the conduct or management of the election do any act, other than the giving of vote, for the furtherance of the prospects of the election of a candidate]. Officers etc., at elections not to act for candidates or to influence a voting.]

(2) No such person as aforesaid and no member of a police force shall endeavour—
 (a) to persuade any person to give his vote at an election; or
 (b) to dissuade any person from giving his vote at an election; or
 (c) to influence the voting of any person at an election in any manner.

(3) Any person who contravenes the provisions of sub-section (1) or sub-section (2) shall, on conviction, be punished with imprisonment for a term which may extend to six months or with fine or with both.

28C. (1) If any person to whom this section applies is without reasonable cause guilty of any act or omission in breach of his official duty, he shall, on conviction, be punished with fine which may extend to five hundred rupees. Breach of official duty in connection with elections.]

(2) No suit or other legal proceedings shall lie against any such person for damages in respect of any such act or omission as aforesaid.

¹ These words were substituted for the words "Commissioner" by Mah. 4 of 1994, s. 22.

² The words and figures "and he shall, as soon as may be, hear and decide all objections, if any, to or regarding the poll, made to him in writing not later than 5 o'clock of the afternoon of the day after the poll" were deleted by Bom. 1 of 1946, s. 12, read with Bom. 8 of 1948, s. 4.

³ The words "and the number of rejected" were deleted *ibid.*,

⁴ Sections 28A to 281 were inserted by Bom. 54 of 1955, s. 5.

⁵ Sub-section (1) was substituted by Mah. 41 of 1994, s. 22.

(3) The persons to whom this section applies are ¹* * * presiding officers, polling officers and any other ²[person or officer appointed, designated or empowered] to perform any duty in connection with the preparation of a municipal election roll, the receipt of nominations or withdrawal of candidatures or the recording or counting of votes at an election; and the expression "official duty" shall for the purposes of this section be construed accordingly, but shall not include duties imposed otherwise than by or under this Act.

Removal of ballot papers from polling stations to be an offence. 28D. (1) Any person, who at any election fraudulently takes, or attempts to take, a ballot paper out of a polling station, or wilfully aids or abets the doing of any such act, shall, on conviction, be punished with imprisonment for a term which may extend to one year or with fine which may extend to five hundred rupees or with both.

(2) If the presiding officer of a polling station has reason to believe that any person is committing or has committed an offence punishable under sub-section (1) such officer may, before such person leaves the polling station, arrest or direct a police officer to arrest such person and may search such person or cause him to be searched by a police officer:

Provided that when it is necessary to cause a woman to be searched, the search shall be made by another woman with strict regard to decency.

(3) Any ballot paper found upon the person arrested on search shall be made over for safe custody to a police officer by the presiding officer, or when the search is made by a police officer, shall be kept by such officer in safe custody.

(4) An offence punishable under sub-section (1) shall be cognizable.

Other offences and penalties therefor.

28E. (1) A person shall be guilty of an offence if at any election he—

(a) fraudulently defaces or fraudulently destroys a nomination paper; or

(b) fraudulently defaces, destroys or removes or removes any list, notice or other document affixed by or under the authority of ³[the State Election Commissioner]; or

(c) fraudulently defaces or fraudulently destroys any ballot paper or the officials make on any ballot paper; or

(d) without due authority supplies any ballot paper to any person; or

(e) fraudulently puts into any ballot box anythings other than the ballot paper which he is authorised by law to put in; or

(f) without due authority destroys, takes, opens or otherwise interfees with any ballot box or ballot papers then in use for the purposes of the election; or

(g) fraudulently or without due authority, as the case may be, attempts to do any of the foregoing acts or wilfully aids or abets the doing of any such acts.

(2) Any person guilty of an offence under this section shall—

(a) if he is ⁴* * * a presiding officer at a polling station or any other officer or clerk employed on official duty in connection with the election, on conviction, be punished with imprisonment for a term which may extend to two years or with fine or with both;

(b) if he is any other person on conviction, be punished with imprisonment for a term which may extend to six months or with fine or with both.

¹ The words "the Commissioner" were deleted, by Mah. 41 of 1994, s. 24(a).

² These words were substituted for the words "persons appointed" *ibid.*, s. 24(b).

³ These words were substituted for the words "the Commissioner" *ibid.*, s. 25(a).

⁴ The words "the Commissioner" were deleted by Mah. 41 of 1994, s. 25(b).

(3) For the purposes of this section, a person shall be deemed to be on official duty if his duty is to take part in the conduct of an election or part of such election including the counting of votes or to be responsible after such election for the used ballot papers and other documents in connection with such election ; but the expression "official duty " shall not include any duty imposed otherwise than by or under this Act.

(4) An offence punishable under clause (b) of sub-section (2) shall be cognizable.

28F. A person shall be deemed to have committed a corrupt practice within the meaning of section 33,—

What is a corrupt practice.

(i) who, with a view to inducing any voter to give or to refrain from giving a vote in favour of any candidate, offers or gives any money or valuable consideration, or holds out any promise of individual profit or holds out any threat of injury, to any person ; or

(ii) who gives, procures or abets the giving of a vote in the name of a voter who is not the person giving such vote ; or

(iii) who hires or procures, whether on payment or otherwise, any vehicle or vessel for the conveyance of any voter to, or from, any polling station :

Provided that—

(a) the hiring of a vehicle or vessel by a candidate for himself or his family or an election agent shall not be deemed to be a corrupt practice under this section ;

(b) the hiring of a vehicle by a voter or by several voters at their joint cost for the purpose of conveying him or them, to or from, any such polling station shall not be deemed to be corrupt practice under this section, if the vehicle or vessel so hired is a vehicle or vessel not propelled by mechanical power ;

(c) the use of any public transport vehicle or vessel or any tram-car or railway carriage by any voter at his own cost for the purpose of going to, or coming from, any such polling station shall not be deemed to be a corrupt practice under this section.

And a corrupt practice shall be deemed to have been committed by a candidate if it has been committed with his knowledge and consent with reference to the election.

Explanation.—The expression " a promise of individual profit "—

(i) does not include a promise to vote for or against any particular measure which may come before the corporation for consideration, but (ii) subject thereto, includes a promise for the benefit of the person himself or any person in whom he is interested.

28G. (1) (a) Whoever in any election directly or indirectly, by himself or by any other person on his behalf, shall, with a view to inducing any voter to give or to refrain from giving a vote in favour of any candidate, offer or give any money or valuable consideration or hold out any promise of individual profit or hold out any threat of injury to any person, or

Corrupt practices, criminal offences and procedure.

(b) whoever shall give, procure or abet the giving of a vote in the name of a voter, who is not the person giving such vote, or

(c) whoever hires or procures any vehicle or vessel for the conveyance of any voter to, or from, a polling station in the circumstances described in clause (iii) of section 28F.

shall be liable to a fine not exceeding two hundred rupees for every such offence

(2) Whoever, being qualified to vote any election claiming to be so qualified accepts or obtains or agrees to accept or attempts to obtain for himself or for any other person any money or valuable consideration or any individual profit as, a motive or reward for giving or for bearing to give his vote in any such election shall be liable to a fine not exceeding one hundred rupees for every such offence.

Explanation.—In sub-sections (1) and (2) "individual profit" includes a benefit accruing to the person himself or to anyone in whom he is interested. It does not include a promise to vote for or against any measure which may come before the corporation for consideration.

4[(2A) Whoever in connection with any election, directly or indirectly, by himself or by any other person on his behalf, promotes or attempts to promote feelings of enmity or hatred, between different classes of the citizens of India on grounds of religion, race, caste, community or language, shall be punishable with imprisonment for a term which may extend to three years, or with fine, or with both.]

(3) Every person convicted under sub-section (1) or sub-section (2) 2[or sub-section (2A)] shall, for such period not exceeding seven years from the date of the conviction as the Court may direct, be disqualified from voting at any election.

(4) No court shall take cognizance of any offence under this section except on the complaint of the Judge who has held an enquiry under section 33 or before whom such enquiry is pending.

(5) No prosecution for an offence under this section shall be instituted except within six months next after the date of the declaration of the result of the election.

(6) An appeal shall lie to the High Court against any sentence, order passed by a Magistrate under sub-section (1), sub-section (2) 3[, sub-section (2A)] or sub-section (3).

Adjournment of poll in emergencies. 28H. (1) If at an election the proceedings at any polling station are interrupted or obstructed by any riot or open violence, or if at an election it is not possible to take the poll at any polling station on account of any natural calamity, or any other sufficient cause, 4[the State Election Commissioner, or subject to such directions as the State Election Commissioner may issue in this behalf, the presiding officer for such polling station, as the case may be, shall announce an adjournment of the poll to a date to be notified later, and where the poll is so adjourned by the presiding officer, he shall forthwith inform the state Election Commissioner].

(2) Whenever a poll is adjourned under sub-section (1), 5[the State Election Commissioner] shall as, soon as may be, appoint the day on which the poll shall recommence and fix the polling station, at which, and the hours during which, the poll will be taken and shall not count the votes cast at such election until such adjourned poll shall have been completed.

(3) The notice of the polling station and the date and hours fixed under sub-section (2) shall be published by 6[the State Election Commissioner] in the *Official Gazette* and in the local newspapers atleast three days before the date of the fresh poll.

¹ Sub-section (2A) was inserted by Mah. 21 of 1989, s. 3(a).

² These words, brackets, figure and letter were inserted, *ibid.*, s. 3(b).

³ These words, brackets, figure and letter were inserted, *ibid.*, s. 3(c).

⁴ This portion was substituted for the portion beginning with the words "the presiding officer for" and ending with the words "inform the Commissioner" by Mah. 41 of 1994, s. 26(a).

⁵ These words were substituted for the words "the Commissioner" *ibid.*, s. 26(b).

⁶ These words were substituted for the words "the Commissioner", *ibid.*, s. 26(c).

28-1. (1) If at any election any ballot box or boxes is or are unlawfully taken out of the custody of ¹[the State Election Commissioner] or any presiding officer or is or are in any way tampered with, or is or either accidentally or intentionally destroyed or lost, the election to which such ballot box or boxes relate shall be void, but only in respect of the polling at the polling station or stations at which such ballot box or boxes was or were used and no further.

Fresh ballot in the case of destruction, etc., of ballot boxes.

(2) Whenever the polling at any polling station or stations shall become void under sub-section (1), ¹[the State Election Commissioner] shall, as soon as practicable after the act or event causing such voidance has come to his knowledge, appoint a day for the taking of fresh poll in such or every such polling station and fix the hours during which the poll will be taken and shall not count the votes cast at such election until such fresh poll shall have been completed.

(3) The notice of the polling station and the date and hours fixed under sub-section (2) shall be published by ¹[the State Election Commissioner] in the *Official Gazette* and in all local newspapers at least three days before the date of the fresh poll.]

²[29. ³Subject to the provisions of this Act ⁴[the State Government may, in ⁵[State Government] consultation with the State Election Commissioner], make rules for the conduct of elections, and in particular providing—

Government may make rules for the conduct of elections.

⁵(aa) * * * * *

- (a) for the appointment of polling stations for each ward ;
- (b) for the appointment of ⁶[presiding officers and polling officers] and other persons to assist at the poll and for the remuneration of such ⁶[presiding officers and polling officers] and other persons for their services ;
- (c) for the hours during which polling stations shall be open for the recording of votes ;
- (d) for the printing and for the issue of voting papers ;
- (e) for the checking of voters by reference to the ⁷[municipal election] roll ;
- ⁸[(ee) with a view to preventing personation, for the making with indelible ink of the left fore-finger or any other finger of every voter applying for a ballot paper including the provision for the withdrawal of the issue of a ballot paper to any voter who refuses to allow indelible ink mark to be put on his left fore-finger or any other finger or who has been found to have such indelible ink mark on his left fore-finger or any other finger ;]
- (f) for the manner in which votes are to be given and in particular for the case of illiterate voters or of voters under physical or other disability ;
- (g) for the procedure to be followed in respect of challenged votes, or tender of votes by persons representing themselves to be electors, after other persons have voted as such electors ;

¹These words were substituted for the words " the Commissioner ", by Miha. 41 of 1794., s. 27
²This new section 29 was inserted by Bom. 1 of 1925, s. 9. The original section 29 was repealed by Bom. 6 of 1922.
³Section 29(I) was renumbered as section 29 by Bom. 24 of 1936, s. 2, Sch.
⁴These words were substituted for the words " the Corporation shall, with the sanction of " the State Government " by Mah. 41 of 1994, s. 28(a).
⁵Clause (aa) was deleted by Mah. 20 of 1980, s. 5.
⁶These words were substituted for the words " Polling Officers " by Bom. 54 of 1955, s. 6(I).
⁷The words " municipal election " were substituted for the word " electoral " by Bom. 1 of 1946, s. 13, read with Bom. 8 of 1948, s. 4.
⁸This clause was inserted by Bom. 54 of 1955, s. 6(2).
⁹These words were substituted for the words " the Corporation " by Mah. 41 of 1994, s. 28(g).

(h) for the security of votes ;

(i) for the safe custody of ballot papers and other election papers, for the period for which such papers shall be preserved and for the inspection and production of such papers ;

and may make such other rules regarding the conduct of the elections as it thinks fit.]

¹[Provided that, any such rules may provide for charging of fees for any of the purposes of the election.]

30. [Proceedings at Fellows' elections.] Repealed by Bom. 48 of 1950, s. 14.

30A. [Proceedings at elections of co-opted councillors.] Repealed by Bom. 1 of 1925.

*31. [Proceeding at elections by the Chamber or Association.] Repealed by Bom. 48 of 1950, 15.

31A. Repealed by Bom. 17 of 1931, s. 3.

Declaration of results of elections. 32. (1) The result of every election shall be declared ²[in such manner as the State Election Commissioner may think fit,] certifying the names of the persons, if any, elected and in the case of a contested election, the number of votes recorded for each candidate.

* * * * *

Election petitions to be heard and disposed of by Chief Judge of the Small Cause Court. 33. (1) If the qualification of any person declared to be elected for being a councillor is disputed, or if the validity of any election is questioned, whether by reason of the improper rejection ⁴[by the State Election Commissioner] of a nomination or of the improper reception or refusal of a vote, or for any other cause ⁵[or if the validity of the election of a person is questioned on the ground that he has committed a corrupt practice within the meaning of section 28F], any person enrolled in the municipal election roll may, at any time, within ⁶[ten days] ⁷[from the date on which the list prescribed under clause (k) of section 28 was available for sale or inspection] ⁸* * * apply to the Chief Judge of the Small Cause Court. ⁹[If the application is for a declaration that any particular candidate shall be deemed to have been elected, the applicant shall make parties to his application all candidates who, although not declared elected, have, according to the results declared ⁴[by the State Election Commissioner] under section 32, a greater number of votes than the said candidate, and proceed against them in the same manner as against the said candidate.

¹⁰[(1A) The applicant shall, whenever so required by the Chief Judge, deposit in the Court a sum of Rs. 500 in cash or Government securities of equivalent value at the market rate of the day as security for any costs which the applicant may be ordered to pay to other parties to the said application.]

¹This proviso was added by Mah. 41 of 1994, s. 28(b).

²These words were substituted by *ibid*, s. 29.

³Sub-section (2) was deleted, by Bom. 48 1950, s. 16(2).

⁴These words were substituted for the words " by the Commissioner " by Mah. 41 of 1994, s. 30(a)

⁵This portion was inserted by Bom. 54 of 1955, s. 7(1).

⁶These words were substituted for the words " fifteen days " by Mah. 10 of 1998, s.6.

⁷These words were substituted for the original words by Bom. 1 of 1925, s. 12.

⁸The words " in the Commissioner Office " were deleted by Mah. 41 of 1994, s. 30(b).

⁹These words were added by Bom. 5 of 1905, s. 5(i)(b).

¹⁰Sub-section (1A) was inserted by Bom. 1 of 1946, s. 14, read with Bom. 8 of 1948, s. 4.

*Section 79 of Bom. 48 of 1950 reads as follows :—

savings. " 79. Nothing in sections 2(1), (4) and (5), and 4 to 16 shall affect the constitution of the Corporation, the Standing Committee, the Improvements Committee or any other Committee or sub-committee as constituted or appointed under the said Act immediately before the coming into operation of this Act and any casual vacancy in the office of a councillor or a member of any of the said committees or sub-committees before the 1st day of April 1952 shall, subject to the provisions of the said Act, be filled as if this Act had not been passed."

(2) If the said Chief Judge, after making such inquiry as he deems necessary, finds that the election was a valid election and that the person whose election is objected to is not disqualified, he shall confirm the declared result of the election. ¹If he finds that the person whose election is objected to is disqualified for being a councillor he shall declare such person's election null and void. If he finds that the election is not a valid election he shall set it aside. In either case he shall direct that the candidate, if any, in whose favour the next highest number of valid votes is recorded after the said person ^{2*} * * * * *, and against whose election no cause of objection is found, shall be deemed to have been elected.

³[(2A) When an election of a person is questioned on the ground that he has committed a corrupt practice within the meaning of section 28F, the Chief Judge shall, if he is satisfied that a candidate has committed such corrupt practice, declare a candidate disqualified both for the purposes of that election and of such fresh election as may be held during the current term of office of the councillors elected at the general election and shall set aside the election of such candidate if he has been elected.]

(3) The said Chief Judge's order shall be conclusive.

* * * * *

(5) Every election not called in question in accordance with the foregoing provisions shall be deemed to have been to all intents a good and valid election.

⁵[34. ⁶(1) If at any general election or an election held to fill a casual vacancy no councillor is elected, or the election of any councillor is set aside under sub-section (2) of section 33 and there is no other candidate who can be deemed to be elected in his place under the said sub-section, ⁷[the State Election Commissioner] shall appoint another day for holding a fresh election and a fresh election shall be held accordingly.] ⁴Procedure if election fails or is set aside.

(2) A councillor elected under this section shall be deemed to have been elected to fill a casual vacancy under section 9.]

Appointment of Councillors by ⁸[State] Government.

35. [Appointments by ⁸[State] Government of councillors when to be made.]
Repealed by Bom. 13 of 1938, s. 14.

¹These words were substituted for the original words by Bom. 5 of 1905, s. 5(2).

²The words " or after all the persons who were returned as elected at the said election " were deleted by Mah. 8 of 1965, s. 15.

³This sub-section was inserted by Bom. 54 of 1955, s. 7(2).

⁴Sub-section (4) was omitted by Bom. 28 of 1935, s.3.

⁵Section 34 was substituted for the original section , *ibid.*, s. 4.

⁶This sub-section was substituted by Mah. 8 of 1965, s. 16.

⁷These words were substituted for the words " the Commissioner " by Mah. 41 of 1994, s. 31.

⁸This word was substituted for the word " Provincial " by the Adaptation of Laws Order, 1950.

Proceedings of the Corporation

Provisions
regulating
the cor-
poration's
proceedings.

36. The corporation shall meet for the despatch of business and shall from time to time make such regulations with respect to the summoning—notice, place, management and adjournment of such meetings, and generally with respect to the mode of transacting and managing the business of the corporation ¹[including the submission, asking and answering of questions under section 66A] as they think fit, subject to the following conditions :—

²[(a) after the names of the elected Councillors are notified as provided in section 10, the Commissioner shall, on the day immediately following the day of expiry of the term of office of the outgoing Councillors, hold the first meeting of the Corporation, for election of the Chairperson, ³[the Deputy Chairperson], the Mayor and for nomination of Councillors ;

Provided that, if the election is held after the dissolution of the Corporation, the date of meeting shall not be later than the date of expiry of the period of six months from the date of dissolution of the Corporation :

Provided further that, notwithstanding anything contained in this Act, while regulating the procedure at the meeting (including the quorum required thereat), Commissioner presiding over such meeting may, for reasons which in his opinion are sufficient, refuse to adjourn such meeting ;

(a-1) notwithstanding anything contained in this Act, the first meeting for the purpose of election of the Chairperson and the Mayor, after the commencement of the Mumbai Municipal Corporation (Amendment) Act, 1998 shall be held by the Commissioner, within a period of seven days from such commencement and all the other provisions of this Act relating to such election shall, *mutatis mutandis*, apply to the same; and also that, the Mayor in office on the date of such commencement shall continue till the new Mayor enters the office;] Mah.X of 1998.

⁴[(a-2) notwithstanding anything contained in this Act, the meeting for the purpose of election of the Deputy Chairperson, after the commencement of the Mumbai Municipal Corporation (Second Amendment) Act, 1998, shall be held by the Chairperson of the Corporation, within a period of seven days from such commencement and all other provisions of this Act relating to such election shall, *mutatis-mutandis*, apply to the same ;] Mah. XIII of 1998.

⁵[(b) the meeting called under clause (a) shall be presided over by the Commissioner. The Commissioner, when presiding over such meeting, shall have the same powers as the Chairperson of the Corporation when presiding over a meeting of the Corporation has, but shall not have the right to vote. After the Chairperson ⁶[the Deputy Chairperson] is elected, the Chairperson shall preside over the meeting for election of ⁶[the Deputy Chairperson] the Mayor and nomination of the Councillors;]

⁷[(c). there shall be at least one ordinary meeting of the Corporation in each month. The day, and time of such meeting shall be fixed by the Chairperson of the Corporation and in his absence by the Deputy Chairperson;]

¹These words, figures and letter were inserted by Bom. 23 of 1930, s. 2(i).

²Clause (a) was substituted for the original by Mah. 10 of 1998, s. 7.

³These words were inserted by Mah. 13 of 1998, s. 3(a).

⁴Clause (a-2) was inserted, *ibid.*, s. 3(b).

⁵Clause (b) was substituted for the original by Mah. 10 of 1998, s. 7(b).

⁶These words were inserted by Mah. 13 of 1998, s. 3(c).

⁷Clause (c) was substituted for the original, *ibid.*, s. 3(d).

¹[(d) the Chairperson of the Corporation or in his absence ²[the Deputy Chairperson] shall, upon a requisition signed by the Mayor or by not less than one-sixth of the total number of Councillors, call a special meeting within seven days from the date of receipt of such requisition:

Provided that, such requisition of the special meeting for considering a motion for the removal of the Mayor ³[or the Chairperson or the Deputy Chairperson] as the case may be, shall be signed by not less than one-third of the elected Councillors and such meeting shall not, for any reason be postponed:

Provided further that, special meeting for considering the motion for the removal of the Chairperson shall not be presided over by the Chairperson;”]

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

(f) if at any time during a meeting it shall be brought to the notice of the presiding authority that the number of councillors present ⁴[inclusive of the presiding authority, falls short of one-fifth of the whole number of councillors] the presiding authority shall adjourn the meeting to some other day, fixing such time and place for the same as he shall think convenient, and the business which remains undisposed of at such meeting shall be disposed of at the adjourned meeting or, if the latter meeting should be again adjourned, at any subsequent adjourned meeting, ⁵[whenever there is a quorum present] thereat or not;

(g) every meeting shall be presided over by the ⁶[Chairperson] if he is present at the time appointed for holding the same, and if the office of ⁶[Chairperson] is vacant, or if the ⁶[Chairperson] is absent, ⁷[by the Deputy Chairperson]; ⁸[Save as otherwise provided in this Act, in case of equality of votes the Chairperson shall have the casting vote;]

(h) at least seven clear day's notice shall ordinarily be given of every meeting, other than an adjourned meeting, but in cases of urgency any such meeting may be called, except for the purpose of considering an annual budget-estimate, in pursuance of a written requisition signed ⁹[by the Mayor] upon a notice of not less than three clear days of adjourned meetings such previous notice shall be given as shall be practicable having regard to the period of the adjournment;

(j) every notice of a meeting shall specify the time and place at which such meeting is to be held and the business to be transacted thereat ¹⁰[other than questions under section 66A] and shall be given by the municipal secretary by advertisement in the local newspapers ¹¹* * * * *

¹Clause (d) was substituted for the original by Mah. 10 of 1998, s. 7(d).

²These words were substituted for the words “such Councillors may be authorised by him” by Mah. 13 of 1998, s. 3(e)(i).

³These words were substituted for the words “or the Chairperson” *ibid.*, s. 3(e)(ii).

⁴These words were substituted for the words “fall short of twenty five exclusive of the providing authority” by Mah. 7 of 1950, s. 8(ii).

⁵These words were substituted for the words “where there be a quorum 25 members present” *ibid.*

⁶These words were substituted for the word “Mayor” by Mah. 10 of 1998, s. 7(e)(i).

⁷These words were substituted for the portion beginning with the words “by such one” and ending with the words “for the occasion” by Mah. 13 of 1998, s. 3(f).

⁸These words were added at the end by Mah. 10 of 1998, s. 7(e)(iii).

⁹These words were substituted for the words “by not less than four members of the Standing Committee” *ibid.*, s. 7(f).

¹⁰These words, figures, and letter were inserted by Mah. 23 of 1930, s. 2(ii).

¹¹The words, “and except in the case of adjourned meetings or all meetings called upon requisitioning of urgency in the *Official Gazette*” were deleted by Mah. 51 of 1975, s. 3.

(k) any councillor who desires at any meeting to bring forward any business [other than any questions under section 66A] or to make any substantive proposition, which is not already specified in the notice of such meeting, shall give written notice of the same to the municipal secretary at least three clear days before the day fixed for the meeting; and a supplementary announcement of the business or propositions, of which notice has been so given shall be given by the said secretary in not less than one local daily newspaper not later than the day previous to the meeting;

(m) at a meeting called on a requisition of urgency and during the discussion at any meeting of a budget-estimate, no business shall be transacted and no substantive proposition shall be made or discussed which does not directly relate to the business for which the urgent meeting was called, or to the budget-estimate, as the case may be; and no proposition involving any change in the taxes⁹ [proposed to be imposed] or an increase or decrease of any item of expenditure in a budget-estimate, shall be made or discussed at any meeting at which such budget-estimate is under consideration, unless such proposition is specified in the notice of the meeting published under clause (j) or in the supplementary announcement, if any, published under clause (k), or unless, in the case of an adjourned meeting, each of the conditions mentioned in the proviso to clause (n) has been fulfilled;

(n) any meeting may, with the consent of a majority of the councillors present be adjourned from time to time, but no business shall be transacted and, except as is hereinafter provided, no proposition shall be discussed at any adjourned meeting other than the business and propositions remaining undisposed of at the meeting from which the adjournment took place:

¹These words, figures and letter were inserted by Mah. 23 of 1930, s. 2(iii).

²Clause (l) was deleted by Mah. 10 of 1998, s. 7(g).

³These words, figures and letter were inserted by Bom. 23 of 1930, s. 2(iv).

⁴These words were substituted for the original by Bom. 76 of 1948, s. 2.

⁵These words were inserted by Mah. 11 of 1964, s. 2.

⁶These words were substituted for the words "Schools Committee" by Bom. 48 of 1950, s. 17.

⁷These words were substituted for the original by Bom. 76 of 1948, s. 2.

⁸These words were substituted for the words "fifteen in number" by Bom. 7 of 1950, s. 8(iii).

⁹These words were substituted for the words "which the standing Committee proposed to impose" by Mah. 10 of 1998, s. 7(h).

¹⁰Clause (ma) was deleted, luid, s- 7(l).

Provided that at any adjourned meeting at which a budget-estimate is under consideration a proposition involving any change such as is described in clause (m), may be made and discussed, notwithstanding that such proposition is not one remaining undisposed of at the meeting from which the adjournment took place, if each of the following conditions has been fulfilled, namely :—

(i) that written notice of such proposition has been given at the meeting from which the adjournment took place ;

(ii) that the adjournment has been for not less than ¹[two] clear days; and

(iii) that a special announcement of the proposition has been given by the municipal secretary (who shall be bound to give such announcement) in not less than one local daily newspaper not later than the day previous to the adjourned meeting ;

(o) a minute of the names of the councillors present and of the proceedings at every meeting shall, on the day following the meeting, or as soon thereafter as may be, ²[be kept] by the municipal secretary in a book to be provided for this purpose and shall be signed at, and by the presiding authority of, the next ensuing meeting ; ³[or any meeting held soon thereafter, after confirmation by the Corporation a such meeting]; and the said minute book shall at all reasonable times be open at the chief municipal office to inspection by any councillor free of charge, and by any other person on payment of ⁴[a fee of fifty *naye paise* or such other amount as may be fixed by the Corporation but not exceeding two rupees];

(p) a councillor shall not vote or take part in the discussion of any matters before a meeting ⁵[or ask any question under section 66A concerning any matter] in which he has, directly or indirectly by himself or by his partner, any share or interest such as is described in clauses (g) to (l), both inclusive, of section 16, or in which he is professionally interested on behalf of a client, principal or other person ;

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(r) a declaration by the presiding authority that a proposition has been carried and an entry to that effect in the minute book shall, unless a poll be demanded at the time of such declaration by not less than four councillors, be conclusive evidence of the fact, without proof of the number of votes given for or against the proposition ;

(s) when a poll is taken, the vote of each councillor present and voting upon the proposition shall be taken by tellers appointed by the presiding authority and the names of the councillors voting respectively for or against the proposition shall be recorded in the minute-book ;

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8* * * * *

¹This word was substituted for the word " three " by Bom. 76 of 1948, s. 2.
²These words were substituted for the words " be drawn up and fairly entered " by Mah. 1 of 1964, 2(a).
³These words were inserted, *ibid.*, s. 2(b).
⁴These words were substituted for the words " a fee of eight annas ", *ibid.*, s. 2(c).
⁵These words, figures and letter were inserted by Bom. 23 of 1930, s. 2(v).
⁶Clause (q) was deleted by Mah. 10 of 1998, s. 7(j).
⁷Clause (t) was deleted by Mah. 10 of 1998, s. 7(k).
⁸Clause (u) was deleted, *ibid.*, s. 7(l).

Power to order withdrawal of member. ¹36A. (1) The ²[presiding authority] shall preserve order and may direct any councillor whose conduct is in his opinion grossly disorderly to withdraw immediately from the meeting of the corporation. Any councillor so ordered to withdraw shall do so forthwith and shall absent himself during the remainder of the day's meeting. If any councillor is ordered to withdraw a second time within 15 days the ²[presiding authority] may suspend the councillor from attending the meetings of the corporation for any period not exceeding 15 days and the councillor so directed shall absent himself accordingly :

Provided that the ²[presiding authority] may remit the period of suspension on apology being made to his satisfaction by the councillor under suspension :

Provided also that such suspension from the service of the corporation shall not prevent any councillor from serving on any committee.

(2) The ²[presiding authority] may, in the case of gave disorder arising in the meeting, suspend the meeting for a period not exceeding three days.]

Election Chairperson †[and of deputy chairperson] of Corporation. ³37. (1) The Corporation shall have the Chairperson ⁴[and the Deputy Chairperson] who shall, subject to the provisions of section 37IA, be elected by the elected Councillors from amongst themselves at the meeting of the Corporation held under clause (a) of section 36.

⁵(2) If in the election of the Chairperson ⁵[or the Deputy Chairperson], there is equality of votes, the result of the election shall be declared by lots to be drawn by the presiding authority.

(3) The Chairperson ⁶[or the Deputy Chairperson] so elected shall hold office for a period of one year and shall be eligible for re-election.

(4) In the case of subsequent election of the Chairperson ⁷[or the Deputy Chairperson] such meeting shall be called and presided over by the outgoing Chairperson, who shall have a right to vote at such election, and such meeting shall be held within a period of seven days prior to the date of expiry of the term of his office.

⁹(5) If a vacancy occurs in the office of the Chairperson, the Deputy Chairperson, and if a vacancy occurs in the office of the Deputy Chairperson, the Chairperson, shall call a meeting within a period of seven days from the date of the vacancy to fill in such vacancy, and the same procedure as laid down in clause (a) of section 36 shall apply :

Provided that, the Chairperson or the Deputy Chairperson so elected to fill in the casual vacancy shall hold office only so long as the Chairperson or, as the case may be, the Deputy Chairperson, in whose place he is elected would have held the office had the vacancy not occurred.]

¹New section 36A was inserted by Bom. 10 of 1928, s. 6.

²The words " Presiding Authority " were substituted for the word " President " by Bom. 21 of 1931, s. 2(ii).

³Section 37 was substituted by Mah. 10 of 1998, s. 8.

⁴These words were inserted by Mah. 13 of 1998, s. 4(a).

⁵These words were inserted, *ibid.*, s. 4(b).

⁶These words were inserted, *ibid.*, s. 4(c).

⁷These words were inserted, *ibid.*, s. 4(d).

⁸Sub-section (5) was substituted for the original *ibid.*, s. 4(e).

(6) The Chairperson ¹[or the Deputy Chairperson]—

(a) shall forthwith cease to hold the office as such if he ceases to be a Councillor ;

²[(b) may, at any time, by giving notice in writing addressed to the Deputy Chairperson or, as the case may be, the Chairperson, resign his office and such resignation shall take effect from the date specified in the notice or if no such date is specified, from the date of its receipt by the Deputy Chairperson or, as the case may be the Chairperson;

(c) may be removed from office by a resolution carried by a majority of the total number of elected Councillors at a special meeting of the Corporation called for this purpose upon a requisition made in writing under clause (d) of section 36, by not less than one-third of the elected Councillors.]

³371A. (1) The office of the Chairperson of the Corporation shall be reserved ^{Reservation of office of Chairperson of the Corporation.} for the members belonging to the Scheduled Castes, Scheduled Tribes, Women and the Backward Class of Citizens, in the manner prescribed by the Maharashtra Municipal Corporations (Reservation of Offices of Mayor) Rules, 1994 made under this Act.

(2) For the purpose of reservation of the office of the Chairperson under sub-section (1), the Maharashtra Municipal Corporations (Reservation of Offices of Mayor) Rules, 1994 shall apply with the modification that for the word "Mayor" in the said rules the word "Chairperson" shall be deemed to have been substituted.]

⁴371B. (1) The Corporation shall have a Mayor who shall be elected by the elected Councillors from amongst themselves at a special meeting held under clause (a) of section 36. ^{Election of Mayor.}

⁵(1A) The Office of the Mayor shall be reserved by rotation for the members belonging to the Scheduled Castes, Scheduled Tribes, women and Backward Class of citizens, in the prescribed manner :

Mah. X of 1998. Provided that, the Office of the Mayor, elected immediately after the coming into force of the Mumbai Municipal Corporation (Amendment) Act, 1998, shall be deemed to have been reserved in the prescribed manner as per the roster for the category to which the elected Mayor belongs.

(2) If in the election of the Mayor there is equality of votes, the result of the election shall be declared by lots to be drawn by the presiding authority.

(3) The Mayor so elected shall hold office for a period of two and a half years, and he shall be eligible for re-election :

Mah. X of 1998. Provided that, for the period from the commencement of the Mumbai Municipal Corporation (Amendment) Act, 1998 till the expiry of the term of the existing corporation as provided in section 6, the term of the Mayor elected after such commencement shall be for a period of two years.

(4) The election of the new Mayor shall be held at a special meeting to be convened by the Chairperson of the Corporation, ⁶[or in his absence, by the Deputy Chairperson] who shall have a right to vote at such election and such meeting shall be convened within a period of seven days prior to the date of expiry of the term of office of the outgoing Mayor.

¹These words were inserted, by Mah. 13 of 1998,

²Clause (b) was substituted for the original, *ibid.*, s. 4(f)(ii).

³Section 371A was substituted for the original by Mah. 10 of 1998, s. 9.

⁴Section 371B, 371C and 371E were inserted *ibid.*, s. 10.

⁵Sub-section (1A) was inserted by Mah. 13 of 1998, s. 5(a).

⁶These words were inserted, *ibid.*, s. 5(b).

(5) If any vacancy occurs in the office of the Mayor due to any reason whatever, the Chairperson ¹[or in his absence by the Deputy Chairperson] shall call a special meeting within a period of seven days from the date of the vacancy, to fill in such vacancy:

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Provided that, the Mayor so elected to fill in the casual vacancy shall hold the office only so long as the Mayor in whose place he is elected, would have held the office had the vacancy not occurred.

(6) The Mayor—

(a) shall forthwith cease to hold the office as such if he ceases to be a Councillor

³(b) may, at any time, by giving notice in writing to the Chairperson of the Corporation or in his absence to the Deputy Chairperson, resign his office and such resignation shall take effect from from such date as may be specified in the notice or, if no such date is specified, from the date of its receipt by the Chairperson or as the case may be, the Deputy Chairperson ;

(c) may be removed from office by a resolution carried by a majority of the total number of elected Councillors of the corporation at a special meeting of the Corporation called for this purpose upon a requisition made in writing by not less than one-third of the elected Councillors of the Corporation.

Deputy Mayor. 371C. (1) The Corporation shall have a Deputy Mayor who shall be appointed by the Mayor under sub-section (1) of section 371D.

(2) The term of office of the Deputy Mayor shall be co-terminus with the term of office of the Mayor :

Provided that, the Deputy Mayor shall enjoy the said office during the pleasure of the Mayor.

(3) In the absence of the Mayor, the Deputy Mayor shall preside over the meetings of the Mayor-in-Council. The Deputy Mayor while presiding over such meeting, shall have the same powers as the Mayor has while presiding over the meetings of the Mayor-in-Council.

Constitution of Mayor-in-Council. 37D. (1) There shall be a Mayor-in-Council for the Corporation consisting of the Mayor, Deputy Mayor and such number of elected Councillors (including the Deputy Mayor), as determined by the State Government, by general or special order issued in this behalf, from time to time, appointed to be the Members thereof, by the Mayor. One of the members of the Mayor-in-Council shall be appointed as the Deputy Mayor.

(2) Any vacancy in the office of a Member of the Mayor-in-Council referred to in sub-section (1) by reason of death, resignation, removal or otherwise of a Member shall be filled in by the Mayor :

Provided that, no act or proceedings of the Mayor-in-Council shall be called in question or shall become invalid merely by reason of any vacancy in it.

(3) The manner of transaction of the business of the Mayor-in-Council shall be such as may be determined by the Council by general or special orders issued, from time to time, in this behalf.

¹These words were inserted, by Mah. 13 of 1998 s. 5 (a)

²The words " and the same procedure as laid down in sub-section (4) shall apply " were dated, *ibid*, s. 5 (b)

³Clause (b) was substituted for the original, By Mah. 13 s. 5(d).

(4) The Mayor-in-Council shall be collectively responsible to the Corporation.

(5) A member of the Mayor-in-Council shall cease to hold office as such member if,—

(a) he ceases to be a Councillor ;

(b) he resigns his office by writing under his hand addressed to the Mayor; and the resignation shall take effect from the date of its acceptance ;

(c) he is removed from office by the Mayor ; or

(d) the Mayor ceases to hold office under section 37IB.

37IE. (1) An elected Councillor who is, for the time being, the leader of the party in opposition, having the greatest numerical strength and recognised as such by the Chairperson of the Corporation, shall be the Leader of the Opposition.

Explanation.—Where there are two or more parties in the opposition, having the same numerical strength, the Chairperson of the Corporation shall, having regard to the status of the party, recognise any one of the leaders of such parties as the Leader of the Opposition for the purposes of this Act and such recognition shall be final and conclusive.

(2) The Leader of the Opposition shall enjoy the same status as that of a member of the Mayor-in-Council.

(3) There shall be paid to the Leader of Opposition such honoraria and allowances and other facilities as may be provided by regulations made in this behalf by the Corporation.]

¹[Honoraria, fees and allowances]

37A. (1) With the previous sanction of the State Government, the Corporation may pay ²[The Chairperson of the Corporation ³[the Deputy Chairperson], the Mayor, the Deputy Mayor, the members of the Mayor-in-Council and] each councillor such honoraria, fee or other allowances as may be prescribed by rules made by the Corporation under this section.

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⁵(2) The Corporation shall place at the disposal of the Mayor, ⁶[the chair person of the corporation and the Deputy Chairperson] annually, such amount as sumptuary allowance, as the State Government may, from time to time, by an order determine.]

(3) Notwithstanding anything contained in section 16, the receipt by a councillor of any honorarium, fee or allowance as aforesaid shall not disqualify any person for being elected or being a councillor.

¹This heading and section 37A were inserted by Bom. 13 of 1958, s. 2.

²These words were inserted by Mah. 10 of 1998, s. 11(a)(i).

³These words were inserted by Mah. 13 of 1998, s. 6(a).

⁴This proviso was deleted by Mah. 10 of 1998, s. 11(a)(ii).

⁵Sub-section(2) was substituted by Mah. 8 of 1992, s. 2.

⁶These words were inserted by Mah. 13 of 1998, s. 6(b).

Municipal Accounts Committee. ¹37B. (1) (a) There shall be a Municipal Account Committee consisting of ²[eleven members];

(b) the Leader of Opposition in the Corporation shall be its *ex-officio* Chairperson ;

(c) the other ³[ten members] of the Committee shall be appointed by the Chairperson from amongst the elected Councillors by holding election at a special meeting convened for the purpose, by the Chairperson, following the system of proportional representation by means of the single transferable vote and the voting shall be by secret ballot ;

(d) the term of the members other than the Chairperson of such committee shall be one year ;

(e) the members of the Mayor-in-Council and the nominated Councillors shall not be eligible for such appointment ;

(f) if any casual vacancy occurs in the office of a member of the Municipal Accounts Committee, the Chairperson shall, as soon as he conveniently can, fill it in the like manner as provided in ⁴[clause (c)], and the person appointed in such vacancy shall hold office so long only as the person, in whose place he is appointed would have held office had the vacancy not occurred.

(2) Subject to the provision of this Act and the rules and regulations made thereunder, it shall be the duty of the Municipal Accounts Committee,—

(a) to examine the accounts of the Corporation showing the appropriation of sums granted by the Corporation for its expenditure and the annual financial accounts of the Corporation ;

(b) to examine and scrutinise the report of the accounts of the Corporation by the auditor appointed under section 78A and to satisfy that the moneys shown in the accounts as having been disbursed were available for, and applicable to, the services or purposes to which they were applied or charged and that the expenditure was incurred in accordance with the authority governing the same ;

(c) to submit report to the Corporation every year, and from time to time, on such examination and scrutiny ;

(d) to consider the report of the auditors in cases where the Corporation requires them to conduct a special audit of any receipt or expenditure of the Corporation or to examine the accounts of stores and stocks of the Corporation or to check the inventory of the properties of the Corporation including its land holding and buildings; and

(e) to discharge such other function as may be prescribed.

(3) the Municipal Accounts Committee may call for any book or documents if in its opinion, such book or document is necessary for its work and may send for such officer of the Corporation as it may consider necessary for explaining any matter in connection with its work.

(4) the manner of transaction of business of the Municipal Accounts Committee shall be such as may be determined by the Corporation by regulations.]

¹New section 37B was inserted by Mah. 10 of 1998, s. 12.

²These words were substituted for the words " nine members " by Mah. 13 of 1998, s. 7(a).

³These words were substituted for the words " eight members ", *ibid.*, s. 7(b).

⁴These words, brackets and letter was substituted for the words, brackets and letter " clause (b) " *ibid.*, s. 7 (c)

Committees

38. The corporation may from time to time appoint [as laid down by the regulations made in this behalf] out of their own body such and so many committees consisting of such number of persons, and may refer to such committees for inquiry and report or for opinion, such special subjects relating to the purposes of this Act as they shall think fit.

Appointment of consultative committees For special purposes,

²[38A. (1) The Corporation shall, as soon as may be, after the election of the Mayor, appoint such number of Departmental Standing Committees, as there are members of the Mayor-in-Council. Each of such Departmental Standing Committees shall assist the concerned member of the Mayor-in-Council (including the Mayor and the Deputy Mayor), in carrying out the functions relating to the subject allotted to him.

Departmental standing committees.

(2) Each such Committee shall consist of,—

(a) the Concerned member-in-charge; who shall be the *ex-officio* Chairperson of the Committee; and

(b) sixteen Councillors to be elected by the elected Councillors of the corporation from amongst themselves, following the system of proportional representation by means of a single transferable vote and the voting shall be by secret ballot.

(3) The functions of each such Committees shall, subject to the general supervision and control of the Corporation, be,—

(a) to approve the contracts relating to the respective departments allotted to the concerned member-in-charge involving an expenditure exceeding rupees ten lakh but less than rupees two crores;

(b) to consider and make recommendations on the proposals relating to policy of the departments allotted to the concerned member-in-charge;

(c) to ensure speedy redressal of grievances of citizens related to the departments allotted to the concerned member-in-charge;

(d) to consider and make recommendations on the proposals regarding estimates of income and expenditure relating to the departments allotted to the concerned member-in-charge ; and

(e) any other functions entrusted to it by the Corporation or the Mayor-in-Council.

(4) The concerned heads of the departments may take part in the deliberations, in the meetings of the Committees.

(5) The manner, procedure and regulation of the transaction of bussiness of the Committees shall be such as may be determined by the Mayor-in-Council, by issuing general or special Orders in this behalf.

(6) The Committee shall meet at least once in a month on such date and at such times, as decided by the Chairperson. Every meeting shall be open to the members of the public and representatives of the newspapers.]

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¹These words were inserted by Mah. 10 of 1998, s. 13.

²New section 38A was inserted by Mah. 13 of 1998, s. 8.

³Sections 38A to 50T were deleted by Mah. 10 of 1998 s. 14.

¹[Wards Committees]

¹[50TT. (1) The Corporation shall constitute not more than twenty-five Wards Committees each comprising such contiguous wards as may be decided by the Corporation. Constitution of Wards Committee.

(2) Each Wards Committee shall consist of—

(a) the Councillors representing the electoral wards within the territorial area of the Wards Committee;

²[Provided that, a member of the Mayor-in-Council shall not be appointed as a member of the Wards Committee.]

(b) the Ward Officer incharge of the territorial area of the Wards Committee;

(c) Such number of other members, not exceeding three, nominated by the Councillors referred to in clause (a), from amongst the members of recognised non-Government Organisations and community based organisations engaged in social welfare activities working within the area of the Wards Committee :

Provided that such persons are registered as electors in the Wards within the jurisdiction of the Wards Committee :

Provided further that the norms for recognition of the non-Government organisations, the requisite qualification for nomination as members and the manner in which they are to be nominated shall be such as the State Government may prescribe.

(3) The duration of the Wards Committee shall be co-terminus with the duration of the Corporation.

(4) The elected Councillors referred to in clause (a) of sub-section (2) shall at the first meeting of the Wards Committee in each official year, elect from among themselves the Chairperson who shall hold office until the first meeting in the next following official year.

(5) The Chairperson of the Wards Committee shall be deemed to have vacated the office as soon as he ceases to be a Councillor.

(6) In the event of the office of the Chairperson falling vacant before the expiry of its term, the Wards Committee shall elect a new Chairperson:

Provided that, the Chairperson so selected shall hold office so long only as the Chairperson in whose place he is elected would have held office if such vacancy had not occurred.

(7) The functions of the Wards Committee shall, subject to the general supervision and control of the Corporation, be,—

(a) speedy redressal of common grievances of citizens, connected with local and essential municipal service like water supply, drainage, sanitation and storm water disposal ;

(b) to consider and make recommendations on the proposals regarding estimates of expenditure pertaining to the wards under different heads of account of the budget before being forwarded to ³[the Mayor-in-Council].

(c) to grant administrative approval and financial sanction to the plans for municipal works to be carried out within the territorial area of the Wards Committee costing upto rupees five lakhs provided that specific provision exists therefor in the budget sanctioned by the Corporation.

(8) Notwithstanding anything contained in sub-section (7), the Corporation may by a resolution, delegate to a wards Committee such other powers, authority and functions as it may deem fit and expedient.

(9) The Wards Committee shall meet at least once in a month at the Ward Office].

¹This sub-heading and section 50TT was inserted by Mah. 41 of 1994, s. 34.

²This proviso was added by Mah. 10 of 1998, s. 15(a).

³These words were substituted for the words "the Commissioner" by Mah. 10 of 1998 s. 15 (b).

Provisions regarding validity of proceedings.

Vacancy in corporation or in any Committee not to invalidate their proceedings. ¹[51. No act or proceedings of the corporation or of any committee appointed under this Act shall be questioned on account of any vacancy in the corporation or in any such committee, as the case may be.]

Proceedings of corporation, etc. not vitiated by disqualification, etc. of members thereof. ²* * * ³[Mayor] or presiding authority of the corporation or as the ⁴[Chairperson of the Corporation] or as a member ⁵* * * ⁶* * * appointed under this Act shall be deemed to vitiate any act or proceeding of the corporation ⁷* * * or of any such committee ⁸* * * , as the case may be, in which such person has taken part, whenever the majority of persons, parties to such act or proceeding, were entitled to act.

Proceedings of meetings to be deemed to be good and valid until the contrary is proved. ⁹* * * ¹⁰[F] The Municipal Commissioner.] ¹¹[Brihan Mumbai] shall be from time to time appointed by the ¹²[¹³State] Government]. ¹⁴[He may hold office for such period not exceeding three years as the State Government may fix and his appointment may be renewed by the State Government for a further period not exceeding three years :

Provided that, when the Commissioner holds a lien on the service of the State Government, he may be recalled to such service at any time by the State Government.

¹⁵* * * ¹⁶[Notwithstanding the provisions of sub-section (1), the Commissioner shall be forth with removed by ¹⁷[the ¹² ¹³State] Government] from the office if at a meeting of the corporation not less ¹⁸[five-eighth] of the whole number of councillors] shall vote in favour of a proposition in this behalf; and he may be removed by the

¹This Section was substituted for the original by Mah. 13 1998, s. 9.

²Words "or co-option" which were added by Bom. 6 of 1922, s. 21-A, and which were deleted by Bom. 17 of 1931, s. 7, are omitted.

³The word "Mayor" was substituted for the original word by Bom. 71 of 1931 s. 2(i).

⁴These words were substituted for the word "Chairman" by Mah. 10 of 1998, s. 17(a).

⁵The words "of the Standing Committee or" were deleted, *ibid.*, s. 17(b).

⁶The words "or Sub-Committee" were deleted, *ibid.*, s. 17(c).

⁷The words "or Standing Committee" were deleted, *ibid.*, s. 17(d).

⁸The words "or Standing Committee" were deleted, *ibid.*, s. 18(a).

⁹The words "or Sub-Committee" were deleted, *ibid.*, s. 18(b).

¹⁰This heading was substituted for the heading "(C) The Municipal Commissioner" by Bom. 48 of 1950, s. 26.

¹¹These words were substituted for the words "Greater Bombay" by Mah. 25 of 1996, Schedule.

¹²The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

¹³This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950,

¹⁴This portion was substituted for the words "for a renewable period of three years" by Mah. 22 of 1968, s. 2(a).

¹⁵The words "after consultation with the corporation" shall be deemed to have been deleted with effect from 1st November 1991 by Mah. 8 of 1992, s. 3.

¹⁶These words were substituted for the words "But he shall" *ibid.*, s. 2(b).

¹⁷The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

¹⁸These words were substituted for the words "sixty-four councillors" by Bom. 7 of 1950, s. 9.

¹[State] Government] at any time if it shall appear to the ¹²[State] Government] that he is incapable of performing the duties of his office or has been guilty of any misconduct or neglect which renders his removal expedient:

³[Provided that when the Commissioner holds a lien on the service of ⁴[the ¹²[State] Government], he shall not during the period of his appointment as Commissioner be removed from office without the approval of the corporation.]

⁵[(3) The State Government may appoint one or more persons to be called Additional Municipal Commissioners who shall, subject to the control of the Commissioner, exercise all or any of the powers and perform all or any of the duties and functions, of the Commissioner.

(4) The terms and conditions of service of a person appointed as Additional Municipal Commissioner shall be such as may from time to time be determined by the State Government by general or special order.

(5) Subject to the provisions of sub-section (4), every person so appointed shall be subject to the same liabilities, restrictions and conditions to which the Commissioner is subject.]

⁶[The Director.

54A. (1) Subject to confirmation by the State Government, the corporation may at any time, and from time to time, appoint a person to be the Director (Engineering Services and Projects), if it shall appear to it expedient to do so. Appointment of the Director.

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

Deputy Municipal Commissioner

55. (1) Subject to confirmation by the ¹²[State] Government], the corporation may at any time, and from time to time, appoint a person to be a Deputy Municipal Commissioner, if it shall appear to it expedient so to do. Appointment of a Deputy Municipal Commissioner.

⁷[(1A) With the previous approval of the State Government, the corporation may at any time, and from time to time, create one or more posts of additional Deputy Municipal Commissioners which it considers necessary and may, subject to confirmation by the State Government, appoint a fit person or persons to hold such post or posts.]

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

¹ The words "Provincial Government" were substituted for the words "Governor in Council", by the Adaptation of Indian Laws Order in Council.

² This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

³ This proviso was added by Bom. 1 of 1925, s. 14.

⁴ The words "the Provincial Government" were substituted for words "Government" by the Adaptation of Indian Laws Order in Council.

⁵ Sub-sections (3), (4) and (5) were added by Mah. 43 of 1984, s. 8.

⁶ This heading and section 54A were inserted by Mah. 53 of 1981, s. 8.

⁷ Sub-section (1A) was inserted by Bom. 7 of 1950, s. 10.

Functions of Director and a Deputy Commissioner.] **56.** (1) ¹[The Director or a Deputy Commissioner] ²[for an additional Deputy Commissioner] so appointed shall be subordinate to the Commissioner and subject to his orders, shall exercise such of the powers and perform such of the duties of the Commissioner as the Commissioner shall from time to time depute to him:

(2) Provided that,—

3* * * * *

(b) The Commissioner shall inform the corporation of the powers and duties which he from time to time deposes to ⁴[the Director or a Deputy Commissioner.]

⁶[(2A) Provided further that when an additional Deputy Commissioner of more than one additional Deputy Commissioner have been appointed, the Commissioner shall prescribe the respective spheres of duties of each of such additional Deputy Commissioners, and in so doing may allot to the Deputy Commissioner or the additional Deputy Commissioner designated by him responsibility, subject to the control of the Commissioner, for the municipal government of the suburbs in so far as such responsibility is consistent with the powers and duties deputed to him under sub-section (1)].

(3) All acts and things performed and done by ⁷[the Director or a Deputy Commissioner] ⁸[and an additional Deputy Commissioner], during his tenure of the said office and in virtue thereof, shall for all purposes be deemed to have been performed and done by the Commissioner.

Appointment of Deputy Municipal Commissioner (Improvements). ⁹**56A.** (1) Subject to the previous approval of ¹⁰[the ¹¹[State] Government] the corporation shall, as soon as conveniently may be after the commencement of the City of Bombay Municipal (Amendment) Act, 1933, appoint a Deputy Municipal Commissioner to be styled the Deputy Municipal Commissioner (Improvements). Such appointment shall be in addition to any appointment of a Deputy Municipal Commissioner made under sub-section (1) of section 55. ^{XIII} of 1933.

(2) Every person so appointed shall be subject to all the liabilities, restrictions and conditions to which the Commissioner is subjected to under this Act.

(3) A person appointed Deputy Municipal Commissioner (Improvements) shall be appointed in the first instance for a period of five years, which may be renewed thereafter from time to time for a like or lesser period :

¹²[Provided that if such person is a municipal officer and due to retire under regulations made and applicable to him under section 81 on a date earlier than the expiry of the period of five years from the date of appointment or reappointment, he may be appointed or reappointed for a period of five years or a lesser period.]

¹ These words were substituted for the words "a Deputy Commissioner" by Mah. 53 of 1981, s. 9(a).

² These words were inserted by Bom. 7 of 1950, s. 11(a).

³ Clause (a) was deleted by Bom. 1 of 1897.

⁴ These words were substituted for the words "a Deputy Commissioner" by Mah. 53 of 1981, s. 9(b).

⁵ These words were substituted for the words "a Deputy Commissioner", *ibid.*, s. 9(d).

⁶ Sub-section (2A) was inserted by Bom. 7 of 1950, s. 11(b).

⁷ These words were substituted for the words "a Deputy Commissioner" by Mah. 53 of 1981, s. 9(c).

⁸ These words were inserted by Bom. 7 of 1950 s.11(c).

⁹ This section was inserted by Bom. 13 of 1933, s. 7.

¹⁰ The words "the Provincial Government" were substituted for the words "Government" by the Adaptation of Indian Laws Order in Council.

¹¹ This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950,

¹² This proviso was added by Bom. 76 of 1948, s. 3.

Bom. XVI of 1925. Bom. XVI of 1933. (4) The person appointed to be the Chief Officer, under section 26 of the City of Bombay Improvement Trust Transfer Act, 1925, and holding that office at the commencement of the City of Bombay Municipal (Amendment) Act, 1933, shall be the Deputy Municipal Commissioner (Improvements) under this Act until the corporation shall have appointed a Deputy Municipal Commissioner (Improvements) under the provisions of sub-section (1) and until such Deputy Municipal Commissioner shall have entered on the discharge of the duties of his office.]

[56B. (1) The Deputy Municipal Commissioner (Improvements) shall be subordinate to the Commissioner and, subject to his orders, shall exercise such of the powers and perform such of the duties of the Commissioner in connection with the improvement of the city and such other duties of a Deputy Municipal Commissioner as the Commissioner may from time to time direct :

Functions of the Deputy Municipal Commissioner (Improvements.)

Provided that the Commissioner shall inform the corporation of the powers and duties which he from time to time deposes to the Deputy Municipal Commissioner (Improvements).

(2) All acts and things performed and done by the Deputy Municipal Commissioner (Improvements), during his tenure of the said office and in virtue thereof shall or all purposes be deemed to have been performed and done by the Commissioner.]

Remuneration of Commissioner. ³[Director] and Deputy Commissioner

57. (1) The Commissioner shall receive ³[such monthly salary ⁴[as the State Government may, From time to time determine]] in return wherever he shall, except as hereinafter provided, devote his whole time and attention to the duties of his office as prescribed in this Act or in any other enactment for the time being in force :

Salary of the Commissioner.

(2) Provided that he may at any time—

(a) hold the office of a trustee of the port of Bombay.

(b) with the sanction of the corporation, serve on any committee constituted for the purpose of any local inquiry or for the furtherance of any object of local importance or interest.

Duties which may be undertaken by the Commissioner outside of this Act.

58. ⁶[The Director and a Deputy Commissioner] shall receive such monthly salary ⁷[as the Corporation shall, from time to time, with the approval of the State Government, determine :

Remuneration of ⁶[the Director and a Deputy Commissioner.]

Provided that, the salary of ⁸[the Director or a Deputy Commissioner] shall not be altered to his disadvantage during his period of office.]

¹These sections were inserted by Bom. 13 of 1933, s. 7.
²The word " Director " was inserted by Mah. 53 of 1981, s. 10.
³These words were substituted for the original words by Bom. 13 of 1938, s. 26(1).
⁴These words were substituted for the words " not exceeding three thousand rupees and not less than two thousand rupees as the State Government may determine " by Mah. 8 of 1992, s. 4.
⁵Sub-section (3) was deleted, by Bom. 13 of 1938, s. 26(2).
⁶These words were substituted for the words " A Deputy Municipal Commissioner " by Mah 53 of 1981, s. 11(a).
⁷This portion was substituted for the portion beginning with the words " not exceeding " and ending with the words "time to time, determine" by Mah.5 of 1970, s. 2, with effect from 1st April 1966.
⁸These words were substituted for the words " A Deputy Municipal Commissioner " by Mah. 53 of 1981, s. 11(b).
⁹These words were substituted for the words " A Deputy Municipal Commissioner ", *ibid.*, s.11(c)

Remuneration of the Deputy Municipal Commissioner (Improvements). ¹[58A. The Deputy Municipal Commissioner (Improvements) shall receive such monthly salary ²[as the Corporation shall, from time to time, with the approval of the State Government, determine] :

Provided that the person holding office of the Chief Officer under section 26 of the City of Bombay Improvement Trust Transfer Act, 1925 at the commencement of the City of Bombay Municipal (Amendment) Act, 1933, shall, so long as he continues to be the Deputy Municipal Commissioner (Improvements) under the provision of sub-section (4) of section 56A, receive a monthly salary of rupees two thousand and five hundred :

Bom.
XVI
of
1925.
Bom.
XIII
of
1933.

Provided further that if the said person be appointed Deputy Municipal Commissioner (Improvements) under sub-section (1) of section 56A, he shall receive from the commencement of the City of Bombay Municipal (Amendment) Act, 1933 such monthly salary ³* * * * as the corporation shall from time to time determine :

Bom.
XIII
of
1933.

⁴[Provided also that, the salary of the Deputy Municipal Commissioner (Improvements) shall not be altered to his disadvantage during his period of office.]

Provisions for absence of Commissioner ⁵[Director] or Deputy Commissioner on leave.

- Grant of leave of absence to the Commissioner ⁶[Director] or Deputy Commissioner.
59. (1) Leave of absence may be granted, from time to time—
- (a) to the Commissioner, by the ⁶[State] Government], with the assent of ⁸[the Mayor-in-Council].
- (b) to ⁹[the Director or a Deputy Commissioner,] by ¹⁰[the Commissioner].

¹New section 58A was inserted by Bom. 13 of 1933, s. 8.

²This was substituted for the portion, beginning with the words "not exceeding" and ending with the words "time to time, determine", by Mah. 5 of 1970, s. 3(a), with effect from 1st April 1966.

³The words "not exceeding rupees two thousand" were deleted by Mah. 10 of 1998, s. 19.

⁴This proviso was added, by Mah. 5 of 1970 s. 3(b), with effect from 1st April 1963.

⁵The word "Director" was inserted by Mah. 53 of 1981, s. 12(a).

⁶The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

⁷This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

⁸These words were substituted for the words "the Standing Committee" by Mah. 10 of 1998, s. (20)a

⁹These words were substituted for the words "A Deputy Commissioner" by Mah. 53 of 1981, s. 12(b)(i).

¹⁰These words were substituted for the words "the Corporation" by Mah. 10 of 1998, s. 20(b)

¹¹This word was inserted, *ibid.*, s. 12(b)(ii).

(2) The allowance to be paid to the Commissioner or ¹[to the Director or Allowance a Deputy Commissioner] whilst so absent on leave shall be of such amount not whilst exceeding respectively the amount of the salary of the Commissioner ²[or the, Director or Deputy Commissioner] as shall be fixed by the ³⁴[State] Government] or the corporation, respectively : Provided that if the Commissioner ²[or the Director or Deputy Commissioner] is a ⁵[Government officer], the amount of such allowance shall be regulated by the rules at the time in force relating to the leave allowances of officers of his class.

(3) During any absence of the Commissioner or of ⁶[the Director or Appoint- a Deputy Commissioner] the ³⁴[State] Government] or the corporation may, ment and appoint a person to act as Commissioner or ⁷[as the Director or a Deputy remuneration Commissioner.] as the case may be. Every person so appointed shall exercise of acting the powers and perform the duties conferred and imposed by this Act or by any Commissioner or other enactment at time in force on the person for whom he is acting ¹⁴[Director or a Deputy Commissioner.] appointed to act, and shall be subject to the same liabilities, restrictions and conditions to which the said person is liable, and shall receive such monthly salary, within the limits prescribed in sections 57, ⁸[58 and 58A] for ⁹[the Commissioner, Director and a Deputy Commissioner,] as ¹⁰[the ⁴[State] Govern- ment] or the corporation, respectively, shall determine.

Disqualifications of the Commissioner ¹²[Director] and Deputy Commissioner.

60. (1) No person shall be qualified to be appointed or to be Commissioner ¹³[or Director] or a Deputy Commissioner who has directly or indirectly, by himself or his partner, any share or interest in any contract with, by or on behalf of the Corporation. ¹⁴* * * *

(2) Any Commissioner ¹⁵[, Director] or Deputy Commissioner who shall acquire directly or indirectly, by himself or his partner, any share or interest in any such contract ¹⁶* * * * as aforesaid shall cease to be Commissioner, with the ¹⁷[Director or a Deputy Commissioner] as the case may be, and his office shall become vacant.

(3) Nothing in this section shall apply to any such share or interest in any contract ¹⁸* * * with, by or on behalf of the corporation as, under clauses (h) and (k) of section 16, it is permissible for a councillor to have without his being thereby disqualified for being a councillor.

¹These words were substituted for the words "to a Deputy Commissioner" by Mah. 53 of 1981 s. 12(c)(i).

²These words were substituted for the words "or Deputy Commissioner", *ibid.*, s. 12(c)(ii).

³The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

⁴This word was substituted for the words "Provincial" by the Adaptation of Laws Order, 1950.

⁵The words "Government Officer" were substituted for the words "Servant of the Crown", by the Adaptation of Laws Order, 1950.

⁶These words were substituted for the words "a Deputy Commissioner" by Mah. 53 of 1981, 12(d)(i).

⁷These words were substituted for the words "as Deputy Commissioner", *ibid.*, s. 12(d)(ii).

⁸The word, figures and letter "58 and 58A" were inserted by Bom. 13 of 1933, s. 9.

⁹These words were substituted for the words "a Commissioner and a Deputy Commissioner", by Mah. 53 of 1981, s. 12(d)(iii).

¹⁰The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

¹¹These words were substituted for the words "acting Deputy Commissioner" by Mah. 53 of 1981, s. 12(e).

¹²This word was inserted by Mah. 53 of 1981, s. 13(a).

¹³These words were inserted *ibid.*, s. 13(b).

¹⁴The words "or in any employment with, by or on behalf of the corporation other than as Commissioner or Deputy Commissioner, as the case may be" were deleted by Mah. 42 of 1977, s. 2(a).

¹⁵This word was inserted by Mah. 53 of 1981, s. 13(c)(i).

¹⁶The words "or employment" were deleted, by Mah. 42 of 1977, s. 2(b).

¹⁷These words were substituted for the words "Commissioner, or a Deputy Commissioner," by Mah. 53 of 1981, s. 13(c)(ii).

¹⁸The words "or employment" were deleted, by Mah. 42 of 1977, s. 2(a).

¹⁹These words were substituted for the words "Commissioner and Deputy Commissioner" by Mah. 53 of 1981, s. 13(d).

²⁰This word was substituted for the words "contract, etc.," by Mah. 42 of 1977, s. 2(d).

[(G) The General Manager.]

60A. (1) The Corporation shall, subject to the approval of the [State] Government, appoint a fit person to be the General Manager of the [Brihan Mumbai Electric Supply and Transport Undertaking] who shall—

Appointment of General Manager.

(a) devote his whole time and attention to the duties of his office :

Provided that the General Manager may be permitted by the corporation to accept any appointment, whether honorary or otherwise, which in the opinion of the corporation would not interfere with his duties as General Manager ;

(b) receive such monthly salary as the corporation shall from time to time, with the approval of the [State] Government determine [but the salary of the General Manager shall not be altered to his disadvantage during his period of office];

(c) be removable at any time from office for misconduct or for neglect of, or incapacity for, the duties of his office on the votes of not less than one-half of the total number of councillors.

(2) The General Manager shall be appointed for a period not exceeding five years in the first instance and his appointment may be renewed from time to time with the approval of the [State] Government for a period not exceeding five years at time.

(3) The General Manager appointed by the Corporation with the approval of the [State] Government under section 11 of the City of Bombay Municipal (Electric Supply and Transport) Act, 1947, shall be deemed to have been appointed under sub-section (1) and the period of his appointment shall be deemed to have commenced from the date on which he took up the duties of his office under the City of Bombay Municipal (Electric Supply and Transport) Ordinance, 1947 or the City of Bombay Municipal (Electric Supply and Transport) Act, 1947, as the case may be.

Bom. XXXIII of 1947.

Bom. Ordinance II of 1947. Bom. XXXIII of 1947.

60B. (1) Leave of absence may be granted from time to time to the General Manager [by the Member-in-Charge of the Brihan Mumbai Electric Supply and Transport undertaking with the assent of the Mayor].

Leave of absence to General Manager.

(2) The allowance to be paid to the General Manager whilst so absent on leave shall be of such amount, not exceeding the amount of his salary as shall be fixed by the corporation.

(3) During the absence of the General Manager on leave the [Mayor] may, appoint a person to act as General Manager. Every person so appointed shall exercise the powers and perform the duties conferred and imposed on the General Manager and shall be subject to the same liabilities, restrictions and conditions to which the General Manager is liable and shall receive such monthly salary, not exceeding the salary of the General Manager, as the corporation shall determine.

60C. (1) No person shall be qualified to be appointed or to be General Manager who has, directly or indirectly, by himself or his partner, any share or interest in any contract with, by or on behalf of, the corporation

Disqualifications of General Manager.

* * * * * This heading was substituted for the original heading "(D) The General Manager" by Bom. 48 of 1950, s. 29.

* * * * * Sections 60A to 60C were inserted by Bom. 48 of 1948, s. 7.

* * * * * This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

* * * * * These words were substituted for the words "Bombay Electric Supply and Transport Undertaking" by Mah. 25 of 1996, s. 4(4).

* * * * * These words were inserted by Mah. 5 of 1970, s. 4.

* * * * * These words were substituted for the words "by the Brihan Mumbai Electric Supply and Transport Committee with the assent of the Corporation" by Mah. 10 of 1998, s. 21(a).

* * * * * These words were substituted for the words "Committee with the assent of the Corporation", *ibid.*, s. 21(b).

* * * * * The words "or in any employment with, by or on behalf of the corporation other than as General Manager" were deleted by Mah. 42 of 1977, s. 3(a).

(2) Any General Manager who shall acquire, directly or indirectly, by himself or by his partner, any share or interest in any such contract^{1*} * * * * * as aforesaid shall cease to be General Manager.

(3) Nothing in this section shall apply to any such share or interest in any contract^{2*} * * * * * with by, or on behalf of, the corporation as under clauses (h) and (k) of sub-section (2) of section 16, it is permissible for a councillor to have without his being thereby disqualified for being a councillor, or to any share or other interest in the³[Brihan Mumbai Electric Supply and Tramways Company, Limited.].

Appointment of Chief Accounts Officer. ⁴[60D. (1) ⁵[The Mayor-in-Council] shall appoint a fit person to be the Chief Accounts Officer of the ⁶[Brihan Mumbai Electric Supply and Transport Undertaking]. He shall—

(a) keep the accounts of the ⁷[The member-in-Charge of the Brihan Mumbai Electric Supply and Transport Undertaking] and perform such duties with regard to the Undertaking's account as shall be required of him by the ⁸[Brihan Mumbai Electric Supply and Transport Undertaking] or by the General Manager ;

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

(c) receive such monthly salary as the ⁹[the Mayor-in-Council] shall, from time to time, with the approval of the Corporation, determine ; but the salary of such officer shall not be altered to his disadvantage during his period of office ;

(d) be removable at any time from office for misconduct, or for neglect of or incapacity for the duties of his office, by the ¹⁰[The Mayor-in-Council].

(2) The person who is a permanent holder of the office of the Chief Accounts Officer on the date immediately preceding the date of commencement of the Maharashtra Municipal Corporations (Amendment) Act, 1976, shall be deemed to have been appointed on the date of such commencement as the Chief Accounts Officer under sub-section (1)].

Mah. XLI of 1976.

CHAPTER III

DUTIES AND POWERS OF THE MUNICIPAL AUTHORITIES.

Obligatory and Discretionary Duties of the Corporation.

Matters to be provided for by the Corporation. **61.** It shall be incumbent on the corporation to make adequate provision, by any means or measures which it is lawfully competent to them to use or to take, for each of the following matters, namely :—

(a) the construction, maintenance and cleansing of drains and drainage works and of public latines, urinals and similar conveniences ;

¹¹[(aa) planning for economic and social development ;

¹The words " or employment " were deleted, by Mah. 42 of 1977, s. 3(b).

²The words " or employment " were deleted, *ibid.*, s. 3(c).

³These words were substituted for the words " Bombay Electric Supply and Tramways Company Limited " by Mah. 25 of 1996, Schedule.

⁴This section was inserted by Mah.42 of 1976, s. 4.

⁵These words were substituted for the words " the Brihan Mumbai Electric Supply and Transport Committee " by Mah. 10 of 1998, s. 29(a).

⁶These words were substituted for the words " Bombay Electric Supply and Transport Undertaking " by Mah. 25 of 1996, s. 4(3).

⁷These words were substituted for the words " Brihan Mumbai Electric Supply and Transport Undertaking " by Mah. 10 of 1998, s. 22(b).

⁸These words were substituted for the words " Bombay Electric Supply and Transport Committee " by Mah. 25 of 1996, s. 4(4).

⁹These words were substituted for the words " Brihan Mumbai Electric Supply and Transport Committee " by Mah. 10 of 1998, s. 22(c).

¹⁰These words were substituted for the words " Bombay Electric Supply and Transport Committee ", *ibid.*, s. 22(d).

¹¹These clauses were inserted by Mah. 41 of 1994, s. 35.

(ab) urban forestry, protection of environment and promotion of ecological aspects ;]

(b) the construction and maintenance of work and means for providing a supply of water for public and private purposes ;

(c) scavenging and the removal and disposal of excrementitious and other filthy matters, and of all ashes, refuse and rubbish ;

(d) the reclamation of unhealth localities, the removal of noxious vegetation and generally the abatement of all nuisances ;

(e) the regulation of places for the disposal of the dead and the provision of new places for the said purposes ;

(f) the registration of births and deaths ;

¹[(ff) public vaccination in accordance with the provisions of the Bombay ¹of Vaccination Act, 1877 ;] 1877.

(g) measures for preventing and checking the spread of dangerous diseases ;

¹[(gg) establishing and maintaining public hospitals and dispensaries and carrying out other measures necessary for public medical relief ;]

(h) the construction and maintenance of public markets and slaughter-houses and the regulation of all markets and slaughter-houses ;

(j) the regulation of offensive and dangerous trades ;

(k) the entertainment of a fire-brigade and the protection of life and property in the case of fire ;

(l) the securing or removal of dangerous buildings and places ;

(m) the construction, maintenance, alteration and improvement of public streets, bridges, culverts, causeway and the like ;

(n) the lighting, watering and cleansing of public streets ;

(o) the removal of obstructions and projections in or upon streets, bridges and other public places ;

(p) the naming of streets and the numbering of premises ;

(q) maintaining, aiding and suitably accommodation schools for primary education ²[subject always to the grant of building grants by ³[the ⁴[State] Government] in accordance with the Government Grant-in-aid Code for the time being in force] ;

(r) the maintenance of a municipal office and of all public monuments and other Property vesting in the corporation ;

⁵[(s) the obligations imposed by the City of Bombay Municipal (Amendment) Bom. XIII Act, 1933, upon the corporation arising out of the transfer to the corporation of the powers, duties, assets and liabilities of the Board of Trustees for the, 1933. Improvement of the City of Bombay constituted under the City of Bombay Bom. XVI Improvement Trust Transfer Act, 1925 ;] of 1925.

(t) the improvement of ⁶[Brihan Mumbai].

¹Clauses (ff) and (gg) were inserted by Bom. 3 of 1907, s. 9(1).

²These words were added by *ibid.*, s. 9(2).

³The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

⁴This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

⁵New clauses (s) and (t) were inserted by Bom. 13 of 1933, s. 10.

⁶These words were substituted for the words "Greater Bombay" by Mah. 25 of 1996, Schedule.

¹[62. (1) The corporation shall also provide and pay to ²[the ³[State] Corporation Government] on the first day of every month a sum of thirty-four thousand five hundred and forty-one rupees ten annas and eight pies, and in consideration of such monthly payments ²[the ³[State] Government] shall continue to control and maintain the institutions specified in Schedule U. to provide a monthly sum to ³[State] Government for main-
taining certain institutions in ⁴[Mumbai]

(2) Notwithstanding anything contained in clause (gg) of section 61, the corporation shall by such monthly payments be deemed to have made adequate provision for the maintenance of the said institutions and shall not be liable for any further expenditure in connection therewith.]

⁵[62A. In public hospitals and dispensaries established and maintained, and in connection with other measures carried out, under clause (gg) of section 61 such fees, if any may be charged as may be prescribed by the corporation.] Fees to be charged by the corporation in public hospitals and dispensaries.

⁶[62B. If there should be at any time a change in the general policy of ²[the ³[State] Government] in regard to their liability in respect of primary education, the corporation shall be entitled to benefit by such change in policy to the same extent as a city municipality.] Extent of benefit to corporation by change in policy of ³[State] Government in regard to their liability in respect of primary education.

⁷[62BB. The State Government shall have power to give to the corporation all such directions as it considers necessary in respect of subjects, curricula, text books and standards of teaching in primary schools vesting wholly or partly in the corporation and in schools wholly or partly maintained by grants payable from municipal fund and the corporation shall comply with such directions.] Directions by State Government regarding subjects etc., in schools.

⁸[62C. (1) All primary schools vesting wholly or partly in the corporation and all schools wholly or partly maintained by grants payable from the municipal fund shall at all times be open to all officers appointed by ²[the ³[State] Government] for the inspection of schools, and all reasonable facilities shall be given to any such officer for visiting any such school for the purpose of inspection or examination. Primary schools and schools maintained by grants to be open to officers appointed by ³[State] Government

(2) Every recommendation made regarding any such school by any such officer shall be duly considered by the ⁸[corporation] and the ⁸[corporation] may thereupon take such action as may in their opinion be required and shall, if so requested by the ⁹[Director of Education], in any particular case, inform him of their decision and the action, if any taken. inspection.

(3) In all matters connected with grants for the aid of primary schools other than municipal schools the ⁸[corporation] shall administer aid to schools complying with the necessary conditions in accordance with the provisions of the

¹Section 62 to 62D were substituted for s. 62 by Bom. 3 of 1907, s. 10.

²The words "the Provincial Government" were substituted for the word "Government", by the Adaptation of Indian Laws Order in Council.

³This word was substituted for the word "provincial" by the Adaptation of Laws Order, 1950.

⁴This word was substituted for the word "Bombay" by Mah. 25 of 1956, s. 4(2).

⁵Section 62A and 62C came into force on the 1st March 1909, see B. G. G., 1909, pt. I, p. 229.

⁶This section was substituted for the original section 62B by Bom. 15 of 1920, s. 20.

⁷Section 62BB was inserted by Bom. 48 of 1950, s. 30.

⁸This word was substituted for the words "schools committee", *ibid.*, s. 31.

⁹These words were substituted for the words "Director of Public Instruction for the Presidency of Bombay" by the Bombay Adaptation of Laws (State and Concurrent Subjects) Order, 1956.

Government Grant-in-aid Code, subject to such modifications, if any, as may, from time to time be made in the said Code by the Corporation with the previous sanction of ¹[the ²[State] Government].

Corporation to provide annual sum for the Prince of Wales Museum of Western India ³[62D. The Corporation shall provide and pay the the Trustees of the Prince of Wales Museum of Western India at the commencement of each official year a sum of fifty thousand rupees, for the purposes of the said Museum.]

Corporation to provide for maintenance of lunatics. ⁴[62E. ⁵[(1)] The corporation shall make payments at such rates per head as ¹[the ²[State] Government] from time to time by general or special order, prescribed, for the maintenance and treatment either in the city or at any asylum, hospital or house, whether within or without the city which ¹[the ²[State] Government] declares by notification to be suitable for such purpose, of pauper lunatics not being persons for whose confinement an order under Chapter XXXIV of the *Code of Criminal Procedure, 1898, is in force, resident within or under any enactment for the time being in force removed from, the city : V of 1898.

Provided that the corporation shall not be liable under this section for the maintenance and treatment of any lunatic in any such asylum, hospital or house as aforesaid, unless such lunatic, previous to his admission thereto, has been resident in the city for at least one year :

⁶[Provided also that where an application is made to the High Court under the provisions of section 88 of the Indian Lunacy Act, 1912, no order for the payment of the cost of maintenance of the lunatic by the corporation shall be made without an opportunity being given to the corporation to show that the lunatic is not pauper and has an estate applicable to his maintenance or that there is a person legally bound, and having the means to maintain him] : IV of 1912.

Provided further that the rates prescribed by ¹[the ²[Stae] Government] under this section shall not exceed half the total cost of maintenance and treatment incurred per head on account of the lunatics for whose maintenance and treatment the corporation shall be liable under this section.

⁷[(2) The officer-in-charge of an asylum, hospital or house to which lunatics for whose maintenance and treatment the corporation are liable under this section are admitted shall maintain a clear account of the cost of maintenance and treatment incurred on account of such persons detained in asylum, hospital or, house and shall furnish a copy thereof to the corporation.]

Matters which may be provided for by the corporation at their discretion. ⁸63. The corporation may, in their descretion, provide from time to time, either wholly or party, for all or any of the following matters, namely :—

⁹[(a) slum improvement and upgradation ;

(aa) urban poverty alleviation ;]

⁹[(b) the furtherance of educational objects other than those mentioned in clause (q) of section 61 ;

¹The words " the Provincial Government " were substituted for the word " Government " by the Adaptation of Indian Laws Order in Council.

²This word was substituted for the word " Provincial " by the Adaptation of Laws Order, 1950.

³This section was substituted for the original by Bom. 48 of 1950, s. 32.

⁴The new section 62E was inserted by Bom. 1 of 1905, s. 16.

⁵This section was renumbered as sub-section (1) of that section by Bom. 76 of 1948, s. 4(1).

⁶This proviso was inserted, *ibid.*

⁷This sub-section was inserted, *ibid.*, s. 4(2)

⁸Clause (a) and (aa) were inserted, by Mah. 41 of 1994, s. 36.

⁹Clauses (b) to (e) were substituted for the original clauses by Bom. 12 of 1947, s. 2(f).

*See now the Code of Criminal Procedure, 1973 (2 of 1974).

(c) the establishment, aiding or maintaining libraries, museums, art-galleries, botanical or zoological collections ;

(d) the laying out or the maintenance of public parks, gardens or recreation grounds ;

(e) the planting and care of trees on roadsides and elsewhere] ;

(f) surveys of building or lands ;

(g) registration of marriages ;

¹[(h) the taking of a census of the population] ;

(j) preparation and presentation of addresses to persons of distinction ;

²[(jj) providing music in public places or places of public resort ;

(jja) the construction, purchase, organisation, maintenance, extension and management of tramways, trackless trams, or mechanically propelled transport facilities for the conveyance of the public ;

(jib) the purchase, maintenance, management and conduct of any undertaking for the supply of electric energy or gas to the public or the subsidising of any such undertaking ;

(jic) the acquisition of immovable or movable property for any of the purposes before mentioned, including payment of the cost of investigations, surveys or examinations in relation thereto, or the construction or adaptation of building necessary for such purposes] ;

³[(jid) with the previous sanction of the State Government and subject to such terms and conditions as the State Government may impose, subscribing to the share capital of any company or co-operative society, with a limited liability, established or to be established for providing any services in [Brihan Mumbai] which are directly or indirectly, useful to the Corporation in carrying out any of the duties imposed upon it by or under this Act or any other law for the time being in force ;]

⁴[(jje) welfare measures for the Scheduled Castes, Scheduled Tribes, Vimukata Jatit and Nomadic Tribes and Nav-Budhas who are residing within the limits of the Corporation area, and in particular taking such measures for the amelioration of the conditions of these classes at the State Government may, from time to time, direct ;]

(k) any measure not hereinbefore specifically named, likely to promote public safety, health, convenience or instruction ;

⁵[(l) making any contribution towards any public reception, ceremony or entertainment :

Provided that, the total expenditure on account of such contributions during any official year shall not exceed one lakh of rupees or such higher amount as the State Government may, from time to time, by notification published in the *Official Gazette*, specify in this behalf.]

⁶[(m) subject to such terms and conditions, including provisions with regard to the control and supervision as the Corporation may deem fit to impose or make, making any contribution to a public trust registered under the Bombay Public Trusts Act, 1950 for establishing or running a hospital to provide medical facilities to the employees of the ⁷[Brihan Mumbai Electric Supply and Transport Undertaking] and the members of their families.]

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¹Clause (h) was substituted for the original clause by Bom. 12 of 1947, s. 2(ii).

²Clauses (jj), (jja), (jib), (jic) were substituted for clause (jj), *ibid.*, s. 2(iii).

³Clause (jid) was inserted by Mah. 42 of 1976, s. 5.

⁴Clause (jje) was inserted by Mah. 21 of 1989, s. 11(a).

⁵This portion was substituted for the portion beginning with the words "And with the previous sanction" and ending with the words "Greater Bombay" by Mah. 42 of 1977, s. 4.

⁶Clause (m) was added by Mah. 21 of 1979, s. 11(b).

⁷These words were substituted for the words "Bombay Electric Supply and Transport Undertaking" by Mah. 25 of 1996, s. 4(3).

Performance of functions by agencies. ¹63A. Where any duty has been imposed on, or any function has been assigned to the Corporation under this Act or any other law for the time being in force, or the Corporation has been entrusted with the implementation of a scheme, the Corporation may--

(a) either discharge such duties or perform such functions or implement such scheme by itself ; or

(b) subject to such directions as may be issued and the terms and conditions as may be determined by the State Government, cause them to be discharged, performed or implemented by any agency :

Provided that the Corporation may also specify terms and conditions, not inconsistent with the terms and conditions determined by the State Government, for such agency arrangements.

Environment Status Report. ⁶63B. The ²[Mayor] shall, before the 31st day of July every year, place before the Corporation a report on the status of environment within ³[Brihan Mumbai] in respect of the last preceding financial year, covering such matters and in such manner as may be specified by the State Government, from time to time.]

Respective Functions of the several Municipal Authorities

Functions of the several municipal authorities. ⁶64. (1) The respective functions of the several municipal authorities ⁴* * * shall be such as are specifically prescribed in or under this Act.

Municipal government of the city vests in the corporation. (2) Except as in this Act otherwise expressly provided, the municipal government of ⁵[Brihan Mumbai] vests in the corporation.

⁶[(2A) Subject to the provisions of this Act and the rules and regulations made thereunder the executive power of the Corporation shall be exercised by the Mayor-in-Council.

(2B) (a) The Mayor shall exercise such powers and discharge such functions as are conferred on him by or under this Act.

(b) The Mayor shall, for convenient transaction of the business of the Corporation, allocate among the members of the Mayor-in-Council such business and in such manner as he thinks fit.

(2C) (a) The Mayor shall preside over the meetings of the Mayor-in-Council which shall meet ⁷[at the Head office of the corporation] and time as the Mayor may decide.

(b) The agenda for a meeting of the Mayor-in Council shall be decided by the Mayor and shall be circulated to the members of the Mayor-in-Council.]

¹Sections 63A and section 63B were inserted by Mah. 41 of 1994, s. 37.

²This word was substituted for the word "Commissioner" by Mah. 10 of 1998, s. 23.

³These words were substituted for the words "Greater Bombay" by Mah. 25 of 1996, Schedule.

⁴The words, figures and, letter " and of any committee appointed under sections 39, 40, 41, 49A or 50 " were deleted by Mah. 10 of 1998, s. 24(a).

⁵These words were substituted for the words "Greater Bombay" by Mah. 25 of 1996, Schedule.

⁶Sub-sections (2A), (2B) and (2C) were inserted by Mah. 10 of 1998, s. 24(b).

⁷These words were substituted for the words " at such place " by Mah. 13 of 1996, s. 10(a).

1[(3) Subject to the supervision and control 2[of the Mayor-in-Council] the Commissioner shall—

Special functions of the Commissioner.

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

(b) prescribe the duties of, and exercise supervision and control over, the acts and proceeding of all municipal officers and servants, other than the municipal secretary and the municipal officers and servants immediately subordinate to him, and subject to the regulations at the time being in force, under section 81 dispose of all questions relating to the service of the said officers and servants and their pay, privileges and allowances ;

(c) on the occurrence or the threatened occurrence of any sudden accident or unforeseen event, involving or likely to involve extensive damage to any property of the corporation, or danger to human life, take such immediate action as the emergency shall appear to him to justify or to require, 3[informing forthwith the action taken to the Mayor. A report of the action taken shall also be submitted] to the corporation, when he has done so, the action he has taken and his reasons for taking the same and the amount of cost, if any, incurred or likely to be incurred in consequence of such action, which is not covered by a current budget grant, within the meaning of that expression as defined in section 130 ;

4[(d) perform the duties and exercise the powers imposed or conferred upon the General Manager by this Act in his absence or on failure by him to perform or exercise the same].

5[(e) act as Secretary of the Mayor-in-Council and may take part in the deliberations of the meetings of the Council, and shall also invite heads of the concerned Departments of the Corporation whose matters are for consideration before the Council to attend the meetings of the Council and take part in the deliberations of such meetings ;

(f) be allowed to move, at any time, any proposal before the Mayor-in-Council for its consideration ;

(g) be responsible for implementing the decisions of the Corporation, the Mayor-in-Council and of the Committees constituted under this Act.]

6[(8A) Notwithstanding anything contained in this Act, the Commissioner shall every month, forward a confidential report to the State Government, about the functioning of the Mayor-in-Council.]

7[(3B) Notwithstanding anything contained in sub-section (3), the Confidential Report of the Commissioner shall be written by the Chief Secretary to Government.]

8[(4) Subject whenever expressly so directed in this act to the approval of the corporation or the 9[The Member in-Charge of the Brihan Mumbai Electric Supply and Transport Undertaking] and subject also to all other restrictions, limitations and conditions imposed by this Act, the entire executive power for the purpose of carrying out the provisions of Chapter XVIA of this Act, vests in the General Manager who shall also—

(a) perform all the duties and exercise all the powers specifically imposed or conferred upon him by him this Act and perform such other duties in connection

¹This portion was substituted for the portion beginning with the words " Subject, whoever it is " and ending with the words " who shall also " by Mah. 10 of 1998, s. 24(c).

²These words were substituted for the words " of the Mayor " by Mah. 13 of 1998, s. 10(b)(i).

³These words were substituted for the words " reporting forthwith to the Standing Committee and " by Mah. 10 of 1998, s. 24(c)(ii).

⁴This clause was added by Bom. 48 of 1948, s. 8.

⁵Clauses (e), (j) and (g) were added by Mah. 13 of 1998, s. 10(b)(ii).

⁶Sub-section (3A) was inserted by Mah. 10 of 1998, s. 24(d).

⁷Sub-section (3B) was inserted by Mah. 13 of 1998, s. 10(b)(iii).

⁸This sub-section was inserted by Mah. 70 of 1948, s. 3.

⁹These words were substituted for the words " Bombay Electric Supply and Transport Committee " by Mah. 10 of 1998, s. 24(e).

with the ¹[Brihan Mumbai Electric Supply and Transport Undertaking] as may be required of him by the ²[The Member-in-Charge of the Brihan Mumbai Electric Supply and Transport Committee] ;

(b) prescribe the duties of, and exercise supervision and control over the acts and proceedings of all municipal officers and servants appointed under Chapter XVIA and, subject to the regulations for the time being in force under section 460V, dispose of all questions relating to the service of the said officers and servants and their pay, privileges and allowances ;

(c) on the occurrence or threatened occurrence of any sudden accident or unforeseen event involving or likely to involve extensive damage to any property of the corporation pertaining to the ¹[Brihan Mumbai Electric Supply and Transport Undertaking] or danger to human life arising from or in connection with any part of that undertaking, take such immediate action as the emergency shall appear to him to justify or require, reporting forthwith to the ²[The Member-in-Charge of the Brihan Mumbai Electric Supply and Transport Committee] when he has done so, the action he has taken and his reason for taking the same and the amount of cost, if any, incurred or likely to be incurred in consequence of such action, which is not covered by a budget grant within the meaning of that expression as defined in section 130].

Corporation may call for extracts from proceedings etc., from committee. ³[65. The corporation may at any time call for any extracts from any proceedings of any Committee constituted under this Act, and for any return, statement, account or report concerning or connected with any matter with which any such committee is empowered by or under this Act to deal; and every such requisition shall be complied with by the committee without unreasonable delay.]

Corporation may require the ⁴[Mayor] to produce documents and furnish returns, reports, etc.

66. (1) The corporation may at any time require the ⁴[Mayor]—

(a) to produce any record, correspondence, plan or other document which is in his possession or under his control as ⁴[Mayor], or which is recorded or filed in his office or in the office of any municipal officer or servant subordinate to him ;

(b) to furnish any return, plan, estimate, statement, account or statistics concerning or connected with any matter appertaining to the administration of this Act or the municipal government of ⁵[Brihan Mumbai] ⁶[except in regard to the ⁷[Brihan Mumbai Electric Supply and Transport Undertaking]];

(c) to furnish a report by himself or to obtain from any head of a department subordinate to him and furnish, with his own remarks thereon, a report upon any subject concerning or connected with the administration of this Act or the municipal government of ⁵[Brihan Mumbai] ⁶[except in regard to the ⁷[Brihan Mumbai Electric Supply and Transport Undertaking]].

(2) ⁸[Every] such requisition shall be complied with by the ⁴[Mayor] without unreasonable delay; and it shall be incumbent on every municipal officer and servant to obey any order made by the ⁴[Mayor] in pursuance of any such requisition.

¹These words were substituted for the words "Bombay Electric Supply and Transport Undertaking" by Mah. 25 of 1996, s. 4(3).

²These words were substituted for the words "Bombay Electric Supply and Transport Committee" by Mah. 10 of 1998, s. 24(e).

³Section 65 was substituted for the original by Mah. 10 of 1997, s. 25.

⁴This word was substituted for the word "Commissioner" *ibid.*, s. 26(a).

⁵These words were substituted for the words "Greater Bombay" by Mah. 25 of 1996, Schedule.

⁶These words were added by Bom. 48 of 1948, s. 9.

⁷These words were substituted for the words "Bombay Electric Supply and Transport Undertaking" by Mah. 25 of 1996, Schedule.

⁸This word was substituted for the words "Except as is hereinafter provided every" by Mah. 10 of 1998, s. 26(b).

(3) Provided that if, on such requisition as aforesaid being made, the ¹[Mayor] shall declare that immediate compliance therewith would be prejudicial to the interests of the corporation or of the public, it shall be lawful for him to defer such compliance until a time not later than the second ordinary meeting of the corporation after he shall have declared as aforesaid, If at such meeting or any meeting subsequent thereto, the corporation shall report the requisition and it shall then appear to the ¹[Mayor] inexpedient to comply therewith, he shall make a declaration to that effect, whereon it shall be lawful for the corporation ²[to form a committee consisting of the chairperson of the Corporation the Chairperson of the Municipal Account Committee and one Councillor; chose by corporation] who shall engage to keep secret save as hereinafter provided, the existence and purport of such documents and matter as may be disclosed to them and to the said committee the ¹[Mayor] shall be bound to make known and to disclose all writings and matters within his knowledge, under his control or available to him, and embraced within the requisition; and the said committee having taken cognizance of the information, writings and matters so laid before them shall determine, by a majority in case of difference, whether or not the whole or any part, and which part, if any of such matters ought to be disclosed to the corporation or kept secret for a defined time, which decision shall be conclusive and shall be reported to the corporation at the next ordinary meeting thereof, where also the ¹[Mayor] shall be prepared to produce documents and to make any report or statement requisite to give effect to the decision of the Committee when called on to do so by the corporation.

³[(4) The heads of department subordinate to the ¹[Mayor] are the City Engineer, the Hydraulic Engineer, the Executive Health Officer, the Assessor and Collector, the Chief Accountant and the Education Officer.]

⁴[(5) In their application to matters relating to the ⁵[Brihan Mumbai Electric Supply and Transport Undertaking] the provisions of sub-section (1), (2) and (3) shall have effect as if for the word "⁶[Mayor] the words "General Manager" and for the words "standing committee" the words ⁷[Brihan Mumbai Electric Supply and Transport Committee] " had been substituted.]

⁸[66A. (1) Subject to any regulations made in this behalf under section 36, a councillor may question the ⁹[Mayor or any member of the Mayor in-Council] who shall answer any question concerning or connected with the administration of this Act or the municipal government of ¹⁰[Brihan Mumbai] ;

Right to ask questions.

¹This word was substituted for the word "Commissioner" by Mah. 10 of 1998, s. 26(a).

²This portion was substituted for the portion beginning with the words "to elect an Councillor" and ending with the words "shall form a Committee", *ibid.*, s. 26(c).

³This sub-section was substituted for the original by Bom. 48 of 1950, s. 34.

⁴Sub-section (5) was added by Bom. 48 of 1948, s. 9.

⁵These words were substituted for the words "Bombay Electric Supply and Transport Undertaking" by Mah. 25 of 1996, Schedule.

⁶This word was substituted for the word "Commissioner" by Mah. 10 of 1998, s. 26.

⁷These words were substituted for the words "Bombay Electric Supply and Transport Committee" by Mah. 25 of 1996, Schedule.

⁸Section 66A was inserted by Bom. 23 of 1930, s. 3.

⁹These words were substituted for the word "Commissioner" by Mah. 10 of 1998, s. 27.

¹⁰These words were substituted for the words "Greater Bombay" by Mah. 25 of 1996, Schedule.

Provided that—

(a) not less than seven clear days' notice in writing specifying the question has been given to the Municipal Secretary ;

(b) no question shall be asked—

(i) which calls for an expression of opinion or for the solution of an abstract legal question or of a hypothetical proposition ; or

(ii) which concerns or is connected with, either directly or indirectly, any pending suit or proceedings, in any court of law or before any tribunal in any part of ¹[the territory of India] ; or

(iii) which relates to the character or conduct of any Municipal officer or servant except in his official or public capacity ; or

(iv) which is or by implication may be, defamatory of or which makes or implies a charge of a personal character against any person or section of any community ; or

(v) which contravenes any regulation made by the corporation in this behalf under section 36.

(2) The ²[Chairperson of the Corporation] shall disallow any question which is in his opinion, in contravention of the provisions of sub-section (1).

(3) If any doubt arises whether any question is or is not within the restrictions imposed by sub-section (1), the ³[Chairperson of the Corporation] shall decide the point and his decision shall be final.

(4) The ⁴[Mayor or any member of the Mayor-in-Council] shall not be bound to answer a question if, in his opinion, it cannot be answered without detriment to the interests of the corporation or if, it asks for information which has been communicated to him in confidence.]

⁵[(5) The General Manager shall without unreasonable delay furnish the ⁶[member of the Mayor-in-Council] with such information relating to the ⁶[Brihan Mumbai Electric Supply and Transport Undertaking] as he may require for the purpose of answering any question under this section.]

Discussion on urgent public matters. 766B. (1) Any Councillor may give notice of raising discussion on a matter of urgent public importance to the Municipal Secretary specifying the matter to be raised.

(2) Such notice supported by the signatures of at least two other elected Councillors shall reach the Secretary at least seventy-two hours before the date on which such discussion is sought and the Secretary shall place before the Chairperson of the Corporation or in his absence, ⁸[the Deputy Chairperson] and circulate the same among the Councillors in such manner, as he may think fit.

(3) There shall be no formal resolution or voting.

¹ These words were substituted for the words " His Majesty's possession " by the Adoption of Laws Order, 1950.

² These words were substituted for the word " Mayor " by Mah. 10 of 1998, s. 27.

³ These words were substituted for the words " Commissioner ", by Mah. 10 of 1998, s. 27.

⁴ Sub-section (5) was added by Bom. 48 of 1948, s. 10.

⁵ These words were substituted for the words " Commissioner " *ibid*, s.27.

⁶ These words were substituted for the words " Bombay Electric Supply and Transport Undertaking " by Mah. 25 of 1996, Schedule.

⁷ Sections 66B and 66C were inserted by Mah. 10 of 1998, s. 28.

⁸ These words were substituted for the words " any Councillor authorised by him " by Mah. 13 of 1998, s. 11.

66C. (1) Any Councillor may ask for statement to be made by the Mayor on Asking for an urgent matter relating to the administration of the Corporation by giving a notice statement to the Chairperson of the Corporation ¹[or in his absence, the Deputy Chairperson] from Mayor. at least one hour before the commencement of the sitting on any day.

(2) The Mayor or the Member-in-charge may either make a brief statement on the same day or fix a date for the same.

(3) Not more than two such matters shall be raised at the same sitting and in the event of more than two matters being raised, priority shall be given to the matters which are, in the opinion of the Chairperson of the Corporation or, in his absence, ²[the Deputy Chairperson] more urgent and important.

(4) There shall be no debate on such statement at the time it is made.]

67. The exercise by any municipal authority of any power conferred or the performance of any duty imposed by or under this Act, which will involve expenditure, shall, except in any case specified in sub-section (2) of section 115 ³[or of section 460DD] be subject to the following provisos, namely :—

Exercise of powers to be subject to sanction by corporation of the necessary expenditure.

(a) that such expenditure, so far as it is to be incurred in the official year in which such power is exercised or duty performed, shall be provided for under a current budget grant, within the meaning of that expression as defined in section 130 ; ⁴ * *

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

⁵[(c) that, where the sanction of the Corporation is sought by the General Manager for any contract for the purposes of Chapter XVIA, the Corporation shall consider and dispose of such proposal within thirty days from the date on which the item is first included in the agenda of any meeting of the Corporation failing which the sanction shall be deemed to have been given by the Corporation for such contract on the last day of the period of thirty days aforesaid. A report to that effect shall be made by the General Manager to the Corporation.]

⁶68. Any of the powers, duties and functions conferred upon, assigned to or vested in the Corporation, the Mayor-in-Council, the Mayor, Member-in-charge Commissioner or the General Manager, Brihan Mumbai Electric Supply and Transport Undertaking, by or under this Act, may be exercised, performed or discharged by any municipal officer to whom such powers, duties or functions are delegated by the concerned authority by general or special order made, from time to time, in this behalf.]

Delegation of powers of Municipal Authorities.

¹ These words were inserted by Mah. 13 of 1998, s. 12.

² These words substituted for the words "the Councillor authorised by him as the Presiding Officer", *ibid.*, s. 12.

³ These words were inserted by Bom. 48 of 1948, s. 11.

⁴ The word "and" was deleted by Mah. 42 of 1976, s. 6(a).

⁵ Clause (c) was added, *ibid.*, s. 6(b).

⁶ Section 68 was substituted for the original by Mah. 10 of 1998, s. 29.

68A. [Powers, etc., conferred on the Commissioner by the Bombay Vaccination Act, may be exercised by any Municipal officer empowered in writing by the Commission:] deleted by Mah. 10 of 1998, s. 30.

Government officers may be empowered to exercise certain powers, etc. of the Commissioner. ¹68AA. (1) Notwithstanding anything contained in section 68 or any other provisions of this Act, the State Government may, after consultation with the Commissioner, by order published in the *Official Gazette*, empower any Government officer, who is holding or has held an office, which in its opinion is not lower in rank than that of Additional Collector, either by name or by virtue of office, also to exercise, perform and discharge the powers, duties and functions conferred or imposed upon and vested in the Commissioner by sections 314, 351 and 352A.

(2) The Government officer empowered under sub-section (1) may by order in writing direct that the powers, duties and functions conferred or imposed upon and vested in him by the State Government may also be exercised, performed and discharged, by such officer or officers subordinate to him, who are holding or have held an office which is not lower in rank than that of Deputy Collector, as may be authorised by him either by name or by virtue of office.

(3) When any Government officer is empowered under sub-section (1) or is authorised under sub-section (2), in each of section 314, 351 and 352A, the word "Commissioner" shall be deemed to include any such officer.]

68B. [Delegation of powers, etc., of General Manager] deleted by Mah. 10 of 1998, s. 31.

Contracts

Power to the Commissioner to execute contracts on behalf of the corporation. 69. With respect to the making of contracts under or for any purpose of this Act, the following provisions shall have effect, namely :—

(a) every such contract shall be made on behalf of the corporation by the Commissioner ;

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

²[(c) no contract, other than a contract relating to the acquisition of immovable property or any interest therein or any right thereto, which will involve an expenditure exceeding ten lakh rupees but less than ³two crore rupees, shall be made by the Commissioner unless the same is approved by the concerned Departmental Standing Committee. For any contract which involves an expenditure in excess of rupees two crores the previous approval of the Mayor-in-Council shall be necessary]

* * * * *

(e) the foregoing provisions of this section ⁵[shall, as far as may be, apply] to every contract which the Commissioner shall have occasion to make in the execution of this Act ; and the same provisions of this section which apply to an original contract shall be deemed to apply also to any variation or discharge of such contract.

¹ Section 68AA was inserted by Mah. 71 of 1981, s.2.

² This clause was substituted by Mah. 10 of 1998, s. 32.

³ This portion was substituted for the portion beginning with the words " twenty-five lakh rupees " and ending with the words " shall be necessary " by Mah. 13 of 1998, s. 15.

⁴ Clause (d) was deleted by Mah. 37 of 1981, s. 4(b).

⁵ These words were substituted for the original words by Bom. 13 of 1933, s. 12(b).

70. (1) Every contract entered into by the Commissioner on behalf of the corporation shall be entered into in such manner and form as would bind the Commissioner if such contracts were on his own behalf, and may in the like manner and form be varied or discharged; Provided that—

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

(b) every contract for the execution of any work or the supply of any materials or goods which will involve an expenditure exceeding ¹[fifty thousand rupees] shall be in writing and shall be sealed with the common seal of the corporation ²[in the manner prescribed in sub-section (2)] and shall specify the work to be done or the materials or goods to be supplied, as the case may be, the price to be paid for such work, materials or goods, and, in the case of a contract for work, the time or times within which the same or specified portions thereof shall be completed.

³[(1A) Notwithstanding anything contained in proviso (b) to sub-section (1) it shall be lawful for the Commissioner in the case of contracts relating to the execution of any work or the supply of any materials or goods to dispense, by an order in writing, with the execution of a written instrument, if such work has already been performed or the materials or goods have already been supplied to his satisfaction.]

⁴[(2) The common seal of the corporation which shall remain in the custody of the Municipal Secretary, shall be affixed in the presence of ⁵[Member-in-charge] to every contract or other instrument ⁶[other than contract relating to the acquisition of immovable property or interest therein or a right thereto, require to be under seal] and such contract or instrument shall be signed by the said ⁵[Member-in-charge] in token that the same was sealed in ⁷[his] presence. ⁸[The signatures of the said Member-in-charge] shall be distinct from the signatures of any witnesses to the execution of any such contract or instrument.]

* * * * *

71. No contract ¹⁰[of the nature specified in sub-section (2), of the last preceding section] not executed as in the ¹¹[said] section provided shall be binding on the corporation.

Contract not binding on the corporation unless executed as prescribed in section 70.

72. (1) Except as is hereinafter otherwise provided, the Commissioner shall, at least seven days before entering into any contract for the execution of any work or the supply of any materials or goods which will involve an expenditure exceeding ¹²[fifty thousand rupees,] give notice by advertisement in the local newspapers, inviting tenders for such contract.

Tenders to be invited for contracts involving expenditure exceeding ¹³[Rs. 50,000].

¹ These words were substituted for the words "ten thousand rupees" by Mah. 10 of 1998, s. 70(a).

² These words, figures and brackets were inserted by Bom. 10 of 1935, s. 2(1).

³ Sub-section (1A) was inserted by Bom. 12 of 1936, s. 4.

⁴ Sub-section (2) was substituted for the original sub-section by Bom. 13 of 1933, s. 13.

⁵ These words were substituted for the words "two members of the Standing Committee" by Mah. 10 of 1998, s. 33(b)(i).

⁶ These words and brackets were substituted for the words "other than a contract relating to the acquisition of immoveable property or interest therein, or a right thereto" by Bom. 10 of 1935, s. 2(2).

⁷ This word was substituted for the word "their" by Mah. 10 of 1998, s. 33(b)(ii).

⁸ These words were substituted for the words "The signatures of the said members" *ibid.*, s. 33(b)(iii).

⁹ This proviso was deleted by Mah. 10 of 1998, s. 33(b)(iv).

¹⁰ These words were inserted by Bom. 13 of 1933, s. 14(1).

¹¹ The words "said" was substituted for the words "last preceding" *ibid.*, s. 14(1).

¹² These words were substituted for the words "ten thousand rupees" by Mah. 10 of 1998, s. 34(a).

¹³ These letters and figures were substituted for the letters and figures "Rs. 10,000" *ibid.*, s. 34(c).

(2) The Commissioner shall not be bound to accept any tender which may be made in pursuance of such notice, but may accept, subject to the provisions of clause (c) of section 69, any of the tenders to made which appears to him, upon a view of all the circumstances, to be the most advantageous.

¹[(3) Provided that the Mayor-in-Council may authorize the Commissioner, for reasons which shall be recorded in their proceedings, to enter into a contract without inviting tenders as herein provided or without accepting any tender which he may receive after having invited them.]

Security when to be taken for performance of contract. 73. The Commissioner shall require sufficient security for the due performance of every contract into which he enters under the last preceding section, and may, in his discretion, require security for the due performance of any other contract into which he enters under this Act.

Saving of contracts under Chapter XVI-A. ²[73 (1A). Nothing in sections 69 to 73, both inclusive, shall apply to contracts made under Chapter XVI-A of this Act.]

CHAPTER IV.

MUNICIPAL OFFICERS AND SERVANTS

³[*Special Engineer, City Engineer, Hydraulic Engineer, Executive Health Officer, Education Officer, Municipal Secretary, Municipal Chief Auditor and other Officers.*]

Appointment of Special Engineer. ⁴[73A. (1) The corporation may as soon as conveniently may be after the coming into operation of the City of Bombay Municipal (Amendment) Act, 1947 appoint a Special Engineer to execute powers and perform duties in connection with all schemes for post-war reconstruction and general development of the City including schemes for water supply and slum clearance. A person appointed as Special Engineer shall hold the post for ⁵[such period not exceeding seven years as the Corporation may determine]. The Special Engineer shall also exercise and perform such powers, duties and functions under this Act as the Commissioner may from time to time direct. Bom. IV of 1947.

(2) The Special Engineer shall receive such monthly salary and allowances as the corporation shall from time to time determine.

(3) The Special Engineer shall devote his whole time and attention to the duties of his office.

(4) The provisions of section 80B shall not apply to the appointment of the Special Engineer.

(5) The appointment of the Special Engineer shall be subject to confirmation by the ⁶[State] Government.

¹ Sub-section (3) was substituted for the original by Mah. 10 of 1998, s. 34 (b).

² This section was inserted by Bom. 48 of 1948, s. 13.

³ This heading was substituted for the heading "Special Engineer, City Engineer, Executive Health Officer and Hydraulic Engineer" by Bom. 43 of 1950, s. 39.

⁴ Section 73A was inserted by Bom. 4 of 1947, s. 3.

⁵ These words were substituted for the words "a period of five years" by Bom. 20 of 1952, s. 3. The amendment shall be deemed to have been made on and to have effect from the 21st day of March 1952 [vide s. 21(1) of Bom. 20 of 1952].

⁶ This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

(6) During the continuance of the appointment of the Special Engineer—

(i) the operation of provisions of sections 74 and 75 in so far as they relate to the appointment of the City Engineer shall remain suspended ; and

(ii) any reference in this Act (other than this section and sections 74 and 75) to the "City Engineer" shall be deemed to be a reference to the "Special Engineer".]

74. (1) The corporation shall appoint fit persons to be municipal ¹[city engineer], ²municipal executive health officer, ³[and municipal hydraulic engineer].

Appointment of ¹[city engineer.] executive health officer and hydraulic engineer.

(2) Each of the said officers shall—

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

⁴[Provided that if any of such officers is a municipal officer and due to retire under the regulations made and applicable to him under section 81 on a date earlier than the expiry of the period of five years from the date of his appointment or re-appointment, he may be appointed or re-appointed for a period of five years or a lesser period ;]

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

⁵[(c) receive such monthly salary as the corporation ⁶[shall, from time to time, with the approval of the State Government, determine ; but the salary of any such officer shall not be altered to his disadvantage during his period of office ;]

* * * * *

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

(3) Provided that—

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

⁸[(ee) the executive health officer may accept for such period as may be sanctioned by the corporation any appointment, whether honorary or otherwise, which has for its object the promotion of public health, whether by means of education or otherwise, and which in the opinion of the corporation would not interfere with his duties as executive health officer ;]

(f) the corporation may, in their discretion, appoint a person probationally, for a limited period only, to ⁹[any] of the said offices, previous to appointing him for the full term of five years ;

(g) every appointment made under this section shall be subject to confirmation by ¹⁰[the ¹¹[State] Government].

¹ The words "city engineer" were substituted for the original words "Executive Engineer" by Bom. 19 of 1930, s. 6.

² The word "and" was omitted by Bom. 2 of 1911, s. 2(a).

³ These words were added, *ibid.*, s. 2(a).

⁴ This proviso was added by Bom. 76 of 1948, s. 6.

⁵ This clause was substituted for the original by Bom. 13 of 1938, s. 28, *vide* footnote with asterisk on p. 365 *supra*.

⁶ This was substituted for the portion beginning with the words "shall subject to the following" and ending with the words, letters and figures "less than Rs. 1,200" by Mah. 5 of 1970, s. 5, with effect from 1st April 1966.

⁷ Bom. 6 of 1943 by which the proviso was added to clause (e) of sub-section (2) of section 74 lapsed. The proviso, therefore, ceased to be in force with effect from 3rd April 1948 and has been deleted.

⁸ This clause was inserted by Bom. 6 of 1916, s. 3(3).

⁹ The word "any" was substituted for the word "either" by Bom. 2 of 1911, s. 2(c).

¹⁰ The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

¹¹ This word was substituted for the words "Provincial" by the Adaptation of Laws Order, 1950.

¹(4) Any person appointed as City Engineer and Hydraulic Engineer shall be subordinate to the Director and shall perform their duties and exercise their powers, subject to the control and supervision of the Director.]

Time within which vacancy in office of ²[city engineer] or executive health officer ³[or of hydraulic engineer] an appointment shall be made thereto by the corporation within four months from the date on which the vacancy occurred, or in the event of any appointment so made by them not being confirmed by ⁴-[the ⁵[State] Government] within thirty days from the date of the receipt by the corporation of the order of ⁴[the ⁵[State] Government].

⁶(2) In default of an appointment being made by the corporation as aforesaid ⁶[the ⁵[State] Government] may appoint a person to fill the vacancy, and such appointment shall for all purposes be deemed to have been made by the corporation.

⁷(3) Pending the settlement of an appointment under sub-section (1) or (2) the corporation may appoint a person to fill the vacancy temporarily and may direct that the person so appointed shall receive such monthly salary not exceeding ⁷[the maximum permissible under clause (c) of sub-section (2) of section 74, in respect of the officer in whose place such person is appointed] as it shall think fit. A person so appointed to be temporary executive health officer need not be a legally qualified medical practitioner.

Executive health officer to be the consulting officer of health under Bombay Act VI of 1867. ⁷⁶. The executive health officer appointed under this Act shall be the consulting officer of health for the purposes of Bombay Act VI of 1867 (*an Act for the better sanitary regulation of the City of Bombay*).

⁸[Education Officer.

Appointment of Education officer. ^{76A}. The corporation shall from time to time appoint a fit person to be the Municipal Education Officer, who shall—

(a) be subordinate to the Commissioner and subject to his orders shall exercise such of the Commissioner's powers and perform such of the Commissioner's duties in regard to primary and ⁹[and secondary] education, as the Commissioner may from time to time assign to him ;

(b) receive such monthly salary ¹⁰[as the Corporation shall, from time to time, with the approval of the State Government, determine ; but the salary of such officer shall not be altered to his disadvantage during his period of office] ;

(c) be removable at any time from office by the Corporation for misconduct or for neglect of or incapacity for duties of the office.]

¹ Sub-section (4) was added by Mah. 53 of 1981, s. 14.

² The words "city engineer" were substituted for the words "executive engineer" by Bom. 19 of 1930, s. 6.

³ These words were inserted by Bom. 2 of 1911, s. 3.

⁴ The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

⁵ This words was substituted the words "provincial" by the Adaptation of Laws order, 1950.

⁶ The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws order in Council.

⁷ These words were substituted for the original words by Bom. 2 of 1900, s. 1.

⁸ This heading and section 76A were substituted for the original by Bom. 48 of 1950, s. 41.

⁹ These words were inserted by Mah. 21 of 1989, s. 14.

¹⁰ This was substituted for the portion beginning with the words "not exceeding" and ending with the words "time to time determine" by Mah. 5 of 1970, s. 6, with effect from 1st April 1966.

¹[Appointment of medical officers in connection with measures of public medical relief.]

76B. The corporation shall from time to time appoint such legally qualified medical practitioners as may be necessary to the charge of any hospital maintained by the corporation in connection with measures of public medical relief carried out under clause (gg) of section 61 and determine their salaries.] Corporation to appoint qualified medical practitioners to the charge of hospitals maintained by the corporation.

Municipal Secretary.

77. (1) The ²[corporation] shall from time to time appoint a fit person to be municipal secretary. Appointment of municipal secretary.

(2) The municipal secretary shall be secretary of the corporation and also of ³[the Municipal Accounts Committee] and shall—

(a) perform such duties as he is directed by this Act to perform and such other duties in and with regard to the corporation and ⁴[The Municipal Accounts Committee] as shall be required by him by those bodies respectively ;

(b) have the custody of all papers and documents connected with the proceedings of—

(i) the corporation and any committee appointed by the corporation ⁵[under section 38 ⁶*** ; ⁷[***]

⁸[(v) the wards Committees ;]

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

⁹[(d) receive such monthly salary ¹⁰[as the Corporation shall, from time to time, with the approval of the State Government, determine ; but the salary of such officer shall not be altered to his disadvantage during his period of office] ;]

(e) be removable at any time from office for misconduct or for neglect of, or incapacity for, the duties of the office by the ¹¹* * * corporation.

78. (1) ¹²[The Municipal Secretary in consultation with the Chairperson of the Corporation and the Mayor] may from time to time— Appointment of clerks and servants subordinate to the municipal secretary.

(a) appoint such clerks and servants to be immediately subordinate to the municipal secretary as they think fit ;

(b) determine the nature and amount of the salaries, fees and allowances to be paid to the said servants and clerks respectively ;

(c) prescribe or delegate to the municipal secretary the power of prescribing the duties of the said clerks and servants.

¹ This heading and section 76B were inserted by Bom. 3 of 1907, s. 13(1).

² The word "corporation" was substituted for the original words "standing committee" by Bom. 6 of 1922, s. 24(a).

³ These words were substituted for the words "the Standing Committee and the improvements Committee" by Mah. 10 of 1998, s. 35(a).

⁴ These words were substituted for the words "the Standing Committee and the improvements Committee", *ibid.*, s. 35(b).

⁵ These words, figures and letter were added by Bom. 48 of 1948, s. 14.

⁶ The word, figures and letter "or 38A" was deleted by Mah. 10 of 1998, s. 35(c)(i).

⁷ Sub-clauses (ii), (iii) and (iv) were deleted *ibid.*, s. 35(c)(ii).

⁸ Sub-clause (v) was inserted by Mah. 41 of 1994, s. 38.

⁹ Clause (d) was substituted, by Bom. 48 of 1950, s. 42(2).

¹⁰ This was substituted for the portion beginning with the words "not exceeding" and ending with the words "time to time determine;" by Mah. 5 of 1970, s. 7, with effect from 1st April 1966.

¹¹ The words repealed by Bom. 6 of 1922, s. 24(b), are omitted.

¹² These words were substituted for the words "The Standing Committee in consultation with the Mayor and Commissioner" by Mah. 10 of 1998, s. 36(a).

Control, etc. of the said clerks and servants. (2) The municipal secretary, subject to the orders ¹[of the Corporation] shall exercise supervision and control over the acts and proceedings of the said clerks and servants. ²[and the Chairperson of the Corporation], subject to the regulations at the time being in force under section 81, shall dispose of all questions relating to the service of the said clerks and servants and their pay, privileges and allowances.

³[Municipal Chief Auditor.

Appointment of municipal chief auditor. 78A. (1) The corporation shall from time to time appoint a fit person to be municipal chief auditor, who shall—

⁴[(a) perform such duties as he is directed by this Act to perform and such other duties with regard to the audit of the accounts of the municipal funds ⁵[the Water and Sewage Fund and the Consolidated Water Supply and Sewage Disposal Loan Fund] as shall be required of him by the corporation or by the ⁶[Municipal Accounts Committee] and with regard to the audit of the accounts of the ⁷[Brihan Mumbai Electric Supply and Transport Fund] as shall be required of him by the corporation or by the ⁸[Municipal Accounts Committee] ;]

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

(c) receive such monthly salary ⁹[as the Corporation shall, from time to time With the approval of the State Government ,determine ; but the salary of such officer shall not be altered to his disadvantage during his period of office ;]

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

(2) The municipal chief auditor shall not be eligible for further office under the corporation after he has ceased to hold his office.

Appointment salaries, fees, allowances and duties of assistant auditors, clerks and servants subordinate to the municipal chief auditor.

78B. (1) The ¹⁰[Mayor-in-Council] may from time to time—

(a) appoint such assistant auditors, clerks and servants to be immediately subordinate to the municipal chief auditor as they think fit ;

(b) determine the nature and amount of the salaries, fees and allowances to be paid to the said assistant auditors, clerks and servants respectively ;

(c) prescribe or delegate to the municipal chief auditor the powers of prescribing the duties of the said assistant auditors, clerks and servants.

Control, etc. of the said assistant auditors, clerks and servants. (2) Subject to the orders of the ¹⁰[Mayor-in-Council], the municipal chief auditor shall exercise supervision and control over the acts and proceedings of the said assistant auditors, clerks and servants, and the ¹⁰[Mayor-in-Council], subject to the regulations at the time being in force under section 81, shall dispose of all questions relating to the service of the said assistant auditors, clerks and servants and their pay, privileges and allowances.]

¹ These words were substituted for the words " of the Standing Committee ", *ibid.*, s. 36(b)(i).

² These words were substituted for the words " and the Standing Committee ", *ibid.*, s. 36(b)(ii).

³ The heading and these sections were inserted by Bom. 2 of 1938, s. 3.

⁴ This clause was substituted for the original by Bom. 48 of 1948, s. 15.

⁵ These words were inserted by Mah. 34 of 1973, s. 3.

⁶ These words were substituted for the words " Standing Committee " by Mah. 10 of 1998, s.37(i).

⁷ These words were substituted for the words " Bombay Electric Supply and Transport Fund " by Mah. 25 of 1996, Schedule.

⁸ These words were substituted for the words " Brihan Mumbai Electric Supply and Transport Committee " by Mah. 10 of 1998, s. 37(2).

⁹ This was substituted for the portion beginning with the words, " not exceeding " and ending with the words " time to time determine ; " by Mah 5 of 1970, s. 8, with effect from 1st April 1966.

¹⁰ These words were substituted for the words " Standing Committee " by Mah. 10 of 1998, s. 38.

[Municipal Chief Accountant.

78C. (1) The Corporation shall from time to time appoint a fit person to be the Municipal Chief Accountant. He shall—

²[(a) be the Principal Municipal Finance Officer to advise the Commissioner on financial matters and perform such duties with regard to the municipal finance as shall be required of him by the Corporation, ³[the Mayor-in-Council] or the Commissioner ;]

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

(c) receive such monthly salary ⁴[as the Corporation shall, from time to time with the approval of the State Government, determine; but the salary of such officer shall not be altered to his disadvantage during his period of office;]

(d) be removable at any time from office for misconduct, or for neglect of or incapacity for the duties of his office, by the corporation.

* * * * *

⁶[78D. The Corporation shall, from time to time, appoint a fit person to be the Additional Municipal Chief Accountant. He shall—

(a) keep the accounts of the Water and Sewage Fund and the Consolidated Water Supply and Sewage Disposal Loan Fund and perform such duties with regard to the said accounts as shall be required of him by the Corporation or ⁷[the Mayor-in-Council] or the Commissioner ;

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

(c) receive such monthly salary as the Corporation shall, from time to time, with the approval of the State Government, determine ; but the salary of such officer shall not be altered to his disadvantage during his period of office;

(d) be removable at any time from office for misconduct, or for neglect of or incapacity for, the duties of his office, by the Corporation.]

⁸[78E. The Corporation shall, from time to time, appoint a fit person to be the Joint Municipal Chief Accountant. He shall—

(a) be the Principal Municipal Treasury Officer and keep such municipal accounts and perform such duties with regard to the municipal accounts as shall be required of him by the Corporation, ⁹[the Mayor-in-Council] or the Commissioner ;

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

(c) receive such monthly salary as the Corporation shall, from time to time, with the approval of the State Government, determine ; but the salary of such officer shall not be altered to his disadvantage during his period of office ;

(e) be removable at any time from office for misconduct or for neglect or incapacity for the duties of his office, by the Corporation.]

¹ This heading and section 78C were inserted by Bom. 48 of 1950, s. 44.

² Clause (a) was substituted for the original by Mah. 70 of 1975, s. 5(a).

³ These words were substituted for the words "the Standing Committee" by Mah. 10 of 1998, s. 39.

⁴ This was substituted for the portion beginning with the words "not exceeding" and ending with the words "time to time determine;" by Mah. 5 of 1970, s. 9 with effect from 1st April 1966.

⁵ Sub-section (2) was deleted by Mah. 70 of 1975, s. 5(b).

⁶ Section 78D was inserted by Mah. 34 of 1973, s. 4.

⁷ These words were substituted for the words "the Standing Committee" by Mah. 10 of 1998, s. 40.

⁸ Section 78E was inserted by Mah. 70 of 1975, s. 6.

⁹ These words were substituted for the words "the Standing Committee" by Mah. 10 of 1998, s. 41.

Other Officers and Servants

Schedule of other officers and servants to be prepared by the commissioner and sanctioned by the [Mayor-in-Council] 79. (1) The Commissioner shall, ¹* * from time to time, prepare and bring before the ²[Mayor-in-Council] a schedule setting forth the designations and grades of the other officers and servants ³[other than the officers and servants to be appointed for the purposes of clause (q) of section 61]; who should, in his opinion, be maintained, and the amount and nature of the salaries, fees and allowances which, he proposes, should be paid to each.

⁴[(1A) The Commissioner shall, from time to time, prepare and bring before the ⁵[Mayor-in-Council] a schedule setting forth the designations and grade of the officers and servants to be appointed for the purposes of clause (q) of section 61, who should in his opinion be maintained, and the amount and nature of the salaries, fees and allowances which, he proposes, should be paid to each].

(2) ⁶[The Mayor-in-Council] shall sanction such schedule either as it stands or subject to such modifications as they deem expedient :

Provided that no new office of which the aggregate emoluments exceed ⁷[rupees five hundred] per month shall be created without the sanction of the Corporation;

⁸[Provided further that the ⁹[Mayor-in-Council] shall, before sanctioning the Schedule, for the purposes of clause (q) of section 61] obtain thereto the previous approval of the State Government and make such modifications therein as the State Government may direct :]

¹⁰[Provided also that, and sanction accorded under this sub-section shall take effect from the date of such sanction, or such other date (which may be retrospective) as may be specified therein; but no such sanction shall take effect from a retrospective date without the previous approval of the State Government, or so as to vary the conditions of service of any officer or servant to his disadvantage with retrospective effect.]

¹¹[(3) Nothing in this section shall be construed as affecting the right of the corporation or of the Commissioner to make any temporary appointment which they or he are empowered to make under section 80A.]

¹ Words repealed by Act 16 of 1895 are omitted.

² These words were substituted for the words "Standing Committee" by Mah. 10 of 1998, s. 42(a).

³ This portion was inserted by Bom. 48 of 1950, s. 45(1).

⁴ Sub-section (1A) was inserted, *ibid*, s. 45(2).

⁵ These words were substituted for the words "Education Committee" by Mah. 10 of 1998, s. 42(b).

⁶ These words were substituted for the words "The Standing Committee or the Education Committee, as the case may be", *ibid*, s. 42(c)(i).

⁷ These words were substituted for the words "rupees two hundred" by Mah. 39 of 1961, s. 6.

⁸ This proviso was added by Bom. 48 of 1950, s. 45(3).

⁹ These words were substituted for the words "Education Committee shall before sanctioning the Schedule" by Mah. 10 of 1998, s. 42(c)(ii).

¹⁰ This proviso was added by Mah. 7 of 1971, s. 2.

¹¹ This sub-section was added by Bom. 76 of 1948, s. 7.

80. No permanent officer or servant shall be entertained in any department of the municipal administration unless he has been appointed under sections ^{1*} * [60A], ² [73A], 74, ³ [76A and 76B], 77, ⁴ [78, 78A], ⁵ [78B or 78C] or his office and emoluments are included in the schedule at the time in force prepared and sanctioned under the last preceding section :
 7* * * * *

Restriction of employment of permanent officers and servants.

†⁸[80A. (1) The power of appointing municipal officers, whether temporary or permanent ⁹[to the posts which rank equivalent to, or higher than, the post of Executive Engineer set forth in a schedule for the time being in force prepared and sanctioned under section 79], shall vest in the corporation :
 Power of appointment in whom to vest.

¹⁰[Provided that, temporary appointments to such posts for loan works may be made for a period of not more than six months ¹¹[by the Commissioner] with the previous approval of the Mayor-in-Council ; and the Mayor shall forthwith report every such appointment, when made, to the Corporation. No such appointment shall be renewed on the expiry of the said period of six months without the previous sanction of the Corporation.]

(2) Save as otherwise provided in this Act, the power of appointing municipal officers and servants ¹²[whether temporary or permanent, shall] vest in the Commissioner ;]

¹³[Provided that such power in respect of permanent appointments shall be subject to the schedule for the time being in force prepared and sanctioned under section 79 :

Provided further that no temporary appointment shall be made by the Commissioner for any period exceeding six months and no such appointment ¹⁴[to a post ¹⁵[to a post which ranks higher than the post of a Registration Assistant

¹ The figures 39 were deleted by Bom. 48 of 1950, s. 46(1).

² The figures and letter " 60A " were inserted by Bom. 48 of 1948, s. 16.

³ The figures and letter " 73A " were inserted by Bom. 4 of 1947, s. 5.

⁴ These figures, word and letters were inserted by Bom. 3 of 1907, s. 13(1).

⁵ These figures, word and letters were substituted for " or 78 " by Bom. 2 of 1938, s. 4.

⁶ The word, figures and letters were substituted for the word, figures and letters " or 78B " by Bom. 48 of 1950, s. 46(2).

⁷ The proviso was deleted by Mah. 10 of 1998, s. 43.

⁸ Section 80A was added by Bom. 6 of 1922, s. 20.

⁹ This portion was substituted for the words " to the posts with a minimum monthly salary, exclusive of allowances, of rupees one thousand two hundred or more " by Mah. 33 of 1989, s. 6(4) (a) (i).

¹⁰ This proviso was substituted by Mah. 10 of 1998, s. 44(a).

¹¹ These words were substituted for the words " by the Mayor " by Mah. 13 of 1998, s. 14.

† Section 6 of Bom. 4 of 1947 runs as follows :—

" 6. All the powers, duties and functions of the City Engineer exercised and performed by the Special Engineer appointed under section 80A of the said Act during the period from 26th September 1946 to the date on which the City of Bombay Municipal (Amendment) Act, 1947 comes into operation shall be deemed to be and always be deemed to have been validly exercised and performed; and no acts done by the said Special Engineer shall after the coming into operation of this Act be deemed to be invalid or called in question on the ground only that said powers and duties in the purported exercise of which the said acts were done were not at the time when, the said acts were done lawfully vested in him, and the said Special Engineer is now hereby indemnified and discharged from liability in respect of such acts."

¹² These words were substituted for the original by Bom. 76 of 1948, s. 8.

¹³ These provisos were added, *ibid*.

¹⁴ This portion was substituted by Mah. 43 of 1983, s. x0(2).

¹⁵ This portion was substituted for the words " carrying a monthly salary of more than six hundred rupees exclusive of allowance " by Mah. 33 of 1989, s. 6(b).

set forth in a schedule for the time being in force prepared and sanctioned under section 79] shall be renewed by the Commissioner on the expiry of the said period of six months without the previous sanction of ¹[The Mayor-in-Council.]

²[*Explanation.*—For the purposes of this section, sub-section (1) of section 80B and section 460U, a post shall be deemed to rank equivalent to, or higher than the post if the minimum of the pay-scale of the former is equivalent to, or higher than, the minimum of the pay-scale of the latter.]

³[80B. ⁴[(1) No person shall be appointed to a post—

Manner
of making
appointment.

⁵[(a) the power of appointment to which vest in the corporation or the ⁶[Mayor-in-Council] and which is equivalent to, or higher than, the post of Executive Engineer set forth in the schedule for the time being in force prepared and sanctioned under section 79 ; or]

except after consultation with the Commission in accordance with the rules made under this section :]

⁸[Provided that, it shall not be necessary for the Commission to be consulted in the case of posts in the Water Supply and Sewerage Department falling under clause (a) and connected with the Water Supply and Sewerage Projects financed partly with assistance from the International Development Association, being posts specified by the Commissioner in this behalf ⁹[and which ranks lower than the post of Executive Engineer set forth in the schedule for the time being in force prepared and sanctioned under section 79.1.]

(2) Nothing in sub-section (1) shall apply to any acting or temporary appointment for a period not exceeding six months ¹⁰[or to appointments to such ministerial post as may, from time to time, be specified by the State Government in consultation with the Commission when such posts are to be filled by promotion].

¹¹[(2A). The provisions of sub-section (1) shall not apply also to appointment of any officer,—

¹²* * * * *
(b) who is a member of the Indian Administrative Service, ¹³[the Indian Police Service or the Indian Audit and Accounts Service, to any such post on foreign service conditions.]

(3) The State Government shall after consultation with the Corporation and Commission make rules for prescribing—

(a) the procedure to be followed by the Commission in advertising the post, calling for applications, scrutinising the same and selecting the candidates for interview ;

¹ These words were substituted for the words "the Standing Committee or of the Education Committee as the case may be" by Mah. 10 of 1998, s. 44(b).

² This explanation was added by Mah. 33 of 1989, s. 6(c).

³ This section was substituted by Bom. 48 of 1950, s. 48.

⁴ Sub-section (1) was substituted by Mah. 11 of 1964, s. 5(a).

⁵ Clause (a) was substituted for the original by Mah. 33 of 1989, s. 7(a).

⁶ These words were substituted for the words "Standing Committee" by Mah. 10 of 1998, s. 45(a)(i).

⁷ Clause (b) was deleted *ibid*, s. 45(a)(ii).

⁸ This proviso was added by Mah. 34 of 1973, s.5.

⁹ This portion was substituted for the portion beginning with words "and the minimum" and ending with the words "per mensem" by Mah. 33 of 1989, s.7(c).

¹⁰ These words were inserted by Bom. 64 of 1953, s. 3.

¹¹ This sub-section was inserted by Bom. 62 of 1954, s. 2(1). This amendment shall be deemed to have been made on and to have effect from the 14th day of May 1954[see s. 2(2) of Bom(62 of 195)].

¹² Clause (a) was deleted by Mah. 10 of 1998, s. 45(b).

¹³ These words were substituted for the words "or Indian Police Service" by Mah. 1 of 1964, s. 3.

(b) the procedure to be followed by the Commission for selecting candidates and by the Corporation ¹* * * for consultation with the Commission ;

(c) the procedure for enabling the Municipal ²[or ³Brihan Mumbai Electric Supply and Transport Undertaking]] Officer or Officers to attend the interview to advise the Commission ;

(d) the procedure to be followed in case there is a difference of opinion between the Commission and the appointing authority ;

(e) the fees and other costs to be paid to the Commission by the Corporation ²[or the ³Brihan Mumbai Electric Supply and Transport Undertaking,] as the case may be,] for consultation and other incidental matters ;

(f) any other matter which is necessary or incidental for the purpose of consultation with the Commission.

⁴[(4) (a) in the case of posts referred to in clause (a) of sub-section (1)—the Corporation, and

(5) The rules made under this section shall be published in the *Official Gazette*.

Bom. XLV-III of 1950. (6) ⁵(a) Any rules made prescribing qualifications for appointment to any such post which were in force immediately before the Bombay Municipal Corporation and City of Bombay Primary Education (Amendment) Act, 1950, comes into force, shall continue in force and be deemed to have been made under this section unless and until they are superseded or amended by rules made under this section.

Mah. XI of 1964. ⁶(b) Any rules made prescribing qualifications for appointment to posts referred to in clause (b) of sub-section (1) which were in force immediately before the Bombay Municipal Corporation (Amendment) Act, 1964, comes into force shall continue in force and be deemed to have been made under this section unless and until they are superseded or amended by rules made under this section.]

(7) All fees paid to the Commission under this section shall be credited to the State Government.

(8) All communications made by the Commission in regard to any matter relating to the appointment to any post for which it was consulted shall be deemed to be confidential and no discussion shall be permitted thereon in the Corporation in ⁷[the Mayor-in-Council] or any Committee of the Corporation or no disclosure relating thereto shall be made in the public.]

Leave of Absence, Acting Appointments, etc.

81. (1) The ⁸[Mayor-in-Council] shall from time to time frame regulations in ⁹[Mayor-in-Council] to consonance with any resolution that may be passed by the corporation—

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

¹ The words " or the Brihan Mumbai Electric Supply and Transport Committee as the case may be " were deleted by Mah. 10 of 1998, s. 45(c).

² These words were inserted by Mah. 11 of 1964, s. 5(b).

³ These words were substituted for the words " Bombay Electric Supply and Transport Undertaking " by Mah. 25 of 1996, Schedule.

⁴ Sub-section (4) was substituted by Mah. 11 of 1964, s. 5(c).

⁵ Clause (b) and the proviso were deleted by Mah. 10 of 1998, s. 45(d).

⁶ Sub-section (6) was re-numbered as clause (a) and clause (b) was inserted by Mah. 11 of 1964 *ibid.*, s. 5(d).

⁷ These words were substituted for the words " the Standing Committee or the Brihan Mumbai Electric Supply and Transport Committee " by Mah. 10 of 1998, s. 45(c).

⁸ These words were substituted for the words " Standing Committee ", *ibid.*, s. 46.

- (b) regulating the grant of leave to municipal officers and servants ;
- (c) authorizing the payment of allowances to the said officers and servants, or to certain of them, whilst absent on leave ;
- (d) determining the remuneration to be paid to the persons appointed to act for any of the said officers or servants during their absence on leave ;
- ¹[(*dd*) authorizing the payment of travelling or conveyance allowance to the said officers and servants ;]
- (e) regulating the period of service of all the said officers and servants ;
- (f) determining the conditions under which the said officers and servants, or any of them, shall on retirement or discharge receive pensions, gratuities or compassionate allowances and under which ²[the surviving spouse or children and in the absence of the surviving spouse or children the parents, brothers and sisters, if any,] dependent on any of the said officers and servants, shall, after their death, receive compassionate allowances and the amounts of such pensions, gratuities or compassionate allowances ;
- (g) authorizing the payment of contributions, at certain prescribed rates and subject to certain prescribed conditions, to any pension or provident fund which may, with the approval of the ³[Mayor-in-Council], be established by the said officers and servants ⁴[or to such provident fund, if any, as may be established by the corporation for the benefit of the said officers and servants] ;
- ⁵[(*h*) in general, prescribing any other conditions of service of the said officers and servants.]

Such regulations to be subject to confirmation by the corporation, and, if made under clause (f) by ⁶[State] Government.

(2) No regulation made by the ³[Mayor-in-Council] under this section shall have force or validity, unless and until it has been confirmed by the corporation, nor, if it is made under clause (f), unless and until it has been confirmed by ⁶[the ⁷[State] Government].

82. ⁸[Power of appointment in whom to vest.] repealed by Bom. VI of 1922,

¹ This clause was inserted by Bom. 12 of 1936, s.5(1).

² These words were substituted for the original by Bom. 76 of 1948, s. 9.

³ These words were substituted for the words " Standing Committee " by Mah. 10 of 1948, s. 46.

⁴ These words were added by Bom. 6 of 1922, s. 27(1), and the addition shall be deemed to have been made and to have had effect from such date as may be fixed by the corporation.

⁵ This clause was inserted by Bom. 12 of 1936, s. 5(2).

⁶ The words " the Provincial Government " were substituted for the words " Government " by the Adaptation of Indian Laws Order in Council.

⁷ This word was substituted for the word " Provincial " by the Adaptation of Laws Order, 1950.

⁸ Section 82 repealed by Bom. VI of 1922, s. 28, is omitted and the repeal shall be deemed to have been made and to have had effect from such date as may be fixed by the corporation.

83. (1) Every municipal officer and servant may be ¹[reduced, removed] or ¹³[Power of dismissing, suspending, reducing removing or dismissing and imposing other penalties in whom to vest].
 dismissed for any breach of departmental rules or discipline or for carelessness, ²unfitness, neglect of duty or other misconduct, by the authority by whom such officer or servant is appointed ;

(2) Provided that—

(a) No officer ²[appointed to a post, ³[to which the provisions of ⁴[sub-section (1) of section 80A] apply shall be dismissed by the Commissioner, without the ⁵[previous] approval of ⁶[Mayor-in-Council] ;

⁷[(b) any officer appointed by the Corporation under section 54A, 55, 56A, 74, 75, 76A, 76B, 77, 78A, 78C, 78D or 78E may be suspended by the Commissioner, and every such suspension with the reasons therefor, shall be forthwith reported to the Corporation and such suspension shall come to an end if not confirmed by the Corporation within a period of six months from the date of such suspension ;]

⁸[(c) any officer appointed by the Corporation otherwise than under sections 54A, 55, 56A, 74, 75, 76A, 76B, 77, 78A, 78C, 78D or 78E may, for any breach of departmental rules or discipline, or for carelessness, unfitness, neglect of duty or other misconduct, be suspended by the Commissioner, or may, with previous approval of ⁹[Mayor-in-Council], be reduced, removed or dismissed by the Commissioner ;]

¹⁰[(d) any officer or servant immediately subordinate to the municipal chief auditor and drawing a salary not exceeding rupees two hundred and fifty per month exclusive of allowances may, subject to such conditions and limitations, if any, as the ¹¹[Mayor-in-Council] may deem fit to prescribe, and subject to a right of appeal to the ¹²[Mayor-in-Council], be fined, reduced or suspended for any breach of departmental rules or discipline or for carelessness, unfitness, neglect of duty or other misconduct by the municipal chief auditor.]

¹³[(3) The Municipal Commissioner may, for good and sufficient reasons, impose following penalties on any municipal officer or servant, namely :—

- (i) censure ;
- (ii) recovery from salary, of the whole or part of any pecuniary loss caused by him to the Corporation by negligence, misconduct, breach of orders or rules ;
- (iii) fine ;
- (iv) withholding of an increment or increments, for a specified period or with a permanent effect ;
- (v) withholding of promotion including stoppage at an efficiency bar ;]

¹ These words were substituted for the words " fined, reduced, suspended " by Mah. 8 of 1992, s. 5(a).

² These words were substituted for the words " whose monthly emoluments exceed rupees four hundred " by Mah. 5 of 1986, s. 2.

³ These words, figures and letter were substituted for the words " the minimum monthly salary exclusive of allowances of which is rupees one thousand two hundred or more " by Mah. 33 of 1989, s. 8.

⁴ These words, brackets, figures and letter were substituted for the word, figures and letter " Section 80A " by Mah. 12 of 1990, s. 4.

⁵ This word " previous " was inserted by Bom. 19 of 1930, s. 9.

⁶ These words were substituted for the words " the Standing Committee or the case of an officer appointed for the purposes of clause (a) of section 61, of the Education Committee " by Mah. 10 of 1998, s. 47(a).

⁷ This clause was substituted by Mah. 8 of 1992, s. 5(b)(i).

⁸ This clause was substituted *ibid.*, s. 5(b)(ii).

⁹ These words were substituted for the words, brackets, letter and figures " the Standing Committee or in the case of an officer appointed for the purposes of clause (a) of section 61, of the Education Committee " by Mah. 10 of 1998, s. 47(b).

¹⁰ This clause was added by Bom. 76 of 1948, s. 10.

¹¹ These words were substituted for the words " Standing Committee " by Mah. 10 of 1998, s. 47(c).

¹² Sub-section (3) was added by Mah. 8 of 1992, s. 5(c).

¹³ This Marginal note was substituted, *ibid.*, s. 5(d).

Leave of absence by whom to be granted. 84. (1) Leave of absence may be granted by the Commissioner, subject to the regulations at the time being in force under section 81, to any municipal officer or servant, the power of appointing whom is vested in him ; and for a period not exceeding one month to any other municipal officer, other than an officer immediately subordinate to the municipal secretary ¹[or the municipal chief auditor] ²* * * * *

(2) Leave of absence may be granted, ³[subject to the regulations made in that behalf]

⁴[(a) to any clerk or servant appointed under section 78 by the Municipal Secretary ; or to any assistant auditor, clerk or servant appointed under section 78B by the Municipal Chief Auditor ;]

(b) for a period exceeding one month, to any other municipal officer, the power of appointing whom is not vested in the Commissioner ⁵[by the Mayor-in-Council].

⁶* * * * *

Saving in respect of officers and servants appointed under chapter XVI-A. ⁷[84A. Nothing in sections 79, 80, 80A, ⁸81, 83 and 84 shall apply to officers and servants appointed under the provisions of Chapter XVI-A of this Act.]

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

(2) Provided that—

(a) when the ⁹[city engineer] or the executive health officer ¹⁰[or the hydraulic engineer] is granted leave of absence for a period exceeding one month, the appointment of a person to act for him shall be made by the corporation ;

(b) any appointment of person to act ¹¹[city engineer] or as executive health officer ¹²[or as hydraulic engineer] may be disallowed by the ¹³[State] Government], and from the time being so disallowed shall be null and void ;

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

¹ These words were inserted by Bom. 2 of 1938, s. 6(1).

² The words " and other than an officer or servant the powers of appointing whom is vested in the Schools' committee " were deleted by Bom. 48 of 1950, s. 50.

³ These words were substituted for the words " Subject as aforesaid, by the Standing Committee " by Mah. 10 of 1998, s. 48(a)(i).

⁴ Clause (a) was substituted, *ibid.*, s. 48(a)(ii).

⁵ These words were substituted for the words " or who is not employed for the purposes of clause (q) of section 61 ", *ibid.*, s. 48(a)(iii).

⁶ Sub-section (3) was deleted *ibid.* s. 48(b).

⁷ This section was inserted by Bom. 48 of 1948, s. 17.

⁸ The figures and letter " 80-B " were deleted by Mah. 11 of 1964, s. 6.

⁹ The words " city engineer " were substituted for the words " executive engineer " by Bom. 19 of 1930, s. 6.

¹⁰ These words were inserted by Bom. 2 of 1911, s. 4(c).

¹¹ These words were inserted, *ibid.*, s. 4(b).

¹² The words " Provincial Government " were substituted for the words " Governor in Council " by the Adaptation of Indian Laws Order in Council.

¹³ The Section was inserted by Bom. 18 of 1939, s. 3.

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

185A. Notwithstanding anything contained in the foregoing provisions, Temporary when a vacancy occurs in any of the posts referred to in sub-section (1) of appointment section 80B the corporation 2[the 3[Mayor-in-Council] as the case may be,] may, pending the appointment of a person in accordance with the provisions 4* * * of the said section, appoint any person to fill such vacancy on a monthly salary not exceeding the maximum salary of the post :

Provided that no appointment under this section shall extend beyond, or be made after a lapse of, six months from the date on which the vacancy occurs.]

Disqualifications of Municipal Officers and Servants.

86. (1) Any person who has, directly or indirectly, by himself or his partner any share or interest in any contract with, by, or on behalf of the corporation, 3* * * * shall be disqualified for being a municipal officer or servant. Municipal officer or servant not to be interested in any [contract] with the corporation.

(2) Any municipal officer or servant who shall acquire, directly or indirectly, by himself or his partner, any share or interest in any such contract 7* * * * as aforesaid shall cease to be a municipal officer or servant and his office shall become vacant.

(3) Nothing in this section shall apply to any such share or interest in any contract 8* * * * with, by or on behalf of the corporation as under clauses (h) and (k) of section 16, it is permissible for a councillor to have, without his being thereby disqualified for being a councillor.

CHAPTER V.

MUNICIPAL PROPERTY AND LIABILITIES

Acquisition of Property.

87. The corporation shall, for the purpose of this Act, have power to acquire and hold movable and immovable property, whether within or without the limits of 9[Brihan Mumbai]. Powers of Corporation as to acquisition of property.

¹ This section was inserted by Bom. 18 of 1939, s. 3.

² These words were inserted by Mah. 11 of 1964, s. 7.

³ These words were substituted for the words "the Brihan Mumbai Electric Supply and Transport Committee", by Mah. 10 of 1998, s. 49.

⁴ The words, brackets and figure " of sub-section (2); " were deleted by Bom. 48 of 1950, s. 51.

⁵ The words "or any employment with, by, or on behalf of the corporation, other than as a municipal officer or servant." were deleted by Mah. 42 of 1977, s. 5(a).

⁶ This word was substituted for the words "contract, etc.", *ibid.*, s. 5(d).

⁷ The words "or employment" were deleted by Mah. 42 of 1977, s. 5(b).

⁸ The words "or employment" were deleted, *ibid.*, s. 5(c).

⁹ These words were substituted for the words "Greater Bombay" by Mah. 25 of 1996. Schedule.

88. All such immovable and other property as is held by, or in trust for, or has been granted by ¹[the²[Government]] to the Corporation under, or in pursuance of the Corporation or for the purposes of any Act hereby repealed, shall, upon and after the date when this Act comes into force, vest in the Corporation in trust for the purposes of this Act, but subject to all charges and liabilities affecting the same. Transfer to the Corporation of the property of the municipal corporation.

Bom. 1872. Bom. IV of 1878. 89. (1) On the expiry of the term of ninety-nine years, commencing on the first day of July 1863, for which in accordance with section 64 of the Bombay Municipal Acts of ¹[1872] and ²[1878] the Vehar Lake and the property appurtenant thereto, hereinafter referred to as "the Vehar water works," were vested in the Corporation, the ³[⁴[State] Government] may direct that the said Vehar water-works shall vest and the same shall in such case vest, in the Corporation, on the conditions hereinafter provided and for the purposes of this Act, for such further period not exceeding ninety-nine years as shall seem expedient : Conditions affecting the vesting of the Vehar water-works in the Corporation.

(2) Provided that on the expiry of the said first term of ninety-nine years or of any further term for which the ⁴ [⁵[State] Government] may have directed that the said Vehar water-works shall vest in the corporation, all rights and every power conveyed to the Corporation shall forthwith cease and determine and the said Vehar water-works shall revert to and become vested in ⁶[the State Government].

⁷[(3) Notwithstanding anything contained in sub-sections (1) and (2), the State Government may at any time, by notification in the *Official Gazette*, direct that the Vehar water-works shall, with effect from the date specified therein vest in the Corporation permanently, subject to the conditions that the Corporation shall supply and continue to supply water to the Aarey Milk Colony from the Powai lake and to the National Park at Borivli from such source as the State Government may from time to time specify. In both cases, the supply of water shall be in such quantities and at such rates and subject to such other conditions as the corporation may, from time to time, with the approval of the State Government, determine. With effect from the date aforesaid, all rights and liabilities enforceable by or against the State Government in relation to the Vehar water-works, under any law for the time being in force or under any contract shall be enforceable by or against the Corporation.]

Bom. 1907. ⁸89A. On and from the commencement of the City of Bombay Police Charges Act, 1907, all the estate, right, title and interest of the corporation in and to the lands and buildings specified in Schedule V free from all liabilities and charges affecting the same and created by the Corporation shall vest in ⁹[Government] : Lands and buildings specified in Schedule V to vest in ⁹[Government].

Provided that nothing in this section shall affect any of the lands specified in the items in the said Schedule numbered 28 to 139 (both inclusive) on which any movable wooden chowki is situated at the commencement of the said Act.

¹ The words "the Crown" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

² This word was substituted for the word "Crown" by the Adaptation of Laws Order, 1950. Bom. 3 of 1872 and Bom. 4 of 1878 are repealed by s. 2 of this Act.

³ The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

⁴ This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

⁵ The words "the State Government" were substituted for the words "His Majesty for the purposes of the Provinces" by the Adaptation of Laws Order, 1950.

⁶ Sub-section (3) was inserted by Mah. 51 of 1975, s. 6.

⁷ Sections 89A to 89F were inserted by Bom. 3 of 1907, s. 14.

⁸ This word was substituted for the words "His Majesty" by the Adaptation of Laws Order, 1950.

89B. [The Statue of Her Majesty Queen Victoria and the site thereof in the Explanade road to vest in the Corporation subject to certain conditions.] Deleted by Mah. 5 of 1968, s. 2(1).

The Victoria and Albert Museum [renamed as Dr. Bhau Daji Lad Museum] and the site thereof to vest in the Corporation.

89C. 1[(1)] On and from the commencement of the City of Bombay Police Charges Act, 1907, all the estate, right, title and interest 2[Government] in and to the Victoria and Albert Mesoum and the site thereof shall vest in the Corporation free from all liabilities and charges affecting the same and 3[created by the 4[Government]] and Corporation may apply the said museum and the said site to any public purpose on and from such date as the Prince of Wales Museum of Western India may be declared open by 5[6[State] Government].

Bom.
III of
1907.

1[(2)] On and from the commencement of the Bombay Municipal Corporation and Bombay Rents, Hotel and Lodging House Rates Control (Amendment) Act, 1975, the Victoria and Albert Museum aforesaid shall be deemed to have been renamed as "Dr. Bhau Daji Lad Museum", and any reference to the Victoria and Albert Museum in any law for the time being in force or in any contract, instrument or other document shall be construed as, and shall be deemed to be, a reference to Dr. Bhau Daji Lad Museum.]

Mah.
LI of
1975.

Central Vaccine Depot at Parel to vest in the Corporation.

89D. On and from the commencement of the City of Bombay Police Charges Act, 1907, all the Estate, right, title and interst of 2[Government] in and to the Central Vaccine Depot at Parel, shall vest in the Corporation free from all liabilities and charges affecting the same and 3[created by the 4[Government]].

Bom.
III of
1907.

All buildings used for primary education and the sites thereof to vest in the Corporation.

89E. On and from the commencement of the City of Bombay Police Charges Act, 1907, all the buildings used for primary education and the sites thereof within the city thereto for vesting in 2[Government] shall vest in the Corporation free from all liabilities and charges affecting the same and 3[created by the 4[Government]].

Bom.
III of
1907.

Corporation to repay to [State] Government the amount of grant made for purpose of primary education in respect of certain buildings or sites if used for other purposes.

89F. Notwithstanding anything contained in section 89F, if any buildings or sites in respect of which, before or after the commencement of the City of Bombay Police Charges Act, 1907, any grant has been made by the 8[the 9[State] Government] for the purposes of primary education shall, without the sanction of 8[the 9[State] Government] be used for any other purpose, the Corporation shall thereupon repay to 8[the 9[State] Government] the amount of such grant.]

Bom.
III of
1907.

¹ Section 89C was re-numbered as sub-section (1) and sub-section (2) was inserted by Mah. 51 of 1975, s. 7(1).

² This word was substituted for the words "His Majesty" by the Adaptation of Laws Order, 1950.

³ The words "created by the Crown" were substituted for the words "created by Government" by the Adaptation of Indian Laws Order in Council.

⁴ This word was substituted for the word "Crown" by the Adaptation of Laws Order, 1950.

⁵ The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

⁶ This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

⁷ These words and letters were inserted by Mah. 51 of 1975, s. 7(2).

⁸ The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

⁹ This word was substituted for the words "Provincial" by the Adaptation of Laws Order, 1950.

90. (1) Wherever it is provided by this Act that the Commissioner may acquire or whenever it is necessary or expedient for any purpose of this Act that the Commissioner shall acquire, any immovable property, such property may be acquired by the Commissioner on behalf of the corporation by agreement¹ [subject to the provisions of sub-section (3)].

(2) And wherever, under any provision of this Act, the Commissioner is authorised to agree to pay the whole or any portion of the expenses of acquiring any immovable property, he shall do so on such terms and at such rates or prices or at rates or prices not exceeding such maximum as shall be approved by the² [Mayor-in-Council] as aforesaid.

³[(2A) Subject to the provisions of this Act, it shall be lawful for the Commissioner on behalf of the corporation to agree with the owner of any land or of any interest in land needed by the corporation for the purposes of any scheme under Chapter XII-A or with the owner of any right which may have been created by legislative enactment over any street forming part of the land so needed, for the purchase of such land or of any interest in such land or for compensating the owner of any such right in respect of any deprivation thereof or interference therewith.]

⁴[(3) No contract for the acquisition of any immovable property or of any interest therein or any right thereto or the payment of any compensation under sub-section (1) or (2) or (2A) shall be valid, if the price of compensation to be paid for such property or interest or right⁵ [exceeds five lakh rupees unless such contract has been⁶ [approved by the concerned Departmental Standing Committee ; and by the Mayer-in-Council if the price or compensation exceeds rupees two crores].

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⁸[(4) Every contract or other instrument relating to the acquisition of immovable property or any interest therein or any right thereto shall be executed by the Commissioner, shall have the common seal of the corporation affixed thereto in the presence of⁹ [the member-in-charge and shall also have the signature of the said Member-in-Charge] in the manner prescribed in section 70.

(5) No contract for the acquisition of immovable property or any interest therein or any right thereto not executed as in sub-section (4) provided shall be binding on the corporation.

(6) The foregoing provisions of this section which apply to an original contract relating to the acquisition of immovable property, or any interest therein, or any right thereto, shall be deemed to apply also to any variation or discharge of such contract.]

¹ These words were substituted for the portion beginning with "on such terms" and ending with "any particular case" by Mah. 34 of 1933, s. 6(a).

² These words were substituted for the words "the Improvements Committee" by Mah. 10 of 1998, s. 50(a).

³ New sub-section (2A) was inserted, *ibid.*, s. 17(c).

⁴ Sub-section (3) was substituted for the original sub-sections, *ibid.*, s. 17(d).

⁵ These words were substituted for the portion beginning with the words "exceeds five thousand rupees" and ending with the words "ten thousand rupees" by Mah. 10 of 1998, s. 50(b)(i).

⁶ These words were substituted for the portion beginning with the words "approved by the Member-in-charge" and ending with the words "rupees ten lakhs" by Mah. 13 of 1998, s. 15.

⁷ This proviso was deleted by Mah. 10 of 1998, s. 50(b)(ii).

⁸ New sub-sections (4), (5) and (6) were inserted by Bom. 13 of 1933, s. 17(e).

⁹ These words were substituted for the words "two members of the Improvements Committee and shall also have the signature of the said two members" by Mah. 10 of 1998, s. 50(c).

Procedure when immovable property cannot be acquired by agreement. **91.** (1) Whenever the Commissioner is unable to acquire any immovable property under the last preceding section by agreement ¹[the ²[State] Government] may, in their discretion, upon the application of the Commissioner, made with the approval of ³[the Mayor-in-Council] ⁴[land subject to the other provisions of this Act] order proceedings to be taken for acquiring the same on behalf of the corporation, as if such property were a land needed for a public purpose within the meaning of the Land Acquisition Act, 1870.*

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

Transfer of property to the corporation. ⁵91A. (1) From the date on which the City of Bombay Municipal (Amendment) Act, 1933, comes into operation there shall vest or re-vest in the corporation, as the case may be, subject to all the charges and liabilities affecting the same, to be held by the corporation for the purposes of this Act, subject to any restrictions and conditions contained in the City of Bombay Municipal (Amendment) Act, 1933, all the immovable and other property and all other interests and rights of the Board of Trustees for the Improvement of the City of Bombay constituted under the City of Bombay Improvement Trust Transfer Act, 1925, including all the estate, right, title and interest of the said Board in and to the lands specified in Schedule W and Schedule X and in the reclaimed lands specified in Schedule Y and shown on the deposited plans. Bom. XIII of 1933. Bom. XIII of 1933. Bom. XVI of 1925.

(2) (a) In respect of the lands referred to as the Flats, specified in Schedule W as plots 1(b), 1(c) and 1(d), the corporation may, subject to the power of resumption reserved by sub-section (8) at any time, lay out the whole or any part or parts of these plots as recreation grounds or parks for the free use of the public or appropriate the whole or any part of the said plots to building purposes.

(b) The lands specified in Schedule W as plot 1(j) shall, subject as aforesaid be permanently appropriated as an open space, but such appropriation shall not preclude the corporation from letting the said lands from time to time on lease for a term not exceeding one year or with the previous sanction of ¹[the ²[State] Government] and on such conditions as may be approved by ¹[the ²[State] Government] for a term not exceeding 30 years, for the purpose of a racecourse or for any purpose of public recreation or amusement.

(c) All the lands specified in Schedule W as plots 1(a), 1(g) to 1(i) both inclusive and 1(k) and the lands specified in Schedule Y shall, subject to the provisions of sub-section (1), vest in the corporation.

(3) The lands respectively referred to in Schedule ZZ as plot 1(d-1) part 1(b) Cadastral Survey No. 3/383 the Body Guard Lines Plot, Plot No. 3 the Cooperage Plot and Plot No 4(b) the Marine Lines Maidan shall vest absolutely in ¹[Government] provided that Plot No 3 the Cooperage Plot and Plot No. 4(b) the Marine Lines Maidan shall be maintained in perpetuity as open spaces, provided further that the aforesaid Plot Nos. 3 and 4(b) or any part thereof may at any time be occupied by or with the previous permission of ¹[the ²[State] Government] for any temporary purpose.

¹ The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

² This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

³ These words were substituted for the words "the Improvements Committee" by Mah. 10 of 1938, s. 51.

⁴ These words were inserted, *ibid.*, s. 15(b).

⁵ See now the Land Acquisition Act, 1894 (I of 1894).

⁶ New sections 91A to 91C were inserted by Bom. 13 of 1933, s. 19.

⁷ This word was substituted for the words "His Majesty" by the Adaptation of Laws Order, 1950.

(4) All the estate, right, title and interest of the said Board to and in any land specified in Schedule W vested or re-vested in the corporation under this section, with the exception of the lands specified in clause (c) of sub-section (2) and in sub-section (3) shall, subject to the provisions of this section, remain so vested or re-vested until such time as the whole of the lands so specified except those appropriated, as open spaces, shall have been let on a building lease either by the said Board or by the corporation or as to any part thereof until such time as such part shall have been so let, and thereafter, as to the whole, except as aforesaid, or any such part for a further period, which shall not as regards the whole or any such part exceed ninety-nine years from the date on which the whole or any such part shall have been first let.

(5) All lands specified in Schedule X shall, subject to the provisions of sub-section (1), vest in the corporation.

(6) It shall be lawful for the corporation from time to time, in the case of land specified in Schedule W, with the sanction of ¹[the ²[State] Government], to take out of said Schedule W any land or to take any land out of Schedule X in exchange for any freehold land, the property of the corporation, which they wish to bring on to the Schedules. An exchange made under this sub-section shall operate to transfer the land taken out of the Schedules to the corporation free from all conditions of resumption and re-vesting created by this Act and free from all encumbrances and to vest the land brought on to the Schedules in the corporation as if it were part of the property originally entered in Schedule W or X, as the case may be.

(7) Without prejudice, and in addition to the powers conferred on the corporation by section 87, it shall be lawful for the corporation to take over and hold any other lands within the city of which they may be put in possession by the ³[Central or ²[State] Government], to the intent that such lands shall vest in the corporation in the same manner and subject to same conditions as if such lands, if taken over from the ³[Central or ²[State] Government], were included in Schedule W, and such vesting shall in every such case take effect upon delivery to the corporation of possession of the land.

(8) Any land other than land specified in clause (c) of sub-section (2) and other than land leased or agreed to be leased by the said Board or by the corporation specified in Schedule W, which shall be required by ⁴[the Central or the ²[State] Government] for a public purpose may at any time, after giving six months notice to the corporation, be resumed by ⁵[that Government].

(9) ⁶[The ²[State] Government] may, by notification in the ⁷[Official Gazette], from time to time add to or amend the entries in Schedule W and, with the concurrence of the corporation, the entries in Schedule X so far as may be necessary in consequence of any exchange, resumption, acquisition or other transfer of land, and, with the like concurrence in the case of lands specified in Schedule X, correct mistakes in the said schedules or in the deposited plans, and upon such notification the said schedules or plans shall be read subject to such addition, amendment or correction. Such notification shall in the case of any alteration of Schedule W or Schedule X include a notification of the whole schedule or schedules as so altered.]

¹ The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

² This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

³ The words "Central or Provincial Government" were substituted for the words "Secretary of State for India in Council" by the Adaptation of Indian Laws Order in Council.

⁴ The words "the Central or the Provincial Government" were substituted for the word "Government", *ibid.*

⁵ The words "that Government" were substituted for the word "Government", *ibid.*

⁶ The words "the Provincial Government" were substituted for the word "Government", *ibid.*

⁷ The words "Official Gazette" were substituted for the words "Bombay Government Gazette" *ibid.*

Power to grant lease of plot No. 3, the Cooperage Plot, or part thereof. ⁴[91AA. ²[(1) Notwithstanding anything contained in sub-section (3) of section 91A, it shall be lawful and shall be deemed to have been lawful for the State Government to lease Plot No. 3, the Cooperage Plot, or any part thereof for a term not exceeding sixty years commencing from the 1st day of March nineteen hundred and forty-three for the construction of a club house for ratings of the Indian Navy or for any other similar purpose and the provisions of the first proviso in sub-section (3) of the said section 91A shall not apply to the said plot or any part thereof, as the case may be, so long as such lease remains in force and has not determined or has not been surrendered or otherwise terminated in accordance with law.]

³[(2) Notwithstanding anything contained in sub-section (3) of section 91A or sub-section (1) of this section of in the Maharashtra Regional and Town Planning Act, 1966, or the provisions of any Development Plan thereunder, it shall also be lawful and shall be deemed to have been lawful for the State Government to lease a part of the Cooperage Plot, for a term ending on and inclusive of the 31st December 2003 or such later date as the State Government may specify for the construction of a foot-ball stadium, with ancilliary structures for gymnasium, indoor games, residential quarters, club-house, dormitory, canteen, library, conference rooms, show rooms and similar purposes and the provisions of the first proviso in sub-section (3) of the said section 91-A shall not apply to the part of said Plot leased for the above purposes, so long as such lease remains in force and has not determined or has not been surrendered or otherwise terminated in accordance with law.] Mah. XXX-VII of 1966.

Power to lease part of Plot No. 4(b) the Marine Lines Maidan, for certain purposes. ⁴[91AAA. Notwithstanding anything contained in sub-section (3) of section 91A, it shall be lawful for the State Government to lease a part of Plot No. 4(b) the Marine Lines Maidan, not exceeding 7,200 sq. meteres in area, and for a term not exceeding 99 years, for the construction of a hospital or for any similar purpose, and the provisions of the first proviso in that sub-section shall not apply to the said part of the plot, so long as such lease remains in force and has not been determined or has not been surrendered or otherwise terminated in accordance with law.]

Vesting of property in [Government] on the termination of lease granted by the corporation. ⁹1B. Upon the determination of the further period mentioned in sub-section (4) of section 91A the property vested or re-vested in the corporation, under the said section in any part of the land specified in Schedule W except those appropriated as open spaces, and the plots 1(a) and 1(e) to 1(i) both inclusive and 1(k) of the Flats shall be forthwith divested and such part of such lands shall vest or re-vest absolutely in ⁵[the State Government].

Power to apply certain lands vested in the corporation to the purpose of any scheme under this Act. ⁹1C. The corporation shall have power, subject to the provisions of section 91A, to apply any of the lands specified in Schedules W, X and Y for ⁷[any of the purposes for which land acquired under Chapter XII-A may be applied including the purposes of] any of the schemes referred to in sub-section (2) of section 354 B.]

¹ Section 91AA was inserted by Bom. 20 of 1952, s. 5.

² Section 91AA was renumbered as sub-section (1) and sub-section (2) was added by Mah. 62 of 1977, s. 2.

³ Section 91-AA was renumbered as sub-section (1) and sub-section (2) was added by Mah. 62, of 1977, s. 2.

⁴ Section 91-AAA was inserted by Mah. 10 of 1969, s. 2.

⁵ These words were substituted for the original words by the Adaptation of Laws Order, 1950.

⁶ This word was substituted for the words " His Majesty ", *ibid.*

⁷ These words were substituted for the original words by Bom. 34 of 1954, s. 2.

§91D. All immovable and other property, which on the date immediately preceding the appointed date was held by or vested in—

- Bom. VII of 1950.
- (a) any municipality or other local authority which has been abolished by or under the Bombay Municipal (Extension of Limits) Act, 1950, in consequence of the inclusion in Greater Bombay of the area for which it was constituted ; or
- (b) the State Government by reason of the supersession or dissolution of such municipality or local authority under any law relating to such municipality or local authority ;

shall vest in the corporation in trust for the purposes of this Act, but subject to all charges and liabilities affecting the same :

Provided that the immovable property held by or vested in the District Local Board of the Bombay suburban District and the District School Board of the Bombay Suburban District shall vest in the corporation to the extent it is situated in the area included in §[Brihan Mumbai] and that any other property so held by or vested in the said Boards shall vest in the corporation to such extent as may be determined by the State Government.

Explanation.—For the purposes of this section, the immovable property and other property shall include primary schools with their lands, buildings, roads and equipment belonging to or vesting in any municipality or local authority under the provisions of any law for the time being in force.

§91DA. All immovable and other property, which on the day immediately preceding the date of the commencement of the Bombay Municipal Further Extension of Limits and Schedule BBA (Amendment) Act, 1956, was held by or vested in —

- Bom. LVIII of 1956.
- (a) any municipality or other local authority which has been abolished by or under that Act in consequence of the inclusion in -[Brihan Mumbai] of the area for which it was constituted, or
- (b) the State Government by reason of the supersession or dissolution of such municipality or local authority under any law relating to such municipality or local authority,

shall vest in the Corporation in trust for the purposes of this Act, but subject to all charges and liabilities affecting the same :

Provided that the immovable property held by or vested in any District Local Board or District School Board in that area shall vest in the Corporation to the extent it is situated in the area included in §[Brihan Mumbai] and that any other property so held by or vested in the said Board shall vest in the Corporation to such extent as may be determined by the State Government.

Explanation.—For the purposes of this section, the immovable property and other property shall include primary schools with their lands, buildings, roads and equipment belonging to or vesting in any municipality or local authority under the provisions of any law for the time being in force.]

¹ Sections 91D and 91E were inserted by Bom. 7 of 1950, s. 12.

² These words were substituted for the words " Greater Bombay " by Mah. 25 of 1996, Schedule.

³ Section 91DA was inserted by Bom. 58 of 1956, s. 5.

⁴ These words were substituted for the words " Greater Bombay " by Mah. 25 of 1996, Schedule

91E. (1) Where any immovable property situated in the suburbs, ¹[or the extended suburbs] or any right in or over such property, is claimed by or on behalf of the corporation or by any person as against the corporation, it shall be lawful for the Collector, Bombay Suburban District, after formal enquiry of which due notice has been given, to pass an order deciding the claim. Decision of claims to property by or against the corporation in the suburbs ²[and the extended suburbs].

(2) The corporation or any person aggrieved by an order passed by the Collector under sub-section (1) may, notwithstanding anything contained in any law for the time being in force, within one year from the date on which the corporation or such person had due notice of such order, institute a suit in any competent civil court to set aside such order or to claim a relief inconsistent therewith.

If any suit is instituted after the expiration of one year from the date on which the notice of such order has been given such suit shall be dismissed although limitation has not been set up as a defence.

Bom. V of 1879. (3) The Collector may, by general or special order, delegate the powers conferred on him under this section to an Assistant or Deputy Collector or a Survey Officer as defined in the Bombay Land Revenue Code, 1879.*

(4) The formal inquiry referred to in this section shall be conducted in accordance with the provisions of the aforesaid Code.

(5) A person shall be deemed to have had due notice of an inquiry under the section if notice thereof has been given in accordance with rules made in this behalf by the State Government.]

³91F. ⁴(1) If in connection with any election a request is made by the State Election Commission, the State Government or an officer authorised by the State Government (hereinafter referred to as "the Requisitioning Authority") may, by order in writing requisition—

(a) any premises which are required or are likely to be required for the purpose of being used as a polling station or storage of ballot boxes after the poll has been taken ;

(b) any vehicle, vessel or animal needed or likely to be needed for the purpose of transport of ballot boxes to, or from any polling station or transport of members of the police force for maintaining order during the conduct of such election or transport of any officer or other person for the performance of any duties in connection with such election;

and may also make such further orders as may appear to it to be necessary or expedient in connection with such requisition:

Provided that, no vehicle, vessel or animal which is being lawfully used by a candidate or his agent for any purpose connected with the election of such candidate shall be requisitioned under this sub-section until the completion of the poll at such election.]

(2) The requisition shall be effected by an order in writing addressed to the person deemed by the requisitioning authority to be the owner or person in possession of the property and such order shall be served in the manner prescribed by rules made by the State Government under section 91K on the person to whom it is addressed.

¹ These words were inserted, by Bom. 58 of 1956, s. 6(1).

² These words were inserted, *ibid.*, s. 6(2).

³ Sections 91F to 91L were inserted by Bom. 54 of 1955, s. 8.

⁴ Sub-section (1) was substituted for the original by Mah. 10 of 1998, s. 52.

* See now the Maharashtra Land Revenue Code, 1966 (Mah. XLI of 1966).

(3) Whenever any property is requisitioned under sub-section (1), the period of such requisition shall not extend beyond the period for which such property is required for any of the purposes mentioned in that sub-section.

Explanation.—For the purpose of this section, "premises" means any land, building or part of a building and includes a hut, shed or other structure or any part thereof.

Payment of compensation. **91G.** (1) Whenever in pursuance of section 91F, the requisitioning authority requisitions any premises the corporation shall pay to the persons interested compensation the amount of which shall be determined by taking into consideration the following, namely :—

(i) the rent payable in respect of the premises or if no rent is so payable, the rent payable for similar premises in the locality ;

(ii) if in consequence of the requisition of the premises the person interested is compelled to change his residence or place of business, the reasonable expenses (if any) incidental to such change:

Provided that where any person interested being aggrieved by the amount of compensation so determined makes an application to the requisitioning authority within the time prescribed by rules made by the State Government under section 91K for referring the matter to an arbitrator the amount of compensation to be paid shall be as the arbitrator appointed in this behalf by the requisitioning authority may determine :

Provided further that where there is any dispute as to the title to receive the compensation or as to the apportionment of the amount of compensation, it shall be referred by the requisitioning authority to an arbitrator appointed in this behalf by the State Government or the requisitioning authority for determination, and shall be determined in accordance with the decision of such arbitrator.

Explanation.—For the purpose of this sub-section, the expression "person interested" means the person who was in actual possession of the premises requisitioned under section 91F immediately before the requisition, or where no person was in actual possession the owner of such premises.

(2) Whenever in pursuance of section 91F, the requisitioning authority requisitions any vehicle, vessel or animal, the corporation shall pay to the owner thereof compensation the amount of which shall be determined by the requisitioning authority on the basis of the fares or rates prevailing in the locality for the hire of such vehicle, vessel or animal :

Provided that where the owner of such vehicle, vessel or animal being aggrieved by the amount of compensation so determined makes an application to the requisitioning authority within the time prescribed by rules made by the State Government for referring the matter to an arbitrator, the amount of compensation to be paid shall be such as the arbitrator appointed in this behalf by the requisitioning authority may determine :

Provided further that where immediately before the date of the requisitioning, the vehicle or vessel was by virtue of a hire-purchase agreement in the possession of the person other than the owner, the amount determined under this sub-section as the total compensation payable in respect of the requisition shall be apportioned between that person and the owner in such manner as they may agree upon and in default of agreement, in such manner as an arbitrator appointed by the requisitioning authority in this behalf may decide.

91H. The requisitioning authority may, with a view to requisitioning any property under section 91F or determining the compensation payable under section 91G by order, require any person to furnish to such authority as specified in the order such information in his possession relating to such property as may be so specified.

Power to obtain information.

91I. (1) Any person remaining in possession of any requisitioned premises in contravention of any order made under section 91F may be summarily evicted from the premises by any officer empowered by the requisitioning authority in this behalf.

Eviction from requisitioned premises.

(2) Any officer so empowered may, after giving to any woman not appearing in public reasonable warning and facility to withdraw, remove or open any lock or bolt or break open any door of any building or do any other act necessary for effecting such eviction.

91J. (1) when any premises requisitioned under section 91F are to be released from requisition, the possession thereof shall be delivered to the person from whom possession was taken at the time when the premises were requisitioned, or if there were no such persons, to the person deemed by the requisitioning authority to be the owner of such premises and such delivery of possession shall be a full discharge of the requisitioning authority from all liabilities in respect of such delivery, but shall not prejudice any rights in respect of the premises which any other person may be entitled by due process of law to enforce against the person to whom possession of the premises is so delivered.

Release of premises from requisition.

(2) Where the person to whom possession of any premises requisitioned under section 91F is to be given under sub-section (1) cannot be found or is not readily ascertainable or has no agent or any other person empowered to accept delivery on his behalf, the requisitioning authority shall cause a notice declaring that such premises are released from requisition to be affixed on some conspicuous part of such premises and publish the notice in the *Official Gazette*.

(3) When a notice referred to in sub-section (2) is published in the *Official Gazette*, the premises specified in such notice shall cease to be subject to requisition on and from the date of such publication and be deemed to have been delivered to the person entitled to possession thereof and the requisitioning authority or the corporation shall not be liable for any compensation or other claim in respect of such premises for any period after the said date.

91K. The State Government shall make rules for prescribing—

Power to make rules.

(1) the manner in which an order of requisition shall be served under sub-section (2) of section 91F, and

(2) the time within which an application for determining the amount of compensation by an Arbitrator shall be made under section 91G.

91L. If any person contravenes any order made under section 91F he shall, on conviction, be punished with imprisonment for a term which may extend to one year or with fine or with both.]

Penalty for contravention of any order regarding requisitioning.

Disposal of Property.

Provisions governing the disposal of municipal property. 92. With respect to the disposal of property belonging to the corporation [other than property vesting in the corporation for the purposes of the ²[Brihan Mumbai Electric Supply and Transport Undertaking], the following provisions shall have effect, namely :—

(a) the Commissioner may, ³[subject to the regulations made in this behalf], dispose of, by sale or otherwise, any movable property belonging to the corporation not exceeding in value, in each instance, ⁴[five lakh rupees], or grant a lease of any immovable property belonging to the corporation, including any right of fishing or of gathering and taking fruit and the like, for any period not exceeding twelve months at a time :

⁵[Provided that every lease of immovable property granted by the Commissioner (other than a contract for a monthly tenancy) the annual rent whereof at a rack rent exceeds ⁶[fifty thousand rupees] shall be reported by him, within fifteen days after the same has been granted, to the ⁷[Mayor-in-Council].

⁸[(b) the Commissioner may,—

(i) with the sanction of the concerned Committee, dispose off, by sale or otherwise any movable property held by the Corporation, the value of which exceeds rupees five lakhs ;

(ii) with the sanction of the Mayor-in-Council, dispose off any movable property held by the Corporation, the value of which exceeds rupees two crores ;

(iii) with the sanction of the concerned Committee, grant a lease (other than a lease in perpetuity) of any immovable property belonging to the Corporation, including any such right as aforesaid ; or sell, or grant a lease in perpetuity of any immovable property, the value of which does not exceed 50,000 rupees or the annual rent of which does not exceed 3,000 rupees.]

(c) with the sanction of the corporation, the Commissioner may lease, sell or otherwise convey ⁹[any immovable property] belonging to the corporation ;

¹⁰[(cc) the consideration for which any immovable property or any right belonging to the corporation may be sold, leased or otherwise transferred shall not be less than market value of such premium, rent or other consideration ;]

¹¹[(d) sanction of the Mayor-in-Council under clauses (b) and (c), may be given either generally for any class of cases or specially in any particular case ;]

¹ These words were inserted by Bom. 48 of 1948, s. 18.

² These words were substituted for the words " Bombay Electric Supply and Transport Undertaking " by Mah. 25 of 1996, Schedule.

³ These words were substituted for the words " in his direction " by Mah. 10 of 1998, s. 53(a)(i).

⁴ These words were substituted for the words " One lakh rupees ", *ibid.*, s. 53(a)(ii).

⁵ This proviso was substituted for the original by Bom. 13 of 1933, s. 20(a).

⁶ These words were substituted for the words " fifteen thousand rupees " by Mah. 10 of 1998, s. 53(a)(ii)(A).

⁷ These words were substituted for the words " Improvements Committee ", *ibid.*, s. 53(a)(iii)(B).

⁸ Clause (b) was substituted for the original, *ibid.*, s. 53(b).

⁹ These words were substituted for the words " any property, movable or immovable ", *ibid.*, s. 8(3).

¹⁰ New sub-clause (cc) was inserted by Bom. 13 of 1933, s. 20(c).

¹¹ Clause (d) was substituted for the original by Mah. 10 of 1998, s. 53(c).

Disposal of Property.

Bom.
XXIX
of
1950.
XXI
of
1860.
Mah.
XXIV
of
1961.
Bom.
XXIX
of
1950.
I of
1956.

*1[(*dd*) notwithstanding anything contained in this section, the Commissioner may, with the sanction of the Corporation, and with the approval of the State Government, grant a lease of immovable property belonging to the Corporation to a Co-operative Housing Society formed exclusively by the officers and servants of the Corporation, or to a public trust exclusively for medical and educational purposes registered under the Bombay Public Trust Act, 1950 ²[or to a society registered under the Societies Registration Act, 1860 or the Maharashtra Co-operative Societies Act, 1960, a public trust registered under the Bombay Public Trust Act, 1950, or a company registered under the Companies Act, 1956 ³[or any person] for the purposes of provision of public latrines, urinals and similar conveniences or construction of a plant for processing excrementitious and other filthy matters or XXIV garbages.] or to a person who is dishoused as a result of the implementation of any Development Scheme of the Corporation or to a Co-operative Housing Society formed exclusively by the persons who are dishoused as a result of the implementation of any Development Scheme of the Corporation, at such rent, which may be less than the market value of the premium, rent, or other consideration, for the grant of such lease, and subject to such conditions, as may be provided by the bye-laws made under section 461;]

Mah.
XXV-
III of
1971.

⁴[(*ddd*) notwithstanding anything contained in this section, the Commissioner may, with the sanction of the Corporation, and with the approval of the State Government, grant a lease for a period ⁵[not exceeding 60 years], of municipal land which is declared as a slum area under the provisions of the Maharashtra Slum Areas (Improvement, Clearance and Re-development) Act, 1971 to a co-operative society of slum dwellers occupying such land, at such rent, which, may be less than the market value of the premium, rent or other consideration, for grant of such lease, and subject to such conditions, as the Corporation may impose.

The approval of the State Government under this clause may be given either generally for any class of cases of such lands or specifically in any particular case of such land ;

Provided that, the Commissioner may in like manner renew, from time to time ; the lease for such period and subject to such conditions as the Corporation may determine and impose.

(*e*) the aforesaid provisions of this section shall apply, respectively, to every disposal of property belonging to the Corporation made under or for any purpose of this Act ;

¹ Clause (*dd*) was inserted by Mah. 50 of 1981, s. 2.

² This portion was inserted by Mah. 13 of 1990, s. 3.

³ These words were inserted by Mah. 12 of 1993, s. 2.

⁴ Clause (*ddd*) was inserted by Mah. 5 of 1986, s. 3.

⁵ This clause has not yet come into force.

⁶ These words and figures were substituted for words and figures "not exceeding 30 years" by Mah. 8 of 1992, s. 6.

¹[Provided that nothing in this section shall apply * * * * *
* * * to ³[Dr. Bhau Daji Lad Museum] ⁴[or to the site thereof referred to
in section 89C] except with the previous sanction of ⁵[the ⁶[State] Government].

Obligation
annexed to
property
binding on
transferee.

⁷[92A. Where—

(1) the Commissioner has transferred by way of sale or exchange any immovable property belonging to the Corporation and the terms of such transfer direct that the property shall be applied or enjoyed in a particular manner or the use or enjoyment thereof shall be restricted in a particular manner, or

(2) the owner of any immovable property has entered into an agreement with the Corporation concerning the application, enjoyment or use of the property in a particular manner,

such term, condition or obligation shall be held to be annexed to the property which is the subject-matter of the transfer or agreement and shall be enforced against the transferee or owner and all persons deriving title or interest under or through him.

notwithstanding—

(a) any law for the time being in force, and

(b) that the Corporation are not in possession of or interested in any immovable property for the benefit of which, the term, condition or obligation was agreed to, entered into or imposed.]

Liabilities.

Debts pay- 93. So much of the following moneys as are still repayable on the day when
able by the this Act comes into force shall be repaid, together with the interest due there-
Corporation. upon, by the Corporation, namely :—

(a) to the ⁸[Government]—

Vehar water-
works debt.

(i) the balance of the debt due on account of the Vehar water-works
⁹[referred to] in section 140 of the Bombay Municipal Act of 1872¹⁰ and
1878¹⁰, with simple interest thereon at the rate of four per centum per
annum ;

Bom.
III of
1872.
Bom.
IV of
1878.
Bom.
II of
1880.

The consoli-
dated loan.

(ii) the balance of the consolidated loan, as the same was defined in
section 3, clause (3) of the Bombay Municipality's Consolidated Loan Act,
1880¹⁰, due on various accounts, with interest thereon at the rate of four-and-
a-half per centum per annum.

¹ This proviso was added to section 92 by Bom. 3 of 1907, s. 15.

² The words "to the Statue of Her Majesty Queen Victoria or" were deleted by Mah. 5 of 1968, s. 2(1).

³ These words and letters were substituted for the words "the Victoria and Albert Museum" by Mah. 51 of 1975, s. 8.

⁴ These words were substituted for the words "or to the sites thereof referred to in section s. 89B and 89C" by Mah. 5 of 1968, s. 2(1).

⁵ The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

⁶ This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

⁷ Section 92A was inserted by Bom. 34 of 1954, s. 3.

⁸ This word was substituted for the word "Crown" by the Adaptation of Laws Order, 1950.

⁹ The words "referred to" were substituted with effect from the 31st December 1892 for the original word by Bom. 2 of 1894, s. 2.

¹⁰ Bom. 3 of 1827, 4 of 1878 and 2 of 1880 are repealed by s.2 of this Act.

- (b) to municipal security-holders—
- Bom. II of 1865.¹ (iii) the house rate loan and the two market loans raised in 1867 and 1868 under the provisions of the Bombay Municipal Act, 1865¹ with interest thereon at the rate of six per centum per annum ; House rate and market loans of 1867-1868.
- XXVI of 1871. (iv) the drainage loan of 1878 raised under the provisions of the Public Works' Loan Act, 1871², with interest thereon at the rate of five per centum per annum ; New drainage loan of 1878.
- XI of 1879. (v) the sanitary works' loans of 1885, 1886 and 1888 contracted under the provisions of the Local Authorities Loans Act, 1879,³ with interest thereon at the rate of five per centum per annum ; Sanitary works' loans of 1885, 1886 and 1888.
- (vi) the portion of the Tansa water-works' loan contracted under the Act last aforesaid previous to the coming into force of this Act ; Tansa water works' loan.
- (vii) the portion of the drainage and water-works' loan of 1888 contracted under the said Act previous to the coming into force of this Act. Drainage and water-works' loan of 1888.

Repayment of Moneys to the ⁴[Government].

94. In order to secure the repayment of the Vehar water-works' debt, the Commissioner shall, on the first day of every month, until the whole of the said debt, together with the interest due thereon shall be liquidated, pay to ⁴the ⁵[Government] a sum of rupees ⁶[nine thousand four hundred and ninety-eight.] Vehar water-works' debt repayable in monthly instalments.

95. (1) The whole of the consolidated loan, together with the interest due thereon, shall be repaid within thirty years from the first day of January 1881. period of repayment of consolidated loan.

(2) For better securing the repayment of the said loan, the Commissioner shall pay half-yearly to ⁴the ⁵[Government], on every first day of January and every first day of July, until the whole of the said loan, together with the interest due thereon, shall be liquidated, a sum of one lakh seventy-eight thousand three hundred and twenty-six rupees, two annas and five pies. Mode of repayment.

96. (1) Every payment to be made by the Commissioner under either of the two last preceding sections shall be made ⁷[to the officer for the time being appointed to receive ⁴the ⁵[State] Government] dues or into the Bank of Bombay]. Payments to whom to be made.

¹ Bom. 2 of 1865 was repealed by Bom. 3 of 1872.

² Act 24 of 1871 was repealed by Act 11 of 1879, which in its turn was repealed by Act 9 of 1914.

³ See now the Local Authorities Loan Act, 1914, (9 of 1914).

⁴ This word was substituted for the word "Crown" by the Adaptation of Laws Order, 1950.

⁵ The words "the Crown" were substituted for the word "Government", *ibid.*

⁶ These words were substituted with effect from 31st December 1892 of the original words by Bom. I of 1894, s. 3.

⁷ These words were substituted for the original words by Bom. I of 1894, s. 4(1). The reference to the Bank of Bombay should be read as referring to the Reserve Bank of India, Bombay.

Notice of payments to be published. (2) Notice of every such payment having been made shall be forthwith, published by the Commissioner in the ¹[Official Gazette].

In case of non-payment report to be made to the Chief Secretary to ¹[State] Government. 97. If the Commissioner fails to make any of the said payments at the prescribed time the Accountant General shall, within seven days after the day on which such payment ought to have been made, report the fact to the Chief Secretary to [the ²[State] Government] or other officer acting in that capacity.

Arrears may be recovered by detention of moneys due to the corporation or by attachment of the municipal fund, etc. 98. (1) It shall be lawful for the said Chief Secretary, or other officer acting in that capacity, when any of the said payments is in arrear, to direct any ⁴[Government Officer], not being a municipal authority or officer, to detain, to the extent of any payment or payments then in arrear, any moneys due or that may become due to the corporation, which he may then or thereafter have in his custody or control.

(2) Such officer shall detain the moneys which he is so directed to detain and pay the same, as they become due to the corporation, ⁵[to the officer for the time being appointed to receive ²[the ³[State] Government] dues, or into the Bank of Bombay].

(3) The moneys to paid shall be applied in or towards satisfaction of the amount for the time being due in respect of the Vehar water-works' debt or of the consolidated loan, in preference to and with priority over all other encumbrances on and claims to such moneys.

Attachment not to defeat prior charge legally made. 99. (1) If the amount in arrear cannot be recovered in the manner provided in the last preceding section, the ⁶[³[State] Government] may attach the municipal fund, or any tax leviable by the corporation.

(2) After such attachment no person, except an officer appointed by the ⁶[³[State Government]], shall in any way deal with the attached fund or tax ; but such officer may do all acts in respect thereof which the corporation or any municipal authority might have done, if such attachment had not taken place and may apply the proceeds in satisfaction of the amount in arrear and of all expenses involved by the attachment and subsequent proceedings ;

¹ The words " Official Gazette " were substituted for the words " Bombay Government Gazette " by the Adaptation of Indian Laws Order in Council.

² The words " the Provincial Government " were substituted for the word " Government " by the Adaptation of Indian Laws Order in Council.

³ This word was substituted for the word " Provincial " by the Adaptation of Laws Order, 1950.

⁴ These words were substituted for the words " servant of the Crown " , *ibid.*

⁵ These words were substituted for the original word by Bom. I of 1894, s. 4(1), the reference to the bank of Bombay should be read as referring to the Reserve Bank of India, Bombay.

⁶ The words " Provincial Government " were substituted for the words " Governor-in-Council " by the Adaptation of Indian Laws Order in Council.

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

100. If the Commissioner fails to make any monthly payment, in accordance with section 94, on account of the Vehar water-works' debt and after notice in writing, signed by one of the Secretaries to ¹[the ²[State] Government] requiring payment of the same has been served upon him and forwarded ³[to the Mayor] and published for a period of not less than two months in the ⁴[Official Gazette] shall still fail to make such payment, the said Vehar water-works shall, notwithstanding anything contained in section 88 cease to vest in the corporation and shall forthwith become vested in ⁵[Government] in trust for the purpose for which the same were previously vested in the corporation.

Revision of Vehar water-works to the ⁶[Government] in case of default in payment of any instalment of the debt due on their account.

101. Nothing in the four last preceding sections shall affect the rights or remedies which the ⁶[Government] has or shall have independently of this Act for the recovery of the moneys aforesaid.

Other rights, remedies of the ⁶[Government] not to be affected.

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

Method of appropriating payments on account of the Vehar water-works.

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

secondly, to the payment of interest on all sums advanced by ⁶[the ⁷[Government] in connection with the said works since the first day of July 1863 ;

thirdly, to the payment of all sums subsequently advanced as aforesaid ; and *lastly*, to the liquidation of the said principal sum of rupees thirty-seven lakhs thirty thousand and fifty-three.

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

Method of appropriating payments on account of the consolidated loan.

¹ This word was substituted for the word " Provincial " by the Adaptation of Laws Order, 1950.

² The words " the Provincial Government " were substituted for the word " Government " by the Adaptation of Indian Laws Order in Council.

³ These words were substituted for the words " to the President of the Corporation " by Mah. 10 of 1998, s. 54.

⁴ The words " Official Gazette " were substituted for the word " Bombay Government Gazette ", *ibid.*

⁵ This word was substituted for the words " Her Majesty " by the Adaptation of Laws Order, 1950.

⁶ This word was substituted for the word " Crown ", *ibid.*

⁷ The words " the Crown " were substituted for the word " Government " by the Adaptation of Indian Laws Order in Council.

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

Sinking fund for house-rate and market loans to be maintained. 104. (1) Until such times as the corporation repay the house-rate loan and the two market loans raised in 1867 and 1868 under the provisions of sections 253 to 258 of the ¹[Bombay Municipal Act, 1865, it shall be incumbent on the corporation to maintain out of the taxes, on the security of which the said loans were raised, the sinking fund prescribed by section 257 of the said Act :

Bom. II of 1865.

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

Publication of Annual Account of Balance due on Loans.

Account of balances due on loans to be published by the Commissioner yearly. 105. (1) The Commissioner shall, in the month of ²[April] in each year, publish in the ³[Official Gazette] an account showing the balances due by the corporation on the last preceding thirty-first day of ⁴[March] to the ⁵[Government] and to municipal security holders, ⁶[and holders of securities issued by the Board of Trustees for the Improvement of the City of Bombay under and in accordance with the City of Bombay Improvement Act, 1898, and the City of Bombay Improvement Trust Transfer Act, 1925] respectively, on account of each debt or loan, if any, at the time still repayable by the corporation.

Bom. IV of 1898. Bom. XVI of 1925.

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

[CHAPTER V-A.

POWER TO EVICT PERSONS FROM CORPORATION PREMISES.

105A. In this Chapter—

Definitions.

(a) "Commissioner" in relation to premises of the corporation which vest in it for the purposes of the ⁷[Brihan Mumbai Electric Supply and Transport Undertaking.] means the General Manager ;

(b) "corporation premises" means any premises belonging to, or vesting in, or taken on lease by, the corporation ;

(c) "regulations" means regulations made by the Commissioner under section 105H ;

(d) "unauthorised occupation in relation to any corporation premises" means the occupation by any person of corporation premises without authority for such occupation ; and includes the continuance in occupation by any person of the premises after the authority under which he was allowed to occupy the premises has expired, or has been duly determined.

¹ Bom. 2 of 1865 was repealed by Bom. 3 of 1872.

² The words "April" and "March" were respectively substituted for the original words "January" and "December" by Bom. 10 of 1928.

³ The words "Official Gazette" were substituted for the words "Bombay Government Gazette" by the Adaptation of Indian Laws Orders in Council.

⁴ This word was substituted for the word "Crown" by the Adaptation of Laws Order, 1950.

⁵ These words and figures were inserted by Bom. 13 of 1933, s. 21.

⁶ Chapter V-A was inserted by Mah. 14 of 1961, s. 4.

⁷ These words were substituted for the words "Bombay Electric Supply and Transport Undertaking" by Mah. 25 of 1996, Schedule.

105B. (1) Where the Commissioner is satisfied—

Mah.
XIV of
1961.

(a) that the person authorised to occupy any corporation premises has, whether before or after the commencement of the Bombay Municipal Corporation (Amendment) Act, 1960—

Power to
evict person
from
Corporation
premises.

(i) not paid for a period of more than two months, [the rent, taxes, fees or compensation] lawfully due from him in respect of such premises; or

(ii) sub-let, * * * * * whole or any part of such premises; or

(iii) committed or is committing, such acts of waste as are likely to diminish materially the value, or impair substantially the utility, of the premises ;

or

(iv) otherwise acted in contravention of any of the terms, express or implied under which he is authorised to occupy such premises;

(b) that any person is in unauthorised occupation of any corporation premises;

(c) that any corporation premises in the occupation of any person are required by the corporation in the public interest,

the Commissioner may notwithstanding anything contained in any law for the time being in force, by notice (served by post, or by affixing a copy of it on the outer door or some other conspicuous part of such premises or in such other manner as may be provided for by regulations), order that that person, as well as any other person who may be in occupation of the whole or any part of the premises shall vacate them within one month of the date of the service of the notice.

(2) Before an order under sub-section (1), is made against any person, the Commissioner shall issue, in the manner hereinafter provided, a notice in writing calling upon all persons concerned to show cause why an order of eviction should not be made.

The notice shall,—

(a) specify the grounds on which the order of eviction is proposed to be made, and

(b) require all persons concerned, that is to say, all person who are or may be in occupation of, or claim interest in, the corporation premises, to show cause against the proposed order, on or before such date as is specified in the notice.

If such person makes an application to the Commissioner for the extension of the period specified in the notice, the Commissioner may grant the same on such terms as to payment and recovery of the amount claimed in the notice, as he deems fit.

Any written statement put in by any person and documents produced, in pursuance of the notice, shall be filed with the record of the case, and such person shall be entitled to appear before the Commissioner by advocate, attorney or pleader.

The notice to be served under this sub-section shall be served in the manner provided for the service of a notice under sub-section (1); and thereupon, the notice shall be deemed to have been duly given to all persons concerned.

¹ These words were substituted for the words " the rent or taxes " by Mah. 21 of 1989, s.16(i).
² The words "contrary to the terms or conditions of his occupation" were deleted, *ibid*, s. 16(ii).

(3) If any person refuses or fails to comply with an order made under sub-section (1), the Commissioner may evict that person and any other person who obstructs him and take possession of the premises, and may for that purpose use such force as may be necessary.

(4) The Commissioner may, after giving fourteen clear days' notice to the person from whom possession of the corporation premises has been taken under sub-section (3) and after publishing such notice in the *Official Gazette* and in at least one newspaper circulating in the locality, remove or cause to be removed, or dispose of by public auction any property remaining on such premises. Such notice shall be served in the manner provided for the service of a notice under sub-section (1).

(3) Where the property sold under sub-section (4), the sale-proceeds shall, after deducting the expenses of sale, be paid to such person or persons as may appear to the Commissioner to be entitled to the same:

Provided that, where the Commissioner is unable to decide as to the person or persons to whom the balance of the amount is payable or as to the apportionment of the same, he shall refer such dispute to a civil court of competent jurisdiction, and the decision of the court thereon shall be final.

(6) If a person, who has been ordered to vacate any premises under sub-clause (i) or (iv) of clause (a) of sub-section (1), within one month of the date of service of the notice, or such longer time as the Commissioner may allow, pays to the Commissioner the rent and taxes in arrears, or as the case may be, carries out or otherwise complies with the terms contravened by him to the satisfaction of the Commissioner, the Commissioner shall on such terms, if any (including the payment of any sum by way of damages or compensation for the contravention aforesaid), in lieu of evicting such person under sub-section (2), cancel his order made under sub-section (1); and thereupon such person shall continue to hold the premises on the same terms on which he held them immediately before such notice was served on him.

Power to recover rent or damages as arrears of property taxes. 105C. (1) Subject to any regulations made by the Commissioner in this behalf, but without prejudice to the provisions of section 105B, where any person is in arrears of rent payable in respect of any corporation premises, the Commissioner may, by notice served in the manner provided for service of notice under sub-section (1) of section 105B, order that person to pay the same within such time not less than ten days as may be specified in the notice.

(2) Where any person is in unauthorised occupation of any corporation premises the Commissioner may, in the manner and having regard to the principles of assessment of damages, provided for by regulations, assess such damages on account of the use and occupation of the premises as he may deem fit, and may, by notice served in the manner referred to in sub-section (1), order that person to pay the damages within such time as may be specified in the notice.

(3) If any person refuses or fails to pay within the time specified in the notice, the arrears of rent under sub-section (1) or damages under sub-section (2), the Commissioner may recover the amount of rent, or as the case may be, of damages in the same manner as the general or property tax due from such person.

(4) No order shall be made under sub-section (2) until after the issue of a notice in writing to the person calling upon him to show cause, within a reasonable period to be specified in such notice, why such order should not be made, and until his objections, if any, and any evidence he may produce in support of the same, have been considered by the Commissioner.

105D. Without prejudice to the provisions of section 105B, in the case of any person who is an employee of the corporation and who has been allotted any corporation premises, the amount of rent due by him in respect of such premises shall, on a requisition in writing made in this behalf by the Commissioner to the Head of the Corporation Department or Officer under whom such person is employed, be liable to be deducted from the salary or wages payable to such person. On receipt of such requisition, the Head of such Department or Officer as the case may be, shall deduct from the salary or wages payable to such person the amount specified in the requisition and pay the amount so deducted to the Commissioner in satisfaction of the rent due by him.

105E. The Commissioner shall, for the purpose of holding any inquiry under this Act, have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908, when trying a suit, in respect of the following matters, namely :—

- (a) summoning and enforcing the attendance of any person and examining him on oath ;
- (b) requiring the discovery and production of documents ;
- (c) any other matter which may be prescribed by regulations made under section 105H.

105F. (1) An appeal shall lie from every order of the Commissioner, made in respect of any corporation premises, under section 105B or section 105C, to an appellate officer who shall be the principal Judge of the City Civil Court of Bombay or such other judicial officer in Brihan Mumbai of not less than ten year's standing, as the principal Judge may designate in this behalf.

(2) An appeal under sub-section (1) shall be preferred,—

- (a) in the case of an appeal from an order under section 105B, within thirty days from the date of the service of the notice relating to the order under sub-section (1) of that section, and
- (b) in the case of an appeal from an order under section 105C, within thirty days from the date of the service of the notice relating to the order under sub-section (1) or (2) of that section, as the case may be :

Provided that, appellate officer may entertain the appeal after the expiry of the said period of thirty days, if he is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

(3) Where an appeal is preferred from an order of the Commissioner, the appellate officer may stay the enforcement of that order for such period, and on such conditions as he deems fit.

(4) Every appeal under this section shall be disposed of by the appellate officer as expeditiously as possible.

¹ These words were substituted for the words "Greater Bombay" by Mah. 25 of 1996, Schedule.

Finality of orders. 105G. Save as otherwise expressly provided in this Chapter, every order made by the Commissioner or the appellate officer under this Chapter shall be final, and shall not be called in question in any original suit, application or execution proceeding.

Power to make regulations. 105H. ¹[The Mayor in Council] may make regulations for all or any of the following matters, namely :—

(a) the forms of notices under section 105B and 105C and for prescribing the other manner in which they may be served under those sections;

(b) the holding of inquiries under this Chapter ;

(c) the procedure to be followed in taking possession of any corporation premises under section 105B ;

(d) the manner in which the damages under section 105C may be assessed and the principle which may be taken into account in assessing such damages ;

(e) the manner in which appeals may be preferred under section 105F and the procedure to be followed in such appeals ;

(f) any other matter which has to be, or may be, prescribed under this Chapter by regulations.]

CHAPTER VI

BORROWING POWERS.

Power to borrow from Central or ^[State] Government or other persons. ²[106. The corporation may from time to time borrow or re-borrow and take up at interest from ³[the Central or the ⁴[State] Government] or with the sanction of the ⁴[⁵[State Government]], from any other person, any sum necessary for the purpose of—

(a) defraying any costs, charges or expenses incurred or to be incurred by them in the execution of this Act,

(b) discharging any loan contracted under this Act or any other loan or debt for the repayment of which they are liable,

(c) making good any deficit in budget estimate "B" framed under section 126,

(d) generally, carrying out the purposes of this Act including the advance of loans under section 354W.

* * * * *

¹ These words were substituted for the portion beginning with the words "The Commissioner" and ending with the words "Brihan Mumbai Electric Supply and Transport Committee" by Mah. 10 of 1998, s. 55.

² New section 106 was substituted by Bom. 13 of 1933, s. 22, for the original as amended by Act 38 of 1920, s. 2, and Sch. I, Part IV, and Bom. I of 1925, s. 17.

³ The words "the Central or the Provincial Government" were substituted for the words "the Secretary of State for India in Council" by the Adaptation of Indian Laws Order in Council.

⁴ This words was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

⁵ The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

⁶ The proviso was omitted by the Adaptation of Indian Laws Order in Council.

107. If any new loan shall be contracted by the corporation under this Act with ¹[the Central or the ²[State] Government], the same shall be subject as regards repayment and security and in every other respect, to the same provisions as are hereinbefore contained in respect of the consolidated loan save only that the rate of interest, the period of repayment and the number and amount of the instalments shall, in the case of any such new loan, be fixed, ³[by the Central Government, or, as the case may be, the ⁴[State] Government]].

Provisions applicable to any new loan contracted with Central or [State] Government.

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108. (1) The corporation may borrow or re-borrow any such sum as aforesaid from any person other than ¹[the Central or the ²[State] Government], on the security of any immovable property belonging to them or proposed to be acquired by them under this Act or of all the taxes or of any tax which they are authorised to levy for the purposes of this Act ⁴[or of the Bombay Electric Supply and Transport Undertaking] or of all or any of those securities.

Mortgage of taxes or immovable property.

(2) And for the purpose of securing the repayment of any sum so borrowed, with interest thereon, they may mortgage to the person by or on behalf of whom such sum is advanced any such immovable property or tax ⁵[or the said undertaking].

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

Provisions as to exercise of borrowing powers.

(a) money shall not be borrowed for the execution of any work other than a permanent work including under this expression any work, of which the cost ought, in the opinion of ⁶[the ⁷[State] Government], to be spread over a term of years ;

⁷(b) the sum borrowed for any purpose other than for discharging any of the obligations arising out of the transfer to the corporation of the powers, duties, assets and liabilities of the Borad of Trustees for the Improvement of the City of Bombay constituted under the City of Bombay Improvement Trust Transfer Act, 1925, ⁸[for other than for discharging any obligation arising out of the acquisition, extension, administration, operation or maintenance of the ⁹[Brihan Mumbai Electric Supply and Transport Undertaking]] ¹⁰[or other than for discharging any obligations arising out of any of the provisions contained in Chapters IX and X,] including the balances of all the outstanding loans and debts borrowed for any of the said purpose shall not exceed in the whole ¹¹[three time] the rateable value of the premises in ¹²[Brihan Mumbai] assessable, as hereinafter provided, to property taxes ; and

Bom.
XVI
of
1925.

¹ The words "the Central or the Provincial Government" were substituted for the words "the Secretary of State for Indian Council", by the Adaptation of Indian Laws Order in Council.

² This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

³ The words "by the Central Government or, as the case may be, the provincial Government" were substituted for the words "under the orders of the Governor General in Council, by the Governor in Council" by the Adaptation of Indian Laws Order in Council.

⁴ These words were inserted by Bom. 48 of 1948, s. 19.

⁵ These words, were added, *ibid*, S. 19.

⁶ The words "the Provincial Government" were substituted for the words "Government" by the Adaptation of Indian Laws Order in Council.

⁷ Clauses (b) (c), and (d) were substituted for the original clause (b) by Bom. 13 of 1933, s. 23(a).

⁸ These words were inserted by Bom. 48 of 1948, s. 20.

⁹ These words were substituted for the words "Bombay Electric Supply and Transport Undertaking" by Mah 25 of 1996, Schedule.

¹⁰ These words and figures were inserted by Mah. 34 of 1973, s. 7(a).

¹¹ These words were substituted for the words "double" by Mah. 21 of 1989, s. 17(a).

¹² These words were substituted for the words "the City" by Bom. 7 of 1950. s. 6(1).

(c) the sum borrowed for the purpose of discharging any of the obligations arising out of the transfer to the corporation of the powers, duties, assets and liabilities of the Board of Trustees for the Improvement of the City of Bombay, constituted under the City of Bombay Improvement Trust Transfer Act, 1925 including the balances of all outstanding loans and debts borrowed by the Board of Trustees for the Improvement of the City of Bombay under the City of Bombay Improvement Act, 1898, and the City of Bombay Improvement Trust Transfer Act, 1925, and by the corporation for the purpose of discharging the aforesaid obligations, shall not at any time exceed in whole double the rateable value of the premises in ¹[Brihan Mumbai] assessable, as hereinafter provided, to property taxes ; and

Bom. XVI of 1925.
Bom. IV of 1898.
Bom. XVI of 1925.

(d) the sum borrowed under clause (c) for the purpose of making good any deficit in budget estimate B framed under section 126 shall not in any year exceed twenty lakhs of rupees ; ²[and

(dd) the sum borrowed for the purpose of discharging any obligation arising out of the acquisition, extension, administration, operation, or maintenance of the Bombay Electric Supply and Transport Undertaking including the balances of the all outstanding loans and debts borrowed for the said purpose, shall not at any time exceed in the whole ³[three times the rateable value of the premises in ¹[Brihan Mumbai] assessable, as hereinafter provided, property taxes ; and]

⁴[ddd) the sums borrowed for the purposes of discharging any obligations arising out of any of the provisions of Chapters IX and X, including the balances of all the outstanding loans and debts borrowed for any of the said purposes, shall not at any time exceed ⁵[on the whole thrice] the rateable value of the premises in ¹[Brihan Mumbai] assessable as hereinafter provided, to property-taxes ; and]

⁶[(e) the money may be borrowed for such time, not exceeding sixty years as the corporation, with the sanction of the ⁷[⁸[State] Government], determine in each case ;

⁹[(f) the corporation shall either pay off the money so borrowed, within the period sanctioned, by equal annual instalments of principal or of principal and interest, or in such other manner as may be approved by ¹⁰[the ⁸[State] Government], or they shall in every year set a part as a sinking fund and accumulate in the way of compound interest, by investing the same in the purchase of public securities, such sum as will, with accumulations in the way of compound interest, be sufficient, after payment of all expenses, to pay off the moneys so borrowed within the period sanctioned or within such other period as may be approved by ¹⁰[the ⁸[State] Government] ;]

⁹[(g) the corporation may at any time apply the whole or any part of a sinking fund set apart under this section in or towards the discharge of the moneys for the repayment of which the fund has been established : Provided.

¹ These words were substituted for the words "Greater Bombay" by Mah. 25 of 1996, Schedule.

² This portion was inserted by Bom. 48 of 1948, s. 20.

³ These words were substituted for the words "double" by Mah. 21 of 1989, s. 17(b).

⁴ Clause (ddd) was inserted by Mah. 34 of 1973, s. 7(b).

⁵ These words were substituted for the words "in the whole double" by Mah. 10 of 1998, s. 56.

⁶ Original clauses (c) to (g) of section 109 were re-lettered (e) to (i) by Bom. 13 of 1933, s. 23(b).

⁷ The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

⁸ This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

⁹ New clause (f) was substituted for the original by Bom. 13 of 1933, s. 23(c).

¹⁰ The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

that they pay into the fund each time that interest would have been received by the corporation in respect of the sinking fund or the part of the sinking fund so applied, and accumulate, until the whole of the moneys borrowed are discharged, a sum equivalent to the interest which would have been so received;

(h) the investment every year of any sum set apart as portion of the principal of a sinking fund shall be made within fifteen days after the day on which the second half-yearly payment of interest is due by the corporation in respect of the loan for repayment of which such sinking fund is established; and the re-investment of any sum received by the corporation on account of interest on moneys appertaining to a sinking fund already invested, and the investment of any sum payable into the fund under clause ¹[(g)] as the equivalent of interest which the corporation would have received, if the sinking fund or a part thereof had not been applied in any manner authorised by the said clause, shall be made within one month from the day on which such interest is received or from the day on which such interest would have been received, as the case may be :

²[Provided that during the year in which the loan for repayment of which a sinking fund has been established is due for repayment, the sum to be set apart as portion of the principal of such sinking fund and the sum received on account of interest on moneys forming part of such sinking fund may be retained by the corporation in such form as they think fit;]

(i) where money is borrowed for the purpose of discharging a previous loan, the time for repayment of the money so borrowed shall not, unless with the sanction of ³[the ⁴[State] Government], extend beyond the unexpired portion of the period for which the original loan was sanctioned and shall in no case be extended beyond the period of sixty years from the date of the original loan] :

⁵[Provided that, nothing contained in this clause shall apply to any sum borrowed for the purposes of any capital works in relation to Chapter IX and X].

⁶[109A. (J) In respect of any sinking funds which by this Act the corporation are directed or empowered to invest in public securities and in respect of any surplus moneys which by this Act the Commissioner on behalf of the corporation is empowered to invest in like securities, it shall be lawful for the corporation to reserve and set apart for the purpose of any such investment any debentures issued or to be issued on account of any loan for which the sanction of the ⁷[⁴[State] Government, ⁸* * * shall have been duly obtained under section 106 or issued by the Board of Trustees for the Improvement of the City of Bombay under section 52 of the City of Bombay Improvement Act, 1898 or section 68 of the City of Bombay Improvement Trust Transfer Act, 1925: provided that the intention so to reserve and set apart such debentures shall have been notified as a condition of the issue of the loan.]

Investment of sinking fund and surplus moneys in debentures issued by the corporation.

¹ The brackets and letter "(g)" were substituted for the brackets and letter "(c)" by Bom. 76 of 1948, s. 12.

² This proviso was inserted by Bom. 13 of 1933, s. 23(d).

³ The words "the Provincial Government" were substituted for the words "Government" by the Adaptation of Indian Laws Order in Council.

⁴ This word was substituted for the words "Provincial" by the Adaptation of Laws Order, 1950.

⁵ This proviso was added by Mah. 34 of 1973, s. 7(c).

⁶ New section 109A, 109B and 109C were inserted by Bom. 13 of 1933, s. 24.

⁷ The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation of Indian Laws Order in Council.

⁸ The words "or of the Governor-General in Council" were omitted, *ibid.*

(2) The issue of any such debentures direct to and in the name of "The Municipal Commissioner for [Brihan Mumbai] on behalf of the Corporation, shall not operate to extinguish or cancel such debentures, but every debenture so issued shall be valid in all respects as if issued to and in the name of any other person.

(3) The purchase by, or the transfer, assignment or endorsement to, the corporation or to the Municipal Commissioner on behalf of the corporation of any debenture issued by the Corporation or by the Board of Trustees for the Improvement of the City of Bombay shall not operate to extinguish or cancel any such debenture, but the same shall be valid and negotiable in the same manner and to the same extent as if held by, or transferréd, assigned or endorsed to any other person.

Annual examinations of sinking funds. ²[169AA. (1) All sinking funds established under this Act shall be subject to annual examination by ³[the Chief Auditor, Local Fund Accounts.] who shall ascertain whether the cash and the value of the securities belonging thereto are actually equal to the amount which should be at the credit of such funds had investments been regularly made and had the rate of interest as originally estimated been obtained therefrom.

(2) The amount which should be at the credit of a sinking funds shall be calculated on the basis of the present value of all future payments required to be made to such funds under the provisions of this Act, on the assumption that all investments are regularly made and the rate of interest as originally estimated as obtained therefrom.

(3) The securities belonging to a sinking fund shall be valued for the purposes of this section at their current market value, except in the case of debentures issued under this Act or under any previous Act relating to the municipal government of the city or under the City of Bombay Improvement Act, 1898, or under the City of Bombay Improvement Trust Transfer Act, 1925, which shall always be valued at par provided that the corporation shall make good immediately any loss which may accrue on the actual sale of such debentures at the time of the repayment of the loan. Bom. IV of 1898. Bom. XVI of 1925.

(4) The corporation shall forth with pay into any sinking fund any amount which ³[the Chief Auditor, Local Fund Accounts,] may certify to be deficient, unless the ⁴[⁵[State] Government] specially sanctions a gradual readjustment.

(5) If the cash and the value of the securities at the credit of any sinking fund are in excess of the amount which should be at its credit ³[the Chief Auditor, Local Fund Accounts.] shall certify the amount of such excess sum and the corporation may thereup on transfer the excess sum to the municipal fund.

(6) If any dispute arise as to the accuracy of any certificate made by ³[the Chief Auditor, Local Fund Accounts.] under sub-section (4) or (5) the corporation may, after making the payment or transfer, as the case may be, refer the matter to the ⁴[⁵[State] Government] whose decision shall be final.

¹ These words were substituted for the words "Greater Bombay" by Mah. 25 of 1996, schedule.

² This section was inserted by Bom. 76 of 1943, s. 13.

³ These words were substituted for the words "the Accountant General Bombay," by Mah. 42 of 1976, s. 7.

⁴ The words "Provincial Government" were substituted or the words "Local Government" by the Adaptation of Indian laws Order in Council.

⁵ This word was substituted for the word "Provincial" by the Adaption of Laws Order, 1950.

¹[109B. (1) Notwithstanding anything contained in sections 106, 108 and 109 the corporation may, with the previous sanction of the ²[³State] Government] and for the purpose of discharging any liability arising out of the transfer to the corporation of the powers, duties, assets and liabilities of the Board of Trustees constituted under the City of Bombay Improvement Trust Transfer Act, 1925, take from any bank or banks credit on a cash account to be opened and kept with ^{Bom. XVI of 1925.} such bank or banks in the name of the Corporation, for a sum not exceeding in the aggregate fifteen lakhs of rupees on the security of all or any of the taxes which the corporation are authorised to levy for the purposes of this Act. Corporation may take advance from banks and grant mortgage.

(2) The corporation may also, with the previous sanction of ²[the ³State] Government] and subject to the provisions of this Act, mortgage any lands of, property vesting or re-vesting or belonging to the corporation in security of the payment of the amount of such credit or of the sums advanced from time to time on such cash account with interest thereon.

109C. Notwithstanding anything contained in sections 106 and 109, the corporation may also borrow, for the purpose of this Act, from any banks or banks in which under section 122 the surplus moneys at the credit of the municipal fund may be deposited, against any Government promissory notes or other securities in which for the time being the cash balance of the corporation may be invested.] Corporation to have power to borrow from banks against Government promissory notes or securities.

110. (1) Every mortgage authorized to be made under this Chapter ⁴[other, than a mortgage made under section 109B] shall be by debenture in the form, contained in Schedule C or in such other form as the Corporation, with the consent of ⁵[the Provincial Government], shall from time to time determine. Form of security.

(2) Every debenture issued under this Act ⁶[other than a debenture issued under section 110D] shall be transferable by endorsement ^{7*} * * * * *

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

¹ New sections 109A, 109B and 109C were inserted by Bom. 13 of 1933, s. 24.
² The words " Provincial Government " were substituted for the words " Local Government " by the Adaptation *ff* Indian Laws Order in Council.
³ This words substituted for the word " Provincial " by the Adaptation of Laws Order, 1950.
⁴ These words and figures were inserted by Bom. 13 of 1933, s. 25(a).
⁵ The words "the Provincial Government" were substituted for the words "Government" by the Adaptation of Indian Laws Order in Council.
⁶ These words were inserted by Bom. 12 of 1933, s. 25 (b).
⁷ The words and letter "and such transfers may be in the form of Schedule D, or to the like effect" were deleted and have been deemed always to have been deleted by Bom. 76 of 1948, s. 14.

Issue of duplicate securities.

¹[110A. (1) When a debenture issued under this Act or any previous Act relating to the municipal government of the city ²[or under the City of Bombay Improvement Act, 1898, or the City of Bombay Improvement Trust Transfer Act, 1925], is alleged to have been ³[lost, stolen or destroyed either wholly or in part] and a person claims to be the person to whom but for the loss, ⁴[theft] or destruction it would be payable, he may, on application to the Municipal Commissioner, and on producing proof to his satisfaction of the loss, ⁴[theft] or destruction and of the justice of the claim, obtain from him an order for,—

Bom. IV of 1898. Bom. XVI of 1925.

⁵[(a) if the debenture alleged to have been lost, stolen or destroyed is payable more than six years after the date of publication of the notification referred to in sub-section (2),—

(i) for the payment of interest in respect of the debenture pending the issue of a duplicate debenture, and

(ii) for the issue of a duplicate debenture payable to the applicant, or

(b) if the debenture alleged to have been lost, stolen or destroyed is payable not more than six years after the date of publication of the notification referred to in sub-section (2),—

(i) for the payment of interest in respect of the debenture without the issue of a duplicate debenture, and

(ii) for the payment to the applicant of the principal sum due in respect of the debenture on or after the date on which the payment becomes due.]

(2) An order shall not be passed under sub-section (1) until after the issue of such notification of the loss ⁶[theft] or destruction of the debenture as may be prescribed by the corporation, and after the expiration of such period as may be prescribed by the corporation, nor until the applicant has given such indemnity as may be required by the corporation against the claims of all persons deriving title under the debenture lost, ⁷[stolen] or destroyed.

⁸[(3) A list of the debentures in respect of which an order is passed under sub-section (1) shall be published in the *Official Gazette*.]

⁹[(4) If at any time before the corporation becomes discharged under the provisions of section 110AD from liability in respect of any debenture the whole of which is alleged to have been lost, stolen or destroyed, such debenture is found, any order passed in respect thereof under this section shall be cancelled.]

Renewal of debentures.

¹⁰[110AA. Subject to the provisions of section 110AB, a person claiming to be entitled to a debenture issued under this Act or any previous Act relating to the municipal government of the city or under the City of Bombay Improvement Act, 1898, or the City of Bombay Improvement Trust Transfer Act, 1925, may on applying to the Commissioner and on satisfying him of the justice of his claim and delivering of the debenture received in such manner and paying such fee as may be prescribed by the Commissioner obtain a renewed debenture payable to the person applying.

Bom. IV of 1898. Bom. XVI of 1925.

¹ Sections 110A to 110C were inserted by Bom. 1 of 1910, s. 2, Serial No. 16.

² These words and figures were inserted by Bom. 13 of 1933, s. 26.

³ These words were substituted for the words "wholly or partly lost or destroyed" by Bom. 5 of 1938, s. 12(a)(i).

⁴ This word was inserted, *ibid*, s. 12(a)(ii).

⁵ These clauses were substituted for the original, *ibid* s. 12 (a);(iii).

⁶ This word was inserted *ibid*, s. 12(b);(i).

⁷ This word was inserted, *ibid*, s. 12 (b);(ii).

⁸ This sub-section was substituted for the original by Bom. 5 of 1938, s. 12(c).

⁹ This sub-section was added, *ibid*, s. 12(d).

¹⁰ Sections 110AA to 110AE were inserted, *ibid*, s. 13.

110AB. (1) Where there is a dispute as to the title to a debenture issued under this Act or any previous Act relating to the municipal government of the city or under the City of Bombay Improvement Act, 1898, or the City of Bombay Improvement Trust transfer Act, 1925, in respect of which an application for renewal has been made, the Commissioner may—

Renewal of debentures in case of dispute as to title.

Bom.
IV of
1898.
Bom.
XVI
of
1925.

(a) where any party to the dispute has obtained a final decision from a Court of competent jurisdiction declaring him to be entitled to such debenture, issue a renewed debenture in favour of such party, or

(b) refuse to renew the debenture until such a decision has been obtained, or

(c) after such inquiry as is hereinafter provided and on consideration of the result thereof, declare by order in writing which of the parties is in his opinion entitled to such debenture and may, after the expiration of three months from the date of such declaration, issue a renewed debenture in favour of such party in accordance with the provisions of section 110AA, unless within that period he has received notice that proceedings have been instituted by any person in a court of competent jurisdiction for the purpose of establishing a title to such debenture.

Explanation.—For the purposes of this sub-section the expression “final decision” means a decision which is not appealable or a decision which is appealable but against which no appeal has been filed within the period of limitation allowed by law

(2) For the purposes of the inquiry referred to in sub-section (1) the Commissioner may himself record, or may request the District Magistrate to record or to have recorded, the whole or any part of such evidence as the parties may produce. The District Magistrate to whom such request has been made may himself record the evidence or may direct any Magistrate subordinate to him to record the evidence and shall forward the record of such evidence to the Commissioner.

(3) The Commissioner or any Magistrate acting under this section may, if he thinks fit, record evidence on oath.

110AC. (1) When a renewed debenture has been issued under section 110AA in favour of any person, the debenture so issued shall be deemed constitute a new contract between the corporation and such person and all persons deriving title thereafter through him.

Liability in respect of debenture renewed.

(2) No such renewal shall affect the rights as against the corporation of any other person to the debenture so renewed.

110AD. When a duplicate debenture has been issued under section 110A, or when a renewed debenture has been issued under section 110AA or section 110AB or when the principal sum due on a debenture in respect of which an order has been made under section 110A for the payment of the principal sum without the issue of a duplicate debenture has been paid on or after the date on which such payment became due, the corporation shall be discharged from all liability in respect of the debenture in place of which a duplicate or renewed debenture has been so issued, or in respect of which such payment has been made, as the case may be—

Discharge in certain cases.

(a) in the case of a duplicate debenture, after the lapse of six years from the date of the publication of the notification referred to in sub-section (3) of section 110A or from the date of the last payment of interest on the original debenture, whichever date is later,

(b) in the case of a renewed debenture after the lapse of six years from the date of the issue thereof, and

(c) in the case of payment of the principal sum without the issue of a duplicate debenture, after the lapse of six years from the date of the publication of the notification referred to in sub-section (3) of section 110A.

Indemnity. 110AE. (1) Notwithstanding anything in section 110AA or 110AB, the Commissioner may in any case arising under either of those sections—

(1) issue a renewed debenture upon receiving such indemnity in favour of the corporation and the Commissioner as he shall think fit against the claims of all persons claiming under the original debenture, or

(2) refuse to issue a renewed debenture unless such indemnity is given.]

Right of survivors of joint payees of securities. 110B. (1) Notwithstanding anything in section 45 of the Indian Contract Act, 1872, when any debenture issued under this Act or any previous Act relating to the municipal government of the city ¹[or under the City of Bombay Improvement Act, 1898, or the City of Bombay Improvement Trust Transfer Act, 1925], is payable to two or more persons jointly and either or any of them dies, the debenture shall be payable to the survivor or survivors of those persons. IX of 1872. Bom. IV of 1898. Bom. XVI of 1925.

(2) Nothing herein contained shall affect any claim which the representative of the deceased person may have against the survivor or survivors in respect of the debenture jointly payable to him or them and the deceased.

(3) This section shall apply whether the death of the person to whom the debenture or security was jointly payable occurred or occurs before or after this section comes into force.

Power of one or two or more joint holders to grant receipts. 110C. Notwithstanding anything in section 45 of the Indian Contract Act, 1872, when two or more persons are joint holders of any debenture issued under this Act, or any previous Act relating to the municipal government of the city, ²[or under the City of Bombay Improvement Act, 1898, or the City of Bombay Improvement Trust Transfer Act, 1925] any one of those persons may be given an effectual receipt for any interest or dividend payable in respect of such debenture unless notice to the contrary has been given to the Commissioner by any other of the holders.] IX of 1872. Bom. IV of 1898. Bom. XV of 1925.

Debentures issued under Bombay Acts IV of 1898 and XVI of 1925. ³110D. (1) The holder of any debenture issued by the Board of Trustees for the Improvement of the City of Bombay under the City of Bombay Improvement Act, 1898, or the City of Bombay Improvement Trust Transfer Act, 1925, may obtain in exchange therefor, upon such terms as the corporation shall from time to time determine, a debenture in any other form which the corporation may, with the previous consent of ⁴[the Provincial Government], prescribe. Bom. IV of 1898. Bom. XVI of 1925.

(2) Every debenture issued under the City of Bombay Improvement Act, 1898, or the City of Bombay Improvement Trust Transfer Act, 1925, or by the corporation under sub-section (1) shall be transferable— Bom. IV of 1898. Bom. XVI of 1925.

(a) if it is in the form of Schedule AA by endorsement, and

¹ These words and figures were inserted by Bom. 13 of 1933, s. 26.

² These words and figures were inserted, *ibid.*

³ Sections 110 D to 110H were inserted by Bom. 13 of 1933, s.27.

⁴ The words "the Provincial Government" were substituted for the words "Government" by adaptation of India Laws Order in Council.

(b) if it is in any other form, in such manner as is therein expressed.

Bom. (3) The rights to sue in respect of the moneys secured by debentures issued under
IV of this section or the City of Bombay Improvement Act, 1898, or the City of Bombay
1898. Improvement Trust Transfer Act, 1925, shall vest, in the respective holders thereof
Bom. for the time being without any preference by reason of some of such debentures being
XVI of prior in date to others.
1925.

Bom. 110DD. (1) The ¹[Mayor-in-Council] at its discretion may, at the time of issue or Issue of
IV of at any time during the currency of any debentures or securities issued under the stock.
1898. provisions of this Act or any previous Act relating to the municipal government of certificates.
Bom. of the city or under the City of Bombay Improvement Act, 1898, or the City of Bombay
XVI of Improvement Trust Transfer Act, 1925, upon the application of the subscriber for,
1925. or holder of any such debentures or securities, issue to him, in lieu of the debentures
or securities deliverable to or held by him, a certificate in the nature of a stock,
certificate in respect of the loan to which such debentures or securities relate, which
shall be in such form as the corporation with the previous consent of ²[the Provincial
Government], shall from time to time determine and all the provisions as to interest
or dividend on such debentures or securities shall, so far may be, apply to the interest
on the stock certificate.

Bom. ³[(1A) The repayment of the principal sum mentioned in a stock certificate issued
IV of under sub-section (1) in lieu of a debenture or any other security, not being a debenture
1898. issued under the City of Bombay Improvement Act, 1898, or the City of Bombay
Bom. Improvement Trust Transfer Act, 1925, or a debenture issued under the Act in
XVI of renewal of such a debenture, and the interest payable thereon shall be deemed to be
1925. secured by a mortgage of a proportion of all the taxes which may be levied under
this Act in the same manner and to the same extent as if a debenture for the same
sum has been issued in the form contained in Schedule C to this Act.]

(2) ⁴[The Mayor-in-Council] shall upon the application of the holder of a stock
certificate convert the same into debentures or securities of the loan to which it relates.

⁵[(3) The corporation may from time to time make, alter or rescind rules
prescribing—

- (a) the amounts for which stock certificates may be issued ;
- (b) the fees to be levied in respect of the issue of stock certificates ;
- (c) the form of keeping a register of the holders of stock ;
- (d) the mode in which payment of interest to holders of stock is to be made,
recorded and acknowledged ;
- (e) the form of transfer to be used, the formalities to be observed and the fees
to be levied on a transfer of stock ;
- (f) the circumstances and manner in which duplicate stock certificates may be
issued and the fees to be levied or the indemnity to be required on any such issue ;
- (g) generally the measures to be adopted for carrying out the objects of this
section.

¹ These words were substituted for the words "Standing Committee" by Mah. 10 of 1998, s. 57(a).

² The words " the Provincial Government " were substituted for the word " Government " by the
adaptation of Indian Laws Order in Council.

³ Sub-section (1A) was inserted by Bom. 32 of 1935, s. 6.

⁴ These words were substituted for the words "The Standing Committee" by Mah. 10 of 1998,
s. 57(b).

⁵ These sub-section were added by Bom. 5 of 1938, s. 14.

(4) No rule, or alteration or rescission of a rule, shall have effect until the same shall have been approved by the Government, and such approval shall have been published in the *Official Gazette*; and no rule, or alteration or rescission of a rule, shall be approved by Government until the same shall have been published for three weeks successively in the said *Gazette*.]

Provisions for loans, etc. raised by the Board of Trustees under Bombay Act IV of 1898 and Bombay Act XVI of 1925.

110E. In the case of all loans raised, sinking funds established, debentures or other securities issued and debts incurred by the Board of Trustees for the Improvement of the City of Bombay under and in accordance with the City of Bombay Improvement Act, 1898, and the City of Bombay Improvement Trust Transfer Act, 1925, before the City of Bombay Municipal (Amendment) Act, 1933, comes into operation the following provisions shall apply :—

Bom. IV of 1898. Bom. XVI of 1925.

(i) if when such loans were raised the loans were made repayable from sinking funds, the corporation shall establish sinking funds for the repayment of such loans and shall pay into such funds such sums, on such dates as may have been fixed when the loans were raised ;

(ii) if when any such loans were raised the loans were made repayable by equal payments of principal and interest or by equal payments of principal the corporation shall make such payments on such dates and in such manner as may have been fixed when the loans were raised ;

(iii) the provisions of clause (f) of section 109 shall, so far as may be, apply to such loans and the said clause shall be construed as if (a) for the word "annual" the words "yearly or half-yearly" were substituted and (b) the words "or in such other manner as may be approved by [the Provincial Government]" were omitted ;

(iv) the provisions of clause (g) of section 109 shall, so far as may be, apply to such sinking funds and the said clause shall be construed as if for the words "under this section" the words "under the City of Bombay Improvement Act, 1898, or the City of Bombay Improvement Trust Transfer Act, 1925," were substituted ;

Bom. IV of 1898. Bom. XVI of 1925.

(v) the provisions of clause (h) of section 109 (except the proviso) shall, as far as may be, apply and the said clause shall be construed as if after the words "year" the words "or every half-year" were inserted and as if the words "second half-yearly" were omitted ;

(vi) the provisions of section 109A shall, so far as may be, apply to such sinking funds ;

(vii) the provisions of section 110F shall, apply to such loans ;

(viii) the provisions of section 106 shall, so far as may be, apply, and the said section shall be construed as if for the words "contracted under this Act" the words "or debt contracted or incurred under this Act or by the Board of Trustees for the Improvement of the City of Bombay under the City of Bombay Improvement Act, 1898, or the City of Bombay Improvement Trust Transfer Act, 1925", were substituted ;

Bom. IV of 1898. Bom. XVI of 1925.

¹The words "the Provincial Government" were substituted for the words "Government" by the Adaptation of Indian Laws Orders in Council.

Bom. XIII of 1933. (jx) all securities and cash held by the Board of Trustees for the Improvement of the City of Bombay in existence when the City of Bombay Municipal (Amendment) Act, 1933, comes into operation in sinking funds established for the repayment of such loans shall be transferred to the corporation and shall be held by them as part of the sinking funds established under clause (i) ;

(x) when money is borrowed for the purpose of discharging any loan contracted by the said Board of Trustees for the Improvement of the City of Bombay the time for repayment of the loan so borrowed shall not extend beyond the unexpired portion of the period for which the original loan was sanctioned; and

(xi) for the removal of doubts, it is hereby declared that—

Bom. IV of 1898. Bom. XVI of 1925. (a) All loans contracted, sinking funds established and debts incurred by the Board of Trustees for the Improvement of the City of Bombay under the City of Bombay Improvement Act, 1898, and the City of Bombay Improvement Trust Transfer Act, 1925, shall continue to be subject as regards repayment, rate of interest, period, guarantee for fulfilment of liabilities and in all other respects to the same terms and conditions as were fixed by the said Board when such loans, funds, and debts were contracted, established or incurred or as were provided by or under the aforesaid Acts;

(b) All loans contracted, sinking funds established and debts incurred by the corporation under the provisions of this Act or any Act relating to the municipal government of the City of Bombay prior to the date on which the City of Bombay Municipal (Amendment) Act, 1933, comes into force, shall continue to be subject, as regards repayment, rate of interest, period, guarantee for fulfilment of liabilities and in all other respects, to the same term and conditions as were fixed when such loans, funds, and debts, were contracted, established or incurred or as were provided by or under the provisions of the aforesaid Acts prior to the date mentioned above:

Bom. XIII of 1933. Provided that nothing contained in clauses (a) and (b) above shall affect any express provision of the City of Bombay Municipal (Amendment) Act, 1933, relating to such loans, funds and debts.

110F. (1) If the corporation fail—

Bom. IV of 1898. Bom. XVI of 1925. (a) to pay any interest due in respect of any loan taken by the Board of Trustees for the Improvement of the City of Bombay under the City of Bombay Improvement Act, 1898, or the City of Bombay Improvement Trust Transfer Act, 1925, for the repayment of which the corporation have become liable under section 110E;

Procedure in event of default by corporation in payment of interest or investment of sinking fund charges.

(b) to pay or to set aside and invest any sum required by section 110E or which the said Board were required to pay or set aside and invest under the provisions of the said Acts.

the Accountant General of Bombay shall make such payment or shall set aside and invest such sum as ought to have been set aside and invested under the said provision or Acts; and the Commissioner shall forthwith pay from the municipal fund to the said Accountant General a sum equivalent to the sum so paid or invested by him; and if the amount is not so paid [the Provincial Government] may attach the rents and other income of the corporation sufficient to pay

¹The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

the said sum and thereupon the provisions of sub-sections (2) and (3) of section 99 shall with all necessary modifications be deemed to apply.

(2) The corporation may, with the previous sanction of ¹[the ²[State] Government], levy any such special tax as may be sufficient to repay to the municipal fund the amount paid by the Commissioner as aforesaid. Such special tax shall be in addition to any of the taxes from time to time leviable under this Act :

³[Provided that nothing in this sub-section shall authorize the levying of any tax which could not be imposed in the ²[State] by the ²[State] Legislature under the ⁴[Constitution].

Procedure in case of default by commissioner. **110G.** If the Commissioner fail to make the payment as required by section 110F ¹[the ²[State] Government] may attach the municipal fund or any tax leviable by the corporation or any special tax leviable under sub-section (2) of section 110F sufficient so far as can be estimated to cover such payment and thereupon the provisions of sub-sections (2) and (3) of section 99 shall with all modification be deemed to apply :

Provided that before ¹[the ²[State] Government] attaches a special tax leviable under sub-section (2) of section 110F, ¹[the ²[State] Government] may require the corporation to levy the said tax.

Certain sums to be a charge upon the property of the corporation. **110H.** All money payable under sub-section (1) of section 110F and levied under section 110G shall constitute a charge upon the property of the corporation.]

CHAPTER VII.

REVENUE AND EXPENDITURE

The Municipal Fund

Constitution of the municipal fund. **111.** ⁵[Subject to the provisions of sections ⁶[119A, 119B], 120, 120A and 460Z] all moneys received by or on behalf of the corporation under the provisions of this Act of any other enactment at the time in force, or under any contract ;
 all proceeds of the disposal of property by, or on behalf of, the corporation,
 all rents accruing from any property of the corporation,
 all moneys raised by any tax, levied for the purposes of this Act,
 all fees and fines payable and levied under this Act or under any rule, regulation or by-law in force thereunder ⁷[other than fines imposed by a court],

¹ The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of India's Laws Order in Council.

² This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

³ This proviso was substituted for the original proviso by the Adaptation of Indian Laws Order in Council.

⁴ This word was substituted for the words and figures "Government of India Act, 1935 the Adaptation of Laws Order, 1950.

⁵ This provision was inserted by Bom. 48 of 1948, s. 21.

⁶ These figures and letters were inserted by Mah.34 of 1973, s. 8.

⁷ These words were inserted by the Adaptation of Indian Laws Order in Council.

Bom.
VII of
1920.

¹[the balance, after all necessary contingent expenses have been defrayed, of all fees] for licences for public conveyances granted by the Police Commissioner under ²[the Bombay Police Conveyances Act, 1920].

Bom.
IV of
1902.

³[the balance, after all necessary contingent expenses have been defrayed, of all fees for licences for the playing of music in streets and public places granted under paragraph (ii) of clause (f) of section 22 of the City of Bombay Police Act, 1902],

4* * * * *
all moneys received by or on behalf of the corporation ⁵[from any Government or private individuals by way of grant or gift or deposit, an

all interest and profits arising from any investment of, or from any transaction in connection with any money, belonging to the corporation, ⁶[including loans advanced under section 354W, ⁷[354WA or 354 WB]],

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

8* * * * *

Bom.
I of
1923.

⁹[111A. The State Government may, under appropriation duly made in this Annual granted by State Government from proceeds of entertainments duty. behalf, make a grant to the Corporation every year of such amount as it may, from time to time, determine, having regard to the proceeds of the entertainments duty levied and collected by it in ¹⁰[Brihan Mumbai] under the Bombay Entertainments duty Act, 1923. The grant shall be made in such manner and shall be subject to such terms and conditions, as the State Government may, from time to time determine. All moneys received by the Corporation by way of such grant shall be credited to the municipal fund:]

¹¹[Provided that it shall be competent for the State Government to deduct—

(a) from the grants made by the State Government, or

(b) from any sum representing the grant-in-aid or the share of the Corporation in the net proceeds of the taxes, duties, tolls and fees levied by the State Government on the recommendations of the Finance Commission.

any amount which is due to the State Government, or to any Government, Corporation, Government Company or any other statutory authority constituted by the Government of Maharashtra:

Provided further that, before making such deductions, the Corporation's say in the matter shall be considered by the Government].

¹ These words were substituted for the words "all fees" by Bom. 3 of 1907, s. 16(a).

² These words and figures were substituted for the original by Bom. 76 of 1948, s. 15.

³ This clause was inserted *ibid.*, s. 16(b).

⁴ The words figures, letter and brackets "the balance, after all expenses referred to in sub-section (3) of section 513A have been defrayed of all fines levied by any magistrate in respect of any offence against the provisions of this Act, or of any regulation or by-law made under this Act" were omitted by the Adaptation of Indian Laws Order in Council.

⁵ The words "from any Government" were substituted for the words "from Government", *ibid.*

⁶ These words, figures and letter were inserted by Bom, 13 of 1933, s. 28.

⁷ These figures letters and word were inserted by Bom. 34 of 1954, s. 4.

⁸ The proviso was deleted by Bom. 48 of 1948, s. 21.

⁹ Section 111A was inserted by Mah. 63 of 1975, s. 3.

¹⁰ These words were substituted for the words "Greater Bombay" by Mah. 25 of 1996, Schedule-

¹¹ These proviso were added by Mah, 41 of 1994, s. 39.

Commissioner to receive payments on accounts of the municipal fund and to lodge them in a bank.

112. All moneys payable to the credit of the municipal fund shall be received by the Commissioner and shall be forthwith paid ¹[into the] ²[the State Bank of India, constituted under the State Bank of India Act, 1955 or any corresponding new Bank specified in the First Schedule to the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970 or in the First schedule to the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1890) to the credit of an account, which shall be styled the account of the municipal fund of ³[Brihan Mumbai].

XXIII
of
1955.
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⁴[* * * * *]

How the fund shall be drawn against.

⁵[**113.** (1) Subject to the provisions of section 520, no payment shall be made by the Bank aforesaid out of the municipal fund except on a cheque signed by two persons in the manner specified below, namely :—

⁶[(a) by the Commissioner, Additional Commissioner, the Director or a Deputy Commissioner ⁷[or, in the absence of all of them, by a municipal officer who is authorised by ⁸[the Mayor-in-Council] and

(b) by the Municipal Chief Accountant, Additional Municipal Chief Accountant, Joint Municipal Chief Accountant or Deputy Accountant :]

Provided that, any cheque for an amount not exceeding ⁹[one lakh rupees], if signed by the Chief Accountant or Deputy Accountant shall be sufficient authority for the payment of the amount thereof out of the fund by the said Bank.

(2) Payment of any sum due by the corporation in excess of one hundred rupees (or such higher amount as ⁸[the Mayor-in-Council] from time to time may fix generally or for any specified class of payments) shall be made by means of a cheque signed as aforesaid and not in any other way.

(3) Payment not covered by sub-section (2) may be made by the Commissioner in cash or cheques for a sum not exceeding five thousand rupees each (or such higher amount as ⁸[the Mayor-in-Council] may from time to time fix) signed as aforesaid, being drawn from time to time to cover such payments.

Deposit of portion of the municipal fund may be made with bank or agency out of ¹¹[Mumbai] when convenient.

114. Notwithstanding anything contained in the last two preceding sections, the Commissioner may, with the ¹⁰[previous] approval of ⁸[Mayor-in-Council] from time to time, remit any portion of the municipal fund to a bank or other agency at any place beyond the city at which it may be desirable for the corporation to have funds in deposit, and any money payable to the credit of the municipal fund or chargeable thereagainst, which can, in the opinion of the Commissioner be most conveniently paid into or out of the account of the Corporation at any such bank or agency, may be so paid.

¹ These words substituted for the original by Bom. I of 1894, s. 4 (2).

² This portion was substituted for the words "the Bank of Bombay" by Mah. 21 of 1989, s. 18(a).

³ These words were substituted for the words "Greater Bombay" by Mah. 25 of 1996, schedule.

⁴ This proviso was deleted by Mah. 21 of 1989, s. 18(b).

⁵ Section 113 was substituted by Mah. 39 of 1961, s. 9.

⁶ Clauses (a) and (b) were substituted for the original by Mah. 21 of 1989, s. 19(a).

⁷ These words were inserted by Mah. 12 of 1993, s. 3 (a).

⁸ These words were substituted for the words "the Standing Committee" by 10 of 1998 s. 58.

⁹ These words were substituted for the words "ten thousand rupees" by Mah 12 of 1993, s. 3(b).

¹⁰ The word "previous" was inserted by Bom. 19 of 1930, s. 9.

¹¹ These words were substituted for the word "Bombay" by Mah. 25 of of 1996, schedule.

115. (1) Except as hereinafter provided, on payment of any sum shall be made by the Commissioner out of the municipal fund, unless the expenditure of the same is covered by a current budget-grant and sufficient balance of such budget-grant is still available, notwithstanding any reduction or transfer thereof which may have been made under section 133 or section 134.

Only sums covered by budget-grant to be expended from the municipal fund.

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

- (a) sums of which the expenditure has been sanctioned by the [Mayor-in Council] under section 132;
- (b) temporary payments under section 119 for works urgently required in the public service;
- (c) refunds of taxes and other moneys which the Commissioner is by or under this Act authorised to make;
- (d) repayments of moneys belonging to contractors or other persons held in deposit and of moneys collected or credited to the municipal fund by mistake;
- (e) sums which the Commissioner is by section 222, sub-section (3), 309, sub-section (2), 315, sub-section (2), 334, sub-section (2), 395, sub-section (2), 426, sub-section (2), 427, sub-section (4), 501 and 515, clause (b) required or empowered to pay by way of compensation;
- (f) sums payable in any of the circumstances mentioned in clause (f) of section 118;
- (g) expenses incurred by the Commissioner in the exercise of the power conferred upon him by section 434;

(h) costs incurred by the Commissioner under [clause (c) or (d) of sub-section (3)] of section 64 :

³Provided further that, in the case of an emergent necessity for funds, and upon a representation by the ⁴[Mayor in Council] to the Corporation, the Corporation may, with the previous sanction of the State Government (which sanction may be given subject to such terms and conditions as to repayment and other matters as that Government thinks fit), authorise the Commissioner to pay from the municipal fund into the ⁵[Brihan Mumbai Electric Supply and Transport Fund] such Sums as may be specified, as a temporary advance for meeting such emergency.]

(3) In sub-section (1), "budget-grant" means a budget-grant within the meaning of that term as defined in section 130 and includes any sum by which such budget grant may at any time be increased by a transfer under ⁶[sub-section (1)] of section 133.

116. The (Office of the Corporation) * * * * * shall not sign any cheque under section 113 without first satisfying themselves that the sum for which such cheque is drawn is either covered by a budget-grant as aforesaid or is an item of one of the excepted descriptions specified in sub-section (2) of the last preceding section.

Drafts on the municipal fund to be checked by [Officer of the Corporation].

¹ These words were substituted for the words "Standing Committee" by Mah. 10 of 1998 s. 60(a).

² This portion was substituted for the original by Bom. 48 of 1948, s. 22.

³ This proviso was added by Mah. 32 of 1966, s. 2.

⁴ These words were substituted for the words "Brihan Mumbai Electric Supply and Transport Committee" by Mah. 10 of 1998, s. 60 (b).

⁵ These words were substituted for the words "Bombay Electric Supply and Transport Fund" by Mah. 25 of 1996, schedule.

⁶ This was substituted for " Clause (b) by Bom. 5 of 1938, S. 15.

⁷ These words were substituted for the words "Members of the Standing Committee" by Mah. 10 of 1998, s. 61.

⁸ The words "and the municipal secretary" were omitted by Bom. 32 of 1935, s. 8.

Procedure when money not covered by a budget-grant is expended under clause (e), (f), (g) or (h) of section 115.

117. Whenever any sum is expended by the Commissioner under clauses (e), (f), (g) or (h) of ¹[sub-section (2) of] section 115, he shall forthwith communicate the circumstances to the ²[Mayor-in-Council] who shall take action under ¹[sub-section (2) of] section 133 or recommend the corporation to take, under section 131 ¹[or under sub-section (1) of section 133] such actions as shall, in the circumstances, appear possible and expedient for covering the amount of the additional expenditure.

Purpose for which the municipal fund is to be applied.

118. The moneys from time to time credited to the municipal fund shall be applied in payment of all sums, charges and costs necessary for the purposes, specified in section 61, 62, ³[62D], ⁴[62E] and 63, or for otherwise carrying this Act into effect, or of which the payment shall be duly directed or sanctioned under any of the provisions of this Act, inclusive of—

(a) the expenses of every ward-election ⁵* * * held under this Act:

⁶(b) sum payable to the ⁷[Brihan Mumbai Electric Supply and Transport Fund] in repayment of amounts disbursed therefrom for any of the purposes of this Act other than for the purpose of the ⁸[Brihan Mumbai Electric Supply and Transport Undertaking] and including the expenses of, or reasonable charges for, all supplies provided and services rendered for any such purpose by the General Manager at the charge of the ⁷[Brihan Mumbai Electric Supply and Transport Fund];

(c) the salaries, ⁹[joining time allowances] and other allowances of the Commissioner, ¹⁰[of the Director] and of any Deputy Commissioner appointed under this Act ¹¹[and of any officer whose services may, at the request of the corporation, be placed by ¹²the ¹³[State Government] at their disposal];

(d) the salaries and other allowances of all municipal officers and servants and all ¹⁴[contributions to provident funds,] pensions, gratuities and compassionate allowances payable under the provisions of this Act or of any schedule or regulations framed under this Act and at the time in force ¹⁵[and the interest on the accumulations of Municipal Officers and servants in the provident funds aforesaid, at such rate as is sanctioned by the State Government, from time to time, in the case of such accumulations of its own employees);

¹⁶(dd) the fees and costs payable to the Commission in connection with consultation relating to any appointment to any post in any department of the Municipal administration ;]

(e) all expenses and costs incurred by the Commissioner in the exercise of any power or the discharge of any duty conferred or imposed upon him by this Act, including moneys which he is required or empowered to pay by way of compensation ;

¹ This portion was inserted by Bom. 5 of 1938, s. 16.

² These words were substituted for the words "Standing Committee" by Mah. 10 of 1998, s. 62.

³ The figures and letter "62D" were inserted by Bom. 3 of 1907, s. 17.

⁴ The figures and letter "62E" were inserted by Bom. 12 of 1925, s. 3.

⁵ The words "and of every justices election" were omitted by Bom. 32 of 1935, s. 9.

⁶ Clause (b) was inserted by Bom. 48 of 1948, s(23).

⁷ These words were substituted for the words "Bombay Electric Supply and Transport Fund" by Mah 26 of 1996, Schedule.

⁸ These words were substituted for the words "Bombay Electric Supply and Transport Undertaking", *ibid*, Schedule.

⁹ These words were inserted by Bom. 5 of 1905, s. 8(a).

¹⁰ These words were inserted by Mah. 53 of 1981, s. 16(a).

¹¹ These words were added by Bom. 5 of 1905, s. 8(b).

¹² The words "the Provincial Government" were substituted for the words "Government" by the Adaptation of Indian Laws Order in Council.

¹³ This was substituted for the words "Provincial" by the Adaptation of Laws Order, 1950.

¹⁴ These words were added by Bom. 6 of 1922, s. 30.

¹⁵ These words were added by Mah. 27 of 1979, s. 2.

¹⁶ Clause (dd) was inserted by Bom. 48 of 1950, s. 53.

4[(ee) the loans advanced in accordance with the provisions of section 354-W, 2[354WA, 354 WB or 354WBB ;]

(f) every sum payable—

(i) under 3[sub-section (I) of section 110F], 4[section 513-A, and] sub-section(I) of section 520 to 5[the 6[State] Government] ;

(ii) under a decree or order of a civil or criminal court passed against the corporation or against the Commissioner 7[the Director] or a Deputy Commissioner *ex-officio* ;

(iii) under a compromise of any suit or other legal proceeding or claim effected under section 517.

8[118A. Expenditure by the corporation out of the municipal fund shall, save as otherwise provided by this Act, be made within 9[Brihan Mumbai]only, but may by a resolution of the corporation supported by at least 10[half the total number of] councillors, be made outside the city for any of the purposes of this Act.]

Municipal fund where to be expended.

119. (1) On the written requisition of a Secretary to 5[the 6[State] Government], the Commissioner may at any time undertake the execution of any work certified by such Secretary to be urgently required in the public service, and for this purpose may temporarily make payments from the municipal fund, so far as the same can be made without unduly interfering with the regular working of the municipal administration. The cost of all work so executed and of the establishment engaged in executing the same shall be paid by the 5[the 6[State] Government] and credited to the municipal fund.

Temporary payments from the municipal fund for works urgently required for public service.

(2) On receipt of any requisition under sub-section (1) the Commissioner shall forthwith forward a copy thereof to the corporation, together with a report of the steps taken by him in pursuance of the same.

11* * * * *

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Special funds.

13119A. (1) The Corporation shall establish and set apart for the purposes of ' G ' budget a separate fund to be called " the Consolidated Water Supply and Sewage Disposal Loan Fund " for the purposes of carrying into effect the provisions of Chapters IX and X.

Constitutions of the consolidated Water Supply and Sewage Disposal Loan Fund.

(2) The following moneys shall be credited to the said Loan Fund, namely :—

(a) any sums borrowed in exercise of the powers conferred by or under this Act for the purposes of chapters IX and X ;

(b) such portion of the Sinking Fund referred to in clause (f) of section 109 as the Corporation may, from time to time, determine.

¹ The new clause (ee) was inserted by Bom. 13 of 1933, s. 29(i).

² These figures, letters and words were inserted by Bom. 34 of 1954, s. 5.

³ These words, figures, letter and brackets were inserted by Bom. 13 of 1933, s. 20 (ii).

⁴ These words, figures and letters were inserted by Bom. 10 of 1930, s. 3.

⁵ The words "the Provincial Government" were substituted for the words "Government" by the Adaptation of Indian Laws Order in Council.

⁶ This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

⁷ These words were inserted by Mah. 53 of 1981, s. 16(b).

⁸ New section 118A was inserted by Bom. 10 of 1928, s. 11.

⁹ These words were substituted for the words "Greater Bombay" by Mah. 25 of 1996, Schedule.

¹⁰ These words were substituted for the words "fifty-four", by Bom. 7 of 1950.

¹¹ The heading "School-fund and section 120" were repealed by Bom. 3 of 1907, s. 18.

¹² Portion repealed by Bom. 3 of 1907, s. 19 are omitted.

¹³ Sections 119A and 119B were inserted by Mah. 34 of 1973, s. 9.

(3) The Fund so established shall be applied for,--

- (a) the expenditure on capital works for the purposes of Chapters IX and X ;
- (b) the repayment of the previous loans raised for such capital works.

(4) Any moneys of the said Fund, not used or not immediately to be used in accordance with the last preceding sub-section, shall be invested by the Commissioner, on behalf of the Corporation with the sanction of the ¹[Mayor-in-Council], in such manner as he deems fit and proper.

Constitution
of the Water
and Sewage
Fund.

119B. (1) The Corporation shall establish and set apart separate fund to be called 'the Water and Sewage Fund'.

(2) All moneys received by or on behalf of the Corporation under clause (a) or (b) of section 140 or under section 169 to 172 (both inclusive) or any other moneys received for the purposes of Chapters IX and X shall be credited to the Water and Sewage Fund.

(3) All moneys payable to the credit of the said Fund shall be received by the Commissioner and forthwith paid by him into the Bank or Banks approved by the ¹[Mayor-in-Council] from time to time in this behalf to the credit of account which shall be style 'the Account of the Water and Sewage Fund' :

Provided that, the Commissioner may, subject to any general or special directions issued by the ²[Mayor-in-Council], retain such balance in cash as may be necessary for the purposes of Chapters IX and X.

(4) The moneys from time to time credited to the said Fund shall be applied only in payment of all sums, charges and costs necessary for the purposed of carrying in to effect the provisions of Chapters IX and X.

(5) Surplus money at the credit of the said Fund, which cannot immediately or at an early date be applied as provided in the last preceding sub-section may, from time to time, be deposited by the Commissioner at interest in the Bank or Banks approved by the ²[Mayor-in-Council] or be invested in public securities.

(6) All such deposit and investments shall be made by the Commissioner on behalf of the Corporation with the sanction of the ²[Mayor-in-Council], and with the like sanction, the Commissioner may at any time withdraw any deposits so made or dispose of any securities and redeposit or reinvest the moneys so withdrawn or the proceeds of the disposal of the securities; but no order for making any such deposits or investment or withdrawal or disposal shall have any validity, unless the same be in writing signed by two persons in the manner specified in sub-section (1) of section 113 for signing cheques.

(7) The loss, if any, arising from any such deposits or investment shall be debited to 'the Water and Sewage Fund.'

Constitution
on Fines
Fund.

³[120. Fines collected under ⁴[section 83] shall be credited to a separate fund to be called " the Fines Fund " the proceeds of which shall be expended in promoting the well-being of municipal officers and servants other than those appointed under the provisions of Chapter XVI-A of this Act, and for the payment of compassionate allowances to the widows of such officers and servants who die while in municipal service and to such other relation of the officers and servants as the corporation may from time to time determine.

¹ These words were substituted for the words "Standing Committee" by Mah. 10 of 1998, s. 63.

² These words were substituted for the words "Standing Committee" *ibid* s. 64.

³ Sections 120 and 120A were added by Bom. 48 of 1948, s. 24.

⁴ This word and figure were substituted for the words and figure "section 82" by Mah. 10 of 1998, s. 65.

120A. Amounts transferred to the municipal fund under the provisions of clause (c) of sub-section (1) of section 460LL shall be credited to a special fund to be called "the Welfare Fund" and shall be expended in providing such benefits and amenities to municipal officers and servants, including those appointed under the provisions of Chapter XVI-A of this Act and to such members of their families and their dependants as the corporation may from time to time determine.] Constitution of Welfare Fund.

121. With the [previous] approval of the corporation, any ²* * * portion of the municipal fund may, ³* * * from time to time, be credited to a separate heading in the municipal accounts, provided that there shall be credited and debited to such special heading such sums only as shall expressly relate to the objects for which a special fund is so created. Special funds may be created with the approval of the Corporation.

Disposal of Balances.

³[122. (1) Surplus moneys at the credit of the municipal fund which cannot immediately or at an early date be applied to the purposes of this Act or of any loan raised thereunder may be, from time to time, deposited at interest in ⁴[a Nationalised Bank] ⁵[or deposited with the State Government or with any statutory corporation approved by the State Government] or be invested in public securities. Investment of surplus money.

(2) All such surplus moneys which it is necessary to keep readily available for application to such purposes and all such surplus moneys which cannot in the opinion of the Municipal Commissioner, concurred in by the ⁶[Mayor-in-Council], be favourably deposited or invested as aforesaid, may be deposited at interest at any bank or banks in the city of Bombay which the ⁶[Mayor-in-Council] may, subject to the control of the corporation, from time to time, select for the purpose.

(3) All such deposits and investments shall be made by the Commissioner on behalf of the corporation, with the sanction of the ⁶[Mayor-in-Council], and, with the like sanction, the Commissioner may at any time withdraw any deposit so made or dispose of any securities and re-deposit, or re-invest the money so withdrawn or the proceeds of the disposal of such securities; but no order for making any deposit or investment, withdrawal or disposal under this section shall have any validity unless the same be in writing, signed ⁷[by two persons] in the manner specified in sub-section (1) of section 113, for signing of cheques].

(4) The loss, if any, arising from any such deposit or investment shall be debited to the municipal fund.]

Accounts

123. ⁸[Subjects to the provisions of Chapter XVI-A of this Act] accounts of the receipts and expenditure of the corporation shall be kept in such manner and in such forms as the ⁹[Mayor-in-Council] shall from time to time prescribe : Accounts to be kept in forms prescribed by ⁹[Mayor-in-Council].

¹⁰[Provided that, the accounts of the Water and Sewage Fund and the Consolidated Water Supply and Sewage Disposal Loan Fund shall be maintained on the accrual basis, unless otherwise prescribed by the ⁹[Mayor-in-Council].

¹ The word "previous" was inserted by Bom. 19 of 1936, s. 9.

² Portions repealed by Bom. 3 of 1907, s. 19.

³ This section was substituted for the original section 122 by Bom. I of 1894, s. 5.

⁴ These words were substituted for the words "the Bank of Bombay" by Mah. 10 of 1998, s. 66(a).

⁵ These words were inserted by Mah. 7 of 1986, s. 2.

⁶ These words were substituted for the words "Standing Committee" by Mah. 10 of 1998, s. 66(b).

⁷ These words were substituted for the words "by those persons", *ibid.*, s. 66(b).

⁸ This portion was inserted by Bom. 48 of 1948, s. 25.

⁹ These words were substituted for the words "Standing Committee" by Mah. 10 of 1998, s. 67.

¹⁰ This proviso was added by Mah. 34 of 1973, s. 10.

Separate proforma accounts to be kept by the Commissioner. ¹[123A. (1) There shall be kept by the Commissioner under a separate heading in the municipal accounts, accounts of all the property vested or vesting in the corporation and of all receipts and expenditure of the corporation on accounts of the transfer to them of the powers, duties, assets and liabilities of the Board of Trustees constituted under the City of Bombay Improvement Trust Transfer Act, 1925, ²[and of all property acquired by, and of all receipts and expenditure of, the Corporation for any of the purposes of Chapter XII-A.]

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(2) Such accounts shall be maintained so far as may be, in such manner and in such forms as the ³[Mayor-in-Council] shall from time to time prescribe in accordance with the rules contained in Schedule BB.

(3) The Commissioner shall publish such accounts in the ⁴[Official Gazette] every ⁵[* year.]

123B. [*Separate pro forma accounts in respect of the suburbs to be kept.*] Deleted by Mah. I of 1964, s. 4.

123BB. [*Provisions of section 231-B to apply mutatis mutandis in respect of extended suburbs.*] Deleted by Mah. I of 1964, s. 4.

Accounts in respect of primary education. ⁶[123C. (1) There shall be kept by the Commissioner under a separate heading in the municipal accounts, accounts of all receipts and expenditure of the corporation for, or in connection with, the purposes of clause (g) of section 61.

(2) Such accounts shall be maintained so far as may be, in such manner and in such forms as the ⁷[Mayor-in-Council] shall from time to time prescribe in accordance with the rules contained in Schedule BBA].

Preparation of annual administration report and statement of accounts. **124.** (1) ¹⁰[The Member-in-Charge shall, as soon as may be, after each first day of April but not later than thirtieth day of November] have prepared a detailed report of the municipal administration of ⁹[Brihan Mumbai] ¹⁰[other than the administration of the -[Brihan Mumbai] Electric Supply and Transport Undertaking]- during the previous official year, together with a statement showing the amounts of the receipts and disbursement respectively credited and debited to the municipal fund during the said year and the balance at the credit of the fund at the close of the said year.

¹²(2) The Member-in-charge shall, incorporate with his said report and statement (a) a report for the same period from each member of the Mayor-in-Council incharge of a department ;

(b) the accounts of balance due on loan then last published under section 105 ;

¹ New section 123A was inserted by Bom. 13 of 1933, s. 30.

² These words were added by Bom. 34 of 1954, s. 6.

³ These words were substituted for the words "Standing Committee" by Mah. 10 of 1998, s. 68.

⁴ The words "Official Gazette" were substituted for the words "Bombay Government Gazette" by the Adaptation of Indian Laws Order in Council.

⁵ The words "half" was omitted by Bom. 5 of 1938, s. 17.

⁶ Section 123C was inserted by Bom. 48 of 1950, s. 54.

⁷ These words were substituted for the words "Education Committee" by Mah. 10 of 1998, s. 69.

⁸ These words were substituted for words "The Commissioner shall, as soon as may be after each first day of April" *ibid.*, s. 70(a).

⁹ These words were substituted for the words "Greater Bombay" by Mah. 25 of 1996, Schedule.

¹⁰ These words were inserted by Bom. 48 of 1948, s. 26.

¹¹ These words were substituted for the words "Bombay Electric Supply and Transport Undertaking" by Mah. 25 of 1996, Schedule.

¹² Sub-section (2) was substituted by Mah. 10 of 1998, s. 70 (b).

and cause the same to be printed; and shall submit the same to the Mayor-in-Council.

(3) After examination and review of the said printed report and statement by the Mayor-in-Council there shall be added to the compilation, printed copies of such of the appendices attached to the reports of the Member-in-charge, if any, as the Mayor-in-Council directs and a copy of the complete compilation shall be forwarded to the usual or last known local place of abode of each councillor at least eight days previous to the ordinary meeting of the Corporation in the next following month of January and copies thereof shall be delivered to any person requiring the same, on payment of such reasonable fee for each copy as the Mayor-in-Council shall determine.”].

Annual Budget Estimate

¹[125. The ²[Member-in-Charge] shall on or before each ³[fifth day of February,] Estimates of expenditure and income to be prepared annually by the ¹³[Member-in-charge]. have prepared and lay before ⁴[the Mayor-in-Council, in such form as the said Council] shall from time to time approve—

(I) (a) an estimate of the expenditure which must or should, in his opinion be incurred by the corporation in the next ensuing official year, other than—

5* * * * *

(ii) expenditure to be incurred by reason of the obligations imposed on the corporation arising out of the transfer to the corporation of the powers, duties, assets and liabilities of the Board of Trustees for the improvement of the City of Bombay constituted under the City of Bombay Improvement Trust Transfer Act, 1925 ⁶[or for any of the purposes of Chapter XII-A]; and

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(iii) expenditure to be incurred on account of the ⁷[Brihan Mumbai Electric Supply and Transport Undertaking];

⁸[(iv) expenditure to be incurred for the purposes of clause (q) of section 61 ;

⁹(v) expenditure to be incurred for the purposes of Chapters IX and X ;]

(b) an estimate of all balances, if any (other than balances shown in the ¹⁰[accounts maintained under sections ¹¹[123A ¹²* and 123C.] which will be available for re-appropriation or expenditure at the commencement of the next ensuing official year ;

¹ Section 125 was substituted for the original by Bom. 13 of 1933, s. 31.

² These words were substituted for the words “ The Commissioner” Mah. 10 of 1998, s. 71(a).

³ These words were substituted for the words “ first day of March” by Mah. 21 of 1939, s. 21.

⁴ These words were substituted for the words “the Standing Committee, in such form as the said committee” by Mah. 10 of 1998, s. 71(b).

⁵ Paragraph (f) was deleted by Mah. 1 of 1964, s. 5(a)(i).

⁶ These words were inserted by Bom. 34 of 1954, s. 7(1).

⁷ These words were substituted for the words “ Bombay Electric Supply and Transport Undertaking” by Mah. 25 of 1996, Schedule.

⁸ Sub-clause (iv) was inserted by Bom. 48 of 1950, s. 55(1).

⁹ Sub-clause (v) was inserted by Mah. 34 of 1973, s. 11 (a).

¹⁰ This portion was substituted for the portion “account maintained under section 123A” by Bom. 7 of 1950, s. 15(I)(b).

¹¹ The figures word and letters were substituted for the figures, word and letters “123A and 123B” by Bom. 48 of 1950, s. 55(2).

¹² The figures and letters “123-B, 123-BB” were deleted by Mah 1 of 1964, s. 5 (a)(ii).

¹³ These words were substituted for the words “Commissioner” by Mah. 10 of 1998, s. 71 (d).

(c) an estimate of the corporation's receipts and income for the next ensuing official year other than from taxation ¹[and from the ²[Brihan Mumbai electric Supply and transport Undertaking] and other than that referred to ³* * * in clause (c) of sub-section (2) ⁴[and in clause (d) of section 126C] ⁵[and in section 126E];

⁶[(cc) an estimate of the amount due to be transferred during the next ensuing official year to the municipal fund under the provisions of sections 460KK and 460LL ;]

(d) a statement of proposals as to the taxation which it will, in his opinion, be necessary or expedient to impose under the provisions of this Act in the next ensuing official year ;

7* * * * *

(2) (a) an estimate of the expenditure which must or should, in his opinion, be incurred by the corporation in the next ensuing official year by reason of the obligations imposed upon the corporation arising out of the transfer to the corporation of the powers, duties, assets and liabilities of the Board of Trustees for the Improvement of the City of Bombay constituted under the City of Bombay Improvement Trust Transfer Act, 1925 ⁸[or for any of the purposes of Chapter XII-A] ;

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(b) an estimate of all balances, if any in the account maintained under section 122A, which will be available for re-appropriation or expenditure at the commencement of the next ensuing official year ;

(c) an estimate of the corporation's receipts and income for the next ensuing official year—

(i) arising from sales, leases and other dispositions of immovable property vesting in the corporation by reason of the enactment of the City of Bombay Municipal (Amendment) Act, 1933 ⁹[or acquired by the Corporation for any of the purposes of Chapter XII-A] and

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of
1933.

(ii) being payments of interest on and repayments in whole or part of the capital of loans granted by the corporation and secured on the aforesaid immovable property ;

(d) an estimate of three times the amount of the net estimated realisations of the corporation in the then current financial year under the head of general tax (including arrears and payments in advance) divided by the rate fixed for general tax for the then current financial year ;

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¹ These words were inserted by Bom. 48 of 1948, s. 27.

² These words were substituted for the words "Bombay Electric Supply and Transport Undertaking" by Mah. 25 of 1996, Schedule.

³ The portion "in clause (c) of sub-section (1A) and" was deleted by Mah. 1 of 1964, s. 5 (a)(iii).

⁴ This portion was inserted by Bom. 48 of 1950, s. 55(3).

⁵ This portion was inserted by Mah. 34 of 1973, s. 11(b).

⁶ This clause was inserted by Bom. 48 of 1948, s. 27.

⁷ Clause (1A) was deleted by Mah. 1 of 1964, s. 5 (b).

⁸ These words, figures and letter were inserted by Bom. 34 of 1954, s. 7(2) (a).

⁹ These words, figures and letter were inserted, *ibid.*, s. 7(2)(b).

¹⁰ This proviso was deleted by Mah. 10 of 1998, s. 71(c).

¹[Provided further that, with effect from the financial year 1974-75, this sub-clause shall have effect as if for the words "three-times" the word "twice" were substituted.]

²[(e) an estimate of the Corporation's receipt and income, other than receipts and income referred to in other clauses of this sub-section arising from or relating to, transaction connected with the obligations imposed upon the Corporation by the transfer to the Corporation of the powers, duties, assets and liabilities of the said Board of Trustees or with the exercise of the powers and duties conferred or imposed upon the Corporation by Chapter XII-A including grants from the State Government.]

³[125A. The expenditure side of a budget estimate shall be classified under major heads, minor heads, subordinate heads and primary units—

Classification of budget heads.

(a) "Major head" means the principal head of accounts corresponding to the different services under which expenditure is classified in the budget estimate and may be divided into two or more minor heads ;

(b) "Minor head" means the head of accounts immediately subordinate to a major head under which each major head is classified, and may be further subdivided into two or more subordinate heads ;

(c) "Subordinate head" means the head of accounts immediately subordinate to a minor head under which each minor head is classified and may be further subdivided into two or more primary units ;

(d) "Primary unit" means the ultimate group or groups into which individual items of expenditure in the budget estimates are arranged.]

⁴[126. (I) The ⁵[Mayor-in-Council] shall, on or as soon as may be after each ⁶[fifth day of February] consider the estimates and proposal of the ⁷[Member-in-charge] and after having obtained from the ⁷[Member-in-charge] such further detailed information, if any as they shall think fit to require, and having regard to all the requirements of this Act, shall frame therefrom subject to such modifications and additions therein or thereto as they shall think fit, ⁸[two budget estimates] as follows :—

Budget estimates to be prepared by the [Member-in-charge].

⁹[(a) Budget Estimate "A"—of the income and expenditure other than—

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(ii) income and expenditure to be received or incurred by reason of the transfer to the corporation of the powers, duties, assets and liabilities of the Board of Trustees for the improvement of the City of Bombay constituted under the City of Bombay Improvement trust transfer Act, 1925 ¹¹[or for any of the other purposes of Chapter XX-A] ¹²* *

(iii) income and expenditure in respect of the ¹³[Brihan Mumbai Electric Supply and Transport Undertaking;]

Bom.
XVI
of
1925.

¹ This proviso was deemed always to have been added with effect from 1st day of April 1974 by Mah. 70 of 1975, s. 7(b).

² Sub-clause (e) was substituted for the original by Bom 34 of 1953, s. 7 (2)(c).

³ This section was inserted by Bom. 5 of 1938, s. 18.

⁴ Section 126 was substituted for the original section by Bom., 13 of 1933, s. 32.

⁵ These words were substituted for the words "Standing Committee" by Mah. 10 of 1998, s. 72(a).

⁶ These words were substituted for the words "first day of March" by Mah. 21 of 1989, s. 22(a).

⁷ These words were substituted for the words "Commissioner" by Mah. 10 of 1998, s. 72(b).

⁸ These words were substituted for the words "for budget estimates" by Mah. 1 of 1964, 6 (a)(i).

⁹ Clause (a) was substituted for the original by Bom. 7 of 1950, s. 16(1)(b).

¹⁰ Sub-clause (i) was deleted by Mah. 1 of 1964, s. 6 (a)(ii).

¹¹ These words were inserted by Bom. 34 of 1954, s. 8(1).

¹² The word "and" was deleted by Bom. 48 of 1950 s. 56(1).

¹³ These words were substituted for the words "Bombay Electric Supply and Transport Undertaking" by Mah. 25 of 1996, Schedule.

¹[(iv) income and expenditure for, or in connection with, the purposes of clause (g) of section 61;]

²[(v) income and expenditure for, or in connection with, the purposes of Chapters IX and X;]

(b) Budget Estimate "B" of the income and expenditure of the corporation for the next official year to be received and incurred by reason of the transfer to the corporation of the said powers, duties, assets and liabilities ³[or for any of the other purposes of Chapter XII-A];

⁴* * * * *

(2) In budget estimate "A" the ⁵[Mayor-in-Council] shall—

(a) propose with reference to the provisions of Chapter VIII, the levy of municipal taxes at such rates and, in the case of ⁶[octroi] on such articles as they shall think fit ;

(b) provide for the payment, as they fall due, of all sums and of all instalments of principal and interest for which the corporation may be liable under this Act other than sums and instalments as aforesaid (i) for which the corporation but for the enactment of the City of Bombay Municipal (Amendment) Act, 1933, Bom. XIII of 1933, would not have been liable and (ii) for which the corporation may be liable, in carrying out the duties imposed upon them by clause (i) of section 61 ⁷[and (iii) for which the corporation may be liable by reason of the acquisition, extension, administration, operation and maintenance of the ⁸Brihan Mumbai Electric Supply and Transport Undertaking];]

⁷* * * * * ⁸[(v) for which the corporation may be liable by reason of the construction of school buildings;]

(c) allow for an appropriation to budget estimates "B" of the sum estimated, revised as they shall think proper, under clause (d) of sub-section (2) of section 125;

⁹* * * * *

¹⁰[(c-2) allow for appropriation to budget estimate "E" of the sum estimated revised as they shall think proper, under clause (c) of section 126(C) ¹¹[and such additional sum estimated under clause (c1) of that section and revised, as they shall think proper];]

(d) allow for a cash balance at the end of the said year of not less than one lakh of rupees.

(3) In budget estimate "B" the ⁵[Mayor-in-Council] shall, if necessary, make proposals to meet any deficit in such budget estimate by borrowing:

Provided that the ⁵[Mayor-in-Council] shall not make any proposal to borrow for that purpose a sum of more than twenty lakhs of rupees.

¹²* * * * *

¹ Paragraph (iv) was inserted by Bom. 48 of 1950, s. 56(1).

² Paragraph (v) was inserted by Mah. 34 of 1973, s. 12.

³ These words were inserted by Bom. 34 of 1954, s. 8(2).

⁴ Clauses (b1) and (b2) were deleted by Mah. 1 of 1964, s. 6(a)(iii).

⁵ These words were substituted for the words "Standing Committee" by Mah. 10 of 1998, s. 72(a).

⁶ This word was substituted for the words "town duties" by Mah. 32 of 1964, s. 3.

⁷ This portion was added by Bom. 4 of 1948, s. 28.

⁸ These words were substituted for the words "Bombay Electric Supply and Transport Undertaking" by Mah. 25 of 1996, Schedule.

⁹ Sub-clause (iv) was deleted by Mah. 1 of 1964, s. 6(b)(i).

¹⁰ This portion was added by Bom. 48 of 1950, s. 56(2).

¹¹ Clause (c1) was deleted by Mah. 1 of 1964, s. 6(b)(ii).

¹² Clause (c2) was inserted by Bom. 48 of 1950, s. 56(2).

¹³ This portion was added by Bom. 13 of 1958, s. 3.

¹⁴ Sub-section (3A) and (3B) were deleted by Mah. 1 of 1964, s. 6(c).

(4) The ¹[Member-in-charge] shall cause the budget estimates, s finally approved by the ²[Mayor-in-Council], ³[to be printed or corrected, and shall not later than the ⁴[first day of March], forward a printed or corrected copy] thereof to the usual or last known local place of abode of each councillor.

⁵[126A. ⁶[The Member-in-charge shall, on or before each tenth day of October, have prepared and lay before the Mayor-in-Council, a report in such form as the Mayor in-Council shall from time to time, approve]—

Estimates of expenditure and income of the ⁷[Brihan Mumbai Electric supply and Transport Undertaking] to be prepared annually by ⁸[Member-in-charge]

(a) an estimate, classified in accordance with section 125A, of the expenditure which must or should, in his opinion, be incurred by the corporation in the next ensuing official year on account of the ⁷[Brihan Mumbai Electric Supply and Transport Undertaking] ;

(b) an estimate of all balances, if any, which will be available for reappropriation or expenditure at the commencement of the next ensuing official year, and an estimate of the amounts to be transferred to the municipal fund during the next ensuing financial year under sections 460KK and 460LL ; and

(c) an estimate of the corporations receipts and income from the ⁷[Brihan Mumbai Electric Supply and Transport Undertaking] for the next ensuing official year.

126B (1) ⁹[The Mayor-in-Council] shall, on or as soon as may be after each tenth day of October, consider the estimates of ¹⁰[the Member-in-charge of the Brihan Mumbai Electric Supply and Transport Undertaking and, after having obtained from the said Member-in-charge] such further detailed information, if any, as it shall think fit to require, and having regard to all the requirements of this Act, shall frame therefrom, subject to such modifications and additions therein or thereto as it shall think fit, a budget estimate, to be called budget estimate "C", of the income and expenditure for the next official year to be received and incurred in respect of the ⁷[Brihan Mumbai Electric Supply and Transport Undertaking.]

Budget estimate to be prepared by [Mayor-in-Council].

(2) In budget estimate "C", ¹¹[the Member-in-charge] shall—

IV of 1939. LIV of 1948. ¹²[(i-a) propose, subject to the provisions of the Moter Vehicles Act, 1939, the Electricity (Supply) Act, 1948, and any other enactment for the time being in force and of any licence granted to the Corporation thereunder the levy of fares and charges for the conveyance of passengers and for the carriage of goods by any means of transport provided, and for charges for the supply of electrical

¹ These words were substituted for the words "Commissioner" by Mah. 10 of 1998, s. 72(b).

² These words were substituted for the words "Standing Committee", *ibid*, s. 72(a).

³ This portion was substituted for the portion beginning with "to be printed" and ending with "a printed copy" by Mah. 70 of 1975, s. 8(b).

⁴ These words were substituted for the words "fifteenth day of March" by Mah. 21 of 1989, s 22(b).

⁵ Sections 126A and 126B were inserted by Bom. 48 of 1948, s. 29.

⁶ These words were substituted for the portion beginning with the words "The General Manager" and ending with the words "time to time approve" by Mah. 10 of 1098, s. 73(a).

⁷ These words were substituted for the words "Bombay Electric Supply and Transport Undertaking" by Mah. 25 of 1996, Schedule.

⁸ These words were substituted for the words "General Manager" by Mah. 10 of 1998, s. 73(b).

⁹ These words were substituted for the words "the Brihan Mumbai Electric Supply and Transport Committee" *ibid*, s. 74 (a)(i).

¹⁰ These words were substituted for the words "the General Manager and after having obtained from the General Manager", *ibid* 74(a)(ii).

¹¹ These words were substituted for the words "the Committee", *ibid*, s.74(b).

¹² Clause (i-a) was inserted by Mah. 32 of 1966, s. 3.

energy, by the ¹[Brihan Mumbai Electric Supply and Transport Undertaking] at such rates as would in the opinion of ²[the Member-in-charge] bring in adequate revenue for meeting the proposed expenditure and for complying with the provisions of the next succeeding clauses of this sub-section ;]

(a) provide for the payment, as they fall due, of all sums and of all instalments of principal and interest for which the corporation may be liable under this Act by reason of the acquisition, extension, administration, operation and maintenance of the ¹[Brihan Mumbai Electric Supply and Transport Undertaking] ;

(b) allow for the amounts to be transferred during the next ensuing official year to the municipal fund as provided in sections 460KK and 460LL ; and

(c) allow for a cash balance at the end of the said year of not less than one lakh of rupees.

* * * * *

Estimates of expenditure and receipts of primary education. ⁴[126C. ⁵[The Member-in-charge] shall on or before each ⁶[fifth day of February] have prepared and lay before ⁷[the Mayor-in-Council in such form as the Council] shall from time to time approve —

(a) an estimate, classified in accordance with section 125A of the expenditure which must or should, in his opinion, be incurred by the Corporation in the next official year for the purposes of clause (q) of section 61 ;

(b) an estimate of all balances, if any, which will be available for re-appropriation of expenditure for the purposes of clause (q) of section 61 at the commencement of the next official year ;

(c) an estimate of five times the amount of the net estimated realisations of the Corporation in the then current financial year under the head of general tax (including arrears and payments in advance) divided by the rate fixed for general tax for the current financial year ;

⁸[(c-1) an estimate of the amount, if any, which should, in his opinion, be utilised by the Corporation, for the purposes of clause (q) of section 61, out of its receipts and income referred to in clause (l) of section 125, in addition to the amount referred to in clause (c) ;]

(d) an estimate of the receipts of the Corporation for or in connection with the purposes of clause (q) of section 61 other than those referred to in clauses (c) and (c-1)].

¹ These words were substituted for the words "Bombay Electric Supply and Transport undertaking" by Mah. 25 of 1996, schedule.

² The words substituted for the words the "Committee" Mah. 10 of 1998, s. 74(b).

³ Sub-section (3) and (4) were deleted by Mah. 10 of 1998, s. 74(c).

⁴ Sections 126C and 126D were inserted by Bom. 48 of 1950, s. 57.

⁵ These words were substituted for the words "The Commissioner" by Mah. 10 of 1998, s. 75(a).

⁶ These words were substituted for the figures, letters and words "first day of March" by Mah. 21 of 1989, s. 23.

⁷ These words were substituted for the words "Education Committee in such Form as the Committee" by Mah. 10 of 1998, s. 75 (b).

⁸ This clause was inserted by Bom. 13 of 1958, s. 4(1).

⁹ These words, brackets, letters and figure were substituted for the words "the preceding clause" *ibid.*, s. 4(2).

126D. (1) The ¹[Mayor-in-Council] shall on or as soon as may be after each Budget estimate "E" to ²[fifth day of February] consider the estimates of the ³[Member-in-charge] and ⁴after having obtained ⁴[from him] such further information, if any, as they shall be prepared by ¹[Mayor-in-council]. think fit to require and having regard to all the requirements of this Act, shall frame therefrom, subject to such modifications and additions therein or thereto as they think fit, a budget estimate to be called budget estimate "E" of the income and expenditure to be received and incurred for purposes of clause (g) of section 61.

(2) In budget estimate "E", ⁵[the Mayor-in-Council] shall—

(a) provide for payment as they fall due of all sums and of all instalments of principal and interest for which the Corporation may be liable under this Act by reason of the construction of school buildings, and

(b) allow for a cash balance at the end of the said year of not less than twenty thousand rupees.

[(3) ⁶ * * * * *]

(4) ⁷[The Member in-Charge shall forward a printed or corrected copy of budget estimate E] to the usual or last known local place of abode of each Councillor in time for the meeting of the Corporation mentioned in section 127]

⁸[126E. ⁹[The member-in-charge] shall on or before ¹⁰[fifth day of February] have prepared and lay before ¹¹[the Mayor-in-Council in such form as the Council] shall from time to time approve,—

(a) an estimate, classified in accordance with section 125 A, of the expenditure which must or should, in his opinion, be incurred by the Corporation in the next official year for the purposes of Chapters IX and X; Estimate of expenditure and receipts for the purposes of Chapters IX and X.

(b) an estimate of all balance, if any, which will be available for re-appropriation or expenditure for the said purposes at the commencement of the next official year ;

(c) an estimate of the Corporation's receipts and expenditure for the next official year from the services under Chapters IX and X.

126F. (1) The ¹²[Mayor-in-Council] shall, on or as soon as may be after the Budget Estimate "G" to be prepared by ¹³[fifth day of February.] consider the said estimates of the ¹⁴[The Member-in-Charge]. After having obtained from ¹⁴[the Member-in-Charge] such further information, if any as it shall think fit to seek, and having regard to all the requirements of this Act, ¹²[Mayor-in-Council] shall frame therefrom, subject to such modification and ¹⁵[Mayor-in-Council].

¹ These words were substituted for the words "the Education Committee" by Mah. 10 of 1998, s. 76(a)(i).

² These words were substituted for the figures letters and words "first day of March" by Mah. 21 of 1989, s. 24(a).

³ These words were substituted for the words "the Commissioner" by Mah. 10 of 1998, s. 76(a)(ii).

⁴ These words were substituted for the words "from the Commissioner", *ibid*, s. 76(a)(iii).

⁵ These words were substituted for the words "the Education Committee", *ibid*, s. 76(b).

⁶ Sub-section (3) was deleted by Mah. 10 of 1998, s. 76(c).

⁷ These words were substituted for the words "The Municipal Secretary shall forward a printed or corrected copy of the budget estimate 'E' together with the report of the Standing Committee thereon" *ibid*, s. 76(d).

⁸ Sections 126E and 126F were inserted by Mah. 34 of 1973, s. 13.

⁹ These words were substituted for the words "The Commissioner" by Mah. 10 of 1998, s. 77(a).

¹⁰ These words substituted for the words "first day of March" by Mah. 21 of 1989 s. 25.

¹¹ These words were substituted for the words "the Standing Committee in such form as the, Committee" by Mah. 10 of 1998, s. 77(b).

¹² These words were substituted for the words "Standing Committee" *ibid*, s. 78 (a)(i).

¹³ These words were substituted for the words "first day of March" by Mah. 21 of 1989, s. 26(a).

¹⁴ These words were substituted for the words "the Commissioner" by Mah 10 of 1998, s.78 (a)(ii)

additions therein or thereto as it thinks fit a budget estimate to be called budget estimate "G" of the income and expenditure for the next year to be received and incurred for the purposes of Chapters IX and X.

(2) In budget estimate "G", ¹[the Mayor-in-Council] shall propose the levy of water tax, water benefit tax, sewerage tax and sewerage benefit tax (in place of former water and *halalkhor* taxes) at such rates, as would in the opinion of ¹[the Mayor-in-Council] bring in a adequate revenue for meeting the expenditure and all other obligation for which the Corporation may be liable for the purposes of Chapters IX and X.

(3) The ²[Member-in-Charge] shall cause the budget estimate "G" as finally approved by ³[Mayor-in-Council], ⁴[to be printed or corrected and shall, not later than the ⁵first day of March] forward a printed or corrected copy] thereof to the usual or last known local place of abode of each Councillor.]

Report on services provided in a subsidised manner. ⁶[126G. (1) Notwithstanding anything contained in this Chapter, ⁷[the Member-in-Charge shall, while submitting the budget estimate to the Mayor-in-Council] append thereto a report indicating whether the following services are being provided in a subsidised manner and, if so, the extent of the subsidy, the source from which the subsidy was met and the sections or categories of the local population who were the beneficiaries of such subsidy, namely :—

- (a) water supply and disposal of sewage,
- (b) scavenging, transporting and disposal of wastes,
- (c) municipal transport, and
- (d) street lighting.

Explanation.—A service shall be construed as being provided in a subsidised manner if its total cost, comprising the expenditure on operations and maintenance and adequate provision for depreciation of assets and for debt servicing, exceeds the income relatable to the rendering of that service.

⁸(2) The Mayor-in-Council] shall examine the report and place it before the Corporation]

Consideration of budget estimates by Corporation. 127. ⁹(1) At a meeting of the Corporation which shall be called for some day ¹⁰in March, ¹¹[not later than the tenth] ¹²[Budget estimates 'A', 'B', 'C', and "E" prepared by the Mayor-in-Council] shall be laid before the Corporation and they shall proceed to consider the same.

(2) At meeting of the Corporation which shall be called for some day in January not later than the tenth the budget estimate "C" prepared by ¹³[Mayor-in-Council] shall be laid before the Corporation and they shall proceed to consider the same.]

¹ These words were substituted for the words "the Committee", Mah. 10 of 1998, s. 78(b).

² These words were substituted for the words "Municipal Secretary" *ibid*, s. 78(c)(i).

³ These words were substituted for the words "the Standing Committee", *ibid* s. 78(c)(ii).

⁴ This portion was substituted for portion beginning with " to be printed " and ending with "printed copy " by Mah.70 of 1975, s.12(b).

⁵ These words were substituted for the words " fifteen day of March " by Mah. 21 of 1989, s.26(b).

⁶ This section was inserted by Mah. 41 of 1994, s. 40.

⁷ These words were substituted for the portion beginning with the words "the Commissioner" and ending with the words "Transport Committee" by Mah. 10 of 1998, s. 79(a).

⁸ Sub-section (2) was substituted *ibid*, s. 79(b).

⁹ Section 127 was re-numbered as sub-section (1) and sub-section (2) was inserted by Mah. 70 of 1975 s. 13 (1).

¹⁰ These words were substituted for the words "in January, not later than the tenth" *ibid* s.13(2)(a).

¹¹ These words were substituted for the words "first later than the twentieth" by Mah. 21 of 1989, s. 27.

¹² These words and letters were substituted for the words and letters "budget estimates 'A', 'B', 'C' and 'E' prepared by the Mayor-in-Council by Mah. 10 of 1998, s. 80(a).

¹³ These words were substituted the words "the Brihan Mumbai Electric Supply and Transport Committee with the report of the Standing Committee thereon" *ibid*, s. 80(b).

¹[128. (1) The Corporation shall, on or before the ²[twentieth day of March] after considering the ³[Mayor-in-Councils] proposals in this behalf,—

(a) determine, subject to the limitations and conditions prescribed in Chapter VIII, the rates at which municipal taxes shall be levied, and the articles on which octroi shall be levied, in the next ensuing official year; and

(b) approve, subject to the limitations and conditions which may have been prescribed by or under any of the enactments or any licence referred to in clause (i-a) of sub-section (2) of section 126B, the rates at which the fares and charges in respect of the ⁴[Brihan Mumbai] Electric Supply and Transport Undertaking shall be levied.

(2) Except under sections 134, 196, 460H and 460I, the rates so fixed and the articles so appointed shall not be subsequently altered for the year for which they have been fixed.]

⁵[129. Subject to the requirements of sub-section (1) of section 128, the Corporation may refer ⁶[budget estimate 'A', 'B', 'C', 'E' and 'G' or all or any of those estimates back to the Mayor-in-Council] for further consideration, or adopt the budget estimates or any revised budget estimates submitted to them as they stand or subject to such alteration as they deem expedient:

Provided that the budget estimates finally adopted by the corporation shall fully provide for each of the matters specified in clauses (b), (c) and (d) of sub-section (2) of section 126] and for each of the matters specified in sub-section (3) of section 126B ⁸[and clauses (a) and (b) of sub-section (2) of section 126D] ⁹[and sub-section (2) of section 126F], as the case may be.]

¹⁰[130. The total sum entered under a major head on the expenditure side, which has been adopted by the Corporation, shall be termed as "budget grant".]

131. ¹¹[(1) On the recommendation of the ¹²[Mayor-in-Council in case of the Corporation expenditure from the municipal fund or the Brihan Mumbai Electric supply and Transport Fund, the Corporation may] from time to time during an official year increase the amount of any budget grant, or make an additional budget grant for the purpose of meeting any special or unforeseen requirement arising during the said year, but not so that the estimated cash balance at the close of the year shall be reduced below one lakh of rupees in the case of either the municipal fund or the ¹³[Brihan Mumbai Electric supply and Transport Fund:]

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¹ Section 128 was substituted for the original by Mah. 32 of 1966, s.4.
² These words were substituted for the words "twenty fifth day of March" by Mah. 21 of 1989, s. 21.
³ These words were substituted for the words "Standing Committee's" by Mah.10 of 1998, s.81.
⁴ These words were substituted for the words "Bombay Electric Supply and Transport Undertaking" by Mah. 25 1996, Schedule.
⁵ This section was substituted for the original by Bom. 48 of 1948, s.31.
⁶ This portion was substituted by Mah. 10 of 1998, s. 82.
⁷ These words and figures were substituted for the portion beginning with "and clauses (a) and (b) of sub-section (3A)" and ending with "said section 126" by Mah. 1 of 1964, s. 8(b).
⁸ This portion was inserted by Bom. 48 of 1950, s. 59 (2).
⁹ This portion was inserted by Mah. 34 of 1973, s. 15(b).
¹⁰ This section was substituted for the original by Bom. 5 of 1938, s. 19.
¹¹ This sub-section was substituted for the original by Bom. 48 of 1948, s. 32.
¹² This portion was substituted by Mah. 10 of 1998, s. 83.
¹³ These words were substituted for the words "Bombay Electric Supply and Transport Fund, by Mah. 25 of 1996, Schedule.
¹⁴ This portion was deleted by Mah. 1 of 1964, s. 9(a).

[²Provided that], in the case of expenditure from municipal fund for purposes of clause (q) of section 61, the estimated cash balance at the close of the year in the budget estimate 'E' shall not be reduced below twenty thousand rupees.]

(2) Such increased or additional budget grants shall be deemed to be included in the ³[budget estimates] adopted by the Corporation for the year in which they are made.

Rules as to
unexpended
budget
grants.

132. ⁴[If the whole budget grant or any portion thereof] remains unexpended at the close of the year in the ³[budget estimates] for which such grant was included and if the amount thereof has not been taken into account in the opening balance of the municipal fund ⁵[or the ⁶Brihan Mumbai] Electric Supply and Transport Fund, as the case may be, entered in the ³[budget estimates] of ⁷[any of the next two following years], the ⁸[Mayor-in-Council] may sanction the ⁹[expenditure of such budget grant or such unexpended portion thereof, as the case may be, during the next two following years], for the completion, according to the original intention or sanction, of the purpose or object for which the budget grant was made, but not upon any other purpose or object.

Reductions
and transfer.

¹⁰133. Reductions in, and transfers from a budget grant shall be made as under:—

(a) Subject to the provisions of sub-section (I) of section 131, on the recommendations of the ¹¹[Mayor-in-council] the Corporation may, from time to time, during an official year, sanction the transfer of any amount exceeding ¹²[twenty lakh] rupees from one budget grant to another budget grant.

(b) The ¹¹[Mayor-in-Council] may at any time during an official year—

(i) reduce the amount of a budget grant ;

(ii) sanction the transfer of any amount, not exceeding fifteen thousand rupees, from one budget grant to another budget grant;

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¹⁴(c) The Commissioner may with the approval of the concerned Member-in-charge at any time during an official year, sanction—

(i) the transfer of any amount within the budget grant;

(ii) the transfer of any amount not exceeding three lakh rupees from one budget grant to another budget grant :

provided that, every transfer of an amount exceeding fifty thousand rupees made under this clause shall be reported forthwith by the Commissioner to the Mayor-in-Council and the Mayor-in-Council may pass with regard thereto such order as it may think fit, and it shall be incumbent on the Commissioner to give effect to such order.];

¹ This proviso was added by Bom. 48 of 1950, s. 60(2).

² These words were substituted for the words "Provided further that" by Mah. 1 of 1964, s.9(b).

³ The words "budget estimates" were substituted for the original by Bom. 13 of 1933, s. 33.

⁴ These words were substituted for the original by Bom. 76 of 1948, s. 17.

⁵ These words were inserted by Bom. 43 of 1948, s. 33.

⁶ These words were substituted for the words "Bombay Electric Supply and Transport Fund" by Mah. 25 of 1996, Schedule.

⁷ These words were substituted for the original by Bom. 76 of 1948, s. 17.

⁸ These words were substituted for the words "The Standing Committee or the Education Committee or the Brihan Mumbai Electric Supply and Transport Committee, as the case may be" by Mah. 10 of 1998, s. 84.

⁹ These words were inserted by Bom. 48 of 1950, s. 61.

¹⁰ Section 133 was substituted by Mah. 39 of 1961, s. 10.

¹¹ These words were substituted for the words "the Standing Committee" by Mah. 10 of 1998, s. 85 (a).

¹² These words were substituted for the words "fifteen thousand" *ibid*, s. 85(b).

¹³ This clause was deleted *ibid*, s. 85(c).

¹⁴ This clause was substituted, *ibid*, s. 85(d).

(d) When making any transfer under clauses (a), (b) or (c), due regard shall be had to all the requirements of this Act.

(e) If any such reduction as is referred to in sub-clause (i) of clause (b) is of an amount exceeding five ¹[lakh] rupees, the Corporation may pass with regard thereto such order as they may think fit; and it shall be incumbent on the ²[Mayor-in Council] and the Commissioner to give effect to such order.

³* * * * *

⁴[(g) for the purposes of expenditure from the Brihan Mumbai Electric Supply and Transport Fund, the provision of this section shall apply as if for the word "Commissioner" the word "General Manager" had been substituted.]

⁵[134. (1) If it shall at any time during any official year appear to the Corporation, upon the representation of ⁶[the Mayo-in-Council, that notwithstanding any reduction to budget grants that may have been made] under section 133, the income of the municipal fund or the ⁷[Brihan Mumbai] Electric Supply and Transport Fund, as the case may be, during the said-year will not suffice to meet the expenditure sanctioned in the budget estimates of the said year as so reduced and to leave at the close of the year a cash balance of not less than one lakh of rupees in the case of either the municipal fund or the ⁷[Brihan Mumbai] Electric Supply and Transport Fund, it shall be incumbent on the Corporation to sanction forthwith any measure which shall be necessary for proportioning the year's income to the expenditure.

⁸* * * * *

(2) For this purpose the Corporation may diminish the sanctioned expenditure of the year, so far as it may be possible so to do with due regard to the provision of this Act or to the obligation pertaining to the ⁹[Brihan Mumbai] Electric Supply and Transport Undertaking, or have recourse to supplementary taxation or a revision of fares and charges levied in respect of the Bombay Electric Supply and Transport Undertaking, as the case may be ¹⁰[or ,with the previous sanction of the State Government and subject to such terms and conditions (if any) as the Corporation may deem fit to impose, transfer the whole or any portion of surplus cash balance from any budget-estimate to any other budget-estimate as an additional grant to make good any deficit which has arisen or is likely to arise in the latter budget estimate, whether covered by a budget grant or not.]

Scrutiny and Audit of Accounts

¹¹[135 ¹²(1) The Municipal Chief Auditor shall conduct a monthly examination and audit of the municipal accounts and shall submit his report thereon to the Mayor in-Council and the Municipal Accounts Committee who shall publish, monthly, an abstract of the receipts and expenditure of the month last preceding, signed by the Mayor and Municipal Chief Auditor. The Municipal Accounts Committee may also, from time to time, and for such period as it thinks fit, conduct incidentally an examination of the Municipal accounts] ;

¹ These words were substituted for the words "five hundred rupees" by Mah. 10 of 1998, s. 85(e).

² These words were substituted for the words "the Standing Committee", *ibid*, s. 85.

³ This clause(f) was deleted, *ibid* s. 85 (f).

⁴ This portion was substituted, *ibid*, s. 85(g).

⁵ This section was substituted for the original by Bom. 48 of 1948, s. 35.

⁶ This portion was substituted by Mah. 10 of 1998, s. 86.

⁷ These words were substituted for the words "the Bombay Electric Supply and Transport Fund" by Mah. 25 of 1996, Schedule.

⁸ The proviso was deleted by Mah. 1 of 1994, s. 10.

⁹ These words were substituted for the words "the Bombay Electric Supply and Transport Undertaking" by Mah. 25 of 1996, Schedule.

¹⁰ These words were added by Mah. 32 of 1966, s. 5.

¹¹ This sub-section was substituted by Mah. 10 of 1998, s. 87 (a).

¹² These words were substituted for the words, "the Standing Committee" *ibid*, s. 87(b).

(2) For these purposes the ¹[Municipal Accounts Committee] and the municipal chief auditor shall have access to all the municipal accounts and to all records and correspondence relating thereto, and the ²[Member-in-charge] shall forthwith furnish to the ¹[Municipal Accounts Committee] or the municipal chief auditor any explanation concerning receipts and disbursements which they may call for.]

Duties and powers of the municipal chief auditor. ³136. The municipal chief auditor in addition to any other duties or powers imposed or conferred upon him under this Act shall perform the duties and may exercise the powers specified in Schedule EE.

Report by the municipal chief auditor. 137. (1) The municipal chief auditor shall—

(a) report to the ⁴[the Mayor-in-Council and the municipal Accounts Committee] any material impropriety or irregularity which he may at any time observe in the expenditure or in the recovery of moneys due to the corporation or in the municipal accounts ;

(b) furnish to the ¹[Municipal Accounts Committee] such information as the said committee shall from time to time require concerning the progress of the audit.

(2) The ¹[Municipal Accounts Committee] shall cause to be laid before the corporation every report made by the municipal chief auditor to the ¹[Municipal Accounts Committee] and every statement of the views of the municipal chief auditor on any matter affecting the pursuance and exercise of the duties and powers assigned to him under this Act which the municipal chief auditor may require the ¹[Municipal Accounts Committee] to place before the corporation, together with a report stating what orders have been passed by the ¹[Municipal Accounts Committee] upon such report or statement, and the corporation may take such action in regard to the matters aforesaid as the corporation may deem necessary.

(3) As soon as may be after the commencement of each official year the municipal chief auditor shall deliver to the ⁴[the Mayor-in-Council and the Municipal Accounts Committee] a report upon the whole of the municipal accounts for the previous official year.

(4) The ²[Member-in-charge] shall cause the said report to be printed and forward a printed copy thereof alongwith the printed copy of the Administration Report and Statement of Accounts which he is required by sub-section (3) of section 124 to forward to each councillor.]

Application of sections 135, 136 and 137 to accounts of the ⁶[Brihan Mumbai] Electric Supply and Transport Fund. ⁵137A. Sections 135, 136 and 137 shall apply to the accounts of the ⁶[Brihan Mumbai Electric Supply and Transport Fund] as if—

⁷[* * * * *]

(ii) for the words, brackets and figures, "sub-section (3) of section 134" in sub-section (4) of section 137, the words, brackets, figures and letters "sub-section (2) of section 460NN" had been substituted.]

¹ These words were substituted for the words "the Standing Committee" by Mah. 10 of 1998 s. 87(i).

² These words were substituted for the words "the Commissioner", *ibid*, s. 87 (ii).

³ Section 136 and 137 were substituted for the original by Bom: 2 of 1938, s.7.

⁴ These words were substituted for the words "the Standing Committee" by Mah. 10 of 1998, s. 88(a).

⁵ This section was inserted by Bom. 4 of 1948, s. 36.

⁶ These words were substituted for the words "the Bombay Electric Supply and Transport Fund by Mah. 25 of 1996, Schedule.

⁷ This clause was deleted by Mah. 10 of 1998, s. 89.

138. ¹[(1) The ²[State] Government may at any time appoint an auditor for the purpose of making a special audit of the municipal accounts, including the accounts of the ³[Brihan Mumbai] Electric Supply and Transport Undertaking, and of reporting thereon to the ²[State] Government and the costs of any such audit as determined by the ²[State] Government shall be chargeable to the municipal fund or to the ³[Brihan Mumbai] Electric Supply and Transport Fund, as the case may be.]

A special audit may be directed by ²[State] Government.

(2) An auditor so appointed may exercise any power which ⁴[the municipal chief auditor] may exercise.

CHAPTER VIII.

MUNICIPAL TAXATION

Municipal Taxes defined.

139. For the purpose of this Act, taxations shall be imposed as follows, namely :—

Taxes to be imposed under this Act.

- (1) property taxes ;
- (2) a tax on vehicles and animals ;
- ⁵[(3) a theatre tax ;]
- ⁶[* * * ; and
- ⁷[(4) octroi ;]

⁸[Provided that no tax shall be levied on motor vehicles save as provided in section 20 of the Bombay Motor Vehicles Tax, 1958.]

Bom. LXV
of
1958.

PROPERTY TAXES

Property taxes leviable

140. ⁹[(1) The following taxes shall be levied on building and lands in ¹⁰[Brihan Mumbai] and shall be called "property taxes", namely :—

Property taxes of what to consist and at what rate leviable.

⁹(a) (i) the water tax of so many per centum of their rateable value, as the ¹¹[Mayor-in-Council] may consider necessary for providing water-supply ;

(ii) an additional water tax which shall be called "the water benefit tax" of so many per centum of their rateable value, as the ¹¹[Mayor-in-Council] may consider necessary for meeting the whole or part of the expenditure incurred or to be incurred on capital works for making and improving the facilities of water-supply and for maintaining and operating such works ;

(b) (i) the sewerage tax of so many per centum of their rateable value, as the ¹¹[Mayor-in-Council] may consider necessary for collection, removal and disposal of human waste and other wastes ;

(ii) an additional sewerage tax which shall be called the "sewerage benefit tax" of so many per centum of their rateable value, as the ¹¹[Mayor-in-Council] may consider necessary for meeting the whole or a part of the expenditure incurred

¹ This sub-section was substituted for the original by Bom. 48 of 1948, s. 37.

² This words was substituted for the word "Provincial" by Adaptation Laws Order, 1950.

³ These words were substituted for the words "the Bombay electric Supply and transport Fund" by Mah. 25 of 1996, Schedule.

⁴ These words were substituted for the words "an auditor appointed by the Corporation" by Bom. 2 of 1938, s. 8.

⁵ This entry was inserted by Bom. 44 of 1950, s. 63.

⁶ The figures and words were repealed by Bom. 7 of 1921, s. 4, are omitted and the repeal shall have effect from 1st April 1920.

⁷ This entry was substituted by Mah. 32 of 1964, s. 6.

⁸ This proviso was added by Bom. 65 of 1958, s. 25, Third Schedule.

⁹ Section 140 was re-numbered as sub-section (1) and clauses (a) and (b) were substituted by Mah. 34 of 1973, s. 16(1).

¹⁰ These words were substituted for the words "Greater Bombay" by Mah. 25 of 1996, Schedule.

¹¹ These words were substituted for the words "Standing Committee" by Mah. 10 of 1998, s. 90(a).

or to be incurred on capital work for making and improving facilities for the collection, removal and disposal of human waste and other wastes and for maintaining and operating such works ;]

General tax. (c) a general tax of not less than eight and not more than ¹[fifty] per centum of their rateable value, together with not less than one-eighth and ²[not more than five per centum] of their rateable value added thereto in order to provide for the expense necessary for fulfilling the duties of the corporation arising under clause (k) of section 61 and Chapter XIV;

Education cess.

³[(ca) the education cess leviable under section 195E;]

⁴[(cb) the street tax leviable under section 195G;]

⁵[(d) betterment charges leviable under Chapter XII-A.]

⁶[Explanation.—For the purposes of this sub-section, the expression “building” includes a flat, a *gala*, a unit or any portion of the building.]

⁷[(2) Any reference in this Act or in any instrument to a water tax or a halalkhor tax shall after the commencement of the Bombay Municipal Corporation (Amendment) Ordinance, 1973, be construed as a reference to the water tax or the water benefit tax or both or the sewerage tax or the sewerage benefit tax, or both as the context may require.]

Mah.
Ord.
III of
1973.

⁸[Provided that all or any of the property taxes may be imposed on a graduated scale.]

¹⁰[Water taxes] on what premises to be levied. 141. ⁹[(1) Subject to the provisions of section 169, the water tax shall be levied only in respect of premises—

(a) to which a private water-supply is furnished from or which are connected by means of communication-pipes with, any municipal water works ; or

(b) which are situated in a portion of ¹¹[Brihan Mumbai] in which the Commissioner has given public notice that sufficient water is available from municipal water-works for furnishing a reasonable supply to all the premises in the said portion.

⁹[(2) Subject to the provisions of section 169 the water benefit tax shall be levied in respect of all premises situated in ¹¹[Brihan Mumbai].

¹⁰[Sewerage taxes] on what premises to be levied. 142. (1) ¹²[Subject to the provisions of section 170, the sewerage tax] shall be levied only in respect of premises—

(a) situated in any portion of ¹¹[Brihan Mumbai] in which public notice has been given by the Commissioner that the collection, removal and disposal of all excrementitious and polluted matter from privies, urinals and cesspools, will be undertaken by municipal agency ; or

(b) in which wherever situate, there is a privy, water-closet, cesspool, urinal bathing place or cooking place connected by a drain with a municipal drain.

¹ This words was substituted for the word “twenty-six” by Mah. 20 of 1995, s. 2(a).

² These words were substituted for the words “not more than two per centum” *ibid.*, s. 2(b).

³ This clause was inserted by Bom. 13 of 1958, s. 5.

⁴ Clause (cb) was inserted by Mah. 33 of 1989, s. 9.

⁵ This was added by Bom. 34 of 1954, s. 9.

⁶ This Explanation was added, by Mah. 10 of 1998, s. 90(b).

⁷ Sub-section (2) was added by Mah. 34 of 1973, s. 16(2).

⁸ This proviso was added by Mah. 41 of 1994, s. 41.

⁹ Section 141 was re-numbered as sub-section (1) and sub-section (2) was added, by Mah. 34 to 1993, s. 17(1).

¹⁰ This word was substituted for the words “Water tax” by Mah. 34 of 1973, s. 17(2).

¹¹ These words were substituted for the words “Greater Bombay” by Mah. 25 of 1996, Schedule.

¹² These words were substituted for the words “The halalkhor tax” *ibid.*, s. 18(c).

¹³ These words were substituted for the words “Halalkhor tax”, *ibid.*, s. 18(d).

(2) Provided that the said tax shall not be levied in respect of any premises situated in any portion of ¹[Brihan Mumbai] specified in clause (a), in or upon which, in the opinion of the Commissioner, no such matter as aforesaid accumulates or is deposited.

(3) If the Commissioner directs, under sub-section (2) ²[or (3)] of section 248 that a separate water-closet privy or urinal need not be required for any premises ³[the sewerage tax] shall nevertheless be levied in respect of the said premises, if but for such direction, the same should be leviable in respect thereof.

⁴[(4) Subject to the provisions of section 170, the sewerage benefit tax shall be levied in respect of all premises situated in ¹[Brihan Mumbai].

143. (1) The general tax shall be levied in respect of all buildings and lands in ¹[Brihan Mumbai] except—

General tax on what premises to be levied.

⁵[(a) buildings and lands or portions thereof exclusively occupied for public worship or for charitable purposes ;

(b) buildings and lands vesting in ⁶[Government] ⁷[used solely for public purposes and not used or intended to be used for purposes of profit] or in the Corporation, in respect of which the said tax, if levied, would under the provisions hereinafter contained be primarily leviable from the ⁸[Government] or, the corporation respectively ;

⁹[(c) such building and lands belonging to any Diplomatic or Consular Mission of a foreign State as Government may by general or special order specify in this behalf.]

(2) The following buildings ¹⁰[and lands or portions thereof] shall not be deemed to be ¹¹* * * exclusively occupied for public worship or for charitable purposes within the meaning of clause (a), namely :—

(c) ¹²[those] in which any trade or business is carried on; and

(d) ¹²[those] in respect of which rent is derived whether such rent is or is not applied exclusively to religious or charitable purposes.

¹³[(3) Where any portion of any building or land is exempt from the general tax by reason of its being exclusively occupied for public worship or for charitable purposes, such portion shall be deemed to be a separate property for the purpose of municipal taxation.]

¹ These words were substituted for the words "Greater Bombay" by Mah 25 of 1996, Schedule.

² The words, bracket and figure "or (3)" were inserted by Bom. 2 of 1911, s. 5.

³ These words were substituted for the words "the Halalkhor tax" by Mah. 34 of 1973, s. 18(b).

⁴ Sub-section (4) was added, *ibid.*, s. 18(c).

⁵ This clause was substituted for the original by Bom. 2 of 1911, s. 6(I).

⁶ The word "Government" was substituted for the original words by the Adaption of Laws Order, 1950.

⁷ These words were inserted by Bom. 10 of 1928, s. 12.

⁸ The word "Government" was substituted for the word "Crown" by the Adaptation of Laws Order, 150.

⁹ Clause (c) was deemed always to have been inserted by Mah. 6 of 1970, s. 2, with effect from 1st day of April 1967.

¹⁰ These words were inserted by Bom. 2 of 1911, s. 6(2)(a).

¹¹ Portion repealed, *ibid.*, s. 6(2)(b) is omitted.

¹² The word "those" was substituted for the word "buildings", *ibid.*, s. 6(2)(c).

¹³ This sub-section was added, *ibid.*, s. 6(3).

Payment to be made to the corporation in lieu of the general tax by the Central Government or the State Government as the case may be.

144. (1) The ¹[Central Government * * * * or the ³[State] Government, as the case may be], shall pay to the corporation annually, in lieu of the general tax from which buildings and lands vesting ⁴[Government] are exempted by clause (b) of section 143, a sum ascertained in the manner provided in sub-sections (2) and (3).

(2) The rateable value of the buildings and lands in ⁵[Brihan Mumbai] vesting in ⁴[Government] and beneficially occupied, in respect of which but for the said exemption, general tax would be leviable from the ¹[Central Government * * * or the ³[State] Government, as the case may be], shall be fixed by a person from time to time appointed in this behalf by the ³[State] ⁴[Government] with the concurrence of the corporation. The said value shall be fixed by the said person, with a general regard to the provisions hereinafter contained concerning the valuation of property assessable to property-taxes, at such amount as he shall deem to be fair reasonable. The decision of the person so appointed shall hold good for a term of five years, subject only to proportionate variation, if in the meantime the number or extent of the buildings and lands vesting in ⁴[Government] in ⁵[Brihan Mumbai] materially increases or decreases.

(3) The sum to be paid annually to the corporation by the ¹[Central Government * * * * or the ³[State] Government, as the case may be], shall be eight-tenth of the amount which would be payable by an ordinary owner or buildings or lands in ⁵[Brihan Mumbai], on account of the general tax, on a rateable value of the same amount as that fixed under sub-section (2).

Concession in general tax on newly constructed small tenements.

⁶144A. (1) Notwithstanding anything contained in section 140, the general tax leviable in respect of any building used for residential purposes—

(a) completed, for first let out or occupied on or after the 1st day of April 1956 and

(b) consisting exclusively of tenements the annual rent of each of which tenements determined as provided in sub-section (1) of section 154, does not exceed rupees twelve hundred or such lower sum as may be generally determined by the Corporation.

shall, where an application is made to the Commissioner in that behalf and for the period specified in sub-section (2), be—

(i) if such building is owned by or belongs to a co-operative society registered or deemed to be registered under the Bombay Co-operative Societies Act, 1925 ^{Bom. VII of 1925.} seven-tenths of the amount leviable under section 140 in respect of any other building except those referred to in section 143 ;

¹ The words "Central Government, or the Crown Representative, or the Provincial Government" as the case may be, " were substituted for the words " Secretary of State for India in Council" by the Adaptation of Indian Laws Order in Council.

² The words "or the Crown Representative" were deleted by the India (Adaptation of Existing Indian Laws, Order, 1947.

³ This word was substituted for the original by Adaptation of Laws Order, 1950.

⁴ The words "Provincial Government" were substituted for the words "Government in Council by the Adaptation of Indian Laws Order in Council.

⁴ The word "Government" was substituted for the original words by the adaption of Laws, Order, 1950.

⁵ These words were substituted for the words "Greater Bombay" by Mah. 25 of 1996, Schedule The words "or the Crown Representative" were deleted by the India (Adaptation of Existing Indian Laws; Order, 1947.

⁶ This section was inserted by Bom., 28 of 1957, s. 4.

(ii) if such building is owned by or belongs to any other person, eight-tenth of such amount.

(2) (a) If any such building was completed, or first let out or occupied on or before the date of commencement of the Bombay Municipal Corporation (Amendment) Act, 1957, concession in general tax under this section shall be available for the period counted from the said date of commencement up to the 1st day of April 1966.

(b) In all other cases, concession in general tax under this section shall be available for the period of ten years counted from the date on which any such building shall be completed, first let out or occupied, whichever shall be the earliest.

Explanation.—For the purposes of this section, a building shall be deemed to be completed on the date on which the permission for its occupation or use is given or is deemed to be given under section 353-A.]

¹[144B. Notwithstanding anything contained in section 140 or any other provisions of this Act, during the period of twenty years from the date of commencement of the Bombay Municipal Corporation and the Maharashtra Regional and Town Planning (Amendment) Act, 1995, or from the date of first occupation of the premises whichever is later, the property tax in respect of any building constructed, whether before or after such commencement, under the Low Cost Housing Scheme for economically weaker sections and Low Income Group by the Maharashtra Housing and Area Development Authority, or under the Slum Rehabilitation Schem declared under the Maharashtra Slum Areas (Improvement, Clearance and Redevelopment) Government or Corporation for the purpose of slum improvement, and used for residential purposes, shall be levied at such reduced rates as the State Government may, by notification in the *Official Gazette*, from time to time, fix; and different reduced rates may be fixed for different period and for different classes of buildings].

Temporary provision for levy of property tax at reduced rate in respect of certain buildings.

145. For section 36 of the Bombay Port Trust Act, 1879, the following section shall be substituted, namely :—

Amendment of section 36 Bombay Act. VI of 1879.

See Supra.

Liability for Property-taxes.

146. (1) Property-taxes shall be leviable primarily from the actual occupier of the premises upon which the said taxes are assessed, if such occupier holds the said premises immediately from ²[the ³[Government]] or from the corporation or from a fazendar :

Primary responsibility for property-taxes on whome to rest.

⁴[Provided that the property-taxes due in respect of any premises owned by or vested in the Government and occupied by a Government servant or any other person on behalf of the Government for residential purposes shall be leviable primarily from the Government and not the occupier thereof.]

(2) Otherwise the said taxes shall be primarily leviable as follows, namely ;—

- (a) if the premises are let, from the lessor;
- (b) if the premises are sub-let, from the superior lessor; and
- (c) if the premises are unlet, from the person in whom the right to let the same vests.

¹ section 144B was inserted by Mah. 5 of 1996, s.2.

² The words "the Crown" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

³ This word was substituted for the original by the Adaptation of Laws Order, 1950.

⁴ This proviso was added by Bom. 28 of 1957, s. 5(1).

¹(3) But if any land has been let for any term exceeding one year to a tenant, and such tenant or any person deriving title howsoever from such tenant has built upon the land, the property taxes assessed upon the said land and upon the building erected thereon shall be leviable primarily from the said tenant or such person, whether or not the premises be in the occupation of the said tenant or such person.]

Apportionment of responsibility for property tax when the premises assessed are let or sub-let. **147.** (1) If any premises assessed to any property-tax are let, and their rateable value exceeds the amount of rent payable in respect thereof to the person from whom, under the provisions of the last preceding section, the said tax is leviable, the said person shall be entitled to receive from his tenant the difference between the amount of the property-tax levied from him, and the amount which would be leviable from him if the said tax were calculated on the amount of rent payable to him.

(2) If the premises are sub-let and their rateable value exceeds the amount of rent payable in respect thereof to the tenant by his sub-tenant, or the amount of rent payable in respect thereof to a sub-tenant by the person holding under him, the said tenant shall be entitled to receive from his sub-tenant or the said sub-tenant shall be entitled to receive from the person holding under him, as the case may be, the difference between any sum recovered under this section from such tenant or sub-tenant and the amount of property-tax which would be leviable in respect of the said premises if the rateable value thereof were equal to the difference between the amount of rent which such tenant or sub-tenant receives and the amount of rent which he pays.

(3) Any person entitled to receive any sum under this section shall have, for the recovery thereof, the same rights and remedies as if such sum were rent payable to him by the person from whom he is entitled to receive the same.

Person primarily liable for property-tax entitled to credit, if he is a rent payer. **148.** If any person who is primarily liable for the payment of any property-tax himself pays rent to another person other than ²[the ³[Government]] or the corporation in respect of the premises, upon which such tax is assessed, he shall be entitled to credit in account with such other person for such sum as would be leviable on account of the said tax if the amount of the rent payable by him were the rateable value of the said premises.

Notice of transfer, etc., of premises assessable to Property-taxes

Notice to be given to the Commissioner of all transfers of title of persons primarily liable to payment of property tax. **149.** (1) Whenever the title of any person primarily liable for the payment of property-taxes on any premises to or over such premises is transferred, the person whose title is so transferred and the person to whom the same shall be transferred shall, within three months after execution of the instrument of transfers, or after its registration, if it be registered, or after the transfer is effected, if no instrument be executed, give notice of such transfer, in writing, to the Commissioner.

(2) In the event of the death of any person primarily liable as aforesaid, the person to whom the title of the deceased shall be transferred, as heir or otherwise, shall give notice of such transfer to Commissioner within one year from the death of the deceased.

Form of notice. **150.** (1) The notice to be given under the last preceding section shall be in the form either of Schedule E or Schedule F, as the case may be, and shall state clearly and correctly all the particulars required by the said form.

(2) On receipt of any such notice, the Commissioner may, if he thinks it necessary require the production of the instrument of transfer, if any, or of a copy thereof obtained under section 57 of the Indian Registration Act, 1877⁴

¹ This sub-section was substituted for the original, by Bom. of 28 1957 s, 5(2).

² The words the " Crown " were substituted for the word " Government " by the Adaptation of Indian Laws order in Council. III of 1877.

³ The word was substituted for the original by the Adaptation of Laws order, 1950.

⁴ See now the Indian Registration Act, 1908 (16 of 1908).

151. (1) Every person primarily liable for the payment of a property-tax on any premises who transfers his title to or over such premises without giving notice of such transfer to the Commissioner as aforesaid, shall, in addition to any other liability which he incurs through such neglect, continue liable for the payment of all property-taxes from time to time payable in respect of the said premises until he gives such notice, or until the transfer shall have been recorded in the Commissioner's books. Liability for payment of property taxes to continue in the absence of any notice of transfer.

(2) But nothing in this section shall be held to diminish the liability of the transferee for the said property-taxes, or to affect the prior claim of the Commissioner on the premises conferred by section 212, for the recovery of the property-taxes due thereupon.

152. (1) When any new building is erected, or when any building is rebuilt or enlarged, Notice to be given to the commissioner of the erection of a new building etc.

or when any building which has been vacant is reoccupied; the person primarily liable for the property-taxes assessed on the building shall within fifteen days give notice thereof, in writing, to the Commissioner.

(2) The said period of fifteen days shall be counted from the date of the completion or of the occupation whichever first occurs, of the building which has been newly erected or rebuilt, or of the enlargement, as the case may be, and in the case of a building which has been vacant, from the date of the reoccupation thereof.

153. (1) When any building or any portion of a building, which is liable to the payment of a property-tax, is demolished or removed, otherwise than by order of the Commissioner, the person primarily liable for the payment of the said tax shall give notice thereof in writing, to the Commissioner. Notice to be given to the Commissioner of demolition or removal of a building.

(2) Until such notice is given the person aforesaid shall continue liable to pay every such property-tax as he would have been liable to pay in respect of such building if the same, or any portion thereof, had not been demolished or removed;

¹(3) Provided that nothing in this section shall apply in respect of a building or portion of a building which has fallen down or been burnt down].

Valuation of property assessable to property-taxes

154. (1) In order to fix the rateable value of any building or land assessable to a property-tax, there shall be deducted from the amount of the annual rent for which such land or building might reasonably be expected to let from year to year a sum equal to ten per centum of the said annual rent and the said deduction shall be in lieu of all allowances for repairs or on any other account whatever. Rateable value how to be determined.

(2) The value of any machinery contained or situate in or upon any building or land shall not be included in the rateable value of such building or land.

²(3) Notwithstanding anything contained in this section, the rateable value in the case of a building—

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(a) owned by or belonging to the Government or the Bombay Housing Board constituted under the Bombay Housing Board Act, 1948, or other similar body constituted by any law for the time being in force for the purpose of providing housing accommodation ;

(b) constructed, purchased or occupied on or after the 1st day of April 1947 part of a recognised scheme of subsidised housing for industrial workers or persons belonging to lower income groups or poorer classes ; and

¹ This sub-section was added by Bom. 8 of 1918, s. 3.

² This portion was inserted by Bom. 28 of 1957, s. 6.

(c) comprising in part or in whole of tenements out to such workers or persons on a monthly rent, inclusive of all service and other charges not exceeding rupees thirty-two and fifty naye paise for each such tenement shall be fixed—

(i) with respect to such tenements comprised therein, with retrospective effect from the date of their construction, purchase or occupation as stated in clause (b), on the actual rent charged for such tenements and not on the rent, for which such tenements might reasonably be expected to let from year to year less a deduction of ten per centum of the said annual actual rent in lieu of all allowances for repairs or on any other account whatsoever ; and

(ii) with respect to the remaining portions, if any, of such building, on the basis of the provisions of sub-sections (1) and (2).

Explanation.—For the purpose of this sub-section, “ recognised scheme of subsidised housing for industrial workers or persons belonging to lower income groups or, poorer classes ” shall mean such scheme as may be recognised by the State Government from time to time in this behalf, after consultation with the Corporation.]

Commissioner may call for information or returns from owner or occupier or enter and inspect assessable premises.

155. (1) To enable him to determine the rateable value of any building or land and the person primarily liable for the payment of any property tax leviable in respect thereof the Commissioner may require the owner or occupier of such building or land, or of any portion thereof, to furnish him, within such reasonable period as the Commissioner prescribes in this behalf, with information or with a written return signed by such owner or occupier—

(a) as to the name and place of abode of the owner or occupier, or of both owner and occupier of such building or land ; and

(b) as to the dimensions of such building or land, or of any portion thereof, and the rent, if any, obtained for such building, or land, or any portion thereof.

(2) Every owner or occupier on whom any such requisition is made shall be bound to comply with the same and to give true information or to make a true return to the best of his knowledge or belief.

(3) The Commissioner may also for the purpose aforesaid make an inspection of any such building or land.

Assessment book

Assessment book what in to contain.

156. The Commissioner shall keep a book, to be called “the assessment book” in which shall be entered every official year—

(a) a list of all buildings and lands in ¹[Brihan Mumbai] distinguishing each either by name or number, as he shall think fit ;

(b) the rateable value of each such building and land determined in accordance with the foregoing provisions of this Act ;

(c) the name of the person primarily liable for the payment of the property-taxes, if any, leviable on each such building or land ;

(d) if any such building or land is not liable to be assessed to the general tax, the reason of such non-liability ;

(e) when the rates of the property-taxes to be levied for the year have been duly fixed by the corporation and the period fixed by public notice, as hereinafter provided, for the receipt of complaints against the amount of rateable value entered in any portion of the assessment-book, has expired, and in the case of any such entry which is complained against, when such complaint has been disposed of in

¹ These words were substituted for the words “Greater Bombay” by Mah. 25 of 1996, Schedule.

accordance with the provisions hereinafter conained, the amount at which each building or land entered in such portion of the assessment-book is assessed to each of the property-taxes, if any, leviable thereon ;

¹[(f) if under section 169, a charge is made for water supplied to any building or land by measurement or the water taxes or charges for water by measurement are compounded for, or if, under section 170, the sewerage taxes or sewerage charges for any building or land are fixed at a special rate, the particulars and amount of such charges, composition or rates ;]

(g) such other details, if any, as the Commissioner from time to time thinks fit to direct.

157. (1) The assessmente book shall be made in separate books, called "ward assessment-books" one for each of the wards into which ²[Brihan Mumbai] is for the time being divided under the provisions of section 24; and each ward assessment-book may, if the Commissioner thinks fit, be divided into two or more parts for such purposes and with such several designations as the Commissioner shall determine.

(2) The ward assessment-books and their respective parts, if any, shall collectively constitute the assessment-book.

158. (1) When any building or land is let to two or more persons holding in severalty the Commissioner may, for the purpose of assessing such building or land to the property taxes, either treat the whole thereof as one property, or, with the written consent of the owner of such building or land, treat each several holding therein or any two or more of such several holdings together, or each floor or flat, as a separate property.

³ [(2)	*	*	*	*	*	*
(3)	*	*	*	*	*	*)

159. (1) When the name of the person primarily liable for the payment of property-taxes in respect of any premises cannot be ascertained, it shall be sufficient to designate him in the assessment-book and in any notice which it may be necessary to serve upon the said person under this Act, "the holder" of such premises, without further description.

(2) If, in any such case, any person in occupation of the premises shall refuse to give such information as may be requisite for determining who is primarily liable as aforesaid, such person shall himself be liable, until such information is obtained, for all property-taxes liviable on the premises of which he is in occupation.

160. (1) When the entries required by clauses (a), (b), (c) and (d) of section 156 have been completed, as far as practicable, in any ward assessment book, the Commissioner shall give public notice thereof and of the place where the ward assessment-book, or a copy of it, may be inspected.

¹ Clause(f) was substituted by Mah. 34 of 1973, s. 19.

² These words were substituted for the words "Greater Bombay" by Mah. 25 of 1996, Schedule.

³ Sub-section (2) and (3) were deleted by Mah. 10 of 1998, s. 91.

(2) Such public notice shall be given by advertisement in the ¹[*Official Gazette*] and in the local newspapers, and also by posting placards in conspicuous places throughout the ward.

Assessment book to be open to inspection. **161.** (1) Every person who reasonably claims to be the owner or occupier of some premises entered in the assessment-book or the agent or any such owner or occupier shall be permitted, free of charge, to inspect and to take extracts from any portion of the said book which relates to the said premises.

(2) Any person not entitled under sub-section (1) to inspect take extracts from any portion of the assessment-book free of charge shall be permitted to do so on payment of such fee as shall from time to time be prescribed in this behalf ²[by the [Member-in-charge] with the approval of the ³[Mayor-in-Council].

Time for filing complaints against valuations to be publicly announced. **162.** (1) The Commissioner, shall at the time and in the manner prescribed in section 160, give public notice of a day, not being less than fifteen days from the publication of such notice, on or before which complaints against the amount of any rateable value entered in the ward assessment-book will be received in his office.

Special notice to be issued in certain cases (2) In every case in which any premises have for the first time been entered in the assessment-book as liable to the payment of property rates or in which the rateable value of any premises liable to such payment has been increased, the Commissioner shall, as soon as conveniently may be after the issue of the public notice under sub-section (1), give a special written notice to the owner or occupier of the said premises specifying the nature of such entry and informing him that any complaint against the same will be received in his office at any time within fifteen days from the service of the special notice.

Time and manner of filling complaints against valuation. **163.** (1) Every complaint against the amount of any rateable value entered in the assessment-book must be made by written application to the Commissioner, which shall be left at his office on or before the day or the latest day fixed in this behalf in the public or special notice aforesaid.

(2) Every such application shall set forth briefly but fully the grounds on which the valuation is complained against.

Notice to complaints of day fixed for investigating their complaints. **164.** The Commissioner shall cause all complaints so received to be registered in a book to be kept for this purpose and shall give notice in writing to each complainant, of the day, time and place when and whereat his complaint will be investigated.

Hearing of complaint. **165.** (1) At the time and place so fixed the Commissioner shall investigate and dispose of the complaint in the presence of the Complainant, if he shall appear, and, if not, in his absence.

(2) For reasonable cause, the Commissioner may from time to time adjourn the investigation.

(3) When the complaint is disposed of, the result thereof shall be noted in the book of complaints kept under section 164, and any necessary amendment shall be made in accordance with such result, in the assessment-book.

¹ The words "*Official Gazette*" were substituted for the words "*Bombay Government Gazette*" by the Adaption of Indian Laws Order in Council.

² These words were substituted for the words, by the Commissioner, with the approval of the standing Committee, by Mah. 10 of 1998, s. 92.

³ These words were substituted for the work "standing Committee", void, s. 90 (a).

166. (1) When all such complaints, if any, have been disposed of and the entries required by clause (e) of section 156 have been completed in the ward assessment-book, the said book shall be authenticated by the Commissioner, who shall certify, under his signature, that except in the cases, if any in which amendments have been made as shown therein, no valid objection has been made to the rateable values entered in the said book. Authentic-
ation of
ward assess-
ment-books
when all
complaints
have been
disposed of.

(2) Thereupon the said ward assessment-book subject to such alterations as may thereafter be made therein under the provisions of the next following section, shall be accepted as conclusive evidence of the amount of each property-tax leviable on each building and land in the ward in the official year to which the book relates.

167. (1) The Commissioner may, upon the representation of any person concerned, or upon any other information, at any time during the official year to which an assessment-book relates amend the same by inserting therein the name of any person whose name ought to be so inserted or any premises previously omitted or by striking out the name of any person not liable for the payment of any property-tax, or by increasing or reducing the amount of any rateable value and of the assessment based thereupon, or by making of cancelling an entry exempting any premises from liability to any property-tax. Assesment-
book may be
amended by
the Commis-
sioner during
the official
year.

(2) Every such amendment shall be deemed to have been made, for the purpose of determining the liability or exemption of the person concerned in accordance with the altered entry, from the earliest day in the current official year when the circumstances justifying the amendment existed.

168. (1) It shall not be necessary to prepare a new assessment-book every official year. Subject to the provisions of sub-section (3), the Commissioner may adopt the entries in the last preceding year's book with such alterations as he thinks fit as the entries for each new year. New assess-
ment-book
need not be
prepared
every official
year.

(2) But public notice shall be given, in accordance with sections 160 and 162 every year and the provisions of the said sections and of sections 163 to 167, both inclusive, shall be applicable each year.

(3) A new assessment-book shall be prepared at the least once in every four years. ¹[Special provisions concerning the Water and Sewerage taxes and charges.

169. (1) Notwithstanding anything contained in section 128, the ²[Corporation] shall, from time to time, make such rules as shall be necessary for supply of water and for charging for the supply of water and for any fittings, fixtures or services rendered by the Corporation under Chapter X and shall by such rules determine— Rules for
water taxes
and charges.

(i) the charges for the supply of water by a water-tax and a water benefit tax levied under section 140 of a percentage of the rateable value of any property provided with a supply of water ; or

(ii) a water charge in lieu of a water-tax, based on a measurement or estimated measurement of the quality of water supplied ; or

(iii) combined charges under clauses (i) and (ii) ; or

(iv) a compounded charge in lieu of charges under clauses (i) and (ii).

(2) A person who is charged for supply of water under clause (ii) or (iv) or sub-section (1) shall not be liable for payment of the water-tax, but any sum payable by him and not paid when it becomes due shall be recoverable by the Commissioner as if it were an arrear of property tax due.

¹ This heading and section 169 to 172 were substituted by Mah. 34 of 1973, s. 20.

² This words was substituted for the words "Standing Committee" by Mah. 10 of 1998, s. 93.

¹(3) Notwithstanding anything contained in section 146, the water taxes and charges shall be primarily recoverable from person or persons actually occupying the premises.].

Rules for
sewerage
taxes and
charges.

170. (1) Notwithstanding anything contained in section 128, the ²[Corporation] shall from time to time make such rules as shall be necessary for removing human wastes, excrementitions, and polluted matters, liquid wastes and effluents and any other materials as shall from time to time be specified ³[] in such rules and for charging any fittings, fixtures or services rendered by the Corporation under Chapter IX and shall by such rules determine—

(i) the charges for the supply of such services by a sewerage tax and a sewerage benefit tax levied under section 140 of a percentage of the rateable value of any property in respect of which such services are provided ; or

(ii) a sewerage charge in lieu of a sewerage tax, based on a measurement or estimated measurement of the quantity of water supplied for the premises or of the quantity of wastes discharges from the premises ; or

(iii) combined charges under clauses (i) and (ii) ; or

(iv) a compounded charge in lieu of charges under clauses (i) and (ii)

(2) A person who is charged for sewerage services under clause (ii) or (iv) of sub-section (1) shall not be liable for payment of the sewerage tax, but any sum payable by him and not paid when it becomes due, shall be recoverable by the Commissioner as if it were an arrear of property tax due.

⁴[* * *]

Power to
amend rules.

172. The ²[Corporation] may, from time to time, add to, amend or rescind any rules made or deemed to be made by it under section 169 to 171 (all inclusive), but any such revision of the rules shall come into force on the date appointed by the ²[Corporation] for this purpose so however that such date shall not be less than 30 days, nor more than 90 days from the date on which the decision is taken by the ²[Corporation] to make such revision.].

Water-tax,
⁷[water
charges,]
⁸[Sewerage
charges]
paid by
any person
may be

173. (1) Any person who has paid to the Commissioner any ⁵[water-tax, or a sum on account of water charges or] ⁶[any sewerage tax or a sum on account of sewerage charges] in respect of any premises shall if he was not himself in occupation of the said premises during the period for which he had made such payment, be entitled to receive the amount of the said payment from the person, if any, in actual occupation of the said premises for the said period.

recovered by
him from the
occupier of
the premises
for which it
is paid.

(2) For the recovery of the said amount from the person aforesaid, the person who has paid the same shall have the same rights and remedies as if such amount were rent payable to him by the person from whom he is entitled to receive the same.

¹ Sub-section (3) was added by Mah(21 of 1989, s. 29.

² This word was substituted for the words "Standing Committee" by Mah. 10 of 1998, s. 94(a).

³ The words by the Comm. were deleted by *ibid.* s. 94(b).

⁴ Section 171 was delected, *ibid.* s. 95.

⁵ These words were substituted for the words " Water Tax or" by Bom. 62 of 1954, s. 4(1).

⁶ These words were substiuted for the words "any halalkhor tax" by Mah. 51 of 1975, s. 9(a).

⁷ These words were inserted by Bom. 62 of 1954, s. 4 (2).

⁸ These words were substituted for the words "or halalkhor tax" by Mah. 51 of 1975, s. 9(b).

¹[173A. (1) If the premises to which water is supplied by measurement consists of more than one tenement and water is supplied thereto through a common meter and if water charges in respect of the water supplied are paid to the Commissioner by the owner of the said premises or any person acting on his behalf, such owner shall be entitled to recover the sum of such water charges *pro-rata* from the occupiers of the tenements during the period for which water is supplied to the said tenements through the common meter, in proportion to the amount of the rent for which each of such tenements is let:

Owner of premises entitled to recover water charges from occupiers of tenements.

Provided that if—

(a) any of the tenements is in the occupation of the owner or any person acting on his behalf, or

(b) by the terms of the tenancy, the owner has agreed to pay the water charges for an occupier of a tenement,

the amount payable *pro-rata* in respect of such tenement shall not be recovered from the occupiers of other tenements.

(2) If, under the terms of the tenancy, the rent charges for any such tenement is inclusive of water-tax and subsequently water is supplied thereto through a common meter and if water charges are paid by the owner or any person acting on his behalf, such owner shall be entitled to recover under this section from the occupier of such tenement only the difference between the water tax previously payable by him and the water charges payable in respect of such tenement on *pro-rata* basis under sub-section (1).

173B. If the owner of any premises has paid to the Commissioner the sum of water charges in respect of water supplied to the premises and though entitled to recover from the person in actual occupation of the said premises a sum as determined under section 173-A, omits or fails to recover the same wholly or in part for whatever reason the fact of the omission or failure to recover such sum shall not operate to diminish the amount of the annual rent of the said premises calculated for the purposes of section 154.]

Water charges paid by owners but not recovered from occupiers not to operate to diminish annual rent for purposes of section 154.

²[173BB. If the premises in respect of which the sewerage charges in lieu of a sewerage tax are recovered from the owner of the premises or any person acting on his behalf, such owner shall be entitled to recover the sum of such charges *pro-rata* from the occupiers of the tenements, in proportion to the amount of the rent for which each of such tenements is let :

Owner of premises entitled to recover sewerage charges from occupiers tenements.

Provided that if—

(a) any of the tenements is in occupation of the owner or any person acting on his behalf, or

(b) by the terms of the tenancy, the owner has agreed to pay the sewerage charges for an occupier of a tenement,

the amount payable *pro-rata* in respect of such tenements shall not be recovered from the occupiers of other tenements.]

¹ Section 173A and 173B were inserted by Bom. 62 of 1954, s. 5.

² Section 173BB was inserted by Mah. 34 of 1973, s. 21.

Occupier of premises entitled to recover water taxes and charges from owner when he is not bound to pay but pays them to Commissioner.

¹[173C. If, under the terms of the tenancy, the rent for any premises is inclusive of water taxes or water charges for supply of water by measurement and the person in actual occupation of the premises has, on behalf of the owner thereof, paid to the Commissioner any water taxes or water charges in respect of the premises, such person shall be entitled to recover from the owner the amount so paid and may deduct the amount from the rent which from time to time becomes due to the owner.]

Refund of property taxes for vacancies.

Refund of [the water tax and sewerage tax] when and to what extent obtainable.

174. When any building or land, or any portion of any premises which the Commissioner has treated under section 158 as a separate property, has been vacant for not less than thirty consecutive days, the Commissioner shall, subject to the provisions hereinafter contained, refund the amount of the water tax ²[and the sewerage tax], if any, paid for the number of days that such vacancy lasted.

175. 4* * * * *

Refund not claimable unless notice of vacancy is given to the Commissioner.

176. (1) No refund of any property tax shall be claimable from the Commissioner, as aforesaid, unless notice in writing of the vacancy shall have been given by the Person liable for the tax, or his agent, to the Commissioner.

(2) No refund shall be paid by the Commissioner for any period previous to the day of the delivery of such notice.

(3) When a vacancy continues from onehalf year in respect of which property taxes are, under section 197 recoverable, into the next following half year, no refund of any property tax shall be claimable from the Commissioner as aforesaid on account of such continued vacancy unless notice thereof shall be given to the Commissioner as aforesaid within thirty days from the commencement of the said next following half year.

Refund of water tax inadmissible unless application for stopping water supply has been made.

177. No refund of water tax shall be claimable except from such time as a written application shall have been made to the Commissioner to stop the water supply to the vacant premises.

178. 5* * * * *

Applications for refund when and how to be made.

179. It shall be in the discretion of the Commissioner to disallow any claim for refund of any property tax unless application therefor is made to him in writing within thirty days after the expiry of the half year to which the claim relates accompanied by the bill presented to the applicant under section 200 for the amount of the tax from which the refund is claimed.

¹ Section 173C was inserted by Mah. 51 of 1975, s. 10.

² These words were substituted for the words "water and halalkhore taxes", *ibid*, s. 22(b).

³ These words were substituted for the words "and halalkhore tax" by Mah. 34 of 1973, s. 22(a)

⁴ Section 175 was deleted by Mah. 10 of 1998, s. 97.

⁵ Section 178 was deleted by Mah. 10 of 1998, s. 97.

Tax on Vehicles and Animals.

180. Except as hereinafter provided, a tax at rates not exceeding those specified in Schedule G shall be levied on all vehicles and on all animals of the description specified in the said schedule which are kept within ¹[Brihan Mumbai]:

Tax on what vehicles and animals to be levied.

Bom. LXV of 1958. ²[Provided that no tax shall be levied on motor vehicles save as provided in section 20 of the Bombay Motor Vehicles Tax Act, 1958].

181. ³[(1)] The said tax shall not be levied in respect of—

Exemptions from the tax.

(a) any vehicle or animal certified by the Commissioner or the Police Commissioner, as the case may be, to be employed by the owner thereof for Municipal or Police purposes ;

(b) gun-carriage, ordinance-carts or wagons, and artillery and cavalry horses ;

XI of 1881. (c) any horse which any person, exempted by an order issued under section 3 of the Municipal Taxation Act, 1881, from the operation of any municipal tax on horses, is bound by the regulations of the service to which he belongs to keep ;

XILV-III of 1920. XLIX of 1920. ⁴[(d) any vehicle or animal exempted from municipal taxation under section 16 of the Indian Territorial Force Act, 1920 or section 34 of the Auxiliary Force Act, 1920 ;]

⁵[(e) vehicles and animals vesting in the Central Government; * * * *]

(e-1) vehicles and animals, other than those specified in clause (e), vesting in ⁷Government and used solely for public purposes and not used or intended to be used for purpose of profit ;

(e-2) vehicles and animals belonging to the Corporation ;]

⁸[(e-3) any motor vehicle belonging to a Foreign Consular Officer de Carrier ⁹[or a Trade Commissioner] stationed at Mumbai provided such officer ⁹[or a Trade Commissioner] proves to the satisfaction of the Commissioner that such motor vehicle has been exempted under ¹⁰section 13 of the Bombay Motor Vehicles Tax Act, 1858;]

Bom. LXV of 1958.

¹ These words were substituted for the words "Greater Bombay" by Mah. 25 of 1996, Schedule

² This proviso was added by Bom. 65 of 1958, s. 25, Third Schedule.

³ Section 181 was re-numbered as sub-section (1) by Bom. 8 of 1942, s. 2 (1), read with Bom. 8 of 1948, s. 3.

⁴ This clause was substituted for the original by Bom. 8 of 1942, s. 2(1)(i), read with Bom. 8 of 1948, s. 3.

⁵ Clauses (e), (e-1) and (e-2) were substituted for clause (e), *ibid*; s. 2(1)(ii).

⁶ The words "His Majesty for purposes of" were omitted by the Adaption of Laws Order, 1950.

⁷ This word was substituted for the original words, *ibid*.

⁸ Clause (e-3) was inserted by Bom. 48 of 1950, s. 64.

⁹ These words were inserted by Bom. 6 of 1959, s. 3.

¹⁰ These words and figures were substituted for the words and figures "section 18 of the Bombay Motor Vehicles Tax Act, 1935," *ibid*.

* Section 80 of Bom. 48 of 1950 reads as follows :—

"80. (1) The amendments made by section 64, 65 and 67 shall be deemed to have been made on and to have effect from the 15th day of August 1947. Amendments made by

(2) The amendments made by section 68 and 76 shall be deemed to have been made on and, section 64, to have effect from the 14th day of March 1944 and any order made or action taken under the 65, 67, 68 and said Act as before the commencement of this Act shall be deemed to have been made or taken under 76 to have the said Act amended by this Act and no prosecution, suit or other proceeding shall lie against retrospective any person for anything in good faith done or intended to be done in pursuance of any such order effect.

or action, as the case may be."

¹[*Explanation*.—For the purposes of this clause, the expression “Trade Commissioner” includes a Deputy Trade Commissioner, an Assistant Trade Commissioner and a Trade Agent;]

2* * * * *

(g) vehicles kept by *bona fide* dealers in vehicles for sale merely, and not used :

³[Provided that ⁴a tax at the rate of rupees one hundred and twenty shall be levied yearly] in advance from every dealer in motor vehicles for every seven motor vehicles in respect of which a Trade Certificate is issued to him under rules made under the Motor Vehicles Act, 1939;]

IV of
1939.

(h) trucks used exclusively on a wharf or in or upon any premises appertaining to a factory, workshop, warehouse or railway;

(i) hand-borrows having one wheel only ⁵[bicycles, tricycles, other than motor bicycles and tricycles] and children's perambulators;

⁶[(2) If any question arises under clause (e-1) of sub-section (1) whether any vehicle or animal belonging to ⁷[government] is or is not used solely for public purposes or is or is not used or intended to be used for purposes of profit, such question shall be determined by the ⁸[State] Government, whose decision shall be final.]

Persons responsible for the payment of the tax. -[182. (1) The said tax shall be leviable from the owner of or person having possession or control of any vehicle or animal in respect of which the said tax is leviable :

¹⁰[Provided that in the case of an animal generally used or employed in drawing any vehicle the tax in respect of such animal shall be leviable from, the owner of or person having possession or control of, such vehicle, whether or not such animal is owned by such owner or person.]

(2) For the purpose of this section, the person in whose name a motor vehicle is for the time being registered under the Motor Vehicles Act, 1939,* shall, until the contrary is proved, be presumed to be the owner or person in possession or control of such motor vehicle.]

IV of
1939.

183. [Vehicles under repair, or standing at carriage-maker's exempt] Repealed by Bom. 8 of 1942, s. 4, read with Bom. 8 of 1948, s. 3.

¹ This *Explanation* was added, by Bom. 6 of 1959, s. 3

² Clause (f) was deleted by Bom. 48 of 1948, s. w.f.

³ This proviso was added by Bom. 8 of 1942, s. 2 (1) (iii), read with Bom. 8 of 1948, s. 3.

⁴ These words were substituted for the words “a tax at the rate of rupees thirty shall be levied quarterly” by Mah. 70 of 1975, s. 16.

⁵ These words were inserted by Bom. 2 of 1911, s. 7.

⁶ This sub-section was inserted by Bom. 8 of 1942, s. 2(2), read with Bom. 8 of 1948, s.3.

⁷ This word was substituted for the original words, *ibid*.

⁸ This word was substituted for the word “Provincial” by the Adaptation of Laws Order, 1950.

⁹ This section was substituted for the original by Bom. 8 of 1942, s. 2(2), read with Bom. 8 of 1948, s. 3.

¹⁰ This proviso was added by Bom. 76 of 1948, s. 20.

* Now see Motor Vehicles Act, 1988 (59 of 1988).

184. [*Animals unfit for use and not used exempt*] Repealed by Bom. 8 of 1942, s. 4, read with Bom. 8 of 1948, s. 3.

185. The Commissioner may, with the approval of the ¹[Member-in-charge] Livery-stable-compound with any livery-stable-keeper or other person keeping vehicles or horses stable-keepers and bullocks for hire, or with any dealer having stables in which horses are kept others may for sale on commission or otherwise, for the payment of a lump sum for any period not exceeding one year at a time, in lieu of the taxes ²[leviable under section 180 be compounded which such livery-stable-keeper or other person or dealer would otherwise be liable with to pay].

186. (1) The Commissioner shall keep a book, in which shall be entered from Vehicle and animal tax-book to be kept—
time to time—

- (a) a list of the persons liable to pay any tax under section 180;
- (b) a specification of the vehicles and animals in respect of which the said persons are, respectively, liable to the said tax;
- (c) the amount of tax payable by each such person and the period for which it is payable;
- (d) the particulars of every composition made under section 185.

(2) Any person whose name is entered in the said book, or the agent of any such person, shall be permitted, free of charge, to inspect and take extracts from any portion of the said book which relates to such person.

(3) Any person not entitled under sub-section (2) to inspect and take extracts from any portion of the said book free of charge, shall be permitted to do so on payment of such fee as shall from time to time be prescribed in this behalf by the Commissioner, with the approval of the ¹[Member-in-charge].

187. (1) In order that the said list may be prepared, the Commissioner may require— Returns may be called for from owners of premises and persons supposed to be liable to the tax.

(a) the owner of any premises let to or occupied by more than one person, owning or having ³[possession or control] of vehicles and animals to furnish him with a written return, signed by such owner, of the name and address of each of the said persons and of the animals and vehicles owned by or in ³[the possession or under the control] of each of the said persons kept upon such owner's premises;

(b) any person supposed to be liable to the payment of any tax on a vehicle or animal to furnish him with a written return, signed by such person and containing such information concerning the vehicles and animals, if any, owned by or in ³[the possession or under the control] of such person as the Commissioner shall deem necessary.

(2) Every person on whom any such requisition is made shall be bound to comply with the same, within such reasonable period as the Commissioner prescribes in this behalf, whether such person be liable to the payment of any such tax or not, and to make a true return to the best of his knowledge or belief.

¹ These words were substituted for the words "Standing Committee" by Mah. 10 of 1998, s. 98.

² This was substituted for the original by Bom. 8 of 1942, s. 5, read with Bom. 8 of 1948, s. 3.

³ These words were substituted for the words "the charge()", *ibid*, s. 6.

Notice to be given to Commissioner: by a person who becomes owner or possessed of a vehicle or animal in respect of which liability arises, etc.

¹[188. (1) Every person who becomes the owner or obtains possession or control of any vehicle or animal in respect of which the said tax is leviable shall give notice in writing to the Commissioner within fifteen days after he has become the owner or has obtained possession or control of such vehicle or animal, of the fact that he has become the owner or has obtained possession or control of such vehicle or animal, as the case may be.

(2) Every person who ceases to own or have possession or control of any vehicle or animal in respect of which the said tax is leviable shall give notice in writing to the Commissioner of the fact that he has ceased to own or have possession or control of such vehicle or animal. Such person shall, in addition to any other penalty to which he may be liable, continue to be liable for the payment of the said tax leviable from time to time in respect of such vehicle or animal until he give such notice :

Provided that nothing herein contained shall be held to diminish the liability to pay the said tax of the person who becomes the owner or obtains possession or control of such vehicle of animal or affect the prior claim of the Commissioner on such vehicle or animal for the recovery of any tax due in respect thereof.]

Power to inspect stables and summon persons liable to the tax.

189. (1) The Commissioner may make an inspection of any stable, ²[garage] or coach house or any place wherein he may have reason to believe that there is any vehicle or animal liable to a tax under this Act.

(2) The Commissioner may, by written summons, require the attendance before him of any person whom he has reason to believe to be liable to the payment of a tax in respect of a vehicle or animal, or of any servant of any such person, and may examine such person or servant as to the number and description of vehicles and animal owned by or in ³[the possession or under the control] of such person; and every person so summoned shall be bound to attend before the Commissioner and to give true information, to the best of his knowledge or belief, as to the said matters.

* * * * *

Refund of tax on vehicles and animals when and to what extent obtainable.

⁵[190. If the tax leviable on any vehicle or animal in respect of any year has been paid and if during such year such vehicle or animal ceases to be kept within ⁶[Brihan Mumbai] or is destroyed or is otherwise rendered unfit for use or if such vehicle has been under repairs or if such animal has been kept in any institution for the reception of infirm or disused animals or is certified by a Veterinary Surgeon to have become unfit for use and has not been used, the person who paid the tax leviable on such vehicle or animal shall, subject to the provisions hereinafter contained, and on the Commissioner (or any officer authorised by him) being satisfied in this behalf, be entitled to receive from the Commissioner if the period in such year for which such vehicle or animal has not been kept in ⁶[Brihan Mumbai] or has not been used on account of such vehicle or animal being destroyed or rendered unfit for use or on account of such vehicle being under repairs or such animal being kept in any institution for the reception of infirm or disused animals or such animal having been certified by a Veterinary Surgeon to have been become unfit for use, is,—

(a) not less than three hundred and forty days, the full amount of the tax paid—

(b) not less than three hundred days, three fourth of the tax paid,

¹ This section was substituted for the original by Bom. 8 of 1942, s. 7 read with Bom. 8 of 1948, s. 3.

² This word was inserted, *ibid.* s. 8(1).

³ These words were substituted for the words "the charge", *ibid.* s. 8(2).

⁴ The heading and section 190 and 191 repealed by Bom. 7 of 1921, s. 5 is omitted and the repeal shall have effect from 1st April 1920.

⁵ Section 190 was substituted for the original by Mah. 70 of 1975, s. 17.

⁶ These were substituted for the words "Greater Bombay" by Mah. 25 of 1996, Schedule.

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- (c) not less than two hundred and forty days, two-third of the tax paid,
- (d) not less than one hundred and eighty days, one-half of the tax paid,
- (e) not less than one hundred and twenty days, one-third of the tax paid,
- (f) not less than ninety days, one-fourth of the tax paid,
- (g) not less than sixty days, one-sixth of the tax paid.

No refund of the tax shall be granted if such period is less than sixty days.]

¹[191. (1) No refund of the tax shall be claimable from the Commissioner under section 190 unless notice in writing of the occurrence of the circumstances giving rise to such claim or of the commencement of circumstances which may give rise to such claim has been given to the Commissioner by the person who paid the tax or his agent. Refund not claimable unless notice is given to the Commissioner.]

(2) If such notice is not received by the Commissioner within three days of the occurrence or commencement of the circumstances as aforesaid, the period previous to the date of the receipt of the notice shall be excluded in computing the period of ²[three hundred and forty, three hundred two hundred, and forty, one hundred and eighty, one hundred and twenty, ninety and sixty days] referred to in section 190, for the purposes of granting any refund.

(3) It shall be in the discretion of the Commissioner to disallow any claim for refund of the tax, unless application claiming such refund is made to him in writing before the expiry of 15 days after the end of the ³[year] to which the claim relates and is accompanied by the bill presented to the applicant under section 200 for the amount of the tax from which the refund is claimed.]

⁴[Dogs.

⁵[191A. (1) A tax not exceeding ⁶[One hundred rupees] per annum shall be levied on every dog kept within ⁷[Brihan Mumbai]. Such tax, however, shall not be levied on any dog under the age of six months, if the owner or person in charge thereof declares in writing to the Commissioner on or before the eighth day of April that the dog owned by him or in his charge is under the age of six months. Tax on levied dogs.]

(2) Every person who owns or is in charge of a dog on which the tax is leviable under sub-section (1) shall be liable for such tax.

(3) Every person who owns or is in charge of a dog on which the tax is leviable shall forward to the Commissioner a return signed by him during the month of April in each official year in such form as the Commissioner may specify.

(4) Every person who owns or is in charge of such dog shall pay the tax during the month of April in each official year :

Provided that, when a person becomes owner or takes charge of such dog on or after the first day of May, he shall forward a like return to the Commissioner and pay the tax due, within one week from the date on which he becomes the owner or takes charge of the dog.

(5) The amount of the tax for the full year shall be payable in lump sum and shall not be in proportion to the period for which any dog is kept. But the tax shall not be payable more than once for any official year in respect of the same dog.

¹Section 191 was inserted by Bom. 1942, s.9 read with Bom. 8 of 1948, s.3.

²These words were substituted for the words " eighty, sixty and thirty days " by Mah. 70 of 1975., s.18(a).

³This word was substituted for the word " quarter ", *ibid.*, s.x8(b).

⁴This heading and section 191A was inserted by Bom. 2 of 1943, s3, read with Bom. 8 of 1943, s.2.

⁵Section 191A was substituted for the original by Mah. 51 of 1975, s.11.

⁶These words were substituted for the words " seven rupees " by Mah. 12 of 1993, s.4.

⁷These words were substituted for the words " Greater Bombay " by Mah. 25 of 1996, Schedule.

(6) The Commissioner shall maintain a register showing the names and addresses of the persons liable to pay the tax under this section.]]

Licence and number ticket for dogs. ¹[²191B. (1) When the owner or person in charge of a dog has paid the tax leviable on such dog, the Commissioner shall—

(a) grant him a licence to keep the dog during the official year for which the tax has been paid, subject, however, to such conditions as may be specified in the licence by the Commissioner ;

(b) provide him with a number ticket, the number of which shall be specified in the licence.

(2) The owner or person in charge of any dog so licensed, shall at all times cause the said number ticket to be kept attached to the collar or otherwise suspended from the neck of the dog.

(3) Any dog which has no number ticket so attached or suspended or is kept in contravention of any of the conditions specified in the licence—

(a) shall be presumed to be a dog in respect of which no licence has been granted; and

(b) may be seized by the police or by any officer duly authorised by the Commissioner, and detained until the tax due, if any, has been paid or the conditions subject to which the licence is granted are agreed to be complied with.]

Control and other provisions as to dogs. ³191BA. (1) If any dogs are found or reported to be a source of nuisance to the residents of any building or locality, the Commissioner or any person duly authorised by him may enter any premises for the purposes of seizing such dogs.

(2) Any dog so seized shall be kept in the municipal kennel and if any person, within three day from the date of such seizure, satisfies the Commissioner that he is the owner or person in charge of such dog, the Commissioner may order it to be delivered to such person on payment of the tax, if any due and the costs incurred by the Commissioner by reason of its detention and on such person giving an undertaking that the dog will thereafter be kept in accordance with the condition of the licence and will not be a source of nuisance to the residents of the building or locality :

Provided that, if within the said three days, no person satisfied the Commissioner that he is the owner or person in charge of the dog and pays the tax and the costs or gives the undertaking aforesaid, the Commissioner may cause the dog to be destroyed.

(3) If a stray dog has bitten any person the Commissioner may order it to be detained in the Municipal kennel for its incubation period if it so desired by the person who has been bitten by that dog, and no charge shall be recovered from any person for such detention. If a licenced dog, which has bitten any person, is brought to the Municipal kennel, the Commissioner may order it to be detained therein for its incubation period, if so desired by the owner or person in charge of such dog or the person who has been bitten by that dog, on payment of detention charges not exceeding Rs. 2 per day as may be determine by the Commissioner.

(4) If any dog detained under sub-section (2) or (3) is after examination found to be suffering from rabies, the Commissioner shall order it to be destroyed forthwith.

(5) No damage shall be payable in respect of any dog destroyed under this section.]

¹Sections 191B and 191BA were inserted by Bom. 2 of 1943, read with Bom. 8 of 1948, s.2.

²Section 191B was substituted for the original by Mah. 51 of 1975, s.12.

³Section 191BA was inserted, *ibid.*, s.13.

*¹[191BB. Nothing contained in sections 191-A and 191-B shall apply to any dog kept by or in charge of such diplomatic and Consular Officers as the State Government may by general or special order specify in this behalf.] Exemption of dogs kept by certain Consular Officers.

²[191C. No suit, prosecution or other legal proceeding shall be instituted against any person in respect of any act done in good faith in pursuance of the provisions of ³[section 191-B or section 191-BA].] Protection of persons acting in good faith.

²[191D. Nothing contained in sections 180 to 182, 185 to 188, 190, 191, 198 and the second sentence of sub-section (2) of section 200 shall apply in respect of the tax leviable under section 191-A.] Certain sections not to apply.

⁴[THEATRE TAX

Tax on cinemas, theatres, circuses, carnivals and other performances or shows.

191E. (1) Except as hereinafter provided, there shall, from such date as the State Government may by notification in the *Official Gazette* specify in this behalf, be levied and paid to the Corporation a tax referred to in this Act as theatre tax on cinemas, theatres, circuses, carnivals and other performances or shows. Theatre tax.

(2) The theatre tax shall be levied in respect of theatre, cinema, circus, carnival and other place of entertainment for every performance or show held or conducted thereat or therein and to which persons are admitted on payment, at the rate prescribed by or under the provisions of this Act.

(3) The theatre tax shall be levied at the rates not exceeding those specified in Schedule G-1 as the Corporation shall from year to year, in accordance with section 128, determine.

191F. Every proprietor, manager or person in charge of the entertainment shall be liable to pay the theatre tax and shall pay the same in advance before the commencement of each show or if there are no separate shows before any person is admitted to the entertainment on any day : Liability to pay Theatre tax.

Provided that the Commissioner may, subject to such terms and conditions as he may impose ⁵[with the sanction of the Member-in-charge] allow a lumpsum payment of the tax to be made in respect of a series of such shows or a period of one week or one month.

¹Section 191BB was inserted by Bom. 48 of 1950, s.65.

*Section 80 of Bom. 48 of 1950 reads as follows :—

"80. (1) The amendments made by sections 64, 65 and 67 shall be deemed to have been made on and to have effect the 15th day of August 1947. Amendment made by sections 64, 65, 67, 68 and 76 to have retrospective effect.

(2) The amendments made by sections 68 and 76 shall be deemed to have been made on and to have effect from the 14th day of March 1944 and any order made or action taken under the said Act before the commencement of this Act shall be deemed to have been made or taken under the said Act as amended by this Act and no prosecution, suit or other proceeding shall lie against any person from anything in good faith done or intended to be done in pursuance of any such order or action, as the case may be."

²Sections 191C and 191D were inserted by Bom. 2 of 1943, s.3, read with Bom. 8 of 1948, s.2.

³This portion was substituted for the words, brackets and letter " sub-sections (2), (3) and (5) of section 191 B " by Mah. 51 of 1975, s.14.

⁴This heading and sections 191E to 191K were inserted, by Bom. 48 of 1953, s.66.

⁵These words were inserted by Mah. 10 of 1998, s.100.

Register of persons liable to pay theatre tax. 191G. The Commissioner shall maintain a register, in which shall be entered from time to time,—

- (a) a list of the persons liable to pay the theatre tax;
- (b) the particulars of the cinemas, theatres and other places of entertainment belonging to or in charge of such persons;
- (c) the approximate amount of tax payable by each such person and the period in respect of which it is payable.

Returns by persons liable to pay theatre tax. 191H. It shall be the duty of every proprietor, manager or person in charge of the entertainment to submit to the Commissioner such returns signed by him, at such intervals, in such form and containing such information for the purpose of levy of the theatre tax as shall be prescribed by rules made under section 191K.

power of Inspection. 191I. The Commissioner may enter upon and inspect any premises or place which he has reason to believe are being used or are about to be used for any performance or show in respect of which the theatre tax is payable or would be payable.

Notice of demand. 191J. (1) If any person has failed to pay the theatre tax, the Commissioner shall with the least practicable delay cause to be served on the defaulter a notice of demand in such form as may be prescribed by rules made in this behalf under section 191K. No fee shall be payable in respect of the service of such notice.

(2) If the person on whom a notice is served under sub-section (1) does not within fifteen days from the service of the notice on him pay the amount due or show sufficient cause for non-payment of the same to the satisfaction of the Commissioner, the Commissioner may recover the amount by distress and sale of the moveable property or attachment and sale of the immovable property of the defaulter as if the amount were a property-tax due by him.

Rules governing theatre tax. 191K. The [Corporation may] make rules for securing the payment of the theatre tax and generally for carrying into effect the provisions of this Act relating to the said tax and in particular for the following matters, namely :—

- (a) the publication of the rates of the theatre tax determined by the Corporation;
- (b) the entertainment or classes of entertainments exempted from the payment of the tax and the extent to which they are so exempted;
- (c) when and to what extent the amount of the tax paid may be refunded;
- (d) the form in which and the intervals at which the return shall be submitted to the Commissioner under section 191H;
- (e) the form of notice of demand under section 191J.]

²[Octroi.

Octroi on what articles and at what rates leviable. 192. (1) Except as hereinafter provided, a tax, at rates not exceeding those, respectively specified in Schedule H, shall be levied in respect of the several articles mentioned in the said Schedule, or so many of them or such of them as the Corporation shall from year to year in accordance with section 128 determine, on the entry of the said articles into ³[Brihan Mumbai] for consumption, use or sale therein. The said tax shall be called an "octroi"

¹These words were substituted for the words "Commissioner may, with the previous approval of the Standing Committee", by Mah. 10 of 1998, s.101.

²This heading and section 192 were substituted by Mah. 32 of 1964, s.7.

³These words were substituted for the words "Greater Bombay" by Mah. 25 of 1996, Schedule.

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(2) On the first levy of the tax, if the tax cannot by following the provisions of section 128 and the other relevant provisions of this Act be brought into force on the 1st day of April of any year, then in that case, notwithstanding anything in section 128 the Corporation may in a special meeting called for the purpose (at any time after the passing of the Bombay Municipal Corporation (Second Amendment) Act, 1964, and even although that Act has not been brought into force) decide upon the articles to be so taxed, and upon the rates at which they are to be taxed, and the date from which the tax is to be levied (which shall be a date not earlier than the date on which that Act is brought into force); and thereupon, the tax shall be levied on the articles, at the rates, from the date so determined, and all the relevant provisions of this Act shall as far as may be apply to the tax as if the procedure prescribed by section 128 and the other provisions of this Act had been followed.

(3) In determining the articles to be taxed, the Corporation may select all or any one or more of the articles specified in any entry in ¹[Schedule H], and in determining the rates at which articles are to be taxed, the Corporation may fix different rates for different articles comprised in the same entry.

(4) On a request being made by the Corporation, the State Government may, by notification in the *Official Gazette*, from time to time ²[add to, amend or delete any item specified in Schedule H, or vary the rates specified therein]; and thereupon, the Schedule shall be deemed to have been amended accordingly].

3* * * * *

⁴[(6) Notwithstanding anything contained in this section, no octroi shall be payable on the articles specified in Schedule H-1 on the entry of the said articles into Greater Bombay for consumption, use or sale therein.] ⁵[The State Government may, by notification in the *Official Gazette*, add to, amend or delete any item specified in Schedule H-1].

193. The Commissioner shall cause tables of ⁶[octroi] for the time being leviable, specifying the rates at which and the articles on which the same ⁷[is leviable] to be printed in the English, Gujarati, Marathi and Urdu languages and to be affixed in a conspicuous position at every place at which ⁸[the octroi is levied].

Table of rates of [octroi] to be affixed on certain places.

¹These words were substituted for the words " the said Schedule " by Mah. 12 of 1993, s.5(a).

²This portion was substituted by Mah. 10 of 1998, s.102(a).

³Sub-section (5) was deleted by Mah. 13 of 1998, s.17.

⁴Sub-section (6) was inserted by Mah. 12 of 1993, s.5(c).

⁵This portion was added by Mah. 10 of 1998, s.102(b).

⁶This word was substituted for the words " the town duties " by Mah. 32 of 1964, s.8(a).

⁷These words were substituted for the words " are leviable ", *ibid.*, s. 8 (b).

⁸These words were substituted for the words " the same duties are levied ", *ibid.*, s.8(c).

Exemption of articles belonging to the ¹[Government] from ¹[octroi].

194. (1) No ¹[octroi] shall be leviable on any article which at the time of its importation is certified by an officer empowered ²[by the Government concerned] in this behalf to be the property ³[of the ⁴[Government]].

Refund of ⁴[octroi] on articles which become the property of the ⁴[Government] after importation.

(2) If any article on which ¹[octroi] is paid is imported under a written declaration signed by the importer that such article is being imported for the purpose of fulfilling a specified contract with ⁵[the ⁶[State] Government] or otherwise for the use of ⁷[the ⁴[Government]], the full amount of ⁸[the tax paid] thereon shall be refunded on production, at any time within six months after importation, of a certificate signed by an officer empowered by ⁹[the Government concerned] in this behalf certifying that the article so imported has become the property of ⁷[the ⁴[Government]].

Exemption of articles belonging to certain Consular Officer from ¹²[octroi].

*¹⁰[194-1A. Any articles imported by or on behalf of such diplomatic or consular officers stationed at ¹¹[Mumbai] as may be specified in this behalf by the State Government by any special or general order shall be exempted from the levy of ¹¹[octroi] to such extent and subject to such conditions as may be specified in the said order.]

Exemption of articles imported for immediate exportation.

¹³[194A. Subject to such rules, not inconsistent with this Act, as the ¹⁴[Corporation] shall from time to time frame in this behalf, any article imported into ¹⁵[Brihan Mumbai] ¹⁶[for the purpose of immediate exportation shall be] exempted from the levy of ¹²[octroi], if such article is conveyed direct from the place of import to the place of export under such supervision and on payment of such fees therefor as shall be determined in the said rules : provided that no rule framed as aforesaid shall have effect unless and until it is confirmed by ⁹[the ⁶[State] Government] .

¹This word was substituted for the words " town duty " by Mah. 32 of 1964, s.9(a).

²The words " by the Government concerned " were substituted for the words " by Government " by the Adaptation of Indian Laws Order in Council.

³The words " of the Crown " were substituted for the words " of Government ", *ibid.*

⁴This word was substituted for the word " Crown " by the Adaptation of Laws Order, 1950.

⁵The words " the Provincial Government " were substituted for the word " Government " by the Adaptation of Indian Laws Order in Council.

⁶This word was substituted for the word " Provincial " by the Adaptation of Laws Order, 1950.

⁷The words " the Crown " were substituted for the word " Government " by the Adaptation of Indian Laws Order in Council.

⁸These words were substituted for the words " the duty paid " by Mah. 32 of 1964, s.9(b).

⁹The words " the Government concerned " were substituted for the words " Government " by the Adaptation of Indian Laws Order in Council.

¹⁰Section 194-1A was inserted by Bom. 48 of 1950, s.67.

¹¹This word was substituted for the word " Bombay " by Mah. 25 of 1996, Schedule.

¹²This word was substituted for the words " town duty " by Mah. 32 of 1964, ss.10 and 11.

¹³This section was inserted by Bom. 2 of 1911, s.8.

¹⁴This word was substituted for the words " Commissioner, with the approval of the Standing Committee, by Mah. 10 of 1998, s.103.

¹⁵These words were substituted for the words " Greater Bombay " by Mah. 25 of 1996, Schedule.

¹⁶This portion was substituted for the portion beginning with " for the purpose " and ending with " the importer " by Mah. 32 of 1964, s.11(a) and (b).

*Section 80 of Bom. 48 of 1950 reads as follows :—

Amendments made by sections 64, 65, 67, 68 and 76 to have retrospective effect.

**80. (1) The amendments made by sections 64, 65 and 67 shall be deemed to have been made on and to have effect from the 15th day of August 1947.

(2) The amendments made by sections 68 and 76 shall be deemed to have been made on and to have effect from the 14th day of March 1944 and any order made or action taken under the said Act before the commencement of this Act shall be deemed to have been made or taken under the said Act as amended by this Act, and no prosecution, suit or other proceeding shall lie against any person or anything in good faith done or intended to be done in pursuance of any such order or action, as the case may be."

195. (1) When any article upon which ¹[octroi] has been paid shall be exported ²[Brihan Mumbai] ³[such amount of ⁴[tax] levied as is specified in sub-section (1A) shall, subject to the provisions contained in sub-section (2) and (3), be refunded]. ^{Refund of} ¹[octroi] ^{on export.}

⁵[(1A) The amount of ⁴[tax] of be refunded under sub-section (1) shall be ⁶[90 per centum] of ¹[octroi] levied upon the articles. The balance of ⁷[10 per centum] shall be credited to the municipal fund as a fee for collection and refund.]

(2) Such refunds shall be paid under such rules as the ⁸[Corporation], shall from time to time frame in this behalf:

(3) Provided that—

⁹(a) any article imported into ²[Brihan Mumbai] and not exported within six months of such entry of the article shall, unless the contrary is proved, be deemed to have been imported for consumption, use or sale in ²[Brihan Mumbai];

(b) a refund shall be claimable on all flour exported from ¹⁰[Brihan Mumbai], without proof of the importation of the same into ¹⁰[Brihan Mumbai], equal to ¹¹[70 5/16] per centum of the amount of ⁴[tax] at the time being leviable on the grain from which such flour has been prepared;

(c) no refund shall be paid unless the same is applied for within one month from the date of exportation ¹²[or within such longer period as the Commissioner may in any special case or class of cases allow];

(d) no refund shall be made of any less amount than ¹³[ten rupees];

(e) no rule framed by the ⁸[Corporation] under this section shall have effect unless and until it is confirmed by ¹⁴[the ¹⁵[State] Government].

¹⁶[195-1A. Subject to such rules as the ⁸[Corporation], may from time to time frame in this behalf, the Commissioner may by general or special order exempt ^{Exemption} ^{of gifts, etc.} ^{from octroi.} any articles—

(i) which are received as a free gift to relieve distress;

(ii) which are imported by any charitable institution for a charitable purpose;

(iii) which are brought as personal luggage by any passenger and the value of which does not exceed one hundred and fifty rupees, or the quantity of which does not exceed such limits as may be fixed by the ¹⁷[the Member-in-charge with the sanction of the Mayor-in-Council];

¹This word was substituted for the word "town-duty" by Mah. 32 of 1964, s.12(a) (b) and (d)

²These words were substituted for the words "Greater Bombay" by Mah. 25 of 1996, Schedule.

³This portion was substituted for the words "the full amount of the duty so paid shall, subject to the provisions hereinafter contained, be refunded", by Bom. 64 of 1953, s. 4(1).

⁴This word was substituted for the word "duty" by Mah. 32 of 1964, s. 12(a), (b) and (d).

⁵This sub-section was inserted by Bom. 64 of 1953, s. 4(2).

⁶These figures and words were substituted for the figures and words "93 3/4 per centum" by Mah. 10 of 1998, s. 104(a) (i).

⁷These figures and words were substituted for the figures and words "6 1/4 per centum", *ibid.*, s. 104 (a) (ii).

⁸This word was substituted for the words "the Commissioner with the approval of the Standing Committee," *ibid.*, 104(b).

⁹This clause was substituted by Mah. 32 of 1964, s. 12(c)(i).

¹⁰These words were substituted for the "Greater Bombay" by Mah. 25 of 1996, Schedule.

¹¹These figures were substituted for the words "seventy-five", by Mah. 64 of 1953 s.4(3).

¹²This portion was inserted by Bom. 48 of 1950, s.68.

¹³These words were substituted for the words "five rupees" by Bom. 64 of 1953, s. 4(3).

¹⁴The words "Government" were substituted for the word "the Provincial Government" by the Adaption of Indian Laws Order in Council.

¹⁵This word was substituted for the word "Provincial" by the Adaption of Laws Order, 1950.

¹⁶Sections 195-1A and 195-B were inserted by Mah. 32 of 1964, s. 13.

¹⁷These words were substituted for the words "the Commissioner with the Sanction of the Standing Committee", by Mah. 10 of 1998, s. 105(b).

(iv) which are imported in such other circumstances, and subject to such conditions and restrictions, as the Corporation may specify.

General rules regarding octroi. **195-1B.** The ¹[Corporation shall] frame rules as respects the levy, assessment and collection of octroi under this Act, and may by such rules provide for the following among other matters that is to say :—

- (a) the examination of articles liable to payment of octroi ;
- (b) the inspection, weighing or examining the contents of any conveyance or package for the purpose of ascertaining whether it contains any articles in respect of which octroi is payable;
- (c) the seizure and confiscation of articles liable to octroi in the case of refusal to pay such tax;
- (d) measures to prevent evasion of tax;
- (e) any other matter which is to be or may be prescribed for the levy, assessment or collection of octroi.

No rule framed by the ²[Corporation] under this section shall have effect unless and until it is confirmed by the State Government.]

195A. [*Levy of town-duty on cotton*]. Repealed by Bom. II of 1934, s. 2.

195B. [*Payment of 4/7ths of gross revenue to Government : Allocation of duty*]. Repealed by Bom. II of 1934, s. 2.

Accounts to be kept; exercise by corporation of option to take over arbitration. **³195C.** (1) ⁴[The ⁵[State] Government] shall keep a separate account of all moneys ⁶[which have been paid to them by the corporation from the town duty levied on raw cotton under section 195A, now repealed, and allotted to the provision of tenements for the working classes in the City of Bombay as constituted on the 1st day of October 1920] of all loans raised and utilised or the provision of such tenements and of any sinking funds formed for the repayment of such loans and shall supply the corporation with a copy of the account for each year.

(2) The corporation shall have the right, after giving six months previous notice in writing, to acquire from ⁷[the ⁸[Government]] on the 1st day of April 1936, or on the 1st day of April of any subsequent year the right, title and interest of ⁷[the ⁸[Government]] in all lands and buildings acquired and all buildings constructed in the City of Bombay constituted as aforesaid, with the aid of such moneys and loans, on indemnifying ⁷[the ⁸[Government]] against all then existing and all future liabilities of ⁷[the ⁸[Government]] in respect of such lands and buildings and in respect of such loans.

¹These words were substituted for the words "the Commissioner shall, with the approval of the Standing Committee" by Mah. 10 of 1998, s. 106(a).

²This word was substituted for the word "Commissioner", *ibid.*, s. 106 (b).

³Section 195C was inserted by Bom. 20 of 1920, s. 2.

⁴The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

⁵This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

⁶The words, figures and letters were substituted for the original words, letters, figures and brackets "which have been paid to them by the Corporation from the town duty levied on raw cotton under section 195A, now repealed, and allotted to the provision of tenements for the working classes in the City of Bombay, as constituted on the 1st day of October 1920;" by Bom. 2 of 1934, s. 3.

⁷The words "the Crown" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

⁸This word was substituted for the word "Crown" by the Adaptation of Laws Order, 1950.

(3) For the purpose of detaining the amount of any indemnity in respect of any such loan regard shall be had to any then existing sinking fund formed for the repayment of such loan; the intention being that the corporation shall pay to ¹[the ²[State] Government] from time to time sufficient moneys—

(a) to satisfy all interest on such loan as the same may become payable by ¹[the ²[State] Government] ; and

(b) to make up, after taking into account any such sinking fund, the amount which ¹[the ²[State] Government] may be liable to repay at the maturity of such loan.

(4) For the purpose of enabling the corporation to determine whether such right shall be exercised ¹[the ²[State] Government] shall at all reasonable times after the 1st day of April 1935 cause inspection of such separate account to be given to the corporation.

(5) On the giving of such notice as is referred to in sub-section (2) the question as to the amount and form of such indemnity shall stand referred to the sole arbitration of some person to be nominated by the ³[Chief Justice of Maharashtra] who shall be assisted by two assessors one to be nominated by ¹[the ²[State] Government] and one by the corporation and his decision shall be final.

(6) Upon the corporation giving such indemnity the right, title and interest of ⁴[the ⁵[Government]] in such lands and buildings shall vest in the corporation.

⁶* * * * *

⁷[195D. Loans raised and utilised for the purpose of repaying (whether directly Definition or indirectly) loans raised and utilised ⁸* * * for provision of such tenements of loan. as are referred to in sub-section ⁹[(1) of section 195C] shall be deemed to be loans raised and utilised ⁸* * * for the provision of such tenements ⁸* * * * .]

¹⁰[Education Cess.

195E. ¹¹[(1) For the purposes of clause (a) of section 61, the Corporation may, ¹²* * * levy within its area an additional tax on buildings and lands (hereinafter referred to as "the education cess", of so many per centum, ¹³[not exceeding twelve], or their rateable value, as the Corporation may determine. Such tax may be levied, if the Corporation so determines, on a graduated scale : ¹⁴Levy of education cess.

Provided that—

(a) all buildings and lands vesting in the Central Government,

¹ The words " the Provincial Government " were substituted for the word " Government " by the Adaptation of Indian Laws Order in Council.

² This word was substituted for the word " Provincial " by the Adaptation of Laws Order, 1950

³ These words were substituted for the words " Chief Justice of Bombay " by the Maharashtra Adaptation of Laws (State and Concurrent Subjects) Order, 1960.

⁴ The words " the Crown " were substituted for the word " Government " by the Adaptation of Indian Laws Order in Council.

⁵ This word was substituted for the word " Crown " by the Adaptation of Laws Order, 1950.

⁶ Sub-sections (7) and (8) were repealed by Bom. 2 of 1934, s. 2.

⁷ Section 195D was inserted by Bom. 20 of 1920, s. 2.

⁸ The words " for such schemes of improvement or ", " for such schemes or " and " as the case may be " were omitted by Bom. 2 of 1934, s.4(1).

⁹ These words, figures, letter and brackets were substituted for the original words, figures, letters and brackets " (2) of section 195B, ", *ibid.*, s. 4(2).

¹⁰ This heading and sections 195E and 195F were inserted by Bom. 48 of 1950, s.69.

¹¹ This sub-section was substituted for the original by Bom. 13 of 1958, s.6(1).

¹² The words " with the previous sanction of the State Government " were deleted by Mah. 20 of 1995, s.3(a).

¹³ These words were substituted for the words " not exceeding five " *ibid.*, s.3(b).

(b) all other building and lands exempted from the general tax under section 143,

(c) all building and lands of a rateable value below such sum as the Corporation may determine, shall be exempted from the education cess.]

(2) [The Corporation may require the Municipal Commissioner to recover the amount of the education cess determined under sub-section (1) by an addition to the general tax levied under this Act.] Every addition to the general tax imposed under this sub-section shall be recovered by the Municipal Commissioner from each person liable therefor in the same manner as the general tax due from him. The provisions of sections 147 and 148 shall apply to the education cess as if it were part of the general tax levied under this Act.

(3) The amount so recovered shall be credited to the municipal fund constituted under section 111.

Payment to be made to Corporation in lieu of education cess by State Government: ²[195F. (1) With effect from the first day of April 1958 and in respect of the period during which the education cess is levied under section 195E, the State Government shall pay to the corporation annually, in lieu of the education cess from which buildings and lands vesting in the State Government are exempted by virtue of clause (b) of the proviso to sub-section (1) of section 195E (hereinafter in this section referred to as 'the exempted buildings and lands', a sum ascertained in the manner provided in sub-section (2).

(2) The sum to be paid annually to the Corporation by the State Government shall be eight-tenths of the amount which would be, or would have been, payable by an ordinary owner of buildings or lands in ³[Brihan Mumbai] on account of the education cess, on a rateable values of the same amount as that fixed under sub-section (2) of section 144 in respect of the exempted buildings and lands.]

⁴[Street Tax

195G. (1) The corporation may, for the purposes of clause (m) of section 61, levy within its area, an additional tax on building and lands (hereinafter referred to as "the street tax"), of so many *per centum*. not exceeding fifteen, of their, rateable value, as the ⁵[Mayor-in-Council] may, from time to time determine :

Provided that,—

(a) all buildings and lands vesting in the Central Government,

(b) all other building and lands exempted from the general tax under section 143,

(c) all buildings and lands of a rateable value below such sum as the corporation may determine,

shall be exempted from the street tax.

(2) The corporation may require the Municipal Commissioner to recover the amount of the street tax determined under sub-section (1) by an addition to the general tax levied under this Act. Every addition to the general tax imposed under this sub-section shall be recovered by the Municipal Commissioner from each person liable therefor in the same manner as the general tax due from him. The provisions of section 147 and 148 shall apply to the street tax as if it were part of the general tax levied under this Act.]

¹ This portion was substituted for the original by Bom. 13 of 1958, s.6(2).

² Section 195F was inserted by Bom. 6 of 1959, s.4.

³ These words were substituted for the words " Greater Bombay " by Mah. 26 of 1996, Schedule

⁴ This heading and Section 195G was inserted by Mah. 33 of 1989, s.10.

⁵ These words were substituted for the words " Standing Committee " by Mah. 10 of 1998, s.17

Supplementary Taxation

196. Wherever the corporation determine, under section 134, to have recourse to supplementary taxation in any official year, they shall do so by increasing, for the unexpired portion of the said year, the rates at which any tax imposed under this Act is being levied or by adding to the number of articles on which [octroi is being levied] but every such increase or addition shall be made subject to the limitation and conditions on which any such tax is imposed.

Any tax imposed under this Act may be increased by way of imposing supplementary taxation.

Collection of Taxes

197. Each of the property-taxes shall be payable in advance in half-yearly instalments on each first day of April and each first day of October.

Property taxes-payable half early in advance.

198. ²[(1) Except as hereinafter otherwise provided, the tax on vehicles and animals (including the tax payable under the proviso to clause (8) of sub-section (1) of section 181) shall be paid yearly in advance on the first day of April.]

³[Tax on vehicles, animals and public conveyances payable in advance.]

⁴[(1-A) If in any year a vehicle or animal becomes liable to such tax, such tax shall be leviable thereon from the earliest day in the year on which such vehicle or animals so becomes liable and the amount of tax leviable for such year shall be, if such earliest day occurs—

- (a) in the first quarter of such year, the whole tax for such year,
- (b) in the second quarter of such year, three-fourth of the tax for such year,
- (c) in the third quarter of such year, one-half of the tax for such year,
- (d) in the last quarter of such year, one-fourth of the tax for such year :

Provided that no tax shall be leviable for such quarter if such earlier day occurs within the last 30 days of such quarter :]

(2) Provided that in the case of any public conveyance licensed by the Police Commissioner, under ⁵[the Bombay Public Conveyances Act, 1920] the person who keeps or lets such public conveyance for hire shall be required by the said Commissioner, before any licence is issued to him under the said Act, to pay into the municipal office the tax leviable on the said public conveyance and the animal or animals used for the same for the whole period for which such licence is to be granted together with the fee payable for such licence.

⁶[(3) In the case of any vehicle falling under item 7, 8 or 9 in Schedule 'G' other than a public conveyance referred to in sub-section (2), the Commissioner shall issue a number plate in token of the payment of the tax and the owner of, or having possession or control of, such vehicle shall affix such number plate to the vehicle.]

¹These words were substituted for the words "town-duties are being levied" by Mah. 32 of 1964, s.14.

²Sub-section (1) was substituted for the original by Mah. 70 of 1975, s.19(a).

³This marginal note was substituted for the original by Bom. 76 of 1948, s. 22.

⁴Sub-section (1-A) was substituted for the original by Mah. 70 of 1975, s.19(b).

⁵These words and figures were substituted for the original by Bom. 76 of 1948, s. 22.

⁶Sub-sections (3) and (4) were added by Bom. 20 of 1952, s.6.

⁷Sub-section (3) was substituted for the original by Mah. 70 of 1975, s.19(c).

(4) The Municipal Commissioner shall, on or before the fifteenth day of March in every year, by advertisement in the local newspapers invite the attention of all persons concerned to their liability to pay the tax in respect of vehicles or animals referred to in sub-section (3).]

⁹[Octroi] payable on demand. **199.** 1* * * * ⁹[Octroi] shall be payable on demand,

⁶[Service] of bills for certain taxes. **200.** (1) When any property tax or tax on vehicles and animals, other than ³[vehicles and animals referred to in sub-section (2) and (3) of section 198], or any instalment of any such tax, shall have become due, the Commissioner shall, with the least practicable delay, cause to be ⁴[served] upon the person liable for the payment thereof a bill for the sum due.

(2) Every such bill shall specify the period for which and the premises, vehicle or animal in respect of which, the tax is charged, and shall also give notice of the time within which an appeal may be preferred, as hereinafter provided against such tax ⁵[Every such bill for the payment of tax on vehicles and animals shall have printed on the reverse side of the bill the provisions of sections 188 to 191.]

When one bill may be ⁷[served] for several claims. **201.** (1) All the sums due for each half-year for all any of the three property taxes by any one person on account of one and the same property shall be charged to such person in one bill and shall be recoverable from him in the lump; Provided that nothing herein contained shall affect the liability of such person to pay increased tax to which he may be assessed on account of the said property under section 167.

(2) If any one person is liable for all or any of the said taxes on account of more properties than one, it shall be competent to the Commissioner to charge to such person in one or several bills, as he shall think fit the several sums payable by him on account of such properties :

Provided that if such person, by written notice to the Commissioner, requests to be furnished with several bills, the Commissioner shall comply with such request in respect of all the said taxes for which such person becomes liable after receipt by the Commissioner of his said notice :

⁸[Provided however that notwithstanding anything in the foregoing proviso no person shall be entitled to be furnished with more than one bill in respect of any building or land which has been treated as comprising more than one separate property under section 158.]

Notice of demand. **202.** (1) If the amount of tax for which any bill has been ⁹[served] as aforesaid is not paid into the municipal office ¹⁰[or deposited with the Commissioner within fifteen days from the service] thereof, the Commissioner may cause to be served upon the person liable for the payment of the same a notice of demand in the form of Schedule I, or to the like effect.

¹Words repealed by Bom. 7 of 1921, s.6, are omitted, and the repeal shall have effects from 1st April 1920.

²This word was substituted for the words "Town-duties" by Mah. 32 of 1964, s.15.

³This portion was substituted for the words "public conveyances and the animals used therefor" by Bom. 20 of 1952, s.7.(1)(a).

⁴These words were substituted for the words "presented to" *ibid.*, s.7(1)(b).

⁵This portion was added by Bom. 8 of 1942, s.11, read with Bom. 8 of 1948, s.3.

⁶This word was substituted for the word "Presentation", *ibid.*, s. 7(2).

⁷This word was substituted for the word "presented" by Bom. 20 of 1952, s.8.

⁸This proviso was added by Bom. 2 of 1911, s.9.

⁹This word was substituted for the word "presented" by Bom. 20 of 1952, s.9(1).

¹⁰These words were substituted for the words "within fifteen days from the presentation", *ibid.*, s.9(2).

(2) For every notice of demand which the Commissioner causes to be served on any person under this section a fee of such amount not exceeding [rupees fifty] as shall in each case be fixed by the Commissioner shall be payable by the said person and shall be included in the costs of recovery.

203. ³[(1) If the person liable for the payment of the said tax do not within fifteen days from the service of the notice of demand pay the sum due, or show sufficient cause for non payment of the same to the satisfaction of the Commissioner, and if no appeal is preferred against the said tax, as hereinafter provided, such sum, with all costs of the recovery, may be levied under a warrant in the form of Schedule J, or to the like effect, to be issued by the Commissioner, by distress and sale of the goods and chattels of the defaulter ³[or the attachment and sale of the immovable property of the defaulter,] or, if the defaulter be the occupier of any premises in respect of which a property-tax is due, by distress and sale of any goods and chattles found on the said premises, ⁴[or, if the tax be due in respect of any vehicle of animal, by distress and sale of such vehicle or animal in whomsoever's ownership, possession or control, the same may be].

⁵[(2) If after the service of the notice of demand the amount of the said tax is paid but the fee for the notice is not paid, the sum due on account of the said fee may be levied under a warrant in the form of Schedule J (*mutatis mutandis*) to be issued by the Commissioner in the same manner as if such sum were due on account of the tax].

⁶[(3) When a warrant is issued for the attachment and sale of immovable property the attachment shall be made by an order prohibiting the defaulter from transferring or charging the property in any way, and all persons from taking any benefit from such transfer or charge, and declaring that such property will be sold unless the amount of tax due with all costs of recovery is paid into the municipal office within 15 days.]

(4) Such order shall be proclaimed at some place on or adjacent to the property by beat of drum or other customary mode, and a copy of the order shall be fixed in some conspicuous part of the property and upon a conspicuous part of the municipal office and also, when the property is land paying revenue to the State Government, in the office of the Collector.

(5) Any transfer of or charge on the property attached or any interest therein made without the written permission of the Commissioner shall be void as against all claims of the Corporation enforceable under the attachment.]

204. The goods and chattels of any person liable for the payment of any tax ⁷[or the vehicles or animals in respect of which the tax is due] for levy of which a warrant has been issued as aforesaid may be distrained wherever the same may be found. Goods of defaulter may be distrained wherever found.

205. The officer charged with the execution of a warrant of distress issued under section 203 shall forthwith make an inventory of the goods and chattels ⁸[and vehicles or animals] which he seizes under such warrant, and shall at the same time give a written notice in the form of Schedule K ⁹[or in a similar form] to the person in possession thereof at the time of seizure that the said goods and chattels ⁹[and vehicles or animals] will be sold as therein mentioned. Inventory and notice of distress and sale.

¹These words were substituted for the words " rupees five " by Mah. 20 of 1995, s.4.

²Section 203 was numbered sub-section (1) of s.203 by Bom. 8 of 1918, s.4.

³These words were inserted by Bom. 64 of 1953, s.6(1).

⁴These words were added by Bom. 8 of 1942, s.12, read with Bom. 8 of 1948, s.3.

⁵This sub-section was added by Bom. 8 of 1918, s.4.

⁶Sub-sections (3) to (5) were inserted by Bom. 64 of 1953, s.6(2).

⁷These words were substituted for the word " Distress " by Bom. 64 of 1953, s.6(3).

⁸These words were inserted by Bom. 8 of 1942, s.13, read with Bom. 8 of 1948, s.3.

⁹These words were inserted, *ibid* s.14.

Sale. ¹[206. (1) Where the property seized is subject to speedy and natural decay or when the expenses of keeping it in custody together with the amount to be levied is likely to exceed its value, the Commissioner shall at once give notice to the person in whose possession the property was, when distrained, to the effect that it will be sold at once, and shall sell it accordingly unless the sum due and all costs of recovery are paid forthwith.

(2) If not sold at once under sub-section (1), the property distrained or attached or, in the case of immovable property, sufficient portion thereof, if the same can be conveniently severed may, after the expiry of the period stated in sub-section (3) of section 203, or named in the notice served under section 205, as the case may be, be sold by public auction by order of the Commissioner, unless the warrant is suspended by him or the sum due and all costs of recovery are paid by the defaulter, and the Commissioner shall apply the proceeds or such part thereof as shall be requisite in discharge of the sum due and the costs of recovery.

(3) The surplus, if any, shall be forthwith credited to the municipal fund but if the same be claimed by a written application to the Commissioner within one year from the date of the sale, a refund thereof shall be made to the person in possession of the property at the time of seizure or attachment and any surplus not claimed within one year as aforesaid shall be the property of the Corporation.

(4) Where the sum due and all costs of recovery are paid by the defaulter before a sale is effected, the property seized shall be returned to him and the attachment, if any, of immovable property, shall be deemed to have been removed.

(5) Sales of immovable property under this section shall be held in the manner laid down in the regulations ²[made by the Mayor-in-Council].

(6) After the sale of the immovable property as aforesaid, the Commissioner shall put the person declared to be the purchaser in possession of the same and shall grant him a certificate to the effect that he has purchased the property to which the certificate refers.

(7) It shall be lawful for the Commissioner on behalf of the Corporation to bid in the case of any immovable property put up for sale, provided the previous approval of ³[the Mayor-in-Council] is obtained whether generally or for any particular property.

(8) Subject to sub-section (7), no officer or servant in the service of the Corporation shall directly or indirectly purchase any property at any such sale.

(9) The Commissioner may direct the removal from the immovable property by any police officer of any person who obstructs him in any action taken in pursuance of sub-section (6) and may also use such force as is reasonably necessary to effect entry on the said property.]

Fees for warrants, distrains and attachments and maintenance of animals seized. ⁴[207. (1) For every warrant issued and distraint or attachment made under this Act, a fee shall be charged at such rates, as ⁵[the Mayor-in-Council] may, from time to time, specify.

(2) For the maintenance of any animal seized under this Act, a fee shall be charged at such rate as ⁵[the Mayor-in-Council] may, from time to time, specify.

¹This section was substituted for the original by Bom. 64 of 1953, s.7.

²These words were substituted for the words "made by the Commissioner in this behalf with the approval of the Standing Committee" by Mah. 10 of 1998, s.108 (a).

³These words were substituted for the words "the Improvement Committee", *ibid.*, s.108 (b).

⁴Section 207 was substituted for the original by Mah. 42 of 1976, s.8.

⁵These words were substituted for the words "the Standing Committee", by Mah. 10 of 1998, s.109(a).

(3) In addition to the fees chargeable under sub-section (1) or (2), when peons are kept in-charge of the distrained property, a fee of ¹[rupees fifty] per day, for each peon employed shall be charged.

(4) All fees charged under this section shall be included in the costs of recovery.

²[207A. (1) If the person liable for the payment of any tax in respect of which a notice of demand has been served under section 202 does not pay the sum due within three months of the service of such notice and if no appeal is preferred against the said tax under section 217, he shall be liable to pay such amount by way of penalty, as may be determined by the Commissioner, not exceeding twenty per centum of the amount of the tax. Penalty.]

(2) The order of the Commissioner determining the amount of penalty shall be served on such person in the manner provided for the service of a notice of demand.

(3) If the amount of the penalty referred to in sub-section (2) is not paid within fifteen days of the service of the order of the Commissioner it shall be recoverable by distress and sale of the goods and chattels or attachment and sale of the immovable property of the defaulter as if the amount were a property tax due by him and may be levied under a warrant in the form of Schedule J (*mutatis mutandis*.)]

208. ³[The Commissioner may, subject to general guidelines, if any, issued by the Mayor-in-Council] remit the whole or any part of any fee chargeable under the last preceding section or under sub-section (2) of section 202 ⁴[and the penalty payable under section 207A]. Fees for cost of recovery of and penalty may be remitted].

⁶[208A. (1) If the tax on any vehicle or animal governed by the provisions of sub-section (3) of section 198, is not paid and a number plate is not obtained and affixed to the vehicle within thirty days from the date on which the tax became due, the Commissioner may at any time thereafter seize and detain the vehicle and the animal or animals, if any, used or employed in drawing the vehicle and, if the owner or other person entitled thereto does not within seven-days from the date of such seizure and detention claim the same and pay the tax due together with the charges incurred in connection with the seizure and detention, the Commissioner may cause the same to be sold and apply the proceeds of the sale or such part thereof as shall be requisite in discharge of sum due and charges incurred as aforesaid : Seizure of vehicles and animal if tax on vehicles and animals not paid and number plate not obtained.]

Provided that if any person becomes the owner or obtains possession or control of any vehicle or animal on which the tax is due after the expiry of the said period of thirty days and the tax thereon has remained unpaid, he shall pay the same in the manner prescribed immediately after he becomes the owner or obtains possession or control of such vehical or animal and on failure to do the vehicle or animal shall, if it is not already seized and detained be liable to be seized and detained and sold as aforesaid :

Provided further that no vehicle or animal used therefor shall be seized and detained under this section when actually employed in the conveyance of goods.

(2) The surplus if any remaining after the application of the proceeds of a sale under sub-section (1) in the manner provided therein shall be disposed of in the manner prescribed in sub-section (2) of section 206.]

¹These words were substituted for the words " rupees ten " by Mah. 10 of 1998, s.109 (b).

²Section 207A was inserted by Bom. 64 of 1953, s.9.

³These words were substituted for the words " The Commissioner may, in his discretion " by Mah.10 of 1998, s.110.

⁴These words, figures and letter were inserted by Bom. 64 of 1953, S.10(1).

⁵These words were inserted, *ibid.*, s.10(2).

⁶Section 208A was inserted by Bom. 20 of 1952, s.10.

When occupiers may be held liable for payment of property-taxes.

209. (1) If the sum due on account of any property-tax remains unpaid after a bill for the same has been duly [served on] the person primarily liable for the payment thereof and the said person be not the occupier for the time being of the premises in respect of which the tax is due, the Commissioner may [serve a bill for the amount on] the occupier of the said premises, or, if there are two or more occupiers thereof may [serve a bill on] each of them for such portion of the sum due as bears to the whole amount due the same ratio which the rent paid occupier bears to the aggregate amount of rent paid by them both or all in respect of the said premises.

(2) If the occupier or any of the occupiers fails within fifteen days from the [service] of any such bill to pay the amount therein claimed, the said amount may be recovered from him in accordance with the foregoing provisions.

(3) No arrear of a property tax shall be recovered from any occupier under this section, which has remained due for more than one year, or which is due on account of any period for which the occupier was not in occupation of the premises on which the tax is assessed.

(4) If any sum is paid by, or recovered from an occupier under this section, he shall be entitled to credit therefor in account with the person primarily liable for the payment of the same.

When tenant-members may be held liable for payment of property-taxes due from co-operative housing societies.

^{Mah. XXIV of 1961.}
209A. (1) Notwithstanding anything contained in the Maharashtra Co-operative Societies Act, 1960 or any other law for the time being in force, if any sum due on account of any property tax, in respect of any property owned by a co-operative housing society registered under that Act, remains unpaid, after a bill for the same has been duly served on the society primarily liable for the payment thereof, the Commissioner may serve a bill on each of the tenant-members of the society for such portion of the sum due as bears to the whole amount due the same ratio which the rent estimated under section 154 in respect of his tenement bears to the aggregate amount of estimated rent for the whole property.

(2) If the tenant-member fails within fifteen days from the service of any such bill to pay the amount therein claimed, the same amount may be recovered from him as if the amount were a property tax due by him.

(3) If any sum is paid by, or recovered from, a tenant-member under this section he shall be entitled to credit thereof in account with the society primarily liable for the payment of the same.

Explanation.—For the purposes of this section, the expression “tenant member” in the case of a tenant co-partnership co-operative housing society, means a member of such society to whom a tenement has been allotted by the society in the building owned by it.]

When Joint owners of property may be held liable severally for payment of property tax due from them.

209B. (1) Notwithstanding anything contained in this Act or any other law for the time being in force, if any property taxes jointly due in respect of any property jointly owned by two or more persons remains unpaid, after a bill for the same has duly been served upon them jointly, the Commissioner may serve a bill on each of the joint owners for payment of his share of the taxes due in respect of such property. The amount of the tax due from each joint owner shall be worked out with reference to the rateable value of that part of the property as is owned by him.

(2) If any of the joint owners fails to pay the amount claimed within fifteen days from the service of any such bill, the same may be recovered from him as if the amount were a property tax due by him.

¹These words were substituted for the words “ presented to ” by Bom. 20 of 1952, s.11(7).

²These words were substituted for the words “ present a bill for the amount to ”, *ibid*,

³These words were substituted for the words “ present a bill to ”, *ibid*.

⁴This word was substituted for the word “ presentation ”, *ibid*, s.11(2).

⁵Section 209A was inserted by Mah. 63 of 1975, s.4.

⁶Section 209 B was inserted Mah. 10 of 1998, s.111.

(3) If any sum is paid by or recovered from any of the owners under this section he shall be entitled to credit thereof in account of the joint owners primarily liable for the payment of the same.”]

210. (1) If the Commissioner shall at any time have reason to believe that any person from whom any sum is due on account of any property tax or tax on vehicles and animals, [or theatre tax] ^{2*} * * * is about forthwith to remove from ⁵[Brihan Mumbai] the Commissioner may direct the immediate payment by such person of the sum so due ^{2*} * * * by him and cause a bill for the same to be ³[served on] him.

Summary proceedings may be taken against persons about to leave ⁵[Brihan Mumbai.]

(2) If, on ⁴[service] of such bill, the said person do not forthwith pay the sum due ^{2*} * * * by him, the amount shall be leviable by distress and sale in the manner herein before prescribed, except that it shall not be necessary to serve upon the defaulter any notice of demand, and the Commissioner's warrant for distress and sale may be issued and executed without any delay.

211. Instead of proceeding against a defaulter by distress and sale as hereinbefore provide, or after a defaulter shall have been so proceeded against unsuccessfully or with only partial success, any sum due or the balance of any sum due, as the case may be, by such defaulter, on account of a property-tax or of the tax on vehicles and animals, may be recovered from him by a suit in any court of competent jurisdiction.

Defaulters may be sued for arrears, if necessary.

212. Property-taxes due under this Act in respect of any building or land shall, subject to the prior payment of the land-revenue, if any, due to ⁶[the ⁷[State] Government] thereupon be a first charge ⁸[in the case of any building or land held] immediately from the ⁹[Government] upon the interest in such building or land of the person liable for such taxes and upon the goods and chattels, if any, found within or upon such building or land, and belonging to such person; and, in the case of any other building or land, upon the said building or land and upon the goods and chattels, if any, found within or upon such building or land and belonging to the person liable for such taxes.

Property taxes to be a first charge on premises on which they are assessed.

¹⁰213. (1) The octroi under the orders of the Mayor-in-Council may be caused to be collected by the Commissioner through the municipal officers and servants appointed in this behalf.

Collection of octroi now to be effected.

(2) Notwithstanding anything contained in sub-section (1), it shall be lawful for the Mayor-in-Council, with the approval of the Corporation, to lease by public auction the collection of octroi for any period not exceeding one year at a time or to appoint an agent for collection thereof.

(3) The octroi shall be collected and refunds thereof shall be made at such places and be managed and controlled in such manner as the Mayor-in-Council shall, from time to time, direct.]

¹These words were inserted by Bom. 30 of 1951, s.4.

²Words deleted by s.16 of Bom. 8 of 1942, read with Bom. 8 of 1948, s. 3 are omitted.

³These words were substituted for the words "presented to" by Bom. 20 of 1952, s.12(1).

⁴This word was substituted for the word "presentation", *ibid.*, s.12(2).

⁵These words were substituted for the words "Greater Bombay" by Mah. 25 of 1996, Schedule.

⁶The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

⁷This word was substituted for the word "provincial" by the Adaptation of Laws Order, 1950.

⁸These words were inserted by Bom. 1 of 1942, s.2, read with Bom. 8 of 1948, s.2.

⁹This word was substituted for the word "Crown" by the Adaptation of Laws Order, 1950.

¹⁰Section 213 was substituted by Mah. 10 of 1998, s.112.

214. [Repealed by Bom. VII of 1921.]

215. [Power of persons authorised to collect and refund town duties.] Deleted by Mah. 32 of 1964, s. 17.

Writing-off of irrecoverable taxes. 216. The Commissioner may, with the approval of the standing committee, from time to time write off any sum due on account of any tax or of the costs of recovering any tax, which shall, in his opinion, be irrecoverable.

Appeals against Valuations and Taxes.

Appeals when and to whom to lie. ¹[217. (1) Subject to the provisions hereinafer contained, appeals against any rateable value or tax fixed or charged under this Act shall be heard and determined; by the Chief Judge of the Small Cause Court.

(2) But no such appeal by the Chief Judge of the Small Cause Court, ²[shall be entertained] by the said Chief Judge, unless—

(a) it is brought within fifteen days after the accrual of the cause of complaint;

(b) in the case of an appeal against a rateable value a complaint has previously been made to the Commissioner under section 163, as such complaint has been disposed of ;

(c) in the case of an appeal against any amendment made in the assessment book under section 167 during the official year, a complaint has been made by the person aggrieved within fifteen days after the first received notice of such amendment, and his complaint has been disposed of ;

(d) in the case of an appeal against a tax, or in the case of an appeal made against rateable value ³[the amount of the disputed tax claimed from the appellant, or the amount of the tax chargeable on the basis of the disputed rateable value, up to the date of filing of the appeal, has been deposited by the appellant with the Commissioner].

⁴(3) In the case of any appeal entertained by the Chief Judge, but not heard by him, before the date of commencement of the Maharashtra Municipal Corporation (Amendment) Act, 1975, the Chief Judge shall not hear and decide such appeal, unless the amount of the dispute tax claimed from the appellant, or the amount of the tax chargeable on the basis of the disputed rateable value, as the case may be, up to the date of filing the appeal, has been deposited by the appellant with the Commissioner within thirty days from the date of publication of a general notice by the Commissioner in this behalf in the local newspapers. The Commissioner shall simultaneously serve on each such appellant a notice under section 484 and 485 and other relevant provisions of this Act, for intimating the amount to be deposited by the appellant with him. Mah. LXIII of 1975.

(4) As far as possible, within fifteen days from the expiry of the period of thirty days prescribed under sub-section (3) the Commissioner shall intimate to the Chief Judge the names and other particulars of the appellants who have deposited with him the required amount within the prescribed period and the names and other particulars of the appellants who have not deposited with him such amount within such period. On receipt of such intimation, the Chief Judge shall summarily dismiss the appeal of any appellant who has not deposited the required amount with the Commissioner within the prescribed period.

¹As to references by the Chief Judge of the Court of Small Causes to the High Court, before or on the hearing of an appeal under section 217, see Act 12 of 1888, s.2.

²These words were substituted for the words " shall be heard " by Mah. 63 of 1975, s.6(a)(i).

³This portion was substituted for the portion beginning with the words " after a bill" and ending with the words " with the Commissioner " by Mah. 63 of 1975, s.5(a)(ii).

⁴Sub-sections (3), (4) and (5) were inserted, *ibid.*, s.5(b).

1(5) In the case of any appeal against any rateable value or property tax fixed or charged under this Act, which may have been entertained by Chief Judge before the commencement of the Act aforesaid, or which may be entertained by him after the said date, the Chief Judge shall not hear and decide such appeal unless the property tax, if any, payable on the basis of the original rateable value plus eighty per centum of the property tax claimed from the appellant on the increased portion of the rateable value of the property out of the property tax claimed under each of the bills, which may have been issued, from time to time, since the Filing of appeal, is also deposited with the Commissioner within the period prescribed under the Act. In case of default by the appellant, on getting an intimation to that effect from the Commissioner, at any time before the appeal is decided, the Chief Judge shall summarily dismiss the appeal :

Provided that, in case the appeal is decided in favour of the Corporation, interest at 6.25 per centum per annum shall be payable by the applicant on the balance amount of the property tax from the date on which the amount of property tax was payable :

Provided further that, in case the appeal is decided in favour of the appellant and the amount of property tax deposited with the Corporation is more than the property tax payable by him, the Commissioner shall adjust the excess amount of the property tax with interest at 6.25 per centum per annum from the date on which the amount is deposited with the Corporation towards the property taxes payable thereafter.]

218. For the purposes of the last preceding section, cause of complaint shall be deemed to have accrued as follows, namely :—

(a) in the case of an appeal against a rateable value, on the date when the complaint made to the Commissioner under section 163 against such value is disposed of ;

(b) in the case of an appeal against any amendment made in assessment-book, under section 167, during the official year, on the day when the complaint made to the Commissioner by the person aggrieved against such amendment is disposed of ;

(c) in the case of an appeal against a tax, on the day when payment thereof is demanded or when a bill therefor is ²[served].

26 of 1996. ³[218A. Where in any appeal under section 217 all the parties interested agree that any matter in difference between them shall be referred to arbitration, they may, at any time before a decision is given in such appeal, apply in writing to the Chief Judge of the Small Cause Court for an order of reference on such matter and on such application being made, the provisions of ⁴[the Arbitration and Conciliation Act, 1996] relating to arbitration in suits shall, so far as they can be made applicable, apply to such application and the proceedings to follow thereon, as if the said Chief Judge were a Court within the meaning of that Act and the application were an application made in a suit.] Arbitration.

³[218B. (1) If any party to an appeal against a rateable value under section 217 make an application to the Chief Judge of the Small Cause Court either before the hearing of the appeal or at any time during the hearing of the appeal, but before evidence as to value has been adduced, to direct a valuation of any premises in Appointment of expert valuer.

¹ Sub-section (5) was substituted by Mah. 10 of 1998, s.113.

² This word was substituted for the word " presented " by Bom. 20 of 1952, s.14.

³ Sections 218A, 218B, 218C, 218D and 218E were inserted by Bom. 76 of 1948, s.23.

⁴ These words and figure were substituted for the words and figure " the Arbitration Act, 1940 " by Mah. 10 of 1998, s.114.

relation to which the appeal is made, the Chief Judge may, in his discretion, appoint a competent person to make the valuation and any person so appointed shall have power to enter on, survey and value the premises in respect of which the direction is given :

Provided that, except when the application is made by the Commissioner no such direction shall be made by the Chief Judge unless the applicant gives such security as the Chief Judge thinks proper for the payment of the costs of valuation under this sub-section.

(2) The costs incurred for valuation under sub-section (1) shall be costs of the appeal, but shall be payable in the first instance by the applicant.

(3) The Chief Judge, may and on the application of any party to the appeal shall, call as a witness the person appointed under sub-section (1) for making the valuation and, when he is so called, any party to the appeal shall be entitled to cross-examine him.]

Reference
to High
Court.

¹[218C. (1) If, before or on the hearing of an appeal under section 217, any question of law or usage having the force of law, or the construction of a document arises, the Chief Judge of the Small Cause Court may, and on the application of any party to the appeal shall, draw up a statement of the facts of the case and the question so arising, and refer the statement with his own opinion on the point for the decision of the High Court.

(2) Where a reference is made to the High Court under sub-section (1), the provisions of rules 2 to 5, both inclusive, of Order XLVI in the First Schedule to the V of Code of Civil Procedure 1908, shall, so far as they can be made applicable apply ^{V of} 1908. to the said Chief Judge and to the High Court, respectively.]

Appeals.

¹[218D. (1) An appeal shall lie to the High Court—

(a) from any decision of the Chief Judge of the Small Cause Court in an appeal under section 217 by which a rateable value in excess of two thousand rupees is fixed, and

(b) from any other decision of the said Chief Judge in an appeal under the said section, upon a question of law or usage having the force of law or the construction of a document.

(2) The provisions of the Code of Civil Procedure, 1908, with respect to appeals from original decrees shall, so far as they can be made applicable apply to appeals under sub-section (1) and orders passed therein by the High Court may on application to the said Chief Judge be executed by him as if they were decrees mad by himself : ^{V of} 1908.

Provided that no such appeal shall be heard by the High Court unless it is filed within fine month from the date of the decision of the Chief Judge.]

Cost of
proceedings
in appeal.

¹[218E. The costs of all proceedings in appeal under section 217 before the Chief Judge of the Small Cause Court including those of arbitration under section 218A and of valuation under section 218B shall be payable by such parties in such proportion as the Chief Judge of the Small Cause Court shall direct and the amount there of shall, if necessary, be recoverable as if the same were due under a decree of of the Small Cause Court.]

219. (1) Every rateable value fixed under this Act against which no complaint is made as hereinbefore provided, and

the amount of every sum claimed from any person under this Act on account of any tax, if no appeal therefrom is made as hereinbefore provided, and

the decision of the Chief Judge aforesaid upon any appeal against any such value or tax, [if no appeal is made therefrom under section 218D], shall be final.

(2) Effect shall be given by the Commissioner to every decision of the said Chief Judge on any appeal against any such value or tax.

Unappealed values and taxes and decisions to appeal to be final.

CHAPTER IX.

DRAINS AND DRAINAGE WORKS.

Municipal Drains.

220. All drains [vesting in or] belonging to the corporation—which in this Act are referred to as “municipal drains”—shall be under the control of the Commissioner.

Municipal drains to be under the control of the Commissioner.

³220A. (1) Any natural water-course heretofore belonging to [Government] which rain-water or drainage of any kind is carried, may, on application to [the State] Government] made by the Commissioner with the previous approval of [the Mayor-in-Council] be vested in the corporation : Provided that—

Vesting of water courses.

(a) it shall be in the discretion of [the State] Government] in each case to determine whether a particular water-course so applied for shall be so vested, and

(b) a resolution of [the State] Government] declaring that a water-course so applied for may be made over to the corporation shall, from the date thereof, operate to vest such water-course in the corporation.

221. (1) The commissioner shall maintain and keep in repair all municipal drains and, when authorised by the corporation in this behalf, shall construct such new drains as shall from time to time be necessary for effectually draining [Brihan Mumbai.]

Drains to be constructed and kept in repair by the Commissioner.

(2) The Commissioner shall also, in the case of any street in which there is a municipal drain, construct at the charge of the municipal fund such portion of the drain of any premises to be connected with such municipal drain as it shall be necessary to lay under any part of such street and the portion of any connecting drain so laid under the street shall vest in the corporation and be maintained and kept in repair by the Commissioner as a Municipal drain.]

¹ This portion was inserted, by Bom. 76 of 1948 s.24.

² These words were inserted by Bom. 5 of 1905, s.10.

³ Section 220A was added, *ibid.*, s.11.

⁴ This word was substituted for the words “ His Majesty ” by the Adaptation of Laws Order, 1950

⁵ The words “ the Provincial Government ” were substituted for the word “ Government ” by the Adaptation of Indian Laws Order in Council.

⁶ This word was substituted for the word “ Provincial ” by the Adaptation of Laws Order, 1950.

⁷ These words were substituted for the words “the Standing Committee” by Mah. 10 of 1998, s.115.

⁸ Section 221 was re-numbered 221, sub-section (1), by Bom. 5 of 1905, s.12(1).

⁹ These words were substituted for the words “ Greater Bombay ” by Mah. 25 of 1996, Schedule.

¹⁰ Sub-section (2) was inserted by Bom. 5 of 1905, s.12(2).

Powers for making drains. **222.** (1) The Commissioner may carry any Municipal drain through, across or under any street, or any place laid out as or intended for a street; or under any cellar or vault which may be under any street, and, after giving reasonable notice in writing to the owner or occupier, into through or under any land whatsoever within ¹[Brihan Mumbai], or, for the purpose of out fall or distribution of sewage without ¹[Brihan Mumbai].

(2) The Commissioner may enter upon, and construct any new drain in the place of an existing drain in, any land wherein any municipal drain has been already lawfully constructed or repair or after any municipal drain so constructed.

(3) In the exercise of any power under this section, as little damage as can be shall be done, and compensation shall be paid by the Commissioner to any person who sustains damage by the exercise of such power.

Buildings, etc., not to be erected without permission over drains. **223.** (1) Without the written permission of the Commissioner no building, wall or other structure shall be newly erected, and no street or railway shall be constructed over any municipal drain.

(2) If any building, wall or other structure be so erected or any street or railway be so constructed, the Commissioner may, with the approval of the ²[Mayor-in-Council], remove or otherwise deal with the same as he shall think fit, and the expenses thereby incurred shall be paid by the person offending.

Alteration and discontinuance of drains. **224.** (1) The Commissioner may enlarge, arch over or otherwise improve any Municipal drain, and may discontinue, close up or destroy any such drain which has, in his opinion, become use less or unnecessary :

(2) Provided that the discontinuance, closing up or destruction of any drain shall be so done as to create the least practicable nuisance or inconvenience to any person and, of by reason of anything done under this section any person is deprived of the lawful use of any drain, the Commissioner shall, as soon as may be provide for his use some other drain as effectual as the one which has been discontinued, closed up or destroyed.

Cleansing drains. **225.** (1) The municipal drains shall be so constructed, maintained and kept as to create the least practicable nuisance and shall be from time to time properly flushed, cleansed and emptied.

(2) For the purpose of flushing, cleansing and emptying the said drains, the Commissioner may, when authorised by the corporation in this behalf, construct or set up such reservoirs, sluices, engines and other works, as he shall from time to time deem necessary.

Powers of Commissioner to dig, construct and maintain tunnels below any land and to undertake works for carrying sewage or storm water. **226.** (1) For the purpose of carrying sewage or storm water, the Commissioner may dig, construct and maintain a tunnel or tunnels below any land, whether such land is built upon or is vacant, and undertake related works and do such other acts as he deems necessary for digging, construction and maintaining such tunnel or tunnels and undertaking other related works.

(2) Before digging and construction of any tunnel, or any other related work is undertaken, by the Commissioner under sub-section (1), he shall cause to be published in the local newspapers in English, *Marathi*, *Hindi*, *Gujarati* and *Urdu* a notice-intimating his intention to dig, construct and maintain such tunnel and to undertake and maintain other related work. Such notice shall indicate the alignment and the depth and the length and circumference of the tunnel and the buildings under which such tunnel is proposed to be constructed and maintained and other related

¹ These words were substituted for the words " Greater Bombay " by Mah. 25 of 1936 : Schedule

² These words were substituted for the words " the Standing Committee " by Mah. 10 of 1998, s.116.

³ Section 226 and 226A which were repealed by Bom. V of 1905, were inserted by Mah. 37 of 1987, s. 7.

works such are proposed to be undertaken and maintained. Such notice shall also specify the date, which shall not be earlier than sixty days from the date of its publication in the local newspapers, on or after which the digging and construction of the tunnel is proposed to be started or such related work is proposed to be undertaken:

Provided that, simultaneously with the publication of such notice in the newspapers, the Commissioner shall, by a notice served in the manner provided in section 484 and 485, call upon the owner of, or any other person, who in the opinion of the Commissioner, may be interested in the land below which such tunnel is to be dug and constructed or such related work is to be undertaken, to show cause within thirty days from the date of its publication in the local newspapers, why such tunnel should not be constructed and such related work should not be undertaken. After considering the cause, if any, shown by the owner of or such other person interested in, such land, and after giving a reasonable opportunity to the person concerned of being heard, the Commissioner may pass such orders as he deems fit.

(3) Any person aggrieved by any order passed by the Commissioner under sub-section (2) may, within thirty days from the receipt of such order refer the matter for the decision of the Chief Judge of the Small Cause Court, whose decision shall be final and shall not be called in question in any suit or other legal proceeding in any Court :

Provided that, the Chief Judge shall not entertain any such reference which is not made to him within the period specified in this sub-section and he shall summarily dismiss such reference.

(4) Where a reference is made to the Chief judge under sub-section (3) within the specified period and a notice thereof is served by the party concerned on the Commissioner, the Commissioner shall not commence the digging and construction of the tunnel or undertake any related work, unless the Chief Judge has summarily dismissed such reference or has decided the reference and allowed the digging and construction of such tunnel and undertaking of such related work.

226A. (1) In exercise of the powers conferred by the last preceding section, as little damage as possible shall be done, and when the Commissioner has exercised those powers in respect of any property, other than the property vested in or belonging to the Government or any local authority, the Commissioner shall, after giving a reasonable opportunity to the person concerned of being heard by order determine the amount payable to them or any damage sustained by them by reason of the exercise of those powers.

Provision for payment of amount for any damage sustained by reason of powers to construct tunnels etc. under last preceding section.

(2) Any person aggrieved by any order passed by the Commissioner under sub-section (1) may, within thirty days from the receipt of such order, refer the matter for the decision of the Chief Judge of the Small Cause Court, whose decision shall be final and shall not be called in question in any suit or other legal proceeding in any Court :

provided that, the Chief Judge shall not entertain any such reference, which is not made to him within the period specified in this sub-section and he shall summarily dismiss such reference.

(3) Nothing contained in sub-sections (1) and (2) shall debar or prevent the Commissioner from continuing the digging, construction and maintenance of the tunnel or any other related work which he has undertaken in accordance with the decision of the Chief Judge under the last preceding section].

Power to connect drains of private streets with municipal drains. 227. The owner of a private street shall be entitled to connect the drain of such street with a municipal drain, subject to the following conditions, namely :—

(a) before commencing to construct such drain, the owner of the street shall submit to the Commissioner a plan of the street, bearing the signature of a licenced surveyor in token of its having been made by him or under his supervision, and drawn, to such a convenient scale as the Commissioner shall require, and there shall be shown on such plan the position, course and dimensions of the proposed drain, with a section or sections thereof, and such other particulars in relation thereto as the Commissioner shall deem necessary and require, and no such drain shall be proceeded with without the approval in writing or contrary to the direction of the Commissioner ;

(b) the drain of such private street shall, at the expense of the owner of the street be constructed of such size, material and description and be branched into the municipal drain in such manner and form of communication, in all respect as the Commissioner, with the approval of the ¹[Member-in Charge] shall direct;

(c) the Commissioner may, if he thinks fit, construct such part of such drain and such part of the work necessary for branching the same into the municipal drain as shall be in or under any public street or place vesting in the corporation and, in such case, the expenses incurred by the Commissioner shall be paid by the owner of the private street.

Power of owners and occupiers of premises to drain into municipal drains. 228. The owner or occupier of any premises shall be entitled to cause his drain, to empty into a municipal drain ²[or other place legally set apart for the discharge of drainage,] provided that he first obtains the written permission of the Commissioner and that he complies with such conditions as the Commissioner prescribes as to the mode in which and the superintendence under which ³[connections with municipal drains or other places aforesaid] are to be made.

Connections with municipal drains not to be made except in conformity with section 227 or 228. 229. No person shall, without complying with the provisions of section 227 or 228, as the case may be, make or cause to be made any connection of a drain, belonging to himself or to some other person with any municipal drain ³[or the place legally set apart for the discharge of drainage]; and the Commissioner may ⁴ * * * close, demolish, alter or re-make any such connection made in contravention of this section, and the expenses incurred by the Commissioner in so doing shall be paid by the owner of the street, or the owner or occupier of the premises, for the benefit of which the connection was made, or by the person offending.

Buildings, etc, not to be erected without permission over any drains. ⁵229A. (1) Without the written permission of the Commissioner no building wall or other structure shall be newly erected over any drain.

(2) If any building, wall or other structure be so erected, the Commissioner, after giving the offending person ten days' notice of his intention, may ⁶ * * * remove or otherwise deal with the same as he shall think fit, and the expenses thereby incurred shall be paid by the person offending.]

¹ These words were substituted for the words "Standing Committee" by Mah. 10 of 1998, s. 117

² These words were inserted by Bom. 5 of 1905, s. 14(1).

³ These words were substituted for the original words, *ibid.*, s. 15.

⁴ The words "with the approval of the Standing Committee" were deleted by Mah. 21 of 1989, s. 30

⁵ This section was inserted by Bom. 8 of 1918, s. 5.

⁶ The words "apply for the approval of the Standing Committee and may with their approval" were deleted by Mah. 21 of 1989, s. 31.

230. (1) If it shall appear to the Commissioner that the only means or the most convenient means, by which the owner or occupier of any premises can cause his drain to empty into a municipal drain ¹[or other place legally set apart for the discharge of drainage] is by carrying the same into, through or under any land belonging to some person other than the said owner or occupier, the Commissioner, after giving to the owner of the land a reasonable opportunity of stating any objection may, with the approval of the ²[Member-in-Charge] if no objection is raised, or if any objection which is raised appears to him invalid or insufficient, by an order in writing, authorise the said owner or occupier to carry his drain into, through or under the said land in such manner as he shall think fit to allow.

Right of owners and occupiers of premises to carry drains through land belonging to other persons.

(2) Every such order, bearing the signature of the Commissioner, shall be a complete authority to the person, in whose favour it is made, or to any agent or person employed by him for this purpose, after giving to the owner of the land reasonable written notice of his intention so to do, to enter upon the said land with assistants and workmen, at any time between sunrise and sunset and to execute the necessary work.

(3) Subject to all other provisions of this Act, the owner or occupier of any premises or any agent or person employed by him for this purpose, may after giving to the owner of any land wherein a drain has been already lawfully constructed for the drainage of his said premises reasonable written notice of his intention so to do, enter upon the said land with assistants and workmen, at any time between sunrise and sunset, and construct a new drain in the place of the existing drain or repair or alter any drain so constructed.

(4) In executing any work under this section, as little damage as can be shall be done, and the owner or occupier of premises ³[for the benefit of which] the work is done shall—

(a) cause the work to be executed with the least practicable delay:

(b) fill in, reinstate and make good, at this own cost and with the least practicable delay, the ground or portion of any building or other construction, opened, broken up or removed for the purpose of executing the said work;

(c) pay compensation to any person who sustains damage by the execution of the said work.

(5) If the owner of any land, into, through or under which a drain has been carried under this section whilst such land was unbuilt upon, shall, at any time afterwards, desire to erect a building on such land, the Commissioner shall, with the approval of the ²[Member-in-Charge] by written notice, require the owner or occupier of the premises for the benefit of which such drain was constructed to close, remove or divert the same in such manner as shall be approved by the ⁴[said Member-in-Charge] and to fill in, reinstate and make good the land as if the drain had not been carried into, through or under the same :

Provided that no such requisition shall be made, unless, in the opinion of the ²[Member-in-Charge], it is necessary or expedient, in order to admit of the construction of the proposed building or the safe enjoyment thereof, that the drain be closed, removed or diverted.

¹ These words were inserted by Bom. 5 of 1905, s. 14 (1).

² These words were substituted for the words "Standing Committee" by Mah. 10 of 1998, s. 118 (a)

³ These words are substituted for the original words by Bom. 5 of 1905, s. 16

⁴ These words were substituted for the words "Said Committee" by Mah. 10 of 1988 (b).

Owner of land to allow hers to carry drains through the land. ¹[230A. Every owner of land shall be bound to allow any person, in whose favour an order has been made under section 230, sub-section (1) to carry a drain into, through or under the land of such owner on such terms as may be prescribed in such order.]

Commissioner may enforce drainage of undrained premises situate within a hundred feet of a municipal drain. **231.** Where any premises are, in the opinion of the Commissioner, without sufficient means of effectual drainage and a municipal drain or some place legally set apart for the discharge of drainage is situated at a distance not exceeding one hundred feet from some part of the said premises, the Commissioner may, by written notice, require the owner or occupier of the said premises—

(a) to make a drain of such material, size and description and laid at such level ²[and according to such alignment] and with such fall and outlet as may appear to the Commissioner necessary, emptying into such municipal drain or place aforesaid:

³[Provided that where any premises have already been drained under municipal rules and have to be re-drained, no such requisition shall be made without the previous sanction of the ⁴[Member-in-Charge];

(b) to provide and set up all such appliances and fittings as may appear to the Commissioner necessary for the purposes of gathering and receiving the drainage from, and conveying the same off, the said premises and of effectually flushing such drain and every fixture connected therewith ;

(c) to remove any existing drain, or other appliance or thing used or intended to be used for drainage, which is injurious to health.

Commissioner may enforce drainage of undrained premises not situate within a hundred feet of a municipal drain. **232.** (1) Where any premises are, in the opinion of the Commissioner, without sufficient means of effectual drainage, but no municipal drain or such place as aforesaid is situated at a distance not exceeding one hundred feet from some part of the said premises, the Commissioner may, by written notice, require the owner or occupier of the said premises—

⁵[(a) to construct a drain up to a point to be prescribed in such notice, but into distance more than one hundred feet from some part of the said premises, or

(b) to construct a closed cesspool of such material, size and description in such position, at such level, and with allowance for such all as the Commissioner thinks necessary, and drain or drains emptying into such cesspool.]

⁶[(2) Any requisition for the construction of any drain under sub-section (1) may comprise any detail specified in clause (a), (b) or (c) of section 231.]

Power of Commissioner to drain premises in combination. ⁷[232A. (1) Where the Commissioner is of opinion that any group or block of premises, any part of which is situate within one hundred feet of a municipal drain, or other place legally set apart for the discharge of drainage, already existing or about to be constructed, may be drained more economically or advantageously in combination than separately, the Commissioner may, with the approval of the ⁸[Member-in-Charge] cause such group or block of premises to be drained by such method as appears to the Commissioner to be best suited therefor, and the expense incurred by the Commissioner in so doing shall be paid by the owners of such premises in such proportions as the ⁸[Member-in-Charge] may think fit.

¹ This section was inserted by Bom. 8 of 1998, s. 6.

² These words were inserted by Bom. 5 of 1905, s. 17(b).

³ This proviso was added, *ibid.*, s. 17(d).

⁴ These words were substituted for the words "the Standing Committee", by Mah. 10 of 1998, s. 119.

⁵ These words were substituted for the original words by Bom. 5 of 1905, s. 18(a).

⁶ Sub-section (2) was substituted for the original sub-section, *ibid.*, s. 18(b).

⁷ Section 232A was inserted, *ibid.*, s. 19.

⁸ These words were substituted for the words "the Standing Committee" by Mah. 10 of 1998 s. 120.

(2) Not less than fifteen days before any work under this section is commenced, the Commissioner shall give written notice to the owners of all the premises to be drained, of—

- (a) the nature of the intended work,
- (b) the estimated expenses thereof, and
- (c) the proportion of such expenses payable by each owner.

(3) The owners for the time being of the several premises constituting a group or block drained under sub-section (1) shall be the joint owners of every drain, constructed, erected or fixed, or continued, for the special use and benefit only of such premises, and shall, in the proportion in which it is determined that the owner of such premises, are to contribute to the expenses incurred by the Commissioner under sub-section (1), be responsible for the expenses of maintaining every such drain in good repair and efficient condition, but every such drain shall from time to time be flushed cleansed and emptied by the Commissioner at the charge of the municipal fund.]

233. (1) Where a drain connecting any premises with a municipal drain ¹[or other place legally set apart for the discharge of drainage] is sufficient for the effectual drainage of the said premises and is otherwise unobjectionable, but is not, in the opinion of the Commissioner, adapted to the general drainage system of ²[Brihan Mumbai], for the part of ³[Brihan Mumbai] in which such drain is situated], the Commissioner, with the approval of the ³[Member-in-Charge], may—

Commissioner may close or limit the use of existing private drains.

(a) subject to the provision of sub-section (2) close, discontinue or destroy the said drain and cause any work necessary for that purpose to be done ;

⁴[(b) direct that such drain shall, from such date as he prescribes in this behalf be used for sullage and sewage, only, or for rain-water only, or for unpolluted sub-soil water only, or for both rain-water and unpolluted sub-soil water only and by written notice require the owner or occupier of the premises to make an entirely distinct drain for rain-water or unpolluted sub-soil water, or for both rain-water and unpolluted sub-soil water, or for sullage and sewage.]

(2) No drain may be closed, discontinued or destroyed by the Commissioner under clause (a), except on condition of his providing another drain-as effectual ⁵[for the drainage of the premises and communication with any municipal drain for other place aforesaid] which the Commissioner thinks fit; and the expenses of the construction of any drain so provided by the Commissioner and of any work done under clause (a) shall be paid by the Commissioner.

(3) Any requisition made by the Commissioner under clause (b) may embrace any detail specified in clause (a) or clause (b) of section 231.

⁶[233A. Subject to the provisions of sub-section (2) of section 221, every drain which has been constructed, ⁷[laid], erected or set up, whether at the expenses of the corporation or not, or which is continued, for the sole use and benefit of any premises ⁸[or group premises] shall—

Vesting and maintenance of drains for sole use of properties.

(a) notwithstanding anything contained in section 242, vest in the owner of such premises ⁹[or group of premises] on and from the thirtieth day of September 1905 ; and

¹ These words were inserted by Bom. 5 of 1905, s. 14(1).

² These words were substituted for the words "Greater Bombay" by Mah. 25 of 1996, Schedule

³ These words were substituted for the words "the Standing Committee", by Mah. 10 of 1998, s. 121.

⁴ This clause was substituted for the original clause (b), *ibid.*, s. 20(d),

⁵ These words were inserted, by Bom. 5 of 1905, s. 14(2).

⁶ Section 233A was inserted, by Bom 5 of 1905, s. 21.

⁷ The word "laid" was inserted by Bom. 7 of 1918, s. 7(a).

⁸ These words were inserted, *ibid.*, s. 7(d).

⁹ These words were inserted, *ibid.*, s. 7(c).

[(b) be provided with all such further appliances and fittings as may appear to the Commissioner necessary for the more effectual working of the same, and also be maintained in good repair and efficient condition by the owner of such premises or group of premises, and be from time to time flushed, cleaned and emptied by the Commissioner at the charge of the municipal fund.]

New building not to be erected without drains. 234. (1) It shall not be lawful newly to erect any building, or to rebuild any building, or to occupy any building newly erected or rebuilt, unless and until—

(a) a drain be constructed of such size, materials and description, at such level and with such fall, as shall appear to the Commissioner to be necessary for the effectual drainage of such building ;

(b) there have been provided for and set up in such building and in the premises appurtenant thereto, all such appliances and fitting as may appear to the Commissioner to be necessary for the purposes of gathering and receiving the drainage from, and conveying the same off, the said building and the said premises, and of effectually flushing the drain of the said building and every fixture connected therewith.

(2) The drain to be constructed as aforesaid shall empty into a municipal drain or into some place legally set apart for the discharge of drainage situated at a distance not exceeding one hundred feet from [the premises in which such building is situated] ; but if no such drain or place is within that distance, then such drain shall empty into such cesspool as the Commissioner directs.

Excrementitious matter not to be passed into cesspool. 235. No person shall, except with the permission of the Commissioner, pass or cause or permit to be passed any excrementitious matter into any cesspool made or used under section 232 or section 234, or into any drain communicating with any such cesspool.

Obligation of owners of drains to allow use thereof or joint ownership therein to others. 236. Every owner of a drain connected with a municipal drain [or other place legally set apart for the discharge of drainage] shall be bound to allow the use of it to others, or to admit other persons as joint owners thereof, on such terms as may be prescribed under section 228.

How right of use or joint ownership of a drain may be obtained by a person other than the owner. 237. Any person desiring to drain his premises into a municipal drain, through a drain of which he is not an owner, may make a private arrangement with the owner for permitting his use of the drain, or may apply to the Commissioner for authority to use such drain or to be declared joint owner thereof.

Commissioner may authorise person other than the owner of a drain to use the same or declare him to be a joint owner thereof. 238. (1) [(Where the Commissioner is of opinion, whether on receipt of such application or otherwise, that the only, or the most convenient, means by which the owner or occupier of any premises can cause the drain of such premises to empty into a municipal drain or other place legally set apart for the discharge of drainage is through a drain communicating with such municipal drain or place aforesaid, but belonging to some person other than the said owner or occupier] the Commissioner, after giving the owner of the drain a reasonable opportunity of stating any objection thereto, may with the approval of the [Member-in-Charge] if no objection is raised or if any objection which is raised appears to him invalid or insufficient, by an order in

¹ This clause was substituted for the original clause (b) by Bom. 8 of 1918, s. 7(d).

² These words were substituted for the original words by Bom. 5 of 1905, s. 22.

³ These words were inserted, *ibid*, s. 14(1).

⁴ These words were substituted for the original words, *ibid* s. 23(a).

⁵ These words were substituted for the words "the Standing Committee" by Mah. 10 of 1998, s. 122.

writing either authorise the ¹[said owner or occupier] to use the drain or declare him to be a joint owner thereof, on such conditions as to the payment of rent or compensation and as to connecting the drain of the ¹[said premises] with the ²[communicating drain] and as to the respective responsibilities of the parties for maintaining, repairing flushing, cleaning and emptying the joint drain, or otherwise, as may appear to him equitable.

(2) Every such order bearing the signature of the Commissioner shall be complete authority to the person in whose favour it is made, or to any agent or person employed by him for this purpose, after giving or tendering to the owner of the drain the compensation or rent specified in the said order and otherwise fulfilling as far as possible, the conditions of the said order, and after giving to the owner of the drain reasonable written notice of his intention so to do, to enter upon the land in which the said drain is situate, with assistants and workmen, at any time between sunrise and sunset, and, subject to all provisions of this Act, to do all such things as may be necessary for—

(a) connecting the two drain ; or

(b) renewing, repairing or altering the connection ; or

(c) discharging any responsibility attaching to the person in whose favour the Commissioner's order is made for maintaining, repairing, flushing, cleaning or emptying the joint drain or any part thereof.

(3) In respect of the execution of any work under sub-section (2), the person in whose favour the Commissioner's order is made shall be subject to the same restrictions and liabilities which are specified in sub-section (4) of section 230.

239. Whenever it is provided in this Chapter that steps shall or may be taken for the effectual drainage of any premises, it shall be competent to the Commissioner to require that there shall be one drain for sullage, excrementitious matter and polluted water and another entirely distinct drain for rain water and unpolluted sub-soil water or for both rain-water and unpolluted sub-soil water each emptying into separate municipal drains ³[or other places legally set apart, for the discharge of drainage] or other suitable places. Sewage and rain-water drains to be distinct.

240. Except with the written permission of the Commissioner, and in conformity with such conditions as shall be prescribed by the ⁴[Member-in-Charge], either generally or specially, in this behalf, no drain shall be so constructed as to pass beneath any part of a building. Drains not to pass beneath building.

⁵[241. No person shall construct a cesspool—

(a) beneath any part of any building, or within twenty feet of any lake, tank, reservoir, stream, spring or well ; or

(b) upon any site or in any position which has not been approved in writing by the Commissioner] Position of cesspools.

¹ These words were substituted for the original words by Bom. 5 of 1905, s. 23(b)(i).

² The words were substituted for the original words, *ibid*, s. 23(b)(ii).

³ These words were inserted, *ibid*, s. 14(7).

⁴ These words were substituted for the words "the Standing Committee" by Mah. 10 of 1998, s. 123.

⁵ Section 241 was substituted for the original section, by Bom. 5 of 1905, s. 24.

Right of corporation to drains etc., constructed, etc., at charge of municipal fund on premises not belonging to the corporation.

242. All drains, ventilation-shafts and pipes and all appliances and fittings connected with drainage-works constructed, erected or set up at the charge of the municipal fund upon premises not belonging to the corporation, whether before or after the passing of this Act, and ¹[otherwise than for the sole use and benefit of the said premises], shall, unless the corporation has otherwise determined or shall at any time otherwise determine, vest, and be deemed to have always vested, in the corporation.

All drains and cesspools to be properly covered and ventilated.

243. (1) Every drain and cesspool, whether belonging to the corporation or to any other person, shall be provided with proper traps and coverings and with proper means of ventilation.

(2) The Commissioner may, by written notice require the owner of any drain or cesspool not belonging to the corporation to provide and apply to the said drain or cesspool such trap and covering and such means of ventilation as would be provided and applied if such drain or cesspool, belonged to the corporation.

Affixing of pipes for ventilation of drains, etc.

244 (1) For the purpose of ventilating any drain or cesspool, whether belonging to the corporation or to any other person, the Commissioner may erect upon any premises or affix to the outside of any building or to any tree any such shaft or pipe as shall appear to the Commissioner necessary ²[and cut through any projection from any building (including the eaves of any roof thereof) in order to carry up such shaft or pipe through any such projection; and lay in, through, or under any land, such appliances as may in the opinion of the Commissioner be necessary for connecting such ventilating shaft or pipe with the drain or cesspool intended to be ventilated] ;

(2) Provided that any shaft or pipe so erected or affixed shall—

(a) be carried at least ³[fifteen] feet higher than any sky-light or window situated within a distance of ⁴[forty] feet therefrom.

(b) if the same be affixed to a wall supporting the eave of a roof, be carried at least five feet higher than such eave ;

(c) be erected or affixed so as to create the least practicable nuisance or inconvenience to the inhabitants of the neighbourhood ;

(d) be removed by the Commissioner to some other place, at any time the owner of the premises, building or tree upon or to which the same has been erected or affixed is desirous of effecting any change in his property which either cannot be carried out or cannot, without unreasonable inconvenience be carried out, unless the shaft or pipe is removed.

(3) If the Commissioner declines to remove a shaft or pipe under clause (a) the owner of the premises, building or tree, upon or to which the same has been erected or affixed, may apply to the Chief Judge of the Small Cause Court ; and the said Chief Judge may, after such inquiry as he thinks fit to make, direct the Commissioner to remove the shaft or pipe and it shall be incumbent on the Commissioner to obey such order.

¹ These words were substituted for the original words by Bom. 5 of 1905, s. 25.

² These words were added *ibid.*, s. 26(a).

³ The word "fifteen" was substituted for the word "ten" *ibid.*, s. 26(b).

⁴ The word "forty" was substituted for the word "twenty", *ibid.*, s. 26(b).

¹[(4) Where the owner of any building or land cut through, opened or otherwise dealt with under sub-section (1) is not the owner of the drain or cesspool intended to be ventilated, the Commissioner shall, so far as is practicable, reinstate and make good such building, and fill in and make good such land, at the charge of the municipal fund.]

Disposal of Sewage.

245. The Commissioner may cause all or any municipal drains to empty into the sea or other place, whether within or without ²[Brihan Mumbai], and dispose of the sewage at any place, whether within or without ²[Brihan Mumbai], and in any manner, which he shall deem suitable for such purpose : Provided that— Appointment of places for emptying of drains and disposal of sewage.

(a) the Commissioner shall not cause any municipal drain to empty into any place into which a municipal drain has not heretofore emptied, or dispose of sewage at any place or in any manner at or in which sewage has not heretofore been disposed of, without the sanction of the corporation ;

(b) any power conferred by this section shall be exercised on such manner as to create the least practicable nuisance ;

(c) no municipal drain shall be made to empty into any place, and no sewage shall be disposed of at any place or in any manner which ³[the ⁴[State] Government] shall think fit to disallow.

246. (1) For the purpose of receiving, storing, disinfecting, distributing or otherwise disposing of sewage, the Commissioner may, when authorized by the corporation in this behalf— Provision of means for disposal of sewage.

(a) construct any work within or without ²[Brihan Mumbai] ;

(b) purchase or take on lease any land, building, engine, material or apparatus either within or without ²[Brihan Mumbai] ;

(c) enter into an arrangement with any person for any period not exceeding twenty years, for the removal or disposal of sewage ⁵[within or without ²[Brihan Mumbai]] :

(2) Provided that any power conferred by this section shall be exercised in such manner as to cause the least practicable nuisance.

Water-closets, Privies, Urinals, etc.

⁶[246A. (1) It shall not be lawful to construct any water-closet or privy for any premises except with the written permission of the Commissioner and in accordance with such terms not being inconsistent with any by-laws for the time being in force as he may prescribe. Construction of water-closets and privies.

¹ Sub-section (4) of section 244 was added by Bom. 5 of 1905, s. 26(c).

² These words were substituted for the words " Greater Bombay" by Mah. 25 of 1906, Schedule.

³ The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

⁴ This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

⁵ These words were added by Bom. 5 of 1905, s. 27.

⁶ Section 246A, 247 and 248 were substituted for section 247 and 248, *ibid.*, s. 28.

(2) In prescribing any such terms the Commissioner may determine in each case—

(a) whether the premises shall be served by the water-closet or by the privy system, or partly by one and partly by the other; and

(b) what shall be the site or position of each water-closet or privy.

(3) If any water-closet or privy is constructed on any premises in contravention of sub-section (1), the Commissioner may, after giving not less than ten days notice to the owner or occupier of such premises, close such water-closet or privy, ^{1*} * * * alter or demolish the same, and the expenses incurred by the Commissioner in so doing shall be paid by such owner or occupier or by the person offending.]

Water-closets and other accommodation in buildings newly erected or re-erected. §247. (1) It shall not be lawful newly to erect or to re-erect any building for or intended for human habitation, or at or in which labourers or workmen are to be employed, without such water-closet or privy accommodation, and such urinal accommodation, and accommodation for bathing or for the washing of clothes and domestic utensils, as the Commissioner may prescribe.

(2) In prescribing any such accommodation the Commissioner may determine in each case—

(a) whether such building shall be served by the water-closet or by the privy system, or partly by one and partly by the other ;

(b) what shall be the site or position of each water-closet, privy, urinal or bathing or washing place, and their number.]

where there is no such accommodation or the accommodation is insufficient or objectionable. §248. (1) Where any premises are without a water-closet, or privy, or urinal, or bathing or washing place, or if the Commissioner is of opinion that the existing water-closet, or privy, or urinal, or bathing or washing place accommodation, available for the persons occupying or employed in any premises is insufficient, inefficient, or on any sanitary grounds objectionable, the Commissioner may ^{3*} * * * by written notice, require the owner of such premises—

(a) to provide such, or such additional water-closet, privy, urinal, or bathing or washing place accommodation as he prescribes ;

(b) to make such structural or other alterations in the existing water-closet, privy, urinal or bathing or washing place accommodation as he prescribes ; or

(c) to substitute water-closet accommodation for any privy accommodation :

(2) Provided that where the water-closet, privy, urinal, or bathing or washing place accommodation of any premises—

(a) has been, and is being, used in common by the persons occupying or employed in such premises and any one or more other premises, or

(b) is in the opinion of the Commissioner likely to be so used,

the Commissioner may, if he is of opinion that such accommodation is sufficient to admit of the same being used by all the persons occupying or employed in all

¹ The words "and with the previous approval of the Standing Committee," were deleted by Mah. 21 of 1989, s. 32.

² Section 246A, 247 and 248 were substituted for sections 247 and 248 by Bom. 5 of 1905, s. 28.

³ The words "with the previous approval of the Standing Committee," were deleted by Mah. 21 of 1899, s. 33.

such premises, direct in writing that separate water-closet, privy, urinal or bathing or washing place accommodation need not be provided on or for each of such other premises :

(3) Provided also that the Commissioner may, if he is of opinion that there is sufficient municipal latrine accommodation available for all the persons occupying or employed in any premises direct that separate water-closet, privy or urinal accommodation need not be provided for such premises.

(4) Any requisition under sub-section (1) may comprise any detail specified in sub-section (2) of section 247.]

249. Where it appears to the Commissioner that any premises are, or are intended to be, used as a market, railway station, dock, wharf or other place of public resort, or as a place in which persons exceeding twenty in number are employed in any manufacture, trade or business or as workmen or labourers, the Commissioner may, by written notice, require the owner or occupier of the said premises to construct a sufficient number of water-closets or latrines or privies and urinals for the separate use of each sex. Power to require privy accommodation to be provided for factories, etc.

¹[249A. Where the Commissioner is of opinion that any privy is likely, by reason of its not being sufficiently detached from any buildings to cause injury to the health of any person occupying such building, the Commissioner * * * may by written notice, require the owner or occupier of the premises in or on which such privy is situate either— Power of Commissioner as to unhealthy privies.

(a) to so close up such privy as to prevent any person using the same, and to provide in lieu thereof such water-closet or privy accommodation or such urinal accommodation as the Commissioner may prescribe, or

(b) to provide between the said privy and any portion of the said building such air-space not exceeding three feet in width, open to the sky and situate entirely within the limits of the said premises as the Commissioner may prescribe.]

250. (1) The owner or occupier of any premises on which there is a privy shall— Provisions as to privies.

(a) have between such privy and any building or place used or intended to be used for human habitation, or in which any person may be or may be intended to be employed in any manufacture, trade or business an air space of at least three feet in width and open to the sky ;

(b) have such privy shut off by a sufficient roof and wall, or fence, from the view of persons dwelling in the neighbourhood or passing by ;

(c) unless and except for such period as he shall be permitted by the Commissioner, under the power next hereinafter conferred, to continue any existing door or trap-door, close up and not keep any door or trap-door in such privy opening on to a street :

(2) Provided that the Commissioner may permit the continuance for such period as he may think fit of any existing door or trap-door in a privy opening on to a street if a nuisance is not thereby created.

¹ Section 249A was inserted by Bom. 5 of 1905, s. 29.

² The words "with the previous approval of the Standing Committee" were deleted by Mah. 21 of 1989, s. 34.

(3) Provided also that clause (a) shall not be deemed to apply to any privy in existence when this Act comes into force, unless—

(d) there is space available on the premises of the owner or occupier for the erection of a new privy conformably to the said clause; and

(e) the existing privy can be removed and a new one erected as aforesaid without destroying any portion of a permanent building other than the existing privy.

Provisions
as to water
closets.

251. The owner or occupier of any premises on which there is a water-closete shall—

(a) have such water-closet divided off from any part of a building or place used or intended to be used for human habitation, or in which any person may be or may be intended to be employed in any manufacture, trade or business, by such means as the Commissioner shall deem sufficient ;

(b) have such water-closet in such a position that one of its sides at least shall be an external wall ;

(c) have the seat of such water-closet placed against an external wall ;

(d) cause such water-closet to be provided with such means of constant ventilation as the Commissioner shall deem adequate, by a window or other aperture in one of the walls of such water-closet opening directly into the external air, or by an air-shaft or by some other suitable method or appliance ;

(e) have such water-closet supplied by a supply-cistern and flushing apparatus and fitted with a soil-pan or receiver and such other appliances of such materials, size and description as the Commissioner shall deem necessary; provided always that a cistern from which a water-closet is supplied shall not be used, or be connected with another cistern which is used, for supplying water for any other purpose.

Position of
privies and
water-closets.

1[251A. No person shall build a privy or water-closet in such a position or manner as—

(a) to be directly over or directly under any room or part of building other than another privy or water-closet or a bathing place, bath room or terrace ;

(b) to be within a distance of twenty feet from any well or from any spring, tank or stream the water whereof is, or is likely to be, used (whether in natural or manufactured state) for human consumption or domestic purposes, or otherwise render the water of any well, spring tank or stream liable to pollution.]

Use of place
for bathing
or washing
clothes or
domestic
utensils.

2[251B. No person shall use or permit to be used as a bathing place, or as a place for washing clothes or domestic utensils, any part of any premises which has not been provided with all such appliances and fittings as shall, in the opinion of the Commissioner, be necessary for collecting the drainage thereof and conveying the same therefrom.]

Public
necessaries.

252. The Commissioner shall provide and maintain in proper and convenient situations and on sites vesting in the corporation, water-closets, latrines, privies and urinals and other similar conveniences for public accommodation.

¹ Section 251A was inserted by Bom. 5 of 1905, s. 30.

² Section 251B was inserted, *ibid*, s. 31.

Inspection

253. All drains, ventilation-shafts and pipes, cess-pools, house-gullies, water closets, privies, latrines and urinals ¹[and bathing and wasing places] which do not belong to the corporation, or which have been constructed, erected or set up at the charge of the municipal fund on premises not belonging to the corporation, for the use or benefit of the owner or occupier of the said premises, shall be open to inspection and examination by the Commissioner.

Drains, etc. not belonging to the corporation to be subject to inspection and examination.

254. For the purpose of such inspection and examination, the Commissioner may cause the ground or any portion of any drain or other work exterior to a building or, with the approval of the ²[Member-in-Charge] any portion or a building which he shall think fit, to be opened, broken up or removed : Provided that in the prosecution of any such inspection and examination as little damage as can be, shall be done.

Power to open ground etc., for purposes of such inspection and examination.

255. If upon any such inspection and examination as aforesaid, it shall be found that the drain, ventilation-shaft or pipe, cess-pool, house-gully, water-closet, privy, latrine or urinal ³[or bathing or washing place] examined is in proper order and condition, and that none of the provisions of this Chapter has been contravened in respect of the construction or maintenance thereof, and that no encroachment has been made thereupon the ground or portion of any building, drain or other work, if any, opened, broken up or removed for the purpose of such inspection and examination shall be filled it, reinstated and made good by the Commissioner.

when the expenses of inspection and examination are to be paid by the Commissioner.

256. But if it shall be found that any drain, ventilation-shaft or pipe, cess-pool, house-gully, water-closet, privy, latrine or urinal ³[or bathing or washing place] so examined is not in good order or condition, or has been repaired, changed, altered or encroached upon, or, except when the same has been constructed by or under the order of the Commissioner if it has been constructed in contravention of any of the provisions of this Chapter or of any enactment at the time in force,—

When the expenses of inspection and examination or to be paid by the owner.

the expenses of the inspection and examination shall be paid by the owner of the premises, and the said owner shall fill in, reinstate and make good the ground or portion of any building, drain or other work opened, broken up or removed for the purpose of such inspection and examination, at his own cost.

⁴257. (1) When the result of such inspection and examination as aforesaid is as described in section 256, the Commissioner may—

Commissioner may require repairs, etc., to be made.

(a) by written notice require the owner of the premises or the several owners, of the respective premises in which the drain, ventilation-shaft or pipe, cess-pool, house-gully, water-closet, privy, latrine, urinal or bathing or washing place is situate, or for the benefit of which the same has been constructed, erected or set up.

(i) to close or remove the same or any encroachment thereupon or ⁵[subject to the proviso to clause (c) of section 258, to remove any projection over the same, or]

¹ These words were inserted by Bom. 5 of 1905, s. 32(1).

² These words were substituted for the words 'the Standing Committee,' by Mah 10 of 1998, s. 124.

³ These words were inserted by Bom. 5 of 1905, s. 32(2).

⁴ Section 257 was substituted for the original section, *ibid*, s. 33.

⁵ These words were added by Bom. 8 of 1918, s. 8.

(ii) to renew, repair, cover, recover, trap, ventilate, pave and pitch or take such other order with the same as he shall think fit to direct and to fill in, reinstate and make good the ground, building or thing opened, broken up or removed for the purpose of such inspection and examination, and

(b) without notice, close, fill up or demolish any drain by which sullage or sewage is carried thorough, from, into or upon any premises in contravention of any of the provisions of this Chapter, and the expenses incurred by the Commissioner in so doing shall be paid by such owner or owners.

(2) Any requisition under clause (a) of sub-section (1) in respect of any drain which has been constructed, erected or set up, or which is continued for the sole use and benefit of a property or for the exclusive use and benefit of two or more properties, may include any extension thereof beyond such property or properties, if and so far as such extension has been constructed, erected or set up, or is continued for the sole use and benefit of such property or properties].

Cost of inspection and execution of work in certain cases. ¹[257A. In the case of any drain which has been constructed, erected or fixed, or which is continued, for the exclusive use and benefit of two or more premises and which is not—

(a) a drain constructed under section 232A, sub-section (1), or

(b) a drain in respect of which conditions as to the respective responsibilities of the parties have been declared under section 238, sub-section (1),

the expenses of any inspection and examination made by the Commissioner under section 253 and of the execution of any work required under section 257, whether executed under section 260 or not, shall be paid by the owners of such premises, in such proportions, ²[as shall be determined by the Commissioner.].

General Provisions

Prohibition of acts contravening the provision of this Chapter or done without sanction.

258. ³[(1) No person shall—

(a) in contravention of any of the provisions of this Chapter or of any notice issued or direction given under this Chapter, or without the written permission of the Commissioner, in any way alter the fixing, disposition or position of, or construct, erect, set up, renew, rebuild, remove, obstruct, stop up, destroy or change, any drain, ventilation-shaft or pipe, cess-pool, water-closet, privy, latrine or urinal ⁴[bathing or washing place] or any tray, covering or other fitting or appliance connected therewith ;

(b) without the written permission of the Commissioner, renew, rebuild or unstop any drain, ventilation-shaft or pipe, cess-pool, water-closet, privy, latrine or urinal ⁴[or bathing or washing place], or any fitting or appliance, which has been, or has been ordered to be, discontinued, demolished or stopped up under any of the provisions of this Chapter ;

(c) without the written permission of the Commissioner, make any ⁵[projection over or] encroachment upon, or in any way injure or cause or permit to be injured, any drain, cess-pool, house-gully, water closet, privy, latrine or urinal ⁴[or bathing or washing place.].

¹ Section 257A was inserted by Bom. 5 of 1905 s. 34.

² These words were substituted for the portion beginning with the words "as shall be determined" and ending with the words "does not exceed one hundred rupees" by Mah. 21 of 1989, s. 35.

³ Section 258 was re-numbered as sub-section (1) of that section *ibid*., s. 36.

⁴ These words were inserted by Bom. 5 of 1905, s. 32(2).

⁵ These words were inserted by Bom. 8 of 1918, s. 9(a).

¹[Provided that nothing in this clause shall apply to any whether-shade in width not exceeding two feet over any window which does not front a wall or window of an adjoining house ;]

(d) drop, pass or place, or cause or permit to be dropped, passed or placed into or in any drain, any brick, stone, earth, ashes or any substance or matter by which or by reason of the amount of which such drain is likely to be obstructed;

(e) pass, or permit or cause to be passed, into any drain provided for a particular purpose, any matter or liquid for the conveyance of which such drain has not been provided ;

(f) cause, or suffer to be discharged into any drain from any factory, bake house distillery, workshop or workplace or from any building or place in which steam, water or mechanical power is employed, any hot water, steam fumes or any liquid which would prejudicially affect the drain or the disposal by sale or otherwise of the sewage conveyed along the drain, or which would, from its temperature or otherwise, be likely to create a nuisance.

²[(2) Whoever contravenes of sub-section (1) shall, on conviction, be punished—

(i) for the first offence, with fine which may extend to three hundred rupees; and

(ii) for the second and every subsequent offence, with fine which may extend to one thousand rupees or with an imprisonment which may extend to six month or both.]

259. (1) On the written request of any person who is required under any of the provisions of this Chapter to supply any materials or fittings or to do any work, the Commissioner may, in such person's behalf supply the necessary materials or fittings, or cause the necessary work to be done ; but he shall not do so in any case to which the provisions of section 493 or 495 will not apply, unless a deposit is first of all made by the said person of a sum which will, in the opinion of the Commissioner, suffice to cover the cost of the said materials, fittings and work.

(2) ³ * * * * *]

⁴259A. (1) No person shall permit any work described in this Chapter to be executed except by a licensed plumber :

⁵[Provided that if, in the opinion of the Commissioner, the work is of a trivial nature, he may grant permission in writing for the execution of such work by a person other than a licensed plumber.]

(2) Every person who employs a licensed plumber to execute any such work shall, when so required, furnish to the Commissioner the name of such plumber.

(3) Every such person shall, within one month after completion of any such work and before permitting the same or any portion thereof to be filled in or covered over, deliver or send or cause to be delivered or sent to the Commissioner at his office, notice in writing of the completion of such work, accompanied by a certificate in the form of schedule signed by the licensed plumber by whom the same has been executed, who is hereby required immediately upon completion of the work and upon demand by the person employing him to sign and give such certificate to such person, and shall give to the Commissioner all necessary facilities for the inspection of such works :

¹ This proviso was added, by Mah. 8 of 1918 s. 9(d).
² Sub-section (2) was added by Mah(21 of 1989, s. 36.
³ Sub-section (2) was repealed by Bom. 3 of 1905, s. 35.
⁴ Section 259A was inserted by Bom. 5 of 1905, s. 36.
⁵ This proviso was added by Bom. 32 of 1935, s. 11.

When material and work, may be supplied and done under this Chapter for any person by the Commissioner.

Work to be done by licensed plumber; permission to use as drain.

Provided that—

(a) such inspection shall be made within seven days from the date of receipt of the notice of completion, and

(b) the Commissioner may, within seven days after such inspection, by written intimation addressed to the person from whom the notice of completion was received and delivered at his address as stated in such notice or in the absence of such address affixed to a conspicuous part of the premises in which such work has been executed—

(i) give permission for the filling or covering over of such work, or

(ii) require that before such work is filled on or covered over, it shall be amended to the satisfaction of the Commissioner in any particular in respect of which it is not in accordance with a requisition previously made by the Commissioner or contravenes some provisions of this Act or of the by-laws under this Act.

(4) No person shall permit any such work to be used as a drain or part of drain until—

(a) the permission referred to in proviso (b) to sub-section (3) has been received, or

(b) the Commissioner has failed for fourteen days after receipt of the notice of completion to intimate as aforesaid his refusal of permission for the filling in or covering over of such work.]

Commissioner may execute certain works under this Chapter without allowing option to person concerned of executing the same.

260. (1) The Commissioner may, if he thinks fit, cause any work described in [this Chapter] to be executed by municipal or other agency under his own orders, without first of all giving the person by whom the same would otherwise have to be executed the opinion of doing the same.

Expenses in such cases by whom to be paid.

(2) The expenses of any work so done shall be paid by the person aforesaid, unless the corporation shall, by a general or special order or resolution, sanction, as they are hereby empowered to sanction, the execution of such work at the charge of the municipal fund.

CHAPTER X

WATER SUPPLY

Construction and Maintenance of Municipal Water-works.

Definitions: ²[260A. In this chapter, unless there is anything repugnant in the subject or context—

(a) 'communication pipe' mean a pipe extending from a municipal water main up to and including the municipal stop-cock;

(b) 'consumer' means any person who uses or is supplied with water from a municipal water-work or on whose application such water is supplied and includes any person liable to the corporation under the provisions of this Act for the payment of water tax or any sum for the water supplied from a municipal water work ;

¹ The words "this Chapter" were substituted for the original words by Bom. 5 of 1905, s. 37.

² This section was inserted by Bom. 5 of 1938, s. 21.

(c) consumer's pipe' means a pipe used in connection with the supply of water from any municipal water work and which is not the property of the corporation;

(d) 'distributing pipe' means any pipe not subject to water pressure from a municipal water main ;

(e) 'fitting' includes a pipe coupling, flange, branch, bend, stop, ferrule, stop tap, bib tap, spring tap, pillar tap, globe tap, ball cock, boiler, pump, meter, hydrant and any other apparatus or article used for the purpose of conveying or storing water supplied by the corporation;

(f) 'municipal stop cock' means the stop cock which controls the supply of water from a municipal water main ;

(g) 'supply pipe' means the pipe extending from a municipal stop cock up to the ball cock of the storage tank, if any, and any pipe subject to pressure from a municipal water main.]

261. For the purpose of providing ¹[Brihan Mumbai] with a supply of water proper and sufficient for public and private purposes, the Commissioner, when authorized by the corporation in this behalf, may—

General powers for supplying the city with water.

(a) construct and maintain water-works, either within or without ¹[Brihan Mumbai] and do any other necessary acts ;

²[(aa) construct and maintain tunnels and undertake other related works, as part of the municipal water works, below any land, in whomsoever such land may vest for carrying water;]

(b) purchase or take on lease any water-work or any water or right to store or to take and convey water, either within or without ¹[Brihan Mumbai] ;

(c) enter into an arrangement with any person or a supply of water.

262. The Commissioner shall manage all water-works belonging to the Municipal Corporation—all which water-works are in this Act referred to as "Municipal water-work"—and maintain the same in good repair and efficient condition, and shall cause all such alterations and extentions to be from time to time made in the said water-works as shall be necessary or expedient for improving the said works.

water-works to be managed and kept in repair by the Commissioner.

263. (1) The Commissioner, and any person appointed by ³[the ⁴[state] Government] under section 264 in this behalf, may, for the purpose of inspecting or repairing or executing any work in, upon or in connection with any Municipal water-work, at all reasonable times—

Power of access to municipal water-works.

(a) enter upon and pass through any land within or without the city, adjacent to or in the vicinity of such water-work, in whomsoever such land may vest ;

(b) convey into and through any such land all necessary materials, tools and implements.

⁵[(c) enter upon or pass through any land, whether vacant or built up, below which any tunnel for carrying water is dug, constructed or maintained, or any other land adjacent to or in the vicinity of such land or tunnel, and to inspect such tunnel with the necessary equipment and do such other acts as he deem necessary for such purposes.]

¹ These words were substituted for the words "Greater Bombay" by Mah. 25 of 1996, Schedule.

² Clause (aa) was inserted by Mah. 37 of 1981, s. 8.

³ The words "the Provincial Government" were substituted for the word "Government" by Adaptation of Indian Laws Order in Council.

⁴ This words was substituted for the word "Provincial" by Adaptation of Laws Order, 1950.

⁵ Caluse (c) was inserted by Mah. 37 of 1981, s. 9.

(2) In the exercise of any power conferred by this section, as little damage as can be, shall be done, and compensation for any damage which may be done in the exercise of any of the said power shall be paid by the Commissioner, or, if any person appointed under section 264 by ¹[the ²[State] Government] has caused the damage, by ¹[the ²[State] Government].

Inspection of municipal water-works by persons appointed by ²[State] Government. **264.** Any person appointed by ¹[the ²[State] Government] in this behalf shall at all reasonable times have liberty to enter upon and inspect a municipal water-work.

Power of carrying same restrictions for carrying, renewing and repairing water-mains, pipes and ducts, and for construction and maintenance of tunnels below any land or under taking other related works, without ⁴[Brihan Mumbai], as he has and is subject etc. **³[265.** The Commissioner shall have the same powers and be subject to the provisions hereinbefore contained in Chapter IX for carrying, constructing, maintaining, renewing and repairing drains and drainage works, including tunnels below any land and other related works, within ⁴[Brihan Mumbai] :

Provided that, the powers under this section in respect of digging, carrying, constructing, maintaining and repairing of tunnel or any other related works shall be exercised by the Commissioner, with the previous approval of the State Government.]

Fire-hydrants to be provided. **266.** The Commissioner shall cause fire-hydrants and all necessary works, machinery and assistance for supplying water in case of fire to be provided and maintained and shall have painted or marked on the buildings and walls or in some other conspicuous manner, within the streets, words or marks near to such hydrants to denote the situation thereof, and shall cause a hydrant-key to be deposited at each place within ⁴[Brihan Mumbai] where a municipal fireengine is kept, and do such other things for the purpose aforesaid as he shall deem expedient.

Prohibition of building and other acts which would injure sources of water supply. **267.** (1) Except with the sanction of the corporation and, in the case of the Vihar water-works, of ¹[the ²[State] Government], or, for the purposes of section 262, under the authority of the Commissioner, no person shall—

(a) erect any building for any purpose whatever within the limits of the watershed of any lake or reservoir from which a supply of water is derived for any municipal water-work ;

(b) extend, alter or apply to any purpose different to that to which the same has been heretofore applied, any building already existing within the said limits ;

(c) carry on, within the said limits, any operation of manufacture, trade or agriculture in any manner, or do any act whatsoever, whereby injury may arise to any such lake or reservoir or to any portion thereof, or whereby the water of any such lake, tank or reservoir may be fouled or rendered less wholesome.

(2) The limits of the water-shed of the Vihar lake shall, for the purposes of this section be deemed to be the limits defined in a plan marked "B" authenticated by the signatures of the Governor and Members of Council, and deposited in the office of the Secretary to the Government of Bombay.

¹ The words "the Provincial Government" were substituted for the word "Government" by Adaptation of Indian Laws Order in Council.

² The words was substituted for the words "Provincial" by the Adaption of Laws Order' 1950.

³ Section 265 was substituted for the original section, by Mah. 37 of 1981, s. 10.

⁴ These words were substituted for the words "Greater Bombay" Mah. 25 of 1996, Schedule.

268. (1) Without the written permission of the Commissioner no building, wall or other structure shall be newly erected, and no street or railway shall be constructed, over any municipal water-main. Buildings, etc., not be erected over municipal water-main without permission.

(2) if any building, wall or other structure be so erected, or any street of railway be so constructed, the Commissioner may, with the approval of the ¹[Mayor-in-Council], cause the same to be removed or otherwise dealt with as to him shall appear fit, and the expenses thereby incurred shall be paid by the person offending.

Public Gratuitous Water-supply.

269. (1) All existing public drinking fountains, tanks, reservoirs, cisterns, pumps, wells, ducts and works for the supply of water for the gratuitous use of the inhabitants of the city shall vest in the corporation and be under the control of the Commissioner. Vesting of public drinking fountains, etc., in the corporation.

(2) The Commissioner may maintain the said works and provide them with water, and, when authorised by the ²[Mayor-in-Council] in this behalf, may construct any other such works for supplying water for the gratuitous use of the inhabitants of the city :

(3) Provided that water carried away by any of the inhabitants from any such work shall be taken only for his ³[personal] or domestic use and not for the purpose of business or sale, and shall not, except with the written permission of the Commissioner, be carried away in a cask, cart, pakhal or masak.

(4) The Commissioner may temporarily, and with the approval of the ⁴[Mayor-in-Council] permanently, close any of the said works, either entirely or partially.

(5) In case any such work is permanently closed, either entirely or partially, by the Commissioner, the site thereof, or of the portion thereof which is so closed and the materials of the same may be disposed of as the property of the ⁴[Mayor-in-Council] : Provided that if any such work, which is permanently closed, either entirely or partially, was a gift to the public by some private person, the said site and materials or the proceeds of the sale thereof shall, unless by reason of their value being in significant or for other sufficient reason the ⁴[Mayor-in-Council] think fit to otherwise direct, be applied to or towards some local work of public utility bearing the name of such person, or to or towards any such local work which shall be approved by the ⁴[Mayor-in-Council] and by the heirs or other representative, if any, of the said person.

270. (1) The Commissioner may assign and set apart each of the said works and the water therein for use by the public for such purpose only as he shall think fit, and shall cause to be indicated, by a notice affixed on a conspicuous spot on or near each such work, the purpose for which the same is so assigned and set apart. Public drinking fountains, etc., may be set apart for particular purposes.

(2) No person shall make use of any such work or of any water therein for any purpose other than the purpose for which the same has been so assigned or set apart.

¹ These words were substituted for the words "the Standing Committee" by Mah. 10 of 1998, s. 268.

² These words were substituted for the words "the Corporation, *ibid.* s.269(a).

³ These words were substituted for the words "private use and not for sale" by Bom. 5 of 1938, s.22.

⁴ These words were substituted for the words "the Corporation" by Mah. 10 of 1998, s. 126 (b)(c).

Private Water-supply

Premises not to be occupied without Commissioner's certificate in respect of adequate water-supply. ¹[270A. No person shall occupy or permit to be occupied, or use or permit to be used, any premises or part thereof constructed or reconstructed after the date of the coming into force of the Bombay Municipal Corporation (Amendment) Act, 1953, until he has obtained a certificate from the Commissioner to the effect that there is provided within, or within a reasonable distance of the premises, a supply of pure water to the persons intending to occupy or use such premises or, where the premises are situated within any portion of Brihan Mumbai in which a public notice has been given by the Commissioner under section 141, until he has obtained a certificate from the Commissioner to the effect that a supply of pure water has been provided for the premises from a municipal water work.] Bom. LXIV of 1953.

Application for private water-supply from whom to be Received. ²71. (1) ²[Supply pipes] for conveying to any premises a private supply of water from ²[a municipal water work] shall not ²[be connected with such water work] except on the written application or with the written assent of the owner of the premises, of the person primarily liable for the payment of property-taxes on the said premises :

³Provided that, in respect of any premises, where the owner or person primarily liable for the payment of property-taxes fails or refuses or make such application or to give his assent within a reasonable period, the supply pipes for conveying to such premises such water-supply may be connected with such water work on the written application of the occupier of such premises made to the Commissioner, after holding necessary inquiry and on payment of the cost of connecting the supply pipes and subject to such other conditions (including those for payment of water taxes and water charges) as the Commissioner may deem fit to impose.]

Commissioner may in certain cases require owners to obtain private water-supply. ⁴[(2) But it shall appear to the Commissioner that any premises situate within any portion of ⁵[Brihan Mumbai] in which a public notice has been given by the Commissioner under clause (b) of section 141, are without a supply of pure water, adequate to the requirements of the persons usually occupying or employed upon the said premises, the Commissioner shall, by written notice, require the owner of the said premises or the person primarily liable for the payment of property-taxes thereon, to obtain a supply adequate as aforesaid from a municipal water work and to provide supply and distributing pipes, cisterns and fittings and do all such works as may in the opinion of the Commissioner be necessary for that purpose.]

Making and renewing connection with municipal water works. ⁶[272. (1) No connection with any municipal water work shall be made or renewed—
(a) except by a municipal officer or servant empowered in that behalf by the Commissioner ; and
(b) until the certificate specified, in s b-section (4) has been given.

⁷[(2) In every case where a new connection with a municipal water work is made or an existing connection requires renewal all necessary communication pipes and fittings ⁸[thereon], shall be supplied by the Commissioner, and the work of laying and applying such communication-pipes and fittings shall be executed by municipal agency under the Commissioner's orders ; and the cost of all such materials and work shall be charged to the municipal fund.]

¹ Section 270A was inserted by Bom. 64 of 1953, s. 11.

² These words were substituted by Bom. 5 of 1938, s. 23(a).

³ This proviso was added by Mah. 51 of 1975, s. 15.

⁴ This sub-section was substituted for the original by Bom. 5 of 1938, 23(b).

⁵ These words were substituted for the words " Greater Bombay" by Mah. 25 of 1996, Schedule.

⁶ Sections 272, 273 and 273A were substituted for sections 272 and 273 by Bom 5 of 1905, s. 38

⁷ This sub-section was substituted for the original sub-section(2) by Bom. 8 of 1918, s. 10.

⁸ This words was substituted for the original by Bom. 5 of 1938, s. 24 (a).

(3) ¹[Every such communication-pipe and fittings thereon shall vest] in the Corporation and be maintained at the charge of the municipal fund as a municipal water work.

²[(4) All supply and distributing pipes and cisterns and fittings not being the property of the Corporation shall be laid and applied under the supervision and to the satisfaction of a Municipal Officer appointed by the Commissioner in that behalf, who shall give and sign a certificate, free of charge, when such supply and distributing pipes, cisterns and all necessary fittings have been laid, applied and executed in a satisfactory manner and when proper and sufficient arrangements have been made for draining off waste water.]

³[(5) Where any supply or distributing pipe, cistern or such fitting is laid, applied, added to or altered, or any connection is made in contravention of this section the Commissioner may, with the previous approval of the ⁴[Member-in-Charge], remove such supply or distributing pipe, cistern, fitting or connection, or additions or alterations thereto, and make good such pipe, cistern, fitting or connection; and the owner and occupier of the premises in which or for supply to which such supply or distributing pipe, cistern or fitting has been laid, applied, added to or altered or such connection has been made, shall be jointly and severally liable to pay the expenses incurred by the Commissioner in so doing.]

⁴[273. The Commissioner may, by agreement with a consumer, take charge on behalf of the corporation of all or any of the consumer's pipes and fittings :

Commissioner may take charge of private connections.

Provided that if any such pipes or fittings are communication-pipes or fitting only not vesting in the Corporation, the Commissioner may, if he thinks fit, take charge of the same without such agreement.

Any consumer's pipes and fittings, of which the Commissioner takes charge under this section, shall thereafter vest in, and be maintained at the expense of, the Corporation as a municipal water work.]

⁵[273A. The Commissioner may, if at any time he deems it expedient to alter the position of an existing connection with any municipal water work, or of any consumer's pipe or fitting thereof, and after giving to the owner of such connection, pipe or fittings not less than four days previous notice of his intention so to do, cause the said connection, pipe or fitting to be moved to such other position as he thinks fit and relaid and applied, or others to be laid and applied in lieu thereof, in such position as he may direct; and in every such case all such work shall be carried out at the expenses of the municipal fund and such new connection, pipe and fittings shall thereafter vest in the Corporation and be maintained at the charge of the municipal fund as a municipal water work.]

Power of Commissioner to alter position of connections.

274. ⁶[(1) The Commissioner may, whenever it shall appear to him to be necessary, by written notice require the owner of any premises furnished with a private water supply from any municipal water work to provide such premises within a reasonable period which shall be prescribed in the said notice, with cisterns and fittings of such size, material, quality and description and placed in such position and with such safe and easy means of access as he thinks fit.]

Provisions as to cisterns and other fittings, etc. to be used for connections with water work.

¹ These words were substituted for the original by Bom. 5 of 1938, s. 24(b).

² These sub-sections were substituted for the original, *ibid.*, s. 24(c) and (d).

³ These words were substituted for the words the "Standing Committee" by Mah. 10 of 1998, s. 127

⁴ This section was substituted for the original, *ibid.*, s. 25.

⁵ This section was substituted for the original, *ibid.*, 26.

⁶ This sub-section was substituted for the original, *ibid.*, s. 27(a).

¹[(1A) The commissioner may also in the like manner require the owner of any premises to provide such safe and easy means of access as he thinks fit to any existing cistern which on an examination under section 278 is found to be not easily accessible.]

(2) The Commissioner shall also from time to time prescribe the size, material, quality, description and position of the ²[pipes and fittings] to be employed for the ³[purpose] of any connection with or of any communication from, any municipal water-work, and no such connection or communication shall be made by any person otherwise than as so prescribed.

⁴[(3) The Commissioner shall likewise prescribe the size, material, quality and description of the ⁵[pipes, cisterns and fittings] to be employed for the purpose of replacing ⁶[pipes, cisterns and fittings] found on an examination under section 278 to be so defective that they cannot be effectively repaired.]

Provision for keeping cisterns locked. ⁸[274A. (1) The Commissioner may, by written notice, require the owner of any premises furnished with a cistern or in respect of which the Commissioner has, required a cistern to be furnished to provide such cistern with a lock and key of such pattern, material and quality as the Commissioner shall in such notice prescribe, and may in like manner require any lock or key found to be defective on an inspection under section 278 to be replaced.

(2) Every cistern so provided with a lock shall be kept permanently locked and the key shall then be delivered to the Commissioner.]

Communication-pipes, etc., to be kept in efficient repair by owner or occupier of premises. 275. ⁷[(1)] It shall be incumbent on the owner or occupier of any premises to which a private water-supply is furnished from any municipal water-work, ⁹[to keep in a thoroughly clean condition and to maintain and keep in efficient repair every supply and distributing pipe] conveying water from the said water-work to such premises and every meter for measuring water, not being a municipal meter and ⁸[every cistern and fitting] in or connected with any such pipe, so as effectually to prevent the water from running to waste.

⁹[(2) When an occupier of any premises is served with a notice under sub-section (2) of section 278, he may, after giving to the person to whom he is responsible for the payment of his rent ¹⁰[three] days notice in writing, himself have to the repairs executed and in such event the shall be entitled to deduct from any rent due ¹⁰[or to become due] by him to such person the actual expenses incurred by him in complying with the notice served under sub-section (2) of section 278; provided that nothing in this section shall affect the liabilities of parties under leases executed before the 1st day of April 1918.]

Provision of meters when water is supplied by measurement. 276. (1) Where water is supplied by measurement, the Commissioner may either provide a meter and charge the consumer for the same such rent as shall from time to time be prescribed in this behalf by the standing committee, or may permit the consumer to provide a meter of his own of such size, material and description as the Commissioner shall approve for this purpose :

¹ This sub-section was inserted by Bom. 5 of 1938, s. 27(d).

² These words were substituted for the original, *ibid.*, s. 27(c)(i).

³ This word was substituted for the word "Purposes", *ibid.*, s. 27 (c) (ii).

⁴ This sub-section was added by Bom. 8 of 1928, s. 11(b).

⁵ These words were substituted for the original by Bom. 5 of 1938, s. 27(d).

⁶ This section was inserted, *ibid.*, s. 28.

⁷ Section 275 was numbered sub-section (1) of section 275 by Bom. 8 of 1918, s. 12.

⁸ These words were substituted for the original by Bom. 5 of 1938, s. 29(a).

⁹ This sub-section was added by Bom. 8 of 1918, s. 12.

¹⁰ These words were substituted for the original by Bom. 5 of 1938, s. 29(b).

¹[Provided that if such consumer is an occupier of any premises, he shall not be provided with a meter or permitted to provide himself with a meter of his own, unless he complies with such conditions as may be prescribed by the Commissioner.]

(2) The Commissioner shall at all times keep all meters and other instruments for measuring waterlet, by him for hire to any person, in proper order for correctly registering the supply of water, and in default of his so doing such person shall not be liable to pay rent for the same during such time as such default continues.

277. Where water is supplied by measurement, the register of the meter or other instrument for measuring water shall be *prima facie* evidence of the quantity consumed. Register of meter to be evidence.

Inspection

278. (1) The Commissioner may make an inspection of any premises to which a private water-supply is furnished by the corporation in order— Commissioner, etc., may inspect premises in order to examine meter. communication-pipes, etc.

(a) to remove, test, examine and replace any meter for measuring water ; or

²[(b) to examine any supply or distributing pipe, cistern, lock of fitting; or]

(c) to see if there be any waste or misuse of water.

³[(2) The Commissioner may, by written notice, require the owner or occupier of the premises to remedy any defect which shall be found to exist in or to clean any such meter, not being a municipal meter let to him for hire, or any such supply or distributing pipe, cistern, lock or fitting.]

Cutting off private Water-supply

279. (1) The Commissioner may ⁴* * * * * cut off the connection between any municipal water-work and any premises to which a private water-supply is furnished by the corporation or turn off the water from such premises in any of the following cases, namely :— Power to cut off private water-supply or to turn water.

(a) in default of payment of any instalment of water-tax or of any sum due for water ⁵[or hire of meter] ⁶[or expenses of any work done under or by virtue of the provisions of sections 272, 276 or 287A] within fifteen days after a ⁷[notice of demand] for such tax or sum has been duly ³[served];

⁸[(b) if the owner of the premises neglects, within the period prescribed in this behalf in any notice given under sub-section (1) or (1A) of section 274 or under section 274A, to comply with any requisition made to him by the Commissioner regarding the provisions of any cistern, fitting lock or key or means of access to such cistern ;

(c) if the owner or occupier of the premises fails, within the period prescribed in this behalf in any notice given under sub-section (2) of section 278, to comply with the terms of such notice or fails to use articles of the kind prescribed under sub-section (3) of section 274;]

¹ This proviso was inserted by Bom. 62 of 1954, s. 6.

² This clause was substituted for the original by Bom. 5 of 1938, s. 30(a).

³ This sub-section was substituted for the original, *ibid.*, s. 30(d).

⁴ The words " with the sanction of the standing committee" were repealed by Bom. 6 of 1913, s.2^a

⁵ These words were inserted by Bom. 5 of 1938, s. 31 (1)(a).

⁶ These words and figures were inserted by Bom. 10 of 1928, s. 13(a)(i).

⁷ The words "notice of demand" were substituted for the original word "bill", *ibid.*, s.13(a)(ii)

⁸ This word was substituted for the "Presented" by Bom. 20 of 1952, s.15.

^a These clauses were substituted for the original by Bom. 5 of 1938, s. 31(1)(b).

(d) if after receipt of a written notice from the Commissioner requiring him to refrain from so doing the owner or occupier of the premises continues—

(i) to use the water, or to permit the same to be used, in contravention of any by-law made under this Act or of any condition prescribed under sub-section (2) of section 169 ;

(ii) when payment for the water is made not by measurement to permit any person not residing on premises in respect of which water tax is paid to carry away from such owner's or occupier's premises water derived from the municipal water work.

¹[(e) if the owner or occupier of the premises wilfully or negligently injures or damages any meter, pipe, cistern or fitting or lock thereof in such premises;]

²[(f) if the owner or occupier of the premises fails to comply with any requisition made on him by the Commissioner under sub-section (2) of section 287B, to furnish the name of the licensed plumber;]

³[Provided that—

⁴[(i) in any case under ⁵[clause] (a) the Commissioner shall not take action unless not less than fifteen days previously a copy of the notice of demand in respect of the tax or sum has been affixed to a conspicuous part of the premises]

⁶[(ii) in cases under ⁵[clauses] (a), (b), ⁷[(d) and (f)] the Commissioner shall not take action without the sanction of the ⁸[member-in-charge].]

⁹[(iii) in cases under ⁵[clauses] (c) and (e) the Commissioner shall not take action unless written notice of not less than twenty-four hours has been given to the owner or occupier of the premises.]

¹⁰[(iv) in any case falling under ⁵[clause] (b) the Commissioner shall not take action unless not less than fifteen days previously a copy of the notice under sub-section (1) or sub-section (1A) of section 274 or under section 274A, as the case may be, has been affixed to a conspicuous part of the premises :]

¹¹[Provided that where in any case falling under clauses (a), (b), (d) and (f) the Commissioner has with the sanction of the ¹²[Member-in-Charge] cut off water supply or turned off water, and there is recurrence of any case under any of these clauses, the Commissioner shall take action without the sanction of the ¹²[Member-in-Charge].]

(2) The expenses of cutting off the connection or of turning off the water in any such case as aforesaid shall be paid by the owner or occupier of the premises.

¹ This clause was substituted for the original, by Bom. 5 of 1938, s. 31 (1)(c).

² This clause was inserted by Bom. 8 of 1918, s. 13(b).

³ This proviso was added by Bom. 6 of 1913, s. 2.

⁴ New proviso (i) was inserted by Bom. 10 of 1928, s. 13(b)(i).

⁵ The words "clause" and "Clauses" were substituted for the words "sub-clause" and "sub-clauses" by Mah. 21 of 1989, s. 37(a).

⁶ Original clauses (i) and (ii) were re-numbered as clauses (ii) and (iii) respectively, by Bom. 10 of 1928, s. 13(c).

⁷ These letters, word and brackets were substituted for the original word, letter and brackets "and (b)" by Bom. 8 of 1918, s. 13(e).

⁸ These words were substituted for the word "the Standing Committee" by Mah. 10 of 1998, s. 128

⁹ Original clauses (i) and (ii) were renumbered as clauses (ii) and (iii) by Bom. 10 of 1928, s.

¹⁰ This paragraph was added by Bom. 5 of 1938, s. 3 (i)(d).

¹¹ This proviso was added by Mah. 21 of 1989, s. 37(b).

¹² These words were substituted for the words "the Standing Committee" by Mah. 10 of 1998 s. 128

280. No person to whom water is supplied by measurement or on payment of a fixed periodical sum shall contravene any condition prescribed under sub-section (2) of section 169 for the use of such water, or permit any such condition to be contravened.

Conditions as to use of water not to be contravened.

¹[280 A. The Commissioner shall have the same powers and be subject to the same restrictions for carrying, renewing and repairing private water mains, pipes and ducts as he has and is subject to under the provisions hereinbefore contained for carrying, renewing and repairing private drains.]

Powers of Commissioner to carry private mains through land belonging to other persons.

²[280B. The expenses for carrying, renewing and repairing private water mains, pipes and ducts referred to in section 280A shall be recovered from the owner or occupiers in accordance with the provisions of this Act.]

Recovery of expenses of laying water pipes.

281. ³[(1)] No water-pipes shall be laid in a drain or on the surface of an open channel or house-gully or within twenty feet of a cesspool, or in any position where the pipe is likely to be injured or the water therein polluted; and no well or tank, and except with the consent of the Commissioner, no cistern shall be constructed within twenty feet of a ⁴[privy, water-closet or] cesspool.

Water-pipes, etc., not to be placed where water will be polluted.

⁵[(2) Whoever contravenes the provisions of sub-section (1) shall, on conviction, be punished with imprisonment for a term which may extend to one month or with fine which shall not be less than five hundred rupees and which may extend upto five thousand rupees or with both.]

282. (1) No person shall fraudulently dispose of any water supplied to him by the corporation.

Prohibition of fraudulent and unauthorised use of water.

(2) No person to whom a private supply of water is furnished by the corporation shall, except when the water supplied is charged for by measurement, permit any person who does not reside on premises in respect of which water-tax is paid to carry away water from the premises to which it is supplied.

(3) No person, who does not reside on premises in respect of which water-tax is paid, shall carry away water from any premises to which a private supply is furnished by the corporation, unless, in any case in which such supply is charged for by measurement, he does so with the permission of the person to whom such supply is furnished.

283. (1) No person shall fraudulently—

Prohibition of fraud in respect of meters.

(a) alter the index to any meter or prevent any meter from duly registering the quantity of water supplied.

(b) abstract or use water before it has been registered by a meter set up for the purpose of measuring the same.

(2) The existence of artificial means under the control of the consumer for causing any such alteration, prevention, abstraction or use shall be evidence that the consumer has fraudulently effected the same.

¹ Section 280A was inserted by Bom. 8 of 1918, s. 14.

² Section 280B was inserted by Mah. 21 of 1989, s. 38.

³ Section 281 was re-numbered as sub-section (1) of that section, *ibid.*, s. 39.

⁴ These words were inserted by Bom. 5 of 1903, s. 39.

⁵ Sub-section (2) was added by Mah. 21 of 1989, s. 39.

¹(3) Whoever contravenes the provisions of sub-section (1) shall, on conviction, be punished with imprisonment for a term which may extend to one month or with a fine which shall not be less than five hundred rupees and which may extend upto five thousand rupees or with both.]

General Provisions

Prohibition of wilful or neglectful acts relating to water works.

284. ²[(1)] No person shall wilfully or negligently—

(a) injure or suffer to be injured any meter belonging to the corporation or any of the fitting of any such meter ;

(b) break, injure or open any lock, cock, valve, pipe, work, ³[engine, cistern or fitting] appertaining to any municipal water-work ;

(c) flush or draw off the water from any such water-work, thereby causing such water to be wasted ;

(d) do any act ⁴[or suffer any act to be done] whereby the water in or derived from any municipal water-work shall be wasted ;

(e) obstruct, divert or in any way injure or alter any water-main or duct ;

⁵[(f) except with the permission of the Commissioner open, break, injure or tamper with any lock furnished under section 274A.]

⁶[(g) misuse the water duly provided by the Corporation for a specific purpose or use the same for any other purpose, whether specified or not.]

⁷[(2) Whoever contravenes any of the provisions of sub-section (1) shall, on conviction, be punished,—

(a) for the first offence, with an imprisonment for a term which may extend to one month or with a fine which shall not be less than one hundred rupees and which may extend upto one thousand rupees or with both.

(b) for the second and every subsequent offence, with imprisonment for a term which may extend to six months or with fine which shall not be less than two hundred rupees and which may extend upto two thousand rupees or with both.]

Compensation to be payable by offenders against section 283 or 284.

285. Compensation shall be paid by the offender for any damage which the corporation sustains by reason of any contravention of section 283 or section 284.

What persons to be liable for offences under certain provisions of this Chapter.

⁸[286. If it shall be shown that an offence against some provision of this Chapter or against some bye-law made under this Act at the time in force relating to water supply has occurred on any premises to which a private supply of water is furnished by the Corporation, the owner, the person primarily liable for the payment of water-tax and the occupier of the said premises shall be jointly and severally liable for the same.]

¹ Sub-section (3) was added by Mah. 21 of 1989, s. 40.

² Section 284 was re-numbered as sub-section (1) of that section *ibid.*, s. 41.

³ These words were substituted for "or engine" by Bom. 5 of 1938, s. 32(a).

⁴ These words were inserted by Bom. 8 of 1918, s. 15.

⁵ This clause was inserted by Bom. 5 of 1938, s. 32(b).

⁶ Clause (g) was added by Mah. 21 of 1989, s. 41(a).

⁷ Sub-section (2) was added by Mah. 21 of 1989, s. 41(b).

⁸ This section was substituted for the original, by Bom. 5 of 1938, s. 33.

¹[287. On the written request of any person who is required under any of the provisions of this Chapter to supply and materials, fittings, cistern or lock and key or to do any work, the Commissioner may, or such person's behalf, supply the necessary materials, fittings, cistern or lock and key, as the case may be, or cause the necessary work to be done; but he shall not do so in any case to which the provisions of section 493 or 495 will not apply, unless a deposit is first of all made by the said person of a sum which will, in the opinion of the Commissioner, suffice to cover the cost of the said material, fitting, cistern, lock and key or work.]

When materials and works may be supplied and done under this Chapter for any person by the Commissioner.

²[287A. (1) The Commissioner may, if he thinks fit, cause any work described in this Chapter to be executed ³[or any cistern to be supplied with a lock and key] by municipal or other agency under his own orders, without first of all giving the person by whom the same would otherwise have to be executed ³[or supplied] the option of doing ³[or supplying] the same.]

Commissioner may execute works under this Chapter without allowing option to persons concerned of executing the same.

(2) The expenses of any work so done (or of supplying such lock and key) shall be paid by the person aforesaid, unless the corporation shall, by a general or special order or resolution, sanction, as they are hereby empowered to sanction, the execution of such work ⁴[or the supply of such lock and key], at the charge of the municipal fund.]

⁵[287B. (1) No person other than a licensed plumber shall execute any work described in this Chapter, ⁶[(other than the provision of a lock and key)] and no person shall permit any such work to be executed except by a licensed plumber.]

Works under Chapter X to be done by licensed plumber.

(2) Every person who employs a licensed plumber to execute any such work shall, when so required, furnish to the Commissioner the name of such plumber.

⁷[(3) Where any person causes or permits any pipe, cistern or fitting or other work necessary for conveying a private supply of water from a municipal water-work in to any premises to be laid, applied or executed in contravention of sub-section (1), he shall, in addition to being liable to the penalty prescribed for such contravention not be entitled to an independent or branch connection, until the defects, if any, in such pipe, cistern, fitting or work are removed to the satisfaction of the Commissioner.]

288. The Commissioner may supply water from a municipal water-work to any local authority or person without ⁸[Brihan Mumbai] on such terms as to payment and as to the period and conditions of supply as shall be, either generally or specially, approved by the corporation.

Power to supply water without ⁸[Brihan Mumbai].

CHAPTER XI

REGULATION OF STREETS.

Construction, Maintenance and Improvement of Public Streets

289. (1) All streets within ⁹[Brihan Mumbai] being or which at any time be come public streets, and the payments, stones and other materials thereof shall vest in the ¹⁰[Mayor-in-Council] and be under the control of the Commissioner :

Vesting of public streets in the corporation.

¹ This section was substituted for the original, by Bom. 5 of 1938, s. 34.

² Section 287A was inserted by Bom. 5 of 1905, s. 4.

³ These words were inserted by Bom. 5 of 1938, s. 35.

⁴ These words were inserted, *ibid.*, s. 35.

⁵ This section was inserted *ibid.*, s. 17.

⁶ These words and brackets were inserted *ibid.*, s. 36(1).

⁷ This sub-section was substituted for the original *ibid.*, s. 36(2).

⁸ These words were substituted for the words "Greater Bombay" by Mah. 25 of 1996, Schedule.

⁹ These words were substituted for the words "the Greater Bombay" *ibid.*, Schedule.

¹⁰ These words were substituted for the words "the Corporation" by Mah. 10 of 1998, s. 129(b).

⁴[Provided that no public street which on the day immediately] preceding the date of the coming into force of the Bombay Municipal (Extension of Limits) Act, 1950, ²[or the day immediately preceding the date of the coming into force of the Bombay Municipal]Further Extension of Limits and Schedule BBA (Amendment)] Act, 1956], vested in Government shall, unless the State Government so directs, vest in the ³[Mayor-in-Council] by virtue of this sub-section].

Bom.
VII of
1950.
Bom.
VIII
of
1956.

Powers of Commissioner in respect of public streets. (2) The Commissioner shall from time to time, cause all such streets to be levelled, metalled or paved, channeled, altered and repaired, as occasion shall require, he may also from time to time widen, extend or otherwise improve any such street or cause the soil thereof to be raised, lowered or altered and may place and keep in repair fences and posts for the safety of foot-passengers :

Provided that no widening, extension or other improvement of a public street the aggregate cost of which will exceed ⁴[ten] lakhs rupees,] shall be undertaken by the Commissioner unless or until such undertaking has been authorised by the ³[Mayor-in-Council].

(3) With the sanction of the ³[Mayor-in-Council] the Commissioner may permanently close the whole or any part of a public street : Provided that such sanction of the ³[Mayor-in-Council] shall not be given unless, one month at least before the meeting at which the matter is decided, a notice signed by the Commissioner has been put up in the street or part of a street which it is proposed to close, informing the residents of the said proposal, or until the objections to the said proposal, if any, made in writing at any time before the day of the said meeting, have been received and considered by the ³[Mayor-in-Council].

Disposal of land forming site of closed streets. 290. Whenever any public street, or part of a public street, is permanently closed under section 289, the site of such street, or of the portion thereof which has been closed, may be disposed of as land vesting in the corporation.

Power to make new public streets. 291. The Commissioner, when authorised by the corporation in this behalf may at any time—

(a) lay out and make a new public street;

(b) agree with any person for the making of a street for public use through the land of such person either entirely at the expense of such person or partly at the expense of such person and partly at the expense of the Corporation and that such street shall become, on completion, a public street :

⁵[(c) declare any street made under an improvement scheme duly executed in pursuance of the provisions of the City of Bombay Improvement Act, 1898, or the City of Bombay Improvement Trust Transfer Act, 1925, to be a public street]

Bom.
IV of
1898.
Bom.
XVI
of
1925.

Saving of provisions of section 37 and 38 of Bom. Act VI of 1879. 292. Nothing in sub-sections (1) and (3) of section 289 or in the two last preceding sections shall be deemed to affect the provisions of sections 37 and 38 of the Bombay Port Trust Act, 1879.

Bom.
VI of
1879.

⁴ This proviso was added, by Mah. 10 of 1998, s. (21).

² This portion was inserted by Bom. 58 of 1956, s. 14.

³ These words were substituted for the words "the Corporation" by Mah. 17 of 1998, s. 129(b).

⁴ These words were substituted for the words "three lakhs rupees" by Mah. 10 of 1998, s. x29(a).

⁵ Clause (c) was inserted by Bom. 13 of 1933, s. 34.

293. [Permission to lay tramways or railways on public streets to need the sanction of the corporation and confirmation by Provincial Government.] Repealed by Bom. XLVIII of 1948, s.39.

294. No new public street made under section 291 shall be less than forty feet in width if such street be made for carriage traffic, or twenty feet if such street be made for foot traffic only; and no steps and except with the written permission of the Commissioner under section 310, no other projection shall extend on to any such street. Minimum width new public streets.

295. The Commissioner, when authorised by the corporation in this behalf, may agree— Power to construct or adopt public bridges, etc., over or under railways, etc.

(a) with any person to adopt and maintain any existing or projected bridge, viaduct or arch, and the approaches thereto, and may accordingly adopt and maintain such bridge, viaduct or arch and approaches as parts of public streets, or as property vesting in the corporation ; or

(b) for the construction or alteration of any such bridge, viaduct or arch or for the purchase or acquisition of any adjoining land required for the foundation and support thereof or for the approaches thereto, either entirely at the expense of such person or partly at the expense of such person and partly at the expense of the corporation.

296. (1) The Commissioner may, subject to the provisions of sections 90, 91 and 92— Power to acquire premises for improvement of public street.

(a) acquire any land required for the purpose of opening, widening, extending or otherwise improving any public street or of making any new public street, and the buildings, if any, standing upon such land ;

(b) acquire in addition to the said land and the buildings, if any, standing thereupon, all such land with the buildings, if any, standing thereupon, as it shall seem expedient for the corporation to acquire outside of the regular line, or of the intended regular line, of such street ;

(c) lease, sell or otherwise dispose of any land or building purchased under clause (b).

(2) Any conveyance of land or of a building under clause (c) may comprise such conditions as the Commissioner thinks fit, as to the removal of the existing building, the description of new building to be erected, the period within which such new building shall be completed and other such matters.

Preservation of Regular Line in Public Streets

297. (1) The Commissioner may—

(a) prescribe a line on each side of any public street . Prescribing the regular line of a street.

²[Provided that in the case of any public street in the suburbs the regular line of a public street operative under any law in force in any part of the suburbs on the VII of day immediately preceding the date of coming into force of the Bombay Municipal 1950. (Extension of Limits) Act, 1950, ³[and in the case of any public street in the extended suburbs the regular line of a public street operative under any law in force in any part of the extended suburbs on the day immediately preceding the date of the coming into force of the Bombay Municipal [Further Extension of Limits and LVIII Schedule BBA (Amendment)] Act, 1956] shall be deemed to be a line prescribed of by the Commissioner under this clause.]

¹ Section 297 was substituted for the original section by Bom. of 1905, s. 42.

² This proviso was added by Bom. 7 of 1950, s. 22.

³ These words, brackets and figures were inserted by Bom. 58 of 1956, s. 15.

(b) from time to time, but subject in each case to his receiving the authority of the corporation in that behalf, prescribe a fresh line in substitution for any line so prescribed, or for any part thereof provided that such authority shall not be accorded—

(i) unless, at least one month before the meeting of the corporation at which the matter is decided public notice of the proposal has been given by the Commissioner by advertisement in local newspapers as well as in the ¹[*Official Gazette*], and special notice thereof, signed by the Commissioner, has also been put up in the street or part of the street for which such fresh line is proposed to be prescribed, and

(ii) until the corporation have considered all objections to the said proposal made in writing and delivered at the office of the municipal secretary not less than three clear days before the day of such meeting.

(2) The line for the time being prescribed shall be called “the regular line of the street”.

(3) No person shall construct any portion of any building within the regular line of the street except with the written permission of the Commissioner, who shall, in every case in which he give such permission, at the same time report his reasons in writing to the ²[Mayor-in-Council]

Setting back buildings to regular line of the street. 298. (1) If any part of a building abutting on a public street is within the regular line of such street, the Commissioner may, whenever it is proposed—

(a) to rebuild such building or to take down such building to an extent exceeding one-half thereof above the ground level, such half to be measured in cubic feet ; or

(b) to remove, re-construct or make any addition to any portion of such building which is within the regular line of the street,

in any order which he issues, under section 345 or 346, concerning the re-building, alteration or repair of such building require such building to be set back to the regular line of the street.

(2) When any building, or any part thereof within the regular line of a public street, falls down, or is burnt down, or is taken down whether under the provisions of section 351 or 354 or otherwise, the Commissioner may at once take possession on behalf of the corporation of the portion of land within the regular line of the street theretofore occupied by the said building, and, if necessary, clear the same.

(3) Land acquired under this section shall thenceforward be deemed a part of the public street and shall vest, as such, in the corporation.

Acquisition of open land or of land occupied by platforms, etc., within the regular line of a street. 299. (1) If any land not vesting in the corporation, whether open or enclosed, lies within the regular line of a public street, and is not occupied by a building, or if a platform, *verandha*, step or some other structure external to a building abutting on a public street, or a portion of a platform, *verandah*, step or other such structure, is within the regular line of such street,

the Commissioner may, after giving to the owner of the land or building not less than seven clear days written notice of his intention so to do, take possession on behalf of the corporation of the said land with its enclosing wall, hedge or fence, if any, or of the said platform, *verndah*, step or other such structure as aforesaid, or of

¹ The words *Official Gazette* were substituted for the words “*Bombay Government Gazette*” by the Adaptation of Indian Laws Order in Council.

² These words were substituted for the words “the Standing Committee” by Mah. 10 of 1998 s. 130.

the portion of the said platform, verandah, step or other such structure aforesaid which is within the regular line of the street, and, if necessary, clear the same and the land so acquired shall thenceforward be deemed a part of the public street.

(2) Provided that when the land or building is vested in ¹[the ²Government possession shall not be taken as aforesaid without the previous sanction of the Government concerned and, when the land or building is vested] in any corporation constituted by Royal Charter or by an Act of Parliament, ³[of the United Kingdom] or ⁴[by an Indian law,] possession shall not be taken as aforesaid without the previous sanction of ⁵[the ⁶State] Government].

300. (1) If any building which abuts on a public street is in rear of the regular line of such street the Commissioner may, whenever it is proposed—

(a) to rebuild such building, or

(b) to alter repair such building in any manner that will involve the removal or re-erection of such building, or of the portion thereof which abuts on the said street, to an extent exceeding one-half of such building or portion thereof above the ground-level, such half to be measured in cubic feet.

in any order which he issues, under section 345 or 346, concerning the re-building, alteration or repair of such building, permit or, with the approval of the standing committee, require such building to be set forward to the regular line of the street.

(2) For the purposes of this section, a wall separating any premises from a public street shall be deemed to be a building; and it shall be deemed to be a sufficient compliance with a permission or requisition to set forward a building to the regular line of a street if a wall of such materials and dimensions as are approved by the Commissioner is erected along the said line.

301. ⁷[(1) Compensation shall be paid by the Commissioner to the owner of any building or land acquired for a public street under section 298 or 299, for any loss which such owner may sustain in consequence of his building or land being so, acquired and for any expense incurred by such owner in consequence of the order made by the Commissioner under either of the said sections; provided that any increase or decrease in the value of the remainder of the property of which the building or land so acquired formed part likely to accrue from the set-back to the regular line of the street shall be taken into consideration and allowed for in determining the amount of such compensation.]

(2) If, in consequence of any order to set forward a building made by the Commissioner under the last preceding section, the owner of such building sustains any loss or damage, compensation shall be paid to him by the Commissioner for such loss or damage.

¹ These words were substituted for the words "Her Majesty or" by the Adaptation of Indian Laws Order in Council.

² This word was substituted for the word "Crown" by the Adaptation of Laws Order, 1950.

³ These words were inserted. *ibid.*

⁴ The words "by an Indian Law" were substituted for the words "of the Governor General of India in Council or of the Governor in Council" by the Adaptation of Indian Laws Order in Council.

⁵ The words "the Provincial Government" were substituted for the word "Government", *ibid.*

⁶ This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

⁷ This sub-section was substituted for the original by Bom. 1 of 1925, s. 19.

Setting forward of buildings to regular line of the street.

Compensation to be paid in cases under the three last sections.

(3) If the additional land which will be included in the premises of any person required or permitted under the last preceding section to set forward a building belongs to the corporation, the order or permission of the Commissioner to set forward the building shall be a sufficient conveyance to the said owner of the said land ; and the ¹[price to be paid to the corporation by the said owner for such additional land and the other] terms and conditions of the conveyance shall be set forth in the said order or permission.

(4) If when the Commissioner requires a building to be set forward, the owner of the building is dissatisfied with ²[the price fixed to be paid to the corporation or any of the other] terms of conditions of the conveyance, the Commissioner shall, upon the application of the said owner at any time within fifteen days after the said terms and conditions are communicated to him, refer the case for the determination of the Chief Judge of the Small Cause Court, whose decision thereupon shall be conclusive.

Provisions concerning private streets.

³302. (1) Every person who intends—

- (a) to sell or let on lease any land subject to a covenant or agreement on the part of a purchaser or lessee to erect buildings thereon, or
- (b) to divide land into building plots, or
- (c) to use any land or permit the same to be used for building purpose, or
- (d) to make or lay out a private street, whether it is intended to allow the public a right of passage or access over such street or not, shall give written notice of his intention to the Commissioner, and shall, along with such notice submit plans and sections, showing the situation and boundaries of such building land and the site of the private street (if any) and also the situation and boundaries of all other land of such person of which such building land or site forms a part, and he intended development, laying out and plotting of such building land, and also the intended level, direction, and width and means of drainage of such private street and the height and means of drainage and ventilation of the building or buildings proposed to be erected on the land and, if any building when erected will not abut on a street then already existing or then intended to be made as aforesaid, the means of access from and to such building,

Notice to be given to Commissioner of intention to lay out lands for building and for private streets.

(2) Nothing in this section or in sections 302A, 302B, 303 or 304 shall be deemed to affect or to dispense with any of the requirements of Chapter XII.]

³302A. If any notice given under section 302 does not supply all the information which the Commissioner deems necessary to enable him to deal satisfactorily with the case, he may, at any time within thirty days after receipt of the said notice, by written notice require the person who gave the said notice to furnish the required information together with all or any of the following documents, namely :—

Commissioner may call for further particulars.

(a) correct plans and sections in duplicate of the proposed private street, which shall be drawn to a horizontal scale of not less than one inch to every twenty feet and a vertical scale of not less than one and a half inches to ten feet and shall show thereon the level of the present surface of the ground above some known fixed datum near the same, the level and rate of inclination of the intended new street, the level and inclinations of the street with which it is intended to be connected and the proportions of the width which are proposed to be laid out as carriage-way and foot-way respectively.

¹ These words were added by Bom. 7 of 1921, s.9(a).

² These words were substituted for the original words, *ibid.*, s. 9(b).

³ Section 302, 302A, 302B, 303 and 304 were substituted for sections 302, 303 and 304 by Bom. 5 of 1920, s.3.

(b) a specification with detailed description of the materials to be employed in the construction of the said street and its footpaths ;

(c) a plan showing the intended lines of drainage of such street and, of the buildings proposed to be erected and the intended size, depth and inclination of each drain, and the details of the arrangement proposed for the ventilation of the drains ;

(d) a scheme accompanied by plans and section for the laying out into streets, plots and open spaces of the other land of such person or of so much of such other land as the Commissioner shall consider necessary before applying to the [Mayor-in-Council] for their approval of the determination of the Commissioner],

Commissioner may require plan to be prepared by licensed surveyor.

§302B. The Commissioner may decline to accept any plan, section or description as sufficient for the purposes of section 302 and section 302A, which does not bear the signature of a licensed surveyor in token of its having been prepared by such surveyor or under his supervision.]

Laying out of land, private streets and buildings to be determined by Commissioner.

§303. (1) The laying out of land for building, the level, direction, width and means of drainage of every private street, and the height and means of drainage and ventilation of and access to all buildings to be erected on such land or in either side of such street shall be fixed and determined by the Commissioner with the approval of the [Member-in-Charge] with the general object of securing sanitary conditions, amenity, and convenience in connection with the laying out and use of the land and of any neighbouring lands.

(2) But if, within thirty days after the receipt by the Commissioner of any notice under section 302 or of the plans, sections, description, scheme or further information, if any, called for under section 302A, the disapproval by the Commissioner with regard to any of the matters aforesaid specified in such notice shall not be communicated to the person who gave the same, the proposals of the said person shall be deemed to have been approved by the Commissioner.]

Land not to be appropriated for building and private streets not to be laid out until expiration of notice nor otherwise than in accordance with Commissioner's directions.

§304. (1) No person shall sell, let or use or permit the use of, any land for building or divide any land into building plots, or make or lay out or commence to make or lay out any private street, unless such person has given previous written notice of his intention as provided in section 302, nor until the expiration of sixty days from delivery of such notice, nor otherwise than in accordance with such directions (if any), as may have been fixed and determined under sub-section (1) of section 303.

(2) If any act be done or permitted in contravention of this section, the Commissioner may by written notice require any person doing or permitting such act on or before such day as shall be specified in such notice by a statement in writing subscribed by him in that behalf and addressed to the Commissioner, to show cause why the laying out, plotting, street or building contravening this section should not be altered to the satisfaction of the Commissioner, or if that be in his opinion impracticable, why such street or building should not be demolished or removed or why the land should not be restored to the condition in which it was prior to the execution of the unauthorised work, or shall require the said person on such day and at such time and place as shall be specified in such notice to attend personally or by an agent duly authorised by him in that behalf, and show cause as aforesaid.

¹ These words were substituted for the words " standing committee " by Mah. 10 of 1998, s.131.

² These words were substituted for the words " standing Committee, *ibid.*, s.132.

³ Sections 302, 302-A, 302-B, 303 and 304 were substituted for sections 307, 303 and 304 by Bom. 5 of 1920, s. 3.

(3) If such person shall fail to show cause to the satisfaction of the Commissioner why such street or building should not be so altered, demolished or removed or why such land should not be so restored, the Commissioner may cause the work of alteration, demolition, removal or restoration to be carried out and the expenses thereof shall be paid by the said person.]

305. If any private street be not levelled, metalled or paved, sewered, drained, channelled and lighted to the satisfaction of the Commissioner, he may, with the sanction of the ¹[member-in-charge], by written notice require the owner of the several premises fronting or adjoining the said street or abutting thereon to level, metal or pave, drain and light the same in such manner as he shall direct. Levelling and draining of private streets.

306. (1) When any private street has been levelled, metalled or paved, sewered, drained, channelled and made good to the satisfaction of the Commissioner, he may and, upon the request of the owner or of any of the owners of such street shall, if lamps, lamp-posts and other apparatus necessary for lighting such street have been provided to his satisfaction ²[and if all land-revenue payable to ³[the ⁴[State] Government] in respect of the land comprised in such street has been paid] by notice in writing put up in any part of such street, declare the same to be a public street, and thereupon the same become a public street : Power to declare private streets when sewered, etc., public streets.

(2) Provided that no such street shall become a public street if, within one month after such notice, has been put up, the owner of such street or of the greater part hereof shall, by notice in writing to the Commissioner, object thereto.

(3) Nothing in this section shall be deemed to affect the provisions of sections Bom. 37 and 38 of the Bombay Port Trust Act, 1879. VI of 1879.

307. If a portion only of any street is a public street, within the meaning of that term as defined in clause (x) of section 3, the other portion of such street may for all purposes of sections 305 and 306 be deemed to be a private street. Applicability of sections 305 and 306 when a street is in part public and in part private.

. Projections and Obstructions.

308. (1) No person shall erect, set up or place against or in front of any premises any structure or fixture, which will— Prohibition of projections upon streets, etc.

(a) overhang, jut or project into, or any way encroach upon, or obstruct the safe or convenient passage of the public along, any street, or

(b) jut or project into or encroach upon any drain or open channel in any street, so as in any way to interfere with the use or proper working of such drain or channel or to impede the inspection of cleansing thereof.

¹ These words were substituted for the words " standing Committee " by Mah. 10 of 1998, s.133.

² These words were inserted by Bom. 19 of 1930, s.12.

³ The words " the Provincial Government " were substituted for the word " Government " by the Adaptation of Indian Laws Order in Council.

⁴ This words was substituted for the word " Provincial " by the Adaptation of Laws Order, 1950.

Power to
require
removal of
the same.

(2) The Commissioner may, by written notice, require the owner or occupier or any premises to remove any structure or fixture which has been erected, set up or placed against, or in front of, the said premises in contravention of this section ¹[or of section 196 of the ²Bombay Municipal Act, 1872,] ³[or, of any provision of law in force on the day immediately preceding the date of the coming into force of the Bombay Municipal (Extension of Limits) Act, 1950] ⁴[or any provision of any law in force on the day immediately preceding the date of the coming into force of the Bombay Municipal [Further Extension of Limits and Schedule BBA (Amendment)] Act, 1956] or to alter the same in such manner as the Commissioner thinks fit to direct.

Bom.
VII of
1950.

Bom.
LVIII
of
1956.

(3) If the occupier of the said premises removes or alters any structure or fixture in accordance with such notice, he shall be entitled, unless the structure or fixture was erected, set up or placed by himself, to credit in account with the owner of the premises for all reasonable expenses incurred by him in complying with the said notice.

Power to
require
removal or
alteration
of structures
etc., in
suburbs
⁵[and
extended
suburbs].

309. ⁵(1) If any structure or fixture as is described in section 308 has been erected, set up or placed against, or in front of, any premises at any time—

(a) before the first day of April 1901, in the case of premises situated in an area in the suburbs which immediately before the date of the coming into force of the Bombay Municipal (Extension of Limits) Act, 1950, ⁶[or in the case of premises situated in an area in the extended suburbs which immediately before the date of the coming into force of the Bombay Municipal (Further Extension of Limits and Schedule BBA (Amendment)] Act, 1956] constituted a municipal district or municipal brough ;

Bom.
VII of
1950.

Bom.
LVIII
of
1956.

(b) before the date of the coming into operation of the ⁷[said Acts] in the case of premises situated in any area of the suburbs ⁸[or, as the case may be, the extended suburbs] other than the area referred to in clause (a) ; and

(c) before the Bombay Municipal Act, 1872, came into force, in the case of premises situated in the city ;

Bom.
3 of
1872.

the Commissioner may give notice as aforesaid to the owner or occupier of the said premises.]

(2) But, if in any such case the structure or fixture shall have been lawfully erected, set up or placed, compensation shall be paid by the Commissioner to every person who sustains loss or damage by the removal or alteration thereof.

Projections
over streets
may be
permitted
in certain
cases.

310. (1) The Commissioner may give a written permission, on such terms as ¹⁰[may be sanctioned by the Member-in-charge] to the owner or occupier of any building abutting on any street—

(a) to erect an arcade over such street or any portion thereof, or

(b) to put up a verandah, balcony, sunshade, weather-frame or other such structure or thing projecting from any upper storey over any street or portion thereof :

¹ These words and figures were inserted by Bom. 4 of 1888, s. 6.

² Bom. 3 of 1872 was repealed by s.2 of this Act.

³ These words, brackets and figures were inserted by Bom. 7 of 1950, s. 23.

⁴ These words, brackets and figures were inserted by Bom. 58 of 1956, s. 16.

⁵ Sub-section (1) was substituted for the original by Bom. 7 of 1950, s. 24.

⁶ These words, brackets and figures were inserted by Bom. 58 of 1956, s. 17(1)(i).

⁷ These words were substituted for the words " said Act ", *ibid.*, s. 17(1) (ii).

⁸ These words were inserted, *ibid.*,

⁹ These words were added, *ibid.*, s. 17(2).

¹⁰ These words were substituted for the words " as he shall in each case think fit " by Mah.10 of 1998, s. 134.

(2) Provided that no permission shall be given by the Commissioner for the erection of an arcade in any public street in which the construction of arcades has not been previously sanctioned by the Corporation.

(3) The provisions of section 308 shall not be deemed to apply to any arcade, verandah, balcony, sunshade, weather-frame or other structure or thing erected or put under and in accordance with the terms of a permission granted under this section.

311. The Commissioner may at any time, by written notice require the owner of any premises on the ground-floor of which any door, gate, bar or window opens outwards upon a street, or upon any land required for the improvement of a street, in such manner as in the opinion of the Commissioner, to obstruct the safe or convenient passage of the public along such street to have the said door, gate, bar or window altered so as not to open outwards.

312. (1) No person shall, except with the permission of the Commissioner under section 310 or 317, erect or set up any wall, fence, rail, post, step, booth or other structure or fixture in or upon any street or upon or over any open channel, drain, well or tank in any street so as to form an obstruction to, or an encroachment upon, or a projection over, or to occupy, any portion of such street, channel, drain, well or tank.

(2) Nothing in this section shall be deemed to apply to any erection or thing to which clause (c) of section 322 applies.

313. (1) No person shall, except with the written permission of the Commissioner—

(a) place or deposit upon any street or upon any open channel, drain or well, in any street [or in any public place] any stall, chair, bench, box, ladder, bale or other thing so as to form an obstruction thereto or encroachment thereon ;

(b) project, at a height of less than twelve feet from the surface of the street, any board, or shelf, beyond the line of the plinth of any building, over any street or over any open channel, drain, well or tank in any street ;

(c) attach to, or suspend from, any wall or portion of a building abutting on a street, at a less height than aforesaid anything whatever.

(2) Nothing in clause (a) applies to building-materials.

²[313A. Except under and in conformity with the terms and provisions of a licence granted by the Commissioner in this behalf, no person shall hawk or expose for sale in any public place or in any public street any article whatsoever, whether it be for human consumption or not.]

³[313B. Except under and in conformity with the terms and provisions of a licence granted by the Commissioner in this behalf, no person shall, for purposes of gain, use his skill in any handicraft or in rendering services to and for the convenience of the public in any public place or public street.]

¹ These words were inserted by Bom. 19 of 1930, s. 13.

² Section 313A was added by Bom. 1 of 1925, s. 19A.

³ This section was inserted by Bom. 5 of 1938, s. 37.

¹[Power to remove without notice any thing erected, deposited or hawked in contravention of section 312, 313 or 313A.] **314.** The Commissioner may, without notice, cause to be removed—

(a) any wall, fence, rail, post, step, booth or other structure of fixture which shall be erected or set up in or upon any street, or upon or over any open channal drain, well or tank contrary to the provisions of sub-section (1) of section 312, after the same comes into force ¹[in the city or in the suburbs, after the date of the coming into force of the Bombay Municipal (Extension of Limits) Act, 1950 ²for in the extended suburbs after the date of the coming into force of the Bombay Municipal (Further Extension of Limits and Schedule BBA (Amendment)] Act, in 1956;]

(b) any stall, chair, bench, box, ladder, bale, board or shelf, or any other thing whatever placed, deposited, projected, attached, or suspended in, upon, from or to any place in contravention of sub-section (1) of section 313;

³[(c) any article whatsoever hawked or exposed for sale in any public place or in any public street in contravention of the provisions of section 313A and any vehicle package, box, board, shelf or any other thing in or on which such article is place or kept for the purpose of sale.]

⁴[Power to require removal of any structure or fixture erected or set up before section 312 came into force.] **315.** (1) The Commissioner may, by written notice, require the owner or occupier of any premises contiguous to, or in front of, or in connection with which any wall, fence, rail, post, step, booth or other structure or fixture, which it would be unlawful to erect or set up after section 312 comes into force, has been erected or set up before the said section comes into force ⁵[in the city or in, the suburbs, before the date of the coming into force of the Bombay Municipal (Extension of Limits) Act, 1950] ⁶for, as the case may be, in the extended suburbs before the date of coming into force of the Bombay Municipal [Further Extension of Limits and Schedule BBA (Amendment)] Act, 1956,] to remove the said wall, fence, rail, post, step, stall or other structure or thing.

(2) But, if in any such case the structure or fixture shall have been lawfully erected or set up, compensation, shall be paid by the Commissioner to every person who sustains loss or damage by the removal or alteration thereof.

⁷[Prohibition of the tethering of animals in the public streets.] **316.** (1) No person shall tether any animal or cause or permit the same to be tethered by any member of his family or household, in any public street.

(2) Any animal tethered as aforesaid may be removed by the Commissioner, or by any municipal officer or servant, and made over to a police officer, or may be removed by a police officer, who shall deal therewith as with an animal found straying.

Temporary Erections on Streets during Festivals

⁸[Commissioner may permit booths, etc., to be erected on streets on festivals.] **317.** With the concurrence of the Police Commissioner the Commissioner may grant a written permission for the temporary erection of a booth and any other such structure on any street on occasion of ceremonies and festivals.

¹ These words, brackets and figures were inserted by Bom. 7 of 1950, s. 25.

² These words, brackets and figures were inserted by Bom. 58 of 1956, s.18.

³ Clause (c) was inserted by Bom. 26 of 1956, s. 2(1).

⁴ This marginal note was substituted for the original, *ibid.*, s. 2(2).

⁵ These words, brackets and figures were inserted by Bom. 7 of 1950, s. 26.

⁶ These words, brackets and figures were inserted by Bom. 58 of 1956, s.19.

Provisions concerning execution of works in or near to streets

318. Whenever the soil or pavement of any street is opened or broken up by Street when broken up under the order of the Commissioner or of any municipal officer or servant, for the execution of any work on behalf of the corporation, the work on account of which the same shall have been opened or broken up shall be completed and the soil or pavement filled in, reinstated and made good with all convenient speed; and on completion of the work, the surplus of earth to and materials, if any, excavated and a rubbish occasioned thereby shall be removed without delay. for any municipal purpose to be restored without delay.

319. (1) The Commissioner may, whilst any such work as aforesaid or any work which may lawfully be executed in any street is in progress, direct that the said street shall be wholly or partially closed for traffic or for traffic of such description as he shall think fit; and shall set up in a conspicuous position an order prohibiting traffic to the extent so directed, and fix such bars, chains or posts across or in the street as he shall think proper for preventing or restricting traffic therein. Commissioner may close street in which work is in progress.

(2) No person shall, without the permission of the Commissioner or without the lawful authority, remove any bar, chain or post so fixed or infringe any order prohibiting traffic on set up.

320. Whilst the execution of any work on behalf of the corporation is in progress in any street, the Commissioner shall, so far as may be reasonably practicable, make adequate provisions for the passage or diversion of traffic, for securing access to all premises approached from such street, and for any drainage, water supply or means of lighting which may be interrupted by reason of the execution of the said work and shall pay compensation to any person who sustains special damages by reason of the execution thereof. Commissioner to provide for traffic, etc., pending execution of municipal work in any street.

321. (1) Whilst the execution on any work on behalf of the corporation is in progress in any street, the Commissioner shall—

(a) take proper precaution for guarding against accident by shoring up and protecting the adjoining buildings ;

(b) have any place where the soil or pavement has been opened or broken up fenced and ganted;

(c) have a light sufficient for the warning of passengers set up and kept every night against any such place and against any bars, chains or posts set up under section 319, for so long as such place shall be continued open or broken up, or such bars, chains or posts shall remain set up.

(2) No person shall, without the written permission of the Commissioner or without other lawful authority, remove any shoring-timber or fence, or extinguish any light, employed or set up for any of the purpose of this section. Precautions to be taken for the public safety whilst municipal works are in progress in any street.

322. (1) No person other than the Commissioner or a municipal officer or servant shall, without the written permission of the Commissioner or without other lawful authority,—

(a) open, break up, displace, take up or make any alteration in, or cause any injury to, the soil or pavement, or any wall, fence, post, chain or other material or thing forming part of any street; or

(b) deposit any building materials in any street ;

(c) set up in any street any scaffold or any temporary erection for the purpose of any work whatever, or any posts, bars, rails, boards or other things by way of enclosure, for the purpose of making mortar or depositing bricks lime, rubbish or other materials. Streets not to be opened or broken up and building materials not to be deposited therein without permission.

(2) Any permission granted under clause (b) or clause (c) shall be terminable at the discretion of the Commissioner, on his giving not less than twenty-four hours written notice of the termination thereof to the person to whom such permission was granted.

[(3) Except in cases in which permission has been applied for under clause (b) of sub-section (1) for the deposit of building materials in any street and no reply has been sent to the applicant within seven days from the date of the application the Commissioner may without notice, cause to be removed any building materials, or any scaffold, or any temporary erection, or any posts, bars, rails, boards or other things by way of enclosure, which have been deposited or set up in any street without the permission or authority specified in sub-section (1), or which, have been deposited or set up with such permission or authority, have not been removed within the period specified in the notice issued under sub-section (2).]

323. Every person to whom any permission is granted under section 322 shall, at his own expense, cause the place where the soil or pavement has been opened or broken up or where he has deposited building materials or set up any scaffold, erection or other thing, to be properly fenced and guarded, and in all cases in which the same is necessary to prevent accidents, shall cause such place to be well lighted during the night.

Precautions for public safety to be taken by persons to whom permission is granted under section 322.

324. (1) Every person to whom permission is granted under section 322 to open or break up the soil or pavement of any street, or who, under other lawful authority opens or breaks up the soil or pavement of any street, shall with all convenient speed complete the work for which the same shall be opened or broken up, and fill in the ground and reinstate and make good the street or pavement so opened or broken up without delay, to the satisfaction of the Commissioner.

Persons to whom permission is granted under section 322 must reinstate streets, etc.

(2) If the said person shall fail to reinstate and make good the street or pavement as aforesaid, the Commissioner may restore such street or pavement, and the expenses incurred by the Commissioner in so doing shall be paid by the said person.

325. The Commissioner may, by written notice, require any person to whom permission is granted under section 322 to open or break up the soil or pavement of any street, or who, under any other lawful authority, opens or breaks up the soil or pavement of any street, for the purpose of executing any work, to make provision to his satisfaction for the passage or diversion of traffic, for securing access to the premises approached from such street and for any drainage, water supply or means of lighting which may be interrupted by reason of the execution of the said work.

Provisions to be made by persons to whom permission is granted under section 322 for traffic etc., when their works interrupt streets.

326. (1) No person who proposes to build, take down or re-build any building or wall, or to alter or repair any part of any building or wall, shall, in any case in which the footway in any adjacent street will be thereby obstructed or rendered less convenient, commence doing so, without first having caused to be put up a proper and sufficient hoard or fence, with a convenient platform and hand-rail, if there be room enough for the same and the Commissioner shall think the same desirable, to serve as a footway for passengers outside of such hoard or fence.

Hoards to be set up during work on any building adjacent to a street.

¹ Sub-section (3) was inserted by Bom. 6 of 1913, s. 3.

(2) No hoard or fence shall be so put up without the previous written permission of the Commissioner, and every such hoard or fence put up with such permission, with such platform and hand-rail as aforesaid shall be continued standing and, maintained in good condition to the satisfaction of the Commissioner, by the person who carries on the work, during such time as may be necessary for the public safety and convenience and in all cases in which the same is necessary to prevent accidents, the said person shall cause such hoard or fence to be lighted during the night.

(3) The Commissioner may, by written notice, require the person aforesaid to remove any hoard or fence so put up.

¹[*Provisions for parking or halting places or lots*

326A. (1) The Commissioner may, in consultation with the Commissioner of Police, Bombay, from time to time, earmark such places as he thinks fit to be the parking or halting places or lots for vehicles on any part of the public street or public place.

Provision for parking or halting places or lots and fees or charges thereof.

(2) The Commissioner may charge such fees or charges from any person for use of such place or lot by him for parking or halting a vehicle for each day or part thereof subject to such terms and conditions as he may think fit, with the approval of the Corporation :

Provided that, the parking places and the rates of fees or charges for parking vehicles under the Pay and Park scheme, as fixed by the Commissioner during the period commencing on the 15th day of October 1988 and ending on the day immediately preceding the date of commencement of the Bombay Municipal Corporation (Amendment) Act, 1990 and approved by the Corporation shall be deemed to be the parking places and the rates of fees or charges fixed under this section, and they shall continue to remain in force until altered or modified under this section.]

Mah. XXX-IV of 1990.

Naming of streets, etc.

327. (1) The ²[Mayor-in-Council] from may, from time to time—

(a) with the sanction of the corporation, determine the name by which any street shall be known ;

Naming streets, and numbering of premises.]

(b) cause to be put up or painted on a conspicuous part of any house at or near each end corner or entrance to every street the name of such street as so determined.

³[(c) with the sanction of the corporation ⁴[determine the number or sub-number by which any premises or part thereof] shall be known :

⁵[(d) by written notice require an owner of any premises or part thereof either to put up by means of a metal plate a number or sub-number on such premises or part thereof in such position and manner as may be specified in such notice or to signify in writing ⁶* * that such work shall be executed under the orders of the Commissioner.]

¹ This heading and section 326A was deemed to have been inserted with effect from the 15th October 1988 by Mah. 34 of 1990, s.4.

² These words were substituted for the words " the Commissioner " by Mah. 10 of 1998, s.135(a)(i).

³ Clauses (c) and (d) were substituted for the original clause (c) by Bom. 2 of 1911, s.10 (I).

⁴ These words were substituted for the words " determine the number by which any premises " by Bom.22 of 1956, s.2(I)(a)(i).

⁵ This clause was substituted, *ibid.*, s. 2(i)(a)(ii).

⁶ The words " his desire " were deleted by Mah. 10 of 1998, s. 155(a)(ii).

⁷ This word was substituted for the word " house " *ibid.*, s.2(I)(c).

(2) No person shall without the written permission of the Commissioner or without other lawful authority destroy, remove, deface or ¹[in any way injure or alter any such name, number or sub-number or allow or cause any metal plate bearing such number or sub-number to fall into disrepair or otherwise become illegible or put up or paint any name or put up any number or sub-number different from that put up or painted by order of the Commissioner.]

²[(3) ³[Where a number or sub-number is put up on any premises or part thereof under the orders of the Commissioner in accordance with clause (d) of sub-section (1), the expenses of such work shall be payable by the owner of the premises or part thereof, as the case may be] :

Provided that the maximum rate of charge for such work shall be fixed by the Commissioner with the previous sanction of the ⁴[Member-in-charge].

⁵[Explanation.—In this section 'premises' does not include land which is not built upon.]

⁶[Sky-signs and Advertisements.

Regulations as to sky-signs. 328. (1) No person shall, without the written permission of the Commissioner, erect, fix or retain any sky-sign, whether now existing or not, ⁷[Where a sky-sign is a poster depicting any scene from a cinematographic film, stage play or other stage performance, such permission shall not be granted, unless prior scrutiny of such poster is made by the Commissioner and he is satisfied that the erection or fixing of such poster is not likely to offend against decency or morality. No permission under this section] shall be granted, or renewed, for any period exceeding two years from the date of each such permission or renewal :

⁸[Provided that, the power of the Commissioner under this sub-section shall be subject to the regulations framed in this behalf :]

⁹[Provided further] that in any of the following cases a written permission or renewal by the Commissioner under this section shall become void, namely :—

(a) if any addition to the sky-sign be made except for the purpose of making it secure under the direction of the municipal ¹⁰[city engineer] ;

(b) if any change be made in the sky-sign, or any part thereof ;

¹This portion was substituted for the portion beginning with the words " in any way injure " and ending with the words " by order of the Commissioner " by Mah. 10 of 1998., s.2(1)(b).

²This sub-section was added by Bom. 2 of the 1911, s.10(2).

³This portion was substituted for the Portion beginning with the words "Where a number is put up " and ending with the words " owner of the premises " by Bom. 22 of 1956, s.2(1)(c).

⁴These words were substituted for the words " the Corporation ", by Mah. 10 of 1998, s.135 (b).

⁵This explanation was added by Bom. 22 of 1956, s.2(1)(d).

⁶This heading and new sections 328 and 328A were substituted for the original heading and section 328 by Bom. 7 of 1921, s.10.

⁷These words were substituted for the words "no such written permission" by Mah. 42 of 1976, s.9.

⁸This portion was inserted by Mah. 10 of 1998, s.136 (a).

⁹These words were substituted for the words " Provided that ", *ibid.*, s.136(b).

¹⁰The words " city engineer " were substituted for the words " executive engineer " by Bom. 19 of 1930, s.6.

(c) if the sky-sign or any part thereof fall either through accident, decay or any other cause;

(d) if any addition or alteration be made to, or in, the building or structure upon or over which the sky-sign is erected, fixed or retained, if such addition or alteration involves the distribution of the sky-sign or any part thereof;

(e) if the building or structure upon or over which the sky-sign is erected, fixed or retained become unoccupied or be demolished or destroyed.

Bom. (2) Where any sky-sign shall be erected, fixed or retained after the ¹ coming into VII of force of this section in the city or in the suburbs after the coming into force of the 1950. Bombay Municipal (Extension of Limits) Act, 1950, ² [or in the extended suburbs Bom. after the coming into force of the Bombay Municipal [Further Extension of Limits LVIII of and Schedule BBA[(Amendment)]Act, 1956,] upon or over any land, building or 1956. structure save, and except as permitted as hereinbefore provided, the owner or person in occupation of such land, building or structure shall be deemed to be the person who has erected, fixed or retained, such sky-sign in contravention of the provisions of this section, unless he proves that such contravention was committed by a person not in his employment or under his control, or was committed without his connivance.

(3) If any sky-sign be erected, fixed or retained contrary to the provisions of this section, or after permission for the erection, fixing or retention thereof for any period shall have expired or become void, the Commissioner may, by written notice, require the owner or occupier of the land, building or structure, upon or over which the sky-sign is erected, fixed or retained, to take down and remove such sky-sign.

The expression "sky-sign" shall in this section mean any word, letter, model, sign, device or representation in the nature of an advertisement, announcement or direction, supported on or attached to any post, pole, standard frame-work or other support wholly or in part upon or over any land, building or structure which, or any part of which sky-sign, shall be visible against the sky from some point in any street and includes all and every part of any such post, pole, standard frame-work or other support. The expression "sky-sign" shall also include any balloon, parachute, or other similar device employed wholly or in part for the purposes of any advertisement, announcement or direction upon or over any land, building or structure or upon or over any street, but shall not include—

(a) any flagstaff, pole, vane or weathercock, unless adapted or used wholly or in part for the purpose of any advertisement, announcement or direction;

(b) any sign, or any board, frame or other contrivance securely fixed to or on the top of the wall or parapet of any building, or on the cornice or blocking course of any wall, or to the ridge of a roof :

Provided that such board, frame or other contrivance be of one continuous face and not open work, and do not extend in height more than three feet above any part of the wall, or parapet or ridge to, against, or on which it is fixed or supported;

¹ These words, brackets and figures were substituted for the words "enactment of this section" by Bom. 7 of 1950, s.27.

² These words, brackets and figures were inserted by Bom. 58 of 1956, s.20.

(c) any word, letter, model, sign, device or representation as aforesaid, relating exclusively to the business of a railway company, and place wholly upon or over any railway, railway station, yard, platform or station approach belonging to a railway company and so placed that it cannot fall into any street or public place;

(d) any notice of land or buildings to be sold, or let, placed upon such land or buildings.]

Regulation
and control
of advertise-
ments.

¹[328A. (1) No person shall, without the written permission of the Commissioner, erect, exhibit, fix or retain any advertisement whether now existing or not, upon any land, building, wall, hoarding or structure. ²[Where an advertisement depicts any scene from a cinematographic film, stage play or other stage performance, such permission shall not be granted, unless prior scrutiny of such advertisement is made by the Commissioner and he is satisfied that the erection or exhibition of such advertisement is not likely to offend against decency or morality:]

³[Provided that, the power of the Commissioner under this sub-section shall be subject to the regulations framed in this behalf:]

Provided always that ⁴[any permission under this section] shall not be necessary in respect of any advertisement which is not an illuminated advertisement nor a sky-sign and which—

(a) is exhibited within the window of any building;

(b) relates to the trade or business carried on within the land or building upon which such advertisement is exhibited or to any sale or letting of such land or building or any effects therein or to any sale, entertainment or meeting to be held upon or in the same; ⁵[or to the trade or business carried on by the owner of any tram-car, omnibus or other vehicle upon which such advertisement is exhibited];

(c) relates to the business of any railway company;

(d) is exhibited within any railway station or upon any wall or other property of a railway company, except any portion of the surface of such wall or property fronting any street:

⁶[Provided also that such permission shall not be necessary for a period of three years—

(i) after the coming into force of the Bombay Municipal (Extension of Limits) Bom. Act, 1950, in respect of advertisements upon a site in the suburbs which was, VII of 1950. occupied by advertisements on the first day of January 1950;

(ii) after the coming into force of the Bombay Municipal [Further Extension Bom. of Limits and Schedule BBA (Amendment)] Act, 1956 in respect of LVIII advertisements upon a site in the extended suburbs which was occupied by of 1956. advertisement on the first day of January 1956.]

¹The heading and new sections 328 and 328A were substituted for the original heading and section 328 by Bom. 7 of 1921, s.10.

²These words were substituted by Mah. 42 of 1976, s.10(a).

³This proviso was inserted by Mah. 10 of 1998, s.137.

⁴These words were substituted for the words "such permission", by Mah. 42 of 1976, s.10(a).

⁵These words were inserted by Bom. 19 of 1930, s.15(a).

⁶This proviso was substituted by Bom. 58 of 1956, s.21(1).

(2) Where any advertisement shall be erected, exhibited, fixed or retained after three months from the enactment of this section ¹[or, as the case may be, the coming into force of the Bombay Municipal (Extension of Limits) Act, 1950.] ²[or the coming into force of the Bombay Municipal [Further Extension of Limits and Schedule BBA (Amendment)] Act, 1956], upon any land, building, wall, hoarding or structure save and except as permitted or exempted from permission as hereinbefore provided, the owner or person in occupation of such land, building, wall, hoarding or structure shall be deemed to be the person who has erected, exhibited, fixed or retained such advertisement in contravention of the provisions of this section, unless he proves that such contravention was committed by a person not in his employment or under his control or was committed without his connivance.

(3) If any advertisement be erected, exhibited, fixed or retained contrary to the provisions of this section after the written permission for the erection, exhibition, fixing or retention thereof for any period shall have expired or become void, the Commissioner may, by notice in writing, require the owner or occupier of the land, building, wall, hoarding or structure upon which the same is erected, exhibited, fixed or retained, to take down or remove such advertisement.

(4) ³[(a)] The word "structure" in this section shall include ⁴[a tram-car, omnibus and any other vehicle and any moveable board] used primarily as an advertisement or an advertising medium ; ⁵[and

(b) the expression "illuminated advertisement" in this section shall not include an illuminated display of goods, if such display—

(i) is of goods merely bearing labels showing the name of the article or of its manufacturer or of both, and

(ii) is made by lighting which is not, in the opinion of the Commissioner, more than is necessary to make the goods and labels visible at night.]

Dangerous places

329. (1) If any place is, in the opinion of the Commissioner, for want of sufficient repair, protection or enclosure, or owing to some work being carried on thereupon, dangerous to passengers along a street, or to persons, other than the owner or occupier of the said place, who have legal access thereto or to the neighbourhood thereof, he may, by notice in writing, require the owner or occupier thereof to repair, protect or enclose the said place or take such other step as shall appear to the Commissioner necessary, in order to prevent danger therefrom.

(2) The Commissioner may, before giving any such notice or before the period of any such notice has expired, take such temporary measures as he thinks fit to prevent danger from the said place. Any expense incurred by the Commissioner in taking such temporary measures shall be paid by the owner or occupier of the place to which the said notice refers.

¹ These words, brackets and figures were inserted by Bom. 7 of 1950, s.28(d).

² These words, brackets and figures were inserted by Bom. 58 of 1956, s.21(9).

³ The brackets and letter "(a)" were inserted by Bom. 12 of 1935, s.2(1).

⁴ These words were substituted for the words "any moveable board on wheels" by Bom.19 of 1930, s.15(d).

⁵ These words, brackets, figures and letter were added by Bom. 12 of 1935, s.2(2).

Lighting of streets

Public streets
to be lighted.

330. The Commissioner shall,—

(a) take measures for lighting in a suitable manner the public streets and municipal markets and all buildings vesting in the corporation ; and

(b) procure, erect and maintain such a number of lamps, lamp-posts and other appurtenances as may be necessary for the said purpose ; and

(c) cause such lamps to be lighted by means of oil, gas, electricity, or such other light as the corporation shall from time to time determine ; and may—

(d) place and maintain electric wires for the purpose of lighting such lamp under over, along or across, and posts, standards, stays, struts, brackets and other contrivances for carrying, suspending or supporting lamps or electric wires in or upon, any immovable property without being liable to any claim for compensation thereto :

Provided that such wires, posts, poles, standards, stays, struts, brackets and other contrivances shall be so placed as to occasion the least practicable inconvenience or nuisance to any person.

Prohibition
of removal,
etc., of
lamps.

331. No person shall, without lawful authority, take away or wilfully break, throw down or damage—

(a) any lamp, lamp-post or lamp iron set up in any public street or any municipal market or building vesting in the corporation ;

(b) any electric wire for lighting any such lamp ;

(c) any post, pole standard, stay, strut, bracket or other contrivance for carrying, suspending or supporting any such electric wire or lamp ;

and no person shall wilfully extinguish the light or damage any appurtenance of any such lamp.

Persons
accidentally
breaking
lamp to
repair the
damage.

332. If any person shall, through negligence or accident, break any lamp set up in any public street or municipal market or building vesting in the corporation he shall pay the expenses of repairing the damage so done by him.

Manner of
laying
gas-pipes.

333. (1) No gas pipe shall be laid in a drain or on the surface of an open channel or house-gully.

(2) Gas-pipes shall be laid at the greatest practicable distance from waterpipes, having regard to the width of the street. Where the width of the street will allow of it, the said distance shall not be less than four feet.

(3) When it is necessary for a gas pipe to cross a water-pipe, a gas pipe shall, if practicable, be laid above the water-pipe. A gas-pipe so laid shall be at least nine feet in length and, as nearly as the situation will admit of shall be so placed, as to form with the water-pipe a right angle and so that no joint in the gas-pipe will be nearer to any water-pipe than four feet. The greatest practicable distance shall be kept between a water-pipe and a gas-pipe which crosses it, and the gas pipe shall throughout its entire length, be sufficiently bedded in with good sound clay or other fit material of a proper consistence, which shall be well worked and rammed into a trench all round the gas-pipe.

(4) If any gas-pipe be laid in any way contrary to the provisions of this section the Commissioner may make such alteration with respect to such pipe as he shall think necessary and the expenses thereof shall be paid by the person under whose order or management the pipe has been laid.

334. (1) The Commissioner may, whenever for any of the purposes of this Act it shall appear to him necessary, by written notice, require the owner of any gas-pipe or of any other gas-work laid in any street to raise, sink or otherwise, alter the situation of such pipe or work.

Situation of gas-pipes, etc., may be altered by Commissioner.

(2) Every alteration required to be made under sub-section (1) shall be made at the charge of the municipal fund, and compensation shall be paid to the owner by the Commissioner for the damage, if any, which he sustains by reason of such alteration :

(3) Provided that no such alteration shall be made which will prevent gas passing through any pipe or work as freely and conveniently as, having regard to all the requirements of this Act, is practicable.

335. (1) Without the written permission of the Commissioner, no building wall or other structure shall be newly erected, and no street or railway shall be constructed over any gas-pipe belonging to the corporation.

Buildings, etc., not to be erected without permission over municipal gas-pipes.

(2) If any building, wall or other structure be so erected, or any street or railway be so constructed, the Commissioner may, with the approval of the standing committee, cause the same to be removed or otherwise dealt with as to the Commissioner shall appear fit and the expenses thereby incurred shall be paid by the person offending.

Watering of streets

336. The Commissioner may,—

Measures for watering.

(a) take measures for having the public streets watered at such time and seasons and in such manner as he shall think fit.

(b) procure and maintain such water-carts, animals and apparatus as he shall think fit for the said purpose.

CHAPTER XII

BUILDING REGULATIONS

Notices regarding Erection of Buildings.

337. (1) Every person who shall intend to erect a building shall give to the Commissioner notice of his said intention in a form, obtained for this purpose under section 344, specifying the position of the building intended to be erected, the description of building, the purpose for which it is intended, ¹its dimensions ²[and the name of the person whom he intends to employ to supervise its erection].

Notice to be given to Commissioner of intention to erect a building.

¹ The word " and " repealed by Bom. 6 of 1905, s.44.

² These words were added, *ibid.*, s.44.

1[(2) In this Chapter "to erect a building" means—

(a) newly to erect a building, or

(b) ²[(b) to re-erect,—

(i) any building by demolishing the existing building entirely; or

(ii) any building by removing the roof of the existing ground floor structure and adding one or more upper floors, or] to re-erect,—

³[(c) * * * * *]

(d) to convert into more than one dwelling-house a building originally constructed as one dwelling-house only;

and a dwelling so erected, re-erected or converted is called in this Chapter "a new building".]

337, the Commissioner may, by written notice, require the person who has given the notice first therein before in this section mentioned, to furnish to the Commissioner all or any of the following documents, namely :—

⁵[(a) correct plans and sections of every floor of the building intended to be erected, which shall be drawn to a scale of not less than one inch to every eight feet and shall show the position, form, dimensions and means of ventilation of and of access to the several parts of such building and its appurtenances ⁶[and the particular part or parts thereof which are, and those which are not, intended to be used for human habitation] and in the case of a building intended to be used as a dwelling-house for to or more families or for carrying on any trade or business in which a number of people exceeding twenty may be employed as a place of public resort, the means of ingress and egress. Such plans and section shall also show the depth and nature of the foundations and the proposed dimensions of all the walls, posts, columns, beams, joints and all girders and scantling to be used in the walls, staircases, floors, and roofs of such building ;]

⁷[(b) a specification of each description of work proposed to be executed and of the materials to be employed. Such specification shall include a description of the proposed method of drainage of the building intended to be erected and of the sanitary fittings to be used and also of the means of water-supply and shall, if required by the Commissioner, be supplemented by detailed calculations showing the sufficiency of the strength of any part of such building;]

(c) a block plan of such building which shall be drawn to ⁸[the scale of the largest revenue survey map at the time being in existence for the locality in which the building is, or is to be situated] and shall show the position and appurtenances of the properties, if any, immediately adjoining the width and level of the street, if any, in front of and the street, if any, at the rear of such building, the levels of the foundations and lowest floor or such building and of any yard or ground belonging thereto ⁹[and the means of access to such building];

(d) a plan showing the intended line of drainage of such building, and the intended size, depth and inclination of each drain, and the details of the arrangement proposed for the ventilation of the drains.

¹This sub-section was substituted for the original sub-section (2) by Bom 1 of 1916, s.4.

²This portion was substituted by Mah. 10 of 1998, s.138(1).

³Clause (c) was deleted, *ibid.*, s.138(2).

⁴Section 338 was re-numbered as section 338 (1) by Bom. 5 of 1905, s.45(1).

⁵Clause (a) was substituted for the original clause (a) by Bom. 5 of 1905, s.45(2).

⁶These words were inserted by Bom. 1 of 1916, s.5(1).

⁷Clause (b) was substituted for the original clause (b) by Bom. 5 of 1905, s.45(2).

⁸These words were substituted for the words "a scale of not less than one inch to every forty feet" by Bom. 1 of 1916, s.5 (2).

⁹These words were added by Bom. 5 of 1905, s.45(3).

¹[(2) At any time within the said period the Commissioner may also by written notice require the said person to open for inspection any portion or portions of the intended foundations or any portion or portions of the foundation or walls of the existing building.]

339. The Commissioner may decline to accept any plan, section or description as sufficient for the purposes of the last preceding section, which does not bear the signature of a licensed surveyor in token of its having prepared by such surveyor or under his supervision.

Commissioner may require plans etc., submitted under last preceding section, to be prepared by licensed surveyor.

340. If the notice given under section 337 and the documents, if, any, furnished under section 338 do not supply all the information which the Commissioner deems necessary to enable him to deal satisfactorily with, the case, the Commissioner may, at any time within thirty days after receipt of the said documents, by written notice require the production of such further particulars and details as he deems necessary.

Additional information and the attendance of the person who gave the notice may be required.

341. If any requisition made under section 338 or 340 is not complied with, the notice given under section 337 shall be deemed not to have been given.

Effect of non-compliance with requisition under section 338 or 340.

Notices regarding execution of Works not amounting to the erection of a building

342. Every person who shall intend—

(a) to make any addition to a building ²[or change of existing user].

³[(b) to make any alteration or repairs to a building involving the removal, alteration or re-erection of any part of the building except tenantable repairs:

Provided that, no lowering of plinth, foundation or floor in a building shall be permitted.

Notice to be given to the Commissioner of intention to make additions, etc., to ⁵[or change of user of] a building.

Explanation.—“Tenantable repairs” in this section shall mean only,—

- (i) providing guniting to the structural members or walls;
- (ii) plastering, painting, pointing;
- (iii) changing floor tiles;
- (iv) repairing w.c., bath or washing places;
- (v) repairing or replacing drainage pipes, taps, manholes and other fittings;
- (vi) repairing or replacing sanitary water plumbing, or electrical fittings; and
- (vii) replacement of roof with the same material but, shall not include,—
 - (a) change in horizontal and vertical existing dimensions of the structure;
 - (b) replacement or removal of any structural members of load bearing walls;
 - (c) lowering of plinth, foundations or floors;
 - (d) addition or extension of mezzanine floor or loft; and
 - (e) flattening of roof or repairing roof with different material.]

⁴[(c) * * * *]

¹Sub-section (2) was inserted by Bom. 5 of 1905, s. 45(4).

²These words were added by Mah. 10 of 1998, s.139 (a).

³This portion was substituted, *ibid.*, s.139 (b).

⁴This clause was deleted, *ibid.*, s.139 (c).

⁵These words were substituted for the words “to a building” *ibid.*, s.139 (d).

¹[(cc) to make any alteration in a building involving—

(i) the sub-division of any room in such building so as to convert the same into two or more separate rooms,

(ii) the conversion of any passage or space in such building into a room or rooms, or]

(d) to remove or reconstruct any portion of a building abutting on a street which stands within the regular line or such street,

shall give to the Commissioner, in a form obtained for this purpose under section 344, notice of his said intention, specifying the position of the building in which such work is to be executed, ²*the nature and extent of the intended work, ³[the particular part or parts, if any, of such work which is or are intended to be used for human habitation] ⁴[and the name of the person whom he intends to employ to supervise its execution].

343. (1) If any notice given under the last preceding section does not supply all the information which the Commissioner deems necessary to enable him to deal satisfactorily with the case, he may, at any time within thirty days after receipt of the said notice, by written notice, require the person who gave the notice first hereinbefore in this section mentioned, to furnish plans and sections ⁵[of the building and] of the intended new work or of any specified portion of the intended new work, ⁶[and the provisions of sections 338, 339 and 341 shall apply to the intended new work so far as the Commissioner may consider them to be applicable.]

Plans and additional information may be called.

⁷[(2) The Commissioner may also, at any time within the said period by written notice require the said person to open for inspection any portion or portions of the foundations or walls of the existing building].

Forms of notices

344. (1) The Commissioner shall cause printed forms of notice for the purposes of section 337 or 342 be delivered to any person requiring the same, on payment of such fee ⁸* * for each form as shall from time to time be prescribed in this behalf by the Commissioner, with the approval of the ⁹[Member-in-Charge].

Printed forms of notices to be supplied to the public.

(2) There shall be printed on the reverse of every such notice, or on a separate paper supplied without extra charge therewith, a copy of sections 337, 338, 339, 340, 341, 342, 343 ¹⁰[344A], 345, 346, 347, 348, ¹¹[349, 349A, 349B], ¹²[349 C and 349D] and of all by-laws made under clauses (c), (d) and (e) of section 461 at the time in force.

Commencement of work

¹³[344A. (1) Every person who intends to erect a building, or execute any such work as is described in section 342, shall employ a person who shall be competent to the satisfaction of the Commissioner, to supervise the erection of such building or the execution of such work.

Supervision of buildings and works.

¹ This clause was inserted by Bom. 6 of 1916, s.5.

² The word " and " repealed by Bom. 5 of 1905, s.46, is omitted.

³ These words were inserted by Bom. 1 of 1916, s.6(3).

⁴ These words were added by Bom. 5 of 1905, s.46.

⁵ These words were inserted *ibid.*, s.47 (1).

⁶ These words were substituted for the original, words, *ibid.*, s.47(1).

⁷ Sub-section (2) was substituted for the original sub-section, *ibid.*, s.47(2).

⁸ The words " not exceeding eight annas " were deleted by Mah. 10 of 1998, s.140 (a).

⁹ These words were substituted for the words " Standing Committee " *ibid.*, s.140 (b).

¹⁰ These figures and letter were inserted by Bom. 5 of 1905, s.48(a)

¹¹ These figures and letters were substituted for the original word and figures, *ibid.*, s. 48(b).

¹² These figures and letters were substituted for the original word, figures, and letter by Bom. 2 of 1911, s.11.

¹³ Section 344A was inserted by Bom. 5 of 1905, s.49.

(2) The Commissioner may in each case require that the person to be so employed shall be a licensed surveyor ; and the Commissioner shall, within seven days from the receipt of the notice of intention under section 337 or 342, as the case may be—

(a) approve the person named therein to supervise the building or work, or

(b) return the said notice for amendment if the person so named—

(i) is not a licensed surveyor, and

(ii) is not, in the opinion of the Commissioner, a fit and proper person to supervise such building or work.

(3) A notice of intention returned for amendment under sub-section (2) shall be deemed not to have been given until it has been re-submitted duly amended.

(4) Where the person so employed dies or ceases to be so employed before such building or work is completed, the further erection of such building, or the further execution of such work, shall forthwith be suspended until—

(a) a licensed surveyor whose name shall be forthwith reported to the Commissioner, or

(b) another person approved by the Commissioner has been employed.]

When building or work may be proceeded with. 345. If within thirty days after receipt of any notice under section 337 or 342, or of the plan, section, description or further information, if any, called for under section 338, 340 or 343, as the case may be, the Commissioner fails to intimate in writing, to the person who has given the said notice, his disapproval of the building which the said person proposes to erect, or of the work which he proposes to execute ; or if, within the said period, the Commissioner signifies in writing to the said person his approval of the said building or work ;

the said person may, at any time within one year from the date of the delivery of the notice to the Commissioner, proceed with the said building or work in accordance with his intention as described in the notice or in any of the documents aforesaid, but not so as to contravene any of the provisions of this Act or any by-law made under this Act at the time in force.

Building or work which is disapproved by the Commissioner may be proceeded with, subject to terms. 346. (1) If the Commissioner disapproves of any building or work of which notice has been given as aforesaid or of any portion or detail thereof, by reason that the same will contravene some provision of this Act or some by-law made hereunder at the time in force or will be unsafe, he may, at any time within thirty days of the receipt of the notice or of the plan, section, description or further information, if any, called for under section 338, 340 or 343, as the case may be, by a written notice intimate to the person who gave the notice first hereinbefore in this section mentioned his said disapproval and the reason for the same, and prescribed terms subject to which the building or work may be deemed to be approved by him.

(2) The person who gave the notice concerning any such building or work may proceed with the same, subject to the terms prescribed as aforesaid but not otherwise at any time within one year from the date of receipt by him under sub-section (1) of the written notice in this behalf, but not so as to contravene any of the provisions of this Act or any by-law made hereunder at the time in force.

When work may be commenced. 347. (1) No person shall commence to erect any building or to execute any such work as is described in section 342—

(a) until he has given notice of his intention as herein before required to erect such building or execute such work and the Commissioner has either intimated his approval of such building or work or failed to intimate his disapproval thereof within the period prescribed in this behalf in section 345 or 346 ;

¹[(aa) until he has given notice to the municipal ²[city engineer] of the proposed date of commencement. Where the commencement does not take place within seven clear days of the date so notified, the notice shall be deemed not to have been given];

(b) after the expiry of the period of one year prescribed in sections 345 and 346 respectively, for proceeding with the same.

(2) If a person, who is entitled under section 345 or 346 to proceed with any building or work, fails so to do within the period of one year prescribed in the said sections, respectively, for proceeding with the same he may at any subsequent time give a fresh notice of his intention to erect such building or execute such work, and thereupon the provisions hereinbefore contained shall apply as if such fresh notice were a first notice of such person's intention.

³[347A. No person shall, without the written permission of the Commissioner,— Building not to be converted to other purposes without the permission of the Commissioner.

(a) use or permit to be used for human habitation any part of a building not originally constructed or authorised to be used for that purpose, or

(b) convert into, or use, or permit to be used, as a chawl or building intended to form a range for separate rooms or lodgers, a building not originally designed or authorised to be so used.]

⁴[347B. No person shall without the written permission of the Commissioner or otherwise than in conformity with the terms of such permission use or permit to be used any building or any part of a building originally constructed or authorised to be used for human habitation as godown, warehouse, workshop, workplace, factory, stable or a motor garage. Building for human habitation not to be used as godown, etc.

⁴[347C. No person shall without the written permission of the Commissioner or otherwise than in conformity with the terms of such permission make any alteration or cause any alteration to be made in an existing building originally constructed or authorised to be used for human habitation for the purpose of using it or causing it to be used as a godown, warehouse, workshop, workplace, factory, stable or motor garage.] No alterations to be made in buildings for human habitation without written permission of Commissioner.

Provisions as to Structure, Materials, etc.

348 (1) With respect to buildings which are to be newly erected ⁵* * * Provisions as to buildings which are to be newly erected. the following provisions shall have effect, namely :—

(a) The erection of any such building on either side of a new street may be disapproved by the Commissioner, unless and until such new street has been levelled, metalled or paved, sewered and drained to the satisfaction of the Commissioner.

(b) The erection of any such building in any part of ⁶[Brihan Mumbai] in which the position and direction of the streets likely to be required in the future have not yet been laid down or determined shall, with the assent of the ⁷[Member-in-charge]

¹Clause (aa) was inserted by Bom. 5 of 1905, s.50.

²The words "city engineer" were substituted for the words "executive engineer" by Bom. 19 of 1930, s.6.

³Section 347A was inserted by Bom. 1 of 1916, s.7.

⁴Section 347B and 347C were inserted by Bom. 76 of 1948, s.25.

⁵Words, repealed by Act, 5 of 1905, are omitted.

⁶These words were substituted for the words "Greater Bombay" by Mah. 25 of 1996 Sch.

⁷These words were substituted for the words "Standing Committee" by Mah. 10 of 1998, s.141.

be disapproved by the Commissioner, unless the site proposed for such building is, in the opinion of the Commissioner, such as, with reference to the positions occupied by the buildings, if any, already existing in the neighbourhood, will admit of the construction in the future of one or more new streets convenient for the occupants of all the buildings in the neighbourhood and for the purposes of drainage, water-supply and ventilation : Provided that any person whose building is so disapproved may, by written notice to the Commissioner, require that the position and direction of the future streets in the vicinity of his intended building be forthwith laid down and determined, and if such requisition be not complied within six months from the date thereof, may, subject to all other provisions of this Act applicable thereto proceed with the erection of his building.

(c) The foundation of any such building shall not be constructed on any site which has been filled up with, or has been used as a place for depositing excrementitious matter or the carcasses of dead animals or other filthy or offensive matter, until such matter shall have been properly removed to the satisfaction of the Commissioner.

(b) Every such building intended to be used as a dwelling shall be built with a plinth at least two feet above the center of the nearest street and not below such standard level as may be fixed by the Commissioner in this behalf

1* *(e) In additions to any means of ventilation required by any by-law made under this Act at the time in force, every such building intended to be used as a dwelling shall be so constructed that the whole of at least one side of every room thereof shall either be an external wall or about on an interior open space. Such external wall, except where it faces a street of not less than fifteen feet in width shall have between it and the boundary line of the owner's premises an open space, extending throughout the entire length of such wall, at least two feet wide or, in the case of a chawl or building intended to form a range of separate rooms for lodgers, at least five feet wide. Such interior open space shall have an area equal to not less than one-tenth of the aggregate floor-area of all the rooms abutting thereon and shall not be in any direction less than six feet across. And every open space, whether exterior interior, required by this clause, shall be and be kept free from any erection thereon and open to the sky, and shall be and be kept open to access from each and thereof.

(f) Every room intended to be inhabited in any such building, except a room in the roof thereof, shall be in every part at least ²[ten] feet in height from the floor to the ceiling.

(g) Every such room in the roof of any such building shall have an average height of at least ³[eight] feet from the floor to the ceiling ⁴[and a minimum height of not less than four feet.]

(h) Every such rooms shall have a clear superficial area of not less than ⁵[one hundred] square feet.

(i) In addition to any means of ventilation required by any by-law made under this Act at the time in force, every such room shall be ventilated by means of doors or windows which open directly into the external air and have an aggregate opening equal to not less than one-fourth of the superficial area of the side of the room which faces an open space.

¹The original clause (e) was deleted by Bom. 5 of 1905, s.51(b), and the subsequent clauses were re-numbered accordingly.

²The word "ten" was substituted for the word "eight" by Bom. 5 of 1905, s.51(c).

³The word "eight" was substituted for the word "seven", *ibid.*, s.51(d)(i).

⁴These words were inserted, *ibid.*, s.51 (d) (ii).

⁵The words "one hundred" were substituted for the word "eight" *ibid.*, s. 51(e).

(k) Huts or sheds, or ranges or blocks of huts or sheds, whether the same are to be used as dwelling or stables or for any other purpose, shall be built, if the Commissioner thinks fit so to require,—

(i) so that they may stand in regular lines, with a free passage or way in front of and between every two lines of such width as the Commissioner thinks proper for ventilation and for facilitating scavenging, and

(ii) with such and so many privies, latrines or urinal and such means of drainage as the Commissioner deems necessary, and

(iii) at such a level as will suffice for the means of drainage required by the Commissioner.

(2) Nothing in clause (a) shall be deemed to affect the power of ¹[the Central Government] to determine, under section 38 of the Bombay Port Trust Act, 1879, any dispute which arises between the Trustees of the Port of Bombay and the Commissioner as to whether any road within the limits of the property of the said trustees has been duly levelled, metalled or paved, sewered and drained.

349. (1) No external wall and no covering of a roof built or renewed since the ²Bombay Municipal Act, 1872, came into force shall, except with the written permission of the Commissioner, consist of wood, cloth, canvas, grass, leaves, mats or any other inflammable material.

Roofs and external walls of buildings not to be of inflammable materials.

(2) If any external wall or covering of a roof is or has been, since the said Act came into force, constructed of any such material, the Commissioner may, by written notice, require the owner or occupier of the building to which such wall or roof appertains to remove such wall or covering.

³[(3) In relation to buildings in the suburbs ⁴[or, as the case may be, the extended suburbs] the provisions of this section shall apply as if for the reference in sub-sections (1) and (2) to the Bombay Municipal Act, 1872, reference had been made to the Bombay Municipal (Extension of Limits) Act, 1950, ⁵[or, as the case may be, the Bombay Municipal [Further Extension of Limits and Schedule BBA (Amendment)] Act, 1956]:

Bom.
III of
1872.
Bom.
VII of
1950.
Bom.
LVIII
of
1956.

Provided that nothing in sub-section (2) shall prevent the Commissioner from requiring the removal of any external wall or covering if it was built or renewed or retained in contravention of any law in force in the suburbs immediately before the coming into force of the Bombay Municipal (Extension of Limits) Act, 1950 ⁶[or, as the case may be, in force in the extended suburbs immediately before the coming into force of the Bombay Municipal [Further Extension of Limits and Schedule BBA (Amendment)] Act, 1956].]

Bom.
VII of
1950.
Bom.
LVIII
of
1956.

¹ The words " the Central Government " were substituted for the word " Government " by the Adaptation of Indian Laws Order in Council.

² Bom. 3 of 1872 was repealed by s.2 of this Act.

³ Sub-section (3) and proviso were added by Bom. 7 of 1950, s.29.

⁴ These words were inserted by Bom. 58 of 1956, s.22(i).

⁵ These words, brackets and figures were inserted, *ibid.*, s.22(ii).

⁶ These words, brackets and figures were inserted, *ibid.*, s.22(iii).

Maximum height of buildings. ¹[349A. (1) Except with the written permission of the Commissioner, no building shall be erected or raised to a greater height than seventy feet as measured from the level of the centre of the street in front—

(a) in the case of a pitched roof, up to the tie-beam of the roof, and

(b) in the case of a flat roof, up to the surface of the roof.

(2) In the case of a pitched roof, the roof above that height shall rise at an angle of not more than forty-five degrees.

(3) In the case of a flat roof, a parapet of not more than three feet in height may be constructed above the maximum height specified in sub-section (1).]

Height of buildings with reference to width of streets. [349B. Subject to the maximum prescribed by section 349A, the height to which a building may be erected or raised shall be regulated by the width of the street on which it abuts, in accordance with the following rules, namely :—

(1) if the width of the street does not exceed twenty-six feet, the building shall not be erected or raised to a height greater than one and one-half times the width of the street;

(2) if the width of the street exceeds twenty-six feet but does not exceed forty feet, the building shall not be erected or raised to a height greater than forty feet; and

(3) if the width of the street exceeds forty feet, the building shall not be erected or raised to a height greater than the width of such street ;

(4) where the building abuts upon more than one street, its height shall be regulated by the wider of such streets so far as it abuts upon such wider street and also, to a distance of eighty feet from such wider street, so far as it abuts upon the narrower of such streets :

Provision in case of setback. Provided that, if the face of the building is set-back from the street at any height not exceeding the height specified in sub-section (1), sub-section (2), or sub-section (3), as the case may be, such building may be erected or raised to a height greater than that so specified but not so that any portion of the building shall intersect any of a series of imaginary straight lines drawn from the line of set-back, in the direction of the portion set-back, at an angle of forty-five degrees with the horizontal.]

Frame-buildings. ²[349C. After the commencement of this Act no building the external walls of which are of timber-framed construction shall be erected or re-erected so as to consist of more than one ground floor and one upper story:

Provided that the Commissioner may by special order grant permission for the erection of such a building of more than two storeys or for the construction of one or more additional storeys if satisfied that such building will be of thoroughly sound material and construction and can safely support the same.]

Provision of sufficient means of egress. ³[349D. Whether the Commissioner is of opinion that the means of egress from any building are insufficient to allow of the safe exit, in the event of fire, he may, with the approval of the ⁴[member-in-charge] by written notice require the owner or occupier of the building to alter or reconstruct any existing staircase in such manner or to provide such additional or emergency staircases, as he may prescribe.

¹Sections 349A and 349B were inserted by Bom. 5 of 1905, s.52.

²Section 349C was inserted, *ibid.*, s.52.

³Section 349D was inserted by Bom. 2 of 1911, s.12.

⁴These words were substituted for the words "standing Committee" by Mah. 10 of 1998, s.142.

1[349E. (1) Notwithstanding anything contained in sections 348 to 349D (both inclusive) the corporation may by bye-laws prescribe special conditions with respect to erection or re-erection of buildings, the maximum heights of buildings, roofs and external walls of buildings, set backs of buildings, and other matters relating to buildings in the suburbs 2[or in the extended suburbs] or in any part thereof.

Bom. (2) Until such bye-laws are made or until the expiration of two years from the VII of date of the coming into force of the Bombay Municipal (Extension of Limits) Act, 1950. 1950, 3[or, as the case may be, from the date of coming into force of the Bombay Bom. Municipal [Further Extension of Limits and Schedule BBA (Amendment)] Act, LVIII of 1956, whichever respectively is earlier] the conditions provided by or under the 1956. Bombay Land Revenue Code, 1879*, or rules made thereunder or by bye-laws or Bom. rules made by any local authority abolished by the provisions of the Bombay V of Municipal (Extension of Limits) Act, 1950 4[or by the provisions of the Bombay Bom. Municipal [Further Extension of Limits and Schedule BBA (Amendment)] Act, VII of 1956] shall continue to be applicable to the erection or re-erection of buildings, the 1950. maximum heights of buildings, roofs and external walls of buildings, set-back of Bom. buildings and other matters relating to buildings in the suburbs 5[or in the extended LVIII of suburbs] or in any part thereof, as the case may be :

1956. Provided that, in the case of any land in the suburbs 5[or in the extended suburbs] there are no provisions in force of the Bombay Land Revenue Code, 1879, or rules Bom. made thereunder or of the bye-laws or rules of any local authority, the Commissioner V of or any officer authorised by him in this behalf may impose such conditions as he 1879. thinks fit until the bye-laws aforesaid are made.]

Inspection

350. The Commissioner may at any time during the erection of a building or the execution of any such work as is described in section 342 make an inspection thereof, without giving previous notice of his intention so to do.

351. (1) If the erection of any building or the execution of any such work as is described in section 342. is commenced contrary to the provisions of 7[Section 342 or 347] the Commissioner, unless he deems it necessary to take proceedings in respect of such building or work under section 354. shall—

(a) by written notice, require the person who is erecting such building or executing such work, or has erected such building or executed such work, 8[or who is the owner for the time being of such building or work] 9[within seven days from the date of service of] such notice, by a statement in writing subscribed by him or by an agent duly authorized by him in that behalf and addressed to the Commissioner to show sufficient cause why such building or work shall not be removed, altered, or pulled down ; or

1 Section 349E was inserted by Bom. 7 of 1950, s.30.

2 These words were inserted by Bom. 58 of 1956, s. 23(1).

3 These words, brackets and figures were inserted, *ibid.*, s.23(2)(i).

4 These words, brackets and figures were inserted, *ibid.*, s.23(2)(ii).

5 These words were inserted, *ibid.*, s.23(2)(iii).

6 These words were added, *ibid.*, s.23(3).

7 These words and figure were substituted for the words and figure " section 347 " by Mah. 10 of 1998, s.143. (a).

8 These words were inserted by Bom. 64 of 1953, s.14.

9 These words were substituted for the words " on or before such days as shall be specified in " by Mah. 10 of 1998, s.143 (b).

* See now the Maharashtra Land Revenue Code, 1966 (Mah.XLI of 1966).

(b) shall require the said person on such day and at such time and place as shall be specified in such notice to attend personally, or by an agent duly authorized by him in that behalf, and show sufficient cause why such building or work shall not be removed, altered or pulled down.

¹[Explanation.—“ To show sufficient cause ” in this sub-section shall mean to prove that the work mentioned in the said notice is carried out in accordance with the provisions of section 337 or 342 and section 347 of the Act.”]

(2) If such person shall fail to show sufficient cause, to the satisfaction of the Commissioner, why such building or work shall not be removed, altered or pulled down, the Commissioner ² * * * may remove, alter or pull down the building or work and the expenses thereof shall be paid by the said person.

Buildings or works commenced contrary to section 347 may be cut into and laid open for purposes of inspection. **352.** (1) If there shall be reasonable ground for suspecting that in the erection of any such building or in the execution of any such work as is referred to in the last preceding section anything has been done contrary to any provision of this Act or of any bye-law made under this Act at the time in force, or that anything required by any such provision or bye-law to be done has been omitted to be done ; and if, on inspecting such building or work, it is found that, the same has been completed or is too far advanced to permit of any such fact being ascertained,

the Commissioner may, with the approval of the ³[Member-in-charge] by written notice, require the person who has erected such building or executed such work or is erecting such building or executing such work to cause so much of the building or work as prevents any such fact being ascertained to be cut into, laid open or pulled down to a sufficient extent to permit of the same being ascertained.

(2) If it shall thereupon be found that in the erection of such building or the execution of such work nothing has been done contrary to any provision of this Act or any bye-law made under this Act at the time in force, and that nothing required by any such provision or bye-law to be done has been omitted to be done, compensation shall be paid by the Commissioner to the person aforesaid for the damage and loss incurred by cutting into, laying open or pulling down, the building or work.

Conferral temporarily of summary powers for demolition on the Commissioner. ⁴[**352A.** (1) If the erection of any building or the execution of any such work as is described in section 342, is commenced contrary to the provisions of section 347, and the Commissioner is of the opinion that immediate action should be taken, then the provisions of section 351 and section 352 shall apply with the modification that in sub-section (1) of section 352, the words “ with the approval of the ⁵[Member-in-charge] ” shall be deleted.

(2) Notwithstanding anything contained in this Act, any notice to be given by the Commissioner under section 351 or section 352 shall not be of less duration than 24 hours, and shall be deemed to be duly served if it is affixed in some conspicuous part of the building to which the notice relates and published by proclamation on or near such building accompanied with beat of drum and upon such affixation and publication all persons concerned shall be deemed to have been duly informed of the matters stated therein.

¹ This Explanation was inserted by Mah. 10 of 1998, s.143 (c).

² The words “ with the approval of the standing committee ” were deleted by Mah. 37 of 1971, s. 2.

³ These words were substituted for the words “ the standing committee ” by Mah. 10 of 1998, s.144

⁴ Section 352A was inserted by Mah. 23 of 1979, s.2, which shall remain in force for a period of six years with effect from 5th May 1979 and shall then expire. The original period of two years was extended to six years by Mah. 18 of 1981, s.2.

⁵ These words were substituted for the words “ the Standing Committee. ” by Mah. 10 of 1988, s. 145.

(3) Where the Commissioner has resorted to the provisions hereinbefore mentioned, the State Government, or a Secretary to Government authorised by the State Government in this behalf, may, *suo motu*, or on application made, within a period of fifteen days, call for and examine the record of any case in which the Commissioner has taken such action, for the purpose of satisfying itself or himself as to the legality or propriety of such action and may, after giving to the persons concerned a reasonable opportunity of being heard, pass such orders thereon as it or he, as the case may be, deems just, including any order for compensation, which shall be paid by the Corporation to any person for any wrongful damage or loss incurred by such action.

(4) In this section 'Commissioner', includes ¹[the Director], a Deputy Commissioner, and also an Assistant Commissioner or a Ward Officer authorised in this behalf in writing by the Commissioner.]

353. The Commissioner may, at any time during the erection of a building or the execution of any such work as aforesaid, or at any time within three months after the completion thereof, by written notice, specify any matter in respect of which the erection of such building or the execution of such work may be in contravention of any provision of this Act or of any bye-law made under this Act at the time in force, and require the person erecting or execution or who has erected or executed such building or work, or, if the person who has erected or executed such building or work is not at the time of the notice the owner thereof, then the owner of such building or work, to cause anything done contrary to any such provision or bye-law to be amended or to do anything which by any such provision or bye-law may be required to be done but which has been omitted to be done.

²[353A. (1) Every person who employs a licensed surveyor or person approved by the Commissioner to erect a building or execute any such work as is described in section 342 shall, within one month after the completion of the erection of such building or the execution of such work, deliver or send or cause to be delivered or sent to the Commissioner at his office, notice in writing of such completion, accompanied by a certificate in the form of Schedule T signed by the person employed under section 344A, who is hereby required immediately upon completion of the work and upon demand by the person employing him to sign and give such certificate to such person, and shall give to the Commissioner all necessary facilities for the inspection of such building or of such work :

Enforcement of provisions concerning buildings and works.
Completion certificates, permission to occupy or use.

Provided that—

(a) such inspection shall be commenced within seven days from the date of receipt of the notice of completion, and

(b) the Commissioner may, within seven days from the date of commencement of such inspection, by written intimation addressed to the person from whom the notice of completion was received, and delivered at his address as stated in such notice, or, in the absence of such address, affixed to a conspicuous part of the building to which such notice relates—

(i) give permission for the occupation of such building or for the use of the building or part thereof affected by such work, or

(ii) refuse such permission in case such building has been erected or such work executed so as to contravene any provision of this Act or of the bye-laws.

¹These words were inserted by Mah. 53 of 1981, s.17.

²Section 353A was inserted by Bom. 5 of 1905, s.53.

(2) No person shall occupy or permit to be occupied any such building, or use or permit to be used the building or part thereof affected by any such work, until—

(a) the permission referred to in proviso (b) to sub-section (1) has been received, or

(b) the Commissioner has failed for twenty-one days after receipt of the notice of completion to intimate as aforesaid his refusal of the said permission.]

Dangerous Structures

354. (1) If it shall at any time appear to the Commissioner that any structure (including under this expression any building, wall or other structure and anything affixed to or projecting from any building, wall or other structure) is in a ruinous condition, or likely to fall, or in any way dangerous to any person occupying, resorting to or passing by such structure or any other structure or place in the neighbourhood thereof, the Commissioner may, by written notice, require the owner or occupier of such structure to pull down, secure or repair such structure ¹[subject to the provision of section 342], of danger therefrom.

Removal of structures, etc., which are in ruins or likely to fall.

(2) The Commissioner may also if he thinks fit, require the said owner or occupier, by the said notice, either forthwith or before proceeding to pull down, secure or repair the said structure, to set up a proper and sufficient hoard or fence for the protection of passers-by and other persons, with a convenient platform and hand-rail, if there be room enough for the same and the Commissioner shall think the same desirable, to serve as a footway for passengers outside of such hoard or fence.

²[Works unlawfully carried on]

³354A. (1) If the Commissioner is satisfied that the erection of any building or the execution of any such work as is described in section 342 has been unlawfully commenced or is being unlawfully carried on upon premises, the Commissioner may, by written notice, require the person erecting such building or executing such work to stop such erection or work ⁴[forthwith].

Power of Commissioner to stop erection of building or work commenced or carried on unlawfully.

⁵[(2) If the erection of the building or execution of the work is not stopped as required by the Commissioner, or permission approved by the competent authority in favour of the erection of the building or execution of the work is not produced within twenty-four hours from the service of notice referred to in sub-section (1), the Commissioner may, without further notice, remove or pull down the building or work and the expenses thereof shall be paid by the said person or owner of the building or work. The Commissioner may also direct that any person directing or carrying out such erection or work shall be removed by any police officer from the place where the building is being erected or the work is being executed.]

⁵[(3) In addition to the action that the Commissioner may take under sub-section (2), he may, without further notice, cause to be removed any materials, machinery, equipments, devices or articles used in the process of erection of the building or execution of such work.

(4) If the expenses incurred by the Commissioner under sub-section (2) and (3) are not paid within one month from the date of demand, such sum as remains unpaid shall be treated, as arrears of property tax and the procedure prescribed under this Act for recovery of arrears of property tax shall, *mutatis mutandis*, apply to the recovery of such unpaid sum.]

¹The words and figure "subject to the provisions of section 342" was inserted by Mah. 10 of 1998, s.146.

²This heading was inserted by Bom. 5 of 1905, s.54.

³This section was substituted for the original by Bom. 64 of 1953, s.15.

⁴These words were substituted for the words "within the period specified in the notice" by Mah 10 of 1998, s.147 (a).

⁵Sub-section (2) was substituted and sub-sections (3) and (4) were added *ibid.*, s.147(b),(c).

¹[Regulation of certain classes of buildings in particular localities.

Power to regulate future construction of certain classes of buildings in particular streets or localities.

354AA. (1) The Commissioner may give public notice of his intention to declare, subject to any valid objection that may be preferred within a period of three months,—

(a) that in any streets or portion of streets specified in such notice the elevation and construction of the frontage of all buildings or any classes of buildings there-after erected or re-erected shall in respect of their architectural features be such as the Corporation may consider suitable to the locality ;

(b) that in any localities specified in the notice there shall be allowed the construction of only detached or semi-detached buildings or both and that the land appurtenant to each such building shall be of an area not less than that specified in such notice ;

(c) that the minimum of building plots in particular localities shall be of a specified area ;

(d) that in any localities specified in the notice the construction of more than a specified number of buildings on each acre of land shall not be allowed; or

(e) that in any streets, portions of streets or localities specified in such notice the construction of shops, warehouses, factories, huts or buildings designed for particular uses shall not be allowed without the special permission of the Commissioner granted in accordance with general regulation framed by ²[the Corporation] in this behalf and subject to the terms of such permission only.

(2) The ³[Mayor-in-Council] shall consider all objections received within a period of three months from the publication of such notice, and shall then submit the notice with a statement of objections received and of its opinion thereon to the Corporation.

(3) No objection received after the said period of three months shall be considered.

(4) Within a period of two months after receipt of the same the Corporation shall submit all the documents referred to in sub-section (2) with a statement of its opinion thereon to the State Government.

(5) The State Government may pass such orders with respect to such declaration, as it may think fit :

Provided that such declaration shall not thereby be made applicable to any street, portion of a street or locality not specified in the notice issued under sub-section(1).

(6) The declaration as confirmed or modified by the State Government shall be published in the *Official Gazette* and shall take effect from the date of such publication.

(7) No person shall erect or re-erect any building in contravention of any such declaration.

(8) Notwithstanding anything contained in this Act, after a public notice has been given under sub-section (1), in regard to any street or a part of a street or a locality, no person shall erect or re-erect a building abutting on such street or such part of the street or within the limits of such locality without the previous permission of the Commissioner.]

¹This heading and section 354AA were inserted by Bom. 48 of 1950, s.70.

²These words were substituted for the words " the standing Committee ", by Mah. 10 of 1998 s.148 (a).

³These words were substituted for the words " the standing committee ", *ibid.*, s.148 (b).

[354AAA. Notwithstanding anything contained in any other provisions of this Act, the State Government may, by notification in the *Official Gazette*, direct that the powers of the Commissioner under this Chapter and the powers of the Corporation and the Committees of the Corporation under this Act, if any, relating to building regulations and matters ancillary or consequential thereto, shall be exercised by the Slum Rehabilitation Authority appointed under the Maharashtra Slum Areas (Improvement, Clearance and Redevelopment) Act, 1971, for the slum rehabilitation area declared under that Act.]

Mah.
XXVIII
of 1971.

Empowerment of Slum Rehabilitation Authority for implementation of Slum Rehabilitation Scheme.

CHAPTER XII A

CITY IMPROVEMENT

354B. (1) From the date on which the City of Bombay Municipal (Amendment) Act, 1933, comes into operation, all the property, interests, rights and liabilities of the Board of Trustees for the Improvement of the City of Bombay constituted under the City of Bombay Improvement Trust Transfer Act, 1925, in respect of any improvement scheme, street scheme, deferred street scheme, poorer classes accommodation scheme, reclamation scheme or police accommodation scheme, duly sanctioned or executed before the said date in accordance with the provisions of the City of Bombay Improvement Act, 1898, or the City of Bombay Improvement Trust Transfer Act, 1925, shall save in so far as they are restricted or modified by the provisions of this Chapter and of sections 91A, 91B and 91C vest in Corporation.

Bom.
XIII
Act, 1933,
Bom.
XVI
of
1925.
Bom.
IV of
1898.
Bom.
XVI
of
1925.

Transfer of right, etc. of the Board to the corporation.

(2) It shall be the duty of the corporation to execute, with due diligence, any improvement scheme, street scheme, deferred street scheme, poorer classes accommodation scheme, reclamation scheme, or police accommodation scheme, duly sanctioned in accordance with the provisions of the City of Bombay Improvement Act, 1898, or the City of Bombay Improvement Trust Transfer Act, 1925, before the date on which the City of Bombay Municipal (Amendment) Act, 1933, comes into operation, which remains unexecuted on that date, until the completion of the scheme.

Bom.
IV of
1898.
Bom.
XVI
of
1925.
Bom.
XIII
of
1933.

Improvement Schemes

354C. (1) ¹[If it shall appear to the Commissioner—

(A) that within certain limits in any part of ²[Brihan Mumbai]—

(a) and buildings used, or intended or likely to be used, for human habitation, are unfit for human habitation, or

(b) the narrowness, closeness and bad arrangement or the bad condition of the streets and buildings, or groups of buildings, within such limits or the want of light, air ventilation or proper conveniences, or any other sanitary defects, or one or more of such causes, are dangerous or injurious to the health of the inhabitants either of the buildings within the area of such limits, or of the neighbouring buildings; and that the evils connected with such buildings and the sanitary defects in such area cannot be effectually remedied otherwise than by an improvement scheme for the re-arrangement and re-construction of the streets and buildings within such area or of some of such streets or buildings, or

Commissioner to make a draft improvement scheme.

¹ Section 354 AAA was inserted by Mah. 5 of 1996, s. 3.

² New Chapter XII A was inserted by Bom. 13 of 1933, s.35.

³ These words, brackets and letter were substituted for the words " If it shall appear to the Commissioner that within certain limits in any part of the city— " by Bom. 12 of 1936, s. 6(1).

⁴ These words were substituted for the words " Greater Bombay " by Mah. 25 of 1996, Schedule

(c) it is necessary to provide for the construction of buildings for the accommodation of the poorer ¹ * * * classes, ²[or,

(B) that for the purpose of providing building sites for the expansion of ³[Brihan Mumbai], or of remedying the defective ventilation of any part of ³[Brihan Mumbai], or of creating new or increasing the existing means of communication and facilities for traffic between various parts of ³[Brihan Mumbai] it is expedient to form new or to alter existing streets in any part of ³[Brihan Mumbai]].

the Commissioner may—

(i) with the previous approval of the corporation, which shall not be given unless the corporation are satisfied of the sufficiency of their resources, draw up a notification stating that the Commissioner proposes to make an improvement scheme, the area to which the resolution relates and naming a place where a map of the area may be seen at all reasonable hours ;

(ii) during three consecutive weeks publish simultaneously in the ⁴[*Official Gazette*] and in some one or more English and in some two or more vernacular newspapers circulating within ³[Brihan Mumbai] a copy of the said notification ;

(iii) proceed to make a draft improvement scheme and submit the scheme to the ⁵[Mayor-in-Council] for approval.

(2) In making an improvement scheme more than one area may be included in one improvement scheme.

(3) With the previous approval of the corporation the Commissioner may, for the purpose of making an improvement scheme, cause survey's to be made in areas either inside or outside the limits of the area comprised in the scheme to be made.

No improvement schemes for areas for which housing schemes sanctioned under Bom. XXVIII of 1973. ⁶[354CC. Notwithstanding anything contained in this chapter, no improvement scheme shall be made for any area for which a housing scheme has been sanctioned under the provisions of the [Maharashtra Housing and Area Development Act, 1976.]] Mah. XXVII of 1977.

⁶[Mayor-in-Council] to consider and approve draft scheme submitted by Commissioner. **354D.** On the submission by the Commissioner of a draft improvement scheme the ⁸[Mayor-in-Council] shall take such scheme into their consideration and may approve the same with or without such alteration as it thinks fit.

Particulars to be provided for in an improvement scheme. **354E.** (1) The improvement scheme, which may exclude any part of the area included in the notification referred to in section 354 C, or include any neighbouring land, if the Commissioner is of opinion that such exclusion or inclusion is expedient—

(i) shall, within the limits of the area comprised in the scheme, provide for—

(a) the acquisition of any land which will, in the opinion of the Commissioner, be necessary for or affected by the execution of the scheme ;

¹ The words " and working " were deleted by Bom. 34 of 1954, s.10.

² These words, brackets and letter were inserted by Bom. 12 of 1936, s.6(2).

³ These words were substituted for the words " Greater Bombay " by Mah. 25 of 1996, Schedule.

⁴ The word " *Official Gazette* " were substituted for the words " *Bombay Government Gazette* " by the Adaptation of Indian Laws Order in Council.

⁵ These words were substituted for the words " the Improvements Committee " by Mah. 10 of 1998, s.149.

⁶ This section was inserted by Bom. 69 of 1948, s.75, Schedule.

⁷ These words and figures were substituted for the words and figures " the Bombay Housing Board Act, 1948 " by Mah. 10 of 1998, s.150.

⁸ These words were substituted for the words " Improvements Committee ", *ibid.*, s.151.

(b) relaying out all or any land including the construction and reconstruction of buildings and the formation and alteration of streets ;

(c) the laying of such storm-water drains and sewers as may be required for the efficient draining and sewerage of streets so formed or altered ;

(d) the lighting of streets so formed or altered ;

(ii) may, within the limits aforesaid, provide for—

(a) raising any land which the Commissioner may deem expedient to raise for the better drainage of the locality ;

(b) forming open spaces for the better ventilation of the area comprised in the scheme or any adjoining area ;

(c) the whole or any part of the sanitary arrangements required ; and

(iii) may, within and without the limits aforesaid, provide for the construction of buildings for the accommodation of the poorer ¹ * * classes including the whole or part of such classes to be displaced in the execution of the scheme. Such accommodation shall be deemed to include shops.

(2) The improvement scheme may exclude any part of the area included in the notification referred to in section 354 C or include any neighbouring land, provided that the Commissioner is of opinion that such exclusion or inclusion is necessary for the proper carrying out of the scheme and provide further that previous notice of such inclusion shall have been given in the manner prescribed in section 354 C(1)(ii).

²[(3) If in the opinion of the Commissioner any land, within the limits of the area comprised in the improvement scheme, which is not required for the execution of the scheme, will as the result of such execution be increased in value, the scheme may, in lieu of providing for the acquisition of such land, provide for the levy of a betterment charge in respect of the increase in value thereof, which shall be of such amount and shall be levied at such time and in such manner as is hereinafter provided].

^{*} Considerations which shall prevail in making the scheme. **357F.** In making an improvement scheme for any area, regard shall be had to the conditions and nature of neighbouring parts of ³[Brihan Mumbai] and of Brihan Mumbai as a whole, and to the likely hood or improvement schemes being required for the neighbouring and other parts of ³[Brihan Mumbai].

Procedure on completion of the scheme. **354G.** (1) Upon the approval of an improvement scheme by the ⁴[Mayor-in-Council] the Commissioner shall forthwith draw up a notification stating the fact of a scheme having been made, the limits of the area comprised therein and naming a place where particulars of the scheme, a map of the same and statement of the ⁵[land which it is proposed to acquire or in respect of which it is proposed to levy a betterment charge] may be seen at all reasonable hours, and shall—

(a) communicate a copy of such notification, particulars, map and statement to the corporation ;

(b) publish the notification in the manner prescribed for the publication of a notification under section 354C.

¹The words " and working " were deleted by Bom. 34 of 1954, s.11(1).

²Sub-section (3) was inserted by Bom. 34 of 1954, s.11(2).

³These words were substituted for the words " Greater Bombay" by Mah. 25 of 1996, Schedule.

⁴These words were substituted for the words " Improvements Committee ", by Mah. 10 of 1998, S.152.

⁵These words were substituted for the words " land proposed to be acquired " by Bom. 34 of 1954, s.12(1).

1[(2) During the thirty days next following the first day on which such notification is published the Commissioner shall serve a notice upon every person whose name appears in the Commissioner's assessment book as primarily liable for the payment of the property taxes leviable under this Act on any land or building or part of a building which it is proposed to acquire or in respect of which it is proposed to levy a betterment charge.

(3) Such notice shall—

(a) state that the Commissioner on behalf of the Corporation proposes to acquire such land or building or part of a building or to levy a betterment charge in respect thereof for the purpose of or in connection with an improvement scheme, and

(b) require the person so served if he objects to such acquisition or levy of a betterment charge, as the case may be, to state his reasons in writing within thirty days from the date of service to the notice.]

Right of owner to demand acquisition on issue of notification when building operations are in progress. 354H. (1) If any land is included in any statement specifying the land proposed to be acquired made in accordance with any notification drawn up under section 354G, and if the owner of such land shall prove to the satisfaction of the Collector that at the date of the said notification building operations were in progress on such land or any part thereof and the buildings were structurally complete upto the first floor level the Collector shall call upon the Commissioner to acquire such land.

(2) On receipt of such notice the Commissioner shall forthwith report the matter ²[to the Mayor-in-Council, who] shall then resolve whether in their opinion it is desirable to acquire the land set out in the notice or to withdraw from the proposal to acquire and shall communicate their resolution within two months to the corporation who shall within one month after receipt thereof communicate to the Commissioner the decision of the corporation in the matter, and thereupon the Commissioner shall forthwith in accordance with such decision either proceed to acquire such land or shall give written notice to the owner that the proposal to acquire has been withdrawn.

(3) If the corporation decide to acquire the land the Commissioner shall give notice of such decision to the Collector and to the owner, and the Collector shall proceed as if a declaration had been made in respect of the land in question under section 6 of the Land Acquisition Act, 1894.

I of
1894.

(4) If the corporation withdraw from the proposal to acquire any land under sub-section (2) such land shall not be included in any statement of land proposed to be acquired, made in accordance with any notification drawn up under section 354G until the expiry of two years from the date of the issue of written notice of withdrawal to the owner.

³[(5) Notwithstanding anything contained in this section if the Corporation withdraw from the proposal to acquire any land under sub-section (2) such land shall be deemed to have been included in any statement of land in respect of which it is proposed to levy a betterment charge made in accordance with any notification drawn up under section 354G :

Provided that the provisions of sub-sections (2) and (3) of section 354G shall apply in respect of such land with the modification that the period of thirty days referred to in the said sub-section (2) will be counted from the date on which notice was given to the owner that the proposal to acquire has been withdrawn.]

¹These sub-sections were substituted for sub-section (2) by Bom. 34 of 1954, s. 12(2).

²These words were substituted for the words "to the Improvements Committee and the said Committee", by Mah. 10 of 1998, s.153.

³Sub-section (5) was inserted by Bom. 34 of 1954, s.13.

354-I. (1) The owner of any land included in any statement of the land proposed to be acquired made in accordance with any notification drawn up under section 354G may at any time before the publication of a declaration under section 354M and after the expiry of one year from the date of such notification by written notice to the Commissioner setting out the particulars of such land call upon the Commissioner to acquire such land on behalf of the corporation.

Right of owner to demand acquisition or withdrawal by the corporation after the lapse of two years from the date of notification.

(2) On receipt of such notice the Commissioner shall forthwith report the matter to ¹[Mayor-in-Council which shall take a decision whether it is desirable to acquire the land set out in the notice and shall communicate the decision within two months to the Corporation which shall, within two months after the receipt thereof, communicate its decision to the Mayor-in-Council], and thereupon the Commissioner shall in accordance with such decision either decide to acquire such land or shall give notice to the owner that he has withdrawn the proposal or acquire.

(3) If the corporation decide to acquire the land they shall instruct the Commissioner to give notice of such decision to the Collector and to the owner, and the Collector shall proceed as if a declaration had been made in respect of the land

I of 1894. in question under section 6 of the Land Acquisition Act, 1894.

(4) If the corporation withdraw from the proposal to acquire any land under sub-section (2) such land shall not be included in any statement of land proposed to be acquired made in accordance with any notification drawn up under section 354G until the expiry of two years from the date of the issue of written notice of withdrawal to the owner.

²[(5) Notwithstanding anything contained in this section if the Corporation withdraw from the proposal to acquire any land under sub-section (2) such land shall be deemed to have been included in any statement of land in respect of which it is proposed to levy a betterment charge, made in accordance with any notification drawn up under section 354G :

Provided that the provisions of sub-sections (2) and (3) of section 354G shall apply in respect of such land with the modification that the period of thirty days referred to in the said sub-section (2) will be counted from the date on which notice was given to the owner that the proposal to acquire has been withdrawn.]

354J. (1) Upon compliance with the foregoing provisions with respect to the publication of notices of the scheme the Commissioner shall submit to the ³[Mayor-in-Council] any ⁴[objection or representation] received under section 354G together with any suggestion he may wish to make in respect of the modification of the scheme.

³[Mayor-in-Council] after publication and service of notices to forward the scheme to the corporation for approval.

(2) The ³[Mayor-in-Council] shall after consideration of any such ⁵[objection or representation] or suggestion and after inserting in the scheme such modifications as they think fit, submit the scheme together with any representation, answer or suggestion to the corporation for their approval.

354K. The corporation shall on receipt of a scheme from the ⁶[Mayor-in-Council] such modification as they think fit, submit the scheme together with any ⁷[objection, representation] or suggestion received, or made under section 354G or 354J and shall, after having approved the scheme with or without modification or declined to approve the scheme, pass a resolution to that effect.

Corporation to consider the improvement scheme and to approve or disapprove.

¹ This portion was substituted by Mah. 10 of 1998, s.154.

² Sub-section (5) was added by Bom. 34 of 1954, s.14.

³ These words were substituted for the words "the Improvements Committee" by Mah. 10 of 1998, s.155.

⁴ These words were substituted for the words "representation or answer" by Bom. 34 of 1954, s.15 (1).

⁵ These words were substituted for the words "representation answer", *ibid.*, s.15(2).

⁶ These words were substituted for the words "the Improvements Committee", by Mah. 10 of 1998, s.156.

⁷ These words were substituted for the words "representation answer", by Bom. 34 of 1954, s.16.

354L. (1) As soon as the corporation have approved the scheme the Commissioner shall apply to ²[the ³[State] Government] on behalf of the corporation for sanction to the scheme.

(2) If the corporation do not approve the scheme they shall pass a resolution to that effect. The Commissioner shall thereupon forthwith draw up a notification stating the fact that the corporation have resolved not to proceed with the making of the said improvement scheme and shall publish the said notification in the manner prescribed in section 354C. Thereupon the notifications relating to the scheme published under sections 354C and 354G shall be deemed cancelled.

(3) The application to ²[the ³[State] Government] for sanction under sub-section (1) shall be accompanied by—

⁴(a) a copy of the decision taken by the Mayor-in-Council under section, 354D ;

(b) a copy of a resolution passed by the corporation under section 354C ;

(c) a description with full particulars of the scheme including the reasons for any modifications inserted therein ;

(d) complete plans and estimates of the cost of executing the scheme ;

(e) a statement specifying the land ⁵[which it is proposed to acquire or in respect of which it is proposed to levy a betterment charge] ;

(f) a list of the names of the persons if any, who in answer to the notices mentioned in sub-section (2) of section 354G ⁶[objected, with the reasons (if any) stated by such person for objection, in respect of the acquisition of thier land or of the levy of a betterment charge ;]

(g) schedule showing the rateable value, as entered in the Commissioner's Assessment-book, at the date of publication of a notification relating to the land under section 354G, of all land specified in the statement under clause (e) and of any other land wholly or partially situated within 80 feet from other side of any street to be formed or altered in executing the scheme.

354M. (1) (a) On receipt of the sanction of ⁷[the ⁸[State] Government], the Commissioner shall forward to ⁷[the ⁸[State] Government] a declaration for notification under the signature of a Secretary to ⁷[the ³[State] Government] stating the fact of such sanction and that the land proposed to be acquired by the corporation for the purposes of the scheme is required for public purpose.

(b) The declaration shall be published in the ⁹[Official Gazette] and shall state the limits within which the land proposed to be acquired is situate, the purpose for which it is needed, its approximate area, and the place where a plan of the land may be inspected.

(c) The said declaration shall be conclusive evidence that the land is needed for a public purpose, and the Commissioner shall, upon the publication of the said declaration, proceed to execute the scheme.

¹ This word was substituted for the word " Provincial " by the Adaptation of Laws Order, 1950.

² The words " the Provincial Government " were substituted for the word " Government " by the Adaptation of Indian Laws Order in Council.

³ This word was substituted for the word " Provincial " by the Adaptation of Laws Order, 1950.

⁴ Clause (a) was substituted by Mah. 10 of 1998, s.157.

⁵ These words were substituted for the words " proposed to be acquired " by Bom. 34 of 1954, s.17 (1).

⁶ These words were substituted for the original by Bom. 34 of 1954, s.17(2).

⁷ The words " the Provincial Government " were substituted for the word " Government " by the Adaptation of Indian Laws Order in Council.

⁸ This words was substituted for the word " Provincial " by the Adaptation of Laws Orders, 1950.

⁹ The words " Official Gazette " were substituted for the words " Bombay Government Gazette " by the Adaptation of Indian Laws Order in Council.

(2) (a) If at any time, it appears to the Commissioner, the ¹[Mayor-in-Council] or the corporation, as the case may be, that an improvement can be made in any part of the scheme, the corporation may alter the scheme for the purpose of making such improvement, and thereupon the Commissioner shall, subject to the provisions contained in the next two clauses of this sub-section, forthwith proceed to execute the scheme as altered.

(b) If the estimated net cost of executing the scheme as altered exceeds by ten per cent, the estimated net cost of executing the scheme as sanctioned, the Commissioner shall not, without the previous sanction of the corporation and of ²[the ³[State] Government], proceed to execute the scheme as altered.

(c) If the scheme as altered involves the acquisition, otherwise than by agreement of any land other than that specified in the schedule accompanying the scheme under sub-section (3) of section 354L the provisions of sections 354G and 354L and of sub-section (1) shall apply to the part of the scheme so altered, in the same manner as if such altered part were the scheme.

354N. If, within three years from the declaration aforesaid, the corporation fail to acquire land or any part of the land proposed to be acquired for the purposes of any scheme notified after the City of Bombay Municipal (Amendment) Act, 1933, comes into operation, the owner of any land included in the declaration may, by written notice setting out the particulars of such land, call upon the corporation to acquire such land or to withdraw from the proposal to acquire it. Thereafter the procedure prescribed in sub-sections (2) to (4) of section 354-I shall be followed.

If the corporation fail to acquire the land, owner may call upon [corporation] to acquire it or to withdraw from the Proposal.

Police Accommodation Schemes

354O. (1) When a representation is made by ²[the ³[State] Government] to the corporation that within any part of ⁵[Brihan Mumbai] accommodation is required for housing any part of the police of ⁵[Brihan Mumbai], the corporation shall take such representation into their consideration, and, if satisfied of the sufficiency of their resources and that it is otherwise expedient, shall pass a resolution to the effect that a scheme for providing such accommodation ought to be made, and shall direct the Commissioner to forthwith proceed to make a police accommodation scheme.

The corporation to have power to make a police accommodation scheme.

(2) The police accommodation scheme may provide for constructing dwellings, police stations and accessory buildings for any or all classes of such Police, and for acquiring, raising and levelling any land required for the execution of the scheme.

354P. Upon completion of a police accommodation scheme, the provisions of sections 354G to 354M shall, with all necessary modifications, be applicable to the scheme in the same manner as if the scheme were an improvement scheme.

Procedure on completion of a scheme.

354Q. (1) When such scheme is sanctioned by ²[the ³[State] Government], in the case of land specified in Schedule W, ²[the ³[State] Government] shall resume the land, and the said land shall thereupon vest in the corporation.

Vesting of land in corporation.

(2) The Commissioner shall then proceed to execute the police accommodation scheme.

¹ These words were substituted for the words "the Improvement Committee" by Mah. 10 of 1998, s.158.

² The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

³ This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

⁴ This word was substituted for the word "Committee" by Mah. 10 of 1998, S. 159.

⁵ These words were substituted for the words "Greater Bombay" by Mah. 25 of 1996, .Sch.

(3) Any building constructed under this section shall with the site be held by ¹[the ²[State] Government] for police purposes for a term of sixty years from the date of the completion of the building, and ³[the ²[State] Government] shall, during the said period, pay yearly to the corporation by way of rent a sum equal to the total of—

(a) the annual interest payable by the corporation on all moneys, which they have spent on the scheme, and

(b) sinking fund, charges so calculated that at the end of the said period the aggregate in the sinking fund shall amount to the total sum spent on the scheme such total sum shall include—

(i) all moneys spent on interest and sinking fund charges up to the date of the commencement of the said period ;

(ii) if and so far as the land included in the scheme is not part of the land specified in Schedule W the cost of such land ;

(iii) preliminary expenses and an allowance for management and supervision up to the date of the commencement of the said period.

(4) The cost of such land for the purposes of this section shall be deemed to be—

(a) if and so far as the land has been acquired for the scheme, the actual cost of its acquisition, and

(b) in all other cases the market value of the land at the date of the declaration of the scheme.

(5) ¹[The ²[State] Government] shall maintain the building held by them under sub-section (3) in a state of proper repairs.

(6) On the expiration of the period of sixty years the building and the land forming the site thereof shall vest absolutely in ³[Government].

(7) This section shall apply to all police accommodation schemes sanctioned, hertofore by ¹[the ²[State] Government] in accordance with the provisions of the ⁴[City of Bombay Improvement Act, 1898, of the City of Bombay Improvement Trust Bom. IV of 1898. Bom. XVI of 1925. Bom. Transfer Act, 1925, as if such schemes had been sanctioned under the provisions of this Act.

⁵[Clearance areas.

Power to declare an area to be a clearance area.

354R. (1) If it shall appear to the Commissioner in respect of any area in any part of ⁶[Brihan Mumbai]—

(a) that the residential building in that area are, by reason of disrepair or sanitary defects unfit for human habitation or are, by reason of their bad arrangement or the narrowness or bad arrangement of the streets dangerous or injurious to the health of the inhabitants of the area and that the other buildings, if any in the area are for like reason dangerous or injurious to the health of the said inhabitants ; and

¹The word " The Provincial Government " was substituted for the word " Government " by the Adaptation of Indian Laws Order in Council.

²This word was substituted for the word " Provincial " by the Adaptation of Laws Order, 1950.

³This word was substituted for the words " His Majesty ", *ibid*.

⁴The City of Bombay Improvement Act, 1898, was repealed by the City of Bombay Improvement Trust Transfer Act, 1925, which has been repealed by Bom. 13 of 1933, See Appendix.

⁵These headings, sections were substituted for section 354R and 354S by Bom. 34 of 1954, s. 18.

⁶These words were substituted for the words " Greater Bombay " by Mah. 25 of 1996, Schedule.

(b) that the conditions in the area can be effectually remedied by the demolition of all the buildings in the area without making an improvement scheme ;

the Commissioner may cause that area to be defined on a plan in such manner as to exclude from the area any building which is not unfit for human habitation or dangerous or injurious to health and submit a draft clearance scheme ¹[after obtaining the approval of the Mayor-in-Council] for the approval of the Corporation. On the submission by the Commissioner of draft clearance scheme, the Corporation shall take such scheme into consideration and approve the same with or without such alteration as they think fit. The Corporation shall then pass a resolution declaring the area so defined and approved by them to be a clearance area, that is to say, an area to be cleared of all buildings in accordance with the subsequent provisions of this Act. The area shall hereinafter be referred to as the clearance area and the scheme as the clearance scheme.

(2) Before any area is declared to be a clearance area, it shall be the duty of Corporation to satisfy themselves as to the sufficiency of their resources and to ascertain the number of persons who are likely to be dishoused in such area and thereafter to take such measures as are practicable whether by the arrangement of their programme or otherwise so as to ensure that as little hardship as possible is inflicted on those dishoused.

(3) The Commissioner on behalf of the Corporation shall forthwith transmit to the State Government a copy of the resolution passed by them under this section.

(4) As soon as may be after the Corporation have declared any area to be a clearance area, the Commissioner shall, in accordance with the appropriate provisions hereafter contained in this Act, proceed to secure the clearance of the area in one or other of the following ways, or partly in one of those ways, and partly in the other of them, that is to say :—

(a) by ordering the demolition of the buildings in the area ; or

(b) by acquiring on behalf of the Corporation land comprised in the area and undertaking or otherwise securing, the demolition of the buildings thereon.

354RA. (1) Where in respect of any clearance area the Commissioner determines to order any buildings in the clearance area to be demolished, he shall, with the approval of ²[the Mayor-in-Council and] the Corporation make and submit to the State Government for confirmation by them an order (in this Act referred to as "clearance order") ordering the demolition of each of those buildings. Clearance orders.

(2) A clearance order shall describe by reference to a plan the area to which it applies, and shall fix by reference to the date on which it becomes operative the period, not being less than twenty-eight days from that date, within which the Commissioner requires the buildings in the area to be vacated for the purposes of demolition, and for that purpose may fix different periods as respects different buildings.

(3) There shall be excluded from the clearance order any houses or other buildings properly included in the clearance area only on the ground that by reason of their bad arrangement in relation to other buildings, or the narrowness or bad arrangement on the streets, they are dangerous or injurious to the health of the inhabitants of the area :

Provided that this sub-section shall not apply to a building constructed or adapted as, or for the purposes of, a dwelling or partly for those purposes and partly for other purposes, if any part (not being a part used for other purposes) is by reason of disrepair or sanitary defects unfit for human habitation.

¹These words were inserted by Mah. 10 of 1998, s.160.

²These words were inserted by *ibid.*

(4) Before submitting the order to the State Government, the Commissioner shall—

(a) publish simultaneously in the *Official Gazette* and in three or more newspapers circulating within ¹[Brihan Mumbai] a notice stating the fact of such a clearance order having been made and describing the area comprised therein and naming a place where a copy of the order and of the plan referred to therein may be seen at all reasonable hours : and

(b) serve on every person whose name appears in the Commissioner's assessment book, as primarily liable for payment of property tax leviable under this Act, on any building included in the area to which the clearance order relates and, so far as it is reasonably practicable to ascertain such persons, on every mortgagee thereof, a notice stating the effect of the clearance order and that it is about to be submitted to the State Government for confirmation, and specifying the time within and the manner in which objections thereto can be made to the Commissioner.

(5) Upon compliance with the foregoing provisions with respect to the publication and service of notices of the clearance order, the Commissioner shall submit to the ²[Mayor-in-Council] any objections received under sub-section (4) and any suggestions he may wish to make in that respect.

(6) The ²[Mayor-in-Council] may, after consideration of any such objections and suggestions, make such modifications in respect of the order as they think fit, and the Commissioner shall thereafter submit the order as approved, ³* * * by the ²[Mayor-in-Council] first to the Corporation and then to the State Government for confirmation.

(7) The provisions of Schedule GG to this Act shall have effect with respect to the validity and date of operation of a clearance order.

(8) When a clearance order has become operative, the owner or owners of any building to which the order applies shall demolish that building before the expiration of six weeks from the date on which the building is required by the order to be vacated or, if it is not vacated until after that date, before the expiration of six weeks from the date on which it is vacated or, in either case, before the expiration of such longer period as in the circumstances the Commissioner may deem reasonable; and if the building is not demolished before the expiration of that period the Commissioner shall take measures to demolish the building and sell materials thereof.

(9) Any expenses incurred by the Commissioner under the foregoing sub-section after giving credit for the amount realised by sale of the materials, shall be payable by the owner or owners of the building, and any surplus in the hands of the Commissioner, after payment of such expenses, shall be paid by the Commissioner to the owner of the building, or if there is more than one owner, shall be paid as those owners may agree. In default of agreement between such owners, the Commissioner shall deposit the surplus amount in the Small Causes Court and the Chief Judge of the said Court shall decide in what proportion such amount should be paid to such owners. The decision of the Chief Judge shall be final.

(10) When a clearance order has become operative, no land to which the order applies shall be used for building purposes, or otherwise developed, except subject to such restrictions and conditions, as may be imposed by ⁴* * * the Corporation generally or specially

¹ These words were substituted for the words " Greater Bombay " by Mah. 25 of 1996, Schedule.

² These words were substituted for the words " The Improvement Committee " by Mah. 10 of 1998, s. 161(b) and (c)(i).

³ The words " either with or without modifications " were deleted, *ibid.*, s. 161 (c)(ii).

⁴ The words " the Commissioner and approved by " were deleted by Mah. 10 of 1998, s. 161 (d)

(11) In the provisions of this Act relating to buildings included in an area to which a clearance order applies references to a building shall include references to a hut, tent or other temporary or moveable form of shelter which is used for human habitation and has been in the same enclosure for a period of two years next before action is taken under those provisions, and the reference to development in subsection (10) shall include a reference to the erection or placing on land of a hut, tent, or other temporary or moveable form of shelter.

354RB. Where, as respects any area declared by the Corporation to be a clearance area, the Commissioner determines to acquire any land comprised in the area, he may acquire also any land which is surrounded by the clearance area and the acquisition of which is reasonably necessary for the purpose of securing a cleared area of convenient shape and dimensions, and any adjoining land the acquisition of which is reasonably necessary for the satisfactory development or use of the cleared area.

354RC. Subject to the provisions of this section, the Commissioner may include in a clearance area any land belonging to the Corporation which he might have included in such area if it had not belonged to them and where any land of the Corporation is included in a clearance area or, being land surrounded by or adjoining a clearance area, might have been acquired by the Commissioner under the last foregoing section had it not previously belonged to the Corporation, the provisions of this Act shall apply in relation to that land as if it has been acquired by the Commissioner as being land comprised in the clearance area or, as the case may be, as being land surrounded by or adjoining a clearance area.

354RD. (1) Where the Commissioner has determined to acquire land comprised in or surrounded by, or adjoining a clearance area, he may acquire that land by agreement upon obtaining the requisite sanction under section 90 or he may, with the sanction of the [Mayor-in-Council] be authorised to acquire that land by a compulsory acquisition order made and submitted to the State Government and confirmed by them in accordance with the provisions of Schedule HH to this Act.

(2) An order authorising the compulsory acquisition of land comprised in a clearance area shall be submitted by the Commissioner with the approval ²[of the Mayor-in-Council and] of the Corporation, to the State Government within six months, and an order authorising the compulsory acquisition of land surrounded by or adjoining a clearance area shall be submitted by the Commissioner with the approval ²[of the Mayor-in-Council and] of the Corporation to the State Government within twelve months after the date of the resolution of the Corporation declaring the area to be a clearance area or within such longer period as the State Government may, in the circumstances of the particular case, allow.

(3) The provisions of Schedule GG to this Act shall have effect with respect to the validity and date of operation of a compulsory acquisition order made under this section.

(4) Nothing in this section shall authorise the compulsory acquisition of any land or building vested in the Central Government or in the Trustess of the Port of Bombay without the previous sanction of the Central Government, or any land or building vested in the State Government or belonging to any corporation, authorised by law to construct, work and carry on any tramway, gas, electricity, water or other public undertaking without the previous sanction of the State Government.

¹ These words were substituted for the words "the Improvements Committee" by Mah. 10 of 1998, s. 162(a).

² The words "of the Mayor-in-Council and" were inserted, *ibid.*, s. 162(b).

Treatment of a clearance area. **354RE.** The Commissioner having acquired any land comprised in, or surrounded by or adjoining a clearance area shall, as soon as may be, cause every building thereon to be vacated if necessary in the manner provided by section 488A, and shall deal with that land in one or other of the following ways, or partly in one of these ways and partly in the other of them, that is to say :—

(a) he shall demolish every building thereon before the expiration of six weeks from the date on which it is vacated, or before the expiration of such longer period as in the circumstance he deems reasonable, and thereafter may, with the sanction of the requisite authority under section 92, sell or lease the land subject to such restrictions and conditions, if any, as he thinks fit or may, subject to the sanction of the Corporation, appropriate the land for any purpose for which the Corporation are authorised to acquire land; or

(b) he shall, as soon as may be, with the sanction of the requisite authority under section 92, sell or lease the land subject to a condition that the buildings thereon shall be demolished forthwith and subject to such restrictions and other conditions, if any, as he thinks fit :

Provided that, in lieu of selling any land other than land abutting on a public street, the Commission may, where the owner of other land (being land which the Corporation has power to acquire) is willing to take such land in exchange for that other land, with the sanction of the ¹[Mayor-in-Council], exchange it for that other land either with or without paying or receiving money for equality of exchange, and in relation to any such exchange the like provisions shall have effect as respects the land to be given in exchange by the Corporation as have effect by virtue of the foregoing provisions of this section as respects land sold thereunder. Any land acquired by the Commissioner by such exchange if it is situated in the clearance area shall be subject to the same restrictions as are applicable to other lands in such area.

Arrangements where acquisition of land in a clearance area found to be unnecessary. **354RF.** Where the Commissioner has submitted to the State Government an order for the compulsory acquisition of land in a clearance area, and the State Government, on an application for an authorisation under this section being made to them by the owner or owners of the land and the Commissioner is satisfied that the owner or owners of the land, with the concurrence of any mortgagee thereof, agree to the demolition of the buildings thereon and that the Commissioner can secure the proper clearance of the area without acquiring the land, the State Government may,—

(a) in a case where the order has not been confirmed authorise the Commissioner to submit forthwith and without any previous publication or service, a clearance order with respect to the buildings, and upon his so doing, may modify the compulsory acquisition order by excluding the land therefrom and confirm the clearance order ; or

(b) in a case where the compulsory acquisition order has been confirmed but the land has not become vested in the Corporation, authorise the Commissioner to discontinue proceedings for the acquisition of the land on their being satisfied that such agreements have been or will be entered into by all necessary parties as may be requisite for securing that the buildings shall be demolished in like manner, and the land become subject to the like restrictions and conditions, as if the Commissioner had dealt with the land in accordance with the provisions of the last foregoing section.

¹ These words were substituted for the words "the Improvement Committee" *ibid.*, s. 163.

354RG. (1) Where land has been cleared of buildings in accordance with a clearance order the Corporation may, at any time after the expiration of eighteen months from the date on which the order become operative, by resolution determine to acquire any part of that land which at the date of the passing of the resolution has not been, or is not in process of being, used for building purposes or otherwise developed by the owner thereof in accordance with plans approved by the Commissioner and any restrictions or conditions imposed under sub-section (10) of section 354RA. Power to acquire cleared land which owners have failed to re-develop.

(2) Where the Corporation have determined to acquire land under this section the Commissioner may acquire that land by agreement upon obtaining the requisite sanction under section 90, or he may, with the sanction of the [Mayor-in-Council], be authorised to acquire that land by a compulsory acquisition order made and submitted to the State Government and confirmed by them in accordance with provisions of Schedule HH to this Act.

(3) An order authorising the compulsory acquisition of land for the purposes of this section shall be submitted by the Commissioner to the State Government within three months after the date of the passing of the resolution to acquire the land.

(4) The provisions of Schedule GG to this Act shall have effect with respect to the validity and date of operation of a compulsory acquisition order made under this section.

(5) The Commissioner shall, with the approval of the [Mayor-in-Council], deal with any land acquired under this section by sale, lease or appropriation, in accordance with the provisions of section 354RE.

354RH. (1) Where any premises in respect of which a clearance order has become operative from the subject-matter or a lease, either the lessor or the lessee may apply to the Chief Judge of the Small Causes Court for an order under this section. Power of Court to determine lease where premises demolished.

(2) Upon any such application as aforesaid, the Chief Judge, after giving to any sub-lessee an opportunity of being heard, may, if he thinks fit, make an order for the determination of the lease, or for the variation thereof, and in either case, either unconditionally or subject to such terms and conditions (including conditions with respect to the payment of money by any party to the proceedings to any other party thereto by way of compensation, damages, or otherwise) as he may think just and equitable to impose, regard being had to the respective rights, obligations and liabilities of the parties under the lease and all the other circumstances of the case.

(3) In this section, the expression 'lease' includes an under-lease and any tenancy, or agreement for a lease, under-lease, or tenancy, and the expression 'lessor', 'lessee' and 'sub-lessee' shall be construed accordingly, and as including also a person deriving title under a lessor, lessee or sub-lessee.

Re-development areas.

354RI. (1) If it shall appear to the Commissioner in respect of any area in any part of [Brihan Mumbai], that the following conditions exist, that is to say:— Power to declare an area to be a re-development area.

(a) that the area contains fifty or more dwellings for the poorer classes ;

(b) that at least one-third of the poorer class dwellings in the area are overcrowded or unfit for human habitation and not capable at a reasonable expense of being rendered so fit, or so arranged as to be congested ;

(c) that it is expedient in connection with the provision of housing accommodation for the poorer classes that the area should be re-developed as a whole.

¹ These words were substituted for the words "Improvements Committee" by Mah. 10 of 1998, s. 164(a) and (b).

² These words were substituted for the words "Greater Bombay", by Mah. 25 of 1996, Schedule.

the Commissioner shall cause that area to be defined on a plan and shall submit draft ¹[re-development scheme to the Mayor-in-Council for the approval of] the Corporation. On the submission of such a draft re-development scheme, the Corporation shall take into consideration such scheme and approve the same with or without alteration as they think fit. The Corporation shall then pass a resolution declaring the area so defined and approved by them to be a re-development area.

(2) As soon as may be after the Corporation have passed a resolution under the foregoing sub-section, the Commissioner on behalf of the Corporation shall transmit to the State Government a copy of the resolution and of the plan, and shall publish simultaneously in the *Official Gazette* and in three or more newspapers circulating within ²[Brihan Mumbai] a notice stating that the resolution has been passed and naming a place where a copy of the resolution and of the plan may be inspected at all reasonable hours.

(3) Before any area is declared to be a re-development area, it shall be the duty of the Corporation to satisfy themselves as to the sufficiency of their resources and to ascertain the number of persons who are likely to be dishoused in such area and thereafter to take such measures as are practicable whether in the arrangement of their programme or otherwise so as to ensure that as little hardship as possible is inflicted on those dishoused.

Re-develop-
ment plan.

354RJ. (1) Within six months after the Corporation have passed a resolution under the last foregoing section or within such extended period as the State Government may allow, the Commissioner shall, ³[with the approval of the Mayor-in-Council and the], prepare and submit to the State Government a re-development plan indicating the manner in which it is intended that the defined area should be laid out and the land therein used, whether for existing purposes or for purposes requiring the carrying out of re-development thereon, and in particular the land intended to be used for the provisions of housing accommodation for the poorer classes, for streets and for open spaces.

(2) In the preparation of the plan regard shall be had to the provisions of any improvement scheme or proposed improvement scheme under this Act or any scheme under the ⁴[The Maharashtra Regional and Town Planning Act, 1966,] relating to the defined area or land in the neighbourhood thereof.

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(3) Before submitting the plan to the State Government, the Commissioner shall—

(a) publish simultaneously in the *Official Gazette*, and in three or more newspapers circulating within ²[Brihan Mumbai] a notice stating that the plan has been prepared and is about to be submitted to the State Government, naming a place where the plan may be inspected at all reasonable hours, and specifying the time within which, and the manner in which, objections can be made; and

(b) serve a notice to the like effect on every owner, lessee and occupier (except tenants for a month or any period less than a month) of land in the defined area, and on every railway administration operating a railway within the defined area and on any Corporation authorised by law to construct, work and carry on any tramway, gas, electricity, water or other public undertaking within the defined area.

¹ These words were substituted for the words "re-development Scheme for the approval of", by Mah. 10 of 1998, s. 165.

² These words were substituted for the words "Greater Bombay" by Mah. 25 of 1996, Schedule,

³ These words were substituted for the words "with the approval of the Corporation" by Mah. 10 of 1998, s. 166(a).

⁴ These words and figures were substituted for the words and figures "the Bombay Town Planning Act, 1915", *ibid.*, s. 166(b).

(4) Upon compliance with the foregoing provisions with respect to the publication and service of notices regarding the proposed re-development plan, the Commissioner shall submit to the ¹[Mayor-in-Council] and objections received under subsection (3) and any suggestions he may wish to make in that respect.

(5) The ¹[Mayor-in-Council] may after consideration of any such objections and suggestions make such modification in respect of the re-development plan as they think fit, and the Commissioner shall thereafter submit the plan as modified by the ¹[Mayor-in-Council] first to the Corporation and then to the State Government for approval.

(6) On receipt of notice of the State Government's approval the Commissioner shall publish simultaneously in the *Official Gazette* and in three or more newspapers circulating within ²[Brihan Mumbai] a notice stating that the re-development plan has been approved and naming a place where a copy thereof may be inspected at all reasonable hours, and shall serve a like notice on every person on whom a notice was served by him of his intention to submit there-development plan to the State Government for their approval.

(7) Where, after a re-development plan has been approved, the Corporation are satisfied that any land in re-development area (that is to say, the defined area or so much thereof as is comprised in the plan as approved) ought to be re-developed or used otherwise than as indicated in the plan, the Commissioner shall prepare and submit to the State Government on behalf of the Corporation a new plan in respect of that land and the provisions of this section in respect to publication, service of notices and approval by the State Government shall have effect in relation to the new plan, with the substitution of references to the new plan and to the land comprised therein, for references to the re-development plan and to the defined area.

(8) The provisions of Schedule GG to this Act shall have effect with respect to the validity and date of operation of the State Government's approval of a re-development plan or of a new plan.

(9) In the subsequent provisions of this Act references to re-development or use in accordance with a re-development plan shall be construed as references to re-development or use in accordance with a re-development plan approved under this section or in the case of land comprised in a new plan approved under this section, in accordance with the new plan.

354RK. (1) When the State Government's approval of a re-development plan has become operative, the Commissioner may acquire by agreement, upon obtaining the requisite sanction under section 90, or he may, with the sanction of the ¹[Mayor-in-Council], be authorised by means of an order made and submitted to the State Government and confirmed by them in accordance with Schedule HH to this Act, to acquire compulsorily—

Acquisition of land for purposes of re-development.

(a) land in the re-development area; and

(b) any land **outside** that area which may be required for the purpose of providing accommodation for person occupying premises within that area which have been or are intended to be acquired by agreement, or in respect of which compulsory acquisition orders have been submitted.

¹ These words were substituted for the words "Improvements Committee", by Mah. 10 of 1998, s. 166(c) and (d).

² These words were substituted for the words "Greater Bombay" by Mah. 25 of 1996, Schedule.

(2) Where the Commissioner submits to the State Government an order for the compulsory acquisition under this section of land which comprises or consists of a building which in his opinion is unfit for human habitation and not capable at reasonable expense of being rendered so fit, the order as submitted shall be in a form, prescribed for the purpose of indicating that the building is in that condition, and, if in the opinion of the State Government the building is properly so indicated, the order as confirmed may authorise the Commissioner to acquire the building as being in that condition.

(3) The provisions of Schedule GG to this Act shall have effect with respect to the validity and date of operation of a compulsory acquisition order made under this section.

(4) Nothing in this section shall authorise the compulsory acquisition of any land or building vested in the Central Government or in the Trustees of the Port of Bombay without the previous sanction of the Central Government, or any land or building vested in the State Government or belonging to any Corporation authorised by law to construct, work and carry on any tramway, gas, electricity, water or other public undertaking without the previous sanction of the State Government.

(5) Land acquired by the Commissioner under this section for the provision of houses for the poorer classes shall be deemed to have been acquired by him under section 354RN.

(6) Land acquired by the Commissioner under section otherwise than for the provision of houses for the poorer classes may, with the sanction of the requisite authority under section 92, be sold or leased to any person or if such land is not abutting on any public street may with like sanction be exchanged for other land which the Commissioner has power to acquire either with or without paying or receiving money for equality of exchange, subject in the case of land in the re-development area, to conditions for securing that it shall be re-developed or used in accordance with the re-development plan.

(7) When the State Government's approval of a re-development plan has become operative, and the plan comprise any land of the Corporation, the provisions of this Act shall in relation of that land as if it had been land in the re-development area acquired by the Commissioner under this section.

(8) When the State Government's approval of a re-development plan has become operative, no person shall construct or reconstruct any building or any portion of a building within the re-development area to which the plan relates except with the written permission of the Commissioner, who in granting such permission may impose such conditions approved by the Corporation generally or specially, as will, in his opinion, ensure that the construction or reconstruction shall only proceed in accordance with the re-development plan.

General provisions as to land purchased for clearance or re-development.

354RL. (1) The Commissioner may, with the approval of the State Government, extinguish by order any public right of way over land acquired by agreement under section 354RD, 354RG or 354RK, provided that an order intended to be made by the Commissioner under this sub-section shall be published alongwith a notice inviting objections simultaneously in the *Official Gazette* and in three or more newspapers circulating within [Brihan Mumbai] and, if any objection thereto is made to, the State Government before the expiration of six weeks from the publication thereof the State Government shall not approve the order until they have considered all such objections.

¹ These words were substituted for the words " Greater Bombay " by Mah. 25 of 1998, Schedule.

(2) Where the Commissioner proposes to acquire under the sections referred to in sub-section (1) land over which a public right of way exists, it shall be lawful under this section for the Commissioner to make and the State Government to approve, in advance of the acquisition an order extinguishing that right as from the date on which the buildings on the land are vacated or at the expiration of such period after that date as may be specified in the order, or as the State Government in approving the order may direct.

(3) Upon the completion of the purchase of the land which the Commissioner on behalf of the Corporation has acquired by agreement under the sections referred to in sub-section (1) all private rights of way in and all private rights under or over that land and all other rights or easements in or relating to that land shall be extinguished, and any person who suffers loss by the extinguishment of any such right or easement shall be entitled to be paid by the Corporation compensation of such amount as might have been awarded to a person interested in such rights or easements as if the land to which the same relate has been acquired under a compulsory acquisition order for which the notice required under clause 2(a) of Schedule HH to this Act had been published on the date of completion of the purchase :

Provided that this sub-section shall not apply to any rights vested in Government or in the Trustees of the Port of Bombay or to any rights belonging to any Corporation authorised by law to construct, work and carry on any tramway, gas, electricity, water or other public undertaking, and shall have effect as respect other matters subject to any agreement which may be made between the Commissioner and the person in or to whom the right in question is vested or belongs.

Provision of housing accommodation for the poorer classes.

354RM. (1) If the Corporation, upon consideration of a representation from the [the Member-in-charge] other information in their possession, are satisfied that within any area in any part of ¹[Birhan Mumbai] it is expedient to provide housing accommodation for the poorer classes and that such accommodation can be conveniently provided without making an improvement scheme, they shall cause that area to be defined on a plan and pass a resolution authorising the Commissioner and the Commissioner shall thereupon be empowered to provide such accommodation—

Mode of provision of accommodation.

(a) by the erection of building or in any other manner, on any land belonging to the Corporation or any land acquired by the Corporation for the purpose;

(b) by the conversion of any buildings belonging to the Corporations into dwellings for the poorer classes ;

(c) by altering, enlarging, repairing or improving any buildings which have or an estate or interest in which has been acquired by the Corporation.

(2) ²[The Commissioner may subject to the approval of the Corporation alter,] enlarge, repair or improve any house so erected, converted or acquired.

354RN. The Commissioner may for the purpose of the foregoing section on behalf of the Corporation—

Power of Commissioner to acquire land for housing accommodation.

(a) acquire any land including any buildings thereon as a site for the erection of buildings for the poorer classes ;

¹ These words were substituted for the word " Commissioner " by Mah. 10 of 1998, s. 168 (a).

² These words were substituted for the words " Greater Bombay " by Mah. 25 of 1996, Schedule-

³ These words were substituted for the words " the Commissioner, may alter ", by Mah. 10 of 1998, s. 168 (b).

(b) acquire land for the purpose of—

(i) the lease or sale of land with a view to the erection thereon of buildings for the poorer classes by persons other than the Corporation ;

(ii) lease or sale of any part of the land acquired with a view to the use thereof for purposes which in the opinion of the Commissioner are necessary or desirable for, or incidental to, the development of the land as a building estate, including the provision, maintenance and improvement of buildings, gardens, factories, workshops, places of worship, places of recreation and other works or buildings for, or for the convenience of persons belonging to the poorer classes.

354RO. (1) Land for the purposes of the foregoing section may be acquired by the Commissioner by agreement upon obtaining the requisite sanction under section 90, or he may, with the sanction of the ¹[Mayor-in-Council], be authorised to acquire land for those purposes by means of a compulsory acquisition order made and submitted to the State Government and confirmed by them in accordance with the provisions of Schedule HH to this Act.

(2) The Commissioner may, with the consent of and subject to any conditions imposed by, the State Government acquire land for the purposes of the foregoing section, notwithstanding that the land is not immediately required for those purposes :

Provided that the Commissioner shall not be authorised to acquire any land compulsorily for those purposes unless it appears to the State Government that it is likely to be required for those purposes within ten years from the date on which they confirm the compulsory acquisition order.

(3) The provisions of Schedule GG to this Act shall have effect with respect to the validity and date of operation of a compulsory acquisition order made under this section.

(4) Nothing in this Act shall authorise the compulsory acquisition for the purposes of section 354RM of any land which is the property of Government or of the Trustees of the Port of Bombay or any local authority, or which is the property of any Corporation authorised by law to construct, work and carry on any tramway, gas, electricity, water or other public undertaking and was acquired for the purposes of such Corporation, or which at the date of the compulsory acquisition order forms part of any park, garden or recreation ground.

354RP. (1) Where the Commissioner has acquired or appropriated any land for the purposes of section 354 RN then, without prejudice to any of his other powers under this Act, he may—

(a) lay out and construct public streets or roads and open spaces on the land ;

(b) with the approval of the ²[Corporation], sell or lease the land ; or part thereof to any person for the purpose and under the condition that, that person will erect and maintain thereon such number of buildings suitable for the poorer classes as may be fixed by the Commissioner in accordance with plans approved by him and, when necessary, will lay out and construct public streets or roads and open space on the land, or will use the land for purposes which in the opinion of the Commissioner are necessary or desirable, for, or incidental to, the development of the land in accordance with plans approved by the Commissioner including the provision, maintenance and improvement of houses and gardens, places of recreation and other works or buildings for, or for the convenience of persons belonging to poorer classes ;

¹ These words were substituted for the words " the Improvement Committee ", by Mah. 10 of 1998, s.169.

² These words were substituted for the words " the Improvement Committee " *ibid.*, s.170.

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(c) with the approval of the [Corporation] sell the land or part thereof or if such land is not abutting on any public street, exchange the land or part thereof for land better adapted for those purposes, either with or without paying or receiving any money for equality of exchange ;

(d) with the approval of the [Corporation] sell or lease any buildings on the land or erected by him on the land, subject to such covenants and conditions as he may think fit to impose either in regard to the maintenance of the buildings as dwellings for the poorer classes or otherwise in regard to the use of the buildings, and upon any such sale he may, if he thinks fit, agree to the price being paid by instalments together with interest on the outstanding balance at such rate as may from time to time be prescribed by the [Corporation] in this behalf, or to a payment of part thereof being secured by a mortgage of the premises.

(2) Where the Commissioner acquired any buildings which can be made suitable as a building for the poorer classes or an estate or interest in such a building, he shall forthwith proceed to secure the alterations, enlargement, repair or improvement of the building, either by himself executing necessary works, or by leasing or selling into some persons subject to conditions for securing that they will alter, enlarge, repair or improve it.

354RO. ²[Subject to the general or special orders issued in this behalf by the Mayor-in-Council, the powers of the Commissioner] to provide housing accommodation for the poorer classes shall include a power to provide and maintain and if desired jointly with any other person, in connection with any such housing accommodation, any building adapted for use as a shop, any recreation grounds, or other buildings or land which in the opinion of the Commissioner will serve a beneficial purpose in connection with the requirements of the persons for whom the housing accommodation is provided. Supplementary powers in connection with provision of accommodation.

Land Acquisition

I of 1894. **354S.** The Land Acquisition Act, 1894 (in this and the next succeeding sections referred to as "the Land Acquisition Act") shall to the extent set forth in Schedule CC regulate and apply to the acquisition of land under this Chapter, otherwise than by agreement, and shall for that purpose be deemed to form part of this Chapter in the same manner as if enacted in the body hereof, subject to the provisions of this Chapter and to the provisions following namely :— Extent to which Land Acquisition Act shall apply to acquisition of land otherwise than by agreement.

(1) A reference to any section of the Land Acquisition Act shall be deemed to be a reference to such section, as modified by the provisions of this Chapter, and the expression "land", as used in the Land Acquisition Act, shall be deemed to have the meaning assigned to it by clause (r) of section 3 of this Act, and clause (b) of section 3 of the Land Acquisition Act shall, for the purposes of this Chapter, be read as if the words and parenthesis (including Government) were inserted after the words "includes all persons" and the words "or if he is the owner of any right created by legislative enactment over any street forming part of the land" were added after the words "affecting the land";

¹ These words were substituted for the words "the Improvement Committee" by Mah. 10 of 1998, s. 170.

² These words were substituted for the words "the powers of Commissioner", *ibid.* s.171.

(2) in the construction of sub-section (2) of section 4 of the Land Acquisition Act and the provisions of this Chapter, the provisions of the said sub-section shall for the purposes of this Act, be applicable immediately upon the passing of a resolution under sub-section (1) of section 354C, 354O, 354R, 354RI, or 354RM, as the case may be, and the expression "State Government", shall be deemed to include the Commissioner, and the words "such locality" shall be deemed to mean the locally referred to in any such resolution ;

(3) in the construction of the sections of the Land Acquisition Act deemed to form part of this Chapter and of the provisions of this Chapter, the publication of a notification under sub-section (1) of section 354G or 354P, or the publication of notice of a compulsory acquisition order having been made under clause (2) (a) of Schedule HH to this Act shall be deemed to be the publication of a notification, under sub-section (1) of section 4 of the Land Acquisition Act and the date of publication of the declaration under section 354-M or 354P or of publication of notice of a compulsory acquisition order having been confirmed under clause (1) of Schedule GG shall be deemed to be the date of the publication of the declaration under section 6 of the Land Acquisition Act :

Provided that where land is acquired under section 354-H or sub-section (3) of section 354-I the date of publication of the notification under sub-section (1) of section 354G shall be deemed to be the date of publication of a declaration under section 6 of the Land Acquisition Act :

Provided further that the provisions of sub-section (2) of section 23 of the Land Acquisition Act shall apply when land, other than land forming part of any improvement scheme approved under section 354-D, is acquired specifically under this Act for the purpose of a police accommodation scheme ; and that in all other cases in which land is notified for acquisition after the 1st October 1933 (being the date on which the City of Bombay Municipal (Amendment) Act, 1933 came into operation) additional compensation in consideration of the compulsory nature of the acquisition shall be awarded on the scale set out in Schedule DD ;

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(4) the provisions of sub-section (1) of section 17 of the Land Acquisition Act to take possession of land shall apply to any land which the Commissioner is authorised under this Chapter as if it were waste or arable land needed urgently for a public purposes subject to the condition that the Corporation shall pay additional compensation in the form of interest not exceeding 6 per cent. on the compensation awarded from the date on which possession of land is taken by the Collector ;

(5) in the construction of sub-section (2) of section 50 of the Land Acquisition Act and the provisions of this Chapter, the Commissioner shall be deemed to be the local authority or Company concerned ;

(6) notwithstanding anything contained in sub-section (2) of section 49 of the Land Acquisition Act, it shall not be competent for the owner of any building, of which it is proposed to acquire only a part, to insist on the acquisition of his entire holding where the part proposed to be acquired can, in the opinion of the Collector, be served from the remainder without material detriment thereto ;

Provided that the Collector shall, if required by the owner of such building, refer the question whether such part can be served from the remainder without material detriment for the determination of the Court and the Court shall decide upon such a reference, as if it were a reference to the Court under the said sub-section :

Provided also that, if, in the opinion of the Collector, or in the event of a reference of the Court, the part proposed to be acquired cannot be served from the remainder without material detriment thereto, the State Government may, at the instance of the Commissioner, order the acquisition of the remainder, and in such case no fresh declaration shall be necessary, but the Collector shall without delay furnish a copy of the order of the State Government to the person or persons interested and shall thereafter take order for the acquisition of the remainder in like manner and with like powers in all respect as if the acquisition had originally been provided for in the improvement scheme or under a compulsory acquisition order, as the case may be ;

(7) section 54 of the Land Acquisition Act, shall not apply to any case of acquisition of land to which section 354SA applies.

354SA. (1) For the purposes of the acquisition of land under a compulsory acquisition order made and confirmed under the provisions of this Chapter, the functions of the Court under the Land Acquisition Act shall be performed by a Tribunal having the constitution and powers set forth in Schedule II and in the construction of the said Act and the provisions of this Chapter the Tribunal shall be deemed to be the Court, and the President of the Tribunal shall be deemed to be the Judge. Determination by special Tribunal in certain cases.

(2) The award of the Tribunal shall be deemed to be the award of the Court under the Land Acquisition Act, and shall be final :

Provided that in any case in which the President may grant a certificate that the case is a fit one for appeal, there shall be an appeal to the High Court from the award or any part of the award of the Tribunal.

(3) Every award of the Tribunal, and every order made by the Tribunal for the payment of money, shall be enforced by the Bombay City Civil Court as if it were a decree of that Court.]

354T. In determining the amount of compensation to be awarded for any land or building acquired under this Act, the following further provisions shall apply :— Special provisions as to compensation.

(1) The Court shall take into consideration any increase to the value of any other land or building belonging to the person interested likely to accrue from the acquisition of the land or from the acquisition, alteration, or demolition of building ;

(2) when any additional to or improvement of, the land or building has been made after the date of the publication under sub-section (1) of section 354G or section 354P of a notification relating to the land or building, such addition or improvement shall not (unless it was necessary for the maintenance of the building in a proper state of repair) be included, nor in the case of any interest acquired after the said date shall any separate estimate of the value thereof be made, so as to increase the amount of compensation to be paid for the land or the building ;

(3) in estimating the market value of the land or building at the date of the publication of a notification relating thereto under sub-section (1) of section 354C or section 354P the Court shall have due regard to the nature and the condition of the property and the probable duration of the building if any in its existing state and to the state of repair thereof and to the provisions of clauses (4), (5) and (6) of this section ;

(4) if in the opinion of the Court the rental of the land or building has been enhanced by reason of its being used for an illegal purpose, or being so overcrowded as to be dangerous or injurious to the health of the inmates, the rental shall not be deemed to be greater than the rental which would be obtainable if the land or building were used for legal purposes only, or were occupied by such a number of persons only as it was suitable to accommodate without risk of such overcrowding ;

Explanation.—For the purposes of this sub-section overcrowding shall be interpreted as in sub-sections (4) and (4) of section 379A ;

(5) if in the opinion of the Court the building is in a state of defective sanitation, or is not in reasonably good repair the amount of compensation shall not exceed the estimated value of the property after the building has been put into a sanitary condition, or into reasonably good repair, less the estimated expense of putting it into such condition, or repair ;

(6) if in the opinion of the Court the building being used or intended or likely to be used for human habitation is not reasonably capable of being made fit for human habitation, the amount of compensation for the building shall not exceed the value of the materials, less the cost of demolition ;

¹[(7) the Court may award compensation in respect of the severance of any part of a building proposed to be acquired in addition to the value of that part ;

(8) the compensation to be paid for land, including any buildings thereon, acquired as being land comprised in a clearance area shall be the value at the time valuation is made of the land as a site cleared of buildings and available for development in accordance with the requirements of the building bye-laws for the time being in force :

Provided that this sub-section shall not have effect in the case of the site of a building properly included in a clearance area only on the ground that by reason of its bad arrangement in relation to other buildings or the narrowness or bad arrangement of the streets, it is dangerous or injurious to the health of the inhabitants of the area, unless it is a building constructed or adapted, as or for the purposes of a dwelling, or partly for those purposes and partly for other purposes and part thereof (not being a part used for other purposes) is by reason of disrepair or sanitary defects unfit for human habitation ;

(9) the compensation to be paid for a building which the Commissioner is authorised to acquire under sub-section (2) of section 354RK as being unfit for human habitation and not capable at reasonable expenses of being rendered so fit shall be assessed in like manner as if it had been land acquired as being comprised in a clearance area.]

345U. When the Collector has made an award under section 11 of the Lande Collector to take possession after making an award and transfer land to corporation. Acquisition Act, as applied by this Act, he may take possession of the land which shall thereupon vest absolutely in ¹[Government] free from all encumbrances, and the Collector shall, upon payment of the cost of the acquisition, make over charge of the land to the Commissioner and the land shall thereupon vest in the corporation subject to the liability of the Commissioner to pay on behalf of the corporation any further costs which may be incurred on account of the acquisition of the land.

²[Levy of betterment charges.

354UA. (1) When by the clearance or re-development of an area as provided for under sections 354RE or 354RJ and 354RK, respectively any land will, ³[in the opinion of the Mayor-in-Council be increased in Value the Commissioner may, as decided by the Mayor-in-Council, declare] that a betterment charge shall be leviable in respect of the increase in value of the land resulting from such clearance or re-development. Condition for levying betterment charge in clearance and development areas.

(2) Before declaring that a betterment charge shall be leviable under sub-section (1) the Commissioner shall serve on every person whose name appears in the Commissioner's assessment book as primary liable for the payment of property taxes leviable under this Act on any land or building or part of a building affected by the proposed levy of betterment charge a notice of his intension to declare a betterment charge in respect of the land, and specifying the time within which, and the manner in which objections thereto, can be made to the Commissioner.

(3) The Commissioner shall submit to the ⁴[Member-in-charge] any objections received under sub-section (2) and any suggestions he may wish to make in that respect.

(4) The ⁴[Member-in-Charge] shall, after consideration of any of such objections and suggestions, make such modifications in respect of the proposed betterment charge ⁵[as he thinks] fit, and the Commissioner shall thereafter declare that the betterment charge as approved shall be leviable.]

354UB. Where an improvement scheme has provided for the levy of a betterment charge pursuant to sub-section (3) of section 354E, or where the Commissioner has declared a betterment charge to be leviable under sub-section (4), of section 354UA, such betterment charge shall be an amount equal to one-half the increase in value of the land shall be calculated, in the case of an improvement scheme upon the amount by which the value of the land on completion of the execution of the scheme exceeds the value of the land at the time of the publication of the notification made under section 354G and in the case of a clearance or re-development area, upon the amount by which the value of the land on completion of the clearance or re-development of the area exceeds the value of the land at the date of the resolution of the Corporation under section 354R or section 354RI declaring that area to be a clearance area or re-development area, as the case may be. Method of calculating charge.

¹ This word was substituted for the words " His Majesty " by the Adaptation of Laws Order, 1950.

² This heading and sections 354UA, 345UB and 354UC were inserted by Bom. 34 of 1954, s.20.

³ These words were substituted for the words " in the opinion of the Commissioner be increased in value, the Commissioner may declare ", by Mah. 10 of 1998, s.172(a).

⁴ These words were substituted for the words " the Improvements Committee ", *ibid.*, s.172(b) and c(i).

⁵ These words were substituted for the words " as they think fit, and the Commissioner shall thereafter declare that the betterment charge, either with or without modifications, shall be leviable", *ibid.*, s.172 (c) (ii).

exceeds the value of the land at the date of resolution of the Corporation under section 354R or section 354RI declaring that area to be a clearance area or a re-development area, as the case may be.

Procedure
for
determining
charge.

354UC. (1) When it appears to the Commissioner that an improvement or a clearance scheme or a re-development scheme is sufficiently advanced to enable the amount of the betterment charge to be determined, the Commissioner shall make a report to the ¹[Mayor-in-Council] to that effect and the ¹[Mayor-in-Council] considering the report may by resolution declare the date on which for the purpose of determining the amount of the betterment charge, the execution of the scheme shall be deemed to have been completed.

(2) The betterment charge leviable in each case shall be determined in accordance with section 354UB after following the procedure prescribed in sub-section (3) by such officer as the State Government may, by notification in the *Official Gazette*, appoint in this behalf at the request of the Corporation.

(3) On a date being fixed under sub-section (1) and an officer being appointed under sub-section (2), the Commissioner shall, in consultation with such Officer serve upon every person on whom a notice in respect of the property affected has been served under sub-section (2) of section 354G or under sub-section (2) of section 354UA a notice, which shall state—

(a) the date declared by the ²[Mayor-in-Council] under sub-section (1) as aforesaid ;

(b) the time (being some time not less than twenty-one days after the service of the notice) and place at which the assessment of the betterment charge will be considered by such officer,

and every person upon whom such notice is served shall be entitled to be heard either in person or by a duly authorised agent when the matter is taken into consideration by such officer.

(4) When such officer has determined the amount of betterment charge leviable in respect of any property, the Commissioner shall serve upon the person concerned a notice stating the amount so determined.

(5) With effect from the date of service of the notice under sub-section (4) and subject to the decision upon any reference made to the Tribunal as hereinafter, provided in sub-section (6), the amount of the betterment charges determined as aforesaid and interest thereon, if any, shall be a charge upon the property in respect of which it is levied and shall be recoverable in the same manner as expenses declared to be improvement expenses under section 494.

(6) If any person or the Commissioner is dissatisfied with the betterment charge determined by the said officer, he may, at any time within two months from the date of service of notice under sub-section (4) refer the case for the determination of the Tribunal constituted under section 354 SA, whose decision shall be final.

(7) If no reference is made to the Tribunal for the determination of the betterment charge within the period specified in sub-section (6), the determination of a betterment charge by the officer appointed by the State Government in this behalf shall be final.]

354V. [*Compensation to corporation on resumption of certain land.*] Deleted by Bom. 34 of 1954, s.21.

¹These words were substituted for the words "the Improvements Committee", by Mah. 10 of 1998, s.173(a).

²These words were substituted for the words "the Improvements Committee", *ibid.*, s.173(b).

¹[Building Loans.]

354W. (1) Subject to the provisions of this Act and of the by-laws made thereunder the Commissioner may, with the previous sanction of the ²[Member-in-Charge] advance loans to persons desiring to erect buildings on land vested in corporation in consequence of the transfer to them of the property of the Board of Trustees for the Improvement of the City of Bombay constituted under the City of Bombay Improvement Trust Transfer Act, 1925. Power to grant loans for building purposes.

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of
1925.

(2) Any person desiring to erect a building on any such land may make an application to the Commissioner in the form prescribed by the the bye-laws for a loan to be advanced by way of a mortgage on the security of the building to be so erected ; and the Commissioner may, after making such enquiry as he thinks necessary, and subject to conditions mentioned in sub-sections (1) and (3) and the bye-laws made under section 461, advance such loans.

(3) Every such loan shall be subject to the following, among other conditions:—

(1) that the building in respect of which the loan is advanced shall be used wholly or mainly for residential purposes ;

(2) that the aggregate amount of the loan shall not exceed twenty thousand rupees in any individual case ;

(3) that the period within which the loan shall be repayable shall not exceed twenty years from the date of the first occupation of the building ;

(4) that the amount of the loan shall not exceed 60 per cent. of the cost of the building (including outhouses and other works, if any, connected therewith) irrespective of the period of repayment ;

(5) that the person to whom the loan is advanced shall execute a mortgage of the building (including outhouses and other works, if any, connected therewith) together with the site on which they are erected in favour of the corporation containing such covenants and conditions as may be prescribed in the bye-laws.

³354WA. (1) Subject to the provisions of this Act and of the bye-laws made thereunder, the Commissioner may, with the previous sanction of the ⁴[Member-in-Charger], advance loans to persons— Power of Commissioner to make advances for the purposes of increasing housing accommodation.

(a) constructing or altering or undertaking to construct or alter buildings, intended for poorer classes ;

(b) carrying out or undertaking to carry out repairs to such buildings :

Provided that the Commissioner considers that have regard to the cost of those repairs, or the financial position of the applicant, it is reasonable to give such assistance.

(2) Person referred to in sub-section (1) desiring assistance by way of loan may make an application to the Commissioner in the form prescribed by the bye-laws for a loan to be advanced by way of a mortgage on the security of the building to be so constructed, altered or repaired, and the Commissioner may, after making such inquiry as he thinks necessary and subject to the conditions mentioned in sub-section

(3) and the bye-laws made under section 461, advance such loans.

¹This heading was inserted by Bom. 34 of 1954, s.22.

²These words were substituted for the words " the Improvements Committee " by Mah. 10 of 1998, s.174.

³Sections 354WA, 354WB and 354WC were inserted, by Bom. 34 of 1954, s. 23.

⁴These words were substituted for the words "the Improvements Committee" by Mah.10 of 1998, s. 175.

(3) Every such loan shall be subject to the following among other conditions :—

(a) that the building in respect of which the loan is to be advanced will, when the construction, alteration or repair has been completed be in all respects fit for human habitation and shall be used wholly or mainly for residential purposes;

(b) that the amount of the loan with interest thereon shall be secured by a mortgage of the building (including outhouses and other works, if any, connected therewith) together with the site on which they are erected in favour of the Corporation containing such covenants and conditions as may be prescribed in the bye-laws ;

(c) that the period within which the loan shall be repayable shall not exceed thirty years from the date on which the construction, alteration or repair has been completed ;

(d) that the amount of the loan shall not exceed sixty per cent. of the cost of building irrespective of the period of repayment, and in no case shall exceed, Rs.30,000 ;

(e) that, where the property intended to be mortgaged consists of a leasehold interest, no loan shall be made unless the unexpired period of the lease is not less than forty years from the date of the granting of the lease.

354WB. (1) The Commissioner, for the purpose of section 354RM may, with the previous approval of the ¹[Mayor-in-Council] promote the formation or extension of or, subject to the provisions of this Act assist a housing association, as hereafter defined.

(2) Where a housing association is desirous of erecting dwellings for the poorer classes, the Commissioner may, for this purpose with the previous approval of the ¹[Mayor-in-Council] acquire land with a view to selling or leasing it to the association and the provisions of section 354RO as to the acquisition of land by the Commissioner shall apply accordingly.

(3) The Commissioner may, for the assistance of a housing association, with the previous approval of the Improvements Committee, make grants or loans to the association of such terms and subject to such conditions as to rate of interest and repayment or otherwise and on such security as the ¹[Mayor-in-Council] may think fit.

(4) For the purposes of this section, "housing association" means a society, including a Co-operative Housing Society, body of trustees or company established for the purpose of, or amongst whose objects or powers are included those of constructing, improving or managing or facilitating or encouraging the construction or improvement of houses for the poorer classes, being a society, body of trustees or company who do not trade for profit.

354WBB. Object to such conditions as may be laid down in the bye-laws made under section 461, the Commissioner may, with the previous approval of the ¹[Member-in-Charge] grant a loan to an officer or servant of the Corporation (who is eligible for such loan under the bye-laws) for constructing or purchasing a house in ²[Brihan Mumbai] or for purchasing, on ownership basis, a flat in a Co-operative Housing Society, or an apartment under the Maharashtra Apartment Ownership Act, 1970, in ³[Brihan Mumbai] or in such adjoining areas as may be specified in the bye-laws.]

¹ These words were substituted for the words "the Improvements Committee", by Mah. 10 of 1998, s. 176.

² Sections 354WBB was inserted by Mah. 50 of 1981, s.3.

³ These words were substituted for the words "the Improvements Committee" by Mah. 10 of 1998, s. 177.

⁴ These words were substituted for the words "Greater Bombay" by Mah. 25 of 1996, s. Schedule.

Provisions relating to lands comprised in Schedules W, Y and Z.

354WC. Whenever any land specified in Schedule W is resumed by the State Government or any land specified in Schedule Y and vested in the Corporation is taken possession of by the State Government under the provisions of this Act, the market value of the land at the date of resumption as determined by the Collector, or in appeal by the High Court, shall be paid to the Corporation by the State Government.]

354X. ¹[The ²[State] Government] shall pay to the corporation from the date on which the City of Bombay Municipal (Amendment) Act, 1933, comes into operation and until the ninth day of November 1997, all rents and profits derived by ³[the ²[State] Government] from the lands specified or referred to in Schedule Z.]

Compensation to Corporation on resumption of certain land.
Payment to be made by ²[State] Government.

CHAPTER XII

LICENSING OF SURVEYORS AND PLUMBERS.

355. (1) The Commissioner may ³[subject to the regulations made in this behalf] grant to any person he thinks fit a licence to act as a surveyor or as a plumber for the purposes of this Act. Each such licence shall be for a renewable period of one year.

Grant of licences to surveyors and plumbers.

(2) If any applicant for a licence to act as a surveyor is a licentiate of civil engineering or a person who has passed some test of professional qualification equivalent to that for a licentiate of civil engineering, his application shall not be refused by the Commissioner, except with the approval of the ⁴[Member-in-Charge] and upon the ground that the applicant is unfit, through incompetency, misconduct or other grave reason, to hold such licence.

(3) If the Commissioner refuses any application for a licence under this section he shall, at the request of the applicant, furnish such applicant with his reasons, for such refusal in writing under his signature, without charge.

356. ⁵[Corporation may,] from time to time prescribe regulations for the guidance of licensed surveyors and plumbers, respectively and a copy of all regulations so prescribed at the time in force shall be written on the back of every licence granted to surveyor or plumber respectively.

Regulations may be prescribed for guidance of licensed surveyors and plumbers.

357. The ⁶[Mayor-in-Council] may from time to time prescribe the fees or charges to be paid to licensed plumbers for any work done by them under or for any purpose of this Act; and no licensed plumber shall demand or receive more than the fee or charge so prescribed for any such work.

Fees and charges of licensed plumbers to be prescribed by the ⁶[Mayor-in-Council].

358. No licensed plumber shall execute any work under this Act carelessly or negligently or make use of any bad material, appliance or fitting for the purpose of such work.

Licensed plumber to be bound to execute work properly.

¹ The words "The Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

² This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

³ These words were inserted by Mah. 10 of 1998, s.178 (a).

⁴ These words were substituted for the words "Standing Committee", *ibid.*, s.178 (b).

⁵ These words were substituted for the words "the Commissioner may, with the approval of the standing committee", *ibid.*, s.179.

⁶ These words were substituted for the words "standing committee", *ibid.*, s.180.

CHAPTER XIV.

MUNICIPAL FIRE BRIGADE.

Maintenance of firemen and of necessary fire engines, etc. 359. (1) With a view to the discharge by the corporation of the duty of extinguishing fire and protecting life and property in case of fire, the Commissioner shall provide, in the schedule of municipal officers and servants from time to time prepared by him under section 79, for a force of firemen, with a proper number of officers over them to be called "the municipal fire-brigade", and shall furnish the said brigade with all such fire-engines, fire-escapes, horses, accountments, tools, implements and means of inter-communication as may be necessary for the efficient discharge of their duties.

(2) A person may be appointed to be a member of the fire-brigade in addition to any other office or employment of such person.

Powers to make regulations for fire-brigade.

360. The Commissioner shall from time to time make regulations for—

(a) the training, discipline and good conduct of the men belonging to the fire brigade,

(b) their speedy attendance with engines, fire-escapes and all necessary implements on the occasion of any alarm of fire.

(c) the maintenance of the said brigade generally in a due state of efficiency.

Power of chief officer of fire-brigade at a fire.

361. ¹[(1)] On the occasion of a fire the chief or other officer in charge of the fire-brigade may, subject to such orders as the Commissioner may from time to time issue in this behalf, take the command of all municipal officers and servants present and of any other persons who voluntarily place their services at his disposal ; and may—

(a) remove, or order any fireman or other officer or person under his command to remove any persons who interfere by their presence with the operations of the fire-brigade ;

(b) take generally and measures that appear expedient for the protection of life and property, with power, by himself or by the persons under his command, to break into or through or take possession of, or pull down any premises for the purpose of putting an end to such fire, doing as little damage as possible;

(c) cause the water to be shut off from the mains and pipes of any district in order to give a greater supply and pressure of water in the district in which the fire has occurred and utilise the water of any well or tank available for the purpose of extinguishing such fire.

¹[(2) The power conferred by clause (b) of sub-section (1) shall include a power to enter on any vessel within the dock area of the port of Bombay.]

Police and municipal officers and servants to aid the fire-brigade.

362. It shall be the duty of all police officers and of all municipal officers and servants to aid the fire-brigade in the execution of their duties. They may close any street in or near which a fire is burning and remove any persons who interfere by their presence with the operations of the fire-brigade.

Damages done by fire-brigade to be deemed damaged by fire.

363. Any damage occasioned by the fire-brigade in the due execution of their duties, or by any police or municipal officer or servant who aid the firebrigade, shall be deemed to be damage by fire within the meaning of any policy of insurance against fire.

¹ Section 361 was re-numbered as sub-section (1) of that section and sub-section (2) was added to that section by Bom. 9 of 1945, s. 2, read with Bom. 8 of 1948, s. 2.

364. A report of every fire which occurs in the city shall be submitted by the chief or other officer in charge of the fire-brigade, not later than the day, following the fire, to the Commissioner, who shall make such further inquiry, if any, as he may deem necessary and shall furnish a weekly return of all fires which occur in the city to the ¹[Mayor-in-Council]. Reports of fires to be submitted.

CHAPTER XV

SANITARY PROVISIONS.

Scavenging and Cleansing.

365. For the purpose of securing the efficient scavenging and cleansing of all streets and premises, the Commissioner shall take measures for securing— Commissioner to provide for cleansing of streets and removal of refuse.

(a) the daily surface-cleansing of all streets in ²[Brihan Mumbai] and the removal of the sweeping therefrom ;

(b) the removal of the contents of all receptacles and depots and of the accumulations at all places provided or appointed by him under section 367 or 368 for the temporary deposit of any of the matters specified in the said sections.

366. All matters collected by municipal servants or contractors in pursuance of the last preceding section and of section 369 ³[and carcasses of dead animals deposited in any public receptacle, depot or place under section 367] shall be the property of the corporation. Refuse, etc. to be the property of the corporation.

367. ⁴* * The Commissioner shall provide or appoint in proper and convenient situations public receptacles, depots and places for the temporary deposit or final disposal of— Provision and appointment of receptacles, depots and places for refuse, etc.

(a) dust, ashes, refuse and rubbish ;

⁵[(b) trade refuse ;]

⁶[(c)] carcasses of dead animals and excrementitious and polluted matter :

⁴* * Provided that—

⁷[(i)] the said matters shall not be finally disposed of in any place or manner in which the same have not hereto fore been so disposed of without the sanction of the corporation or in any place or manner which ⁸[the ⁹[State] Government] think fit to disallow ;

⁷[(ii)] any power conferred by this section shall be exercised in such manner as to create the least practicable nuisance.

¹⁰[368. (1) It shall be incumbent on the owners and occupiers of all premises to cause all dust, ashes, refuse, rubbish and trade refuse to be collected from their respective premises and to be deposited at such times as the Commissioner, by public notice, from time to time prescribes in the public receptacle, depot or place provided or appointed under the last preceding section for the temporary deposit or final disposal thereof. Duty of owners and occupiers to collect and deposit dust, etc.

¹ These words were substituted for the words " Standing Committee " by Mah. 10 of 1998, s. 181.

² These words were substituted for the words " Greater Bombay " by Mah. 25 of 1996, Schedule.

³ These words and figures were inserted by Mah. 14 of 1961, s. 5.

⁴ The figures (1) and 2) were omitted by Bom. 1 of 1925, s. 20(1).

⁵ This new clause (b) was inserted, *ibid.*, s. 20(2).

⁶ Old clause (b) was re-lettered (c), *ibid.*, s. 20(3).

⁷ The old clause (c) and (d) were re-lettered (i) and (ii), *ibid.*, s. 20(4).

⁸ The words " the Provincial Government " were substituted for the word " Government " by the Adaptation of Indian Laws Order in Council.

⁹ This word was substituted for the word " Provincial " by the Adaptation of Laws Order, 1950.

¹⁰ Section 368 was substituted for the original Section by Bom. 1 of 1925, s. 21.

(2) ¹[The Commissioner] may, if he thinks fit, by written notice require the occupier and owner or either of them of any premises, to cause all dust, ashes, refuse and rubbish, but not trade refuse to be collected daily, or otherwise periodically, from the said premises and deposited temporarily upon any place forming the part of the said premises which the Commissioner appoints in this behalf, and it shall be incumbent on the said occupier and owner or either of them to cause the said matters to be collected and deposited accordingly.

(3) It shall be incumbent on the owners of all premises to provide receptacles of a size to be prescribed by the Commissioner for the collection therein of all dust, ashes, refuse, rubbish and trade refuse to be collected from such premises. Such receptacles shall at all times be kept in good repair and condition and shall be provided in such number and place and retained in such positions as the Commissioner may, from time to time, by written notice direct.

(4) It shall also be incumbent on the owners and occupiers or either of them of all premises when required by the Commissioner by written notice so to do, to employ servants for the purpose of carrying out and complying with the requirements of sub-sections (1) and (2) of this section.

²[(5)] Notwithstanding anything contained in this section, it shall be incumbent on the owner or occupier of every trade premises to seek the Commissioner's permission to deposit trade refuse collected daily or periodically from the premises, temporarily upon any place appointed by the Commissioner in this behalf. When such permission is granted by the Commissioner, the applicant shall be allowed to deposit the trade refuse accordingly on payment of such charges as the Commissioner may, from time to time, fix for temporarily depositing trade refuse upon the place appointed under sub-section (2) and also such charges as the Commissioner may, from time to time, fix for transporting and depositing the said trade refuse to the place provided or appointed under section 367 for the final disposal of such trade refuse :

Provided that, the owner or occupier of any trade premises shall not deposit trade refuse at any place other than the places appointed by the Commissioner under sub-section (2) of this section or provided or appointed by him under section 367, as the case may be.]

Provision may be made by Commissioner for collection, etc. of excrementitious and polluted matter.

369. When the Commissioner has given public notice, under clause (a) of section 142, of his intention to provide, in a certain portion of ³[Brihan Mumbai], for the collection, removal and disposal, by municipal agency, of all excrementitious and polluted matter from privies, urinals and cesspools, it shall be lawful for the Commissioner to take measures for the daily collection, removal and disposal of such Matter from all premises situated in the said portion of ³[Brihan Mumbai].

Collection and removal of excrementitious and polluted matter when to be provided for by occupiers.

370. It shall be incumbent on the occupier of any premises situate in any portion of the city for which the Commissioner has not given a public notice under clause (a) of section 142 and in which there is not a water -closet or privy connected with a municipal drain, to cause all excrementitious and polluted matter accumulating upon his premises to be collected and to be conveyed to the nearest receptacle or depot provided for this purpose under clause (b) of section 367, at such times, in such vehicle or vessel, by such route and with such precautions, as the Commissioner by public notice from time to time prescribes.

¹ These words were substituted for the words " Provided that the Commissioner " by Mah. 10 of 1998, s. 182(1).

² Sub-section (5) was substituted *ibid.*, s. 182(2).

³ These words were substituted for the words " Greater Bombay " by Mah. 25 of 1996, Schedule

371 In any portion of ¹[Brihan Mumbai] in which the Commissioner has given a public notice under clause (a) of section 142, and in any premises, wherever situate in which there is a water-closet or privy connected with a municipal drain, it shall not be lawful, except with the written permission of the Commissioner, for any person who is not employed by or on behalf of the Commissioner, to discharge any of the duties of halalkhors.

Halalkhor's duties in certain cases may not be discharged by private individuals without the Commissioner's permission.

372 No person.—

(a) who is bound, under section 368 or section 370, to cause the removal of dust ashes, refuse, ²[rubbish and trade refuse] or of excrementitious or polluted matter, shall allow the same to accumulate on his premises for more than twenty-four hours or neglect to cause the same to be removed to the depot, receptacle or place provided or appointed for the purpose;

Prohibition of failure to remove, refuse, etc. when bound to do so.

(b) shall remove any dust, ashes, refuse ²[rubbish or trade refuse] or any excrementitious or polluted matter, otherwise than in conformity with the requirements of any public or written notice at the time being in force under section 368, or use for the removal of any excrementitious or polluted matters any vehicles or vessel not having a covering proper for preventing the escape of any portion of the contents thereof or of the stench therefrom ;

Removal of refuse, etc. contrary to orders or without proper precautions.

(c) shall, whilst engaged in the removal of any dust, ashes, refuse ²[rubbish or trade refuse] or of any excrementitious or polluted matters fail forthwith thoroughly to sweep and cleanse the spot in any street upon which, during removal, any portion thereof may fall and entirely to remove these sweepings;

Failure to clear away any refuse, etc., which drops during removal.

(d) shall place or set down in any street any vehicle or vessel for the removal of excrementitious or polluted matter, or suffer the same to remain in any street for any greater length of time than is reasonably necessary ;

Leaving filth-carts etc., unnecessarily in the streets.

(e) shall throw or place any dust, ashes, refuse, ²[rubbish or grade refuse] or any excrementitious or polluted matter, on any street, or in any place not provided or appointed for this purpose under section 367 or 368 ;

Throwing or placing refuse etc., in any place not assigned for the purpose;

(f) who is the owner or occupier of any building or land, shall allow any filthy matter to flow, soak or be thrown therefrom, or keep or suffer to be kept therein or thereupon, anything so as to be a nuisance to any person, or negligently suffer any privy-receptacle or other receptacle or place for the deposit of filthy matter or rubbish on his premises to be in such a state as to be offensive or injurious to health ;

Allowing filthy matter to flow or soak from any premises and keeping anything thereupon so as to create a nuisance.

³[(g) shall deposit the skin of otherwise dispose of the carcass of any dead animal at a place not provided or appointed for this purpose under section 367].

¹ These words were substituted for the words " Greater Bombay " by Mah. 25 of 1996, Schedule.

² These words were substituted for the words " and rubbish " by Bom. 1 of 1925, s. 22,

³ Clause (g) was added by Mah. 14 of 1961, s. 6.

Presump- 373. If it shall in any case be shown that dust, ashes, refuse ¹[rubbish or trade
 tions as to refuse] or any excrementitious or polluted matter, has or have been thrown or placed
 offender on any street or place, in contravention of clause (e) of the last preceding section,
 under clause from some building or land, it shall be presumed, until the contrary proved, that the
 (e) of section 372. said offence has been committed by the occupier of the said building or land.

Inspection and sanitary regulation of Premises.

Power to 374. The Commissioner may inspect any building or other premises for the
 inspect purpose of ascertaining the sanitary condition thereof.
 premises for
 sanitary
 purposes.

Cleansing 375. If it shall appear to the Commissioner necessary for sanitary reasons so to
 and lime- do, he may, by written notice, require the owner or occupier of any building so
 washing of inspected, to cause the same or some portion thereof to be limewashed or other-
 any building wise cleansed, either externally or internally, or both externally and internally.
 may be
 required.

Removal of 375A. If it shall appear to the Commissioner that any tiles, stones, rafters,
 building building materials or debris of building materials are stored or collected in or upon
 materials any premises without the written permission of the Commissioner in such quantity
 from any or bulk in such way as to constitute a harbourage or breeding place for rats or other
 premises vermin or otherwise a source of danger or nuisance to the occupiers of the said pre-
 may be mises or to persons residing in the neighbourhood thereof, the Commissioner may
 required. by written notice require the owner of such premises, or the owner of the materials
 or debris so stored or collected therein, to remove or dispose of the same or to take
 such order with the same as shall in the opinion of the Commissioner be necessary
 or expedient to abate the nuisance or prevent a recurrence thereof.]

Abandoned 376. If any premises, by reason of their being abandoned or unoccupied,
 or unoccu- become a resort of disorderly persons or, in the opinion of the Commissioner,
 pied a nuisance, the Commissioner, after such inquiry as he deems necessary, may give
 premises. written notice to the owner of such premises, if he be known and resident within
²[Brihan Mumbai] or to any person who is known or believed to claim to be the
 owner, if such person is resident within ³[Brihan Mumbai] and shall also affix a copy
 of the said notice on some conspicuous part of the said premises, requiring all
 persons having any right of property or interest therein take such order with the said
 premises as shall in the opinion of the Commissioner be necessary to prevent the
 same from being resorted to as aforesaid or from continuing to be a nuisance.

Neglected 377. (1) If it shall appear to the Commissioner that any premises are over-grown
 premises. with rank and noisome vegetation or are otherwise in an unwholesome or filthy
 condition or, by reason of their not being properly enclosed, are resorted to by the
 public for purposes of nature, or are otherwise a nuisance to the neighbouring inha-
 bitants, the Commissioner may, by written notice, require the owner or occupier of
 such premises to cleanse, clear or enclose the same, or with the approval of the
⁴[Member-in-charge], may require him to take such other order with the same as the
 Commissioner thinks necessary.

¹ These words were substituted for the words "or rubbish" by Bom. 1 of 1925, s. 23.

² Section 375A was inserted by Bom. 1 of 1916, s. 8.

³ These words were substituted for the words "Greater Bombay" by Mah. 25 of 1996, Schedule.

⁴ These words were substituted for the words "Standing Committee" by Mah. 10 of 1998, s. 183(a).

¹[(1-A)] If it shall appear to the Commissioner that any private street is overgrown with rank and noisome vegetation or is otherwise in an unwholesome or filthy condition, the Commissioner may by written notice require the owners of the several premises fronting or adjoining the said street or abutting thereon to cleanse or clear the same, or with the approval of the ²[Member-in-charge] require them to take such other order with the same as the Commissioner may think necessary :

Neglected private streets.

provided that nothing herein contained shall affect the provision of section 365.

(2) Provided that in so far as the unwholesome or filthy condition of such premises ³[or such street] or such nuisance as abovementioned is caused by the discharge from or by any defect in the municipal drains or appliances connected therewith, it shall be incumbent on the Commissioner to clear so such premises ³[or such street.]

⁴[377A. (1) If it shall appear to the Commissioner that any building or any part of a building is in such a state as to constitute a nuisance or to be likely to give rise to one, by reason of rain-water leaking from its roof or any part of its roof the Commissioner may give a notice in writing to the owner of such building requiring him to abate the nuisance or to prevent its recurrence within the time and by taking the measures and doing the act to be specified in the notice.

Nuisance arising from defective roof.

(2) If at any time thereafter the Commissioner is of opinion that such a nuisance may recur he may, notwithstanding that the original nuisance may have been abated by the owner of the building under sub-section (1), give a further notice in writing to the said owner requiring him to abate the probable recurrence of the nuisance within the time and in the manner specified in the notice.

(3) If the owner of the building by whose act, default or sufferance such nuisance has arisen or continues is unknown or cannot be found, the Commissioner may take such measures or cause such work to be executed or such things to be done as shall in his opinion necessary to abate such nuisance and to prevent its recurrence.

⁵[(4) Where the owner of a building fails to comply with any notice requiring him to abate the nuisance or prevent its recurrence or probable recurrence under sub-section (1) or sub-section (2), the occupier or occupiers interested may instead of resorting to section 499, seek the approval of the Commissioner under this section, to execute the required work. For this purpose, the occupiers shall submit an application to the Commissioner together with the plans and estimates of the work and pay to the Corporation a sum equal to five per cent of the estimated cost, as fees for scrutiny and supervision of the work, which shall not be refundable, unless the approval is not granted. On receipt of such application and payment of such fees, the Commissioner may after making such inquiry as he deems fit grant the approval on such conditions as he thinks fit. The occupiers shall then be entitled to execute the work. After completion of the work, the occupiers shall submit to the Commissioner the accounts together with the vouchers maintained by them, for certifying-reasonable expenses incurred by them for executing the work. After examining the work executed and the accounts submitted, the Commissioner shall issue a certificate to the occupiers specifying the amount of reasonable expenses incurred by the occupiers in executing the work, and the apportionment of the same. Such amount shall include the fees paid to the Corporation for scrutiny and supervision of the works. The Commissioner shall send a copy of his certificate to the owner. The occupier shall then be entitled to recover the amount so certified from the owner and may deduct the same from the rent which from time to time becomes due by them to the owner :

¹ Sub-section (1-A) was added by Bom. 1 of 1916, s. 9(a).

² These words were substituted for the words "Standing Committee" by Mah. 10 of 1998, s. 183(b).

³ These words were inserted, *ibid.*, s. 9(b).

⁴ This new section 377A was added by Bom. 1 of 1925, s. 24.

⁵ Sub-sections (4) and (5) were added by Mah. 35 of 1971, S.2.

Provided that, where such work is jointly executed by the occupiers the amount to be recovered or deducted by each occupier shall bear the same proportion as the rent payable by him in respect of his premises bears to the amount so certified.

(5) Where the amount specified in any certificate issued by the Commissioner under sub-section (4) does not exceed the amount of the rent payable by all the occupiers in the building for a period of three months, the amount so certified and the appointment of the same shall for all purposes be final and binding on the owner and the occupiers. In any other case, in case of dispute, the amount or the apportionment of the same, shall be determined in accordance with the provisions of section 504.]

Buildings or rooms in buildings unfit for human habitation. 1[368. (1) If for any reason it shall appear to the Commissioner that any building or any room in a building intended for or used as a dwelling is unfit for human habitation, he shall give to the owner or occupier of such building notice in writing stating such reason and signifying his intention to prohibit the further use of the building or room, as the case may be, as a dwelling and shall by such notice call upon the owner or occupier aforesaid to state in writing any objection thereto within thirty days after the receipt of such notice, and if no objection is raised by such owner or occupier within such period as aforesaid, or if any objection which is raised by such owner or occupier within such period appears to the Commissioner invalid or insufficient, he may, with the previous approval of the ²[Member-in-Charge], by an order in writing, prohibit the further use of such building or room as a dwelling :

Provided that, before such approval is given the owner or occupier aforesaid shall have the right of appearing before the ²[Member-in-Charge] in person or by agent and of showing cause why such approval should not be given.

(2) When any such prohibition as aforesaid has been made, the Commissioner shall cause notice of such prohibition to be fixed to, and the letters "U.H.H." to be painted on the door or some conspicuous part of such building or room, as the case may be, and no owner or occupier of such building or room shall use or suffer the same to be used for human habitation until the Commissioner certifies in writing that the building or room, as the case may be, has been rendered fit for human habitation.

³[(3) Where the Commissioner has prohibited the further use of a building or room as a dwelling, the owner or owners of such building or room shall, so far as may be necessary to prevent nuisance, keep the building or the room or rooms clean and wholesome.]]

Power to require repair of insanitary buildings. ⁴[378A. (1) If it shall appear to the Commissioner that any building intended for, or used as, a dwelling is in any respect until for human habitation and does not conform with the regulations framed under section 378D the Commissioner may, by written notice, require the owner of the building within such reasonable time (not being less than twenty-one days) as may be specified in the notice, to execute such works or carry out such alterations as would render the building fit for human habitation.

(2) In addition to serving a notice under this section on the owner of the building the Commissioner may serve a copy of the notice on any other person having an interest in the building, whether as owner of the land, mortgagee, lessee, or otherwise.

¹Section 378 was substituted by Bom. 6 of 1916, s.6.

²These words were substituted for the words "standing Committee" by Mah. 10 of 1998, s.184.

³Sub-section (3) was inserted by Bom. 34 of 1954, s.24.

⁴Section 378A to 378 I were inserted, *ibid.*, s.25.

378B. (1) If it shall appear to the Commissioner that any building intended for, or used as, a dwelling is unfit for human habitation and is not capable at a reasonable expense of being rendered so fit, he shall serve upon the occupier of the building and the owner or of owners thereof, and, so far as it is reasonably practicable to ascertain such persons, upon every mortgagee thereof, notice of the time (being some time not less than twenty-one days after the service of the notice) and place at which the condition of the building and any offer with respect to the carrying out of works or the future use of the building, which he may wish to submit, will be considered by the ¹[Mayor-in-Council], and every person upon whom such a notice is served shall be entitled to be heard either in person or by agent when the matter is so taken on to consideration.

Power to order demolition of insanitary buildings.

(2) A person upon whom notice is served under the foregoing sub-section shall, if he intends to submit an offer with respect to the carrying out of works, within twenty-one days from the date of the service of the notice upon him, serve upon the Commissioner notice in writing of his intention to make such an offer and shall within such reasonable period as the Commissioner may allow, submit to him a list of the works which he offers to carry out.

(3) The Commissioner may, with the previous approval of the ¹[Mayor-in-Council], accept from any owner of mortgagee, an undertaking in writing either that he will within a specified period carry out such works as will in the opinion of the Commissioner render the building fit for human habitation, or that it shall not be used for human habitation until the Commissioner, on being satisfied that it has been rendered fit for that purpose and with the previous approval of the ¹[Mayor-in-Council], cancels the undertaking.

(4) If no such undertaking as is mentioned in the last foregoing sub-section is accepted by the Commissioner, or if, in a case where the Commissioner has accepted such an undertaking any work to which the undertaking relates is not carried out within the specified period, or the building, is at any time used in contravention of the terms of the undertaking, the Commissioner shall, with the previous approval of the ¹[Mayor-in-Council], forthwith make a demolition order requiring that the building shall be vacant within a period to be specified in the order, not being less than twenty-eight days from the date on which the order becomes operative and, that it shall be demolished within six weeks after the expiration of that period, or if the building is not vacated before the expiration of that period, within six weeks after the date on which it is vacated or, in either case within such longer period as in the circumstances the Commissioner deems it reasonable to specify, and shall serve a copy of the order upon every person upon whom the Commissioner would be required by sub-section (1) of this section to serve a notice issued by him under that sub-section.

(5) In determining for the purpose of this section whether a building can be rendered fit for human habitation at a reasonable expense, regard shall be had to the estimated cost of the work necessary to render it so fit and the value which it is estimated that the building will have when the works are completed.

378C. (1) When a demolition order under section 378B has become operative, the owner or owners of the building to which it applies shall demolish the building within the time limited in that behalf by the order ; and if the building is not demolished within that time, the Commissioner shall cause the building to be vacated if necessary in the manner provided in section 488A, and shall take measures to demolish the building and sell the materials thereof.

Procedure where demolition order made.

(2) Any expenses incurred by the Commissioner under the foregoing sub-section, after giving credit for the amount realised by sale of the materials, shall be payable by the owner or owners of the building, and any surplus in the hands of the Commissioner after payment of such expenses shall be paid by the Commissioner to the owner of the building, or if there is more than one owner, shall be paid in accordance with the agreement between them. In default of agreement between such owners the Commissioner shall deposit the surplus amount in the Small Causes Court and the Chief Judge of the said Court shall decide in what proportion such amount should be paid to such owners. The decision of the Chief Judge shall be final.

Regulations to determine the fitness of a building. 378D. For the purposes of this Act, the Corporation may, from time to time frame regulations not inconsistent with this Act for determining the standards of fitness of buildings for human habitation ; provided that, where in pursuance of a notice under sub-section (1) of section 378A any building has been rendered fit for human habitation by the execution of works and alterations to the satisfaction of the Commissioner, such building during a period of ten years from the date of completion of such works and alterations shall not be deemed to be unfit for human habitation by reason only of not conforming with any regulations made subsequently to such date affecting the structure of such building.

Power to order demolition of obstructive building. 378E. (1) The Commissioner may serve upon the owner or owners of a building which appears to him to be an obstructive building notice of the time (being some time not less than twenty-one days after the service of the notice) and place at which the question of ordering the building to be demolished will be considered by the ¹[Mayor-in-Council], and the owner or owners shall be entitled to be heard either in person or by agent when the matter is so taken into consideration.

(2) If, after so taking the matter into consideration, the ¹[Mayor-in-Council] resolve that the building is an obstructive building and that the building or any part thereof ought to be demolished, the Commissioner may make a demolition order requiring that the building or that part thereof shall be demolished, and that the building, or such part thereof as is required to be vacated for the purposes of the demolition, shall be vacated within two months from the date on which the order becomes operative, and if he does so, shall serve a copy of the order upon the owner or owners of the building.

(3) In this section the expression " Obstructive building " means a building which, although not in itself unfit for human habitation, is so situated that by reason of its proximity to or contact with any other buildings it—

(a) stops or impedes ventilation or otherwise makes or conduces to make such other buildings to be in condition unfit for human habitation or dangerous or injurious to health, or

(b) prevents proper measures from being carried into effect for remedying any nuisance injurious to health or other evils complained of in respect of such other buildings.

Effect of order for demolition of obstructive building. 378F. (1) If, before the expiration of the period within which a building in respect of which an order is made under section 378E is thereby required to be vacated, any owner or owners or other person or persons, whose estate or interest, or whose combined estates or interests in the building and the site thereof is or are such that the acquisition thereof by the Corporation would enable the Commissioner to carry out the demolition provided for by the order, make to the Commissioner an offer for the sale of that interest, or of those interests, to the Corporation at a price equal to the compensation to be assessed as provided in sub-section (6) in Commissioner shall, upon obtaining the requisite sanction under section 90, accept the offer and shall, as soon as possible after obtaining possession, carry out the demolition.

¹ These words were substituted for the words " standing Committee " by Mah. 10 of 1998, s.186

(2) Upon payment of the price mentioned in sub-section (1) the said building and the site thereof to the extent of the interests acquired shall vest in the Corporation.

(3) If no such offer as is mentioned in sub-section (1) is made before the expiration of the said period, the owner or owners of the building shall carry out the demolition provided for by the order before the expiration of six weeks from the last day of that period, or, if the building or such part thereof as is required to be vacated is not vacated until after that day, before the expiration of six weeks from the day on which it is vacated or, in either case, before the expiration of such longer period as in the circumstances the Commissioner deems reasonable, and if the demolition is not so carried out the Commissioner shall cause the building or part thereof to be vacated, if necessary, in the manner provided in section 488-A and take measures to carry out the demolition and sell the materials rendered available thereby.

(4) When any obstructive building or any part thereof is demolished either by the owner or owners or by the Commissioner as provided for in sub-section (3), the Commissioner may at once take possession on behalf of the Corporation of the land occupied by, and appurtenant to, the said building or part thereof, and shall pay compensation as provided for in sub-section (6).

(5) The provisions of sub-section (2) of section 378C shall apply in relation to any expenses incurred by the Commissioner under sub-section (3) and to any surplus remaining in the hands of the Commissioner as they apply in relation to any expenses or surplus in a case where a building is demolished in pursuance of a demolition order made under section 378B.

(6) The compensation payable by the Commissioner for the building and the site thereof upon any sale effected under sub-section (1) and the compensation payable by the Commissioner under sub-section (4) shall be the market value of the land and building demolished, at the date of the demolition order made under sub-section (2) of section 378E.

378G. (1) When a demolition order in respect of an obstructive building or any part thereof has been made under section 378E, the Commissioner may specify and declare to the [Mayor-in-Council] the properties of which the building or part of a building intended to be demolished is in his opinion obstructive, and shall serve a notice to that effect upon the owner or owners of each of such specified properties.

Compensation for acquiring obstructive building recoverable in certain cases as improvement expenses.

(2) For the purpose of enquiry under this section the Commissioner shall have the like powers as are conferred on him by section 155, and every person required to make or deliver a statement under this sub-section shall be deemed to be legally bound to do so within the meaning of sections 175 and 176 of the Indian Penal Code.

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(3) The Commissioner may declare the sum apportioned to each property under this section in respect of its increase in value to be improvement expenses incurred for the benefit of such property and the same shall thereupon be a charge upon such property and shall be recoverable in the same manner as expenses declared to be improvement expenses under section 494.

¹These words were substituted for the words "Standing Committee" by Mah. 10 of 1998, s.187.

Appeal
against
demolition
orders.

378H. (1) Any person aggrieved by a demolition order made under section 378B or section 378E may, within twenty-one days after the date of the service of the order, appeal to the Chief Judge of the Small Causes Court (hereinafter in this section referred to as the Chief Judge), and no proceedings shall be taken by the Commissioner to enforce any order in relation to which an appeal is brought before the appeal is finally determined

Provided that no appeal shall lie at the instance of a person who is in occupation of the premises to which the order relates under a lease or agreement of which the expired term does not exceed three years.

(2) On such an appeal under this section the Chief Judge may make such order either confirming or quashing or varying the demolition order as he thinks fit, and he may, if he thinks fit, accept from an appellant any such undertaking as might have been accepted by the Commissioner, and any undertaking so accepted by the Chief Judge shall have the like effect as if it had been given to and accepted by the Commissioner under section 378B:

Provided that the Chief Judge shall not accept from an appellant upon whom such a notice as is mentioned in sub-section (1) of section 378B was served an undertaking to carry out any works unless the appellant complied with the requirements of sub-section (2) of that section.

(3) An appeal shall lie to the High Court from a decision of the Chief Judge under this section when the rateable value, entered in the Commissioner's assessment book in accordance with the provisions of this Act, of the premises to which the demolition order appealed against wholly or partially relates, exceeds Rs.3,000.

(4) The provisions of the Code of Civil Procedure, 1908 with respect to original decrees shall, so far as they can be made applicable, apply to appeals under sub-section (3), and orders passed therein by the High Court may, on application to the Chief Judge, be executed as if they were decrees passed by himself. V of 1908.

(5) A decision passed by the Chief Judge under this section shall, if an appeal does not lie therefrom under sub-section (3), be final.

(6) An appeal to the High Court under sub-section (3), shall for the purposes of the second division of first Schedule to [the Limitation Act, 1963], be deemed to be an appeal under the Code of Civil Procedure, 1908, to the Court of a District Judge. 36 of 1963.
V of 1908.

(7) Any order against which an appeal might be brought under this section shall, if no such appeal is brought, become operative on the expiration of the period of twenty-one days mentioned in sub-section (1) and shall be final and conclusive as to any matters which could have been raised on such an appeal, and any such order against which an appeal is brought shall, if and so far as it is confirmed by the Chief Judge, or the High Court, become operative as from the date of the final determination of the appeal.

(8) For the purposes of this section, the withdrawal of an appeal shall be deemed to be final determination thereof, having the like effect as a decision confirming the order appealed against and, subject as aforesaid, an appeal shall be deemed to be finally determined on the date when the decision of the High Court is given, or in a case where no appeal is brought to the High Court, upon the expiration of the period within which such an appeal might have been brought, or in a case where no appeal lies to the High Court, on the date when the decision of the Chief Judge is given.

¹These words were substituted for the words "The Indian Limitation Act, 1908", by Mah. 10 of 1998, s.188.

378I. Notwithstanding anything contained in this Act, it shall not be lawful to erect any back-to-back buildings intended to be used as dwellings for the poorer classes, and any such building shall, for the purposes of this Act, be deemed to be unfit for human habitation : Prohibition of back-to-back buildings.

Provided that nothing in this section shall prevent the erection or use of a building containing several tenements in which tenements are placed back-to-back if in the opinion of the Commissioner the several tenements are so constructed and arranged as to secure effective ventilation of all habitable rooms in every tenement.]

379. (1) The owner of a building shall, within a period of seven days after receipt of a written notice from the Commissioner, sign and give a certificate of the following particulars with respect to such building or any part thereof :— Power of Commissioner to call for statement of accommodation.

- (a) the total number of rooms in the buildings,
- (b) the length, breadth and height of each room, and
- (c) the name of the person to whom he has let the building or each part of the building occupied as a separate tenement.

(2) The occupier of a building or of any part of a building occupied as a separate tenement shall, on like notice, and within the like period, sign and give a certificate of the following particulars with respect to such building or part of such building as aforesaid which is in his occupation :—

- (a) the total number of person dwelling in the building or any part of it,
- (b) the manner of use of each room by day and by night, and
- (c) the number, sex and age of the occupants of each room used for sleeping.]

379A. (1) Where it appears to the Commissioner, whether from any certificate furnished under section 379 or otherwise, that any building or any room] or rooms therein used for human habitation is overcrowded he may apply to a ³[⁴[Metropolitan Magistrate] specially empowered by the State Government] to prevent such overcrowding; and the said Magistrate, after such inquiry as he thinks fit to make, may prescribe the maximum number of persons to be accommodated in each room and may, by written order, require the owner of the building, within a reasonable time not exceeding ten days to be prescribed in the said order, to abate the overcrowding thereof, by reducing the number of lodgers, tenants, or other inmates of the said building or room or rooms, in accordance with the maximum so prescribed and to the satisfaction of the Commissioner, or may pass such other order as he may deem just and proper. Over-crowded dwellings.

(2) Where the owner of the said building has sub-let the same, the landlord of the lodgers, tenants or other actual inmates of the same shall, for the purposes of this section, be deemed to be owner of the said building.

(3) Every tenant, lodger, or other inmates of the said building shall vacate on being required by the owner so to do in pursuance of any order under sub-section (1).

(4) A room used exclusively as a dwelling shall be deemed to be overcrowded within the meaning of this section when the number of adult inmates is such that the amount of floor space available for each adult inmates is less than twenty-five superficial feet and for each person, under the age of ten years less than twelve and one half superficial feet, or when the air space for each adult inmate is less than two hundred and fifty cubic feet, two children under ten years of age-counting as one adult.

¹Section 379 was substituted for the original section by Bom. 5 of 1905, s.55.

²Section 379A was inserted *ibid* s.55.

³These words were substituted for the words " Presidency Magistrate " by Bom. 8 of 1954, s.2. Schedule—Part III.

⁴These words were substituted for the words " Presidency Magistrate " by Mah. 21 of 1989, s.43.

(5) A room not exclusively used as a dwelling shall be deemed to be overcrowded within the meaning of this section when the number of adult inmates is such that the amount of floor space available for each adult inmate is less than thirty superficial feet, and for each person under the age of ten years less than fifteen superficial feet, or when the air space for each adult inmate is less than three hundred cubic feet, two children under ten years of age-counting as one adult.]

Insanitary huts and sheds. 380. If the Commissioner is of opinion that any hut or shed, used either as a dwelling or as a stable or for any other purpose, is likely by reason of its being built without a plinth or upon a plinth of insufficient height or without proper means of drainage, or on account of the impracticability of scavenging or owing to the manner in which it and other huts or sheds are crowded together, to cause risk of disease to the inmates thereof or to the inhabitants of the neighbourhood, or is for any reason likely to endanger the public health or safety:—

He may, by written notice, which shall be affixed to some conspicuous part of such hut or shed, require the owner or occupier thereof, or the owner of the land on which such hut or shed stands, to remove or alter such hut or shed or to take such order for the improvement thereof as the Commissioner shall deem necessary.

Filling in of pools, etc. which are a nuisance. 1[381. ²[(1) (i) For the purposes of this section, a nuisance shall include—

(a) any pool, ditch, tank well, pond, quarry-hole, drain, water-course or any collection of water ; or

(b) any cistern or other receptacle for water or any article or thing capable of collecting rain water during the monsoon season whether within or outside a building ; or

(c) any land on which water accumulates or is likely to accumulate ; or

(d) any premises or any part of any premises occupied, or unoccupied, or under construction, reconstruction or demolition ; which in the opinion of the Commissioner is, or is likely to become a breeding place of mosquitoes or which is, in any other respect, a nuisance as defined in clause (3) of section 3.

(ii) The Commissioner may, by notice in writing, require the person by whose act, default or sufferance, a nuisance arises, exists or continues, or is likely to arise and the owner, lessee and occupier of the land, building or premises on which the nuisance arises, exists or continues or is likely to arise or any one or more of such person, owner lessee and occupier, to remove, discontinue or abate the nuisance by taking such measures and by executing such work in such manner and within such period of time as the Commissioner shall prescribe in such notice.

(iii) The Commissioner may also by any notice under clause (ii) or by another notice, served on such person, owner, lessee and occupier, or on any one or more of them, require them, or any one or more of them, to take all steps requisite, or necessary to prevent a recurrence of the nuisance and may, if he thinks it desirable specify any work to be executed or measures to be carried out for that purpose, and may serve, any such further notice notwithstanding that the nuisance may have been abated or removed, if he considers that it is likely to recur :

Provided that if at any time within four months from the date of the service of any such notice, the nuisance recurs through the failure of the person or persons upon whom such notice has been served to comply with the requirements contained in such notice, such person or persons shall be liable without any further notice to the penalties provided in this Act for offences under this section.

¹This section was substituted for the original section by Bom. 6 of 1913, s.4.

²New sub-section (1) was substituted for the original sub-section (1) by Bom. 10 of 1928, s.14(a)

(iv) Where the nuisance arises or exists or is likely to arise or recur in connection with the construction, reconstruction or demolition of any premises, or any part of any premises, the Commissioner may in addition to serving any notice on any one or more of the persons mentioned in clause (ii) serve any such notice on any architect, contractor or other person employed to carry out such work of construction, reconstruction, or demolition and also on any sub-contractor employed by such contractor or other person, or any one or more of such contractor, person and sub-contractor.]

(2) If [any person who, by a requisition made under sub-section (1), is required] to fill up, cover over or drain of a well, delivers to the Commissioner, within the time prescribed for compliance therewith, written objections to such requisition, the Commissioner shall report such objections to the ²[Member-in-Charge] and shall make further inquiry into the case, and he shall not institute any prosecution under section 517 for failure to comply with such requisition except with approval of the ³[Mayor-in-Council], but the Commissioner may nevertheless, if he deems the execution of the work called for by such requisition to be of urgent importance proceed in accordance with section 489 and, pending the ⁴[Mayor-in-Council] disposal of the question whether the said well shall be permanently filled-up, covered over or otherwise dealt with, may cause such well to be securely covered over, so as to prevent the ingress of mosquitoes, and in every such case the Commissioner shall determine, with the approval of the ⁴[Mayor-in-Council], whether, the expenses of any work already done as aforesaid shall be paid by such ⁵[person], or by the Commissioner out of the municipal fund or shall be shared, and, if so, in what proportions.]

⁶[381A. (1) No new well, tank, pond, cistern or fountain shall be dug or constructed without the previous permission in writing of the Commissioner. Permission for new well, etc.,

(2) If any such work is begun or completed without such permission the Commissioner may either—

(a) by written notice require the owner or other person who has done such work to fill up or demolish such work in such manner as the Commissioner shall prescribe, or

(b) grant written permission to retain such work, but such permission shall not exempt such owner from proceedings for contravening the provisions of sub-section (1).]

⁷[381B. No person shall, on any land owned by him or in his possession,—

(a) have, keep or maintain any collection of standing or flowing water in which mosquitoes breed or are likely to breed, or

(b) cause, permit or suffer any water on such land to form a collection in which mosquitoes breed or are likely to breed,

unless such collection has been so treated as effectively to prevent such breeding.

Explanation I.—Throughs used for cattle and in frequent use shall not, until the contrary is proved, be deemed to be collection of water in which mosquitoes breed or are likely to breed.

Explanation II.—The natural presence of mosquito larvae in any standing or flowing water shall be evidence that mosquitoes are breeding in such water.]

¹These words, figures and brackets were substituted for the original words by Bom. 10 of 1928, s.14(d)(i)

²These words were substituted for the words "the standing Committee" by Mah. 10 of 1998, s.189 (a).

³These words were substituted for the words "Standing Committee", *ibid.*, 189(b).

⁴These words were substituted for the words "Standing Committee" *ibid.*, s.189(c)

⁵The word "person" was substituted for the original word "owner" by Bom. 40 of 1928, s.14(b)(ii).

⁶Section 381 A was inserted by Bom. 6 of 1913, s.5.

⁷Section 381 B was inserted by Mah 51 of 1975, s.16.

Dangerous quarrying may be stopped. 382. If, in the opinion of the Commissioner, the working of any quarry, or the removal of stone, earth or other material from any place, is dangerous to persons residing in or having legal access to the neighbourhood thereof or creates or is likely to create a nuisance, the Commissioner may, ¹ * * * * by written notice, require the owner of the said quarry or place to discontinue working the same or to discontinue removing stone, earth or other material from such place, or to take such order with such quarry or place, as he shall deem necessary for the purpose of preventing danger or of abating the nuisance arising or likely to arise therefrom.

Removal and trimming of trees, shrubs and hedges.

383. (1) If, in opinion of the Commissioner,—

(a) any hedge is at any time insufficiently cut or trimmed, or over-grown, with prickly-pear or other rank vegetation ; or

(b) any tree or shrub has fallen or is likely to fall, to the danger of public safety, or over-hangs or obstructs any street to the inconvenience or danger of passengers therein ;

the Commissioner may, by written notice, require the owner or occupier of the land on which such hedge, tree or shrub is or has been growing—

(a) to cut down such hedge to a height not exceeding four feet and to a width not exceeding three feet, and to remove any such prickly-pear or other rank vegetation therefrom ; or

(b) to remove, cut, lop or trim such tree or shrub, as the case may be.

(2) In any case falling clause (b), the Commissioner may, if for the public safety it shall appear to him necessary so to do, cause any tree or shrub to be removed, cut, lopped or trimmed, without previously giving the said owner or occupier notice as aforesaid, and the the expenses thereof shall nevertheless, be paid by the owner or occupier.

Keeping and Destruction of Animals and Disposal of Carcasses.

Prohibition as to keeping animals.

384. (1) No person shall—

(a) without the written permission of the Commissioner, or otherwise than in conformity with the terms of such permission, keep any swine in any part of ²[Brihan Mumbai];

(b) keep any animal on his premises so as to be a nuisance or dangerous to any person ;

(c) feed any animal, or suffer or permit an animal, to be fed or to feed, with or upon excrementitious matter, dung, stable refuse or other filthy matter.

(2) Any swine found straying may be forthwith destroyed and the carcass thereof disposed of as the Commissioner shall direct. No claim shall lie for compensation for any swine so destroyed.

Stabling animals or storing grain in dwelling houses may be prohibited.

³384A. Where a building or any portion thereof is used or intended to be used for human habitation and any portion of such building is used for any of the following purposes, namely :—

(a) for keeping any horse, cow, buffalo, bullock, goat or donkey, or

(b) as a godown or place for the storage, in connection with wholesale trade of grain, seed or groceries,

¹ The words " with the approval of the Standing Committee," were deleted by Mah. 21 of 1989 s.44.

² These words were substituted for the words " Greater Bombay" by Mah. 25 of 1996, Schedule.

³ Section 384A was inserted by Bom. 1 of 1916, s.10.

378B. (1) If it shall appear to the Commissioner that any building intended for, or used as, a dwelling is unfit for human habitation and is not capable at a reasonable expense of being rendered so fit, he shall serve upon the occupier of the building and the owner or of owners thereof, and, so far as it is reasonably practicable to ascertain such persons, upon every mortgagee thereof, notice of the time (being some time not less than twenty-one days after the service of the notice) and place at which the condition of the building and any offer with respect to the carrying out of works or the future use of the building, which he may wish to submit, will be considered by the ¹[Mayor-in-Council], and every person upon whom such a notice is served shall be entitled to be heard either in person or by agent when the matter is so taken on to consideration.

Power to order demolition of insanitary buildings.

(2) A person upon whom notice is served under the foregoing sub-section shall, if he intends to submit an offer with respect to the carrying out of works, within twenty-one days from the date of the service of the notice upon him, serve upon the Commissioner notice in writing of his intention to make such an offer and shall within such reasonable period as the Commissioner may allow, submit to him a list of the works which he offers to carry out.

(3) The Commissioner may, with the previous approval of the ¹[Mayor-in-Council], accept from any owner of mortgagee, an undertaking in writing either that he will within a specified period carry out such works as will in the opinion of the Commissioner render the building fit for human habitation, or that it shall not be used for human habitation until the Commissioner, on being satisfied that it has been rendered fit for that purpose and with the previous approval of the ¹[Mayor-in-Council], cancels the undertaking.

(4) If no such undertaking as is mentioned in the last foregoing sub-section is accepted by the Commissioner, or if, in a case where the Commissioner has accepted such an undertaking any work to which the undertaking relates is not carried out within the specified period, or the building, is at any time used in contravention of the terms of the undertaking, the Commissioner shall, with the previous approval of the ¹[Mayor-in-Council], forthwith make a demolition order requiring that the building shall be vacant within a period to be specified in the order, not being less than twenty-eight days from the date on which the order becomes operative and, that it shall be demolished within six weeks after the expiration of that period, or if the building is not vacated before the expiration of that period, within six weeks after the date on which it is vacated or, in either case within such longer period as in the circumstances the Commissioner deems it reasonable to specify, and shall serve a copy of the order upon every person upon whom the Commissioner would be required by sub-section (1) of this section to serve a notice issued by him under that sub-section.

(5) In determining for the purpose of this section whether a building can be rendered fit for human habitation at a reasonable expense, regard shall be had to the estimated cost of the work necessary to render it so fit and the value which it is estimated that the building will have when the works are completed.

378C. (1) When a demolition order under section 378B has become operative, the owner or owners of the building to which it applies shall demolish the building within the time limited in that behalf by the order ; and if the building is not demolished within that time, the Commissioner shall cause the building to be vacated if necessary in the manner provided in section 488A, and shall take measures to demolish the building and sell the materials thereof.

Procedure where demolition order made.

(2) Any expenses incurred by the Commissioner under the foregoing sub-section, after giving credit for the amount realised by sale of the materials, shall be payable by the owner or owners of the building, and any surplus in the hands of the Commissioner after payment of such expenses shall be paid by the Commissioner to the owner of the building, or if there is more than one owner, shall be paid in accordance with the agreement between them. In default of agreement between such owners the Commissioner shall deposit the surplus amount in the Small Causes Court and the Chief Judge of the said Court shall decide in what proportion such amount should be paid to such owners. The decision of the Chief Judge shall be final.

Regulations to determine the fitness of a building.

378D. For the purposes of this Act, the Corporation may, from time to time frame regulations not inconsistent with this Act for determining the standards of fitness of buildings for human habitation ; provided that, where in pursuance of a notice under sub-section (1) of section 378A any building has been rendered fit for human habitation by the execution of works and alterations to the satisfaction of the Commissioner, such building during a period of ten years from the date of completion of such works and alterations shall not be deemed to be unfit for human habitation by reason only of not conforming with any regulations made subsequently to such date affecting the structure of such building.

Power to order demolition of obstructive building.

378E. (1) The Commissioner may serve upon the owner or owners of a building which appears to him to be an obstructive building notice of the time (being some time not less than twenty-one days after the service of the notice) and place at which the question of ordering the building to be demolished will be considered by the ¹[Mayor-in-Council], and the owner or owners shall be entitled to be heard either in person or by agent when the matter is so taken into consideration.

(2) If, after so taking the matter into consideration, the ¹[Mayor-in-Council] resolve that the building is an obstructive building and that the building or any part thereof ought to be demolished, the Commissioner may make a demolition order requiring that the building or that part thereof shall be demolished, and that the building, or such part thereof as is required to be vacated for the purposes of the demolition, shall be vacated within two months from the date on which the order becomes operative, and if he does so, shall serve a copy of the order upon the owner or owners of the building.

(3) In this section the expression " Obstructive building " means a building which, although not in itself unfit for human habitation, is so situated that by reason of its proximity to or contact with any other buildings it—

(a) stops or impedes ventilation or otherwise makes or conduces to make such other buildings to be in condition unfit for human habitation or dangerous or injurious to health, or

(b) prevents proper measures from being carried into effect for remedying any nuisance injurious to health or other evils complained of in respect of such other buildings.

Effect of order for demolition of obstructive building.

378F. (1) If, before the expiration of the period within which a building in respect of which an order is made under section 378E is thereby required to be vacated, any owner or owners or other person or persons, whose estate or interest, or whose combined estates or interests in the building and the site thereof is or are such that the acquisition thereof by the Corporation would enable the Commissioner to carry out the demolition provided for by the order, make to the Commissioner an offer for the sale of that interest, or of those interests, to the Corporation at a price equal to the compensation to be assessed as provided in sub-section (6) in Commissioner shall, upon obtaining the requisite sanction under section 90, accept the offer and shall, as soon as possible after obtaining possession, carry out the demolition.

¹ These words were substituted for the words " standing Committee " by Mah. 10 of 1998, s.186

(2) Upon payment of the price mentioned in sub-section (1) the said building and the site thereof to the extent of the interests acquired shall vest in the Corporation.

(3) If no such offer as is mentioned in sub-section (1) is made before the expiration of the said period, the owner or owners of the building shall carry out the demolition provided for by the order before the expiration of six weeks from the last day of that period, or, if the building or such part thereof as is required to be vacated is not vacated until after that day, before the expiration of six weeks from the day on which it is vacated or, in either case, before the expiration of such longer period as in the circumstances the Commissioner deems reasonable, and if the demolition is not so carried out the Commissioner shall cause the building or part thereof to be vacated, if necessary, in the manner provided in section 488-A and take measures to carry out the demolition and sell the materials rendered available thereby.

(4) When any obstructive building or any part thereof is demolished either by the owner or owners or by the Commissioner as provided for in sub-section (3), the Commissioner may at once take possession on behalf of the Corporation of the land occupied by, and appurtenant to, the said building or part thereof, and shall pay compensation as provided for in sub-section (6).

(5) The provisions of sub-section (2) of section 378C shall apply in relation to any expenses incurred by the Commissioner under sub-section (3) and to any surplus remaining in the hands of the Commissioner as they apply in relation to any expenses or surplus in a case where a building is demolished in pursuance of a demolition order made under section 378B.

(6) The compensation payable by the Commissioner for the building and the site thereof upon any sale effected under sub-section (1) and the compensation payable by the Commissioner under sub-section (4) shall be the market value of the land and building demolished, at the date of the demolition order made under sub-section (2) of section 378E.

378G. (1) When a demolition order in respect of an obstructive building or any part thereof has been made under section 378E, the Commissioner may specify and declare to the ¹[Mayor-in-Council] the properties of which the building or part of a building intended to be demolished is in his opinion obstructive, and shall serve a notice to that effect upon the owner or owners of each of such specified properties.

Compensation for acquiring obstructive building recoverable in certain cases as improvement expenses.

(2) For the purpose of enquiry under this section the Commissioner shall have the like powers as are conferred on him by section 155, and every person required to make or deliver a statement under this sub-section shall be deemed to be legally bound to do so within the meaning of sections 175 and 176 of the Indian Penal Code.

XLV
of
1860.

(3) The Commissioner may declare the sum apportioned to each property under this section in respect of its increase in value to be improvement expenses incurred for the benefit of such property and the same shall thereupon be a charge upon such property and shall be recoverable in the same manner as expenses declared to be improvement expenses under section 494.

¹These words were substituted for the words "Standing Committee" by Mah. 10 of 1998, s.187.

Appeal
against
demolition
orders.

378H. (1) Any person aggrieved by a demolition order made under section 378B or section 378E may, within twenty-one days after the date of the service of the order, appeal to the Chief Judge of the Small Causes Court (hereinafter in this section referred to as the Chief Judge), and no proceedings shall be taken by the Commissioner to enforce any order in relation to which an appeal is brought before the appeal is finally determined

Provided that no appeal shall lie at the instance of a person who is in occupation of the premises to which the order relates under a lease or agreement of which the expired term does not exceed three years.

(2) On such an appeal under this section the Chief Judge may make such order either confirming or quashing or varying the demolition order as he thinks fit, and he may, if he thinks fit, accept from an appellant any such undertaking as might have been accepted by the Commissioner, and any undertaking so accepted by the Chief Judge shall have the like effect as if it had been given to and accepted by the Commissioner under section 378B:

Provided that the Chief Judge shall not accept from an appellant upon whom such a notice as is mentioned in sub-section (1) of section 378B was served an undertaking to carry out any works unless the appellant complied with the requirements of sub-section (2) of that section.

(3) An appeal shall lie to the High Court from a decision of the Chief Judge under this section when the rateable value, entered in the Commissioner's assessment book in accordance with the provisions of this Act, of the premises to which the demolition order appealed against wholly or partially relates, exceeds Rs.3,000.

(4) The provisions of the Code of Civil Procedure, 1908 with respect to original V of decrees shall, so far as they can be made applicable, apply to appeals under sub-section (3), and orders passed therein by the High Court may, on application to the Chief Judge, be executed as if they were decrees passed by himself.

(5) A decision passed by the Chief Judge under this section shall, if an appeal does not lie therefrom under sub-section (3), be final.

(6) An appeal to the High Court under sub-section (3), shall for the purposes of the second division of first Schedule to [the Limitation Act, 1963], be deemed to be an appeal under the Code of Civil Procedure, 1908, to the Court of a District Judge.

(7) Any order against which an appeal might be brought under this section shall, if no such appeal is brought, become operative on the expiration of the period of twenty-one days mentioned in sub-section (1) and shall be final and conclusive as to any matters which could have been raised on such an appeal, and any such order against which an appeal is brought shall, if and so far as it is confirmed by the Chief Judge, or the High Court, become operative as from the date of the final determination of the appeal.

(8) For the purposes of this section, the withdrawal of an appeal shall be deemed to be final determination thereof, having the like effect as a decision confirming the order appealed against and, subject as aforesaid, an appeal shall be deemed to be finally determined on the date when the decision of the High Court is given, or in a case where no appeal is brought to the High Court, upon the expiration of the period within which such an appeal might have been brought, or in a case where no appeal lies to the High Court, on the date when the decision of the Chief Judge is given.

¹These words were substituted for the words " The Indian Limitation Act, 1908 ", by Mah. 10 of 1998, s.188.

378I. Notwithstanding anything contained in this Act, it shall not be lawful to erect any back-to-back buildings intended to be used as dwellings for the poorer classes, and any such building shall, for the purposes of this Act, be deemed to be unfit for human habitation :

Prohibition of back-to-back buildings.

Provided that nothing in this section shall prevent the erection or use of a building containing several tenements in which tenements are placed back-to-back if in the opinion of the Commissioner the several tenements are so constructed and arranged as to secure effective ventilation of all habitable rooms in every tenement.]

1[379. (1) The owner of a building shall, within a period of seven days after receipt of a written notice from the Commissioner, sign and give a certificate of the following particulars with respect to such building or any part thereof :—

Power of Commissioner to call for statement of accommodation.

(a) the total number of rooms in the buildings,

(b) the length, breadth and height of each room, and

(c) the name of the person to whom he has let the building or each part of the building occupied as a separate tenement.

(2) The occupier of a building or of any part of a building occupied as a separate tenement shall, on like notice, and within the like period, sign and give a certificate of the following particulars with respect to such building or part of such building as aforesaid which is in his occupation :—

(a) the total number of person dwelling in the building or any part of it,

(b) the manner of use of each room by day and by night, and

(c) the number, sex and age of the occupants of each room used for sleeping.]

2[379A. (1) Where it appears to the Commissioner, whether from any certificate furnished under section 379 or otherwise, that any building or any room] or rooms therein used for human habitation is overcrowded he may apply to a ^{3[4[Metropolitan} Magistrate] specially empowered by the State Government] to prevent such overcrowding; and the said Magistrate, after such inquiry as he thinks fit to make, may prescribe the maximum number of persons to be accommodated in each room and may, be written order, require the owner of the building, within a reasonable time not exceeding ten days to be prescribed in the said order, to abate the overcrowding thereof, by reducing the number of lodgers, tenants, or other inmates of the said building or room or rooms, in accordance with the maximum so prescribed and to the satisfaction of the Commissioner, or may pass such other order as he may deem just and proper.

Over-crowded dwellings.

(2) Where the owner of the said building has sub-let the same, the landlord of the lodgers, tenants or other actual inmates of the same shall, for the purposes of this section, be deemed to be owner of the said building.

(3) Every tenant, lodger, or other inmates of the said building shall vacate on being required by the owner so to do in pursuance of any order under sub-section (1).

(4) A room used exclusively as a dwelling shall be deemed to be overcrowded within the meaning of this section when the number of adult inmates is such that the amount of floor space available for each adult inmates is less than twenty-five superficial feet and for each person, under the age of ten years less than twelve and one half superficial feet, or when the air space for each adult inmate is less than two hundred and fifty cubic feet, two children under ten years of age-counting as one adult.

¹Section 379 was substituted for the original section by Bom. 5 of 1905, s.55.

²Section 379A was inserted *ibid.* s.55.

³These words were substituted for the words " Presidency Magistrate " by Bom. 8 of 1954, s.2. Schedule—Part III.

⁴These words were substituted for the words " Presidency Magistrate " by Mah. 21 of 1989, s.43.

(5) A room not exclusively used as a dwelling shall be deemed to be overcrowded within the meaning of this section when the number of adult inmates is such that the amount of floor space available for each adult inmate is less than thirty superficial feet, and for each person under the age of ten years less than fifteen superficial feet, or when the air space for each adult inmate is less than three hundred cubic feet, two children under ten years of age-counting as one adult.]

Insanitary huts and sheds. 380. If the Commissioner is of opinion that any hut or shed, used either as a dwelling or as a stable or for any other purpose, is likely by reason of its being built without a plinth or upon a plinth of insufficient height or without proper means of drainage, or on account of the impracticability of scavenging or owing to the manner in which it and other huts or sheds are crowded together, to cause risk of disease to the inmates thereof or to the inhabitants of the neighbourhood, or is for any reason likely to endanger the public health or safety:—

He may, by written notice, which shall be affixed to some conspicuous part of such hut or shed, require the owner or occupier thereof, or the owner of the land on which such hut or shed stands, to remove or alter such hut or shed or to take such order for the improvement thereof as the Commissioner shall deem necessary.

Filling in of pools, etc. which are a nuisance.

1[381. 2[(1) (i) For the purposes of this section, a nuisance shall include—

(a) any pool, ditch, tank well, pond, quarry-hole, drain, water-course or any collection of water ; or

(b) any cistern or other receptacle for water or any article or thing capable of collecting rain water during the monsoon season whether within or outside a building ; or

(c) any land on which water accumulates or is likely to accumulate ; or

(d) any premises or any part of any premises occupied, or unoccupied, or under construction, reconstruction or demolition ; which in the opinion of the Commissioner is, or is likely to become a breeding place of mosquitoes or which is, in any other respect, a nuisance as defined in clause (3) of section 3.

(ii) The Commissioner may, by notice in writing, require the person by whose act, default or sufferance, a nuisance arises, exists or continues, or is likely to arise and the owner, lessee and occupier of the land, building or premises on which the nuisance arises, exists or continues or is likely to arise or any one or more of such person, owner lessee and occupier, to remove, discontinue or abate the nuisance by taking such measures and by executing such work in such manner and within such period of time as the Commissioner shall prescribe in such notice.

(iii) The Commissioner may also by any notice under clause (ii) or by another notice, served on such person, owner, lessee and occupier, or on any one or more of them, require them, or any one or more of them, to take all steps requisite, or necessary to prevent a recurrence of the nuisance and may, if he thinks it desirable specify any work to be executed or measures to be carried out for that purpose, and may serve, any such further notice notwithstanding that the nuisance may have been abated or removed, if he considers that it is likely to recur :

Provided that if at any time within four months from the date of the service of any such notice, the nuisance recurs through the failure of the person or persons upon whom such notice has been served to comply with the requirements contained in such notice, such person or persons shall be liable without any further notice to the penalties provided in this Act for offences under this section.

¹This section was substituted for the original section by Bom. 6 of 1913, s.4.

²New sub-section (1) was substituted for the original sub-section (1) by Bom. 10 of 1928, s.14(a)

(iv) Where the nuisance arises or exists or is likely to arise or recur in connection with the construction, reconstruction or demolition of any premises, or any part of any premises, the Commissioner may in addition to serving any notice on any one or more of the persons mentioned in clause (ii) serve any such notice on any architect, contractor or other person employed to carry out such work of construction, reconstruction, or demolition and also on any sub-contractor, person and sub-contractor.]

(2) If [any person who, by a requisition made under sub-section (1), is required] to fill up, cover over or drain of a well, delivers to the Commissioner, within the time prescribed for compliance therewith, written objections to such requisition, the Commissioner shall report such objections to the ²[Member-in-Charge] and shall make further inquiry into the case, and he shall not institute any prosecution under section 517 for failure to comply with such requisition except with approval of the ³[Mayor-in-Council], but the Commissioner may nevertheless, if he deems the execution of the work called for by such requisition to be of urgent importance proceed in accordance with section 489 and, pending the ⁴[Mayor-in-Council] disposal of the question whether the said well shall be permanently filled-up, covered over or otherwise dealt with, may cause such well to be securely covered over, so as to prevent the ingress of mosquitoes, and in every such case the Commissioner shall determine, with the approval of the ⁴[Mayor-in-Council], whether, the expenses of any work already done as aforesaid shall be paid by such ⁵[person], or by the Commissioner out of the municipal fund or shall be shared, and, if so, in what proportions.]

⁶[381A. (1) No new well, tank, pond, cistern or fountain shall be dug or constructed without the previous permission in writing of the Commissioner. Permission for new well, etc.,

(2) If any such work is begun or completed without such permission the Commissioner may either—

(a) by written notice require the owner or other person who has done such work to fill up or demolish such work in such manner as the Commissioner shall prescribe, or

(b) grant written permission to retain such work, but such permission shall not exempt such owner from proceedings for contravening the provisions of sub-section (1).]

⁷[381B. No person shall, on any land owned by him or in his possession,—

(a) have, keep or maintain any collection of standing or flowing water in which mosquitoes breed or are likely to breed, or

(b) cause, permit or suffer any water on such land to form a collection in which mosquitoes breed or are likely to breed, Prohibition of mosquito breeding in collection of water on any land.

unless such collection has been so treated as effectively to prevent such breeding.

Explanation I.—Throughs used for cattle and in frequent use shall not, until the contrary is proved, be deemed to be collection of water in which mosquitoes breed or are likely to breed.

Explanation II.—The natural presence of mosquito larvae in any standing or flowing water shall be evidence that mosquitoes are breeding in such water.]

¹These words, figures and brackets were substituted for the original words by Bom. 10 of 1928. s.14(d)(i)

²These words were substituted for the words " the standing Committee " by Mah. 10 of 1998, s.189 (a).

³These words were substituted for the words " Standing Committee ", *ibid.*, 189(b).

⁴These words were substituted for the words " Standing Committee " *ibid.*, s.189(c)

⁵The word " person " was substituted for the original word " owner " by Bom. 40 of 1928., s.14(b)(ii).

⁶Section 381 A was inserted by Bom. 6 of 1913, s.5.

⁷Section 381 B was inserted by Mah 51 of 1975, s.16.

382. If, in the opinion of the Commissioner, the working of any quarry, or the removal of stone, earth or other material from any place, is dangerous to persons residing in or having legal access to the neighbourhood thereof or creates or is likely to create a nuisance, the Commissioner may, ¹ * * * * * by written notice, require the owner of the said quarry or place to discontinue working the same or to discontinue removing stone, earth or other material from such place, or to take such order with such quarry or place, as he shall deem necessary for the purpose of preventing danger or of abating the nuisance arising or likely to arise therefrom.

Removal and trimming of trees, shrubs and hedges.

383. (1) If, in opinion of the Commissioner,—

(a) any hedge is at any time insufficiently cut or trimmed, or over-grown, with prickly-pear or other rank vegetation ; or

(b) any tree or shrub has fallen or is likely to fall, to the danger of public safety, or over-hangs or obstructs any street to the inconvenience or danger of passengers therein ;

the Commissioner may, by written notice, require the owner or occupier of the land on which such hedge, tree or shrub is or has been growing—

(a) to cut down such hedge to a height not exceeding four feet and to a width not exceeding three feet, and to remove any such prickly-pear or other rank vegetation therefrom ; or

(b) to remove, cut, lop or trim such tree or shrub, as the case may be.

(2) In any case falling clause (b), the Commissioner may, if for the public safety it shall appear to him necessary so to do, cause any tree or shrub to be removed, cut, lopped or trimmed, without previously giving the said owner or occupier notice as aforesaid, and the the expenses thereof shall nevertheless, be paid by the owner or occupier.

Keeping and Destruction of Animals and Disposal of Carcasses.

Prohibition as to keeping animals.

384. (1) No person shall—

(a) without the written permission of the Commissioner, or otherwise than in conformity with the terms of such permission, keep any swine in any part of ²[Brihan Mumbai];

(b) keep any animal on his premises so as to be a nuisance or dangerous to any person ;

(c) feed any animal, or suffer or permit an animal, to be fed or to feed, with or upon excrementitious matter, dung, stable refuse or other filthy matter.

(2) Any swine found straying may be forthwith destroyed and the carcass thereof disposed of as the Commissioner shall direct. No claim shall lie for compensation for any swine so destroyed.

Stabling animals or storing grain in dwelling houses may be prohibited.

³**384A.** Where a building or any portion thereof is used or intended to be used for human habitation and any portion of such building is used for any of the following purposes, namely :—

(a) for keeping any horse, cow, buffalo, bullock, goat or donkey, or

(b) as a godown or place for the storage, in connection with wholesale trade of grain, seed or groceries,

¹ The words " with the approval of the Standing Committee," were deleted by Mah. 21 of 1989 s.44.

² These words were substituted for the words " Greater Bombay" by Mah. 25 of 1996, Schedule.

³ Section 384A was inserted by Bom. 1 of 1916, s.10.

the Commissioner may, if it shall appear to him necessary for sanitary reasons to do so, by written notice require the owner or occupier of such building to discontinue the use of such building for any such purpose ; Provided that the Commissioner may permit such use subject to such conditions as he may think fit to prescribe.]

¹[385. (1) It shall be the duty of the Commissioner to provide for the removal of the carcasses of all animals dying within ²[Brihan Mumbai].

Removal of carcasses of dead animals.

(2) The occupier of any premises in or upon which any animals shall die or in or upon which the carcass of any animal shall be found, and the person having the charge of any animal dies in the street or in any open place, shall within three hours after the death of such animal or, if the death occurs at night, within three hours after sunrise, report the death of such animal at the municipal health department office of the division of the ²[Brihan Mumbai] in which the death occurred or in which the carcass is found ³[and shall not unless authorised by the Commissioner in this behalf, remove or permit to be removed the carcass of any animal dying in or upon any place within Brihan Mumbai.]

(3) For every carcass so removed by municipal agency, a fee for the removal of such amount as shall be fixed by the Commissioner, shall be paid by the owner of the animal or, if the owner is not known, by the occupier of the premises in or upon which, or by the person in whose charge, the said animal died.]

Regulation of public bathing, washing, etc.

386. The Commissioner may from time to time set apart portions of the seashore other suitable places vesting in the Corporation for use by the public for bathing, for the washing of animals or for drying clothes, and may from time to time, by public notice, prohibit the use by the public of any portion of the seashore or place not vesting in the Corporation for any of the said purposes.

Places for public bathing, etc., to be fixed by the Commissioner.

387. (1) The Commissioner may, by public notice, regulate the use by the public—

Regulation of use of public bathing places, etc.

(a) of any portion of the seashore or other place vesting in the Corporation set apart by him for any purpose under the last preceding section ;

(b) of any portion of the seashore or other place not vesting in the Corporation used, with his acquiescence, for any purpose mentioned in the last preceding section ;

(c) of any work and of the water in any work assigned and set apart under section 270 for any particular purpose.

(2) In the case of any portion of the seashore or of any place or work set apart, assigned or used as aforesaid for bathing, the Commissioner may, in such notice, prescribe the times and places of bathing for persons of each sex.

¹ This section was substituted for the original section by Bom. 5 of 1920, s.4.

² These words were substituted for the word " Greater Bombay " by Mah. 25 of 1996, Schedule.

³ This portion was added by Mah. 14 of 1961, s. 7.

Prohibition
of bathing,
etc., contrary
to order or
regulation.

388. Except as permitted by any order or regulation made under section 270, 386 or 387, no person shall,—

(a) bathe in or near any lake, tank, reservoir, fountain, cistern, duct, standpipe, steam or well or on any part of the seashore or other place vesting in the corporation;

(b) wash or cause to be washed in or near any such place or work, any animal, clothes or other article;

(c) throw, put or cause to enter into the water in any such place or work, any animal or other thing ;

(d) cause or suffer to drain into or upon any such place or work or to be brought thereinto or thereupon, anything, or do anything, whereby the water shall be in any degree fouled or corrupted;

(e) dry clothes in or upon any such place.

And no person shall,—

(f) in contravention of any prohibition made by the Commissioner under section 386, use any portion of the seashore or any place not vesting in the corporation for any purpose mentioned in the said section;

(g) contravene any regulation made by the Commissioner under section 387 for the use of any such portion of the seashore or place for any such purpose.

389. No person shall,—

Prohibition
of corrup-
tion of water
by steeping
therein
animal or
other matter,
etc.

(a) steep in any tank, reservoir, stream, well or ditch any animal, vegetable or mineral matter likely to render the water thereof offensive or dangerous to health;

(b) whilst suffering from any contagious or loathsome disease, bathe in or near any lake, tank, reservoir, fountain, cistern, duct, standpipe, stream or well or on any part of the seashore.

Regulation of Factories, Trades, etc.

Factory, etc.
not to be
newly
established
without
permission
of the
Commis-
sioner.

390. (1) No person shall newly establish in any premises any factory, workshop or workplace in which it is intended that steam, water ¹[electrical] or other mechanical power shall be employed, without the previous written permission of the Commissioner, ²[nor shall any person work, or allow to be worked, any such factory, workshop or workplace without such permission].

(2) The Commissioner may refuse to give such permission if he shall be of opinion that the establishment of such factory, workshop or workplace in the proposed position is objectionable by reason of the density of the population in the neighbourhood thereof, or will be a nuisance to the inhabitants of the neighbourhood.

³(3) If any written permission for the establishment of a factory, workshop or workplace granted under sub-section (1) be revoked by the Commissioner in the exercise of his powers under sub-section (3) of section 479, no person shall continue or resume the working or use of such factory, workshop or workplace until such written permission is renewed or a fresh written permission is granted by the Commissioner].

¹ This word was inserted by Mah. 21 of 1989, s. 45.

² These words were inserted by Bom. 1 of 1916, s. 11(a).

³ Sub-section (3) was added, *ibid.*, s. 11(b).

391. (1) No person shall—

- (a) use or permit to be used any furnace employed for the purpose of any trade or manufacture, which does not, so far as practicable, consume its own smoke; or
- (b) so negligently use or permit to be used any such furnace as that it shall not, as far as practicable, consume its own smoke.

Furnaces used in trade or manufacture to consume their own smoke.

(2) Nothing in this section shall be deemed to apply to a locomotive engine used for the purpose of traffic upon any railway or for the repair of streets,

392. (1) Whenever it shall appear to the Commissioner that any factory, 1** workshop or workplace, or any building or place in which steam, water or other mechanical power is employed, is not kept in a cleanly state or is not ventilated in such a manner as to render harmless, as far as practicable, any gas, vapour, dust or other impurity generated in the course of the work carried on therein, which is a nuisance,

Sanitary regulation of factories, etc.

or is so overcrowded while work is carried on as to be dangerous or injurious to the health of the persons employed therein,

or that any engine, mill-gearing, hoist or other machinery therein is so fixed or so insecurely fenced as to be dangerous to life or limb ;

the Commissioner may, by written notice, require the owner of such factory, 1** workshop, workplace or other building or place to take such order for putting and maintaining the same, in cleanly state, or for ventilating the same, or for preventing the same from being overcrowded or for preventing danger to life or limb from any engine, mill-gearing, hoist or other machinery therein, as he shall think fit.

(2) Nothing in this section shall be deemed to affect any provision of the ²[Bombay Bom. III of Boiler Inspection Act, 1887, and nothing in this section which relates to the fixing or 1887. fencing of any engine, mill-gearing, hoist or other machinery shall apply on any XV of factory to which the provisions of the ³Indian Factories Act, 1881, are applicable. 1881.

393. (1) No person shall, without the written permission of the Commissioner, use or employ in any factory or any other place, any steam-whistle or steam-trumpet for the purpose of summoning or dismissing workmen or persons employed.

Prohibition of use of steam-whistle or steam-trumpet without permission of the Commissioner.

(2) The Commissioner may at any time revoke any permission which he has given for the use of any such instrument as aforesaid, on giving one month's notice to the person using the same.

(3) Provided that nothing in sub-section (2) shall be deemed to require one month's notice to be given by the Commissioner, if he suspends or revokes any such permission for any reason specified in sub-section (3) of section 479.

¹ The word "bakehouse" was repealed by Bom. 2 of 1911, s. 14.

² Bom. 3 of 1887 was repealed by Bom. 2 of 1891 which was repealed by Bom. 5 of 1917, which was again repealed by Act 5 of 1923, Central Acts.

³ Act 15 of 1881 is repealed by Act 12 of 1911 (the Indian Factories Act, 1911) which is again repealed by Act 25 of 1934, Central Acts.

Certain articles¹ [or animals] not to be kept, and certain trades, processes and operations not to be carried on, without a licence; and things liable to be seized, destroyed, etc. to prevent danger or nuisance.

¹394. (1) Except under and in accordance with the terms and conditions of the licence granted by the Commissioner, no person shall,

(a) keep, or suffer or allow to be kept, in or upon any premises,

(i) any article specified in Part I of Schedule M; or,

(ii) any article specified in Part II of Schedule M, in excess of the quantity therein specified as the maximum quantity (or where such article is kept along with any other article or articles specified in that Schedule, such other maximum quantity as may be notified by the Commissioner) of such article which may at any one time be kept in or upon the same premises without a licence;

(b) keep, or suffer or allow to be kept, in or upon any premises, for sale or for other than domestic use, any article specified in Part III of Schedule M;

(c) keep, or suffer or allow to be kept, in or upon any premises, horses, cattle or other four-footed animals for sale, for letting out on hire or for any purpose for which any charge is made or any remuneration is received, or for the sale of any produce thereof;

(d) keep or use, or suffer or allow to be kept or used, in or upon any premises, any article² [or animal] which, in the opinion of the Commissioner, is dangerous to life, health or property, or likely to create a nuisance either from its nature or by reason of the manner in which, or the conditions under which, the same is, or is proposed to be, kept or used or suffered or allowed to be kept or used;

(e) carry on or allow or suffer to be carried on, in or upon any premises,—

(i) any of the trades specified in Part IV of Schedule M, or any process or operation connected with any such trade;

(ii) any trade, process or operation, which, in the opinion of the Commissioner, is dangerous to life, health or property, or likely to create a nuisance either from its nature or by reason of the manner in which, or the conditions under which, the same is, or is proposed to be, carried on;

(f) carry on within³ [Brihan Mumbai] or use or allow to be used any premises for, the trade or operation of a carrier.

(2) The State Government may, by notification in the *Official Gazette*, add to, amend or delete any item in Schedule M and thereupon, the said Schedule shall be deemed to be amended accordingly but without prejudice to anything done or omitted to be done before such amendment.

(3) A person shall be deemed—

(a) to have known that keeping any article⁴ [or animal] or carrying on a trade, process or operation is, in the opinion of the Commissioner, dangerous or likely to create a nuisance within the meaning of clause (d) or, as the case may be, paragraph (ii) of clause (e), of sub-section (1), after written notice to that effect, signed by the Commissioner, has been served on such person or affixed to the premises to which it relates;

¹ Sections 394 and 394 A were substituted for the original section 394 by Mah. 32 of 1962, s. 2.

² These words were inserted by Mah. 42 of 1976, s. 11(a).

³ These words were substituted for the words "Greater Bombay" by Mah. 25 of 1996, Schedule.

⁴ These words were inserted, by Mah. 42 of 1976, s. 11(b).

⁵ These words were inserted, *ibid.*, s. 11(e).

(b) to keep or to suffer or allow the keeping of an article ¹[or animal] or to carry on or allow to be carried on a trade, process or operation within the meaning of clause (I), or as the case may be, paragraph (ii) of clause (e) of sub-section (I), if he does any act in furtherance of keeping of such article ¹[or animal] or carrying on of such trade, process or operation or is in any way engaged or concerned therein whether as principal, agent, clerk, master, servant, workman, handicraftsman, watchman or otherwise.

(4) If it appears to the Commissioner that the keeping of any article ²[or animal] or the carrying on of any trade, process or operation, in or upon any premises, is dangerous or likely to create a nuisance within the meaning of clause (d), or paragraph (ii) of clause (e), of sub-section (I), the Commissioner may, by written notice, require the person keeping the article ²[or animal] or suffering or allowing it to be kept or the person carrying on the trade, process or operation or allowing it to be carried on, as the case may be, to take such measures (including discontinuance of the use of the premises for any such purpose) as may be specified by him in such notice in order to prevent such danger or nuisance; and if such measures are not taken within the specified time, the Commissioner may seize and carry away or seal such article ²[or animal] or any machinery or device used in connection with such trade, process or operations. Any article ²[or animal] or machinery or device so seized and carried away or sealed may be redeemed, within a period of one month from the date of seizure, on payment of such sum and subject to such conditions as to future use or disposition of such article ²[or animal], machinery or device as may be fixed by the Commissioner in that behalf :

Provided that, if any article ²[or animal] so seized and carried away or sealed is of an explosive or dangerous nature, the Commissioner may by order in writing cause the same to be forthwith destroyed or otherwise disposed of, as he thinks fit :

Provided further that, if any article ²[or animal] or machinery or device so seized and carried away or sealed is not claimed and redeemed by the owner or person found in possession thereof, the Commissioner may by order in writing cause the same to be sold by auction or otherwise disposed of as he thinks fit, forthwith if the article ²[or animal] is of a perishable nature, and in any other case after the expiry of the aforesaid period of one month.

The proceeds of the sale or other disposal (if any) shall, after defraying therefrom the cost of the sale or such disposal, be paid to the owner or person found in possession of the article ²[or animal] or machinery or device sold or disposed of.

(5) It shall be in the discretion of the Commissioner—

(a) to grant any licence referred to in sub-section (I), subject to such restrictions or conditions (if any), as he shall think fit to specify, or

(b) for the purposes of ensuring public safety, to withhold any such licence :

Provided that, the Commissioner when withholding any such licence shall record his reasons in writing for such withholding and furnish the person concerned a copy of his order containing the reasons for such withholding :

Provided further that, any person aggrieved by an order of the Commissioner under this sub-section may, within sixty days of the date of such order, appeal to the Chief Judge of the Small Cause Court, whose decision shall be final.

¹ These words were inserted by Mah. 42 of 1976, s. 11(b).

² These words were inserted, *ibid.*, s. 11(e).

(6) Every person to whom a licence is granted by the Commissioner under sub-section (5) shall,—

(a) keep such licence in or upon the premises, if any, to which it relates;

(b) put up a board outside such premises on a conspicuous part, indicating thereon the nature of the article ¹[or animal] kept or the trade, process or operation carried on, in or upon the premises, the municipal licence number, if any, in respect thereof and the name and local address of the owner or occupier or person in charge of the premises ;

(c) put proper label on the packing or container of every licensable article to indicate its name, contents and hazardous nature.

(7) The Commissioner may from time to time with the approval of the ²[Mayor-in-Council] specially exempt from the operation of this section any mills for spinning or weaving, cotton, wool, silk or jute or any other large mill or factory.

Power to prohibit the keeping of certain articles of dangerous character in certain premises or areas. 394A. Notwithstanding anything contained in the last foregoing section, the State Government may from time to time by notification in the *Official Gazette*, prohibit absolutely or subject to conditions, the keeping or suffering or allowing the keeping (either permanently or during a specified period) in any premises or class of premises or in any area or areas, which may be specified in the notification, of any article mentioned in Part I of Schedule M, being an article which in the opinion of the State Government is of so dangerous a character that it is expedient in the interest of public safety, having regard to the density of population and other relevant factors, to issue such notification.]

Prohibition of corruption of water by chemicals etc. 395. (1) No person engaged in any trade or manufacture specified in Schedule M shall—

(a) wilfully cause or suffer to be brought or to flow into any lake, tank, reservoir, cistern, well, duct or other place for water belonging to the corporation or into any drain or pipe communicating therewith, any washing or other substance produced in the course of any such trade or manufacture as aforesaid;

(b) wilfully do any act connected with any such trade or manufacture as aforesaid, whereby the water in any such lake, tank, reservoir, cistern, well, duct or other place for water is fouled or corrupted.

(2) The Commissioner may, after giving not less than twenty-four hours' previous notice in writing to the owner or to the person who has the management or control of any works, pipes or conduits, connected with any such manufacture or trade as aforesaid, lay open and examine the said works, pipes or conduits ;

and if, upon such examination, it appears that sub-section (1) has been contravened by reason of anything contained in or proceeding from the said works, pipes or conduits, the expenses of such laying open and examination and of any measure which the Commissioner shall, in his discretion, require to be adopted for the discontinuance of the cause of such contravention, shall be paid by the owner of the said works, pipes or conduits, or by the person who has the management or control thereof, or through whose neglect or fault the said sub-section has been contravened;

¹ These words were inserted by Mah. 42 of 1976, s. 11(d).

² These words were substituted for the words "The standing Committee" by Mah. 10 of 1998, s. 190.

but if it appears that there has been no contravention of the said sub-section, that said expenses and compensation for any damage occasioned by the said laying open and examination shall be paid by the Commissioner.

[396. (1) The Commission may at any time, by day or by night, without notice, enter into or upon, and inspect or examine, any premises used or likely to be used for the purposes mentioned in section 394 or 394A, and upon any premises in which a furnace is employed for the purpose of any trade, process or operation, and into any bakehouse, and take samples if need be by breaking open the container or call upon any person who may be keeping or suffering or allowing the keeping of any article or carrying on or allowing to carry on any trade, process or operation to give samples of the article kept or products of the trade, process or operation, in order to, satisfy himself as to whether any provision of this Act or any regulation or by law or notification made or issued thereunder or any condition of a licence granted under this Act has been or is being contravened, and as to whether any nuisance is created, or is likely to be created upon such premises.

Powers of inspection, etc. of premises where licensable articles are kept or trade, process or operation carried on or where prohibited articles are kept.

(2) Every person in charge, whether as principal, agent, clerk, master, servant, workman, handicraftsman, watchman or otherwise of any premises there any article requiring a licence under section 394 or any article prohibited under section 394A is kept or likely to be kept, or where any trade, process or operation requiring a licence under section 394 is carried on or likely to be carried on, shall, whenever required by the Commissioner, either verbally or in writing, keep the premises open for his inspection and exercise of the other powers conferred on him by sub-section (1).

(3) No claim shall lie against any person for compensation for any damage in good faith and necessarily caused by the exercise of any of the powers conferred by sub-section (1) or by the use of any force reasonably necessary for the effective exercise of such powers :

Provided that, force shall not be used for the purpose aforesaid unless when there is reason to believe that an offence is being committed against some provisions of this Act or some regulation or by-law or notification made or issued thereunder.]

397. (1) The Commissioner may, by public notice, prohibit the washing of clothes by washermen in the exercise of their calling, except at such places as he shall appoint for this purpose;

Regulation of washing of clothes by washermen.

and, when any such prohibition has been made no person who is by calling, a washerman shall wash clothes at any place not appointed for this purpose by the Commissioner, except for such person himself or for the owner or occupier of such place.

(2) The Commissioner shall provide suitable places for the exercise by washermen of their calling, and may require payment of such fees for the use of any such place as shall from time to time be determined by the Commissioner, with the approval of the ²[Member-in-Charge.]

Washing places to be provided by the Commissioner for washermen.

¹ Section 396 was substituted for the original by Mah. 32 of 1962, s. 3.

² These words were substituted for the words " The Standing Committee " by Mah. 10 of 1998, s. 191.

Maintenance and Regulation of Markets and Slaughter-Houses.

What to be deemed municipal markets and slaughter-houses. **398.** ¹[(1)] All markets and slaughter-houses which belong to or are maintained by the corporation shall be called "municipal markets" "or municipal slaughter-houses". All other markets and slaughter-houses shall be deemed to be private.

²[(2)] The corporation may also establish markets for the purchase and sale of or trading in agricultural produce specified in Schedule JJ. The corporation may, with the previous sanction of the State Government, add to amend or cancel, by notification in the *Official Gazette*, any of the items of agricultural produce specified in Schedule JJ.]

Provisions of new municipal markets and slaughter-houses. **399.** (1) The Commissioner, when authorised by the corporation in this behalf, may construct, purchase or take on lease any building or land for the purpose of establishing a new municipal market or a new municipal slaughter-house or of extending or improving any existing municipal market or slaughter-house, and may from time to time build and maintain such municipal markets and slaughter-houses and such stalls, shops, sheds, pens and other buildings or conveniences for the use of the persons carrying on trade or business in or frequenting, such municipal markets or slaughter-houses, and provide and maintain in such municipal markets such buildings, places, machines, weights, scales and measures for weighing and measuring goods sold therein as he shall think fit.

(2) Municipal slaughter-houses may be situate within or with the sanction of ³[the ⁴[State] Government] without ⁵[Brihan Mumbai].

Municipal markets and slaughter-houses may be closed. **400.** The Commissioner may, with the sanction of the corporation and of ³[the ⁴[State] Government], at any time, close any municipal market or slaughter-house; and the premises occupied for any market or slaughter-house so closed may be disposed of as the property of the corporation.

Prohibition of sale in a municipal market without Licence of Commissioner. **401.** (1) No person shall, without a licence from the Commissioner, sell or expose for sale any animal or article in any municipal market.

(2) Any person contravening this section may be summarily removed by the Commissioner or by any municipal officer or servant.

Opening of new private markets. **402.** (1) The corporation shall from time to time determine whether the establishment of new private markets shall be permitted in ⁵[Brihan Mumbai] or in any specified portion of the ⁵[Brihan Mumbai].

(2) No person shall establish a new private market for the sale of, or for the purpose of exposing for sale, animals intended for human food, or any other article of human food, except, with the sanction of the Commissioner, who shall be guided in giving such sanction by the decisions of the corporation at the time in force under sub-section (1). ⁶[The owner or occupier of a place in which a private market is established shall, for the purposes of this sub-section, be deemed to have established such market.]

(3) When the establishment of a new private market has been so sanctioned, the Commissioner shall cause a notice of such sanction to be affixed in the English, Marathi, Gujarati, ⁷[Hindi] and Urdu languages on some conspicuous spot on or near the building or place where such market is to be held.

¹ Section 398 was re-numbered as sub-section (1) of that section, by Bom. 54 of 1955, s. 9.

² This sub-section was added, *ibid.*

³ The words "the Provincial Government" were substituted for the words "Government" by the Adaptation of Indian Laws Order in Council.

⁴ This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

⁵ These words were substituted for the words "Greater Bombay" by Mah. 25 of 1996, Schedule.

⁶ These words were added by Bom. 5 of 1938, s. 39.

⁷ This word was inserted by Mah. 21 of 7989, s. 46.

403. (1) No person shall without, or otherwise than in conformity with the terms of, a licence granted by the Commissioner in this behalf—

(a) keep open ¹[or permit to be kept open] a private market;

(b) use ¹[or permit to be used] any place in ²[Brihan Mumbai] as a slaughter house or for the slaughtering of any animal intended for human food ;

(c) use ¹[or permit to be used] any place without ²[Brihan Mumbai] whether as a slaughter-house or otherwise, for the slaughtering of any animal intended for human food to be consumed in ³[Brihan Mumbai].

³[Private markets not to be kept or permitted to be kept open and no place to be used or permitted to be use as slaughter-house, without licence.]

(2) Provided that—

(d) the Commissioner shall not refuse, cancel or suspend any licence for keeping open a private market for any cause other than the failure of the owner thereof to comply with some provision of this Act, or with some regulation framed under section 406 or with some by-law made under this Act, at the time in force and shall not cancel or suspend any such licence without the approval of the ⁴[Mayor-in-Council;]

⁵[(dd) the Commissioner may with the previous approval of the ⁴[Mahor-in-Council] cancel or suspend, any licence for failure of the owner of a private market to give in accordance with the conditions of his licence a written receipt for any stallage, rent, fee or other payment received by him or his agent from any person for the occupation or use of any stall, shop, standing shed, pen or other place therein;]

(e) nothing in this section shall be deemed to prevent the Commissioner from granting written permission for the slaughter of an animal in any place that he thinks fit, on the occasion of any festival or ceremony or under special circumstances.

⁶[(f) the Commissioner may suspend the licence of a trader, an owner of a private market or of an abattoir for a period not exceeding sixty days if it is found that the trader or the owner of the private market or, as the case may be, the abattoir is not taking proper measures to keep the premises clean or is not disposing the trade refuse including carcass of dead animals in the proper manner.]

⁷[(2A) Any animal or flesh intended for human food found in the possession of any person contravening the provisions of clause (b) or (c) of sub-section (1) may be seized by the Commissioner or any municipal officer or servant or by any police officer and any such animal or flesh may be sold or otherwise disposed of as the Commissioner shall direct. The proceeds, if any, arising from such sale shall belong to the Corporation.

(2B) For the purposes of this section, the owner or occupier of any place which is habitually used for the slaughter of animals intended for human food shall be deemed to have used or permitted to be used such place for the slaughter of animal unless he proves that the place was so used without his knowledge].

¹ These words were inserted by Bom. 5 of 1938, s. 40.

² These words were substituted for the words " Greater Bombay " by Mah. 25 of 1996, Schedule.

³ These words were substituted for the words " Greater Bombay " *ibid.* Mah. 25 of 1996, Schedule.

⁴ These words were substituted for the words " Standing Committee " by Mah. 10 of 1998, s. 192(a).

⁵ Clause (dd) was inserted by Bom. 32 of 1935, s. 12.

⁶ This clause was added by Mah. 10 of 1998, s. 192(b).

⁷ Sub-section (2A) (2B) were inserted by Bom. 64 of 1953, s. 16.

⁸ This marginal note was substituted for the original by Bom. 20 of 1952, s. 16.

(3) When the Commissioner has refused, cancelled or suspended any licence to keep open a private market, he shall cause a notice of his having so done to be affixed in the English, Marathi, Gujarati, ¹[Hindi] and Urdu languages on some conspicuous spot on or near the building or place where such market has been held.

404. No person who knows that any private market has been established without the sanction of the Commissioner, or is kept open after a licence for keeping the same open has been refused, cancelled or suspended by the Commissioner, shall sell or expose for sale therein any animal or articles of food.

405. The Commissioner may, by written notice, require the owner, farmer or occupier of any private market or slaughter-house, to cause—

(a) the whole or any portion of the floor of the market-building, place or slaughter-house to be paved with dressed stone or other suitable material ;

(b) such drains to be made in or from the market-building, market place or slaughter-house, of such material, size and description, at such level and with such outfall, as to the Commissioner may appear necessary.

406. ²[The Corporation may,] from time to time make regulations, not inconsistent with any provision of this Act, or of any by-law made under this Act at the time in force—

(a) for preventing nuisances or obstruction in any market-building, market place, or slaughter-house or in the approaches thereto ;

(b) fixing the days and the hours on and during which any market or slaughter-house may be held or kept open for use;

(c) for keeping every market-building, market-place and slaughter-house in a cleanly and proper state, and for removing filth and refuse therefrom;

(d) requiring that any market-building, market-place or slaughter-house be properly ventilated and be provided with a sufficient supply of water;

(e) requiring that in market-buildings and market-places, passages be provided between the stalls of sufficient width for the convenient use of the public ;

³[(f) for regulating the purchase and sale of and conditions of trading in agricultural produce specified in Schedule JJ in any market-building or market-place.]

407. The Commissioner may—

(a) charge for the occupation or use of any stall, shop, standing shed or pen in a municipal market or slaughter-house, and for the right to expose goods for sale in a municipal market, and for weighing and measuring goods sold in any such market and for the right to slaughter animals in any municipal slaughter-house such stallages, rents and fees as shall from time to time be fixed by him, with the approval of the ⁴[Mayor-in-Council] in this behalf, or

(b) with the approval of the ⁴[Mayor-in-Council], farm the stallages, rents and fees leviable as aforesaid or any portion thereof, for any period not exceeding one year at a time; or

(c) put up to public auction, or, with the approval of the ⁴[Mayor-in-Council], dispose of, by private sale, the privilege of occupying or using any stall, shop, standing-shed or pen, in a municipal market or slaughter-house for such term and on such conditions as he shall think fit.

¹ This word was inserted by Mah. 21 of 1989, s. 47.

² These words were substituted for the words "The Commissioner may, with the approval of the Standing Committee" by Mah. 10 of 1998, s. 193.

³ This clause was added by Bom. 54 of 1955, s. 10.

⁴ These words were substituted for the words "the Standing Committee" by Mah. 10 of 1998, s. 194.

Leavy of stallages, rents and fees in municipal markets and slaughter-houses.

Prohibition of sale in unauthorised private markets.

Provision for requiring private market-building and slaughter-houses to be properly paved and drained.

Regulations to be framed for markets and slaughter-houses.

[407A. (1) No person shall, without the written permission of the Commissioner and without the payment of such fees as may be ²[prescribed by the Corporation], remove any live cattle, sheep, goats or swine from any municipal slaughter-house or from any municipal market or premises used or intended to be used for or in connection with such slaughter-house :

Removal of live cattle, sheep, goats or swine from any municipal slaughter-house, market or premises.

Provided that such permission shall not be required for the removal of any animal which has not been sold within such slaughter-house, market or premises and which has not been with in such slaughter-house, market or premises for a period longer than that prescribed under regulations made by the ³[Corporation] in this behalf, or which has in accordance with any by-law made under this Act, been rejected as unfit for slaughter at such slaughter-house, market or premises.

(2) Any fee paid for permission under sub-section (1) in respect of any animal removed to a Panjrapole shall, subject to the regulations made by the ³[Corporation] in this behalf, be refunded on the production of a certificate from the Panjrapole authorities that such animal has been received in their charge.]

408. (1) A printed copy of the regulations and of the table of stallages, rents and fees, if any in force in any market or slaughter-house under the ⁴[sections 406, 407 and 407A], in the English, Marathi, Gujarati, ⁵[Hindi] and Urdu languages, shall be affixed in some conspicuous spot in the market-building, market-place or slaughter-house.

Regulations and table of stallage, rents to be posted up in markets and slaughter-houses.

(2) No person shall, without authority, destroy, pull down, injure or deface any copy of any regulation or table so affixed.

409. The Commissioner may expel from any municipal market or slaughter-house any person, who or whose servants has been convicted of contravening any by-law made under this Act, or any regulation made under section 406, at the time in force in such market or slaughter-house and may prevent such person, by himself or his servants, further carrying on any trade or business in such market or slaughter-house or occupying any stall, shop, standing shed, pen or other place therein, and may determine any lease or tenure which such person may have in any such stall, shop, standing shed, pen or place.

Power to expel persons contravening by-laws or regulations.

¹ New section 407A was inserted by Bom. 12 of 1936, s. 7.

Section 10 of Bom. 12 of 1936 reads as under—

“ Notwithstanding anything contained in the City of Bombay Municipal (Amendment) Act, 1936 (Bom. 12 of 1936), it shall be deemed always to have been lawful for the Commissioner prior to the commencement of the said Act, to require his written permission for the removal of any cattle, sheep, goats or swine from any municipal slaughter-house or from any municipal market or premises used or intended to be used for or in connection with such slaughter-house and to fix and charge fees for the grant of such permission (*Vide* Bom. 12 of 1936, s. 10.) ”

² These words were substituted for the words “ prescribed by him ”, by Mah. 10 of 1998, s. 195(a)

³ This words was substituted for the words “ Commissioner ”, *ibid.*, s. 195(b).

⁴ The words, figures and letter “ sections 406, 407 and 407A ” were substituted for the words “ two last preceding sections ” by Bom. 12 of 1936, s. 8.

⁵ This word was inserted by Mah. 21 of 1989, s. 48.

Sale ¹[or Supply] of articles of food outside of markets

Prohibition of sale ⁴[or supply] of animals etc. except in a market. **410.** (1) Except as hereinafter provided, no person shall, without a licence from the Commissioner, ²[sell or supply or expose for sale or supply] any ³[animal or bird or any meat or flesh or fish] intended for human food, in any place other than a municipal or private market :

(2) Provided that nothing in sub-section (1) shall apply to fresh fish sold from or exposed for sale in, a vessel in which it has been brought direct to the seashore, after being caught at sea.

Licensing of butchers, etc.

Butchers and persons who ⁵[sell or supply] the flesh of animals to be licensed. **411.** No person shall without, or otherwise than in conformity with the term of a licence granted by the Commissioner in this behalf—

(a) carry on within ⁵[Brihan Mumbai], or at any municipal slaughter-house the trade of a butcher ;

(b) use any place in ⁵[Brihan Mumbai] ⁶[for the sale or supply] of the flesh of any animal ⁷[or bird] intended for human food, or any place without ⁵[Brihan-Mumbai] ⁶[for the sale or supply] of such flesh for consumption in ⁵[Brihan Mumbai]

Prohibition of import of cattle, etc. into ¹[Brihan Mumbai] without permission. ⁹[**412.** (1) No person shall without the written permission of the Commissioner bring into ⁵[Brihan Mumbai] any cattle, sheep, goats or swine intended for human food, or the flesh or any such animal which has been slaughtered at any slaughter house or place not maintained or licensed under this Act.

(1-A) Any Police Officer may arrest without warrant any person bringing into ⁵[Brihan Mumbai] any animal or flesh in contravention of sub-section (1).

(2) Any animal brought into ⁵[Brihan Mumbai] in contravention of this section may be seized by the Commissioner or by any municipal officer or servant and any flesh brought into ⁵[Brihan Mumbai] in contravention of this section may be seized by the Commissioner or by municipal officer or servant or by any Police Officer or in or upon railway premises by any Railway servant and any animal or flesh so seized may be sold or otherwise disposed of as the Commissioner shall direct. The proceeds, if any, shall belong to the corporation.

(3) Nothing in this section shall be deemed to apply to cured or preserved meat.]

Licence required for dealing in milk, etc. ¹¹[**412A.** No person shall without or otherwise than in conformity with the terms of a licence granted by the Commissioner in this behalf,—

(a) carry on within ⁵[Brihan Mumbai] the trade or business of a dealer in or importer or seller or hawker of milk, ¹²[butter ¹³[ghee] or other milk products] ;

(b) use any place in ⁵[Brihan Mumbai] for the sale of milk, ¹²[butter ¹³[ghee] or other milk products].

¹ These words were inserted by Bom. 64 of 1953, s. 17(2).

² These words were substituted for the words "sell or expose for sale," *ibid.*, s. 17(1).

³ These words were substituted for the words "four footed animal or any meat or fish" by Mah. 10 of 1998, s. 196.

⁴ These words were inserted, by Bom. 64 of 1953, s. 17(3)

⁵ These words were substituted for the words "Greater Bombay" by Mah. 25 of 1996, Schedule.

⁶ These words were substituted for the words "for the sale" by Bom. 64 of 1953, s. 18(1).

⁷ These words were inserted by Mah. 10 of 1998, s. 197.

⁸ These words were substituted for the word "sell" *ibid.*, s. 18(2).

⁹ This section was substituted for the original section by Bom. 2 of 1911, s. 16.

¹⁰ These words were substituted for the words "Greater Bombay" by Mah. 25 of 1996, Schedule.

¹¹ Section 412A was inserted by Bom. 6 of 1923, s.7.

¹² These words were inserted by Bom. 6 of 1916, s.8.

¹³ The word "ghee" was inserted by Bom. 32 of 1935, s.13.

Inspection of place of sales, etc.

413. (1) If the Commissioner shall have reason to believe that any animal intended for human food is being slaughtered, or that the flesh of any such animal is being sold or exposed for sale, in any place or manner not duly authorised under the provision of the Act, the Commissioner may, at any time, by day or by night, without notice, enter such place for the purpose of satisfying himself as to whether any provision of this Act or of any any-by-law made under this Act at the time in force is being contravened thereat.

Commissioner may enter any place where slaughter of animals or sale of flesh contrary to the provisions of this Act is suspected.

(2) No claim shall lie against any person for compensation for any damage necessarily caused by any such entry or by the use of any force necessary for effecting such entry.

414. It shall be the duty of the Commissioner to make provision for the constant and vigilant inspection of animals, carcasses, meat, poultry, game, flesh, fish, fruit vegetables, corn, bread, flour, milk, ghee, butter and any other article exposed or hawked about for sale or deposited in or brought to any place for the purpose of sale or of preparation for sale and intended for human food or for medicine, the proof that the same was not exposed or hawked about or deposited or brought for any such purpose or was not intended for human food or for medicine resting with the party charged.

Commissioner to provide for inspection of articles exposed for sale for human food.

415. (1) The Commissioner may at all reasonable times inspect and examine any such animal or article as aforesaid and any utensil or vessel used for preparing, manufacturing or containing the same.

Unwholesome articles etc., to be seized.

(2) If any such animal or article appears to the Commissioner to be diseased or unsound or unwholesome or unfit for human food or for medicine, as the case may be, or is not what it is represented to be, or if any such utensil or vessel is of kind or in such state as to render any article prepared, manufactured or contained therein unwholesome or unfit for human food or for medicine, as the case may be, he may seize and carry away such animal, article, utensil or vessel, in order that the same may be dealt with as hereinafter provided ¹[and he may arrest and take to the nearest Police Station any person in charge of any such animal or article].

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416. If any meat, fish, vegetable or other article of a perishable nature be seized under the last preceding section and the same is, in the opinion of the Commissioner, diseased, unsound, unwholesome or unfit for human food or for medicine, as the case may be, the Commissioner shall cause the same to be forthwith destroyed in such manner as to prevent its being again exposed for sale or used for human food or for medicine, and the expenses thereof shall be paid by the person in whose possession such article was at the time of its seizure.

Disposal of perishable articles seized under section 415.

¹ These words were inserted by Bom. 6 of 1913, s.8.

² The Explanation added to s.415 by Bom. 2 of 1899, s.5(1)(a) was repealed by Bom. 10 of 1928.

Disposal of animals and articles of a non-perishable nature seized under section 415. **417.** (1) Any animal and any article not of a perishable nature and any utensil or vessel seized under section 415 shall be forthwith taken before a Presidency Magistrate.

(2) If it shall appear to such Magistrate that any such animal or article is diseased, unsound or unwholesome or unfit for human food, or for medicine, as the case may be, or is not what it was represented to be or that such utensil or vessel is of such kind or in such state as aforesaid, ¹[he may, and if it is diseased, unsound, unwholesome or unfit for human food and unfit for medicine he shall cause] the same to be destroyed at the charge of the person in whose possession it was at the time of its seizure, in such manner as to prevent the same being again exposed or hawked about for sale or used for human food, or for medicine, or for preparation or manufacture of, or food containing any such article as aforesaid.

417A. [*Penalty for representing any article to be what it is not.*] Repealed by Bom. 10 of 1928, s.15.

Penalty for possessing food which appears to be diseased, unsound or unwholesome or unfit for human food. **2417B.** In every case in which food, on being dealt with under section 417, appears to the Magistrate to be diseased, unsound or unwholesome or unfit for human food, the owner thereof or the person in whose possession it was found not being merely bailee or carrier thereof, shall, if any such case the provisions of section 273 of the Indian Penal Code do not apply, be punished with fine which may extend to ³[five] hundred rupees. XLV of 1860.

Application for summons to be refused if not applied for within reasonable time. **417C.** In all prosecutions under section ⁴*** 417 B the Magistrate shall, refuse to issue a summons for the attendance of any person accused of an offence against such section, unless the summons is applied for within a reasonable time from the alleged date of the offence of which such person is accused.]

Weights and Measures.

418. ⁵[*Provision of local standards of weights and measures.*] Repealed by Bom. 15 of 1932.

419. ⁵[*Verification and stamping of weights and measures.*] Repealed by Bom. 15 of 1932.

420. ⁵[*Weights and measures of which standards are provided are to be adopted ; penalties.*] Repealed by Bom. 15 of 1932.

Prevention of spread of dangerous diseases.

Information to be given of existence of dangerous disease [or continuous pyrexia of unknown origin.] **421.** Every medical practitioner who treats or becomes cognizant of the existence of any dangerous disease ⁶[or any case of continuous pyrexia of unknown origin of more than four days' duration] in any private or public dwelling, other than a public hospital, shall give information of the same with the least practicable delay to the executive health officer. The said information shall be communicated in such form and with such details as the executive health officer, with the consent of the Commissioner, may from time to time require.

¹These words were substituted for the original words by Bom. 2 of 1899, s.6(1)(a).

²Sections 417B and 417C were inserted, *ibid.*, s.6(1)(b).

³This word was substituted for the word "one" by Bom. 76 of 1948, s.26.

⁴The figures, letter and word '417 A or were' repealed by Bom. 5 of 1925, s.20, Schedule B.

⁵Sections 418, 419 and 420 were repealed by Bombay Weights and Measures Act, 1932 (Bom.15 of 1932), Second Schedule, Part II, which came into effect in Bombay City on 1st August 1945, *vide* G.N., G.D., No. 9518, dated 30th April 1935.

⁶These words were inserted by Bom. 20 of 1952, s.17(1).

⁷These words were inserted, *ibid.*, s.17(2).

422. The Commissioner may at any time, by day or by night, without notice or after giving such notice of his intention as shall, in the circumstances, appear, to him to be reasonable, inspect any place in which any dangerous disease is reputed or suspected to exist, and take such measures as he shall think fit to prevent the spread of the said disease beyond such place.

Any place may at any time be inspected for purpose of preventing spread of dangerous disease.

423. (1) If it shall appear to the Commissioner that the water in any well, tank or other place is likely, if used for drinking, to endanger or cause the spread of any dangerous disease, he may, by public notice, prohibit the removal or use of the said water for the purpose of drinking.

Prohibition of use for drinking of water likely to cause dangerous disease.

(2) No person shall remove or use for the purpose of drinking any water in respect of which any such public notice has been issued.

424. (1) The Commissioner or any police officer empowered by him in this behalf may, on a certificate signed by the executive health officer or by any duly qualified medical practitioner, direct or cause the removal of any person who is, in the opinion of such executive health officer or other medical practitioner, without proper lodging or accommodation or who is lodged in a building occupied by more than one family, and who is suffering from a dangerous disease, to any hospital or place at which patients suffering from the said disease are received for medical treatment.

Commissioner may order removal of patients to hospital.

(2) The person, if any, who has charge of a person in respect of whom an order is made under sub-section (1) shall obey such order.

425. (1) If the Commissioner is of opinion that the cleansing or disinfecting of a building, or of a part of a building, or of any article therein likely to retain infection would tend to prevent or check the spread of any dangerous disease he may, by written notice, require the owner or occupier of such building to cleanse or disinfect such building or part thereof or article therein, and, if it shall appear to the Commissioner necessary to vacate the said building for such time as shall be prescribed in the said notice :

Disinfection of buildings, etc.

(2) Provided that, if in the opinion of the Commissioner, the owner or occupier is from poverty or other cause effectually to comply with such requisition the Commissioner may cause the building or part of the building or article likely to retain infection to be cleansed or disinfected and defray the cost of so doing.

426. (1) If the Commissioner is of opinion that the destruction of any hut or shed is necessary to prevent the spread of any dangerous disease, he may, after giving to the owner or occupier of such hut or shed such previous notice of his intention as may in the circumstances of the case appear to him reasonable, take measures for having such hut or shed and all the materials thereof destroyed.

Destruction of huts and sheds, when necessary.

(2) Compensation may be paid by the Commissioner, in any case which he thinks fit, to any person who sustains substantial loss by the destruction of any such hut or shed ; but, except as so allowed by the Commissioner, no claim for compensation shall lie for any loss or damage caused by any exercise of the power conferred by this section.

Second-hand
clothing and
bedding not
to be brought
into
[Brihan
Mumbai]
without
informing
Commissioner and
getting them
inspected.

426A. (1) Every person who brings or causes to be brought by sea into ²[Brihan Mumbai] any article of used or second-hand clothing or bedding which does not form part of a passenger's baggage shall, within twenty-four hours of the bringing of such article into ²[Brihan Mumbai] give to the Commissioner notice in writing, containing full particulars as to the nature and condition of the said article and the place from which it is brought, and take it for inspection to the place prescribed under sub-section (5) for the inspection of such articles. If no such place has been prescribed, the notice shall also state the place where the said article may be inspected.

(2) The Commissioner shall examine the said article and, if he is of opinion that it is not free from infection, he may direct that it shall be adequately disinfected within such period, in such manner and by such agency, as he may determine.

(3) If the Commissioner is satisfied that the said article is free from infection or that it has been adequately disinfected, he shall give a certificate to that effect.

(4) No person shall deal with or remove or dispose of the said article otherwise than in accordance with a direction of the Commissioner or an officer of the Customs until a certificate under sub-section (3) has been given in respect thereof.

(5) The Commissioner may, in consultation with the Collector of Customs and the Trustee of the Port of Bombay prescribe or appoint from time to time a place or places at which any article of the nature described in sub-section (1) may be inspected.

(6) The Commissioner may from time to time, with the approval of the standing committee, prescribe a fee to be paid for the inspection of any article of the nature described in sub-section (1) and for the giving of a certificate under sub-section (3) and, where any article is disinfected by municipal agency, for the disinfection thereof.

(7) Where a person contravening any provision of this section is a company or other body corporate or an association of persons (whether incorporated or not), every person who at the time of the commission of the offence was a director, manager, secretary, agent or other officer or person concerned with the management thereof shall, unless he proves that the offence was committed without his knowledge or consent, be liable to the punishment provided for the offence.

(8) Nothing contained in this section shall apply to any articles of used or second-hand clothing or bedding contained in bale which is taken direct from the docks to a railway station ²[Brihan Mumbai] for export to and disposal at a place outside and beyond the limits of ²[Brihan Mumbai].

Explanation.—For the purpose of this section a passenger's baggage shall mean such goods as are determined to be his baggage in actual use under section 24 of the Sea Customs Act, 1878.]

VIII
of
1878.

Place for
disinfection
may be
provided
also for
washing
infected
articles.

427. (1) The Commissioner may provide a place, with all necessary apparatus and attendance, for the disinfection of clothing, bedding or other articles which have become infected, and in his discretion may have articles brought to such place for disinfection, disinfected on payment of such fees as he shall from time to time, fix with the approval of the ³[Member-in-Charge] in this behalf, or, in any case in which thinks fit, free of charge.

¹This section was inserted by Bom. 76 of 1948, s.27.

²These words were substituted for the words " Greater Bombay " by Mah. 25 of 1996, Schedule.

³These words were substituted for the words " Standing Committee " by Mah. 10 of 1998, s.198.

(2) The Commissioner may, from time to time, by public notice, appoint a place at which clothing, bedding, or other articles which have been exposed to infection from any dangerous disease may be washed ; and no person shall wash any such article at any place not so appointed without having previously disinfected the same.

(3) The Commissioner may direct the disinfection or destruction of bedding, clothing or other articles likely to retain infection. Infected articles may be destroyed.

(4) The Commissioner may, in his discretion, give compensation for any article destroyed under sub-section (3).

428. (1) No person who is suffering from a dangerous disease shall enter a public conveyance without previously notifying to the owner, driver or person in charge of such conveyance that he is so suffering. Person suffering from dangerous disease not to enter a public conveyance without notifying the same.

(2) Notwithstanding anything contained in any Act relating to public conveyances for the time being in force, no owner or driver or person in charge of a public conveyance shall be bound to carry any person suffering as aforesaid in such conveyance unless payment or tender of sufficient compensation for the loss and expenses he must incur in disinfecting such conveyance is first of all made to him.

429. The Commissioner with the sanction of the corporation, may provide and maintain suitable conveyance for the free carriage of persons suffering from any dangerous disease ; and when such conveyances have been provided, it shall not be lawful to convey any such person by any other public conveyance. Provision of carriages for conveyance of patients.

430. (1) No person who is suffering from a dangerous disease shall—

(a) without proper precautions against spreading such disease, cause or suffer himself to be carried in a public conveyance ;

(b) cause or suffer himself to be carried in a public conveyance contrary to the provision of the last preceding section. Provisions as to carriage of persons suffering from dangerous disease in public conveyances.

(2) No person shall go in company with, or take charge of, any person suffering as aforesaid, who causes or permits himself to be carried in a public conveyance in contravention of sub-section (1).

(3) No owner or driver or person in charge of a public conveyance shall knowingly carry or permit to be carried in such conveyance any person suffering as aforesaid, in contravention of the said sub-section.

431. The owner, driver or person in charge of a public conveyance in which any person suffering as aforesaid has been carried shall immediately provide for the disinfection of the same. Public conveyance which has carried a person suffering from dangerous disease to be disinfected.

432. (1) No person shall, without previous disinfection of the same, give, lend, sell, transmit or otherwise dispose of any article which he knows or has reason to know has been exposed to infection from any dangerous disease. Infected articles not to be transmitted, etc. without previous disinfection.

(2) Nothing in this section shall be deemed to apply to a person who transmits, with proper precautions, any such article for the purpose of having the same disinfected.

Infected building not to be let without being first disinfected. **433.** (1) No person shall let a building or any part of a building, in which he knows or has reason to know that a person has been suffering from a dangerous disease, without first having such building or part thereof and every article therein likely to remain infectious disinfected, to the satisfaction of the executive health officer or of some duly qualified medical practitioner, as testified by such officer's or medical practitioner's certificate.

(2) For the purpose of this section the keeper of a hotel or inn shall be deemed to let part of his building to any person accommodated in such hotel or inn.

Special sanitary measures

Commissioner may take special measures on outbreak of any dangerous disease. **434.** (1) In the event of ¹[Brihan Mumbai] being at any time visited or threatened with an outbreak of any dangerous disease, or in the event of any infectious disease breaking out or being likely to be introduced into ¹[Brihan Mumbai] amongst cattle—including under this expression sheep and goats,—the Commissioner,—if he thinks the ordinary provisions of this Act or of any other law at the time in force are insufficient for the purpose, may with the sanction of ²[the ³[State] Government],—

(a) take such special measures, and

(b) by public notice prescribe such temporary regulations to be observed by the public or by any person or class of persons.

as he shall deem necessary to prevent the outbreak of such disease or the spread thereof.

(2) The Commissioner shall forthwith report to the Corporation any measure taken and any regulations prescribed by him under sub-section (1).

Disposal of the dead

Places for disposal of the dead to be registered. **435.** Every owner or person having the control of a place used for burying, burning or otherwise disposing of the dead shall cause the same to be registered in a register which shall be kept by some municipal officer charged by the Commissioner with this duty, and shall deposit in the municipal office at the time of registration a plan of the said place, showing the extent and boundaries thereof, bearing the signature of a licensed surveyor in token of its having been prepared by or under the supervision of such surveyor.

Provision of new places for disposal of the dead. **436.** If the existing places for the disposal of the dead shall at any time appear to be insufficient, or if any such place is closed under the provisions of section 438, the Commissioner shall, with the sanction of the corporation, provide other fit and convenient places for the said purpose, either within or without ¹[Brihan Mumbai] and shall cause the same to be registered in the register kept under section 435, and shall deposit in the municipal office, at the time of registration of each place so provided, a plan thereof showing the extent and boundaries of the same and bearing the signature of the municipal ⁴[city engineer].

¹These words were substituted for the words "Greater Bombay" by Mah. 25 of 1996, Schedule

²The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

³This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

⁴The words "city engineer" were substituted for the words "executive engineer" by Bom. 19 of 1930. s6.

437 No place, which has never previously been lawfully used as a place for the disposal of the dead and registered as such, shall be opened by any person for the said purpose without the written permission of the Commissioner, who, with the approval of the Corporation, may grant or withhold such permission.

New places for disposal of the dead not to be opened without permission of Commissioner.

438. (1) If, from information furnished by competent persons and after personal inspection, the Commissioner shall at any time be of opinion—

¹[State] Government may direct the closing of any place for the disposal of the dead.

(a) that any place of public worship is or is likely to become injurious to health by reason of the state of the vaults or graves within the walls of or underneath the same, or in any church-yard or burial ground adjacent thereto, or

(b) that any other place used for the disposal of the dead is in such a state as to be or to be likely to become injurious to health,

he may submit his said opinion, with the reasons therefor, to the corporation, who shall forward the same with their opinion, for the consideration of the ¹[²State] Government].

(2) Upon receipt of such opinions, the ¹[²State] Government], after such further inquiry, if any, as ³[it] shall deem fit to cause to be made, may, by notification published in the ⁴[Official Gazette] and in the local newspapers, direct that such place of public worship or other place for the disposal of the dead be no longer used for the disposal of the dead. Every order so made shall be noted in the register kept under section 435.

(3) On the expiration of two months from the date of any such order of the ¹[²State] Government] the place to which the same relates shall be closed for the disposal of the dead.

(4) A copy of the said notification, with a translation thereof, in the Marathi, Gujarati, ⁵[Hindi] and Urdu languages, shall be affixed on a conspicuous spot on or near the place to which the same relates, unless such place be a place of public worship.

439. (1) If, after personal inspection, the Commissioner shall at any time be of opinion that any place formerly used for the disposal of the dead, which has been closed under the provisions of the last preceding section or under any other law or authority has by lapse of time become no longer injurious to health, and may without risk of danger be again used for the said purpose, he may submit his said opinion, with the reasons therefor, to the corporation, who shall forward the same, with their opinion, for the consideration of the ¹[²State] Government].

¹[State] Government may sanction the re-opening of places which have been closed for the disposal of the dead.

(2) Upon receipt of such opinion, the ¹[²State] Government] after such further inquiry, if any as ³[it] shall deem fit to cause to be made, may by notification published as aforesaid direct that such place be re-opened for the disposal of the dead. Every order so made shall be noted in the register kept under section 435.

¹The words " Provincial Government " were substituted for the words " Government in Council " by the Adaptation of Indian Laws Order in Council.

²The word " State " was substituted for the word " Provincial " by the Adaptation of Laws Order, 1950.

³The word " it " was substituted for the word " he " by the Adaptation of Indian Laws Order in Council.

⁴The words " Official Gazette " were substituted for the words " Bombay Government Gazette ", *ibid.*,

⁵The word was inserted by Mah. 21 of 1989, s.49.

Burials
within places
of worship
and
exhumations
not to be
made without
the permis-
sion of the
Commis-
sioner.

440. (1) No person shall without the written permission of the Commissioner under sub-section (2)—

(a) make any vault or grave or internment within any wall, or underneath any passage, porch, portico, plinth or verandah of any place of worship ;

(b) make any internment or otherwise dispose of any corpse in any place which is closed for the disposal of the dead under section 438 ;

(c) build, dig, or cause to be built or dug, any grave or vault, or in any way dispose of, or suffer or permit to be disposed of, any corpse at any place which is not registered in the register kept under section 435 ;

(d) exhume any body except under the provisions of section 176 of ¹[the Code ² of Criminal Procedure, 1973.] or of any other law for the time being in force, from 1974. any place for the disposal of the dead.

(2) The Commissioner may in special cases grant permission for any of the purposes aforesaid, subject to such general or special order as the ²[³State] Government] may from time to time make in this behalf.

(3) An offence against this section shall be deemed to be a cognizable offence within the meaning of sections 149, 150 and 151 of ⁴[the Code of Criminal Procedure, ² of 1973.] 1974.

Acts prohi-
bited in
connection
with the
disposal of
the dead.

441. No person shall—

(a) retain a corpse on any premises, without burning, burying or otherwise lawfully disposing of the same, for so long a time after death as to create a nuisance ;

(b) carry a corpse or part of a corpse along any street without having and keeping the same decently covered or without taking such precautions to prevent risk of infection or injury to the public health as the Commissioner may, by public notice, from time to time, think fit to require ;

(c) except, when no other route is available, carry a corpse or part of a corpse along any street along which the carrying of corpses is prohibited by a public notice issued by the Commissioner in this behalf ;

(d) remove a corpse or part of a corpse, which has been kept or used for purposes of dissection, otherwise than in a closed receptacle or vehicle ;

(e) whilst conveying a corpse or part of a corpse, place or leave the same on or near any street without urgent necessity ;

(f) bury or cause to be buried any corpse or part of a corpse in a grave or vault or otherwise in such manner as that the surface of the coffin, or when no coffin is used, of the corpse or part of a corpse, shall be at a less depth than six feet from the surface of the ground ;

(g) build, or dig, or cause to be built or dug, any grave or vault in any burial ground at a less distance than two feet from the margin of any other grave or vault ;

¹These words and figures were substituted for the words and figures " Code of Criminal Procedure, 1882 " by Mah. 21 of 1989, s.50(a).

²The words " Provincial Government " were substituted for the words " Government in Council " by the Adaptation of Indian Laws Order in Council.

³The word " State " was substituted for the word " Provincial " by the Adaptation of Laws Order, 1950.

⁴These words and figures were substituted for the words and figures " Code of Criminal Procedure, 1882 " by Mah. 21 of 1989, s.50(b).

(h) build or dig, or cause to be built or dug, a grave or vault in any burial-ground in any line not marked out for this purpose by or under the order of the Commissioner ;

(i) without the written permission of the Commissioner, re-open, for the interment of a corpse or of any part of a corpse, a grave or vault already occupied ;

(j) after bringing or causing to be brought to a burning-ground any corpse or part of a corpse, fail to burn or cause the same to be burnt within six hours from the time of the arrival thereof at such ground ;

(k) when burning or causing to be burnt any corpse, or part of a corpse, permit the same or any portion, thereof to remain without being completely reduced to ashes, or permit any cloth or other article used for the conveyance or burning of such corpse or part of a corpse to be removed or to remain on or near the place of burning without its being completely reduced to ashes.

CHAPTER XV-A

POUNDS AND PREVENTION OF CATTLE TRESPASS.

Mah. 441A. On the date of commencement of the Bombay Municipal Corporation and Bombay Police (Amendment) Act, 1974, the provisions of sections 90 to 94 (both inclusive) of the Bombay Police Act, 1951 (hereinafter in this section referred to as "the said Act"), shall cease to apply to ²[Brihan Mumbai] :
 Sections 90 to 94 of Bombay Police Act to cease to apply to ²[Brihan Mumbai.]

XXII of Provided that—
 1951.

(a) nothing in this section shall affect the liability of any person to any penalty or punishment, or the liability of any person for the payment of pound fees or expenses incurred under the said Act ;

(b) any appointment, notification or order made or issued in respect of any cattle pound or the pound fees and expenses to be charged shall, so far as it is not inconsistent with the provisions of this Act, be deemed to have been made or issued under this Act, and continue in force until duly altered, repealed or amended under this Act ;

(c) any cattle pound established under the said Act shall vest in the Corporation, subject to such conditions as the State Government may think fit to impose, and shall be maintained and managed by the Corporation in accordance with the provisions of this Act.

441B. (1) The Commissioner may, from time to time, appoint such places as he thinks fit to be public pounds, and may appoint suitable persons to be keepers of such pounds.
 Power to establish cattle pounds and appoint pound-keepers.

(2) Every pound keeper so appointed shall, in the performance of his duties, be subject to the direction and control of the Commissioner.

441C. It shall be the duty of every Police Officer, and of any municipal officer authorised by the Commissioner in this behalf, and it shall be lawful for any other person, to seize and take to any public pound for confinement therein any cattle found straying in any street or trespassing upon any private or public property.
 Impounding of cattle.

441D. Subject to the provisions of section 441 G, if the owner of the cattle, impounded under the last preceding section or his agent appears and claims the cattle, the pound keeper shall deliver them to him on payment of the pound fees and expenses chargeable in respect of such cattle under section 441F.
 Delivery of cattle claimed.

¹ Chapter XV-A was inserted by Mah. 18 of 1974, s.3.

² These words were substituted for the words " Greater Bombay " by Mah. 25 of 1996, Schedule.

441E. (1) If within ten days after an animal has been impounded, no person appearing to be the owner thereof offers to pay the pound fees and expenses chargeable under the next succeeding section, such animal shall be forthwith sold by auction, and the surplus remaining after deducting the fees and expenses aforesaid from the proceeds of the sale shall be paid to any person who, within fifteen days after the sale, proves to the satisfaction of such officer as the Commissioner authorises in this behalf that he was the owner of such animal, and shall, in any other case, form part of the municipal fund.

(2) No Police Officer or poundkeeper or other municipal officer shall, directly or indirectly, purchase any cattle at a sale under sub-section (1).

441F. (1) The pound fee chargeable shall be such as the Corporation may, from time to time, prescribe for each kind of animal.

(2) The expenses chargeable shall be at such rates for each day during any part of which an animal is impounded, as shall, from time to time, be fixed by the Commissioner in respect of such animal.

441G. (1) Whoever in any part of ¹[Brihan Mumbai] allows any cattle, which are his property or in his charge, to stray in any street or to trespass upon any private or public property shall, on conviction, be punished—

(a) for the first offence, with imprisonment for a term which may extend to one month, or with fine which may extend to three hundred rupees, or with both :

Provided that, in the absence of special and adequate reasons to the contrary to be mentioned in the judgement of the Court, the imprisonment shall not be less than fifteen days and fine shall not be less than one hundred and fifty rupees, and

(b) for the second or subsequent offences, with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both :

Provided that, in the absence of special and adequate reasons to the contrary to be mentioned in the judgement of the Court, the imprisonment shall not be less than three months and fine shall not be less than two hundred and fifty rupees.

(2) The magistrate trying an offence under sub-section (1)—

(a) may also, order that the accused shall pay such compensation, not exceeding two hundred and fifty rupees, as the Magistrate considers reasonable, to any person, for any damage proved to have been caused to his property or any produce of land by the cattle under the control of the accused trespassing on his land ;

(b) shall also, order that the cattle in respect of which the offence has been committed shall be branded with such distinguishing mark and in such manner, as may be prescribed by the Commissioner ;

(c) shall also, order that the cattle, in respect of which the offence has been committed, if already branded with a distinguishing mark as provided above (whether the owner thereof is the same person or not) shall be forfeited to the State Government.

(3) Any compensation awarded under sub-section (2) may be recovered as if it were a fine imposed by the Magistrate under this section.

(4) An offence under this section shall be cognizable.]

¹These words were substituted for the words " Greater Bombay " by Mah. 25 of 1996, Schedule.

CHAPTER XVI

VITAL STATISTICS.

Registration of Births and Deaths.

442. For the purpose of registering births and deaths, the Commissioner shall appoint and divide ¹[Brihan Mumbai] into such and so many districts and sub-districts as he shall from time to time think fit ; and a municipal officer shall be a registrar of births and deaths of each such districts.

443. (1) Every registrar shall reside within the district of which he is a registrar and shall cause his name, together with the words " Registrar of Births and Deaths for the district of " to be affixed in some conspicuous place at or near the outer door of his place of abode.

(2) A list showing the name and place of abode of every registrar in ¹[Brihan Mumbai] shall be kept at the municipal office and shall be open at all reasonable times to public inspection, free of charge.

444. The Commissioner shall provide and supply to the registrars a sufficient number of register-books of births and deaths for the registration of the particulars specified in Schedules N and O, respectively ; and the pages of each of the said books shall be numbered progressively from the beginning to the end thereof.

445. (1) Each registrar shall inform himself carefully of every birth and death which shall happen in his district and of the particulars concerning the same required to be registered according to the forms in the said schedules, and shall, as soon after each such birth or death as conveniently may be, register the same in the book supplied for this purpose by the Commissioner, without making any charge or demanding or receiving any fee or reward for so doing other than his remuneration as a municipal officer.

(2) Other municipal officers, besides the registrars, may be appointed, with the duty of informing themselves of every birth or of every death or of every birth and every death in the district to which they are respectively appointed and of the particulars concerning the same required to be registered, and of submitting such information to the registrar of the said district or to such other person as the Commissioner directs.

446. (1) It shall be the duty of the father and mother of every child born in ¹[Brihan Mumbai] and, in default of the father and mother, of the occupier of the premises in which to his knowledge the child is born, and of each person present, at the birth and of the person having charge of the child, to give, to the best of his knowledge and belief to the registrar or other municipal officer appointed under section 445, within seven days after such birth, information of the particulars to be registered concerning such birth :

(2) Provided that, in the case of an illegitimate child, no person shall, as father of such child, be required to give information under this Act concerning the birth of such child, and the registrar shall not enter in the register the name of any person, as father of such child, unless at the joint request of the mother and of the person acknowledging himself to be the father of such child, and such person shall in such case sign the register together with mother.

¹ These words were substituted for the words " Greater Bombay " by Mah. 25 of 1996. Schedule.

Information respecting finding of new-born child to be given. **447.** In case any new-born child is found exposed, it shall be the duty of any person finding such child and of any person in whose charge such child may be placed to give, to the best of his knowledge and belief to the registrar or other municipal officer aforesad, within seven days after the finding of such child, such information of the particulars required to be registered concerning the birth of such child as informant possesses.

Officers to be appointed to receive information of deaths at places for disposal of the dead. **448.** (1) For every place for the disposal of the dead registered in the register kept under section 435 a municipal officer shall be appointed whose duty it shall be to receive information of the particulars required to be registered concerning the death of every person whose corpse is disposed of at such place.

(2) If the Commissioner shall not think fit to require the municipal officer so appointed to be in constant attendance at any place for the disposal of the dead for which he is so appointed, there shall be affixed to a conspicuous part of the entrance to such place a notice specifying the name of the officer so appointed for the said place and the place where he may be found.

Information of death to be given at the time when the corpse of the deceased is disposed of. **449.** (1) It shall be the duty of the nearest relatives of any person dying in the city present at the death, or in attendance during the last illness of the deceased and, in default of such relatives, of each person present at the death, and of the occupier of the premises in which, to his knowledge, the death took place, and, in default of the persons hereinbefore in this section mentioned, of each in mate of such premises, and of the undertaker or other person causing the corpse of the deceased person to be disposed of, to give, to the best of his knowledge and belief, to the officer appointed under the last preceding section, information of the particulars required to be registered concerning such death.

(2) The said information shall be given at or about the item that the corpse of the deceased person is disposed of, and it shall be given in writing if the informant can write, and otherwise orally, and the informant shall make known to the officer aforesaid his name, designation and place of abode, and shall attest the correctness of the information which he gives, to the best of his knowledge and belief, by his signature or mark.

Medical practitioner who attended a deceased person to certify the cause of his death. **450.** (1) In the case of a person who has been attended in his last illness by a duly qualified medical practitioner, that practitioner shall sign and forward to the Commissioner a certificate of the cause of such person's death in the form of Schedule P, or in such other form as shall from time to time be prescribed by the Commissioner in this behalf, and the cause of death as stated in such certificate shall be entered in the register, together with the name of the certifying medical practitioner.

(2) The Commissioner shall provide printed forms of the said certificates, and any duly qualified medical practitioner resident in ¹[Brihan Mumbai] shall be supplied, on application, with such forms, free of charge.

Preparation of register-book of deaths and of mortality returns, etc. **451.** (1) The information concerning deaths received by every officer appointed under section 448 shall be entered by him in a register-sheet, which shall contain the particulars specified in Schedule O, and shall be forwarded, at such intervals as shall be prescribed by the Commissioner, through the registrar of the district to the municipal office.

(2) From the said register-sheets and from the certificates furnished to him under section 450, the Commissioner shall cause the register-books of deaths to be prepared and shall have prepared and published such tabular returns and statements as shall appear to him to be useful for sanitary or other purposes.

¹ These words were substituted for the words "Greater Bombay" by Mah. 25 of 1996, Schedule.

452. (1) Any clerical error which may at any time be discovered in a register of births or in a register of deaths may be corrected by any person authorized in that behalf by the Commissioner.

Correction of errors in registers of births or deaths.

(2) An error of fact or substance in any such register may be corrected by any person authorised as aforesaid by entry in the margin, without any alteration of the original entry, upon production to the Commissioner, by the person requiring such error to be corrected, of a declaration on oath setting forth the nature of the error and the true facts of the case, made before a Magistrate by two persons required by this Act to give information concerning the birth or death with reference to which the error has been made or, in default of such persons, by two credible persons having knowledge of the case, and certified by such Magistrate to have been made in his presence.

(3) Except as aforesaid no alteration shall be made in any such register.

453. (1) When the birth of any child has been registered and the name, if any, by which it was registered, is altered or, if it was registered without a name, when a name is given to it, the parent or guardian of such child or other person procuring such name to be altered or given may, within twelve months next after the registration of the birth, deliver to the registrar, such certificate as hereinafter mentioned and the registrar, upon the receipt of that certificate shall without any erasure of the original entry, forthwith enter in the register book the name mentioned in the certificate as having been given to the child.

Registration of name of child or of alteration of name.

(2) The certificate shall be in the form of Schedule Q, or as near thereto as circumstances admit, and in the case of a Christian, shall be signed by the minister or person who performed the rite of baptism upon which the name was given or altered, or if the child is not baptized or is not a Christian, shall be signed by the father, mother or guardian of the child or other person procuring the name of the child to be given or altered.

(3) Every minister or person who performs the rite of baptism shall deliver the certificate required by this section on demand, on payment of a fee not exceeding one rupee.

Taking of a census

454 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 ¹[the Central Government], an enumeration shall be made of the persons who at the time of making such enumeration shall be within ²[Brihan Mumbai]; Provided always that, one clear month previous to such enumeration being commenced, notice of the intention to make the same, with the date or dates upon or within which it is intended to be made, and all other necessary particulars, shall be given by advertisement in the ³[Official Gazette] and in the local newspapers.

Enumeration of inhabitants.

455. The Commissioner shall superintend the taking of such enumeration, and shall appoint such enumerators or other subordinate officers and make such arrangements generally as may seem to him necessary for the purpose of such enumeration,

Commissioner to superintend the enumeration.

¹The words "the Central Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

²These words were substituted for the words "Greater Bombay" by Mah. 25 of 1996, Schedule.

³The word "Official Gazette" were substituted for the words "Bombay Government Gazette" by the Adaptation of Indian Laws Order in Council.

Delivery of blank schedules and returns. 456. Each enumerator or other subordinate officer appointed under the last preceding section shall, agreeably to his instructions leave at each building or place of residence within his district, four days at least before the time appointed for the collection of the completed returns or census, a blank schedule or return, of such form and containing such particulars as ¹[the Central Government] may approve, to be duly filled up and signed by the owner, tenant or principal occupant of the said building or place of residence.

Obligation to fill up blank schedules and returns. 457. (1) Every person at whose building or place of residence any such blank schedule or return is left shall correctly fill up the same and affix his signature thereto and return it, when called upon so to do, to the enumerator or other subordinate officer aforesaid ;

or, if such person is unable to write, he shall furnish to an enumerator when called upon so to do, the information required for correctly filling up such schedule or return.

(2) Any person who fails to comply with any provision of sub-section (1) may be detained in custody until he complies therewith or the requisite information is otherwise obtained.

(3) It shall be the duty of an enumerator, if so required by any person who is unable to write, to fill up any such schedule or return as aforesaid from information supplied by such person.

Occupier to amend returns, if found defective. 458. If any enumerator or other subordinate officer employed in the collection of such schedules or returns shall find any of the same defective or in any respect improperly filled in, he may return the same to the occupant of the building or residence to which the same relates, together with a written notice requiring that the same be duly filled in or amended within a period of forty-eight hours.

Military, Naval and police officers and certain others, if required, to act as enumerators. 459. (1) Any military or naval officer, or any officer of the Bombay City Police, or any master or person in charge of a merchant vessel, or nacoda or tindal of a vessel or boot, or any person in charge of a lunatic asylum, hospital or prison or of any public or private charitable or scholastic institution, or any keeper of a hotel or lodging-house, shall, if required, act as an enumerator for the purpose of taking account of persons under his command or charge or abiding in any building in his possession, charge or control, on the night immediately preceding the day to be appointed for the making of such enumeration.

(2) Every person so required to act as an enumerator shall receive and conform to all instructions in writing which may be issued to him by the commissioner in that behalf.

Returns of houseless persons. 460. The Commissioner shall obtain, by such means as shall appear to him best adapted for the purpose and as shall be sanctioned by ¹[the Central Government], returns of the particulars required for the purpose of the census with respect to all houseless persons, and all persons who during the said night preceding the day to be appointed for the making of such enumeration were on out-door night duty, or for any other reasons were not abiding in any building of which account is to be taken by the enumerators.

¹The words "the Central Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

¹[CHAPTER XVI-ATHE ²[BRIHAN MUMBAI] ELECTRIC SUPPLY AND TRANSPORT UNDERTAKING]*The operation of the undertaking and the construction and maintenance of works*

460A. (1) Subject to the superintendence of the ³[Mayor-in-Council] and of Management of Undertaking by General Manager of the corporation, the General Manager shall manage the ²[Brihan Mumbai Electric Supply and Transport Undertaking] and perform all acts, necessary for the economical and efficient maintenance, operation, administration and development of the undertaking.

(2) Without prejudice to the generality of the foregoing provision, the General Manager may, with the sanction of the ⁴[Member-in-Charge] and subject to the restrictions or conditions imposed by this Act ⁵[and the Mayor-in-Council], either within or without the city—

IV of 1939.

(a) construct or acquire, transport undertakings, including tramways, trackless trams and mechanically propelled transport facilities for the conveyance of the public subject to the provisions of the Motor Vehicles Act, 1939* for of any other enactment for the time being in force and the conditions of any licence. permit of sanction in favour of the corporation granted thereunder ;

IX of 1910.

(b) construct or acquire, subject to the provisions of the Indian Electricity Act, 1910, or of any other enactment for the time being in force and the conditions of any licence or sanction in favour of the corporation granted thereunder, undertakings for the generation or supply of electrical energy and for electric traction, and enter into any agreement with any person for the supply of electrical energy to or by the corporation ;

(c) construct buildings and works of every description necessary or desirable for the operation or development of the ²[Brihan Mumbai Electric Supply and Transport Undertaking];

(d) purchase or take on lease or hire or otherwise acquire any moveable or immovable property or rights ;

IX of 1910.

(e) exercise any of the powers of a licensee under the Indian Electricity Act, 1910 or any other enactment for the time being in force relating to the generation, or supply of electrical energy which the corporation is for the time being authorised to exercise and any other powers exercisable by the corporation under such enactment or under any licence thereunder granted in favour of the corporation; and

TV of 1939.

(f) exercise any of the powers of a licensee holding a stage carriage permit under the Motor Vehicles Act, 1939* which the corporation is for the time being authorised to exercise and any other powers exercisable by the corporation under the said Act in relation to the provision of mechanically propelled transport facilities for the conveyance of the public.

¹The Chapter containing sections 460A to 460PP was inserted by Bom. 48 of 1948, s.40.

²These words were substituted for the words "the Bombay Electric Supply and Transport undertaking" by Mah. 25 of 1996, schedule.

³These words were substituted for the words "Brihan Mumbai Electric Supply and Transport Committee", by Mah. 10 of 1998, s.199 (a).

⁴These words were substituted for the words "Brihan Mumbai Electric Supply and Transport Committee", *ibid.*, s.199 (b) (i).

⁵These words were inserted, *ibid.*, s.199 (b) (ii).

* See now the motor Vehicles Act, 1988 (59 of 1988).

460B. (1) Without prejudice to any other powers exercisable by him, the General Manager may for the purpose of inspecting or repairing or executing any work upon or in connection with the ¹[Brihan Mumbai Electric Supply and Transport Undertaking]—

(a) enter upon and pass through any land within or without the city in whomsoever such land vests ;

(b) convey into and through any such land all necessary materials, tools and implements.

(2) In the exercise of the powers conferred by sub-section (1) as little damage as the circumstance permit shall be done and compensation for any damage so done shall be paid by the General Manager.

460C. (1) For the purpose of carrying out, renewing and repairing works in connection with the ¹[Brihan Mumbai Electric Supply and Transport Undertaking] (other than works to which the provisions of the Indian Electricity Act, 1910. apply) the General Manager may, either within or without the City, exercise the same powers as under the provisions of this Act the Commissioner may exercise for carrying, renewing and repairing drains within the city, subject to the same restrictions as are by this Act imposed on the exercise of such powers : IX of 1910.

Provided that in the construction of tramways the General Manager shall not without the consent of the owner, lay rails over or upon land which is not vested in the corporation, other than land forming part of a street.

(2) When a work undertaken by the General Manager involves the opening or breaking up of any street, such work shall be commenced and carried out in consultation with the Commissioner or with such officer as the Commissioner may designate in this behalf.

460F. Nothing in this Chapter shall affect the powers of the Bombay Gas Company Ltd., under the provisions of the Gas Companies Act, 1863. to take up any of the streets traversed by the tramway of the ²[Brihan Mumbai Electric Supply and Transport Undertaking] for the purposes for which they may lawfully take up the same : Bom. V of 1863.

Provided that—

(i) as little detriment or inconvenience to the undertaking shall be caused as the circumstances permit ;

(ii) before any work whereby traffic on the tramway will be interrupted is commenced, previous notice of not less than eighteen hours shall be given to the General Manager, except in cases of urgency, specifying the time at which the work will be commenced, and

(iii) the Bombay Gas Company Ltd., shall not be liable to pay any compensation for injury done to the tramway by the execution of such work, or for loss of traffic occasioned thereby, or for the reasonable exercise of the powers vested in them as aforesaid.

¹These words were substituted for the words " Bombay Electric Supply and Transport undertaking " by Mah. 25 of 1996, Schedule.

²See now the Motor Vehicle Act, 1988 (59 of 1988).

³Sections 460D and 460E were deleted by Mah. 10 of 1998, s.200.

460G. (1) No building, wall or other structure shall be newly erected, and no street or minor railway shall be constructed over, or in such a manner as to interfere with, any work constructed or maintained for the purposes of the ¹[Brihan Mumbai Electric Supply and Transport Undertaking] except with the written permission of the General Manager.

Restriction on building and other acts interfering with works of the undertaking.

(2) The General Manager may, with the approval of the ²[Member-in-Charge] cause any building, wall or other structure erected, or any street or railway constructed, in contravention of sub-section (1) to be removed or otherwise dealt with as he deems fit, and the expenses incurred therefor shall be paid by the person responsible.

Fixing Fares and Charges

460H. (1) Fares and charges shall be leviable for the conveyance of passengers or for the carriage of goods by any means of transport provided by the ¹[Brihan Mumbai Electric Supply and Transport Undertaking] at such rates as may from time to time be fixed subject to the provisions of any enactment for the time being in force and any licence granted to the corporation thereunder, by the ³[Mayor-in-Council] with the approval of the corporation :

Levy of fares and charges for transport services [and penalty for failure to pay proper fares and excess charges.]

⁴[Provided that, no fare or charge shall be leviable from the freedom fighters holding identity cards issued by the Central or State Government or from the freedom fighters holding identity card-cum-pass issued by the ¹[Brihan Mumbai Electric Supply and Transport Undertaking].

(2) A printed list in English, Marathi, Hindi and Gujarati of all the fares and charges levied for the time being under this section shall be exhibited in a conspicuous place inside each vehicle used by the ¹[Brihan Mumbai Electric Supply and Transport Undertaking] for the conveyance of the public.

(3) The fares and charges levied under this section shall be paid to such persons, at such places upon or near the prescribed route of the transport service, and in such manner and under such regulations, as the ⁵[General Manager] shall, by notice to be annexed to the list of fares, appoint.

⁶[(4) (a) If a passenger travelling or having travelled in any vehicle of the ¹[Brihan Mumbai Electric Supply and Transport Undertaking] avoids or attempts to avoid payment of the fare for his journey, at the rates fixed by the Undertaking, or

(b) if a passenger having paid the fare for a certain distance proceeds in such vehicle beyond that distance and does not pay the additional fare for the additional distance or avoids or attempts to avoid such payment.

he shall be liable to pay, on demand, by any officer or servant of the Undertaking authorised by the General Manager, an excess charge of ten rupees or such lower

¹ These words were substituted for the words "Bombay Electric Supply and Transport undertaking" by Mah. 25 of 1996, Schedule.

² These words were substituted for the words "Brihan Mumbai Electric Supply and Transport Committee" by Mah. 10 of 1998, s.201.

³ These words were substituted for the words "Brihan Mumbai" Electric Supply and Transport Committee" by Mah. 10 of 1998, S.202 (a).

⁴ This proviso was added by Mah. 12 of 1993, s. 6.

⁵ These words were substituted for the words "Brihan Mumbai Electric Supply and Transport Committee" by Mah. 10 of 1998, S.202 (b).

⁶ Sub-sections (4), (5), (6) and (7) were substituted by Mah. 42 of 1976, s. 12(a).

⁷ These words were added *ibid.*, s. 12(b).

sum as the General Manager, with the approval of the ¹[Member-in-charge] may determine, in this behalf. The liability to pay this excess charge shall be in addition to his liability to pay the ordinary single fare for the distance he has travelled. Where there is any doubt as to the stop from which he started, such fare shall be calculated from the stop from which the vehicle originally started. Where any passenger has travelled additional distance, the liability to pay the excess charge shall be addition to his liability to pay the difference between any fare paid and the fare payable for the additional distance travelled.

(5) If a passenger liable to pay the excess charge with the fare or the additional fare, as the case may be, as provided in sub-section (4) is willing to pay the amount due but is unable to pay the same on the spot, he may give his true name and address to the officer or servant of the Undertaking authorised under sub-section (4) and an undertaking in the form settled by the Undertaking to pay the amount due within fifteen days by money order or in cash to the officer of the Undertaking specified in such form. If the passenger fails to pay the amount or any portion thereof accordingly within fifteen days from the date on which he was called upon to pay the amount, he shall, on conviction, be punished with imprisonment for a term which may extend to one month, or with fine which may extend to two hundred rupees, or with both.

(6) If a passenger liable to pay the excess charge with the fare or the additional fare, as the case may be, as provided in sub-section (4) refuses to pay the amount due or any portion thereof on demand being made therefor by any officer or servant of the Undertaking authorised under sub-section (4), he shall, on conviction, be punished with imprisonment for a term which may extend to one month, or with fine which may extend to two hundred rupees, or with both.

(7) It shall be lawful for any authorised officer or servant of the Undertaking and all persons called in by any of them for his assistance, to arrest and hand over to the Officer-in-charge of the nearest police station any passenger, who commits or attempts to commit contravention of sub-section (4), and who on demand refuses to give his true name and address or where there is reason to believe that the name or address given by him is not correct. Such police officer shall adopt such legal measures as may be necessary to cause that person to be taken before a Metropolitan Magistrate with the least possible delay.]

Levy of charges for electricity

460I. Charge shall be leviable for the supply of electrical energy by the ²[Brihan Mumbai Electric Supply and Transport Undertaking] at such rates as may from time to time be fixed, subject to the provisions of any enactment for the time being in force and of any licence granted to the corporation thereunder, by the ³[Mayor-in-Council with the approval of the corporation.

* * * * *

Contracts entered into for the purposes of the undertaking.

Making of contracts.

460K. With respect to the making of contracts for the purposes of the ²[Brihan Mumbai Electric Supply and Transport Undertaking] (including contracts relating to the acquisition and disposal of immovable property or any interest therein, or any right thereto) the following provisions shall have effect, namely :—

(a) every such contract shall be made on behalf of the corporation by the General Manager ;

¹These words were substituted for the words " Brihan Mumbai Electric Supply and Transport Committee " by Mah. 10 of 1998, s.202(c).

²These words were substituted for the words " Bombay Electric Supply and Transport undertaking " by Mah. 25 of 1996, Schedule.

³These words were substituted for the words " Brihan Mumbai Electric Supply and Transport Committee " by Mah. 10 of 1998, S.203.

⁴Section 460 J was deleted, *ibid.*, s.204.

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

¹[(c) no contract, which will involve an expenditure exceeding ten lakh rupees but less than twenty-five lakh rupees, shall be made by the General Manager unless the same is approved by the Member-in-charge. For any contract which involves an expenditure of twenty-five lakh rupees or more, previous approval of the Mayor-in-Council would be necessary] ;

²[(d) every contract made by the General Manager, involving an expenditure exceeding fifty thousand rupees shall be reported by him, within fifteen days after the same has been made, to the Member-in-charge.]

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

460L. (1) Every contract entered into by the General Manager on behalf of the corporation for the purposes of the ³[Brihan Mumbai Electric Supply and Transport Undertaking] shall be entered into such manner and form as would bind the General Manager if such contract were on his own behalf, and may in the like manner and form be varied or discharged : Mode of executing contracts.

Provided that every contract for the execution of any work or the supply of any materials or goods which will involve an expenditure exceeding ⁴[ten lakh rupees] or for the disposal of property of the corporation exceeding ⁵[twenty thousand rupees] in value shall be in writing and shall be signed by the General Manager and countersigned by ⁶[the Member-in-charge].

(2) No contract which is not executed in accordance with the provisions of subsection (1) shall be binding upon the corporation.

460M. (1) Except as is hereinafter otherwise provided, the General Manager shall, at least seven days before entering into any contract for the execution of any work or the supply of any materials or goods which will involve an expenditure exceeding ⁷[Fifty thousand rupees] give notice by advertisement in the local newspaper inviting tenders for such contract. Tenders to be invited for contracts involving expenditure exceeding [rupees fifty thousand]

(2) The General Manager shall not be bound to accept any tender which may be made in pursuance of such notice, but may accept, subject to the provisions of clause (c) of section 460K, any of the tenders so made which appears to him, upon a view of all the circumstances, to be the most advantageous :

Provided that the ⁹[Member-in-charge] may authorise the General Manager for reasons which shall be recorded in their proceedings to enter into a contract without inviting tenders as herein provided or without accepting any tender which he may receive after having invited them.

¹This clause was substituted by Mah. 10 of 1998 s.205 (a).

²This clause was substituted, by Mah. 10 of 1998, s.205(b).

³These words were substituted for the words " Bombay Electric Supply and Transport Undertaking " by Mah. 25 of 1996, Schedule.

⁴These words were substituted for the words " one lakh rupees " by Mah. 10 of 1998, s.206(a).

⁵These words were substituted for the words " five thousand rupees ", *ibid.*, s.206(b).

⁶These words were substituted for the words " two members of the Brihan Mumbai Electric Supply and Transport Committee " *ibid.*, s.206(c).

⁷These words were substituted for the words " three thousand rupees " *ibid.*, s.207(a).

⁸These words were substituted for the letters and figures " Rs.3,000 ", *ibid.*, s.207(c).

⁹These words were substituted for the words " Brihan Mumbai Electric Supply and Transport Committee ", *ibid.*, s.207(b).

Security to be taken for performance of contracts. **460N.** The General Manager shall require sufficient security for the due performance, of every contract into which he enters under section 460M and may, ¹[with the approval of the Member-in-Charge) require security for the due performance of any other contract into which he enters under this Act,

Acquisition and disposal of property

Acquisition of immovable property by agreement. **460O.** (1) Whenever it is necessary or expedient of the purposes of the ²[Brihan Mumbai Electric Supply and Transport Undertaking] that the General Manager shall acquire any immovable property, such property may be acquired by the General Manager on behalf of the corporation by agreement on such terms and at such rates or prices or at rates or prices not exceeding such maximum as shall be approved by the ³[the Mayor-in-council] either generally for any class of cases or specially in any particular case.

(2) No contract for the acquisition of any immovable property shall be valid, if the price to be paid for such property exceeds five thousand rupees unless and until such contract has been approved by the ⁴[the Member-in-charge and, if the price exceeds ten thousand rupees, by the Mayor-in-Council].

Procedure when immovable property cannot be acquired by agreement. **460P.** (1) Whenever the General Manager is unable to acquire any immovable property under section 460O by agreement, the ⁵[State] Government may, in its discretion, upon the application of the General Manager made with the approval of the ⁶[the Mayor-in-council] and, subject to the other provisions of this Act, order proceedings to be taken for acquiring the same on behalf of the corporation as if such property were land needed for a public purpose within the meaning of the Land Acquisition Act, 1894. I of 1894.

(2) The amount of compensation awarded and all other charges incurred in the acquisition of any such property shall, subject to the other provisions of this Act, be forthwith paid by the General Manager and thereupon the said property shall vest in the Corporation for the purposes of the (Brihan Mumbai Electric and Supply in Transport Undertaking.)

Provisions governing disposal of municipal property. **460Q.** With respect to the disposal of property vesting in the corporation for the purposes of the ⁷[Brihan Mumbai Electric Supply and Transport Undertaking] the following provision shall have effect, namely :—

(a) the General Manager ³[with the approval of the Member-in-charge] dispose of by sale, hire purchase or otherwise, any movable property belonging to the corporation not exceeding in value in each instance, two thousand rupees ; . .

(b) the General Manager may grant a lease of any immovable property belonging to the corporation for any period not exceeding twelve months at a time :

⁸[Provided that, every lease granted by the General Manager (other than a contract for monthly tenancy) the annual rent of which exceeds fifteen thousand rupees shall be reported by him, within fifteen days after the same has been granted, to the Member-in-charge.]

¹These words were substituted for the words " in his discretion ", by Mah. 10 of 1998 s.208.

²These words were substituted for the words " Bombay Electric Supply and Transport Undertaking " by Mah. 25 of 1996, Schedule.

³These words were substituted for the words " Brihan Mumbai Electric Supply and Transport Committee " by Mah. 10 of 1998, s.209 (a).

⁴This portion was substituted, *ibid.*, s.209 (b).

⁵This word was substituted for the word " Provincial " by the Adaptation of Laws Order, 1950.

⁶These words were substituted for the words " Brihan Mumbai Electric Supply and Transport Committee " by Mah. 10 of 1998, s.210.

⁷These words were substituted for the words " Bombay Electric Supply and Transport Undertaking " by Mah. 25 of 1996, Schedule.

⁸These words were inserted, by Mah. 10 of 1998, s.211 (a).

⁹This proviso was substituted, *ibid.*, s.211 (b).

(c) with the sanction of the ¹[Mayor-in-council] the General Manager may dispose of, by sale or otherwise, any movable property belonging to the corporation of which the value does not exceed ²[one lakh] rupees, and may grant a lease of any immovable property belonging to the corporation for any period exceeding one year, or sell or grant a lease in perpetuity of any immovable property belonging to the corporation the value whereof does not exceed ³[one lakh], rupees of the annual rental whereof does not exceed ⁴[ten thousand rupees];

(d) with the sanction of the corporation, the General Manager may lease, sale or otherwise convey any property, movable or immovable, belonging to the corporation,

Officers and Servants

460R. (1) The General Manager shall, from time to time, prepare and bring before the ⁵[Mayor-in-Council] a schedule setting forth the designations and grades of the officers and servants, who should, in his opinion, be permanently maintained for the purposes of the ⁶[Brihan Mumbai Electric Supply and Transport Undertaking], and the amount and nature of the salaries, fees and allowances which he proposes should be paid to each.

Schedule of permanent officers and servants to be prepared by General Manager and sanctioned by ⁵[Mayor-in-Council]

(2) The ⁵[Mayor-in-Council] shall sanction such schedule either as it stands or subject to such modifications as they deem expedient :

Provided that—

(a) no new permanent post of which the aggregate emoluments exceed four hundred rupee per mensem shall be created without the sanction of the corporation ; and

(b) the corporation may by resolution direct that the scales of pay of any specified classes or grades of officers or servants shall not be varied without the approval of the corporation and, so long as such resolution is in force, the ⁵[Mayor-in-Council] shall not authorise any variation in such scales without such approval.

460S. No permanent officer or servant shall be entertained in any department of the ²[Brihan Mumbai Electric Supply and Transport Undertaking] unless his office and emoluments are included in the schedule at the time being in force, prepared and sanctioned under section 460R.

Restriction on appointment of permanent officers and servants.

460T. (1) The General Manager may create temporary posts carrying a monthly salary exclusive of allowances not exceeding for hundred rupees per mensem for a period of not more than six months and no such posts shall be continued beyond such period without the previous sanction of the (Mayor-in-Council).

Creation of temporary post.

(2) The ⁷[Mayor-in-council] may create temporary posts carrying a monthly salary exclusive of allowances exceeding four hundred rupees per mensem for a period of not more than six months. The ⁷[Mayor-in-council] shall forthwith report to the corporation the creation of every such post and no such post shall be continued beyond a period of six months without the previous sanction of the corporation.

¹ These words were substituted for the words " Brihan Mumbai " Electric Supply and Transport Committee ", *ibid.*, s.211 (c) (a),

² These words were substituted for the words " ten thousand rupees ", *ibid.*, 211 (c) (b).

³ These words were substituted for the words " fifty thousand rupees ", *ibid.*, 211 (c) (c).

⁴ These words were substituted for the words " three thousand rupees ", *ibid.*, 211 (c) (d).

⁵ These words were substituted for the words " Brihan Mumbai Electric Supply and Transport Committees " by Mah. 10 of 1998, s.212.

⁶ These words were substituted for the words " Bombay Electric Supply and Transport Undertaking " by Mah. 25 of 1996, Schedule.

⁷ These words were substituted for the words " Brihan Mumbai Electric Supply and Transport Committee " by Mah. 10 of 1998, s.213.

Power of appointment in whom to vest. **460U.** Subject to the provisions of sections ¹[80B], 460R and 460T, the power appointing municipal officers and servants for the purposes of the ²[Brihan Mumbai Electric Supply and Transport Undertaking] shall vest in the ³[the Member-in-charge, if the post is equivalent to or higher than the post of secretary set forth in the Schedule sanctioned by the Mayor-in-Council] and the corporation under section 460R ⁴[and in the General Manager in all other cases].

⁵[Mayor-in-Council] to frame Service regulations. **460V.** (1) The ⁶[Mayor-in-Council] shall, from time to time, frame regulations applicable to municipal officers and servants, appointed under this Chapter is regard to the following matters :—

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

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

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

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

(e) authorizing the payment of travelling or conveyance allowances to the said officers and servants ;

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

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

(h) authorizing the payment of contributions, at certain prescribed rates and subject to certain prescribed conditions, to any pension or provident fund which may, with the approval of ⁸[Mayor-in-Council], be established by the said officers and servants or such provident fund, if any, as may be established by ⁶[Mayor-in-Council] for the benefit of the said officers and servants ;

(i) in general, prescribing any other conditions of service of the said officers and servants.

(2) No regulation made by the ⁷[the Mayor-in-Council] under the section shall have any force or validity unless and until it has been confirmed by the corporation.

(3) For the purpose of clause (h) of sub-section (1) any fund established prior to the acquisition of any undertaking by the corporation shall upon the undertaking becoming part of the ⁸[Brihan Mumbai Electric Supply and Transport Undertaking] be deemed to be established in the manner mentioned in the said clause, if upon the acquisition of such undertaking arrangements are made by the ⁹[the Mayor-in-Council] for the continuance of the fund.

¹ These figures and letter were inserted by Mah. 11 of 1964, s. 9.

² These words were substituted for the words " Brihan Mumbai Electric Supply and Transport Committee " by Mah. 10 of 1998, s. 213.

³ These words were substituted for the words " Brihan Mumbai Electric Supply and Transport Committee, if the post is equivalent to or higher than the post of Secretary set forth in the schedule sanctioned by the Brihan Mumbai Electric Supply and Transport Committee " by Mah. 10 of 1998, s. 214.

⁴ These words were substituted for the words " Bombay Electric Supply and Transport Committees " by Mah. 12 of 1990, s.5(b).

⁵ These words were substituted for the words " Brihan Mumbai Electric Supply and Transport Committee " by Mah. 10 of 1998, s.215 (a) (i) (d).

⁶ These words were substituted for the words "the Committee" by Mah. 10 of 1998, s.215 (a)(ii).

⁷ These words were substituted for the words "Brihan Mumbai Electric Supply and Transport Committee " *ibid.*, s.215(b).

⁸ These words were substituted for the words "Bombay Electric Supply and Transport Undertaking " by Mah. 25 of 1996, Schedule.

⁹ These words were substituted for the words " Brihan Mumbai Electric Supply and Transport Committee " by Mah. 10 of 1998, s.215 (c).

460W. Every municipal officer and servant appointed under the provisions of this Chapter may be fined, reduced, suspended or dismissed for any breach of departmental rules or discipline or for carelessness, unfitness, neglect of duty or other misconduct, by the authority by whom such officer or servant is appointed.

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

460X. (1) Subject to the provisions of any regulations made under section 460V, the General Manager may grant leave of absence to any officer or servant the power to appoint whom vests in him and for a period not exceeding three months to any other officer or servant appointed under the provisions of this Chapter.

Leave of absence.

¹[(2) The Mayor-in-Council may grant leave of absence for a period exceeding three months to any officer or servant.]

460Y. The appointment of a person to act in the place of an officer or servant appointed under the provisions of this Chapter when absent on leave may be made, when necessary, and subject to the regulations aforesaid, by the same authority who grants leave of absence.

Acting appointment.

REVENUE AND EXPENDITURE

The ²[Brihan Mumbai Electric Supply and Transport Fund]

460Z. Except as provided in section 460HH all moneys received by or on behalf of the corporation in respect of the operations of the ²[Brihan Mumbai Electric Supply and Transport Undertaking] shall be credited to a fund, which shall be called the 'City of ²[Brihan Mumbai Electric Supply and Transport Fund]' and which shall, subject to the provisions herein contained be held by the corporation in trust for the purpose of the said undertaking.

Constitution of ²[Brihan Mumbai Electric Supply and Transport Fund.]

460AA. All moneys payable to the credit of the ²[Brihan Mumbai Electric Supply and Transport Fund] shall be received by the General Manager and shall be forthwith paid into the ³[State Bank of India] or such banks in the city as may be approved by the corporation from time to time in this behalf to the credit of an account which shall be styled 'the account of the ²[Brihan Mumbai Electric Supply and Transport Fund]':

General Manager to receive payments on account of ²[Brihan Mumbai Electric Supply and Transport Fund] and to lodge them in bank.

Provided that the General Manager may, subject any general or special directions issued by the ⁴[Mayor-in-Council] retain such balances in cash as may be necessary for the operations of the ²[Brihan Mumbai Electric Supply and Transport Undertaking].

⁵[**460BB.** (1) Subject as hereinafter provided, no payment shall be made by the Bank aforesaid out of the ²[Brihan Mumbai Electric Supply and Transport Fund] except on a cheque signed by two persons in the manner specified below, namely:—

How ²[Brihan Mumbai Electric Supply and Transport Fund] shall be drawn against.

- (a) by the Commissioner, or by the General Manager, or by the Deputy General Manager or in their absence by a municipal officer whose name appears in a list of officers (approved by the ⁶[Mayor-in-council]) authorised to sign cheques; and
- (b) by a municipal officer whose name appears in the said list:

¹ This sub-section was substituted, by Mah. 10 of 1998, s.216.

² These words were substituted for the words "Bombay Electric Supply and Transport Fund" by Mah. 25 of 1996 *Schedule*.

³ These words were substituted for the words "the Imperial Bank of India" by Mah. 10 of 1998, s.217 (a).

⁴ These words were substituted for the words "Brihan Mumbai Electric Supply and Transport Committee", *ibid.*, s.217 (b).

⁵ Section 460BB was substituted for the original by Mah. 39 of 1961, s.12.

⁶ These words were substituted for the words "Brihan Mumbai Electric Supply and Transport Committee" by Mah. 10 of 1998, s.218.

Provided that, cheque for an amount not exceeding two thousand rupees if signed by the Commissioner or by the General Manager or by the Deputy General Manager or by two officers whose names appear in the said list shall be sufficient authority for the payment of the amount there out of the fund by the said Bank.

(2) Payment of any sum due by the Corporation out of the ¹[Brihan Mumbai Electric Supply and Transport Fund] in excess of one hundred rupees (or such higher amount as the ²[Mayor-in-Council] from time to time may fix generally or for any specified class of payments) shall be made by means of a cheque signed as aforesaid, and not in any other way.

(3) Payments not covered by sub-section (2) may be made by the General Manager in cash or cheques for a sum not exceeding five thousand rupees each (or such higher amount as the ⁴[Mayor-in-Council] may from time to time fix) signed as aforesaid, being drawn from time to time to cover such payments.]

Deposit of portion of ¹[Brihan Mumbai Electric Supply and Transport Fund] may be made with bank or agency out of ⁴[Brihan Mumbai] when convenient

460CC. Notwithstanding anything contained in sections 460AA and 460BB' of the General Manager may, with the previous approval of the ³[Mayor-in-Council] from time to time, remit to and deposit with a bank or other agency at any place beyond the city any portion of the ¹[Brihan Mumbai Electric Supply and Transport Fund] and any money payable to the credit of the ¹[Brihan Mumbai Electric Supply and Transport Fund] or chargeable there-against, which can, in the opinion of the General Manager, be most conveniently paid into or out of the account of the fund at any such bank or agency may be so paid.

Only sums covered by budget-grant to be expended from ¹[Brihan Mumbai Electric Supply and Transport Fund],

460DD. (1) Except as hereinafter provided, no payment of any sum shall be made by the General Manager out of the ¹[Brihan Mumbai Electric Supply and Transport Fund], unless the expenditure of the same is covered by a current budget grant and sufficient balance of such budget-grant is still available, notwithstanding any reduction or transfer thereof which may have been made under section 133 or 134 :

Provided that the following items shall be excepted from this prohibition, namely :—
(a) sums of which the expenditure has been sanctioned by the ⁵[Mayor-in-Council] under section 132 ;

(b) repayments of money belonging to contractors, consumers or other persons held in deposit and of money collected or credited to the ¹[Brihan Mumbai Electric Supply and Transport Fund] by mistake ;

(c) sums which the General Manager is under the provisions of this Act or any other enactment required or empowered to pay by way of compensation ;

¹ These words were substituted for the words " Bombay Electric Supply and Transport Fund ", by Mah. 25 of 1996, Schedule.

² These words were substituted for the original by Mah. 39 of 1961, s. 12.

³ These words were substituted for the words " Brihan Mumbai Electric Supply and Transport Committee " by Mah. 10 of 1998, s.219.

⁴ These words were substituted for the words " Bombay Electric Supply and Transport Fund " by Mah. 25 of 1996, s.3.

⁵ These words were substituted for the words " Brihan Mumbai Electric Supply and Transport Committee " by Mah. 10 of 1998, s.220(a).

(d) sums payable in any of the circumstances mentioned in clause (f) of section 460GG ;

(e) costs incurred by the General Manager under section 64 ;

(f) any sum required to make good to the municipal fund any payment made by the Commissioner out of the municipal fund under the provisions of section 115 for the purpose of the ¹[Brihan Mumbai Electric Supply and Transport Undertakings] :

²[Provided further that, in the case of an emergent necessity for funds, and upon a representation by ³[Mayor-in-Council] to the Corporation, the Corporation may, with the previous sanction of the State Government (which sanction may be given subject to such terms and conditions as to repayment and other matters as that Government thinks fit,) authorise the General Manager to pay from the ⁴[Brihan Mumbai Electric Supply and Transport Fund] into the municipal fund such sum as may be specified, as a temporary advance for meeting such emergency.]

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

460EE. The ⁵[Officers of the Brihan Mumbai Electric Supply and Transport undertaking] shall not sign any cheque under section 460BB without first satisfying themselves that the sum for which such cheque is drawn is either covered by a budget-grant as aforesaid or is an item one of the excepted descriptions specified in the proviso to sub-section (1) of section 460DD.

Draft on ⁴[Brihan Mumbai Electric Supply and Transport Fund] to be checked by ⁵[Officers of the Brihan Mumbai Electric Supply and Transport undertaking].

460FF. Whenever any sum is expended by the General Manager under clause (c) or (d) of the proviso to sub-section (1) of section 460DD he shall forthwith communicate the circumstances to the ⁶[Mayor-in-Council] who shall take such action under sub-section (2) of section 133 or recommend to the corporation to take such action as shall, in the circumstances, appear possible and expedient for covering the amount of the additional expenditure.

Procedure when money not covered by budget-grant is expended under clause (c) or (d) of the proviso to sub-section (1) of 460DD.

¹These words were substituted for the words " Bombay Electric Supply and Transport Undertaking ", by Mah. 25 of 1996, Schedule.

²This proviso was added by Mah. 32 of 1966, s.6.

³These words were substituted for the words " the Standing Committee " by Mah. 10 of 1998, s.220 (b).

⁴These words were substituted for the words " Bombay Electric Supply and Transport Fund " by Mah.25 of 1996, schedule.

⁵These words were substituted for the words " members of the Brihan Mumbai Electric Supply and Transport undertaking " by Mah. 10 of 1998, s.221.

⁶These words were substituted for the words " Brihan Mumbai Electric Supply and Transport Committee ", *ibid*, s. 222.

Purposes for which the ¹[Brihan Mumbai Electric Supply and Transport Fund] is to be applied. **460GG.** The money from time to time credited to the ¹[Brihan Mumbai Electric Supply and Transport Fund] shall be applied in payment of all sums, charges and costs necessary for the purposes of acquiring, maintaining, operating and improving the ²[Brihan Mumbai Electric Supply and Transport Undertaking] and of carrying into effect the provisions of this Chapter, or of which the payment shall be duly directed or sanctioned by or under any of the provisions of this Act. inclusive of—

(a) the repayment of the municipal fund of any amount disbursed therefrom for the purposes of the ²[Brihan Mumbai Electric Supply and Transport Undertaking] including the cost of, or reasonable charges for, all supplies provided and services rendered for any such purpose by the Commissioner at the charge of the municipal fund ;

(b) the payment to the municipal fund of a sum of money equivalent to the sum which would have been payable under this Act on account of rates, taxes, fees or other imposts in respect of lands and buildings and other properties moveable and immovable, of the ²[Brihan Mumbai Electric Supply and Transport Undertaking] if the said lands, buildings and other properties had not vested in the corporation ;

³(c) the payment of the salary and other allowances of the Member-in-charge and the General Manager];

(d) the payment of salaries and other allowances of all municipal officers and servants appointed under the provisions of this Chapter and all contributions to provident funds, pension, gratuities and compassionate allowances payable under the provisions of this Chapter or of an schedule or regulations framed under this Chapter and at the time in force ;

(e) the payment of all expenses and costs incurred by the General Manager in the exercise of any power or the discharge of any duty conferred or imposed upon him for the purposes of, or in connection with, the ²[Brihan Mumbai Electric Supply and Transport Undertaking] under the provisions of this Act or of any other enactment including money which he is required or empowered to pay by way of compensation ;

(f) the payment for the purchase of goods and equipment intended for re-sale or for letting out on hire or hire purchase under the provisions of this Chapter ;

(g) the payment of every sum payable under a decree or order of a civil or criminal court passed against the corporation or against the Commissioner or the General Manager *ex-officio* in any proceeding arising out of the acquisition, maintenance or operation of the ²[Brihan Mumbai Electric Supply and Transport Undertaking] or under a compromise effected under section 517 of any suit or other legal proceeding or claim arising out of such acquisition, maintenance or operation;

(h) every sum required by the provisions of section 460KK or 460 LL to be transferred to the municipal fund.

¹These words were substituted for the words " Bombay Electric Supply and Transport Fund " by Mah. 25 of 1996, Schedule.

²These words were substituted for the words " Bombay Electric Supply and Transport Undertaking " by Mah. 25 of 1996, schedule.

³This clause was substituted by Mah. 10 of 1998, s.223.

Special Funds

460HH. Fines collected under section 460W, donations from passengers, and the proceeds of the sale of unclaimed lost property recovered from vehicles of the ¹[Brihan Mumbai Electric Supply and Transport Undertaking] shall be credited to a separate fund to be called "the ²[Brihan Mumbai Electric Supply and Transport Staff Benefit Fund]" the proceeds of which shall be expended in promoting the well being of municipal officers and servants appointed under this Chapter and for the payment of compassionate allowances to the widows of such officers and servants who die while in municipal service and to such other relations of the officers and servants as the ³[Member-in-charge] may from time to time determine.

460II. With the previous approval of the corporation, the ⁴[Mayor-in-Council] may direct that any portion of the ⁵[Brihan Mumbai Electric Supply and Transport Fund] may from time to time be credited to a separate heading in the accounts maintained under section 460MM, provided that there shall be credited and debited to such special heading such sums only as shall expressly relate to the object for which a special fund is so created.

Disposal of Balances

460JJ. (1) Surplus moneys at the credit of the ⁵[Brihan Mumbai Electric Supply and Transport Fund] which cannot immediately or at an early date, be applied to the purposes of this Act or of any loan raised for the purposes of the ¹[Brihan Mumbai Electric Supply and Transport Undertaking] may be, from time to time deposited at interest in the ⁶[State Bank of India] or such other bank as may have been approved by the corporation under section 460AA or be invested in public securities.

(2) All surplus moneys which it is necessary to keep readily available for application to such purposes, and all surplus moneys which cannot in the opinion of the General Manager, concurred in by the ⁷[Member-in-charge] be favourably deposited or invested as aforesaid., may be deposited at interest at any bank or banks in the city which the ⁸[Mayor-in-Council] may, subject to the control of the corporation, from time to time select for the purpose.

(3) All such deposits and investments shall be made by the General Manager on behalf of the corporation, with the sanction of the [Member-in-charge] and with the like sanction, the General Manager may at any time withdraw any deposit so

¹These words were substituted for the words "Bombay Electric Supply and Transport Undertaking" by Mah. 25 of 1996, Schedule.

²These words were substituted for the words "Bombay Electric Supply and Transport Staff Benefit Fund", *ibid.*, Schedule.

³These words were substituted for the words "Brihan Mumbai Electric Supply and Transport Committee" by Mah. 10 of 1998, s.224.

⁴These words were substituted for the words "Brihan Mumbai Electric Supply and Transport Committee" *ibid.*, s.225.

⁵These words were substituted for the words "Bombay Electric Supply and Transport Fund" by Mah. 25 of 1996, Schedule.

⁶These words were substituted for the words "the Imperial Bank of India" by Mah. 10 of 1998, s.226 (a).

⁷These words were substituted for the words "Brihan Mumbai Electric Supply and Transport Committee", *ibid.*, s.226 (b) (i).

⁸These words were substituted for the words "Brihan Mumbai Electric Supply and Transport Committee", by Mah.10 of 1998, s.226 (b)(ii).

⁹These words were substituted for the words "Brihan Mumbai Electric Supply and Transport Committee", *ibid.*, s.226 (c).

made or dispose of any securities and re-deposit or re-invest the money so withdrawn or the proceeds of the disposal of such securities; but no order for making any deposit or investment, withdrawal or disposal under this section shall have any validity unless the same be in writing, signed by three persons in the manner specified in sub-section (1) of section 460BB for signing of cheques.

(4) The loss, if any, arising from any such deposit or investment shall be debited to the ¹[Brihan Mumbai Electric Supply and Transport Fund].

Payment out of surplus balance

Fixed annual payment to municipal fund. **460KK.** (1) Out of the balance of income over expenditure remaining at credit of the Revenue Account of the ¹[Brihan Mumbai Electric Supply and Transport Fund] at the close of each official year, after defraying or making allowance for all charges, costs and expenses payable out of the revenue of the said fund and allowing for the retention of a cash balance of one lakh or rupees at the least to the credit of the said fund, there shall be transferred to the credit of the municipal fund the amount provided in sub-section (2) :

Provided that if the balance at credit of the said Revenue Account, after allowing for the matter aforesaid, is less than the amount provided in sub-section (2), the whole of such balance shall be transferred to the municipal fund and any deficit shall be made good to the municipal fund out of the Revenue Reserve Fund maintained under section 460LL and if the deficit still remains it shall be made good to the municipal fund out of the balance available at credit of the Revenue Account of the next or any subsequent year after allowing for all the matters aforesaid and for the amount provided in sub-section (2) in respect of that year.

(2) The amount to be transferred to the municipal fund under sub-section (1) shall be, —

(a) in the case of the official year ended on the 31st March 1948 the sum of five lakhs of rupees ;

²(b) in the case of the official year ended on the 31st March 1949 and the 31st March 1950, in respect of each year, the sum of ten lakhs of rupees ;

(c) in the case of the official year ending on the 31st March 1951, the sum of twenty-five lakhs of rupees ;

(d) in the case of each subsequent year until the year ending on the 31st March 1955, at progressively increasing scale, the sum of three lakhs of rupees in addition to the sum paid in respect of the previous official year ;

(e) in the case of the official year ending on the 31st March 1956 and each subsequent official year, the sum of forty lakhs of rupees.]

(3) The sum to be transferred under sub-section (1) shall be paid into the ³[State Bank of India] to the credit of the municipal fund by means of a cheque drawn upon the ¹[Brihan Mumbai Electric Supply and Transport Fund] not later than the thirtieth day of June immediately following the close of the year in which the balance out of which the transfer is due to be made accrues.

¹These words were substituted for the words " Bombay Electric Supply and Transport Fund " by Mah. 25 of 1996, Schedule.

²Clauses (b) to (e) were substituted for clauses (b) and (c) by Bom. 48 of 1950, s.71.

³These words were substituted for the words " the Imperial Bank of India ", by Mah. 10 of 1998 s. 227.

460LL. (1) If after making allowance for the matters mentioned in section 460KK, there remains any further surplus balance of income over expenditure at credit of the Revenue Account of the ¹[Brihan Mumbai Electric Supply and Transport Fund], such surplus shall be disposed of as follows :—

Disposal of surplus balance of revenue.

(a) 30 per cent. of the surplus shall be credited under a separate heading in the accounts maintained under section 460MM to a special fund to be called 'the Revenue Reserve Fund', unless the balance in the said Revenue Reserve Fund, with such credit, would exceed fifty lakhs of rupees, in which case only such sum, if any, as is required to bring the balance to fifty lakhs of rupees shall be so credited and the remainder of the surplus, up to 30 per cent. thereof, shall be added in equal shares to the amounts credited or transferred under clauses (b), (c) and (d) ;

(b) 30 per cent. of the surplus and such additional amount as may be available under clause (a) shall be credited under a separate heading in the accounts maintained under section 460MM to a special fund called 'the ²[Brihan Mumbai Electric Supply and Transport Betterment Fund]';

(c) 25 per cent. of the surplus and such additional amount as may be available under clause (a) shall be transferred to the municipal fund for credit to the Welfare Fund mentioned in section 120A; and

(d) 15 per cent. of the surplus and such additional amount as may be available under clause (a) shall be transferred to the municipal fund.

(2) The Revenue Reserve Fund shall be applied to the following purposes :—

(i) in making good or in reduction of any deficit in the amount to be transferred in any year to the municipal fund under section 460KK; and

(ii) in meeting any charges to be defrayed out of the ¹[Brihan Mumbai Electric Supply and Transport Fund] to the extent to which the balance available in the fund is insufficient for the purpose.

(3) The ²[Brihan Mumbai Electric Supply and Transport Betterment Fund] shall be applied to improvements in the services, amenities and facilities provided for the public by the ³[Brihan Mumbai Electric Supply and Transport Undertaking].

(4) The amounts to be transferred to the municipal fund under clauses (c) and (d) of sub-section (1) shall be paid into the ⁴[State Bank of India] to the credit of the municipal fund by means of cheques drawn upon the ¹[Brihan Mumbai Electric Supply and Transport Fund] not later than the thirtieth day of June immediately following the close of the official year in which the transfers are due to be made.

Accounts.

460MM. (1) Accounts of the receipts and expenditure of the corporation on account of the ³[Brihan Mumbai Electric Supply and Transport Undertaking] and of the properties vested or vesting in the corporation for the purposes of the said undertaking shall be kept in such manner and in such forms as the ⁵[Mayor-in-Council] shall from time to time prescribe.

Accounts of the ³[Brihan Mumbai Electric Supply and Transport Undertaking].

(2) The ⁶[Member-in-charge] shall publish such accounts in the *Official Gazette* every year.

¹ These words were substituted for the words "Bombay Electric Supply and Transport Fund" by Mah. 25 of 1996, Schedule.

² These words were substituted for the words "Bombay Electric Supply and Transport Betterment Fund", *ibid.*

³ These words were substituted for the words "Bombay Electric Supply and Transport Undertaking", *ibid.*

⁴ These words were substituted for the words "the Imperial Bank of India" by Mah. 10 of 1998, s. 228.

⁵ These words were substituted for the words "Brihan Mumbai Electric Supply and Transport Committee", *ibid.*, s.229.

⁶ These words were substituted for the words "The General Manager", by Mah. 10 of 1998, s. 230(a)(i).

460NN. (1) The ¹[Member-in-charge] shall, as soon as may be after each first day of April, have prepared a detailed report of the administration of the ²[Brihan Mumbai Electric Supply and Transport Undertaking] during the previous official year, together with a statement showing the amount of the receipts and disbursement respectively credited and debited to the ³[Brihan Mumbai Electric Supply and Transport Fund] during the said year and the balance at the credit of the fund at the close of the said year as also an account of the balance due on ⁴[loans, with a statement of the Member-in-charge thereon; and shall submit the same to the Mayor-in-Council.]

(2) After an examination and review of the report and statement by the ⁵[Mayor-in-Council] a copy of the report together with a copy of the ⁶[Mayor-in-Council's] review shall be forwarded to the usual or last known address of each councillor at least eight days previous to the ordinary meeting of the corporation in the next following month of October and copies thereof shall be delivered to any person requiring the same on payment of such reasonable fee for each copy as the General Manager, with the previous approval of the ⁵[Mayor-in-Council], shall determine.

Miscellaneous.

460OO. Nothing in this Chapter shall limit the powers of any police officer to regulate the passage of any traffic along or across any street along or across which any tramways are laid down and the police officer may exercise his authority as well on as off the tramway, and with respect as well to the traffic of the ²[Brihan Mumbai Electric Supply and Transport Undertaking] as to the traffic of other persons.

460PP. No carriages with flange-wheels on wheels suitable only to run on a grooved rail, except those belonging to the ²[Brihan Mumbai Electric Supply and Transport Undertaking], shall be entitled to pass along a tramway, but, subject to this provision, nothing in this Act shall take away or abridge the right of the public to pass along or across every or any part of any street along or across which any tramway is laid whether on or off the tramway, with carriages not having flange-wheels or wheels suitable only to run on a grooved rail.]

CHAPTER XVII.

BY-LAWS.

461. The corporation may from time to time make by-laws, not inconsistent with this Act, with respect to the following matters, namely :—

(a) regulating, in any particular not specifically provided for in this Act, the construction, maintenance and control of drains, ventilation-shafts or pipes, cesspools, water-closets, privies, latrines, urinals, drainage-works of every description, whether belonging to the Corporation or to other persons, municipal water-works, private communication-pipes and other public streets ;

(b) regulating all matters and things connected with the supply and use of water ;

¹ These words were substituted for the words " The General Manager " by Mah. 10 of 1998, s. 230(a)(i).

² These words were substituted for the words " Bombay Electric Supply and Transport Undertaking " by Mah. 25 of 1996, Schedule.

³ These words were substituted for the words " Bombay Electric Supply and Transport Fund " *ibid.*

⁴ These words were substituted for the words " loans and shall submit the same to the Brihan Mumbai Electric Supply and Transport Committee ", by Mah. 10 of 1998, s. 230(a)(ii).

⁵ These words were substituted for the words " the Brihan Mumbai Electric Supply and Transport Committee ", *ibid.*, s. 230(b)(i).

⁶ These words were substituted for the words " the Committee's " *ibid.*, s. 230(b)(ii).

⁷ This marginal note was substituted for the original by Bom. 48 of 1948, s. 41.

(c) the structure of walls, foundations, roofs and chimneys, ¹[the number, width and position of staircases, corridors and passages.] ²[the materials, dimensions and strength of floors and staircases and of all cantilings, girders, posts and columns] of ^{3****} buildings, for securing stability and the prevention of fires ⁴[and the safety of the inmates in the event of fire] and for purposes of health ;

⁵[(cc) the construction of scaffolding for building operations to secure the safety of the operatives and of the general public ;]

(d) the provision and maintenance of sufficient open space, either external or internal, about buildings to secure a free circulation of air, and of other means for the adequate ventilation of buildings ;

⁶[(dd) the provision and maintenance of suitable means of access to buildings;]

(e) the provision and maintenance of house-gullies;

⁷[(ee) collection, removal and disposal of solid waste;]

(f) the control and supervision of all premises, used for any of the purposes mentioned in section 394, and of all trades and manufactures carried on therein ⁸[and the prescribing and regulating of the construction, dimensions, ventilation, lighting, cleansing, drainage and water supply of any such premises ;]

(g) the inspection of milch-cattle and prescribing and regulating the construction, dimensions, ventilation, lighting, cleansing, drainage and water-supply of dairies and cattle-sheds in the occupation of persons following the trade of dairy men or milk-sellers ;

(h) securing the cleanliness of milk-stores, milk-shops and milk-vessels used by such persons for containing milk ;

(j) requiring notice to be given whenever any milch animal is affected with any contagious disease and prescribing precautions to be taken for protecting milch-cattle and milk against infection or contamination ;

(k) securing the efficient inspection of markets and slaughter-houses and of shops in which articles intended for human food are kept or sold;

(l) the control and supervision of butchers carrying on business within the city or at a municipal slaughter-house outside the city ;

(m) regulating the use of any municipal market-building, market place or slaughter-house or any part thereof ;

⁹[(mm) regulating the purchase and sale of and conditions of trading in, agricultural produce specified in Schedule JJ in municipal and private market and establishment of markets for such produce ;]

(n) controlling and regulating the sanitary condition of market and slaughter-houses and preventing the exercise of cruelty therein ;

¹ These words were substituted for the original by Bom. 76 of 1948, s. 28.

² These words were inserted by Bom. 5 of 1905, s. 56(1)(b).

³ The word "new" was repealed, *ibid.*, s. 56(1)(a).

⁴ These words were inserted by Bom. 2 of 1911, s. 17(1)(b).

⁵ Clause (cc) was inserted by Bom. 5 of 1905, s. 56(3).

⁶ Clause (dd) was inserted, *ibid.*, s. 56(3).

⁷ This clause was inserted by Mah. 10 of 1998, s. 231(a).

⁸ These words were added by Bom. 1 of 1916, s. 12.

⁹ This clause was inserted by Bom. 54 of 1955, s. 11.

¹[(x) the management, use and regulation of dwellings constructed for the poorer or working classes under any scheme duly sanctioned under the ²[City of Bombay Improvement Act, 1898, or the City of Bombay Improvement Trust Transfer Act, 1925 ;]

(y) the conditions on which loan shall be advanced and the form of application ³[for loans under section 349W or 354WA] ; * * * *]

⁵[(yy) the officers and servants of the Corporation who shall be eligible for housing loans and the form of application to be made for such loans under section 354WBB, the adjoining areas for the purposes of that section, and the conditions on which such loans may be granted ;]

⁶[(z)] carrying out generally the provisions and intentions of this Act :

⁷[Provided that in the suburbs ⁸[or extended suburbs] or in any part thereof, the corporation shall have the power to impose under by-laws such special conditions as it may deem fit to impose in respect of matters falling under clauses (a), (b), (c) and (e) of this section and under section 349E].

⁹[461A. (1) The corporation may from time to time make bye-laws for regulating matters affecting the conduct of the ¹⁰[Brihan Mumbai Electric Supply and Transport Undertaking] not inconsistent with the provisions of this Act or of any other enactment applicable to the undertaking or with the provisions of any rules, by-laws, regulations, permit or licence issued thereunder.

By-laws for purposes of ¹¹[Brihan Mumbai Electric Supply and Transport Undertaking].

(2) In particular, and without prejudice to the generality of the foregoing power such bye-laws may provide for the following matters, namely :—

(a) the rate of speed to be observed in travelling upon the tramways of the ¹⁰[Brihan Mumbai Electric Supply and Transport Undertaking] ;

(b) the distances at which carriages using the said tramways shall be allowed to follow one after the other ;

(c) the stopping of carriages using the said tramways ;

(d) the hours at which such carriages carrying goods shall run on the tramways ;

(e) the prevention of the commission of any nuisance in or upon any vehicle of the ¹⁰[Brihan Mumbai Electric Supply and Transport Undertaking] used for the conveyance of the public or in or against any premises of the undertaking ;

(f) generally for regulating the travelling in or upon vehicles of the Brihan Mumbai Electric Supply and Transport Undertaking used for the conveyance of passengers ; and

(g) the observance by municipal officers and servants appointed in connection with the ¹⁰[Brihan Mumbai Electric Supply and Transport Undertaking] of sobriety, courtesy and special vigilance to prevent danger to persons or vehicles using the streets.

¹ These clauses were inserted by Bom. 13 of 1933, s.36(b).

² The City of Bombay Improvement Act, 1898, was repealed by the City of Bombay Improvement Trust Transfer Act, 1925, which has been repealed by Bom. 13 of 1933.

³ These words were substituted for the words " for the advance of a loan under section 354W " by Bom. 34 of 1954, s.26.

⁴ The word " and " was deleted by Mah. 50 of 1981, s.4(b).

⁵ Clause (yy) was inserted *ibid.*, s.4(c).

⁶ Clause (w) was re-lettered a(z) by Bom. 13 of 1933, s. 36(c).

⁷ This proviso was added by Bom. 7 of 1950, s.6(1).

⁸ These words were inserted by Bom. 58 of 1956, s.24.

⁹ This section was inserted by Bom. 48 of 1948, s.42.

¹⁰ These words were substituted for the words " Bombay Electric Supply and Transport undertaking " by Mah. 25 of 1996, Schedule.

(3) In respect of any transport undertaking acquired by the corporation, all by-laws and regulations relating to such undertaking in force immediately before such acquisition shall be deemed to have been made under sub-section (1) and shall continue in force until altered, repealed or amended by the corporation.]

462. In making a by-law under ¹[section 461 or 461A], the corporation may provide that a breach of it shall be punishable with fine which may extend to ²[two thousand rupees] and, in the case of a continuing breach with fine which may extend to ³[one hundred] for every day, after conviction for the first breach or after receipt of written notice from the Commissioner to discontinue the breach, during which the breach continues. Punishment may be imposed for breach of by laws.

463. No by-laws, ⁴* * * * shall have any validity unless, and until it is confirmed ⁵[in the case of by-law made under clause (s) of section 461, by the Central Government, and in the case of any other by-law, by the ⁶[State] Government]. By laws to be confirmed by Central or ⁶[State] Government, as the case may

464. It shall be the duty of the Commissioner from time to time to lay before the corporation for their consideration a draft of any by-law ⁷[approved] by the Mayor-in-Council which is considered] necessary or desirable for the furtherance of any purpose of this Act. Commissioner to lay draft by-laws before the corporation for their consideration.

465. (1) No by-law shall be finally approved by the corporation, unless notice of the intention of the corporation to take the same into their consideration has been given by advertisement in the ⁸[Official Gazette] and in the local newspapers six weeks at least before the day of the meeting at which the corporation finally consider such by-law. Hearing by corporation of objection to proposed by-laws.

(2) The corporation shall, before approving the by-law, receive and consider any objection or suggestion which may be made in writing by any person with respect thereto before the day of the said meeting; and any person desiring to object to a by-law, on giving written notice to the president of the corporation, not less than ten days before the day of the said meeting, of the nature of his said objection may, by himself or his counsel, attorney or agent, be heard by the corporation thereon at the said meeting, but not so as that more than one person be heard on the same matter of objection.

¹These words, figures, letters were substituted for the original words by Bom. 48 of 1948, s.43.

²These words were substituted for the words "five hundred rupees", by Mah. 10 of 1998, s.232 (a).

³These words were substituted for the words "twenty rupees," *ibid.*, s.232 (b).

⁴The words "made under either of the two last preceding sections", were omitted by the Adaptation of Indian Laws Order in Council.

⁵The words, figures, letter and brackets "in the case of a by-law made under clause (s) of section 461, by the Central Government, and in the case of any other by-law, by the Provincial Government" were substituted for the words "by Government", *ibid.*

⁶This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

⁷These words were substituted for the words "which he shall think" by Mah. 10 of 1998, s.233.

⁸The words "Official Gazette" were substituted for the words "Bombay Government Gazette," by the Adaptation of Indian Laws Order in Council.

466. (1) For one month at least before the day of the meeting at which the corporation finally consider a by-law, a printed copy of such by-law shall be kept at the chief municipal office for public inspection and every person shall be permitted, at any reasonable time to persue the same, free of charge.

Proposed by-laws to be open to public inspection.

(2) Printed copies of the proposed by-law shall also be delivered to any person requiring the same on payment of such fee, ¹[not exceeding twenty-five rupees for each copy, as shall be prescribed by the Mayor-in-Council].

467. When any by-law has been confirmed ²[by the Central or the ³[State] Government, as the case may be], it shall be published in the ⁴[Official Gazette] and thereupon shall have the force of law.

By-laws confirmed by Central or ³[State] Government to be published in the ⁴[Official Gazette].

468. (1) The ⁵[Mayor-in-Council] shall cause all by-laws from time to time in force to be printed, and shall cause printed copies thereof to be delivered to any person requiring the same, on payment of ⁶[such fee per copy as the Commissioner may from time to time, fix].

Printed copies of by-laws to be kept on sale.

(2) Notice of the fact of copies of the by-laws being obtainable at the said price, and of the place where and the person from whom the same are obtainable, shall be given by the Commissioner from time to time by advertisement in the local newspapers.

(3) Boards, with the by-laws printed thereon or with printed copies of the by-laws affixed thereto, shall be hung or affixed in some conspicuous part of the municipal office and in such places of public resort, markets, slaughter-houses and other works or place affected thereby, as the Commissioner thinks fit, and the said boards shall from time to time be renewed by the Commissioner.

469. (1) No Municipal officer or servant shall at any reasonable time prevent the inspection of any board provided by the Commissioner, under the last preceding section by any person desiring to inspect the same.

Boards for exhibiting by-laws to be open to inspection and not to be injured.

(2) No person, shall without lawful authority, destroy, pull down, injure or deface any such boards.

⁷[469A. In regard to by-laws made or required or proposed to be made under section 461 A, the provisions of sections 466, 468 and 469 shall apply as if for the word ' Commissioner ' the words ' General Manager ' had been substituted, and as section 468 had provided for the display of the relevant by-laws in every vehicle of the ⁸[Brihan Mumbai Electric Supply and Transport Undertaking] used for the conveyance of the public.

Application of sections 466, 468 and 469 to by-laws under section 461A.

¹These words were substituted for the words " not exceeding one rupee for each copy, as shall be prescribed by the Commissioner " by Mah. 10 of 1998, s.234.

²The words "by the Central or the Provincial Government as the case may be " were substituted for the words "by Government " by the Adaptation of Indian Laws Order in Council.

³This word was substituted for the word " Provincial " by the Adaptation of Laws Order, 1950.

⁴The words " Official Gazette " were substituted for the word " Bombay Government Gazette " by the Adaptation of Indian Laws Order in Council.

⁵These words were substituted for the words " Commissioner " by Mah. 10 of 1998, s.235.

⁶These words were substituted for the words " a fee of two annas per each copy " by Mah. 42 of 1976, s.14.

⁷This section was inserted by Bom. 48 of 1948, s.44.

⁸These words were substituted for the words " Bombay Electric Supply and Transport Undertaking " by Mah. 25 of 1996, s.2. Schedule.

Central or
¹[State]
 Government] 470. (1) If a shall at any time appear to the ¹ ²[State] Government] that any
 as the case by-laws should be ³[modified or] repealed either wholly or in part, ⁴[it] shall cause
 may be, ⁴[its], reasons for such opinion to be communicated to the corporation and prescribe
 may repeal a reasonable period within which the corporation may make any presentation with
 by-laws. regard thereto which they shall think fit.

(2) After receipt and consideration of any such representation or, if in the
 meantime no such representation is received, after the expiry of the prescribed
 period, the ¹ ²[State] Government] may at any time, by notification in the
⁵[Official Gazette] ⁶[modify or] repeal such by-law either wholly or in part :

⁷[Provided that no by-law shall be modified or repealed in part only by the ⁸ ⁹[State]
 Government] if, within the period aforesaid the corporation have objected to a
 modification or partial repeal thereof.]

(3) The ¹⁰[modification or] repeal of a by-law under sub-section (2) shall take effect
 from such date as the ⁸ ⁹[State] Government] shall in the said notification direct or,
 if no such date is specified, from the date of the publication of the said notification
 in the ³[Official Gazette], except as to anything done or suffered or omitted to be done
 before such date.

(4) The said notification shall also be published in the local newspapers.

¹¹(5) The powers conferred by this section on the ⁹[State] Government, shall in
 relation to any by-law made under clause (s) of section 461, be powers of the Central
 Government.]

CHAPTER XVIII

PENALTIES

¹²471. Whoever—

Certain
 offences
 punishable
 with fine.

(a) contravenes and provision of any of the sections, sub-sections or clauses
 mentioned in the first column of the following table, or of any regulation made
 thereunder ; or

(b) fails to comply with any requisition lawfully made upon him under any of
 the said sections, sub-sections or clauses,

shall be punished, for each such offence, with fine which may extend to the
 amount mentioned in that behalf in the third column of the said table ¹³[subject,
 however, to a minimum fine which shall not be less than five mentioned in the fourth
 column of the said table.]

Explanation.—The entries in the second column of the said table headed “ Subject ”
 are not intended as definitions of the offences described in the sections, sub-section
 and clause mentioned in the first column , or even as abstract of those sections, sub
 sections and clauses, but are inserted merely as reference to the subjects of the sections
 sub-sections and clauses, the numbers of which are given in the first column.

¹ The words “ Provincial Government ” were substituted for the words “ Governor in Council,
 by the Adaptation of Indian Laws Order in Council.

² This word was substituted for the word “ Provincial ” by the Adaptation of Laws Order, 1950.

³ These words were inserted by Bom. 5 of 1905, s.75(a).

⁴ The words “ it ” and “ its ” were substituted for the words “ he ” and his ” respectively by the
 Adaptation of Indian Laws Order in Council.

⁵ The words “ *Official Gazette* ” were substituted for the words “ *Bombay Government Gazette* ”
 by the Adaptation of Indian Laws Order in Council.

⁶ These words were inserted by Bom. 5 of 1905, s.57(b).

⁷ This proviso was substituted for the original proviso, *ibid.*,

⁸ The words “ Provincial Government ” were substituted for the words “ Governor in Council ”.

⁹ This word was substituted for the word “ Provincial ” by the Adaptation of Laws Order, 1950.
 by the Adaptation of Indian Laws Order in Council.

¹⁰ These words were inserted by Bom. 5 of 1905, s.57(b).

¹¹ This sub-section was inserted by the Adaptation of Indian Laws Order in Council.

¹² Section 471 was substituted for the original section by Bom. 5 of 1905, s.58.

¹³ These words were inserted by Mah. 21 of 1989, s.54(a).

[Section, sub-section or clause (1)	Subject (2)	Fine which may be imposed (3)	Minimum fine which shall be imposed (4)
Section 149	.. Notice to be given of transfer of title.	Two hundred rupees.	Fifty rupees.
Section 150	.. Requisition to produce instrument of transfer.	Two hundred rupees.	Fifty rupees.
Section 152	.. Notice to be given of the erection of new building, etc.	Two hundred rupees.	Fifty rupees.
Section 188	.. Notice to be given by person becoming possessed of a vehicle or animal liable to tax.	Two hundred rupees.	Fifty rupees.
Section 191A, sub-section (3).	Return to be forwarded by an owner or person in charge of a dog.	One hundred rupees.	Twenty-five rupees.
Section 191H	.. Return to be submitted by person liable to theatre tax.	Two hundred and fifty rupees.	Fifty rupees.
Section 223, sub-section (1).	Building, etc., not to be erected without permission over drains.	Five hundred rupees.	One hundred rupees.
Section 229	.. Connections, with municipal drains, etc., not to be made except in conformity with section 227 or 228.	Five hundred rupees.	One hundred rupees
Section 229A, sub-section (1).	Buildings, etc., not to be erected without permission over any drains.	Five hundred rupees.	One hundred rupees
Section 230A	Owner of land to allow others to carry drains through the lard.	Two hundred and fifty rupees.	Fifty rupees.
Section 231	.. Requisition to enforce drainage of undrained premises situated within a hundred feet of a municipal drain.	Two hundred and fifty rupees.	Fifty rupees.
Section 232	.. Requisition to enforce drainage of undrained premises not situated within hundred feet of a municipal drain.	Two hundred and fifty rupees.	Fifty rupees.
Section 233, sub-section (1), clause (b).	Direction limiting use of drain or notice requiring the construction of a distinct drain.	Two hundred and fifty rupees.	Fifty rupees.
Section 233A, clause (b).	Drains for sole use of properties to be maintained in good repair, etc., by owner or occupier.	Two hundred and fifty rupees.	Fifty rupees.

¹ This table was substituted for the original by Mah. 21 of 1989, s.54(b).

(1)	(2)	(3)	(4)
Section 234	.. New buildings not to be erected without drains.	Fine not to exceed five hundred rupees.	....
Section 235	.. Excrementitious matter not to be passed into cesspool.	Five hundred rupees.	One hundred rupees
Section 236	.. Owners of drains to allow use thereof, or joint ownership therein, to others.	Two hundred and fifty rupees.	Fifty rupees.
Section 240	Drains not to pass beneath buildings.	One thousand rupees.	Two hundred rupees.
Section 241	.. Provisions as to position of cesspools.	One thousand rupees.	Two hundred rupees.
Section 243, sub-section (2)	Requisition to cover or ventilate drain or cesspool.	Two hundred and Fifty rupees.	Fifty rupees.
Section 246A, sub-section (1)	.. Water-closets and privies not to be constructed without permission or in contravention of terms prescribed.	One thousand rupees.	Two hundred rupees.
Section 247	.. Buildings newly erected or re-erected to be provided with water-closet and other accommodation.	One thousand rupees.	Two hundred rupees.
Section 248, sub-section (1)	Requisition to enforce provision of privy accommodation, etc.	One thousand rupees.	Two hundred rupees.
Section 249	.. Requisition to provide privy accommodation for factories, etc.	One thousand rupees	Five hundred rupees.
Section 249A	.. Requisition respecting unhealthy privies.	One thousand rupees.	Two hundred rupees.
Section 250, sub-section (1)	.. Provisions as to privies.	Two hundred rupees.	Fifty rupees.
Section 251, proviso.	.. Provisions as to water closets	Two hundred rupees	Fifty rupees.
Section 251A	.. Provisions as to privies and closets.	One thousand rupees.	Two hundred and fifty rupees.
Section 251B	.. Provisions as to use of places for bathing or washing clothes or domestic utensils.	Two hundred and fifty rupees.	Fifty rupees.
Section 257	.. Requisition to effect sanitary repairs, etc.	Two hundred and fifty rupees.	Fifty rupees.
Section 259A, sub-sections (1) and (4).	Provisions as to employment of licensed plumber and use of work.	One thousand rupees.	Two hundred rupees
Section 259A, sub-sections (2) and (3).	.. Licensed plumber to give and sign certificate.	Two hundred and fifty rupees.	Fifty rupees.

(1)	(2)	(3)	(4)
Section 268, sub-section (1)	Building, etc., not to be erected over water main without permission.	Five hundred rupees.	One hundred rupees.
Section 269, sub-section (3)	Water not to be carried away from public water supply for sale, and not to be carried in cask, etc., without permission.	Five hundred rupees.	Fifty rupees.
Section 270, sub-section (2)	Public water supply set apart for particular purpose not to be used for other purpose.	Five hundred rupees.	One hundred rupees.
Section 270A	Premises not to be occupied without Commissioner's certificate in respect of adequate water supply.	One thousand rupees.	Two hundred rupees.
Section 271, sub-section (2)	Requisition to obtain private water supply and to provide supply and distributing pipes, etc.	One thousand rupees.	Two hundred rupees.
Section 272, sub-section (1)	Provisions as to making and renewing of connections, with municipal water works.	One thousand rupees.	Two hundred rupees.
Section 272, sub-section (5)	Provision as to unauthorised connections with municipal water works, etc.	Two hundred and Fifty rupees.	Fifty rupees.
Section 274	Requisition to provide cistern and putting of means of access to any cistern.	Two hundred and fifty rupees.	Fifty rupees.
Section 274A	Requisition to provide for keeping cisterns locked.	Two hundred and fifty rupees.	Fifty rupees.
Section 275	Supply or distributing pipes, etc., to be kept in efficient repair by owner or occupier of premises.	Two hundred and fifty rupees.	One hundred rupees.
Section 278, sub-section (2)	Requisition to remedy defect in meter (supply or distributing pipes) etc.	Five hundred rupees.	Fifty rupees.
Section 280	Conditions as to use of water not to be contravened.	Five hundred rupees.	One hundred rupees.
Section 282	Prohibition of fraudulent and unauthorised use of water.	Five hundred rupees.	One hundred rupees.
Section 287B, sub-section (1)	Work under Chapter X to be done by licensed plumber.	One thousand rupees.	Two hundred rupees.
Section 287B, sub-section (2)	Name of licensed plumber to be furnished.	One hundred rupees.	Twenty-five rupees.
Section 297, sub-section (3)	Construction of building, within the regular line of street without permission.	Two thousand five hundred rupees.	Five hundred rupees.

(1)	(2)	(3)	(4)
Section 304, sub-section (1).	Land not to be appropriated for building and private streets not to be laid out until expiration of notice nor otherwise than in accordance with Commissioner's direction.	Two thousand five hundred rupees.	Five hundred rupees.
Section 305	.. Requisition as to levelling and draining of private streets.	Five hundred rupees.	One hundred rupees.
Section 308, sub-section (1)	Prohibition of projections upon streets, etc.	One thousand rupees.	Two hundred rupees.
Section 308, sub-section (2).	Requisition to remove the same.	One thousand rupees.	Two hundred rupees.
Section 309, sub-section (1)	Requisition to remove or alter projections, etc., made before Bombay Act III of 1872 came into force.	One thousand rupees.	Two hundred rupees.
Section 311	.. Ground floor doors, etc., not to open outwards on streets.	One hundred rupees.	Twenty rupees.
Section 312, sub-section (1)	Prohibition of structures or fixtures causing obstruction in streets.	One thousand rupees.	Two hundred rupees.
Section 313, sub-section (1)	Prohibition of deposits, etc., of things in streets.	Two hundred rupees.	Twenty-five rupees.
Section 313A	.. Prohibition of hawking articles for sale in a public place or street without a licence.	Two hundred and fifty rupees.	Fifty rupees.
Section 313B	.. Prohibition in a public place or street, of use of skill in handicraft or in rendering services without licence.	Two hundred and fifty rupees.	Fifty rupees.
Section 315	.. Requisition to remove structures or fixtures erected or set up before section 312 came into force.	Five hundred rupees.	One hundred rupees.
Section 316, sub-section (1)	Prohibition of the tethering of animals in public streets.	One hundred rupees.	Twenty rupees.
Section 319, sub-section (2)	Direction to close street in which work is in progress.	Two hundred and fifty rupees.	Fifty rupees.
Section 321, sub-section (2)	Shoring—timber fence, etc., employed to secure public safety while Municipal works are in progress, not to be removed.	Two hundred and fifty rupees.	Fifty rupees.
Section 322, sub-section (1)	Streets not to be opened or broken up and building materials not to be deposited thereon without permission.	Two hundred and fifty rupees.	Fifty rupees.

(1)	(2)	(3)	(4)
Section 323	.. Precautions for public safety to be taken by person to whom permission is granted under section 322.	Two hundred and fifty rupees. ..	Fifty rupees.
Section 324, sub-section (1)	Persons to whom permission is granted under section 322 must reinstate streets.	Two hundred and fifty rupees.	Fifty rupees.
Section 325	.. Provision to be made by persons to whom permission is granted under 322, for traffic, etc., when their works interrupt.	One thousand rupees.	Two hundred rupees
Section 326	.. Hoards to be set up during work on any building adjacent to a street.	Two hundred and fifty rupees.	Fifty rupees.
Section 327, sub-section (2)	Name of street and number or sub-number of premises or part thereof not to be destroyed or defaced.	One hundred rupees.	Twenty rupees.
Section 328, sub-section (1)	.. Skysigns not to be erected or retained without permission.	Five hundred rupees.	One hundred rupees.
Section 328A, sub-section (1)	Advertisements on certain sites, vehicles, etc., not to be exhibited without permission.	Five hundred rupees.	One hundred ruppes.
Section 329, sub-section (1)	Requisition to repair, protect or enclose dangerous place.	Two hundred and fifty rupees.	Fifty rupees.
Section 331	.. Prohibition of removal etc., of lamps.	Five hundred rupees.	One hundred rupees.
Section 333, sub-sections (1), (2) and (3)	Provision as to manner of laying gas pipes.	One thousand rupees	Two hundred rupees.
Section 334, sub-section (1)	Requisition to alter situation of gas pipes, etc.,	One hundred rupees.	Twenty rupees.
Section 335, sub-section (1)	.. Buildings, etc., not to be erected without permission over municipal gas-pipes.	Five hundred rupees.	One hundred rupees.
Section 344A	Provision for supervision of buildings and works.	One thousand rupees	....
Section 347, sub-section (1)	Work not to be commenced without notice.	Five thousand rupees	One thousand rupees.
Section 347A	Building not to be converted to other purposes without the permission of the Commissioner.	One thousand rupees.	One thousand rupees.
Section 347B	.. Building or any part of a building originally constructed or authorised to be used for human habitation not to be used as a godown etc., without permission.	Two thousand and five hundred rupees.	Five hundred rupees.

(1)	(2)	(3)	(4)
Section 347C	.. Building originally constructed or authorised to be used for human habitation not to be altered without permission for the purpose of using it as a godown, etc.	Two thousand and five hundred rupees.	Five hundred rupees
Section 349	.. Roofs and external walls of buildings not to be made of inflammable materials.	Two hundred rupees.	Forty rupees.
Sections 349A and 349 B.	Provision as to height of buildings.	Two thousand rupees.	Four hundred rupees.
Section 349C	.. Provision as to height of frame buildings.	Five thousand rupees.	One thousand rupees.
Section 349D	.. Alteration and provision of staircase to allow safe exit in the event of fire.	Two thousand rupees.	Four hundred rupees.
Section 353	.. Provisions for enforcement of provisions concerning buildings and works.	Five thousand rupees.	One thousand rupees.
Section 353A	.. Provisions as to completion certificates.	Two thousand and five hundred rupees.	Five hundred rupees.
Section 354	.. Requisition to remove structures which are in ruins or likely to fall.	Two thousand and five hundred rupees.	Five hundred rupees.
Section 354AA, sub-section (7).	.. Erection or re-erection of any building in contravention of the declaration.	Two thousand rupees.	Four hundred rupees
Section 354RK, sub-section (8).	Construction or re-construction of building within any re-development area without permission.	One thousand rupees.	Two hundred rupees
Section 356	.. Regulations prescribed for licensed surveyours and plumbers.	One hundred rupees.	Twenty rupees.
Section 357	.. Licensed plumber not to demand or receive more than the prescribed fee.	One hundred rupees.	Twenty rupees.
Section 358	.. Licensed plumber to be bound to execute work properly.	One hundred rupees	Twenty rupees.
¹ [Section 368	.. Collection, removal and deposit of refuse and provision of receptables.	One thousand rupees.	Two hundred and fifty rupees.]
² [370 Section	.. Collection and removal of excrementious and polluted matter to be provided for by occupiers in certain cases.	One thousand rupees.	Two hundred and fifty rupees.]
Section 371	.. Halalkhore's duties in certain cases not to be discharged by private individuals without permission.	Fifty rupees.	.. Ten rupees.

¹ Entry 368 was substituted for the original by Mah. 10 of 1998, s. 236(1).

² Entry 370 was substituted for the original *ibid.*, s. 236(2).

(1)	(2)	(3)	(4)
Section 372, clauses (a), (b), (c), (d), (e) and (f).	Provision as to removal of refuse.	Two hundred and fifty rupees.	Fifty rupees.
Section 372, clause (g).	Provision as to removal and skinning of carcasses.	Five hundred rupees.	One hundred rupees.
Section 375	Requisition to cleanse and lime wash building.	Five hundred rupees.	One hundred rupees.
Section 375A	Requisition to remove building materials, etc., from any premises.	Five hundred rupees.	One hundred rupees.
Section 376	Prohibition of nuisance, in unoccupied or abandoned premises.	Five hundred rupees.	One hundred rupees.
¹ [Section 377	Requisition to cleanse, etc., neglected premises.	Five thousand rupees.	One thousand rupees.]
Section 377A, sub-section (1) and (2)	Requisition to abate nuisance or to prevent recurrence due to leakage in the roofs of building.	Two hundred and fifty rupees.	Fifty rupees.
Section 378, sub-section (2)	Provision as to buildings unfit for human habitation.	Five hundred rupees.	One hundred rupees.
Section 379	Owner or occupier of a house within seven days of receipt of notice, to give statement of accommodation.	Five hundred rupees.	One hundred rupees.
Section 379A, sub-section (1)	Requisition by Metropolitan Magistrate to abate overcrowding.	Two hundred rupees.	Forty rupees.
Section 379A, sub-section (3)	Requisition by owner, pursuant to order under sub-section (1).	Two hundred rupees.	Forty rupees.
Section 380	Requisition to remove or alter insanitary huts.	Two hundred and fifty rupees.	Fifty rupees.
Section 381	Requisition to fill in pools, etc., which are a nuisance.	One thousand rupees.	Two hundred rupees.
Section 381A, sub-section (1)	Digging or constructing well, etc., without permission.	Five hundred rupees.	Two hundred rupees.
Section 381A, sub-section (2).	Requisition to fill in or demolish well, etc.	One thousand rupees.	Two hundred rupees.
Section 381B	Prohibition of mosquito breeding in collection of water on any land.	One thousand rupees.	Two hundred rupees.
Section 382	Requisition to discontinue dangerous quarrying.	One thousand rupees.	Two hundred rupees.
Section 383, sub-section (1)	Requisition to remove or trim trees, shrubs or hedges.	One hundred rupees.	Twenty rupees.
Section 384, sub-section (1)	Prohibitions as to keeping of animals.	Two hundred and fifty rupees.	Fifty rupees.

¹ Entry 377 was substituted for the original by Mah. 10 of 1998, s. 236(3).

(1)	(2)	(3)	(4)
Section 384A	Requisition to discontinue, etc., stabling animals or storing grains, etc., in dwelling house.	Two hundred and fifty rupees.	Fifty rupees.
Section 385, sub-section ¹ (2)	Prompt notice to be given to Health Department for removal of carcasses of dead animals without authorisation of the Commissioner.	One hundred rupees	Ten rupees.
[388	Prohibitions of bathing, etc., contrary to order or regulations.	Five thousand rupees.	Two hundred and fifty rupees.]
Section 390, sub-section (1)	Factory, etc., not to be newly established or worked without permission.	Five thousand rupees.	One thousand rupees.
Section 390, sub-section (3)	Prohibition of continuous or resumption of working of factory, etc., after revocation of written permission for its establishment.	Five thousand rupees.	One thousand rupees.
Section 392, sub-section (1)	Requisition for sanitary regulation of factories.	Two thousand and five hundred rupees.	Five hundred rupees.
Section 393, sub-section (1)	Prohibition of use of steam-whistle, etc., without permission.	One hundred rupees.	Twenty rupees.
Section 394, sub-section (1) clauses (a)(ii) and (k) to (f)	Certain articles not to be kept and certain trades, process and operations not to be carried on without licence.	Two thousand and five hundred rupees.	Five hundred rupees.
Section 394, sub-section (6)	Licence to be kept on premises, board to be displayed indicating nature of articles kept or trade carried in and proper labels be put on licensable articles.	Two hundred and fifty rupees.	Fifty rupees.
Section 395, sub-section (1)	Prohibition of corruption of water by chemicals, etc.	Two thousand rupees.	Four hundred rupees.
Section 397, sub-section (1)	Regulation of washing of clothes by washermen.	Two hundred rupees.	Forty rupees.
Section 401, sub-section (1) Too hundred and	Prohibition of sale in Municipal market without licence.	Two hundred and fifty rupees.	Fifty rupees.
Section 402, sub-section (2)	New private market not to be opened without sanction.	Five thousand rupees.	One thousand rupees.
Section 403, sub-section ()	Private market or slaughter-house not to be kept or permitted to be kept open without licence.	One thousand rupees.	Two hundred rupees.
Section 404	Prohibition of sale in unauthorised private markets.	One hundred rupees	Twenty-five rupees.

¹ Entry 388 was substituted for the original by Mah. 10 of 1998, s. 236(4).

(1)	(2)	(3)	(4)
Section 405	Requisition to pave and drain private market, buildings and slaughter houses.	Five hundred rupees.	One hundred rupees.
Section 406	Regulations framed for markets and slaughter-houses.	One hundred rupees.	Twenty-five rupees.
Section 407A	Removal of cattle, sheep, goats or swine from any municipal slaughter house market or premises.	One hundred rupees.	Fifty rupees.
Section 408, sub-section (2)	Regulations and table of stallage, fees and rents affixed in markets and slaughter houses not to be destroyed or defaced.	Fifty rupees.	Ten rupees.
Section 410, sub-section (1)	Prohibition of sale of animals, etc., except in a market.	Two hundred and fifty rupees.	Fifty rupees.
Section 411	Butchers and persons who sell or supply flesh of animal to be licensed.	One thousand rupees.	Two hundred rupees.
Section 412A	Milk, butter, etc., not to be sold without a licence.	Two hundred and fifty rupees.	Fifty rupees.
Section 421	Information to be given of existence of dangerous disease or continous pyrexia of unknown origin by medical practitioners.	Five hundred rupees.	One hundred rupees.
Section 423, sub-section (2)	Prohibition of use for drinking of water likely to cause dangerous disease.	Five hundred rupees.	One hundred rupees.
Section 424, sub-section (2)	Direction to remove patients to hospital.	Five hundred rupees.	One hundred rupees.
Section 425, sub-section (1)	Requisition to disinfect buildings.	Five hundred rupees.	One hundred rupees.
Section 426A, sub-section (1)	Second-hand clothing and bedding not to be brought into city without informing the Commissioner and getting them inspected.	One thousand rupees.	Two hundred rupees.
Section 426A, sub-section (4)	Second-hand clothing and bedding brought into city not to be dealt with or disposed of until a certificate by the Commissioner has been given.	One thousand rupees.	Two hundred rupees.
Section 427, sub-section (2)	Where a place for washing of infected articles has been appointed such articles not to be washed at places not so appointed.	Two hundred and fifty rupees.	Fifty rupees.

(1)	(2)	(3)	(4)
Section 427, sub-section (3)	Direction to disinfect or destroy infected articles.	Two hundred and fifty rupees.	Fifty rupees.
Section 428, sub-section (1)	Persons suffering from dangerous disease not to enter a public conveyance without notifying the same.	One hundred and twenty-five rupees.	Twenty-five rupee
Section 430	Provision as to carriage of person suffering from dangerous disease in public conveyances.	One thousand rupees.	Two hundred rupees.
Section 431	Public conveyance which has carried a person suffering from dangerous disease to be disinfected.	One thousand rupees.	Two hundred rupees.
Section 432, sub-section (1)	Infected articles not to be transmitted, etc., without previous disinfection.	One thousand rupees.	Two hundred rupees.
Section 433, sub-section (1)	Infected building not to be let without being first disinfected.	One thousand rupees.	Two hundred rupees.
Section 435	Places for the disposal of the dead to be registered.	Five hundred rupees.	One hundred rupees.
Section 437	New places for disposal of the dead not to be opened without permission.	Two thousand and five hundred rupees.	Five hundred rupees.
Section 440, sub-section (1)	Prohibition of burials within places of workshop and exhumations without permission.	One thousand rupees.	Two hundred rupees.
Section 441	Acts prohibited in connection with the disposal of the dead.	Five hundred rupees.	One hundred rupees.
Section 446, sub-section (1)	Information of birth to be given within seven days.	Two hundred and fifty rupees.	Fifty rupees.
Section 447	Information respecting finding of new-born child to be given.	Two hundred and fifty rupees.	Fifty rupees.
Section 449	Information of death to be given at the time when the corpse of the deceased is disposed of.	Two hundred and fifty rupees.	Fifty rupees.
Section 450, sub-section (1).	Medical practitioner who attended a deceased person to certify the cause of death.	Two hundred and fifty rupees.	Fifty rupees.
Section 457	Obligation to fill up blank schedules and returns.	One hundred rupees.	Twenty rupees.
Section 459	Military, naval and police officers and certain others if required, to act as enumerators.	One hundred rupees.	Twenty rupees.

(1)	(2)	(3)	(4)
Section 469, sub-section (1)	Boards for exhibiting by-laws to be open to inspection.	One hundred rupees.	Twenty rupees.
Section 469, sub-section (2)	The boards not to be injured or defaced, etc.	Fifty rupees.	Ten rupees.
Section 479, sub-section (5)	Grantee to be bound to produce licence or written permission.	One hundred rupees.	Twenty rupees.
Section 485 A	Requisition to furnish information as to nature of interest in any premises.	One hundred rupees.	Twenty rupees.
Section 507, sub-section (3)	Occupier of building or land to afford owner facilities for complying with provisions of this Act, etc., after eight days from issue of order by Chief Judge of Small Causes Court.	One thousand rupees.	Two hundred rupees.]

472. Whoever, after having been convicted of—

Continuing offences.

(a) contravening any provision of any of the sections, sub-sections or clauses mentioned in the first column of the following table, or of any regulation made thereunder, or

(b) falling to comply with any requisition lawfully made upon him under any of the said sections, sub-sections or clauses,

continues to contravene the said provisions or to neglect to comply with the said requisition or fails to remove or rectify any work or thing done in contravention of the said provision, as the case may be, shall be punished, for each day that he continues so to offend, with fine which may extend to the amount mentioned in that behalf in the third column of the said table ²[subject however, to minimum daily fine which shall not be less than the amount mentioned, in the fourth column of the said table].

Explanation.—The entries in the second column of the said table headed “Subject” are not intended as definitions of the offences described in the sections, sub-sections and clauses mentioned in the first column, or even as abstracts of those sections, sub-sections and clauses, but are inserted merely as references to the subject of the sections, sub-sections and clauses, the numbers of which are given in the first column.

¹ [Section, sub-section or clause (1)	Subject (2)	Daily fine which may be imposed (3)	Minimum daily fine which shall be imposed (4)
Section 223, sub-section (1)	Buildings, etc., not to be erected without permission over municipal drains.	One hundred rupees.	Twenty rupees.
Section 229	Connections with municipal drains, etc., not to be made except in conformity with section 227 or 228.	One hundred rupees.	Twenty rupees.

¹ Section 472 was substituted for the original section by Bom. 5 of 1905, s. 58.

² These words were inserted by Mah. 21 of 1989, s. 55(a).

³ This table was substituted for the original, *ibid.*, s. 55(b).

(1)	(2)	(3)	(4)
Section 229A, sub-section (1)	Buildings, etc., not to be erected without permission over any drain.	One hundred rupees.	Twenty rupees.
Section 230A	Owner of land to allow others to carry drains through the land.	Fifty rupees.	.. Ten rupees.
Section 231	.. Requisition to enforce drainage of undrained premises situated within a hundred feet of a municipal drain.	Fifty rupees	.. Ten rupees.
Section 232	.. Requisition to enforce drainage of undrained premises not situated within a hundred feet of a municipal drain.	Fifty rupees.	.. Ten rupees.
Section 233, sub-section (1), clause (b)	Direction, limiting the use of drain or notice requiring the construction of a distinct drain.	Fifty rupees	.. Ten rupees.
Section 233A, clause (b).	Drain for sole use of property to be maintained in good repair, etc., by owner or occupier of property.	Fifty rupees	.. Ten rupees.
Section 236	.. Owners of drains to allow use or joint ownership thereof by others.	Fifty rupees	.. Ten rupees.
Section 240	.. Drains not to pass beneath buildings.	One hundred rupees.	Twenty rupees.
Section 243, sub-section (2)	Requisition to cover or ventilate drain or cesspool.	Fifty rupees.	.. Ten rupees.
Section 248, sub-section (1)	Requisition to enforce the provision of privy accommodation, etc.	Fifty rupees	.. Ten rupees.
Section 249	Requisition to provide privy accommodation for factories, etc.	Two hundred rupees	Fifty rupees.
Section 249A	.. Requisition respecting unhealthy privies.	Two hundred rupees	Fifty rupees.
Section 250, sub-section (1)	Provisions to privies	.. Fifty rupees	.. Ten rupees.
Section 251	Provision as to water-closets.	Fifty rupees	.. Ten rupees.
Section 257	.. Requisition to effect sanitary repairs, etc.	One hundred rupees	Twenty rupees.
Section 259A, sub-sections (1) and (4).	Provisions as to employment of licensed plumber and use of work.	Five hundred rupees.	One hundred rupees.
Section 259A, sub-sections (2) and (3)	Licensed plumber to give and sign certificate.	One hundred rupees	Twenty rupees.

(1)	(2)	(3)	(4)
Section 268, sub-section (1)	Building, etc., not to be erected over water main without permission.	One hundred rupees.	Fifty rupees.
Section 270A	Premises not to be occupied without Commissioner's certificate in respect of adequate water supply.	Five hundred rupees.	One hundred rupees.
Section 271, sub-section (2)	Requisition to obtain private water supply and to provide supply and distributing pipes, etc.	One hundred rupees.	Twenty rupees.
Section 274	Requisition to provide cisterns and fittings or means of access to any cisterns.	One hundred rupees.	Twenty rupees.
Section 297, sub-section (3)	Buildings not to be constructed within the regular line of street without permission.	One thousand rupees.	Three hundred rupees.
Section 305	Requisition as to levelling and draining of private streets.	One hundred rupees	Twenty rupees.
Section 312, sub-section (1)	Prohibition of structures or fixtures causing obstruction in streets.	Two hundred rupees.	Fifty rupees.
Section 313, sub-section (1)	Prohibition of deposit, etc., of things in streets.	Two hundred rupees.	Fifty rupees.
Section 313A	Prohibition of hawking or exposing for sale any article in a public place or street without a licence.	Fifty rupees.	Ten rupees.
Section 313B	Prohibition in a public place or street of use of skill in handicraft or in rendering services without licence.	Fifty rupees.	Ten rupees.
Section 315	Requisition to remove structures or fixtures erected or set up before section 312 came into force.	One hundred rupees	Twenty rupees.
Section 322, sub-section (1)	Streets not to be opened or broken up and building materials not to be deposited thereon without permission.	Five hundred rupees	One hundred rupees.
Section 323	Precautions for public safety to be taken by persons to whom permission is granted under section 322.	Five hundred rupees	One hundred rupees.
Section 324, sub-section (1).	Persons to whom permission is granted under section 322, must reinstate streets.	One hundred rupees.	Twenty rupees.
Section 326	Hoards to be set up during work on any building cent to a street.	Two hundred rupees	Fifty rupees.

(1)	(2)	(3)	(4)
Section 328, sub-section (1)	Sky-signs not to be erected or retained without permission.	One hundred rupees.	Forty rupees.
Section 328-A, sub-section (1)	Advertisement on certain sites, vehicles, etc., not to be exhibited without permission.	One hundred rupees.	Twenty rupees.
Section 329, sub-section (1)	Requisition to repair, protect on enclose dangerous place.	One hundred rupees.	Fifty rupees.
Section 334, sub-section (1)	Requisition to alter situation of gas-pipes, etc.	One hundred rupees.	Twenty rupees.
Section 335, sub-section (1)	Building, etc., not to be erected without permission over municipal gas-pipes.	One hundred rupees.	Twenty rupees.
Section 347, sub-section (1)	Work not to be commenced without notice.	One thousand and five hundred rupees.	Three hundred rupees.
Section 347 B	Building or any part of a building originally constructed or authorised to be used for human habitation not to be used as a godown, etc., without permission.	One thousand rupees.	Three hundred rupees.
Section 347 C	Building originally constructed or authorised to be used for human habitation not to be altered without permission for the purpose of using it as a godown, etc.	One thousand rupees.	Three hundred rupees.
Section 349	Roof and external walls of buildings not to be of inflammable material.	One hundred rupees.	Twenty rupees.
Sections 349A and 349B	Provisions as to height of buildings.	One thousand rupees.	Two hundred rupees.
Section 349C	Provisions as to height of frame buildings.	One thousand rupees.	Two hundred rupees.
Section 349D	Alteration and provision of staircases to allow safe exit in the event of fire.	Two hundred rupees.	Fifty rupees.
Section 353A	Provision as to completion certificates ; permission to occupy or use.	One thousand rupees.	Two hundred rupees.
Section 354	Requisition to remove structures which are in ruins or likely to fall.	One thousand rupees.	Two hundred rupees.
Section 354AA, sub-section (7)	Erection or re-erection of any building in contravention of the declaration.	One thousand rupees.	Two hundred rupees.
Section 354RK, sub-section (8)	Construction or re-construction of building within any redevelopment area without permission.	One thousand rupees.	Three hundred rupees.

(1)	(2)	(3)	(4)
Section 358	Licensed plumber to be bound to execute work properly.	One hundred rupees.	Twenty rupees.
Section 368, sub-sections (1), (2), (3), (4) and (5)	Collection, removal and deposit of refuse and provision of receptacles.	One hundred rupees.	Twenty rupees.
Section 372	Provision to removal of refuse	One hundred rupees.	Twenty rupees.
Section 375	Requisition to cleanse and linewash building.	Fifty rupees.	Ten rupees.
Section 375A	Requisition to remove building materials, etc., from any premises.	One hundred rupees.	Twenty rupees.
Section 377	Requisition to cleanse, etc., the neglected premises.	Fifty rupees.	Ten rupees.
Section 377A, sub-sections (1) and (2)	Requisition to abate or to prevent recurrence of leakage in the roofs of buildings.	Two hundred rupees.	Fifty rupees.
Section 379	Owner or occupier of house to give statement of accommodation within seven days of receipt of notice.	Two hundred rupees.	Forty rupees.
Section 379A, sub-section (1)	Requisition by Metropolitan Magistrate to abate over-crowding.	Two hundred rupees.	Forty rupees.
Section 379A, sub-section (3)	Requisition by owner pursuant to order under sub-section (1).	Two hundred rupees.	Forty rupees.
Section 380	Requisition to remove or alter insanitary hut.	Fifty rupees.	Ten rupees.
Section 381	Requisition to fill in pools, etc., which are nuisance.	Two hundred rupees.	Fifty rupees.
Section 381A, sub-section (2)	Requisition to fill in or demolish well, etc.	Two hundred rupees.	Fifty rupees.
Section 381B	Prohibition of mosquito-breeding in collection of water on any land.	Two hundred rupees.	Fifty rupees.
Section 382	Requisition to discontinue dangerous quarrying.	One thousand rupees.	Two thousand rupees.
Section 383, sub-section (1)	Requisition to remove or trim trees, shrubs or hedges.	Fifty rupees.	Ten rupees.
Section 384, sub-section (1)	Prohibition as to the keeping of animals.	One hundred rupees.	Twenty rupees.

(1)	(2)	(3)	(4)
Section 384A	Requisition to discontinue, etc., stabling animals in dwelling houses.	Two hundred rupees.	Fifty rupees.
Section 390, sub-section (1)	Prohibition of working of factory, etc., established without written permission.	Five thousand rupees.	One thousand rupees.
Section 390, sub-section (3)	Prohibition of continuance or resumption of working of factory, etc., after revocation of written permission for its establishment.	Five thousand rupees.	One thousand
Section 392, sub-section (1)	Requisition for sanitary regulation of factories, etc.	One thousand rupees.	Three hundred rupees.
Section 394, sub-section (1), clauses (a) (ii) and (b) to (f).	Certain articles not to be kept and certain trades, processes and operations not to be carried on without a licence.	Two thousand rupees.	Four hundred rupees.
Section 394, sub-section (6)	Licence to be kept on the premises, board to be displayed indicating nature of articles kept or trade carried on and proper labels to be put on articles, etc.	Two hundred rupees.	Fifty rupees.
Section 395, sub-section (1)	Prohibition of corruption of water by chemicals, etc.	Five thousand rupees.	One thousand rupees.
Section 397, sub-section (1)	Regulation of washing of clothes by washerman.	One hundred rupees.	Twenty rupees.
Section 403, sub-section (1)	Private markets not to be kept or permitted to be kept open and no place to be used or permitted to be used as slaughter-house, without licence.	Five hundred rupees.	One hundred rupees.
Section 405	Requisition to pave and drain private market buildings, and slaughter-houses.	Five hundred rupees.	One hundred rupees.
Section 411	Butchers and persons who sell or supply the flesh of animals to be licensed.	One hundred rupees.	Twenty rupees.
Section 412A	Milk butter, etc., not to be sold without a licence.	One hundred rupees.	Twenty rupees.
Section 425, sub-section (1)	Requisition to disinfect buildings.	One hundred rupees.	Twenty rupees.
Section 426A, sub-section (1)	Second-hand clothing and bedding not to be brought into city without informing the commissioner and getting them inspected.	One thousand rupees.	Two hundred rupees.
Section 426AA, sub-section (4)	Second-hand clothing and bedding brought into city not to be dealt with or disposed of until a certificate by the Commissioner has been given.	One thousand rupees.	Two hundred rupees.
Section 479, sub-section (5)	Grantee to be bound to produce licence or written permission.	One hundred rupees.	Twenty rupees.
Section 485A, sub-section (2)	Requisition to furnish information as to nature of interest in any premises.	One hundred rupees.	Twenty rupees.

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(1)	(2)	(3)	(4)
Section 507, sub-section (3)	Occupier of building or land to afford facilities to the owner for complying with provisions of this Act, etc., after eight days from issue or order by the Chief Judge, Small Causes Court.	Five hundred rupees.	One hundred rupees.]

473. Whoever contravenes any provision of any of the sections, sub-sections or clauses of this Act hereinbelow in this section mentioned or of any regulation made thereunder, and whoever fails to comply with any requisition lawfully made upon him under any of the said sections, sub-sections or clauses, shall be deemed to have committed an offence punishable under the section of the Indian Penal Code hereinbelow in this section respectively specified as the section of the said Code of under which such person shall be punishable, namely :—

XLV
1860.

Sections of this Act	Sections of the Indian Penal Code under which offenders are punishable.
1* * * * *	* * * * *
28, clause (j)	177.
155, sub-sections (1) and (2), 187	176 or 177, as the case may be.
² [158, sub-section (3)	177.]
388, clauses (a), (b), (c) and (d), 389	277.
434, sub-section (1)	188.

³[473A. Any officer or servant of the Corporation who knowingly or makes an entry in the list of persons qualified to be enrolled which is incorrect or false shall, on conviction, be punishable with imprisonment of either description which may extend to six months or with fine which may extend to Rs. 500.]

Punishment for offences of preparing false election rolls or making false entries in ward lists.

474. Any councillor who knowingly acquires, directly, or indirectly, any share or interest in any contract or employment with, by or on behalf of the corporation not being a share or interest such as, under section 16 it is permissible for a councillor, to have, without being hereby disqualified for being a councillor and any Commissioner, ⁴(Director) Deputy Commissioner, municipal officer or servant who knowingly acquires directly or indirectly, any share or interest in any contract or employment with, by or on behalf of the corporation, not being a share or interest such as, under clauses (h) and (k) of section 16, it is permissible for a councillor, to have without being thereby disqualified for being a councillor, shall be deemed to have committed the offence made punishable by section 168 of the Indian Penal Code.

Punishment for acquiring share or interest in contract, etc. with the corporation.

¹Entry relating to sections 19(5) and (5A) was deleted by Mah. 8 of 1965, s. 18.
²This entry was inserted by Bom. 76 of 1958, s. 31.
³This section was inserted by Bom. 13 of 1938, s. 30(3).
⁴This word was inserted by Mah. 53 of 1981, s. 18.

¹[474A. Any person who obstructs the lawful exercise of any power conferred by or under Chapter V-A, shall on conviction, be punished with fine which may extend to ²[two thousand rupees, subject however, to a minimum fine which shall not be less than one thousand rupees.]

Penalty for obstructing lawful exercise of powers under Chapter V-A.

475. (1) Whoever contravenes any provisions of sub-section (1) of section 267 shall be punished with imprisonment which may extend to ³[six months, or with fine which may extend to five hundred rupees,] or with both.

Punishment of offences against section 267.

(2) When any person is convicted under sub-section (1) the Magistrate who convicts him may order the immediate removal of any building or the immediate discontinuance of the operation or use of land, in respect of which such conviction has been held.

(3) If any order made under sub-section (2) is disobeyed or the execution thereof resisted, the offender shall be punished with imprisonment which may extend to one month, or with fine which may extend to one hundred rupees, or with both.

⁴[475A. (1) A person to whom notice under section 351 is served shall, on his failure to comply with the said notice,—

Punishment for commencing work contrary to section 347.

(a) for restoration of the foundation, plinth or floor, or structural members or load bearing wall, thereby endangering the life and property of any person occupying, resorting to or passing by such building or any other building or place in neighbourhood thereof, shall be punished with imprisonment for a term which shall not be less than three months but which may extend upto three years and with a fine which shall not be less than ten thousand rupees but which may extend to fifty thousand rupees; and in the case of a continuing offence with a further daily fine which may extend to one thousand rupees; or

(b) for removing, pulling down the unauthorised work, shall be punished with imprisonment for a term which shall not be less than one month but which may extend to one year and with a fine which shall not be less than five thousand rupees and in the case of continuing offence with a further daily fine which may extend to five hundred rupees.

476. Whoever contravenes any provisions of section 391, whether the person so offending be the owner or occupier of the premises in which a furnace is situated or the agent or some person employed by the owner or occupier for managing the same, shall be punished with fine which may extend, on a first conviction, to ⁵[five hundred rupees, subject, however, to a minimum fine which shall not be less than two hundred rupees] and, on a second or subsequent conviction, to a sum equal to double the amount to which it might have extended on the last preceding conviction:

Punishment of offences against section 391.

⁶[476AA. Whoever contravenes ⁷[clause (a) (i)] of sub-section (1) of section 394 or section 394A shall, on conviction, be punished imprisonment for a term which may extend to two years and with fine which may extend to thousand rupees;

Punishment for keeping certain dangerous articles without licence in prohibited areas.

Provided that in the absence of special and adequate reasons to the contrary mentioned in the judgement of the Court, such imprisonment shall not be less than six months and such fine shall not be less than one thousand rupees.]

¹ Section 474A was inserted by Mah. 14 of 1961, s. 10.

² These words were substituted for the words "one thousand rupees" by Mah. 21 of 1989, s. 56.

³ These words were substituted for the words "one month, or with fine which may extend to one hundred rupees", *ibid.*, s. 57.

⁴ Section 475A was inserted by Mah. 10 of 1998, s. 237.

⁵ These words were substituted for the words "one hundred rupees" by Mah. 21 of 1989, s. 58.

⁶ Section 476AA was substituted for the original, *ibid.*, s. 59.

⁷ These word, brackets, letters and figures were substituted for the word, brackets, letter and figure "clause (a) (ii)" by Mah. 10 of 1998, s. 238.

Punishment for forfeiture of article for contravention of section 394(1)(a) or 394A. **476AB.** When a person is convicted of an offence of contravention of any provisions of clause (a) of sub-section (1) of section 394 or of section 394A, the Court may, in addition to any other punishment it may impose, direct that the articles in respect of which the offence has been committed shall, with the receptacles containing the same, be forfeited.]

Punishment for using or permitting to be used without licence any place in or without [Brihan Mumbai] as slaughter-house. **476A.** Whoever contravenes any provisions of clause (b) or (c) of sub-section (1) of section 403 shall, on conviction, be punished,—

(a) for a first offence, with fine which may extend to ³[two thousand rupees] ;

(b) for a second and subsequent offence, with imprisonment for a term which may extend to ⁴[one year and with fine which may extend to two thousand rupees]: Provided that in the absence of special and adequate reasons to the contrary to be mentioned in the judgement of the Court, such imprisonment shall not be less than ⁵[two months and such fine shall not be less than four hundred rupees].

Punishment or importing cattle, etc., in Greater Bombay. **476B.** Whoever contravenes any provisions of sub-section (1) of section 412 shall, on conviction, be punished,—

(a) for a first offence, with fine which may extend to ⁷[rupees two hundred];

(b) for a second and subsequent offence, with imprisonment for a term which may extend to ⁸[one year and fine which may extend to two thousand rupees] :

Provided that in the absence of special and adequate reasons to the contrary to be mentioned in the judgement of the Court, such imprisonment shall not be less than ⁹[two months and such fine shall not be less than four hundred rupees].

Extent of penal responsibility of agents and trustees of owners. **477.** No person, who receives the rent of any premises in any capacity described in sub-clauses (i), (ii) and (iii) of clause (m) of section 3, shall be liable to any penalty under this Act for omitting to do and act as the owner of such premises if he shall prove that his default was caused by his not having funds of, or due to the owner of owners, sufficient to defray the cost of doing the act required.

Punishment for offence relating to octroi. **478.** Whoever brings within the limits of ⁶[Brihan Mumbai] any articles liable to octroi without the payment of such tax shall, on conviction, be punished with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both ; and the Court trying an offence under this section may, on such conviction, also confiscate the articles in respect of which the offence has been committed.

¹ Section 476AB is inserted by Mah. 32 of 1962, s. 6.

² Sections 476A and 476B were inserted by Bom. 64 of 1953, s. 21.

³ These words were substituted for the words "one thousand rupees" by Mah. 21 of 1989, s. 6.

⁴ These words were substituted for the words "six months and with fine which may extend to one thousand rupees", *ibid.*, s. 60(b).

⁵ These words were substituted for the words "one month and such fine shall to be less than two hundred rupees", *ibid.*, s. 60 (c).

⁶ These words were substituted for the words "Greater Bombay" by Mah. 25 of 1996, s.2. Schedule 4(1).

⁷ These words were substituted for the words "rupees one hundred" by Mah. 21 of 1989, s. 61.

⁸ These words were substituted for the words "six months and with fine which may extend to one thousand rupees", *ibid.*, s. 61(b).

⁹ These words were substituted for the words "one month and such fine shall not be less than two hundred rupees", *ibid.*, s. 61(c).

¹¹ Sections 478, 478-1A and 471B were substituted for section 478 by Mah. 32 of 1964, s. 18.

478-1A. Where any articles imported in ¹[Brihan Mumbai] are liable to the Penalty payment of octroi, any person who, with the intention of evading payment of the for evasion tax introduces or attempts to introduce or causes or abets the introduction of any of octroi such articles within the limits of ¹[Brihan Mumbai], upon which payment of octroi due on such introduction has neither been made nor tendered, shall, on conviction, be punished with fine ²[which shall not be less than five times but] which may extend to ten times the amount of the tax payable.

478-1B Whoever contravenes any provisions of the rules made under section Penalty for 195-1B or fails to comply with any requisition lawfully made under any such breach of provision shall, on conviction, be punished, for each such offence, with fine which octroi rules. may extend to two hundred and fifty rupees.]

478-A. [Penalty for breach of octroi rules] Deleted by Mah. 12 of 1993, s. 8.

478B. [Penalty for interfering with tramways] Deleted by Mah. 12 of 1993, s. 8.

CHAPTER XIX

PROCEDURE

Licences

479. (1) Whenever it is provided in this Act that a licence or a written permis- Licences and sion may be given for any purpose, such licence or written permission shall specify written the period for which, and the restrictions and conditions subject to which, the same permission to specify is granted, and shall be given under the signature of the Commissioner or of a municipal officer empowered under section 68 to grant the same. condition, etc., on which they are granted.

(2) For every such licence or written permission a fee may be charged at such rate Fees to be as shall from time to time be fixed by the ³[Mayor-in-Council], with the sanction of chargeable. the corporation.

(3) Subject to the provisions of ⁴[clauses (d) and (dd)] of section 403, any licence Licences and or written permission granted under this Act may at any time be suspended or written revoked by the Commissioner, if any of its restrictions or conditions is infringed or permissions may be evaded by the person to whom the same has been granted, or if the said person is revoked, etc. convicted of an infringement of any of the provisions of this Act or of any regulation or bye-law made hereunder in any matter to which such licence or permission relates.

¹ These words were substituted for the word "Greater Bombay" by Mah. 25 of 1996, s.2 Schedule 4(I)..

² These words were inserted by Mah. 12 of 1993, s. 7.

³ These words were substituted for the word "Commissioner" by Mah. 10 of 1998, s. 239.

⁴ The words, letters and brackets "clauses (d) and (dd)" were substituted for the word, letter and brackets "clause (d)" by Bom. 32 of 1935, s. 14.

When licence or written permission is revoked, etc., grantee to be deemed a licence or written permission. (4) When any such licence or written permission is suspended or revoked or when the period for which the same was granted has expired the person to whom the same was granted shall for all purposes of this Act, be deemed to be without a licence or written permission until the Commissioners order for suspending or revoking the licence or written permission is cancelled by him or until the licence or written permission is renewed, as the case may be.

Grantees to produce licence or written permission. (5) Every person to whom any such licence or written permission has been granted shall at all reasonable times while such written permission or licence remains in force, if so required by the Commissioner produce such licence or written permission.

Public Notices and Advertisements

Public notices how to be made known. 480. Whenever it is provided by this Act that public notice shall or may be given of anything, such public notice shall be in writing under the signature of the Commissioner ¹[or the General Manager] or of a municipal officer empowered under section ²[68 or 68B] to give the same and shall be widely made known in the locality to be affected thereby affixing copies thereof in conspicuous public places within the said locality, or by publishing the same by beat of *bataki* or by advertisement in the local newspapers, or by any two or more of these means and by any other means that he shall think fit.

Advertisements how to be made. 421. Whenever it is provided by this Act that notice shall be given by advertisement in the local newspapers or that a notification or any information shall be published in the local newspapers such notice, notification or information shall be inserted if practicable, in at least two English newspapers, one Marathi newspaper and one Gujarati newspaper published in ³[Brihan Mumbai].

Consent, etc. of [Commissioner, General Manager etc.] may be proved by written document under his signature. 482. Whenever under this Act the doing or the omitting to do anything or the validity of anything depends upon the consent, approval, declaration, opinion or satisfaction of ⁴[the Commissioner or the General Manager], ⁵[or the Director] or of a Deputy Commissioner or any municipal officer, a written document signed by ⁴[the Commissioner or General Manager] ⁶[or Director] or by such Deputy Commissioner or municipal officer, purporting to convey or set forth his consent, approval, declaration, opinion or satisfaction shall be sufficient evidence of such consent, approval, declaration, opinion or satisfaction.

Service of notices, etc.

Notice, etc., by whom to be served or presented. 483. Notices, bills, schedules, summonses and other such documents required by this Act or by any regulation or by law made under this Act to be served upon or issued, or presented or given to any person, shall be served, issued or presented or given, by municipal officers or servants or by other person authorized by ⁴[the Commissioner or the General Manager] in this behalf.

Service how to be effected on owners of premises and other persons. 484. When any notice, bill, schedule, summons or other such document is required by this Act, or by any regulation or by law made under this Act, to be served upon or issued or presented to any person, such service, issue or presentation shall except in the cases otherwise expressly provided for in section 485, be effected—

(a) by giving or tendering to such person the said notice, bill, schedule, summons other document ; or

¹ These words were inserted by Bom. 48 of 1948, s. 46(i).

² These figures, word and letter were substituted for the figures "68", *ibid.*, s. 46(ii).

³ These words were substituted for the words "Greater Bombay" by Mah. 25 of 1996, s. 2 Schedule 4(I).

⁴ These words were substituted for the original by Bom. 48 of 1948, s. 47.

⁵ These words were inserted by Mah. 53 of 1981, s. 19(a).

⁶ These words were inserted *ibid.*, s. 19(b).

(b) if such person is not found, by leaving the said notice, bill, schedule, summons or other document at his last known place of abode in the ¹[Brihan Mumbai] or by giving or tendering the same to some ²[adult member] or servant of his family ; or

(c) if such person does not reside in ¹[Brihan Mumbai] and his address elsewhere is known to ³[the Commissioner or the General Manager], by forwarding the said notice, bill, schedule, summons or other document to him by post under cover bearing the said address ; or

(d) if none of the means aforesaid be available by causing the said notice, bill, schedule, summons or other document to be affixed on some conspicuous part of the building or land, if any, to which the same relates.

485. When any notice, bill, schedule, summons or other such document is required by this Act, or by any regulation or by law made under this Act, to be served upon or issued or presented to the owner or occupier of any building or land, shall not be necessary to name the owner or occupier therein, and the service, issue or presentation thereof shall be effected, not in accordance with the provisions of the last preceding section but as follows, namely :—

(a) by giving or tendering the said notice, bill, schedule, summons or other document to the owner or occupier, or if there be more than one owner or occupier, to any one of the owners or occupiers of such building or land ; or

(b) if the owner or occupier or no one of the owners or occupiers is found, by giving or tendering the said notice, bill, schedule, summons or other document to some ⁴[adult member] or servant of the family of the owner or occupier or of any one of the owners or occupiers ; or

(c) if none of the means aforesaid be available by causing the said notice, bill, schedule, summons or other document to be affixed in some conspicuous part of the building or land to which the same relates.

⁵[485A. (1) To enable him to serve any notice (including any copy of any notice) which he is authorised or required to serve, the Commissioner may require the owner or occupier of any premises, or of any portion thereof to state in writing, within such reasonable period as the Commissioner may prescribe in this behalf, the nature of his interest therein and the name and address of any other person known to him as having an interest therein, whether as freeholder, mortgagee, lessee or otherwise.

(2) Any person required by the Commissioner in pursuance of sub-section (1) to give the Commissioner any information shall be bound to comply to with the same, and to give true information to the best of his knowledge and belief.]

486. Nothing in the ⁶[four] last preceding sections applies to any summons issued under this Act by a Magistrate.

The ⁶[four] last section inapplicable to Magistrate's summonses.

¹ These words were substituted for the words "Greater Bombay" by Mah. 25 of 1996, s. 2 Schedule 4(1).

² These words were substituted for the words "adult male member" by Mah. 21 of 1989, s. 62.

³ These words were substituted for the original by Bom. 48 of 1948, s. 47.

⁴ These words were substituted for the words "adult male member" by Mah. 21 of 1989, s. 63.

⁵ Section 485A was inserted by Bom. 34 of 1954, s. 29.

⁶ This word was substituted for the word "three", *ibid.*, s. 30.

Service of bills for taxes by post. 1[486A Notwithstanding anything contained in sections 483, 484 and 485, 2[(a)] a bill for any municipal tax may be served upon the person liable therefor by sending it by ordinary post with a pre-paid letter under a certificate of posting addressed to such person at his last known abode or place of business in 3[Brihan Mumbai] and every bill so sent shall be deemed to have been served on the day following the day upon which such letter was posted and, in proving such service, it shall be sufficient to prove that the letter was properly addressed and posted under a certificate of posting] ;

4[(b) a notice of demand may be served by registered post.]

Signature on notice, etc., may be stamped 487. (1) Every licence, written permission, notice, bill, schedule, summons or other document required by this Act or by any regulator or by-law framed under this Act to bear the signature of the Commissioner 5[for the General Manager] or of any municipal officer shall be deemed to be properly signed if it bears a facsimile of the signature of the Commissioner 5[for the General Manager] or of such municipal officer, as the case may be, stamped thereon.

(2) Nothing in this section shall be deemed to apply to a cheque drawn upon the municipal fund under section 113 6[or upon the 7[Brihan Mumbai] Electric Supply and Transport Fund] under section 460BB or sub-section (3) of section 460KK or sub-section (4) of section 460 LL.]

Power of entry

Commissioner, etc., may enter any premises for purposes of inspection survey or execution of necessary work. 488, The Commissioner 8[for General Manager] may enter into or upon any building or land, with or without assistants or workmen, in order to make any inspection or survey or to execute any work which is authorised by this Act or by any regulation or by-law framed under this Act to be made or executed, or which it is necessary for any of the purposes, or in pursuance of any of the provisions this Act or of any regulation or by-law, to make or execute :

Provided that—

(a) except when it is in this Act otherwise expressly provided no such entry shall be made between sunset and sunrise ;

(b) except when it is in this Act otherwise expressly provided, no building which is used as a human dwelling shall be so entered unless with the consent of the occupier thereof, without giving the said occupier not less than twenty-four hours, previous written notice of the intention to make such entry, and unless for any sufficient reason it shall be deemed it expedient to furnish such information, of the purpose thereof ;

(c) sufficient notice shall in every instance be given, even when any premises may otherwise be entered without notice, to enable the inmates of any apartment appropriated to females to remove to some part of the premises where their privacy need not be disturbed ;

(d) due regard always be had, so far as may be compatible with the exigencies of the purpose for which the entry is made, to the social and religious usages of the occupants of the premises entered.

¹ Section 486A was inserted by Bom. 20 of 1952, s. 20.

² These brackets and letter were inserted by Bom. 64 of 1953, s. 22.

³ These words were substituted for the words "Greater Bombay" by Mah. 25 of 1996, s. 2 Schedule 4(1).

⁴ This clause was inserted by Bom. 64 of 1953, s. 22.

⁵ These words were inserted by Bom. 48 of 1948, s. 48(i).

⁶ This portion was added, *ibid* s. 48(i).

⁷ These words were substituted for the words "Bombay Electric Supply and Transport Fund" by Mah. 25 of 1996, s. 2 Schedule 4(5).

⁸ These words were inserted by Bom. 48 of 1948, s. 49.

[Power of eviction

488A. (1) Where the Commissioner is required by section 354RE, 378C or 378F to cause any building or part thereof to be vacated, he may take or cause to be taken such steps and use or cause to be used such force as may in the opinion of the Commissioner be reasonably necessary therefor. Commissioner may evict person summarily in certain cases.

(2) The Commissioner may, after giving 15 clear day's notice to the persons evicted under sub-section (1), remove or cause to be removed or dispose of by public auction any property remaining in such building.

(3) Where property is sold under sub-section (2) the sale proceeds shall, after deducting the expenses of sale, be paid to such person or persons as may appear to the Commissioner to be entitled to the same.]

Enforcement or orders to execute works, etc.

489. (1) When any requisition or order is made, by written notice by the Commissioner or by any municipal officer empowered under section 68 in this behalf, under any section, sub-section or clauses of this Act mentioned in sub-section (2), a reasonable period shall be prescribed in such notice for carrying such requisition of order into effect, and if, within the period so prescribed, such requisition or order or any portion of such requisition or order is not complied with the Commissioner may take such measures or cause such work to be executed or such thing to be done as shall, in his opinion be necessary for giving due effect to the requisition or order so made ; and unless it is in this Act otherwise expressly provided, the expenses thereof shall be paid by the person or by any one of the persons to whom such requisition or order was addressed. the Works, etc., which any person is required to execute may in certain case be executed by the Commissioner at such person's cost.

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

Section 230, sub-section (3).	Section 329, sub-section (1).
“ 231.	Section 334 „ (1).
“ 232.	“ 338 „ (2).
“ 233, clause (b).	“ 349, „ (2).
“ 233 A, sub-section (b).	“ 352.
“ 243, sub-section (2).	“ 353.
“ 248. „ (1).	“ 354.
“ 249A.	⁶ [„ 363, sub-sections (1), (2), (3) and (4).]
“ 257.	“ 375.
“ 271, sub-section (2).	“ 375A.]
³ [„ 272 „ (5).]	“ 376.
“ 274, sub-sections (1) and (4A).	“ 377.
“ 274-A, sub-sections (1) and (2).]	⁷ [„ 377A.]
“ 278.	“ 380.
“ 305.	“ 381.
“ 308, sub-section (2).	“ 381 A, sub-section (2).]
“ 309. „ (1)	“ 382.
“ 311.	“ 383, sub-section (1).
“ 315.	“ 392 „ (1).
“ 325.	“ 405.
“ 326, sub-section (3).	⁸ [„ 425, sub-section (1).]
⁴ [„ 237. „ (1), clause (d)]	
⁵ [„ 328. „ (3).	
⁶ [„ 328A. „ (3).]	

¹ This heading and section 488A were inserted by Bom. 34 of 1954, s. 31.

² Sub-section (2) of section 489 was substituted for the original sub-section by Bom. 5 of 1905, s. 59.

³ These entries were inserted by Bom. 5 of 1938, s. 43.

⁴ This entry was inserted by Bom. 2 of 1911, s. 20.

⁵ This entry was inserted by Bom. 7 of 1921, s. 13.

⁶ This entry was substituted for the original one by Bom. 1 of 1925, s. 28(1).

⁷ These entries were added, *ibid* s. 28(2).

⁸ This entry was inserted by Bom. 6 of 1913, s. 11.

(3) The Commissioner may take any measure, execute any work or cause anything to be done under this section, whether or not the person who has failed to comply with the requisition or order is liable to punishment or has been prosecuted or, sentenced to any punishment for such failure.

Recovery of expenses of removals by the Commissioner under sections 314, 315, 354 and 380. 490. (1) The expenses incurred by the Commissioner in effecting any removal under section 314 ¹[or sub-section (3) of section 322] ²[or sub-section (2) or (3) of section 354A] or, in the event of a written notice issued under sub-section (1) of section 315 or section 354 or 380 not being complied with, under section 489, shall be recoverable by sale of the materials, removed, and if the proceeds of such sale do not suffice, the balance shall be paid by the owner of the said materials.

(2) But, if the expenses of removal are in any case paid before the materials are sold, the Commissioner shall restore the materials to the owner thereof, on his claiming the same at any time before they are sold or otherwise disposed of, and on his paying all other expenses, if any, incurred by the Commissioner in respect thereof or in respect of the intended sale or disposal thereof.

(3) If the materials are not claimed by the owner thereof, they shall be sold by auction or otherwise disposed of as the Commissioner thinks fit ³[if perishable forthwith, and if other than perishable,] as soon as conveniently may be after one month from the date of their removal, whether the expenses of the removal have in the meantime been paid or not and the proceeds, if any, of the sale or other disposal shall, after defraying therefrom the costs of the sale or other disposal, and, if necessary, of the removal, be paid to the credit of the municipal fund, and shall be the property of the corporation.

⁴[(4) Notwithstanding anything contained in this Act, when the removal of anything is effected under section 314, the Commissioner may direct that the owner thereof shall, in addition to the expenses incurred in effecting the removal of the thing, pay by way of penalty such sum not exceeding ⁵[ten thousand rupees] as the Commissioner may specify, and such sum if not paid, shall be recoverable in the same manner in which the expenses incurred in effecting the removal of the thing are recoverable.]

Recovery of expenses by the Commissioner ⁶[and the General Manager.]

Expenses recoverable under this Act to be payable on demand; and if not paid on demand may be recovered as an arrear of property tax. 491. (1) Whenever under this Act, or any regulation or by-law made under this Act, the expenses of any work executed or of any measure taken or thing done by or under the order of the Commissioner ⁷[or the General Manager] or of any municipal officer empowered under section ⁸[68 * *] in this behalf are payable by any person the same shall be payable on demand.

(2) If not paid on demand the said expenses shall be recoverable by the Commissioner ⁷[or the General Manager] subject to the provisions of sub-section (2) of section 503, by distress and sale of the goods and chatties of the defaulter, as if the amount thereof were a property-tax due by the said defaulter.

¹ These figures, brackets and words were inserted by Bom. 6 of 1913, s. 12.

² These words, brackets, figures and letters were inserted by Mah. 10 of 1998, s. 240(a).

³ These words were inserted by Bom. 19 of 1930, s. 19.

⁴ Sub-section (4) was added by Mah. 51 of 1975, s. 19.

⁵ These words were substituted for the words "one thousand rupees" by Mah.10 of 1998,s.240(b).

⁶ These words were added by Bom. 48 of 1948, s. 50(i).

⁷ These words were inserted, *ibid.*

⁸ This was substituted for the figures "68", *ibid.*, s. 50(ii).

⁹ The word, figures and letter "or 68B" were deleted by Mah. 10 of 1998, s. 241.

492. (1) If the said expenses are due in respect of some work executed or thing done to, upon or in connection with, some building or land or of some measure taken with respect to some building or land ¹[or in respect of some work executed or thing done or measure taken for giving effect to any requisition or order made under sub-section (1-A) of section 377] and the defaulter is the owner of such building or land ²[or of the premises referred to in sub-section (1-A) of section 377, as the case may be,] the amount thereof may be demanded from any person who at any time, before the said expenses have been paid, occupies the said ³[building, land or premises] under the said owner; and in the event of the said person failing to pay the same, they may be recovered, by distress and sale of the goods and chattles of the said person, as if the amount thereof were a property-tax due by him: If the defaulter is the owner of premises in respect of which expenses are payable, the occupier to be also liable for payment thereof.

(2) Provided as follows, namely :—

(a) unless the said person neglects or refuses, at the request of the Commissioner ⁴[or the General Manager], truly to disclose the amount of the rent payable by him in respect of the said ⁵[building, land or premises] and the name and address of the person to whom the same is payable, the said person shall not be liable to pay on account of the said expenses any large sum then, up to the time of demand, is payable by him to the owner on account of rent of the said ³[building, land or premises]; but it shall rest upon the said person to prove that the amount of the expenses demanded of him is in excess of the sum payable by him to the owner,

(b) the said person shall be entitled to credit in account with the owner for any sum paid by or recovered from him on account of the said expenses;

(c) nothing in this section shall affect any agreement made between the said person and the owner of the ³[building, land or premises] in his occupation respecting the payment of the expenses of any such work, thing or measure as aforesaid.

493. Instead of recovering any such expenses as aforesaid in any manner hereinbefore provided, the Commissioner ⁷[or the General Manager] may, if he thinks fit and with the approval of the ⁸[Member-in-charge]] take an agreement from the person liable for the payment thereof, to pay the same in instalments of such amounts and at such intervals as will secure the payment of the whole amount due, with interest thereon ⁹[at such rate not exceeding nine per centum per annum as the ¹⁰[Mayor-in-Council] may fix from time to time] within a period of not more than five years. Commissioner ⁶[or General Manager] may agree to receive payment of expenses in instalments.

494. If the expenses to be recovered have been incurred in respect of any work mentioned in any of the sections 277, clause (c), 230, 231, 233, clause (b), 248, sub-section (1), 257, 272, 274, sub-section (1), 305, 352, sub-section (1), 376, 381 and 405, the Commissioner may, if he thinks fit and with the approval of the Corporation, declare such expenses to be improvement expenses ¹¹[and on such declaration being made, such expenses, together with interest thereon payable under section 495, shall be a charge on the premises in respect of which or for the benefit of which the expenses have been incurred]. What expenses may be declared to be improvement expenses.

¹ This portion was inserted by Bom. 5 of 1938, s. 44(1)(a).

² This portion was substituted, *ibid.*, s. 44(1)(b).

³ These words were substituted, *ibid.*, s. 44(1)(c) and (2).

⁴ These words were inserted by Bom. 48 of 1948, s. 51.

⁵ These words were substituted by Bom. 5 of 1938, s. 44(2).

⁶ These words were inserted by Bom. 48 of 1948, s. 52.

⁷ These words were substituted for the original, *ibid.*

⁸ These words were substituted for the words "the Standing Committee or the Brihan Mumbai Electric Supply and Transport Committee, as the case may be" by Mah. 10 of 1998, s. 242(a).

⁹ These words were substituted for the original by Bom. 76 of 1948, s. 32.

¹⁰ These words were substituted for the words "Standing Committee" by Mah. 10 of 1998, s. 242(b).

¹¹ This portion was added, by Bom. 76 of 1948, s. 33

Improvement expenses by whom payable. **495.** (1) Improvement expenses ^{1*} * * * shall be recoverable in instalment of such amount not being lesse for any premises than twelve rupees per annum, and at such intervals as will suffice to discharge such expenses together with interest thereon at the rate of six per centum per annum within such period not exceeding thirty years as the Commissioner, with the approval of the corporation, may in each case determine.

(2) The said instalments shall be payable by the occupier of the premises ²[on which the expenses and interest thereon] are so charged or, in the event of the said premises becoming unoccupied at any time before the expiration of the period fixed for the payment of such expenses or before the same, with interest as aforesaid, are fully paid off, by the owner for the time being of the said premises, so long as the same continue to be unoccupied.

Proportion of improvement expenses may be deducted from rent. **496.** (1) Where the occupier by whom any improvement expenses ³[together with interest thereon] are paid holds the premises on which the expenses ³[together with interest thereof] are charged, at a rent not less than the rack-rent, he shall be entitled to deduct three-fourths of the amount paid by him on account of such expenses ³[and interest thereon as aforesaid] from the rent payable by him to his landlord, and, if he holds at a rent less than the rack-rent, he shall be entitled to deduct from the rent so payable by him such proportion of three-fourths of the amount paid by him on account of such expenses ³[and interest thereon as aforesaid] as his rent bears to the rack-rent.

(2) And if the landlord from whose rent any deduction is so made is himself liable to the payment of rent for the premises in respect of which the deduction is made and holds the same for a term of which less than twenty years is unexpired (but not otherwise), he may deduct from the rent so payable by him such proportion of the sum deducted from the rent payable to him as the rent payable by him bears to the rent payable to him, and so in succession with respect to every landlord (holding for a term of which less than twenty years is expired) of the same premises both receiving and liable to pay rent in respect thereof :

(3) Provided that nothing in this section shall be construed to entitle any person to deduct from the rent payable by him more than the whole sum deducted from the rent payable to him.

Redemption of charge for improvement expenses. **497.** At any time before the expiration of the period for the payment of any improvement expenses ⁴[together with interest thereon] the owner or occupier of the premises on which they are charged may redeem such charge by paying to the Commissioner such part of the said expenses ⁵[and such interest due, if any, as may not have been already paid or recovered].

Recovery of instalments due under sections 493 and 495. **498.** Any instalment payable under section 493 or section 495, which is not paid when the same becomes due, may be recovered by the Commissioner ⁶[or the General Manager] by distress and sale of the goods and chattles of the person by whom it is due as if it were a property tax due by the said person.

¹ The words were deleted, by Bom. 76 of 1948, s. 34.

² These words were substituted for the original *ibid.*, s. 35.

³ These words were inserted, *ibid.*, s. 35.

⁴ These words were inserted, *ibid.*, s. 36.

⁵ These words were substituted for the original *ibid.*

⁶ These words were inserted by Bom. 48 of 1948, s. 53.

[499. (1) Whenever, the owner of any building or land fails to execute any work which he is required to execute under this Act or under any regulation or bye-law made under this Act, the occupier, if any, of such building or land shall be entitled to execute such work in the manner set out in sub-section (2). In default of owner the occupier of any premises may execute required work and recover expenses from the owner.

(2) The occupier or occupiers interested in such work may seek the approval of the Commissioner for executing such work. The Commissioner shall grant the approval unless other measures are taken by him to execute the said work. While granting the approval the Commissioner shall specify the nature of the work. Upon such approval being granted, the occupiers shall be entitled to execute the said work and the expenses incurred for such work shall for all purposes be binding on the owner. The occupiers shall also be entitled to deduct amount of expenses incurred for such work from the rent which from time to time become due by them to the owner or otherwise recover such amount from them :

Provided that, where such work is jointly executed by the occupiers the amount to be deducted or recovered by each occupier shall bear the same proportion as the rent payable by him in respect of his premises bears to the total amount of the expenses incurred for such work :

Provided further that, the total amount so deducted or recoverable shall not exceed the amount of expenses incurred for such work.

Explanation I.—For the purposes of this section, the expression “expenses incurred for such work” means the total cost as certified by the Commissioner or an architect from the panel or architects notified by the State Government for the purposes of the Bombay Rents, Hotel and Lodging House Rents Control Act, 1947, together with simple interest at ten per cent. per annum on such amount calculated from the date of completion of such work till the date of deduction or recovery thereof.

Explanation II.—The approval of the Commissioner given under this section shall include the right to enter the building or land for the purpose of execution of work.]

500. No person who receives the rent of any premises in any capacity described in sub-clauses (i), (ii) and (iii) of clause (m) of section 3 shall be liable to do anything which is by this Act required to be done by the owner, unless he has sufficient funds of or due to the owner to pay for the same. Limitation of liability of agent or trustee or owner.

Payment of compensation

501. In any case not otherwise expressly provided in this Act, the Commissioner³ [or the General Manager may, with the previous approval of the⁴ [Mayor-in-Council] pay compensation to any person who sustains damage by reason of the exercise of any powers vested by this Act in the Commissioner⁵ [or the General Manager] or in any municipal officer or servant. Compensation for damages may be paid by the Commissioner [or General Manager].

¹ Section 499 was substituted for the original by Mah. 21 of 1989, s. 64.

² These words were added by Bom. 48 of 1948, s. 54.

³ These words were substituted for the original, *ibid.*

⁴ These words were substituted for the words “Standing Committee or the Brihan Mumbai Electric Supply and Transport Committee, as the case may be” by Mah.10 of 1998, s. 242 (b).

⁵ These words were inserted, by Bom. 48 of 1948, s. 54.

502. (1) If, on account of any act or omission any person has been convicted of an offence against this Act or against any regulation or by-law made under this Act, and, by reason of the same act or omission of the said person, damage has occurred to any property of the corporation, compensation shall be paid by the said person for the said damage notwithstanding any punishment to which he may have been sentenced for the said offence.

(2) In the event of dispute, the amount of compensation, payable by the said person shall be determined by the Magistrate before whom he was convicted of the said offence, and on non-payment of the amount of compensation so determined, the same shall be recovered under a warrant from the said Magistrate as if it were a fine inflicted by him on the person liable therefor.

Recovery of expenses or compensation in case of dispute.

503. (1) If, when the Commissioner ²[or the General Manager] demands payment of any expenses under section 491, his right to demand the same or the amount of the demand is disputed, or if in the case of expenses incurred by the Commissioner in taking temporary measures under sub-section (2) of section 329, the necessity for such temporary measures is disputed, the Commissioner ²[or the General Manager, as the case may be,] shall refer the case for the determination of the Chief Judge of the Small Cause Court.

(2) Pending the Chief Judge's decision the Commissioner ²[or the General Manager, as the case may be,] shall defer further proceedings for the recovery of the sum claimed by him and, after the decision, shall proceed to recover only such amount, if any, as shall be thereby ascertained to be due.

³(3) The Commissioner or the General Manager may apply to the Chief Judge that, having regard to the amount under dispute, the person or persons should be directed to deposit in Court one-half of the amount under dispute; and thereupon the Chief Judge shall, as far as practicable, decide the application within fifteen days.

(4) Where the Chief Judge, after hearing the person or persons concerned, passes an order directing deposit of one-half or such reasonable part of the amount under dispute as he may deem proper by a specified date, it shall be competent for the Commissioner or General Manager to withdraw the same.]

504. If, in any case not failing under section 491, any person is required by this Act, or by any regulation or by-law framed under this Act, to pay any expenses or any compensation, the amount to be so paid, and if necessary, the appointment of the same, shall, in case of dispute, be determined, except as is otherwise provided in sections 502 and 515, by the Chief Judge of the Small Cause Court on application being made to him for this purpose at any time within one year from the date when such expenses or compensation first became claimable.

¹ As to appeal to High Court from decision under s. 503 or s. 504, see Act 12 of 1888, s. 3. As to period of limitation for such appeals, see *ibid.*, s. 5.

² These words were inserted by Bom. 48 of 1948, s. 55.

³ Sub-sections (3) and (4) were added by Mah. 21 of 1989, s. 65.

505. If the amount of any expenses or compensation ascertained in accordance with the last preceding section is not paid by the person liable to pay the same on demand, it shall be recoverable as if the same were due under a decree of the Small Cause Court.

Expenses or compensation awarded by Chief Judge of the Small Cause Court to be recovered, if necessary, as if they were due under a decree of the Court.

506. Instead of proceeding in any manner aforesaid for the recovery of any expenses or compensation of which the amount due has been ascertained as hereinbefore provided, or after such proceedings have been taken unsuccessfully or with only partial success, the sum due, or the balance of the sum due, as the case may be, may be recovered by a suit brought against the person liable for the same in any Court of competent jurisdiction.

Persons liable for expenses or compensation may be sued for recovery thereof.

Proceedings before the Chief Judge of the Small Cause Court

507. (1) If the owner of any building or land is prevented by the occupier thereof from complying with any provision of this Act or of any regulation or by-law made under this Act or with any requisition made under this Act or under any such regulation or by-law in respect of such building or land, the owner may apply to the Chief Judge of the Small Cause Court.

Remedy of owner of building or land against occupier who prevents his complying with any provisions of this Act.

(2) The said Chief Judge, on receipt of any such application, may make a written order requiring the occupier of the building or land to afford all reasonable facilities to the owner for complying with the said provision or requisition and may also, if he thinks fit, direct that the cost of such application and order be paid by the occupier.

(3) After eight days from the date of any such order, it shall be incumbent on the said occupier to afford all such reasonable facilities to the owner for the purpose aforesaid as shall be prescribed in the said order; and in the event of his continued refusal so to do, the owner shall be discharged, during the continuance of such refusal, from any liability which he would otherwise incur by reason of his failure to comply with the said provision or requisition.

508. (1) For the purpose of any inquiry or proceeding under this Act, the Chief Judge of the Small Cause Court may summon and enforce the attendance of witnesses and compel them to give evidence and compel the production of documents by the same means and, as far as is possible, in the same manner as is provided, in the case of the Small Cause Court by the Presidency Small Cause Courts Act, 1882, and in all matters relating to any such inquiry or proceeding the said Chief Judge shall be guided generally by the provisions of the said Act so far as the same are applicable.

Power to summon witnesses and compel production of documents.

(2) If, in any such inquiry or proceeding, the person against whom the complaint or application has been made fails to appear, notwithstanding that he has been duly summoned for this purpose, the said Chief Judge may hear and determine the case in his absence.

(3) The costs of every such inquiry or proceeding as determined by the said Chief Judge, shall be payable by such parties and in such proportions as the said Chief Judge shall direct and the amount thereof shall, if necessary, be recoverable as if the same were due under a decree of the Small Cause Court:

[Provided that if such inquiry or proceeding relates to a dispute regarding expenses declared to be improvement expenses under section 494, the amount of the costs

¹ This proviso was added by Bom. 32 of 1935, s. 15.

directed by the said Chief Judge to be paid by the owner or occupier of the premises in respect of which or for the benefit of which the improvement expenses were incurred shall be a charge on such premises and may also be recovered in the manner prescribed in section 495.]

Fees in proceedings before the Chief Judge of the Small Cause Court.

509. (1) The ¹[State] Government may, from time to time by notification in the ²[Official Gazette], prescribe what fee, if any, shall be paid—

(a) on any application, appeal or reference made under this Act to the Chief Judge of the Small Cause Court ; and

(b) previous to the issue, in any inquiry or proceeding of the said Chief Judge under this Act, of any summons or other process :

Provided that the fees if any, prescribed under clause (a) shall not, in cases in which the value of the claim or subject-matter is capable of being estimated in money exceed the fees at the time being levied, under the provisions of the Presidency Small Cause Courts Act, 1882, in cases in which the value of the claim of subject-matter is of like amount. XV of 1882.

(2) The ¹[State] Government may from time to time by a like notification determine by what person any fee prescribed under clause (a) shall be payable.

(3) No application, appeal or reference shall be received by the said Chief Judge until the fee, if any, prescribed therefore under clause (a) has been paid.

Exemption of poor persons from fees.

510. The Chief Judge of the Small Cause Court may, whenever he thinks fit, receive an application, appeal or reference made under this Act, by or on behalf of a poor person, and may issue process on behalf of any such person without payment or on a part payment of the fees prescribed under section 509.

Repayment of half fees on settlement before hearing.

511. Whenever any application, appeal or reference made to the Chief Judge of the Small Cause Court under this Act is settled by agreement of the parties before the hearing, half the amount of all fees paid up to that time shall be repaid by the said Chief Judge to the parties by whom the same have been respectively paid.

Authority to the Chief Judge of the Small Cause Court to delegate certain powers and to make rules.

512. The Chief Judge of the Small Cause Court may—

(a) delegate, either generally or specially to any other Judge of the said Court, power to receive applications, appeals and references under this Act and to discharge any other duty in connection with such applications, appeals and references, except the hearing and adjudication thereof ;

(b) if for any reason, it shall be necessary so to do in order to secure the disposal of any application made to him under section 20 within the limited period prescribed in the said section, delegate to any other Judge of the said Court the hearing and adjudication of the said application ;

(c) from time to time, with the approval of the ¹[State] Government, make rules, not inconsistent with this Act, providing for any matter connected with the exercise of the jurisdiction conferred upon him by this Act which is not herein specifically provided for.

Proceedings before Magistrates

Cognizance of offences.

513. All offences against this Act, or against any regulation or bye-law made under this Act, whether committed within or without the city, shall be cognizable by a Presidency Magistrate ; and no such Magistrate shall be deemed to be incapable of taking cognizance of any such offence or of any offence against any enactment hereby repealed, by reason only of his being liable to pay any municipal tax or of his being benefited by the Municipal fund

¹ The words " Provincial Government " were substituted for the words " Governor in Council " by the Adaptation of Indian Laws Order in Council.

² This word was substituted for the word " Provincial " by the Adaptation of Laws Order, 1950.

³ The words " Official Gazette " were substituted for the words " Bombay Gazette ", *ibid.*

⁴ The words " to credit of which any fine inflicted by him will be payable " were omitted, *ibid.*

[513A. (1) [The [State] Government] may with the consent of the corporation create one or more posts of Presidency Magistrates for the trial of offences against this Act, or against any regulation or bye-law made thereunder, and may appoint any person to such posts and may also appoint such ministerial officers for the Court of any such Magistrate as they may think necessary :

Appoint-
ment of
Presidency
Magistrates.

Provided that notwithstanding the appointment of one or more Presidency Magistrates under this section, it shall be open to the Chief Presidency Magistrate, subject V of to the rules for the time being in force under section 21 of the Code of Criminal 1898. Procedure, 1989, regulating the distribution of business in the Courts of the Presidency Magistrates, to make such distribution of the work of trial of such offences and of all other work before the Courts of the Presidency Magistrate (including any appointed under this section) as may appear to him most conducive to efficiency.

(2) Such Magistrate or Magistrates and the establishments shall be paid such, salary, pension, leave allowances and other allowances as may, from time to time, be fixed by [the [State] Government].

(3) The amounts of the salary, pension, leave allowances and other allowances as fixed under sub-section (2) together with all other incidental charges shall be reimbursed to [the [State] Government] by the Corporation * * *

Provided that [the [State] Government] may, with the concurrence of the corporation, direct that in lieu of the amounts payable under this section, the corporation shall pay to [the [State] Government] annually, on such date as may be fixed by [the [State] Government] [in this behalf such sum based on the average of the total amount is recovered by [the [State] Government] from the corporation under this section during the three years immediately preceding the date of such direction as may be determined by [the [State] Government] in this behalf.]

[514. No person shall be liable to punishment for any offence made punishable by this Act, unless complaint of such offence is made before a Presidency Magistrate within the time hereinafter prescribed in that behalf, namely :—

Limitation
of time
within which
complaints
of offences
punishable
under this
Act shall be
entertained.

(a) if the offence be against the provisions of section 155, within six months next after the commission of such offence ;

(b) if the offence be against the provisions of sections [223, 229—A, 240, 258], 272 (1), [272(5), 274 (1), 274(1A),] 281, 284, [287-B (1), 287-B (2).] * * * or 390. [or any bye-laws framed under section 461 (b)] within three months next after the commission or discovery of such offence ;

(c) if the offence be against any other provision of this Act, within three months next after the commission of such offence.]

¹ New section 513-A was inserted by Bom. 10 of 1930, s. 4.

² The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

³ The word "State" was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

⁴ The words, figures and brackets "and shall be a first charge on and be primarily payable from the fines levied and recovered in respect of the offences referred to in sub-section (1), and the balance of the fines, if any, shall be credited to the municipal fund" were omitted by the Adaptation of Indian Laws Order in Council.

⁵ This section was substituted for the original section by Bom. 2 of 1911, s. 21.

⁶ These figures and letter were inserted by Bom. 8 of 1918, s. 20.

⁷ These figures, letters and brackets were inserted by Bom. 5 of 1938, s. 45.

⁸ The figures and brackets repealed by Bom. 5 of 1920, s. 6, are omitted.

⁹ These words, figures, brackets and letter were inserted by Bom. 5 of 1938, s. 45.

Complaint concerning nuisances. ¹515. (1) Any person who resides in ²[Brihan Mumbai] may complain to a Presidency Magistrate of the existence of any nuisance, or that in the exercise of any power conferred by sections 224, 244, 245, 246 or 367, more than the least practicable nuisance has been created.

(2) Upon receipt of any such complaint, the Magistrate, after making such inquiry as he thinks necessary, may if he sees fit, direct the Commissioner—

(a) to put in force any of the provisions of this Act to take such measures, as to such Magistrate shall seem practicable and reasonable for preventing, abating, diminishing or remedying such nuisance ;

(b) to pay to the complainant such reasonable costs of and relating to the said complaint and order as the said Magistrate shall determine, inclusive of compensation for the complainant's loss of time in prosecuting such complaint.

(3) It shall be incumbent on the Commissioner to obey every such order.

(4) Nothing in this Act contained shall interfere with the right of any person who may suffer injury or whose property may be injuriously affected by any act done in the exercise of any power conferred by section 224, 244, 245, 246 or 367 to recover damages for the same.

Special provision regarding fines and other punishments under this Act. ³[515A. Notwithstanding anything contained in section 32 of the Code of Criminal Procedure, 1898, it shall be lawful for any Presidency Magistrate trying V of offences under this Act to pass sentences of fine or to award any punishment under 1898. this Act in excess of his powers specified in that section.]

Arrest of offenders.

Offenders against this Act may in certain cases be arrested by police officers. ⁴516. (1) Any police officer may arrest any person who commits in his view any offence against this Act or against any regulation or bye-law made under this Act, if the name and address of such person be unknown to him, and if such person, on demand, declines to give his name and address or give a name and address which such officer has reason to believe to be false.

⁴[(2) No person so arrested shall be detained in custody after this true name and address are ascertained or without the order of nearest Magistrate, for a longer period than twenty-four hours from the time of arrest exclusive of the time necessary for the journey from the place of arrest to the Court of such Magistrate.]

Offences under sections 313, 313-A and 313-B to be cognizable and bailable. ⁵[516AA The offence under section 313, 313-A or 313-B shall be cognizable and bailable.]

¹ As to appeal to High Court from orders under s. 515, see Act 12 of 1888, s. 4. As to period of limitation for such appeals, *ibid*, s. 5.

² These words were submitted for the words "Greater Bombay" by Mah. 25 of 1966, s. 2 Schedule 4(I).

³ This section was inserted by Mah. 32 of 1964, s. 19.

⁴ This sub-section was substituted for the original by the Adaptation of Laws Order, 1950.

⁵ Section 516-AAA was inserted by Mah. 51 of 1975, s. 20.

¹[516AA. (1) The offence of contravention of any provision of section 394 or 394A shall be cognizable.

(2) The offence of contravention of clause (a) of (i) sub-section (1) of section 394 or section 394A shall be non-bailable.]

Offences under section 394 and 394-A be cognizable and under clause (a) (i) of sub-section (1) of section 394 and section 394-A to be non-bailable.

²[516A The offence under clause (b) or (c) of sub-section (1) of section 403 shall be cognizable.]

Offence under section 403 (1) (b) or (c) to be cognizable.

Legal Proceedings

517. (1) The Commissioner may—

(a) take, or withdraw from, proceedings against any person who is charged with—

- (i) any offence against this Act ;
- (ii) any offence which affects or is likely to affect any property or interest of the corporation or the due administration of this Act ;
- (iii) committing any nuisance whatsoever ;

(b) compound any offence against this Act, which under the law at the time in force may legally be compounded ;

(c) defend any election petition brought under section 33 ;

(d) defend, admit or compromise any appeal against a rateable value or tax brought under section 217 ;

(e) take, withdraw from, or compromise, proceedings under section 602 sub-section (2), 503, 504 and 505, for the recovery of expenses or compensation claimed to be due to the Corporation ;

(f) withdraw or compromise any claim for a sum not exceeding five hundred rupees against any person in respect of a penalty payable under a contract entered into with such person by the Commissioner, or, with the approval of ³[the Mayor-in-Council] any such claim for any sum exceeding five hundred rupees ;

(g) defend any suit or other legal proceeding brought against the Corporation or against the Commissioner or a Deputy Commissioner or a municipal officer or servant in respect of anything done or omitted to be done by them, respectively, in their official capacity ;

(h) with the approval of ³[the Mayor-in-Council] admit or compromise any claim, suit or legal proceeding brought against the Corporation or against the Commissioner or a Deputy Commissioner or a municipal officer or servant, in respect of anything done or omitted to be done as aforesaid ;

(j) with the like approval, institute and prosecute any suit or withdraw from or compromise any suit or any claim, other than a claim of the description specified in clause (f), which has been instituted or made in the name of the Corporation or of the Commissioner.

Provisions respecting institution etc., of civil and criminal actions and obtaining legal advice.

¹ Section 516AA was inserted by Mah. 32 of 1962, s. 7.

² Section 516-A was inserted by Bom. 64 of 1953, s. 28.

³ These words were substituted for the words " the Standing Committee " by Mah. 10 of 1998, s. 244(a).

(k) obtain such legal advice and assistance as he may from time to time think it necessary or expedient to obtain or as he may be desired by the corporation or [the Mayor-in-Council] to obtain, for any of the purpose mentioned in the foregoing clauses of this section or for securing the lawful exercise or discharge of any power or duty vesting in or imposed upon any municipal authority or any municipal officer or servant :

(2) Provided that the Commissioner shall not defend any suit or legal proceeding under clause (g) without first of all taking legal advice with regard thereto, and shall institute and prosecute any suit which the corporation shall determine to have instituted and prosecuted.

²(3) In relation to legal proceedings arising out of the acquisition, extension, administration, operation and maintenance of the ³[Brihan Mumbai] Electric Supply and Transport Undertaking] (excepting proceedings, if any, arising out of the acquisition made with effect from the 7th August 1947 of the said undertaking from the Bombay Electric Supply and Tramways Company, Limited) the provisions of sub-sections (1) and (2) shall apply as if for the words " the Commissioner " the words " the General Manager " ⁴[had been substituted].

(4)⁵ * * * *

CHAPTER XX.

CONTROL.

518. (1) If, upon complaint being made to ⁶[it] and after such inquiry as ⁶[it] thinks fit to make, it shall at any time appear to the ⁸[State] Government] that any of the provisions of sections 61, 62, 62C, 62D, ¹⁰[62E], 89F], 234, 225, ¹¹[381, 381-A]. 434 ¹²[438 and 513A] have not been or are not being duly carried out or enforced, for performance of such provision shall be carried out or enforced :

Power to
Government
to provide
for perform-
ance of
duties in
default of
any
municipal
authority.

(2) Provided that, except in any case which appears to the ⁷[⁸[State] Government] to be one of emergency, no such order shall be made until after the expiry of one month from the date of service of a written notice on the Corporation, and if the ⁷[⁸[State] Government] shall think fit, on the Commissioner, requiring cause to be shown why such order should not be made, not until the cause, if any so shown has been considered by the ⁷[⁸[State] Government].

(3) If, within the period prescribed in an order made under sub-section (1) the provision is not carried out or enforced, the ⁷[⁸[State] Government] may appoint some person to carry out or enforce the same and may direct that the expense of carrying out or enforcing such provision together with such reasonable remuneration to the person carrying out or enforcing the same as the ⁷[⁸[State] Government] shall determine and the cost of the proceedings under this section shall be paid out of the municipal fund.

¹ These words were substituted for the words " the Standing Committee " by Mah. 10 of 1998, s. 244(a).

² This sub-section was added by Bom. 48 of 1948, s.56.

³ These words were substituted for the words "Bombay Electric Supply and Transport Undertaking" by Mah. 25 of 1996, s. 2 Schedule 4(3).

⁴ These words were substituted for the words "and for the words "Standing Committee" the words " Brihan Mumbai Electric Supply and Transport Committee " had respectively been substituted ", by Mah. 10 of 1998, s. 244(b).

⁵ Sub-section (4) was deleted, *ibid.*, s. 244(c).

⁶ The word "it" was substituted for the words "him" and "he" by the Adaptation of Indian Laws Order in Council.

⁷ The words "Provincial Government" were substituted for the words "Governor in Council" *ibid.*

⁸ This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

⁹ These figures and letters were inserted by Bom. 3 of 1907, s. 21.

¹⁰ The figures and letter "62E" were inserted by Bom. 12 of 1925, s. 4.

¹¹ These figures and letter were inserted by Bom. 5 of 1948, s. 46.

¹² These figures word and letter were substituted for the Original word and figures and 438, by Bom. 10 of 1930, s. 5.

519. (1) If, from the report of any person appointed by ¹[the ²[State] Government] under section 264 to inspect the Vehar Water-works it shall appear to ¹[the ²[State] Government] that any portion of the said water-works is not in a sound and effective condition, ¹[the ²[State Government] may, by notice under the signature of a Secretary to ¹[the ²[State Government] require that the said portion of the said works be required, improved or otherwise rendered sound and effective within a reasonable time to be prescribed in the notice.

Power to ²[State] Government to enforce repair, etc., of Vehar water-works.

(2) The said notice shall be addressed to the corporation and to the Commissioner and it shall be incumbent on the corporation and on the Commissioner, within the limits of their respective powers, to give effect thereto. If effect be not given thereto ¹[the ²[State] Government] may cause the required work to be done and may direct that expenses thereof shall be paid by the Commissioner.

520. (1) When any such order as is mentioned in sub-section (3) of section 518 or in sub-section (2) of section 519 shall have been made, the corporation shall cause to be paid to ¹[the ²[State] Government] the sum or sums of money of which payment shall from time to time be required, in pursuance of the said order, in any requisition signed by a Secretary to ¹[the ²[State] Government].

Expenses of measures enforced under sections 518 and 519 how to be recovered.

(2) And if, within fourteen days from the delivery of any such requisition, the same is not complied with, ¹[the ²[State] Government] may, by a written order signed by one of their Secretaries, authorise and direct some person to receive from the bank in which the municipal fund is lodged the sum or sums mentioned in the said order.

(3) The said bank shall, upon production of the said written order, forthwith pay the said sum or sums to the person therein authorised to receive the same and the said written order shall be a sufficient discharge to the said bank from all liability to the corporation in respect of any sum or sums so paid by it out of the Municipal fund.

³[Emergency Provisions for Water.

520A. (1) Notwithstanding anything contained in this Act or in any other law for the time being in force, if the State Government is of opinion that because of acute scarcity of water, it is necessary or expedient so to do, for securing the maintenance or equitable distribution of water supply available from any municipal water works or any other water works, for drinking and other domestic use of the inhabitants receiving such water supply it may, by order published in the *Official Gazette*, and in such other manner as the State Government thinks fit, direct the Corporation or any other person in charge of the water works to regulate or prohibit the supply of water, from any such municipal water works or any other water works to such undertakings or class of undertakings receiving such water supply, on such day or days, or during such times in any day or days and during such period or periods, as may be specified in the order.

Power of State Government to issue directions to Corporation in emergency arising out of scarcity of water.

(2) Without prejudice to the generality of the powers conferred by sub-section (1), an order made thereunder may provide—

(a) that any undertaking, or any section thereof, shall not take water on any day or days, or during the time, or times in any day or days, or during the period or periods, specified in the order ;

¹ The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

² This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

³ The heading and section 520A were inserted by Mah. 32 of 1966, s. 7.

(b) for the exemption of any undertaking or any sections thereof, from the provisions of the order, regard being had to the nature of the undertakings, such as, undertakings engaged for the purposes of the defence of the country or undertaking engaged in work which for technical reasons must be carried out continuously or cannot be interrupted ;

(c) for any incidental, consequential or supplementary matters (including provision for entry upon, and the inspection of any premises) which the State Government thinks necessary or expedient to give effect to the purposes aforesaid.

Explanation.—In this section “undertaking” means any undertaking by way of industry, trade or business, or building construction.

(3) (a) If any person fails to comply with, or contravenes, any of the provisions of any order made under this section, he shall be guilty of an offence and, without prejudice to any other penalties to which he may be liable under this Act or any other law for the time being in force, he shall, on conviction, be punished with imprisonment for a term which may extend to six months, or with fine not exceeding rupees one thousand, or with both.

(b) Where an offence under this section has been committed by a company, every person who, at the time the offence was committed, was in charge of, and was responsible, to the company for the conduct of the business of the company as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly :

Provided that, nothing contained in this sub-section shall render any such person liable to any punishment if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent such offence.

(c) Notwithstanding anything contained in this sub-section, where an offence under this section has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or it attributable to any neglect on the part of, any director, manager, secretary or other officer of the company such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.—For the purposes of this sub-section,—

(i) “Company” means any body corporate, and includes a firm or other association of individuals ; and

(ii) “director” in relation to a firm means a partner in the firm.

(4) No suit or prosecution or other legal proceedings shall lie against any person for anything in good faith done in pursuance of the provisions of this section ; and no suit or other legal proceedings shall lie against the Government or any local authority, for any damage caused or likely to be caused by anything in good faith done in pursuance of the provisions of this section.

¹[520 B. (1) If the State Government is of opinion that the execution of any resolution or order of the Corporation or any other authority or that the doing of any act which is about to be done or is being done by or on behalf of the Corporation by such authority is in contravention of or excess of the powers conferred by or under this Act or any other law for the time being in force, or is likely to lead to abuse or misuse of, or to cause waste, of municipal fund against the interests of the public ; the State Government may by order in writing, suspend the execution of such resolution or order or prohibit the doing of any such act, for such period or periods as it may specify therein. A copy of such order shall be sent forthwith by the State Government to the Corporation and to the Commissioner or the General Manager. Power of State Government to suspend or rescind any resolution or order etc., of Corporation or other authority in certain cases.

(2) On receipt of a copy of the order as aforesaid, the Corporation or Commissioner or General Manager may, if it or she thinks fit, make a representation to the State Government against the said order.

(3) The State Government may after considering any representation received from the Corporation or Commissioner or General Manager and where no such representation is received within a period of thirty days, either cancel, modify or confirm the order made by it under sub-section (1) or take such other action in respect of the matter as may in its opinion be just or expedient, having regard to all the circumstances of the case. Where any order made under sub-section (1) is confirmed, the State Government may direct that the resolution or order of the Corporation or its authority in respect of which the suspension order was made under sub-section (1), shall be deemed to be rescinded.

(4) Where any order is made by the State Government under sub-section (3), it shall be the duty of every Councillor and the Corporation and any other authority or officer concerned to comply with such order.]

²[520 C. ³[(1) Notwithstanding anything contained in section 520B or any other provision of this Act, it shall be lawful for the State Government to issue directions to the Corporation ⁴[for any officer of the Corporation requiring him] do a thing or refrain from doing a thing in public interest : Power to issue directions.

Provided that, the State Government shall, before issuing a direction under this section, give an opportunity to the Corporation to make a representation within thirty days. If the Corporation fails to represent within thirty days or, after having represented, the State Government, on considering the representation, is of the opinion that the public interest demands issuing of such a direction, the State Government shall issue necessary direction ; and the directive so issued shall be final and binding on the Corporation and the Councillors.]

⁵[(2) If the Commissioner is of the opinion that any action likely to be taken by the Corporation, the Mayor-in-Council, the Mayor or the Member-in-charge, is against the policy of the State Government ⁶[for the public interest.] then the Commissioner shall, as soon as possible, send a report thereof to the State Government.]

¹ Section 520B was inserted by Mah. 4 of 1973, s. 5.

² Section 520C was inserted by Mah. 21 of 1989, s. 66.

³ Section 520C was re-numbered as sub-section (1) thereof by Mah. 10 of 1998, s. 249(a).

⁴ These words were substituted for the words " or the General Manager, as the case may be requiring it or him, *ibid.*

⁵ Sub-section (2) was inserted *ibid.*, s. 249(b).

⁶ These words were inserted by Mah. 13 of 1998, s. 19.

Removal of doubt. **520CC.** For the removal of doubt it is hereby declared that, notwithstanding anything contained in this Act as amended by the Mumbai Municipal Corporation (Amendment) Act, 1998 and the Mumbai Municipal Corporation (Second Amendment) Act, 1998, the Corporation or the Mayor-in-Council shall not, at any time be competent to pass any resolution or take any action or to do anything which may result in or have the effect of, giving independent status to or separation of the City of Mumbai from the State of Maharashtra. Any such resolution, moved or action initiated or anything done or proposed to be done which would result in or have the effect of, such separation shall be illegal and void-ab-inito.] Mah. X of 1998. Mah. 13 of 1998.

Power to dissolve Corporation.

520D. If, in the opinion of the State Government,—

(a) the Corporation is not competent to perform the duties assigned to it by or under this Act or any other law for the time being in force ; or

(b) the Corporation persistently makes default in the performance of such duties, or in complying with the lawful directions or orders issued by the State Government or any other authority empowered under any law for the time being in force, to issue such directions or orders, to the Corporation ; or

(c) the Corporation exceeds or abuses its powers ; or

(d) a situation has arisen in which the administration of the Corporation cannot be carried out in accordance with the provisions of this Act ; or

(e) the financial position and the credit of the Corporation is seriously threatened, the State Government may, after giving the Corporation a reasonable opportunity of being heard, by an order published in the *Official Gazette*, stating the reasons therefor, dissolve the Corporation.

Consequences of dissolution.

520E. When the Corporation is dissolved under section 520D, the following consequences shall ensue, namely :—

(a) all Councillors of the Corporation shall, as from the date specified in the order of dissolution, vacate their offices as such Councillors ;

(b) all the powers and functions vesting in or exercisable by the Corporation, the Mayor-in-Council, the Mayor, the various Committees and the Councillors, under this Act or any other law for the time being in force shall vest in and be exercisable by such Government officer or officers, as the State Government from time to time, appoints in this behalf, and such officer or officers shall receive such remuneration from the municipal fund as the State Government may, from time to time, determine ;

(c) all property vested in the Corporation shall during the period of dissolution, vest in the State Government.

Reconstitution of Corporation after dissolution.

520F. When the Corporation is dissolved under section 520D, general election shall be held to constitute the Corporation on such date as may be specified by the State Election Commissioner :

Provided that, the election to constitute the Corporation shall be completed before the expiration of the period of six months from the date of dissolution of the Corporation.]

¹ Section 520CC was inserted by Mah. 13 of 1998, s. 20.

² These sections were inserted by Mah. 10 of 1998, s. 246.

CHAPTER XXI

SUPPLEMENTARY PROVISION.

Councillors, etc., to be deemed to be public servants. **521.** The Commissioner ¹[Director, Deputy Commissioner,] ²[General Manager] and every councillor and every municipal officer or servant appointed under this Act ³[and every person appointed to make a valuation under sub-section (1) of section 218B], and every contractor or agent for the collection of any municipal tax and every servant or other person employed by any such contractor or agent shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

XLV
of
1860.

Co-operation of Police. **522.** (1) The Police Commissioner shall, as far as may be, co-operate, by himself and through his subordinates, with the Commissioner ⁴[and the General Manager] for carrying into effect and enforcing the provisions of this Act and for the maintenance of good order in ⁵[Brihan Mumbai].

(2) It shall be the duty of every police officer in ⁵[Brihan Mumbai] to communicate without delay to the proper municipal officer any information which he receives of a design to commit or of the commission of any offence against this Act or against any regulation or bye-law made under this Act, and to assist the ⁶[Commissioner, the General Manager] or any municipal officer or servant reasonably demanding his aid for the lawful exercise of any power vesting in the ⁶[Commissioner, the General Manager] or in such municipal officer or servant under this Act.

Assistance for the recovery of rent on land in the suburbs ⁷[522A. For the purpose of the recovery of any amount due on account of rent from any person to the corporation in respect of any land in the suburbs, ⁸[of extended suburbs] vested in or otherwise held by the corporation, the corporation shall be deemed to be a superior holder and every such person an inferior holder of such land within the meaning of section 86 and 87 of the Bombay Land Revenue Code, 1879* and the corporation as superior holder shall be entitled, for the recovery of such amount, to all the assistance to which under the said sections a superior holder is entitled for the recovery of rent of land revenue payable to him by an inferior holder.]

Bom.
V of
1879.

Computation of time. **523.** (1) In computing any limited time before or from or after any date or even which is appointed or allowed by or under this Act for the doing of any act or the taking of any proceeding, such time shall be taken as exclusive of the day of that date or of the happening of that event and as ending or commencing, as the case may be, at the end of the last preceding day, or the beginning of the next following day.

(2) Where the limited time is to be computed from or after any date or event, the act or proceeding shall be done or taken at the latest on the last day of the limited time computed as aforesaid, unless the last day is a Sunday or a public holiday or unless, in the case of a proceeding to be taken before the Chief Judge of the Small Cause Court, the said Court is closed on such last day in, which events any act or proceeding shall be deemed to be done or taken in due time if it is done or taken on the next day after such Sunday, or after the close of such public holiday or on the first day when such Court reopens, as the case may be.

¹ These words were substituted for the words "and Deputy Commissioner," by Mah.53 of 1981, s. 20.

² These words were inserted by Bom. 48 of 1948, s. 57.

³ These words and figures were inserted by Bom. 76 of 1948, s. 37.

⁴ These words were inserted by Bom. 48 of 1948, s. 58.

⁵ These words were substituted for the words "Greater Bombay" by Mah. 25 of 1996, s. 2, Schedule 4(1).

⁶ These words were substituted for the original by Bom. 48 of 1948, s. 58.

⁷ Section 522A was inserted by Bom 7 of 1950, s. 32.

⁸ These words were inserted by Bom. 58 of 1956, s. 2.

* Now see, Maharashtra Land Revenue Code, 1966.

(3) Where by this Act any act or proceedings is directed or allowed to be done or taken on a certain day and such day happens to be a Sunday or a public holiday, the act or proceeding, shall be considered as done or taken in due time of it is done or taken on the next day after such Sunday or after the close of such public holiday.

524. The distances mentioned in this Act shall be measured in a straight line of a horizontal plane.

525. (1) Any informality, clerical error, omission or other defect in any assessment made or in any distress levied or in any notice, bill, schedule, summons or other document issued under this Act, or under any regulation or by-law* ¹[or rule] made under this Act, may at any time, as far as possible, be rectified.

(2) No such informality, clerical error, omission or other defect shall be deemed to render the assessment, distress, notice, bill, schedule, summons or other document invalid or illegal, if the provisions of this Act and of the regulations* ²[by-laws and rules] made hereunder have in substance and effect been complied with ; but any person who sustains any special damage by reason of any such informality, clerical error, omission or other defect shall be entitled to recover compensation for the same by suit in a Court of competent jurisdiction.

526. The ³[State Government] may at any time call upon the corporation to furnish ⁵[it] with any extract from any proceedings of the corporation of standing committee or of any committee constituted under this Act or form any record under the control of the corporation and with any statistics concerning or connected with the administration of this Act ; and the corporation shall furnish the same without unreasonable delay.

527. (1) No suit shall be instituted against the corporation or against ⁶[the Commissioner, the General Manager] ⁷[or the Director] or a Deputy Commissioner or against any municipal officer or servant, in respect of any act done in pursuance or execution or intended execution of this Act or in respect of any alleged neglect or default in the execution of this Act—

(a) until the expiration of one month next after notice in writing has been, in the case of the corporation, left at the chief municipal office and, in the case of ⁶[the Commissioner, the General Manager] ⁷[or the Director] or of a Deputy Municipal Commissioner or of a municipal officer or servant delivered to him or left at his

¹ These words were inserted by Bom. 48 of 1950, s. (1).

² These words were substituted for the words "and by-laws", *ibid.*, s. 76(2).

³ The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

⁴ This word was substituted for the words "Provincial" by the Adaptation of Laws Order, 1950.

⁵ The word "it" was substituted for the word "him" by the Adaptation of Indian Laws Order in Council.

⁶ These words were substituted for the original by Bom. 48 of 1948, s. 59.

⁷ These words were inserted by Mah. 53 of 1981, s. 21.

*Section 80 of Bom. 48 of 1950 reads as follows :—

80. (1) The amendments made by section 64, 65 and 67 shall be deemed to have been made, on and to have effect from the 15th day of August 1948.

(2) The amendments made by sections 68 and 76 shall be deemed to have been made on and to have effect from the 14th day of March 1944 and any order made or action taken under the said Act and 76 to before the commencement of this Act shall be deemed to have been made or taken under the said Act as amended by this Act, and no prosecution, suit or other proceeding shall lie against any person for anything in good faith done or intended to be done in pursuance of any such order or action as the case may be.

office or place of abode, stating with reasonable particularity the cause of action and the name and place of abode of the intending plaintiff and of his attorney or agent if any, for the purpose of suit ; nor*

(b) unless it is commenced within six months next after the accrual of the cause of action.

(2) At the trial of any such suit—

(a) the plaintiff shall not be permitted to go into evidence of any cause of action except such as is set forth in the notice delivered or left by him as aforesaid ;

(b) the claim, if it be for damages shall be dismissed if tender of sufficient amount shall have been made before the suit was instituted or if, after the institution of the suit , a sufficient sum of money is paid into Court with costs.

(3) When the defendant in any such suit is a municipal officer or servant, payment, of the sum or of any part of any sum payable by him in or in consequence of the suit whether in respect of cost, charges, expenses, compensation for damage or otherwise, may be made, with the ¹[previous] sanction of ²[the Mayor-in-Council] from the municipal fund or the ³[Brihan Mumbai] Electric Supply and Transport Fund, as the case may be.

Bom. 4¹527A. Notwithstanding the provisions of sections 48, 65, 66 and 67 of the Savings in
V of Bombay Land Revenue Code, 1879— respect of
1879. certain
provisions
of Bombay
Land
Revenue
Code, 1879.

(1) the use of any land in the suburbs ⁵[or extended suburbs] for any purpose to which it may lawfully be put under the provisions of this Act shall not be prohibited in exercise of the powers conferred by or under the said Code ;

(2) it shall be sufficient for any occupant of land in the suburbs ⁵[or extended suburbs] assessed or held for the purpose of agriculture to show to the satisfaction of the Collector that he has complied with all the requirements of this Act and the bye-laws made thereunder to entitle such occupant to permission under section 65 of the said Code, subject to the condition of the payment of altered assessment and fine, if any, for the use of the holding or part thereof for any purpose unconnected with agriculture.]

528. [Effect of transitory provision in Schedule R] Deleted by Mah. 10 of 1998, s.248.

¹The word ' Previous ' was inserted by Bom. 19 of 1930, s. 20.

² These words were substituted for the words " the standing committee or the Brihan Mumbai Electric Supply and Transport Committee " by Mah. 10 of 1998, s. 247.

³ These words were substituted for the words " Bombay Electric Supply and Transport Fund " by Mah. 25 of 1996, s. 2 Schedule 4(5).

⁴ Section 527A was inserted by Bom. 77 of 1950, s. 33.

⁵ These words were inserted by Bom. 58 of 1958, s. 26.

* This word was substituted for the word " or " as the letter was a misprint.

SCHEDULE A.

(See Section 2)

ENACTMENTS REPEALED

No. and year of Act	Title or Subject	Extent of Repeal
<i>Act of the Governor General in Council.</i>		
XL VIII of 1860	.. An Act to amend Act XIII of 1856.	Section 17, as amended by Bombay Act IV of 1882 and clause (16) of section 19.
<i>Acts of the Governor of Bombay.</i>		
VI of 1865.	.. An Act for the regulation of public conveyances in the town, suburbs and harbour of Bombay.	In section 7, the words "by the Commissioner of Police to the credit of the Municipal Commissioner of Bombay and".
III of 1870	.. An Act to secure the payment to Government of certain sums of money by the corporation of the Justices of the Peace or the City of Bombay.	The whole.
III of 1872	.. The Bombay Municipal Act of 1872	.. The whole.
IV of 1879	.. The Bombay Municipal Act Amendment and Continuance Act, 1878.	The whole.
VI of 1878	.. An Act to remove doubts as to the time when certain portions of the Bombay Municipal Act Amendment and Continuance Act, 1878, were intended to come into force.	The whole.
I of 1880	.. The Bombay Municipality's Consolidated Loan Act, 1880.	The whole.
II of 1881	.. An Act to confirm the jurisdiction of Presidency Magistrates in municipal cases.	The whole.
VI of 1882.	.. An Act to amend the Bombay Municipal Acts, of 1872 and 1878.	The whole.
II of 1885	.. An Act to empower the Municipal Corporation of the City of Bombay to subscribe to the Gurantee Fund of the Bombay International Exhibition and for other purposes.	So much as has not already been repealed.
III of 1885	.. An Act to provide for the occasional appointment of a Deputy Municipal Commissioner for the City of Bombay.	The whole
I of 1886	.. An Act to remove certain doubts in the construction of section 9 B of Bombay Municipal Acts of 1872 and 1878.	The whole.
II of 1886	.. An Act to enable the Municipal Corporation of the City of Bombay to raise increased revenue from town-duties.	The whole.

SCHEDULE B.

(See section 24)

[Division of the city wards] Deleted by Mah. 8 of 1965. s. 19.

SCHEDULE C.

(See section 110)

FORM OF DEBENTURE.

No. for Rs.

By-virtue of the [Mumbai Municipal Corporation Act], we, the Municipal Corporation of [Brihan Mumbai] in consideration of the sum of paid to us by A.B. of for the purposes of the said Acts promise to pay the said A.B., his heirs, executors, administrators and assigns the said sum of together with interest at the rate of percentum per annum payable half-yearly on the day of and the day of

And, by way of security for the said payment, we do hereby grant and assign unto the said A.B., his heirs, executors, administrators and assigns such proportion, of the moneys arising or accruing by virtue of the said Act from (the taxes mortgaged) as the sum aforesaid doth or shall bear to the whole sum which is or shall be borrowed on the credit of the said (taxes), to hold to the said A.B., his heirs, executors, administrators and assigns from the day of the date hereof until the sum aforesaid with interest for the same at the rate aforesaid shall be fully paid and satisfied ;

And it is hereby declared that the said principal sum shall be repaid on the day of 18 at (place of payment).

Dated this day of 18 .

(To be sealed with the common seal of the corporation.)

(Signed)

Municipal Commissioner on behalf of the Corporation.

This debenture has been sealed with the common seal of the Municipal Corporation of [Brihan Mumbai] [in the presence of :-

(Signed)

1. } the Member-in-charge]
2. }

SCHEDULED [Deleted by Bom. 76 of 1948, s.38]

1 These words were substituted for the words Bombay Municipal Corporation Act' by Mah. 25 of 1996, s. 2, Schedule 4(9) (a).

2 These words were substituted for the words " Greater Bombay " ibid s. 2, Schedule 4(9)(b).

3 This portion was substituted for the poration beginning with the words " in our presence ":- and ending with the words " Members of the Standing Committee " by Mah. 10 of 1998, s. 249.

SCHEDULE E

(See section 150)

FORM OF NOTICE OF TRANSFERS TO BE GIVEN WHEN THE TRANSFER
HAS BEEN EFFECTED BY INSTRUMENTTo the Municipal Commissioner for ¹[Brihan Mumbai].I, A.B., hereby give notice, as required by section 149 of the ²[Mumbai Municipal Corporation Act], of the following transfer of property :—

Date of Notice	Date of Instrument	Name of Vendor or Assignor	Name of Purchaser or Assignee	Amount of consideration	Description of the property						If instrument has been registered the date of Registration.	Remarks
					Of what it consists	Situation	No. in Assessment Book	Collector's No.	Dimensions of Land	Boundaries		

(Signed) A.B.

SCHEDULE F

(See section 150)

FORM OF NOTICE OF TRANSFERS TO BE GIVEN WHEN THE TRANSFER HAS
TAKEN PLACE OTHERWISE THAN BY INSTRUMENTTo the Municipal Commissioner for ³[Brihan Mumbai].I, A. B., hereby give notice, as required by section 149 of the ⁴[Mumbai Municipal Corporation Act] of the following transfer of property :—

Date of Notice	Name in which the property is at present entered in the Commissioner's Records.	To whose name it is to be transferred.	Description of the property						Remarks
			Of what it consists	Situation	No. in Assessment Book	Collector's No.	Dimensions of Land	Boundaries	

(Signed) A.B.

¹These words were substituted for the words "Greater Bombay" by Mah. 25 of 1996, s. 2 Schedule 4(10)(a).²These words were substituted for the words "Bombay Municipal Corporation Act", *ibid.*, s. 2 Schedule 4(10)(b).³These words were substituted for the words "Greater Bombay" *ibid.*, s. 2 Schedule 4(11)(a).⁴These words were substituted for the words "Bombay Municipal Corporation Act", *ibid.* s. 2, Schedule 4(11)(b).

[SCHEDULE G

(See section 180)

TAX ON VEHICLES AND ANIMALS

Serial No.	Description of vehicle or animal	Maximum amount of tax per annum	
		For vehicles with pneumatic tyres	For vehicles without pneumatic tyres
1	2	3	4
		Rs.	Rs.
1	Vehicles impelled by machinery and used for commercial purposes other than the carriage of passengers—		
	Weighing upto 2,030 kg. empty	180.00	260.00
	Weighing upto 4,065 kg. empty	220.00	320.00
	Weighing upto 8,130 kg. empty	200.00	380.00
	Weighing upto 12,190 kg. empty	300.00	440.00
	Over 12,190 kg. empty	340.00	500.00
2	Each vehicle drawn or intended to be drawn by any vehicles falling under serial No.1 and used for commercial purposes (i.e. Trailers)—		
	Weighing upto 2,030 kg. empty	120.00	180.00
	Weighing upto 4,065 kg. empty	160.00	240.00
	Weighing upto 8,130 kg. empty	200.00	300.00
	Weighing upto 12,190 kg. empty	240.00	300.00
	Over 12,190 kg. empty	280.00	460.00
3	Each vehicle impelled by machinery and used solely for carrying passengers—		
	Weighing upto 760 kg. empty	100.00	160.00
	Weighing upto 1,525 kg. empty	140.00	200.00
	Weighing up to 2,285 kg. empty	260.00	300.00
	Over 2,285 kg. empty	260.00	360.00
4	Vehicle drawn or intended to be drawn by any vehicle falling under serial No.3 (i.e. Trailer).	48.00	80.00
5	Each three-wheeled vehicle impelled by machinery and used solely for carrying passengers.	60.00	100.00
6	Each two-wheeled vehicle impelled by machinery	48.00	80.00
7	Each four-wheeled vehicle drawn by horses, ponies, mules, donkeys or bullocks—		
	(a) Labour Carts	8.00	32.00
	(b) Other vehicles in this class	32.00	48.00
8	Each two-wheeled vehicle drawn by horses, ponies, mules, donkeys or bullocks—		
	(a) Labour Carts	8.00	24.00
	(b) Other vehicles in this class	16.00	24.00
9	Each vehicle drawn or impelled otherwise than by horses, ponies, mules, donkeys, bullocks or machinery.	7.00	8.00
10	Each horse, pony or mule of a height of 1.2 metres or upwards	....	32.00
11	Each horse, pony or mule of a height less than 1.2 metres	....	16.00
12	Each bullock or buffalo kept for draught or pack purposes	....	8.00
13	Each donkey kept for draught or pack purposes or for riding	....	8.00]

[SCHEDULE G-1

(See section 191-E)

THEATRE TAX

Type of entertainment	Maximum amount of tax
(1) Class I Cinema theatre	.. Rs. 20 per show.
(2) Class II Cinema theatre	.. Rs. 15 per show.
(3) Class III Cinema theatre	Rs. 12.50 per show.
(4) Drama concert, variety entertainment or <i>tamasha</i> .	Rs. 12.50 per show.
(5) Circus, carnival or fete	.. Rs. 25 per day.
(6) Any other entertainment	.. Rs. 15 per show or if there are no separate shows, Rs. 15 per day.

Explanation 10—For the purpose of this Schedule,—

(a) Class I Cinema theatre means a cinema theatre, the premises of which are assessed at a rateable value exceeding Rs. 15,000 per year.

(b) Class II Cinema theatre means a cinema theatre, the premises of which are assessed at a rateable value exceeding Rs. 10,000 but not exceeding Rs. 15,000 per year.

(c) Class III Cinema theatre means a cinema theatre, the premises of which are assessed at a rateable value not exceeding Rs. 10,000 pre year.

Explanation 2—For the purposes of this Schedule, rateable value of any premises means the rateable value thereof as entered in the assessment book kept by the Commissioner under section 156, and where the premises of any cinema theatre include any other tenements, such portion of the rateable value so entered as the Commissioner may determine having regard to the rent or the expected rent of such other tenements.

II. If any question arises whether any cinema theatre belongs to Class I, Class II or Class III, it shall be referred to the Commissioner, who after making such inquiry as he thinks fit, shall decide the question, and his decision shall be final.]

[SCHEDULE H

[See section 192(1)]

ARTICLES LIABLE TO PAYMENT OF OCTROI

Serial No. (1)	Articles (2)	Maximum rates of octroi leviable (3)
<i>Class- I - Articles of food and drink</i>		
1	Grain, flour, pulses and cereals of all sorts including <i>gavar</i> , <i>soyabean</i> , <i>parched grain and paddy</i> .	[15 paise per 50 kg.]
2	(a) Sugar (b) Gur of all sorts	.. 75 paise per 50 kg. .. 4[20 Paise per 50 kg.]
3	Wines and spirits and beer	.. 7 per cent <i>ad valorem</i> .

¹Schedule G-1 was substituted by Mah. 18 of 1974, s. 4(1). For saving see s. 4(2) of Mah. 18 of 1974.

² Schedule H was substituted by Mah. 32 of 1964, s. 20.

³ These brackets, words and figures were substituted for the brackets, words and figures "(see section 192)" by Mah. 12 of 1993, s. 9(a).

⁴ Substituted by G. N., U.D., P. H. & H.D. No. BMC.1070/105529-C, dated 17th March 1970.

Serial No. (1)	Aericles (2)	Maximum rates of octroi leviable (3)
4	<i>Ghee</i>	³ [2 per cent <i>ad valorem</i>]
5	<i>Vanaspati</i> and hydrogenated oils	Rs. 4 per 50 kg.
6	Tea, coffee, seeds	2 Paise per kg.
7	Saffron	¹ [7 per cent <i>ad valorem</i> .]
8	Edibles.—bacon and hams, table butter, butter other than table butter, margarine, dried or preserved fruits and nuts excluding fresh fruits and betel nuts, canned fish, cheese, confectionery, jams and jellies, milk condensed and preserved all sorts of farinaceous foods, pickles, coca, coca beans and chocolates, biscuits and cakes, lard or edible fat, <i>mawa</i> , milk cream, <i>chakka</i> and curds, fruits juices and all beverages, Glucose, Dextrose or any fruit, sugar oilman stores (except edible oils), preserved provisions, baking or curry powder, saccharin, all kinds of food colours and essences, glucose of all other kinds, malt extract, honey, <i>papad</i> , meat fresh or preserved for whatever use, and all kinds of food or drink not specifically provided for excepting whole milk, toned milk and skim milk powder.	¹ [7 per cent <i>ad valorem</i>]
9	Dates, dry	¹ [Rs.1.50 per 50 kg.]
10	Dates, wet	Re. 1 per 50 Kg.
<i>Class II—Animals</i>		
11	Sheep, goats, lambs and kids	² [1 per cent <i>ad valorem</i>]
12	Oxen, cows, buffaloes, calves and horses	² [1 per cent <i>ad valorem</i>]
13	Pigs	² [1 per cent <i>ad valorem</i>]
<i>Class III—Articles used for fuel lighting, washing and industrial use</i>		
14	Charcoal, coal and coke	¹ [Rs.1 per metric ton for charcoal ; Rs.1.20 per metric ton for coal and coke.]
15	Crakes, fire works and their components, calcium carbide and safety fuses.	¹ [7 per cent, <i>ad valorem</i> .]
16	Chandeliers, globes chimneys, electric bulbs and articles for electric or gas lighting.	¹ [6 per cent <i>ad valorem</i> .]
17	Soap of all kinds, boot and metal polish	¹ [3 per cent, <i>ad valorem</i> (2 per cent <i>ad valorem</i> for washing soap and bath soap costing no more than Rs.1.25 per cake.) [*] 4 per cent. <i>ad valorem</i>
18	Potash, <i>ritha</i> , soda, alum, saline substances, <i>shikekai</i> , washing soda, caustic soda, refined salt-petre, phynel, and substances used in washing clothes, floor and utensils.	[*] 4 per cent. <i>ad valorem</i>
19	Oil seeds of inedible oils	¹ [Re. 1 per 50 kg.]
20	Inedible vegetable oils	¹ [Rs. 4 per 50 kg.]

¹ Substituted by G. N., P.H.D. No. Tax 1976/2719 UD-3, dated 17th July 1976.

² Substituted by G. N., U.D.P., No. BMC. 1786/1346/CR-113/86(b)-UD-21, dated 29th May 1989 w.e.f. 1st June 1989.

³ Substituted by G.N., U.D.P., No. 1783/1069(b) UD-3, dated the 30th March 1983.

^{*}Substituted by G.N., U.D.D. No. BMC. 1774/3256-UD-3, dated 2nd August 1984, w.e.f. 4th August 1984.

Serial No. (1)	Articles (2)	Maximum rates of octroi leviable (3)
21	Methylated and denatured spirits and industrial alcohols.	¹ [6 per cent <i>ad valorem</i>]
22	(a) ² [Minerals, oils of all sorts] diesel oil, petrol aviation spirit, all kinds of lubricating oils, white oil, spindle oil furnace oil ³ [petroleum products including natural gas and liquified petroleum gas] <i>mava</i> oil, sevasol. solvent oil, other fuel oils, oils used as insecticides, natural gasoline, paints, solutions and compositions, Turkey Red oil and by-products of mineral oils, ⁴ [but nothing herein before contained shall include Kerosene and crude oil].	[1 per cent <i>ad valorem</i>]
	⁵ [(aa) Crude oil*	*[1 per cent <i>ad valorem</i>]
	(b) Grease and petroleum jelly	¹ [4 per cent <i>ad valorem</i>]
<i>Class IV—Articles used in construction of buildings, boards and other structures and articles made of wood or cane.</i>		
23	Cement of all sorts	⁶ [Rs. 2 per metric ton.]
24	Coal tar, asphalt, bitumen, flooring stone, manganese, emery stone or powder, chalk powder, stonechips, Agra stone, stone, for building, clinker and coal ash.	¹ [14 Paise per 50 Kg.]
25	Glazed bricks, tiles, marble pieces, fire bricks, bricks, all kinds of roofing tiles, flooring tiles, China mosaic chips, mosaic marble, mosaic or Terrazo tiles, earthen pipes, China pipes, cement pipes and asbestos cement sheets.	¹ [4 per cent. <i>ad valorem</i> .]
26	Paints, distemper and colour washes used for painting buildings, varnish, boiled linseed oil, turpentine, zinc oxide and red oxide.	¹ [4 per cent, <i>ad valorem</i> .]
27	yellow earth and earth of any other kind ⁷ *	¹ [14 paise per 50 Kg.]
28	Glass, glassware, chinaware, enamelware, all kinds of crockery used for construction or decoration of buildings and sanitary fittings, metal valves, brass cocks and their fittings.	
29	Roofing felt	¹ [2 per cent <i>ad valorem</i> .]
30	Timber, pallies, cade and articles made of any of them, doors, windows, frames, furniture, pets, staircases, sandal wood and articles made of such wood.	¹ [6 per cent <i>ad valorem</i> .] ¹ [5 per cent, <i>ad valorem</i> for timber used for preparation of khokas only].
31	Plywood, soft boards, hard boards, masonite or any other kind of wood of whatever composition prepared by artificial process and articles made thereof.	¹ [6 per cent <i>ad valorem</i>]

¹ Substituted by G. N. of 17th July 1976.

² These words were substituted for the words "Mineral oils of all sorts except kerosene, crude oil" by Mah. 27 of 1966, s. 2(a).

³ These words were substituted for the words "petroleum products" and were deemed to have been substituted w.e.f. 1st day of April 1978 by Mah. 12 of 1993, s. 9(b).

⁴ These words were inserted, by Mah. 27 of 1966, s. 2(b).

⁵ Sub-entry(aa) was inserted, *ibid.*, s. 2(c).

⁶ Substituted by G. N. of 17-3-1970.

⁷ The words "except red earth" were deleted by Mah. 12 of 1993., s. 9(c).

* These entries were substituted by G.N., U.D.D., No. BMC. 1783/1069(a)-UD-3, dated the 13th March 1983.

Serial No. (1)	Articles (2)	Maximum rates of octroi leviable (3)
<i>Class V—Perfumes, toilet requisites, colours and household goods.</i>		
32	(a) Hair oil, perfumed oils, perfumery of all kinds, scents, attars, scented material, incense sticks, aromatic chemicals, toilet requisites of all kinds, shaving cream, shaving sticks, tooth powder, tooth paste, pomade, combs, brushes, looking glasses, hairpins, breeches, garters and suspenders	1[4 per cent <i>ad vaotrem</i> .]
	(b) Scissors, razors, safety razors, blades, knives, penknives, spoons, forks, cutlery of all kinds, needles of all sorts, locks and keys, socks and petromax and their parts and accessories and hardware articles.	1[4 per cent <i>ad valorem</i> .]
	(c) Laces, tapes, rings of wood and metal, embroidery articles, celluloid and celluliod articles, beads of all sorts, imitation pearls, articles of imitation jewellery, plastic and plastic goods, plastic powder, bakelite and bakelite goods.	1[4 per cent <i>ad valorem</i> .]
33	(a) Imitation ornaments	1[6 per cent <i>ad valorem</i> .]
	(b) Toys off all Kinds.	1[3 per cent <i>ad valorem</i> .]
34	Crockery of all sorts	1 per cent <i>ad valorem</i> .
35	Glass and glassware including bangles, bottles, articles of China and porcelainware and earthenware (excluding articles used for construction of decoration of buildings.)	1 per cent <i>ad valorem</i> .
<i>Class VI—Tobacco requisites</i>		
36	Cigar, cigarette holders, smoking pipes, cigarette paper, tobacco cases, pouches, cigar and cigarette cases, hukka and smoking requisities and cigarette lighter.	1[6 per cent <i>ad valorem</i> .]
<i>Class VII—Piece goods cotton, yarn and threads of all sorts and starching and sizing materials, leather and articles of leather and rubber goods.</i>		
37	Piece-goods of wool, silk, linen hemp, artificial and synthetic materials and articles made up purely or partly of any of the above materials not otherwise specified * [100% cotton fabrics readymade garments made out of 100% cotton fabrics, hosiery goods made of 100% cotton fabrics sanitary towels, napkins, disposable baby diapers, cotton beds and pillows and surgical cotton].	1[2 per cent <i>ad valorem</i> .]
38	Cotton ginned or unginned	2[3 per cent <i>ad valorem</i> .]

* This portion was added by Mah. 12 of 1993, s. 9(d).

1 Substituted by G. N. of 17-7-1976.

2 Substituted by G.N., U.D.D., No. BMC. 1786/1346/CR-113/86(a)-UD-21, dated the 29th May 1989, w.e.f. 1st June 1989.

Serial No. (1)	Articles (2)	Maximum rates of octroi leviable (3)
39	Cotton waste, yarn waste and hard waste ..	*[2 per cent. <i>ad valorem</i>]
40	Raw or unspun wool, hemp, jute, coconut and other fibres and rope and articles made thereof.	¹ [2 per cent. <i>ad valorem</i> .]
41	Yarn and threads of all sorts	² [1 per cent. <i>ad valorem</i> .]
42	Starches of all sorts, sago rice and flour, arrowroot, tapico, and its flour, tamarind powder, farina, starches and sizing materials, tallows, sizing oils and such substitutes.	(Re. 1 per 50 Kg.)
43	Hides and skins	² [2 per cent <i>ad valorem</i> .]
44	Leather, including harness, saddles, bags, boxes, shoes, <i>chapples</i> , slippers, sandals, straps and all articles made of leather.	¹ [2 per cent <i>ad valorem</i> .]
45	Rubber tyres and tubes	¹ [4 per cent <i>ad valorem</i> . (2 per cent <i>ad valorem</i> for tubes and tyres required for bicycles and Bombay Electric Supply and Transport Undertaking only).]
46	³ [(a) Rubber, rubber goods, gatta purcha and articles made thereof wholly or partly, rubber soultion, 4* * * and lates.	¹ [1½ per cent <i>ad voal-rem</i> .]
	³ [(b) Raw rubber]	¹ [1½ cent <i>ad valorem</i> .]
	<i>Class VIII—Metals and articles made of metals.</i>	
47	Iron and steel— (a) pig iron, (b) blooms, billets and slabs , (c) Structural—(i) Joints, (ii) channels. (iii) angles, equal or unequal, (iv) bulbs ortoes . (v) light rails, (vi) fish-Plate for light rails, (vii) Shell, steel ingots, blooms, billets and bars, (viii) black or galvanised sheets, plain or corrugated (ix) plats, ordinary mild steel including boiler and high tensile ship building or bullet proof, (x) bars and rods, (xi) bolts, nuts washer, rivets and such other articles, (xii) wire barbed, telegraph of other kinds of black galvanised, (xiii) wire nails, (xiv) spring steel, vehicular to flat bars, (xv) hoops and strips, and (xvi) pipes.	⁵ [2½ per cent. <i>ad valo-rem</i> .]
48	Iron and steel-scrap	⁵ [2½ per cent <i>ad valorem</i>]
49	Iron and steel — any other articles manufactured from iron or steel other than cutlery, hardware and machines or machine parts not specifically provided for.	⁵ [2½ per cent <i>ad valorem</i>]

¹ Substituted by G. N. of 17-7-1976.

² Substituted by G. N. of 17-3-1970.

³ Added, *ibid*.

⁴ Deleted, *ibid*.

⁵ Substituted by G.N., U.D.D., No. BMC. 1786/1346/CR-113/86(a)-UD-21, dated the 29th May 1989, w.e.f. 1st June 1989.

*Substituted by G.N., U.D.D. of 30th March 1983.

Serial No. (1)	Articles (2)	Maximum rates of octroi leviable (3)
50	Machinery and their components and spares— (a)(i) electric machinery for generation, transmission distribution and motors and generators and their components and spares, (ii) electric goods including cells, batteries and copper strips, horn electric, (iii) electrical fitting and materials, (iv) electrical domestic appliances, (v) electrical machinery of all kinds, control switch-gear, generators, alternators and dynamos, motors, transformers and turbo generating sets, (b) agricultural machinery and parts, (c) oil engines, diesel engines steam engines, petrol and gas engines and machines worked by hydraulic pressure, and their parts, (d) tools of all kinds, (e) printing press machines and spares, (f) any other machinery, its components and spares not specifically provided for.	1 per cent. <i>ad valorem</i> .
51	Vehicles— (a) motor cars, motor cycles, chassis and lorries (b) bicycles perambulators, carriages, all kinds of vehicles and their components and spares.	1 ¹ 4 per cent <i>ad valorem</i> (3 per cent, <i>ad valorem</i> for chassis required by the Bombay Electric Supply and Transport Undertaking only). 1 per cent <i>ad valorem</i> .
52	Instruments, apparatus and appliances and parts thereof :— (a) sewing machines, clocks and watches and typewriters, and their spares, (b) radio, radiograms, television set or apparatus, loud-speakers, gramophones, amplifiers, wireless goods, their components and spares, (c) photographic machinery, photo goods and materials including photographic chemicals, films and mounts, and their components and spares, (d) cine projection machinery, their components, spares, and materials used therein, (e) surveying apparatus, (f) scientific appliances, (g) optical goods, their spares and accessories, surgical instruments and hospital requirements, including their spares and accessories, (h) mill and gin stores including crucibles, cotton ropes, and (i) all kinds of apparatus, appliances and spares.	1 ¹ 4 per cent <i>ad valorem</i> .]
53	Non-ferrous metals, that is to say, brass, copper, tin, aluminium, lead, zinc, Germansilver, stainless steel, their alloys, wires, wares and sheets, ingots and circles.	2 ¹ 1 ¹ / ₂ per cent. <i>ad valorem</i> .]

¹ Substituted by G. N. of 17-7-1976.² Substituted by G. N., U.D.D. of 30-3-1983.

Serial No. (1)	Articles (2)	Maximum rates of octroi leviable (3)
<i>Class IX—Miscellaneous</i>		
54	Dyes, tans, indigo and all colouring matter including printing paste and inks.	1 per cent. <i>ad valorem</i> .
55	Paper— (a) newsprint, (b) cardboards, straw-boards, grey-boards and mill-boards, (c) all kinds of paper of whatever composition and thickness.	¹ [Re. 1 per 50 Kg.] * ² [2 per cent. <i>ad valorem</i> .] * ² [2 per cent. <i>ad valorem</i> .]
56	Lac and cork and articles made thereof	¹ [2 per cent. <i>ad valorem</i>]
57	Sculptured articles of wood, stone, clay or metal, other articles and earthenware,	¹ [4 per cent. <i>ad valorem</i> .]
58	Chinaware, porcelainware and electric insulators not otherwise specified.	1 per cent. <i>ad valorem</i> .
59	(a) Cinema films, all films raw, (b) [cinema film processed and reels ² [other than those processed in Greater Bombay.]	² [4 per cent. <i>ad valorem</i> .]
³ 60	Molasses	[Rs. 1.50 per metricton.]
61	Gold, silver and articles made thereof	[2 per cent. <i>ad valorem</i> .]
62	All articles other than those specified in the preceding entries of this Schedule and in Schedule H-1	[2 per cent. <i>ad valorem</i> .]

⁴[SCHEDULE H-1

[See section 192(6)]

ARTICLES FREE FROM PAYMENT OF OCTROI

Serial No. (1)	Articles (2)
-------------------	-----------------

- 1 Books and periodicals including almanacs, *panchangs* and time-tables for passenger transport services, catalogues, all publications which publicise goods, service and articles for commercial purposes, race cards, accounts books, diaries, calendars, office and documents, answer books (blank or used), tags, wedding cards, greeting cards, invitation cards, post cards, picture-post cards, cards for special occasions, visiting cards, photo albums, stamp albums made of paper, playing cards and newspapers.

¹ Substituted by G. N. of 17-7-1976.

² Substituted by G. N. of 30-3-1983.

³ These entries were added by Mah. 12 of 1993, s. 9(e).

⁴ Schedule H-1 was inserted *ibid.*, s. 10.

* Substituted by G.N., U.D.D. No. BMC. 1786/1346/CR-113/86(a)-UD-21, dated the 29th May 1989, w.e.f. 1st June 1989.

Serial No.	Articles
(1)	(2)
2	Poultry, eggs and flesh of poultry.
3	Cattle-feed including fodder and concentrates meant exclusively for cattle, cotton seeds, oil cake, feed supplements and <i>Mahua flowers</i> .
4	Chillies, turmeric <i>dhania</i> , <i>methi</i> or <i>suva</i> , whole or powdered, tamarind seeds whole or separated.
5	Coconut in shell, separated kernal of coconut and <i>copra</i> .
6	<i>Bidi</i> leaves.
7	Electricity.
8	Fertilisers and manures including chemical manures.
9	Firewood, bamboo and articles made of bamboo except toys.
10	Fish, fresh and dry, and fish oils.
11	Fresh flowers, fresh vegetables, potatoes, sweet potatoes, elephants, foot (Yam), giner, onions, garlic, fresh, fruits and betel nut.
12	Life saving drugs.
13	<i>Pan</i> , <i>tambul</i> , <i>vida</i> or <i>patti</i> , prepared from betel leaves.
14	Plantian leaves, <i>palas</i> leaves, <i>patraval dron</i> .
15	Salt.
16	Silk worm eggs and silk worm cocoons.
17	Slates and slate pencils, chalk-sticks and crayons, exercise and drawing books lead pencils, orreries and their parts, fountain pens, ball pens, stylograph pens, propelling pencils and refills.
18	Sugar cane.
19	Water-mineral, medicinal, distilled or demineralised waters, water for injection and plain acqua excluding aerated water.
20	Oil seeds of edible oils and edible oils.
21	Flower seeds, fruit seeds, vegetable seeds, seeds of lucerne and other fodder grass, seeds of the canna, hemp, bulb corms, rhizomes, suckers and tubers (including edible tubers), bud grafts, cutting, grafts, layers, seedings and plants.
22	Poultry feed and concentrates exclusively meant for poultry or other birds.
23	Safety matches (excluding matches ordinarily used as fire works).
24	Medicines excluding tooth powder or tooth paste, cosmetics, toilet requisites and soaps, whether used as medicine or otherwise, blood and herbal drugs.
25	Sports goods, gymnasium goods, marbles, pebbles and musical instruments.
26	Insecticides excluding oils used as insecticides, pesticides, fungicides and weedicides.
27	Aeroplanes of all kinds including helicopters and components, parts and accessories or any of them.
28	Arms including rifles, revolvers, pistols, airguns, air pistols, air rifles and ammunition thereof and componenets, parts and accesories thereof.

Serial No. (1)	Articles (2)
29	Ice and dry ice.
30	<i>Ganja, Bhang, Charas and Opium.</i>
31	Mica graphite and activated earth.
32	Fowls of all sorts, ducks and birds.
33	Human hair and animal hair.
34	Mercury.
35	All animals, wild beasts, domestic pets except those to which entries 11, 12 and 13 of Schedule H apply.
36	Animal bones, horns and hooves.
37	Currency notes and coin.
38	Bee wax, baby berry wax and wax excluding petroleum wax.
39	Brooms.
40	Vitamins
41	Whole milk, toned milk and skim milk powder.
42	Kerosene.
43	Red earth.]

SCHEDULE I

(See section 202)

FORM OF NOTICE OF DEMAND

To

A.B.

residing at

Take notice that the Municipal Commissioner for ¹[Brihan Mumbai] demands from *(you)* the sum of _____ due from *(you)* on account of *(here describe the premises, vehicle or animal an account of which the tax is leviable)* for the half year *(or quarter)* commencing *(or ending)* the _____ day of _____ 19 ____; and that if the said sum is not paid into the municipal office at _____ for if sufficient cause of non-payment of the sum is not shown to the satisfaction of the Commissioner within fifteen days from the service of the notice, a warrant of distress ²[or attachment] will be issued for the recovery of the same, with costs.

Dated this _____ day of _____ 19 ____.

(Signed)

Municipal Commissioner for ¹[Brihan Mumbai]

¹ These words were substituted for the words "Greater Bombay" by Mah. 25 of 1996, s.2, Schedule 4(12).

² These words were inserted by Bom. 64 of 1953, s. 24.

[SCHEDULE J

[See section 203 and sub-section (3) of section 207A]

FORM OF WARRANT OF DISTRESS OR ATTACHMENT

To

(here insert the name of the officer charged with the execution of the warrant.)
 WHEREAS A. B., of _____, has not paid or shown sufficient cause to my satisfaction for the non-payment of the sum of _____ due for the tax-mentioned in the margin for the half-year for quarter commencing (or terminating) on the _____ day of _____ 19____ although the said sum has been duly demanded in writing from the said A.B. and fifteen days have elapsed since the service of the notice of the demand/order;

This is to command you to distrain the goods and chattels of the said A.B. (or, as attach any property the case may be, any goods and chattels on the premises in respect of which the said tax is due) to the amount of the said sum of _____ and such further sum as may be sufficient to defray the cost of recovering the said amount; and forthwith to certify to me together with this warrant all particulars of the goods and chattels distrained by you thereunder.
property attached

Dated this _____

day of _____

19____

(Signed)

Municipal Commissioner for ²[Brihan Mumbai]].

SCHEDULE K

(See section 205)

FORM OF INVENTORY AND NOTICE

To

A.B.

residing at _____

Take notice that I have this day seized the goods and chattles specified in the inventory beneath this, for the sum of _____ due for the tax mentioned in the margin* for the half-year (or quarter) commencing (or terminating) on the _____ day of _____ 19____

office at _____; and that unless you pay into the municipal of recovery, within five days from the day of the date of this notice, the goods and chattles will be sold.

Dated this _____

day of _____

19____

(Signature of the officer executing the warrant)

INVENTORY

(Here state particulars of the goods and chattles seized).

¹ This Schedule was substituted for the original by Bom. 64 of 1953, s. 25.² These words were substituted for the words "Greater Bombay" by Mah. 25 of 1996, s. 2, Schedule 4(13).

* Here describe the tax.

¹ SCHEDULE²[SCHEDULE M

(See section 394)

PART I

ARTICLES WHICH SHALL NOT BE KEPT WITHOUT A LICENSE
IN OR UPON ANY PREMISES

EXPLOSIVES

GROUP I

Gunpowder (Blasting Powder)

GROUP II

Aqwanite, Aquarex, Aquaram, Gn-1, Powerflo-1, Powerflo-2, Powerflo-3, Nobe
lite, Pulverex, Aquadyne, Aquanal, Godyne, Powerflo-2, Supergel Marinex-G,
Aquadandye-II-1975.Powerex, Powerite, Powerplast, P R M-101, P R M-102, PRM-103, P R M-IL,
Energel, Formadyne, Formagel, Monodyne, Monoex, Superdye, Nominite, Anfo.

GROUP III

DIVISION 1

Ajax-G, Callistite, Belex G.I. Blasting Gelatine, Cordite, Cordite A, Cordite AN,
Cordite CD, Cordite MD, Cordite W, Cordite WM., Gelatine, Gelatine Dynamite,
Gelnignite, Geophex, Gomia Gelatine-40%, Gomia Gelatine-50%.Seismic Gelatine 90%, Seismic Gelatine 80%, Seismopak, Soligex, Special Gelatine
Submarine Blasting Gelating Uniferx, Hectarite, Hydrobel, Improved Bellistite,
Alfagel, Alfapruf, Nobel Glasgow Shotgun Powder, Nobel Parabellum Powder
Nobel Rimfire Powder, Openalast Gelnignite, Plaster Gelatine.Polar Ajax, Polar Ammon, Gelatine Dynamite, Polar Ammon Gelatine, Polar
Blasting Gelating, Polar Viking, Polar Special Gelatine, Seismex.

Unigex, Uniprug 'G' Unisax, Unisax-G, Viking-G, Plaster Gelatinte, Permigex.

DIVISION 2

Ammonal, Cyclotrimethyl-Trinitroamine (Rox, Cyclonite, Henagene), Dinitro-
Phenol, E. C. Sporting Powder, Guncotton, Nitroguanidine, Penta-Erythritol-
Tetranitrate (Petr. Penthrite) Pentocite Boosters, Picric Acid (Tri Nitrophenol),
Picrates Dry.Primex, Supermex, R D X-T N T, Seismic Primer, Tentrinitro Methylaniline,
(CE Tetryl), Tonite or Cotton Power No. 1, Tonite or Cotton Power No. 2, Tonite
No. 3, Trinitro-Resorcinol (Styphnic Acid), Tri-Nitro-Tolune (TNT Trotyl).

GROUP IV

Chlorate Mixture

(Any explosive containing a chlorate).

¹ Schedule L was deleted by Mah. 42 of 1976, s. 17.² Schedule was substituted by G. N. U.D. & P.H.D., No. BMC. 1078/27/UD-3, dated the 26th
October 1979, published in Maharashtra Government Gazette, Extraordinary, Part I-A, dated
26-10-1979, at p.p. 81-101.

GROUP V

Fulminate, Diazobenol, Nitrate of Diazo Benzol.
Azides of all kinds, Lead Styphnate (Lead Trinitro Rescinate)

GROUP VI

DIVISION 1

Electric Lighters for Igniter Cord, Igniter Cord Connectors, Nobel's Safety Electric Fuses

DIVISION 2

Cartridges for small arms other than Safety Cartridges, Cordeau Bickford, Cordtex, Desonating Fuse, Electric Fuses, Fuse Heads for Electric Detonators, Fuse Igniters, Instantaneous Fuse, Miner's Portfires, Nobel Shaped Charge.

Peten Booster Plastic igniter Cord, Plastic Igniter Wick, quick Match, Sword-1, Sword-2, Geoshape, Corflex, Dethonating Fuse, Testex fuse Heads-Fuse Heads for Electric Detonators and Safety, Electric Fuses, Tubes for firing Explosives.

DIVISION 3

"Carrick" Non-incentive short Delay Detonator, Detonating Relays, Detonating Relays Type P. T., Electric Boosters, Electrical Detonators, Electric Delay Detonators, Friction Tubes, Hydrostar Electric Detonators, Percussion Primers, Seismic electric Detonators, Tubes for firing Explosives.

GROUP VII

DIVISION 1

Fireworks Composition.—The term "Fireworks composition" means any chemical compound of mechanically mixed preparation of an explosive or inflammable nature which is used for the purpose of making manufactured fireworks. Articles in this group are as provided in Part II and Part III of this Schedule.

DIVISION 2

Manufactured Fireworks.—The term "Manufactured Fireworks" means any explosive of groups I, II, III or VI and any fireworks composition, when such, explosive or composition is enclosed in any case or contravence, or is otherwise adopted or prepared so as to form a squib, cracker including chinese crackers, toy cap or amoree maroon, lance, wheel, chinese fire, roman candle, or other article specially adopted for the production of pyrotechnic effects or pyrotechnic signals or sound signals.

*AEROPLANES also known as CHIDIAS OR FIRE-FLIES containing gun-powder or nitrate mixture in a metal case not exceeding 25 mm. of composition to every 1000 dots.

AMORCES in the form of caps or tapes for toy pistols consisting of dots of explosive composition approved by Chief Controller of Explosives and in proportion exceeding 4.5 gms. of composition to every 1000 dots.

BON BON or CHRISTMAS CRACKERS containing an explosive of such composition and in such quantity as may be approved by Chief Controller of Explosives.

COBRA EGGS OR PHARAOH'S SERPENT (WHITE).

CRACKERS commonly known as "Atom Bombs" made with gun-powder, nitrate mixture or an explosive composition approved by Chief Controller of Explosives, wrapped in paper and tied round with string. The whole not exceeding 25 gms. in weight, 40 mm. in length and 20 mm. in diameter or diagonal,

CRACKERS commonly known as "Palm Leaf Crackers" or "Basket Bombs" containing gunpowder, nitrate mixture or an explosive composition approved by Chief Controller of Explosives and wrapped up in palm leaf or in paper into a triangular shape.

DISTRESS SIGNAL ROCKETS.

*FLOWER POTS or FOUNTAINS.

*LANCES.

MAGIC SERPENT (BLACK).

MAROON containing an explosive composition and of such construction, size and weight as may be approved by Chief Controller of Explosives.

ROCKETS of size not exceeding 76 mm. in length and 25.4 mm. in diameter provided it is not a metal case.

*ROMAN CANDLE.

*SHELLS provided they are fired from a substantial mortar firmly buried below ground level.

SOCKET— DISTRESS SIGNALS.

SOCKETS LIGHT SIGNALS.

SOCKETS SOUND SIGNALS.

*SQUIBS made with gunpowder or nitrate mixture.

VERY SIGNAL CARTRIDGES.

WHEELS.

*(The explosive composition shall not contain any chlorate.)

GROUP VIII

(LIQUID OXYGEN)

PART II

Articles which shall not be kept without a licence in or upon any premises in quantities exceeding at any one time the maximum quantities hereunder specified against such articles :

Provided that, it shall be in the discretion of the Commissioner to vary the maximum quantity specified, against any such article when the same is kept in combination with any other article or articles specified in this Schedule.

A—COMBUSTIBLE LIQUIDS

(a) Any combustible liquid including the following having flash Point 23* C or less—
10 litres

- | | |
|---|---|
| 1. Acetal (Acetaldehyde Diethyl Ether) | 6. Acetyl Chloride also Corrosive. |
| 2. Acetaldehyde (Acetic Aldehyde) | 7. Acetylene Dichloride. |
| 3. Acetone (Dimethyl Ketone). | 8. Acrolin (Acraldehyde, Allyl Aldehyde Propenal). |
| 4. Actonitrile (Methyl Cyanide Ethane Nitrite). | 9. Acrylonitrile (Propene nitrile, Vinyl Cyanide) also toxic. |
| 5. Acetone Oils. | 10. Allyl Chloride (2-Chloro or 3-Chloro Propylene.) |

11. Ally Alcohol (Propenyl Alcohol).
12. Ally Bromide (Bromo Allyl).
13. Ally Ether.
14. Ally Iodide also corrosive.
15. Aluminium Paints.
16. Amyl Nitrite.
17. Amylene (Pentene).
18. Amyl Hydro Sulphito.
19. Amylamine.
20. Amyl Chloride.
21. Amyl Mercaptan.
22. Benzene (Benzol, Phene, Phenyl, Hydride).
23. Benzinep Petrolcum.
24. Tertiary Butanol (Tertiary Butyl Alcohol Trimerthy Carbinol).
25. Iso-Buty Acetate.
26. n-Butyl Acetate (Buty Ethanoaic Butyl Ester).
27. Secondary Butyl Acetate.
28. Iso-Butylamine.
29. n-Butylamine.
30. n-Butyl Chloride.
31. n-Butyl Formate.
32. n-Butyraldehyd (Butanal, Butaldehyde Butyl Aldehyde).
33. Iso-Butyraldehyd (iso-Butanal).
34. Carbon Disulphide.
35. Carbon Remover, liquid.
36. Cellulloid Solution.
37. Chloroprene.
38. Coal Tar oil/Distillates.
39. Coal Tar Naphtha.
40. Crotonaldehyde.
41. Crotonylene.
42. Cyclo Hexane (Hexa Methylene).
43. Cyclo Hexene.
44. Cyclopentane.
45. Diacetone Alcohol (Diacetone).
46. Di-iso Prutylene.
47. Di-Chloro Ethylene.
48. Di-Chloropropanes.
49. Di-Ethyl Amine.
50. Di-Ethyl Ether.
51. Di-Ethyl Ketone.
52. Di-Methyl Amine, Soln.
53. Di-Methyl Butane (Neo-hexane).
54. Methyl Carbone.
55. Dimethyl Cyclohexene.
56. 2, 5 Dimethyl Furane.
57. Dimethyl Dischlorosilane.
58. Dimethyl Sulphide.
59. Dimethy Ether.
60. Dimethy Heptane.
61. Dimethyl Hydrazine.
62. Dioxane.
63. Di-Oxolane.
64. Di-iso-Propylamine.
65. Di-iso-Propy -Ether.
66. Di-Vinyl Ether (Vinyl Ether).
67. Dyoline.
68. Ethyl Acetate.
69. Ethyl Acrylate.
70. Ethyl Alcohol (Ethanol, Absolute Alcohol).
71. Ethyl Bormide.
72. Ethyl Borate.
73. Ethy Butyl Ether.
74. 2-Ethy Butyraldehyde.
75. Ethyl Dimetyi Methane.
76. Ethyl Chloride.
77. Ethyl Chloro Formate.
78. Ethyl Crotonate.
79. Ethyl Dichloro Silane.
80. Ethyl Ether.
81. Ethyl Formate.
82. Ethyl Methy Ether.
83. Ethyl Methyl Ketone (Methyl Ketone).
84. Ethyl Nitrate.
85. Ethyl Nitrite.
86. Ethyl Propionate.
87. Ethyl Trichloro Silane.
88. Ethylene Dichloride.
89. Ethylenaimine.
90. Fusel Oil.
91. Gasoline.
92. Hektane.
93. Heptene.
94. Hexene.
95. Hexane.
96. Hexone.
97. Hexylamine.
98. Industrial Alcohol.
99. Industrial Spirit.
100. Iron Carbonyl.
101. Isoprene.
102. Lacquers.
103. Mercaptans.
104. Methylamine Solution.
105. Methyl Acrylate (Methy Acreline).
106. Methyl Acetate.
107. Methyl Acetone.
108. Methyl Alcohol (Methanol).
109. Methyl Butyrate.
110. Methyl Chloroformate.
111. Methyl Chloromethy Ether.
112. Methyl Dichlorosilane.
113. Methyl Formate.
114. Methyl Hydrozine.
115. Methyl Methacrylate.
116. Methyl Cyco-Penatane.
117. Methyl Pentadiene.
118. Methy iso-Propany Ketone.
119. Methyl Propionate.
120. Methyl Propyl Keton.
121. Methyl Trichlorosilane.
122. Methyl Vinyl Ketone.
123. Methylated Spirit.
124. Mineral Oils of all kinds.
125. Mono-Propylamine.
126. Naphtha.
127. Nickel Carbonyl.
128. Nitrocellulose, Wetted.
129. Octane and iso-Octane.
130. Organic Solvent.
131. Paraldehyde.
132. Pentane.
133. Petrol.
134. Petroleum Crude Oil.
135. Petroleum Ether.
136. Pearl Essence.
137. Paints in solvent.
138. Printing Ink in solvent.
139. n-Propanol.
140. iso-Propanol.
141. Propiony Chloride
142. n-Propyl Acetate.
143. iso-Propyl Acetate.
144. Propylene Oxide.
145. Propyl Dichloride.
146. iso-Propylamine.
147. Propyl Chloride.

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|--|-------------------------------|
| 148. Propylenimine. | 166. Tri Ethylamine. |
| 149. Propyl Formate. | 167. Tri Ethyl Chlorosilane. |
| 150. n-Propyl Nitrate. | 168. Tri Methylamine. |
| 151. iso-Propyl Nitrate. | 169. Tri Methyl Chlorosilane. |
| 152. Pyridine. | 170. Tri Propylene. |
| 153. Pyrolidine. | 171. Tri Nitro Benzene. |
| 154. Rectified Spirit. | 172. Valeraldehyde. |
| 155. Resin Solution. | 173. Varnish. |
| 156. Rosin Solution. | 174. Vinyl Acetate. |
| 157. Rubber Solution. | 175. Vinyl iso-butylether. |
| 158. Rubber Solvent. | 176. Vinyl Cyclo hexane. |
| 159. Silico Chloroform. | 177. Vinyl Ethyl Ether. |
| 160. Sodium Methoxide in alcohol solution. | 178. Vinyl Trichlorosilane. |
| 161. S.B.P. Solvent. | 179. Varnish (in solvent). |
| 162. Tetra Ethyl Lead. | 180. Vinylidene Chloride. |
| 163. Tetra Hydro Furan. | 181. Wood Naphtha. |
| 164. Tinctures. | 182. Xylonite Solution. |
| 165. Toluene. | |

(b) Any combustible liquid including the following having flash Point 23°C and above 23° C but below 65°C-20 litres

- | | |
|------------------------------------|---|
| 1. Acetic Acid (Glacial). | 49. Di-methyl Dioxane. |
| 2. Acetyl Acetone. | 50. D-Pentene. |
| 3. Amyl Acetates. | 51. 2-Ethoxy Ethanol. |
| 4. Amyl Alcohols. | 52. 2-Ethoxy Ethyl Acetate. |
| 5. Amyl Ether. | 53. Ethyl Benzene. |
| 6. Amyl Formates. | 54. Ethyl Buty Acetate. |
| 7. Amyl Methyl Ketone. | 55. Ethyl Butyrate. |
| 8. Amyl Nitrate. | 56. Ethyl Chloroacetate. |
| 9. Amyl Propionate. | 57. Ethyl dimethyl Methane. |
| 10. Ally Chloroformate. | 58. Ethyl Hexaldehyde (Octaldehyde). |
| 11. Ally Trichlorosilane. | 59. Ethyl Lactate. |
| 12. Benzal-dehyde. | 60. Ethyl Silicate. |
| 13. Butanol (Butyl Alcohol). | 61. Ethyl Hexylamine. |
| 14. Sec. Butanol. | 62. Ethyl Metha Crylate. |
| 15. Butyl Acrylate. | 63. Ethylene Diamine. |
| 16. n-Butyl Bromide. | 64. Ethylene Glycol Monobutyl ether. |
| 17. Butyl Butyrate. | 65. Ethylene Glycol Monoethyl ether. |
| 18. Buty Cellosolve. | 66. Ethylene Glycol dibutye ether. |
| 19. Buty Propionate. | 67. Ethylene Glycol Mono Ethyl Ether. |
| 20. Butyl Trichlorosilane. | 68. Ethylene Glycol Monomethyl Ether Acetate. |
| 21. Butyl Nitrate. | 69. Ethylene glycol monobutyl ether acetate |
| 22. Camphor Oil. | 70. Ethylene glycol mono Hexyl ether. |
| 23. Chloro Benzene. | 71. Ethylene glycol mono Methyl ether. |
| 24. 2-Chloro Ethanol. | 72. Ethylene glycol mono-Phenyl ether. |
| 25. Cyclo Hexanone. | 73. Epichlorohydrine. |
| 26. Cyclo hexylamine. | 74. Formal dehyde (Formal in). |
| 27. Para Cymene. | 75. Furfural (Fufuraldehyde). |
| 28. Decalin. | 76. Gutta Percha Solution. |
| 29. Diacetone Alcohol (Diacetone). | 77. Hexaldehyde (Carproic Aldehyde). |
| 30. Diamylene. | 78. Hexyl Acetate. |
| 31. Di-Butoxy Methane. | 79. Hexyl Amine. |
| 32. Di-Butylamine. | 80. High speed Diesel (HSD). |
| 33. Di-iso Butylamine. | 81. Hydrazine. |
| 34. Di-Butyl Ether. | 82. Insecticide solution. |
| 35. Di-iso Butyl Ketone. | 83. Isoamyl alcohol Primary. |
| 36. Di-Chloro Butene. | 84. Iso Butyl Alcohol. |
| 37. Chloro Butane. | 85. Kerosene. |
| 38. Di (2-2) Chloro Ethyl Ether. | 86. Mesity Oxide. |
| 39. Di-Chloro nitro Ethane. | 87. Methyl Amyl Acetate (Hexy acetate). |
| 40. Dichloro Pentanes. | 88. Methyl iso-Buty Carbinol. |
| 41. Dichloro Propene. | 89. Methyl Methacrylate. |
| 42. Dichloro Pentadiene. | 90. Methyl n-Butyl Ketone. |
| 43. 1-2, Di Ethoxy Ethane. | 91. Methyl Iso-butyl Ketone. |
| 44. Di Ethyl Benzene. | 92. 2-Methyl Styrene. |
| 45. Di Ethyl Carbinol. | 93. Mineral Turpentine. |
| 46. Di Methyl Ethanolamine. | 94. Mineral oils of all kinds. |
| 47. Di Ethyl Carbonate | 95. Mono-Chloro Benzene. |
| 48. Di Methyl Aniline. | |

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|--------------------------|--------------------------------------|
| 96. Morpholine | 105. iso-Propyl Benzenes |
| 97. Nitro Methane | 106. Styrene (Vinyl Benzene) |
| 98. Nonane | 107. Tetra Methyl Lead |
| 99. Organic solvent | 108. Tetra Ethyl Silicate |
| 100. Paints of all kinds | 109. Terpenolene |
| 101. Paraldehyde | 110. Turpentine |
| 102. Pentaborane | 111. Varnish Flash point above 230°C |
| 103. Pine Oil | 112. White Spirit |
| 104. Propionic acid | 113. Xylenes |

(c) Any combustible liquids including the following having flash Point 65°C or above 65°C-50 litres

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|------------------------------------|---|
| 1. Acetonyl Acetone | 27. Dodecane (Didecane) |
| 2. Acetophenone | 28. Di-Methyl Cyanamide |
| 3. Acid Butylo Phosphate | 29. Essential oils of all kinds |
| 4. Aeromaxe | 30. Ethanolamine |
| 5. Aldol | 31. Ethyl Acetanilide |
| 6. 2-Amino 1-Butanol | 32. Ethyl Acetoacetate |
| 7. Amyl Oxide | 33. Z-Ethyl Hexylacetate |
| 8. Aniline | 34. Ethylene Glycol mono ethylether acetate. |
| 9. Anthracene oil | 35. Fuel oil/Furnace oil |
| 10. Animal oils | 36. Formic Acid |
| 11. Butyl Ether | 37. Hexanol |
| 12. Butyl Lactate | 38. N-Hexylcellosolve |
| 13. Creosote Oil | 39. Hexyl Ether |
| 14. Cresol | 40. Insecticide solution |
| 15. Cyclo-hexanol | 41. Light Diesel Oil (L D O) |
| 16. Diamyl phthalate | 42. Mineral oils of all kinds |
| 17. Di-Butylamino Ethanol | 43. Oils of all kinds excluding essential and mineral oils. |
| 18. Dibutyl Oxalate | 44. Organic Solvant |
| 19. Di-Chloro Benzene | 45. Phenyl Cellosolve |
| 20. 1, 3-Dichloro, 2-4 Hexadiene | 46. Paints |
| 21. Di-Chloro iso-Propyl Ether | 47. Tetrahydro Furfuryl Alcohol |
| 22. 1-1, Dichloro, 1-Nitro Propane | 48. Tetrahydro Naphthalene |
| 23. Di-iso Butyl Benzene | 49. Trichloro Propane |
| 24. Di-iso-Propyl Cyanamide | 50. Tricresyl Phosphate |
| 25. Di-Methyl Formamide | |
| 26. Di-Methyl Sulphate | |

(d) Any other combustible liquid including the following 50 litres.

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|---------------------------------------|--|
| Acid Slurry and A.B.S. Slurry | Acramine Binder 100 and 1100 |
| Assistor B-10 | Alcoholic Beverages (1000 Litres) (such as whisky, brandy, wine, etc.) |
| Acrylated Polymer | |
| Acetic Unhydride | Brytol |
| Acramine sin | Base coat |
| Acramol New | Brandelux Liquid |
| Adhesive Solution | Barium Cadmium stabilizer |
| Arkpol | Barium Sulphonate |
| Aeron Printing Agent F.H. | Basic Sulphonate |
| Agarbatti Mixed Ready Perfumer | Benzalkonium Chloride Solution |
| Ascopon Np. 330 | Butyric Acid |
| Acramin SI Extra | Brake Fluid |
| Antifoam and M.S. | Butyl Sterate |
| Acinol Cps | Butyl Diol |
| Ahurasol Traf | Black Phenyl |
| Ahuralan L | |
| Ahuramine Cac | Celloplast |
| Alky Benzene Sulphonic Acid | Castraulic Break Fluid |
| Alpha Amyl Cinnamic Aldehyde Acryloid | Colloidon |
| Antioxidant S.P. Solution | Coconut Fatty Acid |
| 1157 Alkyl Derivative of Fatty Acid | Cinnamic Alcohol |
| Asphaltic Oil | Colour Solvent |
| Acramine Red F.R.C. | Chirimoya Aroma |
| | Crenofor B.L. |
| Extra Conc | Calcium Derivative of Phenol |
| Accelerator Solution | Corial Em Finish G. |
| Alkyl Benzene | |

Chlorinated Hydrocarbon
 Calcium Sulphonate and Complex
 Calcium and Barium Sulphonate
 Carbitol
 Cirzaol Fpi
 Catalyst Solvent
 Cobalt Octoate 6 per cent Solvent
 Calcium Octoate 3 per cent Solvent
 Cocount Diethanolamide

Diethylene Glycol (F.P. 125-C)
 Daichi Noigen Emulsifier
 Deepetch Developing Ink
 D.T.A. Solvent
 Dimethyl Phthalate

Diphenyl Oxide
 Dinonyl Phthalate
 Dripolene AB & C.
 Dawnol DB
 Dibtyl Tindilaurate
 Diethyl Sulphate
 Detergent Slurry
 Dimethyl Para Toluidine
 Dialphanyl Phthalate
 Dedecyl Benzene Sulphuric Acid
 Dinonyl Phthalate

Ethylene Chlorohydrine
 Essence of Phenyl
 Essocore
 Essolube HD
 Emulsifier
 Extender Solution
 Ethyl Benzoate
 Essence D Cleaner
 Essotex
 Ester of Glycol
 Emulvin L
 Ethyl Cyano Acetate

Esso Solvent
 Ethylene Glycol
 Eramine-D
 Ethyl Cinnamate
 Ethylene Diamine Hydrate
 Eau-Di-Toilet
 Epoxy Oil Plastisizer
 Emulin

Fixer R 50
 Fixer CCL
 Ferro-Black-ss Solvent
 Fatty Acide
 Fatty Amide

Getsit
 Glymol
 Gasket Shellac Compound
 Glyonic-D
 Glycidyl Ether
 Gamma Picoline, Gelkot, Glycerine (free
 limit 500 Kgs.)

Hemagin
 Hydrazine Hydrate
 Holdtite Liquid Jointing
 Highviscosity Polymer.

Iseamly Acetate
 Invamol En
 Imperon P

Japicot T.

Kemapol Dc Cone
 Kemapol pl Cone
 Kemapol H Cone
 Khadi Binder Col

Lead Octate 13 per cent
 Lemon Grass Residue of Resush
 Lyogen T.G.S.
 Lubriplate
 Liquio Glucose
 Linalcool
 Liquidseal
 Liquid Stainer
 Lactic Acid

Moribo
 Mistol
 Micrombar
 Merck Na
 Milkoline
 Milkoline
 Mercerizing Agent
 Methyl Salicylate
 Malonic Ester
 Mould Release Agent Q2 13
 Mango Essence
 3-Methoxy Propylamine
 Manganese Octate 6 per cent Solution

Nonyl Phenol
 Nail Polish Cream
 Nonorganic Wetting Out Agent
 Nitrated Lard Oil
 Nopco 1296
 Nopco Lv 40
 Nopco 1556
 Non Ionic Detergent
 Nonox Sp
 Natural Cutex Nail Polish
 Nail Enamle or Remover
 Nylflex 999

Oxyethyl Nitriline
 Octyl Phenol Condensate
 Oleic Acid
 Oleyl Alcohol
 Organic Amine
 Organic Lead Compound
 Organic Phosphorous Sulphur Compound
 Organic Zinc and Calcium Compound
 Organic Calcium Compound
 Organic Zinc and Calcium Compound
 Organic Silicone Compound

Print Deep Assist
 Polyethylene Glycol
 Pinol Ine
 Propionic Anhydride
 Phenyl Isocyanate
 Photin 033 L.
 Printing Primer Js
 Pertel Liquid
 Polymeric Ester Plasticizer
 Parafflow

Paralex G-601
Phosphoric Acid Ester
Polyol
Printex
Pasterseal
Permal Merck
Pyreolidone
Phenylethyl Alcohol
Proylene Glycol
Phosphate Ester
Perfume
Polyglycol Esters
Polysorbate
Paraffex G-62

Quinoline

Rumescal Bdn
Rogue
Roxonight
Rustolene

Sarcol A-303
Sorbitol
Stabilizer
Snid Pgn
Sarindage E
Supersept T
Sodium Petrol Sulphonate
Silicon Fluid
Superdote B
Supernal Mc

Sterrakleime Em
Salicylidehyde
Sanvipol As
Special Sulphurized Fat
Sorbitan Monooleate
Sodium Lauryl Ether Sulphate

Turpentine Liniment I.P.
Triethanol Amine
O-toluidine
Terpineol
Thiodigylcol
Top-Coat
Twin 20/80
Terpiny Acetate
Tin Stabilizer Solvent
Terrapropylene Benzol
Thinner

Uresign B
Ucon

Vidol
Vegetable Fat Solution

Wash out Solution

Xylidine

Zinc Alkyl Phosphate
Zephirol.

B—INFLAMMABLE SOLIDS

(a) Any inflammable solids including the following (2 kgs.)

- | | | |
|---|------------------------------------|-----------------------------|
| 1. Aluminium, Powder. | 26. Creosote Salts. | |
| 2. Ammonium Picrate, wetted. | 27. Nitrocellulose | |
| 3. Camphor-Free limits 5 Kgs. | 28. Lacquer Base | } Wetted or
Plasticised. |
| 4. Celloidin or photoxylene. | 29. Lacquer Chips | |
| 5. Celluloid including Scrap. | 30. Collidion Cotton | |
| 6. Cobalt Resinate, precipitated. | 31. Nitroguanidine, wetted. | |
| 7. Cecaborane. | 32. Nitro Starch wetted. | |
| 8. Dinitrophenolates, wetted. | 33. Phosphorous, amorphous. | |
| 9. Dinitro Phenols, wetted. | 34. Phosphorous, white or yellow. | |
| 10. Dinitro Resorcinols, wetted. | 35. Phosphorous Heprasulphide. | |
| 11. Chemical driers. | 36. Phosphorous Pentachloride. | |
| 12. Ferrocercium (light fints). | 37. Phosphorous Penta Sulphide. | |
| 13. Ferro Sillicone. | 38. Phosphorous Sequi Sulphide. | |
| 14. Film, nitrocellulose base. | 39. Phosphorous Trisulphide. | |
| 15. Hafnium, powder. | 40. Picric Acid (Wetted). | |
| 16. Hafnium powder, wet or sludge. | 41. Pyroxyline. | |
| 17. Hexamine or Hexamethylene
Tetramine or Methenamine or Uritone. | 42. Pottassium Borohydride. | |
| 18. Metramine. | 43. Silicon Powder. | |
| 19. Uritropine. | 44. Sodium Picramate, wetted. | |
| 20. Magnesium. | 45. Sulphur. | |
| 21. Magnesium alloys. | 46. Titanium powder. | |
| 22. Manganese Resinate. | 47. Trintro Benzene, wetted. | |
| 23. Metaldehyde. | 48. Trintro Benzoic acid, wetted. | |
| 24. Mischmetal | 49. Trintro Toluene (TNT), wetted. | |
| 25. Naphthalene. | 50. Urea Nitrate, wetted, | |
| | 51. Zirconium in all forms. | |
| | 52. Zirconium hydride. | |

(b) *Safety Matches*—(Free limit—1 gross boxes)(c) *Any substances emitting inflammable gasses when wet with water including following (2 Kgs.)*

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|--|--------------------------------------|
| 1. Amalgams of Sodium/Potassium/
Lithium etc. | 23. Lithium Hydride. |
| 2. Amides of Sodium/ Potassium /Lithium
etc. | 24. Lithium Silicon. Æ |
| 3. Alloys of Alkali Metals-No Free Limit. | 25. Magnesium Alluminium Phosphides. |
| 4. Alloys of Alkaline Earth Metals | 26. Magnesium Hydride. |
| 5. Aluminium Ferro Silicon Powder. | 27. Magnesium Phosphide. |
| 6. Aluminium Carbide. | 28. Potassium Amide. |
| 7. Aluminium Silicon, powder, uncoated. | 29. Potassium metal. No Free Limit. |
| 8. Barium alloys—Non-pyrophoric | 30. Potassium Metal alloys. |
| 9. Barium metal—Non-pyrophoric. | 31. Potassium Phosphide. |
| 10. Casceum metal. | 32. Potassium Sodium Alloy. |
| 11. Calcium metal and alloys, non-pytro Phoric. | 33. Eubidium metal. No Free Limit. |
| | 34. Sodium Metal. No Free Limit. |
| | 35. Sodium Amide. |
| 12. Calcium Carbide, No free limit. | 36. Sodamide. |
| 13. Calcium Cyanamid. (Nitrolim). | 37. Sodium Borohydrate. |
| 14. Calcium Hydride. | 38. Sodim Hydride. |
| 15. Calcium Phosphide. | 39. Sodium Methalate. |
| 16. Calcium Silicide. | 40. Sodium Phosphide. |
| 17. Calcium Magnesium Silicon, | 41. Stannic Phosphide. |
| 18. Hydrides of Metal | 42. Tin mono Phosphide. |
| 19. Lithium metal. No Free Limit. | 43. Srtonium alloys. Non-pyrophoric. |
| 20. Lithium Aluminium Hydrtd | 44. Stronitum phosphide. |
| 21. Lithium Amide. | 45. Titanium Hydride. |
| 22. Lithium Borohydride. | 46. Zinc, non-pyrophoric. |

(d)(i) *Any substances liable to spontaneous combustion including the following (10 Kgs.)*

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|--|---------------------------------------|
| 1. Alluminium Alkyl Chlorides. | 13. Ethyl Alluminium Sesquichloride. |
| 2. Alluminium Alkyls. | 14. Fish meal. |
| 3. Alluminium Trtbutyl. | 15. Magnesium Diamide. |
| 4. Alluminium Tri Ethyl. | 16. Magnisium Diphenyl. |
| 5. Alluminium Tri Methyl. | 17. Metal Alkyls. |
| 6. Calcium Resinate. | 18. Methyl Alluminium Sesquichloride. |
| 7. Di Ethyl Alluminium Chloride. | 19. Methyl Magnesium Bromide. |
| 8. Di Ethyl Magnesium (Magnesium Di
Ethyl). | 20. Grignard Reagent. |
| 9. Di Ethyl Para Nitrosoaniline. | 21. Nickel Catalyst. |
| 10. Di Methyl Para Nitrosoaniline. | 22. Phosphorous red. |
| 11. Di Methyl Zinc (Zinc Di Methyl). | 23. Sodium Hydrosulphate. |
| 12. Ethyl Alluminium Dichloride. | 24. Tri iso Butyl Alluminium. |

(d)(ii) *Substances liable to spontaneous combustion including the following (5 Kgs.)*

1. Pyrophorix Metals viz : Alluminium Powder.

Barium Alloys.

Caesium Powder.

Strontium Powder.

Zinck Powder.

Cerium Powder.

(e) Combustible solids and semi solids

	Free Limit Kgs.	
1	Agarbattis or perfumed sticks or thier powders	100
2	Asphalt, Bitumen, gilsonite and tar pitch	25
3	Bagasse	50
4	Bags and sacks empty	500
5	Cobalt Nephtenate Powder	100
6	Camphene	5
7	Candles	30
8	Carbon or charcoal or lamp-black or coke or coal and coal dust	10
9	Celuloid besed, good, their articles or waste	5
10	Cellulose Acetate based goods articles or Waste	15
11	Copra including cake and meals	100
12	Cotton including Kapok (when kept loose)	100
13	Cork or cork in any form	50
14	Cloth or cotton kept in fully pressed bales	1,000
15	Cotton waste including waste of yarn or fibres of any kind ..	100
16	Dye, Colours and Pigments of any kind	250
17	Fats of all kinds including ghee	50
18	Felt, paper or cloth coated with asphalt, bitumen or pitch ..	50
19	Ginnings	15
20	Grease	200
21	Gummed or adhesive taps of any kind	500
22	Hay (dried grass)	50
23	Herbs, stems and dry seeds	500
24	Insecticides	15
25	Kapok seeds	100
26	Leaves dried of all kinds including Tobacco shreds	100
27	Mats of all kinds	100
28	Oil cakes and oil seeds	100
29	* * * * *	
30	Plastic Acrylic and their goods and its fabrics	250
31	Plastic or plastic goods or resin coated fabrics (Rexins)excluding acrylic plastics and their goods.	500
32	Plastic or resin coated paper, sheets or boards of any kind of plastics.	500
33	Resins including Rosin and Resinate Natural and Synthetic ..	25
34	Rubber or rubber goods, including waste and reclaimed rubber	100
35	Shavings-wood	50
36	Sodium di-thionite	100
37	Sulphides of all kinds	10
38	Tarred paper, rope, cloth and felt	50
39	Tarpauline	500
40	Yarn or fibre of any kind including its products	500
41	Waxes of all kinds	30

*Item 29 was deleted by G. N., U. D. D., No. B. M. C. 1082/477/CR-16/UD-32, dated 22nd October 1991 w.e.f. 1st November 1991.

(f) Any other combustible solid and semi solid including the following free limit
(100 Kgs)

Aspirin (Acetyl Salicylic Acid)	Benzathrone
Aminophylline	Blowing Agent Bn-Tyre (Microper Powder)
Anthranilic Acid	Blowing Agent Porofor Powder
Acetyl Methionine	Borneol
Aluminium Paste	Benzil
Ammonium Thiocyanate	Benzoquinone (Quinone)
Accelerator Organic	Benzene Sulphoric Acid
Aromatic Sulphur Compound	Bisphenol A
Alkylated Phenol	Balsum Tolu
Amino Anthraquinone	Barium Sterate
Alpha Or Beta	
Adipic Acid	
Acramine Pigment-Ex-Cone.	
Acramine SI Extra.	Cadmium Stearate
Acramine Yellow Fgg. Ex. Conc.	Coumarin Powder
Acramine Golden Yellow for Ex. Conc.	Cetyl Alcohol
Acramine Orange Fsg. Ex. Fgr Ex. Conc.	Calcium Deviative of Phenol
Acramine Scarlet Frl Ex. Conc.	Corn Dextrine.
Acramine Red. Frg. Ex. Conc.	Colour Chem Yellow Fine Paste
Acramine Red Frg Ex. Conc.	Colour Chem Redifine Paste
Acramine Bordeaux Frn Ex. Conc.	Colour Chem Rubber Claret B
Analgin	Colour Chem Rubber Yellow
Acetylated-Mono-Glycerides	Cocomono Amine
Anthra Quinone	Chloromphenicol Palmitate Cetrinide
Amido Phyrine	Colour Developer CD-1
Acetyl Cysterine	Calcium Sennoside
Alluminium Sterate	Cetosteryl Alcohol
Acramine Red Violet Fr Cone	Coproco
Acramine Violet Fer Ex. Cone.	Calcium Sterate
Acramine Brown For Ex. Cone	Chlopheniramine Maleate
Acramine Navy Blue Fb. Ex. Cone	Cobaltous Naphthenate
Acramine Navy Blue FFr Ex. Cone	Copper Acetate
Acramine Green Fgg Ex. Cone	Casein
Acramine Olive Green Fb Ex. Cone	Citric Acid Carbazol
Acramine For Powder	Chromotropic Acid
Alpha Amino-4-Benzylamino	Cupeerron
Anthrequinone	Calcium Paraamino Salicylate
4-Amino Azobenzidine 4-Sulphonic Acid	Carboline H. Piller
Amino R Acid	Cresidine
Amino Azo Benzene	Custard Powder
Aerolite Powder	Chloromphenicol Powder
Antistep	Calcium and Zinc Organic Complex
Amberol 75% and D 96 Alphanitroso Beta	Catedrol Riodel
	Cetomacrogd
Naphthol	Caffeine
Aceto Acetanilide :	Chlorocresol
Agar Powder Or Dust-or-Wood	Ccl Rubber Yellow 108 Pigment Powder
Ascopom A-20	3 Chiloron NND12 Hydroxy Ethyl Amiline
Ade is	
Arabic Gum	Dextrine
Amino Anisic Acid	Digol-Distearate
Aminophenol Ortho, Mehta, Para,	Diethyl Carbamazine Citrate
Anisic Acid	Dithizone
Ascorbic Acid	Dichloro 4 Sulphonyl Dimethyl
Amethocaine Hydrochloride	Terephthalath
Amino Benzoicacid (Para)	Delta Acid
	Diethyl Metaamino Phenol
Betaine Hydrochloride	Diamino Anthraquinone
Bitumen Laminated Board	Deited Meal
Bitumoil Barium Sulphonate	Diphenyl
Beta Napthol	Diphenyl Carbazide
Benzoic Acid	Diabasic Lead Sterate
Benzidine Yellow H.G.	Dedenol OT
Brown Dextrine	Dithane Z78 Zinab B Cone
British Gum	3.3 Dichlorozenzidine
Bitumen Compound	Dapsone Developer
Binder	Diphenyl Carbazone.

2:5 Dichloro 4-Sulphonyl 3 Methyl-5-Pyrozolone
 Dianisidine Base
 Dihydroxy Propyl Theophylline
 Dextrose Monohydrate
 D-glactose
 Diabasic Leadphosphate
 EB 5000 Dinthranol
 Diabasiclead Steate
 Dicarboxylic Acid Mixture

Etching (Gum) Powder
 Embossing Powder
 Empicol
 Enthrobrite Cad 909
 Ethylene Diaminetetra Acetic Acid
 Ethylene Urea
 Emulphor O White Paste
 E.D.T.A. Disodium Slat
 Entrobrite. 569.

Factice
 Flocal TU 40
 Fabrilose-A
 Fatty Acid
 Fibre Strip
 Ferron Fumerate

Gum Powder
 Gulflex. 'A'
 Genopal
 Gugal
 Gum Acacia Powder
 Greasy Cotton Packing
 Filapol P
 Gosin
 Gumguar
 Guardal

Helictropine
 Hydrocarbon Phosphorous
 Sulphur Derivative
 Hydroquinone
 Hydroxy Quinoline
 Hydroxy Naphthoic Acid
 Hydro Quinone
 1-67 Hexane Diol
 3 Hydroxy 2 Methyl Quinilone
 4 Carboxylic Acid
 H-Acid
 Halmaddi
 Harda Powder
 Hippuric Acid
 Higher Alcohol
 Hansa Red B-Pigment Powder
 Hessian Coated with Rubber
 Halasone

Isophthalic Acid
 Isobutylene Polymer
 Imperon
 Ipacoc Root
 Imadazoline Chloride
 Idet.
 Isonicotinic Acid Hydroxide
 Isocyanate
 Industrial Enzyme
 Inorganic Nitrogen Compound

Jonol
 Jelly Crystals

Kemilant Powder
 Kemapon T/H Conc.
 Kaycoli WS.

Lead Soap.
 Lubricant "60" Lactose.
 Lissapole D Powder.
 Lignocane Hydrochloride.
 Lipomine D.O.
 Lusil Tel.
 Lead Acetate.
 Luster Bar Piece.
 Glutamic Acid.

Maize Starch.
 Magnesium Acetate.
 Maize Yellow Dextrine.
 Myrobolan Extract Lump.
 Masse Acridine Albetoin Cream.
 Metol.
 Meta Nitro P Toluidine.
 Metax Claw.
 Meprobamate.
 Metatoluidine Diamine.
 Metallic Stearate.
 Movitol.
 Monosan.
 Metaphenylene Diamine.
 Menthol.
 Mindral Jelly.
 Methionine.
 Methyl Cellulose.
 Mowital B 30 H.
 Movio 30-88.
 Mowilith Solid.
 Maleic Anhydride.
 Metapnenyl Diamine.
 M.B.T.S. (2-Mercaptobenzothiazyl Di-sulfide)
 M.B.T. (Mercaptobenzo Thiazole).
 Mordex Dextrine
 Methyl Phenyl Pyrazolone.
 Mandelic Acid.
 Metapropylene Dimyne.
 Metanimo Phenol.
 Manitol.
 Methadilazine Hydrochloride.
 Manila Rope.

Nikassit
 Neromine.
 Nebula E. P.
 Naphthionate Drier.

Nonox D NA 22 Accelerator.
 Nitrobenzoic Acid
 Nux Vomica.
 Nipagin.
 Nipasol.
 Ninox-B-Rod.
 Nux Vomica Alkaloid.
 Niacinamide.
 Nipasepp.
 Nitrogen Contatine Drivative.

Oleic Acid Ester of Glycerine.
 Oxyphehnbutazone.
 Octyl Phenol.
 Orthotoluene Sulphonamide.
 Orwo W. Ray Developer.
 Ortho Phenyl Phenol.
 Oatinmacic Blend Vanishing Cream.
 Oatin Matic Blend Cold Cream.
 Oatin Brilliantine Lavendor.
 Oleostearin Pitches.

Potassium Oleate.
 Peptone.
 Phosphate Ester.
 Phosphoric Acid Ester.
 Naphthyl Amine.
 Phenylateo.
 Petrolatum.
 Pen strane Essaries.
 Piperazine Hyxahydrate.
 Paradich Iro Benzene.
 Pentacrythritole.
 Plast peel Deeping Material.
 Parachloro Ortho Nitro Anilline.
 Prickly Heat Soap.
 Polysol.
 Potassium Hydrogen Phthalate.
 Paraformaldehyde.
 Para Ammoacetanilide.
 P-Cresol.
 Pluysizer.
 Porfor 'N'
 Phthalyl sulphacetamide.
 Para Amino Iso-Batyl Benzoate.
 Para Trichloro Benzene.
 Poppy Husks.
 Para Cresidine.
 Piperazine.
 Phenobarbitone.
 Phenyl Acetic Acid Crystl.
 Paranitrotoluene-O-Sulphonic Acid.
 Phthalic Anhydride.
 Phthalic Acid
 Pybogallol.
 P. Tolic Acid.
 Piparazine Citarate.
 D-Phenyl Thiourea.
 Phynidone (5D-84).
 Potassium Sorbate.
 Polyglycol.
 Pext N.
 Paratoluene Sulphonic Acid.
 Polyvinylpy Rodoxine.
 Pyrazoline.
 Printanal Keb.
 Petroleum Ester Drivative.
 Processed Vegetable Oil.
 Phenyl Phosphonic Acid.
 Propylene Urea.
 Phenyl Butazone.

Quinhydrone.

Resamine 155-F.
 Renacit.
 Rubbing Compound.
 Resin and Tail Oil Soap.
 Retarder.

Soamine M 70
 Sympol.
 Sodium Petroleum Sulphonate.
 Sorbitan Monooleate.
 Substituted Tertiary Phenol.
 Solution Salt B Powder.
 Saksit Atv.
 Sarcamine LG.
 Sarluxol-Caxl.
 Sodium Diethyl Dithio Carbamate.
 Sodium Amino Salicylate.
 Salicylanilide.
 Saccharine.
 Siliconacan Tifoaming.
 Special Sulphurized fat.
 Salicylic Acid.
 Sodium Lauryl Sulphate.
 Sodium Naphthionate.
 Stilboestrol Dipropionate.
 Suxamethonium chloride.
 Stapilizer.
 Soluble Methyl Hydroxy Benzoate.
 Sapotak Powder.
 Starch.
 Stearic Acid.
 Special Lubricant
 Saccharose.
 Sacell-LV.
 Sarluxol XL.
 Sizing Gum.
 Sald.
 Survelin.
 Sulphonamide.
 Surcose.
 Sulphadimidine.
 Solid Bariumed Soap.
 Substituted Phenol.
 Stearyl Alcohol.
 Supernol Alcohol.
 Supernol CT.
 Sodium Meta Nitro Benzene Sulphate.
 Starch Maize Powder.
 Salicylic Acid.
 Silicone High Vacuum Compound.

Tapicca Flour, Powder, Bharda, Starch.
 Trishlon.
 Teramin Wp.
 Thiovit.
 2 : 4 : 5 Trichloroanilin.
 Tannic Acid.
 Tartaric Acid
 Tss Ct-22 Diethyl Para Phenylene.
 Diamino Sulphate.
 T.N.T. (Trynitro Toluene).
 Thiram.
 Tukmaria.
 Tinavin P.
 Tinopal Perp.
 Thigum F.
 Thiourea.
 Tcl B. tamide.
 EB-6860 Thiomersal.
 Tetra Cycline Hydrochloride.

Universal High Contrast Packet A.

Vulcafor M.B.T.
 Vulcafor T.N.T.
 Vulcafor M.B.T.S.
 Valanoid Plastic Compound.

Vulcatic Ch.
 Vulcatic Mda/c.
 Vulz.
 Vulcatic-Nz.
 Vulcatic Dz.
 Vulkocit-D
 Vulcafor Zdg.
 Vulcafor Dpg. : Vul. Cz. Vul. Dm/c.
 Vaseline.
 Vul-F
 Vulcatic Thiran.
 Vulcatic Lda.
 Vulcatic Moz.
 Vulcalent-A.
 Vulcatic-Ntc.

White Exetrine.
 Whiteol Ws.
 Wetting Agent.

X-Ray Developer Packet A,

Yellow Dextrine.

Zinc Alkyl Phosphate.
 Zinc Steate.
 Zinc Alkyl Thiophosphate.
 Ziram.
 Zinc Stearate.

(a) Oxidising Agents—Inorganic (2 Kgs.)

- | | |
|---|--|
| 1. Aluminium Nitrate. | 34. Magnesium Bromate. |
| 2. Ammonium Dichromate (Ammonium Bichromate). | 35. Manganese dioxide. |
| 3. Ammonium Nitrate. | 36. Magnesium Nitrate. |
| 4. Ammonium Pechlorate. | 37. Magnesium Perchlorate. |
| 5. Ammonium Persulphate. | 38. Magnesium Peroxide. |
| 6. Barium Chlorate. | 39. Nitrate inorganic. |
| 7. Barium Nitrate. | 40. Per Bromates inorganic. |
| 8. Barium Perchlorate. | 41. Per Chlorates inorganic. |
| 9. Barium Permanganate. | 42. Perchloric Acid. |
| 10. Barium Peroxide (Barium Dioxide, Barium Super Oxide). | 43. Permanganates, Inorganic. |
| 11. Bromates (Sodium, Potassium, Calcium, Ammonium, etc.). | 44. Peroxides, metallic. |
| 12. Calcium Nitrate. | 45. Potassium Bromate. |
| 13. Calcium Chlorate. | 46. Potassium chlorate. |
| 14. Calcium Chlorite. | 47. Potassium Nitrate. |
| 15. Calcium Hypochlorite. | 48. Potassium Nitrite. |
| 16. Calcium Nitrate. | 49. Potassium Perchlorate. |
| 17. Calcium Permanganate. | 50. Potassium Permanganate. |
| 18. Calcium Perchlorate. | 51. Potassium Peroxide. |
| 19. Calcium Peroxide. | 52. Potassium persulphate. |
| 20. Chromates of all kinds. | 53. Silver Nitrate. |
| 21. Chlorites inorganic. | 54. Sodium Bromate. |
| 22. Chlorates inorganic. | 55. Sodium Chlorite. |
| 23. Chromic Acid. | 56. Sodium Chlorate. |
| 24. Chromium Trioxide (Chromic Acid, Chromic Anhydride). | 57. Sodium Nitrate (Chile Saltpetre). |
| 25. Dichromates, inorganic. | 58. Sodium Nitrite. |
| 26. Didymium Nitrate (Neodymium Nitrate Praseodymium Nitrates). | 59. Sodium Perchlorate. |
| 27. Ferric Nitrate. | 60. Sodium Permanganate. |
| 28. Hydrogen Peroxide, | 61. Sodium peroxide. |
| 29. Lead Peroxide (Lead Dioxide). | 62. Sodium Persulphate. |
| 30. Lead Nitrate. | 63. Strontium Chlorate. |
| 31. Lead Perchlorate. | 64. Strontium Nitrate. |
| 32. Lead Hydrochlorite. | 65. Strontium Perchlorate. |
| 33. Lithium Peroxide. | 66. Strontium Peroxide (Strontium Dioxide) |
| | 67. Urea Hydrogen Peroxide. |
| | 68. Zinc Chlorate. |
| | 69. Zinc Nitrate |
| | 70. Zinc Permanganate.. |
| | 71. Zinc Peroxide. |

(b) Oxidising Agents—Organic (2 Kgs.)

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| 1. Acetyl Benzoyl Peroxide. | 9. Tertiary Butyl per Maleate. |
| 2. Acetyl Peroxide. | 10. Tertiary Butyl Percetate. |
| 3. Benzoyl Peroxide. | 11. 2-2-Bis (Tertiary Butyl Peroxy) Butane. |
| 4. Tertiary Butyl 22 Dimethyl Benzyl Peroxide. | 12. Tertiary Butyl iso-Propyl Benzene Hydroperoxide. |
| 5. Tertiary Butyl Hydro Peroxide. | 13. Cumene Hydro Peroxide (Cumyl Hydro Peroxide). |
| 6. Iso-Butyl Methyl Ketone Peroxide. | 14. Cyclo Hexanone Peroxides. |
| 7. Tertiary Butyl Per Acetate. | 15. Di-tertiary Butyl Dipperphthalate. |
| 8. Tertiary Butyl Per Benzoate. | |

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| 16. Tertiary Butyl Peroxide (Di-tertiary Butyl Peroxide). | 25. Octanoyl Peroxide (Octyl Peroxide Capryl Peroxide). |
| 17. 2-4 Dichloro Benzoyl Peroxide. | 26. Per Acetic Acid (Acetyl Hydro Peroxide) |
| 18. Di (4-Chloro Benzoyl) peroxide. | 27. Pinane Hydroperoxide. |
| 19. 2,5-Di Methyl Hexane 2,5-Dihydr Peroxide | 28. Propionyl Peroxide. |
| 20. Di-iso Propyl Benzene Hydro peroxide. | 29. Succinic Acid Peroxide (Disuccinic Acid Peroxide Peroxy Disuccinic Acid, Succinoyl Peroxide). |
| 21. Ethyl Methyl Ketone Hydroperoxide. | 30. Tetrahydro Peroxide (Tetra Hydro-Napthalene hydro Peroxide). |
| 22. Ethyl Methyl Ketone Peroxide. | 31. Tetra Nitro Ethane. |
| 23. Lauryl Peroxide (Dilauroyl Peroxide). | |
| 24. Para-Methane Hydro Peroxide. | |

D—POISONOUS (TOXIC) SUBSTANCES

(a) All Cyanides including the following—(1/2 Kgs.)

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|---|--|
| 1. Barium Cyanide. | 10. Mercury Cyanide (Mercuric Cyanide). |
| 2. Bromo Benzyl Cyanide. | 10A. Mercuric potassium (Cyanide Potassium Cyano Mercurate). |
| 3. Calcium Cyanide. | |
| 4. Copper Cyanide (Cupric Cyanide). | 11. Mercury Oxycyanide. |
| 5. Cyanides. | 12. Nickel Cyanide. |
| 6. Cyanogen Bromide (Bromine Cyanide, Brome Cyanide). | 13. Potassium Cuprocyanide |
| 7. Cyanogen Chloride (Chlorine Cyanide). | 14. Potassium Cyanide. |
| 8. Hydro Cyanic Acid (Hydrogen Cyanide Prussic Acid). | 15. Silver Cyanide. |
| 9. Lead Cyanide. | 16. Sodium Cyanide. |
| | 17. Zinc Cyanide. |

(b) Other items of poisonous (toxic) substances (10 Kgs.)

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|---|--|
| 1. Acetene Cyanohydrin. | 29. Bromo Acetone. |
| 2. Acaricides. | 30. Brucine (Dimethoxy Strychine). |
| 3. Acrylonitrile (Vinyl Cyanides) also Flammable, | 31. Cocoylic Acid (Dimethyl Arsenic Acid) |
| 4. Aldrin. | 32. Calcium Arsenate. |
| 5. Acrylamide. | 33. Calcium Arsenite. |
| 6. Alkaloids. | 34. Carbon Tetrachloride (Tetra Chloro-Methane). |
| 7. Allyl iso-Thiocyanate | 35. Chloral (Trichloro Acetaldehyde). |
| 8. Aluminium Phosphide. | 36. Chloro Acetone. |
| 9. Ammonium Hydrogen Fluoride. | 37. Chloro Acetophenone (Phenyl Chloro Methyl Ketone). |
| 10. Ammonium Hydrogen Fluoride. Ammonium Bi-Fluoride. Ammonium Acid Fluoride. | 38. Chloro Anilines. |
| 11. Ammunition, Tear Producing or Toxic. | 39. Chloro Dinitro Benzenes. |
| 12. Aniline (Aminobenzene, Aniline Oil, Phenylamine). | 40. Chloro Nitro Benzenes. |
| 13. Aniline Hydrochloride (Aniline Chloride, Aniline Salt). | 41. Chloro Phenates. |
| 14. Antimony Compounds. | 42. Chloro Phenols. |
| 15. Antimony Lactate. | 43. Chloro Picrin (Nitro Chloro Methane). |
| 16. Potassium Tartrate (Tartar Emetic). | 44. Chloro Ortho-Toluidine Hydro Chloride |
| 17. Arsenic Acid. | 45. Coecales. |
| 17A. Arsenic Dust. | 46. Copper Aceto Arsenite (Emerald Green King's Green Moss Green, Vienna Green). |
| 18. Arsenic Bromide (Arsenous Bromide). | 47. Copper Arsenite (Cupric Arsenite, Scheeles Mineral). |
| 19. Arsenic Compounds. | 48. Dichloro Anilines. |
| 20. Arsenic Pentoxide. | 49. Dichloro-n-Benzene. |
| 21. Arsenic Trichloride (Arsenic Chloride, Arsenous Chloride). | 50. Diethylene Triamine. |
| 22. Arsenic Trioxide (Arsenic Oxide, Arsenous Oxide, White Arsenic). | 51. Di Ethyl Sulphate (Ethyl Sulphate). |
| 23. Barium Oxide. | 52. Di-Methyl Sulphate. |
| 24. Benzidine. | 53. Dinitro-n-Anilines. |
| 25. Benzylidene Chloride Benzal Chloride Benzyl Chloride). | 54. Dinitro-n-Benzenes. |
| 26. Beryllium Powder. | 55. Dinitro-n-Ortho Cresol. |
| 27. Beryllium Compounds. | 56. Dinitro-n-Phenols. |
| 28. Bordeaux Arsenites. | 57. Dinitro-n-Toluenes. |
| | 58. Disinfectants. |
| | 59. Di Phenyl Amine Chloro Arsine (Phenarsazine chloride). |
| | 60. Di Phenyl Chloro Arsine |

61. Endrin.
62. Epichlorohydrin.
63. Ethyl Bromo Acetate.
64. Ethyl Dichloro Arisine.
65. Ethylen Di Bromide.
66. Ferric Arsenate (Scorodite).
67. Ferric Arsenite.
68. Ferrous Arsenate.
69. Fungicides.
70. Hexa Ethyl Tetra Phosphate (Ethyl Tetra Phosphate).
71. Germicides.
72. Herbicides.
73. Insecticides.
74. Lead Asernates.
75. Lead Arsenites.
79. London Purple.
80. Magnesium Arsenate.
81. Malathion.
82. Mercuric Arsenate.
83. Mercuric Chloride.
84. Mercuric Nitrate.
86. Mercuric Sulphate.
87. Mercurous Nitrate.
88. Mercurous Sulphate.
89. Mercury Acetate (Mercuric/Mercurous Acetate).
90. Mercury Ammonium Chloride.
91. Mercury Benzoate.
92. Mercury Bisulphate.
93. Bromides (Mercuric/Mercurous Bromide).
94. Mercury Compounds Inorganic or Organic.
95. Mercury Gluconate.
96. Mercury Iodide.
97. Mercury Nucle-ate (Merentrol).
98. Mercury Oleate
99. Mercury Oxide.
100. Mercury potassium Iodide (Potassium Mercuric Iodide).
101. Mercury Salicylate.
102. Mercury Thiocyanate.
103. Methyl Bromide.
104. Methyl Bromo Acetone.
105. Naphthylamine, alpha or beta.
106. Naphthyl Thio Urea.
107. Naphthyl Urea.
108. Nematocides.
108. Nicotine.
110. Nicotine Hydro c loride.
111. Nicotine Salicylate.
112. Nicotine Sulphate.
113. Nicotine Tartrate.
114. Nitro Anilines.
115. Nitro Benzenes.
116. Nitro Phenols.
117. Nitro Toluens.
118. Nitro Oxylenes.
119. Organo Phosphates.
120. Parathion (Methyl Parathio).
121. Peta Chloro Ethane (Pentalin).
122. Perchloro Mepthyl Mercaqtan (Thio Carbonyl Tetrachloride Trichloro Methyl Sulphochloride).
123. *Pesticides v. z.—*
Azinphos- Ethyl, Azinphos-Methyl, Dometion, Dimetox Disuplotion, Dioxathion, Endonathion, HETP, Mecarbon, Mevinphos, Parathion and mixtures, Parathion Methyl, Phorate, Phosphamidon, Schradan, Sulfotep, Tetra Ethyl Pyro Phosphate (TEPP), Dimeton Methyl, Dibrom, Dizainon, Ethion, Fenthion. Phenkapton, Thionetion Bromopnos. Chlorothion, Dimethoate, Fenitrothior, Malathion Trichionfon, Aldrin and Aldrin mixtures, Dieldrin, Eldrin mixtures, Heptachlor, Gama BHCDDT, Lindane, Toxaphene, Pentachlorophenol, Chlorophenates, Chlorophenios, AN TU, Isolan, Dimetilan, Urbazid Propoxur Carbaryl, Dinobution, Dinoseb, 4 6-Dinitro Ortho Eresol (DNOC)- Binapacryl, Dinocap, Brucine, Nicotine Strychnine, Mercury Benzoate, Mercury Cluconate, Mercury Nucleate, Mercury Oleate, Mercury Salicylate, Fentin Acetate, Fentin Hydroxide, Thallium Compounds, Arsenic Compounds, Warfarin, Comnachlor, Pindone, Sodium Fluoroacetate, Endothal, paraquat, Diquat, Loxyail.
124. Phenols (Carbolic Acid Cresols, Cresylic Acids)
125. Phenyl Carboxylamine Chloride (Phenyl Imono Phosgene)
126. Phenylene Diamines.
127. Pheyyal Mercuric Acetate.
128. Phenyl Mercuric Compounds.
129. Phenyl Mercuric Hydroxide.
130. Phenyl Mercuric Nitrate.
131. Potassium Arsenate.
132. Postassium Arsenite.
133. Potassium Fluoride.
134. Silver Arsenite.
135. Sodium Arsenate.
136. Sodium Arsenite.
137. Sodium Cacodylate.
138. Sodium Fluoride (Villiamite).
139. Sitrontium Arsenite.
140. Strychnine and its salts.
141. Tear Gas.
142. Tear Gas Candles (Tear Gas Grenades)
143. Tetra Chloro Ethane (Acetylene Tetrachloride.)
144. Tetra Ethyl Dithio Pyro Phosphate.
145. Tetra Ethyl puro Phosphate.
146. Thallium Compounds.
147. Tokuidines.
148. 2, 4-Toluidine Diamine.
149. Xylidines (Amino Dimethyl Benzine 3,4-Dimethyl Aalline).
150. Xylol Bromide.
151. Zinc Arsenate and Arsenite.
152. Zinc Phosphate.

(c) *Infectious Substances*.—These are substances containing disease-producing micro-organisms, Such other substances, solids, liquids or gases which are dangerous to human beings and which in contact with living tissues cause damages to them.

(d) *Corrosives**Free limit for Single Item (10 Kgs.)*

1. Acetic Acid.
2. Acetic Anhydrid (Acetic Oxide, Acetyl-oxide).
3. Acetyl Bromide.
4. Acetyl Iodide.
5. Mineral Acids, their solutions and mixtures (Mixed acid, nitrating acid, spent acid).
6. Altane Sulphuric Acids.
7. Allyl Iodide also flammable.
8. Aluminium Bromide, Anhydrous.
9. Aluminium Chloride, Anhydrous.
10. Allyl Trichlorosilane.
11. Anisoyl Chloride
12. Antimony Pentachloride or Antimony Perchloride.
13. Antimony Penta fluoride
14. Antimony Trichloride Or Antimony Chloride Or Caustic Antimony Or Mineral Butter.
15. Battery Fluid.
16. Benzol chloride.
17. Benzyl Bromide (Bromo Toluene).
18. Benzyl Chloride (Chloro Toluene).
19. Benzyl Chloroformate.
20. Bifluorides.
21. Boron Trifluoride-Acetic Acid.
22. Complex Bromine Free Limit 5 Kgs.
23. Bromine Penta fluoride.
24. Bromine Trifluoride.
25. Bromo Acetic Acid.
26. Caustic Soda.
27. Caustic Potash.
28. Chloro Acetic Acid.
29. Chloro Acetyl Chloride.
30. Chloro Phenyl Trichlorosilane.
31. Chloro Sulphonic Acid.
32. Chromium Fluoride.
33. Chormium Oxychloride (Chronyl Chloride).
34. Cupri Ethylene diamine.
35. Cyclohexyl Trichlorosilane.
36. Dichloro Acetic Acid.
37. Dichloro Acetyl Chloride.
38. Dichlorophenyl Trichlorosilane.
39. Diethyl Dischlorosilane.
40. Difuro Phosphoric Acid anhydrous.
41. Diphenyl Dichlorosilane.
42. Diphenyl Methyl Bromide.
43. Rthylene Diamine
44. Ferric Chloride (Iron Chloride).
45. Fluo Boric Acid.
46. Fluoro Phosphoric Acid.
47. Fluoro Sulphoric Acid.
48. Flou Silicic Acid (Hydro Fluo silicic Acid, Silico Fluotic Acid).
49. Formic Acid.
50. Fumaryl Chloride (Butanedol Chloride)
51. Hexadecyl Trichlorosi lane.
52. Hexa Fluoro Phosphoric Acid.
53. Hexa Methylene diamine, Solution.
54. Hexyl Trichlorosilane.
55. Hydrozone.
56. Hydriodic Acid. (Hydrogen Iodide).
57. Hydto Bromic Acid (Hydrogen Bromide).
58. Hydrochloric Acid (Hydrogen Chloride Muraitic Acid).
58. Hydro Fluoric Acid.
60. Hypochlorites.
61. Iodine Monochloride.
- 61A. Lime (Unslaked).
62. Nitric Acid.
63. Nitro Hydrochloric Acid (Aqua Regia)
64. Nonyl Trichlorosilane.
65. Octa Decyl Trichlorosilane.
66. Octyl Trichlorosilane.
67. Perchloric Acid.
68. Phenol Sulphonic Acid.
69. Phenyl Trichlorosilane.
70. Phosphorous Oxybromide (Phorsphoryl Bromide).
71. Phosphorous Pentachloride (Phosphoric Chloride).
72. Phosphorous Pentoxide (Phospheric Anhydride).
73. Trichloride (Phosphorous Chloride).
74. Phosphoryl Chloride (Phosphorous Oxy-chloride).
75. Potassium Bifloride).
76. Potassium Hydroxide (Caustic Potash)
77. Potassium Oxide.
78. Iso-Propyl Acid Phosphate.
79. Propyl Trishlorosilane.
80. Pyrosulphruyl Chloride (Disulphuryl Chloride).
81. Selenic Acid.
82. Silicon Tetrachloride.
83. Sludge Acid.
84. Soda Lime.
85. Sodium Aluminate.
86. Sodium Bisulphite (Sodium Hydrogen Sulphite).
87. Sodium Hydroxide (Causitic Soda).
88. Sodium Monoxide.
89. Stannic Chloride (Tin Chloride).
90. Sulphuric Chlorides (Sulphur Monochloride Sulphur Dichloride.)
91. Sulphuric Acid.
92. Sulphurous Acid.
93. Sulpur Trioxide (Sulphuric Anhydride)
94. Sulphuryl Chloride (Chloro Sulphruic Acid, Sulphonyl Chloride, Sulphuric Chloride, Sulphuri Oxychloride).
95. Tetra Methyl Ammonium Hydroxide.
96. Thio Glycolic Acid (Mercapto Acetic Acid).
97. Thionyl Chloride (Sulphur Oxychloride Sulphurous Oxychloride).
98. Thio Phosphoryl Chloride (Phosphorous Sulphochloride).
99. Titanium Tetrochloride (Titanic Chloride).
100. Trichloro Acetic Acid.
101. Zinc Chloride Solution.

(e) Any other poisonous or corrosive substances including the following (10 Kgs.) :—

- | | |
|-----------------------------------|---|
| 1. Albond disposal for alumium. | 14. Hydrazine Hydrate. |
| 2. Barium Chloride. | 15. Iodine. |
| 3. Barium Hydroxide. | 16. Methylene dichloride. |
| 4. Barium Carbonate. | 17. Phosphorous Oxychloride (in liquid form). |
| 5. Bleaching Powder. | 18. Permefilm chemical. |
| 6. Brassal-Z. | 19. Perliton-22/55. |
| 7. Cupsal-Z. | 20. Rapideep H Salt. |
| 8. Cadsal-Z. | 21. Silsal-2. |
| 9. Chloroform. | 22. Trichloro Ethylene. |
| 10. Calisolve Td. (T.C.E.). | 23. Zinsal SZ. |
| 11. Formalin | 1. Amonia liquid. |
| 12. Formakdhyde } Water Solution. | 2. Hydroxylamine sulphate. |
| 13. Hexachloroethane. | |

PART III

Articles which shall not be kept without a licence in or upon any premises for sale or other than domestic use

Aerosols, Aerosal Dispensers, Ashes, Bamboos, Blood, Bones, Fire wood, Fish Dried, Fins, Hair, Hides (Dried or raw), Hessian and Hessian goods. Hoofs and Horns, Oiled cloth and Oiled paper, offal, Paper old or waste, Paper savings. Rags, Sandal wood, Sawdust, Skins (dried or raw), Straw and straw goods, Timber (including ply wood, Hard board and processed wood) cane and their articles, wool (raw), Iron scrap or other metal scrap.

Cases.—Compressed, liquified, Dissolved including the following :—

- | | |
|---|--|
| Acetylene Dissolved. | Dichloro Mono Fluro Methane, liquid. |
| Air (Liquified). | 1,1 Difluoroethane, compressed. |
| Air (compressed). | Difluoro Monochloro Ethane, compressed. |
| Ammonia Liquified/Solution. | Dimethyl Amine, liquified. |
| Argon (Compressed). | Dimethyl Ether, Methyl Ether compressed. |
| Argon (Liquified). | Engine Starting Fluid, Mixture of liquid and/or gases. |
| Boron Trichloride. | Ethane, compressed, liquified. |
| Boron Trifluoride. | Ethyle Amine, Amino Ethane, Mono Ethylamine (liquified). |
| Boron Fluoride, Compressed. | Ethyl Chloride, compressed. |
| Bromo Trichloro Methane (Liquified) | Ethylene, compressed, liquified. |
| Butadiene (Divinyl) Liquified. | Ethylene Oxide. |
| Carbon Dioxide, Compressed. | Ethylene Oxide and Carbon Dioxide Mixture, containin not more than 17 per cent of Ethylene Oxide, liquified. |
| Carbon Dioxide & Nitrous Oxide mixture, liquified. | Fluorine, compressed. |
| Carbon Dioxide & Oxygen Mixture compresse. | Helium, compressed. |
| Carbon Monoxide, compressed. | Hexafluoro Propylene, compressed. |
| Chlorine Low Pressure recepacles. | Hydrogen, compressed, liquid. |
| Chlorine Trifluoride, Compressed. | Hydrogen Bromide, compressed. |
| Chloro Difluorobromo Methane or Bromo Chloro-Difluoro Methane or Mono Chloridifluoro Mono Bromo Methane all compressed. | Hydrogen Chloride anhydrous, compressed. |
| Monochloro Difluoro methane or Chloro-Difluoro Methane, Liquified. | Hydrogen Cyanide or Hydro Cyanic Acid, compressed. |
| Chloro Difluoro Methane and Chloro-Pentafluoro. | Hydrogen Fluoride (anhydrous, compressed) |
| Ethane mixture liquified. | Hydrogen and Methane mixtures, compressed. |
| Chloro Pentafluoro Ethane, compressed. | Hydrogen Sulphide or Sulphuretted Hyrdrogen, liquified. |
| Chloro Tetrafluoro Ethane, liquified. | Krypton, compressed, liquid. |
| Chloro Trifluoro Methane, liquified. | Liquified Non-Inflamable gases charged with Nitrogen, Carbon, Dioxide or Air. |
| Coalgas, compressed. | Liquified Petroleum gases such as Butane. |
| Cyanogen (Dicyanogen) liquified. | Propane or their mixtures etc. |
| Cyanogen Chlorode, compressed. | Methane, compressed. |
| Deuterium (Heavy Hydrogen), compressed. | Methane and Natural Gas with a High Methane contact liquid or liquified. |
| Diborane (Boroethane), liquified. | Methyl Bromide, compressed. |
| Dichloro Difluoro Methane, liquified. | |
| Dichloro Mono Fluro Ethane, liquid. | |

Methyl Chloride, compressed.	Cartouche Gas cartridges.
Methyl Bromide and Methyl Chloride mixture, compressed.	Silicon Tetra Fluoride or (Tetra Fluoro Mono Silane).
Methyl Mercaptan, liquified.	Sulphur Dioxide.
Neon, compressed, liquid.	Sulphur Hexafluoride.
Nitric Oxide, compressed.	Tetra Fluoro Ethylene, Liquified.
Nitric Oxide and Nitrogen Trioxide Mixture, compressed.	Tetra Fluoro Methane, medium pressure.
Nitrogen, compressed, liquid.	Tetra Fluoro Chloro Ethane, or (Chloro Trifluoro Ethane).
Nitrogen Dioxide	Trifluoro Chloro Ethane.
Nitrogen Peroxide } Compressed	Tri Fluoro Ethane.
Dinitrogen Tetroxide. }	Tri Methu Amine (Anhydrous).
Nitrosul Chloride, compressed.	Vinyl Bromide.
Octa Fluoro Cyclobutane, liquified.	Vinyl Chloride.
Oil Gas, compressed.	Vinyl Fluoride.
Oxygen, compressed, liquid.	Vinyl Methyl Ether, liquified.
Phosgene or Carbonyl Chloride, compressed.	Water Gas, compressed.
Rare Gases, compressed.	Xenon, liquified.

PART IV

Trades or processes or operations connected with trades which shall not be carried on or allowed to be carried on in or upon any premises without a licence

Baking.

Bhelpuri, Preparation or sale of—

Bleaching cloth or yarn.

Keeping Charcoal, coal or coke shop.

Keeping cold storages.

Casting Metal.

Keeping Chemist and Druggist shop.

Dyeing of cloth, yarn or leather.

Grinding or pounding of chillies or masala or (therwise than by hand grinding).

Keeping a flour mill.

Keeping a laundry shop.

Keeping of an eating house or catering establishment.

Using or allowing to be used a premises for the preparation of eatables for the purpose of trade and for the profit or gain of any person owning or having an interest in or managing such premises.

Keeping of a hair dressing saloon or a barber's shop.

Keeping of a lodging house.

Keeping liquor or Toddy shop, where liquor or Toddy is sold or served for consumption on the premises.

Keeping mattresses and pillows shop or manufacturing mattresses or pillows.

Keeping Pan Shop where prepared Pan (Pan Patiti) is sold.

Keeping a printing press, a litho press for photo off-set press.

Keeping a Paint shop.

Keeping sweetmeat shop except in premises already licensed as an eating house.

Keeping a tailoring shop or a shop doing embroidery work or other like work.

Manufacturing leather goods, but excluding a cobbler who repairs footwear and other leather goods.

Parching of grains, grains nuts or seeds.

Printing or embossing cloth yarn or leather, plastic or metal sheets or on any other articles whatsoever.

Refining of precious metals or recovering them from embroideries, photographic Papers films or any commodity whatsoever.

Processing of cloth or yarn by any process whatsoever.

Processing or refining of mineral oils of any kinds.

Shooting or processing of cinematograph films (in a studio or a laboratory) or any other place.

Tanning, pressing or paking hides or skins, whether raw or dried.

(1) *Carrying on trade of or any process or operation connected with the trade of—*

- (a) Anodising or metallising.
- (b) Blacksmithy.
- (c) Repairing and/or servicing storage batteries.
- (d) Re-treading or resoling or vulcanising of rubber goods.
- (e) Spray Painting.
- (f) Optical glass grinding or repairing.
- (g) Copper-smithy.
- (h) Automotor servicing or repairing.
- (i) Welding of metal by electric, gas or any process whatsoever.
- (j) Electroplating.
- (k) Transporting of goods.
- (l) Clearing of goods.
- (m) Timber or wood sawing or cutting by mechanical or electric power.
- (n) Automobile body building or repairing.
- (o) Water proofing of paper or cloth or manufacturing Tarapaulin.
- (p) Marble, cutting, grinding, dressing or polishing.
- (q) Tinsmithy.
- (r) Spinning or weaving or knitting or twisting of cotton, silk art silk, or synthetic fibre or jute or wool by any process whatever.
- (s) Upholstery.
- (t) Stone grinding, cutting, dressing or polishing.
- (u) Metal (ferrous or non-ferrous or antimony but excluding precious metal) cutting or treating metal by hammering drilling, pressing filing, polishing, heating or by any other process whatsoever or assembling parts of metal and manufacturing articles of metals.
- (v) Washerman's trade.
- (w) Keeping a Warehouse (Warehousing trade).
- (x) Taking out photostatic copies such as Zerox copies.
- (y) Braiding or plating for manufacturing of tapes, ropes, shoe laces, etc.

(2) *Manufacturing parching, packing, pressing, cleaning, cleansings, processing, bailing, melting grinding, mixing or repairing by any process or operation whatever any of the following articles :—*

Aerated waters.

Agarbattis or perfumed sticks.

Asphalt Bitumen Tar Dammer or pitch.

Bidies (indigenous cigarettes) snuff, cigars or cigarettes.

Bitumen.

Bones.

Brakefluid.

Bricks or tiles, Articles of cement, plaster, clay or like material by any process whatsoever.

Bricks or tiles by mechanical power.

Brushes.

Candles.

Celluloid or celluloid goods.

Charcoal (including Badami coal).

Chemicals.

Detergent or other like products.

Condiment.

Cosmetics or toilet goods.

Cotton, cotton refuse, cotton waste, cotton yarn, silk, silk yarn, art silk, art silk waste, art silk yarn, wool or wool n refuse or waste) synthetic yarn or waste).

Dyes, colours, pigments or powder of any kind.

Electric storage batteries.
 Fat.
 Fire work (including Bengal or star matches).
 Flax.
 Ink for printing, writing or stamping.
 Gas.
 Glue, Sizing material or gelatine or adhesive of any kind.
 Ghee.
 Glass or glass articles (excluding mere packing of glass or glass articles).
 Gunpowder.
 Grease or Tallow.
 Hemp.
 Insulating material.
 Insecticide or disinfectants or deodorants.
 Ice (including dry ice).
 Leather cloth, rexine cloth, water-proof cloth or plastic cloth.
 Line.
 Linseed oil.
 Matches for lighting.
 Offal.
 Oil-cloth.
 Pharmaceutical or medical products.
 Paper, paper boards, or card-boards or products thereof.
 Rubber or rubber goods.
 Paints.
 Pickers from hides.
 Plastic goods.
 Manufacturing, assembling, repairing or servicing Radios, T.V.s., Refrigerating units, Air, conditioning plants.
 Sanitary-ware or china-ware.
 Soda.
 Sugar.
 Sugarcane juice.
 Sweetment and confectionery goods and other eatables whether sweet or savoury.
 Textile Auxiliaries.
 Varnish.
 Oil other than Petroleum (either by mechanical power or by hand power or ghani driven by bullock or any other animal).
 Wooden furniture, boxes barrels, khokas or other articles wood or of plywood or of sandle wood employed.
 Wax or was products paraffin was or petroleum jelly.)

SCHEDULE N

(See section 444)

PARTICULARS TO BE SPECIFIED IN THE REGISTER OF BIRTHS

Serial Number.

Date of birth.

Place of birth

District.

Sub-District.

Ward No. of house i. e., its distinguishing number under clause (a) of s. 156).

Street or wadi.

No. of house in street or wadi.

Parents .. { Names (and surnames, if any).
 Occupation or profession.
 Place of birth
 Duration of residence in
¹[Brihan Muumbai] } Years.
 Months.
 Days.

Mother being .. { Only wife now alive.
 One of two wives, both now alive.
 One of three or more wives, all now
 alive.

Mother being unmarried.

Child .. { Born alive.
 Still-born.
 Sex.
 Race, caste or nationality.
 Name, if any.

²[SCHEDULE O.
 [See section 444].

PARTICULARS TO BE SPECIFIED IN THE REGISTER OF DEATHS.
³[MUMBAI] MUNICIPAL CORPORATION)

REPORT OF DEATH IN ⁴[BRIHAN MUMBAI]

Central Registry	District Registration No.	Date of death	Date of registry in District Office
------------------	---------------------------	---------------	-------------------------------------

Serial No. _____

(Ward District No.)

Section Street or Wadi

Abode (House No.)

Duration of residence in ⁵[Mumbai] Years

Months Days

If a new comer to ⁵[Mumbai] or lately arrived, wherefrom : Village.....

Taluka District

Full name (including surname)

Father's name

¹ These words were substituted for the words " Greater Bombay " by Mah. 25 of 1996, s. 2 Schedule 4(14).
² Schedule 'O' was substituted for the original by Mah. 39 of 1961, s. 13.
³ These words were substituted for the words " Bombay Municipal Corporation " by Mah. 25 of 1996, s. 2 Schedule 4(15(a)).
⁴ These words were substituted for the words " Greater Bombay ", *ibid.*, s. 2 Schedule 4(15)(b).
⁵ This word was substituted for the word " Bombay ", *ibid.*, s. 2 Schedule 4(15)(c).

Sex Nationality Race
 Caste Age : Years Months
 Days Hours Still-born
 Occupation or profession of deceased
 Occupation or profession of guardian
 Place of birth, if in Bombay : District
 Street or Wadi House No.
 If out of Bombay : Village Taluka
 District
 Country to which family belongs
 Place of death
 Cause of death
 Approximate interval between onset and death (duration of disease).
 Years Months Days Hours

I.

Diseases or condition directly leading to death* (a)
 (due to/or a consequence of).
 Antecedent causes (b)
 Morbid conditions, if any, giving rise to the above cause, stating the underlying condition last. (c)
 (due to/or as a consequence of).

II.

Other significant conditions contributing to the death, but not related to the disease or condition causing it.
 Maternal, infant or others
 Name of the Medical Attendant
 Medical qualification
 Register No. Residence of Medical Attendant.
disposal of dead At : Cemetery No.
 Location Method : Buried Burnt
 Exposed
 Signature of informant.
 Date of Information. 198 .
 Signature of District Registrar.
 District No.

*This does not mean the mode of dying, e.g., heart failure, asthenia, etc. It means the diseases or complication which causes death.

[SCHEDULE P.

(See section 450)

MEDICAL CERTIFICATE OF CAUSE OF DEATH

To

[THE MUNICIPAL COMMISSIONER, MUMBAI].

I do hereby certify that I attended the deceased during his/her last illness, and that to the best of my belief the cause of his/her death was as stated below * :—

Causes of death.	Approximate interval between onset and death		
	Yrs.	Mths.	Dys.
I.			
Diseases or condition directly leading to death†	(a)		
Antecedent causes	(b)		
Morbid conditions, if any, giving rise to the above cause, stating the underlying condition last.	(c)		
II.			
Other significant conditions contributing to the death but not related to the disease or conditions causing it.			
Signature			
Medical Designation or Diploma.....			
Address			

Vide note below :

N.B.—(i) The protection of the confidential nature of the medical information contained herein is ensured as far as possible.

This does not mean the mode of dying e. g., heart failure, Asthenia, etc. It means, the diseases or complication which caused death.

(ii) The Medical Practitioners are requested to study carefully the note printed on inside of the cover.

(iii) Earnest co-operation of Registered Medical practitioners in the matter will be highly appreciated by all concerned.

(iv) The certificate, on being filled in carefully and signed, should be forwarded without delay to the Executive Health Officer, [Mumbai Municipality].

(v) Additional forms of certificates will be supplied free of charge to Registered Medical Practitioners on request to the executive Health Officer.

(To be printed on the inside of the covers of the Books of Forms of Medical Certificate of Death)

DEATH CERTIFICATION

The regulations of the World Health Organisation of the United Nations are adopted from 1st April 1960. These regulations include the recommendations of the 6th Decennial International Revision Conference with regard to certification of cause of death, which are designed to secure universal uniformity as to stating the "UNDERLYING CAUSE OF DEATH."

The relevant extracts from these recommendations are given below :—

- (1) A cause of death is the morbid condition or disease process, abnormality * * * leading directly or indirectly to death. Symptoms or modes of dying.

*Schedule P was substituted for the original by Mah. 39 of 1961, s. 14.

There words were substituted for the words " THE MUNICIPAL COMMISSIONER, BOMBAY" by Mah. 25 of 1996, s. 2 Schedule 4 (16)(a).

3. These words were substituted for the words " Bombay Municipality " *ibid.*, s.2 Schedule 4 1 6) (b).

such as heart failure, asthenia etc., are not considered to be causes of death for statistical purposes.

(2) The underlying cause of death may be defined as—

(a) the disease* *which initiated the train of morbid events leading directly to death, or

(b) * * * *

(3) The (recommended) medical certificate of death is designed to elicit the information which will facilitate the selection of the UNDERLYING CAUSE OF DEATH when two or more causes are jointly recorded.

(4) No entry is necessary in lines (b) and (c) of the certificate if the diseases or conditions directly leading to death stated in line (a) described completely the train of events.

(5) In Part II are to be entered any other significant conditions which unfavourably influenced the course of the morbid process, and thus contributed to the fatal outcome but which are not related to the diseases or conditions directly causing death.

Public Health Department,
Registration Branch.

Executive Health Officer.]

SCHEDULE Q.

(See section 453.)

FORM CERTIFYING NAME GIVEN IN BAPTISM.

I, _____ of _____, do hereby certify that
on the _____ 19____, I baptized by the name of _____
of _____, and declared by the said _____ to have been
born at _____ on the _____ 19____.

Date _____ (Signed by Officiating Minister).

FORM CERTIFYING NAME GIVEN NOT IN BAPTISM

I, _____, do hereby certify that the _____ male child ; born
on the _____ 19____, at _____, to _____ and
the district of _____ on the _____ his wife, and registered in
name of _____ 19____, has received the

(Signed by father or mother, etc.)

[SCHEDULE R] Deleted by Mah. 10 of 1998, s.250.

¹[SCHEDULE S.

[See section 259A sub-section (3)].

DRAINAGE COMPLETION CERTIFICATE

I do hereby certify that the following work (*insert full particular of the work*) has been completed to my satisfaction; that the workmanship and the whole of the materials used are good; and that no provision of the Act or the by-laws, and no requisition made, condition prescribed or order issued thereunder, has been transgressed in the course of the work.

(Signed)

(Dated)

²[SCHEDULE T.

[See section 353A, sub-section (1).]

BUILDING COMPLETION CERTIFICATE

I do hereby certify that the following building work (*insert full particulars of the work*) has been supervised by me and has been completed to my satisfaction; that the workmanship and the whole of the materials used are good; and that no provision of the Act or the by-laws and no requisitions made, condition prescribed or order issued thereunder, has been transgressed in the course of the work.

(Signed)

(Dated)

³[SCHEDULE U.

[See section 62, sub-section (1).]

MEDICAL INSTITUTIONS IN [MUMBAI]

1. The Jamsetjee Jeejeebhoy Hospital.
2. The Bai Motlibai (Obstetric) Hospital.
3. The Sir Dinshaw Maneckji Petit Hospital for Woman and Children.
4. The Dwarkadas Lallubhai Dispensary for Women and Children.
5. The St. George's Hospital.
6. The Goculdas Tejpal Native General Hospital.
7. The Pestonji Hormusji Cama Hospital for Women and Children.
8. The Allbless Obstetric Hospitrl.
9. The Jaffar Sulliman Dispensary for Women and Children.
10. The Jehangir Nassarvanji Wadia Dispensary, Mahim].

¹ Schedule S was inserted by Bom, 5 of 1905, s. 60.² Schedule T was inserted, *ibid*.³ Schedule U was added by Bom. 3 of 1907, s. 22.⁴ This word was substituted for the word "BOMBAY" by Mah. 25 of 1996, s.2 schedule 4(17).

[SCHEDULE V.

(See section 89A)

LANDS AND BUILDINGS IN THE USE AND OCCUPATION OF THE BOMBAY
CITY POLICE

Con-secutive number	Name and situation of the lands and buildings	City survey number	Municipal Ward number	Approximate area in square feet of land covered with buildings	Approximate area in square feet of open grounds
1	Quarter for Police Officers formerly used as the Police Magistrate's Court, Maharbavdi, Girgaum Back Road.	416	D 416	7,482	9,189
2	Police Station in Picquet Road	18	C 916	1,915	377
3	New Police Chowki near Null Bazar, Erskine Road.	3421A	C 6806	362	003
4	Police Station at the junction of Hornby Vellax and Warden Road, Mahalaxmi.	Nil	G 1	356	760
5	New Police Chowki at Jacob's Circle, Byculla.	7733	E 4572 (3)	819	2,181
6	New Chowki in Undria Street, Nagpada	4079 and 4080	E 8 and E 306	638	28
7	Bungalow No. 7, Hansaraj Lane, Byculla Bridge.	3672(2)	E 4727 to 4729	9,639	47,039
8	Police Head-quarters and Lines in Esplanade, Carnac and Hornby Roads.	8473	A 3325 to 3329 A 3715 (1 and 2) A 3716 (1 and 3)	11,422	1,54,555
9	Police Magistrate's Court in Esplanade and Cruickshank roads (Portion used for residential purposes only).	8472	A 3344 to 3440	1,328	Nil
10	"Claremount" premises, Nesbit Lane, Mazgaon (portion used for residential purposes only).	3687	E 6151	4,422	
-[11	"Grant House", Pultan Road	8476	A 3333 (2) and (3) and 3334 (1)	9,350	28,884
12	New Police Chowki at Girgaum, near the Tramway Terminus, Girgaum Road.	408	D 257	598	521
13	Pound keepers quarters at Girgaum, near Kannedy Bridge.	7957	D 247	4,548	2,230

¹ Schedule V was added by Bom. 3 of 1907, s. 22.

² This item was substituted for the original item by Bom. 2 of 1911, s. 24.

Con- sec- utive number	Name and situation of the lands and buldings	City survey number	Municipal Ward number	Approximate area in square feet of land covered with buildings	Approximate area in square feet of open grounds
14	Chowki at Middle Colaba near the Post Office. Middle Colaba Road.	9699	A 26 (2)	390	3,434
15	Police Station Bazar Gate Road and Fort Street.	8484 & 8485.	A 2163(1).	2,194	589
16	Chowki near the Queen's Statue, Esplanade Road.	8452	A 3505	444	Nil.
17	Sowars' stables and Superintendent's quarters in the lane leading to Mahim Fort.	55	G 5312	4,523	15,464
18	Old Police Head Office and Chowki in Byculla. Parel and Shepherd Roads.	3672	E 4727 to E 4729	7,321	5,129
19	Police Lines and Stables Shepflered Road, Byculla.	3672	E 4727 to 4729	30,264	80,436
20	Chowki in Masjid Bunder Road, Masjid Bunder Bridge.	265	B 1171	450	Nil.
21	Police Chowki and Quarters behind the Old Girgaum Police Court Buildings. Girgaum Back Road.	7495	D 980 to 982	4,988	2,496
22	Police Chowki at Walkeshwar Reversing Station, Walkeshwar Road. Malabar Hill.	7238	D 2984	481	942
23	Police Station Pydhone. Parel Road.	1267	B 2179 (1)	2,820	51
24	Police Quarters and Lines on Wodehouse Road Estate. Colaba Causeway Road.	9561	A 885 (1 & 5,	25,794	33,408
25	Police Quarters and Lines in the 1st Nagpada Scheme. near the Parsee Statue. New Nagpada Street.	3692	A 3689 (1 & 2) and A 3690	23,013	12,600
26	Police Quarters in Shepherd Road	2689	E 3429 to 3448	4,248	7,569
27	Police Hospital in New Nagpada Street, Nagpada. Byculla.	3692, 3696 & 3697	E 3536 to 3542	7,656	43,023
28	Chowki in Bhandarwada Lane, Koliwada, Mandvi.	2375	B 1960	2,215	Nil.
29	Chowki at the Junction of Kazi and Masjid Street.	861	C 6166	180	Nil.
30	Chowki at the Junction of the Mount, Mazagaon and Dockyard Roads. Matharpacady.	Nil	E 4817	514.53	Nil.
31	Chowki at the junction of Church and Dholkar Streets, Mazagaon.	3363	E 6806	367	Nil.
32	Chowki in Parel Road. Chinchpokli	3621	E 7483	343	Nil
33	Chowki in Upper Duncan Road	5683	E 537(2)	377	182
34	Chowk of Sion Road, Coorla Causeway	1	F 8803(2)	81	Nil.
35	Chowki and Lock up in Mahim Bazar Road.	518 39	G 5215	1,152	Nil.
36	Chowki in 1st Pasta Lane, Lower Colaba	9564	A 520	90	Nil.
37	Chowki in Colaba Road	9699	A 26 (2).	37.98	Nil.
38	Chowki in Bench Road. near the Royal Artillery Mess, Colaba.	9699	A 6(3)	45.54	Nil.
39	Chowki in Pilot Street, near the Afghan Memorial Church, Colaba.	9696	A 174(2)	39.06	Nil.
40	Chowki in 8th Bungalow Street, near the Bombay Infantry Mess, Colaba.	9699	A 66(2)	45.54	Nil.
41	Chowki near Colaba Railway Station Wodehouse Qoad.				
42	Chowki near the Gim Carriage premises Colaba Road.	9567	A 423 (2)	45.54	Nil.

Con- secu- tive number	Name and situation of the lands and buildings	City survey number	Municipal Ward number	Approximate area in square feet of land covered with buildings	Approximate area in square feet of open grounds
43	Chowki near the Town Hall, Custom House Road.	9312	A 1057(1)	100.00	868
44	Chowki in the compound belonging to the Improvement Trust, Wedehouse Road Building, Colaba Causeway.	9531	A 885(5A)	108.00	Nil.
45	Chowki in Jamnagar Street Frere Road	8480	A 2899(2)	108.00	Nil.
46	Chowki in Fort Street, Mint Road	1	A 2811(2)	144.00	Nil.
		8483			
47	Chowki near the Wellington Fountain at the junction of Mayo and Esplanade Roads.	9562	A 1301(2)	108.00	Nil.
48	Chowki in Tabat Galli, Marine Lines	9561	A 3596	247.95	Nil.
49	Chowki at the entrance to the Admiral's Bungalow, Marine Line.	9666	A 3586(2)	63.00	Nil.
50	Chowki near Churchgate Railway Station, Queen's Road.	8426	A 3668(2)	84.96	Nil.
51	Chowki to the rear of the premises known as Major Menis Bungalows, Queen's Road.	8426	A 3668(4)	39.96	Nil.
52	Zhowki at the junction of Pultan and Cruickshank Roads.				
		1			
53	Chowki at the junction of Pultan and Hornby Roads, Dhobi Ghat	8478	A 3219(1)	108.00	Nil.
54	Chowki at the junction of Frere and Carnac Roads.	3186	B 4373(3)	60.03	Nil.
55	Chowki at the junction of Frere Road and Ahmedabad Street.	3186	B 4355(3)	166.32	Nil.
56	Chowki near the Native Infantry Line, Carnac Road.	8475	A 3720(2)	108.00	Nil.
57	Chowki at the junction of Chinch Bandar Road and Elphinstone Over bridge.	3184	B 4117	60.03	Nil.
58	Chowki at the junction of Frere and Malet Bandar Roads.	3186	B 4487	60.03	Nil.
59	Chowki at the junction of Frere, Raichur and Elphinstone Bride Roads.	3136	B 4471 (1)	60.03	Nil.
60	Chowki at the junction of Frere Road and Thana Street.	3186	B 4377(2)	63.03	Nil.
61	Zhowki at the junction of Queen's Road and 1st Marine Street. South of the Marine Line Railway Station.	8099	C 2322(6)	63.00	Nil.
62	Chowki at the junction of 2nd Pathan Street and Durgadevi Road, South of North book Gardens.	5136	C 7889	46.98	Nil.
63	Chowki near French Bridge, Mathew Road.	7352	D 1686(2)	45.54	Nil.
64	Chowki at Chowpaty Crossing, Queen's Road.	7298	D 2447(3) D 2442(3)	45.45 45.54	Nil. Nil.
65	Chowki near Chowpaty well, Queen's Road.	8005	D 2538(2)	45.54	Nil.
66	Chowki at the Upper Gate of Government House, Walkeshwar Road.	7262			
67	Chowki near the Ladies Gymkhana, Ridge Road.	7295	D 3365(2)	45.54	Nil.
68	Chowki at the junction of Nepean Sea and Nepean Roads.	7215	D 3316	139.97	Nil.

Cen- secu- tive number	Name and situation of the lands and buildings	City survey number	Municipal Ward number	Approximate area in square feet of land covered with buildings	Approximate area in square feet of open ground
69	Chowki, at Nana-ke-Chowka, Gawalia Tank, Road.	7343	D-2872 (4)	45.54	Nil
70	Chowki near Davar Hall, Warden Road	1 and 2	D 3327 (3)	45.54	„
71	Chowki opposite Messrs. Kemps and Company's premises, Peddar Road.	7139 7128	D 3402 (3)	45.54	„
72	Chowki midway between Mahalaxmi Chowki and the Chowki opposite Messrs. Kemp and Company's premises, Peddar Road.	8037	D 3465 (5)	45.54	„
73	Chowki at the junction of Tardeo Road and Forjet Street.	7064	D 23427(2)	45.54	„
74	Chowki at the junction of Chikalwadi and Sleater Road.	6044	D 3706 (2)	45.54	„
75	Chowki at the junction of Belasis and Arthur Road, Tardeo.	1/3396	D 3882 (2)	169.29	„
76	Chowki near the main night-soil drain, Arthur Road.	3398	D 3901 (2)	45.54	„
77	Chowki near the Byramji Dispensary, Tardeo Road.	3386	D 3823 (2)	45.54	„
78	Chowki near the Cowasji Patel Tank, Girgaum Road.	623	C 5697 (2)	46.98	„
79	Chowki at the junction of Grant Road and Trimbak Parsharam Street,	Nil	D 2868 (2)	45.54	„
80	Chowki at the junction of Grant Road and Ballaram Street.	6967	E 2305 (2)	45.54	„
81	Chowki at the junction of Grant Road and Gilder Street.	6992	E 2694 (2)	45.54	„
82	Chowki at the junction of Girgaum Back Road at Charni road.	7697	D 1640 (2)	45.54	„
83	Chowki at the junction of Gun powder and Matharpacady Road.	3772	E 6413 (2)	61.38	„
84	Chowki at the junction of Ghorupdeo, Mount and Tank Bunder Road.	3712	E 7722 (2)	61.38	„
85	Chowki near Hancock Bridge, Wadi Bunder Road.	3604	E 4791 (2)	61.38	„
86	Chowki near the Municipal Water Tanks at the junction of De Lima Street and Wadi Bunder Road.	3298	E 5062 (2)	61.38	„
87	Chowki opposite the P. and O. Docks, Dockyard Road, off the Main Road Mazgaon.	8452	A 3506 (2)	45.54	„
88	Chowki at the junction of Connought and Ghorupdeo Roads.	3643	E 8111 (2)	61.38	„
89	Chowki at the junction of Kalachowki Ghorupdeo and Sewree Roads.	3627(1)	E 8181	170.01	„
90	Chowki at the junction of Chinchpokli and Albert Roads.	3624	E 8261 (2)	61.38	„
91	Chowki in the compound of the Jam-rhedji Jeejeebhoy Hospital.	3621	E 4574 (2)	45.54	„
92	Chowki at Two Tanks at the junctions of Duncan and Grant Road.	4121	E 22	64.26	„
93	Chowki at the junction of Bellasis Road and Gilder Street.	3524	E 3406 (2)	61.83	„
94	Chowki near Messrs. Anderson's stables Bellasis Road.	6906	E 3112 (2)	60.48	„

Con- secu- tive number	Name and situation of the lands and buildings.	City survey number	Municipal Ward number	Approx- imate area in square feet of 12rd covered with buildings	Approx- imate area in square feet of open ground
95	Chowki near the Parsee Statue, Bellasis Road.	5486	E 589(3)	61.29	Nil.
96	Chowki at the junction of Haines and De' Lisle Roads.	3461	E 7042(2)	60.03	..
97	Chowki at the junction of De'Lisle and Clarks Roads.	3417	E 7397 (2)	61.20	..
98	Chowki at the junction of Haines, Clare and Sankli Roads.	Nil	E 4272	169.93	..
99	CWowki at the junction of Sankli and Ripon Roads.	3540	E 4023 (2)	46.62	..
100	Chowki at the junction of Ripon and More land Roads.	3483	4545(2)	46.62	..
101	Chowki at the junction of Moreland and Byculla Club Roads.	3526	E 4109 (2)	159.93	..
102	Chowki at the junction of the five roads in the Agripada Estate belonging to the Bombay Improvement Trust.	3505	E 4093 (3)	46.62	..
103	Chowki at the junction of Sion, Dharavi and Sion Fort Roads.	Nil.	F 6404(2)	159.93	..
104	Chowki near the Hindu Temple Matunga-Agar Road.	2/927	F 7799 (1)	159.93	..
105	Chowki at the junction of Wadala and Antop Hill Roads.	181101	F 4559	159.93	..
106	Chowki near Sewree Village, Sewree Road.	2269	F 2461(2)	159.93	..
107	Chowki at the junction of Naigaum and Naigaum Cross Roads.	1190	F 6481 (2)	159.93	..
108	Chowki opposite the Fire Bridge Station at the junction of Naigaum Cross and Vincent Roads.	1/2089	F 829 (3)	159.93	..
109	Chowki near the G.I.P. Railway Level Crossing at the junction of Dadar and Naigaum Cross Roads.	4/1263	F 6435 (3)	159.93	..
110	Chowki near Matunga Station on the G.I.P. Railway.	2036	F 667 (2)	159.93	..
111	Chowki at the junction of Suparibaug and Elphistone Roads.	1968	F 388 (2)	159.93	..
112	Chowki at north of Parel Tank Road, Parel.	37/2488	F 2759(3)	159.93	..
113	Chowki at the junction of Parel Tank and Golanjee Hill Roads.	5/2488	F 2732(2)	159.93	..
114	Chowki at Jackeria Bunder, Sewree Road.	3725	F 2761(2)	45.56	..
115	Chowki at the junction of Kalachowki and Parel Roads.	2599	F 36 (2)	159.93	..
116	Chowki at the junction of Parle and Suparibaug Roads.	1 and 2/ 2539	F 112(1) ..	159.93	..
117	Chowki at the junction of Suparibaug and Curry Roads.	2566	F 124 (6)	159.93	..
118	Chowki opposite the G.I.P. Railway Workshops Suparibaug Road.	2582	F 564(2)	45.56	..
119	Chowki at the junction of Custom and Lady Jamsetji Roads.	54	G 5149(2)	184.95	..

Con- secu- tive number	Name and situation of the lands and buildings	City survey number	Municipal Ward number	Approxi- mate area in square feet of land covered with buildings	Approxi- mate area in square feet of open ground
(1)	(2)	(3)	(4)	(5)	(6)
120	Chowki near Mahim Bazar Cross Road, Lady Jamsetji Road.	137	G 5695 (2)	45.56	Nil.
121	Chowki near the Gopi Tank, Lady Jam- setji Roac.	2 ----- 1394	G 4063 (2)	45.56	"
122	Chowki near Shivba's Door Pcut, Hasali, Lady Jamsetji Road.	Nil.	G 4221	45.56	"
123	Chowki near the path leading to Man- malla Tank, Lady Jamsetji Road.	130	G 5721 (2)	45.56	"
124	Chowki at the junction of Lady Jamsetji Dadar and Portugese Church Streets.	1446	G 4307 (2)	137.97	"
125	Chowki in Dharavi Road	5 ----- 296	G 6149 (2)	137.97	"
126	Chowki near the Sion Railway Station Dharavi Road.	3 ----- 423	G 7607 (2)	49.95	"
127	Chowki at the Cross Post, Mahim Bazar Road.	1506 3	G 4842(2)	45.56	"
128	Chowki at the junction of De'Lisle and Arthur Roacs.	2718 3	G 2223 (2)	45.56	"
129	Chowki at the junction of De'Lisle and Ferguson Road.	3 ----- 3205	G 1025(2)	46.66	"
130	Chowki at the junction of De'Lisle and Carrol Roads.	5 ----- 2236	F 2340(2)	137.97	"
131	Chowki near the B. B. and C. I. Railay Crossing Elphiston Road.	1 -----	G 2495 (2)	45.56	"
132	Chowki Saitan Gate, Kumbharwada, Dadar.	1834	G 3388(2)	45.66	"
133	Chowki at the junction of Cleveland and Worli Roads.	3025	G 2538	171.00	"
134	Chowki in Pakadi Road, Worli.	3 ----- 3205	G 1383(2)	45.56	"
135	Chowki at the junction of Hornby Vellard and Worli Roads.	3346	G 6(3)	45.56	"
136	Chowki at the junction of Haines and Ferguson Roads.	18 ----- 3299	G 184(2)	45.56	"
137	Chowki near the B. B. and C. I. Railway Crossing, Haines Road.	2725	G 1000(2)	138.96	"
138	Chowki in Jamnagar Street, Modi Bun- der.	8484	A 2004 (7)	147.96	"
139	Chowki at the junction of Falkland and Foras Roads.	6934	E 155	474.48	"
140	A plot of land near the present Water Police Station, situated between Kar- war and Goe Streets.	8480	A 2730 and A 2744(5)	Nil.	29,665
141	A plect of land near Prince's Docks Situated between Raichur Street and Elphinstone Bridge Road.	3186	B 4468, B 4469 and B 4470	"	27,200]

[SCHEDULE W.

(See section 91A).

DESCRIPTION OF THE PROPERTY HELD BY THE IMPROVEMENT TRUST AND
TRANSFERRED TO THE CORPORATION

Plot No.	Ward No.	Cadastral Survey No.	Description	Area Cadastral Survey	Total area	Value	
						Amount	Total Amount
(1)	(2)	(3)	(4)	(5)	(6)		(7)
				sq. yds.	Sq. yds	Rs.	Rs.
THE FLATES							
(Deposited Plan " A ")							
1(a)	E	66(part), 69 part), Lower parel Division	Bounded on the North partly by Plot No. 1 (k) of the Flats, partly by the land belonging to the B. B. and C. I. Railway Company bearing Cadastral Survey No. i and on the South by Hanes Road, on the East by private properties bearing Cadastral Survey Nos. 66, 65, 67, and on the West partly by land belonging to the Corporation, partly by plot No. 1 (k) of the Flats and partly by land belonging B. B. and C. I. to the Railway Company bearing Cadastral Survey No. 43.	75,194	..	..	..
(Deposited Plan " B ")							
1(b) Part 1 (d1) Part 1(d2) Part 1(d3)	..	383 Part 2/383 of Tardeo Division	Bounded on the North by the land belonging to the Corporation bearing Cadastral Survey No. 410 (part and partly by Clarke Road ; on the South by private properties bearing Cadastral Survey Nos. 1/407, 372, 373, 374, 375, 369, 7/366, 8/366, 384, 383 (Part), and 4/288, on the East by the land bearing Cadastral Survey No. 1/388 and on the West by private properties bearing Cadastral Survey No. 409, 1/408, 407 land belonging to the Corporation and by Cadastral Survey Nos. 403, 401, 400, 399, 398, 375, 372, 382, 369, 368, 383 (part) excluding the 100 ft. and 40 ft. roads and the Body Guard Lines.	347,950			
(Deposited Plan " C ")							

¹ This Schedule was inserted by Bom. 13 of 1933, s. 37

Plot No.	Ward No.	Cadastral Survey No.	Description	Area Cadastral Survey	Total area	Value	
						Amount	Total amount
				sq.yds.	sq.yds.	Rs.	Rs.
(THE FLATS-- contd.)							
(Deposited Plan " C ")							
1 (c)	..	412 (part) Tardeo Division.	Bounded on the North by Clarke Road on the South by the properties bearing Cadastral Survey Nos. 413 and 56, on the East by properties bearing Cadastral Survey Nos. 414 and 56, and on the West by the Municipal private road bearing Cadastral Survey No. 390, beyond which is the land belonging to the Corporation bearing Cadastral Survey No. 411 excluding the Municipal road for rubbish cart.	19,815	..	..	..
(Deposited Plan " D ")							
1(e)	..	1/1030, Lower Parel Division.	Bounded on the North by the newly constructed 100 feet Werli Road, on the South and West by land belonging to the Corporation bearing Cadastral Survey No. 286 and on the East by the private property bearing Cadastral Survey No. 1031.	6,133	..	7,666	..
(Deposited Plan " E ")							
1(f)	..	1/268 and 268, Lower Parel Division.	Bounded on the North by passage bearing Cadastral Survey No. 2/472 and by private properties bearing Cadastral Survey Nos. 437, 438; on the South by the land belonging to the Corporation bearing Cadastral Survey Nos. 1/269, 2/269, and 269, and by private property bearing Cadastral Survey No. 1/265, on the East by private properties bearing Cadastral Survey Nos. 270, 267, 1/265, 439, 438, 437, 436, 433, 1/472 and 2/472 and on the West by the Worli Low Level Drainage Channel bearing Cadastral Survey No. 286.	25,265	..	18,949	..

Plot No.	Ward No.	Cadastral Survey No.	Description	Area Cadastral Survey	Total area	Value	
						Rs.	Total amount
				sq. yds	sq. yds.	Rs.	R.
(THE FLATS— <i>countd.</i>)							
(<i>Deposited Plan "F"</i>)							
1(g)	..	71(part), 144(part) Lower Parel Division.	Bounded on the North by the land belonging to the Corporation bearing Cadastral Survey No. 284 on the South by Plot 1(i) (East) and private property bearing Cadastral Survey, No. 143, on the East partly by the land belonging to the Corporation bearing Cadastral Sarvey No. 2/71 and partly by private properties bearing Cadastral Sarvey Nos. 144 (part) and 1/45 and on the West by Plot No. 1 (i) (East) of the Flats.	4,287	..	2,679	..
1(h)	..	3/71, 71 (Part), Lower Parel Division.	Bounded on the North by private properties bearing Cadastral Survey Nos. 106 and 107, on the South by the blandelonging to the Corporation bearing Cadastral Survey No. 71 (part) on the East by the Tulsi Pipe Line Road bearing Cadastral Survey No. 70 and on the West by the land belonging to the Corporation bearing Cadastral Survey No. 71 (part).	4,104	..	13,338	..
(<i>Eastern portion</i>)							
1(i) Eart	..	1 (part), Lower Parel Division.	Bounded on the North partly by the land belonging to the Corporation bearing Cadastral Survey No. 284 (part) partly by Plot 1 (g) of the Flats and partly by private properties bearing Cadastral Survey Nos. 143, 142 and 140, on the South by the land belonging to the Corporation bearing Cadastral Survey No. 71 (part), on the East partly by private properties bearing Cadastral Survey Nos. 107, 140, 142, 143 and partly by Plot 1 (g) of the Flats and on the West by the Low Level Drainage Channel.	42,062	..	42,002	..

Plot No.	Ward No.	Cadastral Survey No.	Description	Area Cadastral Survey	Value		
					Total area	Total amount	
				sq.yds	Sq. yds	Rs.	Rs.

THE FLATES—contd.

(Deposited Plan " F "—contd.)

(Westerly portion)

1(f)	West	100 (part) Lower Parel Division.	Bounded on the North by private property bearing Cadastral Survey No. 134 and partly by private properties bearing Cadastral Survey Nos. 137, 136, 139 and partly by the Low Level Drainage channel, on the South partly by the land belonging to the Corporation bearing Cadastral Survey No. 1/110, partly by the Low Level Drainage Channel and partly by private properties bearing Cadastral Survey Nos. 137, 136, 139, and 134, on the East by the Low Level Drainage Channel and on the West partly by land belonging to the Corporation bearing Cadastral Survey No. 1/110 and partly by private properties bearing Cadastral Survey Nos. 137, 139, 136 and 134.
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(Deposited Plan " G ".)

1(j)	..	46 (part), Lower Parel Division.	Bounded on the North by the Municipal Storm Water Reservoir, on the South partly by Clerk Road and partly by land belonging to the Corporation bearing Cadastral Survey No. 45, on the East partly by land belonging to the Corporation bearing Cadastral Survey No. 45, partly by land acquired by Government for the B. B. & C. I. Railway Company bearing Cadastral Survey No. 46, partly by the Junction Road and partly by the Low Level Drainage Channel beyond which is Haines Road and on the West by the Municipal old drain.	7,18,948
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Plot No.	Ward No.	Cadastral Survey No.	Description	Area Cadastral Survey	Total area	Value	
						Amount	Total amount
				Sq. yds	Sq. yds	Rs.	Rs.
THE FLATS—contd.							
<i>(Deposited Plan "A").</i>							
1(k)	..	39 (Part), Lower Parel Division.	Bounded on the North by land belongin to the B. B. & C. I. Railway Comp- any bearing Cadastral Survey No. 43 ; on the South and East by Plot No. 1(a) of the Flats and the West by land belong- ing to the Corporation.	9,076	..	29,497	..
Total				..	12,52,834	..	1,14,191
THE CENNEY SEA FACE							
<i>(Deposited Plan "H").</i>							
..	..	7, Fort Division	Bounded on the North, South and West by the Foreshore of Backbay- and on the East by a public footpath	4,447	..	..	..
Total				..	4,447	..	..
THE MARINE LINES ESTATE							
<i>(Deposited Plan "J").</i>							
7(a)	..	718 to 722 1614 to 1721, 1429 to 1733 and 1435 Fort Division	Bounded on the North by the South side of the compound of Govern- ment Bungalow bearing Cadastral Survey No. 1436 ; on the East partly by the West Boundary of Government plot reserved for Military Purposes by Government Resation No. 2-C.W.4, dated 3rd January 1881, and partly by the West Boundary of Plot (b4) (Marine Lines Maidan) on the South by a portion of the North boundary of Plot No. (4)b Marine (Lines Maidan) and on the West by the Marine Lines Road (Marine Street) but excluding the two Roads giving access to the Maidan from the Marine Lines Road.	32,825	..	3,28,250	..

Plot No.	Ward No.	Cadastral Survey No.	Description	Ares Cadastral Survey	Total area	Value	
						Amount	Total amount
				Sq. yds.	Sq. yds.	Rs.	Rs.
THE WELLINGTON LINES PLOT (Deposited Plan "K")							
5	..	14, 1/14, 15 and 16, 18 to 29, Fort Division	Bounded on the North by Mayo Road; on the South-East by Wodehouse Road on the East by Esplanade Road and on the West by the Cooperage Road, but excluding the site occupied by the Admiral's Bangalow.	44,038	..	4,403,80	..
THE WODEHOUSE ROAD PLOT (Deposited Plan "I")							
6(a)	..	440 to 444, Colaba Division.	Bounded on the North-west by Wodehouses Road; on the South-East by Colaba Causeway and on the South and South-West by Convent Street.	9,494	..	..	..
6(b)	..	433 (part), 436 to 1/439, 439, 446 and 1/446, Colaba Division.	Bounded on the North-West by Wodehouse Road; on the North and North-East by convent Street on the South-East by Colaba Causeway and on the South-West by Ormiston Street but excluding the sites occupied by— (1) The Elphistone College Students' Quarters bearing Cadastral Survey No. 445 (part). (2) The Telang Memorial Quarters bearing Cadastral Survey No. 445(part). (3) The Wesleyan Church and School under a lease dated 4th March 1925 bearing Cadastral Survey No. 433 (part). (4) The Wodehouse Road Police Accommodation Building bearing Cadastral Survey No. 435, and (5) The Temple bearing Cadastral Survey No. 434.	13,355	..	..	..
6(c)	..	425 to 429, Colaba Division.	Bounded on the North-west by Wodehouse Road on the North-East by Ormiston Street; on the South-East partly by the property of the Corporation bearing Cadastral Survey No. 431 and partly by the property of the Bombay	18,731	..	..	..

Plot No.	Ward No.	Cadastral Survey No.	Description	Area Cadastral Survey	Total area	Value	
						Rs.	Total amount
				Sq. yds.	Sq. yds.	Rs.	Rs.
THE WODEHOUSE ROAD PLOT—Contd..							
Electrical Supply and Tramways Company Limited bearing Cadastral Survey No. 430 and on the South by the B.B. & C. I. Railway land bearing Cadastral Survey No. 2 and the G.I.P. and B. B. & C. I. Railway sidings bearing Cadastral Survey No. 322.							
Total—Wodehouse Road Plot				..	41,580	4,15,800	
THE HORNBY ROAD PLOT (Deposited Plan "M")							
7(a)	..	699, Fort Division	Bounded on the North-East, South-East and South-West by property in the occupation of the Standard Life Assurance Company, bearing Cadastral Survey No. 698 and on the North-West by Bastion Road.	116	..	..	..
7(b)	..	700 and 701, Fort Division.	Bounded on the North-East by premises known as the J. N. Petit's Institute bearing Cadastral Survey No. 102 on the South-East by Hornby Road on the South-West by the property in the occupation of the Standard Life Assurance Company bearing Cadastral Survey No. 698 and on the North-West by Bastion Road.	1,339	..	..	..
7(c)	..	740, 741, Fort Division.	Bounded on the North-East by the Parsi Lying in Hospital, bearing Cadastral Survey No. 742 on the South-East by Bastion Road on the South-West by Cathedral Girls' School, bearing Cadastral Survey No. 739 and on the North-West by Presscott Road.	1,878	..	..	..
7(d)	..	744, 745, Fort Division.	Bounded on the North-East by Outram Road; on the South-East by Hornby Road; on the South-West by property in occupation of Messrs, Whiteway Laidlaw and Company Limited bearing Cadastral Survey No. 743 and on the North-West by Bastion Road.	2,648	..	..	..

Plot No.	Ward No.	Cadastral Survey No.	Description	Area Cadastral Survey	Value		
					Total area	Rs. Total amount	
			THE HORNBY ROAD PLOT— <i>contd.</i> (Deposited Plan " M ")— <i>contd.</i>	Sq. yds.	sq. yds.	Rs.	Rs.
7(e)	..	746 to 749 752, 753, 757 to 760 1997 to 1399, 1407 to 1410, Fort Division.	Bounded on the North-East by Ravelin Street; on the South-East by Hornby Road; on the South-West by Outram Road and on the North-West by Murzban Road, but excluding the sites of the Cathedral High School for Boys (Cadastral Survey No. 75(1)), the Government Stores, Cadastral Survey No. 756) and Bastion Road (part of) and Home Street (part of) and Wallace Street.	26,124	..	..	..
7(f)	..	1406, Fort Division.	Bounded on the North-East by the site of the Scottish Free Church (Cadastral survey No. 1405); on the South-East by Murzban Road; on the South-West by Ravelin Street and on the North-West by Waudby Road.	2,971	..	..	..
7(g)	..	1402 and 1404, Fort Division.	Bounded on the North-West by Murzban Road; on the South-West by the Site of the Elphinstone Cricket Club, Quarters (Cadastral Survey No. 1401) and the Masonic Hill (Cadastral Survey No. 1403) and on the South by Ravelin Street.	762	..	..	..
7(h)	..	1299 and 1390, Fort Division.	Bounded on the North-West by Murzban Road; on the South-East by Hornby Road; on the South-West by private property bearing Cadastral Survey No. 1391 and on the West by Bastion Road and property bearing Cadastral Survey No. 1523.	3,257	..	..	..
7(i)	..	1385, Fort Division.	Bounded on the North-East by Cruickshank Road; on the East by Hornby Road; on the South-East by Murzban Road; on the South-West private property bearing Cadastral Survey No. 1386 and on North-West by Waudby Road.	2,521	..	..	..
Total—The Hornby Road Plot.					41,616	..	8,32,320

Plot No.	Ward No.	Cadastral Survey No.	Description	Area Cadastral Survey	Value			
					Total area	Amount	Total amount	
					Sq. yds.	Sq. yds.	Ts.	Rs.
TRIANGULAR PLOT SOUTH OF CRAWFORD MARKET (Deposited Plan " N ")								
8	..	1492, Fort Division	Bounded on the North by Marked Road; on the West by Hornby Road; and on the South-East by Phalton Road.	7,707	..	1,54,140	..	..
Total ..					7,707	..	1,54,140	..
PLOT NORTH OF MUNICIPAL OFFICES (Deposited Plan " O ")								
9	..	1451, Fort Division.	Bounded on the North by Gymnasium Road; on the South by Council Road; on the East by Hornby Road; and on the West by the Headquarters of the Bombay Volunteer Rifles (Cadastral Survey No. 1450).	2,04,330	68,18	..	..	..
Total ..					2,04,330	6,811	..	....
THE CHOWPATI WEST ESTATE (Deosited Plan " P ")								
10(a) and 10(b)	..	380, 1/380, 2/380, 2A/ 380, 3/380, 3A/380, 4/380, 4A/380, 5/380, 6/380, 6A/ 380, 7/380, 8/380, 8A/ 380, 9/380, 10/380, 11/380, 12/380, 13/380, 393, 394, 395, 1/395 1A/395, 2/395, 3/395, 4/395, and 430. Malabar Hill Division.	(a) and (b) Bounded on the North partly by a public passage leading to Gibbs' Road and partly by land belonging to the Corporation bearing Cadastral Survey No. 437 ; on the South partly by the Sirri Road, partly by the Old Body Guard Lines (Cadastral Survey No. 392 and partly by private properties bearing Cadastral Survey No. 376 and 382 ; on the East partly by Babulnath Road and partly by the Old Body Guard Lines (Cadastral Survey No. 392); and on the West by an irregular line extending from where the public passage leading to Gibbs Road meets the Gibbs' Road to the Sirri Road beyond which are situated properties bearing Cadastral Survey Nos. 437, 381, 374 and	..	..	..	..	..

Plot No.	Ward No.	Cadastra Survey No.	Description	Area	Total area	Value	
				Cadastral Survey		Amount	Total amount
				Sq. yds	sq. yds	Rs.	Rs.
			375 but excluding the newly constructed 20 feet and 40 feet roads Dadyseth Road and the Municipal market which all the indicated on the plan by red dotted lines				
			(a) Land forming the Hill Slope.	47,544	..	..	..
			(b) Building land	35,653	..	..	..
10(c)	..	398 to 404, 426 to 429 Malabadr Hill Division.	Bounded on the North by Babulnath 1st Cross Road; on the South by Queen's Road, Chowpati; on the West by Babulnath Road and on The East by Harvey Road, but excluding Babulnath 2nd and 3rd Cross Roads.	21,615	..	2,16,150	..
10(d)	..	424 (part), Malabar Hill Division.	Bounded on the North and West by Babulnath Road; on the South by Babulnath 1st Cross Road; and on the East by private property bearing Cadastral Survey No. 424 (part).	323	..	2,320	..
10(e)	..	407 (part), 417 to 420 Malabar Hill Division.	Bounded on the North partly by a 15 feet service passage bearing Cadastral Survey No. 413 and partly by Babulnath Road; on the South partly by Chowpati Road and partly by private property bearings Cadastral Survey No. 407; on the East by private properties bearing Cadastral Survey No. 407 and 709 and on the West by Babulnath Road.	6,232	..	62,330	..
Total—The Chowpati West Estate				..	1,11,276	..	6,37,320
CHOWPATI EAST ESTATE (Near Charni Road level Crossings) (Deposited Plan "Q")							
11	..	1510, 1/1510, 1512, 1513, 1571 Girgaum Division	Bounded on the North by a low level road and beyond by French Bridge; on the North-West by a passage and beyond by private property bearing Cadastral Survey No. 1514; on the East and South-	4,789	..	47,890	..

Plot No.	Ward No.	Cadastral Survey No.	Description	Area Cadastral Survey	Value			
					Total area	Rs.	Total amount	Rs.
			Eastby the B. B. and C. I. Railway Company's land, on the West by private properties bearing Cadastral Survey Nos. 1570, 4/1517, 1517, 1516, 1515 and 1514 and on the South-West by Queen's Road Chowpati.	sq. yds.	sq. yds.	Rs.	Rs.	
			Total ..	4,789	..	47,890	..	
			THE PAREL ESTATE (Deposited Plan " R ")					
¹ 12(A)	..	74(part). Parel-Sewri Division	Bounded on the North by Hospital Avenue Road ; on the East by the Haffkine Institute bearing Cadastral Survey No. 330 ; and on the South and West by the Nawaraji Wadia Maternity Hospital.	30,897.80]	..	..	..
12(B)	..	74(part). Parel-Sewri Division.	Bounded on the North-East by King Edward Road ; on the West and South West by land belonging to the Corporation bearing Cadastral Survey No. 74 (part of).	300	..	..	..
12-C(1)	..	74 (part), parel-Sewri Division.	Bounded on the North-East by Haffkine Institute Compound bearing Cadastral Survey No. 330 ; on the East by the Municipal property bearing Cadastral Survey No. 74 (part) ; on the South partly by a passage bearing Cadastral Survey No. 324 and partly by the site of the Professors quarters for the King Edward Memorial Hospital partly by the play ground for the King Edward Memorial Hospital partly by the Government House Gate Road and partly by the King Edward Memmorial Hospital Compound and on the West partly by the site of the Professors quarters for the King Edward Memorial Hospital and partly by a portion of King Edward Road.	5,560	..	..	..

¹ Entry 12(A) was substituted by G.N., U.D. & P.H.D., No. P.M.C. 5659-20315-C, dated 30th December 1960.

Plot No.	Word No.	Cadastral Survey No.	Description	Area Cadastral	Total area	Value	
						Sq. yds.	Sq. yds	Rs.	Rs.
<i>THE PAREL ESTATE—contd.</i>							
12C(2)	..	323 Parel Sewri Division.	Bounded on the North by the site of the Professors' quarters for the King Edward Memorial Hospital; on the East by a passage bearing Cadastral Survey No. 324; on the South by a private property bearing Cadastral Survey No. 322; and on the North-West by the play-ground for the King Edward Memorial Hospital.	373	..	..	..
12(D)	..	334 Parel- Sewri Division	Bounded on the North by private property bearing Cadastral Survey No. 332; on the South by private properties bearing Cadastral Survey Nos. 335, 336, and 337; on the East by a public passage and on the West private properties bearing Cadastral Survey Nos. 329, 336 and 335.	403	..	..	..
12(E)	..	394 Parel Sewri Division.	Bounded on the North by a passage bearing Cadastral Survey No. 324; on the South by private property bearing Cadastral Survey No. 395; on the East by private property bearing Cadastral Survey No. 400; and on the West partly by a passage bearing Cadastral Survey No. 324; and partly by private property bearing Cadastral Survey No. 395.	151	..	..	..
<i>(Deposited Plan "S")</i>							
12(F)	..	408 (part) of Parel Sewri Division.	Bounded on the North East by the Bacteriological Laboratory land bearing Cadastral Survey No. 408 (part of); on the South by private property bearing Cadastral Survey No. 414; on the East by Parel Tank Road; and on the West by private properties bearing Cadastral Survey Nos. 404 to 413.	5,131	..	..	..

Plot No.	Ward No.	Cadastral Survey No.	Description	Area Cadastral Survey	Total area	Value	
						Amount	Total amount
				Sq. yds.	Sq. yds.	Rs.	Rs.
12(G)	..	245 Parel-Sewri Division.	Bounded on the North partly by Parel Village Road and partly by private properties bearing Cadastral Survey Nos. 264 and 241; on the South by private property bearing Cadastral Survey No. 244; on the East by private properties bearing Cadastral Survey Nos. 241, 242 and 244 and on the West by private property bearing Cadastral Survey No. 246.	2,130	..	..	..
			(Deposited Plan "T")				
12(H)	..	681 Parel Sewri Division.	Bounded on the North-West by a passage bearing Cadastral Survey No. 658; on the South by Parel Tank Road; and on the North-East by private properties bearing Cadastral Survey Nos. 680, 677, 676 and 775.	1,144	..	..	..
Total—The Parel Estate ..				..	46,179,80	..	1,40,088

¹[SCHEDULE X
(See Section 91-A)

plot No.	Ward No.	Cadastral Survey No.	Description	Area Cadastral Survey	Total area	Value	
						Amount	Total amount
				Sq. yds.	Sq. yds.	Rs.	Rs.
THE CONNAUGHT ROAD ESTATE							
(Deposited Plan "A")							
(Ward E)							
1A	7463(1 to 4), 7464(1 & 2), 7465(1 to 3), 7466(1 to 3)	700 to 705	Plot bounded on the North by property belonging to the New Great Eastern Spining and Weaving Company bearing Cadastral Survey No. 707; on the South partly by Suss-ex Road, partly by a Police Accommodation Scheme bearing Cadastral Survey No. 697 and partly by private property bearing Cadastral Survey No. 698 on the East by Cork Road and on the west partly by Parel	9,495	9,495	51,155	51,155
	Nil	706					
	7462(5)	695, 696,					
	7463(4)	699,					
	Nil	Byculla Division.					

¹ This Schedule was inserted by Bom. 13 of 1933, s. 37.

Plot No.	Ward No.	Cadastral Survey No.	Description	Area		Value	
				Cadastral Survey	Total area	Amount	Total amount
				Sq.yds.	Sq.yds.	Rs.	Rs.
			Road and partly by the aforesaid Police Accommodation Scheme, but omitting of the Ulster Road.				
1 B	Nil 7448(4) 7446(2 to 4)	689 690 to 693, Byculla Division.	Plot bounded on the North by Sussex Road ; on the South by private properties bearing Cadastral Survey Nos. 682 to 687; on the East by private property bearing Cadastral Survey No. 688; and on the West by private properties bearing Cadastral Survey Nos. 678 and 679.	4,267			25,602
1(19)	7458	2/672, Byculla Division	Bounded on the North and West by a public passage; on the East by the property bearing Cadastral Survey No. 672; and on the South by Sussex Road.	96,436	480		26,082
Total ..					13,858		77,237

WEST AGRIPADA ESTATE

(Deposited Plan "B")

2A	4134(1 to 5) 4104(1 to 7) 4103(1 to 6) 4101(1 to 5) and (9 to 12) 4099(1 to 15) 4107(1 to 8) 4105(1 to 7) 4106(1 to 7) 4108(1 to 7) 4146(1 to 6) 4100, 4102, 4094(1 to 6) 45539 (1 and 24555(1) 4553.	1602 to 1633, 16,34,1/1634 2/1634,3/1634, 4/1634,5/1634, 1635 to 1659, 1/1659,2/1659 3/1659,4/1659, 5/1659,6/1659, 1660, 1587, 1862,1/1862, 1A/1862, 1863, 1/1863,1864, 1865,1/1865 2/1865,2A/ 1865,3/1865, 4/1865,5/1865, 6/1865,7/1865 1866 to 1871, 1/1871,2/1871	Bounded on the North partly by the site of an old water course bearing Cadastral Survey No. 1903 and partly by Gell Street, on the South by Club Road ; on the East partly by Moreland Road and partly by portion of Police Accommodation Scheme No. 19 bearing Cadastral Survey No. 1907; and on the West by plot D and beyond that by Lamington Road but excluding the site of the portion of Police Accommodation Scheme No. 19 bearing Cadastral Survey No. 1901 and the sites of Rebach Street, Suter Street, Club Back Road, Club Cross Road, Circus Avenue, Motibai Street, Reynolds Road, Wylie Road, Agripada Chawl Street and Gell Street, (part of.)	2,16,636	2,16,636		6,49,908
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Plot No.	Ward No.	Cadastral Survey No.	Description	Area Cadastral Survey	Total area	Value	
						Rs.	Total amount
				Sq.yds.	Sq.yds.	Rs.	Rs.
4553		3/1871,3A/1871, 4/1871,5/1871, 5A/1871,6/1871, 7/1871,8/1871,.					
4554(1), 4098 (3), 4091 (1 to 6).		1872 to 1875, 1/1876,2/1876 3/1876,4/1876, 5/1876,6/1876 7/1876,8/1876. 9/1876,10/1876.					
4090(1 to 7) and (10A)		1877(Part) 1878,1/1878, 2/1878,1878, 1880.					
4137(1to5) 4143(1), 4136(1to4), 4135, 4145, 4134(6 to 8) 4092(1to12) 4141(1&2) 4142(1 & 2), 4139(1to3), 4138, 4093, (IE) &4093, (1A &1B), 4093(1AA), 4090(8), 4094 (4,4A).		1/1880, 2/1880, 1881, 1882, 1883, 1902, 1/1902,1908, 1909, 1911, 1912,Byculla Division					
2B	4184, 4185 (6to 8).	1599, 1/1599, 1600, 1/1600, 2/1600, 1601, Byculla Division.	Bounded on the North by private property bearing Cadastral Survey No. 1884; on the South by property of the BB. and C.I. Railway Company bearing Cadastral Survey No. 1596 on the East by Lamington Road and on the West by a passage but excluding the site of Jetha street.	2,766	..	8,298	..
2C	4466(2)	1896(part) 1897,1899, Byculla Division.	Bounded on the North by the land belonging to the Indian Manufacturing Company limited, bearing Cadastral Survey No. 1896 (part); on the South by private property bearing Cadastral Survey No. 1900; on the East by Plot D and beyond that by Lamington Road and on the West partly by Arthur Road and partly by private Road bearing Cadastral Survey No. 1/1888 but excluding the site of the Police Accommodation Scheme No. 70	3,953	..	8,578	

Plot No.	Ward No.	Cadastral Survey No.	Description	Area	Total	Value	
				Cadastral Survey	area	Amount	Total amount
				Sq.yds.	Sq.yds.	Rs.	Rs.
WEST AGRIPADA ESTATE— <i>contd.</i>							
(<i>Deposited Plan " B "—contd.</i>)							
2D	..	Nil	Land reserved for widening of Lamington Road on its East and West sides.	5,366	5,366	..	..
Total ..				..	2,28,721	..	6,66,784
<i>Deduct</i> area resumed by the Corporation on 20th June 1906 out of Cadastral Survey No. 1877.				..	750	..	2,250
Total—West Agripada Estate.				..	2,27,971	..	6,64,534
THE CENTRAL AGRIPADA ESTATE							
(<i>Deposited Plan " C "</i>)							
<i>Ward E</i>							
3A	Nil	2/1964 Byculla Division.	Bounded on the North by private property bearing Cadastral Survey No. 1853, on the South by the Municipal Urdu School bearing Cadastral Survey No. 1661 ; on the East by the land resumed by the Corporation bearing Cadastral Survey No.1/1694 ; and on the West by Moreland Road.	190	..	760	..
3B	4067 (part)	1664 and part of 1663, 1689, 1691 and 1962, Byculla Division.	Bounded on the North partly by Sankli Street and partly by a service passage bearing Cadastral Survey No. 1663 ; on the South partly by private property bearing Cadastral Survey No. 1665 and partly by Ghella-bhoy Fiast Lane ; on the East by private properties bearing Cadastral Survey Nos. 1689 (part) 1690, 1691 and 1962 (part) ; and on the West partly by Moreland Road and partly by private properties bearing Cadastral Survey Nos. 1665 and 1693.	2,721	2,911	9,768	10,528
Total—Central Agripada Estate.				..	2,911	..	10,528

Plot No.	Ward No.	Cadastral Survey No.	Description	Area Cadastral Survey	Value				
					Total area	Amount	Total amount		
				Sq.yds.	Sq.yds.	Rs.	Rs.		
THE EAST AGRIPADA ESTATE									
(Deposited Plan " D ")									
Ward E									
4A	7416(1 to 6) 7413 (1 and 2) 7414 (1 and 2) 7411 (1 and 2) 7415 (1 and 3) 7412 (1 and 2)	1943, 1961 to 1965 Byculla Division.	Plot bounded on the North by the Board's Mahar Chawls bearing Cadastral Survey No.1928 ; on the West and South West by Kiledar Street, and on the East by Pais Street.	35,478	..	..	4,27,509
4B	Nil 4373 (1 and 2) 4373 4375 4354 (1 and 3) 4353 (1 and 2)	1840 (part) 1842. 1843 1922 Byculla Division.	Plot bounded on the North partly by land of the Board bearing Cadastral Survey No.1840 (part of) and partly by private properties bearing Cadastral Survey Nos. 1827 to 1835 ; on the South by Tank Pakhady Street ; on the East partly by a service passage, partly by private properties bearing Cadastral Survey Nos. 1923, 1924, 1839 and 1827 and partly by the land belonging to the Corporation bearing Cadastral Survey No. 1840 (part of) ; and on the West by Milik Street.	23,268	..	..	1,16,433
4C	4563 (1,2, 2-A, 2B and 2C).	1844, Byculla Division.	Plot bounded on the North by Tank Pakhadi Street ; on the South by the Plot No.6, belonging to the Corporation leased to Bai Hoorbai and a minor and bearing Cadastral Survey No. 1845 ; on the East by Water Street; and on the West by Plot No. 5, leased to the Municipality and bearing Cadastral Survey No. 1840 (part of).	7,139	7,139	94,484	94,484		
Total—East Agripada Estate.				....	65,885	....	6,38,426

Showing Lands at Matunga (Deposited Plan "E")

Plot N.	Ward No.	Cadastral Survey No.	Description	Area Cadastral Survey	Total area	Value		
						Amount	Total amount	
					Sq.yds.	Sq.yds.	Rs.	Rs.
<i>Matunga Division</i>								
1	6643 p.	31/10 part	Lands at Matunga	2,006	..	755	..	
	6643 p.	20/10 part						
2	6658 (1) p.	25/10 part	Do.	36	..	33	..	
3	6600 p.	16/10 part	Do.	66	..	812	..	
	6667 p.	34/10 part						
4	6643 (1) p.	134/10 part	Do.	7,984	..	5,988	..	
	6701 (1) p.	134/10 Dpart						
	6789 p.							
	6778 p.							
	6767 p.							
5	6675 p.	50/10 part	Do.	268	..	201	..	
	6680 p.							
6	6675 p.	50/10 part	Do.	1,226	..	916	..	
	6680 p.							
7	6675 p.	50/10 part	Do.	2,730	..	2,047	..	
	6680 p.							
8	6826 p.	137/10 part	Do.	104	..	78	..	
9	6830 p.	138/10 part	Do.	1,105	..	829	..	
	7199 p.	137/10 part						
10	7174 p.	149/10 part	Do.	5,240	..	3,920	..	
	7172 p.	144/10 part						
	7171 (1) p.	145/10 part						
	7234 p.	146/10 part						
11	7235 (1) p.	99/10 part	Do.	572	..	429	..	
	7235 (2) p.	100/10 part						
	7235 (3) p.	101/10 part						
12	7242 p.	112/10 part	Do.	2,349	..	1,762	..	
	7236 p.	113/10 part						
	7237 p.	114/10 part						
	7250 p.	116/10 part						
	7249 p.	117/10 part						
13	7238 p.	111/10 part	Do.	300	..	225	..	
	7239 p.	112/10 part						
14	7239 p.	110/10 part	Do.	239	..	179	..	
	7251 p.	111/10 part						
	7252 p.	118/10 part						
	7240 p.	119/10 part						
15	7252 p.	119/10 part	Do.	480	..	360	..	
	7254 p.	120/10 part						
	7255 p.	121/10 part						
16	7188 p.	150/10 part	Do.	4,196	..	6,293	..	
	7121 (4) p.	155/10 part						
17	7124 (4) p.	161/10 part	Do.	4,672	..	7,008	..	
	7123, 7124p.	156/10 part						
		155/10 part						
18	7124 p.	160/10 part	Do.	2,720	..	2,040	..	
	7109	159/10 part						
	7111 p.	158/10 part						
		161/10 part						
19	7116 p. to	813/10 part	Do.	4,535	..	3,401	..	
	7120 p.							
20	7113 p.	162/10 part	Do.	565	..	424	..	
21	6835 (4) p.	180/10 part	Do.	92	..	69	..	

Plot No.	Ward No.	Cadastral Survey No.	Description	Area Cadastral Survey	Total area	Value	
						Rs.	Total amount
				Sq.yds.	Sq. yds.	Rs.	Rs.
<i>Matunga Division—contd</i>							
22	6835(6)p.	182/10 part	Lands at Matunga	11,154	..	16,731	..
	6835(5) p.	183/10 part					
	7053 p.	188/10 part					
	7032 p.	189/10 part					
	7049 p.	192/10 part					
23	7061 p.	199/10 part	Do.	409	..	614	..
24	7063 p.	169/10 part	Do.	3,401	..	5,101	..
	7061 (6) p.	170/10 part					
	7061 (5) p.	171/10 part					
	7067 p.	172/10 part					
25	7064 p.	292/10 part 10 part	Do.	170	..	255	..
26	7061 (1) p.	208/10 part	Do.	2,196	..	4,875	..
	7061 (2) p.	207/10 part					
	7061 (3) p.	209/10 part					
	7062 (2) p.	210/10 part					
	7062 (1) p.	211/10 part					
27	7373 p.	10/10 part	Do.	617	..	925	..
	7374 p.	5/10 part					
28	7384 (4) p.	259/10 part	Do.	344	..	430	..
29	7384 (4) p.	259/10 part	Do.	1,708	..	2,130	..
	7386 (2) p.	260/10 part					
	7388 (2) p.	261/10 part					
30	73888 (2) p.	261/10 part	Do.	90	..	68	..
31	7393 p.	262/10 part	Do.	1,850	..	1,387	..
	7397 p.	263/10 part					
32	7397 p.	263/10 part	Do.	455	..	455	..
33	7694 p.	372/10 part	Do.	37	..	46	..
34	7631 p.	379/10 part	Do.	565	..	177	..
	7633 p.	378/10 part					
	7634 p.	377/10 part					
	7635 p.						
35	7924 p.	405/10 part	Do.	940	..	294	..
	7792 p.	13/10 part					
	7828 p.	396/10 part					
		816/10 part					
36	7827 p.	393/10 part	Do.	2,180	..	681	..
	7826 p.	394/10 part					
	7825 p.	395/10 part					
	7796 p.	385/10 part					
		384/10 part					
37	7825 p.	385/10 part	Do.	92	..	92	..
38	7846 p.	389/10 part	Do.	440	..	165	..
	7847 p.	390/10 part					
	7848 p.	392/10 part					
	7831 p.	391/10 part					
39	7798 p.	784/10 part	Do.	485	..	728	..
	7779 p.	483/10 part					
40	6958 p.	756/10 part	Do.	425	..	319	..
	7416 p.	757/10 part					
	7417 p.						
	7222 p.						
	7423 p.						
	7424 p.						

Plot No.	Ward No.	Cadastral Survey No.	Description	Area Cadastral Survey	Total area	Value	
				Sq.yds.	Sq.yds.	Rs.	Rs.
<i>Matunga Division—conld'</i>							
41	7410 p. 7411 p. 7016 p. 7026 p. 7011 p.	755/10 part 754/10 part	Lands at Matunga	2,291	..	1,718	..
42	7027 p. 7028 p.	754/10 part	Do.	369	..	277	..
43	7034(1) p. 7035 p. 7034(2)	753/10 part 752/10 part	Do.	804	..	2,814	..
44	7031(1) p. 7031 (2) p. 6836 (1) p.	693/10 part 692/10 part. 691/10 part.	Do.	1,186	..	1,779	..
45	6836 (1) p. 6836(2) p. 6836(3) p.	691/10 part 690/10 part 689/10 part	Do.	2,572	..	3,858	..
46	7132 p. 7128 p. 7129 p. 7141 (1) p.	615/10 part 614/10 part 613/10 part.	Do.	2,093	..	1,570	..
47	7168 p.	515/10 part	Do.	.. 260	..	195	..
48	6564 p. 6823 p.	511/10	Do.	924	..	1,385	..
49	6816 p. 6819(2) p. 6595 p. 6579 p. 6580 p. 6800 p. 6801 p. 6804 p. 6806 p. 6794 p. 6589 p. 6623 (1) p. 6815 p. 6813 p. 6882	800/10 part 814/10 part 792/10 part. 792/10 part 794/10 part of Matunga Division.	Do.	6,125	..	4,594	..
Total, Lands at Matunga				..	86,187	..	90,984

1[SCHEDULE Y

(See section 91A)

Plot No.	Ward No.	Cadastral Survey No.	Description	Area Cada-Survey	Total Area	Value	
						Amount	Total amount
				sq. yds.	sq. yds.	Rs.	Rs.
THE NEPEAN SEA ROAD PLOT (Deposited Plan "A")							
1	..	2/583 (part of), Malabar Hill Division	Bounded on the north-east by private property bearing Cadastral Survey No. 584; on the south-east by private property forming portion of this property bearing Cadastral Survey No. 583. on the south-west by private property bearing Cadastral Survey No. 582; and on the north-west by the Fore-shore.	2,104	..	..	..
Total the Nepean Sea Road Plot				..	..	2,014	..
THE COLABA RECLAMATION (Deposited Plan "B")							
2	..	82 to 86 parts of 87, 88, 18/8, 89 and 90, 91 to 97 parts of 98, 99, 100, 101 and 102, 103 to 105, 106 (Part of 107 to 111, 320, 321)	Bounded on the north-west by Cuffe Parade; on the south-west by Panday Road, on the north-east by the Junction of Cuffe Parade and Wodehouse Road; and on the south-east partly by an irregular line beyond which are situate the remaining portions of properties bearing Cadastral Survey Nos. 106, 102, 101, 100, 98, 99, 90, 89, 88, 1/88 and 87 and partly by Wodehouse Road, but excluding the sites of Khatau and Central Roads and of portion of Fazil and Kitridge Road.	46,580	..	..	..
Total the Colaba Reclamation				..	..	46,580	..

1[SCHEDULE Z.

(See section 354X)

Plot No.	Cadastral Survey No.	Locality	Description of Plot	Cadastral Survey Area	Terms of Lease
				sq. yds	
(Deposited Plan "A")					
1	707 Fort Division.	The Horn-by Road plot	Bounded on the North by the John Cannon High School bearing Cadastral Survey No. 706; on the South by Cannon Road; on the East by Murzban Road; and on the West by Explanade Road.	3,250	Ninty-nine years at ground rent of one anna per sq.yard per Annum recoverable for a further term of 99 years.]

1This Schedule was inserted by Bom.. 13 of 1933, s.37.

1[SCHEDULE ZZ

(See section 91A.)

Plot No.	Ward No.	Cadastral Survey No.	Description	Area Cadastral Survey	Total area Sq.yds.	Value	
						Amount Rs.	Total amount Rs.
<i>(Deposited Plan " B ")</i>							
<i>Body Guard Lines</i>							
1(b) part 1(d-1) Part.	..	3/383, Tardeo Division.	Bounded on the north by plot 1(d-1) and partly by plot(b); on the south by the junction of the 100 feet and 40 feet roads, on the east partly by the 40 feet road and partly by plot 1 (a), and on the west by the feet Roads.	30,000	..	..	..
THE COOPERAGE PLOT							
<i>(Deposited Plan " I ")</i>							
3	..	4, Fort Division	Bounded on the North by the Band Stand Circle, on the South by Wodehouse Road, on the East by Cooperage Road and on the West by Queen's Parade Road but excluding 38 square yards bearing Cadastral Survey No.13 on which stands the statue of the late Mr. Justice Ranade.	58,044	..	..	..
THE MARINS LINES MAIDAN							
<i>(Deposited Plan " J ")</i>							
4(5)	..	709, Fort, Division	Bounded on the North partly by the South Bounded of " Government Plot "bearing Cadastral Survey No. 728-C, reserved for Military purposes by Government Resoutlition No.2 C.W., dated 3rd January 1881 , and partly by Cadastral Survey No.725 of the Marine Lines Estate, on the East part by Mayo road, partly by the land belonging to the Corpo - ration bearing Cadastral Survey No.728 ; on the South by Church Gate Street on the West partly by (Marine Lines Road Marine Street) and Partly by Plot No. 4-A (Marine Lines Estate) but excluding the sites of the Gokhale and Montague Statues.	91,196	..	9,11,900	..

[SCHEDULE AA.

(See section 110 D)

FORM OF DEBENTURE

THE TRUSTEES FOR THE IMPROVEMENT OF
THE CITY OF BOMBAY

The

19

By virtue of " The City of Bombay Improvement Trust Transfer Act, 1925 " we
Trustee for the Improvement of the City of Bombay in consideration of the
sum of Rupees _____ paid to us by A. B. of _____
promise to pay to the said _____ order the said sum of Rupees _____
after the date hereof, together with instrest at the rate of _____
per centum per annum, payable half yearly on the day of _____ and the
day of _____

Given under our common seal this _____

day of _____

19 _____

Common seal.

²[(Signature of the Member-in-Charge)]

[SCHEDULE BB

(See section 123 A)

RULES REGULATING THE FORM OF ACCOUNTS RELATING TO IMPROVEMENT
SCHEMES, ETC., AND THE MANNER IN WHICH THEY SHALL BE KEPT.

1. The Corporation shall keep a Capital Account and a General Account, These shall be credited to the Capital Account—

(a) all moneys received on account of loans taken by the Corporation for the improvement of the city or by the Board of Trustees under the ³City of Bombay Improvement Act, 1898, or the City of Bombay Improvement Trust Transfer Act, 1925, other than moneys temporary borrowed in accordance with section 109 C ; Bom. IV of 1898.
Bom. VI of 1925.

(b) the proceeds of the sale or exchange of, or the compensation awarded under the Land Acquisition Act, 1894, for the acquisition by ⁴[the ⁵[State] Government] of any portion of the lands or buildings vested or vesting in the Corporation by reason of the transfer to them of the property of the Board of Trustees constituted under the City of Bombay Improvement Trust Transfer Act, 1925 ⁶[or, acquired by the Corporation for any of the purposes of Chapter XII-A] ; I of 1894.
Bom. VI of 1925.

⁷[*bb* the proceeds of any improvement or betterment charges levied under Chapter XII-A ;]

¹These Schedules were inserted by Bom. 13 of 1933, s.37.

²These words were substituted for the words " Signature of two members of Committee and the Chief Officer " by Mah. 10 of 1998, s.251.

³The City of Bombay Improvement Act, 1898, was repealed by the City of Bombay Improvement Trust Transfer Act 1925, which in its turn has been repealed by Bom. 13 of 1933.

⁴The words " the Provincial Government " were substituted for the words " Government " by the Adaption of Indian Laws Order in Council.

⁵This words was substituted for the word " Provincial " by the Adaption of Laws Order, 1950.

⁶These words were inserted by Bom. 34 of 1954, s.32(1) (a).

⁷Sub-clause (*bb*) was inserted, *ibid.*, s.32(1)(*b*).

(c) the proceeds of the sale or exchange of any moveable property of the corporation purchased by debit to the Capital Account ;

(d) fines or premia levied on granting leases, and sums paid in composition or part composition, of rents under leases ;

(e) any surplus which the General Accounts shall disclose at the end of each financial year ;

(f) any other sum granted by ¹[the ²[State] Government] and directed by them to be credited thereto ;

(g) any other sums which ³[the Mayor-in-Council] with the previous approval of the corporation, direct to be credited thereto.

2. The money credited to the Capital Account shall be held by the corporation in trust and shall be applied to—

(1) meeting the costs of ⁴[carrying out any of the objects of Chapter XII-A], including the costs of acquiring lands and the costs of constructing buildings required for carrying out any of the ⁵[purposes of the said Chapter] ;

(2) the repayment of all loans credited to the Capital Account ;

(3) expenses connected with or arising from the floatation of loans ;

(4) making good the deficit, if any, in the General Account, at the end of financial year, provided that the net aggregate amount which may be so debited to the Capital Account shall not exceed 20 per centum on the aggregate capital debt of the corporation in respect of improvement of the city ;

(5) advancing any sums necessary for the erection, equipment and maintenance of workshops, including tools and plant and transport equipment required generally for ⁶[carrying out any of the objects of Chapter XII-A] ;

(6) advancing loans in accordance with the provisions of section 354 W ⁷[354 WA or 354 WB] .

3. The scheduled values of the lands specified in Schedules W and X shall be included in the Capital Account both under receipts and expenditure, the scheduled values of the lands resumed in any year being reduced from both sides of the said account in that year.

4. The Capital Account shall show the total expenditure (including a proportionate charge for the cost of management), incurred by the corporation on each scheme separately, and shall also distinguish between the expenditure incurred on—

(a) the improvement of lands vested in the corporation and specified in Schedule W ;

(b) the improvement of lands vested in the corporation and specified in Schedule X ;

(c) lands referred to in Schedule Y.

¹The words " the Provincial Government " were substituted for the word " Government " by the Adaption of Indian Laws Order in Council.

²This word was substituted for the word " Provincial " by the Adaption of Laws Order, 1950.

³These words were substituted for the words " the Standing Committee " by Mah 10 of 1998, s.252.

⁴These words were substituted for the words " framing and executing schemes in accordance with this Act " by Bom. 34 of 1954, s.32(2) (a) (i).

⁵These words were substituted for the words " purposes of this Act " *ibid.*, s.32(2)(a)(ii).

⁶These words were substituted for the words " the execution of any scheme under this Act " *ibid.*, s.32 (2) (b).

⁷These figures, letters and word were inserted, *ibid.*, s.32(2)(c).

5. There shall be credited to the General Account—

(1) all interest on the corporation's investments including loans advanced under section 354 W, [453 W A or 453 W B] but not interest on securities in which the sinking fund balances are invested ;

(2) all rents of lands vested in the corporation ;

(3) the net profit at the close of the year, if any , on sales of securities held by the Corporation ;

(4) three times the actual net realizations of the corporation if the preceding year under the head of General Tax of payments made in lieu of General Tax (including arrears and payments in advance) divided by the rate fixed for the General Tax for the said financial year :

²[Provided that as respects the ³[twenty-eight] financial year commencing from the financial year 1942-43, this clause shall have effect as if for the word " three times " the word " twice " were substituted ;]

⁴[Provided further that with effect from the financial year 1974-75 this clause shall have effect as if the words " three times " the word " twice " were substituted ;]

5* * * * *

(5) all other receipts of the corporation which are not required to be credited to the Capital Account.

6. (1) The moneys credited to the General Account shall be applied by the corporation in payment for the following charges, namely ;—

(a) all payments for interest and sinking fund charges due on account of any loan ;

(b) the amount of the cost of management apportioned to General Account as provided in rule 8 ;

(c) all other sums due by the corporation other than those required to be debited to the Capital Account.

(2) The surplus, if any, remaining at the end of each financial year after making the payments referred to in sub-rule (1) shall be credited to the Capital Account.

(3) On the recommendation of ⁶[the Mayor-in-Council], the corporation may advance any sums standing to the credit of the General Revenue Account to meet current Capital Expenditure, and the amount of any sums so advanced shall be adjusted in the accounts of the year in which such sums are advanced.

(4) There shall be debited to the General Account a sum of money equivalent to the sum which would have been payable by the Board of Trustees for the Improvement of the City of Bombay constituted under the ⁷[City of Bombay Improvement Trust Transfer Act, 1925, if the City of Bombay Municipal (Amendment) Act, 1933 had not been passed, in respect of rates and taxes levied under this Act upon lands and buildings vested or vesting in the corporation by reason of the transfer to the corporation of the powers, duties, assets and liabilities of the said Board of Trustees. 1933.

¹These figures, letters and words were inserted by Bom. 34 of 1954, s.32(3).

²This proviso was added by Bom. 3 of 1948, s.3.

³This word was substituted for the words " twenty-seven " by Mah. 18 of 1969, s.3, with effect from 24th February 1969.

⁴This proviso was always deemed to have been inserted with effect from 1st day of April 1974 by Mah. 70 of 1975, s.2.

⁵Clause (5) was deleted by Bom. 21 of 1939, s.2.

⁶These words were substituted for the words " the Standing Committee " by Mah. 10 of 1998, s.252.

⁷The City of Bombay Improvement Trust Act, 1925, has been repealed by Bom. 13 of 1933.

7. The General Account shall distinguish between all items included in the General Account according as such items are in respect of —

- (1) lands vested in the corporation and specified in Schedule W ;
- (2) lands vested in the corporation and specified in Schedule X ;
- (3) lands situated within the limits specified in Schedule Y ;
- (4) other lands and buildings vesting in the corporation.

8. The net cost of management including—

Bom.
XIII
of
1933.

(a) the salaries and allowances of the Deputy Municipal Commissioner (Improvements), the acting Deputy Municipal Commissioner (Improvements) and the scheduled staff and charges on account of establishment employed on duties transferred to the corporation under the City of Bombay Municipal (Amendment) Act, 1933, ¹[for undertaken for any of the purposes of Chapter XII-A] or in cases where establishment is partly employed on such duties and partly on others, a share of the cost of such establishment proportionate to the duties so transferred ;

(b) the expenses in connection with the Land Acquisition Officer ;

(c) pensions, gratuities and contributions by the corporation to the Provident Fund ;

(d) office expenses, cost of audit, expenses of management of debt, losses on investments and other incidental expenses ;

shall, in the first instance, be debited to the General Account and shall be apportioned at the close of each financial year between the Capital Account and the General Account in such proportion as ²[the Major-in-Council] shall determine.]

§SCHEDULE BBA

ACCOUNTS TO BE MAINTAINED UNDER SECTION 123C

1. The accounts to be kept under section 123C shall be maintained in the form by or on behalf of, and all sums contributable by the Corporation for the purposes of an Education Fund Account.

2. There shall be credited to the Education Fund Account all moneys received by, or on behalf of, and all sums, contributable by the Corporation for the purposes of clause (g) of section 61, including—

(a) all proceeds of the disposal of any property held by the Corporation for the purposes of the said clause ;

(b) all rents received from the lessee of any immovable property held for the purposes of the clauses ;

¹These words were inserted by Bom. 34 of 1954, s.32(4).

²These words were substituted for the words " the Standing Committee " by Mah. 10 of 1998, s.252.

³Schedule BBA was inserted by Bom. 48 of 1950, s.78.

(c) all fees and fines received in municipal schools (other than fines to which the provisions of section 120 apply) ;

(d) all interest or profit arising from any transaction effected with moneys held by the Corporation for the purposes of the said clause ;

(e) all moneys received from the State Government or from any other source by way of contribution, gift or grant for the purposes of primary education ;¹*

²(f) five times the actual net realizations of the Corporation in the preceding year under the head of General Tax or payment made in lieu of General Tax (including arrears and payments in advance) divided by the rate fixed for the General Tax for the said financial year ;]

³(7) the amount estimated under clause (c-1) of section 126-C, as finally adopted by the Corporation under section 129.]

3. There shall be debited to the Education Fund Account all the expenses incurred by the Corporation for the purpose of clause (g) of section 61 including—

(a) the salary and allowances of the Education Officer ;

(b) the salaries and allowances of all municipal officers and servants serving under the Education Officer in his office ;

(c) the salaries and allowances of all masters, teachers and other persons employed in the primary schools maintained by the Corporation ;

(d) the contribution to provident fund pensions, gratuities and compassionate allowances payable by the Corporation to or in respect of, officers and servants employed, or formerly employed, in any of the capacities mentioned in sub-clause (a), (b) or (c) ;

(e) all costs and expenses incurred by the Commissioner in the exercise of any power or the discharge of any duty conferred or imposed upon him for purposes of clause (g) of section 61, including moneys which he is required or empowered to pay by way of compensation ;

(f) every sum payable under a decree or order of a civil, criminal court passed against the Corporation or against the Commissioner or the Education Officer *ex-officio* in any proceeding arising out of the activities of the Corporation undertaken for the purposes of clause (g) of section 61, or under a compromise effected under section 517 of any suit or other legal proceeding or claim in like circumstances ;

¹ The word " and " was deleted by Bom. 13 of 1958, s.8 (1).

² This clause was substituted for the original by Bom. 58 of 1956, s.27. This amendment shall be deemed to have been made with effect from the 1st day of January 1951.

³ This clause was added by Bom. 13 of 1958, s.8(2).

5749

- (g) all interest and debt charges in respect of loans raised for the construction of school buildings or otherwise for the purposes of clause (g) of section 61 ; and
- (h) all costs and expenses incurred on account of the maintenance of school, clinics and for the medical inspection of school children.

1[SCHEDULE CC.

(See section 354 S.)

PORTIONS OF THE LAND ACQUISITION ACT, 1894, REGULATING THE ACQUISITION OF LAND ²[UNDER CHAPTER XII-A].

- Part I—Preliminary, except clauses (e) and (f) of section 3.
- Part II—Acquisition, except sub-section (1) of section 4, section 6 and sub-section (2) of section 17.
- Part III—Reference to Court and Procedure thereon, except sub-section (2) of section 23 and clauses (6) and (7) of section 24.
- Part IV—Apportionment of compensation
- Part V—Payment.
- Part VI —Temporary occupation of land.
- Part VIII—Miscellaneous.]

1[SCHEDULE DD.

(See section 354 S.)

SCALE OF ADDITIONAL COMPENSATION FOR COMPULSORY ACQUISITION FOR IMPROVEMENT PURPOSES.

Amount of compensation awarded	Percentage to be allowed in addition under section 354 S
Not exceeding ten thousand rupees, or, if the amount exceeds ten thousand rupees for first ten thousand.	Six per cent.
Exceeding ten thousand, but not exceeding fifty thousand, the amount by which it exceeds ten thousand.	Four per cent.
Exceeding fifty thousand rupees, but not exceeding one lakh, for the amount by which it exceeds fifty thousand.	Three per cent
Exceeding one lakh for the amount by which it exceeds one lakh.	Two and a half per cent.]

³[SCHEDULE EE

(See section 136)

DUTIES AND POWERS OF THE MUNICIPAL CHIEF AUDITOR.

1. (1) The municipal chief auditor shall audit the accounts of the corporation as hereinafter provided, with the assistance of the assistant auditors, clerks as servants appointed under section 78-B of this Act.

(2) In the discharge of his functions under this article the municipal chief auditor shall—

- (i) audit the accounts of ⁴* expenditure from the revenue of the corporation expenditure on account of loanworks and ⁴* expenditure incurred out of special funds and shall ascertain whether moneys show therein as having been disbursed were legally available, for, and applicable, to, the service or purpose to which they have been applied or charged, and whether the expenditure conforms to the authority which governs it ;

¹These Schedules were inserted by Bom. 13 of 1933, s.37.

²These words were inserted for the words “—for improvement purposes”, by Bom. 34 of 1954 s.32.

³This Schedule was inserted by Bom. 2 of 1938, s.9.

⁴The word “all” was deleted by Bom. 76 of 1948, s.42.

(ii) audit the accounts of ^{1*} debt, deposit, sinking funds, advances, suspense and remittance transactions of the corporation and report upon those accounts and upon the results of verification of the balances relating thereto.

(3) The municipal chief auditor shall examine and audit the statements of accounts relating to the commercial services conducted in any department of the corporation, including the trading, manufacturing and profit and loss accounts, and the balance sheets where such accounts are maintained under the orders of the ²[corporation, ³[the Mayor-in-Council]] and shall certify and report upon these accounts.

(4) The municipal chief auditor shall, in consultation with ⁴[the Municipal Accounts Committee], and subject to any directions given by the corporation, determine the form and manner in which his reports on the accounts of the corporation shall be prepared and shall have authority to call upon any officer of the corporation to provide any information necessary for the preparation of these reports.

2. (1) The municipal chief auditor may make such queries and observations in relation to any of the accounts of the corporation which he is required to audit and call for such vouchers, statements, returns and explanations in relation to such accounts as he may think fit.

(2) Every such query or observation as aforesaid shall be promptly taken into consideration by the officer or authority to whom it may be addressed and returned without delay with the necessary vouchers, documents or explanations to the chief auditor.

(3) The powers of the municipal chief auditor with regard to disapproval of, and the procedure with regard to settlement of objections to expenditure form the revenues of the corporation shall be such as may be prescribed by rules or orders made ⁵[by the Mayor-in-Council in consultation with the Chief Auditor and sanctioned by the Corporation in the case of expenditure debited to the Municipal Fund and the Brihan Mumbai Electric Supply and Transport Fund].

3. If the municipal chief auditor considers it desirable that the whole or any part of the audit applied to any accounts which he is required to audit shall be conducted in the offices in which these accounts originate, he may require that these accounts, together with all books and documents having relation thereto, shall at all convenient times be made available in the said offices for inspection.

4. The municipal chief auditor shall have power to require that any books or other documents relating to the accounts he is required to audit shall be sent for inspection by him :

Provided that if the documents are confidential he shall be responsible for preventing disclosure of their contents.

5. The municipal chief auditor shall have authority to frame rules and to give directions on all matters relating to audit, particularly in respect of the method and the extent of audit to be applied and the raising and pursuing of objections.

6. Sanctions to expenditure accorded by the municipal chief auditor shall be audited by an officer to be nominated by the corporation.]

¹The word " all " was deleted by Bom. 76 of 1948, s.42.

²These words were substituted for the original by Bom. 48 of 1948, s.60.

³These words were substituted for the words " the Standing Committee or the Brihan Mumbai, Electric Supply and Transport Committee " by Mah. 10 of 1998, s.253 (a)(i).

⁴These words were substituted for the words " the Standing Committee ", *ibid.*, s.253 (a) (ii).

⁵This portion was substituted for the portion beginning with the words " by the Standing Committee " and ending with the words " and Transport Fund ", *ibid.*, s.253 (b).

1SCHEDULE FF.*

(Section 34 of the Bombay Municipal (Extension of Limits) Act, 1950.)

SPECIAL AND TRANSITORY PROVISIONS.

1. All proceedings pending at the appointed date before a local authority in the suburbs or before any authority of such local authority which under the provisions of the ²[Mumbai Municipal Corporation Act.] are required to be instituted before or undertaken by the Commissioner shall be deemed to be transferred to and continued by him and all other such proceedings shall, so far as may be, deemed to be transferred to and continued by such authority before or by whom they have to be instituted or undertaken under the provisions of the said Act.

2. All appeals pending before any authority of a local authority in the suburbs at the appointed date shall, so far as may be practicable, be disposed of as if the suburbs had been included in ³[Brihan Mumbai] when they were filed.

3. All prosecutions instituted by or on behalf of a local authority in the suburbs and all suits or other legal proceedings instituted by or against such a local authority or any officer of such a local authority pending at the appointed date shall be continued by or against the Commissioner or the corporation, as the case may be, as if the suburbs had been included in ³[Brihan Mumbai] when such prosecution, suit or proceedings were instituted.

4. (1) All rights of every local authority in the suburbs shall, on the appointed date, vest in the corporation.

(2) All sums due to any local authority in the suburbs whether on account of any tax or any other account shall be recoverable by the Commissioner and, for the purpose of such recovery, he shall be competent to take any measure or institute any proceedings which it would have been open to the authority or officer of such local authority to take or institute if the ²[Mumbai Municipal Corporation Act] had not come into force and the suburbs and not been included in ³[Brihan Mumbai].

(3) All debts and obligations incurred and all contracts made by or on behalf of any local authority in the suburbs immediately before the appointed date and subsisting on the said date shall be deemed to have been incurred and made by the Commissioner in exercise of the powers conferred on him by the ²[Mumbai Municipal Corporation Act].

(4) In respect of the rights, dues, debts and obligations of the District School Board of the Bombay Suburban District and the District Local Board of the Bombay Suburban District pertaining exclusively to the area subject to their respective authority which is not included in ³[Brihan Mumbai] this paragraph shall apply as if for the word "corporation" and word "Commissioner" the words "District School Board of the Thana District or, as the case may be, the District Local Board of the Thana District" were substituted and as if the reference made to the ²[Mumbai Municipal Corporation Act], had been a reference to the Bombay Primary

Bom.
LXI of
1947.
Bom.
VI of
1923.

¹Schedule FF was added by Bom. 7 of 1950, s.34.

²These words were substituted for the words "Bombay Municipal Corporation Act" by Mah.25 of 1996, s.2 schedule 4 (18)(a).

³These words were substituted for the words "Greater Bombay" *ibid.*, s.2 Schedule 4(18) (b).

* The provision contained in the Schedule for regulating the matters relating to or arising in consequence of the extension of the limits subject to the authority of the municipal authorities constituted under the said Act and other matters relevant thereto shall be in operation as if enacted in the body of the Bombay Municipal Corporation Act.

5. (1) Save as provided in section 349 E of the [Mumbai Municipal Corporation Act], any notification, notice, order, scheme, permit, licence, permission, rule by law, or form made, issued or granted under the Bombay District Municipal Act, 1901, the Bombay Municipal Boroughs Act, 1925, the Bombay Local Boards Act, 1923 the Bombay Village Panchayats Act, 1933, and the Bombay Primary Education Act, 1947 before the appointed date shall, in so far as it is not inconsistent with the provisions of the ¹[Mumbai Municipal Corporation Act], or the City of Bombay Primary Education Act, 1920, as the case may be, shall continue in force until it is superseded by any notification, notice, order, scheme, permit, licence, permission, rule, by-law or form made, issued or granted under the ¹[Mumbai Municipal Corporation Act] or the City of Bombay Primary Education Act, 1920, as the case may be.

Bom.
III of
1901.
Bom.
XVIII
of
1925.
Bom.
VI of
1923.
Bom.
VI of
1933.
Bom.
LXI
of
1947.
Bom.
XV of
1920.

(2) All assessments, valuations, measurements and divisions made under the Bombay District Municipal Act, 1901, the Bombay Municipal Boroughs Act, 1925, the Bombay Local Boards Act, 1923, the Bombay Village Sanitation Act, 1889, or the Bombay Village Panchayats Act, 1933, shall, in so far as they are consistent with the provisions of the ¹[Mumbai Municipal Corporation Act,] be deemed to them made under that Act.

Bom.
III of
1901.
Bom.
XII of
1925.
Bom.
VI of
1923.
Bom.
I of
1889.
Bom.
VI of
1933.

(3) Subject to the provisions of sub-paragraphs (4) to (9) (both inclusive) all officers and servants in the employ of any local authority in the suburbs other than the District Local Board of the Bombay Suburban District and the District School Board of the Bombay Suburban District immediately before the appointed date, shall be officers and servants employed by the Corporation under the ¹[Mumbai Municipal Corporation Act], and shall be entitled to terms of service not less favourable than those which they had immediately before the appointed date in the service of the respective local authorities.

(4) It shall be competent for the Corporation or the Commissioner to employ the said officer or servant in any capacity which, in the opinion of the Corporation or the Commissioner, is suitable, having regard to the qualifications, experience and previous emoluments of the said officer or servant irrespective of the nature of the post held by the said officer or servant before the appointed date.

(5) The service rendered by such officers and servants before the appointed date shall be deemed to be service rendered in the service of the corporation.

(6) It shall be competent to the Commissioner in the case of officer and servants whose monthly salary, exclusive of allowances, immediately before the appointed date was not more than five hundred rupees, or to the corporation in the case of other officers and servants, to discontinue the services of any officer or servant who in his or their opinion is not necessary or suitable to the requirements of the municipal service, after given such officer or servant such notice as is required to be given by the terms of his employment and every officer or servant whose service are so discontinued shall be entitled to such leave, pension or gratuity as he would have been entitled to take or receive on being invalidated out of service if the limits of the area subject to the authority of the corporation and other municipal authorities had not been extended over the suburbs.

¹These words were substituted for the words " Bombay Municipal Corporation Act " by Mah. 25 of 1996, Schedule 4 (18)(a).

(7) It shall be competent to the corporation to appoint the Chief Officers of the District Local Board of the Bombay Suburban District, the Bandra Borough Municipality, the Kurla Borough Municipality, the Parle-Andheri Borough Municipality and the Ghatkopar-Kirol Borough Municipality, or any one or more of such Chief Officers, with effect from the appointed date, to any appointments under the corporation for which they are in the opinion of the corporation qualified :

Provided that, unless a Chief Officer is so appointed he shall be given such leave, pension or gratuity as he would have received had he been invalidated out of the service of the local authority concerned if the limits of the area subject to the authority of the corporation and other municipal authorities had not been extended over the suburbs.

(8) The State Government may by order specify which officer or servant or class of officers or servants in the employ of the District Local Board of the Bombay Suburban District or the District School Board of the Bombay Suburban District immediately before the appointed date shall be taken over in the employ of the corporation, the District Local Board of the Thana District and the District School Board of the Thana District. On the issue of such order, the corporation, the District Local Board of the Thana District and the District School Board of the Thana District shall comply with such order and the provisions of sub-paragraphs (3) to (6) shall apply *mutatis mutandis* to such officers and servants.

(9) If any such officer or servant is aggrieved by any order passed by the corporation, the District Local Board of the Thana District or the District School Board of the Thana District, to the service of which such officer or servant is transferred under this paragraph, such officer or servant may appeal to the State Government.

Bom. LXI of 1947. Bom. XV of 1920.

6. Every scheme of compulsion sanctioned or deemed to be sanctioned under the Bombay Primary Education Act, 1947, and which in is force in any area of the suburbs immediately before the appointed date shall have effect as if a declaration had been made by the corporation in respect of such area under section 3 of the City of Bombay Primary Education Act, 1920.

Bom. I of 1915.

7. Notwithstanding anything contained in the Bombay Town Planning Act, 1915, any scheme made or sanctioned or any proceedings undertaken in respect of any area in the suburbs under the said Act shall be deemed to have been made or undertaken by or in respect of the corporation as a local authority under the said Act.

Bom. V of 1902.

8. Any direction given by the Chief Presidency Magistrate under section 45 of the City of Bombay Police Act, 1902, to a municipality in the suburbs before the appointed date shall be deemed to be a direction given to the Commissioner under the said section for the purpose of making recoveries under the said section.

Bom. XXV of 1930.

9. The provisions of the Bombay Local Fund Audit Act, 1930, shall continue to apply in respect of the audit of the accounts of the local authorities in the suburbs for the period upto the date immediately preceding the appointed date and of all other matters connected with, or arising out of such audit as if the limits of the area subject to the authority of the corporation and other municipal authorities under the [Mumbai Municipal Corporation Act,] had not been extended over the suburbs :

¹These words were substituted for the words " Bombay Municipal Corporation Act " by Mah. 25 of 1996, s.2 Schedule 4(18) (a).

Provided that, all referenes in the said Act to the Chairman of the local authority or to the local authority shall be deemed to be references to the Commissioner.

10. (1) The corporation shall, within a period of six months from the appointed date, divide the suburbs into such number of wards with such boundaries as it may consider suitable and shall apportion eighteen councillors among the said wards.

(2) The wards so delimited, together with the wards into which the city had been divided under section 24 of the ¹[Mumbai Municipal Corporation Act] immediately before the appointed date shall, subject to the provisions of sub-section (2) of the said section, constitute the wards into which ²[Brihan Mumbai] is divided on and from the appointed date for all purposes.

(3) In the event of failure by the corporation to take action as required by sub-paragraph (1) within the period prescribed therein, the State Government may appoint some person for the purpose of taking such action, and on such appointment, the provisions of sub-section (3) of section 518 and of section 520 of the said Act shall apply, as far as may be.

³[(4) When the wards are reconstituted under section 19 as amended, by the Bombay Municipal Corporation (Adoption of Assembly Rolls and Single Member Constituencies) Act, 1964, ⁴[and the Bombay Municipal Corporation (Third Amendment) Act, 1966,] the forgoing provision of this paragraph shall cease to have effect.]

Mah.
VIII
of
1965.
Mah.
XXX-
III of
1966.

11. The following special provisions shall apply for filling the eighteen seats of councillor apportioned among the wards constituted or to be constituted under paragraph 10 for the suburbs until the holding of the first general ward elections of councillors, next after the appointed date, namely :—

(a) The persons holding the office of councillor or member, as the case may be, of the local authority specified in the following table on the date immediately preceding the appointed date shall elect from amongst the councillors or members, as the case may be, of the respective local authority, the number of councillors shown against it in the said table in the manner prescribed in paragraph 12 :—

Name of the local authority	Number of councillors to be elected by the councillors or members of the local authority
1. Bandra Borough Municipality	6
2. Parle-Andheri Borough Municipality	3
3. Ghatkopar-Kirol Borough Municipality	1
4. Juhu Municipality	2
5. District Local Board, Bombay Suburban District	3

(b) The corporation shall, as soon as conveniently may be after the councillors elected under sub paragraph (a) have taken office, appoint in such manner as it may determine three persons from amongst the persons who are enrolled in the municipal election roll of the Kurla Municipal Borough in operation on the date immediately before the appointed date to be councillors, subject to the provisions of section 16 of the ¹[Mumbai Municipal Corporation Act.]

¹These words were substituted for the words " Bombay Municipal Corporation Act " by Mah. 25 of 1966, s. 2, Schedule 4(18)(a).

²These words were substituted for the words " Greater Bombay ", *ibid.*, s.2 Schedule 4(18)(b).

³This sub-paragraph was added by Mah. 8 of 1965, s.20.

⁴These words, brackets and figures were inserted by Mah. 33 of 1966, s.7.

12. With respect to the election of councillors for the purposes of sub-paragraph (a) of paragraph 11 the following provisions shall have effect, namely :—

(a) the Commissioner shall, in respect of the election of councillors by the councillors or members of each local authority specified in the said sub-paragraph (a) within fifteen days of the appointed date, by advertisement in the local newspapers fix a date for the nomination of candidates, a date, time and place of the recording of votes in the event contested elections, and a date, time and place for the counting of Votes :

Provided that the date fixed for the nomination of candidates shall not be earlier than ten days after the date of notice :

Provided further that a copy of the notice shall be sent by registered post to the last known address of each person referred to in sub-paragraph (a) of paragraph 11 concerned with the election :

(b) the nomination paper shall be in Form A appended hereto and shall be signed and subscribed by two person entitled to vote at the election as proposer and seconder and shall bear the signature of the person nominated in token of his willingness to be so nominated ;

(c) every nomination paper signed and subscribed as aforesaid shall be delivered in the Commissioner's office before five o'clock in the afternoon of the day fixed for the nomination of candidates ;

(d) each candidate must be nominated by a separate nomination paper, but any person entitled to vote at an election may subscribe as many nomination papers as there are vacancies to be filled but no more ;

(e) if any person subscribes more nomination papers than there are vacancies to be filled, the nomination papers received after the receipt of the maximum permissible number and subscribed by such person shall be deemed to be invalid ;

(f) if any person nominated is not eligible for election under paragraph 11, the Commissioner shall declare such person's nomination invalid ;

(g) if there is no valid nomination, it shall be deemed that there has been a failure to elect in respect of the vacancy or vacancies in question ;

(h) if the number of valid nominations is less than that of the vacancies the person validly nominated shall be deemed to be elected and for the remaining vacancy or vacancies, it shall be deemed that there has been a failure to elect ;

(i) if the number of valid nomination is the same as that of the vacancies, the persons nominated shall be deemed to be elected ;

(j) if the number of valid nominations exceeds that of the vacancies, the Commissioner shall by advertisement in the local newspapers publish the names and descriptions of the persons validly nominated and votes shall be taken for the election of councillors on the date fixed for the purpose ;

(k) votes shall be recorded by ballot in Form B appended hereto and in person and no votes shall be received by proxy ;

(l) no votes shall be recorded for any person whose name has not been published under sub-paragraph (j) as being validly nominated ;

(m) every voter shall have as many votes as there are councillors to be elected at the election and may give all such votes to one candidate, or may distribute them among the candidates as he thinks fit ;

(n) the candidate, or where there is more than one councillor to be elected the candidates not exceeding the number of councillors to be elected who have the greatest number of valid votes shall be declared to be elected ;

Provided that where an equality of votes is found to exist between any candidates and the addition of a vote would entitle any of those candidates to be declared elected, the determination of the candidate or candidates to whom such additional vote shall be deemed to have been given shall be made by lot to be drawn in the presence of the Commissioner in such manner as he shall determine ;

(o) every candidate and not more than one representative of every candidate authorised by him in this behalf shall be allowed to be present at the counting of votes and shall be given reasonable opportunity, after the ballot papers have been distributed for counting to inspect without handling the ballot papers and to question the correctness of the rejection of any ballot paper ;

(p) in any matter not specifically provided for in this paragraph, the procedure to be followed in respect of the election shall, as far as may be, in accordance with the procedure followed in a ward elections under the provisions of the ¹[Mumbai Municipal Corporation Act,] and the rules made under section 29 thereof ;

(q) the result of every election shall be declared by fixing, as soon as may be, in some conspicuous place on the chief municipal office, a notice signed by the Commissioner certifying the names of the candidates, if any, elected and in the case of a contested election, the number of votes recorded for each candidate ;

(r) the names of all candidates elected to be councillors under this paragraph shall be published by the Commissioner in the *Official Gazette* and on such publication such candidates shall be deemed to come into office.

13. In the event of a failure to elect or in the event of the election of any councillor being set aside and there being no other candidate who can be deemed to be elected in his place, the corporation shall, in such manner as it may determine, appoint person who would have been eligible to be elected as a councillor in the vacancy under subparagraph (a) of paragraph 11 to be councillor, and such person shall be deemed for all purposes to have been elected to be a councillor.

14. Councillors elected or appointed under the provisions of paragraph 11, 12 or 13 shall, subject to the provisions of the ¹[Mumbai Municipal Corporation Act,] hold office for the same period as the councillors who came into office on the first day of April 1948.

15. In the event of the office of any councillor elected or appointed under the provisions of paragraph 11, 12 or 13 becoming vacant for any reason before the expiry of the term specified in paragraph 14 the vacancy shall be filled, as soon as may be by the election or appointment as the case may be, of a duly qualified person thereto and the provisions of paragraph 11, 12 or 13 shall apply, as far as may be, to such election or appointment :

Provided that if the office of any councillor becomes vacant within four months of the date on which the term of office prescribed in paragraph 14 is due to expire, it shall not be necessary to fill such vacancy.

16. (1) if any dispute arise regarding the validity of any election or appointment held or made under the provisions of this Schedule the provisions of section 33 of the ¹[Mumbai Municipal Corporation Act,] shall apply as far as may be for the purpose of the determination of the dispute as if the election or appointment were an election under the provision of that Act.

(2) Every election or appointment not called in question in accordance with the provisions of the said section shall be deemed to have been to all intents, a good and valid election or appointment.

¹These words were substituted for the words "Bombay Municipal Corporation Act" by Mah. 25 of 1996, s.2 Schedule 4 (18)(a).

Bom.
VII of
1950.

17. (1) For ¹[the period beginning with the appointed date and ending with the 31st day of March 1951,] but subject to the provisions of sub-paragraphs (3), (4) and (5), all taxes imposed by any local authority in suburbs and levied immediately before ²[the appointed date] within the limits of the area subject to the local authority shall, unless the corporation otherwise determines, continue to be levied and collected within such limits by the corporation in lieu of the taxes leviable under the ³[Mumbai Municipal Corporation Act,] and notwithstanding the absence of provision in the said Act for the levy of any of the taxes leviable under this sub-paragraph, and for the purpose of the assessment and collection of the taxes so leviable, the Commissioner shall have all the powers which would be exercisable by a local authority, or and authority or officer of a local authority, but for the coming into force of the Bombay Municipal (Extension of Limits) Act, 1950 :

Provided that the State Government may, at the request of the corporation, from time to time, by notification in the *Official Gazette*, extend the period for which the taxes leviable under this sub-paragraph may continue to be levied but not so as to extend the period for such continued levy after the expiry of two years from the appointed date.

(2) Nothing in sub-paragraph (1) shall authorise the levy of any tax which the State Legislature would not be competent to impose in the State.

Bom.
III of
1888.
Mah.
XXX-
II of
1964.

(3) Town duties shall be levied in accordance with the provisions of the ³[Mumbai Municipal Corporation Act,] for the whole area of ⁴[Brihan Mumbai] and no octroi or terminal tax shall be levied in any area in the suburbs on and after the appointed date ⁵[until octroi is first levied under section 192 as substituted by the Bombay Municipal Corporation (Second Amendment) Act, 1964].

Bom.
III of
1888.

(4) The corporation may, with the sanction of the State Government, increase the rate of any tax levied under sub-paragraph (1) if at anytime during the period therein referred to it deems fit to do so for the purpose of complying with the provisions of section 134 of the ³[Mumbai Municipal Corporation Act].

Bom.
III of
1888.

(5) The Corporation may, at any time ⁶[during the period referred to in sub-paragraph (1)] after public notice of not less than one month, levy taxes in the suburbs in accordance with the provisions of the ³[Mumbai Municipal Corporation Act] and on and from the date of the commencement of such levy the provisions of sub-paragraph (1) shall cease to operate in the suburbs or area or areas in the suburbs, as the case may be, except for the purpose of collecting or assessing any amount which becomes due prior to such date.

¹These words and figures were substituted for the words "a period of one year from the appointed date" by Bom. 30 of 1951, s.7(1)(a).

²These words were substituted for the words "the said date", *ibid.*,

³These words were substituted for the words "Bombay Municipal Corporation Act" by Mah. 25 of 1996, s.2 Schedule 4(18)(a).

⁴These words were substituted for the words "Greater Bombay" *ibid.*, s.2 Schedule 4(18)(b).

⁵This portion was added by Mah. 32 of 1964, s.21.

⁶These words were inserted by Bom. 30 of 1951, s.7(1)(b).

¹[17A. (1) Subject to the provisions of this paragraph, with effect from the 1st day of April 1951 property taxes shall be levied on buildings and lands in the suburbs in accordance with the provisions of the ²[Mumbai Municipal Corporation Act.]

Bom.
III of
1888.

(2) On all buildings and lands in the areas specified in List I hereto appended ³[the rateable value of which exceeds rupees seventy-five in a year] and on the buildings and lands occupied for industrial purposes in the areas specified in List II hereto appended, the general tax shall be levied for the following periods and at the following rates, namely :—

(i) For the period from the 1st day of April 1951 to the 31st day of March 1954; at the rate of ten per centum of their rateable value in each year ;

(ii) For the period from the 1st day of April 1954 to the 31st day of March 1956, at the rate of twelve per centum of their rateable value in each year ;

⁴(iii) For the period from the 1st day of April 1956 to the 31st day of March 1958; at the rate of fourteen per centum of their rateable value in each year ;

(iv) For the period from the 1st day of April 1958 to the 31st day of March 1960, at the rate of sixteen per centum of their rateable value in each year ;

(v) From the 1st day of April 1960, at such rate as may be determined by the Corporation under section 128 of the said Act.]

⁵(2A) On all buildings and lands in the areas specified in List I, the rateable value of which does not exceed rupees seventy-five in a year, the general tax shall be levied for the following period and at the following rates, namely :—

(i) For the period from the 1st day of April 1956 to the 31st day of March 1958, at the rate of eight per centum of their rateable value in each year ;

(ii) For the period from the 1st day of April 1958 to the 31st day of March 1960, at the rate of ten per centum of their rateable value in each year ;

(iii) From the 1st day of April 1960, at such rate as may be determined by the Corporation under section 128 of the said Act.]

(3) On all buildings and lands in the areas specified in the said List-II (other than the buildings and lands occupied for industrial purposes), the general tax shall be levied for the following periods and at the following rates, namely :—

(i) For the period from the 1st day of April 1954 to the 31st day of March 1956, at the rate of eight per centum of their rateable value in each year ;

(ii) For the period from the 1st day of April 1956 to the 31st day of March 1958, at the rate of ten per centum of their rateable value in each year ;

(iii) For the period from the 1st day of April 1958 to the 31st day of March 1960, at the rate of twelve per centum of their rateable value in each year ;

(iv) From the 1st day of April 1960, at such rate as may be determined by the Corporation under section 128 of the said Act.

¹This paragraph was inserted by Mah. 30 of 1951, s.7(2).

²These words were substituted for the words "Bombay Municipal Corporation Act" by Mah. 25 of 1956, s. 2 Schedule 4(18)(a).

³These words were inserted by Bom. 51 of 1956, s.2(1)(a).

⁴These clauses were substituted for the original clause (iii) by Bom. 51 of 1956, s.2(1)(b).

⁵This sub-paragraph was inserted, *ibid.*, s.2(2).

(4) Without prejudice to any exemption admissible under sub-section (1) of section 143 of the said Act, the following buildings and lands shall, notwithstanding anything contained in the foregoing sub-paragraphs, be exempted from the levy of the general tax during the period respectively specified in each case, namely :—

(i) All buildings and lands in the areas specified in the said List II (other than the buildings and lands occupied for industrial purposes) during the period from the 1st day of April 1951 to the 31st day of March 1954 ;

1* * * * *

(iii) All buildings and lands in the areas specified in the said List II, the rateable value of which does not exceed Rs. 75 in a year during the period from the 1st day of April 1954 to the 31st day of March 1960.

(5) For the purposes of this paragraph—

LXIII of 1948. (a) the expression “building or land occupied for industrial purpose” shall include every premises occupied or used as a factory as defined in the Factories Act, 1948, but shall not include any premises exclusively used for a cottage industry ; and

(b) the expression “cottage industry” means any industry carried on by a worker in his own home.

LIST I

The areas within the limits of the following villages :—

- (1) Borle.
- (2) Chakala.
- (3) Deonar.
- (4) Hariali—Portion lying west to the G.I.P. Railway line.
- (5) Kondivate (Bamanpuri).
- (6) Majas.
- (7) Marol.
- (8) Mohili.
- (9) Oshivara.
- (10) Versova village (Vesava).
- (11) Vikroli-Portion lying west of the G.I.P. Railway line.

¹Clause (ii) was deleted by Bom. 51 of 1956 s.2(2).

(12) In the villages of Chembur and Vadavli, the area occupied by the camp for displaced persons as specified below :—

Village	Survey No.	Hissa No.	Area		
			A.	g.	a.
Vadavli	.. S.S.III part	....	3	11	3
Do.	.. 98A2	....	0	20	15
Do.	.. 89	....	0	8	0
Do.	.. 97A	....	0	1	4
Do.	.. 98A	4	1	11	14 $\frac{1}{4}$
Do.	.. 98A	1 part	0	24	3
Do.	.. 85	1	1	4	8
Do.	.. 86	1	0	12	8
Do.	.. 86	4	0	8	12
Do.	.. 86	6	0	0	4
Do.	.. 87	2	0	13	0
Do.	.. 87	4	0	34	0
Do.	.. 98A	2	0	4	5
Do.	.. 98A	1 part	0	18	8 $\frac{1}{4}$
Do.	.. N.A.100/B	....	0	11	0
Do.	.. N.A. 98/B	2 part	0	2	0
Do.	.. 88	..	0	31	4
Do.	.. 85	2	0	4	0
Do.	.. 85	3 part	0	3	0
Do.	.. 86	2	0	10	0
Do.	.. 86	5	0	7	8
Do.	.. 87	1	1	3	0
Do.	.. 87	3	0	15	4
Do.	.. 87	5	0	2	4
Do.	.. 98A	3 part	0	37	4
Do.	.. 86	3	0	10	4
Do.	.. 50	1	0	9	12
Do.	.. 51	2	0	27	12
Do.	.. 52	2	0	36	12
Do.	.. 96	1	0	35	0
Do.	.. 97B	2	0	8	8
Do.	.. 50	2	0	22	8
Do.	.. 52	3	0	37	12
Do.	.. 51	1 part	0	26	0
Do.	.. 51	3	0	12	4
Do.	.. 51	1 part	0	2	8
Do.	.. 97B	1	0	10	0

Village	Survey No.	Hissa No.	Area		
			A.	g.	a.
Chembur	.. N.A. 34 part	....	0	22	0
Do.	.. N.A. 34 part	....	1	11	0
Do.	.. 180 part	....	0	8	4
Vadawli	.. 90 A	} ..	6	2	8
	90B				
Chembur	.. S.S. III				
	407 (part)				
	177 (part)				
Vadawli	.. S.S. III				
	part (120)	....	1	8	0
	part (121)	....	0	10	0
	part (122)	....	6	32	0
	part (123)	....	1	20	0
Vadawli	.. 90 part	} ..	0	4	0
Do.	.. 177 A				
	177 B 1 part				
	177 B 2 part				
	S.S. No. III				
	Chembur				
<i>Government Londs</i>					
Vadawli	.. P.W.D. Bungalow	....	0	16	12
	S.S. III part	....	0	30	0
	S.S. III part	....	0	16	0
	C.S. Rly. part	....	2	32	0

LIST II

The areas within the limits of the following village :—

(1) Ambivali (excluding the portion included in the former Parle-Andheri Borough Municipality).

(2) Anik

(3) Asalpe (Asap)

(4) Bandivli (excluding the portion included in the former Parle-Andheri Borough Municipality).

(5) Bapnala.

(6) Bhandup—Portion lying east of the G.I.P. Railway line.

- (7) Brahmanwada.
- (8) Chendavali.
- (9) Hariali—Portion lying east of the G.I.P. Railway line.
- (10) Kanjur—Portion lying east of G.I.P. Railway line.
- (11) Kirol—Khalai.
- (12) Kole-Kalyan (excluding the portion included in the former Bandra Borough Municipality and the Aerodrome Area).
- (13) Kopri.
- (14) Madh.
- (15) Mahul.
- (16) Manbudruk.
- (17) Mandala.
- (18) Mankhurd.
- (19) Maravli.
- (20) Mogre (excluding the portion included in the former Parle-Andheri Borough Municipality).
- (21) Mulgaon.
- (22) Nanala.
- (23) Parajpur.
- (24) Paspak.
- (25) Pawal.
- (26) Sakl.
- (27) Shahr.
- (28) Tirandaz.
- (29) Trombay.
- (30) Tungve.
- (31) Vadawli (excluding the area included in List I).
- (32) Vikrol—Portion lying east of the G.I.P. Railway line.
- (33) Vyaroli].

18. (1) Budget estimate "D" for the official year commencing on the first day of April 1950 shall be prepared and placed before the corporation as soon as may be and shall be adopted by the corporation before the expiry of four months from the appointed date.

(2) It shall be competent for the Commissioner for a period not exceeding four months from the appointed date to incur such expenditure in connection with the municipal government of the suburbs as, having regard to all the provisions of the ¹[Mumbai Municipal Corporation Act] he considers necessary and proper, subject to a schedule of authorised expenditure under major heads of account which shall be prescribed by the standing committee :

Provided that such schedule shall cease to operate as soon as the corporation finally adopts budget estimate "D" for the official year commencing on the first day of April 1950.

19. If any difficulty arises in giving effect to the provisions of the ¹[Mumbai Municipal Corporation Act] the State Government may, as occasion arises, by order do anything which appears to it, necessary for the purpose of removing the difficulty:

Provided that no order shall be made under this paragraph after the expiry of two years from the appointed date.

¹ The words were substituted for the words "Bombay Municipal Corporation Act" by Mah. 25 of 1996, s. 2. Schedule 1(18)(a).

FORM A.

[See paragraph 12(b).]

Nomination paper

Name of local authority of which candidate, proposer and seconder were councillors or members.

Name of candidate.

Father's

-----Name.

Husband's

Name of the proposer.

Name of the seconder.

Signature of the seconder.

Declaration by candidate.

I hereby declare that I agree to this nomination.

Date.

(Signature of candidate.)

(To be filled in by the Commissioner.)

Certificate of Delivery.

Serial No.

This nomination paper was delivered to me at my office at (date and hour).

(Signature of Commissioner).

FORM B.

[See paragraph 12(k)]

FORM OF BALLOT PAPER

Form of front of Ballot paper

COUNTERFOIL

OUTERFOIL

Serial No.

Local authority

(enter the name of authority from which election is being made).

Name of voter.

Signature or thumb impression of voter.

Name of candidate	Cross

Note.—It is considered important that the whole of the outerfoil of the ballot paper should be taken up by the entries containing the names of the candidates and spaces for recording votes.

BACK OF OUTERFOIL.

1. You have Vote(s).
2. The vote is shown by a cross mark (x).
Each mark means one vote (s).
3. Do not put more than cross (s)
in all on the paper.
4. You may give all your votes to one candidate
or distribute them among the candidates as
you think fit.

Serial No.

[SCHEDULE FFA.

[Section 28 of the Bombay Municipal (Further Extension Limits and Schedule BBA (Amendment) Act, 1956].

SPECIAL AND TRANSITORY PROVISIONS IN RELATION TO AREAS IN THE EXTENDED SUBURBS.

Bom. LVIII of 1956. Bom. III of 1888. (1) All proceedings pending on the date of the commencement of the Bombay Municipal (Further Extension of Limits and Schedule BBA (Amendment) Act, 1956 (hereinafter in this Schedule referred to as "the appointed day") before, a local authority in the extended suburbs or before any authority or such local authority which under the provisions of the ²[Mumbai Municipal Corporation Act.] are required to be instituted before or undertaken by the Commissioner shall be deemed to be transferred to and continued by him and all other such proceedings shall, so far as may be deemed to be transferred to and continued by such authority before or by whom they have to be instituted or undertaken under the provisions of the said Act.

(2) All appeals pending before any authority of a local authority in the extended suburbs at the appointed day shall, so far as may be practicable, be disposed of as if the extended, suburbs had been included in ³[Brihan Mumbai] when they were filed.

(3) All prosecutions instituted by or on behalf of a local authority in the extended suburbs and all suits or other legal proceedings instituted by or against such a local authority or any officer of such a local authority pending at the appointed day shall be continued by or against the Commissioner or the Corporation, as the case may be, as if the extended suburbs had been included in ³[Brihan Mumbai] when such prosecution, suit or proceeding was instituted.

(4) (i) All rights or every local authority in the extended suburbs shall, on the appointed day, vest in the corporation.

(ii) All sums due to any local authority in the extended suburbs whether on account of any tax or any other accounts shall be recoverable by the Commissioner and, for the purpose of such recovery he shall be competent to take any measure or institute any proceeding which it would have been open to the authority or officer of such local authority to take or institute if the ²[Mumbai Municipal Corporation Act] had not come into force and the extended suburbs had not been included in ³[Brihan Mumbai.]

Bom. III of 1888.

Bom. III of 1888.

(iii) All debts and obligations incurred and all contracts made by or on behalf of any local authority in the extended suburbs immediately before the appointed day and subsisting on the said day shall be deemed to have been incurred and made by the Commissioner in exercise of the powers conferred on him by the ²[Mumbai Municipal Corporation Act.]

¹Schedule FFA was added by Bom. 58 of 1953, s.28.

²These words were substituted for the words "Bombay Municipal Corporation Act" by Mah. 25 of 1996, s.2 Schedule 4(18)(a).

³These words were substituted for the words "Greater Bombay" *ibid*, S. 2 Schedule 4(18) (b).

(4) In respect of the rights, debts and obligations of the Corporation of Greater Bombay, the Thana District and the District Local Board of the Thana District (and, exclusively to the area subject to their respective authority which is not included in the City of Bombay), this paragraph shall apply as if for the word " Corporation and the word " Commissioner " the words " District Schools Board of the Thana District or, as the case may be, the District Local Board of the Thana District were substituted and as if the reference made to the [Mumbai Municipal Corporation Act], had been a reference to the Bombay Primary Education Act, 1947, or, as the case may be, the Bombay Local Boards Act, 1923.

Bom.
III of
1888.
Bom.
LXI
of
1947.
Bom.
VI of
1923.

(5) (i) Save as provided in section 349E of the [Mumbai Municipal Corporation Act], any notification, notice, order, scheme, permit, licence, permission, rule, bye-law or form made, issued or granted under the Bombay District Municipal Act, 1901, the Bombay Local Boards Act, 1923, the Bombay Village Panchayats Act, 1933, and the Bombay Primary Education Act, 1947, before the appointed day shall, in so far as it is not inconsistent with the provisions of the [Mumbai Municipal Corporation Act], or the City of Bombay Primary Education Act, 1920, as the case may be, shall continue in force until it is superseded by any notification, notice, order, scheme, permit, licence, permission, rule, bye-law, or form made, issued or granted under the Mumbai Municipal Corporation Act or the City of Bombay Primary Education Act, 1920, as the case may be.

Bom.
III of
1888.
Bom.
III of
1901.
Bom.
VI of
1923.
Bom.
VI of
1933.
Bom.
LXI of
1947.
Bom.

(ii) All assessments, valuations, measurements and divisions made under the Bombay District Municipal Act, 1901, the Bombay Local Boards Act, 1923, the Bombay Village Sanitation Act, 1889, or the Bombay Village Panchayats Act, 1933, shall, in so far as they are consistent with the provisions of the [Mumbai Municipal Corporation Act], be deemed to have made under that Act.

III of
1888.
Bom.
XV of
1920.
Bom.
III of
1888.
Bom.
XV of
1920.

(iii) Subject to the provisions of sub-paragraphs (iv) to (ix) (both inclusive) all officers and servants in the employ of any local authority in the extended suburbs other than the District Local Board of the Thana District and the District School Board of the Thana District immediately before the appointed day, shall be officers and servants employed by the Corporation under the [Mumbai Municipal Corporation Act], and shall be entitled to terms and conditions of service not less favourable than those which they enjoyed immediately before the appointed day in the service of the respective local authorities.

Bom.
III of
1901.
Bom.
VI of
1923.
Bom.
I of
1889.
Bom.
VI of
1933.
Bom.
III of
1888.
Bom.
III of
1888.

¹ These words were substituted for the words " Greater Bombay " by Act No. 1 of 1936, s 2 Schedule.

² These words were substituted for the words " Bombay Municipal Corporation Act " *ibid* s. 2 Schedule 4(18)(a).

(iv) It shall be competent for the Corporation or the Commissioner to employ the said officer or servants in any capacity which, in the opinion of the Corporation or the Commissioner, is suitable, having regard to the qualifications, experience and previous emoluments of the said officer or servant, irrespective of the nature of the post held by the said officer or servant before the appointed day.

(v) The service rendered by such officers and servants before the appointed day shall be deemed to be service rendered in the service of the Corporation.

(vi) It shall be competent to the Commissioner in the case of officers and servants whose monthly salary, exclusive of allowances, immediately before the appointed day was not more than five hundred rupees, or to the corporation in the case of other officers and servants to discontinue the services of any officer or servant who in his or their opinion is not necessary or suitable to the requirements of the municipal service, after giving such officer or servant such notice as is required to be given by the terms and conditions of his employment and every officer or servant whose services are so discontinued shall be entitled to such leave, pension or gratuity he would have been entitled to take or receive on being invalidated out of service if the limits of the area subject to the authority of the corporation and other municipal authorities had not been extended over the extended suburbs.

(vii) It shall be competent to the corporation to appoint the Chief Officers of the Municipalities in the extended suburbs with effect from the appointed day to any appointments under the corporation for which they are in the opinion of the corporation qualified :

Provided that, unless a Chief Officer is so appointed he shall be given such leave, pension or gratuity as he would have received had he been invalidated out of the service of the local authority concerned if the limits of the area subject to the authority of the corporation and other municipal authorities had not been extended over the extended suburbs.

(viii) The State Government may by order specify which officer or servant or class of officers or servants in the employ of the District Local Board of the Thana District or the District School Board of the Thana District immediately before the appointed day shall be taken over in the employ of the corporation, the District Local Board of the Thana District and the District School Board of the Thana District. On the issue of such order, the corporation, the District Local Board of the Thana District and the District School Board of the Thana District shall comply with such order and the provisions of sub-paragraphs (iii) to (vi) shall apply *mutatis mutandis* to such officers and servants.

(ix) If any such officer or servant is aggrieved by any order passed by the corporation, the District Local Board of the Thana District or the District School Board of the Thana District, to the service of which such officer or servant is transferred under this paragraph, such officer or servant may appeal to the State Government.

Bom. LIX of 1947. Bom. XV of 1920. (6) Every scheme of compulsion sanctioned or deemed to be sanctioned under the Bombay Primary Education Act, 1947, and which is in force in any area of the extended suburbs immediately before the appointed day shall have effect as if a declaration has been made by the corporation in respect of such area under section 3 of the City of Bombay Primary Education Act, 1920.

Bom. I of 1915. Bom. XXVII of 1955. (7) Notwithstanding anything contained in the Bombay Town Planning Act, 1915 or the Bombay Town Planning Act, 1954, any scheme made or sanctioned or any proceedings undertaken in respect of any area in the extended suburbs under any of the said Acts shall be deemed to have been made or undertaken by or in respect of the corporation as a local authority under such Act.

Bom. XXV of 1930. (8) The provisions of the Bombay Local Fund Audit Act, 1930, shall continue to apply in respect of the audit of the accounts of the local authorities in the extended suburbs for the period upto the date immediately preceding the appointed day and of all other matters connected with, or arising out of, such audit as if the limits of the area subject to the authority of the corporation and other municipal authorities under the ¹[Mumbai Municipal Corporation Act], had not been extended over the extended suburbs :

Provided that all references in the said Act to the Chairman of the local authority or to the local authority shall be deemed to be references to the Commissioner.

(9) (i) The Corporation shall, within a period of six months from the appointed day, divide the extended suburbs into such number of wards with such boundaries as it may consider suitable and shall apportion seven councillors among the said wards.

Bom. III of 1888. (ii) The wards so delimited, together with the wards into which the municipal area had been divided under section 24 of the ¹[Mumbai Municipal Corporation Act] read with paragraph 10 of Schedule FF to the Act immediately before the appointed day shall subject to the provisions of sub-section (2) of the said section, constitute the wards into which ²[Brihan Mumbai] is divided on and from the appointed day for all purposes.

(iii) In the event of failure by the corporation to take action as required by sub-paragraph (i) within the period prescribed therein, the State Government may appoint some person for the purpose of taking such action and, on such appointment the provisions of sub-section (3) of section 518 and of section 520 of the said Act shall apply, as far as may be.

Mah. VII of 1965. (iv) When the wards are reconstituted under section 19 as amended by the Bombay Municipal Corporation (Adoption of Assembly Rolls and Single-Member Constituencies) Act, 1964, ⁴[and the Bombay Municipal Corporation (Third Amendment) Act, 1966, the foregoing provisions of this paragraph shall cease to have effect]

Mah. XXX of 1966. XLIII of 1950. (10) (a) The electoral roll of the Bombay Legislative Assembly prepared under the provisions of the Representation of People Act, 1950, and for the time being in force for such part of the constituency of the Assembly as is included in a ward delimited under sub-paragraph (i) of paragraph (9) shall be deemed to be the list of voters of such ward.

(b) The officer designated by the Commissioner in this behalf shall prepare a list of voters for each such ward.

(c) After the list of voters is prepared under sub-paragraph (b), such list—

(i) shall be deemed to be the ward roll of each such ward, and shall form part of the municipal election roll, within the meaning of section 21 of this Act.

(ii) shall be liable to be revised in accordance with the provisions of this Act,

(iii) shall remain in operation till the 19th day of December 1960.

(11) The following special provisions shall apply for filling the seven seats of councillors apportioned among the wards constituted or to be constituted under paragraph (9) for the extended suburbs until the holding of the first general ward elections of councillors next after the appointed day, namely :—

(a) The persons holding the office of councillor or member, as the case may be of the local authority specified in the following table on the date immediately preceding the appointed day shall elect from amongst the councillors or members, as

¹ These words were substituted for the words " Bombay Municipal Corporation Act " by Mah. 25 of 1966, s.2 Schedule 4(19)(a).

² These words were substituted for the words " Greater Bombay " *ibid.*, s.2 Schedule 4(18)(b).

³ This sub-paragraph was added by Mah. 8 of 1965, s.21.

⁴ These words, brackets and figures were inserted Mah. 33 of 1966, s.7.

the case may be, of the respective local authority, the number of councillors shown against it in the said table in the manner prescribed in paragraph (12) :—

Name of the local authority	Number of councillors to be elected by the councillors or members of the local authority
1. Malad Municipality	2
2. Kandivli Municipality	1
3. Mulund Municipality	1
4. Dahisar Village Panchayat	1

(b) The Corporation shall, as soon as conveniently may be, after the councillors elected under sub-paragraph (a) have taken office, appoint in such manner as it may determine two persons, one each from amongst the persons who are enrolled in—

- (i) the Municipal election roll of the Borivali Municipality,
- (ii) the list voters of the Goregaon Village Panchayat,

in operation on the date immediately before the appointed day to be councillors, subject to the provisions of section 16 of the [Mumbai Municipal Corporation Act] : Bom. III of 1888.

Provided that if any of the other municipalities or other local authorities happen to be superseded before the commencement of the Bombay Municipal (Further Extension of Limits and Schedule BBA) (Amendment) Act, 1956, the Corporation shall from amongst persons who are enrolled on the municipal electoral roll or list of voters of such municipality or local authority in operation immediately before the appointed day, appoint such number of persons to be councillors as are specified in respect of such municipality or local authority in sub-paragraph (a) of this paragraph. Bom. LVIII of 1956.

(12) With respect to the election of councillors for the purposes of sub-paragraph (a) of paragraph (11) the following provisions shall have effect, namely :—

(a) the Commissioner shall in respect of the election of councillors by the councillors or members of each local authority specified in the said sub-paragraph (a) within fifteen days of the appointed day, by advertisements in the local newspapers fix a date for the nomination of candidates, a date, time and place for the recording of votes in the event of contested election, and a date, time and place for the counting of votes :

Provided that the date fixed for the nomination of candidates shall not be earlier than ten days after the date of the notice :

Provided further that a copy of the notice shall be sent by registered post to the last known address of each person referred to in sub-paragraph (a) of paragraph (11) concerned with the election ;

(b) the nomination paper shall be in Form AA appended hereto and shall be signed and subscribed by two person entitled to vote at the election as proposer and seconder and shall bear the signature of the person nominated in token of his willingness to be so nominated ;

(c) every nomination paper signed and subscribed as aforesaid shall be delivered in the Commissioner's office before five O'clock in the afternoon of the day fixed for the nomination of candidates ;

¹ These words were substituted for the words " Bombay Municipal Corporation Act " by Mah-25 of 1996, s.2, Schedule 4 (18) (a).

(d) each candidate must be nominated by a separate nomination paper, but any person entitled to vote at an election may subscribe as many nomination papers as there are vacancies to be filled but no more;

(e) if any person subscribes more nomination papers than there are vacancies to be filled, the nomination papers received after the receipt of the maximum permissible number and subscribed by such person shall be deemed to be invalid;

(f) if any person nominated is not eligible for election under paragraph (1) the Commissioner shall declare such person's nomination invalid;

(g) if there is no valid nomination, it shall be deemed that there has been a failure to elect in respect of the vacancy or vacancies in question;

(h) if the number of valid nominations is less than that of the vacancies, the persons validly nominated shall be deemed to be elected and for the remaining vacancy or vacancies, it shall be deemed that there has been a failure to elect;

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

(j) if the number of valid nominations exceeds that of the vacancies, the Commissioner shall give advertisement in the local newspapers publish the names and descriptions of the persons validly nominated and votes shall be taken for the election of councillors on the date fixed for the purpose;

(k) votes shall be recorded by ballot in Form BB appended hereto and in person and no votes shall be received by proxy;

(l) no votes shall be recorded for any person whose name has not been published under sub-paragraph (j) as being validly nominated;

(m) every voter shall have as many votes as there are councillors to be elected at the election and may give all such votes to one candidate, or may distribute them amongst the candidates as he thinks fit;

(n) the candidate, or where there is more than one councillor to be elected the candidates not exceeding the number of councillors to be elected who have the greatest number of valid votes shall be declared to be elected:

Provided that where an equality of votes is found to exist between any candidates and the addition of vote would entitle any of those candidates to be declared elected, the determination of the candidate or candidates to whom such additional vote shall be deemed to have been given shall be made by lot to be drawn in the presence of the Commissioner in such manner as he shall determine;

(o) every candidate and not more than one representative of every candidate authorised by him in this behalf shall be allowed to be present at the counting of votes and shall be given reasonable opportunity, after the ballot papers have been distributed for counting, to inspect without handling the ballot papers and to question the correctness of the rejection of any ballot paper;

(p) in any matter not specifically provided for in this paragraph, the procedure to be followed in respect of the election shall, as far as may be, in accordance with the procedure followed in ward elections under the provisions of the ¹[Mumbai Municipal Corporation Act.] and the rules made under section 29 thereof;

(q) the result of every election shall be declared by fixing, as soon as may be, in some conspicuous place on the chief municipal office a notice signed by the Commissioner certifying the names of the candidates, if any, elected and in the case of a contested election, the number of votes recorded for each candidate;

(r) the names of a candidates elected to be councillors under this paragraph shall be published by the Commissioner in the *Official Gazette* and, on such publication such candidate shall be deemed to come into office.

¹These words were substituted for the words "Bombay Municipal Corporation Act" by Mah. 25 of 1996, s.2 Schedule 4(18) (a).

(13) In the event of a failure to elect or in the event of the election of any councillor being set aside and there being no other candidate who can be deemed to be elected in his place, the corporation shall, in such manner as it may determine, appoint a person who would have been eligible to be elected as a councillor in the vacancy under sub-paragraph (a) of paragraph (11) to be a councillor and such person shall be deemed for all purposes to have been elected to be a councillor.

(14) Councillors elected or appointed under the provisions of paragraph (11), (12) or (13) shall, subject to the provisions of the ¹[Mumbai Municipal Corporation Act], hold office for the same period as the councillors who came into office on the first day of April 1952 hold office.

(15) In the event of the office of any councillor elected or appointed under the provisions of paragraph (11), (12) or (13) becoming vacant for any reason before the expiry of the term specified in paragraph (14) the vacancy shall be filled, as soon as may be by the election or appointment, as the case may be, of a duly qualified person thereto and the provisions of paragraph (11), (12) or (13) shall apply, as far as may be to such election or appointment :

Provided that the office of any councillor becomes vacant within four months of the date on which the term of office prescribed in paragraph (14) is due to expire it shall not be necessary to fill such vacancy.

(16) (i) If any dispute arises regarding the validity of any election or appointment held or made under the provisions of this Schedule the provisions of section 33 of the ¹[Mumbai Municipal Corporation Act], shall apply, as far as may be, for the purpose of the determination of the dispute as if the election or appointment were an election under the provisions of that Act.

(ii) Every election or appointment not called in question in accordance with the provisions of the said section shall be deemed to have been to all intents a good and valid election or appointment.

(17) (i) For the period commencing on the appointed day and ending on the 31st day of March 1958, but subject to the provisions of sub-paragraphs (iii), (iv) and (v) all taxes imposed by any local authority in the extended suburbs and levied immediately before the said day within the limits of the area subject to the local authority shall, unless the corporation otherwise determines, continue to be levied and collected within such limits by the corporation in lieu of the taxes leviable under the ¹[Mumbai Municipal Corporation Act], and notwithstanding the absence of provision in the said Act for the levy of any of the taxes leviable under this sub-paragraph and for the purpose of the assessment and collection of the taxes so leviable the Commissioner shall have all the powers which would be exercisable by a local authority or any authority or officer of a local authority, but for the coming into force of the Bombay Municipal (Further Extension of Limits and Schedule BBA) (Amendment) Act, 1956;

(ii) Nothing in sub-paragraph (i) shall authorise the levy any tax which the State Legislature would not be competent to impose in the State.

(iii) Town duties shall be levied in accordance with the provisions of the ¹[Mumbai Municipal Corporation Act,] for the whole area of ²[Brihan Bumbai and no octroi or terminal tax shall be levied in any area in the extended suburbs on and after the appointed day ³until octroi is first levied under section 192 as substituted by the Bombay Municipal Corporation (Second Amendment) Act, 1964.]

¹ These words were substituted for the words " Bombay Municipal Corporation Act " by Mah. 25 of 1996, s.2 Schedule 4(18)(a).

² These words were substituted for the words " Greater Bombay ", *ibid.*

³ These portion was added by Mah. 32 of 1964, s. 22.

(iv) The Corporation may, with the sanction of the State Government, increase the rate of any tax levied under sub-paragraph (i) if at any time during the period therein referred to it deems fit to do so for the purpose of complying with the provisions of section 134 of the [Mumbai Municipal Corporation Act.]

Bom
III of
1888.

(v) The Corporation may, at any time after public notice of not less than one month, levy taxes in the extended suburbs in accordance with the provisions of the [Mumbai Municipal Corporation Act.] and on and from the date of the commencement of such levy, the provisions of sub-paragraph (i) shall cease to operate in the extended suburbs or area or areas in the extended suburbs, as the case may be, except for the purpose of collecting or assessing any amount which became due prior to such date.

(18) (i) It shall be competent for the Commissioner for the period ending on the 31st day of March 1957 to incur such expenditure in connection with the municipal government of the extended suburbs as, having regard to all the provisions of the Bombay Municipal Corporation Act, he considers necessary and proper subject to a Schedule of authorised expenditure under major heads of accounts sanctioned by the Standing Committee within a period of not more than two months from the appointed day.

Bom
III of
1888.

(ii) Notwithstanding anything contained in the [Mumbai Municipal Corporation Act] budget estimate "F" for the official year commencing on the 1st day of April 1957 shall be prepared and placed before the Corporation as soon as may be after the appointed day and shall be adopted by the Corporation on or before the 31st day of March 1957.

(19) (i) Subject to the provisions of this paragraph, with effect from the 1st day of April 1958, the property taxes shall be levied on buildings and lands in the extended suburbs in accordance with the provisions of the [Mumbai Municipal Corporation Act].

(ii) On all buildings and lands in the areas forming part of the municipal districts of Borivali, Kandivli, Malad and Mulund and the Village Panchayats of Dahisar and Goregaon abolished by this Act the general property taxes shall be levied for the official year 1958-59 at the rates at which the consolidated property tax was levied by the respective local authorities immediately prior to their abolition.

(iii) In the case of any area mentioned in sub-paragraph (ii) if the rate so levied is lower than the rate of general property tax in the city determined under section 128 of the [Mumbai Municipal Corporation Act], the same shall be raised in each case by 2 per centum each alternate year until the same rate as is determined under section 128 is reached.

Bom
III of
1888.

(iv) On all buildings and lands in the areas in the extended suburbs other than those specified in sub-paragraph (ii) occupied for industrial purposes, the general tax shall be levied at the rate of 14 per centum of their rateable value ; and the same shall be increased at the rate of 2 per centum of rateable value every alternate year until the same rate as is determined under section 128 is reached.

(v) On all buildings and lands in the areas in the extended suburbs other than those specified in sub-paragraph (ii) [which are not occupied for industrial purposes] the general tax shall be levied at the rate of 6 per centum of their rateable value and the same shall be increased every alternate year at the rate not

¹ These words were substituted for the words " Bombay Municipal Corporation Act " by Mah. 25 of 1996, s.25 Schedule 4(18)(a).

² These words were substituted and shall be deemed to have been substituted on the date on which Bom. LVIII of 1956 came into force for the words " and occupied for residential purposes " by Bom. 6 of 1959, s.6.

less than 1 per centum and not more than 2 per centum of rateable value as may be determined by the Corporation from time to time until the same rate as is determined under section 128 is reached.

¹[(va) in any area in the extended suburbs in which the urban immovable property tax was being levied immediately before the commencement of the Urban immovable Property Tax (Abolition) and General Tax (Increase of Maximum Rate) Act, 1962, it shall be lawful after such commencement for the Corporation to increase the rate of the general tax of buildings and lands in such area by an amount not exceeding five per cent. of the rateable value of such buildings and lands. Such increase shall not affect the increases made or to be made under the foregoing provisions of this paragraph]. Mah. XL of 1962.

(vi) Without prejudice to any exemption admissible under sub-section (1) of section 143 of the ²[Mumbai Municipal Corporation Act,] the buildings and lands, the rateable value of which does not exceed rupees 75 in a year, shall be exempted up to the 31st day of March 1965. Bom. III of 1888.

(20) If any difficulty arises in giving effect to the provisions of the Bombay Municipal Corporation (Further Extension of Limits and Schedule BBA) (Amendment) Act, 1956, the State Government may, as occasion arises, by order do anything which appears to it necessary for the purpose of removing the difficulty : Bom. LVIII of 1956.

Provided that no order shall be made under this paragraph after the expiry of two years from the appointed day.

FORM AA.

[See paragraph 12(b).]

Nomination Paper.

Name of local authority of which candidate, proposer and seconder were councillors or members.

Name of candidate

Father's name
Husband's

Name of the proposer

Signature of the proposer

Name of the seconder

Signature of the seconder

Declaration by candidate.

I hereby declare that I agree to this nomination

Date

(Signature of candidate.)

(To be filled in by the Commissioner.)

Certificate of delivery.

Serial No.

This nomination paper was delivered to me at my office at (date and hour)

(Signature of the Commissioner)

¹Sub-paragraph (va) was inserted by Mah.13 of 1963, s.2.

²These words were substituted for the words "Bombay Municipal Corporation Act" by Mah. 25 of 1996, s.2. Schedule 4(18)(a).

FORM BB.

[See paragraph 12(k)].

Form of Ballot Paper.

(Form of front of Ballot Paper.)

COUNTERFOIL

OUTERFOIL

Serial No.

Name of candidate. Cross.

Local authority _____

(enter the name of authority from which election is being made).

Name of voter

Signature or thumb impression of voter.

Note.—It is considered important that the whole of the outerfoil of the ballot paper should be taken up by the cage containing the names of the candidates and spaces for recording votes.

BACK OF OUTERFOIL

1. You have vote(s).
2. The vote is shown by a cross mark (x). Each mark means one vote.
3. Do not put more thancross(es) in all on the paper.
4. You may give all your votes to one candidate or distribute them among the candidates as you think fit.

Serial No.

§SCHEDULE GG.

VALIDITY AND DATE OF OPERATION OF CERTAIN ORDERS.

1. So soon as may be after a compulsory acquisition order or a clearance order has been confirmed by the State Government, the Commissioner shall publish simultaneously in the *Official Gazette* and in three or more newspapers circulating within ²[Brihan Mumbai] a notice stating that the order has been confirmed, and naming a place where a copy of the order as confirmed and of the plan referred to therein may be seen at all reasonable hours.

2. Any person aggrieved by such an order as aforesaid, or by the State Government's approval of a redevelopment plan or of a new plan may, within six weeks after the publication of notice of confirmation of the order, or of the approval of the plan prefer an appeal to a Judge of the Civil City Court, Bombay, whose decision shall be final.

3. Where any such appeal is duly made, the Court,—

(i) may by interim order suspend the operation of the order or the approval of the plan, either generally or in so far as it affects any property of the appellant until the final determination of the appeal; and

(ii) if satisfied upon hearing of the appeal that the order or the approval of the plan, is not within the powers of this Act or that the interests of the appellant have been substantially prejudiced by any requirement of this Act not having been complied with, may quash the order, or the approval of the plan, either generally or in so far as it affected any property of the appellant.

4. Subject to the provisions of the last preceding clause the order, or the approval of the plan, shall become operative at the expiration of six weeks from the date on which notice of confirmation of the order or of the approval of the plan is published in accordance with the provisions of this Act.

5. So soon as may be after compulsory acquisition order or a clearance order has become operative the Commissioner shall serve a copy thereof on every person on whom a notice was served by him of his intention to submit the order to the State Government for confirmation.

SCHEDULE HH.

COMPULSORY ACQUISITION ORDERS.

1. A compulsory acquisition order shall describe by reference to a plan the land to which it applies.

2. Before submitting the order to the State Government, the Commissioner shall—

(a) publish simultaneously in the *Official Gazette* and in three or more newspaper circulating within ²[Brihan Mumbai] a notice stating the fact of such an order having been made and describing the area comprised therein and naming a place where a copy of the order and of the plan referred to therein may be seen at all reasonable hours ; and

¹ Schedules GG, HH and II were inserted by Bom. 34 of 1954, s.34.

² These words were substituted for the words " Greater Bombay " by Mah. 25 of 1996, s. 2 Schedule 4(18) (b).

(b) serve on every person whose name appears in the Commissioner's assessment book as primarily liable for the payment of the property taxes leviable under this Act on any land or building to which the order relates a notice stating the effect of the order and that it is about to be submitted to the State Government for confirmation and specifying the time (being not less than twenty-one days) within which objections thereto can be made to the Commissioner.

3. Upon compliance with the foregoing provisions with respect to the publication and service of notices of the compulsory acquisition order, the Commissioner shall submit to the ¹[Mayor-in-Council] any objections received under clause 2 of this Schedule and any suggestions he may wish to make in that respect.

4. The ¹[Mayor-in-Council] shall after consideration of any such objections and suggestions make such modifications in respect of the order as they think fit and the Commissioner shall thereafter submit the order as modified by the ¹[Mayor-in-Council] to the State Government for confirmation.

SCHEDULE II.

(See section 354SA.)

CONSTITUTION AND POWERS OF COMPENSATION TRIBUNAL.

1. (1) The Tribunal shall consist of a President and two assessors.

Constitution
of Tribunal.

(2) The President of the Tribunal shall be such Judge of the Bombay City Civil Court as may, after consultation with the High Court, be selected by the State Government.

(3) The assessors shall be appointed by the State Government.

(4) Each assessor of the Tribunal shall receive such remuneration as the State Government may determine. The remuneration shall be paid by the Corporation to the President of the Tribunal for distribution.

2 (1) The State Government may, by notification in the *Official Gazette*, make⁴ rules, not inconsistent with the Code of Civil Procedure, 1908, for the conduct of business by Tribunals established under this Act.

Rules of
procedure
to be made
by state
Government.

v of
1908.

(2) All such rules shall be subject to the condition of previous publication.

3. (1) For the purpose of determining the award to be made by the Tribunal under the Land Acquisition Act—

Award of
Tribunal
how to be
determined.

(a) if there is any disagreement as to the measurement of land or the amount of compensation of costs to be allowed or the determination of betterment charges, the opinion of the majority of the members of the Tribunal shall prevail ;

¹ These words were substituted for the words "Improvements Committee" by Mah.10 of 1998.
s. 254

(b) questions relating to the determination of the persons to whom the compensation is payable, or the apportionment of compensation, may be tried and decided in the absence of the assessors, if the President of the Tribunal considers their presence unnecessary; and when so tried and decided, the decision of the President shall be deemed to be the decision of the Tribunal ;

(c) notwithstanding anything contained in the foregoing clauses (a) and (b), the decision on all questions of law and procedure shall rest solely with the President of the Tribunal.

(2) The President of the Tribunal may obtain proof of facts by affidavits, summon witnesses and enforce their attendance, may compel the production of documents, issue commissions for the examination of witnesses by the same means and (so far as may be) in the same manner as is provided in the case of a Civil Court under the Code of Civil Procedure, 1908. V of
1908.

(3) The proceedings before the Tribunal shall be deemed to be the judicial proceedings within the meaning of sections 193 and 228 of the Indian Penal Code.] XLV
of
1806.

[SCHEDULE JJ.

(See sections 398, 406 and 461.)

I. Fibres—

- (1) Cotton (ginned and unginced).
- (2) Sanhemp.

II. Cereals—

- (1) Wheat.
- (2) Paddy (husked and unhusked).
- (3) Jower.
- (4) Bajri.
- (5) Nagli.
- (6) Vari.
- (7) Kodra.
- (8) Maize.
- (9) Sarsav.
- (10) Bavto.
- (11) Barely.
- (12) Binti.
- (13) Chino.

III. Pulses—

- (1) Tur.
- (2) Gram.
- (3) Udid.
- (4) Mung.
- (5) Val.
- (6) Chola.
- (7) Lang.
- (8) Math.
- (9) Peas.

III. Pulses—*contd.*

- (10) Kulthi.
- (11) Spilts (Dal) of pulses.
- (12) Masur.

IV. Oilseeds—

- (1) Groundnut (shelled and unshelled).
- (2) Linseed.
- (3) Sesamum.
- (4) Safflower.
- (5) Ambadi.
- (6) Cocoanut.
- (7) Cotton seed.
- (8) Castor seed.
- (9) Khursani.
- (10) Niger seed.

V. Narcotics — Tobacco.

VI. Gur, sugar and sugarcane.

VII. Fruits—

- (1) Mango.
- (2) Mossambi.
- (3) Santra.
- (4) Lemon.
- (5) Banana.

¹ This Schedule was inserted by Bom. 54 of 1955, s.12.

VII. Fruits—*contd.*

- (6) Grapes.
- (7) Pomegranate.
- (8) Fig.
- (9) Chickoo.
- (10) Strawberry.
- (11) Melons.
- (12) Water Melon.
- (13) Papaya.
- (14) Guava.
- (15) Bor.
- (16) Falsa.

VIII. Vegetables

- (1) Potato.
- (2) Onion.
- (3) Tomato.
- (4) Suran.
- (5) Leafy and fresh vegetables.
- (6) Yam.
- (7) Sweet potatoes.
- (8) Kechara.

IX. Animal Husbandry Products—

- (1) Eggs.
- (2) Poultry.
- (3) Cattle.
- (4) Sheep.
- (5) Goat.
- (6) Wool.

IX. Animal Husbandry Products—*contd.*

- (7) Butter.
- (8) Ghee.
- (9) Milk.

X. Conditiments, spices and others—

- (1) Turmeric.
- (2) Ginger.
- (3) Garlic.
- (4) Coriander.
- (5) Chillies.
- (6) Cardamom and pepper.
- (7) Variali.
- (8) Betelnuts.
- (9) Betel leaves.
- (10) Cashewnuts.
- (11) Cummin (Jiru).
- (12) Rai.
- (13) Methi.
- (14) Isabgul.

XI. Grass and fodder.

XII. Cattle Feed—

- (1) Guwar.
- (2) Punvad.]

THE BOMBAY MUNICIPAL [FURTHER EXTENSION OF LIMITS AND
SCHEDULE BBA (AMENDMENT)] ACT, 1956.

CONTENTS.

PREAMBLE.

SECTIONS.

CHAPTER I.

PRELIMINARY.

1. Short title and commencement.
2. Abolition of municipalities and other local authorities.

CHAPTER II.

AMENDMENTS TO BOM. III OF 1888.

- 3-28. [*The amendments made by sections 3-28 (both inclusive) have been incorporated in the Bombay Municipal Corporation Act, 1888.*]
29. Saving for the present constitution of Corporation municipal authorities and committee.
30. Certain Acts to cease to apply to suburbs newly added.
31. Saving of operation of Bom. IX of 1956 and Bom. Ordinance No. I of 1956.

SCHEDULE I.

SCHEDULE II.

BOMBAY ACT No. LVIII OF 1956.¹

[THE BOMBAY MUNICIPAL [FURTHER EXTENSION OF LIMITS AND SCHEDULE BBA (AMENDMENT)] ACT, 1956.]

[31st December 1956]

Amended by Mah. 26 of 1963.

An Act further to extend the limits of the Municipal Corporation of Greater Bombay and other municipal authorities charged with carrying out the municipal government of Greater Bombay and to amend the Bombay Municipal Corporation Act in certain other matters.

WHEREAS the Municipal Corporation of Greater Bombay by its Resolution No.831, dated the 20th September 1956, has requested the State Government to take urgent steps to merge certain areas in Greater Bombay with a view to accelerating the co-ordinated development of Greater Bombay and such areas on proper lines ;

AND WHEREAS it is, therefore, necessary and expedient further to extend the limits of the Municipal Corporation of Greater Bombay and other municipal authorities charged with carrying out the municipal government of Greater Bombay and to provide for matters connected therewith ;

AND WHEREAS it is also necessary to amend the Bombay Municipal Corporation Act for certain other purposes hereinafter appearing ; It is hereby enacted in the Seventh Year of the Republic of India as follows :—

CHAPTER I.

PRELIMINARY.

1. (1) This Act may be called the Bombay Municipal [Further Extension of Limits and Schedule BBA (Amendment)] Act, 1956. of Short title and commencement.

(2) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

2. Notwithstanding any law for the time being in force, all municipalities and other local authorities specified in Schedule I to this Act are hereby abolished, and the areas specified in Schedule II to this Act are hereby included within, and shall form part of, the areas subject to the authority of the municipal authorities constituted under the Bombay Municipal Corporation Act. Abolition of municipalities and other local authorities.

Bom. III of 1888.

CHAPTER II.

AMENDMENTS TO BOM. III OF 1888.

3-28. [The amendments made by sections 5-28 (both inclusive) have been incorporated in the Bombay Municipal Corporation Act, 1888.]

29. Save as expressly provided by the provisions of Schedule FFA nothing in this Act shall affect the constitution of the Corporation, any other municipal authority or committee as in force immediately before the commencement of this Act until the next general ward elections are held in accordance with the provisions of the Bombay Municipal Corporation Act, as amended by this Act. Saving for the present constitution of Corporation municipal authorities and committee.

Bom. III of 1888.

¹ For Statement of Objects and Reasons, see *Bombay Government Gazette*, 1956, Part V, page 399.

Certain Acts
to cease to
apply to
suburbs
newly added.

30. Save as expressly provided by the provisions of this Act, the provisions of Bom. III of 1901, Bom. VI of 1923, Bom. VI of 1933, Bom. LXI of 1947, Bom. I of 1904, the Bombay District Municipal Act, 1901, the Bombay Local Boards Act 1923, the Bombay Village Panchayats Act, 1933, and the Bombay Primary Education Act, 1947, shall cease to apply to the areas specified in Schedule II appended to this Act and thereupon, save as expressly provided by this Act, the provisions of [section 7] of the Bombay General Clauses Act, 1904, shall apply to the said enactments as if they were, in their application to the said areas, repealed by this Act.

Saving of
operation of
Bom. IX of
1956 and
Bom.
Ordinance
No. I of
1956.

31. Nothing in this Act shall be taken to affect the operation of the Bombay Municipal Corporation (Extension of Term) Act, 1956, or the Bombay Municipal Corporation (Extension of Term) Ordinance, 1956, repealed by that Act.

SCHEDULE I

(Section 2)

1. Malad Municipality.
2. Kandivli Municipality.
3. Mulund Municipality.
4. Borivli Municipality.
5. Goregaon Village Panchayat.
6. Dahisar Village Panchayat.

SCHEDULE II

(Sections 2 and 30)

The undermentioned villages of the Thana District :—

- | | |
|-----------------|-------------------|
| 1. Akse. | 18. Magathane. |
| 2. Akurli. | 19. Malad. |
| 3. Arey. | 20. Malavni. |
| 4. Borivali. | 21. Mandapeshwar. |
| 5. Charkop. | 22. Manori. |
| 6. Chinchavali. | 23. Marve. |
| 7. Dahisar. | 24. Maroshi. |
| 8. Darivli. | 25. Mulund. |
| 9. Dindoshi. | 26. Nahur. |
| 10. Eksar. | 27. Pahadi. |
| 11. Gundgaon. | 28. Poisar. |
| 12. Gorai. | 30. Shimpoli. |
| 13. Goregaon. | 31. Tulshi. |
| 14. Kaneri. | 32. Wadhawan. |
| 15. Kandivli. | 33. Valnai. |
| 16. Kurar. | 34. Yerangal. |
| 17. Klorbad. | |

* The word and figure "section 7" were substituted for the word and figure "section 6" by Mah. 26 of 1963, s. 6, Second Schedule.

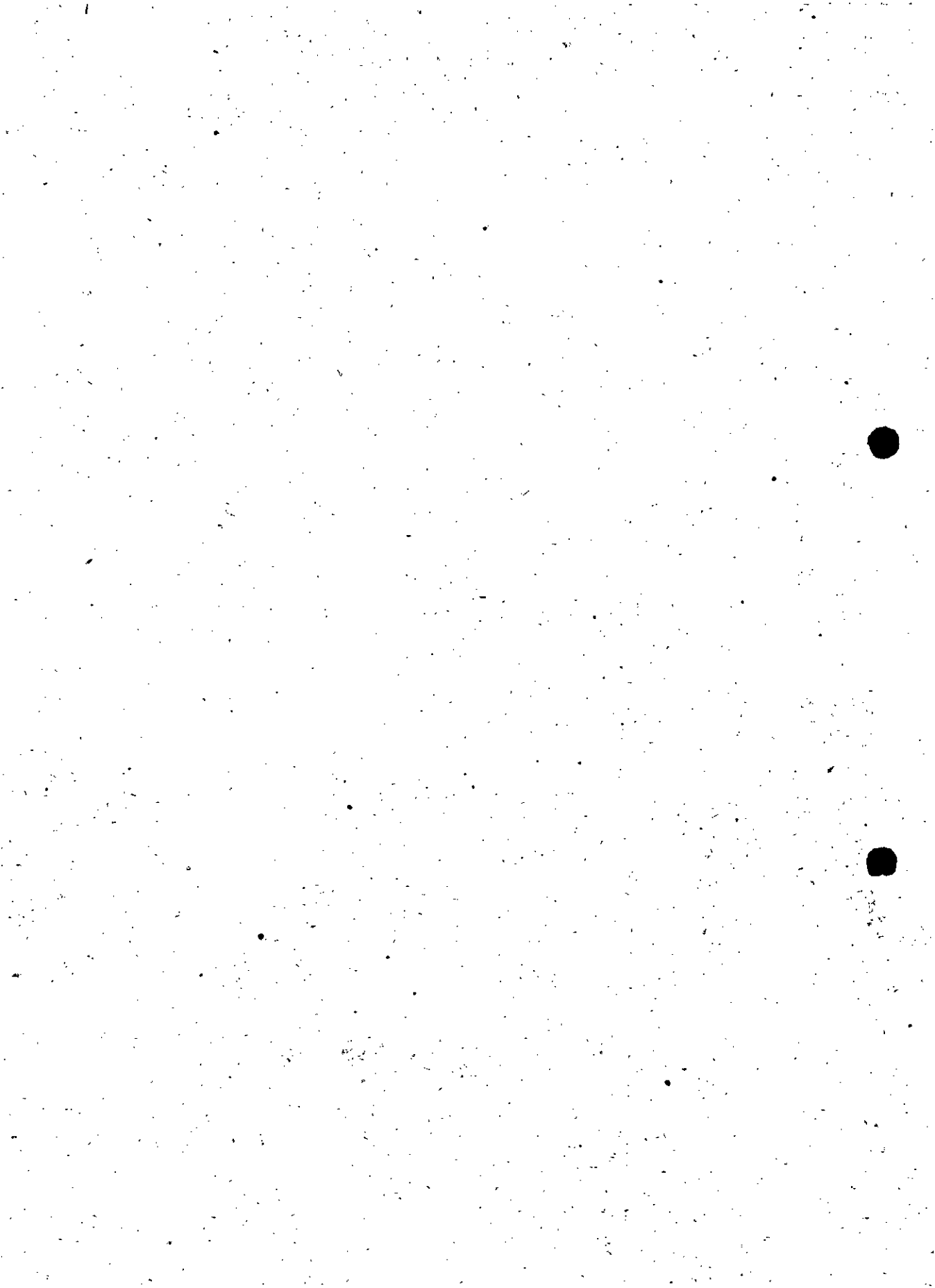
THE MAHARASHTRA MUNICIPAL CORPORATIONS (AMENDMENT)
ACT, 1970.

CONTENTS.

PREAMBLE.

SECTIONS.

1. Short title and commencement.
- 2-7. [*The amendments have been incorporated in the Bombay Municipal Corporation Act and the Bombay Provincial Municipal Corporations Act, 1949.*]
8. Amendment of section 15 of C. P. and Berar II of 1950.
9. Amendment of section 20A of C. P. and Berar II of 1950.



MAHARASHTRA ACT No. XIII OF 1971¹.

[THE MAHARASHTRA MUNICIPAL CORPORATIONS (AMENDMENT) ACT, 1970.]

[3rd February 1971]

An Act further to amend the Bombay Municipal Corporation Act, the Bombay Provincial Municipal Corporations Act, 1949 and the City of Nagpur Corporation Act, 1948.

Bom. III of 1888. WHEREAS, it is expedient further to amend the Bombay Municipal Corporation Act, the Bombay Provincial Municipal Corporations Act, 1949, and the City of Nagpur Corporation Act, 1948, for the purposes hereinafter appearing; It is hereby enacted in the Twenty-first Year of the Republic of India as follows :—

Bom. LIX of 1949.

C. P. and Berar II of 1950.

1. (1) This Act may be called the Maharashtra Municipal Corporations (Amendment) Act, 1970.

Short title and commencement.

(2) Sections 3, 6 and 9 shall come into force on such date (which may be a date before or after the date on which the assent to this Act is first published in the *Official Gazette*) as the State Government may, by notification in the *Official Gazette*, appoint. The remaining provisions of this Act shall come into force at once.

2-7. [The amendments have been incorporated in the Bombay Municipal Corporation Act and the Bombay Provincial Municipal Corporations Act, 1949.]

C. P. and Berar II of 1950.

8. In section 15 of the City of Nagpur Corporation Act, 1948 (hereinafter referred to as "the Nagpur Corporation Act"), after clause (c), the following clause shall be inserted, namely :—

Amendment of section 15 of C. P. and Berar II of 1950.

Mah. XIII of 1971. XLV of 1860.

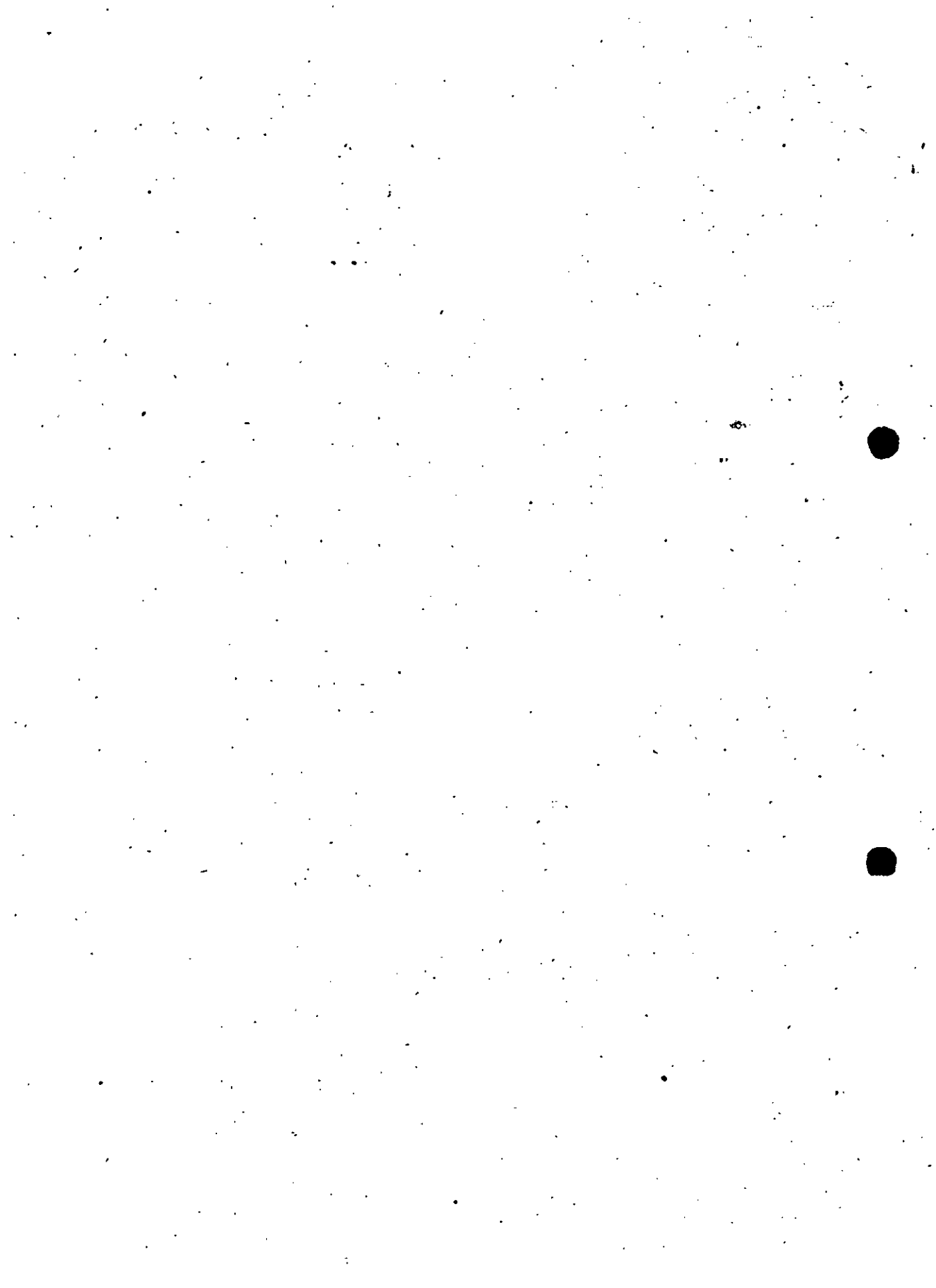
"(ca) has, at any time after the commencement of section 8 of the Maharashtra Municipal Corporations (Amendment) Act, 1970, been convicted of an offence punishable under section 153A, or sub-section (2) or (3) of section 505, of the Indian Penal Code :

Provided that, such disqualification shall be for a period of six years from the date of such conviction ; or "

9. In section 20A of the Nagpur Corporation Act, in sub-section (2), for the letters and figures "Rs. 3,000" the letters and figures "Rs. 5,000" shall be substituted.

Amendment of section 20A of C. P. and Berar II of 1950.

¹For Statement of Objects and Reasons, see *Maharashtra Government Gazette*, 1970, Part V, Extra., p. 397.



**THE MAHARASHTRA MUNICIPAL CORPORATIONS
(AMENDMENT) ACT, 2004**

CONTENTS

PREAMBLE.

SECTIONS.

1. Short title.
- 2 -3. [*The amendments have been incorporated in the Mumbai Municipal Corporation Act and the Bombay Provincial Municipal Corporations Act, 1949.*]
4. Insertion of section 13 B in C. P. and Berar II of 1950.

THE UNIVERSITY OF CHICAGO



MAHARASHTRA ACT No. V OF 2005¹.

[THE MAHARASHTRA MUNICIPAL CORPORATIONS (AMENDMENT) ACT, 2004.]

(This Act received the assent of the Governor on the 4th January 2005; assent was first published in the *Maharashtra Government Gazette*, Extraordinary, Part IV, on the 4th January 2005.)

An Act further to amend the Mumbai Municipal Corporation Act, the Bombay Provincial Municipal Corporations Act, 1949 and the City of Nagpur Corporation Act, 1948.

WHEREAS it is expedient further to amend the Mumbai Municipal Corporation Act, the Bombay Provincial Municipal Corporations Act, 1949 and the City of Nagpur Corporation Act, 1948, for the purposes hereinafter appearing; it is hereby enacted in the Fifty-fifth Year of the Republic of India as follows:—

Bom. III of
1888.
Bom. LIX of
1949.
C. P.
and
Berar
II of
1950.

1. This Act may be called the Maharashtra Municipal Corporations (Amendment) Act, 2004. Short title.

2.-3. [The amendments have been incorporated in the Mumbai Municipal Corporation Act and the Bombay Provincial Municipal Corporations Act, 1949.]

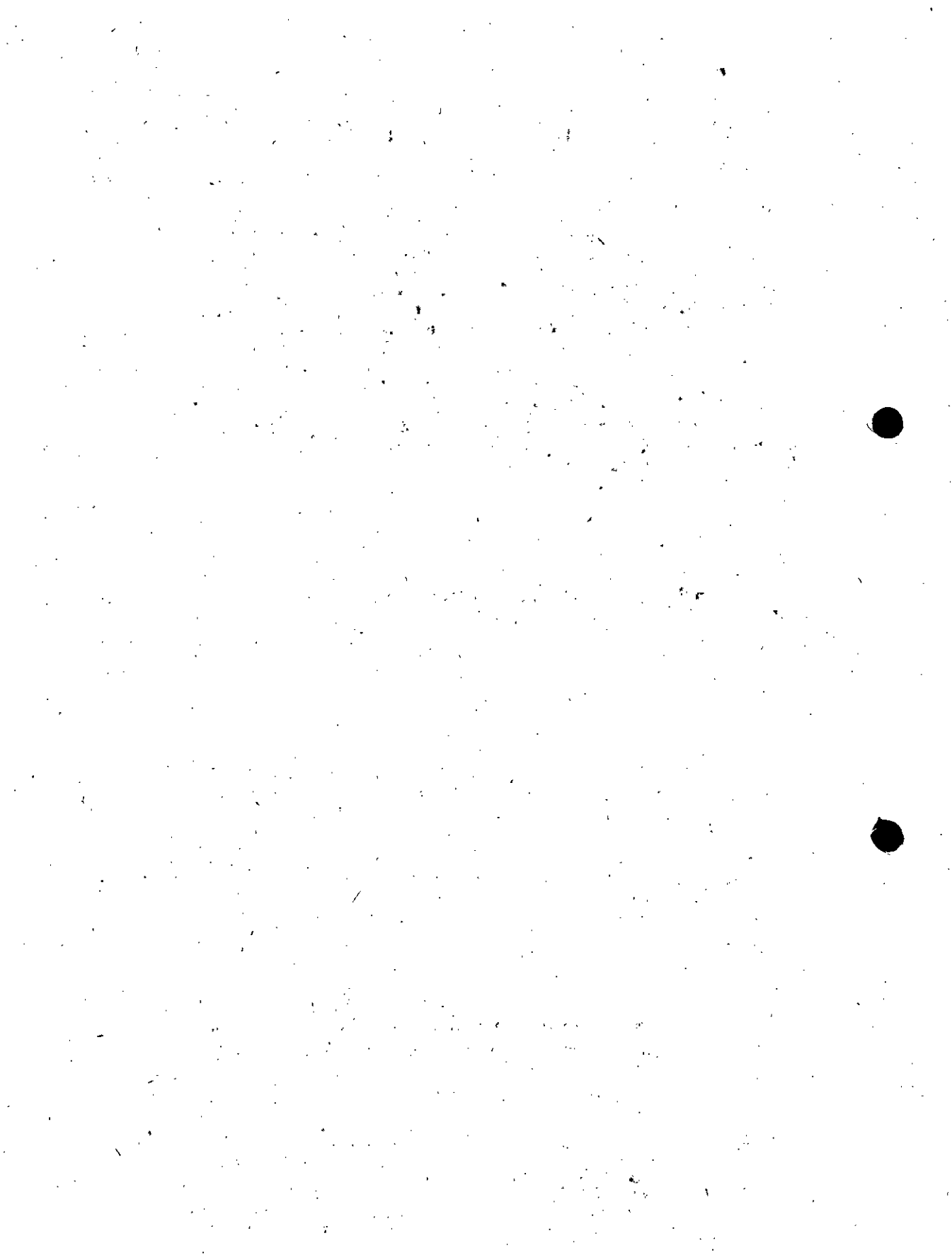
C. P.
and
Berar
II of
1950.

4. After section 13A of the City of Nagpur Corporation Act, 1948, the following section shall be inserted, namely:—

Insertion of
section 13 B
in C.P. and
Berar II of
1950.

"13B. The voting at an election shall be by ballot or by electronic voting machine and no votes shall be received by proxy." Manner of voting.

¹ For Statement of Objects and Reasons, see *Maharashtra Government Gazette*, 2004, Extraordinary, Part V-A, page 289.



THE MAHARASHTRA MUNICIPAL CORPORATION AND
MUNICIPALITIES (AMENDMENT) ACT, 1989

CONTENTS

PREAMBLE

SECTIONS.

1. Short title and commencement.
2. Amendment of section 19 of Bom. III of 1888.
3. Amendment of section 7A of Bom. LIX of 1949.
4. Amendment of section 15 of Bom. LIX of 1949.
5. Amendment of section 12 of C. P. and Berar II of 1950.
6. Amendment of section 18 of C. P. and Berar II of 1950.
7. Amendment of section 11 of Mah. XL of 1965.
8. Repeal of Mah. Ord. IV of 1989 and saving.

MAHARASHTRA ACT No. XXVIII OF 1989

THE MAHARASHTRA MUNICIPAL CORPORATION AND MUNICIPALITIES (AMENDMENT) ACT, 1989

[This Act received the assent of the Governor on the 8th August 1989; assent first published in the *Maharashtra Government Gazette*, Part IV, Extraordinary, on the 10th August 1989.]

An Act further to amend the Bombay Municipal Corporation Act, the Bombay Provincial Municipal Corporations Act, 1949, the City of Nagpur Corporation Act, 1948 and the Maharashtra Municipalities Act, 1965.

WHEREAS both Houses of the State Legislature were not in session;

AND WHEREAS the Governor of Maharashtra was satisfied that circumstance existed which rendered it necessary for him to take immediate action further to amend the Bombay Municipal Corporation Act, the Bombay Provincial Municipal Corporations Act, 1949, the City of Nagpur Corporation Act, 1948 and the Maharashtra Municipalities Act, 1965, for the purposes hereinafter appearing; and, therefore, promulgated the Maharashtra Municipal Corporations and Municipalities (Amendment) Ordinance, 1989, on the 12th June 1989;

Bom.
III of
1888.
Bom.
LIX
of
1949.
C.P.
and
Berar
II of
1950.
Mah.
XL of
1965.
Mah.
Ord.
IV of
1989.

AND WHEREAS it is expedient to replace the said Ordinance by an Act of the State Legislature; It is hereby enacted in the Fortieth Year of the Republic of India as follows :—

Short title
and com-
mencement.

1. (1) This Act may be called the Maharashtra Municipal Corporations and Municipalities (Amendment) Act, 1989.

(2) It shall be deemed to have come into force on the 12th June 1989.

2. [Amendment of section 19 of Bom. III of 1888] Amendments have been carried out in the principal Act.

3. [Amendment of section 7A of Bom. LIX of 1949] Amendments have been carried out in the principal Act.

4. [Amendment of section 15 of Bom. LIX of 1949] Amendment has been carried out in the principal Act.

For Statement of Objects and Reasons, see *Maharashtra Government Gazette*, 1989, Part-V, Extraordinary, pp. 288-289.

C.P. and Berar, 1950. 5. In section 12 of the City of Nagpur Corporation Act, 1948 (hereinafter referred to as "the Nagpur Corporation Act"), in sub-section (3), for the words "twenty-one years", in both the places where they occur, the words "eighteen years" shall be substituted. Amendment of section 12 of C.P. and Berar II of 1950.

Mah. XXVIII of 1989. 6. In section 18 of the Nagpur Corporation Act, after sub-section (2), the following sub-section shall be added, namely:— Amendment of section 18 of C.P. and Berar II of 1950.

“(2A) Notwithstanding anything contained in sub-sections (1) and (2), having regard to the changed circumstances, during the period commencing on the date of commencement of the Maharashtra Municipal Corporations and Municipalities (Amendment) Act, 1989 and ending on the 30th day of September 1990 or such other earlier date as the State Government may, by notification in the *Official Gazette*, specify, no election shall be held for the filling of a casual vacancy occurred whether before such date of commencement or during the period aforesaid.”

7. (Amendment of section 11 of Mah. XL of 1965). Amendments have been carried out in the principal Act.

Mah. Ord. IV of 1989. 8. (1) The Maharashtra Municipal Corporations and Municipalities (Amendment) Ordinance, 1989, is hereby repealed. Repeal of Mah. Ord. IV of 1989 and saving.

(2) Notwithstanding such repeal, anything done or any action taken (including any notification issued) under the respective Acts as amended by the said Ordinance shall be deemed to have been done, taken or issued, as the case may be, under the corresponding provisions of the relevant Municipal Acts, as amended by this Act.

**THE MAHARASHTRA MUNICIPAL
CORPORATIONS AND MUNICIPAL COUNCILS,
NAGAR PANCHAYATS AND INDUSTRIAL
TOWNSHIPS (SECOND AMENDMENT) ACT, 1995**

CONTENTS

PREAMBLE

SECTIONS.

1. Short title.
2. (The Amendments made by chapters II and III
- and 3. have been incorporated in Municipal Corporation Act and the Bombay Provincial Municipal Corporations Act, 1949.)

CHAPTER IV

**AMENDMENT TO THE CITY OF NAGPUR CORPORATION ACT,
1948**

4. Amendment of section 15 of C. P. and Berar II of 1950.
5. (The amendment made by Chapter V has been incorporated in the Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships Act, 1965.)

THE MAHARASHTRA ACT, No. XLIII OF 2000¹.

[THE MAHARASHTRA MUNICIPAL CORPORATIONS AND MUNICIPAL COUNCILS,
NAGAR PANCHAYATS AND INDUSTRIAL TOWNSHIPS (SECOND
AMENDMENT) ACT, 1995.]

(This Act received the assent of the Governor on the 9th September 2000; assent was first published in the *Maharashtra Government Gazette*, Extraordinary Part IV, on the 13th September 2000.)

An Act further to amend the Bombay Municipal Corporation Act, the Bombay Provincial Municipal Corporations Act, 1949, the City of Nagpur Corporation Act, 1948 and the Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships Act, 1965.

Bom
III of
1888. WHEREAS it is expedient further to amend the Bombay
Municipal Corporation Act, the Bombay Provincial Municipal
Bom. Corporations Act, 1949, the City of Nagpur Corporation Act,
LIX
of 1949. 1948 and the Maharashtra Municipal Councils, Nagar
Panchayats and Industrial Townships Act, 1965, for the
C.P. purposes hereinafter appearing; It is hereby enacted in the
and Forty-sixth Year of the Republic of India as follows :—
Berar
II of
1950.
Mah.
KL of
1965.

CHAPTER I

PRELIMINARY

1. This Act may be called the Maharashtra Municipal Short title.
Corporations and Municipal Councils, Nagar Panchayats and
Industrial Townships (Second Amendment) Act, 1995.

2. and 3. (The Amendments made by Chapters II and III
have been incorporated in the Bombay Municipal Corporation
Act and the Bombay Provincial Municipal Corporations
Act, 1949.)

¹ For Statement of Objects and Reasons, see *Maharashtra Government Gazette*, Part-V, Page 209. dated the 14th September 1995.

CHAPTER IV

AMENDMENT TO THE CITY OF NAGPUR CORPORATION ACT, 1948

Amendment
of section
15 of C. P.
and Berar
II of 1950.

4. In section 15 of the City of Nagpur Corporation Act, 1948, after clause (i), before the *Explanation*, the following clause shall be added, namely :—

C.P.
and
Berar
II of
1950.

“(j) has more than two children :

Provided that, a person having more than two children on the date of commencement of the Maharashtra Municipal Corporations and Municipal Councils, *Nagar Panchayats* and Industrial Townships (Second Amendment) Act, 1995 (hereinafter in this clause referred to as “the date of such commencement”), shall not be disqualified under this clause so long as the number of children he had on the date of such commencement does not increase :

Mah.
XLIII
of
2000.

Provided further that, a child or more than one child born in a single delivery within the period of one year from the date of such commencement shall not be taken into consideration for the purpose of disqualification mentioned in this clause.

Explanation.—For the purposes of this clause,—

(i) where a couple has only one child on or after the date of such commencement, any number of children born out of a single subsequent delivery shall be deemed to be one entity ;

(ii) “child” does not include an adopted child or children”.

5. (*The amendment made by Chapter V has been incorporated in the Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships Act, 1965.*)

**THE MAHARASHTRA MUNICIPAL CORPORATIONS
AND MUNICIPAL COUNCILS (AMENDMENT)
AND TEMPORARY PROVISIONS FOR
CONDUCT OF ELECTIONS OF MUNICIPAL
CORPORATIONS ACT, 2001**

CONTENTS

PREAMBLE.

SECTIONS.

CHAPTER I

PRELIMINARY

1. Short title and commencement.
- 2.-7. [*The amendments made by Chapters II and III have been incorporated in the Mumbai Municipal Corporation Act and the Bombay Provincial Municipal Corporations Act, 1949.*]

CHAPTER IV

AMENDMENTS TO THE CITY OF NAGPUR CORPORATION ACT, 1948.

8. Amendment of section 9 of C.P. and Berar II of 1950.
9. Amendment of section 15 of C.P. and Berar II of 1950.
10. Amendment of section 420 of C.P. and Berar II of 1950.
- 11.-20. [*The amendments made by Chapter V have been incorporated in the Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships Act, 1965.*]

CHAPTER VI

TEMPORARY PROVISIONS FOR CONDUCT OF ELECTIONS TO
MUNICIPAL CORPORATIONS.

21. Election Programme and other incidental provisions with regard to elections.

CHAPTER VII

MISCELLANEOUS.

22. Removal of doubt. [*Not Printed*]
23. Power to remove difficulties.
24. Repeal of Mah. Ord. XXVIII of 2001, Mah. Ord. XXXII of 2001, Mah. Ord. XXXIV of 2001 and Mah. Ord. XXXVII of 2001 and saving.

SCHEDULE

MAHARASHTRA ACT No. VIII OF 2002¹.

[THE MAHARASHTRA MUNICIPAL CORPORATIONS AND MUNICIPAL COUNCILS
(AMENDMENT) AND TEMPORARY PROVISIONS FOR CONDUCT OF
ELECTIONS OF MUNICIPAL CORPORATIONS ACT, 2001.]

(This Act received the assent of the Governor on the 2nd January 2002; assent was first published in the *Maharashtra Government Gazette*, Extraordinary, Part IV, on the 5th January 2002.)

An Act further to amend the Mumbai Municipal Corporation Act, the Bombay Provincial Municipal Corporations Act, 1949, the City of Nagpur Corporation Act, 1948 and the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965 and to make certain temporary provisions for conduct of general elections of Municipal Corporations.

WHEREAS both the Houses of the State Legislature were not in session;

AND WHEREAS the Governor of Maharashtra was satisfied that circumstances existed which rendered it necessary for him to take immediate action further to amend the Mumbai Municipal Corporation Act, the Bombay Provincial Municipal Corporations Act, 1949, the City of Nagpur Corporation Act, 1948 and the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965 and to make certain temporary provisions for conduct of general elections of Municipal Corporations, for the purpose hereinafter appearing; and therefore promulgated the Maharashtra Municipal Corporations and Municipal Councils (Amendment) Ordinance, 2001, on the 7th September 2001, the Mumbai Municipal Corporation (Amendment) Ordinance, 2001, on the 20th October 2001, the Maharashtra Municipal Corporations (Amendment) and Temporary Provisions for Conduct of Elections of Municipal Corporations Ordinance, 2001, on the 7th November 2001 and the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships (Second Amendment) Ordinance, 2001, retrospectively with effect from the 16th October 2001, on the 15th November 2001;

¹ For Statement of Objects and Reasons, see *Maharashtra Government Gazette*, Extraordinary, Part V-A, pages 489-491, dated the 4th December 2001.

AND WHEREAS it is expedient to replace the said Ordinances by a consolidated Act of the State Legislature; it is hereby enacted in the Fifty-second Year of the Republic of India, as follows :—

CHAPTER I

PRELIMINARY

Short title and commencement. **1.** (1) This Act may be called the Maharashtra Municipal Corporations and Municipal Councils (Amendment) and Temporary Provisions for Conduct of Elections of Municipal Corporations Act, 2001,

(2) (i) Sections 2, 3, 5(ii), 6, 8(a), 9, 11 and 13 to 20 and 23(i) of this Act, shall be deemed to have come into force on the 7th September 2001,

(ii) section 4 shall be deemed to have come into force on the 20th October 2001,

(iii) sections 5(i), 7, 8(b), 10, 21 and 23(ii) shall be deemed to have come into force on the 7th November 2001, and

(iv) sections 12 and 22 shall be deemed to have come into force on the 16th October 2001.

2.-7. [*The amendments made by Chapters II and III have been incorporated in the Mumbai Municipal Corporation Act and the Bombay Provincial Municipal Corporations Act, 1949.*]

CHAPTER IV

AMENDMENTS TO THE CITY OF NAGPUR CORPORATION ACT, 1948.

Amendment of section 9 of C.P. and Berar II of 1950. **8.** In section 9 of the City of Nagpur Corporation Act, 1948 (hereinafter referred to as "the Nagpur Corporation Act"),— C.P. and Berar II of 1950.

(a) in sub-section (1), in clause (a), for the words "one hundred twenty-nine" the words "one hundred thirty-six" shall be substituted;

(b) for sub-section (2), the following sub-section shall be substituted, namely:—

"(2) The State Election Commission shall, from time to time, by notification in the *Official Gazette*, specify for the city the number and boundaries of the wards into which the city shall be divided for the purpose of ward election of Councillors, so that, as far as practicable, the number of person per seat in each ward shall approximately be the same according to the latest census figures. Each of the wards shall elect not less than three and not more than five Councillors :

Provided that, before any notification is issued under this sub-section, a draft thereof shall be published in the *Official Gazette* and in such manner, as in the opinion of State Election Commission is best calculated to bring the information to the notice of all persons likely to be affected thereby, together with a notice specifying date on or before which any objections or suggestions will be received and date after which the draft will be taken into consideration.

Explanation.—For the purposes of this Act, the expression “latest census figures”, obtaining in sub-section (2), shall mean,—

(a) the figures of the latest census finally published and pending publication of final figures of the latest census shall mean the provisional figures published of such census ; and

(b) where the relevant final or provisional figures of the latest census are not available, the final relevant figures of the census immediately preceding the latest census.”.

9. In section 15 of the Nagpur Corporation Act, after clause (j), the following clause shall be added, namely :—

Amendment
of section
15 of C. P.
and Berar
II of 1950.

“(k) is a Member of the State Legislature or of Parliament :

Provided that, nothing in this clause shall affect the membership of a sitting Councillor till the expiry of his current term of office as such Councillor :

Provided further that, any action taken by such Councillor during the period from the 7th October 2001 till the 20th October 2001, being the date of publication of the Maharashtra Municipal Corporations and Municipal Councils (Amendment) (Amendment) Ordinance, 2001, shall be deemed to have been validly taken and shall not be challenged in any court of law only on the ground that during the said period he had incurred disqualification under this clause.”.

Mah.
Ord.
XXXI
of
2001.

10. In section 420 of the Nagpur Corporation Act, to sub-section (1), the following proviso shall be added, namely :—

Amendment
of section
420 of
C.P. and
Berar II
of 1950.

“Provided that, if the State Government is satisfied that circumstances exist which render it necessary to take immediate action, it may dispense with the requirement of previous publication of the rules to be made under this section, for the purpose of conduct of election, under this Act.”.

11-20. [The amendments made by Chapter V have been incorporated in the Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships Act, 1965.]

CHAPTER VI

TEMPORARY PROVISIONS FOR CONDUCT OF ELECTIONS TO MUNICIPAL CORPORATIONS.

21. Notwithstanding anything contained in the relevant Municipal Law or the election rules contained therein or made thereunder, the provisions specified in the Schedule appended hereto, shall operate for holding of general elections, for the purpose of reconstituting the Corporation which are to be held immediately after the date of coming into force of this Act, or before expiry of its term, or before March 2002.

Election
Programme
and other
incidental
provisions
with
regard to
elections.

Explanation.—For the purposes of this Act, the expression “relevant municipal law” means,—

(a) in the case of Municipal Corporation of Brihan Mumbai, the Mumbai Municipal Corporation Act ;

Bom.
III of
1888.
C.P.
and
Berar
II of
1950.

(b) in the case of the Corporation of the City of Nagpur, the City of Nagpur Corporation Act, 1948 ;

(c) in the case of any other Corporation, the Bombay Provincial Municipal Corporations Act, 1949.

Bom.
LIX
of
1949.

CHAPTER VII

MISCELLANCOUS

22. Removal of doubt. [*Not Printed*]

Power to
remove
difficulties.

23. If any difficulty arises in giving effect to the provisions of,—

(i) any of the relevant municipal law or the Municipal Councils Act as amended by this Act, the State Government or, as the case may be, the State Election Commission, may by order published in the *Official Gazette*, give such directions, not inconsistent with the provisions of the relevant municipal law or the Municipal Councils Act, as amended by this Act, as may appear to it to be necessary or expedient for the purposes of removing the difficulty ;

(ii) any of the relevant municipal law or rules contained therein or made thereunder, as they stand amended by this Act, or, as also to any other provision in any of the relevant municipal law or the rules contained therein or made thereunder or by reason of anything contained therein, the State Election Commission may, as occasion arises, by order, take such action as appears to it to be necessary for the purpose of removing such difficulty :

Provided that, no such order shall be made after the expiry of a period of two years from the date of commencement of this Act.

24. (1) The Maharashtra Municipal Corporations and Municipal Councils (Amendment) Ordinance, 2001, the Mumbai Municipal Corporation (Amendment) Ordinance, 2001, the Maharashtra Municipal Corporations (Amendment) and Temporary Provisions for Conduct of Elections of Municipal Corporations Ordinance, 2001 and the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships (Second Amendment) Ordinance, 2001, are hereby repealed.

Mah.
Ord.
XXVIII
of 2001.
Mah.
Ord.
XXXII
of 2001.

(2) Notwithstanding such repeal, anything done or any action taken under the corresponding provisions of the relevant Municipal Law or the Municipal Councils Act, as amended by the said Ordinances, shall be deemed to have been done or taken under the corresponding provisions of the relevant municipal laws or the Municipal Councils Act, as amended by this Act.

Mah.
Ord.
XXXIV
of 2001.
Mah.
Ord.
XXXVII
of 2001.

SCHEDULE

(See section 21)

Temporary Provisions with regard to Elections of Municipal Corporations

1. (a) When fixing the dates for holding of an election, the State Election Commission shall, without prejudice to its general powers of superintendence, direction and control in the matter of election, appoint,—

(i) the date for the publication of notice of programme of election by the Municipal Commissioner, which shall be the third day of the authentication of the ward roll ;

(ii) the last date for making nomination which shall be the seventh day from the date of publication of notice or programme of election ; and the nomination forms shall be issued and received for the first six days between 11-00 a.m. and 3-00 p.m. and on the last day, that is to say, the seventh day, shall be issued between 11-00 a.m. and 2-00 p.m. and shall be received before 3-00 p.m. ;

(iii) the date for the scrutiny of nomination papers, which shall be the day following the last date for making nominations ;

(iv) the last date for the withdrawal of candidature which shall be the third day (between 11-00 a.m. and 3-00 p.m.), after the date of the scrutiny ;

(v) the date for allotment of symbols which shall be the day following the last date of withdrawal ;

(vi) the date for publication of list of contesting candidates which shall be the day following the date of allotment of symbols ;

(vii) the date on which and the time during which a poll shall, if necessary, be taken which shall not be earlier than the twentieth day after the date of publication of list of contesting candidates and the poll shall be conducted between 7-30 a.m. and 5-30 p.m. ;

(viii) the date and the time and place for the counting of votes, which shall be the date following the date of poll ;

(ix) the date before which results shall be published in the *Official Gazette* which shall be the second day from the date of declaration of results.

(b) It shall be lawful for the State Election Commission to vary these dates in special circumstances such as natural calamity and law and order situation, after recording the reason therefor in writing.

2. A deposit of rupees three thousand shall be paid by each candidate on or before the date appointed for filling of the nomination by the candidates :

Provided that, if the seat is reserved for woman or for a candidate belonging to Scheduled Castes, or for Scheduled Tribes or, as the case may be, for the Backward Class of Citizens, the sum to be so deposited by or on behalf of a candidate shall be one thousand five hundred rupees.

3. The counting of the votes shall be done by mixing the ballot papers of the entire municipal ward.

4. (i) Notwithstanding anything contained in the relevant municipal law or in the election rules contained therein or made thereunder, it shall be lawful for the Municipal Commissioner or any other Officer authorised by the State Election Commission, under intimation to the concerned officer or authority, to requisition the officers or employees of any Government Department, local authority, corporation or company or body set up by the Government or teachers and other employees in Government or aided colleges and schools, for official duty in connection with the election and such officers and employees may be appointed as the Returning Officers, Presiding Officers, Polling Officers or in any other capacity in connection with the election ;

(ii) Except as otherwise provided by this Act, the provisions with regard to elections contained in any relevant municipal law, and the rules contained therein or made thereunder shall, to the extent they are not inconsistent with the provisions made by this Act shall, *mutatis mutandis*, apply in respect of any matter contained in this Act or any matter connected therewith.



महाराष्ट्र शासन राजपत्र

असाधारण
प्राधिकृत प्रकाशन

मंगळवार, जुलै १८, २००६/ आषाढ २७, शके १९२८

स्वतंत्र संकलन म्हणून फाईल करण्यासाठी या भागाला वेगळे पृष्ठ क्रमांक दिले आहेत

भाग आठ

महाराष्ट्र विधानमंडळाचे अधिनियम व राज्यपालांनी प्रख्यापित केलेले अध्यादेश व केलेले विनियम आणि विधी व न्याय विभागाकडून आलेली विधेयके (इंग्रजी अनुवाद).

In pursuance of clause (3) of article 348 of the Constitution of India, the following translation in English of the Mumbai Municipal Corporation (Amendment) Act, 2006 (Mah. Act No: XXIV of 2006), is hereby published under the authority of the Governor.

By order and in the name of the Governor of Maharashtra,

A. M. SHINDEKAR,
Secretary to Government,
Law and Judiciary Department.

MAHARASHTRA ACT No. XXIV OF 2006.

(First published, after having received the assent of the Governor, in the "Maharashtra Government Gazette", on the 18th July 2006).

An act further to amend the Mumbai Municipal Corporation Act. Short title.

Bom. III
of 1888.

WHEREAS it is expedient further to amend the Mumbai Municipal Corporation Act, for the purposes hereinafter appearing; it is hereby enacted in the Fifty-seventh Year of the Republic of India as follows:—

1. This Act may be called the Mumbai Municipal Corporation (Amendment) Act, 2006.

Bom. III
of 1888.

2. In section 460H of the Mumbai Municipal Corporation Act (hereinafter referred to as "the principal Act"), in sub-section (4), for the words "ten rupees" the words "equal to ten times of the fare due" shall be substituted. (४९४)

Amendment
of section
460H of
Bom. III of
1888.

Amendment
of section
471 of Bom.
III of 1888.

3. In section 471 of the principal Act, for the existing Table, the following Table shall be substituted, namely :—

"Sr. No.	Section, sub-section or clause	Subject	Fine which may be imposed	Minimum fine which shall be imposed
(1)	(2)	(3)	(4)	(5)
1.	Section 149	Notice to be given of transfer of title.	Two thousand rupees	Five hundred rupees
2.	Section 150	Requisition to produce instrument of transfer.	Two thousand rupees	Five hundred rupees
3.	Section 152	Notice to be given of the erection of new building, etc.	Two thousand rupees	Five hundred rupees
4.	Section 191 A, sub-section (3)	Return to be forwarded by an owner or person in charge of a dog.	One thousand rupees	Two hundred fifty rupees
5.	Section 191 H	Return to be submitted by person liable to theatre tax.	Two thousand and five hundred rupees	Five hundred rupees
6.	Section 223, sub-section (1)	Building, etc., not to be erected without permission over drains.	Five thousand rupees	One thousand rupees
7.	Section 229	Connections, with municipal drains, etc., not to be made except in conformity with section 227 or 228.	Five thousand rupees	One thousand rupees
8.	Section 229 A, sub-section (1)	Building, etc., not to be erected without permission over any drains.	Five thousand rupees	One thousand rupees
9.	Section 230 A	Owner of land to allow others to carry drains through the land.	Two thousand and five hundred rupees	Five hundred rupees
10.	Section 231	Requisition to enforce drainage of undrained premises situated within a hundred feet of a municipal drain.	Two thousand and five hundred rupees	Five hundred rupees
11.	Section 232	Requisition to enforce drainage of undrained premises not situated within a hundred feet of a municipal drain.	Two thousand and five hundred rupees	Five hundred rupees
12.	Section 233, sub-section (1), clause (b)	Direction limiting use of drain or notice requiring the construction of a distinct drain.	Two thousand and five hundred rupees	Five hundred rupees
13.	Section 233 A, clause (b)	Drains for sole use of properties to be maintained in good repair, etc., by owner or occupier of the property.	Two thousand and five hundred rupees	Five hundred rupees
14.	Section 234	New building not to be erected without drains.	Fine not to be exceed five thousand rupees	.....
15.	Section 235	Excrementitious matter not to be passed into cesspool.	Five thousand rupees	One thousand rupees
16.	Section 236	Owners of drains to allow use thereof, or joint ownership therein, to others.	Two thousand and five hundred rupees	Five hundred rupees

(1)	(2)	(3)	(4)	(5)
17.	Section 240	... Drains not to pass beneath buildings.	Ten thousand rupees	Two thousand rupees
18.	Section 241	... Provisions as to position of cesspools.	Ten thousand rupees	Two thousand rupees
19.	Section 243, sub-section (2)	... Requisition to cover or ventilate drain or cesspool.	Two thousand and five hundred rupees	Five hundred rupees
20.	Section 246 A, sub-section (1)	... Water-closets and privies not to be constructed without permission or in contravention of terms prescribed.	Ten thousand rupees	Two thousand rupees
21.	Section 247	... Buildings newly erected or re-erected to be provided with water-closet and other accommodation.	Ten thousand rupees	Two thousand rupees
22.	Section 248, sub-section (1)	... Requisition to enforce provision of privy accommodation, etc.	Ten thousand rupees	Two thousand rupees
23.	Section 249	... Requisition to provide privy accommodation for factories, etc.	Ten thousand rupees	Five thousand rupees
24.	Section 249 A	... Requisition respecting unhealthy privies.	Ten thousand rupees	Two thousand rupees
25.	Section 250, sub-section (1)	... Provisions as to privies.	Two thousand rupees	Five hundred rupees
26.	Section 251, proviso	... Provisions as to water-closets.	Two thousand rupees	Five hundred rupees
27.	Section 251 A	... Provisions as to privies and water-closets.	Ten thousand rupees	Two thousand and five hundred rupees
28.	Section 251 B	... Provisions as to use of places for bathing or washing clothes or domestic utensils.	Two thousand and five hundred rupees	Five hundred rupees
29.	Section 257	... Requisition to effect sanitary repairs, etc.	Two thousand and five hundred rupees	Five hundred rupees
30.	Section 259 A, sub-sections (1) and (4)	... Provisions as to employment of licensed plumber and use of work.	Ten thousand rupees	Two thousand rupees
31.	Section 259 A, sub-sections (2) and (3)	... Licensed plumber to give and sign certificate.	Two thousand and five hundred rupees	Five hundred rupees
32.	Section 268, sub-section (1)	... Building, etc., not to be erected over water main without permission.	Five thousand rupees	One thousand rupees
33.	Section 269, sub-section (3)	... Water not to be carried away from public water supply for sale, and not to be carried in cask, etc., without permission.	Five thousand rupees	Five hundred rupees
34.	Section 270, sub-section (2)	... Public water supply set apart for particular purpose not to be used for other purpose.	Five thousand rupees	One thousand rupees
35.	Section 270 A	... Premises not to be occupied without Commissioner's certificate in respect of adequate water supply.	Ten thousand rupees	Two thousand rupees
36.	Section 271, sub-section (2)	... Requisition to obtain private water supply and to provide supply and distributing pipes, etc.	Ten thousand rupees	Two thousand rupees

(1)	(2)	(3)	(4)	(5)
37.	Section 272, sub-section (1)	Provisions as to making and renewing of connections with municipal water works.	Ten thousand rupees	Two thousand rupees
38.	Section 272, sub-section (5)	Provision as to unauthorised connections with municipal water works, etc.	Two thousand and five hundred rupees.	Five hundred rupees
39.	Section 274	Requisition to provide cistern and putting of means of access to any cistern.	Two thousand and five hundred rupees.	Five hundred rupees
40.	Section 274 A	Requisition to provide for keeping cisterns locked.	Two thousand and five hundred rupees.	Five hundred rupees
41.	Section 275	Supply or distributing pipes, etc., to be kept in efficient repair by owner or occupier of premises.	Two thousand and five hundred rupees.	One thousand rupees
42.	Section 278, sub-section (2)	Requisition to remedy defect in meter (supply or distributing pipes), etc.	Five thousand rupees	Five hundred rupees
43.	Section 280	Conditions as to use of water not to be contravened.	Five thousand rupees	One thousand rupees
44.	Section 282	Prohibition of fraudulent and unauthorised use of water.	Five thousand rupees	One thousand rupees
45.	Section 287 B, sub-section (1)	Work under Chapter X to be done by licensed plumber.	Ten thousand rupees	Two thousand rupees
46.	Section 287 B, sub-section (2)	Name of licensed plumber to be furnished.	One thousand rupees	Two hundred and fifty rupees.
47.	Section 297, sub-section (3)	Construction of building within the regular line of street without permission	Twenty-five thousand rupees	Five thousand rupees
48.	Section 304, sub-section (1)	Land not to be appropriated for building and private streets not to be laid out until expiration of notice nor otherwise than in accordance with Commissioner's direction.	Twenty-five thousand rupees.	Five thousand rupees
49.	Section 305	Requisition as to levelling and draining of private streets.	Five thousand rupees	One thousand rupees
50.	Section 308, sub-section (1)	Prohibition of projections upon streets, etc.	Ten thousand rupees	Two thousand rupees
51.	Section 308, sub-section (2)	Requisition to remove the same.	Ten thousand rupees	Two thousand rupees
52.	Section 309, sub-section (1)	Requisition to remove or alter projections, etc., made before Act III of 1872 came into force.	Ten thousand rupees	Two thousand rupees

(1)	(2)	(3)	(4)	(5)
53.	Section 311	... Ground floor doors, etc., not to open outwards on streets.	One thousand rupees	Two hundred rupees
54.	Section 312, sub-section (1)	... Prohibition of structures or fixtures causing obstruction in streets.	Ten thousand rupees	Two thousand rupees
55.	Section 313, sub-section (1)	... Prohibition of deposits, etc., of things in streets.	Two thousand rupees	Two hundred and fifty rupees
56.	Section 313A	... Prohibition of hawking articles for sale in a public place or street without a licence.	Two thousand and five hundred rupees	Five hundred rupees
57.	Section 313B	... Prohibition in a public place or street of use of skill in handicraft or in rendering services without licence.	Two thousand and five hundred rupees	Five hundred rupees
58.	Section 315	... Requisition to remove structures or fixtures erected or set up before section 312 came into force.	Five thousand rupees	One thousand rupees
59.	Section 316, sub-section (1)	... Prohibition of the tethering of animals in public streets.	One thousand rupees	Two hundred rupees
60.	Section 319, sub-section (2)	... Direction to close street in which work is in progress.	Two thousand and five hundred rupees.	Five hundred rupees
61.	Section 321, sub-section (2)	... Shoring-timber fence, etc., employed to secure public safety while Municipal works are in progress, not to be removed.	Two thousand and five hundred rupees.	Five hundred rupees
62.	Section 322, sub-section (1)	... Street not to be opened or broken up and building materials not to be deposited thereon without permission.	Two thousand and five hundred rupees	Five hundred rupees
63.	Section 323	... Precautions for public safety to be taken by persons to whom permission is granted under section 322.	Two thousand and five hundred rupees	Five hundred rupees
64.	Section 324, sub-section (1)	... Persons to whom permission is granted under section 322 must reinstate streets.	Two thousand and five hundred rupees	Five hundred rupees
65.	Section 325	... Provision to be made by persons to whom permission is granted under section 322 for traffic, etc., when their works interrupt.	Ten thousand rupees	Two thousand rupees
66.	Section 326	... Hoards to be set up during work on any building adjacent to a street.	Two thousand and five hundred rupees	Five hundred rupees
67.	Section 327, sub-section (2)	... Name of street and number or sub-number of premises or part thereof not to be destroyed or defaced.	One thousand rupees	Two hundred rupees
68.	Section 328, sub-section (1)	... Skysigns not to be erected or retained without permission.	Five thousand rupees	One thousand rupees
69.	Section 328A, sub-section (1)	... Advertisements on certain sites, vehicles, etc., not to be exhibited without permission.	Five thousand rupees	One thousand rupees
70.	Section 329, sub-section (1)	... Requisition to repair, protect or enclose dangerous place.	Two thousand and five hundred rupees	Five hundred rupees
71.	Section 331	... Prohibition of removal, etc., of lamps	Five thousand rupees	One thousand rupees

(1)	(2)	(3)	(4)	(5)
72.	Section 333, sub-sections (1), (2) and (3)	Provision as to manner of laying gas-pipes.	Ten thousand rupees	Two thousand rupees
73.	Section 334, sub-section (1)	Requisition to alter situation of gas-pipes, etc.	One thousand rupees	Two hundred rupees
74.	Section 335, sub-section (1)	Buildings, etc., not to be erected without permission over municipal gas-pipes.	Five thousand rupees	One thousand rupees
75.	Section 344A	Provision for supervision of buildings and works.	Ten thousand rupees	.....
76.	Section 347, sub-section (1)	Work not to be commenced without notice.	Fifty thousand rupees	Ten thousand rupees
77.	Section 347A	Building not to be converted to other purposes without the permission of the Commissioner.	Ten thousand rupees	.....
78.	Section 347B	Building or any part of a building originally constructed or authorised to be used for human habitation not to be used as a godown, etc., without permission.	Twenty thousand rupees	Five thousand rupees
79.	Section 347C	Building originally constructed or authorised to be used for human habitation not to be altered without permission for the purpose of using it as a godown, etc.	Twenty-five thousand rupees	Five thousand rupees
80.	Section 349	Roofs and external walls of buildings not to be made of inflammable articles.	Two thousand rupees	Four hundred rupees
81.	Sections 349A and 349B	Provision as to height of buildings.	Twenty thousand rupees	Four thousand rupees
82.	Section 349C	Provision as to height of frame buildings.	Fifty thousand rupees	Ten thousand rupees
83.	Section 349D	Alteration and provision of staircase to allow safe exit in the event of fire.	Twenty thousand rupees	Four thousand rupees
84.	Section 353	Provision for enforcement of provisions concerning buildings and walls.	Fifty thousand rupees	Ten thousand rupees
85.	Section 353A	Provision as to completion certificates.	Twenty-five thousand rupees	Five thousand rupees
86.	Section 354AA, sub-section (7)	Erection or re-erection of any building in contravention of the declaration.	Twenty thousand rupees	Four thousand rupees
87.	Section 354RK, sub-section (8)	Construction or re-construction of building within any re-development area without permission.	Ten thousand rupees	Two thousand rupees
88.	Section 356	Regulations prescribed for licensed surveyors and plumbers.	One thousand rupees	Two hundred rupees

(1)	(2)	(3)	(4)	(5)
89.	Section 357	... Licensed plumber not to demand or receive more than the prescribed fee.	One thousand rupees	Two hundred rupees
90.	Section 358	... Licensed plumber to be bound to execute work properly.	One thousand rupees	Two hundred rupees
91.	Section 368, sub-sections (1), (2), (3) and (4)	... Collection, removal and deposit of refuse and provision of receptacles.	Ten thousand rupees	Two thousand and five hundred rupees.
92.	Section 370	... Collection and removal of excrementitious and polluted matter to be provided for by occupier in certain cases.	One thousand rupees	Two hundred fifty rupees
93.	Section 371	... Halalkhore's duties in certain cases not to be discharged by private individuals without permission.	Five hundred rupees	One hundred rupees
94.	Section 372, clauses (a), (b), (c), (d), (e) and (f)	... Provision as to removal of refuse.	Two thousand and five hundred rupees	Five hundred rupees
95.	Section 372, clause (g)	... Provision as to removal and skinning of carcasses.	Five thousand rupees	One thousand rupees
96.	Section 375	... Requisition to cleanse and lime wash building.	Five thousand rupees	One thousand rupees
97.	Section 375A	... Requisition to remove building materials, etc., from any premises.	Five thousand rupees	One thousand rupees
98.	Section 376	... Prohibition of nuisance, in unoccupied or abandoned premises.	Five thousand rupees	One thousand rupees
99.	Section 377	... Requisition to cleanse, etc., neglected premises.	Five thousand rupees	One thousand rupees
100.	Section 377A, sub-sections (1) and (2)	... Requisition to abate nuisance or to prevent recurrence due to leakage in the roofs of buildings.	Two thousand and five hundred rupees	Five hundred rupees
101.	Section 378, sub-section (2)	... Provision as to buildings unfit for human habitation.	Five thousand rupees	One thousand rupees
102.	Section 379	... Owner or occupier of a house within seven days of receipt of notice, to give statement of accommodation.	Five thousand rupees	One thousand rupees
103.	Section 379A, sub-section (1)	... Requisition by Metropolitan Magistrate to abate overcrowding.	Two thousand rupees	Four hundred rupees
104.	Section 379A, sub-section (3)	... Requisition by owner pursuant to order under sub-section (1).	Two thousand rupees	Four hundred rupees
105.	Section 380	... Requisition to remove or alter insanitary huts.	Two thousand and five hundred rupees	Five hundred rupees
106.	Section 381	... Requisition to fill in pools, etc., which are a nuisance.	Ten thousand rupees	Two thousand rupees
107.	Section 381A, sub-section (1)	... Digging or constructing well, etc., without permission.	Five thousand rupees	Two thousand rupees

(1)	(2)	(3)	(4)	(5)
108.	Section 381A, sub-section (2)	... Requisition to fill in or demolish well, etc.	Ten thousand rupees	Two thousand rupees
109.	Section 381B	... Prohibition of mosquito breeding in collection of water on any land.	Ten thousand rupees	Two thousand rupees
110.	Section 382	... Requisition to discontinue dangerous quarrying.	Ten thousand rupees	Two thousand rupees
111.	Section 383, sub-section (1)	... Requisition to remove or trim trees, shrubs or hedges.	One thousand rupees	Two hundred rupees
112.	Section 384, sub-section (1)	... Prohibitions as to keeping of animals.	Two thousand and five hundred rupees	Five hundred rupees
113.	Section 384A	... Requisition to discontinue, etc., stabling animals or storing grains, etc., in dwelling house.	Two thousand and five hundred rupees	Five hundred rupees
114.	Section 385, sub-section (2)	... Prompt notice to be given to Health Department for removal of carcasses of dead animals without authorisation of the Commissioner.	One thousand rupees	One hundred rupees
115.	Section 388, clauses (e), (f) and (g)	... Prohibition of bathing, etc., contrary to order of regulation.	Five thousand rupees	Two hundred fifty rupees
116.	Section 390, sub-section (1)	... Factory, etc., not to be newly established or worked without permission.	Fifty thousand rupees	Ten thousand rupees
117.	Section 390, sub-section (3)	... Prohibition of continuance or resumption of working of factory, etc., after revocation of written permission for its establishment.	Fifty thousand rupees	Ten thousand rupees
118.	Section 392, sub-section (1)	... Requisition for sanitary regulation of factories.	Twenty-five thousand rupees	Five thousand rupees
119.	Section 393, sub-section (1)	... Prohibition of use of steam-whistle, etc., without permission.	One thousand rupees	Two hundred rupees
120.	Section 394, sub-section (1), clauses (a) (ii) and (b) to (f)	... Certain articles not to be kept and certain trades, processes and operations not to be carried on without licence.	Twenty-five thousand rupees	Five thousand rupees
121.	Section 394, sub-section (6)	... Licence to be kept on premises, board to be displayed indicating nature of articles kept or trade carried on and proper labels to be put on licensable articles.	Two thousand and five hundred rupees	Five hundred rupees
122.	Section 395, sub-section (1)	... Prohibition of corruption of water by chemicals, etc.	Twenty thousand rupees	Four thousand rupees
123.	Section 397, sub-section (1)	... Regulation of washing of clothes by washermen.	Two thousand rupees	Four hundred rupees
124.	Section 401, sub-section (1)	... Prohibition of sale in Municipal market without licence.	Two thousand and five hundred rupees	Five hundred rupees
125.	Section 402, sub-section (2)	... New private market not to be opened without sanction.	Fifty thousand rupees	Ten thousand rupees
126.	Section 403, sub-section (1)	... Private market or slaughter-house not to be kept or permitted to be kept open without licence.	Ten thousand rupees	Two thousand rupees

(1)	(2)	(3)	(4)	(5)
127.	Section 404	... Prohibition of sale in unauthorised private market.	One thousand rupees	Two hundred fifty rupees
128.	Section 405	... Requisition to pave and drain private market buildings and slaughter-houses.	Five thousand rupees	One thousand rupees
129.	Section 406	... Regulations framed for markets and slaughter-houses.	One thousand rupees	Two hundred fifty rupees
130.	Section 407A	... Removal of cattle, sheep, goats or swine from any municipal slaughter-house, market or premises.	One thousand rupees	Five hundred rupees
131.	Section 408, sub-section (2)	... Regulations and table of stallage, fees and rents affixed in markets and slaughter-houses not to be destroyed or defaced.	Five hundred rupees	One hundred rupees
132.	Section 410, sub-section (1)	... Prohibition of sale of animals, etc., except in a market.	Two thousand and five hundred rupees	Five hundred rupees
133.	Section 411	... Butchers and persons who sell or supply flesh of animal to be licensed.	Ten thousand rupees	Two thousand rupees
134.	Section 412A	... Milk, butter, etc., not to be sold without a licence.	Two thousand and five hundred rupees	Five hundred rupees
135.	Section 421	... Information to be given of existence of dangerous disease or continuous pyrexia of unknown origin by medical practitioners.	Five thousand rupees	One thousand rupees
136.	Section 423, sub-section (2)	... Prohibition of use for drinking of water likely to cause dangerous disease.	Five thousand rupees	One thousand rupees
137.	Section 424, sub-section (2)	... Direction to remove patients to hospital.	Five thousand rupees	One thousand rupees
138.	Section 425, sub-section (1)	... Requisition to disinfect buildings.	Five thousand rupees	One thousand rupees
139.	Section 426A, sub-section (1)	... Second-hand clothing and bedding not to be brought into city without informing the Commissioner and getting them inspected.	Ten thousand rupees	Two thousand rupees
140.	Section 426A, sub-section (4)	... Second-hand clothing and bedding brought into city not to be dealt with or disposed of until a certificate by the Commissioner has been given.	Ten thousand rupees	Two thousand rupees
141.	Section 427, sub-section (2)	... Where a place for washing of infected articles has been appointed such articles not to be washed at places not so appointed.	Two thousand and five hundred rupees	Five hundred rupees
142.	Section 427, sub-section (3)	... Direction to disinfect or destroy infected articles.	Two thousand and five hundred rupees	Five hundred rupees
143.	Section 428, sub-section (1)	... Persons suffering from dangerous disease not to enter a public conveyance without notifying the same.	One thousand two hundred fifty rupees	Two hundred fifty rupees
144.	Section 430	... Provision as to carriage of persons suffering from dangerous disease in public conveyance.	Ten thousand rupees	Two thousand rupees

(1)	(2)	(3)	(4)	(5)
145.	Section 431	... Public conveyance which has carried a person suffering from dangerous disease to be disinfected.	Ten thousand rupees	Two thousand rupees
146.	Section 432, sub-section (1)	... Infected articles not to be transmitted, etc., without previous disinfection.	Ten thousand rupees	Two thousand rupees
147.	Section 433, sub-section (1)	... Infected building not to be let without being first disinfected.	Ten thousand rupees	Two thousand rupees
148.	Section 435	... Places for the disposal of the dead to be registered.	Five thousand rupees	One thousand rupees
149.	Section 437	... New places for disposal of the dead not to be opened without permission.	Twenty-five thousand rupees	Five thousand rupees
150.	Section 440, sub-section (1)	... Prohibition of burials within places of worship and exhumations without permission.	Ten thousand rupees	Two thousand rupees
151.	Section 441	... Acts prohibited in connection with the disposal of the dead.	Five thousand rupees	One thousand rupees
152.	Section 446, sub-section (1)	... Information of birth to be given within seven days.	Two thousand and five hundred rupees	Five hundred rupees
153.	Section 447	... Information respecting finding of new born child to be given.	Two thousand and five hundred rupees	Five hundred rupees
154.	Section 449	... Information of death to be given at the time when the corpse of the deceased is disposed of.	Two thousand and five hundred rupees	Five hundred rupees
155.	Section 450, sub-section (1)	... Medical practitioner who attended a deceased person to certify the cause of death.	Two thousand and five hundred rupees.	Five hundred rupees
156.	Section 457	... Obligation to fill up blank schedules and returns.	One thousand rupees	Two hundred rupees
157.	Section 459	... Military, naval and police officers and certain others if required, to act as enumerators.	One thousand rupees	Two hundred rupees
158.	Section 469, sub-section (1)	... Boards for exhibiting by-laws to be open to inspection.	One thousand rupees	Two hundred rupees
159.	Section 469, sub-section (2)	... Boards not to be injured or defaced, etc.	Five hundred rupees	One hundred rupees
160.	Section 479, sub-section (5)	... Grantee to be bound to produce licence or written permission.	One thousand rupees	Two hundred rupees
161.	Section 485A sub-section (2)	... Requisition to furnish information as to nature or interest in any premises.	One thousand rupees	Two hundred rupees
162.	Section 507, sub-section (3)	... Occupier of building or land to afford owner facilities for complying with provisions of this Act, etc., after eight days from issue of order by Chief Judge of Small Causes Court.	Ten thousand rupees	Two thousand rupees.

4. In section 472 of the principal Act, for the existing Table, the following Table shall be substituted, namely :—

Amendment of section 472 of Bom. III of 1888.

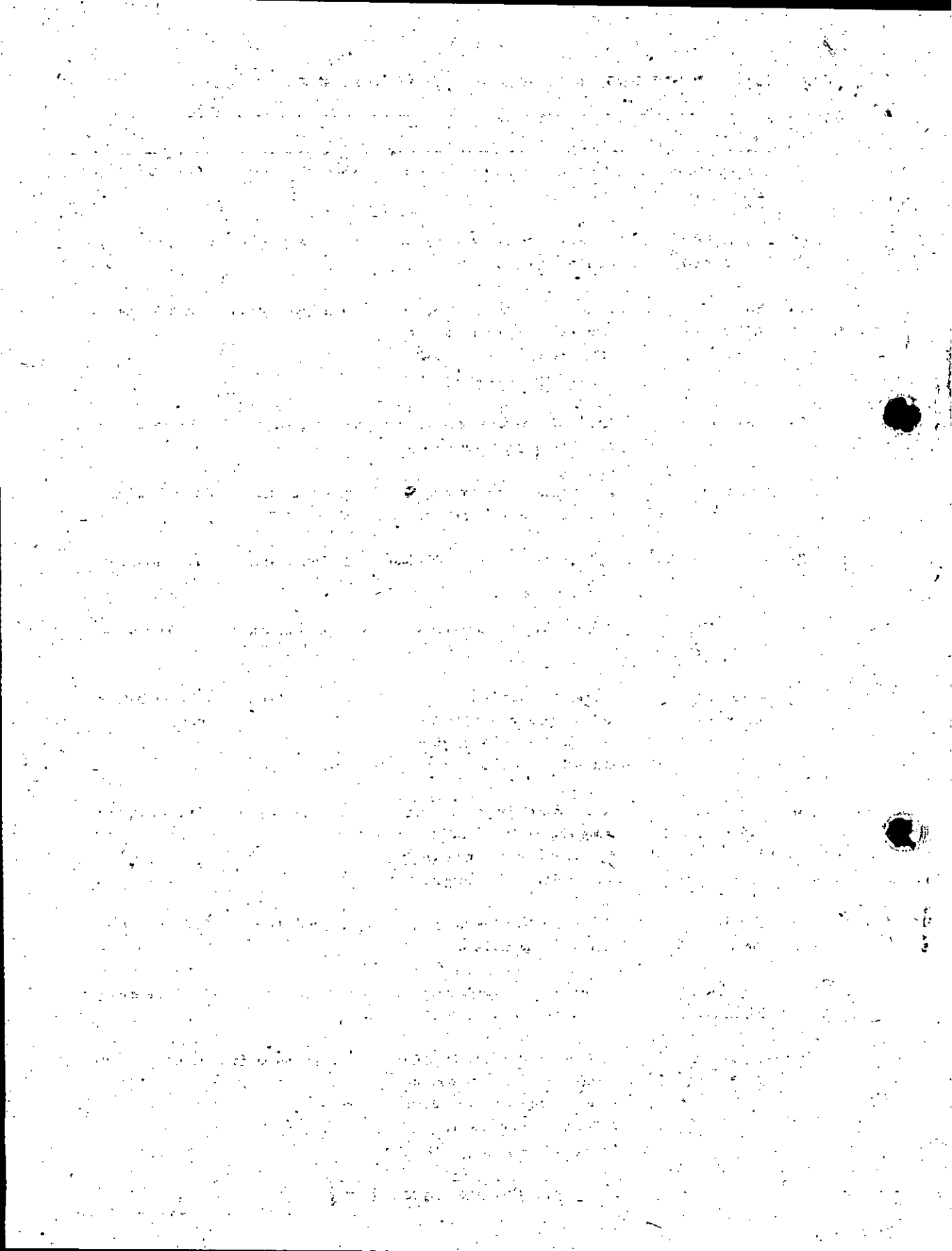
"Sr. No.	Section, sub-section or clause	Subject	Daily fine which may be imposed	Minimum daily fine which shall be imposed
(1)	(2)	(3)	(4)	(5)
1	Section 223, sub-section (J)	Buildings, etc., not to be erected without permission over municipal drains.	One thousand rupees	Two hundred rupees
2	Section 229	Connection with municipal drains, etc., not to be made except in conformity with section 227 or 228.	One thousand rupees	Two hundred rupees
3	Section 229A, sub-section (J)	Buildings, etc., not to be erected without permission over any drain.	One thousand rupees	Two hundred rupees
4	Section 230A	Owner of land to allow others to carry drain through the land.	Five hundred rupees	One hundred rupees
5	Section 231	Requisition to enforce drainage of undrained premises situated within a hundred feet of a municipal drain.	Five hundred rupees	One hundred rupees
6	Section 232	Requisition to enforce drainage of undrained premises not situated within a hundred feet of a municipal drain.	Five hundred rupees	One hundred rupees
7	Section 233, sub-section (J), clause (b)	Direction, limiting the use of drain of notice requiring the construction of a distinct drain.	Five hundred rupees	One hundred rupees
8	Section 233A, clause (b)	Drain for sole use of property to be maintained in good repair, etc., by owner or occupier of property.	Five hundred rupees	One hundred rupees
9	Section 236	Owners of drain to allow use or joint ownership thereof by others.	Five hundred rupees	One hundred rupees
10	Section 240	Drains not to pass beneath buildings.	One thousand rupees	Two hundred rupees
11	Section 243, sub-section (2)	Requisition to cover of ventilate drain or cesspool.	Five hundred rupees	One hundred rupees
12	Section 248, sub-section (J)	Requisition to enforce the provision of privy accommodation, etc.	Five hundred rupees	One hundred rupees
13	Section 249	Requisition to provide privy accommodation for factories.	Two thousand rupees	Five hundred rupees
14	Section 249A	Requisition respecting unhealthy privies.	Two thousand rupees	Five hundred rupees
15	Section 250, sub-section (J)	Provision to privies.	Five hundred rupees	One hundred rupees
16	Section 251	Provision as to water closets.	Five hundred rupees	One hundred rupees
17	Section 257	Requisition to effect sanitary repairs, etc.	One thousand rupees	Two hundred rupees
18	Section 259A, sub-sections (J) and (4)	Provisions as to employment of licensed plumber and use of work.	Five thousand rupees	One thousand rupees

(1)	(2)	(3)	(4)	(5)
19	Section 259A, sub-sections (2) and (3)	Licensed plumber to give and sign certificate.	One thousand rupees	Two hundred rupees
20	Section 268, sub-section (1)	Buildings, etc., not to be erected over water main without permission.	One thousand rupees	Five hundred rupees
21	Section 270A	Premises not to be occupied without Commissioner, certificate in respect of adequate water supply.	Five thousand rupees	One thousand rupees
22	Section 271, sub-section (2)	Requisition to obtain private water supply and to provide supply and distributing pipes, etc.	One thousand rupees	Two hundred rupees
23	Section 274	Requisition to provide cisterns and fittings or means of access to any cisterns.	One thousand rupees	Two hundred rupees
24	Section 297, sub-section (3)	Buildings not to be constructed within the regular line of street without permission.	Ten thousand rupees	Three thousand rupees
25	Section 305	Requisition as to levelling and draining of private streets.	One thousand rupees	Two hundred rupees
26	Section 312, sub-section (1)	Prohibition of structures or fixtures causing obstruction in streets.	Two thousand rupees	Five hundred rupees
27	Section 313, sub-section (1)	Prohibition of deposit, etc., of things in streets.	Two thousand rupees	Five hundred rupees
28	Section 313A	Prohibition of hawking or exposing for sale any article in a public place or street without a licence.	Five hundred rupees	One hundred rupees
29	Section 313B	Prohibition in a public place or street of use of skill in handicraft or in rendering services without a licence.	Five hundred rupees	One hundred rupees
30	Section 315	Requisition to remove structures or fixtures erected or set up before section 312 came into force.	One thousand rupees	Two hundred rupees
31	Section 322, sub-section (1)	Streets not to be opened or broken up and building materials not to be deposited thereon without permission.	Five thousand rupees	One thousand rupees
32	Section 323	Precautions for public safety to be taken by persons to whom permission is granted under section 322.	Five thousand rupees	One thousand rupees
33	Section 324, sub-section (1)	Persons to whom permission is granted under section 322, must reinstate streets.	One thousand rupees	Two hundred rupees
34	Section 326	Hoards to be set up during work on any building adjacent to a street.	Two thousand rupees	Five hundred rupees
35	Section 328, sub-section (1)	Sky-signs not to be erected or retained without permission.	One thousand rupees	Four hundred rupees

(1)	(2)	(3)	(4)	(5)
36	Section 328A, sub-section (1)	Advertisement on certain sites, vehicles, etc., not to be exhibited without permission.	One thousand rupees	Two hundred rupees
37	Section 329, sub-section (1)	Requisition to repair, protect or enclose dangerous place.	One thousand rupees	Five hundred rupees
38	Section 334, sub-section (1)	Requisition to alter situation of gas-pipes, etc.	One thousand rupees	Two hundred rupees
39	Section 335, sub-section (1)	Buildings, etc., not to be erected without permission over municipal gas-pipes.	One thousand rupees	Two hundred rupees
40	Section 347, sub-section (1)	Work not to be commenced without notice.	Fifteen thousand rupees	Three thousand rupees
41	Section 347B	Building or any part of a building originally constructed or authorised to be used for human habitation not to be used as a godown, etc., without permission.	Ten thousand rupees	Three thousand rupees
42	Section 347C	Building originally constructed or authorised to be used for human habitation not to be altered without permission for the purpose of using it as godown, etc.	Ten thousand rupees	Three thousand rupees
43	Section 349	Roof and external walls of buildings not to be of inflammable material.	One thousand rupees	Two hundred rupees
44	Sections 349A and 349 B	Provisions as to height of buildings.	Ten thousand rupees	Two thousand rupees
45	Section 349C	Provisions as to height of frame buildings.	Ten thousand rupees	Two thousand rupees
46	Section 349D	Alteration and provision of staircases to allow safe exit in the event of fire.	Two thousand rupees	Five hundred rupees
47	Section 353A	Provision as to completion certificates : permission to occupy or use.	Ten thousand rupees	Two thousand rupees
48	Section 354AA, sub-section (7)	Erection or re-erection of any building in contravention of the declaration.	Ten thousand rupees	Two thousand rupees
49	Section 354RK, sub-section (8)	Construction or re-construction of building within any redevelopment area without permission.	Ten thousand rupees	Three thousand rupees
50	Section 358	Licensed plumber to be bound to execute work properly.	One thousand rupees	Two hundred rupees
51	Section 368, sub-sections (1), (2), (3), (4) and (5)	Collection, removal and deposit of refuse and provision of receptacles.	One thousand rupees	Two hundred rupees
52	Section 372	Provision to removal of refuse.	One thousand rupees	Two hundred rupees
53	Section 375	Requisition to cleanse and limewash building.	Five hundred rupees	One hundred rupees
54	Section 375A	Requisition to remove building materials, etc., from any premises.	One thousand rupees	Two hundred rupees

(1)	(2)	(3)	(4)	(5)
55	Section 377	Requisition to cleanse, etc., the neglected premises.	Five hundred rupees	One hundred rupees
56	Section 377A, sub-sections (1) and (2)	Requisition to abate or to prevent recurrence of leakage in the roofs of buildings.	Two thousand rupees	Five hundred rupees
57	Section 379	Owner or occupier of house to give statement of accommodation within seven days of receipt of notice.	Two thousand rupees	Four hundred rupees
58	Section 379A, sub-section (1)	Requisition by Metropolitan Magistrate to abate over crowding.	Two thousand rupees	Four hundred rupees
59	Section 379A, sub-section (3)	Requisition by owner pursuant to order under sub-section (1).	Two thousand rupees	Four hundred rupees
60	Section 380	Requisition to remove or alter insanitary hut.	Five hundred rupees	One hundred rupees
61	Section 381	Requisition to fill in pools, etc., which are nuisance.	Two thousand rupees	Five hundred rupees
62	Section 381A, sub-section (2)	Requisition to fill in or demolish well, etc.	Two thousand rupees	Five hundred rupees
63	Section 381B	Prohibition of mosquito breeding in collection of water on any land.	Two thousand rupees	Five hundred rupees
64	Section 382	Requisition to discontinue dangerous quarrying.	Ten thousand rupees	Two thousand rupees
65	Section 383, sub-section (1)	Requisition to remove or trim trees, shrubs or hedges.	Five hundred rupees	One hundred rupees
66	Section 384, sub-section (1)	Prohibition as to the keeping of animals.	One thousand rupees	Two hundred rupees
67	Section 384A	Requisition to discontinue, etc., stabling animals in dwelling houses.	Two thousand rupees	Five hundred rupees
68	Section 390, sub-section (1)	Prohibition of working of factory, etc., established without written permission.	Fifty thousand rupees	Ten thousand rupees
69	Section 390, sub-section (3)	Prohibition of continuance or resumption of working of factory, etc., after revocation of written permission for its establishment.	Fifty thousand rupees	Ten thousand rupees
70	Section 392, sub-section (1)	Requisition for sanitary regulation of factories, etc.	Ten thousand rupees	Three thousand rupees
71	Section 394, sub-section (1), clauses (a) (ii) and (b) to (f)	Certain articles not to be kept and certain trades, processes and operations not to be carried on, without licence.	Twenty thousand rupees	Four thousand rupees
72	Section 394, sub-section (6)	Licence to be kept on the premises, board to be displayed indicating nature of articles kept or trade carried on and proper labels to be put on articles, etc.	Two thousand rupees	Five hundred rupees

(1)	(2)	(3)	(4)	(5)
73	Section 395, sub-section (1)	Prohibition of corruption of water by chemicals, etc.	Fifty thousand rupees	Ten thousand rupees
74	Section 397, sub-section (1)	Regulation of washing of clothes by washerman.	One thousand rupees	Two hundred rupees
75	Section 403, sub-section (1)	Private markets not to be kept or permitted to be kept open and no place to be used or permitted to be used as slaughter-house, without licence.	Five thousand rupees	One thousand rupees
76	Section 405	Requisition to pave and drain private market buildings, and slaughter houses.	Five thousand rupees	One thousand rupees
77	Section 411	Butchers and persons who sell or supply the flesh of animals to be licensed.	One thousand rupees	Two hundred rupees
78	Section 412A	Milk, butter, etc., not to be sold without a licence.	One thousand rupees	Two hundred rupees
79	Section 425, sub-section (1)	Requisition to disinfect buildings.	One thousand rupees	Two hundred rupees
80	Section 426A, sub-section (1)	Second-hand clothing and bedding not to be brought into city without informing the Commissioner and getting them inspected.	Ten thousand rupees	Two thousand rupees
81	Section 426A, sub-section (4)	Second-hand clothing and bedding brought into city not to be dealt with or disposed of until a certificate by the Commissioner has been given.	Ten thousand rupees	Two thousand rupees
82	Section 479, sub-section (5)	Grantee to be bound to produce licence or written permission.	One thousand rupees	Two hundred rupees
83	Section 485A, sub-section (2)	Requisition to furnish information as to nature of interest in any premises.	One thousand rupees	Two hundred rupees
84	Section 507, sub-section (3)	Occupier of building or land to afford facilities to the owner for complying with provisions of this Act, etc., after eight days from issue of order by the Chief Judge, Small Causes Court.	Five thousand rupees	One thousand rupees.





महाराष्ट्र शासन राजपत्र

असाधारण
प्राधिकृत प्रकाशन

गुरुवार, जुलै २०, २००६/आषाढ २९, शके १९२८

स्वतंत्र संकलन म्हणून फाईल करण्यासाठी या भागाला वेगळे पृष्ठ क्रमांक दिले आहेत.

भाग आठ

महाराष्ट्र विधानमंडळाचे अधिनियम व राज्यपालांनी प्रख्यापित केलेले अध्यादेश व केलेले विनियम आणि विधी व न्याय विभागाकडून आलेली विधेयके (इंग्रजी अनुवाद).

In pursuance of clause (3) of article 348 of the Constitution of India, the following translation in English of the Mumbai Municipal Corporation (Second Amendment) Act, 2006 (Mah. No. XXVII of 2006), is hereby published under the authority of the Governor.

By order and in the name of the Governor of Maharashtra,

A. M. SHINDEKAR,
Secretary to Government,
Law and Judiciary Department.

MAHARASHTRA ACT No. XXVII OF 2006.

(First published, after having received the assent of the Governor, in the "Maharashtra Government Gazette", dated the 20th July 2006.)

An Act further to amend the Mumbai Municipal Corporation Act.

WHEREAS both Houses of the State Legislature were not in session ;

AND WHEREAS the Governor of Maharashtra was satisfied that circumstances existed which rendered it necessary for him to take immediate action further to amend the Mumbai Municipal Corporation Act, for the purposes hereinafter appearing ; and, therefore, promulgated the Mumbai Municipal Corporation (Amendment) Ordinance, 2006 on the 20th June 2006 ;

Bom.
III of
1888.
Mah.
Ord.
VII of
2006.

(५८९)

भाग आठ-११८

[किंमत : रुपये ९-००]

AND WHEREAS it is expedient to replace the said Ordinance by an Act of the State Legislature ; it is hereby enacted in the Fifty-seventh Year of the Republic of India as follows :—

- | | | |
|--|---|--------------------------------------|
| Short title and commencement. | <p>1. (1) This Act may be called the Mumbai Municipal Corporation (Second Amendment) Act, 2006.</p> <p>(2) It shall be deemed to have come into force on the 20th June 2006.</p> | |
| Amendment of section 144D of Bom. III of 1888. | <p>2. In section 144D of the Mumbai Municipal Corporation Act (hereinafter referred to as " the principal Act "), for the words, brackets and figures " from the date of commencement of the Mumbai Municipal Corporation (Second Amendment) Act, 2005 " the words, figures and letters " from the 23rd November 1995 " shall be substituted.</p> | Bom. III of 1888. Mah. XLIV of 2005. |
| Repeal of Mah. Ord. VII of 2006 and saving. | <p>3. (1) The Mumbai Municipal Corporation (Amendment) Ordinance, 2006, is hereby repealed.</p> <p>(2) Notwithstanding such repeal, anything done or any action taken under the principal Act, as amended by the said Ordinance, shall be deemed to have been done or taken, as the case may be, under the principal Act, as amended by this Act.</p> | Mah. Ord. VII of 2006. |



महाराष्ट्र शासन राजपत्र

असाधारण

प्राधिकृत प्रकाशन

बुधवार, एप्रिल १८, २००७/चैत्र २८, शके १९२९

स्वतंत्र संकलन म्हणून फाईल करण्यासाठी या भागाला वेगळे पृष्ठ क्रमांक दिले आहेत.

भाग आठ

महाराष्ट्र विधानमंडळाचे अधिनियम व राज्यपालांनी प्रख्यापित केलेले अध्यादेश व केलेले विनियम आणि विधी व न्याय विभागाकडून आलेली विधेयके (इंग्रजी अनुवाद).

In pursuance of clause (3) of Article 348 of the Constitution of India, the following translation in English of the Maharashtra Municipal Corporations (Amendment) Act, 2007 (Mah. XI of 2007), is hereby published under the authority of the Governor.

By order and in the name of the Governor of Maharashtra,

A. M. SHINDEKAR,
Secretary to Government,
Law and Judiciary Department.

MAHARASHTRA ACT No. XI OF 2007.

(First published, after having received the assent of the Governor, in the "Maharashtra Government Gazette", on the 18th April 2007).

An Act further to amend the Mumbai Municipal Corporation Act, the Bombay Provincial Municipal Corporations Act, 1949 and the City of Nagpur Corporation Act, 1948.

WHEREAS both Houses of the State Legislature were not in session ;

AND WHEREAS the Governor of Maharashtra was satisfied that circumstances existed which rendered it necessary for him to take immediate action further to amend the Mumbai Municipal Corporation Act, the Bombay Provincial Municipal Corporations Act, 1949 and the City of Nagpur Corporation Act, 1948, for the purposes hereinafter appearing ; and, therefore, promulgated the Maharashtra Municipal Corporations (Amendment) Ordinance, 2007, on the 27th February 2007 ;

Bom.
III of
1888.
Bom.
LIX of
1949.
C. P.
and
Berar II
of 1950.
Mah. Ord.
II of 2007.

(२७६)

[किंमत : रुपये ९.००]

AND WHEREAS it is expedient to replace the said Ordinance by an Act of the State Legislature; it is hereby enacted in the Fifty-eighth Year of the Republic of India as follows :—

CHAPTER I

PRELIMINARY

Short title
and com-
mencement.

1. (1) This Act may be called the Maharashtra Municipal Corporations (Amendment) Act, 2007.

(2) It shall be deemed to have come into force on the 27th February 2007.

CHAPTER II

AMENDMENTS TO THE MUMBAI MUNICIPAL CORPORATION ACT.

Amend-
ment of
section 45 of
Bom. III of
1888.

2. In section 45 of the Mumbai Municipal Corporation Act (herein-
after referred to as "the Mumbai Corporation Act"), in clause (c), in the
proviso,—

Bom.
III of
1888.

(i) for the word "re-elected" the word "re-appointed" shall be
substituted;

(ii) for the word "re-election" the word "re-appointment" shall be
substituted.

Amend-
ment of
section 50 of
Bom. III of
1888.

3. In section 50 of the Mumbai Corporation Act, in sub-section (4), in
clause (c), in the proviso,—

(i) for the word "re-elected" the word "re-appointed" shall be
substituted;

(ii) for the word "re-election" the word "re-appointment" shall be
substituted.

Amend-
ment of
section 50L
of Bom. III of
1888.

4. In section 50L of the Mumbai Corporation Act, in sub-section (2),
for the word "re-election" the word "re-appointment" shall be
substituted.

Amendment
of section
50S of
Bom. III
of 1888.

5. Section 50S of the Mumbai Corporation Act shall be renumbered
as sub-section (1) thereof; and

(a) in sub-section (1) as so re-numbered, for the portion beginning
with the words "shall be made" and ending with the words "holding
such elections:—", the following shall be substituted, namely :—

"shall be made by the Corporation by nominating Councillors in
accordance with the provisions of sub-section (2) :—";

(b) after sub-section (1) as so re-numbered, the following sub-
sections shall be added, namely :—

"(2) In nominating the Councillors on the Committee, the Corpora-
tion shall take into account the relative strength of the recognised
parties or registered parties or groups and nominate members, as
nearly as may be, in proportion to the strength of such parties or groups
in the Corporation, after consulting the Leader of the House, the
Leader of Opposition and the leader of each such party or group :

Provided that, nothing contained in this sub-section be construed as preventing the Corporation from nominating on the Committee any member not belonging to any such party or group :

Mah.
XX of
1987.

Provided further that, for the purpose of deciding the relative strength of the recognised parties or registered parties or groups under this Act, the recognised parties or registered parties or groups, or elected Councillors not belonging to any such party or group may, notwithstanding anything contained in the Maharashtra Local Authority Members' Disqualification Act, 1986, within a period of one month from the date of notification of election results, form the *aghadi* or front and, on its registration, the provisions of the said Act shall apply to the members of such *aghadi* or front, as if it is a registered pre-poll *aghadi* or front.

(3) If any question arises as regards the number of Councillors to be nominated on behalf of such party or group, the decision of the Corporation shall be final.”.

CHAPTER III

AMENDMENT TO THE BOMBAY PROVINCIAL MUNICIPAL CORPORATIONS ACT, 1949.

Bom.
LIX
of
1949.

6. After section 31 of the Bombay Provincial Municipal Corporations Act, 1949, the following section shall be inserted, namely :—

Insertion of
section 31A
in Bom.
LIX of 1949.

“31A. (1) Notwithstanding anything contained in this Act or the rules or bye-laws made thereunder, in the case of the following Committees, except where it is provided by this Act, that the appointment of a Councillor to any Committee shall be by virtue of his holding any office, appointment of Councillors to these Committees, whether in regular or casual vacancies, shall be made by the Corporation by nominating Councillors in accordance with the provisions of sub-section (2) :—

Appointment
by nomination
on
Committees
to be by
proportional
representation.

- (a) Standing Committee ;
- (b) Transport Committee ;
- (c) Any special Committee appointed under section 30 ;
- (d) Any *ad hoc* Committee appointed under section 31.

(2) In nominating the Councillors on the Committee, the Corporation shall take into account the relative strength of the recognised parties or registered parties or groups and nominate members, as nearly as may be, in proportion to the strength of such parties or groups in the Corporation, after consulting the Leader of the House, the Leader of Opposition and the leader of each such party or group :

Provided that, nothing contained in this sub-section be construed as preventing the Corporation from nominating on the Committee any member not belonging to any such party or group :

Provided further that, for the purpose of deciding the relative strength of the recognised parties or registered parties or groups under this Act, the recognised parties or registered parties or groups, or elected Councillors not belonging to any such party or group may, notwithstanding anything contained in the Maharashtra Local Authority Members' Disqualification Act, 1986, within a period of one month from the date of notification of election results, form the *aghadi* or front and, on its registration, the provisions of the said Act shall apply to the members of such *aghadi* or front, as if it is a registered pre-poll *aghadi* or front.

Mah.
XX of
1987.

(3) If any question arises as regards the number of Councillors to be nominated on behalf of such party or group, the decision of the Corporation shall be final."

CHAPTER IV

AMENDMENTS TO THE CITY OF NAGPUR CORPORATION Act, 1948.

Amendment
of section
34 of C.P.
and Berar
II of 1950.

7. In section 34 of the City of Nagpur Corporation Act, 1948 (hereinafter referred to as "the Nagpur Corporation Act"),—

C.P.
and
Berar
II of
1950.

(1) in sub-section (1), for the word "elect" the word "appoint" shall be substituted ;

(2) in sub-section (2), for the word "re-election" the word "re-appointment" shall be substituted ;

(3) in the marginal note, for the word "Election" the word "Appointment" shall be substituted.

Amendment
of section
36 of C.P.
and Berar
II of 1950.

8. In section 36 of the Nagpur Corporation Act, for the word "re-election" the word "re-appointment" shall be substituted.

Amendment
of section
37 of C.P.
and Berar
II of 1950.

9. In section 37 of the Nagpur Corporation Act, —

(1) for the word "elect" the word "appoint" shall be substituted ;

(2) for the word "elected" the word "appointed" shall be substituted.

Amendment
of section
39 of C.P.
and Berar
II of 1950.

10. In section 39 of the Nagpur Corporation Act,—

(1) in sub-section (3), for the word "elect" the word "appoint" shall be substituted ;

(2) in sub-section (4), for the word "elect" the word "appoint" shall be substituted ;

(3) in the marginal note, for the word "election" the word "appointment" shall be substituted.

11. In section 40 of the Nagpur Corporation Act,—

(1) for the word "elect" the word "appoint" shall be substituted ;

(2) in the marginal note, for the word "Election" the word "Appointment" shall be substituted.

Amendment of section 40 of C.P. and Berar II of 1950.

12. After section 40 of the Nagpur Corporation Act, the following section shall be inserted, namely :—

Insertion of section 40A in C.P. and Berar II of 1950.

"40A. (1) Notwithstanding anything contained in this Act or the rules or bye-laws made thereunder, in the case of the following Committees, except where it is provided by this Act, that the appointment of a Councillor to any Committee shall be by virtue of his holding any office, appointment of Councillors to these Committees, whether in regular or casual vacancies, shall be made by the Corporation by nominating Councillors in accordance with the provisions of sub-section (2) :—

Appointment by nomination on Committees to be by proportional representation.

(a) Standing Committee ;

(b) Special Consultative Committees appointed under sections 39 and 40.

(2) In nominating the Councillors on the Committee, the Corporation shall take into account the relative strength of the recognised parties or registered parties or groups and nominate members, as nearly as may be, in proportion to the strength of such parties or groups in the Corporation, after consulting the Leader of the House, the Leader of Opposition and the leader of each such party or group :

Provided that, nothing contained in this sub-section be construed as preventing the Corporation from nominating on the Committee any member not belonging to any such party or group :

Provided further that, for the purpose of deciding the relative strength of the recognised parties or registered parties or groups under this Act, the recognised parties or registered parties or groups, or elected Councillors not belonging to any such party or group may, notwithstanding anything contained in the Maharashtra Local Authority Members' Disqualification Act, 1986, within a period of one month from the date of notification of election results, form the *aghadi* or front and, on its registration, the provisions of the said Act shall apply to the members of such *aghadi* or front, as if it is a registered pre-poll *aghadi* or front.

(3) If any question arises as regards the number of Councillors to be nominated on behalf of such party or group, the decision of the Corporation shall be final."

Repeal of
Mah. Ord.
II of 2007
and saving.

13. (1) The Maharashtra Municipal Corporations (Amendment) Ordinance, 2007, is hereby repealed.

Mah.
Ord.
II of
2007.

(2) Notwithstanding such repeal, anything done or any action taken under the Mumbai Corporation Act, the Bombay Provincial Municipal Corporations Act, 1949 or the Nagpur Corporation Act, as amended by the said Ordinance, shall be deemed to have been done or taken, as the case may be, under the relevant Act, as amended by this Act.

Bom.
LIX
of
1949.



महाराष्ट्र शासन राजपत्र

असाधारण
प्राधिकृत प्रकाशन

गुरुवार, एप्रिल १९, २००७/चैत्र २९, शके १९२९

स्वतंत्र संकलन म्हणून फाईल करण्यासाठी या भागाला वेगळे पृष्ठ क्रमांक दिले आहेत.

भाग आठ

महाराष्ट्र विधानमंडळाचे अधिनियम व राज्यपालांनी प्रख्यापित केलेले अध्यादेश व केलेले विनियम आणि विधि व न्याय विभागाकडून आलेली विधेयके (इंग्रजी अनुवाद).

In pursuance of clause (3) of article 348 of the Constitution of India, the following translation in English of the Mumbai Municipal Corporation and the Bombay Provincial Municipal Corporations (Temporary Amendment) Act, 2007 (Mah. XII of 2007), is hereby published under the authority of the Governor.

By order and in the name of the Governor of Maharashtra,

A. M. SHINDEKAR,
Secretary to Government,
Law and Judiciary Department.

MAHARASHTRA ACT NO. XII OF 2007.

(First published, after having received the assent of the Governor, in the "Maharashtra Government Gazette", dated the 19th April 2007).

An Act further to amend the Mumbai Municipal Corporation Act and the Bombay Provincial Municipal Corporations Act, 1949.

WHEREAS the general elections to the Brihan Mumbai, Thane, Ulhasnagar, Pune, Pimpri-Chinchwad, Solapur, Nashik, Akola, Amravati and Nagpur Municipal Corporations have been held on the 1st February 2007;

AND WHEREAS in order to enable the newly elected bodies of the said Municipal Corporations to take review of the financial position of their respective Corporations and to modify the rates of taxes which such Corporations may impose for the official year 2007-2008, it is expedient to temporarily amend the dates obtaining in the relevant law for the said purposes;

(२८२)

AND WHEREAS it is expedient to temporarily amend the Mumbai Municipal Corporation Act and the Bombay Provincial Municipal Corporations Act, 1949, for the purposes hereinafter appearing; it is hereby enacted in the Fifty-eighth Year of the Republic of India as follows :—

Short title
and
application.

1. (1) This Act may be called the Mumbai Municipal Corporation and the Bombay Provincial Municipal Corporations (Temporary Amendment) Act, 2007.

(2) It shall apply to the Municipal Corporations of which the general elections have been held on the 1st February 2007.

Temporary
amendment
of section
128 of Bom.
III of 1888.

2. During the period commencing on the date of coming into force of this Act and ending on the thirtieth day of July 2007, section 128 of the Mumbai Municipal Corporation Act shall have effect as if, in sub-section (1) thereof,—

Bom.
III of
1888.

(i) for the words “twentieth day of March” the words “thirtieth day of July 2007” had been substituted; and

(ii) for the words “in the next ensuing official year” the words “in the official year 2007-2008” had been substituted.

Temporary
amendment
of section 99
of Bom. LIX
of 1949.

3. During the period commencing on the date of coming into force of this Act and ending on the thirtieth day of July 2007, section 99 of the Bombay Provincial Municipal Corporations Act, 1949, shall have effect as if,—

Bom.
LIX of
1949.

(i) for the words “twentieth day of February” the words “thirtieth day of July 2007” had been substituted; and

(ii) for the words “in the next ensuing official year”, at both the places where they occur, the words “in the official year 2007-2008” had been substituted.

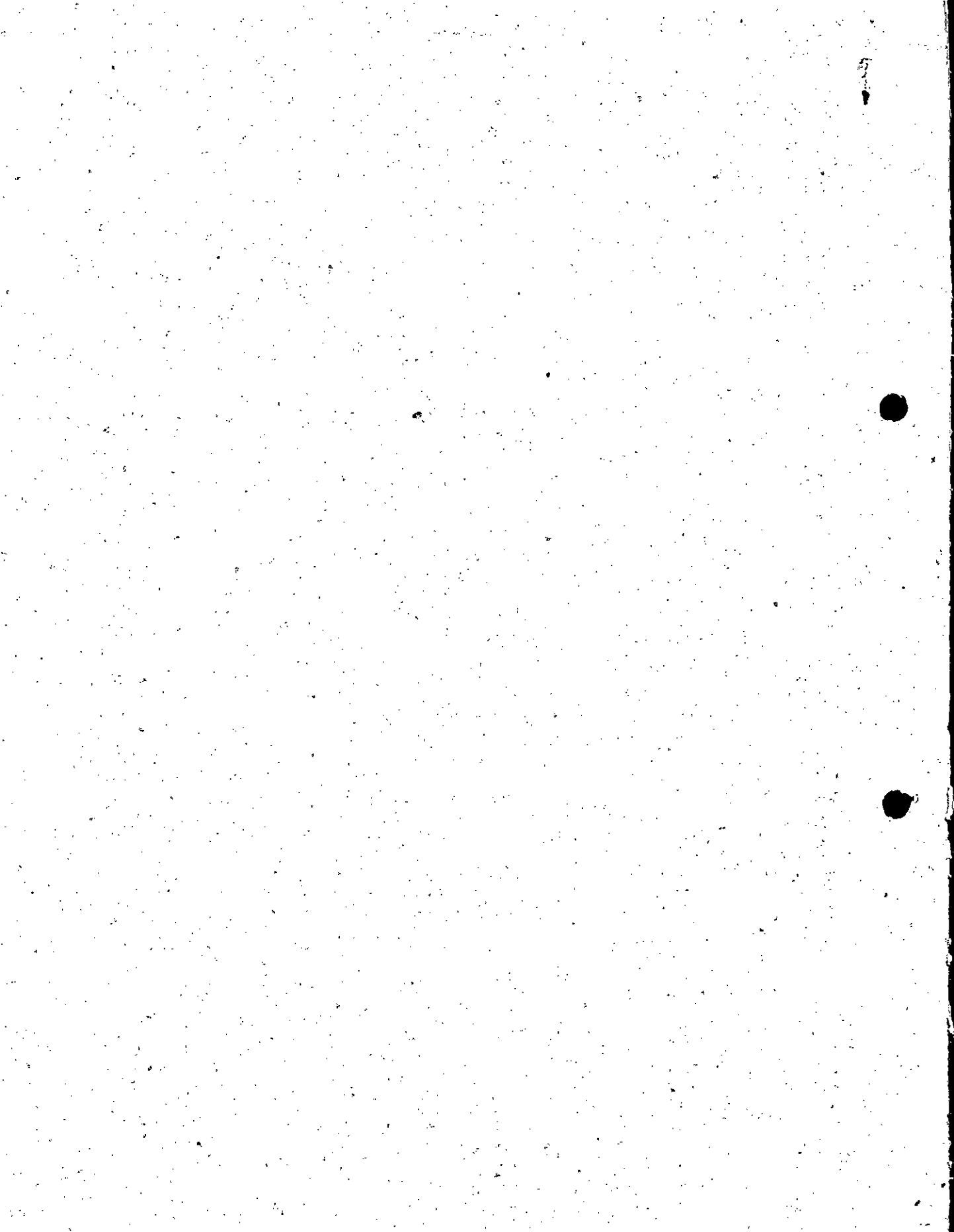
Power to
remove
difficulty.

4. If any difficulty arises in giving effect to the provisions of the Mumbai Municipal Corporation Act and the Bombay Provincial Municipal Corporations Act, 1949, as they stand amended by this Act, or any rule, by-law or instruments made thereunder, the State Government may, as occasion arises, by order published in the *Official*

Bom. III
of 1888.
Bom.
LIX of
1949.

Gazette, do anything not inconsistent with the provisions of the
Bom. III Mumbai Municipal Corporation Act and the Bombay Provincial
of 1888. Municipal Corporations Act, 1949, which appears to it to be necessary
Bom. LIX of 1949. or expedient for removing the difficulty :

Provided that, no order shall be issued after expiry of the 31st
July 2007.





महाराष्ट्र शासन राजपत्र

असाधारण
प्राधिकृत प्रकाशन

शुक्रवार, मे ४, २००७/वैशाख १४, शके १९२९

स्वतंत्र संकलन म्हणून फाईल करण्यासाठी या भागाला वेगळे पृष्ठ क्रमांक दिले आहेत.

भाग आठ

महाराष्ट्र विधानमंडळाचे अधिनियम व राज्यपालांनी प्रख्यापित केलेले अध्यादेश व केलेले विनियम आणि विधी व न्याय विभागाकडून आलेली विधेयके (इंग्रजी अनुवाद).

In pursuance of clause (3) of article 348 of the Constitution of India, the following translation in English of the Maharashtra Municipal Corporations and Municipal Councils (Amendment) Act, 2007 (Mah. Act No. XV of 2007), is hereby published under the authority of the Governor.

By order and in the name of the Governor of Maharashtra,

A. M. SHINDEKAR,
Secretary to Government,
Law and Judiciary Department.

MAHARASHTRA ACT No. XV OF 2007.

(First published, after having received the assent of the Governor, in the " Maharashtra Government Gazette ", on the 4th May 2007.)

An Act further to amend the Mumbai Municipal Corporation Act, the Bombay Provincial Municipal Corporations Act, 1949, the City of Nagpur Corporation Act, 1948 and the Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships Act, 1965.

Bom. III WHEREAS it is expedient further to amend the Mumbai Municipal
of 1888. Corporation Act, the Bombay Provincial Municipal Corporations Act,
Bom. LIX of 1949, the City of Nagpur Corporation Act, 1948 and the Maharashtra
1949. Municipal Councils, Nagar Panchayats and Industrial Townships Act,
C.P. and Berar II 1965, for the purposes hereinafter appearing ; it is hereby enacted in
of 1950. the Fifty-eighth Year of the Republic of India as follows :—
Mah. XL of
1965.

Short title
and
commencement.

1. (1) This Act may be called the Maharashtra Municipal Corporations and Municipal Councils (Amendment) Act, 2007.

(2) It shall be deemed to have come into force on the 27th October 2006.

Amendment
of section
5B of Bom.
III of 1888.

2. In section 5B of the Mumbai Municipal Corporation Act,—

(i) in the first proviso, in clause (ii), for the words “ three months ” the words “ four months ” shall be substituted ;

(ii) in the second proviso, for the words “ three months ” the words “ four months ” shall be substituted.

Bom.
III of
1888.

Amendment
of section
5B of Bom.
LIX of 1949.

3. In section 5B of the Bombay Provincial Municipal Corporations Act, 1949,—

(i) in the first proviso, in clause (ii), for the words “ three months ” the words “ four months ” shall be substituted ;

(ii) in the second proviso, for the words “ three months ” the words “ four months ” shall be substituted.

Bom.
LIX
of
1949.

Amendment
of section
9AA of C.P.
and Berar II
of 1950.

4. In section 9AA of the City of Nagpur Corporation Act, 1948,—

(i) in the first proviso, in clause (ii), for the words “ three months ” the words “ four months ” shall be substituted ;

(ii) in the second proviso, for the words “ three months ” the words “ four months ” shall be substituted.

C.P.
and
Berar
II of
1950.

Amendment
of section
9A of Mah.
XL of 1965.

5. In section 9A of the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965,—

(i) in the first proviso, in clause (ii), for the words “ three months ” the words “ four months ” shall be substituted ;

(ii) in the second proviso, for the words “ three months ” the words “ four months ” shall be substituted.

Mah.
XL of
1965.

Validation
and savings.

6. Notwithstanding anything contained in the second proviso to section 9A of the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965, any Councillor elected to reserved seat and who has not received the validity certificate from the Scrutiny Committee within a period of three months from the date of his election shall continue to hold the office of the Councillor for a further period of one month, as if, the period of three months for submission of the Validity Certificate has been extended by a further period of one month ; and any action taken by such Councillor during the period commencing from the expiry of three months from the date of his election and ending on the date of publication of the Maharashtra Municipal Corporations and Municipal Councils (Amendment) Act, 2007, shall be deemed to have been validly taken and shall not be challenged in any court of law only on the ground that during the period of three months from the date of his election he had not submitted the validity certificate.

Mah.
XL of
1965.

Mah.
XV of
2007.



महाराष्ट्र शासन राजपत्र

असाधारण

प्राधिकृत प्रकाशन

बुधवार, डिसेंबर २६, २००७/पौष ५, शके १९२९

स्वतंत्र संकलन म्हणून फाईल करण्यासाठी या भागाला वेगळे पृष्ठ क्रमांक दिले आहेत.

भाग आठ

महाराष्ट्र विधानमंडळाचे अधिनियम व राज्यपालांनी प्रख्यापित केलेले अध्यादेश व केलेले विनियम आणि विधी व न्याय विभागाकडून आलेली विधेयके (इंग्रजी अनुवाद).

In pursuance of clause (3) of article 348 of the Constitution of India, the following translation in English of the Maharashtra Municipal Corporations and Municipal Councils (Second Amendment) Act, 2007 (Mah. Act No. XXXIII of 2007), is hereby published under the authority of the Governor.

By order and in the name of the Governor of Maharashtra,

A. M. SHINDEKAR,
Secretary to Government,
Law and Judiciary Department.

MAHARASHTRA ACT No. XXXIII OF 2007.

(First published, after having received the assent of the Governor, in the "Maharashtra Government Gazette", on the 26th December 2007).

An Act further to amend the Mumbai Municipal Corporation Act, the Bombay Provincial Municipal Corporations Act, 1949, the City of Nagpur Corporation Act, 1948 and the Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships Act, 1965.

WHEREAS, it is expedient further to amend the Mumbai Municipal Corporation Act, the Bombay Provincial Municipal Corporations Act, 1949, the City of Nagpur Corporation Act, 1948 and the Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships Act, 1965, for the purposes hereinafter appearing; it is hereby enacted in the Fifty-eighth Year of the Republic of India as follows :—

Bom.
III of
1888.
Bom.
LIX of
1949.
C.P.
and
Berar
II of
1950.
Mah.
XL of
1965.

(५५१)

[किंमत : रुपये ९.००]

**CHAPTER I
PRELIMINARY**

- Short title and commencement. **1.** (1) This Act may be called the Maharashtra Municipal Corporations and Municipal Councils (Second Amendment) Act, 2007.
(2) It shall come into force on such date, as the State Government may, by notification in the *Official Gazette*, appoint.

CHAPTER II

AMENDMENTS TO THE MUMBAI MUNICIPAL CORPORATION ACT

- Insertion of Chapter IV-A in Bom. III of 1888. **2.** After section 86 of the Mumbai Municipal Corporation Act, the following Chapter shall be inserted, namely :—

“ CHAPTER IV-A

DISCLOSURE OF SPECIFIED INFORMATION

- Disclosure of specified information. **86A.** (1) The Corporation shall maintain and publish all its record duly catalogued and indexed in a manner, and form which enables the Corporation to disclose the information, specified in sub-section (3).

(2) The manner of disclosure of information shall include the publication of the information,—

- (i) in News papers ;
- (ii) on Internet ;
- (iii) on Notice boards of the Corporation at its Head Office as well as Ward Offices ;
- (iv) by such other mode, as may be prescribed :

Provided that, the information shall be disclosed in the language in which it is available with the Corporation.

(3) The Corporation shall be required to disclose the following information, namely :—

- (i) particulars of the Corporation ;
- (ii) a statement showing the boards, councils, committees and other bodies, by whatever name called, constituted for the purpose of exercising the functions of the Corporation or rendering advise to it, whether or not the meetings of those boards, councils, committees and other bodies are open to the public or the minutes of such meetings are accessible to the public ;
- (iii) a directory of its officers and employees ;
- (iv) the particulars of officers who are empowered to grant concessions, permits or authorisations for any activity of the Corporation ;
- (v) audited financial statements showing Balance sheet, Receipts and Expenditures, and cash flow on a quarterly basis, within two months of end of each quarter, and audited financial statements for the full financial year, within three months of the end of the financial year ;

(vi) the statement showing each of the services provided by the Corporation ;

(vii) particulars of all plans, proposed expenditures, actual expenditures on major services provided or activities performed and reports on disbursements made ;

(viii) details of subsidy programmes on major services provided or activities performed by the Corporation, and manner and criteria of identification of beneficiaries for such programmes ;

(ix) particulars of the master plan, city development plan or any other plan concerning the development of the municipal area ;

(x) the particulars of major works, as may be specified by notification by the State Government, in the *Official Gazette*, together with information on the value of works, time of completion and details of contract ;

(xi) the details of the municipal funds, i.e. income generated in the previous year by the following :—

(a) taxes, duties, cess and surcharge, rent from the properties, fees from licenses and permissions ;

(b) taxes, duties, cess and surcharge, rent from the properties, fees from licenses and permission that remain uncollected and the reasons thereof ;

(c) share of taxes levied by the State Government and transferred to the Corporation and the grants released to the Corporation ;

(d) grants released by the State Government for implementation of the schemes, projects and plans assigned or entrusted to the Corporation, the nature and extent of utilization ;

(e) money raised through donation or contribution from public or non-governmental agencies ;

(xii) annual budget allocated to each ward ;

(xiii) such other information, as may be prescribed.”.

CHAPTER III

AMENDMENTS TO THE BOMBAY PROVINCIAL MUNICIPAL CORPORATIONS ACT, 1949

Bom. LIX of 1949. 3. After section 60 of the Bombay Provincial Municipal Corporations Act, 1949, the following Chapter shall be inserted, namely :—

Insertion of Chapter IV-A in Bom. LIX of 1949.

“ CHAPTER IV-A

DISCLOSURE OF SPECIFIED INFORMATION

60A. (1) The Corporation shall maintain and publish all its record duly catalogued and indexed in a manner, and form which enables the Corporation to disclose the information specified in sub-section (3).

Disclosure of specified information.

(2) The manner of disclosure of information shall include the publication of the information—

- (i) in News papers ;
- (ii) on Internet ;
- (iii) on Notice boards of the Corporation at its Head Office as well as Ward Offices ;
- (iv) by such other mode, as may be prescribed :

Provided that, the information shall be disclosed in the language in which it is available with the Corporation.

(3) The Corporation shall be required to disclose the following information, namely :—

- (i) particulars of the Corporation ;
- (ii) a statement showing the boards, councils, committees and other bodies, by whatever name called, constituted for the purpose of exercising the functions of the Corporation or rendering advise to it, whether or not the meetings of those boards, councils, committees and other bodies are open to the public or the minutes of such meetings are accessible to the public ;
- (iii) a directory of its officers and employees ;
- (iv) the particulars of officers who are empowered to grant concessions, permits or authorisations for any activity of the Corporation ;
- (v) audited financial statements showing Balance sheet, Receipts, and Expenditures, and cash flow on a quarterly basis, within two months of end of each quarter, and audited financial statements for the full financial year, within three months of the end of the financial year ;
- (vi) the statement showing each of the services provided by the Corporation ;
- (vii) particulars of all plans, proposed expenditures, actual expenditures on major services provided or activities performed and reports on disbursements made ;
- (viii) details of subsidy programmes on major services provided or activities performed by the Corporation, and manner and criteria of identification of beneficiaries for such programmes ;
- (ix) particulars of the master plan, city development plan or any other plan concerning the development of the municipal area ;
- (x) the particulars of major works, as may be specified by notification by the State Government, in the *Official Gazette*, together with information on the value of works, time of completion and details of contract ;

(xi) the details of the municipal funds, i.e. income generated in the previous year by the following :—

(a) taxes, duties, cess and surcharge, rent from the properties, fees from licenses and permissions ;

(b) taxes, duties, cess and surcharge, rent from the properties, fees from licenses and permissions that remain uncollected and the reasons thereof ;

(c) share of taxes levied by the State Government and transferred to the Corporation and the grants released to the Corporation ;

(d) grants released by the State Government for implementation of the schemes, projects and plans assigned or entrusted to the Corporation, the nature and extent of utilization ;

(e) money raised through donation or contribution from public or non-governmental agencies ;

(xii) annual budget allocated to each ward ;

(xiii) such other information, as may be prescribed.”

CHAPTER IV

AMENDMENTS TO THE CITY OF NAGPUR CORPORATION ACT, 1948

C.P.
and
Berar
II of
1950.

4. After section 56 of the City of Nagpur Corporation Act, 1948, the following Chapter shall be inserted, namely :—

Insertion of
Chapter
IV-A in C.P.
and Berar II
of 1950.

“ CHAPTER IV-A

DISCLOSURE OF SPECIFIED INFORMATION

56A. (1) The Corporation shall maintain and publish all its record duly catalogued and indexed in a manner, and form which enables the Corporation to disclose the information specified in sub-section (3).

Disclosure
of specified
informa-
tion.

(2) The manner of disclosure of information shall include the publication of the information-

(i) in News papers ;

(ii) on Internet ;

(iii) on Notice boards of the Corporation at its Head Office as well as Ward Offices ;

(iv) by such other mode, as may be prescribed :

Provided that, the information shall be disclosed in the language in which it is available with the Corporation.

(3) The Corporation shall be required to disclose the following information, namely :—

(i) particulars of the Corporation ;

(ii) a statement showing the boards, councils, committees and other bodies, by whatever name called, constituted for the purpose of exercising the functions of the Corporation or rendering advise to it, whether or not the meetings of those boards, councils, committees and other bodies are open to the public or the minutes of such meetings are accessible to the public ;

(iii) a directory of its officers and employees ;

(iv) the particulars of officers who are empowered to grant concessions, permits or authorisations for any activity of the Corporation ;

(v) audited financial statements showing Balance sheet, Receipts and Expenditures, and cash flow on a quarterly basis, within two months of end of each quarter, and audited financial statements for the full financial year, within three months of the end of the financial year ;

(vi) the statement showing each of the services provided by the Corporation ;

(vii) particulars of all plans, proposed expenditures, actual expenditures on major services provided or activities performed and reports on disbursements made ;

(viii) details of subsidy programmes on major services provided or activities performed by the Corporation, and manner and criteria of identification of beneficiaries for such programmes ;

(ix) particulars of the master plan, city development plan or any other plan concerning the development of the municipal area ;

(x) the particulars of major works, as may be specified by notification by the State Government, in the *Official Gazette*, together with information on the value of works, time of completion and details of contract ;

(xi) the details of the municipal funds, i.e. income generated in the previous year by the following :—

(a) taxes, duties, cess and surcharge, rent from the properties, fees from licenses and permissions ;

(b) taxes, duties, cess and surcharge, rent from the properties, fees from licenses and permission that remain uncollected and the reasons thereof ;

(c) share of taxes levied by the State Government and transferred to the Corporation and the grants released to the Corporation ;

(d) grants released by the State Government for implementation of the schemes, projects and plans assigned or entrusted to the Corporation, the nature and extent of utilization ;

(e) money raised through donation or contribution from public or non-governmental agencies ;

(xii) annual budget allocated to each ward ;

(xiii) such other information, as may be prescribed.”.

CHAPTER V

AMENDMENTS TO THE MAHARASHTRA MUNICIPAL COUNCILS, NAGAR PANCHAYATS AND INDUSTRIAL TOWNSHIPS ACT, 1965

Mah.
XL of
1965.

5. After section 87 of the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965, the following Chapter shall be inserted, namely :—

Insertion of
Chapter VI-A
in Mah. XL
of 1965.

“ CHAPTER VI-A

DISCLOSURE OF SPECIFIED INFORMATION

87A. (1) The Council shall maintain and publish all its record duly catalogued and indexed in a manner, and form which enables the Council to disclose the information, specified in sub-section (3).

Disclosure
of specified
informa-
tion.

(2) The manner of disclosure of information shall include the publication of the information—

(i) in News papers ;

(ii) on Internet ;

(iii) on Notice boards of the Council at its Head Office as well as other offices, if any ;

(iv) by such other mode, as may be prescribed :

Provided that, the information shall be disclosed in the language in which it is available with the Council.

(3) The Council shall be required to disclose the following information, namely :—

(i) particulars of the Council ;

(ii) a statement showing the boards, councils, committees and other bodies, by whatever name called, constituted for the purpose of exercising the functions of the Council or rendering advise to it, whether or not the meetings of those boards, councils, committees and other bodies are open to the public or the minutes of such meetings are accessible to the public ;

(iii) a directory of its officers and employees ;

(iv) the particulars of officers who are empowered to grant concessions, permits or authorisations for any activity of the Council ;

(v) audited financial statements showing Balance sheet, Receipts and Expenditures, and cash flow on a quarterly basis, within two months of end of each quarter, and audited financial statements for the full financial year, within three months of the end of the financial year ;

(vi) the statement showing each of the services provided by the Council ;

(vii) particulars of all plans, proposed expenditures, actual expenditures on major services provided or activities performed and reports on disbursements made ;

(viii) details of subsidy programmes on major services provided or activities performed by the Council, and manner and criteria of identification of beneficiaries for such programmes ;

(ix) particulars of the master plan, city development plan or any other plan concerning the development of the municipal area ;

(x) the particulars of major works, as may be specified by notification by the State Government, in the *Official Gazette*, together with information on the value of works, time of completion and details of contract ;

(xi) the details of the municipal funds, i.e. income generated in the previous year by the following :—

(a) taxes, duties, cess and surcharge, rent from the properties, fees from licenses and permissions ;

(b) taxes, duties, cess and surcharge, rent from the properties, fees from licenses and permission that remain uncollected and the reasons thereof ;

(c) share of taxes levied by the State Government and transferred to the Council and the grants released to the Council ;

(d) grants released by the State Government for implementation of the schemes, projects and plans assigned or entrusted to the Council, the nature and extent of utilization ;

(e) money raised through donation or contribution from public or non-governmental agencies ;

(xii) annual budget allocated to each ward ;

(xiii) such other information, as may be prescribed."



महाराष्ट्र शासन राजपत्र

असाधारण
प्राधिकृत प्रकाशन

शुक्रवार, जानेवारी ४, २००८/ पौष १४, शके १९२९

स्वतंत्र संकलन म्हणून फाईल करण्यासाठी या भागाला वेगळे पृष्ठ क्रमांक दिले आहेत.

भाग आठ

महाराष्ट्र विधानमंडळाचे अधिनियम व राज्यपालांनी प्रख्यापित केलेले अध्यादेश व केलेले विनियम आणि विधि व न्याय विभागाकडून आलेली विधेयके (इंग्रजी अनुवाद).

In pursuance of clause (3) of article 348 of the Constitution of India, the following translation in English of the Maharashtra Municipal Corporations (Second Amendment) Act, 2007 (Mah. Act No. III of 2008), is hereby published under the authority of the Governor.

By order and in the name of the Governor of Maharashtra,

A. M. SHINDEKAR,
Secretary to Government,
Law and Judiciary Department.

MAHARASHTRA ACT No. III OF 2008.

[First published, after having received the assent of the Governor, in the "Maharashtra Government Gazette", on the 4th January 2008].

An Act further to amend the Mumbai Municipal Corporation Act, the Bombay Provincial Municipal Corporations Act, 1949, and the City of Nagpur Corporation Act, 1948.

Bom. III of 1888. Bom LIX of 1949. C.P. and Berar II of 1950. WHEREAS it is expedient further to amend the Mumbai Municipal Corporation Act, the Bombay Provincial Municipal Corporations Act, 1949, and the City of Nagpur Corporation Act, 1948, for the purposes hereinafter appearing ; it is hereby enacted in the Fifty-Eighth Year of the Republic of India as follows :—

CHAPTER I PRELIMINARY

1. This Act may be called the Maharashtra Municipal Corporations (Second Amendment) Act, 2007. Short title.

(७)

CHAPTER II

AMENDMENTS TO THE MUMBAI MUNICIPAL CORPORATION ACT

Amendment of section 16 of Bom. III of 1888. **2.** In section 16 of the Mumbai Municipal Corporation Act (hereinafter referred to as "the Mumbai Corporation Act"), in sub-section (1), after clause (a), the following clause shall be inserted, namely :—

Bom. III of 1888.

"(aa) has been removed from the office under section 18-1A and five years have not elapsed from the date of such removal; or."

Insertion of section 18-1A in Bom. III of 1888.

3. After section 18 of the Mumbai Corporation Act, the following section shall be inserted, namely :—

Liability of Councillor to removal from office.

"18-1A. (1) The State Government may, on its own motion or on the recommendation of the Corporation, remove any Councillor from office, if such Councillor has been guilty of any misconduct in the discharge of his duties or of any disgraceful conduct, during his current term of office or immediately preceding term of office as a Councillor.

(2) No resolution recommending the removal of any Councillor for the purpose of sub-section (1) shall be passed by the Corporation and no order of removal shall be made by the State Government, unless the Councillor to whom it relates has been given a reasonable opportunity of showing cause why such recommendation or order, as the case may be, should not be made :

Provided that, no order of removal of councillor shall be made by the State Government on its own motion, unless the Corporation is given one month's time for taking necessary action in the matter.

(3) In every case in which the State Government makes an order under sub-section (1), the Councillor shall be disqualified for being a Councillor, or from becoming a Councillor, or a Councillor or a member of any other local authority, for a period of five years from the date of such order, unless the State Government relieves him of the disqualification by an order which it is hereby empowered to make."

CHAPTER III

AMENDMENTS TO THE BOMBAY PROVINCIAL MUNICIPAL CORPORATIONS ACT, 1949

Substitution of section 13 of Bom. LIX of 1949.

4. For section 13 of the Bombay Provincial Municipal Corporations Act, 1949 (hereinafter referred to as "the Provincial Corporations Act"), the following section shall be substituted, namely :—

Bom. LIX of 1949.

Liability of Councillor to removal from office.

"13. (1) (a) The State Government may, on its own motion or on the recommendation of the Corporation, remove any Councillor from office, if such Councillor has been guilty of any misconduct in the discharge of his duties, or of any disgraceful conduct, during

his current term of office or immediately preceding term of office as a Councillor.

(b) The State Government may, on the recommendation of the Corporation supported by the vote of not less than three-fourths of the whole number of Councillors, remove any councillor from office, if such Councillor has, in the opinion of the State Government, become incapable of performing his duties as a Councillor.

(2) No resolution recommending the removal of a Councillor for the purposes of sub-section (1) shall be passed by a Corporation and no order shall be made by the State Government, unless the Councillor to whom it relates has been given a reasonable opportunity of showing cause why such recommendation or order, as the case may be, should not be made :

Provided that, no order of removal of councillor shall be made by the State Government on its own motion, unless the Corporation is given one month's time for taking necessary action in the matter.

(3) In every case in which the State Government makes an order under sub-section (1), the Councillor shall be disqualified for being a Councillor, or from becoming a Councillor, or a Councillor or member of any other local authority, for a period of five years from such date as may be specified in such order, unless the State Government relieves him of the disqualification by an order which it is hereby empowered to make.

(4) If any doubt or dispute arises as to the removal and disqualification of a councillor under this section, such Councillor may, and at the request of the Corporation, the Commissioner may, make reference to the Judge."

5. In section 405 of the Provincial Corporation Act, after clause (1), the following clause shall be inserted, namely :—

"(1A) regarding removal and disqualification of a Councillor under section 13 ;".

Amendment
of section
405 of Bom.
LIX of 1949.

CHAPTER IV

AMENDMENTS TO THE CITY OF NAGPUR CORPORATION ACT, 1948

C.P.
and
Berar
II of
1950.

6. After section 19 of the City of Nagpur Corporation Act, 1948, the following section shall be inserted, namely :—

"19A. (1) The State Government may, on its own motion or on the recommendation of the Corporation, remove any Councillor from office, if such Councillor has been guilty of any misconduct in the discharge of his duties or of any disgraceful conduct, during his current term of office or immediately preceding term of office as a Councillor.

(2) No resolution recommending the removal of any Councillor for the purposes of sub-section (1) shall be passed by the

Insertion of
section 19A
in C.P. and
Berar II of
1950.

Liability of
Councillor to
removal
from office.

Corporation and no order of removal shall be made by the State Government, unless the Councillor to whom it relates has been given a reasonable opportunity of showing cause why such recommendation or order, as the case may be, should not be made :

Provided that, no order of removal of councillor shall be made by the State Government on its own motion, unless the Corporation is given one month's time for taking necessary action in the matter.

(3) In every case in which the State Government makes an order under sub-section (1), the Councillor shall be disqualified for being a Councillor, or from becoming a Councillor, or a Councillor or member of any other local authority, for a period of five years from the date of such order unless the State Government relieves him of the disqualification by an order which it is hereby empowered to make.

(4) If any doubt or dispute arises as to the removal and disqualification of a Councillor under this section, such Councillor may, and at the request of the Corporation, the Commissioner may, make reference to the District Judge."



महाराष्ट्र शासन राजपत्र

असाधारण
प्राधिकृत-प्रकाशन

शुक्रवार, मे २, २००८/वैशाख १२, शके १९३०

स्वतंत्र संकलन म्हणून फाईल करण्यासाठी या भागाला वेगळे पृष्ठ क्रमांक दिले आहेत.

भाग आठ

महाराष्ट्र विधानमंडळाचे अधिनियम व राज्यपालांनी प्रख्यापित केलेले अध्यादेश व केलेले विनियम आणि विधि व न्याय विभागाकडून आलेली विधेयके (इंग्रजी अनुवाद).

In pursuance of clause (3) of article 348 of the Constitution of India, the following translation in English of the Maharashtra Municipal Corporations and Municipal Councils (Third Amendment) Act, 2007 (Mah. Act No. XII of 2008.), is hereby published under the authority of the Governor.

By order and in the name of the Governor of Maharashtra,

A. M. SHINDEKAR,
Secretary to Government,
Law and Judiciary Department.

MAHARASHTRA ACT No. XII OF 2008.

(First published, after having received the assent of the Governor, in the "Maharashtra Government Gazette", on the 2nd May 2008).

An Act further to amend the Mumbai Municipal Corporation Act, the Bombay Provincial Municipal Corporations Act, 1949, the City of Nagpur Corporation Act, 1948 and the Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships Act, 1965.

WHEREAS, it is expedient further to amend the Mumbai Municipal Corporation Act, the Bombay Provincial Municipal Corporations Act, 1949, the City of Nagpur Corporation Act, 1948 and the Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships Act, 1965, for the purposes hereinafter appearing ; it is hereby enacted in the Fifty-eighth Year of the Republic of India as follows :—

Bom.
III of
1888.
Bom.
LIX of
1949.
C.P.
and
Berar
II of
1950.
Mah.
XL of
1965.

(४६८)

- Short title. 1. This Act may be called the Maharashtra Municipal Corporations and Municipal Councils (Third Amendment) Act, 2007.
- Amendment of section 16 of Bom. III of 1888. 2. In section 16 of the Mumbai Municipal Corporation Act, after sub-section (1D), the following sub-sections shall be inserted, namely :—
- “(1E) If the State Election Commission is satisfied that a person,—
- (a) has failed to lodge an account of election expenses within the time and in the manner required by the State Election Commission, and
- (b) has no good reason or justification for such failure,
- the State Election Commission may, by an order published in the *Official Gazette*, declare him to be disqualified and such person shall be disqualified for being a Councillor or for contesting an election for being a Councillor for a period of three years from the date of the order.
- (1F) The State Election Commission may, for reasons to be recorded, remove any disqualification under sub-section (1E) or reduce the period of any such disqualification.”
- Amendment of section 10 of Bom. LIX of 1949. 3. In section 10 of the Bombay Provincial Municipal Corporations Act, 1949, after sub-section (1D), the following sub-sections shall be inserted, namely :—
- “(1E) If the State Election Commission is satisfied that a person,—
- (a) has failed to lodge an account of election expenses within the time and in the manner required by the State Election Commission, and
- (b) has no good reason or justification for such failure,
- the State Election Commission may, by order published in the *Official Gazette*, declare him to be disqualified and such person shall be disqualified for being a Councillor or for contesting an election for being a Councillor for a period of three years from the date of the order.
- (1F) The State Election Commission may, for reasons to be recorded, remove any disqualification under sub-section (1E) or reduce the period of any such disqualification.”
- Amendment of section 15 of C.P. and Berar II of 1950. 4. In section 15 of the City of Nagpur Corporation Act, 1948, after sub-section (3), the following sub-section shall be added, namely :—
- “(4) (a) If the State Election Commission is satisfied that a person,—

Bom.
III of
1888.Bom.
LIX of
1949.C.P.
and
Berar
II of
1950.

(i) has failed to lodge an account of election expenses within the time and in the manner required by the State Election Commission, and

(ii) has no good reason or justification for such failure,

the State Election Commission may, by an order published in the *Official Gazette*, declare him to be disqualified and such person shall be disqualified for being a Councillor or for contesting an election for being a Councillor for a period of three years from the date of the order.

(b) The State Election Commission may, for reasons to be recorded, remove any disqualification under this sub-section or reduce the period of any such disqualification.”

Mah.
XL of
1965.

5. In section 16 of the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965, after sub-section (1C), the following sub-sections shall be inserted, namely :—

Amendment
of section 16
of Mah. XL
of 1965.

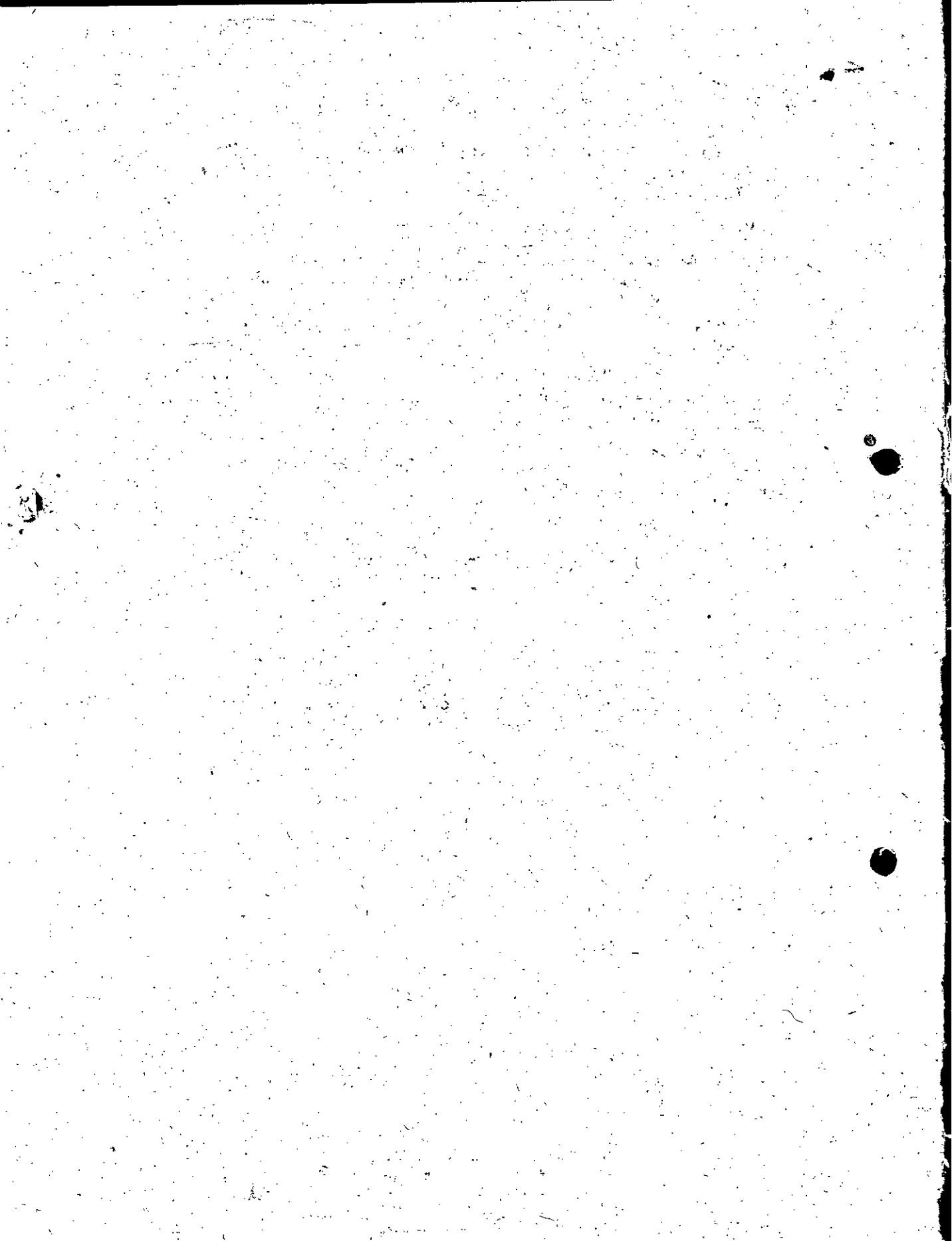
“(1D) If the State Election Commission is satisfied that a person,—

(a) has failed to lodge an account of election expenses within the time and in the manner required by the State Election Commission, and

(b) has no good reason or justification for such failure,

the State Election Commission may, by an order published in the *Official Gazette*, declare him to be disqualified and such person shall be disqualified for being a Councillor or for contesting an election for being a Councillor for a period of three years from the date of the order.

(1E) The State Election Commission may, for reasons to be recorded, remove any disqualification under sub-section (1D) or reduce the period of any such disqualification.”





महाराष्ट्र शासन राजपत्र

असाधारण

प्राधिकृत प्रकाशन

शुक्रवार, मे २, २००८/ वैशाख १२, शके १९३०

स्वतंत्र संकलन म्हणून फाईल करण्यासाठी या भागाला वेगळे पृष्ठ क्रमांक दिले आहेत.

भाग आठ

महाराष्ट्र विधानमंडळाचे अधिनियम व राज्यपालांनी प्रख्यापित केलेले अध्यादेश व केलेले विनियम आणि विधि व न्याय विभागाकडून आलेली विधेयके (इंग्रजी अनुवाद).

In pursuance of clause (3) of article 348 of the Constitution of India, the following translation in English of the Mumbai Municipal Corporation (Amendment) Act, 2008 (Mah. Act No. XIV of 2008), is hereby published under the authority of the Governor.

By order and in the name of the Governor of Maharashtra,

A. M. SHINDEKAR,

Secretary to Government,

Law and Judiciary Department.

MAHARASHTRA ACT No. XIV OF 2008.

(First published, after having received the assent of the Governor in the "Maharashtra Government Gazette", on the 2nd May 2008).

An Act further to amend the Mumbai Municipal Corporation Act.

WHEREAS it is expedient further to amend the Mumbai Municipal Corporation Act, for the purposes hereinafter appearing; it is hereby enacted in the Fifty-ninth Year of the Republic of India as follows:—

1. This Act may be called the Mumbai Municipal Corporation (Amendment) Act, 2008. Short title.

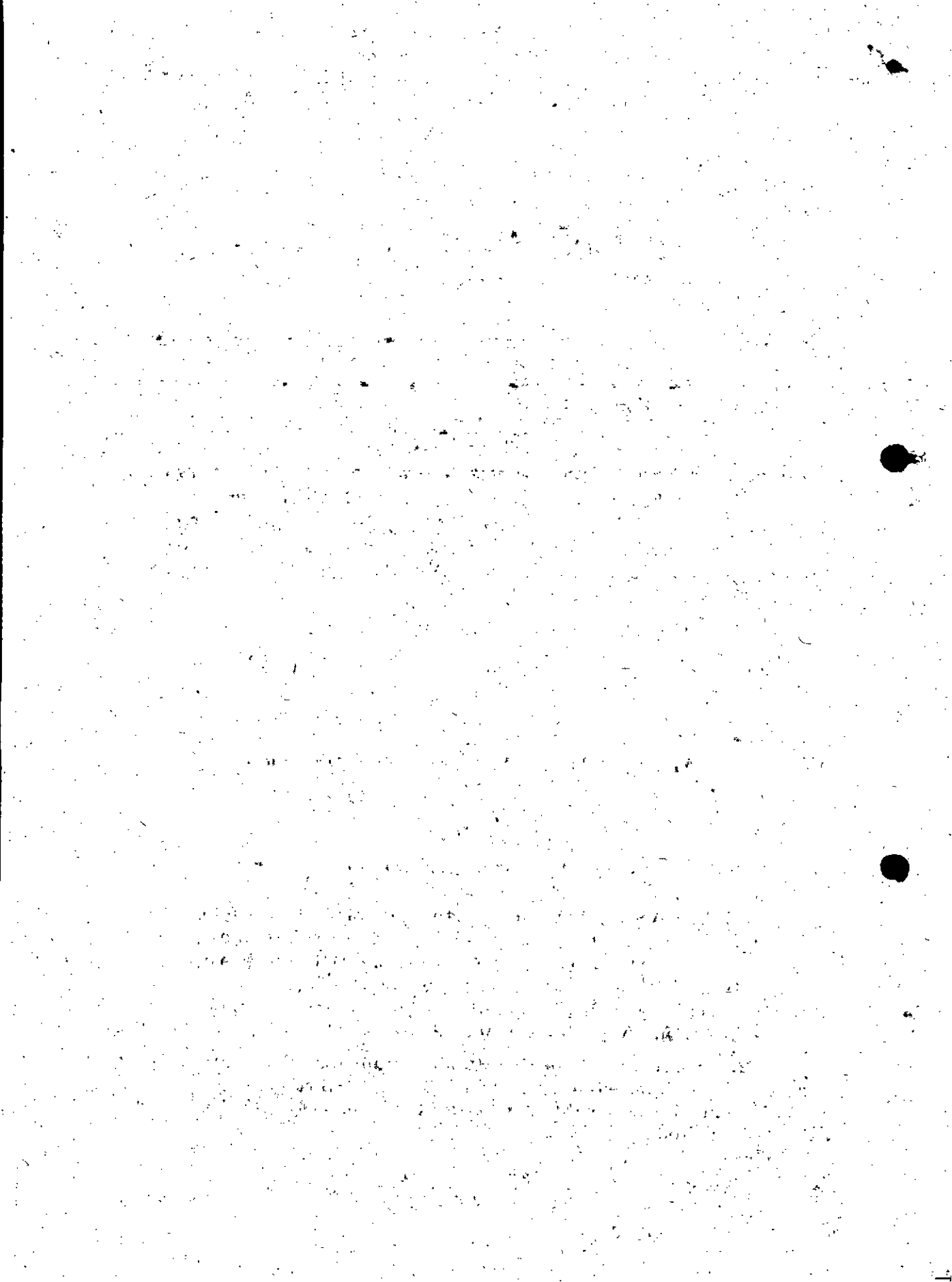
2. In section 124 of the Mumbai Municipal Corporation Act, in sub-section (1), for the words "thirtieth day of November" the words "thirty-first day of July" shall be substituted. Amendment of section 124 of Bom. III of 1888.

(४७३)

भाग आठ-८८

[किंमत : रुपये १५.००]

शासकीय मध्यवर्ती मुद्रणालय, मुंबई





महाराष्ट्र शासन राजपत्र

असाधारण

प्राधिकृत प्रकाशन

गुरुवार, मे ८, २००८/वैशाख १८, शके १९३०

स्वतंत्र संकलन म्हणून फाईल करण्यासाठी या भागाला वेगळे पृष्ठ क्रमांक दिले आहेत.

भाग आठ

महाराष्ट्र विधानमंडळाचे अधिनियम व राज्यपालांनी प्रख्यापित केलेले अध्यादेश व केलेले विनियम आणि विधी व न्याय विभागाकडून आलेली विधेयके (इंग्रजी अनुवाद).

In pursuance of clause (3) of article 348 of the Constitution of India, the following translation in English of the Mumbai Municipal Corporation (Second Amendment) Act, 2008 (Mah. Act No. XVIII of 2008), is hereby published under the authority of the Governor.

By order and in the name of the Governor of Maharashtra,

A. M. SHINDEKAR,
Secretary to Government,
Law and Judiciary Department.

MAHARASHTRA ACT No. XVIII OF 2008.

(First published, after having received the assent of the Governor, in the "Maharashtra Government Gazette", on the 8th May 2008).

An Act further to amend the Mumbai Municipal Corporation Act.

Bom. III of 1888. WHEREAS it is expedient further to amend the Mumbai Municipal Corporation Act, for the purposes hereinafter appearing; it is hereby enacted in the Fifty-ninth Year of the Republic of India as follows :—

1. This Act may called the Mumbai Municipal Corporation Short title. (Second Amendment) Act, 2008.

Amendment
of section
26A of
Bom. III of
1888.

2. In section 26A of the Mumbai Municipal Corporation Act, Bom. III of 1888, for sub-section (1), the following sub-section shall be substituted, namely :—

“(1) On or before the date appointed for the nomination of candidates for a ward election, each candidate shall deposit or cause to be deposited with Returning Officer in cash a sum of five thousand rupees; and no candidate shall be deemed to be duly nominated unless such deposit has been made :

Provided that, where the candidate is a member of a Scheduled Castes, Scheduled Tribes, Backward Class of Citizens or a woman, the amount of deposit shall be two thousand and five hundred rupees :

Provided further that, where the candidate has filed more than one nomination paper, it shall not be necessary to deposit a separate amount for each nomination paper.”.



महाराष्ट्र शासन राजपत्र

असाधारण
प्राधिकृत प्रकाशन

सोमवार, मे १२, २००८/वैशाख २२, शके १९३०

स्वतंत्र संकलन म्हणून फाईल करण्यासाठी या भागाला वेगळे पृष्ठ क्रमांक दिले आहेत.

भाग आठ

महाराष्ट्र विधानमंडळाचे अधिनियम व राज्यपालांनी प्रख्यापित केलेले अध्यादेश व केलेले विनियम आणि विधि व न्याय विभागाकडून आलेली विधेयके (इंग्रजी अनुवाद).

In pursuance of clause (3) of article 348 of the Constitution of India, the following translation in English of the Mumbai Municipal Corporation (Temporary Amendment) Act, 2007 (Mah. Act No. XXII of 2008), is hereby published under the authority of the Governor.

By order and in the name of the Governor of Maharashtra,

A. M. SHINDEKAR,
Secretary to Government,
Law and Judiciary Department.

MAHARASHTRA ACT No. XXII OF 2008.

(First published, after having received the assent of the Governor, in the "Maharashtra Government Gazette" on the 12th May 2008).

An Act to temporarily amend the Mumbai Municipal Corporation Act.

Bom. III
of 1888. WHEREAS it is expedient to temporarily amend the Mumbai Municipal Corporation Act, for the purposes hereinafter appearing ; it is hereby enacted in the Fifty-eighth Year of the Republic of India as follows :—

1. (1) This Act may be called the Mumbai Municipal Corporation (Temporary Amendment) Act, 2007.

Short title
and duration.

Bom. I
of 1904. (2) It shall remain in force for a period of three years from the date of its publication in the *Official Gazette*, and shall then expire. Section 7 of the Bombay General Clauses Act, 1904, shall apply upon the expiry of this Act, as if it had then been repealed by a Maharashtra Act.

(४८८)

Temporary
amendment
of Bom. III
of 1888.

2. During the period this Act remains in force, for grant of certificate to occupy the building situated in the area of the Mumbai Municipal Corporation, constructed before the 25th March 1991 and occupied without obtaining the permission to occupy the building from the Commissioner, the provisions of the Mumbai Municipal Corporation Act, shall apply with the following modifications, namely :—

Bom.
III
of
1888.

(i) in section 259A, after sub-section (3), the following sub-section shall be inserted, namely :—

“(3A) Notwithstanding anything contained in sub-section (3), a co-operative housing society or a federation of co-operative housing societies registered under the Maharashtra Co-operative Societies Act, 1960 or any condominium or a company incorporated under the Companies Act, 1956 with limited liability or an association of persons or any *ad hoc* body formed by the occupants of the building constructed before the 25th March 1991 and occupied without obtaining the permission to occupy the building from the Commissioner under section 353A, may appoint a licensed plumber who shall inspect and submit to the Commissioner a certificate certifying the work carried out by the earlier plumber. The certificate given by the licenced plumber under this sub-section shall, for all purposes, be deemed to be the certificate given by the licenced plumber under sub-section (3).”;

Mah.
XXIV
of 1961.
1 of
1956.

(ii) in section 299, to sub-section (1), the following *Explanation* shall be added, namely :—

“*Explanation.*—For the purposes of acquisition of open land lying within the regular line of a public street, and not occupied by a building constructed before the 25th March 1991 and occupied without obtaining the permission to occupy the building from the Commissioner under section 353A, ‘owner’ of the said land or building means a co-operative housing society or a federation of co-operative housing societies registered under the Maharashtra Co-operative Societies Act, 1960 or any condominium or a company incorporated under the Companies Act, 1956 with limited liability or an association of persons or any *ad hoc* body formed by the occupants of the building.”;

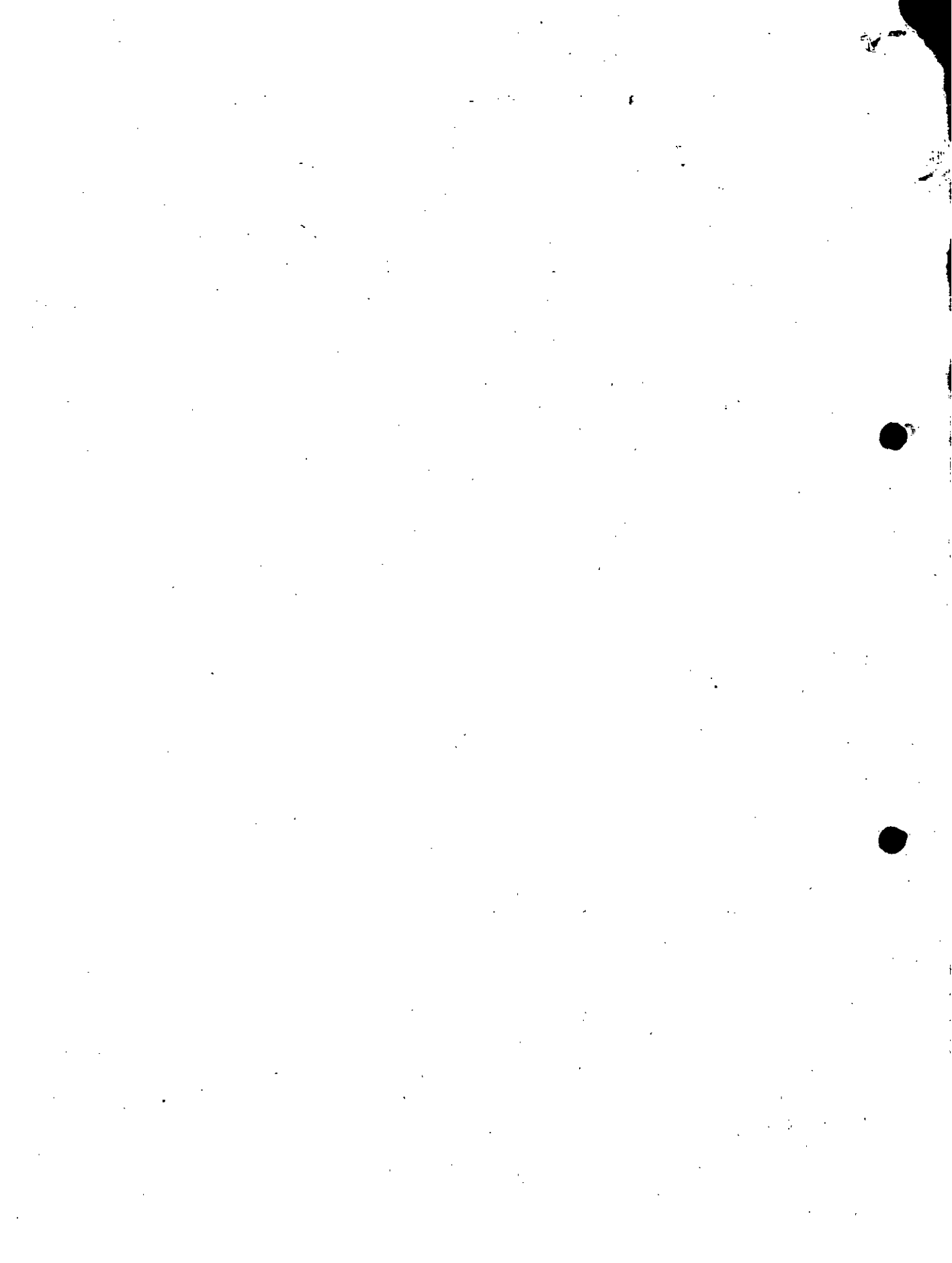
Mah.
XXIV
of 1961.
1 of
1956.

(iii) in section 353A, after sub-section (1), the following sub-section shall be added, namely :—

“(1A) Notwithstanding anything contained in sub-section (1), a co-operative housing society or a federation of co-operative housing societies registered under the Maharashtra Co-operative Societies Act, 1960 or any condominium or a company incorporated under the Companies Act, 1956 with limited liability or an association of

Mah.
XXIV
of 1961.
1 of
1956.

persons or any *ad hoc* body formed by the occupants of the building constructed before the 25th March 1991 and occupied without obtaining the permission to occupy the building from the Commissioner under section 353A, shall employ a licenced surveyor or person approved by the Commissioner to erect a building or to execute any such work as is described in section 342, who shall after inspecting the said premises deliver or send or cause to be delivered or send to the Commissioner at his office, notice in writing of such completion accompanied by certificate in Form "T". The certificate given by the licenced surveyor or person approved by the Commissioner to erect a building or execute any such work as is described in section 342, under this sub-section shall, for all purposes, be deemed to be the certificate given under sub-section (J)."





महाराष्ट्र शासन राजपत्र

असाधारण भाग आठ

वर्ष १, अंक ७]

सोमवार, एप्रिल १३, २००९/चैत्र २३, शके १९३१

[पृष्ठे १६, किंमत : रुपये २०.००

असाधारण क्रमांक २४

प्राधिकृत प्रकाशन

महाराष्ट्र विधानमंडळाचे अधिनियम व राज्यपालांनी प्रख्यापित केलेले अध्यादेश व केलेले विनियम आणि विधी व न्याय विभागाकडून आलेली विधेयके (इंग्रजी अनुवाद).

In pursuance of clause (3) of article 348 of the Constitution of India, the following translation in English of the Mumbai Municipal Corporation (Third Amendment) Act, 2006 (Mah. Act No. XI of 2009), is hereby published under the authority of the Governor.

By order and in the name of the Governor of Maharashtra,

H. B. PATEL,
Secretary to Government,
Law and Judiciary Department.

MAHARASHTRA ACT No. XI OF 2009.

(First published, after having received the assent of the Governor, in the "Maharashtra Government Gazette", on the 13th April 2009).

An Act further to amend the Mumbai Municipal Corporation Act.

Bom. III of 1888. WHEREAS it is expedient further to amend the Mumbai Municipal Corporation Act, for the purposes hereinafter appearing ; it is hereby enacted in the Fifty-seventh Year of the Republic of India as follows :—

1. (1) This Act may be called the Mumbai Municipal Corporation (Third Amendment) Act, 2006.

Short title and commencement.

(2) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

(१)

Amendment
of sub-title
under title
PROPERTY
TAXES in
Chapter
VIII of
Bom. III of
1888.

2. In Chapter VIII of the Mumbai Municipal Corporation Act (hereinafter referred to as "the principal Act"), for the sub-title "*Property taxes leviable*", the following sub-title shall be substituted, namely:—

"*Property taxes leviable on rateable value or capital value*".

Bom.
III of
1888.

Insertion of
section
139A in
Bom. III of
1888.

3. In Chapter VIII of the principal Act, after the sub-title so substituted, the following section shall be inserted, namely:—

Property
taxes
what to
consist.

"139A. (1) Property taxes leviable on buildings and lands in *Brihan Mumbai* under this Act shall include water tax, water benefit tax, sewerage tax, sewerage benefit tax, general tax, education cess, street tax and betterment charges.

(2) For the purposes of levy of property taxes, the expression "building" includes a flat, a *gala*, a unit or any portion of the building.

(3) All or any of the property taxes may be imposed on a graduated scale.

(4) Save as otherwise provided in this Act, it shall be lawful for the Corporation to continue to levy all property taxes on the rateable value of buildings and lands until the Corporation adopts levy of any or all the property taxes on such buildings and lands on the capital value thereof under section 140A."

Amendment
of section
140 of
Bom. III of
1888.

4. In section 140 of the principal Act,—

(1) for the marginal note, the following marginal note shall be substituted, namely:—

"Property taxes leviable on rateable value, or on capital value, as the case may be, and at what rate.";

(2) in sub-section (1),—

(a) for the portion beginning with the words "The following" and ending with the word "namely" the words "The following property taxes shall be leviable on buildings and lands in *Brihan Mumbai*, namely" shall be substituted;

(b) after the words "rateable value," wherever they occur in sub-clauses (i) and (ii) of clause (a) and sub-clauses (i) and (ii) of clause (b), the words "or their capital value, as the case may be," shall be inserted;

(c) in clause (c),—

(i) after the words "their rateable value," , where they occur for the first time, the words and figures "or of not less than 0.1 and not more than 1 per centum of their capital value, as the case may be," shall be inserted ;

(ii) after the words "their rateable value," , where they occur for the second time, the words and figures "or not less than 0.01 and not more than 0.2 per centum of their capital value, as the case may be," shall be inserted ;

(d) the *Explanation* shall be deleted ;

(e) the proviso shall be deleted.

5. After section 140 of the principal Act, the following section shall be inserted, namely :—

Insertion of section 140A in Bom. III of 1888.

" 140A. Notwithstanding anything contained in section 140 or any other provisions of this Act, the Corporation may pass a resolution to adopt levy of property tax on buildings and lands in *Brihan Mumbai* on the basis of capital value of the buildings and lands on and from such date, and at such rates, as the Corporation may determine in accordance with the provisions of section 128 :

Property taxes to be levied on capital value and the rate thereof.

Provided that, for the period of five years from the date on and from which such property tax is levied on capital value, the tax shall not exceed,—

(i) in respect of building used for residential purposes, two times, and

(ii) in respect of building or land used for non-residential purposes, three times,

the amount of the property tax leviable in respect thereof in the year immediately presiding such date :

Provided further that, the property tax levied on the basis of capital value of any building or land on revision made under sub-section (1C) of section 154 shall not in any case exceed 40 per centum of the amount of the property tax payable in the year immediately preceding the year of such revision :

Provided also that, for the period of five years commencing from the year of adoption of capital value as the base, for levy of property tax under section 140A, the amount of property tax leviable in respect of a residential building or residential tenement, having carpet area of 46.45 sq. meter (500 sq. feet) or less, shall not exceed the amount of property tax levied and payable in the year immediately preceding the year of such adoption of capital value as the basis.

Explanation.—For the purposes of this section, after the Corporation adopts the Capital Value as the basis of levy of property tax, the property tax in respect of any taxable building shall be revised after every five years and on each such revision, such amount of property tax, shall not in any case exceed the forty per cent. of the amount of the property tax levied and payable in the year immediately preceding the year of the revision.”

Amendment
of section
144 of
Bom. III of
1888.

6. In section 144 of the principal Act,—

(1) after sub-section (2), the following sub-section shall be inserted, namely :—

“(2A) Where the Corporation has adopted the levy of property tax on capital value of buildings and lands, the capital value of buildings and lands in *Brihan Mumbai* vesting in Government and beneficially occupied, in respect of which but for the said exemption, general tax would be leviable from the Central Government or the State Government, as the case may be, shall be the book value of such buildings or lands in Government records and such capital value shall hold good for a term of five years, subject only to proportionate variation, if in the meantime the number or extent of the buildings and lands vesting in Government in *Brihan Mumbai* materially increases or decreases.”;

(2) in sub-section (3),—

(a) after the words “rateable value” the words “or on a capital value, as the case may be,” shall be inserted;

(b) after the words, brackets and figure “sub-section (2)” the words, brackets, figure and letter “or sub-section (2A), as the case may be,” shall be added at the end.

Substitution
of section
144A of
Bom. III of
1888.

7. For section 144A of the principal Act, the following section shall be substituted, namely :—

Concession
in payment
of property
tax.

“144A. Notwithstanding anything contained in this Act, a concession in payment of property tax in respect of building and land; wherein any such socially or ecologically beneficial scheme, as may be identified for the purposes of this section by the Municipal Corporation or the State Government, is being implemented, may be given to such extent of so many per centum of the property tax payable in respect thereof as the Corporation may, determine.”

8. For section 144B of the principal Act, the following section shall be substituted, namely :—

Substitution of section 144B of Bom. III of 1888.

Temporary provisions for Levy of property tax at reduced rates in respect of certain buildings.

Mah.
V of
1996.

“144B. Notwithstanding anything contained in section 140 or 140A or any other provisions of this Act, during the period of twenty years from the date of commencement of the Bombay Municipal Corporation and the Maharashtra Regional and Town Planning (Amendment) Act, 1995, or from the date of first occupation of the premises in a building used for residential purposes, whichever is later, the property tax on building shall be levied at such reduced rates as the State Government may, by notification in the *Official Gazette*, from time to time, fix and different reduced rates may be fixed for different periods and for different classes of buildings constructed, whether before or after such commencement. Such buildings are as follows :—

Mah.
XXVIII
of
1971.

(a) buildings which are constructed under the Low Cost Housing Scheme for economically weaker sections and Low Income Group by the Maharashtra Housing and Area Development Authority or under the Slum Rehabilitation Scheme declared under the Maharashtra Slum Areas (Improvement, Clearance and Redevelopment) Act, 1971, or

(b) buildings constructed and wherein there is the component of the tenements constructed for project affected persons on plots allocated, designated or reserved in the development plan for Public Housing (PH) or High Density Housing (HDH), Housing the Dishoused (HD), and are developed or redeveloped by the Corporation or public authority or the owner, where the owner is required under the scheme for “Housing the Dishoused” or under the scheme “Public Housing or High Density Housing” to hand over to the Corporation free of cost at least fifty per cent., or as the case may be, ten per cent. of the built up area for allotment to project affected persons or for rehabilitating the existing tenants on the plot or to both such persons or tenants ; and to persons affected by the projects undertaken by the Corporation, respectively ; or

(c) building which is destroyed by fire or which has collapsed or which has been demolished and is reconstructed ; or

(d) cessed buildings reconstructed under the Urban Renewal Scheme undertaken by the Maharashtra Housing and Area Development Authority (MHADA) or the Corporation ; or

(e) buildings constructed on lands belonging to public authority under rehabilitation project where there is a component of tenements for rehabilitating slum dwellers :

Provided that, the concession of such reduced rates of tax shall not be available in respect of any building or part thereof

constructed under any of the schemes mentioned herein, which is not utilized for residential purpose for rehabilitation of the concerned project affected persons or slum dwellers and which is a component available for sale or use for commercial purpose.”.

Amendment
of section
146 of
Bom. III of
1888.

9. In section 146 of the principal Act, in sub-section (2),—

(1) in clause (b), the word “and ” shall be deleted ;

(2) after clause (c), the following clauses shall be added, namely :—

“ (d) if the premises are held or occupied by a person who is not the owner and the whereabouts of the owner of the premises cannot be ascertained, from the holder or occupier ; and

(e) if the premises are held or developed by a developer or an attorney or any person in whatever capacity, such person may be holding the premises and in each of whom the right to sell the same exists or is acquired, from such holder, developer, attorney or person, as the case may be :

Provided that, such holder, developer, attorney or person shall be liable until the actual sale is effected. ”.

Amendment
of section
147 of
Bom. III of
1888.

10. In section 147 of the principal Act,—

(1) in sub-section (1), after the words “ rateable value ” the words “ or the amount of property tax levied on the basis of capital value, as the case may be, ” shall be inserted ;

(2) in sub-section (2), after the words “ rateable value ” at both the places where they occur, the words “ or the amount of property tax levied on the basis of capital value, as the case may be, ” shall be inserted.

Amendment
of section
148 of
Bom. III of
1888.

11. In section 148 of the principal Act, after the words “ rateable value ” the words “ or the amount of property tax levied on the basis of capital value, as the case may be, ” shall be inserted.

Amendment
of section
150 of
Bom. III of
1888.

12. In section 150 of the principal Act,—

(1) in sub-section (1), for the portion beginning with the words “ and shall state ” and ending with the words “ the said form ” the following shall be substituted, namely :—

“ and shall be accompanied by such fees as the Commissioner may, from time to time, with the approval of the Standing Committee prescribe and such notice shall state clearly and correctly all the particulars required by the said form ” ;

(2) after sub-section (2), the following sub-section shall be added, namely :—

“ (3) The transfer of title of any person primarily liable to the payment of property tax shall not be recorded by the Corporation

in the assessment book unless the property taxes due in respect of the property sought to be transferred are fully paid before giving such notice. ”

13. In section 152 of the principal Act,—

Amendment
of section
152 of
Bom. III of
1888.

(1) in sub-section (1), for the words “ or when any building which has been vacant is re-occupied ” the words “ or occupied or re-occupied or when there is change of user of part or whole of the building ” shall be substituted ;

(2) in sub-section (2), for the portion beginning with the words “ as the case may be ” and ending with the words “ re-occupation thereof. ”, the following shall be substituted, namely :—

“ or of the re-occupation, or of the change of user of part or whole of the building, as the case may be. ”

14. After section 152 of the principal Act, the following section shall be inserted, namely :—

Insertion of
section
152A in
Bom. III of
1888.

“152A. (1) Whoever unlawfully constructs or reconstructs any building or part of a building,—

Levy of
penalty on
unlawful
building.

(a) on his land without obtaining permission under this Act or any other law for the time being in force or in contravention of any condition attached to such permission;

(b) on a site belonging to him which is formed without approval under the relevant law relating to Regional and Town planning;

(c) on his land in breach of any provision of this Act or any rule or bye-law made thereunder or any direction or requisition lawfully given or made under this Act or such rule or bye-law ; or

(d) on any land, belonging to, or leased by, the Corporation, or the Central or State Government, or any statutory corporation or organization or company set up by any such Government, in breach of any provision of this Act or of any other law for the time being in force and the rules or bye-laws made thereunder,

shall be liable to pay every year a penalty, which shall be equal to twice the property tax leviable on such building, so long as it remains as unlawful construction without prejudice to any proceedings which may be instituted against him in respect of such unlawful construction :

Provided that, such levy and collection of tax and penalty shall not be construed as regularization of such unlawful construction or reconstruction for any period whatsoever of its such unlawful existence.

(2) Penalty payable under sub-section (1) shall be determined and collected under the provisions of this Act, as if the amount thereof were a property tax due by such person. ”

Amendment
of section
154 of
Bom. III of
1888.

15. In section 154 of the principal Act,—

(1) in the marginal note, after the words “ Rateable value ” the words “ or capital value ” shall be inserted ;

(2) after sub-section (1), the following sub-sections shall be inserted, namely :—

“ (1A) In order to fix the capital value of any building or land assessable to a property tax the Commissioner shall have regard to the value of any building or land as indicated in the Stamp Duty Ready Reckoner for the time being in force as prepared under the Bombay Stamp (Determination of True Market Value of Property) Rules, 1995, framed under the provisions of the Bombay Stamp Act, 1958, or where the Stamp Duty Ready Reckoner does not indicate value of any properties in any particular area wherein a building or land in respect of which capital value is required to be determined is situate, or in case such Stamp Duty Ready Reckoner does not exist, then the Commissioner may fix the capital value of any building or land taking into consideration the market value of such building or land, as a base value ; and also have regard to the following factors, namely :—

Bom.
LX of
1958.

(a) the nature and type of the land and structure of the building,

(b) area of land or carpet area of building,

(c) user category, that is to say, (i) residential, (ii) commercial (shops, [malls] or the like), (iii) offices, (iv) hotels (upto 4 stars), (v) hotels (more than 4 stars), (vi) banks, (vii) industries and factories, (viii) school and college building or building used for educational purposes (ix) malls and (x) any other building or land not covered by any of the above categories,

(d) age of the building, or

(e) such other factors as may be specified by rules made under sub-section (1B).

(1B) The Commissioner shall, with the approval of the Standing Committee, frame such rules as respects the details of categories of building or land and the weightage by multiplication to be assigned to various such categories for the purpose of fixing the capital value under sub-section (1A).

(1C) The capital value of any building or land fixed under sub-section (1A) shall be revised every five years :

Provided that, the Commissioner may, for reasons to be recorded in writing, revise the capital value of any building or land any time during the said period of five years and shall accordingly amend the assessment book in relation to such building or land under section 167.”;

(3) in sub-section (2), after the words "rateable value" the words "or the capital value, as the case may be," shall be inserted;

(4) sub-section (3) shall be deleted.

16. In section 155 of the principal Act, in sub-section (1),—

Amendment
of section
155 of
Bom. III of
1888.

(a) after the words "rateable value" the words "or the capital value, as the case may be," shall be inserted;

(b) for clause (b), the following clause shall be substituted, namely :—

"(b) as to the details in respect of any or all the items as enumerated in clauses (a) to (e) of sub-section (1A) of section 154 in relation to such building or land or of any portion thereof."

17. In section 156 of the principal Act,—

Amendment
of section
156 of
Bom. III of
1888.

(1) for the portion beginning with the words "The Commissioner" and ending with the words "every official year", the following shall be substituted, namely :—

"The Commissioner shall keep a book, in such form and manner as he may, with the approval of the Standing Committee, prescribe by rules, and such book shall be called "the assessment book" in which shall be entered every official year";

(2) in clause (b), after the words "rateable value" the words "or the capital value, as the case may be," shall be inserted;

(3) for clause (d), the following clause shall be substituted, namely :—

"(d) if any such building or land is not liable to be assessed to the general tax or is exempt from payment of property tax either in whole or in part, as the case may be, the reason of such non-liability or exemption, as the case may be ;";

(4) in clause (e), after the words "rateable value" the words "or the capital value, as the case may be," shall be inserted.

18. In section 157 of the principal Act, in sub-section (1), for the words and figures "under the provisions of section 24" the words "for the administrative purposes" shall be substituted.

Amendment
of section
157 of Bom.
III of 1888.

19. In section 160 of the principal Act, in sub-section (2), after the words "the ward" the words "or by any other mode including electronic media as the Commissioner may think fit" shall be inserted.

Amendment
of section
160 of Bom.
III of 1888.

20. In section 162 of the principal Act,—

Amendment
of section
162 of
Bom. III of
1888.

(1) in sub-section (1),—

(a) for the words "fifteen days" the words "twenty-one days" shall be substituted;

(b) after the words "rateable value" the words "or the capital value, as the case may be," shall be inserted;

(2) in sub-section (2),—

(a) for the words “property rates or in which the rateable value” the words “property taxes or in which the rateable value, or capital value, as the case may be,” shall be substituted;

(b) for the words “fifteen days” the words “twenty-one days” shall be substituted.

Amendment of section 163 of Bom. III of 1888. **21.** In section 163 of the principal Act, in sub-section (1), after the words “rateable value” the words “or the capital value, as the case may be,” shall be inserted.

Amendment of section 166 of Bom. III of 1888. **22.** In section 166 of the principal Act, in sub-section (1), after the words “rateable values” the words “or the capital values, as the case may be,” shall be inserted.

Amendment of section 167 of Bom. III of 1888. **23.** In section 167 of the principal Act, in sub-section (1), for the words “rateable value” the words “or the capital value, as the case may be,” shall be inserted.

Amendment of section 169 of Bom. III of 1888. **24.** In section 169 of the principal Act, in sub-section (1), in clause (i), after the words “rateable value” the words “or the capital value, as the case may be,” shall be inserted.

Amendment of section 170 of Bom. III of 1888. **25.** In section 170 of the principal Act, in sub-section (1), in clause (i), after the words “rateable value” the words “or the capital value, as the case may be,” shall be inserted.

Amendment of section 172 of Bom. III of 1888. **26.** In section 172 of the principal Act, for the figures, words and brackets “169 to 171 (all inclusive)” the figures, words and brackets “169 and 170 (both inclusive)” shall be substituted.

Insertion of section 173BA in Bom. III of 1888. **27.** After section 173B of the principal Act, the following section shall be inserted, namely:—

Section 173B not to have effect. **“173BA.** On and from the date of adoption of capital value as the base, for levy of property taxes under section 140A, the provisions of section 173B shall cease to have effect.”

Amendment of section 179 of Bom. III of 1888. **28.** In section 179 of the principal Act, for the words and figures “accompanied by the bill presented to the applicant under section 200” the words and figures “accompanied by the original receipt or any valid proof of payment of the amount of the bill presented to the applicant under section 200” shall be substituted.

Amendment of section 191E of Bom. III of 1888. **29.** In section 191E of the principal Act, in sub-section (3), for the word, letter and figure “Schedule G-1” the word and letter “Schedule G” shall be substituted.

30. In section 195E of the principal Act, in sub-section (1),— Amendment
of section
195E
of Bom. III
of 1888.

(1) for the portion beginning with the words "as the Corporation" and ending with the words "graduated scale:", the following shall be substituted, namely:—

"or of so many per centum of their capital value, as the case may be, as the Corporation may determine:";

(2) in the proviso, in clause (c), after the words "rateable value" the words "or the capital value, as the case may be," shall be inserted.

31. In section 195F of the principal Act, in sub-section (2),— Amendment
of section
195F
of Bom. III
of 1888.

(1) after the words "rateable values" the words "or the capital values, as the case may be," shall be inserted;

(2) after the words, brackets and figure "sub-section (2)" the words, brackets, figure and letter "or sub-section (2A)" shall be inserted.

32. In section 195G of the principal Act, in sub-section (1),— Amendment
of section
195G of
Bom. III of
1888.

(1) after the words "rateable value" the words "or of so many per centum of their capital value, as the case may be," shall be inserted;

(2) in the proviso, in clause (c), after the words "rateable value" the words "or the capital value, as the case may be," shall be inserted.

33. In section 197 of the principal Act, after the word "October" the words and figures "as specified in a bill served under section 200" shall be added. Amendment
of section
197 of Bom.
III of 1888.

34. In section 201 of the principal Act, in sub-section (1), the word "three" shall be deleted. Amendment
of section
201 of Bom.
III of 1888.

35. For section 202 of the principal Act, the following section shall be substituted, namely:— Substitution
of section
202 of Bom.
III of 1888.

"202. The amount of first half-yearly tax as specified in the bill which has been served as aforesaid shall be paid within three months from the date of service of the bill and the second half-yearly tax as specified in the bill shall be paid before the 31st December of each year; and if a person liable to pay tax does not pay the same as required as aforesaid, then he shall be liable to pay by way of penalty in addition to the amount of such tax or part thereof which has remained unpaid, a sum equal to two per cent. of such tax for each month or part thereof after the last date by which he should have paid such tax and shall continue to be liable to pay such penalty until the full amount as per the bill is paid : Levy of
penalty on
unpaid
amount of
bill.

Provided that, any property tax for which a bill is served under this Act before the date of commencement of the Mumbai Municipal Corporation (Third Amendment) Act, 2006 has remained unpaid in full or in part and no penalty thereon is levied under section 207A, a person who has not paid such tax shall be liable to pay [interest thereon] penalty as provided under this section, on and from the date when the penalty could be levied but is not so levied."

Mah.
XI of
2009.

Amendment
of section
203 of
Bom. III of
1888.

36. In section 203 of the principal Act,—

(1) in sub-section (1),—

(a) for the portion beginning with the words "the said tax" and ending with the words "satisfaction of the Commissioner" the following shall be substituted, namely :—

"the tax for which a bill is served upon him and does not pay the tax together with penalty or interest or both as required under the provisions of this Act to pay the same";

(b) the portion beginning with the words, "or, if the tax" and ending with the words "may be" shall be deleted;

(2) for sub-section (2), the following sub-section shall be substituted, namely :—

"(2) Where the person liable to pay the tax according to the bill served upon him pays the tax as required under the provisions of this Act but does not pay the amount of penalty or interest or both either in whole or in part as may be due on the unpaid amount of tax, for such amount which has remained unpaid, a warrant in the form of Schedule J, *mutatis mutandis*, may be issued by the Commissioner in the same manner as if such sums were due on account of the tax.";

(3) in sub-section (3),—

(a) for the words "tax due" the words "tax due, penalty or interest or both, if any, due and payable together" shall be substituted ;

(b) for the figures and word "15 days" the words "twenty-one days" shall be substituted ;

(4) for sub-section (4), the following sub-section shall be substituted, namely :—

"(4) Such order shall be proclaimed by fixing at some conspicuous part of the property and upon a conspicuous part of the municipal office and also, when the property is land, paying revenue to the State Government, in the office of the Collector."

Amendment
of section
205 of Bom.
III of 1888.

37. In section 205 of the principal Act, the words "and vehicles or animals" shall be deleted.

38. In section 206 of the principal Act, in sub-section (2), after the words "public auction" the words " , or by auction inviting sealed bids " shall be inserted.

Amendment of section 206 of Bom. III of 1888.

39. Section 207A of the principal Act shall be deleted.

Deletion of section 207A of Bom. III of 1888.

40. In section 208 of the principal Act, for the portion beginning with the words " of any fee " and ending with the word, figures and letter " section 207A ", the following shall be substituted, namely :—

Amendment of section 208 of Bom. III of 1888.

" of any penalty payable under section 202 or of any fee chargeable under section 207 or of any penalty payable under section 207A as it existed before the commencement of the Mumbai Municipal Corporation (Third Amendment) Act, 2006 " .

Mah.
XI of
2009.

41. In section 209 of the principal Act,—

Amendment of section 209 of Bom. III of 1888.

(1) after sub-section (1), the following sub-section shall be inserted, namely :—

" (1A) Notwithstanding anything contained in sub-section (1), on and from the date of adoption of capital value as the base for levy of property taxes under section 140A, but subject to the other provisions of this Act, the Commissioner may serve a bill for the amount of property tax on such occupier of the said premises, or, if there are two or more such occupiers thereof, may serve a bill on each of them for such portion of the sum due as bears to the whole amount of tax based on the capital value, due in the same ratio which the capital value, of such portion of the premises of the occupier or occupiers bears to the aggregate amount of the tax based on the capital value, in respect of the said premises. " ;

(2) in sub-section (2), for the words " fifteen days " the words " thirty days " shall be substituted ;

(3) in sub-section (3), the words " which has remained due for more than one year, or " shall be deleted.

42. In section 209A of the principal Act,—

Amendment of section 209A of Bom. III of 1888.

(1) in sub-section (1),—

(a) after the words " rent estimated " the words " or the amount of tax based on capital value fixed, as the case may be, " shall be inserted ;

(b) after the words " estimated rent " the words " or the amount of tax based on capital value, as the case may be, " shall be inserted ;

(2) in sub-section (2), for the words " fifteen days " the words " thirty days " shall be substituted.

Amendment
of section
209B of
Bom. III of
1888.

43. In section 209B of the principal Act,—

(1) in sub-section (1), after the words "rateable value" the words "or the capital value, as the case may be," shall be inserted ;

(2) in sub-section (2), for the words "fifteen days" the words "thirty days" shall be substituted.

Amendment
of section
210 of
Bom. III of
1888.

44. In section 210 of the principal Act, in sub-section (2), the words "except that it shall not be necessary to serve upon defaulter any notice of demand," shall be deleted.

Insertion of
section
216A in
Bom. III of
1888.

45. After section 216 of the principal Act, the following section shall be inserted, namely :—

Special
provision
for facility
for
payment of
property
taxes.

"216A. Any person who is liable to pay amount of taxes or any other dues under this Act may avail himself of the facility of making payment thereof in any bank or to any agency specified by the Corporation in this behalf by giving a public notice in two leading newspapers circulating within the area of jurisdiction of the Corporation ; and the person availing himself of such facility shall be liable to pay such fees in respect thereof to such bank or agency, as the case may be, as may be determined by the Commissioner. "

Amendment
of section
217 of Bom.
III of 1888.

46. In section 217 of the principal Act,—

(1) in sub-section (1), after the words "rateable value" the words "or the capital value, as the case may be," shall be inserted ;

(2) in sub-section (2),—

(a) in clause (a), for the words "fifteen days" the words "twenty-one days" shall be substituted ;

(b) in clause (b), after the words "rateable value" the words "or the capital value, as the case may be," shall be inserted ;

(c) in clause (c), for the words "fifteen days" the words "twenty-one days" shall be substituted ;

(d) in clause (d),—

(i) after the words "rateable value", at both the places where they occur, the words "or the capital value, as the case may be," shall be inserted ;

(ii) after the word "Commissioner" the words "and such appeal is accompanied by a receipt of full amount of tax to which appeal relates" shall be added ;

(3) after sub-section (2), the following sub-section shall be inserted, namely :—

"(2A) Where the appeal is not filed in accordance with the provisions of clauses (a) to (d) of sub-section (2), it shall be liable to be summarily dismissed."

47. In section 218 of the principal Act, in clause (a), after the words "rateable value" the words "or capital value, as the case may be," shall be inserted. Amendment of section 218 of Bom. III of 1888.

48. After section 218B of the principal Act, the following section shall be inserted, namely :— Insertion of section 218BA in Bom. III of 1888.

"218BA. On and from the date of adoption of capital value as the base, for levy of property taxes under section 140A, the provisions of section 218B shall cease to have effect." Section 218B not to have effect.

49. In section 218D of the principal Act, in sub-section (1), in clause (a), for the words "in excess of two thousand rupees" the words "or the capital value, as the case may be," shall be substituted. Amendment of section 218D of Bom. III of 1888.

50. In section 219 of the principal Act, in sub-section (1), after the words, "rateable value" the words "or the capital value, as the case may be," shall be inserted. Amendment of section 219 of Bom. III of 1888.

51. In section 279 of the principal Act, in sub-section (1), in clause (a), for the words "fifteen days after a notice of demand" the words "sixty days after the date of the bill" shall be substituted. Amendment of section 279 of Bom. III of 1888.

52. In section 473 of the principal Act, in the table, the following entry shall be deleted, namely :— Amendment of section 473 of Bom. III of 1888.

"158, sub-section (3)..... 177."

53. In section 517 of the principal Act, in sub-section (1), in clause (d), after the words "rateable value" the words "or the capital value, as the case may be," shall be inserted. Amendment of section 517 of Bom. III of 1888.

54. For Schedule G-1 of the principal Act, the following Schedule shall be substituted, namely :— Substitution of Schedule G-1 of Bom. III of 1888.

"SCHEDULE G-1

(See section 191 E)

THEATRE TAX

Type of entertainment	Maximum amount of Tax
(1) Air-conditioned Cinema theatre	Rs. 60 per show.
(2) Non Air-conditioned Cinema theatre	Rs. 45 per show.
(3) Drama, concert, variety entertainment or <i>Tamasha</i>	Rs. 25 per show.
(4) Circus and carnivals	Rs. 50 per day.
(5) Any other entertainment	Rs. 30 per show or if there are no separate shows Rs. 30 per day."

Deletion of
Schedule I
of Bom. III
of 1888.

55. Schedule I of the principal Act shall be deleted.

Amendment
of Schedule
J of Bom.
III of 1888.

56. In Schedule J of the principal Act,—

(1) the words “or shown sufficient cause to my satisfaction for the non-payment of” shall be deleted ;

(2) for the portion beginning with the words “the said sum” and ending with the words “demand/order;”, the following shall be substituted, namely :—

“a bill for the said sum has been duly served on the said A. B. and the period by which he should have paid the said sum has elapsed since after the service of the bill ;”.

Removal of
Doubt.

57. For the removal of doubt it is hereby declared that all proceedings in connection with any assessment, reassessment, levy (including levy of penalty) and collection of any property tax levied on the basis of rateable value relating to any period whatsoever, immediately before the date determined by the Corporation under section 140A to adopt capital value to be the base for levy of property taxes shall, notwithstanding anything contained in this Act but save as otherwise expressly provided therein, be continued and dealt with under the principal Act as if this Act has not been enacted.

Power to
remove
difficulty.

58. If any difficulty arises in giving effect to the provisions of the principal Act, as amended by this Act or by reason of anything contained therein or in giving effect to the provisions of the principal Act in respect of the matters contained in this Act, the State Government may, as occasion arises, by order published in the *Official Gazette*, do anything, not inconsistent with the provisions of the principal Act, as amended by this Act, which appears to it to be necessary or expedient for the purpose of removing the difficulty :

Provided that, no such order shall be made after the expiry of a period of two years from the date of commencement of this Act.



महाराष्ट्र शासन राजपत्र

असाधारण भाग आठ

वर्ष १, अंक ११] बुधवार, मे २०, २००९/वैशाख ३०, शके १९३१ [पृष्ठे १, किंमत : रुपये २०.००

असाधारण क्र. २८

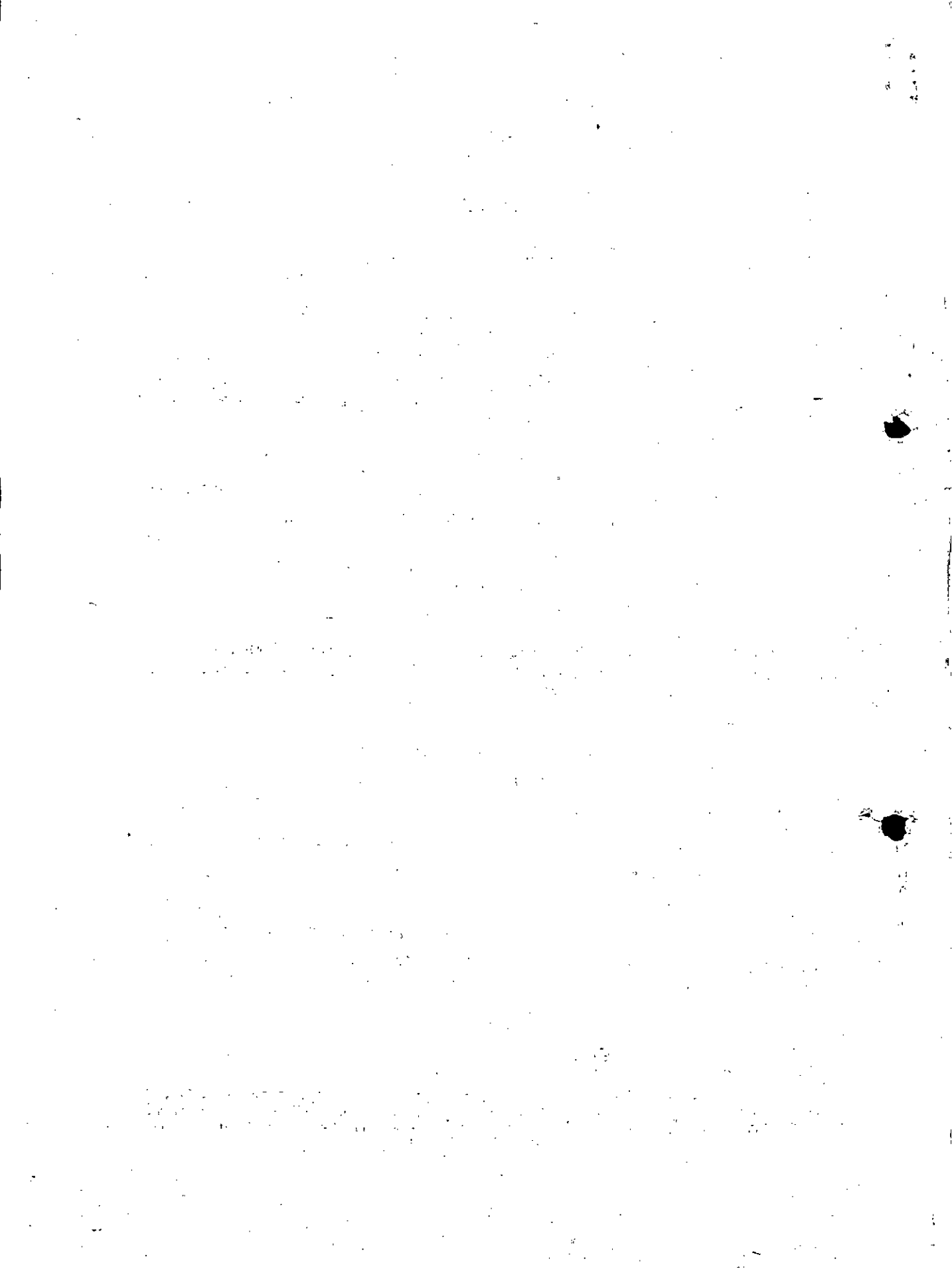
प्राधिकृत प्रकाशन

महाराष्ट्र विधानमंडळाचे अधिनियम व राज्यपालांनी प्रख्यापित केलेले अध्यादेश व केलेले विनियम आणि विधि व न्याय विभागाकडून आलेली विधेयके (इंग्रजी अनुवाद).

ERRATA

In the Mumbai Municipal Corporation (Third Amendment) Act, 2006 (Mah. Act XI of 2009) published at pages 1-16 of the *Maharashtra Government Gazette, Extraordinary, Part VIII*, dated the 13th April 2009,—

- (i) on page 3,—
 - (a) in line 28, for “presiding” read “preceding”;
 - (b) in line 36, for “levilable” read “leviable”;
- (ii) on page 8,—
 - (a) in line 25, for “(shops, [mall]s] or the like),” read “(shops or the like),”;
 - (b) in line 28, for “purposes” read “purposes,”;
- (iii) on page 10, in line 13, for “for” read “after”;
- (iv) on page 12, in line 6, for “[interest thereon] penalty” read “penalty”;
- (v) on page 15, in line 26, for “SCHEDULE G-1” read “SCHEDULE G”.





महाराष्ट्र शासन राजपत्र

असाधारण भाग आठ

वर्ष १, अंक २६(३) शुक्रवार, जुलै ३, २००९/आषाढ १२, शके १९३१ [पृष्ठे १२, किंमत : रुपये २०.००]

असाधारण क्रमांक ५३

प्राधिकृत प्रकाशन

महाराष्ट्र विधानमंडळाचे अधिनियम व राज्यपालांनी प्रख्यापित केलेले अध्यादेश व केलेले विनियम आणि विधी व न्याय विभागाकडून आलेली विधेयके (इंग्रजी अनुवाद).

In pursuance of clause (3) of article 348 of the Constitution of India, the following translation in English of the Maharashtra Municipal Corporations and Municipal Councils (Amendment) Act, 2009 (Mah. Act No. XXI of 2009), is hereby published under the authority of the Governor.

By order and in the name of the Governor of Maharashtra,

H. B. PATEL,
Secretary to Government,
Law and Judiciary Department.

MAHARASHTRA ACT No. XXI OF 2009

(First published, after having received the assent of the Governor, in the "Maharashtra Government Gazette", on the 3rd July 2009)

An Act further to amend the Mumbai Municipal Corporation Act, the Bombay Provincial Municipal Corporations Act, 1949, the City of Nagpur Corporation Act, 1948 and the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965.

WHEREAS it is expedient further to amend the Mumbai Municipal Corporation Act, the Bombay Provincial Municipal Corporations Act, 1949, the City of Nagpur Corporation Act, 1948 and the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965, for the purposes hereinafter appearing; it is hereby enacted in the Sixtieth Year of the Republic of India as follows :—

Bom.
III of
1888.
Bom.
LIX of
1949.
C.P.
and
Berar
II of
1950.
Mah.
XL of
1965.

CHAPTER I

PRELIMINARY

Short title
and
commence-
ment.

1. (1) This Act may be called the Maharashtra Municipal Corporations and Municipal Councils (Amendment) Act, 2009.

(2) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

CHAPTER II

AMENDMENTS TO THE MUMBAI MUNICIPAL CORPORATION ACT

Amendment
of section 3
of Bom. III
of 1888.

2. In section 3 of the Mumbai Municipal Corporation Act (hereinafter referred to as "the Mumbai Corporation Act"), after clause (tt), the following clauses shall be added; namely:—

Bom.
III of
1888.

"(uu) " area ", in relation to the Area Sabha, means an area determined under section 50TU ;

"(vv) " Area Sabha " means the body of all the persons registered in the electoral rolls pertaining to all polling booths in the area ;

"(ww) " Chairperson of Area Sabha " means the Councillor of the concerned electoral ward ;

"(xx) " Secretary of Area Sabha " means the Secretary of the Area Sabha appointed as such by the Corporation from amongst its officers not below the rank of Office Superintendent or for sufficient reasons, from any other suitable class of municipal employees. "

Insertion of
new
sections
50TU to
50TX in
Bom. III of
1888.

3. After section 50TT of the Mumbai Corporation Act, the following sections shall be inserted, namely:—

Determination
of areas.

" 50TU. The State Government shall, by order published in the *Official Gazette*, determine,—

(a) the areas into which each electoral ward of the Corporation may be divided; and

(b) the territorial extent of each area, which shall necessarily include the entire geographical territory in which all persons mentioned in the electoral roll of any polling booth in such territory, or, if the Government so decides, two or more contiguous polling booths (not exceeding five such polling booths) in such territory, are ordinary resident.

Meetings of
Area Sabha.

50TV. (1) The Chairperson of the Area Sabha shall convene a meeting of the Area Sabha. The Secretary of the Area Sabha shall thereafter issue a notice of the meeting specifying the date, time and place, as is fixed by the Chairperson. Every such meeting shall be given wide publicity in the area of Area Sabha :

Provided that, a period of not more than six months shall elapse between the two meetings of the Area Sabha.

(2) If the Chairperson fails to convene four meetings of the Area Sabha continuously, within a period of two years, as provided under sub-section (1), the State Government shall, upon a reference being made by the Commissioner, by order in the *Official Gazette*, disqualify the Chairperson for being a Councillor.

(3) Every meeting of the Area Sabha shall be presided over by the Chairperson of Area Sabha and shall be conducted in such manner as may be prescribed.

(4) The Secretary of the Area Sabha shall,—

(a) make necessary arrangements for the meeting and record the minutes of the meeting and forward the same with the approval of the Chairperson to the ward office and the Corporation ;

(b) obtain information from the Corporation or any of its offices regarding the action taken by the Corporation or the office concerned, as the case may be, on the suggestions made by the Area Sabha and present the same in the meeting ;

(c) attend other works incidental to clauses (a) and (b).

50TW. An Area Sabha may, having regard to its actual conditions obtaining in the municipal area, perform and discharge the following functions and duties, namely :—

Functions
and duties
of Area
Sabha.

(i) to suggest the priority of schemes and development programmes to be implemented in the area of the Area Sabha and forward the same to the Wards Committee, for inclusion in the developmental plans of the Wards Committee or the Corporation, as the case may be ;

(ii) to suggest the location of street lights, street or community water taps, public wells, public sanitation units and such other public amenities within the area of the Area Sabha ;

(iii) to identify the deficiencies in the water supply, sewage disposal, public sanitation, storm water management, roads and street lighting arrangements in the area of the Area Sabha and suggest remedial measures ;

(iv) to assist the activities of public health centres in the area of the Area Sabha, especially in prevention of diseases and family welfare and create arrangements to report on the incidence of epidemics and natural calamities ;

(v) to remind the Area Sabha members of their obligations to pay municipal taxes and user charges.

Rights and
powers of
Area Sabha.

50TX. An Area Sabha may, subject to the procedure prescribed in this behalf, exercise the following rights and powers, namely :—

(i) to get information from the concerned officials of the Corporation as to the services they will render and the works they propose to do in the area ;

(ii) to be informed by the Wards Committee about,—

(a) decisions concerning the jurisdiction of the Area Sabha made by the Wards Committee or the Corporation including the action taken on the suggestions made by the Area Sabha ;

(b) the follow up action taken on the decisions concerning the jurisdiction of the Area Sabha ;

(iii) to impart awareness on matters of public interest such as cleanliness, preservation of the environment and prevention of pollution ;

(iv) to have attendance of ward level officers dealing with water supply, road and street lighting, conservancy, sewage disposal, public sanitation, storm water and solid waste management and other civic amenities, in the meetings of the Area Sabha ; and

(v) to co-operate with the Wards Committee in the provision of sanitation arrangements and other civic amenities in the area.”

Amendment
of section
50TT of
Bom. III of
1888.

4. In section 50TT of the Mumbai Corporation Act, in sub-section (7), after clause (c), the following clause shall be added, namely :—

“(d) to make recommendations in regard to water supply, solid waste management, sewage disposal, drainage, storm water management, sanitation works and development scheme and to take periodical review thereof, to enlist people’s participation in the voluntary activities necessary for successful implementation of the developmental activities of the Corporation, to ensure maintenance of parks in the ward and to recommend for appropriate budget allocation to each electoral ward.”

CHAPTER III

AMENDMENTS TO THE BOMBAY PROVINCIAL MUNICIPAL CORPORATIONS ACT, 1949

Amendment
of section 2
of Bom. LIX
of 1949.

5. In section 2 of the Bombay Provincial Municipal Corporations Act, 1949 (hereinafter referred to as “the Provincial Corporations Act”),—

Bom.
LIX of
1949.

(i) after clause (2A), the following clauses shall be inserted, namely :—

“(2A-1) “area”, in relation to the Area Sabha, means an area determined under section 29B ;

(2A-2) “Area Sabha” means the body of all the persons registered in the electoral rolls pertaining to all polling booths in the area ;” ;

(ii) after clause (7), the following clause shall be inserted, namely :—

“(7A) “Chairperson of Area Sabha” means the Councillor of the concerned electoral ward ;”;

(iii) after clause (59C), the following clause shall be inserted, namely :—

“(59D) “Secretary of Area Sabha” means the Secretary of the Area Sabha appointed as such by the Corporation from amongst its officers not below the rank of the Office Superintendent or for sufficient reasons, from any other suitable class of municipal employees ;”.

6. In section 29A of the Provincial Corporations Act, in sub-section (7), after clause (c), the following clause shall be added, namely :—

Amendment of section 29A of Bom. LIX of 1949.

“(d) to make recommendations in regard to water supply, solid waste management, sewage disposal, drainage, storm water management, sanitation works and development scheme and to take periodical review thereof, to enlist people's participation in the voluntary activities necessary for successful implementation of the developmental activities of the Corporation, to ensure maintenance of parks in the ward and to recommend for appropriate budget allocation to each electoral ward.”.

7. After section 29A of the Provincial Corporations Act, the following sections shall be inserted, namely :—

Insertion of sections 29B to 29E in Bom. LIX of 1949.

“29B. The State Government shall, by order published in the *Official Gazette*, determine,—

Determination of areas.

(a) the areas into which each electoral ward may be divided ; and

(b) the territorial extent of each area, which shall necessarily include the entire geographical territory in which all persons mentioned in the electoral roll of any polling booth in such territory, or, if the Government so decides, two or more contiguous polling booths (not exceeding five such polling booths) in such territory, are ordinary resident.

29C. (1) The Chairperson of the Area Sabha shall convene a meeting of the Area Sabha. The Secretary of the Area Sabha shall, thereafter issue a notice of the meeting specifying the date, time and place, as is fixed by the Chairperson. Every such meeting shall be given wide publicity in the area of Area Sabha :

Meetings of Area Sabha.

Provided that, the period of not more than six months shall elapse between the two meetings of the Area Sabha.

(2) If the Chairperson fails to convene four meetings of the Area Sabha continuously, within a period of two years, as provided under sub-section (1), the State Government shall, upon a reference being made by the Commissioner, by order in the *Official Gazette*, disqualify the Chairperson for being a Councillor.

(3) Every meeting of the Area Sabha shall be presided over by the Chairperson of Area Sabha and shall be conducted in such manner as may be prescribed.

(4) The Secretary of the Area Sabha shall,—

(a) make necessary arrangements for the meeting and record the minutes of the meeting and forward the same with the approval of the Chairperson to the ward office and the Corporation ;

(b) obtain information from the Corporation or any of its offices regarding the action taken by the Corporation or the office concerned, as the case may be, on the suggestions made by the Area Sabha and present the same in the meeting ;

(c) attend other works incidental to clauses (a) and (b).

Functions
and duties
of Area
Sabha.

29D. An Area Sabha may, having regard to the actual conditions obtaining in the municipal area, perform and discharge the following functions and duties, namely :—

(i) to suggest the priority of schemes and development programmes to be implemented in the area of the Area Sabha and forward the same to the Wards Committee, for inclusion in the developmental plans of the Wards Committee or the Corporation, as the case may be ;

(ii) to suggest the location of street lights, street or community water taps, public wells, public sanitation units and such other public amenities within the area of the Area Sabha ;

(iii) to identify the deficiencies in the water supply, sewage disposal, public sanitation, storm water management, roads and street lighting arrangements in the area of the Area Sabha and suggest remedial measures ;

(iv) to assist the activities of public health centres in the area of the Area Sabha, especially in prevention of diseases and family welfare and create arrangements to report on the incidence of epidemics and natural calamities ;

(v) to remind the Area Sabha members of their obligations to pay municipal taxes and user charges.

Rights and
powers of
Area Sabha.

29E. An Area Sabha may, subject to the procedure that may be prescribed in this behalf, exercise the following rights and powers, namely :—

(i) to get information from the concerned officials of the Corporation as to the services they will render and the works they propose to do in the area ;

(ii) to be informed by the Wards Committee about,—

(a) decisions concerning the jurisdiction of the Area Sabha made by the Wards Committee or the Corporation including the action taken on the suggestions made by the Area Sabha ;

(b) the follow up action taken on the decisions concerning the jurisdiction of the Area Sabha ;

(iii) to impart awareness on matters of public interest such as cleanliness, preservation of the environment and prevention of pollution ;

(iv) to have attendance of ward level officers dealing with water supply, road and street lighting, conservancy, sewage disposal, public sanitation, storm water and solid waste management and other civic amenities, in the meetings of the Area Sabha ; and

(v) to co-operate with the Wards Committee in the provision of sanitation arrangements and other civic amenities in the area.”

CHAPTER IV

AMENDMENTS TO THE CITY OF NAGPUR CORPORATION ACT, 1948

C. P.
and
Berar
II of
1950.

8. In section 5 of the City of Nagpur Corporation Act, 1948 (hereinafter referred to as “the Nagpur Corporation Act”),—

Amendment
of section 5 of
C. P. and
Berar II of
1950.

(i) after clause (1), the following clauses shall be inserted, namely :—

“(1-1A) “area”, in relation to the Area Sabha, means an area as determined under section 38B ;

(1-1B) “Area Sabha” means the body of all the persons registered in the electoral rolls pertaining to all polling booths in that area ;” ;

(ii) after clause (8), the following clause shall be inserted, namely :—

“(8A) “Chairperson of Area Sabha” means the Councillor of the concerned electoral ward ;” ;

(iii) after clause (45), the following clause shall be inserted, namely :—

“(45A) “Secretary of Area Sabha” means the Secretary of the Area Sabha appointed as such by the Corporation from amongst its officers not below the rank of the Office Superintendent or for sufficient reasons, from any other suitable class of municipal employees ;” .

9. In section 38A of the Nagpur Corporation Act, in sub-section (7), after clause (c), the following clause shall be added, namely :—

Amendment
of section 38A
of C. P. and
Berar II of
1950.

“(d) to make recommendations in regard to water supply, solid waste management, sewage disposal, drainage, storm water management, sanitation works and development scheme and to take periodical review thereof, to enlist people’s participation in the voluntary activities necessary for successful implementation of the developmental activities of the Corporation, to ensure maintenance of parks in the ward and to recommend for appropriate budget allocation to each electoral ward.”

Insertion of
new sections
38B to 38E in
C. P. and Berar
II of 1950.

Determina-
tion of
areas.

10. After section 38A of the Nagpur Corporation Act, the following sections shall be inserted, namely :—

“ 38B. The State Government shall, by order published in the *Official Gazette*, determine, —

(a) the areas into which each electoral ward may be divided ; and

(b) the territorial extent of each area, which shall necessarily include the entire geographical territory in which all persons mentioned in the electoral roll of any polling booth in such territory, or, if the Government so decides, two or more contiguous polling booths (not exceeding five such polling booths) in such territory, are ordinary resident.

Meetings of
Area Sabha.

38C. (1) The Chairperson of the Area Sabha shall convene a meeting of the Area Sabha. The Secretary of the Area Sabha shall, thereafter issue a notice of the meeting specifying the date, time and place, as is fixed by the Chairperson. Every such meeting shall be given wide publicity in the area of Area Sabha :

Provided that, a period of not more than six months shall elapse between the two meetings of the Area Sabha.

(2) If the Chairperson fails to convene four meetings of the Area Sabha continuously, within a period of two years, as provided under sub-section (1), the State Government shall, upon a reference being made by the Commissioner, by order in the *Official Gazette*, disqualify the Chairperson for being a Councillor.

(3) Every meeting of the Area Sabha shall be presided over by the Chairperson of Area Sabha and shall be conducted in such manner as may be prescribed.

(4) The Secretary of the Area Sabha shall,—

(a) make necessary arrangements for the meeting and record the minutes of the meeting and forward the same with the approval of the Chairperson to the ward office and the Corporation ;

(b) obtain information from the Corporation or any of its offices regarding the action taken by the Corporation or the office concerned, as the case may be, on the suggestions made by the Area Sabha and present the same in the meeting ;

(c) attend other works incidental to clauses (a) and (b).

Functions
and duties
of Area
Sabha.

38D. An Area Sabha may, having regard to its actual conditions obtaining in the municipal area, perform and discharge the following functions and duties, namely :—

(i) to suggest the priority of schemes and development programmes to be implemented in the area of the Area Sabha and forward the same to the Wards Committee, for inclusion in the developmental plans of the Wards Committee or the Corporation, as the case may be ;

(ii) to suggest the location of street lights, street or community water taps, public wells, public sanitation units, and such other public amenities within the area of the Area Sabha ;

(iii) to identify the deficiencies in the water supply, sewage disposal, public sanitation, storm water management, road and street lighting arrangements in area of the Area Sabha and suggest remedial measures ;

(iv) to assist the activities of public health centres in the area of the Area Sabha, especially in prevention of diseases and family welfare and create arrangements to report on the incidence of epidemics and natural calamities ;

(v) to remind the Area Sabha members of their obligations to pay municipal taxes and user charges.

38E. An Area Sabha may, subject to the procedure prescribed in this behalf, exercise the following rights and powers, namely :—

Rights and powers of Area Sabha.

(i) to get information from the concerned officials of the Corporation as to the services they will render and the works they propose to do in the area ;

(ii) to be informed by the Wards Committee about,—

(a) decisions concerning the jurisdiction of the Area Sabha made by the Wards Committee or the Corporation including the action taken on the suggestions made by the Area Sabha ;

(b) the follow up action taken on the decisions concerning the jurisdiction of the Area Sabha ;

(iii) to impart awareness on matters of public interest such as cleanliness, preservation of the environment and prevention of pollution ;

(iv) to have attendance of ward level officers dealing with water supply, road and street lighting, conservancy, sewage disposal, public sanitation, storm water and solid waste management and other civic amenities, in the meetings of the Area Sabha ; and

(v) to co-operate with the Wards Committee in the provision of sanitation arrangements and other civic amenities in the area. ”.

CHAPTER V

AMENDMENTS TO THE MAHARASHTRA MUNICIPAL COUNCILS, NAGAR PANCHAYATS AND INDUSTRIAL TOWNSHIPS ACT, 1965

Mah. XL of 1965.

11. In section 2 of the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965 (hereinafter referred to as “the Municipal Councils Act ”),—

Amendment of section 2 of Mah. XL of 1965.

(i) after clause (I), the following clauses shall be inserted, namely :—

“ (I-1A) “ area ”, in relation to the Area Sabha, means an area determined under section 66B ;

(1-1B) "Area Sabha" means the body of all the persons registered in the electoral rolls pertaining to all polling booths in the area ;";

(ii) after clause (4), the following clause shall be inserted, namely :—

"(4A) "Chairperson of Area Sabha" means the Councillor of the concerned electoral ward ;";

(iii) after clause (46), the following clause shall be inserted, namely :—

"(46A) "Secretary of Area Sabha" means the Secretary of the Area Sabha appointed as such by the Council from amongst its officers not below the rank of the Office Superintendent or for sufficient reasons, from any other suitable class of municipal employees ;".

Amendment
of section
66A of
Mah. XL of
1965.

12. In section 66A of the Municipal Councils Act, in sub-section (7), after clause (c), the following clause shall be added, namely :—

"(d) to make recommendations in regard to water supply, solid waste management, sewage disposal, drainage, storm water management, sanitation works and development scheme and to take periodical review thereof, to enlist people's participation in the voluntary activities necessary for successful implementation of the developmental activities of the Council, to ensure maintenance of parks in the ward and to recommend for appropriate budget allocation to each electoral ward."

Insertion of
new
sections
66B to 66E
in Mah. XL
of 1965.

13. After section 66A of the Municipal Councils Act, the following sections shall be inserted, namely :—

Determination
of areas.

"66B. The State Government shall, by order published in the *Official Gazette*, determine,—

(a) the areas into which each electoral ward may be divided ;
and

(b) the territorial extent of each area, which shall necessarily include the entire geographical territory in which all persons mentioned in the electoral roll of any polling booth in such territory, or, if the Government so decides, two or more contiguous polling booths (not exceeding five such polling booths) in such territory, are ordinary resident.

Meetings of
Area Sabha.

66C. (1) The Chairperson of the Area Sabha shall convene a meeting of the Area Sabha. The Secretary of the Area Sabha shall, thereafter issue a notice of the meeting specifying the date, time and place, as is fixed by the Chairperson. Every such meeting shall be given wide publicity in the area of the Area Sabha :

Provided that, a period of not more than six months shall elapse between the two meetings of the Area Sabha.

(2) If the Chairperson fails to convene four meetings of the Area Sabha continuously, within a period of two years, as provided under sub-section (1), the State Government shall, upon reference being made by the Chief Officer, by order in the *Official Gazette*, disqualify the Chairperson for being a Councillor.

(3) Every meeting of the Area Sabha shall be presided over by the Chairperson of Area Sabha and shall be conducted in such manner as may be prescribed.

(4) The Secretary of the Area Sabha shall,—

(a) make necessary arrangements for the meeting and record the minutes of the meeting and forward the same with the approval of the Chairperson to the ward office and the Council ;

(b) obtain information from the Council or any of its offices regarding the action taken by the Council or the office concerned, as the case may be, on the suggestions made by the Area Sabha and present the same in the meeting ;

(c) attend other works incidental to clauses (a) and (b).

66D. An Area Sabha may, having regard to the actual conditions obtaining in the municipal area, perform and discharge the following functions and duties, namely :—

Functions and duties of Area Sabha.

(i) to suggest the priority of schemes and development programmes to be implemented in the Area Sabha and forward the same to the Wards Committee, for inclusion in the developmental plans of the Wards Committee or Council, as the case may be ;

(ii) to suggest the location of street lights, street or community water taps, public wells, public sanitation units and such other public amenities within the area of the Area Sabha ;

(iii) to identify the deficiencies in the water supply, sewage disposal, public sanitation, storm water management, roads and street lighting arrangements in the area of the Area Sabha and suggest remedial measures ;

(iv) to assist the activities of public health centres in the area of the Area Sabha, especially in prevention of diseases and family welfare and create arrangements to report on the incidence of epidemics and natural calamities ;

(v) to remind the Area Sabha members of their obligations to pay municipal taxes and user charges.

66E. An Area Sabha may, subject to the procedure prescribed in this behalf, exercise the following rights and powers, namely :—

Rights and powers of Area Sabha.

(i) to get information from the concerned officials of the Council as to the services they will render and the works they propose to do in the area ;

(ii) to be informed by the Wards Committee about,—

(a) decisions concerning the jurisdiction of the Area Sabha made by the Wards Committee or the Council including the action taken on the suggestions made by the Area Sabha ;

(b) the follow up action taken on the decisions concerning the jurisdiction of the Area Sabha ;

(iii) to impart awareness on matters of public interest such as cleanliness, preservation of the environment and prevention of pollution ;

(iv) to have attendance of ward level officers dealing with water supply, road and street lighting, conservancy, sewage disposal, public sanitation, storm water and solid waste management and other civic amenities, in the meetings of the Area Sabha ; and

(v) to co-operate with the Wards Committee in the provision of sanitation arrangements and other civic amenities in the area.”



महाराष्ट्र शासन राजपत्र

असाधारण भाग आठ

वर्ष ३, अंक ५(४)]

रविवार, एप्रिल ३, २०११/चैत्र १३, शके १९३३

[पृष्ठे १४, किंमत : रुपये १४.००

असाधारण क्रमांक ३८

प्राधिकृत प्रकाशन

महाराष्ट्र विधानमंडळाचे अधिनियम व राज्यपालांनी प्रख्यापित केलेले अध्यादेश व केलेले विनियम आणि विधी व न्याय विभागाकडून आलेली विधेयके (इंग्रजी अनुवाद).

In pursuance of clause (3) of article 348 of the Constitution of India, the following translation in English of the Maharashtra Municipal Corporations and Municipal Councils (Amendment) Act, 2010 (Mah. Act No. IX of 2011), is hereby published under the authority of the Governor.

By order and in the name of the Governor of Maharashtra,

H. B. PATEL,
Secretary to Government,
Law and Judiciary Department.

MAHARASHTRA ACT No. IX OF 2011.

(First published, after having received the assent of the Governor in the "Maharashtra Government Gazette", on the 3rd April 2011).

An Act further to amend the Mumbai Municipal Corporation Act, the Bombay Provincial Municipal Corporations Act, 1949, the City of Nagpur Corporation Act, 1948 and the Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships Act, 1965.

Bom. III
of
1888.
Bom.
LIX of
1949.
C.P.
and
Berar
II of
1950.
Mah.
XL of
1965.

WHEREAS it is expedient further to amend the Mumbai Municipal Corporation Act, the Bombay Provincial Municipal Corporations Act, 1949, the City of Nagpur Corporation Act, 1948 and the Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships Act,

1965, for the purposes hereinafter appearing ; it is hereby enacted in the Sixty-first Year of the Republic of India as follows :—

CHAPTER I

PRELIMINARY.

Short title and commencement. 1. (1) This Act may be called the Maharashtra Municipal Corporations and Municipal Councils (Amendment) Act, 2010.

(2) It shall come into force on such date, as the State Government may, by notification in the *Official Gazette*, appoint and different dates may be appointed for different provisions of this Act and for different areas.

CHAPTER II

AMENDMENTS TO THE MUMBAI MUNICIPAL CORPORATION ACT.

Insertion of sections 354AB and 354AC in Bom. III of 1888. 2. After section 354AA of the Mumbai Municipal Corporation Act (hereinafter, in this Chapter, referred to as "the Mumbai Corporation Act"), the following sections shall be inserted, namely :—

Bom.
III of
1888.

Responsibility of owner or occupier to keep and maintain exterior of building in good condition.

"**354AB.** (1) It shall be the responsibility of every owner or occupier of a building to ensure that the exterior of the building is kept and maintained in good condition and, is not in a state of disrepair or spoiled on account of cracks, stains, shabby enclosures, hanging wires or cables or keeping of unwholesome articles which spoil the appearance of a building or part thereof :

Provided that, nothing in this section shall apply to the area declared as slum area under sub-section (1) of section 4 of the Maharashtra Slum Areas (Improvement, Clearance and Redevelopment) Act, 1971 and the buildings in respect of which the re-development plan is sanctioned by the Competent Authority or is under consideration of the Competent Authority.

Mah.
XXVIII
of
1971.

(2) If, on inspection of such building or a part thereof, the Commissioner is of the opinion that the exterior of any building or a part thereof is not kept and maintained in good condition and is spoiled on account of any of the factors mentioned in sub-section (1), the Commissioner may, by notice in writing, require the owner or occupier thereof to carry out necessary work as may be specified in such notice so as to keep and maintain the exterior of a building in good condition ; and the owner, or as the case may be, the occupier shall comply with such notice.

(3) The owner or occupier of the building shall carry out the work mentioned in the notice issued by the Commissioner under sub-section (2), within thirty days from the date of receipt of the notice or such longer period as the Commissioner may, having regard to the nature and the extent of work to be carried out, specify.

(4) Where the owner or, as the case may be, the occupier fails to comply with the notice under sub-section (2), the Commissioner may cause the work mentioned in such notice to be executed and the owner or, as the case may be, the occupier shall be liable to pay the expenses incurred by the Commissioner in that behalf within thirty days from the date of the receipt of a demand notice, and if such owner or occupier fails to pay the same, there shall be levied an interest at the rate of two per cent. for each month or part thereof, on the amount of expenses incurred by the Commissioner, till the entire amount of such expenses is paid.

(5) Save as otherwise provided in this section, the amount of such expenses together with interest, if any, shall be recoverable as if the amount thereof was due as a property tax.

(6) If there is any dispute about the amount of expenses for which demand is made under sub-section (4), an appeal may be preferred to the Chief Judge of the Small Causes Court, but no such appeal shall be entertained by the said Chief Judge unless,—

(i) it is preferred within twenty-one days from the date of receipt of notice of such demand ;

(ii) the amount for which demand is made is deposited with the Corporation and a true copy of the receipt showing that the amount has been so deposited accompanies the appeal.

(7) In case the appeal is decided in favour of the appellant and the amount of expenses deposited with the Corporation is more than the amount payable by the appellant, the Commissioner shall adjust the excess amount with interest at 6.25 per cent. per annum from the date on which the amount is so deposited by the appellant, towards the property tax payable by the owner in respect of such building thereafter.

354AC. (1) The Commissioner, after obtaining approval of the State Government, may, by notification in the *Official Gazette*, and by advertisement in not less than two local news papers, declare that with a view to creating aesthetic harmony, maintaining architectural character and beautifying and improving the aesthetic appearance of a particular urban space, the external appearance of any building or buildings including any fixtures thereon and a boundary wall, if any, either existing on the date of publication of declaration or proposed to be constructed and completed thereafter and located on any street in any locality or part thereof in the municipal area specified in such declaration, be kept and maintained in such manner and within such time as may be indicated in such declaration.

Power of Commissioner to make declaration of aesthetic harmony.

(2) Before publication of the notification under sub-section (1), the Commissioner shall cause to be given a notice by advertisement in the *Official Gazette* and in not less than two local news papers announcing his intention to issue such declaration, and inviting

all persons who entertain any objection or who desire to make any suggestions to the said proposal to submit the same in writing, with the reasons therefor, to the Commissioner within one month from the date of the publication of such notice in the *Official Gazette*. After expiry of the said period of one month, the Commissioner shall consider the objections and suggestions within one month.

(3) Where the owner fails to comply with the requirements under the declaration under sub-section (1), within the period specified, the Commissioner may take or cause to be taken such steps to carry out the work required to be executed under the declaration ; and the expenses incurred by the Corporation in respect thereof shall be recovered from the owner as if the amount thereof were arrears of property tax due by the said owner and shall be payable by the owner on demand.

(4) If there is any dispute about the amount of expenses for which demand is made under sub-section (3), an appeal may be preferred by the owner to the Chief Judge of the Small Causes Court, but no such appeal shall be entertained by the said Chief Judge unless,—

(i) it is preferred within twenty-one days from the date of receipt of notice of such demand ;

(ii) the amount for which demand is made is deposited with the Corporation and a true copy of the receipt showing that the amount has been so deposited accompanies the appeal.

(5) In case the appeal is decided in favour of the appellant and the amount of expenses deposited with the Corporation is more than the amount payable by the appellant, the Commissioner shall adjust the excess amount with interest at 6.25 per cent. per annum from the date on which the amount is so deposited by the appellant, towards the property tax payable by the owner in respect of such building thereafter.”.

Substitution of
section 520C
of Bom. III of
1888.

3. For section 520C of the Mumbai Corporation Act, the following section shall be substituted, namely :—

Power of
State
Government
to issue
instructions
or
directions.

“ 520 C. Notwithstanding anything contained in this Act, the State Government may issue to the Corporation general instructions as to matters of policy to be followed by the Corporation in respect of its duties and functions, and in particular it may issue directions in the larger public interest or for implementation of the policies of the Central Government or the State Government and the National or the State level programmes, projects and schemes. Upon the issue of such instructions or directions, it shall be the duty of the Corporation to give effect to such instructions or directions :

Provided that, the State Government shall, before issuing any instructions or directions under this section, give an opportunity to the Corporation to make representation within fifteen days as to why

such instructions or directions shall not be issued. If the Corporation fails to represent within fifteen days or, after having represented, the State Government, on considering the representation, is of the opinion that issuing of such instructions or directions is necessary, the State Government may issue the same.”

CHAPTER III

AMENDMENTS TO THE BOMBAY PROVINCIAL MUNICIPAL CORPORATIONS ACT, 1949.

4. After section 185 of the Bombay Provincial Municipal Corporations Act, 1949 (hereinafter, in this Chapter, referred to as “the Provincial Corporations Act”), the following sections shall be inserted, namely :—

Insertion of sections 185A and 185B in Bom. LIX of 1949.

Bom.
LIX of
1949.

“185A. (1) It shall be the responsibility of every owner or occupier of a building to ensure that the exterior of the building is kept and maintained in good condition and, is not in a state of disrepair or spoiled on account of cracks, stains, shabby enclosures, hanging wires or cables or keeping of unwholesome articles which spoil the appearance of a building or part thereof :

Responsibility of owner or occupier to keep and maintain exterior of building in good condition.

Provided that, nothing in this section shall apply to the area declared as slum area under sub-section (1) of section 4 of the Maharashtra Slum Areas (Improvement, Clearance and Redevelopment) Act, 1971 and the buildings in respect of which the re-development plan is sanctioned by the Competent Authority or is under consideration of the Competent Authority.

Mah.
XXVIII
of 1971.

(2) If, on inspection of such building or a part thereof, the Commissioner is of the opinion that the exterior of any building or a part thereof is not kept and maintained in good condition and is spoiled on account of any of the factors mentioned in sub-section (1), the Commissioner may, by notice in writing, require the owner or occupier thereof to carry out necessary work as may be specified in such notice so as to keep and maintain the exterior of a building in good condition ; and the owner, or as the case may be, the occupier shall comply with such notice.

(3) The owner or occupier of the building shall carry out the work mentioned in the notice issued by the Commissioner under sub-section (2), within thirty days from the date of receipt of the notice or such longer period as the Commissioner may, having regard to the nature and the extent of work to be carried out, specify.

(4) Where the owner or, as the case may be, the occupier fails to comply with the notice under sub-section (2), the Commissioner may cause the work mentioned in such notice to be executed and the owner or, as the case may be, the occupier shall be liable to pay the expenses incurred by the Commissioner in that behalf within thirty days from the date of the receipt of a demand notice, and if such owner or occupier fails to pay the same, there shall be levied an interest at the rate of two per cent. for each month or part thereof, on the amount of expenses incurred by the Commissioner, till the entire amount of such expenses is paid.

(5) Save as otherwise provided in this section, the amount of such expenses together with interest, if any, shall be recoverable as if the amount thereof was due as a property tax.

(6) If there is any dispute about the amount of expenses for which demand is made under sub-section (4), an appeal may be preferred to the Judge, before whom an appeal may be filed under section 406 but no such appeal shall be entertained by such Judge unless,—

(i) it is preferred within twenty-one days from the date of receipt of notice of such demand ;

(ii) the amount for which demand is made is deposited with the Corporation and a true copy of the receipt showing that the amount has been so deposited accompanies the appeal.

(7) In case the appeal is decided in favour of the appellant and the amount of expenses deposited with the Corporation is more than the amount payable by the appellant, the Commissioner shall adjust the excess amount with interest at 6.25 per cent. per annum from the date on which the amount is so deposited by the appellant, towards the property tax payable by the owner in respect of such building thereafter.

Power of
Commissioner
to make
declaration
of aesthetic
harmony.

185B. (1) The Commissioner, after obtaining approval of the State Government, may, by notification in the *Official Gazette*, and by advertisement in not less than two local news papers, declare that with a view to creating aesthetic harmony, maintaining architectural character and beautifying and improving the aesthetic appearance of a particular urban space, the external appearance of any building or buildings including any fixtures thereon and a boundary wall, if any, either existing on the date of publication of declaration or proposed to be constructed and completed thereafter and located on any street in any locality or part thereof in the municipal area specified in such declaration, be kept and maintained in such manner and within such time as may be indicated in such declaration.

(2) Before publication of the notification under sub-section (1), the Commissioner shall cause to be given a notice by advertisement in the *Official Gazette* and in not less than two local news papers announcing his intention to issue such declaration, and inviting all persons who entertain any objection or who desire to make any suggestions to the said proposal to submit the same in writing, with the reasons therefor, to the Commissioner within one month from the date of the publication of such notice in the *Official Gazette*. After expiry of the said period of one month, the Commissioner shall consider the objections and suggestions within one month.

(3) Where the owner fails to comply with the requirements under the declaration under sub-section (1), within the period specified, the

Commissioner may take or cause to be taken such steps to carry out the work required to be executed under the declaration ; and the expenses incurred by the Corporation in respect thereof shall be recovered from the owner as if the amount thereof were arrears of property tax due by the said owner and shall be payable by the owner on demand.

(4) If there is any dispute about the amount of expenses for which demand is made under sub-section (3), an appeal may be preferred by the owner to the Judge, before whom an appeal under section 406 may be filed, but no such appeal shall be entertained by such Judge unless,—

(i) it is preferred within twenty-one days from the date of receipt of notice of such demand ;

(ii) the amount for which demand is made is deposited with the Corporation and a true copy of the receipt showing that the amount has been so deposited accompanies the appeal.

(5) In case the appeal is decided in favour of the appellant and the amount of expenses deposited with the Corporation is more than the amount payable by the appellant, the Commissioner shall adjust the excess amount with interest at 6.25 per cent. per annum from the date on which the amount is so deposited by the appellant, towards the property tax payable by the owner in respect of such building thereafter.”.

5. After section 450 of the Provincial Corporations Act, the following section shall be inserted, namely :—

Insertion
of section
450A in
Bom. LIX
of 1949.

“450 A. Notwithstanding anything contained in this Act, the State Government may issue to the Corporation general instructions as to matters of policy to be followed by the Corporation in respect of its duties and functions, and in particular it may issue directions in the larger public interest or for implementation of the policies of the Central Government or the State Government and the National or the State level programs, projects and schemes. Upon the issue of such instructions or directions, it shall be the duty of the Corporation to give effect to such instructions or directions :

Power of
State
Government
to issue
instructions
or
directions.

Provided that, the State Government shall, before issuing any instructions or directions under this section, give an opportunity to the Corporation to make representation within fifteen days as to why such instructions or directions shall not be issued. If the Corporation fails to represent within fifteen days or, after having represented, the State Government, on considering the representation, is of the opinion that issuing of such instructions or directions is necessary, the State Government may issue the same.”.

CHAPTER IV

AMENDMENTS TO THE CITY OF NAGPUR CORPORATION ACT, 1948.

Insertion of sections 285A and 285B in C.P. and Berar II of 1950.

6. After section 285 of the City of Nagpur Corporation Act, 1948 (hereinafter, in this Chapter, referred to as "the Nagpur Corporation Act"), the following sections shall be inserted, namely :—

C. P. and Berar II of 1950.

Responsibility of owner or occupier to keep and maintain exterior of building in good condition.

"285A. (1) It shall be the responsibility of every owner or occupier of a building to ensure that the exterior of the building is kept and maintained in good condition and, is not in a state of disrepair or spoiled on account of cracks, stains, shabby enclosures, hanging wires or cables or keeping of unwholesome articles which spoil the appearance of a building or part thereof :

Provided that, nothing in this section shall apply to the area declared as slum area under sub-section (1) of section 4 of the Maharashtra Slum Areas (Improvement, Clearance and Redevelopment) Act, 1971 and the buildings in respect of which the re-development plan is sanctioned by the Competent Authority or is under consideration of the Competent Authority.

Mah. XXVIII of 1971.

(2) If, on inspection of such building or a part thereof, the Commissioner is of the opinion that the exterior of any building or a part thereof is not kept and maintained in good condition and is spoiled on account of any of the factors mentioned in sub-section (1), the Commissioner may, by notice in writing, require the owner or occupier thereof to carry out necessary work as may be specified in such notice so as to keep and maintain the exterior of the building in good condition; and the owner, or as the case may be, the occupier shall comply with such notice.

(3) The owner or occupier of the building shall carry out the work mentioned in the notice issued by the Commissioner under sub-section (2), within thirty days from the date of receipt of the notice or such longer period as the Commissioner may, having regard to the nature and the extent of work to be carried out, specify.

(4) Where the owner or, as the case may be, the occupier fails to comply with the notice under sub-section (2), the Commissioner may cause the work mentioned in such notice to be executed and the owner or, as the case may be, the occupier shall be liable to pay the expenses incurred by the Commissioner in that behalf within thirty days from the date of the receipt of a demand notice, and if such owner or occupier fails to pay the same, there shall be levied an interest at the rate of two per cent. for each month or part thereof, on the amount of expenses incurred by the Commissioner, till the entire amount of such expenses is paid.

(5) Save as otherwise provided in this section, the amount of such expenses together with interest, if any, shall be recoverable as if the amount thereof was due as a property tax.

(6) If there is any dispute about the amount of expenses for which demand is made under sub-section (4), an appeal may be preferred to the District Court, but no such appeal shall be entertained by the said Court unless,—

(i) it is preferred within twenty-one days from the date of receipt of notice of such demand ;

(ii) the amount for which demand is made is deposited with the Corporation and a true copy of the receipt showing that the amount has been so deposited accompanies the appeal.

(7) In case the appeal is decided in favour of the appellant and the amount of expenses deposited with the Corporation is more than the amount payable by the appellant, the Commissioner shall adjust the excess amount with interest at 6.25 per cent. per annum from the date on which the amount is so deposited by the appellant, towards the property tax payable by the owner in respect of such building thereafter.

285B. (1) The Commissioner, after obtaining approval of the State Government, may, by notification in the *Official Gazette*, and by advertisement in not less than two local news papers, declare that with a view to creating aesthetic harmony, maintaining architectural character and beautifying and improving the aesthetic appearance of a particular urban space, the external appearance of any building or buildings including any fixtures thereon and a boundary wall, if any, either existing on the date of publication of declaration or proposed to be constructed and completed thereafter and located on any street in any locality or part thereof in the municipal area specified in such declaration, be kept and maintained in such manner and within such time as may be indicated in such declaration.

Power of
Commissioner
to make
declaration
of aesthetic
harmony.

(2) Before publication of the notification under sub-section (1), the Commissioner shall cause to be given a notice by advertisement in the *Official Gazette* and in not less than two local news papers announcing his intention to issue such declaration, and inviting all persons who entertain any objection or who desire to make any suggestions to the said proposal to submit the same in writing, with the reasons therefor, to the Commissioner within one month from the date of the publication of such notice in the *Official Gazette*. After expiry of the said period of one month, the Commissioner shall consider the objections and suggestions within one month.

(3) Where the owner fails to comply with the requirements under the declaration under sub-section (1), within the period specified, the Commissioner may take or cause to be taken such steps to carry out the work required to be executed under the declaration ; and the expenses incurred by the Corporation in respect thereof shall be

recovered from the owner as if the amount thereof were arrears of property tax due by the said owner and shall be payable by the owner on demand.

(4) If there is any dispute about the amount of expenses for which demand is made under sub-section (3), an appeal may be preferred by the owner to the District Court, but no such appeal shall be entertained by the said Court unless,—

(i) it is preferred within twenty-one days from the date of receipt of notice of such demand ;

(ii) the amount for which demand is made is deposited with the Corporation and a true copy of the receipt showing that the amount has been so deposited accompanies the appeal.

(5) In case the appeal is decided in favour of the appellant and the amount of expenses deposited with the Corporation is more than the amount payable by the appellant, the Commissioner shall adjust the excess amount with interest at 6.25 per cent. per annum from the date on which the amount is so deposited by the appellant, towards the property tax payable by the owner in respect of such building thereafter.”

Insertion of
section 404A in
C. P. and
Berar II of
1950.

7. After section 404 of the Nagpur Corporation Act, the following section shall be inserted, namely :—

Power of
State
Government
to issue
instructions
or directions.

“404A. Notwithstanding anything contained in this Act, the State Government may issue to the Corporation general instructions as to matters of policy to be followed by the Corporation in respect of its duties and functions, and in particular it may issue directions in the larger public interest or for implementation of the policies of the Central Government or the State Government and the National or the State level programs, projects and schemes. Upon the issue of such instructions or directions, it shall be the duty of the Corporation to give effect to such instructions or directions:

Provided that, the State Government shall, before issuing any instructions or directions under this section, give an opportunity to the Corporation to make representation within fifteen days as to why such instructions or directions shall not be issued. If the Corporation fails to represent within fifteen days or, after having represented, the State Government, on considering the representation, is of the opinion that issuing of such instructions or directions is necessary, the State Government may issue the same.”

CHAPTER V

AMENDMENTS TO THE MAHARASHTRA MUNICIPAL COUNCILS, NAGAR PANCHAYATS AND INDUSTRIAL TOWNSHIPS ACT, 1965.

Mah.
XL of
1965.

8. After section 194 of the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965 (hereinafter, in this Chapter, referred to as "the Municipal Councils Act"), the following sections shall be inserted, namely:—

Insertion of sections 194A and 194B in Mah. XL of 1965. Responsibility of owner or occupier to keep and maintain exterior of building in good condition.

"194A. (1) It shall be the responsibility of every owner or occupier of a building to ensure that the exterior of the building is kept and maintained in good condition and, is not in a state of disrepair or spoiled on account of cracks, stains, shabby enclosures, hanging wires or cables or keeping of unwholesome articles which spoil the appearance of a building or part thereof:

Mah.
XXVIII
of
1971.

Provided that, nothing in this section shall apply to the area declared as slum area under sub-section (1) of section 4 of the Maharashtra Slum Areas (Improvement, Clearance and Redevelopment) Act, 1971 and the buildings in respect of which the re-development plan is sanctioned by the Competent Authority or is under consideration of the Competent Authority.

(2) If, on inspection of such building or a part thereof, the Chief Officer is of the opinion that the exterior of any building or a part thereof is not kept and maintained in good condition and is spoiled on account of any of the factors mentioned in sub-section (1), the Chief Officer may, by notice in writing, require the owner or occupier thereof to carry out the necessary work as may be specified in such notice so as to keep and maintain the exterior of a building in good condition; and the owner, or as the case may be, the occupier shall comply with such notice.

(3) The owner or occupier of the building shall carry out the work mentioned in the notice issued by the Chief Officer under sub-section (2), within thirty days from the date of receipt of the notice or such longer period as the Chief Officer may, having regard to the nature and the extent of work to be carried out, specify.

(4) Where the owner or, as the case may be, the occupier fails to comply with the notice under sub-section (2), the Chief Officer may cause the work mentioned in such notice to be executed and the owner or, as the case may be, the occupier shall be liable to pay the expenses incurred by the Chief Officer in that behalf within thirty days from the date of the receipt of a demand notice, and if such owner or occupier fails to pay the same, there shall be levied an interest at the rate of two per cent. for each month or part thereof, on the amount of expenses incurred by the Chief Officer, till the entire amount of such expenses is paid.

(5) Save as otherwise provided in this section, the amount of such expenses together with interest, if any, shall be recoverable as if the amount thereof was due as a property tax.

(6) If there is any dispute about the amount of expenses for which demand is made under sub-section (4), an appeal may be preferred to the Property Tax Appeal Committee constituted under sub-section (2) of section 169, but no such appeal shall be entertained by the said Committee unless,—

(i) it is preferred within twenty-one days from the date of receipt of notice of such demand ;

(ii) the amount for which demand is made is deposited with the Council and a true copy of the receipt showing that the amount has been so deposited accompanies the appeal.

(7) In case the appeal is decided in favour of the appellant and the amount of expenses deposited with the Council is more than the amount payable by the appellant, the Chief Officer shall adjust the excess amount with interest at 6.25 per cent. per annum from the date on which the amount is so deposited by the appellant, towards the property tax payable by the owner in respect of such building thereafter.

Power of
Chief officer
to make
declaration of
aesthetic
harmony.

194B. (1) The Chief Officer, after obtaining approval of the State Government, may, by notification in the *Official Gazette*, and by advertisement in not less than two local news papers, declare that with a view to creating aesthetic harmony, maintaining architectural character and beautifying and improving the aesthetic appearance of a particular urban space, the external appearance of any building or buildings including any fixtures thereon and a boundary wall, if any, either existing on the date of publication of declaration or proposed to be constructed and completed thereafter and located on any street in any locality or part thereof in the municipal area specified in such declaration, be kept and maintained in such manner and within such time as may be indicated in such declaration.

(2) Before publication of the notification under sub-section (1), the Chief Officer shall cause to be given a notice by advertisement in the *Official Gazette* and in not less than two local news papers announcing his intention to issue such declaration, and inviting all persons who entertain any objection or who desire to make any suggestions to the said proposal to submit the same in writing, with the reasons therefor, to the Chief Officer within one month from the date of the publication of such notice in the *Official Gazette*. After expiry of the said period of one month, the Chief Officer shall consider the objections and suggestions within one month.

(3) Where the owner fails to comply with the requirements under the declaration under sub-section (1), within the period specified, the Chief Officer may take or cause to be taken such steps to carry out the work required to be executed under the declaration; and the expenses incurred by the Council in respect thereof shall be recovered from the owner as if the amount thereof were arrears of property tax due by the said owner and shall be payable by the owner on demand.

(4) If there is any dispute about the amount of expenses for which demand is made under sub-section (3), an appeal may be preferred by the owner to the Property Tax Appeal Committee constituted under sub-section (2) of section 169, but no such appeal shall be entertained by the said Committee unless,—

(i) it is preferred within twenty-one days from the date of receipt of notice of such demand ;

(ii) the amount for which demand is made is deposited with the Council and a true copy of the receipt showing that the amount has been so deposited accompanies the appeal.

(5) In case the appeal is decided in favour of the appellant and the amount of expenses deposited with the Council is more than the amount payable by the appellant, the Chief Officer shall adjust the excess amount with interest at 6.25 per cent. per annum from the date on which the amount is so deposited by the appellant, towards the property tax payable by the owner in respect of such building thereafter.”.

Insertion of
section
312A in
Mah. XL of
1965.
Power of
State
Government
to issue
instructions
or directions.

9. After section 312 of the Municipal Councils Act, the following section shall be inserted, namely :—

“312 A. Notwithstanding anything contained in this Act, the State Government may issue to the Council general instructions as to matters of policy to be followed by the Council in respect of its duties and functions, and in particular it may issue directions in the larger public interest or for implementation of the policies of the Central Government or the State Government and the National or the State level programs, projects and schemes. Upon the issue of such instructions or directions, it shall be the duty of the Council to give effect to such instructions or directions :

Provided that, the State Government shall, before issuing any instructions or directions under this section, give an opportunity to the Council to make representation within fifteen days as to why such instructions or directions shall not be issued. If the Council fails to represent within fifteen days or, after having represented, the State Government, on considering the representation, is of the opinion that issuing of such instructions or directions is necessary, the State Government may issue the same.”.



महाराष्ट्र शासन राजपत्र

असाधारण भाग आठ

वर्ष ३, अंक १२(८)]

गुरुवार, एप्रिल २१, २०११/वैशाख १, शके १९३३ [पृष्ठे ४, किंमत : रुपये १४.००

असाधारण क्रमांक ५५

प्राधिकृत प्रकाशन

महाराष्ट्र विधानमंडळाचे अधिनियम व राज्यपालांनी प्रख्यापित केलेले अध्यादेश व केलेले विनियम आणि विधी व न्याय विभागाकडून आलेली विधेयके (इंग्रजी अनुवाद).

In pursuance of clause (3) of article 348 of the Constitution of India, the following translation in English of the Maharashtra Municipal Corporations and Municipal Councils (Second Amendment) Act, 2011 (Mah. Act. No. XX of 2011), is hereby published under the authority of the Governor.

By order and in the name of the Governor of Maharashtra,

H. B. PATEL,
Secretary to Government,
Law and Judiciary Department.

MAHARASHTRA ACT NO. XX OF 2011

(First published, after having received the assent of the Governor in the "Maharashtra Government Gazette", on the 21st April 2011).

An Act further to amend the Mumbai Municipal Corporation Act, the Bombay Provincial Municipal Corporations Act, 1949, the City of Nagpur Corporation Act, 1948 and the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965.

WHEREAS it is expedient further to amend the Mumbai Municipal Corporation Act, the Bombay Provincial Municipal Corporations Act, 1949, the City of Nagpur Corporation Act, 1948 and the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965, for the purposes hereinafter appearing; it is hereby enacted in the Sixty-second Year of the Republic of India as follows :—

Bom. III
of 1888.
Bom. LIX
of 1949.
C.P. and
Berar II
of 1950.
Mah. XL
of 1965.

CHAPTER I

PRELIMINARY.

1. This Act may be called the Maharashtra Municipal Corporations and Municipal Councils (Second Amendment) Act, 2011.

भाग आठ—५५--१

CHAPTER II

AMENDMENTS TO THE MUMBAI MUNICIPAL CORPORATION ACT.

Amendment
of section 5A
of Bom. III
of 1888.

2. In section 5A of the Mumbai Municipal Corporation Act,—

Bom.
III of
1888.

(1) in sub-section (2), in clause (b),—

(a) for the words “one-third” the words “one-half” shall be substituted;

(b) in the proviso, the words “and where only two seats are reserved for the Scheduled Castes, one of the two seats shall be reserved for women belonging to Scheduled Castes” shall be deleted;

(2) in sub-section (3), in clause (b),—

(a) for the words “one-third” the words “one-half” shall be substituted;

(b) in the proviso, the words “and where only two seats are reserved for the Scheduled Tribes, one of the two seats shall be reserved for women belonging to Scheduled Tribes” shall be deleted;

(3) in sub-section (4), in clause (b), for the words “one-third” the words “one-half” shall be substituted;

(4) in sub-section (5), for the words “one-third” the words “one-half” shall be substituted.

CHAPTER III

AMENDMENTS TO THE BOMBAY PROVINCIAL MUNICIPAL
CORPORATIONS ACT, 1949.

Amendment
of section 5A
of Bom. LIX
of 1949.

3. In section 5A of the Bombay Provincial Municipal Corporations Act, 1949, in sub-section (1),—

Bom.
LIX of
1949.

(1) in clause (b),—

(a) in the first proviso, for the words “one-third” the words “one-half” shall be substituted ;

(b) in the second proviso, the words “and where only two seats are reserved for the Scheduled Castes, or as the case may be, the Scheduled Tribes, one of the two seats shall be reserved for women belonging to Scheduled Castes, or as the case may be, the Scheduled Tribes” shall be deleted ;

(2) in clause (c), in the proviso, for the words “one- third” the words “one-half” shall be substituted ;

(3) in clause (d), for the words “one- third” the words “one - half” shall be substituted.

CHAPTER IV

AMENDMENTS TO THE CITY OF NAGPUR CORPORATION ACT, 1948.

C.P. and Berar 1948,—
II of 1950.

4. In section 9A of the City of Nagpur Corporation Act, Amendment of section 9A of C.P. and Berar II of 1950.

(1) in sub-section (2),—

(a) in the first proviso, for the words "one-third" the words "one-half" shall be substituted;

(b) in the second proviso, the words "and where only two seats are reserved for the Scheduled Castes, or as the case may be, the Scheduled Tribes, one of the two seats shall be reserved for women belonging to Scheduled Castes or, as the case may be, the Scheduled Tribes" shall be deleted;

(2) in sub-section (3), in the proviso, for the words "one-third" the words "one-half" shall be substituted;

(3) in sub-section (4), for the words "one-third" the words "one-half" shall be substituted.

CHAPTER V

AMENDMENTS TO THE MAHARASHTRA MUNICIPAL COUNCILS, *NAGAR PANCHAYATS* AND INDUSTRIAL TOWNSHIPS ACT, 1965.

Mah. XL of 1965.

5. In section 9 of the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965, in sub-section (2),— Amendment of section 9 of Mah. XL of 1965.

(1) in clause (b), for the words "one-third" the words "one-half" shall be substituted;

(2) in clause (c), in the proviso,—

(a) for the words "one-third" the words "one-half" shall be substituted;

(b) the words "and where only two seats are reserved for the Scheduled Castes, or as the case may be, the Scheduled Tribes, one of the two seats shall be reserved for women belonging to Scheduled Castes or, as the case may be, to the Scheduled Tribes" shall be deleted;

(3) in clause (d), in the proviso, for the words "one-third" the words "one-half" shall be substituted.

CHAPTER VI

MISCELLANEOUS.

Power to
remove
difficulties.

6. (1) If any difficulty arises in giving effect to the provisions of the Mumbai Municipal Corporation Act, the Bombay Provincial Municipal Corporations Act, 1949, the City of Nagpur Corporation Act, 1948 or the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965, as amended by this Act or by reason of anything contained therein, or in giving effect to any of those Acts in respect of the matters contained in this Act, the State Government may, as occasion arises, by an order published in the *Official Gazette*, do anything not inconsistent with the provisions of this Act, which appears to it to be necessary or expedient for the purpose of removing such difficulty:

Bom. III
of 1888.

Bom. LIX
of 1949.

C.P and
Berar II of
1950.

Mah. XL
of 1965.

Provided that, no such order shall be made after the expiry of a period of two years from the date of commencement of this Act.

(2) Every order made under sub-section (1) shall be laid, as soon as may be, after it is made, before each House of State Legislature.



महाराष्ट्र शासन राजपत्र

असाधारण भाग आठ

वर्ष ३, अंक ३०]

मंगळवार, ऑगस्ट १६, २०११/श्रावण २५, शके १९३३

[पृष्ठे १०, किंमत : रुपये १४.००

असाधारण क्रमांक ८६

प्राधिकृत प्रकाशन

महाराष्ट्र विधानमंडळाचे अधिनियम व राज्यपालांनी प्रख्यापित केलेले अध्यादेश व केलेले विनियम आणि विधी व न्याय विभागाकडून आलेली विधेयके (इंग्रजी अनुवाद).

In pursuance of clause (3) of article 348 of the Constitution of India, the following translation in English of the Maharashtra Municipal Corporations and Municipal Councils (Second Amendment) Act, 2010 (Mah. Act No. XXIX of 2011), is hereby published under the authority of the Governor.

By order and in the name of the
Governor of Maharashtra,

H. B. PATEL,
Secretary to Government,
Law and Judiciary Department.

MAHARASHTRA ACT No. XXIX OF 2011

(First published after having received the assent of the President in the "Maharashtra Government Gazette", on the 16th August 2011).

An Act further to amend the Mumbai Municipal Corporation Act, the Bombay Provincial Municipal Corporations Act, 1949, the City of Nagpur Corporation Act, 1948 and the Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships Act, 1965.

Bom. III
of 1888.
Bom.
LIX of
1949.
C.P. and
Berar II
of 1950.
Mah.
XI. of
1965.

WHEREAS it is expedient further to amend the Mumbai Municipal Corporation Act, the Bombay Provincial Municipal Corporations Act, 1949, the City of Nagpur Corporation Act 1948 and the Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships Act, 1965. for the purposes hereinafter appearing ; it is hereby enacted in the Sixty-first Year of the Republic of India as follows :—

CHAPTER I

PRELIMINARY

Short title
and
commence-
ment.

1. (1) This Act may be called the Maharashtra Municipal Corporations and Municipal Councils (Second Amendment) Act, 2010.

(2) It shall come into force on such date, as the State Government may, by notification in the *Official Gazette*, appoint and different dates may be appointed for different provisions.

CHAPTER II

AMENDMENTS TO THE MUMBAI MUNICIPAL
CORPORATION ACT

Insertion of
heading and
sections 64A
to 64D in
Bom. III of
1888.

2. After section 64 of the Mumbai Municipal Corporation Act (hereinafter, in this Chapter, referred to as "the Mumbai Corporation Act"), the following heading and sections shall be inserted, namely:—

Bom.
III of
1888.

"Prevention of delay in discharge of official duties"

Citizens'
Charter.

64A. (1) The Commissioner shall prepare and publish Citizens' Charter, a list of facilities or services rendered by the office or Department of the Corporation, together with the time limit for providing such facilities or services to the general public, within a period of six months from the date of commencement of the Maharashtra Municipal Corporations and Municipal Councils (Second Amendment) Act, 2010.

Mah.
XXIX
of
2011.

(2) If no final decision is taken within the period specified in the Citizens' Charter by the concerned authorities, the responsibility for inaction shall be fixed on them and an action mentioned in the relevant Act, rules or regulations shall be taken against them.

Delegation
of power.

64B. (1) The Commissioner shall publish the list of powers delegated to the subordinate officers working under him, for taking final decision.

(2) The Commissioner shall determine, as far as possible, four or less number of levels of submission for any matter to reach the concerned Statutory Committee or the Authority competent to take final decision in the matter, in any office or Department in the Corporation.

(3) Lists of powers delegated to the subordinate officers and the levels of submission shall be prepared and published within one year from the date of commencement of the Maharashtra Municipal Corporations and Municipal Councils (Second Amendment) Act, 2010, and shall be updated on the 1st April of every succeeding year.

Mah.
XXIX
of
2011.

64C. (1) Every Municipal Officer and servant shall be bound to discharge his official duties and the official work assigned or pertaining to him most diligently and as expeditiously as feasible :

Disciplinary
action.

Provided that, normally no file shall remain pending with any Municipal Officer or servant in any Department or office under the Corporation for more than seven working days :

Provided further that, immediate and urgent files shall be disposed of by any Municipal Officer or servant as per the urgency of the matter, as expeditiously as possible, and preferably the immediate file in one day or the next day morning and the urgent file in four days :

Provided also that, in respect of the files not required to be referred to any other Department within the Corporation and not required to be submitted to any Statutory Committee, the concerned Department of the Corporation shall take the decision and necessary action in the matter within forty-five days and in respect of the files required to be referred to any other Department but not to any Statutory Committee, decision and necessary action shall be taken within three months.

(2) Any willful or intentional delay or negligence in discharge of the official duties or in carrying out the official work assigned or pertaining to such Municipal Officer and servant shall amount to dereliction of official duties and shall make such Municipal Officer or servant liable for appropriate disciplinary action under the relevant disciplinary rules applicable to such employees.

(3) The concerned competent authority, on noticing or on being brought to its notice any such dereliction of duties on the part of any Municipal Officer or servant, after satisfying itself about such dereliction on the part of such Municipal Officer or servant shall, take appropriate disciplinary action against such defaulting Municipal Officer or servant under the relevant disciplinary rules including taking entry relating to such dereliction of duty in the Annual Confidential Report of such Municipal Officer or servant.

64D. Nothing in section 64C shall apply to,—

- (i) sub-judice matters ;
- (ii) cases referred to *Lokayukta* or *Upa-Lokayukta* and other Constitutional institutions, Commissions, etc.;
- (iii) quasi-judicial matters ;
- (iv) cases related to the Central or other State Governments ;
- (v) cases related to Legislation ; and
- (vi) cases involving major policy decisions.”

Non-
application
of provi-
sions of
section 64C
in certain
circum-
stances.

Insertion of section 86A in Bom. III of 1888.

Sanction for prosecution of officers and servants of Corporation.

3. After section 86 of the Mumbai Corporation Act, the following section shall be inserted, namely :—

“86A. Notwithstanding anything contained in this Act, the Commissioner shall be competent to sanction prosecution of any officer or servant of the Corporation which has been sought by the Police or any other Government agency. The Commissioner shall inform about grant of any such sanction to the Municipal Corporation in the next ensuing meeting of the Corporation.”

CHAPTER III

AMENDMENTS TO THE BOMBAY PROVINCIAL MUNICIPAL CORPORATIONS ACT, 1949

Insertion of section 59A in Bom. LIX of 1949.

4. After section 59 of the Bombay Provincial Municipal Corporations Act, 1949 (hereinafter, in this Chapter, referred to as “the Provincial Corporations Act”), the following section shall be inserted, namely :—

Bom. LIX of 1949.

Sanction for prosecution of officers and servants of Corporation.

“59A. Notwithstanding anything contained in section 53 or any other provisions of this Act, the Commissioner shall be competent to sanction prosecution of any officer or servant of the Corporation which has been sought by the Police or any other Government agency. The Commissioner shall inform about grant of any such sanction to the Municipal Corporation in the next ensuing meeting of the Corporation.”

Insertion of heading and sections 72A to 72D in Bom. LIX of 1949.

5. After section 72 of the Provincial Corporations Act, the following heading and sections shall be inserted, namely :-

“Prevention of delay in discharge of official duties

Citizens' Charter.

72A. (1) The Commissioner shall prepare and publish Citizens' Charter, a list of facilities or services rendered by the office or Department of the Corporation, together with the time limit for providing such facilities or services to the general public, within a period of six months from the date of commencement of the Maharashtra Municipal Corporations and Municipal Councils (Second Amendment) Act, 2010.

Mah. XXIX of 2011.

(2) If no final decision is taken within the period specified in the Citizens' Charter by the concerned authorities, the responsibility for inaction shall be fixed on them and an action mentioned in the relevant Act, rules or regulations shall be taken against them.

Delegation of powers.

72B. (1) The Commissioner shall publish the list of powers delegated to the subordinate officers working under him, for taking final decision.

(2) The Commissioner shall determine, as far as possible, four or less number of levels of submission for any matter to reach the concerned Statutory Committee or the Authority competent to take final decision in the matter, in any office or Department in the Corporation.

Mah.
XXIX
of
2011.

(3) Lists of powers delegated to the subordinate officers and the levels of submission shall be prepared and published within one year from the date of commencement of the Maharashtra Municipal Corporations and Municipal Councils (Second Amendment) Act, 2010, and shall be updated on the 1st April of every succeeding year.

72C. (1) Every Municipal Officer and servant shall be bound to discharge his official duties and the official work assigned or pertaining to him most diligently and as expeditiously as feasible: Disciplinary action.

Provided that, normally no file shall remain pending with any Municipal Officer or servant in any Department or office under the Corporation for more than seven working days:

Provided further that, immediate and urgent files shall be disposed of by any Municipal Officer or servant as per the urgency of the matter, as expeditiously as possible, and preferably the immediate file in one day or the next day morning and the urgent file in four days:

Provided also that, in respect of the files not required to be referred to any other Department within the Corporation and not required to be submitted to any Statutory Committee, the concerned Department of the Corporation shall take the decision and necessary action in the matter within forty-five days and in respect of the files required to be referred to any other Department but not to any Statutory Committee, decision and necessary action shall be taken within three months.

(2) Any willful or intentional delay or negligence in discharge of the official duties or in carrying out the official work assigned or pertaining to such Municipal Officer and servant shall amount to dereliction of official duties and shall make such Municipal Officer or servant liable for appropriate disciplinary action under the relevant disciplinary rules applicable to such employees.

(3) The concerned competent authority, on noticing or on being brought to its notice any such dereliction of duties on the part of any Municipal Officer or servant, after satisfying itself about such dereliction on the part of such Municipal Officer or servant shall, take appropriate disciplinary action against such defaulting Municipal Officer or servant under the relevant disciplinary rules including taking entry relating to such dereliction of duty in the Annual Confidential Report of such Municipal Officer or servant.

Non-application of provisions of section 72C in certain circumstances.

72D. Nothing in section 72C shall apply to,—

- (i) sub-judice matters;
- (ii) cases referred to *Lokayukta* or *Upa-Lokayukta* and other Constitutional institutions, Commissions, etc.;
- (iii) quasi-judicial matters ;
- (iv) cases related to the Central or other State Governments;
- (v) cases related to Legislation ; and
- (vi) cases involving major policy decisions.”.

CHAPTER IV

AMENDMENTS TO THE CITY OF NAGPUR CORPORATION ACT, 1948

Insertion of section 53A in C.P. and Berar II of 1950. Sanction for prosecution of officers and servants of Corporation.

6. After section 53 of the City of Nagpur Corporation Act, 1948 (hereinafter, in this Chapter, referred, to as “the Nagpur Corporation Act”), the following section shall be inserted, namely :—

C.P. and Berar II of 1950.

“**53A.** Notwithstanding anything contained in section 49, 50 or any other provisions of this Act, the Commissioner shall be competent to sanction prosecution of any officer or servant of the Corporation which has been sought by the Police or any other Government agency. The Commissioner shall inform about grant of any such sanction to the Municipal Corporation in the next ensuing meeting of the Corporation.”.

Insertion of heading and sections 59-IA, 59-IB, 59-IC and 59-ID in C.P. and Berar II of 1950.

7. After section 59 of the Nagpur Corporation Act, the following heading and sections shall be inserted, namely :—

“Prevention of delay in discharge of official duties

Citizens' Charter

59-IA. (1) The Commissioner shall prepare and publish Citizens' Charter, a list of facilities or services rendered by the office or Department of the Corporation, together with the time limit for providing such facilities or services to the general public, within a period of six months from the date of commencement of the Maharashtra Municipal Corporations and Municipal Councils (Second Amendment) Act, 2010.

Mah. XXIX of 2011.

(2) If no final decision is taken within the period specified in the Citizens' Charter by the concerned authorities, the responsibility for inaction shall be fixed on them and an action mentioned in the relevant Act, rules or regulations shall be taken against them.

59-IB. (1) The Commissioner shall publish the list of powers delegated to the subordinate officers working under him, for taking final decision. Delegation of powers.

(2) The Commissioner shall determine, as far as possible, four or less number of levels of submission for any matter to reach the concerned Statutory Committee or the Authority competent to take final decision in the matter, in any office or Department in the Corporation.

(3) Lists of powers delegated to the subordinate officers and the levels of submission shall be prepared and published within one year from the date of commencement of the Maharashtra Municipal Corporations and Municipal Councils (Second Amendment) Act, 2010, and shall be updated on the 1st April of every succeeding year.

Mah.
XXIX
of
2011.

59-IC. (1) Every Municipal Officer and servant shall be bound to discharge his official duties and the official work assigned or pertaining to him most diligently and as expeditiously as feasible: Disciplinary action.

Provided that, normally no file shall remain pending with any Municipal Officer or servant in any Department or office under the Corporation for more than seven working days:

Provided further that, immediate and urgent files shall be disposed of by any Municipal Officer or servant as per the urgency of the matter, as expeditiously as possible, and preferably the immediate file in one day or the next day morning and the urgent file in four days :

Provided also that, in respect of the files not required to be referred to any other Department within the Corporation and not required to be submitted to any Statutory Committee, the concerned Department of the Corporation shall take the decision and necessary action in the matter within forty-five days and in respect of the files required to be referred to any other Department but not to any Statutory Committee, decision and necessary action shall be taken within three months.

(2) Any willful or intentional delay or negligence in discharge of the official duties or in carrying out the official work assigned or pertaining to such Municipal Officer and servant shall amount to dereliction of official duties and shall make such Municipal Officer or servant liable for appropriate disciplinary action under the relevant disciplinary rules applicable to such employees.

(3) The concerned competent authority, on noticing or on being brought to its notice any such dereliction of duties on the part of any Municipal Officer or servant, after satisfying itself about such

dereliction on part of such Municipal Officer or servant shall, take appropriate disciplinary action against such defaulting Municipal Officer or servant under the relevant disciplinary rules including taking entry relating to such dereliction of duty in the Annual Confidential Report of such Municipal Officer or servant.

Non-application of provisions of section 59-IC in certain circumstances.

59-ID. Nothing in section 59-IC shall apply to,—

- (i) sub-judice matters ;
- (ii) cases referred to *Lokayukta* or *Upa-Lokayukta* and other Constitutional institutions, Commissions, etc. ;
- (iii) quasi-judicial matters ;
- (iv) cases related to the Central or other State Governments;
- (v) cases related to Legislation ; and
- (vi) cases involving major policy decisions.”.

CHAPTER V

AMENDMENTS TO THE MAHARASHTRA MUNICIPAL COUNCILS, NAGAR PANCHAYATS AND INDUSTRIAL TOWNSHIPS ACT, 1965

Insertion of heading and sections 78A to 78D in Mah. XL of 1965.
Citizens' Charter.

8. After section 78 of the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965, the following heading and sections shall be inserted, namely :—

Mah. XL of 1965.

“Prevention of delay in discharge of official duties

78A. (1) The Chief Officer shall prepare and publish Citizens' Charter, a list of facilities or services rendered by the office or Department of the Council, together with the time limit for providing such facilities or services to the general public, within a period of six months from the date of commencement of the Maharashtra Municipal Corporations and Municipal Councils (Second Amendment) Act, 2010.

Mah. XXIX of 2011.

(2) If no final decision is taken within the period specified in the Citizens' Charter by the concerned authorities, the responsibility for inaction shall be fixed on them and an action mentioned in the relevant Act, rules or regulations shall be taken against them.

Delegation of powers.

78B. (1) The Chief Officer shall publish the list of powers delegated to the subordinate officers working under him, for taking final decision.

(2) The Chief Officer shall determine, as far as possible, four or less number of levels of submission for any matter to reach the concerned Statutory Committee or the Authority competent to take final decision in the matter, in any office or Department in the Council.

(3) Lists of powers delegated to the subordinate officers and the levels of submission shall be prepared and published within one year from the date of commencement of the Maharashtra Municipal Corporations and Municipal Councils (Second Amendment) Act, 2010, and shall be updated on the 1st April of every succeeding year.

Mah. XXIX of 2011.

78C. (1) Every Municipal Officer and servant shall be bound to discharge his official duties and the official work assigned or pertaining to him most diligently and as expeditiously as feasible : Disciplinary action.

Provided that, normally no file shall remain pending with any Municipal Officer or servant in any Department or office under the Corporation for more than seven working days :

Provided further that, immediate and urgent files shall be disposed of by any Municipal Officer or servant as per the urgency of the matter, as expeditiously as possible, and preferably the immediate file in one day or the next day morning and the urgent file in four days :

Provided also that, in respect of the files not required to be referred to any other Department within the Council and not required to be submitted to any Statutory Committee, the concerned Department of the Council shall take the decision and necessary action in the matter within forty-five days and in respect of the files required to be referred to any other Department but not to any Statutory Committee, decision and necessary action shall be taken within three months.

(2) Any willful or intentional delay or negligence in discharge of the official duties or in carrying out the official work assigned or pertaining to such Municipal Officer and servant shall amount to dereliction of official duties and shall make such Municipal Officer or servant liable for appropriate disciplinary action under the relevant disciplinary rules applicable to such employees.

(3) The concerned competent authority, on noticing or on being brought to its notice any such dereliction of duties on the part of any Municipal Officer or servant, after satisfying itself about such dereliction on the part of such Municipal Officer or servant shall, take appropriate disciplinary action against such defaulting Municipal Officer or servant under the relevant disciplinary rules including taking entry relating to such dereliction of duty in the Annual Confidential Report of such Municipal Officer or servant.

78D. Nothing in section 78C shall apply to,—

- (i) sub-judice matters ;
- (ii) cases referred to *Lokayukta* or *Upa-Lokayukta* and other Constitutional institutions, Commissions, etc.;
- (iii) quasi-judicial matters ;
- (iv) cases related to the Central or other State Governments;
- (v) cases related to Legislation ; and
- (vi) cases involving major policy decisions.”

Non-application of provisions of section 78C in certain circumstances.

CHAPTER VI

MISCELLANEOUS

Power to
remove
difficulties.

9. (1) If any difficulty arises in giving effect to the provisions of the Mumbai Municipal Corporation Act, the Bombay Provincial Municipal Corporations Act, 1949, the City of Nagpur Corporation Act, 1948, or, as the case may be, the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965, as amended by this Act, the State Government may, as occasion arises, by an order published in the *Official Gazette*, do anything, not inconsistent with the provisions of those Acts :

Provided that, no such order shall be made after the expiry of a period of two years from the date of commencement of this Act.

(2) Every order made under sub-section (1) shall be laid, as soon as may be, after it is made, before each House of the State Legislature.

Bom.
III of
1888.
Bom.
LIX of
1949.
C.P.
and
Berar
II of
1950.
Mah.
XL of
1965.



महाराष्ट्र शासन राजपत्र

असाधारण भाग आठ

वर्ष ३, अंक ३१(३)] गुरुवार, ऑगस्ट १८, २०११/श्रावण २७, शके १९३३ [पृष्ठे १९, किंमत : रुपये १४.००

असाधारण क्रमांक ८९

प्राधिकृत प्रकाशन

महाराष्ट्र विधानमंडळाचे अधिनियम व राज्यपालांनी प्रख्यापित केलेले अध्यादेश व केलेले विनियम आणि विधी व न्याय विभागाकडून आलेली विधेयके (इंग्रजी अनुवाद).

In pursuance of clause (3) of article 348 of the Constitution of India, the following translation in English of the Maharashtra Municipal Corporations (Second Amendment) Act, 2011 (Mah. Act No. XXXII of 2011), is hereby published under the authority of the Governor.

By order and in the name of the Governor of Maharashtra,

H. B. PATEL,
Secretary to Government,
Law and Judiciary Department.

MAHARASHTRA ACT No. XXXII OF 2011.

(First published, after having received the assent of the Governor, in the "Maharashtra Government Gazette", on the 18th August 2011).

An Act further to amend the Mumbai Municipal Corporation Act, the Bombay Provincial Municipal Corporations Act, 1949 and the City of Nagpur Corporation Act, 1948.

WHEREAS both Houses of the State Legislature were not in session;

AND WHEREAS the Governor of Maharashtra was satisfied that circumstances existed which rendered it necessary for him to take immediate action further to amend the Mumbai Municipal Corporation Act, the Bombay Provincial Municipal Corporations Act, 1949 and the City of Nagpur Corporation Act, 1948, for the purposes hereinafter appearing; and, therefore, promulgated the Maharashtra Municipal

Bom. III
of 1888.
Bom.
LIX of
1949.
C.P. and
Berar II
of 1950.

Corporations (Second Amendment) Ordinance, 2011, on the 21st May 2011 ;

Mah.
Ord.
XII of
2011.

AND WHEREAS it is expedient to replace the said Ordinance by an Act of the State Legislature; it is hereby enacted in the Sixty-second Year of the Republic of India as follows :—

CHAPTER I

PRELIMINARY

Short title and commencement.

1. (1) This Act may be called the Maharashtra Municipal Corporations (Second Amendment) Act, 2011.

(2) It shall be deemed to have come into force on the 21st May 2011.

CHAPTER II

AMENDMENTS TO THE MUMBAI MUNICIPAL CORPORATION ACT

Amendment of section 16 of Bom. III of 1888.

2. In section 16 of the Mumbai Municipal Corporation Act (hereinafter, in this Chapter, referred to as "the Mumbai Corporation Act"), after sub-section (1), the following sub-section shall be inserted, namely :—

Bom. III
of 1888.

"(1-1A) If, a Councillor or a person is found to be guilty of misconduct in the discharge of his official duties, or of any disgraceful conduct while holding or while he was holding the office of the Mayor or, as the case may be, the Deputy Mayor, the State Government may, after giving such Councillor or person a reasonable opportunity of being heard,—

(a) disqualify such Councillor to continue as a Councillor for the remainder of his term of office as a Councillor ; and also for being elected as a Councillor for a period of six years from the date of order of such disqualification ;

(b) disqualify such person for being elected as a Councillor for a period of six years from the date of order of such disqualification."

3. Section 36 of the Mumbai Corporation Act shall be re-numbered as sub-section (1) thereof ; and,—

Amendment of section 36 of Bom. III of 1888.

(a) in sub-section (1), as so re-numbered, for clause (t), the following clause shall be substituted, namely :—

“(t) the Commissioner or where the Commissioner is unable to attend owing to absence or illness or for any other reasonable cause, an officer not below the rank of the Deputy Commissioner, shall have the same right of being present at a meeting of the corporation and of taking part in the discussions thereat as a Councillor, and with the permission of the Mayor, may at any time make a statement or explanation of facts, but he shall not be at liberty to vote upon or to make any proposition at such meeting. Where the Commissioner, or any such officer desires to make a statement or explanation of facts at a meeting and the permission as aforesaid is not given, the Commissioner or any such officer shall be entitled to lay a copy thereof on the Table of the House. But when required by the corporation or the Mayor, the Commissioner shall himself attend the meeting of the corporation, unless he is prevented from doing so on account of absence, illness or any other reasonable cause;”;

(b) after sub-section (1), as so re-numbered, the following sub-section shall be added, namely :—

“(2) Where, any proposal of the Commissioner requires sanction or approval of the corporation, the corporation shall consider and dispose of any such proposal within ninety days reckoned from the date of the meeting of the corporation held immediately after the proposal is received by the Municipal Secretary, whether the item pertaining to such proposal is taken on the agenda of such meeting or not, failing which the sanction or approval to such proposal shall be deemed to have been given by the corporation, and a report to that effect shall be made by the Commissioner to the Government and he shall take further action as per the directives of the Government :

Provided that, any such deemed sanction or approval shall be restricted to the extent the proposal conforms to the provisions of this Act or any other law for the time being in force.”.

4. In section 37 of the Mumbai Corporation Act, after sub-section (7), the following sub-section shall be added, namely :—

Amendment of section 37 of Bom. III of 1888.

“(8) The Mayor or the Deputy Mayor may be removed from the office by the State Government, if he fails to convene two consecutive meetings of the corporation as specified by or under this Act, and the Mayor or Deputy Mayor so removed shall not be eligible for re-election or re-appointment as Mayor or, as the case may be, Deputy Mayor during the remainder term of his office :

Provided that, no such Mayor or Deputy Mayor shall be removed from office, unless he has been given a reasonable opportunity to furnish an explanation :

Provided further that, removal of the Mayor or Deputy Mayor from the office under this sub-section shall not affect his continuance as a Councillor for the remainder term of his office.”.

Insertion of sections 53A and 53B in Bom. III of 1888.

5. After section 53 of the Mumbai Corporation Act, the following sections shall be inserted, namely :—

Exercise of powers and discharge of duties of any committee by corporation.

“ 53A. If, any committee or special committee under this Act is not constituted at any point of time, or for any reason not in a position to exercise its powers or discharge its duties under this Act, its powers shall be exercised and its duties shall be discharged by the corporation until such committee is constituted or in a position to exercise its powers or discharge its duties.

Removal of Chairman or Deputy Chairman of committees.

53B. The Chairman or the Deputy Chairman, if any, of any committee constituted under this Act may be removed from the office by the State Government, if he fails to convene two consecutive meetings of the committee as specified by or under this Act, and the Chairman or Deputy Chairman so removed shall not be eligible for re-election or re-appointment as Chairman or, as the case may be, Deputy Chairman of such committee during the remainder term of his office :

Provided that, no such Chairman or Deputy Chairman shall be removed from office, unless he has been given a reasonable opportunity to furnish an explanation :

Provided further that, removal of the Chairman or Deputy Chairman from the office under this section shall not affect his continuance as a Councillor for the remainder term of his office.”.

Amendment of section 60A of Bom. III of 1888.

6. In section 60A of the Mumbai Corporation Act, sub-section (3) shall be deleted.

Amendment of section 60D of Bom. III of 1888.

7. In section 60D of the Mumbai Corporation Act, sub-section (2) shall be deleted.

Amendment of section 64 of Bom. III of 1888.

8. In section 64 of the Mumbai Corporation Act, after sub-section (3), the following sub-section shall be inserted, namely :—

“(3A) Where, any proposal of the Commissioner requires sanction or approval of any committee constituted under the provisions of this Act, the committee shall consider and dispose of any such proposal within forty-five days reckoned from the date of the meeting of the committee held immediately after the proposal is received by the

Municipal Secretary, whether the item pertaining to such proposal is taken on the agenda of such meeting or not, failing which the sanction or approval to such proposal shall be deemed to have been given by such committee and a report to that effect shall be made by the Commissioner to the corporation :

Provided that, any such deemed sanction or approval shall be restricted to the extent the proposal conforms to the provisions of this Act or any other law for the time being in force.”

9. In section 69 of the Mumbai Corporation Act, in clause (c),— Amendment of section 69 of Bom. III of 1888.

(a) for the words “ten lakhs but not exceeding rupees fifteen lakhs” the words “fifty lakhs but not exceeding rupees seventy-five lakhs” shall be substituted;

(b) for the words “excess of fifteen lakh rupees” the words “excess of seventy-five lakhs rupees” shall be substituted;

(c) before the first proviso, the following proviso shall be inserted, namely :—

“Provided that, every contract made by the Commissioner involving an expenditure exceeding five lakhs rupees and not exceeding seventy-five lakhs rupees shall be reported by him within fifteen days after the same has been made to the Standing Committee.”;

(d) in the first proviso,—

(i) for the words “Provided that” the words “Provided further that” shall be substituted;

(ii) for the words “one crore rupees” the words “seven crore fifty lakhs rupees” shall be substituted;

(e) in the second proviso,—

(i) for the words “Provided further that” the words and figures “Provided also that, notwithstanding anything contained in section 64,” shall be substituted ;

(ii) the following *Explanation* shall be added, namely :—

“*Explanation.*—For the purposes of this clause, the period of “thirty days from the receipt” shall be reckoned from the date of the meeting of the standing committee held immediately after the proposal is received in the office of the Municipal Secretary whether the item pertaining to such proposal is taken on the agenda of such meeting or not.”

10. In section 70 of the Mumbai Corporation Act, in sub-section (2),— Amendment of section 70 of Bom. III of 1888.

(a) for the words “two members of the standing committee” the words “any two persons from amongst any two members of the standing committee, Municipal Secretary and any officer, not below the rank of Deputy Municipal Commissioner, as may be authorised by the Commissioner” shall be substituted;

(b) for the words “the said two members of the standing committee” the words “the said two persons” shall be substituted;

(c) for the words “the said members” the words “the said two persons” shall be substituted;

(d) in the proviso, the words “in lieu of two members of the standing committee” shall be deleted.

Amendment of
section 72 of
Bom. III of
1888.

11. In section 72 of the Mumbai Corporation Act,—

(1) in sub-section (1),—

(a) for the words “fifty thousand rupees” the words “three lakhs rupees” shall be substituted ;

(b) the following proviso shall be added, namely :—

“Provided that, the notice of any tender for contract not exceeding the amount of three lakhs rupees shall be uploaded on the official website of the corporation.”;

(2) in the marginal note, for the letters and figures “Rs. 50,000” the words “ three lakhs rupees” shall be substituted.

Insertion of
section 106A
in Bom. III of
1888.

12. After section 106 of the Mumbai Corporation Act, the following section shall be inserted, namely :—

“ 106A. Notwithstanding anything contained in section 106, except with the prior approval of the State Government, neither any internal loan shall be taken by the corporation from any of the funds created by the corporation nor shall any utilisation of such funds for any purposes other than the purposes for which the funds are created be made by the corporation .”.

Restrictions on
utilisation of
funds created
by corporation.

Amendment of
section 122 of
Bom. III of
1888.

13. In section 122 of the Mumbai Corporation Act, in sub-section (1), after the words “public securities” the words “or in bonds or debentures of the Central Government, State Government, Government Undertakings, Government Financial Institutions or Unit Trust of India” shall be added.

Insertion of
section 129A
in Bom. III of
1888.

14. After section 129 of the Mumbai Corporation Act, the following section shall be inserted, namely :—

“129A. Notwithstanding anything contained in this Act, if for any reason the corporation has not finally adopted the budget estimates before the commencement of the official year to which they relate, the statement of expenditure and income prepared by the Commissioner under section 125 shall be deemed to be the budget estimates for the year until the corporation duly adopts the budget estimates as per the provisions of this Act.”.

Estimates of
expenditure
and income
deemed to be
budget
estimates.

Amendment of
section 520B
of Bom. III of
1888.

15. In section 520B of the Mumbai Corporation Act, in sub-section (1), after the words “against the interests of the public” the words “or is likely to be against the financial interests of the corporation or against the larger public interest” shall be inserted.

CHAPTER III

AMENDMENTS TO THE BOMBAY PROVINCIAL MUNICIPAL CORPORATIONS ACT, 1949

Bom. LIX of 1949. 16. In section 10 of the Bombay Provincial Municipal Corporations Act, 1949 (hereinafter, in this Chapter, referred to as "the Provincial Corporations Act"), after sub-section (1), the following sub-section shall be inserted, namely :—

Amendment of section 10 of Bom. LIX of 1949.

"(1-1A) If, a Councillor or a person is found to be guilty of misconduct in the discharge of his official duties, or of any disgraceful conduct while holding or while he was holding the office of the Mayor or, as the case may be, the Deputy Mayor, the State Government may, after giving such Councillor or person a reasonable opportunity of being heard,—

(a) disqualify such Councillor to continue as a Councillor for the remainder of his term of office as a Councillor ; and also for being elected as a Councillor for a period of six years from the date of order of such disqualification ;

(b) disqualify such person for being elected as a Councillor for a period of six years from the date of order of such disqualification."

17. In section 19 of the Provincial Corporations Act, after sub-section (5), the following sub-section shall be added, namely :—

Amendment of section 19 of Bom. LIX of 1949.

"(6) The Mayor or the Deputy Mayor may be removed from the office by the State Government, if he fails to convene two consecutive meetings of the Corporation as specified by or under this Act, and the Mayor or Deputy Mayor so removed shall not be eligible for re-election or re-appointment as Mayor or, as the case may be, Deputy Mayor during the remainder term of his office:

Provided that, no such Mayor or Deputy Mayor shall be removed from office, unless he has been given a reasonable opportunity to furnish an explanation :

Provided further that, removal of the Mayor or Deputy Mayor from the office under this sub-section shall not affect his continuance as a Councillor for the remainder term of his office.”

Insertion of sections 35A and 35B in Bom. LIX of 1949.

18. After section 35 of the Provincial Corporations Act, the following sections shall be inserted, namely :—

Exercise of powers and discharge of duties of any committee by corporation.

“35A. If, any committee or special committee under this Act is not constituted at any point of time, or for any reason not in a position to exercise its powers or discharge its duties under this Act, its powers shall be exercised and its duties shall be discharged by the Corporation until such committee is constituted or in a position to exercise its powers or discharge its duties.

Removal of Chairman and Deputy Chairman of committees.

35B. The Chairman or the Deputy Chairman, if any, of any committee constituted under this Act may be removed from the office by the State Government, if he fails to convene two consecutive meetings of the Corporation as specified by or under this Act, and the Chairman or Deputy Chairman so removed shall not be eligible for re-election or re-appointment as Chairman or, as the case may be, Deputy Chairman of such committee during the remainder term of his office :

Provided that, no such Chairman or Deputy Chairman shall be removed from office, unless he has been given a reasonable opportunity to furnish an explanation :

Provided further that, removal of the Chairman or Deputy Chairman from the office under the provisions of this section shall not affect his continuance as a Councillor for the remainder term of his office.”

Insertion of section 39A in Bom. LIX of 1949.

19. After section 39 of the Provincial Corporations Act, the following section shall be inserted, namely :—

Appointment of Additional Municipal Commissioners.

“39A. (1) The State Government may create one or more posts of Additional Municipal Commissioners in the Corporation and appoint suitable persons on such posts, who shall, subject to the control of the Commissioner, exercise all or any of the powers and perform all or any of the duties and functions of the Commissioner.

(2) Every person so appointed as the Additional Municipal Commissioner shall be subject to the same liabilities, restrictions and terms and conditions of service, to which the Commissioner is subjected to as per the provisions of this Act.”

20. In section 43 of the Provincial Corporations Act, for sub-section (2), the following sub-section shall be substituted, namely :—

Amendment of section 43 of Bom. LIX of 1949.

“(2) The Commissioner or an officer not below the rank of the Deputy Commissioner present on behalf of the Commissioner shall have the right to speak at, and otherwise take part in, any meeting of the Corporation or any Committee thereof and express his views in the meeting with the permission of the Mayor or the presiding authority of the Committee, but he shall not be entitled to vote or to make any proposition.”.

21. In section 51 of the Provincial Corporations Act,—

Amendment of section 51 of Bom. LIX of 1949.

(a) for sub-section (4), the following sub-section shall be substituted, namely :—

“(4) No new posts of the officers and servants of the Corporation shall be created without the prior sanction of the State Government:

Provided that, the decision of the Government on a proposal complete in all respects, received from the Corporation for creation of posts shall be communicated to the Corporation within ninety days from the date of the receipt of such proposal by the Government.”;

(b) for *Explanation*, the following *Explanation* shall be substituted, namely :—

“*Explanation*.— Any revision of pay scale or pay structure or grant of special pay, or grade, or revision of allowances (excluding dearness allowance) or change in designation shall be deemed, for the purposes of sub-section (4), to be the creation of a new post.”.

22. In section 53 of the Provincial Corporations Act,—

Amendment of section 53 of Bom. LIX of 1949.

(a) in sub-section (1),—

(i) for the words “whose minimum monthly salary exclusive of allowances is or exceeds four hundred rupees” the words “to the posts equivalent to or higher in rank than the post of the Assistant Municipal Commissioner” shall be substituted ;

(ii) in the proviso, for the words “carrying a monthly salary of rupees four hundred or more exclusive of allowances” the words “to the posts equivalent to or higher in rank than the post of the Assistant Municipal Commissioner” shall be substituted;

(b) in sub-section (3), in the second proviso, for the words “carrying a monthly salary of more than one hundred rupees exclusive of allowances” the words “carrying a salary equivalent to or higher in rank than the post of Clerk” shall be substituted.

Amendment
of section 56
of Bom. LIX
of 1949.

23. In section 56 of the Provincial Corporations Act, in sub-section (1),—

(a) in the proviso,—

(i) for the words “whose monthly salary, exclusive of allowances exceeds one thousand rupèes” the words “holding the post equivalent to or higher in rank than the post of the Assistant Commissioner” shall be substituted;

(ii) for the words “Standing Committee” the word “Corporation” shall be substituted;

(b) after the proviso, the following *Explanation* shall be added, namely :—

Explanation.—For the purposes of this section and section 53, a post shall be deemed to be of a rank equivalent to another post if the minimum and maximum pay in the pay scale of both the posts are same. A post shall be deemed to be of a rank higher than another post, if the minimum pay in pay scale of former is at least equivalent to the later, but the maximum is higher than the later. In respect of the pay structure, a post shall be deemed to be of a rank equivalent to, or higher than another post, if the grade pay in pay structure of the former is equivalent to or higher than the later, respectively.”

Amendment of
section 73 of
Bom. LIX of
1949.

24. In section 73 of the Provincial Corporations Act,—

(a) for clause (c), the following clause shall be substituted, namely:—

“(c) no contract, other than a contract relating to the acquisition of immovable property or any interest therein or any right thereto, which will involve an expenditure exceeding rupees twenty-five lakhs but not exceeding rupees fifty lakhs shall be made by the Commissioner, unless the same is previously approved by the Mayor. However, the total amount of all contracts approved by the Mayor shall not exceed rupees two crores and fifty lakhs during a year. Subject to the above, for any contract which involves an expenditure in excess of rupees twenty-five lakhs, the previous approval of the Standing Committee shall be necessary :

Provided that, notwithstanding anything contained in Schedule ‘D’, in Chapter II, in rule 3, in clause (k), where the approval of the Standing Committee is sought by the Commissioner for any contract, the Standing Committee shall consider and dispose of the proposal made by the Commissioner in that behalf within fifteen days reckoned from the date of the meeting of the Standing Committee held immediately after the proposal is received by it, whether the item pertaining to such proposal is taken on the agenda of such meeting or not, failing which the approval to such contract shall be deemed to have been given by the Standing Committee

and a report to that effect shall be made by the Commissioner to the Corporation.”;

(b) in clause (d),—

(i) for the words “fifty thousand” the words “five lakhs” shall be substituted ;

(ii) for the words “ten lakhs” the words “twenty-five lakhs” shall be substituted.

25. In section 79 of the Provincial Corporations Act, in clause (g), after the words “to a co-operative society of slum-dwellers”, the following shall be inserted, namely:—

Amendment of section 79 of Bom. LIX of 1949.

“or to persons who are dishoused as a result of the implementation of any Development Scheme of the Corporation or to the Co-operative Housing Society formed exclusively by persons who are dishoused as a result of the implementation of any Development Scheme of the Corporation or to any Department or undertaking of the Government of Maharashtra or of the Government of India, for the public purposes or to a public trust exclusively for medical and educational purposes registered under the Bombay Public Trusts Act, 1950; or to a society registered under the Societies Registration Act, 1860 or the Maharashtra Co-operative Societies Act, 1960 or a company registered under the Companies Act, 1956 or any person for the purposes of the provision of public latrines, urinals and similar conveniences or construction of a plant for processing excrementitious or other filthy matters or garbages”.

Bom. XXIX of 1950. XXI of 1860. Mah. XXIV of 1961. I of 1956.

26. In section 92 of the Provincial Corporations Act, in sub-section (1), after the words “public securities” the words “or in bonds or debentures of the Central Government, State Government, Government Undertakings, Government Financial Institutions or Unit Trust of India” shall be added.

Amendment of section 92 of Bom. LIX of 1949.

27. After section 100 of the Provincial Corporations Act, the following section shall be inserted, namely :—

Insertion of section 100A in Bom. LIX of 1949.

“100A. Notwithstanding anything contained in this Act, if for any reason the Standing Committee has not laid budget estimates before Corporation, due to which or otherwise the Corporation has not finally adopted the budget estimates before the commencement of the official year to which they relate, the estimates of income and expenditure prepared by the Commissioner under section 95 shall be deemed to be the budget estimates for the year until the Corporation duly adopts the budget estimates as per the provisions of this Act.”.

Estimates of income and expenditure deemed to be budget estimates.

Insertion of
section 109A
in Bom. LIX of
1949.

28. After section 109 of the Provincial Corporations Act, the following section shall be inserted, namely :—

Restrictions
on utilisation
of funds
created by
Corporation.

“ 109A. Notwithstanding anything contained in section 109, except with the prior approval of the State Government, neither any internal loan shall be taken by the Corporation from any of the funds created by the Corporation nor shall any utilisation of such funds for any purposes other than the purposes for which the funds are created be made by the Corporation.”.

Amendment
of section
451 of
Bom. LIX of
1949.

29. In section 451 of the Provincial Corporations Act, in sub-section (1), after the words “ against the interests of the public, ” the words “ or is likely to be against the financial interests of the Corporation or against larger public interest, ” shall be inserted.

Amendment
of Chapter
II of
Schedule
'D' of Bom.
LIX of
1949.

30. In Schedule ' D ' of the Provincial Corporations Act, in Chapter II,—

(a) in rule 1, after clause (r), the following clause shall be added, namely :—

“ (s) where, any proposal of the Commissioner requires sanction or approval of the Corporation, the Corporation shall consider and dispose of any such proposal within ninety days reckoned from the date of the meeting of the Corporation held immediately after the proposal is received by the Municipal Secretary, whether the item pertaining to such proposal is taken on the agenda of such meeting or not, failing which the sanction or approval to such proposal shall be deemed to have been given by the Corporation, and a report to that effect shall be made by the Commissioner to the Government and he shall take further action as per the directives of the Government :

Provided that, any such deemed sanction or approval shall be restricted to the extent the proposal conforms to the provisions of this Act or any other law for the time being in force. ” ;

(b) in rule 3, after clause (j), the following clause shall be added, namely :—

“ (k) where, any proposal of the Commissioner requires sanction or approval of any committee constituted under the provisions of this Act, the committee shall consider and dispose of any such proposal within forty-five days reckoned from the date of the meeting of the committee held immediately after the proposal is received by the Municipal Secretary, whether the item pertaining to such proposal is taken on the agenda of such meeting or not, failing

which the sanction or approval to such proposal shall be deemed to have been given by such committee and the report to that effect shall be made by the Commissioner to the Corporation :

Provided that, any such deemed sanction or approval shall be restricted to the extent the proposal conforms to the provisions of this Act or any other law for the time being in force."

31. In Schedule 'D' of the Provincial Corporations Act, in Chapter V,—

Amendment
of Chapter
V of
Schedule
'D' of
Bom. LIX
of 1949.

(a) in rule 1, in sub-rule (2),—

(i) for the words "two members of the Standing Committee" the words "any two persons from amongst any two members of the Standing Committee, Municipal Secretary and any officer not below the rank of Deputy Municipal Commissioner, as may be authorised by the Commissioner" shall be substituted ;

(ii) after the words "every contract or other instrument" the words "other than contract relating to the acquisition of immovable property or interest therein or a right thereto" shall be inserted;

(iii) for the words "the said two members of the Standing Committee" the words "the said two persons" shall be substituted ;

(iv) for the words "the said members" the words "the said two persons" shall be substituted ;

(b) in rule 2, in sub-rule (1),—

(i) for the words "three thousand" the words "two lakhs" shall be substituted ;

(ii) the following proviso shall be added, namely :—

"Provided that, the notice of any tender for contract below the amount of two lakhs rupees shall be uploaded on the official website of the Corporation."

CHAPTER IV

AMENDMENTS TO THE CITY OF NAGPUR CORPORATION ACT, 1948

C.P.
and
Berar
II of
1950.

32. In section 15 of the City of Nagpur Corporation Act, 1948 (hereinafter, in this Chapter, referred to as "the Nagpur Corporation Act"), after sub-section (1), the following sub-section shall be inserted, namely :—

Amendment
of section
15 of C.P.
and Berar
II of 1950.

"(1-1A) If, a Councillor or a person is found to be guilty of misconduct in the discharge of his official duties, or of any disgraceful conduct while holding or while he was holding the office of the Mayor or, as

the case may be, the Deputy Mayor, the State Government may, after giving such Councillor or person a reasonable opportunity of being heard,—

(a) disqualify such Councillor to continue as a Councillor for the remainder of his term of office as a Councillor ; and also for being elected as a Councillor for a period of six years from the date of order of such disqualification ;

(b) disqualify such person for being elected as a Councillor for a period of six years from the date of order of such disqualification.”.

Amendment of section 20 of C.P. and Berar II of 1950. **33.** In section 20 of the Nagpur Corporation Act, after sub-section (7), the following sub-section shall be added, namely :—

“(8) The Mayor or Deputy Mayor may be removed from office by the State Government, if he fails to convene two consecutive meetings of the Corporation as specified by or under this Act, and the Mayor or Deputy Mayor so removed shall not be eligible for re-election or re-appointment as Mayor or, as the case may be, Deputy Mayor during the remainder term of his office :

Provided that, no such Mayor or Deputy Mayor shall be removed from office, unless he has been given a reasonable opportunity to furnish an explanation :

Provided further that, removal of the Mayor or Deputy Mayor from the office under this sub-section shall not affect his continuance as a Councillor for the remainder term of his office.”.

Amendment of section 25 of C.P. and Berar II of 1950. **34.** In section 25 of the Nagpur Corporation Act, in sub-section (2), for the word “Commissioner” the words “the Chairman of the Standing Committee” shall be substituted.

Insertion of section 35A in C.P. and Berar II of 1950. **35.** After section 35 of the Nagpur Corporation Act, the following section shall be inserted, namely:—

Meetings of Standing Committee. **“35A.** There shall be a meeting of the Standing Committee at least once in a week and at such other time as shall be found necessary.”.

Insertion of section 38-1A in C.P. and Berar II of 1950. **36.** After section 38 of the Nagpur Corporation Act, the following section shall be inserted, namely :—

“38-1A. (1) Where, any proposal of the Commissioner requires sanction or approval of the Corporation, the Corporation shall consider and dispose of any such proposal within ninety days reckoned from the date of the meeting of the Corporation held immediately after the proposal is received by the Municipal Secretary, whether the item pertaining to such proposal is taken on the agenda of such meeting or not, failing which the sanction or approval to such proposal shall be deemed to have been given by the Corporation, and a report to that effect shall be made by the Commissioner to the Government and he shall take further action as per the directives of the Government.

Deemed sanction.

(2) Where, any proposal of the Commissioner requires sanction or approval of any committee constituted under the provisions of this Act, the committee shall consider and dispose of any such proposal within forty-five days reckoned from the date of the meeting of the committee held immediately after the proposal is received by the Municipal Secretary, whether the item pertaining to such proposal is taken on the agenda of such meeting or not, failing which the sanction or approval to such proposal shall be deemed to have been given by such committee and a report to that effect shall be made by the Commissioner to the Corporation :

Provided that, any such deemed sanction or approval under subsection (1) or (2) shall be restricted to the extent the proposal conforms to the provisions of this Act or any other law for the time being in force.”

37. After section 40 of the Nagpur Corporation Act, the following section shall be inserted, namely:—

Insertion of section 40A in C.P. and Berar II of 1950.

“40A. Frequency of the meetings of the Special Consultative Committees and Special Committees, submission of reports and other matters before such committees shall be regulated in the manner as may be prescribed.”

Meetings of Special Consultative Committees and Special Committees and submission of reports.

38. After section 43 of the Nagpur Corporation Act, the following sections shall be inserted, namely :—

Insertion of sections 43A and 43B in C.P. and Berar II of 1950.

“43A. If, any committee or Special Committee under this Act is not constituted at any point of time, or for any reason not in a position to exercise its powers or discharge its duties under this Act, its powers shall be exercised and its duties shall be discharged by the Corporation until such committee is constituted or in a position to exercise its powers or discharge its duties.

Exercise of powers and discharge of duties of any committee by Corporation.

Removal of
Chairman
and Deputy
Chairman
of
committees.

43B. The Chairman or the Deputy Chairman, if any, of any committee constituted under this Act may be removed from the office by the State Government, if he fails to convene two consecutive meetings of the committee as specified by or under this Act, and the Chairman or Deputy Chairman so removed shall not be eligible for re-election or re-appointment as Chairman or, as the case may be, Deputy Chairman of such committee during the remainder term of his office :

Provided that, no such Chairman or Deputy Chairman shall be removed from office, unless he has been given a reasonable opportunity to furnish an explanation :

Provided further that, removal of the Chairman or Deputy Chairman from the office under this section shall not affect his continuance as a Councillor for the remainder term of his office.”

Insertion of
section 48A
in C.P. and
Berar II of
1950.

39. After section 48 of the Nagpur Corporation Act, the following section shall be inserted, namely :—

Appointment
of
Additional
Municipal
Commissioners.

“**48A.** (1) The State Government may create one or more posts of Additional Municipal Commissioners in the Corporation and appoint suitable persons on such posts, who shall, subject to the control of the Commissioner, exercise all or any of the powers and perform all or any of the duties and functions of the Commissioner.

(2) Every person so appointed as the Additional Municipal Commissioner shall be subject to the same liabilities, restrictions and terms and conditions of service, to which the Commissioner is subjected to as per the provisions of this Act.”

Amendment
of section
49 of C.P.
and Berar
II of 1950.

40. In section 49 of the Nagpur Corporation Act, in sub-section (1), after the words “Deputy Municipal Commissioner” the words “and Assistant Municipal Commissioner” shall be inserted.

Amendment
of section
50 of C.P.
and Berar
II of 1950.

41. In section 50 of the Nagpur Corporation Act,—

(1) in sub-section (1),—

(a) the words “the maximum salary of which exceeds one thousand rupees per month” shall be deleted ;

(b) before the existing proviso, the following proviso shall be inserted, namely :—

“Provided that, the decision of the Government on a proposal complete in all respects, received from the Corporation for creation of posts shall be communicated to the Corporation within ninety days from the date of the receipt of such proposal by the Government.”;

(c) in the existing proviso,—

(i) for the words “Provided that” the words “Provided further that” shall be substituted ;

(ii) in clause (1), for the words “whose minimum monthly salary is not less than six hundred rupees” the words “to the posts equivalent to or higher than the post of the Assistant Commissioner” shall be substituted ;

(iii) clause (2) shall be deleted ;

(iv) after clause (4), the following *Explanation* shall be inserted, namely :—

“*Explanation.*—Any revision of pay scale or pay structure or grant of special pay, or grade or revision of allowances (excluding dearness allowance) or change in designation shall be deemed, for the purposes of sub-section (1), to be the creation of a new post.”;

(2) after sub-section (3), the following *Explanation* shall be added, namely:—

“*Explanation.*—For the purposes of this section, a post shall be deemed to be of a rank equivalent to another post if the minimum and maximum pay in the pay scale of both the posts are same. A post shall be deemed to be of a rank higher than another post, if the minimum pay scale of former is at least equivalent to the later, but the maximum pay is higher than the later. In respect of the pay structure, a post shall be deemed to be of a rank equivalent to, or higher than another post, if the grade pay in pay structure of the former is equivalent to or higher than the later, respectively.”.

42. After section 51 of the Nagpur Corporation Act, the following section shall be inserted, namely :—

Insertion of section 51A in C.P. and Berar II of 1950.

“51A. (1) There shall be a Staff Selection Committee consisting of the Commissioner or any other officer designated by him in this behalf, the Municipal Chief Auditor, the Head of the Department concerned and one officer nominated by the Commissioner.

Constitution of Staff Selection Committee.

(2) The Staff Selection Committee shall, in the manner prescribed select candidates for all appointments in the municipal service other than appointments referred to in sub-section (1) of section 53 and other than those which the Corporation may, with the previous approval of the State Government, by order specify in this behalf, unless it is proposed to fill the post from amongst persons already in

the municipal service fulfilling the eligibility criteria, of age, qualification and experience, or unless the appointment is of a temporary character and is not likely to last for more than six months.

(3) Every authority competent to make appointments in the municipal service shall make appointments of the candidates so selected in accordance with the directions given by the Staff Selection Committee.”.

Amendment
of section
53 of C.P.
and Berar
II of 1950.

43. In section 53 of the Nagpur Corporation Act, in sub-section (2), the proviso shall be deleted.

Amendment
of section
63 of C.P.
and Berar
II of 1950.

44. In section 63 of the Nagpur Corporation Act,—

(a) in clause (c),—

(i) for the words “ten lakhs” the words “twenty-five lakhs” shall be substituted ;

(ii) for the words “fifteen lakhs”, at both the places where they occur, the words “fifty lakhs” shall be substituted ;

(iii) for the words “one crore” the words “two crores and fifty lakhs” shall be substituted ;

(iv) in the proviso, for the words “the Standing Committee shall” the words, brackets, figures and letter “notwithstanding anything contained in sub-section (2) of section 38-1A, the Standing Committee shall” shall be substituted ;

(v) after the proviso, the following *Explanation* shall be added, namely :—

“*Explanation.*—For the purposes of this clause, the expression “date of receipt” means the date of the meeting of the Standing Committee held immediately after the proposal is received in the office of the Municipal Secretary whether the item pertaining to such proposal is taken on the agenda of such meeting or not.” ;

(b) in clause (d), for the words “two lakhs rupees but not exceeding ten lakhs rupees” the words “five lakhs rupees but not exceeding twenty-five lakhs rupees” shall be substituted.

Amendment
of section
64 of C.P.
and Berar
II of 1950.

45. In section 64 of the Nagpur Corporation Act,—

(1) in sub-section (1),—

(a) for the words “fifty thousand” the words “two lakhs” shall be substituted ;

(b) the following proviso shall be added, namely :—

“Provided that, the notice of any tender for contract not exceeding the amount of two lakhs rupees shall be uploaded on the official website of the Corporation.” ;

(2) in the marginal note, for the words “fifty thousand” the words “two lakhs” shall be substituted.

46. In section 83 of the Nagpur Corporation Act, after the words "public securities as the State Government may prescribe in this behalf" the words "or may be invested in bonds or debentures of the Central Government, State Government, Government Undertakings, Government Financial Institutions or Unit Trust of India" shall be added.

Amendment of section 83 of C.P. and Berar II of 1950.

47. After section 90 of the Nagpur Corporation Act, the following section shall be inserted, namely:—

Insertion of section 90A in C.P. and Berar II of 1950.

"90A. Notwithstanding anything contained in section 90, except with the prior approval of the State Government, neither any internal loan shall be taken by the Corporation from any of the funds created by the Corporation nor shall any utilisation of such funds for any purposes other than the purposes for which the funds are created be made by the Corporation."

Restrictions on utilisation of funds created by Corporation.

48. In section 407 of the Nagpur Corporation Act, in sub-section (1), after the words "damage to Municipal funds," the words "or is likely to be against the financial interests of the Corporation or against the larger public interest," shall be inserted.

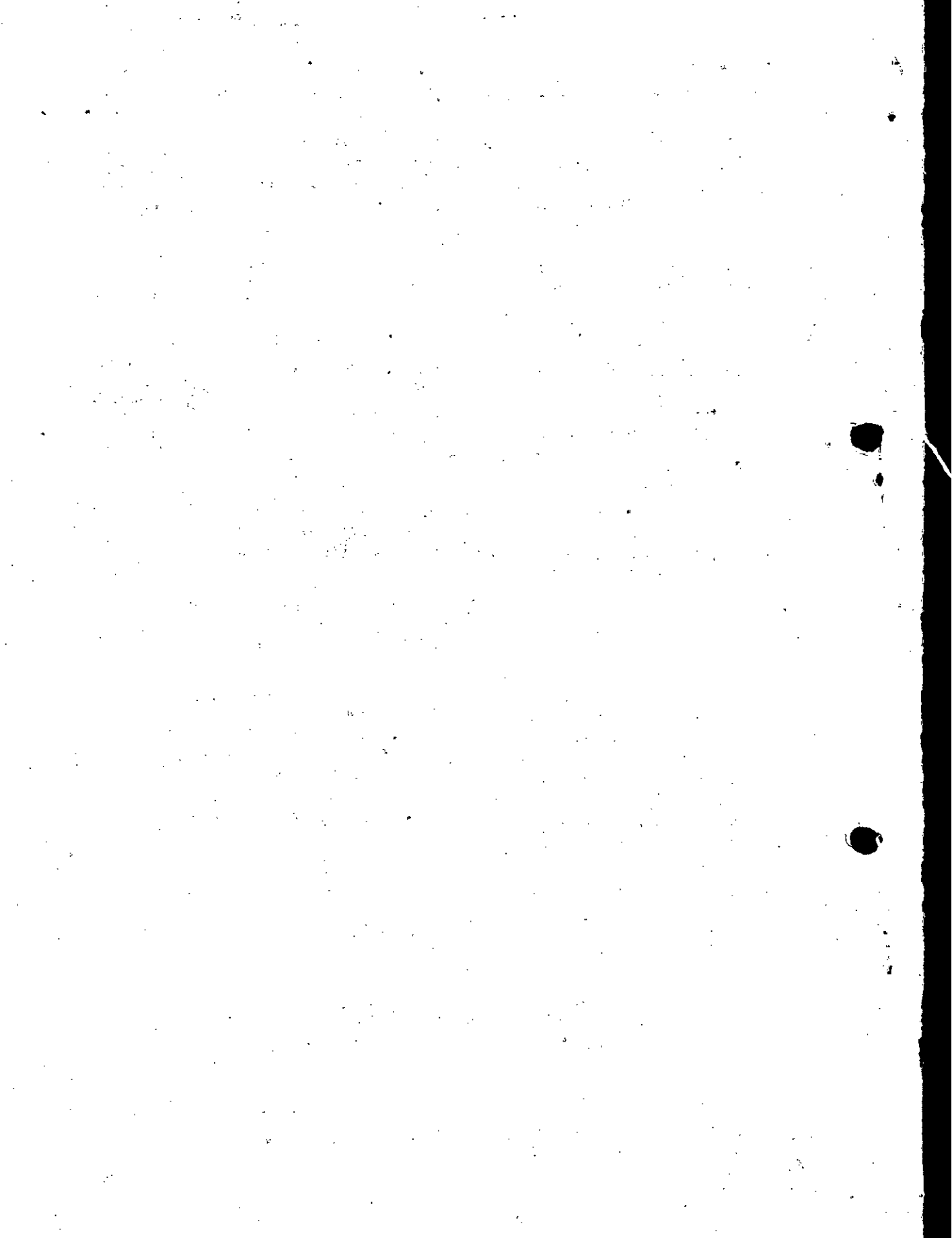
Amendment of section 407 of C.P. and Berar II of 1950.

Mah Ord. XII of 2011. 49. (1) The Maharashtra Municipal Corporations (Second Amendment) Ordinance, 2011 is hereby repealed.

Repeal of Mah. Ord. XII of 2011 and saving.

(2) Notwithstanding such repeal, anything done or any action taken (including any notification or order issued) under the corresponding provisions of the Mumbai Municipal Corporation Act, the Bombay Provincial Municipal Corporations Act, 1949 and the City of Nagpur Corporation Act, 1948, as amended by the said Ordinance, shall be deemed to have been done, taken or issued, as the case may be, under the corresponding provisions of the relevant Acts, as amended by this Act.

Bom. III of 1888.
Bom. LIX of 1949.
C.P. and Berar II of 1950.





महाराष्ट्र शासन राजपत्र

असाधारण भाग आठ

वर्ष ३, अंक ४९ (२)]

बुधवार, डिसेंबर २८, २०११/पौष ७, शके १९३३

[पृष्ठे ३, किंमत : रुपये २०.००

असाधारण क्रमांक १२६

प्राधिकृत प्रकाशन

महाराष्ट्र विधानमंडळाचे अधिनियम व राज्यपालांनी प्रख्यापित केलेले अध्यादेश व केलेले विनियम आणि विधी व न्याय विभागाकडून आलेली विधेयके (इंग्रजी अनुवाद).

In pursuance of clause (3) of article 348 of the Constitution of India, the following translation in English of the Maharashtra Municipal Corporations (Third Amendment) Act, 2011 (Mah. Act No. XL of 2011), is hereby published under the authority of the Governor.

By order and in the name of the Governor of Maharashtra,

H. B. PATEL,
Secretary to Government,
Law and Judiciary Department.

MAHARASHTRA ACT NO. XL OF 2011.

(First published, after having received the assent of the Governor in the "Maharashtra Government Gazette", on the 28th December 2011).

An Act further to amend the Mumbai Municipal Corporation Act, the Bombay Provincial Municipal Corporations Act, 1949 and the City of Nagpur Corporation Act, 1948.

Bom. III
of 1888.
Bom.
LIX of
1949.
C.P. and
Berar II
of 1950.

WHEREAS, it is expedient further to amend the Mumbai Municipal Corporation Act, the Bombay Provincial Municipal Corporations Act, 1949 and the City of Nagpur Corporation Act, 1948, for the purposes hereinafter appearing ; it is hereby enacted in the Sixty-second Year of the Republic of India as follows :—

CHAPTER I PRELIMINARY.

1. (1) This Act may be called the Maharashtra Municipal Corporations (Third Amendment) Act, 2011.

Short title
and
commencement.

(2) It shall come into force on such date, as the State Government may, by notification in the *Official Gazette*, appoint.

(२)

CHAPTER II

AMENDMENT TO THE MUMBAI MUNICIPAL CORPORATION ACT.

Insertion of section 78F in Bom. III of 1888.

2. After section 78E of the Mumbai Municipal Corporation Act, the following section shall be inserted, namely :—

Bom. III of 1888.

Power of State Government to notify posts to be filled in by deputation.

“ 78F. (1) Notwithstanding anything contained in any other provisions of this Act or in any other law for the time being in force, it shall be lawful for the State Government to notify in the *Official Gazette*, any post or any class of posts under the corporation, for being filled in, by deputation of a suitable officer from the cadre of the State Government, specified by the State Government, for this purpose :

Provided that, every such notification shall be laid before each House of the State Legislature after it is issued.

(2) Every notification issued under sub-section (1), specifying the posts or class of posts, shall contain the description of the cadre of officers (hereinafter referred to as “ the feeder cadre ”), of the State Government, from amongst whom the posts notified under sub-section (1) are to be filled.

(3) On issuing the notification under sub-section (1), the numerical strength of the feeder cadre shall stand increased by an equivalent number of posts which shall be created in such feeder cadre.

(4) The number of posts created and added to the feeder cadre under sub-section (3) shall, as far as possible, be filled in by selection, of one or more suitable officers of the corporation, in such manner as may be prescribed by the State Government by rules :

Provided that, nothing in this section shall affect the appointment and terms and conditions of service of an incumbent holding such notified post in the corporation, on the date of issuing the notification under sub-section (1). ”

CHAPTER III

AMENDMENT TO THE BOMBAY PROVINCIAL MUNICIPAL CORPORATION ACT, 1949.

Insertion of section 45B in Bom. LIX of 1949.

3. After section 45A of the Bombay Provincial Municipal Corporations Act, 1949, the following section shall be inserted, namely :—

Bom. LIX of 1949.

Power of State Government to notify posts to be filled in by deputation.

“ 45 B. (1) Notwithstanding anything contained in any other provisions of this Act or in any other law for the time being in force, it shall be lawful for the State Government to notify in the *Official Gazette*, any post or any class of posts under any Corporation, for being filled in, by deputation of a suitable officer from the cadre of the State Government, specified by the State Government, for this purpose :

Provided that, every such notification shall be laid before each House of the State Legislature, after it is issued.

(2) Every notification issued under sub-section (1) specifying the posts or class of posts, shall contain the description of the cadre of

officers (hereinafter referred to as "the feeder cadre"), of the State Government, from amongst whom the posts notified under sub-section (1) are to be filled.

(3) On issuing the notification under sub-section (1), the numerical strength of the feeder cadre shall stand increased by an equivalent number of posts which shall be created in such feeder cadre.

(4) The number of posts created and added to the feeder cadre under sub-section (3) shall, as far as possible, be filled in by selection, of one or more suitable officers of the concerned Corporation, in such manner as may be prescribed by the State Government by rules :

Provided that, nothing in this section shall affect the appointment and terms and conditions of service of an incumbent holding such notified post in the Corporation, on the date of issuing the notification under sub-section (1)."

CHAPTER IV

AMENDMENT TO THE CITY OF NAGPUR CORPORATION ACT, 1948.

C.P. and Berar II of 1950.

4. After section 51 of the City of Nagpur Corporation Act, 1948, the following section shall be inserted, namely :—

Insertion of section 51A in C.P. and Berar II of 1950.

Power of State Government to notify posts to be filled in by deputation.

"51A. (1) Notwithstanding anything contained in any other provision of this Act or in any other law for the time being in force, it shall be lawful for the State Government to notify in the *Official Gazette*, any post or any class of posts under the Corporation, for being filled in, by deputation of a suitable officer from the cadre of the State Government, specified by the State Government for this purpose :

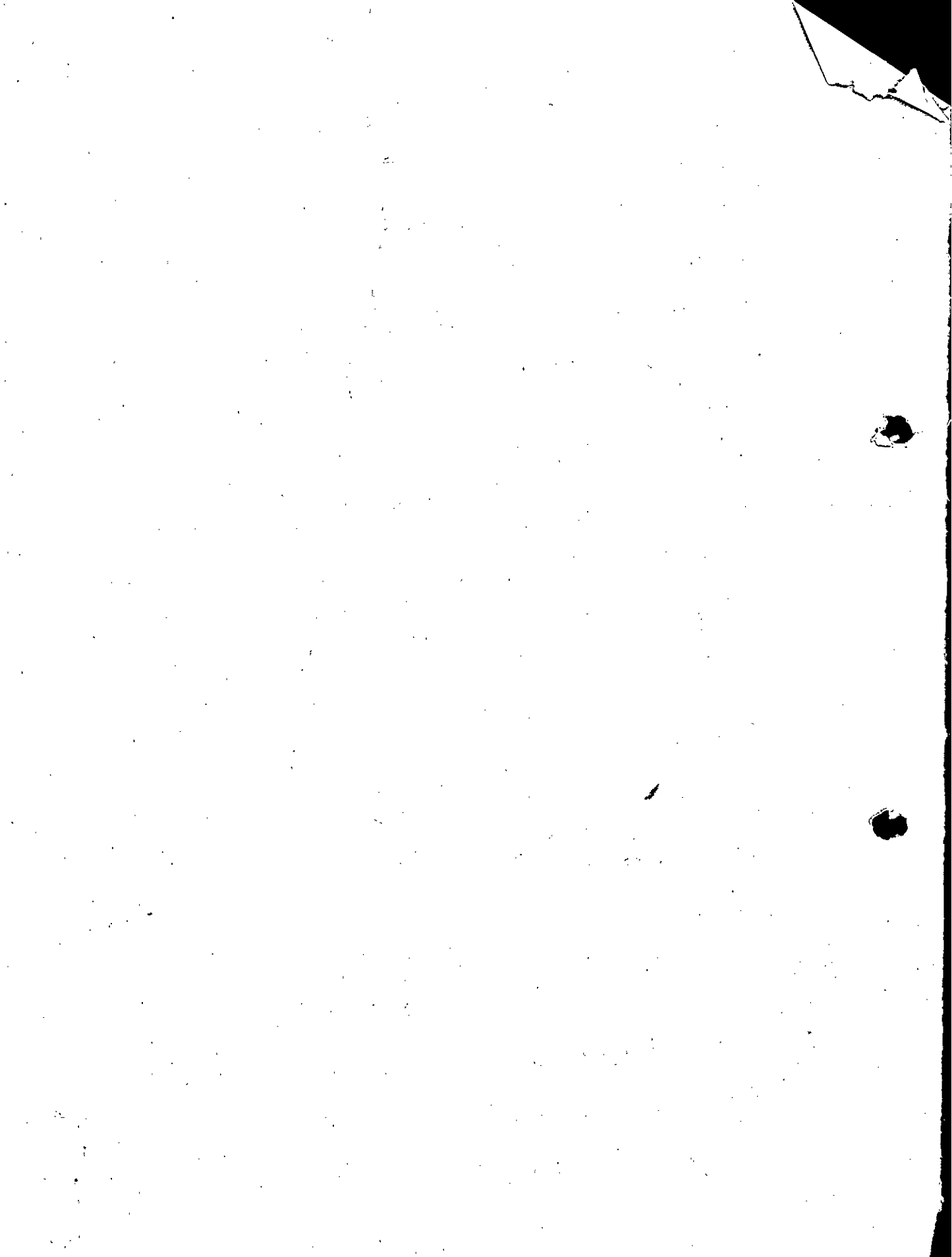
Provided that, every such notification shall be laid before each House of the State Legislature after it is issued.

(2) Every notification issued under sub-section (1) specifying the posts or class of posts, shall contain the description of the cadre of officers (hereinafter referred to as "the feeder cadre"), of the State Government, from amongst whom the posts notified under sub-section (1) are to be filled.

(3) On issuing the notification under sub-section (1), the numerical strength of the feeder cadre shall stand increased by an equivalent number of posts which shall be created in such feeder cadre.

(4) The number of posts created and added to the feeder cadre under sub-section (3) shall, as far as possible, be filled in by selection, of one or more suitable officers of the Corporation, in such manner as may be prescribed by the State Government by rules :

Provided that, nothing in this section shall affect the appointment and terms and conditions of service of an incumbent holding such notified post in the Corporation, on the date of issuing the notification under sub-section (1)."





महाराष्ट्र शासन राजपत्र

असाधारण भाग आठ

वर्ष ३, अंक ५७]

मंगळवार, मार्च १३, २०१२/फाल्गुन २३, शके १९३३

[पृष्ठे ११, किंमत : रुपये १८.००

असाधारण क्रमांक ७

प्राधिकृत प्रकाशन

महाराष्ट्र विधानमंडळाचे अधिनियम व राज्यपालांनी प्रख्यापित केलेले अध्यादेश व केलेले विनियम आणि विधी व न्याय विभागाकडून आलेली विधेयके (इंग्रजी अनुवाद).

In pursuance of clause (3) of article 348 of the Constitution of India, the following translation in English of the Maharashtra Municipal Corporation, Municipal Councils and Maharashtra Regional and Town Planning (Amendment) Act, 2010 (Mah. Act No. II of 2012), is hereby published under the authority of the Governor.

By order and in the name of the Governor of Maharashtra,

H. B. PATEL,
Secretary to Government,
Law and Judiciary Department.

MAHARASHTRA ACT No. II OF 2012.

(First published, after having received the assent of the President in the "Maharashtra Government Gazette" on the 13th March 2012).

An Act further to amend the Mumbai Municipal Corporation Act, the Bombay Provincial Municipal Corporations Act, 1949, the City of Nagpur Corporation Act, 1948, the Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships Act, 1965 and the Maharashtra Regional and Town Planning Act, 1966.

WHEREAS it is expedient further to amend the Mumbai Municipal Corporation Act, the Bombay Provincial Municipal Corporations Act, 1949, the City of Nagpur Corporation Act, 1948, the Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships Act, 1965 and the Maharashtra Regional and Town Planning Act, 1966, for the purposes hereinafter appearing; it is hereby enacted in the Sixty-first Year of the Republic of India as follows :—

Bom. III
of 1888.
Bom.
LIX of
1949.
C.P. and
Berar II
of 1950.
Mah. XL
of 1965.
Mah.
XXXVII
of 1966.

भाग आठ-७-१

CHAPTER I

PRELIMINARY

Short title and commencement. 1. (1) This Act may be called the Maharashtra Municipal Corporations, Municipal Councils and Maharashtra Regional and Town Planning (Amendment) Act, 2010.

(2) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

CHAPTER II

AMENDMENTS TO THE MUMBAI MUNICIPAL CORPORATION ACT

Amendment of section 3 of Bom. III of 1888. 2. In section 3 of the Mumbai Municipal Corporation Act, (hereinafter, in this Chapter, referred to as "the Mumbai Municipal Corporation Act"), after clause (ea), the following clause shall be inserted, namely :—

Bom. III of 1888.

"(eb) " Designated Officer " means an officer designated under sub-section (1) of section 351; "

Amendment of section 351 of Bom. III of 1888. 3. In section 351 of the Mumbai Municipal Corporation Act,—
(1) existing sub-section (1) shall be renumbered as sub-section (1A) thereof; and before sub-section (1A) as so re-numbered, the following sub-section shall be inserted, namely :—

"(1) The Commissioner shall, by notification in the *Official Gazette*, designate an officer of the Corporation to be the Designated Officer for the purposes of this section and of sections 352, 352A and 354A. The Designated Officer shall have jurisdiction over such local area as may be specified in the notification and different officers may be designated for different local areas. ";

(2) in sub-section (1A) as so re-numbered, for the word " Commissioner ", at both the places where it occurs, the words " Designated Officer " shall be substituted ;

(3) in sub-section (2), for the word " Commissioner " wherever it occurs, the words " Designated Officer " shall be substituted.

Amendment of section 352 of Bom. III of 1888. 4. In section 352 of the Mumbai Municipal Corporation Act,—
(1) in sub-section (1), for the word " Commissioner " the words " Designated Officer " shall be substituted;

(2) in sub-section (2), for the word " Commissioner " the words " Designated Officer " shall be substituted.

Amendment of section 352A of Bom. III of 1888. 5. In section 352A of the Mumbai Municipal Corporation Act,—
(1) in sub-section (1), for the word " Commissioner " the words " Designated Officer " shall be substituted;

(2) in sub-section (2), for the word " Commissioner " the words " Designated Officer " shall be substituted;

(3) in sub-section (3), for the word "Commissioner", at both the places where it occurs, the words "Designated Officer" shall be substituted;

(4) sub-section (4) shall be deleted;

(5) in the marginal note, for the word "Commissioner" the words "Designated Officer" shall be substituted.

6. In section 354A of the Mumbai Municipal Corporation Act,—

(1) in sub-section (1), for the word "Commissioner", at both the places where it occurs, the words "Designated Officer" shall be substituted;

Amendment of section 354A of Bom. III of 1888.

(2) in sub-section (2), for the word "Commissioner" wherever it occurs, the words "Designated Officer" shall be substituted;

(3) in sub-section (3), for the word "Commissioner" the words "Designated Officer" shall be substituted;

(4) in sub-section (4), for the word "Commissioner" the words "Designated Officer" shall be substituted;

(5) in the marginal note, for the word "Commissioner" the words "Designated Officer" shall be substituted.

7. After section 475A of the Mumbai Municipal Corporation Act, the following sections shall be inserted, namely :—

Insertion of sections 475B and 475C in Bom. III of 1888.

" 475B. Where it has been brought to the notice of the Designated Officer that erection of any building or execution of any such work as is described in section 342, is commenced contrary to the provisions of section 342 or 347 or is otherwise unlawfully commenced or is being unlawfully carried on and if such Designated Officer has failed, without sufficient reasons, to take action as provided under section 351 or 354A, he shall, on conviction, be punished with imprisonment for a term which may extend to three months, or with fine which may extend to twenty thousand rupees, or with both.

Punishment for failure to take action under section 351 or 354A.

475C. (1) The Commissioner may, by general or special order, either before or after institution of the proceedings, compound any offence made punishable under section 475A.

Compounding of certain offences.

(2) When an offence has been compounded under sub-section (1), no further proceedings shall be taken against the accused person in respect of the offence compounded and any proceedings if already taken, shall stand abated, and the accused person, if in custody, shall be discharged."

Insertion of section 515A in Bom. III of 1888.

8. After section 515 of the Mumbai Municipal Corporation Act, the following section shall be inserted, namely :—

Bar of jurisdiction.

“515A. Save as otherwise provided in this Act, any notice issued, order passed or direction issued by the Designated Officer, under section 351 or 354A shall not be questioned in any suit or other legal proceedings.”

Insertion of section 516B in Bom. III of 1888.

9. After section 516A of the Mumbai Municipal Corporation Act, the following section shall be inserted, namely :—

Offences under sections 475A and 475B to be cognizable and bailable.

“516B. The offences under sections 475A and 475B shall be cognizable and bailable.”

CHAPTER III

AMENDMENTS TO THE BOMBAY PROVINCIAL MUNICIPAL CORPORATIONS ACT, 1949

Amendment of section 2 of Bom. LIX of 1949.

10. In section 2 of the Bombay Provincial Municipal Corporations Act, 1949 (hereinafter, in this Chapter, referred to as “the Provincial Corporations Act”), after clause (16A), the following clause shall be inserted, namely :—

Bom. LIX of 1949.

“(16B) “Designated Officer” means an officer designated under sub-section (1) of section 260;”

Amendment of section 260 of Bom. LIX of 1949.

11. In section 260 of the Provincial Corporations Act,—

(1) existing sub-section (1) shall be re-numbered as sub-section (1A) thereof; and before sub-section (1A) as so re-numbered, the following sub-section shall be inserted, namely :—

“(1) The Commissioner shall, by notification in the *Official Gazette*, designate an officer of the Corporation to be the Designated Officer for the purposes of this section and of sections 261, 264, 267 and 478. The Designated Officer shall have jurisdiction over such local area as may be specified in the notification and different officers may be designated for different local areas.”;

(2) in sub-section (1A), as so re-numbered, for the words “the Commissioner”, at both the places where they occur, the words “the Designated Officer” shall be substituted;

(3) in sub-section (2), for the words “the Commissioner”, at both the places where they occur, the words “the Designated Officer” shall be substituted.

Amendment of section 261 of Bom. LIX of 1949.

12. In section 261 of the Provincial Corporations Act,—

(1) in sub-section (1); for the words “the Commissioner” the words “the Designated Officer” shall be substituted;

(2) in sub-section (2), for the words "the Commissioner" the words "the Designated Officer" shall be substituted.

13. In section 264 of the Provincial Corporations Act,—

Amendment
of section
264 of Bom.
LIX of
1949.

(1) in sub-section (1), for the words "the Commissioner", at both the places where they occur, the words "the Designated Officer" shall be substituted;

(2) in sub-section (2), for the word "Commissioner", at both the places where it occurs, the words "Designated Officer" shall be substituted ;

(3) in sub-section (3), for the words "the Commissioner" the words "the Designated Officer" shall be substituted ;

(4) in sub-section (4), for the words "the Commissioner" the words "the Designated Officer" shall be substituted ;

(5) in sub-section (5), for the words "the Commissioner", wherever they occur, the words "the Designated Officer" shall be substituted.

14. In section 267 of the Provincial Corporations Act,—

Amendment
of section
267 of Bom.
LIX of 1949.

(1) in sub-section (1), for the words "the Commissioner" the words "the Designated Officer" shall be substituted ;

(2) in sub-section (2), for the word "Commissioner" the words "Designated Officer" shall be substituted ;

(3) in the marginal note, for the word "Commissioner" the words "Designated Officer" shall be substituted.

15. After section 397 of the Provincial Corporations Act, the following sections shall be inserted, namely :—

Insertion of
sections
397A and
397B in
Bom. LIX
of 1949.

"397A. (1) Any person to whom the notice under section 260, 261, 264, 267 or 478 has been served, shall on his failure to comply with such notice,—

Penalty for
failure to
comply with
notice
under
section
260, 261,
264, 267 or
478.

(a) for restoration of the foundation, plinth, floor or structural members or load bearing wall, thereby endangering the life and property of any person occupying, resorting to or passing by such building or any other building or place in the neighbourhood thereof, be punished with imprisonment for a term which shall not be less than three months but which may extend upto three years and with a fine which shall not be less than ten thousand rupees but which may extend to fifty thousand rupees; and where the contravention is a continuing one, with a further fine which may extend to one thousand rupees for each day during which such contravention continues after conviction for the first such contravention; or

(b) for removing, pulling down the unauthorised work, be punished with imprisonment for a term which shall not be less than one month but which may extend to one year and with a fine which shall not be less than five thousand rupees but which may extend to twenty-five thousand rupees; and where the contravention is a continuing one, with a further fine which may extend to five hundred rupees for each day during which such contravention continues after conviction for the first such contravention.

(2) Where it has been brought to the notice of the Designated Officer that erection of any building or execution of any such work as is described in section 254 is commenced or carried out contrary to the provisions of the Act, rules or bye-laws and if such Designated Officer has failed, without sufficient reasons, to take action as provided under section 260, 264, 267 or 478, he shall, on conviction, be punished with imprisonment for a term which may extend to three months, or with fine which may extend to twenty thousand rupees, or with both.

Compounding
of certain
offences.

397B. (1) The Commissioner may, by general or special order, either before or after institution of the proceedings, compound any offence made punishable under sub-section (1) of section 397A.

(2) When an offence has been compounded under sub-section (1), no further proceedings shall be taken against the accused person in respect of the offence compounded and any proceedings if already taken, shall stand abated, and the accused person, if in custody, shall be discharged.”

Amendment
of section
427 in
Bom. LX
of 1949.

16. In section 427 of the Provincial Corporations Act, the existing sub-section (1) shall be re-numbered as clause (a) thereof ; and after clause (a) as so re-numbered, the following clause shall be inserted, namely :—

“(b) Offences under section 397A shall be cognizable and bailable.”

Insertion of
section
433A in
Bom. LX
of 1949.

17. After section 433 of the Provincial Corporations Act, after the heading “X. Miscellaneous”, the following section shall be inserted, namely :—

Bar of
jurisdiction.

“433A. Save as otherwise provided in this Act, any notice issued, order passed or direction issued by the Designated Officer, under section 260, 261, 264, 267 or 478 shall not be questioned in any suit or other legal proceedings.”

18. In section 478 of the Provincial Corporations Act, in sub-sections (1) and (2), for the word "Commissioner", wherever it occurs, the words "Designated Officer" shall be substituted.

Amendment
of section
478 of Bom.
LIX of 1949.

CHAPTER IV

AMENDMENTS TO THE CITY OF NAGPUR CORPORATION ACT, 1948

- C.P. and Berar II of 1950. 19. In section 5 of the City of Nagpur Corporation Act, 1948 (hereinafter, in this Chapter, referred to as "the Nagpur Corporation Act"), after clause (14), the following clause shall be inserted, namely:—

Amendment
of section 5
of C.P.
and Berar
II of 1950.

"(14A) "Designated Officer" means an officer designated under sub-section (1) of section 281;"

20. In section 281 of the Nagpur Corporation Act,—

Amendment
of section
281 of C.P.
and Berar
II of 1950.

(1) the existing sub-section (1) shall be re-numbered as sub-section (1A) thereof; and before sub-section (1A) as so re-numbered, the following sub-section shall be inserted, namely:—

"(1) The Commissioner shall, by notification in the *Official Gazette*, designate an officer of the Corporation to be the Designated Officer for the purposes of this section and of section 282, sub-section (2) of section 283 and sub-sections (1), (2) and (3) of section 286. The Designated Officer shall have jurisdiction over such local area as may be specified in the notification and different officers may be designated for different local areas;"

(2) in sub-section (1A), as so re-numbered, for the words "the Commissioner" the words "the Designated Officer" shall be substituted;

(3) for sub-section (2), the following sub-sections shall be substituted, namely:—

"(2) Any person to whom the notice under sub-section (1) of this section or sub-section (1) of section 286 has been served, shall on his failure to comply with such notice,—

(a) for restoration of the foundation, plinth, floor or structural members or load bearing wall, thereby endangering the life and property of any person occupying, resorting to or passing by such building or any other building or place in the neighbourhood thereof, be punished with imprisonment for a term which shall not be less than three months but which may extend to three years and with a fine which shall not be less than ten thousand rupees but which may extend to fifty thousand rupees; and where the contravention is a continuing one, with a further fine which may extend to one thousand rupees for each day during which such contravention continues after conviction for the first such contravention;

(b) for removing, pulling down the unauthorised work, be punished with imprisonment for a term which shall not be less than one month but which may extend to one year and with a fine which shall not be less than five thousand rupees but which may extend to twenty-five thousand rupees; and

where the contravention is a continuing one, with a further fine which may extend to five hundred rupees for each day during which such contravention continues after conviction for the first such contravention.

(3) Where it has been brought to the notice of the Designated Officer that erection of any building or execution of any work is carried out in contravention of section 273 or is commenced or carried out contrary to the provisions of the Act, rules or bye-laws and if such Designated Officer has failed, without sufficient reasons, to take action as provided under section 281 or 286, he shall, on conviction, be punished with imprisonment for a term which may extend to three months, or with fine which may extend to twenty thousand rupees, or with both."

Insertion of section 281A in C.P. and Berar II of 1950.

21. After section 281 of the Nagpur Corporation Act, the following section shall be inserted, namely :—

Compounding of certain offences.

" 281A. (1) The Commissioner may, by general or special order, either before or after institution of the proceedings, compound any offence made punishable under sub-section (2) of section 281.

(2) When an offence has been compounded under sub-section (1), no further proceedings shall be taken against the accused person in respect of the offence compounded and any proceedings if already taken, shall stand abated, and the accused person, if in custody, shall be discharged."

Amendment of section 283 of C.P. and Berar II of 1948.

22. In section 283 of the Nagpur Corporation Act, in sub-section (2), for the words "demolished by the Commissioner" the words "demolished by the Designated Officer" shall be substituted.

Amendment of section 286 of C.P. and Berar II of 1950.

23. In section 286 of the Nagpur Corporation Act,—

(1) in sub-section (1), for the words " the Commissioner " the words " the Designated Officer " shall be substituted;

(2) in sub-section (2), for the words " the Commissioner ", at both the places where they occur, the words " the Designated Officer " shall be substituted;

(3) in sub-section (3), for the words " the Commissioner ", at both the places where they occur, the words " the Designated Officer " shall be substituted;

(4) in sub-section (4), for the words " the Commissioner ", where they occur for the third time, the words " the Designated Officer " shall be substituted.

24. In section 287 of the Nagpur Corporation Act, for the words "or the Commissioner" the words "the Commissioner or the Designated Officer" shall be substituted.

Amendment of section 287 of C.P. and Berar II of 1950.

25. After section 426 of the Nagpur Corporation Act, the following section shall be inserted, namely :—

Insertion of section 426A in C.P. and Berar II of 1950.

" 426A. The offences under section 281 shall be cognizable and bailable."

Offences under section 281 to be cognizable and bailable.

CHAPTER V

AMENDMENTS TO THE MAHARASHTRA MUNICIPAL COUNCILS, NAGAR PANCHAYATS AND INDUSTRIAL TOWNSHIPS ACT, 1965

Mah.
XL of
1965.

26. In section 189 of the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965 (hereinafter, in this Chapter, referred to as "the Municipal Councils Act"),—

Amendment of section 189 of Mah. XL of 1965.

(1) for sub-section (9), the following sub-section shall be substituted, namely :—

"(9) Any person to whom the notice under sub-section (8) of this section or sub-section (2) of section 195 has been served, on his failure to comply with such notice,—

(a) for restoration of the foundation, plinth, floor or structural members or load bearing wall, thereby endangering the life and property of any person occupying, resorting to or passing by such building or any other building or place in the neighbourhood thereof, shall be punished with imprisonment for a term which shall not be less than three months but which may extend to three years; and with a fine which shall not be less than ten thousand rupees but which may extend to fifty thousand rupees; and where the contravention is a continuing one, with a further fine which may extend to one thousand rupees for each day during which such contravention continues after conviction for the first such contravention;

(b) for removing, pulling down the unauthorised work, shall be punished with imprisonment for a term which shall not be less than one month but which may extend to one year and with a fine which shall not be less than five thousand rupees but which may extend to twenty-five thousand rupees; and where the

contravention is a continuing one, with a further fine which may extend to five hundred rupees for each day during which such contravention continues after conviction for the first such contravention.”;

(2) after sub-section (12), the following sub-section shall be added, namely :—

“(13) Where it has been brought to the notice of the Chief Officer or any other officer of the Council, nominated by the Council in the prescribed manner, that erection of any building or execution of any work is carried out or commenced contrary to the provisions of the Act, rules or bye-laws and if such officer has failed, without sufficient reasons, to take action as provided under this section, he shall, on conviction, be punished with imprisonment for a term which may extend to three months, or with fine which may extend to twenty thousand rupees, or with both.”.

Insertion of section 300A in Mah. XL of 1965.

27. After section 300 of the Municipal Councils Act, the following section shall be inserted, namely :—

Offences under section 189 to be cognizable and bailable.

“300A. The offences under sub-sections (9) and (13) of section 189 shall be cognizable and bailable.”.

Insertion of section 301A in Mah. XL of 1965.

28. After section 301 of the Municipal Councils Act, the following section shall be inserted, namely :—

Bar of jurisdiction.

“301A. Save as otherwise provided in this Act, any notice issued, order passed or direction issued under sub-section (8) of section 189 by the Chief Officer or, as the case may be, the officer nominated under sub-section (13) of section 189, shall not be questioned in any suit or other legal proceedings.”.

CHAPTER VI

AMENDMENTS TO THE MAHARASHTRA REGIONAL AND TOWN PLANNING ACT, 1966

Amendment of section 2 of Mah. XXXVII of 1966.

29. In section 2 of the Maharashtra Regional and Town Planning Act, 1966 (hereinafter, in this Chapter, referred to as “the Town Planning Act”), after clause (6), the following clause shall be inserted, namely :—

Mah. XXXVII of 1966.

“(6A) “Designated Officer” means the officer designated under sub-section (8) of section 53;”.

30. In section 53 of the Town Planning Act, after sub-section (7), the following sub-section shall be added, namely :—

Amendment of section 53 of Mah. XXXVII of 1966.

“(8) The Planning Authority shall, by notification in the *Official Gazette*, designate an officer of the Planning Authority to be the Designated Officer for the purposes of exercise of the powers of the Planning Authority under this section and sections 54, 55 and 56. The Designated Officer shall have jurisdiction over such local area as may be specified in the notification and different officers may be designated for different local areas.”

31. After section 56 of the Town Planning Act, the following section shall be inserted, namely :—

Insertion of section 56A in Mah. XXXVII of 1966.

“56A. Where it has been brought to the notice of the Designated Officer that erection of any building or execution of any work is carried out in contravention of the provisions of the Act, rules or bye-laws and if such Designated Officer has failed, without sufficient reasons, to take action, as provided under section 53, 54, 55 or 56, he shall, on conviction, be punished with imprisonment for a term which may extend to three months, or with fine which may extend to twenty thousand rupees, or with both.”

Punishment for failure to take action against unauthorised construction.

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महाराष्ट्र शासन राजपत्र

असाधारण भाग आठ

वर्ष ४, अंक १२]

शनिवार, एप्रिल २१, २०१२/वैशाख १, शके १९३४

[पृष्ठे ६, किंमत : रुपये १८.००

असाधारण क्रमांक २३

प्राधिकृत प्रकाशन

महाराष्ट्र विधानमंडळाचे अधिनियम व राज्यपालांनी प्रख्यापित केलेले अध्यादेश व केलेले विनियम आणि विधी व न्याय विभागाकडून आलेली विधेयके (इंग्रजी अनुवाद).

In pursuance of clause (3) of article 348 of the Constitution of India, the following translation in English of the Mumbai Municipal Corporation and the Maharashtra (Urban Areas) Protection and Preservation of Trees (Amendment) Act, 2012 (Mah. Act No. VI of 2012), is hereby published under the authority of the Governor.

By order and in the name of the Governor of Maharashtra,

H. B. PATEL,
Secretary to Government,
Law and Judiciary Department.

MAHARASHTRA ACT No. VI OF 2012.

(First published, after having received the assent of the Governor in the "Maharashtra Government Gazette", on the 21st April 2012).

An Act further to amend the Mumbai Municipal Corporation Act and the Maharashtra (Urban Areas) Protection and Preservation of Trees Act, 1975.

WHEREAS, both Houses of the State Legislature were not in session ;

AND WHEREAS the Governor of Maharashtra was satisfied that circumstances existed which rendered it necessary for him to take

Bom. III of 1888. Mah. XLIV of 1975. Mah. Ord. IV of 2012. immediate action further to amend the Mumbai Municipal Corporation Act and the Maharashtra (Urban Areas) Protection and Preservation of Trees Act, 1975, for the purposes hereinafter appearing, and, therefore, promulgated the Mumbai Municipal Corporation and the Maharashtra (Urban Areas) Protection and Preservation of Trees (Amendment) Ordinance, 2012, on the 12th March 2012;

AND WHEREAS, it is expedient to replace the said Ordinance by an Act of the State Legislature; it is hereby enacted in the Sixty-third Year of the Republic of India as follows :—

CHAPTER I

PRELIMINARY

- Short title and commencement. 1. (1) This Act may be called the Mumbai Municipal Corporation and the Maharashtra (Urban Areas) Protection and Preservation of Trees (Amendment) Act, 2012.
- (2) It shall be deemed to have come into force on the 12th March 2012.

CHAPTER II

AMENDMENTS TO THE MUMBAI MUNICIPAL CORPORATION ACT

- Amendment of section 128 of Bom. III of 1888. 2. In section 128 of the Mumbai Municipal Corporation Act (hereinafter, in this Chapter, referred to as "the Mumbai Corporation Act"), in sub-section (3),—

(i) for the words and figures "at any time during the official years 2010-2011 and 2011-2012," the words and figures "at any time during the official years 2010-2011, 2011-2012 and 2012-2013," shall be substituted;

(ii) for the words "two years", wherever they occur, the words "three years" shall be substituted.

Amendment of section 140A of Bom. III of 1888.

3. In section 140A of the Mumbai Corporation Act,—

(a) in sub-section (2), for the figures and word "2010-2011 and 2011-2012" the figures and word "2010-2011, 2011-2012 and 2012-2013" shall be substituted;

(b) after sub-section (2), the following sub-section shall be inserted, namely :—

"(2A) Notwithstanding anything contained in sub-sections (1) or (2) or any other provisions of this Act, the tax on buildings and lands, which are liable to be assessed for the first time on or after the 1st April 2010, shall provisionally be equal to the amount of tax, as if such buildings and lands are liable to be assessed in the year 2009-2010; and on ascertainment of the capital value of such buildings and lands, the corporation may issue a final bill in respect of the years for which they are liable to be assessed, on the basis of capital value thereof and accordingly it shall be the duty of the owner and occupier of such buildings and lands to pay such tax within the period specified in the final bill issued as aforesaid."

Amendment of section 141 of Bom. III of 1888.

4. In section 141 of the Mumbai Corporation Act, for sub-section (2), the following sub-section shall be substituted and shall be deemed to have been substituted with effect from the 1st April 1967, as follows :—

"(2) Subject to the provisions of section 169, the water benefit tax shall be levied in respect of all premises situated in *Brihan* Mumbai,

except the buildings and lands or parts thereof vesting in, or in the occupation of, any consul de carriers, whether called as a consul general, consul, vice-consul, consular agent, pro-consul or by any other name of a foreign State recognised as such by the Government of India, or of any members (not being citizens of India) of staff of such officials, and such buildings and lands or parts thereof which are used or intended to be used for any purpose other than for the purpose of profit.”

5. In section 142 of the Mumbai Corporation Act, for sub-section (4), the following section shall be substituted and shall be deemed to have been substituted, with effect from the 1st April 1967, as follows :—

Amendment
of section
142 of Bom.
III of 1888.

“(4) Subject to the provisions of section 170, the sewerage benefit tax shall be levied in respect of all premises situated in Brihan Mumbai, except the buildings and lands or parts thereof vesting in, or in the occupation of, any consul de carriers, whether called as a consul general, consul, vice-consul, consular agent, pro-consul or by any other name of a foreign State recognised as such by the Government of India, or of any members (not being citizens of India) of staff of such officials, and such buildings and lands or parts thereof which are used or intended to be used for any purpose other than for the purpose of profit.”

6. In section 143 of the Mumbai Corporation Act, in sub-section (1), for clause (c), the following clause shall be substituted, namely :—

Amendment
of section
143 of Bom.
III of 1888.

“(c) such buildings and lands vesting in, or in the occupation of, any consul de carriers, whether called as a consul general, consul, vice-consul, consular agent, pro-consul or by any other name of a foreign State recognised as such by the Government of India, or of any members (not being citizens of India) of staff of such officials, and such buildings and lands or parts thereof which are used or intended to be used for any purpose other than for the purpose of profit.”

7. In section 144B of the Mumbai Corporation Act,—

Amendment
of section
144B of
Bom. III of
1888.

(i) in clause (a), for the words “by the Maharashtra Housing and Area Development Authority” the words “by the corporation, the Mumbai Metropolitan Region Development Authority or the Maharashtra Housing and Area Development Authority” shall be substituted;

(ii) in clause (e), the word “or” shall be added at the end;

(iii) after clause (e), the following clauses shall be inserted, namely :—

“(f) buildings constructed or reconstructed, for transit accommodation, that is to say transit camps, by the corporation, the Mumbai Metropolitan Region Development Authority or the Maharashtra Housing and Area Development Authority; or

(g) buildings constructed or reconstructed under the rental housing scheme by the corporation, the Mumbai Metropolitan Region Development Authority or the Maharashtra Housing and Area Development Authority : ”.

Amendment
of section
154A of
Bom. III of
1888.

8. In section 154A of the Mumbai Corporation Act,—

(i) for the words and figures “official years 2010-2011 and 2011-2012” the words and figures “official years 2010-2011, 2011-2012 and 2012-2013” shall be substituted ;

(ii) the following proviso shall be inserted, namely :—

“ Provided that, in respect of the buildings and lands which are liable to be assessed for the first time on or after the 1st April 2010, the capital value of such buildings and lands shall, until the final capital value is determined under this section, be provisionally equal to the amount of rateable value worked out on the basis of the prescribed letting rates by the corporation in respect of the official year 2009-2010. ”.

Amendment
of section
172 of Bom.
III of 1888.

9. In section 172 of the Mumbai Corporation Act,—

(a) in sub-section (1), for the words and figures “for the years 2010-2011 and 2011-2012” the words and figures “for the years 2010-2011, 2011-2012 and 2012-2013” shall be substituted;

(b) in sub-section (2), in the proviso, for the words and figures “the rules fixing the rates for the official year 2010-2011 and 2011-2012” the words and figures “the rules fixing the rates for the official years 2010-2011, 2011-2012 and 2012-2013” shall be substituted;

(c) after sub-section (2), the following sub-section shall be added, namely :—

“(3) In case of the buildings and lands which are liable to be assessed for the first time on or after the 1st April 2010, the water taxes and charges and sewerage taxes and charges shall provisionally be levied on the basis of rateable value thereof, as if such buildings and lands are assessed in the year 2009-2010; and on ascertainment of the capital value of such buildings and lands, the corporation may issue a final bill in respect of the years, for which provisional bills have been issued on the basis of rateable value, on the basis of capital value thereof and accordingly it shall be the duty of the owner and occupier of such buildings and lands to pay such tax within the period specified in the final bill issued as aforesaid.”.

Amendment
of section
219A of
Bom. III of
1888.

10. Section 219A of the Mumbai Corporation Act, providing for overriding effect of certain provisions of the Act, shall be re-numbered as section 219AB and in section 219AB, as so re-numbered, for the words, brackets and figures “or, as the case may be, the Maharashtra Municipal Corporations and Municipal Councils (Amendment) Act, 2011” the words, brackets and figures “, the Maharashtra Municipal Corporations and Municipal Councils (Amendment) Act, 2011 or the Mumbai Municipal

Mah.
XI of
2011.
Mah.
XI of
2011.

Mah. Corporation and the Maharashtra (Urban Areas) Protection and
VI of Preservation of Trees (Amendment) Act, 2012, as the case may be,"
2012. shall be substituted.

CHAPTER III

AMENDMENTS TO THE MAHARASHTRA (URBAN AREAS) PROTECTION AND PRESERVATION OF TREES ACT, 1975

Mah. 11. In section 18 of the Maharashtra (Urban Areas) Protection and Amendment
XLIV of Preservation of Trees Act, 1975,— of section
of 18 of Mah.
1975. (a) after sub-section (1A), the following sub-sections shall be inserted XLIV of
and shall be deemed to have been inserted with effect from the 1975.
1st April 1988, namely :—

“(1B) No Tree Cess under sub-section (1) or (1A) shall be leviable in respect of the buildings and lands or parts thereof vesting in, or in the occupation of, any consul de carriers, whether called as a consul general, consul, vice-consul, consular agent, pro-consul or by any other name of a foreign State recognised as such by the Government of India, or of any members (not being citizens of India) of staff of such officials, and such buildings and lands or parts thereof which are used or intended to be used for any purpose other than for the purpose of profit.

(1C) In respect of the buildings and lands which are liable to be assessed for the first time on or after the 1st April 2010, it shall be lawful for the urban local authority to issue a provisional bill for the payment of Tree Cess, until the final capital value of such buildings and lands is determined under the relevant law, as if such buildings and lands are assessed as per the rateable value worked out on the basis of the prescribed letting rates by the urban local authority, in respect of the official year 2009-2010. On the determination of capital value thereof, the amount of such cess shall be determined under sub-section (1A) and accordingly it shall be lawful for the authority to issue the final bill in respect of the years for which the capital value is determined.”;

(b) in sub-section (2), for the words, brackets, figures and letter “sub-section (1) or, as the case may be, under sub-section (1A)” the words, brackets, figures and letters “sub-sections (1), (1A) or (1C), as the case may be” shall be substituted.

CHAPTER IV

MISCELLANEOUS

Mah. 12. (1) The Mumbai Municipal Corporation and the Maharashtra Repeal of
Ord. (Urban Areas) Protection and Preservation of Trees (Amendment) Mah. Ord.
IV of Ordinance, 2012, is hereby repealed. IV of 2012
2012. and saving.

(2) Notwithstanding such repeal, anything done or any action taken (including any notification or order issued) under the corresponding

provisions of the Mumbai Municipal Corporation Act and the Maharashtra (Urban Areas) Protection and Preservation of Trees Act, 1975, as amended by the said Ordinance, shall be deemed to have been done, taken or issued, as the case may be, under the corresponding provisions of the relevant Act, as amended by this Act.

Bom.
III of
1888.
Mah.
XLIV
of
1975.



महाराष्ट्र शासन राजपत्र असाधारण भाग आठ

वर्ष ४, अंक २८(४)] शनिवार, ऑगस्ट ४, २०१२/श्रावण १३, शके १९३४ [पृष्ठे ५, किंमत : रुपये १८.००

असाधारण क्रमांक ४६

प्राधिकृत प्रकाशन

महाराष्ट्र विधानमंडळाचे अधिनियम व राज्यपालांनी प्रख्यापित केलेले अध्यादेश व केलेले विनियम आणि विधी व न्याय विभागाकडून आलेली विधेयके (इंग्रजी अनुवाद)

In pursuance of clause (3) of article 348 of the Constitution of India, the following translation in English of the Maharashtra Municipal Corporations and Municipal Councils (Amendment) Act, 2012 (Mah. Act No. XVII of 2012), is hereby published under the authority of the Governor.

By order and in the name of the Governor of Maharashtra,

H. B. PATEL,
Secretary to Government,
Law and Judiciary Department.

MAHARASHTRA ACT NO. XVII OF 2012.

(First published, after having received the assent of the Governor, in the "Maharashtra Government Gazette", on the 4th August 2012).

An Act further to amend the Mumbai Municipal Corporation Act, the Bombay Provincial Municipal Corporations Act, 1949, the City of Nagpur Corporation Act, 1948 and the Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships Act, 1965.

Bom. III
of 1888.
Bom. LIX
of 1949.
C.P. and
Berar II
of 1950.
Mah. XL
of 1965.

WHEREAS it is expedient further to amend the Mumbai Municipal Corporation Act, the Bombay Provincial Municipal Corporations Act, 1949, the City of Nagpur Corporation Act, 1948 and the Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships Act, 1965,

for the purposes hereinafter appearing; it is hereby enacted in the Sixty-third Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY.

Short title. 1. This Act may be called the Maharashtra Municipal Corporations and Municipal Councils (Amendment) Act, 2012.

CHAPTER II

AMENDMENTS TO THE MUMBAI MUNICIPAL CORPORATION ACT.

Amendment of section 50S of Bom. III of 1888. 2. In section 50S of the Mumbai Municipal Corporation Act (hereinafter in this Chapter referred to as "the Mumbai Corporation Act"), in sub-section (2), for the first proviso, the following proviso shall be substituted, namely:—

Bom. III of 1888.

"Provided that, the relative strength of the recognized parties or registered parties or groups or *aghadi* or front shall be calculated by first dividing the total number of Councillors by the total strength of members of the Committee. The number of Councillors of the recognized parties or registered parties or groups or *aghadi* or front shall be further divided by the quotient of this division. The figures so arrived at shall be the relative strength of the respective recognized parties or registered parties or groups or *aghadi* or front. The seats shall be allotted to the recognized parties or registered parties or groups or *aghadi* or front by first considering the whole number of their respective relative strength so ascertained. After allotting the seats in this manner, if one or more seats remain to be allotted, the same shall be allotted one each to the recognized parties or registered parties or groups or *aghadi* or front in the descending order of the fraction number in the respective relative strength starting from the highest fraction number in the relative strength, till all the seats are allotted:—"

Amendment of section 129A of Bom. III of 1888. 3. In section 129A of the Mumbai Corporation Act, after the words and figures "under section 125" the words, figures and letter "and estimates prepared by the General Manager under section 126A" shall be inserted.

Amendment of section 460A of Bom. III of 1888. 4. In section 460A of the Mumbai Corporation Act, after sub-section (2), the following sub-section shall be added, namely:—

"(3) Where, any proposal of the General Manager requires the sanction or approval of the Brihan Mumbai Electric Supply and Transport Committee or the corporation, the Brihan Mumbai Electric Supply and Transport Committee or, as the case may be, the corporation, shall consider and dispose of any such proposal within forty-five days in case of the said Committee and ninety days in case of the corporation, reckoned from the date of the meeting of the Brihan Mumbai Electric Supply and Transport Committee

or, as the case may be, the corporation, held immediately after the proposal is received by the Secretary of the said Committee or as the case may be, the Municipal Secretary, whether the item pertaining to such proposal is taken on agenda of such meeting or not, failing which, sanction or approval to such proposal shall be deemed to have been given by the Brihan Mumbai Electric Supply and Transport Committee or, as the case may be, the corporation, and a report to that effect shall be made by the General Manager to the Government and it shall be lawful for the General Manager to take further action as per the directives of the Government :

Provided that, any such deemed sanction or approval shall be restricted to the extent the proposal conforms to the provisions of this Act or any other law for the time being in force."

5. In section 460K of the Mumbai Corporation Act,—

(1) in clause (c), for the words "ten lakhs rupees" the words "fifty lakhs rupees" shall be substituted;

(2) in clause (d), for the words "one lakh rupees" the words "five lakhs rupees" shall be substituted.

Amendment
of section
460K of
Bom. III of
1888.

6. In section 460L of the Mumbai Corporation Act, in the proviso, after the words "Transport Committee" the words "or by two officers of the Brihan Mumbai Electric Supply and Transport Undertaking to whom the powers have been delegated by the General Manager" shall be added.

Amendment
of section
460L of
Bom. III of
1888.

7. In section 460M of the Mumbai Corporation Act, in sub-section (1),—

(1) for the words "fifty thousand rupees" the words "three lakhs rupees" shall be substituted;

(2) the following proviso shall be added, namely:—

"Provided that, the notice of any tender for contract not exceeding three lakhs rupees shall be uploaded on the official website of the Brihan Mumbai Electric Supply and Transport Undertaking."

Amendment
of section
460M of
Bom. III of
1888.

8. In section 460Q of the Mumbai Corporation Act,—

(1) in clause (a), for the words "two thousand rupees" the words "ten thousand rupees" shall be substituted;

(2) in clause (b), in the proviso, for the words "fifteen thousand rupees" the words "seventy-five thousand rupees" shall be substituted;

(3) in clause (c),—

(i) for the words "one lakh rupees" at the both places where they occur, the words "five lakhs rupees" shall be substituted;

(ii) for the words "for any period" the words "for any continuous period" shall be substituted;

(iii) for the words "ten thousand rupees" the words "fifty thousand rupees" shall be substituted.

Amendment
of section
460Q of
Bom. III of
1888.

Amendment of section 460R of Bom. III of 1888. **9.** In section 460R of the Mumbai Corporation Act, in sub-section (2), in the proviso, for the words "four hundred rupees" the words "ten thousand rupees" shall be substituted.

Amendment of section 460T of Bom. III of 1888. **10.** In section 460T of the Mumbai Corporation Act,—
(1) in sub-section (1), for the words "four hundred rupees" the words "ten thousand rupees" shall be substituted;

(2) in sub-section (2), for the words "four hundred rupees" the words "ten thousand rupees" shall be substituted.

CHAPTER III

AMENDMENT TO THE BOMBAY PROVINCIAL MUNICIPAL CORPORATIONS ACT, 1949.

Amendment of section 31A of Bom. LIX of 1949. **11.** In section 31A of the Bombay Provincial Municipal Corporations Act, 1949, in sub-section (2), for the first proviso, the following proviso shall be substituted, namely:—

Bom. LIX of 1949.

"Provided that, the relative strength of the recognized parties or registered parties or groups or *aghadi* or front shall be calculated by first dividing the total number of Councillors by the total strength of members of the Committee. The number of Councillors of the recognized parties or registered parties or groups or *aghadi* or front shall be further divided by the quotient of this division. The figures so arrived at shall be the relative strength of the respective recognized parties or registered parties or groups or *aghadi* or front. The seats shall be allotted to the recognized parties or registered parties or groups or *aghadi* or front by first considering the whole number of their respective relative strength so ascertained. After allotting the seats in this manner, if one or more seats remain to be allotted, the same shall be allotted one each to the recognized parties or registered parties or groups or *aghadi* or front in the descending order of the fraction number in the respective relative strength starting from the highest fraction number in the relative strength, till all the seats are allotted."

CHAPTER IV

AMENDMENT TO THE CITY OF NAGPUR CORPORATION ACT, 1948.

Amendment of section 40A of C.P. and Berar II of 1950. **12.** In section 40A of the City of Nagpur Corporation Act, 1948, in sub-section (2), for the first proviso, the following proviso shall be substituted, namely:—

C.P. and Berar II of 1950.

"Provided that, the relative strength of the recognized parties or registered parties or groups or *aghadi* or front shall be calculated by first dividing the total number of Councillors by the total strength of members of the Committee. The number of Councillors of the recognized parties or registered parties or groups or *aghadi* or front shall be further divided by the quotient of this division. The figures

so arrived at shall be the relative strength of the respective recognized parties or registered parties or groups or *aghadi* or front. The seats shall be allotted to the recognized parties or registered parties or groups or *aghadi* or front by first considering the whole number of their respective relative strength so ascertained. After allotting the seats in this manner, if one or more seats remain to be allotted, the same shall be allotted one each to the recognized parties or registered parties or groups or *aghadi* or front in the descending order of the fraction number in the respective relative strength starting from the highest fraction number in the relative strength, till all the seats are allotted.”.

CHAPTER V

AMENDMENT TO THE MAHARASHTRA MUNICIPAL COUNCILS, *NAGAR* PANCHAYATS, AND INDUSTRIAL TOWNSHIPS ACT, 1965.

Mah. XL of 1965. 13. In section 63 of the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965, in sub-section (2B), for the first proviso, the following proviso shall be substituted, namely:-

Amendment of section 63 of Mah. XL of 1965.

“Provided that, the relative strength of the recognized parties or registered parties or groups or *aghadi* or front shall be calculated by first dividing the total number of Councillors by the total strength of members of the Committee. The number of Councillors of the recognized parties or registered parties or groups or *aghadi* or front shall be further divided by the quotient of this division. The figures so arrived at shall be the relative strength of the respective recognized parties or registered parties or groups or *aghadi* or front. The seats shall be allotted to the recognized parties or registered parties or groups or *aghadi* or front by first considering the whole number of their respective relative strength so ascertained. After allotting the seats in this manner, if one or more seats remain to be allotted, the same shall be allotted one each to the recognized parties or registered parties or groups or *aghadi* or front in the descending order of the fraction number in the respective relative strength starting from the highest fraction number in the relative strength, till all the seats are allotted.”.



महाराष्ट्र शासन राजपत्र असाधारण भाग आठ

वर्ष ४, अंक ३१] मंगळवार, ऑगस्ट १४, २०१२/श्रावण २३, शके १९३४. [पृष्ठे ३, किंमत : रुपये १८.००

असाधारण क्रमांक ४९

प्राधिकृत प्रकाशन

महाराष्ट्र विधानमंडळाचे अधिनियम व राज्यपालांनी प्रख्यापित केलेले अध्यादेश व केलेले विनियम आणि विधी व न्याय विभागाकडून आलेली विधेयके (इंग्रजी अनुवाद).

In pursuance of clause (3) of article 348 of the Constitution of India, the following translation in English of the Mumbai Municipal Corporation (Amendment and Validation) Act, 2011 (Mah. Act No. XX of 2012), is hereby published under the authority of the Governor.

By order and in the name of the Governor of Maharashtra,

H. B. PATEL,
Secretary to Government,
Law and Judiciary Department.

MAHARASHTRA ACT NO. XX OF 2012.

(First published, after having received the assent of the Governor in the "Maharashtra Government Gazette", on the 14th August 2012).

An Act further to amend the Mumbai Municipal Corporation Act.

Bom. III of 1888. WHEREAS it is expedient further to amend the Mumbai Municipal Corporation Act, for the purposes hereinafter appearing; it is hereby enacted in the Sixty-second Year of the Republic of India as follows :—

1. This Act may be called the Mumbai Municipal Corporation Short title. (Amendment and Validation) Act, 2011.

(१)

Amendment
of
section 92
of Bom. III
of 1888.

2. In section 92 of the Mumbai Municipal Corporation Act (hereinafter referred to as "the principal Act"), after clause (ddd), the following clause shall be added and shall be deemed to have been added, with effect from the 22nd June 1993, namely:—

Bom.
III of
1888.

"(dddd) All leases granted by the corporation of the immovable properties belonging to the corporation for whatever term shall be subject to the following conditions in addition to the conditions stipulated in the Lease-deed or Lease-agreement executed by the corporation, namely:—

(i) Leasehold rights in respect of the properties belonging to the corporation and given on lease may be further assigned or transferred only with the prior permission of the Commissioner, on payment of such premium on account of unearned income and transfer fees or charges at such rates as may be specified by the corporation, from time to time.

(ii) In the case of any contravention of the provisions of sub-clause (i), the lessee or transferor of such leasehold rights, shall be liable to pay penalty in addition to such premium and transfer fees or charges, at such rates as may be specified by the corporation, from time to time."

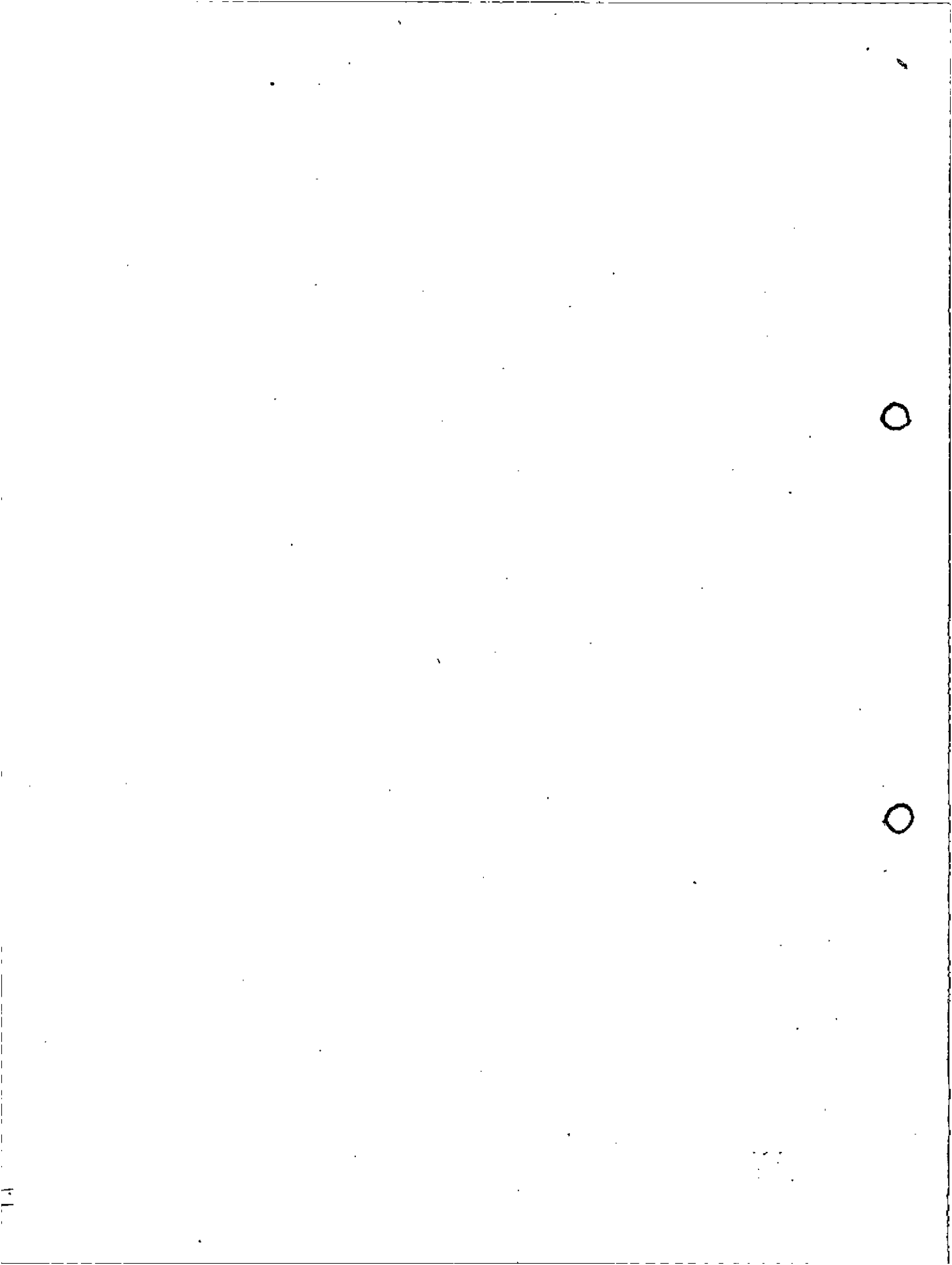
Validation.

3. Notwithstanding anything contained in the principal Act, or in any rules, bye-laws or regulations made thereunder or in any judgment, decree or order of any court, tribunal or any other authority, any levy, demand and collection of premium on account of unearned income and transfer fees or charges or penalty by the corporation during the period commencing on the 22nd June 1993 and ending on the date of commencement of the Mumbai Municipal Corporation (Amendment and Validation) Act, 2011, on further assignment or transfer of leasehold rights by the lessee or transferor of such leasehold rights in respect of the properties of the corporation given on lease, with or without the prior permission of the Commissioner, and any action taken by the corporation therefor, shall be deemed to have been validly levied, demanded, collected or taken and shall be deemed always to have been validly levied, demanded, collected or taken under the principal Act, as amended by the Mumbai Municipal Corporation (Amendment and Validation) Act, 2011; and accordingly no suit, prosecution or other

Mah.
XX of
2012.

Mah.
XX of
2012.

legal proceedings shall lie in any court or before any tribunal or other authority on the ground that, the provisions of the principal Act, prior to such commencement, did not provide for levy, demand and collection of such premium and transfer fees or charges or penalty or action by the corporation. No suit, prosecution or other legal proceedings shall lie or be maintained or continued in any court or before any tribunal or other authority, for the refund of any such premium and transfer fees or charges or penalty so levied, demanded, collected or for any action taken with effect from the 22nd June 1993.





RNI. No. MAHENG/2009/35528
Reg. No. MH/MR/South-344/2011-13

महाराष्ट्र शासन राजपत्र

असाधारण भाग आठ

वर्ष ४, अंक ४२(३)] गुरुवार, डिसेंबर २०, २०१२/अग्रहायण २९, शके १९३४ [पृष्ठ ४, किंमत : रुपये १८.००

असाधारण क्रमांक ६९

प्राधिकृत प्रकाशन

महाराष्ट्र विधानमंडळाचे अधिनियम व राज्यपालांनी प्रख्यापित केलेले अध्यादेश व केलेले विनियम आणि विधी व न्याय विभागाकडून आलेली विधेयके (इंग्रजी अनुवाद).

In pursuance of clause (3) of Article 348 of the Constitution of India, the following translation in English of the Maharashtra Municipal Corporations and Municipal Councils (Third Amendment) Act, 2012 (Mah. Act No. XXVIII of 2012), is hereby published under the authority of the Governor.

By order and in the name of the
Governor of Maharashtra,

H. B. PATEL,
Secretary to Government,
Law and Judiciary Department.

MAHARASHTRA ACT No. XXVIII OF 2012.

(First published, after having received the assent of the Governor, in the "Maharashtra Government Gazette", on the 20th December 2012).

An Act further to amend the Mumbai Municipal Corporation Act, the Maharashtra Municipal Corporations Act and the Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships Act, 1965.

III of 1888. LIX of 1949. Mah. XL of 1965. WHEREAS it is expedient further to amend the Mumbai Municipal Corporation Act, the Maharashtra Municipal Corporations Act and the Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships Act, 1965, for the purposes hereinafter appearing ; it is hereby enacted in the Sixty-third Year of the Republic of India as follows :—

CHAPTER I

PRELIMINARY.

1. This Act may be called the Maharashtra Municipal Corporations and Municipal Councils (Third Amendment) Act, 2012. Short title .

CHAPTER II

AMENDMENTS TO THE MUMBAI MUNICIPAL CORPORATION ACT.

Insertion of section 252A in III of 1888. 2. After section 252 of the Mumbai Municipal Corporation Act (hereinafter, in this Chapter, referred to as "the Mumbai Corporation Act"), the following section shall be inserted, namely :—

Obligation of corporation to partake common facility. "252A. If, a common facility is created by the State Government or by any agency of the State Government, under instructions from the State Government, for processing or disposal of solid waste or treatment or recycling sewage and waste water or bulk supply or treatment of water for drinking purpose, it shall be mandatory for the corporation, if so directed by the State Government, to partake of that facility in accordance with such terms and conditions as may be specified by the State Government, by an order in the *Official Gazette* :

Provided that, the State Government shall, before issuing any direction under this section; give an opportunity to the corporation to make within fifteen days a representation, if any, in this regard. If the corporation fails to represent within fifteen days or, after having represented, the State Government, on considering the representation, is of the opinion that issuing such direction is necessary, the State Government may issue the same."

Insertion of section 478-1AA in III of 1888. 3. After section 478-1A of the Mumbai Corporation Act, the following section shall be inserted, namely :—

Compounding of offence of evasion of octroi. "478-1AA: (1) The Commissioner or an officer not below the rank of Assistant Commissioner authorised in this regard by the Commissioner, may, by an order, either before or after institution of the proceedings, compound any offence regarding evasion of octroi, punishable under section 478-1A, on payment of an amount equal to ten times the amount of octroi payable in addition to the payment of amount of octroi.

(2) When an offence has been compounded under sub-section (1), no further proceedings shall be taken against the accused person in respect of the offence compounded and any proceedings if already taken, shall stand abated, and the accused person, if in custody, shall be discharged."

CHAPTER III

AMENDMENTS TO THE MAHARASHTRA MUNICIPAL CORPORATIONS ACT.

LIX of 1949. 4. After section 194 of the Maharashtra Municipal Corporations Act (hereinafter in this Chapter, referred to as "the Maharashtra Corporations Act"), the following section shall be inserted, namely :—

Insertion of section 194A in LIX of 1949.

" 194A. If, a common facility is created by the State Government or by any agency of the State Government, under instructions from the State Government, for processing or disposal of solid waste or treatment or recycling sewage and waste water or bulk supply or treatment of water for drinking purpose, it shall be mandatory for the Corporation, if so directed by the State Government, to partake of that facility in accordance with such terms and conditions as may be specified by the State Government, by an order in the *Official Gazette* :

Obligation of Corporation to partake common facility.

Provided that, the State Government shall, before issuing any direction under this section, give an opportunity to the Corporation to make within fifteen days a representation, if any, in this regard. If the Corporation fails to represent within fifteen days or, after having represented, the State Government, on considering the representation, is of the opinion that issuing such direction is necessary, the State Government may issue the same. "

5. In section 398 of the Maharashtra Corporations Act, the words "or to two hundred and fifty rupees, whichever may be greater" shall be deleted.

Amendment of section 398 of LIX of 1949.

6. After section 398 of the Maharashtra Corporations Act, the following section shall be inserted, namely :—

Insertion of section 398-1A in LIX of 1949.

" 398-1A. (1) The Commissioner or an officer not below the rank of Assistant Commissioner authorized in this regard by the Commissioner, may, by an order, either before or after institution of the proceedings, compound any offence regarding evasion of octroi, punishable under section 398, on payment of an amount equal to ten times the amount of octroi payable in addition to the payment of amount of octroi.

Compounding of offence of evasion of octroi.

(2) When an offence has been compounded under sub-section (1), no further proceedings shall be taken against the accused person in respect of the offence compounded and any proceedings if already taken, shall stand abated, and the accused person, if in custody, shall be discharged. "

CHAPTER IV

AMENDMENT TO THE MAHARASHTRA MUNICIPAL COUNCILS, *NAGAR PANCHAYATS*
AND INDUSTRIAL TOWNSHIPS ACT, 1965.

Insertion of section 219A in Mah. XL of 1965. 7. After section 219 of the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965, the following section shall be inserted, namely :— Mah. XL of 1965.

Obligation of Council to partake common facility.

“ 219A. If, a common facility is created by the State Government or by any agency of the State Government, under instructions from the State Government, for processing or disposal of solid waste or treatment or recycling sewage and waste water or bulk supply or treatment of water for drinking purpose, it shall be mandatory for the Council, if so directed by the State Government, to partake of that facility in accordance with such terms and conditions as may be specified by the State Government, by an order in the *Official Gazette* :

Provided that, the State Government shall, before issuing any direction under this section, give an opportunity to the Council to make within fifteen days a representation, if any, in this regard. If the Council fails to represent within fifteen days or, after having represented, the State Government, on considering the representation, is of the opinion that issuing such direction is necessary, the State Government may issue the same. ”



महाराष्ट्र शासन राजपत्र

असाधारण भाग आठ

वर्ष ६, अंक ३६ (२)]

मंगळवार, ऑगस्ट २६, २०१४/भाद्र ४, शके १९३६

[पृष्ठे ३, किंमत : रुपये २७.००

असाधारण क्रमांक ९७

प्राधिकृत प्रकाशन

महाराष्ट्र विधानमंडळाचे अधिनियम व राज्यपालांनी प्रख्यापित केलेले अध्यादेश व केलेले विनियम आणि विधी व न्याय विभागाकडून आलेली विधेयके (इंग्रजी अनुवाद).

In pursuance of clause (3) of article 348 of the Constitution of India, the following translation in English of the Maharashtra Municipal Corporations and Municipal Councils (Second Amendment) Act, 2012 (Mah. Act No. XXXIV of 2014), is hereby published under the authority of the Governor.

By order and in the name of the Governor of Maharashtra,

M. A. SAYEED,
Secretary and R.L.A. to Government,
Law and Judiciary Department.

MAHARASHTRA ACT No. XXXIV OF 2014

(First published, after having received the assent of the President in the "Maharashtra Government Gazette", on the 26th August 2014).

An Act further to amend the Mumbai Municipal Corporation Act, the Bombay Provincial Municipal Corporations Act, 1949, the City of Nagpur Corporation Act, 1948 and the Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships Act, 1965.

Bom. III of 1888.
Bom. LIX of 1949.
C. P. and Berar II of 1950.
Mah. XL of 1965.

WHEREAS it is expedient further to amend the Mumbai Municipal Corporation Act, the Bombay Provincial Municipal Corporations Act, 1949, the City of Nagpur Corporation Act, 1948 and the Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships Act, 1965, for the purposes hereinafter appearing ; it is hereby enacted in the Sixty-third Year of the Republic of India as follows :—

CHAPTER I

PRELIMINARY.

Short title. 1. This Act may be called the Maharashtra Municipal Corporations and Municipal Councils (Second Amendment) Act, 2012.

CHAPTER II

AMENDMENTS TO THE MUMBAI MUNICIPAL CORPORATION ACT.

Amendment of section 521 of Bom. III of 1888. 2. Section 521 of the Mumbai Municipal Corporation Act, (hereinafter, in this Chapter, referred to as "the Mumbai Corporation Act"), shall be re-numbered as sub-section (1) thereof; and after sub-section (1), as so re-numbered, the following sub-section shall be added, namely :—

"(2) Every Councillor shall be deemed to be a public servant within the meaning of clause (c) of section 2 of the Prevention of Corruption Act, 1988." 49 of 1988.

Insertion of section 521A in Bom. III of 1888. 3. After section 521 of the Mumbai Corporation Act, the following section shall be inserted, namely :—

"521A. Notwithstanding anything contained in section 197 of the Code of Criminal Procedure, 1973 and section 19 of the Prevention of Corruption Act, 1988, in case of Councillor, the State Government shall be competent to accord previous sanction as required under the said sections 197 and 19." 2 of 1974. 49 of 1988.

CHAPTER III

AMENDMENTS TO THE BOMBAY PROVINCIAL MUNICIPAL CORPORATIONS ACT, 1949.

Amendment of section 482 of Bom. LIX of 1949. 4. In section 482 of the Bombay Provincial Municipal Corporations Act, 1949 (hereinafter, in this Chapter, referred to as "the Provincial Corporations Act"), after sub-section (2), the following sub-section shall be added, namely :—

"(3) Every Councillor shall be deemed to be a public servant within the meaning of clause (c) of section 2 of the Prevention of Corruption Act, 1988." 49 of 1988.

Insertion of section 482A in Bom. LIX of 1949. 5. After section 482 of the Provincial Corporations Act, the following section shall be inserted, namely :—

"482A. Notwithstanding anything contained in section 197 of the Code of Criminal Procedure, 1973 and section 19 of the Prevention of Corruption Act, 1988, in case of Councillor, the State Government shall be competent to accord previous sanction as required under the said sections 197 and 19." 2 of 1974. 49 of 1988.

CHAPTER III

AMENDMENTS TO THE CITY OF NAGPUR CORPORATION ACT, 1948.

Amendment of section 394 of C. P. and Berar II of 1950. 6. Section 394 of the City of Nagpur Corporation Act, 1948 (hereinafter, in this Chapter, referred to as "the Nagpur Corporation Act"), shall be re-numbered as sub-section (1) thereof; and after sub-section (1), as so re-numbered, the following sub-section shall be added, namely :—

"(2) Every Councillor shall be deemed to be a public servant within the meaning of clause (c) of section 2 of the Prevention of Corruption Act, 1988." 49 of 1988.

7. After section 394 of the Nagpur Corporation Act, the following section shall be inserted, namely :—

Insertion of section 394A in C. P. and Berar II of 1950.

2 of 1974.
49 of 1988.

“394A. Notwithstanding anything contained in section 197 of the Code of Criminal Procedure, 1973 and section 19 of the Prevention of Corruption Act, 1988, in case of Councillor, the State Government shall be competent to accord previous sanction as required under the said sections 197 and 19.”.

Power of State Government to accord previous sanction.

CHAPTER IV

AMENDMENTS TO THE MAHARASHTRA MUNICIPAL COUNCILS, NAGAR PANCHAYATS AND INDUSTRIAL TOWNSHIPS ACT, 1965.

Mah. XL. of 1965.

8. Section 302 of the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965 (hereinafter, in this Chapter, referred to as “the Municipal Councils Act”), shall be re-numbered as sub-section (1) thereof; and after sub-section (1), as so re-numbered, the following sub-section shall be added, namely :—

Amendment of section 302 of Mah. XL of 1965.

49 of 1988.

“(2) Every Councillor shall be deemed to be a public servant within the meaning of clause (c) of section 2 of the Prevention of Corruption Act, 1988.”.

9. After section 302 of the Municipal Councils Act, the following section shall be inserted, namely :—

Insertion of section 302A in Mah. XL of 1965.

2 of 1974.
49 of 1988.

“302A. Notwithstanding anything contained in section 197 of the Code of Criminal Procedure, 1973 and section 19 of the Prevention of Corruption Act, 1988, in case of Councillor, the State Government shall be competent to accord previous sanction as required under the said sections 197 and 19.”.

Power of State Government to accord previous sanction.



महाराष्ट्र शासन राजपत्र

असाधारण भाग आठ

वर्ष १, अंक ५०(६)]

शुक्रवार, ऑगस्ट २१, २०१५/श्रावण ३०, शके १९३७

[पृष्ठे २, किंमत : रुपये २७.००

असाधारण क्रमांक १०१

प्राधिकृत प्रकाशन

महाराष्ट्र विधानमंडळाचे अधिनियम व राज्यपालांनी प्रख्यापित केलेले अध्यादेश व केलेले विनियम आणि विधि व न्याय विभागाकडून आलेली विधेयके (इंग्रजी अनुवाद).

In pursuance of clause (3) of article 348 of the Constitution of India, the following translation in English of the Mumbai Municipal Corporation (Amendment) Act, 2015 (Mah. Act No. XXXIV of 2015), is hereby published under the authority of the Governor.

By order and in the name of the Governor of Maharashtra,

RAJENDRA G. BHAGWAT,
Draftsman-cum-Joint Secretary
to Government,
Law and Judiciary Department.

MAHARASHTRA ACT No. XXXIV OF 2015.

(First published, after having received the assent of the Governor in the “*Maharashtra Government Gazette*”, on the 21st August 2015.)

An Act further to amend the Mumbai Municipal Corporation Act.

WHEREAS both Houses of the State Legislature were not in session;

AND WHEREAS the Governor of Maharashtra was satisfied that circumstances existed which rendered it necessary for him to take immediate action further to amend the Mumbai Municipal Corporation Act, for the purposes hereinafter appearing; and, therefore, promulgated the Mumbai Municipal Corporation (Amendment) Ordinance, 2015 on the 15th June 2015;

III of
1888.
Mah.
Ord. XIII
of 2015.

AND WHEREAS it is expedient to replace the said Ordinance by an Act of the State Legislature; it is hereby enacted in the Sixty-sixth Year of the Republic of India as follows:—

1. (1) This Act may be called the Mumbai Municipal Corporation (Amendment) Act, 2015.

Short title and commencement.

(2) It shall be deemed to have come into force on the 15th June 2015.

(१)

Amendment of section 140A of III of 1888. **2.** To section 140A of the Mumbai Municipal Corporation Act (hereinafter referred to as “the principal Act”), after the fourth proviso, the following proviso shall be inserted, namely :—

“ Provided also that, for a period of five years commencing on the 1st April 2015, the amount of property tax leviable in respect of a residential building or residential tenement, having carpet area of 46.45 sq. meter (500 sq. feet) or less, shall not exceed the amount of property tax which is being levied and payable in respect of such residential building or tenement as on the 31st March 2015. ”.

Repeal of Mah. Ord. XIII of 2015 and saving. **3.** (1) The Mumbai Municipal Corporation (Amendment) Ordinance, 2015, is hereby repealed. Mah. Ord. XIII of 2015.

(2) Notwithstanding such repeal, anything done or any action taken (including any notification or order issued) under the corresponding provisions of the principal Act, as amended by the said Ordinance, shall be deemed to have been done, taken or issued, as the case may be, under the corresponding provisions of the principal Act, as amended by this Act.